



Office for Product  
Safety & Standards

# Office for Product Safety and Standards Delivery Report

October 2019





## Foreword



The safety of products we have in our homes matters to all of us. Consumer products are an essential part of our everyday lives. From the furniture we sit on and the fridges that store our food safely, to the devices that connect us to the world and the toys we buy for our children, they make our lives easier and richer. As Minister for Consumers I want everyone to be confident in the safety of the products that we all rely on, whether we choose to purchase them from the local shop, the high street or online.

The Office for Product Safety and Standards (OPSS) exists to deliver effective, trusted regulation for consumer products, which puts consumers first, and enables businesses to understand and meet their obligations. As well as the safety of products, they also enforce important environmental protections and requirements for quantity. This makes sure that what we buy is safe, we get the amount we paid for and the impact on the environment is minimised.

This Delivery Report sets out how OPSS protects consumers through robust product regulation, working with local trading standards officers and delivering with partners.

By bringing national capacity and leadership to product regulation for the first time, the UK now has a consumer product regulator that is addressing the difficult challenges. OPSS is still in its formative stage but already its unprecedented actions have resulted in Whirlpool initiating a full recall of up to 800,000 tumble dryers. It has launched an ambitious science programme to address challenges ranging from new technologies to indelible marking to identify products after a fire, and to give insights into consumer behaviour. Its first consumer campaigns have reached millions of people and it is building an evidence base for areas of concern including fireworks. It is increasing the capability we already have in trading standards teams across our local communities with funding for product testing from laser pointers to cosmetics and providing free, specialised training.

This is just the start.

Product regulation has never been more important. As our products and lives become more connected, we need to be ready for the next challenge, and those that will follow. As we leave the EU, effective product regulation will underpin opportunities for global trade in consumer goods. The work of OPSS will ensure we have a modern regulatory system with the expertise and capacity to protect consumers and help responsible businesses to thrive.

A handwritten signature in blue ink that reads "Kelly Tolhurst". The signature is fluid and cursive, with a horizontal line underlining the name.

**Kelly Tolhurst**

Minister for Small Business,  
Consumers & Corporate Responsibility



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# OPSS Delivery



**Online product safety** – ensuring recalled products are not available for sale on retail websites by working with online platforms and their Primary Authorities.

**Second-hand electricals** – identifying potential risks from sales of second-hand electricals through joint research with Electrical Safety First to understand the market.



**Supply chains** – identifying fulfilment houses that may present a risk for product safety and supporting local authorities to assess their compliance.

**Domestic appliances** – reviewed compliance systems of suppliers representing around 80% of the UK domestic appliance market - strengthening oversight of product safety and standards.



**Testing** – £500k for local authority product testing prioritising cosmetics, ladders, slime toys, lasers and fireworks, 1,000 samples taken – improving safety and compliance.

**Borders** – £245,000 additional investment to support local authority led teams at points of entry – keeping unsafe products out of the market.



**Recalls** – Rollout of standard for product recalls, including training 290 people and free access for SMEs – taking unsafe products off the market.

**Information sharing** – rollout of product safety database – enabling regulators to share information about product risks and raise safety alerts.



**Research** – invested £2m in strategic research on product hazards and compliance solutions – helping to identify and manage risks.

**Business support** – supported 86,000 businesses participating in Primary Authority – providing them with clear guidance on regulatory compliance.





**Consumer information** – launched safety campaigns on lasers, toys, fancy dress, fireworks and batteries which reached over 2 million people – informing them how to keep safe.

**Global expertise** – delivered inspection reform conference which attracted delegates from 60 countries – sharing best practice to drive continuous improvement.



**Frontline training** – provided free training for trading standards officers across 190 local authorities – building capability to protect consumers and support business compliance.



**Scientific and technical advice** – answered 200 requests for scientific and technical advice – informing sound decisions and effective enforcement.

**Access to technical standards** – Enabled 850 trading standards officers to benefit from free access to British Standards – supporting effective enforcement.



**Product standards** – supported 179 technical standards committees, enabled over 2,000 standards to be published, and supported 2,100 UK committee members to attend international standards committees – ensuring safety requirements keep pace with changing products and technologies.

**Consumer views** – creating workable solutions through attitudes survey of 4,000 consumers – helping us understand their concerns and perceptions.



**Frontline enquiries** – resolved 7,500 enquiries from businesses, consumers and regulators – ensuring they have the information and support they need.



**Online information** – driving average of 5,000 visits a week to our regulatory information pages on gov.uk – providing accessible advice and guidance.

# Introduction



# Introduction to the Office for Product Safety and Standards

The Office for Product Safety and Standards (OPSS) was created in January 2018 to deliver consumer protection and to support business confidence, productivity and growth. We regulate a wide range of products with a focus on their safety and integrity. We work with local, national and international regulators, with consumer representatives and with businesses to deliver effective protections and to support compliance.

## Our Mission

Our mission is to be a trusted product regulator for the UK. This means protecting people and places, enabling business to thrive and empowering consumers to make good choices. We will be a leader of good regulatory practice and a champion of local regulation.

## Our Responsibilities

We are the national regulator for product safety,<sup>1</sup> providing scientific and technical capability, working with local trading standards services to keep consumers safe and ensure business compliance.

We are the national regulator for legal metrology, ensuring weighing and measuring instruments are accurate and reliable, guiding the work of local authorities to give confidence to consumers and businesses in goods traded by quantity.

We lead Government policy on product safety, metrology, hallmarking and market surveillance and are responsible for preparing for EU exit in these areas, including product safety at the border.

We lead standards and accreditation policy across Government, working with the British Standards Institution (BSI) and the United Kingdom Accreditation Service (UKAS) – providing benchmarks for the manufacture of safe products

and assuring the quality of testing, calibration and certification services.

We sponsor the British Hallmarking Council – delivering confidence in the market for precious metals.

We are the UK Government's enforcement authority for a range of goods-based and standards-based regulations. We enforce energy efficiency and environmental pollution requirements in product design and performance, standards and measurement in the energy supply infrastructure and due diligence in the trade of designated raw materials – protecting consumers and the environment and helping to meet international commitments.

We work with the Foreign and Commonwealth Office and with the Department for International Development in key partner countries to support the development of regulatory environments that provide opportunities for UK businesses to trade around the world.

We work with local regulators to help deliver the Industrial Strategy aims of simplifying local regulation and enabling businesses to succeed, through *Primary Authority* and *Better Business for All* – helping local regulators to engage with businesses in ways that deliver compliance and enable businesses to invest with confidence.

Effective delivery of regulation across all these areas protects consumers and enables them to make informed purchasing decisions, provides industry with confidence when trading in the UK and in international markets, and delivers against international commitments made by the UK Government, for example on global environmental protections.

<sup>1</sup> Our product safety responsibilities cover all consumer products, except for vehicles, medicines and food. Examples of the products we cover include electrical appliances, toys, furniture and cosmetics.

## Our Strategic Approach

Our strategic approach is built around four pillars:

**Analyse:** We make the best use of scientific evidence, data, risk and intelligence in decision making.

**Inform:** We help consumers make informed choices and give businesses the information they need to comply.

**Enforce:** We use the full range of tools and powers to maintain protection, fairness and confidence.

**Build:** We are putting in place an infrastructure that equips the UK for future challenges.

These pillars are interconnected and mutually reinforcing. Analysis drives our decisions and interventions. Engagement and collaboration with our partners and stakeholders shapes our information and communication campaigns and industry guidance. Enforcement tools and powers and our national incident responses build confidence and create fair competition. Our investment in infrastructure, skills and facilities are supporting greater resilience and strengthening local capability.

We are guided by three principles – the importance of **protection**, a commitment to **partnership**, and a focus on the **practical**, real world, impact. Our impact is described in this first Delivery Report, that highlights key achievements over the last year, mapped against our four strategic objectives.

The work areas and deliverables described in this report against our four pillars are as follows:

Analyse 	
	Scientific and Technical Advice Unit
	Intelligence Unit
	Analysis and Risk

Inform 	
	Consumer Information Campaigns
	Business Compliance
	Standards and Accreditation
	Stakeholder Engagement
	Improving Product Recalls

## Enforce



- Product Standards, Supply Chain and Energy Supply
- Product Safety Enforcement
- Intercepting Goods at Borders
- Primary Authority and Supporting Regulator
- Legal Metrology

## Build



- Capability and Coordination
- Policy and Regulatory Framework
- Product Testing Capability
- Incident Management
- Digital Services
- Collaboration and Networks

# Analyse



## Analyse

*We make the best use of scientific evidence, data, risk and intelligence in decision making.*

Sound science is critical to understanding product risks, protecting consumers and delivering compliance. We have commissioned research to examine key issues and formed a specialist scientific and technical unit to provide advice to inform both our work and that of trading standards. The data we need to drive risk-based prioritisation on product regulation is held in multiple places, and in some cases not collected. We have worked with partners, agreeing routes to sharing data and set up a national intelligence unit to analyse and disseminate intelligence on product risks. We have also begun to give advice to trading standards on product risk assessments, ensuring enforcement decisions are made based on risk.

### Scientific and Technical Advice Unit



**Scientific and technical advice** – answered 200 requests for scientific and technical advice – informing sound decisions and effective enforcement.

We have established a Scientific and Technical Advice Unit, staffed with scientists, engineers and technical regulation specialists. In the last year, we have responded to over 200 enquiries for technical advice from trading standards and OPSS enforcement and policy teams. Technical advice on subjects including the presence of chemicals in cosmetics and toys, component level studies of white goods and biological impacts of noise from fireworks has been used to support enforcement action and policy development.

#### Technical advice on boron levels in slime and putty toys

Which? notified OPSS of high boron levels detected in slime toy products and their misclassification as a putty which is permitted to contain a higher concentration of boron. Trading Standards and Public Analyst Scientific Services confirmed there was inconsistency in the interpretation of the toy safety standards for boron content in slime and putty toys. In some cases, this raised safety concerns and led to disputes over the compliance of particular slime and putty toys.

Our Scientific and Technical Advice Unit investigated this and identified that differences in sample preparation approaches as well as the misclassification of the toy material ‘category’ was resulting in inconsistent test results. We facilitated the engagement of Trading Standards and Public Analyst Scientific Services with the BSI toy safety committee who engaged with the European standards committee. The result was a clarification on the test approach from Europe. In addition, OPSS is participating in a cross-European market surveillance project with agreed consistent methodology for testing slime and putty, which aims to assess the extent of non-compliance in slime and putty toys.

We have embarked on an ambitious research programme, which commissions and assures high quality strategic science-based research to strengthen the evidence base for product safety policy, delivery and enforcement. Last year we invested approximately £2million on subjects as varied as fire indelible markings, safety of Internet of Things devices, characteristics of modern fires and a large consumer survey investigating consumer attitudes to product safety.

We are also setting up a research hub, that will give us direct access to advice and research capability from academia across of range of scientific disciplines. This hub will be an efficient generator of high-quality research and allow greater use of innovative research methods.

The focus areas of our product safety research programme are shown below:



More details of the research we have undertaken and our plans for 2019/20 can be found in our Strategic Research Programme update available on our website.

### Indelible Product Marking

Precise identification of appliances after a fire is important so that products with a high failure rate can be identified quickly. A scoping study is underway, assessing the technical options and practical challenges and opportunities for indelible marking of appliances to ensure visibility after a fire. We recently held a workshop with the Association of Manufacturers of Domestic Appliances and the London Fire Brigade, to ensure that the research is grounded in the reality of this complex issue. We are now developing options with stakeholders on the future design of indelible labels and how they could be displayed.

Through the Royal Society for the Prevention of Accidents we are working with six A&E Departments and one GP surgery to use data already collected as part of emergency care to improve identification of products that are causing harm to consumers. We are opening up new data channels with fire services to provide better data on product related fires working closely with the Home Office, London Fire Brigade and the National Fire Chiefs Council.

### Analysing compliance issues in markets

Where we receive intelligence about issues in a particular market, or a new product comes into scope of regulations we enforce, we begin with analysis to assess the awareness, understanding and compliance behaviour in that market. This year analysis has included digital pregnancy tests, electronic weighing equipment (see Annex C<sup>2</sup>), automotive batteries (see Annex C<sup>3</sup>), end of life vehicles and product safety issues related to second-hand goods. For example, in relation to end of life vehicles we have been developing relationships with a wider range of trade associations with a view to building our understanding of current issues in the sector and preparing for work on car parts. On second-hand electrical goods, we have commenced research with Electrical Safety First to gather evidence of how and where electrical products are being sold in traditional second-hand markets (e.g. charity shops, car boot sales) as well as online. This information will be used to provide advice to consumers and to sellers of goods about their responsibilities when selling or buying second-hand electrical goods and to establish priorities for future activity.

### Intelligence Unit

We have been accessing data and sharing intelligence with key partners including local authority trading standards, National Trading Standards, Citizens Advice and the Intellectual Property Office as well as becoming members of the Government Agencies Intelligence Network. We have broadened the range of data and intelligence sources we have access to including developing a social media monitoring capability, which enables us to gain an insight into consumers' product safety issues which may not be reported through traditional channels such as Trading Standards or Citizens Advice. We have begun the process of developing a border intelligence hub, building on the work of National Trading Standards, so that we can provide a centralised, intelligence led approach to targeting unsafe products as they enter border points across the UK.

