



Malta-EU Steering
& Action Committee

INFORMATION | CONSULTATION | EU FUNDING

Public Consultation on the rules on liability of the producer for damage caused by a defective product

Evaluation of [Council Directive 85/374/EEC](#) on the liability for defective products

The aim of this public consultation is to collect stakeholders' feedback on the application and performance of the Directive on liability for defective products. In particular:

- whether and to what extent the Directive meets its objectives of guaranteeing at EU level the liability without fault of the producer for damage caused by a defective product
- whether it still corresponds to stakeholders' needs
- if the Directive is fit-for-purpose vis-à-vis new technological developments such as the Internet of Things and autonomous systems

The results of the public consultation will provide evidence to assess the extent to which the provisions of the Directive have been effective and efficient, relevant (given the needs and its objectives), coherent (with other EU policies) and whether they have achieved EU added-value.

The consultation consists of 3 online questionnaires addressed to producers, consumers and public authorities respectively. The questionnaire is available in English and 22 other official EU languages.

With this consultation, the Commission will seek the views of all interested parties, and in particular of producers and insurers, business representatives, consumers, as well as public authorities and researchers.

The consultation will run until **April 26, 2017**.

Background Information: Directive 85/374/EEC

Directive 85/374/EEC on the liability for defective products guarantees the liability of the producer in the event of damage caused by malfunctioning products. The Directive lays down a common rule for liability without fault of producers at EU level and offers a real possibility to consumers to claim financial compensation for death or personal injuries as well as for damage caused to an item of property intended for private use with a threshold of €500.

The European Commission has regularly reported to the Council and Parliament on the application of the Directive. In the last report of 2011, the Commission concluded that there was no sufficient evidence of problems in the application to justify a proposal for amendments noting as well that any amendment to one or more provisions would affect the overall balance of the Directive. The next (5th) report covering the period 2011-2015 is foreseen in 2017.

However, at present, there are discussions on the adequacy of the Directive to face the challenges raised by new technological developments, for instance, the 'Internet of Things' or autonomous systems.

As a result of this, and due to the fact that since its adoption in 1985 the Directive has not been subject to any formal evaluation, the Commission is taking this opportunity to launch an evaluation to assess the functioning and the performance of the Directive. This evaluation will also allow the assessment of whether the Directive is fit-for-purpose in relation to new technological developments.

How to submit your response

You can answer this consultation as:

- a [public authority, research or law firm](#);
- a [producer](#); & or
- a [citizen or stakeholder](#).