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Abstract:

The form of dispositions of property upon death is a matter of particular interest to private international law. The law applicable to the form of such legal acts is determined on the basis of special conflict-of-law rules, which can be found not only in domestic acts, but also in various international instruments. Thus, the form of dispositions of property upon death is subject to unified conflict-of-law rules found both in the multilateral Hague Convention of 1961 on the Conflicts of Laws Relating to the Form of Testamentary and in Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession. On top of that there are numerous bilateral agreements concluded by the Republic of Poland throughout the past years, which also contain conflict rules governing the issue in question.

The above sources of private international law constitute a complex ‘patchwork’. Despite their similarity, both in terms of the method used to determine the applicable law and the type of utilised connecting factors, the result of using the various rules may sometimes be different. That is why it is important to delimitate the spheres of application of different sources of law. The author attempts to present the hierarchy of competing acts, placing special emphasis on bilateral conventions, the status of which in the Polish legal system is often overlooked and neglected.