



ELI

EUROPEAN
LAW
INSTITUTE



**TRANSNATIONAL CIVIL PROCEDURE -
FORMULATION OF REGIONAL RULES
ELI – UNIDROIT Rules of Transnational Civil
Procedure
Steering Committee and Co-Reporters –
Joint Meeting
Rome, 21-22 April 2016**

UNIDROIT 2016
Study LXXVIA - SC IV – Doc. 5
English only

**WORKING GROUP ON PROVISIONAL AND PROTECTIVE MEASURES
REPORT FOR ROME DISCUSSION**

1. The Working Group on Provisional or Protective Relief remains active. This is work-in-progress and is presented here in draft form.
2. Progress has been made on both the General Part and the Special Part. But it remains necessary for the Working Group to hold further meetings to hammer out certain points and to fine-tune both the text and the Comments.
3. It is instructive to consider the sequence of topics within the Special Part. The relevant orders are (a) asset preservation orders (Rule 8(1) provides a sub-division of these); (b) evidence preservation orders; (c) custodianship orders; interim injunctions concerning the main relief sought by the claimant; interim payment orders where the main relief sought by the claimant is monetary.
4. Problems of terminology have been tackled by using (as far as is possible) language which reflects the underlying nature or function of each order.
5. Problems arising because of deep-set national practices and procedural habits have been addressed, notably, with respect to types of asset preservation order to be offered and their implementation and enforcement (Rules 8(1)(b), 8(2), 8(3), 17(4), 23). On such occasions it has been considered expedient to permit the relevant court to apply the system with which it feels comfortable.