5. Member State liability in damages

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Elspeth Berry, Matthew J. Homewood, and Barbara Bogusz

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Author(s): Elspeth Berry, Matthew J. Homewood, and Barbara Bogusz

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Titles in the Complete series combine extracts from a wide range of primary materials with clear explanatory text to provide readers with a complete introductory resource. This chapter considers the circumstances in which Member State liability will arise. The discussions cover the establishment of the principle of State liability; the Francovich test governing the imposition of State liability; the development of the principle of State liability; the Factortame test governing the imposition of State liability; the relationship between State liability and direct effect/indirect effect; and the relationship between State liability and EU liability under Article 340 TFEU.

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