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| Logo of the Office for Product Safety and Standards | 4th Floor, Cannon House18 The Priory QueenswayBirmingham B4 6BS+44 (0) 121 345 1201 |

# 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.](https://www.legislation.gov.uk/uksi/2021/1467/contents/made)

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 thisform 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@businessandtrade.gov.uk

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

**By email:** evscp@businessandtrade.gov.uk

**By post:** The Office for Product Safety and Standards, Cannon House, 18 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:

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| **Name of business:** |  |
| **Company registration number:** (if applicable) |  |
| **Address:** (including postcode) |  |

**Main contact:**

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| --- | --- |
| **Title:** (Mr, Mrs, Miss or other – please specify) |  |
| **First and Last Name:** |  |
| **Position / job title:** (if applicable) |  |
| **Contact number(s):** |  |
| **Email address:** |  |

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| **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) |  |

# 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.

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| **A. In relation to what model(s) or type(s) of charge point are you making this Enforcement Undertaking offer?** Provide a numbered list of the model(s) or type(s) of charge points (add or delete rows as appropriate).  |
| 1.  |
| 2. |
| 3. |
| **B. In relation to what technical requirement(s) are you making this Enforcement Undertaking offer?** 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). |
| 1. |
| 2. |
| 3. |
| **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 |
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| **D. What is the approximate volume of non-compliant charge point(s)?** |
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| **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. |
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| **F. Please describe efforts you have made to make your charge points comply with the Regulations.** |
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| **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. |
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| **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. |
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| **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. |
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# 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.

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| **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.** |
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| **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.** |
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| **Action(s) (including the payment of any sums of money) to benefit any third parties affected by the breach(es).** |
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| **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:**  |
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| **Any aspects of your offer not covered by the sections above, alongside any other supporting information:** |
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# 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.

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| **Date** |  |
| **Position** |  |
| **Full name** |  |
| **Signed** |  |