17. Damages Actions and Money Claims

EU Law: Text, Cases, and Materials UK Version (7th edn)  
Paul Craig and Gráinne de Búrca

All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate, providing students with a stand-alone resource. Article 340 of the Treaty on the Functioning of the European Union (TFEU) governs compensation against the EU. It leaves the Court of Justice of the European Union with considerable room for interpretation, and directs it to consider the general principles common to the laws of the Member States. The key issue is the test for liability where losses are caused by EU acts that are illegal. The Court has fashioned different tests for cases where the challenged act is of a discretionary nature and for those where it is not. This chapter discusses the application of Article 340 in relation to discretionary and non-discretionary EU acts, official acts of Union servants, valid legislative acts, causation and damage, joint liability for the EU and Member States, contractual liability, and restitution. The UK version contains a further section analysing the relevance of Article 340 in relation to the UK post-Brexit.
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