ExMarkCo/19/CD
May 2009

INTERNATIONAL ELECTROTECHNICAL COMMISSION

IEC SYSTEM FOR CERTIFICATION TO STANDARDS RELATING TO EQUIPMENT FOR USE IN EXPLOSIVE ATMOSPHERES (IECEx SYSTEM)

Report: **to the IECEx ExMarkCo Committee members:**

Subject: **Consideration of the acceptance of ExCB SIMTARS, Engineering, Testing and certification Centre, to issue IECEx Conformity Mark Licenses.**

Introductory Note

This document provides a report to ExMarkCo Members concerning the application from Simtars of Australia to be accepted as an IECEx Conformity Mark License issuing ExCB.

ExMarkCo Members are therefore requested to review this report and attached documents and submit comments to the Secretariat as follows, by the closing date **12 June 2009.**

If no comments are received by the due date it will be assumed that the application is acceptable and a report will be prepared and submitted to the ExMC for formal voting.

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Background

The IECEx Secretariat has received an application from Simtars, Australia to become an IECEx Conformity Mark License issuing ExCB

This application was received by the IECEx Secretariat in accordance with IECEx 04 and OD 022.

The application and associated documents are attached.

In accordance with IECEx OD 022, the IECEx Secretariat has conducted a detailed review of the Simtars documentation supplied and has compiled the following report and recommendations for consideration by the IECEx ExMarkCo Committee members.

Observations and Findings

A full review of the Simtars documentation according to the IECEx Requirements of Clauses 1.1 and 2.4 of OD 022 was carried out as follows:

Item 1.1 (of OD 022) ExCB Requirements *An ExCB seeking to make application for a license from IEC to issue IECEx Conformity Mark Licenses shall*;	**Result**
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	Yes, Simtars is a current ExCB and operating continuously since first appointed in September 2000
b) Have current acceptance as an ExCB;	Yes
c) Agree to abide by the IECEx Conformity Mark Regulations and Operational Procedures and decisions of the IECEx Management Committee	Yes, Simtars have formally agreed to abide by all Rules and operational procedures
d) Nominates a senior officer who shall	Yes, the Senior officer has been

act on behalf of the ExCB in matters relating to the IEC License	nominated
e) Sign a License agreement	Agreed to sign once formal acceptance is Received
Item 2.4 (of OD022) Procedure for an ExCB issuing IECEx Conformity Mark Licenses	Yes, Simtars has provided copies of their procedures to issue an IECEx Conformity Mark. These procedures are being reviewed as part of the ExMarkCo assessment process to determine if they comply with IECEx requirements including all steps and stages detailed in Table 2 of OD 022. This includes incorporation of the IECEx Standard Terms and Conditions, OD 023 into the Simtars requirements that will be placed on holders of an IECEx Conformity Mark License.

Simtars, since being accepted as an ExCB in the IECEx Scheme, has produced a total of 235 CoCs and associated reports.

Recommendation

The IECEx Secretariat now recommends that this application be accepted subject to the review by ExMarkCo Committee Members by correspondence.

Action required of the IECEx ExMarkCo Committee members

The IECEx ExMarkCo Committee members Officers are asked to review the report and attached documents and support the Secretariat's recommendations of accepting the application from Simtars to become an IECEx Conformity Mark License issuing ExCB.

Appendix A

Simtars

Reference: 30/011/0011/ AC
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Department of
Employment, Economic Development and Innovation

20 May 2009

Mr Chis Agius
IECEx Secretariat
Standards Australia Building
286 Sussex Street
SYDNEY NSW 2000
AUSTRALIA

smart health, safety and environmental **solutions**

Dear Mr Agius

IECEx Conformity Mark Licensing

Simtars is seeking to make application for a license from the IEC to issue IECEx Conformity Mark License. Please find attached a list of documents included with this application.

Simtars - have been accepted as an IECEx Certification Body (ExCB) in accordance with the IECEx Rules and Procedures, IECEx 02, and supporting Operational Documents and Procedures,
- have current acceptance as an ExCB,
- agree to abide by the IECEx Conformity Mark Regulations, IECEx 04, and Operational Procedure, OD 022, and decisions of the IECEx Management Committee, and
- nominates Mr Ashraf Chowdhury who will act on behalf of Simtars in matters relating to the IEC License.

The Director of Simtars, Mr Paul Harrison, carries out the duties and authorities of the Chief Executive Officer and will sign the License agreement with the IEC. I would appreciate if the agreement could be forwarded to Mr Harrison at the address shown below.

I would like to take this opportunity to thank you for the co-operation.

Yours sincerely

James Birch
Manager
Engineering, Testing and Certification Centre

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List of documents for IECEx Conformity Mark License:
EM0001: Simtars Certification Regulation Manual
EP0101 - Procedure for Addressing Misuse of Certificates of Conformity
EP0102 - ETCC - Charter for Simtars Certification Governing Board
EP0108 - ETCC - Procedure for Audit Activities
EFoxxx - ETCC - Application for IECEx Conformity Mark License
EPoxxx - ETCC - Application Process for IECEx Conformity Mark License

Note: The documents are in draft status and will be issued on 28 May 2009.

Appendix B

Simtars
Engineering, Testing and Certification Centre

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Simtars Certification Regulation Manual

Index

1.0 PURPOSE

The purpose of this Product Certification Regulation Manual is to describe how Simtars undertakes the provision of third party product certification encompassing the requirements of ISO Guide 65: "General Criteria for Certification Bodies Operating Product Certification" and JAS-ANZ Procedure Number 15 "General Requirements for Bodies Operating Product Certification Schemes".

Simtars issues certificates of conformity for equipment and overhaul/repair facilities and conducts surveillance of the quality management system of the manufacturer, overhaul/repair facilities or certificate holder to ensure they fulfil the conditions of the certification scheme. Simtars also issues IECEx Conformity Mark license to manufacturers of explosion-protected products.

This document shall be reviewed approximately every three years but the right is reserved to modify its contents without notice. It shall be the responsibility of the applicant for a certificate to ensure that the latest issue of documentation is used when making an application. Copies are available from Simtars PO Box 467, GOODNA QLD 4300, AUSTRALIA or by email (james.birch@dme.qld.gov.au).

1.1 Reason for change

- Inclusion of the provision for IECEx Conformity Mark licence
- Change of departmental name to DEEDI

2.0 INTRODUCTION

Simtars is a semi-autonomous, professionally independent Division of the Queensland Government's Department of Employment, Economic Development and Innovation (DEEDI). It reports to the Minister for Natural Resources, Mines and Energy and Minister for Trade through the Associate Director General – Mines & Energy. Simtars is approximately 70% self funded through fee for service and research activities, the remainder is funded by the Queensland Government.

Simtars is structured with four operational centres - Mining Research & Development Centre (MRDC), Engineering, Testing, Certification Centre (ETCC), Occupational Hygiene, Environment and Chemistry Centre (OHECC) and Safety & Training Centre (STC) - in addition to four main internal support functions of Quality Management, Finance and Administration, Business Development and Safety Management. Appendices C1 and C3 of Simtars Quality Manual QM0001 shows the organisational structure.

The ETCC undertakes the operational functions of the certification body, under the Management of Simtars. It does not provide any form of consultancy of the type of product it supplies. The Manager of ETCC will periodically review (approximately annually) the operations to ensure that activities of related bodies do not affect the confidentiality, objectivity and impartiality of the certification related activities.

Issue of Certificates by Simtars in no way implies that the product, process or services certified is approved by the Joint Accreditation Scheme of Australia and New Zealand (JAS-ANZ) or any regulatory body or government and certification system or scheme.

Similarly, the issue of the IECEx Mark License and use of the IECEx Mark does not imply any legal responsibilities, obligations or liabilities on the part of the IEC or the IECEx Management Committee or Simtars.

3.0 SCOPE

This document specifies the requirements for application, examination, testing, system assessment, certification and reporting for equipment and overhaul/repair facilities, which fully conform to Australian, New Zealand or International Standards and the Rules and Procedures of the following certification scheme and system:

AUSEx	SAA MP69, Miscellaneous Publication – Explosion-protected electrical equipment – Certification Scheme – Policy
ANZEx	MP87.1, Australia/New Zealand Certification Scheme for explosion-protected electrical equipment (ANZEx Scheme) – Part 1: Product Certification Program-Basic rules and procedures MP87.2, Australia/New Zealand Certification Scheme for explosion-protected electrical

	equipment (ANZEx Scheme) – Part 2: Recognised Service Facilities Program-Basic rules and procedures
IECEx	IECEx01, IEC Scheme for Certification to Standards relating to Equipment for use in Explosive Atmospheres (IECEx Scheme) – Basic Rules IECEx02, Equipment Certification Program covering equipment for use in explosive atmospheres- Rules of Procedure IECEx03, IECEx Certified Service Facilities Program covering repair and overhaul of Ex equipment – Rules of Procedure IECEx04, IECEx Conformity Mark Licensing System - Regulations IECEx Operational Documents (ODs) – OD 005, OD 009, , OD 010, OD 011, OD 013, OD 022

The requirement of this Regulation Manual shall be applied in addition to the Rules and Procedures for the applicable certification scheme or system. The following documents shall be considered in conjunction with this document and will be issued to all applicants for a certificate:

AF0002	Simtars Standard Terms and Conditions of Contract
EF0186	Application for ANZEx or IECEx Certification for Electrical Equipment for use in Explosive Atmospheres
EF0293	Application for IECEx Certification of Service Facilities
EF0xxx	Application & agreement for IECEx Mark License
EP0105	Application Process and Conditions of Application for Testing & Certification
EP0114	Application Process for IECEx Certification of Service Facilities

4.0 GENERAL REQUIREMENTS

Access to certification and licensing, within the scope of this document, is available to all applicants subject to Simtars standard terms and conditions of contract. It is not restricted for example on grounds such as the applicant not applying for other services or not a member of a particular group or association. Certification to a specific standard or other normative document will not be denied on the grounds that the applicant does not comply with matters not covered by that standard, such as environmental matters, other than where a potential risk in the use of the product is identified, and has not been satisfactorily addressed by the applicant.

5.0 DEFINITIONS

As a general rule, definitions of ISO/IEC Guide 2, AS/NZS ISO 9000:2000 and the applicable Certification Scheme are applicable. The following definitions either vary or supplement those definitions to cater for the requirements of JAS-ANZ accreditation and include the International Accreditation Forum recommended definitions.

Applicant: An organisation that seeks to obtain a certificate of conformity or license from a certification body.

Accreditation: Procedure by which an authoritative body (such as JAS-ANZ) gives formal recognition that a certification body is competent to carry out specific tasks.

Accreditation Council: A governmental or non-governmental body, which conducts and administers an accreditation system (Joint Accreditation System of Australia and New Zealand (JAS-ANZ)).

Assessment: A pre-certification or accreditation audit activity designed to evaluate conformity of products, services or systems with criteria specified by the Accreditation Council or by a relevant Australian, New Zealand or International Standard.

Audit: A verification activity aimed at evaluating conformity of products, services or systems with all or part of specified requirements.

Certification: Procedure by which a third party gives written assurance that a product, service or system conforms to specified requirements.

Certification Body: A body that conducts certification of conformity.

Certificate of Conformity (COC): Document issued under the rules of a certification system, indicating that

adequate confidence is provided that a duly identified product, process or service is in conformity with a specific standard or other normative document.

Certification Scheme: Certification system as related to specified products to which the same particular standards and rules, and the same procedure, apply.

Certification System: System that has its own rules of procedure and management for carrying out certification of conformity.

Inspection Body (for certification): Body that performs inspection services on behalf of a certification body.

Inspection Services: Include such functions as assessing, recommending for acceptance and subsequent audit of suppliers' production and testing facilities, personnel and quality control operations, and selection and evaluation of products on site or in factories, laboratories or elsewhere as directed.

License: A document issued by an IECEx Certification Body authorizing a Licensee to use the IECEx Conformity Mark.

Licensee: An applicant to whom an IECEx Conformity Mark License is issued under the IECEx and Simtars Terms and Conditions.

