

Webinar

# Product Regulatory & Liability Developments: **2024 Roundup**

11 December, 2024



→ | [complianceandrisks.com](https://complianceandrisks.com)



Q&A  
Session

Slides &  
Webinar  
Recording



Request a  
Demo

# Webinar Platform Tips

# Meet the Team



—  
**Sarah-Jane Dobson**  
Partner,  
Ashurst



—  
**Louise Forrest**  
Legal Consultant,  
Ashurst



—  
**Orlaith Morris**  
Content Marketing Manager,  
Compliance & Risks

# Mission Statement

**Ensure global companies have the tools & information to build safe, sustainable, products in a world full of change**

# Trusted by the World's Leading Brands

**SAMSUNG**

**Miele**

 **MOTOROLA**

**EPSON®**



 **Abbott**

**FUJITSU**

**BOSE®**

**TESLA**

**PHILIPS**

**logitech**

**XEROX®**

**Thermo**  
SCIENTIFIC

  
**PUMA**

**GARMIN™**



**100K<sup>+</sup>**  
Regulations

**195**  
Countries

**10<sup>+</sup>**  
Industries

**28**  
Languages

**30**  
Global  
Network  
Partners

**9.6k**  
Expert  
Queries  
answered



WHAT WE DO

# Unlocking Market Access

Keep on top of regulatory changes and their impact worldwide. Early warning alerts, impact probability, productivity workflow tools and so much more.



# Product Regulatory & Liability Developments

→ | [complianceandrisks.com](https://complianceandrisks.com)





# Ashurst's Product Litigation and Regulatory Risk Team

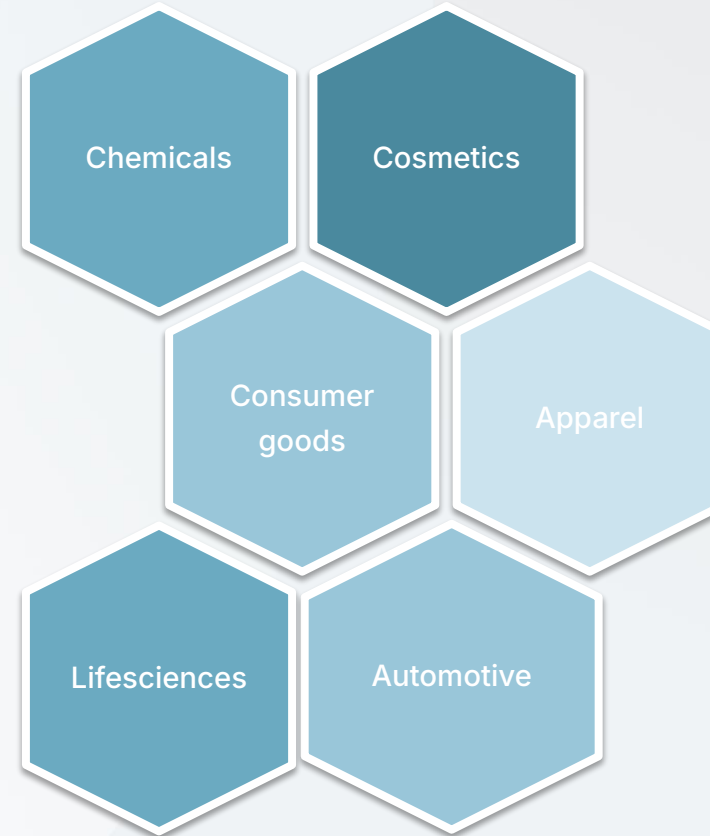
## The full product lifecycle



# Products Law Team

## Global and multi-sector reach

- London and Ireland based core Products Law Team
- 30+ lawyers across APAC, EMEA and LATAM
- Global mandates as strategic overseeing counsel
- Up to 193+ jurisdictions projects



# Ashurst / Compliance & Risks partnership

- Knowledge Partner since 2017.
- Collaborating on several end-to-end single source of truth projects since 2021.
- Former Compliance & Risk team now part of Ashurst team.
- Global product compliance events and content-based initiatives together.



