

Energy Efficiency (Energy Using Products) Regulations 2002

(SR 2002/9)

Pursuant to section 36(1) of the Energy Efficiency and Conservation Act 2000, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
Minimum energy performance standards	
4 Duties of manufacturers and importers	4
5 Duties of persons dealing directly with consumers	4
Requirements in relation to labelling	
6 Duties of manufacturers and importers	5
7 Duties of persons dealing directly with consumers	5
General requirements and exemptions	
8 Requirement for representations to be in accordance with standards	6
9 Requirement to provide information for statistical purposes	6
10 Requirement for further information	7
11 Exemption for second-hand items	8
12 Exemptions for minimal quantities	8
Offences and defences	
13 Offences	8
14 Defences	9

Note

These regulations are administered in the Ministry for the Environment.

	Transitional provisions	
15	Transitional provisions for pre-existing items	10
16	Transitional provisions for electric storage water heaters and ballasts for fluorescent lamps	10
	Application of regulations to certain items if standard in Schedule 1 or Schedule 2 replaced or new standard added	
17	Application of regulations to certain items if standard in Schedule 1 or Schedule 2 replaced	10
18	Application of regulations to certain items if new standard added to Schedule 1 or Schedule 2	11
	Schedule 1	11
	List of product classes subject to minimum energy performance standards and list of applicable standards	
	Schedule 2	17
	List of product classes subject to mandatory energy performance labelling and list of applicable standards	
	Schedule 3	19
	Quantity form	

-
- 1 Title**
These regulations are the Energy Efficiency (Energy Using Products) Regulations 2002.
- 2 Commencement**
These regulations come into force on 1 April 2002.
- 3 Interpretation**
In these regulations, unless the context otherwise requires,—
accredited laboratory means—
- (a) a laboratory accredited for the relevant test by the Testing Laboratory Registration Council of New Zealand operating as International Accreditation New Zealand; or
 - (b) an equivalent overseas laboratory recognised by International Accreditation New Zealand under a mutual recognition agreement

AS means Australian Standard

AS: this definition was inserted, as from 16 June 2006, by regulation 4 Energy Efficiency (Energy Using Products) Amendment Regulations 2006 (SR 2006/149).

AS/NZS means a joint Australian and New Zealand Standard

AS/NZS: this definition was inserted, as from 16 June 2006, by regulation 4 Energy Efficiency (Energy Using Products) Amendment Regulations 2006 (SR 2006/149).

Authority means the Energy Efficiency and Conservation Authority established under section 20 of the Energy Efficiency and Conservation Act 2000

consumer means a person who acquires an item for use; but excludes any person who acquires an item for the purpose of—

- (a) resupplying the item in trade; or
- (b) using the item in a process of production or manufacture

display front means a representation of the front of an item presented for public viewing in a retail outlet

item means an individual product

manufacture includes any modification to an item that affects the item's energy performance characteristics

model means a range of items of the same brand where each item has the same energy performance characteristics

NZS means New Zealand Standard.

NZS: this definition was inserted, as from 16 June 2006, by regulation 4 Energy Efficiency (Energy Using Products) Amendment Regulations 2006 (SR 2006/149).

prescribed form means the form prescribed in the relevant standards

registered in Australia means registered under the laws of any State or Territory of Australia that relate to minimum energy performance standards or mandatory energy performance labelling

sample means an item that is a representative example of a model

second-hand item means an item that has been used by a consumer in New Zealand

standards means the standards for the product classes listed in Schedule 1 or Schedule 2

test report means a report of the test results of a sample that is presented in the prescribed form

working day means any day of the week other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day; and
- (b) a day in the period commencing with 20 December in a year and ending with 15 January in the following year.

Minimum energy performance standards

4 Duties of manufacturers and importers

- (1) A person who manufactures in New Zealand or imports into New Zealand an item in a product class described in Schedule 1, or an assembly that incorporates that item, may not sell that item or the assembly to any other person in New Zealand unless—
 - (a) the energy performance characteristics of that item comply with the standards for that item's product class; and
 - (b) the manufacturer or importer completes and submits the prescribed form for that item's product class to the Authority.
- (2) The manufacturer or importer must, if the Authority requests, supply a copy of the test report for a sample to the Authority within 5 working days of receiving the request.
- (3) Subclause (1)(b) does not apply if the item's model is registered in Australia.
- (4) This regulation does not apply if the item is intended to be exported from New Zealand.

