Department for Business & Trade

Office for Product Safety & Standards

Consultation on the UK's new product safety framework:

Response form

Summary

We are seeking views on a new, modernised and enhanced core product safety framework.

Please return to: ProductSafetyReform@businessandtrade.gov.uk

Closing: 23.59 on 23 June

Introduction

The existing product safety framework needs an upgrade. It is based on the General Product Safety Regulations 2005, introduced two decades ago, and overlaid with specific regulations for certain product sectors. We live in a world vastly different from the turn of the century, and the way people buy products has evolved. There are simply too many instances of dangerous products being sold to UK consumers, often online, resulting in serious harm.

The need for a new core framework was identified by the Product Safety Review and endorsed by Parliament in passing the Product Regulation and Metrology Act 2025. In this consultation we propose a new, modernised and enhanced framework giving people confidence that what they buy will be safe, thereby supporting growth and giving businesses incentives to invest by providing a level playing field, with clearer responsibilities and a more consistent and streamlined set of regulations.

Our proposals are grouped into the following themes:

1. Getting the basics right
2. Accountability throughout the supply chain
3. A new approach to product information
4. Supporting enforcement activity

The new core product safety framework will:

- require proactive action from everyone in the supply chain to protect consumers;
- reflect modern products and supply chains;
- capitalise on the opportunities new technology has provided for both businesses and consumers; and
- support delivery of the government's Regulation Action Plan.

This consultation should be read together with its companion consultation on the market surveillance and enforcement aspects of the new framework. The proposals and questions in this document are in the format ‘A1, A2’ and in the other document are in the format ‘B1, B2’ Please ensure your answers reference the proposal and questions numbers with the correct letter and number.

Read and respond to the consultation on market surveillance and enforcement.

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Your Details		
1. Your name	Kerry Nicol	
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3. Are you responding:		
As an individual? Please go to ‘Consultation Questions’		
On behalf of an organisation? Please continue		X
4. Name of organisation	Chartered Trading Standards Institute (CTSI)	
5. Number of employees		
1 to 9		
10 to 49		
50 to 249		X
250 or more		
6. Type of organisation		
Business		
Trade Association		
Test House or Laboratory		
Consumer Body		
Local Authority		
Fire and Rescue Service		
Government Body		
Other (Please specify)	Not for profit membership organisation	

Consultation Questions

Getting the basics right

Question A1: Do you agree or disagree with the proposed scope of the regulations, including the exemptions from scope?

Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	

Please explain your answer

Whilst we broadly agree that the scope of the new regulations should remain as it currently is, we need clarity around what are considered 'migrating' products, particularly in relation to the fast-moving online market. By way of example, tattoo guns would have traditionally been considered a professional only product, but these became available to consumers via online marketplaces and are now widely purchased and used by consumers.

The scope must include any products which are available to consumers and have either migrated or has the potential to migrate. If a consumer is able to purchase it then it must automatically be considered to be a consumer product and must be safe for use in that context.

We also support the proposed exclusions from scope (antiques, artworks, products needing repair etc.), but with a question mark about 'collectibles' and which products might be argued as being within scope of that.

We need greater clarity on what defines as 'available to consumers'.

Needs to be clear who is responsible for enforcement when it is 'business to business'.

Question A2: Do you agree or disagree with the proposed definition of a safe product?

Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	

Please explain your answer

We support keeping the same definition with the proposed extension. We feel the limitation to those products with a designated standard covering the protection of domestic animals and property is going to significantly limit the effect of the change. We are not sure that there is a better way of doing this other than maybe implementing the EU approach of ensuring safety by design in relation to hazards and risks that could relate to domestic animals or property.

We would also like to see proposals for including pets to go further – to include a requirement for all products designed, or likely to be used by, domestic animals. That would force manufacturers/producers to start thinking about the safety of animals in their

GPSRs risk assessments which would be a good thing and what the general public would expect.

A designated standard for pet products could help to bridge a gap here, but due to the length of time these take, we would ask for a risk assessment to be implemented which would help to support this while we wait for standards.

We have concerns that a potential future deregulating administration could remove the protections entirely without a change in the law merely by removing standards from the designated list.

Question A3: Do you agree or disagree with the new list of considerations when assessing safety?

Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	

Please explain your answer

We support this, but we feel this needs to be taken a little further.

