



CAMBRIDGE STUDIES IN INTERNATIONAL AND COMPARATIVE LAW
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Pure Economic Loss in Europe



EDITED BY
MAURO BUSSANI AND VERNON VALENTINE PALMER

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Pure Economic Loss In Europe

Eugenia Dacornia



Pure Economic Loss In Europe:

Pure Economic Loss in Europe Mauro Bussani, Vernon Valentine Palmer, 2003-07-31 Pure economic loss is one of the most discussed and controversial legal issues in Europe today raising complex questions which affect the law of tort and contract How far can tort liability expand without imposing excessive burdens upon individual activity Should the recovery of pure economic loss be the domain principally of the law of contract And is there a common core of principles policies and rules governing tortious liability for pure economic loss in Europe Originally published in 2003 this is a comprehensive study of the subject using a fact based comparative method and in depth research into the laws of thirteen European countries Following a historical and analytical introduction to economic loss experts from most European countries consider how their national systems would deal with the same practical problem highlighting similarities and differences in a range of comprehensive issues This is the third publication of the Common Core of European Private Law Pure Economic Loss in Europe Mauro Bussani, Professor Vernon Palmer, Ugo Mattei, Rodolfo Sacco, Rudolf B Schlesinger, 2014-05-14 This 2003 study uses a fact based comparative method and in depth research into the laws of thirteen European countries *Pure Economic Loss in Europe* Mauro Bussani, Vernon V. Palmer, 2003 How far can tort liability expand without imposing excessive burdens upon individual activity This comprehensive study of pure economic loss in Europe uses a fact based comparative method and in depth research into the laws of thirteen European countries Includes a historical and analytical introduction to economic loss This is the third published volume of the results of the Trento project **Pure Economic Loss** Vernon V. Palmer, Mauro Bussani, 2009 Pure economic loss is one of the most discussed problems in the fields of tort and contract This book takes a comparative approach to the subject exploring the principles policies and rules governing tortious liability for pure economic loss in a number of countries across the world including the USA Canada Japan South Africa and Denmark **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

EU Market Abuse Regulation Kalss, Susanne, Oppitz, Martin, Torggler, Ulrich, Winner, Martin, 2021-12-07 This comprehensive Commentary examines the implications of the EU's Market Abuse Regulation introduced following the 2008 financial crisis after gaps were identified in the existing regulatory framework It explores whether and how the Regulation achieves its aims of preserving the integrity of financial markets by preventing insider dealing and market manipulation providing a harmonised legal framework and increasing legal certainty for all market participants

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

European Perspectives on Producers' Liability Martin Ebers, André Janssen, Olaf Meyer, 2009-10-16 A growing number of countries recognise a direct producers liability for non conforming goods The European Commission has considered the introduction of an EU wide direct producers liability for a long time Will there be new responsibilities for producers in the future This book compiles national reports from 24 European countries on the sale of goods law as well as the consumer's remedies for non conforming goods and the final seller's right of redress A comparative report informs about the different models of producers liability and their impact on the internal market Beneficial for practitioners working in the field of consumer contract law and sale of goods law

Liability for Pure Economic Loss in Europe, 200? **Comparative Law in Eastern and Central Europe** Aleksander W. Bauknecht, Branisław Sitek, Jakub J. Szczerbowski, 2014-07-24 Comparative law is a research methodology which has been increasingly fashionable in recent decades as comparisons between common law and civil law have dominated the law studies landscape There are many methods of comparative law in use including comparison of legal rules comparison of cases and comparison of legal theories Each of these methods has strong proponents and opponents Dogmatic comparisons of rules are criticized for not giving the whole picture of law in action but praised for being the first and the only truly legal step in comparative research Case based comparisons are praised for enabling us to compare the true understanding of rules by courts yet the critics of this method point out that only the higher courts decisions are subject to comparison and most cases do not reach this stage Finally comparisons of legal theories are praised for enabling us to know the spirit of the laws