Nonconformity: Deviation of product from specified requirements, or (if the product certification system includes assessment of the supplier's management system) the absence of, or failure to implement and maintain, one or more required management system elements, or a situation which would, on the basis of available objective evidence raise significant doubt as to the conformity of what the supplier is supplying.

Normative document: Document that provides rules, guidelines or characteristics for activities or their results.

Reassessment: A periodic certification activity designed to re-evaluate conformity of product, service or system with criteria specified by the applicable certification scheme or system.

Registered Auditor: A person certified and registered by an accredited Auditor certification body as having met all the approved criteria and thereby being judged competent to perform conformity audits for certification and/or accreditation purposes.

Standard: Document established by consensus and approved by a recognised body that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context.

Supplier: The party that is responsible for the product, process, or service and is able to ensure that quality assurance is exercised. The definition may apply to manufacturers, distributors, importers, assemblers, service organisations, licensee, etc.

Surveillance: An audit program, conducted over the full reassessment cycle, designed to provide confidence that products, services or systems, continue to conform to the assessment criteria and terms & conditions of license.

6.0 ADMINISTRATIVE STRUCTURE

The governing body for Simtars Certification Body is the Simtars Certification Governing Board, members of which are appointed by the Director - Simtars.

Simtars Certification Governing Board is advised by Simtars Certification Advisory Committee. The Committee is selected as outlined in the Charter for Simtars Certification Advisory Committee, and appointed by Director - Simtars. The selection is such that no single interest predominates, details are included in the Charter. Members are bound by the requirements set out in the Charter.

All certification personnel have to abide by a "Code of Conduct" as a condition of their employment, and their work is subject to review. The Code of Conduct addresses confidentiality and conflict of interest.

Members, Subcontractors and Consultants are required to sign conditions of contract which address confidentially.

The organisational overview is provided in Figure 1. This structure has been approved by the Director General of the Department of Mines and Energy and shall not be changed without notification to JAS-ANZ.

7.0 RESPONSIBILITY

The responsibilities of the participants in the scheme are as follows:

Simtars Certification Advisory Committee

Details are provided in the document EP0096 – Charter for Simtars Certification Advisory Committee.

Simtars Certification Governing Board

Details are provided in the document EP0102 – Charter for Simtars Certification Governing Board.

Applicant

The applicant is required to follow the application process detailed in the following procedures:

For Explosion-protected (Ex) equipment certification
EP0105, Application Process and Conditions for Simtars Certificate of Conformity for Electrical Equipment for Explosive Atmospheres.

For Ex Equipment Overhaul and repair facilities
EP0114, Application Process for IECEx Certification of Service Facilities

Issue of a certificate does not absolve the certificate holder of a duty of care obligation that all equipment remains strictly in compliance with the relevant requirements of the standard and conditions contained in the certification documents.

8.0 CERTIFICATION PERSONNEL

Simtars - ETCC have procedures in place to ensure that personnel involved in certification are competent and suitably trained and qualified to undertake the required functions.

Names, qualifications, training and experience together with terms of reference are recorded for all personnel engaged in the certification process. As the use of ANZ SIC Codes does not fully reflect the expertise of personnel, relevant competency is documented for each person.

Where the product certification scheme(s) require the assessment to ISO 9001 and the requirements of the relevant certification scheme, the assessment will be undertaken by either Simtars or an appropriately accredited certification body accompanied by a person with expertise in the explosion protection technique concerned.

Personnel engaged on contract and staff of bodies to which work is subcontracted will be assessed in accordance with EI0073. If inspecting or testing is carried out on behalf of Simtars by an external body, Simtars shall ensure that this body conforms to the requirements stated above.

Assessment conducted by other IECEx certification bodies will be accepted subject to a review.

9.0 CONFLICT OF INTEREST

Any of the following persons may be placed in situations where a potential conflict of interest could arise, or be seen to arise:

- Simtars Certification Advisory Committee Members
- Simtars Certification Governing Board
- Simtars Personnel
- Members of other accreditation bodies, including auditors

- Subcontractors, auditors and experts

All such persons must declare any interest in or connections with the applicant, before undertaking the work, or before or when the situation arises. Such interests or connections apply to past, present and future involvement and may include but not limited to:

- having been involved at some stage with the product in its design, supply, manufacture or maintenance by way of any consultancy service or commercial arrangement;
- having worked with, or consulted to the organisation in the past two years; or reasonable future prospect of such work;
- any immediate family member working with or consulting to the organisation in the past two years; or reasonable future prospect of such work;
- knowingly owning shares or any immediate family member owning shares in the organisation or parent organisation;
- (knowingly) having an immediate family member having any other commercial or voluntary arrangement or directorship with the organisation;
- having a relationship with either an applicant or any accreditation body; or
- in direct competition with an applicant or accreditation body.

Declarations would normally be in writing, but the situation may arise (eg Advisory Committee Meetings) where a verbal declaration is necessary. Such declarations and the outcomes are recorded in the minutes of the relevant meeting.

Any person in doubt about whether a potential conflict of interest exists shall immediately place the facts before the members of the relevant committee, and/or Director-Simtars.

10.0 QUALITY SYSTEM

Simtars operates a third party certified quality system (NCSI Certification No. 6039) to AS/NZS ISO 9001 covering all operations including testing, assessing and certification activities. The quality system covers the following requirements of ISO Guide 65:

- organisation
- operations
- quality system
- internal audit and management review
- documentation
- records

Refer QM0001 Simtars - Quality Manual for further details on these topics.

The Quality Systems documents are controlled, issued, retained or withdrawn in accordance with the procedure QP0010.

11.0 TESTING AND INSPECTION FACILITIES

Simtars have the required resources, including test facilities calibration laboratory, highly trained personnel, procedures and work instructions, to perform the tasks of:

- Assessment and testing of product including its design
- Inspection of product
- Inspection of manufacturing and repair facilities
- Assessment of Quality System elements associated with certification schemes listed in 3.0

The testing facility and the staff of Simtars - ETCC have been recognised by NATA for laboratory accreditation. The scope of accreditation is included in Simtars Quality Manual.

Where external testing service providers are utilised, an assessment shall be conducted in accordance with procedure, EI0073, to confirm the suitability and competency of the provider to satisfy the requirements of ISO/IEC Guide 65 and/or AS ISO/IEC 17025 as appropriate. A record of such assessment will be maintained.

An applicant’s approval for the use of external testing services must be obtained.

A register of all relevant external bodies employed by Simtars is maintained in EF0193.

Documented agreements with all external bodies shall be made available for scrutiny by JAS-ANZ.

12.0 CERTIFICATES OF CONFORMITY

Certificates of Conformity issued by Simtars remain the property of Simtars unless required otherwise by the applicable certification scheme.

12.1 Information on Certificates

Each Certificate will have the information required by the applicable certification scheme including:

(a) Drawing numbers, with relevant revision references and dates (if applicable)
(b) JAS-ANZ endorsement logo (for CoCs issued under the Australian Certification Schemes)
(c) Any other product marking or marking required by Simtars

12.2 Component Certification

Component Certificates are issued to cover a part of the equipment which cannot be used alone in hazardous areas such as empty flameproof enclosures, terminals, or a piece of electrical equipment with bare live conducting parts. An applicant requiring a Component Certificate must submit an application in accordance with the application procedure and rules of the applicable Certification Scheme.

12.3 Conversion of Enclosures having Component Certification to Fully Certified Flameproof Equipment

The certificate holder is required to apply for product certification if an enclosure, which has Component Certificate, is fitted out with internal equipment. An applicant requiring a Certificate of Conformity must submit an application in accordance with the Application Procedure.

12.4 Certification of Assembled Components

Assessment and testing of assembled components will be in accordance with the relevant standard. Each separately certified product is to be appropriately marked.

The marking plate/s for the whole assembly or its various components shall show appropriate markings in accordance with the relevant standard.

12.5 Addenda to Certificates

Addenda to Certificates are generally issued to cover the following:

(a) A modification to certified equipment
(b) An extension to certified equipment in the form of a new model or a new option
(c) A change in one or more of the components which form part of the certified equipment
(d) A change of catalogue or part number
(e) A change of brand or trade name
(f) A change in name or address of the Certificate holder
(g) A change of name of manufacturer
(h)
(i) Any changes listed in the applicable certification scheme
(j) Change in scope of service provided by Overhaul and repair workshops
(k) Changes that my compromise compliance of certified product or service provided by Overhaul and repair workshops

An application for an addendum to a Certificate issued by Simtars must be submitted to Simtars for ANZEx or IECEx certification. For modifications of a minor nature, Simtars may elect not to carry out any physical testing.

Exemption from testing can be claimed only for an application where the amendment is purely administrative, eg. change of name, address, brand name or catalogue number.

Only the holder of the Certificate or an authorised agent can make an application for an addendum to a Certificate. If an agent lodges the application, evidence will be required that the manufacturer undertakes to abide by the rules of the certification scheme. In the event of change of certificate holder, application shall be lodged by the proposed certificate holder. A letter from a Senior Executive of the existing certificate holder must accompany the application to confirm that it is their (the original certificate holder) intent to change the certificate holder.

12.6 Certificates to Superseded or Revised Standards

AUSEx Certification
When a Standard is superseded or revised, a subsequent application for an addendum to Certificate should wherever practical be assessed to the revised standards. However, if the changes are of a minor nature and not considered to affect the safety of the apparatus, Simtars in agreement with the manufacturer may permit certification to the original standard. In all cases the rules of the applicable Certification Scheme will prevail.

ANZEx or IECEx Certification
Product certificates shall be updated to the current version of the applicable standard within the period specified by the certification scheme's Administration/Management Body.

12.7 Certificate Issue

Simtars will ensure that the certification decision is made by personnel independent of the testing or assessment process and will not delegate authority for this decision.

Simtars will issue a Certificate of Conformity to the holder only when all requirements have been met including the payment of all fees and charges. All drawings and marking details must be fully resolved before Simtars will issue a final report. Simtars will advise applicants when requirements have not been satisfied.

The Certificate holder shall ensure that:

- This Product Certification Regulation Manual and Application Process have been read and understood.
- Certificate Number or overhaul/repair mark is only applied to goods identified in the Certificate of Conformity and which comply with the relevant standard.
- That the product is manufactured in accordance with the drawings and conditions specified in the Certificate and test report.
- Modifications are not made to equipment before applying and obtaining an addendum to Certificate covering such modifications.
- Simtars is advised of any alterations to the above conditions.
- Simtars is notified of any changes that may compromise compliance of the Ex product or overhaul/repair services
- Simtars is notified of changes in scope of work of overhaul/repair services and departure of competent persons from Certified Service Facilities.

12.8 Purchaser of Equipment

A copy of the Certificate shall be made available to the purchaser of the certified equipment on request to the Certificate holder or the holder's agent. For IECEx certificates, the purchaser shall be advised of the URL for the on-line certificate. Where the Certificate refers to specific requirements for the installation and safe use of the equipment, details of these requirements must be provided with the equipment.

The provision of other documents, such as drawings, would normally be subject to agreement between the Certificate holder and the purchaser of the certified equipment.

13.0 NUMBERING OF CERTIFICATES

Certificates of Conformity, Component Certificates and Addenda to Certificates shall be numbered in accordance with the marking requirements of the applicable standard(s) or as required by the applicable scheme rules (ANZEx, AUSEx or IECEx).

14.0 VALIDITY OF CERTIFICATES

A Certificate of Conformity may be cancelled or withdrawn by Simtars

(a) for a breach of the conditions of certification
(b) previously certified equipment is no longer suitable
(c) for breach of rules and procedure of the certification Scheme
(d) for failure to pay fees, costs or charges for testing, assessment and certification (including timely maintenance of validity)

Note: A certificate holder carrying out a modification to the equipment that may affect explosion protection without having the modification recognised by an addendum to certificate, breaches the undertaking given at the time of certification and invalidates the certificate.

The certificate holder can apply at any time to have the equipment re-tested and certified to a new or revised standard. Where possible, tests which are new or which have become more stringent will be applied.

