



ExMarkCo/17/CD
July 2008

INTERNATIONAL ELECTROTECHNICAL COMMISSION

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

Report: To the IECEx ExMarkCo Committee members:

**Subject: Consideration of the acceptance of ExCB LCIE to issue IECEx
Conformity Mark Licenses.**

Introductory Note

This document provides a report to ExMarkCo Members concerning the application from LCIE of France 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 **31 August 2008.**

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 LCIE, France 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 LCIE 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 LCIE 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 <i>An ExCB seeking to make application for a license from IEC to issue IECEx Conformity Mark Licenses shall;</i>	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, LCIE is a current ExCB and operating continuously since first appointed in October 2002
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, LCIE have formally agreed to abide by all Rules and operational procedures
d) Nominates a senior officer who shall act on behalf of the ExCB in matters	Yes, the Senior officer has been nominated



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relating to the IEC License	
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, LCIE 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 LCIE requirements that will be placed on holders of an IECEx Conformity Mark License.



LCIE, since being accepted as an ExCB in the IECEx Scheme, has produced a total of 237 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.

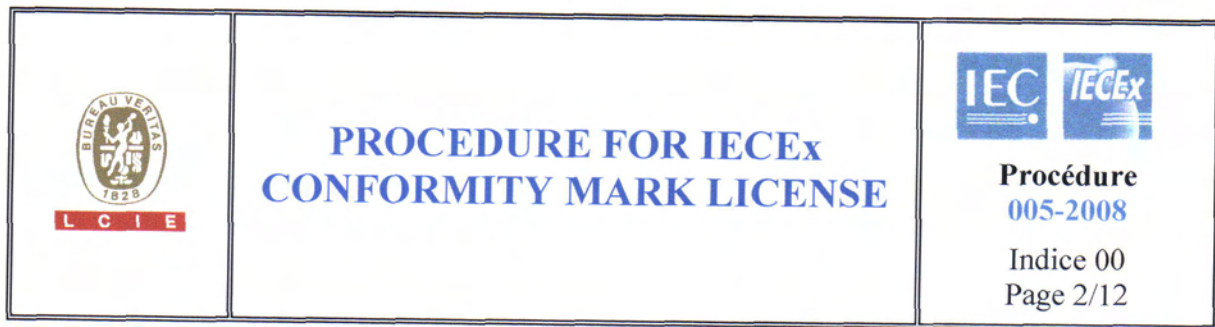
Action required of the IECEx ExMarkCo Committee members

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 LCIE to become an IECEx Conformity Mark License issuing ExCB.

 L C I E	<p>PROCEDURE FOR IECEEx CONFORMITY MARK LICENSE</p>	 Procédure 005-2008 Indice 00 Page 1/12
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Procedure for IECEEx Conformity Mark License

Rédigé par :	Revu par :	Revu et approuvé par :
Marc GILLAUX Responsable de Certification	Marc GILLAUX Responsable de Certification	Henri CERVELLO Responsable Activité ATEX
Date : 30/06/2008 Visa : 	Date : 30/06/2008 Visa : 	Date : 02/07/2008 Visa : 



1. Scope and Purpose

This procedure applies to the IEC Scheme for Certification to Standards relating to equipment for use in Explosive Atmospheres (IECEX Scheme) – IECEx Conformity Mark Licensing System.

It outlines the general requirements from application, administration, through to issuing and maintaining the Mark License. This procedure also covers the appeal process and cancellation of the License, where necessary.

The procedure has been prepared to align with the general requirements of the IECEx Scheme, as specified in IECEx 04 and related IECEx Operational Documents.

2. References

- IECEX OD022 Rules and Procedures for the granting of Licenses to issue and use the IECEx Conformity Mark
- IECEX OD023 Terms and Conditions for use of the IECEx Conformity Mark
- IECEX04 IECEx Conformity Mark Licensing System – Regulations

3. Terms and Definitions

For the purpose of this document, the terms and definitions given in the IECEx Scheme shall apply.

