

NEWS – ECIPE PRESS RELEASE – NEW OCCASIONAL PAPER

Consumer Protection in the Age of AI: Transposing the New EU Product Liability Directive in Sweden, Denmark, and Finland

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Brussels, 2 March 2026 – As Sweden, Denmark, and Finland prepare to transpose the EU's revised Product Liability Directive (PLD) into national law, [a new ECIPE study](#) argues the Nordic countries implementation of the directive will set a critical precedent for the rest of the EU. The report, Consumer Protection in the Age of AI, argues the Directive's shift towards a US-style litigation model could threaten the proven and trusted consumer protection systems in Sweden, Denmark, and Finland.

Extending strict liability to software and AI could open the door to mass litigation, forcing companies to divert resources from R&D to legal defence. This would come at a significant cost to the Nordic region's research-intensive economies, with projected losses in market capitalisation for top R&D investors equivalent to several years of public R&D spending.

The study argues the EU PLD clashes with the successful Nordic tradition of public oversight by Ombudsmen. This system resolves disputes efficiently and enjoys high public. Imposing a litigation-heavy framework on this model represents an unnecessary risk which undermines a system that provides superior consumer protection at a fraction of the cost.

"The PLD is a complex regulation that runs directly counter to the European Commission's and EU countries agenda of regulatory simplification and enhancing economic competitiveness", said Fredrik Erixon, Director at ECIPE and co-author of the study. ***"At a time when the EU has committed to slashing***

administrative burdens, this Directive adds layers of legal uncertainty that will weigh down our most innovative companies."

Agata Boutanos, CEO of the European Justice Forum that commissioned the report, added, ***"To prevent the new rules from fragmenting the EU's Single Market, we urge the European Commission to issue clear interpretive guidance. A harmonised approach is essential to clarify the vague terms and ensure that the Directive is implemented in a balanced way that does not encourage forum shopping or harm the EU's economic competitiveness."***

Francisco Marti, Head Legal Key Markets at Sanofi, a member of the European Justice Forum, commented, ***"We trust the Nordic EU Member States will strike the right balance in the implementation of the Product Liability Directive. Consumers must be confident that they are protected in an increasingly digital and AI-driven marketplace, but this protection must go hand in hand with a legal framework that preserves legal certainty, supports innovations, and safeguards the global competitiveness of European companies."***

The report concludes with a call for Nordic policymakers to transpose the PLD cautiously, preserving the development-risk defence, avoid any reversal of the burden of proof, and ensuring the Directive's coherence with existing national laws. It advocates for maintaining the Ombudsman-centred model as the primary channel for consumer redress, reinforcing a system that has successfully protected both consumers and innovation for decades.

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