



Ottawa, January 6, 2011

# MEMORANDUM D19-6-3

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## In Brief

### IMPORTATION OF ENERGY-USING PRODUCTS

This memorandum has been revised to reflect amendments to the *Energy Efficiency Regulations*; it outlines responsibilities of the Canada Border Services Agency and Natural Resources Canada and provides procedures for the control of importation of energy-using products.





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## IMPORTATION OF ENERGY-USING PRODUCTS

1. 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 control of importation of energy-using products. These regulations do not apply to personal importations.
2. 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 electronically to the CBSA through the Single Window Interface.

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### LEGISLATION

#### *Canada Border Services Agency Act*

Subsections 5(1) and 5(2) state:

5. (1) The Agency is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation, by
  - (a) supporting the administration or enforcement, or both, as the case may be, of the program legislation;
  - (b) implementing agreements between the Government of Canada or the Agency and a foreign

state or a public body performing a function of government in a foreign state to carry out an activity, provide a service or administer a tax or program;

(c) implementing agreements between the Government of Canada or the Agency and the government of a province or other public body performing a function of the Government in Canada to carry out an activity, provide a service or administer a tax or program;

(d) implementing agreements or arrangements between the Agency and departments or agencies of the Government of Canada to carry out an activity, provide a service or administer a program; and

(e) providing cooperation and support, including advice and information, to other departments and agencies of the Government of Canada to assist them in developing, evaluating and implementing policies and decisions in relation to program legislation for which they have responsibility.

### Support

(2) The Agency may provide support, through the provision of services, to departments and agencies for which the Minister is responsible, in accordance with agreements or arrangements entered into with those departments and agencies.

#### *Customs Act*

Sections 12, 31, 95, 99, 101, and 107 state:

### Report

12. (1) Subject to this section, all goods that are imported shall, except in such circumstances and subject to such conditions as may be prescribed, be reported at the nearest customs office designated for that purpose that is open for business.

### Release

31. Subject to section 19, no goods shall be removed from a customs office, sufferance warehouse, bonded warehouse or duty free shop by any person other than an officer in the performance of his or her duties under this or any other Act of Parliament unless the goods have been released by an officer or by any prescribed means.

## Exportation

95. (1) Subject to paragraph (2)(a), all goods that are exported shall be reported at such time and place and in such manner as may be prescribed.

### Regulations

- (2) The Governor in Council may prescribe
- (a) the classes of goods that are exempted from the requirements of subsection (1) and the circumstances in which any of those classes of goods are not so exempted; and
  - (b) the classes of persons who are required to report goods under subsection (1) and the circumstances in which they are so required.

### Obligation to answer questions and present goods

- (3) Every person reporting goods under subsection (1) shall
- (a) answer truthfully any question asked by an officer with respect to the goods; and
  - (b) where an officer so requests, present the goods to the officer, remove any covering from the goods, unload any conveyance or open any part thereof, or open or unpack any package or container that the officer wishes to examine.

### Written report

(4) If goods are required to be reported in writing, they shall be reported in the prescribed form containing the prescribed information or in such form containing such information as is satisfactory to the Minister.

### Examination of goods

- 99.(1) An officer may
- (a) at any time up to the time of release, examine any goods that have been imported and open or cause to be opened any package or container of imported goods and take samples of imported goods in reasonable amounts;
  - (c) at any time up to the time of exportation, examine any goods that have been reported under section 95 and open or cause to be opened any package or container of such goods and take samples of such goods in reasonable amounts;
  - (e) where the officer suspects on reasonable grounds that this Act or the regulations or any other Act of Parliament administered or enforced by him or any regulations thereunder have been or might be contravened in respect of any goods, examine the goods and open or cause to be opened any package or container thereof;

## Detention of controlled goods

101. Goods that have been imported or are about to be exported may be detained by an officer until he is satisfied that the goods have been dealt with in accordance with this Act, and any other Act of Parliament that prohibits, controls or regulates the importation or exportation of goods, and any regulations made thereunder.

