Survey response	
Please indicate: [State:]	Lithuania
Please indicate: [Region:]	Europe
Please indicate: [Affiliation:]	Academia
Please indicate your profession:	Academia
Do you have practical expertise in cross-border civil or commercial litigation:	Yes
1.1 What are your views on the scope of the Draft Text?	I think that the scope of the Draft Text is formulated correctly.
1.2 Does the subject matter scope of the Draft Text cover those matters for which rules on parallel proceedings and related actions would be beneficial?	Yes.
1.3 What are your views on the subject matter exclusions in particular, and how they would work in practice? For example, what are your views on the formulation of the arbitration exclusion in Article 2(3)?	I agree that the formulation of the arbitration exclusion is correct but the arbitration related proceedings have to be specified.
1.4 What are your views on the geographical scope of the Draft Text and how it would work in practice? (See paragraph 16 for further information).	I think that the geographical scope of the Draft Text should cover the area of the Contracting states.
2. What are your views on the definitions of parallel proceedings and related actions? In particular, please share your views on how these definitions might operate, and be applied by parties and courts, in practice.	Below are my views, structured to address (i) conceptual soundness, (ii) practical operation, and (iii) foreseeable difficulties in application, with some suggestions for refinement. 1. Parallel proceedings (Art. 3(1)(a)) (a) Conceptual assessment The definition of parallel proceedings as proceedings between the same parties on the same subject matter is appropriately narrow. It reflects well-established international civil procedure concepts (e.g. "lis pendens" in the Brussels regime) and promotes predictability. Using objective criteria (“same parties” and “same subject matter”) is a major strength: 1. It limits judicial discretion. 2.It reduces forum-shopping arguments. 3. It allows parties to assess risks ex ante with reasonable certainty. (b) Practical operation In practice, this definition should be relatively straightforward to apply: Courts will focus on "formal identity of parties", rather than economic or functional equivalence. “Same subject matter” will likely be assessed by reference to the "claim’s core legal and factual basis", rather than the remedies sought. This narrow framing should prevent over-expansion of the "lis pendens" doctrine

	and avoid unnecessary stays or dismissals. The definitions provide a solid foundation, but precision choices at the margins will determine whether the system promotes coordination or fuels procedural contestation. A restrained approach to related actions—supported by clarifications—would best balance flexibility with predictability.
3. What are your views on Article 4?	Below are my views on Article 4, focusing on its rationale, practical operation, and potential areas for refinement. 1. Purpose and overall assessment Article 4 serves a purely definitional and coordinating function: it determines when a court is deemed to be seised, without itself prescribing any priority or suspension rule. This is conceptually sound and consistent with the Draft Text's cautious, modular design. Defining the moment of seisin is necessary if Chapter II on parallel proceedings is to operate coherently. Without a common reference point, any coordination mechanism risks inconsistency and manipulation. 2. The two-track approach in Article 4 (a) Sub-paragraph (a): seisin by lodging with the court This approach reflects systems in which proceedings formally commence upon filing with the court. Strengths Clear and administratively verifiable. Familiar to many civil law systems and to existing international instruments. Minimises uncertainty once the document is lodged. Potential issues Filing can occur without prompt service, allowing a claimant to "secure" seisin while delaying notice to the defendant. This may create opportunities for tactical pre-emptive filings, particularly in cross-border disputes. (b) Sub-paragraph (b): seisin by service on the defendant This approach accommodates systems where proceedings commence only upon service. Strengths Strongly linked to procedural fairness and notice. Reduces the scope for purely defensive or strategic filings. Aligns with the defendant's legitimate interest in timely awareness of proceedings. Potential issues The timing of service may be affected by administrative delays beyond the claimant's control. Cross-border service may be slow, creating uncertainty as to the precise moment of seisin. (c) Mutually exclusive design Making sub-paragraphs (a) and (b) mutually exclusive is a significant strength: It avoids hybrid interpretations. It respects national procedural autonomy. It reduces interpretative complexity for courts and parties. Article 4 strikes a pragmatic compromise between harmonisation and respect for procedural diversity.

	It is broadly workable and well-designed, but its effectiveness will depend on: Careful drafting choices elsewhere in the instrument, and Clear interpretative guidance to limit tactical use and uncertainty. With those supports, Article 4 is a defensible and useful component of the Draft Text.
4. What are your views on Article 5?	In my view, Article 5 is the operational core of Chapter II. It translates the abstract obligation to manage parallel proceedings into concrete procedural duties: suspension, dismissal, and resumption. Structurally, it is coherent and largely balanced, seeking to reconcile: judicial efficiency and avoidance of duplicative proceedings, procedural fairness to parties, and respect for differences in national procedural law. Its success, however, will depend heavily on precision at key trigger points and on how much discretion courts retain. 2. Article 5(1): obligation to suspend proceedings (a) “As soon as it is informed” Requiring suspension “as soon as” the court is informed is sensible in principle, as it: discourages strategic delay, reduces the risk of inconsistent interim measures, and promotes early coordination. However, in practice: Courts will need time to verify whether the conditions for parallel proceedings are actually met. Automatic or immediate suspension upon mere notification could encourage abusive or premature assertions of parallel proceedings. Suggestion: Clarify (in the text or Explanatory Report) that suspension follows judicial confirmation that the requirements of Chapter II are satisfied, not mere allegation. (b) Source of information Allowing notification by a party, another relevant person, or via the communication mechanism is appropriate and flexible. Potential concern: “Other relevant person” is open-ended and may create uncertainty. Suggestion: Either define this category more narrowly (e.g. parties with a legal interest), or Clarify that such information merely triggers judicial consideration, not automatic suspension. 3. Article 5(2): dismissal following judgment in the other court Requiring dismissal once the other proceedings have resulted in a judgment capable of recognition and enforcement is a strong and effective rule. Strengths Anchors dismissal in international effectiveness, not mere finality in the foreign forum. Prevents wasteful continuation of proceedings that would be rendered redundant. Aligns with principles of res judicata and international comity. Practical issues Determining

	whether a judgment is “capable of recognition” may itself require complex analysis. Differences in recognition regimes could lead to divergent outcomes. Overall view: The provision is sound, but courts should retain limited discretion to address exceptional situations (e.g. pending refusal grounds). 4. Article 5(3): resumption of suspended proceedings This is the most sensitive and contested part of Article 5. (a) Competing formulations The bracketed alternatives reflect a key policy choice: “Is unlikely to render” + “within a reasonable time” More flexible and protective of the parties’ right to timely justice. But introduces predictive and subjective assessments. Risks inconsistent application across Contracting States. “Has not rendered” More objective and predictable. But may tolerate excessive delay and effectively deny access to justice. (b) “Judgment on the merits” Limiting resumption to cases where no judgment on the merits is forthcoming is appropriate: It prevents tactical relitigation. It preserves the primacy of substantive adjudication. (c) On request of a party This safeguard is important: It prevents courts from resuming proceedings sua sponte in a disruptive way. It places control with the parties most affected by delay. 5. Balance between efficiency and fairness Article 5 generally strikes a reasonable balance, but: Overly rigid suspension/dismissal rules risk procedural injustice in slow or dysfunctional fora. Overly flexible resumption rules risk undermining coordination and reviving parallel litigation. The choice between the bracketed options in Article 5(3) will largely determine where the balance ultimately lies. 6. Relationship with Chapter V safeguards The availability of Chapter V safeguards is crucial: They provide a safety valve against abusive or inequitable outcomes. Their existence supports a firmer suspension/dismissal regime in Chapter II. However, reliance on safeguards should not compensate for unclear core standards in Article 5 itself. 7. Suggested clarifications Without rewriting the structure, the following would improve workability: Clarify that suspension under Art. 5(1) follows a prima facie assessment of parallelism. Provide guidance on what constitutes “reasonable time” (if retained). Clarify the evidentiary burden for showing that a foreign judgment is capable of recognition. Define or narrow “other relevant person”. 8. Overall view Article 5 is a necessary and largely well-designed mechanism for managing parallel

