

We thank you for your time spent taking this survey.  
Your response has been recorded.

Below is a summary of your  
responses

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## Overview

Since issuing a Call for Evidence in 2021, we have developed proposals for consultation, setting out the next steps in delivering on the Government's ambitions. In summary, we want to develop a product safety regime that:

- 1) **Ensures business obligations are proportionate to the hazard presented by their products, exploring how to** reduce compliance costs for lower risk products and make the conformity assessment process easier where possible.
- 2) **Shifts the balance between regulations and industry-led standards** to enable a more agile and responsive regulatory framework, allowing business greater scope to innovate when producing safe products.
- 3) **Uses digital solutions, such as voluntary electronic labelling,** to reduce business costs and explore how digital options can be utilised to reduce burdens.
- 4) **Addresses concerns regarding the ease with which unsafe products can be sold online,** creating a fairer playing field so that shopping online is as safe as on the high street.
- 5) **Enhances the leadership and coordination role of the Office for Product Safety and Standards** alongside addressing identified enforcement gaps

Safety and Standards alongside addressing identified enforcement gaps.

We want to ensure the new product safety framework works well both for consumers and business, and so we are seeking views from all stakeholders to help develop and design the detail of our new framework.

**This consultation will be open from the 2 August 2023 to the 24 October 2023.**

## About you

The questions below are about you and will help us with our analysis. Please let us know if you would like to be contacted with the consultation outcome.

### What is your name?

Name

### What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

### What is the name of your organisation?

Organisation

### What type of stakeholder are you?

Business

- Trade / Business Association
  - Professional Body
  - Legal
  - Consumer Safety Organisation
  - Local authority
  - Individual
  - other
- 

### **What is the size of your business?**

- Micro (0-9 employees)
- Small (10-49 employees)
- Medium (50-249 employees)
- Large (250+ employees)
- Not applicable

### **Are you happy for your response to be published?**

- Yes
- Yes, but without identifying information
- No, I want my response to be treated as confidential

### **Would you like to be contacted when the consultation response is published?**

- Yes
- No

**If you wish to submit a PDF response, please attach it below or click on the right arrow to continue on to the online survey.**

#### To note:

- If you would like to submit evidence via an attachment and still complete this online survey, then please attach your evidence at the end of the survey. If you attach a PDF response at this stage you will be redirected to the final submission page.

- For PDF submissions, we ask that respondents reference the question you are responding to in the consultation. Your response will be most useful if it is framed directly around the question posed.

Drop files or click here to upload

## Bringing products to market

Link to Gov.uk consultation document:

<https://www.gov.uk/government/consultations/smarter-regulation-uk-product-safety-review>

**(1) Are there any specific products where action within the current product safety framework could be taken to reduce business burden, encourage innovation and/or increase consumer choice without compromising safety?**

Please provide evidence to support your suggestion.

This reply is compiled from Scottish Community Safety Network's (SCSN) organisational knowledge – through an experienced staff team – and from the views expressed at a bespoke event, hosted by SCSN via the Home Safety Scotland (HSS) Forum for its network of local authorities and partners. Views expressed below reflect a synthesis of this. We are unable to provide specific products where action within the current product safety framework could be taken to reduce business burden, encourage innovation and increase consumer choice without compromising safety. We would like to see more action taken with regards to the charging of e-bikes and e-scooters to prevent fires in the home. The potential for the proposal of a new framework with singular legislative guidelines on a UK scale possibly presents an opportunity for this especially with the recent Mizanur Rahman fatal fire and the Coroner's Prevention of Future Deaths Report.

**(2) Do you agree that we should examine options for a framework where regulatory requirements are more closely linked to the risks of the product in question?**

- Yes  
 No  
 Don't know

Please provide reasoning (including relevant evidence), considering risks and benefits, to support your answer, particularly any positive impacts or downsides on you or other

## stakeholder groups

Yes. A Framework is needed that is flexible and responsive to risk. A current example, as reported in question 1, would be the charging of e-bikes and e-scooters that are linked to fires across the UK. If the framework is streamlined and responsive to risk, it would identify the products causing these fires and put restrictions or special measures in place to prevent the sale of these products.

