

PRIVATE ENFORCEMENT OF EU LAW BEFORE NATIONAL COURTS

The EU Legislative Framework

FOLKERT WILMAN



ELGAR EUROPEAN LAW AND PRACTICE

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Standing to Enforce European Union Law before National Courts Hilde K Ellingsen, 2021-03-25 Access to court has long been recognised as an essential element of a Union based on the rule of law This book asks how can Member States ensure that their rules on standing guarantee that right The book answers this question by analysing the requirements of EU law from two angles first the effective protection of Union rights second the effectiveness of Union law per se With detailed case law examination the book formulates an autonomous Union law doctrine of standing based on the principle of effective judicial protection It then goes further setting out an effectiveness test of Member States enforcement mechanisms to ensure that EU law is rendered operative in practice This is a rigorous study on a question of immense importance *Combating Collusion in Public Procurement* Katarzyna Kuźma, Wojciech Hartung, 2020-10-30 This book offers a clear and structured examination of how joint bidding structures comply with competition rules in Europe It explains how joint bids could be considered as agreements aimed at distorting competition the practice commonly referred to as bid rigging The book demonstrates how the conclusion of joint bid agreements could constitute grounds for exclusion from public procurement proceedings under Article 57 4 d of Directive 2014 24 EU [The Passing-On Problem in Damages and Restitution under EU Law](#) Magnus Strand, Ignacio García-Perrote Martínez, 2023-12-11 Passing on occurs when harm or loss incurred by a business is passed on to burden that business s customers or the next level of the supply chain In this thoroughly revised and updated second edition the authors provide the only available comprehensive examination of passing on in damages and restitution under EU law The analysis covers a broad range of contexts including competition damages and the repayment of charges

Vertical Agreements in EU Competition Law Frank Wijckmans, Filip Tuytschaever, 2025-03-19 Now in its fourth edition this volume provides comprehensive specialised coverage of EU competition law applicable to vertical agreements offering insightful analysis of the new block exemption regime under the Regulation EU 2022 720 and the 2022 Vertical Guidelines and the block exemption regime applicable to the distribution of motor vehicles Business practice is replete with vertical agreements and practitioners are often asked to advise on the admissibility of certain restrictions of competition included in such agreements The latest edition of Vertical Agreements in EU Competition Law discusses these restrictions and the different distribution systems in which they can be found including exclusive selective and free distribution as well as franchising and agency It offers expanded coverage of regulations applicable to online sales and advertising including a new chapter on e commerce The authors draw on their competition law experience to provide detailed and practice oriented analysis of the EU regulatory framework as applied by the Commission and the EU courts The latest instalment of an established practitioner text Vertical Agreements in EU Competition Law is an essential resource for lawyers and legal counsel practising in the field of competition law **MiFID II and Private Law** Federico Della Negra, 2019-07-11 In the wake of the global financial crisis investors have suffered significant losses as a result of breaches of conduct of business

rules in the distribution of financial instruments MiFID II introduced new disclosure distribution and product governance rules to strengthen the protection of investors but like MiFID I did not harmonise the civil law consequences for their violation This book asks whether in spite of the silence of the EU legislators the MiFID II conduct of business rules may produce civil law effects enabling investors to enforce them against investment firms before national courts and alternative dispute resolution ADR mechanisms Building on the case law of the CJEU the book shows the conditions under which the breach of MiFID II conduct of business rules should give rise to a private law remedy and what remedies would be compatible with EU law MiFID II and Private Law is an essential contribution to academic research in EU and financial law and will be a key text for policy makers and legal practitioners working in the field of investor protection regulation and mis selling litigation

International Antitrust Litigation Jurgen Basedow, Stephanie Francq, Laurence Idot, 2012-02-03 The decentralisation of competition law enforcement and the stimulation of private damages actions in the European Union go hand in hand with the increasingly international character of antitrust proceedings As a consequence there is an ever growing need for clear and workable rules to co ordinate cross border actions whether they are of a judicial or administrative nature rules on jurisdiction applicable law and recognition as well as rules on sharing of evidence the protection of business secrets and the interplay between administrative and judicial procedures This book offers an in depth analysis of these long neglected yet practically most important topics It is the fruit of a research project funded by the European Commission which brought together experts from academia private practice and policy making from across Europe and the United States The 16 chapters cover the relevant provisions of the Brussels I and Rome I and II Regulations the co operation mechanisms provided for by Regulation 1 2003 and selected issues of US procedural law such as discovery that are highly relevant for transatlantic damages actions Each contribution critically analyses the existing legislative framework and formulates specific proposals to consolidate and enhance cross border antitrust litigation in Europe and beyond

