

E-shoppers warned
after electrical goods
fail safety tests

The Guardian, 27/11/19

Online sellers 'hotbed'
for dangerous items
experts warn

BBC News, 29/11/21

An investigation found **'potentially deadly'**
products like exploding hairdryers sold on the
'Wild West' of Amazon, Wish, and eBay

Business Insider, 27/11/19

'Potentially deadly' electricals
available on Amazon and eBay,
safety charity investigation finds

The Telegraph, 27/11/19

More concerns raised about
safety of products on online
marketplaces

The Belfast Telegraph, 26/11/19

Online Marketplaces – The Need for Better Regulation

Briefing for Members of the Northern Ireland Assembly

Online marketplaces have no responsibility for ensuring the safety of products sold on their platforms.

In a test, 93% of electrical products sold on online marketplaces were unsafe.

About Electrical Safety First

Electrical Safety First (ESF) is the UK charity committed to reducing deaths, injuries, and fires caused by electricity in the home. We do this by campaigning on behalf of consumers to improve safety regulations and by raising awareness of the electrical safety risks in the home.

The Issue

Online marketplaces are not subject to the same regulations as shops on the high street. Specifically, online marketplaces are not recognised as actors in the supply chain – and so, product safety legislation, such as the Consumer Protection Act 1987, does not apply to these platformsⁱ. As a result, online marketplaces have no responsibility for ensuring the safety of the products sold by sellers on their platforms.

This has resulted in online marketplaces being a hotbed for unsafe and non-compliant products. Indeed, investigations by Electrical Safety First have consistently found unsafe electrical products being listed on platforms such as *eBay*, *Amazon Marketplace*, and *Facebook Marketplace*. For instance:

- Ⓜ One investigation undertaken by ESF found that 93% of sampled electrical products sold on online marketplaces were unsafeⁱⁱ.
- Ⓜ ESF has repeatedly found **recalled white goods** being sold on online marketplaces, including *Facebook Marketplace* and *eBay*ⁱⁱⁱ. This includes recalled tumble dryers and washing machines that have been recalled due to the **risk of overheating**^{iv}, and are, therefore, a fire risk.
- Ⓜ ESF identified nearly 60 unsafe and non-compliant e-scooter and e-bike chargers^v. Given that e-scooters and e-bikes use lithium-ion batteries, which are **highly explosive**, the use of these chargers presents a **significant fire risk to consumers**^{vi}. Indeed, earlier this year, an e-bike scooter left on charge caused a house fire in South Belfast^{vii}.
- Ⓜ A recent investigation by ESF found that unsafe energy saving devices were being listed on the online marketplace, *eBay*^{viii}. These products claimed to save consumers money, but **did not meet safety standards** – and, as a result, were placing consumers and their homes at risk^{ix}.
- Ⓜ Another investigation by ESF found that **unsafe chargers and plug adaptors** were being sold on **social commerce sites**, such as *Instagram Marketplace* and *Facebook Marketplace*^x.

The breadth of evidence of unsafe and non-compliant products being sold on online marketplaces demonstrates that this is a **systemic issue**. Online marketplaces need better regulation – and this is recognised by the UK Government itself.

The Chief Executive of the Office for Product Safety and Standards (OPSS), Graham Russell has himself said: “**there is too much evidence of non-compliant products being sold by third party sellers [on online marketplaces]**”^x. But nothing has been done to address this issue.

The Growing Problem

This is a growing issue for two inter-related reasons:

- Ⓜ Firstly, online marketplaces are becoming increasingly prevalent. This is particularly due to the rise of social commerce, i.e., where social media platforms have begun to operate online marketplaces. This includes *Facebook Marketplace*, *Instagram Marketplace*, and, more recently, *TikTok Shop*. Furthermore, new features such as *Checkout in Instagram* and *Live Shopping* that aims to encourage consumers to use social commerce sites.
- Ⓜ Separately, consumers are increasingly reliant on online shopping, given the convenience and cost savings that online platforms can offer. This is further supported by the growth of m-commerce, where consumers are able to shop on their mobile phones.

