

# PRODUCT SAFETY IN THE UK – AN OVERVIEW

Businesses whose products are sold in the United Kingdom need to know what happens if they suspect that their product might be unsafe. The UK's regulatory regime comes from the same legal position as is applicable in Germany. Across the EU, manufacturers and distributors are obliged only to place products on the market which are safe.

Enforcement of product safety is focused in the UK at local level, through the Trading Standards departments of each local authority. The local authority where the manufacturer or distributor is based is the relevant "home authority" which will lead on any notification or enforcement action even if incidents in other parts of the UK are also involved. Companies distributing or selling products in the UK are obliged to notify Trading Standards if they discover that the product they have sold is unsafe. They discharge their responsibilities by identifying the manufacturer of the product involved. German manufacturers who also operate in the UK may be obliged to communicate with Trading Standards in the event of a product safety issue. Alternatively if they export to the UK through distributors or retailers based in the UK then they may be pressed to support their distributors or retailers in their dealings with Trading Standards.

Even where technical and other investigations are ongoing, businesses need to consider whether making early informal contact with Trading Standards on a voluntary basis is required. The local nature of the UK's regime means that consumers with product issues may contact their local trading standards departments. Coordination of remedial action through the home authority is vital to managing a product safety issue efficiently. Trading Standards will wish to understand what the businesses involved have been doing to identify the scope of the product issue. Understanding whether related products could be affected and how consumers might be affected by the issue will be uppermost amongst Trading Standards' priorities. Manufacturers are already likely to have recall plans in place. Demonstrating how this is put into action along the supply chain and that businesses can readily identify from whom they have sourced a product, or affected ingredients or components, are key to any dialogue between businesses and Trading Standards.

The UK Government has ordered a review of how the UK's product safety regime works in practice. The review focused on why success rates for recalls are low and why consumers do not always respond to communications about product recalls.

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Specialist regimes exist for regulation of medical devices, motor vehicles and components and food. Has the recent Brexit vote changed anything about how businesses and regulators address product safety issues? It's important to remember that currently the UK remains an EU member state and that the General Product Safety Regulations have been enacted into domestic law. The EU has been looking at reform of the umbrella General Product Safety Directive, combining Product Safety and Market Surveillance legislation. So much will depend on what the new EU legislation looks like and the outcome of the UK's exit negotiations. It is unlikely that the current UK product safety regime will simply disappear post-Brexit – indeed, given the recent Government review, the issue may more likely be whether the product recall system is tightened up.

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