NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** New Zealand **If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** Ministry of Business, Innovation & EmploymentP.O. Box: 10729Wellington, New ZealandPhone: +64-4-897 5319 Email: Briony.Bennett@mbie.govt.nzWeb: <http://www.mbie.govt.nz>**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** Energy Efficiency and Conservation AuthorityP.O. Box: 388Wellington, New ZealandPhone: +64-4-470 2200Email: Brian.Fitzgerald@eeca.govt.nz Web: <http://www.eeca.govt.nz> |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [ ],** **5.6.2 [ ],** **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):** Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated (HS 8415); Ventilators. Fans. Air-conditioners (ICS 23.120) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Air-conditioners. A full list of policy documents developed to consult on these proposed changes can be found under "Key Documents" at <http://www.energyrating.gov.au/products/space-heating-and-cooling/air-conditioners> |
| **6.** | **Description of content:** Proposed changes to the current regulatory requirements for air conditioners are set out in Items One to Four below.**One:** **Adopt a Seasonal Energy Efficiency Ratio (SEER) methodology for rating air conditioner energy efficiency, by incorporating the following Australia/New Zealand Standards into regulation:*** AS/NZS 3823.4.1:2014 *Performance of electrical appliances - Air conditioners and heat pumps - Part 4.1: Air-cooled air conditioners and air-to-air heat pumps - Testing and calculating methods for seasonal performance factors - Cooling seasonal performance factor(ISO 16358-1:2013, MOD) - Including Amendment 1, 2017*
* AS/NZS 3823.4.2:2014 *Performance of electrical appliances - Air conditioners and heat pumps - Part 4.2: Air-cooled air conditioners and air-to-air heat pumps - Testing and calculating methods for seasonal performance factors - Heating seasonal performance factor (ISO 16358-2:2013, MOD) - Including Amendment 1, 2017*
* AS/NZS 3823.1.5:2015 *Performance of electrical appliances - Air conditioners and heat pumps - Part 1.5: Non-ducted portable air-cooled air conditioners and air-to-air heat pumps having a single exhaust duct - Testing and rating for performance*.

**Note:** The Standards AS/NZS 3823.4.1:2014 and AS/NZS 3823.4.2:2014 listed above are based on Parts 1 and 2 of ISO 16358:2013 Air-cooled air conditioners and air-to-air heat pumps -- Testing and calculating methods for seasonal performance factors but they make use of local climate data. Amendments to the Australian/New Zealand Standards were published in May 2017, to include more realistic operational hours (at the request of industry). The three Standards listed above will supplement the following test standards that currently apply under New Zealand regulation: * AS/NZS 3823.1.1:2012: *Performance of electrical appliances - Airconditioners and heat pumps - Part 1.1: Non-ducted airconditioners and heat pumps - Testing and rating for performance (ISO 5151:2010, MOD)*
* AS/NZS 3823.1.2:2012: *Performance of electrical appliances - Airconditioners and heat pumps - Test methods - Ducted airconditioners and air-to-air heat pumps - Testing and rating for performance (ISO 13253:2011, MOD)*
* AS/NZS 3823.1.4:2012 *Performance of electrical appliances - Airconditioners and heat pumps - Part 1.4: Multiple split-system airconditioners and air-to-air heat pumps - Testing and rating for performance (ISO 15042:2011, MOD)*
* AS/NZS 3823.2:2013 *Performance of electrical appliances - Air conditioners and heat pumps - Part 2: Energy labelling and minimum energy performance standards (MEPS) requirements*

The Standards AS/NZS 3823.4.1:2014, AS/NZS 3823.4.2:2014 and AS/NZS 3823.1.5:2015 listed above will also replace the following test standard that currently applies under New Zealand and Australian regulation:* AS/NZS 3823.3:2002 *Performance of electrical appliances - Airconditioners and heat pumps - Part 3: Calculation of performance for minimum energy performance standard (MEPS) requirements*

**Two: Adopt a Zoned Energy Rating Label to replace the existing Energy Rating Label, and, (for products not required to display a label) report Seasonal Energy Efficiency Ratings on the Energy Rating website.**Products up to 30kW capacity* Products currently *required* to display a label (i.e. single-phase non-ducted units) will need to display a Zoned Energy Rating Label in place of the existing Energy Rating Label
* Products currently *not required* to display a label (mainly single-phase ducted and three-phrase units) will not need to display a label but it will be mandatory to report SEER ratings (including star ratings and noise information) for these products on the Energy Rating website.

Products >30kW capacity will not need to display a label but it will be mandatory to report SEER ratings for these products for cooling only on the Energy Rating website. (SEER ratings for heating based on a physical test report can be provided voluntarily).Portable air conditioners (single duct and double duct) will need to display the Zoned Energy Rating Label, and to be labelled with the test results obtained from testing in accordance with AS/NZS 3823.1.5:2015 Performance of electrical appliances - Air conditioners and heat pumps - Part 1.5: Non-ducted portable air-cooled air conditioners and air-to-air heat pumps having a single exhaust duct - Testing and rating for performance.**Three: Changes to MEPS requirements** Portable air conditioners:* Double ducted units: Reduce the Minimum Energy Performance Standard (MEPS) to a level of 2.5, based on the energy efficiency ratio (EER) and coefficient of performance (COP).(See AS/NZS 3823.2:2013 *Performance of electrical appliances - Air conditioners and heat pumps - Part 2: Energy labelling and minimum energy performance standards (MEPS) requirements* for the current requirements.)
* Single ducted units: Introduce MEPS, also at a level of 2.5, based on the EER and COP.

