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Digest of European Tort Law

Presentation of the research
project on “Misconduct”

11 November 2013

Bocconi



Università Commerciale
Luigi Bocconi

Via Sarfatti 25
20136 Milano

The research project will be supported financially by the Austrian Science Fund (Fond zur Förderung der wissenschaftlichen Forschung) and the Swiss National Science Foundation (Fondo Nazionale Svizzero per la Ricerca Scientifica).

Scientific Direction of This Conference
Alessandro Scarso Università Bocconi

8:45am
Aula Manfredini
via Sarfatti 25



The “Digest of European Tort Law” is the product of a highly ambitious research project: a collection of court decisions on the most fundamental aspects of tort law from jurisdictions all across Europe. The cases are ordered, analyzed and commented upon from both national and comparative perspectives, and their historical aspects explored, as are future trends as indicated by current projects on the harmonization of tort law in Europe. This complex comparative study thus not only gives guidance for those researching issues of comparative or cross-border tort law, but also allows discussion of the harmonization projects on the basis of real-life case settings.

As with the first two Digest volumes - on “natural causation” and on “damage” - this new volume of the Digest is conceived as a contribution to a better understanding of tort law in Europe. Moreover, if at some time in the future a European Civil Code should be introduced, lawyers and judges would have an immediate need for case law to give specific content to its provisions. While a new or revised national civil code will generally be based on national jurisprudence that is comprehensive and coherent, a European Civil Code would constitute an amalgamation of traditions unsupported by any systematic set of previous decisions. To fill this gap, lawyers and judges may initially find it useful to refer to the cases collected in this Digest, which provides a foundation upon which a genuinely European jurisprudence can be built.

8:45am Welcome Address

Giovanni Iudica

Università Bocconi

Arnstein Aassve

Director, Bachelor of International Economics, Management and Finance, Università Bocconi

The European Digest of Tort Law: A presentation

Bénédict Winiger Université de Genève

The Concept of “Misconduct” in European Tort Law

Ernst Karner Universität Wien

The Roman Law Background of Misconduct in European Tort Law

Franz-Stefan Meissel Universität Wien

The Standard of Conduct in Italian Tort Law: A recent decision by the Italian Supreme Court

Alessandro Scarso Università Bocconi

10:15am Coffee Break

10:45am Misconduct and the Scots Law of Delict

Martin Hogg Edinburgh Law School

Stock Brokers’ Misconduct in Italian Law

Emanuele Lucchini Guastalla Università Bocconi

Standards of Responsibility in Irish Tort Law

Eoin Quill University of Limerick