5 Duties of persons dealing directly with consumers

A person may not make available for sale, lease, hire, or hire purchase in New Zealand an item in a product class described in Schedule 1, or an assembly that incorporates that item, to a

consumer unless the energy performance characteristics of that item comply with the standards for that item's product class.

Requirements in relation to labelling

6 Duties of manufacturers and importers

- (1) A person who manufactures in New Zealand or imports into New Zealand an item in a product class described in Schedule 2 may not sell that item to any other person in New Zealand unless—
 - (a) a label that complies with the standards for that item's product class—
 - (i) is attached to that item as required by those standards; or
 - (ii) is supplied with that item along with instructions on how to attach the label to that item as required by those standards; and
 - (b) the model and brand designations on the label correspond to the model and brand designations of that item; and
 - (c) the energy performance characteristics information on the label corresponds with the energy performance characteristics for that item; and
 - (d) the manufacturer or importer completes and submits the prescribed form for that item's product class to the Authority.
- (2) The manufacturer or importer must, if the Authority requests, supply a copy of the test report for a sample to the Authority within 5 working days of receiving the request.
- (3) Subclause (1)(d) does not apply if the item's model is registered in Australia.
- (4) This regulation does not apply if the item is intended to be exported from New Zealand.

7 Duties of persons dealing directly with consumers

- (1) A person may not make available for sale, lease, hire, or hire purchase in New Zealand an item in a product class described in Schedule 2 to a consumer unless—

- (a) a label that complies with the standards for that item's product class is attached to that item and to any display front as required by those standards; and
 - (b) the model and brand designations on the label correspond to the model and brand designations of that item.
- (2) Despite anything in subclause (1), if a person who is selling, leasing, or hiring out an item received from another person in a packaged form does not unpack the item before supplying that item to a consumer, a label need not be attached to that item, but the label must be supplied to the consumer with that item.

General requirements and exemptions

8 Requirement for representations to be in accordance with standards

- (1) This regulation applies if—
- (a) representations are made about a model that is in a product class described in Schedule 1 or Schedule 2; and
 - (b) those representations are made—
 - (i) in trade; or
 - (ii) in connection with—
 - (A) the sale of an item of the model to a person in New Zealand; or
 - (B) the lease, hire, or hire purchase of an item of the model by a person in New Zealand.
- (2) If this regulation applies, a person may not make—
- (a) a representation about the energy performance characteristics of the model that is inconsistent with the standards for that model; or
 - (b) a false or misleading representation about the energy performance characteristics of the model.
- (3) In this regulation, trade has the same meaning as in section 2(1) of the Fair Trading Act 1986.

9 Requirement to provide information for statistical purposes

- (1) A person who manufactures in New Zealand or imports into New Zealand an item in a product class described in Schedule

- 1 or Schedule 2, or an assembly that incorporates that item, must provide the Authority with the following information every year no later than 4 months after the end of each year:
- (a) the number of items of each model that the person sold in New Zealand in that year; and
 - (b) the number of items of each model that the person exported from New Zealand in that year; and
 - (c) the number of items of each model that the person imported into New Zealand that year; and
 - (d) the name of each model that the person discontinued—
 - (i) manufacturing in that year; or
 - (ii) exporting in that year; or
 - (iii) importing in that year; and
 - (e) a copy of any existing test report, or other energy performance data specified by the Authority, for each model named under paragraph (d).
- (2) If asked by the Authority in writing, a person who manufactures in New Zealand or imports into New Zealand an energy-using item must provide the following information no later than 40 working days after receiving the request:
- (a) the number of items in each product class specified by the Authority that the person sold to a purchaser in New Zealand in each of the preceding 3 years; and
 - (b) the energy performance characteristics of the items (as specified in the request).
- (3) In this regulation, **year** means the period from 1 April to 31 March.

10 Requirement for further information

If asked by the Authority in writing, a person who manufactures in New Zealand or imports into New Zealand an item in a product class described in Schedule 1 with a rating greater than 30 kW or 30 kVA must provide the Authority with a test report for a sample that is certified by an accredited laboratory within—

- (a) 40 working days of receiving the request; or
- (b) if the test report must be obtained from an overseas laboratory, 80 working days of receiving the request.

11 Exemption for second-hand items

Regulations 4 to 9 and 12 to 16 do not apply to second-hand items.

