

Working Party on Regulatory Cooperation and Standardization Policies (WP.6)
Advisory Group on Market Surveillance (MARS) teleconference discussion notes and actions
16 October 2024, 11:00-13:00 CET

Item	Subject	Discussion / Action
1a	Roll call	<p>Leadership: Jan Deconinck (Chair), Ivan Hendriks (Vice-Chair), <u>Lucy Salt</u> (Vice Chair) Secretariat: Lance Thompson, Tauno Kangur</p> <p>Members: Daniel Bodnar, Donald Macrae, Paul Dixon, Richard Frewin, Valentin Nikonov</p> <p>Experts: Alexander Rankin, <u>Alexia Davison</u>, Andreai Batayeu, Angel Moreno Rubio, Anupam Pandey, Bruce Chisholm, Casper Vanden Blicke, <u>Danijela Dragovic</u>, <u>Gordsns Krsmanov</u>, <u>Ivana Saranovic</u>, <u>Leia Lamplough</u>, <u>Lianna Ananyan</u>, <u>Liliana Tahotna</u>, <u>Marianna Karttunen</u>, Markus Krebsz, <u>Monika Kusowski</u>, Pierre Lauquin, Priit Poschlin, Raj Vadgia, Russel Price, Shawn Paulsen, Subrata Dey, Weijia Xia</p> <p>33 participants (11 <u>women</u>)</p>
1b	Approval of the Agenda	Agenda agreed with no modifications
2	Invited guest speaker	<p>Mr. Casper Vanden Blicke, the Single Liaison Officer for Market Surveillance of the Directorate-General of Quality and Safety of Belgium provided a presentation on “Coordinating market surveillance activities nationally – how this was set up in Belgium: Practical experience of the Single Liaison Officer (SLO)”</p> <p><i>Presentation</i></p> <p>Mr. Vanden Blicke reminded the regulatory basis of this role established in the European regulations (EU 2019/1020). The SLO acts as the essential intermediary between the European Commission, national authorities and market participants. The SLO represents a coordinated position, provides communication of the national strategy and assists in the cooperation between market surveillance authorities in different Member States of the EU; the SLO can have other responsibilities and tasks depending on the country.</p> <p>The monthly informal EU coordination meeting provides a feedback loop opportunity for the SLO; the meetings also serve for information sharing and identifying best practices. Customs is also present at these meetings (notably for the coordination at the border). Communication on the national strategy is one of the key role of the SLO. Previously, there might have been several strategies in a single country, but there are efforts to bring this to a single national strategy. The framework being discussed at the EU level includes:</p> <ul style="list-style-type: none"> • On-line market surveillance of e-commerce has been a major challenge; new legislation and new technologies are needed. • The collaboration with customs is a major focus in order to coordinate border activities and streamline the exchange of information (initially with Excel, but soon with ICSMS) • Information communication system for market surveillance (ICSMS) is an obligatory shared database / communication system within the EU in order help prevent duplication of efforts and identify trends by collecting indicators. One of the challenges is that it hasn’t been used widely enough and it can only reach its full potential if all Member States use it. • The SLO plays a key role to assist market surveillance agencies understand the impact of new horizontal legislation (such as the Digital Services Act [DSA], the General Product Safety Regulation [GPSR], the Artificial Intelligence Act [AIA]). <p>Most authorities use their own case management systems (and not ICSMS), so it is important to link these platforms.</p> <p>The SLO helps to coordinate in other areas on the EU level, notably through the EU Product Compliance Network (EUPCN). There are network meetings under the EUPCN to</p>

