Product liability
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Abstract
Product liability is an important field of European private law, because when the Product Liability Directive (85/374/EEC) was adopted in 1985, it was one of the first areas to be harmonised at a European level. Before considering the directive's operation in more detail, some more general comments on the lessons for the European harmonisation process are appropriate. First, the Product Liability Directive sought to achieve full harmonisation, a fact stressed by the European Court of Justice (ECJ) on a number of occasions. However, it was a special form of 'non-exhaustive' full harmonisation: Article 13 expressly retains contractual and non-contractual liability, as well as special liability systems existing at the moment the directive was notified. This might become an important model given the debates about the extent of full harmonisation to be achieved under the proposed Consumer Rights Directive. While it cannot be denied that the fact that the harmonisation is non-exhaustive undermines at least part of its rationale, such a model can nonetheless be apposite in the sphere of strict product liability, where the EU can be seen to have added an extra protective layer over pre-existing liability regimes. It is harder to justify in an area like sales
Product liability comprises a number of laws and court rulings that apply to any business that makes or sells a product. Businesses that make or sell products are responsible for ensuring that those products are safe and do not pose a hazard to the public. Product liability issues have become increasingly important to manufacturers and marketing managers, due to the spread of the doctrine of strict liability and the adoption of new theories that permit recovery in so-called "delayed manifestation" cases. Product Liability. From lawbrain.com. Small Business -> Small Business > Business Law -> Business Law -> Legal Term. The rule of strict liability applied in product liability suits makes a seller responsible for all defective items that unreasonably threaten the personal safety of a consumer or the consumer's property. The vendor is liable if he or she regularly engaged in the business of selling such products, which reach the consumer without any substantial changes having been made in their condition. Products subjected to liability include all consumer goods, medical devices, commercial/personal vehicles, aircraft and consumable goods such as food and prescription drugs. As it is the duty of a product vendor or manufacturer to produce/supply a product which will not cause harm during normal use, manufacturer/vendors of unsafe products are subject to recovery for damages. Contact a product liability lawyer to consult your case. Theories of Recovery

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