

# Eleonora Rajneri

## PERSONAL DATA

Born in Turin on August 1<sup>st</sup> 1967

Nationality: Italian

Resident in Turin, Italy

## BIO AND EDUCATION

Diploma in classical studies; Law degree; PHD in private comparative Law; Lawyer.

## UNIVERSITY CAREER

2007-	Associate professor of private law, Università del Piemonte Orientale
2001-2007	Researcher in private Law, Università del Piemonte Orientale
1999-2001	Research fellow, Università del Piemonte Orientale

## UNIVERSITY POSITIONS

2017	Visiting professor at Université Dauphine, Parigi (Francia)
1997	Visiting Scholar at Boalt Hall, University of California in Berkeley (USA).
2002-2003	Visiting Scholar at Humboldt University in Berlino (Germania).

## SCIENTIFIC POSITIONS

2014-2016	Member of the Scientific committee at the International University College, Torino
2010-	Honorary member at the British Institute of International and Comparative Law (London), Product Liability Forum.
2016-	Member of Société de Législation Comparée.

## MAIN FIELDS OF INTEREST

1. European Private Law
2. Tort Law
3. Product Liability Law
4. Legal Ontology
5. Bank Law

## CURRENT ISSUES OF RESEARCH

### **The concept of a defective product in the national law courts in Europe.**

The research analyzes the notion of defective product originally developed by the US courts, then ambiguously defined by the European Directive 374 of 1985, differently interpreted and applied by the respective national courts. In particular, some European courts apply the risk /utility test developed by the US doctrine for cases of design defects, although this test is not mentioned by the European Directive, with mixed results compared to other jurisdictions.

### **The legal discipline in cases of side effects caused by vaccines. Several approaches are compared.**

The cases of defective vaccines are addressed with different legal tools, interacting with each other. First there is the ex ante regulatory system, which aims to prevent damages. For this purpose, the regulatory authority shall make an analysis of the risks and benefits presented by the vaccine. If the analysis shows that the vaccine is beneficial for the community, the regulator authorizes its distribution, even if the vaccine presents the risk of causing side effects in a number of cases. As a counterweight to the instrument is placed in the public or private compensation fund established for solidarity reasons. The basic idea is that every time an individual must undergo a sacrifice for the good of the community, then it has to be compensated by the community. Between these tools, there is the tort law (and in particular the product liability law), which has the dual function of compensation for the victims and of deterrence against the person responsible for the damage . The research aims to compare the mechanisms of interaction between the various existing legal tools in several European countries.

### **The Volkswagen case and the corporate liability. The deterrence efficacy of the European system of sanctions in comparison with the US.**

The Volkswagen case is particularly challenging for the legal scholar because a single conduct is likely to simultaneously affect different interests, urging the application of heterogeneous legal instruments in all the many countries in which the product was distributed. The European legislator does not provide a common system of sanctions for cases of violation of uniform emission limits of harmful gases; merely it requires that the penalties imposed are "effective, proportionate and dissuasive". Therefore, the VW case becomes an excellent opportunity to compare the sanctioning mechanisms settled by each national legal systems, especially in view of the priority function of deterrence.

## TOP FIVE PAPERS

1. *Il principio dell'apparenza giuridica*, Trento, 2002.
2. *La riforma del codice civile tedesco: spunti di riflessione*, in *Giust. civ.*, 2002.
3. *Interaction between the European directive on product liability and the former liability regime in Italy*, capitolo in: D. FAIRGRIEVE (a cura di) *Product Liability in Comparative Perspective*, Cambridge University Press, 2005, . p. 67-82.
4. *The different approaches of European and US courts in assessing the elusive concept of product defectiveness: the interrelationship between the producer's and user's behaviors*, in *Global Jurist*, 2011, ISSN: 1934-2640.
5. *La notion de défectuosité du produit dans les jurisprudences des pays européens*, in *La revue internationale de droit compare'*, 2015, p.185-205.