

EU Product Liability Directives

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COUNCIL DIRECTIVE

of 25 July 1985

on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products

(85/374/EEC)

Refer to 1999/34/EC for changes to highlighted text

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas approximation of the laws of the Member States concerning the liability of the producer for damage caused by the defectiveness of his products is necessary because the existing divergences may distort competition and affect the movement of goods within the common market and entail a differing degree of protection of the consumer against damage caused by a defective product to his health or property;

Whereas liability without fault on the part of the producer is the sole means of adequately solving the problem, peculiar to our age of increasing technicality, of a fair apportionment of the risks inherent in modern technological production;

Whereas liability without fault should apply only to movables which have been industrially produced; whereas, as a result, it is appropriate to exclude liability for agricultural products and game, except where they have undergone a processing of an industrial nature which could cause a defect in these products; whereas the liability provided for in this Directive should also apply to movables which are used in the construction of immovables or are installed in immovables;

Whereas protection of the consumer requires that all producers involved in the production process should be made liable, in so far as their finished product, component part or any raw material supplied by them

was defective; whereas, for the same reason, liability should extend to importers of products into the Community and to persons who present themselves as producers by affixing their name, trade mark or other distinguishing feature or who supply a product the producer of which cannot be identified;

Whereas, in situations where several persons are liable for the same damage, the protection of the consumer requires that the injured person should be able to claim full compensation for the damage from any one of them;

whereas, to protect the physical well-being and property of the consumer, the defectiveness of the product should be determined by reference not to its fitness for use but to the lack of the safety which the public at large is entitled to expect; whereas the safety is assessed by excluding any misuse of the product not reasonable under the circumstances;

Whereas a fair apportionment of risk between the injured person and the producer implies that the producer should be able to free himself from liability if he furnishes proof as to the existence of certain exonerating circumstances;

Whereas the protection of the consumer requires that the liability of the producer remains unaffected by acts or omissions of other persons having contributed to cause the damage; whereas, however, the contributory negligence of the injured person may be taken into account to reduce or disallow such liability;

Whereas the protection of the consumer requires compensation for death and personal injury as well as compensation for damage to property; whereas the latter should nevertheless be limited to goods for private use or consumption and be subject to a deduction of a lower threshold of a fixed amount in order to avoid litigation in an excessive number of cases; whereas this Directive should not prejudice compensation for pain and suffering and other non-material damages payable, where appropriate, under the law applicable to the case;

Whereas a uniform period of limitation for the bringing of action for compensation is in the interests both of the injured person and of the producer;

⁽¹⁾ OJ No C 241, 14. 10. 1976, p. 9 and OJ No C 271, 26. 10. 1979, p. 3.

⁽²⁾ OJ No C 127, 21. 5. 1979, p. 61.

⁽³⁾ OJ No C 114, 7. 5. 1979, p. 15.

Whereas products age in the course of time, higher safety standards are developed and the state of science and technology progresses; whereas, therefore, it would not be reasonable to make the producer liable for an unlimited period for the defectiveness of his product; whereas, therefore, liability should expire after a reasonable length of time, without prejudice to claims pending at law;

Whereas, to achieve effective protection of consumers, no contractual derogation should be permitted as regards the liability of the producer in relation to the injured person;

Whereas under the legal systems of the Member States an injured party may have a claim for damages based on grounds of contractual liability or on grounds of non-contractual liability other than that provided for in this Directive; in so far as these provisions also serve to attain the objective of effective protection of consumers, they should remain unaffected by this Directive; whereas, in so far as effective protection of consumers in the sector of pharmaceutical products is already also attained in a Member State under a special liability system, claims based on this system should similarly remain possible;

Whereas, to the extent that liability for nuclear injury or damage is already covered in all Member States by adequate special rules, it has been possible to exclude damage of this type from the scope of this Directive;

Whereas, since the exclusion of primary agricultural products and game from the scope of this Directive may be felt, in certain Member States, in view of what is expected for the protection of consumers, to restrict unduly such protection, it should be possible for a Member State to extend liability to such products;

Whereas, for similar reasons, the possibility offered to a producer to free himself from liability if he proves that the state of scientific and technical knowledge at the time when he put the product into circulation was not such as to enable the existence of a defect to be discovered may be felt in certain Member States to restrict unduly the protection of the consumer; whereas it should therefore be possible for a Member State to maintain in its legislation or to provide by new legislation that this exonerating circumstance is not admitted; whereas, in the case of new legislation, making use of this derogation should, however, be subject to a Community stand-still procedure, in order to raise, if possible, the level of protection in a uniform manner throughout the Community;

Whereas, taking into account the legal traditions in most of the Member States, it is inappropriate to set any financial ceiling on the producer's liability without

fault; whereas, in so far as there are, however, differing traditions, it seems possible to admit that a Member State may derogate from the principle of unlimited liability by providing a limit for the total liability of the producer for damage resulting from a death or personal injury and caused by identical items with the same defect, provided that this limit is established at a level sufficiently high to guarantee adequate protection of the consumer and the correct functioning of the common market;

Whereas the harmonization resulting from this cannot be total at the present stage, but opens the way towards greater harmonization; whereas it is therefore necessary that the Council receive at regular intervals, reports from the Commission on the application of this Directive, accompanied, as the case may be, by appropriate proposals;

Whereas it is particularly important in this respect that a re-examination be carried out of those parts of the Directive relating to the derogations open to the Member States, at the expiry of a period of sufficient length to gather practical experience on the effects of these derogations on the protection of consumers and on the functioning of the common market,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The producer shall be liable for damage caused by a defect in his product.

Article 2

For the purpose of this Directive 'product' means all movables, with the exception of primary agricultural products and game, even though incorporated into another movable or into an immovable. 'Primary agricultural products' means the products of the soil, of stock-farming and of fisheries, excluding products which have undergone initial processing. 'Product' includes electricity.

Article 3

1. 'Producer' means the manufacturer of a finished product, the producer of any raw material or the manufacturer of a component part and any person who, by putting his name, trade mark or other distinguishing feature on the product presents himself as its producer.

2. Without prejudice to the liability of the producer, any person who imports into the Community a product for sale, hire, leasing or any form of distribution in the course of his business shall be deemed to be a producer within the meaning of this Directive and shall be responsible as a producer.

3. Where the producer of the product cannot be identified, each supplier of the product shall be treated as its producer unless he informs the injured person, within a reasonable time, of the identity of the producer or of the person who supplied him with the product. The same shall apply, in the case of an imported product, if this product does not indicate the identity of the importer referred to in paragraph 2, even if the name of the producer is indicated.

Article 4

The injured person shall be required to prove the damage, the defect and the causal relationship between defect and damage.

Article 5

Where, as a result of the provisions of this Directive, two or more persons are liable for the same damage, they shall be liable jointly and severally, without prejudice to the provisions of national law concerning the rights of contribution or recourse.

Article 6

1. A product is defective when it does not provide the safety which a person is entitled to expect, taking all circumstances into account, including:

- (a) the presentation of the product;
- (b) the use to which it could reasonably be expected that the product would be put;
- (c) the time when the product was put into circulation.

2. A product shall not be considered defective for the sole reason that a better product is subsequently put into circulation.

Article 7

The producer shall not be liable as a result of this Directive if he proves:

- (a) that he did not put the product into circulation; or
- (b) that, having regard to the circumstances, it is probable that the defect which caused the damage did not exist at the time when the product was put into circulation by him or that this defect came into being afterwards; or
- (c) that the product was neither manufactured by him for sale or any form of distribution for economic

purpose nor manufactured or distributed by him in the course of his business; or

- (d) that the defect is due to compliance of the product with mandatory regulations issued by the public authorities; or
- (e) that the state of scientific and technical knowledge at the time when he put the product into circulation was not such as to enable the existence of the defect to be discovered; or
- (f) in the case of a manufacturer of a component, that the defect is attributable to the design of the product in which the component has been fitted or to the instructions given by the manufacturer of the product.

Article 8

1. Without prejudice to the provisions of national law concerning the right of contribution or recourse, the liability of the producer shall not be reduced when the damage is caused both by a defect in product and by the act or omission of a third party.

2. The liability of the producer may be reduced or disallowed when, having regard to all the circumstances, the damage is caused both by a defect in the product and by the fault of the injured person or any person for whom the injured person is responsible.

Article 9

For the purpose of Article 1, 'damage' means:

- (a) damage caused by death or by personal injuries;
- (b) damage to, or destruction of, any item of property other than the defective product itself, with a lower threshold of 500 ECU, provided that the item of property:
 - (i) is of a type ordinarily intended for private use or consumption, and
 - (ii) was used by the injured person mainly for his own private use or consumption.

This Article shall be without prejudice to national provisions relating to non-material damage.

Article 10

1. Member States shall provide in their legislation that a limitation period of three years shall apply to proceedings for the recovery of damages as provided for in this Directive. The limitation period shall begin to run from the day on which the plaintiff became aware, or should reasonably have become aware, of the damage, the defect and the identity of the producer.

2. The laws of Member States regulating suspension or interruption of the limitation period shall not be affected by this Directive.

Article 11

Member States shall provide in their legislation that the rights conferred upon the injured person pursuant to this Directive shall be extinguished upon the expiry of a period of 10 years from the date on which the producer put into circulation the actual product which caused the damage, unless the injured person has in the meantime instituted proceedings against the producer.

Article 12

The liability of the producer arising from this Directive may not, in relation to the injured person, be limited or excluded by a provision limiting his liability or exempting him from liability.

Article 13

This Directive shall not affect any rights which an injured person may have according to the rules of the law of contractual or non-contractual liability or a special liability system existing at the moment when this Directive is notified.

Article 14

This Directive shall not apply to injury or damage arising from nuclear accidents and covered by international conventions ratified by the Member States.

Article 15

1. Each Member State may:
 - (a) by way of derogation from Article 2, provide in its legislation that within the meaning of Article 1 of this Directive 'product' also means primary agricultural products and game;
 - (b) by way of derogation from Article 7 (e), maintain or, subject to the procedure set out in paragraph 2 of this Article, provide in this legislation that the producer shall be liable even if he proves that the state of scientific and technical knowledge at the time when he put the product into circulation was not such as to enable the existence of a defect to be discovered.

2. A Member State wishing to introduce the measure specified in paragraph 1 (b) shall communicate the text of the proposed measure to the Commission. The Commission shall inform the other Member States thereof.

The Member State concerned shall hold the proposed measure in abeyance for nine months after the Commission is informed and provided that in the meantime the Commission has not submitted to the Council a proposal amending this Directive on the relevant matter. However, if within three months of receiving the said information, the Commission does not advise the Member State concerned that it intends submitting such a proposal to the Council, the

Member State may take the proposed measure immediately.

If the Commission does submit to the Council such a proposal amending this Directive within the aforementioned nine months, the Member State concerned shall hold the proposed measure in abeyance for a further period of 18 months from the date on which the proposal is submitted.

3. Ten years after the date of notification of this Directive, the Commission shall submit to the Council a report on the effect that rulings by the courts as to the application of Article 7 (e) and of paragraph 1 (b) of this Article have on consumer protection and the functioning of the common market. In the light of this report the Council, acting on a proposal from the Commission and pursuant to the terms of Article 100 of the Treaty, shall decide whether to repeal Article 7 (e).

Article 16

1. Any Member State may provide that a producer's total liability for damage resulting from a death or personal injury and caused by identical items with the same defect shall be limited to an amount which may not be less than 70 million ECU.

2. Ten years after the date of notification of this Directive, the Commission shall submit to the Council a report on the effect on consumer protection and the functioning of the common market of the implementation of the financial limit on liability by those Member States which have used the option provided for in paragraph 1. In the light of this report the Council, acting on a proposal from the Commission and pursuant to the terms of Article 100 of the Treaty, shall decide whether to repeal paragraph 1.

Article 17

This Directive shall not apply to products put into circulation before the date on which the provisions referred to in Article 19 enter into force.

Article 18

1. For the purposes of this Directive, the ECU shall be that defined by Regulation (EEC) No 3180/78⁽¹⁾, as amended by Regulation (EEC) No 2626/84⁽²⁾. The equivalent in national currency shall initially be calculated at the rate obtaining on the date of adoption of this Directive.

2. Every five years the Council, acting on a proposal from the Commission, shall examine and, if need be, revise the amounts in this Directive, in the light of economic and monetary trends in the Community.

⁽¹⁾ OJ No L 379, 30. 12. 1978, p. 1.

⁽²⁾ OJ No L 247, 16. 9. 1984, p. 1.

Article 19

1. Member States shall bring into force, not later than three years from the date of notification of this Directive, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof ⁽¹⁾.

2. The procedure set out in Article 15 (2) shall apply from the date of notification of this Directive.

Article 20

Member States shall communicate to the Commission the texts of the main provisions of national law which they subsequently adopt in the field governed by this Directive.

Article 21

Every five years the Commission shall present a report to the Council on the application of this Directive and, if necessary, shall submit appropriate proposals to it.

Article 22

This Directive is addressed to the Member States.

Done at Brussels, 25 July 1985.

For the Council

The President

J. POOS

⁽¹⁾ This Directive was notified to the Member States on 30 July 1985.

DIRECTIVE 1999/34/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 10 May 1999

amending Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

(1) Whereas product safety and compensation for damage caused by defective products are social imperatives which must be met within the internal market; whereas the Community has responded to those requirements by means of Directive 85/374/EEC ⁽⁴⁾ and Council Directive 92/59/EEC of 29 June 1992 on general product safety ⁽⁵⁾;

(2) Whereas Directive 85/374/EEC established a fair apportionment of the risks inherent in a modern society in which there is a high degree of technicality; whereas that Directive therefore struck a reasonable balance between the interests involved, in particular the protection of consumer health, encouraging innovation and scientific and technological development, guaranteeing undistorted competition and facilitating trade under a harmonised system of civil liability; whereas that Directive has thus helped to raise awareness among traders of the issue of product safety and the importance accorded to it;

(3) Whereas the degree of harmonisation of Member States' laws achieved by Directive 85/374/EEC is not complete in view of the derogations provided for, in particular with regard to its scope, from which unprocessed agricultural products are excluded;

(4) Whereas the Commission monitors the implementation and effects of Directive 85/374/EEC and in particular its aspects relating to consumer protection and the functioning of the internal market, which have already been the subject of a first report; whereas, in this context, the Commission is required by Article 21 of that Directive to submit a second report on its application;

(5) Whereas including primary agricultural products within the scope of Directive 85/374/EEC would help restore consumer confidence in the safety of agricultural products; whereas such a measure would meet the requirements of a high level of consumer protection;

(6) Whereas circumstances call for Directive 85/374/EEC to be amended in order to facilitate, for the benefit of consumers, legitimate compensation for damage to health caused by defective agricultural products;

(7) Whereas this Directive has an impact on the functioning of the internal market in so far as trade in agricultural products will no longer be affected by differences between rules on producer liability;

(8) Whereas the principle of liability without fault laid down in Directive 85/374/EEC must be extended to all types of product, including agricultural products as defined by the second sentence of Article 32 of the Treaty and those listed in Annex II to the said Treaty;

(9) Whereas, in accordance with the principle of proportionality, it is necessary and appropriate in order to achieve the fundamental objectives of increased protection for all consumers and the proper functioning of the internal market to include agricultural products within the scope of Directive 85/374/EEC; whereas this Directive is limited to what is necessary to achieve the objectives pursued in accordance with the third paragraph of Article 5 of the Treaty,

⁽¹⁾ OJ C 337, 7.11.1997, p. 54.

⁽²⁾ OJ C 95, 30.3.1998, p. 69.

⁽³⁾ Opinion of the European Parliament of 5 November 1998 (OJ C 359, 23.11.1998, p. 25), Council Common Position of 17 December 1998 (OJ C 49, 22.2.1999, p. 1) and Decision of the European Parliament of 23 March 1999 (not yet published in the Official Journal). Council Decision of 29 April 1999.

⁽⁴⁾ OJ L 210, 7.8.1985, p. 29. Directive as amended by the 1994 Act of Accession.

⁽⁵⁾ OJ L 228, 11.8.1992, p. 24.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 85/374/EEC is hereby amended as follows:

1. Article 2 shall be replaced by the following:

Article 2

For the purpose of this Directive, "product" means all movables even if incorporated into another movable or into an immovable. "Product" includes electricity'.

2. In Article 15, paragraph 1(a) shall be deleted.

Article 2

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply these measures as from 4 December 2000.

When the Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official

publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the provisions of national law which they subsequently adopt in the field governed by this Directive.

Article 3

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 10 May 1999.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

H. EICHEL



EUROPEAN COMMISSION

Brussels, 8.9.2011
COM(2011) 547 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE
COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**

**Fourth report on the application of Council Directive 85/374/EEC of 25 July 1985 on the
approximation of the laws, regulations and administrative provisions of the Member
States concerning liability for defective products amended by Directive 1999/34/EC of
the European Parliament and of the Council of 10 May 1999**

(Text with EEA relevance)

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE
COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**

**Fourth report on the application of Council Directive 85/374/EEC of 25 July 1985 on the
approximation of the laws, regulations and administrative provisions of the Member
States concerning liability for defective products amended by Directive 1999/34/EC of
the European Parliament and of the Council of 10 May 1999**

(Text with EEA relevance)

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1. INTRODUCTION

The purpose of Directive 85/374/EEC (hereinafter “the Directive”)¹ is to approximate the laws of the Member States concerning the liability of the producer for damage caused by defective products. The Directive introduces the principle of liability without fault on the part of the producer, whereby any producer of a defective movable must compensate any damage caused to the physical well-being or property of an individual, irrespective of whether or not there is negligence on the part of the individual.

This Directive applies to any product² marketed in the European Economic Area, i.e. in the Member States of the European Union, Norway, Liechtenstein and Iceland. It provides that compensation for material damage shall be limited to goods for private use and consumption with a 500 euro threshold. It sets out the period of limitation and forbids clauses limiting or excluding the liability of the producer. This Directive provides that the producer is exonerated if he proves the existence of certain facts, such as not having put the product into circulation, the defect being due to compliance of the product with mandatory regulations issued by the public authorities, or the state of scientific or technical knowledge at the time when the producer put the product into circulation not allowing him to detect the existence of the defect.

Directive 85/374/EEC does not affect the rights of the injured party under legal provisions on contractual or non-contractual liability or special liability arrangements existing at the time when this Directive was notified³. Moreover, it shall not prejudice compensation for non-material damage pursuant to national legislative provisions.

In accordance with Article 21 of the Directive, the Commission must regularly review the effectiveness of the legal framework governing product liability. The Commission has already drawn up three reports on the application of this Directive⁴.

This is the fourth report on the application of the Directive. It covers the period 2006-2010 and analyses the application of the Directive in the 27 Member States. To this end, the Commission sent a questionnaire to the Member States and the members of informal advisory groups requesting information, in particular concerning the issues raised in the previous report.

¹ Council Directive 85/374/EEC of 25 July 1985 on the approximation of laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 21, 7.8.1985, p. 29), amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999 (OJ L 141, 4.6.1999, p. 20) and corrigendum (OJ L 283, 6.11.1999, p. 20)

² Directive 99/34/EC extended the scope of Directive 84/374/EEC to include agricultural and fishery products. In contrast, nuclear energy is expressly excluded from the basic directive.

³ The Court of Justice of the European Union has on a number of occasions ruled that the provisions laid down in the Directive do not preclude the application of other systems of contractual or non-contractual liability based on other grounds (see, for example, CJEC judgment of 10 January 2006 in Case C-402/03, [2006] ECR I-199).

⁴ COM(1995) 617, 13 December 1995. COM(2000)893 of 31 January 2001 and COM(2006) 496 of 14 September 2006.
(http://ec.europa.eu/enterprise/policies/single-market-goods/documents/liability/index_en.htm)

2. THIRD REPORT ON THE APPLICATION OF DIRECTIVE 85/374/EEC: 2001-2005

The third report on the application of Directive 85/374/EEC concluded that the Directive managed to strike the balance between consumer interests and internal market policies. In its general conclusion, the report confirmed that the implementation of the Directive was on the whole satisfactory and that no amendments were necessary. Even if the application of national legislation sometimes led to discrepancies, these did not affect the functioning of the internal market.

In order to intervene where discrepancies at national level require action at European Union level, the Commission proposed that the functioning of the Directive continue to be examined, in particular in respect of the impact of the provisions on the burden of proof, defences or the threshold of 500 euros for material damage sustained.

3. APPLICATION OF DIRECTIVE 85/374/EEC: 2006 - 2010

During the period in question, the Commission monitored the transposition and implementation of the Directive in the Member States.

In most Member States, the national provisions implementing the Directive are generally applied alongside other regulations on contractual, non-contractual or other types of liability. The coexistence of different product liability rules, which is permitted under Article 13 of the Directive, is considered positive because the range of rules allows consumer protection to be improved.

The data collected for the drafting of this report show that some Member States, including Austria, France, Germany, Italy, Poland and Spain, recorded an increase in the number of product liability cases brought under national laws transposing the Directive. In some of the Member States, there was both an increase in the absolute number of cases brought on the grounds of product liability in the last few years and an increase in the relative use of the Directive against cases brought on the grounds of civil or contractual liability.

The increase in the number of product liability cases brought in recent years is thought to be mainly due to external factors such as greater consumer awareness and better organisation of consumer groups or improved means of accessing information. In contrast, it would seem that the costs of the action discourage this type of proceedings in some Member States, for example the United Kingdom.

This having been said, the swift resolution of a case brought before the national courts depends on the thoroughness and effectiveness of national systems of civil law. In cases where liability is not called into question (i.e. the defect, damage and causal link are clear), these claims are settled out of court, which contributes to the injured party being compensated quickly for the damages sustained⁵.

⁵ Austria and Latvia, for example, have reported a number of out-of-court settlements, including a case where a baby fell off a baby-change table which had folded up (€1 500); burns to a person's legs after the handle broke off a fondue set (€2 500); pains and symptoms of poisoning after consuming a dish

3.1. Judgments of the Court

The Court of Justice of the European Union (hereinafter “the Court”) has continued to specify the arrangements of Directive 85/374/EEC thus contributing to removing the differences in interpretation. The Court has repeatedly ruled on the linkage of this Directive to national transposition arrangements. It has ruled on the overall degree of harmonisation of Directive 85/374/EEC which prevents Member States from, for example, establishing more favourable arrangements for consumers in respect of the period of limitation. It also confirmed that Member States are free to maintain different systems for liability and for strict or no-fault liability whereby the liability of intermediaries may be equivalent to that of the producer in the event of negligence or fault.

Between 2006 and 2010 the Court handed down rulings on six occasions concerning Directive 85/374/EEC. On two occasions, judgments were delivered in the Court’s second referral procedure (Article 260 TFEU, ex Article 228 TEC).

3.1.1. Preliminary rulings (Article 267 TFEU)

In *Skov v Bilka Lavrishvareus*⁶, the Court ruled that Directive 84/374/EEC must be interpreted as precluding national rule under which the supplier of a defective product is answerable, beyond the cases listed exhaustively in Article 3(3) of that Directive, for the no-fault liability which the Directive establishes and imposes on the producer. However, the Court specified that the Directive does not preclude a national rule under which the supplier is answerable without restriction for the producer’s fault-based liability.

