FIRA
Furniture Industry Research Association

GB GENERAL PRODUCT SAFETY REGULATIONS

Guide for the Furniture Industry



Members: Free

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Foreword

This guide has been prepared by FIRA International Ltd on behalf of the Furniture Industry Research Association.

This document is intended as a guide for product designers, developers, importers, distributors, retailers and manufacturers of furniture and furniture accessories. It is not intended to replace any legislative documents that are available and simply provides additional information to raise awareness of the relevant requirements, responsibilities and actions which may be taken to ensure compliant products are placed on the market. As such, the regulations (details of which can be found at the end of this document) must also be understood.

The dates and titles of Standards and regulations referenced within this document were current at the time of publication. It is recommended that advice is sought on the status of these and any other applicable documentation when assessing product conformity.

All efforts have been made to ensure this document is correct at the time of going to press. The opinions and advice expressed are given in good faith. However, the authors cannot be held responsible for any action resulting from the content of this guide as the ultimate interpretation of the regulations rests with the courts. Where serious doubt occurs professional legal opinion should be sought.

For the purposes of this guide, and with specific reference to placing a product on the market, making available any products, distributing products, etc., this is only considered to the extent that it relates to placing a product for use within the GB Market (England, Scotland & Wales), not including Northern Ireland, which falls under EU Regulations (EU GPSR from 13th December 2024).

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1. Introduction

This guide has been written to help furniture manufacturers and retailers comply with the GB General Product Safety Regulations ((GB) GPSR), and the requirements for placing products on the GB market that fall under these regulations as of January 2021. In this guide, where reference is made to the '(GB) GPSR' this information pertains to statutory Instrument SI 2005 No. 1803 The General Product Safety Regulations (GPSR).

The original EU Product Safety Directive (2001/95/EC) was incorporated into UK law in 2005 and applied both in the UK and the EU. On May 23, 2023, the European Commission published Regulation (EU) 2023/988 on general product safety, also known as the General Product Safety Regulation (GPSR). The new regulation will replace the General Product Safety Directive (GPSD) 2001/95/EC after a transitional period that ends in December 2024.

After this transitional period, starting 13th December 2024, the EU will have its own General Product Safety Regulation (EU 2023/988-GPSR) and will diverge from GB with their own product safety regime and different rules will apply. To avoid confusion, FIRA will publish a separate guide for EU GPSR about the General Product Safety Regulation (EU 2023/988-GPSR). GB manufacturers supplying goods to the EU market will need to comply with the new rules from 13th December 2024. As GB is no longer in the EU, this EU GPSR does not apply in the GB market but will affect businesses exporting products to the EU market.

When considering the GB General Product Safety Directive ((GB) GPSR) it is often easier to think of it as a safety net in that it is effectively designed to cover the safety of all consumer products, regardless of how sold. This not only includes products that are intended for use by consumers, but also commercial, or non-domestic products that may reasonably find their way into the hands of a consumer. It includes secondhand or reconditioned products as well as new products and contains requirements and obligations regarding the manufacture, supply, distribution, marking, after-sales monitoring, market surveillance, and recall of those products.

This guide aims to give a basic understanding of how the Regulation can apply to furniture products and to:

- Explain the content and reach of the GB General Product Safety Regulation, the products or industries to which it applies, and its relationship with other existing regulations
- Identify how this impacts manufacturers, producers, or distributors of furniture products in the GB market
- Explain the value of risk assessment, when this should be undertaken, and highlight useful tools
- Highlight the relevance of product testing and the hierarchy of documents such as designated standards, including where this sits within the (GB) GPSR

- Identify who is responsible for enforcement of the Regulation including the penalties that may be involved
- Explain the Product Safety Database (PSD) and the Product Safety Risk Assessment Methodology (PRISM), including actions that may be taken by enforcement and market surveillance authorities

Terms and Definitions used in the (GB) GPSR can be found in Annex 2 of this document and have been produced in full for reference.

In addition, a glossary provided in Annex 3 to this document contains some of the key phrases and their definitions associated with the use of the (GB) GPSR and this guide.

2. The Legislative Framework

The original General Product Safety Directive (GPSD) 2001/95/EC was established to ensure a high level of consumer protection throughout the European Economic Area (EEA). To achieve this goal, each member state within the EEA was required to incorporate the provisions of the Directive into their national legislation. This process involved outlining and facilitating the enforcement of the Directive, clarifying obligations, definitions, and actions, and enabling member states to utilize the additional powers granted by the Directive, including the ability to impose suitably effective punitive measures.

The Directive was enacted as a national law in nearly all member states of the EU in January 2004 and was implemented into UK law by Statutory Instrument (S.I.) 2005/1803: The General Product Safety Regulations 2005, which came into force on 1st October 2005.

The new Directive replaced the earlier so called GPS Directive 92/59/EEC, and accompanying 1994 UK Statutory Instrument, introducing important changes and extending coverage of the Directive to include:

- Products used by consumers in the course of a service
- Products intended for professionals that can migrate to the consumer market
- Methods of assessment of whether a product is safe
- Voluntary standards offering presumption of conformity
- Obligations on retention of documentation
- Obligations for producers and distributors to self-monitor products
- Notification of unsafe products placed on the market (RAPEX)
- Co-operation of enforcement to reduce risks to consumers
- Restricting or banning the movement of dangerous goods
- “Last resort” provisions for product recall

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When the UK left the EU, the EU Withdrawal Act 2018 preserved the regulations and enabled them to be amended so they continue to function effectively. The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations fixed deficiencies that arose from the UK leaving the EU (such as references to EU institutions) and made specific provisions for the GB market. The main aim of the (GB) GPSR was to ensure that only safe products were supplied on the GB market.

Some of the provisions in the (GB) GPSR apply differently in Northern Ireland under the terms of the Windsor Framework. References to the 2005 regulations in this guidance are references to those regulations as they apply in Great Britain Market only. FIRA will publish a separate guide for EU GPSR about the General Product Safety Regulation (EU 2023/988-GPSR) which will be applicable to Northern Ireland.

The (GB) GPSR lists a single essential requirement that only safe products shall be placed on the GB market. This approach enables more specific technical requirements to be developed using GB Designated Standards, offering a presumption of conformity, which can then be used in the development and assessment of the product itself. The (GB) GPSR also explains in further detail who is considered to be a producer and the extent of their obligations, as well as details of requirements to notify market surveillance authorities in the event of a product issue.

2.1 Note on CE Marking

The (GB) GPSR is not a CE Marking Regulation, such as the Supply of Machinery (Safety) Regulations, Radio Equipment Regulations, Electrical Equipment (Safety) Regulations, and Toys (Safety) Regulations, and as such products that are covered by the (GB) GPSR alone are not required to be marked with the familiar CE mark. In fact, it is forbidden to affix the CE mark to other products that do not fall under a CE Marking Regulation.

By affixing a CE mark to a product, a producer is declaring that the product meets the requirements of a relevant GB Regulation and as such should be allowed to be placed on the market in any part of the GB market.

Where a product is incorrectly CE marked, enforcement officers can demand evidence of compliance with the relevant CE Marking Regulation which can cause delays to the movement of goods or further investigation.

The CE mark is not a mark for safety, but rather a declaration by the producer that it complies with a CE marking regulation.

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3. What products are covered?

