Annex I (Service Conditions)

Annex to the EETS Domain Statement concerning the Danish Kilometer Tolling Scheme

Version: 0.4

Date: 17 May 2023

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1 DOCUMENT HISTORY

Version	Date	Comment	Initials
0.3	10 February 2023	Draft version published to the EETS Provider for information and review purposes as part of the accreditation procedure.	MLBR
0.4	17 May 2023	Updated draft version published to the EETS Provider reflecting the current requirements for the accreditation procedure. Final version of the document is published once the KmToll Law is passed in Danish Parliament.	MLBR

2 DEFINITIONS AND ABBREVIATIONS

All definitions in the EETS Domain Statement shall have the same meaning in this Annex.

In addition to the definitions in the EETS Domain Statement the following definitions shall apply for this Annex:

"Means of Communication" shall have the meaning set out in section 4.2.

"Business Day" means Monday through Friday except for public holidays, i.e., 24, 25 and 26 December (Christmas), 31 December and 1 January (New Year), Maunday Thursday, Good Friday, Easter Monday, General Prayer Day, Ascension Day, Whit Monday, 5 June (Constitution Day).

"Payment Claim" means the aggregated invoice of valid Billing Details sent to the EETS Provider, and to be paid to the Toll Charger according to the payment terms of the Agreement.

"Payment Announcement" means the digital message sent from the EETS Provider to the Toll Charger regarding payment of the Payment Claim, confirming that the EETS Provider has transferred the amount due to the Toll Charger's bank.

3 INTRODUCTION

This Annex is structured so the EETS Provider understands the service conditions required by the Toll Charger and the context in which these service conditions are expected to be fulfilled during operation of the Services to the EETS Users.

The next sections of this Annex are structured as follows:

(i) **Section 4:** In this section, the Toll Charger's requirements related to service management are described, including general requirements for support to the Toll Charger and communication between the EETS Provider and the Toll Charger.

(ii) **Section 5**: In this section, the Toll Charger's cooperative organisation during operation is described.

(iii) **Section 6-9:** In these sections, the applicable service conditions of the EETS Provider are covered. The service conditions are divided into the following elements:

- Monitoring and reporting (section 6)

- Incident and defect management (section 7)

- Invoicing requirements (section 8)

- Complaint handling procedure (section 9)

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4 SERVICE MANAGEMENT

Service management shall be provided in close cooperation between the employees responsible for handling daily operations both from the Toll Charger and the EETS Provider.

4.1 Single point of contact (SPOC)

The Toll Charger and the EETS Provider are to appoint their respective contact persons, the contact persons must function as single point of contact (SPOC) concerning communication between the Toll Charger and the EETS Provider. Needless to say, that besides appointing a SPOC from both parties, there will also be peer-to-peer communication between the parties' operational staff on a daily basis.

4.2 Support to the Toll Charger

The EETS Provider shall provide support to the Toll Charger, this support shall include handling and answering questions, inquiries and/or complaints by telephone, e-mail and/or using collaborative tool(s) introduced by the Toll Charger (the "**Means of Communication**"). The support to the Toll Charger shall be conducted in English regardless of the Means of Communication.

The EETS Provider undertakes to make sure that the EETS Provider's employees have a high knowledge of the Toll Charger and the Toll Domain in order to support the Toll Charger with high quality service and professionalism.

The Means of Communication shall be staffed and available to the Toll Charger on Business Days between the hours of 9.00 and 16.00 CET/CEST. Within this timeframe the EETS Provider must reply to the communication from the Toll Charger preferably within two (2) Business Days from receipt of the communication, unless otherwise agreed. As a minimum, the reply must include a time limit for a final answer.

Where an activity has been agreed upon at a meeting, including a deadline, and where it is impossible for the EETS Provider to keep that deadline, the Toll Charger must be contacted before the expiry of the deadline with a view to dealing with any consequences and to agreeing upon a new deadline.

