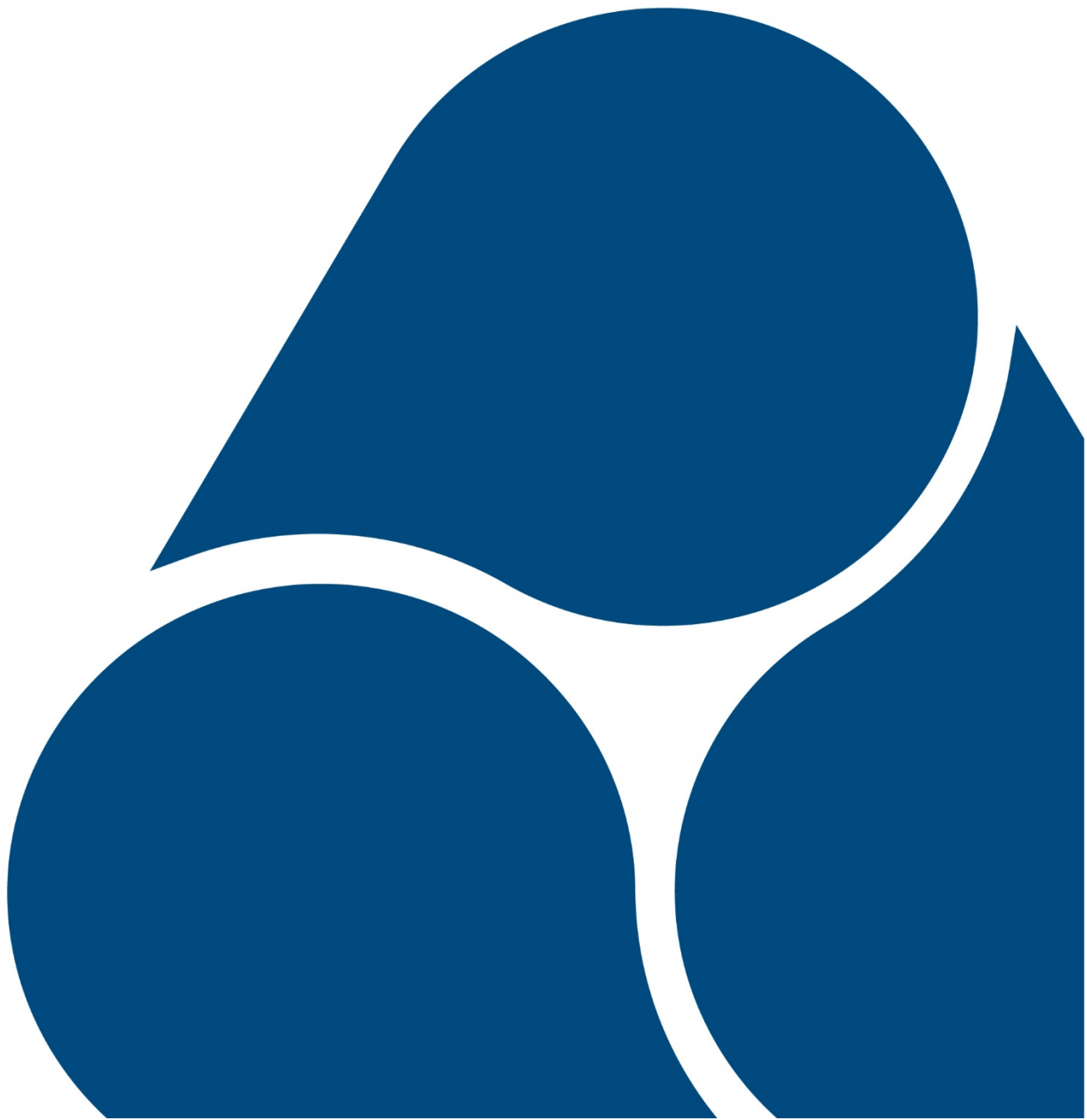




Office for Product
Safety & Standards

Office for Product Safety and Standards Delivery Report 2019/20

December 2020



Foreword



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Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy

Building trust

Keeping people safe has always been a Government priority but this year, more than any other in a generation, the importance of public safety has come to the fore.

The Office for Product Safety and Standards (OPSS) mission is to be a trusted product regulator, protecting people and places, enabling businesses to thrive and empowering consumers to make good choices.

As a product regulator, a leader of good regulatory practice and a champion of local regulation, OPSS plays an important role in protecting consumers from unsafe products and increasing demand and confidence in UK product markets, whilst reducing environmental impact.

OPSS has used its unique position at the heart of the UK's regulatory system to work with partners across a diverse range of activities to protect people and support business. In 2020, in addition to 'business as usual', two priorities have been prominent across Government - the Covid-19 pandemic and our new relationship with the EU. As the Transition Period with the EU comes to an end, OPSS is shaping the product regulation system to enhance the UK's potential as a global trading nation; whilst supporting the national response to the pandemic. Looking to the future, OPSS will be calling for evidence to help ensure the product safety regulatory framework is fit for the future, and publishing a refreshed strategy in 2021.

OPSS is building its reputation as a regulator that is proportionate, innovative, risk-based and science-led. It aims to be transparent and accountable to the businesses it regulates and the citizens it serves.

This report sets out how OPSS has delivered against its objectives, and responded to external events, working with partners, among them trading standards, environmental health and fire services, to protect consumers and to support businesses.

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protecting people and places - enabling business to thrive
empowering consumers to make good choices

Key Outcomes

Empowering Consumers

We have used our research into consumer attitudes to shape our safety messages to consumers, raising awareness of how to protect themselves by making informed choices.

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 to deliver consumer awareness campaigns on fireworks, Halloween fancy dress, button batteries, counterfeit products and unsafe toys, reaching in excess of 2 million consumers.

Protecting People and Places

We funded local authority testing of 1,000 higher risk products, so unsafe products can be taken off the shelves.

We dealt with two national recalls, both for Whirlpool products.

We provided scientific and technical advice that enabled regulators to make sound decisions and deliver effective enforcement.

We have worked with fire services to raise the awareness on the importance of collecting data after fires involving consumer products to identify faults.

We are building three new product safety laboratory spaces and equipment for mechanical, electrical and flammability testing.

We have launched the Product Safety Database, enabling regulators to share information about product risks and raise safety alerts.

Supporting Business

We run the Business Reference Panel, providing a forum for business organisations, representing over one million companies, to share ideas and feedback views.

We have supported over 2,200 standards to be published, ensuring safety and other requirements keep pace with changing products and technologies.

We supported 100,000 businesses with a primary authority partnership, including piloting integration of assured regulatory advice into Growth Hubs, giving businesses the confidence to invest and grow whilst staying within the rules.

We are supporting poverty reduction and economic growth through better delivery of regulation in our partner countries and creating trade and investment opportunities for international business, including UK companies.

Key outcomes at a glance

205,000 product recall registrations	By the end of March 2020 205,000 Whirlpool customers had registered recalled appliances for action. At least 122,500 washing machines and 115,100 tumble dryers were replaced or repaired
We dealt with over 8,500 enquiries from businesses, consumers and regulators, providing information and support.	8,500 enquiries
16,000 online visits	Our regulatory information pages on GOV.UK had an average of 16,000 visits a week, providing accessible advice and guidance.
Local regulators were given free access to technical British Standards, to identify safety issues and support compliance - 1,400 different standards were accessed in 2019/20.	1,400 standards accessed
2 million reached	Campaigns on button batteries, toys, fireworks & Halloween safety and counterfeit goods reached more than 2 million consumers.
Research: We invested £0.8m to develop a scientific evidence base on product safety hazards and solutions, emerging technologies, regulatory compliance and consumer and business behaviours.	£0.8m invested
175 days' assistance	Global technical expertise: We delivered 175 days of technical assistance, training over 350 international government officials.
Consumer views – research with 4000 consumers to understand attitudes to product safety, registration and recalls; furniture safety labelling and fireworks safety	4,000 consumers
1,042 training days	Training: - product safety and metrology training to frontline staff in 184 local authorities, amounting to over 1042 officer training days delivered in 2019-20.
Market surveillance testing of over 60 CBD-containing cosmetic products to increase our evidence base.	60 cosmetic products
547 product safety cases	Product safety cases – 547 new cases were coordinated by our incident management team. Appropriate actions were taken and 99.3% of cases were fully resolved and closed.
Ports: We provided £1.45m of funding to local regulators via National Trading Standards to check safety of goods at ports.	£1.45m
37 committees	Technical committees for standards – we participated in 37 committees covering product regulation including metering, toy safety, small electricals, cosmetics and electric vehicles.
Regulators' Companion: a one-stop website for local regulators on legal metrology, Primary Authority and product safety with over 100 pages of training resources, reports and guidance.	100 pages of resources

Current Priorities

Responding to Covid-19

From the beginning of the Covid-19 pandemic, OPSS has used its unique position at the heart of the UK's regulatory system to work with partners across diverse activities to protect people and support business. The pandemic required a rapid response from across government, local regulators, and many others, and OPSS has played a central role in providing information, guidance, technical insight, and clarity. From the outset, OPSS answered personal protective equipment (PPE) enquiries from businesses, notified bodies and trade associations, supporting the Government's priority to ensure the



supply of safe PPE and other products critical to the coronavirus response. OPSS put in place two regulatory easement routes to streamline administrative processes and speed up supply of PPE to the NHS and other essential workers. Our business engagement included setting up an online forum for community groups to aid discussion and to identify what additional support could be provided.

Our intelligence unit produced regular strategic and tactical threat assessments on changes to the product market related to the pandemic and identified the threat of large volumes of unsafe or suspect PPE entering the UK through airports. Working closely with local authority trading standards and Border Force, OPSS deployed enforcement officers to deal with referrals of suspect PPE and provided technical and risk assessment advice to frontline officers, ensuring safety and compliance checks could be made before PPE entered the UK. 4.1 million items of PPE were inspected for product safety compliance, 3.1 million of which were prohibited from being placed onto the market in the UK, as they were unsafe. Our enforcement and technical teams also worked closely with the Health and Safety Executive, Medical and Healthcare products Regulatory Authority and Department of Health and Social Care assisting procurement and compliance checking of PPE supporting the PPE Dedicated Supply Channel set up to meet the urgent volume requirements for core PPE items for use in the NHS and the healthcare sector.

OPSS coordinated enforcement of business restrictions, maintaining a steady stream of communications with local authorities. OPSS also provided a point of contact for local regulators seeking government guidance, helping them raise issues in a timely way. Frontline intelligence gathered by OPSS has informed government policy changes in many sectors such as garden centres, click & collect, nightclubs, beauty salons and entertainment venues. We ensured enquiries went to the right government department for them to respond, and, where possible, provided information directly. OPSS also analysed local authority activity on business closures during first wave of the pandemic.

To build our understanding of how consumers react to purchasing decisions during the first wave of the pandemic, OPSS commissioned three online surveys that tracked how perceptions changed over time. We ran these surveys during April, May and July, focusing on consumer goods relevant to the pandemic: face masks, hand sanitiser, UV wands, air purifiers. The surveys informed OPSS projects on online selling platforms and fed into discussions with the Scientific Advisory Group for Emergencies (SAGE).

Primary Authority, which is administered by OPSS, has proved a powerful support for businesses coping with the challenges of keeping staff and customers safe during the pandemic. The OPSS Local Delivery Team organised eight Primary Authority expert panels to assist various sectors meet the challenges of changes to legislation, covering: leisure, warehousing and manufacture, non-food retail, restaurants, hotels and catering, licensed premises, car sales and caravans and holiday parks.

The panels provided an opportunity to discuss issues that were causing concern and find consistent solutions. We also brought in Whitehall colleagues responsible for the Safe Workplaces Covid-19 guidance to the panels so local regulators could put their questions directly. Further details on our Primary Authority partnerships can be found on page 18 of this report.

We have published the UK's annual national market surveillance plan, which identifies the regulators involved and their role in market surveillance and this assisted OPSS in its initial response to the COVID-19 pandemic, allowing us to utilise our relationships with key stakeholders such as HSE & OFCOM. The team has been feeding into the Covid-19 intelligence gathering national response led by the National Crime Agency (NCA) to combat illicit activity brought about the pandemic.

EU Transition

The Government remains committed to ensuring that the level of protection afforded to consumers against unsafe or non-compliant goods is not diminished now that the UK has left the European Union.

Through the UK's own regulatory regime, we will continue to seek to ensure that products are safe for consumers and compliant with UK rules. We passed the necessary legislation to prepare the product safety, metrology and market surveillance frameworks for exit from the EU and to implement the Withdrawal Agreement and the Northern Ireland Protocol.

We have been providing input into trade negotiations and preparing for the adoption of new functions and roles from the end of the Transition Period. EU Exit Preparedness events were held with more than 150 local authority delegates attending each course, enabling them to give businesses effective advice.

