Book Launch: A Conceptual Analysis of European Private International Law

Dr. Felix M. Wilke (University of Bayreuth, Germany) recently published a new book titled *"A Conceptual Analysis of European Private International Law".*

Here is an overview provided by the author.

The Regulations on Matrimonial Property and on the Property Consequences of Registered Partnerships having entered into force at the end of January, European Union private international law in the strict sense now comprises six regulations. Meanwhile, many Member States have been busy overhauling their domestic private international law codifications. In fact, in the last twenty-five years, twelve Member States have enacted substantial new private international law legislation, most recently Hungary (in force since 1 January 2018) and Croatia (in force since 29 January 2019).

The book *A Conceptual Analysis of European Private International Law* sets out to take both the EU and the national perspective into account and addresses what is often called the "general" issues of the field. The author has combed through legislation and academic contributions from all Member States in order to arrive at the conclusion that there is much more conceptual consensus than generally assumed.

In fact, none of the aforementioned codifications from the last twenty-five years does not have a chapter on "general provisions" and the like. The author charts the similarities and differences among these chapters (albeit without the too-recent Croatian reform), and compares them with positions from Member States without a private international law codification. He goes on to argue that the commonalities ought to ease apprehensions about the potential introduction of general rules of EU private international law – and that, in many cases, the EU is already halfway there, having created (near-)identical provisions for several or all of its regulations: e.g. for public policy, *renvoi*, overriding mandatory provisions, or non-unified legal systems. Furthermore, he submits that the conceptual-theoretical insights gained from the comparative analysis can easily and also

should be transferred to the EU level.

From the foreword by Ralf Michaels: “This is a thoroughly researched work that is both comparative-empirical and prescriptive in nature, a study that both surveys existing law and makes proposals on the basis of its findings. … The fact that the book is written in English provides the discipline with a formidable opportunity to learn about and engage with a specific kind of position towards conceptual issues of private international law.”

The front matter and the table of contents can be found here.

More information can be found here.