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A Quick Guide to Importing Motorcycles Under the *On-Road Vehicle and Engine Emission Regulations*

Emission standards for on-road motorcycles are governed under the *On-Road Vehicle and Engine Emission Regulations* (Regulations) established under the authority of the *Canadian Environmental Protection Act, 1999* (CEPA 1999). The Regulations have been streamlined to enable acceptance of U.S.

Environmental Protection Agency (EPA) certification as a means of demonstrating compliance with Canadian emission standards in recognition of the fact that many motorcycle models are offered for sale in both Canada and the United States during the same period.

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Please note that if you are permanently importing an on-road motorcycle from the U.S. for your own use, it shall bear a label showing that it conformed to the emission standards in effect at the time of its manufacture. In the absence of such label, you may obtain and produce a statement from the manufacturer

or its duly authorized representative that the motorcycle conformed to the emission standards in effect at the time of its manufacture. You should also find out about the **Registrar of Imported Vehicles (RIV) program**. The RIV was created to establish and maintain a system of registration, inspection and certification to Canadian **safety** standards of vehicles

originally manufactured for distribution in the U.S. market that are being permanently imported into Canada.

This guide describes:

What you need to know

The importation process

Tips for importers

Frequently asked questions



Canada

WHAT YOU NEED TO KNOW

What is considered an “on-road motorcycle”?

On-road motorcycles have been defined for emission purposes as on-road vehicles with a headlight, taillight and stoplight that have two or three wheels and a curb weight of 793 kg (1749 pounds) or less. Any motorcycle that cannot exceed a maximum speed of 40 km/hr (25 mph) over a paved level surface is not considered to be an “on-road vehicle” under the Regulations. This definition of on-road motorcycle is consistent with the U.S. definition of “motorcycle” for emission requirements. Generally, any “motorcycle-type” vehicle that is not considered to be an on-road vehicle is deemed to be an “off-road recreational vehicle” and would be subject to its own set of emission standards under the *Marine Spark-Ignition Engine, Vessel and Off-Road Recreational Vehicle Emission Regulations*.

What is “evidence of conformity”?

Evidence of conformity is the technical documentation that can demonstrate that the motorcycle meets the emission standards. Section 35 of the Regulations describes the requirements for a motorcycle covered by an EPA certificate of conformity and sold concurrently in Canada and the U.S., and consists of:

- a copy of the EPA certificate covering the motorcycle;
- a document demonstrating that the motorcycle covered by the EPA certificate is sold concurrently in Canada and the US;
- a copy of the records submitted to the EPA in support of the application for the issuance of the EPA certificate in respect of the motorcycle; and
- a U.S. vehicle emission control information label.

In all other cases, sections 35.1 and 36 describe the requirements of conformity.

For more information on evidence of conformity, please contact Environment Canada at Emission-Verification@ec.gc.ca.

What is a “model year”?

A model year is the year determined by the manufacturer to designate the period of production of a particular model and is described in section 5 of the Regulations. A model year can span a period of up to two calendar years less one day, but can include only one January 1. A model year for regulatory compliance purposes may be different than a “model year” for marketing purposes. The model year for the purposes of compliance with the emission regulations must be marked on the emission control information label required as part of the evidence of conformity.

TIPS FOR IMPORTERS

- You must maintain records relating to the evidence of conformity for at least six years after the date of manufacture. If the records are maintained, on your behalf, by a third party, you must keep a record of the name and address of the person who maintains those records. It is advisable to make the necessary arrangements in advance to be able to produce the evidence of conformity within the prescribed timeframe, if requested by the Minister of the Environment.
- Make sure that the motorcycle described in the evidence of conformity and/or EPA certificate matches your actual product.
- Companies that are not direct affiliates of the manufacturer may consider use of a third party (e.g. a laboratory) to ensure that motorcycles are manufactured and perform to the standards specified in their evidence of conformity.

This document is intended to provide guidance only. It does not in any way supersede or modify the *Canadian Environmental Protection Act, 1999* or the *On-Road Vehicle and Engine Emission Regulations*. In the event of an inconsistency between this document and the Act and/or the Regulations, the Act and the Regulations prevail.