### Provision of information to certain persons

107. (5) An official may provide, allow to be provided or provide access to customs information to the following persons:

- (a) a peace officer having jurisdiction to investigate an alleged offence under any Act of Parliament or of the legislature of a province subject to prosecution by indictment, the Attorney General of Canada and the Attorney General of the province in which proceedings in respect of the alleged offence may be taken, if that official believes on reasonable grounds that the information relates to the alleged offence and will be used in the investigation or prosecution of the alleged offence, solely for those purposes;
- (b) a person that is otherwise legally entitled to the information by reason of an Act of Parliament, solely for the purposes for which that person is entitled to the information;
- (c) an official solely for the purposes of developing, administering or enforcing an Act of Parliament or developing or implementing a policy related to an Act of Parliament if the information relates to
  - (i) goods, the importation, exportation or in-transit movement of which is or may be prohibited, controlled or regulated under that Act,
  - (ii) a person who that official has reasonable grounds to believe may have committed an offence under that Act in respect of goods imported or exported by that person, or
  - (iii) goods that may be evidence of an offence under that Act;

### *Energy Efficiency Act*

Subsection 4(1) of the *Energy Efficiency Act* states:

“No dealer shall, for the purpose of sale or lease, ship an energy-using product from one province to another province, or import an energy-using product into Canada unless

- (a) the product complies with the energy-efficiency standard; and
- (b) the product or its package is labelled in accordance with the regulations, if any.”

**GUIDELINES AND  
GENERAL INFORMATION**

**Definitions**

1. The following definitions of regulated energy-using products are to be used in the application of this memorandum:

“Automatic ice maker” means a factory-assembled automatic ice-maker that have a standard capacity rating of between 23 and 1000 kilograms per day (kg/d), including self-contained and split-system machines that produce cubed, flaked, crushed or fragmented ice, in either a batch or continuous process.

“Ceiling fan” means a household ceiling fan.

“Ceiling fan light kit” means equipment that is designed to be attached to a ceiling fan for the purpose of providing light.

“Chiller” means a machine designed to make use of a refrigerant cycle to remove heat from a liquid, usually water, that rejects that heat to a cooling medium, usually air or water, and the refrigerant condenser of which may, or may not be, an integral part of the machine.

“Clothes dryer” means a standard and compact electrically operated and electrically heated household tumble-type clothes dryer;

“Clothes washer” means a standard or compact electrically-operated household clothes washer that does not require mechanical fastening to a floor or wall, is top- or front-loaded, and that has an internal control system that regulates the water temperature without the need for user intervention subsequent to initiation of machine operation;

“Combination clothes washer-dryer” means a household appliance with a clothes-washer function and clothes-dryer function utilizing the same drum, a common control panel, and one power source.

“Compact fluorescent lamp (CFL)” means an integrally-ballasted compact fluorescent lamp with a medium screw base and a nominal voltage or voltage range that lies at least partially between 100 volts and 130 volts.

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 obtained directly or indirectly from a person engaged in a business described in (a) or (b) or an agent thereof.

“Dehumidifier” means a factory assembled electric device that removes moisture from the air, is mechanically refrigerated and has a water removal capacity not exceeding 87.5 litres per day (L/d) (185 US pints/day).

“Dishwasher” means an electrically operated automatic household dishwasher that is not commercial, industrial or institutional machines.

“Dry-type transformer” means a transformer, including a transformer that is incorporated into any other product, in which the core and windings are in a gaseous or dry compound insulating medium and that:

- (a) is either single-phase with nominal power from 15 to 833 kVA or three-phase with a nominal power from 15 to 7500 kVA;
- (b) has a nominal frequency of 60 Hz; and
- (c) has a primary voltage of 35 kV or less;

**but does not include:**

- (a) an autotransformer;
- (b) a drive (isolation) transformer, with two or more output windings or a nominal low-voltage line current greater than 1,500 A;
- (c) an instrument transformer;
- (d) a rectifier transformer;
- (e) a sealed transformer;
- (f) a non-ventilated transformer;
- (g) a testing transformer;
- (h) a furnace transformer;
- (i) a welding transformer;
- (j) an encapsulated transformer; or
- (k) a transformer with a nominal low-voltage line current of 4,000 A or more.

