Basic information

2022/0302(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Liability for defective products **Subject** 4.60.06 Consumers' economic and legal interests 4.60.08 Safety of products and services, product liability **Legislative priorities** Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Joint committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	BOTOŞ Vlad-Marius (Renew)	31/01/2023
JURI Legal Affairs	ARIMONT Pascal (EPP)	31/01/2023
	Shadow rapporteur HETMAN Krzysztof (EPP) REPASI René (S&D) LEITÃO-MARQUES Maria-Manuel (S&D) MELCHIOR Karen (Renew) KOLAJA Marcel (Greens/EFA) LAGODINSKY Sergey (Greens/EFA) ZŁOTOWSKI Kosma (ECR) JURZYCA Eugen (ECR) MAUREL Emmanuel (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	

Council of the European Union	
European Commission	**Commission DG** / **Commissioner** Internal Market, Industry, Entrepreneurship and SMEs / BRETON Thierry
European Economic and Social Committee	

Key events

Date	Event	Reference	Summary
28/09/2022	Legislative proposal published	COM(2022)0495	
17/10/2022	Committee referral announced in Parliament, 1st reading		
16/03/2023	Referral to joint committee announced in Parliament		
09/10/2023	Vote in committee, 1st reading		
09/10/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
12/10/2023	Committee report tabled for plenary, 1st reading	A9-0291/2023	Summary
16/10/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
18/10/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
22/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2024)000537 PE758.731	
11/03/2024	Debate in Parliament		
12/03/2024	Decision by Parliament, 1st reading	T9-0132/2024	Summary
12/03/2024	Results of vote in Parliament		
10/10/2024	Act adopted by Council after Parliament's 1st reading		
23/10/2024	Final act signed		
18/11/2024	Final act published in Official Journal		

Technical information

Procedure reference	2022/0302(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 59
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed

Committee dossier	CJ24/9/11492

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE745.537	05/04/2023	
Amendments tabled in committee		PE746.997	04/05/2023	
Amendments tabled in committee		PE747.001	04/05/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0291/2023	12/10/2023	Summary
Text agreed during interinstitutional negotiations		PE758.731	24/01/2024	
Text adopted by Parliament, 1st reading/single reading		T9-0132/2024	12/03/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)000537	24/01/2024	
Draft final act	00007/2024/LEX	23/10/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2022)0495	28/09/2022	
Document attached to the procedure	SWD(2022)0315	28/09/2022	
Document attached to the procedure	SEC(2022)0343	29/09/2022	
Document attached to the procedure	SWD(2022)0316	29/09/2022	
Document attached to the procedure	SWD(2022)0317	29/09/2022	
Commission response to text adopted in plenary	SP(2024)350	22/07/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	DE_BUNDESRAT	COM(2022)0495	03/01/2023	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary

EESC	Economic and Social Committee: opinion, report	CES4922/2022	25/01/2023	

Additional information		
Source	**Document**	**Date**
European Parliament	Briefing	19/02/2025
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	**Role**	**Committee**	**Date**	**Interest representatives**
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	24/10/2023	Video Games Europe
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	27/09/2023	Video Games Europe
LAGODINSKY Sergey	Shadow rapporteur	JURI	14/09/2023	Handelsverband Deutschland
ARIMONT Pascal	Rapporteur	JURI	13/09/2023	Handelsverband Deutschland
ARIMONT Pascal	Rapporteur	JURI	27/06/2023	Google Ireland Limited and its affiliates
REPASI René	Shadow rapporteur	IMCO	26/06/2023	Independent Retail Europe (formerly UGAL - Union of Groups of Independent Retailers of Europe)
BOTOŞ Vlad-Marius	Rapporteur	IMCO	26/06/2023	Google Ireland Limited and its affiliates
REPASI René	Shadow rapporteur	IMCO	09/06/2023	Bitkom e.V.
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	02/06/2023	Video Games Europe
REPASI René	Shadow rapporteur	IMCO	02/06/2023	American Chamber of Commerce to the European Union
ARIMONT Pascal	Rapporteur	JURI	09/05/2023	Permanent Representation of Austria to the EU
ARIMONT Pascal	Rapporteur	JURI	02/05/2023	European Economic and Social Committee
ARIMONT Pascal	Rapporteur	JURI	27/04/2023	Gesamtverband der Deutschen Versicherungswirtschaft e.V.
KOLAJA Marcel	Shadow rapporteur	IMCO	27/04/2023	SMEunited aisbl
HETMAN Krzysztof	Shadow rapporteur	IMCO	26/04/2023	MedTech Europe
ARIMONT Pascal	Rapporteur	JURI	25/04/2023	Permanent Representation of Austria to the EU
HETMAN Krzysztof	Shadow rapporteur	IMCO	25/04/2023	Independent Retail Europe (formerly UGAL - Union of Groups of Independent Retailers of Europe)

