



ExMarkCo/16/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 Nemko (NEM) to issue
IECEX Conformity Mark Licenses.**

Introductory Note

This document provides a report to ExMarkCo Members concerning the application from Nemko of Norway 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 **23 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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286 Sussex Street
Sydney NSW 2000
Australia

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ExMarkCo/16/CD
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Background

The IECEX Secretariat has received an application from Nemko, Norway 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 Nemko 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 NEMKO 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, Nemko is a current ExCB and operating continuously since first appointed in September 2001
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, Nemko have formally agreed to abide by all Rules and operational procedures
d) Nominates a senior officer who shall	Yes, the Senior officer has been



**ExMarkCo/16/CD
July 2008**

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, Nemko 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 Nemko requirements that will be placed on holders of an IECEX Conformity Mark License.

Nemko, since being accepted as an ExCB in the IECEX Scheme, has produced a total of 62 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 Nemko to become an IECEX Conformity Mark License issuing ExCB.



IECEX Secretariat
286 Sussex Street
Sydney NSW 2000
Australia

Oslo 2008-04-15

Our ref.: RH/Oil & Gas

APPLICATION

Nemko Norway hereby applies for a license from IEC to issue IECEX Conformity Mark Licenses.
Additional information is given in email of 2008-04-15.

Yours sincerely

Rolf Hoel
Certification Manager, Ex-products

www.nemko.com



IECE_x

att.: Wal Robson

Date: Oslo: 02.07.08

Declaration: Abidance by the rules of IECE_x

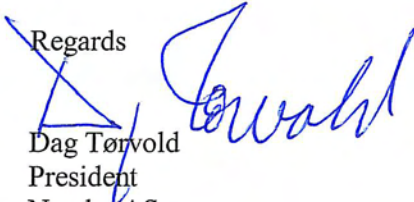
Nemko's quality manual, part 3.1: "Objective of the quality system" says that the Nemko's quality system shall ensure that:

- The requirements in ISO/IEC 17025, NS-EN 45011, NS-EN 45012 and other relevant standard are complied with.

The management of Nemko Norway hereby declares that this statement also applies to IECE_x-requirements.

See attached copy of Nemko quality Manual – Part 3 (signed by the President of Nemko Group).

Regards



Dag Tørvold
President
Nemko AS

IECEx

att.: Wal Robson

Date: Oslo: 02.07.08

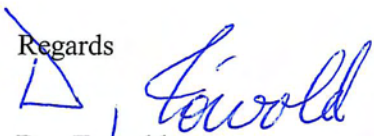
Declaration: Legal status of Nemko AS

We hereby declare that there have been no changes in the legal status of Nemko AS.

Nemko AS is a private foundation established pursuant to the Norwegian Act of 15. June 2001 No. 59 on Foundations.

This is described in the Quality Manual, part 2.5, sent you June 24th.

Regards



Dag Tørvold
President
Nemko AS



Certification

C320 IECEX

IECEX Certification			Page: 1 of 2
Date: 04/08	Subst.: 01/07	Prep By: RH	Approved By: GH

IECEX

General: See fact sheet on last page

Detailed: www.iecex.com

Documents of special importance:

IECEX 01	Basic Rules
IECEX 02	Rules of Procedure
IECEX 03	IECEX Certified Service Facilities (IECEX SF) – Rules of Procedure
IECEX 04	IECEX Conformity Mark Licensing System - Regulations
IECEX OD/005	Quality System Requirements for Manufacturers
IECEX OD/007	ACB Assessment Checklist for ISO/IEC Guide 65
IECEX OD/009	Operations Manual
IECEX OD/0013	Assessment and Certification of Ex SF
IECEX OD/0014	Quality Management System requirements for IECEX SF
IECEX OD/0022	IECEX Rules and Procedures for the granting of Licenses to issue the IECEX Conformity Mark
IECEX OD/0023	IECEX Terms and Conditions for the use of the IECEX Conformity Mark
IECEX OD/0015	Technical Requirements for IECEX SF

[IECEX TAG Decision List](#)

www.iecex.com Members Area-Committee Docs-Operational (OD): (Password: safety)

The IECEX framework provides for the issuing of the following 5 important sets of documents:

- International Product Assessment and Test Report (ExTR)
- International Quality Assessment Report (QAR)
- International Certificate of Conformity (CoC)
- International Service Facility Certificate (SFC)
- International Service Facility Audit Report (FAR)
- Licence IECEX Mark

The IECEX Scheme provides:

- A single global Certificate of Conformity
- Testing and assessment of product samples for compliance with IEC standards
- Assessment and auditing of manufacturers premises`
- Issuance of “Electronic Certificates” via a secure Internet Website
- Assessment and auditing of Service Facilities performing repair and overhaul of Ex equipment



Certification

C320 IECEX

IECEX Certification			Page: 2 of 2
Date: 04/08	Subst.: 01/07	Prep By: RH	Approved By: GH

Agreement **IECEX** The IEC Scheme comprises the following two Global Certification Programs:

1. The IECEX Certified Equipment Program
2. The IECEX Certified Service Facilities Program

Operating since: 1999 (under implementation) Statistics: 0 *)

Secretariat: Mr. C. Agius, Sussex Street Sydney NSW 2000 Australia

Management: IECEX Management Committee (ExMC), meeting annually.
Chaired by: Mr. U.Klausmeyer, c/o PTB, Germany

Advisory body: ExMC functions also as advisory body, and reports to IEC Conformity Assessment Board (CAB).

