

New Zealand Regulatory System and Market Surveillance Electrical and Electronic Product Safety and Compliance

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Content

- New Zealand Regulatory System
- Regulatory Intervention and Pre-Market Intervention
- Market Surveillance of Electrical and Electronic Products

New Zealand Regulatory System

New Zealand Regulatory System

New Zealand's regulatory system

- All electrical and electronic product
- Point of sale
- Risk based regulations

The safety regulations

- technical regulations
- risk-based regulations

Consumer protection law, and Electrical and Gas safety law, covers all consumer products using a “performance based” framework.

New Zealand Regulatory System – Cont.

The scope of the safety regulations:

- All types of electrical and electronic products
 - voltage range
 - Battery-operated products
 - Batteries

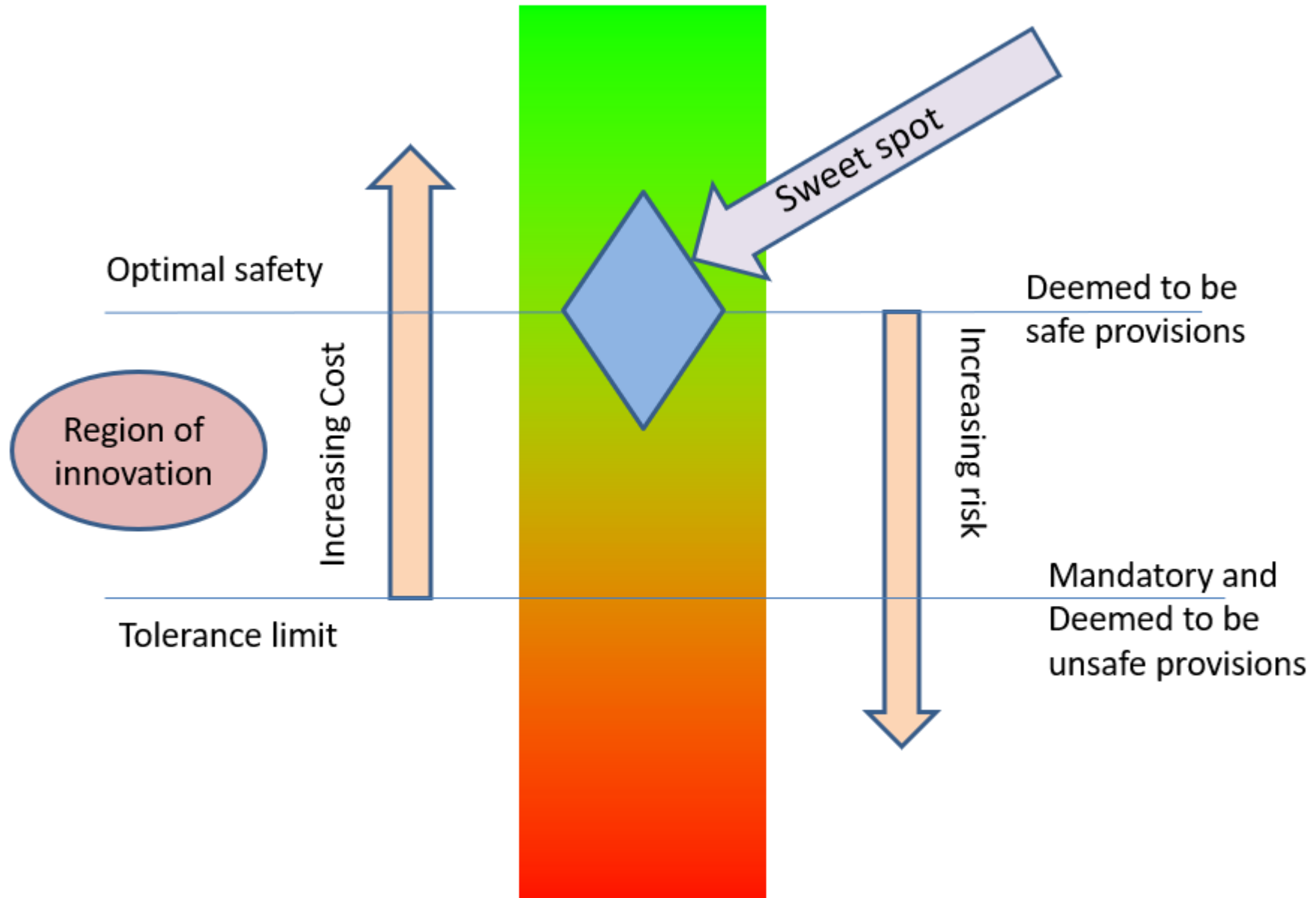
- Requirements for suppliers
 - Responsible for safety
 - Offer for sale, sale, offer for supply, or supply

Premarket intervention focuses on consumer products and at the point of sale.

