

European Centre of Tort and Insurance Law
Research Unit for European Tort Law

UNIFICATION OF TORT LAW: MULTIPLE TORTFEASORS

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European Tort Law 2002

**Mrs Deborah Parry, Ms Annette
Nordhausen, Professor Geraint
Howells, Dr Christian Twigg-Flesner**

European Tort Law 2002:

European Tort Law Ulrich Magnus, Jaap Spier, 2000 This publication deals with central aspects of European tort law Most of the contributions are written from a comparative perspective and with a view towards the unification of European tort law Much debated developments in important areas e g psychological lesion product liability the compensation of non pecuniary loss and problems known under the headings wrongful birth wrongful life are discussed taking into account recent court decisions both on the national and European levels Two contributions dealing with comparative institutional analysis and economic analysis of the law represent modern approaches to the evaluation and future development of tort law in general This truly European orchestra on tort law is completed by an analysis of Eastern European sources which shed light onto the dogmatic foundations and the desirability of general presumptions of fault and the experience of a mixed jurisdiction South Africa

European Tort Law 2002 Helmut Koziol, Barbara C. Steininger, 2003-10-09 The European Tort Law Yearbook provides a comprehensive overview of the latest developments in the law of torts in the EU Member States except Luxembourg the Czech Republic Hungary Poland Slovenia and Switzerland as well as in the field of EU law Additionally with Australia and Israel two non European countries are included 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 2002 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 Moreover a draft of the Principles of European Tort Law developed by the European Group on Tort Law will be published for the first time in this 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 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

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

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

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

The Law of Obligations in Central and Southeast Europe Zvonimir Slakoper, Ivan Tot, 2021-08-16 The Law of Obligations in Central and Southeast Europe examines the new codifications reforms and other recent developments in Central and Southeast Europe which have significantly modernized the law of obligations in the last two decades focusing particularly on the legal systems of Poland Czech Republic Slovak Republic Hungary Slovenia Croatia Serbia and Turkey With chapters authored by prominent academics and promising young legal scholars this book discusses

the results of the modernizations and describes the legislative reforms of the law of obligations that are underway or are discussed and advocated for in the countries of Central and Southeast Europe Divergences of the new civil codes and other legislative acts from earlier legal solutions are identified and the rationale behind these departures is analysed as well as the introduction of the new legal institutes in the law of obligations in these parts of the world The Introduction provides a concise country by country overview of the recodification modernization and reform of the law of obligations in Central and Southeast Europe In Part I chapters discuss the process of recodification in the Slovak Republic Czech Republic Poland and Hungary with focus on the main novelties in their contract and tort law The chapters in Part II then discuss several more specific legal institutes of the law of obligations and other recent developments and contemporary challenges to the law of obligations in the Czech Republic Slovenia Croatia Serbia and Turkey This book is of interest to legal scholars in the field of private law as well as to students practitioners members of law reform bodies and civil servants in Central and Southeast Europe and beyond

Unifying and Harmonising Substantive Law and the Role of Conflict of Laws Katharina Boele-Woelki, 2010-07-05 Traditionally conflict of law rules designate only national substantive law as the applicable law Many unifying and harmonizing substantive law instruments of both States and non State organizations however are designed specifically for application to cross border relationships Achieving this objective is generally hindered by conflict of law rules The requirements which non national law needs to fulfil in order to be accepted as the law governing a cross border relationship deserve clarification Not only uniform law such as the CISG and the envisaged European substantive law instrument for the law of obligations but particularly instruments which are aimed at harmonizing substantive law challenge the established systems of conflict of laws In seeking a positive approach towards the application of a law other than national law various aspects need to be considered 1 is the decision taken by a court or an arbitral tribunal 2 what field of law contract delict tort or family relationships is involved and 3 the objective or subjective choice by the parties designation of the applicable law

2022 Ernst Karner, Barbara C. Steininger, 2023-12-18 The European Tort Law Yearbook provides a comprehensive overview of the latest developments in tort law in Europe It contains reports from the majority of European jurisdictions as well as a comparative analysis that identifies emerging trends Focusing on the year 2022 the authors critically assess important court decisions and new legislation and provide a literature overview

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The Yearbook of Consumer Law 2008 Mrs Deborah Parry, Ms Annette Nordhausen, Professor Geraint Howells, Dr Christian Twigg-Flesner, 2013-02-28 The Yearbook of Consumer Law provides a valuable outlet for high quality scholarly work which tracks developments in the consumer law field with a domestic regional

and international dimension Furthermore it provides an essential resource for all those academic and practitioner working in the areas of consumer law and policy

Policy Issues in Insurance Insurance and Expanding Systemic Risks

OECD,2003-07-28 This volume contains an in depth analysis of the assessment management and compensation of the so called expanding systemic risks to which market players and insurers are exposed

