

INTERNATIONAL PRODUCT LIABILITY

A Study of Comparative and International Legal Aspects of Product Liability

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The author presents a concise and up-to-date picture of product liability law in the USA, Canada, the UK, West Germany, France and the Netherlands, rounded off by comparative conclusions on the main characteristics of this newly evolved part of the law. The recent action taken by the EEC and Council of Europe in furtherance of their consumer protection programmes and aiming at strict liability is also discussed. Attention is further paid to the increasing role of product quality standards and to the insurance aspects.

Building on the features of substantive product liability law the author places the search for choice of law rules within the framework of choice of tort law generally. He traces the trends in legal theory and practice in the last decades toward more differentiation for particular torts. A major part of the discussion of conflict of laws problems is devoted to American cases, both interstate and international, involving product liability. Here the effects of the so-called 'long-arm statutes' on jurisdiction over foreign manufacturers is brought to light, as are also the sometimes puzzling results of the fashionable 'interest analysis' for selection of the applicable law. The American solutions are confronted with the rare European cases on jurisdiction and choice of law concerning product liability and with the views of private international law scholars. This is usefully supplemented by an analysis of the 1973 Hague Convention on product liability that came into force on 1 October 1977.

The book culminates in the exposition of the author's views on a conflict of laws rule, where he stresses the central significance of the market on which the product was offered and supplied.

Access to the book's extensive source material is facilitated by a subject index and a table of cases; a twenty-page bibliography has also been added.

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