12 Exemptions for minimal quantities

- (1) Regulations 4(2), 6, and 7 do not apply if—
 - (a) the total quantity of items of the same model manufactured in New Zealand or imported into New Zealand does not exceed 50, regardless of who manufactured or imported the items; and
 - (b) the manufacturer or importer of the item has completed and submitted to the Authority the form set out in Schedule 3.
- (2) Despite subclause (1), if asked by the Authority in writing, the manufacturer or importer of an item must provide the Authority with any information on the energy performance characteristics of the item or items (as specified in the request) no later than 20 working days after receiving the request.

Offences and defences**13 Offences**

- (1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who—
 - (a) contravenes any of regulations 4 to 7, 8(2)(a), 9, 10 or 12(2); or
 - (b) prepares or signs a prescribed form or a form required under regulation 12(1)(b) knowing that the information contained in it, or on which it is based, is false.
- (2) Each contravention of any of regulations regulations 4 to 7, 8(2)(a), or 12(2) is a separate offence.
- (3) In any prosecution for an offence arising out of the contravention of any of regulations 4 to 7 and 8(2)(a), it is not necessary to prove that the defendant intended to commit the offence.
- (4) Every person who contravenes regulation 8(2)(b) commits an offence under the Fair Trading Act 1986 and is liable in accordance with section 40 of that Act.

14 Defences

- (1) It is a defence to a prosecution for an offence against regulation 4 if the defendant proves that the defendant—
 - (a) did not know that the energy performance characteristics of the item did not comply with the standards for that item's product class; and
 - (b) reasonably relied on information supplied by—
 - (i) an overseas manufacturer who is the item's manufacturer; or
 - (ii) a laboratory that has tested a sample for compliance with the relevant standards.
- (2) It is a defence to a prosecution for an offence against regulation 5 if the defendant proves that—
 - (a) the defendant did not know that the energy performance characteristics of the item did not comply with the standards for that item's product class; and
 - (b) the defendant—
 - (i) exercised reasonable care to ascertain whether or not the energy performance characteristics of that item complied with the relevant standards; or
 - (ii) reasonably relied on representations or information from the person who supplied that item to the defendant.
- (3) It is a defence to a prosecution for an offence against regulation 6(1)(c) if the defendant proves that the defendant—
 - (a) did not know that the information on the label did not correspond with the energy performance characteristics for that item; and
 - (b) reasonably relied on information supplied by—
 - (i) an overseas manufacturer who is that item's manufacturer; or
 - (ii) a laboratory that has tested a sample for compliance with the relevant standards.
- (4) The defendant may not assert reasonable reliance on another person or laboratory unless—
 - (a) the defendant has, no later than 7 days before the proceedings, served on the informant a notice in writing that identifies that person; or

- (b) the District Court gives leave.

Transitional provisions

15 Transitional provisions for pre-existing items

Regulations 4 and 5 do not apply to an item if that item—

- (a) was manufactured in New Zealand before 1 July 2002;
or
(b) was imported into New Zealand before 1 July 2002.

16 Transitional provisions for electric storage water heaters and ballasts for fluorescent lamps

Despite anything in regulation 15, regulations 4 and 5 do not apply to an electric storage water heater or a ballast for a fluorescent lamp if the heater or ballast was manufactured in, or imported into, New Zealand before 1 February 2003.

Application of regulations to certain items if standard in Schedule 1 or Schedule 2 replaced or new standard added

This heading was inserted, as from 16 June 2006, by regulation 5 Energy Efficiency (Energy Using Products) Amendment Regulations 2006 (SR 2006/149).

17 Application of regulations to certain items if standard in Schedule 1 or Schedule 2 replaced

- (1) This regulation applies to an item if—
- (a) the item belongs to a product class listed in Schedule 1 or Schedule 2; and
- (b) a standard referred to in the Schedule that applies to the product class is replaced with a new or revised standard; and
- (c) the item—
- (i) was manufactured in New Zealand before the date on which the new or revised standard was included in the Schedule; or
- (ii) was imported into New Zealand before the new or revised standard was included in the Schedule.
- (2) Regulations 4 to 7 apply to an item as if the standard had not been replaced by the new or revised standard.

Regulations 17 and 18 were inserted, as from 16 June 2006, by regulation 5 Energy Efficiency (Energy Using Products) Amendment Regulations 2006 (SR 2006/149).