	proceedings. Its strengths lie in its structured approach and its linkage to recognition and enforcement. Its weaknesses stem mainly from: unresolved bracketed choices, potential for subjective assessments, and risks of tactical behaviour. With careful drafting choices and explanatory guidance, Article 5 can operate effectively as the backbone of Chapter II.
5. What are your views on Articles 6 – 8 including how they will work in practice?	1. Overall architecture and policy coherence The tiered, hierarchical structure of Articles 6–8 is one of the strongest features of the Draft Text. It offers a graduated method for resolving parallel proceedings: [Exclusive]/[Priority] jurisdiction / connection (Art. 6) – objective, territorially anchored; Party autonomy (Art. 7) – reflecting legitimate expectations of the parties; Residual jurisdiction / connection (Art. 8) – functional and pragmatic. This hierarchy mirrors both international practice and the logic of the 2019 Judgments Convention, while carefully avoiding direct regulation of international jurisdiction. Conceptually, the provisions operate as conflict-management rules, not jurisdiction-conferring rules, which is an important distinction. In practice, this structure should be intelligible to courts and parties, provided that the terminology and internal priorities are clarified. 2. Article 6 – [Exclusive]/[Priority] jurisdiction for immovable property (a) Merits of the rule Giving priority to the court of the State where the immovable property is situated is: Well established in comparative and international law; Justified by strong territorial and regulatory interests; Highly predictable and easy to apply. Framing this as priority rather than strict exclusivity may be preferable, given the Draft Text's stated aim not to regulate jurisdiction directly. (b) Practical operation In most cases, Article 6 should operate mechanically: Identify whether the main object of the proceedings concerns rights in rem in immovable property; Identify the situs; Require all other courts to suspend or dismiss. The reference to the main object is important to prevent over-extension to cases where immovable property is merely incidental. (c) Open issues Proceedings not yet commenced at the situs: Extending Article 6 to cover such cases would enhance coherence but raises questions about premature deference. Expansion to residential leases or registration: Including these would improve alignment with the 2019 Judgments Convention, but risks complicating the otherwise clean rule. Overall, Article 6 is sound,

	but its scope should remain narrow and clearly delimited. 3. Article 7 – Party autonomy (a) Non-exclusive choice of court agreements (Art. 7(1)) Recognising non-exclusive choice of court agreements as a priority connection is innovative and responsive to commercial reality. Strengths Respects party expectations even where exclusivity was not intended. Avoids overlap with the 2005 Choice of Court Convention. Provides a clear solution where only one seised court is designated. Practical concerns Absence of formal validity requirements risks evidentiary disputes. Lack of a substantive validity rule creates uncertainty and divergence. Determining whether an agreement "does not deprive" other courts of jurisdiction may be contentious. In practice, courts may struggle with: Informal or oral agreements; Disputes over scope or interpretation. Some minimum safeguards—either in the text or Explanatory Report—would significantly improve workability. (b) Consent to jurisdiction (Art. 7(3)) Treating express consent during proceedings as a priority connection is defensible, particularly where it reflects genuine submission. However, practical difficulties arise: Timing: Late consent may be tactical. Hierarchy: Conflict between prior agreements under Art. 7(1) and subsequent consent under Art. 7(3). Form: The requirement of "express [and positive]" consent is appropriate, but needs clarification. Without clear prioritisation, courts may reach inconsistent results. (c) Overall assessment of Article 7 Article 7 is normatively attractive but procedurally under-specified. In practice, it risks becoming the most litigated part of the Draft Text unless: Validity standards, Timing constraints, and Internal hierarchy are clarified. 4. Article 8 – Residual jurisdiction / connection (a) Article 8(2): list of jurisdiction / connection bases Using a closed list derived from the 2019 Judgments Convention is sensible: It promotes predictability; It avoids unbounded discretion; It ensures international recognisability of connections. These bases should generally be ascertainable without excessive factual inquiry. (b) Article 8(1)(a): negative and positive obligations This provision works well in practice: Courts without a relevant connection must defer; Courts with a connection may proceed. Requiring a party request (bracketed) is an important safeguard against over-active judicial intervention and should be retained. (c) Article 8(1)(b): first seised within a reasonable timeframe This is the most problematic

	aspect of Article 8. Concerns “Reasonable timeframe” is inherently vague. The rule partially re-introduces a first-seised logic that the Draft Text otherwise avoids. It risks rewarding tactical speed rather than substantive connection. In practice, courts may reach divergent conclusions, undermining uniformity. It may be preferable to: Omit Article 8(1)(b), or Subsume timing considerations into the more appropriate court analysis. 5. Interaction with the “more appropriate court” analysis Articles 6–8 function as a filtering mechanism: They eliminate clearly inferior fora; They identify the set of courts entitled to proceed. Where more than one court remains, deferring the ultimate choice to the “more appropriate court” analysis is conceptually coherent and practically necessary. Overloading Articles 6–8 with timing or fairness considerations risks duplication and confusion. 6. Overall evaluation Strengths Clear hierarchy and conceptual coherence; Alignment with existing HCCH instruments; Objective, connection-based methodology. Weaknesses Under-specification of party autonomy rules; Ambiguity in timing and consent issues; Risk of inconsistent application in Article 8(1)(b). Overall view Articles 6–8 provide a robust and workable framework for resolving parallel proceedings, but their practical success will depend on careful calibration—particularly in Article 7 and the bracketed elements of Article 8. With targeted clarification and restraint, they can effectively balance predictability, party autonomy, and procedural fairness.
6.1 What are your views on the ‘jurisdiction / connection’ list in Article 8(2)?	1. Function of Article 8(2): a threshold, not jurisdictional harmonisation Article 8(2) should be understood as establishing a threshold of sufficient connection for the operation of the parallel proceedings framework, not as harmonising or validating international jurisdiction as such. On that understanding, the existence of multiple, equally weighted connecting factors is conceptually justified. In practice, courts will use Article 8(2) to answer a limited question: Is this court sufficiently connected to the dispute to trigger the coordination obligations of the Draft Text? This framing supports a broader list than would be appropriate for a jurisdiction-conferring instrument. 2. Breadth of the list: narrow vs wide approaches (a) Arguments for a narrower list A narrower list has clear advantages: Predictability and certainty: fewer bases reduce the number of courts that can claim an Article 8(2)

