



## Consumer Affairs Directorate

STRENGTHENING CONSUMERS AND BUSINESS

# Transposing the revised General Product Safety Directive

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# 1. INTRODUCTION

## PURPOSE OF CONSULTATION

1.1 This consultation document seeks your views on policy issues relating to the transposition of the revised General Product Safety Directive (GPSD) into UK law. Your responses will help us to determine the best approach to take in drafting the transposing legislation, which is likely to take the form of new Regulations. We will hold a second consultation during 2002 on the draft legislation.

1.2 The original General Product Safety Directive (92/59/EEC) was transposed into UK law by the General Product Safety Regulations 1994 (SI 1994 No. 2328). Guidance on the General Product Safety Regulations 1994 is available on the Consumer Affairs section of the DTI website ([www.dti.gov.uk/cacp/ca](http://www.dti.gov.uk/cacp/ca)).

1.3 A revised Directive was adopted by the Council on 27 September 2001 and by the European Parliament on 4 October 2001. The text of the revised Directive is included in this document. The Directive must now be transposed into the legislation of Member States within two years of the date of its publication in the Official Journal, which is expected shortly.

1.4 The purpose of the original Directive was to extend safety regulation to all consumer products, not just those covered by sector-specific European safety legislation (the sectoral directives). The aim of the revised Directive is to go further by ensuring that all relevant safety provisions apply to all consumer products, while preserving sectoral safety requirements where these exist. This will mean that that all consumer products will be fully covered either by a sectoral Directive, by the revised General Product Safety Directive, or by a combination of the two

## RESPONSES

1.5 You are invited to respond to this consultation:

by e-mail: [revised.gpsd@dti.gsi.gov.uk](mailto:revised.gpsd@dti.gsi.gov.uk)

by post: Rachel Bealey  
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Room 425  
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1 Victoria Street  
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## CLOSING DATE

1.6 Responses must be received by **8 March 2002**.

## **OUTCOME**

1.7 We aim to publish the outcome of this consultation in May 2002.

## **CONFIDENTIALITY**

1.8 Your response to this consultation document may be made publicly available in whole or in part at the Department's discretion. If you do not wish all or part of your response (including your identity) to be made public, you must state in the response which parts you wish us to keep confidential. Where confidentiality is not requested, responses may be made available to any enquirer, including enquirers outside the UK, or published by any means, including on the Internet.

## **CONSULTEES**

1.9 We are sending this consultation document to the consultees listed at the end of this document. Please tell us if you know of others who would be interested in receiving this document. It is also available by request from the sources listed in paragraph 1.10, and on our website:-

[www.dti.gov.uk/cacp/ca/consulta.htm](http://www.dti.gov.uk/cacp/ca/consulta.htm)

## **HELP WITH QUERIES**

1.10 If you would like help with queries or further information about this consultation, please contact Rachel Bealey (tel. 020 7215 0033) or Ronnie Loughlin (tel.020 7215 0359) at the address given in paragraph 1.5.

## 2. SUMMARY

2.1 **We welcome views on all aspects** of the transposition of the revised General Product Safety Directive (GPSD). Our view of the main policy issues is set out in section 3 of this document.

2.2 **We also welcome comments on the draft Regulatory Impact Assessment** (RIA) contained in section 4 of this document.

2.3 For ease of reference and to help guide responses, we have provided below a brief summary of the main changes which will arise from the revision of the GPSD. References to Articles are to the Articles of the revised Directive, the text of which is contained in section 5 of this document.

### Key changes

- The revised GPSD imposes a general safety requirement (Articles 2- 4) that consumer products placed on the market must be safe. This will apply to products for use by consumers and not covered by sector-specific European safety legislation (the sectoral directives). The new GPSD also imposes a series of other measures (Article 5 onwards) aimed at ensuring that consumers have the information needed to assess risks, and that safety problems will be properly dealt with when they emerge. These measures will apply to all products for use by consumers, including those covered by the sectoral directives, unless a sectoral directive has provisions with the same objective. Therefore **those consultees who have an interest in products which are already covered by a sectoral Directive will wish to pay close attention to the relationship between the provisions of the relevant sectoral Directive and the revised GPSD. [Article 1]**
- Products supplied in the course of a **service** (for example, exercise equipment in a gymnasium) will be included within the scope of the revised GPSD. **[Article 2(a)]**
- Products intended for use by professionals and subsequently supplied to consumers (so-called '**migrating**' products) will also come within the scope of the revised GPSD. **[Article 2(a)]**
- Assessment of whether a product is safe will, where applicable, take into account the **putting into service** or **installation** of a product and its **maintenance needs. [Article 2(b) - definition of "safe product"]**
- There will be a new class of European standards. Products complying with such voluntary standards will be **deemed to satisfy the general safety requirement** with respect to the safety aspects covered by the standard. **[Article 3]**
- There will be a new obligation for **producers** to be in a position to **recall** products from consumers when other measures are not sufficient to

protect consumers **[Article 5.1]**, and a last resort power for **enforcement authorities to order a product recall**, when necessary. **[Article 8(f)(ii)]**

- **Distributors** will be required to **keep and provide documentation** to help trace the origin of products in the event of a safety problem. **[Article 5.2]**
- **Producers and distributors** will be required to:
  - **notify dangerous products** to the enforcement authorities (subject to rules to be drawn up by the Commission in consultation with the Member States). **[Article 5.3 and Annex I]**
  - **co-operate** with the enforcement authorities on action to prevent risks to consumers (procedures to be established in consultation with the enforcement authorities). **[Article 5.4]**
- The **export** from the Community of dangerous products, which have been the subject of an Emergency Decision, will be banned - unless the Decision provides otherwise. **[Article 13.3]**

#### 2.4 Food safety

Consultees may wish to note our understanding of the relationship between the revised GPSD and existing and future food safety regulations. The revised GPSD will apply to food only insofar as the relevant issues are not already covered by Community food safety legislation. The Food Standards Agency has advised that the following key changes in particular would apply to food:

- the obligation for producers to be in a position to recall products from consumers when other measures are not sufficient, and the last resort power for enforcement authorities to order a product recall where necessary [Articles 5.1 and 8(f)(ii)]
- the obligation on producers and distributors to notify unsafe products [Article 5.3]

Once the forthcoming Community Regulation on food law and food safety is fully in place, we expect that food will fall outside the scope of the GPSD.

### **3. TRANSPOSITION POLICY ISSUES**

#### **List of policy issues discussed in this section**

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## **Titles of Directives, Regulations and statutes referred to in this section**

This section uses the following short descriptions:

“revised GPSD” means the text of the revised General Product Safety Directive, adopted by the Council of Ministers on 27 September 2001 and by the European Parliament on 4 October 2001, which is now to be transposed into UK law within two years of the publication of the text in the Official Journal.

“GPSR 1994” means the General Product Safety Regulations 1994, which transposed the original version of the General Product Safety Directive (92/59) into UK law.

“CPA 1987” means the Consumer Protection Act 1987, certain sections of which are incorporated by reference in GPSR 1994.

## **1 Relationship between revised GPSD and sectoral directives**

The products covered by the original GPSD, and hence by GPSR 1994, can best be described as goods which are supplied to consumers for their private use. Products covered include, but are not restricted to, clothing, medicines, primary agricultural and horticultural products, DIY tools and equipment, fireworks supplied to consumers, food and drink, household goods, nursery goods, chemicals and pesticides, and motor vehicles. Although this product coverage is wide, many products are already subject to sectoral safety requirements, laid down in many cases in European sectoral directives.

Article 1 (2) of the revised GPSD seeks to clarify the relationship between itself and other, sectoral directives. However, these relationships will in some cases be too complex to describe exhaustively in the text of the new legislation transposing the revised GPSD. This is because the extent to which the various provisions of the revised GPSD will apply to different sectoral directives will depend on the detailed provisions contained in those directives.

In general, the so-called “New Approach” sectoral directives (e.g. those covering toys, machinery, and gas and electrical appliances) contain comprehensive safety provisions. However, even in these cases the relationship between a sectoral directive and the revised GPSD will depend on the precise mechanisms which each sectoral directive uses in respect of each relevant safety provision set out in the revised GPSD. For instance, the Toys Directive, while comprehensive in its coverage of safety requirements, has only limited provision for managing safety problems arising after a product has been placed on the market. The revised GPSD’s post-marketing provisions would therefore be expected to apply to toys.

**It is therefore particularly important for those with an interest in products which currently have their safety regulated under a sectoral directive to understand clearly the relationship between the provisions of that directive and the revised GPSD.**

The Commission has undertaken to produce detailed guidance on the relationship between different directives as a “vade mecum” for business, enforcement authorities and others. This is expected to be produced before the deadline for transposition of the revised GPSD (i.e. two years after the date of publication of the text in the Official Journal), but will not be available for some time yet. Although this will not have legal force, it will help to encourage consistency of interpretation and enforcement.

Our aim in the transposing legislation is to make the relationship between directives as clear as possible, in order to provide certainty for those affected by the legislation, while ensuring that the transposing legislation is “future-proofed” as far as possible so that it will not create implementation problems for future sectoral directives. One obvious transposition option is to adopt the wording used in Article 1 (2), supported by guidance as appropriate. **We invite views on whether this approach raises any practical difficulties.**

## **2 Definition of “product” – items used in the course of a service**

Article 2 (a) of the revised GPSD changes the definition of “product” in two important ways. First, it now includes products used by consumers “in the context of .. a service”. Secondly, it includes products “likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them” (see issue 3 below).

**How might new legislation best distinguish between the items which do and do not lie within the revised GPSD definition of “product”?** This is a particular issue for products which may be used in the course of a service.

Recital 9 to the revised GPSD attempts to clarify the extent to which items used in the course of a service are covered by the Directive:

“.. [revised GPSD’s] provisions should also apply to products that are supplied or made available to consumers **in the context of service provision for use by them**. The safety of the equipment used by service providers themselves to supply a service to consumers does not come within the scope of this Directive since it has to be dealt with in conjunction with the safety of the service provided. In particular, equipment on which consumers ride or travel which is operated by a service provider is excluded from the scope of this Directive.”

Even taking this guidance (which is not part of the normative text of the revised GPSD and thus has no legal effect) into account, the dividing line between those products which are and are not covered by the revised GPSD will need to be carefully drawn. For instance, it is clear from Recital 9 that a train or bus used by a consumer would not be covered. It also seems that an escalator in a department store would also fall outside the scope of the revised GPSD, in that it is “operated by a service provider” and is not under the control of an individual consumer. However, other items such as supermarket shopping trolleys, or gymnastic equipment such as treadmills in a gym, would be likely to fall within the scope of the revised GPSD because these items are used directly by consumers themselves in the course of the service, rather than being used by the service provider. On the same basis, a hired chauffeur-driven car would fall outside the scope of the revised GPSD, but a hired self-drive car would not.

The wider definition of “product” will bring certain products used by consumers in workplaces into the scope of the revised GPSD, and will thus increase the potential overlap between consumer product safety regulation and the workplace health and safety regulation enforced by the HSE. Clearly it will be important to avoid any overlap of enforcement responsibilities in practice.

In the light of this, **we welcome views** on:

2.1 whether the transposing legislation should simply use the definition of “product” used in Article 2 (a) of the revised Directive, or should use a narrower definition in an attempt to clarify the scope of products covered (NB in the latter case we would need to bear in mind

the risk of a challenge from the Commission, since we would be elaborating on the wording of the Directive), and

2.2 whether it would be helpful to produce an indicative, non-exhaustive list of the types of product which do and do not fall within the scope of the revised GPSD. We are wary of including such a list in the transposing legislation, because lists of this type in legislation tend to be construed as if items that are not listed are excluded. This would be unhelpful in this case, since one has to refer back to the definition in the Directive to establish whether any given product falls within its scope. However, it may be helpful to include a list of this type in the DTI guidance which will be produced to accompany the legislation.

### **3 Definition of “product” – product migration**

The second significant change to the definition of “product” is intended to protect consumers from risks arising from so-called ‘product migration’ where over time, products shift from purely professional use to use by both professionals and consumers. In some cases, such products can be unsafe if used by consumers who do not have appropriate training. For instance, certain types of hire tools may fall into this category.