We would like an indicative list of considerations (inc. Types of hazard) that should be included in the risk assessment, or publish a standard or guidance which is readily accessible to businesses on what must be included in the risk assessment, ideally with a best practice template, to increase the ease of access for small manufacturers and importers - but that it must state that the list is not exhaustive. For example, toy safety legislation - if not in a guidance document or perhaps a PAS. This will make it easier for businesses to do a good job and get things right.

We do have some concerns over generalising safety requirements as essential safety requirements can be quite product specific and reduce ambiguity. Generalising requirements does increase the risk of ambiguity in some cases, particularly where hazards are very product specific. This point needs to be approached with extra care.

Question A4: Do you agree or disagree with our proposal to revoke the Food Imitations (Safety) Regulations 1989?

Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	

Please explain your answer

We recognise the benefits of moving towards a broader product safety framework that considers all vulnerable consumers rather than focusing solely on children. However, we are not fully convinced that the existing food imitation provisions should simply be removed and replaced by a risk assessment-based approach.

Whilst the current regulations can be difficult to apply in practice and contain areas of ambiguity, they do provide a relatively clear framework for assessing products that may be mistaken for food. Moving entirely to a risk assessment model risks creating greater inconsistency in decision making, particularly given that many businesses either do not undertake robust risk assessments or lack the necessary expertise in hazard identification and risk analysis. This could lead to products remaining on the market that present foreseeable risks but are judged differently by different businesses.

We support the principles of safety by design and product risk assessment, including consideration of whether a product could reasonably be made safer. However, where products have the appearance of food, drink or other consumable items, there should remain a strong presumption against such designs unless there is compelling evidence that they are unlikely to be mistaken for food and would not cause harm if confusion occurred. Independent assessment by a suitably competent body may be appropriate in such circumstances.

Particular consideration should also be given to risks beyond those posed to children. Consumer stakeholders have raised concerns regarding accidental poisoning among people living with dementia, a risk that is likely to become more significant as the population ages. Products such as laundry liquids packaged in containers resembling milk or juice cartons demonstrate how imitation packaging can create avoidable risks. In such cases, the key question should be whether the product can reasonably be made safer through alternative design or packaging.

If we were to support the revoking of the current Food Imitations this would only be the case if the wording below, as cited in the EU GPSR, is adopted in any new UK GPSR. This will ensure going forward all vulnerable consumers are protected

When assessing whether a product is a safe product, the following aspects in particular shall be taken into account:

..... the appearance of the product where it is likely to lead consumers to use the product in a way different to what it was designed for, and in particular:

where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics and might therefore be placed in the mouth, sucked or ingested by consumers, especially by children;

The below laundry liquid, packaged to look very much like a milk or juice carton is an example of where imitation packaging could be increasing these such risks. Even though this carton has been fitted with safety warning etc, is there an actual need for a non-consumed product to be packaged in this way. Could this be made safer – yes!

Question A5: Do you agree or disagree that essential safety requirements, testing or conformity assessment may be useful in the new framework?			
Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	
Please explain your answer			
Products such as childcare products should at least follow conformity assessment procedures similar to e.g. toys.			

Question A6: Do you agree or disagree with introducing the 'designation' mechanism for products covered by the framework?			
Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	
Please explain your answer			
Conformity assessment works under the NLF regulations currently but third-party verification in relation to both product design and also production control system needs to be extended in a number of high-risk sectors and product types/groups.			

For example, electric bikes and/or batteries for electric bikes must be subject to mandatory third-party conformity assessment.

Question A7: In what circumstances, if any, might it be appropriate to designate a standard from a competent standards body other than BSI, European standards bodies, or international standards bodies?

We do not support extending the presumption of conformity beyond standards developed through the recognised UK, European and international standardisation systems. These frameworks provide important safeguards, including appropriate stakeholder and consumer representation, and we are not convinced that designating standards from other bodies would benefit businesses, regulators or consumers.

However, where standards have not yet been developed for new and emerging products, there may be value in recognising temporary technical specifications to help businesses and regulators assess product safety. Any such specifications should be used only as an interim measure until a formal standard is available and should not carry the same presumption of conformity as recognised standards.

Question A8: Are there any further actions you believe we should be taking to ensure lithium-ion batteries within consumer products are safe?

Problems with lithium-ion batteries can occur as a result of either poor design, poor production control, or both. If a PAS is to be used as a means of managing risk in relation to products containing these, it needs to have significant legal weight but also cover the whole design and production process and provide a useable audit tool to ensure that risk has been adequately managed.