Antitrust Settlements Giovanna Massarotto, 2019-10-17 Competition enforcement authorities use settlements as a tool to ensure compliance with antitrust law Companies can make commitments to remedy breaches ensuring that they avoid litigation and potential fines and reputational damage The author of this highly original and innovative book shows that rather than fines or arguing principles of competition law in litigation antitrust settlements namely U S consent decrees and EU commitment decisions hold the key to globally effective enforcement particularly in the digital and blockchain era Antitrust law does not necessarily need to be abolished but rather should be fully exploited as an economic regulation led by antitrust settlements In supporting her thesis the author examines such elements of competition enforcement as the following drawbacks of allowing the courts to regulate markets whether antitrust settlements sacrifice antitrust deterrence how settlements rapidly and surgically regulate markets comparative analysis between U S consent decrees and EU commitment decisions economic analysis on the adoption of antitrust settlements in both the U S and EU markets from 2013 to 2018 fundamental role of antitrust

settlements in regulating the current digital markets and comprehensive description on how to use antitrust settlements to regulate the data industry With its thorough guidance on U S consent decrees and EU commitment decisions from their functioning to their characteristics and procedure and its extensive treatment of the main antitrust remedies available and used in enforcing of antitrust law in both the U S and EU the book provides both an economic and a legal analysis of the functioning and the scope of antitrust settlements It assesses the influence of decisions on companies behavior and agencies practice using economic analysis to show the procompetitive or anticompetitive effects of remedies with special attention to digital markets Because markets have become so dynamic and unpredictable that is difficult to preserve efficiency the author says there is a little room for law economic regulation is a better fit This book is a springboard to further investigate how a simple antitrust enforcement tool having turned competition law into an economic regulation policy can drive our economy leading both the antitrust and regulatory interventions in tackling today s market challenges *Competition Damages Actions in the EU and the UK* David Ashton,2023-01-20 *Competition Damages Actions in the EU and the UK* is the clearest and most coherent reference point on damages actions for breach of EU competition law **Litigation and Arbitration in EU Competition Law** Mel Marquis,Roberto Cisotta,2015-02-27 With courts and arbitrators functioning daily as front line decision makers applying EU competition law this book reflects on a variety of issues related to the litigation and arbitration of cases in this field It provides expert analysis from perspe **The Law of State Aid in the European Union** Andrea Biondi,Piet Eeckhout,James Flynn,2004 This volume analyses the concept of aid and examines fundamental questions concerning the scope of state aid law It also draws a comparison with WTO provisions on subsidies and looks at EEA and applicant states state aid regimes It then focuses upon selected areas of state aid law and policy **Jurisdiction and Judgments in Relation to EU Competition Law Claims** Mihail Danov,2010-12-09 This book sets out the way that through enhanced private antitrust enforcement reform private international law has a pivotal role in EU competition law disputes with an international element The author offers a thorough analysis of the post 2003 policy of the EU favouring private law enforcement of EU competition law and its implementation under the existing provisions for jurisdiction and recognition and enforcement of foreign judgments under the Brussels I regime The book also considers how the jurisdiction recognition and enforcement of judgments issues are dealt with in England under the common law rules applicable when Brussels I does not apply The complex private international law problems in respect of cross border class actions that have arisen in several countries as well as judgments in relation to antitrust infringements are also discussed The author further examines the choice of law issues that may arise before the English courts under Rome I and Rome II The potential problems regarding jurisdiction of arbitral tribunals and choice of law in arbitral proceedings in relation to EU competition law claims and the jurisdiction of English courts in proceedings ancillary to arbitration claims are dealt with accordingly This title is included in Bloomsbury Professional s International Arbitration online service **Remedies in Public Competition Law** Massimo

Merola, 2025-05-19 Public competition law addresses State measures that have the effect of actually or potentially distorting competition. In this thoroughly researched and compelling book, a well-known authority on EU State aid examines the system of remedies available in cases of infringement of State aid rules and proposes a specific approach to reform. The book combines a detailed analysis of the origins, stated goals, and fundamental principles of the system of recovery of unlawful aid with recommendations designed to ensure effective deterrence, rectify competitive distortions caused by unlawful aid, and mitigate conflicts between Member States and aid beneficiaries. In the process of delineating the substantive and procedural rules, including enforcement criteria that constitute the backbone of the current system of remedies, as well as highlighting the uncertainties and inconsistencies that a comprehensive reform should seek to address, the analysis explores such contextual factors as the following: inclusion of aid beneficiaries in administrative procedures; establishment of a specific procedure for determining remedies; adaptation of the system of remedies to the modernisation of State aid law, including objectives such as budgetary discipline and effective tackling of economic crises; clarification of the notion of the status quo ante; enforcement of State aid law by national courts; harmonisation of national laws governing the private enforcement of State aid rules; and convergence of State aid law and foreign subsidies law to create a comprehensive system of remedies for public competition law as a whole. The author's call for urgent comprehensive reform of the EU's State aid system of remedies promises to enhance policy coherence and effectiveness. Both theoretical and practical, the book will nourish scholarship in the field and assist greatly in the work of interested policymakers and practitioners.