# Agenda

01. Trends in product regulation
02. Jurisdiction examples: EU and UK
03. Other global legislative changes
04. Trends in legal risks
05. Future predictions
06. Mitigation strategies

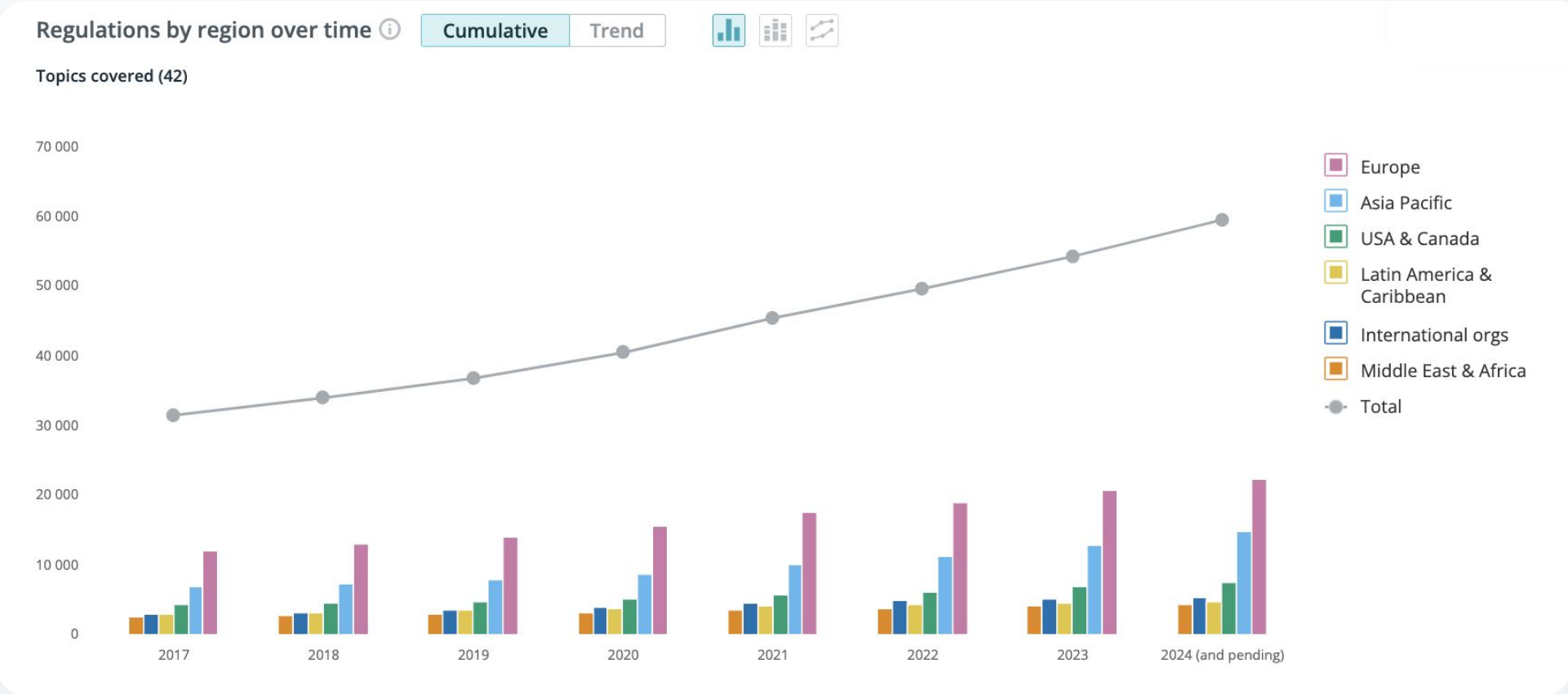


# Trends in Product Regulation

→ | [complianceandrisk.com](https://complianceandrisk.com)

