

Product compliance
Product safety
Product liability

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Lydian has a team of experienced product compliance, product safety and product liability specialists, advising on various aspects of product regulatory, liability and product safety. The whole lifecycle of products is envisaged:

- regulatory compliance, risk prevention and management during the product development, design and product launch phase
- advice related to any aspects governing the (international) supply-chain and distribution of products and product liability and/or product recall insurances;
- advice on how to manage product liability claims and measures in case of safety issues like product recalls (both vis-à-vis the public authorities as vis-à-vis contractual parties (suppliers, consumers)) and warnings;
- assistance in case of investigations conducted by the regulators;
- advice on how to deal with collective redress actions resulting from product liability;
- assistance on how to communicate with the public authorities and media in general in case of a recall;
- guidance on how to manage the relationship with the product liability and/or product recall insurer(s);

Our specialists are well aware of the sensitivities of each industry (food, automotive, healthcare, pharmaceutical products and medical devices consumer products such as household appliances, toys, electronic products, apparel...). Clients will benefit from a combined expertise in specific sectors and experience in contractual and regulatory product safety, liability and recall issues. Both elements are indeed essential to determine the best strategy for the case at hand. They are also very well aware of the insurance implications of product liability and product safety matters.

Product regulatory compliance and launch

The product development and product launch phase is crucial to limit future product liability and product safety risks. Our assistance starts well before the actual launch of the product on the (Belgian) market.

There are indeed a variety of legal, compliance and business aspects to take into account when launching a new (consumer) product like :

- regulatory (safety) aspects (including notably mandatory information, warnings to be affixed/mentioned on the labelling, user manual and/or packaging),
- possible communication with the public authorities /regulators for some products,
- commercial considerations (such as (commercial) warranty),
- language requirements,
- sustainability and recycling considerations (eco-design, repair, refurbishment, end-life products) and possible linked liability issues,
- IP issues,
- data protection or cybersecurity concerns in case of internet of things for instance...

Our team will be your primary advisor along the road to enter the Belgian market. We advise product designers, manufacturers, producers, importers and resellers / retailers.

Product liability disputes

We track legislative developments and provide guidance on the emerging and future regulations to help clients with the upcoming changes.

Our team has experience dealing with all the key aspects in product liability and product recall including:

- Risk management and contract drafting: drafting tailor-made contracts for the production and/or distribution of our clients' specific products, including sound terms and conditions limiting our clients' liability to the extent possible; advising clients during contract negotiations in the upstream and downstream supply-chain;
- Out-of-court dispute resolution and litigation/arbitration: litigation or arbitration can create uncertainty and is often not the preferred way to solve conflicts in (long-term and cross-border) contractual relationships. Lydian therefore advises and assists clients in solving the dispute with the client's supplier or customer in the best possible circumstances, thereby taking into account legal and business considerations. If alternative dispute resolution turns out not to be the right fit, our clients can count on our broad litigation experience to deal with complex claims, judicial expertise before Belgian tribunals and courts, as well as in arbitration matters. We also have a strong referral network to count on for cross-border litigation and/or arbitration.
- Collective redress and individual consumer claims: Product liability claims do not only come into play between two professional parties in the (contractual) supply-chain; it also concerns individual consumers. The reputation of the product, and therefore, the client, might be at stake. Our team assists and represents clients confronted with collective redress and individual consumer claims.

Product liability and/or recall insurance

Assisting clients with crisis management also includes the communication and alignment of strategy with their product liability and/or product safety insurer(s). Given our vast experience and Tier 1 position in insurance law on the Belgian market, Lydian is a preferred partner of many insurers.

Our services include:

- Assistance in reviewing product liability and/or product recall policies;
- Coverage advice;
- (alternative) dispute resolution and arbitration, including coverage disputes.

A team with experience



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