By explicitly including ‘migrating’ products within its scope, the revised GPSD highlights the question of how to ensure that consumers are protected from products that are safe for trained professionals but unsafe for general consumer use. In these circumstances there is a dual need to ensure that consumers are adequately protected and that professionals can retain access to the products they require. It may not be straightforward to reconcile these aims. For instance, if a product is deemed unsafe for consumer use and is therefore withdrawn from the consumer market, how are we to avoid inadvertently banning the product from professional use?

As with products supplied in the course of a service (issue 2 above), there is a potential overlap here between the safety regulation of the workplace and of consumer products. Again, it will be important to avoid overlaps and confusion in practice.

We have identified several possible approaches to this issue, which are described below. All are aimed at ensuring sufficient flexibility to deal with genuine safety concerns without unintended consequences, and to cope with market developments during the lifetime of the revised GPSD. **We welcome views on their merits, and alternative suggestions:**

**3.1** Give no special consideration to professional supply issues in transposing the revised GPSD, on the assumption that the professional market is effectively separate from the consumer product market, with a different supply chain and different safety enforcement environment, so will not be affected by action to restrict the supply of products to consumers. In terms of the professional market, this is effectively a “do nothing” option which continues the status quo. It has the advantage of simplicity, but arguably leaves those producers and distributors who serve both the consumer and professional markets in an uncertain position in terms of compliance with enforcement requirements. We welcome views on whether this approach is likely to be workable in practice.

**3.2** Provide that action may be taken to restrict the supply of a migrating product to the consumer market while explicitly allowing its supply to trained professionals. This may make it easier for suppliers of such products to understand their obligations. One way to achieve this might be to distinguish in new legislation between the consumer market – to which the GPSD’s general safety requirement would apply – and the professional market, to which the requirement would not apply. However, this may not be straightforward in practice since the concept of “placing on the market” is used in a range of European

Community legislation and has an established meaning which refers to the whole of the supply chain, not just to supply to consumers.

**3.3** A variant on 3.2 might be to include, in new legislation and/or emergency regulations restricting the supply of a product to consumers, an express exemption which would allow supply to professionals to continue. There are precedents for this, such as the Fireworks (Safety) Regulations 1997, which make an exception from the general prohibition against supply of certain fireworks to the public for professional users. Similarly, the All-Terrain Motor Vehicles (Safety) Regulations 1989 allow certain vehicles to be supplied for agricultural use but not consumer use.

In assessing the implications of these options, it should be borne in mind that in some cases the potential safety risks which migrating products may pose to consumers will be capable of being addressed under the revised GPSD (Article 8 (1)) by means short of a ban on supply to consumers, such as the provision of information or warnings, or the imposition of prior conditions on marketing.

#### 4 Definition of “safe product”

Article 2 (b) of the revised GPSD expands the definition of “safe product” significantly, so that it now reads (new wording in italics):

“any product which, under normal or reasonably foreseeable conditions of use including duration *and, where applicable, putting into service, installation and maintenance requirements*, does not present any risk or only the minimum risks...”

This change has the effect of widening the range of factors which must be taken into account when considering whether a given product is a safe product, so as to include factors which relate to the services of commissioning and installing the product, and the maintenance requirements of the product.

The revised GPSD is not intended to apply to services themselves (see Recital 9). However, it might be argued that in any case where the supply of one or more of the services referred to in the text is an integral part of the supply of the product, such services may have an inevitable bearing on the safety of the product in question and may therefore affect the status of the product in terms of the revised Directive.

For instance, in a situation where

- i) the nature of the product concerned is such that installation must be carried out by the producer or under his responsibility, and
- ii) it appears, after the installed product has been found to be unsafe, that the cause of the defect may lie in the installation service instead of, or in addition to, the product itself,

then the resulting product, in conjunction with the associated installation service, would presumably have to be judged unsafe within the meaning of the revised GPSD. However, where the installation could have been carried out separately by any competent person, and where there is no evidence of any defect in the design or manufacture of the product itself or in the installation instructions provided with the product, it would be difficult to argue that the product itself was unsafe.

**Taking this into account, do you see any practical problem arising from the use of the revised GPSD definition of “safe product” in the transposing legislation? If so, what is the problem and how might it be tackled?**

## **5 Assessing the safety of products**

Articles 3 (2) and 3 (3) of the revised GPSD set out an amended method for assessing the conformity of products to the general safety requirement. This will entail an expansion of the mechanism of the "presumption of conformity" provision in GPSR 1994 to include certain European standards which would be listed in the Official Journal of the European Communities. Products complying with such standards would be deemed to satisfy the general safety requirement. Compliance with these standards would be voluntary, and suppliers would be free to choose other means of satisfying the general safety requirement.

The revised GPSD provides for these standards to be established under a mandate from the Commission. A Regulatory Committee, comprised of Member States under the chairmanship of the Commission, would set out the objectives that such standards must meet to ensure that the products complying with the resulting standard meet the general safety requirement. The revised GPSD also provides for the Regulatory Committee to consider which existing European standards could be accorded "presumption of conformity" status. A safeguard procedure (Article 3 (4) of the revised GPSD) will allow Member States to deal appropriately with products which are found to be dangerous even though they conform to the criteria designed to ensure compliance with the general safety requirement.

We do not expect these changes to cause any significant difficulty for stakeholders, particularly since the use of these standards will be voluntary. Indeed, we believe that these changes will be useful and will be welcomed by producers. However, the changes are noteworthy and **we welcome any comments on issues of concern.**

## 6 Obligations of producers

Article 5 (1) of the revised GPSD places a number of new obligations on producers which raise questions of implementation, set out below. **We welcome views on these points.**

**Consultees are reminded that the obligations set out in Article 5 and all subsequent Articles of the revised GPSD will apply to all consumer products, including those for which safety is already regulated by a separate sectoral directive, unless the relevant sectoral directive contains provisions which have the same purpose as the relevant obligation of the revised GPSD.**

### 6.1 Recall obligation

There is a new obligation on producers to “adopt measures .. enabling them to .. choose to take appropriate action [to manage risk] including .. *recalls from consumers*”. This expands the current obligation to withdraw products from the market, so as to cover products already supplied to consumers (see also the new definitions of “recall” and “withdrawal” in Article 2).

This new obligation must be understood in the light of Article 8 of the revised GPSD, specifically:

Article 8 (1) (f), which provides that the authorities of Member States shall be entitled “for any dangerous product on the market: to order or co-ordinate or, if appropriate, to organise together with producers and distributors its recall from consumers..”; and

Article 8 (2), which provides that “if necessary, [the authorities] shall organise or order the measures provided for in paragraph 1 (f) if the action undertaken by the producers and distributors in fulfilment of their obligations is unsatisfactory or insufficient. Recall shall take place as a last resort. It may be effected within the framework of codes of good practice on the matter in the Member State concerned, where such codes exist.”

In this context it is important to emphasise that producers of consumer products in the United Kingdom have a generally good track record of carrying out voluntary recalls of dangerous products in a timely and appropriate way. Such recalls are often executed in accordance with voluntary codes of good practice established by industry and supported by government (see for example “Consumer Product Recall – a good practice guide”, produced by the DTI in association with the Confederation of British Industry, the British Retail Consortium and the Consumers’ Association). In the light of this, we do not expect compulsory ‘last resort’ recalls to be a very frequent occurrence. We do not anticipate any need for widespread speculative checks on producers’ recall capability, and we do not intend the new obligation and associated enforcement regime to encourage this. Against this background, we are

seeking views on how this new obligation on producers can best be framed so as to be proportionate and workable.

The issues which need to be considered include:

### Mechanism

**6.1.1** In the event that the authorities find it necessary to order a producer to mount a recall, or even to organise a recall themselves, **what should the mechanics of the process be?** In such situations time is likely to be of the essence – the authorities will wish to remove a dangerous product from the market as quickly as possible, and will already have spent some time investigating with the producer the possibility of a voluntary recall. At worst, the system needs to be able to deal with unscrupulous traders who might deliberately seek to delay the recall process. But the process must also give the producer who has a genuine case against recall a fair opportunity to make that case.

One possible approach would be for the authorities to be empowered to issue a “recall order” which would require a named producer to commence a recall by a specified deadline, failing which the authority itself might either issue an injunction requiring the producer to mount a recall, or be entitled to organise a recall itself and then bring proceedings to recover the costs of doing so from the producer. The producer would have the option of challenging such a recall order in court, probably using a new bespoke appeal mechanism. If this approach is used, what period of time would be reasonable to set as the deadline for carrying out a recall – perhaps 7, 14 or 21 days? Are there alternative mechanisms that might be preferable?

### Enforcement authority

**6.1.2** Which body or bodies should be responsible for ordering a product recall? The relevant Local Authority will always need to be involved, since it will have played a leading role in the investigation of the product’s safety from the outset. But will there be a need for some kind of centralised supervision or co-ordination of decisions on product recall? If so, should this role be played by the DTI or other relevant arm of central government (e.g. the Vehicle Inspectorate in the case of vehicles), by a co-ordinating body such as LACOTS, or by some third party? And what additional resources will the authorities that take on this responsibility require? Consultees may also wish to consider these questions in the context of the questions raised in issue 10 below concerning the power of the authorities to organise a recall.

### Scope of obligation

**6.1.3** To give clarity to business and enforcement authorities, we suggest that new legislation should state as clearly as possible what the new obligation will involve. This might include any or all of the following requirements, or others:

6.1.3.1 producers to be demonstrably capable of carrying out a recall if it proves necessary - this could entail one or more elements e.g. keeping appropriate records; drawing up contingency plans; identifying the relevant resources and expertise to carry out a recall; subscription to a relevant voluntary industry scheme or code of practice relating to product recalls, where one exists;

6.1.3.2 producers to implement a recall within a specified time when instructed to do so by the relevant authorities;

6.1.3.3 producers to carry through a recall effectively when they are required to do so by the relevant authorities, e.g. by taking appropriate steps/making an appropriate level of effort – guidance on the scope of such an obligation would probably have to be developed, although it would be difficult to produce detailed guidance covering all likely scenarios.

**We welcome views** on which requirements are best suited to making the new obligation proportionate and workable.

### Offences and penalties

**6.1.4** The scope of the obligation on producers has to be considered alongside the question of whether, and at what point, failure to comply with the obligation should be an offence, and what penalty any offence should attract. For instance, should it be an offence to fail to meet the obligation to be *in a position to recall*, or only to fail to comply with an instruction by the authorities *actually to recall*?

An issue here is that any producer on whom the obligation falls will already be likely to have placed a dangerous product on the market, in breach of Article 3 (1) of the revised GPSD. Such a breach is already classed as an offence under GPSR 1994. The nature and scale of any further offence and penalty should therefore reflect the additional danger to consumers arising from a failure to meet the obligation to recall. Thus it may be that the level of penalty applicable for a failure to recall when required should be higher than that currently applying to

offences under GPSR 1994 (see issue 9 below). Penalties relating to the revised GPSD are required under the terms of the Directive (Article 7) to be “effective, proportionate and dissuasive”.

On the basis of the indicative list of obligations set out at 6.1.3 above, it might be appropriate for a failure to comply with safety-critical obligations such those described at 6.1.3.2 and 6.1.3.3 above to be an offence attracting a penalty. In the context of the sort of “recall order” mechanism described at 6.1.1 above, failure to comply with an order could be penalised. Whatever the mechanism, the due diligence defence set out in GPSR 1994 would continue to be available, although it may be of limited relevance in a recall situation. **We welcome views on what offence and penalty regime is appropriate.**

## 6.2 Risk management

Article 5 (1) carries over the obligations on producers to provide consumers with information on risk, and to adopt measures relating to risk management, from the original Directive. The revised GPSD includes an illustrative list of measures to take.

While these obligations are already imposed in Regulation 8 of GPSR 1994, failure to comply with them is not, in itself, currently an offence attracting a penalty, except insofar as the obligations are “safety provisions” for the purposes of CPA 1987 and therefore enforceable by suspension notices and forfeiture of goods under that Act.

