



Office for Product
Safety & Standards

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Enforcement Undertaking Offer Form

Electric Vehicles (Smart Charge Points) Regulations 2021

An Enforcement Undertaking is a commitment by a business to undertake specific actions within a specified timeframe. Enforcement Undertakings received by the Office for Product Safety and Standards ('OPSS') will be reviewed and, if agreed, accepted.

You may use this form to propose such actions to the OPSS, with accompanying timeframes and information to support the offer. The information which must be specified in an Enforcement Undertaking for these Regulations can be found in Schedule 2, Part 3 of the legislation.

You can use this form to submit an Enforcement Undertaking for multiple models or types of charge point, or you can submit separate forms for different models or types.

Important: OPSS can accept or reject your offer of an Enforcement Undertaking.

How to complete this form: An Enforcement Undertaking must be made by the business and be signed by the relevant authorised person. Please complete Parts 1, 2, and 3 of this form and sign the declaration in Part 4.

If you wish to contact us, please do so using the details below:

By telephone: 0121 345 1201

By email: evscp@beis.gov.uk

Once complete, please submit your offer by sending it to:

By email: evscp@beis.gov.uk

By post: The Office for Product Safety and Standards, Cannon House, 13 The Priory, Queensway, Birmingham, B4 6BS

Our response: Whilst there is no prescribed timeframe within which we are required to respond to an Enforcement Undertaking, we aim to respond within 28 calendar days of receiving the offer. Please note that expert, technical and/or legal consultation may be required to assess offers and provide a substantive response.

Part 1 – Proposer

This Enforcement Undertaking is being offered by:

Name of business:	EV BOX UK & IRELAND LIMITED
Company registration number: (if applicable)	10141758
Address: (including postcode)	Luminous House Office 218 300 South Row Milton Keynes MK9 2FR ENGLAND

Main contact:

Title: (Mr, Mrs, Miss or other – please specify)	Mr
First and Last Name:	Jonathan Goose
Position / job title: (if applicable)	Regional Director UK&I
Contact number(s):	+44 (0)330 4701958 +44 (0) 7722 158407
Email address:	jonathan.goose@evbox.com

To the best of your knowledge, is OPSS already aware of this matter? (Please place an 'X' in the relevant box)	No	
	Yes (please provide the name of any Enforcement Officer you have dealt with, and any given reference number)	X Rachelle Marnell

Part 2 – Description of act(s) or omission(s) which constitute(s) the alleged breach(es) in respect of which this offer is being made:

In order for OPSS to make an informed decision on your Enforcement Undertaking, please provide full details below.

In the instance that this Enforcement Undertaking is accepted – and the actions specified are completed – only the specific breach(es) indicated on this form are protected from further enforcement action.

<p>A. In relation to what model(s) or type(s) of charge point are you making this Enforcement Undertaking offer?</p> <p>Provide a numbered list of the model(s) or type(s) of charge points (add or delete rows as appropriate).</p>
<p>EVBox Businessline - B2B AC charging stations</p> <p>Please note the EVBox Businessline product line will be replaced by a new generation of AC charging stations titled EVBox Liviqo, currently in development. Liviqo will need to come in a specific execution which will be designed to comply with the UK 2021 Smart Charging Regulations.</p>
<p>B. In relation to what technical requirement(s) are you making this Enforcement Undertaking offer?</p> <p>Provide a numbered list of the relevant technical requirements, including the Regulation number or paragraph number for Schedule 1 requirements (e.g. Regulation 5 – Smart Functionality) (add or delete rows as appropriate).</p>
<p>9. (1) - A relevant charge point must be configured so that on each occasion it is used, it measures or calculates</p> <p>(b) the amount of time for which it is importing or exporting electricity.</p>
<p>9. (3) A relevant charge point must be configured so that it is able</p> <p>(a) on each occasion it is used, to measure or calculate every one second the electrical power it has imported or exported (as the case may be), such measurement or calculation to be in watts or kilowatts;and</p> <p>(b) to provide the information referred to in sub-paragraph (a) via a communications network.</p>
<p>10. (1) Subject to paragraph (2), a relevant charge point must be configured so that</p> <p>(a) it incorporates pre-set default charging hours which are outside of peak hours;</p> <p>(b) when it is first used, the owner is given the opportunity to</p> <p style="padding-left: 40px;">(i) accept the pre-set default charging hours;</p> <p style="padding-left: 40px;">(ii) remove the pre-set default charging hours; or</p> <p style="padding-left: 40px;">(iii) set different default charging hours;</p> <p>(c) at any time after it is first used, the owner is able to</p> <p style="padding-left: 40px;">(i) change or remove the default charging hours if these are in effect;</p> <p style="padding-left: 40px;">(ii) set default charging hours if none are in effect.</p>

11. (1) A relevant charge point must be configured so that

(a) it is capable of operating, at each relevant time, with a delay of up to 1800 seconds, such delay to be of a random duration which is determined, to the nearest second, at each such relevant time; and

(b) the maximum duration of the delay referred to in paragraph (2)(a) can be increased or decreased remotely via a communications network.