4.3 Service management meetings

The parties will conduct service management meetings quarterly, or otherwise agreed, in order to discuss the operational situation in general. For the quarterly meeting, a report will be presented by the EETS Provider and discussed in accordance with the requirements in section 6.1.

Service management meetings will be conducted as remote meetings via Microsoft Teams or held at the Toll Charger's locations. In general, meetings will be held as remote meetings, but the Toll Charger can require the EETS Provider to physically attend service management meetings when this is deemed relevant. The EETS Provider is responsible for ensuring the service management meetings are duly held. The Toll Charger is responsible for taking minutes.

5 GOVERNANCE

The Toll Charger will have a collaborative organisation in place for cooperation with and support to the EETS Provider during operation. This collaborative organisation will include:

(i) **The Toll Charger's SPOC:** The Toll Charger's SPOC will be the primary contact person related to communication with the EETS Provider. This SPOC will be situated within the Toll Charger's Service Delivery Management team. The Service Delivery Management team's responsibility covers, among others, contract management, reporting, follow-up on KPIs and complaint handling.

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(ii)   **Representatives from Operation**: Employees from the Toll Charger's Business Application Support division will be appointed to cooperate with the EETS Provider on technical matters, among others, testing and re-certification.

The collaborative organisation during operation is yet to be determined in detail. Prior to the Operation Date the Toll Charger will update this Annex with the applicable cooperating organisation including names and contact details.

6   MONITORING AND REPORTING

6.1   Quarterly situation report

The EETS Provider shall prepare and send a quarterly situation report to the Toll Charger about the operational status. As a minimum, the quarterly report must include the following information:

(i)   Brief but adequate operational situation reporting;

(ii)   Compliance status showing whether the EETS Provider has met the KPI and service level requirements for the preceding quarter, cf. Annex G (Key Performance Indicators);

(iii)   An incident list comprising all reported incidents for the preceding quarter with relevant information, and the status of the incidents broken down per month (e.g., reported, worked around, temporarily remedied etc.);

(iv)   An incident curve showing the development in the number of incidents by calendar month and broken down by incident status;

(v)   A list comprising the top five inquiries related to the KmToll Scheme (these topics should reflect the questions and issues that the EETS Users report to the EETS Provider in relation to the KmToll Scheme);

(vi)   A list comprising the number of OBE failure reported/detected in the KmToll Scheme by calendar month including the provided solution to the EETS Users for the preceding quarter;

(vii)   A brief overview of the coming months' activities, focusing on corrective action, changes, and preventive maintenance; and

(viii)   Status on potential risk, if any.

The Toll Charger will present requirements for the format of the quarterly situation report, which the EETS Provider shall comply with.

The quarterly situation report must be received by the Toll Charger no later than ten (10) Business Days after the end of the quarter. The quarterly situation report will form the basis for discussion at the quarterly service management meetings.

6.2   Quarterly report concerning complaints from EETS Users

The EETS Provider shall prepare and send a quarterly report with aggregated data on complaints from the EETS Users received by the EETS Provider during the foregoing calendar quarter.

An enquiry by the EETS User to the EETS Provider may be deemed to be a complaint e.g., if the EETS User report unsatisfactory or unacceptable behaviour by the EETS Providers or errors on part of the EETS Provider which can be of legal, technical or procedural nature, and/or the EETS User objects to the calculation and/or charging of Toll by the Toll Charger.

The quarterly report shall contain the following information in a table format:

(i)   Number of complaints per month;

(ii)   The reason for each complaint (aggregated per month); and

(iii)   The result of the complaint handling procedure (aggregated per month), divided into the following categories:

- Complaint accepted due to 1) error on part of the Toll Charger, or 2) error on part of the EETS Provider.

- Complaint rejected due to 1) error on part of the EETS User, or 2) other reason.

The Toll Charger may at any time demand additional information such as a specification from the EETS Provider containing information for each complaint. This specification shall, as a minimum, contain the following information:

(i)   The EETS Provider's case ID of the complaint;

(ii)   The date the complaint is received from the EETS User;

(iii)   The date the EETS Provider forwarded the complaint to the Toll Charger;

(iv)   The date of communication between the Toll Charger and the EETS Provider; and

(v)   The date the EETS Provider has sent the answer to the EETS User.