The implementation of the revised GPSD is an opportune moment to review how producers have complied with these obligations since the introduction of GPSR 1994, and whether any change is appropriate. For instance, is there any need for non-compliance with these obligations to be reclassified as an offence? Again, the context is the requirement in Article 7 of the revised GPSD for penalties relating to infringements to be “effective, proportionate and dissuasive”. It should also be borne in mind that some of the measures which are listed in Article 5 (1) are cited there only as *examples* of the sorts of measures which producers should adopt.

### **Particular questions on which we are seeking views are:**

**6.2.1** Is there any significant evidence that producers are failing to meet these obligations at present, and/or that the introduction of penalties would be an effective way of increasing the level of compliance with these obligations?; and (if so)

**6.2.2** Are these obligations, as currently framed, sufficiently clear-cut that non-compliance could reasonably be made an offence? If not, how might the obligations be made more clear-cut?

### **6.3 Register of complaints, and keeping distributors informed**

Article 3 (2) of the original Directive includes, in its illustrative list of risk-monitoring obligations on producers, the task of “investigating complaints made” about products, and this is reflected in Regulation 8 (2) (iii) of GPSR 1994. Article 5 (1) of the revised GPSD expands its description of this task to “investigating and, if necessary, keeping a register of complaints”. Although we see no difficulty in reflecting this change in the transposing legislation, it may be helpful to expand on the circumstances in which keeping a register of complaints could be “necessary”, in order to give greater certainty to producers.

Article 5 (1) of the revised GPSD also states that the obligation for producers to keep distributors informed of safety monitoring activities only applies where “necessary”. Again, it may be helpful in new legislation to expand on what this means.

**We welcome views.**

## 7 Obligations of distributors

Article 5 (2) of the revised GPSD imposes upon distributors (defined in Article 2 as “any professional in the supply chain whose activity does not affect the safety properties of a product”) the new obligation of:

“keeping and providing the documentation necessary for tracing the origin of products”.

This should be seen in the context of Article 5 (1) [2nd](a) of the revised GPSD, which seeks to improve the traceability of products by including, in the list of examples of measures to be taken by producers, “an indication, by means of the product or its packaging, of the identity and details of the producer and the product reference”.

We welcome views on the practical implications of this new obligation, and on how it can best be framed in transposing legislation so as to be workable and proportionate. We highlight some particular issues below.

### 7.1 Proportionality

Recital 20 to the revised GPSD notes that obligations placed on distributors apply “in proportion to their respective responsibilities” and that “in particular, it may prove impossible, in the context of charitable activities” to provide the documentation referred to in this Article “in the case of isolated used objects provided by private individuals”. However, the obligation to keep documentation would clearly apply to a charitable concern in respect of goods that it had received with accompanying documentation from a business supplier (e.g. seconds).

It is important, for the charity sector and other similar sectors, that the proportional application of this obligation is accurately reflected in the transposing legislation. This may not be straightforward in all cases, since the degree to which the obligation applies will depend on the facts of each case. **How should new legislation deal with this?** One possibility might be to include a non-exhaustive, illustrative list in DTI guidance accompanying the legislation, setting out the extent to which the obligation would apply in different cases. The inclusion of such a list in the legislation itself is unlikely to be helpful, for the reasons given in respect of issue 2.2 above.

### 7.2 Extent of obligation

It may be helpful in new legislation to define further the extent of the obligation. For instance, should legislation define the period of time for which documentation should be kept and if so, how? One obvious option is the expected life of the product in question. **Are there other points on which distributors would find an expanded definition helpful?** We would need to consider whether any elaboration here would run the risk of challenge from the Commission, because there is no detailed guidance on this in the wording of the Directive.

Whether or not this obligation is clarified in the transposing legislation, it is likely to be helpful to provide some guidance to UK distributors on the requirements arising from this obligation. The challenge here will be to give proper effect to the aim of this revision to the GPSD – to ensure that unsafe products can be traced, so that the risks they pose to consumers can be managed – while ensuring that the resulting impact on distributors, including small businesses, is proportionate and manageable. For instance, it may be helpful to give guidance on precisely what type of documentation should be available, and on the form in which it should be available. **We welcome views** on what guidance would be helpful, and on what the appropriate requirements should be.

## **8 Obligations of both producers and distributors**

Article 5 of the revised GPSD imposes two new obligations on both producers and distributors.

### **8.1 Notification**

Article 5 (3) requires producers and distributors who “know or ought to know” that a product “poses risks to the consumer that are incompatible with the general safety requirement” to

“immediately inform the .. authorities .. thereof under the conditions laid down in Annex I [to the revised GPSD], giving details, in particular, of action taken to prevent risk to the consumer.”

Annex I states that the European Commission “shall define the content” of such notifications, and “shall put forward .. simple and clear criteria for determining the special conditions, particularly those concerning isolated circumstances or products, for which notification is not relevant”.

While recognising that it will be difficult for consultees to comment meaningfully on this obligation until the Commission has begun to produce the guidance referred to in Annex I, **we welcome initial views** on how to make this obligation proportionate and workable in practice, and on the appropriate administrative arrangements for notification (see also issue 16 below).

### **8.2 Co-operation**

Article 5 (4) of the revised GPSD requires producers and distributors “within the limits of their respective activities” to

“co-operate with the authorities, at the request of the latter, on action taken to avoid the risks posed by products which they supply or have supplied. The procedures for such co-operation .. shall be established by the competent authorities.”

**We welcome comments** both on the way in which this obligation should be framed in new legislation, and on the way in which efficient and effective procedures for co-operation can best be developed and agreed. We expect that representatives of producers and distributors will wish to be closely involved in this process.

## **9 Penalties**

Issues 6.1.4 and 6.2 above deal with the question of offences and penalties in relation to the new recall obligation and other continuing obligations on producers.

**We welcome more general comments** on whether the present offence and penalty provisions meet the new requirement set out in Article 7 of the revised GPSD that penalties should be “effective, proportionate and dissuasive”.

The current penalties for supplying unsafe products are a fine of up to £5,000 for each offence and/or a term of imprisonment of up to three months on summary conviction (GPSR 1994, regulation 17). As noted in respect of issue 6.1.4 above, there may be a case for higher penalties in the specific event of a failure by a producer to recall a dangerous product when required to do so. It is likely that the introduction of higher penalties would result in prosecutions being triable either way, rather than on summary conviction as at present.

A wider question is whether it might be appropriate, in the case of some of the new obligations created under the Directive, to provide a route for civil redress. This could be done by creating a statutory duty, the breach of which would allow consumers to take legal action.

Consultees may wish to consider these issues alongside the issue of enforcement mechanisms – see issue 11 below.

## **10 Authorities' powers to order and organise recalls**

Article 8 (1) (f) (ii) of the revised GPSD provides that the authorities of Member States shall be entitled "to order or co-ordinate or, if appropriate, to organise together with producers and distributors .. recall [of any dangerous product already on the market] and its destruction in suitable conditions".

The revised GPSD puts this new power into context in Article 8 (2). The recall power has close links with the new obligation on producers to recall dangerous products from consumers in Article 5 (1). That obligation is discussed as issue 6.1 above.

The authorities will require effective powers both to order recall action and, if necessary, to organise such recall action themselves. **What are the appropriate mechanisms for the operation of these powers?** Issues to consider include :-

- 10.1** The interaction between the exercising of this power and the enforcement of the new recall obligation on producers (issue 6.1 above).
- 10.2** The need for action to be taken promptly – particularly since any recall action led by authorities will be likely to follow a period during which the authorities have encouraged the relevant producer to take action voluntarily.
- 10.3** How an affected producer might seek redress against an authority which exceeds its powers.
- 10.4** Whether the introduction of this new power supersedes, and thus justifies the repeal of, any existing powers or enforcement provisions.

Consultees may wish to consider this issue in parallel with the question raised in issue 6.1.2 above about the appropriate authorities to order and organise recalls.

## **11 Enforcement mechanisms**

Issue 10 above considers the appropriate mechanisms to implement the new enforcement power of ordering and organising product recalls. The implementation of the revised GPSD may also be an appropriate point to consider whether the mechanisms used to implement the enforcement powers required by the original Directive, and restated in Article 8 (1) of the revised GPSD, are appropriate or could usefully be revised. **We welcome views on this.**

The enforcement provisions of the original Directive were mainly implemented in GPSR 1994 (Regulation 11) by reference to the enforcement provisions of CPA 1987. Some of them, such as suspension notices (provided for in section 14 of CPA 1987), are quite heavily used and appear to be effective. Others, such as notices to warn (section 13 of CPA 1987) are little used, and seem widely regarded as too cumbersome to be effective. Some of the powers required under both the original Directive and the revised GPSD can at present be most easily exercised by the making of emergency regulations under section 11 of CPA 1987. For instance, the power to require that a product be marked with suitable warnings (Article 6 (1) (d) of the original Directive and Article 8 (1) (b) (i) of the revised GPSD) is exercisable under section 11 (2) (l) of CPA 1987.

One option is to clarify and rationalise the enforcement position in the transposing legislation by setting out a separate and comprehensive system of enforcement mechanisms designed specifically to map onto Article 8 (1) of the revised GPSD. This would offer maximum clarity for enforcement authorities and business, but would of course require those involved to become familiar with a wide range of new provisions.

Another approach would be to continue with those of the current (CPA-based) powers which are most fit for purpose (such as suspension notices) and to amend other CPA-based powers which are less suitable. We welcome views as to which powers might benefit from amendment.

One other possibility could be to extend the “Stop Now Orders” injunctions regime into the field of product safety. We welcome views on whether this might offer any advantages in comparison to the other approaches described above.

**Consultees may also wish to comment** in this context on any practical issues which they see arising from the potential overlap between the enforcement of consumer product safety regulation and the enforcement of health and safety at work legislation, given the changed definition of “product” in the revised GPSD (see issue 2 above).

## **12 Precautionary principle**

Article 8 (2) of the revised GPSD states that when the authorities of Member States take enforcement action, they shall act

“in such a way as to implement the measures in a manner proportional to the seriousness of the risk, and taking due account of the precautionary principle”.

The precautionary principle is one of the principles of risk management. It applies in situations where preliminary scientific evaluation indicates that there are reasonable grounds for concern about health and safety, but where the scientific evidence is insufficient or inconclusive. In recent years it has become a particularly high-profile element of risk management thinking in the Community, perhaps most notably in the area of environmental safety.

There is no generally accepted legal definition of the principle, although there have been attempts at a definition, such as the following (from an April 2001 discussion paper produced by the European Policy Centre):

“The Precautionary Principle is a principle of risk management under which decision-makers may take provisional, proportionate and cost-effective measures to reduce potential risks to human health or the environment, by applying an appropriate degree of prudence when weighing up alternatives in the light of the results of a scientific risk assessment”.

As this attempted definition indicates, the precautionary principle is only one part of the wider process of risk assessment and management which must underpin all the activities of the authorities of the Member States relating to product safety. This, combined with the lack of a generally accepted legal definition of the principle and the inherent vagueness of concepts such as “an appropriate degree of prudence” (from the definition quoted above), poses the question of how to reflect this part of the revised GPSD in the transposing legislation. We believe that a narrow reference to the principle in legislation is unlikely in practice to provide assistance to the authorities, consumers or suppliers. Indeed, such a reference could prove counter-productive if it were to distort perceptions of the need for full and balanced risk assessment and management.

**We welcome views on this.**

### **13 Complaints to authorities**

Article 9 (2) of the revised GPSD requires Member States to

“ensure that consumers and other interested parties are given an opportunity to submit complaints to the competent authorities on product safety and on surveillance and control activities and that these complaints are followed up as appropriate.”

Our presumption is that the arrangements which the UK enforcement authorities currently have in place for receiving and following up complaints on these issues are adequate to fulfil this requirement of the revised GPSD. Local Authority consumer advice services typically aim to provide a comprehensive service for the making of complaints about unsafe goods, whether in person, by telephone or via the internet. However, **we welcome comments** on this.