Technical support: Ex Testing and Assessment Group (ExTAG)

Area **Market:** International.

Signatories: So far 28 Accepted Ex Certification Bodies (ExCBs) from 18 countries **)

Product categories Explosion protected equipment

Openness No geographical limitation for manufacture.

Fees and Surcharge Fee determined by each signatory.
Surcharge under consideration.

Certification mark Common IECEX mark under preparation for future introduction. Meanwhile, the respective ExCBs' marks or national/regional marks apply, (such as regulated by the ATEX Directive for the EC/EEA countries).

Secondary application Required by the secondary bodies from whom a certificate/conformity mark is requested.
Some markets may, however, accept the associated ExTR (IECEX Test Report) and Certificate without need for national/regional intervention.

Production surveillance Verification of manufacturer's quality system to ISO 9000, ISO (CD.3) 19011:2002, IECEX OD005, ISO/IEC Guide 62, IECEX OD/0014

Remarks *) Due to national/regional differences in the testing standards and regulations, a transitional period of several years was foreseen before the scheme can operate fully according to the objectives.

**) Countries with already accepted ExCBs: AU, CA, CN, DE, DK, FI, FR, GB, HU, IT, KR, NL, NO, RU, SE, SG, SI, US

For more info. www.iecex.com

Nemko AS

Quality assurance, system and policy				Part	3
Issued: 12/07	Substitutes: 08/06	Prepared by: LJA	Approved by: DT	Page:	1 of 7

3.1 Objective of the quality system

Quality assurance is a management task, being a part of the individual line manager's field of responsibility.
 The main objectives of Nemko's quality system is to ensure that:

- The requirements in ISO/IEC 17025, NS-EN 45011, NS-EN 45011² and other relevant standards are complied with.
- All projects are treated to create value for and fulfil the clients' expectations regarding quality, price, delivery time and service.
- All projects are carried out to sustain Nemko's reputation as an internationally recognized body.
- All activities are carried out according to current Nemko strategies and goals.
- All employees are committed to and work according to result driven responsibility principles.

3.2 Quality policy

To achieve these objectives, all activities in every link of the organization shall be carried out according to the following principles:

1. Product quality

Nemko's test reports, certifications and other services shall adhere to relevant norms and industry standards and/or agreed requirements. Engineering judgement and systems approval procedures shall be used to avoid duplication of work, e.g. by Testing by Manufacturer (TBM).

Targets shall be set for improving the quality level by monitoring customer satisfaction and the need for rework based on customer complaints. Additional feedback for improvements is derived from internal/external auditing, in addition to the verification and certification processes.

2. Delivery precision

Time based processes and efficient logistics are employed to provide short delivery times and thereby reducing the time to market for the customer. The monitoring of delivery times is a fundamental input to continuous improvement processes. Predictability of the service is measured by delivery precision, e.g. the fraction of deliveries that are delivered on time or earlier. Targets are set and followed up for this parameter.

3. Productivity

Continuous improvement processes are essential to provide high quality services at a cost effective price level for the customer. The monitoring of product quality and delivery precision yield important feedback to such processes. In addition, Nemko is employing result driven management as a tool for productivity improvement, see section 3.3.

4. Service Development

Nemko is continuously pursuing product and market development to provide a custom-tailored service to the customers within a global portfolio. This flexibility is an important aspect of creating added value for the customer. Extension of services are normally developed by polling customer needs. Development of new services shall be consistent with the current Nemko Strategy.

Quality assurance, system and policy				Part	3
Issued: 12/07	Substitutes: 08/06	Prepared by: LJA	Approved by: DT	Page:	2 of 7

5. International Standardization

Many of Nemko’s services are based on international standards developed under the auspices of e.g. IEC and CENELEC and ETSI. Nemko will participate in international standards committees to maintain first-hand knowledge about new developments. In addition, Nemko will actively use its memberships in international standardization organizations to have current access to new standards. Through these efforts, Nemko can satisfy customer needs for early updating and test services according to current standards.

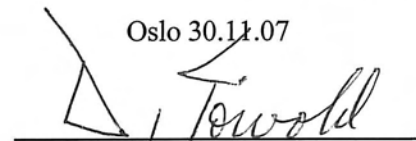
6. Accreditation

Nemko will offer accredited test, certification and calibration services within selected areas in project to satisfy the most demanding customer requirements. In addition, accreditation processes provide an independent assessment of the adequacy of test, certification and calibration procedures with respect to relevant international norms. Thus, Nemko is committed to fulfil the requirements of ISO/IEC 17025, NS-EN 45011 and/or other relevant requirements set by the accreditation body. The current scope of accreditations held by Nemko is found in Annex 9.

