



ExMC/721/DV  
November 2011

IECEx OD 022

Edition 2 2011-10

**INTERNATIONAL ELECTROTECHNICAL COMMISSION SYSTEM  
FOR CERTIFICATION TO STANDARDS RELATING TO EQUIPMENT FOR  
USE IN EXPLOSIVE ATMOSPHERES (IECEx SYSTEM)**

**Title: Draft Operational Document Ex OD 022 Rules and Procedures for the granting  
of Licenses to issue and use the IECEx Conformity Mark**

**Circulation: IECEx Management Committee (ExMC)**

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**INTRODUCTION**

The Edition 2 of *ExMC/721/DV Draft Operational Document OD 022- Rules and Procedures for the granting of Licenses to issue and use the IECEx Conformity Mark* was prepared by ExMarkCo Committee at the London 2011 ExMarkCo Meeting.

Following the Meeting the opportunity was taken to include some further changes. A draft containing these changes was circulated to ExMarkCo members for endorsement by correspondence.

This document is now issued to ExMC for final approval.

Please submit your vote to the IECEx Secretariat by **23 December 2011** using the voting form.

*Chris Agius*

**IECEx Executive Secretary**

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ExMC/721/DV  
November 2011

IECEX OD 022

Edition 2 2011-10

**Voting Form  
for document ExMC/721/DV**

Draft Operational Document Ex OD 022 Rules and Procedures for the granting of  
Licenses to issue and use the IECEx Conformity Mark

☐

Yes. I agree with Draft Operational Document Ex OD 022 Rules and  
Procedures for the granting of Licenses to issue and use the IECEx Conformity Mark

☐

No. I do not agree with Draft Operational Document Ex OD 022 Rules  
and Procedures for the granting of Licenses to issue and use the IECEx Conformity  
Mark

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Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Member Body: \_\_\_\_\_

Date: \_\_\_\_\_

Please complete and return by **23 December 2011** to:

**Mr Chris Agius**

IECEX Executive Secretary

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# IECEX OD 022

Edition 2 2012-XX

## IECEX Operational Document

**IEC System for Certification to Standards relating to  
Equipment for use in Explosive Atmospheres**

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**Rules and Procedures for the granting of Licenses to issue and use  
the IECEx Conformity Mark  
OD 022**

**INTERNATIONAL ELECTROTECHNICAL COMMISSION SCHEME FOR  
CERTIFICATION TO STANDARDS RELATING TO EQUIPMENT FOR USE IN  
EXPLOSIVE ATMOSPHERES  
(IECEx SCHEME)**

**Title: Rules and Procedures for the granting of Licenses to issue and use the  
IECEx Conformity Mark**

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**IECEx Operational Document**

This IECEx Operational Document sets the criteria and process for an ExCB to obtain a License from IEC to issue Licenses for use of the IECEx Conformity Mark and the procedures that must be incorporated within an ExCB's own system for the process of issuing an IECEx Conformity Mark License.

The requirements and process contained within this OD are subordinate to the IECEx Conformity Mark Regulations contained in IECEx 04.

Questions concerning the use of this Operational Document and the requirements contained within may be directed to the IECEx Secretariat.

**Document History**

<b>Date</b>	<b>Summary</b>
<b>2007 10</b>	<b>Original Issue (Version 1)</b>
<b>2011 10</b>	<b>Edition 2 issued to clarify the procedures for an ExCB to obtain a License in Table.1 issue a License in Table 2. Changes from previous Version are shown by a Red marginal bar.</b>

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## Introduction

This Operational Document (OD) is supplementary to the IECEx Conformity Mark Regulations, IECEx 04 and sets out the criteria and procedures for ExCBs obtaining a License from IEC that enables them to issue IECEx Conformity Mark Licenses to Holders of an IECEx Certificate of Conformity that qualify according to the IECEx Mark Regulations.

This IECEx Operational Document comprises 2 Sections:-

- **Section 1** – Procedures for an ExCB to obtain a License from IEC.
- **Section 2** – Procedures to be undertaken by an ExCB when granting a License to use the IECEx Conformity Mark.

The procedures are set out in table form identifying:

- Step number showing the link between flowcharts and table
- Description of each activity
- Related documents
- Responsible person or party
- Additional comments and remarks where appropriate

## Terms and Definitions

The Terms and Definitions detailed in the following IECEx Publications apply throughout this OD:

**IECEX 01** – IECEx Scheme Basic Rules

**IECEX 02** – IECEx Scheme Rules and Procedures, applicable to issuing an IECEx Certificate of Conformity

**IECEX 04** – IECEx Conformity Mark, Regulations

## Location of IECEx Rules, Regulations and Supporting Operational Documents

The following IECEx Scheme Rules and Regulations are publicly available via the IECEx internet website at [www.iecex.com](http://www.iecex.com)

**IECEX 01** – IECEx Scheme Basic Rules

**IECEX 02** – IECEx Scheme Rules and Procedures, applicable to issuing an IECEx Certificate of Conformity under the Certified Equipment Program

**IECEX 03** – IECEx Scheme Rules and Procedures, applicable to issuing an IECEx Certificate of Conformity under the IECEx Certified Service Facilities Program covering repair and overhaul of Ex equipment

**IECEX 04** – IECEx Conformity Mark, Regulations

Various Operational Documents are also publicly available from the IECEx website, including this Operational Document.