We have built two digital systems to replace EU systems on product safety alerts and cosmetics notifications and developed associated processes and guidance. Both systems will enable us to iterate services with improved functionality and provide a foundation for future development regarding data sharing agreements with trading partners.

We have been preparing and publishing guidance for business on changes to product safety and metrology regulations as arrangements progress and have engaged directly with our stakeholders to help them prepare.

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, integrity and environmental impact. We work with local, national, and international regulators, with consumer representatives and with businesses to protect people and places and to support compliance. We are committed to transparency in our regulatory approach and this Delivery Report sets out our delivery over the period April 2019 to March 2020.

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 safety¹. We lead from policy to delivery, with responsibility for the policy framework, national scientific, technical and incident management capability, and enforcement where issues are national, novel or contentious.



We are the national regulator for legal metrology, responsible for policy and implementation of the regime which ensures weighing and measuring instruments are accurate, including through verification of instruments.

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

We provide national capacity for product safety and legal metrology, supporting local

regulators², including at the border, to keep consumers safe, support business compliance and provide confidence in goods traded by quantity. We work with local regulators to help simplify local regulation and enable businesses to succeed, through Primary Authority and Better Business for All (BBfA) – helping local regulators to engage with business in ways that protect people and places and enable businesses to invest based on advice they can trust.

¹ 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.

² Local authority regulatory services referred to as 'local regulators' throughout this report refers to trading standards and environmental health. Local regulators have statutory duties under product safety and metrology regulations. For product safety 'local regulators' refers to trading standards in Great Britain and environmental health in NI. Metrology is enforced by trading standards in GB and Trading Standards NI

We lead Government policy on market surveillance and standards and accreditation policy, 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.

In all our areas of policy responsibility we are responsible for preparing for the end of the transition period with the European Union, providing UK capability in areas previously the responsibility of the European Union.

We are the UK Government’s enforcement authority for a range of other product 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 Commonwealth and Development Office in key partner countries to support the development of regulatory environments that provide opportunities for UK businesses to trade around the world.

Effective development and delivery of policy and 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 UK Government international commitments for example on global environmental protections.

Strategic Approach

Our strategic approach is built around four pillars: Analyse, Inform, Enforce, Build.



Analyse: We make the best use of scientific evidence, data, risk and intelligence, analysing situations and understanding problems before choosing a solution and evaluating our impact.

Inform: We give information, guidance, and advice to help businesses comply and inform consumer choices.

Enforce: We use the full range of tools and powers to maintain protection, fairness, and confidence, enforcing the law and promoting compliance

Build: We build the frameworks, tools, systems, partnerships, and skills for the future.

We are guided by three principles – the importance of **protection**, a commitment to **partnership**, and a focus on **practical**, real world, impact. Our activities and impact are described in this Delivery Report, that highlights key achievements over 2019/20, mapped against our four strategic objectives.

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. OPSS is committed to integrating science into the heart of our working practices. In 2019/20 we completed recruitment for our analytical teams including scientists, engineers, risk assessment experts, intelligence professionals, economists, statisticians, and behavioural scientists to develop and apply a robust scientific evidence base to support policy and regulatory decision making. We have built our in house capability for evaluation and have set out some of the metrics which we will use to measure the effectiveness of our product safety national capacity in our monitoring and evaluation plan for product safety.

Research programme

We invested £0.8m in research to provide data, scientific evidence and behavioural insights to help develop policy, improve regulatory compliance and make our consumer awareness campaigns more effective. Our research focuses on understanding hazards of existing products and emerging technologies, the development of safety solutions, understanding behaviour of consumers and businesses and ways to improve regulatory compliance. [Our first set of research projects have now been published.](#)



We have established our research hub - a collaboration with academics that allows OPSS to directly access academic expertise on evidence gaps and provide scientific evidence. The hub has established collaborations with the University of Tilburg, University of Bonn, University College London, Queen Mary University of London, and Warwick University. These collaborations have enabled us to undertake work on risk analysis, penalty schemes for business and consumer attitudes towards smart products, with high-quality research to conclude next year.

Understanding safety issues with current technologies

We have used internal and external technical and testing capability to develop our evidence base on understanding product risks, including chemical risks in products, fireworks, large white goods, baby carriers/slings and toys.

Indelible marking

Identification of product details following a fire provides essential safety information to regulators, and we have conducted research on indelible product markings.

We have worked with the British Standards Institution to find ways to include indelible marking of large white goods in international safety standards as part of the rolling updates to standards. By labelling these products indelibly, fire investigation teams will be able to

identify important trends following incidents of domestic fires. OPSS has and will continue to work with key stakeholders to progress this work.

Identifying safety issues with new products and technologies

Cannabidiol

Cannabidiol (CBD) is increasingly being used in cosmetic products such as creams, shampoos, and deodorants. Working closely with local regulators and other government departments, we carried out market surveillance testing on 60 CBD-containing cosmetic products to increase our evidence base on the potential risks present. OPSS is also working with the Laboratory of the Government Chemist (LGC) and other test houses on the development of suitable analytical methods to support market surveillance testing of CBD products. OPSS will continue to monitor research and developments around the safety of CBD and other emerging cosmetic treatments when applied to the skin, working with experts including the independent scientific Committee on Toxicity (COT).

Home energy storage systems

The use of battery energy storage systems in the home is expected to be a growth area as they allow consumers to maximise the use of renewable energy generation and costs are going down, but we must be sure they are safe. We commissioned research to understand this emerging hazard area better and fed this evidence into wider Government work on electricity storage health and safety standards to ensure that consumer safety hazards are adequately considered ([see GOV.UK](#)). BEIS has since funded a gap analysis of electricity storage health and safety standards which will be published later this year.

3D printing

3D printing allows consumers to make spare parts for products relatively easily and at a low price. While this provides potential benefits for sustainability, it may present safety hazards and challenges for the traditional approach to legal responsibility within legislation on product safety. We commissioned research into the safety and regulatory issues relating to the manufacture, sale and installation of 3D printed spare parts by manufacturers for consumer appliances. The main hazard areas identified related to limitations of the technology, operator expertise and limited consumer awareness of necessary safety requirements and risks. Officials in OPSS are conducting a review of product safety legislation to determine whether the existing legislative framework is adequate in light of the changes to traditional supply and distribution chains and we will draw on this research as part of our review.

Virtual Reality Systems

We have conducted a literature review on Virtual Reality systems to help understand the safety issues that might impact domestic users. It considered the physiological effects that may impact the wellness of users both during and immediately after use. This report has been published on GOV.UK and provides information for consumers and industry on the effects of Virtual Reality and methods to mitigate these.

Improving outcomes through better understanding of behaviours

Consumer attitudes towards product safety



Understanding consumer attitudes and behaviours towards product safety is essential to understanding risk and in designing effective regulatory interventions. Our research on consumer attitudes included accompanied shops³, focus groups, workshops, and a nationally representative face-to-face survey of over 4,000 UK consumers.

The research explored consumers' attitudes and behaviours regarding the product safety system. It found that generally consumers implicitly trust the product safety system and rarely consider product safety when purchasing products giving us a good insight into variations in attitudes.

Only 17% of purchases are made with product safety in mind, making it a low order consideration for purchases. Our findings also illustrated that product safety is of greater concern for certain product categories, with almost half of those purchasing baby products considering product safety as illustrated below.

Where product safety is of greatest concern



Evaluating new solutions for improving regulatory enforcement

Supply chain assurance for product regulation: distributed ledgers

Increased globalisation has led to extremely complex supply chains for products. Distributed ledger technologies enable transactions in the product supply chain to be recorded digitally in a way that could reduce fraud and in turn build trust, transparency, and accountability between disparate organisations. OPSS has conducted research to understand whether these tools could be used to check the credibility of data purporting to show the origin of products as part of regulatory checks. OPSS will continue to use the

³ An accompanied shop refers to researchers interviewing consumers either whilst they undertake their shop or retrospectively talking to consumers about a recent product purchased and asking them to explain their decision making and thinking at different stages of the process.

findings of this report (available on GOV.UK) to check the credibility of distributed ledgers that are offered by suppliers to verify the provenance of their products. But to date, OPSS has not accepted any distributed ledger as being in itself sufficient to prove the origin of a product.

Timber

As part of our enforcement responsibilities for timber product regulations which aim to minimise the possibility that products contain illegally harvested timber we have worked closely with the Royal Botanic Gardens in Kew and their partners to support their work on building a reference library of timber samples. This partnership, known as The World Forest ID, is building the world's largest geo-referenced wood sample collection and means that OPSS enforcement officers will be better able to verify claims made by business in their due diligence relating to the origin of the timber used in their supply chain.

Engineering, Technical and Scientific Advice

We have expert engineering, technical and scientific capability within OPSS as well as collaborative relationships with cross-government and independent experts, enabling us to base our decisions on scientific, engineering and technical advice. We also offer this support to local authority regulators. We are also now able to undertake in-house testing and research experiments using our Teddington laboratory.

We deal with technical queries, building relationships with external stakeholders such as trade associations and other government departments and contributed to policy development. We participate in 37 technical committees for standards covering our remit on product regulation including metering, toy safety, small electricals, cosmetics and electric vehicles amongst others. For weights and measures we have influenced in areas such as measuring systems for liquids, fuel dispensers & road tankers, ensuring the interests of UK industry and consumers were represented.

Incident data

Understanding which products cause consumers harm is a critical underpinning for OPSS's risk-based approach. We have increased our access to fire safety data working closely with Fire Authorities, London Fire Brigade and National Fire Chiefs Council.

We have worked with partners to raise the awareness of front-line fire officers on the importance of collecting data after fires involving consumer products. We are also working with the Home Office to improve the data collection systems on incidents of domestic fires. We have continued our partnership with the Royal Society for the Prevention of Accidents piloting ways to collect data on product safety related accident and emergency admissions with six hospitals and one GP practice.

The pilot aims to specifically determine the feasibility of collecting data; the cost to the NHS; quality and representation of the data; and time and the resource required to analyse the extracted data and work will continue into the next year.



The pilot made good progress in setting up the processes to enable the smooth collection of data; however the Covid-19 pandemic required participating NHS Trusts to temporarily refocus efforts.

Risk

We have reviewed the UK system for identifying, assessing, and managing product risk, which will inform our future work on the product safety legislative framework. We have continued to work in partnership with the Health and Safety Laboratory and with local regulators on a digital system to target interventions more effectively according to risk, with field work due to start later in 2020.

We have established working groups through our collaboration with local regulators and other market surveillance authorities on digital solutions to ensure that we target activity more effectively in accordance with risk. Advice and assistance have been provided to local regulators on product safety risk assessments via our expert team to assist local regulators in making decisions on how to deal with non-compliant and unsafe products.

Intelligence

The OPSS Intelligence unit provides operational intelligence to help drive activity from a tactical and strategic level both within OPSS and with local authority enforcement teams. Our annual product safety strategic assessment has been circulated to partners, highlighting strategic product safety threats as shown below.

Specific threats

Specific threats are assessed as posing a significant risk to consumers, industry, and the public interest. We will prioritise activity to increase understanding and reduce their level.

Imports: unsafe consumer products imported into the UK

Supply Chains: absence of effective oversight of non-traditional supply chains

Substitution: of inferior ingredients, components, or complete products

Toxic Chemicals: rendering consumer products unsafe

Thematic threats

Thematic threats are assessed as posing a risk to consumers, industry and the wider public interest. We will act to increase understanding and reduce their level.

Consumer Awareness of Product Safety: prevents fully informed choices

Domestic Appliances: ubiquity of large appliances presents a complex threat

Rapid Innovation: regulatory challenge as new products enter the market

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 are trialling options to improve take up of product registration and recalls with several manufactures, to test what works in practice. We have used our research into consumer attitudes to shape our safety messages to consumers. We have conducted safety awareness campaigns on issues to empower consumers to make more informed choices.

Businesses need a clear understanding of what is required of them to deliver compliance. Whilst most businesses are well-intentioned, we recognise that lack of awareness, understanding or technical capacity, are often contributory factors in non-compliance, particularly where the regulation is highly technical. We have conducted a range of activities to support businesses in understanding their responsibilities including providing information, guidance and tailored advice to those we regulate, raising awareness of regulatory requirements and safety risks, expanding the Primary Authority scheme including the forming of new partnerships and supporting effective recalls.

Consumer safety awareness campaigns

We deliver product safety messages to consumers through awareness campaigns with partner organisations reaching a wide range of people. 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 to raise awareness on safety issues related to **fireworks, Halloween fancy dress, button batteries, counterfeit products as well as** a successful Christmas campaign – ‘Santa’s top safety tips for Christmas’.

Our campaigns had reach in excess of 2 million, creating more than 6 million impressions. In addition, following demand from partners and to improve reach and accessibility, campaigns are now also translated into Welsh.



