

Sarah Sammeck

## Die internationale Produkthaftung nach Inkrafttreten der Rom II-VO im Vergleich zu der Rechtslage in den USA

In the field of private international law products, liability conflicts are difficult to solve. In cross-border product liability cases, the question arises whether preference should be given to particular connecting factors such as the place of action or the place of injury, or whether connecting factors should be combined. In 2009 the EU legislature adopted a specific rule for cross-border product liability cases to unify the choice-of-law rules of the member states. Article 5 of the Rome II Regulation has often been criticized for its complexity. Sarah Sammeck takes a closer look at Article 5 and compares it to the conflict of law approaches followed in New York and Louisiana. She examines whether the strict hierarchical order of connecting factors in Article 5 or the more flexible conflict of law rules in New York and Louisiana provide for the right balance between legal certainty and predictability on the one hand, and the need for flexibility and equity on the other. The author favors a more flexible approach and draws the conclusion that without compromising on predictability a conflict rule can be designed, which allows for a combination of the relevant connecting factors instead of forcing them into a specific hierarchical corset.

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