(2) A relevant charge point must be configured so that

(a) subject to paragraphs (2)(b) and (3), at each relevant time it operates with a delay of up to 600 seconds, such delay to be of a random duration which is determined, to the nearest second, at each such relevant time;

(b) at each relevant time, the owner of the relevant charge point is able to cancel the delay referred to in sub-paragraph (a) above.

(3) A relevant charge point must be configured so that the delay referred to in paragraph (2)(a) above will not operate where

(a) the owner, or an end-user of the relevant charge point who is not the owner, has overridden it;

(b) an equivalent random delay has already been applied to the operation of the relevant charge point in respect of the relevant time; or

(c) it is providing response DSR services at the relevant time.

(4) In this regulation “relevant time” means the point at which, but for the delay referred to in paragraph (2)(a)

(a) electricity would start flowing through the relevant charge point for the purpose of charging a vehicle; or

(b) the rate of electricity flowing through the relevant charge point would be increased or decreased.

13. (1) When a relevant charge point is sold, it must be accompanied by a statement of compliance.

(3) There must be a technical file in respect of a relevant charge point.

Schedule 1 - 3. (1) A relevant charge point must incorporate software which is able to be securely updated.

(2) In sub-paragraph (1), securely updated means updated using adequate cryptographic measures to protect against a cyber-attack.

Schedule 1 - 3. (3) (a) it checks, when it is first set up by the owner, and periodically thereafter, whether there are security updates available for it;

(b) it verifies the authenticity (...) of each prospective software update by reference to both the data's origin and its contents and only applies the update if the authenticity (...) of the software have been validated;

(c) by default, it provides notifications to the owner about prospective software updates

Schedule 1 - 4.(1) A relevant charge point must be configured so that—

(a) where security credentials are stored on the relevant charge point, these are protected using robust security measures;

Schedule 1 – 5. A relevant charge point must be configured so that communications sent from it are encrypted.

Schedule 1 - 8. (2) In particular, a relevant charge point must incorporate a tamper-protection boundary to protect the internal components of the charge point.

Schedule 1 - 9. A relevant charge point must be configured so that:

(a) if there is an attempt (whether or not successful) to breach the tamper protection boundary, it notifies the owner.

Schedule 1 - 10.(1) A relevant charge point must incorporate a security log.

(2) "security log" means an electronic record on the charge point of events relevant to the security of the charge point including attempts (whether or not successful) to:

(a) breach the tamper-protection boundary;

(b) tamper with the charge point;

(c) gain unauthorised access to the charge point.

C. What is the approximate financial value of the non-compliant charge point(s)?

Please use the current market value of the individual charge point(s) as the basis for this calculation

EVBox Businessline - B2B AC charging stations: valued at £1.500 per station

We expect to sell approximately 1,000 - 3,000 stations a year.

The total value of stations at hand is approximately £1.5 mio - £4,5 mio a year; for the timeframe of this enforcement undertaking. We estimate the total value of stations to be approximately £3 - £9 mio over a period of 2 years starting 30 June 2022 (the period in respect of which we offer this Enforcement Undertaking).

D. What is the approximate volume of non-compliant charge point(s)?

EVBox Businessline - B2B AC charging stations: 1,000 - 3,000 stations a year during the run time of the Enforcement Undertaking.

E. Have you assessed the impact of the alleged breach(es) in any other way? If so, please detail the impact of the breach(es) below, including any impact on third parties if applicable.

EVBox Businessline - B2B AC charging stations are compliant to the applicable UKCA and IEC standards for EV charging, have been and are safe to install and operate in the UK.

These products are on the OZEV WCS approved charging stations list.

These products comply with the UK 2021 Smart Charging regulations with the exception of the deviations listed under section B of this document.