Improving effectiveness of product recalls

We continue to work closely with the Association of Manufacturers of Domestic Appliances and consumer bodies to promote the “Register My Appliance” scheme which enables consumers to register their electrical appliances so that they can be contacted in the event of a safety recall. Our consumer survey explored attitudes and barriers to product registration and recalls and we have begun practical behavioural insights trials testing the effectiveness of different communication methods in take up of registration by consumers buying new products. A number of manufacturers are participating in these live trials which will begin later in 2020.

We used the findings from experimental evidence on effective recall messages in advising on the handling of the national recall of Whirlpool tumble dryers and washing machines. Further details on recalls can be found on page 22 of this report.

In terms of digital solutions we began our own user research with consumers to understand how they become aware of product recalls and their use of existing recall sites, to identify gaps and design technological solutions to overcome these, should it be necessary. We continued to make the BSI 'standard' – PAS 7100:2018 for product recalls free to use for small businesses. See [Supporting better product recalls](#)

Second-hand goods

We commissioned Electrical Safety First to gather evidence about how and where second-hand electrical products are sold. The findings of this project are being used to develop guidance to consumers and retailers for use when buying or selling second-hand electrical goods, including online and to inform training courses for trading standards officers in Great Britain and Environmental Health in Northern Ireland. As part of our involvement in the coordination of the national Whirlpool recalls we engaged with the second-hand goods sector to raise awareness of the need to check stock for recalled products.

Information for businesses

Alongside enforcement, 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 business awareness of regulatory requirements

We undertake awareness raising activities for business across our enforcement responsibilities. These are focused on newer areas of regulation or in areas 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. For example, we completed eleven awareness raising workshops on regulations on access and benefit sharing⁴ and sent out an e-newsletter to subscribers.

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



Information and guidance on the regulations we are responsible for is made available on the Government's Gov.uk website. There were 990,000 page views for OPSS GOV.UK content in 2019-2020. We are committed to ensuring that we respond to enquiries in a timely manner, with our central helpdesk service accessible by phone, email or online query submission.

We received more than 8,500 enquiries over 2019-20, responding to 98.2% within five days. We have quality assurance models in place for our customer service centre and signpost businesses to their local authority trading standards department for specific advice and to access Primary Authority.

⁴ The Nagoya Protocol (Compliance) Regulations 2015

Non-disclosure agreements relating to product safety incidents

OPSS has developed and published guidance on best practice in the use of non-disclosure agreements. The guidance is intended to help businesses to ensure that the use of such agreements after a product safety incident does not impede the protection of consumers from unsafe goods or prevent consumers from sharing information with regulators. [The guidance has been circulated to key stakeholders and is available on GOV.UK](#)

Standards and Accreditation

OPSS leads on standardisation and accreditation policy, providing grant funding to BSI and UKAS and setting priorities ([See more information on the objectives of the funding](#)). This funding gives the UK a voice in influencing international standards and their development, enabling public interest to be heard in standard setting in relation to public safety and societal outcomes. OPSS funding supported over 160 Technical Committees in priority areas for government and over 500 additional committees which contribute to BSI's international work programme, providing a voice for UK stakeholders in international standards making. The committees that were supported by this funding produced 2,233 new, revised or amended standards documents in 2019-20.

BEIS funding provides BSI membership for government, enabling access to standards in a cost-effective manner. Product safety enforcement authorities accessed 1,400 different standards over 2019/20, building technical capability for enforcement. BSI facilitates and administers a fund of over £850,000 for the participation of UK experts in standardisation to maximise influence and encourage the participation of consumer representatives. Influence of UK experts is driven through enabling BSI staff to support UK technical experts and delegates at standardisation meetings, of which over 60 took place in 2019-20.

New standard - button batteries

As part of our activities targeting high risk products, we have commissioned and advised on development of a new standard (as a Publicly Available Specification) on button batteries to help manufacturers, suppliers and retailers improve safety. This follows on from a recommendation made by the Healthcare Safety Investigation Branch of NHS England, following their investigation into undetected ingestion of button and coin cell batteries. The standard will cover the safety of button battery use from product design and packaging through to marketing and disposal. Following a period of consultation by BSI, the agreed standard will be available next year.

Stakeholder and business engagement

Across our work we are guided by the principle of working in partnership and collaborating with stakeholders to deliver impact. We have built and are continuing to further grow relationships with consumer bodies, business representative bodies, NGOs and other stakeholders to inform our policy and support our delivery.

OPSS Business Reference Panel

The OPSS 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, engaging across government regulatory bodies and departments. Our themes this year included sessions on innovation in regulation and emerging technology and regulating the 4th industrial age, and included

balanced discussion with other government departments around policy development and future thinking, with practical insight and advice on current priorities, such as preparing for the end of the Transition Period, the role Primary Authority can play in supporting compliance, and opening up public procurement processes.



Primary Authority

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. There are now over 100,000 businesses benefiting from a Primary Authority partnership.

Examples of primary authority partnerships

Acorn Stairlifts is the world's biggest producer and provider of home stairlifts, exporting to 80 countries. They have actively been involved in Primary Authority since 2012 and working with West Yorkshire Trading Standards has allowed them to access a single point of contact, expert advice, and guidance.

Fareshare, the UK's largest food redistribution business, provides surplus food safely to a network of 11,000 charities across the UK. Through their co-ordinated primary authority partnership, they receive assured advice from their partners in Greenwich Environmental Health, to help care for the more vulnerable in society, delivering almost 2 million meals a week.

Party Delights supply party products to retail and wholesale customers, with UK and international retail websites, a distribution centre and studio in Salford, and two retail stores in Romford and Manchester. Through the scheme, the business access local regulator advice including product safety, fair trading and age-related sales.

Better Business for All

Local Better Business for All (BBfA) partnerships bring together businesses and regulators to identify the issues facing local businesses and shape the provision of effective support services to them. BBfA

continued to grow with new partnerships in Gloucestershire, Sheffield and Lincolnshire. Projects exploring ways to simplify regulatory delivery were undertaken, several projects explored the impact of targeted support based on variations in compliance rates across Black, Asian and Minority Ethnic owned businesses.



A pilot was undertaken which tested how advice from regulators could be integrated into the local Growth Hubs using Primary Authority partnerships. Seven localities were involved and, as a result, a national training package has been developed collaboratively for Growth Hub advisors along with a model for referrals between Growth Hubs and local regulators that can be implemented by any Growth Hub in England.

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 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 regulators, and lead on national, novel, or contentious issues. In other areas we are the sole enforcement authority, sometimes acting for other parts of Government on a cost recovery basis.

Product Standards, Supply Chain and Energy Supply

We are the enforcement authority for a range of product regulations, including 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 and weighing and measuring instruments
- ensuring raw materials for products are sourced legally, and do not contribute to environmental detriment, illegal or illicit practices;
- ensuring the electric vehicle charging infrastructure meets minimum standards and can be easily accessed;
- increasing access to fossil fuel alternatives by ensuring refuelling stations and vehicles are labelled accordingly for such fuels; and
- reducing energy consumption by introducing metering and billing requirements for heat networks.

[Full details of these regulations are available at GOV.UK/Guidance](#)

Checks on compliance

Based on risk, we undertake checks on whether individual businesses and others covered by the regulations are meeting their compliance obligations. Checks include conducting inspections of premises and goods; checks on technical documentation and business records; and testing of products. In 2019/20 we tested 1,000 products for compliance with the relevant product regulations we enforce.

Where non-compliance is identified, we are committed to responding in a manner that is timely and proportionate to its nature, seriousness and circumstances, as set out in our [Enforcement Policy](#). We take account of the need to act quickly to prevent or minimise risks to public safety. 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.

We provide guidance and advice as a response to non-compliance or a potential safety issue, where we consider this to be proportionate and where we think it will be effective in achieving compliance. 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. Details on compliance checks are provided in annexes available online and [our record of enforcement actions is published online](#).

Product Safety Enforcement

Domestic appliances

The domestic appliance market remains a priority. We have continued to regularly engage with UK domestic appliance manufacturers, reviewing their approach and data on safety in product design and products in use. We established an expert panel for local regulator teams that routinely deal with domestic appliance manufacturers, enabling local regulators and OPSS to discuss approaches to compliance, common issues and agree consistent approaches to enforcement.



We have increased the data we have available on domestic appliances to support our in-house analytical experts and inform our decision-making on areas of concern. Our engineers have been assessing safety hazards with specific components including capacitors and door locks and this work is ongoing. We have tested a number of domestic appliances disposed of by consumers, to assess what safety issues exist as products age. The sample of 24 second-hand goods showed that although natural degradation occurred over time, this was not at a level that could lead to fire or injury to the user. We also continue to input into proposals for changes to standards for dishwasher and tumble dryers in relation to fire safety.

Counterfeit Goods

Whilst the fact that goods are counterfeit does not necessarily mean that they are unsafe, it increases the risk as products are unlikely to have gone through the relevant safety assessments. We have set up a working partnership with the Intellectual Property Office (IPO) with quarterly meetings to coordinate policy and consumer awareness actions and have established an intelligence sharing mechanism.

OPSS and IPO collaborated on a consumer awareness campaign focusing on safety implications for fake goods such as make-up, sunglasses, suntan lotion, electrical goods and chargers.

Coordinating National Product Recalls

OPSS provides national incident response on product recalls by businesses where issues are national, novel, or contentious. In 2019/20, using the principles contained in the published OPSS incident management plan, we dealt with two national recalls, both for Whirlpool products.

In June 2019, Whirlpool recalled tumble dryers totalling an estimated 800,000 machines, following the Consumer Minister announcing the intention to serve a recall notice ([Up-to-date figures are available on GOV.UK](#)). This has resulted in customers receiving the choice of a replacement or modification.



Between June 2019 and March 2020 an additional 121,000 customers had registered their appliance for action. OPSS has used powers to issue statutory information notices requiring Whirlpool to provide regular data updates to OPSS and detailed data on the quality assurance processes used when carrying out field modifications of affected machines. Our action in relation to the tumble dryer recall set a strong precedent and when Whirlpool identified a potential safety issue in certain models of washing machine they alerted OPSS in the early stages and after further investigation a full recall of the affected appliances was announced by Whirlpool in December 2019. By the end of March 2020 156,000 customers had registered their appliances. ([Up to date figures on GOV.UK](#)).

As with the tumble dryer recall, we have been monitoring progress closely. Our engineers have scrutinised Whirlpool's root cause analysis of the fires and our analysts have analysed and provided challenge to Whirlpool's analysis of fire incident data. In addition, our behavioural scientists have reviewed the approach to getting recall messages out to consumers, with a particular focus on harder to reach groups. We have continued to use an expert panel which included the Chief Scientific Advisers of BEIS, the Home Office and the Health and Safety Executive, for independent expert oversight and advice. We also dealt with 229 consumer enquiries related to Whirlpool recalled appliances.

Safety Alerts and Information Sharing

Sharing data on safety risks in real time is important in identifying and managing product safety cases and incidents. OPSS launched a new Product Safety Database for enforcers in November 2019. This system enables OPSS, local authority regulators and other enforcement bodies to share access to live case and incident information, enabling rapid alerts to be issued and effective investigation of cases. In 2019/20, 547 new product safety allegations and queries were coordinated by our incident management team. Appropriate actions were taken and 99.3% of cases were fully resolved and closed.

Local regulators, OPSS and other UK product regulators share notifications of products where risks have been identified. OPSS coordinates and verifies these notifications, to ensure that a robust and consistent approach is taken to risk assessment, and submits these to the EU safety alerts system. During 2019/20, we submitted 198 notifications. The national incident management team also refers safety issues identified from European and global safety alerts as well as the media and other sources to local regulators for action. Last year 188 product safety issues were referred.

Online product regulation

We are working with major online platforms to ensure they have robust proactive and reactive approaches in place to protect consumers. We have established mechanisms to share information with other product regulators and investigate product safety and standards issues arising from online sales. We have built our online investigation capability and have a team able to conduct online market surveillance and work with platforms to have non-compliant items dealt with. We have conducted enforcement investigations into online sales of toys and electricals (see the Product Safety Enforcement Annex). We have established approaches for third party sellers outside the UK. We also dealt with referrals from other regulators and stakeholders who identify suspect goods being sold online.

Ports and Borders

In 2019/20 local regulators received £1.45m of funding through National Trading Standards to check safety of goods at ports. We have now distributed electrical safety testing devices (PAT testers) to 24 local regulators responsible for conducting checks at the border and have hosted electrical safety training courses for local regulators involved in product safety work at borders. The National Trading Standards Single Point of Contact for border controls team was integrated into OPSS in October 2019. This team



coordinate work at the UK's border to target unsafe products as they enter the UK. We are also working with local regulators in Scotland and Northern Ireland, including funding some additional activities, setting up coordination mechanisms and providing training.

Batteries unsafe for vaping

OPSS visited an importer following intelligence that a consignment of 30,000 suspect batteries had entered the UK. Our visit confirmed non-compliance with recycling labelling obligations and appropriate action was taken.

