



International Association for the
Study of Insurance Economics

Études et Dossiers

Études et Dossiers No. 303

Annual Liability Regimes Conference

**How to better react to developments in
liability and insurance**

26 – 28 October 2005
Munich

December 2005

**Working Paper Series of
The Geneva Association**

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The Geneva Association Working Paper Series “Études et Dossiers” appear at irregular intervals about 10 - 12 times per year. Distribution is limited.

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Layout & Distribution: Valéria Kozakova

Mainstreams in the Development of European Tort Law A Front-Line Snapshot

Bernhard A. Koch



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Mainstreams in the Development of European Tort Law



Introduction

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Introduction

Annual Conference on European Tort Law
Reports published in „Yearbook on
European Tort Law“ series with Springer



SpringerWienNewYork



European Centre of
Tort and Insurance Law
Research Unit for
European Tort Law



5th Annual Conference on European Tort Law

Developments in Tort Law
in Europe 2005

**Thursday, April 20 to
Saturday, April 22, 2006**

Vienna (Austria)

Sponsors:
Austrian Ministry of Justice
Freshfields Bruckhaus Deringer
Kulturabteilung der Stadt Wien
Munich Re
Wiener Städtische Allgemeine Versicherung AG

Essential information
on court practice and
legislation in the area
of tort law during the
year 2005 in the
following jurisdictions:

- Austria
- Belgium
- Czech Republic
- Denmark
- England and Wales
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Netherlands
- Norway
- Poland
- Portugal
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland
- European Union



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Mainstreams in the Development of European Tort Law



Overview

- Tort Law (Re-) Codification
- State Liability
- Personality Rights Revisited
- Non-Pecuniary Loss



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Tort Law (Re-) Codification

- New tort law legislation in Eastern Europe
- Major amendments and plans for recodification in other countries
 - Scandinavian countries
 - Germany
 - Switzerland
 - Austria



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State Liability

- State intervention expected at least in cases of large-scale losses with multiple victims (terrorism, catastrophes)
- Casum sentit ~~res publica~~



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Personality Rights Revisited

- „Human rights invasion“
- Redefinition of bodily injuries – damage to health as separate category?
- Ethical issues posing new problems:
 - wrongful birth – wrongful life ✓
 - genetic engineering ?
 - euthanasia ?
 - ???



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Non-Pecuniary Loss

- More claimants ⇒ from first party to third, fourth, ... party
- Higher amounts ⇒ jumps to higher levels rather than gradual increase

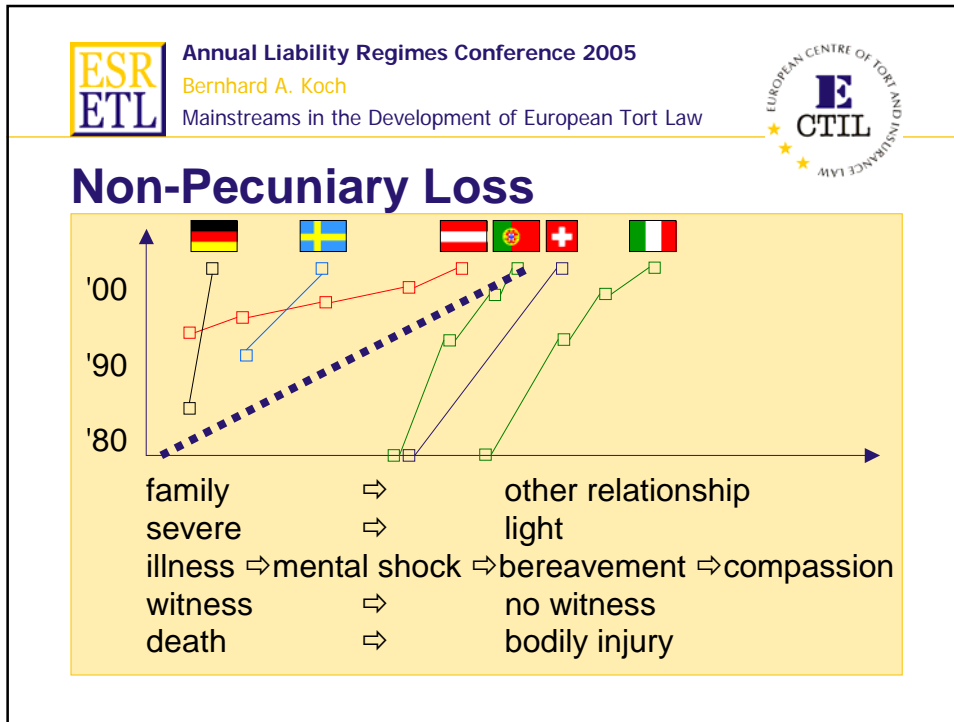


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Obvious overall trend ...

