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E-001157/2026

Answer given by Mr McGrath
on behalf of the European Commission
(5.5.2026)

The Commission is monitoring the interaction between Directive (EU) 2024/2853 on Product Liability (PLD), the Directive (EU) 2020/1828 on Representative Actions (RAD) and developments in third-party litigation funding (TPLF), including their implications for legal certainty, costs and the internal market.

The PLD strikes a careful balance between innovation and consumer protection. The Commission does not plan to issue specific guidelines but supports consistent implementation through cooperation with Member States, expert meetings, bilateral exchanges and transposition checks.

In March 2025, the Commission published a study on TPLF¹ which served as a basis for discussions with the European Parliament, the Member States and stakeholders in the High-Level Forum on Justice for Growth. TPLF remains limited overall and does not reveal systemic risks. Participants expressed scepticism about the need for regulation and invited the Commission to continue monitoring developments, while assessing whether further action may be warranted.

Under Article 23 of RAD, the Commission will evaluate its application by June 2028 in line with the 2030 Consumer Agenda and action plan for consumers in the single market.² This evaluation will allow the Commission to determine whether further measures are necessary. It is therefore premature to draw conclusions on the combined effects of these legal instruments.

¹ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/civil-justice/civil-and-commercial-law/third-party-litigation-funding-tplf_en.

² https://commission.europa.eu/strategy-and-policy/policies/consumers/consumer-protection-policy/2030-consumer-agenda_en.