yet opponents would argue that many countries sharing the same theory would draw opposite conclusions from it This book is a result of the attempted and successful introduction of comparative law into the region of Eastern and Central Europe The subject has induced interest beyond expectations This volume opens with a chapter on the unification of law both from the perspective of institutional unification by such supra state organizations spontaneous and institutionalized unifications between two or more legal systems and the methods of choosing the right rules in the unification process Chapters two and three follow the classical division of private and public law as proposed by the brilliant Roman lawyer Ulpian Overall the chapters in this book offer an interesting and engaging commentary on the current topics discussed by academics in Eastern and Central Europe

Tort Law in the Jurisprudence of the European Court of Human Rights Attila Fenyves, Ernst Karner, Helmut Koziol, Elisabeth Steiner, 2011-11-30 The goal of this study is to provide a general overview and thorough analysis of how the European Court of Human Rights deals with tort law issues such as damage causation wrongfulness and fault the protective purpose of rules remedies and the reduction of damages when applying art 41 of the European Convention on Human Rights ECHR These issues have been examined on the basis of a comprehensive selection and detailed analysis of the Court's judgments and the results compared with different European legal systems Austria Belgium England and Wales France Germany Hungary Ireland Italy Poland Romania Scandinavia Spain Switzerland and Turkey EC Tort Law and the Principles of European Tort Law The introduction of art 41 ex art 50 ECHR in 1950 as a compromise and the issues it raises now the methodological approaches to the tort law of the ECHR the perspectives of human rights and tort law and public international law as well as the question of whether the reparation awarded to victims of ECHR violations can be considered real just satisfaction are addressed in five special reports two of which are also available in German Concluding remarks try to summarise the outcome

The Interaction of Contract Law and Tort and Property Law in Europe Christian von Bar, Ulrich Drobnig, 2009-04-27 Against the background of the creation of an EU wide frame of reference for private law relevant to the Common Market this study which was requested by the EU Commission analyses the dovetailing between contract and tort law on the one hand and between contract and property law on the other The study examines the legal orders of almost all the Member States of the EU illustrates the differences between contractual and non contractual liability and evaluates the different systems of the transfer of property of movable and immovable securities as well as trust law The study comes to the conclusion that the intensive considerations on the creation of a model law in the area of European private law do not allow these thoughts to be limited to contract law Such a limitation to the scope of the regarding of this area would probably cause more problems than it would solve or at any rate not do justice to the needs of the Common Market

Tort Law and Economics Michael Faure, 2009-01-01 The central goal of this book is to provide a state of the art overview of the literature with respect to the economic analysis of tort law It sure meets the challenge offering with great expertise a comprehensive presentation of tort law in both economic and comparative perspectives The clarity of the text

unusual in the law and economics literature makes the book accessible to a broad readership of economists with a limited legal background and lawyers with limited economic skills Olivier Moreteau Louisiana State University US Tort Law and Economics ed Michael Faure provides a highly useful economic overview of the most important topics of tort law The authors clearly show the main developments of the discussion examining the results of recent studies and stating their own opinions Detailed bibliographies are included The volume has to be warmly recommended to friends and foes of economic analysis who are provided with a comprehensive update in this field while also indicating areas which critics have to focus on Helmut Koziol European Centre of Tort and Insurance Law Austria This volume provides a state of the art overview of the literature on the economic analysis of tort law In sixteen chapters the specialist authors guide the reader through the often vast literature in each domain providing a balanced and comprehensive summary Particular attention is paid to the evolution of the field further refinements to economic models and relevant conclusions and lessons for the policymaker Tort Law and Economics is part of the Encyclopedia of Law and Economics and enables readers some not familiar with law and economics to obtain an insight in the relevant economic literature concerning tort law and economics This book will be of interest to lawyers and economists practitioners and academics interested in accident law tort law insurance and regulation It will also appeal to students in economic analysis of law and policymakers working on prevention of accidents tort law or compensation of accident victims

