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CAMPUZANO DÍAZ, Beatriz, DIAGO DIAGO, Pilar, y RODRÍGUEZ VÁZQUEZ, Mª Ángeles, *De los retos a las oportunidades en el Derecho de familia y sucesiones internacional,* (Tirant lo Blanch, Valencia 2023)

The book *"From Challenges to Opportunities in International Family and Succession Law"*, directed by Professors Beatriz Campuzano Díaz, Pilar Diago Diago, and Mª Ángeles Rodríguez Vázquez, brings together in four parts, the contributions of nineteen authors presented at the VI AEPDIRI Seminar on current issues in Private International Law that took place in Seville in 2022.

The first part entitled *"The new solutions of the Brussels IIb Regulation (EU Regulation 2019/1111) and its application in Spain"*, collects works on two topics: divorce and parental responsibility. Non-judicial cross-border divorce, and in particular notarial divorce, is dealt with in two complementary papers by Professors Quinzá Redondo (*Recognition of non-judicial divorces in the European Union*), and Sánchez Jiménez, (*The Spanish notarial decision as a 'decision' in the context of the Brussels II ter Regulation*). One of the manifestations of the growing role of party autonomy in European private international family law is the progressive flexibility towards the reciprocal recognition of foreign non-judicial divorces. From the Spanish perspective, Professor Sánchez justifies the nature as "decision" of the Spanish notarial divorce and rightly criticizes the Spanish Communication to the European Commission in which it does not include notaries among the authorities that can issue the corresponding certificate.

Secondly, there are several contributions referring to parental responsibility and filiation. Two of them refer to issues raised by the Brussels II ter Regulation: the one by Professor González Marimón (*The maintenance of the pre-emption mechanism in the Brussels IIb Regulation: a missed opportunity*), in which she analyzes the novelties in the regulation of this mechanism applicable to cases of international child abduction, and the one by Professor Moreno Sánchez Moraleda (*Does Article 56(6) of EU Regulation 2019/1111 ensure the best interests of the child?*), in which she questions the application of this provision, which makes it possible to refuse the return, considering that it may contravene both the Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union. The third paper, signed by Professor Parra Rodríguez, (*Are minors the driving force behind the standardization of European law? A jurisprudential analysis of family law in European courts and its impact on the proposal for a European Certificate of Parentage*), analyzes the discussed proposal for a EU Regulation on parenthood, assessing whether it really favors the free circulation of public documents in this matter. She concludes that the proposed parenthood certificate proposal does not seem likely to achieve its intended objective because of the difficulty of some European States to accept family relationships contrary to their constitutional principles. Perhaps this work, for thematic reasons, and independently of how the seminar was structured, should have been included in the third part of the book referred to civil status and mutual recognition in which other contributions on this subject appear.

The second part of the book deals with the *"Economic regime of marriage and partnership, inheritance and organization of family assets"* and the works are grouped around three thematic axes.

Three chapters deal specifically with the economic regime of marriage. In the first one, Professor Jiménez Blanco, with the title *Equality between spouses and cross-border matrimonial property regimes*, makes a suggestive reading of EU Regulation 2016/1103 on matrimonial property regimes, from the perspective of the right to equality and non-discrimination between spouses. The work analyzes neutrality and equality in the connections in matrimonial property agreements and in absence of them and points out tools provided to guarantee them such as public order, police rules or the forum necessitatis. However, it warns that the Regulation cannot guarantee such equality with respect to all types of marriages, as it excludes from its scope of application "the existence, validity and recognition of marriage", which leaves its effects, particularly with respect to same sex marriages or polygamous marriages, in the hands of national laws.

Professor Checa Martínez (*Legal Institutions of International Estate Planning: The cross-border protection of family assets*), analyzes in his interesting work the so-called international estate planning as a category related to the protection, planning and transmission of family assets, referring to the matrimonial property regime but also to prenuptial agreements, wills or trusts. Finally, Professor Figueroa Torres (*Law applicable to marital contracts granted abroad under the new Puerto Rican private international law*) analyzes the Puerto Rican private international law in these matters included in the new Civil Code of 2020.

Two papers refer, secondly, to cross-border successions. Professor Merchán Murillo (*Digital succession and the Succession Regulation. Special reference to the European Certificate of Succession: Is its electronic processing possible?)* through multiple practical examples that greatly facilitate the understanding and scope of what he is dealing with, distinguishes in his work the digital identity of digital assets. The latter have a patrimonial content that can be transmitted mortis causa and are always cross-border in nature. He therefore concludes that digital succession property is included in the scope of application of EU Regulation 650/2012 and goes on to consider the electronic processing of the European Certificate of Succession in these cases.

