



## Foreword

The current volume of “Problemy Prawa Prywatnego Międzynarodowego” — the leading Polish periodical in the field of private international law — is primarily devoted to the Regulation No 650/2012 of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession (“the Succession Regulation”).

The Succession Regulation constitutes one of the first EU instruments of private international law inevitably affecting the everyday life of an average European. A well-known saying — attributed to Benjamin Franklin in his letter to Jean-Baptiste Le Roy in 1789 (although the origins of this self-evident statement are disputed) — states that “nothing is certain except for death and taxes”. It describes things that are unavoidable for any human being. Tax law, at least as far as direct taxation is concerned, remains predominantly within the competence of the Member States. By adopting the Succession Regulation, the Union legislator established the rules affecting the legal consequences of the other “unavoidable” aspect of human existence.

As the ambiguous origin of the aforementioned saying illustrates, apart from death and taxes, nothing is indeed certain and self-evident. This is also the case of the Succession Regulation. The first experiences with its application in the Member States have made it possible to identify a number of vital legal problems, which go beyond the issues that had been discussed at the moment of the adoption of the Regulation in question. Indeed, the Succession Regulation has turned out to be a goldmine of challenges for practitioners and academics. These challenges range from classical issues of private international law, such as the delimitation of the scopes of applicable laws or preliminary questions, to issues

of a more general character, such as the notions of “Member State” or “court” within the meaning of the Succession Regulation. Moreover, in order to properly identify and explain these challenges, a cooperation of legal experts coming from different legal traditions seems indispensable. For this reason, I would humbly submit that both the conference and the collection of studies contained in the present volume of “Problemy Prawa Prywatnego Międzynarodowego” represent an important step in the consolidation of European Succession Law.

As a former secretary of the Editorial Board of this periodical, I am particularly honoured to host among the authors the most distinguished European scholars in the field. There is no doubt that the voice of Academia continues to inspire both the Court of Justice of the European Union as well as national courts in the interpretation and application of the Succession Regulation. At the same time, judicial decisions should be properly addressed, assessed and, if need be, critically scrutinised in legal writings. This is the only way to consolidate European Succession Law in order to make it equitable and comprehensible for all Europeans who — without any exception — are not immune from dealing with legal aspects of succession. I strongly believe that the studies contained in the present volume of “Problemy Prawa Prywatnego Międzynarodowego” will contribute to this ongoing and lively debate with its enormous practical implications.

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