

Survey response	
Please indicate: [Name:]	Teresa
Please indicate: [State:]	Italy
Please indicate: [Region:]	Liguria
Please indicate: [Affiliation:]	Court of Rome, Italy
Please indicate your profession:	Lawyer
Please indicate your profession: [Other]	Civil Lawyer
Do you have practical expertise in cross-border civil or commercial litigation:	No
Press "Next" to continue	
1.1 What are your views on the scope of the Draft Text?	Personally, although I have no experience in private international law litigation, I believe this draft text could be useful for civil and commercial disputes because it is very detailed. It seems very detailed in this field.
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, they will be. I believe that the rules on parallel proceedings and related actions must define a specific purpose for which the draft text has been defined as provided for in Article 1, excluding those indicated in Article 2 because they are particularly sensitive for many States.
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 with the exclusion of the matters listed in Article 2, including Article 2(3), as an alternative to judgment. In practice, if the judge finds exclusion for the reasons set out in Article 2, because they are particularly sensitive or because their exclusion avoids uncertainty based on divergent interpretations of national law, In practice, if the Court finds exclusion for the reasons set out in Article 2, the Court will adjudicate the dispute to other Courts indicate in Art. 6 .
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 believe it makes sense given the purpose for which the draft was developed. Specifically: " Purpose of a Future Instrument In international civil or commercial matters, courts of two or more States may exist which, under their own rules, may have jurisdiction over a dispute, and each or some of the parties may request that their dispute be decided by the courts of different States, resulting in two or more proceedings being initiated before the courts of two or more States. These situations may be considered parallel proceedings or related actions."
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.	The draft test that parallel proceedings are narrowly defined, while related actions are more broadly defined but with a "relatedness." I think both are well defined.

3. What are your views on Article 4?	These two mutually exclusive approaches are well established in defining when a court is seized.
4. What are your views on Article 5?	I think both chapters are well-structured, as they are supported by the provisions on cooperation and the reporting mechanism (Chapter IV) and safeguarded by the safeguards listed in Chapter V.
5. What are your views on Articles 6 – 8 including how they will work in practice?	I think, as they said, "The application of these categories is hierarchical". Thus "these provisions require a “link” to be established between the proceedings and a State in the context of parallel proceedings but are not meant to directly regulate international jurisdiction."
6.1 What are your views on the ‘jurisdiction / connection’ list in Article 8(2)?	I agree with Mr. Ronald Brand stated, Article 8 serves as a gate, keeping function with the list of connecting factors that allow a case to fall within the scope of the Convention. These eleven jurisdiction/connection criteria are considered sufficient to establish that a court has the necessary connection for the obligations under the Draft Text to apply. Overall, these eleven requirements are well established, BUT I believe it is necessary to determine the meaning of "a reasonable time" in subparagraph (b).
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?	Although I have no experience with this, I believe it is unnecessary to force the court to stay or dismiss proceedings, as this would lengthen the proceedings, thus increase procedural costs.
6.3 Are there any additional factors that you believe should be included?	The meaning of "a reasonable amount of time" in subparagraph (b) should be further considered, as should procedural costs.
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?	As stated by Mr. Ronald Brand, Article 9 represents the overall effectiveness of the regulatory framework for parallel proceedings. The "most appropriate court" criteria, i.e., the factors to be considered in determining the most appropriate court, is set out in Article 10 of the draft text. Based on the above, I believe both approaches are well established and share many common elements. However, I believe the most important element in the determination is that courts are encouraged to exchange information through the communication mechanism established under Article 16 and can do so at any stage of the determination.
7.2 What are your views on how the two approaches may work in practice?	I believe both approaches could work for exchanging information through the communication mechanism established under Article 16, taking into account factors to be considered in the determination of the most

	appropriate Court established under Article 10. All within a reasonable timeframe.
7.3 Do you have a preference for either approach? If so, please explain why.	Based on the above, both are important, with the additional criteria set out in Articles 9-10 and 16.
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)?	I believe that all these factors can ensure and guarantee the most appropriate court for each court's potential success in fully resolving the dispute, in order to obtain recognition and enforcement.
8.2 Do you have any views on how Article 10 might work in practice?	I believe the best approach is supported by the cooperation provision and communication mechanism established in Chapter IV, which encourages seized courts to cooperate with each other and exchange information through the communication mechanism set out in Article 16 at any stage of the decision-making process under the Draft Text (Article 15).
8.3 Are there additional considerations that, in your view, should be taken into account?	I believe all these factors are well established to prevent any type of abuse or denial of justice, as described in Article 20.
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.	I believe that: a) With regard to judicial efficiency, practicality, and cost reduction for the parties, assessing each court's potential success in fully resolving the dispute and its ability to obtain recognition and enforcement could be an advantage. Collaboration encourages the courts involved to cooperate with each other and to exchange information through the communication mechanism provided for in Article 16 at any stage. b) With regard to the disadvantages of the regulatory framework, it is possible that the combination of all these factors could lead to lengthy proceedings and increased costs. In practice, as already stated in the draft text, collaboration between courts should be an operational 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.	I believe the effectiveness of the framework requires further consideration, as there appears to be little collaboration/communication in managing related actions in an international context. Indeed, I believe that: a) regarding the advantages, the framework for related actions is designed to be flexible and discretionary. b) regarding the disadvantages, the framework for related actions does not require a court of a Contracting State to have a connecting factor/jurisdiction such as those established by Article 8(2), unlike the provisions on parallel proceedings and the requirements of Article 8(2). In practice, it will be better if an increased collaboration between related actions in an international context.

<p>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?</p>	<p>The forms of cooperation are an important component of a future instrument and apply to the entire draft text for both parallel proceedings and related actions.</p>
<p>11.2 Are there particular advantages and challenges you foresee in applying these methods?</p>	<p>As I mentioned above, with regard to judicial efficiency, convenience, and cost reduction for the parties, assessing each court's potential success in fully resolving the dispute and its ability to achieve recognition and enforcement could be an advantage. Collaboration encourages the courts involved to cooperate with each other and exchange information through the communication mechanism provided for in Article 16 at any stage. Regarding challenges, timing is crucial.</p>
<p>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?</p>	<p>I believe these three guarantees should be considered fundamental, although, once established, they may entail the risk of prolonging litigation costs. Therefore, it is important that they be further evaluated to understand their practical significance, which can only be achieved through experience on a case-by-case basis.</p>
<p>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.</p>	<p>I think so.</p>
<p>13.2 Do you have any views on whether the proposed rules set out in the Draft Text would improve the status quo?</p>	<p>I believe that everything in brackets in the draft text should be further considered and carefully evaluated to improve the status quo.</p>
<p>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?</p>	<p>I believe that, as stated, the objective of a future instrument is to improve legal certainty, predictability, and access to justice, reducing litigation costs and mitigating inconsistent judgments in cross-border civil or commercial disputes through these rules. Similarly, by implementing the safeguard rules, the risks of tactical or satellite litigation should decrease. I believe that the way to address these risks should be to indicate this in the draft text, in a general manner, in Article 22(2).</p>
<p>14. What other comments, if any, do you have?</p>	<p>As already mentioned, the objective of a future instrument is to improve legal certainty, predictability, and access to justice, reducing litigation costs and mitigating inconsistent judgments in cross-border civil or commercial disputes through these rules. It follows that, if</p>

	<p>the CGAP meeting in March 2026, at which the CGAP will decide on the next steps of the project, it is hoped that the Draft Test will be implemented, which will be helpful in everything specifically related to cross-border civil or commercial disputes.</p>
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