



Compliance & Risks **Ashurst**

Webinar

Mixed Signals: Managing Product Compliance in an Era of Instability and Growing Divergence

8th April, 2026



→ | complianceandrisk.com



Q&A
Session

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Recording



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Meet the Team



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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

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 **MOTOROLA**

EPSON®



 **Abbott**

FUJITSU



BELDEN

PHILIPS

logitech

XEROX®

Thermo
SCIENTIFIC

Lenovo

GARMIN™



115K⁺
Regulations

195
Countries

10⁺
Industries

28
Languages

30
Global
Network
Partners

10K
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.



Agenda

- 01. Introduction**
- 02. The Modern Product**
- 03. Key Disruptors in 2026**
- 04. Legal Risks in the Modern World**
- 05. Strategies to Mitigate Legal Risks**
- 06. Future Developments**



Introduction

01

Introduction

Who we are



Sarah-Jane Dobson

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“Sarah-Jane does not just do product liability matters, but she really understands them. She is bright and hard-working.”

Chambers & Partners UK 2025 - Product Liability



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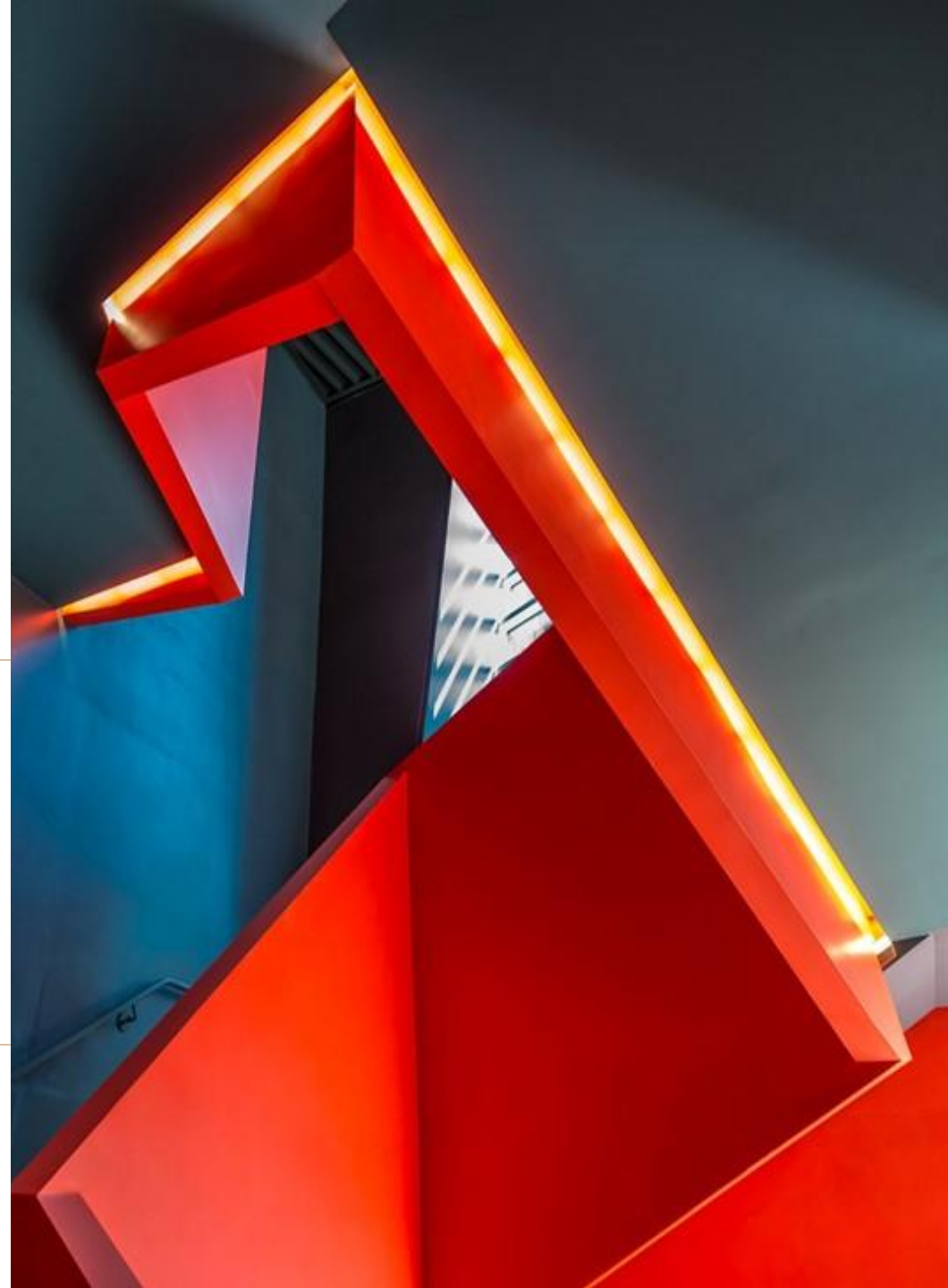
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“Ashurst provide deep product regulatory knowledge and practical, actionable strategies. Their collaborative approach fosters a true partnership, delivering expert insights.”

