

Terms and Conditions applicable to the listing of individual branded product performance data as an input to the National Calculation Methodologies for dwellings

Introduction

The UK Government's Standard Assessment Procedure for Energy Rating of Dwellings (SAP) and the incorporated version Reduced Data SAP (RDSAP) are the UK's National Calculation Methodologies (NCM) for dwellings. To assess a dwelling's energy performance data is needed that describes the dwelling in terms of the energy performance of the installed construction components and building services equipment. Such data is either generic, determined by the materials and type of product used ("type data") or specific, where validated individual branded product performance data has been made available ("product data").

Product data is held in either the SAP Appendix Q database or the Product Characteristics Database (PCDB). Since the incorporation of new technology types in the PCDB can only be undertaken when new versions of SAP are issued, product data for new technology types are held initially in the SAP Appendix Q database.

Appendix Q of SAP provides a means whereby validated individual branded product performance information can be accessed and used as an adjunct to the SAP calculation. A product's performance information is determined by testing against a specification that has been agreed by DECC's NCM contractor, the relevant manufacturer(s) and industry sector representatives. Product data that is listed in the SAP Appendix Q database may migrate to the PCDB when a new version of SAP, incorporating the relevant calculation process, is released. The data will also remain in the Appendix Q database until obsolete versions of SAP have been withdrawn or where it is impractical to include it within the PCDB.

Product's data will be used in preference to any default value to determine the energy performance of the dwelling, providing the product is installed in the dwelling being assessed and can be recognised and identified by the Dwelling Assessor. Acceptance of product data as an input to the NCMs does not denote any form of endorsement, nor does it imply that the dwelling's energy performance rating is better than that obtained using alternative products.

The Appendix Q database and PCDB are provided solely to support the NCMs; they are not intended to support the marketing efforts of manufacturers. To this end, these Terms and Conditions outline how product data listed in the SAP Appendix Q database or PCDB can be referenced in marketing and promotional material.

All manufacturers and suppliers who apply for their products to be recognised as product data must submit validated evidence of performance, produced by testing against an agreed test specification, and agree to be bound by these Terms and Conditions.

Purpose

The purpose of these Terms and Conditions is to set out the requirements relating to the provision of product data. They also set out the steps to be taken when a breach, or alleged breach, of Terms and Conditions has occurred that might cause false or misleading product data to be used in a dwelling assessment.

In order to recognise product data it is necessary that:

- (i) The product has a unique and identifiable name that distinguishes it from all others, including seemingly identical products with different outputs;
- (ii) The manufacturer or supplier of the product undertakes not to make any alteration to the product affecting its energy performance while continuing to supply it under the same unique name;
- (iii) Product data has been obtained by testing against an agreed test specification for that category of technology or type or product;
- (iv) Such tests and measurements are carried out fairly and impartially in accordance with the specified method, and are independently produced and/or certified by a third-party organisation with no association to the product manufacturer, other than the specific contract to undertake this work;
- (v) Results from the tests and measurements are accurate and robust and have been accepted by DECC's NCM Contractor for use by the NCMs;
- (vi) Where the method of analysis in SAP relies on certain assumptions that depend on certain design, installation and commissioning procedures, adherence to these procedures must be assured by the production of suitable instructions issued by the manufacturer or supplier.

Definitions

“Brand name” is the name used by the manufacturer or supplier for a product and forms part of the unique identifier for a specific product.

“Company” refers to any manufacturer or supplier that is responsible for placing the product on sale in the UK market and seeks to have product data recognised as an input to the NCMs.

“DECC” the Department of Energy and Climate Change in the UK.

“NCM Contractor” refers to the company that is contracted to maintain and develop the National Calculation Methodologies (NCM) on behalf of DECC.

“SAP” is the UK Government's National Calculation Methodology (NCM) for dwellings, known as the Standard Assessment Procedure for Energy Rating of Dwellings. It is used for assessing the energy performance of either new or existing dwellings.

“RDSAP” is a Reduced Data version of SAP. It is used to assess the energy performance of existing dwellings only. The methodology is incorporated within the SAP document.

“Dwelling Assessor” is an individual who is suitably qualified to undertake energy performance assessments on existing and or new-build dwellings.

“NCM (SAP) Identifier” is a unique identifiable name for a particular product that distinguishes it from all others.

