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Advisory Group on Market Surveillance

Report of activities under the Advisory Group on Market Surveillance 2023–2024

Submitted by the subgroup Chair*

Summary

The Advisory Group on Market Surveillance (MARS) was established under the Working Party on Regulatory Cooperation and Standardization Policies (WP.6) in 2003. This document reports on the progress in the work of MARS for the period 2023–2024.

Mandate

At its thirty-third session, the Working Party on Regulatory Cooperation and Standardization Policies (WP.6) mandated the secretariat and MARS to continue to report on an annual basis on its activities (ECE/CTCS/WP.6/2023/2, paragraph 18, decision 5).

Proposed decision

“Member States adopted the *Report of activities under the Advisory Group on Market Surveillance 2023–2024* (ECE/CTCS/WP.6/2024/8). They encouraged member States to utilize the network of market surveillance agencies within MARS to exchange on best practices and identify emerging trends to contribute to reducing technical barriers to trade. They requested the secretariat and the Advisory Group to continue to report on an annual basis on these activities.”

* This document is submitted under the responsibility of the subgroup Chair. This document has not been edited by a professional editor.

I. Introduction

1. Market surveillance and the chain of control of products which enter the market are pillars 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 spans the period from July 2023 to May 2024. At its twenty-second annual meeting on 4 and 5 April 2024,¹ the membership of the MARS confirmed the continuation of appointment of Jan Deconinck of Belgium as Chair, Ivan Hendriks of Belgium as Vice-Chair and Lucy Salt of New Zealand as Vice-Chair. The agenda, as well as presentations made at the meeting, are available online. The annual meeting was attended by 72 experts, 35 were women. During this reporting period, there was one additional working meeting on 20 February 2024 (37 participants/6 women).

II. Report on progress of activities 2023–2024

3. MARS has made good progress on the activities that were defined in the WP.6 Programme of work (PoW) for 2024 (ECE/CTCS/WP.6/2023/14).
 - In support of paragraph 12(a), the project on revising ECE *Recommendation M on Use of Market Surveillance Infrastructure as a Complementary Means to Protect Consumers and Users against Counterfeit Goods* was completed (see document ECE/CTCS/WP.6/2024/09). The recommendation was aligned with the current General Assembly resolution on consumer protection and other relevant United Nations documents. A guideline document accompanying the recommendation was developed in order to provide indications on how to implement the different recommended activities.
 - In support of paragraphs 12(b) and 12(f), the MARS has conducted background research for the revision of *Recommendation N on Good Market Surveillance Policies and Practices*. A project will be launched in the coming months in cooperation with the Working Party on Regulatory Cooperation and Standardization Policies (WP.6) Group of Experts on Risk Management in Regulatory Systems (GRM) looking into the sustainability and digitalization aspects of the updates of the recommendation.
 - In support of paragraph 12(c) the MARS continued exchanges 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 (see below in the “Return on experience” section).
 - In support of paragraph 12(e), the *Market Surveillance Model (MSM) Initiative Guide to the Use of the General Market Surveillance Procedures* was discussed at the meeting on 20 February 2024. A project proposal will soon be launched in order to plan for the MSM to cover all phases of market surveillance from planning of inspections to dangerous product recall.

III. Impact

A. Return on experiences

4. A specialist from the New Zealand WorkSafe gave an overview on the New Zealand regulatory system and market surveillance electrical and electronic product

¹ <https://unece.org/info/Trade/WP.6-Meetings/events/387570>

safety and compliance. This system is structured around pre-market and post-market interventions, aiming to ensure compliance and safety. It operates on a risk-based approach, focusing on interventions at the point of sale. Three risk levels determine the regulatory intervention required: high-risk products necessitate regulatory approval and compliance with specified standards; medium-risk products require a supplier declaration of conformity backed by test reports; and products that are neither high nor medium (non-declared articles) demand essential safety measures. The risk engine categorizes products into these levels, guiding appropriate regulatory actions. WorkSafe utilizes predictive risk assessment to enhance compliance certainty and minimize errors. Joint Australian and New Zealand standards are predominantly adopted, with WorkSafe contributing to standard development to reflect national differences. Public education, facilitated through various channels including websites, social media and safety campaigns featuring a stylized mascot called “Claude the cat,” play a pivotal role in enhancing product safety. Engagement with suppliers, industry forums, and special projects complement educational efforts.

5. A trade expert from the Market Surveillance and Inspection Unit of the Türkiye Ministry of Trade provided background and an account of activities on products under the responsibility of the Ministry. This Unit oversees product safety regulations and inspections, particularly since the European Union (EU) – Türkiye's Customs Union entered into force in 1995, which initiated the adoption of EU standards. Currently, nine public authorities are responsible for setting technical regulations and conducting inspections for various product categories. This includes not only products already on the market but also those intended for import, export, or in the process of being exported. The Ministry of Trade specifically handles consumer goods like textiles, footwear, childcare articles, toys, and detergents. Inspections prioritize high-risk products, especially those for children. Surveillance activities are both proactive and reactive, with proactive actions based on monthly plans and reactive responses triggered by complaints, accidents, or notifications from the EU Rapid Exchange for Information System (RAPEX). Non-compliant or unsafe products face sanctions such as administrative fines, and corrective measures. Unsafe products are publicly listed on Türkiye's “Unsafe Products Information System”² to inform consumers and prevent further risks.

IV. Pertinence of the topic today

6. E-commerce remains an important topic for most market surveillance authorities. With the growth of online sales of products, the consumer needs assurances against illegal and fraudulent products offerings. Market surveillance is crucial for the smooth functioning of the online marketplace. It helps protect consumers and workers against unsafe products and general non-compliance and helps protect businesses from unfair competition by those who ignore the rules.

V. Future directions

7. The MARS suggests continuing in the same direction as described in the current PoW 2024. The main focus for the coming period will be to continue exchanges 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 MARS plans to revise the *Recommendation N* and then subsequently revise the *MSM* in order to cover all phases of market surveillance from planning of inspections to dangerous product recall.

² www.gubis.ticaret.gov.tr