

YPrIL Research Network

European Private International Law (PIL) is shaped by numerous EU regulations and the case law of the ECJ (and ECtHR). Nonetheless, a pan-European discussion of problems common to all Member States is still rare – in particular at the level of young scholars. We – a small group of young scholars (prae and post doc) from various European States – want to change this.

The first meeting of the **Young Private International Law (YPrIL) Research Network** in the context of our current project 'Recognition of Status' will take place as an annex to the biennial German Conference of Young Scholars in PIL. Hopefully, it will be the starting point to build a more extensive network of young scholars who are interested to exchange ideas, to discuss common challenges and to work on joint projects in order **to promote PIL research from a pan-European perspective**.

Project: Recognition of Status in the EU

A Study on the Cross-border Recognition or Acceptance of Legal Situations
Following the ECJ Decisions in International Name Law

Over a decade ago, a series of decisions by the ECJ regarding international name law triggered a debate commonly associated with 'recognition' or 'acceptance' of status'.¹² A parallel discussion evolved in the context of the case law of the ECtHR, in particular regarding the recognition of adoptions³ and same-sex marriages⁴ performed abroad as well as regarding surrogacy⁵. Contrary to the ECJ that primarily based its arguments on the unjustified violation of right to free movement as stipulated in Article 21 TFEU, the ECtHR justified its decisions by reference to certain human rights, in particular the right to respect for private and family life (Article 8) and the right to marry (Article 12 ECHR). In this context, '**recognition' (of status)** is understood as the acceptance of a legally relevant characteristic that forms part of the 'civil status' of a person (e.g. name, gender, parentage) and that has been 'acquired' abroad, i.e. acquired or conferred in accordance with the laws of another State.

Taking the ECJ and ECtHR decisions as a starting point, we want to find out how the Member States have implemented the results prescribed by the case law – namely, how the 'recognition' of names, and maybe also same-sex marriages, adoptions, parentage and other legal situations is ensured by PIL and/or related rules. For that purpose, young researchers from various EU Member States have drafted national reports and analysed how their respective national jurisdictions deal with the issue of recognition.

¹ See, e.g. ECJ C-148/02 (*Garcia Avello*); C-353/06 (*Grunkin-Paul*); C-208/09 (*Sayn-Wittgenstein*); C-391/09, (*Runevič-Vardyn*); C-438/14 (*Bogendorff von Wolffersdorff*); C- 541/15 (*Freitag*). A similar discussion came up in international company law, see e.g. ECJ 81/87 (*Daily Mail*); C-212/97 (*Centros*); most recently C-106/16 (*Polbud*).

² We use a broad understanding of the term 'civil status of natural persons', including the name and gender of a person, legal capacity and family relations such as parentage (filiation, adoption, surrogacy), marriage, divorce, conclusion and dissolution of formalised partnerships.

³ ECtHR no. 76240/01 (*Wagner & J.M.W.L. v. Luxemburg*); no. 56759/08 (*Negropontis-Giannisis v. Greece*).

⁴ ECtHR nos. 26431/12; 26742/12; 44057/12 and 60088/12 (*Orlandi et al. v. Italy*).

⁵ ECtHR no. 65192/11 (*Mennesson v. France*); no. 65941/11 (*Labassee v. France*); no. 25358/12 (*Paradiso u. Campanelli v. Italy*).

The first results of the comparative analysis of the national reports will be presented and put up for discussion at the **public session**

‘Recognition of Status in EU Member States’
5 April 2019, at 2.30 pm, in Würzburg

which takes place immediately after the 2nd German Conference for Young Scholars in Private International Law. The participation is free of charges; participants may register by selecting this programme item at the registration for the 2nd German Conference.

Following the public session, a smaller group of interested scholars will have the opportunity to participate at a **workshop** during which more details (e.g. best practice, shortcomings) and methodological aspects of the comparative analysis will be discussed. The number of participants is limited, but there are still some places available. We encourage everyone who is interested in participating at the workshop to write an e-mail to Susanne Gössl (sgoessl@uni-bonn.de) and Martina Melcher (martina.melcher@uni-graz.at) by 20 January 2019. Please let us know where you come from so that we may ensure that as many jurisdictions as possible are represented at the workshop.