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# Liability For And Insurability Of Biomedical Research With Human Subjects In A Comparative Perspective

**W. V. H. Rogers, W. H. van Boom**



## **Liability For And Insurability Of Biomedical Research With Human Subjects In A Comparative Perspective:**

Liability for and Insurability of Biomedical Research with Human Subjects in a Comparative Perspective Jos Dute, Michael G. Faure, Helmut Koziol, 2004-02-27 Recent Dutch legislation has been introduced stating that biomedical research on humans can only be undertaken when an insurance contract covering the damage as a result of death or personal injury of the patients has been concluded The aim of this legislation is to ease the acquiring of compensation for test subjects in case damage arises in the course of biomedical research As such victims are able to claim compensation directly from the insurer irrespective of any liability This volume presents a critical evaluation of the functioning of this legislative arrangement and the situation in various European countries is examined Country reporters from Belgium England France Germany the Netherlands Spain Sweden and Switzerland describe the insurance and liability arrangements relating to biomedical research in their country The concluding three reports of this volume examine the situation from both a comparative and international perspective Essential Cases on the Limits of Liability Bénédicte Winiger, Bjarte Askeland, Elena

Bargelli, Martin Hogg, Ernst Karner, 2024-11-04 European legal systems have developed a broad range of instruments aimed at limiting liability These instruments are systematically examined within the present volume which builds on the experience gathered in the various jurisdictions over the past decades and thereby fills a major gap in tort law literature The publication contains a selection of the most important cases from 27 states across Europe as well as decisions by European Union courts it also highlights cases from earlier periods of legal history For each case the facts and the relevant court decision are presented and accompanied by an analytical commentary In addition comparative analyses of the reported cases are provided and a special report is dedicated to how key cases would be resolved under model European rules on tort law The editors believe that the material gathered here may provide guidance for an organic convergence of the national legal systems in Europe It constitutes the basis of an *acquis commun* that is infinitely richer though also much more complex than the rather bland and abstract concepts contained in national codifications European legislation and modern model rules

**Elgar Encyclopedia of Comparative Law, Second Edition** J. M. Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library \_ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and

specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners

**Directors & Officers (D & O) Liability** Simon Deakin, Helmut Koziol, Olaf Riss, 2018-02-19 In recent years several cases concerning the liability of directors and officers have courted controversy Arguments raised in such discussions oscillate between two extremes on the one hand the need for governing bodies to give a space to entrepreneurial discretion and on the other hand to ensure the protection of investors in and creditors of a company from the consequences of disadvantageous decisions by those bodies In light of the geographical dispersal of the above stakeholders the study offers a comparative insight into the liability of directors and officers in 10 key European jurisdictions in particular Austria Czech Republic Germany Italy the Netherlands Norway Poland Spain and Switzerland and 4 non European jurisdictions namely Brazil Israel Turkey and the United States Amongst other things it investigates existing company law principles on the topic and examines their interaction with tort law and other fields with a view to suggesting principles for better stakeholder protection National reports are complemented by an economic analysis and insurance conflict of laws and comparative reports The study also benefits from case study analyses

*Compulsory Liability Insurance from a European Perspective* Attila Fenyves, Christa Kissling, Stefan Perner, Daniel Rubin, 2016-09-26 Statutory obligations to take out liability insurance are in practice the most important means to ensure compensability of damage arising from dangerous activities However in contrast to the significant practical impact academic research on the topic has not been extensive so far This study therefore undertakes a comprehensive survey of compulsory liability insurance from nine national perspectives Austria Belgium the Czech Republic Finland Germany Hungary Italy Switzerland and the United Kingdom and takes constitutional and European law four freedoms European Convention on Human Rights as well as the Principles of European Insurance Contract Law PEICL into account It also contains an extensive economic analysis of compulsory liability insurance and discusses aspects of insurability A Comparative Report Conclusions and an Annex containing a compilation of rules on compulsory liability insurance in the nine national legal systems complete the study It considers in particular the aims of provisions stating an obligation to take out liability insurance the mandatory content of insurance cover the protection mechanisms linked to compulsory liability insurance the control mechanisms and the sanctions imposed structural deficiencies of existing compulsory liability insurance systems

**2023** Ernst Karner, Barbara C. Steininger, 2024-12-16 The European Tort Law Yearbook provides a comprehensive overview of the latest developments in tort law in Europe It contains reports from the majority of European jurisdictions as well as a comparative analysis that identifies emerging trends Focusing on the year 2022 the authors critically assess important court decisions and new legislation and provide a literature overview

Civil Liability for Artificial Intelligence and Software Mark A. Geistfeld, Ernst

Karner, Bernhard A. Koch, Christiane Wendehorst, 2022-11-21 Initiated by the European Commission the first study published in this volume analyses the largely unresolved question as to how damage caused by artificial intelligence AI systems is allocated by the rules of tortious liability currently in force in the Member States of the European Union and in the United States to examine whether and if so to what extent national tort law regimes differ in that respect and to identify possible gaps in the protection of injured parties The second study offers guiding principles for safety and liability with regard to software testing how the existing *acquis* needs to be adjusted in order to adequately cope with the risks posed by software and AI The annex contains the final report of the New Technologies Formation of the Expert Group on Liability and New Technologies assessing the extent to which existing liability schemes are adapted to the emerging market realities following the development of new digital technologies      **The Oxford Textbook of Clinical Research Ethics** Ezekiel J.

