

(English version)

**Question for written answer E-001194/25
to the Commission
Nikolaos Anadiotis (NI)
(20 March 2025)**

Subject: Support for small and medium-sized enterprises and challenges posed by the new Directive on liability for defective products

The new Directive (EU) 2024/2853 ⁽¹⁾, which must be implemented by 9 December 2026, broadens the definition of ‘products’ to include software, digital files, raw materials, electricity and artificial intelligence. Companies can now be held liable for the malfunction and failure of these products, with, for example, compensation claims possible for personal injury, damage to property, loss of data or personal data breaches. Liability extends to manufacturers, importers, distributors and agents, i.e. everyone in the supply chain.

The directive includes provisions that shift both the obligation to comply and the burden of proof to producers, especially for complex products. The changes are expected to increase the cost of compliance for small and medium-sized enterprises (SMEs), particularly in countries such as Greece, where there are many such businesses and they continue to face economic challenges. It should be noted that in Greece there are 73 SMEs per 1 000 inhabitants i.e. 82% more than the European average, which is 40 ⁽²⁾.

In light of the above:

What specific measures does the Commission intend to take to help SMEs, particularly in Greece, to adapt to these regulatory changes without undermining their competitiveness and economic recovery?

Submitted: 20.3.2025

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(4 June 2025)**

Directive (EU) 2024/2853 ⁽¹⁾ on a liability for defective products (the ‘2024 Directive’) updates the EU liability framework under Council Directive 85/374/EEC ⁽²⁾ (the ‘1985 Directive’), by ensuring that victims of damage caused by a defective product can claim compensation from the manufacturer of the defective product.

The 2024 Directive maintains the key principles established by the 1985 Directive. Specifically, it requires the victim to prove the defect, the damage, and the causal link between the two in order to obtain compensation in court.

Similar to the 1985 Directive, the 2024 Directive applies to all manufacturers, regardless of their size, with the objective of providing a safety net for victims when a defective product causes damage.

The directive does not impose obligations on small and medium-sized enterprises, except that they must compensate victims for damage caused by a product they placed on the market that failed to provide the appropriate level of safety.

The Commission is actively monitoring implementation of the 2024 Directive and, while the Commission does not intend to introduce any additional specific measures at this point, a review procedure is provided for in the directive ⁽³⁾.

¹ <https://eur-lex.europa.eu/eli/dir/2024/2853/oj/eng>

² SME Country Fact Sheet Greece, European Commission Ref. Ares (2016)1073191, <https://ec.europa.eu/docsroom/documents/15766/attachments/14/translations/en/renditions/pdf>.

⁽¹⁾ Directive (EU) 2024/2853 of the European Parliament and of the Council of 23 October 2024 on liability for defective products and repealing Council Directive 85/374/EEC PE/7/2024/REV/1.

⁽²⁾ Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, *OJ L 210*, 7.8.1985, p. 29-33.

⁽³⁾ Article 20 of Directive (EU) 2024/2853.