

Reinforcing the Enforcement Procedure: The Interplay of the Litigation Aspect of Community Enforcement with Direct Effect and State Liability for Damages for Breaches of Community Obligations

Lorenzo U. Padilla

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SUBJECT(S): ENFORCEMENT PROCEDURES FOR FAILURE TO COMPLY WITH COMMUNITY LAW

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From a spectator's perspective and in the context of procedures for ensuring the effectiveness of Community law, this Article seeks to review the interplay, as an ensemble, under the remedial system of Community law, between private and public enforcement procedures made available under the Treaty establishing the European Community for failure of member states to fulfill obligations under Community law. It endeavors to present such private enforcement procedures as primarily reinforcing — whilst separately pursuing distinct objects, aims and effects — the public enforcement made available under the said Treaty against defaulting member states.