The option of mandatory third-party conformity assessment that includes both design and production controls for lithium-ion products may have a bigger impact as its widely known by test labs and regulators compared to PAS.

Accountability throughout the supply chain

Question A9: Do you agree or disagree with the requirement that producers must only place safe products on the market?

Agree		Neither agree nor disagree	
Disagree		Don’t know	

Please explain your answer

Absolutely agree with this, but there needs to be a requirement for a UK authorised representative to cover the scenario where a product is sold by an overseas seller direct to a UK customer. Otherwise, we retain the same enforcement gap that we currently have.

Also, a positive duty to ensure that products are safe (through conformity assessment – documented design verification and production control) is essential and a focus on sample testing in particular is missing the point. Safety needs to be quality assured (process based) and well as quality controlled (sample testing). We are also concerned that deviating from the legal definition of particular economic operators from the EU approach has the potential to cause significant confusion (and possibly ambiguity) for businesses that trade anywhere other than GB exclusively.

In GB more can be done to manage product risk for horizontal products far more effectively than at present, and this should be used.

Question A10: Do you agree or disagree with the requirement that onward suppliers should act with due care and not supply a product unless it is compliant?

Agree		Neither agree nor disagree	
Disagree		Don't know	

Please explain your answer

We agree, but the Government can do more to take this further.

Due care needs to be inclusively defined as it has far too much room for ambiguity otherwise and does not take us further forward from the current distributor obligations.

Where the consultation lists a range of potential actions that onward suppliers should take, it then says "we do not propose to introduce these specific requirements in the new framework...", whereas we would argue it would be better to say that onward suppliers must exercise reasonable due care and take the following actions where relevant, and then the guidance says what is and isn't relevant in different scenarios.

The 'act with due care' requirement is widely felt to be too vague so without it being in the regulations, or very solid guidance, it makes it difficult to enforce.

Question A11: Do you agree or disagree that online marketplaces should be required to act with due care to prevent, identify and remove non-compliant products from their sites?			
Agree		Neither agree nor disagree	
Disagree		Don't know	
Please explain your answer			
The concept of 'acting with due care' is too vague and, while the proposed steps are sensible, they do not require those measures to be effective. 'Due diligence' should mean not only having robust systems in place, but ensuring they work in practice. Evidence shows existing controls by major marketplaces such as Amazon and eBay are often ineffective – unsafe products, including recalled items, can still be identified within seconds, demonstrating clear gaps in oversight. A more comprehensive and enforceable set of requirements is needed. For higher-risk products (e.g. toys, electricals, scooters, baby products), marketplaces should require sellers to upload compliance documentation and use technology to verify its accuracy and relevance. Alternatively, a robust onboarding process—similar to high street retail—could assess compliance evidence before sellers list products, with periodic reviews. Additional measures should include image recognition to detect unsafe products, mandatory seller information (e.g. manufacturer details, UK Authorised Representative), and systems allowing authorised parties to flag misuse of their identity, preventing fraudulent listings. Marketplaces should be required to submit annual plans and effectiveness reports to a regulator (e.g. OPSS) for approval. Failure to demonstrate sufficient controls should result in penalties, including significant fines linked to global turnover, enforced improvements, and - where necessary - suspension from selling high-risk products. Running a marketplace should be treated as a responsibility to provide consumers with a choice of easily accessible and safe products – it should not be a shop window for unsafe products. There should also be a named UK-based individual accountable for product safety compliance within each marketplace, alongside a requirement to establish a Primary Authority relationship. This would ensure proper engagement with regulators and that regulatory costs are met, addressing current resourcing constraints faced by authorities. Finally, marketplaces should provide enforcement bodies with a dedicated interface (as eBay does) to request information, remove listings, and engage directly. If UK Authorised Representative requirements are introduced, this data should be centrally accessible to support intelligence-led enforcement and linked systems (e.g. ICSMS), enabling regulators to target high-risk actors effectively. Commitments made under the EU Product			

Safety Pledge should be embedded in legislation to ensure a robust and enforceable framework.

In summary - 'Due care' is inherently ambiguous and needs to be clearly defined in terms of legal obligations and legal sanctions if they are not met. A positive obligation to check and verify evidence of conformity for products they are making available on the market would be a big step in the right direction.

