The compensation of pure economic loss in tort law in Portuguese legal scholarship

Marta Lívia dos Santos Silva, Porto

Introduction

For the past few decades, the compensation of "pure economic loss" has been one of the most discussed topics in Civil Law. Although it is still not recognised or distinguished as an autonomous form of damage in several European jurisdictions, it is considered one of the most complex issues of the Law of Obligations. The approach to pure economic loss raises questions of legal, economic and political nature which are, not only of academic, but also of undeniable practical relevance.

This contribution does not purport to cover the several issues raised by this matter. It is only intended to provide a number of insights into the compensation of pure economic losses in tort law according to the Portuguese legal scholarship and the Portuguese Civil Code. I leave the extensive treatment of the subject to future works.

1. The definition and classification of pure economic loss in Portugal under European influence

Different designations have been used by Portuguese legal scholars to refer to pure economic losses.


3 Hereafter Porto. CC.