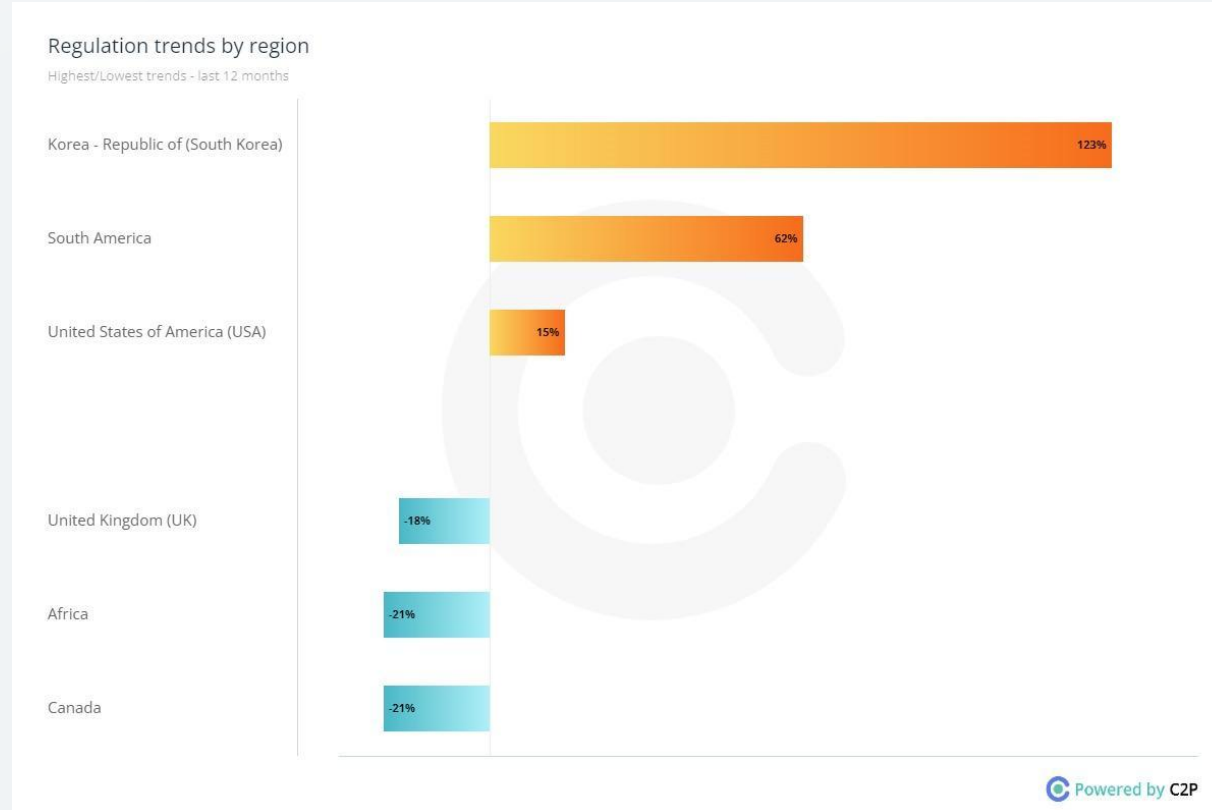


# Increased product regulations globally

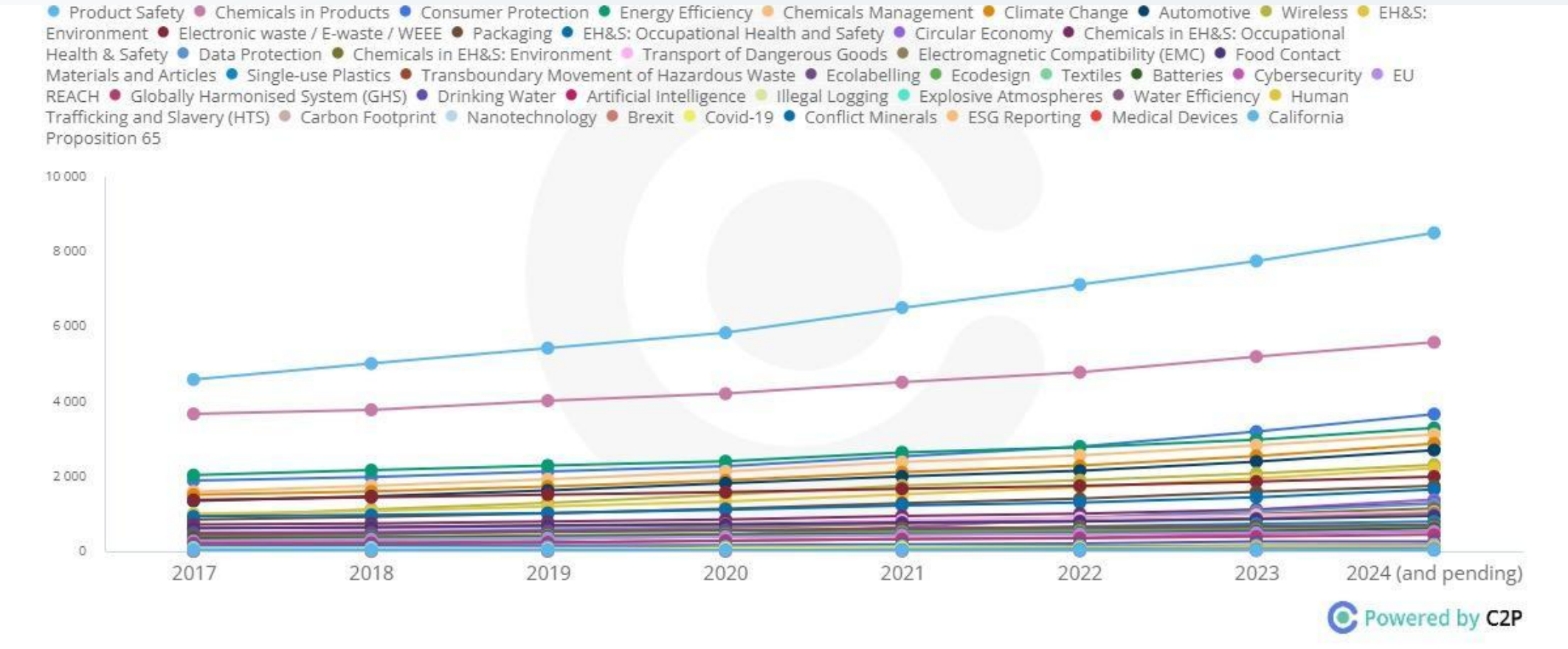


# Some regions more growth than others

Increased regulations vs deregulation

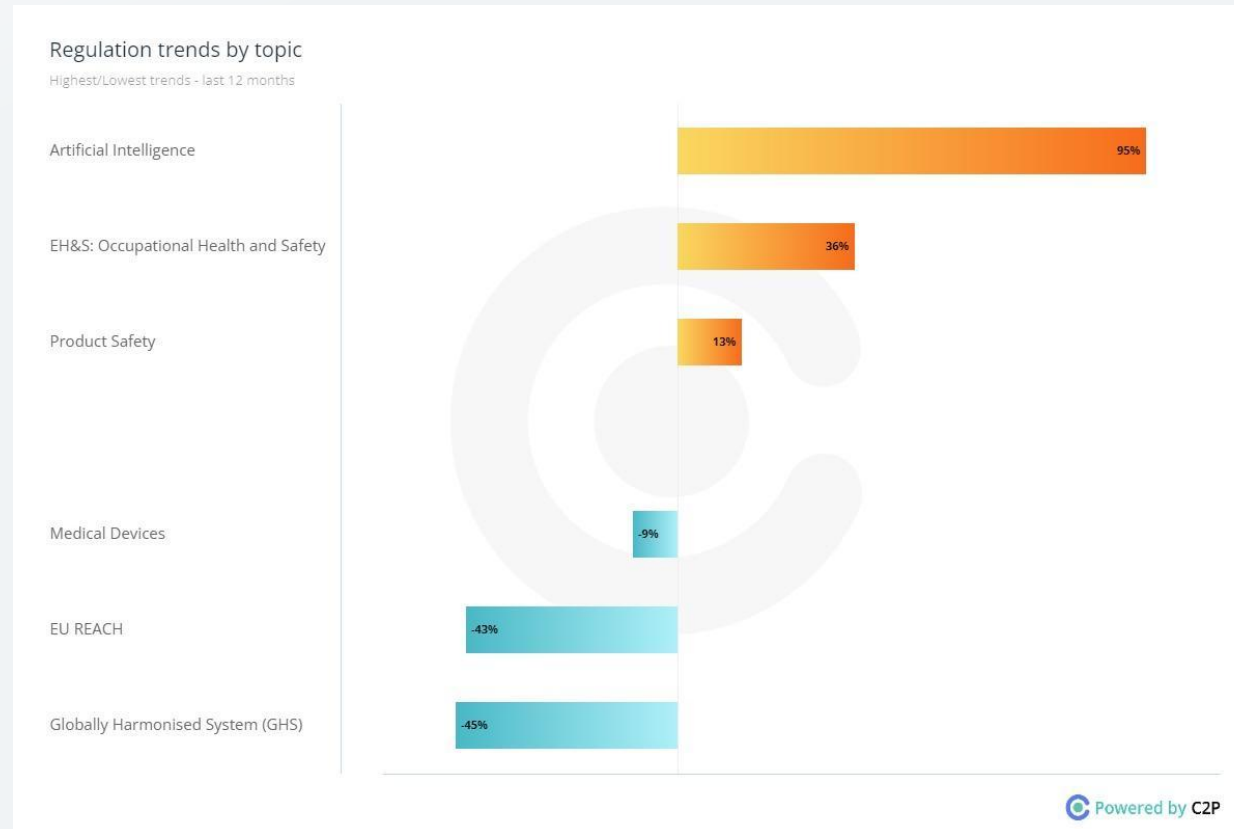


# Sector focus of product regulatory developments





# Some topics more growth than others



# Jurisdictional examples: **EU legislative changes**

→ | [complianceandrisk.com](https://complianceandrisk.com)



