



Department for
Business & Trade



Office for Product
Safety & Standards

Consultation outcome

Government response to the Product Safety Review and next steps

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The path to today

Building the foundations

1) People have always been interested in ensuring they get what they pay for. In the UK, the drive to standardise weights and measures has existed ever since Magna Carta included a clause decreeing “There shall be standard measures of wine, ale, and corn throughout the kingdom. Weights are to be standardised similarly.” Before then, there had been considerable variation in weights and measures across different regions. This inconsistency led to unfair trade practices and disputes. While the history of product safety legislation is somewhat shorter, really starting to take shape during the industrial revolution, it is nonetheless well established in the UK. Even today, legislation set out in the Gun Barrel Proofing Act of 1868 continues to have legal effect and provides the framework for the safe operation of the UK’s last two remaining Proof Houses in Birmingham and London.

2) Both the product safety and metrology frameworks have developed significantly since then, becoming more complicated and encompassing a broader range of products. By the time we joined the European Union, where rules would ultimately be harmonised, we already had hundreds of pages of technical legislation on the statute book. Increasingly, it became clear that the challenges we faced in the UK mirrored those of our European and international partners, and so we began to see the body of legislation grow further to cover new products and technologies jointly.

3) Over time, the limited powers we retained in domestic legislation became less effective. Rather than update these, the UK relied on powers in the European Communities Act (ECA) 1972 to introduce new harmonised legislation to deal with product safety and metrology. As technology developed, product regulation also broadened to encompass the use of software, radio frequencies, emissions and it continues to develop to this day.

4) As of today, the UK has amassed thousands of pages of well-evidenced, technical law, stretching over 150 statutory instruments, with safety regulations covering everything from toys and cosmetics, through to heavy machinery and pressure equipment. In the case of metrology, which governs the accuracy of measuring instruments and goods sold by weight or measure, this captures both the instruments themselves and the way the units of measurement are defined and the specified quantities in which certain products can be bought or sold. At Appendix A, we have included a non-exhaustive list of some of the main pieces of UK product safety and metrology legislation.

5) While a number of government departments have responsibility for different aspects of product regulation, powers in the Product Regulation and Metrology Bill focus on those product sectors which the Department for Business and Trade has responsibility. The table below shows the Department for Business and Trade sectors covered by the Product Sector Framework.

Sectors	Sectors	Sectors
Aerosols	Food imitations	Noise emissions of outdoor equipment
Construction	Furniture	Oil heaters
Cosmetics	Gas appliances	Personal protective equipment
Dummies	Lifts	Pressure equipment
Electrical and electronic	Machinery	Recreational craft
Equipment for explosive atmospheres	Measuring and weighing instruments	Toys
Fireworks and pyrotechnics	Nightwear	-

A complex, forever changing landscape...

6) Product safety legislation covers a wide range of requirements, tailored to specific products or potential harms it seeks to address. This includes (but is not limited to):

a. **Essential safety requirements:** These can set out what needs to be shown to demonstrate that a product is safe. This can include ensuring toys do not contain small parts that could present a choking hazard to children, to long lists of very detailed requirements for industrial machinery. Some regulations cover different requirements for different sub-categories of products; for example, the machinery regulations cover products range from tower cranes to excavators.

b. **Testing methods:** Regulations also establish how businesses must show they have complied with requirements. This could include third-party testing, or in-house testing with suitable accreditations. It could see

component parts of a larger product tested or the final item – whichever is most appropriate. Regulations also set out the documents that need to be produced to prove compliance and, in some cases, requirements to share these in advance of placing goods on the market.

c. Warning and information requirements: These vary depending on the product and the intended user. This can include important user instructions to ensure safe and effective use as well as specific warning signs where particular hazards exist. Labelling requirements for providing relevant information for market surveillance authorities are also set out in Regulations.

7) Similarly, metrology legislation is highly technical in nature with dozens of statutory instruments providing clear rules on what is required. This includes (but is not limited to):

a. Essential requirements: Regulations set out what needs to be done to demonstrate that measuring or weighing instruments have been designed and manufactured correctly. Requirements include ensuring that fuel pumps accurately measure the amount of petrol or diesel dispensed so that the consumer gets what they pay for, and setting out the permitted quantities that prepacked wine must be sold in.

b. Testing methods: Regulations also make clear how businesses are expected to show they have complied with requirements. This could include in-warehouse testing to make sure that packaged food and drink, which is being prepared for sale, meets the average amount rules to ensure that the item contains the quantity marked on the label.

c. Units of measurement: Regulations provide scientific definitions of the units of measurement which meet the International System of Units (SI Units) and how these units must apply when goods are traded.

8) There is no easy way to impose a legislative hierarchy to the duties in the legislation as every aspect of product and metrology regulation provides important technical detail about the requirements products must meet, who is responsible for ensuring these are met and how compliance is verified and recorded. Each aspect varies depending on the construction and intended use of the product. This means that, as technology develops, new business models emerge or our understanding of risk improves, regulations need to be updated to ensure products remain both safe and accurate.

9) For instance, today, measurement is all about precision. We have atomic clocks that measure time with incredible accuracy and lasers that can measure length to the nanometre. The International System of Units (SI) is now the global standard, ensuring everyone is on the same page. These SI Units are defined in our Units of Measurement legislation – which last updated definitions in 2019. They are essential to industry, business and science but we currently have no powers to bring any new global

redefinitions into our UK legislation. We will need to update this again in the future, potentially as early as 2026 following the next General Conference on Weights and Measures (CGPM).

10) For product safety, since leaving the EU, we have also made a number of changes to the existing legislation. Most notably, using expert opinions from our Science Advisory Group on Chemical Safety of Non-Food and Non-Medicinal Consumer Products (SAG-CS). SAG-CS meet several times a year and their opinions inform updates to the technical annexes to the toys and cosmetics regulations, ensuring consumers can have confidence that the products they buy are safe.

Limited in what we can achieve

11) While we know updates are required, we are also limited in what we can achieve using existing legislative powers. An over-reliance on powers under the ECA 1972 meant we did not update domestic powers as technology and modern hazards developed. The Consumer Protection Act (CPA) 1987 had been the source of powers for domestic product safety legislation not made under the EPA 1972. However, its definitions and powers have remained static and did not foresee ecommerce business models or digital supply chains. For instance, the definition of 'goods' failed to foresee some of the technological advances in products today, such as software, and is simply not broad enough to cover some of those aspects of performance that we consider in modern industrial regulations, such as the use of radio spectrum and electromagnetic disturbances.

12) When it comes to enforcement powers too, the CPA 1987 has not kept pace with developments. The enforcement powers and penalties provided in the Act apply to any provision made under it, regardless of whether this is appropriate for the precise circumstance dealt with in the regulations. This does not allow for the tailored and specific provision required for proportionality, or for legal certainty. This is needed so businesses know where they stand and enforcement officers can confidently take the action needed to keep us safe. Even the attempts to improve this in the Consumer Rights Act 2015 did not work for the product regulation context, as the enforcement powers available do not reflect the breadth of potential harm covered by individual pieces of product safety regulation today, meaning regulations made under section 2(2) ECA have been needed to supplement this regulation to mitigate its unintended effects.

