

Framework Agreement annex 1

Description of services and specification of requirements

Contents

1.	Introduction.....	2
2.	Requirements for products	2
2.1	Danish Energy Agency	2
3.	Products (sub-agreements)	3
4.	Scope of services	3
4.1	General	3
4.2	Annual plans and ordering	3
4.3	Notice and test period	4
4.4	Place of delivery.....	5
5.	Test measurements of the energy consumption of products (primary service).....	5
5.1	Preparation and planning of test measurements.....	5
5.2	Selection of product samples for measurement	5
5.3	Collection of product samples (at collection site)	6
5.4	Test measurements of product samples	6
5.5	Verification procedure.....	8
5.6	Reporting of test results	8
5.7	Completion of testing and return of product samples.....	9
6.	Ad hoc tasks.....	9
6.1	General	9
6.2	Specific professional assistance in connection with follow-up of test measurements for products that do not comply with the requirements.....	10
6.3	Complaints about test measurements	10
7.	Requirements for the test laboratory	10

1. Introduction

At European level, ecodesign requirements and mandatory energy labelling have been implemented for a range of energy-related products. In the years to come, the current requirements will be revised and there will be requirements for more products.

The Danish Energy Agency supervises requirements-compliance for products covered by the relevant schemes. This supervision covers both checking documents and testing whether the products meet the requirements established. The tests are conducted for a relatively limited number of products following a selection process established by the Danish Energy Agency in collaboration with the Danish Secretariat for Ecodesign and Energy Labelling.

Monitoring the energy efficiency of products in accordance with the EU Energy Labelling Directive and the EU Ecodesign Directive is the responsibility of EU Member States. Supervision should be “of a suitable scope”. Supervision should protect consumers against fraud, ensure equal competition for producers and ensure that the common European schemes to promote the energy efficiency of products are credible and effective. Supervision does not entail preapproval, but is based on samples of products. The selection of products is based on a risk principle, so that products are mainly chosen for testing if the risk of non-compliance is considered to be above average.

The laboratory tests for tender are an important element in statutory market surveillance by the Danish Energy agency of energy-using and energy-related products.

2. Requirements for products

2.1 Danish Energy Agency

Producers (or their representatives), importers and distributors (hereinafter product suppliers) must comply with the regulations covering the requirements for energy efficiency pursuant to the Danish Consolidating Act no. 1068 of 15 September 2010 on ecodesign of energy-related products (the Ecodesign Act), and the Danish Act no. 455 of 18 May 2011 on energy labelling of energy-related products (the Energy Labelling Act).

The requirements for products have been laid down in regulations pursuant to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (the Ecodesign Directive), Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (the Energy Labelling Directive), in statutory orders as laid down pursuant to the Danish Ecodesign Act, the Danish Energy Labelling Act, or pursuant to the previously applicable Danish Act no. 450 of 31 May 2000 on the promotion of savings in energy consumption, with subsequent amendments.

The regulations implement the Ecodesign Directive, the Energy Labelling Directive and the old Council Directive 92/75/EEC of 22 September 1992 on energy labelling, as well as a number of directives on

implementation linked to Directive 92/75/EEC. These older directives have been revoked as new regulations have come into force.

3. Products (sub-agreements)

The services may include one or several products/sub-agreements as defined in greater detail in appendix 1 to annex 1 and annex 3.

The services may include both electricity-using and energy-using products that use other energy sources (e.g. gas rings, gas-powered tumble dryers, oil-fired boilers, etc.). In addition, the measurements of energy consumption associated with non-energy-using products will be included. In this tendering procedure, non-energy-using products include: windows, showerheads, and other mixer taps for sanitary hot water.

Note that, irrespective of whether the Customer intends to order laboratory services and associated ad hoc services pursuant to the Framework Agreement, that the Framework Agreement is not exclusive, and therefore the Customer is entitled to allow services of a similar nature to those in the Framework Agreement to be delivered by third parties if the Customer finds this expedient or beneficial, see point 1 of the Framework Agreement. Furthermore, the Customer does not guarantee a minimum purchase under the individual sub-agreements, see point 1 of the Framework Agreement.