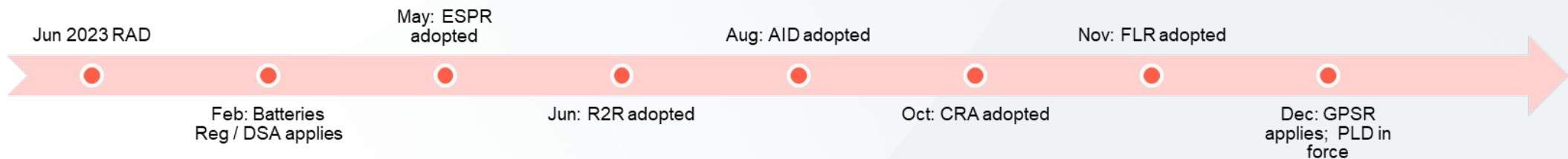
# 2024 Product Regulatory Developments

Representative Actions Directive (RAD)



2024 – a milestone year in product regulation in the EU

- Increased regulation across the board and/or significant revisions
- New and expanded obligations
- Greater accountability



# Expanded regulations in product compliance

## Against the backdrop of expanded liability measures



Overlapping and interwoven nature of product regulation.

- Themes:
  - General safety
  - Protection of consumer
  - New technologies
  - Sustainability
  - Supply chain

## GPSR

- Motivation
- Regulation v Directive
- Products in scope
- Product requirements
- Online sales
- Post market provisions

## PLD

- Motivation
- Definition of product
- Expansion of liability
- Burden of proof
- Damages
- No value threshold for recovery

# Jurisdictional examples: **UK legislative changes**

→ | [complianceandrisk.com](https://complianceandrisk.com)



# UK Legislative Changes

## Product Security and Telecommunications Infrastructure Act 2022 (PSTI)

- Associated regulations
- Increased requirements for connected products
- A glimpse of the approach to be taken for the new PSMB?

## Product Safety and Metrology Bill (PSMB)

- New framework law & likely only a starting point
- Cross cutting hazards
- Digital labelling

# Global legislative changes

→ | [complianceandrisk.com](https://complianceandrisk.com)





# Global Developments

USA: Proposed Consumer Advocacy and Protection Act;  
Cosmetics Regulation

Australia: Review of Online Safety Act, Treasury Laws Amendment  
Bill 2024 – Product Safety Regulation

Japan: Proposal for Basic Law for the Promotion of Responsible of AI

Switzerland: Product Safety Act revisions

# Trends in legal risks

→ | [complianceandrisk.com](https://complianceandrisk.com)



# Legal risks in the “new age”



**Legal obligation triggered (corrective action and regulatory reporting)**



**Regulatory investigation and enforcement**



**Civil litigation including group (or “class”) action**

# Corrective action and regulatory reporting

## Triggering of legal obligations

General increase in corrective action and regulatory reporting – 7,000+ recalls notified via EU Safety Gate in first 6 months of 2024 (a record-breaking year)

Thresholds for reporting/corrective action changing

Increasingly divergent approaches globally

Increased number of actors in the supply chain responsible separately for obligations

Increasingly complex and voluminous requirements

# Regulatory investigations and prosecutions

01. Jurisdictions with focus on enforcement vs increased regulation
02. Publication of enforcement policies and practices
03. Overlapping laws and multiple regulators
04. Publicity and damaged brand reputation
05. Financial and criminal sanctions applicable



# Litigation

01. Convergence between litigation and regulation
02. New causes of action / rights of recovery outside product liability regimes
03. Reversal of onus of proof / lower proof threshold for claimants in product liability
04. Rise of class actions



