

Are you a Responsible Supplier?

Manufacturers and Importers – Responsible Suppliers

A Responsible Supplier is a person or legal entity who manufactures In-scope electrical equipment in, or imports In-scope electrical equipment into, Australia or New Zealand (first supplier).

By law, to register on the EESS Registration Database, the Responsible Supplier must be an Australian or New Zealand legal entity and hold an Australian Business Number (ABN) or a New Zealand Inland Revenue Department (IRD) number.

To register as a Responsible Supplier and sell In-scope electrical equipment in EESS participating jurisdictions, Responsible Suppliers must:

Manufacturers and Importers – Responsible Suppliers

Responsible Supplier – is a legally identifiable Australian or New Zealand entity or person who manufactures or imports in-scope electrical equipment in Australia or New Zealand (first supplier).

To become Registered Responsible Suppliers and sell In-scope electrical equipment in EESS participating jurisdictions, all Responsible Suppliers must register in the EESS Registration Database, make a Responsible Suppliers Declaration that their In-scope equipment is electrically safe, meets all relevant standards and mark the equipment with the Regulatory Compliance Mark (RCM) in accordance to the [AS/NZS 4417.1 and AS/NZS 4417.2 Marking of electrical products to indicate compliance with regulations – General rules for use of the mark](#).

By law, to register on the EESS Registration Database, the Responsible Supplier must be an Australian or New Zealand legal entity holding an Australian Business Number (ABN), or a New Zealand Inland Revenue Department (IRD) number.

Note:

- An overseas based company cannot be registered on the EESS Registration Database to become a Registered Responsible Supplier in the EESS. The Australian or New Zealand based person or company must have a business presence in Australia or New Zealand to become a Registered Responsible Supplier.
- An overseas based company, offshore manufacturer or supplier can either distribute their product via a Responsible Supplier who is an Australian or New Zealand legal entity or become an Australian or New Zealand legal entity to register as a Responsible Supplier.
- 'Agents', as allowed under ACMA's scheme, are not permitted to register as Responsible Suppliers under the EESS.

The registration of the Responsible Supplier on the EESS Database must be made by an appropriate person within the company who is the Authorised Officer.

Authorised Officers have the delegated authority to make Responsible Suppliers Declaration on behalf of the company (i.e. a Director, General Manager, Chief Executive Officer, Technical Compliance Manager, etc.). Subsequent Equipment Declarations may be delegated to an Authorised Representative.

The Authorised Officer is responsible for all matters relating to registration of both the Responsible Supplier and in-scope electrical equipment. The Authorised Officer acts on behalf of the Responsible Supplier and will be responsible for:

- a) the Responsible Supplier's Declaration;
- b) payment of the annual registration fee;
- c) maintaining appropriate records, or making such records available for inspection, for:
 - i. Level 1 equipment, evidence of compliance with the relevant standard.
 - ii. Level 2 electrical equipment, the Compliance Folder; and
 - iii. Level 3 electrical equipment, the Certificate of Conformity (CoC); and
- d) notify changes to registration details.

There is only one Authorised Officer for each Responsible Supplier entity (entity as defined by distinct ABN or New Zealand IRD number).

Registered Responsible Suppliers and their Authorised Officers who fail to discharge their obligations under the EESS may face penalties including fines, possible de-registration or de-listing and potential mandatory recall of equipment.

In addition to the Responsible Supplier Declaration, Registered Responsible Suppliers (or Authorised Representative) must also make Equipment Declarations for Level 2 and Level 3 electrical equipment. The Equipment Declaration is specific to Level 2 and Level 3 in-scope electrical equipment and is made when equipment of this type is registered on the database. These declarations include statements that equipment meets Level-specific relevant standards in a way that is required under the EESS.

If the Registered Responsible Supplier (or Authorised Representative) who makes the Equipment Declaration does not have the relevant technical knowledge or expertise to make a determination that the equipment meets the relevant standard (as is required by the declaration), a Suitably Qualified Person can be used.

A Suitably Qualified Person may be an employee of the company (and for convenience may even be an Authorised Representative of the company) or may be a consultant (subject to them meeting the criteria of Suitably Qualified Person as listed in the Equipment Safety Rules) engaged for the purposes of compiling and verifying the documentation obtained to meet the requirements of the EESS. Note: The legislative requirements of the Responsible Supplier remain with the Responsible Supplier, regardless of other parties involved.