2 Digital pregnancy tests and weighing equipment have both recently been brought into scope for the Restriction on Hazardous Substances Regulations (RoHS) <https://www.gov.uk/guidance/rohs-compliance-and-guidance>

3 Market analysis in relation to Batteries (Placing on the Market) Regulations <https://www.gov.uk/guidance/batteries>

## Analysis and Risk

We have recruited a team of analysts to ensure our work is underpinned by robust analysis. This year our economists, statisticians and social researchers have provided analysis on trade flows following EU Exit, statistical modelling of safety incident data, impacts of policy and legislative changes and supported teams to plan monitoring and evaluation for their work. We have established an expert risk assessment team which plays a key role in enforcement decisions and is providing advice to local authorities on product safety risk assessments. Working with the Chartered Trading Standards Institute, we created a bespoke product safety risk assessment course which 270 local authority officers attended.

## Risk Assessment Advice

OPSS was contacted by a local authority requesting assistance in relation to product risk assessments they had been sent by a business. The local authority and the business were in dispute over the validity of the business's risk assessment in relation to safety issues with one of its electrical products. OPSS reviewed the risk assessments and gave advice to the local authority concerning the risk assessment methodology used and the need for failure mode and root cause analysis to be undertaken. The local authority then raised these issues with the business, which led to further investigations being undertaken that ultimately resulted in the business issuing a safety notice to consumers using the affected product, warning them of action they needed to take to ensure their safety.



# Inform



## Inform

*We help consumers make informed choices and give businesses the information they need to comply.*

Consumers need clear and accurate information to understand risks and to make informed decisions. We have established a programme of consumer information campaigns, working with partners to spread safety messages. We are conducting research to understand the best ways to empower consumers, including work on improving product recalls. Businesses need a clear understanding of what is required of them to deliver compliance. While many businesses are well-intentioned, we recognise that lack of awareness, understanding or technical capacity, are often contributory factors where compliance is not being achieved. This can be particularly evident where the regulation is highly technical in nature. We have conducted a range of activities to support businesses in understanding their responsibilities.

### Consumer Information Campaigns



**Consumer information** – launched safety campaigns on lasers, toys, fancy dress, fireworks and batteries which reached over 2 million people – informing them how to keep safe.

We are building strong partnerships with organisations that already deliver product safety messages to consumers. By working with trusted partner organisations, we have maximised the impact of our consumer campaigns and targeted messages more reliably. Over the last year, we have worked with Netmums, the Royal Society for the Prevention of Accidents, Electrical Safety First, Child Accident Prevention Trust and the Chartered Trading Standards Institute. Our targeted campaigns on fancy dress safety at Halloween, fireworks, staying safe when buying online, laser pointers and toy safety reached over 2 million

people through social media, health professionals, Post Offices and NHS GPs' surgeries. We are currently working with industry and consumer groups to improve warning notices on products containing button batteries, and to raise awareness of the potential dangers to children from swallowing them.

We have been conducting research into consumer attitudes to product safety, including focus groups, accompanied shopping and quantitative surveys covering over 4,000 consumers to shape our communications with consumers.

### Business Compliance

Alongside enforcement (see 'Enforce' on page 23), we use a range of interventions to support compliance, including awareness raising activities; provision of information, guidance and tailored advice; and supporting businesses to address non-compliance.

#### Raising awareness of regulatory requirements amongst regulated entities

We undertake business awareness raising activities across our enforcement responsibilities, but these are a particular focus for newer areas of regulation or where we know lack of awareness is an issue. We raise awareness of regulatory requirements by: presenting at events and conferences; running tailored workshops; producing news pieces and magazine articles; contributing to blogs; and dissemination of updates via social media and email alerts.

## Raising awareness of access and benefit sharing regulations

We regulate the requirements for UK businesses, research institutions, public bodies and others to demonstrate that they have undertaken due diligence to ensure genetic resources – such as plant or animal materials – have been accessed legally. Previous engagement has highlighted that levels of understanding of the regulatory requirements are low. Our primary focus has been on raising awareness and supporting understanding of the requirements, as well as on furthering our own understanding of sector specific challenges faced by organisations in meeting them. We have continued building relationships with organisations that can support us in raising awareness including research establishments, businesses, trade associations, public sector organisations and NGOs. We have presented at a number of events and trade shows across the UK, and worked with Defra to organise tailored events, including workshops for the Marine Biological Association and the Association for Research Managers and Administrators.

## Providing information, guidance and tailored advice to the businesses that we regulate



**Online information** – driving average of 5,000 visits a week to our regulatory information pages on gov.uk – providing accessible advice and guidance.

Information and guidance on the regulations we are responsible for is made available on the Government's Gov.uk website. Last year there was an average of 5,000 visits to these pages each week. We have conducted a review and updated the product safety information for businesses, regulators and consumers on GOV.UK, using user feedback to make it easier to find the right information.

Electrical Safety First commented that our updated product safety pages were an excellent example of making material user-friendly:

**“no jargon, straightforward language and clear signposting to more detailed guidance and advice, ensures you can easily find what you are looking for.”**

### **Electrical Safety First on our online material**

Enquiries and requests for regulatory advice are encouraged and we are committed to ensuring that we respond to enquiries in a timely manner. Our central helpdesk service is accessible by phone, email or an online enquiry submission. Helpdesk staff handle business enquiries and requests for advice, as well as enquiries and complaints from consumers, businesses and others. Last year we responded to 7,500 enquiries across our work areas. We signpost businesses to their local authority trading standards department for specific advice and to access Primary Authority.

## Better Business for All - local regulator and business partnerships

Local Better Business for All partnerships bring together businesses and regulators to identify the issues facing local businesses and shape the provision of effective support services to them. Last year we set up pilots in seven local areas to better integrate advice from local regulators to business into Growth Hubs. As part of the Industrial Strategy Tourism Sector Deal we are working with the Tourism Alliance in England to carry out further research on how and why businesses within the tourism sector obtain advice about regulatory compliance, which will inform the shape of further advisory services including Primary Authority. The outcome of this will provide businesses with greater clarity on regulatory issues and in turn reduce some administrative time and costs for hospitality businesses.

### Sector specific advice on timber regulations

We regulate the requirements for businesses to ensure that any timber products they sell contain only legally harvested timber (see Annex A for details). In these areas we see low levels of awareness and understanding of the regulatory requirements, which may result in non-compliance and so have worked with partners to raise awareness in targeted sectors. For timber regulations, we have worked with the Timber Trade Federation, British Marine, the British Retail Consortium, and the Federation of Small Businesses to organise nine sector specific workshops across the UK. 150 business participants attended, receiving training on risk identification and mitigation, with input from monitoring organisations and a testing laboratory. Feedback was positive, for example:

“It was challenging as this is a new category of product for me; however the basic principles of how to source timber legally and ethically, how to test and provide the chain of custody required, the potential high-risk sourcing territories etc were very well explained”

**Timber workshop attendee**

## Standards and Accreditation

OPSS leads on standardisation and accreditation policy. We lead the Government’s relationship with BSI and UKAS, the national standards and accreditation bodies respectively, and facilitate engagement with other government departments involved in policy specific discussions. We administer grant funding to BSI and UKAS and priorities are set through Memoranda

of Understanding.<sup>4</sup> Last year the BSI grant supported 179 technical standards committees, enabled over 2,000 standards to be published by UK committees,<sup>5</sup> and supported 2,100 UK committee members to attend international standards committees, ensuring that UK interests are represented when international standards are created or updated.

We are active members of BSI’s Standards Policy and Strategy Committee. We are encouraging BSI to improve the diversity of all its standards-making committees, and we monitor their progress on this. We are also working to increase the number of trading standards officers on standards committees by providing funding to reimburse travel expenses. We offer similar support to members of BSI’s Consumer and Public Interest Network so they can participate in standards committees where the views and voice of consumers is needed. We are active members of the UKAS Policy Advisory Committee and Forum.

### Ensuring safety standards are appropriate

We have launched new research to look at common components found in consumer products such as capacitors to better understand the risks associated with them. Results of this work will inform the future development of product safety standards. We have worked with international and European standards making bodies on improvements to the standard for fridge freezers, and as a result the standard has been revised to reflect UK concerns and is fully applicable from 11 July 2019. The revision contains new requirements for ensuring fire safety of fridge freezers and introduces flammability test methods for assessing the fire resistance of the backing material used on them.

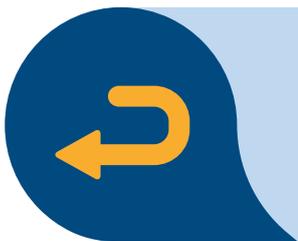
4 For more information on the objectives of the funding see <https://www.bsigroup.com/Documents/about-bsi/BSI-UK-NSB-Memorandum-of-Understanding-UK-EN.pdf> and [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/816809/MoU-BEIS-UK-Accreditation-service.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/816809/MoU-BEIS-UK-Accreditation-service.pdf)

5 UK committees which receive a contribution to their running costs from OPSS funding, including by access to international standardisation

## Stakeholder Engagement

We have been collaborating with stakeholder groups across our programme. For example, with the Chartered Trading Standards Institute we have developed a programme to provide learning and development for frontline trading standards officers, with Electrical Safety First we have collaborated on a project to explore options for electronic marking of electrical products and are working together to investigate the second hand electrical goods market. With the Royal Society for the Prevention of Accidents we are working jointly on consumer safety campaigns and evaluating how best to gather data on accidents caused by products. We see great value in bringing stakeholders together to collaborate on issues of mutual interest. Our Business Reference Panel meets quarterly and provides a forum for business organisations (representing over one million businesses) to share ideas and feedback views on how regulation is impacting on them. Last autumn, Minister Kelly Tolhurst hosted a ‘round table’ of consumer bodies, to introduce the product safety strategy and talk with them about how they can support its delivery.

## Improving Product Recalls



**Recalls** - Rollout of standard for product recalls, including training 290 people and free access for SMEs – taking unsafe products off the market.

How manufacturers and importers respond to product safety incidents is a critical piece of the product safety jigsaw. Not all issues are picked up before products are placed on the market, and sometimes problems are only identified once significant numbers have been purchased by consumers. At this point it is vital that business have the preparations in place to take effective action when needed and that enforcement authorities are able to ensure this is happening. Previous analysis has identified a

lack of clarity over the handling of such incidents. We supported BSI to produce a code of practice on product recalls (PAS 7100) and over the year we have trained 294 trading standards officers and businesses on implementing the Code. We have ensured it is available for free to SMEs and trading standards officers, making sure that the businesses most likely to need guidance can access it and are able to work with their local authority trading standards officer to ensure they have the plans in place to deal with an incident.

We also made improvements to the Product Recall site<sup>6</sup> to make it easier to find information and have started research to better understand how consumers want to receive messages about safety and recalls. This will feed into the development of our new product safety database. We are also developing and testing new ways to improve product registration rates using behavioural insights. The experimental trial will start in Autumn 2019 and report in Summer 2020.

### Primary Authority advice supporting effective recalls

Cornwall Council is the primary authority for Quality in Tourism (QT), a membership organisation for hospitality, tourism and leisure businesses which provides expertise and advice to improve business performance. As primary authority, it will work with QT in relation to developing tailored advice for the organisation’s 5000 members on meeting environmental health, trading standards and fire safety regulations. Cornwall Council has provided advice on the ‘Safe, Clean and Legal’ document which QT’s assessors use. Importantly, the Primary Authority advice ensured that the assessment document now includes advice on the registration of domestic appliances.

<sup>6</sup> <https://productrecall.campaign.gov.uk/>

# Enforce



## Enforce

*We use the full range of tools and powers to maintain protection, fairness and confidence.*

No regulation is effective without adequate and appropriate enforcement. We enforce throughout the lifecycle of consumer products from design to disposal and across multiple regulatory systems on safety, accuracy and environmental harm. On product safety and metrology we work alongside local authority trading standards, and lead on national, novel or contentious issues. In other areas we are the sole enforcement authority, acting as the enforcement authority sometimes for other parts of Government on a cost recovery basis. In addition, we support effective enforcement by local authorities by operating Primary Authority.

### Product Standards, Supply Chain and Energy Supply

We are the enforcement authority for a range of goods-based and standards-based regulations, on behalf of BEIS, Defra, the Department for Transport and the Office for Low Emission Vehicles. These regulations cover:

- reducing energy consumption and greenhouse gas emissions from products;
- minimising levels of hazardous substances in electrical products and batteries;
- maximising recycling of electrical products and batteries;
- reducing noise pollution from products;
- ensuring accuracy of electricity and gas meters;

- ensuring raw materials for products are sourced legally, and do not contribute to environmental detriment, illegal or illicit practices; and
- ensuring compatibility and accuracy for the electric vehicle charging infrastructure.

Full details of these regulations are available at [www.gov.uk/guidance/national-regulation-enforcement-services](https://www.gov.uk/guidance/national-regulation-enforcement-services).

### Checks on compliance

Based on risk, we undertake checks on compliance with the aim of ensuring that individual businesses are meeting their obligations. Checks are made using a range of interventions including conducting inspections of premises and goods; checks on technical documentation and business records; and testing of products. Checks included testing of products being sold direct to UK consumers via online platforms. In areas where regulatory requirements are new, we take information from these checks to inform our understanding of business compliance.

Where non-compliance is identified, we are committed to responding in a proportionate manner, as set out in our Enforcement Policy.<sup>7</sup> We take account of the nature, seriousness and circumstances of any non-compliance with regulatory requirements, including considering steps being taken by the business to address the non-compliance. Our aim is to enforce in a way that is fair and objective while also being robust, credible and consistent with the purpose of the legislation.

<sup>7</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/712141/safety-and-standards-enforcement-enforcement-policy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/712141/safety-and-standards-enforcement-enforcement-policy.pdf)

We provide guidance and advice as a response to dealing with non-compliance, where we consider this to be proportionate and where we think it will be effective in achieving compliance. However, we also have a wide range of statutory enforcement actions available. These are dependent on the legislation we are acting under, and we use these where it is proportionate and necessary. For example, firm action will be taken where non-compliance is deliberate, persistent or amounts to reckless failure to act or where the action being taken is not satisfactory.