AUS Ex Certificates, which are not revalidated, are set aside to cover any equipment installed during the currency of the certificate. Any equipment on such certificates is not to be sold as a complete item but parts for already installed equipment should still be made available.

15.0 LIMITATIONS OF THE IECEx CONFORMITY MARK LICENSE GRANTED TO Simtars

The following limitations shall apply to Simtars when issuing IECEx Conformity Mark Licenses:-

a) Simtars will issue IECEx Conformity Mark Licenses in accordance with the Regulations, IECEx 04 and Section 2 of IECEx OD 022 and its agreement as amended;
b) Simtars may only grant an IECEx Conformity Mark License to holders of an IECEx Certificate of Conformity which they have issued;
c) Simtars shall not allow any third party to issue an IECEx Conformity License on their behalf;
d) Simtars shall inform the IECEx Secretariat of any changes in their operation or organisation that may prevent the ExCB from fulfilling their duties under IECEx OD 022 or the IECEx Conformity Mark Regulations, IECEx 04; and
e) Simtars acknowledges that as owner of the IECEx Conformity Mark, the IEC may withdraw the license and prevent the ExCB from issuing IECEx Conformity Mark Licenses to manufacturers at any time.

16.0 ACCEPTANCE OF TEST REPORTS

Acceptance of test reports from other than Simtars shall be assessed for suitability on a case by case basis by the relevant Section Head or the Manager ETCC. The criteria and basis of acceptance shall be recorded. Simtars will only accept NATA endorsed test reports from other Australian test laboratories where relevant. Reports from overseas test laboratories covering equipment tested in accordance with Australia/New Zealand Standards or IEC standards will be accepted where there is a:

- formal mutual recognition arrangement between the overseas testing station or its accrediting body and NATA, or
- direct mutual recognition agreement with Simtars.

Test reports issued under the IECEx Scheme or the ANZEx Scheme will be acceptable as the basis for issuing a IECEx or ANZEx certificate of conformity respectively. Such reports will be subject to review for compliance to this document, IECEx rules and Simtars accreditation and certification (e.g. JAS-ANZ, NCSI and NATA) requirements.

17.0 EXTERNAL SERVICE PROVIDERS

External service providers are assessed in accordance with EI0073, documented on form EF0192 and registered on form EF0193.

When necessary, services/testing may be out-sourced by Simtars. The services/testing provider is required to complete form EF0197 prior to commencement of testing. This form addresses confidentiality, conflict of interest and provides a declaration of NATA accreditation.

18.0 CONFIDENTIALITY

Confidentiality between Simtars and its clients is addressed in Simtars quality policy statement and in the Simtars “Standard Terms and Conditions of Contract”. Unless compelled by legal process or, in the reasonable opinion of Simtars, the product poses a real or potential risk to the health or safety of users, Simtars will not divulge information relating to testing or certification details of a client to a third party without the consent of the client. Where required by law to divulge client information or because of a real or potential risk to health and safety, the client shall be advised of the information disclosed.

All Simtars personnel have to abide by a “Code of Conduct” as a condition of their employment, which also addresses confidentiality. A “Confidentiality Agreement” shall be signed by the following:

- all agents, subcontractors, technical advisers or experts and any other persons engaged to provide certification related services to Simtars.
- all members of specialist committees, such as Simtars Certification Advisory Committee together with any advisers with input to such committees, or Board.

Access to archived files is subject to the requirements of this clause.

19.0 COMPLAINTS TO CERTIFICATE HOLDERS

Each certificate holder shall keep a record of all complaints and corrective actions relative to the product covered by the certificate. The records of these shall be made available to Simtars and the authorised representatives of JAS-ANZ on request. This requirement is not applicable to product certification schemes based wholly on type test. Where notification is received from a certificate holder of non-conforming product, the non-conformity and the basis for the claim will be reviewed and the need for assessment, testing or re-assessment will be identified.

20.0 MISUSE OF CERTIFICATES OR IECEx MARK LICENSE

This document covers the control and use of certification markings with guidelines on action to be taken in cases of misuse (see Section 20.0).

Any alleged misuse of Simtars issued certificates or the IECEx Conformity Mark including incorrect references found in catalogues, advertisements etc, will be investigated and dealt with by suitable actions.

21.0 WITHDRAWAL, SUSPENSION AND CANCELLATION OF CERTIFICATES OR LICENSE

When a certificate holder or licensee fails to maintain their products, services or quality management system in conformance with the requirements of the certification scheme, or applicable agreement, the certificate and/or license may be suspended for a limited period to enable urgent corrective action to be undertaken. During the period of suspension, the certificate holder or licensee shall not claim compliance with the requirements of the selected standard and shall not be entitled to use the applicable marking. When a certificate holder or licensee has its certificate/license suspended, this suspension shall only be lifted after Simtars has verified that the product or services fully complies with the requirements of the scheme, appropriate standard and certificate.

A certificate/license may be suspended until such time that a change to manufacturing process or quality system (for Type 5 certification) has been assessed and found to be satisfactory.

Failure to implement an appropriate corrective action during the period of suspension shall result in withdrawal of certificate or license. In addition, cancellation of the certificate/license shall be followed up with notification to the following:

- JAS-ANZ (for JAS-ANZ endorsed certificates)
- Secretary of IECEx MC (for IECEx certificates & licenses)
- Administrator and Secretary P-008 (for ANZEx certificates)

The authority to make the decision of suspension, withdrawal or cancellation will not be delegated by Simtars.

A certificate holder has the right to voluntarily suspend their certificate/license provided that they inform Simtars. Should this occur the appropriate conditions set out in the first paragraph will apply.

22.0 APPEALS, COMPLAINTS AND DISPUTES

Complaints or disputes regarding Simtars certification process may be made by any party and must be made in writing.

When an applicant considers a decision of Simtars to be unreasonable or unfair an appeal may be lodged in writing to Simtars Certification Governing Board. If the complainant is not satisfied with the outcome or response, a further appeal may be lodged with Simtars Certification Advisory Committee. For IECEx certification a complainant has the right of appeal to the IECEx Board of Appeal (refer IECEx 01: IEC Scheme for Certification to Standards relating to Equipment for use in Explosive Atmospheres (IECEx Scheme) – Basic Rules) if not satisfied with the Simtars Certification Advisory Committee outcome.

Simtars shall keep a register of all formal complaints, disputes and appeals received, detailing the circumstances of each complaint and the action taken.

The internal handling of appeals, complaints and disputes shall be in accordance with instruction QI0006 and AS ISO 10002 (Complaints Handling) and any corrective action arising as a result of any appeal or complaint process shall be handled in accordance with instruction QI0004.

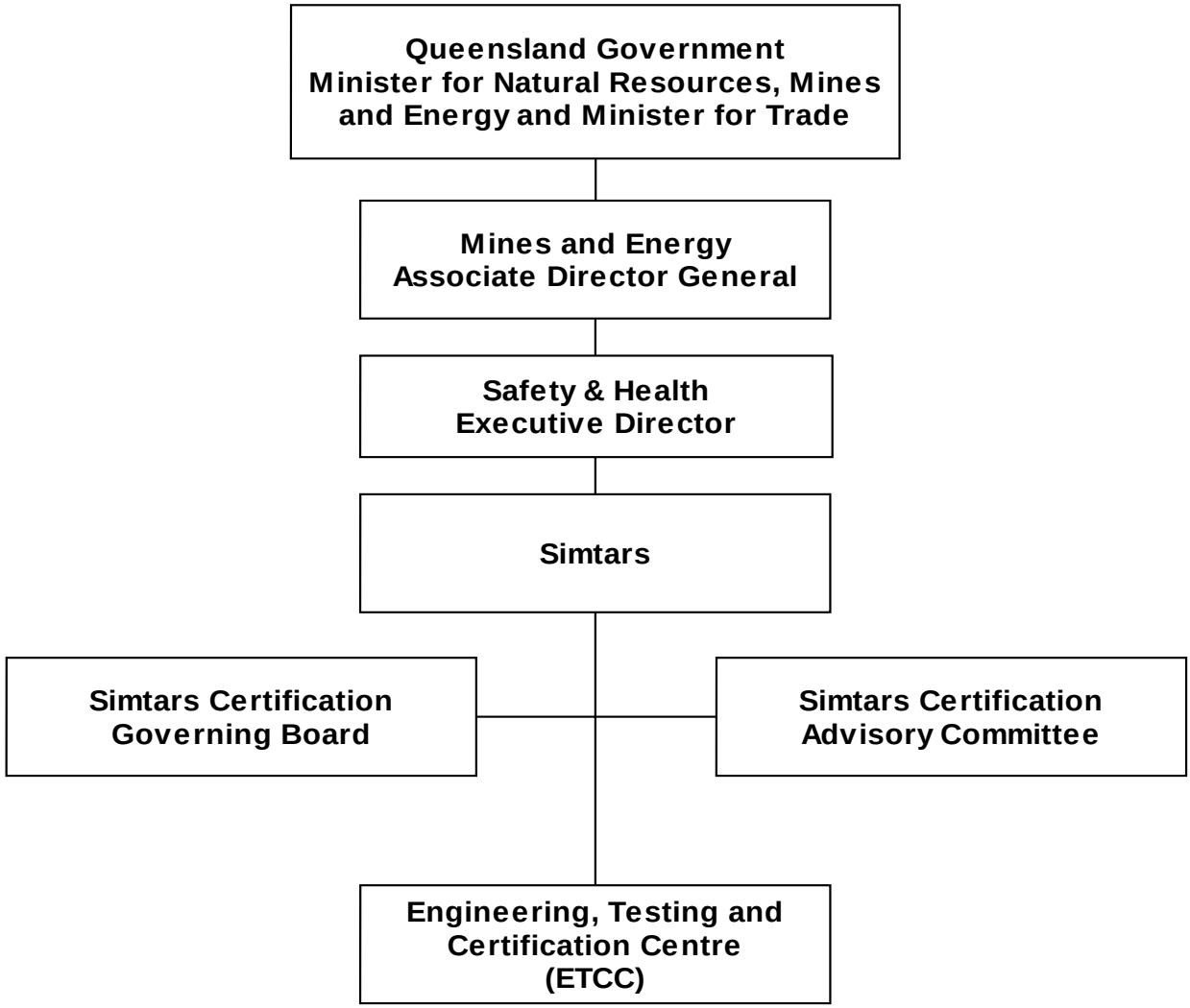
23.0 PUBLICATIONS

Simtars provides copy of certificates to the Administrator of the Australian Certification Scheme (P-008) for listing on its internet based certification database. Simtars Workwise database is utilised to record all necessary information for internal use. Details of JAS-ANZ endorsed certificates are registered in the JAS-ANZ web site. IECEx certificates & licenses can be accessed from the IECEx web site.

Other public documents available on request include:

- ETCC Profile outlining the type of services provided
- Procedure for handling complaints, appeals and disputes and detailing the obligations of certificate holder

Figure 1 – Organisation Overview



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Procedure for Addressing Misuse of Certificates of Conformity or IECEx Conformity Mark License

1.0 OBJECT AND FIELD OF APPLICATION

Procedure for addressing misuse of Certificates and IECEx Conformity Mark License, hereinafter referred to as the Mark, and failure to abide by the applicable certification scheme rules.

This procedure covers misuse of certificates and the Mark, suspension and cancellation of certificate and/or the Mark license and appeals against Simtars-ETCC decisions.

1.1 Reasons for change

- Inclusion of references to IECEx Conformity Mark System
- Change of document tile
- Additions of details to the Appeals clause (5.0) for clarity of process involved
- Addition of the Cost clause (6.0)

2.0 REFERENCES

EM0001	Product Certification Regulation Manual.
QI0004	Instruction for Raising and Processing Corrective and Preventative Actions and Verification of Effectiveness

3.0 MISUSE OF CERTIFICATION/MARK

This procedure covers the control and use of certificates/Mark with guidelines on action to be taken in cases of misuse.

