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EXTRATERRITORIALITY  
AND COLLECTIVE  
REDRESS

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EDITED BY  
DUNCAN FAIRGRIEVE  
EVA LEIN

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OXFORD

# Extraterritoriality And Collective Redress

# Extraterritoriality And Collective Redress

**VM Jensen**



## **Extraterritoriality And Collective Redress Extraterritoriality And Collective Redress:**

**Extraterritoriality and Collective Redress** Duncan Fairgrieve, Eva Lein, 2012-09-27 Examines the extraterritorial effect of collective redress litigation looking at the way in which many collective redress issues span frontiers and thus involve complex transnational dynamics Includes detailed analysis of the law and jurisprudence with significant practical impact in this area

**Extraterritoriality and Collective Redress** Duncan Fairgrieve, Eva Lein, 2012 An expert analysis of the relevant law and jurisprudence in mass litigation this edited work examines the diverse and complex transnational considerations and issues of collective redress With contributions from distinguished and authoritative commentators on this topic the coverage is broad thorough and practically focused The book offers new perspectives on the challenges of collective redress as it innovatively combines a comparative and cross border approach Organized clearly into sections it provides in depth comment on these challenges from a national European and global perspective

Collective Redress and Private International Law in the EU Thijs Bosters, 2017-07-06 This book specifically covers issues regarding jurisdiction and the recognition and enforcement of judgments in cross border mass disputes relating to financial services Collective redress mechanisms legal mechanisms which can be used to resolve mass disputes collectively are growing more important Due to the global increase in cross border trade and financial transactions the number of cross border mass disputes has increased In the EU several prototypes of collective redress mechanism exist that can be used to resolve mass disputes and aside from the EU's recommendation on the drafting of laws relating to collective redress a reevaluation of the Brussels Regulation has also taken place as on 10 January 2015 the Brussels I bis Regulation replaced the old Brussels Regulation dating from 2000 In spite of a minor reference to collective redress in the Commission proposal Brussels I bis does not contain any provision relating to collective redress As a result many questions regarding cross border mass disputes and the relevant private international law issues remain unanswered and unresolved This book sets out to describe the most important prototypes by referring to actual collective redress mechanisms In addition it also sets out how parties to such mass disputes can confer jurisdiction to courts in the EU and what the various pitfalls are Moreover the rules concerning the recognition and enforcement of judgments originating from a collective procedure are listed Across border collective redress mechanisms and the rules of private international law to be used in such a context are still being developed the goals of private international law and the goals of the referred collective redress mechanisms are analysed to provide an insight into how these sets of rules should and could be employed This book is primarily aimed at researchers practitioners and lawmakers actively involved in and or professionally interested in the field of private international law and collective redress mechanisms and should prove very useful in providing them with a greater in depth understanding of the issues at hand Thijs Bosters is a law clerk at the Dutch Supreme Court Prior to his work at the Supreme Court he was an attorney at law with Nauta Dutilh in The Netherlands where he worked in the Litigation Arbitration department

*Jurisdiction and Cross-Border Collective*

*Redress* Alexia Pato, 2019-07-11 In recent decades the rise in cross border law violations has harmed numerous victims around the globe The damages are often dispersed and low level As a result the private enforcement gap has deepened and collective redress represents an interesting procedural instrument that is able to provide effective access to justice This book analyses thoroughly the dominant collective redress models adopted in the EU Data from 13 Member States has been catalogued and categorised The research mainly focuses on the consumer law field but frequent references to financial and data protection related cases are made The dominant collective redress models are then studied from a private international law perspective In particular the book highlights the current mismatch between collective redress on the one hand and rules on international jurisdiction on the other Additionally it notes that barriers to cross border litigation remain significant for victims and their representatives The unprecedented empirical study included in this book confirms that statement Observing that EU measures have not satisfactorily lowered those barriers the author proposes the creation of a new head of jurisdiction for cases of international collective redress This book will be of interest to private international law scholars researchers students legal practitioners judges and policy makers It is a reference point for those with an interest in cross border collective redress in particular and private international law in general

#### **Collective Redress and EU**

**Competition Law** Eda Şahin, 2018-12-07 Exploring obstacles to effective compensation of victims of competition infringements this book categorises the types of victims harmed and the types of losses arisen from these infringements to identify to what extent there is a need for enhanced private competition law enforcement in the European Union EU and the best way to address this need It shows that there is a genuine need for facilitating consumer damages actions and that consumer claims are the only claims that can be pursued in a collective redress action In order to compensate consumers and overcome barriers to effective enforcement of their right to damages it structures a collective redress action for consumers by considering the following elements i the formation of the group ii the type of representative party iii funding mechanisms and iv calculation and distribution of damages