Further details on compliance checks for the following areas is provided in annexes:

- Annex A: Timber
- Annex B: Waste electrical products and batteries
- Annex C: Hazardous substances in products
- Annex D: Energy efficiency of products
- Annex E: Heat networks
- Annex F: Electricity and gas metering

### Ensuring accuracy of energy meters

We are responsible for the accuracy of electricity and gas meters, funded by the energy suppliers. During 2018 we agreed a programme of in-service testing of meters for accuracy with the main energy suppliers. The 1,500 samples tested represented an installed population of over 850,000 meters and all samples passed, providing confidence to consumers that they are being billed accurately for gas and electricity. See Annex F for more details.

## Product Safety Enforcement

### Domestic appliance manufacturers

The domestic appliance market has been a priority focus this year and we have been working with manufacturers and importers to review their compliance systems and technical documentation to strengthen oversight of the way the system is operating to protect consumers. We are engaging with manufacturers and importers to ensure we understand their business models and supply chains and making sure they are clear about responsibilities, offering guidance and advice where necessary.

We have worked with 18 manufacturers and importers that together represent around 80% of the domestic appliance market in the UK. We have conducted compliance assessment inspections with each manufacturer and importer, alongside the Primary Authority where appropriate, reviewing their technical documentation and processes to understand their approach to compliance across the areas of product regulation that we cover, as well as their approach to product recalls. We also conducted laboratory testing on a sample of their products to assess compliance for safety and other product requirements. Most manufacturers had recall incident plans in place. Specific follow up actions for areas of improvement are being agreed as required.

In May 2018 we published the findings of our product safety investigation into the Hotpoint fridge freezer model identified by the Metropolitan Police as being involved in the Grenfell Tower fire. This concluded that the product met legal safety requirements and that the risk associated with the model is assessed as low.

In June 2018 we launched a review of the effectiveness and adequacy of the action taken by Whirlpool Corporation within the UK to address the risk of fires arising specifically from excessive lint build-up on the rear seal of certain models of tumble dryers. Our multidisciplinary review team explored whether Whirlpool's technical modification, designed to reduce the risk of lint fires arising from its tumble dryers, was effective in both design and installation, while also reviewing whether Whirlpool's consumer outreach programme was adequate. We published our initial findings in April 2019 alongside requirements for further action from Whirlpool. We monitored Whirlpool's actions against these requirements and found it had not taken sufficient action with respect to 800,000 unmodified tumble dryers remaining in homes. In July 2019, following OPSS issuing a notice of an intention to serve a Recall Notice on Whirlpool, Whirlpool launched a recall of the unmodified machines.

### Online product safety and fulfilment houses



**Online product safety** – ensuring recalled products are not available for sale on retail websites by working with online platforms and their Primary Authorities.

Fulfilment houses enable online sellers to deliver goods to consumers quickly but there are issues for enforcement of product safety requirements. We have identified fulfilment houses that may present a risk for product safety and are supporting local authorities to assess their compliance. We are developing working instructions for frontline enforcement staff, building on the National Trading Standards toolkit and developing a training course. We have been engaging closely with other agencies and will conduct joint enforcement visits over the next six months. The aim of this work is to provide a co-ordinated approach across the UK to disrupt the risk of unsafe goods entering the UK via fulfilment houses.

We are setting up an online product safety enforcement team, providing the skills and tools needed to investigate the online product marketplace robustly. In June 2018, major online marketplaces such as Amazon and eBay signed up to the European Product Safety Pledge, committing to removing unsafe products from their websites quickly. We have developed relationships with Amazon and eBay and their primary authorities to better understand their approaches to removing unsafe products from their sites and continue to explore innovative ways to improve product safety checks. We have worked with local trading standards to have non-compliant products withdrawn and corrective action taken by the business. Following Whirlpool's recall of tumble dryers, we assessed steps taken by major online platforms to ensure recalled products were not available. We received assurances from online platforms of specific actions including manual sweeps of sites to remove affected listings, filters to stop new listings and work to auto block listings of affected products.

### Collaborative enforcement with trading standards

We have been working with trading standards on national, novel and contentious issues, for example on asbestos in cosmetics and boron in slime toys. We have also drafted template safety notices for use by trading standards, making these available online to make it easier for officers to take a consistent, robust approach to enforcement action.

We have begun a national sampling project on high-powered lasers, facilitated by the trading standards regional coordination network. 260 laser pointers and items incorporating lasers were test purchased by trading standards and screen-tested using testing equipment we provided. Those that failed the screen test were submitted for formal testing and when results are available, trading standards will assess necessary enforcement action.

## Intercepting Goods at Borders

**Borders** – £245,000 additional investment to support local authority led teams at points of entry – keeping unsafe products out of the market.



Ahead of EU Exit we have been working with trading standards at key UK entry points to strengthen our ability to stop unsafe products at the border. Last year we invested an additional £245,000 to support local authority led teams at points of entry in England and Wales, bringing the total BEIS investment through National Trading Standards on product safety to £1.45m. This included direct funding to 15 local trading standards teams to inspect items at ports, airports and postal hubs and detain unsafe and non-compliant consumer goods. We are working with local authorities in Scotland and Northern Ireland, including funding some additional activities, setting up coordination mechanisms and providing training. We have provided frontline enforcement officers at strategic points of entry with portable electrical appliance testing equipment that allows them to screen for electrical safety faults in imported products more effectively.

## Product Safety Testing

We provided £500k of funding to local authority-based testing houses to enable local authorities free access to appropriate testing of products for compliance with product safety legislation. 1,000 samples were tested including toys, cosmetics, electronics and furniture, and the programme is continuing this year.

We are also conducting supplementary market surveillance testing of some products ourselves, either in our Teddington laboratory or through external test houses. This includes cosmetics, smoke alarms, carbon monoxide detectors, baby carriers and pushchairs. Results of our testing programme will be used to inform our intelligence-led priorities for safety risks, our evidence base

for informing product standards, and where any safety breaches are found our enforcement team will collaborate with trading standards to take appropriate action to ensure future compliance by the business.

## Primary Authority and Supporting Regulator

**Business support** – supported 86,000 businesses participating in Primary Authority – providing them with clear guidance on regulatory compliance.



Primary Authority is a statutory mechanism enabling any business to form a partnership with a single local authority, which provides reliable advice that other local regulators must follow. OPSS operates Primary Authority, enabling businesses to benefit from increased confidence in their compliance. We have continued to support the forming of Primary Authority partnerships and by the end of March 2019 there were 86,000 businesses participating, an increase of 16,000 over the year. We have supported a number of new partnerships with a product safety focus this year, including the Door Federation, British Marine Federation, Tile Association and the British Independent Retailers Association. Ensuring that local authorities have the tools and capability to provide high quality assured advice is a priority and over the last year we trained over 300 local authority regulators on Primary Authority.

The first Primary Authority Advice we have agreed as a Supporting Regulator (with Warwickshire Trading Standards) was issued in September. The advice was agreed with Propertymark and the Property Ombudsman which are trade associations for estate agents across the country and covers the responsibilities of letting agents and landlords relating to the safety of domestic appliances supplied in rented accommodation.

## Metrology - NMO

OPSS is the national regulator for metrology, and NMO, which is part of OPSS, provides product certification, quality management system certification, testing, calibration and training services in relation to metrology from our laboratory in Teddington. Our extensive expertise and experience ensure that the legal metrology system is robust, creating reliable and trusted measurement for the trading of goods by quantity. We are responsible for the policy and implementation of the regime which ensures weighing and measuring instruments are accurate, including through verification of instruments prior to and during their use. We provide support and training opportunities for local authorities and deliver the practical metrology examinations for trading standards officers on behalf of the professional body. We represent the UK at international level, influencing and ensuring the UK's manufacturing interests are represented at the International Organisation of Legal Metrology.

## Calibration of weighing and measuring instruments

Through NMO we provide a statutory calibration service under the Weights and Measures Act 1985, checking the accuracy of the mass, length and volume standards held by local authorities for use in their enforcement activity. Last year we visited 11 local authority laboratories across the UK and calibrated the mass, length and volume standards as part of our five-year rolling programme. We also offer mass, length and volume calibration services to businesses, through our UKAS accredited laboratory. Last year we calibrated 700 artefacts for mass, weight or volume and calibrated 60 gauges for measuring fishing net mesh size, supporting the Marine Management Organisation and Marine Scotland in providing environmental protections.

## Certification services

NMO is an EU notified body and part of the international OIML certification system for weighing and measuring instruments and provides certification services to businesses under these regimes. Product certification (also known as type approval) involves the rigorous testing of instruments at the design stage, assessing conformity with regulatory requirements. NMO also conducts audits of manufacturers' Quality Management Systems, which enables businesses to place instruments on to the market. Our certification services support UK and international businesses by supporting manufacturers in meeting the relevant requirements, providing confidence to invest in new product designs. Last year we certified 600 different types of equipment and conducted quality system audits with 150 customers and were the second highest issuing authority for OIML certificates globally. We also tested over 4,000 taximeters from black cabs to verify that they were displaying the correct fares, in accordance with the tariff structure agreed by Transport for London.

### Supporting business through technical services

NMO has been supporting an international supplier of industrial weighing systems, including weighbridges and vehicle weighing scales, floor scales, weight indicators, checkweighers and counting scales. Over the past year, NMO have certified 11 types of weighing equipment, allowing them to place their products on the market. This work not only ensured that the manufacturer met the relevant requirements but also provided confidence and protection to vendors and consumers. NMO has supported the customer for more than ten years and the customer said:

**“NMO had excellent technical knowledge and quality delivered by NMO staff.”**

### Non-automatic weighing instruments in supermarkets

Local authorities are responsible for enforcement of weights and measures legislation and we provide support as the national regulator. This year we coordinated a local authority project to check the conformity of non-automatic weighing instruments in supermarkets, in cooperation with the Legal Metrology Expert Panel. 78 local authorities participated, visiting a total of 590 premises of major supermarkets. Officers tested a total of 9,101 weighing instruments and found just 0.5% (47 instruments) were inaccurate to the detriment of the consumer. A further 645 instruments were inaccurate to the detriment of the business. Other maintenance and calibration issues were also found, and trading standards officers acted to require businesses to correct issues with 1,520 weighing instruments. Trading standards officers worked closely with the supermarkets' primary authorities to share results and the supermarkets have taken action in response to these findings, including improving staff training and updating arrangements for instrument maintenance and verification.



# Build



## Build

*We are putting in place an infrastructure that equips the UK for future challenges.*

The right structures, policies and capability allow us to deliver our remit to the high standards required – and enable us to respond to the changing environment in which we operate. We have been supporting the regulatory system by providing training and technical advice for frontline local authority regulators and setting up a national incident management unit to coordinate major incidents. We are building digital tools to communicate more effectively between regulators and with consumers, and are exploring ways to build national product testing capability. Our policy teams are building the regulatory environment for now and the future, preparing for EU exit and tackling domestic priorities. We are building national and international partnerships, learning from international best practice.

### Capability and Coordination

**Frontline training** – provided free training for trading standards officers across 190 local authorities – building capability to protect consumers and support business compliance.



We have established a Trading Standards Co-ordination Unit as part of our national regulator responsibilities for product safety and legal metrology. The unit provides frontline enforcement officers with access to technical and scientific advice and a professional training and development programme on product safety and metrology. We have prioritised engagement this year and the team visited every region in the UK to listen to feedback from Heads of Service and frontline officers on the challenges for product safety enforcement across the UK. We used this to inform our training and testing programmes.

We funded the Chartered Trading Standards Institute to use their expertise and networks to assess the needs of trading standards officers and develop training materials. The training programme launched last September and is designed to equip local authority practitioners with the knowledge and skills to enforce effectively and build consumer confidence in today's challenging and evolving marketplace. In addition, we continued our provision of training in technical weights and measures topics. Over the year representatives from 190 local authorities attended the training, amounting to 1,059 officer training days on product safety and 260 officer training days on legal metrology.

We have also provided trading standards officers with free access to technical British Standards, equipping them to identify issues and support compliance. 850 frontline officers have registered for this service so far and 390 different standards have been accessed.

We have supported the rollout of the Regulatory Compliance Officer Apprenticeship scheme, providing insights on effective regulatory delivery to drive quality of the apprenticeship programme, and taking on 10 apprentices ourselves. There are now four training providers supporting dozens of employers and hundreds of regulatory apprentices. The apprenticeship, which is focussed on transferrable core regulatory skills, is an important step forward in making sure that the regulatory officers of the future have the right knowledge, skills and behaviours to perform their roles.

## Policy and Regulatory Framework

The regulatory framework must be designed on policies that can be implemented in practice, drawing on a wider range of evidence, views and expertise. We have built the capacity of our policy briefing unit to ensure we can focus on Ministerial priorities, scanning the horizon for threats and opportunities ahead.

### Domestic policy issues

We have listened to concerns raised through petitions and debates around the impacts of fireworks within communities and are developing a comprehensive evidence base so Ministers can consider the issues and the action needed. A key issue is that of noise and disturbance, but we are also looking at data across all issues raised including the environment and effect on animals. We are working with a range of stakeholders including the RSPCA and the fireworks industry.

We have been working with stakeholders in relation to a new approach to updating furniture fire safety regulations which will further enhance safety provisions, enable innovation and reduce the use of chemical flame retardants. We have published the Government's response to the consultation on this topic and over the next year we will be working with stakeholders to develop an approach based on a set of essential safety requirements, underpinned by testing against standards.