“Electric Motor (1 to 200 HP/0.746 to 150 kW)” means:

(a) a continuous-duty operation, open or enclosed, electric induction motor of the polyphase, squirrel cage, National Electrical Manufacturers Association (NEMA) design A or B type, that is designed to operate at a single speed and that has:

- (i) two, four or six poles;
- (ii) a rated voltage of not more than 600 volts;
- (iii) a rated frequency of 50/60 hertz or 60 hertz;
- (iv) a rated power of not less than 1 HP and not more than 200 HP;
- (v) a T-frame;
- (vi) a standard shaft, an R-shaft or an S-shaft;
- (vii) a foot mounting, a type C face mounting or a type D flange mounting; and
- (viii) an IP code from 00 to 66;

(b) a maximum continuous rating, open or enclosed, electric induction motor of the three-phase, cage, International Electro-technical Commission (IEC) design N type and SI-duty type, that is designed to operate at a single speed, that is either flange-mounted or foot-mounted, and that has:

- (i) two, four or six poles;
- (ii) a rated voltage of not more than 600 volts;
- (iii) a rated frequency of 50/60 hertz or 60 hertz;
- (iv) a rated power of not less than 0.746 kilowatts and not more than 150 kilowatts;
- (v) a frame number of 90 or above; and
- (vi) an IP code from 00 to 66.

or

(c) any motor that is incorporated into any other product whether or not the other product is an energy-using product

“Electric Range” means a range that is:

- (a) free-standing or built-in appliance with one or more surface elements and one or more ovens;
- (b) built-in or wall-mounted appliance equipped with one or more ovens and no surface elements;
- (c) counter-mounted appliance without ovens with one or more surface elements;

**but does not include the following:**

- (a) microwave cooking appliance;
- (b) portable appliances designed for an electrical supply of 120 volts;

“Electric water heater” means a stationary electric storage tank water heater with a capacity of not less than 50 litres (11 imperial gallons) and not more than 450 litres (100 imperial gallons) that is intended for use on a pressure system.

“Exit sign” means a device used to identify the most direct path of egress for emergency purposes having a legend and optional directional indicator that is illuminated by a light source contained within the assembly, and includes:

- (a) Type 1 and Type 3 exit signs as described in CSA C860; and
- (b) Type 2 exit signs as described in CSA C860, which includes exit signs supplied as a component of a combination emergency lighting unit consisting of an internally lighted exit sign and a battery pack with attached emergency lamps;

**but does not include exit signs that:**

- (a) flash;
- (b) are photo-luminescent; or
- (c) are radio-luminescent.

“Fluorescent lamp ballast” means a ballast:

- (a) used to start and operate fluorescent lamps by providing a starting voltage and current, limiting the current during normal operation, and where necessary to facilitate lamp operation, providing cathode heating;
- (b) designed for input of 120, 277 or 347 volts; and
- (c) designed to operate with an F32T8, F34T12, F40T10 or F40T12 rapid-start fluorescent lamp or an F96T12IS, F96T12ES, F96T12HO or F96T12HO ES fluorescent lamp;

**but does not include a ballast:**

- (a) designed to be used in an outdoor sign and that is capable of operating with an F96T12HO fluorescent lamp in ambient temperatures at or below -28.9°C; or
- (b) that, by means of an integrated dimming capability, can reduce the output of the fluorescent lamp by 50% or more.

“Replacement ballast” must be specifically marketed for use as a replacement ballast for an existing fluorescent luminaire installation and must:

- (a) fall under a less stringent performance requirement up until 2010;
- (b) be marked "FOR REPLACEMENT USE ONLY;";
- (c) have output leads that, when fully extended, are shorter than the length of the lamp it replaces; and
- (d) be shipped in packages containing not more than 10 units.

“Freezer” means a household freezer that have a capacity of not more than 850 litres (30 cubic feet).

“Gas boiler” means a self-contained gas-fired boiler that use propane or natural gas, are intended for use in a low-pressure steam or hot water central heating system, and have an input rate of less than 88 kilowatts (300 000 Btu/h).

“Gas fireplace” means a vented gas fireplace as described in CSA 2.22, or a vented gas fireplace heater as described in CSA 2.33, that is fuelled by natural gas or propane.

