Q&A Session

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Compliance & Risks

About Compliance & Risks

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Trusted by the World's Leading Brands

SAMSUNG   Miele   MOTOROLA   TOSHIBA

Abbott   FUJITSU   BOSE   TESLA   PHILIPS

logitech   XEROX   Thermo SCIENTIFIC   PUMA   GARMIN

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90k+
Regulations
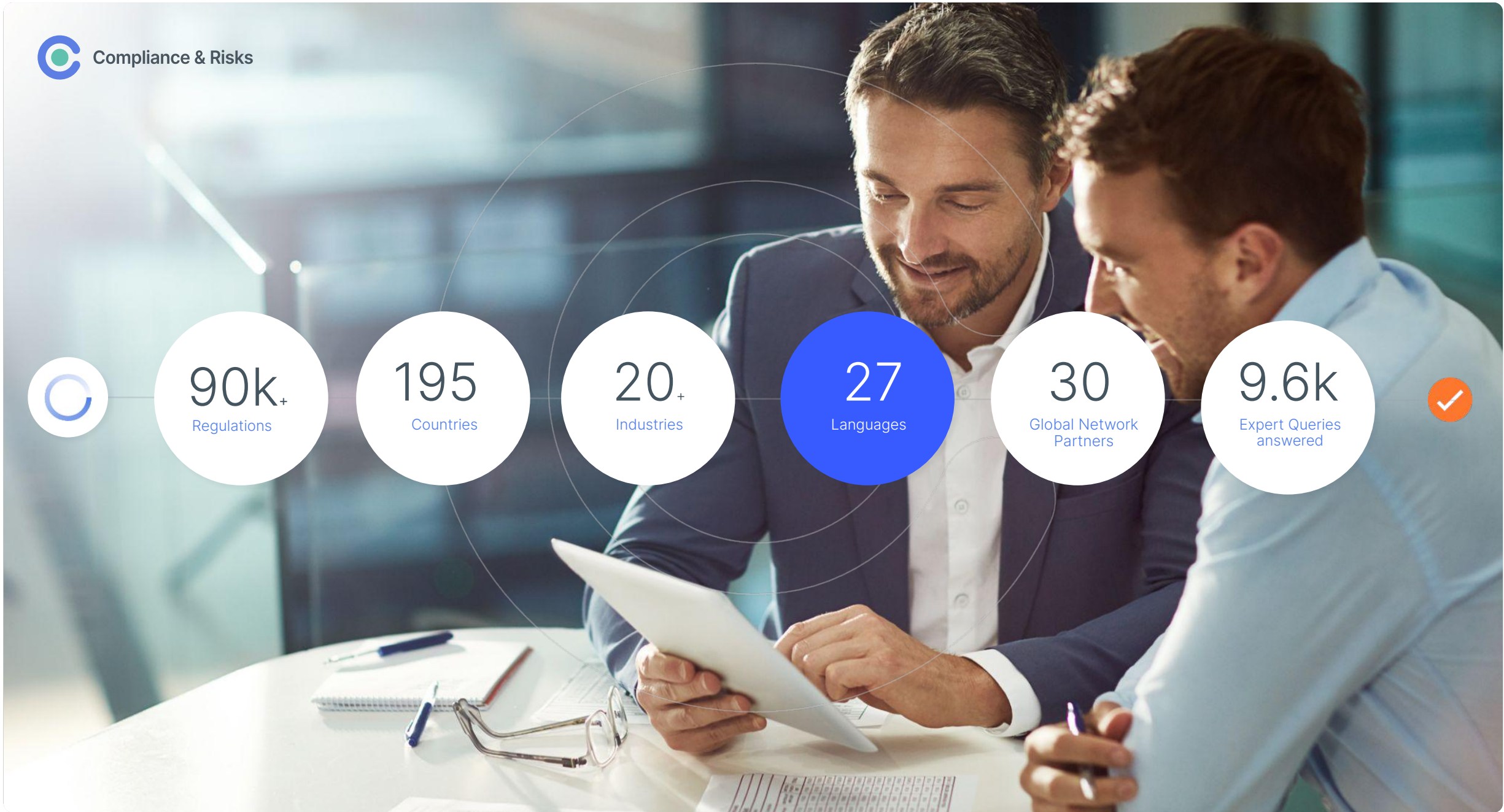
195
Countries

20+
Industries

27
Languages

30
Global Network Partners

9.6k
Expert Queries answered

Unlocking Market Access

Keep on top of regulatory changes and their impact worldwide. Early warning alerts, impact probability, productivity workflow tools and so much more.

