Contents

Fo	Foreword			
Preface				
Table of Cases				
Ta	Table of Legislation xx			
Τι	ıble	of Conventions	xxxvi	
1.	Inti	roduction	1	
	I.	The 'Europeanisation' of English Tort Law: What do we mean by		
		'Europeanisation'?	2	
	II.	Why Tort Law?	4	
		Conclusion	14	
2	T Ten	donoton ding (Toursmannication), Transplanting Franchism and		
		derstanding 'Europeanisation': Transplanting European Union and an Rights Law into Domestic Law	16	
11	uiiia			
	т	Introduction	16	
	I.	Europeanisation and the National Court: Dealing With New Sources of Law	17	
	TT		1/	
	II.	Europeanisation and Legal Transplants: Integrating European Law	27	
	TTT	The Task Ahead	40	
	111.	The Task Ahead	40	
3.	Bre	aking Down the Frontiers: EU Law in the English Law of Torts	42	
		Introduction	42	
	I.	English Tort Lew and the Product Liability Directive	46	
		Employers' Liability and the European Framework Directive	63	
	III.	Road Accidents and Insurance: EU Directives relating to Compulsory		
		Third Party Insurance Cover for Motor Vehicle Accidents	74	
	IV.	Defamation and the Internet: The Electronic Commerce Directive		
		2000/31/EC	77	
		Conclusion	84	
4.	The European Tort: State Liability for Breach of European Union Law		89	
		Introduction	89	
	I.	The Development of State Liability for Breach of EU Law	90	
	II.	English Tort Law and the Eurotort: Balancing European Policy and		
		National Autonomy	93	
		Conclusion	121	

x Contents

5. Tort Law and Human Rights: A European Culture of Rights?		
Introduction	123	
I. Defamation	126	
II. Public Authority Liability in Tort	140	
Conclusion	163	
6. A Right to Personal Privacy in the English Law of Torts?	169	
Introduction	169	
I. From Breach of Confidence to a 'Tort' of Misuse of		
Private Information	171	
II. A 'Euro' Tort of Misuse of Private Information?	185	
Conclusion	192	
7. Europeanisation and English Tort Law: The Way Forwar	·d 196	
I. Finding Solutions	197	
II. Conclusions	209	
Index	213	
7. Europeanisation and English Tort Law: The Way Forwar I. Finding Solutions II. Conclusions Index		
200		