



## Memorandum D 19-6-3

Ottawa, December 11, 2019

### IMPORTATION OF ENERGY-USING PRODUCTS

#### In Brief

This memorandum has been revised to reflect Amendments 15 and 16 to the [Energy Efficiency Regulations, 2016](#), published in Canada Gazette II on June 3, 2019, that, as of December 12, 2019, add import reporting requirements for the following new products: electric furnaces, heat and energy-recovery ventilators, commercial gas boilers, commercial oil boilers, commercial electric water heaters, commercial gas-fired storage water heaters, commercial oil-fired water heaters, household and commercial gas-fired instantaneous water heaters, miscellaneous refrigeration products, portable air conditioners, and clean water pumps.

### 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, 2016](#). This memorandum outlines the procedures for the importation of energy-using products. These regulations do not apply to personal importations.
2. The [Energy Efficiency Act](#) and [Energy Efficiency Regulations, 2016](#) 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.

#### 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, 2016](#) – Section 7

### Guidelines and General Information

#### Definitions

1. For definitions and a detailed description of the regulated energy-using products, please refer to the [Energy Efficiency Regulations, 2016](#) or NRCAN's [Guide to Canada's Energy Efficiency Regulations](#).

## Requirements of the [Energy Efficiency Act](#) and [Energy Efficiency Regulations, 2016](#)

2. The *Energy Efficiency Regulations, 2016* 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; and,
  - (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 refer to the [Introduction to the Regulations](#) on [NRCan's website](#).
3. For information purposes, the energy-using products that require an EnerGuide label may be found in the [Guide to Canada's Energy Efficiency Regulations](#).
4. For information purposes, the energy-using products that require a [lighting product lamp label](#) can be found in sections 424 to 429 of the [Energy Efficiency Regulations, 2016](#).
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, 2016](#) 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 Section 7 of the [Energy Efficiency Regulations, 2016](#), 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 10 (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; or,
    - ii. sale or lease in Canada after being modified to comply with the applicable energy efficiency standard; or,
    - iii. for incorporation into any other product that is to be exported from Canada.
7. Additional data elements, as listed in paragraph 6, are to be included in the Integrated Import Declaration (IID) submitted to the CBSA through the Single Window Initiative (SWI), service option 911.
8. For more information about the [SWI](#), please refer to the [CBSA website](#). Chapter 23 SWI IID of the [Electronic Commerce Client Requirements Document \(ECCRD\)](#) provides technical and system requirements information. Appendix B of Chapter 23 includes a list of required data elements for NRCan.
9. If, under exceptional circumstances, it is impossible to submit release requests to the CBSA electronically through the SWI, importers must include the additional copy of the document with required data elements in the paper release package submitted to the CBSA. The document with additional data elements will be forwarded by the CBSA to NRCan at the address indicated in paragraph 25 of this Memorandum.

10. The above import requirements apply to [the following regulated energy-using products](#):

- (a) automatic ice-makers;
- (b) battery chargers;
- (c) beverage vending machines (refrigerated);
- (d) ceiling fans and ceiling fan light kits;
- (e) chillers;
- (f) clothes dryers;
- (g) clothes washers (including household-style commercial);
- (h) commercial pre-rinse spray valves;
- (i) compact audio products;
- (j) compact fluorescent lamps;
- (k) dehumidifiers;
- (l) dishwashers;
- (m) dry-type transformers;
- (n) electric boilers;
- (o) electric motors (from 1-500 HP/0.746-375 kW);
- (p) electric ranges;
- (q) electric water heaters;
- (r) exit signs;
- (s) external power supplies (EPS);
- (t) fluorescent lamp ballasts;
- (u) freezers;
- (v) gas boilers;
- (w) gas fireplaces;
- (x) gas furnaces;
- (y) gas ranges;
- (z) gas water heaters;
- (aa) gas-fired unit heaters;
- (bb) general service fluorescent lamps;
- (cc) general service incandescent reflector lamps;
- (dd) general service lamps;
- (ee) ground or water source heat pumps;
- (ff) integrated washer-dryers;
- (gg) internal water loop heat pumps;
- (hh) large air conditioners, heat pumps and condensing units;
- (ii) metal halide lamp ballasts;
- (jj) microwave-ovens;

- (kk) oil-fired boilers;
- (ll) oil-fired furnaces;
- (mm) oil-fired water heaters;
- (nn) packaged terminal air conditioners and heat pumps;
- (oo) pedestrian modules;
- (pp) refrigerators, combination refrigerator-freezers and wine chillers;
- (qq) room air conditioners;
- (rr) self-contained commercial refrigerators and freezers;
- (ss) single package vertical air conditioners and heat pumps (SPVAC) and (SPVHP);
- (tt) single-phase and three phase single package central air conditioners and heat pumps;
- (uu) single-phase and three-phase split-system central air conditioners and heat pumps;
- (vv) small electric motors;
- (ww) televisions;
- (xx) torchieres;
- (yy) traffic signals;
- (zz) video products;
- (aaa) walk-in coolers and walk-in freezers; and,
- (bbb) whole-home dehumidifiers.