But removal of a sticker on the battery showed a different brand, and OPSS investigations established that these batteries were not for sale to the consumer and could burn users of appliance that do not have a battery management system, such as some vaping devices.

Market analysis indicated these batteries were widely available with no warning being given to consumers. We provided advice to the 50 biggest online sellers on their obligations to warn consumers about safe use of the battery and clearly label batteries to encourage recycling.

We followed this up with test purchasing and where non-compliance continued, visited the businesses. As a result of this approach, 25 businesses decided to stop selling the batteries, and 23 businesses are now selling batteries that are properly labelled, reducing the likelihood that consumers will use them in vaping devices. The two biggest suppliers now compliant following our action sell over 3 million batteries per year.

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 our national incident management unit has been coordinating major incidents. We have completed the build of three product safety laboratory spaces and continue to provide world leading metrology certification and calibration services to UK business and ensure traceable and accurate standards of measurement underpin trade by quantity.

Our policy teams are building the regulatory environment for now and the future, beginning a review of the product safety framework, contributing to future trade agreements and tackling domestic priorities. We are building national and international partnerships and learning from international best practice.

Policy and Regulatory Framework

We lead policy on product safety, metrology, hallmarking and market surveillance and are responsible for legal frameworks, including our preparation this year for EU exit in these areas. In 2020 we began a review of product safety legislation to determine whether the existing legislative framework is adequate in light of the changes to traditional supply and distribution chains brought about by e-commerce and the technological advancements in products. We will call for evidence widely.

Furniture Fire Safety

Following publication of the Government's Response to the consultation on updating the Furniture and Furnishings (Fire) (Safety) Regulations 1988, in July 2019 we have been developing the new approach consulting with stakeholders and seeking independent scientific advice. [We also conducted research with consumers](#) that tested awareness and attitudes to fire safety information on furniture. Findings indicate that there is currently low engagement with fire safety labels as participants often assumed products sold in the UK are safe. It also highlighted participants' preferences for the type of information included and how it is presented on labels.

Fireworks

We continued to provide clear messaging around the safe use of fireworks. In October 2019, we launched a campaign alongside the RSPCA with a focus on buying, storing and using of fireworks safely. We also developed and published our [evidence base for fireworks](#) in October 2020. We have worked with the Chartered Trading Standards Institute (CTSI) to deliver a series of fireworks training events to over 200 local regulatory enforcement officers, from 105 local authorities, to provide the skills and knowledge to deliver effective enforcement.

Coordination and support of local regulatory activity

Our Trading Standards Co-ordination 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 work in partnership with organisations that are best placed to support local regulators, including the Chartered Trading Standards Institute on officer training.

Training and guidance for frontline officers

Since OPSS was set up, we have provided product safety training to frontline staff in 200 of the total 207 local authorities with responsibilities for product safety or metrology. In 2019-20 we provided 1,042 officer training days, 991 on product safety and 51 on legal metrology. Topics have included technical documentation, risk assessment, and the safety of cosmetics and fireworks. Local regulators have also been given free access to technical British Standards, equipping them to identify safety issues and support compliance - 1,400 different standards were accessed in 2019/20.

We funded the development of the Regulators' Companion website, which provides a one stop shop for local regulators on legal metrology, Primary Authority and product safety. There are over 100 pages of training resources, reports and guidance produced by the expert panels. We continue to work with the National Product Safety Group and Legal Metrology Expert Panel to provide practical interpretation of legal metrology and product safety legislation.

Slime toy safety

OPSS participated in a cross-European market surveillance campaign assessing the extent of non-compliance in slime toys. Slime and putty toy samples were collected and sent by local regulators across the UK and NI for testing. Of the 13 samples, seven were non-compliant, with five considered serious risk failures.

Results from the wider campaign corroborated UK findings which confirmed UK testing approaches produced comparable results. Where non-compliance was found and the supplier identified, the local authority worked with the suppliers to get the products removed from sale and ensure new product was compliant. The ultimate result of this collaborative effort is the ongoing assurance that slime toy safety can be appropriately assessed, strengthening product safety enforcement.

Product Safety Testing Capability

We provided funding to local authority-based test houses to enable local regulators free access to appropriate testing of products for compliance with product safety legislation as part of our Product Safety Testing Protocol. 854 products were tested under this arrangement, including toys, cosmetics, electronics, and furniture and as a result of this testing we identified a non-compliance rate of 83%, reflecting local authority officers' skill in identifying potentially non-compliant products to submit for testing. Most non-compliant samples fall into the electrical, toys and cosmetics and categories (37%, 21% and 20% respectively). The majority of non-compliances relate to labelling, and when this is excluded, the rate of non-compliance reduces to 43%. The outcomes of our testing programme enable local regulators to take action where non-compliance is found.

We are increasing our own product safety testing capability as part of the development of a Centre of Product Safety Research and Testing. We built three new laboratory spaces for mechanical, electrical and flammability testing at our Teddington site (pictured below). This is part of a three-year capital investment to strengthen UK capability for effective scientific research and enforcement of product regulation and enables us to provide an increase in support for testing where there is little market testing representation, improving understanding of the product safety landscape in the process.



Local regulators testing capability

Local authority officers in Northern Ireland (Armagh City, Banbridge and Craigavon Borough Council) purchased a children's tricycle from an importer in their area and sent the sample for testing under the OPSS Product Safety Testing Protocol.

The tricycle was found not to comply with the Toys (Safety) Regulations 2011. The importer was informed of this and advised that these products should not be placed on the market. The products were voluntarily withdrawn from sale, and the council later received evidence that five pallets of these tricycles were shipped back to their country of origin.

Incident Management

Our national Incident Management Team ensures we have the capability to deal with national safety incidents. In 2019/20 the team co-ordinated a number of incidents and emergencies, some of which ran concurrently, and supported wider Government emergency planning. These responses were successfully managed using the published Incident Management Plan with bespoke plans developed as required. Lessons identified during incidents informed a review of the [OPSS incident management plan and a revised version was published in November 2019](#).

Legal Metrology

OPSS is the national regulator for metrology and, within OPSS, NMO provides the UK with an infrastructure of three UKAS accredited laboratories for testing and calibration at our Teddington site that deliver world-class measurement science and technology and provide traceable and accurate standards of measurement. NMO provides product certification, quality management system certification, testing, calibration, and training services in relation to metrology.

Calibration of weighing and measuring instruments

NMO provides a statutory calibration service under the Weights and Measures Act 1985, checking the accuracy of the mass, length and volume standards held by local regulators for use in their enforcement activity. Pre Covid we continued our visits to local regulators this year to calibrate local standards on site as part of a rolling annual programme.

Certification services

Product certification (also known as type approval) involves the rigorous testing of instruments at the design stage, assessing conformity with regulatory requirements. NMO is part of the OIML (International Organization of Legal Metrology) certification system for weighing and measuring instruments and provides certification services to UK manufacturers, ensuring access for UK manufacturers to global markets.


This includes petrol pumps, tanker meter measuring systems, shop scales, weigh bridges and beer meters. NMO also conducts audits of manufacturers' Quality Management Systems, which enable businesses to place instruments on to the market. NMO maintained its status as one of only 12 OIML Issuing Authorities worldwide and was the second most used Issuing Authority globally.

UK Market Surveillance Coordination


The UK's Market Surveillance Network, coordinated by OPSS, which has grown in activity over the past year, provides a forum for building relationships with market surveillance authorities and strategic cooperation between all the UK's product regulators, supporting government policy teams and local regulators. The Network has expanded to include the Association of Chief Trading Standards Officers (ACTSO) and Border Force and includes two subgroups, one on improving intelligence sharing between Market Surveillance Authorities and the other a 'Task and Finish' group relating to market surveillance in Northern Ireland.

In 2019/20 NMO....

... tested 55 sets of lottery balls.



... tested an average of 400 meters of taximeters for London taxis.



... with UKAS accreditation for micro-weights calibrations, issued 250 calibration certificates.




photo credit: It's No Game Black Cabs via photopin (license)

Coordinated product regulation enforcement

UK Border Force and local regulators seized a consignment of 960 electric toy dinosaurs for incorrect labelling and subsequent testing confirmed the products to be non-compliant under RoHS regulations (regulations that restrict the content of certain hazardous substances). This presented several challenges as RoHS scope begins at the point of placing on the market.

Co-ordinated efforts between Border Force, local regulators and OPSS meant they were able to hold the goods in port, whilst formally requesting compliance documentation from the declared importer located in China. The importer was unable to provide documentation. In addition to a OPSS generated takedown on eBay and Amazon and the subsequent disposal of a further 22 products in an Amazon fulfilment house, this led to the abandonment of the goods and full payment from the importer to dispose of the goods appropriately in the UK.

International Collaboration

OPSS provides advice to UK trade partners on good regulatory delivery, working through Foreign, Commonwealth and Development Office programmes. In July 2019 we jointly hosted the annual ASEAN (Association of South East Asian Nations) – OECD Good Regulatory Practices Network Conference in Thailand exploring how innovation can improve regulatory outcomes with 75 officials. This raised the UK's profile in the region as a world leader on regulatory reform, helping to support the UK's wider ambition for dialogue partner status at ASEAN.

We also provided technical assistance in Indonesia, Philippines and Vietnam, delivering over 175 days of technical assistance, training 350 international government officials. Our work helps to support the development of more inclusive, competitive and attractive regulatory environments, supporting poverty reduction and economic growth in our partner countries and creating trade and investment opportunities for international business, including UK companies.

Governance and Accountability

Our structure: Leadership Team and Functional Teams



Graham Russell, Chief Executive



Kate Alderney

Strategy & Transformation

Transformation
- Governance
- People
Strategy
Assurance
Connections



Rebecca Bradfield

Trade, International & Policy

International
Legislation
Trade
- Policy & Governance
- Strategy & Delivery
Policy Briefing Unit
- Product Safety
Framework



Will Creswell

National Capability

Risk & Intelligence
Incident management
Testing Strategy
Metrology & Calibration
Standards &
Accreditation
Market Surveillance



Jonathan Eatough

Resources

People & Resource
Management
Digital & Technology
Programme
management
Operational Support Unit



Duncan Johnson

Delivery

Delivery of Technical
Local Delivery
Engagement
Enforcement
- Energy Supply
- Supply Chain
Assurance
- Products
- Capability & Controls



Wendy Middleton

Science, Engineering & Analysis

Engineering &
Technology
Science
Analysis



Sarah Smith

Policy & Engagement

Trading Standards
coordination
Business Engagement
Stakeholder
Engagement
Policy Briefing Unit
Borders Policy
Borders Delivery



Liz Thornhill

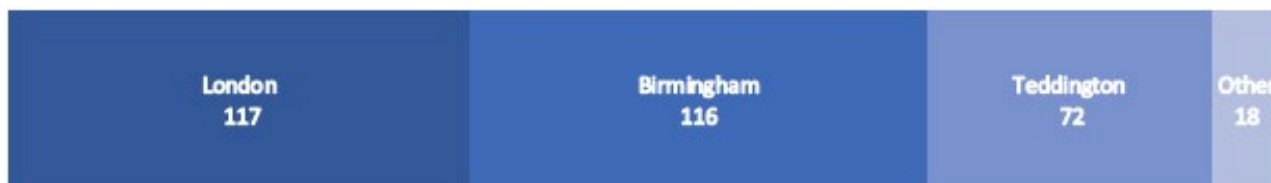
Regulation & Legal

Legal
Regulatory Policy
Regulatory Practice

People and Funding

We have 325 people working at our main locations in Birmingham, London, and Teddington.

Headcount by location



Headcount by functional area



Our total operating budget for 2019/20 was around £35m. We are funded through BEIS central funding, including £14.8m allocated to product safety, and income from activity conducted on a cost recovery basis for other parts of government (mainly enforcement).

The majority of our funding is programme funding – which funds front line delivery.

Advisory Group

Our Advisory Group of six external, non-executive members meets quarterly to ensure we remain independent, objective, and consistent and keep a balanced outlook on consumer protection and business support, reducing our exposure to ‘group thinking’. The group, which includes members with experience from similar delivery organisations and non-governmental bodies, provides external challenge and brings fresh perspective and ideas to OPSS ensuring we are best prepared to deal with both current and future challenges.

The Group is not involved in specific executive decisions, such as handling individual regulatory incidents, as these responsibilities lie with the Chief Executive, leadership team and OPSS employees. The Group is examining our approach to our work and is exploring scope for us to facilitate change and improvement. Current members are: Jason Feeney, former Chief Executive of the Food Standards Agency, Neil Gibbins, Fire risk consultant, 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.

Annexes

[Enforcement annexes to the OPSS Delivery Report](#) would ordinarily be published alongside the report, setting out in more detail our checks on compliance for relevant areas of enforcement responsibilities.

Our response to the Covid-19 crisis has reduced capacity for other activity and some of these reports are delayed, as a result.

