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## Economic Commission for Europe

Steering Committee on Trade Capacity and Standards

### Working Party on Regulatory Cooperation and Standardization Policies (WP.6)

#### Thirty-second session

Geneva, 7–9 November 2022

Item 4 of the provisional agenda

#### Advisory Group on Market Surveillance

## Report on activities under the Advisory Group on Market Surveillance

Submitted by the subgroup Chair

### *Summary*

This document presents the results achieved by the Advisory Group on Market Surveillance (MARS) as of July 2022, reports on the progress in the completion of the project plan and presents priorities for 2023.

#### *Mandate*

At its thirty-first session, the Working Party on Regulatory Cooperation and Standardization Policies (WP.6) mandated the secretariat and MARS to report on an annual basis on its activities. (ECE/CTCS/WP.6/2021/2, paragraph 18, decision 5)

#### *Proposed decision*

“The Working Party adopts the report of the Advisory Group on Market Surveillance (MARS). It requests MARS to continue to report on an annual basis on its activities.”



## I. Introduction

1. Market surveillance and the chain of control of products which enter the market are a pillar of quality infrastructure. Since its establishment in 2003, the Advisory Group on Market Surveillance (MARS) brings together the players involved (public authorities, manufacturers, retailers, importers, consumers, etc.) to increase transparency and attract attention to the role and responsibilities of public authorities in the chain of control. It has developed comprehensive guidance and serves as a forum for the development of best practice and of recommendation guidelines.

2. This report provides a summary of the twentieth annual meeting of MARS during the WP.6 Forum on 10 June 2022. During this meeting, Ms. Vera Despotovic was renewed as Chair of MARS for a two-year period. The agenda, as well as presentations made at the meeting, are available online.<sup>1</sup>

## II. Review of best practices in market surveillance

3. One of the key activities planned for 2022 in the Working Party on Regulatory Cooperation and Standardization Policies (WP.6) programme of work (ECE/CTCS/WP.6/2021/10, paragraph 11b) and a recurring key task within the terms of reference of this subgroup (ECE/CTCS/WP.6/2021/10 Annex I, paragraph 4) is the exchange of experience in the area of market surveillance in order to identify and bring forward best practices in this field while further developing the network of global and regional market surveillance entities. The annual meeting therefore dedicated a good deal of its time for presentations in this area.

4. WorkSafe New Zealand underlined the importance of using international standards and the importance of the equivalence-based mutual recognition arrangement established with Australian states and territories for electrical equipment safety. At the base of the New Zealand regime on the subject is a semi-quantitative risk assessment tool which determines the premarket regulatory intervention level for each of the common electrical and electronic products used within New Zealand; the highest rank level products require third party certification. The risk engine uses a graphical portrayal of probability and consequence since there is not a linear tolerance for these. This pre-market intervention can be combined with post-market surveillance; new technology products usually have a higher surveillance level when first introduced. Consumer education is also a focus, with educational multimedia campaigns using a cartoon character called Claude the Cat.

5. The Swedish Board for Accreditation and Conformity Assessment (SWEDAC) presented the decentralized model of market surveillance within Sweden, with over a dozen organizations, coordinated through a Market Surveillance Council. Being decentralized, it implies that a single product might be controlled by multiple organizations. E-commerce (the sale of goods on the Internet) brings new challenges as the global market must be followed. A consumer campaign helps to inform on how to avoid dangerous products when buying online. An informal dialogue with marketplace actors encourages them to take the voluntary European product safety pledge. New technologies and new actors on the market are a major challenge; cooperation at the national, regional and international levels is key for making sure that products placed on the market are safe.

