



EN

FINANCE COMMITTEE
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**Item No. 3 on the Agenda: Measures taken by the UNIDROIT Secretariat
in relation to the COVID 19 Pandemic**

(prepared by the UNIDROIT Secretariat)

<i>Summary</i>	<i>Illustration of actions taken by the Secretariat during and the impact of COVID 19 on the activities of the Institute</i>
<i>Action to be taken</i>	<i>For the information of the Finance Committee</i>
<i>Related documents</i>	<u>UNIDROIT F.C. (88) 5</u>

INTRODUCTION

1. In the interest of the health and safety of all permanent, temporary and visiting staff, including interns and scholars using the UNIDROIT Library, as well as other visitors and guests, and in light of the situation relating to the Declared National State of Emergency in Italy linked to the Novel Corona Virus (COVID-19), UNIDROIT has adopted the following preventive measures and emergency management policy.

2. Kindly note that UNIDROIT is following the situation closely and reassesses the measures taken on a weekly basis, or as the circumstances require. Despite the uncertainties posed by the fluctuating conditions, the Institute has remained open and operational throughout the crisis.

I. PERSONNEL AND WORKING ARRANGEMENTS

3. Office Instructions were first adopted during the month of February 2020 with precautionary measures and were subsequently updated to comply with the guidelines issued by the Ministry of Foreign Affairs and Italian Law.

4. The Secretary-General has also kept UNIDROIT guests apprised of the situation as it has evolved with specific office instructions as necessary.

5. The Institute has been following the rules of social distancing and hygiene since the beginning of the crisis. The Secretariat has provided for full disinfection of the premises, and has the surface and office space to work with full staff in the building at distances well over the recommended limit, provided there are no visitors. However, health concerns for staff over the age of 60, and concerns on the safety of the means of transportation to the office for younger members, resulted in a circular office instruction providing staff with flexible or full remote work from home from 10 March 2020.

6. The Secretariat has purchased masks for its employees, and separators to be placed between meeting participants and visitors in the library.

A. Basic Protective Measures Displayed in Public Areas

7. In addition to the instructions above, the Secretariat has displayed information prepared by the World Health Organisation (WHO) on the basic protective measures in place on every floor and in the hallways to raise awareness about the importance of:

- washing hands frequently with soap for at least 20 seconds;
- using alcohol-based hand sanitizer (provided in the buildings);
- avoiding touching eyes, nose and face;
- avoiding close contact with people suffering from acute respiratory illnesses

B. Access to the UNIDROIT Library

8. Visitors who wanted to consult the Library's collection were initially kindly requested to apply by e-mail and applicants will need to abide by the safety rules applicable within the Institute, specifically concerning prior travel to high-risk areas and quarantine requirements.

9. Following intensification of Safety Measures and the spread of the virus in March, the Library was closed completely to the public and only UNIDROIT staff, interns and researchers were allowed to remain, with the appropriate social distancing and application of office instructions.

10. As the restrictions were lifted in mid-May, with the opening of Libraries across the country, UNIDROIT returned to its previous application policy for library users.

C. Internship and Scholarship Programme

11. Interns and Scholars whose research period had already begun during the crisis were able to remain for the duration of their stay, thanks to the conditions of the Library, which allows for appropriate social distancing and hygiene for its guests.

12. Sadly, due to travel restrictions and the evolution of the pandemic across the globe, all new internships and scholarships have been postponed until further notice. The Secretariat expects to reopen to interns and scholars as soon as travel restrictions are lifted in a sufficient number of countries.

D. Missions

13. Staff missions were initially approved on a case-by-case basis, and subsequently suspended in light of the expansion of the epidemic and related travel restrictions.

14. As international travel resumes, the Secretariat shall assess the costs and benefits of each mission on a case by case basis.

II. MEETINGS

15. As mentioned above, the Institute has continued to fulfil its mission in compliance with global and local health and safety regulations since the beginning of this crisis.

16. As a result, one meeting that could not be held remotely was postponed but all other scheduled meetings were held through a remote decision-making process or discussions were held via videoconference. The Secretary-General and staff are in constant contact with all participants to keep them apprised of the situation and have developed the following innovative approaches to avoid unnecessary delays.

A. UNIDROIT Governing Bodies

17. No meetings of the governing bodies of the Institute have been delayed, thus guaranteeing the fully functional governance of UNIDROIT.

Finance Committee

18. The 88th session of the Finance Committee was held with a remote written approval procedure, which was established beforehand with the Finance Committee via email.

19. A quorum was reached successfully and the documents, were approved, as reflected in the Report (UNIDROIT 2020–F.C.(88) 5).

