



ELI

EUROPEAN  
LAW  
INSTITUTE



ELI-UNIDROIT Project:  
From Transnational Principles to  
European Rules of Civil Procedure

In cooperation with

The American Law Institute (ALI)

***1<sup>st</sup> Exploratory Workshop***  
***Vienna, 18 and 19 October 2013***

## The Background

In 2004, the ALI (American Law Institute) and UNIDROIT (the International Institute for the Unification of Private Law) adopted and jointly published 'Principles of Transnational Civil Procedure'. The aim of the work was to reduce uncertainty for parties litigating in unfamiliar surroundings and promote fairness in judicial proceedings through the development of a model universal civil procedural code. The Principles, developed from a universal perspective, were accompanied by a set of Rules of Transnational Civil Procedure, which were not formally adopted by either UNIDROIT or the ALI, but constituted the Reporters' model implementation of the Principles, providing greater detail and illustrating how they might be developed. The Rules were to be considered either for adoption or for further adaptation in various legal systems, and along with the Principles can be considered as a 'model for reform in domestic legislation'.

In 2013, the ELI (European Law Institute) and UNIDROIT agreed to cooperate in order to adapt the Principles from a European perspective and develop European Rules of Civil Procedure. This work will take as its starting point the 2004 Principles and will develop them in the light of: i) the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union; ii) the wider *acquis* of binding EU law; iii) the common traditions in the European countries; iv) the Storme Commission's work; and v) other pertinent European sources.

The 1<sup>st</sup> exploratory workshop, to be held in Vienna on 18 and 19 October 2013, aims at an initial analysis of a series of different topics, ranging from service of process to enforcement, with a view to identifying the most promising issues and the most appropriate methodological approach for the project. The event will be divided into a public conference which gives a general introduction for a wider audience and an expert seminar which should lay the foundation for the elaboration of the ultimate project design by ELI and UNIDROIT.

## PROGRAMME

Venue: Justizpalast, Schmerlingplatz 11, A-1011 Vienna, Austria

### Friday, 18 October: Public Conference

**Chair:** *Loïc Cadiet (University Paris 1; President of the International Association of Procedural Law)*

	Opening and Welcome
10:30-11:00	<i>José Angelo Estrella Faria (Secretary-General of UNIDROIT) and Diana Wallis (President of the ELI)</i>
11:00-12:00	The 2004 ALI/UNIDROIT Principles <i>Geoffrey C. Hazard and Antonio Gidi (ALI)</i>
12:00-12:30	General discussion
12:30-13:30	<i>Buffet lunch</i>
13:30-14:00	The European Acquis of Civil Procedure: Constitutional Aspects <i>Alexandra (Sacha) Prechal (Court of Justice of the European Union)</i>
14:00-14:30	The European Acquis of Civil Procedure: The Existing Body of Rules <i>Burkhard Hess (Max Planck Institute Luxembourg)</i>
14:30-14:45	Civil Procedure: The Agenda of the European Commission <i>Michael Shotter (European Commission)</i>
14:45-15:15	General discussion

### Friday, 18 October: Expert Seminar

**Chair:** *Thomas Pfeiffer (Heidelberg University)*

	Structure of the Proceedings
15:30-16:00	<i>Xandra Kramer (Erasmus University Rotterdam)</i>
	Provisional and Protective Measures
16:00-16:30	<i>Gilles Cuniberti (University of Luxembourg)</i>
	Access to Information and Evidence
16:30-17:00	<i>Nicolò Trocker (University of Florence)</i>
17:00 -17:30	General discussion

## Saturday, 19 October: Expert Seminar ctd.

**Chair:** *Marcel Storme (Professor Emeritus; Honorary President of the International Association of Procedural Law)*

- 09:00-09:30 Due Notice of Proceedings  
*Eva Storskrubb (Senior associate at Roschier, Stockholm)*
- 09:30-10:00 Obligation of the Parties and Lawyers  
*C. H. (Remco) van Rhee (University of Maastricht)*
- 10:00-10:30 Multiple Claims and Parties  
*Rachael Mulheron (Queen Mary University of London)*
- 10:30-11:00 Coffee break

## Expert Seminar ctd.

**Chair:** *Verica Trstenjak (University of Vienna; External Scientific Member of the Max Planck Institute Luxembourg)*

- 11:00-11:30 Costs  
*Neil H. Andrews (University of Cambridge)*
- 11:30-12:00 Lis Pendens and Res Judicata  
*Frédérique Ferrand (University Jean Moulin Lyon 3)*
- 12:00-12:30 Transparency of assets and enforcement  
*Miklós Kengyel (University of Pécs)*
- 12:30-13:00 General discussion
- 13:00-13:15 Closing remarks  
*Rolf Stürner (University of Freiburg)*
- 13:15-14:30 Lunch
- 14:30 -16:00 Strategic Meeting: Next steps  
*Venue: Marietta-Blau Saal, Universitätsring 1, 1010 Vienna*

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