

UNECE WP on Regulatory Cooperation and Standardisation Policies

MARS Group

Overview of history of development of recommendation **N**  
and  
Plans for its revision



**N**

Good Market Surveillance  
Policies and Practices<sup>1</sup>

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## UNECE WP on Regulatory Cooperation and Standardisation Policies

### MARS Group

# Timeline

- 2010 Proposal by Swedish Board of Trade
- 2011.09 Results presented at 9th MARS Meeting in Bratislava : draft text
- 2011.11 Results presented and discussed at 21st session of WP.6 : to revise and submit to WP.6 Annual Session for discussion
- 2011.12 Publication of Recommendation N – Good Market Surveillance Policies and Practices

# UNECE WP on Regulatory Cooperation and Standardisation Policies

## MARS Group – Revision Recommendation N

### **Working Party on Regulatory Cooperation and and Standardization Policies**

#### **Twenty-first session**

Geneva, 31 October – 2 November 2011

**Report of the annual planning meeting of WP. 6 activities  
(ECETRADE/C/WP.6/2011/2**

### **VI. MARS group: updates and work plans**

30. The delegation of Sweden had prepared a draft Recommendation on “Enforcement Policies”.

The aim of the Recommendation was to give general political guidance that all countries could apply, both as regards general product safety and specific sectoral legislation.

Participants suggested several points for revision, including: taking into account the definitions contained in the Glossary; more explicitly addressing the link between product risk and market surveillance; putting more emphasis on communication; etc..

**Delegates agreed that the document should be revised and submitted to the WP.6 annual session for discussion.**

It was also agreed that the secretariat should circulate the document to other stakeholders in the MARS Group and advance the work on the draft recommendation through one or more webinars.

# UNECE WP on Regulatory Cooperation and Standardisation Policies

## MARS Group

### **Working Party on Regulatory Cooperation and Standardization Policies**

#### **Twenty-first session**

Geneva, 30 October - 2 November 2011

Item 10 (a) of the provisional agenda

#### **Market Surveillance**

**Draft recommendation on “Enhanced effectiveness of Market Surveillance Policies” ECE/TRADE/C/WP.6/2011/12**

### *Summary*

The Advisory Group on Market Surveillance has prepared a draft recommendation for consideration by the Working Party.

The Recommendation aims at increasing the effectiveness of market surveillance by encouraging authorities to prioritize this policy area in the allocation of resources both domestically and internationally, and by giving broad guidelines for the organization of administrative structure and activities.

# Recommendation N

published 2011

## The Working Party on Regulatory Co-operation and Standardization Policies

- **Recognizing** the need to ensure that products placed on the market or imported meet legal requirements on safety, health, environment, fair competition between economic operators, and any other aspects of public interest (hereinafter “legal requirements”).
- **Noting** that market surveillance is an essential public response to addressing that need.
- **Noting** the existing differences in both legal, administrative and operative means for carrying out market surveillance among United Nations Member States.
- **Noting** the lack of systematic guidance for setting up structures that meet basic and essential criteria for the enforcement of legal requirements on products made available on the market.
- **Considering** the best practice developed internationally, including by the Advisory Group on Market Surveillance (MARS Group) and the Working Party on Regulatory Cooperation and Standardization Policies.
- In the light of the General Assembly decision 54/449 of 22 December 1999 (United Nations Guidelines for Consumer Protection)

## Recommendation N

**Recommends that Governments should :**

- N.1 **Organize** market surveillance to ensure that products meet the legal requirements.
- N.2 **Give priority** to establishing a legal basis for market surveillance activities, including adequate legal requirements for cooperation with economic operators and proceedings for application of proportionate restrictive measures in relation to marketing of products.
- N.3 **Appoint** competent authorities to carry out market surveillance activities.
- N.4 **Consider** risks identified and political priorities and provide for adequate and sufficient administrative capacities, resources and powers for market surveillance authorities to ensure fulfilment of the requirements set for products.
- N.5 **Establish** effective mechanisms for horizontal and sectoral cooperation and coordination among market surveillance authorities, customs authorities and other stakeholders concerned at the national and international level.
- N.6 **Together** with market surveillance authorities take advantage of and contribute to channels for cooperation and information exchange internationally.

## Recommendation N

### Recommends that Governments should :

- N.7 **Together** with market surveillance authorities should participate in regional and international cooperation efforts such as joint market surveillance actions
- N.8 **Set** national priorities for market surveillance according to the market conditions in the country, taking into account available information from regional and international information sources on products risks, and on product related non-compliances.
- N.9 **Set** annual and/or multi-annual plans at general and sectoral level for market surveillance.
- N.10 Together with market surveillance authorities, when planning and carrying out market surveillance activities, **take into account** established principles of risk assessment.
- N.11 **Encourage** donors to recognize market surveillance as a priority in devising bilateral and multilateral technical assistance and cooperation projects.