#### *Cross-Border Class Actions* Arnaud Nuyts, Nikitas E.

Hatzimiail, 2013-12-19 Whether with regard to mass torts civil rights claims or as a means of private enforcement of antitrust and other regulatory policies Collective redress of civil claims has been gaining in importance in Europe and worldwide Long associated with the American model of class actions an increasing number of EU Member States have made their own attempts at collective redress institutions At the same time the amendment of the Brussels I Regulation has shied away from dealing with the cross border aspects of collective redress In this book a worldwide group of distinguished experts in private international law civil procedure and regulatory law evaluate the problems of cross border collective redress and provide proposals for a European way appropriate for the twenty first century This very topical work is thus indispensable for practitioners academics lobbyists and institutional agents

#### **Contemporary Issues in International Arbitration and**

**Mediation: The Fordham Papers (2013)** Arthur W. Rovine, 2014-10-02 The 2013 volume of Contemporary Issues in

International Arbitration and Mediation The Fordham Papers is a collection of important works in the field written by the speakers at the 2013 Fordham Law School Conference on International Arbitration and Mediation The 25 papers are organized into the following six parts Keynote Presentation by Gabrielle Kaufmann Kohler Part 1 Investor State Arbitration by Andrea K Bjorklund Rudolf Dolzer Abby Cohen Smutny John Townsend Part 2 Class Actions and Mass Claims by James Carter John Crook Christopher Drahozal Veijo Heiskanen Sandrine Giroud Roman Khodykin S I Strong Part 3 Arbitration of International Disputes on Energy Issues by Arif Ali Nigel Blackaby Caline Mouawad Sarah Vasani Part 4 Investor State Arbitration 2 by O Thomas Johnson Catherine H Gibson Mark McNeill Laurence Shore Robert Rothkopf Todd Weiler Part 5 The Arbitration of International Technology Disputes by Gary L Benton Rachel Koch Thomas Halket John Judge Paul Klaas Steven Reisberg Part 6 Mediation by Elizabeth Birch David Bristow H l ne de Kovachich

**The Cambridge Handbook of Class Actions** Brian T. Fitzpatrick, Randall S. Thomas, 2021-02-18 Economic activity is more globally integrated than ever before but so is the scope of corporate misconduct As more and more people across the world are affected by such malfeasance the differences in legal redress have become increasingly visible This transparency has resulted in a growing convergence towards an American model of robust private enforcement of the law including the class action lawsuit This handbook brings together scholars from nearly two dozen countries to describe and assess the class action procedure or its equivalent in their respective countries and where possible to offer empirical data on these systems At the same time the work presents a variety of multidisciplinary perspectives on class actions from economics to philosophy making this handbook an essential resource to academics lawyers and policymakers alike

**Introduction to Dutch Law** Jeroen Chorus, 2016-04-18 A standard legal resource since its first edition in 1978 this matchless book has proven itself the ideal overview of Dutch law for foreign lawyers This Fifth Edition fully updates its systematic description of the legal sources institutions and concepts in all major fields of law Recent developments covered include the progressive implementation of standards set by international conventions the reorganization of the judiciary the statute on environmental law and the re codification of private international law The continuing influence of European law is evident in many fields perhaps most notably in family law The various chapters are written by experts scholars and lawyers in particular fields and provide an authoritative overview of each field The historical sources of Dutch law are discussed as well as Dutch legal culture judicial organization legal education and the legal profession These chapters are followed by introductions to essential issues of private and public law and labour law The last chapter examines questions of legal philosophy The only resource of its kind available this book is unmatched as a thorough guide to further research It offers practitioners particularly foreign lawyers a quick and reliable way into any area of Dutch law that they may be required to research It will also be of great value to comparatists especially those studying the influence of European law on national legal systems scholars and students Like previous editions the Fifth Edition has been prepared under the auspices of the Netherlands Comparative Law Association

*The Private-Public Law Divide in International Dispute Resolution* Burkhard Hess, 2019-03-25 This course addresses dispute resolution in international cases from the classical perspective of the private public divide The main focus relates to overlapping remedies available under private international and public international law Nowadays a multitude of courts and arbitral tribunals at different levels domestic international and transnational is accessible to litigants in cross border settings There are three different areas where the private public divide is applicable The first pertains to lawsuits in civil courts involving foreign states state enterprises and international organizations The second area relates to the delineation between domestic and international remedies The third area concerns the privatization of dispute settlement especially in the context of private ordering This study argues that the private public divide still exists and cannot be given up However one must be aware that private and public international law have complementary functions in order to address adequately the multitude of disputes at both the cross border and the international level In this context this divide can be used as an appropriate tool to explain the complementarity of private and public international law in the multilevel legal structure of a globalized world

*Electronic Consumer Contracts in the Conflict of Laws* Zheng Sophia Tang, 2015-10-22 The second edition of this highly recommended work addresses the interaction between conflict of laws dispute resolution electronic commerce and consumer contracts In addition it identifies specific difficulties that conflicts lawyers and consumer lawyers encounter in electronic commerce and proposes original approaches to balance the conflict of interest between consumers access to justice and business efficiency The European Union has played a leading role in this area of law and its initiatives are fully explored It pays particular attention to the most recent development in collective redress and alternative online dispute resolution By adopting multiple research methods including a comparative study of the EU and US approach historical analysis of protective conflict of laws doctrinal analysis of legal provisions and economic analysis of law it provides the most comprehensive examination of frameworks in cross border consumer contracts

