

[LEGAL NOTICE No. 91]

TRADE STANDARDS AND QUALITY CONTROL DECREE 1992
(Decree No. 24 of 1992)

Trade Standards (Household Electric Refrigerating Appliances) Order 2007

IN exercise of the powers conferred upon me by sections 25 and 26 of the Trade Standards and Quality Control Decree 1992 ("the Decree") and in considering the public interest and the recommendations of the Council, I make this Order—

Citation and commencement

1. This Order may be cited as the Trade Standards (Household Electric Refrigerating Appliances) Order 2007, and comes into force on 1st April 2008

Interpretation

2. In this Order—

"AS/NZS 4474.1: 1997" means the Australia/New Zealand Standard on performance of household electrical appliances – Refrigerating appliances (Part 1: Energy consumption and performance) published on 5 May 1997, and reissued incorporating the following amendments—

- (a) Amendment No.1 (December 2001);
- (b) Amendment No.2 (April 2004);
- (c) Amendment No.3 (December 2004);

"AS/NZS 4474.2: 2001" means the Australia/New Zealand Standard on performance of household electrical appliances – Refrigerating appliances (Part 2: Energy labeling and minimum energy performance standard requirements), 3rd Edition 2001, and reissued incorporating the following amendments—

- (a) Amendment No.1 (April 2004);
- (b) Amendment No.2 (December 2004);
- (c) Amendment No.3 (January 2005);

"FS/AS/NZS 4474.1:2007" means the AS/NZS 4474.1: 1997, as adopted by virtue of this Order, subject to amendments set out in this Order;

"FS/AS/NZS 4474.2:2007" means the AS/NZS 4474.2: 2001, as adopted by virtue of this Order, subject to amendments set out in this Order;

“refrigerating appliances” means any electrical household refrigerating appliances covered under the Standard, and includes refrigerators, refrigerator and freezers or freezers covered under the Standard which—

- (a) operate using the vapour compression cycle; and
- (b) use mains electricity (230/240 Volts at 50 Hz) as the primary power source;

“Regulator” means the Director of Energy;

“the Standard” means the FS/AS/NZS 4474.1:2007 and the FS/AS/NZS 4474.2:2007.

Application

3. —(1) The FS/AS/NZS 4474.1: 2007 sets out the methods for determining performance characteristics of electric refrigerating appliances intended for household and similar use; and are to be read in conjunction with FS/AS/NZS 4474.2: 2007.

(2) The FS/AS/NZS 4474.2:2007 sets out the energy labelling and minimum energy performance standard requirements for electric mains powered refrigerating appliances of the vapour compression type intended for household and similar use, falling within the scope of AS/NZS 4474.1: 1997 and 4474.2: 2001.

FS/AS/NZS 4474.1: 2007

4. —(1) The AS/NZS 4474.1: 1997 is adopted by virtue of this Order as Fiji’s Standard relating to test procedures on performance characteristics of electric refrigerating appliances intended for household or similar use in Fiji subject to the following amendments—

- (a) in the NOTES (*) appearing at the bottom of clause B4.1(b) on page 57, and in Appendix Q at the bottom of page 124, by deleting “1 January 2005” and substituting “1 April 2009” respectively;
- (b) in Appendix Q under LABORATORY DETAIL on page 124, by adding “Fiji mains” after “New Zealand mains”.

(2) The AS/NZS 4474.1: 1997 is deemed to have been re-issued under this Order as FS/AS/NZS 4474.1: 2007.

(3) Any amendments to the AS/NZS 4474.1: 1997 shall not become part of FS/AS/NZS 4474.1: 2007 unless such amendments are adopted under this Order.

FS/AS/NZS 4474.2: 2007

5. —(1) The AS/NZS 4474.2: 2001 is adopted by virtue of this Order as Fiji’s Standard relating to energy labeling and minimum energy performance standard requirements on performance electrical appliances-refrigerating appliances intended for household or similar use in Fiji, subject to the following amendments—

- (a) by deleting “1 January 2005” and substituting “1 April 2009” in the footnotes (*) appearing at the bottom of pages 6, 40 and 44, respectively;
- (b) by deleting “1 January 2005” and substituting “1 April 2009” appearing on the NOTE (*) at bottom of Table 2.2 on page 11;

(c) in Clause 3.5.1(a) by deleting “For a refrigerating appliance model manufactured or imported after 31 December 2004” and substituting the following:

“For refrigerating appliance models of all Groups¹ (except Group¹ 4) manufactured or imported to Fiji on or after 1 April 2008 (whether new or used). For all Group¹ 4 refrigerating appliance models manufactured or imported to Fiji on or after 1 April 2009 (whether new or used)”;

(d) in Clause 3.5.1(b) by deleting “For a refrigerating appliance model manufactured or imported after 30 September 1999” and substituting the following:

“For Group¹ 4 refrigerating appliance models imported on or after 1 April 2008 but before 1 April 2009 (whether new or used)”;

(e) by adding the following footnotes to Clauses 3.5.1(a) and (b):

“1. The ‘Group’ of a household refrigerating appliance shall be determined in accordance with AS/NZS 4474.1: 1997”;

(f) by deleting “1 January 2005” and substituting “1 April 2009” in the footnotes (*) appearing at the bottom of pages 15, 16, 19 and 43 respectively;

(g) by adding the following NOTE to Clause 4.1.3:

“NOTE: For importation or sale of refrigerating appliances in Fiji, each separate Applicant may register *all* brands and models sold or imported with the Regulator. However, a report in the form of Appendix Q of AS/NZS 4474.1 is only required for models not already holding a valid registration in Australia or New Zealand (Refer to Appendix E, Clause E4 of the Standard for more information).”;

(h) by deleting Clause 4.1.4 and substituting the following clause:

“4.1.4 MEPS Transition

Group 4 products that comply with the MEPS 2005 requirements of the Standard, when tested to the MEPS 2005 requirements of AS/NZS 4474.1, may be registered to those requirements prior to 1 April 2009. Otherwise Group 4 products may be registered to the MEPS 1999 requirements. (Refer also to Clause 1.2).

