



IECEX PUBLICATION

IEC System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres (IECEX System)

IECEX conformity mark licensing scheme – Rules



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IECEX PUBLICATION

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**IECEX conformity mark licensing scheme –
Rules**

INTERNATIONAL
ELECTROTECHNICAL
COMMISSION

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INTERNATIONAL ELECTROTECHNICAL COMMISSION

IECEX conformity mark licensing scheme – Rules

FOREWORD

The IECEX management committee (ExMC) has prepared this publication.

This edition 2.0 of IECEX 04 incorporates amendments and supersedes edition 1.0 immediately upon publication.

This revision IECEX 04, edition 2.0 has been prepared to both align with the newly introduced IEC CA 01, IEC Harmonized Basic Rules and to reflect changes to the IECEX conformity mark licensing scheme.

This publication is directly related to the IECEX Basic Rules (comprising IEC CA 01 and the IECEX Supplement IECEX 01-S).

The annexes to this publication are normative.

Document history

| Edition | Document |
|----------------|---|
| Issue 1.0 | Original issue |
| Issue 2.0 | Issued to align with IECEX Basic Rules (comprising IEC CA 01 and the IECEX Supplement IECEX 01-S) and changes to the IECEX conformity mark licensing rules. Draft ExMC/1620/DV approved by the IECEX management committee during the 2020 ExMC meeting. CAB document CAB/2044/DV approved via correspondence January 2021 |

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INTRODUCTION

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

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

The work of the IEC is conducted under the IEC Statutes and Rules. These IECEX conformity mark licensing rules are subordinate to the IEC Statutes and Rules with the IEC Statutes and Rules taking precedence over any requirement contained within these IECEX conformity mark licensing rules, should a conflict arise.

The IECEX System is the IEC System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres, as provided for in accordance with Article 2 of the IEC Statutes and Rules. The IECEX facilitates the operation of certification programmes in strict accordance with the IECEX Basic Rules as approved by the IEC Conformity Assessment Board (CAB). The IECEX, through the IECEX management committee (ExMC) approves the appointment of certification bodies that may operate in the IECEX scheme. These certification bodies are known as ExCBs and take the sole decision when issuing certificates of conformity under the IECEX scheme.

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

The use of marks on equipment and packaging and other material, to demonstrate conformity is widespread. The IECEX conformity mark is a single global mark that is intended to negate the need for separate individual marks being used. The growing industry support and use of the IECEX certified equipment scheme has fuelled the demand for an international mark in this field.

These rules establish the rules for the IECEX conformity mark licensing scheme and are supported by dedicated IECEX operational manuals and procedures, available from the IECEX website www.iecex.com or the IECEX Secretariat via the IEC Central Office.

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IECEX conformity mark licensing scheme – Rules

1 Title

The operation is known as the “IECEX conformity mark licensing scheme”, hereinafter referred to as “mark licensing scheme”, with the IECEX conformity mark referred to as “the mark”.

2 Object

Taking into account the object of the International Electrotechnical Commission, the IEC, as given in Article 2 of the Statutes, the particular object of the mark licensing scheme, operated under the authority of the IEC in conformity with the Statutes, is to provide a mark, for use by the Ex industries, as a means of identifying compliance with the relevant IEC Standards and other normative documents approved by the IECEX management committee (ExMC) and the requirements of the IECEX System.

3 Field of application

The mark licensing scheme is applicable to industries and equipment areas covered by the IECEX certified equipment scheme as agreed by the IECEX scheme management committee.

A list of the areas of operation shall be published and maintained by the Secretary of the IECEX management committee.

4 List of abbreviations and terms used

| | |
|--|--|
| IEC | International Electrotechnical Commission |
| IEC CB | IEC Council Board |
| Owner | The owner of the IEC mark, namely the IEC |
| IEC CAB | IEC Conformity Assessment Board |
| IECEX System | IEC System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres |
| Ex industries | Industries where flammable gases, liquids and/or combustible dusts are used or may be present that have the potential for an explosive atmosphere to be present |
| Certification body(ies) (ExCB) | An IECEX certification body approved by the IECEX management committee |
| IECEX management committee (ExMC) | The IECEX committee as defined in IECEX Basic Rules |
| License holder | A legal body, a manufacturer, that has complied with the requirements of the mark licensing scheme and has obtained a license to use the IECEX mark |
| License issued to a certification body | A documented agreement between the IEC and a certification body to allow the certification body to issue licenses to manufacturers meeting the requirements of the IECEX mark licensing scheme |
| License issued to a manufacturer | A documented agreement between a certification body and a manufacturer that permits the manufacturer to use the IECEX mark in accordance with the mark licensing scheme |

