

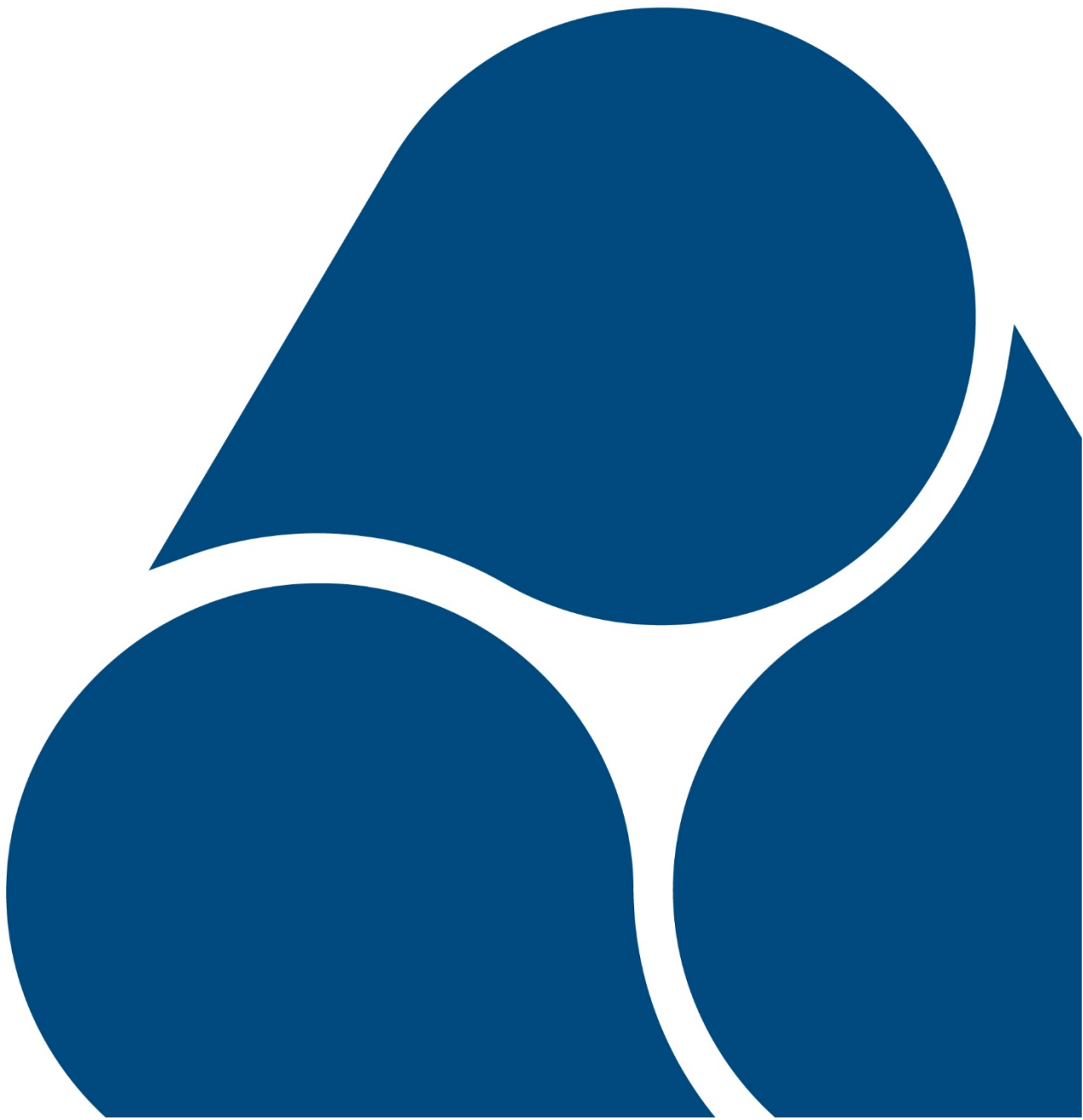


Office for Product
Safety & Standards

UK Product Safety Review

Call for Evidence Response

November 2021



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Introduction

This is the government's analysis of responses to the Call for Evidence on product safety. This document is a high-level summary, and forms part of an ongoing review into the existing product safety framework that builds on our current activities and engagement in relation to product safety. The government will use the information supplied, alongside wider evidence and research, to shape policy proposals for the UK's future product safety framework to ensure it is future facing and optimised for UK consumers, businesses, and enforcement agencies.

Background to the Call for Evidence

The government is committed to ensuring that only safe products can be placed on the market now and in the future. Effective product safety regulation is essential for public protection, ensuring fair competition, consumer confidence and supporting innovative and safe products to reach the market. Government also has the opportunity to regulate product safety in a way that supports our Net Zero ambitions. In March 2021, we published a Call for Evidence to explore how a long-term approach could best:

- continue to protect consumers from unsafe and non-compliant goods.
- be sufficiently simple to follow and flexible enough to be able to take account of new risks and opportunities, so it delivers both safe outcomes and supports business growth and innovation.
- respond quickly to new and emerging threats, and opportunities for product safety, including digital technologies and new models of supply; and
- support both regulators and business to be open and transparent about product safety so consumers can make informed decisions.

What we asked

The questions in our Call for Evidence focused on five key themes where we wanted your insight and evidence:

- Product design, manufacture and placing on the market
- New models of supply
- New products and product lifecycles
- Enforcement considerations
- A diverse and inclusive product safety framework

The list of questions in each category can be seen in Annex A. To raise awareness of the Call for Evidence and enable more detailed conversations, the Office for Product Safety and Standards (OPSS) held virtual events with a range of stakeholders. Feedback from these events is reflected in this document. The government will continue to engage with stakeholders as we develop our policy thinking.

Scale of responses

The Call for Evidence received 158 responses. A list of organisations who provided submissions and were content to be identified can be found in Annex B.

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- Submissions included those from:
 - 35 trade associations
 - 20 local authority trading standards
 - 18 manufacturers or distributors
 - 18 consumer and safety organisations, and charities
 - 11 approved bodies or testing houses
 - 10 professional or membership bodies
 - 7 online marketplaces and platforms
 - 7 law firms
- Though businesses were represented through trade associations, the number of responses from individual businesses – particularly smaller businesses – was much lower. We also recognise that the views we heard came largely from existing businesses who are already active and established in these sectors. The views of smaller businesses were heard during roundtable discussions. We held 8 roundtables, 5 covering specific themes such as enforcement and online, and 3 general ones. Over 80 organisations attended. Further attempts will be made to seek views from small businesses and the views of emerging and disruptive enterprises, as the review progresses. Similarly, we want to work with a broader range of consumer voices, including those representing more vulnerable consumers, as we progress.

Key themes raised

Outcomes-focused, risk-based approach

The UK's system of regulation was not designed with today's models of supply and products in mind and many respondents recognised that it is coming under significant challenge and change is needed to modernise and maintain our global position. Respondents noted that there are aspects of the existing framework that function well, including that the underpinning principles of the approach are well established and globally recognised. When it works well, our outcomes-based framework, supported by voluntary product standards, can be an enabler of innovation by allowing manufacturers flexibility in how they meet essential safety requirements. However, the system could be more explicitly based on risk, with higher requirements for tests, assessment and transparency for products presenting greater inherent hazard and, where relevant, higher levels of risk in the supply chain.

