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 | **ExMC/988C/DV****July 2017** |

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

To: Members of the IECEx ExMC

**Title: Draft Supplement to the IEC Harmonised Basic Rules, IEC CA 01 – for consideration by ExMC**

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The IEC Conformity Assessment Board (CAB) have previously approved document CAB/1489/INF as the first edition of the IEC Harmonised Basic Rules (HBR), IEC CA 01. The HBR does provide for each of the IEC Conformity Assessment Systems to develop and submit for CAB approval, a Supplement to the HBR, to cater for the unique nature of the individual CA System.

The IEC CAB at its Geneva 2017 meeting approved 2nd Edition of the HBR as CAB/1621/INF. A pre-draft of this document was presented during the 2016 ExMC Umhlanga meeting as document ExMC/1180/INF. Refer item 5.4 of the Minutes (ExMC/1197A/RM).

With the 2nd Edition of the HBR being approved for publication, ExMCWG1 proposes that ExMC focus their work on an IECEx Basic Rules Supplement to address Edition 2.0 of the HBR, thereby moving to Edition 2 of the HBR.

This document has been prepared by ExMC WG1 during their May 2017 UK Meeting and replaces previous draft ExMC/988B/CD and is now presented for approval at the ExMC 2017 Washington meeting. This document should be read in conjunction with IEC CA 01 Edition 2.0. Drafting notes have been included as explanations from ExMC WG1 and will be removed prior to publication.

Chris Agius

**IECEx Executive Secretary**

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| **Address:****Level 33, Australia Square****264 George Street****Sydney NSW 2000****Australia** | **Contact Details:****Tel: +61 2 4628 4690****Fax: +61 2 4627 5285****e-mail:info@iecex.com**[**http://www.iecex.com**](http://www.iecex.com) |

INTERNATIONAL ELECTROTECHNICAL COMMISSION

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IECEx Supplement to the IEC Harmonised Basic Rules, IEC CA 01

FOREWORD

This publication has been prepared by the IECEx ExMC Working Group 1, IECEx Rules and approved by the IECEx Management Committee at ????

This IECEx Supplement IECEx 01-S is to be used in conjunction with the IEC Harmonized Basic Rules, IEC CA 01 Edition 2.0.

It was established on the basis of 2017 2nd Edition of IEC CA 01.

This document supplements or modifies the corresponding clauses in IEC CA 01, so as to convert that publication into the IECEx Basic Rules

When a particular sub-clause of IEC CA 01 is not mentioned in this supplement, that sub-clause applies. When this supplement states "addition", "modification" or "replacement", the relevant text in IEC CA 01 is to be adapted accordingly.

The following numbering system is used:

– sub-clauses that are numbered starting from 101 are additional to those in IEC CA 01;

– unless notes are in a new sub-clause or involve notes in IEC CA 01, they are numbered starting from 101, including those in a replaced clause or sub-clause;

– additional annexes are lettered AA, BB, etc

The text of this publication is based on the following documents:

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| Document | Report on Voting |
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INTRODUCTION

In recognition of the need to facilitate international trade for the safe installation and maintenance of electrotechnical equipment and components, the IEC operates international Conformity Assessment (CA) Systems comprised of various Schemes that provide a global framework for independent assessment and certification of products, processes, personnel and services addressed by each of the individual IEC CA System, The IEC CA Systems seek to serve the needs of all stakeholder groups through their active participation at the member body level and, where endorsed by the member body, at the System level.

The IEC CA Systems and Schemes are intended to reduce obstacles to international trade which arise from having to meet different national certification or approval criteria and to facilitate certification or approval according to international standards/specifications. This is achieved through a combination of:

1. Mutual recognition (reciprocal acceptance) by members of the Systems using System/Scheme deliverables such as certificates, test reports, assessments, etc. or in some Systems by the implementation of quality assessment procedures;
2. The recognition of Equipment, Components, Services and Personnel certified under the IEC CA Systems which may be recognized by System stakeholders as satisfying market requirements.