5 Governing documents

The documents which state the rules of the mark licensing scheme and which govern the organization of its operation are as follows:

- a) the Statutes of the IEC;
- b) the Rules of Procedure of the IEC and the ISO/IEC Directives, unless otherwise specified in these rules;
- c) the IECEX Basic Rules, comprising IEC CA 01 and IECEX 01-S, which define the principles of the IECEX System and its schemes and which are approved by the IEC CAB;
- d) the IECEX operational documents which define the working procedures of the mark licensing scheme. The operational documents are approved and amended by the IECEX management committee, with their availability included in the IECEX management committee's reporting to the IEC CAB. Copies of the IECEX operational documents are available to members and the community via the IECEX website www.iecex.com.

6 Name and seat

6.1 Association is called the "International Electrotechnical Commission" (hereinafter referred to as "the IEC") and is constituted in the form of a corporate association with legal entity in accordance with Articles 60 et seq. of the Swiss Civil Code.

6.2 The first Statutes of the IEC, drawn up at the Preliminary Meeting held in London in 1906, were adapted in 1908. The present Statutes replace all previous editions.

6.3 The seat and registered office of the IEC is at present at 3, rue de Varembe, PO Box 131, CH-1211 Geneva 20, Switzerland.

7 Scope of rules

7.1 These rules describe the mark, and the requirements for the management of the mark licensing scheme for use of the mark.

8 Ownership of the IECEX conformity mark

8.1 The IEC is the owner of the mark, and may license its use to IECEX certification bodies. The IEC seeks and maintains registration of the mark in most countries. If there is a particular requirement in a country for the mark to be separately registered then the IECEX certification body licensed to use the mark in that country shall be responsible.

9 Policy

9.1 It is IEC policy that licensing of the mark by IECEX certification bodies, within the IECEX scheme is in accordance with these rules and that certification bodies must first be accepted as IECEX certification bodies (ExCBs), in accordance with the IECEX scheme rules, prior to being granted a license agreement with IEC.

9.2 Use of the mark is licensed according to the requirements of the IECEX scheme, which operates in alignment with ISO/IEC 17067.

10 Meaning of the mark

10.1 The mark demonstrates to users and consumers that equipment is covered by an IECEx certificate of conformity according to the IECEx scheme rules of procedures and supporting operational documents.

11 The IECEx conformity mark

11.1 The design of the mark is shown at Annex A.

11.2 The mark shall in principle be placed on the equipment itself or on a label directly affixed to the equipment. If this is not practical, the mark shall be placed on the equipment packaging, a label attached to the equipment, the instructions for use or other accompanying documentation. The mark may only be used in advertising where there is a clear association with the equipment covered under the mark license as issued by an ExCB that holds a license agreement with the IEC to issue a mark license.

11.3 The mark shall only be placed on such equipment, or their packaging and promotional material that are covered by a valid IECEx certificate of conformity, issued in accordance with the IECEx certified equipment scheme rules.

11.4 The mark shall not be used for any purpose other than to indicate those equipment that have, and continue to meet, all the requirements of the mark licensing scheme.

12 Management of the mark licensing scheme

12.1 The IEC Council Board (IEC CB) shall have overall responsibility for policy matters relating to the IECEx conformity mark.

12.2 Arrangements for the licensing of the use of the mark shall be made through the IECEx management committee. The IEC CB shall be responsible for authorizing the creation of the mark licensing scheme.

12.3 The operation of the mark licensing scheme shall be managed by the IECEx management Committee, who shall report to the CAB.

12.4 The IECEx management committee shall be responsible for:

- The development, maintenance, and implementation of the rules and operational procedures of the mark licensing scheme in accordance with these rules.
- Making recommendations concerning the suitability of certification bodies to be accepted as operators in the mark licensing scheme and authorized to license the use of the mark.
- Ensuring that the IECEx Rules and Procedures of the mark licensing scheme conform to these rules.

12.5 The IECEx management committee shall report to the CAB, on a regular basis, concerning the operation of the mark licensing scheme.

13 IECEx Conformity mark licensing scheme requirements

13.1 The IECEx management committee shall ensure that IECEx operational documents and procedures provide technical harmony and consistency in implementation by all operators of the IECEx conformity mark licensing scheme.