Question A12: Do you agree or disagree with the introduction of a requirement that online marketplaces should practice due diligence to identify and take action against non-compliant sellers and sellers that provide non-compliant goods?

Agree		Neither agree nor disagree	
Disagree		Don't know	

Please explain your answer

We agree that online marketplaces should be required to take proactive steps to identify and remove non-compliant sellers and non-compliant products from their platforms. However, any requirement should be supported by clear and specific obligations rather than a general reference to "due diligence", which may be difficult to apply consistently in practice.

Consideration should also be given to independent oversight of marketplace processes and improved information sharing between marketplaces to prevent sellers removed from one platform simply moving to another and continuing to supply unsafe products.

Question A13: In which situations or for which products do you think additional verification requirements or local presence requirements would be useful?

We believe that all products made available to UK consumers should have a responsible person or legal entity established within the UK. Limiting this requirement to high risk products would create uncertainty around product classification and could result in differing levels of consumer protection. A consistent approach across all consumer products would provide greater clarity for businesses, regulators and consumers.

Additional verification requirements are appropriate for certain higher risk product categories and may include third party assessment of product design and production controls. However, any list of products subject to enhanced verification should be flexible and capable of being updated as new risks emerge.

Online marketplaces should also be encouraged to use verification tools and technology to confirm the authenticity of certification, responsible persons and other compliance documentation.

Question A14: Do you agree or disagree that we should give all supply chain actors a duty to participate in monitoring of products already supplied and to cooperate in corrective action?

Agree		Neither agree nor disagree	
Disagree		Don't know	

Please explain your answer

Agree with the principle but too much subjectivity e.g**. 'within the limits of their activities',** but the principle needs detail to make it effective, and as with other obligations, a non-exhaustive list in the legislation would be our preference.

The concept of monitoring the safety of products has always been vague and not enough producers are carrying out sufficiently robust work in this space, such as sample testing.

Not all marketplaces clearly identify the seller and provide contact details, despite being a legal requirement under ecommerce legislation, so this should be explicitly required – ideally with a way to contact the seller via the marketplace, and also notify the marketplace, so they're always kept in the loop and can decide to act.

The principle of this needs detail to make it effective, and as with other obligations, a non-exhaustive list in the legislation would be the preference. An option could be along the lines of possession of and verification of conformity assessment documentation, which would avoid the standard response of 'how were we to know it didn't comply/was unsafe.'

Question A15: Do you agree that all supply chain actors should have a duty to cooperate with relevant authorities and others in the supply chain?

Agree		Neither agree nor disagree	
Disagree		Don't know	

Please explain your answer

Agree with the principle, but too much unknown and open to interpretation e.g. '**appropriate for this duty to apply proportionately to all, within the limits of their activities**.'

There must be a legal duty to cooperate with all other actors who have an interest in identified risk and the management of it. Further this should extend to cooperation with relevant authorities and assisting them in assessing and managing risk.

For example, something similar to the provisions set out in PAS 7100 and 7050 for communications and cooperation would be optimal. Again, setting out requirements in very general terms leads to ambiguity which weakens the ability of regulators to use them, particularly with some of the big players whose legal departments are significantly bigger than one individual Local Authority Trading Standards Service.

Question A16: Do you agree or disagree with the proposal for online marketplaces and producers to have a single point of contact?

Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	

Please explain your answer

Agree with this, but there also needs to be ease of access to any systems. A Trading Standards Officer (TSO), who may only occasionally do product safety work needs to be able to quickly contact the marketplace, either by email or perhaps through a portal, but they need to be able to find the portal, be able to login with ease, and do the task with ease.

We believe that online listings should have the producer's details clearly displayed on the listing, not just on the product label, so that TSOs can identify and contact them without having to order a product (e.g. if they have a complaint but the consumer has thrown away the packaging with the producer's details on).

It should also be noted that it needs to be clear that they are obliged to keep any contact details up to date.

A new approach to product information

Question A17: Do you agree or disagree with the proposal for information that must be provided on or with the product?

Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	

Please explain your answer

Critical safety information such as warnings should be on the product. Otherwise consumers will not read them or refer to them when they use the product.

Also, many consumers will be excluded if digital only. Being able to request a physical copy will not help those digitally excluded consumers since they may not be able to make such a request.

