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Title: Ujednolicenie pojęć „zamieszkania” i „pobytu” w Rezolucji Komitetu Ministrów Rady Europy (72) 1 / Standardisation of the concepts of “Domicile” and of “Residence” in the Resolution (72) 1 adopted by the Committee of Ministers of Council of Europe

Source: Kwartalnik Prawa Prywatnego („Quarterly of Private Law”)

Year: 2015, vol: XXIV, number 3, pages: 727-749

Keywords: domicile, residence, standardisation of legal terms, Council of Europe, resolution

Discipline: International Private Law, European Law

Language: Polish

Document type: Article

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Abstract:

The subject matter of the article concerns the standardisation of the legal concepts of “Domicile” and of “Residence” in the Resolution (72) 1 adopted by the Committee of Ministers of the Council of Europe on 18 January 1972. The first part of the article presents the nature and the content of the resolution and its annex containing “rules” concerning both concepts. The resolution is not a legally binding instrument and its goal is to influence interpretation of the key legal concepts of “domicile” and of “residence”. The resolution has intended to provide for a unification of these concepts. The next part of the article includes remarks regarding the impact of the resolution on the national legislators and doctrine. The emphasis is put on the role of the concept of “domicile” and “residence” as connecting factors in private international law. The effect of the resolution is discussed in the light of the tendencies of the time, especially standpoint of the Hague Conference on private international law on the use the concept of domicile and the meaning of the term habitual residence.