Respondents shared their views on how technological innovation has revolutionised the way we buy products but has also created global challenges and opportunities for regulators. They drew particular attention to the accelerating growth of online markets and the growth of sales through third-party listings on online marketplaces and platforms, and consumers buying directly from abroad. This poses a challenge to the supply chain responsibilities set out in the current UK legal framework, the ability of authorities to take enforcement action, and ultimately to consumer safety and consumers' ability to seek redress when something goes wrong. Change is needed to ensure that markets remain fair, that enforcing authorities can take proportionate action and consumers are protected.

Serious challenges and opportunities

Respondents told us that the current system is coming under a mix of other serious and unprecedented challenges. There is likely to be further, potentially rapid, supply chain and product innovation, building on the growth of eCommerce in recent years and encompassing new combinations of technology with both the physical and virtual worlds. We cannot precisely predict the direction these innovations will take, so our future framework must be made more adaptable and responsive to avoid the development of gaps in enforcement and to facilitate safe innovation. We heard that respondents would like government to go further to understand the product safety challenges faced by consumers at points of vulnerability, as well as expanding access to data and evidence to support and improve decision making. Supporting the transition to Net Zero will bring changes to products, relative risks and supply chain issues. As products become increasingly energy and resource efficient, with longer product lifecycles and greater ability to repair and reuse, it is important that consumers can have confidence in their safety so that the environmental benefits of these trends are fully realised. On all of this, the government has an opportunity to regulate in a way that is forward thinking, building in flexibility to protect consumers and maximise the advantages of regulatory autonomy to optimise our rules for UK consumers, businesses, and enforcers.

Simple, proportionate and consistent

We heard that there is a need for greater simplicity, proportionality and consistency across legislation and powers. Many businesses who already use the system told us about aspects of the current framework that work well. They highlighted the scenarios in which self-declaration and using standards that offer a presumption of conformity can support business compliance and efficiency. But to prioritise growth and unleash innovation, respondents told us that we must ensure the future framework is as simple and proportionate as possible.

For example, the current map of product safety legislation is large and, like much of the EU law on our statute book, complex. We heard that it could benefit from greater consistency, coherence, and clarity in certain areas, including legal definitions and enforcement powers across legislation, while also ensuring that regulation is always well-aligned with real life levels of inherent hazard and supply chain risk.

Analysis of responses received to each section

1. Product design, manufacture and placing on the market

Understanding and strengthening the current framework

When asked if the current UK framework is easy to understand, most stakeholders suggested that while current rules are familiar and generally understood by businesses who use them regularly, it could be made simpler. Businesses and trade associations believe that the principles underpinning the current UK product safety system are strong – notably outcomes focused essential safety requirements, set out in law by product sector. While the system is globally respected, respondents suggested that simplification could particularly benefit small and medium sized enterprises (SMEs) and new entrants to understand their obligations which in turn could drive innovation. Consumer groups told us that simplification would also help consumers to better navigate the system and access recourse, if needed. Some enforcement authorities¹ remarked that making the system easier to navigate, could help enforcement officers to deploy the appropriate powers at their disposal more consistently.

Respondents suggested ways to make the current system simpler and consistent, including to consolidate existing legislation – which currently runs into many hundreds of pages – and establish more consistent legal definitions across the 20+ product sectors in scope. Further guidance and educational measures were also mentioned as useful tools to help both consumers and businesses understand their rights and obligations.

When asked to identify specific areas of the current framework that could be strengthened or improved, a number of respondents highlighted issues with the General Product Safety Regulations 2005 (GPSR), a set of legal requirements for products that do not have specific product legislation. Issues raised included requests for greater clarity over legal definitions, a review of the products in scope of the GPSR and updating of obligations for economic operators to ensure it aligns with today's business models (See Annex C for current definitions). Consumer groups and some trade associations suggested that high-risk items such as certain childcare goods (clothing and push chairs were mentioned several times), would be better addressed via product specific regulations. Manufacturers noted that it was not always easy to identify the correct requirements for products that straddle multiple product sector regulations, and how regulations interact with each other. One example that was mentioned more than once was the interaction between Outdoor Noise and Machinery Regulations, where respondents noted possible overlapping requirements between the assessment of sound power and environmental noise.

Although there are cross cutting regulations, most current product safety legislation is made up of product specific regulations, targeted at the product itself. When asked about this balance and whether regulation should be targeted more at the product itself or the manufacturer's systems that produce it, most stakeholders felt that it would be best to have a risk-based and proportionate approach that targeted both.

¹ Enforcement of product safety at a local level is primarily conducted by Local Authority Trading Standards. At a national level, OPSS provides leadership where issues are novel, contentious or nationally important and delivers national enforcement responses on cross-cutting issues.

However, some business stakeholders and enforcement authorities acknowledged that global supply chains make it difficult to enforce against overseas manufacturers and in these instances, product regulation could be more effective because market surveillance authorities could still target and take action against the non-compliant product. It was suggested that other possible solutions to this issue could be to place additional obligations on importers or to use standards that focus on encouraging efficient and safe manufacturing processes. Given the complexity of global supply chains and the breadth of product safety legislation, the government recognises that it needs to continue to connect with a wide range of stakeholders on these issues to identify an effective way forward.

Outside of the EU, the UK now has a unique opportunity to ensure that our laws serve the UK's best interest, doing as much as they can to protect UK consumers and support business. Through the European Union (Withdrawal) Act of 2018, some pieces of EU legislation were brought into our own domestic law, alongside the establishment of our own framework, in particular the use of the UKCA marking for goods placed on the GB market only. As businesses continue to transition over to using the UKCA marking, we have the opportunity to determine which parts of the framework still work well, and identify where others may be limiting, and seek to improve them. This needs to be considered in the light of respondents' comments which also highlighted the importance of continuing to build capacity and capability in the UK among conformity assessment bodies and ensuring that businesses and enforcement authorities have the tools and guidance to understand their new responsibilities. Respondents want the UK to maintain a global outlook, aligning with international practices to raise product quality and benefit trade.

Opportunities for UK innovation and manufacturing

There was consensus across stakeholder groups that the current technology-neutral framework – avoiding regulating for any specific technology – supported innovation because it is based on outcomes and standards. However, respondents recognised that the current framework was designed for traditional products and needed modernisation and flexibility to remain fit for the future.

All categories of respondents shared ideas about how innovation could be further supported. Most common was that product standards, as one way of meeting regulations, could be developed faster to keep pace with emerging technology, and be more accessible, especially for SMEs who are more likely to be unfamiliar with the current system and may find the costs prohibitive. Another frequent proposal, made by businesses and enforcement authorities, was to improve collaboration and communication between industry, regulators, and technical bodies via increased use of forums and working groups. They suggested this would help anticipate change, identify regulatory challenges early, and respond more quickly to novel products.