### **Inquiries**

Inquiries concerning access to or information concerning the IECEx Scheme its Rules and Operational Documents may be directed to the IECEx Secretariat as follows:

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Secretary IECEx  
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Australia

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## **SECTION 1 – Rules and Procedures applicable to an ExCB applying for an IEC License**

This Section applies to ExCBs when applying and holding a license from IEC that permits an ExCB to issue IECEX Conformity Mark Licenses:

### **1.1 ExCB Requirements**

An ExCB seeking to make application for a license from IEC to issue IECEX Conformity Mark Licenses shall :-

- a) Have been accepted as an IECEX Certification Body (ExCB) in accordance with the IECEX Rules of Procedures IECEX 02 and supporting Operational Documents and Procedures;
- b) Have current acceptance as an ExCB
- c) Agree to abide by the IECEX Conformity Mark Regulations and Operational Procedures and decisions of the IECEX Management Committee
- d) Nominates a senior officer who shall act on behalf of the ExCB in matters relating to the IEC License
- e) Sign a Licence agreement.

### **1.2 Limitations of the IEC License granted to an ExCB**

The following limitations shall apply to an ExCB when issuing IECEX Conformity Mark Licenses:-

- a) The ExCB shall issue IECEX Conformity Mark Licenses in accordance with the Regulations, IECEX 04 and Section 2 of this Operational Document and its agreement as amended;
- b) The ExCB may only grant an IECEX Conformity Mark License to holders of an IECEX Certificate of Conformity which they have issued;
- c) The ExCB shall not allow any third party to issue an IECEX Conformity License on their behalf;
- d) The ExCB shall inform the IECEX Secretariat of any changes in their operation or organisation that may prevent the ExCB from fulfilling their duties under this OD or the IECEX Conformity Mark Regulations, IECEX 04; and
- e) The ExCB acknowledges that as owner of the IECEX Conformity Mark, the IEC may withdraw the license and prevent the ExCB from issuing IECEX Conformity Mark (sub) Licenses to manufacturers at any time.

### **1.3 Assessment and Surveillance of ExCBs**

The assessment and surveillance procedures of the IECEX Scheme shall be supplemented with the assessment of the ExCB's compliance with the IECEX Conformity Mark Regulations, IECEX 04 and this Operational Document.



#### **1.4 Changes to IECEX Scheme Rules, Conformity Mark Regulations and Operational Documents**

The ExCB undertakes to continually comply with all IECEX Scheme Rules, eg IECEX 01, IECEX 02, IECEX 03, IECEX 04 and Operational Documents, including their amendments, while holding an IEC License to issue IECEX Conformity Mark Licenses.

The ExCB further undertakes to inform/notify holders of an IECEX Conformity Mark, issued by them, of changes to IECEX Conformity Mark Regulations, Section 2 of this Operational Document and Terms and Conditions (OD 023).

#### **1.5 Termination of the IEC License**

The license agreement between the IEC and ExCB, enabling the ExCB to grant IECEX Conformity Mark Licenses may be terminated by:

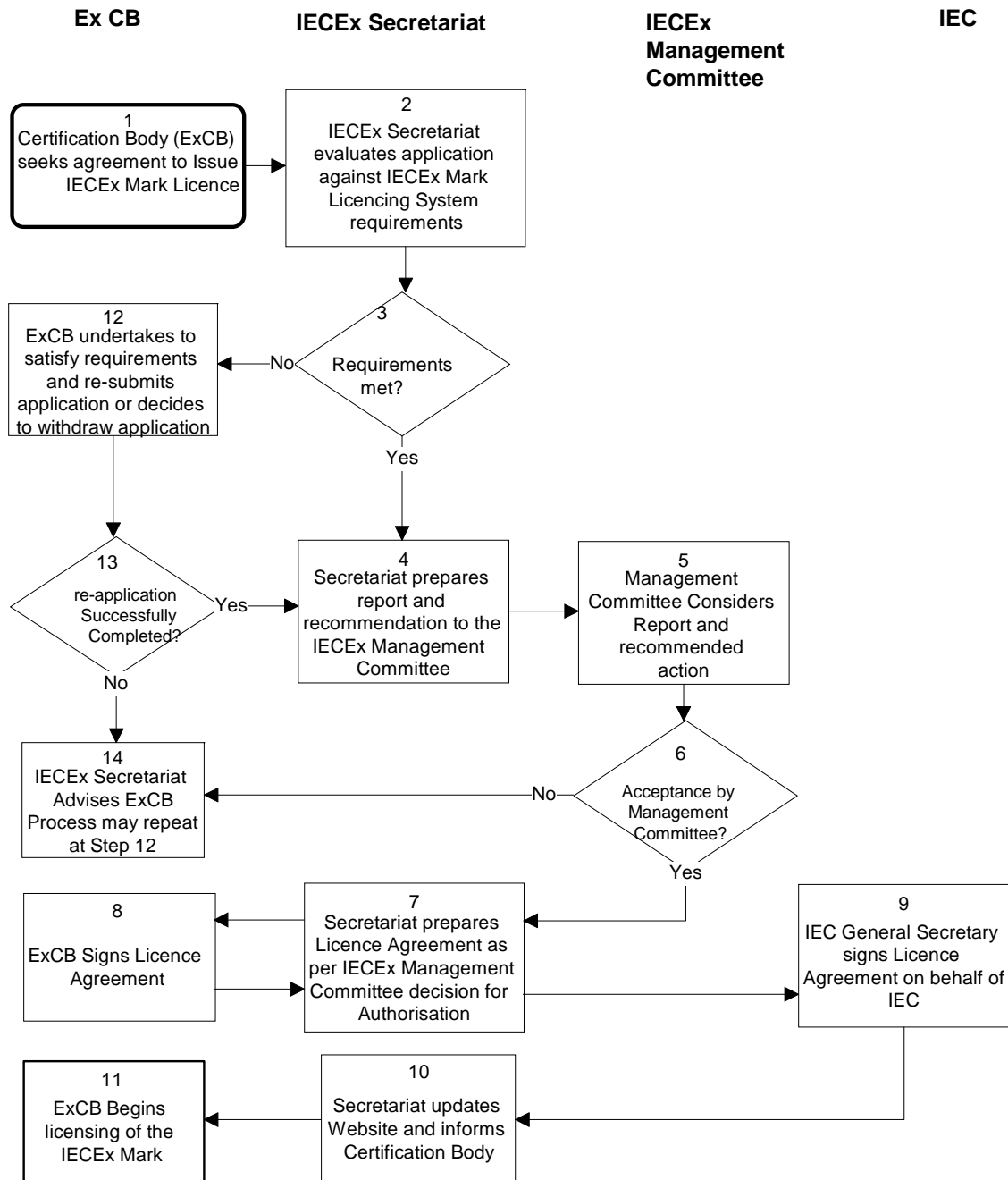
- a) The ExCB providing written notice to the IECEX Secretariat of its desire to terminate the License agreement with IEC;
- b) The IEC providing written notice to the ExCB informing the ExCB of termination of the License agreement, with reasons given