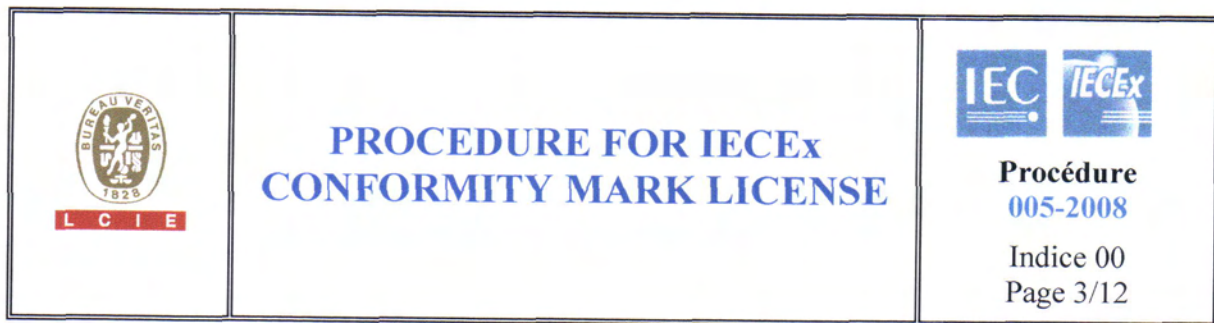
4. Procedure

Procedure to issue License for use of the IECEx Conformity Mark.

4.1 Application from the Manufacturer

LCIE receives an application for use of an IECEx Conformity Mark from a manufacturer, who is the holder of a current and valid IECEx Certificate of Conformity.

The LCIE application form for the IECEx Mark License shall be filled in by the manufacturer (as detailed on appendix A).



The application from the manufacturer should consist of :

- a) A copy of the manufacturer's internal procedure(s) for use, display and control of the IECEx Conformity Mark;
- b) Manufacturer's controlled document detailing the design of the IECEx Conformity Mark as proposed by the manufacturer (usually in the form of a manufacturer's drawing);
- c) The signed License agreement between the Manufacturer and LCIE which shall include reference to the Manufacturer's agreement with the IECEx Terms and Conditions. The License Agreement form (as detailed on appendix B).

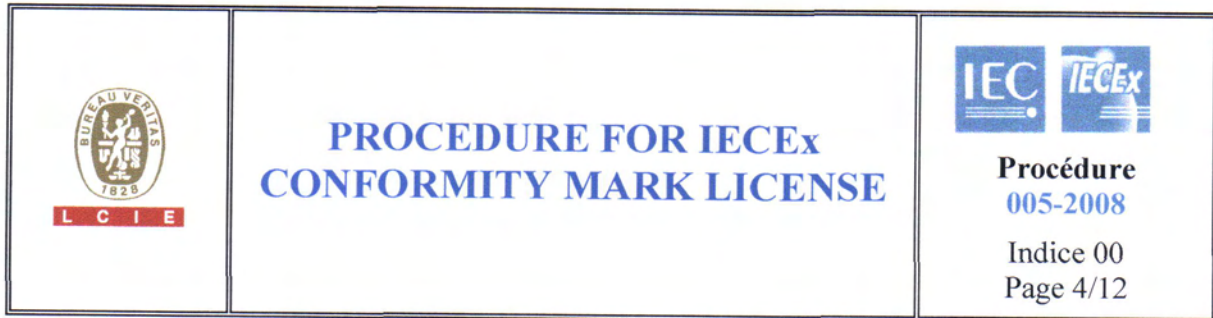
4.2 Assessment of Application

On receipt of an application from the Manufacturer, LCIE open a job file and conduct the first stage of the assessment of the application to ensure that the following requirements are met :

- a) The application information is complete;
- b) The application for an IECEx Conformity License identifies current Ex products covered by IECEx Certificates of Conformity;
- c) The IECEx certificate(s) mentioned in the application are current and valid. This shall be confirmed by checking on the IECEx website;
- d) The License Agreement has been signed by a duly identified authorized representative of the manufacturer who shall be a member of the management organization.

Where these requirements have not been met, LCIE shall inform the Manufacturer who may then arrange for review and re-submission of their application.

The assessment of the application is under the responsibility of the Ex certification Manager, or delegate.



4.3 Processing the Application

On completion of the application assessment, the second stage of the application can start.