Some respondents, particularly legal and technology firms, suggested the adoption of electronic or e-labelling in the UK, whereby manufacturers could make marking and compliance information available digitally or via a screen rather than physically accompanying or on the product. Respondents identified potential benefits including that it could help reduce waste, relieve industry burdens and costs, and allow information to be easily updated through the lifetime of the product. Since e-labelling is not currently accepted in the EU, e-labelling was also cited as an opportunity for the UK to show regulatory leadership and an example of where divergence from the EU could benefit the UK. However, the issue needs fuller consideration to understand any implications for wider industry and for effective market surveillance.

Indirect ways to support innovation were also noted by business and law firms, for example reducing compliance costs, ensuring a level playing field and making trade easier. Encouraging innovation was also identified as an indirect benefit of the COVID-19 PPE (Personal Protective Equipment) regulatory easements (see below), where some in industry felt the easements signalled a change in the government's risk appetite in support of new innovative PPE to aid the COVID-19 emergency response.

When asked how the framework could be more flexible to adjust to changes in product lifecycles (for example, products lasting longer) and technology, there was broad consensus that an outcome-based framework (compared to very prescriptive safety legislation) enables flexibility but that more could be done to increase agility and respond to new technologies, for example by using the standards process. Some enforcement authorities noted that modernising older pieces of prescriptive legislation, such as the Nightwear (Safety) Regulations 1985, and making more use of broader, flexible legislation, such as the General Product Safety Regulations (GPSR), could be helpful to provide a clearer, easier to use system (although noting the specific issues raised about GPSR above, including scope and application). Consumer groups and enforcement authorities recognised the importance of supporting innovation but both stressed that flexibility should not compromise safety.

Experiences of conformity assessment

Under the current system, products are assessed against legal requirements before they are placed on the market. For some products, conformity assessments can be done by the manufacturer through self-declaration. Other products require conformity assessments to be carried out by third party organisations, known as approved bodies in the UK. When asked how well the current system of conformity assessment is working, businesses flagged several strengths in the current system. For example, it was suggested that the use of self-assessment provided flexibility and cost-efficiency, and ensured products can reach the market quickly. While it was agreed that third-party assessments were needed for high-risk products, in their experience some smaller firms reported finding it relatively expensive and time consuming. It was also reported that clearer audit trails for conformity assessment might better support enforcement activities. It was suggested by some stakeholder groups, including consumer groups, that in some cases the regulations did not go far enough. Some consumer, charity, and legal groups would like to see the introduction of mandatory third-party testing for certain products that they considered to be higher risk. Examples cited by respondents included white goods and higher risk toys.

Some stakeholders, including conformity assessment bodies and consumer, charity and legal groups, raised concerns about the practical application of self-assessment procedures by manufacturers, suggesting that self-assessed products are not always compliant and may not always prioritise safety outcomes. Indeed, enforcement authorities shared experiences of finding non-compliant products but considered that this could be due to economic operators lacking understanding about their responsibilities. With global supply chains in place, importers were sometimes unable to give sufficient documentation to show compliance. However, some respondents felt that stronger enforcement of regulatory requirements could go some way to address the issue of lack of compliance.

Bringing products to market to help emergency responses

To help ensure supply for the national health and care services across the UK and other frontline workers for the duration of the COVID-19 pandemic, OPSS introduced two [temporary Regulatory Easements](#) on 25th March 2020². Respondents were generally supportive of the COVID-19 regulatory easements, which enabled faster supply of safe PPE to healthcare workers and onto the market. However, some would have liked consolidated guidance for products falling under dual/multiple regulations/regulators, such as products regulated under PPE and Medical Devices' regulations. Some respondents suggested that a fast-track process for conformity assessment could have been introduced instead of the easements, with some recognising capacity was a challenge for some conformity assessment bodies. Many respondents suggested that more focused enforcement, to ensure that new entrants to the market were actually placing safe products on the market and are compliant with product safety rules, was needed.

To respond to future emergencies, some respondents were keen to see the introduction of a fast-track process, while others recommended a formal derogation process for emergencies, with detailed guidance and strong enforcement. For instance, one stakeholder gave the example of the Medicines & Healthcare products Regulatory Agency's derogation for biocides to enable faster supply of hand sanitiser to support the COVID-19 response. A few respondents highlighted the importance of standards, particularly international standards, with some suggesting use of BSI's PAS and Flex standards' processes, to help industry respond quickly in a crisis.

Role of product standards

The Call for Evidence asked about the role of voluntary product standards. As it stands, standards are voluntary and developed by industry consensus, and the content is the responsibility of the recognised standardisation bodies, with the BSI as the UK's National Standards Body. These bodies oversee cost of and access to standards. Businesses and conformity assessment bodies considered voluntary product standards a vital tool in their testing procedures, as it benchmarks compliance processes and provides support for responsible economic operators to comply with safety regulations. These respondents agreed that technical standards should remain voluntary, sitting alongside outcome-based requirements in law. Enforcement authorities see designated standards, which allow presumption of conformity, as a useful guide in initially understanding whether a product is safe without having to have in-depth technical expertise, but felt it was important that businesses prioritise the legal essential safety requirements in the specific context of their products.

A few consumers and legal groups suggested that the role of standards, particularly designated standards, is not well understood outside of industries that use the system regularly. Others suggested if the technical specification within standards were crucial to compliance, such as those that offer a presumption of conformity, then it should be legislated. Some respondents felt that standards would benefit being developed more rapidly, and that they needed to become more affordable, especially for smaller businesses.

² <https://www.gov.uk/guidance/opss-coronavirus-covid-19-guidance-for-business-and-local-authorities>

Publicly available specifications, such as 7100 Supporting Better Product Recalls (PAS 7100³) was given as an example of a voluntary standard that was available free to smaller firms. Accompanied by clear, user-friendly guidance, it meant the information was accessible for SMEs and new entrants. Consumer groups noted a need to expand and fund consumer representation on standards committees to ensure that perspectives beyond industry were considered.

³ PAS 7100:2018 Code of practice on consumer product safety related recalls and other corrective actions
<https://www.bsigroup.com/en-GB/pas7100-supporting-better-product-recalls/>

2. New models of supply

Regulating eCommerce and the safety of products available from online marketplaces

Online marketplaces have revolutionised the way we buy products, but the bulk of current rules were designed to fit supply chains as they operated before the world of internet shopping. When asked about the key challenges for ensuring product safety in online sales, concerns, complaints and suggestions were raised across several themes, made by a broad range of stakeholders. In particular, online sales hosted on large marketplaces or platforms by third parties were judged to pose significant challenges to traditional economic operator definitions. For example, respondents noted that while the seller that lists the product on a marketplace is (in their view) the distributor, and as such, has associated obligations, the role of the marketplace or platform is less clear. This presents a range of challenges to businesses, consumers and enforcement authorities.

Consumer groups and charities set out concerns relating to the volume of unsafe and non-compliant products that are available via third-party sellers. A number of these organisations shared details of sampling and testing they have carried out along with campaign work to raise awareness about this topic. Their view is that levels of non-compliance are far higher than in bricks and mortar retail locations and online stores where retailers are established in the UK. When asked whether consumers know what to look out for when shopping online, the prevailing opinion was that the information available is not always clear enough for consumers to make informed purchasing decisions and that further consumer awareness activity in this space was required. Concerns ranged from how clear it was whether you were purchasing from the marketplace or a third-party or what the location of third-party sellers was, to whether the product had the correct markings and safety information. Additionally, a number of respondents also described concerns that most consumers are unable to identify what role the host website plays in the distribution of the goods or the verification of their compliance.

