

Preface — V

Abbreviations — XVII

Questionnaire — 3

I. Introduction — 3

II. Questionnaire — 4

A. Introduction — 11

1. General overview — 13

B. Foreseeable and Unforeseeable Consequences — 91

2. Is liability limited where the consequences are unforeseeable? — 93

C. Protective Purpose of the Rule and Equivalent Concepts — 207

3. Protective purpose of the conduct norm breached — 209

4. Exclusion of liability for ‘indirect damage’ or ‘indirect victims’? — 315

5. Lawful alternative conduct — 423

6. Doctrine of ‘sufficient connection to target risk’ and related concepts — 483

D. Losses and Additional Losses as a Result of Subsequent Conduct or Other Event — 529

7. Losses and additional losses resulting from the misconduct of a third party — 531

8. Losses and additional losses resulting from a decision of the injured party — 617

9. Losses and additional losses from a natural event — 699

E. Reduction Clauses — 743

10. Limitation of liability by means of statutory reduction clauses? — 745

F. Other Issues — 795

11. Additional questions — 797

Contributors — 805

Publications — 809

Index — 825

Table of Contents

Preface — V

Abbreviations — XVII

Questionnaire Structure — 1

Questionnaire — 3

I. Introduction — 3

II. Questionnaire — 4

A. Introduction — 4

B. Foreseeable and Unforeseeable Consequences — 5

C. Protective Purpose of the Rule and Equivalent Concepts — 6

D. Losses and Additional Losses as a Result of Subsequent Conduct or Other Event — 8

E. Reduction Clauses — 9

F. Other Issues — 9

A. Introduction — 11

1. General overview — 13

1. Historical Report — 13

2. Germany — 17

3. Austria — 19

4. Switzerland — 22

5. Greece — 24

6. France — 26

7. Belgium — 27

8. The Netherlands — 30

9. Italy — 31

10. Spain — 35

11. Portugal — 37

12. England and Wales — 39

13. Scotland — 42

14. Ireland — 44

15. Malta — 46

16. Norway — 47

17. Sweden — 49

18. Finland — 51

19. Estonia — 53

20. Latvia — 55

21. Lithuania — 58

22. Poland — 60

23. Czech Republic — 63

24. Slovakia — 66

25. Croatia — 69

26. Slovenia — 72

27. Hungary — 74

28. Romania — 78

29. European Union — 80

30. The Principles of European Tort Law and the Draft Common Frame of Reference — 83

31. Comparative Report — 85

B. Foreseeable and Unforeseeable Consequences — 91

2. Is liability limited where the consequences are unforeseeable? — 93
 1. Historical Report — 93
 2. Germany — 96
 3. Austria — 100
 4. Switzerland — 105
 5. Greece — 110
 6. France — 113
 7. Belgium — 115
 8. The Netherlands — 120
 9. Italy — 122
 10. Spain — 123
 11. Portugal — 126
 12. England and Wales — 128
 13. Scotland — 133
 14. Ireland — 139
 15. Malta — 144
 16. Norway — 149
 17. Sweden — 152
 18. Finland — 155
 19. Estonia — 160
 20. Latvia — 165
 21. Lithuania — 167
 22. Poland — 170
 23. Czech Republic — 174
 24. Slovakia — 178
 25. Croatia — 184
 26. Slovenia — 188
 27. Hungary — 190
 29. European Union — 194
 30. The Principles of European Tort Law and the Draft Common Frame of Reference — 198
 31. Comparative Report — 202

C. Protective Purpose of the Rule and Equivalent Concepts — 207

3. Protective purpose of the conduct norm breached — 209
 1. Historical Report — 209
 2. Germany — 211
 3. Austria — 215
 4. Switzerland — 218
 5. Greece — 222
 6. France — 225
 7. Belgium — 228
 8. The Netherlands — 231
 9. Italy — 233
 10. Spain — 234
 11. Portugal — 236
 12. England and Wales — 239
 13. Scotland — 243
 14. Ireland — 247

15. Malta — **251**
16. Norway — **256**
17. Sweden — **260**
18. Finland — **264**
19. Estonia — **268**
20. Latvia — **272**
21. Lithuania — **280**
22. Poland — **282**
23. Czech Republic — **286**
24. Slovakia — **293**
25. Croatia — **296**
26. Slovenia — **300**
27. Hungary — **301**
29. European Union — **305**
30. The Principles of European Tort Law and the Draft Common Frame of Reference — **307**
31. Comparative Report — **310**
4. Exclusion of liability for ‘indirect damage’ or ‘indirect victims’? — **315**
 1. Historical Report — **315**
 2. Germany — **317**
 3. Austria — **319**
 4. Switzerland — **323**
 5. Greece — **327**
 6. France — **331**
 7. Belgium — **333**
 8. The Netherlands — **336**
 9. Italy — **338**
 10. Spain — **340**
 11. Portugal — **344**
 12. England and Wales — **348**
 13. Scotland — **351**
 14. Ireland — **354**
 15. Malta — **358**
 16. Norway — **361**
 17. Sweden — **366**
 18. Finland — **370**
 19. Estonia — **373**
 20. Latvia — **375**
 22. Poland — **379**
 23. Czech Republic — **384**
 24. Slovakia — **390**
 25. Croatia — **393**
 26. Slovenia — **396**
 27. Hungary — **397**
 28. Romania — **402**
 29. European Union — **407**
 30. The Principles of European Tort Law and the Draft Common Frame of Reference — **410**
 31. Comparative Report — **415**