This document provides the IECEx Supplement to the IEC Harmonised Basic Rules for the structure and operation of the IEC CA Systems. The IEC Harmonised Basic Rules are intended to ensure that the Systems operate in a consistent and transparent manner while allowing flexibility for the individual Systems to serve the needs of their respective customers, providing a mechanism for easier collaboration between the Systems – this Supplement defines the Rules used by the IECEx System to satisfy unique customer needs in the “Ex sector”.

IECEx Supplement to the IEC Harmonised Basic Rules, IEC CA 01

# Title

Clause 1 of IEC CA 01 is replaced by the following:

The title of the IECEx System is "IEC System for Certification to Standards relating to Equipment for use in Explosive Atmospheres”, hereinafter referred to as “the IECEx System”

# Object

Clause 2 of IEC CA 01 Applies with the following addition:

The particular object of the IECEx System, operated under the authority of the IEC in conformity with the Statutes, is to provide a global framework for independent assessment and certification of equipment, services and persons associated with explosive atmospheres.

# Scope

Clause 3 of IEC CA 01 Applies with the following addition:

The IECEx System includes assessment and certification of equipment and services covered by IEC International Standards for explosive atmospheres as are proposed by its Ex Management Committee (ExMC) and approved by the IEC Conformity Assessment Board (CAB).

In the context of the IECEx System, International Standards include IEC Publications issued by IEC TC 31 and its Subcommittees.

In cases where no relevant IEC International Standards exist, ISO Standards applicable to the approved Schemes may be used.

The IECEx System also provides for the assessment and certification of competence of persons working in or conducting work affecting explosive atmospheres.

# Governing documents

The requirements of Clause 4 of IEC CA 01 apply.

# Membership

The general requirements of Clause 5 of IEC CA 01 apply, however 5.3 of IEC CA 01 is replaced with the following and a new Clause 5.101 is added:

**5.3** There shall be only one Member Body of the CA System in a particular country. It shall be responsible for the receiving, considering and endorsing applications from bodies seeking acceptance as a Conformity Assessment Body e.g., Test Laboratory or Certification Body, when submitting such to the CA System Secretariat, in accordance with the Rules of Procedure for the specific CA System. The Member Body shall be responsible for the nomination of individuals for membership to the IECEx Management Committee, ExMC its Working Groups (WG) and Task Forces (TF). Membership of Committees reporting to the ExMC and their WGs are covered in the relevant IECEx Rules of Procedures, namely IECEx 02, IECEx 03 and IECEx 05.

*[Drafting Note: The text shown underlined is the proposed change to the text of the IEC CA 01 Ed 2.0]*

**5.101** The application as a new member body for the IEC Ex system is only accepted, if the applicant includes either:

a) A plan to recognize IECEx certificates and assessment work carried out by any member of the IECEx-system for the purpose of granting national recognition for placing Ex-products onto this market, or

b) an application of at least one national certification body to become an ExCB, or

c) a commitment that least one national Ex-certification body will accept the ExTR as the basis for national Ex-certification.

The candidate shall explain to the Management Committee how it plans to achieve acceptance of CoCs or ExTRs within the following 3 years. If the selected option has not been implemented 3 years after the recognition as an IECEx member body, the membership will be reconsidered by the IECEx management committee.

