

**Personal Notes for the IABM of the
Office of Product Safety & Standards Business Reference Panel Meeting
held on 12th July 2022 at the BEIS 1VS Conference Centre, Westminster**

Summary

The last normal meeting of the Office of Product Safety & Standards (OPSS) Business Reference Panel (BRP) was held on 4th March 2020. When the BRP meeting was held back then, in the conference centre that was once the Greater London Council's County Hall, whilst the news was full of stories about the new 'COVID-19' virus, it all seemed to be business as usual in London. However, such was the speed of the spread of the virus that the World Health Organization (WHO) declared a pandemic exactly a week later, on March 11th and in matter of days the UK began introducing restrictions and working from home started to be the new norm for many of us, learning to use Zoom and MS-Teams as a necessity very quickly. By March 23rd the UK had begun a series of 'lockdown' measures and many other countries did the same. And, of course, in reality, the pandemic is still far from over and neither are the Brexit negotiations, so for the UK it really was not back to normal, especially with the resignation of Prime Minister, Boris Johnson the previous week and the heatwave in progress.

During the periods of lockdown, OPSS managed to keep trade bodies and other stakeholders informed using 'virtual' BRP Meetings, with varying degrees of success. This first in-person meeting since the pandemic struck was warmly welcomed, albeit with some trepidation, by Mike Kearney (Head of Business Engagement for OPSS) who made the introductions. The meeting was well attended, so I had the feeling that the audience was of the same mind, glad to be in the same room networking with colleagues but wondering if it would proceed without any hitches.

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Introduction

The CEO of OPSS, Graham Russell MBE, gave us a comfortingly familiar and light-hearted 'state of the nation' update. He noted that we had not been able to use the room we were in for some time, even prior to the pandemic because it had been used for Brexit negotiations and had then been refurbished. He joked that if we didn't notice any change in appearance that might be because of the success or failure of the negotiations depending on one's own personal viewpoint.

He was at pains to point out that OPSS had only existed as a department within BEIS for 4 years and during that time its workload had been consumed by 2 years of Brexit negotiations and 2 years of a pandemic. Hence, the original OPSS strategy document of 2018 had, understandably he hoped, not yet been revised, and renewed as planned, but was still a work-in-progress.

He also warned that with an impending new Prime Minister and likely changes in government appointments, there could be no changes in policy direction or tax implications, until September 2022 at the earliest, so some of today's discussions may hit a dead-end in terms of providing clarity and certainty.

He mentioned the governmental consultation on the optional use of imperial measurement units in the UK (link below), which so far had received one of the largest ever responses, but he still encouraged businesses to engage with this – with closure planned for 26th August 2022.

<https://www.gov.uk/government/consultations/choice-on-units-of-measurement-markings-and-sales>

Product Safety Review

Ben Nicol from OPSS gave an update on the Product Safety Review (PSR) call for evidence consultation which ran in 2021. Although a response was published last November (see link below), the government's proposal document publication date will now be delayed due to likely ministerial changes, so he could not go into any great detail about its content.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1035917/uk-product-safety-review-call-for-evidence-response2.pdf

He was able to share some aspects of context of the document which will itself be put out for consultation.

Vision – a new product safety regulatory framework will be created

Bringing Products to Market – a voluntary 'e-labelling' scheme will be proposed

Online Supply Chains – new obligations and duties will be proposed for online marketplaces

Compliance & Enforcement – improved data information sharing will be proposed, and new civil enforcement powers granted to OPSS

Once the document is published, a standard 12-week consultation period is expected and OPSS would like to hold a special BRP round-table event to aid feedback and discussion. Workshops for SMEs are also planned.

The final outcome of the PSR is expected to be new or revised primary legislation, with a gradual and progressive introduction of changes proposed.

Weights & Measures Consultation

Roy Manders from OPSS gave us a little more detail for the consultation that Graham Russell had mentioned in his introductory remarks. He noted that it was possible to respond via the [online portal](#), or using the provided [PDF form](#) via [email](#) or post to the Metrology Team at OPSS.

'Brexit Freedoms Bill' & Retained EU Law Dashboard

Speakers from the 'Brexit Opportunities Unit' (BOU) of the Cabinet Office, introduced us to an online dashboard that has been created which lists all retained EU laws (REUL) that have been cut-and-pasted into the UK lawbook as part of the Brexit transition.

<https://public.tableau.com/app/profile/governmentreporting/viz/UKGovernment-RetainedEULawDashboard/Guidance>

The portal contains an explorer search and a visualization map of the laws, indicating the responsible UK government department. The dashboard is a first iteration, intended to be a full catalogue of affected laws but may not be exhaustive. Stakeholders are invited and encouraged to get in touch if they feel laws or details are missing, or if the presentation of the information could be improved to make the portal more usable.