In *Declan O’Byrne v Sanofi*⁷, the Court ruled on the notion of the “putting into circulation” of the product within the meaning of Article 11 of the Directive and when the limitation period of the liability action for defective products starts to run. It also specified that a product is put into circulation when it is taken out of the manufacturing process operated by the producer and enters a marketing process in the form in which it is offered to the public in order to be used or consumed.

The Court again clarified its interpretation of Article 11 of the Directive in the *Aventis Pasteur SA v OB*⁸ judgment, ruling that this article must be interpreted as precluding national legislation, which allows the substitution of one defendant for another during proceedings, from being applied in a way which permits a “producer”, within the meaning of Article 3 of that Directive, to be sued, after the expiry of the period prescribed by that article, as defendant in proceedings brought within that period against another person. However, it then made clear that Article 11 must be interpreted as not precluding a national court from holding that, in the proceedings instituted within the period prescribed by that article against the wholly owned subsidiary of the “producer”, within the meaning of Article 3(1) of Directive 85/374, that producer can be substituted for that subsidiary if the court finds that the putting into circulation of the product in question was, in fact, carried out by that producer.

containing millet contaminated by thorn apple seeds (€1 000), or serious injury following a fall from a defective armchair (€5 000).

⁶ CJEU - Judgment of 10 January 2006 in Case C-402/03 [2006] ECR I-199.

⁷ CJEU - Judgment of 9 February 2006, Case C-127/04 [2006] ECR I-1313.

⁸ CJEU - Judgment of 2 December 2009, Case C-358/08 [2009] ECR I-11305.

Lastly, the Court also provided further information regarding the supplier's liability. In that respect, Article 3(3) of the Directive must be interpreted as meaning that, where the person injured by an allegedly defective product was not reasonably able to identify the producer of that product before exercising his rights against the supplier of that product, that supplier must be treated as a "producer" for the purposes, in particular, of the application of Article 11 of that Directive, if it did not inform the injured person, on its own initiative and promptly, of the identity of the producer or its own supplier.

In *Moteurs Leroy Somerc v Dalkia France*⁹, the Court of Justice ruled that the Directive must not be interpreted to mean that it does not preclude the interpretation of domestic law or the application of settled domestic case-law according to which the injured party may seek compensation for damage to an item of property intended for professional use and employed for that purpose where that injured party simply proves the damage, the defect in the product and the causal link between that defect and the damage.

3.1.2. Direct actions (Articles 258 and 260 TFEU)

In its judgment of 25 April 2002 in *Commission v French Republic*¹⁰, the Court noted that France had failed to correctly transpose Directive 85/374/EEC. Given that the Court's judgment had only been partially implemented, the Commission had brought a second referral procedure under Article 260 of the TFEU (ex Article 228 TEC).

Its decision of 14 March 2006 in *Commission v French Republic*¹¹, the Court concluded that by continuing to regard the supplier of a defective product as liable on the same basis as the producer where the producer cannot be identified, even though the supplier has informed the injured party within a reasonable time of the identity of the person who supplied him with the product, the French Republic had not taken the all necessary implementing measures set out in the judgment of 25 April 2002 as regards the transposition of Article 3(3) of Directive 85/374/EEC. The Court ordered the French Republic to comply with the Directive and pay a penalty of 31 650 euros for each day of delay in taking the necessary measures to ensure full compliance with the judgment of 25 April 2002, as from the date of the delivery of the new judgment. France, which had to pay a penalty amounting to a total of 795 600 euros, fully complied with the new judgment.

In a judgment of 5 July 2007, *Commission v Kingdom of Denmark*¹², the Court deemed that the Kingdom of Denmark had failed to fulfil its obligations in respect of the transposition of Directive 85/374/EEC by adopting and maintaining in force provisions which made intermediaries in the distribution chain liable under the same conditions as a manufacturer, contrary to Article 3(3) of that Directive. Following this Decision, Denmark took the necessary measures to bring its legislation into line with the Directive.

3.2. Information provided by national experts and advisory groups

Using the same methodology as for the third report, the Commission invited the national authorities and interested parties who are members of the informal advisory groups to express

⁹ CJEU - Judgment of 4 June 2009, Case C-285/08 [2009] ECR I-4733.

¹⁰ CJEU - Judgment of 25 April 2002, Case C-52/00 [2002] ECR I-3827.

¹¹ CJEU - Judgment of 14 March 2006, Case C-177/04 . [2006] ECR I-2461.

¹² CJEU - Judgment of 5 July 2007, Case C-327/05 [2007] ECR I-93.

their opinions on the application and effectiveness of the Directive during the reference period. The task was to assess the practical impact of the Directive and the issues raised in the previous report, the different interpretations of which by national courts could at times lead to differences in the application of the Directive from one Member State to another.

This report summarises the data collected by the Commission in particular concerning the burden of proof, defence of regulatory compliance, development risk defence and the question of the 500 euro threshold for material damage.

– **Burden of proof (Article 4)**

Directive 85/374/EEC provides that the burden of proof for damage, the defect and causal relationship between the two lies with the injured party. The purpose of this Directive is not to harmonise Member States' national procedural rules, which vary not only as regards substantive law, but also the standard of proof required.

The Lovells study on product liability in the European Union¹³ and the Commission's third report on the application of the Directive already pointed out that case-law in this area varied; there were differences between the decisions of various Member States and even between decisions of the courts within a single Member State.

In the light of the information available, we also note differences in terms of the evidence needed to prove a defect. In some courts, for example, in Belgium, France, Italy or Spain, it is enough for the plaintiff to prove that the product did not fulfil the function for which it was intended. In other countries, such as Germany or the United Kingdom¹⁴, the plaintiff must prove the precise nature of the product's defect in more detail. The same information also shows that the Austrian Supreme Court has developed a body of settled case-law which reconciles these two positions.

Some national authorities (including those of Bulgaria, Italy, Malta, Latvia, Slovakia or Sweden) are, however, of the opinion that injured parties face considerable difficulties in proving that the damage was caused by the product's defect. Such difficulties are mainly due to the costs involved in obtaining an expert opinion. In order to overcome this problem, some Member States believe that the Directive should be amended so as to include a presumption of the producer's liability or a mechanism to reverse the burden of proof.

This provision continues to be a bone of contention between the representatives of the interested parties (consumers, producers, suppliers, insurers or legal practitioners). Consumers emphasise the difficulty, in particular due to the economic costs, of furnishing proof of the defect of certain highly technical products as well as proving the causal link between the defect and the damage when such damage is complex in nature. In order to better guarantee consumer protection, they believe the burden of proof should be reversed.

¹³ Lovells. Product liability in the European Union – A report for the European Commission – (The Lovells Report) 2003.
(http://ec.europa.eu/enterprise/policies/single-market-goods/documents/liability/index_en.htm).

¹⁴ Nevertheless, the English Court of Appeal ruled that the appellant did not have to prove the precise mechanism by which the product was defective in order to establish the producer's liability in *Ide v. ATB sales* (2008, WECA Civ 424).

As for the producers and insurers, they believe that the requirement to prove the causal link between the damage and the product's defect is fundamental to the balance between producers' interests and consumer interests guaranteed under the Directive. They also believe that relaxing the rules for the burden of proof would encourage consumers to take legal action for minor damage. According to legal practitioners, plaintiffs are able to establish the causal link between the defect and damage on the basis of the rules of evidence in the various Member States. This is proved by the increasing number of claims for compensation arising from a defective product.

– **Defence of regulatory compliance (Article 7(d))**

Directive 85/374/EEC establishes that the producer shall not be liable if he proves that the defect is due to compliance of the product with mandatory regulations issued by the public authorities.

On the basis of the information available, the Commission notes that there is very little case-law on this ground of defence. In this connection, the Hungarian authorities have indicated that this type of case mainly relates to vehicles and medical products. In the first instance, Hungarian case-law rarely establishes the producer's liability pursuant to the national law transposing the Directive, but as regards medicines and other medical products (in particular blood products), the producer's liability is, as a general rule, decided on by the courts. According to the Slovak authorities, consumers rarely exercise their rights to compensation in this context. They usually request other rights be enforced, such as the right to withdraw, request a discount on the purchase price or have the defect repaired.

The representatives of the pharmaceutical industries in Europe take the view that the liability system laid down in the Directive does not sufficiently take into account the fact that the medicinal products sector is very strictly regulated. In their opinion, the fact that the use of medicine is generally subject to external examination by health professionals (including doctors, nurses or pharmacists) and that the producer does not have any control over the way in which medicines are prescribed or administered should be taken into account when analysing the defect of the product and the producer's liability.

– **Development risk defence (Article 7(e))**

Directive 85/374/EEC provides that the producer's liability is not affected when the state of technical knowledge at the time when he put the product into circulation was not such as to enable the defect to be discovered. On this point, the Member States are permitted to take measures by way of derogation¹⁵.

According to the information available, the Commission notes that national courts differ as to whether this defence applies to all types of defect. For example, the German Supreme Court ruled that Article 7(e) never applies to manufacturing defects. Other courts, for example in the Netherlands and the United Kingdom, disagree with this interpretation. Furthermore, despite the judgment of the Court of Justice of the European Union in *Commission v United*

¹⁵ Fondazione Rosselli. Analysis of the Economic Impact of the Development Risk Clause as provided for by Directive 85/374/EEC on liability for defective products. 2004. According to this report, only Finland and Luxembourg have excluded this defence from their legislation. (http://ec.europa.eu/enterprise/policies/single-market-goods/documents/liability/index_en.htm).

*Kingdom*¹⁶, there still seems to be some doubt as to the way in which the courts should interpret the clause “*the state of scientific and technical knowledge at the time when he put the product into circulation was not such as to enable the existence of the defect to be discovered*”.

Based on the above-mentioned information, the Austrian Supreme Court ordered that this liability exclusion clause may apply to a situation in which a certain risk has been discovered only by the expert appointed by the court through a series of tests as part of proceedings, and which was not known to the experts prior to the start of proceedings and the marketing of the product.

Today, some Member States have also shifted liability for development risks onto the producer. For example, in Finland and Luxembourg this liability applies to all types of product. In Spain, this defence does not apply in actions brought for pharmaceutical products and foodstuffs intended for human consumption. In other countries, this clause does not apply to certain products and under certain circumstances (for example, in France).

Some national authorities (including those in Bulgaria and Malta) believe that the provision laid down in Article 7(e) of the Directive needs to be reviewed in order to remove this exclusion of liability. In their opinion, removing this defence would contribute to the internal market functioning better. Other authorities (including those in Greece, Italy, Lithuania and the United Kingdom) believe that this clause contributes to maintaining a balance between encouraging the putting into circulation of innovative products and consumer protection as it reduces the insurance costs for companies. This defence encourages technical and scientific innovation without, however, increasing the final cost of the products.

Representatives of the industry and insurance companies believe that the exclusion of this defence would slow down innovation and the development of new products and increase insurance costs. In their opinion, the fact that this exclusion has not had any significant impact in either Luxembourg or Finland is due to the size of the markets. However, consumer representatives would be in favour of removing this liability exclusion clause. They stress that strict liability is based on the principle that persons making a profit from dangerous activities must compensate for damage caused. The producer should therefore be held liable even if the damage sustained is the result of a risk that was impossible to detect.

Some representatives from pharmaceutical companies criticise the position taken in French case-law whereby development risk for identical products put into circulation between 1988 and 1998 (date of the transposition legislation) may not be invoked. Their view is that this position is not in line with the Directive in that the ground for exclusion from liability cannot be accepted or rejected depending on the date of the putting into circulation of products that are identical.

– **500 euro threshold (Article 9)**

Directive 85/374/EEC applies to damage caused to an item that is for private use or consumption other than the defective product itself and with a lower threshold of 500 euros. The third report noted that this threshold was interpreted in different ways by national courts.

¹⁶ CJEU - Judgement of 29 May 1997, C-300/95 [1997] ECR I-2649.

Some national authorities are now expressing a certain preference for reducing, or even removing, the threshold in order to guarantee more effective consumer protection. In particular, the Romanian authorities suggested setting a threshold of between 200 and 500 euros and allowing Member States to fix the amount that best matches the prices in their respective countries.

As regards the parties concerned, the representatives of the industry believe that the current threshold should at least be maintained in order to establish the compensation for strict liability from a given level of damage and to avoid a pile-up of claims for minor material damage, in particular those filed against small and medium-sized enterprises. Furthermore, they believe that this threshold should be raised in order to match it to inflation. Consumer representatives are calling for the threshold to be removed in order to allow compensation for all material damage sustained.

3.3. Other issues concerning the application of the Directive

– Access to the courts

Directive 85/374/EEC does not contain specific provisions in respect of access to the courts for injured parties. Injured parties have to use national legal solutions.

The Commission recalls that the development of the internal market requires easy access for consumers to the courts in cross-border cases.

In this context, substantial progress has been made in the field of judicial cooperation in civil matters, in particular as regards alternative dispute resolution and procedures for small claims.

– Collection and exchange of information

Since 2001, the Commission has had a group of national experts (Expert group on liability for defective products) which assists it in collecting information that is useful and/or necessary to check whether the Directive operates in a satisfactory manner and, if not, to examine the problems identified. This group has not met since 2004. Most Member States believe that it is not necessary to hold periodic meetings to exchange information, but rather feel that the group should meet if the need for a specific discussion arises. However, the new Member States are on the whole in favour of having regular meetings to exchange information.

As regards the collection of information, the *Product Liability Forum of the British Institute of International and Comparative Law* has a database on liability for defective products. This database can be accessed online and contains information regarding legislation and judicial decisions concerning Directive 85/374/EEC in all Member States¹⁷.

4. CONCLUSION

Directive 85/374/EEC is not aimed at fully harmonising all aspects of legislation on liability arising from defective products in the EU. Moreover, the Court of Justice of the European

¹⁷ www.biiicl.org/plf

Union, through its case-law, makes a key contribution towards defining the scope of this Directive and ensuring its correct and uniform implementation.

In the light of the information available, the situation regarding the application of Directive 85/374/EEC is similar to that stated in the previous report. It would, however, seem that the number of liability claims made on the basis of the Directive has increased in some Member States, moreover, there has been an increase in the number of out-of-court settlements for compensation reached between the injured party and the person who caused the damage.

In general, the Directive is seen as achieving a balance between consumer protection and the producers' interests. Most contributions to this report confirm the fact that Directive 85/374/EEC is an instrument that offers the real possibility of filing a claim for appropriate remedy and compensation for damage caused by a defective product.

On the whole, national experts and interested parties recognise the importance of having a balanced liability instrument governing relationships between companies and consumers and feel that the Directive strikes this balance by reconciling the said interests. However, the interested parties also have differing opinions about the Directive as regards the effectiveness of certain provisions, in particular those concerning the burden of proof, defence of regulatory compliance, the development risk defence or the 500 euro threshold. Overall, however, these differences had already been noted in the previous report.

In general, consumers would like more protection at a lower cost, which would mean, for example, removing the threshold. In contrast, producers and insurers mention the risk of increasing the number of claims for minor damages and are therefore in favour of increasing the threshold. These two differing stances are also reflected among the national experts.

It would therefore seem that Directive 85/374/EEC contributes to maintaining the balance between the producers' interests and consumer interests as regards liability for defective products. The Commission takes the view that the differences that may arise do not create significant trade barriers or distort competition in the European Union. In particular, the Commission believes that injured parties can establish the causal link in cases where a defective product causes damage irrespective of the differences between national procedural rules. Similarly, it also noted that, from the information available on the impact of provisions for defences or the 500 euro threshold, it is possible to conclude that the Directive provides a common level of consumer protection and a common basis for the producers' liability for defective products.

Taking into account that the information available is not sufficiently fact-based and that any amendment to one or more provisions has an effect on the overall balance of this Directive, the Commission is of the opinion that it is premature to propose a review of the Directive at this stage.

Between now and the next report, the Commission will follow any development likely to affect the balance, where necessary using an in-depth evaluation involving national experts and interested parties, in order to identify the problems and find solutions that are acceptable to the majority of stakeholders.

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The Commission would ask the European Parliament, the Council and the European Economic and Social Committee to take note of this report.



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Policy, Regulation and Implementation

Single Market Policy, Mutual Recognition and Surveillance

Brussels, 30th May 2017
GROW/B1/HI/sv(2017) 3054035

Brief factual summary on the results of the public consultation on the rules on producer liability for damage caused by a defective product

This document provides a factual overview of the contributions to the public consultation on the rules on producer liability for damage caused by a defective product which took place between 10 January 2017 and 26 April 2017. The content should not be regarded as reflecting the position of the Commission. It does not prejudge any feedback received in the context of other consultation activities.

Summary report on the results of the public consultation on the rules on producer liability for damage caused by a defective product

The public consultation ran from 10 January 2017 until 26 April 2017. The questionnaires were available in all 23 official languages. This public consultation was launched at the same time as the open public consultation related to the [Building a European Data Economy Communication](#), which also contained a chapter on liability (contractual and extra-contractual) related to the Internet of Things technologies and autonomous systems.

Objectives of the consultation

The consultation on the rules on producer liability for damage caused by a defective product was launched to gather evidence for the evaluation of Directive 85/374/EEC on liability for defective products. The ongoing evaluation will assess the current rules to determine whether the Directive continues to be effective, and to seek views on its adequacy to the new technological developments, such as the Internet of Things or automated/autonomous systems.

To obtain the evidence needed to effectively evaluate the Directive, the questionnaire was tailored to particular stakeholders:

- Manufacturers, producers, insurers and their representatives
- Consumers and their associations
- Public authorities and law firms, research, academia (civil society).

This report takes stock of the contributions and trends that emerge from this public consultation, focusing primarily on a quantitative analysis of the responses.

Who replied to the consultation?

There were 113 responses to the online survey: 40 producers (85% of which were from representatives of organisations), 48 consumers (16.67% of which were from consumer associations) and 25 other responses (among these, 24% from public authorities and 16% from civil society).

The Commission also received 13 position papers which were submitted in the context of the online survey, most of them from professional associations representing the interests of business at national or European level.

The largest number of responses came from Germany (35), Belgium (13), Bulgaria (10) and France (9).

Preliminary findings

Without prejudice to the results of a more detailed and qualitative analysis of the public consultation that will be done in the 'Synopsis Report' (see below), the preliminary findings from the questionnaire are as follows:

a) Awareness and practical experience of the application of the Directive

A large majority of respondents to the public consultation (74.6%) are aware of the rules set out in the Directive.

Around a quarter of producers and consumers and more than half of the others (public authorities and civil society) stated they had practical experience of the Directive. The most frequently occurring cases were related to electrical appliances and equipment, machinery, motor vehicles, software and telecommunications, medical devices, pharmaceutical products and cosmetics. It seems that when compensation is awarded it often is done through an extra-judicial arrangement rather than taking the case to court.

b) Performance of the Directive, including innovative technological developments

More than 85% of respondents consider that the Directive is advantageous for consumers and producers because consumers can enjoy the same rights wherever they are in the European Union and the product liability rules covered by the Directive are the same in all the Member States. 68% of respondents believe that the Directive strikes a fair balance between the interests of producers and those of the consumers. This last view, relating to the fair balance between the interests of producers and those of the consumers, is also expressly stated in most of the position papers.

Just over half (52%) of producers and consumers stated that the Directive is adequate to cover their own needs when dealing with innovative technological developments; 48% of the other respondents (including public authorities and civil society) considered that the Directive covers the needs of the producers dealing with innovative products, while only 32% considered that the needs of the consumers are covered.

45% of producers, 58% of consumers and 44% of the other respondents (including public authorities and civil society) consider that for some products (e.g. products where software and applications from different sources can be installed after purchase, products performing automated tasks based on algorithms, data analytics, self-learning algorithms or products purchased as a bundle with related services) the application of the Directive might be problematic or uncertain.

c) Are the current rules future-proof?

A quarter of producers, 54% of consumers and 40% of other respondents (including public authorities and civil society) consider that the Directive needs to be adapted for the innovative products mentioned.

40 % of producers, 12.5% of consumers and 28% of the other respondents (for instance, public authorities and civil society) are in favour of guidelines to clarify the rules of the Directive.

27.5% of producers, 43.7% of consumers and 32% of other respondents (for instance, public authorities and civil society) are in favour of a revision of the Directive.

12.5 % of producers, 22.92% of consumers and 12% of the other respondents (for instance, public authorities and civil society) are in favour of new legislation specifically for those products.

Broadly speaking, half of the views in the position papers consider that the current regulatory framework is also adequate to address liability issues related to new technological developments, while the others would welcome a revision of the Directive.

Next steps

The Commission is carrying out an in-depth analysis of the replies to the public consultation. It will be complimented by the analysis of the responses to a targeted

survey and to interviews conducted with different categories of stakeholders (e.g. producers, consumers, insurers, public authorities, civil society or technical legal experts in the domain). The objective of the broad stakeholder consultation is to gather as much as possible of the evidence, data and information relating to the application of the Directive to traditional products, and to determine whether it can be used to effectively offset damages resulting from new technological developments.