	connection. Effective operation of Article 8(1): more cases are resolved mechanically, without needing the more appropriate court analysis. Reduced forum shopping: fewer entry points into the coordination framework. From a practical standpoint, courts and litigants benefit from early and decisive outcomes. (b) Arguments for a broader list A broader list also has strong justification: Captures commercial and factual reality: modern disputes often have multiple legitimate fora. Avoids gaps where no court qualifies under Article 6 or 7, but several courts are nonetheless meaningfully connected. Enables substantive justice through the Article 9–10 analysis, rather than exclusion at the threshold stage. A too-narrow list risks under-inclusiveness, pushing disputes outside the framework and leaving parallel proceedings unmanaged. 3. Relationship with the 2019 Judgments Convention The Working Group's concern about divergence from the 2019 Judgments Convention is well founded. (a) Risks of divergence Judgments rendered by a court that qualifies under Article 8(2), but not under Article 5 of the 2019 Judgments Convention, may not circulate. This may surprise parties who assume alignment between the two instruments. (b) Mitigating considerations The instruments serve distinct functions: coordination vs circulation. A court proceeding under Article 8(2) does not automatically render a judgment unrecognisable under other regimes. Chapter V safeguards may mitigate the most problematic outcomes. (c) Practical implication Courts and parties will need to be aware that: Selection of a court under the Draft Text does not guarantee international enforceability. This trade-off is acceptable, but should be transparent. Clear explanation in the Explanatory Report would be essential. 4. Equal footing of the connections Treating all eleven jurisdiction / connection requirements as formally equal is defensible, but has practical consequences. Advantages Avoids artificial hierarchies between different types of connections. Simplifies the threshold inquiry. Disadvantages Very different types of links (e.g. habitual residence vs place of performance) are treated identically at the entry stage. Weak but technically sufficient connections may bring courts into the framework unnecessarily. In practice, this may lead to: More cases progressing to the "more appropriate court" analysis; Greater judicial discretion and variability. 5. Likely operation in practice Based on the current

	design: Article 8(2) will often identify multiple qualifying courts. Article 8(1) will resolve some cases, but many will proceed to Articles 9–10. The system's effectiveness will therefore depend heavily on the quality and clarity of the "more appropriate court" factors. This supports the case for ensuring that Article 8(2) is not excessively expansive, to avoid overloading later stages. 6. A balanced approach In my view, the optimal approach lies between the two extremes: The list should be broader than the 2019 Judgments Convention, to ensure meaningful coverage. But it should exclude marginal or opportunistic connections that add little to fairness or efficiency. Possible refinements include: Removing or narrowing connections that are rarely determinative in practice. Clarifying that purely technical or transient links should be interpreted restrictively. Using the Explanatory Report to emphasise a substantial connection reading. 7. Overall view Article 8(2) performs a critical gatekeeping function. A moderately broad list, carefully framed and accompanied by strong guidance, is preferable to either an overly narrow or overly expansive approach. The success of Article 8(2) will ultimately depend less on the precise number of connecting factors, and more on whether courts understand it as a threshold test of genuine connection, not an invitation to assert jurisdiction on the weakest possible basis.
6.2 Based on your experience, do you consider these factors appropriate for parallel proceedings i.e. for obliging courts to suspend or dismiss proceedings if they are not seised on the basis of one of these? Why or why not?	Based on experience with cross-border litigation and existing coordination regimes, the Article 8(2) factors are broadly appropriate as a basis for obliging courts to suspend or dismiss proceedings, but only with important qualifications. Their suitability depends less on what the factors are, and more on how strictly they are interpreted and how they interact with the rest of the Draft Text. 1. Appropriateness in principle (a) Suitability for a coordination instrument For a framework aimed at managing parallel proceedings, rather than allocating jurisdiction definitively, the use of Article 8(2)-type factors is appropriate. They: Reflect widely recognised jurisdictional connections; Provide an objective threshold for triggering coordination obligations; Prevent courts with only tenuous links from insisting on proceeding in parallel. In that sense, they are suitable for obliging courts to suspend or dismiss proceedings when they lack any of these connections. 2. Strengths of the Article 8(2) factors in practice (a) Familiarity and

	legitimacy Most of the factors: Are well known across legal systems; Correspond to connections that courts routinely rely on under national law; Are accepted internationally as at least plausible bases for adjudication. This makes them operationally realistic and politically acceptable. (b) Objective filtering function Requiring at least one Article 8(2) connection: Filters out purely strategic or abusive filings; Ensures that only courts with a meaningful link can anchor proceedings; Enhances legal certainty at an early stage. In practice, this is a defensible condition for imposing suspension or dismissal obligations. 3. Key reservations and risks (a) Uneven strength of the factors Not all Article 8(2) factors are equally persuasive as grounds for compelling other courts to stand down. Some factors (e.g. defendant's habitual residence) are strong and stable. Others (e.g. implied consent, place of performance, or certain conduct-based links) may be: Fact-sensitive; Easily manufactured; Contested at an early procedural stage. Risk: Courts could be required to suspend proceedings in favour of a forum whose connection is technically sufficient but substantively weak. (b) Early-stage factual uncertainty Parallel proceedings issues often arise: Before pleadings are complete; Before jurisdictional facts are fully established. At that stage, obliging suspension or dismissal based on contested Article 8(2) factors may: Front-load complex factual disputes; Increase satellite litigation; Delay resolution rather than streamline it. (c) Asymmetry with recognition and enforcement Because some Article 8(2) factors go beyond the 2019 Judgments Convention: A court may be prioritised under the Draft Text, Yet its judgment may later be non-circulable. From a practical perspective, obliging other courts to dismiss proceedings in favour of such a forum may appear counter-intuitive and commercially unattractive. 4. Why the factors can still be justified Despite these concerns, the factors remain appropriate if they are treated as a threshold, not a trump card. Their legitimacy rests on three structural features of the Draft Text: They operate only in the absence of Articles 6 and 7 (stronger connections). Multiple courts may qualify, triggering the "more appropriate court" analysis rather than automatic deference. Chapter V safeguards allow courts to avoid unjust or abusive outcomes. Taken together, these elements prevent Article 8(2) from operating mechanically or unfairly. 5. Practical

	conditions for acceptability In practice, the Article 8(2) factors are appropriate only if: Courts are required to find a genuine and non-illusory connection, not merely a formal one; Suspension or dismissal follows a prima facie assessment, not full jurisdictional litigation; Disputed or weak connections are addressed at the more appropriate court stage, not at the threshold; Explanatory materials make clear that marginal connections should be interpreted restrictively. Without these constraints, the obligation to suspend or dismiss may be perceived as disproportionate. 6. Overall answer Yes, in principle, the Article 8(2) factors are appropriate for parallel proceedings and for obliging courts to suspend or dismiss proceedings when they are the only workable threshold available. However, their appropriateness is conditional. If interpreted expansively or applied rigidly, they risk: Over-inclusion; Tactical abuse; Undermining confidence in the framework. Their success therefore depends on disciplined interpretation, strong guidance, and effective use of the later stages of the Draft Text, rather than on the factors alone.
6.3 Are there any additional factors that you believe should be included?	In my view, no entirely new category of jurisdiction / connection is strictly necessary, but there are two limited areas where carefully framed additional factors could add real value, provided they are drafted narrowly and used as gateway connections rather than broad jurisdictional bases. 1. General caution against expansion Before identifying possible additions, it is important to emphasise that: Article 8(2) already covers the core, internationally accepted connections; Each additional factor increases the number of courts drawn into the framework; Over-expansion risks shifting too much work to the "more appropriate court" analysis and weakening the predictability of Article 8(1). Accordingly, any additional factor should meet a high threshold of necessity and clarity. 2. Possible additional factors worth considering (a) Place of central administration / principal place of business of a corporate defendant (if not already clearly covered) If Article 8(2) relies primarily on habitual residence concepts, it may be useful to: Explicitly include principal place of business or central administration as an autonomous connecting factor for legal persons, particularly in complex corporate structures. Why this may help in practice It reflects economic reality more accurately than place of incorporation in some cases; It aligns with