The current intention of the government is to review all the affected laws, but this is a huge workload and could easily extend out to 2028 and beyond, the speakers noted, which certainly puts the end date into a future government's agenda, despite what the politicians vying to be the new PM may say. The BOU is a small team created about 18 months ago after the end of the initial Brexit transitions period and is comprised of around 26 people working under Jacob Rees-Mogg MP, the current 'Minister of State for Brexit Opportunities and Government Efficiency.' The speakers felt that the team was about 40% understaffed based on the initial proposals for BOU, but with likely cuts to civil service work-force numbers, they think the team will not grow unless a change in focus occurs under a new PM.

The goal is a 'Brexit Freedoms Bill', intended to make it easier to amend, repeal or replace REUL as required with a "broadly de-regulatory approach." For obvious reasons, due to the recent changes in government, the original target for publishing draft legislation by the end of 2022 may not be achievable. Expected guiding principles are:

- All secondary legislation will be revised
- Any primacy of REUL will be ended
- Intention is that UK High Courts can disregard previous EU case law if decisions are based on past precedence
- Powers to be granted as necessary for government to amend, repeal, and replace all REUL
 - Although if changes to the laws mean a substantive policy change, this would first go out for consultation
- Not everything shown in the REUL dashboard will be affected, but each would be expected to be fully codified into UK law alone.
 - Note that if the law changes are such that 'UK' will simply replace 'EU' in the legal text, this will be listed in the REUL dashboard as 'unchanged' and only where substantive policy or content has been altered will the dashboard show the REUL as 'amended'

Break-out Session 1 Discussion: 'PRISM' – Product Safety RISK Assessment Methodology

Katherine Forrest from the OPSS Risk Unit introduced proposals to replace the EU '[RAPEX](#)' system for product safety communications and risk assessment. The proposed UK system, which will be known as PRISM will build on RAPEX but improve and ultimately replace it completely as a new UK product safety risk assessment methodology. The existing guiding "precautionary principle" basis of EU and UK regulations will be retained, however.

Katherine said that it was clear that more risk assessment was needed, as data gathered showed that 55% of all cases added to the product safety database have not had their risk(s) defined and where the risks had been defined and classified, around 66% of those are defined as high or serious risk.

The first steps have taken place and generated some draft tools, but these are currently MS-Excel based and not suitable for sharing in this format. Once this work is complete, a consultation will be launched, and the feedback reviewed. The new system will then be put out to use and its effectiveness monitored. Details of the proposals were to be circulated as a PDF of the MS-PowerPoint presentation.

Break-out Session 2 Discussion: Future Technologies & Horizon Scanning

OPSS have set up a 'horizon scanning function' to look for early warnings of necessary changes in policy and strategy due to new technologies expected to be adopted. The aim is to help OPSS identify and prioritise future technologies of concern.

The approach to this is intended to be collaborative, including industry representatives and other stakeholders. One example was a 'Fridge of The Future' event held last year to look at future technologies likely to be implemented in domestic 'white goods' products. A new event focusing on sustainability will be held 21/9/22 for 'Appliances of The Future' – this is free to attend, and an online registration to attend can be done here

<https://www.city.ac.uk/news-and-events/events/2022/september/2050-appliances-of-the-future#>

Further details were given and would be circulated as a PDF of the MS-PowerPoint presentation given by the speakers, or the team can be contacted at opss.horizonscanning@beis.gov.uk

Break-out Session 3 Discussion: Digital Markets, Competition & Consumer Reform Bill

Matthew Cohen of BEIS gave details so far of a draft bill announced in the Queen's Speech in Parliament in May 2020. The content is based on responses to a consultation from 2021 and in part, also driven by concerns over the current rising cost of living. The intention is to tackle:

- Concerns over large companies with dominant and entrenched market power
- Need for stronger capabilities and powers for the UK Competition and Markets Authority (CMA)
- Need for improved consumer rights, especially for online purchases

As with other topics discussed today, the timetable for publication is still to be confirmed. In the meantime, the Government will continue to engage with stakeholders and notify them of any related consultations. Some further detail would be circulated as a PDF of the MS-PowerPoint presentation given.

UKCA Marking Update

Connor O'Shea from BEIS provided an update on the implementation of UKCA product compliance marking. New measures have been introduced to ease transition from CE to UKCA schemes and to reduce costs amidst the problems of the pandemic economic recovery process:

- UKCA mark can be on a sticky label or just in a document included with the product until at least the end of 2025
- CE marked spares for products already on the market in the UK (GB) will continue to be allowed in perpetuity
- No re-testing and re-marking will be needed on goods already imported into the UK before the end of 2022
- Non-UK conformity assessment body compliance certification of tests made to previous CE requirements up to the end of 2022 can be used as the basis of a new UKCA certification

A PDF of the MS-PowerPoint presentation given would be circulated.

Nigel Burr - 25th July 2022