7. Competence building

Nemko’s ability to create value for the customer requires a systematic program for competence building. A classification system of professional skills has been developed as a tool for this purpose. Internal and external courses are available for the individual employee to advance his/hers merits with respect to this system. Plans for strengthening the employee’s competence are developed during the annual developmental interviews as described in the Personnel Manual (PM).

Oslo 30.11.07



Dag Tørvold (sign.)
President Nemko AS

3.3 Quality assurance

High quality with almost error-free performance is fostered by continuous improvement processes involving clear elements of self-correction. Nemko has implemented an organizational development program based on result driven management for this purpose. This concept is presented in the following and supplemented by other important quality assurance aspects like internal control, customer satisfaction, and security of assets.

1. Nemko Strategy

The management team has the responsibility to develop, communicate and implement the current strategy for Nemko. The strategy represents a common base for developing budgets and new initiatives.

2. Budget and Working Goal Process

The management team will set targets and focus areas for the budget process in the early fall. The targets will be divided between departments and sections in a consensus top-down process. The attainment of the targets will be sought in each section and department in a bottom-up process. A working goal process is utilized to secure the budget and fill any gaps to the best possible extent. This process promotes personal commitment by each employee having up to five personal goals to support Nemko’s goals and budgets. A more detailed description of the budget/working goal process is found in the PM.

Nemko AS

Quality assurance, system and policy				Part	3
Issued: 12/07	Substitutes: 08/06	Prepared by: LJA	Approved by: DT	Page:	3 of 7

3. Result Follow-up

Quality assurance and improvements are fostered through monthly result follow-up sessions of financial and other key parameters in addition to the personal working goals. In these sessions each participant can get support for results achieved and relevant corrective actions. Regarding the latter, it is a requirement that corrective actions are prepared and/or implemented by each individual to fill any gaps in the results compared to the plans. It is important to stimulate constructive feedback to identify new and/or improved corrective actions.

4. Human Resources Survey

The quality of work performed is strongly correlated to the perceived satisfaction of the employees with respect to working environment, conditions and relationships within the organization. Therefore, Nemko goes through an annual human resources survey to get feedback on perceived satisfaction and proposals for improvements. This survey is normally carried out in early fall, so the results are available for the budget/working goal process.

5. Internal Control

Internal control procedures have been developed for testing, certification, calibration, finance, health and work environment. An annual program for internal quality revision is approved by the Board of Directors and addresses both systems, process and product aspects of testing, certification and calibration services. A Group Reporting Manual serves as the basis for financial internal controls and security of assets. The procedures for safeguarding health and work environment are given in the PM, Sec. 8.7.

6. Customer Satisfaction

Procedures for handling customer complaints provide an important direct feedback on customer satisfaction. This measurement is supplemented by customer satisfaction surveys. Specific targets and actions for improving the delivery precision of services are pursued to improve the customer satisfaction scores. In addition, time based management techniques are employed to eliminate waiting times between process steps, which reduce delivery times and costs. The implementation of such improvement opportunities is built into the annual budget/working goal processes.

3.4 The value added chain

The value created through Nemko’s main activities can be described as a value added chain. The major components of this chain are: sales, project planning, project execution, delivery/invoicing, payment collection and project follow-up. A logistics chain is operating in parallel: test sample transportation, storeroom, internal distribution, sample return and sample destruction. These functions are supported by information technology systems such as documentation systems and accounting. Other activities include: financial investments, instrumentation projects, instrument rental and external seminars.

1. Sales

Nemko is operating in a global, competitive market. Proactive sales efforts are required to capture new customers, and superior service is focused to keep established customers. All Nemko employees shall be aware of their role of fostering good customer relationships and in augmenting the creation of value to the customer. Pricing will be set to provide a sufficient margin for continuing development of the Nemko organization. Loss projects shall be avoided. Realistic delivery times shall be agreed which allow fulfilment of the targets for delivery precision. The contract terms shall clearly specify the procedure to follow if the test sample fails. Sales tools are employed to support the build-up of a systematic sales program.

Quality assurance, system and policy				Part	3
Issued: 12/07	Substitutes: 08/06	Prepared by: LJA	Approved by: DT	Page:	4 of 7

2. Project Planning

A project planning system is employed to allow for best use of resources and promote minimum delivery times. At the same time, it provides a good overview of the product load situation for the line management and the individual test engineer. The following work processes are carried out in support of the planning process: production scheduling, project verification, test sample flow, project follow-up and project intake report.

3. Project Execution

The project execution shall adhere to the relevant norms. Unnecessary duplication of test data shall be avoided to protect the value added content. Any deviations will be reported in a timely fashion to the customer.

The main work processes are:

- Production monitoring,
- project communication,
- issuing of test reports and certificates,
- project documents and forms,
- recording of measurements data.

4. Credit Policy

The objectives of a proper credit policy are to reduce amounts outstanding, reduce losses and keep customers who settle their invoices on time satisfied.