## 14 Export bans

Article 13 (3) of the revised GPSD provides for the first time that

“Export from the Community of dangerous products which have been the subject of a decision [by the Commission requiring the Member States to take enforcement action, as set out in Article 13 (1)] .. shall be prohibited unless the decision provides otherwise”.

This means that when the European Commission, on the advice of Member States, decides that it is necessary to take Europe-wide enforcement action against a product on safety grounds, the product in question cannot then be exported outside the Community, unless the enforcement decision provides otherwise.

The introduction of an export ban raises some **practical questions about the mechanism for banning exports, on which we are seeking views**. We also welcome wider comments on this new provision.

The legislation transposing the revised GPSD will need to provide a mechanism to allow export bans to be imposed. Since an export ban will always be accompanied by other measures arising from the Commission’s decision under Article 13 (1), the export ban mechanism should ideally work in tandem with whatever measures are to be taken by the enforcement authorities to enforce the Commission’s decision in the UK.

We have considered whether an export ban could be implemented via one of the enforcement mechanisms already available to the authorities under CPA 1987. However, our initial conclusion is that it is unlikely to be possible to introduce an export ban in this way, either through emergency regulations made under section 11 (5) of the CPA 1987 or through a suspension notice under section 14 of CPA 1987. This is because those measures are founded on the concept of “supply” and it has been established in the past that “supply” for the purposes of CPA 1987 does not refer to supply outside the UK (decision of the Divisional Court in US International Tobacco v. SoS Department of Health, 1991) 155 JP 144.

We therefore expect that a new mechanism will be needed in order to give effect to export bans as and when they are required under Article 13 (3) of the revised GPSD. This mechanism would be likely to run in parallel with the other measures to be taken to enforce the Commission’s decision in each case. It might include provision for the enforcement authorities to issue notices informing UK suppliers that an export ban has come into effect following a relevant decision by the Commission, and to take various actions in order to ensure that the ban is complied with, such as seizing or destroying goods. The powers required to take such actions would need to be set out in the transposing legislation rather than being founded on CPA 1987, because of the limited meaning of “supply” in CPA 1987 as noted above. One additional point to note is that there would be no meaningful scope for appeal in the UK against an export ban of this type, since the ban would follow a decision by the Commission rather than by the UK authorities.

**We welcome comments** on the need for a new mechanism, on the way in which such a mechanism might work, and on the nature of the statutory powers which would be needed to make the mechanism effective.

## **15 Availability of information**

The first paragraph of Article 16 (1) of the revised GPSD is a new provision which states that the public shall have access to information which is available to Member States and the Commission regarding product safety risks, particularly “information on product identification, the nature of the risk and the measures taken”.

The second paragraph of Article 16 (1) recapitulates a provision of the original Directive, which requires that information shall not be disclosed if it is covered by professional secrecy, unless the nature of that information is such that it must be made public in order to protect consumer health and safety. That restriction was implemented in GPSR 1994 by reference to section 38 of CPA 1987, which imposed certain restrictions on the disclosure of information.

In order to transpose the new provision contained in the first paragraph of Article 16 (1) of the revised GPSD, it is necessary to consider how it should mesh with the professional secrecy provision also contained in the revised GPSD, and hence with section 38 of CPA 1987.

We have identified three options for the introduction of the new provision, which are outlined below. All of them pose certain technical difficulties. **We welcome views on these options, and on whether other options exist.**

### **15.1 Rely on section 38 of CPA 1987, unamended**

Section 38 of CPA 1987 includes a number of exemptions under which information can be disclosed (s.38 (2) (b)), including disclosure “for the purposes of compliance with a Community obligation”. The new information disclosure provision in the first paragraph of Article 16 (1) of the revised GPSD in itself represents a Community obligation, albeit one that is qualified – it does not set out the factors to be taken into account, but merely states that transparency is a consideration and that the decision to disclose must be without prejudice to enforcement requirements.

Therefore it should be possible to comply with both the new disclosure provision and the continuing professional secrecy provision, within the existing legislative framework of section 38 of CPA 1987. Disclosure of information could be justified under s.38 (2) (b), and in each case the holder of the information would have to assess whether disclosure should be made.

The practical difficulty with this is that the revised GPSD does not set out detailed criteria for the judgement of whether to disclose, and only the European Court of Justice will be able to opine authoritatively on this. It will therefore be difficult to develop clear guidance on such decisions. A further, more abstract consideration is that the use of s.38 of CPA 1987 as the vehicle for the information disclosure provision, without amendment, effectively turns the purpose of s.38 (in essence a statutory bar on disclosure) on its head.

### **15.2 Amend section 38 of CPA 1987**

An alternative approach would be to amend s.38 in the legislation transposing the revised GPSD, so as to reflect more precisely the structure and intention of Article 16 (1) of the revised text. This would remove the 'abstract' difficulty of reliance on s.38 unamended, since the revised s.38 could be structured so as to fulfil the twin roles of disclosure mechanism and statutory bar on disclosure in a more balanced way. However, it would not in itself tackle the practical problem of the lack of authoritative criteria for taking decisions on whether to disclose information in particular cases.

This option would also pose a wider technical problem in that s.38 of CPA 1987 as it currently stands is used to provide a statutory bar on disclosure in various other pieces of legislation, including legislation which implements 'New Approach' directives. This option would therefore require a wider review of other legislation which would be affected by changes to s.38.

### **15.3 Introduce a new provision to supplement section 38 of CPA 1987**

A third, more radical option would be to introduce a new, separate provision on the disclosure and non-disclosure of information into the transposing legislation, along similar lines to an amended s.38, while leaving that section of CPA 1987 in place unamended. This would enable us both to achieve a clear and comprehensive provision for the purposes of GPSD and to avoid unwanted changes to the other legislation which uses s.38 of CPA 1987. There are two technical difficulties with this approach. One, common to all three options, is that once again, it would not be possible to include authoritative decision-making criteria in the legislation. The other is that the resulting contrast in information disclosure provisions between the legislation transposing the revised GPSD and the legislation relying on the unamended s.38 of CPA 1987 could be a recipe for confusion.

## **16 Definitions**

Article 2 of the revised GPSD defines the terms “serious risk”, “recall” and “withdrawal” for the first time.

The term “serious risk” is particularly significant in the revised GPSD, since it appears in a number of areas: it helps to define the powers of Member States to take action (Article 8 (3)); it defines the actions which must be notified to the European Commission through the RAPEX system (Article 12 (1)); and it helps to define the context within which the Commission takes safety decisions (Article 13 (1)). The definition of “serious risk” given in the revised GPSD is simply

“any serious risk, including those the effects of which are not immediate, requiring rapid intervention by the public authorities”.

This definition will be supplemented by work which the Commission now has under way to develop practical risk assessment criteria. The outcome of this work will be made available to consultees. In the meantime, **we welcome any views** on the significance of the new definitions, particularly in terms of the impact they are likely to have in practice.

## **17 Administrative issues**

Implementation of the revised GPSD will entail a review of some aspects of the administrative arrangements for consumer product safety monitoring and enforcement in the UK. For instance, Article 5 (4) of the revised GPSD requires the authorities, for the first time, to establish procedures for co-operation with producers and distributors to act to avoid risks, and Article 9 requires Member States to “ensure that approaches .. are put in place” to ensure effective market surveillance.

Most of the work needed to ensure compliance with the administrative requirements of the revised GPSD will be routine and will be taken forward by the DTI in consultation with Local Authorities, industry and other interested parties over the next year or so. However, **we invite views** at this stage on any aspects of this work which are of interest to consultees.

## **4. REGULATORY IMPACT ASSESSMENT**

### **Part 1 Introduction**

#### **PURPOSE AND INTENDED EFFECT OF LEGISLATION**

1 The original General Product Safety Directive (GPSD) (92/59/EEC) was adopted in 1992. It was transposed in the UK by means of the General Product Safety Regulations 1994 (SI 1994 No. 2328). The GPSD sets a framework for consumer product safety regulation in the Member States of the European Community, by requiring that all consumer products placed on the market must be safe (the “general safety requirement”). It also places certain obligations and powers on the producers and distributors of consumer products, and on the enforcement authorities of Member States, to support and enforce that requirement. Other European and UK consumer product safety regulations sit within this framework.

2 A revised text of the GPSD was negotiated in 2000-2001 and was adopted by the European Parliament and Council in autumn 2001, with the aim of improving the working of the Directive and ensuring a high level of safety in products placed on the consumer market. The revised text is to be published in the Official Journal shortly, and Member States will have two years from the date of publication to transpose the Directive into national legislation.

3 The key policy changes arising from the revision are summarised in Part 2 of this draft Regulatory Impact Assessment (RIA). Most of the provisions of the original GPSD have been carried over into the revised text. The changes which have been made focus mainly on clarifying the scope of the Directive and on tackling product safety problems which come to light after products are placed on the market.

4 The DTI is mounting a consultation exercise on the policy issues surrounding the transposition of the Directive, beginning in late November 2001 and ending in March 2002. The first draft of this RIA forms part of that consultation. A further consultation exercise, based on draft regulations and accompanied by a revised draft of this RIA, will take place later in 2002.

#### **DEVELOPMENT OF THIS REGULATORY IMPACT ASSESSMENT**

5 A full RIA will be developed to accompany the final legislation. We intend to take advantage of the two consultations to seek stakeholder assistance in developing the RIA and ensuring that the analysis it sets out is accurate and useful. Therefore **we strongly welcome comments on this draft.**

6 It is a requirement of EC law that Directives be transposed into national legislation in an effective, timely and proportionate manner. This draft RIA therefore starts from the assumption that the revised Directive will be transposed into UK law within two years, although it uses a ‘do nothing’ option

for comparative analytical purposes where appropriate. The document sets out the key implications that transposition will have in terms of changes to the law. Each change is then analysed in terms of

- the risks involved
- the benefits associated with the change
- the costs associated with the change
- the impact on stakeholders, including small businesses

7 On the assumption that the UK will transpose the revised Directive in an effective manner, and that the risk of infraction proceedings by the Commission will thus be minimised, this RIA does not address in detail the risks of failure to transpose by the UK.

8 It is usual for RIAs to analyse changes and options in terms of compliance issues. Compliance with the revised GPSD will be enforced via the current enforcement authorities for consumer product safety legislation, namely trading standards officers (TSOs) in England, Scotland and Wales and environmental health officers in Northern Ireland. Transposition of the revised GPSD is not expected to have a significant impact on the existing enforcement regime or its anticipated effectiveness in most respects, but where there is an anticipated impact the relevant issues are discussed in Part 3 of this document.

## Part 2 Summary of key implications of new legislation

1 The revised text involves several key changes to the **scope** of the GPSD [references in square brackets are to the relevant Article of the GPSD]:

1.1 The way in which the GPSD interacts with **sectoral directives** affecting the safety of consumer products will change. The revised GPSD imposes a general safety requirement (Articles 2-4) that consumer products placed on the market must be safe. This will apply to products for use by consumers and not covered by sector-specific European safety legislation (the sectoral directives). The new GPSD also imposes a series of other measures (Article 5 onwards) aimed at ensuring that consumers have the information needed to assess risks, and that safety problems will be properly dealt with when they emerge. These measures will apply to all products for use by consumers, including those covered by the sectoral directives, unless a sectoral directive has provisions with the same objective. [Article 1]

1.2 Products supplied in the course of a **service** (for example, exercise equipment in a gymnasium) will be included in the regulations. Products intended for use by professionals and subsequently supplied to consumers (**product migration**) will also come within the scope of the revised GPSD. [Article 2(a)]

1.3 Assessment of whether a product is safe will, where applicable, take into account the **putting into service** or **installation** of a product and its **maintenance needs**. [Article 2(b) - definition of "safe product"]

2 There will be a new class of European voluntary standards. Products complying with such standards will be **deemed to satisfy the general safety requirement** with respect to the safety aspects covered by the standard. [Article 3]

3 There will be a new obligation for **producers** to be in a position to **recall** products from consumers when other measures are not sufficient to protect consumers [Article 5.1], and a last resort power for **enforcement authorities to order a product recall**, when necessary. [Article 8(f)(ii)]

4 **Distributors** will be required to **keep and provide documentation** to help trace the origin of products in the event of a safety problem. [Article 5.2]

5 **Producers and distributors** will be required to:

5.1 **notify dangerous products** to the enforcement authorities (subject to rules to be drawn up by the Commission in consultation with the Member States) [Article 5.3 and Annex I]

5.2 **co-operate** with the enforcement authorities on action to prevent risks to consumers (procedures to be established in consultation with the enforcement authorities). [Article 5.4]

**6** The **export** from the Community of dangerous products, which have been the subject of an Emergency Decision by the Commission, will be **banned** - unless the Decision provides otherwise. [Article 13.3]

## **Part 3      Option assessment**

### **1      Changes to the scope of the GPSD:**

- **relationship to sectoral directives**
- **products supplied in the course of a service**
- **product migration**
- **installation and maintenance requirements**

1.1      The only viable option is to transpose via suitable legislative provisions, accompanied by guidance (both from the European Commission and from the DTI) on the relationship between the new legislation and the sectoral directives.

