The legal nature of the controller's civil liability according to art. 23 of Directive 95/46 EC (Data Protection Directive)

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1. Introduction

Processing of personal data plays a prominent role in the current social and economic context (Kosmides, 2010: 1 et seq., with further references). It can contribute to financial, scientific and social development. This specifically applies to the territory of the European Union since the free movement of goods, persons, services and capital require that personal data should be able to flow freely from one Member State to another (see recital 3 of the Directive 95/46 EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, 31), "Data Protection Directive").
However processing of personal data has also a dark side. It entails a serious threat to one's right to privacy (Privatsphäre), personality (Persönlichkeit) and informational self-determination (informationelle Selbstbestimmung) (Kosmides, 2010: 3 et seq.). This threat is associated with a damage risk (Schadensrisiko). Particularly an illegal processing of personal data can cause damage to individuals. In other words out of an illegal processing of personal data arises a damage potential (Schadenspotential) (Kosmides, 2010: 6-7).

2. The liability rule (art. 23 of Data Protection Directive)

Considering this fact the Data Protection Directive declares in recital no. 55 clause 2 that "any damage which a person may suffer as a result of unlawful processing must be compensated for by the controller, who may be exempted from liability if he proves that he is not responsible for the damage, in particular in cases where he establishes fault on the part of the

data subject or in case of force majeure". To that end Data Protection Directive includes a liability rule in art. 23.
According to art. 23 par. 1 of Data Protection Directive "Member States shall provide that any person who has suffered damage as a result of an unlawful processing operation or of any act incompatible with the national provisions adopted pursuant to this Directive is entitled to receive compensation from the controller for the damage suffered" (see also Advocate General Colomer (2009): marginal no. 57 (footnote 45)). Par. 2 establishes the possibility of liability reduction or exemption as it states that "the controller may be exempted from this liability, in whole or in part, if he proves that he is not responsible for the event giving rise to the damage".

3. The legal nature of the civil liability

3.1 The problem

The EC/EU case law does not deal with the issue of the determination of the legal nature of the controller's civil liability according to art. 23 of Data Protection Directive (on the problem of the legal nature of the civil liability according to art. 23 of Greek Data Protection Law (Law no. 2472/1997) see in detail Kosmides, 2010: 154 et seq. According to him art. 23 par. 1 of Greek Data Protection Law establishes two liability rules. The first one (art. 23 par. 1 clause 1) sets a no-fault liability for violation of law, whereas the second one (art. 23 par. 1 clause 3) sets a liability for violation of due diligence. For the prevailing opinion, representing that art. 23 par. 1 establishes a fault-based liability see Ap. Georgiades (1999): § 63 marginal no. 33 et seq.; Iglezakis (2003): 283 et seq.; Kanellopoulou-Boti (2009): 786; AP 1923/2006, NoB 2007, 367, 371.). In contrast the respective discussion in the scholarly literature, especially the German literature, is old and wide-ranging. Nevertheless the question about the type of the liability remains to date undecided. Opinions on this issue diverge widely, a lot of them being extremely briefly reasoned (Ehmann/Helfrich (1999): art. 23 marginal no. 12).
Despite a shift in emphasis different opinions can be schematized as follows: According to a first point of view art. 23 of Data Protection Directive establishes a fault-based liability, reversing the burden of proof concerning fault element (Ehmann/Helfrich (1999): art. 23 marginal no. 14 et seq., especially 17; Born (2001): 82-83; Teschner (1999): 67; v. Burgsdorff (2003): 77; cf. also Schneider (1993): 39; id. (2009): Chap. B marginal no. 90).
Other authors have a completely different way of interpreting the liability rule of art. 23 of Data Protection Directive. They classify it as strict/objective liability, more accurately as no-fault liability (verschuldensunabhängige Haftung) (Simitis, in: Simitis (2006): § 7 marginal no. 4; Brühann, in: Roßnagel (2003): Chap. 2.4 marginal no. 48; id., in: Grabitz/Hilf (2009): art. 23 marginal no. 5; Kautz (2006): 140 et seq., especially 163) or endangerment liability (Gefährdungshaftung) (Ellger, RDV 1991, 121, 130; Kautz (2006): 140 et seq., especially 152 et seq., 162).
Finally another group of authors denies the above mentioned opinions. They suggest that the compensation claim according to art. 23 of Data Protection Directive should be approached as one arising from a liability between a fault-based and an endangerment liability ("zwischen einer Verschuldens- und einer Gefährdungshaftung) (Cf. Kilian, in: Tinnefeld/Phillips/Heil (1995): 106; Dammann/Simitis (1997): art. 23 marginal no. 1, 6 et seq., especially 9; Tinnefeld/Ehmann/Gerling (2005): 415).

