

The Product Liability Directive: what UK businesses need to know

A significant shift in European product liability law takes effect in December 2026. As Ozan Akyurek of Jones Day explains, if your business sells into the EU – whether physical goods or software – the implications could be considerable.

On 23 October 2024, the European Union published Directive 2024/2853 on liability for defective products (the PLD), replacing Directive 85/374/EEC, which has governed product liability across Europe for the past 40 years. All EU member states must implement the PLD by 9 December 2026.

What is changing

The PLD modernises the legal framework to reflect the realities of today's economy: digital products, artificial intelligence and increasingly globalised supply chains. Its procedural rules are strongly weighted in favour of claimants.

Under the PLD, claimants may request disclosure of evidence when their claim appears merely “plausible.” In certain circumstances, they will not need to prove that a product is defective or caused actual damage. For example: where a defendant fails to comply with a disclosure order; where damage results from an obvious product malfunction; where mandatory safety requirements have not been met; or where technical complexity makes proof very hard to establish.

Other key changes include:

- An expanded definition of “product” to cover digital manufacturing files and software
- Extended liability to importers
- Removal of the €500 minimum threshold for property damage claims
- A new 25-year statute of limitations for personal injuries with slow-emerging symptoms

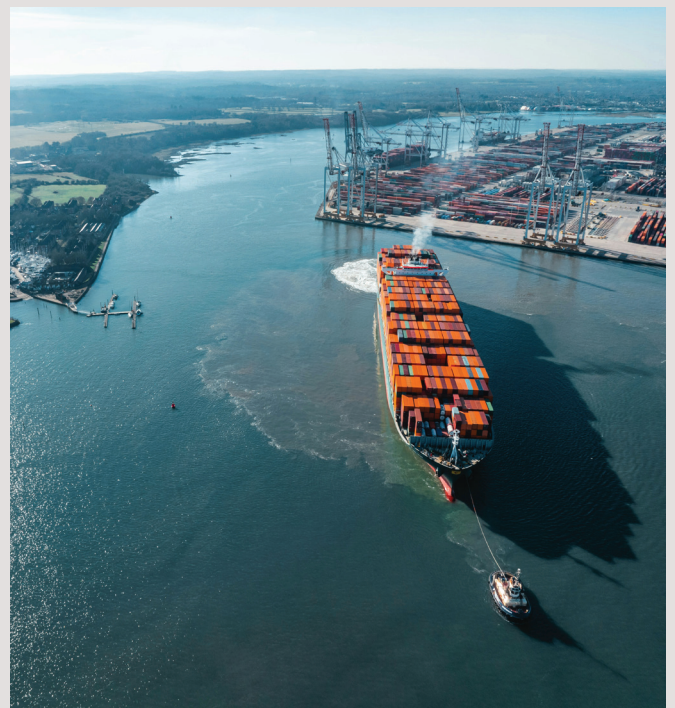
Why this matters now

The PLD applies only to products placed on the EU market or put into service from 9 December 2026. Until then, Directive 85/374/EEC remains in force, and the two regimes will coexist for some time.

The practical consequences are significant. Combined with new collective redress mechanisms under the Representative Actions Directive and the growing role of third-party litigation funding, these changes are expected to drive a substantial increase in product liability claims across Europe. Manufacturers and importers could face greater pressure to settle – including potentially weak claims – simply to avoid the cost and burden of disclosure obligations and litigation.

What to do

If you sell physical goods or software into the EU market, this is the time to act. Review your risk management practices, technical documentation and litigation strategies. And if you are in any doubt about your exposure, take legal advice before the deadline arrives.



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