Between Contract and Tort: Pure Economic Loss in Europe Mauro and Vernon Valentine Palmer Bussani, 2005

Markesinis's German Law of Torts Basil S Markesinis, John Bell, André Janssen, 2019-10-03 Since its first appearance in 1986 this magisterial work has won uniform praise from many of the world's leading comparatists It has been acclaimed by senior judges and has been cited by the courts of many countries This new substantially rewritten and systematically updated fifth edition of the work contains over 95 leading judgments most translated in their entirety along with references to over 2 000 other decisions from Germany and the common law world While the book remains an ideal tool for teaching comparative torts and comparative methodology the fact that it has been extensively rewritten makes it an indispensable source of inspiration for those with a professional interest in tort litigation and tort law reform This edition has paid particular attention to liability for internet activity medical liability and the protection of personality rights and private life

General Reports of the XVIIth Congress of the International Academy of Comparative Law Katharina Boele-Woelki, J. H. M. van Erp, 2007 This work contains the General Reports presented at the XVIIth Congress of the International Academy of Comparative Law IACL which was held in July 2006 in Utrecht A wide variety of topics is covered in this collection ranging from liability of judges to competition law The book provides an interesting assessment of the development of comparative law in recent decades and shows the growing importance of comparative law in various disciplines of law

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.

French Civil Liability in Comparative Perspective Jean-Sébastien Borghetti, Simon Whittaker, 2019-12-26. The French law of torts or of extra contractual liability is widely seen as exceptional. For long it was based on a mere five articles of the Civil Code of 1804, but on this foundation the courts and legal scholars have constructed liabilities for fault and strict liability of an extraordinary breadth and significance. While the rest of the general law of obligations, including contract in the Civil Code, was reformed in 2016 by executive ordinance, this area was left aside, being the subject in 2017 of a proposal by the French Government for the legislative reform of the law of civil liability, a new legislative category to include both contractual and extra contractual liability. This work considers important aspects of this developing area of French law in a series of essays by French lawyers and comparative lawyers working in French law and other civil law systems. In doing so, it provides insight into the doctrinal thinking and judgments of French lawyers as well as the possible directions in which this area of the law may be developed in the future.

Managing Environmental Risks through Insurance Katarzyna Malinowska, Dorota Maśniak, 2024-04-08. This book identifies the role of insurance in a comprehensive system for managing environmental risks at the local, regional, and global level. National and international legal instruments regulating environmental protection, especially aspects like pollution, are not precisely reflected in insurance concepts intended to cover environmental risks. As such, there is a need to identify environmental risks and to propose a taxonomy of environmental risks for various types of insurance coverage. The authors refer to the issues of liability in environmental protection, the scope of insurance coverage, and comment on specific issues the importance of which has been noticed by the legislator or insurance practice. The book examines these issues horizontally and vertically from various standpoints, focusing on insurance as a means of managing environmental risks. In this regard, it mainly concentrates on 1. identifying and analyzing environmental risks and methods for managing them via private and public instruments and 2.

insuring these risks The book is intended for all those interested in the field of insurance and environmental risk regimes including lawyers academics and legal professionals **European Contract Law** Bénédicte Fauvarque-Cosson, Denis Mazeaud, 2009-04-27 The Association Henri Capitant des Amis de la Culture Juridique Française and the Société de législation comparée joined the academic network on European Contract Law in 2005 to work on the elaboration of a common terminology and on guiding principles as well as to propose a revised version of the Principles of European Contract Law PECL The results of this work were sent to the European Commission and have already been published in French The English translation is now being published by Sellier & LePailleur This work could contribute to the wider European project The part on the guiding principles could be a component of the CFR in the form of black letter model rules or recitals The part on terminology is in itself useful for the elaboration of the final various linguistic versions of the CFR It finds its place within the materials which will accompany the model rules Last but by no means least the revised version of the PECL should be considered by the European institutions as an alternative set of model rules on contract law

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