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22 July 2022

Dear representatives of Working Group III,

I have the honor to write to you in accordance with a decision taken by the Commission at its fifty-fifth session (2022) regarding the forty-third session of the Working Group III, which will be held for 2 weeks from 5 to 16 September 2022. The meeting hours will be 9:30 to 12:30 and 14:00 to 17:00 in Vienna (CEST).

The session will be held **in person** at the Vienna International Centre (conference room CO4, Boardroom D). I have been informed that arrangements are currently being sought to allow delegates who cannot attend in person to follow and listen in to the deliberations. Those participating remotely will unfortunately not be able to make interventions. The connection details will be communicated to registered participants in due course and please ensure that you are registered for the session.

An advance copy of the provisional agenda for the session (A/CN.9/WG.III/WP.215) is available on the [Working Group III website](#) along with advance copies of working papers that are expected to be considered by the Working Group. Considering that the session in September is a two-week session and that delegations will need to make travel arrangements for participation in advance, I would suggest that the session is organized in the following manner.

First week (5-9 September 2022, 10 meetings)

5 Sept. Monday	Adoption of the agenda, election of officers and continued reading of the selection and appointment of ISDS tribunal members in a standing mechanism (A/CN.9/WG.III/WP.213)
6 Sept. Tuesday	Advisory centre (A/CN.9/WG.III/WP.212 and Add.1)
7 Sept. Wednesday	Multilateral instrument to implement ISDS reform options (A/CN.9/WG.III/WP.221)
8- 9 Sept. Thursday & Friday	Procedural rules reform including regulation of third-party funding (A/CN.9/WG.III/WP.219), damages and calculation of compensation (A/CN.9/WG.III/WP.220) as well as identification of other procedural rules and cross-cutting issues to be addressed in future sessions

Second week (12-16 September 2022, 10 meetings)

12 -13 Sept. Monday & Tuesday	Draft provisions on mediation (A/CN.9/WG.III/WP.217) and the draft guidelines (A/CN.9/WG.III/WP.218)
14-16 Sept. Wednesday - Friday	Second reading of the Code of Conduct for Adjudicators (A/CN.9/WG.III/WP.216)

Any proposed changes to the above-mentioned schedule should be communicated by 19 August 2022, based on which I would propose, if necessary, a revised schedule prior to or at the beginning of the session. However, to allow delegations to make the necessary arrangements, I would suggest that the topics allocated for each week is maintained unless any objection is communicated. In any case, the scheduling of the meetings will be adjusted as the Working Group makes progress on each of the reform options. For example, consideration of the draft provisions on mediation and the draft guidelines could start at the end of the first week if the Working Group completes its deliberations of the topics assigned for the first week.

In accordance with the decision taken by the Commission, the report of the session will be adopted in the following manner. The rapporteur and I will prepare a summary reflecting the deliberations and any conclusions reached during the session, which would be circulated during and after the session for comments by delegations. Based on the comments received, a revised summary would be prepared and circulated for adoption by the Working Group as its report. In case there are objections, it will be presented as the summary of the chairperson and the rapporteur for consideration and action by the Commission as it deems appropriate. Alternatively, the summary may be adopted by the Working Group as its report at the following session.

These summaries will be prepared and circulated during the sessions if possible and as we complete relevant topics. I expect that by no later than the beginning of the second week, the secretariat will have made available all of the summaries of the first week. Your comments, if any, on the summaries of the first week will be required in writing by 14 September (Wednesday). With respect to the second week, any summaries not circulated by end of that week will be circulated as soon as they are available after the session. Your comments on the summaries of the second week, if any, will be required in writing by 27 September (Tuesday).

Finally, as indicated in my letter of 28 April 2022, it is envisaged that the forty-fourth session of the Working Group scheduled to be held in Vienna from 23 to 27 January 2023 could be devoted to the Code of Conduct and the accompanying commentary as well as the appellate mechanism. The forty-fifth session scheduled to be held in New York from 27 to 31 March 2023 could then be devoted to the texts in the area of ADR and dispute prevention. This would allow the Working Group to present both the Code and Commentary, and the texts on ADR and dispute prevention to the Commission at its next session. This is, of course, subject to the progress made at the fall session and for the purposes of advance planning only. As such, it will not be discussed as part of the agenda of the upcoming session.

Please feel free to convey any comments on the above to the secretary of the Working Group (Mr. Jae Sung Lee, jaesung.lee@un.org) copying myself (Shane.Spelliscy@international.gc.ca) and the rapporteur (Natalie.MORRIS-SHARMA@agc.gov.sg).

Yours sincerely,



Shane Spelliscy
Chair, UNCITRAL Working Group III