Responding to the request to highlight the opportunities of the review in relation to online sales, businesses and trade associations focused on the chance to create greater equity between UK businesses and overseas sellers using online marketplaces and platforms. They raised concerns about businesses not established in the UK being able to avoid sanction if they sell non-compliant products. They suggest this has led to an unfair playing field where UK operators, whether selling online or in store, have the costs associated with compliance while businesses based abroad are able to avoid regulation. There is acknowledgement that some online marketplaces and platforms have taken action to delist unsafe products, but it was also reported that in some cases, products are then re-listed just as quickly and become available once more – either via the same site or another.

Enforcement authorities also raised significant concerns about sales facilitated where there is no responsible economic operator in the UK. When concerns are raised about a product, enforcement authorities find it difficult to carry out an investigation and obtain relevant documentation where there is no responsible business in the UK. If an investigation determines that corrective action (like withdrawal or recall) should be taken against a non-compliant product, it is equally difficult to ensure the business takes the required action when they are based in a different jurisdiction. In many cases the only business that the enforcement authority can identify as part of the chain of supply, is the marketplace or platform hosting the sale. The practical implications of this are explored in more depth in the Enforcement Considerations section.

Enforcement authorities were also particularly concerned by challenges posed by social media marketplaces, specifically where businesses operate on these sites. While they were not the only stakeholder to suggest that sales via social media requires further regulation, they raised specific concerns about attempting to enforce via these sites. The two most frequently raised concerns were about closed selling groups where activity is hidden from regulators and concerns that a minority of businesses are using the lack of traceability afforded by social media sites to avoid legal responsibilities.

When asked whether it is always clear where responsibility or liability for product safety lies in non-traditional models of supply, including purchases via online marketplaces or platforms, stakeholders overwhelmingly told us that it is not always clear. Some of these responses focused on consumers and some on businesses, and explanations for views touched on the above themes including ambiguity at the point of sale, a lack of an importer established in the UK and businesses being able to evade their responsibilities.

Marketplaces and platforms were among the stakeholders that argued against their being treated as having the obligations of traditional distributors in respect of third-party sales. It was pointed out that a variety of operating models exist, including where marketplaces and platforms do not hold or store the product in question, and many are multinational and not based in the UK or explicitly targeting UK consumers. In some cases, for example social media marketplaces and online classified ad-style sites, they do not process or manage the financial transaction either.

Stakeholders were also able to make specific suggestions about opportunities to amend the current framework to reflect non-traditional eCommerce models of supply. There were several proposals from stakeholders related to the economic operator definitions (see Annex C for definitions). For example, some suggested creating new economic operator terms that define online marketplaces and platforms or fulfilment service providers, while others suggested making it clearer that they should be treated as, or equal to, a distributor to ensure that some duty of care obligations apply. Additionally, enforcement authorities in particular were keen that the existing definitions were reviewed to ensure that new practices like drop-shipping are clearly captured, and ambiguity reduced.

Whether by amending existing definitions or by creating new ones, several stakeholders representing UK businesses and consumers would like to see new responsibilities for marketplaces and platforms in respect of third-party sales. For the reasons outlined above, many organisations have stated that the only way to ensure an equity of responsibility for sales through marketplaces and platforms is to place specific obligations and liability with the marketplace or platform. Some stakeholders argued in favour of this approach as, if pursued, they felt it would aim to ensure that there is always accountability in the supply chain where often the sellers are abroad or completely untraceable for consumers seeking redress or enforcement authorities seeking to take action in relation to non-compliant products.

Another frequent suggestion, including from enforcement authorities, was that it should be required that for all (or just specified) products, that the manufacturer should be required to establish a UK economic operator with regulatory and compliance obligations, before placing the product on the UK market. Similarly to marketplace or platform obligations, stakeholders stated that this should aim to ensure that consumers and enforcement authorities always have an entity to approach, should the need arise.

The government is committed to taking robust steps to tackle the issues described by respondents in relation to online sales. This will include coordinating a proactive

programme of enforcement and communications activity and working closely with other government departments that are also seeking to reduce online harms.

Role of voluntary commitments

A significant majority of stakeholder responses were sceptical of voluntary agreements in the sector, including the established EU Product Safety Pledge, which is a series of commitments that some online marketplaces have signed up to that go beyond their legal responsibilities.

While recognised by some stakeholders as a good start, respondents were clear that voluntary agreements are not the whole solution to supply models that are not clearly captured by existing product safety law. Enforcement authorities noted that the signatories varied in their approach to their pledged responsibilities and how efficiently they tackled referrals of unsafe products.

We heard numerous views that the EU Pledge had not achieved its objectives and that a number of unsafe products remained online despite appearing in recall notices or regulator referrals. It was also flagged that the EU Pledge does not sufficiently tackle the issue of products being re-listed following initial withdrawal.

Several stakeholders suggested that the UK should consider replacing the EU Pledge to ensure that the UK regime remains as strong and diverse as possible, following EU exit. Online marketplaces and platforms, including signatories to the EU Pledge, defended the voluntary approach and the greater flexibility of this type of arrangement compared to legislation. Several enforcement authorities noted greater speed and efficiency in listing take-downs since the introduction of the EU Pledge, but that there remains a clear need to improve consistency of response.

Consumer to consumer activities and consumer awareness of safety

Currently, obligations within product safety regulations only apply to products supplied by a business and not from a consumer to a consumer. All types of respondents agreed that while consumer-to-consumer sales were a growing trend that presents a regulatory challenge (driven in part by the internet making it easier for individuals to sell their old products), there was no clear support for significant new regulation of genuine consumer-to-consumer sales.

Enforcement authorities suggested that there are a growing number of 'micro-businesses', often individuals making small batches of products and selling them online and reporting the difficulty in assessing whether they should be treated as a consumer or a business. There was also a concern that some micro-businesses were deliberately presenting themselves as consumers to avoid legal responsibilities. Respondents suggested providing clarity regarding when a consumer is deemed to be operating as a business and subject to regulation.

Responses about consumer-to-consumer sales were often linked to comments about second-hand consumer products, as most sales instigated by a consumer are likely to be of second-hand products. Respondents highlighted that most consumers selling products were probably unaware of the implications of selling products without verifying their safety, and most purchasers were unaware of the risks or the limitations to their consumer rights when purchasing in this way. Consequently, many respondents suggested that guidance setting out best practice for sellers and supporting smart purchasing habits by consumers would be helpful in ensuring sustainability and safety are considered in tandem.

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Evolving manufacturing techniques, for example 3D printing, mean that a greater range of products can be made in consumers' homes. This creates new possibilities for repair and customisation of products which respondents noted could potentially introduce safety risks and a lack of clarity around liability.

Few respondents commented on the practice of consumers hiring products from other consumers. Some observed that the trend could increase as consumers sought to make more sustainable choices and save money. In common with the wider views on consumer-to-consumer sales, stakeholders advocated for more guidance, rather than significant changes to legal responsibilities.

