

2014 · VOLUME 5 · NUMBER 3

JOURNAL OF EUROPEAN TORT LAW

EDITORS

Ken Oliphant

Ernst Karner

Bernhard A Koch

Christiane Wendehorst

DE GRUYTER

JOURNAL OF EUROPEAN TORT LAW (JETL)

EDITORIAL BOARD

Ken Oliphant, Bristol (General Editor)

Ernst Karner, Vienna

Bernhard A Koch, Innsbruck (Deputy General Editor)

Christiane Wendehorst, Vienna

EDITORIAL ADVISORY BOARD

Helmut Koziol, Vienna (Honorary Editor in Chief)

Mauro Bussani, Trieste

Willem van Boom, Rotterdam

Suzanne Galand-Carval, Le Havre

Michael D Green, Wake Forest

Miquel Martín Casals, Girona

Luboš Tichý, Prague

Vibe Ulfbeck, Copenhagen

Gerhard Wagner, Bonn

Keizo Yamamoto, Kyoto

All rights reserved, including those of translation into foreign languages. No part of this journal may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage or retrieval system, without permission in writing from the publisher.

ISSN 1868-9612 · e-ISSN 1868-9620

All information regarding notes for contributors, subscriptions, Open access, back volumes and orders is available online at www.degruyter.com/jetl.

RESPONSIBLE EDITOR Prof Ken Oliphant, University of Bristol Law School,

Wills Memorial Building, Queens Road, Bristol BS8 1RJ, United Kingdom.

Tel: +44 (0)117 954 53 47, Email: editor@jetl.eu

EDITORIAL ASSISTANTS Kathrin Karner-Strobach (copy-editing), Colm McGrath (book reviews), Emma Witbooi (assistant managing editor)

JOURNAL MANAGER Jana Kuchta, De Gruyter, Genthiner Straße 13, 10785 Berlin, Germany,

Tel.: +49 (0)30 260 05 – 228, Fax: +49 (0)30 260 05 – 250, Email: jana.kuchta@degruyter.com

RESPONSIBLE FOR ADVERTISEMENTS Claudia Neumann, De Gruyter, Genthiner Straße 13,

10785 Berlin, Germany. Tel.: +49 (0)30 2 60 05 – 226, Fax: +49 (0)30 2 60 05 – 322,

Email: anzeigen@degruyter.com

© 2014 Walter de Gruyter GmbH, Berlin/Munich/Boston

TYPESETTING jürgen ullrich typesatz, Nördlingen

PRINTING Franz X. Stücker Druck und Verlag e.K., Ettenheim

Printed in Germany



Contents

Articles

Helmut Koziol

***Schadenersatzrecht* and the Law of Torts: Different terms and different ways of thinking — 257**

Tsachi Keren-Paz

Injuries from Unforeseeable Risks which Advance Medical Knowledge: Restitution-based Justification for Strict Liability — 275

Stefan Somers

Special Liability Regimes and Human Rights under Belgian Law and the European Convention on Human Rights — 310

Book Reviews

Groupe de Recherche Européen sur la Responsabilité Civile et l'Assurance (GRERCA), Le droit français de la responsabilité civile confronté aux projets européens d'harmonisation (*Lara Khoury*) — 339

TT Arvind/Jenny Steele (eds), Tort Law and the Legislature. Common Law, Statute and the Dynamics of Legal Change (*Mauro Bussani*) — 352

R Merkin/J Steele, Insurance and the Law of Obligations (*Kenneth S Abraham*) — 356