Upon termination of the IEC License agreement, the ExCB shall

- i) Cease to promote or display any association with the licensing of the IECEX Conformity Mark
- ii) Notify all holders of the IECEX Mark License, the ExCB have issued, that such IECEX Conformity Mark Licenses are no longer valid and must cease using the IECEX Conformity Mark.
- iii) Pay any outstanding fees to the IEC, via the IECEX accounts associated with annual or other fees as determined by the IECEX Management Committee.

#### **1.6 Procedure for an ExCB seeking an IEC License to issue IECEX Conformity Mark Licenses**

The procedure for an ExCB obtaining a License from IEC to issue IECEX Conformity Mark Licenses is outlined in Figure 1 with details specified in Table 1.

**Abbreviations:****ExCB** Certification Body**IEC** International Electrotechnical Commission

**Figure 1**  
**Overview of IEC/Certification Body**  
**IECEx Conformity Mark Licence**  
**Authorisation Procedure**

Step	<b>Table 1- Procedures for an ExCB to obtain and maintain an IEC License to issue IECEX Conformity Mark License</b>  <b>Description of Activity (ref Figure 1)</b>	Related Documents	By Whom	Notes/Comments
1	<p>An ExCB may submit an application to the IECEX Secretariat for an IEC License agreement to enable the ExCB to issue IECEX Conformity Mark Licenses.</p> <p>The application shall consist of:</p> <ul style="list-style-type: none"> <li>a) A letter from the ExCB signed by the position with the Chief Executive Officer Functions for the ExCB</li> <li>b) Copies of the ExCBs internal procedures for their issuing and control over IECEX Conformity Mark Licenses they intend to issue</li> <li>c) Payment of any application fee as determined by the IECEX Management Committee</li> </ul> <p>In submitting such an application the ExCB declares that it has reviewed its internal procedures and that they comply with the IECEX 04 and this Operational Document</p>	IECEX 04 ExCB's own procedures	ExCB	.
2	<p>IECEX Secretariat either evaluates or arranges for an evaluation of the application to ensure the following is met</p> <ul style="list-style-type: none"> <li>a) All information provided is complete and complies with IECEX 04 and this OD as well as OD 023</li> </ul>	Application information	IECEX Secretary	IECEX Secretary shall consult with the IECEX Chairman prior to issuing a decision requiring a site assessment visit to the applicant

Step	<b>Table 1- Procedures for an ExCB to obtain and maintain an IEC License to issue IECEX Conformity Mark License</b>  <b>Description of Activity (ref Figure 1)</b>	Related Documents	By Whom	Notes/Comments
	<p>b) The ExCB is a currently accepted ExCB</p> <p>Where information is incomplete or additional information may be necessary, a request for further information may be made even a site visit to the ExCB by an IECEX Assessor, if determined by the IECEX Secretary.</p>			<p>ExCB. The IEC General Secretary shall have the final decision concerning the level of any assessment.</p>
3	<p>Where the application requirements have been met the Secretariat prepares a report for consideration by the ExMarkCo. The Secretariat provides the following information to ExMarkCo</p> <ul style="list-style-type: none"> <li>- Check ExCB scope in IECEX 02 Scheme</li> <li>- Check number of CoCs issued</li> <li>- Post report to password protected area of ExMarkCo website page</li> <li>- Check that ExCB procedures align with OD 022 Table 2</li> <li>- Check that IECEX Terms and Conditions of OD 023 are included into the applicants requirements that will be placed on holders of IECEX Mark Licences</li> <li>- Monitor / Deal with any comments from ExMarkCo (usually none)</li> </ul>	IECEX OD 023	Secretariat + ExMarkCo	

