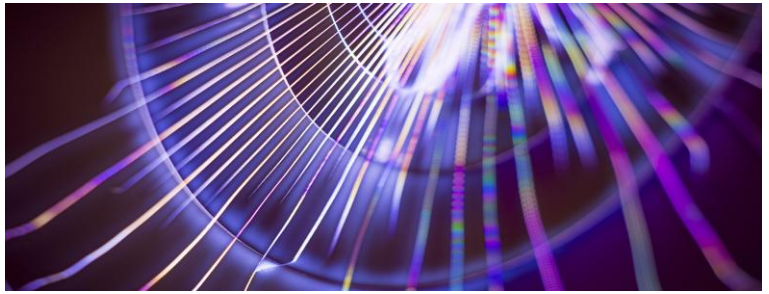
Linklaters

The Product Liability Directive – implementation in selected EU member states

10 November 2026



The Directive (EU) 2024/2853 on liability for defective products (PLD) is a gamechanger for manufacturers, importers, distributors and other service providers. To bring the PLD up to speed with the digital age, circular economy business models and global value chains, the directive inter alia provides for (i) a significant extension of the scope of covered economic actors, products and damages, (ii) new presumptions for the defect and/or causality, (iii) disclosure rights, (iv) changes to the liability exemptions, and (v) longer expiry periods in case of latent damages (read more in our detailed client alert).

Member states have to implement the directive into national legislation by 9 December 2026. In this overview, we keep track of the implementation in selected EU member states of key relevance.

Contents

Belgium	2
France	2
Germany	3
Italy	3
Luxembourg	4
The Netherlands	4
Portugal	5
Spain	5
Key contacts	6

Belgium

Status	Next steps and timing	Legislative documents	Description
On 16 October 2026, the draft bill aimed at transposing the PLD was submitted to the Belgian House of Representatives.	The draft has been submitted to the Chamber of Representatives, and the parliamentary process is now underway, with discussions in committee having started on 21 October 2026. This will be followed by parliamentary debate and adoption, and then publication in the Belgian Official Gazette and entry into force. At this stage, there is no indication that Belgium will not meet the 9 December 2026 transposition deadline.	Draft Bill amending the provisions of the Civil Code relating to liability for defective products and inserting Article 877/1 into the Judicial Code	The draft bill largely mirrors the PLD, consistent with its maximum-harmonisation character, but includes several notable implementation choices, including a new evidence disclosure regime to be inserted in the Judicial Code.

France

Status	Next steps and timing	Legislative documents	Description
On 20 February 2026, the Paris Bar Council issued a report in response to a consultation from the Directorate of Civil and Seal Affairs, which is part of the French Ministry of Justice.	N/A	N/A	N/A

The consultation concerned a draft text that proposes amendments to Articles 1245 to 1245-17. This draft text is not attached to the published report.			

Germany

Status	Next steps and timing	Legislative documents	Description
On 8 October 2026, the *Bundestag* adopted the implementation act. Following the *Bundesrat's* confirmation that it will not raise objections on 16 October 2026, the implementation act has been published in the Official Gazette on 27 October 2026.	The new provisions will enter into force on 9 December 2026.	Publication in the Official Gazette	The PLD has been transposed one-to-one by way of a complete overhaul of the Product Liability Act. For German law, the new disclosure obligations as well as the alleviations of the burden of proof (presumptions for the defect and/or causality) are particularly challenging (read more in our blog post on the initial draft).

Italy

Status	Next steps and timing	Legislative documents	Description
On 28 October 2026, the Council of Ministers approved the draft legislative decree transposing the PLD.	The final text is awaiting publication in the Official Gazette. The provisions will apply from 9 December 2026.	Draft Legislative Decree (A.S. 434)	The draft legislative decree introduces amendments to the Consumer Code (Legislative Decree No. 206 of 6 September 2005), adapting it to products of the digital age, new business models and global supply chains. Liability for defective products is extended to software, digital manufacturing files and digital services integrated into, or interconnected with, the product.

