



European Group on Tort Law

**Principles of
European Tort Law**

Text and Commentary



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European Tort Law 2003

Magdalena Tulibacka



European Tort Law 2003:

European Tort Law 2010 Helmut Koziol, Barbara C. Steininger, 2011 The European Tort Law Yearbook provides a comprehensive overview of the latest developments in tort law in Europe It contains reports on most European jurisdictions an overview of the developments in the field of EU law as well as a comparative summary reviewing the essential aspects of all reports Focusing on the year 2010 the authors critically report on important court decisions present new legislation and provide a literature overview

European Tort Law 2001, 2002, 2003 Helmut Koziol, Barbara C. Steininger, 2004-10-22 The Yearbook on European Tort Law provides a comprehensive overview of the latest developments in the law of torts within Europe and thereby enables scholars as well as practitioners from different national backgrounds to keep abreast of questions concerning tort law The Yearbook contains reports on the developments of tort law in the EU Member States except Luxembourg Switzerland Poland and the Czech Republic as well as a report on the developments in the field of EU law Additionally with South Africa one non European country is included In conclusion a comparative overview reviews the essential aspects of all reports The reports are written by scholars from the respective jurisdictions and focusing on the year 2001 they include important court decisions critical remarks on these decisions a presentation of new legislation and a literature overview In addition to the national reports essays on key topics in the field of tort law are included in the Yearbook

European Tort Law C. C. van Dam, 2013-03-21 This textbook provides insight into the differences commonalities and mutual influence of the tort law systems of various European jurisdictions bringing together national tort law comparative law EU law and human rights law

European Tort Law 2003 Helmut Koziol, Barbara C. Steininger, 2004-09-29 The European Tort Law Yearbook provides a comprehensive overview of the latest developments in the law of torts in Europe It contains reports on the developments in most EU Member States including the new Member States the Czech Republic Hungary Poland Slovakia and Slovenia as well as Switzerland Furthermore an overview of the developments in the field of EU law is provided In conclusion a comparative report reviews the essential aspects of all reports The reports are written by scholars from the respective jurisdictions and focusing on the year 2003 they include important court decisions critical remarks on these decisions a presentation of new legislation and a literature overview In addition to the national reports essays on key topics in the field of tort law for example an essay about Principles of European Contract Law and Principles of European Tort Law Points of Contract are included

Tort Law in Greece Eugenia Dacoronia, 2023-04-20 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides ready access to how the legal dimension of prevention against harm and loss allocation is treated in Greece This traditional branch of law not only tackles questions which concern every lawyer whatever his legal expertise but also concerns each person's most fundamental rights on a worldwide scale Following a general introduction that probes the distinction between tort and crime and the relationship between tort and contract the monograph describes how the concepts of fault and

unlawfulness and of duty of care and negligence are dealt with in both the legislature and the courts The book then proceeds to cover specific cases of liability such as professional liability liability of public bodies abuse of rights injury to reputation and privacy vicarious liability liability of parents and teachers liability for handicapped persons product liability environmental liability and liability connected with road and traffic accidents Principles of causation grounds of justification limitations on recovery assessment of damages and compensation and the role of private insurance and social security are all closely considered Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for lawyers in Greece Academics and researchers will also welcome this very useful guide and will appreciate its value not only as a contribution to comparative law but also as a stimulus to harmonization of the rules on tort

Mass Torts in Europe Willem H. van Boom, Gerhard Wagner, 2014-10-14 in recent years there has been a growing interest in the legal aspects of mass torts in Europe Both academics legislatures courts and policymakers throughout the whole of Europe have been struggling with the challenges that such massification of private law relationships poses both in and outside of tort law The subject moves between the law of civil procedure substantive tort law access to justice debates and regulatory frameworks for mass disputes This volume offers both a kaleidoscopic review of real life key cases of mass tort and an in depth reflection on the broader implications of mass tort in Europe Thus the challenges posed by mass torts are explored mapped and analysed

Causation in European Tort Law Marta Infantino, Eleni Zervogianni, 2017-12-28 Through a comprehensive analysis of sixteen European legal systems based on an assessment of national answers to a factual questionnaire Causation in European Tort Law sheds light on the operative rules applied in each jurisdiction to factual and legal causation problems It highlights how legal systems features impact on the practical role that causation is called upon to play as well as the arguments of professional lawyers Issues covered include the conditions under which a causal link can be established rules on contribution and apportionment the treatment of supervening alternative and uncertain causes the understanding of loss of a chance cases and the standard and the burden of proving causation This is a book for scholars students and legal professionals alike