Contributions

The contributions to the public consultation are published here:

http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=9048

Annex: Detailed statistics

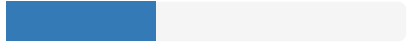


Overall statistics of the public consultation extracted from EU Survey

Statistics: Public Consultation on the rules on liability of the producer for damage caused by a defective product

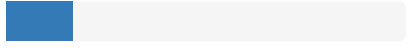

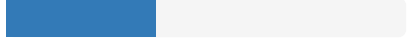
INTRODUCTION

A. GENERAL INFORMATION ON RESPONDENTS

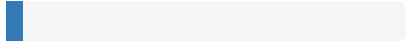
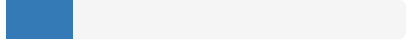
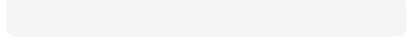
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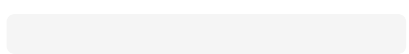
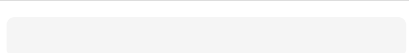
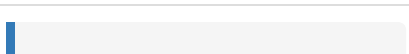
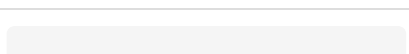
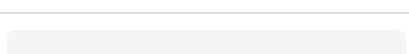
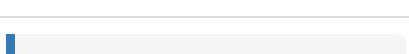
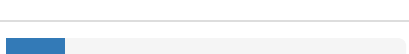
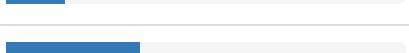
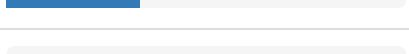
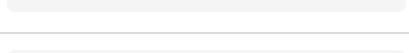
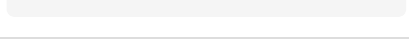
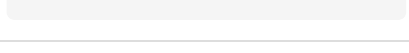
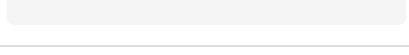
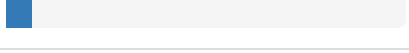
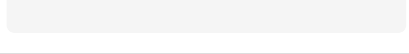
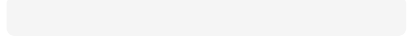
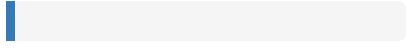

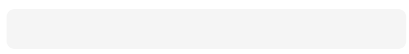
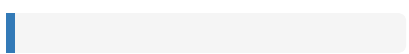
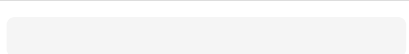
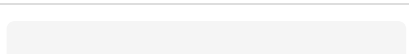
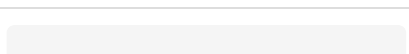
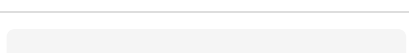
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The representative of an organisation / business		30	62.5 %
No Answer		0	0 %

1.1 Please indicate which type of organisation do you represent:

		Answers	Ratio
Consumer association		8	16.67 %
Other		22	45.83 %
No Answer		18	37.5 %

2. What is your country of residence?

		Answers	Ratio
Austria		2	4.17 %
Belgium		8	16.67 %
Bulgaria		0	0 %

Croatia		0	0 %
Cyprus		0	0 %
Czech Republic		1	2.08 %
Denmark		0	0 %
Estonia		0	0 %
Finland		1	2.08 %
France		7	14.58 %
Germany		16	33.33 %
Greece		0	0 %
Hungary		0	0 %
Iceland		0	0 %
Ireland		0	0 %
Italy		3	6.25 %
Latvia		0	0 %
Liechtenstein		0	0 %
Lithuania		1	2.08 %
Luxembourg		0	0 %
Malta		0	0 %
Netherlands		1	2.08 %
Norway		0	0 %
Poland		0	0 %
Portugal		0	0 %
Romania		0	0 %
Slovak Republic		1	2.08 %

Slovenia		0	0 %
Spain		3	6.25 %
Sweden		0	0 %
United Kingdom		3	6.25 %
Other country		1	2.08 %
No Answer		0	0 %

4. Your contribution:

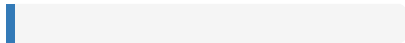

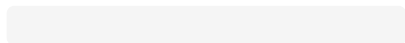
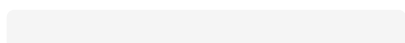
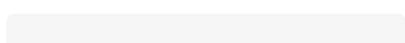
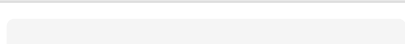

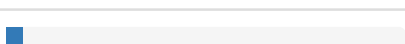




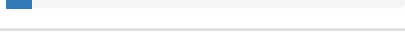

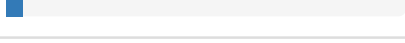
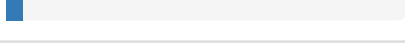
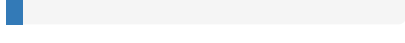
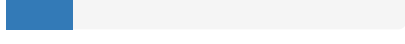
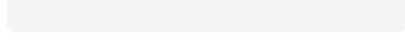
Your feedback will be published on the Commission's website unless this would damage your legitimate interest. Please choose from one of the following options on the use of your contribution:

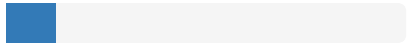
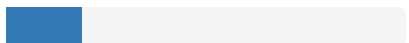
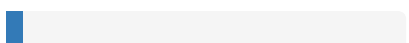
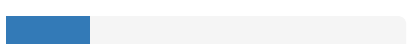
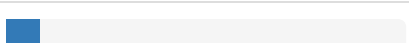
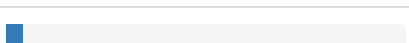
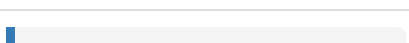
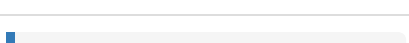


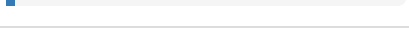
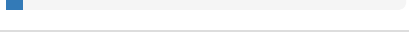
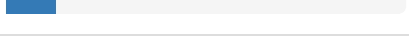
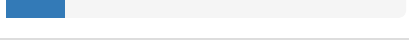
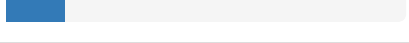
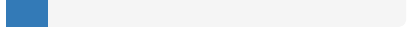
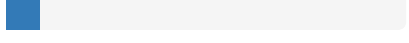
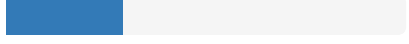
Note that, whatever your chosen option, your answers may be subject to a request for public access to documents under Regulation (EC) No 1049/2001.

		Answers	Ratio
My/our contribution can be published with my personal/organisation information (I consent to publication of all information in my contribution in whole or in part including my name/the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication).		28	58.33 %
My/our contribution can be published provided that I/my organisation remain(s) anonymous (I consent to publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that this is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication.		20	41.67 %
No Answer		0	0 %


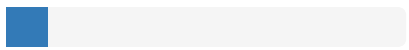

B. QUESTIONS ON THE APPLICATION OF THE DIRECTIVE ON LIABILITY FOR DEFECTIVE PRODUCTS

5. In which sector have you had experience with liability issues? (multiple choice possible)


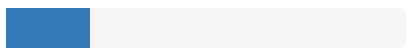
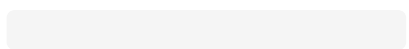
		Answers	Ratio
Agricultural products (primary products that have not undergone initial processing):		1	2.08 %
Agricultural products - products of the soil		1	2.08 %
Agricultural products - farming		0	0 %
Agricultural products - fisheries		0	0 %
Agricultural products - game		0	0 %
Cableways		0	0 %
Chemical substances		6	12.5 %
Construction products		2	4.17 %
Cosmetics		3	6.25 %
Electricity		3	6.25 %
Electrical appliances and equipment		16	33.33 %
Electronic communications		3	6.25 %
Energy		3	6.25 %
Explosives for civil uses		2	4.17 %
Gas appliances		2	4.17 %
Lifts		2	4.17 %
Machinery		8	16.67 %
Marine equipment		0	0 %
Measuring instruments		4	8.33 %

Medical devices		6	12.5 %
Motor vehicles		9	18.75 %
Noise emissions for outdoor equipment		2	4.17 %
Pharmaceutical products		10	20.83 %
Personal protective equipment		4	8.33 %
Pressure equipment		2	4.17 %
Pre-packaged products		1	2.08 %
Pyrotechnics		1	2.08 %
Radio and telecommunications equipment		5	10.42 %
Recreational craft		1	2.08 %
Robotics		2	4.17 %
Smart devices		6	12.5 %
Software		7	14.58 %
Telecommunications		7	14.58 %
Textile and Footwear		5	10.42 %
Toys		4	8.33 %
Other		14	29.17 %
No Answer		0	0 %


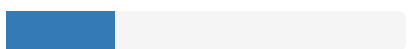
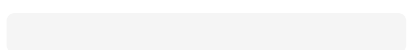
6. Do you know that the Directive on liability for defective products provides for the following : Consumers in the European Union have the right to seek compensation for damage caused by a defective product.

		Answers	Ratio
I am aware		43	89.58 %
I am not aware		5	10.42 %
No Answer		0	0 %


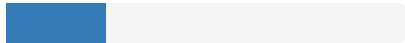
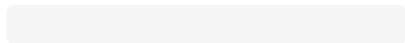
6. Do you know that the Directive on liability for defective products provides for the following : Producers and/or importers into the European Union must compensate consumers for damage caused by their defective product, regardless of whether producers/importers are at fault or negligent.

		Answers	Ratio
I am aware		38	79.17 %
I am not aware		10	20.83 %
No Answer		0	0 %


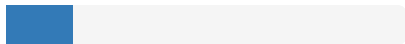
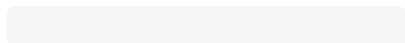
6. Do you know that the Directive on liability for defective products provides for the following : This legislation applies to defects caused by any product, including primary agricultural products but also electricity.

		Answers	Ratio
I am aware		35	72.92 %
I am not aware		13	27.08 %
No Answer		0	0 %


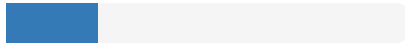
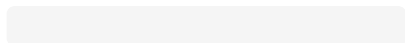
6. Do you know that the Directive on liability for defective products provides for the following: : Damages caused by malfunctioning services are not covered.

		Answers	Ratio
I am aware		36	75 %
I am not aware		12	25 %
No Answer		0	0 %



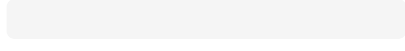
6. Do you know that the Directive on liability for defective products provides for the following: : The injured party has to prove the defect, the damage and the causal link between defect and damage to be compensated.

		Answers	Ratio
I am aware		40	83.33 %
I am not aware		8	16.67 %
No Answer		0	0 %



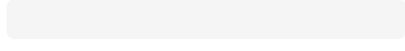
6. Do you know that the Directive on liability for defective products provides for the following: : Producers and/or importers into the European Union are liable for any damage caused by death or by personal injuries

		Answers	Ratio
I am aware		37	77.08 %
I am not aware		11	22.92 %
No Answer		0	0 %



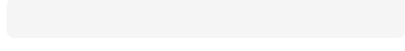
6. Do you know that the Directive on liability for defective products provides for the following: : In case of damage caused to an item of property, the liability of the producer/importer is limited to property damage above € 500.

		Answers	Ratio
I am aware		31	64.58 %
I am not aware		17	35.42 %
No Answer		0	0 %


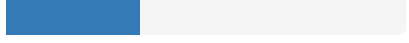
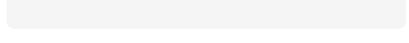
6. Do you know that the Directive on liability for defective products provides for the following: : Liability for property loss is limited to cases where the defective product was used for private purposes(i.e. non-professional use)

		Answers	Ratio
I am aware		35	72.92 %
I am not aware		13	27.08 %
No Answer		0	0 %



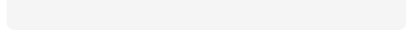
6. Do you know that the Directive on liability for defective products provides for the following: : A period of three years for the injured party to start the proceeding for the recovery of damages

		Answers	Ratio
I am aware		32	66.67 %
I am not aware		16	33.33 %
No Answer		0	0 %


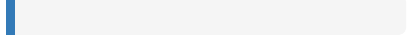
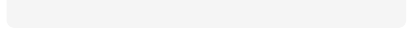
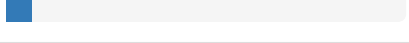
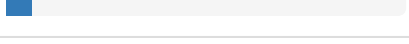

6. Do you know that the Directive on liability for defective products provides for the following: : An expiry period of ten years from the moment that the producer put the product into circulation

		Answers	Ratio
I am aware		32	66.67 %
I am not aware		16	33.33 %
No Answer		0	0 %

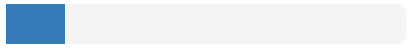
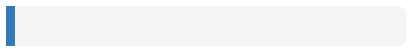
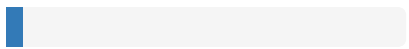

7. Have you suffered damage due to a defective product?

		Answers	Ratio
Yes		10	20.83 %
No		38	79.17 %
No Answer		0	0 %


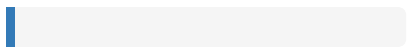



7.1 If yes, in which context did you suffer the damage?

		Answers	Ratio
Within the household		3	6.25 %
Sport, leisure, or other social activity		1	2.08 %
Professional activity		0	0 %
Medical (e.g. in a hospital)		3	6.25 %
Other		3	6.25 %
No Answer		38	79.17 %


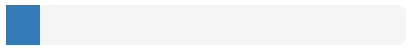

7.3 What was the nature and/or extent of the damage?

		Answers	Ratio
Physical well-being		7	14.58 %
Property damage		1	2.08 %
Other		2	4.17 %
No Answer		38	79.17 %



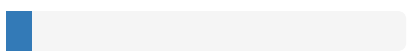
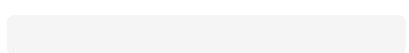
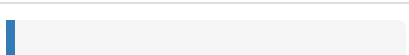
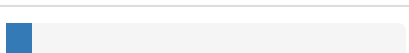
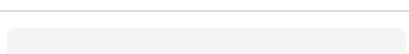
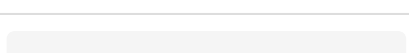

7.4 If the damage involved a property loss, for which purpose was the product intended and used?

		Answers	Ratio
Intended and used only for private purposes		5	10.42 %
Intended and used for both private and professional purposes		1	2.08 %
Intended and used only for professional purposes		0	0 %
I do not know		4	8.33 %
No Answer		38	79.17 %


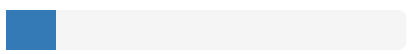

7.5 Do you know whether the defect concerned many other identical or similar products?

		Answers	Ratio
Yes		6	12.5 %
No		4	8.33 %
No Answer		38	79.17 %


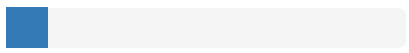

7.6 Who did you contact first to seek compensation?

		Answers	Ratio
Producer/Manufacturer		3	6.25 %
Importer/ Brand-name holder		0	0 %
Supplier/ Retail shop		3	6.25 %
Public authority		0	0 %
Consumer association		1	2.08 %
Lawyer		3	6.25 %
Insurer		0	0 %
Other		0	0 %
No Answer		38	79.17 %

7.7 Did you launch a judicial proceeding against the producer to obtain compensation for damage caused by a defective product?

		Answers	Ratio
Yes		4	8.33 %
No		6	12.5 %
No Answer		38	79.17 %

7.8 Were you aware at the time that, for recovering damages, the injured party has to prove the defect, the damage and the causal link between defect and damage?

		Answers	Ratio
Yes		5	10.42 %
No		5	10.42 %
No Answer		38	79.17 %

7.9 Did you recover compensation for the damage caused by the defective product under the liability for defective products legislation?

		Answers	Ratio
Yes, by an extrajudicial arrangement		0	0 %
Yes, by judicial decision		0	0 %
Judicial procedure related to recovering compensation is still pending		2	4.17 %
No		8	16.67 %
No Answer		38	79.17 %

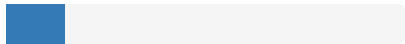

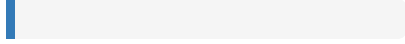

7.9.1 Did you find the procedure for recovering damages burdensome?

		Answers	Ratio
Yes		8	16.67 %
No		2	4.17 %
No Answer		38	79.17 %

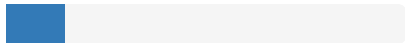
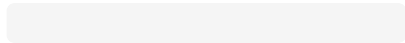
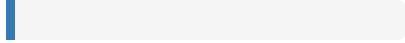

Which aspects? : Proving that the product was defective

		Answers	Ratio
Burdensome		6	12.5 %
Neutral		0	0 %
Easy		2	4.17 %
No Answer		40	83.33 %

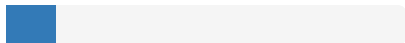
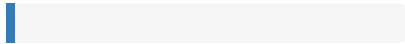


Which aspects? : Proving the link between the defect and the damage

		Answers	Ratio
Burdensome		7	14.58 %
Neutral		0	0 %
Easy		1	2.08 %
No Answer		40	83.33 %

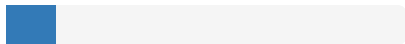

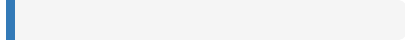

Which aspects? : Attributing liability to a specific person or entity

		Answers	Ratio
Burdensome		7	14.58 %
Neutral		0	0 %
Easy		1	2.08 %
No Answer		40	83.33 %

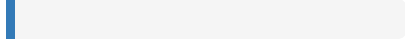
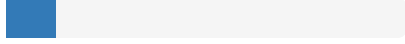
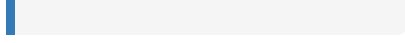

Which aspects? : Discovering where exactly the defect occurred

		Answers	Ratio
Burdensome		6	12.5 %
Neutral		1	2.08 %
Easy		1	2.08 %
No Answer		40	83.33 %

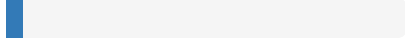
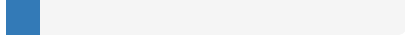
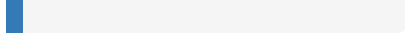

Which aspects? : Proving the damage

		Answers	Ratio
Burdensome		6	12.5 %
Neutral		1	2.08 %
Easy		1	2.08 %
No Answer		40	83.33 %

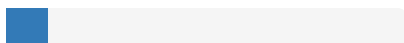
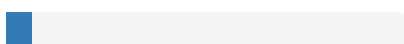
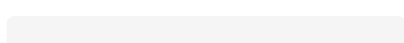

Which aspects? : The requirement that compensation is granted only for property damage of at least € 500

		Answers	Ratio
Burdensome		1	2.08 %
Neutral		6	12.5 %
Easy		1	2.08 %
No Answer		40	83.33 %

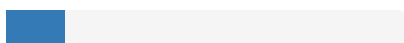
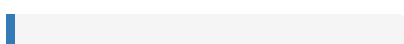
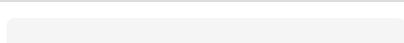

Which aspects? : Having to prove that the defective product was intended and used for private purposes

		Answers	Ratio
Burdensome		2	4.17 %
Neutral		4	8.33 %
Easy		2	4.17 %
No Answer		40	83.33 %

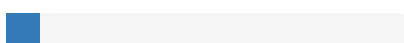
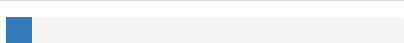
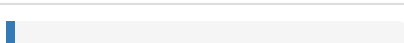

Which aspects? : The three years period for the injured party to start the proceeding for the recovery of damages

		Answers	Ratio
Burdensome		5	10.42 %
Neutral		3	6.25 %
Easy		0	0 %
No Answer		40	83.33 %




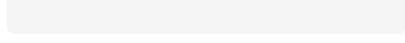
Which aspects? : The expiry period of ten years from the moment that the producer put the product into circulation

		Answers	Ratio
Burdensome		7	14.58 %
Neutral		1	2.08 %
Easy		0	0 %
No Answer		40	83.33 %

**Which aspects? :
Other**


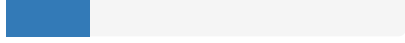
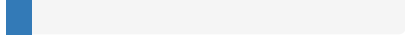
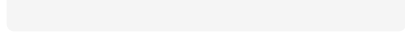
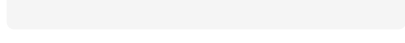
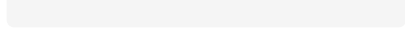
		Answers	Ratio
Burdensome		4	8.33 %
Neutral		3	6.25 %
Easy		1	2.08 %
No Answer		40	83.33 %

8. In the EU country where you live, are you aware of the existence of specific rules on liability for damage caused, for instance, by smart objects, robots and other new technologies?



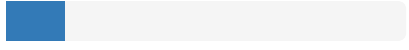
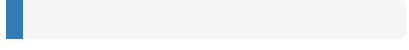
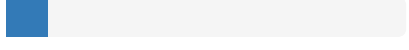
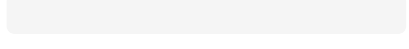
		Answers	Ratio
Yes		4	8.33 %
No		23	47.92 %
I do not know		21	43.75 %
No Answer		0	0 %

C. QUESTIONS ON THE PERFORMANCE OF THE DIRECTIVE ON LIABILITY FOR DEFECTIVE PRODUCTS


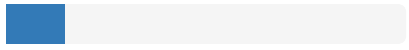

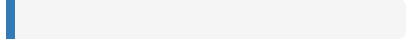
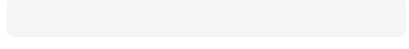
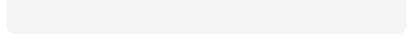
9. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Consumers can enjoy the same rights in terms of compensation wherever they are in the EU

		Answers	Ratio
Strong advantage		35	72.92 %
Minor advantage		10	20.83 %
Neutral		3	6.25 %
Minor disadvantage		0	0 %
Serious disadvantage		0	0 %
No Answer		0	0 %

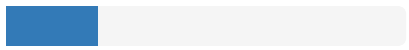

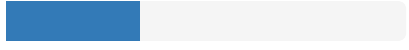
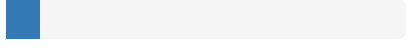
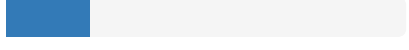
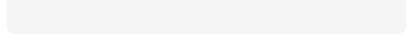
9. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Member States cannot implement diverging product liability rules to those already covered by the Directive for national producers that would lead to different levels of protection

		Answers	Ratio
Strong advantage		26	54.17 %
Minor advantage		8	16.67 %
Neutral		7	14.58 %
Minor disadvantage		2	4.17 %
Serious disadvantage		5	10.42 %
No Answer		0	0 %

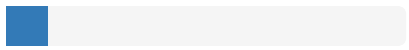
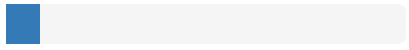

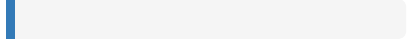
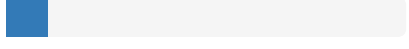
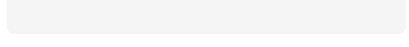
9. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Producers have the same liability rules in all Member States they export to

		Answers	Ratio
Strong advantage		31	64.58 %
Minor advantage		7	14.58 %
Neutral		9	18.75 %
Minor disadvantage		1	2.08 %
Serious disadvantage		0	0 %
No Answer		0	0 %

9. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : There is a common minimum threshold of € 500 in the EU for compensation of damages to property

		Answers	Ratio
Strong advantage		11	22.92 %
Minor advantage		7	14.58 %
Neutral		16	33.33 %
Minor disadvantage		4	8.33 %
Serious disadvantage		10	20.83 %
No Answer		0	0 %

9. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Other

		Answers	Ratio
Strong advantage		5	10.42 %
Minor advantage		4	8.33 %
Neutral		33	68.75 %
Minor disadvantage		1	2.08 %
Serious disadvantage		5	10.42 %
No Answer		0	0 %

10. To what extent do you think the Directive on liability of defective products is effective in guaranteeing consumers that producers are liable for damage caused by defective products?

		Answers	Ratio
Very effective		11	22.92 %
Effective		18	37.5 %
Ineffective		11	22.92 %
Very Ineffective		3	6.25 %
I do not know		5	10.42 %
No Answer		0	0 %

11. Do you think that the Directive on liability of defective products provides for a fair balance between the interest of consumers and those of the producers?

