

PAS 7050:2022

Bringing safe products to the market – Code of practice

Part I: Businesses

Part II: Regulators



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Published by BSI Standards Limited 2022.

ISBN 978 0 539 04951 0

ICS 03.080.30

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Publication history

First published March 2022

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Foreword

Publishing information

This PAS was sponsored by the Office for Product Safety and Standards (OPSS). Its development was facilitated by BSI Standards Limited and it was published under licence from The British Standards Institution. It came into effect on 31 March 2022.

Acknowledgement is given to Geraldine Cosh, as the technical author, and the organizations that were involved in the development of this PAS as members of the steering group:

- Amazon EU SARL
- Asda Stores Ltd
- Association of British Certification Bodies (ABCB)
- Association of Manufacturers of Domestic Appliances (AMDEA)
- Brand Reputation Compliance Global Standards (BRCGS)
- British Retail Consortium (BRC)
- British Toy and Hobby Association (BTHA)
- Chartered Trading Standards Institute (CTSI)
- Construction Products Association (CPA)
- Consumer and Public Interest Network (CPIN)
- Cooley LLP
- Cosmetic, Toiletry and Perfumery Association (CTPA)
- Currys plc
- Electrical Safety First
- Furniture Industry Research Association (FIRA)
- Google
- Hertfordshire Trading Standards
- Kingfisher plc
- Ladder Association
- National Bed Federation (NBF)
- National Consumer Federation (NCF)
- National Fire Chiefs Council (NFCC)
- Office for Product Safety and Standards (OPSS)
- RINA Consulting Ltd
- Royal Society for the Prevention of Accidents (RoSPA)
- Tech UK
- Tesco Stores Ltd
- UL VS Ltd
- United Kingdom Accreditation Service (UKAS)

Acknowledgement is also given to members of a wider review panel who were consulted in the development of this PAS.

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The PAS process enables a code of practice to be rapidly developed in order to fulfil an immediate need in industry. A PAS can be considered for further development as a British Standard, or constitute part of the UK input into the development of a European or International Standard.

Relationship with other publications

This PAS is to be read in conjunction with PAS 7100:2022, which supports businesses in preparing for and dealing with product recall or other corrective action, and focuses on the development of a product safety incident plan (PSIP), which forms part of a product safety management plan (PSMP) as outlined in this PAS.

Information about this document

This PAS is structured in two parts.

Part I is intended for businesses, including manufacturers, designers, importers, distributors, repairers, refurbishers and the operators of online marketplaces for consumer products, to assist them in ensuring that only safe products reach the consumer. This is underpinned by the preparation of a PSMP by businesses.

Part II is intended for regulators that support businesses on meeting the guidance in Part I of this code of practice and the implementation of a PSMP.

Assessed conformity. Attention is drawn to the legal requirement for certain products to have third-party assessment of conformity to relevant legislation and standards. Users of this PAS are advised to consider the desirability of third-party assessment of conformity to the relevant standards for any products for which this is not a legal requirement.

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Where websites and webpages have been cited, they are provided for ease of reference and are correct at the time of publication. The location of a webpage or website, or its contents, cannot be guaranteed.

Use of this document

As a code of practice, this PAS takes the form of guidance and recommendations. It should not be quoted as if it were a specification and particular care should be taken to ensure that claims of compliance are not misleading.

Users may substitute any of the recommendations in this PAS with practices of equivalent or better outcome. Any user claiming compliance with this PAS is expected to be able to justify any course of action that deviates from its recommendations.

It has been assumed in the preparation of this PAS that the execution of its provisions will be entrusted to appropriately qualified and experienced people, for whose use it has been produced.

The PAS provides practical guidance for businesses and does not replace or override any of the legal duties to which businesses or regulators are subject.

Presentational conventions

The provisions of this PAS are presented in roman (i.e. upright) type. Its recommendations are expressed in sentences in which the principal auxiliary verb is "should".

Commentary, explanation and general informative material is presented in smaller italic type and does not constitute a normative element.