	international commercial expectations; It reduces disputes where habitual residence is formally ambiguous. This would be a clarifying addition, rather than a substantive expansion. (b) Place where the most substantial part of the harm occurred (for non-contractual obligations) If not already included or clearly covered, a narrowly drafted tort-based connection could be considered: Focused on the place of the most substantial harm, rather than any place where damage was felt. Why this may help Prevents fragmentation in multi-State harm cases; Avoids reliance on minimal or purely economic effects; Encourages concentration of proceedings in a forum with evidentiary proximity. This factor would need careful drafting to avoid excessive breadth. 3. Factors that should not be added Based on experience, the following should be avoided: Plaintiff's habitual residence alone, without further connecting elements; Place of assets, unless directly related to the substance of the claim; Purely procedural links (e.g. availability of interim measures); Nationality of a party, which is too weak and system-dependent. These factors would materially increase forum shopping and undermine the coordination objective. 4. Alternative to adding new factors: interpretative guidance Rather than expanding Article 8(2), many practical concerns could be addressed by: Clarifying how existing factors should be interpreted; Emphasising a substantial connection requirement in the Explanatory Report; Encouraging courts to filter out marginal cases at the threshold stage. This approach preserves the structure of Article 8 while enhancing its effectiveness. 5. Overall view My preference would be restraint rather than expansion. If additional factors are included, they should: Reflect economic and factual reality; Be narrowly framed; Add coverage only where genuine gaps have been identified in practice. Otherwise, the existing Article 8(2) framework—properly interpreted—is sufficient to manage parallel proceedings without introducing unnecessary complexity
7.1 What are your views on the approaches proposed in Article 9 for determining which court should adjudicate the dispute in cases of parallel proceedings which Articles 6 – 8 have not resolved?	7.1 Views on the two approaches in principle Overall observation Article 9 addresses the hard core of parallel proceedings: situations where no clear priority emerges from Articles 6–8 and more than one court has a legitimate connection. Any solution here necessarily involves trade-offs between certainty, fairness, efficiency, and sovereignty. Both approaches are defensible in principle, but they

	embody very different conceptions of coordination. Approach 1 (court first seised as primary decision-maker) Conceptual strengths Preserves a single focal point for coordination. Reduces the risk of competing or contradictory "more appropriate court" determinations. Builds on a familiar idea in international procedure: the court first seised as procedural anchor. Conceptual weaknesses Gives significant normative authority to the court first seised, even where that court may be weakly connected. Requires courts in other Contracting States, at least initially, to accept the procedural consequences of a foreign court's assessment. Risks recreating, in substance if not in name, a first-seised bias, notwithstanding the Draft Text's broader ambitions. Approach 2 (determination by courts other than the court first seised) Conceptual strengths Strongly respects judicial sovereignty: no court is formally bound by another court's decision. Avoids obliging a court to suspend or dismiss proceedings because another court has decided it should. Better aligned with systems that are sceptical of external procedural control. Conceptual weaknesses Lacks a clear coordinating "centre of gravity". Risks fragmentation, with multiple courts independently deciding that they are (or are not) the more appropriate forum. May undermine the effectiveness of Articles 9–10 by allowing parallel reasoning to persist
7.2 What are your views on how the two approaches may work in practice?	7.2 How the two approaches may work in practice (a) Practical operation of Approach 1 In practice, Approach 1 would likely: Front-load litigation in the court first seised, as parties focus their strategic efforts there. Generate intensive satellite litigation at an early stage concerning Article 10 factors. Provide relatively quick procedural clarity once a determination is made. However, risks include: Incentivising tactical pre-emptive seisin to secure decision-making authority. Perceptions of unfairness where the first-seised court is procedurally slow, inexperienced, or weakly connected. Resistance, formal or informal, from courts asked to subordinate themselves to a foreign determination. The "exceptional circumstances / as appropriate" safety valve is therefore critical—but also a source of uncertainty. (b) Practical operation of Approach 2 Approach 2 would likely: Reduce political and judicial resistance to the instrument. Encourage courts to engage more deeply with Article 10 factors in a self-contained way. Avoid direct clashes of

	authority between courts. At the same time: Parallel proceedings may persist longer, as no single court decisively resolves the coordination question. Parties may litigate the "more appropriate court" issue in multiple fora. Outcomes may diverge, increasing reliance on Chapter V safeguards to prevent denial of justice. In short, Approach 2 is procedurally lighter but coordination-weaker.
7.3 Do you have a preference for either approach? If so, please explain why.	7.3 Preference and reasons Clear preference: Approach 1 (with constraints) On balance, I prefer Approach 1, subject to careful calibration. Reasons for this preference Effectiveness of coordination The purpose of the Draft Text is to resolve parallel proceedings, not merely manage them. A system without a primary decision-maker risks reproducing the very inefficiencies it seeks to avoid. Predictability Parties benefit from knowing where the decisive coordination battle will be fought. Approach 1 provides a clearer procedural roadmap. Comparative experience Experience with regimes lacking a coordinating anchor shows that deference without authority often leads to stalemate or duplication. Even limited centralisation improves outcomes. Safeguards mitigate the risks Article 9(5), Article 19, and Chapter V as a whole provide meaningful escape valves. These mechanisms can correct unfair outcomes without dismantling the core structure.
8.1 What are your views on the factors listed in Article 10 for determining the more appropriate court in cases of parallel proceedings subject to Article 9 (i.e. that are not resolved by Articles 6 – 8)?	Below are my views on Article 10, structured to respond to questions 8.1–8.3, with an emphasis on conceptual soundness, practical operation, and calibration. 8.1 Views on the factors listed in Article 10 (a) Overall assessment The Article 10 factors form a coherent, well-balanced and familiar set of considerations, broadly comparable to forum non conveniens–type analyses and to coordination tests found in other international instruments. They appropriately reflect the stated objectives of: proper administration of justice, efficiency and cost-effectiveness, completeness of dispute resolution, and international effectiveness of judgments. Importantly, the list avoids rigid weighting, which preserves flexibility in genuinely hard cases. (b) Assessment of individual factors (i) Burdens / convenience of the parties This is appropriate, but "burdens of litigation" is preferable to "convenience": It better captures financial, logistical, and procedural asymmetries; It reduces the risk of subjective or purely tactical arguments.