This is obtained by:

- 100 % advance payment by new customers
- Credit given only when:
 - min. 1 year history
 - 0,1 MNOK turnover or more last 12 months
 - Acceptable credit rating
 - Limit ¼ of annual turnover

5. Invoicing

The invoicing shall be consistent with the project contract and any mutually agreed deviation during the project work. It will be carried out in parallel with the forwarding of project deliverables. Delayed payment will be followed by reminders, interest invoices and debt collection. It is a misunderstood business practice to be lenient in credit collection to support future business relationship. Nemko has no need for customers who feel justified to keep Nemko's money.

6. Credit notes

Credit notes are described in FM and shall be handled according to this.

7. Logistics

Time-based management techniques like the just-in-time principle are employed to reduce cycle times and improve the delivery precision. Agreements with selected agents yield reduced transportation delays and costs. Test objects and documentation are forwarded in a cost effective manner with time guarantee between the customer and Nemko. The storeroom expedites the distribution of test samples to and from the test laboratories with a 24-hour time guarantee. Technical documentation, mail etc. are distributed according to specific procedures providing time guarantees. Special procedures are employed to safeguard the test sample from reception to destruction or return to the customer. Precautions are made to keep confidentiality and safe storage during project interruptions and delays.

Nemko AS

Quality assurance, system and policy				Part	3
Issued: 12/07	Substitutes: 08/06	Prepared by: LJA	Approved by: DT	Page:	5 of 7

8. Information System

An extensive information technology system has been implemented to support the dissemination of information in support of the production processes and other important tasks. Separate instructions and safety manuals are available for these systems.

3.5 Nemko's quality documentation

Besides this Quality Manual and Nemko Group Policy Manual, following manuals/procedures appear:

- Test Procedures (L-series)
- Certification procedures (C-series)
- Human Resource Manual (HRM)
- Data Manual
- HMS Manual
- Financial Manual (FM)
- Nemko Express Manual
- Local procedures (for specific units)

These are further described in QM Part 4.

3.6 Responsibility for quality system and manuals

The President has the ultimate responsibility for the quality assurance at Nemko.

Lars Jørgen Aas is the appointed quality assurance manager (QA manager) from 2000-01-01.

The QA manager is responsible for administration of the quality system, including preparation, organizing, documenting, updating, distribution and filing of the quality documentation as well as of organizing internal quality audits.

Besides, the QA manager is also appointed to report to and be contact person towards accreditation bodies. The QA manager is administratively subordinated the President and has responsibility and duty to report to the President on internal quality assurance matters in general.

Similarly, the manager of the Personnel function is responsible for the PM, as well as HES (health, environment and safety for the staff) according to official Norwegian regulations.

3.7 Annual review of the quality system

Annual review of the quality system is carried out by the management once a year. This shall include the points listed in the agenda (saksliste) given in Enclosure 1 to Annex 5.

The reviews shall lead to decisions concerning:

- plan for internal audits in the coming period
- possible implementation of corrective actions
- possible adjustment of the quality manual, working manuals, routines or other documentation

The result of the reviews and decisions in this connection shall be documented in written reports, to be filed by the QA manager.

Nemko AS

Quality assurance, system and policy				Part	3
Issued: 12/07	Substitutes: 08/06	Prepared by: LJA	Approved by: DT	Page:	6 of 7

**3.8
Internal
quality
audits**

Internal audits shall be carried out to ensure that the main parts of the quality system and the general standards (ISO/IEC 17025, NS-EN 45011 and other relevant standards) are covered during one year, see Annex 5.

The audits shall be carried out such that all elements in the production line are audited. The audits are carried out with fixed procedures according to annual plans, set by the Management during the yearly review of the quality system.

In addition; necessary audits instructed by authorities like IEC and others (product based audits) shall be performed. If found relevant, spot checks - based on recorded non-conformities, complaints or other reasons – can be carried out.

**3.9
Audit of
Quality
Manager**

The following procedures are employed by Nemko Management to audit and monitor the performance of the Quality Manger:

- Participation in the annual budget and working goal process where strong and weak sides are evaluated and where the Quality Manager has to set 3 - 5 personal goals to promote personal development and his contribution to reach Nemko's goals.
- Monthly follow-up of the Quality Manager's working goals to monitor progress and implement corrective actions, if necessary.
- Development interview with the Management at Nemko AS once a year.
- Follow-up of the internal audit program at Nemko AS, which is planned and executed by the Quality Manager.
- Annual review of the quality system (prepared by Quality Manager).
- Monthly Quality Meetings with the Management at Nemko AS. At these meetings there is a thorough follow-up of the Quality Manager's work, and plans are made for his work in the coming month(s).

Findings and deviations from the quality system, the QM, routines etc. as discovered are reported to the President. The QA manager shall, on behalf of the President, and on the basis of the findings immediately take steps that corrective actions are implemented.

Reports from performed audits and corrective actions are filed by the QA manager.

The adequacy and outcome of the quality system shall be monitored by the President.

A notification system for improvement of Nemko's quality system and routines outside scheduled quality audits is incorporated in the procedures for follow-up of the quality system.