3.2 Compilation of critical questions

The above presented disagreement clearly shows that the determination of the legal nature of the controller's civil liability according to art. 23 of Data Protection Directive is a rather difficult issue. In order to do this one must answer two questions: First of all, what would the type of the liability be if par. 2 did not exist? To answer this question requires an isolated

assessment of art. 23 par. 1 (Kosmides, 2010: 61). The second question, to answer, is the following: How does art. 23 par. 2 influence the legal nature of the liability? Here it is important to determine which circumstances fall under par. 2 and lead to liability exclusion. In this context is a total assessment of art. 23 par. 1 and 2 necessary (Id.: 61).

3.3 Qualification of the civil liability according to art. 23 par. 1 of Data Protection Directive (isolated assessment)

If it is fictitiously assumed, that art. 23 par. 2 did not exist, the controller's civil liability would have to be classified as strict liability. This is the case, since par. 1 does not provide the controller with any liability exoneration possibility.
As seen above authors categorizing the controller's liability as strict/objective liability regard it either as a "no-fault liability" or an "endangerment liability". In both cases one is liable for damage regardless of his fault (Id.: 62, with further references). However, a "no-fault liability" and an "endangerment liability" are not coincident terms. Endangerment liability presupposes neither fault nor violation of law (Rechtswidrigkeit) (Esser (1969): 90-91; Larenz (1963): 597-598; Larenz/Canaris (1994): § 84 I 3a, 3b, 610; Deutsch (1996): marginal no. 9, 644; id., (1976): 367; id., (1992): 74; Enneccerus/Nipperdey (1960): § 217 I, 1341 et seq.; Spindler, in: Bamberger/Roth (2008): § 823 marginal no. 0.2; Kötz/Wagner (2006): marginal no. 491; Medicus/Petersen (2009): marginal no. 604, 631; Deutsch/Ahrens (2002): marginal no. 523; Hager, in: Staudinger (1999): Vorbem. zu §§ 823 et seq. marginal no. 30; Kosmides, 2010: 62-63; id., GPR (2009): 179; cf. Teichmann, in: Jauernig (2009): Vor § 823 marginal no. 9; Fikentscher/Heinemann (2006): marginal no. 1684-1685; Staudinger, in: Schulze (2007): Vor §§ 823-853 marginal no. 6; RGZ 141, 406, 407; BGH, Beschl. v. 4.3.1957 – GSZ 1/56, BGHZ 24, 21, 26 = NJW 1957, 785; BGH, Urt. v. 14.3.1961 – VI ZR 189/59, BGHZ 34, 355, 361 = JZ 1961, 601 = MDR 1961, 403 = NJW 1961, 655; BGH, Urt. v. 5.7.1988 – VI ZR 346/87, BGHZ 105, 65, 68 = LM Nr. 61 zu § 7 StVG = MDR 1988, 1047 = NJW 1988, 3019; Kornilakis (1982): 155 et seq., 161; id., (2002): § 109, 668 et seq.; Valtoudis (1999): 84 et seq.; see also Ap. Georgiades, (1999): § 4 marginal no. 61; Stathopoulos (2004): § 15 marginal no. 91; AP 447/2000, EllDni 2000, 1309-1310; EfLar 598/2006, ArchN 2007, 487, 489; EfPeir 121/2004, EllDni 2006, 1687-1688; different viewpoint: BGH, Entscheidung v. 28.10.1971 – III ZR 227/68, BGHZ 57, 170, 176 = DB 1971, 2468 = WM 1972, 45; BGH, Urt. v. 24.1.1992 – V ZR 274/90, BGHZ 117, 110, 111 et seq. = LM Nr. 21 zu § 833 BGB = NJW 1992, 1389; v. Bar (1980): 131 et seq.; Seiler (1994): 291-292; Eberl-Borges, in: Staudinger (2008): § 833 marginal no. 27). The establishment and operation of a source of danger is permitted (Deutsch (1976): 367, with further references; id., (1992): 74). Liability for damage arises, if the danger is realized. In this context it is irrelevant, if there is a violation of law or not.
Viewed in this light an endangerment liability is a no-fault liability. Not every no-fault liability is though an endangerment liability. This is the case for example, when a liability rule does not presuppose a fault of the person who is responsible for the event giving rise to the damage suffered, but it requires a violation of law. One such case presents the liability rule of art. 23 par. 1 of Data Protection Directive. According to this rule "any person who has suffered damage as a result of an unlawful processing operation or of any act incompatible with the national provisions adopted pursuant to this Directive is entitled to receive compensation from the controller for the damage suffered".
Presupposes explicitly a violation of law art. 23 par. 1 of Date Protection Directive does not establish an endangerment liability. On the contrary it sets an objective liability for violation of law (objektive Haftung für Rechtswidrigkeit), a liability for no-fault tort (Haftung für unverschuldetes Unrecht) or an objective tort liability (objektive Unrechtshaftung) (Kosmides, 2010: 64).