*[Drafting Note: New Clause 5.101 is the result of a DE proposal considered at the 2016 ExMC Umhlanga meeting – re item 5.6 of ExMC Mins ExMC/1197A/RM for which WG1 supports its inclusion.]*

# 6 Organization

Clause 6 of IEC CA 01 applies, along with the following:

The IECEx Organisation comprises:

1. an IECEx Management Committee (ExMC);
2. an Ex Testing and Assessment Group (ExTAG);
3. an IECEx Conformity Mark Committee (ExMarkCo);
4. an IECEx Personnel Certification Committee (ExPCC)
5. an IECEx Service Facility Scheme Committee (ExSFC); and
6. a Secretariat;

# 7 Management Committee

**7.1** The composition of the IECEx System Management Committee (ExMC) is according to 7.1 of IEC CA 01 with item 7.1 g) limited to the following:

1. the Chair of the ExTAG (without vote);
2. the Chair of the ExMarkCo (without vote);
3. the Chair of the ExPCC (without vote);
4. the Chair of the ExSFC (without vote);
5. the Chair of IEC TC 31: Equipment for explosive atmospheres (without vote) and
6. the Conveners of Working groups of the ExMC (without vote)

The requirements of IEC CA 01 is extended to include ExMC deciding on the appointment of Chairs identified in 7.1 above, a) to d)

The requirements of IEC CA 01 are further extended with the addition of the following new sub-clause:

**7.101** There may be instances where matters of confidentiality associated with recommendations for decisions to be taken according to 7.7h), of IEC CA 01, need to be addressed. In such cases, the circulation of documents may be restricted to the nominated representatives of Member Bodies of the IECEx System by the Chair. When such matters are dealt with at a meeting, the IECEx Chair may restrict the right for persons other than the Chief Delegates to be present. Notification of such action shall be provided in advance of the meeting, or at the discretion of the Chair, such discussion can take place without notice. When necessary, these matters may be recorded in separate confidential minutes with restricted circulation.

The general confidentiality of the activities of the ExMC and its supporting Committees and Groups is maintained by requiring meeting attendees to declare their agreement to:

1. At all times act in good faith and for the benefit of the IEC and the IECEx System
2. Respect the views of others and the intellectual property rights of the IEC
3. Maintain all matters discussed during and subsequent to meetings as confidential to the members of the working group or Committee, the IECEx Executive and the ExMC
4. Limit the distribution of meeting documents to only those personnel inside their own organisation that may be impacted by their content

*[Drafting Note: The first paragraph of additional Clause 7.101 is current text that has existed in IECEx 01. The second paragraph is proposed as feedback from operating the IECEx System]*

7.3 of IEC CA 01 is replaced with the following:-

**7.3** Meetings of the ExMC shall be held at least annually. Additional meetings of the ExMC may be convened either if decided upon by the Chair of the ExMC or if requested in writing to the IECEx Executive Secretary by at least four Member Bodies.

*[Drafting Note: This text is current text from IECEx 01 noting that the difference here is to clarify how additional ExMC meetings can be called, which is not currently covered in the IEC CA 01 HBR]*

7.4 and 7.5 of IEC CA 01 are replaced with the following Clause 7.102

**7.102** Notice of the meetings and preliminary draft agenda shall be circulated by the Executive Secretary in due time to enable effective travel and meeting arrangements. The final agenda and proposal documents shall be circulated at least one month prior to the meeting.

In preparing the agenda, the Executive Secretary shall, as far as possible, list all the documents related to the various items for discussion.

The ExMC may refuse to consider matters set before it if the relevant documents have not been circulated in accordance with the above.

*[Drafting Note: Clause 7.103 is current text that exists in IECEx 01]*

7.7 of IEC CA 01 a) to k) applies with the following additional items:

l) types of protection or services for the IECEx System for subsequent approval by CAB;

m) acceptance, rejection and suspension of ExCBs as IECEx Conformity Mark License issuing ExCBs, in accordance with IECEx 04;

n) appointment of the Chair and the Secretary of the ExTAG;

o) appointment of the Chair of the ExMarkCo;

p) appointment of the Chair and Deputy Chair of the ExPCC;

q) appointment of the Chair and Deputy Chair of the ExSFC;

# 8 Officers, Executive and administration

The requirements of Clause 8 of IEC CA 01 applies.