We have strengthened the ability of OPSS to lead the response to national product safety incidents and ensure consistency across the product safety system through the Consumer Rights Act 2015 (Enforcement) (Amendment) Order 2019 (SI2019/1074). It enables the Secretary of State, and OPSS on their behalf, to investigate potential safety issues related to consumer products regulated by the General Product Safety Regulations. In addition, it enables enforcement

authorities in the UK, including local authority trading standards, district councils in Northern Ireland and the Secretary of State, to use those same investigatory powers to investigate claims about gas appliances and personal protective equipment.

### Preparing for EU Exit

The majority of product safety and standards regulation derives from the EU, and this year we have been working to ensure that the regulatory framework for product safety, legal metrology, standards and accreditation will remain robust when the UK leaves the EU. A Statutory Instrument was laid in February,<sup>8</sup> which made changes to 38 product safety and metrology laws to ensure that technical requirements for compliance and enforcement remain operable. We engaged with 100 key stakeholders, including inviting them to a reading room so they could review the draft legislation before it was debated in Parliament, allowing them to offer insights on the drafting and raise any concerns with the approach.

We have developed guidance for businesses to ensure that there is clarity about the product regulation regimes we are responsible for if the UK leaves the EU without a withdrawal agreement<sup>9</sup> and developed digital solutions to replace the EU product safety alerts and cosmetics notification portal. We have also worked closely with the Department for International Trade to support negotiations on agreeing continuity for trade agreements as we leave the EU and future trade agreements, retaining protections and ensuring trade in products is fair.

<sup>8</sup> The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, <http://www.legislation.gov.uk/ukdsi/2019/9780111176368>

<sup>9</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/793429/What\\_s\\_Changed\\_FINAL\\_05042019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793429/What_s_Changed_FINAL_05042019.pdf)

## EU policy

Particular focus this year has been the new EU Regulation on Compliance and Enforcement.<sup>10</sup> This will replace the market surveillance provisions in the Regulation for Accreditation and Market Surveillance and is designed to reduce the number of unsafe and non-compliant products on the European market. During the development of the Regulation, OPSS worked with other EU Member States to make the Regulation proportionate, effective and focused on improving consumer safety without creating unnecessary burdens for business.

## Hallmarking policy

OPSS is responsible for hallmarking policy and sponsors the British Hallmarking Council (BHC), a self-funded, non-departmental public body responsible for supervising the activities of the UK Assay Offices, providing confidence in the market for precious metals. This year we have continued to represent UK interests in the International Hallmarking Convention and recruited three new members to the BHC. For more information on the work of the BHC see their annual report.<sup>11</sup>

## Product Testing Capability

We are building our product testing facilities in our Teddington laboratory and liaising with other laboratories, including local authority laboratories and other government laboratories, to assess gaps in the testing market. This year we have begun widening our capability to conduct product safety sample testing.

## Additional product safety testing capability

- **Chemical hazards:** Screening for hazardous chemicals in toys, electrotechnical goods and cosmetics (including phthalates in plastics and detection of trace elements for RoHS regulations).
- **Mechanical hazards:** Mechanical testing of toys to EN71, 3D printing of products, dimensional measurement including 3D scanning of complex shapes, coating thickness and wall thickness measurement.
- **Electrical hazards:** Electrical safety testing, insulation testing, power efficiency measurement, effect of power surges and dips.
- **Incident investigation:** Airflow measurement, video endoscopy, data logging, temperature sensors and calibration, thermal imaging and sound pressure.
- **Non-ionizing radiation hazards:** compliance with magnetic field limits, microwave oven leakage, laser safety hazards, efficiency of luminaries, blue light hazard, UV hazards from products.
- **Flammability hazards:** Flammability of materials used in appliances, calorific value of materials used in products, combustion temperature.

<sup>10</sup> Adopted June 2019

<sup>11</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800961/British\\_Hallmark\\_Council\\_2018\\_web\\_accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800961/British_Hallmark_Council_2018_web_accessible.pdf)

## Incident Management

Our national incident management team is now in place and operational. Our incident management plan was published in August 2018, this included guidance and protocols for dealing with incidents and how we work with trading standards. We have been engaging with a number of trading standards authorities to ensure that our escalation routes and command and control processes work effectively. We have also started to build our operational partner network, including with Cabinet Office Civil Contingencies Secretariat and Home Office. We are working with London Fire Brigade to look at how we can embed operational processes and planning exercises with partners to test our protocols. Our internal case and incident management system is working well, and 350 enquiries and cases were managed through this internal system since it became operational in September 2018.

## Digital Services

**Information sharing** – rollout of product safety database – enabling regulators to share information about product risks and raise safety alerts.



Building a product safety database to enable trading standards and other UK product regulators to store, analyse and share data on product risks and a system to replace the EU alerts on dangerous products has been a priority for us this year. We have worked closely with trading standards and other market surveillance authorities, ensuring the system will meet their needs. We have developed systems which replace the essential functionality of EU databases (RAPEX, ICSMS, Cosmetics Portal, NANDO).

Over 2019 we will expand the product safety database to create a central hub for consumers to access product safety information and alerts. We are conducting user research building on our consumer behavioural insight work to ensure we meet consumer needs. We expect to launch a first phase by March 2020. Whilst this is under development consumers can use <https://productrecall.campaign.gov.uk/>

## Collaboration and Networks

### Collaborating with UK regulators

We have established a new Market Surveillance Network, providing a forum for strategic cooperation between all the UK's product regulators, supporting government policy teams and local authorities. The Network will ensure that the UK is in a good position post EU Exit in terms of our national coordination. We have begun developing new guidance materials for product compliance assessments and establishing new data sharing arrangements to enable targeted import interventions. We have published the UK's market surveillance plan, which identifies the regulators involved and their role in market surveillance.<sup>12</sup>

We work in partnership with individual UK regulators where we are dealing with the same business or businesses in relation to related matters and participate in the Government National Investigators Group (GNIG) which brings together a wide range of regulators.

<sup>12</sup> <https://www.gov.uk/government/publications/product-safety-market-surveillance-plans-for-2018-to-2019>

## International networks

Internationally, we are part of the Organisation for Economic Co-operation Development (OECD) working party on consumer product safety and are contributing to awareness campaigns, data collection and research into key topics such as behavioural insights. We actively promoted the OECD's 2018 'consumer week' including running a UK consumer awareness campaign for safety issues relating to online purchases. We are strengthening our relationships with overseas product safety regulators, including sharing practice with authorities in USA, Canada and Australia and are active in international product safety networks including the UN consumer product safety working group.

We have been working in collaboration with the Foreign and Commonwealth Office and Department for International Development to promote good regulatory enforcement and delivery practices, supporting wider Government objectives to improve the business climate, promote competitiveness and reduce poverty in UK government priority countries. Over the last year we have begun to deliver long term technical assistance programmes in Indonesia, Vietnam, the Philippines and India aimed at reducing the burdens of regulation and opening markets to UK business. We also provide technical support on legal metrology to overseas governments, supporting efforts to strengthen national quality infrastructures with the long-term objective of improving trading environments for UK businesses. Last year we trained over 60 delegates from Asia, Africa, Middle East and Europe in legal metrology.

**Global expertise** – delivered inspection reform conference which attracted delegates from 60 countries – sharing best practice to drive continuous improvement.



In October 2018 we staged the Inspection Reform Conference, with 300 delegates from 60 countries attending for four days of workshops and seminars on the importance of regulatory delivery to encourage and enable trade and study visits to 37 businesses to see regulators in practice.

# Governance and Accountability



# Governance and Accountability

## Our structure: Leadership Team and Functional Teams



**Chief Executive**  
Graham Russell



**Policy and Engagement** Sarah Smith

- Policy and Briefing
- Business Accountability
- Stakeholder Engagement
- Trading Standards Coordination
- Standards and Accreditation
- Business Engagement



**Regulatory Capability (UK, EU, Rest of the World)** Rebecca Bradfield

- Legislation
- Future Economic Partnership
- Trade
- International
- Regulatory Policy



**Strategy and Resourcing** Kate Alderney

- Connections
- Digital and Technology
- Organisational Policy
- Assurance
- Strategy
- People and Management Support
- Resource Management
- Processing
- Programme Management Office



**Delivery** Duncan Johnson

- Primary Authority and Local Regulatory Delivery
- Enforcement: Controls
- Enforcement: Supply Chain Assurance
- Enforcement: Products
- Enforcement: Energy Supply
- Regulatory Practice
- Legal Process



**Science, Testing, Risk, and Resilience** Will Creswell

- Risk
- Scientific and Technical Advice
- Technical Services
- Consumer and Business Insights
- Incident Management
- Testing Strategy



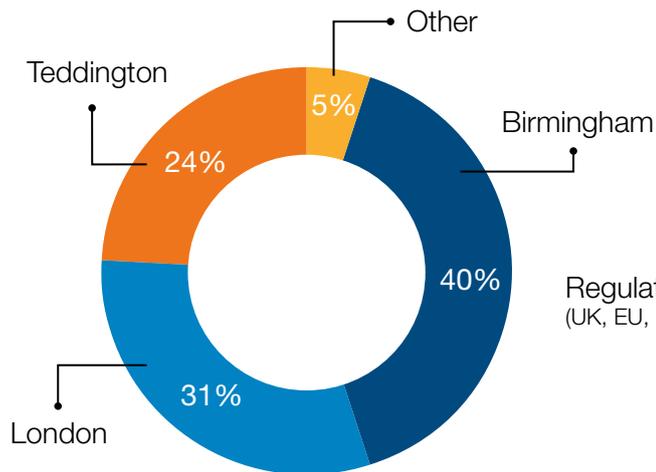
**Operational Borders** Amy Newland

- Borders Policy
- Borders Operations
- Product Regulation Coordination
- Analysis
- Intelligence

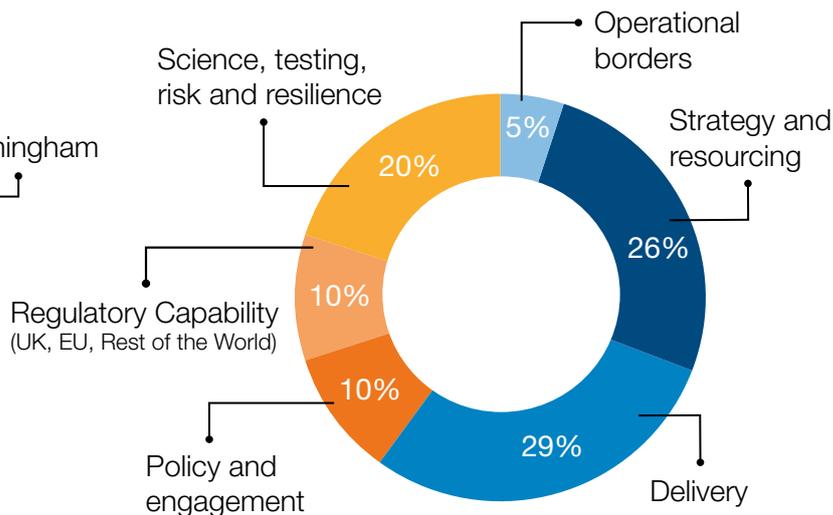
## People

We currently have 259 people working for us across our three main locations, and we anticipate a headcount of around 355 by the end of 2019/20.

**Anticipated headcount by location – end 2019/20**



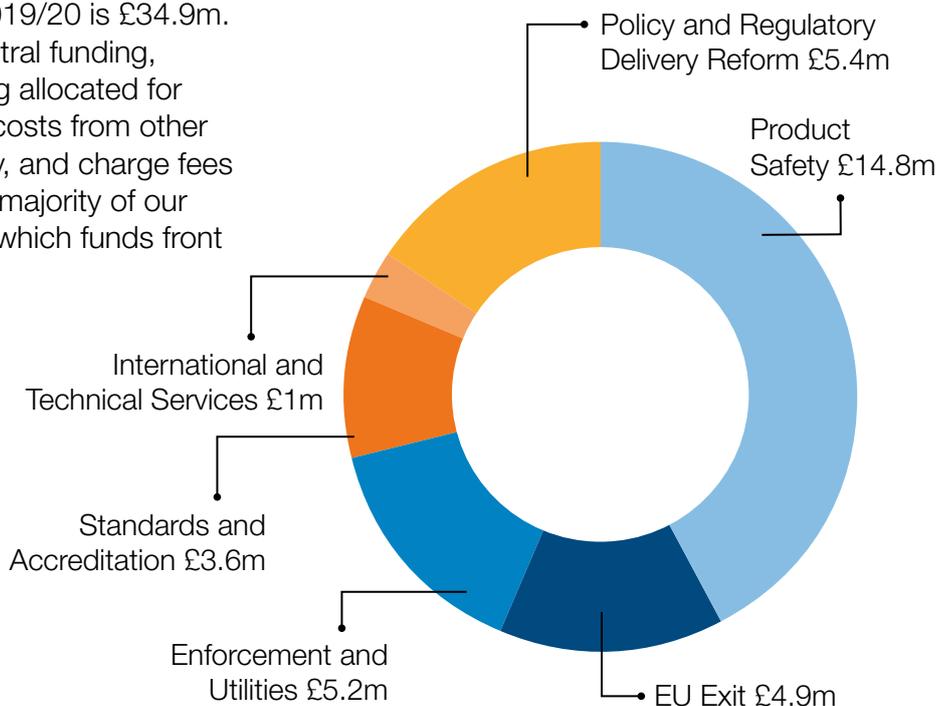
**Anticipated headcount by Deputy Director area – end 2019/20**



## Funding

Our total operating budget for 2019/20 is £34.9m. We are funded through BEIS central funding, including £12m additional funding allocated for product safety. We also recover costs from other parts of government and industry, and charge fees on some technical services. The majority of our funding is programme funding – which funds front line delivery.