“Gas furnace” means an automatic operating gas-fired central forced-air furnace that use propane or natural gas and have an input of not more than 117.23 kW (400 000 Btu/h), but does not include furnaces for mobile homes or recreational vehicles.

“Gas range” means a household propane or natural gas range with electrical power sources that are used for food preparation and that have one or any combination of:

- (a) top or surface cooking;
- (b) oven cooking; or
- (c) broiling.

“Gas-fired unit heater” means a self-contained, automatically controlled, vented, gas-burning appliance described in CSA that distributes warmed air without the use of ducts.

“Gas water heater” means a stationary gas-heated water container having an input of 21.98 Kw (75 000 Btu/h) or less and a storage capacity of 76 litres (20 U.S. gallons) to 380 litres (100 U.S. gallons) that use propane or natural gas.

“General service fluorescent lamp” means:

- (a) a rapid-start straight-shaped fluorescent lamp with a nominal overall length of 1200 mm (48 inches), a medium bi-pin base and a nominal power of not less than 28 W;
- (b) a rapid-start straight-shaped fluorescent lamp with a nominal overall length of 2400 mm (96 inches), a recessed double-contact base, a nominal power of not less than 95 W and a nominal current of 0.8 A;
- (c) a rapid-start U-shaped fluorescent lamp with a nominal overall length of not less than 560 mm (22 inches) and not more than 635 mm (25 inches), a medium bi-pin base and a nominal power of not less than 28 W;
- (d) an instant-start straight-shaped fluorescent lamp with a nominal overall length of 2400 mm (96 inches), a single-pin base and a nominal power of not less than 52 W; or
- (e) any fluorescent lamp that is a physical and electrical equivalent of a lamp described in paragraphs (a), (b), (c) or (d);

**but does not include:**

- (a) a fluorescent lamp that is specifically marked and marketed for plant-growth use;
- (b) a cold-temperature fluorescent lamp;
- (c) a coloured fluorescent lamp;
- (d) a fluorescent lamp designed to be impact-resistant;
- (e) a reflectorized or aperture fluorescent lamp;
- (f) a fluorescent lamp designed for use in reprographic equipment;
- (g) a fluorescent lamp primarily designed to produce ultraviolet radiation; or
- (h) a fluorescent lamp with a colour-rendering index of 82 or greater.

“General service incandescent reflector lamp” means a lamp:

- (a) with an R bulb shape, a PAR bulb shape or a bulb shape similar to R or PAR that is neither ER nor BR, as described in ANSI C79.1;
- (b) with an E26/24 single contact or E26/50 × 39 skirted, medium screw base;

(c) with a nominal voltage or voltage range that lies at least partially between 100 volts and 130 volts;

(d) with a diameter greater than 70 mm (2.75 inches); and

(e) that has a nominal power of not less than 40 W and not more than 205 W;

**but does not include:**

- (a) a coloured lamp, or
- (b) an incandescent reflector lamp that:
  - (i) is a rough service lamp with:
    - a C-7A or C-11 filament, as described in the IES Handbook, with at least five supports exclusive of lead wires;
    - a C-17 filament, as described in the IES Handbook, with eight supports exclusive of lead wires; or
    - a C-22 filament, as described in the IES Handbook, with 16 supports exclusive of lead wires;
  - (ii) is a vibration service lamp;
  - (iii) is a modified spectrum lamp;
  - (iv) is a shatter resistant lamp;
  - (v) is a plant lamp;
  - (vi) is specifically marked an marketed:
    - as an infrared lamp;
    - as an appliance lamp;
    - for mine use;
    - as a submersible lamp or for terrarium or vivarium use; or
    - for airfield, aircraft or automotive use.

“Bulged reflector (BR) lamp” – Incandescent reflector lamp as described in ANSI C79.1, but does not include any lamp that has:

- (a) a diameter of 95.25 mm (BR30) and a nominal power of less than 66 W;
- (b) a diameter of 92.5 mm (BR30) and a nominal power of 85 W; or
- (c) a diameter of not less than 120.65 mm (BR38) but not more than 127 mm (BR40) and a nominal power of less than 121 W.