One of the most frequently asked questions is “Which products are in-scope of the Regulation?” when it may be more appropriate to ask which products are not in scope.

To give an idea of the breadth of products covered by the Regulation, at the time of publication, there were just four main sectors of consumer goods where the (GB) GPSR does not apply. These are pharmaceuticals, machinery, medical devices, and food, which all fall under separate and specific legislation.

In short, almost every ‘product’, as defined by the Regulation, falls within the scope:

- **(a) ‘product’** shall mean any product - including in the context of providing a service - which is intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them, and is supplied or made available, whether for consideration or not, in the course of a commercial activity, and whether new, used or reconditioned
- Outside of the scope of the regulation are second-hand products supplied as antiques, or products to be repaired or reconditioned before being used (provided that the supplier clearly informs the consumer to whom he supplies the product to that effect)

This means in effect any product regardless of whether it is:

- New, second-hand, or refurbished
- Made commercially available for a fee or free of charge including as a loan product
- Provided as part of a service*
- Not originally intended for use by consumers, but reasonably foreseeable that it will be used by them

It is important to note that ex-demonstration or reconditioned models and items such as office furniture which, although initially designed or intended for professional use, may be sold as suitable for home office use and or be purchased by consumers for their own use.

When considering furniture, soft furnishings, and related items supplied for use in the home, all these products will fall under the scope of the (GB) GPSR.

Consideration should also be given to replacement or spare parts, particularly where such products are not subject to specific sector legislation, therefore falling within the scope of the (GB) GPSR, and where these are available as a separate product for use by consumers or fitted to a consumer product. This includes parts that are used to maintain or repair an overall product.

** Whilst the (GB) GPSR applies to goods that are provided as part of a service, it does not apply to equipment used by service providers themselves, such as a public service vehicle*

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3.1 What is not covered?

There are of course exceptions to what falls into scope, as per the definition, in the form of products that are supplied as antiques that were produced before 1950. However, the (GB) GPSR does apply to wooden furniture sold in the GB market and there are some specific requirements for refurbishing antique furniture:

I. Wooden furniture

General safety principles apply to wooden furniture sold in the UK, even though it's not covered by the Furniture and Furnishings (Fire Safety) Regulations 1988.

II. Refurbished antique furniture

If an antique chair is refurbished for sale, the covering fabrics and filling materials used for re-upholstering must be fire resistant.

For those items that fall within the scope, it is important to note that the (GB) GPSR only relates to the safety of products, in other words, those that are found to be unsafe.

The (GB) GPSR does not indicate whether products are of satisfactory quality, fit for purpose, or as described unless this poses a safety issue. This is dealt with by the Consumer Rights Act 2015, Chapter 2 - Goods.

It should be noted that the (GB) GPSR only applies to commercial interactions, i.e. a business selling a product to the consumer. The private sale of a product by one consumer to another would not be covered by the (GB) GPSR.

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4. What is the primary objective and what is a safe product?

The purpose or primary objective of the (GB) GPSR is given below:

The purpose of the Regulation is to ensure that products placed on the GB market are safe.

A safe product, as defined by the regulations, means a product which under reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation, and maintenance requirements, does not present any risk or only minimal risks compatible with the use of the product, considered to be acceptable and consistent with a high level of protection for the safety and health of persons taking into consideration each of the following points:

- Characteristics of the product including its composition, packaging, instructions and assembly, and where applicable, instructions for installation and maintenance
- Effect of the product on other products, where it is reasonably foreseeable that it will be used with other products
- Presentation of the product, the labelling, any warnings and instructions for its use and disposal, and any other indication or information regarding the product
- Categories of consumers at risk when using the product, in particular children or the elderly

Conversely, a dangerous product may be deemed simply as any product other than a safe product.

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5. Who does it apply to?

The framework under which the (GB) GPSR was written was designed specifically to take into consideration each of the businesses or operators in the supply chain such as manufacturers, authorised representatives, distributors and importers, and their roles in relation to product compliance.

The (GB) GPSR defines a "Producer" and "Distributor" as:

'Producer' shall mean:

(a) The manufacturer of a product, when he is established in the GB market, and any other person presenting himself as the manufacturer by affixing to the product his name, trademark, or other distinctive mark, or the person who reconditions the product

(b) When the manufacturer is not established in GB:

i. If he has a representative established in the GB market, then the representative

ii. in any other case, the person established in GB that places a product from a country outside of GB on the market.

(c) Other professionals in the supply chain, insofar as their activities may affect the safety properties of a product

'Distributor' shall mean any professional in the supply chain whose activity does not affect the safety properties of a product.

5.1. Producer or Distributor?

It is clear from the definition given that the original manufacturer, when they are based within the GB market, is classed as the producer and that where the manufacturer is outside of the GB market an authorised representative such as the first importer or distributor takes on the duties and responsibilities of the producer.

It is also clear that where a retailer markets a product as its 'own brand' under their logo, with their contact details, it effectively assumes the responsibility of the producer whether they are the manufacturer or importer of the product. Similarly, where a company modifies a product or a component part of a finished product, to their own or unique specification, they are effectively presenting themselves as the manufacturer, and as such must take on the relevant responsibilities of a producer in relation to the product.

This also extends to goods that are often described as 'un-branded' in that they bear no specific brand name but are marked with the name or address of the first importer, distributor, or retailer.

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It is worth noting that any other companies or professionals in the supply chain whose activities are deemed to have a direct effect on the safety of the product are also required to take on the responsibilities of a producer. An example of this would be a business that re-furbishes, re-conditions, or re-manufactures products for sale before they re-enter a supply chain.

In contrast, a distributor is considered to be someone in the supply chain whose activities do not have a direct effect on the safety of the product. An example of this would be a retailer supplying a branded product that has not been modified or made unique to them.

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6. Placing the product on the market

The (GB) GPSR applies to products from the first time they are placed on the market to when the product reaches the end user. This includes any subsequent operations such as distribution or storage which constitute making the product available.

A product is considered to have been "placed on the market" when it is made commercially available for the first time within the GB market. Ordinarily, this action is undertaken by a manufacturer based within GB or where that manufacturer is outside of the GB market, an importer who will then take on the duties of a producer.

For example, where a product is supplied from a manufacturer directly to a distributor, an importer, or even directly to a consumer for the first time, this would be considered to be placing the product on the market. In layman's terms, placing on the market could equally apply to taking delivery of products into a GB warehouse with a view to supplying consumers as much as it does physically placing a product on a shelf in a store.

Technically a product is placed on the market only once, however where a product has been subject to significant modification, or re-manufacturing, in order to re-purpose or change its original function, this may also be considered to be a new product. As such the person responsible for undertaking the modification would become the producer and would be expected to take on the necessary duties.

The provisions of the (GB) GPSR apply to all forms of selling, whether direct to consumers in a store or via e-commerce platforms such as a website or via a product catalogue.

It is important to remember that a product can be considered to be placed on the market regardless of whether or not a fee has been charged and when offered in the course of providing a service. A good example of this can be seen in additional or promotional items that are offered as a 'free gift' with a product, magazine, or as part of a subscription.

6.1 Making a product available

Where a product is supplied for distribution or use, for example from one distributor to another distributor or from a distributor to a consumer, this is legally described as "making available".