3. New products and product lifecycles

Effectiveness of the current framework for new products and technologies

As noted above, overall, businesses and law firms suggested that the current framework principle of being technology-neutral should be maintained in order to remain fit for the future. They flagged that the standards process was an effective way to flexibly respond to new technologies and that this should continue as opposed to any prescriptive or pre-emptive legislation. Some respondents also noted that technology provided opportunities to support product safety, such as screened devices providing warnings for users to accept before being able to use a product or notifying them of a recall. The government is exploring this potential further.

Where respondents mentioned the impact of new and emerging technologies, most focused on the increasing integration of software and connectivity into consumer products. No specific evidence was given on safety issues, but there was a shared view across stakeholder groups that clarity was needed in some areas. This included whether the definition of 'product' includes software, the requirements for software updates, and where liability lies. Respondents also mentioned the need for any changes to the future product safety framework to align with changes being made by government to cybersecurity requirements.

Some respondents, particularly law firms, also highlighted that the increasing use of software and emerging technologies in consumer products could make them more complex and more challenging for consumers to understand and that this could make it difficult to determine who is responsible when something goes wrong. They flagged that the current product liability regime may not be adequate for more sophisticated products. For example, when a product's behaviour is driven by opaque data models and algorithms, or if it evolves or makes partially autonomous decisions based on learning (often described as 'Artificial Intelligence (AI)'). Law firms supported a liability regime that supports innovation but expressed some concern about whether the current regime would adequately enable consumers to make a claim if they were harmed by products that relied on more sophisticated technology. OPSS is continuing to work with relevant Government Departments and bodies to understand the impact of AI on product safety and liability.

Where specific products were mentioned, this was mainly by enforcement authorities highlighting notable novel products, such as drones, e-scooters, hoverboards, and vaping devices. A key reason these presented challenges was because there were multiple pieces of legislation and often a number of regulators responsible for different aspects. To help improve regulatory effectiveness, enforcement authorities suggested that collaboration between industry, technical bodies and regulators before these products were brought to market, and/or quicker decisions from the government after products were on the market about who was responsible for regulating and to what requirements, would be beneficial.

Understanding changing product lifecycles

Careful consideration is needed to assure the safety of a product for the duration of its lifecycle at the time of placing it on the market. This includes consideration of the manufacturing process, how long a product lasts, if it is modified, repaired, or changes ownership giving it a 'second' life, and finally, disposal. In the Call for Evidence, we asked about today's product lifecycles and, thinking about our Net Zero ambitions, how these might need to change in the future.

Respondents gave a number of examples, which emphasised the range of possible product lifecycles. Some sectors, often those which installed large machinery with a long lifespan, had established practices to extend product life. Other sectors were starting to consider how to adopt more sustainable practices. Some were doubtful that some aspects, such as repair, would be economically viable. Nevertheless, respondents broadly agreed that increasing sustainability would likely lead to more products or product parts having extended or multiple lives. A few stakeholders noted that the increase in connected products could lead to shorter product lifetimes if finite software updates limited hardware life. The issues most frequently raised related to who was responsible for product safety if products are repaired, modified, or sold on as second-hand (further detail below).

Integrating environmental and safety considerations

Respondents across all stakeholder groups were aware and supportive of the transition towards Net Zero and the implications for how products are made, bought, used, and disposed of. This included reuse, repair, reconditioning/refurbishment, upgrading, upcycling, recycling, increasing product durability and lifespan, the use of recycled materials, and waste prevention and reduction. However, respondents also highlighted that such shifts may raise product safety considerations. For instance, a shift to modular design could make it easier to repair items but could introduce new safety issues related to the materials or parts of the modules. On how environmental and safety requirements relate to products, some business stakeholders emphasised that care was needed to avoid conflict between them, and many stakeholders stressed the need for safety considerations to remain the top priority. There is an opportunity for government to regulate product safety in a way that supports our Net Zero ambitions and how best to achieve this will be a key part of our policy development considerations.

Responsibility for product repair, modification and second hand products

Respondents across all stakeholder groups were generally supportive of increasing product repairability, but frequently raised concerns about clarity of liability and how the safety of such products is checked and maintained. Many noted that the conditions of repair, such as the competency of the repairer, the parts used, and the instructions followed, could affect the safety of the repaired product.

Manufacturers voiced concern about potentially being held liable for substandard repairs, for example by third party or amateur repairers. At the same time, consumer groups emphasised that suitable repairs should not invalidate product warranties and guarantees. Respondents gave mixed views on ways to address these issues, including only allowing authorised professionals to repair products using approved parts, requiring the manufacturer to provide guidance online, requiring manufacturers to make manuals available, and the repairer becoming liable. Questions around liability and safety were also raised in relation to modified products such as those which had been refurbished, reconditioned, or 'upcycled'.

Similar concerns were raised about second-hand products. Respondents were supportive of the benefits second-hand products can bring, such as reducing waste and providing more affordable products for consumers. However, they felt more clarity was needed on who was responsible for safety when ownership was transferred (see also Section 2 'Consumer to consumer activities and awareness of safety'). Views were mixed on how to address this, but some thought the responsibility lay with the seller rather than the original manufacturer. On both issues, we recognise the opportunity for government to set a clear direction, working with stakeholders to understand the most effective way forward.

Duration of manufacturer liability

When asked for how long should responsibility for the safety of the product lie with the manufacturer, there was general consensus from business, consumer groups and enforcement authorities that manufacturers should be responsible for product safety for the lifetime of the product (whilst also noting conditions such as the product use must be in line with the manufacturer's instructions). Respondents suggested that this might only apply if no third party had significantly changed the product in some way (such as through repair), or if it was re-sold as second hand.

Respondents had mixed views on how liability should be attributed when a third party was involved but agreed that greater clarity was needed for such instances. Some law firms, consumer groups and enforcement authorities stated that the 10-year limitation for consumers to seek redress should be extended as sometimes harms could appear many years later.

4. Enforcement considerations

New challenges for enforcement

In the Call for Evidence, we asked stakeholders to consider how enforcement is changing in light of new products and new ways of distributing products. Respondents highlighted the significant enforcement challenges caused by changing models of supply. A range of respondents identified the fulfilment services of online marketplaces and platforms as a concern – these businesses typically offer combinations of warehousing, packaging, addressing, and dispatching, without having ownership of the products involved.

Enforcement authorities gave examples of being able to work voluntarily with platforms and marketplaces to retrieve seller details and remove products from sale. However, they referred to examples of sellers being difficult to trace and contact, as discussed in the New Models of Supply section above. When sellers could not be held to account, for example to initiate a recall, the burden fell on enforcement authorities to act. Also, the process of retrieving seller details and having products removed was variously described as cumbersome and ineffective.

Products being supplied to consumers through drop-shipping, where products are shipped directly to a consumer, particularly from overseas, was raised as a concern, as it leaves authorities with few powers and opportunities to intervene.

