

WRITTEN QUESTION E-0826/05  
by Karl von Wogau (PPE-DE)  
to the Commission

Subject: Repercussions of liability without fault for the medical equipment sector

A new law on the rights of patients and the quality of the health system ('Loi Kouchner') came into force in France on 1 January 2003 and contains provisions on liability without fault.

For small and medium-sized companies in particular it is very important to be able to be insured against risks. If big insurance companies are already considering, even before the first claims have arisen, whether to cover such risks in future, this could result in medical equipment manufacturers no longer being able to supply their products in all Member States. That could have the effect of reducing competition and could lead to job losses.

Is the Commission aware that, in the light of the above, the first insurance companies in Germany are considering whether to provide insurance cover in future for medical equipment manufacturers against such liability risks?

Is the Commission also concerned that this could affect the free movement of goods within the European Union?