	Reference to habitual residence provides a useful anchor, but should not be determinative. (ii) Ease of accessing or preserving evidence This is a strong and objective factor: Particularly important in fact-intensive disputes; Often decisive in practice; Less susceptible to manipulation. It should be interpreted to include digital evidence and witness availability. (iii) Applicable law This factor is justified, but should be applied cautiously: Familiarity with the applicable law may improve efficiency; However, many courts routinely apply foreign law. It should therefore be a supporting factor, not a presumptive one. (iv) Stage of proceedings / delay This factor is essential, but also delicate: It discourages wasteful duplication; It recognises sunk costs and procedural progress. However: Excessive weight risks re-introducing a first-seised bias; Delay caused by tactical behaviour should not be rewarded. The reference to limitation or prescription periods is particularly helpful. (v) Completeness of resolution This is one of the most valuable additions: Encourages consolidation of related claims and parties; Reduces fragmentation and inconsistent outcomes; Aligns with judicial economy. It should be given significant weight where applicable. (vi) Likelihood of recognition and enforcement This factor is both pragmatic and forward-looking: Encourages selection of a forum whose judgment will be effective internationally; Mitigates divergence from the 2019 Judgments Convention. It also reinforces the legitimacy of obliging other courts to stand down.
8.2 Do you have any views on how Article 10 might work in practice?	8.2 How Article 10 may work in practice (a) Mode of application In practice, Article 10 will likely operate as: A structured balancing exercise, rather than a mechanical test; A fact-sensitive inquiry, usually conducted early but not necessarily at the very outset. Courts will likely: Focus on a subset of decisive factors; Treat others as neutral or marginal. (b) Risk of satellite litigation The principal risk is procedural over-litigation, especially if: Parties treat Article 10 as a full merits contest; Courts require extensive evidence. This risk can be managed by: Limiting the inquiry to a prima facie assessment; Emphasising proportionality and expedition. (c) Role of cooperation mechanisms Articles 15–17 significantly enhance Article 10's viability: Information exchange can correct asymmetries; Joint hearings (where declared) may reduce duplication.

	However, these mechanisms will likely be used sparingly and require judicial confidence and trust.
8.3 Are there additional considerations that, in your view, should be taken into account?	8.3 Additional considerations that could be taken into account I would not advocate for many additional formal factors, but three clarifications or limited additions could improve the framework. (a) Procedural fairness and access to justice (explicit reference) While covered implicitly and reinforced by Article 19, an express reference to: serious procedural obstacles, inability to obtain representation, or structural barriers in one forum could help courts address extreme cases without stretching other factors. (b) Risk of irreconcilable judgments (if not already addressed elsewhere) Although a motivating concern of the Draft Text, it could be helpful to: Allow courts to consider whether proceeding in one forum materially reduces the risk of irreconcilable outcomes across related actions. This would reinforce systemic coherence. (c) Conduct of the parties (limited) As a negative or corrective consideration, courts should be able to take into account: Dilatory tactics, Abusive parallel filings, Bad-faith invocation of jurisdiction. This aligns with Article 20 but could be acknowledged explicitly as relevant context.
9. Do you have an overall view on the effectiveness of the framework developed in the Draft Text for dealing with parallel proceedings in an international context? Please explain any advantages and / or disadvantages of the framework, and how you think it will work in practice.	1. General assessment Overall, the Draft Text establishes a credible, sophisticated, and largely effective framework for managing parallel proceedings in an international context. It fills a genuine gap between traditional lis pendens rules and recognition-and-enforcement regimes by offering a graduated, cooperation-based system that is sensitive to procedural diversity while aiming to reduce duplication, inconsistency, and strategic litigation. The framework is ambitious but not unrealistic. If carefully finalised and accompanied by strong explanatory materials, it has the potential to function as a practical coordination instrument rather than a purely aspirational one. 2. Core advantages of the framework (a) Modular and hierarchical design One of the framework's greatest strengths is its layered structure: Clear cases resolved early (Arts 6–8); Hard cases filtered into a structured balancing exercise (Arts 9–10); Safety valves available throughout (Chapter V). This design: Preserves predictability where possible; Allows flexibility where necessary; Avoids forcing a one-size-fits-all solution on diverse legal systems. (b) Distinction between coordination and jurisdiction

	By consistently using “jurisdiction / connection” rather than purporting to allocate jurisdiction definitively, the Draft Text: Respects national sovereignty; Reduces political resistance; Clarifies that the instrument manages conflicts of proceedings, not competence as such. This conceptual restraint is crucial for practical acceptance. (c) Balanced treatment of party autonomy The framework gives meaningful but non-absolute effect to party autonomy: Strongly prioritised where clearly expressed; Subject to safeguards against abuse and unfairness. This reflects commercial reality without undermining systemic coherence. (d) Emphasis on cooperation rather than compulsion The communication mechanism, encouragement of information exchange, and optional joint hearings: Represent a modern and pragmatic approach; Increase transparency and trust between courts; Improve the quality of decision-making under Arts 9–10. Importantly, cooperation is structured, not ad hoc. (e) Integration of safeguards Chapter V meaningfully enhances the framework’s legitimacy: Prevents denial of justice; Addresses abuse of process; Preserves public policy control. These safeguards make the more directive elements of the framework acceptable. 3. Main disadvantages and risks (a) Complexity and operational burden The framework is procedurally demanding: Multiple stages; Numerous bracketed alternatives; Fact-intensive determinations in hard cases. In practice, this may: Increase costs in some cases; Encourage satellite litigation, especially in sophisticated commercial disputes; Be under-utilised by overburdened courts. (b) Risk of strategic behaviour Despite safeguards, the framework may: Incentivise pre-emptive seisin to secure procedural advantages; Invite tactical use of Article 8(2) connections; Generate disputes over timing and categorisation. These risks are not unique, but they must be acknowledged. (c) Divergence from recognition-and-enforcement regimes The partial departure from the 2019 Judgments Convention: Weakens the intuitive link between priority and circulability; May surprise litigants; Could reduce practical attractiveness in some cases. Clear messaging will be essential to manage expectations. (d) Uneven application across legal cultures The framework assumes: Willingness to cooperate; Comfort with discretionary balancing; Institutional capacity for

	cross-border communication. In practice, application may vary, especially in early years. 4. Likely operation in practice In practice, the framework will likely function as follows: Most cases will be resolved at the early stages (Arts 6–8), with minimal resort to Arts 9–10. Complex, high-value disputes will engage the full mechanism, including cooperation tools. Courts will use Article 10 pragmatically, focusing on a few decisive factors rather than full balancing. Chapter V safeguards will be invoked sparingly but decisively in outlier cases. Over time, judicial practice and explanatory materials should promote convergence. 5. Conditions for success The effectiveness of the framework will depend on: Careful final drafting, particularly of bracketed provisions; Restrained interpretation of Article 8(2); Clear guidance on timing and standards of review; Judicial training and familiarity with cooperation mechanisms; Strong explanatory reports to guide uniform application. Without these, the framework risks underperformance. 6. Overall conclusion The Draft Text offers a thoughtful and well-calibrated response to the problem of parallel proceedings in international litigation. It does not eliminate all complexity—nor could it—but it significantly improves upon existing approaches by combining structure, flexibility, and cooperation. With refinement and disciplined application, the framework is likely to: Reduce duplicative litigation; Minimise irreconcilable judgments; Enhance procedural fairness and efficiency in cross-border disputes. In short, it is effective by design, and capable of being effective in practice
10. Do you have a view on the effectiveness of the framework developed in the Draft Text for dealing with related actions in an international context? Please explain any advantages or disadvantages of the framework, and how you think it will work in practice.	1. Overall assessment The framework in Chapter III provides a flexible and cooperative approach to managing related actions across multiple Contracting States. Unlike the parallel proceedings provisions, it does not require a formal jurisdiction/connection threshold, making it applicable to a wide range of cross-border disputes where parties or claims are linked but not identical. Its design is pragmatic, recognising that coordination of related actions often cannot be determined by rigid rules, and that courts may need to exercise discretion based on the factual and legal connections between cases. In principle, the framework is effective in promoting procedural efficiency, reducing the risk of inconsistent judgments, and allowing partial or full consolidation where

