

BLÁZQUEZ RODRÍGUEZ, Irene. *La persona física y su estatuto. Nuevas perspectivas en la interacción entre el Derecho Internacional Privado y la libre movilidad intra-UE*, (Dykinson, Madrid, 2024)

Natural person in Private International Law (PIL) is under continuous study. The cosmopolitan character of individuals, together with the flexibility of border crossing, keeps this subject in incessant updating (which, in recent times, has addressed issues such as, *inter alia*, the connecting factor to determine the personal Law, the growing role of autonomy of will, or the answers given in terms of personal status before the normalisation of plurinationality or multiculturalism). Currently, one of the most notorious facts – and which fully affects people and their status – is the process of European integration; we are presently witnessing an authentic *ad European* dimension of natural person, who aims to have their status protected under uniqueness and continuity within cross-border relationships.

The present monography focuses appropriately on natural person from a comprehensive point of view who, in spite of enjoying physical mobility, aspires to achieve certain personal and/or family identity recognised in the current EU area of Freedom, Security, and Justice. The ideal place for this analysis is the confluence between a fundamental right of a European citizen, such as the free movement of people, and PIL as a branch of legal systems dealing with private cross-border relationships. This interaction impacts on individuals and necessarily resizes their personal status.

The present work is rightfully structured with four chapters that respond to a way of understanding the European construction itself – called “mecano” accurately by Prof. Blázquez Rodríguez – in which an unprecedented architecture can be successfully achieved with the incorporation of new pieces. With a European legal system that expands at different levels, on the one hand, new rights and prerogatives for individuals are created; and, on the other hand, new areas previously outside the competences of the EU are addressed. Therefore, the first three chapters brilliantly deepen into those elements that converge towards a new reality of natural persons and their status (namely, the free mobility understood *in extenso*, the mutual permeability between EU law and PIL and the fundamental status’ new dimension of the EU citizen). Each one of these issues contribute to a greater prominence of the individual, who acquires an authentic European dimension and takes the place for a continuity of its “personal status” beyond the diversity of state regulations.

The first chapter deals with the right to free movement of people, which is the necessary foundation of legal status of individuals at European level. In particular, from an *ius privatum* perspective the essence and the current scope of mobility in the EU area of Freedom, Security and Justice are discussed. Certainly, a consolidated case law of the CJEU can be appreciated; it guarantees not only the movement of citizens across different member state borders, but also the recognition of private situations that go beyond state sovereignty in the regulation of international relationships. Prof. Blázquez Rodríguez acutely advocates for the recognition of freedom of movement even

beyond national connections, turning to a properly European status. By overcoming national bonds, the recognition of rights is achieved (that the author designates as “third generation” rights and which are focused on natural person and its family scope).

The second chapter analyses the interconnection and mutual conditioning between two disciplines – PIL and EU Law –, which must be understood within the process of European integration. Free movement of people is undoubtedly the institution that, through various ways, has already influenced key issues of PIL modulating its internal origin and helping to elaborate an entire institutional PIL system. In the same way, from a methodological point of view EU Law has also been permeable to certain PIL techniques, a key factor for an integrated European area (hence the principle of recognition). Two innovative contributions of Prof. Blázquez Rodríguez in this chapter should be specially noted (among others). Firstly, the plausible starting point chosen for the analysis: indeed, essential elements such as the concept of “mobility”, “border crossing” and “border” are studied from the perspective of EU Law and PIL. Secondly, an exhaustive analysis of private Law’ notion of “obstacle” to free mobility is wisely conducted through a case law travel built from the first judicial pronouncements on legal persons covering matters related to natural person: amongst those obstacles we can identify the lack of recognition of personal and legal identity or unstable situations regarding family relationships; we must remember that we are dealing with basic rights of individuals, where PIL is being shaped at the European level as a tool for the universalisation of fundamental rights.

The third chapter examines profoundly the citizenship of the EU and its complex articulation regarding state nationality. On the one hand, both the concept and the scope of the status of European citizenship are faced to understand its progress in private Law; special attention is given to key issues such as its consideration as a title of belonging, the quality of person or its supranational essence. On the other hand, under the consideration of EU citizenship as a fundamental status of EU nationals, classic axioms concerning the nationality or the determination of personal Law in cases of plurinationality – or stable link with more than one state – are questioned. In this context, a thorough debate is opened to discuss the nature and the character of “nationality” bond in an integrated Europe. Prof. Blázquez Rodríguez argues precisely for flexibility on the exclusivity of the bond, *i.e.* towards a transformation in its contemplation as a nexus of belonging; in short, she advocates for a “functionalist” reading of nationality, a condition that must be compatible with the fact of being a citizen of the EU. Therefore, in cases under the protection of the CJEU, classic criteria of PIL – such as the pre-eminence of *lex fori* – are abandoned. Additionally, member states must rethink the compatibility of certain nationality rules with the European *status civitatis*, in particular concerning the obligation to renounce to nationality through residence.

Finally, the fourth and last chapter focuses on personal status and its cross-border continuity in the European Judicial Area. In her analysis, the author proposes a valuable definition of “personal status” as well as of its recognition – adapting the classic notion to the specific framework of the European integration process. In the absence of specific normative protection, the legal foundation of this right is based on CJEU case law of notorious relevance (although incipient), whose precedent is ECHR case law.

In this sense, Prof. Blázquez Rodríguez transcends the analyses conducted to date in order to provide a real progress in the field. Firstly, she carries out a detailed exegesis of European case law addressing fundamental issues of personal status such as the name of natural person, the cross-border recognition of civil status or the gender identity from the recent case C-4/23 *Mirin* (CJEU 4th October 2024). Then – and here her analysis is in particular highly innovative – the author supports the existence in this case law of a fundamental right of the EU citizen to the continuity of its personal status, which can claim for such right within the framework of mobility (or even in view of the stable bond with different EU countries). In the remarkable words of Prof. Blázquez Rodríguez, we are witnessing a key moment for natural person: in the European Judicial Area there is a unique context with the necessary elements to transform this platform on which the individual is based that, transcending national rules, acquires a European dimension that welcomes key elements of its personal and family identity. In short, we are watching the elaboration of a renewed personal status at EU level or, if we prefer, of a new dimension of the EU citizenship circulating with its status.

In conclusion, this scientific work represents a very important development in the addressed subject due to the rigorous methodology followed, the precise delimitation of the object of study, the brilliant writing, the richness of the sources used and the motivating proposals made. Therefore, from now on, this book will be an indispensable reference for the study of this subject.

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