13.2 The mark licensing scheme includes:

- Basic rules of the IECEX System
- A form of agreement to be signed by each certification body authorized to license the use of the mark
- A form of agreement to be signed between the ExCB issuing the license and the license holder
- An agreement by certification bodies to meet the fees of the mark licensing scheme as determined by the management committee
- Procedures for the assessment and recognition of operating certification bodies (ExCBs)
- A list of the Standards, including editions and amendments, within the scope of the mark licensing scheme and with which the mark indicates compliance, e.g. a license schedule
- Obligations of the organizations holding an IECEX conformity mark license
- Handling of complaints and appeals
- Guidance on use of the IECEX conformity mark
- Procedures for the periodic reassessment of certification bodies operating in the mark licensing scheme

14 Operation of the mark licensing scheme

14.1 Each certification body accepted for operation within the mark licensing scheme shall sign a formal agreement with the IEC giving an undertaking to operate the mark licensing scheme within its declared scope in accordance with the rules and procedures of the mark licensing scheme. The certification body shall be a legal entity such that it can be held legally responsible for its certification activities. For its part of the agreement, the IEC authorizes the certification body to license the use of the mark. A certification body may not begin to license the use of the mark until this agreement has been signed by both parties.

14.2 The IEC may cancel its agreement for a certification body to issue licenses to use the mark, in writing, at any time.

14.3 The certification bodies are responsible for ensuring the testing of equipment and the inspection of factories, and for completing the IECEX certification process leading to a license to use the mark.

14.4 A company seeking a mark license, under the mark licensing scheme may apply to any certification body accepted by the IECEX management committee.

14.5 The terms of the agreement between the IEC and the certification body override any of these general conditions, should there be any conflict.

15 Duties of a user of the mark

15.1 A licensed user of the mark is required to comply with these rules of the mark scheme, including requirements governing presentation of the mark, available from the IECEX Secretariat.

15.2 A license holder of the mark shall accept that its use of the mark shall not imply any legal responsibilities or obligations on the part of the IEC. Such responsibility is incumbent under national or supra-national law on the license holder of the equipment so marked.

16 Misuse of the mark

16.1 The IEC, as owner of the mark, has overall responsibility for ensuring that action is taken against misuse of the mark.

16.2 If a license has been issued, the IECEX certification body that issued the license shall take action concerning misuse of the mark.

16.3 If a license has not been issued, the IEC itself shall be obliged to take actions against misuse of the mark.

16.4 If misuse of the mark is associated with the logo or code of an IECEX certification body but no license has been granted, the IECEX certification body shall take action in accordance with their own rules.

16.5 IECEX certification bodies operating in the mark licensing scheme shall agree to inform the IEC, via the IECEX Secretariat, should they become aware of any misuse of the mark.

17 Administration of the mark licensing scheme

17.1 The mark licensing scheme shall be supported by the IECEX Secretariat services necessary to manage the mark licensing scheme. These services shall be financed as determined by the IECEX management committee, in consultation with the CAB but shall not impose a financial burden on the IEC.

18 Complaints and appeals

18.1 Any appeals concerning equipment licensed to use the mark shall in the first instance be dealt with by the certification body which issued the license, using its own appeals procedures, approved during the certification body assessment process, in accordance with IECEX 02 and IECEX Basic Rules.

18.2 If the appeal cannot be resolved to the satisfaction of the appellant, the complainant may decide to refer the matter to the IECEX management committee, in accordance with the IECEX Basic Rules.

18.3 Complaints concerning the general operation of the mark licensing scheme shall be referred to the Secretary of the IECEX management committee who in consultation with the IECEX Chair shall determine what action needs to be taken.

18.4 If a complaint cannot be resolved at the level of the IECEX management committee, the complainant may formally lodge an appeal in accordance with IEC CA 01.

19 Legal provisions

19.1 The laws of the country in which the IEC has its seat, shall apply in cases not specifically provided for in these rules, concerning the licensing agreement between the IEC and the certification body. The laws of the base jurisdiction of the certification body shall apply concerning licensing agreements between certification body and mark license holders.

19.2 Legal protection

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

19.3 Exclusion of liability

In accordance with the IECEX Basic Rules the certification bodies operating under a mark license agreement with the IEC shall do so on their own responsibility and shall take all possible steps to exclude any liability from falling on the IEC.

Annex A

The IECEx mark

A.1 Master symbol for photographic reproduction

The IECEx conformity mark reproduced below may be used for photographic reproduction.



NOTE The pictogram shown above is for illustrative purposes only.

A.2 Proportional dimensions of the symbol

All reproductions of the IECEx conformity mark shall comply with the dimensional and colour proportions as determined by the IECEx management committee and specified by the ExCB issuing the IECEx conformity mark license.