		Answers	Ratio
Yes, to a significant extent		18	37.5 %
Yes, to a moderate extent		12	25 %
No		9	18.75 %
Not at all		7	14.58 %
I do not know		2	4.17 %
No Answer		0	0 %

12. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The Directive applies to very heterogeneous products (e.g. to damages caused by malfunctioning pacemakers or by defective staplers)

		Answers	Ratio
Future-proof		21	43.75 %
Needs to be adapted		21	43.75 %
No opinion		6	12.5 %
No Answer		0	0 %



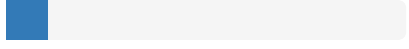
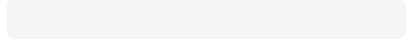
12. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The producer is considered liable independently of his fault or negligence

		Answers	Ratio
Future-proof		33	68.75 %
Needs to be adapted		11	22.92 %
No opinion		4	8.33 %
No Answer		0	0 %

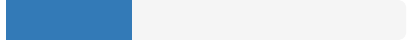

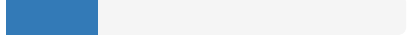
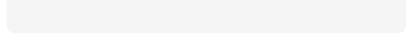
12. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The injured party has to prove the defect to obtain compensation

		Answers	Ratio
Future-proof		21	43.75 %
Needs to be adapted		22	45.83 %
No opinion		5	10.42 %
No Answer		0	0 %


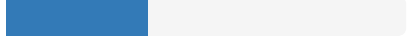
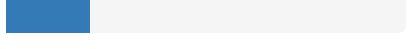
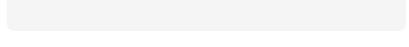
12. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The injured party has to prove also the causal link between defect and damage to obtain compensation

		Answers	Ratio
Future-proof		21	43.75 %
Needs to be adapted		22	45.83 %
No opinion		5	10.42 %
No Answer		0	0 %



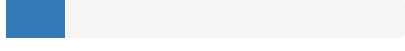
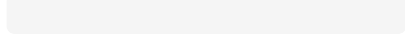
12. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : Compensation is granted only for property damage above € 500

		Answers	Ratio
Future-proof		15	31.25 %
Needs to be adapted		22	45.83 %
No opinion		11	22.92 %
No Answer		0	0 %


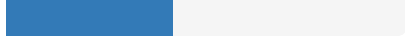
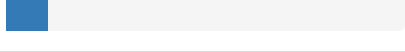
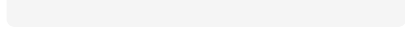
12. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The requirement that only damage caused by defective items intended and used for private purpose can be compensated

		Answers	Ratio
Future-proof		21	43.75 %
Needs to be adapted		17	35.42 %
No opinion		10	20.83 %
No Answer		0	0 %


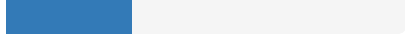
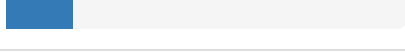
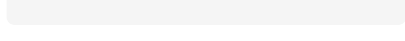
12. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The three year period for the injured party to start the proceeding for the recovery of damages

		Answers	Ratio
Future-proof		28	58.33 %
Needs to be adapted		13	27.08 %
No opinion		7	14.58 %
No Answer		0	0 %



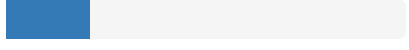
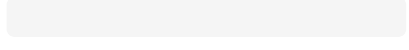
12. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The expiry period of ten years from the moment that the producer put the product into circulation

		Answers	Ratio
Future-proof		23	47.92 %
Needs to be adapted		20	41.67 %
No opinion		5	10.42 %
No Answer		0	0 %



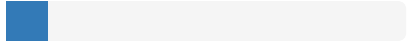
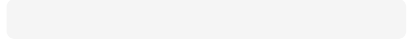
13. From your experience with the Directive on liability of defective products to what extent do you agree with the following statements with regard to the Directive? : It is difficult for an injured party to prove the defect of a product to obtain compensation

		Answers	Ratio
Agree		25	52.08 %
Do not agree		15	31.25 %
No opinion		8	16.67 %
No Answer		0	0 %


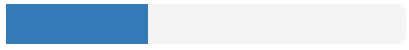

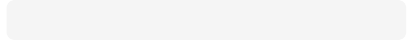
13. From your experience with the Directive on liability of defective products to what extent do you agree with the following statements with regard to the Directive? : It is difficult for an injured party to prove the defect of a product interacting with other products or services (e.g. a smartphone malfunctioning because of an app downloaded from the internet)

		Answers	Ratio
Agree		30	62.5 %
Do not agree		8	16.67 %
No opinion		10	20.83 %
No Answer		0	0 %


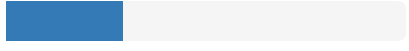
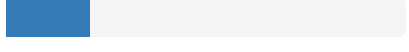
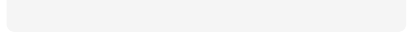
13. From your experience with the Directive on liability of defective products to what extent do you agree with the following statements with regard to the Directive? : It is difficult for an injured party to prove the link between the defect and the damage to obtain compensation

		Answers	Ratio
Agree		30	62.5 %
Do not agree		13	27.08 %
No opinion		5	10.42 %
No Answer		0	0 %



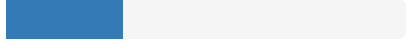
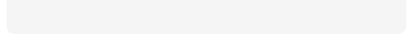
13. From your experience with the Directive on liability of defective products to what extent do you agree with the following statements with regard to the Directive? : The producer can exclude his liability under certain circumstances, for instance when he proves that at the time when the product was marketed, he was not able to detect the defect due to the state of scientific and technical knowledge

		Answers	Ratio
Agree		26	54.17 %
Do not agree		17	35.42 %
No opinion		5	10.42 %
No Answer		0	0 %

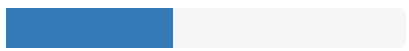

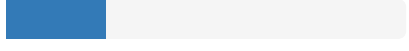
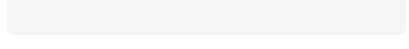
13. From your experience with the Directive on liability of defective products to what extent do you agree with the following statements with regard to the Directive? : The producer can exclude his liability under certain circumstances, for instance when he proves that the defect was due to compliance of the product with mandatory rules

		Answers	Ratio
Agree		24	50 %
Do not agree		14	29.17 %
No opinion		10	20.83 %
No Answer		0	0 %

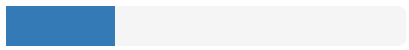


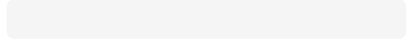
13. From your experience with the Directive on liability of defective products to what extent do you agree with the following statements with regard to the Directive? : It is sometimes difficult to distinguish a product from a service, since they are bundled together

		Answers	Ratio
Agree		29	60.42 %
Do not agree		5	10.42 %
No opinion		14	29.17 %
No Answer		0	0 %



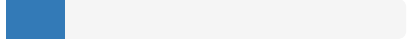
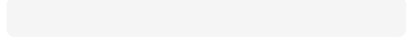
13. From your experience with the Directive on liability of defective products to what extent do you agree with the following statements with regard to the Directive? : It is sometimes difficult to distinguish between private and professional use of a product

		Answers	Ratio
Agree		20	41.67 %
Do not agree		16	33.33 %
No opinion		12	25 %
No Answer		0	0 %



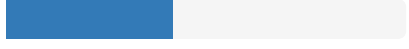
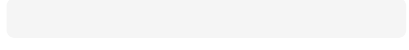
13. From your experience with the Directive on liability of defective products to what extent do you agree with the following statements with regard to the Directive? : The principle of liability without fault is not appropriate for some innovative products (e.g. smartphones or other connected devices)

		Answers	Ratio
Agree		13	27.08 %
Do not agree		24	50 %
No opinion		11	22.92 %
No Answer		0	0 %

13. From your experience with the Directive on liability of defective products to what extent do you agree with the following statements with regard to the Directive? : It is difficult to allocate liability in case of products interacting with other products or services (e.g. a smartphone malfunctioning because of an app downloaded from the internet)

		Answers	Ratio
Agree		31	64.58 %
Do not agree		10	20.83 %
No opinion		7	14.58 %
No Answer		0	0 %

13. From your experience with the Directive on liability of defective products to what extent do you agree with the following statements with regard to the Directive? : Property damages are often below € 500

		Answers	Ratio
Agree		23	47.92 %
Do not agree		5	10.42 %
No opinion		20	41.67 %
No Answer		0	0 %



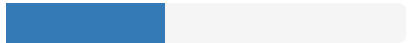
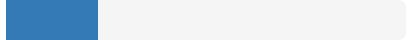
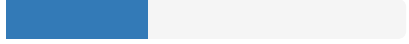
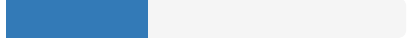
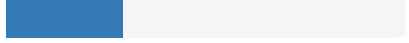
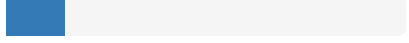
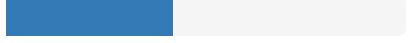
14. Based on your experience, is the Directive on liability of defective products adequate to cover the needs of consumers/users of innovative technological products based on data and interconnectivity, such as smart devices, robots or automated systems?

		Answers	Ratio
Yes, to a significant extent		12	25 %
Yes, to a moderate extent		13	27.08 %
No		8	16.67 %
Not at all		5	10.42 %
I do not know		10	20.83 %
No Answer		0	0 %


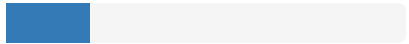
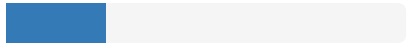
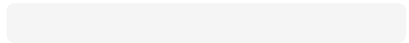
15. According to your experience, are there products for which the application of the Directive on liability of defective products is or might become uncertain and/or problematic?

		Answers	Ratio
Yes, to a significant extent		17	35.42 %
Yes, to a moderate extent		11	22.92 %
No		8	16.67 %
Not at all		4	8.33 %
I do not know		8	16.67 %
No Answer		0	0 %

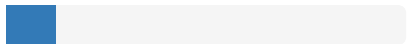

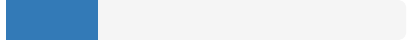
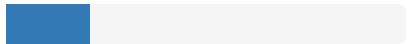
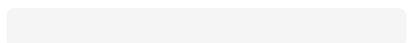
If yes, are those products among those mentioned below? Please indicate which one(s):

		Answers	Ratio
Products on which software and applications from different sources can be installed after purchase		22	45.83 %
Products connected to the internet		18	37.5 %
Products purchased as a bundle with related services		19	39.58 %
Products that are used both in the private and professional life		11	22.92 %
Products performing automated tasks based on algorithms and data analysis (e.g. cars with parking assistance)		17	35.42 %
Products performing automated tasks based on self-learning algorithms (Artificial Intelligence)		17	35.42 %
Products shared with other users through collaborative platforms		14	29.17 %
Other		7	14.58 %
No Answer		20	41.67 %


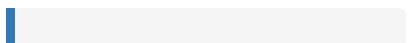
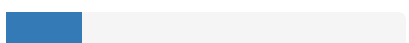
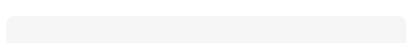
16. Based on your experience, is there a need to adapt the Directive on liability of defective products for the products listed in the previous question?

		Answers	Ratio
Yes		26	54.17 %
No		10	20.83 %
I do not know		12	25 %
No Answer		0	0 %


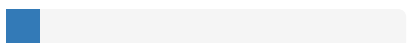
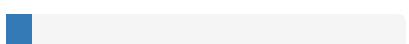
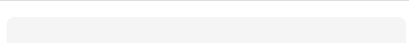
17. If it is the case, how would you suggest proceeding?

		Answers	Ratio
Guidelines to clarify the rules of Directive on liability for defective products		6	12.5 %
Revision of Directive on liability for defective products		21	43.75 %
New dedicated legislation		11	22.92 %
Other		10	20.83 %
No Answer		0	0 %

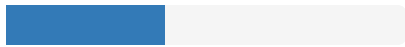
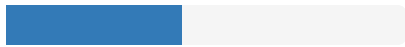
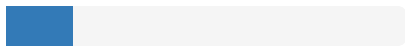
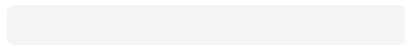
**18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Maintain the rule of liability without fault in case of damage caused by a defective or malfunctioning product**

		Answers	Ratio
Agree		38	79.17 %
Do not agree		1	2.08 %
No opinion		9	18.75 %
No Answer		0	0 %


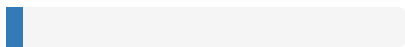
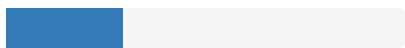
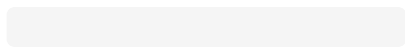
**18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Liability for damage caused by a defective or malfunctioning product should be on the producer**

		Answers	Ratio
Agree		41	85.42 %
Do not agree		4	8.33 %
No opinion		3	6.25 %
No Answer		0	0 %


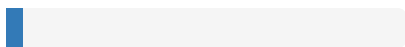
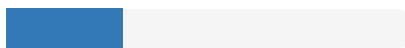
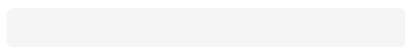
18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Liability should not necessarily be attributed to the producer, but to the entity best positioned in the value chain to avoid accidents

		Answers	Ratio
Agree		19	39.58 %
Do not agree		21	43.75 %
No opinion		8	16.67 %
No Answer		0	0 %





18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Providers of software, applications and algorithms should potentially be held liable

		Answers	Ratio
Agree		32	66.67 %
Do not agree		2	4.17 %
No opinion		14	29.17 %
No Answer		0	0 %


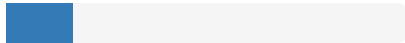
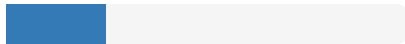
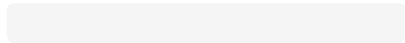
18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Data providers should potentially be held liable

		Answers	Ratio
Agree		32	66.67 %
Do not agree		2	4.17 %
No opinion		14	29.17 %
No Answer		0	0 %



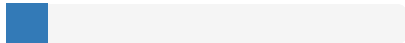
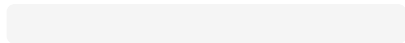
18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Special exemptions from the general liability framework should be foreseen for innovative products under experimentation.

		Answers	Ratio
Agree		11	22.92 %
Do not agree		28	58.33 %
No opinion		9	18.75 %
No Answer		0	0 %





18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Liability should be extended to damages caused by services when there are bundled with the product

		Answers	Ratio
Agree		28	58.33 %
Do not agree		8	16.67 %
No opinion		12	25 %
No Answer		0	0 %

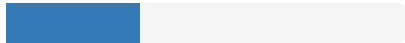
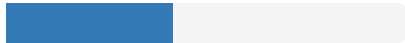
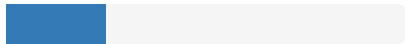
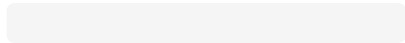
18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Removal of the obligation for the injured party to prove the defect to obtain compensation

		Answers	Ratio
Agree		21	43.75 %
Do not agree		22	45.83 %
No opinion		5	10.42 %
No Answer		0	0 %


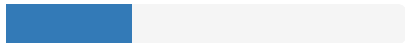
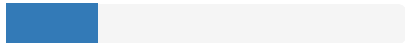
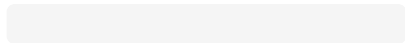
**18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Removal of the obligation for the injured party to prove the causal link between defect and damage to obtain compensation**

		Answers	Ratio
Agree		22	45.83 %
Do not agree		20	41.67 %
No opinion		6	12.5 %
No Answer		0	0 %

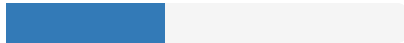
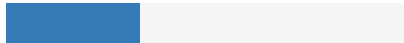
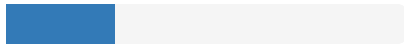
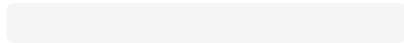
**18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Maintain the threshold of € 500 for property damage**

		Answers	Ratio
Agree		16	33.33 %
Do not agree		20	41.67 %
No opinion		12	25 %
No Answer		0	0 %

**18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Removal of the threshold of € 500 for property damage**

		Answers	Ratio
Agree		22	45.83 %
Do not agree		15	31.25 %
No opinion		11	22.92 %
No Answer		0	0 %

**18. Concerning the products listed in question 15, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Removal of the requirement that only damage caused by defective items intended and used for private purposes can be compensated**




		Answers	Ratio
Agree		19	39.58 %
Do not agree		16	33.33 %
No opinion		13	27.08 %
No Answer		0	0 %

Statistics: Public Consultation on the rules on liability of the producer for damage caused by a defective product


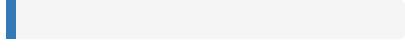
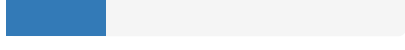
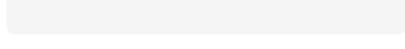
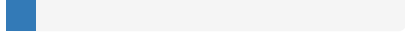
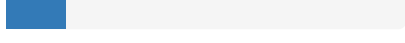
INTRODUCTION

A. GENERAL INFORMATION ON RESPONDENTS


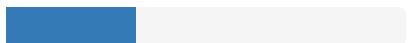
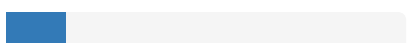
1. Are you replying as:

		Answers	Ratio
An individual in my personal capacity		6	15 %
The representative of an organisation / business		34	85 %
No Answer		0	0 %

1.1 Please indicate which type of organisation or business do you represent:

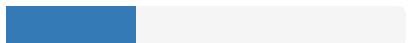

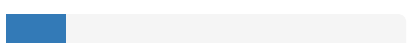
		Answers	Ratio
Manufacturer / Producer / Software developer		20	50 %
Importer		1	2.5 %
Supplier / Distributor		10	25 %
Insurer		0	0 %
Other		3	7.5 %
No Answer		6	15 %

1.2 Are you a Small or Medium Enterprise (SME)?

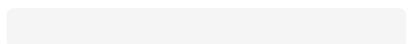
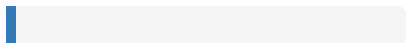
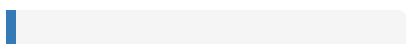
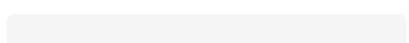
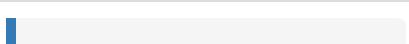

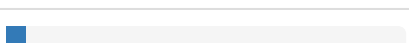
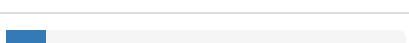
		Answers	Ratio
Yes		21	52.5 %
No		13	32.5 %
No Answer		6	15 %

1.3 Is your organisation included in the Transparency Register?



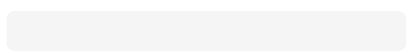
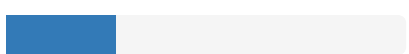
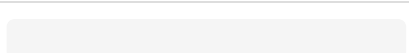
If your organisation is not registered, we invite you to register here (<https://ec.europa.eu/transparencyregister/public/ri/registering.do?locale=en>), although it is not compulsory to be registered to reply to this questionnaire.

		Answers	Ratio
Yes		13	32.5 %
No		21	52.5 %
No Answer		6	15 %

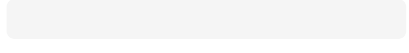
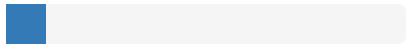
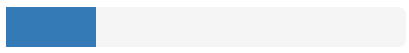
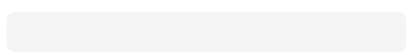
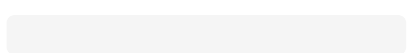
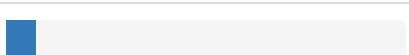
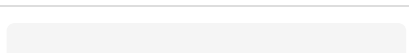
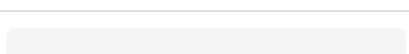
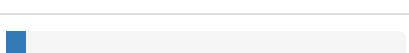
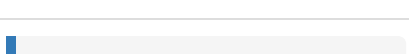
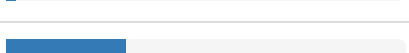
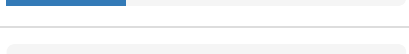
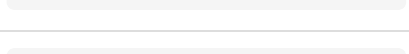
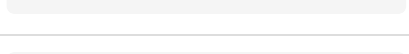
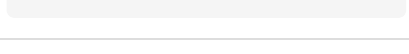
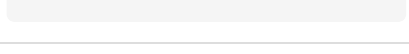
2. In which sector have you had experience with liability issues? (multiple choice possible)

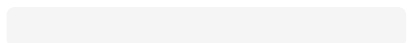
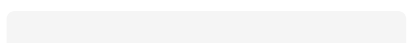
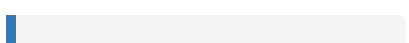
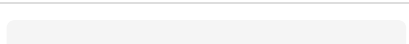
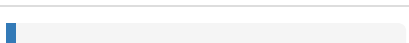
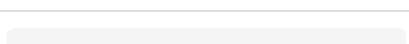
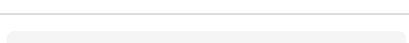
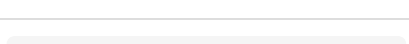
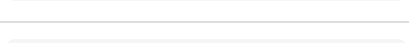
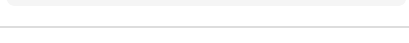
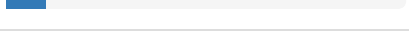
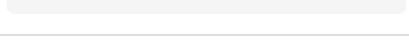
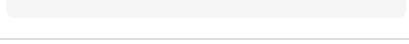
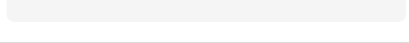
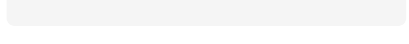
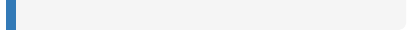
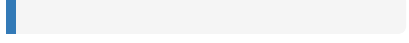
		Answers	Ratio
Agricultural products (primary products that have not undergone initial processing):		0	0 %
Agricultural products - products of the soil		1	2.5 %
Agricultural products - farming		1	2.5 %
Agricultural products - fisheries		0	0 %
Agricultural products - game		1	2.5 %
Cableways		1	2.5 %
Chemical substances		2	5 %
Construction products		4	10 %

Cosmetics		2	5 %
Electricity		1	2.5 %
Electrical appliances and equipment		7	17.5 %
Electronic communications		6	15 %
Energy		1	2.5 %
Explosives for civil uses		0	0 %
Gas appliances		3	7.5 %
Lifts		3	7.5 %
Machinery		9	22.5 %
Marine equipment		1	2.5 %
Measuring instruments		5	12.5 %
Medical devices		5	12.5 %
Motor vehicles		4	10 %
Noise emissions for outdoor equipment		1	2.5 %
Pharmaceutical products		1	2.5 %
Personal protective equipment		4	10 %
Pressure equipment		2	5 %
Pre-packaged products		3	7.5 %
Pyrotechnics		0	0 %
Radio and telecommunications equipment		3	7.5 %
Recreational craft		1	2.5 %
Robotics		5	12.5 %
Smart devices		9	22.5 %
Software		8	20 %



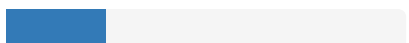
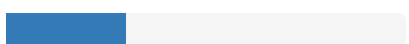
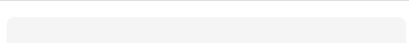
Telecommunications		2	5 %
Textile and Footwear		3	7.5 %
Toys		0	0 %
Other		11	27.5 %
No Answer		0	0 %

3. Where are the headquarters of your organisation located?

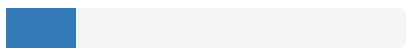
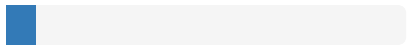