“Elliptical reflector (ER) lamp” – Incandescent reflector lamp as described in ANSI C79.1

“General service lamp” means an electrical device that provides functional illumination and:

- (a) has a luminous flux of at least 250 lm but no greater than 2600 lm;
- (b) has a nominal voltage or voltage range that lies at least partially between 100 volts and 130 volts; and

(c) is screw-based;

**but does not include:**

(a) an appliance lamp;

(b) a CFL;

(c) a coloured lamp;

(d) an explosion resistant lamp, namely, a lamp that is designed and certified to operate in a Class I, Division 1 or Class II, Division 1 environment as defined in the IEC standard CEI/IEC 60079-0 (2007) entitled Explosive atmospheres – Part 0: Equipment – General Requirements;

(e) an infrared lamp;

(f) a lamp that has a G-shape as specified in ANSI C78.20 and ANSI C79.1, with a diameter of 13 cm or more;

(g) a showcase lamp, namely, a lamp that has a T-shape as specified in ANSI C78.20 and ANSI C79.1 and a maximum wattage of 40 W or a length exceeding 25 cm and is marketed as a showcase lamp;

(h) a lamp that uses solid state technology, namely, a lamp with a light source that comes from light-emitting diodes;

(i) a left-hand thread lamp, namely, a lamp with a base that screws into a lamp socket in a counter-clockwise direction;

(j) a plant lamp;

(k) an incandescent reflector lamp that has a shape specified in ANSI C79.1;

(l) a sign service lamp, namely, a vacuum type or gas-filled lamp that has sufficiently low bulb temperature to permit exposed outdoor use on high-speed flashing circuits and is marketed as a sign service lamp;

(m) a silver bowl lamp, namely, a lamp that has a reflective coating applied directly to part of the bulb surface that reflects light toward the lamp base and that is marketed a silver bowl lamp;

(n) a traffic signal module, a pedestrian module or a street light;

(o) a submersible lamp;

(p) a lamp that has a screw base size of E5, E10, E11, E12, E17, E26/50×39, E26/53×39, E29/28, E29/53×39, E39, E39d, EP39 or EX39 as specified in ANSI C81.61; or

(q) a lamp that has a B, BA, CA, F, G16-½, G25, G30, S or M-14 shape or other similar shape, as specified in ANSI C78.20 and ANSI C79.1, and a maximum wattage of 40 W.

“Ground-or water-source heat pump” means a ground- or water-source heat pump that is a factory-built single package or split-system matching assembly that has a cooling or heating capacity of less than 40 kW

(135 000 Btu/h) and is intended for application in a open- or closed-loop ground- or water-source system.

“Integrated over/under washer-dryer” means a household appliance that consists of a clothes washer component and a clothes dryer component located above, below or beside the clothes washer component, that is powered by a single power source and the control panel of which is located on one of the components, and includes a combination clothes washer-dryer.

“Internal water-loop heat pump” means a water-source heat pump that is a factory-built single package or split-system matching assembly that is intended for installation in a internal water-loop system and does exceed 40 kilowatts (135 000 Btu/h) in cooling or heating capacity.

“Large air conditioner, heat pump and condensing unit” means a factory-assembled commercial and industrial unitary air conditioner, heat pump and air-conditioning condensing unit that has a cooling or heating capacity of more than 19.0 kilowatts (65 000 Btu/h) but less than 70.0 kilowatts (240 000 Btu/h).

“Oil-fired boiler” means an oil-fired boiler that is intended for use in a low-pressure steam or hot water central heating system and have an input rate of less than or equal to 88 kilowatts (300 000 Btu/h).

“Oil-fired furnace” means an oil-fired warm-air furnace, other than a furnace for a mobile home or recreational vehicle, that has an input rate of less than or equal to 66 kilowatts (225 000 Btu/h).

“Oil-fired water heater” means an oil-fired water heater that has an input rating of not more than 30.5 kilowatts or 107 000 kJ and a manufacturer's specified storage capacity of not more than 190 litres (50 U.S. gallons).

“Packaged terminal air conditioner and heat pump” means a factory-assembled packaged terminal air conditioner and heat pump (PTAC/HP). PTAC/HP has a wall sleeve and a separate unencased combination of heating and cooling assemblies intended for mounting through the wall. This equipment is intended for use in residential, commercial and industrial heating and cooling systems.