THE IMPORTATION PROCESS

PRIOR TO IMPORTATION	Is the motorcycle listed on a U.S. EPA certificate ¹ of conformity and sold concurrently in Canada and the U.S.?	
	↓ NO	↓ YES
	You are required to submit evidence of conformity to Environment Canada prior to importation pursuant to section 35.1 or section 36 of the Regulations as the case may be.	You are required to submit evidence of conformity referred to in section 35 of the Regulations to Environment Canada upon request . Note: The motorcycle must bear the U.S. EPA information label specified under 40CFR86.413.
	ACKNOWLEDGED BY ENVIRONMENT CANADA ↓	↓
You are required to file a declaration to Environment Canada prior to importation pursuant to section 39 of the Regulations. Note: There is no specific form for this submission.		
↓		
END OF MODEL YEAR REPORTING	You must file an end of model year report by May 1 of each calendar year that covers all motorcycles of the preceding model year imported for first retail sale pursuant to section 32.7 of the Regulations.	
	Individual models of motorcycles can be certified to either the applicable standards stated in section 17 of the Regulations or to “family emission limits” (FELs). Companies opting to certify motorcycles to FELs may use emission averaging as a basis to demonstrate compliance with the Regulations as set out in subsection 32.2(3). ² Note: Section 37.1 of the Regulations requires you to maintain records of the pertinent information for each model year fleet.	
<ol style="list-style-type: none"> 1. A motorcycle is considered to be covered by a U.S. EPA certificate if it is specifically listed on a valid EPA certificate or is equivalent to a motorcycle covered by an EPA certificate as deemed by the Minister of the Environment as set out in section 19.1. 2. A supplemental guidance document <i>Subfleet Averaging and End of Model Year Reporting Requirements for On-Road Motorcycles</i> that includes a sample template to submit end of model year reports is available at www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=8D9CF03B-1. 		

FREQUENTLY ASKED QUESTIONS

Where can I obtain a copy of the Regulations?

An electronic copy of the Regulations along with copies of the guidance documents are available on the CEPA Registry at www.ec.gc.ca/lcpe-cepa/eng/regulations/detailReg.cfm?intReg=65.

Do the Regulations apply to used motorcycles?

Yes. A person who imports into Canada **for the purpose of sale** any used motorcycle (e.g. purchased at the retail level in the U.S.) is responsible for ensuring that it complies with the Canadian emission requirements, and is required to maintain evidence of such conformity.

Specifically, motorcycles with an engine displacement of 50 cc or greater and whose main assembly was completed less than 15 years prior to the date of importation must comply with the emission standards in place at the time of their manufacture. For motorcycles with an engine displacement of less than 50 cc, emission standards apply to those manufactured after December 1, 2006. The applicable standards are determined by the model year of the motorcycle. The emission averaging provisions do not apply to used motorcycles, and therefore an end of model year report submission is not required. However, you may be asked to provide the evidence of conformity. Please be advised that the RIV inspection process does **not** confirm that a U.S. specification motorcycle is compliant with Canadian emission standards prior to provincial/territorial licensing and registration in Canada.

Do these requirements apply to customized motorcycles?

Yes. If you perform modifications to the motorcycle **prior to its first retail sale** that alter its emission performance (e.g. alterations or changes to engine calibration or components, changes to the exhaust system or vehicle weight rating), you are considered a manufacturer and must submit evidence of conformity to demonstrate that the motorcycle conforms to the applicable standards prior to its leaving your control or being presented for registration. You will also need to affix the National Emissions Mark, requiring prior ministerial authorization. As well, motorcycles that have been modified from their original state, other than regular maintenance, may **not** be eligible for importation into Canada.

Do the Regulations accept certification by agencies other than the EPA?

No. The Regulations establish emission standards that are aligned with U.S. federal emission standards. Motorcycles not covered by an EPA certificate of conformity would be subject to sections 35.1 or 36 of the Regulations, and a company would be required to provide evidence of conformity **prior** to importation.

Are there other federal standards applicable to motorcycles?

Yes, please consult the following:

- *Motor Vehicle Safety Regulations* administered by Transport Canada at www.tc.gc.ca
- *Interference-Causing Equipment Standard: Spark Ignition Systems of Vehicles and Other Devices Equipped with Internal Combustion Engines* administered by Industry Canada at www.ic.gc.ca

Can Transport Canada's approval under the pre-clearance program be used as an exemption for Environment Canada?

No. The importation process must still be followed.

What happens if I do not comply with the Regulations?

The Regulations were made under the authority of CEPA 1999. Compliance with CEPA 1999 and its regulations is mandatory. Under CEPA 1999, a person who is found guilty of a contravention of CEPA 1999 or its regulations may be subjected to fines, imprisonment, court order and/or other enforcement measures. The CEPA 1999 Compliance and Enforcement Policy sets out the criteria for enforcement responses. A copy of this policy is available on the CEPA Registry at www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=5082BFBE-1.

Are there any other obligations?

Yes. The following are also part of your responsibility as the importer.

- Emission-related maintenance instructions must be provided to the first retail purchaser, pursuant to section 33 of the Regulations.
- On becoming aware of a defect in the design, construction or functioning of the motorcycle that affects or is likely to affect its compliance with a prescribed standard, you must give a notice of defect to the Minister of the Environment and to each current owner of such a motorcycle, pursuant to subsection 157(1) of CEPA 1999.

For more information regarding the Regulations, please contact the Regulatory Administration Section of Environment Canada's Transportation Division at VehicleandEngineInfo@ec.gc.ca.

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