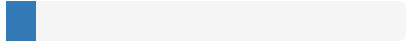
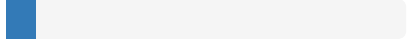
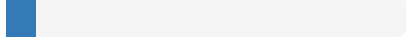
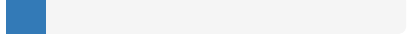
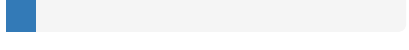
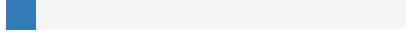
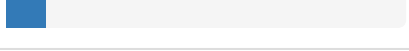
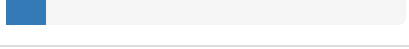
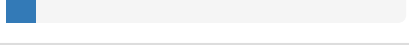
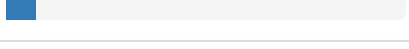
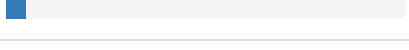
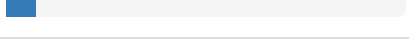
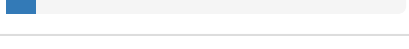
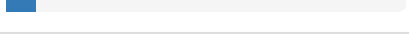
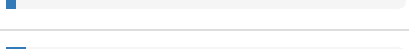

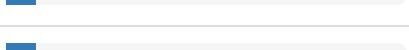
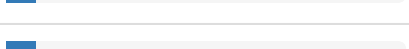

		Answers	Ratio
Austria		0	0 %
Belgium		4	10 %
Bulgaria		9	22.5 %
Croatia		0	0 %
Cyprus		0	0 %
Czech Republic		3	7.5 %
Denmark		0	0 %
Estonia		0	0 %
Finland		2	5 %
France		1	2.5 %
Germany		12	30 %
Greece		0	0 %
Hungary		0	0 %
Iceland		0	0 %
Ireland		0	0 %
Italy		1	2.5 %

Latvia		0	0 %
Liechtenstein		0	0 %
Lithuania		1	2.5 %
Luxembourg		0	0 %
Malta		1	2.5 %
Netherlands		0	0 %
Norway		0	0 %
Poland		0	0 %
Portugal		0	0 %
Romania		4	10 %
Slovak Republic		0	0 %
Slovenia		0	0 %
Spain		0	0 %
Sweden		0	0 %
United Kingdom		1	2.5 %
Other country		1	2.5 %
No Answer		0	0 %

4. Do you represent interests or carry out activity at:

		Answers	Ratio
National level (your country only)		18	45 %
EU / EEA level		10	25 %
International level		12	30 %
No Answer		0	0 %

Please specify in which EU/EEA States you are active, other than your Member State of primary establishment




		Answers	Ratio
Austria		7	17.5 %
Belgium		3	7.5 %
Bulgaria		2	5 %
Croatia		3	7.5 %
Cyprus		3	7.5 %
Czech Republic		3	7.5 %
Denmark		4	10 %
Estonia		3	7.5 %
Finland		3	7.5 %
France		4	10 %
Germany		4	10 %
Greece		3	7.5 %
Hungary		3	7.5 %
Iceland		2	5 %
Ireland		3	7.5 %
Italy		3	7.5 %
Latvia		3	7.5 %
Liechtenstein		1	2.5 %
Lithuania		2	5 %
Luxembourg		3	7.5 %
Malta		3	7.5 %
Netherlands		3	7.5 %

Norway		2	5 %
Poland		3	7.5 %
Portugal		3	7.5 %
Romania		3	7.5 %
Slovak Republic		5	12.5 %
Slovenia		3	7.5 %
Spain		3	7.5 %
Sweden		3	7.5 %
United Kingdom		3	7.5 %
Other country		2	5 %
No Answer		32	80 %

6. Your contribution:


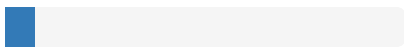

Your feedback will be published on the Commission's website unless this would damage your legitimate interest. Please choose from one of the following options on the use of your contribution:

Note that, whatever your chosen option, your answers may be subject to a request for public access to documents under Regulation (EC) No 1049/2001.


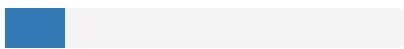
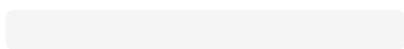
		Answers	Ratio
My/our contribution can be published with my personal/organisation information (I consent to publication of all information in my contribution in whole or in part including my name/the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication).		6	15 %
My/our contribution can be published provided that I/my organisation remain(s) anonymous (I consent to publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that this is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication.		34	85 %
No Answer		0	0 %

B. QUESTIONS ON THE APPLICATION OF THE DIRECTIVE ON LIABILITY FOR DEFECTIVE PRODUCTS


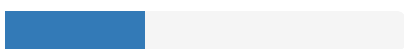
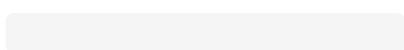
7. Do you know that the Directive on liability for defective products provides for the following : Consumers in the European Union have the right to seek compensation for damage caused by a defective product.

		Answers	Ratio
I am aware		37	92.5 %
I am not aware		3	7.5 %
No Answer		0	0 %


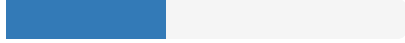
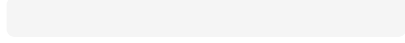
7. Do you know that the Directive on liability for defective products provides for the following : Producers and/or importers into the European Union must compensate consumers for damage caused by their defective product, regardless of whether producers/importers are at fault or negligent.

		Answers	Ratio
I am aware		34	85 %
I am not aware		6	15 %
No Answer		0	0 %



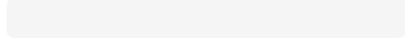
7. Do you know that the Directive on liability for defective products provides for the following : This legislation applies to defects caused by any product, including primary agricultural products but also electricity.

		Answers	Ratio
I am aware		26	65 %
I am not aware		14	35 %
No Answer		0	0 %


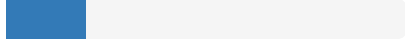
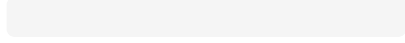
7. Do you know that the Directive on liability for defective products provides for the following: : Damages caused by malfunctioning services are not covered.

		Answers	Ratio
I am aware		24	60 %
I am not aware		16	40 %
No Answer		0	0 %



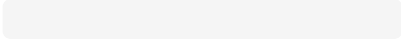
7. Do you know that the Directive on liability for defective products provides for the following: : The injured party has to prove the defect, the damage and the causal link between defect and damage to be compensated.

		Answers	Ratio
I am aware		31	77.5 %
I am not aware		9	22.5 %
No Answer		0	0 %



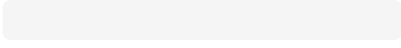
7. Do you know that the Directive on liability for defective products provides for the following: : Producers and/or importers into the European Union are liable for any damage caused by death or by personal injuries

		Answers	Ratio
I am aware		32	80 %
I am not aware		8	20 %
No Answer		0	0 %



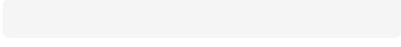
7. Do you know that the Directive on liability for defective products provides for the following: : In case of damage caused to an item of property, the liability of the producer/importer is limited to property damage above € 500.

		Answers	Ratio
I am aware		24	60 %
I am not aware		16	40 %
No Answer		0	0 %



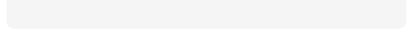
7. Do you know that the Directive on liability for defective products provides for the following: : Liability for property loss is limited to cases where the defective product was used for private purposes(i.e. non-professional use)

		Answers	Ratio
I am aware		18	45 %
I am not aware		22	55 %
No Answer		0	0 %

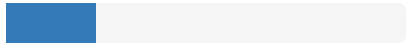

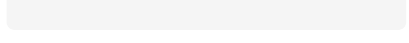
7. Do you know that the Directive on liability for defective products provides for the following: : A period of three years for the injured party to start the proceeding for the recovery of damages

		Answers	Ratio
I am aware		22	55 %
I am not aware		18	45 %
No Answer		0	0 %



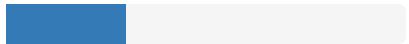
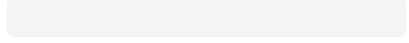
7. Do you know that the Directive on liability for defective products provides for the following : An expiry period of ten years from the moment that the producer put the product into circulation

		Answers	Ratio
I am aware		17	42.5 %
I am not aware		23	57.5 %
No Answer		0	0 %


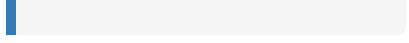
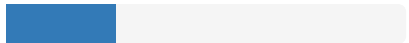
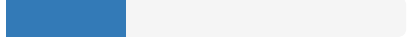
8. Have you had any experience related to this legislation?

		Answers	Ratio
Yes		9	22.5 %
No		31	77.5 %
No Answer		0	0 %



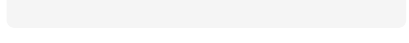
9. Do you have a specific insurance contract to cover the cost of compensation in case of defective products or a general insurance contract covering different risks?

		Answers	Ratio
I have a specific insurance contract		5	12.5 %
I have a general insurance contract covering different risks		23	57.5 %
I have no insurance contract		12	30 %
No Answer		0	0 %

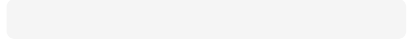
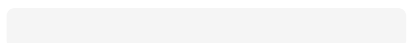

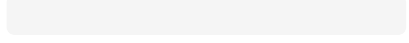
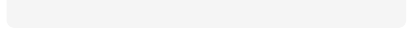
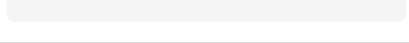
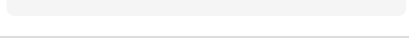
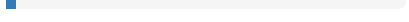
Does your insurance, whether specific or general, cover your liability in other Member States you export to?

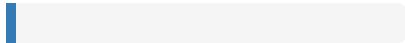
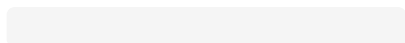
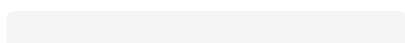
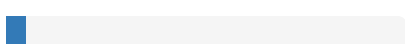
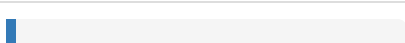
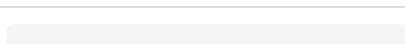
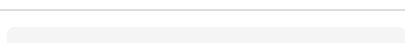
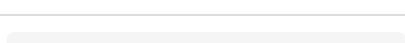


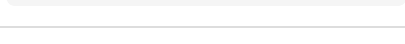
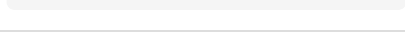
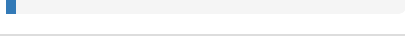
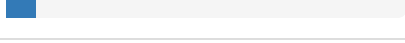
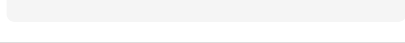
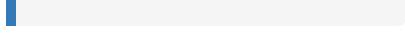
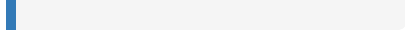
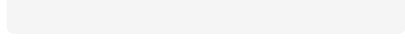
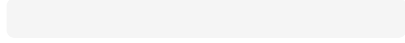
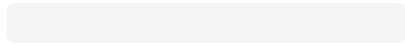
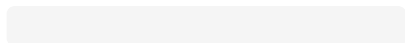
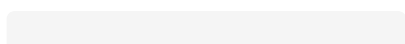
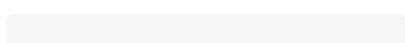
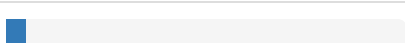
		Answers	Ratio
Yes, all Member States I export to		16	40 %
No, only a selection of the Member States I export to		1	2.5 %
No, I trade nationally only		11	27.5 %
No Answer		12	30 %

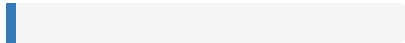
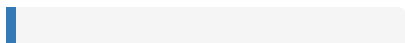
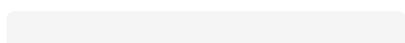
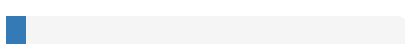

10. Have you ever received a request for compensation for damage caused by your defective product?

		Answers	Ratio
Yes		9	22.5 %
No		31	77.5 %
No Answer		0	0 %

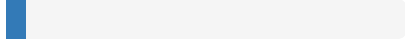
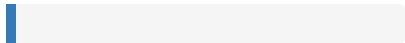
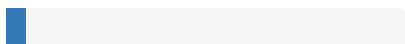
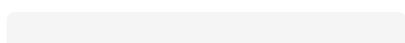
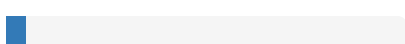

10.1 If yes, for what type of products?

		Answers	Ratio
Agricultural products (primary products that have not undergone initial processing):		0	0 %
Agricultural products - products of the soil		0	0 %
Agricultural products - farming		0	0 %
Agricultural products - fisheries		0	0 %
Agricultural products - game		0	0 %
Cableways		0	0 %
Chemical substances		0	0 %
Construction products		1	2.5 %

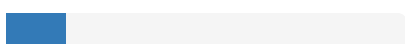
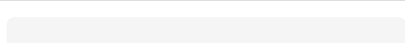
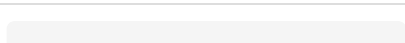
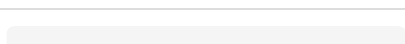
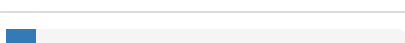

Cosmetics		1	2.5 %
Electricity		0	0 %
Electrical appliances and equipment		0	0 %
Electronic communications		2	5 %
Energy		1	2.5 %
Explosives for civil uses		0	0 %
Gas appliances		0	0 %
Lifts		0	0 %
Machinery		0	0 %
Marine equipment		0	0 %
Measuring instruments		0	0 %
Medical devices		1	2.5 %
Motor vehicles		3	7.5 %
Noise emissions for outdoor equipment		0	0 %
Pharmaceutical products		1	2.5 %
Personal protective equipment		1	2.5 %
Pressure equipment		0	0 %
Pre-packaged products		0	0 %
Pyrotechnics		0	0 %
Radio and telecommunications equipment		0	0 %
Recreational craft		0	0 %
Robotics		0	0 %
Smart devices		2	5 %
Software		2	5 %

Telecommunications		1	2.5 %
Textile and Footwear		1	2.5 %
Toys		0	0 %
Other		2	5 %
No Answer		31	77.5 %

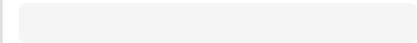
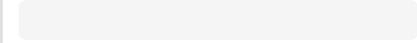
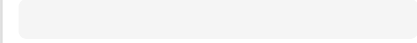
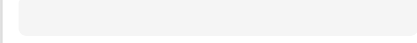



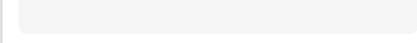


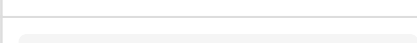

10.2 If yes, in which context was the claimed damage suffered?

		Answers	Ratio
Within a household		2	5 %
Sport, leisure, or other social activity		1	2.5 %
Professional activity		2	5 %
Medical (e.g. in a hospital)		0	0 %
Other		2	5 %
No Answer		33	82.5 %

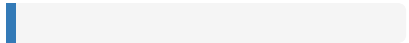
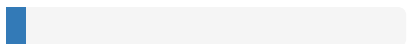
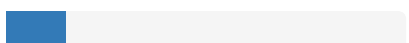

10.3 If yes, has the injured party been compensated for the damage suffered?

		Answers	Ratio
Yes, by an extrajudicial arrangement		6	15 %
Yes, by judicial decision		0	0 %
No		0	0 %
Trial ongoing		0	0 %
I do not know		3	7.5 %
No Answer		31	77.5 %

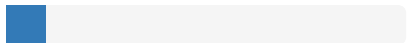
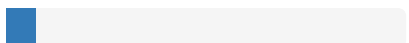
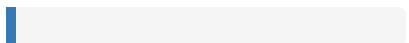
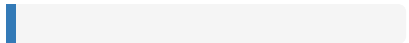

10.3. 1 If the injured party was not compensated, for which of the following reasons was it?

		Answers	Ratio
The consumer was not able to prove the defect		0	0 %
The consumer was not able to prove the link between the defect and the damage		0	0 %
You were found not liable since you had not put the product into circulation		0	0 %
You were found not liable since the defect did not exist at the time when the product was marketed		0	0 %
You were found not liable since the product was not for sale or for distribution for economic purposes		0	0 %
You were found not liable since the defect was due to compliance of the product with mandatory regulations.		0	0 %
You were found not liable since the state of scientific or technical knowledge at the time when the product was marketed did not enable the defect to be discovered		0	0 %
You were found not liable since you manufactured only a component of the product, following the instructions given by the manufacturer of the product		0	0 %
Expiration of the three years period for the injured party to start the proceedings for the recovery of damages		0	0 %
Expiration of the ten years period from the moment that the producer put the product into circulation		0	0 %
Other		0	0 %
No Answer		40	100 %

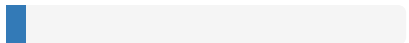
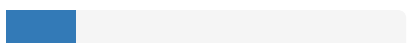

10.5 What was the nature and/or extent of the damage?

		Answers	Ratio
Physical well-being		1	2.5 %
Property damage		2	5 %
Other		6	15 %
No Answer		31	77.5 %

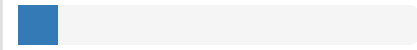
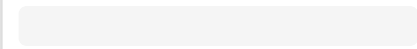


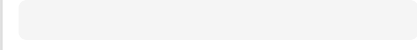
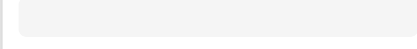
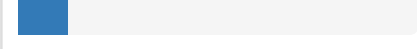

10.6 If the damage was a property loss, for which purpose was the defective product intended and used? Please reply even if you did not pay (yet) compensation for the claim

		Answers	Ratio
Intended and used only for private purposes		4	10 %
Intended and used for both private and professional purposes		3	7.5 %
Intended and used only for professional purposes		1	2.5 %
I do not know		1	2.5 %
No Answer		31	77.5 %


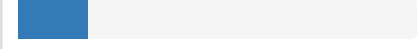

10.7 Do you know whether the defect concerned many other identical or similar products?

		Answers	Ratio
Yes		2	5 %
No		7	17.5 %
No Answer		31	77.5 %

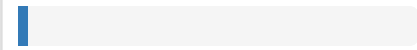



10.8. How were you contacted concerning the claim for compensation?

		Answers	Ratio
Directly by the consumer who incurred the damage		4	10 %
Through the brand-name holder		0	0 %
Through a retailer		0	0 %
Through a public authority.		0	0 %
Through a consumer association		0	0 %
Through a lawyer		0	0 %
Other		5	12.5 %
No Answer		31	77.5 %

10.9 Did you go through a judicial proceeding to defend your activity from the claim of a damage caused by a defective product?

		Answers	Ratio
Yes		2	5 %
No		7	17.5 %
No Answer		31	77.5 %

10.9.1 Did you find the judicial proceeding for recovering damages burdensome?

		Answers	Ratio
Yes		1	2.5 %
No		3	7.5 %
Other		5	12.5 %
No Answer		31	77.5 %

Which aspects? : Excluding liability because the product was not manufactured for sale

		Answers	Ratio
Burdensome		0	0 %
Neutral		1	2.5 %
Easy		0	0 %
No Answer		39	97.5 %

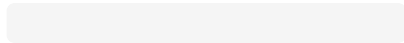
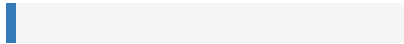


Which aspects? : Excluding liability because the defect was due to compliance of the product with mandatory rules

		Answers	Ratio
Burdensome		0	0 %
Neutral		1	2.5 %
Easy		0	0 %
No Answer		39	97.5 %

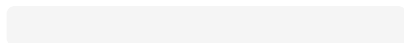
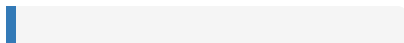
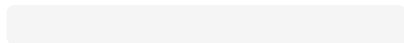

Which aspects? : Excluding liability due to the state of scientific and technical knowledge at the time of the product was put into circulation did not allow to discover the defect

		Answers	Ratio
Burdensome		0	0 %
Neutral		1	2.5 %
Easy		0	0 %
No Answer		39	97.5 %

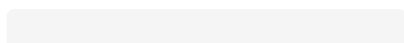
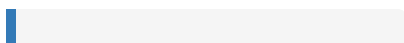
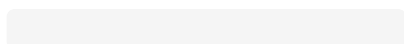

Which aspects? : Excluding liability because you did not put the product into circulation

		Answers	Ratio
Burdensome		0	0 %
Neutral		1	2.5 %
Easy		0	0 %
No Answer		39	97.5 %

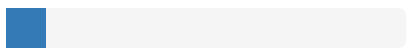
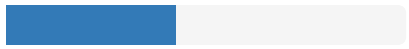

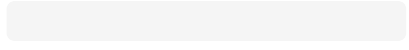
Which aspects? : The three years period for the injured party to start the proceedings for the recovery of the damage

		Answers	Ratio
Burdensome		0	0 %
Neutral		1	2.5 %
Easy		0	0 %
No Answer		39	97.5 %

Which aspects? : The expiry period of ten years from the moment that the producer put the product into circulation


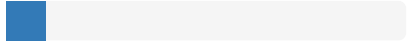
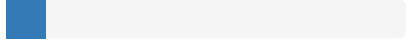
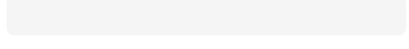
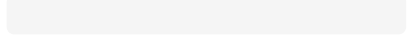
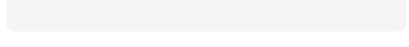
		Answers	Ratio
Burdensome		0	0 %
Neutral		1	2.5 %
Easy		0	0 %
No Answer		39	97.5 %

11. In the EU country where you live, are you aware of the existence of specific rules on liability for damage caused, for instance, by smart objects, robots and other new technologies?



