

Sample TBT Notification

**WORLD TRADE
ORGANIZATION**

G/TBT/N/NZL/47
1 September 2008

(08-4086)

Committee on Technical Barriers to Trade

Original:

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1. Member to Agreement notifying: <u>NEW ZEALAND</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2. Agency responsible: Ministry of Economic Development PO Box 1473 Wellington New Zealand Fax: +(64) 4 473 4638 Email: gas.safety.regulations@med.govt.nz Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Appliances that use or are designed to use gas as a fuel, but excludes appliances designed to be exclusively fuelled from a container not exceeding 120 millilitres. Specified fittings* - fittings that are used, designed or intended to be used in or in connection with the supply, distribution, compression or use of gas and have been specified by the Secretary of the Ministry of Economic Development. Gas appliances and fittings used for transport purposes are excluded. <i>*Note no fittings have been specified by the Chief Executive of the Ministry of Economic Development at this time.</i>
5. Title, number of pages and language(s) of the notified document: Proposed Gas Safety Regulations – A Discussion Paper (49 pages, in English).

6. Description of content: This document puts forward proposals to update the existing regulatory framework for gas safety and measurement in New Zealand and incorporate new requirements introduced into the gas legislation in 2006.

The majority of the document relates to requirements specific to New Zealand; however, the amendments to the safety of gas appliances and specified fittings have implications for appliances and fittings manufactured overseas for import into New Zealand.

The document sets out, among other things, the proposal to introduce requirements for independent third party certification, to the declaration regime, of appliance/fitting safety.

7. Objective and rationale, including the nature of urgent problems where applicable: The supplier declaration regime for gas appliances and fittings provides for the protection of human health and safety by placing an onus on importers and manufacturers that appliances and fittings are safe to use in New Zealand, that is they meet the essential safety requirements, can operate on New Zealand specification gases and within our climatic and seismic environment. Currently to ensure this, gas appliances need to meet the New Zealand Standard, NZS 5262, which sets out requirements gas appliance safety must meet.

Credibility concerns have been raised by industry about the current supplier declaration regime because it is based on self declaration. The proposal to introduce independent third party appliance safety certification is to address the credibility concerns and provide greater assurance in human health and safety outcomes.

The substantive part of the proposal is to require that an independent third party certify that appliances are safe for use in New Zealand. The third party will be accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ) or an equivalent recognised by JAS-ANZ or by governmental agreement. These accredited bodies are likely to base their certification on data produced by laboratories accredited by IANZ (International Accreditation New Zealand) or equivalent accreditation body.

A secondary component of the proposal is to recognise in the regulations the essential safety requirements of the “*European Council Directive of 29 June 1990 on the approximation of the laws of the Member states relating to appliances burning gaseous fuels (90/396/EEC)*” as being sufficient for the declaration regime so long as the appliance or fitting also meets New Zealand’s requirements for gas specification, climate and seismic restraint.

8. Relevant documents: New Zealand Standard NZS 5262:2003 – Gas appliance safety; and,

The European Council Directive of 29 June 1990 on the approximation of the laws of the Member states relating to appliances burning gaseous fuels (90/396/EEC).

**9. Proposed date of adoption:
Proposed date of entry into
force:**

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It is proposed that these requirements will come into force in July 2009.

10. Final date for comments: 60 days from date of notification.

11. Texts available from: National enquiry point [X] or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body:

The discussion document* is available from the Energy Safety website:

http://www.energysafety.govt.nz/templates/MultipageDocumentTOC_33005.aspx

**Note only national consultation has closed on the discussion document. WTO TBT consultation remains open for 60 days from this notification.*

The New Zealand Standard, NZS 5262 can be obtained, at normal commercial rates, from:

[http://www.standards.co.nz/web-shop/?action=viewSearchProduct&mod=catalog&pid=5262:2003\(NZS\)](http://www.standards.co.nz/web-shop/?action=viewSearchProduct&mod=catalog&pid=5262:2003(NZS))

The European Council Directive of 29 June 1990 on the approximation of the laws of the Member states relating to appliances burning gaseous fuels (90/396/EEC) is available via the following link:

<http://europa.eu/scadplus/leg/en/lvb/l21011.htm>