



INTERNATIONAL ELECTROTECHNICAL COMMISSION

CONFORMITY ASSESSMENT BOARD (CAB)

SUBJECT

**Approval of the IECEx Mark System and the Regulations, document IECEx 04 –
*IECEx Conformity Mark Licensing System, Regulations***

BACKGROUND

An IECEx Mark has always been considered to be an integral element throughout the development of the IECEx Scheme. The need for and role of an IECEx Mark was heightened when the Scheme commenced issuing IECEx Certificates of Conformity in late 2003.

In line with the June 2005 CAB Decision 17/3, (recorded in CAB/547/DL), IECEx progressed with development of a dedicated Mark for the IECEx Scheme, utilising early work conducted within the CAB.

A detailed report from the IECEx was noted, during the May 2007 Sydney CAB Meeting (refer IECEx Mark Report CAB/675/INF). This report comprised:

- Report on activity by the IECEx
- Draft IECEx 04 - *IECEx Conformity Mark Licensing System, Regulations*
- Operational Documents covering the Procedures for granting an IECEx Conformity Mark Licence and Standardised Terms and conditions

In addition to the above, CAB Members noted the increasing need to provide the IECEx industry with a dedicated Mark due to:

- increasing requests from manufacturers, Ex equipment users and Regulators for a Mark; and
- The absence of an IECEx Mark is resulting in the incorrect use of the IECEx logo as a substitute Mark, without the proper control systems in place.

The Sydney 2007 CAB meeting recorded the following Decision in CAB/683/DL:-

Decision 21/5 — IECEx Mark

The CAB notes that documentation for the introduction of an IECEx Mark is essentially complete and requests the IECEx, as soon as possible, to submit a proposal for the Mark System to the CAB for approval by correspondence.

Draft IECEx 04, as presented to the June 2007 Sydney CAB meeting, is now finalised and submitted for CAB voting.

ACTION

In line with Decision 21/5, the CAB is requested to approve the following:-

1. The introduction of the IECEx Conformity Mark System, and
2. The attached IECEx 04 Document, *IECEx Conformity Mark Licensing System, Regulations*

by **10 August 2007**, using the voting system on the IEC Technical Server

**IECEx
04**

INTERNATIONAL ELECTROTECHNICAL COMMISSION

First edition
2007-XX

Version Dated 070602

IECEx Conformity Mark Licensing System

Regulations



Commission Electrotechnique Internationale
International Electrotechnical Commission
Международная Электротехническая Комиссия

Reference number
IECEx 04:20XX

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International Electrotechnical Commission

**3, rue de Varembé Geneva
Switzerland**

Telefax: +41 22 919 03 00

e-mail: inmail@iec.ch

IEC web site <http://www.iec.ch>

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Международная Электротехническая Комиссия

INTERNATIONAL ELECTROTECHNICAL COMMISSION

IECEX Conformity Mark Licensing System Regulations

INTRODUCTION

The International Electrotechnical Commission is an organization which was formed as a result of the Resolution) of the Chamber of Government Delegates at the International Electrical Congress of St. Louis (U.S.A.), in September 1904.

The name of the organization is the International Electrotechnical Commission. The abbreviated title is "IEC". The organization is constituted as a corporate association with legal entity in accordance with Articles 60 et seq. of the Swiss Civil Code.

The work of the IEC is conducted under the IEC Statutes and Rules. These IECEX Conformity Mark Licensing Regulations are subordinate to the IEC Statutes and Rules with the IEC Statutes and Rules taking precedence over any requirement contained within these IECEX Conformity Mark Licensing Regulations, should a conflict arise.

The IECEX Scheme is the Scheme of the IEC for Conformity Assessment to Standards relating to Equipment for Use in Explosive Atmospheres, as provided for in accordance with Article 2 of the IEC Statutes and Rules, 2001 edition, (incorporating amendments approved by Council in 2004 and 2005).