Step	<b>Table 1- Procedures for an ExCB to obtain and maintain an IEC License to issue IECEX Conformity Mark License</b>  <b>Description of Activity (ref Figure 1)</b>	Related Documents	By Whom	Notes/Comments
	ExMarkCo reviews the Secretariat Report via correspondence, upon no objection the application proceeds to ExMC for Voting			
4	IECEX Secretariat prepares a formal report to the ExMC for voting which shall contain: a) A summary report of the findings of the ExMarkCo from its review of the ExCB's internal procedures for compliance with IECEX 04, OD 022 and OD 023 b) A final ExMarkCo recommendation		IECEX Secretariat	
5	The ExMC shall consider the report from ExMarkCo either at a meeting or via correspondence. When dealt with via correspondence a formal vote shall take place in accordance with the voting procedures of IECEX 01	IECEX 01	ExMC	
6	The voting procedures of IECEX 01 shall apply with the Secretariat recording in the minutes of the ExMC meeting any decisions taken at the meeting or the issuing of a voting report where voting has been taken via correspondence	IECEX 01	IECEX Secretariat	
7	Upon a positive decision from the ExMC, according to	IEC / ExCB	IECEX Secretariat	

Step	<b>Table 1- Procedures for an ExCB to obtain and maintain an IEC License to issue IECEX Conformity Mark License</b>  <b>Description of Activity (ref Figure 1)</b>	Related Documents	By Whom	Notes/Comments
	<p>the voting criteria of IECEX 01, The Secretariat prepares the license agreement between IEC and the ExCB.</p> <p>2 originals of the IEC / ExCB agreement shall be prepared so that both IEC and the ExCB maintain originally signed versions.</p>	License agreement, Annex A		
8	The Officer carrying out the duties and authorities of the Chief Executive Officer for the ExCB shall sign the IEC / ExCB License agreement and forward this back to the IECEX Secretariat.	IEC / ExCB License agreement, Annex A	ExCB	
9	The General Secretary or his designate shall sign both originals of the IEC / ExCB License Agreement on behalf of the IEC once the General Secretary or Designate is satisfied that all processes have been completed.	IEC / ExCB License agreement, Annex A	General Secretary or Designate	The General Secretary or his Designate authorises the issue of an IEC / ExCB License on the basis of an ExMC recommendation
10	<p>One of the signed IEC / ExCB License agreements shall be forwarded to the ExCB, by the IECEX Secretary with the IEC Central Office maintaining their copy.</p> <p>The IECEX Secretariat shall update IECEX Records</p>	IECEX Internet Website <a href="http://www.iecex.com">www.iecex.com</a>	IECEX Secretariat	

Step	<b>Table 1- Procedures for an ExCB to obtain and maintain an IEC License to issue IECEX Conformity Mark License</b>  <b>Description of Activity (ref Figure 1)</b>	Related Documents	By Whom	Notes/Comments
	and the IECEX Website to show which ExCBs hold a current License with IEC to issue IECEX Conformity Mark Licenses.			
11	<p>The ExCB may now begin to issue IECEX Conformity Mark Licenses.</p> <p>The IECEX Secretary then ensures that the ExCB's compliance with the IECEX 04 Regulations and this Operational Document are included in the surveillance assessment of the ExCB</p> <p>The ExCB agrees to maintain compliance with any changes to the IECEX Conformity Regulations, Terms and Conditions (OD 023) and this Operational Document. This shall also include notifications to holders of IECEX Conformity Mark Licenses they have issued.</p> <p>At the end of each three year validity period the IECEX Secretariat shall inform the ExCB that the License agreement has been renewed for a further three years.</p>	IECEX 04	ExCB IECEX Secretariat	
12	Upon a negative outcome of the Secretariat's review	IECEX 04	ExCB	

Step	<b>Table 1- Procedures for an ExCB to obtain and maintain an IEC License to issue IECEX Conformity Mark License</b>  <b>Description of Activity (ref Figure 1)</b>	Related Documents	By Whom	Notes/Comments
	of the application documentation, the ExCB may re-submit revised or additional information to the IECEX Secretariat	OD 022		
<b>13</b>	Where the re-submission is found to be satisfactory, by the IECEX Secretariat, the application may proceed according to the steps of this Operational Document		IECEX Secretariat	
<b>14</b>	Where either the re-submission or the voting by the IECEX Management Committee are unsuccessful, the IECEX Secretariat shall notify the ExCB who shall decide whether to re-submit or withdraw their application	ExCB application		The manufacturer may re-commence the process at Step 12.