3.4 Qualification of the civil liability according to art. 23 par. 1 and 2 of Data Protection Directive (total assessment)

3.4.1 The Problem – for clarification

The controller's civil liability cannot be qualified on the grounds of an isolated assessment of art. 23 par. 1 of Data Protection Directive. Instead a total assessment of art. 23 par. 1 and 2 is required (Ehmann/Helfrich (1999): art. 23 marginal no. 14). According to par. 2 an exemption from this liability is possible if the controller "proves that he is not responsible for the event giving rise to the damage".
Par. 2, first of all, reverses the burden of proof in favor of the victim. However, important for determining the type of liability is basically to define, what is the meaning of an event, for which the controller is not responsibleIs the controller according to par. 2 exempted from this liability, if the event giving rise to the damage cannot be attributed to his fault, art. 23 establishes a fault-based liability. Is this event, for which the controller is not responsible, not related to the controller's (absence of) fault, art. 23 sets an objective tort liability. This is the case, if the person obliged to pay can only exempt himself from liability by proving an objective circumstance. Finally, the event leading to liability exemption according to par. 2 may consist in both an absence of fault and other, objective facts. In this case par. 2 sets an open rule concerning liability reduction or exemption (offener Tatbestand hinsichtlich der Haftungsminderung oder Haftungsbefreiung) (Kosmides, 2010: 65).
The event, for which the controller is not responsible, according to art. 23 par. 2 of Data Protection Directive is not defined by the Directive. Thus it is an indefinite legal term (unbestimmter Rechtsbegriff) (Id.: 65). In order to determine the legal nature of the controller's civil liability, a concretization of this indefinite legal term is required. This demands an interpretation of the liability exoneration rule of art. 23 par. 2 of Data Protection Directive. This rule is a secondary Union law rule. Therefore an autonomous interpretation has to be made, namely on the grounds of the interpretation criteria of Union law (Wolf (1992): 783; Franzen (1999): 475).

