

Survey response	
Please indicate: [Name:]	Aarushi Sahrawat
Please indicate: [State:]	Delhi
Please indicate: [Region:]	Netherlands
Please indicate: [Affiliation:]	Self Employed
Please indicate your profession:	Practitioner
Do you have practical expertise in cross-border civil or commercial litigation:	Yes
Press "Next" to continue	
1.1 What are your views on the scope of the Draft Text?	<p>Counterclaims are to be adjudicated by the court where the original case is pending; that aspect needs further discussion. Since the counter claims are to be filed in the same court; would these claims have any bearing or influence on the determination of jurisdiction? For instance, when the assets that are the subject matter of the counter claim are NOT majorly based in the country where the main claim is filed. Additionally, once a counterclaim is filed the definition of "defendant" is applicable to more than one party. The draft text refers to the word "claims" and "subject matter" for the purpose of determination (Art ref: jurisdiction). Perhaps a clarification is required whether these refer only to the main claim and not the counterclaim.. or to both. Please take note; counter claims can include fresh claims that are not previously part of either of the parallel proceeding and can change the composition of the case "as a whole"; as referred in the draft text. Since the intention of this draft is essentially for a court to suspend or dismiss the proceedings at an initial time; whether the filing of a counter claim to make determinations wrt jurisdiction, will enable the effectiveness and promptness of the proceeding or not needs to be determined and specified.</p>
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?	
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)?	

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).	
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.	
3. What are your views on Article 4?	
4. What are your views on Article 5?	
5. What are your views on Articles 6 – 8 including how they will work in practice?	In Art 6, Clause 1 and 3 are contradictory. Additionally, oral consent and it's standard of proof/evidence might prove complicated.
6.1 What are your views on the 'jurisdiction / connection' list in Article 8(2)?	
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?	
6.3 Are there any additional factors that you believe should be included?	
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?	
7.2 What are your views on how the two approaches may work in practice?	
7.3 Do you have a preference for either approach? If so, please explain why.	
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)?	
8.2 Do you have any views on how Article 10 might work in practice?	
8.3 Are there additional considerations that, in your view, should be taken into account?	
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.	
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.	
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?	
11.2 Are there particular advantages and challenges you foresee in applying these methods?	
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?	
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.	
13.2 Do you have any views on whether the proposed rules set out in the Draft Text would improve the status quo?	
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?	
14. What other comments, if any, do you have?	