The IECEX facilitates the operation of certification programs in strict accordance with the IECEX Scheme Basic Rules, IECEX 01, as approved by the IEC Conformity Assessment Board (CAB). The IECEX, through the IECEX Management Committee (ExMC) approves the appointment of Certification Bodies that may operate in the IECEX Scheme. These Certification Bodies are known as ExCBs and take the sole decision when issuing Certificates of Conformity under the IECEX Scheme.

While the IECEX Certificates of Conformity, issued by ExCBs, provide evidence of conformity, there is a need to display such conformance through the use of an "IECEX Conformity Mark" .

The use of Marks on products and packaging and other material, to demonstrate conformity is widespread. The IECEX Conformity Mark is a single Global Mark that is intended to negate the need for separate individual Marks being used. The growing industry support and use of the IECEX Scheme has fuelled the demand for an International Mark in this field.

These Regulations establish the Rules for the IECEX Conformity Mark Licensing System and are supported by dedicated IECEX Operational Manuals and Procedures, available from the IECEX Internet website or the IECEX Secretariat via the IEC Central Office, www.iecex.com .

International Electrotechnical Commission, 3, rue de Varembé, PO Box 131, 1211 Geneva 20, Switzerland
Telephone: +41 22 919 02 11 □ Telefax: +41 22 919 03 00 □ E-mail: inmail@iec.ch □ Web: www.iec.ch

IECEX Conformity Mark Licensing Regulations

1 Title

The operation is known as the “IECEX Conformity Mark Licensing System”, hereinafter referred to as “Mark Licensing System”, with the IECEx Conformity Mark referred to as “The Mark”.

2 Object

Taking into account the object of the International Electrotechnical Commission (IEC) as given in Article 2 of the Statutes, the particular object of the Mark Licensing System, operated under the authority of the IEC in conformity with the Statutes, is to provide a Mark, for use by the Ex industries, as a means of identifying compliance with the relevant IEC Standards and other normative documents approved by the IECEx Management Committee and the requirements of the IECEx Scheme.

3 Field of application

The Mark Licensing System is applicable to industries and product areas covered by the IECEx Scheme as agreed by the IECEx Scheme Management Committee.

A list of the areas of operation shall be published and maintained by the Secretary of the IECEx Management Committee.

4 Governing documents

The documents which state the Rules of the Mark Licensing System and which govern the organization of its operation are as follows:

- a) the Statutes of the IEC;
- b) the Rules of Procedure of the IEC and the ISO/IEC Directives, unless otherwise specified in these Regulations
- c) the IECEx 01, Basic Rules which define the principles of the IECEx Scheme and which are approved by the CAB;
- d) the IECEx Operational Documents which define the working procedures of the Mark Licensing System. The Operational Documents are approved and amended by the IECEx Management Committee, with their availability included in the IECEx Management Committee's reporting to the CAB. Controlled copies of the IECEx Operational Documents shall be available to Members.

5 Name and seat

- 5.1 The Association is called “the International Electrotechnical Commission” (hereinafter referred to as 'IEC') and is constituted in the form of a corporate association with legal entity in accordance with Articles 60 et seq. of the Swiss Civil Code.
- 5.2 The first Statutes of the IEC, drawn up at the Preliminary Meeting held in London in 1906, were adapted in 1908. Revised Statutes were adopted in 1949, in 1963, in 1974, in 1991, in 1993, in 1997 and in 2000. The present Statutes, published in 2001 (incorporating amendments approved by Council in 2004 and 2005), replace those of 2000.
- 5.3 The seat and registered office of IEC is at present at 3, rue de Varembé, 1211 GENEVA 20, Switzerland.

6 Scope of Regulations

- 6.1 These Regulations describe the IECEx Conformity Mark, and the requirements for the management of an IECEx Conformity Mark Licensing System for use of the IECEx Conformity Mark.

7 Ownership of the IECEx Conformity Mark

- 7.1 The IEC is the owner of the IECEx Conformity Mark, and may license ExCBs who shall have the responsibility for the registration and legal protection of the Mark in all countries where such registration is necessary.

