This chapter outlines the development of the state liability doctrine under European Union (EU) law following the *Francovich v Italy* case. It explains that the principle of state liability provides individuals with a tool before their national courts to secure the enforcement of their rights under EU law. The chapter examines the scope and the conditions for liability; the criterion of a ‘sufficiently serious’ breach laid down in subsequent cases such as *Brasserie du Pêcheur* and *Factortame* and considers that there may be many hurdles to overcome in establishing a successful claim. It analyses its relationship with other Treaty provisions dealing with non-contractual liability.
9. State liability

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