

FOREWORD

This book is timely in more ways than one. It comes after almost ten years' work on the European Commission's private enforcement initiative, stretching back to the adoption of the Green Paper on damages actions in 2005 and, before that, to the Ashurst study, commissioned in 2003.

From a private practitioner's perspective, the book is timely in that it complements the fast pace of on-going development in the field in terms of litigation before the courts of the Member States. In this regard, it is noticeable that the Competition Appeal Tribunal in London has, over recent years as the provisions of the Enterprise Act 2002 have kicked in, developed a coherent body of jurisprudence in the area. As this book highlights, developments in Germany have also been significant. Indeed, the book brings together some of the most salient developments from the Member State jurisdictions.

The private enforcement initiative is one that in some ways goes beyond the legal field it incarnates. It is symbolic of a closer integration in the style of, most obviously, the United States (US), both in substantive but also theoretical terms, and in terms of what might be called 'legal architecture'. As the introductory chapter brings out, developments in the field at European Union (EU) level mark an important development in terms of the creation of a coherent set of rights enforceable between private parties. It can safely be said that there is no other field of EU law with such a well-developed and practical application in this sense. In difficult times for the Union, such a development in terms of democratisation and the connection between its law and its citizens is only to be welcomed.

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