



*EU-Twinning Project AZ07/PCA/TR03 "Strengthening of Standardisation, Metrology, Conformity Assessment and Accreditation in SASMP – Standards Agency Azerbaijan"*

## **Invitation to a Workshop on the European Product Liability Directive and its adoption in Azerbaijan**

by Dr. Thomas Wilrich (Germany)  
on behalf of BAM Federal Institute of Materials Research and Testing (Berlin)

**Thursday 29<sup>th</sup> of January 2009** – Conference Room 301  
in the State Agency for Standardisation, Metrology and Patents (SASMP), Baku

The Partnership and Cooperation Agreement between the EU and the Republic of Azerbaijan of 1996 covers the economic cooperation regarding trade in goods and services, standards and conformity assessment and consumer protection (Art. 45, 50 and 66 of Chapter 5). Legislative work is a major part of this cooperation. The approximation of laws shall extend in particular to protection of health and life of humans, consumer protection, technical rules and standards (Art. 43 of Chapter 4).

The European Product Liability Legislation is an important part of approximation of laws.

The goal of this workshop is

- to summarize the EC-Legislation on defective products (Product Liability Directive);
- to recall the current legislative status in Azerbaijan; and
- to develop a roadmap for adoption of the EC-Product Liability Directive.

9:45 Welcome by Mr. *Sabig Abdullayev*, Director International Relations Division SASMP

10:00 The EC-Legislation on defective products (Product Liability Directive)

- The scope: What products are covered?
- Also components, construction products and agricultural products
- The obligation: Strict liability for damages (without fault)
- When is a product defective?
- Defect of product *versus* fault of the injured person
- Who is obliged: Producer, importer and sometimes distributor (wholesaler – retailer)?
- Who has the burden of proof: Who has to prove what?
- Exceptions from the liability, expiration and limitation period
- The relationship of the strict liability according to the Directive to the general civil law
- Overview on other European legislation on protection of consumers' economic and legal interests: Legal redress and the settlement of disputes; Unfair terms in consumer contracts; Sale of consumer products and associates guarantees

12:00 The current legal status in Azerbaijan (presentations by participants)

- The Civil Code of the Republic of Azerbaijan and its provisions on damages
- The Consumer Rights Law of Azerbaijan and its provisions on product liability

13:00 Lunch-Break

14:00 Suggestions for structure and details of adoption of the Product Liability Directive by participants – discussion

16:00 End