Whilst this may seem confusing at first, if we consider the initial launch of the product as "placing on the market" it follows that all subsequent distribution or shipments may be considered as "making available" further products.

This act of "making available" is particularly important when considering compliance, particularly any change in legislation or designated standards that offer a presumption of conformity or even voluntary standards that assess a product's safety.

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Although a product may have historically been supplied as compliant with specific legislation or a designated standard when it was first placed on the market, where any revised legislation or designated standard introduces new mandatory requirements, any products that are placed on the market after the new requirements have come into force will be required to comply with these new requirements.

To clarify, changes to legislation or designated standards are rarely applied retrospectively to products that already exist in that they have already been placed on the market. A manufacturer for example wouldn't be required to modify a product that had already been supplied to a distributor or importer if the legislation changes after the item was placed on the market. This includes items held in a storage facility if such product was received before any change to the legislation or designated standards were made.

However, subsequent production would be required to meet the new requirements before further products are made available.

Similarly, where a company in the course of its business either sells or re-conditions prior to selling a product, this would be considered to be making the product available, as it had already been placed on the market.

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7. Obligations of producers and distributors

When considering the duties or obligations that apply to producers and distributors these are made as clear as is reasonably possible within the (GB) GPSR, but when considering the vast range of products to which the regulation applies, there is a degree of flexibility in how these obligations can be met.

The obligations of producers and distributors are given in the text of the (GB) GPSR.

7.1 Obligations of producers

Article 5 of the (GB) GPSR requires producers to place only safe products on the market, expanded in relation to the supply of goods. This should be of no surprise to producers based in GB as this reflects the obligations of the older regulation of the same name, which included the supply, any offer or agreement to supply, as well as possession for supply, the latter of which includes the holding of goods in a warehouse or similar storage facility.

General Product Safety Regulations

Part 2 Obligations of Producers and Distributors

General safety requirement

Regulation 5:

(1) No producer shall place a product on the market unless the product is a safe product

(2) No producer shall offer or agree to place a product on the market or expose or possess a product for placing on the market unless the product is a safe product

(3) No producer shall offer or agree to supply a product or expose or possess a product for supply unless the product is a safe product

(4) No producer shall supply a product unless the product is a safe product

The remaining provisions or obligations placed on producers as given in Article 7 of the (GB) GPSR:

- Supply consumers with sufficient information in relation to any inherent or residual risk posed by the product during normal or reasonably foreseeable use, and over the life of the product, to enable them to assess and take appropriate action and to prevent any further risks
- Be aware of the risk that the product poses, for example through risk assessment, sample testing and monitoring and investigation of consumer complaints, and be prepared to take appropriate actions to avoid identified risks, including warning consumers of the risk, withdrawing the product from the market and if necessary to recall the product

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- Maintain a record of complaints and record any actions taken to address these
- Ensure distributors are informed of any product safety issue identified by any monitoring activity such as sample testing or consumer complaints
- Adopt measures to effectively identify the products placed on the market in relation to origin (producer); product reference and or batch number
- Warn consumers of the risks posed by dangerous products already placed on the market.

It is important to remember that producers have an obligation not only to monitor but to address any risks identified, particularly by consumers, concerning their products. Whilst the onus is on the producer to address any issues voluntarily, if this is not done or is not addressed in a reasonable period of time, the powers granted to enforcement and market surveillance authorities enable them to order, and if necessary, organise a product withdrawal and/or recall.

7.2 Obligations of Distributors

Whilst a distributor, for example, a retailer of branded goods, has fewer responsibilities than a producer they are nevertheless required to act with due care to meet specific obligations and to help ensure compliance with the regulations.

If we remember the general safety requirement that applies to producers, a similar obligation applies to distributors in that they must not make available any product that is known or which they suspect, based on the information available to them or when considering their knowledge and experience, to be unsafe.

The obligations placed on distributors in Regulation 8 (1) of the (GB) GPSR in that distributors are required to act with due care to help ensure compliance with the applicable safety requirements. This includes, in Regulation 8(2) that distributors record sufficient information about product traceability to enable cooperation with producers and enforcement authorities in the event of a product issue.

The regulations again offer further clarity on these obligations and again make specific reference to the exposure and possession of goods for supply and the agreement to supply goods, particularly where it is known or it can be presumed based on any information given and experience of the distributor, that the product may not be safe.

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Obligations of Distributors 8:

(1) A distributor shall act with due care in order to help ensure compliance with the applicable safety requirements and in particular he:

(a) Shall not expose or possess for supply or offer or agree to supply, or supply, a product to any person which he knows or should have presumed, on the basis of the information in his possession and as a professional, is a dangerous product; **and**

(b) Shall, within the limits of his activities, participate in monitoring the safety of a product placed on the market, in particular by:

i. Passing on information on the risks posed by the product,

ii. Keeping the documentation necessary for tracing the origin of the product,

iii. Producing the documentation necessary for tracing the origin of the product, and cooperating in action taken by a producer or an enforcement authority to avoid the risks.

(2) Within the limits of his activities, a distributor shall take measures enabling him to cooperate efficiently in the action referred to in paragraph (1)(b)(iii).

Distributors form an important conduit, not only for product movement but also for information to be passed from the producer to the consumer and vice versa. For example, where any information is provided by the producer in relation to the risks posed by the product including any restrictions or conditions of use, the distributor is responsible for passing this information on to the consumer.

Similarly, where any complaints concerning the safety of the product have been received from consumers, or are identified by the distributor themselves, this can provide an early warning of a potentially more widespread safety issue and must in turn be fed back to the producer. As part of any good due diligence defence, it is essential that this type of information is recorded.

A distributor must also maintain the relevant documentation to enable the traceability of a potentially unsafe product from its source, through the supply chain including any storage or holding facility, to its final point of sale or place of use. This information is essential in enabling not only the distributor but an enforcement or market surveillance body to understand where the product originated from, who is responsible for placing it on the market, how many products may be affected and the means to identify them.

It is important to remember that the level of detail recorded can have a significant effect on the level of action taken, particularly concerning any restriction of movement, withdrawal, or recall of the product by enforcement authorities. For example, where a product safety issue may be limited to a small number of products and these products can be identified by a particular manufacturing date or unique serial, batch, or production number, it may be possible to restrict the movement, withdraw from sale or recall this limited number alone.

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Where there is no viable traceability information to identify specific products involved, actions may be applied to a far larger number of products leading to increased cost and potential damage to the brand itself.

As noted earlier, where a retailer sells 'own branded' product they may have to fulfil the obligations of both a producer and a distributor.

7.3 Obligations of both producers and distributors

The (GB) GPSR also makes provisions that apply to both producers and distributors in relation to the reporting of dangerous products and cooperation with the relevant enforcement and or market surveillance authorities, including with respect to any actions given, to prevent risks posed by products.

This is commonly described as the "duty to notify" and is reflected in regulation 9 of the (GB) GPSR in that any producer or distributor must:

- Immediately inform the market surveillance/enforcement authorities of any non-compliant or dangerous products; **and**
- Co-operate with the market surveillance/enforcement authorities in respect of any actions aimed at preventing risk posed by products

Whether classed as a producer or a distributor if a company either knows or becomes aware, for example as a result of a consumer complaint or as a result of product testing, that a product they have placed on the market or supplied poses a risk to the consumer that is not compatible with the general safety requirement, the onus is placed on that company to immediately:

- Notify the relevant market surveillance/enforcement authority (i.e. Trading Standards) in writing of that information, and
- Inform them of the action taken to prevent risk to the consumer; and
- Inform them of where the product is being or has been marketed/ supplied to consumers.