## **SECTION 2 – Rules and Procedures applicable to the issuing of an IECEx Conformity Mark License by an ExCB**

This Section applies to ExCBs when issuing an IECEx Conformity Mark License:

### **2.1 ExCB Requirements**

The following requirements apply to an ExCB when processing an application for an IECEx Conformity Mark License:-

- a) The ExCB must first hold a current IEC / ExCB License, issued in accordance with Section 1 of this OD, prior to accepting any applications from manufacturers.
- b) The ExCB may only accept an application from a holder of an IECEx Certificate of Conformity (CoC) issued, in accordance with the IECEx Rules of Procedures IECEx 02, the agreement with IEC and where the IECEx CoC has been issued by the ExCB;
- c) The IECEx Conformity Mark License may be issued to cover one or more than one IECEx CoC, with all IECEx CoC reference numbers shown on the IECEx Conformity Mark License
- d) The IECEx Conformity Mark License shall only cover IECEx CoCs that have a “Current” Status, according to IECEx Operational Document OD 009.
- e) Should any of the IECEx CoCs referred to on the IECEx Conformity Mark License become “suspended” or “Cancelled” the IECEx Conformity Mark License shall be updated by the removal of such IECEx CoC references.
- f) The ExCB shall ensure that all holders of an IECEx Conformity Mark License, issued by them comply with the “IECEX Conformity Mark License Conditions” detailed in Operational Document OD 023

### **2.2 Assessment and Surveillance of IECEx Conformity Mark License holders (Licensees)**

The ExCB shall ensure that all holders of the IECEx Conformity Mark License (Licensees) are subjected to assessment and surveillance for their ability to control application, use and display of the IECEx Conformity Mark in accordance with the IECEx Conformity Mark License Regulations, this Operational Document and the IECEx Conformity Mark License Terms and Conditions, OD 023.

Such surveillance may be considered as an extension to the existing surveillance for holders of an IECEx CoC.

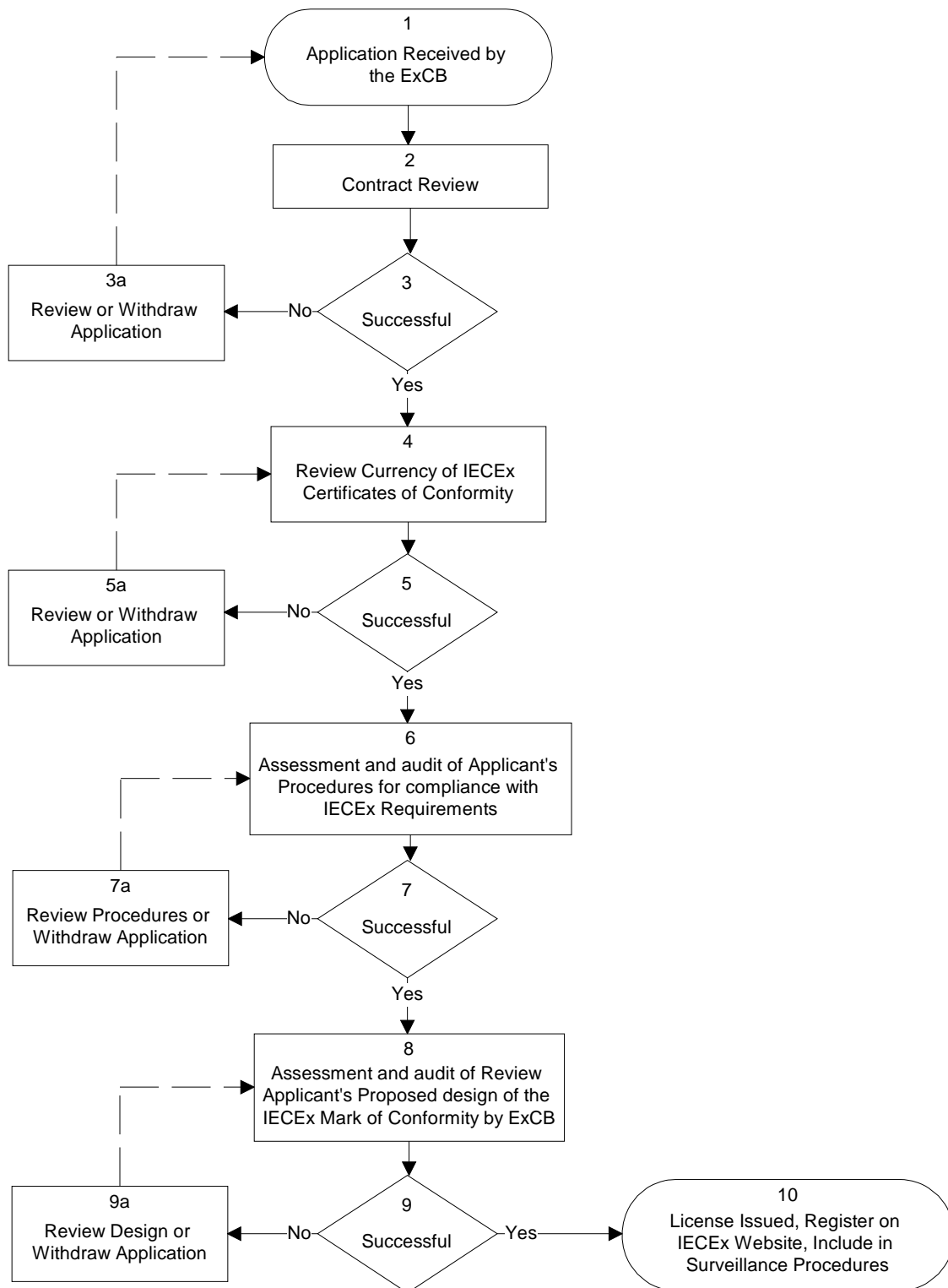
The ExCB is required to investigate any claims of misuse of the IECEX Conformity Mark or where such evidence exists concerning IECEX Conformity Mark Licenses that it has issued, in order to protect the integrity of the IECEX Conformity Mark and IEC.