Personality Rights in European Tort Law Gert Brüggemeier, Aurelia Colombi Ciacchi, Patrick O'Callaghan, 2010-04-15 This volume provides a comprehensive analysis of civil liability for invasion of personality interests in Europe It is the final product of the collaboration of twenty seven scholars and includes case studies of fourteen European jurisdictions as well as an introductory chapter written from a US perspective The case studies focus in particular on the legal protection of honour and reputation privacy self determination and image This volume aims to detect hidden similarities the common core in the actual legal treatment accorded by different European countries to personal interests which in some of these countries qualify as personality rights and also to detect hidden disparities in the law in action of countries whose law in the books seem to protect one and the same personality interest in the same way

Compulsory Liability Insurance from a European Perspective Attila Fenyves, Christa Kissling, Stefan Perner, Daniel

Rubin, 2016-09-26 Statutory obligations to take out liability insurance are in practice the most important means to ensure compensability of damage arising from dangerous activities. However, in contrast to the significant practical impact, academic research on the topic has not been extensive so far. This study therefore undertakes a comprehensive survey of compulsory liability insurance from nine national perspectives: Austria, Belgium, the Czech Republic, Finland, Germany, Hungary, Italy, Switzerland, and the United Kingdom, and takes constitutional and European law, four freedoms, European Convention on Human Rights, as well as the Principles of European Insurance Contract Law (PEICL) into account. It also contains an extensive economic analysis of compulsory liability insurance and discusses aspects of insurability. A Comparative Report, Conclusions, and an Annex containing a compilation of rules on compulsory liability insurance in the nine national legal systems complete the study. It considers in particular the aims of provisions stating an obligation to take out liability insurance, the mandatory content of insurance cover, the protection mechanisms linked to compulsory liability insurance, the control mechanisms, and the sanctions imposed. Structural deficiencies of existing compulsory liability insurance systems.

Essential Cases on the Limits of Liability Bénédicte Winiger, Bjarte Askeland, Elena Bargelli, Martin Hogg, Ernst Karner, 2024-11-04 European legal systems have developed a broad range of instruments aimed at limiting liability. These instruments are systematically examined within the present volume, which builds on the experience gathered in the various jurisdictions over the past decades and thereby fills a major gap in tort law literature. The publication contains a selection of the most important cases from 27 states across Europe, as well as decisions by European Union courts; it also highlights cases from earlier periods of legal history. For each case, the facts and the relevant court decision are presented and accompanied by an analytical commentary. In addition, comparative analyses of the reported cases are provided, and a special report is dedicated to how key cases would be resolved under model European rules on tort law. The editors believe that the material gathered here may provide guidance for an organic convergence of the national legal systems in Europe. It constitutes the basis of an *acquis commun* that is infinitely richer, though also much more complex, than the rather bland and abstract concepts contained in national codifications, European legislation, and modern model rules.

Product Liability Law in Transition Magdalena Tulibacka, 2016-04-08 This volume examines the evolution of Central European product liability systems, with particular reference to the effect of the implementation of the Product Liability Directive in the context of the recent enlargement of the EU. This book also provides a comparison of how product liability law has evolved in the socialist states, comparing it to developments taking place in the West. Using product liability law, this study offers a valuable insight into the necessary features and requirements of the harmonization of laws between the EU and post-socialist Europe. Predominantly legal in scope, it also takes account of the importance of extra-legal elements in law reform. As such, this book will be a valuable resource for those interested in European Law, as well as those working in the area of Consumer and Product Liability law.