		<p>further enhance cooperation such as for products sold online, guidance documents and the digital product passport (DPP) among others.</p> <p>Mr. Vanden Blicke in his role as SLO also coordinates the Belgium position in the Committee on Market Surveillance and compliance of Products, the Benelux Network as well as ad-hoc collaboration with other Member States.</p> <p>The future of the SLO might include further integration of the operations within the service and enhance collaboration with other Single Points of Contact.</p> <p><u>Discussion</u></p> <ul style="list-style-type: none"> • A question was raised about the cooperation with customs and how data is shared about non-compliant products at the border. Mr. Vanden Blicke noted that nearly all agencies involved in the cross-border movement of goods cooperate with customs. Risk analysis tools are used at the border. When customs requires more information on a specific product (as they customs in not the expert on the products), they usually request the information from the market surveillance agency using an information request template. Customs then take the decision based on this input. • A question was raised concerning coordination of market surveillance agencies and if there is greater coordination across borders or within a single country. Mr. Vanden Blicke noted that when the SLO system was initiated, there could be some tensions between national agencies concerning scope and joint actions; however, the SLO has helped to bring them together. There are monthly coordination meetings which helps to create an environment of cooperation and pro-active sharing of resources. • A comment was raised on the role that some other agencies can have on topics such as e-commerce, that Interpol for example recently had a conference identifying challenges and solutions for compliance. Mr. Vanden Blicke confirmed that moving forward, collaborating with other organizations is important. • A question was raised on how (if at all) information on compliance / non-compliance is reported back to regulators (so that regulators might adapt current or future regulations). Mr. Vanden Blicke reported that regulators have access to the ICSMS and that the elements on non-compliance are entered into the system. • A question was raised concerning products which might be covered by multiple regulations (by different regulatory authorities) or concerning products which might not be covered by any regulation and how such scenarios might be managed. Mr. Vanden Blicke underlined that sometimes this may not be clear and there may not have existing European regulations but it is most important to identify the relevant authorities; the creation of the SLO has helped to ensure a good exchange of information notably on such cases. • A question was raised to clarify the difference between the ATCO and the EU Product Compliance Network; are these parallel or competing...? Mr. Vanden Blicke reminded that the ATCO are cooperation groups from different market surveillance agencies concentrating on specific products (there are about 30 of these cooperation groups); whereas the EUPCN meetings are for more horizontal topics (and in which often the ATCO are participating). • There was a question on some of the methodologies described during the presentation, notably on mystery shopping and if the SLO network or elsewhere are working to create a guide on how to use this tool. Mr. Vanden Blicke noted that there is a working group dedicated to set up guidance documents and that they have been considering guidance on mystery shopping. However, this may be difficult as it would require a tailored response for each national legal context. <p>The Chair thanked Mr. Vanden Blicke for his presentation and for the very fruitful discussion which followed.</p>
3	Update on the 34 th WP.6 Session	<p>The 34th annual session of WP.6 took place from 26 to 28 August 2024. During this session the MARS leadership presented the work of the Advisory Group and there were several presentations in relation to the finalized revision of <i>Recommendation M on the Use of Market Surveillance Infrastructure as a Complementary Means to Protect Users against</i></p>

		<p><u>Counterfeit Goods</u>. The presentations of the <u>MARS Chair</u>, the <u>WTO</u> and the <u>Republic of Serbia</u> are available on line.</p> <p>Other presentations during this session which could be of interest to MARS experts include:</p> <ul style="list-style-type: none"> • The presentation from START, particularly the revision of <u>Recommendation L on an International Model for Product/Service Conformity Based on Transnational Regulatory Cooperation</u>. • The presentation on the work on the <u>Overarching common regulatory arrangement for products and/or services with embedded AI</u>. And its associated <u>Declaration</u>. • The presentation on <u>the INetQI network</u> which groups together key international actors of the quality infrastructure for exchange of experience. • The presentation from <u>SWEDAC</u> and from the <u>National Standards Institution of Namibia</u> on regulatory cooperation and enhanced participation in the WTO TBT. • The presentation from the <u>UK Dept. for Business and Trade (OPSS)</u> and from the Indonesian government on the challenges linked to electronic commerce. • The presentation from the <u>ITC</u> and from Malaysia on how quality infrastructure can help support environmental considerations notably with accreditation. <p>All of the other presentations and related documents are available on the <u>34th Session website</u> and on the <u>conference website</u>.</p>
4	Possible future project	<p>The MARS Chair presented an idea for a project on better regulating digital vulnerabilities and how to harmonize these among regulatory agencies. This might be proposed as joint work with the GRM and the risk-based approaches to this topic.</p> <p><u>Discussion</u></p> <ul style="list-style-type: none"> • Several comments were made concerning the scoping of such a topic, that it may be difficult to articulate the actual issues. It will be important to ensure that the scope doesn't become too large, especially since these topics are in constant evolution. • A comment was made that it would be important to start off by trying to identify what already exists on this topic and how to find it. • A comment was made that market surveillance is such a fragmented regulatory system and that any efforts to help bring these together would be an improvement. • A comment was made that there may be varying levels of comprehension of the topic. The terminology may be interpreted differently. Many organizations will probably be considering this from a purely technical perspective; while some might be looking at it from a policies and control perspective; and those affected (companies trading) will most likely on by considering it from the perspective of how it affects their financial results... • A comment was raised that we might consider efforts on traceability being made elsewhere and how digital tracking systems (maybe for environmental purposes, for example) could be used to help with such a topic. The digital product passport (DPP) is also an example of something that could contribute to this topic. • A comment was made that there is perhaps no longer something that we could call an online market anymore. Everything is traded or available on the internet. So unless the scope is clearly defined, the topic might be the whole global market... • It was reminded that e-commerce is a very specific thing and results in tens of millions of small parcels arriving at the border every month – even in smaller border postings. One of the main challenges is to get the relevant information. There are a few methods for this: <ul style="list-style-type: none"> ○ The customs system into which much of this information is fed, could be linked to the ICSMS database on a national level in order to perform risk management. ○ The online platforms themselves could request more information from the sellers and eventually check these and then provide these better details to agencies.