4. Scope of services

4.1 General

The services for each product (sub-agreement) consist of a primary service and ad hoc services. The primary service includes test measurements of products (tests), reporting of the results of the measurements, and following up the results as stated below. Ad hoc services include other assistance in connection with completed measurements and general advice on measurement methods and products, as well as other issues in relation to market surveillance of the energy consumption of energy-related products, including the probability in different models of their being able to comply with, or not comply with, the requirements in force and issues in connection with setting requirements for products.

4.2 Annual plans and ordering

The Danish Energy Agency will draw up plans for which products, and on how many samples, test measurements are to be performed for one calendar year at a time, and will involve the Agency Secretariat in these plans. The plans are scheduled to be completed at the end of February. In addition, the Danish Energy Agency will coordinate its test measurements with other Danish authorities and the authorities in other EU and EEA countries.

The annual plans will include an overview of the products that are likely to be tested in the coming year. The plans will state how many product samples of each product are expected to be tested.

The annual plans provide an indication, but are not binding in terms of the test measurements that must be carried out, in as much as the Danish Energy Agency reserves the right to amend its plans on an ongoing basis, thereby allowing it to take account of queries or information from external partners, e.g. from individuals, product suppliers and test measurements carried out by, or on behalf of, other national authorities.

The actual test measurements will begin on receipt of written or electronic notification from the Customer. The order will contain the following information and must be confirmed by the Laboratory, possibly electronically, within 2 days.

The annual plans will be drawn up taking into account the given financial budgets.

For this reason, no information will be provided on how many or which products will be tested over the term of the Framework Agreement, either in total or for an individual year. The Danish Energy Agency expects total spending of DKK 6 million over the four-year term of the Framework Agreement.

The Laboratory will take part in an annual planning meeting with the Danish Energy Agency. The meeting will discuss the guidelines for the measurements in the coming year and other relevant issues as requested by either the Customer or the Laboratory. The meetings will be held in Denmark at the Customer or at the Secretariat for Ecodesign and Energy Labelling of Products (SEE). The Customer may subsequently agree to hold teleconference or video conference meetings.

4.3 Notice and test period

As a minimum, the Customer will give the period of notice stated in annex 2a prior to the launch of an ordered test measurement covered by this Framework Agreement.

No test period may exceed the test period stated in annex 2a from the time the order is received and finally approved, see point 5.1.

The Laboratory must contact the Customer no later than two days following receipt of the order to confirm that the test measurements can be carried out according to the correct procedures and standards as described in this annex.

The test period begins when the product and the accompanying documentation are at the disposal of the Laboratory, see point 5.3 (the collection date).

If the Customer decides that additional product samples should be tested, for example where the product does not fulfil the requirements, a new test period will begin on completion of an order for additional tests.

A test period finishes when the final test report is received and approved by the Customer, see point 5.4.1.

4.4 Place of delivery

Test measurements of products are to be carried out at the address of the Laboratory, or any subcontractors. Test measurements are to be sent electronically to the Customer or the Secretariat for Ecodesign and Energy Labelling of Products (SEE).

5. Test measurements of the energy consumption of products (primary service)

The services include a process involving preparing for testing, performing test measurements and finalising testing. The main activities are as follows:

1. Preparation and planning of test measurements
2. Selection of product samples (selection undertaken by the Customer)
3. Collection of product samples (at collection site)
4. Test measurements of product samples
5. Verification procedure
6. Reporting of test results
7. Finalising testing and returning product samples

5.1 Preparation and planning of test measurements

Preparation and planning are important activities in the process. It is vital that the Laboratory is ready to start the test measurements as soon as the products are collected and available.

In advance of individual measurements and series of measurements, the Laboratory must have clarified the details of the measurements required by the Customer, and must have ensured that the test measurements can be performed pursuant to the correct procedures and standards in accordance with the testing requirements set out in annex 1, appendices 1 and 2, as well as appendices x, y, and z.