### **(3) What role should standards and testing requirements play in supporting businesses to comply with the new approach?**

Please provide reasoning (including relevant evidence) to support your answer, particularly any positive impacts or downsides on you or other stakeholder groups

No product should enter the UK market that is unsafe and has managed to “slip through the net” because of the removal of some of the legislative requirements from the EU. Whilst we accept and understand a more streamlined approach, it cannot be at the expense of safety for the consumer. The standards and testing requirements need to be intelligence led. We agree with the indicators for the risk assessment process based on the type of product and the target consumer, for example, children’s toys must be of the strictest safety measures and testing because of age and risk to the child.

### **(4) What types and areas of guidance would most likely help you understand your requirements under any new framework?**

Please provide reasoning to support your answer

We believe that the guidance needs to provide examples of products subject of testing. In addition, the guidance needs to be organic, have proper notification processes for businesses to be aware of alterations, and in line with any EQHRIA completed especially for businesses who do not have English as their first language, or consumers who are visually impaired or who do not have access to the internet.

### **(5) Whilst anticipated costs and benefits would depend on the design of a new framework, what type of costs, quantified, if possible, would you anticipate in understanding a new framework?**

Please provide relevant evidence to support your answer or clarify whether this is from your own experience (for understanding, the process of familiarising yourself with a new framework and not the costs to comply with a chosen framework)

### **(6) Do you support the development of guidance to assist businesses in carrying out pre-market risk assessment?**

- Yes  
 No  
 Don't know

Please provide reasoning to support your answer, including any views on the most effective way to support pre-market risk assessments in the UK. Please provide relevant evidence to support your answer, particularly in relation to any impacts on you or other stakeholder groups.

Yes, the guidance is needed to set industry standards in terms of testing requirements. Businesses will need the guidance to ensure the testing they are conducting meet the refreshed UK standards. The guidance also needs to be organic reflecting new technologies for testing, or if risk attributed to certain products has increased. Businesses also need to be supported to report products that are unsafe or have failed their tests without anxiety or fear of punitive action.

**(7) Do you agree with the proposal to establish a derogation process to help ensure supply of critical products in emergencies?**

- Yes  
 No  
 Don't know

Please provide reasoning (including relevant evidence) to support your answer, particularly any impacts (business costs and benefits) on you or other stakeholder groups, and for any suggestions you have on key aspects of the design/implementation

Please provide reasoning (including relevant evidence) to support your answer, particularly any impacts (business costs and benefits) on you or other stakeholder groups, and for any suggestions you have on key aspects of the design/implementation. Yes, we agree with a derogation process with reservations. A lesson learned process will need to be completed for the purchasing of PPE during the Covid pandemic especially the purchase of PPE from European countries that did not meet the requirements of UK product safety regulations. We understand that there will be times when the UK government will want to interject on product need versus product safety however preparation and planning should be the priority before implementing a derogation process.

**(8) Are there other circumstances, in addition to those set out in this proposal, where a derogation process would be helpful?**

- Yes  
 No  
 Don't know

Please provide reasoning (including relevant evidence) to support your answer, including any specific examples of other circumstances in which a derogation process would be useful

Yes, it would be useful for more information on the mechanics for the derogation process including threshold levels and how long the derogation process is in place or reviewed. Further information on the impact of derogation on devolved nations would also assist, for example, if derogation is called for by a devolved nation, will the other nations need to accept the derogation or can they withdraw the support for their nation.

**(9) Are there any other mitigations we need to consider as we look to introduce voluntary e-labelling to devices with screens or designed for use with screens?**

- Yes  
 No  
 Don't know

Please provide reasoning (including relevant evidence) to support your answer, particularly any impacts (business costs and benefits) on you or other stakeholder groups, and for any suggestions you have on key aspects of the design/implementation

Yes, we consider the use of e-labelling will also need to be the subject of an EQHRIA. Our initial thoughts are that the groups most likely to be impacted include the visually impaired, people who do not have English as their first language and people who do not have access to the internet.

**(10) Are there other labelling requirements to which you consider that voluntary e-labelling could be expanded in future (to further types of statutory labelling requirements/additional product areas and/or to permit the use of QR codes)?**

- Yes  
 No  
 Don't know

Please provide reasoning (including relevant evidence) to support your answer, particularly any impacts (business costs and benefits) on you or other stakeholder groups, and for any suggestions you have on key aspects of the design/implementation

Yes, further labelling requirements should also include if the product has been subject of a previous product recall over safety fears. The use of the QR code should also be reviewed as it is likely that some consumers will be excluded for example, do not have a smart phone, or are digitally excluded.