In the chapter entitled *On the competence of the French notary to issue the "acte de notorieté" in cross-border successions in the EU*, Professor Melgarejo Cordón wonders why only the Brussels II ter Regulation defines as court any authority in any Member State with competence in matters falling within the scope of application of this Regulation', thus including notaries. This definition does not appear in the other regulations, particularly in EU Regulation 650/2012, which has opened the doctrinal debate on such consideration in matters of succession. And he exemplifies this question in the determination by the French notary of the last habitual residence of the deceased when issuing the acte de notoriété, a determination that, in his opinion, is of a jurisdictional nature and therefore binds him to the rules of international jurisdiction of Regulation 650/2012 and this *acte* should be considered as a decision and not as a public document.

This second part ends with a paper by Professor Chéliz Inglés entitled *Registered partnerships of convenience': combating fraud and proposals for improvement*, in which she

refers to the ex post sanctions of this fraud, but insists on the importance of a priori preventive control, which in her opinion would need in Spain a national regulation of registered partnerships.

The third part of the book brings together various works under the title *Civil status: "The new solutions of the Civil Register Bill and the impact of the principle of mutual recognition in the European Union"*. Three of the contributions refer to the proposal for a Regulation on parenthood, and the case law of the CJEU on the subject. Professor González Beilfuss writes on *Filiation in private international law: at the crossroads between the protection of human rights and mutual recognition*, a subject that she knows deeply as a member of the group of experts and working group created within the Hague Conference on Private International Law, which has been working on this subject since 2015. In her work, the author points out the pressing importance of having an international regulation of natural parentage and cannot leave the ECtHR and the CJEU alone in their solutions on specific cases. She analyses the work of the Hague Conference (centered on the establishment of filiation, with an eye on surrogacy), and of the European Union (with the proposed regulation centered on the spatial continuity of parentage already established and with an eye on homomarental filiation), and concludes that both lack a more general approach, with particular attention to the best interests of the child.

Professor Sales Pallarés (*The recognition of cross-border legal filiation is necessary for the respect of family life*), also analyses the proposals of both organizations, which, as she points out, initially led to an unfounded optimism, and insists on the importance of having an international regulation on the matter, based on respect for family life. Finally, in relation to this same issue, Professor Pérez Martín asks: *What if the CJEU had recognized same-sex parenthood? Hypotheses, challenges, problems and opportunities*, since the CJEU has limited itself in the two judgments handed down on the matter (Pancharevo and Rzeczhnik cases) to recognizing the exercise of the freedom of movement of daughters and mothers, but without recognizing the rest of the effects and rights of this family relationship.

There are two works referring to strictly registry matters: that of the lawyer of the administration of justice Ruiz de la Hermosa Gutiérrez on *Law 20/2011: the Register of persons*, in which he summarizes the regulation of this Register, and that of Professor Ortiz Vidal on Notaries, *oaths and promises of nationality: The impact of the free circulation of public documents in the European Union*, in which she positively values the fact that the oath and promise of nationality can now be made before a notary, and resolves some procedural questions such as the territorial jurisdiction of the notary, considering that it should be the notary of the applicant's place of domicile in Spain.

Finally, the book includes a miscellaneous section entitled *'The opportunities offered by international family and inheritance law in a transnational society'*, which brings together three works. Professor Adam Muñoz writes on *Situations of domestic violence in cases of international child abduction in the framework of the European Union*, and refers critically to the Brussels II ter EU Regulation which, in her opinion, should have contemplated domestic violence as a specific cause for refusing to return the child to the Member State of habitual residence from which he or she has been abducted, given that the child is also usually a direct or indirect victim of such violence.

Professor Fontanelles Morell analyses the ruling of the CJEU of 9 September 2021 in his work entitled *The inclusion of donations mortis causa in Regulation (EU) nº. 650/2012*. The ruling includes the irrevocable donation mortis causa with effects upon the death of the testator within the material scope of application of the Regulation, assimilating it to a succession agreement. However, this classification may be problematic, in the author's opinion, in other cases such as gifts upon death revocable and with patrimonial effects during the life of the donor , which do not conform to the pattern of the inheritance contract. For this reason, he suggests classifying the donation mortis causa in a functional manner and therefore as an autonomous category.

Finally, Professor Rodríguez Pineau, in her suggestive work entitled *The interpretation of private international family law: Brussels and The Hague meet in Luxembourg*, analyses the role of the CJEU in the interpretation, with common criteria and autonomous qualification, of European regulations and also of the Hague Conventions on family law, insofar as the latter form part of the European system of private international law, not only in intra-EU cases, but also in some cases related to non-Member States. The author considers that the role of the CJEU can be fundamental in reducing the complexity of the system and in constructing coherent solutions that facilitate convergence between jurisdictions.

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