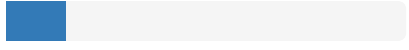
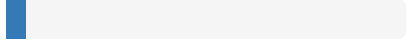
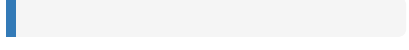
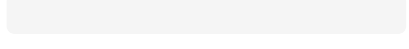
		Answers	Ratio
Yes		4	10 %
No		17	42.5 %
I do not know		19	47.5 %
No Answer		0	0 %

C. QUESTIONS ON THE PERFORMANCE OF THE DIRECTIVE ON LIABILITY FOR DEFECTIVE PRODUCTS


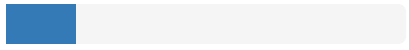

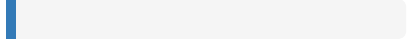
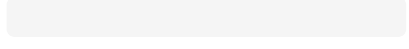
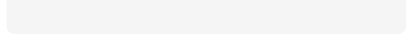
12. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Consumers can enjoy the same rights in terms of compensation wherever they are in the EU

		Answers	Ratio
Strong advantage		32	80 %
Minor advantage		4	10 %
Neutral		4	10 %
Minor disadvantage		0	0 %
Serious disadvantage		0	0 %
No Answer		0	0 %

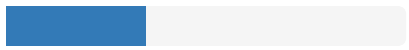

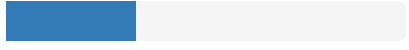
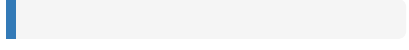
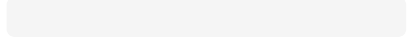
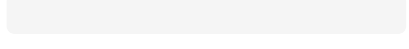
12. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Member States cannot implement diverging product liability rules to those already covered by the Directive for national producers that would lead to different levels of protection

		Answers	Ratio
Strong advantage		26	65 %
Minor advantage		5	12.5 %
Neutral		6	15 %
Minor disadvantage		2	5 %
Serious disadvantage		1	2.5 %
No Answer		0	0 %

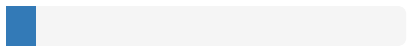
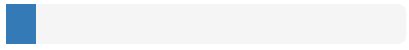

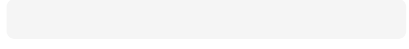
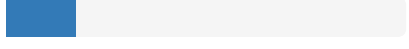
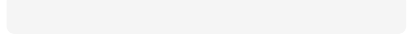
12. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Producers have the same liability rules in all Member States they export to

		Answers	Ratio
Strong advantage		29	72.5 %
Minor advantage		7	17.5 %
Neutral		3	7.5 %
Minor disadvantage		1	2.5 %
Serious disadvantage		0	0 %
No Answer		0	0 %



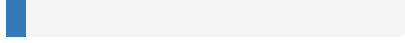
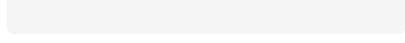
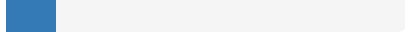
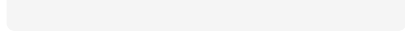
12. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : There is a common minimum threshold of € 500 in the EU for compensation of damages to property

		Answers	Ratio
Strong advantage		14	35 %
Minor advantage		12	30 %
Neutral		13	32.5 %
Minor disadvantage		1	2.5 %
Serious disadvantage		0	0 %
No Answer		0	0 %


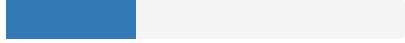
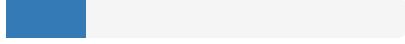
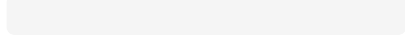
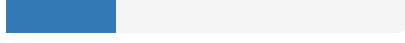
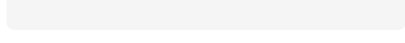
12. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Other

		Answers	Ratio
Strong advantage		3	7.5 %
Minor advantage		3	7.5 %
Neutral		27	67.5 %
Minor disadvantage		0	0 %
Serious disadvantage		7	17.5 %
No Answer		0	0 %


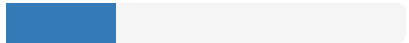
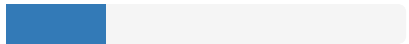
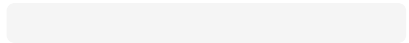
13. Do you think that the Directive on liability of defective products provides for a fair balance between the interest of producers and those of the consumers?

		Answers	Ratio
Yes, to a significant extent		13	32.5 %
Yes, to a moderate extent		20	50 %
No		2	5 %
Not at all		0	0 %
I do not know		5	12.5 %
No Answer		0	0 %


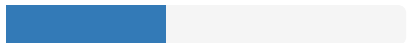
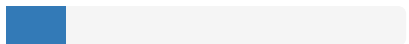
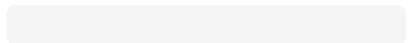
14. Do you think that the Directive on liability for defective products covers the needs of producers dealing with innovative technological developments, such as smart devices, robots or automated systems?

		Answers	Ratio
Yes, to a significant extent		8	20 %
Yes, to a moderate extent		13	32.5 %
No		8	20 %
Not at all		0	0 %
I do not know		11	27.5 %
No Answer		0	0 %


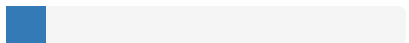
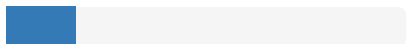
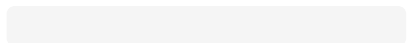
15. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The Directive applies to very heterogeneous products (e.g. to damages caused by malfunctioning pacemakers or by defective staplers)

		Answers	Ratio
Future-proof		19	47.5 %
Needs to be adapted		11	27.5 %
No opinion		10	25 %
No Answer		0	0 %



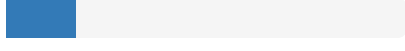
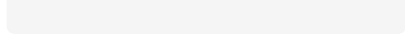
15. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The producer is considered liable independently of his fault or negligence

		Answers	Ratio
Future-proof		18	45 %
Needs to be adapted		16	40 %
No opinion		6	15 %
No Answer		0	0 %

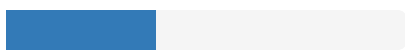
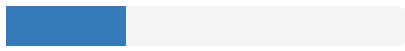
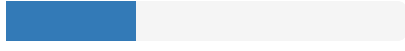
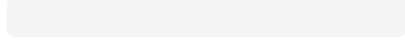
15. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The injured party has to prove the defect to obtain compensation

		Answers	Ratio
Future-proof		29	72.5 %
Needs to be adapted		4	10 %
No opinion		7	17.5 %
No Answer		0	0 %

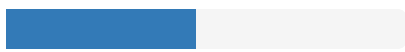

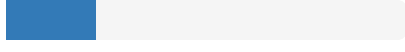
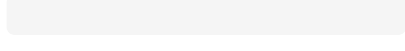
15. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The injured party has to prove also the causal link between defect and damage to obtain compensation

		Answers	Ratio
Future-proof		24	60 %
Needs to be adapted		9	22.5 %
No opinion		7	17.5 %
No Answer		0	0 %



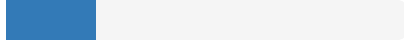
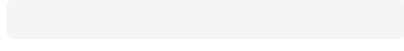
15. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : Compensation is granted only for property damage above € 500

		Answers	Ratio
Future-proof		15	37.5 %
Needs to be adapted		12	30 %
No opinion		13	32.5 %
No Answer		0	0 %


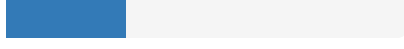
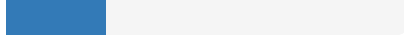
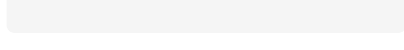
15. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The requirement that only damage caused by defective items intended and used for private purpose can be compensated

		Answers	Ratio
Future-proof		19	47.5 %
Needs to be adapted		12	30 %
No opinion		9	22.5 %
No Answer		0	0 %


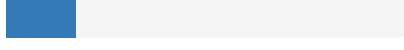
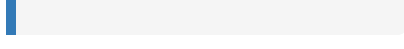
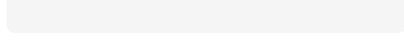
15. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The three year period for the injured party to start the proceeding for the recovery of damages

		Answers	Ratio
Future-proof		23	57.5 %
Needs to be adapted		8	20 %
No opinion		9	22.5 %
No Answer		0	0 %





15. From your experience, how do you assess the following characteristics of the Directive on liability of defective products to face the needs raised by new technological developments? : The expiry period of ten years from the moment that the producer put the product into circulation

		Answers	Ratio
Future-proof		18	45 %
Needs to be adapted		12	30 %
No opinion		10	25 %
No Answer		0	0 %





16. From your experience, to what extent do you agree with the following statements with regard to the Directive on liability for defective products in the context of the new technological developments? : It is difficult to allocate liability in case of products interacting with other products or services (e.g. a smartphone malfunctioning because of an app downloaded from the internet)

		Answers	Ratio
Agree		32	80 %
Do not agree		7	17.5 %
No opinion		1	2.5 %
No Answer		0	0 %





16. From your experience, to what extent do you agree with the following statements with regard to the Directive on liability for defective products in the context of the new technological developments? : Maintain the exemption of the producer liability under certain circumstances (e.g. when he proves that at the time when the product was marketed, he was not able to detect the defect due to the state of scientific and technical knowledge

		Answers	Ratio
Agree		28	70 %
Do not agree		6	15 %
No opinion		6	15 %
No Answer		0	0 %



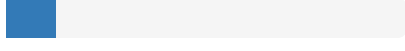
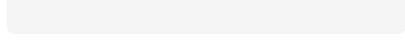
16. From your experience, to what extent do you agree with the following statements with regard to the Directive on liability for defective products in the context of the new technological developments? : Liability without fault is not appropriate for some innovative products (e.g. smartphones or other connected devices).

		Answers	Ratio
Agree		16	40 %
Do not agree		12	30 %
No opinion		12	30 %
No Answer		0	0 %



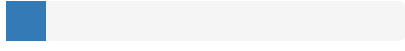
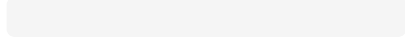
16. From your experience, to what extent do you agree with the following statements with regard to the Directive on liability for defective products in the context of the new technological developments? : It is sometimes difficult to distinguish between private and professional use of a product

		Answers	Ratio
Agree		25	62.5 %
Do not agree		8	20 %
No opinion		7	17.5 %
No Answer		0	0 %


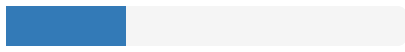
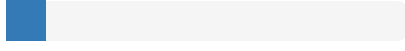
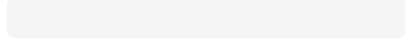
16. From your experience, to what extent do you agree with the following statements with regard to the Directive on liability for defective products in the context of the new technological developments? : It is sometimes difficult to distinguish a product from a service, since they are bundled together

		Answers	Ratio
Agree		22	55 %
Do not agree		13	32.5 %
No opinion		5	12.5 %
No Answer		0	0 %

16. From your experience, to what extent do you agree with the following statements with regard to the Directive on liability for defective products in the context of the new technological developments? : It is difficult for the injured party to prove the defect to obtain compensation

		Answers	Ratio
Agree		18	45 %
Do not agree		18	45 %
No opinion		4	10 %
No Answer		0	0 %

16. From your experience, to what extent do you agree with the following statements with regard to the Directive on liability for defective products in the context of the new technological developments? : It is difficult for the injured party to prove the defect of a product interacting with other products or services (e.g. a smartphone malfunctioning because of an app downloaded from the internet)

		Answers	Ratio
Agree		24	60 %
Do not agree		12	30 %
No opinion		4	10 %
No Answer		0	0 %

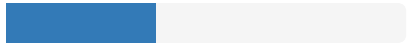

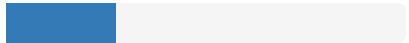
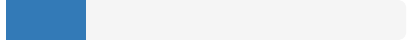
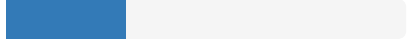
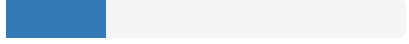
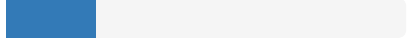
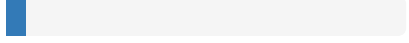

**16. From your experience, to what extent do you agree with the following statements with regard to the Directive on liability for defective products in the context of the new technological developments? :
Property damages are often below € 500**

		Answers	Ratio
Agree		11	27.5 %
Do not agree		11	27.5 %
No opinion		18	45 %
No Answer		0	0 %





17. According to your experience, are there products for which the application of the Directive on liability of defective products is or might become uncertain and/or problematic?

		Answers	Ratio
Yes, to a significant extent		5	12.5 %
Yes, to a moderate extent		13	32.5 %
No		9	22.5 %
Not at all		1	2.5 %
I do not know		12	30 %
No Answer		0	0 %

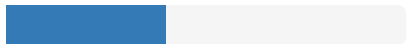

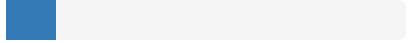
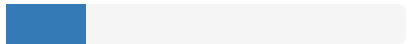
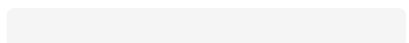
If yes, are those products among those mentioned below? Please indicate which one(s):

		Answers	Ratio
Products on which software and applications from different sources can be installed after purchase		15	37.5 %
Products connected to the internet		8	20 %
Products purchased as a bundle with related services		11	27.5 %
Products that are used both in the private and professional life		8	20 %
Products performing automated tasks based on algorithms and data analysis (e.g. cars with parking assistance)		12	30 %
Products performing automated tasks based on self-learning algorithms (Artificial Intelligence)		10	25 %
Products shared with other users through collaborative platforms		9	22.5 %
Other		2	5 %
No Answer		22	55 %


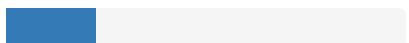
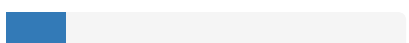
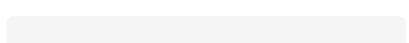
18. Based on your experience, is there a need to adapt the Directive on liability of defective products for the products listed in the previous question?

		Answers	Ratio
Yes		10	25 %
No		11	27.5 %
I do not know		19	47.5 %
No Answer		0	0 %


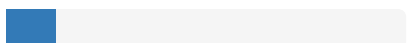
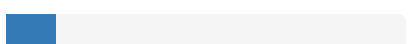
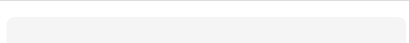
19. If it is the case, how would you suggest proceeding?

		Answers	Ratio
Guidelines to clarify the rules of Directive on liability for defective products		16	40 %
Revision of Directive on liability for defective products		11	27.5 %
New dedicated legislation		5	12.5 %
Other		8	20 %
No Answer		0	0 %

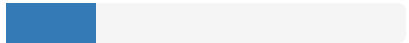

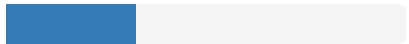
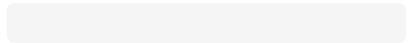
**20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Maintain the rule of liability without fault in case of damage caused by a defective or malfunctioning product**

		Answers	Ratio
Agree		25	62.5 %
Do not agree		9	22.5 %
No opinion		6	15 %
No Answer		0	0 %


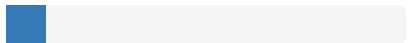
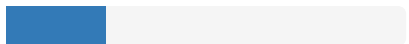
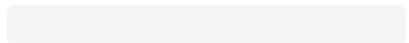
**20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Liability for damage caused by a defective or malfunctioning product should be on the producer**

		Answers	Ratio
Agree		30	75 %
Do not agree		5	12.5 %
No opinion		5	12.5 %
No Answer		0	0 %


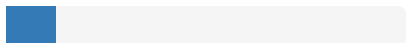
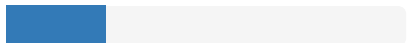
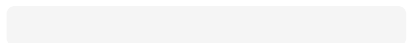
20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Liability should not necessarily be attributed to the producer, but to the entity best positioned in the value chain to avoid accidents

		Answers	Ratio
Agree		9	22.5 %
Do not agree		18	45 %
No opinion		13	32.5 %
No Answer		0	0 %


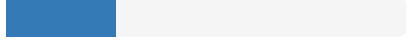
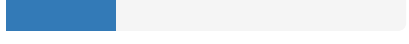
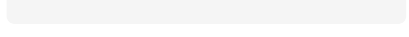
20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Providers of software, applications and algorithms should potentially be held liable

		Answers	Ratio
Agree		26	65 %
Do not agree		4	10 %
No opinion		10	25 %
No Answer		0	0 %


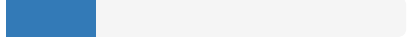
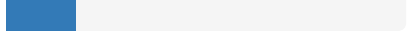
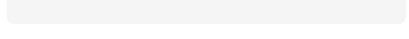
20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Data providers should potentially be held liable

		Answers	Ratio
Agree		25	62.5 %
Do not agree		5	12.5 %
No opinion		10	25 %
No Answer		0	0 %

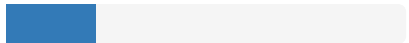

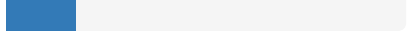
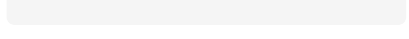
20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Special exemptions from the general liability framework should be foreseen for innovative products under experimentation.

		Answers	Ratio
Agree		18	45 %
Do not agree		11	27.5 %
No opinion		11	27.5 %
No Answer		0	0 %

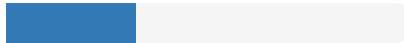

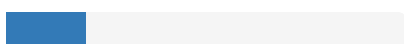
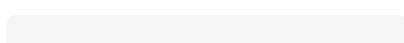
20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Liability should be extended to damages caused by services when there are bundled with the product

		Answers	Ratio
Agree		24	60 %
Do not agree		9	22.5 %
No opinion		7	17.5 %
No Answer		0	0 %

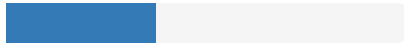
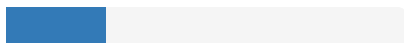
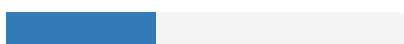
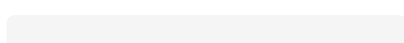
20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Removal of the obligation for the injured party to prove the defect to obtain compensation

		Answers	Ratio
Agree		9	22.5 %
Do not agree		24	60 %
No opinion		7	17.5 %
No Answer		0	0 %

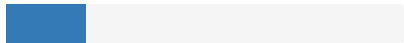

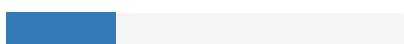
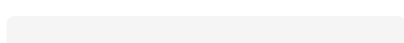
**20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Removal of the obligation for the injured party to prove the causal link between defect and damage to obtain compensation**

		Answers	Ratio
Agree		13	32.5 %
Do not agree		19	47.5 %
No opinion		8	20 %
No Answer		0	0 %

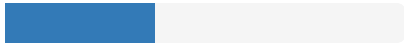

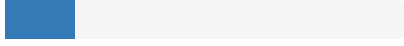
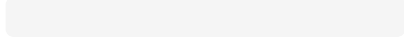
**20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Maintain the threshold of € 500 for property damage**

		Answers	Ratio
Agree		15	37.5 %
Do not agree		10	25 %
No opinion		15	37.5 %
No Answer		0	0 %

**20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Removal of the threshold of € 500 for property damage**

		Answers	Ratio
Agree		8	20 %
Do not agree		21	52.5 %
No opinion		11	27.5 %
No Answer		0	0 %

**20. Concerning the products listed in question 16, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Removal of the requirement that only damage caused by defective items intended and used for private purposes can be compensated**

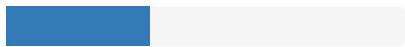



		Answers	Ratio
Agree		15	37.5 %
Do not agree		18	45 %
No opinion		7	17.5 %
No Answer		0	0 %

Statistics: Public Consultation on the rules on liability of the producer for damage caused by a defective product


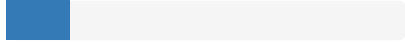
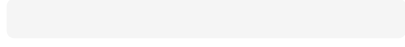
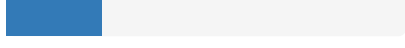
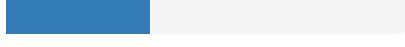
INTRODUCTION

A. GENERAL INFORMATION ON RESPONDENTS


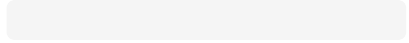
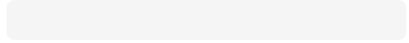
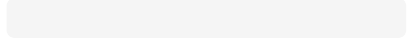
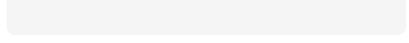
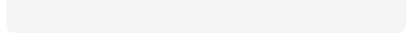
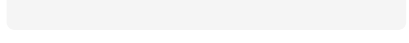
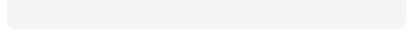
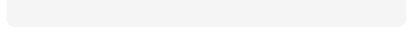
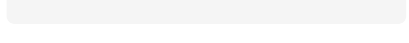
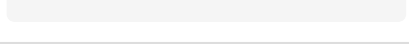
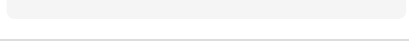
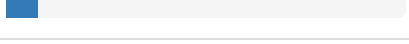
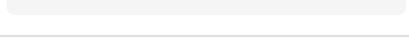
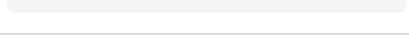
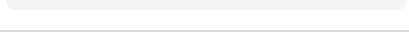
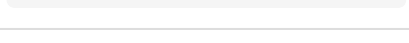
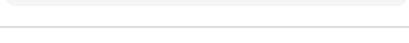

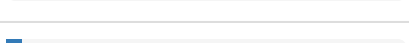
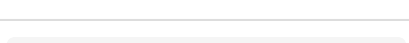
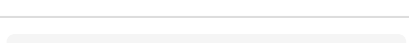

1. Are you replying as:

		Answers	Ratio
An individual in my personal capacity		9	36 %
The representative of an organisation / business		10	40 %
The representative of a public authority / international organisation		6	24 %
No Answer		0	0 %

1.1 Please indicate which type of organisation or business do you represent:

		Answers	Ratio
Public authority		6	24 %
Law firm not replying on behalf of a client		4	16 %
Research and Academia		0	0 %
Other		6	24 %
No Answer		9	36 %

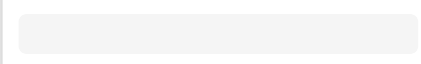
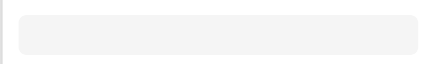
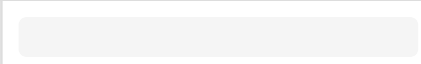
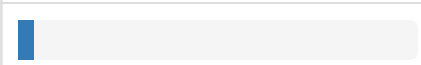
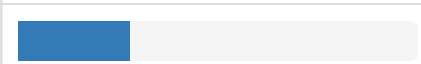
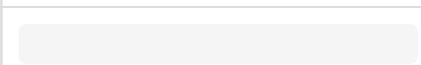
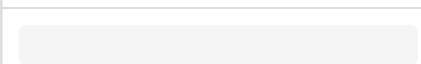
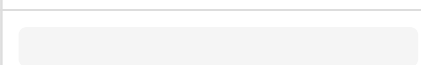
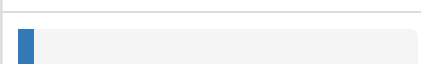
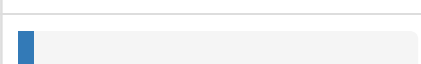
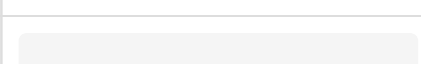
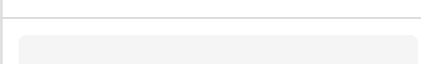
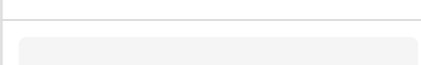
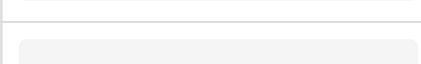
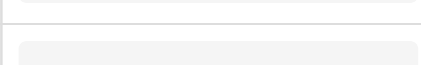
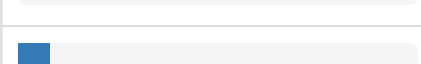
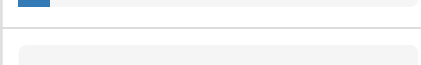
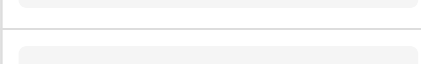

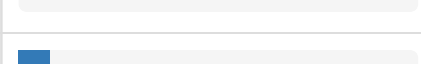
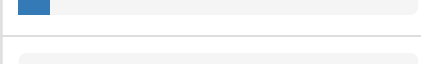
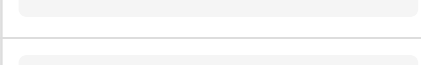
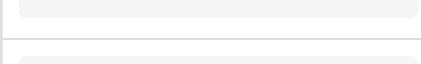
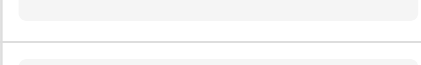
2. Does your organisation focus on a particular sector of the economy? * If yes, please select the relevant sector(s) (multiple choice possible) – *n.b.: if your organisation has no particular sectoral focus, please select “Horizontal organisation”*

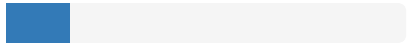
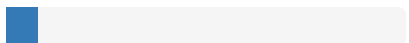
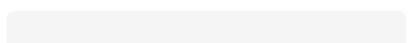
		Answers	Ratio
Horizontal organisation		15	60 %
Agricultural products (primary products that have not undergone initial processing):		0	0 %
Agricultural products - products of the soil		0	0 %
Agricultural products - farming		0	0 %
Agricultural products - fisheries		0	0 %
Agricultural products - game		0	0 %
Cableways		0	0 %
Chemical substances		0	0 %
Construction products		0	0 %
Cosmetics		0	0 %
Electricity		0	0 %
Electrical appliances and equipment		0	0 %
Electronic communications		2	8 %
Energy		0	0 %
Explosives for civil uses		0	0 %
Gas appliances		0	0 %
Lifts		0	0 %
Machinery		0	0 %
Marine equipment		0	0 %
Measuring instruments		0	0 %
Medical devices		1	4 %
Motor vehicles		0	0 %
Noise emissions for outdoor equipment		0	0 %

Pharmaceutical products		1	4 %
Personal protective equipment		0	0 %
Pressure equipment		0	0 %
Pre-packaged products		0	0 %
Pyrotechnics		0	0 %
Radio and telecommunications equipment		0	0 %
Recreational craft		0	0 %
Robotics		0	0 %
Smart devices		2	8 %
Software		2	8 %
Telecommunications		2	8 %
Textile and Footwear		0	0 %
Toys		0	0 %
Other		6	24 %
No Answer		0	0 %


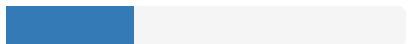
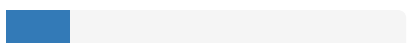
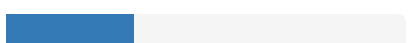
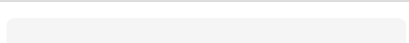
3. Where are the headquarters of your organisation located?