The certification Manager, or delegate, conducts an assessment of the manufacturer's procedures for compliance with the IECEx rules and operational documents. This assessment shall include the following:

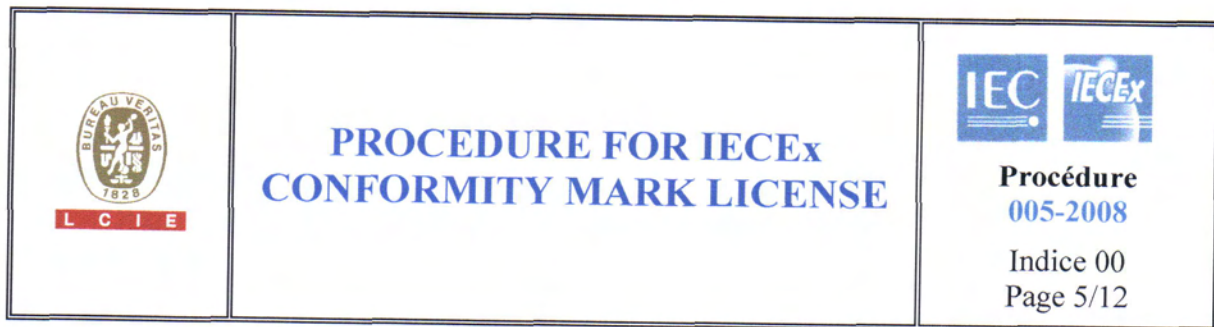
- a) Ensuring the manufacturer's procedures require that the IECEx Conformity Mark is only associated with products covered by current and valid IECEx Certificates of Conformity listed in the application;
- b) A review of promotional material where the IECEx Conformity Mark is likely to be used to ensure that IECEx and IEC rules have been complied with;
- c) Identification of the manufacturer's personnel with responsibility and authority to control use of the Mark within the organisation;
- d) Ensuring the requirements of OD023, OD022 and IECEx04 are met.

Such an assessment may be conducted at the manufacturer's premises, at LCIE, or could be included in an IECEx surveillance visit of a manufacturer, or a combination of the above.

Where the result of the assessment is negative, LCIE shall request that the manufacturer submit additional or revised information and documentation for further review with a new job file.

4.5 Manufacturer's Mark design

An important part of the documentation assessment described in section 4.3 above is the evaluation of the manufacturer's proposed Mark design. This proposed design shall be submitted by the manufacturer with the application in the form of a controlled document, usually in the form of a drawing. The proposed Mark drawing shall be assessed by LCIE against the requirements of the IECEx Scheme documents, in particular IECEx 04, Annex A.



On completion of this assessment and if the Mark design is acceptable, LCIE shall authorize the use of the Mark design by stamping the manufacturer's controlled drawing, maintaining a stamped copy on the job File for LCIE's records. The accepted stamped drawing is then forward to the manufacturer.

Where the Mark design assessment is unsuccessful, the Manufacturer shall be requested to resubmit a revised document showing a modified Mark design for further review by LCIE.

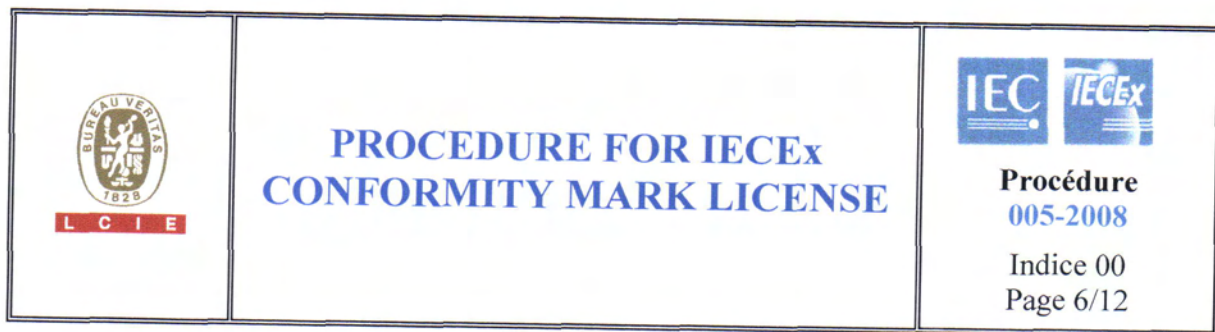
4.6 Issuing the IECEx Conformity Mark License

If all the information and activities described above are found to be acceptable, LCIE will issue the IECEx Conformity Mark License to the manufacturer by counter-signing the License Agreement and providing a copy to the applicant manufacturer. LCIE's signed copy of the License Agreement shall be maintained in the WCA file for the manufacturer. In addition, LCIE shall undertake the following steps:

- a) Register the License Certificate on the IECEx website;
- b) Update LCIE's quality surveillance procedures (QAR) and audit plans for that manufacturer to include ongoing assessment and review of the manufacturer's compliance with the IECEx Conformity Mark License rules as defined in relevant IECEx documents. Quality surveillance auditing is further defined in the LCIE audit procedure N° 03.2006.