3.4.2 Initial point: Interpretation of art. 23 par. 2 of Data Protection Directive

Despite its special characteristics (Kosmides, 2010: 67-68, with further references) Union law is basically to interpret according to the same criteria applicable to national law (Franzen (1999): 445 et seq.; Riesenhuber, in: Riesenhuber (2006): 191 et seq.; Anweiler (1997): 34; Schulze, in: Schulze (1999): 13; cf. also Dederichs (2004): 24 et seq.). Looked at that way, a literal, systematic, historical and teleological interpretation of art. 23 par. 2 is required. In addition to that this rule has to conform with primary Union law.

3.4.3 Literal interpretation

The textual interpretation, being the first criterion to apply (Larenz (1991): 320 et seq.; Bydlinski (2005): 11 et seq.; id. (1991): 437 et seq.; Kramer (2005): 50 et seq.; Wank (2008): 41 et seq.; Pawlowski (1999): marginal no. 360 et seq.; Papanikolaou (2000): 131 et seq.; Stamatis (2009): 383 et seq.), seeks to ascertain the literal sense of the wording of the law in question. In common language one is "not responsible, for the event giving rise to the damage", if he is not to blame for this event. This phrase contains a subjective behavior reproach. Viewed in this light the controller can be exempted from his liability, if he proves that he has taken due care. A similar meaning have amongst others the french ("le fait qui a provoqué le dommage… ne lui est pas imputable"), the german ("der Umstand, durch den der Schaden eingetreten ist, (kann) ihm nicht zur Last gelegt werden") and the greek („δεν ευθύνεται για το ζημιογόνο γεγονός") wordings of art. 23 par. 2 of Data Protection Directive.

Could the controller only be exempted from his liability if he could prove that he has taken due care, the wording of art. 23 would give evidence of a fault-based liability. This is not the case. This happens, as there are liability exempting events in the sense of art. 23 par. 2, that are not related to a subjective behavior reproach of the controller. For example the controller may be exempted from the liability of art. 23 par. 1 in cases where he establishes fault on the part of the data subject. This states expressively recital 55 clause 2 of Data Protection Directive.
Though recital 55 does not define the meaning of an event, for which the controller is not responsible, this recital is crucial concerning the meaning of this event. This recital cites as an example alternatively a fault on the part of the data subject or force majeure. This means that it is consistent with Data Protection Directive, if the controller can only exonerate himself from his liability in terms of art. 23 par. 2 in case of a fault on the part of the data subject. If so, art. 23 establishes a no-fault liability (Kosmides, 2010: 70). On the contrary, a fault-based liability exists, if the controller may be exempted from his liability in case of force majeure (Id.: 70 with further references to ECJ case law).
Consequently the grammatical interpretation of art. 23 of Data Protection Directive leads to the conclusion that this provision sets per se neither a no-fault nor a fault-based liability. Instead it provides the national legislator with the authority to concretize the open rule of art. 23 par. 2 concerning liability reduction or exemption. The national legislator has a discretion to determine the type of the controller's civil liability, to the extent that Data Protection Directive targets are maintained.

3.4.4 Systematic interpretation

Literal interpretation of an isolated legal text does not suffice. One must penetrate into the field of systematic interpretation (see hereto Larenz (1991): 324 et seq.; Bydlinski (2005): 16 et seq.; id. (1991): 442 et seq.; Kramer (2005): 76 et seq.; Wank (2008): 55 et seq.; Zippelius (2006): 52 et seq.; Pawlowski (1999): marginal no. 362 et seq.; Papanikolaou (2000): 147 et seq.; Stamatis (2009): 388 et seq.), since this legal text does not exist in isolation and therefore cannot be understood isolatedly. Looked at in that light the meaning of art. 23 par. 2 of Data Protection Directive can be ascertained, if it is considered as a part of this Directive. This Directive has to be consistent in its entirety.
However both a fault and a no-fault liability are consistent with the Directive (cf. hereto Kosmides, 2010: 72 et seq.). As a result the systematic interpretation provides no decisive criterion for the determination of the type of the controller's civil liability according to art. 23.