**Total operating budget 2019/20 of £34.9m<sup>13</sup>**



<sup>13</sup> Estimate with volatility around commercial and cost recovery income

## Advisory Group

External challenge helps bring a fresh perspective to an organisation, helps expose group thinking and brings fresh ideas to dealing with challenges. As a regulator, external challenge also helps ensure we remain independent, objective and consistent and keep a balanced outlook on consumer protection and business support.

This year we established an Advisory Group of seven external, non-executive members to provide us with that challenge. The group brings together experience from similar delivery organisations, as well as from non-governmental bodies to provide scrutiny of our work. The members are: Jason Feeney, former Chief Executive of the Food Standards Agency; Neil Gibbins, past President of the Institution of Fire Engineers; Gareth Hills, Director at the Home Office; Cathryn Ross, Group Director of Regulatory Affairs at BT Group; Rachel Sandby-Thomas, Registrar at Warwick University and Errol Taylor, Chief Executive of the Royal Society for the Prevention of Accidents. The Group is not involved in specific executive decisions, such as the handling of individual regulatory incidents. These are the responsibility of the Chief Executive, leadership team and employees of OPSS. The Group examines our approach to our work with members acting as critical friends to question how we operate and to explore the scope for us to change and improve.



Office for Product  
Safety & Standards

# Annex A: Timber

Annex to the OPSS Delivery Report

October 2019



## Annex A: Timber

The UK implemented legislation<sup>1</sup> in 2013 to minimise the possibility that products placed on the UK market would contain illegally harvested timber. Trade in illegally harvested timber undermines the effective management of forest resources and contributes to deforestation, an issue of critical concern, making significant contributions to global greenhouse gas emissions, biodiversity loss and habitat degradation.

OPSS acts on behalf of Defra to deliver the regulations, which require businesses placing timber and timber products on the UK market to exercise due diligence – identifying the species of wood and country of harvest, evaluating the risk that the timber may have been illegally harvested, and mitigating this risk. Businesses trading in timber and timber products are also required to keep records ensuring traceability of the products.

This annex to the OPSS Delivery Report reports on the activities of OPSS during 2018-19 in respect of checking compliance with those provisions. It does not set out to explain the totality of our work, much of which involves providing support for compliance, as set out in the Delivery Report.

The regulatory requirements in this area have now been in place for five years and whilst we have seen indications over that period of greater awareness and understanding of the requirements, our interactions with businesses continue to identify that high levels of non-compliance can often be attributed to low levels of awareness or understanding of the requirements, or how to meet them. Raising awareness amongst the different business sectors affected and explaining the requirements therefore remains a primary focus for us, as does checking compliance in sectors in which we have not yet worked extensively.

### 1. Checking compliance

Through 2018-19 we continued a programme of detailed audits of selected businesses – assessing the business' application of its due diligence system to a selected product line. Checks combine desk top audits and inspection at business' premises.

Product testing continues to be employed on occasion as a means of further assessing the accuracy of product descriptions and, consequently, the accuracy of the information on which businesses are basing their due diligence checks. Over the course of the year, samples were obtained of twenty-three products with complex or higher risk supply chains. These products were sent for analysis<sup>2</sup> and nine were identified as different species to that claimed, invalidating the businesses' application of their due diligence systems to these particular products. Product tests highlight the need for businesses to exercise caution when gathering species and country of origin information for the timber products they place on the market, particularly where supply chains are complex. We continue to find evidence of businesses being misinformed by their suppliers, raising significant questions about the integrity of supply chains and their due diligence systems.

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<sup>1</sup> The Timber and Timber Products (Placing on the Market) Regulations 2013 and The Forest Law Enforcement, Governance and Trade Regulations 2012, as amended. These regulations implement the legislative framework established by the EU to enable its member states to reduce the market for illegal timber (Regulation (EU) no 995/2010).

<sup>2</sup> All products were tested for species and, where reference samples were available, products were also tested for the accuracy of origin claims.

## Annex A to the OPSS Delivery Report: Timber

Through the year, we focussed our compliance checks primarily on examining the due diligence systems of a selection of businesses in the following four areas:

- timber and timber products sourced from Turkey, which is a net exporter of processed wood products, including furniture;
- timber and timber products imported from countries that are not known as significant sources of timber raw material (referred to in this report as 'non-source countries');
- pre-fabricated buildings; and
- plywood, a composite product usually multiple timber species, often involving complex supply chains.

In addition to checks in these four areas, we continued to select for checks businesses that had previously been found to be non-compliant and businesses in respect of which allegations of non-compliance were received.

### a. Initial checks in an 'unknown' sector

Of the four specific areas listed above, the first three had not previously been examined by OPSS Enforcement and high levels of non-compliance were identified in each of these areas, with less than a quarter<sup>3</sup> of the businesses checked initially able to demonstrate adequate due diligence in relation to a selected product. Product testing identified a high level of misdeclaration of species, with seven out of eleven samples failing a species test.<sup>4</sup>

Having worked with those businesses that were not compliant to understand the reasons for non-compliance and provide guidance on improving compliance, we were satisfied that half of these businesses<sup>5</sup> had taken steps to demonstrate that they were able to exercise due diligence, providing assurance that the selected product did not contain illegally harvested timber. However, eleven businesses failed to demonstrate a commitment to compliance and statutory Notices of Remedial Action were issued to each of these businesses, requiring improvement. The non-compliance identified was highest in respect of timber imported from Turkey, where the businesses checked were predominantly micro-businesses that were family run, some of them with family links to Turkey. They were generally unaware of the responsibilities associated with placing timber on the market and we might expect to see some of these micro-businesses following a pattern that we have seen elsewhere in timber supply chains of some businesses deciding to act as a trader, sourcing their timber from larger or specialist operators who are better able to meet the due diligence requirements.

### b. Further checks in a 'known' sector

In contrast, a more positive picture emerged in relation to compliance checks on businesses placing plywood products on the market, which have been a focus for enforcement activity since the regulations came into effect in 2013.

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<sup>3</sup> Of 31 businesses checked, 7 were initially able to demonstrate adequate due diligence in relation to a selected product

<sup>4</sup> Note that the 11 samples mentioned here are included in the total figure of 23 samples mentioned earlier in this annex.

<sup>5</sup> Of 24 businesses that were initially unable to demonstrate adequate due diligence, 13 subsequently did so and 11 did not

## Annex A to the OPSS Delivery Report: Timber

Plywood, a composite material with often complex supply chains, can present a particularly high risk in relation to illegally harvested timber and particular challenges for businesses implementing due diligence checks. An ongoing programme of awareness-raising and education in the plywood sector since 2014 has been underpinned by compliance checks that have identified that whilst non-compliance remains a significant issue, there appear to have been improvements in awareness, understanding and efforts to comply. A number of businesses have reported changes in their supply chains, shifting away from plywood with high value tropical timber veneers ('red faced') made from species sourced from countries known to have high risks of illegal logging<sup>6</sup> and none of the products tested in 2018 contained these species. In parallel, there have been significant efforts within the sector to support accurate species identification in respect of plywood<sup>7</sup>.

- checks in 2014 saw just two out of the sixteen businesses checked initially able to demonstrate adequate due diligence in relation to a selected plywood product and product testing identified a high level of misdeclaration of species in plywood, with nine out of fourteen samples failing a species test.
- checks in 2018 found that five out of the ten businesses checked were initially able to demonstrate adequate due diligence and most of those that were initially non-compliant subsequently demonstrated that they were able to exercise due diligence, providing assurance that there was a negligible risk that the plywood product in question contained illegally harvested timber. Product testing in 2018 saw just one out of six plywood samples failing a species test.<sup>8</sup> A statutory Notice of Remedial Action was issued to just one business in 2018-19 in relation to plywood.

### c. Investigating areas of concern

During the year, we received three substantiated concerns (reports of illegal harvesting) relating to timber from the Democratic Republic of Congo<sup>9</sup>, Brazil<sup>10</sup> and Ukraine<sup>11</sup>. All such reports are considered with a view to identifying any involvement of UK businesses in associated supply chains. One business that was identified from work following such a report was initially identified as having inadequate due diligence checks in respect of a product that failed a species identification test. Having worked with this business and provided guidance on improving compliance, we were satisfied that it had taken steps to demonstrate a commitment to exercising due diligence in the future.

Following on from work done in 2017-18 in relation to teak from Myanmar, we have a high degree of confidence that UK based businesses are no longer placing teak from Myanmar on the EU market. However, it appears that teak from Myanmar continues to be imported into other EU Member States and is then, in some cases, being sold to UK businesses. In two such cases that we identified during 2018-19, details were referred to the Competent Authorities in Germany and Belgium.

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<sup>6</sup> A 2018 Global Witness Report, *Paradise Lost*, highlights the high risk of illegality in respect of tropical timber from the Solomon Islands that is used in plywood production. The report is available at: <https://www.globalwitness.org/en/campaigns/forests/paradise-lost/>

<sup>7</sup> For example, the Timber Trade Federation has mandated species testing for its members.

<sup>8</sup> Note that the 6 samples mentioned here are included in the total figure of 23 samples mentioned earlier in this annex.

<sup>9</sup> <https://www.globalwitness.org/en/campaigns/forests/total-systems-failure/>

<sup>10</sup> <https://www.greenpeace.org/international/press-release/15437/illegal-logging-of-ipe-tree-is-causing-irreversible-damage-to-the-amazon/>

<sup>11</sup> <https://www.earthsight.org.uk/complicitincorruption>

#### d. Enforcement actions

Where an initial check on a due diligence system identifies non-compliance, we usually provide guidance and support and offer the business the opportunity to address the issues identified and re-submit a due diligence system for an identified product. In many cases, having worked with the business to understand the reasons for non-compliance and its approach to improving its compliance, we were satisfied that advice, or a written warning was a proportionate response to the non-compliance. However, in relation to fifteen cases that were judged to be more serious during 2018-19, statutory Notices of Remedial Action were issued.<sup>12</sup>

All statutory enforcement actions taken in relation to non-compliance with these regulations are published. This information is available on our web pages<sup>13</sup> and is updated on a regular basis.

## 2. Indonesian timber – receiving licence submissions

The EU continues to seek to agree voluntary partnership agreements ('VPAs') with timber exporting countries, with the aim of promoting effective forest governance and legitimate trade<sup>14</sup>. Where a VPA with a timber exporting country is implemented, a licence – known as a 'FLEGT<sup>15</sup> licence' – is required to import timber into the EU and place timber products onto the commercial market. The validated FLEGT licence is regarded as proof of legality of the timber, meaning that the business is not required to put in place the due diligence measures that would otherwise be required for the product.

Businesses importing timber products from Indonesia have, since November 2016, been required to submit a FLEGT licence for the imported product to OPSS for validation in advance of making their customs declaration. A valid licence is of significant value to a business, enabling it to bring the product into the UK; exempting it from the requirement to undertake a due diligence assessment in respect of the product; and providing evidence that the product complies with the Government's Timber Procurement Policy<sup>16</sup>.

During 2018-19, submissions were received from more than three hundred businesses, relating to over 5400 licences. In total, these licences covered shipments of more than 10 million items, with a combined weight in excess of 168,000 tonnes of timber products. Where issues are identified with particular submissions we work with importers and the Issuing Authority (Indonesia) to resolve these wherever possible and, as a result, the number of licences rejected is very small<sup>17</sup>.

During this period, 98.9% of licences were processed in line with strict turnaround times of less than two working days for maritime shipments and 4 hours for air shipments. The delays in verification for a small number of licences all involved OPSS awaiting further information from a third party – the importer or an agent or officials in Indonesia – in order to verify the submission.

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<sup>12</sup> Eight Notices of Remedial Actions were issued to businesses checked in relation to timber from Turkey; two in relation to timber from 'non-source' countries; one in relation to timber for pre-fabricated buildings; one in relation to plywood; and four in relation to checks conducted in 2017-18.

<sup>13</sup> The list of statutory enforcement actions is available at:

[www.gov.uk/government/publications/statutory-enforcement-actions](http://www.gov.uk/government/publications/statutory-enforcement-actions)

<sup>14</sup> [ec.europa.eu/environment/forests/flegt.htm](http://ec.europa.eu/environment/forests/flegt.htm)

<sup>15</sup> Forest law enforcement, governance and trade.

<sup>16</sup> [www.gov.uk/guidance/timber-procurement-policy-tpp-prove-legality-and-sustainability](http://www.gov.uk/guidance/timber-procurement-policy-tpp-prove-legality-and-sustainability)

<sup>17</sup> During 2018-19, over 5,400 licences were submitted, of which 5 were rejected.



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# Annex B: Waste electrical products and batteries

Annex to the OPSS Delivery Report

October 2019



## Annex B: Waste

The UK implemented legislation<sup>1,2,3</sup> more than a decade ago to address the environmental challenges associated with the disposal of waste electrical and electronic equipment ('WEEE') and batteries<sup>4</sup>, including provisions to encourage recycling<sup>5</sup> and reduce the quantity of these waste products that end up in landfill.

OPSS shares responsibility for delivery of the regulations relating to waste electrical and electronic equipment and batteries with the Environment Agencies and with Defra<sup>6</sup> and we work closely with them where appropriate. We also work with other organisations with an interest in this area, including Valpak, as the operator of the Distributor Take back Scheme (DTS) for WEEE.

