Department for Business & Trade

Office for Product Safety & Standards

# Consultation on the UK's new product safety framework:

## Response form

### Summary

We are seeking views on a new, modernised and enhanced core product safety framework.

**Please return to: ProductSafetyReform@businessandtrade.gov.uk**

**Closing: 23.59 on 23 June**

### Introduction

The existing product safety framework needs an upgrade. It is based on the General Product Safety Regulations 2005, introduced two decades ago, and overlaid with specific regulations for certain product sectors. We live in a world vastly different from the turn of the century, and the way people buy products has evolved. There are simply too many instances of dangerous products being sold to UK consumers, often online, resulting in serious harm.

The need for a new core framework was identified by the Product Safety Review and endorsed by Parliament in passing the Product Regulation and Metrology Act 2025. In this consultation we propose a new, modernised and enhanced framework giving people confidence that what they buy will be safe, thereby supporting growth and giving businesses incentives to invest by providing a level playing field, with clearer responsibilities and a more consistent and streamlined set of regulations.

Our proposals are grouped into the following themes:

1. Getting the basics right
2. Accountability throughout the supply chain
3. A new approach to product information
4. Supporting enforcement activity

The new core product safety framework will:

- require proactive action from everyone in the supply chain to protect consumers;
- reflect modern products and supply chains;
- capitalise on the opportunities new technology has provided for both businesses and consumers; and
- support delivery of the government's Regulation Action Plan.

This consultation should be read together with its companion consultation on the market surveillance and enforcement aspects of the new framework. The proposals and questions in this document are in the format ‘A1, A2’ and in the other document are in the format ‘B1, B2’ Please ensure your answers reference the proposal and questions numbers with the correct letter and number.

Read and respond to the consultation on market surveillance and enforcement.

## Confidentiality and data protection

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| Your Details | | |
|---|---|---|
| **1. Your name** | Eva Ablett | |
| **2. Your email address** | eva.ablett@consumer.scot | |
| **3. Are you responding:** | | |
| As an individual? Please go to 'Consultation Questions' | | |
| On behalf of an organisation? Please continue | | X |
| **4. Name of organisation** | Consumer Scotland | |
| **5. Number of employees** | | |
| 1 to 9 | | |
| 10 to 49 | | X |
| 50 to 249 | | |
| 250 or more | | |
| **6. Type of organisation** | | |
| Business | | |
| Trade Association | | |
| Test House or Laboratory | | |
| Consumer Body | | X |
| Local Authority | | |
| Fire and Rescue Service | | |
| Government Body | | |
| Other (Please specify) | | |

| Consultation Questions | | | |
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| **Getting the basics right** | | | |
| **Question A1: Do you agree or disagree with the proposed scope of the regulations, including the exemptions from scope?** | | | |
| **Agree** | | **Neither agree nor disagree** | |
| **Disagree** | | **Don’t know** | |
| **Please explain your answer** | | | |

Consumer Scotland is the statutory body for consumers in Scotland. Established by the Consumer Scotland Act 2020, we are accountable to the Scottish Parliament.

The Act provides a definition of consumers which includes individual consumers and small businesses that purchase, use or receive products or services. It is important that small businesses are able to purchase goods that are safe when acting as consumers.

Our considerations are take account of existing evidence and the consumer principles of accessibility, choice, safety, information, fairness, redress, and representation.

Our key points:

- We are generally supportive of the proposals and consider they will improve outcomes for consumers through traceability and accountability throughout the supply chain
- We welcome the inclusion of online markets to level the playing field for consumers shopping online
- We welcome the specific consideration of consumers in vulnerable circumstances when assessing safety
- Product safety information should be easy to find for consumers, including those with limited digital access or skills
- In the interest of consumers, obligations upon small businesses must be proportionate and clear guidance must be issued to help them comply
- Consumers should have clarity around the use of AI and smart technology in products
- Any new regulations should be subject to consultation with enforcement bodies and paired with appropriate resourcing

Regarding the scope of these regulations:

We support the UK Government’s overarching aim to implement balanced regulations that protect consumers without imposing undue administrative burdens on businesses, in line with the objectives of the UK Treasury’s Regulation Action Plan.

From a perspective of small businesses as consumers, we welcome the proposal to include products supplied to businesses and charities (business products) as well as those products that are supplied for consumer use (consumer products) within the scope of the regulations.

We also welcome the inclusion of AI components of goods as per the Product Regulation and Metrology Act 2025, and the new powers it introduces to support the regulation of software and developing technologies.