8.2 of IEC CA 01 applies with the exception of items a), b), c) being replaced with the following:-

1. the CAB appointed Officers of the System;
2. the Chair of the ExTAG;
3. the Secretary of the ExTAG;
4. the Chair of the ExMarkCo;
5. the Chair of the ExPCC;
6. the Deputy Chair of the ExPCC;
7. the Chair of the ExSFC;
8. the Deputy Chair of the ExSFC; and
9. the Immediate Past IECEx Chair

8.11 of IEC CA 01 applies with the following additional text:

Members of the IECEx Executive may attend meetings of Committees and Working Groups reporting to the ExMC.

In addition to general provisions of 8.11 of IEC CA 01, the ExMC shall approve a document setting out the tasks and responsibilities delegated to the IECEx Executive.

*[Drafting Note: This additional text is intended to enable document ExMC/872B/CD to be published as an OD but yet have a reference from the Basic Rules – Refer item 6.5 of ExMC 2016 Umhlanga mins ExMC/1197A/RM ]*

# 9 Committees and Other Groups reporting to the CA System MC

Clause 9 of IEC CA 01 Applies noting the constitution and duties of the Committees reporting to the ExMC are covered in the following IECEx publications:-

1. IECEx Conformity Assessment Bodies Committee (ExTAG) – IECEx 02
2. IECEx Conformity Mark Committee (ExMarkCo) – IECEx 02
3. IECEx Service Facilities Committee (ExSFC) – IECEx 03
4. IECEx Certificate of Personal Competence Committee (ExPCC) – IECEx 05

*[Drafting Note: It is proposed to move current text Clause 9 and subclauses of IECEx 01 to the respective IECEx RoPs, eg IECEx 02, IECEx 03, IECEx 05]*

# 10 Legal provisions

The requirements of Clause 10 of IEC CA 01 applies.

# 11 Standards

The requirements of Clause 11 of IEC CA 01 applies.

# 12 Voting

The requirements of Clause 12 of IEC CA 01 applies.

# Finance

The requirements of Clause 13 of IEC CA 01 applies.

# Dissolution of the IEC CA System

The requirements of Clause 14 of IEC CA 01 applies.

# 15 Appeals

Clause 15 of IEC CA 01 applies with the following addition:

Appeals concerning decisions taken by an ExCB shall be first addressed in accordance with the appeal procedures of that ExCB.

Where the appellant is not satisfied with the outcome of the appeal process of the ExCB or for disputes regarding a decision of the ExMC, the IECEx Executive and Chairman shall attempt to resolve the issue, however if this is not possible then a formal Appeal may be lodged in accordance with IEC CA 01.

Appeals concerning decisions taken by the ExMC shall be referred to the IECEx Executive for mediation and a proposed outcome for both ExMC and the appellant to consider. Where the appellant is not satisfied with the outcome then a formal Appeal may be lodged in accordance with IEC CA 01.

NOTE: The Board of Appeal constituted according to IEC CA 01 Annex B is appointed on a case by case basis and consist of a Chair and four experts. They shall be appointed by the CAB Chair in consultation with the IEC General Secretary & CEO and on the nomination by the relevant CA System Chair and Executive Secretary. The Board of Appeal shall be disbanded following completion of the case for which they were appointed

*[Drafting Note: This additional text aligns with the previous decision to replace the IECEx Board of Appeal with a mediation provision and provision for use of the Board of Appeal process operated within CAB re IEC CA 01 Annex A].*

**IEC CA 01 Annex A, B and C**

The requirements of Annex A, Annex B and Annex C of IEC CA 01 applies.

**Annex AA**

**Normative documents approved for use in the IECEx**

(normative)

The following normative documents have been approved by the Conformity Assessment Board for use within the IECEx System for testing and certification purposes:

1. IEC International Standards covering equipment and services within the approved scope of the System (CAB Decision 21/7)
2. In cases where no relevant IEC International Standards exist, ISO Standards applicable to the approved Schemes listed in Annex B (CAB Decision 24/17)