

Brussels, 19/02/2024

# Joint Action on Harmonised Products 2022 JAHARP2022-02

## Ancillary Equipment to Solar Panels - WP2

(Grant Agreement No. JA2021-2-02)

### Summary of questions received and answers to the Call for Tender for Test Bodies

Date of publication of the Official Call: 29/01/2024

Rounds of answers: **Version 1 published: 12/02/2024.**  
**Version 2 published: 15/02/2024.**  
**Version 3 published: 19/02/2024.**

Ref	Date	Question	Answer
1	09/02/2024	We would like to know which version of CV Europass we need to use or if it's necessary to register the staff involved in tests into the official Europass website.	For the purposes of this Call for Tender, tenderers may submit as evidence either an old (offline) EUROPASS CV version or a new one created through EUROPASS' official website.
2	14/02/2024	Concerning point 5.2 on the Absence of conflict of interest under Section 5 Qualifying criteria, we are not able to confirm in advance that we are not in a situation of conflict of interest since we do not have the full list of manufacturers of the products to be tested. Therefore, we cannot confirm if we have already worked with them or done tests on those products. Is it mandatory to have no relationship (past/actual/future) with those manufacturers?	<p>The laboratory(ies) that will be selected to perform the testing activities will have to be fully independent from the manufacturers of the products sampled under this Joint Action. This means that, once the lab(s) is selected, the Project Facilitator will send them the full list of samples to ensure that the products selected by the Market Surveillance Authorities were not already tested in the past by the laboratory. This will be done before the start of the testing activities. If such a case will arise, a solution at project level will be taken, e.g., selecting a different sample(s).</p> <p>However, throughout the duration of the contract between the PROSAFE and the test laboratory, the latter will not be able to start any commercial relation with any of the manufacturers of the products selected for testing.</p>
3	16/02/2024	We would like clarification on the legal basis and the place of jurisdiction in the event of a dispute. According to the specific conditions, the contract is interpreted in accordance with Belgian law. However, General Conditions of Tenders for Prosafe Contracts state that any dispute will be governed by Dutch law and settled by arbitration in the Netherlands. Can you please explain this and is it possible to agree on one law to avoid contradictions?	Please consider that in the case of a discrepancy between the Call for Tenders and the PROSAFE General Conditions, the terms of the Call for Tenders have prevalence over the terms in Appendix I. Therefore, in this case only Belgian Law will apply.

4	16/02/2024	Would it be acceptable to include a limitation of liability? The purpose of this limitation is to ensure that our economic opportunities and risks are appropriately balanced, as is customary and practiced by limited liability companies.	Yes, a clause establishing a limit to the liability of the contractor is included in our standard contract.
5	16/02/2024	As a global testing services provider, we do not grant exclusive usage rights. This would limit our ability to use pre-existing accreditation-approved templates for various services and customize them for different clients. Therefore, a clause is needed to ensure that we follow the requirements of the accreditation bodies and also ensure the protection of the company's intellectual property. Would it therefore be acceptable to include a copyright clause, particularly regarding to rights of use?	For the test reports created in this EU funded Joint Action, PROSAFE and the market surveillance authorities must hold exclusive rights.
6	16/02/2024	Would it be acceptable to include our Testing and Certification Regulation based on ISO/IEC 17025 as an appendix and accordingly as a contractual component in the offer? This would ensure that the requirements of ISO/IEC 17025 as accredited testing laboratory are fulfilled and that we follow the requirements of the accreditation bodies.	Yes, you can include your Testing and Certification Regulation based on ISO/IEC 17025 as an appendix to your tender application. However, this should not replace the elements in the Qualifying and Assessment criteria which need to be presented with a high level of detail.
7	16/02/2024	Would you please tell us how non-confidential information will be marked?	Please consider that all documents exchanged between the laboratory, the MSAs and PROSAFE should be in principle considered as confidential and therefore treated as such, unless otherwise specified.

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