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| We consider the exemption of products of which the safety is otherwise regulated acceptable. |

| **Question A2: Do you agree or disagree with the proposed definition of a safe product?** | | | |
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| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| We welcome the expansion of the definition of a safe product to include property and domestic animals in certain cases, provided that the designated standards triggering these inclusions are easily accessible to and understandable for consumers as well as onward suppliers and manufacturers. | | | |

| **Question A3: Do you agree or disagree with the new list of considerations when assessing safety?** | | | |
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| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| We recognise the need to clarify and update requirements to assess whether a product meets the definition of being safe, to help modernise the framework to keep up with modern products, including those using AI, whilst continuing to protect consumers.<br><br>We have previously argued that any shift from product-based to risk-based regulation must come with clear distinctions between product hazard (the intrinsic potential of a product to cause harm) and product risk (the likelihood of harm occurring and how severe that would be) in a particular product, designed for a particular use, as these may diverge. For example, cosmetics may have a low product hazard but can be high risk (incorrect application, allergic reactions).<br><br>Assessing whether a product presents a risk and how high this risk is, is more subjective than determining what sector it can be categorised under, or the hazard it presents. While we welcome the distinction in terms of "hazards in and risk posed by the product", this currently does not follow through in the actual proposed considerations. We recommend in safety considerations adding to the characteristics and presentation of the product "*and its intrinsic potential to cause harm when used for its intended purpose".* We would also add a consideration describing product risk.<br><br>In our response to the UK Product Safety Review in 2023 we highlighted that any assessment of risk must take into account the needs and characteristics of those consumers most at risk of harm, rather than simply using an "average" consumer as a yardstick. As such, we welcome the proposal (A3) to include a consumer-focussed consideration of the impact on consumers who may be vulnerable, such as children, elderly people, or those with disabilities. We would welcome more detail on what framework would be put in place to determine which categories of consumers should be | | | |

specifically considered for what products, what the process would look like, and if there would be a role for consumer representatives in this process.

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| **Question A4: Do you agree or disagree with our proposal to revoke the Food Imitations (Safety) Regulations 1989?** | | | |
| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| We have no objections against proposal A4 to revoke the Food Imitations (Safety) Regulations 1989, as this risk will become part of general safety assessments under proposal A3.However, there needs to be a clear framework with objective criteria to determine if a product has the appearance of food and is therefore likely to be placed in the mouth, sucked or ingested.<br><br>Any assessment requirements should reflect the wording of Regulations 3 and 4. Regulation 3 clarifies that the definition of "food" also includes drink and other products, and includes an important exception that allows the supply of products intended to represent food in model scenes or settings, such as plastic fruit in a kitchen showroom, or a fake cake to go in the oven of a doll house. Regulation 4 is the key section, describing the characteristics that might lead consumers to confuse the product with food - such as packaging or form - which clarifies what the regulations apply to. | | | |
| **Question A5: Do you agree or disagree that essential safety requirements, testing or conformity assessment may be useful in the new framework?** | | | |
| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| We support the proposal to cater for additional requirements such as testing or third party conformity assessments in principle; however, there should be clear guidance for producers, onward suppliers, and online marketplaces to help identify when these apply and they should be coupled with a clear enforcement mechanism. We agree with Electrical Safety First that requirements for testing should be proportionate to risk, and a high-risk product like an e-scooter battery should be subject to additional assessments to establish conformity. | | | |
| **Question A6: Do you agree or disagree with introducing the 'designation' mechanism for products covered by the framework?** | | | |
| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |

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| We note that the framework proposes to rely on risk-based regulation and voluntary standards rather than prescriptive requirements applying to all products. We recognise that the application of certain standards or technical specifications as a presumption of conformity, as has been the case with the General Product Safety Regulations 2005, can be an effective tool to achieve this.<br><br>We support continuing the designated standards framework currently in place. However, given the rapidly evolving technology and nature of product development we support the proposed addition of mechanisms allowing government, producers, regulators, onward suppliers, online marketplaces, and others to react more quickly. We consider that in a fast-track system it is crucial that reasons to be fast-tracked are clear and underpinned by robust minimum criteria to help protect consumers from harm. Finally, we consider that fast-tracked standards must be subject to equally robust levels of regulation and enforcement as those who were developed through standard processes. We would welcome more detail on how these standards are envisaged to be developed.<br><br>We understand that there has been limited engagement on the proposals with key stakeholders such as trading standards, consumer bodies and BSI prior to the public consultation. We consider this a missed opportunity and recommend that further, in depth engagement with these stakeholders should now take place to support the ongoing development and refinement of the proposals.<br><br>Like BSI and CTSI, we have reservations about giving the Secretary of State powers to designate standards from competent standardisation bodies that are not UK, European, or international standardisation organisations. If this were to happen, any use of such standards should be temporary and an urgent need would have to be demonstrated. They would also have to be very clearly limited and defined. When developing or co-developing standards (for example through its membership of ISO), BSI is obliged to ensure the voice of consumers within the UK is represented and considered. Standards developed by ‘other bodies’ over which BSI doesn’t have such influence, are not developed with UK consumers and UK markets in mind and may not suit their needs. This does not sit well with the consumer principle of representation.<br><br>Details about the process, what would trigger any powers to designate standards from ‘other bodies’, and which bodies would be considered competent standardisation bodies, would have to be carefully considered and subject to consultation with relevant stakeholders.<br><br>It is crucial that enforcement bodies are able to understand when and how to enforce, and we understand that they have special access to BSI standards. If the UK Government intends to use standards from other bodies, it should provide clarity on how these will be accessible to trading standards officers. |
| **Question A7: In what circumstances, if any, might it be appropriate to designate a standard from a competent standards body other than BSI, European standards bodies, or international standards bodies?** |
| We do not consider we have the evidence to respond to this question. |

| Question A8: Are there any further actions you believe we should be taking to ensure lithium-ion batteries within consumer products are safe? | | | |
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| No. | | | |
| **Accountability throughout the supply chain** | | | |
| **Question A9: Do you agree or disagree with the requirement that producers must only place safe products on the market?** | | | |
| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| Consumers should be able to buy products with the confidence that they fulfil product safety requirements and are safe when used for the intended purpose. Allowing producers to place products on the market that do not fulfil product safety criteria puts consumers at risk of experiencing harm and can undermine consumer confidence. | | | |
| **Question A10: Do you agree or disagree with the requirement that onward suppliers should act with due care and not supply a product unless it is compliant?** | | | |
| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| We agree with the proposal to place responsibility on producers, online suppliers, and online marketplaces. While the onus should be on producers to manufacture products that are safe, this does not always happen in practice, while products that have been manufactured in jurisdictions with a less stringent product safety regime can also be available via online markets.<br>Onward suppliers therefore play an important role to ensure that any unsafe products that do enter the market, don't reach consumers. We agree they should have processes in place to ensure the products they seek to supply are compliant with UK product safety regulations.<br>We would want to prevent unnecessary burdens on especially small onward suppliers through excessive prescription. We therefore support the proposal to introduce guidance setting out a non-exhaustive spectrum of actions that may be taken, ranging from product safety checks to correct storage. It will be important make it clear when certain actions would need to be taken. Examples like case studies and general principles should form part of such guidance. | | | |
| **Question A11: Do you agree or disagree that online marketplaces should be required to act with due care to prevent, identify and remove non-compliant products from their sites?** | | | |

| Agree | X | Neither agree nor disagree | |
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| Disagree | | Don’t know | |