### **2.3 Appeals**

Given that an ExCB maintaining an Appeals procedure has always been a requirement of the IECEX Scheme, the ExCB shall ensure that such appeals procedures include decisions taken concerning the issuing and maintaining of an IECEX Conformity Mark License .

### **2.4 Procedure for an ExCB issuing IECEX Conformity Mark Licenses**

The procedures used by an ExCB to issue IECEX Conformity Mark Licenses shall include the requirements outlined in Figure 2 with details specified in Table 2.

**Figure 2**

Overview of ExCB Process to Issue IECEX  
Conformity Mark License

Step	<b>Table 2- Minimum Procedures to be followed by an ExCB when issuing and maintaining an IECEX Conformity Mark License</b>  <b>Description of Activity (ref Figure 2)</b>	Related Documents	By Whom	Notes/Comments
1	<p>An ExCB receives an application for an IECEX Conformity Mark from a Holder of an IECEX Certificate of Conformity, issued in accordance with the IECEX Rules and Procedures, IECEX 02 and supporting IECEX Operational Documents.</p> <p>The application should consist of:</p> <ul style="list-style-type: none"> <li>a) The ExCB's nominated application form</li> <li>b) Copies of the applicant's internal procedures for use, display and control of the IECEX Conformity Mark</li> <li>c) A controlled document detailing the design of the IECEX Conformity Mark, proposed by the Applicant (usually in the form of a Manufacturer's Drawing);</li> <li>d) The signed License agreement between ExCB and Manufacturer which shall include reference to the manufacturer's agreement with the Terms and Conditions with OD 023, as a minimum; and</li> <li>e) Payment of any application fee as determined by the ExCB</li> </ul> <p>In submitting such an application the applicant</p>	IECEX 02 ExCB's own procedures, as approved according to Section 1 of this OD ExCB's own application form	ExCB	<p>The ExCB develops its own application form which is reviewed as part of Section 1 of this OD</p> <p>The ExCB's License agreement between them and the manufacturer shall include all items of the Terms and Agreement detailed in OD 023 or at least a clear reference to these.</p>

Step	<b>Table 2- Minimum Procedures to be followed by an ExCB when issuing and maintaining an IECEX Conformity Mark License</b>  <b>Description of Activity (ref Figure 2)</b>	Related Documents	By Whom	Notes/Comments
	declares that it has reviewed its internal procedures and that they comply with IECEX 04 and this Operational Document			
<b>2</b>	ExCB conducts contract review to evaluate the application to ensure the following is met  a) The application information is complete b) The application for an IECEX Conformity License identifies Ex products covered by IECEX Certificates of Conformity, issued by the ExCB receiving the Conformity Mark License application;	Application information	ExCB	The ExCB may consult with the IECEX Secretary when reviewing applications.
<b>3</b>	Where the requirements have not been met the ExCB shall inform the Applicant who may then arrange for review of their application.		ExCB	
<b>3a</b>	Where the results of the contract review are not positive, the ExCB shall inform the applicant as soon as possible, preferably within 48hrs of arriving at this decision.  The nature of why the contract review was		ExCB / Applicant	


Step	<b>Table 2- Minimum Procedures to be followed by an ExCB when issuing and maintaining an IECEX Conformity Mark License</b>  <b>Description of Activity (ref Figure 2)</b>	Related Documents	By Whom	Notes/Comments
	unsuccessful would then suggest the possible next course of action which may include but not limited to: <ul style="list-style-type: none"> <li>a) Submission of additional information by the applicant to the ExCB;</li> <li>b) Withdrawal of the application by the applicant</li> <li>c) Termination of the application by the ExCB, where the application does meet IECEX requirements</li> </ul>			
4	The ExCB shall review the application and requested scope of coverage by the applicant to ensure that products listed only relate to those products covered by: <ul style="list-style-type: none"> <li>a) A current IECEX Certificate of Conformity</li> <li>b) Only IECEX Certificates of Conformity which the ExCB has issued</li> </ul>		ExCB	ExCBs may only issue IECEX Conformity Mark Licenses to cover IECEX CoC that they have issued. In the case where the applicant holds IECEX CoCs from different ExCBs, then separate Licenses from the ExCBs shall be sought, where the applicant wishes to use the IECEX Conformity Mark on all products.

Step	Table 2- Minimum Procedures to be followed by an ExCB when issuing and maintaining an IECEX Conformity Mark License	Related Documents	By Whom	Notes/Comments
	<b>Description of Activity (ref Figure 2)</b>			
<b>5+5a</b>	<p>Where the requirements have not been met the ExCB shall inform the Applicant who may then arrange for review of their application.</p> <p>The ExCB shall notify the Applicant as soon as possible and preferably within 48hrs after arriving at its decision</p>	IECEX CoCs	ExCB	
<b>6</b>	<p>The ExCB shall arrange for an assessment and audit of the applicant's Procedures for compliance with the Terms and Conditions and this OD. Such assessment shall include but not limited to the following:</p> <ul style="list-style-type: none"> <li>a) Ensuring the Procedures require that the IECEX Conformity Mark is only associated with Products covered by IECEX Certificates of Conformity, listed in the application;</li> <li>b) A review of promotional material where the IECEX Conformity Mark is likely to be used</li> <li>c) A clear identification of the senior position with responsibility and authority to control use of the Mark with the applicant's organisation.</li> <li>d) Ensuring the requirements of the Terms and Conditions in OD 023 are met</li> </ul>	IECEX 04 Applicant's procedures OD 023	ExCB	This assessment may be conducted either at the Applicant's premises or the ExCB's offices and may also be included as an extension to the normal IECEX CoC surveillance visit by the ExCB.

