



Economic and Social Council

Distr.: General
2 November 2016

Original: English and Russian

Economic Commission for Europe

Steering Committee on Trade Capacity and Standards Working Party on Regulatory Cooperation and Standardization Policies session

Twenty-sixth session

Geneva, 30 November (pm) - 2 December 2016

Item 9(a) of the provisional agenda

Market surveillance

Report of the Advisory Group on Market Surveillance (MARS Group) on its activities and the 14th meeting in Geneva (26-27 September 2016)

Summary

This document contains the report of the annual meeting of the MARS Group, held in Geneva, Switzerland from 26 to 27 September 2016 and is hereby submitted for adoption by the Working Party.

Proposed decision:

“The Working Party adopts the report of the MARS Group, taking note of the extension of its mandate by the UNECE Executive Committee (ECE/EX/2016/L.16). It also adopts its plan of work as follows: to continue the development and coordination of the General Market Surveillance Procedure; to update the market surveillance contact database; to collect national practices of market surveillance authorities for cross-border cooperation in one or more specific sectors and regions; to work more closely with other groups under the umbrella of the WP.6, especially the sectoral initiatives and the Group of Experts on Risk Management in Regulatory Systems (GRM); to develop cooperation between market surveillance authorities (MSAs) and conformity assessment bodies; to continue establishing contacts between global and regional Market Surveillance Networks, encouraging them to participate in the WP.6 activities; and to explore the possibility for training of MSAs on issues related to counterfeit goods, product marks, online market surveillance and proactive market surveillance. The Working Party mandates the Secretariat to continue to report on an annual basis on its activities.”

I. Introduction

1. The 14th MARS Group meeting was co-organized by UNECE WP.6 secretariat and by the MARS Group Bureau.
2. The meeting was attended by 22 experts from eight UNECE member countries, the European Commission, the Eurasian Economic Commission and International Electrotechnical Commission.
3. The agenda, as well as presentations made at the meeting, are available at <http://www.unece.org/index.php?id=43283#/>
4. The Chief, Market Access Section, UNECE Economic Cooperation and Trade Division and the WP. 6 Chair opened the meeting.
5. In her opening remarks, the WP.6 Chair recalled the current challenges confronting market surveillance authorities.
6. The Chair of the MARS Group introduced the meeting agenda. She emphasized the important role of the group in promoting cooperation among MSAs as well as between MSAs and economic operators. She recalled the MARS Group work plan, developed and endorsed at the 25th Session of the Working Party in December 2015. This work plan would guide the discussions of the MARS Group meeting.).

II. Challenges and resources available to MSAs

7. The European Commission representative introduced a policy document on cross-border cooperation (CBC) (available at <http://ec.europa.eu/DocsRoom/documents/17108/attachments/1/translations/en/renditions/native>). The document presents a model format for CBC among the MSAs of the European Union, aimed at achieving effective market surveillance across the Single Market despite the fact that the enforcement powers of individual authorities are limited by national boundaries.
8. The discussion following the presentation focussed on:
the need for a system to exchange information effectively among countries that do not have access to the Information and Communication System on Market Surveillance (ICSMS) system
 - how to support enforcement actions by countries that are not members of the EU when they encounter non-compliant products that originate from beyond their borders, as well as when manufactures located in their national territory put non-compliant products on other markets.
 - how to support cooperation not only with other MSAs but also with customs.
9. The coordinator of General MS initiative reminded the group that the General Market Surveillance Model (GMSM) had been developed since 2007 and had been used by experts/authorities to design their market surveillance programs and plan MS actions. The novelty of the document was that it introduced a clear top-down procedure how to perform a MS action and also provided the necessary background information related to the interactions between technical regulations requirements, standards, and conformity assessment options. The speaker informed the group about five areas that the GMSM initiative had identified for extension of the model and indicated the ways to achieve this.

III. Experiences of national and regional MS developments

10. The expert from the Physikalisch – Technische Bundesanstalt (PTB), Germany presented the global regulation approach developed by the WP.6 Sectoral Initiative for Equipment in Explosive Environments (SIEEE).