**3.10
Preventive
actions**

Preventive actions to safeguard the attainment of Nemko's goals and strategies are identified and implemented by:

- The annual budget and working goal process where every employee has to set 3 - 5 personal goals, which shall support the main goals of Nemko AS. In this process the weak and strong sides of all departments, sections and employees are evaluated to promote personal development and identify corrective measures.
- Follow-up of all employees' working goals to monitor progress and implement corrective actions, if necessary.
- Promoting the use of the reporting form for improvements of Nemko's quality system (ref. Annex 12).
- Follow-up of the annual HES-investigation (PM part 8.7) including risk analysis of identified deviations.



Nemko AS

Quality assurance, system and policy				Part	3
Issued: 12/07	Substitutes: 08/06	Prepared by: LJA	Approved by: DT	Page:	7 of 7

- Development interview for every employee at least once a year (PM part 2.4)
- Internal audits (QM part 3.8 and Annex 5).
- Annual review of the quality system (QM part 3.7 and Annex 5).
- Participation in inter-laboratory comparisons within the scope of calibration and testing.
- Evaluation of trends in the findings from internal audits (system audits, product audits and process audits).

Evaluation of recorded complaints, discrepancies and deviations (ref. Annex 12).

3.11 Cause analysis

According to ISO/IEC 17025, clause 4.10.2, the laboratory shall have procedures for cause analysis. When relevant, this is performed in the following way:

- Evaluation of discrepancies and complaints.
(Performed by the Quality Meeting every month. Quality Manager prepares lists with information about type of findings, which unit is involved, etc.)
- Monthly Quality Meeting.
(Where actual matters are handled with the aim to find the cause of the matters and implementation of corrective actions.)
- Internal audits
(These audits shall reveal weaknesses and causes of such matters.)