EARLY PRODUCT LAUNCH

REGULATION UPDATE AVAILABLE

PRODUCT RECALL

MARKET RISK ALERT

REVENUE TARGETS EXCEEDED

POLICY UPDATES RELEASED

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Topics

1. Safety

   ○ EU General Product Safety Regulation

   ○ UK Product Safety Reform

   ○ EU Product Liability Directive

2. Sustainability

   ○ EU Ecodesign Proposal

   ○ EU Right to Repair Proposal

   ○ EU Green Claims Proposal

   ○ EU Deforestation Free Products Regulation

3. Cybersecurity and Artificial Intelligence

   ○ UK Product Security & Telecommunications Infrastructure Act

   ○ UK & EU approaches to AI

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Safety

EU General Product Safety Regulation

The General Product Safety Regulation replaces the current regime from 13 December 2024.

Key changes:

Area	Change
Market surveillance	Align market surveillance rules to clarify obligations for economic operators to enhance market surveillance of dangerous products and facilitate more effective recalls.
Product recalls	Impose new obligations on economic operators to notify safety agencies of 'accidents' caused by unsafe products and additional obligations to facilitate successful recalls.
Connected products	Change the definition of 'product' to incorporate interconnected items and new aspects for assessing product safety, including possible risks related new technology products.
Cybersecurity	Clarifies that cybersecurity risks impacting consumer safety are covered under the regime.
Artificial intelligence	Cohesive rules for placing AI products on the market and putting them into use in the EU.
Online selling	Seek to regulate the conduct of online marketplaces and lay down specific obligations for companies operating the same.

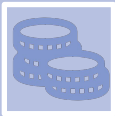Compliance & Risks

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UK Product Safety Reform

Most to Least Similar to EU Position

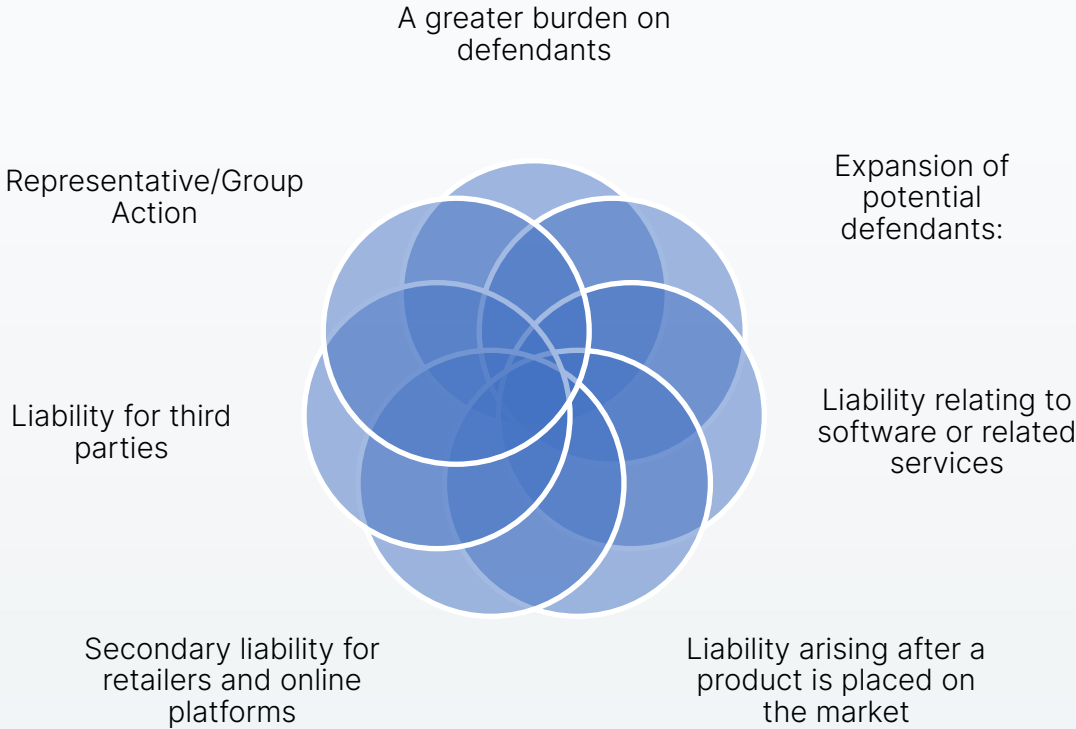Increased targeted obligations on economic operators