**As of December 12, 2019, the above import requirements will apply to the following additional regulated energy-using products:**

- (a) electric furnaces;
  - (b) heat and energy-recovery ventilators;
  - (c) commercial gas boilers;
  - (d) commercial oil boilers;
  - (e) commercial electric water heaters;
  - (f) commercial gas-fired storage water heaters;
  - (g) commercial oil-fired water heaters;
  - (h) household and commercial gas-fired instantaneous water heaters;
  - (i) miscellaneous refrigeration products;
  - (j) portable air conditioners; and,
  - (k) clean water pumps.
11. For the most recent list of regulated energy-using products, please refer to NRCan's [Guide to Canada's Energy Efficiency Regulations](#).
  12. If products fall out of the scope of the [Energy Efficiency Regulations, 2016](#) but are classified under one of the [HS codes](#) on NRCan's list, importers/customs brokers should use a regular service option (SO 125 or SO 257) in the Accelerated Commercial Release Operations Support System (ACROSS), when transmitting release requests to the CBSA. SWI can also be used for the release of non-regulated goods since it provides the option to indicate that the shipment is not regulated by NRCan.

13. The following are examples of situations, when [Energy Efficiency Regulations, 2016](#) 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 that use the same HS codes as machines with regulated components; or,
    - ii. non-regulated end-use products imported without regulated a component, such as external power supplies.
14. The import reporting requirements under the [Energy Efficiency Regulations, 2016](#) do not apply to the following regulated energy-using products: battery chargers, electric motors, external power supplies, fluorescent ballasts and small electric motors, when any of these products are incorporated into, or are components of any other products or machines, i.e. when an electric motor is part of a hoist, a fan, a blower, or a pump, or when a ballast is part of a fluorescent lighting fixture.
15. Approved participants of the CBSA's Customs Self-Assessment (CSA) Program are eligible to meet their import reporting requirements under the [Energy Efficiency Regulations, 2016](#) 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 25 of this Memorandum.

### **Responsibilities of the 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 above), as required under the [Energy Efficiency Regulations, 2016](#), and will verify that this information complies with the Regulations.
17. Immediately upon release, the CBSA will automatically transmit data related to the import of regulated energy-using products to NRCan.
18. 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. More information concerning the Administrative Monetary Penalty System (AMPS) can be found on the CBSA website under the Trade Facilitation and Trade Compliance section, or by consulting the [Memorandum D22-1-1 Administrative Monetary Penalty System](#).
19. The CBSA maintains the list of regulated HS codes, and any changes to this list are made on NRCan's written request.

### **Responsibilities of Natural Resources Canada**

20. Any questions with reference to the requirements under the [Energy Efficiency Regulations, 2016](#) should be referred to the NRCan's Office of Energy Efficiency at the address indicated in paragraph 25 of this memorandum.
21. NRCan, as a result of amendments to the [Energy Efficiency Act](#) or [Energy Efficiency Regulations, 2016](#) 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 system and on the [CBSA website](#).

### **Sharing of Information for the Purpose of Compliance Verification**

22. Where an authorized NRCan officer, pursuant to the [Energy Efficiency Act](#) or [Energy Efficiency Regulations, 2016](#), 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)

23. 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

24. 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

25. For further information on the [Energy Efficiency Act](#) and [Energy Efficiency Regulations, 2016](#), please contact NRCan at:

Office of Energy Efficiency  
Equipment Division  
C.E.F. 930 Carling Avenue  
Observatory, Bldg #3  
Ottawa ON K1A 0E4

Email: [NRCan.importation-importation.RNCan@canada.ca](mailto:NRCan.importation-importation.RNCan@canada.ca)

Facsimile: 613-947-5286

Website: [NRCan's Energy Efficiency Regulations, 2016](#)

26. For more information regarding the CBSA's programs and services, please contact the Border Information Service (BIS) line. Within Canada, you can call BIS toll-free at **1-800-461-9999**. From outside Canada, please 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 at **1-866-335-3237**.

-----

<b>References</b>	
<b>Issuing Office</b>	Other Government Department Programs Unit Program and Policy Management Division Commercial Program Directorate Commercial and Trade Branch
<b>Headquarters File</b>	68522
<b>Legislative References</b>	Energy Efficiency Act Customs Act Customs Tariff
<b>Other References</b>	D22-1-1
<b>Superseded Memorandum D</b>	D19-6-3, dated April 26, 2019