Step	<b>Table 2- Minimum Procedures to be followed by an ExCB when issuing and maintaining an IECEx Conformity Mark License</b>  <b>Description of Activity (ref Figure 2)</b>	Related Documents	By Whom	Notes/Comments
<b>7 + 7a</b>	<p>Where the result of the assessment/audit is negative the Applicant may submit additional or revised information and procedures to the ExCB for additional reviews.</p> <p>Alternatively the Applicant may chose to withdraw their application The ExCB shall notify the Applicant as soon as possible and preferably within 48hrs after arriving at its decision</p>	ExCB's procedures, This OD	ExCB	
<b>8</b>	<p>Upon successful completion of Step 6, the ExCB shall review the proposed design by the Applicant.</p> <p>This proposed design shall have been submitted by the Applicant in the form of a controlled document, usually in the form of a drawing.</p> <p><b>Note:</b> To assist the Applicant with a proposed design, blank copies of the Mark may be requested from the IECEx Secretariat by the ExCB.</p>	Applicant's design	ExCB	
<b>9 + 9a</b>	Where the assessment according to Step 8 is successful the ExCB shall stamp or otherwise provide indication of its acceptance on the Applicants controlled document, create a copy for the ExCB's		ExCB	



Step	<b>Table 2- Minimum Procedures to be followed by an ExCB when issuing and maintaining an IECEx Conformity Mark License</b>  <b>Description of Activity (ref Figure 2)</b>	Related Documents	By Whom	Notes/Comments
	<p>records and then forward the document back to the Applicant.</p> <p>Where the result according to Step 8 is unsuccessful the Applicant may re-submit a revised document showing a modified Mark design for further review by the ExCB.</p> <p>Alternatively the Applicant may choose to withdraw their application The ExCB shall notify the Applicant as soon as possible and preferably within 48hrs after arriving at its decision</p>			
10	<p>With all steps now successfully completed and subject to payment of fees by the applicant, the ExCB shall:</p> <ul style="list-style-type: none"> <li>a) Issue the IECEx Conformity Mark License</li> <li>b) Register the License Certificate on the IECEx Website</li> <li>c) Update the ExCB's surveillance procedures and audit plans, for the applicant, to include on-going assessment and review of the Applicant's ability to comply with the IECEx Conformity Mark Regulations, this OD and Terms and Conditions, OD 023.</li> <li>d) Request from the IECEx Secretariat two copies</li> </ul>	IECEX Internet Website <a href="http://www.iecex.com">www.iecex.com</a>	ExCB	

Step	<b>Table 2- Minimum Procedures to be followed by an ExCB when issuing and maintaining an IECEX Conformity Mark License</b>  <b>Description of Activity (ref Figure 2)</b>	Related Documents	By Whom	Notes/Comments
	 of a CD containing copies of the Mark, complete with number, in both colour and black and white			

## **Annex A**

**LICENSE AGREEMENT BETWEEN**  
**THE INTERNATIONAL ELECTROTECHNICAL COMMISSION**  
**AND**  
**.....**  
**CONCERNING**  
**OPERATION AS AN IECE<sub>x</sub> CERTIFICATION BODY TO**  
**ISSUE IECE<sub>x</sub> CONFORMITY MARK LICENSES**

## **AGREEMENT**

This Agreement is made on .....[date] by and between:

**The International Electrotechnical Commission**, with offices at 3 rue de Varembe,  
1211 Geneva 20, Switzerland (herein after referred to as '**the IEC**')

And

.....[Name of Certification Body], with offices at .....[address]  
(herein after referred to as '**the Certification Body**')

The IEC and the Certification Body are hereinafter sometimes referred to as 'The Parties' or separately referred to as 'a Party'.

Whereas:

- a. **The IEC** owns the IECEx Conformity Mark and has published **Regulations, IECEx 04** describing the IECEx Conformity Mark its meaning and the requirements for management and licensing of the IECEx Conformity Mark.
- b. **The IEC** has approved the creation of the IECEx Conformity Mark Licensing System defined below for the purpose of managing the licensing of the use of the IECEx Conformity Mark.
- c. **The Certification Body** is an accepted IECEx Certification Body (ExCB) in accordance with IECEx 02 and has applied to be recognised as an IECEx Conformity Mark License issuing Body to be authorised to license the use of the IECEx Conformity Mark in accordance with the IECEx Conformity Mark Regulations, IECEx 04 and Rules and Procedures detailed in IECEx Operational Document OD 022, as amended.

## Definitions

- 1. **'Regulations'** means the IECEx Conformity Mark Regulations, IECEx 04, always in their valid versions.
- 2. **'The IECEx Management Committee (ExMC)'** means the Management Committee of the **IECEX Scheme and all its Programs, including the Licensing of the IECEx Conformity Mark** defined above.
- 3. **'IECEX Conformity Mark'** means the IECEx Conformity Mark owned and operated by the IEC as defined in the IECEx Conformity Mark **Regulation, IECEx 04**.

