FAULT-BASED AND STRICT LIABILITY

The fourth project in the cooperation between ETL, ECTIL and Yantai University (China) addresses the topic ‘Fault-based and Strict Liability’. While it seems safe to say that all European legal systems, as well as the Chinese Tort Liability Law, endorse liability based on fault, they differ in their attitude towards liability in the absence of that foundation. A thorough examination of the relatively cautious use of strict liability found in the Chinese Tort Liability Law and the common law on the one hand, and the prominent support for it in influential Continental European jurisdictions on the other may lead to valuable new perspectives on the viability of commonly-used bases for strict liabilities. The project pays special attention to the use of rules reversing the burden of proving fault in Chinese and European statutes, which are sometimes considered to fall into a grey area between fault-based and strict liability.

At this public conference, contributors will present their most significant findings. The results will be published in English by Jan Sramek Verlag (Vienna) under the title ‘Fault-based and Strict Liability. Chinese and European Perspectives’.

Please register with Lisa Zeiler (zeiler@ectil.org), preferably before September 30. The conference is free of charge.
CONFERENCE PROGRAMME
FRIDAY, 18 OCTOBER 2019 (MINISTRY OF JUSTICE, PALAIS TRAUTSON)

MORNING SESSION
09:00 Welcome Address
09:05 Introductory Remarks
Chair: SONG Hongsong, Yantai University
GENG Lin, Tsinghua University
Ernst KARNER, Institute for European Tort Law and Centre of European Tort and Insurance Law

09:35 Differences Between Fault-Based and Strict liability and Reasons for Them
Chair: Monika HINTEREGGER, University of Graz
GUAN Tao, Yantai University
Corinne WIDMER-LÜCHINGER, University of Basel
Andrew BELL, Institute for European Tort Law

10:35 Discussion
11:00 COFFEE BREAK

11:30 The Structure of Strict Liability and an Intermediate Area of Liability
Chair: MAN Hongjie, Shandong University
SHI Jiayou, Renmin University
Johannes FLUME, Freie Universität Berlin
Matthew DYSON, University of Oxford

12:30 Discussion
13:00 LUNCH BREAK

AFTERNOON SESSION
14:30 Case A
Chair: Walter DORALT, University of Graz
YANG Yinhong, Fujian Normal University
Katarzyna LUDWICHOWSKA-REDO, Institute for European Tort Law

14:50 Discussion

15:05 Case B
Chair: Christiane WENDEHORST, University of Vienna
CAO Xianfeng, Jilin University
Lukas SCHELLERER, University of Vienna

15:25 Discussion
15:40 COFFEE BREAK

16:10 Case C
Chair: GENG Lin, Tsinghua University
MAN Hongjie, Shandong University
David MESSNER, Institute for European Tort Law

16:30 Discussion
16:45 Closing Remarks/Conclusion
Ernst KARNER, Institute for European Tort Law and Centre of European Tort and Insurance Law