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PRODUCT MANUFACTURER LIABILITY

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MMM
LEGAL

Kancelarie Radców Prawnych

POA / DOA – Poland and neighbouring countries – comparison

- POA (Production Organisation Approval)
- DOA (Design Organisation Approval)

Commission Regulation(EU) No 748/2012 of 03/08/2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations

POA / DOA – Poland and neighbouring countries – comparison

- POA in Poland – 23 approved manufacturers – among them:
 - PZL Mielec with A1 rating
 - WSK PZL Świdnik with A3 rating
- DOA in Poland – only 5 – for example:
 - Zakłady Lotnicze Margański & Mysłowski S.A.- sailplanes and small aeroplanes
 - WSK PZL Rzeszów – engines

General legal basis for product liability in Poland

- Relevant provisions introduced to Polish Civil Code in 2000
- Based on the EC directive no 85/374 of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products
- The Act of 12 December 2003 on the general product safety – generally not applicable to aviation products

Basic principles of product liability

- Separate type of liability or sub-type of tort liability?
- Is the product hazardous?
- Who has a claim?
- Who can be held liable?
- Rule of risk
- Examples of exonerated possibilities

Hypothetical claim in Poland for aviation product liability

- Jurisdiction of Polish courts
- Applicability of Polish law

Available claims

- Product liability claims – limited scope
- Other claims available:
 - against manufacturer
 - against lessor
 - against operator

Thank you.