REPASI René	Shadow rapporteur	IMCO	25/04/2023	Irish Council for Civil Liberties
HETMAN Krzysztof	Shadow rapporteur	IMCO	24/04/2023	Ecommerce Europe
ARIMONT Pascal	Rapporteur	JURI	21/04/2023	Zentralverband des Deutschen Handwerks e.V.
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	20/04/2023	Association Mieux Prescrire Independent Retail Europe (formerly UGAL - Union of Groups of Independent Retailers of Europe) BCW Global
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	20/04/2023	MedTech Europe
HETMAN Krzysztof	Shadow rapporteur	IMCO	20/04/2023	APPLiA (Home Appliance Europe)
REPASI René	Shadow rapporteur	IMCO	20/04/2023	Independent Retail Europe (formerly UGAL - Union of Groups of Independent Retailers of Europe)
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	20/04/2023	Business Software Alliance Bitkom e.V. DGA Group Europe SA Europtimum Conseil Trellix
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	19/04/2023	BEUC
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	19/04/2023	Irish Council for Civil Liberties
LAGODINSKY Sergey	Shadow rapporteur	JURI	19/04/2023	European Law Institute
ARIMONT Pascal	Rapporteur	JURI	19/04/2023	MedTech Europe
ARIMONT Pascal	Rapporteur	JURI	19/04/2023	Meta Platforms Ireland Limited and its various subsidiaries
ARIMONT Pascal	Rapporteur	JURI	19/04/2023	Association des grandes entreprises françaises / Association of large French companies
ARIMONT Pascal	Rapporteur	JURI	18/04/2023	Microsoft Corporation
REPASI René	Shadow rapporteur	IMCO	18/04/2023	Insurance Europe
ARIMONT Pascal	Rapporteur	JURI	17/04/2023	Independent Retail Europe (formerly UGAL - Union of Groups of Independent Retailers of Europe)
REPASI René	Shadow rapporteur	IMCO	15/04/2023	MedTech Europe
ARIMONT Pascal	Rapporteur	JURI	14/04/2023	Handelsverband Deutschland
ARIMONT Pascal	Rapporteur	JURI	12/04/2023	Amazon Europe Core SARL Application Developers Alliance Bureau Européen des Unions de Consommateurs DIGITALEUROPE Europa-Universität Viadrina European Law Institute Insurance Europe Orgalim – Europe's Technology Industries
LAGODINSKY Sergey	Shadow rapporteur	JURI	12/04/2023	Bureau Européen des Unions de Consommateurs
ARIMONT Pascal	Rapporteur	JURI	11/04/2023	Business Software Alliance Cisco Systems Inc.

