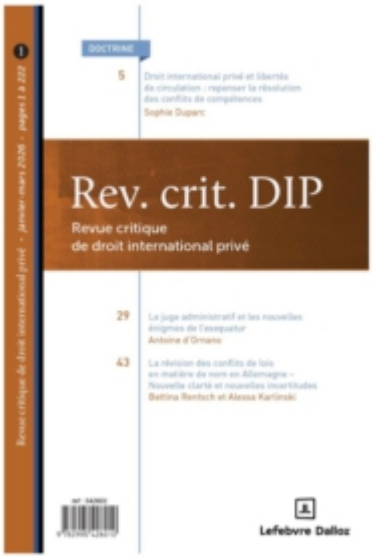
Revue critique de droit international privé – Issue 2026/1

Written by Hadrien Pauchard (assistant researcher and doctoral student at Sciences Po Law School)

The first issue of the *Revue Critique de droit international privé* of 2026 has just come off the press and is available online. It contains three articles, nine case notes, and eight book reviews. In line with the *Revue Critique*'s recent policy, the doctrinal part will soon be made available in English on the editor's website (for registered users and institutions).



The volume opens with Dr. Sophie Duparc's (Université Panthéon-Assas) critical look at the interplay between *Droit international privé et libertés de circulation : repenser la résolution des conflits de compétences* (Private International Law and Freedom of Movement: Rethinking the Resolution of Conflicts of Competence). The expanding influence exerted by European fundamental liberties across all branches of private law indeed raise serious constitutional challenges, which are presented as follows:

> *Initially observed in company law and with regard to the devolution of patronymics, conflicts between freedom of movement and national rules of private international law now affect more sensitive issues, such as same-sex marriage, homoparental filiation or the change of gender identity. The recent decisions of the Court of Justice of the European Union reveal an ever-increasing supremacy of freedom of movement and the correlative neutralization of divergences of opinion between the Member States. This outcome stems from the Court's use of an unbalanced proportionality review, primarily designed to protect the European standpoint. In contrast to this*

approach, it is necessary to underscore the egalitarian nature of the conflict between free movement rights and national rules falling within the competences retained by the Member States. This observation calls for a recalibration of proportionality review: in order to preserve the neutrality of its constitutional function, the Court of Justice ought to take as the starting point of its reasoning the equality of the competing interests, thereby allowing the one carrying the greatest weight in the circumstances of the case to prevail.

In the second article, Antoine d'Ornano (Avocat honoraire, Paris; Attorney at law, New York) focuses on *Le juge administratif et les nouvelles énigmes de l'*exequatur (Administrative Courts and the New Conundrums of *Exequatur*). By lifting the public law taboo in a recent landmark decision, the French *Conseil d'État* brought up important practical concerns regarding the adequacy of the common regime of *exequatur* for the peculiarities of administrative matters. The judgement's grey zones are assessed by the author as follows:

The French supreme administrative court has allowed, for the first time, the enforcement of a foreign judgment of an administrative nature. This decision was rendered pursuant to an international convention, which based the characterization of the judgment and subjected its enforcement to the compliance of the public policy of the forum. This case, as it acknowledges that the administrative feature of a foreign judgment does not, in and of itself, prevent its effect in France, raises the questions of the possibility and conditions of its enforcement in the absence of an international convention. The decision would then likely be rendered by the civil courts applying their standard rules on enforcement of foreign judgments. The criteria set by EU regulation Brussels I bis could be applied to assess the administrative nature of all such judgments, whose enforcement should comply with the public policy of the forum including certain domestic principles.

The last piece by Prof. Bettina Rentsch and Alessa Karlinski (Freie Universität Berlin) comments on *La révision des conflits de lois en matière de nom en Allemagne – Nouvelle clarté et nouvelles incertitudes* (The Reform of German Rules of Conflict of Laws on Personal Names – New Clarity and New Uncertainties). After contextualising the 2025 reform, the authors peruse the new conflict rules, which introduce truly significant developments but are nonetheless

not immune from interpretative shortcomings that could prove of great practical relevance. The article's abstract reads as follows:

> *This article discusses the recent reform of the German Conflict Rules on personal names within its legislative context. It addresses practical and legal shortcomings of the previous regime as against its most important innovations, a shift in the objective connecting factor from nationality to habitual residence and extended choice-of-law options. Through these innovations, Germany liberalises the conflict-of-laws regime for names and enhances name bearers' autonomy. Albeit responding to practical needs in cross-border contexts, the reform also raises questions of interpretation.*

The full table of contents is available here.

Previous issues of the *Revue Critique* (from 2010 to 2025) are available on Cairn.