#### Risks

1.2      At present there is a lack of clarity about the precise scope of the GPSD and its relationship with those sectoral directives that affect the safety of consumer products. This poses the risk that consumer safety may not always be properly protected. Effective transposition of this aspect of the revised directive, if accompanied by adequate guidance for producers and distributors, will address this risk.

#### Benefits

1.3      The quantitative nature of the benefits of this change cannot easily be estimated. It can be assumed that more clarity on the scope of the GPSD would result in a more coherent safety legislation regime for consumer goods, and thus potentially in some long term reduction in death and injury to consumers. In the long term there should also be some small ongoing savings for all stakeholders arising from the clearer legal environment.

#### Costs

1.4      As with benefits, it is hard to make a quantitative assessment of the costs of this change. There will be implementation costs, and may be some policy costs, for producers and distributors of products in sectors where clarification of the relationship between the GPSD and the sectoral directives results in new obligations falling on those suppliers, and also for suppliers of 'migrating' products and of those supplied in the course of a service. However, these should not be significant, unless the provisions of the safety regulations which applied to these products before the revision of the GPSD are so different from the GPSD as to require major changes to production or distribution practices. This is thought unlikely. Enforcement authorities will incur implementation costs in respect of training and preparation for the legislative changes. Failure to transpose would result in ongoing costs to all stakeholders arising from the unclear legal environment.

### Stakeholder impact

1.5 This change will impact on producers and distributors dealing with products covered by sectoral directives, such as toys, childcare items, pharmaceuticals, vehicles, and food (until the forthcoming Community Food Safety Regulation is implemented). The significance of these changes will become clearer when the European Commission produces guidance on the way in which the revised GPSD will interact with sectoral directives, as it has undertaken to do. The changes in the scope of the GPSD will also impact on producers and distributors of: products which are supplied in the context of a service; 'migrating' products; and products which have specialist installation requirements. Implementation costs will be proportionately more onerous for small businesses, but should still remain modest.

1.6 One further point is that services provided to consumers in the context of a workplace activity are of course already regulated by the HSE under the Health and Safety at Work Act. All the relevant authorities will therefore need to ensure that the inclusion, in the scope of the GPSD, of products provided to consumers in the course of a service, will not result in any inadvertent overlap in practice between the regulation of workplaces and of consumer products.

## **2 Use of voluntary standards**

2.1 The only viable option is to transpose via suitable legislative provisions.

### Risks

2.2 At present, the conformity of a product with the general safety requirement established by the GPSD can be assessed by conformity with specific rules of national law of the Member State(s) in which the product is in circulation. In the absence of such national rules, the safety of a product is assessed taking account of other factors including voluntary standards. However, conformity with such standards does not equate to a presumption of conformity with the general safety requirement. This leads to a risk that in the absence of appropriate national rules, it may be unduly difficult for producers to demonstrate, or for enforcers and consumers to assess, whether a product may be deemed to meet the general safety requirement. Effective transposition of this aspect of the revised GPSD will address this risk, by allowing conformity with a new class of European standards recognised by the Commission to equate to a presumption of conformity with the general safety requirement.

### Benefits

2.3 Standards are already important in providing benchmarks for product safety, and are widely used by producers. Whether they already use standards or not, producers should find that the clarity of this new means of qualifying for the presumption of conformity offers them a benefit in terms of greater certainty. Since the use of the new class of standards by producers is voluntary, they are only likely to be used if they offer producers some marginal benefit when compared with the other means of assessing the safety of products which the GPSD already provides for. If producers adopt the new mechanism on a large scale, enforcement authorities may also find that this offers some benefits in terms of resource savings, since the process of assessing the conformity of products will become simpler.

### Costs

2.4 Producers are only likely to adopt the new voluntary mechanism if the benefits of doing so outweigh the costs, so the net policy and implementation costs to them are expected to be very low.

### Stakeholder impact

2.5 The change will impact on those producers who choose to adopt it. The impact will be greatest on those who do not currently use standards for product safety purposes. The change will also affect the work of the enforcement authorities provided that producers adopt it on a large scale.

### **3 Obligation on producers to recall products, and power of authorities to order a product recall**

3.1 The only viable option is to transpose via suitable legislative provisions to:

i) require producers to be in a position to recall dangerous products from consumers when other measures are not sufficient to protect consumers; and

ii) empower the enforcement authorities to order, co-ordinate or organise the recall of dangerous products from consumers.

#### Risks

3.2 The current GPSD and UK legislation empower the enforcement authorities to require producers to withdraw dangerous products from the distribution chain. However, producers are not required to be in a position to recall dangerous products which have already been supplied to consumers, and the authorities are not empowered to order recalls. This creates a risk that a producer who has placed a dangerous product on the market may choose not to recall, even where such action is clearly necessary to protect consumers. This poses a potentially significant hazard to consumer safety, although UK experience is that most producers arrange product recalls voluntarily where necessary, drawing where necessary on guidance such as “Consumer Product Recall – a good practice guide”, which is produced by DTI in association with the CBI, the British Retail Consortium and the Consumers’ Association. The new obligation and power will therefore be used as a last resort, in accordance with Article 8 (3) of the revised GPSD, and will only be used where a serious risk to consumer safety has been identified.

#### Benefits

3.3 In those situations where the last resort obligation and power do prove necessary, this change will provide a clear benefit in terms of reduction of injuries to consumers. There is relatively little data available about the safety risks associated with unrecalled products. Research carried out by Sambrook Research International for DTI in April 2000 (reference URN 00/806) suggested a “best estimate” that an estimated 35 unrecalled unsafe products each year in the UK could result in as many as 94 fires, 7 fatal injuries and 121 serious injuries. However, the research emphasised that this is an upper-limit estimate and that the actual number of fires and injuries could be half this or less. Middlesex University research for DTI in November 1998 (ISBN 1 85924 154 9) suggested that statistical lives be valued at £2-4m for consumer safety purposes. On this basis, the “best estimate” of 7 fatal injuries a year suggests that if all currently unrecalled unsafe products were to be recalled following transposition, there could be a resulting annual benefit of £14-28m in respect of avoided fatal injuries, plus further benefits in respect of avoided serious injuries and fires.

### Costs

3.4 The new obligation and power will only be invoked as a last resort in situations where a producer has failed voluntarily to recall a dangerous product. Therefore the additional costs of this change will mainly fall on those producers who (i) place dangerous products on the market, and (ii) are then unwilling or unable to act responsibly to protect consumers by recalling such products. As noted above, a very small minority of producers are thought to fall into this category. It is also likely that the introduction of the new power will in itself give such producers a greater incentive than at present to take early voluntary action to withdraw dangerous products. As such, the incremental cost impact of the change on UK producers is expected to be low.

3.5 There will be some implementation costs associated with enforcing compliance with the new obligation and exercising the new power, although the organisational implications of the new powers for the enforcement authorities have not yet been settled. The fact that the authorities are required under the new GPSD to have powers to “order or co-ordinate or, if appropriate, to organise” a recall may entail the authorities and/or central Government bearing the costs of the recall process itself in some instances, although these may be recoverable from the producer responsible for the dangerous product.

3.6 The costs incurred by a producer in mounting a recall – whether voluntary or compulsory – will naturally vary widely depending on the circumstances. By way of example, the cost of the voluntary recalls described as case studies in the DTI publication “Consumer Product Recall – a good practice guide” ranged from £2,500 (Early Learning Centre, UK only) to £3.5m (Lego, globally).

### Stakeholder impact

3.7 As noted above, the change will mainly affect those producers who do not currently recall dangerous products voluntarily.

3.8 The new obligation to be in a position to recall dangerous products may have a greater impact on small business producers than larger producers, in that the former are less likely to have significant resources for contingency planning. However, the DTI is aiming to implement this obligation in a proportionate and workable way so as to minimise unnecessary new burdens on businesses, including small business. The DTI is seeking stakeholder views on this as part of its first consultation on transposing the revised GPSD (November 2001 – March 2002).

#### **4 Obligation on distributors to keep and provide documentation**

4.1 The only viable option is to transpose via suitable legislative provisions to require distributors to keep and provide the documentation necessary to trace the origin of products.

##### Risks

4.2 This change to the GPSD is intended to reduce the risk that products which are found to be dangerous cannot be traced, thus making it difficult for the authorities either to manage risks to consumer safety or to take action against the producer. This can be a significant problem in some sectors, e.g. imported disposable cigarette lighters. It is already acknowledged as good practice for distributors to be able to trace products in case a recall becomes necessary - for instance, the British Retail Consortium's publication "Guidelines & Checklist for Product Recall" highlights the need to be able to identify the batch or code number of affected products and their location.

##### Benefits

4.3 There will be benefits in terms of reduced levels of harm caused by unsafe consumer products. Given that the change reflects existing good practice, the additional benefit will only relate to changed behaviour by those distributors that do not currently follow such practice.

##### Costs

4.4 The change will impose some administrative costs upon all distributors except those that already keep the information needed to trace the origin of products. As noted above, this is already recognised as good practice and it is likely that many distributors already keep information of this type.

##### Stakeholder impact

4.5 During the negotiation of the revised GPSD, MEPs and others expressed concern that this change could have a disproportionate impact on the charity sector, in that charity shops would be unable to fulfil the obligation in respect of donated goods. Recital 19 to the revised GPSD makes it clear that the obligation must apply "in proportion to [distributors'] respective responsibilities", and specifically refers to charity shops in this context. This will be reflected in the UK transposing legislation, so that the change should not have a disproportionate impact on the charitable sector.

4.6 More generally, the change may have a particular impact on small businesses which may be less well resourced to keep records than larger organisations. The DTI intends to implement this obligation in a proportionate way, and to avoid unnecessary new burdens on business. Stakeholders are being invited to comment on how best to frame this obligation (e.g. what documentation should be kept, and for how long) as part of the DTI's consultation on transposition.

## **5 Obligation on producers and distributors to notify dangerous products, and to co-operate with the authorities**

5.1 The only viable option is to transpose via suitable legislative provisions, to require producers and distributors to notify the authorities of dangerous products, and to co-operate with the authorities to prevent risk to consumers.

### Risks

5.2 This change addresses the risk that a producer or distributor who knows that a product is dangerous may not notify the authorities, and/or may fail to co-operate with the authorities to prevent risk to consumers, thus leaving consumers exposed to harm from the product.

### Benefits

5.3 The likely scale of benefits arising from this change is not easy to estimate. As with the change imposing an obligation to recall dangerous products, the scale of the risk, and hence of the likely benefits, depends on the extent to which suppliers currently observe good practice – in this case, by notifying dangerous products to the authorities and by co-operating with them. We have no reason to believe that the failure of producers to act in this way is a major problem in the UK at present, but it is of course difficult to estimate with confidence the current level of failure to notify.

### Costs

5.4 The change imposes a new obligation on producers and distributors, where they “know or ought to know, on the basis of the information in their possession and as professionals”, to notify the authorities “under the conditions laid down in Annex I” of the revised GPSD. Those conditions refer to a standard form of notification to be drawn up by the Commission, and state certain items which are to be included in such notifications “in the event of serious risks”. While it will not be possible to state the likely costs of the obligation until the Commission has drawn up the standard form notification, and thus defined the scope of risks to be notified, the obligation seems unlikely to impose significant implementation or policy costs even on those producers and distributors who do not currently notify the authorities of dangerous products. There should also be little if any additional cost imposed on the authorities, except insofar as they may have to deal with a greater number of unsafe products being brought to their attention by suppliers.

