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Product Safety, Liability and Recall
Predictions 2026

UK reform is likely to align with the European Union on product liability

The UK's anticipated product liability reform will likely create some form of alignment with the updated EU Product Liability Directive. Such a move will promote regulatory stability for businesses operating within both jurisdictions. The Law Commission announced a review of the law relating to product liability in July 2025, emphasising technological developments that require an updated regime in the UK. Any legislation introduced because of the Law Commission project and any subsequent government consultation is likely to contain similar provisions to the Product Regulation and Metrology Act. That Act ensures that UK law could be updated to recognise new or updated EU regulations on product safety. Similar provisions in any product liability legislation may consider alignment on issues such as a wider definition of product, the burden of proof, and when a product is considered to be defective.

Expect lithium-ion batteries sold online to be the focus of new regulation

Measures will be introduced to regulate the sale of lithium-ion batteries used in e-scooters and e-bikes via online marketplaces. Much of the discussion surrounding the passing of the Product Regulation and Metrology Act focused on the ability of the government to introduce measures to help with growing safety concerns over fires caused by lithium-ion batteries purchased online. While a private member's bill sought to address this issue, the Product Regulation and Metrology Act now offers the legal basis for specific lithium-ion battery regulations, particularly for e-bikes. Beyond the well-reported concerns around lithium-ion batteries and micromobility, insurers will also need to continue to be mindful of developing risks in other areas. In particular, the use and storage of lithium-ion batteries has been linked to several fires in residential properties, personal and business storage facilities and marine cargo.

Products risks in the UK and Europe will mirror actions from the United States

As collective redress becomes normalised, product liability class actions will increase in the UK and Europe, mirroring multidistrict litigation in the United States, where many of the claims allege some form of product defect or consequent illness. Claimant representatives in the UK and Europe will be closely watching developments in GLP-1 drug and ultra-processed food litigation in the United States in 2026. However, several product liability actions are already progressing here, with claimant firms announcing the commencement of an action alleging links between certain cancers and the use of talcum powders and further possible actions involving similar allegations for hair relaxing chemicals. Although the standard causation challenges will remain in these actions, other United States actions may prove more fruitful. Combat arms earplugs linked to a US$6 billion settlement in the United States are now under scrutiny across the Atlantic, with an action underway in the UK. Similarly, a cross-border representative action is underway in Italy concerning allegedly defective CPAP ventilator machines and the release of potentially harmful particles. A similar case in the United States led to a US$1.1 billion settlement in April 2024.

The MedTech and NHS sector is set to benefit from new reforms

Following on from the government's agenda in the UK's Life Sciences Sector Plan and the 10 Year Health Plan for England, the ongoing reform of medical device regulation in the UK will develop in the coming year. The Medicines and Healthcare products Regulatory Agency has published its consultation outcome on future routes to market and it has announced a consultation on the indefinite recognition of CE-marked medical devices. These initiatives will reduce barriers to market entry with the aim of delivering the latest technologies to patients faster, while also helping boost the MedTech sector. The headline changes include a new international reliance framework, giving patients access to new medical devices approved as safe by trusted regulatory partners such as the United States, Australia and Canada, and removing the requirement for UKCA marking once the proposed system of 'Unique Device Identification' is in place. Indefinite recognition of CE-marked devices would be a welcome move for the industry and safeguard the supply chain and thereby patient access.

National Commission set to regulate AI in healthcare

A new National Commission will help accelerate safe access to AI in healthcare and across the NHS by advising the Medicines and Healthcare products Regulatory Agency on a new regulatory rulebook. With expertise from global AI leaders, clinicians and regulators, the Commission will immediately look at tech that is being held back due to regulatory uncertainty, like AI assistants for doctors. AI ambient voice technology or AI scribes can record and summarise discussions between doctors and patients. This reduces admin and means more people can be seen by clinicians and that they can spend more time focusing on patients. If cutting-edge AI technologies are to be safely and effectively integrated into everyday healthcare, AI regulation must ensure patient safety and public confidence by getting regulation right.

For further information or enquiries, please contact:

Mark Kendall
Partner
mkendall@dacbeachcroft.com

Sherry Goodman-Smith
Partner
sgoodmansmith@dacbeachcroft.com

Stephen Turner
Legal Director
sturner@dacbeachcroft.com

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