

Provision of services - Part 2: Services Contracts -
Guidance for the design, content and structure of
contracts

EESTI STANDARDI EESSÕNA

NATIONAL FOREWORD

See Eesti standard EVS-EN 17371-2:2021 sisaldab Euroopa standardi EN 17371-2:2021 ingliskeelset teksti.	This Estonian standard EVS-EN 17371-2:2021 consists of the English text of the European standard EN 17371-2:2021.
Standard on jõustunud sellekohase teate avaldamisega EVS Teatajas	This standard has been endorsed with a notification published in the official bulletin of the Estonian Centre for Standardisation and Accreditation.
Euroopa standardimisorganisatsioonid on teinud Euroopa standardi rahvuslikele liikmetele kättesaadavaks 03.11.2021.	Date of Availability of the European standard is 03.11.2021.
Standard on kättesaadav Eesti Standardimis- ja Akrediteerimiskeskusest.	The standard is available from the Estonian Centre for Standardisation and Accreditation.

Tagasisidet standardi sisu kohta on võimalik edastada, kasutades EVS-i veebilehel asuvat tagasiside vormi või saates e-kirja meiliaadressile standardiosakond@evs.ee.

ICS 03.080.01

Standardite reprodutseerimise ja levitamise õigus kuulub Eesti Standardimis- ja Akrediteerimiskeskusele

Andmete paljundamine, taastekitamine, kopeerimine, salvestamine elektroonsesse süsteemi või edastamine ükskõik millises vormis või millisel teel ilma Eesti Standardimis- ja Akrediteerimiskeskuse kirjaliku loata on keelatud.

Kui Teil on küsimusi standardite autoriõiguse kaitse kohta, võtke palun ühendust Eesti Standardimis- ja Akrediteerimiskeskusega: Koduleht www.evs.ee; telefon 605 5050; e-post info@evs.ee

The right to reproduce and distribute standards belongs to the Estonian Centre for Standardisation and Accreditation

No part of this publication may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, without a written permission from the Estonian Centre for Standardisation and Accreditation.

If you have any questions about standards copyright protection, please contact the Estonian Centre for Standardisation and Accreditation: Homepage www.evs.ee; phone +372 605 5050; e-mail info@evs.ee

English Version

Provision of services - Part 2: Services contracts - Guidance for the design, content and structure of contracts

Prestation de services - Partie 2 : Contrats de services -
Recommandations pour l'élaboration, le contenu et la
structure des contrats

Dienstleistungserbringung - Teil 2:
Dienstleistungsverträge - Leitlinien für die Gestaltung,
Inhalt und Struktur von Verträgen

This European Standard was approved by CEN on 21 June 2021.

CEN members are bound to comply with the CEN/CENELEC Internal Regulations which stipulate the conditions for giving this European Standard the status of a national standard without any alteration. Up-to-date lists and bibliographical references concerning such national standards may be obtained on application to the CEN-CENELEC Management Centre or to any CEN member.

This European Standard exists in three official versions (English, French, German). A version in any other language made by translation under the responsibility of a CEN member into its own language and notified to the CEN-CENELEC Management Centre has the same status as the official versions.

CEN members are the national standards bodies of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of North Macedonia, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and United Kingdom.



EUROPEAN COMMITTEE FOR STANDARDIZATION
COMITÉ EUROPÉEN DE NORMALISATION
EUROPÄISCHES KOMITEE FÜR NORMUNG

CEN-CENELEC Management Centre: Rue de la Science 23, B-1040 Brussels

Contents	Page
European foreword	3
Introduction	4
1 Scope.....	5
2 Normative references.....	5
3 Terms and definitions.....	5
4 Purpose of a service contract	6
5 Service contract structures	6
6 Content of a service contract	7
6.1 General.....	7
6.2 Who is entering into the service contract?.....	7
6.3 What are the services – how are they specified, ordered and what are the service performance targets?	8
6.4 How are charges calculated and paid?	13
6.5 What legal system governs the service contract?	16
6.6 How will the contracting parties deal with disputes?	16
6.7 What is the exposure?	17
6.8 What intellectual property rights are there in, and to, the service outputs?.....	18
6.9 When does the agreement commence, how is it terminated and what are the consequences of termination?	19
6.10 What considerations relate to information/data?.....	20
6.11 Making changes to the agreement and the contracting parties' relationship	21
6.12 What other terms need to be considered?	22
Annex A (informative) Service scope and description	25
Annex B (informative) Pricing models.....	28
Annex C (informative) Exit management	30
Bibliography	33

European foreword

This document (EN 17371-2:2021) has been prepared by Technical Committee CEN/TC 447 “Horizontal standards for the provision of services”, the secretariat of which is held by BSI.