5.5 The new obligation on producers and distributors “within the limits of their respective activities” to “co-operate with the competent authorities, at the request of the latter, on action taken to avoid the risks posed by products which they supply or have supplied” could result in relatively significant additional policy costs for those producers and distributors who do not currently co-operate in this way. Again, it is very difficult to estimate the extent to which producers and distributors currently fail to co-operate in managing such safety risks.

Stakeholder impact

5.6 As noted above, the impact of the change will fall mainly on those producers and distributors who currently fail to notify dangerous products or to co-operate with the authorities.

## **6 Export ban**

6.1 The only viable option is to transpose via a legislative provision to ban the export of those products which are subject to a Commission decision to take enforcement action, unless a particular Commission decision provides otherwise.

### Risks

6.2 This change addresses the risk that a dangerous consumer product which is the subject of Community-wide enforcement action following a decision by the Commission may be exported to a third country, where it would be likely to pose a risk to consumers.

### Benefits

6.3 The Commission has stated in its financial impact assessment of the revised GPSD that “there is no data on the type and number of dangerous products exported, or which might in future be exported to non-EU countries. The potential market lost by European producers, and the benefits deriving from the proposed prohibition of such exports, cannot be evaluated.”

6.4 Nonetheless, the change can be expected to produce benefits in terms of a reduction in the harm caused to consumers in third countries by exports of unsafe products. The change will also provide an indirect benefit to European producers who export safe products to third countries, in that they will not be at risk of being undercut by unscrupulous suppliers seeking to dump unsafe products which are the subject of enforcement action in the Community.

### Costs

6.5 As the Commission has noted (see under “Benefits” above), it is not possible to evaluate the loss of market likely to be suffered by European producers as a result of this provision.

### Stakeholder impact

6.6 Any additional burden arising from this provision would only impact on producers which market products that are judged sufficiently dangerous to warrant Community-wide enforcement action.

## **5. TEXT OF REVISED DIRECTIVE ON GENERAL PRODUCT SAFETY**

**An electronic copy of the revised GPSD as published in the EC Official Journal of 15 January 2002, is now available on the DTI Consumer Affairs website at <http://www.dti.gov.uk/cacp/ca/consulta.htm>**

## 6. OTHER USEFUL REFERENCES

Consultees may find the following documents helpful:

The text of the original General Product Safety Directive (92/59/EEC), available on the European Commission website at

[http://europa.eu.int/comm/consumers/policy/developments/prod\\_safe/ps02\\_en.html](http://europa.eu.int/comm/consumers/policy/developments/prod_safe/ps02_en.html)

DTI guidance on the General Product Safety Regulations 1994, and on the Consumer Protection Act 1987, both available on the DTI Consumer Affairs website at [www.dti.gov.uk/cacp/ca/regs.htm](http://www.dti.gov.uk/cacp/ca/regs.htm)

The DTI publication “Consumer Product Recall – a good practice guide”, which is referred to on pages 15 and 41-42 of this document, can be viewed on our website at

[www.dti.gov.uk/cacp/ca/advice/productrecall/index.htm](http://www.dti.gov.uk/cacp/ca/advice/productrecall/index.htm)

Other current consultations being run by DTI Consumer Affairs can also be viewed on our website, at [www.dti.gov.uk/cacp/ca/consulta.htm](http://www.dti.gov.uk/cacp/ca/consulta.htm)

## **7. LIST OF CONSULTEES**

AGILENT TECHNOLOGIES  
AGRICULTURE ENGINEERS ASSOCIATION  
ANALYTICAL SERVICES (SOUTH WALES)  
ANGLO-SCOTTISH FISH PRODUCERS ASSOCIATION  
ANIMAL HEALTH DISTRIBUTORS ASSOCIATION  
ANIMAL HEALTH TRUST  
ANIMAL MEDICINES TRAINING AND REGULATORY AUTHORITY  
ANIMAL PHARM  
ART TRADE LIAISON COMMITTEE  
ASSOCIATION OF BRITISH CHAMBERS OF COMMERCE  
ASSOCIATION OF BRITISH INSURERS  
ASSOCIATION OF BRITISH MEAT PROCESSORS  
ASSOCIATION OF BRITISH MOTOR CLUBS  
ASSOCIATION OF BRITISH NEUROLOGISTS  
ASSOCIATION OF BRITISH PHARMACEUTICAL IMPORTERS  
ASSOCIATION OF BRITISH PHARMACEUTICAL INDUSTRIES  
ASSOCIATION OF CHARITY SHOPS  
ASSOCIATION OF COMMUNITY HEALTH COUNCILS FOR ENGLAND AND WALES  
ASSOCIATION OF COUNTY COUNCILS  
ASSOCIATION OF COUNTY PUBLIC HEALTH OFFICERS  
ASSOCIATION OF DIRECTORS AND RIVER INSPECTORS IN SCOTLAND  
ASSOCIATION OF DISTRICT COUNCILS  
ASSOCIATION OF INDEPENDENT BUSINESSES  
ASSOCIATION OF LOCAL AUTHORITIES OF NORTHERN IRELAND  
ASSOCIATION OF LONDON AUTHORITIES  
ASSOCIATION OF LONDON GOVERNMENT  
ASSOCIATION OF MEAT INSPECTORS (GB) LTD  
ASSOCIATION OF METROPOLITAN AUTHORITIES  
ASSOCIATION OF PHARMACEUTICAL IMPORTERS  
ASSOCIATION OF PORT HEALTH AUTHORITIES  
ASSOCIATION OF PUBLIC ANALYSTS  
ASSOCIATION OF PUBLIC ANALYSTS (S.WALES)  
ASSOCIATION OF PUBLIC ANALYSTS (SCOTLAND)  
ASSOCIATION OF RESIDENTIAL LETTING AGENTS  
ASSOCIATION OF SCOTTISH CHAMBERS OF COMMERCE

ASSOCIATION OF SCOTTISH SHELLFISH GROWERS  
ASSOCIATION OF UNPASTEURISED MILK PRODUCTS  
ASSOCIATION OF VETERINARIANS IN INDUSTRY  
ASSOCIATION OF VETERINARY SURGEONS IN NORTHERN IRELAND  
ASSOCIATION OF WHOLESALERS TO THE VETERINARY PROFESSION  
AUTOMOBILE ASSOCIATION  
BABY PRODUCTS ASSOCIATION  
BRITISH ASSOCIATION OF FEED SUPPLEMENT & ADDITIVES MANUFACTURERS  
BAKERY ALLIED TRADERS ASSOCIATION  
BRITISH AEROSOLS MANUFACTURERS ASSOCIATION  
BELFAST CHAMBER OF TRADE  
BIOINDUSTRY ASSOCIATION  
BIOTECHNOLOGY AND BIOLOGICAL SCIENCES RESEARCH COUNCIL  
BISCUIT, CAKE, CHOCOLATE & CONFECTIONERY ALLIANCE  
BRITISH MEDICAL ASSOCIATION  
BRITISH MEDICAL ASSOCIATION (SCOTLAND)  
BRITISH ADVERTISING AND GIFT DISTRIBUTORS ASSOCIATION  
BRITISH AGROCHEMICALS ASSOCIATION  
BRITISH ANTIQUE DEALERS ASSOCIATION  
BRITISH ASSOCIATION FOR CHEMICAL SPECIALITIES  
BRITISH ASSOCIATION OF CANNED FOOD IMPORTERS & DISTRIBUTORS  
BRITISH ASSOCIATION OF DERMATOLOGISTS  
BRITISH ASSOCIATION OF EUROPEAN PHARMACEUTICAL DISTRIBUTORS  
BRITISH ASSOCIATION OF FEED SUPPLEMENT AND ADDITIVE MANUFACTURERS'  
LTD  
BRITISH ASSOCIATION OF HOMOEOPATHIC MANUFACTURERS  
BRITISH ASSOCIATION OF HOMOEOPATHIC VETERINARY SURGEONS  
BRITISH ASSOCIATION OF NURSERY AND PRAM RETAILERS  
BRITISH ASSOCIATION OF PHARMACEUTICAL WHOLESALERS  
BRITISH ASSOCIATION OF TOY RETAILERS  
BRITISH BEEKEEPING ASSOCIATION  
BRITISH CARPET MANUFACTURERS  
BRITISH CHEMICAL DISTRIBUTORS AND TRADERS ASSOCIATION  
BRITISH CLOTHING INDUSTRY ASSOCIATION  
BRITISH COATINGS FEDERATION  
BRITISH COMMERCIAL RABBIT ASSOCIATION  
BRITISH CONFECTIONERS ASSOCIATION  
BRITISH CONTRACT FURNISHINGS ASSOCIATION

BRITISH CUTLERY & SILVERWARE ASSOCIATION  
BRITISH DEER FARMERS ASSOCIATION  
BRITISH DEER SOCIETY  
BRITISH DENTAL ASSOCIATION  
BRITISH DOMESTICATED OSTRICH ASSOCIATION  
BRITISH EDIBLE PULSES ASSOCIATION  
BRITISH EGG INDUSTRY COUNCIL  
BRITISH EGG PRODUCERS ASSOCIATION  
BRITISH ELECTRICAL AND ALLIED MANUFACTURERS ASSOCIATION  
BRITISH EQUESTRIAN TRADE ASSOCIATION  
BRITISH EQUINE VETERINARY ASSOCIATION  
BRITISH FOOD EXPORT COUNCIL  
BRITISH FOOD MANUFACTURERS INDUSTRIES  
BRITISH FRAGRANCE ASSOCIATION  
BRITISH FREE RANGE EGG PRODUCERS ASSOCIATION  
BRITISH FROZEN FOOD FEDERATION  
BRITISH FURNITURE MANUFACTURERS  
BRITISH GENERIC MANUFACTURERS ASSOCIATION  
BRITISH GOAT SOCIETY  
BRITISH HERBAL MEDICINE ASSOCIATION  
BRITISH HOLIDAY AND HOME PARKS  
BRITISH IMPORTERS ASSOCIATION  
BRITISH IMPORTERS CONFEDERATION  
BRITISH INDEPENDENT FRUIT GROWERS ASSOCIATION  
BRITISH INSTITUTE OF REGULATORY AFFAIRS  
BRITISH INTERIOR TEXTILE ASSOCIATION  
BRITISH JEWELLERY AND GIFTWARE FEDERATION  
BRITISH LUGGAGE & LEATHERGOODS ASSOCIATION  
BRITISH MARINE INDUSTRIES FEDERATION  
BRITISH MEAT MANUFACTURERS ASSOCIATION  
BRITISH MEDICAL ASSOCIATION  
BRITISH MOTORCYCLES FEDERATION  
BRITISH NONWOVEN MANUFACTURERS ASSOCIATION  
BRITISH OAT & BARLEY MILLERS ASSOCIATION  
BRITISH OFFICE SYSTEMS AND STATIONERY FEDERATION  
BRITISH ORGANIC FARMERS  
BRITISH PAEDIATRIC ASSOCIATION  
BRITISH PASTA PRODUCTS ASSOCIATION