We may support optional info digitally, perhaps, but not information such as safety warnings or contact details. There should be a requirement for physical + repeated digitally if required.

There are lots of potential benefits to using digital labelling/information beyond that of safety warnings and user guidance for products.

We would be interested to see how the new regs will require producers to ensure the info is accessible for the lifetime of the product – we think this is only possible if the data is hosted on a government or reputable third-party system, otherwise companies will come and go, and so will the data if it's hosted on their websites.

Question A18: Do you agree or disagree with the proposed types of information that can be provided digitally?

Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	

Please explain your answer

We understand the difficulty and lack of space so some information such as instructions for use in multi languages etc, may be fine to be provided digitally as long as concerns posed in A17 are addressed.

Key safety information must be on the product to increase the likelihood that the consumer reads and takes note. This principle is well established in product safety, and it is what consumers are used to whether they realise it or not.

Safety warnings that a consumer has to look up will not be read in most cases and will not appear important to the product user. Also making reference to where standards require products to have physical warnings then this will still apply is not going to be easy to enforce, since standards are not legally binding and it would be easy for a producer to

argue that providing them digitally is an accepted format (given it would be for other products) and therefore they are meeting their legal obligations.

Digital labelling should be the exception rather than the rule – where it is not possible to add all the required information to the product itself then it may be acceptable to provide this digitally, but it will depend on practicality. Also, there are issues with accessibility and assuming all consumers are digitally literate, have a smartphone to hand and are prepared to look up critical safety information is overly optimistic.

As we mentioned above - what happens if there is a problem with a product and the producer takes down their website/ breaks a link to avoid liability etc. Where does that leave the consumer?

Question A19: What, if any, protections would be necessary to ensure that consumers with limited digital access or low digital confidence online are not disadvantaged?

Please see our above comments. It must be ensured that critical product information is provided physically with the product as is currently required.

An example we would like to put forward - a Grandad who doesn't have a smart phone and whether realistically he's going to want to, or remember to, ask for physical copies of safety information to be provided to him. He doesn't have an email address, so unless a retailer can provide it immediately, they would need to post it to him (which I can see not happening 100% of the time), by which time he might have tried using or assembling the product. And he's presumably not going to be able to access all of the other information about how to best use the product, which puts him at a disadvantage compared to other consumers.

Ofcom research shows that 2.8 million people (5% of the UK population) don't have internet access at home. 62% of those are retired, but interestingly 15% are in work, 11% are unemployed and 6% are "full-time in home" - so would this have a disproportionate impact on people who are unemployed or on a low income, who are already more likely to experience consumer detriment and buy cheap, low-quality products and/or second-hand products from Facebook marketplace etc. This all needs to be taken into serious consideration and we would like to see the Government to speak to relevant agencies with key data and stats to understand the true scale of the digitally excluded.

Question A20: Are there any further actions you believe we should take beyond the existing and proposed requirements to ensure period products are safe?

We would turn to other organisations with more expertise in this area.

We don't have specific knowledge of specific chemical hazards and the risk that arises with these products, but the approach set out seems a sensible one to standardise testing and risk assessment.

Question A21: Do you agree or disagree with the proposed information that producers and onward suppliers selling products online should provide on an online listing?

Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	

Please explain your answer

Support these proposals. See also earlier comments about pre-purchase information.

We think there should be a requirement for marketplaces to ensure the information is filled in correctly – for example, on TikTok Shop and Etsy some of these fields are not mandatory (even the ones that are currently legally required, such as legal entity of the seller), and even where they are mandatory the sellers can enter "----" or other characters and its accepted by the platforms.

Question A22: Do you agree or disagree that online marketplaces should be required to design their interface to allow sellers to provide customer information?

Agree		**Neither agree nor disagree**	
Disagree		**Don't know**	

Please explain your answer

Agree. Please see our comprehensive comments in A21. There also needs to be sanctions in place for non-compliance.

Question A23: Should online marketplaces introduce additional steps, such as verifying certain product information or making some information mandatory, before listings are published?

Yes		**No**		**Not sure**	

Please explain your answer

Yes, see comments in A21.

List of ingredients for cosmetic products is a good example.

These online marketplaces are technology companies and should utilise what is now 'basic' technology to make certain fields mandatory and verify other fields.

Building on the new foundations

Question A24: Do any of the provisions in existing sector regulations fit these categories?