Amended function of regulators

Reduced obligations on economic operators

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EU Product Liability Directive

Proposed on 28 September 2022 to reform the existing PLD introduced in 1985, further trialogue discussions due 14 December 2023

Key consequences:

A greater burden on defendants

Representative/Group Action

Expansion of potential defendants:

Liability for third parties

Liability relating to software or related services

Secondary liability for retailers and online platforms

Liability arising after a product is placed on the market

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Sustainability

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Sustainable Products

Circular Economy Action Plan :

"The new action plan announces initiatives along the entire life cycle of products. It targets how products are designed, promotes circular economy processes, encourages sustainable consumption, and aims to ensure that waste is prevented and the resources used are kept in the EU economy for as long as possible."

Ecodesign for Sustainable Products (ESPR)

- Regulation proposed 30 March 2022 with aim to ensure 'sustainable products' are the norm.

- Establishes a framework to set ecodesign requirements for specific product groups.

- Expands products in scope and ecodesign requirements.

- Not limited to energy-related products, but all physical products placed on the market or put into service, including components and intermediate products.

- Small number of sectors are exempt, notably medicinal products, food and animal feed.

- On December 4 European Parliament and Council reached provisional agreement on the draft.

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Right to Repair Directive (R2R)

- Proposed on 22 March 2022

- Encourage consumers to look to repair a product if it becomes defective rather than replace it, by making repair easier and more cost-effective

  - Right to repair both within and beyond the legal guarantee timeframe.

  - A European repair information form

  - An online repair platform to connect consumers with repairers in the area

- 22 November Council adopted its position. As co-legislators the Council and Parliament will negotiate the final text

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Green Claims

- Proposed on 22 March 2023 – A Directive on the substantiation and communication of explicit environmental claims. Proposal includes:

  - Clear criteria on how companies should prove their environmental claims and labels.

  - Requirements for these claims and labels to be checked by an independent and accredited verifier.

  - New rules on the governance of environmental labelling schemes to ensure that they are solid, transparent and reliable.

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Green Claims

- The proposal targets explicit advertising claims that:

  - Are made on a voluntary basis by businesses towards consumers.

  - Cover the environmental impacts, aspects or performance of a product or the trader itself.

  - Are not currently covered by other EU rules.

- Information about substantiation must be provided to consumers either physically or through a weblink or QR code.

- Feedback period closed on 21 July 2023

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Deforestation Free Products

- Regulation on making available on the EU market and export from the EU certain commodities and products associated with deforestation and forest degradation (*2023/1115/EU*)

- Main aim is to guarantee that the products that EU citizens use do not contribute to deforestation or forest degradation worldwide.

- Businesses will have to conduct mandatory due diligence

- The Deforestation Regulation entered into force in June 2023.

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AI In Product Law - Overview

- Except for the EU and China, there is significant uncertainty as what, if any, new AI-specific laws will emerge.

- The broad trend appears to be towards an acceptance by the world's largest economies that regulation is needed.

- Timing will be key and recent indications from the legislators of the largest economies is that there is preference towards a "wait and see" approach.

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AI in UK Law

- AI is currently and will likely remain subject to the existing product safety and compliance regulations for the foreseeable future (so sector specific regulations, GPSR 2005 and CPA 1987).