				Workday
REPASI René	Shadow rapporteur	IMCO	05/04/2023	Orgalim – Europe's Technology Industries
REPASI René	Shadow rapporteur	IMCO	05/04/2023	Business Software Alliance
ARIMONT Pascal	Rapporteur	JURI	04/04/2023	Video Games Europe
REPASI René	Shadow rapporteur	IMCO	04/04/2023	Association Mieux Prescrire
KOLAJA Marcel	Shadow rapporteur	IMCO	04/04/2023	Classifieds Marketplaces Europe
REPASI René	Shadow rapporteur	IMCO	31/03/2023	Classifieds Marketplaces Europe
REPASI René	Shadow rapporteur	IMCO	30/03/2023	Back Market
REPASI René	Shadow rapporteur	IMCO	30/03/2023	DOT Europe
HETMAN Krzysztof	Shadow rapporteur	IMCO	30/03/2023	Computer and communication industry association
KOLAJA Marcel	Shadow rapporteur	IMCO	30/03/2023	Back Market
KOLAJA Marcel	Shadow rapporteur	IMCO	30/03/2023	Google Ireland Limited and its affiliates
HETMAN Krzysztof	Shadow rapporteur	IMCO	30/03/2023	Business Software Alliance
BOTOŞ Vlad-Marius	Rapporteur	IMCO	29/03/2023	Permanent Representation of France to the EU
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	29/03/2023	DIGITALEUROPE
HETMAN Krzysztof	Shadow rapporteur	IMCO	29/03/2023	Back Market
BOTOŞ Vlad-Marius	Rapporteur	IMCO	27/03/2023	Vorwerk SE & Co. KG
BOTOŞ Vlad-Marius	Rapporteur	IMCO	27/03/2023	DIGITALEUROPE
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	24/03/2023	Interactive Software Federation of Europe
BOTOŞ Vlad-Marius	Rapporteur	IMCO	24/03/2023	Permanent Representation of Germany to the EU
BOTOŞ Vlad-Marius	Rapporteur	IMCO	24/03/2023	Video Games Industry
ARIMONT Pascal	Rapporteur	JURI	23/03/2023	Zurich Insurance Company Ltd
BOTOŞ Vlad-Marius	Rapporteur	IMCO	23/03/2023	EMEA - Zurich Insurance
ARIMONT Pascal	Rapporteur	JURI	23/03/2023	Google Ireland Limited and its affiliates
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	23/03/2023	European Principal Traders Association
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	22/03/2023	eBay Small European Sellers
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	22/03/2023	CCIA Europe

ARIMONT Pascal	Rapporteur	JURI	22/03/2023	Permanent Representation of Belgium to the EU
REPASI René	Shadow rapporteur	IMCO	22/03/2023	Verbraucherzentrale Bundesverband
BOTOŞ Vlad-Marius	Rapporteur	IMCO	21/03/2023	EuroCommerce
HETMAN Krzysztof	Shadow rapporteur	IMCO	21/03/2023	DOT Europe
HETMAN Krzysztof	Shadow rapporteur	IMCO	21/03/2023	Interactive Software Federation of Europe
ARIMONT Pascal	Rapporteur	JURI	20/03/2023	Bureau Européen des Unions de Consommateurs
ARIMONT Pascal	Rapporteur	JURI	15/03/2023	eBay EU liaison office
ARIMONT Pascal	Rapporteur	JURI	15/03/2023	Gesamtverband der Deutschen Versicherungswirtschaft e.V.
ARIMONT Pascal	Rapporteur	JURI	15/03/2023	Bureau Européen des Unions de Consommateurs
ARIMONT Pascal	Rapporteur	JURI	14/03/2023	Application Developers Alliance
BOTOŞ Vlad-Marius	Rapporteur	IMCO	14/03/2023	eBay EU liaison office
ARIMONT Pascal	Rapporteur	JURI	14/03/2023	Association Mieux Prescrire
ARIMONT Pascal	Rapporteur	JURI	14/03/2023	Insurance Europe
REPASI René	Shadow rapporteur	IMCO	14/03/2023	Google Ireland Limited and its affiliates
BOTOŞ Vlad-Marius	Rapporteur	IMCO	13/03/2023	Google Ireland Limited and its affiliates
BOTOŞ Vlad-Marius	Rapporteur	IMCO	09/03/2023	ANPC Romania - CPC Arad
ARIMONT Pascal	Rapporteur	JURI	09/03/2023	VDMA e.V.
ARIMONT Pascal	Rapporteur	JURI	07/03/2023	Bitkom e.V.
BOTOŞ Vlad-Marius	Rapporteur	IMCO	07/03/2023	BEUC
BOTOŞ Vlad-Marius	Rapporteur	IMCO	07/03/2023	Business Europe
ARIMONT Pascal	Rapporteur	JURI	28/02/2023	Gesamtverband der Deutschen Versicherungswirtschaft e.V.
ARIMONT Pascal	Rapporteur	JURI	27/02/2023	Svensk Handel
ARIMONT Pascal	Rapporteur	JURI	15/02/2023	Amazon Europe Core SARL
ARIMONT Pascal	Rapporteur	JURI	14/02/2023	Permanent Representation of Germany to the EU
ARIMONT Pascal	Rapporteur	JURI	08/02/2023	Miele & Cie. KG
REPASI René	Shadow rapporteur	IMCO	06/02/2023	Bureau Européen des Unions de Consommateurs
LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	27/01/2023	European Consumer Organization - BEUC
ARIMONT Pascal	Rapporteur	JURI	25/01/2023	Permanent Representation of France to the EU
CAVAZZINI Anna	Committee chair	IMCO	25/01/2023	VZBV
ARIMONT Pascal	Rapporteur	JURI	24/01/2023	Zurich Insurance Company Ltd

