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TURKISH AVIATION ACADEMY

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AIRCRAFT MANUFACTURER'S LIABILITY

Module 13

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AIRCRAFT MANUFACTURER'S LIABILITY

Introduction

Notion of Product Liability

Relevance of Aircraft Manufacturer's liability for
Consumers

Extent of Liability ; Defenses

Conclusions

- 1. Notion of Product Liability
- (a) Liability for damage from defective products; aircraft manufacturer liability
- (b) Liability under U.S. law: Courses of action
- (c) Liability under the EU Product Liability Directive
- (d) Liability under national laws
- (e) Defences of the Manufacturer
- (f) Case law

AIRCRAFT MANUFACTURER LIABILITY

2. Relevance of aircraft manufacturer liability for the consumer
 - notion of product
 - notion of manufacturer
 - notion of defect
 - liability under US and EU law
 - US law: developed strict liability standards in 1960's

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3. US law : *Greenman vs. Yuba Power Products*
- strict liability in tort
 - implied warranty
 - Defective product: test of reasonableness
“unreasonably dangerous to consumer when put on the market”
 - Not altered by unreasonable use, or inadequate or lack of maintenance.

AIRCRAFT MANUFACTURER LIABILITY

- EU law: strict liability under 1985 Directive
Producer shall be strictly liable for damage caused by defective products
- Defectiveness: unsafe product
“Product does not present safety which consumer is entitled to expect”

AIRCRAFT MANUFACTURER LIABILITY

- Liability of component part manufacturers and subcontractors
- AMO (Maintenance) liability
- Defenses of the manufacturer

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4. DEFENSES OF THE MANUFACTURER

- CONTRIBUTORY NEGLIGENCE
- COMPARATIVE FAULT / MISUSE
- DEVELOPMENT RISK DEFENSE
“STATE OF THE ART”
- SUPERSEDING/INTERVENING CAUSE
- BUT NOT: ACT OF GOD

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- 5. Significance
 - Compared with Warsaw, manufacturer liability regime more advantageous to consumer
 - Compared with Montreal 1999, these liability regimes are on more equal footing

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THANK YOU
Questions?