All appliances within the scope of MEPS, manufactured or imported for sale in Fiji on or after 1 April 2008 shall meet the relevant MEPS requirements (as stipulated in Section 3.5) and, at the time of import and thereafter, shall be able to demonstrate to the Regulator compliance with the relevant MEPS requirements.

NOTES:

1 Importers or suppliers will be required to provide evidence of the actual imported date if requested by the Regulator.”;

- (i) in the Appendix E (Clause E4) by deleting the heading: "E4 Application Form" and substitute the following:

"E4 SUBMISSIONS TO THE REGULATOR

Applications for Registration may be through one of two following processes:

- (a) Products already registered with Australian or New Zealand regulators: Applicants should submit a standardised letter (available from the Fiji Regulator or download from its official website (www.fdoe.gov.fj) which includes applicant and brief product details and the Australian/New Zealand registration number;
- (b) Products not registered with Australian or New Zealand regulators: Applicants should submit a completed registration form as provided in Clause E4, with the notable inclusion of all product energy efficiency details.";
- (j) in Appendix E, (E4 Application Form) on page 38, by deleting "Australia or New Zealand" and substituting "Fiji" appearing in Sections 2 and 3 respectively.

(2) The AS/NZS 4474.2: 2001 is deemed to have been re-issued under this Order as FS/AS/NZS 4474.2: 2007.

(3) Any amendments to the AS/NZS 4474.2: 2001 shall not become part of FS/AS/NZS 4474.2: 2007 unless such amendments are adopted under this Order.

Responsibilities of importers and sellers

6. A person who imports or sells any refrigerating appliances regulated under this Order must comply with this Order and the Standard.

Registration

7.—(1) A person who intends to import or sell any refrigerating appliances may apply to the Regulator for the registration of such appliances to ascertain conformity with the Standard.

(2) The Regulator may require the applicant to provide evidence that the refrigerating appliances comply with the Standard.

(3) Upon receiving an application for registration, the Regulator must process and decide the application as soon as practicable, and notifies the applicant in writing, within 3 working days of making the decision.

Labelling and standards guidelines

8.—(1) The Regulator has the power to make, amend, suspend or revoke guidelines under this Order in relation to energy labeling and standards.

(2) For the purpose of this paragraph, the *Fiji Appliance Energy Standards and Labelling Program Operational Procedures Guideline* (available from the Regulator directly, or downloadable from its official website (www.fdoe.gov.fj) which is in existence before the coming into force of this Order is deemed to be a guideline made pursuant to this paragraph..

Regulator

9.—(1) The Department of Energy under the supervision of its Director shall be the regulator (“the Regulator”) of the Standard, the contact address of which is—

The Director
Department of Energy
79 Ratu Mara Rd, Samabula.
PO Box 2493, Government Buildings
SUVA, FIJI ISLANDS

Phone: (679) 3386 677 / 3386 006.

Fax: (679) 3386 301.

DOE Website: www.fdoe.gov.fj

Email: energy@fdoe.gov.fj

(2) The duties and powers of the Regulator under this Order or the Standard are to be exercised by the Director of the Department of Energy or a person authorized in writing by the Director.

(3) The Regulator or any person authorized in writing by the Regulator is deemed to be a duly appointed inspector under the Decree for the purposes of this Order and the Standard.

(4) The Regulator may perform the functions set out in the Decree of the Office of the Trade Standards and Quality Control so far as it relates to this Order and the Standard.

(5) This paragraph does not affect the powers an inspector appointed under the Decree or the Office of the Trade Standards and Quality Control to exercise the powers and functions under this Order or the Standard.

(6) The Standard may be inspected at the Office of the Regulator or at other offices approved by the Regulator.

Inspections

10.—(1) The Regulator may, by written notice, require a person who imports or sells refrigerating appliances to make available one or more units of such appliances to be examined or tested to determine whether the product complies with MEPS levels set out under the Standard, and with the efficiency claims stated in the registration of such appliances.

(2) Upon receipt of such notice, the importer or seller must make all requested unit(s) available to the Regulator free-of-charge within 10 working days after receipt of a notice.

(3) The Regulator must return the refrigerating appliances in saleable condition.

(4) The guideline made under paragraph 8 will provide further information on check-testing procedures.

(5) After the examination or testing of refrigerating appliances under this paragraph, the Regulator must notify the importer or seller to collect such appliances within 20 days from the date of the notice.

(6) If the importer or seller fails to comply with subparagraph (5), the Regulator may return such appliances to the importer or seller, at the costs to be borne by the importer or seller.

Legal proceedings and offences

11.—(1) Offences set out in Part IV of the Decree apply to this Order or the Standard.

(2) Notwithstanding paragraph (1), the Regulator may—

- (a) direct, in writing, an importer or seller of refrigerating appliances to recall any such appliances on the market in the Fiji that do not comply with the Standard;
- (b) use the naming and shaming protocols specified in the guidelines made under paragraph 8.

(3) An inspector is responsible for facilitating and coordinating legal proceedings for the purposes of this Order or the Standard.

Transitional and savings

12.—(1) The Standard does not apply to refrigerating appliances imported before 1 April 2008, which may be sold without complying with this Order or compliance with the MEPS and labelling requirements of the Standard.

(2) However, the importer or seller of the refrigerating appliances must prove that such appliances were imported before 1 April 2008.

Dated at Suva this 26th day of September 2007.

T. WARADI
Minister for Commerce, Industry,
Investment & Communications