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### Checklist for the implementation of the Recommendation

#### A. Legal basis

- A.1** Available legislation on consumer and user protection, including methods for collecting and informing of dangerous and non-compliant products (nationally/internationally).
- A.2** Available horizontal or sector-specific legislation on enforcement of products defining:
- product sector(s)
  - essential product requirements
  - responsible authority /authorities
  - powers of authorities
  - applicable penalties based on risk assessment of products
  - mechanisms to ensure confidentiality
  - mechanisms to ensure traceability
  - cooperation (a) between market surveillance and other relevant authorities and (b) between market surveillance authorities and other national stakeholders, including in methods for collecting and informing of dangerous and non-compliant products (nationally/internationally).
- A.3** Legislation covering cross-border measures and cooperation mechanisms between market surveillance authorities and customs authorities.
- A.4** Explicitly address possible interactions between product legislations at national and or regional level and other national laws (i.e. criminal law)



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### Checklist for the implementation of the Recommendation

#### **B. Political priorities**

- B.5** Available national statement (priority) of product safety, health, environment and any other aspect of public concern, including fair competition among economic operators.
- B.6** Established national quality infrastructure, including a functioning system for accreditation and conformity assessment (inspection, certification, testing) and market surveillance.
- B.7** Annual and/or multi-annual (e.g. 3-year) national market surveillance plans reflecting national priorities.
- B.8** Participation in technical assistance and cooperation projects in market surveillance.
- B.9** Participation in standardization work at the national, regional and international level.

## UNECE WP on Regulatory Cooperation and Standardisation Policies

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#### **C. Best Practices**

- C.10** National enforcement plans reflecting surveillance priorities, for instance according to the UNECE “MS Model”.
- C.11** For national legislation and other documents related to market surveillance the terminology listed in the UNECE A Glossary of Market Surveillance Terms should be used.
- C.12** Availability of sector-specific surveillance plans and priorities.
- C.13** Enforcement methods comprising reactive and active surveillance techniques, as well as continuous follow-up routines.
- C.14** Methods for enforcement prioritization and surveillance prioritization, including risk assessment.
- C.15** Availability of information-technology tools for documentation, reporting, follow-up and statistical analysis of market surveillance activities.
- C.16** Penalties for economic operators are proportionate to the risks and dissuasive.
- C.17** Cooperation with stakeholders nationally (e.g. consumer and business organizations, industry, customs).
- C.18** Cooperation with other stakeholders internationally.
- C.19** Training of market surveillance officers and inspectors.
- C.20** Joint actions to assess risks of products as a basis for planning proactive market surveillance activities. Participation of non-EU countries should be supported

# Revision

- Recommendation N dates from 2011.
- Both the market and the market surveillance tools have fundamentally changed during this period.
- The Revision needs to take into account these changes and propose new tools for effective market surveillance



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## Some possible changes to take into consideration

- **Increased Global Collaboration:**  
Enhanced collaboration among regulatory bodies worldwide to share information and improve surveillance capabilities.
- **Stricter Regulatory Standards:**  
Implementation of more stringent regulatory standards and requirements for product safety to address emerging risks and challenges.
- **Advancements in Technology:**  
Integration of advanced technologies, such as artificial intelligence, data analytics, and machine learning, to improve the efficiency and accuracy of market surveillance activities.
- **Supply Chain Transparency:**  
Emphasis on supply chain transparency and traceability to identify and address potential safety issues at various stages of production and distribution.
- **Consumer Reporting Mechanisms:**  
Implementation of improved systems for consumers to report safety concerns and incidents, facilitating quicker response and investigation.



## Some possible changes to take into consideration

- **Increased Penalties for Non-Compliance:**  
Imposition of more severe penalties for companies found to be non-compliant with product safety regulations, serving as a deterrent and promoting adherence to standards.
- **Focus on Emerging Risks:**  
Greater attention to emerging risks and technologies, including the surveillance of new and innovative products to ensure they meet safety standards.
- **Digital Platforms and E-commerce Regulation:**  
Introduction of regulations and surveillance mechanisms specific to online platforms and e-commerce to address the challenges posed by the digital marketplace.
- **Global Product Databases:**  
Development and utilization of global product databases to facilitate information exchange and improve coordination among regulatory authorities.
- **Consumer Education and Awareness:**  
Increased efforts in educating consumers about product safety, potential risks, and how to report issues, contributing to a more informed and vigilant consumer base

Overview of his

Recommendation **N**



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