

Preface

In the context of their cooperation agreement, the Sino-European Private Law Institute (Yantai University, China), the Institute for European Tort Law of the Austrian Academy of Sciences together with the University of Graz (ETL, Vienna), and the European Centre of Tort and Insurance Law (ECTIL, Vienna) organised a conference on the topic of ‘Tortious and Contractual Liability’ in Yantai on 29 September 2017. Following on from successful preceding conferences on the ‘Legal Protection of Personality Rights’ (2013) and ‘The Aims of Tort Law’ (2015), the topic chosen for this third project moves to consider not only tort law itself, but its critical neighbour, contract. Seeing a promising subject for comparative study in the different concepts and functions that underlie these two spheres of liability, as well as the boundary line traced between the two, the organisers set out to draw together continental European, Common law and Chinese perspectives on these issues.

At the conference, presentations on two core topics were given by participants from each of the Chinese, Common law and continental European traditions; alongside these featured responses to two critical case scenarios from Chinese and European/Common law authors. In each case, speakers explicated and analysed the issues from their respective jurisdictional perspectives. These presentations, together with introductory remarks, are now published in extended form in the present volume. The contributions were put together for the conference in 2017, but authors had an opportunity to introduce updates in 2020; the latest Chinese provisions have been accounted for. The organisers of the project hope thereby to have contributed to understandings of the different conceptual approaches of Chinese and European legal scholars when faced with these core areas of legal liability. Comparative lawyers will gain much from the insights and broader perspectives secured as they face these two archetypes of obligations, the spectrum of possible forms of liability within and between them, and the often-blurred boundary lines traced along the way.

I would like to thank all those who presented and contributed papers for their commitment and enthusiasm as project participants and cooperation partners. My particular thanks are owed to the Dean

of Yantai University Law School, Professor Zhang Pinghua, and the Executive Director of the Sino-European Tort Law Institute of Yantai University, Associate Professor Zhang Yudong, for their tireless and invaluable support in the organisation of the project. I would also like to offer special thanks to the staff of ETL and ECTIL, in particular Andrew Bell, David Messner, Kathrin Karner-Strobach, Donna Stockenhuber and Lisa Zeiler for their commitment.

Vienna, July 2021

Ernst Karner