

# **Managing legal risks in a global marketplace**

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# Agenda

1. Introduction and methodology
2. The content of the thesis
3. Hypotheses

# Introduction

Background and status

Purpose

Examine possibilities in cross-border law enforcement

Examine the effect of geographical delimitation

Contractual

Technical

Methodology

Legal Risk Management

Test set-up

# The Test Set-Up

## “The Business”

Established in an EU Member State

Electronic commerce (www)

## “The User”

Consumer or professional

## Cross-border law enforcement

Public law enforcement

Private law enforcement

Contract

Tort

# Delimitation

Unfair competition law

Cross-border law enforcement

The enforcement of foreign law

Recognition and enforcement of a foreign judgement

Where foreign law is applied

The relevance of jurisdiction

Applying foreign law under national procedure

“Alternative law enforcement”

“International law”

From an EU perspective

# The content of the thesis

1. Introduction
2. The Internal Market
3. Public Law Enforcement
4. Private Law Enforcement
5. Geographical Delimitation
6. Conclusion

# Hypotheses

*Activities on the Internet are subject to geographical borders*

*The freedom to provide goods and service in combination with the E-Commerce Directive restricts possibilities in cross-border law enforcement (both public and private law enforcement as well as traditional and alternative law enforcement)*

*Private parties have better possibilities to enforce national legislation on a foreign business than public authorities have*

# *Hypothesises*

*Law enforcers established outside the Internal Market have very limited access to traditional law enforcement against a business established in the Internal Market, whereas alternative law enforcement can be applied*

*Businesses can mitigate the risks of foreign law enforcement by applying geographical delimitation (technical and contractual)*

*The laws of the Internal Market may limit a business' possibilities in geographical (discriminatory) delimitation*

# Thank you for your attention!

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