

WRITTEN QUESTION P-0142/06
by Henrik Kristensen (PSE)
to the Commission

Subject: Product liability: implications for consumer protection of Court of Justice judgment

On 10 January 2006, the Court of Justice delivered a judgment (in case C-402/03) which means that Danish consumers can no longer hold a retailer liable for products which cause personal injury or damage to property. The judgment rules that Directive 85/374/EEC¹ on product liability precludes a national rule under which the retailer is answerable for the producer's liability under the Directive. Such a rule currently exists in the Danish law on product liability.

Does the Commission agree that consumers should be able to go directly to the retailer who sold them the defective product rather than chase up the producer? What does the Commission intend to do to ensure optimal protection for consumers so that consumers can directly approach the business which sold the product if there are problems with it? Is the Commission prepared to amend Directive 85/374/EEC on product liability with a view to improving consumer protection?

¹ OJ L 210, 7.8.1985, p. 29.