3.4.5 Historical interpretation

The historical interpretation (see hereto (1991): 328 et seq.; Bydlinski (2005): 19 et seq.; id. (1991): 449 et seq.; Kramer (2005): 104 et seq.; Wank (2008): 63 et seq.; Zippelius (2006): 49 et seq.; Papanikolaou (2000): 160 et seq.; Stamatis (2009): 386 et seq.; cf. also Fikentscher (1976): 674 et seq.) seeks to identify the meaning of the legal phrase in question in the light of the ruling intention (Regelungsabsicht), objectives (Zwecke) and norm perception (Normvorstellung) of the historical lawmaker (Larenz (1991): 328 et seq.).
Art. 21 par. 1 of the first draft of the Data Protection Directive set the first version of the liability rule in question. Art. 21 par. 2 established a liability exemption possibility, if the liable party proved, that he adopted all appropriate measures to secure data processing as well as he selected the processor carefully. In this respect one could exempt himself from his liability, if he has shown due diligence in terms of par. 2 (Kosmides, 2010: 76-77). In the second draft of the Data Protection Directive existed a similar liability exoneration rule concerning the events leading to liability relief (art. 23 par. 2). Finally a third draft of the Directive contained the existing art. 23 par. 2.

This rule abandons the wording of art. 21 par 2 of the first draft of the Data Protection Directive and art. 23 par. 2 of the second draft of the Data Protection Directive. Both of them combined expressively the possibility of liability exemption with the event of showing due diligence. Unlike above mentioned rules art. 23 par. 2 of Data Protection Directive abstracted and generalized the event leading to liability exoneration. This finding indicates that the legislator did not intend to establish a fault-based liability. On the contrary he wanted to introduce an open rule with regard to liability reduction or exemption, providing the national legislator with the authority to concretize it (Id.: 78).

3.4.6 Objective-teleological interpretation

Playing an exceptional role within the frame of EU law (Franzen (1999): 452 et seq.; Riesenhuber, in: Riesenhuber (2006): 201 et seq.; Bleckmann (1982): 1177, 1178; Schmidt (1995): 579) the objective-teleological approach (see hereto Kramer (2005): 130 et seq.; Wank (2008): 67 et seq.; Zippelius (2006): 49 et seq.; Bydlinski (2005): 26 et seq.; id. (1991): 453 et seq.; Papanikolaou (2000): 175 et seq.; cf. also Larenz (1991): 333 et seq.) seeks to interpret the legal provision in question so as to give effect to the spirit, object and purpose (Sinn und Zweck) of the law.
In order to do this one has to take into consideration first and foremost recital 55 of Data Protection Directive (for further objective-teleological arguments with regard to this issue see Kosmides, 2010: 82 et seq.). Out of this recital arises the spirit and purpose of the liability rule of art. 23. Recital 55 states that the controller may only be exempted from liability "if he proves that he is not responsible for the damage, in particular in cases where he establishes fault on the part of the data subject or in case of force majeure". By using in recital 55 the phrase "in particular" and enumerating only exemplary cases (Beispielsfälle), not regular examples (Regelbeispiele), the Directive provides the national legislator with a wide scope of discretion regarding the formulation of the national liability reduction or exemption rule. The range of liability reduction or exemption possibility is thus left open for the member states within the limits set by spirit and purpose of the Directive (see hereto Kosmides, 2010: 89 and 117 et seq.).
This result is being confirmed by the disjunction of the above mentioned exemplary cases leading to liability reduction or exemption. Was it for the controller only possible to exonerate himself from his liability in case of force majeure, a fault-based liability would exist. If a liability exoneration was only possible in case of a fault on the part of the data subject, a no-fault liability would have to be assumed.

