

In recent years, judges, notaries and other legal practitioners and authorities have frequently been faced with the need to determine the law applicable to dispositions *mortis causa*, including joint wills. Joint wills merit particular attention in the conflict-of-law context because of the far-reaching differences in their understanding in the substantive law of the various countries. The issue of the conflict rule with regard to joint wills took on a new dimension after the application of the Succession Regulation in the Member States of the European Union (with the exception of Denmark, the United Kingdom and Ireland). On the basis of the application of the Succession Regulation, the relevant issue is whether joint wills qualify as agreement on succession within the meaning of the Regulation.

The introduction to the main considerations is to present the concept and genesis of joint wills, the different ways in which they are conceived (jointness as to content and jointness as to form), the different ways in which they are structured (reciprocal and corespective wills, concurrent wills) and the differences between joint wills and the agreement on succession.

Next, the approach of selected foreign legal systems to the institution of joint wills is presented using the comparative law method. A general overview of all EU countries' legal systems is first made. The aim is to show that the EU Member States are clearly divided on the admissibility of joint wills.

This is followed by a more detailed presentation of selected legal systems containing a prohibition of joint wills and legal systems which allow joint wills with limited or no restrictions. The aim is to demonstrate the wide-ranging differences in the conception and admissibility of joint wills in the substantive law of the various states, as well as the fact that the prohibition of joint wills may vary in scope.

Further considerations were carried out primarily on the basis of the dogmatic-legal method.

The chapter on the law applicable to succession in Polish and European private international law provides an introduction to the core considerations of the conflict-of-law treatment of joint wills.

First, an analysis of the sources of Polish and European private international law is conducted. Due to the recent change of the legal state of the law this analysis has to be considered necessary. For the purposes of further research, it was necessary to present within the framework of this chapter the connecting factors present in the conflict rules of international succession law.

To the extent necessary, a general characterisation of the domestic (foreign) conflict of laws rules in succession matters is made on the basis of the comparative law method. The

statutes occurring in international succession law, i.e. the general statute of succession, the statute of legal dispositions *mortis causa* and the statute of form, were used as a criterion for division.

The conflict rules by which the law applicable to joint wills is to be sought are then identified, and the areas of application of the various conflict rules are delineated. The conflict rules to be applied in order to determine the law applicable to: the admissibility of joint wills; the consequences of joint wills (limitations on revocability and interdependency); and the legal consequences of dispositions made in joint wills.

Subsequently, problems of qualification of joint wills (i.e. qualification of the concept of joint wills and qualification of the prohibition of joint wills) are identified. As part of the chosen research task, proposed solutions to these qualification issues are presented. These considerations are preceded by an analysis of the available qualification tools. It then examines the conflict-of-law rules by means of which the applicable law is to be sought for the assessment of the identified specific issues, i.e. testamentary capacity, the admissibility of representation in the drawing up of a will, questions of family law and legal capacity, an *agreement not to revoke a will* and the admissibility of conversion. The dissertation then considers whether it is permissible to apply the public policy clause against joint wills.