In Northern Ireland Specifically

Northern Ireland Protocol

Under the Northern Ireland Protocol, Regulation (EU) 2019/1020 of the European Parliament applies in Northern Ireland^{xi}. This regulation places an obligation on online marketplaces to co-operate with market surveillance authorities to mitigate risks associated with products that are advertised, sold, or have been offered for sale on these platforms^{xii}.

However, it is unclear what steps (if any) online marketplaces have taken to comply with this obligation in Northern Ireland. In addition, market surveillance authorities need to be empowered (both in terms of resources and legislative powers) to act where non-compliance does occur.

Relatedly, whilst the Northern Ireland Protocol requires the adoption of EU product safety legislation in Northern Ireland, this does not apply to the EU's Product Safety Pledge (PSP), which is a fundamental aspect of the EU's regulation of online marketplaces^{xiii}. As a result, there is a disparity in product safety between Northern Ireland and the Republic of Ireland.

In the Republic of Ireland, an online marketplace that had signed up to the PSP would have to remove an unsafe product within 2 days^{xiv}. In Northern Ireland, the same online marketplace does not have to act^{xv}.

The safety implications of the Northern Ireland Protocol are still unclear.

Investigations

A snapshot investigation by ESF found several non-compliant products being sold on online marketplace, eBay^{xvi}. This included in locations such as **Belfast, Ballyclare, and Lisburn**^{xvii}. These products, such as hair straighteners, extension leads, and travel adaptors failed to meet safety standards or had plugs that were not compliant for use in the UK^{xviii}. As a result, these products represent a significant risk of electric shock or fire to anyone using them and their home – and should not be available for sale in the UK.

What We Want to See Happen

Online marketplaces make substantial profits from the sale of products on their platforms. However, they have no responsibility for ensuring the safety of these products. To protect consumers, this needs to change.

Online marketplaces should be recognised as actors in the supply chain and should have responsibilities to ensure the safety of products sold on their platforms^{xix}. This should include preventing the sale of unsafe goods and where unsafe and recalled products are listed, removing these products. In addition, online marketplaces should have improved verification and complaints processes, and should inform buyers when they are buying from third

parties^{xx}. Collectively, these measures would improve the safety of online marketplaces – ensuring that buyers can buy with confidence but also that sellers and online marketplaces are clear on their obligations too.

What We Want to See Happen in Northern Ireland

The General Consumer Council (Northern Ireland) Order 1984 established the Northern Ireland Consumer Council^{xxi}. The Consumer Council is a non-departmental public body (NDPB) responsible for ensuring that legislation and regulation works for consumers in Northern Ireland^{xxii}. One of the Consumer Council's key roles is undertaking best practice research to identify and quantify emerging risks^{xxiii}.

As such, the Consumer Council should undertake research into the sale of unsafe goods on online marketplaces in Northern Ireland – given the emerging risks presented by:

- a. The growth in online shopping.
- b. The impact of the Northern Ireland Protocol on product safety in Northern Ireland.

The Consumer Council is well-placed to understand the risks faced by Northern Irish consumers when shopping online – particularly, in rural communities. The Consumer Council should, as part of this work, understand the impact of the Northern Ireland Protocol on product and consumer safety, especially in relation to online marketplaces.

How You Can Help

The regulation of online marketplace is a reserved matter with powers resting at Westminster. However MLAs can support our campaign by tabling questions to Executive Ministers, asking that they raise the issue with counterparts in the UK Government as well as raising awareness of the importance of improved regulation of online marketplaces locally, including the key role of the Consumer Council. MLAs can also table motions and debates in the Northern Ireland Assembly as a means of demonstrating Assembly support. Should your party have representation in Westminster, we would ask that you raise the issue with colleagues.

Contact Details:

If you would like further details about this briefing, please contact:

Karter Kane, Policy & Public Affairs Advisor
Karter.kane@electricalsafetyfirst.org.uk
+44 (0) 7740 105 215

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- iii <https://www.electricalsafetyfirst.org.uk/media/wwwdtpjo/online-marketplaces-the-evidence-and-impact.pdf>
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- xviii Ibid.
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The UK's electrical safety experts

www.electricalsafetyfirst.org.uk

London Office:

Electrical Safety First

45 Great Guildford Street

London SE1 0ES

Scottish Office:

Electrical Safety First

The Walled Garden – South Building

Bush Estate

Midlothian EH26 OSD

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