The Certification Mark for Onsite Sustainable Energy Technologies

MCS

MCS Transitional Arrangements

17th February 2010

Introduction

Earlier this year the Clear Skies list was closed off for Installers wanting to access Low Carbon Building Programme funding, which required the Installer to be on the MCS list. At the time there were insufficient products on the MCS to close off the Clear Skies product list.

Due to the positive response and hard work by the Certification Bodies and Product companies, we are now in a position to support the final transition from the Clear Skies list to MCS product list.

However, as we appreciate that not all the technologies and companies are in the same position, the final stage will be in two parts, enabling those that have experienced legitimate difficulties to use the transition period to complete their product certification.

The following information explains more of the rationale and how this will work.
The transition will be on a case-by-case submission basis, as companies have approached their implementation of their MCS certification in different ways.

Company submissions will be made to the scheme administrator, Gemserv, by email (mcs@gemserv.com), explaining; how the company is complying with the minimum requirements, what the company is doing to complete their MCS certification and a brief history of why they have not been able to achieve their MCS certification so far.

To ensure that customers can maintain their confidence in those products that have not completed their MCS certification, a structured framework for the transition has been established.
This includes: -

- a minimum criteria will be met for the products and company registration (see below criteria);
- a declaration from the companies that committed them to either remediation or recompense, to customers, if their products didn't achieve the additional requirements of the MCS certification process (i.e. those elements that were additional to what they had already passed as minimum criteria) should those additional requirements be of material consequence to the customer.

Transition Timeframe

It is anticipated that the transition periods will be: -

- Close of Clear Skies 31st. December, 2009
- Transition period 1st January, 2010 through to [*a period agreed on a case by case basis by technology group] but no later than 30th June, 2010
- Only MCS certified products from [*a period agreed on a case by case basis by technology group] but no later than 1st October, 2010
- The scheme administrator will need to be notified with a statement of intent that the product manufacturer will be going through the transition period by 31st December 2009.

* We are developing a case-by-case based approach and exceptional circumstances can be taken into consideration.

Transition Minimum Requirement Criteria – For all products included in the Transition Arrangements with the exception of wind (wind requirements can be found in Part 2 of this section).

Part 1

Certification Bodies and Test Laboratories (Mandatory)

- Under contract with a Certification Body and/or Test Laboratory (where testing is required)
- Contract with Certification Body (MCS EN45011 accredited, or equivalent) for the completion of MCS certification requirements; and/or
- Contract with Testing Laboratory (MCS EN17025 accredited, or equivalent, or deemed equivalent by MCS Certification Body, or route for testing agreed with Certification Body if private test facilities are being used) for the completion of MCS testing requirements.
- The company must have either a date for the certification body to carry out the product certification review and/or provide evidence that they are actively working on their MCS documentation requirements;

Additional to the above, the evaluation team will consider the impacts of the following (the evaluation ensures the consumer impact will be reduced to a minimum).

Safety and functioning - Completion of Safety and function testing requirements in accordance with the relevant MCS standard and those additional items in annex **table 1**

Performance - Completion of energy performance testing requirements in accordance with the relevant MCS standard and those additional items in annex **table 1**.

Environmental Impact - Completion of energy performance testing requirements in accordance with the relevant MCS standard and those additional items in annex **table 1**.

Part 2

In response to request to further clarify MCS Transitional Arrangements (MCS-TA) registration requirements for wind products, MCS has provided the following restatement to aid industry understanding and engagement, beyond that provided by MCS on the 11th December 2009: www.microgenerationcertification.org.

a) MCS-TA wind requirements, Phase 1 - Registration to MCS-TA (1st Jan 2010 until 1st April 2010):

- Contract with Certification Body;
- A signed Declaration returned to MCS licensee.

Notes:

- All transitional products already posted on the MCS website will be evaluated against this criterion by the MCS Transitional Evaluation Team (TET);
- A contract with a Certification Body is the formal acceptance of an offer from a Certification Body of certification services in relation to that product.

b) MCS-TA wind requirements, Phase 2 - Registration to MCS-TA (1st April 2010 until 30th June 2010):

- Contract with Certification Body;
- Signed Declaration returned to MCS licensee;
- Completion of Performance testing (as deemed acceptable by the TET);

- Completion of Safety and Function testing (as deemed acceptable by the TET);
- Completed performance data is placed within the public domain.