“Pedestrian module” means a self-contained device that consists of all of the optical components for operation and is designed to:

(a) provide pedestrians with movement information by means of a “walking person” or “hand” display but not by means of a countdown message; and

(b) fit into a pedestrian signal housing.

“Refrigerated beverage vending machine” means:

(a) Refrigerated beverage vending machine – a self-contained system designed to accept consumer

payments and dispense only bottled, canned or other sealed beverages;

and

(b) Snack and refrigerated beverage vending machine – a self-contained system that is designed to accept consumer payments and dispense packages of solid non-refrigerated food and bottled, canned or other sealed refrigerated beverages, and has a vendible capacity of no more than 100 beverages.

“Refrigerator and combination refrigerator-freezer” means a household refrigerator or a combination refrigerator-freezer that has a defrost system including a compressor-cycled automatic defrosted system – and a capacity of 1100 litres (39 cubic feet) or less, but does not include a refrigerator that uses an absorption refrigeration system. This also includes a wine chiller.

“Room air conditioner” means single-phase electric room air conditioner that is not a “packaged terminal air conditioner” and that does not exceed 10.55 kilowatts (36 000 Btu/h).

“Self-contained commercial refrigerator” means a refrigerator that:

(a) has at least one compartment for the storage of food and beverages at temperatures above 0°C;

(b) has no more than one compartment for the freezing and storage of food and beverages at temperatures between 0°C and -13.3°C; and

(c) has a self-contained refrigeration system that requires energy input;

**but does not include:**

(a) a refrigerated buffet table, a commercial refrigerator that is designed to function as a table or counter for receiving and refrigerating food and from which persons can serve themselves, and that uses a mechanical refrigeration system;

(b) a refrigerated preparation table, a commercial refrigerator the top of which is a work surface on which food can be prepared, displayed and kept refrigerated at temperatures between 1°C and 5°C; or

(c) a walk-in commercial refrigerator.

“Self-contained commercial freezer” means a freezer that:

(a) has all the compartments are designed for the freezing and storage of food, beverages or ice; and

(b) has a self-contained refrigeration system that requires energy input;

**but does not include a walk-in commercial freezer.**

“Self-contained commercial refrigerator-freezer” means a refrigerator that:

(a) has two or more compartments, at least one of which is for the storage of food and beverages at

temperatures above 0°C and at least one other which is for the freezing and storage of food and beverages at temperatures below -13.3°C; and

(b) has a self-contained refrigeration system that requires energy input;

**but does not include a walk-in commercial freezer.**

“Single-phase and three-phase single-package central air conditioner and heat pump” means a permanently installed air-source air-conditioner and heat pump. Equipment types include an air conditioner and heat pump that is single package and split system, single and three-phase, with rated capacity of less than 19kW (65,000 Btu/h).

“Single-phase and three-phase split-system central air conditioner and heat pump” means a permanently installed air-source air-conditioner and heat pump. Equipment types include an air conditioner and heat pump that is single package and split system, single and three-phase, with rated capacity of less than 19kW (65,000 Btu/h).

“Torchiere” means a portable electric luminaire that has a reflector bowl or similar-shaped reflector that directs light in a predominantly upward direction for the purpose of providing indirect lighting and that may be equipped with one or more additional sockets intended for other lighting functions.

“Traffic signal module” means a self-contained device that consists of all of the optical components for operation and is designed to:

(a) provide drivers with movement information by means of a red or green traffic signal indicator that is 203.2 mm or 304.8 mm in diameter; and

(b) fit into a traffic signal housing.

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

2. The *Energy Efficiency Act* has two core requirements:

(a) regulated products must comply with minimum energy efficiency standards; and

(b) some regulated products must bear labels indicating their efficiency performance. Regulated products do not need to be labelled as a condition of importation. You will find examples of prescribed labels in the Appendix. The label that reads “390 kWh” is for appliances, while the one that reads “11.7” is for room air conditioners.

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 or combination refrigerator-freezers; and
- (h) room air conditioners.