We are working to complete them as quickly as possible and they will be provided as annexes to this report as soon as they are ready, and uploaded to gov.uk.

By January 2021, we intend to have published the following OPSS reports:

- Product safety
- Weighing and measuring instruments
- Electricity and gas metering
- Timber
- Heat networks
- Waste
- Energy efficiency
- Hazardous substances in products

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Contact us if you have any enquiries about this publication, including requests for alternative formats, at: OPSS.enquiries@beis.gov.uk

Office for Product Safety and Standards

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4th Floor, Cannon House, 18 The Priory Queensway, Birmingham B4 6BS
<https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>

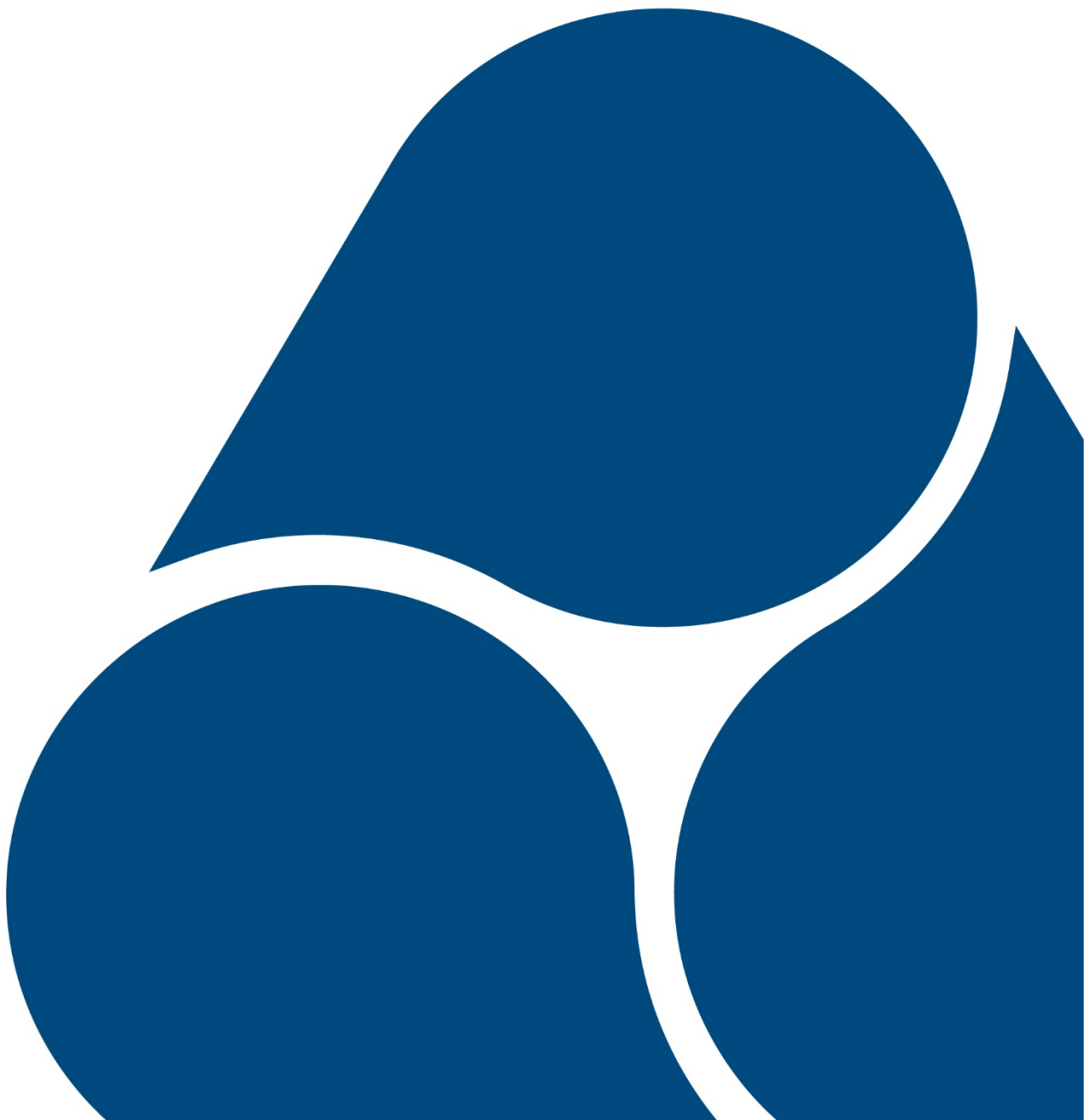


Office for Product
Safety & Standards

Enforcement Annex: Electricity and Gas Metering

Annex to the OPSS Delivery Report 2019/20

December 2020



Enforcement Annex: Electricity and Gas Metering

Around 28 million electricity meters and 23 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.

Legislation¹ 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 are approved². 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 delivers 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 2019-20 in respect of certification of electricity meters; supporting energy suppliers to ensure the ongoing accuracy of in-service meters; and providing for independent testing of electricity and gas meters when disputes as to the 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.

Approval and certification

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

During 2019-20, we continued to work with GB energy suppliers to consider extending the certification periods of some of the most commonly used traditional (i.e. non-smart) meter types. One meter type was sampled in 2019 and received a five-year extension to its certification period (the maximum number of years the meter can legally be used for billing). This will enable almost 50,000 meters to remain in service thereby avoiding the cost of unnecessary "like-for-like" meter exchanges during the rollout of smart meters.

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 organise the annual statistically based In-Service Testing (IST) scheme³. The IST procedure applies to all gas and electricity meters approved under the Measuring Instruments Regulations and all of the larger energy suppliers participate, together with some of the smaller independent suppliers.

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

² Meters are approved under either national provisions or the Measuring Instruments Regulations 2016 - previously The Measuring Instruments (Gas Meters) Regulations, 2006 and The Measuring Instruments (Active Electrical Energy Meters) Regulations, 2006

³ Information on IST is available at www.gov.uk/guidance/in-service-testing-for-gas-and-electricity-meters.

The energy suppliers sample and test 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 2019/20, 14 types of meter (9 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 2,000,000 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.

Investigating disputes

During 2019, we appointed meter examiners to conduct independent testing of 1,209 gas meters and 269 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. These meters represented a very small proportion of all meters in service – less than 1 in 34,000.

The independent tests of gas meters identified that 90.5% of the meters that could be tested were accurate. Of the gas meters that failed the accuracy tests, 3.7% were found to be metering less gas than was being used – resulting in undercharging of the customer – and 5.8% were metering more gas than was being used, resulting in overcharging of the customer. Gas meters subjected to independent testing are not returned to use following the testing.

The independent tests of electricity meters identified that 92.9% of the meters where consumers sought a determination were accurate. 5.6% were found to be metering more electricity than was being used, resulting in overcharging of the customer and 1.5% were found to be metering less electricity than was being used – resulting in undercharging of the customer.

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 2019/20 – 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.

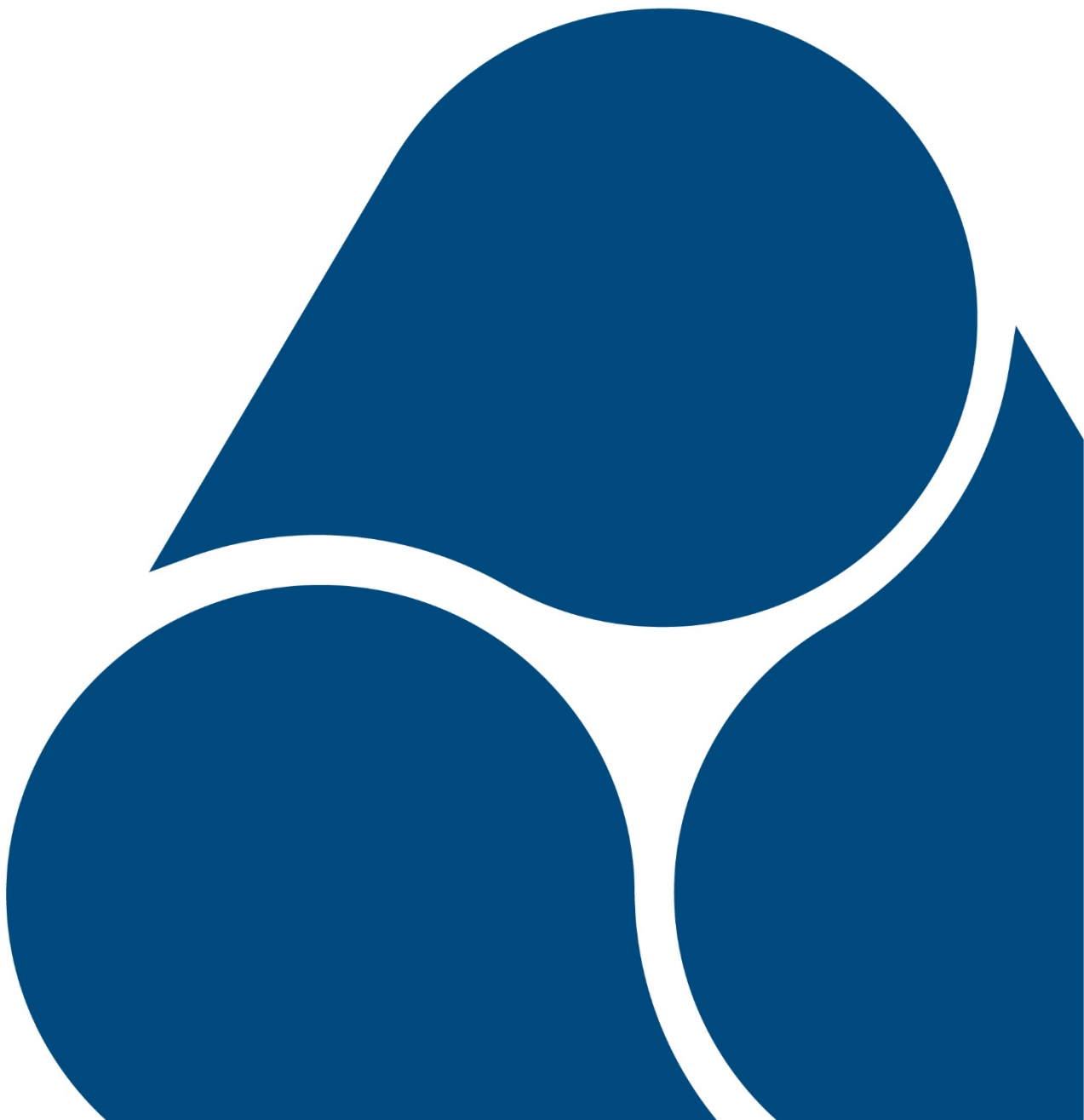


Office for Product
Safety & Standards

Enforcement Annex: Product Safety

Annex to the OPSS Delivery Report 2019/20

December 2020



Enforcement Annex: Product Safety

Products supplied in the UK are regulated to ensure that they are safe for people to use. OPSS is the national regulator for product safety for all consumer products excluding food, medicines and vehicles, as well as some industrial products (e.g. lifts, personal protective equipment).

Enforcement of consumer product safety regulations is carried out primarily by local regulators¹ who have statutory duties to perform this function. OPSS's role is to add national capacity to local regulators by exercising a range of functions from policy development to enforcement.

OPSS can act on behalf of the Secretary of State to enforce product safety regulations where appropriate but does not seek to replicate the enforcement role of local regulators. Our enforcement work is focused on providing national capacity through, for example, providing technical and scientific capability to support local enforcement decisions or in some cases by leading enforcement interventions in circumstances where the issues can be considered either national, novel, or contentious.

This annex to the OPSS Delivery Report reports on how OPSS has protected consumers in 2019/20 by supporting and requiring compliance in respect of the obligations of businesses to supply safe products. It does not explain the totality of our product safety work, as described in the Delivery Report, but rather sets out examples of where we have led enforcement interventions on the basis of the criteria set out above. Checks on compliance by local regulators are not set out in this report.

National product recalls

OPSS provides national incident response on product recalls by businesses where issues are national, novel, or contentious. In 2019/20, using the principles contained in the published OPSS incident management plan, we dealt with two national recalls, both for Whirlpool products, one a tumble dryer and one a washing machine.

In June 2019 Whirlpool launched the second phase of a recall of tumble dryers² totalling 800,000 machines, following the then Consumer Minister announcing the intention to serve a recall notice. This has resulted in customers receiving the choice of a replacement or modification. By end of March 2020 an additional 121,000 customers had registered their appliance for action as part of the second phase of the recall. OPSS has used powers to issue statutory information notices requiring Whirlpool to provide regular data updates to OPSS and detailed data on the quality assurance processes used when carrying out field modifications of affected machines.