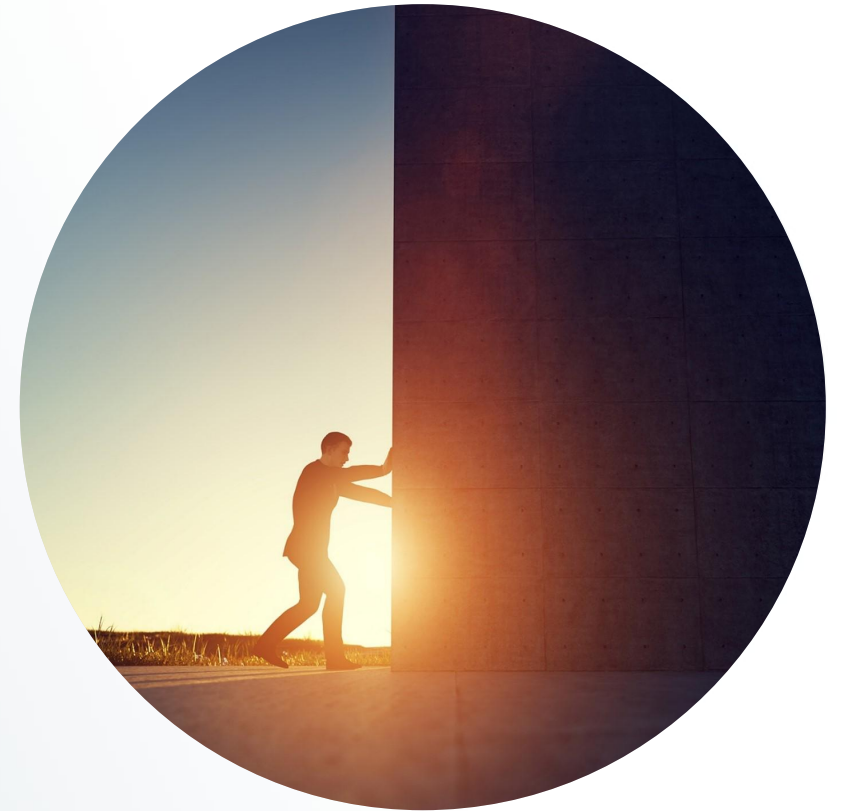
# Future predictions

→ | [complianceandrisk.com](https://complianceandrisk.com)



# 2025 and beyond

01. Increased corrective actions and regulatory reporting
02. Determination of enforcement practices for new or greatly changed regimes
03. Increased use of regulatory investigations and decisions as a basis for civil litigation
04. Increased class actions
05. Forum shopping in litigation
06. Change of global trend for leaders in litigation





# Mitigation strategies

→ | [complianceandrisk.com](https://complianceandrisk.com)



# Future-proofing

## Minimising product regulatory and litigation risk

### 01

#### Review supply chains

Review contracts to ensure they effectively manage any regulatory action and/or civil liability. Ensure robust due diligence.

Responsibility and obligations of parties should be clearly defined, including information sharing.

Build and maintain strong working relationships with suppliers to aid managing possible disputes or crises.

### 02

#### Review product portfolio

Check products against requirements under existing and new regimes.

Ensure timelines for new requirements are tracked and implemented into product development process (there is a lot of upcoming changes through to the end of 2026).

### 03

#### Track regulatory developments and litigation risks

Track applicable regulations and implementation timelines by jurisdiction.

Track relevant regulatory decisions and enforcement actions.

Track new emerging litigation risks, including class actions.

### 04

#### Review crisis management protocols

Review (or produce) crisis management protocols and test them.

Ensure effective information flow, systems and working relationships between internal compliance and legal teams.

### 05

#### Consider litigation strategy globally

Ensure disclosure and statements made across the jurisdictions are as streamlined as possible to normalise litigation risk strategy

Ensure the above mitigating strategies are applied on a regular periodic basis (at least annually)

Holistic Market Access Solutions

# A Smarter Way to Manage Product Compliance

→ | [complianceandrisks.com](https://complianceandrisks.com)