8 Policy

- 8.1 It is IEC Policy that licensing of the IECEx Conformity Mark by Certification Bodies, within the IECEx Scheme is in accordance with these Regulations and that Certification Bodies must first be accepted as IECEx Certification Bodies (ExCBs), in accordance with the IECEx Scheme rules, prior to being granted a license.
- 8.2 Use of the Mark is licensed according to the requirements of the IECEx Scheme, which operates in compliance with ISO/IEC Guide 67, and incorporates factory assessment and surveillance.

9 Meaning of the Mark

- 9.1 The IECEx Conformity Mark demonstrates to users and consumers compliance of a product with the requirements of the relevant IEC Standard(s) without any national differences and/or Essential Differences in Requirements (EDRs), and with other IECEx recognized normative documents, approved by the IECEx Management Committee.

10 The IECEx Conformity Mark

- 10.1 The design of the IECEx Conformity Mark is shown at Annex A. The IECEx Conformity Mark will include the IEC logo and an identification code to identify both the License Number and the Certification Body which has granted the License to use the IECEx Conformity Mark.
- 10.2 The IECEx Conformity Mark shall in principle be placed on the product itself. If this is not practical, the IECEx Conformity Mark shall be placed on the product packaging, a label attached to the product, the Instructions for use or other accompanying documentation. The IECEx Conformity Mark may only be used in advertising where there is a clear association with the products covered under the IECEx Mark License as issued by an ExCB approved by IEC to issue IECEx Conformity Mark Licenses.
- 10.3 The Mark shall only be placed on such products, or their packaging, that are covered by a valid IECEx Certificate of Conformity, issued in accordance with the IECEx Scheme Rules.
- 10.4 The Mark shall not be used for any purpose other than to indicate those products that have, and continue to meet, all the requirements of the IECEx Conformity Mark Licensing System.

11. Management of an IECEx Conformity Mark Licensing System

- 11.1 The IEC Council Board (IEC CB) shall have overall responsibility for policy matters relating to the IECEx Conformity Mark.

- 11.2 Arrangements for the Licensing of the use of the IECEX Conformity Mark shall be made through the IECEX Management Committee. The IEC CB shall be responsible for authorizing the creation of an IECEX Conformity Mark Licensing System.
- 11.3 The operation of an IECEX Conformity Mark Licensing System shall be managed by the IECEX Management Committee, ExMC who shall report to the CAB.
- 11.4 The IECEX Management Committee shall be responsible for:
- The development, maintenance, and implementation of the Rules and Operational Procedures of the IECEX Mark Conformity Licensing System in accordance with these Regulations.
 - Making recommendations concerning the suitability of Certification Bodies to be accepted as Operators in the IECEX Conformity Mark Licensing System and authorized to license the use of the IECEX Conformity Mark.
 - Ensuring that the IECEX Rules and Procedures of the IECEX Conformity Mark Licensing System conform to these Regulations
- 11.5 The IECEX Management Committee shall report to the CAB, on a regular basis, concerning the operation of the IECEX Mark Conformity Licensing System.

12. IECEX Conformity Mark Licensing System Rules

- 12.1 The IECEX Management Committee shall ensure that IECEX Operational Documents and Procedures provide technical harmony and consistency in implementation by all operators of the IECEX Conformity Mark Licensing System.
- 12.2 The Rules of the IECEX Conformity Mark Licensing System shall include the following:
- Rules of Procedure for the IECEX Management Committee.
 - A form of Agreement to be signed by each Certification Body authorized to license the use of the IECEX Conformity Mark.
 - A form of Agreement to be signed between the ExCB issuing the license and the manufacturer.
 - An agreement by Certification Bodies to meet the fees of the IECEX Conformity Mark License System as determined by the Management Committee
 - Procedures for the Assessment and Recognition of operating Certification Bodies (ExCBs).
 - A List of the Standards, including Editions and Amendments, within the scope of the IECEX Mark Licensing System and with which the Mark indicates compliance.
 - Procedures covering the proof of conformity to the relevant Standard(s) through third-party testing and certification.
 - Procedures for the Inspection of the Production of Products which are licensed to carry the IECEX Conformity Mark.
 - Procedures for the Surveillance of Products from production and in the marketplace.
 - A Complaints Procedure.

