

FOOD & PRODUCT SAFETY AND INTEGRITY POLICY

POLICY STATEMENT / SUMMARY

All products sold under the M&S brand will be safe for its intended consumer and sourced, manufactured and supplied in line with M&S standards. We have a robust process for monitoring and reporting compliance to our standards to ensure our supply chains are in control, our standards are being met and our claims can be substantiated.

Where issues arise, we will react in a timely and proportionate manner in line with our incident management procedures to minimise the exposure to our customers and brand.

We work closely with our Primary Authority, Birmingham City Council, to ensure compliance with our legal requirements.

BACKGROUND

M&S is a predominantly own-branded retailer which relies on over 600 direct suppliers manufacturing our products safely and legally. The operations of these manufacturers could have a disproportionate impact on our brand compared to other retailers so the clarity, enforcement and monitoring of our compliance to relevant Marks & Spencer Policies, Standards and internationally recognised legislation as documented on the supplier facing websites is therefore vital.

Food & Product Safety and Integrity are fundamental requirements and it is our legal responsibility to comply with all relevant legislation to our products. Below is an informative but not necessarily exhaustive list of such legislation. There will be specific legal compliance requirements for each product type. Please consult terms of trade, product manuals, policies and standards as relevant.

- Food Safety Act of 1990
- Food Hygiene Package EC 852-854:2002
- Fraud Act of 2006
- General Product Safety Regulations 2005 No.1803 / General Product Safety Directive 2001/95 EC
- Low voltage Directive (LVD) 2006/95/EC
- EMC UK Regulations 2016 SI No 1091 (UK) / EMC: 2014/35 EU
- Electrical Equipment (Safety) Regulations 2016 (as amended) and the Plugs & Sockets (Safety) Regulations 1994
- RoHS UK Regulations 2012 SI.3032 +Amendments / RoHS3: 2015/863 EU
- WEEE UK Regulations 2013 No. 3113 +Amendments / WEEE: 2012/19/EU
- UKCA marking / CE marking (EU)
- POP Regulations 2020 No. 1358 (UK) / POP Regulations 2019/1021 (EU)

- Toy (Safety) Regulations 2011 No. 1881 +Amendments (UK) / Toy Safety Directive 2009/48/EC
- Furniture and Furnishings Fire Safety Regulations (as amended 1988) (UK)
- Personal Protective Equipment (PPE) Regulations 1992 SI No 3139 / (EU) 2016/425
- UK REACh 2020 No. 1577, Substances of Very High Concern, Annex XVII 2020 No. 1577 / REACh Regulation (EC) No. 1907/2006, Substances of Very High Concern (Article 57), Annex XVII
- Cosmetic Products Enforcement Regulations 2013 SI 1478 (UK) / Cosmetic Regulation (EC) No 1223/2009
- Schedule 34 of the Product Safety and Metrology Statutory Instrument (UK Cosmetics Regulation) (UK)
- Aerosol Dispensers Regulations 2009 (SI 2009 No. 2824) (UK) / EC Aerosol Directive 2008/47/EC (EU)
- GB Classification, Labelling & Packaging of substances and mixtures (CLP) Regulations and amendments / European Regulation (EC) no. 1272/2008
- The Pyrotechnic Articles (Safety) Regulations 2015 (UK) / Directive 2013/29/EU on the making available on the market of pyrotechnic articles and Directive 2014/58/EU Traceability of pyrotechnic articles
- The Radio Equipment Regulations 2017 (SI2017/1206) (UK) / Radio Equipment Directive, EU directive 2014/53/EU

SUPPLIER RESPONSIBILITIES / OUR COMMITMENT

Develop and communicate standards:

- To develop technical standards and policies that incorporate legal requirements, M&S specific requirements and guidance for best practice.
- To ensure our standards and policies are maintained and updated to reflect both

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changing legislation and identified improvements in control.

- To clearly communicate these standards to our supply base and stores to enable compliance.

Monitor compliance:

- To ensure that our monitoring programmes allow end-to-end visibility of compliance to our standards e.g. store audit, food safety audits, IPT testing, AQL inspections, Clothing, Home and Beauty performance standards, product safety and due diligence testing, kids' product safety factory audits, bulk RTM, red alert and product recall reporting.

Report compliance:

- To ensure compliance is reported and analysed to identify trends.

Reaction to issues:

- To ensure that M&S and supplier react in a timely and proportionate manner to any variance to product, operational and sourcing standards.

COMPLIANCE

The M&S Technical Terms of Trade (Foods only) and T&Cs (Clothing, Home and Beauty), which summarise the requirements to supply M&S, are signed by all suppliers as a positive acceptance to our terms.

Specific documents referenced in the terms of trade (Foods only) and T&Cs (Clothing, Home and Beauty) are the M&S Integrity Manufacturing Standard (to cover food, non-food and beauty), the M&S Food Safety & Quality Manufacturing Standard, and the M&S Product Safety Inspection for childrenswear factories. These define the outcome measures required to deliver safe and legal foods and products. All manufacturing standards can be found on our intranet and supplier facing platforms, as well as guidance to support the delivery of our requirements.