3.4.7 Interpretation result

Interpreting art. 23 par. 2 of Data Protection Directive leads to following result: An "event giving rise to the damage for which the controller is not responsible" is an indefinite legal term. This indefinite legal term can be concretized by member states within the scope of spirit and purpose of Data Protection Directive. Viewed in this light art. 23 par. 2 sets an open rule concerning liability reduction or exemption. An event allowing liability reduction or exemption in terms of the Directive may consist either in the absence of fault on the part of the controller or an objective event or in both of them.
Moreover a national legislator is free to abandon the possibility provided by Data Protection Directive to establish a liability exoneration rule. National regulation may contain no such rule. In other words the implementation of art. 23 par. 2 is optional for the member states (Id.: 89).
The obtained result is compliant with primary EU law, as soon as accepting a civil liability with an optional open rule concerning liability exoneration contradicts no provision of primary EU law (Id.: 87).

4. Conclusion

Considering its characteristics, the controller's civil liability according to art. 23 of Data Protection Directive is **a non-contractual liability for violation of law/a tort liability with an optional, relatively open rule concerning liability exoneration reversing the burden of proof in favor of the victim** (außervertragliche Haftung für Rechtswidrigkeit/Unrechtshaftung mit fakultativer, relativ offener Entlastungsmöglichkeit mit umgekehrter Beweislastverteilung).
In the light of the type of the controller's civil liability national legislators have to set a respective liability rule establishing either an **objective liability for violation of law without any liability reduction or exemption possibility** (verschuldensunabhängige Unrechtshaftung ohne jede Haftungsminderungs- bzw. -befreiungsmöglichkeit), or an **objective liability for violation of law with a liability reduction or exemption rule reversing the burden of proof in favor of the victim** (verschuldensunabhängige Unrechtshaftung mit Haftungsminderungs- bzw. -befreiungsmöglichkeit mit Beweislastumkehr) or a **fault-based liability reversing the burden of proof in favor of the victim with regard to the fault element** (verschuldensabhängige Unrechtshaftung mit Beweislastumkehr für das Verschuldenselement/Haftung für vermutetes Verschulden).

References

Advocate General Colomer, Opinion delivered on 22.12.2008, Case C-553/07, Rijkeboer, ECR 2009, I-03889

Anweiler, J. (1997), Die Auslegungsmethoden des Gerichtshofs der Europäischen Gemeinschaften, Frankfurt a.M.

Bamberger, H./Roth, H. (2008), Kommentar zum Bürgerlichen Gesetzbuch, Volume 2, §§ 611 – 1296; AGG; ErbbauVO; WEG, 2nd Edition, München

v. Bar, Chr. (1980), Verkehrspflichten. Richterliche Gefahrsteuerungsgebote im deutschen Deliktsrecht, Köln et al.

Bleckmann, A. (1982), Zu den Auslegungsmethoden des Europäischen Gerichtshofs, NJW 1982, 1177 et seq.

Born, Chr. (2001), Schadensersatz bei Datenschutzverstößen: ein ökonomisches Instrument des Datenschutzes und seine präventive Wirkung, Münster et al.

v. Burgsdorff, Chr. (2003), Die Umsetzung der EG-Datenschutzrichtlinie im nichtöffentlichen Bereich: Möglichkeit einer zukunftsorientierten Konzeption des Datenschutzes in der Privatwirtschaft unter besonderer Berücksichtigung des BDSG, Frankfurt a.M. et al.

Bydlinski, F. (1991), Juristische Methodenlehre und Rechtsbegriff, 2nd Edition, Wien, New York 1991

– (2005), Grundzüge der juristischen Methodenlehre, Wien

Dammann, U./Simitis, S. (1997): EG-Datenschutzrichtlinie: Kommentar, Baden-Baden

Dederichs, M. (2004), Die Methodik des EuGH. Häufigkeit und Bedeutung methodischer Argumente in den Begründungen des Gerichtshofes der Europäischen Gemeinschaften, Baden-Baden

Deutsch, E. (1976), Haftungsrecht, Volume 1. Allgemeine Lehren, Köln et al. 1976

– (1992), Das neue System der Gefährdungshaftungen: Gefährdungshaftung, erweiterte Gefährdungshaftung und Kausal-Vermutungshaftung, NJW 1992, 73 et seq.