- Details of the required content of the License to use the IECEx Conformity Mark.
- Procedures for the periodic reassessment of Certification Bodies operating in the IECEx Conformity Mark Licensing System.

13 Operation of an IECEx Conformity Mark Licensing System

- 13.1 Each Certification Body accepted for operation within the IECEx Conformity Mark Licensing System shall sign a formal Agreement with the IEC giving an undertaking to operate the System within its declared scope in accordance with the Rules and Procedures of the System. For its part of the Agreement, the IEC authorizes the Certification Body to License the use of the IECEx Conformity Mark. A Certification Body may not begin to license the use of the IECEx Conformity Mark until this Agreement has been signed by both Parties.
- 13.2 The IEC may cancel its agreement for a Certification Body to issue Licenses to use the IECEx Conformity Mark, in writing, at any time.
- 13.3 The IECEx Certification Bodies are responsible for ensuring the testing of products and the inspection of factories, and for completing the IECEx certification process leading to a License to use the IECEx Conformity Mark.
- 13.4 A Company seeking an IECEx Conformity Mark License, under the IECEx Conformity Mark Licensing System may apply to any IECEx Certification Body accepted by the IECEx Management Committee.
- 13.5 The terms of the agreement between IEC and the IECEx Certification Body override any of these general conditions, should there be any conflict.

14 Duties of a User of the IECEx Conformity Mark

- 14.1 A licensed user (eg manufacturer) of the IECEx Conformity Mark is required to comply with these Regulations and the Rules and Procedures of the IECEx Conformity Mark System, including requirements governing presentation of the IECEx Conformity Mark, available from the IECEx Secretariat, as amended.
- 14.2 An authorized user of the IECEx Conformity Mark shall accept that its use of the IECEx Conformity Mark shall not imply any legal responsibilities or obligations on the part of IEC or the IECEx Management Committee. Such responsibility is incumbent under national or supra-national law on the manufacturer of the product so marked.

15 Misuse of the IECEx Conformity Mark

- 15.1 The IEC, as owner of the IECEx Conformity Mark, has overall responsibility for ensuring that action is taken against misuse of the IECEx Conformity Mark.
- 15.2 If a License has been issued, the IECEx Certification Body that issued the License shall take action.
- 15.3 If a License has not been issued, the IEC itself shall be obliged to take actions against misuse.
- 15.4 If misuse of the IECEx Conformity Mark is associated with the logo or Code of a Certification Body but no License has been granted, the IECEx Certification Body shall take action in accordance with their own rules.

- 15.5 Certification Bodies operating in the IECEx Mark Licensing System shall agree to inform the IEC, via the IECEx Secretariat should they become aware of any misuse of the IECEx Conformity Mark.

16 Administration of an IECEx Conformity Mark Licensing System

- 16.1 The IECEx Conformity Mark Licensing System shall be supported by the IECEx Secretariat services necessary to manage the IECEx Conformity Mark Licensing System. These services shall be financed as determined by the IECEx Management Committee, in consultation with the CAB but shall not impose a financial burden on the IEC.

17 Complaints, Sanctions, and Appeals

- 17.1 Any complaints concerning products licensed to use the IECEx Conformity Mark shall in the first instance be dealt with by the Certification Body which issued the License, using its own complaints procedures, approved during the ExCB assessment process, in accordance with IECEx 02.
- 17.2 If the complaint cannot be resolved to the satisfaction of the complainant, the complainant may decide to refer the matter to the IECEx Management Committee, in accordance with the IECEx Appeals Procedure detailed in the IECEx Basic Rules, IECEx 01.
- 17.3 Complaints concerning the general operation of an IECEx Conformity Mark Licensing System shall be referred to the Secretary of the IECEx Management Committee who in consultation with the Chairman shall determine what action needs to be taken.
- 17.4 If a complaint cannot be resolved at the level of the IECEx Management Committee, an appeal may be lodged with the CAB whose decision is final.
- 17.5 Costs arising from appeals lodged with either the IECEx Management Committee or CAB shall be covered by the complainant

18 Legal provisions

- 18.1 The laws of the country in which the IEC has its seat, shall apply in cases not specifically provided for in these Regulations, concerning the licensing agreement between IEC and the ExCB. The laws of the base jurisdiction of the ExCB shall apply concerning licensing agreements between ExCB and IECEx Conformity Mark License holders, e.g. manufacturers.