13) In the case of metrology, the Weights and Measures Act 1985 suffers from similar limitations, in that it is unable to service the broad range of products in the twenty-first century. For packaged goods and units of measurement, there are no longer powers available to make amendments

at all, and only very limited powers to amend the regulations pertaining to measuring and weighing instruments.

14) Transition powers provided by the European Union (Withdrawal) Act 2018 have now expired and the delegated powers in the Retained EU Law (Revocation and Reform) Act 2023 do not allow for many of the changes necessary to keep pace with technological advances and modern hazards, with broader powers applying only to the initial revoking and replacing of European law and expiring altogether in 2026. In short, even including the targeted and technical powers provided for in the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, we have insufficient legislative powers to keep up with our international partners and ensure products in the UK remain safe and accurate.

Summary

15) The product regulatory and metrology landscape is highly complex and technical, spanning a huge number of products. There are over 150 pieces of assimilated legislation on the statute book, covering a huge variety of requirements. We need to ensure regulations can respond to new products and risks in the future, for example as software and artificial intelligence gets integrated more and more in physical products.

The Product Safety Review

The Office for Product Safety and Standards

16) Since 2018, the Office for Product Safety and Standards (OPSS), within the Department of Business and Trade, has led and coordinated the UK's product safety regime. OPSS is the UK's national regulator for product safety and construction products, providing scientific and technical capability, enforcing in relation to cases that are nationally significant, novel or contentious, and working with local authorities, other market surveillance and border control authorities. OPSS is also the national regulator for legal metrology, acting as the market surveillance authority for weighing and measuring instruments and supporting the work of local authorities.

17) OPSS' primary purpose is protecting people and places from product-related harm, ensuring that consumers and businesses can buy and sell

products safely and with confidence. OPSS has invested in research into product hazards and centralised the coordination of intelligence and checks for unsafe products at UK ports and borders. OPSS also leads a national programme of regulatory action to tackle the risks from unsafe and non-compliant goods sold on online marketplaces. In addition, the OPSS oversaw delivery of the Product Safety Review (PSR). Evidence collected through the PSR was fundamental in the case for bringing forward the powers in the Product Regulation and Metrology Bill. In summary the timeline was as follows:

- **2019:** OPSS announces the intention to undertake a review of the product safety framework.
- **March 2021:** OPSS undertakes a Call for Evidence to support development of policy options.
- **November 2021:** The then Government responds to the Call for Evidence.
- **August 2023:** The then Government publishes a full public consultation on the PSR, open for 12 weeks.
- **May 2024:** The General Election is called for 4 July.
- **July 2024:** The King's Speech includes reference to a Product Safety and Metrology Bill in the first parliamentary session.
- **September 2024:** The Product Regulation and Metrology Bill is introduced in the House of Lords.
- **October 2024:** The Product Regulation and Metrology Bill receives its Second Reading in the House of Lords.

A call for evidence

18) In 2019, following the decision for the UK to withdraw from the European Union, the PSR was announced by the OPSS as a fundamental review of the UK product safety framework. The purpose of the PSR was to ensure we were equipped to maintain the UK's status as a global leader in product safety. To support this work, in March 2021, OPSS launched a Call for Evidence. There were 158 responses to the Call for Evidence with further feedback received during eight roundtable discussions, attended by 80 organisations. The then Government response, published in November 2021 identified three main themes from the responses.

Outcomes-focused, risk-based approach

19) The UK's system of regulation was not designed with current models of supply and products in mind and many respondents recognised that it was coming under significant challenge, with change needed to modernise and maintain our global position. Respondents noted that there were aspects of

the existing framework that functioned well, including that the underpinning principles of the approach are well established and globally recognised. When it worked well, the UK's outcomes-based framework, supported by voluntary product standards, could enable innovation by allowing manufacturers flexibility in how they meet essential safety requirements. However, respondents suggested that 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.

Serious challenges and opportunities

20) Respondents suggested that the current system was coming under a mix of other serious and unprecedented challenges. Technological innovation had revolutionised the way we buy products but 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 posed 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 went wrong. There was 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. Respondents said they 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.

21) It was suggested that supporting the transition to Net Zero would bring changes to products, relative risks and supply chain issues. As products became increasingly energy and resource efficient, with longer product lifecycles and greater ability to repair and reuse, it was important that consumers had confidence in their safety so that the environmental benefits of these trends could be fully realised. Respondents were clear that the government had an opportunity to regulate in a way that was 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

22) Respondents suggested a need for greater simplicity, proportionality and consistency across legislation and powers. Many businesses who already used the system, identified aspects of the current framework that worked well. They highlighted the scenarios in which self-declaration and using standards that offered a presumption of conformity supported business compliance and efficiency. But to prioritise growth and unleash

innovation, respondents suggested that government should ensure the future framework was as simple and proportionate as possible.

23) For example, the current map of product safety legislation is large and complex. Respondents suggested 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.

Public consultation

24) The information gathered from the Call for Evidence was used to develop a full public consultation, launched in August 2023. This set out the then Government's ambitions to develop a product safety regime that:

a. Ensured business obligations were 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.

b. Shifted 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.

c. Used digital solutions, such as voluntary e-labelling, to reduce business costs and explore how digital options could be utilised to reduce burdens.

d. Addressed concerns regarding the ease with which unsafe products could be sold online, creating a fairer playing field so that shopping online is as safe as on the high street.

e. Enhanced the leadership and coordination role of OPSS alongside addressing identified enforcement gaps.

25) The consultation ran for 12 weeks and received 126 written responses. In addition, 53 stakeholder events were undertaken by officials in the Department for Business and Trade, reaching over 400 businesses, consumer groups and other stakeholders where views were collected. Since the consultation closed, officials have been analysing the findings, working through the wider issues across government to seek consensus and developing policy options for next steps. However, the General Election was called before a formal Government response was published.

26) This response sets out the main themes that were identified, potential next steps and explains the importance of taking the powers that we have in

the Product Regulation and Metrology Bill. In addition, a factual summary of findings is provided at Appendix B. Overall, there were a number of areas that respondents were broadly in agreement on.

a. **A dynamic approach:** the need to develop a regime that can respond more readily to emerging hazards/products, with temporary derogations to support supply of essential products during emergencies – respondents, including businesses, broadly recognised the need for a more responsive and flexible framework.

b. **Safer online shopping:** support for stronger and clearer responsibilities for online marketplaces to proactively prevent and remove unsafe listings from their sites –there was a high level of support for these measures across respondents, with most online marketplaces also supportive of reform, but stressing the need for proportionality.

c. **Digital labelling:** introduction of voluntary digital labelling to reduce business costs – during our consultation engagement there was consensus that digital labelling should be introduced and this was reinforced in consultation responses, with the majority of businesses in support.

d. **National leadership:** over half the businesses who responded were in support of an enhanced leadership and coordination role for OPSS as the national regulator to increase collaboration with various actors in the product safety system and reinforce better ways of working with market surveillance authorities. This will strengthen relationships and maximise efficiency.

e. **Better use of data:** capturing high-quality product safety data in a central repository to identify product safety risks and allow targeted intervention and establishing a legal data gateway that integrates existing systems and allows sharing of intelligence e.g. between market surveillance authorities, to aid compliance and enforcement – over two thirds of responses were supportive, however, businesses suggested caution around how the data would be shared given the need to consider confidentiality.

f. **Clear enforcement powers:** support for stronger powers to deal with problem products, consolidating enforcement legislation and providing market surveillance authorities with a single set of notices and offences to improve and simplify the enforcement system – these proposals were aimed more at Market Surveillance Authorities who were supportive across all proposals, while business respondents were most supportive of consolidating the legislation, as this would likely impact them most.

