

Regulations of Use of the EU certification mark



of the

Open Metering System Group – OMS-Group e. V.

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- hereinafter, "**OMS**" or "**Applicant**" -

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§ 1 Name of the Applicant

The Applicant is the Open Metering System Group - OMS-Group e. V. (hereinafter, also **OMS** or **Applicant**).

§ 2 Declaration pursuant to Art. 83(2) of Regulation (EU) 2017/1001

OMS declares that it does not carry on any commercial activity involving the supply of goods for which there is a certification under these trademark Regulations of Use.

§ 3 Reproduction of the EU certification mark



(hereafter: **OMS-RC certification mark**)

§ 4 List of goods

The subject-matter of the EU certification mark is the following Class 9 goods:

Apparatus and instruments for controlling the use of electricity

Apparatus for monitoring gas consumption

Computer apparatus for remote meter reading

Computer software for use in remote meter monitoring

Computer software use use in remote meter reading

Data recording apparatus for measuring energy and material flow

Data storage apparatus and media for measuring energy and material flow

Digital display apparatus for measuring energy and material flow

Digital electronic control apparatus for measuring energy and material flow

Digital measuring apparatus for measuring energy and material flow

Electric display apparatus for measuring energy and material flow

Electric control apparatus for energy management relating to thermal energy

Electrical control devices for heating management

Electronic measuring apparatus for measuring energy and material flow

Receivers for signals for measuring energy and material flow

Radio apparatus and instruments for measuring energy and material flow

Gas flow meters

Gas meter [measuring instruments]

Home automation devices

Air pollution measuring devices

Apparatus for measuring, monitoring and analysing electricity consumption

Apparatus for storing data for measuring energy and material flow

Apparatus for monitoring water consumption

Apparatus for improving power efficiency

Smart meters

Wireless controllers to remotely monitor and control the function and status of other electrical, electronic and mechanical devices or systems for measuring energy and material flow

Inspecting apparatus and instruments

Air current measuring apparatus

Measuring and control devices for air-conditioning technology

Measuring, counting, aligning and calibrating instruments for measuring energy and material flow

Measuring apparatus for measuring energy and material flow

Switches in measuring devices for energy

Sensors and detectors, namely electric smoke alarms, humidity sensors, carbon monoxide detectors and temperature sensors

Controllers [regulators] for measuring energy and material flow

Temperature sensors

Thermal controllers [thermostats]

Monitoring instruments and apparatus for measuring energy and material flow

(hereinafter summarised as **Goods**)

§ 5 Certification characteristics of the EU certification mark

- (1) The characteristics of the Goods referred to in the following sections are to be certified with the OMS-RC certification mark.
- (2) The OMS-RC certification mark certifies the suitability of Goods to be integrated into a communication system for meters based on the EN 13757 (M-Bus) series of standards to ensure interoperability across manufacturers and sectors.

- (3) The OMS specification defines the technical requirements for this interoperability, in particular the minimum requirements for wired and wireless communication between a slave (measuring device or actuator) and the (stationary, usually mains-powered) master (gateway or other communication unit). This concerns the physical layer, the data link layer, the general requirements for communication security (dealt with in the authentication and fragmentation layer as well as in the transport layer) and the application itself. For the application layer, requirements are placed on the M-Bus protocol, especially regarding the required values and the time resolution as well as a later conversion of the values into the COSEM Object Identification System. The OMS-RC certification mark certifies that Goods meet the requirements set out in the "Volume 2 – Primary Communication" OMS specification, in the Generation 4 version, issue 4.3.32/2020-10 or a future version. This concerns in particular compliance with the nominal frequencies for Mode C, the frequency deviations permissible for Mode C and the maximum nominal transmission interval for synchronous transmission in Mode C.
- (4) The OMS specification listed in the preceding section and future versions are published on the OMS homepage at <https://oms-group.org/open-metering-system/oms-spezifikation>.

§ 6 Authorised Persons

- (1) Whoever has successfully passed the certification according to § 7 in relation to a product manufactured and/or distributed by him (hereinafter: **Certified Goods**), has received a fee-based approval from OMS or a Certifier commissioned and authorised by OMS and acting under the responsibility of OMS to use the OMS-RC certification mark (hereinafter: **Authorised User**) and uses the OMS-RC certification mark according to the terms of these trademark Regulations of Use, is authorised as a user.
- (2) Only legal entities and/or other companies may be Authorised Users.
- (3) The certification and/or authorisation to use the OMS-RC certification mark is not transferable to third parties.

§ 7 Examination procedure of the Applicant and the certification body

- (1) Authorisation for use can be issued at the request of an Authorised User, only after successful certification of the respective goods at a certification body (hereinafter: **Certifier**).
- (2) The certification takes place at a Certifier, which carries out the tests according to the OMS test procedures to determine whether the goods have the certification characteristics according to § 5. Certification is currently being carried out by the following Contractors:
 - DVGW CERT GmbH, Josef-Wirmer-Str. 1-3, 53123 Bonn, Germany
 - VDE Prüf- und Zertifizierungsinstitut GmbH, Merianstr. 28, 63069 Offenbach, Germany
- (3) The details of the test, recertification and approval are described in the description of the procedure agreed between OMS and the Certifier.
- (4) The verification of the certification properties according to § 5 of these trademark Regulations of Use is carried out on the basis of the "OMS-Conformance-Test-Specification" corresponding to the respective version.
 - a) For the § 5 (3) version, the following apply:
 1. Manufacturer Declaration Issue 4.0.5 / 2020-01-18;
 2. Volume 1 General Part Issue 4.0.5 / 2019-12-22;
 3. Volume 2 PHY (Radio Parameters) Issue 4.0.4 / 2019-12-22;
 4. Volume 3 Data Link Layer Issue 4.0.2 / 2017-10-07;
 5. Volume 4 Application layer Issue 4.0.7 / 2019-01-23.
 - b) For future versions of existing generations or for future generations, the test specifications will be further developed accordingly.
- (5) The "OMS Conformance Test Specifications" listed in the previous section as well as future ones will be published on the OMS homepage at <https://oms-group.org/produkt-zertifizierung/conformance-test-tool> . The European Union Intellectual Property Office as well as Authorised Users will be informed of these changes.
- (6) Certificates are initially issued for 5 years. If the Authorised User wishes to continue using the OMS-RC certification mark in accordance with these trademark Regulations of Use after the end of the term, he must take part in a post-certification procedure.

