



EUROPEAN COMMISSION

Directorate-General for Trade

The Director General

Brussels,

F.2 [REDACTED] (2017)6319135

[Art. 4.1(b)]

**NOTE FOR THE ATTENTION OF MARIA ÅSENIUS
HEAD OF CABINET OF COMMISSIONER CECILIA MALMSTRÖM**

**Subject: Multilateral investment court – preparation for discussions in
UNCITRAL (27 November – 1 December 2017)**

This note provides information on DG TRADE's expectations and preparations for the upcoming meeting of the United Nations Commission on International Trade Law (UNCITRAL) Working Group III on 27 November to 1 December 2017 in Vienna on a possible reform of Investor-State Dispute Settlement (ISDS).

Expectations of the UNCITRAL meeting

It is expected that the meeting in Vienna follows very closely the mandate given to the Working Group ("(i) first identify and consider concerns regarding ISDS; (ii) secondly consider whether reform was desirable in light of any identified concerns; and (iii) thirdly if the Working Group were to conclude that reform was desirable, develop any relevant solutions to be recommended to the Commission"). A list of commonly expressed concerns is laid down in the UNCITRAL Secretariat note which will be the basis for the discussions. [REDACTED]

[Arts. 4.1(a) and 4(3)]

[REDACTED] It is therefore to be expected that discussions will concentrate on the first step of identification of concerns. It may be the case that discussions on whether reform is desirable can also take place.

[Arts. 4.1(a) and 4(3)]

The outcome of this meeting will frame the discussions for the meeting in April 2018, where more substantive discussions will foreseeably take place before reporting back to the UNCITRAL Commission in July 2018. [REDACTED]

[Arts. 4.1(a) and 4(3)]

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