

COMPARATIVE REMARKS

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I. Specific Types of Liability

■ Environmental Liability

- France: Art 1246-1252 *Code civil*
- Malta: Environment Protection Act 2016
- Collective redress in environmental liability cases
- Immaterial harm and environmental associations

I. Specific Types of Liability

▪ Liability for Antitrust Violations

- Transposition of Directive of Private Enforcement of EU Competition Law
- Preventing overcompensation in the Netherlands and in the PETL
- Further steps for collective redress mechanisms required

I. Specific Types of Liability

▪ State Liability for Omissions

- The Scottish Fire Brigade Case
- Public policy reasons to limit or exclude liability
- Personal responsibility of the injured party

II. Punitive Damages

- (No) news from Italy?
- The European Stage: CJEU 20 July 2016, C-546/12 P-DEP, *Hansson v Schröder*
- Alternative to punitive damages: the preliminary draft for a reform of tort law in France

III. Recoverable Damage

Art 2:101 PETL: damage as 'material or immaterial harm to a legally protected interest'.

- Damages for Immaterial Harm
 - Biological damage
 - Damages for bereavement
 - (Increasing) damages for immaterial harm and attempts to limit minor claims

IV. 'To err is human, to forgive divine...'

- The healing effect of apologies
- Apology legislation in the common law world
- Scottish Apologies Act (2016)
 - 'any apology made outside civil legal proceedings is not admissible as evidence of anything relevant to the determination of liability in connection with the proceedings'