1	GENERAL
1.1	The terms of this agreement govern the relation between the party applying for testing/evaluation and/or certification of equipment (the Customer), the party responsible for design, production and quality assurance of the equipment or marks the equipment as its (the Manufacturer) and Nemko performing the services.
1.1.1	If the order is to lead to certification, then part 1., 2. and 3. of these terms shall apply. The Customer to be the Manufacturer or a physical or juridical person appointed by the Manufacturer. Should the Customer not be identical with the Manufacturer in such cases, the order shall be carried out only if the Manufacturer, on a form set by Nemko (Power of Attorney), declares that he is aware of and agrees that the Customer gives Nemko the task of carrying out the certification of the equipment in question and that he accepts the obligations that these terms impose on the Manufacturer (items 1.2, 3.2.1, 3.2.4, 3.2.6, 3.2.7, 3.3, 3.4.2).
1.1.2	If the order is to lead to issuing of a test report or another document only giving statement concerning the tested sample, part 1., 2. and 3. of these terms shall apply. Nemko is carrying out such orders regardless of who the Customer is, and shall in this connection solely cooperate with the Customer concerned.
1.2	The Customer is obliged to pay Nemko for the performing of the agreed order in accordance with the at all times current Nemko prices. For certificates this also includes payment of an annual license fee for the right to use the certificate and for the right to use Nemko's name or certification mark. The Customer is obliged to pay for the work performed with the purpose of issuing a certificate, even if such document cannot be issued, whether being due to the tested sample, the Manufacturer or the Customer. Regarding orders which are to result in issuing of a certificate, Nemko may permit that the obligation to pay totally or partly is transferred from the Customer to the Manufacturer, provided this is satisfactory documented towards Nemko. Payment to take place in accordance with invoices and their terms of payment. Nemko may require payment in advance. In such case the balance will be settled upon completion of the order. Other terms of delivery will be as described in connection with confirmation for the individual order.
1.3	The Nemko staff is bound to observe professional secrecy, not disclosing any confidential information received in connection with the order. According to Norwegian law, the professional secrecy may be set aside in case of lawsuit in Norwegian Court. Nemko is also obliged to ensure that other co-operating bodies that might deal with the order, instruct their staff to observe the equivalent professional secrecy. Unless otherwise agreed, Nemko may choose to communicate the results of the orders to Customer and/or Manufacturer and undertake all other communications in connection with the order, by Internet. Nemko may at Nemko's discretion, grant Customer and/or Manufacturer access to Nemko's Online Service (Extranet) through particular application for such access. Unless otherwise agreed, Nemko reserves the right to store and use information on Customer and/or Manufacturer and the results of the agreements ("Data") in Nemko's Extranet. Nemko cannot warrant the security of Internet communication and may not be held responsible for any consequence due to any third party's illegal actions. Nemko has no responsibility for any loss or cost incurred as a consequence of error or problem in a network, shutdown, communication error or problem with the Customer and/or Manufacturer or any partner used by those; other error or problem included problems with capacity or other issues in the communication system; or error, problem, shutdown or other communication error within Nemko's network.
1.4	Nemko's decision may be appealed to Nemko's Appeal Committee, which deals with the appeal in accordance with Nemko's appeal procedure. An appeal in writing must be received by Nemko within 3 weeks from the time the Customer has received Nemko's written decision. Any dispute that might occur regarding these terms, one should primarily try to resolve by negotiations between the parties. If this fails to succeed, the dispute should be decided by the ordinary courts, unless the parties agree to arbitration. Any dispute to be settled in accordance with Norwegian law. Legal venue is Municipal Court of the City of Oslo.
1.5	Nemko's Board has at any time the right to revise the present terms. Alterations of the terms are only applicable for orders commenced 3 - three - weeks after Nemko's Board having approved the alterations concerned.
1.6	The rights to a certificate devolve on the Manufacturer, provided that the Customer does not produce evidence that it is agreed with the Manufacturer that such rights are to pass to the Customer. The rights to a test report or any other document concerning the tested sample only, devolve on the Customer.
1.7	Nemko has no liability for errors made in connection with the performance of the order. Nor has Nemko any liability for indirect losses, cfr. Norwegian Sale of Goods Act § 67 (2). Nemko's certificate, test report etc. does not exempt the Customer, the Manufacturer nor a third party for liability according to Norwegian or foreign product liability legislation.
1.8	The present terms are binding on the Customer as from the moment he has signed the Application form, and when applicable, for the Manufacturer when a Power of Attorney as mentioned under item 1.1.1 is signed.
2	TESTING/EVALUATION
2.1	Nemko carries out testing/evaluation of equipment according to valid standard or other agreed specification. Nemko reserves the right, in exceptional cases, to subcontract parts of the testing to another competent laboratory.
2.2	As a basis for the testing, the Customer is to submit, free of all costs to Nemko, test sample(s), installation and user's instruction, other technical documentation, extra components etc. to the extent found necessary by Nemko for the order in question. Customer is responsible for supplying Nemko with all relevant information and material pertaining to the testing/evaluation.
2.3	Nemko undertakes no responsibility whatsoever for damages that might occur to the test sample(s) during testing, storage or transport. As deemed necessary, the Customer himself is to provide for insurance covering all submitted material, cfr. item 2.2. Test samples not collected within 4 - four - weeks from Nemko dispatching a Return Notice will be discarded. The same applies if none of the boxes of the Application Form for "Test sample(s) after examination" are ticked off.
3	CERTIFICATION AND LICENSING
3.1	GENERAL
3.1.1	Based on performed testing or other examination, Nemko certifies equipment found to comply with current standard or other agreed specification, and which otherwise is considered suitable for its purpose. Nemko also issues documentation as a basis for certification in other countries in accordance with i.a. Nordic EMKO agreement, European CCA agreement or international CB agreement (primary orders). Correspondingly, Nemko issues national certificates, based on documentation from other certification bodies according to the above mentioned agreements (secondary orders).
3.1.2	As a basis for the application, the Customer is to submit the material and information found necessary by Nemko for issuing and maintenance of such a certificate. Documentation in accordance with the EMKO-, CCA-, CB agreement or equivalent, to be a basis for the certification by Nemko, must not exceed 3 years of age.
3.1.3	Unless otherwise agreed upon, Nemko has the proprietary right to Nemko's own original documents. These documents are filed by Nemko during their period of validity, cfr. Item 3.4.1.
3.2	FURTHER RIGHTS, RESPONSIBILITIES AND OBLIGATIONS
3.2.1	In connection with marketing, sales etc., the Manufacturer and the Customer have the right to inform that the products are certified by Nemko. The Manufacturer and the Customer are obliged to ensure that Nemko's name or certification mark are affixed to the certified products in accordance with current instructions, and that Nemko's name and certification mark are not misused.
3.2.2	Customer: The certificate may be pleaded as documentation only for products that are manufactured in total conformity with the certified design.
3.2.3	The Manufacturer is obliged to conform to the rules applying for Nemko's production surveillance. If required by Nemko, representatives from Nemko or from other bodies acting on Nemko's behalf, are given admittance to the production sites, in order to ensure that the conditions associated with the certificates issued by Nemko, are maintained. Nemko is entitled to invoice the Manufacturer for the costs related to consumption of work hours, travel- and daily allowances, in accordance with item 1.2.
3.2.4	In cases required by Nemko, the Customer shall, free of all costs to Nemko, provide a sample of the certified product for re-examination in order to ensure that it remains in conformity with the certified design. The Customer is obliged to pay for Nemko's costs in connection with such re-examination.
3.2.5	Nemko is to be notified by the Manufacturer with regard to complaints covering the equipment and possibly affecting the certificate.
3.2.6	The Manufacturer and the Customer are obliged to conform to Nemko's possible directions, as a consequence of the above items 3.2.3 - 3.2.5.
3.3	CHANGES TO THE PRODUCT
	The manufacturer shall notify Nemko in writing of any proposed product alteration. Nemko is to evaluate whether the certificate may be maintained or whether the equipment has to be re-certified, if necessary after repeated testing.
3.4	DURATION, TERMINATION AND WITHDRAWAL
3.4.1	Rights and obligations according to these terms attaching to an issued certificate, do no longer apply after expiry period of the certificate, i.e. maximum 10 years, unless otherwise is stated in the certificate. (Not applicable to Ex-equipment).
3.4.2	If production and/or marketing of certified equipment should terminate, and obligations according to the present terms should be required terminated, the Manufacturer or the Customer must immediately give Nemko a written request to be released from the obligations. If Nemko agrees to the release, the rights of the persons or companies concerned according to the certificate simultaneously shall no longer apply.
3.4.3	Nemko may withdraw the certificate if the Manufacturer or the Customer does not fulfill their obligations in accordance with the present terms. Notice of withdrawal is to be sent in writing, stating the reason for the withdrawal and the appointed time of conclusion. Withdrawal of a certificate will normally take effect between 1 and 6 months upon Nemko's dispatch of their notice of withdrawal. In case of fundamental breach, the withdrawal may have immediate effect. If a certificate should be withdrawn, each and every right in accordance with the certificate and the present terms shall no longer apply, hereunder the right to use Nemko's name and certification mark.
3.5	TRANSFER OF CERTIFICATE
	The certificate may only be transferred when it is documented towards Nemko that the present and future owner of the certificate agrees to that. The product may, however, be re-certified under a different company name, as long as documentation is produced showing that the holder of the certificate permits this. Should the Manufacturer in such cases approve a new Customer, a new Power of Attorney as mentioned under item 1.1.1 above must be submitted. Agreements made between the former Customer(s) and the Manufacturer is outside the concern of Nemko.
3.6	MAINTENANCE OF CERTIFICATE
	For maintenance of the certificate, hereunder the use of Nemko's name or certification mark on certified products and in connection with marketing and sales, an annual fee per each certified type/model shall be paid, according to item 1.2. In case of termination or withdrawal of a certificate, the annual fee will not be refunded.

