

Comparative Remarks

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A Warm Welcome to...

... regular guests ...

- protection of the environment
- non-pecuniary loss & loss of use
- personal injury / bereavement damages
- state liability

... and first-time visitors

- new product liability
- protection of trade secrets
- liaison of procedural law & tort law

Protection of the Environment

awareness of public responsibility

- court practice
 - ECHR-violation (NL: Urgenda case)
 - civil law duties (B: guardian liability)
- legislative measures/drafts
 - state responsibility (NL: gas exploitation in Groningen)
 - corporate social responsibility (CH)

Non-pecuniary Loss / Loss of Use

recoverability increasing

- criteria for assessment?
 - court practice (SE: citizenship deregistered)
 - tariffication schemes
- loss of use
 - DE: yes, if perceptible loss (motorbike)
 - PL: only if expenses incurred (car)
 - AT: only if expenses incurred (flat)

Personal Injury

pecuniary / non pecuniary damages

- loss of house-keeping capacity (DE)
 - economic loss: no award without legal obligation
 - non-pecuniary loss: increased

Bereavement Damages

bereavement damages

- various reasonings → various criteria
- indirect victim: who may claim?
 - only close family members (Lithuania)
 - no restriction to relatives (PL)
 - *compensation limited by legislator* (BG, NL)
- direct victim: what kind of harm?
 - death (RO)
 - any severe injury (PL)

State Liability

- **"The King ~~can~~ do no wrong"**
 - but: immunity (common law)
- **right of recourse**
 - liability of the minister (Lithuania)
- **"counter-attacks"**
 - claim for damages because of tax evasion (Lithuania)

First-time Visitors

- **new product liability regime**
 - but: immunity (common law)
- **protection of trade/business secrets**
- **tort law meets procedural law**
 - new tools for collective redress (DE, NL, CH, B)
 - “new deal for consumers” (COM)
 - procedural duty to co-operate (NL, Estonia)
 - admissibility of evidence obtained unlawfully

Conclusion and Farewell

Thank you for being our guests.
Please, come back and visit us again!