

Article on Rome II - Liability for Cross-Border Torts

A very interesting article on Rome II written in German by *Thomas Thiede* and *Katarzyna Ludwichowska* (both Vienna) has been published recently in the “*Zeitschrift für vergleichende Rechtswissenschaft*” (106 ZVglRWiss (2007), 92 et seq.):

“Die Haftung bei grenzüberschreitenden unterlaubten Handlungen” (Liability for cross-border torts).

An abstract has kindly been provided by the authors:

The article is a critical analysis of a proposal to apply the law of the victim's place of habitual residence to the compensation for personal injuries arising out of tort. The proposal, which was introduced by the European Parliament in the course of work on the EU regulation on the law applicable to non-contractual obligations (Rome II), originally concerned only traffic accidents, but was later modified and extended to all personal injury cases. The authors of the article show the proposal of the European Parliament against the background of solutions accepted in Germany and England. They present the arguments given by the supporters of the proposal and then proceed to strongly criticise the parliamentary solution, inter alia by showing the negative consequences of splitting an otherwise uniform legal relationship as a result of subjecting the prerequisites of liability and part of its consequences (compensation for damage to property) to lex damni and the other part of the consequences of liability (compensation for personal injuries) to the law of the victim's place of habitual residence.