	appropriate. 2. Key advantages (a) Flexibility Courts can decide whether to adjudicate the entirety, part, or continue separate proceedings (Arts 12–14). This accommodates partial consolidation, which is especially useful in complex multi-party or multi-claim disputes. It allows judicial discretion to balance efficiency with fairness and party autonomy. (b) Cooperation and communication mechanisms Articles 15–17 encourage information exchange, joint hearings, and cooperative procedures. These mechanisms facilitate early resolution, reduce duplication, and enhance consistency between courts. (c) Focus on proper administration of justice The determination of the "more appropriate court" is guided by the same factors as in parallel proceedings (Article 10), promoting judicial efficiency, completeness of resolution, and fairness to the parties. Use of non-exhaustive factors allows flexibility to adapt to the circumstances of each case. (d) Safety valves through Chapter V Safeguards against denial of justice, abuse of process, and public policy ensure that discretionary consolidation or suspension does not compromise fairness. (e) Applicability without formal jurisdictional constraints By not relying on formal Article 8(2) connections, the framework is inclusive: related actions may be coordinated even if the link to a given forum is weak, provided there is a substantive connection that makes consolidation sensible. 3. Key disadvantages and risks (a) Complexity and procedural burden The framework introduces multiple decision points: Whether to adjudicate the entirety or part of the related actions; Which court is most appropriate; Handling inconsistent determinations or delays. This complexity may generate satellite litigation and delay, especially where multiple courts and parties are involved. (b) Risk of inconsistent determinations If courts fail to reach a determination within a reasonable time or make inconsistent decisions, the Draft Text allows two or more courts to proceed, which could: Reintroduce the very risk of conflicting judgments the framework seeks to mitigate. Require parties to litigate coordination issues in multiple forums. (c) Unclear scope regarding immovable property and specific claims The framework currently does not address rights in rem over immovable property, a category of cases that often requires special treatment. Absence of guidance could create uncertainty for courts and parties in property-related

	disputes. (d) Dependence on party-driven applications The system relies on parties to trigger the process by making applications. Parties may delay or manipulate the application to gain procedural advantage. Courts must actively monitor timing and cooperation to prevent abuse. 4. How it may work in practice (a) Typical operation A party submits an application for coordination. Courts independently evaluate whether to adjudicate the entirety, part, or continue separate proceedings. Courts communicate via the mechanism in Article 16, possibly hold joint hearings (Art. 17). Chapter V safeguards ensure fairness and prevent procedural abuse. (b) Practical outcomes Small or straightforward related actions may continue separately without much intervention. Complex multi-party cases may see partial or full consolidation in a single forum, reducing costs and avoiding inconsistent rulings. Courts may need to coordinate timing and evidence sharing, using communication mechanisms to minimise duplication. (c) Potential challenges Differences in procedural rules across Contracting States may affect speed and predictability. Courts may differ in willingness to use the discretionary mechanisms, leading to uneven application. Some strategic actors may delay determinations to gain tactical advantage. 5. Overall view The related actions framework is generally effective for its intended purpose: facilitating coordination without imposing rigid jurisdictional prerequisites. Its main strengths are: Flexibility in adjudicating part or all of related actions; Emphasis on cooperation, communication, and safeguarding justice; Applicability even where formal connections are weak. Its main weaknesses lie in procedural complexity, potential for inconsistent decisions, reliance on party applications, and lack of clarity on certain categories of claims. In practice, the framework is likely to function well for commercial, multi-party, and complex cross-border disputes, provided: Courts actively use communication and cooperation mechanisms; Parties act in good faith; Explanatory materials and training guide consistent interpretation; Timing and coordination are carefully managed to avoid procedural delays. In short, it balances flexibility, efficiency, and fairness, but its effectiveness will depend on disciplined judicial practice and active engagement with the communication and safeguard mechanisms

11.1 What are your views on the practical operation (or the effectiveness) of the communication methods set out in Chapter IV of the draft text for use between courts seised, in cases involving parallel proceedings and related actions?	11.1 Views on the practical operation and effectiveness of the communication methods (Arts 15–17) (a) Cooperation provision (Art. 15) Strengths: Encouraging courts to cooperate throughout the application of the Draft Text provides a normative framework for dialogue and coordination. By framing cooperation as voluntary but encouraged, it avoids forcing courts to act beyond their national procedural powers, respecting judicial sovereignty. Applies uniformly to parallel proceedings and related actions, ensuring that both frameworks can leverage cooperation. Practical operation: Courts are likely to use cooperation primarily to clarify procedural steps, timelines, and factual overlaps between proceedings. In practice, this could prevent unnecessary duplication and facilitate timely determination of the more appropriate court under Articles 9 and 11. The voluntary nature may mean courts only engage in cooperation where resources, capacity, or trust in the foreign court exist. (b) Communication mechanism (Art. 16) Effectiveness: Provides flexible channels: direct, indirect via competent authorities, hybrid, or through parties. Flexibility allows each Contracting State to opt-in to the methods it can operationally support, increasing buy-in. Written communication rules (including language/translation provisions) provide clarity and predictability, which is critical in cross-border litigation. Practical operation: In most cases, communication through parties (method d) will be the default due to ease and low administrative burden. Direct or indirect communication between courts (methods a–c) will likely be used in complex, high-value, or time-sensitive disputes. Translation and language requirements could slow communication in early stages, but are necessary for accuracy and enforceability. Joint hearings (Art. 17): Offers a powerful coordination tool, especially for related actions where factual or legal overlap is substantial. Courts retain independence, so the mechanism is non-intrusive, respecting national procedural law. Likely to be used selectively in high-stakes or multi-party disputes, rather than routine cases. (c) Procedural safeguards (Art. 18) Explicit safeguards regarding sovereignty, procedural rights, and confidentiality are essential to encourage trust in communication. These safeguards ensure that cross-border coordination does not compromise due process or expose sensitive information.