7   INCIDENT AND DEFECT MANAGEMENT

This section describes the conditions applicable to the EETS Provider in order to ensure consistency, clear reporting on incidents, and a basis for prioritisation, follow-up and defect management.

The requirements for incident and defect management are limited to the incidents and defects that have an impact on the Toll Charger and/or the Service in general. It is the EETS Provider's prerogative to manage incidents and/or defects that has no impact on the Toll Charger and/or the Services in any way the EETS Provider deems appropriate.

7.1   Incident reporting tool

Reporting of incidents and incident management in general will happen primarily through the use of a ticket system chosen by the Toll Charger.

Incidents categorized as "Urgent", system failure and the like, must be reported to the Toll Charger as soon as possible by e-mail and supplemented by a telephone call.

7.2   Categorisation and prioritisation of incidents

Incidents shall be categorised according to incident type, and prioritised according to the impact and criticality of the incident. Incidents shall be categorised and prioritised according to the four levels as reflected in Table 1.

Table 1. Incident criticality matrix

	Impact 1	Impact 2	Impact 3	Impact 4
Criticality 1	Low	Low	Normal	Normal
Criticality 2	Low	Normal	Normal	High
Criticality 3	Normal	Normal	High	Urgent
Criticality 4	High	High	Urgent	Urgent

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The incident types and levels of criticality and impact to which the incidents shall be categorised and prioritised during operation is yet to be determined in detail. Prior to the Operation Date the Toll Charger will update this Annex with the applicable types and levels.

7.3 Incident and defect management process

The incident management process is on a high level built around the following steps:

(i)   The incident shall be categorised and prioritised

(ii)   Initial analysis of the incident and assignment of the right resources

(iii)   Normal service operation is restored as quickly and efficiently as possible

(iv)   Adverse impact of IT failures on the business and operations are minimised

(v)   Work to resolve the incident is initiated (which may imply "workarounds")

If the result of the analysis shows that the problem is caused by the EETS Provider, or the EETS Provider's involvement is necessary in order for the Toll Charger to solve the incident, the Toll Charger will inform the EETS Provider, and the following process must take place:

(i)   The root cause of the incidents shall be found

(ii)   An incident report must be created with corrective actions for all incidents, including the incidents resolved through workarounds.

(iii)   The risk for recurrence of such incidents must be mitigated.

The focus shall always be on solving incidents classified as "Urgent" and/or "High" first as well as repeated incidents classified as "Normal".

8 INVOICING REQUIREMENTS

8.1 General invoice requirements

Terms regarding invoicing must first and foremost be fully compliant with the invoice requirements as stated in the Applicable EETS Legislation, the invoicing requirements in the Agreement and the Danish Law on bookkeeping ("Lov om bogføring LOV nr 700 af 24/05/2022").

8.2 Settlements of transactions between the EETS Provider and the Toll Charger

Settlement of transactions happens according to the following process:

(1)   Based on Toll Declarations from the EETS Provider, the Toll Charger will calculate the corresponding Billing Details, which will be provided to the EETS Provider.

(2)   Each calendar month the Toll Charger will generate a Payment Claim which contains specifications of the Billing Details for a single calendar month. The Payment Claim will be provided to the EETS Provider.

(3)   Based on the approved Payment Claim the Toll Charger sends an invoice to the EETS Provider for the calendar month.

(4)   Each calendar month the EETS Provider creates a Payment Announcement corresponding to the received invoice which will be provided to the Toll Charger. The EETS Provider will transfer the amount of the Payment Announcement to the Toll Charger's bank.

Settlement step 1, 2 and 4 happens as electronic exchange between the EETS Provider and the Toll Charger according to Annex F (Interface Specification). Step 3 is done manually with the Toll Charger sending the invoice per e-mail to the EETS Provider.

