The Transformation of Enforcement
European Economic Law in Global Perspective

Edited by
Hans-W Micklitz
and
Andrea Wechsler

HART PUBLISHING
OXFORD AND PORTLAND, OREGON
2016
Contents

List of Contributors ................................................................. vii

Part I: Introduction

1. Introduction: The Transformation of Enforcement—European Economic Law in Global Perspective ............................................. 3
   Hans-W Micklitz and Andrea Wechsler

Part II: Theorising Justice: Analytical and Multidisciplinary Perspectives on Enforcement

2. Enforcement in the Shadows of Transnational Economic Law .......... 15
   Robert Wai

3. Enforcement of Foreign Judgments: Governance, Rights, and the Market for Dispute Resolution Services ......................... 47
   Christopher A Whytock

4. Can Legal and Political Culture Explain the Successes and Failures of European Law Compliance? ................................. 69
   Marlene Wind

Part III: The Supply and Demand Side of Justice: Stakeholders and Institutions

5. Against False Settlement: Designing Efficient Consumer Rights Enforcement Systems in Europe ..................... 87
   Horst Eidenmüller and Martin Fries

6. Transformations in Public and Private Enforcement ...................... 115
   Christopher Hodges and Naomi Creutzfeldt

7. The Interaction Between Private and Public Enforcement in European Competition Law ........................... 135
   Josef Drexl

Part IV: Shaping Justice: The Court of Justice of the European Union

8. The Impact of the Court of Justice on the European Law Enforcement Architecture .............................................. 163
   R Daniel Kelemen
Contents

9. Alternatives to the Court of Justice of the European Union in the Field of Intellectual Property Law .......................................................... 179
   Marcus Norrgård

Part V: Rendering Justice: Procedures, Compensation, Sanctions

10. US Class Actions: Promise and Reality ........................................... 199
    Christopher Hodges

11. The Role of Enforcement in Delineating the Scope of Intellectual Property Rights .......................................................... 227
    Reto M Hilty

    Ianika N Tzankova

13. Private Antitrust Damages Actions in the EU: Chronicle of an Attempted Golpe..................................................... 273
    Andrea Renda

Part VI: Globalising Justice: Transnational Enforcement Mechanisms

    Sandrine Clavel

    Katalin Cseres

Part VII: Governing Justice: Public Accountability of Enforcement

16. The Role of Procedural Law in the Governance of Enforcement in Europe .......................................................... 343
    Burkhard Hess

17. The Legitimacy and Public Accountability of Global Litigation: The Particular Case of Transnational Arbitration............. 355
    Diego P Fernández Arroyo

Part VIII: Conclusions

18. Conclusions: Enforcement in Europe as a Market of Justice .......................................................... 377
    Andrea Wechsler and Boško Tripković

Index ........................................................................................................... 405