27) The evidence collected through the public consultation, in addition to that received during the Call for Evidence has made the case for reform of the product safety framework.

Streamlining business processes

28) In order to place products on the market of the UK or the EU, manufacturers must meet the legal requirements set out in the applicable product regulations. Upon leaving the EU in 2021, the UK introduced the United Kingdom Conformity Assessed (UKCA) product marking regime to demonstrate products meet the UK's product regulatory requirements. The UK has however continued to recognise many of the EU's product requirements, including the Conformité Européenne (CE) marking.

29) CE or UKCA requirements continue to apply to many products sold in Great Britain impacting over 105,000 manufacturers and retailers in the UK. [\[footnote 1\]](#) The average annual value of all manufactured goods imported into the UK subject to UKCA or CE requirements is estimated to be £110bn, [\[footnote 1\]](#) with just under half of these imports from the EU.

30) The CE marking allows the free movement of products across the UK Internal Market and the EU market. The then-Government had planned to require UKCA marking for all relevant products. However, feedback from businesses and stakeholders raised concerns about having to undertake duplicative and often costly conformity assessment processes to sell across the UK and EU markets, despite the product requirements being very similar or even identical (as they are based on EU law). Businesses also indicated that continuing CE recognition could reduce costs and maintain product supply, compared to mandating UKCA. As a result, the then Government laid legislation in May 2024 (using REUL Act powers) to continue recognition of current EU requirements, including the CE marking, for 21 product regulations owned by DBT, the Health & Safety Executive (DWP), DESNZ and Defra. This is estimated to save businesses £640.5m [\[footnote 1\]](#) over 10 years, and the legislation received cross-party support.

31) By referring to the specific provisions of EU law at the time the legislation was passed, within the corresponding UK law, businesses have the flexibility to use either the UKCA (UK Conformity Assessed) or CE marking to sell relevant products in Great Britain (GB). However, many of these EU requirements are now being updated. If we do not respond to these changes, the UK will continue to recognise outdated EU requirements, causing confusion for business. Given the limitations of existing powers, the Product Regulation and Metrology Bill is needed to manage changing EU requirements, enabling the UK to continue recognition, or to end recognition of EU requirements, based on the best interests of our consumers and businesses.

The metrology framework

32) The metrology legislative framework governs the accuracy of measuring instruments and goods sold by weight or measure, giving consumers and business confidence in trade. For many purchases made by measurement (such as fuel), it is virtually impossible for consumers to independently check the quantity they are paying for. Legal metrology sets out the appropriate controls essential for ensuring confidence in accuracy mechanisms, facilitating trading at local and international levels.

33) Legal metrology experiences many of the same challenges as product regulation when it comes to limited existing powers to make changes. While the 2021 Call for Evidence did not cover metrology legislation, engagement with a range of stakeholders has consistently seen similar concerns raised across the metrology framework, for measuring instruments, packaging, and quantities, with stakeholders finding regulations in need of reform to adapt to new technologies, new supply chains and to provide clearer enforcement powers.

34) For example, stakeholders in the energy sector have raised concerns around current regulations holding back the rollout of green technologies (such as Electric Vehicle Smart Charge Points) and asking for them to be updated. Separately, there have also been calls across sectors to ensure our regulations align more internationally, so that businesses can more easily access multiple markets. While decisions on alignment will always need to take into account multiple factors, we need a more agile legal framework that will allow us to better protect consumers, ensure accuracy and allow for innovation and technological progress, including in support of net zero aims.

Summary

35) The product safety and metrology frameworks are well established. While much of the body of law is still working today, it is clear from responses to public consultations and discussions with businesses, consumer groups and other stakeholders that updates are needed to keep pace with modern challenges and technological development. Given the technical nature of both frameworks, it is clear that effective detailed changes need to be developed with stakeholders so they have maximum effect and this work is underway, with more detail set out in the next chapter. However, what is not in doubt is the fact that the existing powers available to make changes are extremely limited and no longer fit for purpose. The powers in the Product Regulation and Metrology Bill will rectify this and allow Government to keep the frameworks up to date.

The way forward

The Product Regulation and Metrology Bill

36) The Product Regulation and Metrology Bill was announced in the King's Speech on 17 July and introduced on 4 September, receiving its Second Reading on 8 October. This reflects the importance this Government places on ensuring people are protected from unsafe or inaccurate products. The Bill will preserve the UK's status as a global leader in product regulation, supporting businesses and protecting consumers. It will ensure the UK is better placed to address modern day safety issues, harness opportunities that deliver economic growth, and ensure a level playing field between the high street and online marketplaces.

37) The Bill delivers the powers needed to ensure the Government can update the existing and substantial body of law to address the issues raised by businesses, consumer groups, enforcement agencies and other stakeholders. Without the powers, we would be unable to address some of the challenges we face now and in the future. Some of the most pressing challenges we face are set out below, with many potentially requiring legislation in the months following Royal Assent.

A digital supply chain

38) While the growth of ecommerce models has provided consumers with greater choice and convenience, this cannot be at the expense of consumer safety and compliant businesses. The rapid expansion of ecommerce has brought significant challenges to the product safety legal framework, which was not designed with increasingly complex, online and globalised supply chains in mind. Today, the sale of unsafe products to UK consumers via online marketplaces is a significant problem, which has led to serious harm and fatalities.

39) The Product Regulation and Metrology Bill gives the Government powers to introduce requirements on online marketplaces and other actors to improve the safety of products sold online. We intend to introduce new requirements on online marketplaces at the earliest opportunity to clarify and modernise online marketplace responsibilities. These will build on best practice to create a proportionate regulatory framework where online marketplaces:

- a. take steps to ensure that sellers operating on their platform comply with product safety obligations and take action against sellers where necessary
 - b. take steps to prevent non-compliant and unsafe products being made available on online marketplaces
 - c. provide consumers with appropriate information, instructions and warnings about products prior to purchase
 - d. cooperate with regulators and provide ongoing assurance, which includes having arrangements to respond to requests and quickly take action to stop unsafe products from being made available
- 40) Government will develop the specific requirements over the coming months, to test and gather input through stakeholder engagement next year, before introducing them via secondary legislation as soon as possible, which will be subject to appropriate Parliamentary scrutiny.

Crosscutting hazards

41) The existing product safety framework sets a baseline expectation through the General Product Safety Regulations 2005, allowing for detailed requirements through a range of sector-specific regulations. The EU is already updating its baseline regulations to reflect new and emerging hazards, and we will develop options for consultation in the coming months. One area that could be considered as part of this review is how cross-cutting hazards, rather than sector-specific risks, are reflected, such as the choking hazard presented by button batteries or the fire hazard presented by lithium-ion batteries. Subject to the evidence collected, we would look to bring forward legislation to help address these challenges across the whole UK Internal Market as soon as possible following Royal Assent.