5. Appeal Process

If, after evaluation of the application, the manufacturer is denied the use of the Mark License, the manufacturer may appeal this decision by LCIE. This appeal process is similar to the process for appealing decisions on product certification and is described in LCIE procedure.



6. Cancellation of License

The conditions under which LCIE may cancel the IECEx Conformity Mark License include the following:

- a) The manufacturer has used the IECEx Conformity Mark on product not covered by current and valid IECEx certification.
- b) The manufacturer has altered or modified the authorized design of the Conformity Licence Mark without the prior approval of LCIE.
- c) IECEx certificates of conformity covered by the IECEx Conformity Mark License have been suspended or cancelled and the manufacturer has not removed reference to these certificates.
- d) LCIE may refuse to allow a manufacturer from permitting a third party from using the IECEx Conformity Mark, where LCIE determines that the conditions of the IECEx Conformity Mark License Scheme may be compromised. The Mark License issued to the manufacturer may be cancelled under these circumstances.
- e) Mark Licence fees or any other certification-related fees due by the manufacturer or any third party have not been paid to LCIE by the stipulated period
- f) Any reason where LCIE determines that the conditions of the IECEx Conformity Mark License Scheme may be compromised.

APPENDIX A

	APPLICATION FORM FOR A LCIE CUSTOMER TO USE THE IECEX MARK	Procédure 005-2008 Indice 00 Page 7/12
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Voir Procédure 007-2008 – Application form for a LCIE customer to use the IECEx Mark

APPLICATION FORM FOR A LCIE CUSTOMER TO USE THE IECEX MARK
<p>Additional information is given in ExMarkCo08/inf which is the general IECEx Guide for making Applications for and Use of the IECEx Conformity Mark.</p> <hr/> <p>Applicant:</p> <p>Address:</p> <p>Customer Number:</p> <hr/> <p>I hereby apply to LCIE for a license to use the IECEx Mark in association with the following IECEx Certificates:</p> <p>I request that all future IECEx Certificates issued by LCIE be automatically added to this application. (Delete if inapplicable)</p> <p>I agree to use the IECEx Mark only as permitted by the "Conditions for the use of the IECEx Conformity Mark" as given in IECEx Operational Document OD 023.</p> <p>I intend that the IECEx Mark should be used in the form shown in the attached IECEx 04 Annex A. I will control use of the IECEx Mark as described in the attached procedure number:</p> <p>I will cease using the Mark immediately should I fail to pay, when due, any fee associated with the use of the IECEx Mark.</p> <p>I confirm that I will inform LCIE immediately of any other reason why I should not continue to use the Mark in conjunction with any of the listed certificates, including, if relevant, the issue by a certification body (ExCB) other than LCIE of an unsatisfactory Quality Assessment Report.</p> <p>I also hereby declare be familiarised with IECEx 04, the IECEx Conformity Mark Licensing System – Regulations, IECEx Operational Document OD 023 which details the conditions for use of the IECEx Conformity Mark and IECEx Operational Document OD 022 which provides details of the procedures involved in licensing the use of the IECEx Conformity Mark.</p> <div style="display: flex; justify-content: space-between;"> <p>Signature:</p> <p>Date:</p> </div> <p>Name:</p> <p>Position:</p> <div style="text-align: right;">1/1</div> <div style="text-align: center; font-size: small;"> O:\Operationnels\Atex\14 - QUALITE 2008\Certification - Procédures\007-2008 - Application form for a LCIE customer to use the IECEx Mark - rev0.doc </div>

APPENDIX B

	LICENSE AGREEMENT	Procédure 005-2008 Indice 00 Page 8/12
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Voir Procédure 006-2008 – License agreement