Chambers & Partners, Product Liability: Mainly Defendant, UK 2026

“Ashurst's key strengths are their knowledge, expertise and practical advice. The firm has an impressive team capable of handling very complex matters”

Chambers & Partners, Product Liability: Mainly Defendant, UK 2026



The Modern Day

02

The Modern Product



The Modern World



Key Disruptors

03

Geopolitical Environment

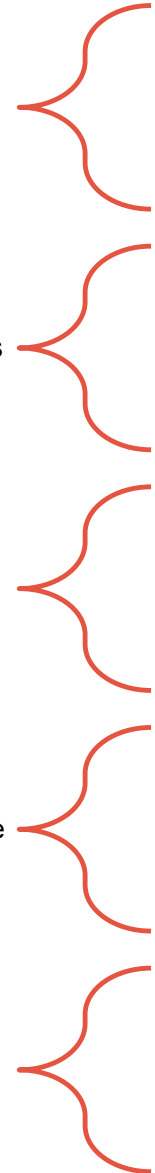
Conflicts and disputes

Reduced global mobility and travel disruptions

Trade wars

Supply chain disruptions/ reduction in choice

Pricing changes (increases)



Legislative Developments

Review and/or changes to all legislative regimes, from regulatory to liability

Introduction of new regimes and/or legislation in respect of product regulatory and/or liability matters

Ad-hoc, changing and unpredictable practices of legislatures in respect of legislation making

Divergent approaches and introduction of local requirements

Lack of guidance or timely guidance produced to interpret new requirements

Lack of infrastructure to support newly developed regimes or changes

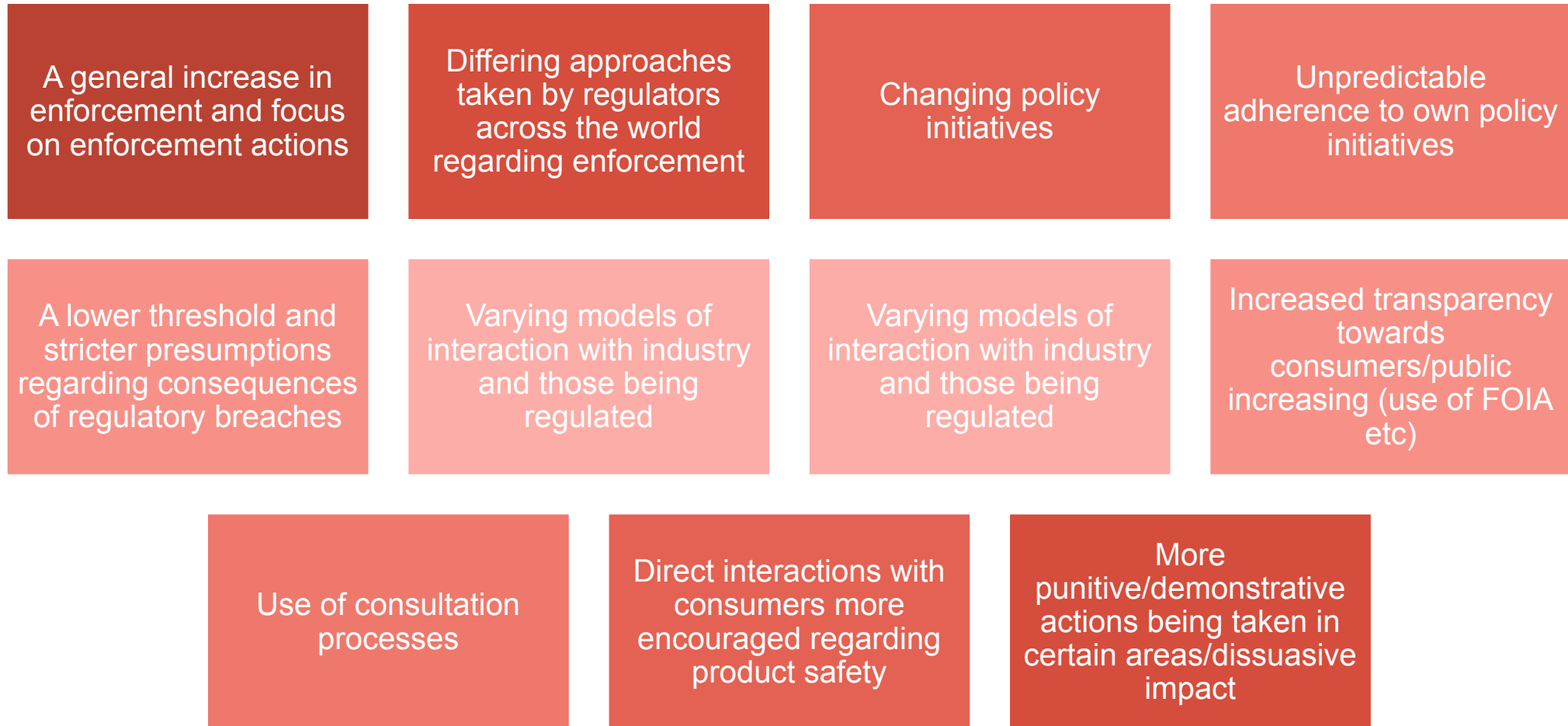
Full product lifecycle taken into account and legislated