F. Please describe efforts you have made to make your charge points comply with the Regulations.

The Regulations came more or less as a surprise to most of the EV charging industry together with a very short transition period which gives insufficient time to comply with the requirements entering into force June 30th 2022 and, with respect to Schedule 1 to the Regulations, December 30th 2022. Moreover, as at the date of this Offer, there are still no

clear guidelines as to the details of the requirements to implement. OPPS contracted consultants from TUV SUD are planning a workshop to discuss guidance on the EVSCP document on how to make compliant products only by week 25/2022, a week before the Regulation comes into effect.

This has made it impossible for the industry, and for EVBox, to invest in and develop new charging stations that are demonstrably compliant with the Regulations.

As soon as the Regulation was published December 15th 2021, we started assessing whether it would be technically feasible to adapt the current product line to meet the Regulations' requirements. The conclusion of that analysis is that it is not technically feasible to modify our existing products of generation 4 given the hardware, software, cloud and mobile architecture of our solutions. Instead, EVBox is now developing a new 5th generation of charging stations under which we will develop a product that is compliant with the Regulation (EVBox Liviqo UK). Once available the current 4th product generation will be phased out.

As the new generation 5 product line has to be developed in a UK version in order to meet the specific UK 2021 Smart Charging Regulations, we are currently looking at a 24 month timeframe to develop, test, validate, certify and get the new UK solution into volume production.

Therefore we expect to cease sales of the non-compliant charging stations at the following dates:

- EVBox Businessline - B2B AC chargers: July 1st 2024

G. Have you taken any action to ensure that the alleged breach(es) do not continue or reoccur?

If so, please detail these actions in the box below.

EVBox is developing a product version under the 5th generation charging stations (Liviqo) to meet the 2021 Regulations' requirements. These will not be available before July 1st 2024 due to the required efforts as stated in section F.

Upon the introduction to the UK market of 5th generation charging stations (UK execution version), sales of the 4th generation charging stations (Businessline) will be stopped in the UK. This will end the delivery (first supply) into the UK market of products that are non-compliant with the Regulations.

H. Have you taken action to secure the restoration of position, in so far as possible, to what it would have been if the alleged breach(es) had not been committed?

If so, please detail these actions in the box below.

EVBox does not propose to retro-fit the non-compliant 4th generation products sold after June 30th 2022 (in scope of this Enforcement Undertaking) at a later date as this is not technically feasible other than by replacing the complete 4th generation product by a 5th generation product. We consider such action would not be a proportionate response to the non-compliance, taking into account the nature, seriousness and circumstances of the non-compliance and the fact that the current 4th generation products comply with the UKCA and IEC standards for EV charging products and are fit for purpose and safe to use. Replacement of 4th generation products would also cause significant wastage of functioning units before their natural end-of-life.

I. Have you taken action (including the payment of any sums of money) to benefit any third parties affected by the alleged breach(es)?

If so, please detail these actions in the box below.

We understand that the Enforcement Undertaking will require the statement of compliance to reflect the areas of compliance with the UK 2021 Smart Charging Regulations, and any areas of non-compliance, for the respective charge points. When a non-compliant charge point is sold, it will be accompanied by this statement for the benefit of the recipient of the charge point.

It will not be the case that third parties will suffer a loss by paying the higher cost associated with a charge point compliant with the 2021 Regulations whilst receiving only a charge point that complies with the requirements pertaining until 30th June 2022 or until 30 December 2022 (as the case may be).

Part 3 – Enforcement Undertaking Offer

When completing the 'Model or Type of charge point' column, OPSS recommend that you use the numbers allocated in the list in Box A in Part 2 of this form.

When completing the 'Breaches' column, OPSS recommend that you use the numbers allocated in the list in Box B in Part 2 of this form.

When completing the 'Rationale' column, you should provide sufficient information for OPSS to determine that the proposed actions are sufficient to prevent future non-compliance; restore the position to what it would have been had the breach not been committed; and/or to benefit any third parties impacted by the breach(es); and that the proposed completion dates for the actions are reasonable.

Model or Type of charge point	Breach(es)	Action(s) being offered	Completion Date	Rationale
Action(s) to secure that the breach(es) do not continue or recur.				
EVBox BusinessLine	9. - (1) (b)	Next generation charging station and software updates to the charging management platform to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.
EVBox BusinessLine	9. - (3) (a), (b)	Next generation charging station and software updates to the charging management platform to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.

