

Second Issue of 2007's *Revue Critique de Droit International Privé*

The second issue of 2007's *Revue Critique de Droit International Privé* has been released. In addition to ten case notes, it contains two articles on conflict issues.

The first is authored by Professor Sylvain Bollée, of Reims University, and deals with the extension of the scope of the method of unilateral recognition (*L'extension du domaine de la méthode de reconnaissance unilatérale*). The English abstract reads:

While the method of unilateral recognition is traditionally considered to apply only to foreign judgements or decisions, one can observe that it is now taking on a more extensive form, in particular insofar as it covers the effect of non-decisional foreign public acts. In such cases, closer analysis reveals that recognition does not actually apply to the public act itself, but to the rules by virtue of which such an act produces legal effects within the foreign legal system. These rules are therefore given effect independantly of any designation by a bilateral conflict of laws rule of the legal system to which the acting authority belongs. This is a discrete and perfectly legitimate expression of unilateralism, of which the precise conditions need to be determined. In this respect, it is submitted that rules governing the recognition of foreign judgements could be applied here, except for discrete adjustments and the exclusion of any enforcement procedure such as exequatur.

The second article is authored by Professor Ana Quinones Escámez, of Pompeu Fabra University (Barcelona). The article offers a proposition for the creation, the recognition and the effect of marriages and like unions (*Proposition pour la formation, la reconnaissance et l'efficacité internationale des unions conjugales ou de couple*). The English abstract reads:

Linked to the proliferation of new forms of marriage or quasi-marriage, the latest methodological effort required of Private international law is to apply the development of a real lex matrimonii in which the law of the place of

registration coincides with the lex fori, sometimes hidden under the mantle of public policy. Analysis of situations born of a public act reveals the lex matrimonii as the product of the maxim auctor regit actum and the unilateralist problematic of conflict of public authorities. It leads to proposing solutions which as far as the formation of marriage is concerned, subordinate the issue of choice of applicable law in order to concentrate on issues of jurisdiction and which, at the level of international movement of the new status, make recognition depend on a proximistic-type of assessment of the jurisdiction of the foreign authority and the substantive conformity of the foreign institution to the requirements of forum public policy. For situations resulting from common law or other non formalised marriages the bilateral application of the law of the common habitual residence is recommended.

The article of Professor Quinones Escámez builds on her recent book on *Uniones conyugales o de pareja : formación, reconocimiento y eficacia internacional (actos públicos y hechos o actos jurídicos en el derecho internacional privado)*, Barcelona, 2007.

Articles of the *Revue Critique* cannot be downloaded.