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WTO TBT DoC Workshop
Geneva March 2005

Introduction

New Zealand has a Regulatory system that has:

- Fundamental consumer protection
- Safety provisions for Electricity and Gas utilization
- Restrictions on EMC
- Harmonised closely with Australia

This presentation, while reflecting these areas of Regulation, focuses on experiences with the electrical safety regime.

Background

Electrical Product safety in New Zealand is regulated by a 3 tier system:

- Universal requirement for compliance with Essential safety provisions based on the EU LVD.
- Formal supplier declaration requirement for a selected range of medium risk products.
- Pre-market “approval requirement for a selected range of “high” risk products.

SDoC for Electrical Safety

The New Zealand SDoC system was introduced in the late 1990's to provide greater certainty for products traded between NZ and Australia when the market to market trans-Tasman MRA was introduced.

It was applied to products requiring pre-market approval in Australia but not NZ.

It offered a benefit over the pre-existing general safety liability by identifying the individuals responsible for compliance.

The NZ context of SDoC

SDoC exists in New Zealand in 4 contexts:

- Electrical safety generic supplier liability
- Electrical safety formal declarations kept by Supplier
- Gas Equipment website based formal declarations
- EMC formal declarations kept by the Supplier

All these systems are different!

Performance Based Regulation

The implementation of Performance based Regulation adds significant complications to an SDoC system:

- What Standards might be applied
- Who can certify to the fundamental parameters
- How do other Global and Regional Standards apply

Regulators Viewpoint

For any Regulator, the challenge of introducing a system of supplier declaration, particularly where a pre-market approval system is being replaced, is how they can justify failures of compliance should an incident of serious consequence occur!

There needs to be some risk balancing factor available for implementation as part of the change to SDoC

In NZ's case an inter-Regulatory information sharing system has fulfilled this objective

Compliance

Compliance in the NZ market is generally very good as a consequence of an effective post market monitoring regime that includes:

- Sharing of market compliance information with Australian Regulators and other agencies in the region
- Surveillance of the market by industry parties
- Targeted auditing programs
- Incident reporting and investigation
- A responsible attitude of most suppliers

Conclusions

In the New Zealand experience, SDoC works well when:

- There is a well known, internationally aligned, recognised Standard in the marketplace for the product
- There is regulatory control over the product in parallel markets, using the same Standard, including the Manufacturers economy.
- There is a good relationship between the manufacturer and the supplier.
- Big players are involved in the product distribution
- Functional MRAs exist with other regulators
- SDoC systems have harmonised provisions.

Conclusions

SDoC does not work well when:

- There are alternative global Standards with deficiencies in safety outcomes
- The manufacturer is not the supplier or knowledgeable of the market requirements
- Small players (importers) are involved
- Recognised Standards are not available

Future Australian and New Zealand developments

Australia and New Zealand are currently conducting a review of their respective Electrical and Electronic products' safety Regulatory systems and are proposing to introduce a common mandatory supplier declaration system for all products supplemented by a pre-market, "Approvals", system for high risk products.

WTO Challenges

- Create an International Regulators Forum
- Provide a global product hazard alert system
- Explore a global, internet based, manufacturers declaration system

Additional information

Further information is available from the
ESS website

www.ess.govt.nz

Thank You

Annex 1

New Zealand Market

- Small size
- Open market
- Most Electrical products are imported
- Niche market manufacturers

Annex 2

New Zealand Market

- Strong European influence
- Located close to Asian manufacturers
- Most imported products are manufactured for both the NZ and Australian market – Umbrella effect
- Many imported products are manufactured for European market

Annex 3

NZ Regulations and Standards

The New Zealand Electrical Safety Regulatory Regime is:

- Performance based.
- Closely harmonised with the Australian Regime
- Applies common (joint AS/NZS) Standards with Australia
- Adopts IEC Standards, but has variations for critical safety issues.
- Closely mirrors the EU LVD and Marking directives (AS/NZS 3820 and 4417)

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