	 
<p>License Agreement: IECEx Conformity Mark</p> <p>LICENSE AGREEMENT LCIE N°.....</p>	
<p>Between</p> <p>LCIE</p> <p>And</p> <p>.....</p>	
<p>Relating to</p> <p>The granting of the IECEx Conformity Mark License</p> <p>For the IECEx certified product(s): As defined in the Application Form and associated ADDENDUM for the complete listing of IECEx Certificates and product descriptions.</p>	
<p>AGREEMENT</p>	
<p>This Agreement is made on [date] by and between:</p> <p>LCIE, located at 33 Avenue du General Leclerc, 92260 Fontenay Aux Roses, France (hereafter referred to as 'LCIE')</p> <p>And</p> <p>..... [Name of the Applicant], with offices at [Address] (herein after referred to as 'the Applicant')</p> <p>LCIE and the Applicant are hereafter sometimes referred to as 'The Parties' or separately referred to as 'a Party'.</p>	
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Whereas:

a. **LCIE**, an accepted IECEx Certification Body (ExCB) in accordance with IECEx 02 and an IECEx Conformity Mark License issuing body authorised to license the use of the IECEx Conformity Mark in accordance with IECEx Conformity Mark Regulations, IECEx 04, and Rules and Procedures detailed in IECEx Operational Document OD022, as amended.

b. **The Applicant**, after a successful assessment process, will become a **Holder** or **Licensee**.

Terms and Definitions

Applicant means an individual or body applying for an IECEx Conformity Mark License.

Holder means a person or legal entity identified on the IECEx Conformity Mark License, usually a manufacturer, as the party responsible for complying with all the requirements of these Terms and Conditions. For the purpose of this document, the term 'Holder' and 'Licensee' are interchangeable.

License means a document issued by LCIE authorising a Licensee to use the IECEx Conformity Mark. The License lists or makes reference to the IECEx Certificate(s) of Conformity covering Ex Products(s) in relation to which the IECEx Conformity Mark may be used. The LCIE Mark License Addendum contains the complete listing of IECEx Certificates and product descriptions that relate to the Conformity Mark License.

Licensee means an Applicant to whom an IECEx Conformity Mark License is issued under these Terms and Conditions. For the purpose of this document, the term 'Holder' and 'Licensee' are interchangeable.

Product means the Ex product covered by an IECEx Certificate of Conformity issued in accordance with the IECEx Scheme Rules for Certified Equipment, and listed on the IECEx Conformity Mark License.

Surveillance means a programme of activity to confirm the Licensee's continuing compliance with its License and these Conditions.

It is hereby agreed as follows:

1. Authorisation

LCIE is authorised to issue IECEx Conformity mark Licenses for the use of the IECEx Conformity Mark on or associated with Ex products which are covered by a current IECEx Certificate of Conformity, in accordance with IECEx 02, and issued by LCIE and meet all the requirements of the IECEx Conformity Mark Regulations (IECEx 04), the Rules and Procedures (OD022) and the IECEx Conformity Mark Terms and Conditions (OD023), subject to the conditions and limitations set out hereafter. In authorising LCIE to issue IECEx Conformity Mark Licenses, this agreement does not give any other contractual rights to LCIE outside that as provided by the IECEx Conformity Mark License Regulations IECEx 04).

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The **APPLICANT** is authorised to use the IECEx Conformity Mark on its products which are covered by a current IECEx Certificate of Conformity, in accordance with IECEx 02 and issued by LCIE and meet all the requirements of the IECEx Conformity Mark Regulations (IECEx 04), the Rules and Procedures (OD022) and the IECEx Conformity mark Terms and Conditions (OD023), subject to the conditions and limitations set out hereafter. In authorising the Applicant to use the IECEx Conformity Mark, this agreement does not give any other contractual rights to the Applicant outside that as provided by the IECEx Conformity Mark License Regulations (IECEx 04).

