

September 2023

## New rules regarding the supply of Declared Articles in New Zealand

This guidance is for any person that tests, certifies, imports, supplies or manufactures electrical and electronic products and equipment for New Zealand.

### Background

In August 2022, WorkSafe published [three regulatory \(Gazette\) notices](#) that apply to electrical and electronic equipment intended for supply in New Zealand.

These notices are intended to:

- ensure that testing and certification delivered through the EESS includes New Zealand variations and meets New Zealand needs
- progress New Zealand's adoption of the EESS compliance regime
- enable the regulatory regime to inform or empower consumers who purchase products online.

The notices apply only to declared high risk and declared medium risk articles that are also Level 3 EESS registered products or products having NSW approval issued by the NSW regulator.

This guide clarifies the intent of the notices in response to questions and other feedback provided by stakeholders. It should be read alongside Part 6 of the Electricity (Safety) Regulations 2010 (the regulations), in particular regulations 80 to 86A, and the regulatory notices.

**Note:** The EESS is an Australian regulatory framework aimed at increasing consumer safety when interacting with household electrical equipment (In-Scope electrical equipment). The EESS outlines the safety requirements for registration of Responsible Suppliers and equipment in a centralised database (register).

For further information on the Electrical Equipment Safety System (EESS) for Australia and New Zealand, see: [www.eess.gov.au](http://www.eess.gov.au)

### What this means for you

The main thing you need to know is that:

- If you are a supplier (that is, manufacturer or importer) of declared high risk articles or declared medium risk articles into New Zealand you must make sure that they are certified as suitable for New Zealand.
- If you are a certifier of declared high risk articles or declared medium risk articles intended for New Zealand, your certification must verify that they are suitable for New Zealand.

### Notices explained

#### 1. Application

These notices apply to Level 3 EESS products, or products having NSW approval issued by the NSW regulator, from 1 January 2023 for declared articles that are new to the market.

These notices do not apply to the EESS registration for Level 1 and Level 2 products.

The existing requirements for a Supplier Declaration of Conformity (SDoC) and test report for a declared medium risk article remain unchanged.

Where the requirements for a Level 3 product are met, these requirements fulfil the requirements for a declared medium risk article in New Zealand.

## 2. Certifiers

The notices reinforce that all information in the EESS registration database, including certificates and supporting test reports, must be correct, accurate, and unambiguous, to enable consumers to confirm the safety compliance of the products.

## 3. Equipment markings

The purpose of markings is to confirm to consumers that the product is safe for use in New Zealand.

### SUPPLY VOLTAGE MARKING

The notices, require that all Electrical and Electronic Equipment sold in New Zealand is marked with the voltage on which it operates safely in New Zealand.

All appliances, including safety devices, must be marked with either 230 volts or 400 volts, the two low voltage supply voltages used in New Zealand or marked with a voltage range that includes 230 volts or 400 volts.

### IDENTIFICATION MARKINGS ON PRODUCTS

The EESS registered product must be marked to confirm clearly that it is the product to which the certificate and test report(s) apply. The product's brand name, the manufacturer's name and/or model do not necessarily have to be used for this purpose provided there is traceability between each item and the certificate and test reports(s). Products without information that identifies the manufacturer, brand or model is often referred to as white label product.

### CERTIFICATION MARKING

The notices require that all certified products have a unique certification marking issued as part of the certification process.

While the Regulatory Compliance Mark (RCM) is mandatory under the EESS rules, it is not recognised for this purpose in New Zealand.

The unique certification marking should be on the product but if that is not practicable it may go on the packaging or be included in the packaging such as on the manufacturer's instructions or manual.

The importer is responsible for making sure that the product matches the supporting test report. It is not sufficient to rely on a supplier declaration.

## 4. Applicable standards

The applicable standards for EESS registered products and NSW approved products are the standards that apply under the EESS or NSW regime. These are not necessarily the standards listed in Schedule 4 of the Electricity (Safety) Regulations 2010.

## 5. Testing and Certification

The testing and certification must be carried out in accordance with the applicable standard for the product under test to confirm safety and compliance when supplied from a rated voltage of 230 volts or 400 volts or both.