LEITÃO-MARQUES Maria-Manuel	Shadow rapporteur	JURI	07/12/2022	European Consumer Organisation (BEUC)

Final act	
Directive 2024/2853 OJ OJ L 18.11.2024	Summary
Corrigendum to final act 32024L2853R(01) OJ OJ L 07.05.2026	

Liability for defective products

2022/0302(COD) - 12/03/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 543 votes to 6, with 58 abstentions a legislative resolution on the proposal for a directive of the European Parliament and of the Council on liability for defective products.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter and objective

The proposed Directive lays down common rules on the liability of economic operators for damage suffered by natural persons and caused by defective products, and on compensation for such damage. Its objective is to contribute to the proper functioning of the internal market while ensuring a high level of protection of consumers and other natural persons.

The Directive should apply to products placed on the market or put into service after 2 years from the date of entry into force of this Directive. It should not apply to **free and open-source software** that is developed or supplied outside the course of a commercial activity.

Damage

The right to compensation should apply in respect of only the following types of damage:

- **death or personal injury**, including medically recognised damage to psychological health;

- **damage to, or destruction of, any property**, except: (i) the defective product itself; (ii) a product damaged by a defective component that is integrated into, or inter-connected with, that product by the manufacturer of that product or within that manufacturer's control; (iii) property used exclusively for professional purposes;

- **destruction or corruption of data** that are not used for professional purposes.

The right to compensation should cover all material losses resulting from the abovementioned damage. The right to compensation should also cover **non-material losses** resulting from the damage, in so far as they can be compensated for under national law.

Defectiveness

A product should be considered defective if it does not provide the safety that a person is entitled to expect or that is required under Union or national law. In assessing the defectiveness of a product, all circumstances should be taken into account, including:

- the presentation and the characteristics of the product, including its labelling, design, technical features, composition and packaging and the instructions for its assembly, installation, use and maintenance;

- the effect on the product of its ability to continue to learn or acquire new features after it is placed on the market or put into service;

- the reasonably foreseeable effect on the product of other products that can be expected to be used together with the product, including by means of inter-connection;

- any recall of the product or any other relevant intervention by a competent authority or by an economic operator referred to in Article 8 relating to product safety;

- in the case of a product whose very purpose is to prevent damage, any failure of the product to fulfil that purpose.

Liability of economic operators

Those liable for damage: (a) the manufacturer of a defective product; (b) the manufacturer of a defective component, where that component was integrated into, or inter-connected with, a product within the manufacturer's control and caused that product to be defective, and without prejudice to

the liability of the manufacturer; and (c) in the case of a manufacturer of a product or a component established outside the Union, the importer of the defective product or component; the authorised representative of the manufacturer; and the fulfilment service provider.

Disclosure of evidence

At the request of an injured person who is claiming compensation in proceedings before a national court for damage caused by a defective product and who has presented facts and evidence sufficient to support the plausibility of the claim for compensation, the defendant is required to disclose relevant evidence that is at the defendant's disposal.

Member States should ensure that, at the request of a defendant that has presented facts and evidence sufficient to demonstrate the defendant's need for evidence for the purposes of countering a claim for compensation the claimant is required, in accordance with national law, to disclose relevant evidence that is at the claimant's disposal. The disclosure of evidence is **limited to what is necessary and proportionate**.