| Please explain your answer |
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| Like offline sellers, online marketplaces should be appropriately required to protect consumers. This means they should prevent, monitor, and remove non-compliant products to ensure that none can be purchased from their platforms.<br><br>We recognise that the proposals seek to respond to the changing behaviours and increasingly complex supply chains due to a rise in online shopping. ONS data shows that a quarter of all retail sales in the UK are now consistently made online each month (27.3% in May 2026). Declining high streets and the cost of living may further drive consumers, including those in vulnerable circumstances, to seek out cheap deals online. 2025 OPSS research into consumer behaviour on online marketplaces found that the key driver when choosing an online marketplace is price competitiveness (57%), while only one in five (20%) said they considered product safety. It also found that 1 in 4 consumers did not take any steps to check product safety when purchasing a product online, mainly because they assumed the product would not be for sale if it wasn’t safe. These findings support the need for additional consumer protection mechanisms .<br><br>Purchasing from third party providers in an online marketplace can exacerbate risks. OPSS published research in 2024 which found that of the 2,260 products purchased from major online marketplaces via third party sellers 1,832 (81%) were non-compliant with product safety regulations. Unable to physically inspect goods before purchase, and with online marketplaces hosting goods from a wide range of third party sellers, consumers are more exposed to harm. In June 2026, Which? published an investigation which found dangerous phone chargers for sale on online marketplaces via third-party sellers. It exposed how easy it still is for consumers to purchase phone chargers that are counterfeit products, are missing safety information, do not comply with UK product safety regulations, or could cause electric shocks or even explode, via household names like Amazon, B&Q marketplace, and Debenhams websites. This further illustrates the need for online marketplaces to prevent unsafe products from entering the UK market, monitor and test products advertised on their platforms, and remove products that are unsafe.<br><br>Finally, we note the rise of consumer-to-consumer (C2C) online markets, which have not been regulated in terms of product safety, leaving consumers without adequate protections. In principle, we welcome the proposals to require online marketplaces to help plug this gap, with the regulatory powers provided by the 2025 Act.<br><br>However, any such measures will have to be clear and proportionate, balancing the need for safety with the choice of consumers to easily purchase second hand items at a more affordable price point.<br><br>Firstly, we note that the overwhelming priority is to make the primary market safe, to prevent unsafe items from reaching consumers in the first place. This would result in a greater likelihood that goods that are already on the market to be sold on, being safe.<br><br>To ensure that any pressures associated with regulation will not be passed on to users of C2C online marketplaces, we propose that consideration should be given to which product categories should be in scope for C2C marketplaces. For example, there may be consumer benefits in including higher risk products, such as electrical items, but not |

lower-risk items such as clothing and footwear. Further work is required to determine how such distinctions might work in practice. In included product categories, relevant information (i.e. what to look out for) could automatically be displayed. Terms of sales should stipulate that no goods can be sold that appear to be unsafe.

While the onus should be on the online marketplace, it is important to understand how this may impact on the ease of selling items and the choice consumers have in making purchases. For example, would sellers be required to upload a serial number or evidence of a CE marking, and how would online platforms facilitate an easy process of doing this? Online markets should have a checklist to help individual sellers perform basic checks of their item to establish what is wear and tear and when a product might be unsafe. Online market should also identify accounts posing as individuals but behaving like businesses, for example through high volume sales of similar items.

There should be an obligation on online marketplaces to provide information to both sellers and buyers around safety standards and obligations. The online market should also monitor its platform proactively to identify unsafe items that are being advertised, and to track and if necessary remove accounts and details associated with accounts that have repeatedly advertised unsafe items. We note in the proposals that actions online marketplaces might need to take could include monitoring to identify products that are non-compliant or subject to a product safety alert, report or recall; establishing a point of contact where users can report safety concerns; putting in place processes to prevent non-compliant products being listed; and developing a product safety plan that assures them and relevant authorities that they have implemented sufficient measures to be compliant. These appear to be sensible measures, but we would welcome further detail on how these will be delivered in practice and to ensure that the onus for meeting the regulations sits clearly with online markets rather than individuals.

**Question A12: Do you agree or disagree with the introduction of a requirement that online marketplaces should practice due diligence to identify and take action against non-compliant sellers and sellers that provide non-compliant goods?**

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| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don’t know** | |

**Please explain your answer**

Preventing consumer harm is a key objective of this framework. A proactive approach by online marketplaces will allow for detection of more non-compliant products, quick removal, and self-enforcement will remove some pressure from enforcement bodies. The volume and variety of products traded in online marketplaces make it difficult to proactively identify every product, and we consider that AI software could play a role in detecting unsafe products and notifying online marketplaces.

While the 2023 OPSS consultation on Product Safety contained proposals specifically aimed at tackling listing as well as re-listing of unsafe products, the latter was not specifically reflected in the Act. In our response, referencing a 2025 Which? investigation, we recommended specific reference to re-listing unsafe items that were previously removed or recalled from online marketplaces, to act as a deterrent for such practices.