		Answers	Ratio
Austria		2	8 %
Belgium		1	4 %
Bulgaria		1	4 %
Croatia		0	0 %
Cyprus		0	0 %
Czech Republic		1	4 %

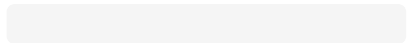
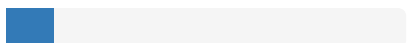
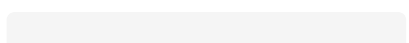
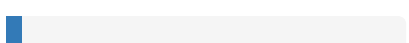
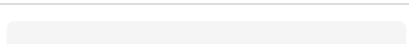
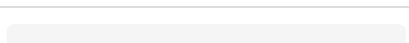
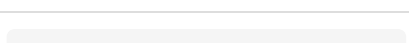
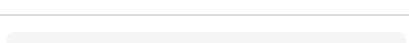
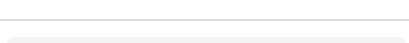

Denmark		0	0 %
Estonia		0	0 %
Finland		0	0 %
France		1	4 %
Germany		7	28 %
Greece		0	0 %
Hungary		0	0 %
Iceland		0	0 %
Ireland		1	4 %
Italy		1	4 %
Latvia		0	0 %
Liechtenstein		0	0 %
Lithuania		0	0 %
Luxembourg		0	0 %
Malta		0	0 %
Netherlands		2	8 %
Norway		0	0 %
Poland		0	0 %
Portugal		0	0 %
Romania		2	8 %
Slovak Republic		0	0 %
Slovenia		0	0 %
Spain		0	0 %
Sweden		0	0 %

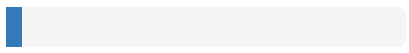
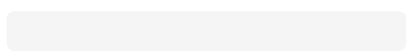
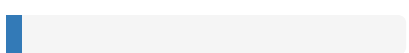
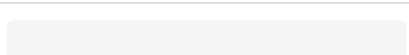
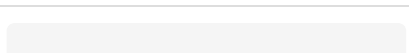
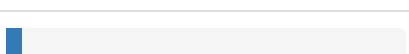
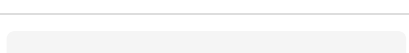
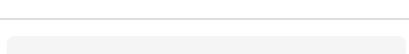
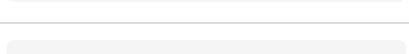
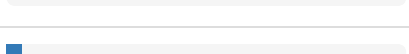
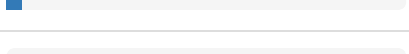
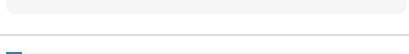
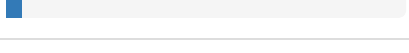
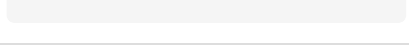
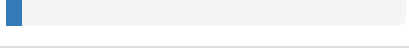
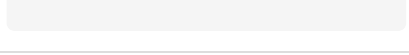
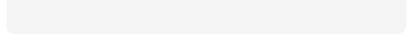
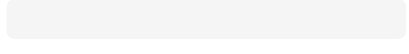


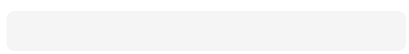
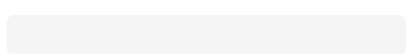
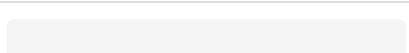
United Kingdom		4	16 %
Other country		2	8 %
No Answer		0	0 %

4. Do you represent interests or carry out activity at:

		Answers	Ratio
Regional level		5	20 %
National level (your country only)		8	32 %
EU / EEA level		4	16 %
International level		8	32 %
No Answer		0	0 %

Please specify in which EU/EEA States you are active, other than your Member State of primary establishment


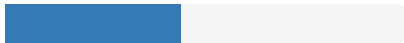
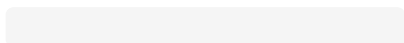
		Answers	Ratio
Austria		0	0 %
Belgium		3	12 %
Bulgaria		0	0 %
Croatia		1	4 %
Cyprus		0	0 %
Czech Republic		0	0 %
Denmark		0	0 %
Estonia		0	0 %
Finland		0	0 %
France		1	4 %

Germany		1	4 %
Greece		0	0 %
Hungary		1	4 %
Iceland		0	0 %
Ireland		0	0 %
Italy		1	4 %
Latvia		0	0 %
Liechtenstein		0	0 %
Lithuania		0	0 %
Luxembourg		1	4 %
Malta		0	0 %
Netherlands		1	4 %
Norway		0	0 %
Poland		1	4 %
Portugal		0	0 %
Romania		0	0 %
Slovak Republic		0	0 %
Slovenia		0	0 %
Spain		1	4 %
Sweden		0	0 %
United Kingdom		0	0 %
Other country		0	0 %
No Answer		22	88 %

6. Your contribution:


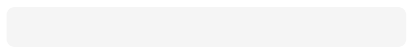
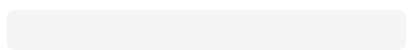
Your feedback will be published on the Commission's website unless this would damage your legitimate interest. Please choose from one of the following options on the use of your contribution:

Note that, whatever your chosen option, your answers may be subject to a request for public access to documents under Regulation (EC) No 1049/2001.


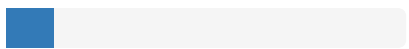
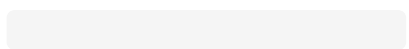
		Answers	Ratio
My/our contribution can be published with my personal/organisation information (I consent to publication of all information in my contribution in whole or in part including my name/the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication).		14	56 %
My/our contribution can be published provided that I/my organisation remain(s) anonymous (I consent to publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that this is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication.		11	44 %
No Answer		0	0 %

B. QUESTIONS ON THE APPLICATION OF THE DIRECTIVE ON LIABILITY FOR DEFECTIVE PRODUCTS


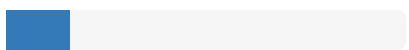
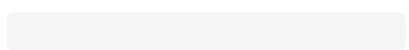
7. Do you know that the Directive on liability for defective products provides for the following: : Consumers in the European Union have the right to seek compensation for damage caused by a defective product

		Answers	Ratio
I am aware		25	100 %
I am not aware		0	0 %
No Answer		0	0 %


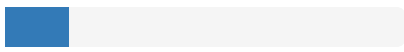
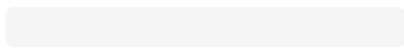
7. Do you know that the Directive on liability for defective products provides for the following: : This legislation applies to any product, including primary agricultural products but also electricity.

		Answers	Ratio
I am aware		22	88 %
I am not aware		3	12 %
No Answer		0	0 %


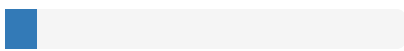
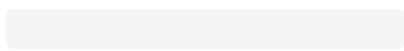
7. Do you know that the Directive on liability for defective products provides for the following: : Services are not covered.

		Answers	Ratio
I am aware		21	84 %
I am not aware		4	16 %
No Answer		0	0 %


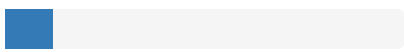
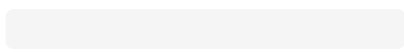
7. Do you know that the Directive on liability for defective products provides for the following: : Producers and/or importers into the European Union must compensate consumers for damage caused by their defective product, regardless of whether the producers are at fault or negligent

		Answers	Ratio
I am aware		21	84 %
I am not aware		4	16 %
No Answer		0	0 %


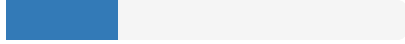
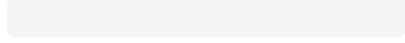
7. Do you know that the Directive on liability for defective products provides for the following: : The injured party has to prove the defect, the damage and the causal link between defect and damage to be compensated.

		Answers	Ratio
I am aware		23	92 %
I am not aware		2	8 %
No Answer		0	0 %


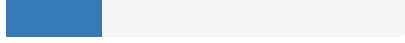
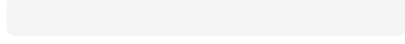
7. Do you know that the Directive on liability for defective products provides for the following: : Producers and/or importers into the European Union are liable for any damage caused by death or by personal injuries

		Answers	Ratio
I am aware		22	88 %
I am not aware		3	12 %
No Answer		0	0 %


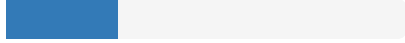
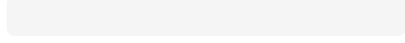
7. Do you know that the Directive on liability for defective products provides for the following: : To be covered, damages caused to property should exceed a threshold of € 500

		Answers	Ratio
I am aware		18	72 %
I am not aware		7	28 %
No Answer		0	0 %


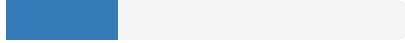
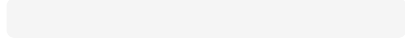
7. Do you know that the Directive on liability for defective products provides for the following: : The liability is limited to material damage caused by a defective product that was used for private purposes (i.e. non-professional use)

		Answers	Ratio
I am aware		19	76 %
I am not aware		6	24 %
No Answer		0	0 %

7. Do you know that the Directive on liability for defective products provides for the following: : The three year period for the injured party to start the proceedings for the recovery of damages



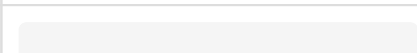
		Answers	Ratio
I am aware		18	72 %
I am not aware		7	28 %
No Answer		0	0 %

7. Do you know that the Directive on liability for defective products provides for the following: : The expiry period of ten years from the moment the producer put the product in circulation.

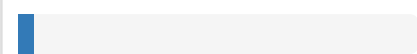

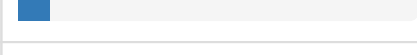
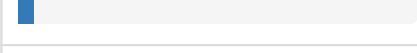
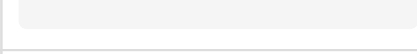
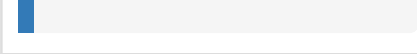
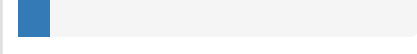
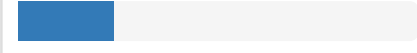

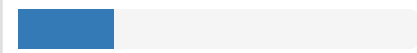
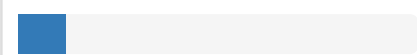
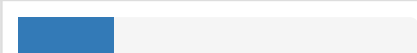
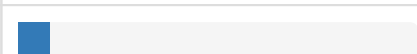
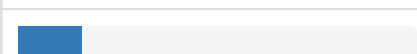
		Answers	Ratio
I am aware		18	72 %
I am not aware		7	28 %
No Answer		0	0 %

8. Have you had any experience related to this legislation?

Your involvement may have been direct or indirect, legal advice, technical support, institutional involvement (e.g. as a judge in a related trial), academic research, etc.

		Answers	Ratio
Yes		14	56 %
No		11	44 %
No Answer		0	0 %

8.1 If yes, for what type of products? (multiple answers possible)

		Answers	Ratio
Agricultural products (primary products that have not undergone initial processing):		1	4 %
Agricultural products - products of the soil		2	8 %
Agricultural products - farming		1	4 %
Agricultural products - fisheries		0	0 %
Agricultural products - game		1	4 %
Cableways		2	8 %
Chemical substances		6	24 %
Construction products		5	20 %
Cosmetics		6	24 %
Electricity		3	12 %
Electrical appliances and equipment		6	24 %
Electronic communications		2	8 %
Energy		4	16 %
Explosives for civil uses		1	4 %

Gas appliances		1	4 %
Lifts		1	4 %
Machinery		7	28 %
Marine equipment		4	16 %
Measuring instruments		2	8 %
Medical devices		10	40 %
Motor vehicles		7	28 %
Noise emissions for outdoor equipment		0	0 %
Pharmaceutical products		8	32 %
Personal protective equipment		2	8 %
Pressure equipment		1	4 %
Pre-packaged products		3	12 %
Pyrotechnics		2	8 %
Radio and telecommunications equipment		4	16 %
Recreational craft		1	4 %
Robotics		2	8 %
Smart devices		3	12 %
Software		7	28 %
Telecommunications		2	8 %
Textile and Footwear		3	12 %
Toys		5	20 %
Other		4	16 %
No Answer		11	44 %

8.2 If yes, in which context was the claimed damage suffered?

		Answers	Ratio
Within a household		2	8 %
Sport, leisure, or other social activity		0	0 %
Professional activity		1	4 %
Medical (e.g. in a hospital)		2	8 %
Other		4	16 %
No Answer		16	64 %

8.3 If yes, how often have injured parties been compensated for the damage suffered in the different scenarios below? : Thanks to an extrajudicial arrangement

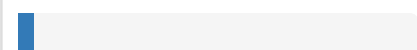
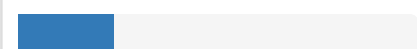
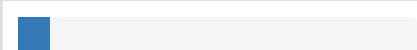
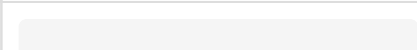
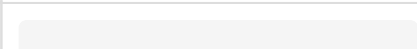


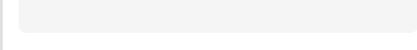
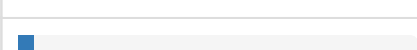

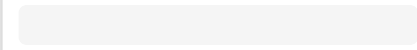


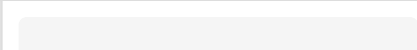
		Answers	Ratio
Always		1	4 %
Often		5	20 %
Rarely		6	24 %
Never		2	8 %
No Answer		11	44 %

8.3 If yes, how often have injured parties been compensated for the damage suffered in the different scenarios below? : Thanks to a judicial decision



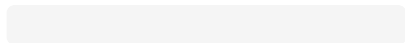
		Answers	Ratio
Always		1	4 %
Often		3	12 %
Rarely		7	28 %
Never		3	12 %
No Answer		11	44 %

**9. What are the three most frequent reasons for which the injured parties are not compensated?
(multiple answers possible)**


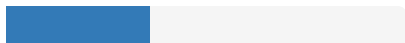
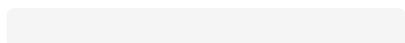
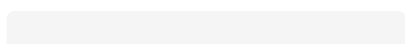
		Answers	Ratio
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The consumer gave up trying to achieve compensation before the claim was launched		1	4 %
The consumer was not able to prove the defect		6	24 %
The consumer was not able to prove the link between the defect and the damage		2	8 %
The manufacturer was found not liable since he had not put the product into circulation		0	0 %
The manufacturer was found not liable since the defect did not exist at the time when the product was marketed		0	0 %
The manufacturer was found not liable since the product was not for sale or for distribution for economic purposes		0	0 %
The manufacturer was found not liable since the defect was due to compliance of the product with mandatory regulations		0	0 %
The manufacturer was found not liable since the state of scientific or technical knowledge at the time when the product was marketed did not enable the defect to be discovered		1	4 %
The manufacturer was found not liable since he manufactured only a component of the product, following the instructions given by the manufacturer of the product		0	0 %
Expiration of the three year period for the injured party to start the proceedings for the recovery of damages		0	0 %
Expiration of the ten year period from the moment the producer put the product in circulation.		0	0 %
Other		4	16 %
I do not know / no opinion		11	44 %
No Answer		0	0 %


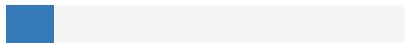
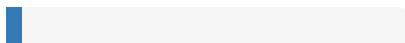
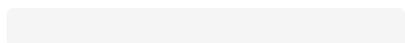
10. Based on your experience, can you provide an estimation of the relative frequency (in %) of the types of damages claimed?

		Answers	Ratio
Yes		8	32 %
No		17	68 %
No Answer		0	0 %



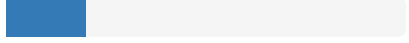
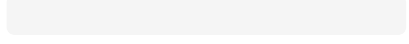
11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : Proving that the product was defective

		Answers	Ratio
Burdensome		16	64 %
Neutral		9	36 %
Easy		0	0 %
No Answer		0	0 %



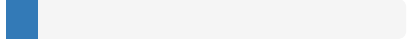
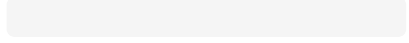
11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : Proving the link between the defect and the damage

		Answers	Ratio
Burdensome		21	84 %
Neutral		3	12 %
Easy		1	4 %
No Answer		0	0 %

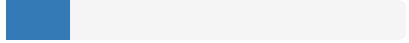

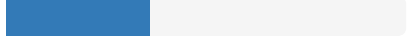
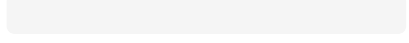
11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : Attributing liability to a specific person or entity

		Answers	Ratio
Burdensome		8	32 %
Neutral		12	48 %
Easy		5	20 %
No Answer		0	0 %

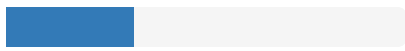


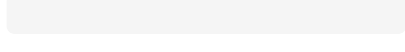
11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : Discovering where exactly the defect occurred

		Answers	Ratio
Burdensome		16	64 %
Neutral		7	28 %
Easy		2	8 %
No Answer		0	0 %

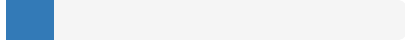

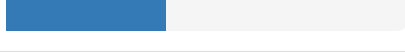
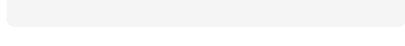
11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : Proving the damage

		Answers	Ratio
Burdensome		4	16 %
Neutral		12	48 %
Easy		9	36 %
No Answer		0	0 %

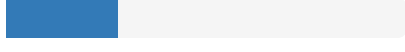

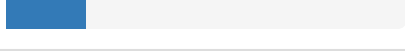
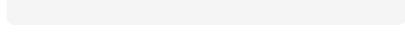
11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : That the compensation is granted only for property damage of at least € 500

		Answers	Ratio
Burdensome		8	32 %
Neutral		4	16 %
Easy		13	52 %
No Answer		0	0 %

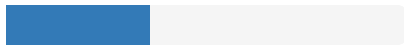

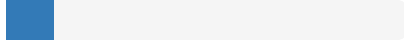
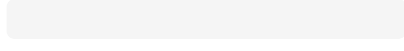
11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : Having to prove that the defective product was intended and used for private purposes

		Answers	Ratio
Burdensome		3	12 %
Neutral		12	48 %
Easy		10	40 %
No Answer		0	0 %

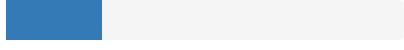

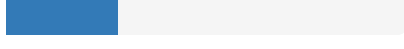
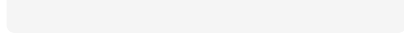
11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : Proving that the damage was caused by the product and not by a related service

		Answers	Ratio
Burdensome		7	28 %
Neutral		13	52 %
Easy		5	20 %
No Answer		0	0 %

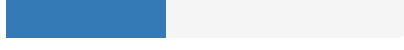
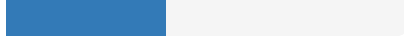
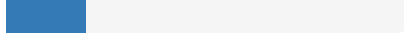
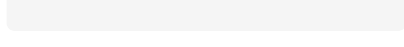
11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : Proving that the damage was caused by the product and not by an installed software

		Answers	Ratio
Burdensome		9	36 %
Neutral		13	52 %
Easy		3	12 %
No Answer		0	0 %

11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : The three year period for the injured party to start the proceedings for the recovery of damages

		Answers	Ratio
Burdensome		6	24 %
Neutral		12	48 %
Easy		7	28 %
No Answer		0	0 %

11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : The expiry period of ten years from the moment the producer put the product in circulation.

		Answers	Ratio
Burdensome		10	40 %
Neutral		10	40 %
Easy		5	20 %
No Answer		0	0 %

11. From your point of the view, which aspects in the judicial proceeding for recovering damage could be burdensome for the consumer? : Other

		Answers	Ratio
Burdensome		6	24 %
Neutral		13	52 %
Easy		6	24 %
No Answer		0	0 %



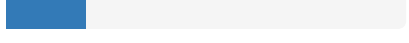
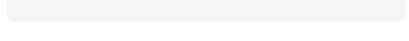
12. In your experience, do producer firms have an insurance contract to cover their compensation costs?

		Answers	Ratio
Yes		8	32 %
No		3	12 %
I do not know		12	48 %
No Answer		2	8 %

12.1 If yes, do they have a specific insurance contract to cover compensation costs in case of defective products or a general insurance contract covering different risks?


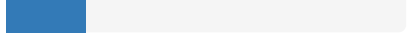
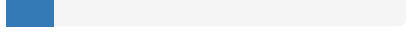
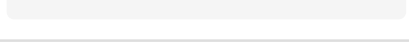


		Answers	Ratio
Most have a specific insurance contract		2	8 %
Most have a general insurance contract covering different risks		3	12 %
I do not know		3	12 %
No Answer		17	68 %

13. In the EU country where you are established, are you aware of the existence of specific rules on liability for damage caused, for instance, by smart objects, robots and other new technologies?