**European Union Law** Catherine Barnard, Steve Peers, 2017 Written by experts this innovative textbook offers students a relevant case focused account of EU law Under the experienced editorship of Catherine Barnard and Steve Peers the text draws together a range of perspectives on EU law designed to introduce students to the key debates and case law which shape this vast subject

**Managing the Risk of Offshore Oil and Gas Accidents** Günther Handl, Kristoffer Svendsen, 2019 This book addresses the international legal dimension of the management of the risk of accidents associated with offshore oil and gas activities It focuses on the prevention and minimization of harm as well as the post accident management of loss through liability and compensation arrangements and the processing of mass claims for compensation Government officials of countries with offshore industries international civil servants and academics in related fields will find the book a valuable resource

**European Rules of Civil Procedure** Astrid Stadler, Vincent Smith, Fernando Gascón Inchausti, 2023-11-03 European Rules of Civil Procedure sets out a clear examination of the rules adopted by UNDRIT and the European Law Institute in 2020 Presented within a

systematic structure to aid enhanced academic understanding it precisely showcases the substantial comparative knowledge of its authors

**A Bank's Duty of Care** Danny Busch, Cees van Dam, 2017-08-24 In recent years an increasing number of clients and third parties have filed claims against banks such as for mis selling financial products poor financial advice insufficient disclosure of and warning about financial risks The scope of a bank's duty of care seems to expand not only to include protection of consumers against unclear risks of complicated products but also protection of professional parties against more obvious risks of relatively straightforward products This topic raises many questions both at a theoretical and practical level This book provides a rich source of information about how various jurisdictions Germany Austria France Italy Spain the Netherlands England and Wales Ireland and the United States of America deal with these questions and how answers are found or embedded in their national legal systems The book also contains a detailed chapter on the MiFID I and II conduct of business provisions Finally the book provides a thorough comparative analysis and perspective

Class Actions in Europe Alan Uzelac, Stefaan Voet, 2021-06-23 Not so long ago class actions were considered to be a textbook example of American exceptionalism many of their main features were assumed to be incompatible with the culture of the civil law world However the tide is changing while there are now trends in the USA toward limiting or excluding class actions notorious cases like Dieselgate are moving more and more European jurisdictions to extend the reach of their judicial collective redress mechanisms For many new fans of class actions collective redress has become a Holy Grail of sorts a miraculous tool that will rejuvenate national systems of civil justice and grant them unprecedented power Still while the introduction of various forms of representative action has virtually become a fashion it is anything but certain that attempting to transplant American style class action will be successful European judicial structures and legal cultures are fundamentally different which poses a considerable challenge This book investigates whether class actions in Europe are indeed a Holy Grail or just another wrong turn in the continuing pursuit of just and effective means of protecting the rights of citizens and businesses It presents both positive and critical perspectives supplemented by case studies on the latest collectivization trends in Europe's national civil justice systems The book also shares the experiences of some non European jurisdictions that have developed promising hybrid forms of collective redress such as Canada Brazil China and South Africa In closing a selection of topical international cases that raise interesting issues regarding the effectiveness of class actions in an international context are studied and discussed

**Global Private International Law** Horatia Muir Watt, Lucia Bíziková, Agatha Brandão de Oliveira, Diego P. Fernandez Arroyo, Providing a unique and clearly structured tool this book presents an authoritative collection of carefully selected global case studies Some of these are considered global due to their internationally relevant subject matter whilst others demonstrate the blurring of traditional legal categories in an age of accelerated cross border movement The study of the selected cases in their political cultural social and economic contexts sheds light on the contemporary transformation of law through its encounter with conflicting forms of normativity and the

multiplication of potential fora      *Class, Mass, and Collective Arbitration in National and International Law* S.I. Strong, 2013-10 Class Mass and Collective Arbitration in National and International Law is the first book to discuss various types of large scale arbitration where multiple individuals ranging from several dozen to hundreds of thousands of persons bring their claims at a single time in a single arbitral proceeding      Collective Access to Justice Michael Molavi, 2021-03-11 At a time when the collective redress landscape is undergoing a period of transformative change this important and timely research focuses on class actions in England and Wales The author provides an objective analysis of the costs and benefits of these proceedings from an access to justice perspective Aiming to promote accessibility this pioneering work separates fact from fiction in an easily digestible way offering progressive solutions for reform      Resolving Mass Disputes Christopher Hodges, Astrid Stadler, 2013-10-31 Raising a series of questions on resolving mass disputes and fuelling future debate this book will provide a challenging and thought provoking read for law academics practitioners and policy makers



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