If a serious risk is identified the notification to the market surveillance and or enforcement authority should also include the following information:

- Information enabling the precise identification of those product(s) affected (batch/serial number or date of manufacture)
- A full description of the risks that the product presents, including any relevant risk assessments, test or inspection reports
- All available information relevant for tracing the product
- A description of the action undertaken to prevent risks to the consumer

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The producer or distributor is also obliged to cooperate fully with a market surveillance/enforcement authority (at the enforcement authority's request) concerning actions taken to avoid the risks posed by a product that they have supplied.

The only exceptions are for products that are:

- Supplied specifically as an antique (this is based on the fact that it is not possible to apply contemporary safety requirements retrospectively to products described and supplied as antiques). See Section 3.1 in this document for some exceptions and more details.
- Supplied specifically as requiring repair or reconditioning prior to being used or put into service under the proviso that the supplier has clearly informed the person to whom the products were supplied to that effect
- In conditions concerning isolated circumstances such as an unforeseen incident that could not have been predicted and is extremely unlikely to happen again; or those involving single items that are extremely unlikely to occur again

The regulations also stipulate that every market surveillance/ enforcement authority shall maintain procedures to enable such cooperation, including procedures for dialogue with producers and distributors concerned on issues related to product safety

In the UK, guidance on the approach to such procedures is covered *by PAS 7100: 2022 Product recall and other corrective actions. Code of Practice.*

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8. PAS 7100: 2022 Product recall and other corrective actions. Code of Practice

However well a business is run, a product quality or safety issue can happen at any time, therefore there must be a plan in place to ensure any potential issues are dealt with quickly and effectively.

(GB) GPSR outlines the specific obligations of producers and distributors in placing only safe products on the market, including initial risk and product assessments; monitoring product safety and recording product information; taking action to protect consumers from potentially unsafe products and communicating product issues to consumers and the relevant authorities as well as the wider supply chain.

Previously it had been left to individual businesses, often in partnership with their local authorities, to undertake corrective action in the event of a product safety issue, resulting in a wide range of differing approaches to due diligence and almost all reactive as opposed to pro-active.

To standardise the approach taken by both business and enforcement, and following research into the need for corrective action planning and the issue and effectiveness of public recall of consumer products, a 'Publicly Accessible Specification', or PAS 7100: 2018 was published by the UK's National Standards Body, BSI, in March 2018 and updated in 2022.

The primary aim of the document is to ensure any issue or potential issue affecting product safety is identified and dealt with as promptly and effectively as possible.

The document is divided into 2 parts, with Part 1 offering practical guidance on what may be reasonably expected from manufacturers, retailers, importers, or distributors in the event of a product issue and to help businesses meet their legal duties, concerning the General Product Safety Regulations SI 2005 No.1803, to:

- Place only safe products on the market, supported by information on correct usage
- Warn consumers about potential risks associated with the use of the products
- Monitor the safety of products
- Take corrective action if a product safety issue is identified

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PAS 7100: 2022 Part 1 focuses on the need for a proactive approach, identifying key steps that should be in place to facilitate the monitoring, assessment, notification and correction of unsafe consumer products including through public recall or other corrective action and includes detailed information on:

- Preparing to manage a possible safety-related product recall or other corrective action by implementing a product safety incident plan or PSIP
- Establishing mechanisms to monitor the safety of products
- Investigating any potential product safety issue
- Establishing mechanisms to deal with any product safety issue identified
- Reviewing any corrective action policies or plans to ensure that product safety responsibilities continue to be met.

Part 2 of the PAS 7100: 2022 gives guidance to supporting regulators and market surveillance or enforcement authorities on the assistance that should be made available to businesses to support them in meeting their obligations concerning issues involving the safety of consumer products including:

- Monitoring and analysing incident data
- Supporting businesses in preparation of their Product Safety Incident Plan (PSIP) **and by**
- Supporting businesses in their own monitoring of incidents and implementation of corrective actions

The PAS also includes clear terms and definitions, with reference from the original source legislation, as well as a series of informative annexes covering regulatory context, risk assessment methodologies and corrective action plan examples including checklists and methods of communication.

To assist companies with creating a PSIP, FIRA has created a 'Product Safety Incident Plan Template'. This resource is free for Furniture Industry Research Association members to download, whilst non-members can purchase from the FIRA Bookshop.

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9. How is a product assessed for safety?

9.1 Risk Assessment

By performing and recording a product risk assessment at various stages of product development, and after the product has been produced or is in use, a company can demonstrate that it has a good understanding of the risks posed by the product, has the ability to assess this, and where identified has taken reasonable steps to eliminate, reduce or control them.

There are times when the unforeseen may happen and behavioural patterns, awareness, availability of other products or devices and user abilities may change over time. The key is to maintain a risk assessment that remains relevant as the product, materials technology and user considerations evolve.

Although there is no specific guidance within the (GB) GPSR of how a product risk assessment should be undertaken, the Office for Product Safety and Standards (OPSS) created a methodology with the acronym PRISM. The Product Safety Risk Assessment Methodology (PRISM) is for use by market surveillance authorities and enforcing authorities in Great Britain with responsibility for consumer product safety. It is aligned with the EU Safety Gate approach (RAPEX) and reflects the same risk level matrix. PRISM was launched by OPSS in 2022 after extensive engagement with local authorities and national regulators.

The PRISM methodology includes typical hazard scenarios and injuries that may occur along with an indication of the severity, to help producers and distributors to meet their obligations. When using PRISM, a producer or distributor is encouraged to base the risk assessment around several consideration and utilise a calculative method.

Generally speaking, a risk assessment should take into consideration the consumer, both the target consumer and anyone who may reasonably use the product; the ability and age or any limitations of the consumer; the hazards presented by the product in both intended and reasonably foreseeable use; the likelihood that the consumer will recognise the hazard, including any marking or instructional information; the injury that may be caused and the severity of that injury; and the overall likelihood of the injury occurring.

The overall level of risk can then be calculated based on the severity of the injury and the likelihood or probability of that injury occurring.

An example risk assessment can be found in Appendix 4.

Consider the consumer, for example:

- Who the product is intended for and who may reasonably be exposed to it
- Would they be of a particular age group or is this reasonably limited through the function of the item
- Whether they are physically capable of using the product or could the product be used by those with restricted abilities or experience

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- If a consumer would be able to identify the hazard and take action accordingly, for example, does the item feature any hazard warning symbols or markings to alert the user to a potential issue

It should also be considered how the consumer will use the product, including both intended and reasonably foreseeable use, and whether it is likely to be used only occasionally or repeatedly, including for prolonged periods. An example of reasonably foreseeable use could be a footstool, which, although intended to rest feet or lower limbs, may be used as seating for a small child due to its size or appearance or even stood upon as a step stool.