Nemko Group

Procedures for Nemko Appeal Committee				Annex	10 C
Issued: 06/08	Subst.: 08/04	Prep. by: LJA	Appr. by: DT	Page:	1 of 1

Object	The Nemko Appeal Committee will hear cases when a client does not accept a decision made by the Internal Procedure Unit (IPU) in connection with test reports, issued certificates, certification decisions etc.
Members	The 3 members of the Nemko Appeal Committee are appointed by Nemko's General Assembly and listed in QM Annex 6A.
Submission of appeal, limit etc.	<ol style="list-style-type: none"> 1. Appeal of Nemko's treatment of assignment or decision shall be forwarded to Nemko in writing, marked the Secretariat of the Appeal Committee. Appeals must be submitted 3 weeks at the latest after the applicant has received written notice from Nemko about the decision, ref. "Nemko's General terms of Agreement for testing and certification" - item 1.4. The notice will give the applicant a description of the further procedure of treatment, including the right to appeal. 2. If the new treatment by the Internal Procedure Unit entails change of Nemko's previous decision, the applicant is notified. 3. In cases where Nemko maintains its previous decision, the following applies: <ol style="list-style-type: none"> a) Appeals concerning agreed international cooperation such as EMKO, CCA, CB etc. are treated according to the appeal procedures of these agreements. b) Appeals covered by the sphere of authority of Norwegian Directorate for Product and Electrical Safety are transferred to the Directorate for final decision. c) Other appeals are treated by Nemko's Appeal Committee. 4. The limit for appeals mentioned under item 1 is only valid provided that the decision from Nemko is followed by written information about the right to forward the case to the Appeal Committee. The appeal may be treated for justifiable cause even if the limit of 3 weeks is exceeded.
The Committee's treatment of appeals	<p>Following procedure applies:</p> <ol style="list-style-type: none"> 1. The chairman of the Committee sets meetings as often as found necessary. He/she works out an agenda in cooperation with the Secretariat. For each meeting the members and any substitutes shall receive documents for each case at least 1 week in advance. A representative for the Secretariat (a member of Nemko's IPU) shall be present at the meetings of the Committee. 2. The Committee has to be complete in numbers to make decisions. Exceptions may be made if one of the members of the Committee is unexpectedly absent and the remaining members are clearly competent to treat the case. 3. The chairman of the Committee may decide to call expert assistance when needed. 4. The reason for the Committee's decisions and possible dissents shall be stated. 5. The Committee's decision is final and the applicant is notified in writing. 6. If Nemko refuses to apply to the decisions made by the Appeal Committee, in cases related to Norwegian Accreditation (NA), the Committee shall notify NA about their concern.

There are no limitations for the Nemko Appeal Committee when treating cases, except that relevant Norwegian law shall apply.