Button batteries

42) We rely on button batteries to power everyday objects like car key fobs, remotes and children's toys. Button batteries can badly injure or even kill a child if they are swallowed and get stuck in the throat because the button battery reacts with saliva to create caustic soda – the chemical used to unblock drains. This can burn a hole in the throat and cause internal bleeding or even death. Larger lithium 'coin cell' batteries are the most dangerous. These batteries are used in everyday toys and gadgets, such as robot bug or fish toys, fidget spinners with LED lights, slim remote controls, car key fobs, calculators, scales, gaming headsets, watches, hearing aids, nightlights and novelty items like singing Santas.

43) OPSS has already taken action to inform consumers about the dangers of button batteries, by publishing a product warning leaflet, supporting the creation of a new standard for button and coin battery safety, and creating guidance for Trading Standards to risk assess products that contain these batteries. Continuing this work to protect consumers from button batteries, OPSS are reviewing, and where appropriate consolidating, specific product regulations as part of the product safety framework review.

E-cycles and lithium-ion batteries

44) An electrical assisted pedal cycle, more commonly known as an e-cycle, provides electrical assistance to the rider to pedal via an electric motor. Regulations limit the maximum continuous rated power of the electric motor to 250 Watts and electrical assistance must cut off when the vehicle reaches 15.5 mph. There have been a number of fire incidents involving lithium batteries in e-cycles, including in conversion kits that convert conventional cycles into e-cycles. OPSS has moved quickly to protect consumers through a national campaign providing information to promote safe purchasing, use and charging. OPSS is also reviewing all relevant voluntary standards for e-cycles and e-cycle batteries, to support the further development of essential safety requirements within current legislation.

45) While OPSS and Trading Standards have the power to enforce the legal safety requirements that apply to e-cycles and prevent the sale of non-compliant e-cycles, there is more that we can do to provide clarity and ensure that the products consumers are buying are safe. Various proposals have been made in this area. For example, modernising the responsibilities of online marketplaces to prevent traders who sell faulty or non-compliant goods could help stop faulty products reaching the market in the first place. Third party conformity assessment could be used to better ensure products adhere to regulations. Greater responsibilities could be placed on traders to provide information on safe use of particular-related products, improving consumer awareness.

46) OPSS has established a multi-disciplinary safety study to understand data and evidence of risks associated with the batteries that power e-cycles and has commissioned new research into battery safety, including compatibility issues. We will use this research and engage with interested groups to identify what changes will be effective in preventing harm on this important issue.

Monitoring changes to product requirements

47) Given the UK continues to recognise current EU requirements, including the CE marking, for a range of product regulations, it is important that changes to these requirements are monitored, and their impact assessed.

By reviewing the impacts of the changes, and engaging with industry and consumer groups, the UK is able to use its regulatory sovereignty to choose what products can be placed on the market.

48) The Product Regulation and Metrology Bill will ensure we have the ability to deliver an effective regulatory regime in the UK. This will support business and economic growth, provide regulatory stability and deliver more protection for consumers by ensuring:

a. The UK has the ability to make changes and diverge from EU requirements where hazards or opportunities arise. Equally, the EU's response to global challenges may such that the UK chooses to mirror requirements.

b. At the same time, the UK is able to manage the EU requirements that we recognise and the way we recognise them, or end recognition where that is the right approach for our business and consumers. For example, the powers could enable the UK to change UK requirements but continue to recognise EU provisions, including CE marking as a route to market.

49) The Government is currently considering the approach in relation to the following three product sectors and has already published Call for Evidence documents to seek views on the future approaches for the first two.

Noise from outdoor equipment

50) The EU is amending Annex III of its Directive on noise emission by outdoor equipment to bring measuring methods in line with technical progress from 22 May 2025. The change to Annex III also seeks to simplify work for manufacturers and conformity assessment bodies by using the current available version of the standards adopted under the Machinery Directive. It will also reduce the reporting requirements contained in the Directive, as part of a wider package of reforms impacting multiple sectors. In practice, this change will mean that manufacturers are no longer required to provide the European Commission and the relevant national enforcement authority with a copy of their declaration of conformity under the Directive.

51) The Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001 implemented the Directive in the UK. Recent technological progress has provided potential opportunities to improve the methods used to measure airborne noise emitted by equipment for use outdoors. In practice, we consider that these reforms will not substantively impact the placing on the market of outdoor equipment and that manufacturers will continue to take a similar approach to outdoor equipment manufacture across the UK as in the EU to avoid supply chain complexity.

52) While the impact is likely to be low, we are considering whether it could help businesses if we were to continue to recognise EU standards with respect to outdoor equipment, and/or implement the same approach for the

UK as a whole. On this basis, the Government is considering whether to introduce the same measures across the UK. The Product Regulation and Metrology Bill would provide enabling powers that will allow the Government to update our outdoor equipment regulations accordingly, should it decide to do so.

53) The Government launched a Call for Evidence on 16 September to help us understand the potential benefits and costs of introducing these measures. The responses we receive will inform our final position and the detail of any potential secondary legislation.

Common charger solutions

54) Recent developments in wired charging technologies and evolving international standards provide potential opportunities to reduce electronic waste and benefit consumers through enabling the adoption of a standardised charger for smartphones and similar devices. The European Union has adopted (EU) 2022/2380 – the ‘Common Charger Directive’ which will require the use of USB-C based chargers for mobile phones and other portable electrical and electronic devices placed on the EU market from December 2024.

55) The Government considers that it would potentially help businesses and deliver consumer and environmental benefits if we were to introduce standardised requirements for chargers for certain portable electrical and electronic devices across the whole UK. The Government launched a Call for Evidence on 9 October seeking views from manufacturers, importers, distributors, consumers and trade associations as to whether it would be helpful to do so and, if so, whether this should be based on USB-C, as adopted by the EU. We also want to hear about the issues and practicalities a similar approach may involve.

56) The aim of this call for evidence is to help us understand the potential impacts of introducing these measures. The responses we receive will inform our final position and the detail of any potential secondary legislation, which would be brought forward using powers in the Product Regulation and Metrology Bill, subject to appropriate Parliamentary scrutiny.

Machinery

57) The EU has also recently completed an extensive review of the Machinery Directive, replacing it with a new Machinery Regulation that was published in the Official Journal of the EU in June 2023 and which will come into force in January 2027. The new Regulation makes a number of changes including introducing importer and distributor obligations, when previously only manufacturers (or their authorised representative if appointed) had responsibilities in the supply chain, and mandating new testing requirements for machinery with software or self-evolving behaviours.

58) The Government is considering these changes and will engage with stakeholders to determine whether there is benefit to introducing similar measures across the UK. However, without the powers in the Bill, we would not be able to do so.