18 Application of regulations to certain items if new standard added to Schedule 1 or Schedule 2

- (1) This regulation applies to an item if—
- (a) the item belongs to a product class listed in Schedule 1 or Schedule 2; and
 - (b) a reference to a new standard is added to the Schedule and applies to the product class; and
 - (c) the item—
 - (i) was manufactured in New Zealand before the date on which the new standard was added in the Schedule; or
 - (ii) was imported into New Zealand before the date on which the new standard was added in the Schedule.
- (2) Regulations 4 to 7 apply to an item as if the new standard had not been added in the Schedule.

Regulations 17 and 18 were inserted, as from 16 June 2006, by regulation 5 Energy Efficiency (Energy Using Products) Amendment Regulations 2006 (SR 2006/149).

Schedule 1

rr 4(1), 5, 8, 9(1), 10

**List of product classes subject to
minimum energy performance standards
and list of applicable standards**

The items relating to Distribution transformers, Dry-type distribution transformers, Refrigerated display cabinets, Single-phase non-ducted air conditioners and heat pumps, and Single-phase ducted air conditioners and air-to-air heat pumps were inserted, as from 30 September 2004, by regulation 3 Energy Efficiency (Energy Using Products) Amendment Regulations 2004 (SR 2004/273). See regulation 4 of those Regulations as to the transitional provisions.

Schedule 1 was substituted, as from 16 June 2006, by regulation 6 Energy Efficiency (Energy Using Products) Amendment Regulations 2006 (SR 2006/149).

Product class	Minimum energy performance standards (MEPS)	Testing standards
Ballasts for fluorescent lamps	AS/NZS 4783.2:2002: Performance of electrical lighting equipment—Ballasts for fluorescent lamps—Energy labelling and minimum energy performance standards requirements	AS/NZS 4783.1:2001: Performance of electrical lighting equipment—Ballasts for fluorescent lamps—Method of measurement to determine energy consumption and performance of ballasts lamp circuits
Distribution transformers	AS 2374.1.2:2003: Power transformers—Minimum Energy Performance Standard (MEPS) requirements for distribution transformers	AS 2374.1:1997: Power transformers Part 1—General
Dry-type distribution transformers	AS 2374.1.2:2003 Power transformers—Minimum Energy Performance Standard (MEPS) requirements for distribution transformers	AS 2735:1984: Dry-type power transformers

Household refrigerating appliances	AS/NZS 4474.2:2001: Performance of household electrical appliances—Refrigerating appliances—Energy labelling and minimum energy performance standard requirements	AS/NZS 4474.1:1997: Performance of household electrical appliances—Refrigerating appliances—Energy consumption and performance
Low-pressure copper thermal storage electric water heaters	AS/NZS 4692.2:2005: Electric water heaters—Minimum Energy Performance Standard (MEPS) requirements and energy labelling	AS/NZS 4692.1:2005: Electric water heaters—Energy consumption, performance and general requirements: or NZS 4602:1988: Low pressure copper thermal storage electric water heaters
Refrigerated display cabinets	AS 1731.14:2003: Refrigerated display cabinets—Minimum energy performance standard (MEPS) requirements	AS 1731 Parts 1 to 13:2003 Refrigerated display cabinets

Single-phase ducted air conditioners and air-to-air heat pumps	AS/NZS 3823.2:2005: Performance of electrical appliances—Airconditioners and heat pumps—Energy labelling and minimum energy performance standard (MEPS) requirements	AS/NZS 3823.1.2:2001: Performance of electrical appliances—Airconditioners and heat pumps—Test methods—Ducted airconditioners and air-to-air heat pumps—Testing and rating for performance; or AS/NZS 3823.3:2002: Performance of electrical appliances—Airconditioners and heat pumps—Calculation of performance for minimum energy performance standard (MEPS) requirements
Single-phase non-ducted air conditioners and heat pumps	AS/NZS 3823.2:2005: Performance of electrical appliances—Airconditioners and heat pumps—Energy labelling and minimum energy performance standards	AS/NZS 3823.1.1:1998: Performance of electrical appliances—Airconditioners and heat pumps—Test methods—Non-ducted airconditioners and heat

