



REFERENCE: LA/TL 133 (25-1) 35th MC/et

16 December 2020

Dear representatives,

I have the honour to write to you regarding the decision by the Member States of UNCITRAL dated 9 December 2020 (see document A/CN.9/LIII/CRP.14 enclosed to Note Verbale CU 2020/423/(A) and (B)/OLA/ITLD) providing that the arrangements made with regard to format, officers and methods of work of the UNCITRAL working groups during the coronavirus disease 2019 (COVID-19) pandemic (the “Decision”) adopted on 19 August 2020 (reproduced in document A/CN.9/1038, Annex) shall be extended to the session of Working Group I to be held in the first half of 2021. Accordingly, I (Maria Chiara Malaguti, Italy) and Ms. Beulah Li (Singapore) have the honour of continuing our roles respectively as the chair and the rapporteur at the upcoming 35th session of Working Group I (Micro, Small and Medium-Sized Enterprises, or MSMEs). In the decision of the Member States of UNCITRAL of 9 December 2020, the dates for Working Group I have been adjusted and the Working Group session will now be held in Vienna from 25 to 29 January 2021.

At its 35th session, the Working Group is expected to conclude its deliberations on the draft legislative guide on an UNCITRAL Limited Liability Organization (as contained in A/CN.9/WG.I/WP.122) and, time permitting, it may wish to consider the topic of access to credit for micro, small and medium-sized enterprises (as contained in A/CN.9.WG.I/WP.119 and Add. 1).

I have been informed that arrangements are being made by the Secretariat to allow delegations to participate at the session in person at the Vienna International Centre and remotely via an online platform, Interprefy. This being said, in light of the travel restrictions, Ms. Li and myself will unfortunately not be able to take part in the session in person. I would nonetheless encourage those representatives in a similar situation to participate remotely so that the Working Group could make progress.

As noted in paragraph 2 of the Decision, I would also urge delegations to make written submissions in advance of the session to facilitate the discussions. Considering that the Working Group session is only a few weeks away, it might not be feasible to have such submissions translated into the other official languages of the United Nations. Therefore, I have requested the Secretariat to make all such submissions available on the Working Group I website in the format and the language they were received. I will make efforts to ensure that such written submissions are adequately reflected in our deliberations and in the summary.

In accordance with paragraph 4 of the Decision, I will take steps to ensure an inclusive and transparent approach and adjust the pace and organization of the session to accommodate remote participation, especially as delegations may face technological difficulties. Considering the limited time allocated for the session, I would urge delegations to make concise interventions not exceeding five (5) minutes on a specific topic and also to make use of the chat and other functions available on Interprefy. This will ensure that we make efficient use of the resources available to the Working Group.

The provisional agenda for the session ([A/CN.9/WG.I/WP.121](#)), the relevant working papers and any other relevant information are available on the UNCITRAL website at https://uncitral.un.org/en/working_groups/1/msmes. According to paragraph 2 of the Decision, there will

be no election of officers for the session. Pursuant to paragraph 6 of the Decision, the rapporteur and I will prepare a summary reflecting the deliberations and any conclusions reached during the session (the “Summary”), which will be circulated to the delegations for comments. If I do not receive any objection or alternative proposals from member States of UNCITRAL by 15 January 2021, the agenda will be considered adopted at the beginning of the session on 25 January.

As to the organization of the session, I hope that the following arrangements, made in consultation with the Secretariat in the light of the means currently available, will be agreeable to you.

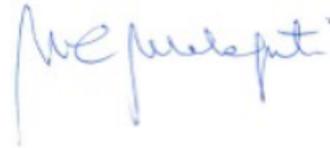
- Two two-hour meetings per day will be held from Monday, 25 January, to Friday, 29 February.
- The meeting hours will be 11:00–13:00 and 15:00–17:00 Vienna time (Central European Summer Time).
- A short video/audio/connection testing will take place at the first meeting on Monday 25 January. I would strongly urge delegations to make use of this opportunity to avoid delays during the deliberations. I would also recommend that delegations have adequate equipment ready (including a proper microphone) and ensure appropriate bandwidth when making their intervention (or if necessary, to use only audio).
- Tentative schedule of the meetings (The following is only indicative and is subject to change during the session to reflect the progress being made by the Working Group):

<i>Day of the week</i>	<i>Working Paper 122</i>	<i>Working Papers 119 and Add.1</i>
The second part of the first meeting on Monday morning (tentatively, 11:30 – 13:00)	Opening of the session, adoption of the Agenda, Short introduction of the revised Working Paper & Discussion on Introduction and Terminology	
The second meeting on Monday	Discussion on Introduction and Terminology (ctd.)	
Tuesday	Mandatory provisions and model organization rules	
Wednesday	Commentary’s outstanding issues	
Thursday	Commentary’s outstanding issues	
Friday morning	Commentary’s outstanding issues	[time permitting] Presentation of the papers & short discussion
Friday afternoon		Discussion on the Summary and next steps of the Working Group

- As had been the practice of the Working Group, I will request the Secretariat to prepare a draft summary of the deliberations and any conclusions reached during the session in a format similar to that of previous Working Group reports. That draft will be presented to you as the Summary for comments. My hope is that the Working Group would be satisfied with the draft and would be willing to adopt it as its report to the Commission at its fifty-fourth session in 2021.

Please feel free to convey all your comments on the above to the secretary of the Working Group (Ms. Monica Canafoglia, monica.canafoglia@un.org) copying myself (mmalaguti@gattai.it) and the rapporteur (Beulah_LI@agc.gov.sg). I count on your constructive feedback despite such a short notice and on your kind cooperation.

Yours sincerely,



Maria Chiara Malaguti
Chair
UNCITRAL Working Group I (MSMEs)