WTO Expectations

Good Regulatory Practice and the WTO expect that regulatory interventions are proportional to risks, and

that international standards are used as the basis for assessing compliance with regulatory objectives.



Regulatory Intervention and Pre-market Intervention

Regulatory Intervention

The type of regulatory intervention applied in New Zealand regulatory system for electrical and electronic product safety is best selected based on the performance of the market.

The regulatory system is established to:

- Influence product compliance
- Pre-market and post market intervention
- Risk based
- At the point of sale

Regulatory Intervention References

For electrical and electronic products, New Zealand operates with:

- ISO type 1 certification required at the high level,
- ISO/IEC 17050, SDoC required at the middle level, and
- Fundamental safety required at the lower level and also applies to all products.

Standards in the regulations:

- Usually based on IEC Standards
- Most are Joint Australia and New Zealand standards
- Listed as a recognised, or mandatory, requirement

Type of Regulatory Intervention

The Regulations set out three risk levels of pre-market regulatory intervention:

- High Risk products (declared high risk articles)
 - Regulatory approval or certification
 - Comply with specified standards
- Medium Risk products (declared medium risk articles)
 - Supplier Declaration of Conformity (SDoC)
 - Supporting test report to show how the product complies with the relevant standard
- Products are not defined as high risk and medium risk (non-declared articles)
 - Essential Safety is required

Type of Regulatory Intervention – Cont.

All high risk products are also medium risk products.

For all products, including high risk, medium risk and non-declared articles:

- Essential Safety requirements for all products:
 - Deemed electrical safe
 - Deemed electrically unsafe
- Safety of second-hand products