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(5) Each calendar month the EETS Provider will make a remuneration claim in the format of an invoice to the Toll Charger. The requirements for this invoice are listed in the following section.

8.3 Invoice from the EETS Provider to the Toll Charger

In order to claim remuneration, the EETS Provider shall each calendar month forward an invoice to the Toll Charger. The EETS Provider shall forward an invoice with separate transaction lines clearly indicating:

(i) the fixed percentage of the value of payments made to the Toll Charger in the KmToll Domain in a calendar month; and

(ii) the fixed fee for the number of active pieces of OBE within the Toll Domain in a calendar month.

A national EETS Provider shall submit invoices digitally to the Toll Charger, CVR. 15 69 46 88, EAN no. 5790002111037.

A foreign EETS Provider shall submit invoices in PDF format to email kreditorbogholderi@sbf.dk.

An invoice from the EETS Provider to the Toll Charger must, as specified below, or as subsequently required by the Toll Charger, contain the relevant information. The following information shall appear on the invoice:

(i) Invoice number (sequential): The sequential numbering must be based on one or more series and the number must uniquely identify the invoice;

(ii) Invoice date: The last day of a calendar month;

(iii) Period of supply (calendar month): The period of supply refers to the period that the Service is performed which is the same as the calendar month where circulation has taken place;

(iv) Name, address and company registration number of the Toll Charger;

(v) Name, address and company registration number of the EETS Provider;

(vi) Invoice price: The price on the invoice shall be specified as follows;

- Transaction line 1: Fixed percentage x sum of Payment Claim transferred from the Toll Charger to the EETS Provider for the respective calendar month.

- Transaction line 2: Fixed fee per active OBE x Number of active OBE (units) for the respective calendar month.

(vii) Payment Claim ID: The Payment Claim ID must correspond to the Payment Claim for which remuneration is claimed.

(viii) Total invoice amount in **DKK** (including VAT)

(ix) Language: Danish or English.

9 COMPLAINT HANDLING PROCEDURE

9.1 General about complaint handling

The deadlines and obligations of the complaint handling procedure described in this section only concern complaints about the calculation and charging of Toll. Other complaints from the EETS User shall exclusively be handled between the EETS User and EETS Provider. In cases where the EETS Provider asses that a complaint from the EETS User may be due to a technical, procedural

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and/or administrative error on part of the Toll Charger the EETS Provider shall bring this to the Toll Chargers attention and the matter will be handled as part of daily operation.

The complaint handling procedure shall always adhere to the applicable legislation as referred in the EETS Domain Statement.

The EETS Provider shall to the greatest extent possible handle complaints about the calculation and charging of Toll from the EETS User. The EETS Provider bears the overall responsibility of securing that a complaint is handled correctly, that deadlines are met and that the EETS User is informed of the result in due time, also when the EETS Provider is not the primary handler of the complaint. The only case where this principle is not applied is when an EETS Provider is not and should not be aware of the existence of a complaint e.g., in the event of a complaint over a penalty charge notice issued by the Danish Road Traffic Authority directly to the EETS User in relation to the enforcement procedure where the EETS User complains directly to the Danish Road Traffic Authority.

The Toll Charger will have the final saying in complaints concerning calculation and charging of Toll. For the EETS Provider the complaint handling procedure will primarily involve collection and analysis of relevant data necessary in order to prepare for a valid decision.

9.2 Deadlines and obligations of the complaint handling procedure concerning the Toll

Complaints concerning the calculation and charging of Toll shall be made in writing to the Toll Charger.

The deadline for lodging a complaint is four (4) weeks from the date when the EETS User have received an invoice from the EETS Provider concerning circulation in the KmToll Domain. If the Toll Charger have not received the complaint within the four (4) week deadline, the Toll Charger is entitled under the KmToll Law to refuse processing the complaint.

The Toll Charger will assess the complaint to determine whether to accept or reject the complaint. During this assessment the Toll Charger may request support of the EETS Provider, e.g., to facilitate communication with the EETS User or provide necessary data.

