

[REDACTED]

23 October 2024

Dear [REDACTED]

Re: Official Information Act Request: Electric Motor fines for non-compliance

Thank you for your request via LinkedIn on Tuesday 15 October in which you requested information under the Official Information Act 1982. In relation to electric motors, you requested:

How many fines EECA has issued.

EECA is responsible for ensuring compliance with the Energy Efficiency (Energy Using Products) Regulations 2002 [the Regulations].

In response to your request, EECA has not issued any fines for electric motor non-compliance. We do not have the power to issue fines but can prosecute in certain circumstances (as a last resort). Upon conviction, the Court is authorised to impose the statutory penalty of up to \$10,000.00. To date, EECA has not pursued any prosecutions relating to electric motors.

Offences and penalties are set out in the Energy Efficiency (Energy Using Products) Regulations 2002 (Clause 13). Penalties specified in the regulations relate to prosecutions. You can find the regulations on <https://www.legislation.govt.nz/regulation/public/2002/0009/latest/DLM108730.html?src=qs>

Each case of suspected non-compliance is treated on an individual basis. EECA's general enforcement process follows the below five steps, as per EECA's Enforcement Policy (effective from 3 December 2018):

1. **Informal action:** raises awareness of a trader's obligations and motivates them to implement procedures to ensure compliance in the future. This may include sharing of information, advice, and being available to respond to questions from the trader.
2. **Compliance advice notice:** this is a more formal version of step one. The notice will further advise the trader of their obligations and provide advice to encourage compliance.
3. **Failure to comply notice:** notifies the trader that EECA's investigations have identified a product that does not comply with the Regulations. The notice will identify the offences, require the trader to agree (in writing) to comply in future, and to inform the trader of the potential consequences of failing to comply.

4. **Letter of warning:** notifies the trader that evidence before EECA indicates that they have committed an offence against the regulations and that any further offences may result in legal proceedings. These letters should set out the evidence in support of the allegation and may provide advice into how the trader can comply in the future.
5. **Prosecution:** if there is no success in encouraging compliance in the previous steps, prosecution may be initiated. Prosecution is the most serious enforcement response available to EECA and is a last resort. In line with the Solicitor-General's Prosecution Guidelines, EECA will only initiate this process when relevant decision makers are satisfied (the CE and Board) that there is sufficient evidence, and that prosecution is required under the public interest test.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://www.eeca.govt.nz/about/news-and-corporate/official-information/> with your personal information removed.

Yours sincerely



Murray Bell
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