Next, consider the hazards presented by the product, for example typical hazard types can include:

- **Mechanical** - (hazards from moving parts, sharp points, edges, insufficient strength or stability)
- **Electrical** - (risk of electric shock, risk of overheating, risk of fire)
- **Thermal** - (risk of burns (hot or cold), scalds, hypo or hyper-thermic reactions)
- **Materials/substances** - (risk of exposure to materials and or substances of very high concern such as plasticisers, brominated fire retardants, and lead)
- **Ergonomic** - (does the fit of the product to the user cause an unsafe condition to occur)
- Hazards associated with the environment in which the product is used, such as outdoors or in a small space; (posing a trip hazard, entrapment between an item and a structure; hazards from water ingress or weakening from exposure to UV)
- Combination of hazards

Finally, consider how an injury could occur, including the steps that a consumer would need to take to be hurt whilst using the product (the injury scenario) and what type of injury could be caused. Although the injury scenario may have several different steps it should be evaluated based on the shortest number of steps required for the injury to occur.

Each step should be assigned a value, for example, if a step is to be expected such as a user sitting on a chair this could be expressed as 1/2 or 50%; whereas a user sitting on a table could in some cases be described as a probability of 1/10.

Consideration should also be given to the severity of any injury, whether it would be minor such as a graze to the finger, or serious such as amputation or partial amputation of a finger or toe. The guidance document gives details of how injuries may be classified using a scale of 1 to 4.

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9.2 PRISM Toolkit

The PRISM toolkit should be used by GB authorities, producers, and distributors for product risk assessments. The PRISM V2 Guide and toolkit can be downloaded from the Government website:

https://www.gov.uk/guidance/product-safety-risk-assessment-methodology-prism#prism-v2-guide-and-toolkit

The document also includes the notification procedure to be used when notifying the authorities of an unsafe product.

A full PRISM Guide for using the toolkit can be found at:

https://www.gov.uk/guidance/product-safety-risk-assessment-methodology-prism

The PRISM guide sets out the fundamentals of product safety risk assessment in Part 1 and covers a range of risk-related topics in Part 2.

9.3 Note on reasonably foreseeable use/misuse

The term “reasonably foreseeable use” is a common feature of both product and general legislation which contains requirements for the safety and health of consumers or users of products or equipment. It is important that this, along with its counterpart “reasonably foreseeable misuse” is considered carefully but whilst employing a common sense approach.

A good example of reasonably foreseeable use/misuse is the alternative use for a dining chair. Whilst the primary function of the product is to be used as an item of seating it is also reasonably foreseeable that this same product will be stood upon to replace a light bulb or perhaps hang decorations. We understand this as being reasonably foreseeable, as many of us have either seen this done or have done this ourselves. We also understand that it is not what the product was designed or intended for, and yet we do it anyway assuming the product will be safe when used thus.

Another example of reasonably foreseeable use/misuse is in relation to a child’s bed. Whilst the primary function is to support a child whilst sleeping, it would be entirely foreseeable that a child will stand or jump on the bed. It is also reasonably foreseeable that an adult will sit on the bed for example to read a story.

The same could be considered for a wide range of products, by persons of varying age or experience, therefore when considering what may or may not be reasonably foreseeable it is worth seeking the opinion of a number of potential consumers or observing how they would interact with a product or potential design.

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9.4 Hazard marking and warnings

It is important to note that whilst good use of hazard markings and warning statements can alert consumers to risks posed, for example, that are inherent in the materials a product is made from (such as glass) or in the operation of the product (such as moving parts), this should only be used as a last resort for example where the risk cannot be addressed by design.

There is a wide range of inherently unsafe products, that can be used in a safe manner with clear and concise hazard identification and guidance on use.

Such information should be short, and concise and highlight the hazard and risk posed for example a warning triangle and the words “Caution – moving parts” or “maximum user weight 95kg”

Long, complex, or overly worded statements are likely to either be misunderstood or worse, not read fully.

It is also important to include translations of both instructional and warning text where a product is sold in other markets. Whilst English is a common language, there is no guarantee that the end user will understand English only instructions. To avoid excessive labelling, the use of pictograms is often employed. Again, these must be clear and concise and not confusing to the user.

9.5 Voluntary Standards

It may be of surprise to note that the vast majority of standards relating to furniture, are voluntary.

Under the (GB) GPSR, there is no specific requirement for a manufacturer to test a product, however, the onus is on the producer to ensure that all products placed on the market are safe products and that reasonable steps have been taken in relation to any risks identified following a risk assessment.

Although not mandatory, compliance with published standards is commonly used to show that reasonable steps have indeed been taken to address identified risks such as that posed by insufficient strength or inadequate stability which in turn can form part of a due diligence defence.

However, there is a group of designated standards which if met, confer a presumption of conformity with the (GB) GPSR. By following designated standards, manufacturers can claim, a ‘presumption of conformity’ with the corresponding essential requirements. The designated standard list linked to (GB) GPSR can be found at:

https://www.gov.uk/government/publications/standards-general-product-safety

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The lists of designated standards are published/updated regularly. Further details of this and how the list can be used can be found in Appendix 1.

If there are no designated standards in place general safety should be assessed using the following hierarchy:

- National safety legislation
- Voluntary European (EN) standards or international (ISO) standards
- Voluntary national standards of the UK or country of sale
- Voluntary International standards (this has commonly been interpreted as ISO standards, but some recent guidance suggests that using safety standards from outside Europe, such as US standards, may be appropriate if no EN or ISO safety standard exists for that product)
- Industry codes of practice or best practice/ safety specifications (such as the FIRA FRQG group of standards for children's furniture)
- State of the art & technology available
- Reasonable consumer expectations concerning safety

When considering the development cycle of a product safety standard can be measured in years, it is inevitable that product design and available technology will evolve at a much faster rate. Therefore, an ongoing assessment of risk, in line with any amended published documents, commission decisions or scientific articles is essential.

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10. The defence of due diligence

Due diligence is mentioned in the (GB) GPSR in regulation 29 Defence of due diligence states:

(1) Subject to the following provisions of this regulation, in proceedings against a person for an offence under these regulations it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where in any proceedings against any person for such an offence the defence provided by paragraph (1) involves an allegation that the commission of the offence was due:

(a) To the act or default of another, **or**

(b) To reliance on information given by another

That person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than seven clear days before, in England, Wales, and Northern Ireland, the hearing of the proceedings or, in Scotland, the trial date, he has served a notice under paragraph (3) on the person bringing the proceedings.

(3) A notice under this paragraph shall give such information identifying or assisting in the identification of the person who:

(a) Committed the act or default, **or**

(b) Gave the information, as is in the possession of the person serving the notice at the time he serves it

(4) A person may not rely on the defence provided by paragraph (1) by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances to have relied on the information, having regard in particular:

(a) To the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; **and**

(b) To whether he had any reason to disbelieve the information.

The defence of due diligence effectively enables a producer and/or distributor to argue that they had taken all reasonable steps and precautions and exercised all due diligence to avoid committing the alleged offence, in this case, that the product placed on the market is a safe product.

Regular documented risk assessment and product testing can be crucial to any due diligence defence as are the processes a company has in place to ensure products are consistently manufactured in accordance with a documented specification and regular checks are in place to identify any non-conformities or breakdowns in the process itself.

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The key word is “reasonable” as this takes into account the level of resources available, as well as knowledge and expertise that exist within the business. That does not mean that if there is insufficient expertise or experience in-house it will be accepted that no action can be taken. On the contrary, it means that there would be an expectation that external advice should have been sought from a suitably qualified or experienced source.

