

Publication Cross-Border Collective Redress in the European Union

Professor Stacie I. Strong (Associate Professor, University of Missouri School of Law) has posted an interesting article on collective redress in the EU on SSRN: 'Cross-Border Collective Redress in the European Union: Constitutional Rights in the Face of the Brussels I Regulation'. It is an article forthcoming in 45 Arizona State Law Journal (2013). The abstract reads:

'In February 2012, the European Parliament broke new legal ground when it adopted a revolutionary new resolution aimed at establishing a coherent European approach to cross-border collective redress. After years spent resisting any sort of mechanism that resembled U.S.-style class actions, the E.U. is now set to develop a unique form of regional collective relief that will offer European plaintiffs a range of previously unexplored legal opportunities. However, this new procedure will also give rise to a variety of entirely unprecedented challenges.

This Article considers the various issues associated with the creation of a system of collective relief in a region that has traditionally been hostile to the provision of large-scale private litigation. In so doing, the discussion focuses on the clash between certain constitutional rights relating to the ability of the plaintiff to choose the time, place and manner of bringing suit and the European Union's primary form of legislation concerning cross-border procedure, Council Regulation 44/2001 on jurisdiction and on recognition and enforcement of civil and commercial judgments, commonly known as the Brussels I Regulation.

Although this analysis is set within the confines of European Union law, it sheds new light on the U.S. class action debate by unbundling certain procedural rights held by the parties. Furthermore, many of the issues discussed in the Article may soon be directly relevant to U.S. parties if a number of proposed revisions to the Brussels I Regulation are enacted as expected.

Interest in international class and collective relief has never been higher among corporate, commercial, consumer and antitrust lawyers. This Article provides important insights into key European issues that give rise to significant

ramifications for U.S. interests.'