

PRODUCT LIABILITY

List provided for in Article 13 of the Framework Agreement

INTRODUCTION

When the legal acts referred to in this Annex contain notions or refer to procedures which are specific to the EU legal order, such as:

- recitals;
- the addressees of the EU legal acts;
- references to territories or languages of the EU;
- references to rights and obligations of EU Member States, their public entities, undertakings or individuals in relation to each other; and
- references to information and notification procedures;

Framework Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

ACTS REFERRED TO

1. 31985 L 0374: Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 210, 7.8.1985, p. 29), as amended by:
 - 31999 L 0034: Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999 (OJ L 141, 4.6.1999, p. 20).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) as regards the liability of the importer provided for in Article 3(2), the following shall apply:
 - (i) without prejudice to the liability of the producer any person who imports into Andorra a product for sale, hire, leasing or any form of distribution in the course of his business shall be responsible as a producer;
 - (ii) without prejudice to the liability of the producer the same applies as concerns imports from Andorra into the EU or from the EU into Andorra.

From the date of entry into force for any EU Member State or Andorra of the Lugano Convention on jurisdiction and the enforcement of judgments in civil and commercial matters of 16 September 1988,¹ the first sentence of this subparagraph shall no longer apply between those States which have ratified the Convention to the extent a national judgement in favour of the injured person is, by the fact of those ratifications, enforceable against the producer or the importer within the meaning of point (i).

¹ Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 339, 21.12.2007, p. 3).

(b) as regards Article 14 the following shall apply:

the Directive shall not apply to injury or damage arising from nuclear accidents and covered by an international convention ratified by Andorra and EU Member States.