Our action in relation to the tumble dryer recall set a strong precedent and when Whirlpool identified a potential safety issue in certain models of washing machine they alerted OPSS in the early stages and, after further investigation, a full recall of the affected appliances was announced by Whirlpool in December 2019. By the end of March 2020 156,000 customers had registered their appliance for action, of an estimated 590,000 affected.³

¹ Local authority trading standards services in England, Scotland and Wales, and environmental health services within District Councils in Northern Ireland).

² Up to date figures are available at: <https://www.gov.uk/government/news/update-on-whirlpool-tumble-dryer-recall-progress>

³ Up to date figures are available at <https://www.gov.uk/government/news/whirlpool-washing-machine-recall-update>

As with the tumble dryer recall, we have been monitoring progress closely. Our engineers have scrutinised Whirlpool's root cause analysis of the fires and our analysts have assessed and provided challenge to Whirlpool's review of fire incident data and risk assessments. In addition, our behavioural scientists have reviewed the approach to getting recall messages out to consumers, with a particular focus on harder to reach groups. We have continued to use an expert panel, which included the Chief Scientific Advisers of BEIS, the Home Office and the Health and Safety Executive, for independent expert oversight and advice.

We have worked across other white goods manufacturers to establish whether there was an industry wide problem with washing machines and tumble dryers and have established monitoring protocols so that our enforcement team can monitor incident rates using a range of data including from manufacturers and fire services. Further information on our work on domestic appliances is in the main Delivery Report.

Safety of products sold through online platforms

The availability of unsafe products online, particularly from third-party sellers on online platforms, is one of the threat areas identified by OPSS's strategic intelligence assessment and has been raised with us by a number of stakeholders. Given the national aspect of this work, with no one local authority best placed to act where the seller is based outside the UK, OPSS has a dedicated enforcement team for online investigations.

Wider work by OPSS to tackle the issue of the availability of unsafe products online, including assessing online platforms' approaches to dealing with safety issues, raising consumer awareness on what to look out for when buying online and reviewing the wider regulatory framework, is in our Delivery Report. In 2019/20 our online investigations team conducted work looking at safety of toys and small electricals sold online.

Toys

As part of our working relationship with them, the British Toy and Hobby Association (BTHA) referred 166 toys to OPSS which they had purchased and their testing had found to be non-compliant. Non-compliance included missing conformity markings and warnings, small parts being present, access to button cell batteries, flammability of materials and risk of suffocation. OPSS assessed each test report, requesting further clarification from BTHA and the test house to ensure we had the information required for enforcement decisions. We made our own assessment of compliance and conducted a risk assessment of each product. All 166 were confirmed as non-compliant and we determined 31 of these to be a serious risk.

OPSS logged all the serious risk products on the UK Product Safety Database and RAPEX, so alerting local regulators, online platforms and European counterparts. OPSS also notified the online platforms of all the non-compliant products and ensured that the products were taken down, removing them from sale for UK markets. OPSS investigated the sellers for all the non-compliant products. Where UK sellers/importers could be identified we referred these to local regulators for appropriate action, including the recall of serious risk products. Local regulators and OPSS share updates on progress on these cases through the Product Safety Database.

Where sellers were based outside the UK, we contacted them directly and where there was a serious risk required them to recall the product. This had a limited response and so we alerted online platforms that we had required the seller to recall the product from end users which triggered their process for dealing with sales of recalled products. We also

continued to actively look for the reappearance of the product for sale online and reported this to the platforms.

Small electrical appliances

Intelligence shows that electrical appliances are one of the most frequently complained about products sold online, and safety alert and fire safety data highlight the variety of risks and harm associated with unsafe electrical products. We targeted small electrical products that are most likely to overheat and harm the user. We purchased and tested a total of fifty small electrical appliances from online sellers, focusing on products in the following categories:

- hair dryers
- hair straighteners
- electric shavers
- fan heaters
- toasters
- hand blenders
- irons
- deep fat fryers
- electric blankets
- kettles

The products were submitted to an appropriate test laboratory and tested for compliance with the Electrical Equipment (Safety) Regulations 2016. Examination of the 50 products identified two duplicate products, despite having different names, prices and pictures posted by the sellers, meaning that 48 different products were tested. Of these, 18 were confirmed as compliant with the regulatory requirements while 30 were found to be non-compliant. Eleven of the non-compliant products were identified as being unsafe with five of these considered to pose a serious risk. The remaining 19 non-compliant products failed to meet requirements in relation to labelling and marking.

We alerted UK and EU regulators to the five serious risk products (a hairdryer, an electric kettle, two shavers, and a steamer) through the UK Product Safety Database and RAPEX (EU Rapid Alert System for dangerous non-food products). Submitting these products to the safety alert systems enables retailers to identify affected stock and recall products. We informed online platforms of the recalls and requested that they remove other listings offering the same products.

We worked closely with local regulators to ensure that the sellers operating through the online platforms were aware of the requirements of the regulations and removed the non-compliant products from sale.

Out of the 30 non-compliant products, four were recalled due to the serious risk they pose to consumers, 11 were withdrawn, three were brought back to conformity, two product listings were removed and ten businesses were provided with compliance advice by local regulators.

18650 Batteries

Lithium-ion 18650 batteries are a type of high drain battery used in power tools, laptops and other high energy appliances including e-cigarettes. In June 2019 OPSS received notification of a consignment of unlabelled batteries imported into Felixstowe believed to be non-compliant with a (non-safety) regulatory requirement for which we are the

enforcement authority⁴. We visited the importer and identified 30,000 batteries which were non-compliant with the labelling requirement for a crossed out wheeled bin which indicates that they should not be disposed of as general waste. Removal of an over sticker on the battery showed they were Samsung batteries.

We contacted Samsung SDI who confirmed that the batteries were genuine but not intended for sale to individual consumers and that they were only suitable for use in power tools or items with a battery management system. This information was listed on Samsung SDI's website⁵ and they were taking 'cease and desist' action against any identified retail sellers. Our market analysis identified that, due to the high current generated, this was a very popular battery for vaping and was being sold throughout the UK by retailers and online sellers.

Whilst the batteries in question are a safe product for their intended use (in items such as power tools with a battery management system), some vaping devices do not have a battery management system and there is a danger of burn injuries to vaping users. Without adequate warning, consumers may be exposed to risk from use of these batteries in vaping devices.

To tackle the risk to consumers of inadvertently purchasing 18650 batteries for vaping devices we developed a comprehensive enforcement strategy. We identified the top 50 online sellers of 18650 batteries (based on popularity of their websites on search engine results) and sent them information on their obligations under product safety and battery regulations. We offered tailored advice on compliance if required and had a number of follow up phone calls to clarify requirements.

From a product safety perspective, we advised businesses that they are responsible for warning consumers of any conditions of safe use which the manufacturer stipulates. We also informed them that Samsung SDI were pursuing any retailers selling these batteries to consumers. We also alerted all local regulators to the issue and asked them to look out for retail sale.

Following our initial communication with businesses, 25 immediately agreed to stop selling the batteries. For the other 25 we assessed eight as compliant following our initial intervention and for the remaining 17 we test purchased batteries to ascertain compliance with the requirements on labelling and warning consumers. Nine businesses were non-compliant, and we visited these businesses, accompanied by the local authority regulatory services team and provided further advice. Seven of these businesses are now compliant, one is no longer trading, and we continue to investigate the remaining business for suspected continuing non-compliance.

The two largest businesses that OPSS has supported into compliance place over three million batteries on the market a year, including supplying high street vaping shops. In addition, eBay are now working with Samsung SDI to prevent sale of the batteries on their platform, Amazon already prohibits sale of 18650 batteries on their platform.

The business that imported the 30,000 batteries that highlighted this issue agreed to withdraw the products from sale. OPSS enforcement officers subsequently found that the business was selling the same batteries on eBay and we conducted a test purchase which confirmed that these were supplied with no warning about safe use. A compliance notice was served in relation to non-compliance with the Batteries and Accumulators (Placing on

⁴ The Batteries and Accumulators (Placing on the Market) Regulations.

⁵ <https://www.samsungsdi.com/lithium-ion-battery/safe-information.html>

the Market) Regulations alongside a further warning regarding the need to provide safety warnings to consumers.

We liaised with Samsung SDI in relation to raising awareness of consumers of these safety issues and ran a campaign across social media on safe use of vaping devices which had 760 contributors including national press and potential Twitter reach of over four million people. From August 2019 Samsung have labelled batteries with 'not for vaping' as part of production. We are continuing to work on safety issues with regards to vaping batteries and have begun a testing research project on other 18650 batteries looking at how batteries can fail and cause safety hazards with (foreseeable) misuse.

Domestic smoke alarms and carbon monoxide alarms

Following concerns raised by the consumer magazine *Which?*, OPSS conducted market surveillance and testing activity on smoke and carbon monoxide alarms that were available to purchase online to assess whether there was a national issue with safety in this market.

Domestic smoke alarms are widely used in the UK, with fire services recommending their use in all domestic properties. Early detection of smoke from a fire provides valuable time to alert the occupants, enabling them to escape the building. Similarly, carbon monoxide alarms perform an early detection role in respect of dangerous carbon monoxide emissions from gas appliances, alerting occupants to the presence of this colourless and odourless gas.

A number of low-priced products were purchased via online platforms and submitted to an accredited test laboratory for testing to establish if the product was safe under *General Product Safety Regulations (GPSR) 2005*⁶. This meant, in the case of a carbon monoxide alarm, that it activated when exposed to the test gases in the time required in the standard and that the alarm cancelled within a certain time limit once exposed to clear air. In the case of a smoke alarm, it meant that the alarm activated as expected when exposed to test smoke.

The testing did not identify any safety concerns in relation to any of the products. Most of the products tested met the requirements of the relevant clauses of the British Standards with just one product failing to meet the relevant clauses in full. This product, a carbon monoxide alarm that had been purchased via an online platform, was found to be too sensitive to the test gases, activating sooner than is required by the British Standard. This did not present a safety risk. The conclusion from testing was that this particular survey revealed no concerns that smoke alarms and carbon monoxide alarms sold at a low price point online are manifestly unsafe or dangerous products.

Cosmetics safety

Following intelligence alleging asbestos being found in cosmetics (for example, in the USA) and a referral from a local authority dealing with a similar allegation relating to a business in their area, we undertook a precautionary study to establish whether there may be an issue with asbestos in talc-containing cosmetics on the market in the UK. We focused on child-appealing and low-cost products. We purchased and had tested 84

⁶ Smoke alarms were tested for compliance with clauses 5.3, 5.4 and 5.15 of British Standard BS EN14604:2005 – Smoke Alarm Devices and carbon monoxide detectors were tested for compliance with clause 5.3.4 of British Standard BS EN 50291-1:2010 + A1:2012 - Electrical apparatus for the detection of carbon monoxide in domestic premises.

cosmetic products, 24 of which were child-appealing and 60 low cost. For 23 of the 24 child-appealing samples and 58 of the 60 low cost samples analysed, no asbestos fibres were found, and in one child-appealing product and two low-cost products only trace quantities less than 0.0004% of the total mass of the product were found, thus posing a negligible risk to consumers. We continue to monitor the market, conducting market surveillance testing in 2020.

