



# Public Liability in EU Law: Brasserie, Bergaderm and Beyond (Modern Studies in European Law)

*Pekka Aalto*

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## **Public Liability in EU Law: Brasserie, Bergaderm and Beyond (Modern Studies in European Law)**

Pekka Aalto

Public law liability for breaches of European Union law has been subject to remarkable developments during the last two decades. This book examines the convergence between its two constituent systems: the damages liability of the EU and of its Member States for breaches of EU law. The focus of the book is on the two key liability criteria common to both systems, namely the grant of rights to individuals and sufficiently serious breach of EU law. The analysis concentrates on developments in the case law of the European Court of Justice and the General Court since the Bergaderm judgment (2000), which implemented the idea of convergence between the two liability systems. The two criteria in the two systems are set side-by-side to evaluate convergence and to uncover elements of their past and future mutual influence. This book shows that, although full convergence between the two liability systems is not likely, the case law could and should be used more actively and mutually to develop each of the two systems. Convergent developments taking place in public liability in EU law are supported by developments in adjacent areas, most notably European tort law and European administrative law. Convergence of the two liability systems has also had spill-over effects in national public liability law. (Series: Modern Studies in European Law - Vol. 27)

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