

Dutta & Wurmnest: European Private International Law and Member State Treaties with Third States. The Case of the European Succession Regulation

In the last decade, the European Union has unified large segments of private international law for its Member States. However, existing treaties concluded by Member States with Third States enjoy priority over European private international law rules. This priority rule hampers the uniform application of EU law and creates friction with harmonised procedural rules. In addition, the legal relationships for large numbers of Third State citizens are not governed by EU private international law but by rules laid down in international treaties, which often dates back to the beginning of the 20th century. ❌

The implications of this pluralism on the functioning of the rather new European private international law rules have not yet been explored in depth. The various international treaties or conventions concluded by the current Member States have neither been comprehensively collected nor has their content been analysed in a systematic manner. This book, published by Intersentia, aims to fill this gap in part. It is the fruit of a research group led by *Anatol Dutta* (LMU München) and *Wolfgang Wurmnest* (Universität Augsburg).

Focused on the area of succession law, a field of law chosen in an exemplary manner, the book analyses the scope and effect of treaties and conventions with Third States on the functioning of the European Succession Regulation (Regulation No 650/2012). There are country reports from selected EU Member States (Austria, Belgium, Croatia, Czech Republic, Finland, France, Germany, Italy and Sweden) on the treaty law and its application. To understand if and how Third States apply and interpret these treaties and conventions, there are also reports from selected Third States (Bosnia and Herzegovina, Iran, Montenegro, North Macedonia, Serbia, Switzerland and Turkey). In addition, the book contains a chapter on the competences of the EU and of the Member States to revise the

treaty law. The study concludes with a comparative report, which explores the background of the treaty law and discusses various policy options at the national and the European level to ameliorate the legal framework for cross-border succession cases.

To lay the foundation for a cross-border analysis of the treaty law, the book compiles 27 bilateral treaties and multilateral conventions dealt with by the national reports in the area of succession law. The relevant rules of these sources were also translated into English. Such a comprehensive collection and translation of the treaty law thus far does not exist.

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