

Internationality is a central concept of private international law, which has however never been clearly defined. The construction of Europe and the several phenomena of despatialization brought about by globalization have made it even more difficult to grasp by introducing a differentiation between European and truly international situations and by partially calling into question the spatial localization of legal situations. The definitional difficulties that have always affected the notion of internationality are today gaining in visibility and importance as a result of the increase in the number of international situations. In this context, we first propose certain solutions to the most common problems of apprehension of internationality, as well as the adoption of a functional approach to the concept, which makes it possible to define its contours with satisfactory precision. Secondly, starting from the observation that the existence of internationality triggers the application of the rules of private international law, which lead to a legal regime that is often different and more favorable than that reserved for internal situations by domestic law, it is shown that this difference in treatment resulting from internationality is not always justified, in that it is not driven by the needs specific to internationality. Similarly, the appropriateness of establishing a legal regime specific to European situations as compared with truly international situations is partly questioned. With regard to the influence of European regionalization and despatialization on the regime of international situations, we finally partially question the appropriateness of the establishment by EU-law of a different legal regime for European situations and truly international situations, on the one hand, and conclude that the current methods of private international law are adequate to regulate transnational situations, on the other hand.