Governing Council

20. In light of the COVID-19 crisis, the Secretariat proposed that the first meeting of the 99th session of the Governing Council be held remotely via e-mail and -if required- videoconference to address the most urgent and pressing matters. The Secretariat drew up Rules of Procedure, which were submitted to the members of the Governing Council in advance, and approved unanimously.

21. According to the abovementioned Rules of Procedure, **all approvals** provided, except for the documents included in Items No. 3 and 4, **were to be limited to the period between the remote and in person meeting**, tentatively re-scheduled to 23-25 September 2020.

22. All documents were circulated to the Governing Council on 6 April 2020 for members to:(i) approve, (ii) reject, (iii) provide comments, (iv) raise doubts/request for clarifications or (v) request a remote meeting of the Governing Council. All feedback was to be provided for each item on the agenda in writing, copying the rest of the members of the Governing Council, within three weeks (by 27 April 2020).

23. Three days later, on 30 April 2020, the Secretariat provided the Governing Council with a document summarising the status of each item on the agenda including a) number of approvals, b) number of rejections, and c) the Secretariat's response to the doubts raised and comments to any objections presented.

24. The Governing Council was then provided until 6 May 2020 to approve or reject the different items or to present changes to their previous decision on the different items. Those who had notified their decision in the initial 3-week period and did not want to change it were not required to respond.

25. Without the request for a remote meeting, all items were deemed approved as of 8 May 2020, based on the general Rules concerning the required majorities and quorum under article 14 of the Regulations.

26. The Secretariat expects that participation in the meeting in Rome scheduled in September shall be limited due to travel restrictions and health concerns, however it is making arrangements in its meeting rooms to ensure appropriate social distancing and high-end videoconferencing for those participating from abroad.

General Assembly

27. Though it is hoped that the General Assembly, tentatively scheduled for either the 10th or the 17th of December 2020, will not be affected, the Secretariat is contemplating alternative means of participation along the lines of previous meetings of governing bodies.

B. UNIDROIT Project Meetings held during the application of COVID 19 restrictive measures

28. The Secretariat has successfully been able to meet its objectives as far as the progress of its projects are concerned.

29. The final meeting of the drafting committee of the Guide of Agricultural Land Investment Contracts was conducted with the remote participation of experts on 2-3 March 2020.

30. The Secretariat was able to participate in the 2nd Joint Workshop to develop a legal taxonomy of key emerging technologies and their applications (including Artificial Intelligence, Data

transactions, Digital Assets, and Distributed Ledger Technology) at UNCITRAL Headquarters in Vienna on 10-11 March 2020.

31. An exploratory workshop organised with UNCITRAL on Warehouse Receipts, which was initially planned on 26 March at the Seat of UNIDROIT in Rome, took place as planned in the form of a Webinar via Zoom.

32. The first session of the Preparatory Commission to Establish a Registry for the Protocol to the Cape Town Convention on matters specific to Mining, Agricultural and Construction Equipment (the MAC Protocol), has been scheduled to take place via Zoom on 21-22 May 2020. The second session is expected to take place in December as an event paired with the 79th session of the UNIDROIT General Assembly.

C. UNIDROIT Project Meetings in the future

33. The first meeting of the Working Group established to draft a model law on factoring will also take place via Zoom, on 1-3 July 2020.

34. A working group project meeting concerning warehouse receipts, a project recommended for inclusion in the 2020-2022 Workprogramme at the Governing Council's recent remote session, will be organised in September. Likewise, the Secretariat is organising a working group project meeting on Digital Assets following the Governing Council's authorisation to proceed with its formation.

35. Such meeting will likely be held partly with experts attending in person and others remotely, and the Secretariat is drawing up a purchase plan for equipment to make such meetings as effective as possible.

D. UNIDROIT Foundation Events

36. The 6th Workshop for the Economic Assessment of International Commercial Law Reform Project, as well as the 4th Workshop for the project on Best Practices in the Field of Electronic Registry Design and Operation were originally scheduled to take place between 30 March and 2 April in Rome. They have now been postponed to the 8th and 9th of September, respectively, before the 9th Annual Cape Town Convention Academic Conference (Rome, 10-11 September 2020), which was previously scheduled to take place in Cambridge.

37. The Secretariat expects that participation in the meetings in Rome scheduled in September shall be limited due to travel restrictions and health concerns, however it is making arrangements in its meeting rooms to ensure appropriate social distancing and high-end videoconferencing for those participating from abroad.

E. Other Events

38. The International Conference co-organised by UNIDROIT and the University of Trento on "Trade, Development, and Global Value Chain Contracting", originally planned to take place on 16-17 April 2020, has been postponed until further notice. It will likely be rescheduled for the autumn and the Secretariat will provide updates in this respect during the summer.

39. The format of such events shall likely be converted to Webinars, with in person presence (if any) limited to speakers and remote participation.