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

1997/0244(COD) - 01/10/1997 - Legislative proposal

OBJECTIVE: the proposal for a Directive is intended to harmonise at Community level liability for all types of defective agricultural products. SUBSTANCE: the Commission proposes extending liability for products, as instituted by Directive 85/374/EEC, to primary agricultural products and game produced in or imported into the single market. This initiative, which was called for by the European Parliament in its report on the inquiry into BSE, is intended to enable European consumers to seek compensation for damages caused by defective primary agricultural products (meat, cereals, fruit and vegetables) without having to prove negligence or fault on the part of the producer or importer. Thus all the rules laid down in Directive 85/374/EEC will apply to agricultural products: the burden of proof resting with the injured party; joint and several liability where more than one person is liable; the concept of safety defect; the damage covered; the time limits for proceedings and for the lapsing of liability; the fact that liability may not voluntarily be limited or excluded, etc. The new provisions will not apply retroactively, however: they will apply to products placed on the market after the Directive has been transposed into national law, the deadline for which is January 1999.