18.2 Legal protection

The granting of a Mark License shall not transfer to the IEC any of the legal responsibilities incumbent, under the national or international law, on the manufacturer or on the distributor of the product to which the Mark is affixed.

18.3 Exclusion of liability

In accordance with the IECEx Basic Rules, IECEx 01 the Certification Bodies operating under a Mark License Agreement with IEC shall do so on their own responsibility and shall take all possible steps to exclude any liability from falling on the IEC.

19 List of abbreviations and terms used

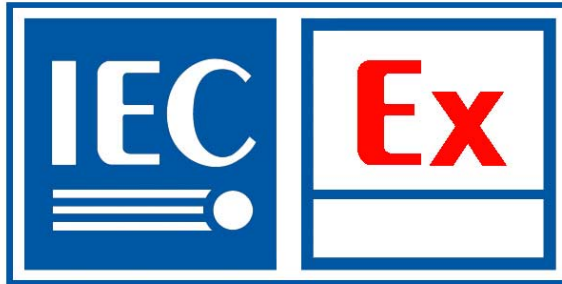
IEC	International Electrotechnical Commission
IEC CB	The IEC Council Board
Owner	The owner of the IEC Mark, namely the IEC
CAB	IEC Conformity Assessment Board
IECEX Scheme	IEC Scheme for Certification to Standards relating to Equipment for Use in Explosive Atmospheres.
Ex industries	Industries where flammable gases, liquids and/or combustible dusts are used or maybe present that have the potential for an explosive atmosphere to be present.
Certification Body(ies) (ExCB)	An IECEX Certification Body approved by the IECEX Management Committee
IECEX Management Committee	The IECEX Committee as defined in IECEX Basic Rules IECEX 01
Licensed User or Operator	A legal body, a manufacturer, that has complied with the requirements of the Mark Licensing System Regulations and has obtained a license to use the IECEX Mark
License issued to a Certification Body	A documented agreement between the IEC and Certification Body to allow the Certification Body to issue licenses to manufacturers meeting the requirements of the IECEX Mark Licensing System
License issued to a manufacturer	A documented agreement between a Certification Body and a manufacturer that permits the manufacturer to use the IECEX Mark in accordance with the Mark Licensing System

ANNEX A

THE IECEx MARK

1 Master symbol for photographic reproduction

The IECEx Conformity Mark reproduced below may be used for photographic reproduction



Note. The pictogram shown above is for illustrative purposes only.

2 Proportional dimensions of the symbol

All reproductions of the IECEx Conformity Mark shall comply with the dimensional and colour proportions as determined by the IECEx Management Committee and specified by the ExCB issuing the IECEx Conformity Mark License