Compliance to our food and product safety and integrity requirements are monitored in the following ways:

Customer Contacts – Contact via phone, email, social media or stores are collected by our retail customer service centre and communicated to the M&S technical team and supply base to investigate. We use a dedicated reporting system between Customer Services and Technology to track serious safety complaints and their resolution.

Audits – Audits are conducted across our supply base (tier 1) and key raw materials suppliers in

Clothing and Home ('A-list' raw materials suppliers in Foods). The M&S audit protocol defines the scope and auditing body required to undertake these audits. Critical, major and minor findings are tracked and reviewed to ensure adequate close out. Audit types include Food supplier – Food safety, Integrity, Ethical, Agent, A list, New Supplier, Select Farm, Cold stores and Depot. Product supplier – Product Safety, Quality Management Systems, Environmental Code of Practice and Ethical.

Independent product testing (IPT) in Foods and Due Diligence Testing programme (DD) in Clothing, Home and Beauty (excl. furniture) – we conduct testing of our products independently confirm that the content/performance of our products are to the agreed specification/limits, this is in addition to the testing required by our supply partners. Food IPT testing includes Micro, Nutritional, Chemical and DNA. Clothing, Home and Beauty DD testing includes:

- Safety – e.g., flammability, security of attachments, slip resistance etc.
- Promotional claims – e.g., non-iron, waterproof, cooling etc.
- Composition – e.g., content is within agreed specification/limits.
- Beauty products – e.g., Heavy metals, contamination etc.

Supplier visits – The M&S Technical team conduct supplier visits to review compliance to our standards, we reserve the right to complete this unannounced.

Store audits – Foods only – store audits are conducted annually by NSF and the Trading Safe and Legally (TSL) and Fire, Health & Safety Compliance team (Central Store Operations). Inspection outcomes and risk are reviewed at the bi-monthly Food Safety working party and quarterly at the Safety Governance Committee.

If any risks are identified by M&S which compromise food or product safety or brand integrity, M&S will take all contractually agreed steps to ensure that there is no hazard to the customer or brand by appropriate management of the incident. M&S has an incident management policy to direct appropriate responses and a suite of tools to utilise in these situations (Return to Manufacturer (RTM), freezing transfer of stock from warehouse to stores until resolution agreed, Public Recall, Red alert). M&S has a legal obligation to notify the enforcement authorities about product safety incidents if customers are at risk.

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EUROPEAN / INTERNATIONAL COMPLIANCE

BREXIT – CE/UKCA marking

Any relevant products sold from 1st January 2025, must incorporate the UKCA mark. Additionally, CE marked products manufactured and/or imported into the UK by the end of 2024 can be sold in the UK through 2025.

Any new products manufactured and/or sold post 1st January 2025 must have evidence they comply to the product specific legislation.

INTERNATIONAL COMPLIANCE

In line with our Contractual Agreement, should M&S wish to supply own brand products within any of our International Regions, we will need to assess any/all compliance for those regions at product level and either make amendments to achieve compliance or exclude products that do not comply from those regions.

TECHNICAL FILES / PRODUCT INFORMATION FILES

Suppliers are expected to maintain a Technical / Beauty Product Information File relating to all Safety, Quality, Legal and Promotional claims relevant to the product consisting, but not limited to, the following:

- Product Specification
- Bill of Materials including chemical breakdown
- Test Reports for legal compliance
- Independently substantiated claims (where applicable)
- Batch coding format (where applicable)
- Electrical Circuit Diagram for applicable products, inclusive of Circuit Breaker
- Safety Risk Assessment for the following product types:
 - Articles containing batteries

- Sound & Light Modules
- Children’s Braces
- Liquid filled components
- Magnets
- Bags with Child Appealing decorative features
- All Toys inc. Dress Up
- Pompoms on products suitable for under 12 months
- Children’s Jewellery
- All products with Child Appeal
- All food imitation products

INTERNAL REPORTING AND GOVERNANCE STRUCTURE

Data is gathered and reviewed in the below Governance structure -

- Foods – weekly, monthly and quarterly KPI recording at category level and quarterly governance reports by category. Food Safety Integrity Governance meeting – completed quarterly with the technical leadership team to review actions and trends, KPIs and issues. This trending is used to inform policy and initiate working groups on specific topics as appropriate. Training requirements can also be highlighted to develop the category teams.
- International food safety forum and Store Food safety committee meet quarterly and review International Food Safety and store compliance.
- Clothing, Home and Beauty – quarterly reporting in Product Safety review meeting with all departmental representatives present, including International and Brands. Key metrics (DD testing, Safety Contacts through RCS, Bulk RTMs) informing the quarterly Group Safety Committee.

REPORTING AND QUERIES

- Food – Central Technical Operations Product
- – Technology Team

FURTHER INFORMATION

Policy Owners	Food Tech leadership team, Clothing Sourcing leadership team
Compliance Leads	(Foods) and (Clothing, Home & Beauty)
Published / Effective from	March 2024
Review frequency	Annually
Next review date	March 2025