- "Scrambling to regulate AI would limit the technology", Viscount Camrose, UK Minister for AI and Intellectual Property.

- What is likely to emerge?

- Comprehensive regulations vs lighter-touch regulation augmented by voluntary codes of conduct.

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AI in EU Law

- Wording for AI Act now agreed by EU Parliament. When will it enter into force?

- AI Liability Directive taking a back seat with focus on the AI Act.

- Early to mid-2025 appears the likely earliest date for businesses to start complying with substantive AI Act obligations (except for specific banned uses).

- AI Act introduces a risk-based approach to use where level of requirements correspond to assessed risk.

- Last minute negotiations including on Foundation Models and certain exemptions mean the AI Act as now agreed is substantively different to that which was originally published in 2021.

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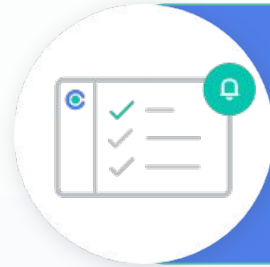
Product Security and Telecommunications

- Deals with specific vulnerabilities of "IoT" consumer products, but with notable exceptions.

- Specific obligations for economic operators, though relatively limited in scope, include:

  - prohibiting the use of default passwords;

  - time-periods for security updates after sale;

  - clear point of contact.

- Strong focus on enforcement, with several specific penalties outlined in the Act and Commencement Regulations.

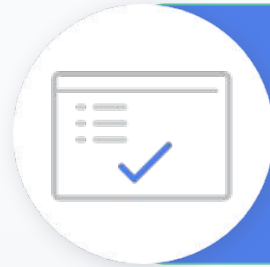- Intention for PSTA to expand its scope over time.

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Trying to keep on top of it all...

Google Alerts

Events & Trade Shows

EXPO 2022

Industry & Associations

ICPA
International Compliance Professionals Association

RoHS

REACH COMPLIANCE

ICA INTERNATIONAL COMPLIANCE ASSOCIATION

Mailing List, Webinar & Whitepaper

Paperwork & File Sharing

Consulting & Legal Services

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Industry Leading Product Compliance Solutions...