Burden of proof

The defectiveness of the product should be **presumed** where: (i) the claimant demonstrates that the product does not comply with mandatory product safety requirements laid down in Union law or national law that are intended to protect against the risk of the damage suffered by the injured person; (ii) demonstrates that the damage was caused by an obvious malfunction of the product during reasonably foreseeable use or under ordinary circumstances.

A national court should presume the defectiveness of the product or the causal link between its defectiveness and the damage, or both, where, despite the disclosure of evidence and taking into account all the relevant circumstances of the case, the claimant faces **excessive difficulties**, in particular due to technical or scientific complexity, in proving the defectiveness of the product or the causal link between its defectiveness and the damage, or both.

Right of recourse

Without prejudice to national law concerning rights of contribution or recourse, Member States should ensure that where two or more economic operators are liable for the same damage pursuant to this Directive, they can be held so liable jointly and severally.

Expiry period

Liability should be subject to a reasonable length of time, namely **10 years** from the placing of a product on the market, without prejudice to claims pending in legal proceedings. The expiry period should be extended to **25 years** in cases where the symptoms of a personal injury are, according to medical evidence, slow to emerge.

Liability for defective products

2022/0302(COD) - 12/10/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection and the Committee on Legal Affairs adopted the report presented by Pascal ARIMONT (EPP, BE) and Vlad-Marius BOTOŞ (Renew, RO) on the proposal for a directive from the European Parliament on liability for defective products.

The relevant committees recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter

The report specifies that this Directive lays down common rules on the liability of economic operators for damage suffered by natural persons caused by defective products and is aimed at ensuring that such persons are entitled to compensation.

The objective of this Directive is to contribute to the proper functioning of the internal market, while ensuring a high level of consumer protection, and to remove divergences between the legal systems of Member States related to the liability of economic operators for damage suffered by natural persons caused by defective products.

This Directive does not apply to free and open-source software, unless such software is offered in exchange for a price.

Damage

Members maintain that 'damage' means material losses resulting from:

- death or personal injury, including medically recognised damage to psychological health;

- damage to, or destruction of, any property, with exceptions;

- destruction or irreversible corruption of data that are not used for professional purposes, provided that the material loss exceeds EUR 1 000.

Guidance

Member States should ensure that competent national consumer protection authorities and bodies provide all relevant information and tailored guidance to affected consumers to enable them to effectively exercise their right to compensation. Market surveillance authorities should regularly exchange relevant information with national consumer protection agencies and bodies to ensure a high level of consumer protection.

Defectiveness

A product should be considered defective when it does not provide the safety that an average person is entitled to expect or when this is required by Union or national law.

In assessing the defectiveness of a product, all circumstances shall be taken into account, including:

- the characteristics of the product, including its labelling, design , technical features, composition, packaging, any other information regarding the product and the instructions for assembly, installation, use and maintenance;

- the reasonably foreseeable use of the product, taking into account the expected lifespan of the product;

- the effect on the product of any ability to acquire new features or knowledge after it is placed on the market or put into service;

- the effect that other products might have on the product to be assessed, where, at the time of placing on the market or putting into service;

- any recall of the product or any other relevant intervention decided by a regulatory authority or by an economic operator relating to product safety.

Responsibility of economic operators

Member States should ensure that, where a defective component has caused the product defect, the manufacturer of the defective component can also be held liable for the same damage, unless the defect is due to the design of the product in into which the component has been incorporated or to the instructions given by the manufacturer of this product to the manufacturer of the component.

Any natural or legal person who modifies a product substantially outside the control of the manufacturer and then makes it available on the market or in service should be considered a manufacturer of the product.

Where the victim does not obtain compensation because none of the economic operators can be held liable under the Directive, or because the economic operators responsible are insolvent or have ceased to exist, Member States will be able to use existing national sectoral compensation schemes or establish new ones to compensate injured parties who have suffered damage caused by defective products.

Disclosure of evidence

In legal proceedings to adjudicate on compensation for damage caused by a defective product, at the request of a claimant who has presented facts and evidence sufficient to support the plausibility of the claim for compensation, national courts should be able to order the defendant to disclose relevant evidence that is at its disposal. At the request of the defendant, national courts should also be able to order the claimant to disclose relevant evidence that is at its disposal.

The requested disclosure of evidence should be limited to what is necessary and proportionate, and should be carried out in such a way as to ensure that trade secrets.