Any alleged misuse of Simtars - ETCC certificates/Mark including incorrect references found in catalogues, advertisements etc., shall be investigated and dealt with by suitable actions.

With any alleged misuse of Simtars - ETCC certificates/Mark, Simtars - ETCC Manager shall appoint an investigation officer to gather evidence on the related matter. The Investigation Officer shall report the available facts to the Simtars - ETCC Manager.

If the problem is relatively minor and can be resolved by issuing a corrective action request, this course of action shall be followed with the investigation officer closing out the CAR on the certificate holder when the requirements have been met. This process shall be carried out in accordance with QI0004.

If the problem is a serious one, the Simtars - ETCC Manager shall take the necessary action to suspend the certificate/Mark license or if very serious the cancellation of the certificate. See below.

4.0 WITHDRAWAL, SUSPENSION AND CANCELLATION OF CERTIFICATES/MARK

When a certificate holder fails to maintain their products or quality management system in conformance with the requirements of the certification scheme and Simtars Product Certification Regulation Manual (EM0001), the certificate/Mark license may be suspended for a limited period to enable urgent corrective action to be undertaken. During the period of suspension, the certificate holder and/or Mark licensee shall not claim compliance with the requirements of the selected standard and shall not be entitled to use the applicable certificate of conformity/Mark as applicable. The certificate holder and/or Mark licensee shall be informed by registered letter of the suspension and the requirement to enable the suspension to be lifted. When a holder has its certificate/Mark license suspended, this suspension shall only be lifted after Simtars - ETCC has verified that the holder=s system and/or product fully complies with the requirements of the certificate/Mark license and of the particular scheme. The certificate holder and/or Mark licensee shall be notified by registered letter of the lifting of the suspension.

Failure to implement an appropriate corrective action during the period of suspension shall result in

withdrawal of certificate/Mark license. In addition, and JAS-ANZ shall be notified of cancellation of the certificate of conformity.

A certificate holder/Mark licensee has the right to voluntarily suspend their certificate/Mark license provided they inform Simtars - ETCC. Should this occur the appropriate conditions set out in the first paragraph shall apply.

Suspension or cancellation of Certificates/Mark license can occur for the reasons set out below:

- X for a breach of the rules of the certification scheme or Mark system
- X for a breach of the conditions of certification included in the certificate of conformity
- X for a breach of the terms & conditions of Mark license
- X for failure to pay any fees, costs or charges payable under the certification/Mark license agreement
- X for failure to maintain validity of Type 5 certification in a timely manner
- X If on review of the Investigation Officer=s report it is considered by the Simtars - ETCC Manager that the problem is a serious one, the Simtars - ETCC Certification Governing Board, shall be convened to decide on the matter.
- X If the certificate holder becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or makes any arrangement or composition with its creditors or if a company enters into liquidation (whether compulsory or voluntary, but not including voluntary liquidation for the purpose of reconstruction) or has a receiver appointed to its business.

If the decision is to suspend the certificate, the certificate holder/Mark licensee shall be notified by registered letter which will indicate the conditions under which the suspension will be removed. The certificate holder/Mark licensee shall be similarly notified upon lifting the suspension. The Administration body of the certification scheme, shall also be notified of the suspension and the lifting of the suspension.

Simtars shall notify the certificate holder/Mark licensee, Administering and Management body of the certification scheme in writing of a decision to cancel or withdraw a certificate of conformity and/or Mark license with reasons and details of actions. The certificate holder/Mark licensee shall cease to claim that products produced after the cancellation date are covered by the certification/Mark license. Product produced prior to cancellation are covered by the cancelled certificate/license. The withdrawal of a certificate/license shall result in the withdrawal of previously issued certificate/license and convey the message that all products listed on the withdrawn certificate are no longer covered by the certificate/license. Certificate holders/Mark licensee subject to withdrawn certificates shall inform their customers and relevant regulators of the situation.

The certificate holder/Mark licensee shall consult with Simtars to determine an appropriate means for public disclosure in the event of withdrawal of certificate.

The Board shall also notify JAS-ANZ and publish notification of the suspension in accordance with the publications clause in the Product Certification Regulation Manual, EM0001.

At the completion of the specified period, the Simtars - ETCC Certification Governing Board shall:

- . Remove the suspension if the conditions are fulfilled
- . Cancel or withdraw the certificates/Mark license as applicable, if conditions are not fulfilled.

The certificate holder/Mark licensee shall be notified by registered letter.

The Board shall notify JAS-ANZ and publish notification of the outcome for certificates.

The certificate holder/Mark licensee may appeal to the Simtars - ETCC Certification Advisory Committee.

5.0 APPEALS

The appeal process may comprise two stages, submission of appeal to the Simtars Certification Governing Board and, if not satisfied with the outcome, submission to the Appeals Panel. The Appeals Panel is constituted from members of the Simtars Certification Advisory Committee.

The appeals process may be applied in instances where an applicant is dissatisfied with decisions made in the certification or licensing process.

The Appeals Panel will determine the validity of the appeal and, if found to be valid, pass a judgement on the appeal, if not valid the appeal will be dismissed.

The appeal is initially submitted to the Simtars Certification Governing Board (GB). The GB will meet within seven working days of receipt of the appeal documentation and will review the claim, take advice from interested parties where necessary and review action taken by testing and/or certification staff at Simtars. Where required, the GB may request further information or clarification from the appellant.

The GB is to clearly define the scope of the appeal and the form of the outcome. The GB is to clearly document its findings and convey them to the appellant.

If the appellant is not satisfied with the decision of the GB a submission must be made to the Simtars Certification Advisory Committee (CAC) within 30 days. A further extension may be granted after which time if the appeal is not lodged it will be dismissed.

The CAC will arrange for the appeal to be heard as soon as possible. Members of the Appeals Panel are to be notified within two working days of receipt of the appeals documentation and a suitable time to be arranged for the conduct of the appeal. Before a meeting is held the Appeals Panel members are to be provided with all necessary documentation for review including briefing notes and other documentation (eg standards, guides etc) from the GB. All efforts must be made to convene the Appeals Panel at the earliest opportunity.

The Appeals Panel comprises all members of the CAC except for Simtars officers (chair and secretary). Any members of the CAC who may have a conflict of interest with regard to the appeal will also be excluded from the Appeals Panel.

The Appeals Panel will agree on a chairman from the panel for the duration of the appeal process. If required an officer can be assigned for note/minute taking.

The Appeals Panel will consider the findings of the GB, consult with industry experts as necessary, consult/interview the appellant and Simtars testing and/or certification personnel as required.

The decision of the Appeals Panel is to be signed by all members of the panel indicating their agreement with the judgement. The decision document is to be forwarded to the chairman of the CAC who will forward a copy to the appellant and retain the original on file.

Appeals related to the IECEx Conformity Mark License can be raised with the IECEx Management Committee if the appellant does not agree with the decision of the Appeals Panel. 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.

Simtars shall keep a register of all formal complaints received, detailing the circumstances of each complaint and the action taken.

Any corrective action arising as a result of the appeals process shall be handled in accordance with instruction QI0004.

6.0 COSTS

It may be necessary to pay costs associated with the appeals process to members of the Appeals Panel. These costs may be associated with travel etc as well as fees from the employers of the Panel Members. The appellant is to be made aware that there may be costs associated with the appeals process and that an undertaking will be required to pay such costs.

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Appendix D

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Charter for
Simtars Certification Governing Board

1.0 PURPOSE

The purpose of this document is to describe the role of the Certification Governing Board of Simtars. This procedure applied to the Engineering, Testing & Certification Centre.

1.1 Reason for change
Inclusion of references to the IECEx Conformity Mark Licensing system.

2.0 ROLE OF THE BOARD

The Simtars Certification Governing Board will manage the processes and activities associated with Simtars role as a product certification and IECEx Conformity Mark Licensing body. Product includes equipment, services (e.g repair and overhaul of equipment) and systems.

The Board shall have overall responsibility for the following:

- Performance of testing, inspection, evaluation, certification and licensing as defined in the Simtars Product Regulation Manual, EM0001, including:
  - maintaining a register of all certified products
  - providing information, to relevant certification programs, of the issue of certificates or licenses, for public access
  - processing applications for product certification, preparation of test reports and issue of certificates
  - maintaining records associated with assessment, testing and issue of certificates
  - monitoring certificate holder's quality management system to ensure they fulfil the requirements of the applicable certification scheme
- Formulation of policy matters relating to the operation of the certification body
- Publishing of policy and procedure documents under the quality system
- Decisions on certification
- Supervision of the implementation of its policies
- Supervision of the finances of the body and collection of fees
- Delegation of authority to committees or individuals as required, to undertake defined activities on its behalf – this is addressed in the Simtars Quality manual, QM0001, and Appendices for the ETCC.
- Technical basis for granting certification, refer certification process EP0089
- Suspension and cancellation of Certificates of Conformity, refer EM0001
- Appeals regarding certification, refer EM0001
- Receiving and resolving complaints and disputes regarding the certification process and referring unresolved issues to the Simtars Certification Advisory Committee, refer EM0001 and EP0101
- Arranging and attending inter-laboratory meetings to facilitate mutual agreement on test methods and interpretation of standards as required
- Reporting to the appropriate Standards Australia committee details and any interpretation difficulties associated with the standards
- Give due notice to applicants/certificate holders of changes to certification requirements
- Verification of changed requirements of certification

The Board shall:

- Consider all recommendations made by the Simtars Certification Advisory Committee.
- Notify the Simtars Certification Advisory Committee if their recommendations are not being followed and the reasons for this, if appropriate.

3.0 MEMBERSHIP

The Governing Board shall consist of four members:

- The Director, Simtars(ex officio Chair)
- The Manager - ETCC (Executive Member with responsibilities for the Secretariat Function)
- Certification Engineer
- Finance and Administration Manager

4.0 ROLE OF THE CHAIR

The Chair shall:

- Arrange meetings of the Board and provide due notice to the Members.
- Manage the conduct and affairs of the Board in accordance with good practices and the requirements of this Charter.
- Report on activities of the Board in accordance with Section 7 of this Charter.
- Accept the nomination of an approved deputy by any member and appoint any Member to act as Chair in his absence.
- Make appointments and/or changes to the Governing Board.

5.0 ROLE OF THE EXECUTIVE MEMBER

The Executive Member shall:

- Report at Board meetings on the status of testing and certification operations.
- Provide reports on issues or outcomes under consideration by the Board and options for achieving outcomes.
- Undertake joint projects with other organisations, as requested by the Chair, with a view to enhancing international recognition of the certification activities.
- Report at Board meetings on the status of projects recommended by the Simtars Certification Advisory Committee.
- Identify and arrange appropriate insurance cover for Board Members if required.
- Suspend Certificates of Conformity or Licenses when misuse has occurred (see EP0101 Procedure for addressing Misuse Certificates and Marks of Conformity).

6.0 CONDUCT OF MEETINGS

- A quorum of a least three members shall be present for a properly constituted meeting of the Board to take place.
- Each member of the Board shall be entitled to nominate a deputy subject to Clause 3 above. Only this deputy shall be the alternative representative.
- The Board may, from time to time, by a consensus of the members present at the meeting at which such matters are considered, make rules with respect to the conduct of its proceedings.
- No fees shall be paid for attendance at meetings.
- Board meetings shall be held annually.

7.0 REPORTING OF BOARD ACTIVITIES

The Chair in conjunction with the Executive Member shall provide the Members of Simtars Advisory Committee with the following:

- A copy of the minutes of each Board meeting.
- Reports on activities, issues or outcomes under consideration or as requested by the Simtars Certification Advisory Committee.
- Any additional information considered appropriate.

All significant decisions regarding the content and function of the certification and licensing system shall be put before the Simtars Certification Advisory Committee in sufficient time for it to make recommendations to the Governing Board.

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Procedure for System Assessment

1.0 Purpose

This procedure describes the initial and surveillance assessment activity conducted by Simtars, ETCC as required by the national (ANZEx), the international (IECEx) certification schemes, IECEx Conformity Mark System and system assessment requested by overseas bodies such as Notified Bodies under the ATEX Directive 94/9/EC. The requirements of this procedure combine with the requirements of procedure EP0089 to permit the issue of an ANZEx or IECEx certificate of conformity.