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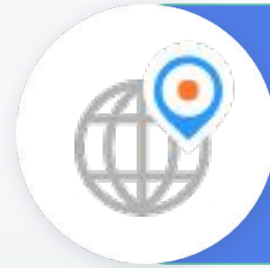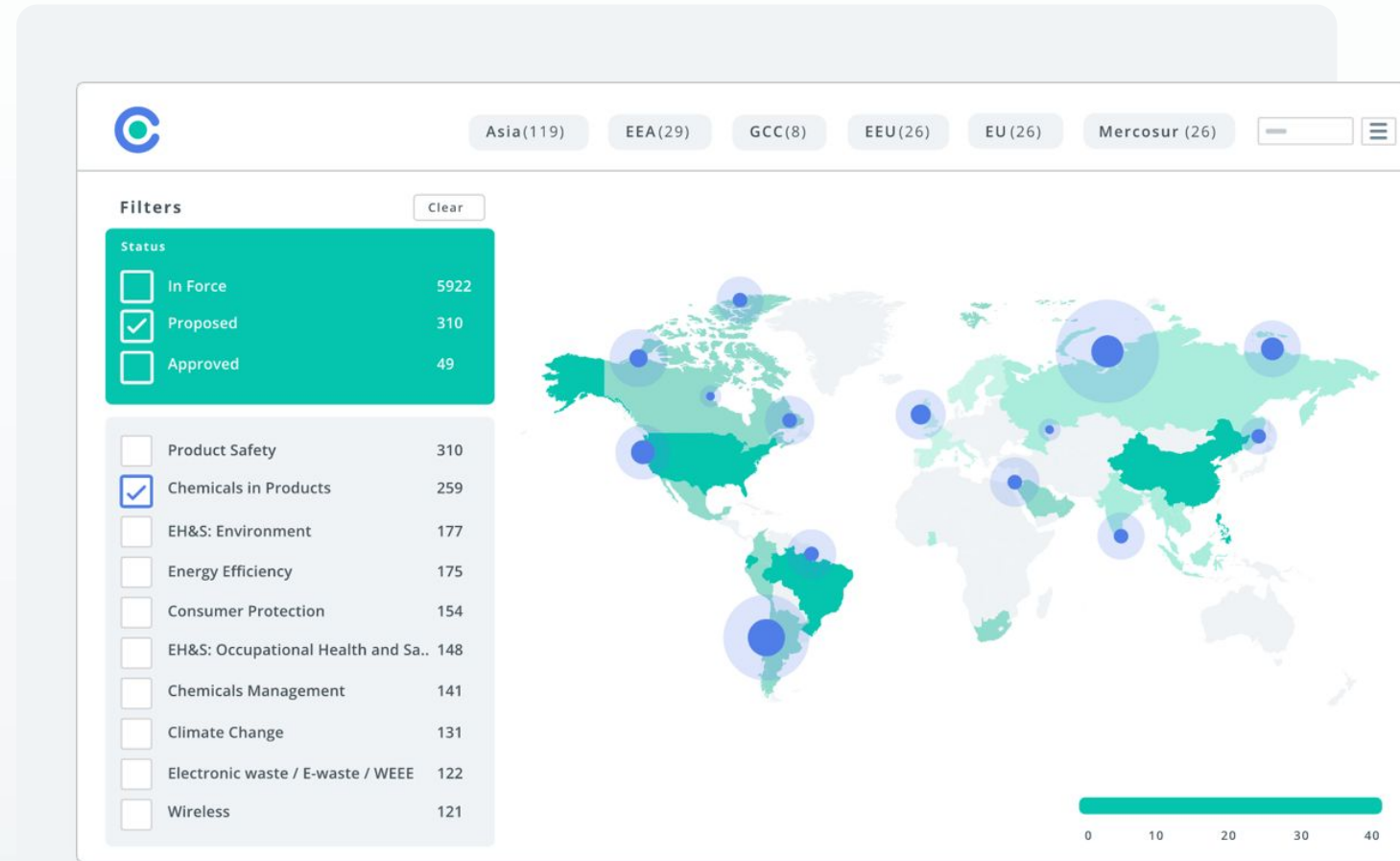
C2P
The Key to Unlocking Market Access

- Enterprise grade technology
- Cloud based platform
- Access to regulatory coverage in 195 countries
- Heatmaps with what's hot & where
- Intelligent search
- AI powered probability analysis
- Productivity tools to improve team collaboration