BRITISH PHOTOGRAPHIC AND IMAGING ASSOCIATION  
BRITISH PIG ASSOCIATION  
BRITISH PLASTICS FEDERATION  
BRITISH POULTRY MEAT FEDERATION LTD  
BRITISH PROMOTIONAL MERCHANDISE ASSOCIATION  
BRITISH PYROTECHNICS ASSOCIATION  
BRITISH RABBIT COUNCIL  
BRITISH RETAIL CONSORTIUM  
BRITISH RICE MILLERS ASSOCIATION  
BRITISH RUBBER MANUFACTURERS ASSOCIATION LTD  
BRITISH SELF CATERING  
BRITISH SHEEP DAIRYING ASSOCIATION  
BRITISH SHOPS & STORES ASSOCIATION  
BRITISH SMALL ANIMAL VETERINARY ASSOCIATION  
BRITISH SOCIETY FOR CLINICAL NEUROPHYSIOLOGY  
BRITISH SOLUBLE COFFEE MANUFACTURERS ASSOCIATION  
BRITISH SPORTS & ALLIED INDUSTRIES FEDERATION  
BRITISH SPORTS ASSOCIATION FOR THE DISABLED  
BRITISH STANDARDS INSTITUTION  
BRITISH STARCH INDUSTRY ASSOCIATION  
BRITISH TELECOM  
BRITISH TEXTILE TECHNOLOGY GROUP  
BRITISH TOXICOLOGY SOCIETY  
BRITISH TOY AND HOBBY ASSOCIATION LTD  
BRITISH TOY IMPORTERS AND DISTRIBUTORS ASSOCIATION  
BRITISH TOYMAKERS GUILD  
BRITISH TROUT ASSOCIATION  
BRITISH UNION FOR THE ABOLITION OF VIVISECTION  
BRITISH VEHICLE RENTAL AND LEASING ASSOCIATION  
BRITISH VETERINARY ASSOCIATION  
BRITISH VETERINARY ASSOCIATION – SCOTTISH BRANCH C/O SERAD  
BRITISH VETERINARY POULTRY ASSOCIATION  
BRITISH RUBBER MANUFACTURERS ASSOCIATION  
BRITISH WILD BOAR ASSOCIATION  
BUTTERWORTHS LAW OF FOOD AND DRUGS  
CABINET OFFICE  
CAMPDEN & CHORLEYWOOD FOOD ASSOCIATION  
CANAL BOAT BUILDERS ASSOCIATION

CANINE HEALTH CONCERN  
CATERING INDUSTRIES LIAISON COUNCIL  
CONFEDERATION OF BRITISH INDUSTRY  
CONFEDERATION OF BRITISH INDUSTRY SCOTLAND  
CONFEDERATION OF BRITISH INDUSTRY NORTHERN IRELAND  
CHARTERED INSTITUTE OF ENVIRONMENTAL HEALTH OFFICERS  
CHARTERED INSTITUTE OF TRANSPORT  
CHEMICAL INDUSTRIES ASSOCIATION  
CHERRY VALLEY FARMS LIMITED  
CHIEF FIRE OFFICERS ASSOCIATION TRUST  
CHILD ACCIDENT PREVENTION TRUST  
CHILLED FOOD ASSOCIATION  
COACH ASSOCIATION  
COFFEE TRADE FEDERATION  
COMPANY CHEMISTS ASSOCIATION  
COMPASSION IN WORLD FARMING  
CONFEDERATION OF BRITISH INDUSTRY EXPLOSIVES GROUP  
CONFEDERATION OF PASSENGER TRANSPORT  
CONSUMERS' ASSOCIATION RESEARCH AND TESTING CENTRE  
CONSUMERS IN EUROPE GROUP  
CONSUMERS' ASSOCIATION  
CONVENTION OF SCOTTISH LOCAL AUTHORITIES (COSLA)  
CO-OPERATIVE UNION LTD  
CO-OPERATIVES WOMEN'S GUILD  
COSMETIC TOILETRY AND PERFUMERY ASSOCIATION  
COUNTY LANDOWNERS ASSOCIATION  
CRUISING ASSOCIATION  
CWS CENTRAL LABORATORIES  
DAIRY INDUSTRY FEDERATION  
DEPARTMENT OF HEALTH  
DEPARTMENT OF CULTURE, MEDIA AND SPORT  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES NORTHERN IRELAND  
DEPARTMENT FOR ENTERPRISE TRADE AND INVESTMENT NORTHERN IRELAND  
DEPARTMENT OF THE ENVIRONMENT FOOD AND RURAL AFFAIRS  
DEPARTMENT OF TRANSPORT LOCAL GOVERNMENT AND THE REGIONS  
DESSERT & CAKE MIXES ASSOCIATION  
DIRECT MARKETING ASSOCIATION  
DIRECT SELLING ASSOCIATION

DIRECTORATE OF SAFETY ENVIRONMENT AND FIRE POLICY  
DRUG AND THERAPEUTICS BULLETIN  
EAST OF SCOTLAND WATER AUTHORITY  
ELECTRICITY ASSOCIATION  
ENGLISH TOURIST BOARD  
EUROPEAN COALITION TO END ANIMAL EXPERIMENTS  
FARM & FOOD SOCIETY  
FARMERS' UNION OF WALES  
FEDERATION OF AGRICULTURAL CO-OPERATIVES (UK) LTD  
FEDERATION OF BRITISH PORT WHOLE SALE FISH MERCHANTS ASSOCIATION.  
FEDERATION OF FRESH MEAT WHOLESALERS  
FEDERATION OF OILS, SEEDS AND FATS ASSOCIATION  
FEDERATION OF SMALL BUSINESSES  
FEDERATION OF THE ELECTRONICS INDUSTRY  
FEDERATION OF TOWNSWOMEN GUILDS  
FEDERATION OF WHOLE-SALE DISTRIBUTORS  
FEDERATION OF WOMEN'S INSTITUTES OF NORTHERN IRELAND  
FIRE OFFICERS' ASSOCIATION  
FIRE PROTECTION ASSOCIATION  
FURNITURE INDUSTRY RESEARCH ASSOCIATION  
FISH PRODUCERS ORGANISATION LTD  
FOOD & DRINK FEDERATION  
FOOD ADDITIVES INDUSTRY ASSOCIATION  
FOOD COMMISSION  
FOOD LAW GROUP  
FOOD LAW MONTHLY MONITOR PRESS  
FOOD MANUFACTURERS FEDERATION  
FOOD MANUFACTURERS INDUSTRIAL GROUP  
FOOD STANDARDS AGENCY (ENGLAND)  
FOOD STANDARDS AGENCY (N.IRELAND)  
FOOD STANDARDS AGENCY (SCOTLAND)  
FOOD STANDARDS AGENCY (WALES)  
FOOTWEAR ASSOCIATION  
FOREIGN & COMMONWEALTH OFFICE  
FREIGHT TRANSPORT ASSOCIATION  
FRESH PRODUCE CONSORTIUM  
FRUIT AND VEGETABLE CANNERS ASSOCIATION  
GRAIN AND FOOD ASSOCIATION

GARAGE EQUIPMENT ASSOCIATION  
GENERAL CONSUMER COUNCIL FOR NORTHERN IRELAND  
GIFTWARE ASSOCIATION  
GIN AND VODKA ASSOCIATION OF GREAT BRITAIN  
GUILD OF HEALTHCARE PHARMACISTS  
GUS MERCHANDISE CORPORATION  
HEALTH DEVELOPMENT AGENCY  
HEALTH & SAFETY COMMITTEE  
HEALTH AND SAFETY EXECUTIVE  
HEALTH VISITORS' ASSOCIATION  
HEALTH FOOD MANUFACTURERS ASSOCIATION  
HISTORIC NARROW BOAT OWNERS ASSOCIATION  
HM CUSTOMS & EXCISE  
HOME OFFICE  
HOME-GROWN CEREALS AUTHORITY  
INDEPENDENT GARAGE ASSOCIATION  
INDEPENDENT HEALTHCARE ASSOCIATION  
INFANT & DIETETIC FOODS ASSOCIATION  
INLAND WATERWAYS ASSOCIATION  
INSPECTORS IN SCOTLAND  
INSTITUTE OF BIOLOGY  
INSTITUTE OF BRITISH BAKERS LTD  
INSTITUTE OF CHILD HEALTH  
INSTITUTE OF DIRECTORS  
INSTITUTE OF DIRECTORS SCOTTISH DIVISION  
INSTITUTE OF FISHERIES MANAGEMENT  
INSTITUTE OF FOOD SCIENCE & TECHNOLOGY (UK)  
INSTITUTE OF LEISURE & AMENITY  
INSTITUTE OF MARINE ENGINEERS  
INSTITUTE OF TRADING STANDARDS ADMINISTRATION  
INSTITUTION OF ELECTRICAL ENGINEERS  
INSTITUTION OF ENVIRONMENTAL HEALTH  
INTERNATIONAL BOAT INDUSTRY  
INTERNATIONAL FUND FOR ANIMAL WELFARE  
INTERNATIONAL MEAT TRADE ASSOCIATION  
JOINT COUNCIL OF VEGETABLE MERCHANTS ASSOCIATION  
JOINT PROFESSIONAL FORUM FOR HEALTH AND WELL BEING  
LAPADA ART AND ANTIQUES DEALERS

LAW LABS  
LEATHERHEAD FOOD RESEARCH ASSOCIATION  
LEISURE BOAT BUILDERS ASSOCIATION  
LOCAL AUTHORITIES CO-ORDINATING BODY ON TRADING STANDARDS  
LOCAL GOVERNMENT ASSOCIATION  
LONDON BOROUGH ASSOCIATION  
LIQUID PETROLEUM GAS ASSOCIATION  
MACAULAY LAND USE RESEARCH INSTITUTE  
MAIL ORDER TRADERS ASSOCIATION  
MAIZE GROWERS ASSOCIATION  
MALTSTERS ASSOCIATION OF GREAT BRITAIN  
MARGERINE & SHORTENING MANUFACTURERS ASSOCIATION  
MARIE CURIE CANCER CARE  
MARINE ENGINE & EQUIPMENT MANUFACTURERS  
MARKETING, COMPETITION AND CONSUMERS DIVISION/DEFRA  
MEDICAL CONTROLS AGENCY  
MEDICAL DEVICES AGENCY  
MEAT & LIVESTOCK COMMISSION  
MEAT INDUSTRY LIAISON GROUP  
MOTOR CYCLE INDUSTRY ASSOCIATION  
MOTOR VEHICLES REPAIRERS ASSOCIATION  
MUSHROOM GROWERS' ASSOCIATION  
MUSIC INDUSTRIES ASSOCIATION  
N.I WHOLESALE MERCHANTS & MANUFACTURERS ASSOCIATION  
NARROWBOAT OPERATORS ASSOCIATION  
NATIONAL ASSOCIATION OF BOAT OWNERS  
NATIONAL ASSOCIATION OF BRITISH & IRISH MILLARS LTD  
NATIONAL ASSOCIATION OF CATERING BUTCHERS  
NATIONAL ASSOCIATION OF CITIZENS ADVICE BUREAUX  
NATIONAL ASSOCIATION OF CITIZENS ADVICE BUREAUX (NI)  
NATIONAL ASSOCIATION OF ESTATE AGENTS  
NATIONAL ASSOCIATION OF HEALTH STORES  
NATIONAL ASSOCIATION OF LOCAL COUNCILS  
NATIONAL ASSOCIATION OF MASTER BAKERS  
NATIONAL ASSOCIATION OF SHOPKEEPERS  
NATIONAL ASSOCIATION OF SPECIALTY FOOD & DRINK PRODUCERS  
NATIONAL ASSOCIATION OF TOY AND LEISURE LIBRARIES  
NATIONAL ASSOCIATION OF TRIPE DRESSERS

