



# Memorandum D19-6-3

Ottawa, February 24, 2016

## Importation of Energy-using Products

### In Brief

This memorandum has been revised to reflect the information about the Single Window Implementation as it applies to the importation of energy-using products; it identifies responsibilities of the Canada Border Services Agency and Natural Resources Canada and outlines requirements for importation of energy-using products.

The Canada Border Services Agency (CBSA) assists Natural Resources Canada (NRCan) in the administration of the [Energy Efficiency Act](#) and the [Energy Efficiency Regulations](#). This memorandum outlines the procedures for the importation of energy-using products. These regulations do not apply to personal importations.

The [Energy Efficiency Act](#) and [Energy Efficiency Regulations](#) prohibit the importation of certain energy-using products unless they meet specific requirements. Importers, who are dealers of these regulated products, must provide the CBSA with prescribed data elements to be included in the release package transmitted to the CBSA electronically through the Other Government Department (OGD) Interface and the Single Window Initiative (SWI).

### Legislation

[Canada Border Services Agency Act](#) – Sections 5(1) and 5(2)

[Customs Act](#) – Sections 12, 31, 99, 101, and 107

[Energy Efficiency Act](#) – Section 4 (1)

[Energy Efficiency Regulations](#) – Sections 1, 13 and 14

## Guidelines and General Information

### Definitions

1. For definitions and detailed description of the regulated energy-using products please refer to section 1 of the [Energy Efficiency Regulations](#) or NRCan's [Guide to Canada's Energy Efficiency Regulations](#).

### Requirements of the *Energy Efficiency Act* and *Energy Efficiency Regulations*

2. The [Energy Efficiency Regulations](#) have five requirements:
- (a) regulated products must comply with minimum energy efficiency standards;
  - (b) an energy efficiency report must be filed with NRCan prior to first import;
  - (c) all regulated products must bear an energy efficiency verification mark from a certification body accredited by the Standards Council of Canada;
  - (d) necessary import information must be provided to the CBSA at the time of import;

(e) some regulated products must bear labels indicating their energy performance. Regulated products do not need to be labelled as a condition of importation. For more information on labelling requirements, please visit [NRCan's Web site](#).

3. For information purposes, the energy-using products that require an [EnerGuide label](#) are:

- (a) clothes dryers;
- (b) clothes washers;
- (c) dishwashers;
- (d) electric ranges;
- (e) freezers;
- (f) integrated over/under washer-dryers;
- (g) refrigerators, combination refrigerator-freezers and wine chillers; and
- (h) room air conditioners.

4. A lighting product label is required for:

- (a) general service incandescent reflector lamps;
- (b) compact fluorescent lamps (CFL);
- (c) general service lamps (common light bulbs).

5. The energy efficiency standards are intended to eliminate the least efficient products from the marketplace. The labels provide information that assists the purchasers in the selection of the most efficient products that are available.

### **Import Information Requirements**

6. The [Energy Efficiency Regulations](#) apply to dealers, who import regulated energy-using products into Canada or ship regulated energy-using products from one Canadian province to another. In accordance with Part VI of the *Energy Efficiency Regulations*, a dealer importing an energy-using product must provide the following information to NRCan via the CBSA:

- (a) the name of the product using one of the names identified in paragraph 8 (below);
- (b) the model number of the product, including motors; (please note that Unique Motor Identifiers for motors are no longer required);
- (c) the brand, if any, of the product;
- (d) the address of the dealer; and
- (e) one of the following purposes, for which the product is being imported:
  - (i) sale or lease in Canada without modification;
  - (ii) sale or lease in Canada after being modified to comply with the applicable energy efficiency standard.

7. Data elements listed above are to be included in the release package that is transmitted to the CBSA electronically using the Other Government Department (OGD) Interface or Single Window Initiative (SWI). For OGD Interface, service options to be used in the Accelerated Commercial Release Operation Support System (ACROSS) are 463 or 471, and service option 911 is used, when submitting the Integrated Import Declaration (IID) through the SWI. Paragraphs 14 and 15 contain additional information about the SWI. For information on the OGD Interface and to view the list of regulated HS codes for energy-using products, please refer to [CBSA Web site](#).