– (1996), Allgemeines Haftungsrecht, 2nd Edition, Köln et al.

Deutsch, E./Ahrens, H. (2002), Deliktsrecht: Unerlaubte Handlungen – Schadensersatz – Schmerzensgeld, 4th Edition, Köln et al.

Ehmann, E./Helfrich, M. (1999), EG-Datenschutzrichtlinie: Kurzkommentar, Köln

Ellger, R. (1991), Datenschutz und europäischer Binnenmarkt: zugleich ein beitrag zum „Vorschlag für eine Richtlinie des Rates zum Schutz von Personen bei der Verarbeitung personenbezogener Daten“ der Kommission der Europäischen Gemeinschaften vom 27.7.1990 (Teil 2), RDV 1991, 121 et seq.

Enneccerus, L./Nipperdey, H.(1960), Allgemeiner Teil des Bürgerlichen Rechts: Ein Lehrbuch. I/2: Entstehung, Untergang und Veränderung der Rechte, Ansprüche und Einreden, Ausübung und Sicherung der Rechte, 15th Edition, Tübingen

Esser, J. (1969), Grundlagen und Entwicklung der Gefährdungshaftung. Beiträge zur Reform des Haftpflichtrechts und zu seiner Widereinordnung in die Gedanken des allgemeinen Privatrechts, 2nd Edition, München

Fikentscher, W. (1976), Methoden des Rechts in vergleichender Darstellung, Volume III. Mitteleuropäischer Rechtskreis, Tübingen

Fikentscher, W./Heinemann, A. (2006), Schuldrecht, 10th Edition, Berlin

Franzen, M. (1999), Privatrechtsangleichung durch die Europäische Gemeinschaft, Berlin, New York

Georgiades, Ap. (1999), Law of obligations. General Part, Athens, Thessaloniki (in Greek)

Grabitz, E./Hilf, M. (2009), Das Recht der Europäischen Union: Volume III Sekundärrecht. EG-Verbraucher- und Datenschutzrecht, ed. by M. Wolf, 38th supplementary delivery, München

Iglezakis, I. (2003): Sensitive personal data, Athens, Thessaloniki (in Greek)

Jauernig, O. (2009), Bürgerliches Gesetzbuch Kommentar, 13th Edition, München

Kanellopoulou-Boti, M. (2009), Civil liability for unlawful processing of personal data, Efarmoges Astikou Dikaiou (EfAD) 2009, 784 et seq. (in Greek)

Kautz, I. (2006), Schadensersatz im europäischen Datenschutzrecht: Die Umsetzung von Art. 23 der EG-Datenschutzrichtlinie in Großbritannien und Deutschland, Frankfurt a.M. et al.

Kornilakis, P. (1982), The endangerment liability, Thessaloniki (in Greek)

– (2002), Law of Obligations. Special Part I, Athens, Thessaloniki (in Greek)

Kosmides, T. (2010): Zivilrechtliche Haftung für Datenschutzverstöße: Eine Studie zu Art. 23 EG-Datenschutzrichtlinie und Art. 23 griechisches Datenschutzgesetz unter Berücksichtigung des deutschen Rechts, München

– (2009), Die Umsetzung der europäischen Schadensersatzregelung des Art. 23 Richtlinie 95/46/EG in Griechenland im Hinblick auf die Rechtsnatur der Haftung, GPR 2009, 177 et seq.

Kötz, H./Wagner, G. (2006), Deliktsrecht, 10th Edition, München

Kramer, E. (2005), Juristische Methodenlehre, 2nd Edition, Bern et al.

Larenz, K. (1963), Die Schadenshaftung nach dem Wasserhaushaltsgesetz im System der zivilrechtlichen Haftungsgründe, VersR 1963, 593 et seq.