NATIONAL BED FEDERATION  
NATIONAL BEEF ASSOCIATION  
NATIONAL CARAVAN COUNCIL  
NATIONAL CATTLE ASSOCIATION  
NATIONAL CHILDBIRTH TRUST  
NATIONAL CHILDRENSWEAR ASSOCIATION  
NATIONAL CONSUMER PROTECTION COUNCIL  
NATIONAL CONSUMER COUNCIL  
NATIONAL COUNCIL OF WOMEN  
NATIONAL DAIRY COUNCIL  
NATIONAL DRIED FRUIT TRADE ASSN (UK) LTD  
NATIONAL FANNERS' UNION (WALES)  
NATIONAL FARMERS' UNION  
NATIONAL FARMERS' UNION OF WALES  
NATIONAL FARMERS' UNION OF SCOTLAND  
NATIONAL FEDERATION OF ANGLERS  
NATIONAL FEDERATION OF CITY FARMS  
NATIONAL FEDERATION OF CONSUMERS GROUP  
NATIONAL FEDERATION OF FISHERMANS ORGANISATION  
NATIONAL FEDERATION OF FISHMONGERS LTD  
NATIONAL FEDERATION OF FRUIT & POTATO TRADERS LTD  
NATIONAL FEDERATION OF HOUSING  
NATIONAL FEDERATION OF INLAND WHOLESALE FISH MERCHANTS  
NATIONAL FEDERATION OF MEAT TRADERS  
NATIONAL FEDERATION OF RETAIL NEWSAGENTS  
NATIONAL FEDERATION OF SELF EMPLOYED & SMALL BUSINESSES LTD  
NATIONAL FEDERATION OF TAXICAB ASSOCIATIONS  
NATIONAL FEDERATION OF WHOLESALE POULTRY MERCHANTS  
NATIONAL FEDERATION OF WOMEN'S INSTITUTES  
NATIONAL FEDERATION OF YOUNG FARMERS' CLUBS  
NATIONAL FOOD ALLIANCE  
NATIONAL GAME DEALERS ASSOCIATION  
NATIONAL HOUSEWIVES ASSOCIATION  
NATIONAL OFFICE OF ANIMAL HEALTH LTD  
NATIONAL PHARMACEUTICAL ASSOCIATION  
NATIONAL PLAY INFORMATION CENTRE  
NATIONAL SHEEP ASSOCIATION  
NATIONAL TYRE DISTRIBUTORS ASSOCIATION

NATIONAL TYRES AND AUTOCARE  
NATURAL MEDICINES MANUFACTURERS' ASSOCIATION UK LTD  
NATUREWATCH TRUST  
NHS PHARMACEUTICAL QUALITY CONTROL COMMITTEE  
NORTH OF IRELAND VETERINARY ASSOCIATION  
NORTH OF SCOTLAND WATER AUTHORITY  
NORTH SEA FISHERMANS ORGANISATION  
NORTHERN IRELAND AGRICULTURAL PRODUCERS' ASSOCIATION  
NORTHERN IRELAND ASSOCIATION  
NORTHERN IRELAND EXECUTIVE  
NORTHERN IRELAND FISH PRODUCERS ORGANISATION  
NUCLEAR STOCK ASSOCIATION  
OFFICE OF FAIR TRADING  
OP INFORMATION NETWORK  
PACKAGING AND INDUSTRIAL FILMS ASSOCIATION  
PAPER FEDERATION OF GREAT BRITAIN  
PEOPLE'S DISPENSARY FOR SICK ANIMALS  
PERSONAL COMPUTER ASSOCIATION  
PET CARE TRUST  
PET FOOD AND MANUFACTURES ASSOCIATION  
PET HEALTH COUNCIL  
PHARMACEUTICAL JOURNAL  
PHARMACEUTICAL QUALITY GROUP  
PHARMACEUTICAL SOCIETY FOR N IRELAND  
PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND  
PHARMAG  
PMS INTERNATIONAL GROUP PLC  
POTATO MARKETING BOARD  
PROCESSORS AND GROWERS' RESEARCH ORGANISATION  
PROPRIETARY ASSOCIATION OF GREAT BRITAIN  
PROVISION TRADE FEDERATION  
REGULATORY AFFAIRS JOURNAL  
RESIDENTIAL BOAT OWNERS ASSOCIATION  
RETAIL MOTOR INDUSTRY FEDERATION  
RICE ASSOCIATION  
ROYAL COLLEGE OF VETERINARY SURGEONS  
ROYAL ENVIRONMENTAL HEALTH INSTITUTE OF SCOTLAND  
ROYAL HORTICULTURAL SOCIETY

ROYAL INSTITUTE OF PUBLIC HEALTH & HYGIENE  
ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN  
ROYAL PHARMACEUTICAL SOCIETY – SCOTLAND  
ROYAL SOCIETY FOR THE PREVENTION OF ACCIDENTS  
ROYAL SOCIETY FOR THE PROTECTION OF BIRDS  
ROYAL SOCIETY OF CHEMISTRY  
ROYAL WELSH AGRICULTURAL SOCIETY LTD  
ROYAL YACHTING ASSOCIATION  
ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS  
SAFE ALLIANCE CENTRE FOR FOOD POLICY  
SALMON & TROUT ASSOCIATION  
SALMON NET FISHING ASSOCIATION OF SCOTLAND  
SCOTCH WHISKY ASSOCIATION  
SCOTTISH ASSOCIATION OF DIRECTORS OF WATER AND SEWERAGE SERVICES  
SCOTTISH CHAMBERS OF COMMERCE  
SCOTTISH CONSUMER COUNCIL  
SCOTTISH COUNCIL DEVELOPMENT & INDUSTRY  
SCOTTISH ENGINEERING  
SCOTTISH EXECUTIVE  
SCOTTISH FEDERATION OF HOUSING ASSOCIATION  
SCOTTISH FISHERMEN'S ORGANISATION  
SCOTTISH FISHERMENS FEDERATION  
SCOTTISH FISHERMENS ORGANISATION  
SCOTTISH FOOD AND DRINK FEDERATION  
SCOTTISH LANDOWNERS FEDERATION  
SCOTTISH MOTOR TRADE ASSOCIATION  
SCOTTISH NATURAL HERITAGE  
SCOTTISH RETAIL CONSORTIUM  
SCOTTISH SALMON GROWERS ASSOCIATION  
SCOTTISH TEXTILE MANUFACTURERS ASSOCIATION  
SCOTTISH TOURIST BOARD  
SCOTTISH TRADE INTERNATIONAL  
SCOTTISH TRADE UNION CONGRESS  
SOAP AND DETERGENT INDUSTRY ASSOCIATION  
SEAFISH INDUSTRY AUTHORITY  
SEED CRUSHERS AND OILS PROCESSORS' ASSOCIATION/NATIONAL EDIBLE OILS  
DISTRIBUTORS  
SELLXYZ PLC

SCOTTISH ENVIRONMENT PROTECTION AGENCY  
SHAC - LONDON HOUSING AID CENTRE  
SHELLFISH ASSOCIATION OF GREAT BRITAIN  
SHELLFISH ASSOCIATION OF GREAT BRITAIN  
SHELTER  
SHETLAND SALMON FARMERS' ASSOCIATION  
SMALL ELECTRICAL APPLIANCE MARKETING ASSOCIATION  
SMALL LANDLORDS ASSOCIATION  
SNACK NUT & CRISP MANUFACTURERS ASSOCIATION LTD  
SOAP AND DETERGENT INDUSTRY ASSOCIATION  
SOCIETY OF BRITISH GAS INDUSTRIES  
SOCIETY OF DIRECTORS OF TRADING STANDARDS  
SOCIETY OF DIRECTORS OF TRADING STANDARDS SCOTLAND  
SOCIETY OF LOCAL AUTHORITY CHIEF EXECUTIVES  
SOCIETY OF MASTER SADDLERS  
SOCIETY OF MOTOR MANUFACTURERS AND TRADERS  
SOCIETY OF DIRECTORS FOR PUBLIC PROTECTION IN WALES  
SOIL ASSOCIATION  
SOUTHERN GROUP PUBLIC HEALTH COMMITTEE  
SOUTHERN MARINE INDUSTRIES ASSOCIATION  
SPECIALIST CHEESEMAKERS ASSOCIATION  
ST CHRISTOPHERS PLACE ASSOCIATION  
STAEDTLER (UK) LTD  
STEAM BOAT ASSOCIATION OF GREAT BRITAIN  
TUBULAR EXCHANGER MANUFACTURERS ASSOCIATION  
TENANT FARMERS ASSOCIATION  
THAMES BOATING TRADES ASSOCIATION  
THE AGRICULTURAL ENGINEERS ASSOCIATION  
THE ASSOCIATION OF MANUFACTURERS OF DOMESTIC APPLIANCES  
THE ASSOCIATION OF SCOTLAND'S SELF CATERERS  
THE BICYCLES ASSOCIATION OF GREAT BRITAIN  
THE BOND STREET ASSOCIATION  
THE BRITISH RADIO & ELECTRONIC EQUIPMENT MANUFACTURERS' ASSOCIATION  
THE CHARTERED INSTITUTE OF ENVIRONMENTAL HEALTH  
THE COUNTRYSIDE AGENCY  
THE FEDERATION OF BAKERS  
THE GENERAL COUNCIL OF THE BAR  
THE GIFTWARE FEDERATION

THE HIRE ASSOCIATION (EUROPE)  
THE INCORPORATED NATIONAL ASSOCIATION OF BRITISH AND IRISH MILLERS  
THE INCORPORATED SOCIETY OF VALUERS AND AUCTIONEERS  
THE LAW SOCIETY  
THE LAW SOCIETY OF SCOTLAND  
THE MAIL ORDER TRADERS' ASSOCIATION  
THE MOTOR CYCLE INDUSTRY OF GREAT BRITAIN LTD  
THE NATIONAL CHILDREN'S BUREAU  
THE NATIONAL CONSUMER CREDIT FEDERATION  
THE NATIONAL TRUST  
THE NATIONAL VOLUNTARY COUNCIL FOR CHILDREN'S PLAY  
THE NEWSPAPER PUBLISHERS ASSOCIATION LIMITED  
THE OXFORD STREET ASSOCIATION  
THE PARLIAMENTARY COMMITTEE OF THE CO-OPERATIVE UNION  
THE RADIO, ELECTRICAL AND TELEVISION RETAILERS' ASSOCIATION  
THE RARE BREEDS SURVIVAL TRUST  
THE ROYAL ENVIRONMENTAL HEALTH INSTITUTE  
THE ROYAL INSTITUTION OF CHARTERED SURVEYORS  
THE SCOTTISH CHAMBERS OF COMMERCE  
THE SOCIETY OF FOOD HYGIENE  
THE SOUP & GRAVY MANUFACTURERS ASSOCIATION  
THE UK INTER-PROFESSIONAL GROUP  
THE WEST OF ENGLAND COUNTIES SAFETY LIAISON GROUP  
THE WORSHIPFUL COMPANY OF BUTCHERS  
THE WRITING EQUIPMENT SOCIETY  
TOURISM OF SOUTH WALES  
TRADES UNION CONGRESS  
UK ASSOCIATION OF FROZEN FOOD PRODUCERS  
UK ASSOCIATION OF MANUFACTURERS OF BAKERS YEAST  
UK ASSOCIATION OF FISH PRODUCERS ORGANISATIONS  
UK CHEESE GUILD  
UK EGG PRODUCERS ASSOCIATION LTD  
UK FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN  
UK MAIZE MILLERS' ASSOCIATION  
UK PROVISION TRADE FEDERATION  
UK SUGAR INDUSTRY ASSOCIATION  
UK TEA ASSOCIATION  
UKREP

ULSTER FARMERS UNION  
UNITED KINGDOM AGRICULTURAL SUPPLY TRADE ASSOCIATION  
VETERINARY DEFENCE SOCIETY  
VINEGAR BREWERS FEDERATION  
VETINERY MEDICINES DIRECTORATE  
WALES AND WEST COAST FISH PRODUCERS ORGANISATION  
WALES TOURIST BOARD  
WELSH AGRICULTURAL ORGANISATIONS SOCIETY  
WELSH ASSEMBLY  
WELSH BEEKEEPERS ASSOCIATION  
WELSH CENTRAL PHARMACEUTICAL COMMITTEE  
WELSH CONSUMER COUNCIL  
WELSH EXECUTIVE OF THE ROYAL PHARMACEUTICAL COMMITTEE OF GREAT  
BRITAIN  
WELSH PHARMACEUTICAL COMMITTEE  
WELSH TOURIST BOARD  
WEST OF SCOTLAND WATER AUTHORITY  
WHOLESALE MERCHANTS & MANUFACTURERS ASSOCIATION  
WHOLESALE TRADERS ASSOCIATION LTD  
WINE AND SPIRIT ASSOCIATION  
WOMEN'S FARMING UNION  
WOMEN'S FORUM NORTHERN IRELAND  
WOMEN'S NATIONAL COMMISSION  
WOMEN'S NATIONAL COMMISSION  
WOODEN BOATBUILDERS TRADE ASSOCIATION  
WRITING INSTRUMENTS ASSOCIATION  
YACHT HARBOUR ASSOCIATION LTD