

Dear Stakeholder

The Australian Competition and Consumer Commission (ACCC) is reviewing the mandatory safety standard for [pedal bicycles](#) (**the Mandatory Standard**).

The ACCC seeks your views on the review of the Mandatory Standard, and the potential impact of changes on your business, consumers and the safety of the product.

We seek your views on:

- a) updating the Mandatory Standard to permit compliance with the latest edition of the voluntary Australian standard, and 3 comparable overseas standards (the U.S. CPSC, the ISO and the EN – more information on the overseas standards are provided below). The Mandatory Standard would reference each of these 4 standards in full, without amendments, or
- b) revoking the Mandatory Standard.

## **Review of the Mandatory Standard**

The Mandatory Standard is the *Consumer Protection Notice No. 6 of 2004 - Consumer Product Safety Standard: Pedal Bicycles: Safety Requirements*. The Mandatory Standard is based on the voluntary Australian and New Zealand Standard AS/NZS 1927:1998 *Pedal Bicycles*.

The Mandatory Standard regulates the design and labelling requirements for child and adult pedal bicycles.

## **Policy options**

### ***Option 1 – Accept latest Australian standard and overseas trusted standards***

The ACCC's preliminary position is to reference the most current edition of the Australian voluntary standard in addition to overseas standards. The ACCC has reviewed the other voluntary overseas standards and considers that these standards specify similar safety requirements to the voluntary Australian standard.

The ACCC proposes to update the Mandatory Standard to permit compliance with any of the following voluntary/mandatory standards:

- AS/NZS 1927:2010 *Pedal bicycles*
- U.S. Consumer Product Safety Commission (16 CFR Part 1512), *Requirements for Bicycles*
- ISO 4210:2014 *Cycles — Safety requirements for bicycles*
  - ISO 4210-1 *Terms and definitions*
  - ISO 4210-2 *Requirements for city and trekking, young adult, mountain and racing bicycles*
  - ISO 4210-3 *Common test methods*
  - ISO 4210-4 *Braking test methods*
  - ISO 4210-5 *Steering test methods*
  - ISO 4210-6 *Frame and fork test methods*
  - ISO 4210-7 *Wheels and rims test methods*

- ISO 4210-8 *Pedal and drive system test methods*
- ISO 4210-9 *Saddle and seat-post test methods*
- EN ISO 4210:2014 *Cycles — Safety requirements for bicycles* (which is the adoption of ISO standards 4210:2014 1-9)
  - EN ISO 4210-1 *Terms and definitions*
  - EN ISO 4210-2 *Requirements for city and trekking, young adult, mountain and racing bicycles*
  - EN ISO 4210-3 *Common test methods*
  - EN ISO 4210-4 *Braking test methods*
  - EN ISO 4210-5 *Steering test methods*
  - EN ISO 4210-6 *Frame and fork test methods*
  - EN ISO 4210-7 *Wheels and rims test methods*
  - EN ISO 4210-8 *Pedal and drive system test methods*
  - EN ISO 4210-9 *Saddles and seat-post test methods*

### **Benefit**

Suppliers and consumers would benefit from being able to supply and buy a greater range of pedal bicycles that comply with trusted overseas standards. Compliance costs and the administrative burden for suppliers will also be minimised.

### **Risk**

Enforcement of the Mandatory Standard by the ACCC could potentially be more onerous. Suppliers would be required to declare which of the standards they are meeting to demonstrate compliance with the Mandatory Standard. This declaration would need to be available at the point of sale (e.g. on the pedal bicycle, on assembly/use instructions, or the internet).

### ***Option 2 – Revoke the Mandatory Standard***

Revoking the Mandatory Standard would mean suppliers would still need to comply with Australian Consumer Law (ACL) provisions.

If pedal bicycle suppliers represent that their goods meet a particular standard (such as AS/NZS 1927), those assertions must be true, and suppliers have an obligation to ensure that is the case. This provides a statutory mechanism for the ACCC to test pedal bicycles which claim compliance with the voluntary Australian standard or any other standard.

Non-compliance with the voluntary Australian standard could be assessed as a safety issue which may result in the recall of unsafe pedal bicycles and the ACCC pursuing breaches of the ACL.

### **Benefit**

Revoking the Mandatory Standard would result in no direct compliance costs for industry. Any international trade restrictions resulting from the current Mandatory Standard would be removed, making it easier for businesses to import products to Australia. This may result in lower priced pedal bicycles and a wider range of pedal bicycles becoming available to Australian consumers.

## **Risk**

Without a mandatory standard, there may be a rise in the number of pedal bicycles supplied that do not provide an adequate level of safety to cyclists.

The consumer protection provisions of the ACL may not provide sufficient incentives to suppliers to ensure that their goods offer an acceptable level of safety. Without a mandatory standard, suppliers will determine the safety requirements for their products.

If the Mandatory Standard were to be revoked, there is a risk that quality standards may decrease over time. There is a possibility that there would be a segmentation of the market between less safe products which may be offered at a cheaper price and safer products offered at a price premium. If there was a prevalence of pedal bicycles without basic safety features, or were subject to increased level of component failure, there will be a risk of increased injury or death.

## **Questions**

The ACCC seeks your views on the proposal discussed above and responses to the questions below:

1. Which policy option (option 1 or 2) do you support, and why?
2. Should the ACCC consider another option? If so, which option and why?
3. Do you consider that the adoption of the listed overseas standards for pedal bicycles in Option 1 is beneficial?
4. Do you believe overseas standards offer a comparable level of safety to the Australian standard?
5. Do you support the ACCC referencing the entire (complete) voluntary Australian standard and each of the overseas standards in Option 1?
6. Do you believe allowing the supply of pedal bicycles that comply with overseas standards in Option 1 could cause confusion for retailers and consumers?
7. Would Option 2 have the potential to introduce safety issues for pedal bicycles?
8. What other issues in terms of compliance for the industry or your business could either of the two options introduce?

## **Background**

The ACCC administers product safety laws designed to ensure certain consumer products are safe.

Certain products sold in Australia are subject to mandatory safety standards which are introduced when necessary to prevent or reduce the risk of injury to a person. The ACCC has an ongoing program of reviewing mandatory safety standards to ensure their effectiveness and currency.

## **Current regulatory context**

Mandatory safety standards may reference voluntary standards (in part or in whole), that have been developed by recognised standards making bodies in Australia (i.e., Standards Australia) or overseas. These standards making bodies regularly update their standards.

The ACCC is reviewing the mandatory safety standard for pedal bicycles and is considering referencing the most up to date voluntary Australian and overseas standards.

### **Your feedback**

The ACCC invites you to comment on this review. Please provide your submissions via email to [productsafety.regulation@acc.gov.au](mailto:productsafety.regulation@acc.gov.au) by 21 November 2022.

If you have any questions about this consultation before the due date, please email them to [productsafety.regulation@acc.gov.au](mailto:productsafety.regulation@acc.gov.au).

Thank you for your time and consideration.