– (1991), Methodenlehre der Rechtswissenschaft, 6th Edition, Berlin et al.

Larenz, K./Canaris, C. (1994), Lehrbuch des Schuldrechts, Besonderer Teil, II/2, 13th Edition, München

Medicus, D./Petersen, J. (2009), Bürgerliches Recht: eine nach Anspruchsgrundlagen geordnete Darstellung zur Examensvorbereitung, 22th Edition, Köln et al.

Papanikolaou, P. (2000), Methodology of private law and interpretation of legal transactions, Athens, Komotini (in Greek)

Pawlowski, H. (1999), Methodenlehre für Juristen. Theorie der Norm und des Gesetzes. Ein Lehrbuch, 3rd Edition, Heidelberg

Riesenhuber K. (Hrsg.) (2006), Europäische Methodenlehre. Grundfragen der Methoden des Europäischen Privatrechts, Berlin

Roßnagel, A. (Hrsg.) (2003), Handbuch Datenschutzrecht: die neuen Grundlagen für Wirtschaft und Verwaltung, München

Schmidt, M. (1995), Privatrechtsangleichende EU-Richtlinien und nationale Auslegungsmethoden, RabelsZ 1995, 569 et seq.

Schneider, J. (1993), Die EG-Richtlinie zum Datenschutz: Verbotsprinzip, betrieblicher Datenschutzbeauftragter, Haftung, CR 1993, 35 et seq.

– (2009), Handbuch des EDV-Rechts, 4th Edition, Köln

Schulze, R. (Hrsg.) (1999), Auslegung europäischen Privatrechts und angeglichenen Rechts, Baden-Baden

– (Hrsg.) (2007), Bürgerliches Gesetzbuch. Handkommentar, 5th Edition, Baden-Baden

Seiler, H. (1994), Tierhalterhaftung, Tiergefahr und Rechtswidrigkeit, in: Festschrift für Albrecht Zeuner zum 70. Geburtstag/hrsg. von Bettermann, Karl August, Tübingen 1994, 279 et seq.

Simitis, S. (Hrsg.) (2006), Kommentar zum Bundesdatenschutzgesetz, 6th Edition, Baden-Baden

Stamatis, K. (2009), The reasoning of legal assessments, 8th Edition, Athens, Thessaloniki 2009

Stathopoulos, M. (2004), Law of Obligations. General part, 4th Edition, Athens, Thessaloniki 2004 (in Greek)

v. Staudinger, J., Kommentar zum Bürgerlichen Gesetzbuch mit Einführungsgesetz und Nebengesetzen, Berlin

– (1999), Buch 2. Recht der Schuldverhältnisse. §§ 823 – 825, 13th Edition

– (2008), §§ 830 – 838 (Unerlaubte Handlungen 3), new Edition 2008

Teschner, A. (1999), Schadensersatzpflicht nach Verletzung datenschutzrechtlicher Vorschriften, SchlHA (Schleswig-Holsteiner Anzeiger) 1999, 65 et seq.

Tinnefeld, M./Ehmann, E./Gerling, R. (2005), Einführung in das Datenschutzrecht, 4th Edition, München et al.

Tinnefeld, M./Phillips, L./Heil, S. (Hrsg.) (1995), Informationsgesellschaft und Rechtskultur in Europa: informationelle und politische Teilhabe in der Europäischen Union, Baden-Baden

Valtoudis, A. (1999), The liability for defective products (according to art. 6 of law 2251/1994, Thessaloniki (in Greek)

Wank, R. (2008), Die Auslegung von Gesetzen, 4th Edition, Köln, München

Wolf, M. (1992), Sachschäden im Bereich der EG-Produkthaftungsrichtlinie, in: Festschrift für Hermann Lange zum 70. Geburtstag am 24. Januar 1992/ed. by Medicus/Mertens/Nörr/Zöllner, Stuttgart 1992, 779 et seq.

Zippelius, R. (2006), Juristische Methodenlehre, 10th Edition, München