Jones and Sufrin's EU Competition Law Alison Jones, B. E. Sufrin, Niamh Dunne, 2019 The most comprehensive resource for students on EU competition law. Extracts from key cases, academic works, and legislation are paired with incisive critique and commentary from an expert author team.

The Responsibility of Online Intermediaries for Illegal User Content in the EU and the US Folkert Wilman, 2020-11-27 Featuring foreword from Maciej Szpunar, First Advocate General at the Court of Justice of the European Union, and Professor at the University of Silesia in Katowice. This book delivers a comprehensive examination of the legal systems that regulate the responsibilities of intermediaries for illegal online content in both the EU and the US. It assesses whether existing systems are capable of tackling modern challenges, ultimately advocating for the introduction of a double-sided duty of care requiring online intermediaries to do more to tackle illegal content whilst also better protecting their users' rights.

EU Competition Law Alison Jones, Brenda Sufrin, 2014 A stand-alone guide to competition law providing extracts from key cases, academic works, and legislation, along with incisive critique and commentary from two experts in the field.

European Environmental Law Suzanne Kingston, Veerle Heyvaert, Aleksandra Čavoški, 2017-07-20 A critical and contextual overview of European environmental law, examining today's key environmental challenges alongside traditional topics.

EC Competition Law Alison Jones, B. E. Sufrin, 2008 Ideal for students taking a course on competition law in its European context, this book guides students through a wide range of carefully selected cases and materials with exceptional

analysis and comment The selection of writings has been chosen to present the most important perspectives on the subject as well as the broader socio economic context of EC competition law This third edition has been fully updated with all the recent developments within EC Competition Law since 2004 including coverage of the review of Article 82 and the green paper on damages as well as further information on US anti trust law Each chapter now begins with a central issues section which helps students to focus and direct their learning Editions are kept up to date via an accompanying Online Resource Centre which also contains relevant weblinks and material including an additional chapter on State Aids Combining the strengths of a modern textbook and traditional materials book Cases and Materials on EC Competition Law provides a wide ranging and thorough guide to the study of Competition Law enabling students to engage with both legal and economic aspects and making it ideal for both under and postgraduate courses on EC Competition Law

Effectiveness versus Procedural Protection Allison Östlund, 2019-10-29 Die Arbeit untersucht das Spannungsfeld zwischen einem fairen Resultat und Fairplay im Rechtsverfahren Bislang hat der Europäische Gerichtshof es traditionell abgelehnt hier eine klare Wahl zu treffen indem er sich in Vorabentscheidungen im Zusammenhang mit der ex officio berpr fung weitgehend dem nationalen Recht unterwirft Diese Arbeit zeigt dass spezifische Schutzvorrechte zunehmend substantiell korrekte Urteile hervorgebracht haben w hrend ein neuer Grundrechtsansatz den individuellen Verfahrensschutz nicht gef rdert hat

Harmonising EU Competition Litigation Maria Bergström, Marios Iacovides, Magnus Strand, 2016-01-14 This volume in the Swedish Studies in European Law series produced by the Swedish Network for European Legal Studies heralds the new harmonised regime of private enforcement of EU competition law In 2013 the Commission issued a Communication and Practical Guide to the quantification of harm in antitrust litigation and a Recommendation on collective redress In 2014 the long awaited Directive on actions for damages for infringements of EU competition law was finally adopted In 2016 the Commission is expected to issue guidelines on the passing on of overcharges This book examines these recent developments and offers the perspectives of judges officials practitioners and academics With a preface by Judge Carl Wetter of the General Court the book explores five different themes In section one the main policy issues and challenges are presented In section two the new regime is placed in the bigger picture of recent EU law developments In section three the nexus between private enforcement and transparency is investigated A comparative perspective is offered in section four by looking into private enforcement in five Member State jurisdictions Finally issues relating to causation harm and indirect purchasers are explored in section five

Contracting International Employee Participation Felix Hadwiger, 2018-01-25 In the last two decades multinational companies MNCs and global union federations GUFs have started to negotiate so called global framework agreements GFAs which define minimum standards for labor conditions across their locations This book focuses on the question why companies conclude GFAs and identifies four groups of incentives reduction and privatization of conflicts public relations promotion of equal competitive conditions exogenous requirements and avoidance of public regulation Based on an in depth analysis of

incentives considered to play a dominant role in the decision of companies to conclude GFAs the book attempts to predict under which conditions GFAs can be expected to proliferate in the future

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