4. 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. Energy-using products, excluding fluorescent lamps and incandescent reflector lamps, manufactured prior to February 3, 1995, are not required to meet any minimum efficiency standards and labelling requirements.

### Import Information Requirements

5. 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 6 (below);
- (b) the model number of the product or in the case of motors, the UMI (Unique Motor Identifier);
- (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; or
  - (iii) use as a component for incorporation into any other product that is to be exported from Canada.

6. Data elements listed above are to be included in the release package that is transmitted to CBSA electronically using the Other Government Department (OGD) Single Window Interface; service options to be used in the Accelerated Commercial Release Operation Support System (ACROSS) are: 463 or 471. For information on the OGD Single Window Interface and to view the list of regulated HS codes for energy-using products, please refer to CBSA Web site [www.cbsa.gc.ca](http://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; and

(d) from the section called Resources go to Harmonized Commodity Description and Coding System.

7. These requirements apply to the following regulated energy-using products:

- (a) automatic ice-makers;
- (b) beverage vending machines;
- (c) ceiling fan lighting;
- (d) chillers;
- (e) clothes dryers;
- (f) clothes washers (and household-style commercial);
- (g) compact fluorescent lamps (CFL);
- (h) dehumidifiers;
- (i) dishwashers;
- (j) dry-type transformers;
- (k) electric motors (from 1-200 HP/0.75-150 kW);
- (l) electric ranges;
- (m) electric water heaters;
- (n) exit signs;
- (o) fluorescent lamp ballasts;
- (p) freezers;
- (q) gas boilers;
- (r) gas fireplaces;
- (s) gas-fired unit heaters;
- (t) gas furnaces;
- (u) gas ranges;
- (v) gas water heaters;
- (w) general service fluorescent lamps;
- (x) general service incandescent reflector lamps;
- (y) general service lamps, and ER and BR lamps;
- (z) ground or water source heat pumps;
- (aa) integrated washer-dryers;
- (bb) internal water loop heat pumps;
- (cc) large air conditioners, heat pumps and condensing units;
- (dd) oil-fired boilers;
- (ee) oil-fired furnaces;
- (ff) oil-fired water heaters;
- (gg) packaged terminal air conditioners and heat pumps;
- (hh) pedestrian modules
- (ii) refrigerators, combination refrigerator-freezers and wine chillers;
- (jj) room air conditioners;
- (kk) self-contained commercial refrigerators and freezers;

- (ll) single-phase and three phase single package central air conditioners and heat pumps;
- (mm) single-phase and three-phase split-system central air conditioners and heat pumps;
- (nn) torchieres; and
- (oo) traffic signals.

8. For most recent list of regulated energy-using products please refer to the Office of Energy Efficiency website: [www.oeenrcan.gc.ca](http://www.oeenrcan.gc.ca).

9. The import information 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.

### Responsibilities of CBSA

10. Border services officers will verify that electronically transmitted release information related to the regulated energy-using products includes the additional five data elements required under the *Energy Efficiency Regulations* and will verify that this information complies with the Regulations.

11. The CBSA will contact NRCan (see paragraph 20) for advice when unsure whether the commodity is a regulated energy-using product.

12. The CBSA will verify shipments of regulated energy-using products (i.e., appropriate service option 463 or 471 in the ACROSS is used and required information is included in the electronic transmission); immediately upon release, the CBSA will transmit data related to the import of regulated energy-using products to NRCan through the Single Window Interface.

13. 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. More information concerning Administrative Monetary Penalty System (AMPS) can be found on CBSA website [www.cbsa.gc.ca](http://www.cbsa.gc.ca) under the Facilitating Trade section, or by consulting the Memorandum D22-1-1 *Administrative Monetary Penalty System*.

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

### Responsibilities of Natural Resources Canada

15. Any questions with reference to the requirements under the *Energy Efficiency Regulations* should be referred to the Office of Energy Efficiency of Natural Resources Canada at the address indicated in paragraph 20 of this memorandum.

16. 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

17. Where an authorized NRCan officer, under the *Energy Efficiency Act* or *Energy Efficiency Regulations*, requests 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 Natural Resources Canada.