10.1 Reliance on 3rd party information

As the (GB) GPSR states, it is important to note that where information has been provided by a 3rd party, for example, a component or materials supplier, it may not be sufficient to rely on this information alone to prove due diligence. Further consideration should be given as to the accuracy or validity of the information provided, the materials or components that this covers, and the age of the documentation provided.

For example, if the supplier of raw material has offered a declaration that the material meets a particular specification such as fibre composition or fire resistance, can this then be proven if challenged.

If we take this a step further it may be considered a reasonable precaution for a company to also check the validity of any documentation provided or periodically carry out surveillance testing to show that checks are in place to identify potential problems.

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11. Inter-directive relationships

There is a widespread belief that the (GB) GPSR only covers those products that do not fall into the scope of a specific Regulation of their own, such as toys or electrical products. This is not strictly true.

Whilst a sector-specific regulation may be considered as the primary legislation, many of these regulations focus on specific safety risks that have been identified or considered foreseeable at the time of implementation and as such could be described as static in their approach. The (GB) GPSR, whilst not product or sector-specific, is more flexible in its approach and can be utilised where a product has evolved to include materials or functions that sector-specific legislation does not take into account or sufficiently cover.

The (GB) GPSR may also apply in particular where there is a gap in requirements and the provisions and obligations within the (GB) GPSR go further than the primary regulation in respect of safety aspects covered or specific obligations, such as requirements to mark a product or requirements to warn the consumer.

For example, the current Toys Safety Regulation does not include an obligation on producers to inform authorities of dangerous products, therefore Article 7 – Obligation for producers to inform the authorities of dangerous products and action taken to prevent the risk of the (GB) GPSR will apply to toys despite there being existing specific legislation for these products.

Another example perhaps more relevant is concerning the Electrical Equipment (Safety) Regulations 1989. Although this Regulation covers essential health and safety requirements for electrical equipment, only equipment that operates with a voltage of between 50 and 1000 V AC (alternating current) and between 75 and 1500 V DC (direct current) falls within scope.

The (GB) GPSR will therefore cover those electrical products that fall outside the scope of the EER, with an operating voltage below 50 V AC (alternating current) or 75 V DC (direct current).

Whilst the majority of more recently published regulations include common provisions made within the (GB) GPSR aimed at reducing the potential of overlapping requirements over time, it should be remembered that products will nearly always develop and evolve at a far quicker rate than safety legislation, particularly given the processes that legislation and standards must follow. Therefore the (GB) GPSR may be relied upon to cover those unique features that a sector Regulation may not.

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12. Technical documentation – The Technical File

The product technical file is a mandatory requirement under many of the CE Marking Regulations, however, under the (GB) GPSR it is not.

This is not to say that this particular means of documenting product information or evidence of compliance is not applicable, on the contrary, it is seen as best practice to maintain a detailed file of technical information for each product and this can form an essential part of the evidence required to show due diligence.

Technical File contents

As a general guide, the following items should be included in the Technical File:

- General description of the product or furniture and intended use
- Bill of materials, including any treatments or coatings applied, and a list of parts including reference to the supplier or unique identifier, in the case of multiple sources
- Datasheets for any materials which may pose a hazard to the user
- Design and manufacturing drawings with descriptions as appropriate
- A list of the standards or technical specifications that have been applied; particularly where harmonised standards have been used
- Records of all risk assessments and assessments to any standards
- Copies of any packaging used, with particular reference to safety information or restrictions in use (age or weight limits), including where this information is presented to the consumer at the point of sale
- Copies of any product markings and labels and if relevant, point of sale information including issue dates to identify any subsequent amendments
- Copies of instruction leaflets/manuals (user, maintenance, installation), including issue dates to identify any subsequent amendments
- Test reports for components and final product and reference to any re-testing methodologies
- Quality control and inspection procedures (incoming goods, in-line or pre-shipment)
- Details of any complaints and where relevant details of the corrective actions or modifications undertaken to address these
- Particular reference should be made to when modifications were made and how these can be identified in production
- Information on batch numbering (how it is displayed and what it means)

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There is nothing to stop the file containing a great deal more information than the examples suggested. For instance, copies of the engineering drawings for any bespoke parts could also be included.

The focus however should be on the quality of the information presented, not the quantity and its relevance to how the product operates and how it has been assessed to be "reasonably safe".

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13. Penalties and Offences

In the (GB) GPSR, the maximum penalty that may be applied when considering the supply of non-compliant products is:

- 12 months imprisonment and/or
- £20 000 fine

In addition to this, the (GB) GPSR makes provision for the mandatory recall of unsafe products where any voluntary action taken by producers and distributors is not deemed to be sufficient or satisfactory and no other measures effectively remove the risk to consumers.

These so called “last resort” powers enable enforcement authorities to

- Force a manufacturer to replace or recall an unsafe or faulty product,
- Enter premises with a view to seizing products or records
- Suspend or withdraw products from sale
- Destroy products

When considering the potential costs involved in the withdrawal from and loss of sales, repair or re-work, or even the recall of a product, not to mention the associated logistic challenges, this could by far exceed any punitive measures in place.

Whilst the cost associated with the above may be measurable, the potential damage to the brand itself, including loss of consumer trust, is immeasurable and in some cases could be so significant that businesses may never recover.

For reference, Part 3 (Enforcement), regulation 20 Offences, of the GPSR states that:

(1) A person who contravenes Regulations 5 or 8(1)(a) shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding 12 months or to a fine not exceeding £20,000 or to both, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both.

(2) A person who contravenes regulation 7(1), 7(3) (by failing to take any of the measures specified in regulation 7(4)), 8(1)(b)(i), (ii) or (iii) or 9(1) shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

(3) A producer or distributor who does not give notice to an enforcement authority under regulation 9(1) in respect of a product he has placed on the market or supplied commits an offence where it is proved that he ought to have known that the product poses risks to consumers that are incompatible with the general safety requirement and he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

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(4) A person who contravenes a safety notice shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding 12 months or to a fine not exceeding £20,000 or to both, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both.

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14. Product Safety Database (PSD)

The United Kingdom (UK) Product Safety Database (PSD) is the notification system used by local authority trading standards, certain national regulators, and Office for Products Standards and Safety (OPSS) enforcement teams to notify unsafe and non-compliant products to the Secretary of State, as required in the (GB) GPSR and other product legislation (CE Regulations, FFFSR, etc).

Unsafe products are those that pose a risk to the health and safety of consumers, whereas non-compliant products are those that do not conform to the relevant product safety legislation. A product can be both unsafe and non-compliant.

The PSD was introduced in November 2019 to replace two EU systems – RAPEX (Rapid Exchange of Information) and ICSMS (Information and Communication System on Market Surveillance) – in readiness for the UK leaving the EU. This enabled a transition from RAPEX/ICSMS until the end of the EU Exit transition period on 31 December 2020.

The PSD is a core dataset for OPSS, providing insight into the market surveillance activity of regulatory officers across the UK and highlighting where the greatest levels of activity are taking place in terms of product sectors, as well as providing an oversight of the most reported hazards and corrective actions taken.