**(11) What additional mitigation's, if any, do you think could be needed if voluntary e-labelling is expanded in future?**

- Yes  
 No  
 Don't know

Please provide reasoning (including relevant evidence) to support your answer, particularly any impacts (business costs and benefits) on you or other stakeholder groups, and for any suggestions you have on key aspects of the design/implementation

Engagement with consumer groups and diverse groups across the community to understand what works with the e-labelling system for their represented communities.

**Online supply chains**

Link to Gov.uk consultation document:

<https://www.gov.uk/government/consultations/smarter-regulation-uk-product-safety-review>

**(12) Do you agree with the proposal to clarify cooperation duties for new business models, particularly 'online marketplaces'?**

- Yes  
 No  
 Don't know

Please provide reasoning (including relevant evidence) to support your answer, particularly any impacts (business costs and benefits) on you or other stakeholder groups

Yes, we agree with the proposal of cooperation duties for new business models especially online marketplaces. This will also bring it in line with existing business models on the high street. Whilst we accept that most online marketplaces are reputable there are concerns that some products subject of a product safety recall or restriction are still sold online. There are concerns over some of the online marketplaces having base outside the UK and therefore outside product safety regulations and jurisdiction.

**(13) What practical considerations would Government need to take into account**



**if such cooperation duties applied to new business models in the online supply chain?**

Please provide your reasoning

Practical considerations would need to be to investigate where the company are based if it is in the UK or overseas and cooperation with Companies House with regards to the closure of one online marketplace only to morph into a new online marketplace.

**(14) Do you agree with the proposal to introduce due care requirements in relation to unsafe product listings?**

- Yes
- No
- Don't know

Please provide reasoning (including relevant evidence) to support your answer, particularly any impacts (business costs and benefits) on you or other stakeholder groups, and for any suggestions you have on key aspects of the design/implementation

Yes, we agree with this proposal with some reservations. Further information is needed for the data sharing opportunities with businesses. Businesses will need to be confident with the new system and processes especially with reporting an unsafe product to OPSS and not their local Trading Standards representative. Relationships may have been built with their local Trading Standards officer and this will be lost with some of the proposals reported.

**(15) Do you agree with the proposal to increase consumer-facing information on online product listings for higher risk products?**

- Yes
- No
- Don't know

Please provide reasoning (including relevant evidence) to support your answer, particularly any impacts (business costs and benefits) on you or other stakeholder groups, and for any suggestions you have on key aspects of the design/implementation

Yes, we agree with this proposal for consumer-facing information on the online product listings however there are a couple of points needing to be clarified. The first point would be the auditing and management of this process. Who has responsibility for checking that this information is online for the product being sold? If it is also accurate? The second point is for the EQHRIA and how this information is available to people who do not have English as their first

## **(16) What additional information would be useful to support consumers to purchase safe products?**

Please provide reasoning (including relevant evidence) to support your answer, particularly any impacts (business costs and benefits) on you or other stakeholder groups

What would be useful to support consumers to purchase safe products would be whether the product has been the subject of a previous product safety recall and if so, what modifications has taken place for the product to be declared safe. We do not know if there is capacity for consideration of a scheme which would mean an OPSS accredited marking as "safe and compliant" for example a "tick" or traffic light system.

## Compliance and Enforcement

Link to Gov.uk consultation document:

<https://www.gov.uk/government/consultations/smarter-regulation-uk-product-safety-review>

## **(17) Do you agree with the proposal to enhance the leadership and coordination role of OPSS?**

- Yes  
 No  
 Don't know

If you agree, which specific areas, duties or functions which would be most helpful to set out in guidance?

Please provide your reasoning (including relevant evidence) to support your answer and advise what organisation you are from.

Yes, we agree with the leadership and coordination role for OPSS although we believe there may be some reticence from businesses in devolved countries especially having built a relationship with local Trading Standards teams. We do accept that OPSS will have a UK focus and will be able to have an oversight of unsafe products. We also note that the proposed Product Safety Review does not provide information on engagement with the European Union we would like further information on the continued engagement with the EU to share intelligence / information on products.