Planning must take account of the requirements that apply to the test measurements.

The Customer and the Customer's affiliated secretariats decide on the need for testing the same model in addition to the first sample, and selects the samples that require testing.

Long-term planning will be worked out as part of the annual plans prepared by the Customer, see point 4.2.

5.2 Selection of product samples for measurement

The Customer and/or the Customer's affiliated secretariats decide which product samples will be selected for test measurements.

In advance of the test measurements, the Laboratory is to obtain the specifications for the product samples from the product suppliers. The product suppliers must have a time limit of 10 working days to forward the requested specifications. If no documentation (the specifications) is forwarded, the Customer's Secretariats will take over the responsibility for collecting the documentation.

As soon as the Laboratory has received the product specifications, it must familiarise itself with any content relevant for carrying out the test measurements.

5.3 Collection of product samples (at collection site)

The Customer is responsible for ensuring that the product samples selected are collected at a central location in Greater Copenhagen. The Laboratory must arrange the collection of the product samples and transport them to the Laboratory on a date stipulated by the Customer. The Laboratory is responsible for all costs of collecting and transporting the product samples from the collection site to the test laboratory. If the Laboratory has a suitable address in Greater Copenhagen it will be able to use this for the transfer of the product samples selected.

If the product samples are not collected on the stipulated date, the Laboratory will be responsible for any additional costs incurred for storing the products at the collection site.

In the event that the Laboratory is prevented from collecting the product samples on the date stipulated, the Laboratory must advise the Customer of this by no later than 14 days in advance of the stipulated date with a view to finding another date. If the Laboratory does not provide notice in writing within the 14 days stated above, the Laboratory will be responsible for the costs of storing the product samples from the date on which the samples should have been collected until the date on which the Laboratory actually collects the product samples.

5.4 Test measurements of product samples

The Laboratory must check whether the energy-related products selected by the Customer comply with the energy requirements and any other requirements for other parameters in the following regulations and schemes:

- **Ecodesign requirements**

Ecodesign requirements are laid down in a number of national and European regulations implemented pursuant to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products.

The specific requirements for test measurements are described in appendix 1 to this annex 1.

- **EU energy labelling**

EU energy labelling is laid down in executive orders implementing the related EU directives in Danish legislation and in regulations. There are only executive for products for which EU energy labelling has been in force for a number of years, and for which new energy labelling has not been implemented according to the new Energy Labelling Framework Directive (Directive 2010/30/EU).

To date, the new energy labelling applies to domestic refrigeration appliances, domestic washing machines and dishwashers, and TVs.

The specific requirements for test measurements are described in appendix 1 to this annex 1.

The measurements cover energy-using products, products that use other energy sources (e.g. gas, oil and solid fuels), as well as non-energy-using products (e.g. windows and hot water taps).

5.4.1 Measurement methods and procedures

All measurements must be carried out on the basis of measurement methods and procedures that allow the Customer to use the results for:

- Statutory market surveillance with regard to EU requirements for ecodesign of energy-related products and the EU's mandatory energy labelling requirements, including issuing orders concerning the modification of products, orders concerning the withdrawal of products from the market, or marketing bans in situations where products do not comply with the requirements.

Measurements performed as part of testing compliance with the requirements of the EU Ecodesign Directive must be carried out in accordance with the guidelines set out in the ecodesign regulation for the product in question, see appendix 1.

Measurements performed as part of testing compliance with the EU Energy Labelling Directive must be carried out in accordance with the guidelines for the product covered by the relevant executive order on energy labelling, or the delegated regulations on energy labelling of the product, see appendix 1.

In the event that the regulations and other requirements for products stated in appendix 1 and appendix 2 do not state precisely which measurement procedures and standards must be used, the test measurements should be carried out as follows:

1. either by using the relevant European harmonised standards, where the reference numbers have been published in the Official Journal of the European Union (unless agreed differently with the Customer),
2. or by using the latest, commonly recognised measurement methods for the product in question. The measurement methods used must be **reliable**, **accurate** and **reproducible**. This procedure may only be used where the absence of harmonised standards makes it impossible to carry out test measurements in accordance with item 1 above, or if the Customer so requests.

