

***Use of Market Surveillance Infrastructure
as a Complementary Means to
Protect Consumers and Users
against Counterfeit Goods***

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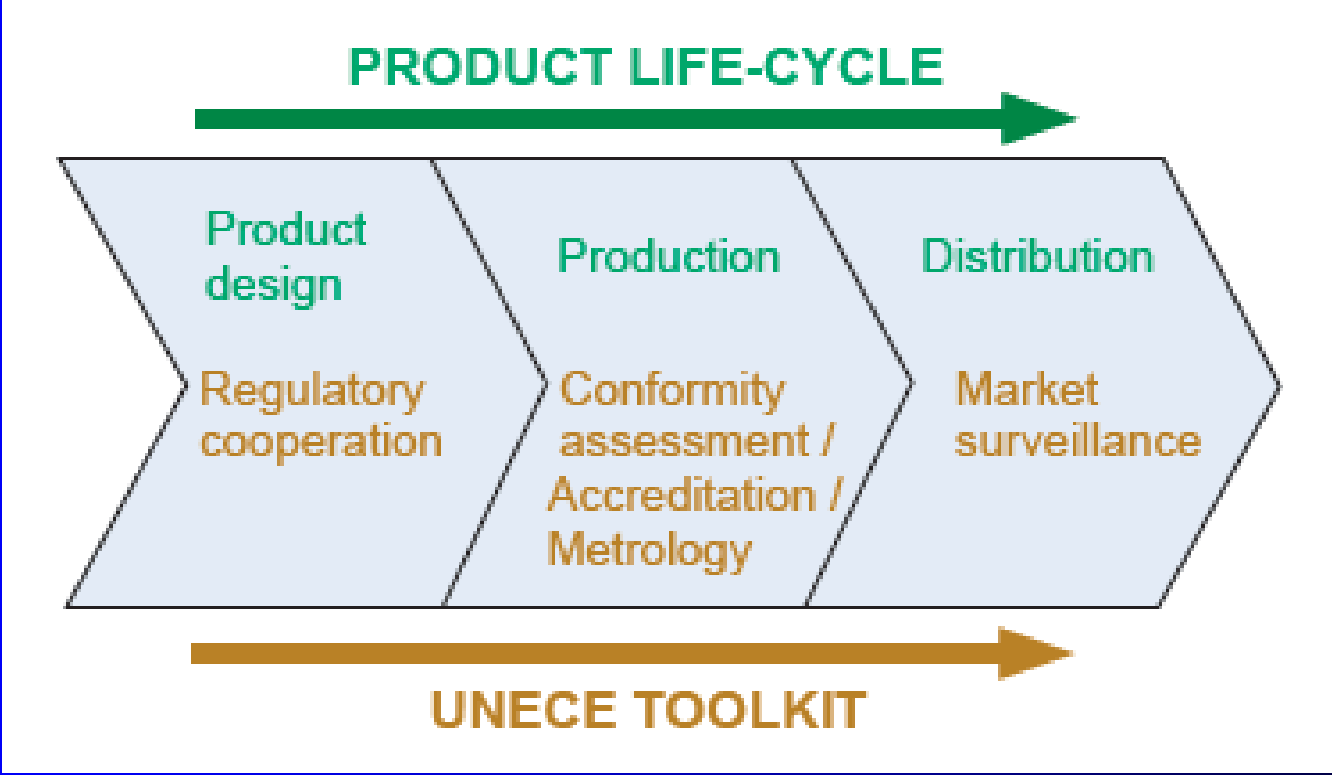
Overview of Presentation

- **What is Market Surveillance?**
- **Brief overview of the UNECE work in market surveillance**
- **UNECE Recommendation “M”**
- **Future work**

What is market surveillance?

- Different answers in different countries!
- Western Europe: protecting consumer health + safety + environment from hazards (POST-MARKET)
- Countries with economies in transition, and developing countries: controlling quality of goods, fighting fraud and counterfeit (PRE-MARKET)
- UNECE: a system that involves both regulatory & voluntary supervision for implementing international standards – currently developing a common terminology & general guidelines for market surveillance actions

UNECE Working Party on Regulatory Cooperation & Standardization Policies (WP. 6)



WP.6 Work on Market Surveillance and Counterfeiting

- **UN General Assembly decision 54/449 of 22 December 1999 (UN Guidelines for Consumer Protection)**
- **International Market Surveillance Forums: 2002; 2005; and 2007**
- **Conference on Risk Assessment and Management: 24-25 November 2009**

Apparent needs

- ...to establish models of Good Practices in market surveillance to also combat counterfeiting and piracy
- ...to share information among market surveillance institutions in different countries
- UNECE provides a platform and a forum for developing Good Practices and the sharing of information

UNECE Recommendation M

**“Use of Market Surveillance
Infrastructure as a Complementary
Means to Protect Consumers and
Users Against Counterfeit Goods”**

(Adopted in November 2007)

UNECE Recommendation “M”

- *Recommends* that Governments explore the possibility, wherever feasible and where the national legal framework permits, to involve their market surveillance authorities in the fight against counterfeit goods - in a complementary way to existing national legal mechanisms - by implementing the following procedures:
- (a) To provide mechanism for cooperation and coordination of market surveillance activities on the national level between market surveillance, customs and other authorities concerned,

UNECE Recommendation “M”

- (b) To give the possibility to right holders to inform (with documented proof) the market surveillance and other relevant state authorities on counterfeit goods,
- (c) To enable market surveillance authorities to identify suspected counterfeit goods made available on the domestic market (in cooperation with other relevant authorities) during market surveillance activities, including, where appropriate, resorting to laboratories to test the goods,

UNECE Recommendation “M”

- *Trusts* that implementation of these procedures should neither create financial burdens for market surveillance authorities nor replace or duplicate existing intellectual property rights enforcement tools. It would be rather beneficial to consumers/users, and conducive to establishing “rule of the law” principles in society and to fair competition and business development.

Future Work of UNECE in Market Surveillance

- Common definitions of key terminology (e.g. market surveillance, risk)
- General Market Surveillance Procedure (GMSP) that will guide decisions by market surveillance authorities from planning inspections to product recall

Concluding Comments

- Partnership among government agencies and business community
- UNECE Recommendation “M” an important tool in the fight against counterfeit and piracy

For more information:

UNECE Secretariat

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