Where the applicable standard requires testing at the most unfavourable voltage of a range, the determination of the most unfavourable voltage must be made independently for each testing clause. The determination of the most unfavourable voltages must be carried out across the full voltages or full voltage range, and fully documented in the test report for evaluation by the certification body.

If you are fully compliant with the applicable standard across the full voltage range, you do not need to repeat all the testing at 230 volts.

Manufacturer and supplier declaration or any other first-party attestation is not permitted for the purposes of certification.

Regulation 81 of the ESR provides that a test report issued by an accredited test laboratory is proof of compliance, for acceptance of such an accredited test report, the scope of the accreditation for that test laboratory must cover all test clauses and requirements of the applicable standard.

## 6. Plug and cord fitted to or supplied with the declared articles

The conditions in the regulatory notices are set up for appliances and fittings.

- If the plug and cords and cord sets are supplied individually to the consumer, the conditions apply.
- If the plug and cords and cord sets are fitted or supplied with the appliance or fitting, the conditions do not apply to them so long as the appliance and fitting are compliant.

## 7. Test reports

The notices set out time limitations that apply to the use of test reports for certification purposes.

- A test report may not be used for any purpose if it is older than five years at the time of certification.
- The validity of any certificate cannot be extended by any addendum or modification.
- When issuing a certificate the certification body must verify and confirm the validity of all testing results, including voltage as specified in the applicable standards

Similar limitations in respect of test reports apply under the EESS rules and must also be complied with.

**Note:** This is consistent with the principle behind the **APEC Electrical and Electronic Equipment Mutual Recognition Arrangement (EEMRA)**, s12.4 states that **Participating Member Economies** may challenge the validity of a test report that is more than three years old. Both Australia and New Zealand are members of the APEC EEMRA.

## 8. Product families

These notices do not require the full testing of each member of a product family.

Consistent with the EESS regime, Certification bodies must be able to satisfy themselves that:

- all of the components and materials of the family, and
- all of the arrangements of the components and materials of the family,

have been assessed for compliance and all those components and materials and arrangements of components and materials that are certified have been accurately documented as a part of certification.

The importer is responsible for making sure that the product matches the supporting Test Report. It is not sufficient to rely on a supplier declaration

## 9. Compliance documentation

All compliance documentation must explicitly identify that all certification and testing comply with the New Zealand safety requirements.

The EESS product registration for each article shall explicitly confirm that the registered EESS product is compliant for use in New Zealand.

Unless you are an importer, your supplier will need to ensure that the declared high risk articles that they supply have been certified in accordance with the requirements set by the notices.

As a retailer, it is recommended that you confirm the EESS registration of the product(s) are entered into the EESS database.

## 10. The Trans-Tasman Mutual Recognition Act 1997 (TTMRA)

The notices do not affect the application of the TTMRA.

## 11. Directorship

Because the EESS system is operated externally to New Zealand law, businesses that are supplying declared articles in New Zealand must have a person who is accountable under New Zealand law. The notices therefore require that when EESS registration is being applied in New Zealand that the businesses have at least one director permanently and physically resident in New Zealand.

This additional requirement for New Zealand manufacturers and importers enables businesses to take advantage of the EESS to enable them to supply declared articles for New Zealand.

## 12. NSW notice

To ensure a full recognition of Australian jurisdictional regulatory approvals there is a need to separately recognise approvals issued by the NSW regulator, with a narrower set of conditions required to ensure consistency with New Zealand regulatory safety requirements.

The NSW regime does not implement the RCM but requires a certification identification.

In the gazette notices, **electrical accessories** has the same meaning as **fittings** in the ESR.

## 13. The transition and implementation of these notices

The current acceptance of Australian certification and approvals for declared articles was implemented under [two Gazette notices in 2001](#)

Until these two notices are withdrawn, the two options for supplying declared articles in New Zealand are:

- complying with the 2022 notices as outlined in this guidance from 1 January 2023, or
- using the current acceptance of Australian certification and approvals under the 2001 notices.

It is proposed that the 2001 notices will be withdrawn, with effect from January 2025.

## More information

For further information on EESS, please contact: [www.eess.gov.au](http://www.eess.gov.au)

For further information on NSW regulatory approval, please contact: [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

For further information on these notices, please contact: [info@energysafety.govt.nz](mailto:info@energysafety.govt.nz)