The regulations for which OPSS has delivery responsibility include provisions:

- requiring clear labelling to indicate to users that products should be disposed of separately from normal household waste so that they can be recycled;
- requiring distributors of electrical and electronic equipment (including retailers) to provide a way for customers to return waste products when purchasing the same type of product (either by provision of their own takeback facilities or by participating in a Distributor Take back Scheme<sup>7</sup>);
- requiring retailers that have premises with a large electrical and electronic equipment sales area<sup>8</sup> to take back very small electrical and electronic equipment<sup>9</sup> from customers for free, regardless of whether or not they are purchasing new electrical or electronic equipment, unless they participate in a Distributor Take back Scheme;
- requiring most retailers and distributors of portable batteries to provide consumer 'take-back' services; and

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<sup>1</sup> The Waste Electrical and Electronic Equipment Regulations 2006 implemented the EU-wide provisions (Directive 2002/96/EC) and were replaced by the Waste Electrical and Electronic Equipment Regulations 2013 that implemented revised EU-wide provisions (Directive 2012/19/EU).

<sup>2</sup> The scope of the Waste Electrical and Electronic Equipment Regulations 2013 was extended by the Waste Electrical and Electronic Equipment (Amendment) (No. 2) Regulations 2018 which came into force on 1<sup>st</sup> January 2019

<sup>3</sup> The Batteries and Accumulators (Placing on the Market) Regulations 2008 (as amended) and the Waste Batteries and Accumulators Regulations 2009, Parts 4 and 5 (as amended) implement the legislative framework established by the EU to enable its member states to address the challenges presented by batteries (Directive 2006/66/EU).

<sup>4</sup> Includes batteries and accumulators (an accumulator consists of one or more secondary battery cells ie. it is rechargeable).

<sup>5</sup> Disposal of industrial and automotive batteries by incineration or landfill is prohibited.

<sup>6</sup> OPSS has enforcement responsibility in relation to producers of industrial and automotive batteries and in relation to distributor 'take-back' of portable batteries. The Environment Agencies have enforcement responsibility in relation to producers of portable batteries. Policy responsibility for the regulations is held by Defra.

<sup>7</sup> The Secretary of State has approved the Distributor Takeback Scheme operated by Valpak Retail WEEE Services and, for photovoltaic panels, the PV Cycle Distributor Takeback Scheme.

<sup>8</sup> This applies to retail premises with an EEE sales area of 400 square metres or more.

<sup>9</sup> Electrical and electronic equipment is classed as 'very small WEEE' if it is less than 25cm on its longest side

## Annex B to the OPSS Delivery Report: Waste electrical products and batteries

- requiring producers of portable, industrial and automotive batteries to register via the National Packaging Waste Database (NPWD); to take on certain responsibilities in respect of collecting or taking back used batteries; and to provide information on the tonnage of batteries placed on the market and the tonnage of waste batteries recovered.

This annex to the OPSS Delivery Report reports on the activities of OPSS during 2018-19 in respect of checking compliance with those provisions. It does not set out to explain the totality of our work, much of which involves providing support for compliance, as set out in the OPSS Delivery Report. While the regulatory requirements in this area are well-established, it remains the case that levels of awareness and understanding are variable, highlighting the importance of ongoing work to make businesses aware of their obligations and ensure that they meet them.

### 1. Providing for takeback of waste electrical and electronic products and portable batteries

The approach to regulating in this area had, prior to 2016, been focused on inspection at a retail level, often at individual stores operated by large, multisite retailers. Our approach has shifted away from retail level inspections in favour of checking compliance at a business-wide level.

Membership of the Distributor Takeback Scheme ('DTS') operated by Valpak exempts distributors of electrical and electronic equipment (EEE) from the requirement to provide their own instore take back arrangements for WEEE. During 2018-19 we continued work, initiated the previous year, focused on businesses that had previously been members of the DTS, checking whether the businesses continued to supply EEE and, if so, whether they had, on leaving the DTS, made provision for instore take back.

Data provided by Valpak identified that around 900 businesses had left the scheme early in 2017. During 2017-18 we had prioritised checks on those former members of the DTS with the highest volumes of EEE sales<sup>10</sup> and during 2018-19 we extended checks to the remaining former members.

During the year, checks on more than 800 former members established that almost half were still trading in EEE and were within scope of the regulatory requirements. Further investigation established that only 7% of these businesses were actually offering their own instore take back arrangements and the remainder were non-compliant. Subsequently, 18% of these businesses have chosen to establish their own instore take back arrangements and we provided support to ensure that they do so in a compliant manner. 73% have chosen to re-join the DTS<sup>11</sup>. Investigations are ongoing into a small number of former members of the DTS.

Over the course of the work done in 2018-19 in relation to former members of the DTS, over three hundred businesses that were not complying with WEEE requirements have achieved compliance and over this same period, participation in the DTS scheme has grown by more than a quarter, increasing the funding available to support collection, reuse and recycling projects.

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<sup>10</sup> DTS members are categorised as 'Band A' (total annual sales value of EEE in excess of £1.5 million); 'Band B' (total annual sales value of EEE between £100,000 and £1.5 million); and 'Band C' (total annual sales value of EEE up to £100,000).

<sup>11</sup> Membership fees collected by the DTS are used for projects which aim to increase the rate of WEEE collection, reuse and recycling in the UK.

## **Annex B to the OPSS Delivery Report: Waste electrical products and batteries**

Where we receive information or allegations concerning a failure to provide the required in-store take-back facilities for portable batteries we contact the business in question. During 2018-19 we received a small number of consumer complaints relating to individual stores operated by large multi-site retailers and in most of these cases, we identified that compliance approaches developed by the company were not being properly implemented at a local store. We have worked with those businesses to guide the adequacy of their approach to ensuring ongoing compliance across their stores.

We continue to receive a small number of consumer enquiries, querying business responsibilities in relation to WEEE and a small number of complaints, alleging that distributors are failing to meet their obligations. The majority of the complaints received were not substantiated – they related primarily to a lack of consumer understanding of the legal requirements, which require distributors to make take back facilities available but provide for this to be achieved by participation in the DTS. Consumer misunderstanding is also evident in relation to the requirement that take back should be free of charge which does not extend to an expectation that a retailer should collect WEEE from the consumer's home without charging for transportation. These consumers were advised of the requirements of the regulations.

## **2. The National Packaging Waste Database**

Producers of industrial and automotive batteries are required to register via the National Packaging Waste Database (NPWD) and to provide information each year, including the quantity of batteries placed on the UK market and the quantity of waste batteries recovered.

During 2018-19, we monitored the data returns submitted to the National Packaging Waste Database (NPWD)<sup>12</sup> by producers in relation to their activities in 2017. The data provided by registered producers includes the quantity of batteries placed on the UK market and the quantity of waste batteries taken back or collected. Just over half of the registered producers submitted the required data on time<sup>13</sup> and further submissions were received shortly after the deadline. Follow up work was carried out, contacting registered producers whose returns were outstanding and all of these have subsequently submitted the required data for 2017. Contact was also made with a number of businesses that submitted data for 2017 that showed significant variance to the data submitted for the previous year, in order to verify the accuracy of the submission.

We also undertook work to identify businesses that might be placing industrial or automotive batteries on the market but were not registered on the NPWD. This included responding to a small number of allegations received from the sector. A number of businesses were identified as being engaged in activities that were likely to involve placing batteries on the market and a programme of contacting these businesses, initiated the previous year, was continued. As a result of this work a small number of businesses were identified that were required to be registered on the NPWD and these businesses have subsequently completed their registrations.

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<sup>12</sup> Details of registered producers are available at:

<https://npwd.environment-agency.gov.uk/Public/PublicReports.aspx>

<sup>13</sup> Of 390 registered businesses, 199 submitted the required information by the deadline of the end of March 2018 and a further 93 made their submission soon after the deadline. The remaining 98 businesses were contacted.

### **3. Providing information to consumers and other end users**

Producers of industrial and automotive batteries are required to provide clear information to end users about the return and collection of batteries, to encourage and facilitate appropriate recycling and disposal. We continued a programme of checks, initiated the previous year, to establish whether registered producers are providing sufficiently clear information to end users. All of those registered producers not checked in 2017-18 were subject to checks in 2018-19, amounting to over 300 businesses.

Where we identified that adequate information was not being provided, whether on the producer's website or by some other means (such as on sales documentation), we provided guidance to the producer on the requirements and ensured that they took steps to meet these. Of 304 websites checked during the year, just 6% were fully compliant with the information requirements and a further 11% had some information on their websites, although this was inadequate. The majority of the websites checked had no information for end users about the return and collection of batteries. Work to raise compliance in this area has seen significant improvement, with the level of compliance increasing from less than 1 in 10 to almost 8 in 10. Work is ongoing in respect of those battery producers that are not yet providing clear information to end users of batteries.

Similarly, in respect of waste electrical and electronic equipment, the provision of information to end users about take back is an important aspect of the regulations. We checked whether the former members of the DTS that were still supplying EEE were complying with the requirement to display information, both instore and on their websites. We identified a high level of initial non-compliance with the requirements and guidance was provided to all those businesses that were not providing the required information.

The majority of the businesses checked have subsequently provided confirmation of the information about their take back arrangements that is being provided to consumers and instore and we have verified that their websites now provide the required information, encouraging greater awareness of recycling facilities. A small number of the businesses checked have not yet provided evidence of compliance.



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# Annex C: Hazardous substances in products

Annex to the OPSS Delivery Report

October 2019



## Annex C: Hazardous substances in products

The UK implemented legislation<sup>1,2</sup> more than a decade ago to address the environmental challenges associated with the disposal of waste electrical and electronic equipment and batteries (see also Annex B), including provisions to restrict the use of certain hazardous chemicals<sup>3,4</sup> in specified electrical and electronic products (referred to as 'RoHS'), batteries and accumulators<sup>5</sup>.

OPSS acts on behalf of Defra to deliver the regulations which place obligations on businesses that manufacture, import or distribute specified electrical and electronic equipment - such as household appliances; IT and telecommunications equipment; lighting equipment; electrical and electronic tools; and medical devices – and batteries. The obligations on businesses extend to:

- product labelling, including capacity labelling for batteries;
- required documentation and checks to confirm compliance; and
- ensuring that products that include batteries are designed so that batteries are readily removable.

This annex to the OPSS Delivery Report reports on the activities of OPSS during 2018-19 in respect of checking compliance with those provisions and investigating areas of concern, such as where information or allegations have been received. It does not set out to explain the totality of our work, much of which involves providing support for compliance, as set out in the Delivery Report.

While the regulatory requirements in this area are well-established in the UK, the scope of the regulations has been widened a number of times, extending to new product areas and affecting more businesses, and the RoHS regulations will be further extended in 2019<sup>6</sup>.

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<sup>1</sup> The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2005 were updated by The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012. These regulations implemented the legislative framework established by the EU (Directive 2002/95/EC and Directive 2011/65/EU).

<sup>2</sup> The Batteries and Accumulators (Placing on the Market) Regulations 2008 (as amended) implement the legislative framework established by the EU to enable its member states to address the challenges presented by batteries (Directive 2006/66/EU).

<sup>3</sup> Restricted substances in relation to electrical and electronic products include lead, mercury, hexavalent chromium and cadmium which are known to be toxic to humans, and certain chemicals such as some brominated flame retardants which present environmental and safety issues in high concentrations. Lead, mercury and cadmium are also restricted substances in relation to batteries and accumulators.

<sup>4</sup> July 2019 sees the introduction of restrictions on the levels of four new hazardous chemicals in electrical and electronic equipment. These are all from the phthalate family of chemical compounds, commonly used to soften plastics and make them more flexible. The four additional substances are: Bis (2-ethylhexyl) phthalate (DEHP), Butyl benzyl phthalate (BBP), Dibutyl phthalate (DBP) and Diisobutyl phthalate (DIBP)

<sup>5</sup> An accumulator consists of one or more secondary battery cells ie. it is rechargeable.

<sup>6</sup> Prior to 22 July 2019 the regulations cover products in particular categories. After this date the regulations apply to all electrical and electronic equipment unless it is specifically exempted.

The repeated extension of the scope, of the RoHS regulations in particular, to new product areas, alongside the entry of new businesses into the market mean that awareness raising activities remain an important aspect of our approach, as does checking understanding and compliance with the requirements. Consistently high levels of visits to the information and guidance that we make available on our web pages<sup>7</sup> highlight the interest in this area of regulation.

## **1. Checking compliance in product areas recently brought into scope**

During the year we prioritised our proactive checks on compliance with the RoHS and batteries regulations in product areas that had been brought within scope of the requirements relatively recently.

In relation to the RoHS regulations, the categories of products considered were in-vitro medical devices – brought within scope of the regulations in July 2016 – and industrial monitoring and control instruments – brought within scope a year later. In each area, we first engaged with a number of trade associations and other organisations representing businesses in both product areas, to build our knowledge and understanding of each sector and the compliance issues in the sector. These organisations included The British In Vitro Diagnostic Association, the United Kingdom Weighing Federation, The Institute of Measurement & Control, the Energy Services and Technology Association, GAMBICA and the British Measurement and Testing Association. Subsequent presentations to trade association members provided an opportunity to explain the regulatory requirements and to answer questions. Following research, compliance checks were then focussed on digital pregnancy test kits available to consumers and electronic weighing scales with a capacity of 5-30kg, commonly used in retail outlets. These checks are reported on below.