“Model name” is the name chosen by the manufacturer or supplier for a product and forms part of the unique NCM (SAP) identifier for a specific product.

“Model qualifier” is chosen by the manufacturer or supplier to distinguish variants of a product model and forms part of the unique NCM (SAP) identifier for a specific product.

“Product” herein refers to a product, system, or material for installation in a dwelling that may affect the energy rating of the dwelling.

“Product Characteristics Database” (PCDB) is the database in which product data is stored and accessed by Dwelling Assessors for the purposes of SAP assessments.

“Product data” refers to the validated data that has been supplied by a manufacturer relating to a particular named product and accepted by DECC’s NCM contractor.

“SAP Appendix Q database” is the database in which products and product data relating to new technology types and categories are stored and accessed by Dwelling Assessors.

“Technology category” is a sub-category of Technology Type and is used (if required) to fully define a product’s operation, e.g. where several operational modes and/or methods may exist.

“Technology type” is a class of products having a particular function or operation.

Terms and Conditions

1. Product Data

- a. Product data may be retained and displayed in websites and databases that support dwelling assessments, notably the SAP Appendix Q database and PCDB.
- b. The manufacturer or supplier of the product (whoever made the application) accepts responsibility for the product data published pertaining to the product listed in those databases.
- c. Neither DECC nor DECC’s NCM contractor accepts responsibility for the correctness of the product data, however, as DECC has a duty of care to ensure that the information that it makes publically available is accurate and robust it will take steps to positively confirm the accuracy and robustness of the data provided, this may including product surveillance activities.
- d. Once an entry has been made in a database for any product on sale in the UK it will not normally be removed unless found to be false (see section 10: "Investigation and rectification")
- e. Where the manufacturer has given explicit consent, entries in the databases may be passed to other energy performance assessment schemes at the request of the scheme operators. (The only other scheme at present is in the Republic of Ireland.)

2. Product Labelling

- a. The company agrees to affix a permanent label to uniquely identify the product. This should be placed where it is visible for the Dwelling Assessor without the need for dismantling the product or any adjacent systems. The position of the label must be notified to DECC's NCM contractor and this information made available to Dwelling Assessors. Changes to the positioning of the label must be notified and agreed by DECC's NCM contractor. If it is not possible to affix a permanent label to the product where it remains accessible and visible after installation, an alternative arrangement must be agreed with DECC's NCM contractor.
- b. The wording on the label should adhere to the following format:

NCM (SAP) Identifier
Technology type:
Technology category: (omit if not applicable)
Brand name:
Model name:
Model qualifier: (omit if not applicable)
- c. The combination of brand name, model name, and model qualifier (if any) in 2.b must be a unique identification of the product linked to the technical specification of the product tested and analysed for the purposes of listing in the SAP Appendix Q database and PCDB.
- d. A sample label meeting the requirements 2.a-c must be submitted before a product can be listed in the SAP Appendix Q database and PCDB.
- e. If a company does not affix a permanent label or affixes a non-compliant label to their recognised product(s), the offending company will be informed in writing of the non compliance and given 30 days, from the date of the letter, to prove that they are affixing a conforming label to the listed products. If the company has not resolved the non-compliance within 30 days, the product data relating to the product will be removed from the SAP Appendix Q database and/or PCDB. If the company later produces evidence that proves that it is affixing compliant labels and has done so for a period of time, at least three months, the product will be re-listed in the SAP Appendix Q database and/or PCDB. An administration fee will be charged for re-listing.

3. Product Manuals

- a. In certain circumstances, the company may be requested to demonstrate that adequate provisions for system design, installation, operation and maintenance are available before product data is listed in the SAP Appendix Q database and/or PCDB. This arises where these factors are critical to energy performance, and is in addition to the standard requirement for installation/commissioning checklists and an installation certificate, which is to be signed by the installer. These documents must ensure an acceptable understanding of the requirements for all phases of design, installation, commissioning and ongoing maintenance are provided to the installer, the householder and DECC's NCM contractor. The company agrees to continue to issue stated documents without making substantive changes which could alter the energy saving performance of the product.