- (7) The approval only authorises the use of the OMS-RC certification mark in relation to goods for which the certificate has been issued. In addition, the Authorised User is obliged to notify OMS or the Certifier without delay of any changes to its Certified Goods if this may result in the changed goods no longer complying with the conditions of these trademark Regulations of Use.

§ 8 Conditions for the use of the trademark

- (1) Authorised Users are granted the right to use the OMS-RC certification mark as shown in § 3 within the European Union (EU) as an EU certification mark for the term of the certificate and the fee-based authorisation granted to them.
- (2) The OMS-RC certification mark may only be used by Authorised Users for goods within the meaning of § 4 that fulfil the certification characteristics according to § 5.
- (3) The OMS-RC certification mark may only be used as soon as the Authorised User has received a certificate from a Certifier for it, an authorisation has been granted to the Authorised User for it and the use of the OMS-RC certification mark for a specific product has been expressly permitted in this authorisation.
- (4) The use of the OMS-RC certification mark is only permitted upon payment of a fee.
- (5) The OMS-RC certification mark may be used by Authorised Users on the goods, packaging of these goods, instructions on installation and use, brochures, display walls and posters that advertise the product. The OMS-RC certification mark shall not be used in product names, company names or in domain names (URL).
- (6) The use of the OMS-RC certification mark is only permitted to indicate the right of use according to § 6 and the fulfilment of the certification characteristics mentioned at § 5. The OMS-RC certification mark shall not be used to highlight properties of the goods that are not covered by certification according to § 5 and § 7.
- (7) The OMS-RC certification mark shall not be used to give end customers the impression that the goods are of a special quality that does not relate to the certification properties stated in § 5. The Authorised User must avoid misleading the end customer as to the certification characteristics stated according to § 5.
- (8) It is not permitted to use the OMS-RC certification mark in any form other than that reproduced in § 3 without the express consent of OMS.
- (9) It is to be ensured that the contrast between the OMS-RC certification mark and the background colour is high enough to ensure that the OMS-RC certification mark is

easily recognisable. The proportions of the OMS-RC certification mark shall not be altered in the illustration.

- (10) Control over compliance with the aforementioned conditions is regulated by § 9, with penalties in case of violations of these conditions regulated by § 10 hereof.

§ 9 Monitoring the use of the trademark

- (1) OMS undertakes to regularly monitor the compliance of the Authorised Users with these trademark Regulations of Use or to have them monitored by the Certifier or third parties and to penalise significant infringements of § 6 and/or § 8 of these trademark Regulations of Use or have them penalised. OMS will take extra-judicial or judicial action or instruct the Certifier or third parties to do so against material infringements of these trademark Regulations of Use by Authorised Users or third parties.
- (2) Each Authorised User is obliged to notify OMS immediately of any infringements of § 6 and/or § 8 of these trademark Regulations of Use of which he/she becomes aware.
- (3) The Certifier verifies compliance with § 3 to § 6 and § 8 on behalf of OMS through regular monitoring in the form of review of Authorised User documents and/or anonymous test purchases approximately 2 to 2.5 years after the certificate is granted. As a rule, the inspection is carried out by sampling in the market or by means of assistance from the Authorised User.
- (4) Monitoring includes checking the firmware and the associated radio protocol for conformity with the certified design. This includes a record of the radio log on the manufactured product as well as an examination of the change log and a current raw data file.
- (5) If the Certifier receives indications that require monitoring beyond the regular monitoring in order to ensure conformity with the originally Certified Goods, the Certifier may also carry out additional monitoring in justified individual cases. This is done by inspecting the goods, which the Certifier either procures on the market or in accordance with the procedure for regular monitoring pursuant to § 9 section (3) of these trademark Regulations of Use.
- (6) The Certifier may provide that the holder of the right of use may himself designate a suitable testing laboratory to be entrusted with retesting with a notice period of 3

months to the end of the calendar year. Even when using an external testing laboratory, the Certifier evaluates the results of the control test on his own responsibility.

§ 10 Penalties for non-compliance with the conditions

- (1) If OMS becomes aware of violations of § 3 to § 6 and § 8 of these trademark Regulations of Use by Authorised Users, OMS will first set the Authorised User a reasonable deadline to remedy these violations. If the Authorised User does not remedy these violations within this period, OMS or the Certifier may, if legally permissible, withdraw the Authorised User's certification or terminate the approval extraordinarily.
- (2) Against third parties who are not entitled to use the OMS-RC certification mark and nevertheless use it, OMS will take extra judicial measures and, if there is a high chance of success, also judicial measures or have them taken by the Certifier or third parties.