



Ottawa, April 5, 2012

CUSTOMS NOTICE 12-012

Amendment 11 to the *Energy Efficiency Regulations*

1. This customs notice replaces the Customs Notice 12-002 issued January 27, 2012.

2. Amendment 11 to the *Energy Efficiency Regulations* will come into force on April 12, 2012. This customs notice explains its implications for importers of regulated energy-using products.

3. Amendment 11 will introduce new minimum energy performance standards (MEPS) and associated reporting and compliance requirements for **five new products**:

- (a) standby for electronic products;
 - (i) compact audio products;
 - (ii) television (TV) and TV combination units (and reporting only of TV on mode);
 - (iii) video products;
- (b) external power supplies;
- (c) digital TV adaptors;
- (d) electric boilers;
- (e) single package vertical air-conditioners and heat pumps.

4. Amendment 11 will also expand the scope of some products such as electric motors, dry-type transformers and large air conditioners.

5. The *Energy Efficiency Regulations* apply to **dealers** who:

- (a) import regulated energy-using products into Canada for sale or lease; or
- (b) ship regulated energy-using products that are manufactured in one Canadian province to another for sale or lease.

6. A **dealer** is defined in the *Energy Efficiency Act* as a person engaged in the business of:

- (a) manufacturing energy-using products in Canada;

(b) importing energy-using products into Canada; or

(c) selling or leasing energy-using products.

7. Under the *Energy Efficiency Regulations*, dealers (importers, manufacturers) must:

- (a) ensure the prescribed product meets the energy efficiency standard specified in the Regulations;
- (b) ensure the regulated product bears an energy efficiency verification mark;
- (c) ensure an energy efficiency report has been filed with Natural Resources Canada (NRCan) for the prescribed product;
- (d) provide the necessary import information to Canada Border Services Agency (CBSA), when importing regulated energy-using products;
- (e) ensure an EnerGuide label or lighting product label is affixed to the product (if prescribed by the Regulations).

8. The energy efficiency report must be submitted by the dealer to NRCan before the product is imported into Canada or shipped inter-provincially. This report needs to be submitted only once, i.e. before it is first imported or shipped inter-provincially.

9. Dealers who are importing regulated energy-using products into Canada must submit, to the CBSA, the following five data elements:

- (a) name of product;
- (b) model number;
- (c) brand name, if any;
- (d) address of the dealer who is importing the product; and
- (e) purpose of the importation (for sale or lease in Canada without modification, for sale or lease after being modified to comply, or for use as a component in any other product to be exported from Canada).

10. These data elements are to be included in the release package that must be transmitted to the CBSA electronically through the Other Government Department (OGD) Single Window Interface using Electronic Data Interchange (EDI) service options: 463 or 471. In cases where exceptions to the requirement of transmitting release information using EDI apply, a paper release package will be accepted.

11. For more details refer to the Memorandum D19-6-3, *Importation of Energy-using Products*. Please note that Memorandum D19-6-3 will be updated to reflect regulatory changes.

12. Regulated energy-using products must meet federal energy efficiency standards and the other requirements outlined in paragraph 7 in order to be imported into Canada. The Regulations continue to apply to these products if they are incorporated into or sold with a larger unit or machine, i.e. end-use product, even when that unit or machine is not a regulated product. The following are examples of end-use products:

- (a) a laptop which comes with an external power supply;
- (b) a pump containing a regulated motor; or
- (c) fluorescent fixtures which contain regulated ballasts.

13. Although data elements required upon importation are mandatory for regulated energy-using products, if dealers provide NRCan, prior to importation, with energy efficiency reports and details on both the end-use product and the regulated energy-using products that are incorporated into or will be imported with the end-use product, the CBSA will accept the required five data elements for the end-use product only.

14. Please refer to the *Canada's Energy Efficiency Regulations* Web site at www.oeenrcan.gc.ca/regulations/11239 to obtain information on existing Natural Resources Canada reporting requirements for all dealers who import regulated energy using products (information must be provided directly to the OEE before importing regulated products).

15. Unique motor identifiers (UMI) will no longer be required for electric motors; instead, dealers who

import regulated electric motors should submit motor model numbers as is the current practice to facilitate import clearance.

16. A list of HS codes for newly-regulated energy-using products under the Amendment 11 is expected to be available in early April 2012, as opposed to February 2012, as previously announced.

17. The effective date to submit the required data elements, to obtain release of newly-regulated energy-using products through the Single Window Interface, will be announced after the list of HS codes is available.

18. Under a separate communication, NRCan will issue instructions for importers and customs brokers how to proceed with submission of the NRCan import information until the Single Window Interface is functional for newly-regulated products.

19. Inquiries about newly regulated energy-using products should be directed to Natural Resources Canada at the following address:
Equipment@NRCan.gc.ca.

20. If you wish to learn more about the CBSA Single Window Interface and about becoming an EDI Client, please refer to the CBSA Web site www.cbsa.gc.ca and follow steps below:

- (a) under section called **By Audience**, choose **Commercial Sector**;
- (b) under section called **Importers**, choose **Importer Programs**;
- (c) choose **OGD Single Window Interface**.

21. For additional information regarding this notice, please contact:

Canada Border Services Agency
Other Government Departments Programs Unit
Commercial Border Programs Division
150 Isabella Street, 5th Floor
Ottawa ON K1A 0L8

Telephone: 613-952-0712
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