Enforcement authorities and safety organisations raised concerns about sales through social media and the sale of second-hand goods. Sellers on social media platforms are difficult to identify and it was reported that platforms offered little support. Enforcement authorities have no powers to be able to access closed forums. Second-hand sales were increasingly between private individuals, facilitated through online platforms, leading to concerns about a lack of oversight by regulators. Enforcement authorities reported a rise in micro businesses producing or importing products for sale but had concerns many lacked the knowledge and capacity to fulfil their legal responsibilities. They also reported difficulties identifying these businesses and their limited powers in respect of them, especially where they operated from a residential property.

Regarding the challenge of new technologies, such as connected products, specifically on enforcement, responses were mixed. Some respondents, especially businesses, suggested there was no evidence to show they affected enforcement approaches. Indeed, some felt new technologies could assist in compliance, for example connected devices could be beneficial in altering consumers' faults with products or products subject to recall. Others advocated greater use of technologies such as AI for market surveillance purposes, especially in respect of online marketplaces and platforms, where they could generate intelligence and enable more targeted interventions.

Others felt enforcement challenges were likely to emerge in the future, especially as technologies such as 3D printing became more widely used by different people and had less oversight. A few respondents in the insurance and legal sectors called for clarity around responsibilities and liabilities in technologies, which they said would aid enforcement.

Enforcement duties and powers

When asked about the toolkit enforcement authorities needed to do the job, respondents acknowledged the range of powers available to enforcement authorities in current legislation. However, there was concern that the legislation was complex, with powers spread across multiple pieces of legislation, and a lack of consistency between product

areas. Enforcement authorities asked for clarity on the powers available to them, whilst also suggesting legislation be consolidated, made clearer and more consistent.

Specific guidance was requested by enforcement authorities on the distinction between consumer-to-consumer sales and business-to-consumer sales, with some feeling as explored above, that businesses could be masking themselves as consumers to avoid having the responsibilities of an economic operator. Guidance was also sought by them on when an operator could be deemed as established in the UK.

There were calls from respondents for specific legislative changes. Enforcement authorities asked for the Regulation of Investigatory Powers Act 2000 to be amended to better enable investigations online and the Consumer Rights Act 2015 to be amended to address a rise in businesses operating from residential premises. Some respondents called for existing powers to be strengthened – for example, to enable information gathered remotely under the Consumer Rights Act to form part of evidence under an investigation (as currently only information gathered in person is permissible) or for there to be an increased burden of proof on operators to prove their products were compliant, negating the need for specialist advice and testing.

Specific powers were requested in relation to online marketplaces and platforms, for example formal powers to remove content and make test purchases. There were calls for enforcement authorities to have powers to recover costs from economic operators. There was a mixed response from enforcement authorities on having powers to issue financial penalties, some supported the powers as it would reduce the cost and burden of taking cases through court proceedings.

There were calls for the model of enforcement to evolve, with some respondents questioning whether localised enforcement had the appropriate structure, authority, and capacity to meet the challenges posed by global models of distribution. The creation of OPSS and the ongoing operation of the Primary Authority scheme were welcomed by business and consumers organisations, though it was argued a national regulator such as OPSS could take on a greater role in enforcement activity.

Though outside the scope of the Call for Evidence, many respondents were concerned about a perceived lack of resource available to enforcement authorities. Authorities remarked it inhibited proactive enforcement, such as advising business. While general market surveillance activities were affected due to the perceived high cost of testing and commissioning of specialist advice, business stakeholders were concerned that lack of resource had reduced the amount of enforcement activity, leading to an unbalanced market.

Information availability, transparency and consumer empowerment

Consumer organisations stressed the benefits of the increased availability of information and transparency, which allowed consumers to make better informed decisions, made operators aware of their responsibilities and deterred bad actors. Enforcement authorities also explained how access to information enabled better informed enforcement decisions.

It was argued more information could be made available, for example OPSS's Product Safety Database could be improved to contain further detail about enforcement activity, whilst it could also be made more functional as a tool, for example to include a search function as well as more detail per product type so retailers are able to identify related products. There were calls from consumer organisations to make enforcement activity more publicised. Enforcement authorities requested further information through the likes of

an injuries database to allow them to make more informed risk assessments and prioritise their enforcement activity.

Several respondents spoke of a disconnect between enforcement authorities, those they regulate and consumers. While the Primary Authority scheme had alleviated the disconnect between businesses and Local Authorities, several individual respondents were critical of the lack of transparency of some Primary Authority investigations, noting experiences of how authorities had failed to update them on the status of investigations. In general, it was felt by consumer groups and individuals, that consumers lacked knowledge about how to complain about products. In addition, there were various calls for consumers, consumer groups, and trade associations to have more avenues through which to make complaints about products, in some cases directly to enforcement authorities.

When asked how well the current system of recalls and corrective action works, business stakeholders and enforcement authorities welcomed the clarity provided by PAS 7100 suggesting it as an example of best practice for ensuring parties knew their responsibilities. Despite this, many respondents felt the recall system has limitations, flagging concerns about consumers failing to register products at the point of sale and the concurrent issues around products not being traceable.

5. A diverse and inclusive product safety framework

Protecting all people in society

When asked whether the current framework adequately protects all people in society, respondents generally felt that the legislative prerequisites are in place – regulations require that only safe products are sold, as well as consideration of users and foreseeable use of the product. Robust pre-market processes, voluntary standards, risk assessment and market surveillance activities were pointed to as current tools that should support this end.

However, in practice, respondents highlighted several groups with particular needs that in practice have experienced different impacts, including older people, children, disabled people, people with lower socio-economic status, and those for whom English is not a first language. Some respondents also raised concerns about the potential impact of digital exclusion on product safety, in as far as it may impact access to safety information and recourse.

Respondents attempted to identify some of the reasons for these different impacts, citing overall lack of consumer engagement in product safety, suggesting that vulnerable consumers are less likely to be engaged with the system and can be harder to reach. Other respondents pointed to an assumed lack of diversity in the processes and organisations that oversee the product safety system, leading to limited consideration of issues facing vulnerable consumers or those with particular needs.

Many respondents felt that additional legislation is not necessarily the best tool to address this issue and that further guidance and codes of practice would be beneficial. Utilising standards and ensuring they are more inclusive, could be another option to consider. Some respondents highlighted the value of providing safety information in accessible formats as a means of ensuring that all consumers, including consumers with visual or hearing impairments, consumers with learning disabilities, and consumers with more limited English, can benefit. Respondents would also like better data and reporting on home accidents, to better understand the impact on vulnerable consumers and ensure any future policy proposals are evidence based.

Impact of regulation

When asked about the impact of regulation on different groups, responses from enforcement authorities in particular highlighted specific products and product issues that they saw mainly affecting consumer groups from black and minority ethnic backgrounds, such as skin lightening creams and imported electrical products.

Some respondents suggested that some business owners, including those from black and minority ethnic backgrounds, might be more likely to have less developed relationships with regulators and so be less likely to seek guidance and advice. Some respondents felt that there should be better engagement and relationships between enforcement authorities and business owners, and that this would make business owners feel more confident in seeking advice and guidance. This was in response to concerns that some local enforcement authorities were not always engaging effectively with a diverse range of businesses, and that this could be leading to lower compliance and potentially then to harsher compliance outcomes, reinforcing negative perceptions of enforcement authorities.