While we welcome that the Act caters for re-listing to be tackled and we welcome the specific mention of re-listing, we consider that re-listing is an aggravating factor and

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| should be subject to more severe sanctions, such as higher penalties, than first time listing, | | | |
| **Question A13: In which situations or for which products do you think additional verification requirements or local presence requirements would be useful?** | | | |
| We support additional verification and local presence requirements for high-risk products. However, any such requirements should be clear, proportionate, and subject to extensive consultation with enforcement bodies and other relevant stakeholders. We note Electrical Safety First's consideration that e-bikes, e-scooter batteries, chargers, and conversion kits are examples of products that should be marked as high-risk. | | | |
| **Question A14: Do you agree or disagree that we should give all supply chain actors a duty to participate in monitoring of products already supplied and to cooperate in corrective action?** | | | |
| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| In line with the consumer principles of information and redress, we support the proposals to extend existing GPSR 2005 monitoring and corrective action obligations that currently exist for producers to all supply chain actors.<br>We consider it fair and proportionate that expectations of onward suppliers are to be less stringent than those of producers, but it is important that they do the utmost to trace consumers they may have sold the unsafe products to and inform them of redress options.<br>We recognise that it can be difficult to trace products that were sold in a physical environment, but anticipate that online marketplaces will play a significant role in this. | | | |
| **Question A15: Do you agree that all supply chain actors should have a duty to cooperate with relevant authorities and others in the supply chain?** | | | |
| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| Accountability at every point in the supply chain is not only crucial to prevent unsafe products from reaching consumers, it is also necessary to ensure accountability when issues do occur. In order for any investigation or enforcement to work, there must be a duty of cooperation and we support proposals to extend this to onward suppliers and online marketplaces.<br>We consider the expectations to cooperate with authorities in a timely manner, provide information, and – for online marketplaces – provide system access proportionate. | | | |
| **Question A16: Do you agree or disagree with the proposal for online marketplaces and producers to have a single point of contact?** | | | |

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| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| We support the requirement of having a single point of contact for online marketplaces. However, there should be requirements on operation, accountability, and enforcement. An email address that isn't regularly monitored should not be accepted, and online marketplaces should be subject to sanctions if the single point of contact cannot be easily reached. | | | |
| **A new approach to product information** | | | |
| **Question A17: Do you agree or disagree with the proposal for information that must be provided on or with the product?** | | | |
| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| We consider that serial or batch numbers and the producer's name and contact details will suffice for the purpose of product traceability, and to aid consumers who wish to complain about the product or seek redress.<br>We also support the proposal to have mandatory safety information in the form of warnings and safety instructions accompany the product. | | | |
| **Question A18: Do you agree or disagree with the proposed types of information that can be provided digitally?** | | | |
| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |
| **Please explain your answer** | | | |
| Consumer Scotland is not in principle opposed to digital labelling or information provision, as it allows consumers to access the most up to date necessary safety information during the lifetime of their product.<br>However, a move towards digital-first information provision and e-labelling on common use consumer products as phones and tablets should be backed up by an adequate level of consumer support. All consumers, but in particular those with limited digital access and/or skills and those in vulnerable circumstances, should be able to access and read safety information when needed and without any barriers.<br>Furthermore, not all consumers might want to read their information digitally and they should be given a choice. The *OPSS Public Attitudes Tracker – Wave 2* report, published in January 2023, notes that the majority of respondents indicated that they prefer accessing safety information through a physical product/label (53%). Only 7% would prefer a QR code printed on the product or label, and 4% would prefer to access through a screen on the device or in device settings. As such, the evidence does not demonstrate widespread consumer support for a move to digital labelling. | | | |

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| However, we consider that the above risks are mitigated by the proposal to require that all producers, onward suppliers, and online marketplaces provide a free physical copy of safety information upon the consumer's request – either at the point of sale or after. There should be a duty on them to inform consumers of their right to request this. |
| **Question A19: What, if any, protections would be necessary to ensure that consumers with limited digital access or low digital confidence online are not disadvantaged?** |
| We consider that the proposal to require that all producers, onward suppliers, and online marketplaces provide a free physical copy of safety information upon the consumer's request provides adequate protection. There should be a duty on them to inform consumers of their right to request this. |
| **Question A20: Are there any further actions you believe we should take beyond the existing and proposed requirements to ensure period products are safe?** |
| No. |
| **Question A21: Do you agree or disagree with the proposed information that producers and onward suppliers selling products online should provide on an online listing?** |

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| **Agree** | | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |

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| **Please explain your answer** |
| We note the proposal that online listings show relevant contact information, identifiers such as serial numbers when valid to aid product tracing, product warnings and safety information, compliance markings, and any other relevant information. We consider that consumers should be made aware if the product is AI-enabled and welcome the suggestion to look at including this information. We suggest inserting a standard line indicating that the product is AI-enabled or smart, and what this means. OPSS research suggests that for nearly half of consumers, labelling products as AI-enabled or smart products would not change their desire to purchase it. However, 55% of offline consumers would refrain from purchasing. In line with the consumer principle of choice we consider it important to have transparency.<br><br>While we welcome extending duties to those who manage C2C platforms, we agree that asking non-business sellers to provide safety information would not be proportionate and we support the exemption. We support extending the obligation to second-hand items when sold by businesses. |
| **Question A22: Do you agree or disagree that online marketplaces should be required to design their interface to allow sellers to provide customer information?** |