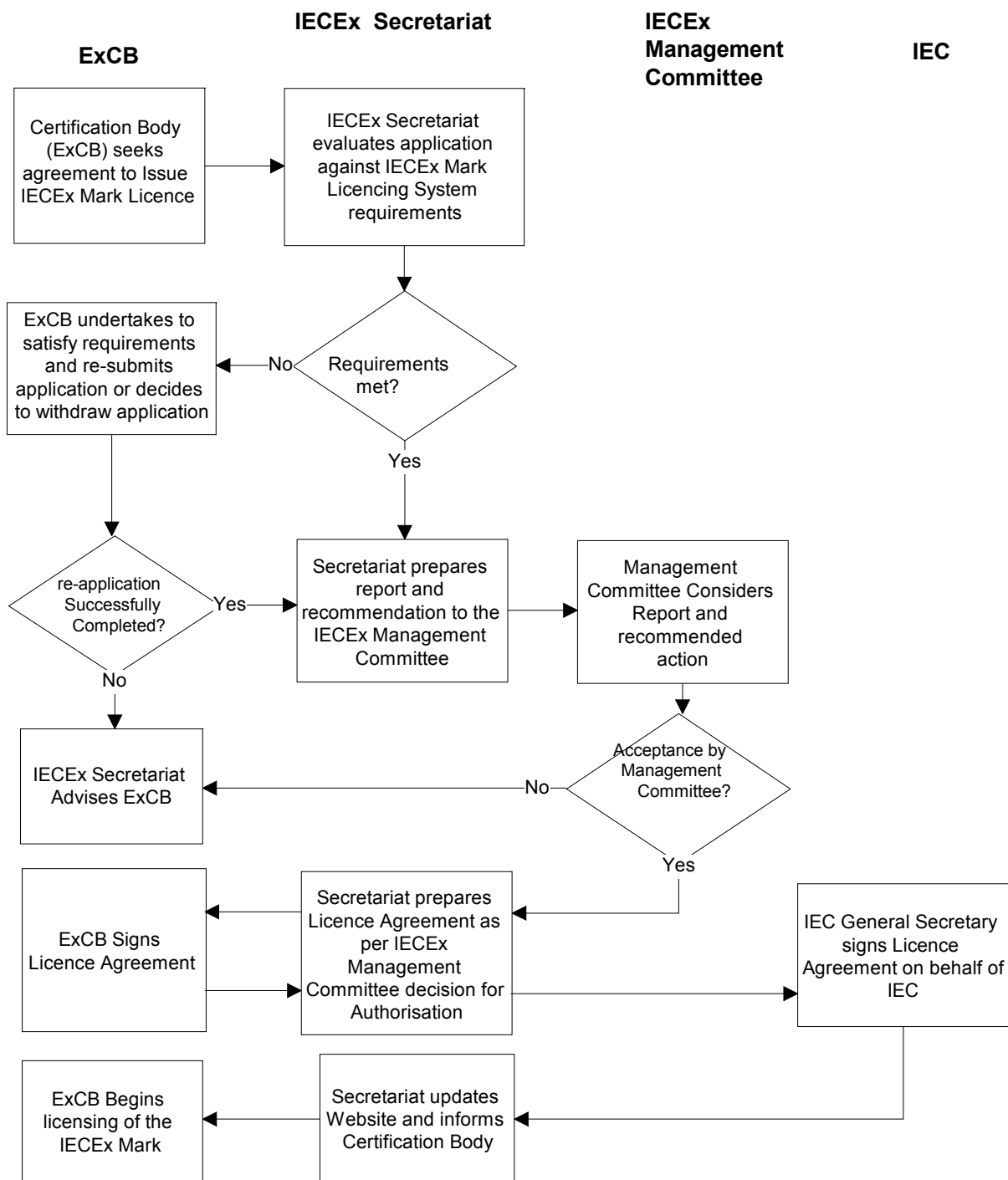
3 Traceability of the IECEx Conformity Mark

Manufacturers granted a license to use the IECEx Conformity Mark shall ensure that all requirements of the IECEx Conformity Mark Licensing System Rules and Procedures have been met. A reference, associated with both the Certification Body licensing the use of the IECEx Conformity Mark and the License reference shall appear with the IECEx Conformity Mark, wherever it is used, for traceability purposes. The IECEx Conformity Mark shall not be displayed in a manner that may misrepresent the Mark as being associated with a product not covered by a License issued in accordance with the Rules of the IECEx Conformity Mark Licensing System.

The IECEx Secretariat shall maintain a publicly available database of Licenses issued which shall include the following details:

- License Number
- License Holder
- Issuing ExCB
- Issue date
- Reference to IECEx Certificates of Conformity (issued in accordance with IECEx 02) covered by the IECEx Conformity Mark License .

ANNEX B



Abbreviations:

ExCB Certification Body

IEC International Electrotechnical Commission

Overview of IEC/Certification Body IECEX Conformity Mark Licence Authorisation Procedure