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Abstract:

The author’s reflections contained in the present paper were inspired by the collective work entitled ‘European Private International Law and Member State Treaties with Third States. The Case of the European Succession Regulation’ and co-edited by A. Dutta and W. Wurmnest. The discussion on its content presents an opportunity to provide the author’s take on various issues touched upon in the book that pertain to the interplay between the Succession Regulation and international agreements, which – according to Article 75 of the Regulation – enjoy priority over the provisions of that instrument of EU private international law.

In the first part of the paper, the very notion of the ‘European private international law’ is put under scrutiny. It is proposed that due to its multiple possible readings, at least in some contexts the notion of the ‘EU private international law’ might be preferred. Next, the paper analyses the notion of ‘third states’ and contends that this notion does not have to be interpreted in a uniform way across the Succession Regulation.

The second part of the paper discusses the national reports that form a major part of the book and aim to present the interplay between EU international succession law and international agreements from the perspective of Member States. Here, the contribution presenting the perspective of the European Union is also discussed. It is argued that the latter perspective should not be narrowed down solely to the pursuit of the Succession Regulation exclusivity within the territory of the EU.

The third part of the paper aims to complement the two previously mentioned perspectives with some observations relating to the aforementioned interplay from the Polish perspective.

In the fourth and last part, the selection of Member States included in a study conducted for the purposes of the book is discussed in order to find out whether it is possible to draw any conclusions that would be representative for the EU as a whole. Considering ultimately that the book is indeed a representative and meaningful contribution to the discussion on the precedence of international agreements over the Succession Regulation, the author notes in particular that Spain and Portugal were not included in that study.