

NEW UK CODE OF PRACTICE FOR CONSUMER PRODUCT SAFETY RECALLS



On 7 March 2018, the newly formed UK Office for Product Safety and Standards (the "Office") published the first government-backed Code of Practice on consumer product safety related recalls and other corrective actions (the "Code").

The Code sets out best practice guidance for both businesses and regulators concerning effective monitoring, assessment, notification and correction (including product recall if needed) of product safety issues.

Background

It is widely recognised that product safety in the UK is governed by a strong regulatory regime, with clear rules and standards. However, a recent spate of very serious incidents have led to questions being asked about the UK's product safety regime, and various groups have called for the current regulatory and enforcement system to be strengthened.

On 21 January 2018, the UK Government announced the creation of a new national oversight body, the Office for Product Safety and Standards (the "Office"), tasked with identifying consumer risks and managing responses to large-scale product recalls and repairs.

The Code is the new Office's first major initiative, and follows a recommendation of the Working Group on Product Recalls and Safety, commissioned by the UK government to consider issues and potential improvements to the UK product safety regime.

Guidance for businesses and regulators

The Code, which was prepared in conjunction with the British Standards Institute, and with the assistance of leading retailers, consumer interest groups and industry bodies, sets out the Government's expectations of businesses and regulators, to ensure that product safety corrective action is taken in a safe and systematic way.

The Code applies to all sectors that are not otherwise covered by alternative sector-specific national guidance (such as food, medicines, medical devices and vehicles). It is intended for use by all business sizes.

The Code provides guidance to manufacturers, importers and distributors on:

- ▶ how to plan for a recall
- ▶ how to undertake a risk assessment
- ▶ how to manage a possible recall or other corrective action

- ▶ how to set up processes to monitor product safety
- ▶ what businesses should do when investigating a potential product safety issue
- ▶ how to review/develop corrective action plans

It also provides guidance to regulators, including local Trading Standards, on how they can:

- ▶ effectively monitor incidents and analyse the associated data
- ▶ support businesses in the preparation of their product safety incident plan, monitoring of incidents and implementing appropriate corrective action
- ▶ respond proportionately if a business fails to take proper action in response to a safety issue.

Comment

The publication of this best practice guidance is a positive step forward to ensuring even higher levels of product safety in the future, and will provide an important point of reference for businesses and regulators facing potential safety issues.

Not only does the Code provide manufacturers, importers and distributors with guidance on what to do when something goes wrong, it also provides guidance on what to do before there is a product safety issue and how to be best prepared. Businesses should take this opportunity to review the systems they currently have in place for planning and managing a product recall or other corrective action to ensure that they have appropriate processes in place.

A copy of the Code can be obtained [here](#).

For further information on and support with product safety, please contact our [Product Litigation, Safety and Recall team](#).

Who to contact

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