4. Alterations

a. **Product Identifiers**

The identifier of a product, known as the NCM (SAP) Identifier and shown in the SAP Appendix Q database and/or PCDB, cannot be altered. If the same product is to be sold under a new name then an additional entry in the SAP Appendix Q database and/or PCDB must be created with a new identifier. This can be requested by the manufacturer or supplier on the form *Application for an Additional Listing for a Product already listed in SAP*, which can be obtained from DECC's NCM Contractor. A new permanent label with the new identifier will be required and the Agreement between the company and DECC's NCM Contractor will be modified to include the new or additional name. The original SAP Appendix Q database and/or PCDB data entries will be retained to allow Dwelling Assessors to identify units listed in the database that were installed prior to introduction of the new name. An administrative fee for the additional listing will be charged. DECC's NCM Contractor will assess the reason(s) for the application and reserves the right to deny a new entry.

b. **Product data**

While selling the product under a specific identifier, the company agrees not to undertake any modifications to any of their products listed in the SAP Appendix Q database and/or PCDB that affects their energy performance (or other performance relevant to the product; e.g. leakages rates for MVHR units). The company agrees that a new identifier will be given to any product in which such modifications have occurred, whether or not the modified product is included in the SAP Appendix Q database and/or PCDB. If the modified product is to be included in the SAP Appendix Q database and/or PCDB, a new application must be submitted, and retesting will usually be necessary. If it is discovered that modifications have been made while continuing to supply the product under the same identifier, product data will be immediately removed from the SAP Appendix Q database and/or PCDB and the company notified of this action.

5. Database Maintenance

- a. DECC's NCM contractor reserves the right to make modifications to the SAP Appendix Q database and/or PCDB as appropriate. These modifications may include:
 - i. Changes to product data that are incorrect
 - ii. Changes to the testing and calculation procedures
 - iii. Changes to technology definitions
 - iv. Any other relevant changes
 - v. Removal of entries in cases where these terms and conditions have been breached.

6. Marketing and Promotion

Listing of a product in the SAP Appendix Q database and/or PCDB indicates that the product has been tested to a test standard that has been agreed by DECC's NCM contractor and, where appropriate, the relevant stakeholder and trade association(s). In certain circumstances, test standards are unavailable

and may require development or adaptation from an existing standard. This will be defined on a product specific basis.

Product data can then be accessed by Dwelling Assessors for the purposes of undertaking dwelling energy performance assessments. It should be noted:

- a. Inclusion of a manufacturer's product data in the SAP Appendix Q database and/or PCDB does not represent any form of accreditation, certification, approval or recommendation by Government, its agents or contractors. Any form of language used in related promotional material or articles must not in any manner suggest otherwise.
- b. Inclusion in these databases does not grant the manufacturer any right to use any Government, its agents or contractor's logos in any format.
- c. Products in the database cannot be referred to in any marketing material as 'Appendix Q eligible', 'Appendix Q listed', 'PCDB eligible', 'PCDB Approved', 'SAP Approved', 'SAP Appendix Q Approved', 'SAP Q Approved' 'NCM Listed', 'NCM Approved' or any similar statement that indicates or suggests the product is so endorsed.
- d. Promotional or other material relating to the product can make reference to the NCMs only by means of the NCM (SAP) Identifier. The following statement may be used in such material:

“The NCM (SAP) identifier for this product is [xxx].

No other statement referring to the NCM, SAP or RDSAP may be used in said material.

- e. If a company's promotional materials or any other material does not conform to the requirements stated in 6.a-d, they will be informed in writing of the non-compliance and given 15 days, from the date of the letter, to comply. If the offending material has not been altered in accordance with the requirements in 6.a-d by the specified date, the product data will be removed from the SAP Appendix Q database and/or PCDB. The product data will not be re-listed until the marketing material has been amended. An administration fee will be charged for a re-listing.
- f. Any company that promotes or indicates by any means its products are listed in the SAP Appendix Q database and/or PCDB when they are not will be referred to Trading Standards and the relevant trade association.

7. Compliance with Directives and Regulations

- a. It is the sole responsibility of the company to ensure that the product meets all relevant safety and regulatory requirements. A statement to this effect must accompany any application to have their product listed in the SAP Appendix Q database and/or PCDB. This statement must also confirm any limitations on use and relevant instructions to ensure the product is safe to operate are included in the installation instructions. Products may be removed from the SAP Appendix Q database and/or PCDB or applications rejected if there are any concerns regarding product safety. Failure to remove them does not imply acceptance of responsibility for safety by DECC or DECC's NCM Contractor or any of their sub-contractors.