Notifications can be triggered either by the relevant enforcement authority, such as Trading Standards or by the producer or distributor themselves. In each case, notification must be made through the competent national contact who, in the UK, is the Office of Product Safety and Standards (OPS&S), a division of the Department for Business, Energy and Industrial Strategy (BEIS).

PSD is an online digital platform requiring a username and login obtained from OPSS. The two main areas within the PSD online service are the notifications area and the products area.

In the notifications area, you can:

(i) Create a new notification

(ii) Find notifications **or**

(iii) Search the entire database of notifications

A notification reports unsafe, non-compliant and serious risk products to the OPSS and includes relevant information such as importer contact details, product batch numbers, test reports and corrective actions. Users can also report on products that have been tested or risk assessed and deemed safe and/or compliant.

When a notification is created, information and assets (such as accidents or incidents, reports, and evidence images) can then be added directly to the notification. However, the basic information describing a product is added to a notification by including a product record that includes this information.

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In the products area, you can find the product records that are included in your notifications or search the entire database of product records. A product record only contains information about a product (such as its brand name, barcode, and its categorisation) and does not include the notification information.

Analysis of this PSD data can highlight where there may be emerging safety issues for products within certain sectors, which can feed into and drive OPSS's regulatory activity and decision making to target market surveillance activity, reduce risk, and protect consumers.

The notification procedures are mirrored by the (GB) GPSR in the following regulations:

Regulation 9(1)-(3): the procedure introduced to support the obligation of producers and distributors to notify problems with the products they supply, and what they have done to remove the risk to consumers;

Regulation 33(2): the exchange of information on products where action has been taken to restrict their supply, but which are not deemed to present a serious risk (see Risk Assessment annex);

Regulation 33(4): the PSD procedure for notifying products that are found to present a serious risk to consumers and which require urgent action to be taken including any notifications received under Regulation 9 where these are considered to pose a serious risk.

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Appendix 1: Designated Standards published on GOV.UK

Designated standards can help manufacturers demonstrate their products, services or processes comply with GB law. By following designated standards, manufacturers can claim, a 'presumption of conformity' with the corresponding essential requirements. Designated standards do not replace the essential requirements and manufacturers retain full responsibility for ensuring the applicable GB law is met.

A designated standard is a standard, developed by consensus, which is recognised by the government in part or in full by publishing its reference on GOV.UK. The designated standard list linked to (GB) GPSR can be found at:

https://www.gov.uk/government/publications/standards-general-product-safety

For the GB market, and depending on the product, a designated standard can be a standard adopted by any of the recognised standardisation bodies (the British Standards Institution (BSI), European Committee for Standardisation (CEN), European Committee for Electrotechnical Standardisation (CENELEC) and European Telecommunications Standards Institute (ETSI)) or by international standardising bodies (including the International Organization for Standardization (ISO), International Electrotechnical Commission (IEC) and International Telecommunication Union (ITU)).

To promote consistency and guidance on the designation of standards, the Office for Product Safety and Standards (OPSS) leads and coordinates the designation process across government. The government may decide to designate a standard in full; not to designate; or, to designate with restriction. Any such restrictions will be published on GOV.UK. Where a standard that is designated replaces an existing designated standard, there is a transition period during which both the new designated standard and the superseded standard give a presumption of conformity. This transition period will be made clear in the relevant published notice.

Only the application of a designated standard will give a presumption of conformity to the relevant essential requirements. OPSS maintains all designated standards pages on GOV.UK and carries out the administrative function of publishing references to standards following internal approval or when other departments and agencies have decided to designate.

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Appendix 2: Terms and Definitions

The following Terms and Definitions can be found in Chapter 1, Article 2 of the (GB) GPSR and have been reproduced in full for clarity:

(a) 'product' means a product that is intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them, and is supplied or made available, whether for consideration or not, in the course of a commercial activity, and whether new, used or reconditioned and includes a product that is supplied or made available to consumers for their own use.

This definition shall not apply to second-hand products supplied as antiques or as products to be repaired or reconditioned prior to being used, provided that the supplier clearly informs the person to whom he supplies the product to that effect.

(b) 'safe product' shall mean any product which, under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements, does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons, taking into account the following points in particular:

i. The characteristics of the product, including its composition, packaging, instructions for assembly and, where applicable, for installation and maintenance
ii. The effect on other products, where it is reasonably foreseeable that it will be used with other products;
iii. The presentation of the product, the labelling, any warnings and instructions for its use and disposal and any other indication or information regarding the product
iv. The categories of consumers at risk when using the product, in particular children and the elderly

The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product to be a 'dangerous product'.

(c) 'dangerous product' shall mean any product which does not meet the definition of 'safe product' in (b).

(d) 'serious risk' means a serious risk, including one, the effects of which are not immediate, requiring rapid intervention.

(e) 'producer' means:

(a) The manufacturer of the product, when he is established in Great Britain, and any other person presenting himself as the manufacturer by affixing to the product his name, trademark or other distinctive mark, or the person who reconditions the product

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(b) When the manufacturer is not established in GB:

i. If he has a representative established in the GB market, then the representative.

ii. In any other case, the person established in GB that places a product from a country outside of GB on the market.

(c) Other professionals in the supply chain, insofar as their activities may affect the safety properties of a product.

(f) 'distributor' means a professional in the supply chain whose activity does not affect the safety properties of a product.

(g) 'recall' means any measure aimed at achieving the return of a dangerous product that has already been supplied or made available to consumers.

(h) 'withdrawal' means any measure aimed at preventing the distribution, display, or offer of a dangerous product to the consumer.

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Appendix 3: Glossary

The following list contains some of the key phrases and their definitions associated with the use of the GB General Product Safety Regulations and this guide

In this guide, where reference is made to the "(GB) GPSR" this information pertains to statutory Instrument SI2005 No. 1803 The General Product Safety Regulations 2005

Other terms are explained as follows:

Authorised representative

If the manufacturer of a particular product is not based in the GB Market, the regulation states that an 'authorised representative' must take responsibility for the product within Great Britain.

The authorised representative will usually be an importer, distributor, or buyer of the furniture products.

The definition of an authorised representative is someone who has a formal contract with the manufacturer to represent them within GB.

Due Diligence

This commonly used term may be defined as:

"the reasonable steps taken by a business or person to avoid committing an offence"

To rely on or use due diligence as a form of defence, a company is required to show two things:

- that they have taken all reasonable steps or precautions; and
- that they have exercised all due diligence to avoid committing the offence

For most businesses, this will mean that the supply of raw materials or components as well as production itself is subject to specific controls at various stages and that clear steps have been put in place including monitoring of the product after placing it on the market to prevent a possible issue from occurring.

Essential requirements

Essential requirements, in some regulations referred to as Essential Health and Safety Requirements (EHSR) are intended to provide and ensure high levels of protection for consumers or users of products or equipment that arise from particular hazards such as mechanical strength, toxicity of materials; flammability, or electrical properties.

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Designated Standards

Designated standards can help manufacturers demonstrate their products, services or processes comply with GB law. By following designated standards, manufacturers can claim, a 'presumption of conformity' with the corresponding essential requirements. Designated standards do not replace the essential requirements and manufacturers retain full responsibility for ensuring the applicable GB law is met. This does not mean that the standard is mandatory, only that the standard offers a presumption of conformity with the essential safety requirements of a particular regulation, in this case (GB) GPSR.