Access to recourse

When asked about how we can ensure the processes for consumer recourse are accessible to all kinds of consumer, respondents pointed towards aspects of the current system that work well, including the role of Citizens Advice and other consumer support helplines. However, respondents also identified several issues, including low consumer awareness about how to act, and in some cases, the complexity of the process and uncertainty about potential costs, should the matter go to court.

Respondents suggested several possible courses of action, including better sharing of information regarding similar product safety issues, taking steps to improve consumer awareness, and greater use of different and accessible media and channels to provide information to consumers about how to access recourse. Some respondents highlighted the digital divide and felt that continued access to assistance and recourse via telephone and post, as well as digital means, was important.

Conclusions and next steps

Based on what we heard from respondents, while the current framework has strengths, it is facing significant and growing challenges and needs to be radically reformed to be more adaptable and capable of responding to accelerating change. Government recognises the need for a long-term approach and for there to be regulatory change to fully address the challenges raised by respondents.

However, there are a number of areas where we can take forward immediate actions to address the issues raised in the Call for Evidence where legislation is not required. These include the following areas:

Online markets

Online markets have revolutionised the way we buy products but have created challenges for regulators across the globe. Change is needed to ensure that consumers are protected and markets remain fair. We will:

- Implement a cross-cutting programme of work focusing on the safety and compliance of goods sold by third-party sellers on online marketplaces.
- Continue to challenge major online marketplaces to play their part to protect UK consumers from unsafe goods and expand our enforcement work, undertaking a programme of regulatory interventions on goods supplied through online marketplaces. Working with local authority Trading Standards services, OPSS interventions have led to the withdrawal of more than 10,000 unsafe products, previously listed and available in the UK, via online marketplaces, since April 2021.
- Identify digital tools that could be used to support regulators when taking action to prevent harm from unsafe products, following research to further develop our understanding of the different models and systems operated by online marketplaces. Following on from this research, we will consider further how technology (including developments in machine-learning and AI) could improve our enforcement capability.
- Empower consumers to make good choices, supporting consumers to make informed buying decisions when shopping online. Informed by ongoing OPSS consumer attitudes research, we will build on and expand our awareness campaign programme focussing increasingly on consumers at points of vulnerability.
- Use product safety information channels to issue a clear warning to UK consumers highlighting the safety risks involved when purchasing products online. This will acknowledge that many consumers may be unaware that online marketplaces do not always supply the products they sell but often act as an intermediary between an independent company and the buyer.

Simplicity, proportionality and consistency

There is a need for greater simplicity, proportionality and consistency across legislation and powers. OPSS plays an important role as a national focal point for product safety. In the short term we can:

- Develop our support and training offer for enforcement authorities, including on emerging issues raised in the Call for Evidence such as consumer to consumer sales and diversity and inclusion.
- Refresh and strengthen business tools for placing products on the market, including second-hand goods and products regulated by multiple regulators. This could include working with BSI to develop a voluntary standard to help businesses to understand how to meet their legal duties to place only safe products on the market.
- Clarify the breadth and scope of enforcement powers in guidance for enforcement authorities.

Addressing other serious challenges

We heard a mix of other serious challenges to the product safety system – from protecting some of the most vulnerable consumers, to a need to continue to expand access to data and evidence, to supporting our ambition on Net Zero. In the short term we will act in the following areas:

- Building on a review of the UK system for identifying, assessing, and managing product risk, we will continue to develop a more rigorous, agile and up-to-date risk assessment methodology for OPSS and other relevant market surveillance authorities, driving improvement in how we gather risk data and how we use it to support proportionate and effective risk management and enforcement activity.
- Using the dedicated, new digital systems in place, we will ensure that they are optimised for business and consumers. For example, improving the functionality of tools such as the Product Safety Database, and enhancing the sharing and usage of the data they provide to address product risks and to achieve compliance. This includes exploring how we can gather further information in relation to product safety incidents involving vulnerable consumers.
- Sponsor BSI to develop a standard aimed at improving the inclusiveness of data used in standards making. This will help to ensure the development of inclusive standards that better meet the range of needs across society.
- Consider the role of voluntary standards for products in encouraging environmental sustainability and supporting industry's transition to Net Zero.

Driving long term change

Following the UK's departure from the EU, we have a genuine opportunity to think boldly about how we regulate product safety and take an approach that puts UK consumers and businesses first. We want to ensure that our future system of regulation is optimised for UK consumers, businesses, and enforcement agencies – ensuring they have the tools and powers they need to succeed in a globalised economy. This is even more important as our country and economy recovers from the COVID-19 pandemic.

Many of the challenges to our future framework will be global in nature, meaning we will need to continue to take an international approach to tackling these challenges – setting and maintaining high standards and working multilaterally with institutions and regulators around the world. We therefore intend to consult on an ambitious and multi-faceted reform programme, with priorities including:

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- Helping businesses, particularly smaller firms and emerging business sectors, to understand their legal obligations by ensuring our future framework is as simple, consistent, and risk proportionate as possible.
- Considering how product safety processes and testing requirements could become more risk based.
- Addressing the impact of the changes brought by e-Commerce to the product safety framework. This includes ensuring that supply-chain responsibilities are clear and there is greater accountability for products sold in the UK, and that requirements for placing goods on the market are clearly proportionate to risk.
- Consider introducing powers to expand access and availability of data and intelligence on product safety incidents to enable government and regulators to more rigorously assess risks, react nimbly to emerging risks and work together to address cross cutting issues.
- Plugging gaps in enforcement powers that have emerged with the rise of new technology and business models and supporting enforcers to work with a wide range of businesses.

Ensuring that the future framework takes full advantage of having left the EU, is adaptable and responsive to the challenges of the future and is better calibrated to the best evidence of risk will likely require legislative change. Legislative change would be required to take forward proposals like e-labelling, which will be actively explored as part of this Review, as announced in the Brexit Opportunities for regulatory reform policy paper⁴. We value the expertise and insights that stakeholders have offered as part of this exercise to inform our review, and we will continue to work with them as we develop our evidence base, with a view to putting forward proposals for consultation in due course.

⁴ <https://www.gov.uk/government/publications/brexit-opportunities-regulatory-reforms>

Annex A – Call for Evidence questions

	Call for Evidence questions
1	How easy is it to understand the current framework of product safety regulation? What areas, if any, could be simplified or made easier to follow?
2	In what areas, if any, should product safety regulation be strengthened or improved?
3	Should regulation be targeted more at the product itself or the manufacturer's systems that produce it? Please explain.
4	How could the current product safety framework do more to support innovation or the supply of new technologies to consumers? Using examples, how could it better anticipate upcoming changes in manufacture and production?
5	What areas of the current regulatory framework could be tailored to create more opportunities for UK innovation and manufacturing?
6	How well is the conformity assessment system working? What are your experiences of it and of self-assessment?
7	Reflecting on the response to the COVID-19 pandemic (as set out in the case study), what changes could be made to help bring safe products to market more quickly?
8	What role should voluntary standards play in product safety? What are the benefits and drawbacks of linking regulation to voluntary standards?
9	What are the key challenges for regulating product safety in online sales? What has worked well in terms of regulation and where are the opportunities?
10	Thinking particularly about new models of distribution and supply (including online sales and the sharing economy), is it always clear where responsibility / liability for product safety lies?
11	To what extent are product safety issues arising from consumers producing (e.g., 3D printing) and / or hiring out and selling products to each other?
12	Have you any insights on whether consumers know what to look out for ensure a product is safe when buying online and /or how to raise safety concerns? How could these processes be made easier or clearer?
13	What role should voluntary commitments, such as the Product Safety Pledge, play in consumer protection from unsafe products? Can you share any evidence or experiences of the benefits and drawbacks?