This European Standard shall be given the status of a national standard, either by publication of an identical text or by endorsement, at the latest by May 2022, and conflicting national standards shall be withdrawn at the latest by May 2022.

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. CEN shall not be held responsible for identifying any or all such patent rights.

This document has been prepared under a Standardization Request given to CEN by the European Commission and the European Free Trade Association.

Any feedback and questions on this document should be directed to the users’ national standards body. A complete listing of these bodies can be found on the CEN website.

According to the CEN-CENELEC Internal Regulations, the national standards organisations of the following countries are bound to implement this European Standard: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of North Macedonia, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

Introduction

This document is part of a series of European Standards that address different phases in the provision of services (see Figure 1): the service procurement phase (EN 17371-1), the service contracting phase (EN 17371-2) and the service execution phase (EN 17371-3).

Each part of the series can be used individually or in combination with the other parts.

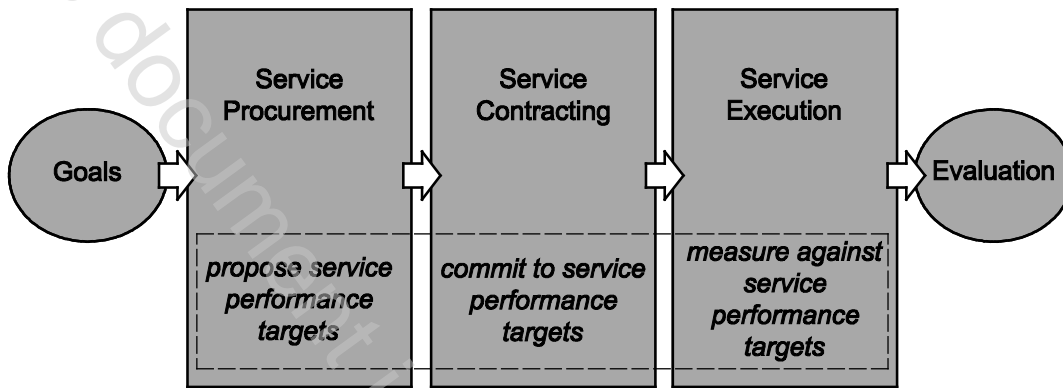


Figure 1 — Phases in the provision of services

The drafting of the series was initiated after CEN presented the findings of a study on the potential and a possible impact of horizontal service standards on the EU single market for services. This study was as a response to mandate M/517 from the European Commission for programming and development of horizontal service standards. The objective of this mandate was to encourage the development of voluntary European Standards covering issues common to many service sectors. Such standards should aim to facilitate compatibility between service providers and improve information and the quality of services to the recipient.

This document addresses the service contracting phase and has been developed to provide organizations with guidance on the design, content and structure of service contracts. No part of this document is intended to be mandatory for inclusion in a service contract; rather it is structured to enable organizations entering into a service contract to identify the solution best suited to achieve the intended business outcomes. The guidance lists the key contents of a service contract that organizations might consider as part of the broader solution being contracted. Based on the nature of services being contracted, the service buyer and service provider can decide upon the specific content for their service contract. This document does not provide guidance regarding the applicable legal rules and regulations.

1 Scope

This document provides guidance on the design, content and structure of service contracts. It is aimed at service buyers and service providers entering a contractual relationship who do not necessarily have legal training. The guidance set out in this document does not constitute legal advice.

This document is applicable to:

- a) service buyers and service providers regardless of type, size or the nature of the services;
- b) service providers who may be inside or outside the service buyers' organization; and
- c) any interested parties who are directly or indirectly involved in or affected by a procurement process.

This document is not applicable to service contracts where the service buyer is a consumer, nor for works contracts.

NOTE 1 "Works contracts" are contracts that have as their object the execution, or both the design and execution, of a work are not covered. Contracts having as their object only the design of a work are covered.

NOTE 2 "Work" means the outcome of building or civil engineering works taken as a whole which is sufficient in itself to fulfil an economic or technical function.

NOTE 3 "Consumer" means an individual member of the general public purchasing or using services for private purposes.

2 Normative references

There are no normative references in this document.

3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

ISO and IEC maintain terminological databases for use in standardization at the following addresses:

- IEC Electropedia: available at <https://www.electropedia.org/>
- ISO Online browsing platform: available at <https://www.iso.org/obp>

3.1

contracting parties

contracting party

service buyer and service provider which conclude a service contract

Note 1 to entry: Each service buyer/provider is considered a contracting party.

3.2

service buyer

organization that buys services from a service provider

Note 1 to entry: In public procurement, the service buyer may also be known as the contracting authority/entity.