Manufacturers, importers and distributors of electronic and electrical equipment that have reason to believe that equipment does not comply with the RoHS regulations are required to report to OPSS details of the non-compliance and the corrective action taken or proposed. During the year we received 38 such notifications, with a notable proportion of these coming from the in vitro medical devices and industrial monitoring and control instruments sectors. It would appear that this is due, in part, to businesses in these sectors reviewing their own compliance arrangements following the recent extension of the requirements to their products. In each case we worked with the business concerned to ensure that the corrective action was appropriate, minimising the impact of the non-compliance and the risk of future non-compliance. All notifications are uploaded to the EU's ICSMS database, sharing details of the compliance failure and corrective action with other Market Surveillance Authorities across the EU.

In relation to batteries, we commenced an investigation in 2018-19 into the availability of cordless power tools containing nickel-cadmium ('NiCd') batteries, which have been brought within scope of the regulations in January 2017.

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<sup>7</sup> Tracking data during the year shows over 44,000 visits to the web page presenting information on the RoHS regulations ([www.gov.uk/guidance/rohs-compliance-and-guidance](http://www.gov.uk/guidance/rohs-compliance-and-guidance)) and around 3,000 downloads of the guidance document made available to businesses.

**a. Digital pregnancy test kits**

Digital home pregnancy test kits are a small, high volume product which is readily available to consumers and is disposed of into household waste. We identified 12 different brands of digital pregnancy test kits being offered to UK consumers, either by high street retailers or via online platforms, and all of these brands were subjected to checks.

In relation to the brands that were being placed on the market by UK-based manufacturers and importers, checks on compliance included examination of the technical documentation that is required in order to demonstrate compliance with the RoHS regulations; and product testing. One of these businesses was unable to produce the required technical documentation and we are working with this business to agree remedial actions. Guidance was provided to another business on the requirement to comply with the obligations of a manufacturer (rather than an importer) for 'own brand' goods.

Five of the brands identified were being supplied direct to individual UK end users, via online platforms, with at least one of these products being known to be a product that is not produced for the European market. Products were purchased from these sellers and tested.

Of ten digital pregnancy test kits tested – including those being sold by high street retailers and direct imports via online platforms – only one was found to have excessive levels of a prohibited substance. Up to 40% lead was found in solder used in the product<sup>8</sup>, which also had labelling inadequacies, and we worked with the online platform which subsequently removed the product from sale to UK consumers. Two further products were found to be inadequately labelled and we worked with the relevant online platform to ensure that these were also removed from sale.

**b. Electronic weighing scales**

Around 60 businesses were identified that appeared to be manufacturing, importing or distributing electronic weighing scales with a capacity of 5-30kg and a sample of 21 of these businesses were selected, representing a cross section of those businesses identified. Of the selected businesses, 4 were identified to be distributors only and the remaining 17 were targeted for compliance checks.

Six of the businesses targeted were selling direct to individual UK end users from outside the UK, via online platforms. Products purchased from these sellers were tested and half of them were found to contain lead (a restricted substance) in excess of the permitted level, with levels as high as 70%<sup>9</sup> being found in some materials contained in the products. In addition, none of the products were labelled in accordance with the regulatory requirements. We worked with the online platform and these products and a number of identical products offered by other on-line sellers were subsequently removed from sale to UK end users.

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<sup>8</sup> The maximum concentration value of lead that is permitted in any homogenous material contained in a product is 0.1% (or 1,000 ppm)

<sup>9</sup> The maximum concentration value of lead that is permitted in any homogenous material contained in a product is 0.1% (or 1,000 ppm)

## **Annex C to the OPSS Delivery Report: Hazardous substances in products**

In relation to the other businesses targeted, checks were carried out - including examination of the technical documentation that is required of manufacturers and importers in order to demonstrate compliance with the RoHS regulations; and site visits, to discuss compliance with the business and check product labelling – and the majority of the businesses were able to demonstrate compliance with the regulatory requirements. One business was found to have inadequate systems for assuring itself that its products meet the regulatory requirements and we are working with this business to agree remedial actions. A small number were no longer supplying products in scope of the regulations.

### **c. Cordless power tools**

The cadmium content of batteries is restricted to 0.002% by weight – effectively prohibiting rechargeable nickel-cadmium (NiCd) batteries, other than in certain product categories. Up until 31 December 2016, one of these exemptions allowed for NiCd batteries in cordless power tools however, these have been prohibited since January 2017.

Desk-based research in 2018-19 sought to identify whether these products continue to be placed on the UK market via online platforms. A number of online sellers were identified who appeared to be making these products available to UK consumers and businesses, although a substantial proportion of these claimed to have very low stock levels.

Twelve cordless power tool products – screwdrivers and drills – were purchased for screen testing from sellers indicating higher stock levels and eight of these were found to have NiCd batteries. The remaining products had nickel metal hydride batteries which are not prohibited. None of the twelve products purchased were labelled in accordance with the regulatory requirements. Following testing we worked with the online platforms through which the products had been purchased to ensure that those products which were still available were removed from sale to UK consumers. Ongoing monitoring of online listings of cordless power tools appears to indicate a diminishing number of products with NiCd batteries available however, it would appear that replacement NiCd batteries for these products may still be available. Further investigation of this area is ongoing.

## **2. Investigating allegations of compliance issues**

Through the year, information and allegations of non-compliance in relation to individual businesses – including referrals from other UK regulators - led us to investigate a small number of businesses. We agreed remedial actions with the businesses where appropriate. For example, labelling amendments were agreed with two businesses that were found to be importing batteries that they were supplying with inadequate labelling.

In other instances, information and allegations of non-compliance led to checks in specific product areas, including remote controlled cars, flip alarm clocks and automotive batteries.

### **a. Remote controlled cars**

In relation to remote controlled cars, the brand complained of was not found on sale but two high street retailers alleged to have been selling the product were visited. Whilst one was found to be compliant, the other was unaware of their obligations as an importer of products in scope of the regulations. Following the provision of guidance and support, this business has now made a significant investment in compliance with this and other product regulations.

## Annex C to the OPSS Delivery Report: Hazardous substances in products

In addition, one brand of remote- controlled cars that was being sold via online platforms was purchased for testing and found to contain lead significantly in excess of the permitted level<sup>10</sup>. We worked with two online platforms to ensure that the product – which was being offered for sale by multiple sellers - was removed from sale to UK consumers. We worked with the business responsible for placing the product on the market and agreed appropriate remedial actions.

### **b. Flip alarm clocks**

Four flip alarm clocks were identified and one was found to have a mercury tilt switch. Testing of this product identified both lead and mercury significantly in excess of the permitted levels<sup>11</sup>. In addition, the product was not labelled in accordance with the regulatory requirements. We worked with the online platform through which this product was being sold and it was subsequently removed from sale to UK consumers. One further alarm clock (with a rolling ball mechanism) was identified which was not labelled in accordance with the regulatory requirement and we agreed appropriate remedial actions with the business responsible for placing the product on the market.

### **c. Automotive batteries**

Following a repeated allegation of industry wide non-compliance, we initiated research to establish whether non-compliance is apparent in the automotive battery sector, firstly in relation to the accuracy of capacity labelling and secondly in relation to cold-cranking performance. Samples of 26 different automotive battery products have been obtained and submitted for indicative testing. Early test results are identifying that there are some issues with the accuracy of capacity labelling; cold-cranking performance; and with inadequate labelling. This initial testing will, once the full results are available, inform further investigation in this area.

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<sup>10</sup> Material in the product contained lead at 69% (exceeding the permitted level of 0.1%)

<sup>11</sup> Material in the product contained lead at 12% (exceeding the permitted level of 0.1%) and mercury at 1.3% (exceeding the permitted level of 0.1%)



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# Annex D: Energy efficiency of products

Annex to the OPSS Delivery Report

October 2019



## Annex D: Energy efficiency of products

Energy using products represent a significant factor in household consumption of energy, contributing to greenhouse gas emissions. The regulation of such products with a view to improving energy efficiency is one of the measures that are enabling the UK to meet its obligations in respect of climate change targets. The UK has implemented regulations<sup>1</sup> to address two aspects of energy use by these products:

- Eco-design measures set minimum efficiency requirements for specified products that have a significant environmental impact and present potential for improvement.
- Energy information measures require that specified products are accompanied by information about product performance and energy consumption – through a rating of **A+++** to **G**<sup>2</sup> – enabling consumers to make informed purchasing decisions and helping to encourage competition between manufacturers to drive improvements in energy efficiency.

OPSS acts on behalf of the Secretary of State to deliver the regulations as they relate to businesses that place these products on the market. We also enforce the accuracy of energy labels, while enforcement responsibility in relation to the display of energy labels to consumers at a retail level rests with local authority trading standards services.

The regulatory requirements are well established in the UK for many product areas and have led to a gradual removal from the UK market of the least energy efficient appliances, contributing to significant energy savings. However, the scope of the regulations has been widened a number of times, extending to new product areas and there have also been changes to the minimum energy efficiency requirements in specific product areas. Raising awareness amongst the different business sectors affected and explaining the requirements therefore remains an important aspect of our work, as does checking understanding and compliance with the requirements.

This annex to the OPSS Delivery Report reports on the activities of OPSS during 2018-19 in respect of checking compliance with those provisions and investigating areas of concern, such as where information or allegations have been received. It does not set out to explain the totality of our work, much of which involves providing support for compliance, as set out in the Delivery Report.

### 1. Checking compliance

In the product areas where the requirements are well established, we undertake proactive compliance visits and product testing with the aim of ensuring that businesses are maintaining their compliance efforts, protecting consumers from hidden extra energy costs and ensuring that a level playing field is being achieved. These market surveillance activities provide a snapshot of compliance levels in different product areas. Proactive checks on compliance during 2018-19 focused in particular on product areas where previous checks had shown non-compliance, including tumble dryers, freezers, washer-dryers and GU10 LED lamps (a specific type of directional lamp very common in spotlight applications, such as in kitchens).

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<sup>1</sup> The Ecodesign for Energy-Related Products Regulations 2010 and the Energy Information Regulations 2011 (as amended) implement the legislative framework established by the EU to enable its member states to improve energy efficiency.

<sup>2</sup> The range varies depending on the product type.

## Annex D to the OPSS Delivery Report: Energy efficiency of products

In addition to these checks in relation to domestic appliances and lighting, a significant amount of our work through the year was in response to compliance concerns raised in sectors in which we were actively engaging with businesses and business representatives, for example as part of early information gathering to inform the focus of future market surveillance activities. Such allegations are often very technical in nature and we have worked collaboratively with the businesses involved to understand the issue, seeking clarification from the European Commission where necessary. Where investigation of these allegations has identified an issue across a product area, we have addressed the issue or, where appropriate prioritised the product area for future checks.

### a. Assessing compliance systems – manufacturers of white goods

During 2018-19, we continued an approach to checking compliance developed during the previous year, which focused on visiting businesses and checking the systems they are operating to ensure that their products are compliant. These 'compliance systems assessments' are supported by checks on technical documentation and by the selection of one or more of each business's products for indicative testing<sup>3</sup>. This approach enables us to build a clearer picture of compliance levels in particular product areas and to encourage remedial action at a much earlier stage.

This approach was employed in checks on manufacturers of domestic appliances. Visits were made to eighteen manufacturers of white goods - representing around 80% of the domestic appliance market in the UK - to discuss their approaches to compliance across the various areas of legislation enforced by OPSS, including eco-design and energy information requirements. Technical files were requested for examination and thirty individual products were selected for indicative testing, including ten freezer models. Of these ten, six indicated some deviation from the declared storage volume. This is a common issue with freezers, arising due to questions around interpretation of the standard. Of these six models, four were also found, by indicative testing, to use between 26% and 61% more energy than declared on the energy label. Three of these products were subjected to verification testing of 3 further units each whilst the fourth product was not subjected to verification testing as it was no longer available. Two of the products submitted for verification testing passed the tests. The final product failed to perform sufficiently for the tests to be completed. Discussions with the manufacturer resulted in the business deciding to quarantine the product and, subsequently, to re-assess the class and labelling of the product. Any remaining issues identified during the testing programme and examination of technical documentation will be discussed with the relevant manufacturers as part of ongoing engagement in this sector.

Twenty tumble dryers and washer-dryers were also selected for indicative testing and the testing is ongoing.

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<sup>3</sup> 'Indicative testing' refers to the submission of a single unit of each product to an accredited testing laboratory. Where the initial test results indicated potential non-compliance that is significant, verification testing – involving the submission of a further three units of the product - is commissioned. The regulations require verification testing of a further three items of a model in order to evidence a compliance failure.

## **b. Energy efficient lighting**

Twenty one models of LED GU10 directional lamps were screen tested early in 2018-19, with checks being carried out on their power consumption, brightness, beam angle, technical documentation and product labelling. Following on from these in-house screen tests, ten models of lamps were selected for full verification testing by an accredited test house.<sup>4</sup> The verification testing is ongoing – the test period is lengthy as it aims to assess the performance of lamps over their lifetime.

During scoping work for this project, an allegation was received from the lighting industry trade body concerning the ongoing supply of tungsten filament lamps for domestic use, which is permitted only where the lamps are being supplied for special purposes or where they were placed on the market prior to the introduction of the prohibition on tungsten filament lamps. Enquiries with a small number of suppliers identified that most of them were supplying product that had been placed on the market prior to the introduction of the prohibition and some were clear that residual stock levels were low.<sup>5</sup> As a result of our intervention, two products have been removed from sale and the descriptions of two further products have been revised, removing references to domestic lighting applications.

A further allegation related to the ongoing supply of GU10 halogen directional lamps. Placing such lamps on the market has been prohibited since September 2016. Again, we contacted a small number of the suppliers identified through online research, focusing on those that appeared to be the most significant dealers in these products. We identified that some of the product which continues to be supplied was placed on the market before September 2016. Where evidence of when the product was placed on the market is not available, some suppliers have ceased selling the product and others are subject to ongoing investigation, including through referrals to Market Surveillance Authorities in other EU member states.