Residential air conditionersAlign New Zealand and Australian cooling MEPS levels for residential products (i.e. products with a rated cooling capacity of up to 65kW). **Four: Minor changes**Resolve some minor technical issues with air conditioner regulations. These will not have significant impacts on the requirements of regulation.Remove H2 MEPS: Meeting a separate H2 MEPS level will no longer be required.Multi-split registration: Systems comprising of multiple, already registered outdoor units will no longer be required to register the combined systems.Supply of outdoor units only: MEPS requirements will apply to the supply of outdoor units that are not sold as a system.Noise test standard for products: EN 12102:2013 Air conditioners, liquid chilling packages, heat pumps and dehumidifiers with electrically driven compressors for space heating and cooling. Measurement of airborne noise. Determination of the sound power level. Noise rating test points: Measured at the operating points T1 (35°C) for the rated capacity cooling test or H1 (7°C) for heating only units.Noise test requirements: * Non-ducted split systems: indoor and outdoor noise levels
* Ducted units (both split and unitary units): outdoor noise levels only.
* Non-ducted unitary units (e.g. window/wall units): indoor and outdoor noise levels.
* Single and double duct 'portable' unitary units that sit wholly within the conditioned space: indoor noise levels only.
* Multi-split systems: outdoor noise level of single outdoor units, based on the representative combination used for registration.

Changing the SEER degradation coefficient: The degradation coefficient from AS/NZS 3823.4 will be fixed at the default value of 0.25.Measurement of non-operative power: Non-operative power (e.g. standby) for the MEPS metric will change to the weighted average power consumption (Pia) of AS/NZS 3823.4H2 and H3 testing: Air enthalpy tests or a shorter calorimeter room test will be accepted for H2/H3 (2°C/-7°C) tests for all air conditioners.Use of default SEER values: Fixed speed products will be able to use the default values for the 29°C cooling test and variable speed products will be allowed to use the fixed speed test points.Certifying test results for >30 kW products: Eurovent, and AHRI certification and regional adoptions of ISO test standards will be able to be used.Simulation testing of >30 kW products: Simulation software that can be demonstrated to yield equivalent results to a physical test will be able to be used.Maximum cooling test: Will no longer be a requirement for labelled products. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** 1. Alignment of standards and regulation with New Zealand's major trading partner, Australia, and with international standards.
2. Ensuring improvements in product technologies are available on the New Zealand market, which will lead to increased productivity and lower energy costs and greenhouse gas emissions.
3. Ensuring that consumers are better informed about energy-using products so that they can make informed decisions that reduce their overall energy costs.
4. Contributing to the government's priority "Efficient use of energy" under the New Zealand Energy Strategy 2011-2021.
5. Contributing to the target to reduce greenhouse gas emissions to 30 per cent below 2005 levels by 2050.

Consumer information, labelling; Protection of the environment; Harmonization |
| **8.** | **Relevant documents:** A full list of policy documents developed to consult on these proposed changes can be found under "Key Documents" at <http://www.energyrating.gov.au/products/space-heating-and-cooling/air-conditioners>The relevant regulations that apply in New Zealand are the Energy Efficiency (Energy Using Products) Regulations 2002 (the Regulations). The current version of the Regulations (into which these proposed changes will be incorporated) is available for viewing at:<http://www.legislation.govt.nz/regulation/public/2002/0009/latest/DLM108730.html?search=ts_act%40bill%40regulation%40deemedreg_energy+efficiency_resel_25_a>The relevant Australia/New Zealand Standards (those currently incorporated under Schedules One and Two of the Regulations and those that are proposed for incorporation) can be purchased from the Standards New Zealand website at:<https://shop.standards.govt.nz/search/ed>The Australian Greenhouse and Energy Minimum Standards (Air Conditioners and Heat Pumps) Determination 2013 (which applies under the Greenhouse Energy Minimum Standards (GEMS) Act 2012) is the equivalent regulation in Australia. The current version can be viewed at: <https://www.legislation.gov.au/Details/F2013L01672>It will be updated to incorporate the same changes that are proposed for New Zealand (as outlined in this WTO TBT notification). |
| **9.** | **Proposed date of adoption:** 16 September 2019**Proposed date of entry into force:** 1 March 2020 |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [** **]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** Energy Efficiency and Conservation AuthorityP.O. Box: 388Wellington, New ZealandPhone: +64-4-470 2200Email: Brian.Fitzgerald@eeca.govt.nz Web: <http://www.eeca.govt.nz><http://www.energyrating.gov.au/products/space-heating-and-cooling/air-conditioners> |