The word "should" is used to express recommendations of this PAS. The word "may" is used in the text to express permissibility, e.g. as an alternative to the primary recommendation of the clause. The word "can" is used to express possibility, e.g. a consequence of an action or an event.

Notes and commentaries are provided throughout the text of this PAS. Notes give references and additional information that are important but do not form part of the recommendations. Commentaries give background information.

Where words have alternative spellings, the preferred spelling of the Shorter Oxford English Dictionary is used (e.g. "organization" rather than "organisation").

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The recipient is advised to consider seeking professional guidance with respect to its use of this publication.

This publication is not intended to constitute a contract. Users are responsible for its correct application.

Compliance with a PAS cannot confer immunity from legal obligations.

In particular, attention is drawn to the following specific current regulations:

- Consumer Protection Act 1987 [1];
- General Product Safety Regulations 2005 [2];
- Consumer Rights Act 2015; [3] and
- Regulation (EC) No 765/2008 [4].¹⁾

¹⁾ Amended by GB RAMS which apply in Great Britain only. More information is available at: <https://www.gov.uk/guidance/conformity-assessment-and-accreditation>.

Ministerial statement



The government is committed to protecting consumers from unsafe products. The UK's product safety system requires businesses, government, regulators and consumers to all play important roles in keeping everyone safe. We want to ensure that not only are consumers protected from unsafe products, but that they have confidence in the products they buy and in businesses' processes and preparedness to deal with any product safety issue should it arise.

I am delighted to welcome these two PAS Standards, produced under the leadership of the British Standards Institution (BSI). Together, the new PAS 7050 and the revised PAS 7100 will help businesses and regulators to have the appropriate systems and processes in place to enable the production of safe goods and to deal quickly and effectively if something goes wrong.

Since the original PAS 7100, *Code of practice on consumer product safety related recalls and other corrective actions*, was launched in 2018, we have made considerable progress in reforming the UK's product safety system and all learned a tremendous amount from our experiences of product safety and recalls. I am pleased that these experiences have been shared and reflected in these new codes of practice. I am also grateful to the steering group members and other experts that have worked with BSI to develop these codes of practice.

A handwritten signature in black ink, appearing to be 'Paul Scully'.

Paul Scully MP

Minister for Small Business, Consumers and Labour Markets and Minister for London

Introduction

The General Product Safety Regulations 2005 [2] and other product specific safety regulations require that new and used consumer products placed on the market in the UK are safe. Businesses across the supply chain are responsible for the safety of products and these responsibilities vary depending on the role of the economic operator.

The responsibilities imposed by the legislation include duties to:

- place only safe products on the market, supported by information on their correct use;
- warn consumers about potential product-related risks;
- monitor the safety of products;
- inform the relevant regulator if a safety issue is identified (where appropriate); and
- take effective corrective action where necessary.

NOTE 1 *Summaries of the key regulatory requirements relating to product safety, including the General Product Safety Regulations 2005 [2] and some examples of product specific safety regulations, are set out in PAS 7100:2022, Annex A (although specific to corrective action the regulatory context is still relevant). PAS 7100:2022, Annex A, also sets out the specific responsibilities of producers, manufacturers, importers and distributors with respect to product safety. This has been updated in light of the recent changes regarding EU Exit but this is subject to change, as is any piece of legislation. Further details can be found in the legislation for specific products.*

NOTE 2 *With regard to EU Exit, see also the latest information from the government.^{2) 3)}*

Although the vast majority of products placed on the UK market are safe, proactive measures and preparation are essential in the mitigation of product safety challenges and corrective actions. This PAS aims to support businesses and regulators in complying with their relevant legal duties relating to placing safe products on the market. This PAS provides a set of recommendations, guidelines and examples of good practice, with a particular focus on the preparation of a product safety management plan (PSMP).

This PAS is also to be read in conjunction with PAS 7100:2022, which supports businesses in preparing for

and dealing with product recall or other corrective action, and focuses on the development of a product safety incident plan (PSIP), which forms part of a PSMP as outlined in this PAS.

This PAS consists of two parts.