Emanuel, Christine C. Grady, Robert A. Crouch, Reidar K. Lie, Franklin G. Miller, David D. Wendler, 2011-02 The Oxford Textbook of Clinical Research Ethics is the first comprehensive and systematic reference on clinical research ethics Under the editorship of experts from the U S National Institutes of Health of the United States the book s 73 chapters offer a wide ranging and systematic examination of all aspects of research with human beings Considering the historical triumphs of research as well as its tragedies the textbook provides a framework for analyzing the ethical aspects of research studies with human beings Through both conceptual analysis and systematic reviews of empirical data the contributors examine issues ranging from scientific validity fair subject selection risk benefit ratio independent review and informed consent to focused consideration of international research ethics conflicts of interests and other aspects of responsible conduct of research The editors of The Oxford Textbook of Clinical Research Ethics offer a work that critically assesses and advances scholarship in the field of human subjects research Comprehensive in scope and depth this book will be a crucial resource for researchers in the medical sciences as well as teachers and students      2022 Ernst Karner, Barbara C. Steininger, 2023-12-18 The

European Tort Law Yearbook provides a comprehensive overview of the latest developments in tort law in Europe It contains reports from the majority of European jurisdictions as well as a comparative analysis that identifies emerging trends Focusing on the year 2022 the authors critically assess important court decisions and new legislation and provide a literature overview      **Impact Assessment of Neuroimaging** Bärbel Hüsing, Lutz Jäncke, Brigitte Tag, 2006      **Medical Liability in Europe** Bernhard A. Koch, Ewa Bagińska, 2011 Ten years after the first ECTIL project in this field liability for medical

malpractice is still a hot topic throughout Europe and it continues to expand and develop This study compares thirteen European jurisdictions on the basis of country report      *Unification of Tort Law* W. H. van Boom, 2005-01-01 Covers various European countries Israel South Africa and the United States      *Unification of Tort Law* W. V. H. Rogers, W. H. van Boom, 2004-01-01 Covers various European countries Israel South Africa and the United States      *Medical Malpractice and Compensation in Global Perspective* Ken Oliphant, Richard W. Wright, 2013-10-29 The papers in this collection are drawn

from a symposium held in Vienna in December 2010 Organised by the Institute for European Tort Law and the Chicago Kent Law Review in collaboration with the European Centre of Tort and Insurance Law the conference drew together legal experts from 14 national or regional systems across six continents Medical malpractice and compensation for medical injuries are issues which regularly create tension and innovation in national legal systems but the analysis of these areas is often limited to national audiences This study examines the issues in a uniquely global context demonstrating the breadth of approaches currently taken around the world and revealing key areas of tension and the likely direction of future developments Wherever possible the analysis is supported by reference to empirical data The 14 legal systems covered in the collection are Austria Brazil Canada China France Germany Italy Japan New Zealand Poland Scandinavia South Africa the United Kingdom and the United States A general comparative introduction completes the collection *Tort Law in the Jurisprudence of the European Court of Human Rights* Attila Fenyves, Ernst Karner, Helmut Koziol, Elisabeth Steiner, 2011-11-30 The goal of this study is to provide a general overview and thorough analysis of how the European Court of Human Rights deals with tort law issues such as damage causation wrongfulness and fault the protective purpose of rules remedies and the reduction of damages when applying art 41 of the European Convention on Human Rights ECHR These issues have been examined on the basis of a comprehensive selection and detailed analysis of the Court's judgments and the results compared with different European legal systems Austria Belgium England and Wales France Germany Hungary Ireland Italy Poland Romania Scandinavia Spain Switzerland and Turkey EC Tort Law and the Principles of European Tort Law The introduction of art 41 ex art 50 ECHR in 1950 as a compromise and the issues it raises now the methodological approaches to the tort law of the ECHR the perspectives of human rights and tort law and public international law as well as the question of whether the reparation awarded to victims of ECHR violations can be considered real just satisfaction are addressed in five special reports two of which are also available in German Concluding remarks try to summarise the outcome