Luxembourg

Status	Next steps and timing	Legislative documents	Description
No implementation steps initiated.	N/A	N/A	N/A

The Netherlands

Status	Next steps and timing	Legislative documents	Description
The Council of State issued a positive opinion on 3 December 2025 upon referral of the draft bill on 15 October 2025. Following written parliamentary scrutiny, the committee report was published on 15 April 2026 and the memorandum in response was published on 3 September 2026. The House of Representatives adopted the bill as a non-controversial item on 15 October 2026. Following a report without comments issued by the Senate Committee for Justice and Security on 3 November 2026, the Senate adopted the bill as a non-controversial item on 10 November 2026.	The transposition deadline is 9 December 2026. With parliamentary consideration now complete, timely transposition remains achievable, although promulgation and entry into force remain to be confirmed. The date of entry into force will be determined by Royal Decree.	Legislative Proposal Explanatory Memorandum Advisory Opinion Report without comments Latest Senate report	The bill follows a strict transposition approach, without gold-plating, introducing only the changes necessary to implement the PLD and choosing the implementation method that imposes the least burden on businesses. The PLD provides for full harmonisation, subject to its express exceptions. The Netherlands retains the development risk defence and does not exercise the option under Article 18 PLD to derogate from it.

Portugal

Status	Next steps and timing	Legislative documents	Description
No implementation steps initiated.	N/A	N/A	N/A

Spain

Status	Next steps and timing	Legislative documents	Description
No implementation steps initiated.	N/A	N/A	N/A

Key contacts

Belgium

Florence Danis
Partner
Brussels
Tel: (+32) 2501 9028
florence.danis@linklaters.com

Léonard Maistriaux
Managing Associate
Brussels
Tel: (+32) 2501 9095
leonard.maistriaux@linklaters.com

France

Jean-Charles Jaïs
Partner
Paris
Tel: (+33) 15643 5800
jean-charles.jais@linklaters.com

Cyril Falhun
Counsel
Paris
Tel: (+33) 15643 2701
cyril.falhun@linklaters.com

Germany

Rupert Bellinghausen
Partner
Frankfurt
Tel: (+49) 69 71003 470
rupert.bellinghausen@linklaters.com

Anke Krause
Counsel
Frankfurt
Tel: (+49) 69 71003 519
anke.krause@linklaters.com

Italy

Alessandro Villani
Partner
Milan
Tel: (+39) 0288393 5221
alessandro.villani@linklaters.com

Alessandro Salvador
Counsel
Milan
Tel: (+39) 0288393 5206
alessandro.salvador@linklaters.com

Luxembourg

Guy Loesch
Of Counsel
Luxembourg
Tel: (+352) 2608 8212
guy.loesch@linklaters.com

Louis-Eudes Giroux
Counsel – Head of LAI
Luxembourg
Tel: (+352) 2608 8290
louis-eudes.giroux@linklaters.com

The Netherlands

Daniella Strik
Partner
Amsterdam
Tel: (+31) 207996 338
daniella.strik@linklaters.com

Bart Fleuren
Counsel
Amsterdam
Tel: (+31) 207996 369
bart.fleuren@linklaters.com

Portugal

Ricardo Guimarães
Partner
Lisbon
Tel: (+351) 218640 018
ricardo.guimaraes@linklaters.com

José Gonçalves Pereira
Associate
Lisbon
Tel: (+351) 218640 149
jose.pereira@linklaters.com

Spain

Alex Ferreres
Partner
Madrid
Tel: (+34) 91399 6070
alejandro.ferreres@linklaters.com

Laura Garcia
Associate
Madrid
Tel: (+34) 91399 6188
laura.garcia@linklaters.com

www.linklaters.com

This content is intended merely to highlight issues and not to be comprehensive, nor to provide legal advice. Should you have any questions on issues reported here, please get in touch.

Should this document contain hyperlinks to external third-party websites, please note that we have no influence on the content of such websites. Therefore, we cannot assume any responsibility for such third-party content. The provider or operator of the respective third-party websites is responsible for the content of the linked websites.

© Linklaters LLP. All Rights reserved 2026

Linklaters LLP is a limited liability partnership registered in England and Wales with registered number OC326345. It is a law firm authorised and regulated by the Solicitors Regulation Authority.

The term partner in relation to Linklaters LLP is used to refer to a member of Linklaters LLP or an employee or consultant of Linklaters LLP or any of its affiliated firms or entities with equivalent standing and qualifications.

A list of the names of the members of Linklaters LLP and of the non-members who are designated as partners and their professional qualifications is open to inspection at its registered office, One Silk Street, London EC2Y 8HQ, England or on www.linklaters.com and such persons are either solicitors or registered foreign lawyers.

Please refer to www.linklaters.com/regulation for important information on our regulatory position

.