Measurements of the products selected must be carried out as an accredited test. In situations in which the regulations and the requirements for products stated in appendix 1 and appendix 2 include requirements for the precision of the measuring equipment and accuracy of the results, equipment must be used that meets these requirements. Similarly, any requirements for measuring conditions are to be complied with within the stated tolerances, see the regulations in appendix 1.

Testing is complete once the Customer has approved the report. Complaints by product suppliers, producers (or their representative(s)), etc. cannot delay completion.

5.5 Verification procedure

After carrying out the test measurements of a specific product sample, the Laboratory must assess whether the product sample complies with the relevant requirements, see appendix 1 and appendix 2. When assessing compliance with the requirements, the Laboratory must use the verification procedures detailed in the ecodesign regulations and energy labelling regulations. Permitted derogations from the requirements vary from product to product, and from requirement to requirement.

5.6 Reporting of test results

After completing the test measurements, the Laboratory is to prepare a report on the measurement results, describing the tests performed, the measurement methods used, the measuring conditions and other relevant conditions applying to the measurements. As a minimum the report should include the following:

- For each product, a clear and concise report is to be prepared which contains the performance data and results of the test measurements. The report must state clearly whether the tested product sample and the model comply with the requirements or whether the sample is in non-compliance with the requirements (i.e. whether the sample failed the test). If the test measurement is for checking an energy label, the report must state to which energy class the value or values measured belongs. Both the permitted and the measured deviations are to be stated in the report, and the model's deviations from the requirements must be identified clearly and without ambiguity. The report is to include a short section with details of the test conclusions written in a clear and concise (non-technical) manner.

An overview report for the complete series of measurements (all the models covered by the measurements), stating how many of the samples tested complied with the requirements. The overview report must also contain any other relevant observations made by the Laboratory in connection with the series of measurements. These may relate to the reasons for non-compliance with the regulations (especially if there are general trends), including problems with carrying out the tests, problems with the measurement standards, or similar issues.

- A brief summary. The summary should be separate from the above-mentioned report, as it will be used in the dialogue with the product suppliers.

All reports and summaries should be in English.

Separate reports must be prepared, both following the testing of one product sample, and after the follow-up testing of additional product samples.

After completion of a series of measurements of at least five product samples (for lighting, see sub-agreement 5 (5 batches x 20 units)) and delivery of the documents referred to above, upon request and at

no cost to the Customer, the Laboratory must take part in a one-hour telephone conference with the Customer to clarify the results of the report and answer any questions.

5.7 Completion of testing and return of product samples

The Customer or one of its Secretariats will notify the Laboratory when the testing is complete. For a testing to be complete, the reports referred to above which the Laboratory are to prepare must have been approved by the Customer.

After the Laboratory has been informed that the test measurement in question has been completed, the Laboratory must store the data obtained during testing for at least two years.

Once testing has been completed, the Laboratory must notify the producer (or its representative)/importer/product supplier that the testing has been completed and when and where the product samples may be collected. If the Laboratory is located outside Denmark, the product samples are to be delivered to a location chosen by the Customer, at a date agreed between the Customer and the Laboratory.

If product samples are not collected by the agreed time, the Laboratory must take steps to dispose of the products in a responsible and eco-friendly manner.

6. Ad hoc tasks

6.1 General

In addition to the services described above, the Laboratory must be able to assist with additional advice in connection with the test measurements and the results, as well as general questions about testing and measurement standards for the measured/relevant products. Ad hoc tasks are to be performed upon receipt of a specific (possibly electronic) order from the Customer.

Ad hoc tasks may include the following:

- Assistance in connection with publishing and following-up test results
- Preparing short memoranda (in either Danish or English on deficiencies in measurement standards and methods, if a series of measurements has demonstrated such deficiencies). If possible, the memorandum should contain suggestions for rectifying any such deficiencies
- Replying to general questions from producers (or their representative)/importers/product suppliers
- General advice about measurement standards and methods
- Assistance with preparation of annual plans
- Assistance with selection of products for testing

6.2 Specific professional assistance in connection with follow-up of test measurements for products that do not comply with the requirements

Laboratories must assist the Customer and/or its Secretariats with following-up the tests, if the product measured is in non-compliance with the requirements.