**It is hereby agreed as follows:**

### 1. Authorisation

**The IECEx Certification Body** is authorised to issue IECEx Conformity Mark Licenses for the use of the **IECEX Conformity Mark** on or associated with Ex products which are covered by a current IECEx Certificate of Conformity, in accordance with IECEx 02 and issued by the **IECEX Certification Body** and meet all the requirements of **the IECEx Conformity Mark Regulations (IECEX 04), the Rules and Procedures (OD 022) and the IECEx Conformity Mark Terms and Conditions (OD 023)**, subject to the conditions and limitations set out hereafter. In authorising the IECEx Certification Body to issue IECEx Conformity Mark Licenses, this agreement does not give any other contractual rights to the IECEx Certification Body outside that as provided by the IECEx Conformity Mark License Regulations (IECEX 04).

In addition, the IECEx Certification Body shall only issue IECEx Conformity Mark Licenses that list IECEx Certificates of Conformity issued by the IECEx Certification Body, itself and in accordance with IECEx 02.

## **2 Rights and Obligations of the IECEx Certification Body**

**2.1** The IECEx Conformity Mark licensed for use shall be in accordance with the specimen shown in the Regulations (IECEX 04) with the addition of The IECEx Certification Body identifier and License number in the format instructed by the IECEx Secretariat.

**2.2** **The IECEx Certification Body** shall ensure that licenses are only issued for products which are covered by a current IECEx Certificate of Conformity, in accordance with IECEx 02 and issued by the IECEx Certification Body.

**2.3** **The IECEx Certification Body** shall ensure that their procedures for the issue, maintenance, withdrawal, and misuse of licenses conform to the IECEx Conformity Mark Regulations (IECEX 04), Rules and Procedures (OD 022) and the Terms and Conditions (OD 023) always in their currently valid version.

**2.4** **The IECEx Certification Body** shall be responsible for its financial obligations deriving from its participation as an IECEx Conformity Mark License issuing body.

**2.5** **The IECEx Certification Body** shall have the right to decide the fees it will charge for its certification services, within normal acceptable market rates, relating to the **IECEX Conformity Mark**.

**2.6** **The IECEx Certification Body** shall be responsible for its own legal liabilities and shall maintain the necessary insurances including professional liability insurance as required by ISO/IEC Guide 65.

**2.7** **The IECEx Certification Body** shall use its best endeavours to ensure that manufacturers and other applicants licensed to use the **IECEX Conformity Mark** on or associated with their products comply with the duties and responsibilities placed on them by the **Regulations (IECEX 04)** Rules and Procedures (OD 022) and the Terms and Conditions (OD 023). The IECEx Certification Body shall include such as part of its agreement with Licensees.

**2.8** **The IECEx Certification Body** shall inform **the IEC** through the IECEx Secretariat of any cases either brought to its notice or where they become aware of misuse of the **IECEX Conformity Mark** and shall take appropriate action in cases of misuse of licences which it has issued.

**2.9** **The IECEx Certification Body** shall maintain compliance with the requirements of the IECEx Scheme Rules and Procedures (IECEX 02), the Regulations (IECEX 04) and supporting Operational Documents, available from the IECEx Internet

site [www.iecex.com](http://www.iecex.com) and shall immediately inform the IECEX Secretary of any actions or inactions that may result in the IECEX Certification Body no longer maintaining such compliance

**2.10 The IECEX Certification Body** agrees to pay licence fees associated with the IECEX Conformity Mark, as approved by the IECEX Management Committee

**2.11 The IECEX Certification Body** shall inform **the IEC** of any change to its legal status.

**2.12 The IECEX Certification Body** shall operate under their own responsibility and shall indemnify and hold harmless **IEC** from any and all claims, actions and judgements, including costs of defence incurred in defending claims arising from **the IECEX Certification Body's** operation in issuing IECEX Conformity Mark Licenses.

**2.13** In operating this agreement, the IEC is not aware of any third parties whose rights may be infringed.

**2.14** The IECEX Certification Body has the right to use the IECEX Conformity Mark for promotional purposes.

### **3 Obligations of the IEC**

**3.1 The IEC** as owner of the IECEX Conformity Mark shall be responsible for its legal protection in all countries where such protection is necessary

**3.2 The IEC** will take action as described in the Regulations (IECEX 04) in cases of misuse of the IECEX Conformity Mark where a licence has not been issued.

### **4 Validity**

**4.1** This agreement shall come into force from the date that it is signed by both **Parties** for an initial period of three years, and shall be tacitly renewed for successive periods of equal duration.

### **5 Termination**

**3.1** This Agreement can be terminated by either **Party** after consultation and following the receipt of written notification. Each **Party** shall take the required measures to duly finalise its existing commitments.

**3.2** The IECEX Certification Body agrees to comply with the termination requirements detailed in the Rules and procedures (OD 022) and Terms and Conditions (OD 023).

In witness whereof each **Party** has caused this Agreement to be executed by its duly authorised representatives on the date first set forth above.

SIGNED

For and on behalf  
of the **IEC**

For and on behalf  
of the **IECEX Certification Body**