Part I applies to businesses and covers the development of a PSMP, which includes:

- managing internal systems with appropriate focus on product safety;
- building product safety principles into design, formulation, fabrication and production processes; and
- addressing product safety when working with other businesses in the supply chain.

Part II applies to regulators seeking to support businesses in complying with the provisions of Part I.

It is important to note that some businesses have highly experienced and professional teams, systems and processes in place to ensure the safety of the products they supply and are often willing to share that expertise with regulators. Conversely, some businesses, for example a small-scale distributor, importer or manufacturer, might have a less developed approach and limited experience of the rules and processes relating to product safety, and are likely to benefit from the experience and guidance of regulators in determining what steps are necessary to ensure the safety of products they supply. Where necessary, this collaboration can form an important part of a PSMP.

Checklists (Annexes A to E) are provided as tools for all businesses seeking to assess compliance with Part I and their supporting regulators; these are to be used as a guide and do not constitute an exhaustive list, with their relevance and application to be determined by each individual organization. In addition, the terms used might vary across organizations, with different naming conventions, for example, employed for the equivalent of a PSMP or PSIP.

Annex F provides further information on documentation supporting compliance, while Annex G provides further information on due diligence.

²⁾ Available at: <https://www.gov.uk/guidance/brexit-guidance-for-businesses>.

³⁾ Available at: <https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>.

Part I: Businesses

1 Scope

Part I gives recommendations for the management of internal systems and supply chains in the delivery of safe products to consumers.

Part I is for use by all businesses, including manufacturers, designers, importers, distributors, repairers, refurbishers and the operators of online marketplaces for consumer products.

Part I applies to all new and second-hand consumer products, including products for hire and loan. Consumer products include those intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers.

Part I covers the development of a product safety management plan (PSMP), focused on consumer products, and is intended for use by all consumer product businesses irrespective of type or size. It is accepted that smaller organizations might need to adjust the scale of activity associated with any product safety related process or other related activity undertaken, but the principles that underpin this code of practice are equally applicable whatever the size of the organization.

There are many obligations concerning the supply of goods, but Part I is limited to the safety of products only. It is neither concerned with safety in the workplace (even though many consumer goods are used in the workplace) nor is it concerned with protecting the safety of persons due to the environmental impacts that can be caused by products.

Part I does not apply to:

- products covered by sector specific requirements (e.g. automotive, medicines, medical devices); and
- transactions made directly consumer to consumer without the intermediation of any business.

Although Part I is not intended to cover business to business supply for direct use, most of the principles presented would also be relevant.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes provisions of this PAS⁴⁾. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

PAS 7100:2022, *Product recall and other corrective actions – Part I: Businesses; Part II: Regulators – Code of practice*

⁴⁾ Documents that are referred to solely in an informative manner are listed in the Bibliography.

3 Terms, definitions and abbreviated terms

3.1 Terms and definitions

For the purposes of this PAS, the following terms and definitions apply.

3.1.1 consumer

individual member of the general public purchasing or using property, products or services for private purposes

[SOURCE: BS EN ISO 26000:2020, 2.2]

3.1.2 consumer product

intended for consumers' use or which is likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them and which is supplied or made available in the course of a commercial activity

NOTE Consumer products include products that are supplied or made available to consumers for their own use in the context of providing a service. These include new, used and reconditioned products, and those that are supplied or made available without any financial consideration.

[SOURCE: General Product Safety Regulations 2005 [2], modified]

3.1.3 corrective action

action undertaken with the intention of removing potential for harm and to reduce risk from a product which is not a safe product

[SOURCE: ISO 10393:2013, 2.4, modified]

3.1.4 critical control point

step or stage within a process or activity at which an intervention can be applied and which is essential to prevent or eliminate a product safety hazard or reduce it to a tolerable level

3.1.5 designated standard

voluntary standard that can be used by businesses to demonstrate their products, service or processes comply with GB law

NOTE Not all products have designated standards and self-assessment may also be appropriate. By following designated standards, manufacturers can claim "presumption of conformity" (which can be countered by evidence) with the corresponding essential requirements or essential characteristics. Designated standards do not replace the essential requirements or essential characteristics, and manufacturers retain full responsibility for ensuring the applicable GB law is met.⁵⁾

[SOURCE: Guidance: Designated standards [5], modified]

3.1.6 distributor

business in the supply chain, other than the manufacturer or the importer, that makes a product available on the market

NOTE "Distributor" includes wholesalers, retailers, hirers and other businesses that supply products and are not manufacturers or importers. A business selling products via its own website or those operated by others is a distributor.

