

SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

Subject-matter: **CIVIL LIABILITY**

European Convention on Compulsory Insurance against Civil Liability in respect of Motor Vehicles ([ETS No. 29](#)), open for signature, in Strasbourg, on 20 April 1959.

Entry into force: 22 September 1969.

The Convention aims to establish a system of compulsory insurance in respect of civil liability, guaranteeing compensation for victims of damage caused by motor vehicles. Each Party undertakes to introduce in its municipal law a system of compulsory insurance which should comply with the provisions annexed to this Convention (Annex I). The system should determine the persons who shall be responsible for having the motor vehicle insured and provide all appropriate measures, accompanied where necessary by penal or administrative sanctions, to enforce the obligations resulting from the annexed provisions.

Moreover, the Convention specifies the principles governing exemptions from normal insurance, compensation for injury caused by a motor vehicle (involving both compulsory motor insurance and social security schemes), international insurance certificates, guarantees of payment, the establishment of a guarantee fund or conclusion of equivalent arrangements in order to compensate injured parties, and the possibility of bringing the claim in any other Party on equal terms with the nationals of that State.

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Convention on the Liability of Hotel-keepers concerning the Property of their Guests ([ETS No. 41](#)), open for signature, in Paris, on 17 December 1962.

Entry into force: 15 February 1967.

This Convention sets out detailed provisions under which hotel-keepers are liable for the property of their guests. The liability of the hotel-keeper is engaged for any damage to or destruction or loss of property brought to the hotel by any guest who stays at the hotel and has sleeping accommodation put at his/her disposal. This liability is limited to the equivalent of 3 000 gold francs (Art. 1 of the Annex). However, the liability of hotel-keepers is unlimited where the property has been deposited with them or where they have refused to receive property which they are bound to receive for safe custody.

The Convention prescribes that Parties can, under some conditions, limit the liability of the hotel-keeper. The principles set out in the Annex are not applied to vehicles, any property left with a vehicle, or live animals.

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European Convention on Civil Liability for Damage caused by Motor Vehicles ([ETS No. 79](#)), open for signature, in Strasbourg, on 14 May 1973.

Entry into force: The Convention will enter into force following the third ratification.

The Convention introduces stricter liability on a European scale for keepers of vehicles with regard to victims of road accidents. This liability is no longer associated with the concept of "fault" but based on the principle of "risk" due to the very fact of driving the vehicle.

The primary objectives of the Convention are to improve the situation of victims of road accidents and to adopt a system acceptable to the majority of member States.

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European Convention on Products Liability in regard to Personal Injury and Death ([ETS No. 91](#)), open for signature, in Strasbourg, on 17 January 1977.

Entry into force: The Convention will enter into force following the third ratification.

The Convention constitutes a major element to ensure better protection of the public and, at the same time, to take producers' legitimate interests into account.

The aim of this Convention is to assist the development of case law in the majority of member States, which are extending liability of producers prompted by a desire to protect consumers taking into account the new production techniques and marketing and sales methods, by giving priority to compensation for personal injury and death in introducing special rules on the liability of producers at European level.