The Making of Legal Authority Nils Jansen, 2010 Accounts of the nature of legal authority typically focus on the

authority of officially sanctioned rules issued by legally recognised bodies legislatures courts and regulators that fit comfortably within traditional state centred concepts of law Such accounts neglect the more complex processes involved in acquiring legal authority Throughout the history of modern legal systems texts have come to acquire authority for legal officials without being issued by a legislature or a court From Justinian's Institutes and Blackstone's Commentaries to modern examples such as the American Law Institute's Restatements and the UNIDROIT Principles of International Commercial Contracts academic codifications have come to be seen as legally authoritative and their norms applied as such in courts and other contexts How have such texts acquired legal authority Does their authority undermine the orthodox accounts of the nature of legal systems Drawing on examples from Roman law to the present day this book offers the first comparative analysis of non legislative codifications It offers a provocative contribution to the debates surrounding the harmonisation of European private law and the growth of international law

Essential Cases on Damage Benedict Winiger, Helmut Koziol, Bernhard A. Koch, Reinhard Zimmermann, 2011-11-30 The increasing Europeanisation of the law of delict torts has produced textbooks casebooks monographs and also sets of model rules of a genuinely European character A major gap still existing today relates to the experiences gathered in the national legal systems over the past decades The present work attempts to fill this gap for one key element of tort law the notion of damage It thus does what the previous volume in the Digest of European Tort Law series did for another key element ie natural causation Once again the publication contains a selection of the most important cases decided in 26 states across Europe as well as by the European Court of Justice For each case the facts and the relevant court decision are presented and the decision is analysed within the wider context of the development of the respective legal system In addition the editors provide comparative analyses of the case law reported in this volume concerning all the specific problems raised under the heading of damage The publication also looks into how key cases would be resolved under the European model rules drafted in the field of tort law and it also highlights cases from earlier periods of legal history The editors believe that the material gathered here may provide guidance for an organic convergence of the national legal systems in Europe It constitutes the basis of an *acquis commun* that is infinitely richer though also much more complex than the rather bland and abstract concepts contained in national codifications European legislation and the modern model rules

Research Handbook on EU Tort Law Paula Giliker, 2017-10-27 The Research Handbook on EU Tort Law focuses on the study of the law of tort delict non contractual liability of the European Union and examines the institutional liability of the EU Francovich liability and liability arising from a variety of EU secondary legislation directives regulations The impact of EU tort law on national legal systems is wide ranging covering areas such as consumer law competition law data protection law employment law insurance law and financial services law It also discusses the potential development of a European culture of tort law and harmonisation This comprehensive Research Handbook contains contributions from leading authors in their field representing a cross section of

European jurisdictions It offers an authoritative reference point for academics students and practitioners studying or working in this field but one which is also accessible for those approaching the subject for the first time **Parental Liability in EU Competition Law** Peter Whelan,2023-08-10 In enforcing EU competition law the Commission employs a unique doctrine of parental antitrust liability it imposes fines on the parent company of an infringing subsidiary in cases where the parent exercises decisive influence over the subsidiary s commercial policy Critics of this contentious aspect of EU competition law believe that the doctrine is unfair ineffective obscure disproportionate contrary to due process and based upon a dubious if not extremely flimsy justificatory foundation Such criticism raises serious and unanswered questions about the legitimacy of the Commission s efforts to enforce competition law **Parental Liability in EU Competition Law A Legitimacy Focused Approach** is the first monograph to be dedicated to this controversial topic Written by Professor Peter Whelan the book contends that although the general concept of parental liability can be justified in principle the current EU level doctrine of parental antitrust liability in fact suffers from a distinct and problematic lack of legitimacy More specifically the said doctrine displays significant deficiencies with respect to effectiveness fairness and legality Given this undesirable state of affairs **Parental Liability in EU Competition Law** offers a fully rationalised reformulated approach to parental antitrust liability for EU competition law violations that is built around the notion of parental fault That approach provides a solid normative account of how to impose parental antitrust liability in a manner that is theoretically robust effective in practice fair in substance and legally sound

The Europeanisation of English Tort Law Paula Giliker,2014-12-01 Tort law is often regarded as the clearest example of traditional common law reasoning Yet in the past 40 years the common law of England and Wales has been subject to European influences as a result of the introduction of the European Communities Act 1972 and more recently the implementation of the Human Rights Act 1998 In October 2000 EU Directives have led to changes to the law relating to product liability health and safety in the workplace and defamation while Francovich liability introduces a new tort imposing State liability for breach of EU law The 1998 Act has led to developments in privacy law and made the courts reconsider their approach to public authority liability and freedom of expression in defamation law This book explores how English tort law has changed as a result of Europeanisation broadly defined as the influence of European Union and European human rights law It also analyses how this influence has impacted on traditional common law reasoning Has Europeanisation led to changes to the common law legal tradition or has the latter proved more resistant to change than might have been expected