Digitisation

59) It was clear from responses to the consultation that there was support for the introduction of voluntary digital labelling, where businesses, on an optional basis, could provide certain product safety compliance information, such as the UKCA mark, digitally rather than on a box or label accompanying the product or by indelibly marking the product. The digital information considered, included:

- a. UK Conformity Assessed mark (UKCA)
- b. manufacturer details for both CE and UKCA marked products, where applicable
- c. importer details for both CE and UKCA marked products, where applicable
- d. UK Declaration of Conformity
- e. other name and address information, where applicable

60) In the coming months, we will consider the most effective way to progress this. For instance, currently in many product sectors, consumer information or instructions can only be provided electronically if it is in addition to physical copies or indelible marking on the products themselves. During the consultation we were provided with examples where digital information by default would be more helpful to consumers and businesses, for example in the cosmetics sector, where there are different requirements to provide physical information to the consumer. Working with business and consumer groups, we will consider how the UK can lead in the digital provision of information.

61) Whether information is needed by consumers or market surveillance authorities, we want to ensure it is clear and easily accessible. Moving towards allowing for provision of market surveillance-based information via voluntary digital labelling would be a first step towards thinking digital first, and in exploring this, we will be considering what the EU proposes around the introduction of their Digital Product Passports. [\[footnote 2\]](#) In developing our own approach to the provision of a wider set of product information dependent on product type and its suitability for different audiences, we will consider whether we would wish to facilitate similar principles in moving

wholesale towards the provision and sharing of information digitally by default to harness the benefits of technological advances in the increasingly digital world.

Future challenges

Automated machinery

62) The Supply of Machinery (Safety) Regulations 2008 set out the essential health and safety requirements that must be met by manufacturers before they place machinery products on the UK market. The Regulations cover a wide range of both consumer and workplace products, including DIY tools, leaf blowers, construction and industrial machinery. The Regulations are retained assimilated EU law and so we do not currently have powers to amend them.

63) We would therefore use the Bill powers to keep pace with technological advancements, such as automation, ensuring safety standards in the UK remain as high as our international counterparts. For example, newly developed products, such as automated combine harvesters, lawnmowers and industrial cleaners, need regular software updates to be able to function autonomously and to allow them to learn landscapes and therefore patterns by which to operate. We would use the Bill powers to ensure the essential health and safety and testing requirements sufficiently cover these aspects and that all the necessary actors in the supply chain are held accountable for ensuring the product is safe. This will ensure innovation in machinery products is not stifled whilst aiming to prevent any undue harm to users or property.

3D printing

64) 3D printing is a type of additive manufacture that involves creating a three-dimensional object from a digital model. It is a process of turning a digital design file into a real-world object by laying down lots of thin layers of material to build the object. Creating products from digital files used to involve large-scale, bulky, and expensive industrial machinery, but smaller and more affordable 3D printers (and other creative tools such as laser cutters and etchers) are now easily available to consumers and small businesses, who may use them as part of small home-based businesses.

65) By its nature the 3D printing process poses a high risk to consumers if done incorrectly because they may breathe in fumes and particles (particularly where insufficient ventilation or personal protective equipment is not used).

66) 3D printing has the potential to allow greater access to manufacturing processes, which may mean that there are more actors than normal in the supply chain of a 3D printed product. But despite the novel nature of this process and the final products, these commercial products must still conform with the General Product Safety Regulations 2005 (GPSR) that obligate manufacturers to ensure that products are safe for the consumer before placing them on the market. These regulations specifically require that the product comes with appropriate labelling, warnings, and instructions on use.

67) As part of OPSS' work to examine the scope for a simpler and more consistent approach to be taken across all product types of a similar risk level, there is more that could be done to clarify the role of 3D printing manufacturers in the supply chain. For example, with an improved power to modify legislation about supply chain responsibilities, OPSS could clarify where particular actions mean a person then has Manufacturer obligations, and where they do not.

68) There are improvements in consumer protection that OPSS could make with new powers in the future product safety framework, such as requiring a contextual warning at the point of sale on the risks associated with using a 3D printer as well as on the printing materials so the consumer can make an informed choice. Additional powers would also allow OPSS to better define recall duties and powers where 3D printed product elements are the cause of the recall.

Augmented Reality

69) Augmented Reality (AR) products give consumers an interactive experience that combines the real world and computer-generated content. Some manufacturers already voluntarily label their products with warnings about improper use, and OPSS could work with industry to ensure that all consumers receive a clear warning that AR headsets and glasses should not be used outside of the environment they were designed for, for example not while driving.

70) Where pre-existing risks and potential hazards are identified in novel products like AR headsets, OPSS could use our proposed cross-cutting risk-based safety requirements to support industry in ensuring these products are safe for consumers. For example, AR headsets are often powered by lithium-ion batteries and allow for the continuation of charging whilst still allowing the consumer to use the headset. Products such as AR headsets are offering UK consumers the opportunity to explore new technology in novel new ways, but it may also present new risks to the public. We need a new approach to meet this challenge.

Next steps

In the short-term

71) Over the next year, addressing the issues faced by the sale of unsafe goods through online marketplaces is a key priority, alongside consideration of how new and emerging cross-cutting hazards are adequately addressed through the framework. These are complex reforms and will require further consultation with businesses, consumer groups and other interested groups, but are likely to develop into early amendments to the existing legislative framework. In addition, the Government is monitoring immediate changes to EU product and metrology legislation and has launched two calls for evidence seeking views that will inform potential updates to our own regulations related to measuring noise from outdoor equipment, and common charger solutions. Depending on the outcome of these, additional legislation could be brought forward.

In the medium-term

72) Over the next 12-18 months, Government will consider the most effective way to utilise digital technology, in line with feedback from the PSR Consultation. This has the potential to improve the experience for consumers as well as freeing up businesses from unnecessary bureaucracy. We will also begin the process of sector reviews, examining whether changes are needed to detailed requirements to reflect modern challenges. The EU is similarly considering its sector-specific rules. A process will be established for reviewing the existing metrology framework and identifying whether any changes are required.

In the longer-term

73) In the coming years, we will need to consider how technological developments are captured within the existing framework, ensuring our work supports Government's Industrial Strategy, which is due to be published in Spring 2025. It will take time to get this right, the Bill ensures our product regulation framework provides the foundations to protect consumers and support businesses for the future. Government recognises engagement with industry and other key stakeholders is the cornerstone of getting this right. The Department for Business and Trade has built and

maintained strong relationships with stakeholders including trade associations and consumer groups and will continue to engage with them before any regulatory changes are brought forward. This collaborative approach ensures that industry and other stakeholder concerns are heard and addressed, ensuring that regulations remain effective and fit for purpose.

Appendix A: Examples of product safety and metrology legislation

The following list shows some of the existing legislation which powers in the Bill are intended to cover and is not a consolidated list of all regulations which could be covered by the Bill. New regulations may be required for currently unknown hazards or opportunities, as well as crosscutting government legislation.

