

TIC Council guidance on the implementation of the UK Product Security and Telecommunications Infrastructure (PSTI) Act

1. In the PSTI 9(2), it is written “*The manufacturer may not make the product available in the United Kingdom unless it is accompanied by— (a) a statement of compliance*”.
 - Is there is any explanation/document available to explain what ‘accompanied’ means?
 - Does it mean it needs to reach the end user (who is using the product) or does it need to reach only the exporter/importer/distributor as a pdf in an email? If it needs to reach the user: Does it means it needs to be in the user manual, or packaging or both?

OPSS answer

Section 9(2) of The Act sets out the following: ‘(2) The manufacturer may not make the product available in the United Kingdom unless it is accompanied by— (a) a statement of compliance [...].’

Whilst section 9(3) defines a statement of compliance (SoC) as: ‘(3) A “statement of compliance”, in relation to a product, is a document that [...].’/

The relevant person must therefore satisfy the definition of a document accompanying the product. Parts of the Product Security and Telecommunications Infrastructure Act 2022 have been written broadly in order to give businesses flexibility to meet requirements, with SoC being one of them. Whilst relevant persons will definitely meet the definition with the inclusion of paper copies, the delivery by digital means is not ruled out (for example, products with screens could provide a digital version of the SoC if the consumer is sufficiently signposted to it on first use).

The purpose of the SoC is to inform the consumer and if the SoC must accompany the product, it is logical that it needs to reach the consumer and not just other relevant persons in the supply chain.

The wording specifies a document, it does not state that it has to be separate from the user manual so it would be acceptable for the SoC to be printed inside the user manual if the manufacturer should wish to. Since packaging is intended to be disposed of, it wouldn’t be advisable for the SoC to be printed on the packaging itself.

One potential implementation can be the use of a paper document or a QR Code pointing to the SoC digital version. But alternatives may be also valid.

2. Does the Statement of Compliance (SoC) that accompanies the product need to take any particular form (physical or digital)? Does the full text of the SoC need to be printed in the user manual or is a QR code or URL of the Declaration of Conformity on a website sufficient?

OPSS answer

No, it is for each business to decide how they will comply with the requirements in relation to their own products. The requirement is for the SoC to be a document, it is not specified that the document must be physical, it could be digital, but the manufacturer must ensure that the document, accompanies the product.

3. In the Statement of Compliance, it is written: (2) *For the purpose of sub-paragraph (1)(d)(ii), where the reference includes conformity of a product to a specified standard or compliance by a manufacturer to a specified standard, the identification number, version, and date of issue of the standard must be included in the statement of compliance where applicable.*¹
- Should the manufacturer list “schedule 2” only? Or also list the EN 303645 (and which detailed provision applies)? How much details should be provided?

OPSS answer

Schedule 4 of The Regulations sets out what information has to be included in a SoC. All the elements mentioned above should be included in the SoC.

¹ The Product Security and Telecommunications Infrastructure (Security Requirements for Relevant Connectable Products) Regulations 2023 - <https://www.legislation.gov.uk/uksi/2023/1007/made> (Schedule 4 - 1 (2))

4. Should Bluetooth be considered as filling the second connectability condition?

OPSS answer

Section 5 defines the connectability condition as follows:

‘(5) A product meets the second connectability condition if—

(a) it is capable of connecting directly to two or more products at the same time by means of a communication protocol that does not form part of the Internet Protocol suite, and

(b) it is capable of connecting directly to an internet-connectable product by means of such a communication protocol (whether or not at the same time as it connects to any other product).’

So, a Bluetooth product that is able to connect to two or more products and also capable of connecting directly to an internet connectable product would meet the second connectability condition.

5. If I only sell my connected products for business/professional use, are they out of scope?

OPSS answer

If a manufacturer is aware, or ought to be aware, that the product will be a UK consumer connectable product then it is in scope of the requirements. This means that irrespective of whether the product is marketed for use by ‘professional or trades’ persons, if the manufacturer is, or should be aware that a consumer will use the product then it would need to be in scope. For a manufacturer to fall outside the scope of the legislation they must be sure that the product will not be used by consumers, that there aren’t any identical products on the market which are available to consumers and that the product hasn’t previously been made available to consumers.

6. Do I have to use an accredited test house to prove compliance?

OPSS answer

No, there is nothing within the legislation which requires a relevant person to use an accredited test house in order to meet the standards, providing you can evidence that you have conducted your own testing and that the products meet those standards.

7. Is there a grace period?

OPSS answer

The product security regime is now a matter of UK law and the commencement regulations made in April 2023 and Regulation 1(2) of the 2023 Regulations announced the start of a 12-month implementation period and they provided that the regime would come into force on 29th April 2024 so OPSS will be the national regulator from then.