8. The above import requirements apply to the following regulated energy-using products:
- (a) automatic ice-makers;
  - (b) beverage vending machines (refrigerated);
  - (c) ceiling fans and ceiling fan light kits;
  - (d) chillers;
  - (e) clothes dryers;
  - (f) clothes washers (including household-style commercial);
  - (g) compact audio products;
  - (h) CFLs;
  - (i) dehumidifiers;
  - (j) digital television adapters;
  - (k) dishwashers;
  - (l) dry-type transformers;
  - (m) electric boilers;
  - (n) electric motors (from 1-500 HP/0.746-375 kW);
  - (o) electric ranges;
  - (p) electric water heaters;
  - (q) exit signs;
  - (r) external power supplies (EPS);
  - (s) fluorescent lamp ballasts;
  - (t) freezers;
  - (u) gas boilers;
  - (v) gas fireplaces;
  - (w) gas-fired unit heaters;
  - (x) gas furnaces;
  - (y) gas ranges;
  - (z) gas water heaters;
  - (aa) general service fluorescent lamps;
  - (bb) general service incandescent reflector lamps;
  - (cc) general service lamps;
  - (dd) ground or water source heat pumps;
  - (ee) integrated washer-dryers;
  - (ff) internal water loop heat pumps;
  - (gg) large air conditioners, heat pumps and condensing units;
  - (hh) oil-fired boilers;
  - (ii) oil-fired furnaces;
  - (jj) oil-fired water heaters;
  - (kk) packaged terminal air conditioners and heat pumps;
  - (ll) pedestrian modules;
  - (mm) refrigerators, combination refrigerator-freezers and wine chillers;
  - (nn) room air conditioners;
  - (oo) single package vertical air conditioners and heat pumps (SPVAC) and (SPVHP);
  - (pp) self-contained commercial refrigerators and freezers;

- (qq) single-phase and three phase single package central air conditioners and heat pumps;
- (rr) single-phase and three-phase split-system central air conditioners and heat pumps;
- (ss) televisions;
- (tt) torchieres;
- (uu) traffic signals; and
- (vv) video products.

9. If products fall out of the scope of the [Energy Efficiency Regulations](#) but use an HS code flagged by NRCan, importers/customs brokers should use a regular service option (SO 125 or SO 257) in ACROSS, when transmitting release requests to the CBSA.

10. The following are examples of situations, when [Energy Efficiency Regulations](#) do not apply:

- (a) personal importations;
- (b) energy-using products imported for companies' own use (e.g., restaurants or hotels importing television sets, refrigerators, external power supplies or stoves to be used in their own facilities); or
- (c) the equipment comes without regulated components, e.g.,
  - (i) machines without regulated components have same HS codes as machines with regulated components; or
  - (ii) non-regulated end-using products imported without regulated external power supplies.

11. For most recent list of regulated energy-using products, please refer to the [Office of Energy Efficiency](#).

12. The import reporting requirement still applies to the regulated energy-using product even if the product is incorporated into any other article, i.e., electric motor can be part of a hoist, a fan, a blower, or a pump; a ballast can be part of a fluorescent lighting fixture.

13. As of June 1, 2012 approved participants of CBSA's Customs Self-Assessment (CSA) Program are eligible to meet their import reporting requirements under the [Energy Efficiency Regulations](#) by sending monthly import reports directly to NRCan. Inquiries related to the NRCan/CSA program should be referred to the Office of Energy Efficiency at the address indicated in paragraph 26 of this memorandum.

### **Implementation of the CBSA Single Window Initiative (SWI)**

14. As of March 29, 2015, release requests for regulated energy-using products may also be provided to the CBSA by submitting the Integrated Import Declaration (IID), service option 911. The IID must include additional data elements as identified in paragraph 6 of this memorandum.

15. For more information on the SWI, please refer to the [CBSA Web site](#). The SWI IID [Electronic Commerce Client Requirements Document \(ECCRD\)](#) provides technical and system requirements information. Appendix B of the ECCRD includes a list of required data elements for Natural Resources Canada.

### **Responsibilities of CBSA**

16. Border services officers will verify that electronically transmitted release information related to the regulated energy-using products includes five data elements (see paragraph 6), as required under the [Energy Efficiency Regulations](#), and will verify that this information complies with the Regulations.