Secondary legislation – product safety

- Product Safety and Metrology etc. (Amendment) Regulations 2024/696
- Treatment of Conformity Assessment Bodies (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Regulations 2024/504
- Pressure Equipment (Safety) Amendment Regulations 2024/490
- Cosmetic Products (Restriction of Chemical Substances) Regulations 2024/455
- Cosmetic Products (Restriction of Chemical Substances) No.2 Regulations 2023/836
- Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 2017 (Amendment) (Northern Ireland) Regulations 2023/861
- Radio Equipment (Amendment) (Northern Ireland) Regulations 2023/328
- Conformity Assessment (Mutual Recognition Agreements) (Amendment) Regulations 2022/1400
- Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022/1393
- Toys and Cosmetic Products (Restriction of Chemical Substances) Regulations 2022/659
- Market Surveillance (Northern Ireland) Regulations 2021/859

- Conformity Assessment (Mutual Recognition Agreements) and Weights and Measures (Intoxicating Liquor) (Amendment) Regulations 2021/731
- Regulatory Enforcement and Sanctions Act 2008 (Amendment to Schedule 3) (England) Order 2021/1426
- Product Safety & Metrology etc (Amendment) Regulations 2021/1274
- Product Safety and Metrology etc. (EU Withdrawal and EEA EFTA Separation Agreements) (EU Exit) Regulations 2020/864
- Product Safety & Metrology (Amendment) (EU Exit) Regulations 2020/852
- Pressure Vessels (Amendment) (Northern Ireland) (EU Exit) Regulations 2020/678
- Product Safety & Metrology etc. (Amendment to Extent & Meaning of Market) (EU Exit) Regulations 2020/676
- Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (Wales) Regulations 2020/1489
- Product Safety (Toys and Cosmetics) and Metrology (Measuring and Non-automatic Weighing Instruments) (Amendment) (EU Exit) Regulations 2020/1486
- Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (England) Regulations 2020/1484
- Product Safety & Metrology etc (Amendment etc) (UK(NI) Indication) (EU Exit) Regulations 2020/1460
- Product Safety & Metrology etc (Amendment) (Northern Ireland) (EU Exit) Regulations 2020/1112
- Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019/696
- Conformity Assessment (Mutual Recognition Agreements) Regulations 2019/392
- Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019/1246
- Consumer Rights Act 2015 (Enforcement) (Amendment) Order 2019/1074
- Simple Pressure Vessels, Electrical Equipment and Pressure Equipment (Miscellaneous Amendments) (Northern Ireland) Regulations 2018/966
- Personal Protective Equipment (Enforcement) Regulations 2018/390
- Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018/389
- Aerosol Dispensers (Amendment) Regulations 2018/29
- Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 2017/90
- Recreational Craft Regulations 2017/737
- Radio Equipment Regulations 2017/1206
- Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing

Directive 2009/142/EC (Text with EEA relevance) (Retained EU Legislation)

- Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (Text with EEA relevance) (Retained EU Legislation)
- Lifts (Amendment) Regulations 2016/1186
- Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016/1107
- Pressure Equipment (Safety) Regulations 2016/1105
- Electrical Equipment (Safety) Regulations 2016/1101
- Lifts Regulations 2016/1093
- Simple Pressure Vessels (Safety) Regulations 2016/1092
- Electromagnetic Compatibility Regulations 2016/1091
- Noise Emission in the Environment by Equipment for use Outdoors (Amendment) Regulations 2015/98
- Pyrotechnic Articles (Safety) Regulations 2015/1553
- Aerosol Dispensers (Amendment) Regulations 2014/1130
- Cosmetic Products Enforcement Regulations 2013/1478
- Product Safety Amendment and Revocation Regulations 2012/2963
- Customs Disclosure of Information and Miscellaneous Amendments Regulations 2012/1848
- Supply of Machinery (Safety) (Amendment) Regulations 2011/2157
- Toys (Safety) Regulations 2011/1881
- Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 2010/2205
- Accreditation Regulations 2009/3155
- Aerosol Dispensers Regulations 2009/2824
- Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (recast) (Text with EEA relevance) (Retained EU Legislation)
- Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93
- Supply of Machinery (Safety) Regulations 2008/1597
- Noise Emission in the Environment by Equipment for Use Outdoors (Amendment) Regulations 2005/3525
- General Product Safety Regulations 2005/1803
- Fireworks (Scotland) Regulations 2004/393
- Fireworks (Amendment) Regulations 2004/3262
- Recreational Craft (Amendment) Regulations 2004/3201

- Pressure Systems Safety Regulations (Northern Ireland) 2004/222
- Fireworks Regulations 2004/1836
- Explosives (Fireworks) Regulations (Northern Ireland) 2002/147
- Noise Emission in the Environment by Equipment for use Outdoors (Amendment) Regulations 2001/3958
- Consumer Protection Act 1987 (Product Liability) (Modification) (Scotland) Order 2001/265
- Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001/1701
- Consumer Protection Act 1987 (Product Liability) (Modification) Order 2000/2771
- Pressure Systems Safety Regulations 2000/128
- Bread and Flour Regulations 1998/141
- Deregulation (Gun Barrel Proving) Order 1996/1576
- Fireworks (Safety) (Revocation) Regulations 1995/415
- N-nitrosamines and N-nitrosatable Substances in Elastomer or Rubber Teats and Dummies (Safety) Regulations 1995/1012
- Plugs and Sockets etc. (Safety) Regulations 1994/1768
- Household Appliances (Noise Emission) (Amendment) Regulations 1994/1386
- Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1993/207
- Household Appliances (Noise Emission) Regulations 1990/161
- Consumer Protection (1987 Order) (Commencement) Order (Northern Ireland) 1989/30
- Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1989/2358
- Food Imitations (Safety) Regulations 1989/1291
- Furniture and Furnishings (Fire) (Safety) Regulations 1988/1324
- Nightwear (Safety) (Amendment) Regulations 1987/286
- Consumer Protection (Northern Ireland) Order 1987/2049
- Nightwear (Safety) Regulations 1985/2043
- Oil Heaters (Safety) Regulations 1977/167

Secondary legislation – metrology

- Measuring Container Bottles (EEC Requirements) Regs 1977
- Measuring Equipment (Intoxicating Liquor) Regulations 1983
- Measuring Equipment (Intoxicating Liquor) Regulations (Northern Ireland) 1984

- Measuring Instrument regulations 2016/1153 (MIR)
- Non Automatic Weighing Instrument Regulations 2016/1152
- Metrology, Health and Safety and Product Safety (Amendment) (Northern Ireland) (EU Exit) Regulations 2019
- Units of Measurement Regulations 1986/1082
- Units of Measurement Regulations (Northern Ireland) 1995/226
- Units of Measurement Regulations (Northern Ireland) 2010/365
- Weighing and Measuring Equipment & Meters (Amendment) (EU Exit) Regulations 2018
- Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruits & Vegetables, Meat & Poultry) Order 1984
- Weights and Measures (Carriage of Solid Fuel by Rail) Order 1987/216
- Weights and Measures (Guernsey and Alderney) Order 1995
- Weights and Measures (Isle of Man) Order 1992
- Weights and Measures (Jersey) Order 1992
- Weights and Measures (Intoxicating Liquor) Order 1988/2039
- Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989
- Weights and Measures (Knitting Yarns) Order (Northern Ireland) 1989/407
- Weights and Measures (Local and Working Standard Capacity Measures & Testing Equipment) Regulations 1990
- Weights and Measures (Local and Working Standard Linear Measures) Regulations 1986
- Weights and Measures (Local and Working Standard Weights & Testing Equipment) 1986
- Weights and Measures (Milk and Solid Fuel Vending Machines) Regulations 1980
- Weights and Measures (Milk and Solid Fuel Vending Machines) Regulations (Northern Ireland) 1980
- Weights and Measures (Miscellaneous Foods) Order 1988/2040
- Weights and Measures (Northern Ireland) Order 1981
- Weights and Measures (Packaged Goods) Regulations 2006
- Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011
- Weights and Measures (Passing as Fit for Use for Trade and Adjustment Fees) Regulations (Northern Ireland) 2009/66
- Weights and Measures (Prescribed Stamp) Regulations 1968
- Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969/11
- Weights and Measures (Quantity Marking and Abbreviations of Units) Regulations 1987