11.2 Are there particular advantages and challenges you foresee in applying these methods?	11.2 Advantages and challenges in applying these communication methods Advantages Promotes early coordination Courts can exchange information before procedural conflicts escalate, reducing risk of irreconcilable judgments. Flexibility in application Different methods (direct, via authority, through parties) allow adaptation to national systems and resources. Facilitates complex dispute management Particularly in related actions, joint hearings and information exchange can improve efficiency and completeness of adjudication. Supports Article 9 and 11 determinations Courts can make more informed decisions on the "more appropriate court," leveraging factual and procedural insights from other jurisdictions. Encourages harmonisation Repeated use may foster best practices in cross-border judicial communication. Challenges Voluntary nature While flexibility is an advantage, it may also lead to uneven cooperation, with some courts or states opting out. Resource and capacity constraints Smaller courts or courts with limited international experience may struggle with translation, procedural coordination, or direct communication. Timing and delays Communication and joint hearings could introduce delays, particularly if language or translation requirements are strict. Sovereignty and procedural differences Differences in rules of evidence, confidentiality, or procedural rights may complicate information sharing. Courts may need to carefully limit the scope of communication to avoid overstepping national procedural rules. Potential misuse via parties Communication through parties (method d) could be manipulated strategically, introducing delays or selective disclosure. Practical summary Most frequently used methods: indirect communication via parties (default), supplemented by central authorities in cross-border commercial disputes. Occasional use: direct communication or joint hearings in complex, multi-jurisdictional cases. Critical factors for success: clear translation/language rules, judicial training, and protocols for timing and confidentiality. Effectiveness: High potential if combined with active judicial engagement, trust-building, and Chapter V safeguards; risk of underuse if left entirely voluntary. Conclusion: The communication and cooperation framework in Chapter IV is innovative, flexible, and essential for operationalising the Draft Text in both parallel

	proceedings and related actions. Its advantages—coordination, efficiency, and dispute resolution—are substantial, but careful implementation, including managing voluntary participation, translation logistics, and procedural safeguards, will be key to its practical success.
12. What are your views on the three safeguards provided in the Draft Text (Articles 19-21), particularly as to how they will operate in practice?	1. Avoiding denial of justice (Art. 19) Practical operation Allows a court to exercise jurisdiction despite the parallel/related proceedings rules if declining jurisdiction would prevent a party from effectively accessing justice. Likely to be applied in exceptional circumstances, such as: Legal representation or legal aid is unavailable in the other forum; A limitation or prescription period would expire before the other court can hear the case; Procedural or institutional barriers make litigating elsewhere practically impossible. Advantages Ensures that access to justice is not sacrificed for procedural coordination. Provides a flexible, principled safety valve that courts can invoke to prevent manifestly unfair outcomes. Challenges The term "denial of justice" is broad and undefined, creating uncertainty. Courts may differ in their threshold for intervention, potentially leading to inconsistent application. Questions remain on whether the safeguard should override exclusive/priority jurisdiction (Art. 6). Overall: Highly valuable as a last-resort safeguard, but practical clarity will require guidelines or interpretive notes. 2. Prevention of abuse of process (Art. 20) Practical operation Protects courts' discretion to suspend, dismiss, continue, or resume proceedings where the process is being misused. Examples include: Filing proceedings in bad faith to frustrate another case; Using multiple successive claims to harass a party; Deceptive or manipulative tactics undermining judicial process. Advantages Guards against tactical manipulation of the Draft Text rules. Reinforces the integrity of judicial proceedings without relying solely on rigid coordination rules. Complementary to denial-of-justice safeguard: focuses on process misuse rather than access. Challenges Determining what constitutes abuse vs. legitimate tactical litigation is fact-sensitive and subjective. Risk of over-enforcement could discourage parties from filing legitimate claims for fear of being deemed abusive. Likely requires courts to rely heavily on national procedural standards, which may create divergent interpretations. Overall: Essential for mitigating

	strategic litigation, but will require careful judicial calibration and likely reliance on case law over time. 3. Public policy (Art. 21) Practical operation Allows courts to override suspension or dismissal obligations where proceeding elsewhere would conflict with: Sovereignty or security interests of the forum State; Fundamental principles or public policy. Use of "manifestly" sets a high threshold, limiting the exception to truly exceptional cases. Advantages Protects core interests of the forum State, which is crucial for political acceptability. Aligns with established international instruments (e.g., 2019 Judgments Convention), promoting familiarity and legitimacy. Provides a clear outer boundary for the operation of the Draft Text. Challenges Application may be rare but highly contentious, particularly in politically sensitive or high-stakes disputes. Could be invoked strategically to resist coordination, although the "manifestly" qualifier mitigates overuse. Needs careful drafting to clarify scope in parallel vs. related actions, especially in commercial disputes. Overall: A well-established, high-threshold safeguard that legitimises the framework while protecting national interests. 4. Practical interaction of the three safeguards Complementary roles: Art. 19: protects access to justice; Art. 20: protects judicial process integrity; Art. 21: protects forum State sovereignty and public policy. Together, they provide a multi-layered safety net, ensuring that the Draft Text is flexible but not abusable. Likely to be invoked sparingly, as most routine cases will resolve under the coordination rules without triggering these safeguards. 5. Key advantages of the safeguard framework Encourages confidence among courts and states that procedural coordination will not compromise justice or sovereignty. Limits strategic or tactical exploitation of the Draft Text rules. Provides principled discretion to address exceptional cases. Aligns with international legal practice while introducing innovative tools (denial of justice and abuse of process). 6. Key challenges and considerations Vagueness and subjectivity: Terms like "denial of justice," "abuse of process," and "manifestly incompatible with public policy" are open to interpretation. Judicial discretion vs. predictability: While flexibility is important, excessive discretion could reduce certainty and uniformity in cross-border coordination. Interplay with other rules: How these safeguards interact with priority/exclusive

	jurisdiction (Art. 6), party autonomy (Art. 7), and the determination of more appropriate court (Arts 9–11) may require further guidance. Potential forum shopping: Parties might attempt to invoke these safeguards tactically; national courts must carefully balance intervention. 7. Overall assessment The safeguards in Chapter V are critical for legitimacy and operational effectiveness: Art. 19 (denial of justice) ensures parties' access to justice is not compromised by rigid coordination rules. Art. 20 (abuse of process) prevents manipulation of the Draft Text while respecting tactical litigation that is legitimate. Art. 21 (public policy) protects forum State interests, providing a high-threshold exception consistent with international norms. Effectiveness in practice: Likely to be invoked in exceptional or high-stakes cases, not routine litigation. Success depends on judicial interpretation, national procedural rules, and clear explanatory guidance. Together, the safeguards balance predictability, fairness, and flexibility, reducing the risk that the Draft Text could be misused while ensuring access to justice and protection of state interests. Conclusion: The three safeguards form a robust, complementary safety net for the Draft Text, enhancing its practical credibility and acceptability in an international context, while ensuring that coordination does not override fundamental justice, fairness, or sovereignty principles.
13.1 Would the rules set out in the Draft Text achieve the objectives of a future instrument? 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.	13.1 Achievement of objectives Objective: Enhance legal certainty, predictability, and access to justice Declarations (Art. 22) Strengths: Allows Contracting States to exclude matters where they have a strong public or policy interest, ensuring sensitive areas (e.g., terrorism claims, exclusive domestic jurisdiction) are respected. Clear and precise drafting requirements reduce uncertainty about the scope of exclusions. Contribution to objectives: By permitting carefully defined exceptions, Art. 22 enhances predictability: parties can know in advance whether the Draft Text applies. Supports access to justice by preventing parties from being forced into courts where the Draft Text's coordination rules may conflict with essential domestic policy interests. Uniform interpretation (Art. 23) Strengths: Promotes consistency across jurisdictions, reducing the risk of divergent interpretations of parallel or related actions provisions. Encourages courts to consider the international character of the instrument, aligning with HCCH practice. Contribution to objectives:

	Legal certainty is enhanced because parties and courts have a common framework for interpreting obligations under the Draft Text. Reduces the risk of inconsistent judgments in transnational litigation. Overall: Arts 22 and 23 complement the Draft Text's broader goals, ensuring both flexibility for national interests and uniform application internationally.
13.2 Do you have any views on whether the proposed rules set out in the Draft Text would improve the status quo?	13.2 Improvement over the status quo Compared with the current status quo: Currently, parties face multiple overlapping legal regimes, with little coordination in cross-border parallel or related actions. National procedural rules vary widely, creating uncertainty and duplication, often increasing litigation costs and risk of inconsistent outcomes. Potential improvements with the Draft Text: Predictability: Declarations and uniform interpretation provide clear rules for courts and parties. Efficiency: Coordinated communication, suspension/dismissal rules, and determination of more appropriate court reduce duplicative proceedings. Access to justice: Safeguards (Arts 19–21) ensure parties are not unfairly deprived of an effective forum. International consistency: Courts are encouraged to interpret the Draft Text in a uniform, international spirit, reducing jurisdictional conflict. Overall: The Draft Text represents a significant improvement over the current fragmented regime, particularly in commercial cross-border litigation.
13.3 Do you consider there are any risks of tactical or satellite litigation arising from any of the provisions, or the overall approach of the Draft Text? Are these risks greater or fewer than those that currently exist? Are there any ways that such risks could be addressed in the Draft Text?	13.3 Risks of tactical or satellite litigation Potential risks Declarations under Art. 22 Parties could attempt to argue that a matter falls under an excluded category, creating satellite disputes about whether the Draft Text applies. Application of parallel or related actions rules Parties may manipulate timing of filings to create strategic advantages (e.g., filing first in one jurisdiction to trigger suspension or dismissal in another). Safeguards (Arts 19–21) Could be invoked strategically: Claiming "denial of justice" to avoid dismissal; Alleging "abuse of process" to block proceedings; Raising public policy objections to resist coordination. More appropriate court determinations (Arts 9–11) Tactical applications could involve multiple applications to courts to obtain a favorable forum, causing delay. Comparison with current risks Greater risk? Possibly slightly increased procedural complexity, because

	the Draft Text creates new mechanisms that could be invoked tactically. Lower risk? Overall, risk is likely reduced compared with current fragmentation, because: Clear rules on suspension/dismissal and court communication reduce opportunities for forum shopping. Safeguards are narrowly tailored to exceptional circumstances. Uniform interpretation mitigates inconsistent strategic arguments across jurisdictions. Possible mitigations within the Draft Text Time limits for applications (Arts 9, 11) to prevent repeated or late attempts to influence jurisdiction. Guidance on exceptional safeguards (Arts 19–21) to clarify when denial of justice, abuse of process, or public policy may be invoked. Transparent declarations (Art. 22) to avoid disputes about scope. Party-driven mechanisms balanced with court discretion, ensuring courts can reject frivolous or manipulative filings. Communication and cooperation mechanisms (Arts 15–17) to detect and coordinate responses to tactical behavior early.
14. What other comments, if any, do you have?	Here's a set of other comments and suggestions on the Draft Text, drawing together observations from Chapters II–V and the general clauses, beyond the specific questions already addressed: 1. Clarity and consistency of terminology "Jurisdiction / connection" vs. "jurisdiction": The Draft Text uses both terms, which could cause confusion. A clear definition and consistent use would help courts and parties understand the scope of obligations. Parallel proceedings vs. related actions: While the distinction is conceptually clear, in practice, certain borderline cases (e.g., partial overlap of parties or facts) may create uncertainty. Examples or guidance in the Draft Text could help. Use of terms like "adjudicate" and "proceed with adjudication": These terms are used interchangeably for related actions; clarification or alignment with international practice could reduce ambiguity. 2. Procedural timing and deadlines Several provisions depend on timing: Court first seised applications (Arts 9(1), 11(1)); Reasonable timeframes for other courts to respond or resume proceedings (Arts 5, 12–14); Safeguard invocation. Suggestion: Include either default timeframes or principles for determining what constitutes a "reasonable timeframe" to reduce procedural uncertainty and litigation risk. 3. Interaction with national law and existing conventions The Draft Text references the 2019 Judgments Convention and 2005 Choice of Court Convention, particularly for habitual residence,

	recognition/enforcement, and exclusive/non-exclusive agreements. Consideration: Clarify the relationship between the Draft Text and these instruments, e.g., whether a judgment under the Draft Text is automatically enforceable under the 2019 Convention, or if exceptions/deviations affect enforceability. Could include a transitional or interpretive clause to minimize conflicts between national procedural rules and the Draft Text. 4. Safeguards and strategic litigation The safeguards (Arts 19–21) are well-conceived, but: Thresholds for invoking denial of justice, abuse of process, or public policy are left open. Practical guidance, interpretive notes, or illustrative examples would reduce forum-to-forum variation and the risk of tactical abuse. Suggest explicitly linking safeguards to communication/cooperation mechanisms (Chapter IV) so that courts can coordinate and avoid inconsistent application of these exceptions. 5. Cooperation and communication mechanisms Flexibility in Article 16 is positive, but: Differences in Contracting State acceptance (direct, indirect, via parties) could create uneven application. Practical guidance on preferred communication channels and minimum standards for exchange of evidence and documents would support efficiency. Joint hearings (Art. 17) are a good tool, but logistical, procedural, and language considerations may limit practical uptake. Guidance or illustrative templates could help. 6. Partial adjudication and complex related actions The Draft Text allows partial adjudication by a single court (Art. 13), but: Scenarios with overlapping claims, rights in rem, or multiple jurisdictions may still create gaps. Suggest including principles for allocating parts of a case to different courts to avoid unnecessary duplication or inconsistent rulings. 7. Declarations (Art. 22) and reciprocity Declarations are useful, but: Could create uneven application between states unless reciprocity is clearly addressed. Suggest establishing a central registry of declarations to enhance transparency and predictability for parties and courts. 8. Monitoring and review Given the complexity and novelty of the Draft Text: Consider including a mechanism for review, reporting, or a Special Commission to monitor practical implementation, resolve ambiguities, and propose updates. Could help ensure uniform interpretation and evolution in line with emerging case law and practical experience. 9. Overall approach The Draft Text represents a

	comprehensive framework that: Balances coordination and cooperation with safeguards for justice and sovereignty; Provides flexible tools for resolving parallel and related proceedings; Promotes predictability and uniformity while accommodating national procedural differences. Remaining areas for refinement include clarity of terms, timing rules, safeguards thresholds, and practical guidance for cooperation/communication. Summary suggestion: Include illustrative examples, default timelines, and interpretive guidance throughout the Draft Text. Clarify interplay with existing international instruments and national procedural rules. Strengthen transparency for declarations and cooperative mechanisms. Ensure safeguards are operationally predictable but remain flexible.