**E-retailers set to be made liable for selling unsafe goods for the first time**

The point:

Online retailers are expected to face fines and/or penalties for listing unsafe goods in their marketplaces and selling them to consumers, as the UK Government pushes forward a review of the current product safety regime. E-retailers are also expected to be responsible for identifying dangerous products listed in their marketplaces and for removing them, along with compiling, verifying and providing information from third party sellers for high-risk products.

Main article:

The new liability for e-retailers will be similar to the one facing brick and mortar retailers for the safety of the products they sell. The UK Government intends to introduce these powers as part of an amendment to the Digital Markets, Competition and Consumers Bill, which is currently progressing in the House of Commons. This is also part of a wider effort from the UK Government to overhaul and modernise the UK's product safety regime, to adapt it to the digital age/emerging technologies and ensure consumers are subject to the same protections when shopping online. In a product test programme carried out by the Office for Product Safety and Standards (**OPSS**, the national regulator for consumer products) from 2021 to 2022, 81% of the more than 2,200 products sold via online marketplaces that were tested failed to meet safety standards, ranging from toys, electrical goods and cosmetics.

The move comes amid growing concerns that the current UK product safety regime is outdated and no longer fit for purpose, with certain aspects of the regime deriving from EU legislation dating back to the 1980's. One of the consequences of this is a loophole where e-retailers do not currently share the same responsibilities as high street retailers for the products they list and sell.

Consumer group Which? has identified that several dangerous or unsafe products have been sold via online marketplaces, ranging from electric heaters and kitchen blenders to e-scooter batteries.

The EU has taken the lead on reforming product safety legislation and has already introduced the new EU General Product Safety Regulation which will fully replace the existing EU General Product Safety Directive by 13 December 2024. This has introduced a number of specific obligations which online retailers that sell products in the EU must now abide by.

The UK Government has decided to address the concerns through a new, modernised, simplified and enhanced product safety regime. The OPSS has published a consultation as part of this review which closes on 24 October 2023. E-commerce companies should also track the Digital Markets, Competition and Consumers Bill's passage through Parliament to be prepared for the new liability that is expected to arise.

They said:

Sue Davies, Head of consumer rights and food policy at Which?

“While promoting UK business is important, to fix the UK’s product safety system the government must quickly establish new regulations that put consumer safety first and enable tough enforcement action against online marketplaces and other businesses that break the rules.”