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

European Tort Law Cees van Dam,2013-03-22 The new edition of European Tort Law provides an extensive revision and update of the only English language handbook in this constantly evolving area The coverage in the new edition has been expanded with material on the latest developments in legislation legal literature and the case law of the European Court of Human Rights the Court of Justice of the European Union and the highest courts in France Germany and England The first part of the book Systems of Liability provides chapters on the state of tort law in France Germany and England and the European Union A concluding chapter gives an overall view of the European field linking the variety of rules with cultural diversity examining the consequences for European harmonization and emphasizing the importance of a European policy discourse The second part Requirements for Liability analyses and compares the classic requirements for liability in a comparative and supranational perspective rights and protected interests intention and negligence breach of statutory duty stricter rules of liability causation damage damages and contributory negligence It also discusses the role of tort law in protecting human rights against violations by the state and by multinational corporations The final part Categories of Liability assesses how national and supranational rules are applied in a number of categories such as in liability for motor vehicles defective products and defective premises in liability for children employees and subsidiaries as well as in cases of nuisance environmental liability and liability of public bodies

Civil Liability for Artificial Intelligence and Software Mark A. Geistfeld,Ernst Karner,Bernhard A. Koch,Christiane

Wendehorst, 2022-11-21 Initiated by the European Commission the first study published in this volume analyses the largely unresolved question as to how damage caused by artificial intelligence AI systems is allocated by the rules of tortious liability currently in force in the Member States of the European Union and in the United States to examine whether and if so to what extent national tort law regimes differ in that respect and to identify possible gaps in the protection of injured parties The second study offers guiding principles for safety and liability with regard to software testing how the existing *acquis* needs to be adjusted in order to adequately cope with the risks posed by software and AI The annex contains the final report of the New Technologies Formation of the Expert Group on Liability and New Technologies assessing the extent to which existing liability schemes are adapted to the emerging market realities following the development of new digital technologies

Essential Cases on Misconduct Benedict Winiger, Ernst Karner, Ken Oliphant, 2018-01-22 The various national European legal systems offer a broad range of responses to the question of what can be regarded as wrongful behaviour or fault The present work systematically examines these two important prerequisites for tortious liability under the combined heading of misconduct Unlike current textbooks national casebooks and monographs it builds on the experiences gathered in the national legal systems over the past decades and thereby fills a major gap which still exists today It thus does what the previous volumes in the Digest of European Tort Law series did for other key elements of tort law namely natural causation and damage Once again the publication contains a selection of the most important cases from 28 states across Europe as well as cases handed down 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 these are then accompanied by an analytical commentary In addition the editors provide comparative analyses of the cases reported and a special report is dedicated to how key decisions 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 *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

Damages for Violations of Human Rights Ewa Bagińska, 2015-10-20 This volume analyses the legal grounds premises and extent of pecuniary compensation for violations of human rights in national legal systems The scope of comparison includes liability regimes in general and in detail the correlation between pecuniary remedies available under international law and under domestic law and special alternative compensation systems All sources of human rights violations are embraced including historical injustices and systematic and gross violations The book is a collection of nineteen contributions written by public international law international human rights and private law experts covering fifteen European jurisdictions including Central and Eastern Europe the United States Israel and EU law The contributions initially prepared for the 19th International Congress of Comparative law in Vienna 2014 present the latest developments in legislation scholarship and case law concerning domestic causes of action in cases of human rights abuses The book concludes with a comparative report which assesses the developments in tort law and public liability law the role of the constitutionalisation of the right to damages as well as the court practice related to the process of enforcement of human rights through monetary remedies This country by country comparison allows to consider whether the value of protection of human rights as expressed in international treaties *ius cogens* and in national constitutional laws justifies the conclusion that the interests at stake should enjoy protection under the existing civil liability rules or that a new cause of action or even a whole new set of rules should be created in national systems

Tort Liability in Multinational Corporate Groups Pınar Kara, 2023-06-18 Multinational corporate groups are important actors in today's global economy with the power to impact the masses through their activities National legal systems which usually have no extraterritorial authority remain insufficient to regulate the activities of multinational corporate groups which operate worldwide not only in the countries where the parent companies reside home country but also in countries where the subsidiaries operate host countries The mentioned lack of an effective legislation leads to an unjust imbalance to the benefit of multinational corporate groups and to the detriment especially of involuntary creditors such as tort victims of corporate activities which predominantly concern human rights abuses and environmental violations Against this backdrop the book firstly assesses the position of multinational corporate groups in international law and then discusses potential reforms to corporate law that would allow for a multi stakeholder approach It analyses certain aspects of Turkish tort law that could potentially accommodate liability claims against the parent companies of multinational corporate groups for damage incurred due to their transnational subsidiaries activities

referred to as foreign direct liability in legal doctrine To this end the potential legal grounds of fault liability and strict liability are assessed under Turkish law with a particular focus on the duty of care in comparison with the corresponding case law in the UK and the Netherlands Mandatory human rights due diligence is also analysed with a view to proposing a new regulation in Turkish law Lastly the aspects of foreign direct liability claims related to private international law are assessed in order to answer the questions of jurisdiction and applicable law within the scope of a comparative legal study

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