

Michael Hassemer

## Heteronomie und Relativität in Schuldverhältnissen

### Zur Haftung des Herstellers im europäischen Verbrauchsgüterkaufrecht

[Heteronomy and Privity in Obligations. Producers' Liability in the European Directive on the Sale of Consumer Goods.]

Published in German.

In numerous European countries, producers are directly liable to the consumers for material defects. The Michael Hassemer develops a model for a standard model for the European law on the sale of consumer goods. Due to the doctrine of privity, contracts basically only have an effect on the contracting parties. Michael Hassemer shows that privity is based on the self-determination of the individual: contracting parties cannot produce legal effects autonomously vis-à-vis a third party who is also self-determined. Thus the privity of obligations prohibits »heteronomous determination among equals.« The inversion of this argument is that the heteronomous law of obligations is not subject to the principle of privity. The European Consumer Sales Directive is a »positive mandatory law« and thus to a large extent of a heteronomous nature. Using this insight, the author develops a model for producers' liability in Europe.

Michael Hassemer Geboren 1966; Studium der Rechtswissenschaften in München; 1999 Promotion; 2006 Habilitation.



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