# Supporting Your Product Compliance Journey



Identify Relevant Regulations



Upcoming & Proposed Regulatory Changes



Communicate Compliance Requirements

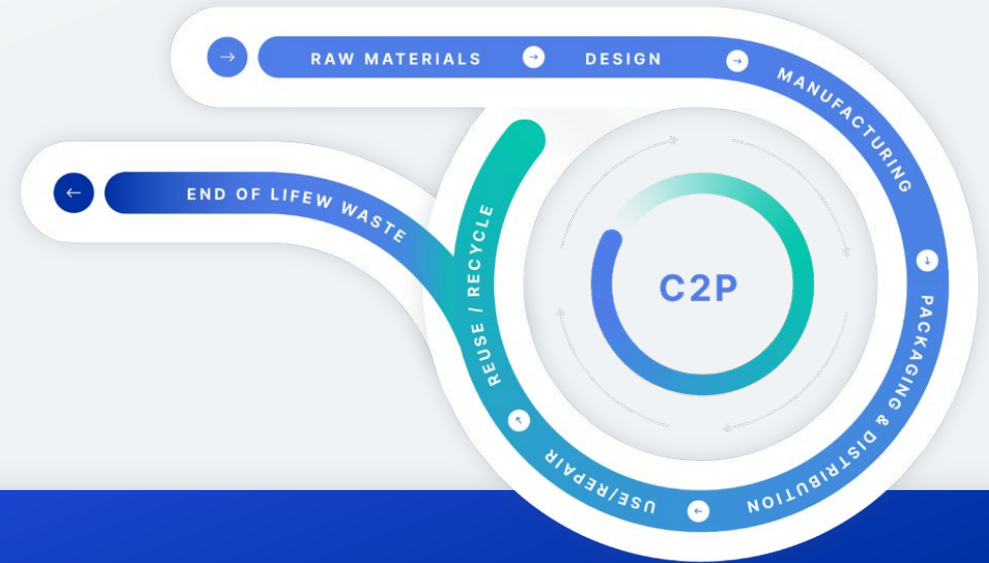


Manage Evidence Documentation



# Extensive Regulatory Content Coverage

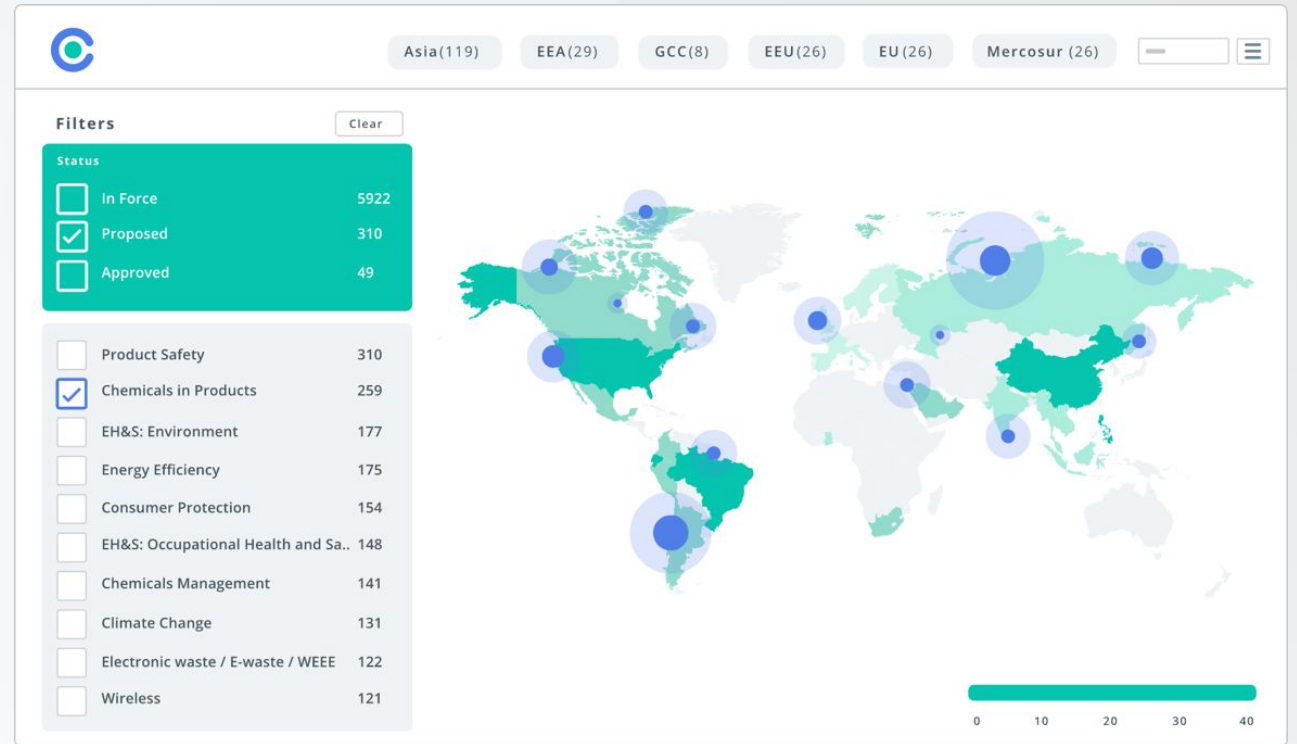
With C2P you have access to **100,000+** regulations, Standards & Product Requirements that enable you to gain and maintain market access for all your products globally.



- Artificial Intelligence (AI)
- Batteries
- Brexit
- California Proposition 65
- Carbon Footprint
- Chemicals in Products
- Chemicals Management
- Circular Economy
- Climate Change
- Conflict Minerals
- Consumer Protection
- COVID-19
- Cybersecurity
- Data Protection
- Drinking Water
- Ecodesign
- Ecolabeling
- Electromagnetic Compatibility (EMC)
- Electronic Waste / E-Waste / WEEE
- Energy Efficiency
- Explosive Atmospheres / ATEX
- EU Reach
- Food Contact Materials and Articles
- Globally Harmonized System (GHS)
- Illegal Logging
- Nanotechnology
- Packaging
- Product Safety
- Single-use Plastics
- Transboundary Movement of Hazardous Waste
- Transport of Dangerous Goods
- Water Efficiency
- Wireless

