

Introduction to Private International Law in Sweden (summary)

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In this article I have given an outline of private international law (PIL) in Sweden, which is not familiar enough to the jurisprudence in Japan.

The first chapter deals with international and domestic legal sources of Swedish PIL. The international legal sources can be divided into three categories: nordic, european and global. The legislative cooperation among the Nordic Countries has produced several treaties on PIL, chiefly in the area of international family law. For this reason, when one would solve the problems of Swedish PIL, one should ask first whether inter-Nordic rules are applied there. As Sweden has become a member state of the European Union, the EU PIL rules are applied also in Sweden. Now EU law has a significant influence on Swedish PIL and will have more in the future. Sweden is also a member of the Hague Conference on Private International Law and has ratified 12 Hague conventions. Sweden is a party to some other global treaties, too.

As for domestic law, Sweden has no unified PIL code. Relevant legislation is enacted in family-law fields as an independent act or as a part of it. With regard to property law or law of obligation, Sweden has hardly any domestic PIL rules. Hence when I describe Swedish PIL in the next chapter, I focus on family-law areas.

In the second chapter, I briefly describe the content of PIL of Sweden. There I have mentioned several acts, such as “Law on a certain international legal relations regarding marriage and custody,” and travaux préparatoires such as “Statens Offentliga Utredningar” and “propositions.” I do not want to go into any details here, but it should be emphasized that in Sweden preparatory works are of the greatest importance when it comes to construction or interpretation of law.

Registered partnership is the subject of the third chapter. In Sweden a same sex couple, who can choose to be cohabitantes just like a man and a woman, can also have their relationship registered to be a registered partner. A registered

partnership has almost the same effect as a marriage, including that they can adopt a child. A couple can be registered in Sweden either when one of the parties is Swede, Danes, Icelanders, Netherlander or Norwegians with his or her address in Sweden or when he or she has his or her address in Sweden for more than two years. The registration and its dissolution must fulfil the requirements of Swedish law. In the near future, registered partners may be able to have a child by way of artificial insemination. Then there will be some rules on fatherhood and motherhood.

PIL in Sweden is quite different from that in Japan. Though you should not try to import it directly into Japan, they are full of suggestions.