Book: The External Dimension of EC Private International Law in Family and Succession Matters

The papers presented at the international conference held in March 2007 at the University Carlo Cattaneo of Castellanza (see our previous post), and a final report drafted on the basis of the discussion that arose in the colloquium, have been published by CEDAM, under the editorship of *Alberto Malatesta*, *Stefania Bariatti* and *Fausto Pocar*: "**The External Dimension of EC Private International Law in Family and Succession Matters**".

Here's an excerpt from the *Foreword* of the volume:

> *Under the 2005 Framework Programme for Judicial Cooperation in Civil Matters, the European Commission funded an International Research Project presented by the University Carlo Cattaneo of Castellanza on the EC harmonisation of Private International Law and the external relations in family and succession law.*
>
> *A group of scholars coming from various European countries agreed to undertake the task of carrying out an in-depth analysis of the scope of the Community powers in the field of Private International Law in the above matters, with special reference to relationships connected with third States.*
>
> *The focus on family and succession law was deemed crucial in the light of the many initiatives of the European Community in this field pursuant to Articles 61(c) and 65 of the EC Treaty, and of the hot debate they raised about the need itself of such measures and their content. On the other hand, in the course of the Research Project, the European Court of Justice rendered the long-awaited Lugano Opinion (Opinion No 1/03), that provided some general guidelines about the future external dimension of the Community action in the conflicts of laws and its role in the international community.*

And this is the table of contents (available as a .pdf file on the publisher's website):

Introductory Speech – *Fausto Pocar*: The "Communitarization" of Private International Law and its Impact on the External Relations of the European Union;

First Part – EC EXTERNAL RELATIONS AND PRIVATE INTERNATIONAL LAW

- *Alberto Malatesta*: The Lugano Opinion and its Consequences in Family and Succession Matters;
- *Andrea Santini*: The Doctrine of Implied External Powers and Private International Law Concerning Family and Succession Matters;
- *David McClean*: Bilateral Agreements with non-Member States after the Lugano Opinion;
- *Stefania Bariatti*: Bilateral Agreements with non-Member States after the Lugano Opinion: Some Procedural Issues.

General Discussion

- *Laura Tomasi*: The Application of EC Law to non-Purely intra-Community Situations.

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Second Part – GENERAL PROBLEMS OF EC PRIVATE INTERNATIONAL LAW WITH REGARD TO RELATIONS WITH THIRD STATES

Section 1: Jurisdiction, Recognition and Enforcement of Judgments and Administrative Cooperation

- *Alegría Borrás*: Lights and Shadows of Communitarisation of Private International Law: Jurisdiction and Enforcement in Family Matters with regard to Relations with Third States;
- *Etienne Pataut*: International Jurisdiction and Third States: A View from the EC in Family Matters;
- *Andrea Bonomi*: The Opportunity and the Modalities of the Introduction of Erga Omnes EC Rules on Jurisdiction;
- *Marta Pertegás*: Recognition and Enforcement of Judgments in Family and Succession Matters;
- *Roberto Baratta*: Short Remarks on EC Competence in Matters of Family

Law;
- *William Duncan*: Administrative Cooperation with regard to the International Protection of Children.

General Discussion

- *Carola Ricci*: Habitual Residence as a Ground of Jurisdiction in Matrimonial Disputes: From Brussels II-bis to Rome III;
- *Gaetano Vitellino*: European Private International Law and Parallel Proceedings in Third States in Family Matters.

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Section 2: Applicable Law

- *Kurt Siehr*: Connecting Factors, Party Autonomy and Renvoi;
- *Peter McEleavy*: Applicable Law and Relations with Third States: The Use and Application of Habitual Residence;
- *Th. M. de Boer*: Unwelcome Foreign Law: Public Policy and Other Means to Protect the Fundamental Values and Public Interests of the European Community;
- *Johan Meeusen*: Public Policy in European Private International Law: In Response to the Contribution of Professor Th. M. de Boer on "Unwelcome Foreign Law";
- *Carmen Parra Rodríguez*: Characterisation and Interpretation in European Family Law Matters;
- *Luigi Fumagalli*: Characterization in European Private International Law: Short Notes on the Interpretation Process from Independence to Functionality and Return (to the Tradition).

General Discussion

- *Cristina Mariottini*: The Internal and External Dimensions in the Harmonization of European Conflict Rules on the Administration of Estates.

Final Report*: Alberto Malatesta*.

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