6. The Finnish Transport and Communication Agency demonstrated the complexity related to the market surveillance of radio equipment which include all wireless devices that use radio frequencies (smartphones, tablet computers, remote controls, drones, etc.). These necessitate a series of technical and administrative requirements (including geographical restrictions, manufacturer / importer contact details, etc.). The use of the product is controlled at the national level; the sale of such products is determined at the European Union level. Cooperation has been established between market surveillance authorities in order to ensure that the controls are performed in the same or similar ways as well as to ensure exchange of information via a common database. Furthermore, new requirements are established for radio

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<sup>1</sup> <https://unece.org/info/Trade/WP.6-Meetings/events/366769>.

equipment by the European Union to provide further security of networks, privacy and anti-fraud and will be applicable from 1 August 2024.

7. The WP.6 sectoral Initiative for Equipment in Explosive Environments explained the common regulatory objectives (CRO) developed for this sector and how these related back to quality infrastructure. The products under this initiative are traditionally not for consumers directly, but more for industry and require very specific equipment for their handling and stockage. As there is a large potential for dangerous accidents, the certification, testing, metrology and inspections related to the equipment are very important. In order to ensure a harmonized application of standards and harmonized assessment of testing and inspections, the Initiative encourages reference to the International Electrotechnical Commission System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres (IECEx) standards and accreditation of certifying bodies.

### III. Cooperation with customs agencies on market access regulations

8. MARS also had planned in 2022 to enhance cooperation with customs agencies, with an objective to improve controls at the border and application of market access regulations (WP.6 programme of work, ECE/CTCS/WP.6/2021/10, paragraph 11c). An invitation was extended to several customs administrations and to the World Customs Organization (WCO) to speak during the MARS annual meeting.

9. WCO underlined the increase of trade flow across the globe and the complexity of global supply chains, which in turn creates new security challenges. Through its coordinated border management approach, WCO encourages enhanced coordination amongst border control agencies in relation to the information flow and the physical flow of goods and people, as underlined in the revised Kyoto Convention (standard 3.35) and the World Trade Organization Trade Facilitation Agreement (article 8). WCO has developed a number of tools in support of coordinated border management, including the Mercator Programme, the SAFE Package, etc.

10. WCO further presented their response to illegal trafficking linked to the COVID-19 pandemic. Over 273.6 million medicines and over 214.3 million medical devices (including personal protective equipment) and over 13.5 million doses of illicit COVID-19 vaccines were seized over the past year. The increase in e-commerce has resulted in a sudden increase in small consignments, creating a larger volume of movements to control. Illicit trade responds very quickly to new treatments, so customs has reinforced efforts on training in order to help customs officers in their enforcement role. Advanced technologies are also planned to enhance cooperation with other government agencies and the private sector.

### IV. Revised Glossary of Market Surveillance Terms

11. WP.6 decided to update its *Market Surveillance Glossary* in 2018.<sup>2</sup> This is to respond to the development of e-commerce, new actors entering the market, and more advanced concepts of market surveillance aiming to increase effectiveness. This was planned in the WP.6 2022 programme of work (ECE/CTCS/WP.6/2021/10, paragraph 11d). Some of the terms which are being introduced include “conformity rate”, “information society service provider”, “online interface”, “corrective action”. Some terms are proposed to be modified, including “market surveillance”, “withdrawal”, “technical regulation”, “technical specification”. It was suggested that a guide should be developed to clarify certain terms in the glossary.

12. MARS finalized the current draft and recommended that it be presented to the annual session of WP.6 for final approval and subsequent publication. It was further suggested to transform this document into an online database, pending extrabudgetary funds.

<sup>2</sup> Decision 17, ECE/CTCS/WP.6/2018/2.

## **V. Revision of Recommendation M**

13. MARS decided that it was necessary to exchange information and experience on *Recommendation M on Use of Market Surveillance Infrastructure as a Complementary Means to Protect Consumers and Users Against Counterfeit Goods*. This may result in a revision of the document. It was further noted that the development of a guideline on this topic could be useful. The Chair called upon all members and all market surveillance authorities to come forward with expertise to work on this topic.

14. The exchange of experience on counterfeits could also be a topic for a specific meeting which could also contribute to the revision of Recommendation M.

## **V. Members and representation**

15. As of 31 July 2022, forty experts from fifteen countries participate in MARS of which 22 are women.

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