Notes:

- A contract with a Certification Body is the formal acceptance of an offer from a Certification Body of certification services in relation to that product;
- Performance testing is defined as the completion of power performance testing requirements in accordance with MCS006 Section 2 of the BWEA Small Wind Turbine Safety and Performance;
- Safety and Function testing is defined as the completion of Safety and Function testing requirements in accordance with MCS006 and Section 4.3 and 4.4 of the BWEA Small Wind Turbine Safety and Performance Standard;
- The completion of all testing must be deemed acceptable by the TET;
- All transitional products already posted on the MCS website will be evaluated against this criterion by the MCS Transitional Evaluation Team (TET);
- Any transitional product registered between 1st Jan 2010 and 31st March 2010 which does not satisfy MCS-TA registration requirement as of the 1st April 2010 will be removed from the MCS-TA;
- Any transitional product that is removed from MCS-TA after the 31st March, may re-register within MCS-TA on the basis that Phase 2 requirements are satisfied by the 30th June 2010, as considered by the TET.

c) MCS-TA wind requirements, Phase 3 - Registration to MCS-TA (1st July 2010 onwards):

- Entrance to MCS-TA is now closed.
- Notes:
- Only full MCS certification will permit products to access listing on MCS website;
- Transitional wind product, that satisfies MCS-TA requirements as of the 30th June, will remain on the MCS website listing until 31st December 2010;
- MCS-TA for wind products will expire on the 31st December 2010. Thereafter only fully certified MCS products will access MCS website listing.

All other requirements of the MCS product and associated standards will be required for full certification.

Declaration

It will be a requirement of the transition agreement that a declaration will be signed and dated by an authorised director of the Manufacturer / Distributor Company. It is proposed that the wording reads:-

In the case where the product does not achieve its full MCS certification, then all the products installed by the company will be covered by one of the following clauses:-

1. The company undertakes to provide the customer with a disclosure, in relation to the products status as an interim MCS product [name could change] and provides the customer with accurate information at the time of sale (i.e. performance, durability, environmental impact, etc.).

2. Products with minimal material variation to those specified to the customer and continuing to be eligible for incentives such as the FIT and LCBP, will be dealt with under warranty issued by the importer/manufacturer or installer guarantee. This includes significant variations to performance outputs of the product.

Products failing to meet their full MCS Certification or developing serious issues during the transition period in the eyes of the evaluation team (or will be automatically withdrawn from the transition list by the evaluation team following a 30 day consultation with the Manufacturer and Certification Body. For products that do fail their MCS Certification or have serious issues, the customer can evoke the warranty per the importer/manufacturer or installer guarantee.

However, should the customer be sufficiently satisfied with the product they can accept remedial work under the warranty.

Transition Evaluation Team

As the transition arrangements are going to be decided on a case by case submission, it has been decided that a Transition Evaluation Team will be established to review and agree on the submissions for extensions received.

However, for this to function, the team reporting to the Steering Committee through the Management Panel will need to be independent and unbiased while having a competence to evaluate a particular technology's issues. Therefore it is proposed

that the Evaluation Team should consist of, the Chair plus two other permanent members (preferably from the Steering Group and neutral to any technologies) and a fourth member selected for the Technology being discussed (preferably from a trade association). The members of the transition team will be impartial and will have to declare any conflicting interests as, or if, they arise and stand down for the discussion.

Technology Update

It was decided that those products that were deemed to be so new or innovative that it would be difficult to meet the transition deadlines, would not be included as transition products and will follow the standard MCS Certification process.

The following is a quick appraisal of the RE sectors discussed. An annex to this document is provided in Transitional Arrangements Criteria - Annex table 1 demonstrating the criteria (where necessary) under which the technologies are recognised as in transition and what additional requirements will be needed to comply with the MCS standards.

Population of the criteria will need to be carried out in consultation with industry. Certain elements will be constant across all technologies, such as, the minimum thresholds for engaging with Certification Bodies; however a consistent and balanced approach to the criteria will be required.

Heat Pumps

The product standards are established. The main issue for the industry has been the late conclusion of what constitutes a product family and a definition for that. This was agreed at the Steering Group meeting on the 27th October, 2009. As the heat pumps are the most populated technology in MCS, it is felt that only product companies that can demonstrate they had specific issues due to the lack of a product family should be considered and therefore the case by case basis works for the industry. There are 2 test houses believed to be accredited for heat pumps in the UK, BRE and BSRIA.

Solar PV

The standards are established for standard modules, but not for BIPV.

There should be no requirements for a transition period for Standard PV modules.

When it comes to BIPV the issue is different as there are no tests available for the products currently in ISO or CEN and as the produces are so variable and small volume the costs would outweigh the investment.