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| **Agree** | X | **Neither agree nor disagree** | |
| **Disagree** | | **Don't know** | |

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| **Please explain your answer** | | | | | |
| OPSS research has found that despite a general sense of importance around product safety, there is a lack of awareness and misconceptions around what constitutes a product safety issue and who would be liable if an issue occurs. To encourage easily accessible information, we consider that making it easy for third-party sellers to upload information to online marketplaces would help them to comply, to the benefit of consumers. However, we consider that such requirements should not be prescriptive as to exactly what this should look like. | | | | | |
| **Question A23: Should online marketplaces introduce additional steps, such as verifying certain product information or making some information mandatory, before listings are published?** | | | | | |
| **Yes** | X | **No** | | **Not sure** | |
| **Please explain your answer** | | | | | |
| We support additional verification and local presence requirements for high-risk products. However, any such requirements should be clear, proportionate, and subject to extensive consultation with enforcement bodies and other relevant stakeholders. | | | | | |
| **Building on the new foundations** | | | | | |
| **Question A24: Do any of the provisions in existing sector regulations fit these categories?** | | | | | |
| **Yes** | | **No** | | **Not sure** | X |
| **If you responded 'Yes', please provide details of the provisions and your reasons. If you consider that any of the additional tools in proposals A5 or A9 may be helpful for the relevant products, you may include this in your response.** | | | | | |
| We do not consider we have the evidence to respond to this question. | | | | | |
| **Question A25: Are you aware of any data or evidence on the types of AI-enabled products that are likely to be manufactured in the future?** | | | | | |
| **Yes** | | **No** | X | **Not sure** | |
| **If you responded 'Yes', please detail the data or evidence you are aware of.** | | | | | |
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| **Question A26: What do you think are the current or potential harms associated with AI-enabled products?** | | | | | |

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| Our understanding is that AI-enabled products would include goods like smart watches, which use personal data such as heart rates, or automatic hoovers which can 'memorise' a home's floorplan. We note that not all smart products are AI-enabled, as the former can update by connecting and data sharing through internet connection, whereas AI is more advanced and can change its behaviours or offerings based on "learning" by the product itself.<br><br>As highlighted by 2021 OPSS study on the Impact of AI on product safety, potential issues presented by AI-enabled products include high data needs to function, compromised predictability, training bias (i.e. not recognising certain ways of speaking), a lack of transparency as to how algorithms in these consumer products operate, and the potential risks associated with autonomy in decision making by the product, which could detract from consumer agency. If not regulated properly, such factors could impact on the privacy and protection of consumer data, product predictability, and more.<br><br>In line with the Product Regulation and Metrology Act 2025, we also recognise the potential for challenges to establish liability for embedded software. For example, if a product malfunctions following an update with third party-developed software, this can make it extremely complex to establish the cause of detriment for the consumer. We are aware that DBT is exploring and will be consulting in the future on how to use the Act's powers to address these issues.<br><br>On a wider scale, we acknowledge the potential risks consumers face when purchasing goods online and how increased use of AI in online markets could put consumers at risk of harm. Consumer Scotland has previously flagged that the shift to online purchases and developments in use of AI might lead to more sophisticated use of practices like drip pricing and dynamic pricing, which would increase consumers' exposure to detriment. |
| **Question A27: How can we ensure that the reformed product safety framework effectively addresses the unique challenges posed by AI-enabled products and digital innovations, while supporting innovation?**<br><br>**When responding to the question, please consider:**<br>• Is the framework proposed in this consultation sufficient?<br>• Are any additional sector-specific provisions required?<br>• What new approaches might be needed to safeguard consumers while supporting innovation, and how could measures such as consumer information, standards, quality assurance, data governance, documentation requirements or human oversight improve the safety of AI-enabled products? |
| While we agree that robust measures aiding consumer information, safety, and the opportunity to seek redress should be put in place, we do not consider we have the evidence to respond to this question in detail. |
| **Question A28: Considering that the role of AI can adapt and evolve across a product's entire life cycle, how can regulation best account for this?** |
| We do not consider we have the evidence to respond to this question. |

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