



Statement on behalf of the European Union and its Member States

at the Sixth Committee

on the Agenda item 77:

"Report of the UN Commission on International Trade Law on the work of its fifty-second session"

United Nations

New York

21 October 2019

– CHECK AGAINST DELIVERY –

Mr Chairman,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries Turkey, the Republic of North Macedonia*, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

We thank UNCITRAL for the report covering the fifty-second session of the Commission and for the work of its six working groups during this last session.

The European Union and its Member States welcome the results achieved by UNCITRAL in its 52nd session, especially in the area of Arbitration and Mediation, Insolvency Law and Security Interests. The European Union and its member States also would like to take this opportunity to stress that, traditional Investor-State Dispute Settlement (ISDS), in particular, presents various challenges and should be reformed. The debate on how to address these challenges is on-going, with many countries already considering and acting to reform ISDS. We consider that, where dispute resolution involves public matters, a standing body and a multilateral approach are best suited to effectively address all the issues at stake.

We are encouraged by the work of UNCITRAL Working Group III in 2018-2019 in identifying underlying issues and concerns with the current system. We urge a continuation of its work as it has moved to Phase 3 of the mandate given to it by the Commission, i.e. to develop relevant solutions. In this sense, the European Union welcomes the decision to allocate an additional week of conference time in the first half of 2020 to Working Group III. We are convinced that, given the heavy workload related to the reform of ISDS, additional working time is necessary to ensure the best use of resources and that results are attained within a reasonable timeframe.

Considering the significant advantages that UNCITRAL presents in terms of transparency, openness and accessibility, we encourage all countries, international organisations and observers to actively take part in the discussions in UNCITRAL Working Groups. In this regard, the European Union has contributed to the UNCITRAL Travel Fund to seek to ensure that the process in Working Group III is as genuinely inclusive as possible. The European Union encourages other actors to make similar contributions.

The European Union and its Member States continue to hope that, with the active engagement of all countries and interested organisations, the discussions in the Working Groups of UNCITRAL will deliver a satisfactory outcome in a reasonably good time.

Thank you.

* *The Republic of North Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*