17. The CBSA will contact NRCan (see paragraph 26) for advice, when unsure whether the commodity is a regulated energy-using product.

18. The CBSA will verify whether release requests for regulated energy-using products are transmitted using appropriate service options in ACROSS (463 or 471 - for OGD Interface and 911 - for IID of the SWI) and whether the release requests contain required data elements. Immediately upon release, the CBSA will automatically transmit data related to the import of regulated energy-using products to NRCan.

19. If the information on the regulated energy-using products entering Canada has not been submitted to the CBSA as required, a penalty may be issued by the CBSA for missing information or for not providing required information by using the incorrect service option in ACROSS. For more information consult the [Administrative Monetary Penalty System \(AMPS\) Web page](#), or [Memorandum D22-1-1 Administrative Monetary Penalty System](#).

20. The CBSA maintains the list of regulated HS codes (ACROSS and CBSA Web site), and any changes to this list are made only on NRCan's written request.

## Responsibilities of Natural Resources Canada

21. Any questions with reference to the requirements under the [Energy Efficiency Regulations](#) should be referred to the Natural Resources Canada's Office of Energy Efficiency at the address indicated in paragraph 26 of this memorandum.

22. NRCan, as a result of amendments to the [Energy Efficiency Act](#) or [Energy Efficiency Regulations](#) or any amendments to the [Customs Tariff](#) applicable to the regulated energy-using products, will forward a written request to the CBSA to update the list of regulated HS codes in the ACROSS database and CBSA Web site.

## Sharing of Information for the Purpose of Compliance Verification

23. Where an authorized NRCan officer, under the [Energy Efficiency Act](#) or [Energy Efficiency Regulations](#), requests in writing to obtain trade data pertaining to the energy-using products, the CBSA, upon review of each request, may authorize, under Section 107 of the [Customs Act](#), the disclosure of requested information to NRCan.

## Penalties

### Administrative Monetary Penalty System (AMPS)

24. The Administrative Monetary Penalty System (AMPS) authorizes the CBSA to impose monetary penalties for non-compliance with the [Customs Act](#), the [Customs Tariff](#) and the regulations under these Acts, as well as contraventions of the terms and conditions of licensing agreements and undertakings. Please refer to the [Memorandum D22-1-1 Administrative Monetary Penalty System](#) for details.

### *Energy Efficiency Act*

25. Every person who contravenes subsection 4(1) of the [Energy Efficiency Act](#) is guilty of an offence punishable on summary conviction and liable to a fine not exceeding \$50,000, or is guilty of an indictable offence and liable to a fine not exceeding \$200,000.

## Additional Information

26. For further information concerning the [Energy Efficiency Act](#) and [Energy Efficiency Regulations](#), please contact NRCan at:

Office of Energy Efficiency  
Equipment Division  
C.E.F. 930 Carling Avenue  
Observatory, Bldg #1  
Ottawa ON K1A 0E4

Email: [importation@nrcan.gc.ca](mailto:importation@nrcan.gc.ca)

Facsimile: 613-947-5286

[Web site](#)

27. The CBSA Border Information Service (BIS) line responds to public inquiries related to import requirements of other government departments, including Natural Resources Canada. For more information within Canada, call the Border Information Service at **1-800-461-9999**. From outside Canada call 204-983-3500 or 506-636-5064; long distance charges will apply. Agents are available Monday to Friday (08:00 – 16:00 local time, except holidays). TTY is also available within Canada: **1-866-335-3237**.

<b>References</b>	
<b>Issuing Office</b>	Other Government Department Programs Unit Policy and Program Management Division Commercial Program Directorate Programs Branch
<b>Headquarters File</b>	68522
<b>Legislative References</b>	<a href="#"><u>Canada Border Services Agency Act</u></a> <a href="#"><u>Customs Act</u></a> <a href="#"><u>Energy Efficiency Act</u></a> <a href="#"><u>Energy Efficiency Regulations</u></a>
<b>Other References</b>	<a href="#"><u>D22-1-1</u></a>
<b>Superseded Memorandum D</b>	D19-6-3 dated January 25, 2013