Protection of consumers: liability for defective products (amend. Directive 85/374/EEC)

1997/0244(COD) - 18/02/1999

Producer liability will be extended to farms and fisheries according to an amended directive which was adopted by the Committee. The reform of the directive follows the BSE crisis. Hitherto, the directive has covered only processed products. Primary agricultural products ie vegetables, unprocessed meat or fish were not within the scope of the existing directive (85/374/EEC) governing compensation for damage caused by defective products. The Parliament's rapporteur, Ms. Dagmar Roth-Behrend (PES/D) explained, that she had retabled those amendments from the first reading that had not been included into the Council's common position. The Commission's representative declared that the Commission still was against these reintroduced amendments and had been explaining this already during the first reading. The committee adopted all 8 amendments, some of them by slender majorities and approved the report with 13 votes to 7 with 0 abstentions. Key amendments: - Damage resulting from a defective product was redefined to include mental injuries as well as physical injuries and death. (By 11 votes to 8 with 1 abstention). - As the BSE crisis has shown that incubation time might exceed the ten year limit after which the right to compensation is extinguished, the rights of injured persons should be prolonged to 20 years after the date on which the product was put on the market. - The total liability was exceeded from 70 MEURO to 140 MEURO.