Central legislation being developed outside product regulatory framework

Legislating ahead of anticipated industry adaptations

The varying impact of lobbying (consumer vs industry)

Regulator Approach



Liability Trends

- Growing links between regulatory breaches and civil liability
- Increased consumer action
- Development of collective action/class action regimes
- Development of new heads of damage and causes of action
- Broadening of liability generally – to new entities, product types
- Broadening of exposure



Legal Risks

04

Potential Legal Exposure



Regulatory enforcement

Including market surveillance, written warnings and mandatory recalls



Civil liability

Including consumer claimed, supply chain disputes and shareholder claims



Criminal liability

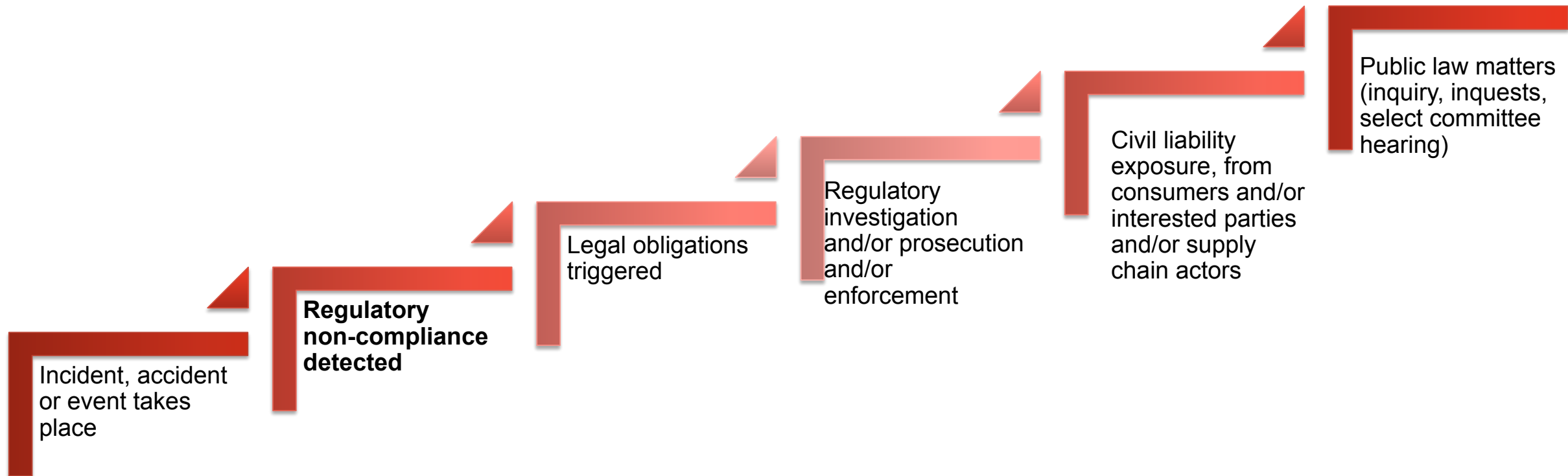
Which can extend to corporate entities and to individual executives



Reputational damage

From adverse publicity, this can often be the most commercially devastating

Products Related Legal Issues



Strategies to mitigate legal
risks

05

Mitigation Strategies

Overview

01

Review supply-chains

Review contracts to ensure they effectively manage any regulatory action, recall and/or civil liability.

