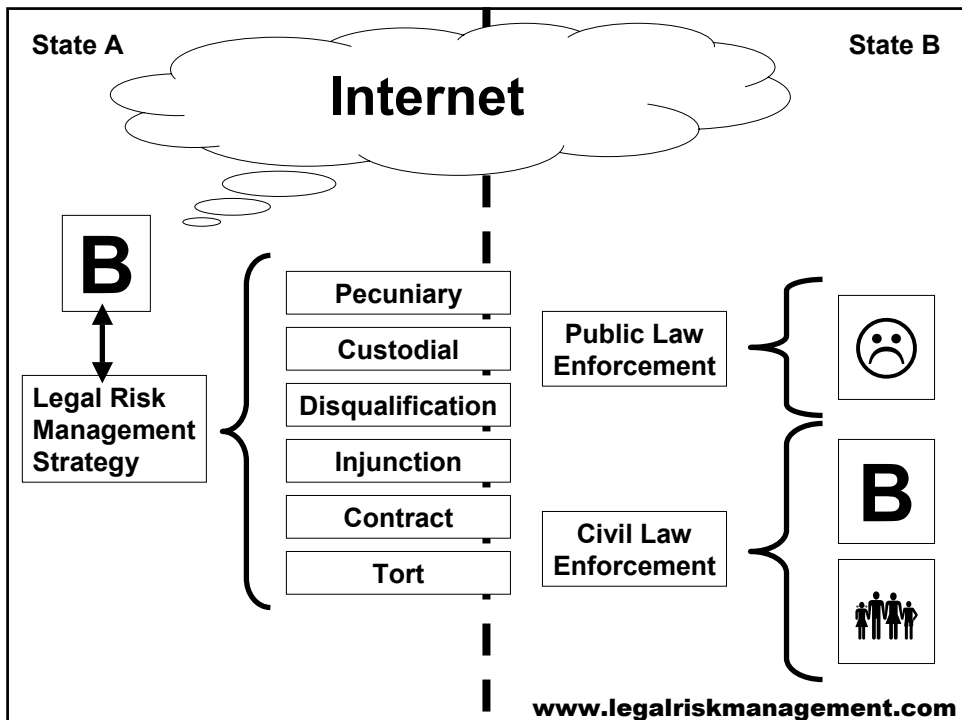


# Cross-Border Law Enforcement in the Information Society

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*Copenhagen Business School*

EU E-Commerce Law Conference, Køge, 18 November 2003



# 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 and EU draft regulation

## Harmonisation

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

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# **Questions and comments**

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