Product Safety Database (PSD)

The United Kingdom (UK) Product Safety Database (PSD) is the notification system used by local authority trading standards, certain national regulators, and Office for Products Standards and Safety (OPSS) enforcement teams to notify unsafe and non-compliant products to the Secretary of State, as required in the (GB) GPSR and other product legislation (CE Regulations, FFFSR, etc).

Product notifications cover a wide and varied range of products including cosmetics, electrical and electronic products, tools, vehicles, furniture, PPE, homewares, clothing, footwear, toys, childcare products, and sports and leisure equipment but do not cover food or medical devices.

Risk Assessment

The process or method through which a hazard that has the potential to cause harm is identified, analysed, and reduced or removed when taking into consideration the likelihood and severity of any injury which may occur.

Technical file

Although not a formal requirement of the (GB) GPSR, maintaining a technical file and detailed records for a particular product is seen as good practice and can be of use when considering the defence of due diligence.

A familiar requirement in what is commonly referred to as the "CE Marking Regulation", the person responsible for placing a product on the market is required to maintain the necessary documentation demonstrating that the essential requirements of any applicable regulations have been met.

This information, including design specifications, test results and assessment history, is contained within a series of documents and is commonly referred to as the Technical file.

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Appendix 4: Example PRISM Risk Assessment

The following example risk assessment has been produced using the PRISM Toolkit in excel format that can be downloaded on the link below from .GOV website in PSD section:

https://www.gov.uk/guidance/product-safety-risk-assessment-methodology-prism#prism-v2-guide-and-toolkit

Scenario

A folding chair has a folding mechanism constructed in such a way that, if the user is distracted or inattentive, their fingers may get entrapped between the seat and the folding mechanism. This can lead to fractures or even loss of one or more fingers.

Determination of the risk(s)

Office for Product Safety & Standards

PRISM: Product Safety Risk Assessment Methodology

1. Background information			
Assessor name:	Any. Body		
Organisation:	A. Company	Assessment reviewed by:	A. Person
Date of initial assessment:	13.12.24	Assessment review date:	14.12.24
Date of last update:	N/A	Product category:	Furniture
Product brand:	Chairaway	Product name/model:	Folding Chair
Other identifiers (such as batch reference):	110000	Product sub-category:	Domestic Chair
Name of business that placed the product on the market:	A. Company	Have images been captured of the product?	Yes
Applicable product safety legislation and standards:	(GB) GPSR	Number of hazards identified:	5
Who or what could be harmed?:	Person Operatoring Chair	Could unintended or non-users be at risk?:	No

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2. Harm scenario generator	
Can the product be deemed to present a serious risk?:	Yes
What is the hazard type?:	Mechanical
Describe the hazard:	Person is sitting on the chair; person wants to move the chair and tries to lift it by gripping the chair at the rear part of the seat; finger gets caught between seat and backrest
Describe who or what can be harmed:	Loss of finger
Severity of harm:	Level 3: Injury or ill health that normally requires hospitalisation and will affect functioning for more than 6 months or lead to a permanent loss of function.

Provide relevant context for the harm scenario
A folding chair has a folding mechanism constructed in such a way that, if the user is distracted or inattentive, their fingers may get entrapped between the seat and the folding mechanism. This can lead to fractures or even loss of one or more fingers.

	Individual steps to harm	Probability (expressed as a decimal, fraction or percentage)	Supported by?
Step one	Sitting on chair	1.0000000	Solely judgement / estimation
Step two	Moves the chair: 1/3	0.3300000	Solely judgement / estimation
Step three	Grips chair at rear part	0.2500000	Solely judgement / estimation
Step four	Finger gets caught: 1/10	0.1000000	Some (limited) empirical evidence

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Overall probability:	0.008250000000	Severity level:	3	Single product item risk level:	Serious risk
Uncertainty level:	Medium uncertainty				
Supporting evidence relevant to harm scenario:	Failed test standard performed by third part test house				
3. Products with multiple hazards (see multiple scenario generator tab)					
Click here for multiple scenario generator					
Should the risk outcome be revised to reflect there being multiple hazards?:	No, the hazard creating the greatest risk sufficiently reflects the overall product risk				
4. Level of risk (all product items)					
Can the total number of product items in use be estimated?:	Yes, based on information provided by the business				

Risk Evaluation

Office for Product Safety & Standards

PRISM: Risk Evaluation

1. Factors relating to the nature of the risk			
Is the product likely to become more or less prevalent?	Prevalence expected to stay constant in foreseeable future and gives rise to a higher population risk	**Does the uncertainty level have implications for risk management decisions?**	No
How does the risk level compare to that of comparable products?	Risk appears to be higher than that of comparable products	**Is there potential for multiple casualties in a single incident?**	No
Is there a significant risk differential?	Yes	**Are there people at increased risk?**	Yes
Is relevant action planned or underway by another MSA or other organisation?	No	**Are there any other matters relating to the nature of the risk that should be flagged?**	No
Could the hazard cause other types of harm? (check all that apply)	Psychological harm ☐ Damage to property ☐	Harm to animals ☐ Harm to the environment ☐	

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2. Factors relating to perception and tolerability of the risk			
Are there multiple potential causes of the same type of harm as that assessed?	No	**Is this a low likelihood but high severity risk?**	Not applicable
Is there a risk to non-users?	Not applicable	**Is there a risk to vulnerable users?**	There is a risk to vulnerable users
Is the risk associated with a defective protective product?	Not applicable	**Can users control the risk?**	Users can exercise some control over the risk
Will media reporting influence how the risk is perceived?	Not applicable	**Are there other matters that will influence the way the risk is perceived (free text)?**	None
1. Factors relating to the nature of the risk - outcome:	There are no factors other than the risk level to take account of in relation to risk management decisions		
2. Risk tolerability - outcome:	Risk is not tolerable		
Upload completed PRISM toolkits to the Product Safety Database (PSD). Click here for the PSD sign-in page			

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Risk Overview

Office for Product Safety & Standards

Prism: Product Risk Assessment Methodology

Risk assessment background and summary of outcomes			
Assessor name:	Any. Body	Organisation:	A. Company
Date of initial assessment:	13.12.24	Assessment reviewed by:	A. Person
Date of last update:	N/A	Assessment review date:	14.12.24
Product brand:	Chairaway	Product category:	Furniture
Product name/model:	Folding Chair	Product subcategory:	Domestic Chair
Other identifiers (such as batch reference):	110000	Name of business that placed the product on the market:	*A. Company*
Applicable product safety legislation and standards:	(GB) GPSR	Have images been captured of the product?:	*Yes*
Who is the product aimed at?:	Person Operatoring Chair	Number of hazards identified:	5
Could unintended or non-users be at risk?	No	Can the product be presumed to present a serious risk without a quantified risk assessment?:	Yes
Single product item risk level:	Serious risk	Has the risk outcome been revised to reflect there being multiple hazards?:	No, the hazard creating the greatest risk sufficiently reflects the overall product risk
Estimated number of product items in use:	400	Overall level of risk for product:	Serious risk
Sensitivity analysis outcome:	Sensitivity analysis not performed	Uncertainty level:	Medium uncertainty
Factors related to the nature of the risk: outcome:	There are no factors other than the risk level to take account of in relation to risk management decisions	Risk tolerability outcome:	Risk is not tolerable

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