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 (e.g. U.K. PSTI and EU GPSR, battery and Eco-design).

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

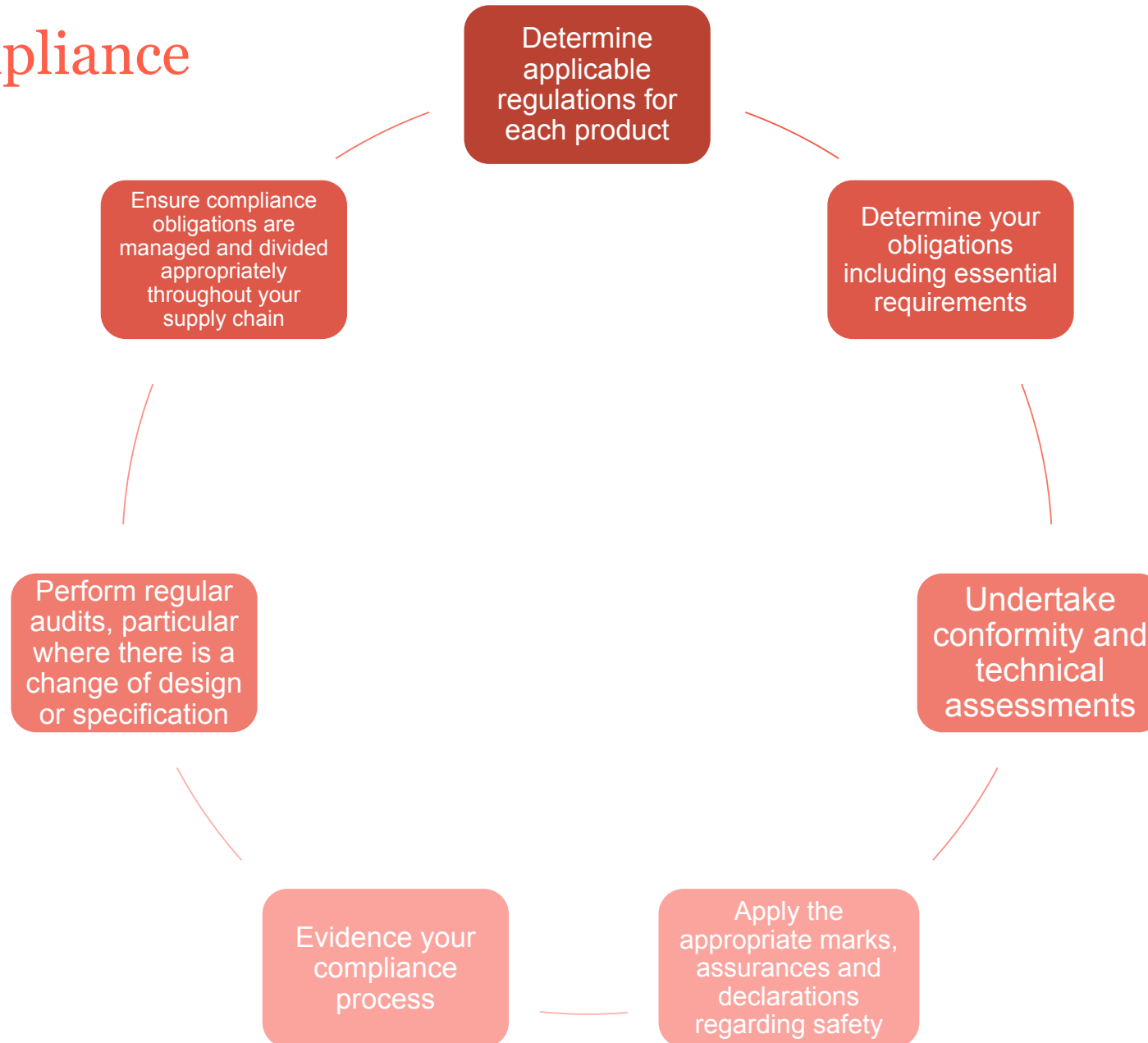
Review (or produce) crisis management protocols and test them.

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

Develop suitable document retention policies, particularly for sensitive information.