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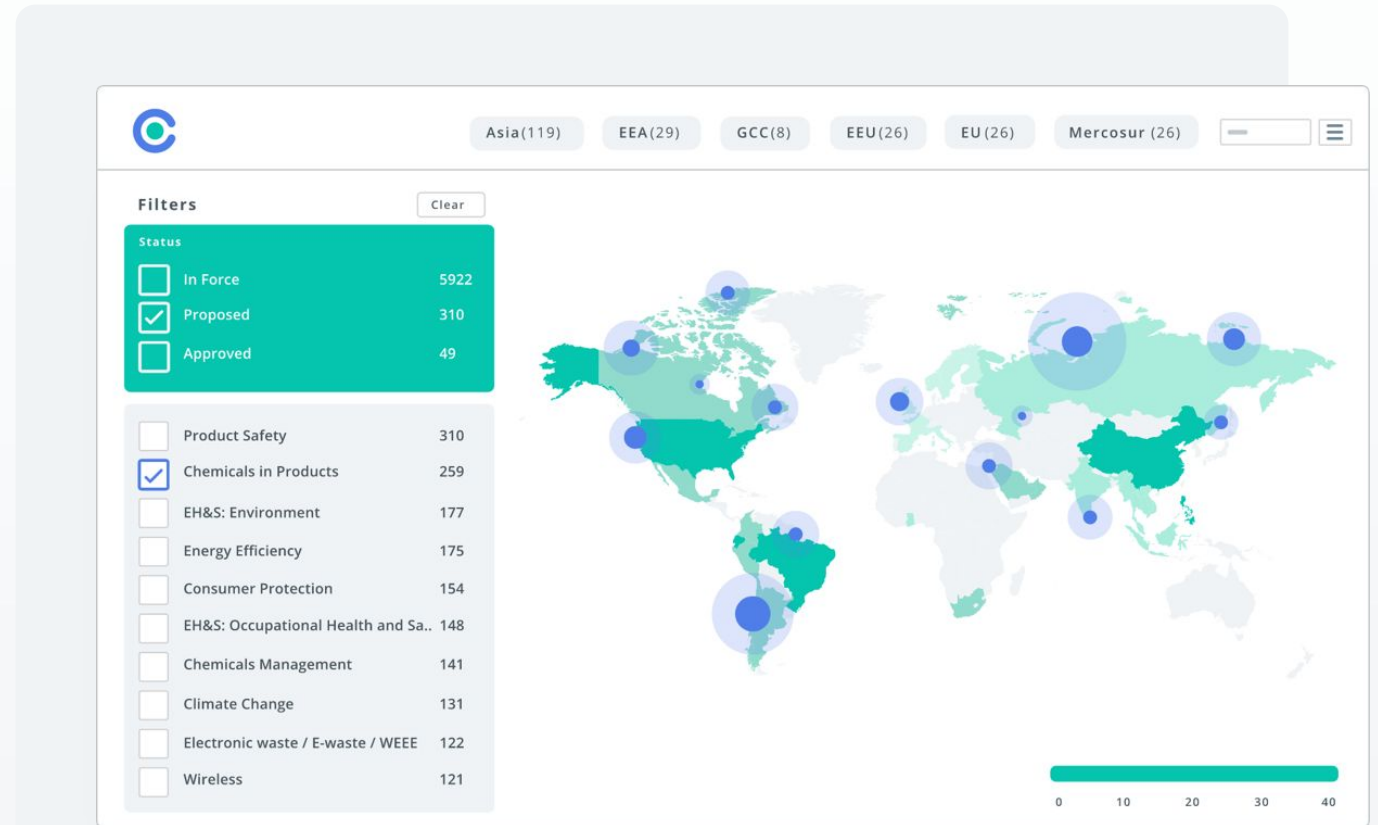
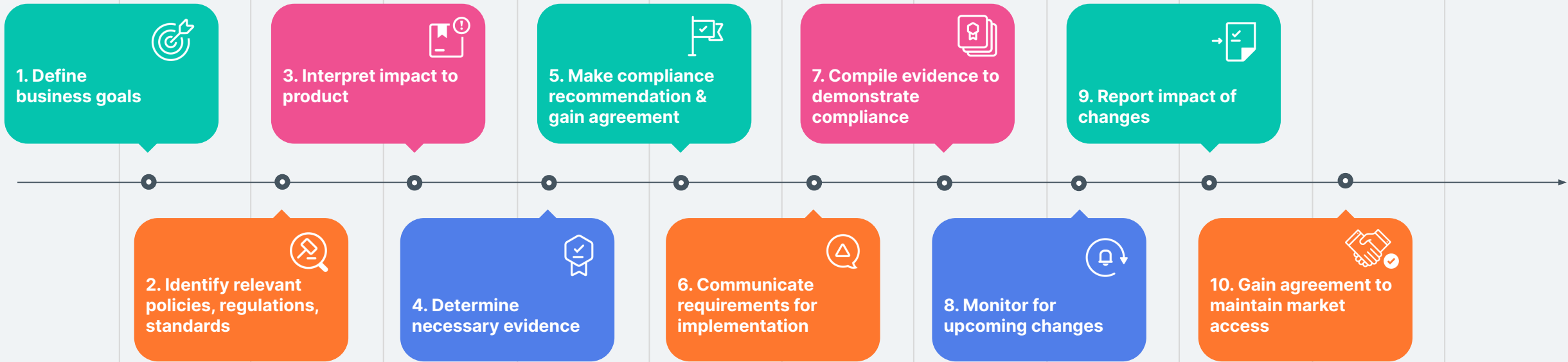# Your Single Source of Product Compliance Truth

- **Design, build, and collaborate** on new products with confidence

- Keep all compliance evidence up to date & live linked back to their Regulations, Standards & Requirements

- Continually monitor regulatory changes & keep ahead of proposed changes before they happen

- Integrate with other systems to enable streamlined business processes

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Product Compliance

Supporting your Market Access Journey...