New Zealand Risk Engine

New Zealand's risk assessment system - Risk Engine

- a combination of consequence and probability

Risk = Probability x Consequence

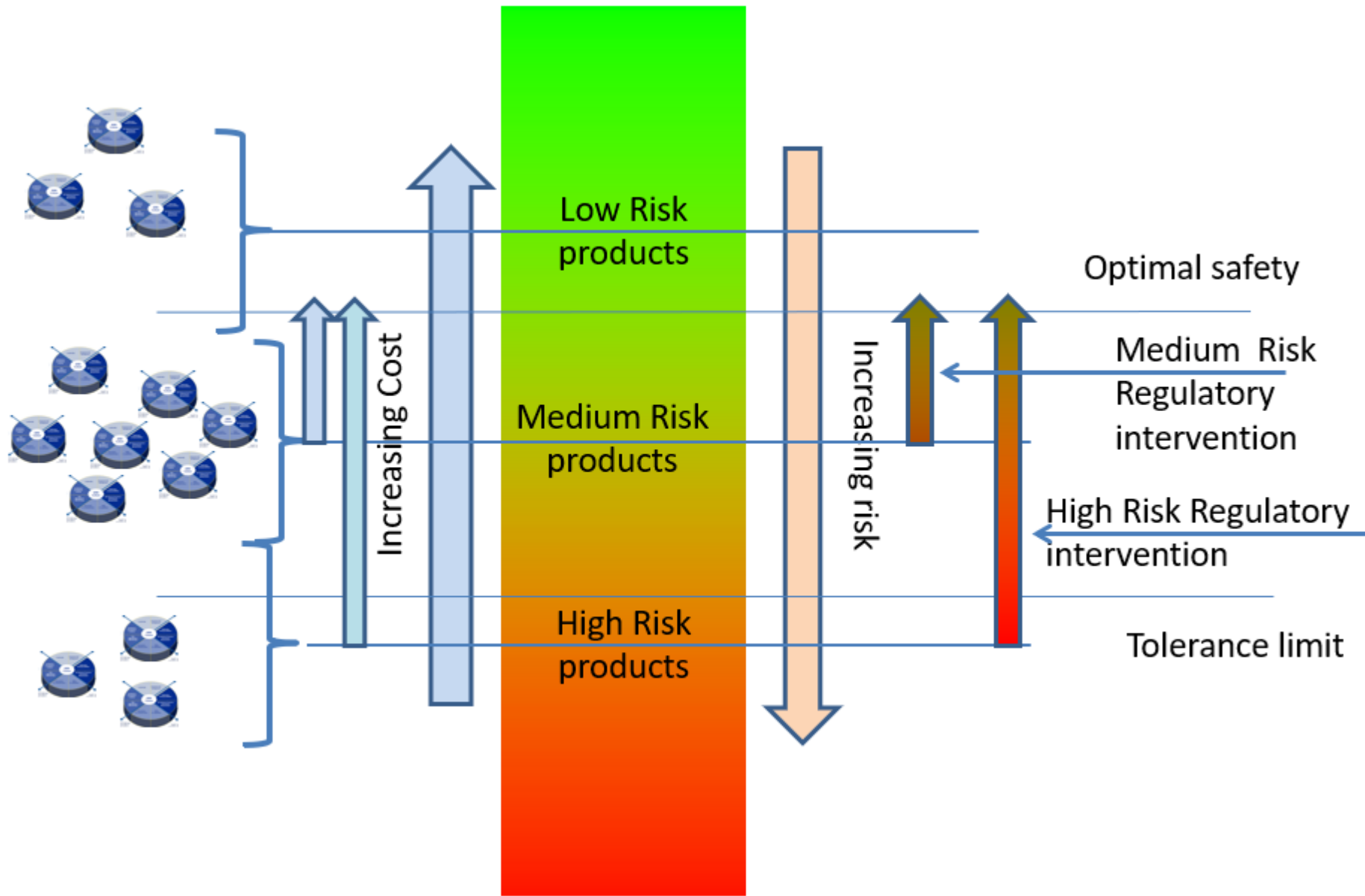
$$(R = P \times C)$$

The risk engine determines and separates each individual product assessed into an appropriate risk level. It has been used to provide guidance on the determination of which regulatory intervention should be applied to that particular product.

The Application of Risk Engine

Objectives of regulatory intervention

- Offset the level of risk
- Changing of the probability of non-compliance
- Principle of the risk engine
 - The objective of regulatory intervention is to increase the certainty of the compliance of a regulated product with its applicable standard
- Benefit of using a predictive risk assessment
 - To enable us to reduce the errors that can come from relying on incident information where the cause has not been associated with the regulated objective, such as being dominated by misuse



Market Surveillance of Electrical and Electronic Products

Pre-Market and Post Market Controls

Risk based pre-market control and post market surveillance:

- High risk products
 - Both pre-market regulatory approval and post-market surveillance applied
 - Relevant compliance documentation is required and to have to be available for regulatory market surveillance
- Medium risk products
 - Likely through post-market surveillance
 - SDoC is required to be available if being asked
 - Supporting test report issued under a relevant standard has to be available for regulatory market surveillance
- Products with risk level lower than the high and medium risk
 - Suppliers' responsibility for safety
 - Post-market surveillance normally in reaction to incident or complaint

Post Market Surveillance

Post market surveillance programme normally is established in terms of an analysis of indication factors, including:

- Investigation of recent incident
- Level of risks
- Volume of sales
- Application of new technologies
- Use of the product
- Product Recall
- External incident data
- Market surveillance data

The above also provide a guidance to the decision making on enforcement actions against any non-compliance identified.

Post Market Surveillance – Cont.

Various market surveillance methodologies may be used. For example:

- Test purchase for laboratory testing
 - Sampling
 - Number of samples
 - Testing criteria
- In-situ assessment
- Product survey
- Full compliance documentation assessment
- Partial documentation assessment

The methodologies applied to a particular market surveillance programme depend on the purposes and objectives of the programme, and availability of resources. One or multiple methodologies may be used.

Post Market Surveillance – Cont.

Post market surveillance is likely associated with enforcement actions against identified non-compliance.

There are some common enforcement tools available in New Zealand regulatory system, including:

- Infringement
- Prosecution
- Warning
- Prohibition
- Urgent instruction

Trans - Tasman

New Zealand and Australia operate a single economic market with slightly different controls, but full mutual recognition.

- Similar regulatory intervention
- Alignment of declared articles (regulated products)
- Australian product certification and regulatory approval
 - Joint Accreditation System of Australia and New Zealand (JASANZ)
 - Australian regulators' approval
- Australian regulatory electrical product registration (EESS)
 - Used by suppliers from both countries
 - Supplying products in both countries

Trans – Tasman - Cont.

Electrical Regulatory Authorities Council (ERAC)

- Formed by representatives
 - From regulatory authorities in New Zealand and the Australian states, territories and commonwealth
 - For electrical safety, supply and energy efficiency
- Coordinate the electrical safety regulatory activities in Australian and New Zealand, such as
 - Sharing information including incident and recall data
 - Developing guidance
 - Assisting on pre-market intervention and post market surveillance

Standard Development Involvement and Contribution

Most applicable standards specified in New Zealand's regulatory system are:

- Joint Australian and New Zealand standards (AS/NZS)
- Most are international based

Involvement of standard development is to contribute and enhance the suitability of the adoption of IEC standards to reflect the national differences to the joint standards.