1.1 Reason for change

Inclusion of references to IECEx Conformity Mark Licensing system

2.0 Scope

This procedure shall be applicable to the Engineering, Testing and Certification Centre (ETCC) of Simtars or agents acting on behalf of ETCC Simtars, when dealing with the assessment of the quality system associated with

a) explosion-protected products
b) workshop facilities undertaking repair and overhaul of explosion-protected products
c) IECEx Conformity Mark System
d) the ATEX Directive 94/9/EC.

3.0 References

MP 87	Australian/New Zealand Certification Scheme for explosion-protected electrical equipment (ANZEx Scheme)
	Part 1: Product Certification Program - Basic rules and procedures
	Part 2: Recognised Service Facilities Program - Basic rules and procedures
Ex OD005	IECEx Quality System Requirements for Manufacturers
Ex OD 025	Guidelines on the Management of Assessment and Surveillance programs for the assessment of Manufacturer's Quality System, in accordance with the IECEx Scheme
BS EN 13980	Potentially explosive atmospheres – Application of quality systems
EP0089	Procedure for Processing Certificates of Conformity
EM0001	Product Certification Regulation Manual
AS/NZS ISO 19011	Guidelines for quality and/or environmental management systems auditing
AS/NZS ISO 10005	Quality management systems - Guidelines for quality plans
Ex OD0014	Quality system requirements for IECEx Certified Service Facility
Ex OD 022	Rules and procedures for the granting of Licenses to issue and use the IECEx Conformity Mark

4.0 Definitions

Product: Includes product or service

5.0 Procedure

5.1 General

The system assessments focus on the quality plan for the product covered by a certificate of conformity or test report. The assessment confirms that the system in place continue to ensure compliance of the product.

5.1.1 Audit Team

The Manager and/or Principal Engineer – Certification, assigns the lead assessor and assessment team. The Principal Engineer – Certification will inform the manufacturer of the Assessment Team

(initial assessments only) and obtain their acceptance. A manufacturer can reject at most two assessment teams. The Manager will appoint an assessment team if the manufacturer does not accept the proposed team. An audit file shall be raised for each manufacturer or certificate holder. Upon confirmation of the assessment team, the audit file is sent to the Lead Auditor for conducting the assessment. The Lead Auditor will obtain the necessary documentation from the manufacturer.
Where the quality system assessment for the product is carried out in conjunction with the ISO 9001 audit, a Hazardous Area Equipment (HAE) technical expert should be included in the audit team. If this is not possible, an audit team comprising at least one HAE technical expert shall audit the elements of the Product Quality Plan which are not covered by the ISO 9001 audit.

The assessment team may comprise external auditors or third party ISO 9001 certifiers based on assessment requirements. The assessment should be conducted in accordance with the requirements of the relevant certification type and in line with AS/NZS ISO 19011.

5.1.2 Manufacturers or Service Facilities with ISO 9001 certification
Where an ISO 9001 certification is maintained for the product, a HAE technical expert in the relevant explosion protection technique, shall conduct the initial and surveillance assessments.

5.1.3 Manufacturers or Service Facilities without ISO 9001 certification
If an ISO 9001 certification is not maintained for the product, an assessment by Simtars or a third party, with scope of accreditation covering ISO 9001, will be required. A HAE technical expert in the relevant explosion protection technique shall be in the assessment team (either as a member of the team or independently).

5.1.4 HAE Technical Expert
The HAE technical expert shall have demonstrated knowledge and expertise in the applicable explosion protection technique. A person assessed by ETCC as competent in the relevant protection technique, will satisfy this requirement.

5.2 Audit
The procedure for assessing the suitability of the process for the product follows and is also shown in the flow chart in Figure 1.

5.2.1 Contract Review
The Lead Auditor shall conduct a review of the application documentation prior to commencement of assessment activities. The following documents are normally required from the manufacturer prior to commencing the assessment:

- Completed application form and application to open an account (if required), or a written request by an Ex Notified Body
- Product Quality Plan (PQP) and/or quality system documents
- Copy of the current ISO 9001 certificate and last audit report
- Purchase order

The contract review is recorded on form EF0082 or equivalent.

5.2.2 Document Review
The Quality Management System documentation is reviewed by the Lead Auditor against the requirements of:

- MP87.1 Appendix E for the ANZEx certification,
- Operational Document Ex OD 005 for the IECEx certification,
- Ex OD 0014 for the IECEx Service Facilities certification,
- Ex OD 022 for the IECEx Conformity Mark Licensing System
- EN 13980 for the ATEX Directive 94/9/EC.

The review will identify whether multiple sites will require assessment, eg multiple manufacturers and/or subcontracted manufacturers/assemblers. The Lead Auditor will review files associated with the type test of the product. The review may be documented in form EF0284 but must be included in the audit report.
The following documents should be utilised in the course of the assessment:

Appendix A - provides a listing of the contents that should be included in the system documentation.
Appendix B - provides guidance for specific explosion protection techniques.
Appendix C - lists the additional requirements of the ATEX Directive 94/9/EC as per clause 7.5.5 of EN 13980.
Ex OD 0015 Technical requirements for IECEx Service Facilities involved in repairs, overhauls and modifications of Ex equipment

When an addendum to a certificate, or a new certificate for a related product is required, assessment results from the previous assessment may be used if applicable. The Lead Auditor will assess if an onsite visit is required based on the document review and information from previous assessment reports.
Deficiencies in the PQP or system documentation shall be discussed with the manufacturer prior to the site visit of the manufacturer's facility.

5.2.3 Prepare Assessment Plan

The Lead Auditor, based on the desktop review of the documentation submitted, prepares an assessment plan. The assessment plan will detail the number of auditors on the team, their identity and the duration of the audit as well as the schedule of audit activities. The auditee shall be consulted to determine a mutually agreeable time to conduct the assessment. The assessment plan shall be provided to the auditee at least seven days prior to the onsite assessment.

5.2.4 Assessment at Site

The assessment at site commences with an opening meeting, chaired by the Lead Auditor. The purpose of this meeting is to introduce the assessment team and confirm the purpose and scope of the assessment. The sequence of the assessment shall be confirmed and the availability of guides and a room for the assessment team shall be arranged.
It is essential that the assessment be conducted in accordance with the agreed schedule to allow sufficient time for the closing meeting. If, due to delays or other influences, it is expected that the planned activities will not be achieved, this shall be discussed with the auditee and, by agreement, the schedule revised.

The Lead Auditor will prepare a draft assessment report and distribute copies to the attendees at the closing meeting. The report will include routine tests witnessed by the auditor/assessor, strengths and weaknesses, observations, non-conformities and surveillance period. Timing to close out non-conformances is to be agreed to and included in the report. Representatives from both parties will sign the draft assessment report. A copy of the report will remain with the auditee. A copy of the assessment notes will be kept in the audit file.

Major non-conformances:
Deficiencies in the quality plan or procedures resulting in non-conforming product are to be identified as Major non-conformances (C) and will require a revisit to the facility to verify implementation prior to issue of the Certificate.

Minor non-conformances:
Minor non-conformances (M) will require proposed corrective action from the manufacturer within the agreed time. Minor non-conformances will be closed if the Lead Auditor considers the proposal to be satisfactory and evidence of compliance will be reviewed in subsequent visits.

Observation:
Areas of improvement or suggestion should be included in the assessment report as Observations (O). The manufacturer is not required to formally address Observations but is encouraged to consider them for preventive action and continual improvement.

5.2.5 Assessment Report

The final assessment report (form EE0046) will be completed by the Lead Auditor and reviewed by the certification officer. The final report should take into account any changes resulting from comments received from either the manufacturer or the certification officer. A second draft will be sent to the auditee for acceptance if changes are made to the category of non-conformities such as Minor changed to Major or Observation to Minor.

In the case of assessments carried out to EN 13980, the report will be prepared on forms supplied by the Ex Notified Body and reviewed by the certification officer. A draft of the report is to be sent to the Notified Body for comments.

The final report will be issued by the Certification Engineer.

5.2.6 Assessment of auditors

Auditors will be witnessed either by Simtars auditors or an auditor contracted for this purpose. Witness assessment reports provided by JAS-ANZ can be used for this purpose. The witnessing shall be every two years or every three assessments (if less than three assessments in two years).

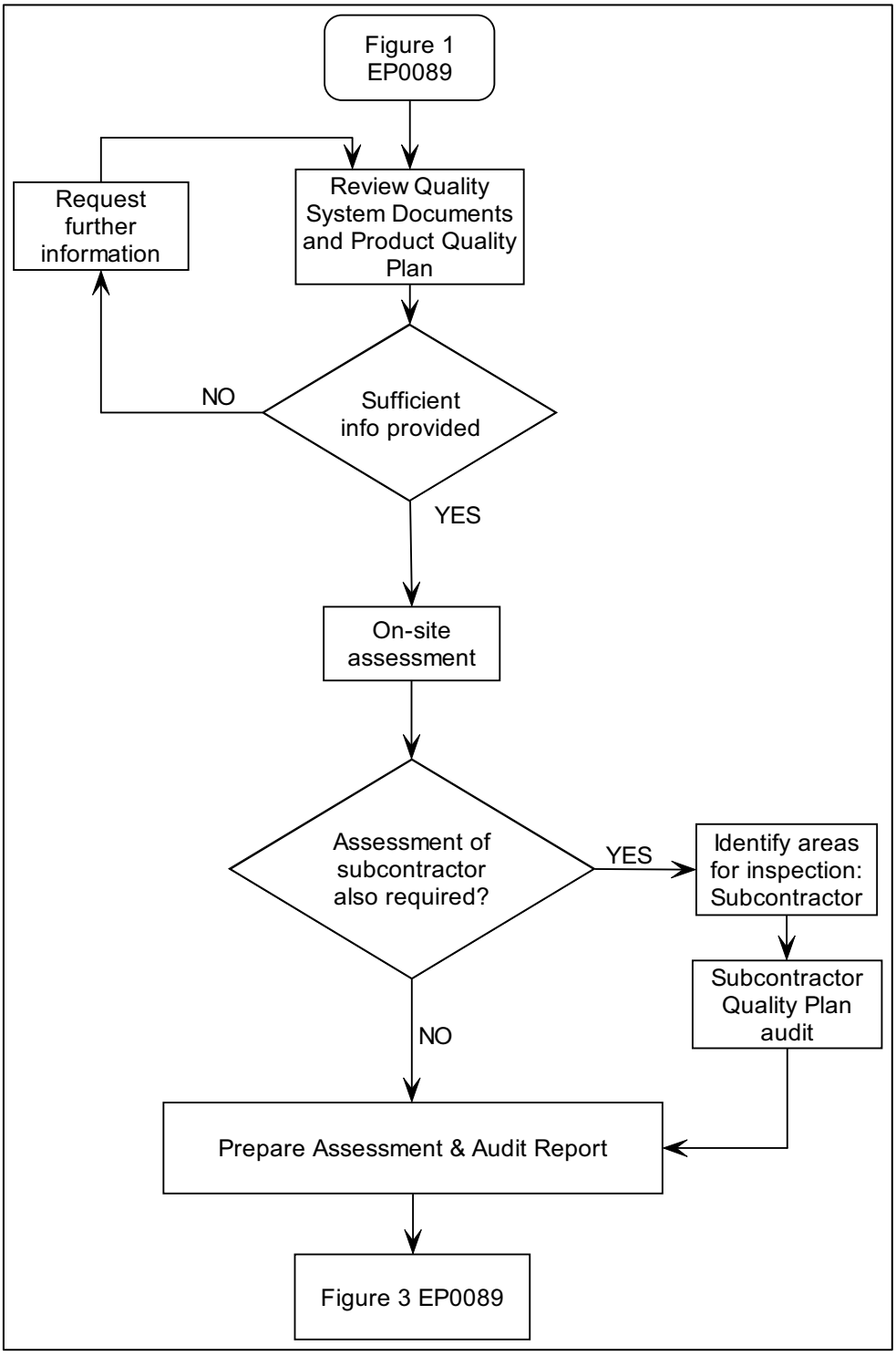
5.3 Surveillance & re-assessment audits

The schedule for surveillance is determined at the initial assessment and amended as necessary at subsequent surveillance assessments. The surveillance and re-assessment audit frequency should meet the requirements of the applicable certification scheme (e.g. Appendix E of MP87.1 for ANZEx and Ex OD 025 for IECEx).