**Employers' Liability and Workers' Compensation** Ken Oliphant, Gerhard Wagner, 2012-10-30 This large scale comparative study analyses the two principal mechanisms employed in modern legal systems to deal with the social problem of occupational illness and injury namely employers liability and workers compensation It provides a detailed description of the systems in operation in twelve countries around the world investigating the complex legal structures and the interaction with other social institutions as well as their inter jurisdictional coordination through private international law Current international trends are identified and assessed and the fundamental political issues highlighted and explored The study's ultimate goals are not only descriptive but also to answer the question of how compensation and liability systems can best be adapted to meet society's needs in the 21st century The countries covered are Australia Mark Lunney Austria Ernst Karner Felix Kernbichler Denmark Vibe Ulfbeck England and Wales Richard Lewis France Florence G Sell Isabelle Veillard Germany Raimund Waltermann Italy Alessandro P Scarso Massimo Foglia Japan Keizo Yamamoto Tomohiro Yoshimasa the Netherlands Siewert D Lindenbergh Poland

Domenika D rre Nowak Romania Christian Alunaru Lucian Bojin and the United States of America Michael D Green Daniel S Murdock The book is completed by three concluding essays that address general themes Thomas Thiede The European Coordination of Employers Liability and Workers Compensation Ken Oliphant The Changing Landscape of Work Injury Claims Challenges for Employers Liability and Workers Compensation Gerhard Wagner New Perspectives on Employers Liability Basic Policy Issues

**Mass Torts in Europe** Willem H. van Boom, Gerhard Wagner, 2014-10-14 in recent years there has been a growing interest in the legal aspects of mass torts in Europe Both academics legislatures courts and policymakers throughout the whole of Europe have been struggling with the challenges that such massification of private law relationships poses both in and outside of tort law The subject moves between the law of civil procedure substantive tort law access to justice debates and regulatory frameworks for mass disputes This volume offers both a kaleidoscopic review of real life key cases of mass tort and an in depth reflection on the broader implications of mass tort in Europe Thus the challenges posed by mass torts are explored mapped and analysed

**Loss of Housekeeping Capacity** Ernst Karner, Ken Oliphant, 2012-07-30 The topic is of particular interest for insurers as compensation for loss of housekeeping capacity is one of the main heads of damages awarded for personal injury Naturally it also has considerable importance for accident victims Yet it has received relatively little scholarly attention at least from a comparative perspective The aim of this study is to examine national approaches to the award of damages under the head of loss of housekeeping capacity and to compare the levels of damages so awarded The research will therefore address both the concepts employed in different national systems and by means of practical case studies the compensation actually paid in individual cases The results of the research comprise ten country reports Austria England and Wales France Germany Italy The Netherlands Norway Poland Spain and Switzerland based on a Questionnaire Part I General Part and Doctrine Part II Concrete Assessment Examples and a concluding Comparative Report This project Loss of Housekeeping Capacity was undertaken at the request of the Swiss Insurance Association

*Essential Cases on Misconduct* Benedict Winiger, Ernst Karner, Ken Oliphant, 2018-01-22 The various national European legal systems offer a broad range of responses to the question of what can be regarded as wrongful behaviour or fault The present work systematically examines these two important prerequisites for tortious liability under the combined heading of misconduct Unlike current textbooks national casebooks and monographs it builds on the experiences gathered in the national legal systems over the past decades and thereby fills a major gap which still exists today It thus does what the previous volumes in the Digest of European Tort Law series did for other key elements of tort law namely natural causation and damage Once again the publication contains a selection of the most important cases from 28 states across Europe as well as cases handed down by European Union courts it also highlights cases from earlier periods of legal history For each case the facts and the relevant court decision are presented and these are then accompanied by an analytical commentary In addition the editors provide comparative analyses of the cases reported and a special report is dedicated to how key decisions would be resolved

under model European rules on tort law The editors believe that the material gathered here may provide guidance for an organic convergence of the national legal systems in Europe It constitutes the basis of an *acquis commun* that is infinitely richer though also much more complex than the rather bland and abstract concepts contained in national codifications European legislation and modern model rules      Comparative Health Law and Policy Irehobhude O. Iyioha, Remigius N. Nwabueze, 2016-05-23 Health law and policy in Nigeria is an evolving and complex field of law spanning a broad legal landscape and drawn from various sources In addressing and interacting with these sources the volume advances research on health care law and policy in Nigeria and spells the beginning of what may now be formally termed the Nigerian health law and policy legal field The collection provides a comparative analysis of relevant health policies and laws such as reproductive and sexual health policy organ donation and transplantation abortion and assisted conception with those in the United Kingdom United States Canada and South Africa It critically examines the duties and rights of physicians patients health institutions and organizations and government parastatals against the backdrop of increased awareness of rights among patient populations The subjects which are discussed from a legal ethical and policy reform perspective critique current legislation and policies and make suggestions for reform The volume presents a cohesive comparative and comprehensive analysis of the state of health law and policy in Nigeria with those in the US Canada South Africa and the UK As such it provides a valuable comparison between Western and Non Western countries



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