EVBox BusinessLine	10. - 1 (a), (b), (c)	Next generation charging station, software updates to the charging management platform and app to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.
EVBox BusinessLine	11. - (1) (a), (b); (2) (a), (b); (3) (a), (b), (c); (4) (a), (b)	Next generation charging station, software updates to the charging management platform and app to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.
EVBox BusinessLine	13. - (1); (3)	Documentation to prove compliance cannot be provided.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.
EVBox BusinessLine	Schedule 1 - 3. (1), (2)	Next generation charging station and software updates to the charging management platform to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.
EVBox BusinessLine	Schedule 1 - 3. (3) (a), (b), (c)	Next generation charging station, software updates to the charging management platform and app to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.

EVBox BusinessLine	Schedule 1 - 4. (1) (a)	Next generation charging station to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.
EVBox BusinessLine	Schedule 1 - 5.	Next generation charging station to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.
EVBox BusinessLine	Schedule 1 - 8. (2)	Next generation charging station, updates to the charging management platform and app to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.
EVBox BusinessLine	Schedule 1 - 9 (a)	Next generation charging station, updates to the charging management platform and app to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.
EVBox BusinessLine	Schedule 1 - 10. (1); (2) (a), (b), (c)	Next generation charging station and software updates to the charging management platform to be released, compliant with this part of the regulation.	July 1 st 2024	Current generation EVBox BusinessLine charging stations cannot be made compliant to these regulations within reasonable development effort.

Action(s) to secure the restoration of the position, in so far as possible, to what it would have been if the breach(es) had not been committed.				
See Part 2 under I				
Action(s) (including the payment of any sums of money) to benefit any third parties affected by the breach(es).				
See Part 2 under I				
How the statement of compliance will reflect the areas of compliance with the Regulations, and any areas of non-compliance, for the respective charge point:				
All stations that fall within scope of this enforcement undertaking will be sold with a statement of compliance (or non-compliance as the case may be and as highlighted per this Enforcement Undertaking) to this Regulation as part of the product documentation.				
Any aspects of your offer not covered by the sections above, alongside any other supporting information:				
We request that the Enforcement Undertaking allows the supply of the EVBox BusinessLine first supplied in the UK market before 1 July 2024 to continue through the UK supply chain (resold) after that date to the end-user.				

Part 4 – Declaration

This declaration must be read and signed by a person authorised to act on behalf of the business (the “Business”) submitting this enforcement undertaking offer.

I understand that the Office for Product Safety and Standards may accept or reject this offer.

I understand that the content of the Enforcement Undertaking must meet the requirements specified in Schedule 2, Part 3, paragraph 21 and the requirement to describe how the statement of compliance will reflect the areas of compliance with the Regulations, and any areas of non-compliance, for the model(s) or type(s) of charge point specified.

I understand that if the Business fails to comply with the Enforcement Undertaking in full or any part of it, OPSS may impose a civil sanction, in accordance with Schedule 2, Part 3, paragraph 26 of the Regulations.

I understand that the Business may be required to provide the Office for Product Safety and Standards with sufficient information to determine that the Enforcement Undertaking has been complied with.

I understand that if at any time the Business is found to have given inaccurate, misleading or incomplete information in relation to this undertaking offer, it will be rejected.

If the Business is found to have given inaccurate, misleading or incomplete information in relation to an agreed Enforcement Undertaking, the business will be regarded as not having complied with it and any Completion Certificate previously issued will be revoked.

I understand that where an Enforcement Undertaking is accepted, OPSS will publish details of the agreement on Gov.UK, in order to provide transparency as to the actions which have been agreed. Summary details of the agreed Enforcement Undertaking will also be included in our six monthly OPSS enforcement actions publication, which can be accessed through the following link: <https://www.gov.uk/government/publications/opss-enforcement-actions>. Where a Completion Certificate is issued in relation to the Enforcement Undertaking, OPSS will note this in the published details when they are next updated.

I understand that the Office for Product Safety and Standards’ acceptance of this Enforcement Undertaking does not affect its power to investigate and take action in respect of future cases of non-compliance.

I understand that acceptance of an Enforcement Undertaking by the Office for Product Safety and Standards does not preclude any civil proceedings by a third party with whom the Business has contractual relations in respect of the sale of a product and does not extinguish any of the rights of such a party to institute such proceedings on their own account for loss and damages associated with the non-compliance in respect of which the Enforcement Undertaking has been offered.

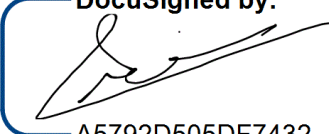
I understand that any third-party payment offered as part of this Enforcement Undertaking, must be an unrestricted donation from which the Business will derive no benefit of any type.

Date: June 21, 2022

Position: Director

Full Name: Christophe Francois

Signed:

DocuSigned by:

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