5.4 Assessment and Surveillance of IECEx Conformity Mark License holders (Licensees)

Simtars will 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 document and the Terms and Conditions of agreement EF0xxx. Such surveillance may be considered as an extension to the existing surveillance for holders of an IECEx CoC.

Figure 1 - Flow chart for assessment and audit process for certification



6.0 Documentation

EF0284 Quality Assessment Checklist

7.0 Appendices

Appendix A - The Quality Plan

Introduction

This appendix provides guidance in the preparation or review of the product quality plan for equipment submitted for certification.

The Quality Plan should address the following:

- Document and Data Control
  - Identify the equipment covered by the plan
  - Identify all documents and data associated with the equipment – this will include certification drawings, component lists
  - Detail the process by which modifications will be made
  - How access to documents and data is obtained
- Purchasing
  - Purchased components/component assemblies – identify supplier and specify quality requirements
  - Methods of selection and evaluation of subcontractors
  - Reference to subcontractors quality plans
- Product Identification and Traceability
  - Identify traceability of equipment – serial number etc
  - Indicate how contractual and regulatory traceability requirements are identified
  - Records relating to traceability – control and distribution
- Process Control
  - Manufacturing procedures
  - Process steps
  - How is process monitored
  - What is acceptable workmanship criteria
  - What are personnel competency requirements
  - Detail tools, techniques required to achieve result
- Inspection and Testing
  - Inspection and test plan
  - How is subcontractor's product verified for compliance with specification
  - Inspection and test point location and process sequence
  - What characteristics are to be tested at each point, procedure and acceptance criteria, special tools, techniques, personnel qualifications
  - Where, when and how manufacturer uses 3rd party to perform
    - Product verification
    - Product validation
    - Material, product, process or personnel certification
- Control of Inspection Measuring and Test Equipment

- Control system used for inspection, measurement and test equipment used for product
  - Identification of equipment
  - Method of calibration
  - Method of indicating and recording calibration status
  - Record of usage of such equipment
- Inspection and Test Status
  - Specific requirements and methods for the identification of the inspection and test status of product documentation and data
- Control of Non-conforming Product
  - How are non-conforming product identified and controlled to prevent misuse until disposed of
  - Degree or type of rework permitted
- Corrective and Preventive Action
  - Preventive and corrective actions and follow up activities to avoid repetition of non-conformities. Those responsible for corrective and preventive action to be identified
- Handling, Storage, Packaging, Preservation and Delivery
  - Requirement for handling, packaging
- Control of Quality Records
  - What records are to be kept, for how long and by whom
  - What are the legal and regulatory requirements and how are these met
  - What form will the records take
  - How legibility, storage, retrievability, disposition, confidentiality requirements will be defined and satisfied
  - Methods used to ensure that records are available when required
  - What records are to be supplied to the customer
  - What language are the records provided in
- Quality Audits
  - Nature and extent of quality audits and how results to be used to correct and prevent
    - Internal audits
    - Customer audits
    - Supplier/customer audits of subcontractors
    - Third party audit of supplier and subcontractor
- Training
  - Plan shall address any specific training required
  - Include training of new personnel
  - Training of existing personnel in new or revised operating methods
- Statistical Techniques
  - Where used statistical techniques shall be indicated in the plan

Appendix B – Information Relevant to Particular Types of Protection

Introduction

This appendix provides guidance on those aspects that the quality system needs to address with respect to particular types of protection. It does not add to or otherwise change the requirements of this Document.

This appendix provides examples of how to meet the requirements of this Document, recognising that other methods which achieve the same objectives are equally acceptable; and draw attention to aspects of requirements that may not be readily apparent to those unfamiliar with quality systems for products intended for use in potentially explosive atmospheres.

General

For enclosures and other components forming part of the enclosure then the manufacturer should verify the material composition.

Sampling techniques are not appropriate to routine tests for equipment except where the following currently permit such techniques:

- the IEC or Australian Standard;
- P-008-01 or IECEx TAG decision sheets;
- P-008 or ExTAG group decisions

Ex d - flameproof enclosures

Castings

Castings should be subject to verification that demonstrates conformity, e. g:

wall thickness (including those parts not subject to machining);
flaws, inclusions, blow holes and porosity (by either a visual or test method depending upon the criticality);

Recovery of porous castings by impregnation methods, e. g. silicon is not recommended. In the event that a casting is recovered by welding it will become subject to the requirements applicable to fabricated enclosures, e. g. routine pressure testing.

Machining

Machining should be subject to verification that demonstrates conformity eg. the following should be verified:

flatness of flanged flamepaths;
surface roughness of all flamepaths;
fit of all threaded flamepaths (e.g. cable entries and threaded access covers);
depth of drilling and tappings to ensure adequate residual wall thickness;
dimensional requirements of all flamepaths.

Cemented joints and potted assemblies

Documented procedures should address the following:

a) shelf life and storage of cement, potting compounds;
b) mixing;
c) surface preparation (degreasing or equivalent is usually required immediately before the potting-operation to ensure good adhesion);
d) application e. g. filling instructions, freedom from voids and temperature conditions;
e) curing, which should include: curing period, any relevant environmental factors, provision to ensure product is undisturbed during the curing period.

Routine pressure testing

The purpose of the test is to check that the enclosure does not suffer damage or permanent deformation and that there is no leakage from the enclosure during the test other than through constructional gaps, e.g. flamepaths.

Leakage through cemented joints or potted assemblies would constitute a failure.

The test can be a single test conducted on a complete assembly, or a series of tests on each sub-assembly or component part. For enclosures that contain more than one discrete compartment, each compartment should be tested individually. The method used should ensure that the assembly, sub-assembly or component parts are subjected to representative stress patterns e.g. actual fastening facilities are used. Clampings that affects the mechanical properties of the type of protection would invalidate the test.

Due to safety considerations and difficulty in detecting leakage, hydraulic rather than pneumatic methods are recommended.

The test facility should be adequate to readily provide the required pressure during the test period.

Leakage from flamepaths can be reduced by the use of gaskets or ‘O’ rings.

The pressure gauge should be calibrated, of suitable resolution and range, located such that it does not invalidate the test (e.g. due to pressure drop down pipe lines).

The verification of the routine pressure test should include verification of the product for damage or deformation, e. g. flange flamepaths are still within stated tolerances and fastenings are not stretched.

Flanged joints

Flanged joints should be verified after final assembly to ensure the specified gap is not exceeded.

Cylindrical Joints

Components of cylindrical joints to be dimensionally verified prior to assembly.

Rotating Machines

The minimum radial clearance ‘k’ and maximum radial clearance ‘m’ should be verified.

Sintered components

Verification criteria for sintered components used as an integral part of a type of protection

Sintered material is used in many products, such as gas detectors and loud speakers.

The design parameters for the sintered component normally covers three factors

maximum pore size;

minimum density;

diameter and thickness of sinter.

Therefore the purpose of this appendix is not to add any technical requirements but to provide manufacturers with guidance as to how they can demonstrate that the actual sintered components comply with the design requirements.

Tests

Typical test requirements are given in ISO 4003 and ISO 2738

The test may be conducted on a sample basis provided that the sample size is not less than 1 % of the batch size or 10 units, whichever is the greater.

Where tests to determine pore size and density are conducted on a sample basis, then the results should be calculated to establish the standard deviation( ) for the sample batch,

i.e. p = the pore size standard deviation;

D = the density standard deviation.

The maximum pore size should not be exceeded and the minimum density should remain equal or greater than the value as determined in the original testing when 3 is taken into account. Therefore the mean value of the sample batch, plus 3 p (for pore size) and minus 3 D (for density) should not invalidate the requirements of the original testing.

Test examples

The following examples are provided for guidance:

Example 1 (pore size)
Maximum permitted pore size as detailed in the
Assessment and Test Report = 150 m
Mean value (of batch) = 140 m
Standard deviation (σp) = 2 m
Therefore maximum value = 140 + (2 x 3) = 146 m (PASS)
If standard deviation (σp) = 5 m
Then maximum value = 140 + (5 x 3) = 155 m (FAIL)

Example 2 (density)
Minimum permitted density as detailed in the
Assessment and Test Report = 5 gcm^{-3}
Mean value = 5.3 gcm^{-3}
Standard deviation (σD) = 0.05 gcm^{-3}
Therefore minimum value = 5.3 - (0.05 x 3) = 5.15 gcm^{-3} (PASS)
If standard deviation (σD) = 0.12
Then minimum value = 5.3 - (0.12 x 3) = 4.94 gcm^{-3} (FAIL)

NOTE In some cases the sinter is formed directly in a solid housing. To establish the density value, the following formula should be used:
substitute as follows:

$$\rho = \frac{M_1 (m_3 \rho W - m_1) \times \rho W}{(M_4 - M_3) - (m_5 - m_2)}$$

where
ρW is the density of water;
m_1 is the housing only, weight in air
m_2 is the housing only, weight in water;
m_3 is the housing and sinter (assembly), weight in air;
m_4 is the coated assembly, weight in air;
m_5 is the coated assembly, weight in water.

Purchase information
The manufacturer should ensure that the purchase documents include the following:
- the sinter material specification;
- the dimensional requirements;
- the maximum pore size and the standard eg. ISO 4003;
- the minimum density and the standard e.g. ISO 2738.

Pre-tested components
Where the equipment manufacturer does not conduct their own tests then the component manufacturer shall demonstrate that appropriate testing is conducted. The following shall be included in the documentation:
the manufactured batch size;
the sample size taken to establish the maximum pore size and the minimum density;
the number of components supplied;
the calculated maximum pore size and minimum density, e. g. the mean values and standard deviation should be stated.

Measurement and monitoring
Upon receipt of the components, the manufacturer should:
check the component manufacturer's test documentation;
check the compatibility of the purchase order requirements with the documentation provided (if not testing on site and giving special attention to the stated pore size and density data to ensure that when taking the stated tolerance into account the specification is not exceeded.
conducting the tests (if testing on site).
conducting a statistical check on the overall size of the sintered component e. g. diameter and thickness.

Ex i – intrinsic safety

Components for intrinsically safe products
The following features should be verified with respect to the following components for use in intrinsically safe apparatus and associated apparatus. This normally means verifying the marking on the components or packaging and may be achieved by using statistical techniques where appropriate:

Resistors:	value, power, type.
Capacitors:	value, tolerance, type.
Piezo-electric devices:	manufacturer, type, capacitance.
Inductive components:	type, inductance, d.c. resistance, number of turns, wire gauge and material, material specification of core and bobbin where appropriate.
Transformers:	type, manufacturer, isolation, voltage.
Semi-conductors	Diodes Zener Diodes Transistors Integrated Circuits Thyristors } type number and where appropriate, the manufacturer
Cells and batteries:	manufacturer and type number, or IEC designation.
Fuses:	manufacturer, type, value.
Insulating materials:	specification, dimensions and where appropriate type number.
Connectors (e.g. plugs/ sockets and terminals):	type number and where appropriate, the manufacturer.

Printed circuit boards (PCB)

Non-populated PCB's

For high volume or complex PCB's e.g. multilayer PCB's, the PCB manufacturer's checking process shall be assessed. This process shall identify the factors that demonstrate conformity of the PCB with the equipment manufacturer's specifications. It may be necessary to conduct an audit of the PCB manufacturing process

For simple single or double sided PCB's, the copper artwork should be visually verified using photographic negative (transparency), certified drawing or controlled inspection sample.

Purchase documents should specify copper thickness, PCB thickness and CTI values.