- Weights and Measures (Quantity Marking & Abbreviations of Units) Regulations (Northern Ireland) 1999/84
- Weights and Measures (Recognition of Great Britain Stamp) Order (Northern Ireland) 1967/278
- Weights and Measures (Solid Fuel) Regulations 1978
- Weights and Measures (Specified Quantities) (Pre-packed Products) Regulations 2009
- Weights and Measures (Specified Quantities) (Pre-packed Products) Regulations (Northern Ireland) 2010/203
- Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order 2011
- Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order (Northern Ireland) 2013/261
- Weights Regulations 1986
- Weights and Measures (Various Foods) (Amendment) Order 1990
- Weights and Measures (Various Foods) Order (Northern Ireland) 1988/408
- Weights and Measures (Weights) Regulations (Northern Ireland) 1987/310
- Weights and Measures Regulations 1963
- Weights and Measures Regulations (Northern Ireland) 1967/237

Primary legislation

- Section 77 and Schedule 5 to the Consumer Rights Act 2015
- Parts 2, 4 and 5 of the Consumer Protection Act 1987
- Gun Barrel Proof Act 1978
- Gun Barrel Proof Act 1950
- Gun Barrel Proof Act 1868
- Weights and Measures Act 1985

Appendix B: Summary of responses to the Product Safety Review

The public consultation ran from 2 August to 24 October 2023 and 126 written responses were received. The responses were from a wide range of stakeholders, including 35 Trade Associations or business representative organisations, 32 businesses, 20 Local Government organisations, and 4

consumer representative organisations. This document summarises the consultation responses and lists the respondents (see annex). The majority of respondents were in favour of the consultation proposals. Whilst many valued the current product safety framework, they were supportive of reforms to increase consumer protection or support businesses, if proportionate and accompanied by strong enforcement. Many were supportive of the reforms ensuring a level playing field for online and bricks-and-mortar businesses. In general, respondents were keen that the UK maintains compatibility with global trading partners and that the reforms support the UK internal market.

Below is a summary of the key views of respondents to the consultation. Not all respondents answered every question, and the summary highlights the number of responses that were received for each policy area.

Vision for a future framework

a) On taking action within the current framework, to reduce regulatory burdens, encourage innovation, and/or increase consumer choice, without compromising safety, for specific products, suggestions were focused on UK testing, standards, and consumer confidence. On supporting UK test houses, one respondent called for financial support for UK Conformity Assessment Bodies, while another recommended using the UKCA mark as a GB 'innovators mark' to increase demand for UKCA mark testing. The British Aerosols Manufacturers Association called for Aerosols regulations to be updated to take account of technical developments in the sector. The British Retail Consortium suggested a review and reduction of regulation for oven gloves, removing their classification as a form of Personal Protective Equipment that requires third-party conformity assessment.

Bringing products to market

b) 55% of respondents supported the proposal that OPSS should examine options for a framework where regulatory requirements are more closely linked to the risks of the product. There were 53 responses on this aspect of the consultation. Many business respondents were keen that UK product safety requirements maintain compatibility with global trading partners, facilitating trade. Whilst there was low appetite for wholesale reform, a number of respondents were open in principle to introducing elements over time of a more agile framework to address the harms of products and technologies, which are novel or cross-cutting in nature. A number of respondents were also open in principle to reviewing our existing stock of

sector-based legislation to ensure it is targeted, proportionate, and reflects the challenges and opportunities of the digital age.

c) Over 70% of respondents value the current system of presumption of conformity and standards, as it is well understood and considered effective. There were 78 responses on this aspect of the consultation. A few respondents raised the importance of standards and fair access to them. One respondent called for new Essential Safety Requirements' guidance, whilst two respondents called for easier and cheaper access to standards for SMEs, perhaps by creating an online standards' gateway. 87% of respondents agreed that changes in the regulatory framework for pre-market processes should be accompanied by clear guidance. 91% of respondents were supportive of guidance to assist businesses to undertake pre-market risk assessments, although there was limited feedback on the preferred format and where such guidance should best be targeted. On conformity assessment and testing sector, respondents supported updating the regulatory framework to ensure safe post-market performance where it might be affected due to Artificial Intelligence (AI) integration, such as, when the product's AI learns and creates new functions that would not have been considered in the pre-market conformity assessment.

d) 74% of respondents supported the establishment of a formal derogation process to help ensure supply of critical products in future emergencies, whilst maintaining appropriate safety standards. There were 69 responses on this aspect of the consultation. Respondents broadly supported the need for a more responsive and flexible framework, with time-limited derogations in exceptional circumstances, accompanied by strong enforcement, to ensure bad faith traders did not take advantage of consumers when critical products were in short supply. A few retailers called for products that had been placed on the market under a 'derogation' and hence deemed 'safe', to be allowed to remain on the market following the end of the derogation.

e) 66% of respondents supported the introduction of some form of digital labelling (formally referred to as electronic labelling), and 1% were against its introduction. There were 101 responses on this aspect of the consultation. A key theme in responses outlined a need for digital labelling to go further and to apply to a wider range of products, and a wider information remit. Respondents suggested mitigations around quick response (QR) codes and other information link systems were overly cautious. However, there was strong consensus for safety and warning signs to still be provided physically with the product as an indelible marking or on paper (where required). Respondents generally agreed that digital labelling should be introduced on a voluntary basis and there were general recommendations for the Government to consider aligning with the EU's digital product passport proposals.

Online supply chains

f) Around 85% of respondents supported the proposals seeking to clarify and strengthen new duties for online marketplaces, with around 10% of respondents asking Government to go further. There were 107 responses on this aspect of the consultation. A key consideration that was raised was the need to be proportionate, with 20% of respondents (and 75% of online marketplaces) suggesting that new duties should be tailored to activities, capability and risk.

g) 94% of respondents were supportive of creating duties for online marketplaces to cooperate with regulators, with 13% calling for the Government to go further than proposed in the consultation. The main reasons cited were the need for stronger and clearer regulations for online marketplaces, and to create a fairer playing field.

h) 87% of respondents supported the proposal to introduce requirements for online marketplaces to proactively take due care, with 12% of respondents calling for the government to go further than the consultation proposal. There were 86 responses on this proposal in the consultation. A high proportion of respondents (46%), called for online marketplaces to take greater responsibility for products sold on their platforms, to ensure that sellers are only listing safe and compliant goods. Others indicated that they would like to see parity between the high street and online.

i) 78% of respondents broadly supported the proposal to increase consumer-facing information on online listings. There were 88 responses on this aspect of the consultation. 7% of respondents called for the Government to go further than the consultation proposal. A significant proportion of respondents called for seller contact details to be mandatory, so that it is clear who consumers are buying from online. A key consideration that was raised was the need to clearly define 'high-risk' to avoid an uneven application of safety information requirements. Several respondents emphasised that any product and/or seller information required should align with the information available to consumers in brick-and-mortar retailers, such as on product packaging.

