

# EU Product Liability

To win, claimant must show:

- Personal injury, death, or property damage
- Defect in the product
- Defect caused the damage

To defeat the claim, defendant can claim affirmative defences:

- Did not put the product into circulation
- Defect which caused the damage did not exist at the time when the product was put into circulation by him or that this defect came into being afterwards
- Product was neither manufactured by defendant for sale or any form of distribution for economic purpose nor manufactured or distributed by defendant in the course of his business
- Defect is due to compliance of the product with mandatory regulations issued by the public authorities
- State of scientific and technical knowledge at the time when he put the product into circulation was not such as to enable the existence of the defect to be discovered
- In the case of a manufacturer of a component, that the defect is attributable to the design of the product in which the component has been fitted or to the instructions given by the manufacturer of the product.

# European Product Liability

**VM Jensen**



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