8. Changes to SAP, RDSAP and SAP Appendix Q

- a. During the periodic revision process, situations may arise in which SAP, RDSAP and SAP Appendix Q and the associated calculation methodologies need to be altered. Such changes may affect the energy saved and/or consumed by a device or system listed in the SAP Appendix Q database and/or PCDB.

9. Incorporation of Appendix Q methodologies into SAP/RDSAP

- a. When SAP is periodically reviewed and updated DECC's NCM contractor will endeavour to incorporate Appendix Q algorithms and calculation methodologies within the main body of SAP/RDSAP. If possible, product data and any required calculation procedure will be transferred from the SAP Appendix Q database to the PCDB. DECC's NCM contractor will take all reasonable steps to ensure that database records are accurate, and will investigate and correct any reported error, but will not be held liable for any consequence of such error.
- b. In the circumstances described in 9.a, these terms and conditions continue to apply to the products and product data concerned.

10. Investigation and rectification

- a. DECC's NCM Contractor may investigate any new or existing entry in the SAP Appendix Q database and/or PCDB. This may be undertaken as part of a product surveillance exercise, a technical audit to establish the technical integrity of the database, or where an entry has been challenged by a third party who has reasonable grounds to suspect it may be incorrect.
- b. An investigation may call for further information on the naming of products, to establish whether a product currently offered for sale possesses the relevant characteristics that have already been defined for the NCMs.
- c. An investigation may call for further information to verify product data, which may include further details of measurements carried out during tests.
- d. If the manufacturer is able and willing to supply the further information requested this will be analysed by DECC's NCM Contractor or an independent expert appointed by them. If, in the opinion of DECC's NCM Contractor or the expert, the further information shows that there are material differences between the product on sale and the product listed in a database, or that there are errors in the product data liable to cause incorrect dwelling assessment results, then the rectification process will be initiated.
- e. If the manufacturer is unable or unwilling to supply the further information requested, their reasons will be considered by DECC's NCM Contractor or an independent expert appointed by them. If, in the opinion of DECC's NCM Contractor or the expert, the lack of further information gives reasonable cause to believe that there are material differences between the product on sale and the product as listed in the SAP Appendix Q database and/or PCDB, or that there are errors in the product data liable to cause incorrect results from SAP, then the rectification process will be initiated.

- f. If the manufacturer does not reply to a first or second request for further information, or refuses to co-operate with the investigation, then the rectification process will be initiated.
- g. The rectification process will result in alterations to the SAP Appendix Q database and/or PCDB such that incorrect results from a dwelling assessment involving the product can no longer be obtained. The process will normally conclude with removal of the product from the SAP Appendix Q database and/or PCDB. This will always be the case where:
 - (i) It has been discovered that a product has been offered for sale with a technical specification inferior (in terms of energy performance) to that which had been accepted at the time the application for listing in the SAP Appendix Q database and/or PCDB was made, or,
 - (ii) It has been discovered that the product data is false or exaggerated or contains other errors liable to cause better results from a dwelling assessment than are justified. In other cases, at the sole discretion of DECC's NCM Contractor, the identifier or product data in the SAP Appendix Q database and/or PCDB may be changed instead of removed, and the costs of doing so will be charged to the company.
- h. Before a product is removed from the SAP Appendix Q database and/or PCDB, the company will be informed and given the opportunity to make representations.
- i. The names of products for which action has been taken under the rectification process will be published in the SAP Appendix Q database and/or PCDB.

11. Disclaimer

Neither DECC nor DECC's NCM Contractor nor any of their sub-contractors accept any responsibility for:

- a. compliance with Directives, regulations, and other legislation relating to the sale and installation of products described in the SAP Appendix Q database or PCDB;
- b. the accuracy of data concerning such products that has been supplied by manufacturers or test laboratories;
- c. the fitness for purpose of such products;
- d. the safety of such products;
- e. the consequences of purchasing and installing any such products.

12. Terms and Conditions review and updates

These Terms and Conditions may be amended from time to time, in which case the details will be released on websites that support the SAP Appendix Q database and/or PCDB not less than 30 days in advance. Unless objections are received, companies will be deemed to have accepted the amended Terms and Conditions when they come into effect. If objections are received, companies may refuse to be bound by the new Terms and Conditions and continue to be bound by the previous ones; however, refusal may necessitate removal of the company's products from the SAP Appendix Q database and/or PCDB.