2. Conditions for the use of the IECEx Conformity Mark

- 2.1) The IECEx Conformity Mark is owned by the International Electrotechnical Commission (IEC) an organisation, whose Head Office is located at 3, rue de Varembe, Geneva, Switzerland.
- 2.2) The IECEx Conformity Mark, when appearing on or in relation to an Ex product indicates that the Ex Product is covered by an IECEx Certificate of Conformity which in turn is listed under the scope of the IECEx Conformity Mark License.
- 2.3) The IECEx Conformity Mark can only be used by a holder of an IECEx Conformity Mark License issued by LCIE.
- 2.4) 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 License or associated Mark License Addendum. 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 associated IECEx Conformity Mark License, or associated Mark License Addendum.
- 2.5) The format of the IECEx Conformity Mark shall be as shown in IECEx 04 and will be verified and approved, in writing, by LCIE, including any proposed changes.
- 2.6) The Licensee acknowledge that IEC is the owner of the IECEx Conformity Mark, and shall not take any actions that 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 License arrangements.
- 2.7) The Licensee acknowledges that it may only use this IECEx Conformity Mark under License from LCIE.
- 2.8) Once approved by LCIE, the Licensee shall not use, alter or modify the IECEx Conformity Mark in any way without the prior formal and documented approval of LCIE.
- 2.9) 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 License.

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- 2.10) 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 LCIE or IEC is misleading or could bring LCIE or IEC into disrepute.
- 2.11) The Licensee shall on request provide to LCIE any information related to the use of the IECEX Conformity Mark, which LCIE may require, and will render any assistance reasonably required, by LCIE or the IEC, with respect to the protection of the IECEX Conformity Mark or in prosecuting any misuse.
- 2.12) The Licensee shall, as soon as it becomes aware, inform LCIE of any third party activity which amounts or may amount to an infringement of LCIE's or the IEC's rights in relation to IECEX Conformity Mark.
- 2.13) 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 LCIE of any modification or alteration to the Product as soon as such modification or alteration comes to the Licensee's attention.
- 2.14) The Licensee acknowledges that LCIE shall have the conduct of all proceedings relating to the IECEX Conformity Mark, and the Licensee will at the request of LCIE or IEC give full co-operation in any action, claim or proceedings brought or threatened in respect of the IECEX Conformity Mark.
- 2.15) The Licensee shall not dispose of, sub-license, assign, transfer or otherwise deal with the License or any part of it, nor confer any privileges, benefits or rights (if any) arising therefrom otherwise than in accordance with the Conditions.
- 2.16) The Licensee may allow a third party to use the IECEX Conformity Mark in the third party's advertising or promotion if the Licensee :
- a) has obtained the prior written approval of LCIE
 - b) has paid to LCIE the appropriate fee as decided by it
 - c) maintains full control over the third party and facilitates any surveillance assessments of the third party by LCIE.

LCIE may refuse to allow a Licensee from permitting a third party from using the IECEX Conformity Mark, where LCIE determines that the conditions of the IECEX Conformity Mark License Scheme may be compromised.

- 2.17) The Licensee at all times remains responsible for the correct use of the IECEX Conformity Mark by any third party.
- 2.18) A license may be terminated by LCIE or the Licensee at any time in writing, giving reasons for the termination.
- 2.19) If a License is terminated, use by the former Licensee of :
- a) The IECEX Conformity Mark;
 - b) The IECEX Conformity Mark License number; on the Product and anything related to the Product shall immediately cease.

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- 2.20) A former Licensee shall advise its staff, customers and any Third Party that it is no longer a Licensee. The IEC, ExMC or LCIE may also publish the termination of a License.
- 2.21) The Licensee shall appoint a senior member of its Management Team with the responsibility and authority to control use of the IECEEx Conformity Mark and shall provide written notification to LCIE issuing the License of any changes to the position.
- 2.22) The Licensee agrees to notify LCIE as soon as practicable, of any changes to its organization that have the potential to prevent the Licensee from fulfilling the obligations under the License.
- 2.23) The Licensee agrees to an extension of its existing on-going surveillance audits, as required by IECEEx 02 to allow LCIE the opportunity to verify the Licensee's compliance with the IECEEx Conformity Mark Regulations, and Operational Document OD023.
- 2.24) The Licensee agrees to maintain a registry of its Ex products carrying the IECEEx Conformity Mark and to make this registry available to LCIE either during surveillance visits or at any time as requested by LCIE.

3. Validity

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

4. Termination

- 4.1 This Agreement can be terminated by either **Party** after consultation and following the receipt of written notification. Each **Party** shall take the required measures to duly finalise its existing commitments.
- 4.2 The Applicant agrees to comply with the termination requirements detailed in the Rules and Procedures (OD022) and Terms and Conditions (OD023).

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

SIGNED

For and on behalf of **LCIE**
(Include Name and Date)

For and on behalf of the **Applicant**
(Include Name and Date)

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