5. Lawful alternative conduct — **423**
 2. Germany — **423**
 3. Austria — **427**
 4. Switzerland — **430**
 5. Greece — **433**
 6. France — **435**
 7. Belgium — **439**
 8. The Netherlands — **443**
 9. Italy — **444**
 10. Spain — **447**
 11. Portugal — **450**
 12. England and Wales — **453**
 13. Scotland — **455**
 14. Ireland — **457**
 15. Malta — **459**
 16. Norway — **462**
 17. Sweden — **464**
 18. Finland — **467**
 20. Latvia — **468**
 21. Lithuania — **470**
 22. Poland — **471**
 26. Slovenia — **474**
 27. Hungary — **474**
 30. The Principles of European Tort Law and the Draft Common Frame of Reference — **475**
 31. Comparative Report — **478**
6. Doctrine of ‘sufficient connection to target risk’ and related concepts — **483**
 2. Germany — **483**
 3. Austria — **484**
 4. Switzerland — **487**
 5. Greece — **489**
 6. France — **490**
 7. Belgium — **493**
 8. The Netherlands — **494**
 9. Italy — **495**
 10. Spain — **496**
 12. England and Wales — **499**
 13. Scotland — **500**
 14. Ireland — **501**
 16. Norway — **502**
 17. Sweden — **504**
 19. Estonia — **507**
 20. Latvia — **510**
 22. Poland — **510**
 23. Czech Republic — **515**
 25. Croatia — **519**
 26. Slovenia — **521**
 27. Hungary — **522**
 30. The Principles of European Tort Law and the Draft Common Frame of Reference — **523**
 31. Comparative Report — **527**

D. Losses and Additional Losses as a Result of Subsequent Conduct or Other Event — 529

7. Losses and additional losses resulting from the misconduct of a third party — **531**
 1. Historical Report — **531**
 2. Germany — **533**
 3. Austria — **536**
 4. Switzerland — **538**
 5. Greece — **541**
 6. France — **543**
 7. Belgium — **546**
 8. The Netherlands — **550**
 9. Italy — **551**
 10. Spain — **555**
 11. Portugal — **559**
 12. England and Wales — **561**
 13. Scotland — **566**
 14. Ireland — **569**
 15. Malta — **572**
 16. Norway — **573**
 17. Sweden — **574**
 18. Finland — **576**
 19. Estonia — **581**
 20. Latvia — **582**
 21. Lithuania — **584**
 22. Poland — **586**
 23. Czech Republic — **589**
 25. Croatia — **593**
 26. Slovenia — **598**
 27. Hungary — **600**
 28. Romania — **605**
 29. European Union — **607**
 30. The Principles of European Tort Law and the Draft Common Frame of Reference — **608**
 31. Comparative Report — **613**
8. Losses and additional losses resulting from a decision of the injured party — **617**
 1. Historical Report — **617**
 2. Germany — **618**
 3. Austria — **620**
 4. Switzerland — **621**
 5. Greece — **623**
 6. France — **625**
 7. Belgium — **628**
 8. The Netherlands — **634**
 9. Italy — **635**
 10. Spain — **640**
 11. Portugal — **647**
 12. England and Wales — **649**
 13. Scotland — **652**
 14. Ireland — **656**
 15. Malta — **658**
 16. Norway — **660**

17. Sweden — **662**
18. Finland — **665**
19. Estonia — **670**
20. Latvia — **672**
22. Poland — **676**
24. Slovakia — **677**
25. Croatia — **678**
26. Slovenia — **683**
27. Hungary — **684**
28. Romania — **687**
29. European Union — **690**
30. The Principles of European Tort Law and the Draft Common Frame of Reference — **693**
31. Comparative Report — **696**
9. Losses and additional losses from a natural event — **699**
 1. Historical Report — **699**
 2. Germany — **700**
 4. Switzerland — **701**
 5. Greece — **703**
 6. France — **705**
 7. Belgium — **706**
 9. Italy — **708**
 10. Spain — **711**
 12. England and Wales — **714**
 13. Scotland — **716**
 14. Ireland — **717**
 15. Malta — **719**
 16. Norway — **720**
 17. Sweden — **721**
 18. Finland — **722**
 20. Latvia — **724**
 24. Slovakia — **726**
 25. Croatia — **728**
 27. Hungary — **729**
 28. Romania — **734**
 30. The Principles of European Tort Law and the Draft Common Frame of Reference — **737**
 31. Comparative Report — **739**

E. Reduction Clauses — 743

10. Limitation of liability by means of statutory reduction clauses? — **745**
 1. Historical Report — **745**
 2. Germany — **749**
 4. Switzerland — **750**
 6. France — **752**
 7. Belgium — **753**
 8. The Netherlands — **755**
 10. Spain — **757**
 11. Portugal — **759**
 16. Norway — **762**
 17. Sweden — **766**

- 18. Finland — **767**
- 19. Estonia — **772**
- 22. Poland — **774**
- 23. Czech Republic — **776**
- 24. Slovakia — **780**
- 25. Croatia — **784**
- 26. Slovenia — **787**
- 30. The Principles of European Tort Law and the Draft Common Frame of Reference — **788**
- 31. Comparative Report — **792**

F. Other Issues — 795

- 11. Additional questions — **797**
- 10. Spain — **797**
- 20. Latvia — **799**
- 29. European Union — **802**

Contributors — **805**

Publications — **809**

Index — **825**