

RODRIGUEZ BENOT, Andrés, *Le régime économique des couples en droit international privé*, The Hague Academy Collected Courses Online / Recueil des cours de l'Académie de La Haye en ligne, Brill/Nijhoff, Leiden/Boston, 2025.

The delivery of a course at the Hague Academy of International Law represents a form of recognition for the selected person. When the Academy chooses a Spanish representative, it is also a source of collective satisfaction, as it reflects the quality of international law studies in our country. The selection of Professor Rodríguez Benot to deliver a course at the Hague Academy is completely justified from a twofold perspective: on the one hand, the bibliographical note preceding this course highlights the numerous and important academic achievements that mark his career; and on the other, the content of the course, which we review here, is a clear example of the quality and depth of his work, which has made him an important figure in the field of private international law.

The subject chosen by Professor Rodríguez Benot for his course, “*Le régime économique des couples en droit international privé*”, is closely linked to one of his main lines of research. International family law, as well as international succession law, has always been among the areas to which he has devoted the greatest attention. Moreover, he has had the opportunity to approach these matters not only from the viewpoint of the academic researcher, but also as an adviser in the processes of normative harmonization carried out within the European Union, which has greatly enriched his analytical perspective.

As for the content, Chapter I, of an introductory nature, is intended to present the whole structure of the course. Chapter II is particularly important, as it serves to frame the rich and complex issues surrounding the subject of the course. As the title of the course indicates, with the reference to “couples”, the treatment of the economic regime is not limited to marriages, as has traditionally been the case, but goes further, also encompassing registered partnerships. In this regard, the course begins by raising a particularly significant issue: the existence of a marriage or a registered partnership as a preliminary question, on which depends the applicability of the solutions provided to regulate the economic regime. Following this, an interesting and comprehensive comparative law analysis of the couple’s economic regime is offered, in which Professor Rodríguez Benot clearly and systematically presents the main solutions in Western countries, and subsequently refers to the particularities of Anglo-Saxon or common-law systems and Muslim countries. In this context of diversity, it becomes clear that private international law solutions take on great significance. Chapter II also examines another crucial issue, which will be reflected in later chapters: the relationship between the couple’s economic regime and the possibility of a crisis in the relationship or the death of one of its members. The chapter concludes with further reflections that highlight the complexity of the subject, since alongside the economic effects of the couple’s relationship, personal effects also arise.

Chapter III is devoted to the analysis of the various initiatives undertaken to unify private international law rules in this area. Following a logical structure, the chapter begins with the work of the Hague Conference on Private International Law, due to its intended universal scope, which has adopted two conventions in this field, limited to marriage (1905 and 1978), both of which have had very limited success. In the context of regional codification, the first section is dedicated to Europe, where, after a brief reference to the International Commission on Civil Status, which has adopted a Convention on the recognition of registered partnerships, the course delves into Regulations 2016/1103 and 2016/1104 concerning matrimonial property regimes and the property consequences of registered partnerships. These regulations are carefully examined in relation to their drafting process, scope of application and definitions provided in their initial provisions to facilitate their implementation. The overview of regional unification processes is completed with a brief reference to the Convention binding the Nordic countries, followed by a presentation of the initiatives developed in the Americas. Moreover, an originality within the international unification landscape is the bilateral convention signed in 2010 by Germany and France, which establishes a marital property regime based on participation in acquisitions, applicable on an optional basis. The exhaustive analysis offered in Chapter III concludes with reference to doctrinal unification efforts, where a distinction is also made between the universal and regional level.

From this point onward, Professor Rodríguez Benot focuses on analyzing private international law solutions, distinguishing between procedural matters and applicable law. In his analysis, Regulations 2016/1103 and 2016/1104 play a central role, though other international instruments and national rules are also referenced. Chapter IV, which addresses procedural issues, examines international jurisdiction following the model of the aforementioned Regulations, distinguishing between rules whose application depends on whether the economic issue arises in connection with the succession, the couple's crisis, or in disputes between the partners themselves. The procedural analysis is accompanied by a study of the extraterritorial effectiveness of judicial decisions, authentic documents and court settlements. Subsequently, Chapters V and VI are dedicated to applicable law issues from two perspectives: *ad intra* and *ad extra*. In Chapter V, addressing the *ad intra* perspective, a distinction is made depending on whether the partners have entered into an agreement governing their economic relations, with detailed analysis of the private international law issues arising from such an agreement. In cases where no such agreement exists, the determination of the applicable law is examined, with particular reference to party autonomy and the law applicable in the absence of choice, highlighting the differences that arise in this regard. The chapter also delves into other aspects related to determining the applicable law, such as problems in applying conflict-of-laws rules, including reference to multi-legislative systems and the difficulties this may create in some countries, as it is the case of Spain. Chapter VI, devoted to the *ad extra* perspective, focuses on the protection of third parties through publicity of the couple's economic regime, leading Professor Rodríguez Benot to reflect on existing publicity systems, the law applicable to registration, and its effects.

As can be concluded from all that has been said, this course is developed with a very clear and comprehensive structure regarding the couple's economic regime. An

additional merit is the rich doctrinal foundation on which it is based. Our most sincere congratulations to Professor Rodríguez Benot, whose work enriches the content of the *Recueil des Cours* by offering a rigorous and updated perspective on the couple's economic regime, which is not limited to marriage.

Beatriz CAMPUZANO DÍAZ
University of Seville