8. Will the OPSS publish official guidance on the implementation of the PSTI? If yes, when?

- **When and how will the UK OPSS begin to carry out the market surveillance activities set out in the UK PSTI?**
- **Do products installed before April 29, 2024, need to comply with this regulation, or is compliance required only after the enforcement date? What measures will be taken for products that still do not comply with the regulations after April 29, 2024?**

OPSS answer

Guidance was published on 8th January 2024, and can be found here: [Regulations: consumer connectable product security - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/regulations-consumer-connectable-product-security). Additional guidance concerning vehicles and the Statement of Compliance was published on the 23rd of April 2024. All relevant products must comply with The Act from 29th April 2024. Non-compliant products will be dealt with on a case-by-case basis.

9. Reference Section 5, PSTI Act 2022 - “Multiple manufacturers” – more than one manufacturer of a relevant connectable product, each manufacturer must meet any relevant security requirement specified in Schedule 1 or satisfy the conditions for deemed compliance in relation to that requirement in Schedule 2.
- What’s the definition of “multiple manufacturers”?
 - Do the “Multiple manufacturers” refer to any of the following:
 - ODM manufacturers who design and produce products for a brand?
 - modules/components manufacturers of an OEM manufacturer of a product?
 - manufacturers branded on a relevant product. E.g. Brands ABC and DEF jointly produce a product and sell it the UK under and joint brand, such as brand ABCDEF?
 - other definition?

OPSS answer

It is stated within section 5 of The Regulations that multiple manufacturers is ‘more than one manufacturer’. The business(es) would need to decide whether they are considered a manufacturer of the product. The definition of manufacturer is given in section 7, subsection 3 of The Act: (3) “Manufacturer” means any of the following—

- (a) any person who—
 - (i) manufactures a product, or has a product designed or manufactured, and
 - (ii) markets that product under that person's name or trade mark;
- (b) any person (“P”) who markets a product manufactured by another person under P's name or trade mark.

10. While vehicles would be excepted, are the components or modules of a typical vehicle, such as radio, infotainment system with the following, affected by the UK PSTI Regulations?
- supplying vehicle manufacturers and reached by consumers in the market,
 - with 4G connectivity module connecting directly to the Internet

OPSS answer

Please see the additional guidance on automotive vehicles here: [Regulations: consumer connectable product security - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/regulations-consumer-connectable-product-security)

11. Given that retailers as a part of the supply chain will be affected by the UK PSTI Regulations, will online consumer retail platforms will need to bare the UK PSTI Regulations in the following scenarios?

- the relevant products come from a distributor and an importer market from suppliers,
- the relevant products are sourced by this online consumer retail platform directly from suppliers.

OPSS answer

All relevant persons must comply with the Product Security and Telecommunications Infrastructure Act 2022.

12. Reference to Section 1, Schedule 1, PSTI regulations 2023 - Password is clearly defined how to comply the UK PSTI Regulations. Some manufacturers are considering removing the password authentication feature after failing a PSTI assessment. What would be the OPSS official guidance and suggestion to address these actions?

OPSS answer

The Product Security and Telecommunications Infrastructure Act 2022 brings into law the first three principles of the Code of Practice for consumer IoT security which was first published in 2018 (namely no default passwords, implement a vulnerability disclosure policy and keeping software updated). The purpose of this was to provide consumers protection when using connected products. Passwords are just one way that products and users can be verified (another example being 2 step verification), but are those manufacturers referenced in your question suggesting making available products with no protection of any kind? It is likely that as consumers become more aware of the new legislation this approach will negatively impact those manufacturers because consumers may choose secure products.

13. Could OPSS share a use case illustrating a network-connectable relevant product meeting the “second connectability condition”, stated in subsection 5 (5) (c), PSTI Act 2022?”

OPSS answer

There is a webinar available which explains the concept of network connectable products quite well, it can be viewed here:

<https://www.youtube.com/watch?v=Wv4qiuuneck>

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Editor's Note About TIC Council

TIC Council is the global trade association representing the independent third-party Testing, Inspection and Certification (TIC) industry which brings together about 100-member companies and organizations from around the world to speak with one voice. Its members provide services across a wide range of sectors: consumer products, medical devices, petroleum, mining and metals, food, and agriculture among others. Through provision of these services, TIC Council members assure that not only regulatory requirements are met, but also that reliability, economic value, and sustainability are enhanced. TIC Council's members are present in more than 160 countries and the wider TIC sector currently employs more than 1 million people across the globe.

The Value of TIC Report

To learn more about TIC Council and its member's activities, the landmark report on the Value of the TIC sector, developed jointly by the international law firm Steptoe and the London-based consultancy Europe Economics is now available to read. This report illustrates, by using data and case studies, how the TIC sector benefits a variety of stakeholders and industries around the world. You can find the study [here](#), and we welcome you to share it with anyone who might be interested.