

**ExMC/1508/R**

**June 2019**

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

### Title: Report from IECEx Marks Committee, ExMarkCo to the IECEx Management Committee, ExMC

To: Members of the IECEx Management Committee, ExMC

**INTRODUCTION**

This document contains a report from the ExMarkCo meeting held in Singapore May 2019.

This report is supplemented by document ExMC/1521/CD – Proposed new Concepts concerning the IECEx Logo, TradeMark and IECEx Conformity Mark.

These documents will be presented during the September 2019 Dubai ExMC meeting where the meeting will be informed of work both during the ExMarkCo May 2019 meeting and subsequent which has involved extensive consultation with the IEC Legal to arrive at proposals presented in ExMC/1521/CD.

This document provides a record of the May 2019 Singapore meeting of ExMarkCo and its identification of further work required, that has since been undertaken, following its May 2019 meeting.

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**ExMarkCo/051/R**

**IECEx ExMarkCo Meeting**

**10th May 2019, Singapore**

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

**REPORT + MEETING AGENDA**

**ExMarkCo/049/DA Agenda**

**Meeting #12 of the IECEx Mark Committee (ExMarkCo)**

**held at IEC APRC, Singapore**

 **on Friday 10th May 2019**

**(Commencing at 9:00 a.m)**

Attendance:

Mr Timothy Duffy Chair

Dr Thorsten Arnhold

Mr Martin Cole

Mr Thierry Houeix

Prof Xu Jianping

Mr Julien Gauthier

Mr John Allen

Mr Ron Sinclair

Mr Chris Agius

Mr Mark Amos

Mr Mike Roy

Dr Jim Munro

Ms Katy Holdrege

Mr Ralph Wigg

Mr Evans Massey

Mr Geoff Barnier

Mr Uli Jacobs

Mr Paul Meanwell

**REPORT + AGENDA**

| **SUBJECT** | **Discussion Leader** |
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| 1. **OPENING OF THE MEETING** (Start at 9:00 a.m)

The Meeting to be opened and chaired by Mr Timothy Duffy, followed by self-introduction of all participants.Mr Duffy as ExMarkCo Chair opened the meeting at 0900 welcoming all to the meeting and extending a special welcome to new members. | Chair |
| 1. **APOLOGIES**

Members to note the apologies provided prior to or at this meeting. Secretariat to advise of any additional apologies received since circulation of this draft agenda.Apologies were as noted | Chair |
| 1. **APPROVAL OF THE AGENDA**

Members to consider any other suggested items that are not listed on the agenda and then approve this agenda.The meeting approved the Agenda ExMarkCo/049/DA without change | Chair |
| 1. **CONSTITUTION & MEMBERSHIP**

**4.1 ExMarkCo Membership**Members to approve changes to the membership of the ExMarkCo and its terms of reference as per IECEx 01-S, IECEx Supplement to IEC CA 01 - Document for Approval**: ExMarkCo/01Q/Inf** Members are reminded to forward nominations for membership vacancies of the ExMarkCo to the Secretariat. Members to also note the ExMarkCo dedicated webpage on the IECEx site at <http://www.iecex.com/members-area/documents/exmarkco/> The Meeting noted the current membership and noted the pending change in US manufacturer with Mr Massey to join pending nomination from the US Member BodyThe Meeting also noted the membership of Roger Jones and that currently showing 2 positions with the Secretariat to clarify with him and the UK MBAction: Secretary to contact the UK member Body to clarify the representation by Mr Jones.The Chair welcomed both Dr Munro and Ms Holdredge as new members of the Executive in light of their new positions as ExAG Convener and Deputy Convener.The meeting discussed the current method of showing the ExMarkCo Membership on the IECEx website and requested the Secretariat to look at a better way of showing the ExMarkCo Membership on the IECEx website**Action: Secretary to review the current method of showing the membership of ExMarkCo on the IECEx Website** | Chair |
| 1. **Ex CERTIFICATION BODIES (EXCBS) FOR THE IECEx CONFORMITY MARK LICENSING SYSTEM**
	1. **List Of Currently Authorised ExCBs As Per OD 001**

Available on-line <http://www.iecex.com/members-area/od001/> (members area) and at <http://www.iecex.com/information/excbs/conformity-mark/> (Public area)Australia TestSafe, SIMTARSFinland VTT (now known as Eurofins Expert Services)France LCIE, INERISGermany TUV SUD PS, PTBHungary BKINetherlands DEKRA KEMA, KIWANorway PresafeUnited Kingdom SGS Baseefa, ITS, SIRA, CMLUSA UL LLC* 1. **LIST OF CANDIDATE ExCBs and STATUS**

There are no Applicant ExCBs for the IECEx Conformity Mark as at 15th March 2019.The meeting noted the current list of IECEx Mark License issuing ExCBs as displayed on the IECEx website.The meeting also noted the current application request from one of the IECEx ExCBs operating in the IECEx 02 Equipment Scheme. The ExCB was revealed during the meeting but the name is being withheld from the minutes, as they are an applicant. | SecretarySecretary |
| 1. **ExMarkCo MEETING #11, Weimar, Germany on 19th June 2018**
	1. **Report on the Status of Recommendations & Action Items arising from previous meetings**