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

Product Compliance



Document and Contractual Considerations

Document drafting and retention

Warranties and representations

Indemnification and liability

Quality control and testing obligations

Product recall and cooperation clauses

Insurance

Dispute Management and Resolution

1

Managing your information and documents effectively

2

Knowing your potential claims and claimants

3

Establishing effective complaints and pre-litigation mechanisms

4

Maintaining expertise in civil litigation

5

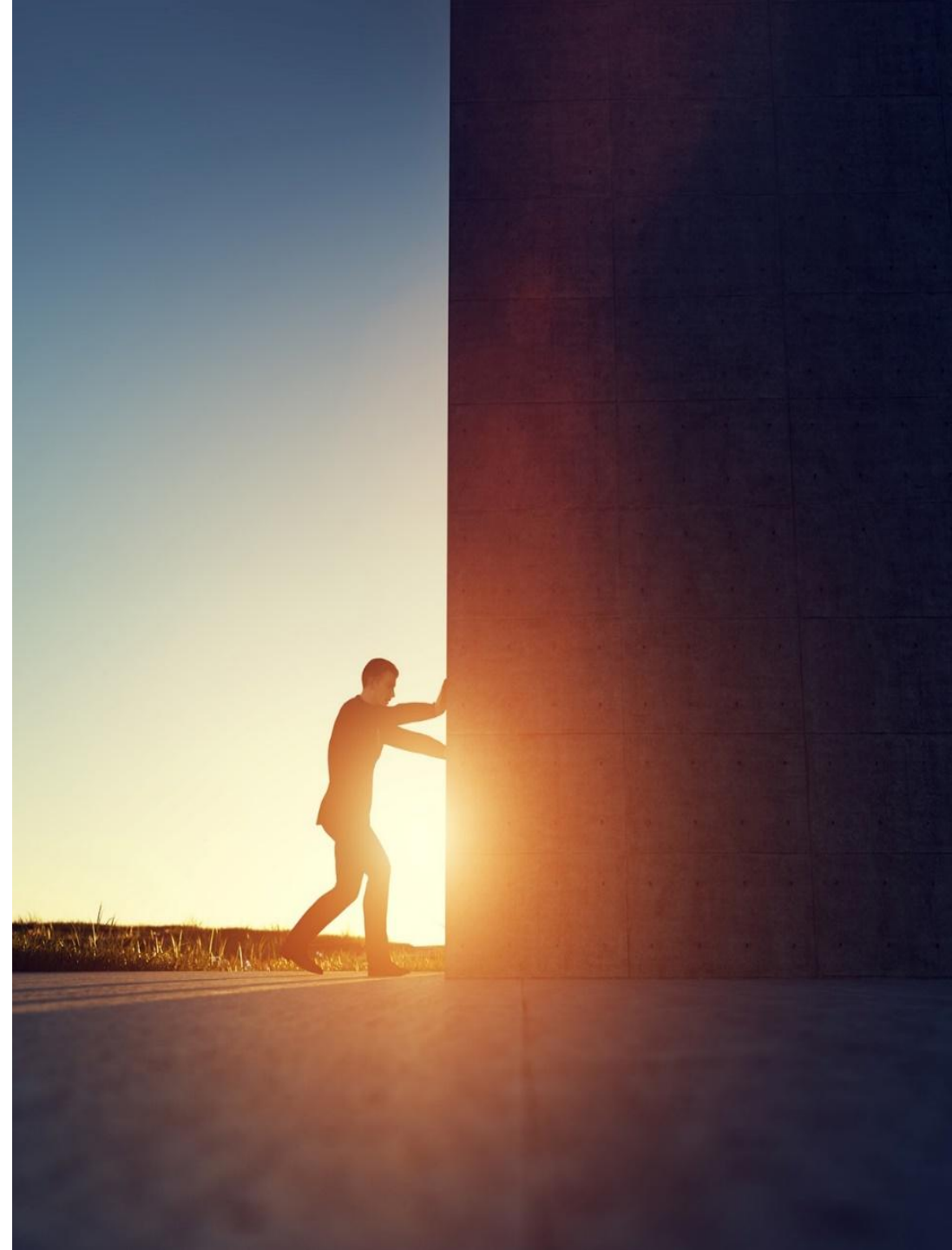
Considering appropriate insurance coverage

Future Predictions

06

Future predictions

1	Increased class actions in Europe, particularly in consumer and product liability spaces Reduced minimum damages cap creating a framework more analogous to UK CAT
2	Increased pan-European class actions and/or forum shopping Favouring jurisdictions with effective “opt-out” mechanisms.
3	Continued trend of US litigation leading to European litigation
4	New emerging trend of European litigation leading to US litigation. Disclosure/discovery requirements in the EU Revised PLD and country-specific legislation potentially making certain European jurisdictions a preferred test forum for certain class actions
5	Increased use of regulatory investigations and decisions as a basis for civil litigation



Questions?



Lets Talk



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