The PV Working Group have been asked to look at whether there is a possibility to provide material performance standards for a model size product, in a defined test frame and use this as a way of demonstrating performance.

Utilising this material performance and having statements with regards to performance of the final size and shaped products by allow a standard to be developed quickly. The industry already provides clients with performance data. If this is achieved then a transition period will need to be agreed based on the capacity of test houses to service the testing.

Wind

The standards are established. The issue is with getting through testing which may take some time, such as durability tests. The wind industry has laid out their case for a transition period, based on the lengthy requirements of testing. However, the industry is confident that they can provide a good volume in the market given a transition period to September 2010. Investigation needs to be carried out to see if the market volumes could be achieved for a July 1st deadline.

To put the issue in context, the industry anticipate that 8-10 products can be tested per year and currently there are 40 on clear skies.

Solar Thermal

The standards are established.

There is not perceived to be an issue requiring a transition period, however, if the issue did arise a case by case basis would work.

Biomass

The standards are established.

There is not perceived to be an issue requiring a transition period, however, if the issue did arise a case by case basis would work

Transitional Arrangements Criteria - Annex table 1

Technology	Criteria / Indicator	Evidence of Compliance
General (for all Submissions)	**Only manufacturers who have begun the Certification process by 31st December may enter the MCS transition.** Contract with Certification Body (MCS EN45011 accredited, or equivalent) for the completion of MCS certification requirements; and/or The company must have either a date for the certification body to carry out the product certification review and/or provide evidence that they are actively working on their MCS documentation requirements; Contract with Testing Laboratory (MCS EN17025 accredited, or equivalent, or deemed equivalent by MCS Certification Body) for the completion of MCS testing requirements.	Order Placed on Test Lab Order Placed on Certification Body
Wind	**a) MCS-TA wind requirements, Phase 1** - Registration to MCS-TA (1st Jan 2010 until 1st April 2010): • Contract with Certification Body; • A signed Declaration returned to MCS licensee. Notes: • All transitional products already posted on the MCS website will be evaluated against this criterion by the MCS Transitional Evaluation Team (TET);	

	• A contract with a Certification Body is the formal acceptance of an offer from a Certification Body of certification services in relation to that product. **b) MCS-TA wind requirements, Phase 2** - Registration to MCS-TA (1st April 2010 until 30th June 2010): • Contract with Certification Body; • Signed Declaration returned to MCS licensee; • Completion of Performance testing (as deemed acceptable by the TET); • Completion of Safety and Function testing (as deemed acceptable by the TET); • Completed performance data is placed within the public domain. Notes: • A contract with a Certification Body is the formal acceptance of an offer from a Certification Body of certification services in relation to that product; • Performance testing is defined as the completion of power performance testing requirements in accordance with MCS006 Section 2 of the BWEA Small Wind Turbine Safety and Performance; • Safety and Function testing is defined as the completion of Safety and Function testing requirements in accordance with MCS006 and Section 4.3 and 4.4 of the BWEA Small Wind Turbine Safety and Performance Standard; • The completion of all testing must be deemed acceptable by the TET;	

	• All transitional products already posted on the MCS website will be evaluated against this criterion by the MCS Transitional Evaluation Team (TET); • Any transitional product registered between 1st Jan 2010 and 31st March 2010 which does not satisfy MCS-TA registration requirement as of the 1st April 2010 will be removed from the MCS-TA; • Any transitional product that is removed from MCS-TA after the 31st March, may re-register within MCS-TA on the basis that Phase 2 requirements are satisfied by the 30th June 2010, as considered by the TET. **c) MCS-TA wind requirements, Phase 3** - Registration to MCS-TA (1st July 2010 onwards): • Entrance to MCS-TA is now closed. Notes: • Only full MCS certification will permit products to access listing on MCS website; • Transitional wind product, that satisfies MCS-TA requirements as of the 30th June, will remain on the MCS website listing until 31st December 2010; • MCS-TA for wind products will expire on the 31st December 2010. Thereafter only fully certified MCS products will access MCS website listing.	