QUALITY MANUAL



Nemko Group

Procedures for IPU				Annex	10 B
Issued: 06/08	Subst.: 08/04	Prep. by: LJA	Appr. by: DT	Page:	1 of 1

Object	<p>Complaints on decisions in connection with test reports, issued certificates, certification decisions etc. are forwarded to the Internal Procedure Unit (IPU). IPU's 5 members and deputies are permanent Nemko employees and thus bound of confidentiality rules set by Nemko. The members and deputies are appointed by Nemko's Board for 2 years periods (ref. QM Annex 6A). If a member of IPU in any way should be involved in a case handled by IPU, he or she shall be replaced by one of the deputies during the handling of the actual case.</p>
Scope	<p>IPU shall primarily treat complaints on decisions in connection with issued test reports and certificates, decisions of certification etc. IPU reconsiders Nemko's previous decision, possibly on the basis of new facts concerning the case brought to light. IPU may alter Nemko's previous decision.</p> <p>In addition IPU can – if required - also treat the following:</p> <ul style="list-style-type: none"> • Questions from the technical departments about standards and the interpretation of the standards • Evaluate if the product can be certified according to FEU (Forskrift om elektrisk utstyr) • Withdrawal of certificates • Technical assessment and statements for the Norwegian Directorate for Civil Protection and Emergency Planning (Direktoratet for Samfunns-sikkerhet og Beredskap). • Additional assessment in relation to requirements from NA or others. • Be the secretariat for Nemko's Appeal Committee.
Documentation	<p>Written information and copies of all relevant documentation shall be prepared by the responsible team/department in Nemko for all cases handled by IPU.</p> <p>Forms and routines for addressing IPU are found on Nemko's Forum / IPU.</p>
Decisions	<p>Decisions made by IPU shall be based on the following:</p> <ul style="list-style-type: none"> • Prepared documentation for the case treated • Relevant standards and regulations • Previous decisions of similar cases • The judgement from the members of IPU based on the given information <p>The decisions shall be in writing.</p> <p>For cases regarding complaints from external clients, the team/department that received the complaint shall inform the client about the decision of IPU and also inform about the possibility to appeal.</p>
Register	<p>IPU shall establish a register on all received cases. A separate register for appeals shall be established. All documentation related to cases handled by IPU shall be filed.</p>



Persons in IPU and Committees				Annex	10A
Issued: 01/08	Subst.: 09/07	Pre. by: LJA	Appr. by: DT	Page:	1 of 1

1. **IPU (Internal Procedure Unit)**
 Appointed by the President for the calendar years 2008 and 2009 (see also Annex 10 B):

Members:

Morten Andersen, chairman
 Frank Skarpsno
 Terje Ulsrud, secr.
 Kirsten Svindahl
 Pål Eddie

Deputies:

Knut Mathisen
 Pål Pedersen
 Kjell Haga
 Elisabeth Søvik
 Claus Breyholtz

2. **Nemko's Appeal Committee**
 Appointed by Nemko's General Assembly for the calendar years 2008 and 2009:
 (see also Annex 10 C):

Members:

Anne Kvam, chairman

Head of corporate governance (CG). NBIM
 Norges Bank, P.O. Box 1173, 0107 Oslo

Tore Trondvold

Managing Director NEK
 P.O. Box 280, 1326 Lysaker

Kjell Markhus

IBM Norge, Sagstuveien 3G, 0976 Oslo

Application form with License Agreement for IECEx Conformity Mark License

1 Customer and contact information		
1.0 Contact	The contact that will receive the quotation.	Nemko Customer no:
Name: Address: City: Country:		Name: e-mail: Phone:
1.1 Bill To	The relevant contact for technical issues <input type="checkbox"/> Same as the contact in 1.0	Nemko Customer no:
Name: Address: City: Country:		Name: e-mail: Phone:
1.2 Document Owner (Certificates, reports, etc.)	This company shall pay the annual license when this is applicable for a certificate. <input type="checkbox"/> Same as the customer in 1.0.	Nemko Customer no:
Name: Address: City: Country:		Name: e-mail: Phone:
1.3 Applicant	The Applicant in the certificate. <input type="checkbox"/> Same as the Certificate Owner in 1.2	Nemko Customer no:
Name: Address: City: Country:		Name: e-mail: Phone:
1.4 Manufacturer	The responsible Manufacturer (name that will appear on marking label, instructions etc.) <input type="checkbox"/> Same as the contact in 1.0	Nemko Customer no:
Name: Address: City: Country:		Name: e-mail: Phone:

2 Required documentation

In addition to this application form the application should consist of :

- Copies of the applicants internal procedures for use, display and control of the IECEx conformity mark
- A controlled document detailing the design of the IECEx Conformity Mark, proposed by the applicant (Usually in the form of a Manufacturers drawing)
- The signed License agreement between Nemko and the Manufacturer (see item 4)
-

3 This application covers the following IECEx Certificates of Conformity (CoC)

Existing Certificate number:		Existing Certificate number:	
Existing Certificate number:		Existing Certificate number:	
Existing Certificate number:		Existing Certificate number:	
Existing Certificate number:		Existing Certificate number:	
Existing Certificate number:		Existing Certificate number:	
Existing Certificate number:		Existing Certificate number:	

4 License agreement between Nemko and the Holder of IECEx COC

By signing this application form/agreement you hereby confirm that you have accepted all the terms and conditions listed in the latest version of OD 023 (see www.iecex.com) in addition to Nemko's General terms and conditions.

Nemko signature for the license agreement:

Signature			
Name		Position:	Date: