

Executive Summary

Since 1992, the Hague Conference on Private International Law (HCCH) has progressed work on two key aspects of private international law in cross-border litigation in civil or commercial matters: the international jurisdiction of courts and the recognition and enforcement of foreign judgments. This work has resulted in two Conventions: the [Convention of 30 June 2005 on Choice of Court Agreements](#) (2005 Choice of Court Convention) which aims to ensure the effectiveness of exclusive choice of court agreements between parties to international commercial transactions, and the [Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters](#) (2019 Judgments Convention) which facilitates the international circulation of judgments in civil or commercial matters.

Following the adoption of the 2019 Judgments Convention, the HCCH established a Working Group comprising experts from some HCCH Members with different legal traditions and from various regions of the world. The Working Group was tasked with developing binding rules for a future instrument on concurrent proceedings (parallel proceedings and related actions or claims) and acknowledging the primary role of both jurisdictional rules and the doctrine of *forum non conveniens*, notwithstanding other possible factors, in developing such rules.

The objective of a future instrument is to enhance legal certainty, predictability, and access to justice by reducing litigation costs, and to mitigate inconsistent judgments in transnational litigation in civil or commercial matters.

The Working Group, after nine meetings, has developed draft provisions for a possible convention (Draft Text) that establish what should happen in the event that proceedings are initiated in the courts of two or more Contracting States at the same time.

The HCCH applies a structured multi-stage process for developing international instruments: after a Draft Text is prepared by a Working Group, the governing body of the HCCH, the Council on General Affairs and Policy (CGAP), decides whether to establish a Special Commission for formal negotiations involving all HCCH Members and invited Observers, where the Draft Text would be further negotiated, improved and completed with further provisions where applicable. Draft Texts are agreed by consensus in the Working Group, which is the HCCH working method, meaning that they are not necessarily approved by all members of the Working Group and reflect compromises, including between legal systems. Pending further CGAP approval, the step following the Special Commission would be to convene a Diplomatic Session to consider the text derived from the Special Commission, settle all remaining issues, and finalise the text of a convention to address parallel proceedings and related actions.

Against this background, the Permanent Bureau (PB) of the HCCH is seeking feedback on whether the Draft Text would, in practice, assist in addressing cross-border parallel proceedings and related actions and how the Draft Text might be improved. The PB invites all relevant stakeholders, in particular practitioners and judges with cross-border litigation experience, to respond to the questions contained in the Consultation Paper. The deadline for submitting responses is 26 January 2026, after which all responses will be compiled and submitted to all HCCH Members for consideration in advance of CGAP's meeting in March 2026, where CGAP will decide on next steps for the project.

Framework

The Draft Text establishes two independent frameworks to address parallel proceedings (Chapter II) and related actions (Chapter III). A court seised with parallel proceedings that satisfy the requisite jurisdiction / connection criterion under Articles 6-8 should proceed with adjudicating the dispute, and other courts that do not satisfy these criteria must suspend or dismiss the proceedings. If more than one court satisfies the jurisdiction / connection requirements set out in Article 8(2), and potentially also where proceedings in these courts commenced within a reasonable timeframe, a determination must be made as to which court is the more appropriate court in accordance with the method prescribed in Article 9, and taking into account the factors listed in Article 10.

Articles 12 and 13 provide that courts seised with related actions may, by taking into account the factors listed in Article 11(2), consider whether a single court should adjudicate all or part of the related actions and, if so, which court is the more appropriate court.

The operation of these two frameworks is supported by a cooperation provision and a communication mechanism in Chapter IV. Several safeguards are provided in Chapter V in relation to the operation of the Draft Text. Chapter V also contains two other general provisions in relation to specific subject matter declarations and uniform interpretation.

The Draft Text is not a complete proposed instrument. Some parts of the Draft Text currently appear in square brackets, which either serve as placeholders for negotiable terms or alternative wording, or they reflect phrases or proposals from Working Group members that are not yet agreed by consensus. The Draft Text should therefore be understood as a work in progress. It is an evolving document shaped by contributions from experts representing diverse legal traditions. It does not imply that all members of the Working Group endorse every provision. Rather, it represents a collective effort to identify common ground and explore viable solutions across jurisdictions.