

Revue Critique de droit international privé - issue 2024/3

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The third issue of the *Revue Critique de droit international privé* of 2024 was released on October 1st. It contains four articles and several case notes. In line with the *Revue Critique*'s recent policy, the doctrinal part will shortly be made available in English on the editor's website (for registered users and institutions).

The volume features a first article on *L'ambiguïté de la notion de « reconnaissance » confrontée à la proposition de règlement de l'Union européenne relative à la filiation* (The ambiguity of the concept of "recognition" in the light of the EU draft regulation on parenthood) authored by Prof. Christine Bideau (Université Jean Moulin Lyon 3), who provided the following abstract :

The term "recognition" is often used in private international law, but it has very different meanings. So when the European Commission draws up a proposal for a regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood, insisting on the permanence of the parenthood link regardless of the Member State in which the persons concerned are located, we can only wonder what meaning it intended to give to this "recognition" of parenthood that it advocates in its explanatory memorandum.

In the second article, Prof. Étienne Pataut (Université Paris I Panthéon Sorbonne) discusses the *Perte de nationalité en Europe : la consolidation du contrôle de proportionnalité* (Loss of nationality in Europe : the strengthening of proportionality review). Its abstract reads as follows :

By two new decisions, the Court of Justice clarifies the content, in particular procedural, of the proportionality control in matters of loss of nationality. These solutions could have a significant impact on French litigation in this area.

In the third article, Prof. Gilles Cuniberti (Université du Luxembourg) embarks *À la recherche d'une justification sérieuse à l'application de la Convention de 2004 sur l'immunité des États par le juge français* (In search of a serious justification for the application of the 2004 Convention on State Immunity by the French judge). The abstract reads as follows :

Since 2011, the French supreme court for private and criminal matters (Cour de cassation) has ruled that the French law of sovereign immunities is based on customary international law, and that it would be reflected in the United Nations Convention on Jurisdictional Immunities of States and Their Property. This Article surveys the case law of several European supreme courts and argues that it is doubtful that the Convention reflects customary international law. It concludes by proposing that French courts apply the Convention as such, instead of pretending to apply customary international law.

Lastly, Prof. Thibaut Fleury Graff (Université Paris II Panthéon Assas) conducts a review of recent French and European case law on *droit des étrangers* (aliens' law). Entitled *Du politique au juridique : qui est l'étranger ? Retours choisis sur la jurisprudence 2023 en matière de migrations* (From the political to the legal: who is the alien? Selected case law on migration in 2023), the contribution offers a critical look at the boundary work constantly at play in the definition of the status of aliens.

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Previous issues of the *Revue Critique* (from 2010 to 2022) are available on Cairn.