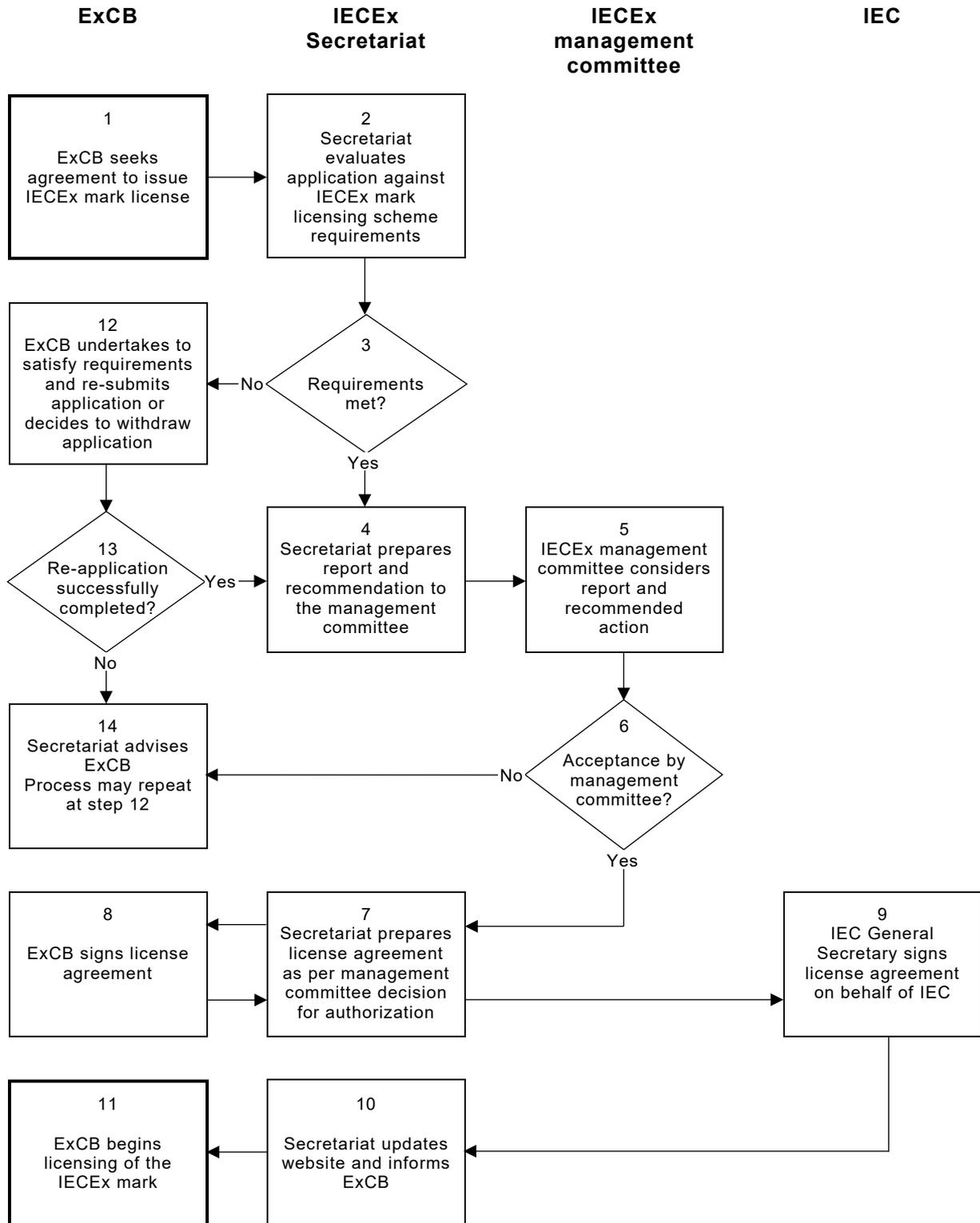
A.3 Traceability of the IECEx conformity mark

Manufacturers granted a license to use the IECEx conformity mark shall ensure that all requirements of the IECEx conformity mark licensing scheme rules and procedures have been met. The IECEx conformity mark shall not be displayed in a manner that may misrepresent the mark as being associated with equipment not covered by a license issued in accordance with the rules of the IECEx conformity mark licensing scheme.

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

- License number
- License holder
- Issuing ExCB
- Issue date
- Reference to IECEx certificates of conformity (issued in accordance with IECEx 02) covered by the IECEx conformity mark license.

Annex B



Abbreviations

ExCB certification body
IEC International Electrotechnical Commission

Figure 1 – Overview of IEC/certification body IECEX conformity mark license authorization procedure