Burden of proof

A national court should presume the defectiveness of the product or the causal link between the defectiveness of the product and the damage, or both, when:

- the national court considers that the claimant faces excessive difficulties, due to technical or scientific complexity to be able to prove the defectiveness of the product or the causal link between its defectiveness and the damage, or both; and

- the claimant establishes, on the basis of relevant evidence, that it is possible that the product contributed to the damage, and it is possible that the product is defective or that its defectiveness is a possible cause of the damage, or both.

Right of recourse

Where more than one economic operator is liable for the same damage, any economic operator that has compensated the injured person or was ordered to do so by an enforceable judgment will have a right of recourse against any other jointly and severally liable economic operator.

Liability for defective products

2022/0302(COD) - 18/11/2024 - Final act

PURPOSE: to adapt product liability rules to the digital age and the circular economy.

LEGISLATIVE ACT: Directive (EU) 2024/2853 of the European Parliament and of the Council on liability for defective products and repealing Council Directive 85/374/EEC.

CONTENT: this directive establishes common rules relating to the **liability of economic operators for damage caused to natural persons by defective products and to the repair of this damage**. The directive will apply to products placed on the market or put into service after 9 December 2026.

The new liability rules better take into account that nowadays many products have digital features and that the economy is becoming increasingly circular. In this context, the new directive extends the definition of “product” to digital manufacturing files and software. Also online platforms can be held liable for a defective product sold on their platform just like any other economic operators if they act like one.

Right to compensation

Any natural person who suffers damage caused by a defective product is entitled to compensation. The right to compensation should apply in respect of only the following types of damage: (i) death or personal injury, including medically recognised damage to psychological health; (ii) damage to, or destruction of, any property; (iii) destruction or corruption of data that are not used for professional purposes.

Defectiveness

A product should be considered defective if it does not provide the safety that a person is entitled to expect or that is required under Union or national law. In assessing the defectiveness of a product, all circumstances should be taken into account, including: (i) the presentation and the characteristics of the product, including its labelling; (ii) the effect on the product; or (iii) the reasonably foreseeable effect on the product of other products that can be expected to be used together with the product, including by means of inter-connection.

Liability of economic operators

The manufacturer of a defective product, as well as the manufacturer of a defective component, will be held liable for damage, when this component was integrated into a product or interconnected with it under the control of the manufacturer and caused the defect of the product.

To ensure that consumers are compensated for damage caused by a product manufactured outside the EU, the company importing the product or the representative of the foreign manufacturer established in the EU may be held liable for damage caused.

Any natural or legal person that substantially modifies a product **outside the manufacturer’s control** and thereafter makes it available on the market or puts it into service will be considered to be a manufacturer of that product.

Disclosure of evidence

The directive simplifies the right to compensation by ensuring that an injured person who claims compensation before a national court can request access to relevant evidence at the disposal of the manufacturer in order to be able to prove their claim.

Burden of proof

Member States will ensure that a claimant is required to prove the defectiveness of the product, the damage suffered and the causal link between that defectiveness and that damage.

The defectiveness of the product will be **presumed** where: (i) the claimant demonstrates that the product does not comply with mandatory product safety requirements laid down in Union law or national law that are intended to protect against the risk of the damage suffered by the injured person; (ii) demonstrates that the damage was caused by an obvious malfunction of the product during reasonably foreseeable use or under ordinary circumstances.

When the injured consumer is faced with **excessive difficulties** to prove the defectiveness of the product or the causal link between its defectiveness and the damage, a court may decide that the claimant is only required to prove the likelihood that the product was defective or that its defectiveness is a likely cause of the damage.

Right of recourse

Where more than one economic operator is liable for the same damage, an economic operator that has compensated the injured person will be entitled to pursue remedies against other economic operators liable in accordance with national law.

Expiry period

Liability will be subject to a reasonable length of time, namely **10 years** from the placing of a product on the market, without prejudice to claims pending in legal proceedings. The expiry period should be extended to **25 years** in cases where the symptoms of a personal injury are, according to medical evidence, slow to emerge.

ENTRY INTO FORCE: 8.12.2024.

TRANSPOSITION: 9.12.2026 at the latest.