Tort Liability of Public Authorities in European Laws Giacinto della Cananea,Roberto Caranta,2020-12-15 This series argues that there is a common administrative core to European legal systems that can be better understood in comparative terms This volume examines government liability in tort using case studies to explore different government responses Part I sets the stage for the project and the parameters followed by the scholars involved Part II expands on the legal systems chosen for comparison setting up their general tort procedures Part III presents case

studies from Austria the European Union France Germany Hungary Italy Poland Romania Spain Switzerland and the United Kingdom Each case study has a theoretical response detailing what would happen should that case occur within each country's borders Part IV compares and contrasts the information provided in Part III It examines both the commonalities and the distinctive traits of these legal systems with a view to understand the nature of their common core This volume is an essential tool for anyone involved in administrative and constitutional law and government liability in tort **Enforcement of**

European Union Environmental Law Martin Hedemann-Robinson, 2007-03-12 Offering a detailed legal account of the various legal arrangements at EU level this book is an ideal reference tool for practitioners and legal scholars As well as examining the principle sources of EU environmental law enforcement it also contributes to the legal and political debates that surround the subject Spanning three parts the author examines and assesses the practical impact of the legal arrangements at EU level that are used for the purpose of upholding EU environmental norms Providing a comprehensive account of the current state of EU environmental law enforcement and developments affecting it Enforcing European Union Environmental Law focuses on the principal sources of EU environmental law enforcement examining the role of the European Commission the possibilities for private law enforcement the responsibilities of Member State national authorities An essential read for those studying researching and working in the areas of environmental and European Union law

Commentaries on European Contract Laws Nils Jansen, Reinhard Zimmermann, 2018-07-13 The book provides rule by rule commentaries on European contract law general contract law consumer contract law the law of sale and related services dealing with its modern manifestations as well as its historical and comparative foundations After the collapse of the European Commission's plans to codify European contract law it is timely to reflect on what has been achieved over the past three to four decades and for an assessment of the current situation In particular the production of a bewildering number of reference texts has contributed to a complex picture of European contract laws rather than a European contract law The present book adopts a broad perspective and an integrative approach All relevant reference texts from the CISG to the Draft Common European Sales Law are critically examined and compared with each other As far as the *acquis commun* ie the traditional private law as laid down in the national codifications is concerned the Principles of European Contract Law have been chosen as a point of departure The rules contained in that document have however been complemented with some chapters sections and individual provisions drawn from other sources primarily in order to account for the quickly growing *acquis communautaire* in the field of consumer contract law In addition the book ties the discussion concerning the reference texts back to the pertinent historical and comparative background and it thus investigates whether and to what extent these texts can be taken to be genuinely European in nature ie to constitute a manifestation of a common core of European contract law Where this is not the case the question is asked whether and for what reasons they should be seen as points of departure for the further development of European contract law **Public Liability in EU Law** Pekka Aalto, 2011-11-01

Over the last two decades public law liability for breach of European Union law has been subject to remarkable developments. This book examines the convergence between its two constituent systems: the damages liability of the EU and that of its Member States for failing to comply with EU rules. Member State liability based as it is on the Francovich case 1991 and Brasserie du P cheur and Factortame 1996 judgments of the European Court of Justice (ECJ) is well established. But it is yet to be closely scrutinised by reference to the detailed rules on the liability of the European Union. The focus of the book is on the two key legal criteria that are common to both systems: namely the grant of rights to individuals by EU law and the notion of sufficiently serious breach of such rights. The analysis concentrates on developments in the case law of the ECJ and the General Court since the Bergaderm judgment 2000 which consolidated the convergence of the two liability systems that was first indicated in Brasserie du P cheur and Factortame. These two criteria are set side by side to evaluate the extent in real terms of the convergence of Member State and EU institutional damages liability and to determine the extent to which one has influenced the other. This book shows that although full convergence between the two liability systems is not likely, each stream of case law should look to the other more actively as this important element of EU remedial law develops. Convergence in EU law public liability is supported by developments in adjacent areas, most notably European tort law and European administrative law. This study also illustrates how convergence in the EU liability systems to date has had spill over effects into national public liability law.

European Tort Law 2003: Bestsellers in 2023 The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous engrossing novels enthralling the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the captivating narratives that have captivated audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This poignant tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can succeed. European Tort Law 2003 : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids compelling storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a masterful and suspenseful novel that will keep you guessing until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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