Consumer protection: civil liability for defective products (direct. 85/374/EEC). Green paper

1999/2158(COS) - 30/03/2000 - Text adopted by Parliament, single reading

The Parliament adopted its resolution on the Commission's Green Paper 'Liability for defective products', drafted by Mr. Neil MacCormick (Greens/ALE, UK). It is of the opinion that any revision of the Product Liability Directive needs to be based on clearly established factual evidence. The Commission is called upon to collect factual evidence not only by asking concerned parties but also by applying scientific methods and by involving the academic community and civil society. Parliament suggests that research projects appropriate for this area of law at the interface of fault-based corrective justice and no-fault liability based on the principle of redistribution of risk could be launched. It recommends that European Community legislators should in any event engage in broad dialogue and review concerning development of European law on Product Liability, even if no immediate action is shown to be required on the basis of the Green paper and responses to it. The Parliament is of the opinion that the following aspects of the Directive have given rise to some concern and should be the subject of careful consideration: - the issue of the burden of proof and other procedural devices such as those that make it easier for an injured party to have access to information and documents in the possession of the maker or supplier of the product alleged to have caused damage; - exceptions to strict product liability, especially concerning 'development risk'; - the exclusion of liability for damage caused in the course of professional or commercial use of products that are also in general use as consumer products; - the appropriateness of the currently imposed time-limits on liability, having regard, for example, to the problem of latent defects whose injurious effects become apparent only after a long interval of time; - the categories of damage covered by product liability (for example, psychological as well as physical injury); - the approach of Courts to quantification of damages in product liability litigation as contrasted with their approach in cases of civil liability based on fault; - the appropriateness of lower and upper money limits for liability in damages; - relevant problems of access to justice.