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Nota di contenuto

Introduction -- Collective redress mechanisms in the EU -- German KapMuG procedure -- Dutch collective action -- Dutch WCAM procedure -- Jurisdiction in cross-border mass disputes 76 -- Jurisdiction and the KapMuG -- Jurisdiction and the Dutch collective action 127 -- Jurisdiction and the WCAM -- Parallel proceedings -- Goals of the Brussels Regulation regarding jurisdiction -- Recognition and enforcement of foreign collective redress judgments -- Recognition and enforcement of KapMuG judgments -- Recognition and enforcement in relation to a collective action procedure -- Recognition and enforcement of a WCAM judgment -- Goals of the Brussels Regulation regarding recognition and enforcement -- Making cross-border collective redress possible -- Summary -- Relevant developments and possible future research -- Bibliography -- Curriculum vitae -- Index7632.

Sommario/riassunto

This book specifically covers issues regarding jurisdiction and the recognition and enforcement of judgments in cross-border mass disputes relating to financial services. Collective redress mechanisms, legal mechanisms which can be used to resolve mass disputes collectively, are growing more important. Due to the global increase in cross-border trade and financial transactions, the number of cross-border mass disputes has increased. In the EU, several prototypes of collective redress mechanism exist that can be used to resolve mass disputes and, aside from the EU's recommendation on the drafting of laws relating to collective redress, a reevaluation of the Brussels Regulation has also taken place as on 10 January 2015 the Brussels I-bis Regulation replaced the old Brussels Regulation dating from 2000. In spite of a minor reference to collective redress in the Commission proposal, Brussels I-bis does not contain any provision relating to collective redress. As a result, many questions regarding cross-border mass disputes and the relevant private international law issues remain unanswered and unresolved. This book sets out to describe the most important prototypes by referring to actual collective redress mechanisms. In addition, it also sets out how parties to such mass disputes can confer jurisdiction to courts in the EU and what the various pitfalls are. Moreover, the rules concerning the recognition and enforcement of judgments originating from a collective procedure are listed. As cross-border collective redress mechanisms and the rules of private international law to be used in such a context are still being developed, the goals of private international law and the goals of the referred collective redress mechanisms are analysed to provide an insight into how these sets of rules should and could be employed. This book is primarily aimed at researchers, practitioners and lawmakers actively involved in and/or professionally interested in the field of private international law and collective redress mechanisms and should prove very useful in providing them with a greater in-depth understanding of the issues at hand. Thijs Bosters is a law clerk at the Dutch Supreme Court. Prior to his work at the Supreme Court, he was an attorney-at-law with NautaDutilh in The Netherlands, where he worked in the Litigation & Arbitration department.