11. He recalled that UNECE WP.6 had developed and published a common regulatory framework for equipment used in environments with an explosive atmosphere which can be implemented in national legislation. Part 6 of the framework covers the need of internationally organized market surveillance in order to identify non-compliant products. He then introduced the guidelines for national Market Surveillance of Equipment used in Explosive Environments (Ex-MARS) – also available on the UNECE website – and explained that the SIEEE would now start to engage in the following agenda:

- To form an international Ex-MARS group of market surveillance authorities and call regular online meetings of the group;
- To open an office to manage daily correspondence with a supporting website;
- To agree on procedures and fault classification;
- To agree on an alert system for end users.

12. Delegates discussed how the MARS Group could support this action. The coordinator of General MS initiative promised to provide inputs for the Ex-MARS procedure.

13. The representative of Eurasian Economic Commission outlined the principals, goals and objectives of MS in the Eurasian Economic Union. Member countries were in the process of establishing an international treaty on harmonization of the legislation in the field of state control. The treaty will aim at coordinating approaches in conducting inspections and facilitating effective exchange of information between the competent authorities. He encouraged participants to refer to the website www.eurasiancommission.org for further information. He added that the Eurasian Economic Commission had a keen interest in receiving information on the experience using risk informed approach to MS in Europe and globally. He reaffirmed that the Eurasian Economic Commission was committed to continue active participation in the work of the MARS Group.

14. The coordinator of the WP.6 Group of Experts on Risk Management in Regulatory Systems (GRM) informed the meeting on the latest trends of risk management and explained how they could be applied to market surveillance activities. He described predictive risk management tools based on an example from New Zealand and suggested introducing risk-based surveillance activities for MSAs. The speaker then recommended creating a framework for market surveillance where the assessment system would be based on the risk of non-compliance of the product at the same time being also predictive and able to learn. Based on these principles he proposed a draft recommendation for authorities to plan surveillance activities based on the evaluation of the non-compliance risk of products/businesses within their jurisdiction. The MARS Group was asked to give feedback on the proposed recommendation so that the recommendation could be approved during the next WP.6 annual session. Participants shared their experience on how to sample non-compliant goods on their respective markets.

15. The IEC representative introduced the draft revised recommendations F and G on “Creation and Promotion of International Agreements on Conformity Assessment” and “Recognition of Conformity Assessment Procedures and Results”. He explained that the harmonization of conformity assessment procedures. The Group was asked for further comments and inputs to the texts of the two recommendations.

16. The project manager of The Swedish International Development Cooperation Agency and the European Free Trade Association (SIDA/EFTA) project on Quality Infrastructure in the Western Balkans (QIWB) gave an overview on the developments of the project in six Western Balkan countries (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and UNMIK/Kosovo). As part of the project a series of workshops was launched in July 2016 in Belgrade. There are also plans to set up regional groups to mirror the EU's Administrative Cooperation Groups (AdCo) in the construction products and electrical and electronic equipment sectors.

17. The Group then discussed the plan for the further activities of the group, which were agreed as follows:

- (a) To continue the development of the GSM;
- (b) To update the market surveillance contact database;
- (c) To collect national practices of market surveillance authorities for cross-border cooperation in one or more specific sectors and regions;
- (d) To work more closely with other groups under the umbrella of the WP.6, especially the sectoral initiatives and the GRM;
- (e) To develop cooperation between MSAs and conformity assessment bodies;
- (f) To continue establishing contacts between global and regional Market Surveillance Networks, encouraging them to participate in the WP.6 activities; and
- (g) To explore the possibility for training of MSAs on issues related to counterfeit goods, product marks, online market surveillance and proactive market surveillance.

18. The project manager of QIWB committed to updating the MS contacts database with the data on Western Balkans. He also promised to send information on national practices of Western Balkan MSAs for cross-border cooperation and in construction products and electrical and electronic equipment sectors. He said that the QIWB project will provide training for Western Balkan MSAs in EU/EFTA member states and may allow attendance of representatives of a limited number of MSAs from other UNECE countries. He finally promised to look at ways to support the cooperation between MSAs and conformity assessment bodies in Western Balkan countries.

19. The meeting then discussed the planning of the next WP.6 Plenary session, which was going to take place from 30 November to 2 December. The annotated agenda and other draft documents for the session are available from <http://www.unece.org/index.php?id=42913#/>

20. Discussions on the venue and dates of the next MARS Group meeting would continue inter-sessionally.

IV. Conclusions

21. The Chair of the MARS Group concluded by thanking the host and all speakers and participants.

22. The WP.6 Chair thanked the group for lively and substantive discussion during the meeting and was looking forward to the annual session.