[SOURCE: Regulation (EU) 2019/1020 [6], modified]

3.1.7 end user

individual person who is using the product for purposes that are wholly or mainly outside that individual's trade, business, craft or profession, which might be the consumer or another person

NOTE This might include products sourced from suppliers outside the market by importers not originally intended for that market.

3.1.8 foreseeable use

use of a product that is capable of being known or anticipated in advance based on a supplier's best knowledge about the product

[SOURCE: ISO 10377:2013, 2.5, modified]

⁵⁾ Further information is available at: <https://www.gov.uk/guidance/designated-standards>.

3.1.9 harm

physical injury or damage to the health of people and animals, including that caused by damage to property

[SOURCE: PAS 7100:2022, 3.1.5]

3.1.10 hazard

potential source of harm

NOTE The term “hazard” can be qualified in order to define its origin or the nature of the expected harm (e.g. electric shock hazard, biological hazard, crushing hazard, cutting hazard, toxic hazard, fire hazard, or drowning hazard).

[SOURCE: PD ISO/IEC Guide 51:2014, 3.2]

3.1.11 importer

business that places a product on the market from another country

[SOURCE: PAS 7100:2022, 3.1.7]

3.1.12 manufacturer

business that manufactures a product or has a product designed or manufactured, or brands a product with their own name or trademark, and markets that product under their name or trademark

NOTE This would include the activities of any professional in the supply chain whose actions change the safety characteristics of a product.

[SOURCE: Regulation (EC) No 765/2008 [4], modified]

3.1.13 online marketplace

provider of an intermediary service that allows third-party economic operators and buyers to conclude transactions for consumer products via online sales or service contracts, under which the third-party economic operator is the seller, utilizing the online marketplace’s website and services

3.1.14 primary authority

legal partnership between businesses and individual local authorities and/or fire and rescue authorities, allowing businesses to receive assured and tailored advice on meeting environmental health, trading standards or fire safety regulations through a single point of contact

NOTE 1 A local authority, having entered such a partnership with a business or group of businesses, is then described as the primary authority.

NOTE 2 All businesses can benefit from a primary authority.

[SOURCE: Primary authority overview [7], modified]

3.1.15 producer

- a) manufacturer of a product, when established in the UK, and any other person presenting themselves as the manufacturer by affixing to the product their name, trademark or other distinctive mark, or the person who reconditions the product;
- b) when the manufacturer is not established in the UK:
 - i) if a representative has been established in the UK, the representative; or
 - ii) in any other case, the person established in the UK that places a product from a country outside the UK on the market;
- c) other professionals in the supply chain, insofar as their activities might affect the safety properties of a product

NOTE Any third party who in the course of business, whether for profit or otherwise, repairs or refurbishes a product and places that product on the market where it is subsequently offered for sale/supply is regarded as a producer.

[SOURCE: General Product Safety Regulations 2005 [2], modified]

3.1.16 product recall

measure aimed at achieving the return of a product that has already been supplied or made available to consumers

NOTE PAS 7100:2022 provides further information.

[SOURCE: General Product Safety Regulations 2005 [2], modified]

3.1.17 refurbisher

business that repairs a product to improve its serviceability, performance or overall aesthetics with the intention of re-sale or re-supply

3.1.18 regulator

authority with enforcement responsibilities in relation to non-food consumer product safety regulations

3.1.19 risk

balanced combination of a hazard and the probability that damage will occur

[SOURCE: Commission Implementing Decision (EU) 2019/417 [8], modified]

3.1.20 risk assessment

process of quantification of the presence, likelihood and level of risk

[SOURCE: PAS 7100:2022, 3.1.16]