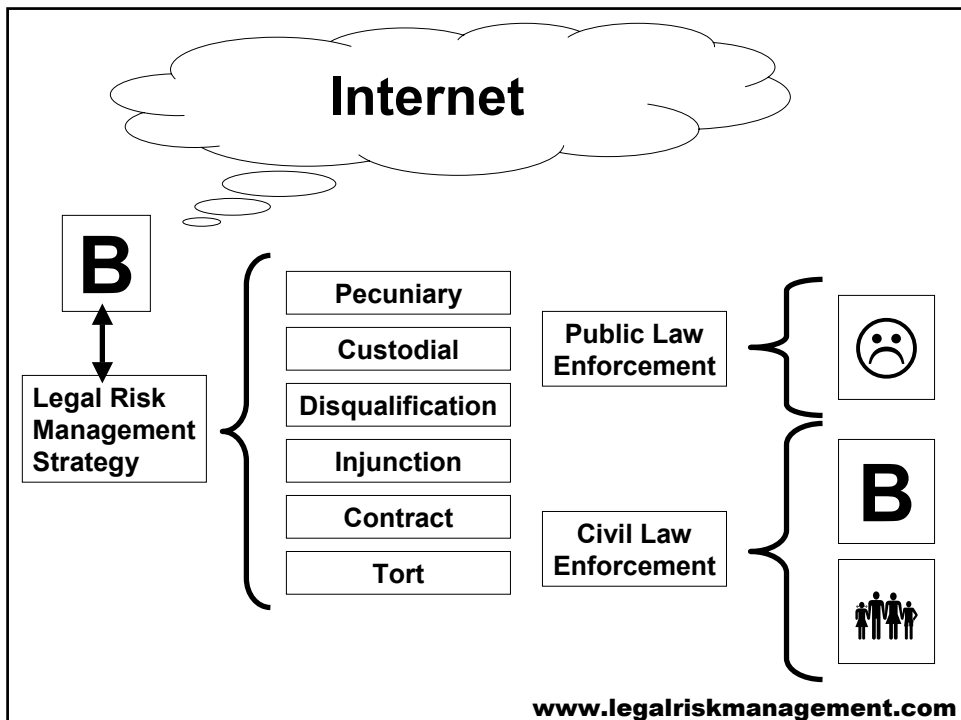
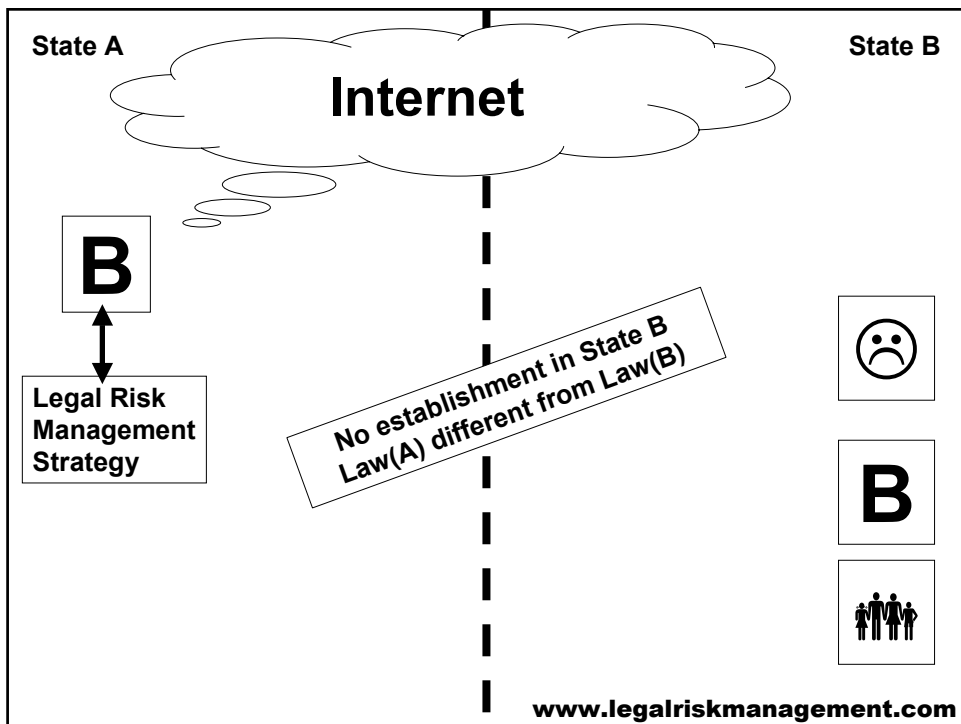


An Introduction to Cross-Border Law Enforcement in the Information Society

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Copenhagen Business School

University of Texas, Austin, 11 November 2003





Conflicts of Law

Sovereignty of states

- Legislate and enforce

The three layers of international litigation

- Jurisdiction (choice of forum)
- Choice of law
- Recognition / enforcement

Traditional Cross-Border Law Enforcement

State A recognising
foreign judgement
applying Law(B)

State A applies Law(B)

State A extradites
defendant to State B

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Traditional Cross-Border Law Enforcement

	Civil Law	Public law
State A recognising foreign judgement applying Law(B)	Constitution Regulation Comity / National	Conventions (dual criminality)
State A applies Law(B)	Conventions Common law	No
State A extradites defendant to State B	No	Conventions (dual criminality)

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Conclusions

Enforcement economics

- Effective enforcement => compliance

Holistic approach

- Traditional law enforcement
 - Privatising law enforcement
 - Domesticating law enforcement
- Alternative law enforcement
 - Technical law enforcement
 - Market law enforcement

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Building a new regime

Reducing the need for enforcement

- Information about the law
- Geographical features

Mutual assistance

- OECD guidelines

Harmonisation

- Material harmonisation
- Procedural harmonisation
 - 2000 EU E-Commerce Directive (COO)

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Questions and comments

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