

Questionnaire on the development of state liability in the EU

Please read the following judgments, then answer the questions below.

Judgments

1. Francovich, Rs. C-6/90 and C-9/90
2. Joined cases Brasserie du Pêcheur and Factortame, Rs. C-46/93 and C-48/93
3. Haim v Kassenzahnärztliche Vereinigung Nordrhein, Rs. C-424/97
4. Köbler, Rs. C-224/01

Questions

@ 1: *why is state liability so important for the development of the EU?*

@ 2: *why did Brasserie du Pêcheur add the necessity of a “serious breach”?*

@3: *why is it important that infringements committed by a legally distinct body from a Member State can still be attributed to the latter?*

@ 4: *state liability for judicial failures – arguments for and against? (advice: read the Opinion of the Advocate General on Köbler, ECLI:EU:C:2003:207)*