When a product is in non-compliance with the relevant requirements, one of the Customer's Secretariats will initiate a technical discussion with the producer (or its representative)/importer/product supplier and obtain any supplementary documentation.

The Laboratory must assist the Secretariat with these discussions (e.g. clarifying technical issues, questions about the tests, testing standards, etc.), and with assessing the supplementary documentation. In this connection, the Laboratory must assess whether conditions in the supplementary documentation could have influenced the test results and therefore give rise to renewed consideration of the product's compliance with relevant requirements.

For products that are in non-compliance with the requirements after additional product samples have been tested, the Laboratory must assist the Secretariats and the Customer in their continued dialogue with the producer (or its representative)/importer/product supplier about the test results and the consequences of these.

6.3 Complaints about test measurements

If a producer (or its representative)/importer/product supplier complains to the Customer about the Laboratory's test measurements of the producer's, or someone else's products, the Customer will refer the complaint to the Laboratory, which will then assume responsibility for dealing with the complaint. Examples of complaints may be that a refrigerator was not packaged correctly, or that an air-conditioning plant had not been refilled with coolant as prescribed in the installation guide. The time spent dealing with these types of complaints cannot be invoiced to the Customer, irrespective whether the complaint is justified.

If the complaint is justified and the Customer is presented with a claim from the producer (or its representative)/importer/product supplier for financial compensation, the Laboratory will be held accountable as detailed in point 15 of the Framework Agreement.

7. Requirements for the test laboratory

The test laboratory must be capable of carrying out accurate measurements to a very high standard. The quality level must be sufficient for the results to be accepted by producers (or their representatives), trade organisations, supervisory authorities in other EU Member States, the European Commission, etc. Therefore, as a minimum requirement, the Laboratory must be accredited under ISO/IEC/EN 17025 or a similar, internationally recognised standard.

The Laboratory must be in possession of, or must acquire, equipment that meets the requirements for the relevant products and, where relevant, the harmonised measurement standards for the products.

The Laboratory must remain accredited throughout the term of the Framework Agreement. The Customer must be informed immediately of any changes in accreditation.

A laboratory that, at the time of submitting a tender, is only able to demonstrate that it is very likely to be able to obtain accreditation, must demonstrate a valid accreditation issued by a recognised accrediting body within three months of signing the Framework Agreement.

The Customer must be informed immediately if, during the term of the Framework Agreement, the Laboratory loses the accreditation that formed the basis of the Framework Agreement. Lack of accreditation is regarded as a serious breach and will entitle the Customer to terminate the Framework Agreement, see point 19 of the Framework Agreement.

Introduction of new standards and measurement methods

The test laboratory must be capable at all times of carrying out the test measurements according to the applicable measurement standards and, in the absence of such standards, on the basis of the latest, commonly recognised measurement methods for the product in question, see point REF_Ref305507573 \r \h 5.4.1.

The test laboratory must remain continually updated with developments in the standards area, and must ensure that measuring equipment, test benches and other facilities are adapted to comply with the requirements of the new standards and measurement methods. The test laboratory must acquire the necessary equipment and facilities when measuring equipment requirements change as a result of new measurement standards and similar.

In connection with changes to measurement methods and equipment, employees at the Laboratory must have the necessary training in the use of the new methods and equipment before carrying out the measurements for the Customer.

Staff competences

The Laboratory must have at its disposal qualified and trained staff for the performance of current measurement work and procedures. If new employees are employed, the Laboratory must ensure that they have obtained the required certificates and that they possess the required education and training before performing services for the Customer unassisted.

For the preparation of reports and communication of results, the Laboratory must have at its disposal employees with the required competences to communicate the technically complicated problems in clear and correct English.