Members to receive a report from the Secretariat on the status of Action Items detailed in the report on the 2018 IECEx ExMarkCo Meeting held in Weimar on 19th June 2018 (refer *ExMC/1402/R* and ***Appendix A*** to this Agenda for status)The meeting noted and accepted the report on actions since the 2018 Weimar meeting as covered in Annex A to the draft Agenda. **6.2 Action to prepare a brochure and have all ExCBs to send the brochure to their clients.** To note new Brochure prepared by the IEC Comms Department was issued to ExCBs with a request to action on 16 April 2019. The Secretariat will be following up with ExCBs in readiness for inclusion in the ExMarkCo report to ExMC.However, as a separate exercise and as part of ExMC WG13 “Business Development” actions, the Secretariat conducted a survey of ExCB’s websites to determine the level of IECEx promotion that as “Scheme Service Providers” are doing. The Secretariat will provide a summary of the results. The meeting reviewed and approved the recently produced IECEx Mark brochure and while agreeing with the messages of the brochure offered the following suggestions:* Look at adding examples how this displayed
* More use of graphics
* Needs to “Grab” the reader

Dr Arnhold, the IECEx Chair advised that as he and the IECEx Executive Secretary will both be in Geneva attending IEC CAB meetings that they could met with the IEC Communications team and convey the views of the membership. The meeting agreed.**Action: Secretary to arrange for he and the IECEx Chair to meet with the IEC Communications Department, noting examples provided by the IECEx Vice Chair Mr Cole** | ChairSecretary |
| 1. **ACTION ITEMS REFERRED TO THE IECEx ExMARKCo FOR CONSIDERATION:**

Regarding ExMarkCo’s Proposal #2 to the 2018 ExMC Meeting that, ExMC agree that all ExCBs operating in the IECEx 02 Scheme must also participate in the IECEx Mark Licensing System according to IECEx 04 and update IECEx 02 accordingly., eg 11.1.1 to add the following additional bullet:* *“The certification body shall undertake to enter into a License agreement with the IEC to enable it to become an IECEx Mark License issuing Body according to IECEx 04.”*

As a result, ExMarkCo notes changes are required to OD 422 and request ExMC approval.the ExMC recordedDecision 2018/42*(ExMC/1436/DL)*The Meeting did not endorse Proposal 2. The Meeting also agreed that ExMarkCo prepare for next year a justification for retaining the Mark License Scheme at which time ExMC will take a decision whether to continue or close the Scheme.Also, in relation to the above, members to consider an AU letter received April 2019 as circulated to ExMarkCo as ExMarkCo/050/Inf:And in light of the previous IECEx Mark Survey results (refer *ExMarkCo/045A/R*).The meeting undertook a thorough discussion on the merits of both retention of the IECEx Mark in its current form and also in a modified form to provide better access to the Mark.ExMarkCo considered the following during its detailed discussions* Letter from AU
* Correspondence from IECEx Past Chair (Dr Klausmeyer)
* Feedback from ExMC WG8
* ExMC Confirmed Minutes

Dr Munro, also highlighted the issue of the equipment marking requirements of IEC 60079-0 and the mention of name or mark or certificate issuer” and certificate reference as being subject to different interpretations, advising that he has seen examples where the letters “IECEx” are not included and it is difficult to see where the inclusion of these letters is mandated in the standard, or in IECEx rules or procedures.In light of the issues raised by Dr Munro, the meeting considered possible use of the IECEx Mark as being an integral element of the IECEx Certificate number as a practical solution to this issue noting the reference by IEC 60079-0 Cl 29.3 item d) to a “name or mark of the certificate issuer….”The meeting were then shown practical examples of how this could appear, noting the following as an example. PTB 19.0001©This could be an alternative to:-The meeting indicated support for this approach on the clear understanding that the procedures for accessing the Mark are to be simplified and that the Mark forms an integral part of the Equipment Scheme as opposed to a separate scheme, meaning that manufacturers have ready access to the Mark by virtue of holding an IECEx CoC for the equipment, with Mr Wigg commenting that this would overcome the current stumbling block that has been in place.The meeting then recapped over the current system and procedures for a manufacturer to gain access to the IECEx Mark noting that the Mark is currently accessible via the ExCB that issues the IECEx 02 Certificate with Mr Sinclair highlighting the benefits of having the ExCB that provides the QAR as the ExCB that provides access to the Mark as being in line with some other Schemes and would benefit the Manufacturer. This aspect was discussed with the meeting noting comments from members representing manufacturing interests including Mr Evans, Mr Meanwell and Mr Cole. Dr Arnhold as IECEx Chair also remarked on the need for flexibility for manufacturers, e.g. working with multiple ExCBs. The meeting then considered the marketing value of retaining a Mark but with simplified procedures and a more flexible approach for manufacturers and agreed to propose retaining the IECEx Conformity Mark, but only via access through a more simplified approach.  During the discussions, the meeting also considered the value of creating an integrated marketing plan in conjunction with ExMC WG13 or the creation of a dedicated Marketing Working Group. The meeting favoured a dedicated Market Group possibly led by the Immediate past IECEx Chair as that person still retains a seat on the IECEx Executive. The meeting also noted that the IECEx Mark is a tangible asset of the IEC under the management and oversight of the IEC Conformity Assessment Board (CAB) and hence in line with the IEC Statutes, would require a CAB decision to remove the Mark as an element of the IECEx System.In conclusion and after considerable discussion the meeting agreed to the following: 1. Secretary to acknowledge the AU letter advising that Dr Munro has undertaken to report back to the AU Member Body
2. Secretary to compile the justification and proposals for reporting to ExMC
3. Secretary to consult IEC legal on the new proposals
4. Ms Holdredge to explore what is required for an ExCB to hold a Licence agreement with IEC, with an aim to reduce any burden on ExCBs
5. That ExMarkCo recommends to the ExMC retention of the IECEx Mark under a more simplified process according to Annex A of this meeting report

