

# **Third seminar of the International Research Network on Technological innovations, uncertainty and the law of civil liability**

*“Incident, Crisis and Disaster”*

**Brest University, 14th-17th June 2016**

Faculty of Humanities  
20, rue Duquesne, 29238 Brest  
**Conference Room: B 214**

**Scientific organizers: Christophe QUEZEL-AMBRUNAZ & Laurène MAZEAU-NININ**

**Purpose of the seminar:**

The International Network on Technological Innovation, Uncertainty and Civil Liability’s objective is to propose and discuss collaboratively interpretations and analysis related to a fundamental issue at the intersection of law and technology: the transformation of the law of liability in response to the uncertainty associated with modern technological developments.

The International Network on Technological Innovation, Uncertainty and Civil Liability’s goal is to analyze the role that the law of liability plays regulating ex post situations of uncertainty in the governance of modern technological risks, and providing for compensation in the event of their materialization.

**For more information, please visit the seminar website: <http://www.facebook.com/TIUCL>**

**Registration is free and required.**  
Send an email to: **[tiucl.brest2016@gmail.com](mailto:tiucl.brest2016@gmail.com)**

# PROGRAM

**Tuesday, 14th June**

**14h**

**Arrival of participants**

**Opening Scientific session and Discussion**

## **First Session**

**14h30 – 17h30**

### *“Compensating damage” Part I*

**ERIC FELDMAN**, *University of Pennsylvania*

Why the ‘Have Nots’ Come Out Behind: Law, Lead, and the Limits of Tort Law

**UMBERTO IZZO**, *Università di Trento*

Levelling and coordinating the compensation playground in the aftermath of disasters: the role of principles

**KEN OLIPHANT**, *University of Bristol*

Special compensation schemes as a response to disasters

**Wednesday, June 15th**

## **Second Session**

**10h – 13h**

### *“Compensating damage” Part II*

**CHRISTOPHE QUÉZEL-AMBRUNAZ**, *Université de Chambéry*

L'éviction de la responsabilité civile au profit de mécanismes de socialisation directe des risques en réaction à une crise

**ETIENNE VERGES**, *Université de Grenoble*

Impact explosif d'une explosion industrielle sur la responsabilité

*Lunch*

### **Third Session**

14h30 – 17h30

#### ***“Environment”***

**LAURÈNE MAZEAU-NININ**, *Université de Bretagne occidentale*

**& CLAIRE JOACHIM**, *Université de Toulouse 1*

Responsabilité des États et préjudice écologique pur : Le cas de la pollution des eaux *in natura*

**LARA KHOURY**, *McGill University, Montreal*

Désastre environnemental, crise probatoire et procédurale - La causalité dans les actions collectives en matière environnementale au Canada et au Québec

<b>Thursday, June 16th</b>
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### **Fourth Session**

10h – 13h

#### ***“Defective products”***

**RICHARD GOLBERG**, *Durham University*

Technological Products and the Potential for Damage: Exploring the Significance of the Boston Scientific Decision of the CJEU

**MARIE ÈVE ARBOUR**, *Université Laval Québec*

Des sciences, des produits et des droits : récentes avancées au Québec et au Canada

*Lunch*

### **Fifth Session**

14h30 – 17h30

**Publication of the scientific outcomes of the seminar (Revue Critique)**

**Future research initiatives and choice of the topic**

**Friday, June 17th**

**Final session (plenary)**

**10h - 12h**

**Scientific conclusions of the seminar : Eric Feldman**

**Lara Khoury, *McGill University, Montreal***

Le traitement de la causalité dans les actions collectives en responsabilité environnementale au Canada et au Québec

**Faculty of Law**

12 Rue de Kergoat, 29238 Brest

**Conference Room : B 202**

# PURPOSE OF THE MEETING

## **(From the first call)**

The specific theme chosen to guide our work is “incident, crisis and disaster”.

Indeed, technological innovation potentially leads to, or is at least cause for fear of, incidents, crises and disasters.

An incident is the unimagined of the future. Its characteristic unpredictability gives rise to the thought of disconnection between cause and effect, preventing the allocation of responsibility. However, a level of connection with human activity is always maintained; either because decisions in the present have created the conditions for its occurrence, or because these choices have not allowed it to be prevented. So, how is it possible to prevent that which is not easily predictable?

More than just a simple case of liability, a disaster calls into question each element of responsibility: the damage, because of its sheer size; causality, distinguished by complexity; the operative event, where the malfunction may be incommensurate with the consequences; the compensation, which could be economically unsustainable; and insurability, which may be uncertain... As with its experience, the fear of a disaster, whether it be health-based, economical or ecological, furthers the enactment of norms and standards designed specifically to avoid its occurrence, or at least to allow for compensation for the damage that it is likely to cause. It is probable that a change in scale, from individual harm to mass damage, will create much tension.

Whereas a disaster is rooted in the perceptible world, a crisis on the other hand can be placed in that of ideas and representations. A crisis could just as well concern an institution, in terms of responsibility for example, as it could an idea or an emotion, such as trust, e.g. in a particular vaccination or a scientific or technological advance. These crises are potential causes of disruptive phenomena, which may well affect the domain of law.

Incidents, Crises and Disasters most certainly have in common a defining feature of irreversibility which could be considered as complete. However, principles of civil liability are firmly based on the notion of re-establishing the status quo; therefore this irreversibility presents a serious challenge. Indeed, irreversibility also exists in all cases of personal injury: but this is individual, whereas irreversibility in the case of an incident, crisis or disaster has a lasting affect on a whole society.

Dealing with incidents, crises and disasters in the context of Technological Innovation, Uncertainty and Civil Liability provides the possibility of numerous methodological approaches : the study of actual or potential mechanisms or systems to deal with damage of major dimensions and/or of low occurrence ; the study of discourse, legal or otherwise, on such events ; the study of representations in relation to technological progress insomuch as appearing as forces for legal development ; the study of tensions which, within a legal system, affect conditions of responsibility, particularly where there are changes of scale; the relative functioning of prevention and compensation; and the functioning of civil liability law in relation to other specialisations having to deal with such events (health law, environmental law, etc.).

As in Montreal and Trento, the meeting will be bilingual (English and French).

**Past Workshops:**

- 2012 in Montreal: <https://www.mcgill.ca/healthlaw/past-events>
- 2014 in Trento: <http://web.unitn.it/giurisprudenza/evento/35462/technological-innovations-uncertainty-and-the-law-of-civil-liability>

<b>CONTACTS:</b>
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