Foreword

To the outsider, the law of the European Union (EU) can appear confusing and opaque. However, the legal system of the EU is, to a certain extent, similar to that of the United States. Like the United States, the EU is an amalgamation of 28 individual countries each with its own legal system and traditions. Just as federal laws in the United States do not replace state laws, the laws of the EU potentially apply parallel and in addition to the laws of the member states. Despite these general similarities, there are significant differences. For starters, unlike the United States, the EU legal system covers both civil and common law countries, 24 official languages and even more cultures. It is inevitable that the content and the application of law in this context reflect the real imperative of maintaining the cohesion of this rather young experiment. A recognition of this reality helps to avoid frustration when trying to come to terms with the legal system of the European Union.

After returning to the United States from Brussels over two decades ago, it immediately became apparent to me that there is a need for a greater understanding of EU business law among practitioners, academics and students in the United States. EU Business Law is an attempt to enhance the understanding of the EU in the United States or at least create a reference source where answers could be found. The book is based on of many years practicing and teaching EU law in the United States and in Europe. The two basic objectives of the book are to make EU business law accessible to readers with only a cursory understanding of the EU legal system as well as serve as a practical handbook for practicing lawyers and students. The work is based almost exclusively on primary materials, i.e., EU primary and secondary legislation as well as the case law of the European Court of Justice and General Court. To the extent that a particular area of EU is administratively applied, I have relied on the decisions reached by the respective administrative bodies. This would include, for example, EU competition law which is primarily applied by the European Commission, intellectual property law which is primarily applied by the Office for Harmonization in the Internal Market and external trade law which is primarily applied by the European Commission and Council. To a lesser extent I have relied on case law from the courts of the EU member states. However, the application of EU law in the member states is not the primary focus of this work. Although I have included references to national laws and judicial decisions, I recognized early on that too much of a reliance on national cases would distort the objective nature of the book to the benefit of those jurisdictions to which I had linguistic access.

A book of this scope and length is not an individual undertaking. There are many people to whom I owe a significant debt of gratitude in particular Professor David Gerber (IIT/Chicago-Kent College of Law) who originally piqued my curiosity in EU law many years ago and who has supported and encouraged me ever since. I still consider him my teacher and academic role model. I would
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