Heat Pumps	In order to determine whether the manufacturer has begun the process by 31st December it must demonstrate: Contact has been made with a Certification Body • Manufacturer shall have test data for products entering the transition period (in house test data may qualify under the product family rule) A list of products for certification has been provided stating the product parent and children • There is a commitment to certify once agreement is reached with regards product family issues (this may be a deposit fee paid, written contract or schedule of work to be completed by the Certification Body – including the FPC audit) • Witness testing or equivalent requirements are within any written schedule of works supporting the certification commitment	
Solar Thermal	Type Test Reports required, and all to EN12975, however these will be reviewed on a case by case basis.	
Solar BIPV	Performance testing with a warranty for the life of the product. BIPV already on the Clear skies list. BIPV will have the same production factory as the traditional PV Panel production - it is a way of ensuring the products are made in a factory that uses processes that achieve IEC standards under ISO 9001 (It is not unusual for companies to sell products under their Brand name when they are made by a third party or they have a JV with another company, these companies may or may not be operating to IEC / ISO standards).	
Biomass	Type Test Reports required, and all either to EN303-5 or relevant biomass standards; however these will be reviewed on a case by case basis.	

Annex 2 – The Declaration

This declaration applies only to the installation of MCS transitional products installed within the UK market where the manufacturer (or product company) have sold it as an MCS transitional scheme product, and does not apply to transitional products installed outside the UK.

I, (Director of Company Ltd), declare that,

Whenever any organization promotes, advertises or offers for sale any Transition List product, that organisation will ensure the following text is prominently displayed:

“Please note that (XXX PRODUCT) has been classified as a ‘Transition Product’ under the Microgeneration Certification Scheme (MCS).”

MCS transitional products may be removed from the MCS Transitional Arrangement (MCS-TA) by the MCS Transitional Evaluation Team (TET) following a 30 day consultation between the TET, the associated manufacturer (or product company), and the associated Certification Body.

A transitional product will be removed from MCS Transitional Arrangements on the following basis:

1. The transitional product fails to satisfy MCS-TA registration requirements in accordance with technology specific time requirements, or;
2. The transitional product fails to satisfy full MCS certification in accordance with technology specific time requirements, or;
3. The transitional product develops serious issues during the transitional period such that the transitional product is deemed unlikely to satisfy full MCS certification, or;
4. The transitional product’s manufacturer, or associate product company, submits a written request for the removal of the related product from MCS-TA to the TET.

Should a transitional product be removed from the MCS-TA, the associated manufacturer (or product company) must undertake the following:

1. Provide the customer, and installation company, with full disclosure as to the removal of the product from MCS-TA, and;

2. Agree with the customer to either:
    a) Enact remedial work with regard to the customer's product such that the customer is satisfied, or;
    b) Provide a refund of the cost of the product (excluding installation costs) to the customer or the installer, or;
    c) Act as otherwise agreed with the customer and installer.

Should the fully certified product possess performance characteristics significantly different from a related transitional product, the associate manufacturer (or product company) must undertake the following:

1. Provide the customer, and installation company, with full disclosure as to the differences between the MCS-TA product and the Certified Product, and;
2. Agree with the customer to either:
    a) Enact remedial work with regard to the customer's product such that the customer is satisfied, or;
    b) Provide a refund of the cost of the product (excluding installation costs) to the customer or the installer, or;
    c) Act as otherwise agreed with the customer and installer.

Should a transitional product not complete full certification in accordance with technology specific time requirements, the associate manufacturer (or product company) must undertake the following:

1. Provide the customer, and installation company, with full disclosure as to the removal of the product from MCS-TA, and;
2. Agree with the customer to either:
    a) Enact remedial work with regard to the customer's product such that the customer is satisfied, or;
    b) Provide a refund of the cost of the product (excluding installation costs) to the customer or the installer, or;
    c) Act as otherwise agreed with the customer and installer.

Signed: _____

Print Name: _____

Company and Position Held: _____

Date: _____

DEFINITION OF TERMS

Declaration: This document

MCS: Microgeneration Certification Scheme: The Microgeneration Certification Scheme (MCS) is an independent scheme that certifies micro-generation products and installers in accordance with consistent standards. It is designed to evaluate micro-generation products and installers against robust criteria providing greater protection for consumers. See www.microgenerationcertification.org

Transition List: This is a list of products whose manufacturers are working towards MCS Certification, and which remain on the MCS Product List for so long as they continue satisfy MCS-TA registration requirements in accordance with technology specific time requirements. See http://www.microgenerationcertification.org/Transitional+Arrangements

Installer: An organisation certificated under the Microgeneration Certification Scheme (MCS) that is responsible for all of the following activities: supply, design or design review, installation, set to work and commissioning of Microgeneration systems and technologies.

Customer: A company or individual contracting with an Installer to procure and install and MCS-certificated product.

Manufacturer (or product company): The company that signs The Declaration.