Compliance and enforcement

j) 64% of respondents supported OPSS taking a greater role to coordinate and align product safety approaches. There were 89 responses on this aspect of the consultation, mostly from market surveillance authorities. A key theme was for greater OPSS collaboration with Local Authorities and international counterparts to ensure consistency of approach to product safety.

k) 66% of respondents supported the creation of a new single and legal data gateway. There were 53 responses on this aspect of the consultation, mostly from market surveillance authorities. Respondents called for synergy amongst existing systems and more accessible guidance for both technical and non-technical audiences. There was a mixed interpretation of the consultation proposal with some respondents focusing on the need for a legal mechanism to share data whilst others focused on the need for a single data gateway.

l) 69% of respondents agreed that OPSS should be the single point of contact for serious product safety notifications. There were 55 responses on this aspect of the consultation. Respondents called for Local Authorities to be included in the process to ensure a streamlined process for businesses.

m) 78% of respondents agreed that OPSS should consolidate enforcement legislation, with only 3% disagreeing. There were 60 responses on this aspect of the consultation. Around half of the respondents called for greater simplicity in enforcement legislation. Respondents also called for a reduction in ambiguity around existing terminology within legislation and improving the consistency of enforcement action.

n) 62% of respondents supported the introduction of undertakings, process improvement notices, and civil monetary penalties, whilst 7% disagreed. There were 61 responses on this aspect of the consultation. 18% of respondents agreed that civil monetary penalties would be useful, whilst 11%, mostly businesses, raised reservations.

o) 87% of respondents supported reviewing inspection powers. There were 52 responses on this aspect of the consultation. Over half suggested that home-based businesses should not have an advantage over businesses operating from commercial premises. 15% of respondents expressed concerns relating to people's human rights and there were common calls for a focus on proportionality.

p) 53% of respondents supported changes to the product liability regime, whilst 9% were against making any changes. There were 34 responses on this aspect of the consultation. There were calls for the regime to take account of smart products and AI. Questions were raised about liability for products bought from overseas sellers through online marketplaces, but no solutions were suggested. There was one response in favour of aligning with the EU's Product Liability Directive updates and one response against this.

List of consultation respondents

The following is a list of the respondents to the consultation; it does not include the names of individuals or those that wished to remain anonymous:

- Agricultural Engineers Association
- Association for Innovation, Research and Technology Organisations (AIRTO)
- AKH Services Ltd
- ALF (Aquatic Distributors) Ltd
- AliExpress.com
- Amtri Veritas Ltd
- Apple
- Ards and North Down Borough Council
- Association Cosmed
- Association of Chief Trading Standards Offices (ACTSO)
- Association of Personal Injury Lawyers
- British Electrical and Allied Manufacturers Association (BEAMA)
- British Aerosol Manufacturers' Association Ltd
- British Beauty Council
- British Canoeing
- British Compressed Gases Association
- British Measurement and Testing Association
- British Retail Consortium
- British Safety Industry Federation
- British Standards Institution
- British Toy & Hobby Association
- Buckinghamshire and Surrey Trading Standards
- Business Expert (Food Standards & Labelling) Group
- Campaign for AI Safety
- CE & UKCA Marked Soft Toy Support Network (Facebook Soft Toy Compliance Group)
- Chartered Trading Standards Institute (CTSI)
- Construction Equipment Association
- Consumer and Public Interest Network (CPIN)
- Consumer Scotland
- Cooley LLP
- Cosmetics Europe
- Cummins Inc
- DFTM Ltd
- DWF Law LLP
- Ebay

- EETSA Regional Product Safety Group
- Electrical Safety First
- Environmental Health Northern Ireland
- Estee Lauder Companies
- European Association of Internal Combustion Engine and Alternative Powertrain Manufacturers (EUROMOT)
- Fair Civil Justice (FCJ)
- Federation of Environmental Trade Associations
- Federation of Small Businesses (FSB)
- Fire Sector Federation
- Food Service Equipment Association
- Freshfields Bruckhaus Deringer
- Fruugo
- GAMBICA
- Glasgow City Council
- Gumtree
- IMQ Certification (UK) Ltd
- Institute of Export & International Trade
- Institution of Engineering & Technology (IET)
- Japan Cosmetic Industry Association
- Kingfisher
- Knit Me
- Ladder Association
- LEGO
- Lighting Industry Association (LIA)
- London Assembly Fire, Resilience and Emergency Planning (FREP) Committee
- London Fire Brigade
- London Trading Standards
- L'Oreal UK and Ireland
- Lloyd's Register Quality Assurance (LRQA)
- Microsoft
- Myenergi
- National Fire Chiefs Council (NFCC)
- NCC Group
- Personal Care Products Council
- Pogust Goodhead
- Portable Electric Tool Manufacturers Association
- Premier Farnell UK
- Procter & Gamble UK

- PRP Architects
- Pupils 3 Parliament
- Reabrook Ltd
- Regulatory Institute (www.howtoregulate.org)
- Royal Society for the Prevention of Accidents (RoSPA)
- Scottish Community Safety Network
- SHEIN
- Society of Chief Officers for Trading Standards in Scotland
- Spanish Cosmetics, Toiletry and Perfumery Association (STANPA)
- TechUK
- Tesco
- The Association of Manufacturers of Domestic Appliances (AMDEA)
- The Cosmetic, Toiletry & Fragrance Association of Singapore (CTFAS)
- The Cosmetic, Toiletry and Perfumery Association (CTPA)
- The Safety Assessment Federation Ltd
- Toy Retailers Association
- Trading Standards – Brent and Harrow
- Trading Standards – CEnTSA Regional Product Safety Group
- Trading Standards – Cornwall
- Trading Standards – Derby City Council
- Trading Standards – Hertfordshire
- Trading Standards – Kent County Council
- Trading Standards – Leicestershire
- Trading Standards – South East
- Trading Standards – South West
- UK Cleaning Products Industry Association (UKCPI)
- UK Lubricants Association
- UK Material Handling Association
- UK Accreditation Service (UKAS)
- UK Interactive Entertainment (Ukie)
- UL Solutions
- Unilever
- University of Warwick
- Ventilation Fire Smoke Limited
- Vinted
- Wales Safer Communities Network
- Which?

Footnotes

1. Source: [Impact Assessment for the Product Safety and Metrology etc. \(Amendment\) Regulations 2024](https://www.legislation.gov.uk/ukdsi/2024/9780348260311/impacts) (<https://www.legislation.gov.uk/ukdsi/2024/9780348260311/impacts>). Impacts are reported in 2023 prices.
2. [Digital Product Passport](https://hadea.ec.europa.eu/calls-proposals/digital-product-passport_en) (https://hadea.ec.europa.eu/calls-proposals/digital-product-passport_en) – European Health and Digital Executive Agency website



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