

Parenthood determination with an international element

Abstract

The aim of the thesis is a detailed description of the concept of parenthood determination with an international element, both in the sense of the current legislation and from the perspective of the Proposal for a Regulation on parenthood, as a forthcoming EU legal act, which, if adopted, would unify the rules for the determination and recognition of parenthood throughout the European Union.

The thesis focuses on the rules for the establishment of jurisdiction, the determination of applicable law and the recognition of decisions, in the order in which they are regulated by the Private International Law Act. For each of these concepts, it also provides an overview of the rules contained in the various international treaties that modify rules set by the Private International Law Act. In relation to each of these institutes, it also discusses the proposed EU regulation. The thesis discusses the interpretation of the used terminology, proposing a unified way of interpreting it, as it differs across the various legal documents in question. It also lists the relevant case-law in relation to the individual concepts.

In the context of the Proposal for a Regulation on parenthood, it then provides a description of the proposed rules and highlights the potential benefits of the forthcoming regulation. However, at the same time, it outlines possible shortcomings and areas of contention in the Proposal for a Regulation which could potentially hinder its adoption process.

Key words: [parenthood determination, private international law, regulation on parenthood]