Populated PCB's

Varnish and coatings should be controlled with respect to the specification of material, effectiveness of cover and where required application of two independent coverings, i.e. the first covering is allowed to cure or to dry for a time suitable for overcoating before the second.

For PCB's the manufacturer should maintain a list of safety critical components used in production (e.g. resistors and zener diodes) which have been agreed with the Certification Body that has issued the Test Report. The components on this list should be verified on a 100 % basis.

This may be conducted by:

a visual verification. or

for surface mount components, by ensuring correct loading of the "pick and place" machines and a visual verification of correct placement;

by automatic test equipment (ATE) provided that the ATE addresses each individual safety critical component and by a visual verification is conducted to verify type number of components in shunt zener diode/diode assemblies.

NOTE Where the surface mount component "pick and place" machine selects the component reel based on measuring the component value, the measuring function should be calibrated.

Documented procedures should be provided that ensure that workmanship standards are defined with respect to component mounting and soldering.

Specified segregation for hand build PCB's should be verified on a 100% basis.

Sub-assemblies and assemblies

Documented procedures should ensure that production documentation includes all relevant variations to the product design.

Production documentation should address all safety critical components, and in the case of encapsulated parts, the encapsulant manufacturer, type, mix and depth.

Documented procedures should ensure that segregation of related parts (e. g. terminals) and wiring/cabling is maintained and that specified colours and/or labels are fitted.

Sealing arrangements should be verified for compatibility with the product's ingress protection rating.

Tests

Any tests specified in the standard, e.g. high voltage tests on complete assemblies or individual components such as transformers, should be controlled by documented procedures and conducted on a 100% basis unless otherwise permitted.

Intrinsically safe circuits and assemblies housed in Ex d, Ex p or Ex q enclosures

Where Ex d, Ex p or Ex q enclosures contain intrinsically safe circuits then precautions should be taken as stated in the Assessment and Test Report or Certificate of Conformity to ensure that other items listed in the Assessment and Test Report are selected, mounted and installed in respect to schedule drawings.

Ex e – increased safety

Ingress Protection

Documented procedures should ensure that the following is verified:

a) weld continuity;
b) fitting of gaskets and seals;
c) continuity of moulded grooves and tongues;
d) application of cements;

Internal wiring and contact integrity

Documented procedures should ensure that the following is verified:

a) wiring is effectively clamped;
b) wiring is correctly terminated, e. g. excessive insulation is not removed from connecting wires (normally within 1 mm of terminal metal);
c) wiring insulation has an appropriate temperature rating;

Rotating machines

Documented procedures should ensure that the following is verified:

a) rotor end connections and fixing bars are correctly tightened and not subject to undue stress;
b) the air gap is verified (rotor to stator) or calculated from the tolerances defined;
c) the fan clearance is verified;
d) the bearing clearances are verified.

Windings

Documented procedures should ensure that the following is verified:
a) impregnation's are free of voids;
b) insulation materials are to the stated specification;
c) security of conductors is verified;
d) where protective devices (e. g. thermal cut-outs) are specified in the Assessment and Test Report, they should be of the type and in the location specified.

Tests

All tests should be documented. Typically tests include:
a) dielectric tests for windings;
b) bearing insulation for rotating machines as appropriate.

Ex p – Pressurised apparatus

Ingress protection

Documented procedures should ensure that the following is verified:
a) weld continuity;
b) fitting of gaskets and seals;
c) continuity of moulded grooves and tongues:
d) application of cements

Tests

All tests should be documented. Typical tests include:
a) an overpressure test, at the pressure stated in the test report or Certificate of Conformity;
followed by
b) a leakage test, to ensure the specified leakage rate is not exceeded.

Separately Certified Equipment

Validity of separately certified equipment incorporated in Ex p systems to be verified.

Ex m – Encapsulation

Production documentation

Thermal protection (e.g. thermal fuses) should be positioned according to and be of the type specified in the schedule drawings.

Documented procedures should address the following:
a) shelf life and storage of encapsulant;
b) mixing;
c) surface preparation (degreasing or equivalent is usually required immediately before the encapsulation to ensure good adhesion);
d) application e. g. filling instructions, freedom from voids and temperature conditions;
e) curing, which should include: curing period, any relevant environmental factors, provision to ensure product is undisturbed during the curing period.

Tests

All tests should be documented. Typical tests include:
a) visual examination
b) dielectric characteristics verification

Ex o – Oil immersion

All tests should be documented. Typical tests include:
a) reduced pressure test (sealed enclosures only);
b) overpressure test (sealed and unsealed enclosures).

Ex q – Powder filling

Material control

The material should be of defined size and type.

Evidence should exist as to the flammability verification of enclosure materials and these materials should align with those specified in the drawings listed in the test report/certificate.

Filling

Filling should be made without voids. Care is clearly needed to ensure that voids are not created after filling by shaking, down. The process for filling should be documented and the documentation should include verification criteria.

Ingress protection

Documented procedures should ensure that the following aspects are verified

a) weld continuity;
b) fitting of gaskets and seals;
c) continuity of moulded grooves and tongues;
d) application of cements.

Tests

All tests should be documented. Typical tests include:

a) pressure test;
b) dielectrical strength test of filling material

Annex C - Additional requirement of ATEX Directive 94/9/EC

Clause 7.5.5 of EN 13980 referes to Annex II of the ATEX Directive 94/9/EC with regards to the manufacturer providing instructions to its customers. The following is the text from the Directive.

1.0.6. Instructions

(a) All equipment and protective systems must be accompanied by instructions, including at least the following particulars: -a recapitulation of the information with which the equipment or protective system is marked, except for the serial number (see 1.0.5.), together with any appropriate additional information to facilitate maintenance (e.g. address of the importer, repairer, etc.);
- instructions for safe:
- putting into service,
- use,
- assembling and dismantling,
- maintenance (servicing and emergency repair),
- installation,
- adjustment;
- where necessary, an indication of the danger areas in front of pressure-relief devices;
- where necessary, training instructions;
- details which allow a decision to be taken beyond any doubt as to whether an item of equipment in a specific category or a protective system can be used safely in the intended area under the expected operating conditions;
- electrical and pressure parameters, maximum surface temperatures and other limit values;
- where necessary, special conditions of use, including particulars of possible misuse which experience has shown might occur;
- where necessary, the essential characteristics of tools which may be fitted to the equipment or protective system.

(b) The instructions must be drawn up in one of the Community languages by the manufacturer or his authorized representative established in the Community.

On being put into service, all equipment and protective systems must be accompanied by a translation of the instructions in the language or languages of the country in which the equipment or protective system is to be used and by the instructions in the original language.
This translation must be made by either the manufacturer or his authorized representative established in the Community or the person introducing the equipment or protective system into the language area in question.
By way of derogation from this requirement, the maintenance instructions for use by the specialist personnel employed by the manufacturer or his authorized representative established in the Community may be drawn up in a single Community language understood by that personnel.

(c) The instructions must contain the drawings and diagrams necessary for the putting into service, maintenance, inspection, checking of correct operation and, where appropriate, repair of the equipment or protective system, together with all useful instructions, in particular with regard to safety.

(d) Literature describing the equipment or protective system must not contradict the instructions with regard to safety aspects.

2 Smith Street, Redbank, Qld 4301, Australia ***Phone + 61 7 3810 6381***
PO Box 467, Goodna, Qld 4300, Australia ***Fax + 61 7 3810 6366***

Application Process for IECEx Conformity Mark License

1.0 PURPOSE

The purpose of this document is to describe the process of applying for an IECEx Conformity Mark license, under the IEC Scheme for Certification to Standards relating to Equipment for use in Explosive Atmospheres, IECEx 01. Explanation is provided to assist applicants in completing the application form for obtaining the said license. This document also covers the responsibilities of the licensee for maintaining the license. The document must be read and understood before completing the application for the license.

2.0 INTRODUCTION

Simtars (Safety in Mines, Testing and Research Station) located at 2 Smith Street, Redbank, Queensland, which includes the Engineering, Testing and Certification Centre (ETCC), is a JAS-ANZ accredited Certification Body. Simtars-ETCC provides certification services under the Australian (AUSEx and ANZEx) and International (IECEx) certification schemes.

3.0 APPLICATION

3.1 General

Prior to making an application for an IECEx Conformity Mark License, it is recommended that preliminary discussions be held with the Manager - ETCC or the Principal Engineer (Certification) regarding arrangements for on-site assessment. The applicant must provide all the information on the application form and the relevant documentation.

Application is to be made on form EF0xxx, which also forms the agreement for the license. The application form can be obtained from -

The Manager
Engineering, Testing and Certification Centre
Simtars
P O Box 467
GOODNA QLD 4300
Telephone: +61 7 3810 6377
Fax: +61 7 3810 6366
Email: james.birch@dme.qld.gov.au

The completed application form and documents demonstrating compliance with the IECEx O4, OD 023, should be sent to Simtars - ETCC.

3.2 Completing Application Form EF0xxx

3.2.1 General

The information provided with the application form serves as the basis for the agreement, assessment and issue of a IECEx Conformity Mark License. It is therefore important that this form be completed fully and accurately. Any errors in the form may lead to delays in commencing the assessment process and consequent errors in details contained in the License.

The form EF0xxx - "Application & agreement for IECEx Conformity Mark License" is to be completed in full.

3.3.1 Name of Manufacturer or holder
Enter name of the holder of the IECEx certificates issued by Simtars. This will appear on the license as the licensee.

3.3.2 Street Address
This is the physical location of the applicant licensee. A street address is required, not a Post Box number.

3.3.3 Postal Address
This address will be used for mailing of invoices.

3.3.4 Position with responsibility and authority to control use of the Mark
Enter the title of the position, that would have the responsibility and authority to control the use of the Mark. This should be a senior position within the organisation.

3.3.5 Current holder of the position
Give the name and contact details of the person currently appointed in the position described in 3.3.4.

3.3.6 Certificates of Conformity for which Mark License is sought
This section provides for the inclusion of the IECEx certificate numbers for which the license is sought. Simtars is only able to issue license for IECEx certificates it has issued. As such only list IECEx certificates issued by Simtars.

3.3.7 Other use of the Mark
If application is for license to use the IECEx Mark on promotional materials, packaging, websites, etc, choose from the list provided.

3.3.8 Quality Management System
The application should include:
a) Copies of the applicant's internal procedures for design, release, use, display and control of the Mark;
b) A controlled document detailing the design of the Mark, proposed by the Applicant (usually in the form of a Manufacturer's Drawing);
c) Exact details of how the product or promotional material is to be marked with the Mark.

3.3.9 Agreement
The person holding the position that would have tbe responsibility and authority to control the use of the Mark is to sign the Agreement.

3.3 Acknowledgment

On receiving an application, an acknowledgment will be sent to the applicant with Simtars - ETCC reference number. This reference number should be quoted in all correspondence.

4.0 CONDITIONS OF APPLICATION FOR IECEx CONFORMITY MARK LICENSE

4.1 General

Work on the application will commence when all the agreement, documents (see 3.3.8) and a purchase order have been received.
All communications and documents received in the course of the licensing process will be treated in confidence.
An application may be withdrawn at any time, but Simtars - ETCC reserves the right to retain any documentation or other information supplied, and to make an appropriate charge for work associated with processing the application and for work carried out up to the time of withdrawal.

4.2 Documents

Simtars - ETCC reserves the right to reject information supplied other than in English. A certified English translation of documents is acceptable.
Copies of any relevant documentation as identified in this document must be provided with the agreement.

4.3 Fees and Charges

Fees and Charges for issue of the IECEx Conformity Mark License will be made available to the applicant in the form of a quotation.

Invoices will be raised and payment is required before the license can be issued.

4.4 Assessment

Assessment will be carried out to IECEx 04 and OD 022. Where possible this will be carried out during the site visit for assessment associated with IECEx Equipment certification, IECEx 02.

