



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRADE/C/WP.6/2008/13
14 August 2008

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

COMMITTEE ON TRADE

Working Party on Regulatory Cooperation and
Standardization Policies

Eighteenth session
Geneva, 3-4 November 2008
Item 8(b) of the provisional agenda

MARKET SURVEILLANCE

UPDATE ON THE MARKET SURVEILLANCE MODEL INITIATIVE

(Draft) Terms of Reference of the Market Surveillance Model Initiative

Note by the secretariat

The Bureau of the Working Party, at its meeting on 19 March 2008, reviewed the draft terms of reference of the Market Surveillance Model Initiative and recommended that the Secretariat prepare a revised draft for the Working Party's annual session.

This document is submitted to the Working Party for further discussion and approval.

I. INTRODUCTION

1. Market Surveillance (MS) practices vary significantly from country to country. They can often be a barrier to a fully effective system of cross-border cooperation. For example, there is the widespread perception across the European Union that levels of surveillance and enforcement are uneven and inadequate to the detriment of fair competition, user safety and the

notion of the Internal Market. And due to the vast number of products put on the market worldwide, the challenges imposed on market surveillance authorities are enormous.

2. The key to improving this situation is the cooperation and harmonization of Market Surveillance approaches among countries. The establishment of a clear framework and guide for the operation of Market Surveillance based on good practice worldwide would be a major asset to regulators and a significant step forward in the enhancement of a safe, efficient and transparent market for legitimate trade.

3. The importance of these issues was stressed at the first UNECE International Forum on Market Surveillance held in October 2002, at the subsequent forum on Market Surveillance and Consumer Protection in 2005, and most recently at the International Seminar on Product Safety and Counterfeiting in 2007.

4. Discussions within the WP.6 Advisory Group on Market Surveillance (MARS) also confirmed the existence of major variations in the approach to market surveillance in different countries and in different sectors. It also emerged that the definition of the scope of MS or even the definition of the words “market surveillance” is not a straightforward task. For example, market surveillance can cover safety issues only or, in the case of CIS countries, also quality and other matters.

5. The Group therefore proposes to establish a task force to develop generic models and guidelines of good practice in market surveillance. Specifically, the task force is to work from the bottom up to define models of basic elements of market surveillance procedures, based on good practice in a broad range of selected countries, both within Europe and elsewhere.

6. The task force will undertake research into current practice in selected countries, based on evidence collected through a questionnaire that will be the first deliverable of the Initiative.

7. The Initiative will then work on a model schema of a market surveillance inspection. The results of the research will be presented on the WP.6 website. Individual country case studies will also be made available in a repository on the website.

II. OBJECTIVE

8. The objective of the Market Surveillance Model Initiative is to develop a guidance document, based on good regulatory practice in selected countries, which describes the different steps in market surveillance.

III. SCOPE

9. The scope of the work of the task force is limited to market surveillance of non-food products¹ for which harmonized² or non-harmonized technical legislation exists (e.g. products

¹ “Products” refers to consumer products, technical products or industrial products. In this context, “non-food product” means any product that has been produced or that has undergone a transformation by a manufacturing process.

for which only national legislation or company requirements are available). The initial emphasis will be on the harmonized area. The project will exclude products for which there is no technical legislation. The priority sectors for development of a model will begin with the electrical equipment sectors, in particular household equipment.

IV TARGET USERS

10. The target users are the National Market Surveillance Authorities and policy makers.

V. TIMEFRAME

11. Three phases span the timeframe as follows:
- 0 - 6 months: Development of the questionnaire and administration of the survey
 - 6 - 12 months: Systematization of the evidence
 - 12 - 18 months Development of the models for different sectors

² In Europe this refers to the New Approach and to the Old Approach technical legislation.