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**COMMON DEFINITIONS AND TERMINOLOGY
IN MARKET SURVEILLANCE**

Note by the secretariat

1. The Working Party on Regulatory Cooperation and Standardization Policies, at its eighteenth session, decided to “resume work on common definitions and terminology initiated by the project on Market Surveillance Definitions.” (ECE/TRADE/C/WP.6/2008/18, paragraph 70).
2. This document provides a list of these terms and definitions. It is intended to promote a common understanding of and to harmonize such terms and definitions used in national legislation.
3. It is submitted to the Working Party for consideration and discussion.

I. INTRODUCTION

4. This list of terms and definitions relevant to market surveillance and post-market surveillance of non-food products is intended to promote a common understanding of and harmonize the terms and definitions used in national legislation.

5. A first version of this document was circulated to WP.6 Bureau, and has been discussed in a teleconference that took place on 31 March 2009, as well as at the meeting of WP.6 Bureau, rapporteurs and coordinators, "START" Team and "MARS" Group, that took place in Stockholm, from 27 to 29 May 2009. Comments made by the participants in the teleconference and the Stockholm meeting been considered in the preparation of the current version.

6. In particular, some definitions from the WTO/TBT Agreement have been included and the term "state" is no longer used. In line with the European Communities' legal framework for marketing of products, the scope of this document is restricted to the surveillance of non-food products that are or have been placed on the market (market and post-market surveillance).

7. Delegations are invited to submit additional terms that they believe should be included in this list and any deviating definition from their national legislation of the terms listed. The latter may foster a better understanding of the differences in legislation and market surveillance responsibilities and activities among the members.

II. SCOPE OF THE DOCUMENT

8. The terms in this guide are taken (and sometimes adapted) from the WTO/TBT Agreement, EC legislative instruments and ISO guides and standards. Although ISO guides and standards are not mandatory, some terms and definitions from these publications have been included to clarify their use in legislative texts and in as far as they do not contradict to the use of those terms in the legislative texts referenced.

Term	Reference	Definition	Notes	Status	ID
Authority		Central or local government body, or non-governmental body empowered by government to perform public tasks			
Authorized representative	adapted from: 765/2008/EC, art 2 (4)	Any natural or legal person established within a country who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks with regard to the latter's obligations under the relevant legislation			
Conformity assessment	ISO17000:2004, 2.1	Demonstration that specified requirements relating to a product, process, system, person or body are fulfilled	Conformity assessment includes activities such as: testing and inspection.		
Conformity assessment procedures	WTO/TBT 3.	Any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled	Conformity assessment procedures include, <i>inter alia</i> , procedures for sampling, testing and inspection, evaluation, verification and assurance of conformity; registration, accreditation and approval, as well as their combinations.		
Country		Territory occupied by a nation under a central government	In the case of a treaty establishing a free trade area, "country" may refer to the combined territory occupied by the states that have acceded to the treaty		
Distributor	765/2008/EC, art 2 (6)	Any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market			

Term	Reference	Definition	Notes	Status	ID
Economic operators	765/2008/EC, art 2 (7)	The manufacturer, the authorised representative, the importer and the distributor			
Government body (central —)	WTO/TBT 6	Central government, its ministries and departments and any body subject to the control of the central government in respect of the activity in question			
Government body (local —)	WTO/TBT 7	Government other than a central government (e.g. states, provinces, Länder, cantons, municipalities), its ministries or departments or any body subject to the control of such a government in respect of the activity in question			
Governmental body (non- —)	adapted from WTO/TBT 8	Body other than a central government body or a local government body			
Hazard	ISO51, 3.5	Potential source of harm	The term hazard can be qualified in order to define its origin or the nature of the expected harm (e.g. electric shock hazard, crushing hazard, cutting hazard, toxic hazard, fire hazard, drowning hazard).		
Importer	adapted from: 765/2008/EC, art 2 (5)	Any natural or legal person established within a country who places a product from another country on the market			

Term	Reference	Definition	Notes	Status	ID
Inspection	ISO17000:2004,4.3	Examination of a product design, product, process or installation and determination of its conformity with specific requirements or, on the basis of professional judgement, with general requirements			
Jurisdiction		The territory within which an authority can exercise power			
Manufacturer	765/2008/EC, art 2 (3)	Any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under his name or trademark			
Market (making available on the —)	adapted from: 765/2008/EC, art 2 (1)	Any supply of a product for distribution, consumption or use on the market in the course of a commercial activity, whether in return for payment or free of charge			
Market (placing on the —)	adapted from: 765/2008/EC, art 2 (2)	The first making available of a product on the market			
Market surveillance	adapted from: 765/2008/EC, art 2 (17)	The activities carried out and measures taken by designated authorities to ensure that products comply with the requirements set out in the relevant legislation and do not endanger health, safety or any other aspect of public interest protection			

Term	Reference	Definition	Notes	Status	ID
Market surveillance authority	adapted from: 765/2008/EC, art 2 (18)	Authority responsible for carrying out market surveillance within its jurisdiction			
Procedure	ISO 9000:2000,3.4.5	Specified way to carry out an activity or a process			
Producer	adapted from 2001/95/EC, art 2 (e)	(a) the manufacturer of the product and any other person presenting himself as the manufacturer by affixing to the product his name, trade mark or other distinctive mark, or the person who reconditions the product; (b) the manufacturer's representative, when the manufacturer is not established in the country or, if there is no representative established in the country, the importer of the product; (c) other professionals in the supply chain, insofar as their activities may affect the safety properties of a product			
Product	ISO 9000:2000, 3.4.2	Result of a process			
Product (consumer —)	2001/95/EC, art 2 (a)	Any product — including in the context of providing a service — which is intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them, and is supplied or made available, whether for consideration or not, in the course of a commercial activity, and whether new, used or reconditioned.	This definition shall not apply to second-hand products supplied as antiques or as products to be repaired or reconditioned prior to being used, provided that the supplier clearly informs the person to whom he supplies the product to that effect.		