		Answers	Ratio
Yes		1	4 %
No		19	76 %
I do not know		5	20 %
No Answer		0	0 %

C. QUESTIONS ON THE PERFORMANCE OF THE DIRECTIVE ON LIABILITY FOR DEFECTIVE PRODUCTS

14. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Consumers can enjoy the same rights in terms of compensation wherever they are in the EU

		Answers	Ratio
Strong advantage		17	68 %
Minor advantage		5	20 %
Neutral		3	12 %
Minor disadvantage		0	0 %
Serious disadvantage		0	0 %
No Answer		0	0 %

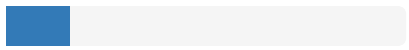

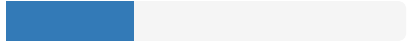
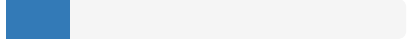
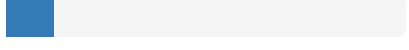
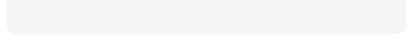
14. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Member States cannot implement diverging product liability rules to those already covered by the Directive for national producers that would lead to different levels of protection

		Answers	Ratio
Strong advantage		14	56 %
Minor advantage		3	12 %
Neutral		4	16 %
Minor disadvantage		3	12 %
Serious disadvantage		1	4 %
No Answer		0	0 %

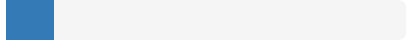
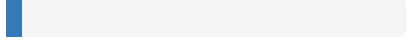

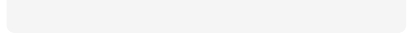
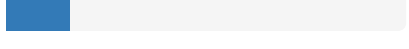
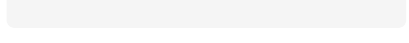
14. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Producers have the same product liability rules in all Member States they export to

		Answers	Ratio
Strong advantage		20	80 %
Minor advantage		2	8 %
Neutral		3	12 %
Minor disadvantage		0	0 %
Serious disadvantage		0	0 %
No Answer		0	0 %



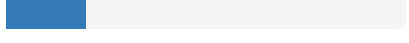
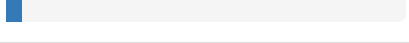
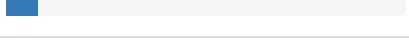
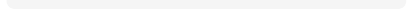
14. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : There is a common minimum threshold of € 500 in the EU for compensation of damages to property

		Answers	Ratio
Strong advantage		4	16 %
Minor advantage		6	24 %
Neutral		8	32 %
Minor disadvantage		4	16 %
Serious disadvantage		3	12 %
No Answer		0	0 %


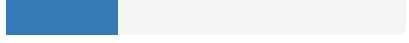
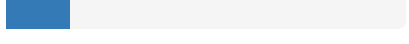
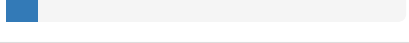
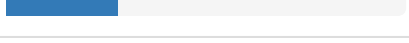
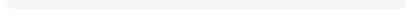
14. In your opinion, what are the advantages and disadvantages of having a Directive on liability of defective products? : Other

		Answers	Ratio
Strong advantage		3	12 %
Minor advantage		1	4 %
Neutral		17	68 %
Minor disadvantage		0	0 %
Serious disadvantage		4	16 %
No Answer		0	0 %

15. To what extent do you think the Directive is effective in guaranteeing consumers that producers are liable for damage caused by defective products?

		Answers	Ratio
Yes, to a significant extent		5	20 %
Yes, to a moderate extent		12	48 %
No		5	20 %
Not at all		1	4 %
I do not know		2	8 %
No Answer		0	0 %

16. Do you think that the Directive on liability for defective products covers the needs of producers dealing with innovative technological developments, based on data and interconnectivity such as smart devices, robots or automated systems?

		Answers	Ratio
Yes, to a significant extent		5	20 %
Yes, to a moderate extent		7	28 %
No		4	16 %
Not at all		2	8 %
I do not know		7	28 %
No Answer		0	0 %


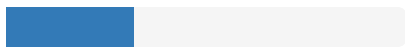
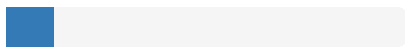
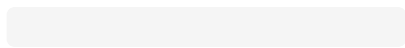
17. Do you think that the Directive on liability for defective products covers the needs of consumers dealing with innovative technological developments based on data and interconnectivity, such as smart devices, robots or automated systems?

		Answers	Ratio
Yes, to a significant extent		2	8 %
Yes, to a moderate extent		6	24 %
No		3	12 %
Not at all		5	20 %
I do not know		9	36 %
No Answer		0	0 %


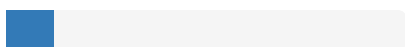
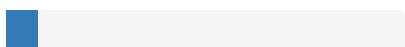
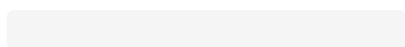
18. Do you think that the Directive on liability for defective products strikes a fair balance between the interest of consumers and those of the producers?

		Answers	Ratio
Yes, to a significant extent		6	24 %
Yes, to a moderate extent		9	36 %
No		7	28 %
Not at all		1	4 %
I do not know		2	8 %
No Answer		0	0 %


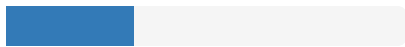
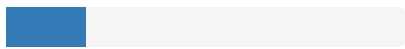
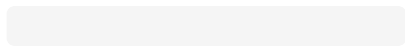
19. From your experience, how do you assess the following characteristics of the Directive on liability for defective products to face the needs raised by new technological developments? : The Directive applies to very heterogeneous products (e.g. to malfunctioning pacemakers and defective staplers)

		Answers	Ratio
Future-proof		14	56 %
Needs to be adapted		8	32 %
No opinion		3	12 %
No Answer		0	0 %


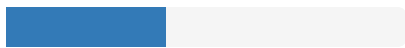
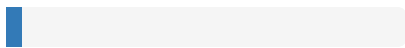
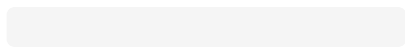
19. From your experience, how do you assess the following characteristics of the Directive on liability for defective products to face the needs raised by new technological developments? : The producer is considered liable independently of his fault or negligence.

		Answers	Ratio
Future-proof		20	80 %
Needs to be adapted		3	12 %
No opinion		2	8 %
No Answer		0	0 %


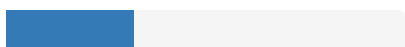
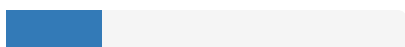
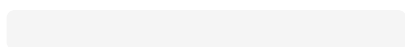
19. From your experience, how do you assess the following characteristics of the Directive on liability for defective products to face the needs raised by new technological developments? : Compensation is granted only for financial damage of at least € 500

		Answers	Ratio
Future-proof		12	48 %
Needs to be adapted		8	32 %
No opinion		5	20 %
No Answer		0	0 %


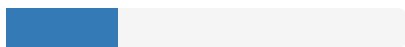
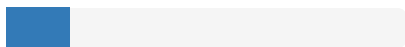
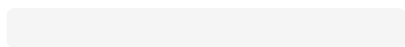
19. From your experience, how do you assess the following characteristics of the Directive on liability for defective products to face the needs raised by new technological developments? : The obligation of the injured party to prove the defect to obtain compensation

		Answers	Ratio
Future-proof		14	56 %
Needs to be adapted		10	40 %
No opinion		1	4 %
No Answer		0	0 %



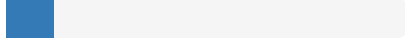
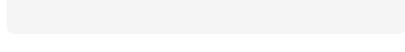
19. From your experience, how do you assess the following characteristics of the Directive on liability for defective products to face the needs raised by new technological developments? : Compensation is granted for property damage of a least € 500

		Answers	Ratio
Future-proof		11	44 %
Needs to be adapted		8	32 %
No opinion		6	24 %
No Answer		0	0 %



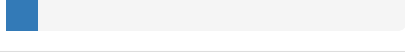
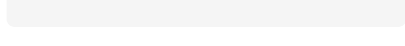
19. From your experience, how do you assess the following characteristics of the Directive on liability for defective products to face the needs raised by new technological developments? : The requirement that only damage caused by defective items intended and used for private purposes can be compensated

		Answers	Ratio
Future-proof		14	56 %
Needs to be adapted		7	28 %
No opinion		4	16 %
No Answer		0	0 %


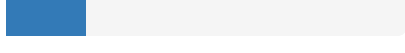
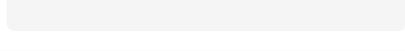
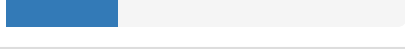
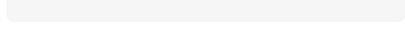
19. From your experience, how do you assess the following characteristics of the Directive on liability for defective products to face the needs raised by new technological developments? : The three year period for the injured party to start the proceedings for the recovery of damages

		Answers	Ratio
Future-proof		14	56 %
Needs to be adapted		8	32 %
No opinion		3	12 %
No Answer		0	0 %



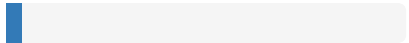


19. From your experience, how do you assess the following characteristics of the Directive on liability for defective products to face the needs raised by new technological developments? : The expiry period of ten years from the moment the producer put the product in circulation.

		Answers	Ratio
Future-proof		12	48 %
Needs to be adapted		11	44 %
No opinion		2	8 %
No Answer		0	0 %

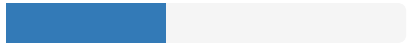
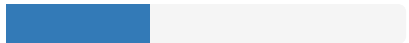
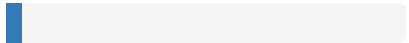
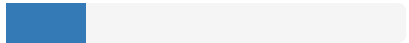
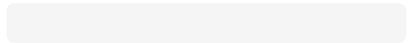
20. From your experience, please evaluate the burden related to the following issues in the context of new technological developments? : Allocation of liability in case of products interacting with other products or services (e.g. a smartphone malfunctioning because of an app downloaded from the internet)

		Answers	Ratio
Burdensome		13	52 %
Neutral		5	20 %
Easy		0	0 %
No opinion		7	28 %
No Answer		0	0 %

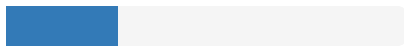

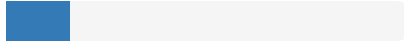
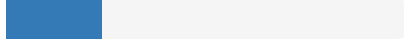
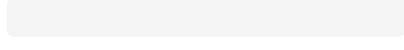
20. From your experience, please evaluate the burden related to the following issues in the context of new technological developments? : Injured party having to prove the defect of a product interacting with other products or services (e.g. a smartphone malfunctioning because of an app downloaded from the internet)

		Answers	Ratio
Burdensome		15	60 %
Neutral		2	8 %
Easy		1	4 %
No opinion		7	28 %
No Answer		0	0 %


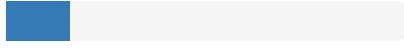
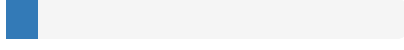
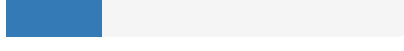
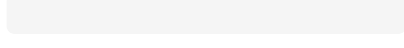
20. From your experience, please evaluate the burden related to the following issues in the context of new technological developments? : Exemption of liability under certain circumstances, for instance when the producer proves that at the time when the product was marketed, he was not able to detect the defect due to the state of scientific and technical knowledge

		Answers	Ratio
Burdensome		10	40 %
Neutral		9	36 %
Easy		1	4 %
No opinion		5	20 %
No Answer		0	0 %


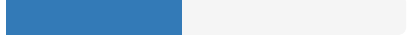
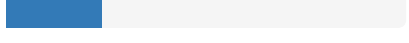
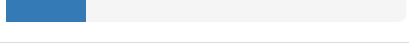
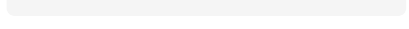
20. From your experience, please evaluate the burden related to the following issues in the context of new technological developments? : Application of the principle of liability without fault to some innovative products that need experimentation (e.g. autonomous cars or other connected devices).

		Answers	Ratio
Burdensome		7	28 %
Neutral		8	32 %
Easy		4	16 %
No opinion		6	24 %
No Answer		0	0 %


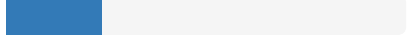
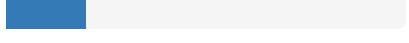
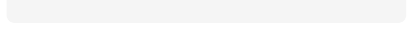
20. From your experience, please evaluate the burden related to the following issues in the context of new technological developments? : Distinguishing a product from a service when they are bundled together

		Answers	Ratio
Burdensome		13	52 %
Neutral		4	16 %
Easy		2	8 %
No opinion		6	24 %
No Answer		0	0 %


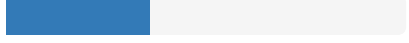
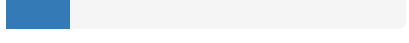
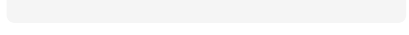
20. From your experience, please evaluate the burden related to the following issues in the context of new technological developments? : Distinguishing between private and professional use of a product

		Answers	Ratio
Burdensome		3	12 %
Neutral		11	44 %
Easy		6	24 %
No opinion		5	20 %
No Answer		0	0 %

21. Do you believe that the following issues (same as in the previous question) with regard to the Directive on liability for defective products require action at European Union level? : Allocation of liability in case of products interacting with other products or services (e.g. a smartphone malfunctioning because of an app downloaded from the internet)

		Answers	Ratio
Need for action		14	56 %
No action needed		6	24 %
No opinion		5	20 %
No Answer		0	0 %

21. Do you believe that the following issues (same as in the previous question) with regard to the Directive on liability for defective products require action at European Union level? : Injured party having to prove the defect of a product interacting with other products or services (e.g. a smartphone malfunctioning because of an app downloaded from the internet)

		Answers	Ratio
Need for action		12	48 %
No action needed		9	36 %
No opinion		4	16 %
No Answer		0	0 %

21. Do you believe that the following issues (same as in the previous question) with regard to the Directive on liability for defective products require action at European Union level? : Exemption of liability under certain circumstances, for instance when the producer proves that at the time when the product was marketed, he was not able to detect the defect due to the state of scientific and technical knowledge

		Answers	Ratio
Need for action		10	40 %
No action needed		8	32 %
No opinion		7	28 %
No Answer		0	0 %

21. Do you believe that the following issues (same as in the previous question) with regard to the Directive on liability for defective products require action at European Union level? : Application of the principle of liability without fault to some innovative products that need experimentation (e.g. autonomous cars or other connected devices).

		Answers	Ratio
Need for action		12	48 %
No action needed		8	32 %
No opinion		5	20 %
No Answer		0	0 %

21. Do you believe that the following issues (same as in the previous question) with regard to the Directive on liability for defective products require action at European Union level? : Distinguishing a product from a service when they are bundled together

		Answers	Ratio
Need for action		11	44 %
No action needed		8	32 %
No opinion		6	24 %
No Answer		0	0 %



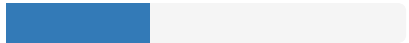
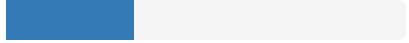
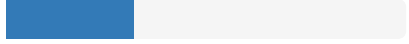
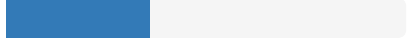
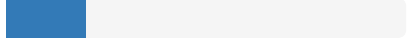
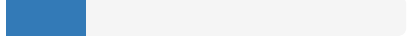
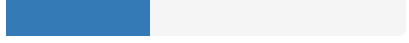
21. Do you believe that the following issues (same as in the previous question) with regard to the Directive on liability for defective products require action at European Union level? : Distinguishing between private and professional use of a product

		Answers	Ratio
Need for action		7	28 %
No action needed		15	60 %
No opinion		3	12 %
No Answer		0	0 %

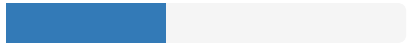
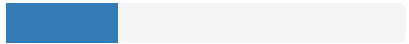
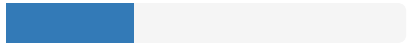
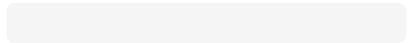
22. Do you consider that there are products for which the application of the Directive on liability for defective products is or might become uncertain and/or problematic?

		Answers	Ratio
Yes, to a significant extent		5	20 %
Yes, to a moderate extent		11	44 %
No		5	20 %
Not at all		0	0 %
I do not know		4	16 %
No Answer		0	0 %

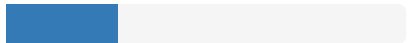

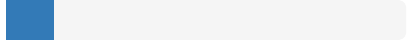
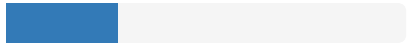
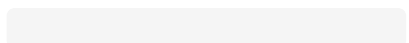
If yes, are those products among those mentioned below? Please indicate which one(s):

		Answers	Ratio
Products on which software and applications from different sources can be installed after purchase		13	52 %
Products connected to the internet		9	36 %
Products purchased as a bundle with related services		9	36 %
Products that are used both in the private and professional life		8	32 %
Products performing automated tasks based on algorithms and data analysis (e.g. cars with parking assistance)		8	32 %
Products performing automated tasks based on self-learning algorithms (Artificial Intelligence)		9	36 %
Products shared with other users through collaborative platforms		5	20 %
Other		5	20 %
No Answer		9	36 %


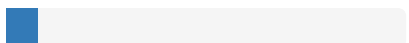
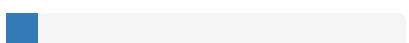
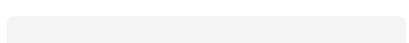
23. Based on your experience, is there a need to adapt the Directive on liability of defective products for the products listed in the previous question?

		Answers	Ratio
Yes		10	40 %
No		7	28 %
I do not know		8	32 %
No Answer		0	0 %


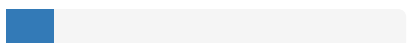
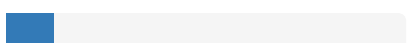
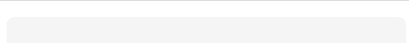
24. If it is the case, how would you suggest proceeding?

		Answers	Ratio
Guidelines to clarify the rules of Directive on liability for defective products		7	28 %
Revision of Directive on liability for defective products		8	32 %
New dedicated legislation		3	12 %
Other		7	28 %
No Answer		0	0 %

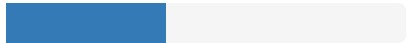
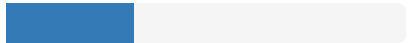
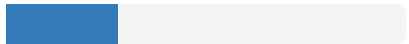
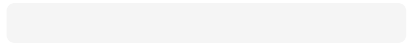
25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Maintain the rule of liability without fault in case of damage caused by a defective or malfunctioning product

		Answers	Ratio
Agree		21	84 %
Do not agree		2	8 %
No opinion		2	8 %
No Answer		0	0 %


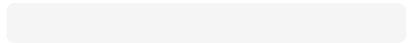
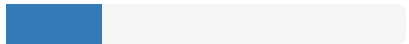
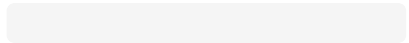
25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Liability for damage caused by a defective or malfunctioning product should be on the producer

		Answers	Ratio
Agree		19	76 %
Do not agree		3	12 %
No opinion		3	12 %
No Answer		0	0 %


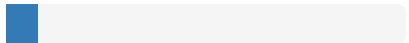
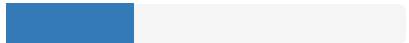
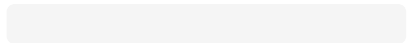
25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Liability should not necessarily be attributed to the producer, but to the entity best positioned in the value chain to avoid accidents

		Answers	Ratio
Agree		10	40 %
Do not agree		8	32 %
No opinion		7	28 %
No Answer		0	0 %

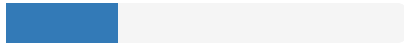

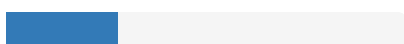
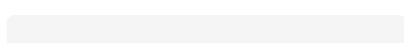
25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Providers of software, applications and algorithms should potentially be held liable

		Answers	Ratio
Agree		19	76 %
Do not agree		0	0 %
No opinion		6	24 %
No Answer		0	0 %


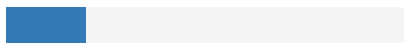
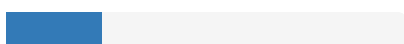
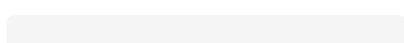
25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Data providers should potentially be held liable

		Answers	Ratio
Agree		15	60 %
Do not agree		2	8 %
No opinion		8	32 %
No Answer		0	0 %

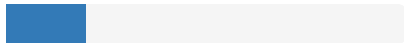

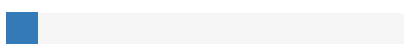
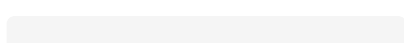
25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Special exemptions from the general liability framework should be foreseen for innovative products under experimentation.

		Answers	Ratio
Agree		7	28 %
Do not agree		11	44 %
No opinion		7	28 %
No Answer		0	0 %

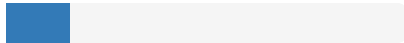

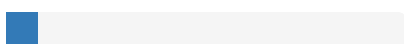
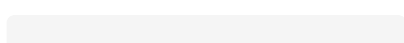
25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Liability should be extended to damages caused by services when there are bundled with the product

		Answers	Ratio
Agree		14	56 %
Do not agree		5	20 %
No opinion		6	24 %
No Answer		0	0 %

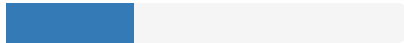

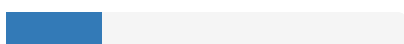
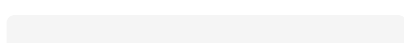
25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? : Removal of the obligation for the injured party to prove the defect to obtain compensation

		Answers	Ratio
Agree		5	20 %
Do not agree		18	72 %
No opinion		2	8 %
No Answer		0	0 %

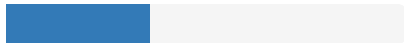
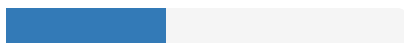
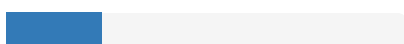
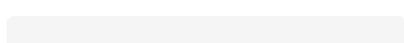
**25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Removal of the obligation for the injured party to prove the causal link between defect and damage to obtain compensation**

		Answers	Ratio
Agree		4	16 %
Do not agree		19	76 %
No opinion		2	8 %
No Answer		0	0 %


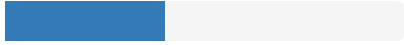
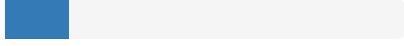
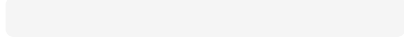
**25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Maintain the threshold of € 500 for property damage**

		Answers	Ratio
Agree		8	32 %
Do not agree		11	44 %
No opinion		6	24 %
No Answer		0	0 %

**25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Removal of the threshold of € 500 for property damage**

		Answers	Ratio
Agree		9	36 %
Do not agree		10	40 %
No opinion		6	24 %
No Answer		0	0 %

**25. Concerning the products listed in question 22, to what extent do you agree with the following statements related to compensation for damages caused by a defect in one of those products? :
Removal of the requirement that only damage caused by defective items intended and used for private purposes can be compensated**

		Answers	Ratio
Agree		11	44 %
Do not agree		10	40 %
No opinion		4	16 %
No Answer		0	0 %