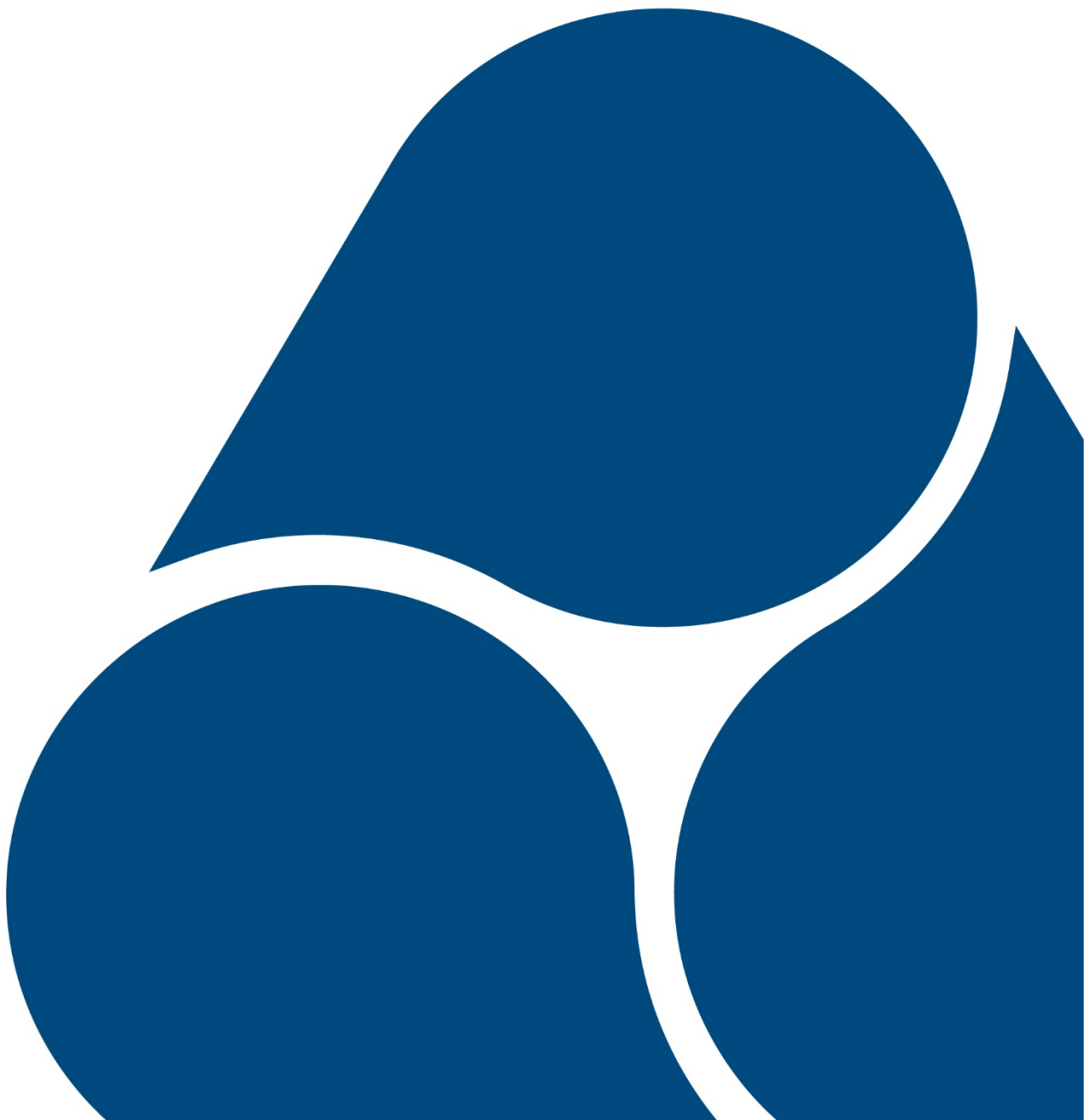


Office for Product
Safety & Standards

Enforcement Annex: Timber

Annex to the OPSS Delivery Report 2019/20

December 2020



Enforcement Annex: Timber

The UK implemented legislation¹ 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, the provisions of 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 2019-20 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.

Over the period since the regulatory requirements first came into effect we have seen indications of improved levels of awareness and understanding of the requirements. Nevertheless, our interactions with businesses in sectors that we have not previously engaged with continue to identify low levels of awareness or understanding of the requirements, or how to meet them.

Raising awareness amongst the many 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. An example of our work to raise awareness was our attendance at 'UK construction week', an event where OPSS ran workshops and drop in sessions for businesses operating in the UK construction sector, to explain changes to the regulations associated with EU Exit.

Since the regulatory requirements came into effect in the UK, testing for timber genus (for example poplar or eucalyptus) and origin (for example, whether oak has originated from Russia or the USA) has become an increasingly important tool. It provides evidence for businesses to verify their suppliers claims as part of their due diligence system and allows enforcement officers to challenge claims made in due diligence.

Whilst confirmation of genus is straightforward it is not always possible to test claims regarding the origin of timber due to a lack of reference materials. Through 2019-20, OPSS worked closely with Royal Botanic Gardens, Kew, and their partners, to support their work on building a new collection of reference material.

This partnership, known as The World Forest ID (WFID)² is building the world's largest geo-referenced wood sample collection. Reference material held in this collection is available to any suitable qualified person to access for the purposes of testing. The reference library will increase the capacity of OPSS enforcement officers to verify claims

¹ 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 implemented the legislative framework established by the EU to enable its member states to reduce the market for illegal timber (Regulation (EU) no 995/2010).

² <https://worldforestid.org/>

made by business in their due diligence relating to the origin of the timber used in their supply chain.

Checking compliance

Through 2019-20 we continued a programme of detailed audits of selected businesses – assessing the business’s 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 where appropriate as a means of further assessing the accuracy of product descriptions and, consequently, the accuracy of the information on which businesses are basing their assessment of the risk that a product includes illegally harvested timber.

Over the course of the year, samples were obtained of seven products with complex or higher risk supply chains. These products were sent for analysis³ and only one product passed both the species and origin testing, with six identified as different species to that claimed, invalidating the businesses’ application of their due diligence systems to these particular products, and two failing origin testing. One further product that was sent for testing and failed species testing related to our investigation into a substantiated concern raised by a 2018 report published by Earthsight⁴ (see Investigating Areas of Concern).

Product tests continue to 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.

Through the year, we focused our compliance checks primarily on examining the due diligence systems of a selection of businesses in two areas in which we had not previously undertaken checks (UK operators importing into Germany and imports of fuelwood) and one area in which previous checks had given cause for concern (retailers of high-end furniture).

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

UK operators importing into Germany

The German Competent Authority shared data with OPSS identifying 73 UK-based businesses that had imported timber and timber products into German ports in the early part of 2018. The majority of these businesses had imported only paper products, with just nine importing other timber products.

OPSS contacted the nine businesses to assess the due diligence system in place. None of these businesses were initially able to demonstrate that they had applied a satisfactory due diligence system, capable of providing assurance that the timber and timber products in question did not contain illegally harvested timber. All nine businesses were provided with guidance and support to improve their compliance and eight were subsequently able

³ All products were tested for species and, where reference samples were available, products were also tested for the accuracy of origin claims.

⁴ *Complicit in Corruption* (Earthsight, 2018). Available at: www.earthsight.org.uk/news/investigations/complicit-in-corruption-report

to satisfy us that they were able to apply a satisfactory due diligence system to products in the future.

Imported fuelwood

Fuelwood is imported into the UK from a range of different countries and accounts for a greater proportion, by volume, of timber imports than any other product that is in scope of the Regulations. A report published in 2018 raised concerns that a log export ban implemented by the government in Ukraine may be being circumvented by exporting unprocessed logs subject to the ban as 'fuelwood'.

OPSS has not previously conducted compliance checks in this area and scoping work was carried out during the year to identify businesses importing fuelwood into the UK and to assess whether they were importing from countries considered to present a high risk in relation to illegally harvested timber. Work in this area is ongoing.

Retailers of high-end furniture

Furniture imported from processing countries, such as China, Turkey and Vietnam is known to present particular risks because it may incorporate multiple components from different sources allowing for blending of legally and illegally harvested timber. Lengthy supply chains are common and show an increased vulnerability to falsification of documentation. High-end furniture is more likely to contain high value timbers such as rosewood, teak and oak.

OPSS has previously carried out compliance checks on businesses placing furniture products on the market and identified high levels of non-compliance amongst those businesses checked. During the reporting period, compliance checks were focused on high-end retailers identified as importing furniture.

Initial checks on the eleven businesses identified as operators found that none were able to demonstrate adequate due diligence in relation to a selected furniture product. All eleven businesses were provided with guidance and support to improve their compliance and most subsequently demonstrated that they were able to exercise due diligence, providing assurance that there was a negligible risk that the furniture product in question contained illegally harvested timber.

Product testing of six of the products saw all six failing a species test. However, the failures were considered to be minor due to the low risk presented by the species. A statutory Notice of Remedial Action was issued to one business that failed to provide assurance that there was a negligible risk that the furniture product in question contained illegally harvested timber.

Investigating areas of concern

During the year, we received three substantiated concerns (reports of illegal harvesting). These were received from Earthsight⁵, Natural Resources Wales and the Environmental Investigation Agency (EIA). Investigation into the concerns raised by EIA is ongoing.

In the investigation into the substantiated concern raised by Earthsight concerning imports of flooring from Ukraine, two UK businesses were identified and found to be traders,

⁵ *Styrian Oaks from Ukrainian Forests* (Addendum.Org, 2019). Available at www.addendum.org/holzmafia/parquet-ukraine/ and reported by Earthsight at www.earthsight.org.uk/news/timberleaks/new-probe-eu-demand-oak-flooring-fuelling-corruption-violence-ukraine

purchasing products from an EU based supplier. Both businesses were provided with guidance.

Natural Resources Wales made us aware of warning letters they had issued to three business concerning illegal logging, raising a concern that illegally logged timber may be placed on the UK market. OPSS investigated and all three businesses were able to evidence that the timber was not placed on the UK market and did not form part of any commercial transaction.

During the year, two substantiated concerns that had been received in the previous reporting period were investigated. In relation to a Greenpeace report, we visited a UK-based business named in the report and assessed their due diligence system to be compliant. In relation to Earthsight's 'Complicit in Corruption' report, we visited a business identified in the report and identified that the business had already taken steps to address deficiencies in its due diligence system.

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.

In relation to four cases that were judged to be more serious during 2019-20, statutory Notices of Remedial Action were issued⁶ and in a further case, we undertook a prosecution of a business that had failed, despite repeated engagements, to take the required steps to minimise the possibility that timber products they were placing on the UK market contained illegally harvested timber. All statutory enforcement actions taken in relation to non-compliance with these regulations are published. This information is available on our web pages⁷ and is updated on a regular basis.

Indonesian timber - receiving licence submissions

Where a Voluntary Partnership Agreement (VPA) with a timber exporting country is implemented, a licence – known as a 'FLEGT⁸ 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 Policy⁹.

⁶ One Notice of Remedial Actions was issued to a business checked in relation to 'high end' furniture; and three in relation to checks conducted in 2018-19.

⁷ The list of statutory enforcement actions is available at: www.gov.uk/government/publications/statutory-enforcement-actions

⁸ Forest law enforcement, governance and trade.

⁹ www.gov.uk/guidance/timber-procurement-policy-tpp-prove-legality-and-sustainability

During 2019-20, submissions were received from more than three hundred businesses, relating to over 5,600 licences. In total, these licences covered shipments of more than 6 million items, with a combined reported weight in excess of 211,000,000 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.

During this period, 98.1% of licences were processed in line with strict turnaround times of less than two working days for maritime shipments and four hours for air shipments. The delays in verification for a small number of licences all involved OPSS awaiting further information from a third party, usually the importer or an agent or officials in Indonesia in order to verify the submission.

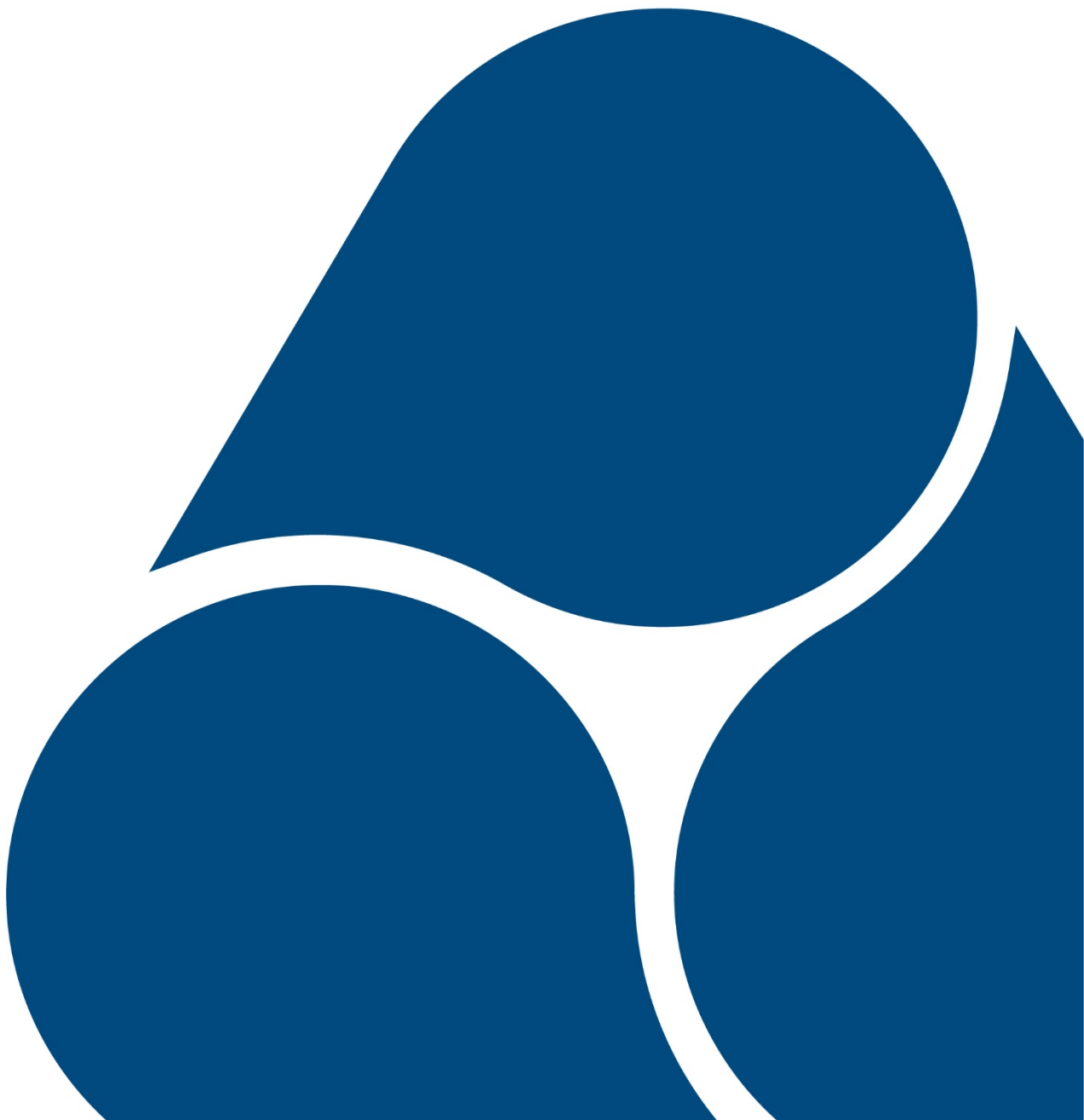


Office for Product
Safety & Standards

Enforcement Annex: Weighing and Measuring Instruments

Annex to the OPSS Delivery Report 2019/20

December 2020



Weighing and Measuring Instruments Enforcement

Most weighing and measuring equipment used for trade or other specified purposes in the UK is regulated to ensure suitability, accuracy and reliability criteria is met. Businesses placing regulated weighing and measuring equipment on the market must ensure that it meets certain essential requirements; that the required conformity assessment procedures have been carried out by a notified body, demonstrating that the required standards have been met; that the required technical documentation has been drawn up and that a declaration of conformity has been issued¹.

