PRODUCT LIABILITY IN
COMPARATIVE PERSPECTIVE

This book examines the law of product liability from a comparative perspective. With the European Directive on Product Liability enacted over twenty years ago, this publication analyses the state of product liability in a number of key jurisdictions including both Western European countries and new Member States. Account is also taken of recent developments further afield, including the United States and Japan. Distinguished contributors, including a high court judge, European Commission official, leading litigators and academics, provide individual country reports and a number of integrated comparative studies. The book is designed for practical use by legal practitioners, academics, students and others interested in the area of contract, tort, civil procedure and multi-party litigation. In particular, practitioners will find the country reports an essential reference point.

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This is an extraordinary book, in which I am honoured to be included, and which I am even more privileged to be able to introduce. It contains contributions from an array of the leading thinkers in the field of product liability; and it provides substantial food (non-standard, and certainly not defective) for thought for practitioners, academics and students alike. The British Institute of International and Comparative Law has been in the forefront of debate in the field of product liability, organising conferences from which no self-respecting practitioner or academic in the area could afford to be absent, and now, after ‘rounding-up all the usual suspects’, producing this totally riveting book.

As the judge in the Hepatitis C litigation, I had the opportunity of climbing a steep learning curve, supervised by Counsel, but educated by leading academics not only from the United Kingdom, but from Europe and of course Australia. Now they are all collected together in one place. They may not agree (either with each other, or – even! – with the Hepatitis C judgment) but, taken together, their views constitute the corpus of present thinking, and it makes a stimulating and enlightening read.

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The aim of this book is to examine the law of product liability from a comparative law standpoint. It is now ten years since the publication of *Comparative Product Liability*, edited by Professor C. J. Miller and published by the British Institute of International and Comparative Law in association with the United Kingdom National Committee for Comparative Law. The time was thus ripe to examine the topic again.

The origin of this book is a research project undertaken by the Tort Law Centre at the British Institute of International and Comparative Law. Many of the contributions to the book have emerged from the Institute’s work on product liability, whilst other chapters were originally presented by their authors at Institute events.

It is also appropriate to mention here the role of the Product Liability Forum, which, as well as generously supporting the work of the Institute in this area, has provided a stimulating arena for discussion of product liability issues.

Many thanks also to the staff of Cambridge University Press who have overseen the production process.

The Law is as stated on 1 March 2004.

DUNCAN FAIRGRIEVE