

# Market Surveillance Definitions

**Mr. Willem Kool**

Coordinator, UNECE Project on Market  
Surveillance Definitions

Assistant Director, International Organization of  
Legal Metrology (OIML)

# The Project

- Title: Common definitions and terminology in Market Surveillance
- Current Draft: ECE/TRADE/C/WP.6/2010/17 dated 17 August 2010
- Scope: Market surveillance and post-market surveillance of non-food products

# The Objective

- To provide a global, harmonized set of terms and definitions to be used as a reference when drafting regulations and standards with respect to the surveillance of non-food products placed on the market
- To be compatible with the WTO/TBT Agreement, the European Regulation 765/2008 and ISO Guides and Standards

# Commentors

- Delegation of Belarus
- Mr. Ivan Hendrix
- Swedish Work Environment Agency

# Main issues raised

- 'manufacturer' vs. 'producer'
- Concept of 'authorized representative'
- Concept of 'safe product'

# 'manufacturer' vs. 'producer'

- Different terms are in use with definitions containing various characteristics
- Suggested global term: 'manufacturer' (delete "producer")
- Concept of manufacturer: person responsible for the design and production of the product

# ‘authorized representative’

- Suggested definition does not exclude any tasks that may be mandated by the manufacturer
- Sometimes, responsibility for conformity to product requirements may not be mandated
- Note to the definition for clarification of possible sectoral differences

# 'safe product'

- Two concepts are in use for 'safe product':
  - a product that complies with relevant legal (safety) requirements, and
  - A product that does not present a risk (or only minimal risk)
- The global definition should describe the latter concept

# New terms suggested

- “adulterated product”
- “counterfeit product”

# Next steps suggested

- New draft for circulation to WP.6
  - February 2011
- Deadline for comments
  - 1 July 2011
- Final version for circulation to WP.6
  - September 2011
- Adoption by the 21st Session of WP.6