Certain obligations are placed on all businesses involved in the supply chain for such equipment in order to ensure that the end user is supplied with equipment that they can legally use for trade or another specified purpose.

OPSS acts on behalf of the Secretary of State to deliver market surveillance responsibilities in relation to placing on the market of non-automatic weighing instruments and measuring instruments that fall under the scope of the Non-Automatic Weighing Instruments Regulations 2016 and the Measuring Instruments Regulations 2016. Enforcement responsibilities in relation to the use of such equipment for trade or legal purposes rest with local weights and measures authorities².

This annex to the OPSS Delivery Report reports on the market surveillance activities of OPSS during 2019-20 in respect of regulated non-automatic weighing machines and measuring instruments. It does not set out to explain the totality of our legal metrology work, as described in the Delivery Report.

Checking compliance - online sales

During 2019-20, we undertook proactive compliance checks on non-automatic weighing instruments being sold online, focusing on products manufactured for commercial transactions. These market surveillance activities provided a snapshot of compliance levels in the online marketplace.

Research was conducted on the internet to understand the brands operating on the UK market and the price ranges of the available products. Of the weighing instruments identified for sale online, ten were selected which were all in the lowest price bracket (between £24.99 and £65.99). These instruments, which were all being sold via online platforms, were purchased and examined.

Visual examination of the ten products supplied identified that despite different names, prices and pictures posted by the sellers, there were five duplicate products, meaning that five different models were examined. None of the products supplied complied with the requirements of the regulations. They did not bear the required markings and had not gone through the required conformity assessment procedure which in this case was laboratory testing carried out by a Notified Body resulting in a type examination certificate and a controlled manufacturing process (either through having a quality management system

¹ The Non-Automatic Weighing Instruments Regulations 2016 and the Measuring Instruments Regulations 2016

² Local authority trading standards services in England, Scotland and Wales, and the Northern Ireland Trading Standards Service (part of the Department for the Economy) in Northern Ireland

certified by a Notified Body or through having all products tested by a Notified Body) to ensure all instruments produced are identical to the approved type.

Weighing instruments that have not been subjected to the required conformity assessment procedure can be produced and sold at a considerably lower cost, undercutting those businesses that invest in robust compliance systems. It also presents a risk for businesses that may purchase the equipment believing it to be suitable for use in commercial transactions. The equipment may not be accurate or reliable – potentially disadvantaging either the business or its customers – and by using the equipment in this way the business may commit a criminal offence.

We requested online platforms to remove the non-compliant products from sale, and the platforms removed these listings. We contacted the eight businesses that had supplied the products and traced all of the products supplied to four importers. None of these UK businesses were previously aware of the regulatory requirements in respect of regulated non-automatic weighing instruments and none were able to provide a declaration of conformity for the equipment supplied.

We worked closely with trading standards to ensure that these businesses were educated on the requirements of the regulations and removed the non-compliant stock from sale. The importers and distributors stated that, having been made aware of the regulatory requirements, they would not, in future, supply regulated weighing and measuring equipment.

Follow-on work was conducted to identify further non-automatic weighing instruments which appeared to be the same or similar models to those already examined. Again, the focus was on products available online in the lowest price bracket. Online research identified a further thirty products available, via online platforms, from twenty-one different sellers. We worked with trading standards and with the online platforms to identify these sellers and obtain contact details for them where possible. Six of the sellers were from the UK, fourteen were based in China, one in Spain and one the location could not be determined.

Each of the sellers identified was contacted, provided with guidance on the regulatory requirements in respect of regulated non-automatic weighing instruments and asked to provide the required declaration of conformity for the advertised product in order to evidence compliance. Of the twenty-one sellers contacted, only four sellers responded (all UK based). These businesses were not previously aware of the regulatory requirements and were not able to provide a declaration of conformity. Each confirmed that they would remove the advertised products from the market and would not, in future, supply regulated weighing and measuring equipment. In relation to the remaining products, we requested that the online platforms removed listings for the products, removing them from sale.

This work identified that non-compliant non-automatic weighing instruments are being made available to UK purchasers via online platforms. As a result of our checks, thirty listings for non-compliant products were taken down, removing these products from sale, and a number of UK based importers and online sellers now have a better understanding of the regulatory requirements.

This work feeds into our wider work on effective regulation of products sold through online platforms, particularly by third party sellers based outside the UK. This includes assessing online platforms' approaches to dealing with safety issues, raising consumer awareness on what to look out for when buying online and reviewing the wider regulatory framework.

Reporting of incidents

As part of its market surveillance role, OPSS provides a central point of reference for inspectors of weights and measures and verifiers of regulated weighing and measuring equipment to report concerns about the compliance of equipment that is being supplied. During 2019-20, concerns were raised about two products that were being supplied after the relevant type approval (for capacity serving measures in both cases) had expired.

The first related to imported glassware manufactured in Turkey. OPSS received information from a competitor that conformity markings were not displayed correctly on the product. As the market surveillance authority, OPSS investigated, requesting documentation from the importer and obtaining samples, working closely with trading standards.

The company had followed the correct conformity assessment procedure and had had its quality management system assessed by a Notified Body. Examination of the conformity markings and testing of the nominal capacity lines found that the measured volume exceeded the maximum permissible errors on a third of the samples and the conformity mark was too small.

We advised the importer and the manufacturer of this issue. The importer quarantined 6,000 products in their warehouse. The manufacturer conducted an internal review and identified that a batch had not met quality standards and a recall was issued to all business customers to return the affected products for destruction. In total 14,000 of these non-compliant measures were removed from the market and destroyed by the UK importer.

The manufacturer reviewed their quality system, increased the number of quality checks on the measures produced and then completed an audit to ensure the changes had been successful in improving quality.

In the second referral, trading standards asked OPSS to investigate a number of imported cups supplied for festival use that bore the NMO notified body number (NMO is part of OPSS). Trading standards had conducted capacity testing on sample measures and found them to be within permissible tolerance but identified that no valid NMO approval was in place.

OPSS undertook enquiries with the manufacturer and established that the NMO certification had expired and therefore they should not have been applying the conformity marks to the measures. Production was ceased by the manufacturer once advised by OPSS.

The importer held the trademark for the product and still wanted to produce compliant measures, so they applied for new approval of their quality system from NMO. Once this approval had been completed, the importer, working with a new manufacturer, was able to re-commence production. Trading standards have maintained a relationship with the business from this point to provide advice and ensure continued compliance.



Office for Product
Safety & Standards

Enforcement Annex: Heat networks

Annex to the OPSS Delivery Report

2019/2020



Enforcement Annex: Heat Networks

Energy efficient behaviour delivers energy savings and reduces greenhouse gas emissions. The UK implemented legislation¹ 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 Heat Networks (Metering and Billing) Regulations across the UK, 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 also required to install heat meters or heat cost allocators in certain circumstances, where it is mandatory or feasible to do so. Where feasible, they are required to meter usage and charge users of the service based on consumption, moving towards fairer billing for customers on heat networks 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 2019-20 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.

Our focus has continued to be on raising awareness of the regulations; explaining their scope and requirements; and encouraging notifications. Failure to make a required notification has, in OPSS's experience, usually been due to lack of awareness of the regulations. This has been dealt with through awareness raising activities, and subsequent provision of guidance and support to identified networks.

In 2019/20 we also had a significant focus on encouraging renotifications by operators whose original notification was over four years old.

Receiving Notifications of Heat Networks

All new heat networks must be notified to OPSS before they start operating or, at the latest, on the day when they commence operation. The heat networks that were operating when the regulations came into force had to be notified by 31 December 2015. Following the initial registration, heat network operators are required to update these notifications ('renotify' the networks) every four years from the date of the initial notification. The notification of heat networks provides a valuable mechanism for tracking energy usage of such networks and meter installations. The data collected also provides insights into the UK heat network market, which helps support current and future government policy design and development.

¹ 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.

During 2019-20 OPSS received 8,732 notifications of heat networks. These notifications were submitted in respect of previously notified networks (renotifications) and new heat networks (first time notifications).

Each notification was reviewed for completeness and errors. A significant proportion of the notifications received by OPSS were either incomplete or contained incorrect data and support has been provided to rectify issues. Common issues included notifications that related to networks that are out of scope of the Regulations, duplicate notifications and notifications with missing or obviously erroneous information.

Quality assurance work was therefore needed to verify the data submitted as a part of notification and improve the quality of the reporting. Full quality assurance work on the data received in 2019/20 has not yet been completed. It is expected that the number of notifications registered in 2019/2020 will somewhat decrease once the quality assurance and data validation has been completed, as has been the case in previous years.

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.

This year, based on intelligence available to us, we focused our activities on establishing whether there were new or existing heat networks operating in the railway and health sectors that have not been previously notified to OPSS.

Railway sector

We identified through research and contact with relevant industry bodies that heat networks may be in use in the railway sector. We directly contacted all 34 of the train operating companies in the UK either by letter or email and presented at a meeting of all the companies in October 2019 to raise awareness of the requirements. We used their input and our own data to identify where notifications were already in place and followed up with all train operating companies to request that they reviewed whether they needed to submit notifications. As a result of this work, all of the train operating companies and industry groups are now aware of their obligations in relation to heat networks and five train operating companies that had not previously provided notification have confirmed they are in scope and have submitted notifications.

Health sector

We were aware of existence of heat networks within the health sector, for example in hospitals, so we carried out a project to ensure that the heat suppliers in this sector were aware of their obligations². We compiled a contact list of 100 English NHS trusts and Scottish boards for which we held no notifications.

We contacted NHS England, NHS Scotland and NHS Wales and obtained their help in distributing information about the regulations to individual trusts and boards. We presented at a meeting of the Welsh NHS energy managers' forum, representing all

² NHS Trusts in Northern Ireland were contacted as a part of the NI project in 2018, hence not included in Health sector project in 2019.

seven NHS boards in Wales, and held a workshop with NHS Scotland which was open to all 14 Scottish health boards.

The number of trusts and boards which have submitted heat network notifications has increased in England (from 21 to 49 notified networks, and 1 pending, out of 226 trusts), Scotland (from 0 to 1 notified and 1 pending out of 14 trusts) and Northern Ireland (from 3 to 4 notified out of 5 existing trusts). The number has dropped in Wales (from 4 to 2 notified out of 7 trusts).

Encouraging renotifications

With the first heat networks requiring submission of a renotification (an updated notification) from October 2019, the strong focus for OPSS was on reminding heat suppliers for heat networks registered in 2015 of their obligation to renotify the heat networks in line with the provision of Regulation 3 (3). Being a prerequisite for checking if other obligations in the regulations are being met, up to date notifications of heat networks ensure that OPSS has the latest and most accurate data in respect of all heat networks and can ensure energy efficiencies are achieved through metering and billing obligations.

OPSS reached out to all heat suppliers who notified their networks in 2015 and whose data were held on the database. Being mindful of the time elapsed between the initial notification and the renotification requirement, OPSS sent out a series of communications between September 2019 and March 2020 to remind suppliers of the obligation to renotify.

This has significantly contributed to 8,732 notifications being received throughout 2019-20 reporting period. OPSS has not been able to contact all the previously registered suppliers of existing heat networks due to a variety of reasons (such as change of supplier, change of contacts within a supplier, incorrectly supplied contact details with initial notification) but we continue to run a number of projects to address the discrepancies.