



Council of the  
European Union

Brussels, 18 January 2024  
(OR. en)

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LIMITE

JUSTCIV 11  
JAI 77  
CONSOM 23  
COMPET 60  
MI 56  
FREMP 21  
CODEC 111  
TELECOM 18  
CYBER 10  
DATAPROTECT 28

#### **'I' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
Subject:	Proposal for a Directive of the European Parliament and of the Council on liability for defective products - Confirmation of the final compromise text with a view to agreement

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#### **I. BACKGROUND/INTRODUCTION**

1. On 28 September 2022, the Commission submitted to the Council and the European Parliament a proposal for a Directive of the European Parliament and of the Council on liability for defective products<sup>1</sup>, which aims to update the existing strict liability regime, established through the Product Liability Directive of 1985, in line with the digital age, circular economy business models and global value chains.

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<sup>1</sup> 13134/23 + ADD 5

2. The draft Directive is based on Article 144 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
3. The European Economic and Social Committee delivered its opinion on 25 January 2023<sup>2</sup>.
4. At its meeting on 14 June 2023, the Permanent Representatives Committee granted the Swedish Presidency a mandate to enter into negotiations with the European Parliament.
5. On 14 December 2023, a provisional agreement was reached between co-legislators, resulting in the final compromise text as set out doc. 5553/24 to this note.

## II. CONCLUSION

6. The Permanent Representatives Committee is therefore invited to:
  - a) confirm the agreement on the final compromise text as set out in doc. 5553/24, with a view to reaching an agreement at first reading with the European Parliament;
  - b) authorise the Chair of the Permanent Representatives Committee to send a letter to inform the Chairs of the European Parliament's JURI and IMCO Committees that, should the European Parliament adopt its position at first reading on the text of the proposal in the exact form as set out doc. 5553/24, and subject to revision of that text by the lawyer-linguists of both institutions, the Council will approve the European Parliament's position and the act will be adopted in the wording which corresponds to the European Parliament's position.

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<sup>2</sup> INT/1002-EESC-2022