	(MEPS) requirements	pumps—Testing and rating for performance; or AS/NZS 3823.3:2002: Performance of electrical appliances—Airconditioners and heat pumps—Calculation of performance for minimum energy performance standard (MEPS) requirements
Storage water heaters (electrically heated)	AS/NZS 4692.2:2005: Electric water heaters—Minimum Energy Performance Standard (MEPS) requirements and energy labelling	AS/NZS 4692.1:2005: Electric water heaters—Energy consumption, performance and general requirements; or NZS 4606.1:1989: Storage water heaters—General requirements
Three-phase air conditioners and heat pumps	AS/NZS 3823.2:2005: Performance of electrical appliances—Airconditioners and heat pumps—Energy labelling and minimum energy performance standards	AS/NZS 3823.1.2:2001: Performance of electrical appliances—Airconditioners and heat pumps—Test methods—Ducted airconditioners and air-to-air heat

	(MEPS) requirements	pumps—Testing and rating for performance; or AS/NZS 3823.3:2002: Performance of electrical appliances—Airconditioners and heat pumps—Calculation of performance for minimum energy performance standard (MEPS) requirements
Three-phase cage induction motors	AS/NZS 1359.5:2004: Rotating electrical machines—General requirements—Three-phase cage induction motors—High efficiency and minimum energy performance standards requirements	AS/NZS 1359.102.3:2000: Rotating electrical machines—General requirements—Methods for determining losses and efficiency—Three-phase cage induction motors
Tubular fluorescent lamps	AS/NZS 4782.2:2004: Double-capped fluorescent lamps—Performance specifications—Minimum Energy Performance Standard (MEPS)	AS/NZS 4782.1:2004: Double-capped fluorescent lamps Performance specifications—General

Schedule 2

rr 6(1), 7(1), 8, 9(1)

**List of product classes subject to
mandatory energy performance labelling
and list of applicable standards**

Schedule 2 was substituted, as from 16 June 2006, by regulation 7 Energy Efficiency (Energy Using Products) Amendment Regulations 2006 (SR 2006/149).

Product class	Mandatory energy performance labelling	Testing standards
Clothes washing machines	AS/NZS 2040.2:2005: Performance of household electrical appliances—Clothes washing machines—Energy efficiency labelling requirements	AS/NZS 2040.1:2005: Performance of household electrical appliances—Clothes washing machines—Methods for measuring performance, energy and water consumption
Dishwashers	AS/NZS 2007.2:2005: Performance of household electrical appliances—Dishwashers—Energy efficiency labelling requirements	AS/NZS 2007.1:2005: Performance of household electrical appliances—Dishwashers—Methods for measuring performance, energy and water consumption.

Household refrigerating appliances	AS/NZS 4474.2:2001: Performance of household electrical appliances—Refrigerating appliances—Energy labelling and minimum energy performance standard requirements	AS/NZS 4474.1:1997: Performance of household electrical appliances—Refrigerating appliances—Energy consumption and performance
Rotary clothes dryers	AS/NZS 2442.2:2000: Performance of household electrical appliances—Rotary clothes dryers—Energy labelling requirements	AS/NZS 2442.1:1996: Performance of household electrical appliances—Rotary clothes dryers—Energy consumption and performance
Single-phase non-ducted air conditioners and air-to-air heat pumps	AS/NZS 3823.2:2005: Performance of electrical appliances—Airconditioners and heat pumps—Energy labelling and minimum energy performance standards (MEPS) requirements	AS/NZS 3823.1.1:1998: Performance of electrical appliances—Airconditioners and heat pumps—Test methods—Non-ducted airconditioners and heat pumps—Testing and rating for performance

Clothes washing machines: this item was substituted, as from 1 April 2007, by regulation 4 Energy Efficiency (Energy Using Products) Amendment Regulations 2007 (SR 2007/43).

Dishwashers: this item was substituted, as from 1 April 2007, by regulation 4 Energy Efficiency (Energy Using Products) Amendment Regulations 2007 (SR 2007/43).

Schedule 3
Quantity form

r 12(1)(b)

I am importing (*or* manufacturing) a model in a quantity of
[*number*] items or less.

Name and business details

Name of person making this declaration:

Name of company:

Business address:

Suburb/town:

Supplier contact:

Position/title:

Phone:

Fax:

Email:

Description of model

Brand name:

Model name:

Model number or family number:

Country of manufacture:

Serial numbers of items for which exemption is being claimed:

Declaration

I declare that the details stated above are true and correct.

Signature of declarant:

[Date]

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 April 2002, introduce minimum energy performance standards for items in the product classes specified in *Schedule 1*. They also introduce labelling requirements for the items in the product classes specified in *Schedule 2*.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 7 February 2002.
