

ANNEX III

PRODUCT LIABILITY

List provided for in Article 23 (c)

INTRODUCTION

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

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

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

ACT REFERRED TO

385 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 No L 210, 7.8.1985, p. 29), as amended by:

-^{1} **399 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 the Directive shall, for the purposes of the Agreement, be read with the following adaptations:

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

From the date of entry into force for any EC Member State or EFTA State of the Lugano Convention on jurisdiction and the enforcement of judgments in civil and commercial matters of 16 September 1988, 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 subparagraph (i);

[]^{2}

^{1} Indent and words “, as amended by:” added by Decision No 59/2000 (OJ L 237, 21.9.2000, p. 75 and EEA Supplement No 42, 21.9.2000, p. 15), e.i.f. 1.2.2001.

(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 EFTA States and EC Member States.

For []^{3}Liechtenstein in addition the Directive shall not apply if its^{4} national law provides equivalent protection to that afforded by international conventions within the meaning mentioned above.

^{2} Adaptation (iii) deleted by the Adjusting Protocol.

^{3} Words "Switzerland and" deleted by the Adjusting Protocol.

^{4} Word "its", inserted by the Adjusting Protocol, replaces word "their".