	Call for Evidence questions
14	What might a typical product lifecycle look like in the future as we move towards a circular economy? Can you provide examples, including of connected and second-hand products?
15	How can we build in flexibility to the regulatory framework to adjust to changes in product lifecycles and technology, including changes in understanding of risk? How do businesses integrate safety considerations with other aspects of product regulation such as environmental considerations?
16	For how long should responsibility for the safety of the product lie with the manufacturer? What responsibilities should apply to software integral to products, second-hand goods, or supply of replacement parts?
17	How is enforcement of product safety changing in light of new products (e.g., connected devices, 3D printed) and new ways of distributing products (ecommerce, sharing economy). What are the greatest challenges?
18	How well does the current system for corrective action and recalls system work? How could the regulatory framework better support it?
19	When it comes to product enforcement, how well does the system deliver transparency and confidence while maintaining confidentiality? Please explain.
20	What toolkit of enforcement duties and powers is needed for effective enforcement now and in the future? Do enforcement authorities have the right tools they need, including data availability, to do the job?
21	How could greater use of technology and innovation support more effective, business friendly enforcement and compliance?
22	When it comes to product liability, do consumers have the right tools and information to take action on their own behalf? Please explain.
23	Does the current framework adequately protect all people in society, including vulnerable groups and those with particular needs? And could it be improved?
24	Are there any examples of, or issues where, the impact of regulation is different for people from different groups in society?
25	How can we ensure the processes for consumer recourse are accessible to all kinds of consumer?

Annex B – List of organisations submitting responses

Please note, this list only includes organisations who have explicitly stated they are happy to have their submission publicised without it being anonymised.

- Advice Direct Scotland
- Alliance For Intellectual Property
- Amtri Veritas
- Bare Naked Wood Company
- Baby Products Association
- BEAMA Ltd
- Brent & Harrow Trading Standards Service
- British Aerosol Manufacturers' Association
- British Industrial Truck Association
- British Pump Manufacturers Association Ltd
- British Retail Consortium
- CCQS UK Ltd
- Citizens Advice
- Cosmetic, Toiletry and Perfumery Association, CTPA
- Conformance Ltd
- Construction Equipment Association
- Dorset & Wiltshire Fire and Rescue Service
- Dixons Carphone plc
- DSL Regulatory Ltd
- EEESafe
- Europgen
- Honda
- HSTTS
- Information Technology Industry Council (ITI)
- Institute of Consumer Affairs
- Kent County Council - Trading Standards Service
- Lift and Escalator Industry Association
- Mineral Products Association- British Ready-mixed Concrete Association
- Ornamental Aquatic Trade Association (OATA)
- Oxebridge Quality Resources
- PVA-PPE Group
- Reuse Network
- Society of Chief Officers of Trading Standards in Scotland (SCOTSS)
- Smiths Group Plc
- s2a2s Limited
- TechUK
- TÜV Verband e.V.
- UK Faculty of Public Health
- Unified Management Solutions
- University of Essex
- Vistalworks Limited

Annex C – Glossary of Definitions

Artificial Intelligence – A system or device able to perform tasks normally requiring human intelligence, such as visual or audio perception, and decision-making.

Conformity Assessment – The assessment of a product, before it is placed on the market, against all of the legislative requirements, including testing, inspection, and certification. The processes are set out within the relevant legislation.

Conformity Assessment Body – A legal entity appointed to carry out Conformity Assessment. In the UK they must be accredited by the United Kingdom Accreditation Service, the National Accreditation Body.

Connected Device – See Smart Device

Consumer Product – Products designed to be primarily used by consumers rather than professionals in a workplace setting, regulated by the suite of legislation listed in Annex B (of the Call for Evidence)

Distributor – As defined in the General Product Safety Regulations 2005: a professional in the supply chain whose activity does not affect the safety properties of a product, for example a retailer; or

As most commonly defined in legislation derived from the NLF: Any person in the supply chain, other than the manufacturer or the importer, who makes products available on the market.

Drop Shipping – A retail business model where products are shipped directly to a consumer, often from overseas without the need for UK importer, by a business other than that handling the retail transaction.

E-Commerce – Commercial transactions, including, but not limited to, the purchase of consumer products, conducted via the internet.

Fulfilment Service – A commercial service offering at least two of the following services: warehousing, packaging, addressing, and dispatching, without having ownership of the products involved.

Harm – As most commonly defined in legislation derived from the NLF: Physical injury to persons or domestic animals or material damage to property.

Importer – As most commonly defined in legislation derived from the NLF: The first person who is established within the UK and makes available a product from a third country on the GB market.

Internet of Things (IoT) – The collective network of connected consumer devices, enabling traditional consumer products to ‘communicate’. See Smart Device and Connected Device.

Net Zero – The target of completely negating the amount of greenhouse gases produced by human activity, specifically achieving a balance between the amount of greenhouse gas emissions produced and the amount removed from the atmosphere. The UK has enshrined the target of achieving this by 2050 in law.

Manufacturer – As most commonly defined in legislation derived from the NLF: Any person who manufactures a product, or has a product designed or manufactured; and markets that product under that person's name or trademark.

Online Marketplace – An e-Commerce site that provides a platform for listing items for sale by third-party businesses. Online Marketplaces may offer a location to list products or offer fulfilment services for third parties. See also Fulfilment Service.

Online Retailer – An online business that sells goods directly to consumers.

Personal Protective Equipment – Equipment designed and manufactured to be worn or held by a person for protection of that person against one or more risks to their health or safety.

Producer – As defined in the General Product Safety Regulations 2005: The manufacturer of a product or their representative; the importer; or another professional in the supply chain, insofar as their activities may affect the safety properties of a product.

Right to Repair – European Union rules adopted under the Eco-Design Directive that aim to ensure household goods are easier to repair and maintain for an extended period of time.

Risk – An assessment that includes calculating the probability of harm and the possible significance of that harm.

Safe Product – As defined in the General Product Safety Regulations 2005: A product which, under normal or reasonably foreseeable conditions of use, does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons.

Sharing Economy – The sale or hiring of goods or services in a non-traditional, consumer to consumer model.

Smart Device – A consumer product that has the ability to connect to the Internet and, in many cases, communicate with other devices in the network. Examples include WIFI-enabled kitchen appliances and children's toys.

Unsafe product – A product that fails to meet the legal safety requirements. See Safe Product.

Upstream Interventions – interventions that take place at an early stage in the product lifecycle

3D Printing – The process of making a physical object from a three-dimensional digital model, typically by laying down many thin layers of a material in succession.

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