# Manage all your Product Compliance in One Place...

- Design, build & collaborate on new products with confidence
- Keep all [compliance evidence](#) up to date & [live linked](#) back to their Regulations, Standards & Requirements
- Continually [monitor regulatory changes](#) & [keep ahead of proposed changes](#) before they happen



# Industry Coverage



**Consumer Electronics**



**Apparel**



**Household Appliances**



**Medical Devices**



**Home Furnishings**



**Automotive**



**Textile Manufacturing**



**Power Tools & Garden Machinery**



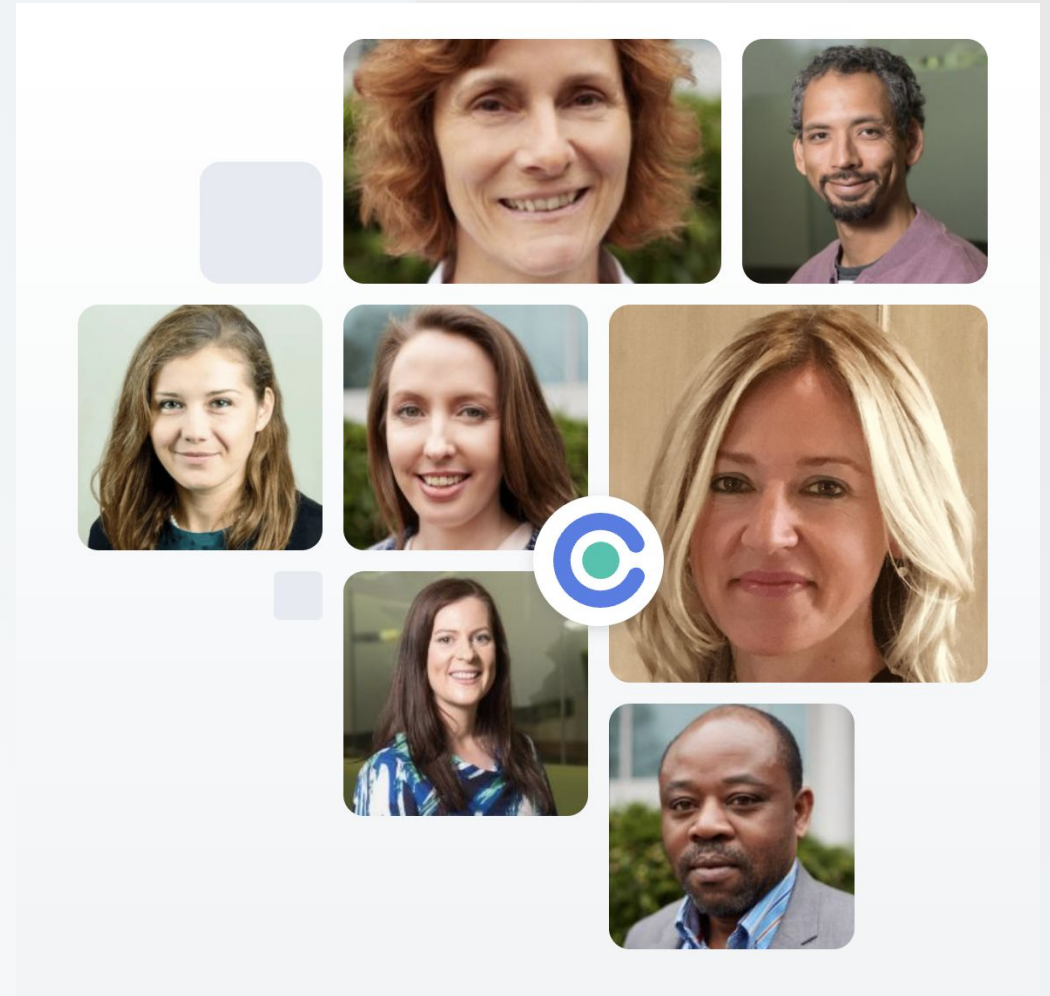
**Leisure & Sporting Equipment**



**General & Online Retailers**

# Ask our Experts at the click of a button...

- 40+ Subject Matter Experts
- Extensive Knowledge Partner network
- Expertise across products, geographies & policy areas
- Addressing questions on laws & regulations including purpose, applicability, requirements highlights & more.





# Questions?



# Thank you!



**Sarah-Jane Dobson**  
Partner,  
Ashurst



**Louise Forrest**  
Legal Consultant,  
Ashurst



**Orlaith Morris**  
Content Marketing  
Manager,  
Compliance & Risks