**(18) Do you agree with the proposal to create a new legal data gateway?**

- Yes
- No
- Don't know

If so, what would you like shared e.g., in your role as market surveillance authority, business or consumer and how would you like access to it?

Please provide your reasoning (including relevant evidence) to support your answer

Yes, we agree with a new legal data gateway and the proportionate sharing of information and intelligence provided it is in line with current legislation and an appropriate auditing process to ensure that dated intelligence is removed. We support the intelligence being shared with front line operational officers to protect consumers from unsafe products entering the market.

**(19) Do you agree with the proposal to have a single point of contact for product safety recalls?**

- Yes
- No
- Don't know

Do you have any concerns with OPSS as single point of contact for business to notify all products as in the consultation document?

Please provide your reasoning (including relevant evidence) to support your answer

Yes, we agree with this proposal with some reservations. As the national coordination unit, we understand the reasoning for this proposal especially as this helps build the intelligence picture and support the information for the proposed legal data gateway. The reservations with this are the administrative processes. The collection of this data as worded within the consultation is a "single point of contact" however this can also lead to a single point of failure unless the administrative processes for this are sufficient in terms of business resilience. In addition, this is marketed for manufacturers and distributors therefore there will need to be sufficient resilience at OPSS to ensure this information is turned around quickly so that front line staff are aware of the recall. Our final point would be the marketing campaign for the change of process especially for consumer awareness and the medical profession who treat injuries because of a product malfunction. The proposal is directed at manufacturers and distributors, there needs to awareness raising for consumers and the medical profession alike so they can appropriately report product malfunctions.

**(20) Do you agree with the proposal to consolidate and align existing enforcement legislation?**

- Yes
- No

Don't know

What are the consequences for consolidating existing enforcement powers?

Please provide your reasoning, including any impacts this may have on you or other stakeholder groups

Yes, we agree with the proposal for consolidation and aligning enforcement legislation with reservations. The reservations we have are first to ensure any discretionary action taken is consistent and not dependent on the investigating officer involved. Second, that the legislation is consistent across the UK especially with the devolved nations, there cannot be differences between the interpretation of legislation between nations.

**(21) Do you agree with the proposal to introduce improvement notices, civil monetary penalties, and enforcement undertakings?**

- Yes  
 No  
 Don't know

How will these new powers assist in ensuring businesses meet their product safety obligations?

Please provide your reasoning (including relevant evidence) to support your answer

Yes, we support the proposal to introduce the improvement notices, civil monetary penalties, and enforcement undertakings with a couple of reservations. We are pleased to note that there is a right of appeal for the recipient however we believe education for the marketplace on the proposed changes will need to be undertaken so that manufacturers and suppliers are aware of the process. We would also ask for a consistency of approach across the UK.

**(22) Do you agree with the proposal to explore changing inspection powers?**

- Yes  
 No  
 Don't know

If there are substantial risks posed by home-based businesses, can the risk be balanced with the privacy rights of residents, when carrying out inspections?

Please provide your reasoning (including relevant evidence) to support your answer

Whilst we agree with the principle of exploring changing inspection powers, the inspecting powers should still be the subject of independent review by a legislative body. We believe that any approach to enter property, regardless of businesses being home based or an independent workplace, should still be the subject of a legally signed warrant and not in breach of Article 8 of the European Courts Human Rights Act and the right to live at home peacefully.

**(23) To inform consideration of whether the civil product liability regime remains fit for purpose, can you provide any examples where the current product liability regime:**

**(a) is unclear because of technological developments (e.g. lack of clarity about who is responsible for safety of an AI/smart product or when software is updated); or**

**(b) doesn't enable consumers to seek fair redress; or**

**(c) doesn't provide businesses with clarity and confidence to develop new products?**

**Almost done...**

You are about to submit your response. By submitting your response you give us permission to analyse and include your response in our results. After you submit your response, you will no longer be able to go back and change any of your answers.

If you wish to submit additional evidence to support your answers in the survey, then please attach it below (please clearly reference the question you are providing evidence against). If you have any further questions after submitting your survey response then please contact [productsafetyreview@beis.gov.uk](mailto:productsafetyreview@beis.gov.uk).

Drop files or [click here to upload](#)