If the Toll Charger decide to uphold its' decision, the Toll Charger shall no later than four (4) weeks after receipt of the complaint forward the complaint to the Danish Minister for Transport. The Minister for Transport may authorise another Authority under the Danish Transport Ministry to exercise the right and/or function which the Minister for Transport has under the KmToll Law.

When the Toll Charger forwards the complaint, it shall be accompanied by relevant documents pertaining to the case including the Toll Charger's remarks and the objections raised. The EETS Provider will receive a copy of the case sent to the Danish Minister for Transport, which shall be shared with the EETS User.

The Danish Minister for Transport will make a ruling, accepting or rejecting the complaint, following the Toll Charger's notification to the EETS Provider of the final decision, the EETS Provider shall inform the EETS User. The case will then be closed in the Toll Chargers case management system.

9.3 Appeal of rejected complaints

If the EETS User wish to appeal the ruling of the Danish Minister for Transport, the EETS User may bring a case before the Danish Courts, such case must be brought before the Danish Courts within six (6) months of the day where the EETS User was notified of the final decision.

If the EETS User wish to appeal the decision of the EETS Provider or the Toll Charger to reject a complaint, they shall take part in the relevant appeals/complaints board or in the potential law suit and bear all costs connected with the legal resolution. Overall, it is the party (EETS Provider or Toll Charger) who is responsible for the subject matter according to the terms and conditions in the Agreement who will have to participate as opposing party in a court case.

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9.4 **Language**

The main language used in the complaint handling procedure is English. However, the EETS Provider may communicate with the EETS User in any language as long as this is acceptable to the involved parties. Between the EETS Provider and the Toll Charger it is the sender of the information (in any form) who has the obligation to translate (into English) when necessary either by own initiative or by request from the recipient.

9.5 **Access to and exchange of data**

With regards to the complaint handling procedure, the following data is relevant:

Data from the EETS Provider:

(i)   Contact data including vehicle data;

(ii)   Toll Declarations;

(iii)   Black List and White Lists; and

(iv)   Payment data.

Data from the Toll Charger:

(i)   Billing Details and/or Payment Claim; and

(ii)   If applicable, enforcement data (ANPR and pictures).

Additional relevant data may exist at 3rd parties such as identification of the vehicle owner at the national vehicle registers. Both the EETS Provider and Toll Charger shall keep a detailed log of data exchanged in connection with the complaint handling procedure. The parties must follow the rules of national legislation regarding storage of data.

For a complaint to be considered, the EETS User making the complaint shall provide sufficient credentials to be identified. These may encompass one of the following identifications or any combination hereof:

(i)   Contract number, related to the agreement with the EETS Provider

(ii)   Name and address

(iii)   Organisation number

(iv)   Vehicle registration number

(v)   License plate and nationality

(vi)   OBE ID

(vii)   PAN number

The EETS User shall contact the EETS Provider and provide the necessary information. If the EETS User contact the Toll Charger directly the Toll Charger will redirect the EETS User to the EETS Provider.

If the EETS Provider is not able to handle the complaint, the EETS Provider may ask the Toll Charger for the information necessary in order to process the complaint. Only in cases where this information is still not sufficient to process the complaint the EETS Provider may transfer the handling of the complaint to the Toll Charger.

The EETS Provider and Toll Charger may exchange any data deemed necessary to handle a complaint.

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However, a "non-responsible" EETS Provider or Toll Charger with additional information about the court case is obliged to assist when necessary.

9.6   **Complaints related to enforcement cases**

Enforcement cases, cases where the Danish Road Traffic Authority puts a penalty charge notice on the EETS User with an element of punishment, are issues to be solved between the Danish Road Traffic Authority and the EETS User. In relation to this, the EETS Provider is obliged to help the Toll Charger on behalf of the Danish Road Traffic Authority identifying the EETS User and to deliver contact information to the degree possible. From a service perspective the EETS Provider can help the EETS User with contact, translation and other actions that will facilitate the process.