

Beschlussempfehlung und Bericht des Ausschusses fuer Recht und Verbraucherschutz

PRIMARY

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Drucksache 21/8429, 21. Wahlperiode, Vorabfassung, 7 October 2026. Beschlussempfehlung und Bericht of the Ausschuss fuer Recht und Verbraucherschutz (6. Ausschuss) on Drucksache 21/4297, 'Entwurf eines Gesetzes zur Modernisierung des Produkthaftungsrechts', implementing Directive (EU) 2024/2853 and replacing the 1989 Produkthaftungsgesetz.

Committee result: adoption as amended, with CDU/CSU, SPD and Buendnis 90/Die Gruenen in favour; AfD and Die Linke abstaining. A resolution asks the government to examine liability insurance for authorised representatives of non-EU manufacturers.

Provisions relied on here:

- Paragraph 2(1) Nr. 3 includes software in the definition of product. Free and open-source software developed or supplied outside a business activity is excluded.
- Paragraph 7(3) requires considering a product's ability to learn or acquire new functions after it is placed on the market.
- Paragraph 19 lets a court order disclosure of evidence on a plausible claim. The committee amendment extends this to evidence held by third parties, with the ZPO right to refuse testimony applying. Trade secrets get a separate evidentiary procedure and natural persons of the parties can be excluded from access.
- Paragraph 20(1) presumes a defect where the defendant fails to disclose despite a court order, where the product does not meet mandatory safety requirements, or where an obvious malfunction caused the harm. Paragraph 20 was unchanged by the committee.
- Paragraph 23: products placed on the market by 8 December 2026 remain under the old law.
- Art. 17(1): the law takes effect 9 December 2026, matching Art. 22(1) of the Directive. Art. 2 and Arts. 5-16 take effect the day after promulgation.

The explanatory text says the law reaches manufacturers of AI systems through the software inclusion; the operative text does not name AI.