



9 January 2018

(18-0193)

Page: 1/2

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>AUSTRALIA</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Australian Government Department of the Environment and Energy 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: Australian Government Department of Foreign Affairs and Trade Address: R.G. Casey Building, John McEwen Crescent, Barton ACT 0221 Australia Telephone: +61 2 6261 1111 Fax: +61 2 6261 3111 Email: tbt.enquiry@dfat.gov.au Website: http://dfat.gov.au/
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): – Outboard motors (HS 840721) – Of a cylinder capacity not exceeding 50 cc (HS 840731) – Of a cylinder capacity exceeding 50 cc but not exceeding 250 cc (HS 840732) – Of a cylinder capacity exceeding 250 cc but not exceeding 1,000 cc (HS 840733) – Motorboats, other than outboard motorboats (HS 890392).
5. Title, number of pages and language(s) of the notified document: Product Emissions Standards Act 2017; 40 pages; English. Product Emissions Standards Rules 2017; 35 pages; English.
6. Description of content: <i>Product Emissions Standards Act 2017</i> ('the Act'): This Act creates a framework for regulating emissions from products. The Act provides for an emissions-controlled product to be certified. To be certified, the product must meet an emissions standard. A person who imports or supplies an emissions-controlled product that is not certified will commit an offence. There are also offences related to false or incorrect marking of products as certified. Civil penalties are included as alternatives to offences. Products dealt with in breach of the Act are forfeited to the Commonwealth. The rules may exempt persons or products from the operation of the Act. Record-keeping requirements and regulatory powers (mostly drawn from the Regulatory Powers Act) are included to assist in enforcing the Act. <i>Product Emissions Standards Rules 2017</i> ('the Rules'):

<p>This instrument specifies which products are emissions-controlled products. Most of the requirements of the Act, and liability for customs charge and excise charge, apply in relation to emissions-controlled products.</p> <p>Under the Act, emissions-controlled products must not be imported into, or supplied in, Australia unless they are certified. Part 4 of this instrument provides that a product is certified for the purposes of the Act if the product is:</p> <p>(a) certified under Division 2 of that Part as meeting the Australian emissions standard for the product set out in Part 3; or</p> <p>(b) certified by a foreign regulatory authority as meeting the requirements of one of the foreign emissions standards specified in Division 3 of Part 4.</p> <p>Under Part 5, exemptions may be granted from the requirements of the Act in certain circumstances. Exemptions can be subject to conditions.</p>
<p>7. Objective and rationale, including the nature of urgent problems where applicable: Contribute to improving air quality in Australia in order to deliver associated health and environmental benefits; assist in giving effect to Australia's obligations under one or more of the Climate Change Conventions.</p>
<p>8. Relevant documents: -</p>
<p>9. Proposed date of adoption: 1 July 2018</p> <p>Proposed date of entry into force: 1 July 2018. The prohibition on imports, specified by the Act and the Rules, will commence on 1 July 2018.</p>
<p>10. Final date for comments: 9 March 2018</p>
<p>11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>Amendment to the Product Emissions Standards Act 2017</p> <p>Product Emissions Standards Act 2017, available: https://www.legislation.gov.au/Details/C2017A00104</p> <p>Product Emissions Standards Rules 2017, available: https://www.legislation.gov.au/Details/F2018L00021</p>