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trading standards law explained

Introduction

In this section

What is a PAS document?
PAS 7050
PAS 7100
Why were PAS 7050 and PAS 7100 needed?
PRISM

In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

What is a PAS document?

A PAS document is similar to a British Standard, although it has a different development model. It is generally voluntary and is a tool devised for the convenience of those who wish to use it. It is usually:

- developed in response to an identified need
- developed at the request of a sponsor
- a way of quickly introducing standardisation (PAS documents tend to have a quicker development time than a British Standard)
- unrestricted in use, so it can be used for any marketplace, not just the UK
- considered for further development - for example, into a British Standard
- reviewed after two years

A PAS document usually fits into the following types:

- **Specification.** Sets out detailed requirements to be satisfied by a product, material, process, service or system, and the procedures for checking conformity with these requirements
- **Guide.** Gives broad and general information about a subject, with background information where appropriate
- **Test method.** Sets out a detailed procedure for performing an activity (for example, measuring a quantity, testing a product, or determining a characteristic) and sets out a way of determining and presenting the results
- **Code of practice.** Gives recommendations for accepted good practice, as followed by competent and conscientious practitioners, and brings together the results of practical experience and acquired

knowledge for ease of access and use of the information

As well as these four, there are other types of PAS document, which include management systems, methods of specifying, vocabulary or classification. Refer to PAS 0: *Principles of PAS standardization* for further information.

PAS 7050

PAS 7050: *Bringing safe products to the market. Code of practice* is, as the name suggests, a code of practice; it therefore gives a set of recommendations, in this case about bringing safe products to market. It was developed in response to a need for greater clarity for economic operators* about the process of bringing safe products to the market, and was published in 2022.

[*'Economic operators' are manufacturers, authorised representatives, importers and distributors. There are differing levels of responsibility for each type of economic operator.]

Although most products on the market are considered to be safe, some are not, which can lead to significant injuries and even fatalities. This can be detrimental to economic operators. Most businesses do not plan to sell unsafe products and would welcome advice on how to reduce the probability of this happening.

The degree of market diversity for products made this PAS document a challenge to develop, but it also presented an opportunity to highlight key processes and plans that are relevant, regardless of the product under consideration. It is a document intended for businesses that would like to verify their plans and processes or those that wish to develop and implement such plans and processes to manage risk in relation to product conformity and safety.

The PAS document was sponsored by the Office for Product Safety and Standards (OPSS), and facilitated by the British Standards Institution and a steering group, which included 29 organisations. It is structured in two parts: Part I for businesses and Part II for regulators that support businesses.

PAS 7100

PAS 7050 should be read in conjunction with PAS 7100: *Product recall and other corrective actions. Code of practice*, which was first published in 2018 and updated in 2022. PAS 7050 focuses on the development of a 'product safety management plan' (PSMP), while PAS 7100 focuses on the 'product safety incident plan' (PSIP).

Why were PAS 7050 and PAS 7100 needed?

Under the General Product Safety Regulations 2005, and sector-specific product regulations, only safe products may be placed on the market. Even though these regulations and requirements have been in force for many years, unsafe products continue to be placed on the market, as demonstrated by OPSS's product recalls and alerts information on the GOV.UK website.

Most businesses want, and aim, to sell safe products, but for various reasons challenges occur that lead to mostly unintentional consequences. It is vital that all businesses involved in producing or selling products to consumers have a plan in place to mitigate the risk to consumers from unsafe products. This should be laid out in a plan similar to the PSIP noted in PAS 7100.

Not only should businesses have a plan in place for when an incident occurs (as highlighted in PAS 7100), they should also have plans and processes in place to prevent such incidents and to learn from incidents when they do occur. The aim of PAS 7050 is to provide suggestions and recommendations on what this

proactive PSMP may look like.

PAS 7050 provides simple, concise advice to businesses that want to bring safe products to the market and are prepared to put in place processes to ensure this. When PAS 7100 was first published, it was almost like the sequel to a then non-existent PAS 7050, focusing on a product safety incident and when a challenge arises. PAS 7050 provides a more proactive focus with the aim of preventing unsafe products from reaching the market in the first place.

PAS 7050, with the support of PAS 7100, aims to provide a proactive way of approaching product safety, thus protecting consumers, preventing injuries and potentially saving lives. Some businesses will have never encountered a product safety incident, but is important that they make themselves aware of both PAS 7050 and PAS 7100. If an incident does occur, the PAS documents may be referred to by, for example, a Trading Standards officer.

PRISM

The Product Safety Risk Assessment Methodology (PRISM) was launched by OPSS in 2022, after extensive engagement with local authorities and national regulators. It has resulted in risk assessments becoming more robust and informed.

PRISM is designed to be used by the market surveillance authorities and enforcing authorities in Great Britain with responsibility for consumer product safety. It is similar to the EU Safety Gate approach, but has additional parts and reflects the same risk-level matrix. Even though PRISM has been designed for market surveillance and enforcement authorities, it can also be used by businesses or individuals who want to complete a risk assessment on their product.

> How PAS 7050, PAS 7100 and PRISM help businesses

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