4.5 Rectification

During assessment, the supporting documentation may be found not to comply with some of the requirements in the IECEx Regulation and operational documents. The applicant will be notified and given the opportunity to correct minor points of non-compliance and to resubmit the documentation. Should the rectification entail amendments, it is essential that these modifications be promptly provided to Simtars - ETCC. A quotation variation will be sent to cover the cost for any work resulting from such non-compliances.
If no remedial action has been taken within three months of notification, a notification detailing the areas of non-compliance will be issued. If no response if received within six months on the notification, the application will be cancelled.

4.6 The License

On successful completion of assessment, a License will be issued on-line in the IECEx website (www.iecex.com) and the applicant notified by mail or email. Hardcopies of IECEx Conformity Mark License are not issued.

ETCC Procedure
Application Process for
IECEx Conformity Mark License

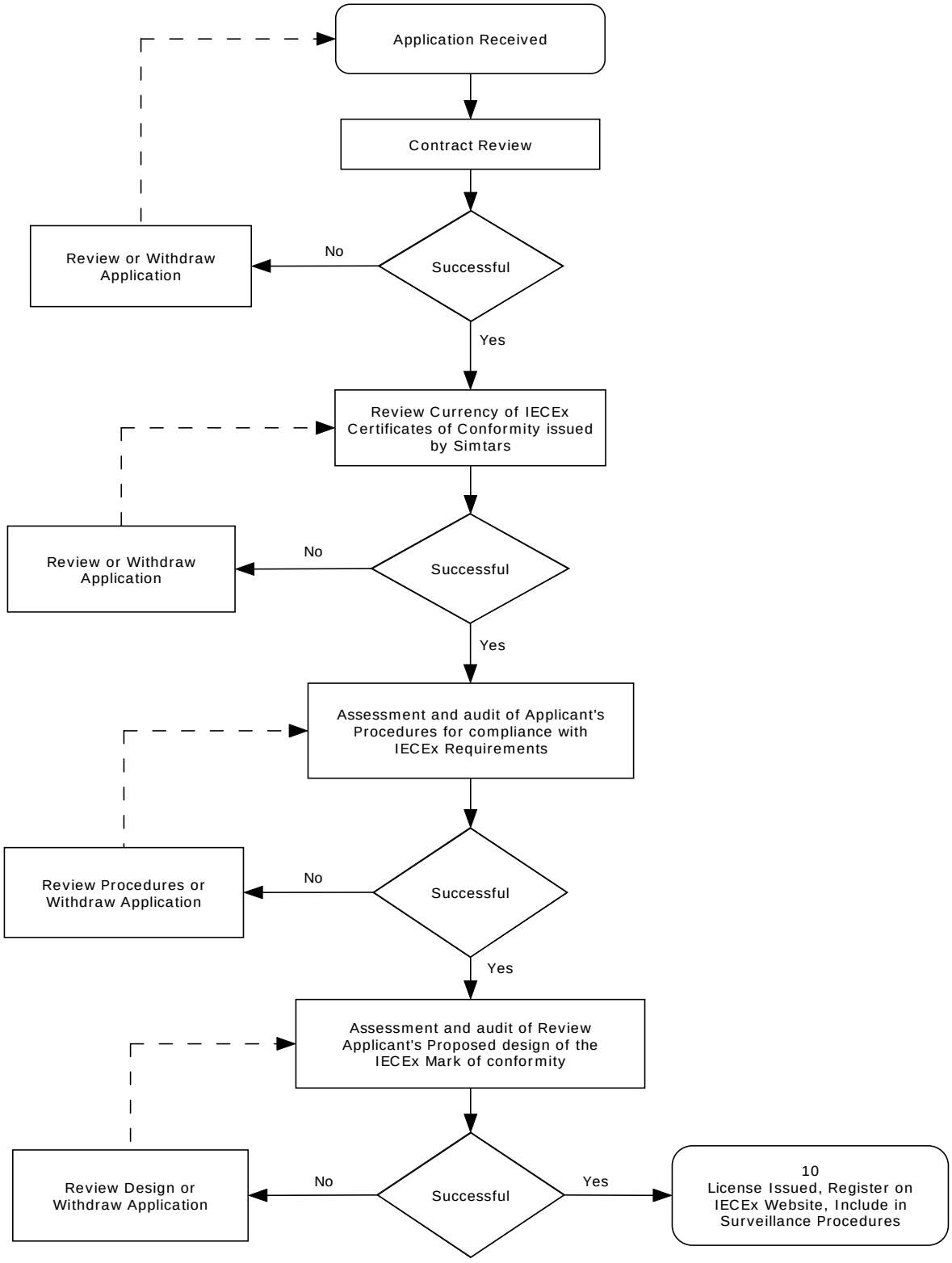


Figure 1: Overview of process to Issue IECEx Conformity mark License

Appendix G

Engineering, Testing and Certification Centre

2 Smith Street, Redbank, Qld 4301, Australia
PO Box 467, Goodna, Qld 4300, Australia

Phone + 61 7 3810 6381
Fax + 61 7 3810 6366

Application & Agreement for IECEx Conformity Mark License relating to Equipment for use in Explosive Atmospheres

NOTE

a. Before completing this form, please read the instructions set out in the Application Process for IECEx Conformity Mark License (EP0xxx).

b. Type or print in block letters.

New Application ☐ ***Addendum*** ☐

1. Licensee:

Name of manufacturer/holder:	
ABN *(if applicable)*	
Address (Street):	
Postal address:	
Position with responsibility and authority to control use of the Mark:	
Current holder of the position (Name):	
Telephone:	***Facsimile:***
Email:	

2. **Certificates of Conformity for which Mark License is sought:**
(*List certificates issued by Simtars*).

IECEx SIM

3. Other use of the Mark:

Documentation ☐ Packaging ☐ Promotional materials ☐ Catalogues ☐
Websites ☐

4. I am requesting the electronic file format of the Mark to be supplied in:

*.eps ☐ *.ps ☐ *.ai ☐ *.jpg ☐ *.dwg ☐ *.dxf ☐

5. Quality Management System: (✓ the boxes)

Company policy includes a statement that the IECEx Mark shall only be used and associated with Ex products covered by an IECEx Certificate of Conformity, listed on the IECEx Mark License Schedule and in accordance with IECEx rules (IECEx 04) and operational documents (OD 022, OD 023) ☐

Procedure that defines the design and release of promotional materials, including websites is as follows:

Procedure No: _____ See attached: ☐

Exact details of how the product or promotional material is to be marked with the Mark is provided in:

Procedure No: _____ See attached: ☐

Agreement:

I, …….. the authorised representative of ……
hereby apply to the Department of Employment, Economic Development and Innovation, Simtars for a IECEx Conformity Mark License for the equipment described herein.

I also accept Simtars - Standard Terms and Conditions of Contract - (AF0002).

I agree –

- that the use of the IECEx Conformity Mark shall not imply any legal responsibilities or obligations on the part of the IEC, the IECEx Management Committee, the Minister of the Department of Employment, Economic Development and Innovation and Simtars,

- to abide by the requirements outlined in the Product Certification Regulation Manual (EM0001) and the Terms and Conditions of use of the IECEx Conformity mark, listed in this document,

- to follow the procedures and abide by the conditions stated therein. I also agree to allow witnessing of the quality system assessment by JAS-ANZ assessors,

- to pay to the Department of Employment, Economic Development and Innovation, Simtars all costs and charges incurred in the licensing process, in accordance with Simtars Standard Terms and Condition (AF0002),

- to abide by the rules and procedures for the IECEx Conformity Mark System (IECEx 04).

Conditions for the use of the IECEx Conformity Mark

1) The IECEx Conformity Mark can only be used by a holder of an IECEx Conformity Mark Licence issued by Simtars.
2) The IECEx Conformity Mark may be included in published advertisements, on condition that the IECEx Conformity Mark refers to Ex products covered by an IECEx Certificate of Conformity, listed on the IECEx Conformity Mark Licence. The Mark shall be shown in a manner to give a clear association with the products covered by an IECEx Certificate of Conformity whose reference number is listed on the IECEx Conformity Mark License issued by Simtars.
3) The format of the IECEx Conformity Mark shall be as shown in IECEx 04 and must be verified and approved, in writing, by Simtars, including any proposed changes.
4) The Licensee acknowledges that IEC is the owner of the IECEx Conformity Mark, and shall not do anything which may be taken to indicate that it has any right, title or interest in or to the ownership or use of the IECEx Conformity Mark except under the Licence.
5) The Licensee acknowledges that it may only use the IECEx Conformity Mark under Licence by Simtars.
6) Once approved by the ExCB issuing the IECEx Conformity Mark Licence, the Licensee shall not use, alter or modify the IECEx Conformity Mark in any way without the approval of Simtars.
7) The Licensee shall use the IECEx Conformity Mark, or claim by implication that it is licensed to use it, only in respect of those Products listed in IECEx Certificates of Conformity covered under the Licence.
8) The Licensee shall not use the IECEx Conformity Mark, or make any statement with reference to the IECEx Conformity Mark, that in the opinion of Simtars or the IEC is misleading or could bring Simtars or the IEC into disrepute.
9) The Licensee shall on request give to Simtars any information as to the use of the IECEx Conformity Mark, which Simtars may require, and will render any assistance reasonably required by Simtars or the IEC with respect to the protection of the IECEx Conformity Mark or in prosecuting any misuse.
10) The Licensee shall, as soon as it becomes aware, inform Simtars of any third party activity which amounts or may amount to an infringement of Simtars' or the IEC's rights in relation to the IECEx Conformity Mark.
11) The Licensee shall inform its customers and agents that any modification or alteration to the Product may invalidate the IECEx Conformity Mark, and shall inform Simtars of any modification or alteration of the Product as soon as such modification or alteration comes to the Licensee's attention.
12) The Licensee acknowledges that Simtars shall have the conduct of all proceedings relating to the IECEx Conformity Mark, and the Licensee will at the request of Simtars or IEC give full co-operation in any action, claim or proceedings brought or threatened in respect of the IECEx Conformity Mark.

13) The Licensee shall not dispose of, sub-licence, assign, transfer or otherwise deal with the Licence or any part of it, nor confer any privileges, benefits or rights (if any) arising therefrom otherwise than in accordance with these Conditions.

14) The Licensee must not allow a third party to use the IECEx Conformity Mark.

15) A Licence may be terminated by Simtars or the Licensee at any time in writing, giving reasons for the termination.

16) If a Licence is terminated, use by the former Licensee of:

    (a) the IECEx Conformity Mark;

    (b) the IECEx Conformity Mark Licence number;

    on the Product and anything related to the Product shall immediately cease.

    Simtars will determine the action required concerning products marked prior to termination of the licence.

17) A former Licensee shall advise its staff, customers and any Third Party that it is no longer a Licensee. The IEC, ExMC or Simtars may also publish the termination of a License.

18) The Licensee shall appoint a senior member of its Management Team with the responsibility and authority to control use of the IECEx Conformity Mark and shall provide written notification to Simtars of any changes to this position.

19) The Licensee agrees to notify Simtars in writing as soon as practicable, of any changes to its organisation that have the potential to prevent the Licensee from fulfilling the obligations under the Licence.

20) The Licensee agrees to an extension of its existing on-going surveillance audits, as required by IECEx 02 to allow Simtars the opportunity to verify the Licensee's compliance with the IECEx Conformity Mark Regulations, Operational Documents, OD 023 and these terms and conditions.

21) The Licensee agrees to maintain a registry of its Ex products carrying the IECEx Conformity Mark and to make this registry available to Simtars either during surveillance visits or at any time as requested by Simtars.

22) IECEx Conformity Mark Regulations, Operational Documents and Terms and Conditions are publicly available on the IECEx Internet website www.iecex.com where the latest versions reside. Changes to these conditions may be made with notification on the IECEx website which would normally become effective 15 days from placing on the website.

23) Simtars identification code shall appear with the IECEx Conformity Mark.

Signed for and on behalf of manufacturer:	**Signed for and on behalf of Simtars:**
#Signature	Signature
Name (please print)	Name (please print)
Date: / /	Date: / /

[#] *To be signed by a senior position with responsibility and authority to control use of the Mark.*