## **c. Addressing industry concerns**

Engagement with the sector during 2017-18 checks on space heaters brought to light concerns about potential mis-declaring of the tapping profile for the relevant products. Investigation of these concerns during 2018-19 involved significant research, including engagement with the BEIS Energy Directorate and the Building Research Establishment. Indicative testing of one combination space heater indicated potential non-compliance and verification testing will be undertaken. A further allegation, focused on a brand of storage heater, was investigated and indicative testing of two units identified no issues.

Allegations were also received from UK based manufacturers of chillers and condenser units – commercial products that have not previously been subjected to compliance checks by OPSS. The concerns raised related both to efficiency standards and to failures to comply with requirements to publish performance information on free access websites. Engagement with the sector to understand the nature of the concerns was followed by checks on the websites of a number of manufacturers and an assessment of the information included in installers' manuals. We found non-compliance in relation to the online information requirements and we worked with manufacturers to resolve these issues with a number of websites being amended and others being referred to the Market Surveillance Authorities in other member states.

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<sup>4</sup> Full testing of GU10 LED directional lamps to the relevant standard requires a sample of 43 lamps of each individual model tested.

<sup>5</sup> Of ten suppliers contacted, five were supplying product from stock that had been placed on the market prior to the introduction of the prohibition and one held no stock, using drop shipping software arrange the supply of product direct from third parties to consumers.

A new performance tier has recently come into effect for condenser units and these products will be the focus of further work in 2019-20.

**d. Addressing non-compliance**

Circulators were the subject of compliance checks in 2017-18, as a result of concerns previously raised by the British Pump Manufacturers Association and at the end of the year investigation was ongoing into two products. In relation to one of these, evidence that the business was continuing to place non-compliant product on the market resulted in a Stop Notice being served on the business.<sup>6</sup> In relation to the second product, extensive enquiries failed to identify any evidence that it continued to be placed on the market.

During the year, we also engaged further with a number of businesses as a result of adverse test results in relation to products selected for testing late in the previous year, including eight hot water storage tanks, twelve space heaters, seven water heaters and eleven wine storage appliances. In each case, having regard to the nature of the failure and having worked with the business to understand the reasons for the failure, their compliance measures and their remedial actions, we were satisfied that advice or a written warning was a proportionate response, in accordance with our Enforcement Policy.

**2. Withdrawn energy label – vacuum cleaners**

Vacuum cleaners have been subject to energy labelling requirements since September 2014, with the energy label providing information to consumers on energy efficiency levels and cleaning performance. Following a successful challenge by a UK manufacturer of vacuum cleaners, Dyson Ltd, the regulation on energy labelling of vacuum cleaners was annulled in November 2018.

This unprecedented action gave rise to a situation in which manufacturers had labelled products in compliance with the regulatory requirements but, overnight, vacuum cleaners could no longer be placed on the market accompanied by the energy label or show the label in associated literature or on their websites.

OPSS took a proactive approach to engaging with UK manufacturers, ensuring that they were all aware of the change and establishing the implications for them in terms of stock levels and how quickly labelled stock would sell through. Whilst stock levels were high, stock moves rapidly and manufacturers anticipated that labelled stock would remain in the supply chain for a relatively short period of time. Given the challenges and high cost involved in re-labelling, a pragmatic and proportionate approach was agreed in respect of existing stock, while being clear to outline what was required in respect of new stock. Through this period, OPSS responded to enquiries from UK businesses and discussed approaches with Market Surveillance Authorities in other member states and with the Association of Manufacturers of Domestic Appliances (AMDEA).

During February and March 2019, a range of supplier's websites and online platforms were inspected and energy labels had been removed from these, reducing the likelihood that consumers would make purchasing decisions on the basis of energy labels.

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<sup>6</sup> All statutory enforcement actions taken in relation to non-compliance with these regulations are published. This information is updated on a regular basis and available on our web pages at: [www.gov.uk/government/publications/statutory-enforcement-actions](http://www.gov.uk/government/publications/statutory-enforcement-actions).



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# Annex E: Heat networks

Annex to the OPSS Delivery Report

October 2019



## Annex E: Heat Networks

Energy efficient behaviour delivers energy savings and reduces greenhouse gas emissions. The UK implemented legislation<sup>1</sup> in 2014 with the aim of putting in place conditions that will encourage more energy efficient behaviours amongst end users of energy who benefit from a communal or district heating system.

OPSS acts on behalf of the Secretary of State and Scottish Ministers to deliver the regulations, which require businesses and other organisations or individuals who supply heating, hot water and/or cooling from a central source to final customers (collectively referred to as 'heat networks') to submit a notification at least every four years. Operators of heat networks are required to assess whether it is viable to install heat meters or heat cost allocators. Where viable, they are required to meter usage and charge users of the service accordingly, moving towards fairer billing for customers on heat networks<sup>2</sup> and ensuring that energy efficiency measures that they take have an impact on what they pay.

This annex to the OPSS Delivery Report reports on the activities of OPSS during 2018-19 in respect of administering and assessing the required notifications of heat networks and encouraging further notifications. It does not set out to explain the totality of our work, much of which involves providing support for compliance, as set out in the Delivery Report.

The approach taken by OPSS Enforcement in the early stages of implementation of the UK regulations has focussed on raising awareness of the regulations; explaining their scope and requirements; and encouraging notifications. In the early stages of implementation of the regulations, any failure to make a required notification has been dealt with through the provision of guidance and support, and this approach has seen significant increases in the number of notifications. Similarly, incomplete or incorrect notifications are being dealt with through the provision of guidance and support.

### 1. Receiving notifications of heat networks

All heat networks must be registered with OPSS and updated details of the arrangements in place are required to be submitted on a four-yearly basis as a minimum, with the first registrations due to expire in October 2019. The notification of heat networks provides a valuable mechanism for tracking energy usage of such networks and meter installations. It also facilitates the monitoring of progress in achieving improved energy efficiencies. The deadline for notifications of existing heat networks was 31 December 2015.

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<sup>1</sup> The Heat Network (Metering and Billing) Regulations 2014, as amended, implement provisions of Directive 2012/27/EU ('the Energy Efficiency Directive') introduced with the aim of achieving the EU's target of 20% energy savings by 2020.

<sup>2</sup> It should be noted that BEIS is working towards launching a public consultation on amending the regulations, including a revised methodology for assessing the cost effectiveness of metering for district and communal heat networks. OPSS has been supporting policy officials in relation to the development of amended regulations, providing expertise on the practical implementation and enforcement aspects.

## Annex E to the OPSS Delivery Report: Heat networks

During 2018-19 OPSS received notifications in respect of almost 700 heat networks. This brings the number of networks notified to OPSS by the end of March 2019, to 18,761, compared to the 17,000 networks reported in experimental statistics published by BEIS in March 2018.<sup>3</sup> Data validation work done by BEIS in preparing the experimental statistics highlighted that the number of notifications received by OPSS does not accurately represent the number of operational heat networks in scope of the regulations. This is because some notifications to OPSS relate to networks that are out of scope, some are duplicate notifications, some networks that have been notified may no longer be operational and some networks will not have been notified.

A significant proportion of the notifications received by OPSS are either incomplete or contain incorrect data. Areas which appear particularly problematic for notifiers are generation, capacity and the supply of heating, hot water and cooling. During the year, each of the notifications received has been reviewed and support has been provided to rectify issues in respect of incomplete or erroneous notifications. This ongoing quality assurance work will contribute to an improvement of the reported data.

## 2. Encouraging further notifications

A review of available information in 2017 estimated that the number of heat networks in scope of the regulations, across the UK, is higher than the current notification levels indicate. The review highlighted the challenges of achieving certainty in relation to the number of heat networks but it would appear that a significant number of heat networks have not yet notified.

Our activities have, since the regulations came into force, had a particular focus on local authorities and housing associations who provide heat networks serving the residential sector and we have aimed to raise awareness of the regulatory requirements across the sector. We have worked to identify private and social housing providers operating heat networks, to explain the obligations under the Regulations in an easy to understand manner and to support the operators to make the required notifications. We continued our work to encourage notifications in this sector through 2018-19, focussing on social housing in Northern Ireland, Scotland and Wales. We contacted 130 local authorities, housing associations and health trusts across the 3 nations, through a campaign of written communications, one-to-one conversations and regional workshops. Of the 130 organisations we contacted through this project, we received notifications for 112 heat networks, with a further two organisations expected to notify imminently. Overall, the 112 networks which have now been notified serve more than 3,700 households.

The information review referred to above estimated that there are around 505,000 residential customers in the UK that are connected to heat networks. By the end of 2018, networks covering more than 500,000 residential customers had been received, and, although not all notifications have been validated, it is thought that a significant proportion of residential customers served by heat networks has been captured. On this basis, the primary focus of our activities has shifted from heat networks providers operating in residential sector towards heat network operators in non-residential sectors, such as those providing heat to commercial office buildings and business centres, with the aim of improving awareness of the regulatory requirements and the obligation to notify.

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<sup>3</sup> The Experimental Statistics, based on data from March 2017, are available at: <https://www.gov.uk/government/publications/energy-trends-march-2018-special-feature-article-experimental-statistics-on-heat-networks>



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# Annex F: Electricity and gas metering

Annex to the OPSS Delivery Report

October 2019



## Annex F: Electricity and gas metering

Around 30 million electricity meters and 22 million gas meters are in use in Great Britain, measuring energy usage for which customers are billed by their energy supplier. The accuracy of these meters is essential for fair trade.

Legislation<sup>1</sup> requires that any electricity or gas meter used for the purpose of billing, whether by a licensed energy supplier or a landlord, must be of an approved design and only meter types that operate to defined accuracy and performance requirements will be approved – either under national provisions or under the EU’s Measuring Instruments Directive (which is implemented in the UK by The Measuring Instruments Regulations 2016). This requirement covers all electricity meters and all domestic, commercial and light industrial gas meters – ensuring that consumers and businesses are charged only for the electricity and gas that they have used.

OPSS deliver’s the Secretary of State’s responsibilities in relation to electricity and gas metering accuracy across Great Britain and our activities are funded by the energy suppliers licensed by Ofgem.

This annex to the OPSS Delivery Report reports on the activities of OPSS during 2018-19 in respect of certification of electricity meters; supporting energy suppliers to ensure the ongoing accuracy of in-service meters; and provide for independent testing of electricity and gas meters when disputes as to accuracy of a meter are unresolved by discussions between a supplier and their customer. It does not set out to explain the totality of our work and should be read in conjunction with the Delivery Report.

### 1. Approval and certification

Electricity meter types that are approved under national legislation have a defined certification period, after which they can’t legally be used for billing purposes.

During 2018, we worked with the UK’s largest energy suppliers (‘the Big Six’) to consider extending the certification periods of some of the most commonly used meter types. Six meter types were sampled, with four receiving a five year extension to their certification period (the maximum number of years meters can legally be used for billing). This will enable almost 500,000 meters of these types to remain in service thereby avoiding the cost of unnecessary “like-for-like” meter exchanges during the rollout of smart meters. For the remaining meter types, the certification period remains unchanged.

### 2. Supporting suppliers to ensure accuracy of in-service meters

Energy suppliers have an on-going responsibility to keep meters in proper order for correctly registering the quantities of electricity and gas supplied to their customers. To assist energy suppliers in meeting this obligation, we worked with stakeholders to develop and implement a statistically based In-Service Testing (IST) procedure<sup>2</sup>. The IST procedure applies to all gas and electricity meters approved under the Measuring Instruments Directive, and all of the Big Six energy suppliers participate.

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<sup>1</sup> The Gas Act 1986, section 17 and Schedule 2B, and the Electricity Act 1989, Schedule 7.

<sup>2</sup> Information on IST is available at [www.gov.uk/guidance/in-service-testing-for-gas-and-electricity-meters](http://www.gov.uk/guidance/in-service-testing-for-gas-and-electricity-meters).

## **Annex F to the OPSS Delivery Report: Electricity and gas metering**

The energy suppliers sample and test in-service gas and electricity meters at regular intervals throughout their in-service life, providing assurance that only meters continuing to operate within the prescribed limits of accuracy are used for consumer billing. During 2018, 11 types of meter (6 gas and 5 electricity) were sampled by energy suppliers under the IST procedure and all of these passed the prescribed tests. The 1,500 samples represent a total installed population of over 850,000 meters and the successful completion of this work provides confidence to consumers that they will be billed accurately for the quantities of gas and electricity supplied.

### **3. Investigating disputes**

During 2018, we appointed meter examiners to conduct independent testing of nearly 1,500 gas meters and a small number of electricity meters in circumstances where a customer was concerned that their meter was inaccurate and had been unable to resolve their concerns with their supplier. The meters complained of represented a very small proportion of all meters in service – less than 1 in 20,000.

The independent tests of gas meters identified that over 90% of the meters that could be tested were accurate. Of the gas meters that failed the accuracy tests, 3.2% were found to be metering less gas than was being used – resulting in undercharging of the customer – and 6.5% were metering more gas than was being used. Gas meters subjected to independent testing are not returned to use following the testing.

The independent tests of electricity meters identified that almost 94% of the meters complained about were accurate. Of the electricity meters that failed the accuracy tests, 2% were found to be metering less electricity than was being used – resulting in undercharging of the customer. The remainder were metering more electricity than was being used.

These results differ from those identified by independent testing under the IST procedure and it is worth noting that the IST testing of a random sample of in service meters – which identified no failures in 2018 – is more representative of the overall accuracy of meters in use in Great Britain than these meter accuracy tests which are undertaken for a relatively small number of meters where there are specific customer concerns about inaccuracy.



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