### Penalties

#### Administrative Monetary Penalty System (AMPS)

18. 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

19. 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

20. 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

Facsimile: 613-947-5286  
Web site: [www.oeenrcan.gc.ca](http://www.oeenrcan.gc.ca)

21. Questions concerning administration of this program by the CBSA should be directed to:

Canada Border Services Agency  
Other Government Department Programs Unit  
Commercial Border Programs Division  
Killeany Building  
150 Isabella Street, 5th floor  
Ottawa ON K1A 0L8

Telephone: 613-946-0240  
Fax: 613-946-1520

22. 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**.

APPENDIX

ENERGUIDE LABELS

Canada

# ENERGUIDE

Energy consumption / Consommation énergétique

## 390 kWh

per year / par année

▼ This model / Ce modèle

372 kWh 484 kWh

<p><b>Uses least energy / Consomme le moins d'énergie</b></p> <p>Similar models compared</p> <p>Model number</p>	<p><b>Type 3</b> <b>16.5 – 18.4</b> <i>volume in ft.<sup>3</sup> / volume en pi<sup>3</sup></i></p> <p><b>00000</b></p>	<p><b>Uses most energy / Consomme le plus d'énergie</b></p> <p>Modèles similaires comparés</p> <p>Numéro du modèle</p>
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Removal of this label before first retail purchase is an offence (S.C. 1992, c. 36).  
Enlever cette étiquette avant le premier achat au détail constitue une infraction (L.C. 1992, ch. 36).

The ENERGY STAR® mark on this EnerGuide label signifies that this is an energy-efficient appliance. Its energy performance meets or exceeds the Government of Canada's high efficiency levels. Use the EnerGuide rating to determine how this appliance compares to other similar models.

La marque ENERGY STAR® sur cette étiquette ÉnerGuide signifie que l'appareil est éconergétique et que son rendement énergétique satisfait ou dépasse les niveaux de haute efficacité du gouvernement du Canada. Utilisez la cote ÉnerGuide afin de comparer le rendement de l'appareil avec celui d'autres modèles similaires.

▼ This model / Ce modèle

Canada

# ENERGUIDE

Energy Efficiency Ratio **EER** Rendement énergétique

## 11.7

▼ This model / Ce modèle

9.8 12

<p><b>Least energy-efficient / Le moins éconergétique</b></p> <p>Similar models compared</p> <p>Model number</p>	<p><b>Louvered without reverse cycle / À lames et sans cycle réversible</b></p> <p><b>8000 – 13 999 Btu/h</b></p> <p><b>RAC123</b></p>	<p><b>Most energy-efficient / Le plus éconergétique</b></p> <p>Modèles similaires comparés</p> <p>Numéro du modèle</p>
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Removal of this label before first retail purchase is an offence (S.C. 1992, c. 36).  
Enlever cette étiquette avant le premier achat au détail constitue une infraction (L.C. 1992, ch. 36).

The ENERGY STAR® mark on this EnerGuide label signifies that this is an energy-efficient appliance. Its energy performance meets or exceeds the Government of Canada's high efficiency levels. Use the EnerGuide rating to determine how this appliance compares to other similar models.

La marque ENERGY STAR® sur cette étiquette ÉnerGuide signifie que l'appareil est éconergétique et que son rendement énergétique satisfait ou dépasse les niveaux de haute efficacité du gouvernement du Canada. Utilisez la cote ÉnerGuide afin de comparer le rendement de l'appareil avec celui d'autres modèles similaires.

**REFERENCES**

<p><b>ISSUING OFFICE –</b></p> <p>Other Government Department Programs Unit  Commercial Border Programs Division  Border Programs Directorate  Programs Branch</p>	<p><b>HEADQUARTERS FILE –</b></p> <p>68522</p>
<p><b>LEGISLATIVE REFERENCES –</b></p> <p><i>Energy Efficiency Act</i>  <i>Customs Act</i></p>	<p><b>OTHER REFERENCES –</b></p> <p>D22-1-1</p>
<p><b>SUPERSEDED MEMORANDA “D” –</b></p> <p>D19-6-3, dated August 15, 2001</p>	

Services provided by the Canada Border Services Agency  
are available in both official languages.

