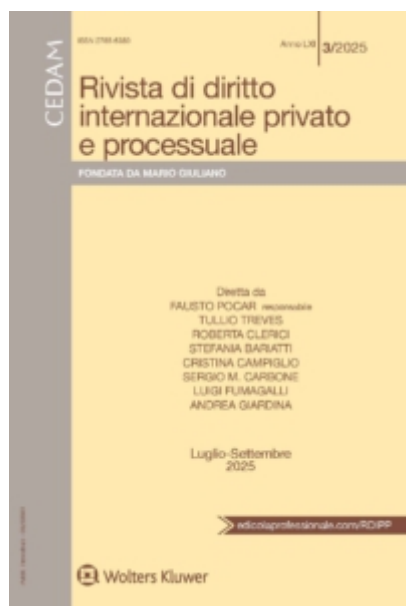


Rivista di diritto internazionale privato e processuale (RDIPP) No 3/2025: Abstracts



The third issue of 2025 of the *Rivista di diritto internazionale privato e processuale* (RDIPP, published by CEDAM) will be released shortly. It features:

Cristina Campiglio, Professor at the University of Pavia, **Cittadinanza *iure sanguinis* e nazionalità: riflessioni internazionalprivatistiche** [Citizenship by Birthright and Nationality: Private International Law Reflections; in Italian]

The recent amendment to the citizenship law, which restricts transmission by descent to two generations, offers an opportunity to revisit the concept of *ius sanguinis* from that specific legal perspective outlined in the nineteenth century by Mancini. Mancini linked citizenship (a public law institution) to nationality (a guiding principle of private international law). This connection remains evident today in cases where Italian citizenship is passed down to descendants born abroad. Filiation status must be evaluated according to conflict-of-laws rules (Arts 33 and 35 of Law 31 May 1995 No 218), which refer to the child's own national law (creating a circular situation) or, if more favourable, to the parent's national law. The public policy exception (Art 16), particularly in cases of medically assisted procreation, can lead to the denial of filiation recognition, potentially resulting in statelessness. The new citizenship rules' generational limit ultimately prompts reflection on whether Law No 218 of 1995, rooted in the nineteenth-century principle of

nationality, should also be reconsidered.

Costanza Honorati, Professor at the University of Milano-Bicocca, **La circolazione di «accordi» in materia di responsabilità genitoriale nel regolamento Bruxelles II-ter: una disciplina destinata ad uno scarso rilievo pratico** [The Circulation of “Agreements” on Parental Responsibility in the Brussels IIb Regulation: A Legal Framework of Marginal Practical Significance; in Italian]

Among the most interesting developments in European family law in recent years is the circulation of authentic instruments and agreements. Regulation (EU) 2019/1111, also known as Brussels II-ter, introduced specific rules for the circulation of authentic instruments and agreements relating to legal separation and divorce, as well as parental responsibility. While numerous contributions have focused on the circulation of agreements relating to separation or divorce, less attention has been paid to agreements relating to parental responsibility. This contribution, through a detailed analysis of the provisions relating to parental responsibility agreements contained in both the aforementioned Regulation and the internal laws of individual Member States, highlights how, at present, this innovative regulatory framework is likely to have little impact. With the sole exception of what occurs in the French legal system, in fact, the category of “agreements” contemplated by the Brussels II-ter Regulation is currently devoid of its own content, being compressed between the private act which embodies the exchange of wills between the parties but which is irrelevant at the international level, and an increasingly broad notion of “decision”, modeled on a control carried out by any public authority, including an administrative one, which is classified as “on the merits” but which can be limited to compliance with the conditions established by law without implying any real appreciation of the content of the agreement.

Gaetano Vitellino, Researcher at the University Cattaneo LIUC of Castellanza, **Misure cautelari e rapporti con Stati terzi in materia civile e commerciale** [Provisional Measures and Relations with Third States in Civil and Commercial Matters; in Italian]

This paper examines the issues that arise when provisional or protective relief is granted in cases involving non-EU States. This topic has received

limited attention in legal scholarship. The analysis presents three main arguments. First, interim relief may be granted not only by courts with jurisdiction over the merits but also by other courts. In this case, the restrictive conditions set out in Art 35 of the Brussels Ia Regulation, as interpreted by the CJEU, should not apply when no EU courts can hear and decide the dispute. Second, recognition and enforcement of provisional measures ordered by non-EU courts are subject to differing domestic rules across Member States. The analysis shows that in most countries – both within and outside the EU – foreign interim measures are generally not capable of being recognised, mainly due to their provisional nature. Third, the paper explores two key aspects of the free circulation of provisional measures within the EU. Firstly, contrary to the suggestions made by the European Commission in its recent report on the application of the Brussels Ia Regulation, it argues that provisional measures granted by EU courts with jurisdiction over the merits under national law should also freely move. Secondly, in line with the rationale behind Art 35, interim measures issued by courts without jurisdiction over the merits should not be prevented from circulating when no EU court can hear and decide the dispute.

Bartosz Wolodkiewicz, Associate Professor at the University of Warsaw, **Erosion of the *Lex Fori Processualis* Principle: A Comparative Study** [in English]

The *lex fori processualis* principle is one of the fundamental concepts of private international law. It asserts that in civil proceedings, unlike in the sphere of private law relations, it is not necessary to indicate the applicable law, since courts apply their own procedural law. Accepted since the 13th century, this principle became almost a dogma in the 19th century. However, in recent decades, the *lex fori processualis* principle has been criticised in academic discourse. Additionally, national legal systems have introduced procedural conflict-of-law rules that explicitly permit the application of foreign procedural law. This paradigm shift, and the resulting erosion of the dominant approach to (in)application foreign procedural law, is the focus of this study. The paper explores the contemporary relevance and legitimacy of this principle, as well as the exceptions to its application, in four legal systems: English, French, German, and Polish law. Based on these findings, three levels of erosion of the *lex fori processualis* principle are identified and discussed.

Paolo Vinciguerra, Master of Laws, **Anti-Suit Injunctions, ECHR and the Public Policy Defence** [in English]

This article examines a specific injunctive remedy: the anti-suit injunction. This is a discretionary judicial order directed at a private party, intended either to prohibit the initiation of proceedings in another forum or to compel the party to cease any proceedings already commenced in that forum under the threat of financial or personal sanctions. After outlining the key judicial developments that have established the incompatibility of anti-suit injunctions with the European legal order, the analysis shifts to the impact of Brexit and the conflict with Russia on the issuance of such injunctions by courts. Within this framework, the article primarily focuses on the possibility of identifying a new legal basis for restricting the circulation of anti-suit injunctions under the general clause of international public policy.

Finally, the issue features the following book review by *Edoardo Benvenuti*, Post-Doctoral Researcher at the University of Milan: **Xandra KRAMER and Laura CARBALLO PIÑEIRO (eds.), *Research Methods in Private International Law. A Handbook on Regulation, Research and Teaching***, Cheltenham-Northampton, Edward Elgar Publishing, 2024, p. v-396.