- Joint Australia and New Zealand Standards
- Influencing the safety and compliance
- Setting up national differences – joint national differences AS/NZS based on adoption of IEC standards

Industry Engagement and Agencies Collaboration

Working with industries and other agencies in the marketplace:

- Sharing information/data and technical expertise
- Providing guidance and advice
- Seeking assistance

The engagement normally focuses on:

- Industry
- Independent testing laboratories, certification and accreditation bodies
- Expert and private consultant agencies
- Other regulatory agencies

Public Education

Public education is always one of most effective tools to improve product safety. In New Zealand, it has been delivered through:

- Website publication
- Social media
- Safety campaign – Claude the cat
- Engagement with major suppliers
- Industry forum
- Special projects

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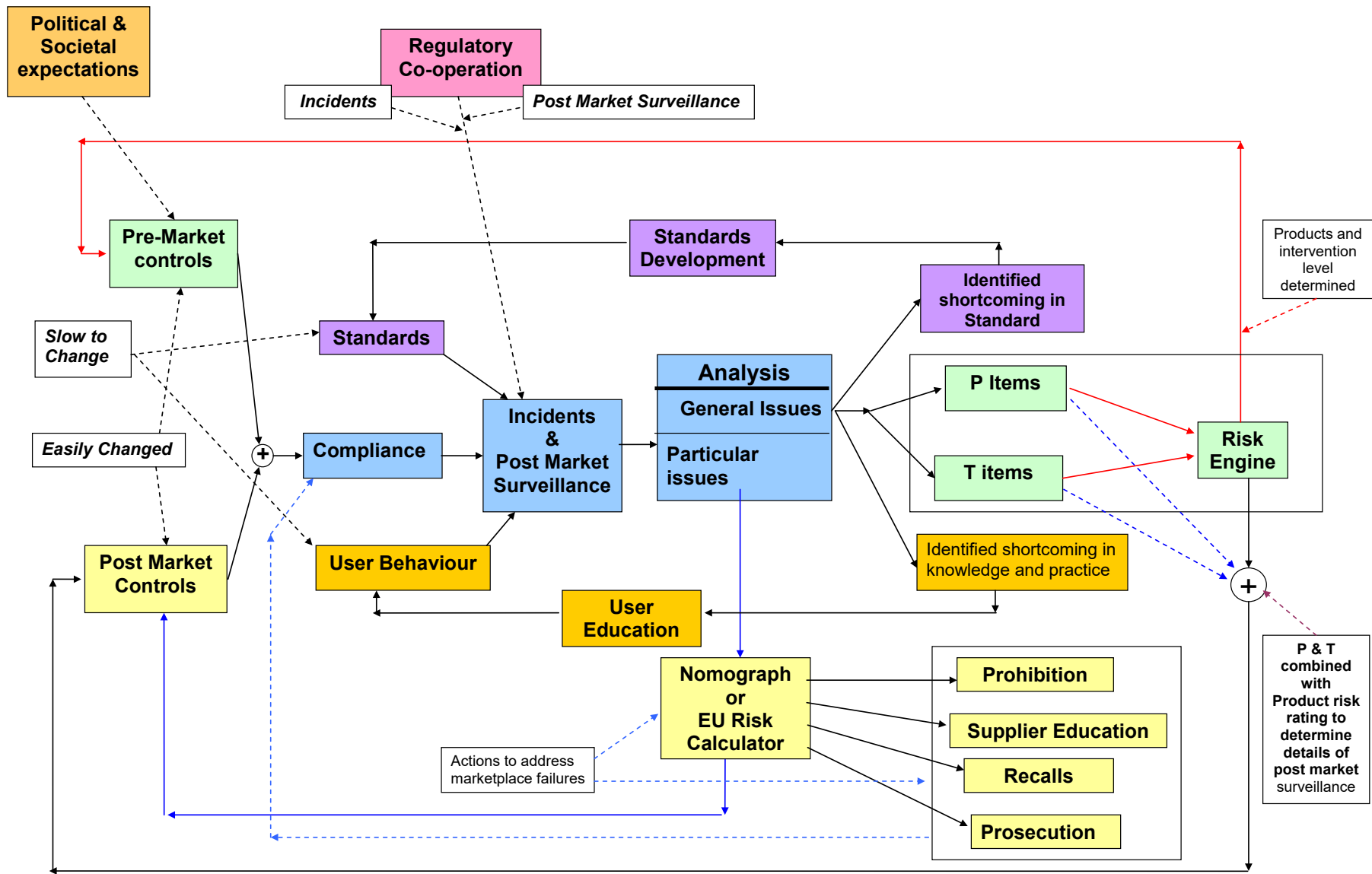
International Cooperation and MRAs

Mutual Recognition Arrangements (MRAs)

- New Zealand has mutual recognition arrangements (MRAs) with several economies
- Purposes
 - Trade facilitation
 - Reduce unnecessary technical barrier to trade
 - Regulatory cooperation and sharing information

Provisions in the Regulations for Conformity Cooperation Agreement (CCA)

- EEE MRA is an Annex of the China – New Zealand FTA
- Enforceable
- Deemed electrically safe



Thank you

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