At all times, Registered Responsible Suppliers must ensure details contained on the EESS Registration Database are correct and current.

Penalties may apply if:

- Registered Responsible Supplier details on the EESS Registration Database are not current.
- A Registered Responsible Supplier is found to have supplied false or misleading information. Penalties may also include cancellation of registration as a Responsible Supplier, preventing a Responsible Supplier from continuing to sell in-scope electrical equipment.
- A Responsible Supplier is found to be supplying Level 3 or Level 2 electrical equipment that is not registered on the database.

Penalties may also include cancellation of registration as a Responsible Supplier, preventing a Responsible Supplier from continuing to sell in-scope electrical equipment.

Interpretation of Manufacturer /Importer

Manufacturer is the person/company with a business presence in Australia/New Zealand who manufactures (the entity who owns or runs the physical location where the end product is produced or assembled) in-scope electrical equipment.

Importer is the person/company with a business presence in Australia/New Zealand who is the first person/company in Australia/New Zealand in the supply chain responsible for in-scope electrical equipment coming into the Australian market. It is irrelevant for this definition as to who actually organises the equipment's passage through the Australian customs process (who signs declarations, pays duty fees, etc.) or where the product may be stored and shipped from.

An overseas based company cannot be registered on the EESS Registration Database to become a Registered Responsible supplier in the EESS.

The Australian or New Zealand based person or company must have a business presence in Australia or New Zealand to become a Registered Responsible Supplier.

General examples are given below (they may not fully cover any specific situation but may be a guide as to how to apply the above definition):

Example 1

1. An Australian **company (A)** offers for sale in-scope electrical equipment and facilitates the sale to an Australian **company / person (B)**; and
2. In-scope electrical equipment is either manufactured in or brought into Australia by the **company (A)**-
3. Then, **company (A)** is the Responsible Supplier and must register.

Example 2

1. An Australian **company (A)** offers for sale in-scope electrical equipment to an Australian **company / person (B)**; and
2. The goods are warehoused overseas and shipped directly to **company/person (B)**-
3. Then, **company (A)** is the Responsible Supplier and must register.

Example 3

1. An International **company (A)** has an Australian **subsidiary (A-2)** and the Australian **subsidiary(A-2)** offers for sale in-scope electrical equipment to an Australian **company / person (B)**-
2. Then, the Australian **subsidiary (A-2)** is the Responsible Supplier and must register.

Example 4

1. An International **company (A)** or their overseas **agents (Ag)** facilitates a sale of in-scope electrical equipment to a wholesaler or retailer in Australia **person/ company (B)**; and

2. The **person/company (B)** takes first possession of in-scope electrical equipment after it has arrived in Australia, or organises the shipping of the equipment to one of its customers in Australia-
3. Then, **person/company (B)** is the Responsible Supplier and must register.
4. Note: in this example there may be multiple **persons/companies (B1), (B2), (B3)**, etc. purchasing from the international **company (A)** or their overseas **agents (Ag)**. Each of these **persons/companies B1, B2, B3**, etc. must individually register as a Responsible Supplier.

Example 5

1. An Australian **company /person (A)** purchases in-scope electrical equipment from another company in Australia **company/person (B)**-
2. Then, **Company/person (A)** is not the Responsible Supplier; **company/person (B)** is the Responsible Supplier (and must register) unless they had purchased in-scope electrical equipment from another Australian based company (**company C**) that is Registered Responsible Supplier.

Example 6

In this scenario who is the Responsible Supplier under EESS?

1. **Company (A)** is a Foreign owned factory.
 2. **Company (B)** is an Australian company that has engineering and quality services.
 3. **Company (C)** is an Australian retailer.
- **Company (C)** places an Free On Board (FOB) order on **Company (B)** (transaction in Australia).
 - **Company (B)** then orders goods from **Company (A)**.
 - **Company (B)** arranges the delivery to **Company (C)** in a foreign port. **Company (C)** now owns the goods.
 - **Company (C)** then imports the goods to Australia.

In this situation **Company (C)** is considered the responsible supplier.