

**State Liability for Breach of EC Law by Courts**  
*Masaryk University, Law Faculty, Jan M. Passer*

**Damages as a Remedy  
Infringement Procedure**  
21. 4. 08

In the first part of the seminar, the concept of state liability for damages for breach of EC law by courts will be discussed.

Students are expected to be familiar with basic case law of the ECJ related to the concept of state liability for damages for breach of EC law (i.e. C-6 and 9/90, *Francovich*; C-46 and 48/93, *Brasserie du Pêcheur, Factortame III*; C-5/94, *Hedley Lomas*; C-392/93, *British Telecommunications*; C-178, 179, 188-190/94, *Dillenkofer*). References to these cases might occur during the seminar and these references are also expected from students during the discussion.

Cases that will be discussed in the first part of the seminar are C-224/01, *Gerhard Köbler v Republik Österreich* and C-173/03, *Traghetti del Mediterraneo SpA, in liquidation v Republicca Italiana* (including opinions of advocate general).

The second part of the seminar will relate to the infringement procedure (art. 226 EC) for a failure to fulfil obligations in the case of courts. A case C-129/00, *Commission of the EC v. Republicca Italiana*, will be discussed in this part of the seminar.

**Review of Final Decision as a Part of State Liability?**  
5. 5. 08

Students should be familiar with cases C-224/97, *Erich Ciola* and C-201/02, *Delena Wells*.

Cases that will be discussed in depth during the seminar are C-453/00, *Kühne and Heitz NV v Productchap voor Pluimvee en Eieren*; C-234/04, *Rosmarie Kapferer v Schlank and Schick GmbH*; C-119/05, *Ministero dell'Industria, del Commercio e dell'Artigianato v. Lucchini SpA* and C-2/06, *Willy Kempter KG v Hauptzollamt Hamburg-Jonas*.

Students should be also aware of the case C-392 and 422/04, *i-21 Germany GmbH and Arcor AG and Co. KG v Bundesrepublik Deutschland*.

All of the above mentioned cases are available in EUR-Lex.