1. Define business goals

3. Interpret impact to product

5. Make compliance recommendation & gain agreement

7. Compile evidence to demonstrate compliance

9. Report impact of changes

2. Identify relevant policies, regulations, standards

4. Determine necessary evidence

6. Communicate requirements for implementation

8. Monitor for upcoming changes

10. Gain agreement to maintain market access

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REGULATORY CONTENT

The A-Z of Regulatory Topics →

RAW MATERIALS → DESIGN → MANUFACTURING

END OF LIFEW WASTE ←

REUSE / RECYCLE

USE/REPAIR

PACKAGING & DISTRIBUTION

C2P
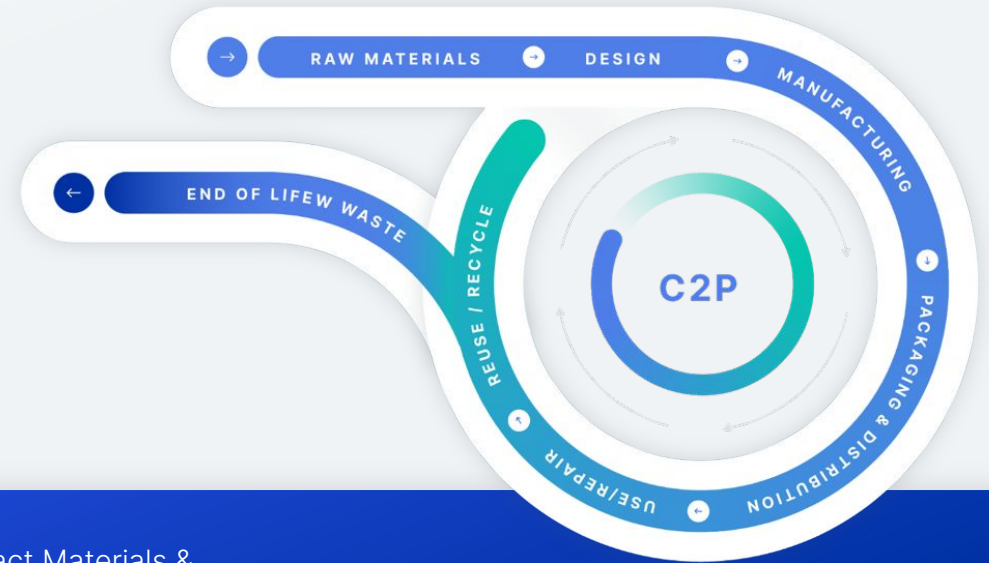
A
Automotive
Artificial Intelligence (AI)

B
Batteries
Brexit

C
California Proposition 65
Carbon Footprint
Chemicals and EH&S: Occupational Health & Safety
Chemicals & EH&S: Environment
Chemicals In Products
Chemicals Management
Circular Economy
Climate Change
Conflict Minerals

Consumer Protection
Corporate Social Responsibility
COVID-19
Cybersecurity

D
Data Protection
Drinking Water Directive

E
EH&S: Environment
EH&S: Occupational Health & Safety
Ecodesign
Ecolabelling
Electronic Waste / E-Waste / WEEE
Electromagnetic Compatibility (EMC)
Energy Efficiency
EU REACH
ESG Reporting
Explosive Atmospheres / ATEX

F
Food Contact Materials & Articles

G
Globally Harmonized System (GHS)

H
Human Trafficking and Slavery (HTS)

I
Illegal Logging

M
Medical Devices

N
Nanotechnology

P
Packaging
Product Safety

S
Single-use Plastics

T
Textiles
Transboundary Movement of Hazardous Waste
Transport of Dangerous Goods

W
Water Efficiency
Wireless

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Q&A

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Thank You!

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