Yes		**No**		**Not sure**	

If you responded 'Yes', please provide details of the provisions and your reasons. If you consider that any of the additional tools in proposals A5 or A9 may be helpful for the relevant products, you may include this in your response.

This is a bold proposal, and in our view, it creates a number of problems. The first and most obvious is that this would be a significant divergence with the EU regulatory approach and therefore Northern Ireland. How could this work within the UK Internal Market and how would businesses and regulators navigate it? This equally applies to business who trade within the rest of the Single Market.

Secondly, we are not aware of any evidence that the current approach of essential product requirements supported by standards has been a barrier to innovation – the whole approach is intended to be flexible with an option to follow a harmonised/designated standard, but it is not mandatory. Essential requirements which are product or sector specific provide an anchor for the management of risk, without which we think there will be greater ambiguity over what we are able to consider 'safe' vs 'not safe'.

In addition, sector specific regulations also clearly set out the methodology for conformity assessment, which is dependent on the maturity of the sector as well as the confidence that can be had in standardisation's ability to define a safe product. Removing this approach for GB whilst it subsists elsewhere in the world (it's not just the EU who legally recognise the CE mark) could be seen as a massive opportunity for dumping of products which cannot be placed on those markets because there are no specific requirements.

Question A25: Are you aware of any data or evidence on the types of AI-enabled products that are likely to be manufactured in the future?					
Yes		**No**		**Not sure**	
If you responded 'Yes', please detail the data or evidence you are aware of.					
Question A26: What do you think are the current or potential harms associated with AI-enabled products?					
Privacy, security and phycological harm. Physical harm (unpredictable behaviour, more difficult to assess 'reasonably foreseeable', harm from incorrect use of AI or inadequate safety controls, if hacked and controlled by a bad actor). Data security, privacy (always-on listening, learning too much about users particularly children). Health (incorrect advice on an AI health or parenting app. Financial or legal (incorrect advice on an AI finance/legal app, AI-powered decisions to make certain purchases. Social (bias, discrimination, inaccurate information particularly political, dark patterns such as harmful persuasion). Environment (energy usage, more products becoming AI-enabled creates more e-waste as they may have been 'basic' products otherwise). Psychological harm relating to dependency but also the reciprocity of the AI influencing human decision making in a harmful way.					

Question A27: How can we ensure that the reformed product safety framework effectively addresses the unique challenges posed by AI-enabled products and digital innovations, while supporting innovation?

When responding to the question, please consider:

- Is the framework proposed in this consultation sufficient?
- Are any additional sector-specific provisions required?
- What new approaches might be needed to safeguard consumers while supporting innovation, and how could measures such as consumer information, standards, quality assurance, data governance, documentation requirements or human oversight improve the safety of AI-enabled products?

It is difficult to see a framework as such, other than what appears to be a push towards simplification which could also be considered deregulation in relation to certain product specific requirements.

That said, there does need to be a coherent approach to the regulation of AI enabled products and the unique risks that they pose, including a detailed consideration of product risk relating to malfunction but also unexpected evolution of the algorithm. The technology exists through heuristics and metaheuristics to evaluate this.

The EU is already investigating this and developing a risk model for psychological harm arising out of connected products (this is wider than AI but within what many people consider it to be) and the UK could consider a similar approach for the additional risks arising from these products over and above strict functionality.

Question A28: Considering that the role of AI can adapt and evolve across a product's entire life cycle, how can regulation best account for this?

Make manufacturers/producers responsible for this – if they can't ensure their product is safe for the entire lifecycle, they shouldn't be including AI.

The technology exists currently to evaluate the evolution of these systems, and monitoring this can be incorporated into end user agreements. This is most definitely the problem for manufacturers/producers and the current obligation to ensure that the product remains safe throughout its lifecycle could be applied here. Our view is that legislation is needed as designated standards, although would add another layer of ambiguity to this. If a manufacturer/producer were not using such a standard, then the regulator will usually ask 'what are you doing instead?' An evaluation of this would require significant expertise and would most likely not be within the comfort zone of most Trading Standards officers.

We need to go back to the principle of ‘safe by design’ which means wherever possible hazards are eliminated, where this isn’t possible that risk is mitigated. Hazards and the risk arising from them are not readily identifiable as they would be with many other products, so this requires a detailed consideration by the product designer and coder.

Please return to: ProductSafetyReform@businessandtrade.gov.uk