		<p>However, this issue can also be a political issue on which Countries may not agree on a way forward or on sharing certain information. The EU is considering legislation on this.</p> <p>The Chairs of the MARS and the GRM will consider this input further and consider next steps. This topic would be planned for the next GRM meeting which is scheduled for 14 November and all experts are welcome to join that.</p>
5	Future planning	<p>The activities of MARS which are planned in the WP.6 Programme of Work for 2025 were presented and it was discussed how to progress these work items in 2024/2025.</p> <ul style="list-style-type: none"> • For the revision of Recommendation N, it was suggested that a gap analysis should be conducted in order to see which parts of the recommendation are still relevant, which parts need to be updated, if there is anything that needs to be added and how we might organize a guidelines on how to implement the recommended practices <ul style="list-style-type: none"> ○ Anyone who is interested to contact Jan. • For the exchanges of best practices, these would be for the MARS annual meeting during the WP.6 Forum in the Spring. <ul style="list-style-type: none"> ○ To decide if there will be a theme or angle that we want to put forward; any volunteers are invited to contact the Chair or the Secretary. • For the market surveillance model, it was reminded that this work has never officially been presented to the WP.6 Annual Session, so it is an internal only document for the moment. If the group wants to work on this further, then a project proposal will need to be officialised. <ul style="list-style-type: none"> ○ Will need to have a project proposal. VC Hendrikx has been tasked to do this. • There were no comments or ideas on other priorities or other topics. • If there are ideas for future speakers for such meetings, please let the Chair or the Secretary know. • There is the idea for a MARS Group survey: <ul style="list-style-type: none"> ○ VC Salt is working on this; it is not yet formalized. But the idea is to know a little better the members and know what topics are of interest to be worked on by this group and any future projects for MARS... ○ GRM had done a skills survey to know what the available skills in the group. And also, what they are interested in. So, it was more like a gap analysis of the group...
6	Update from the secretariat 8 points	<p>The secretariat provided a rapid update:</p> <ul style="list-style-type: none"> • The secretariat is currently working on the calendar of meetings for 2025. For this, it needs to quickly know how many meetings (beyond the annual meeting during the Forum) this group would like to have and around what period of the year. (note that these are not “project meetings” but of the advisory group in general. • The secretariat is working with universities in Berlin to try to organize the annual Forum there. It looks as though it will be possible, waiting on final confirmation. If it is not possible, then we will plan the event in Geneva. This should be known (along with the exact dates) by the end of the month. • The START Team has finalized the <u>Overarching CRA on AI</u> and we are currently looking for governmental bodies (not necessarily all of government, but perhaps the market surveillance agency or a conformity assessment body or an accreditation body, etc.) who would be willing to sign the associated <u>Declaration</u>. If there are any interested parties or questions, please <u>contact the WP.6 Secretariat</u>. • The secretariat announced that it is trying to organize a side event during the February 2025 WTO TBT meeting on the topic of the CRA on AI. There might also be a possibility for a side event on this topic during the UNECE Commission Session in April 2025. • The secretariat is reformatting <u>Rec.L</u> and <u>Rec.M</u> to be released as publications in early 2025. If paper versions of one of these recommendations could be useful for you, please <u>let the secretariat know</u> before the end of the year so that it can try to have the necessary number of print copies.

		<ul style="list-style-type: none"> • The publication <i>Basics of Risk Management for Trade</i> should be online and distributable from the end of the month. There should be a limited number of print copies; if you would like a print copy, please <u>let the secretariat know</u> quickly. • The secretariat reminded that the next UNECE Commission theme will be “Climate action and resilient infrastructure for a sustainable future.” If there are any ideas of how the MARS might be able to respond to this theme (through a conference or a meeting), staying within the mandate of the MARS, please <u>let the secretariat know</u>. • The secretariat also announced that it will be interested to try to expand the participation within the MARS group and get more market surveillance agencies involved (also conformity assessment bodies, accreditation bodies, or other relevant bodies). If you have ideas or would like to suggest other experts in this field (governmental or private sector), please <u>let the secretariat know</u>. • The WP.6 Bureau requested that all subgroups try to plan their regular meeting calls to start either from 13:00 or from 14:00 Geneva-time from now onward, in order to allow experts from North America to participate as well. This timing seems to be the best to accommodate East Asia, Central Asia, Europe/Africa and at least the east coast of the Americas.
	AOB	For those interested there is an UNCTAD meeting of the <u>Ad-hoc Expert Meeting on Consumer Product Safety on 4 November 2024</u> . This will have a segment on the principles for a resolution on general product safety and a segment on international institutional arrangements.
	Next Meetings	<p>The next meeting date and time as well as the schedule of all WP.6 meetings for 2025 will be circulated by the end of November.</p> <p>GRM meeting will be 14 November from 11:00 Geneva-time and will continue the discussion of a possible project on a risk-based approach to better regulating digital vulnerabilities and how to harmonize these among regulatory agencies.</p>