This paper was prepared on the basis of discussions held at the first meeting of the UNECE Advisory Group on Market Surveillance in September 2003 in Slovakia. It contains a proposal of Terms of Reference of the Group and information on its initiatives.

It is recalled that the establishment of the Group was proposed at the UNECE International Forum on Market Surveillance held in October 2002 in Geneva, supported by the Working Party at its twelfth session (October 2002) and endorsed by the seventh session of the UNECE Committee for Trade, Industry and Enterprise Development (May 2003).

The present document is reproduced in the form and language in which it was received by the secretariat.

*/ This paper is being submitted without formal editing.

GE. 03-
Proposal for Terms of Reference

UNECE Advisory Group on MARket Surveillance
(“MARS” Group)

Establishment of the Advisory Group

The establishment of an ad hoc advisory group of experts on market surveillance matters was suggested at the UNECE International Forum on Market Surveillance (29 October 2002, Geneva) which was organized in conjunction with the twelfth session of the Working Party on Technical Harmonization and Standardization Policies (28-30 October 2002, Geneva). The Working Party supported and approved this proposal. The establishment of the Group was endorsed by the seventh session of the UNECE Committee for Trade, Industry and Enterprise Development (May 2003) to which the Working Party is reporting.

Objectives

The general task of the Advisory Group of experts on MARket Surveillance (acronym “MARS” Group) is to contribute to the activities of the Working Party on Technical Harmonization and Standardization Policies (WP.6) aimed at creating conditions conducive to the development and promotion of global trade and economic cooperation.

The specific tasks of the Group are:

- to provide for an interaction between all players concerned, including public authorities, manufacturers, retailers, importers, and consumers/users against goods not in conformity with legislation being placed on the market;
- to increase transparency and attract attention to the responsibilities of public authorities and their staff for market surveillance with regard to their accountability in the chain of control;
- to identify good practices and methods ensuring fulfilment of legitimate objectives (such as protection of human health or safety, animal or plant life or health, or the environment) in existing legislation;
- to promote (and when necessary initiate) good practices in market surveillance within the UNECE region.

The Group works under the guidance of the UNECE Working Party on Technical Harmonization and Standardization Policies (WP.6), in accordance with Terms of Reference adopted by WP.6, and reports to it. Any reports and recommendations of the Group have preliminary and unofficial character and are subject to endorsement by WP.6.

Composition of the Group, its membership and participation in its meetings

Members of the Group are the delegates appointed by UNECE member states to address the specific task defined for it.

The Group is open to participation by experts from interested UN member states and international organizations as well as to representatives of the private sector and NGOs as observers in their personal capacity.

The Group works on the understanding that recommendations and proposals of the Group will be endorsed by the Working Party 6 as an inter governmental body.
The Group can establish sub-groups of experts to prepare projects requiring specific expertise, which are expected to become a part of general activities of the Group. The Group can work with interested governments and organizations on financing and implementation of such projects.

The UNECE secretariat provides necessary support to the Group and its sub-groups within available resources.

**Reporting**

The Group reports to the Working Party on Technical Harmonization and Standardization Policies (WP.6).

* * * * *