**Action:** 1. **Secretariat and ExMarkCo Chair to attend to the above agreed actions**
2. **Dr Munro to report back to the AU Member Body to assist in explaining the Proposed concepts, re Annex A**
 | Secretary & Chair |
| 1. **IECEx Conformity Mark License System Publications**

**8.1** **Current IECEx Conformity Mark License System Publications**Members to note the following current publications:* IECEx 04 Ed. 1.0 – *IECEx Conformity Mark Licensing System – Regulations*
* IECEx 01B Ed. 2.0 – *Guidance for the use of the IECEx Logo*
* IECEx 04A Ed 2.0 – *Guidance for making applications for and use of the IECEx Conformity Mark*
* OD 422 Ed. 1.0 (2012-03) – *Rules and Procedures for the granting of Licenses to issue and use the IECEx Conformity Mark*
* OD 023 V1 (2007-10) – *Terms and Conditions for use of the IECEx Conformity Mark*
* IECEx OD 011-4 Ed.1.3 - *Guidance on Use of the IECEx Internet based “On-Line” Certificate of Conformity System (Part 4: Creating IECEx Conformity Mark Licenses)*

The meeting noted the status of the respective Mark documents and concluded that no changes should be considered until ExMC has considered the proposals arising out of Agenda item 7. | Chair |
| 1. **USE AND MIS-USE OF IECEx MARK AND LOGO – Report from Secretariat**

Members to receive a report from the Secretariat and then identify, discuss and follow up on any cases of misuse of IECEx Mark or Logo.The meeting noted the work of the Secretariat in monitoring misuse and noted that there are no cases requiring attention of the Management Committee not CAB at this time. | Secretary |
| 1. **CAB ISSUES CONCERNING IECEx CONFORMITY MARK**

Secretary to report on CAB Issues relating to misuse of the IECEx Mark and Logo.The meeting noted that there are no matters requiring the attention of IEC CAB at this time. | Secretary |
| 1. **IECEx MARK LICENCE AGREEMENT RENEWALS**

Members to note that the following status, as @ 15th March 2019 of IECEx Conformity Mark License Agreements:* Agreements with SIRA, TestSafe, Simtars, LCIE and KIWA have been renewed since the 2018 ExMarkCo meeting.
* Notice of the need to renew their License has been sent to TUV SUD.
* Notice of the need to renew their License has been sent to ITS.
* Notice of the need to renew their License and further reminders have been sent to DEKRA KEMA.
* Outstanding reply waiting from Presafe/ NEMKO on an updated and revised agreement - reminders continue to be sent

The meeting noted the status report from the Secretariat including the re-signing of IEC Mark License agreements between ExCBs and IEC by SIRA, TestSafe, SIMTARS, LCIE and KIWA since the last ExMarkCo meeting. | Secretariat |
| 1. **PROMOTIONAL ACTIVITIES AND MARKETING OF THE IECEx MARK:**

Members * to consider *draft ExMarkCo brochur*e prepared by the Secretariat and IEC Communications Department
* to inform the ExMarkCo of recent and planned Promotional Events
* to note the various promotional items listed under IECEx website “News Releases a [http://www.iecex.com/](http://www.iecex.com/%20)
* and also to consider any other promotional aspects and Marketing opportunities to promote the benefits of the IECEx Conformity Mark in support of an expansion of the IECEx Conformity Mark System.

The Secretary presented the newly developed IECEx Mark Brochure, prepared by IEC Communications Department with the meeting approving this latest Brochure for use noting suggestions for improvements raised by WG13 related to future brochures to provide greater impact.The IECEx Chair informed the meeting about the meeting he and the Secretary are planning to have with the IEC Communications Department in June this year in Geneva to discuss the matters raised by WG 13.  | Chair |
| 1. **OTHER BUSINESS**

Any other business not notified prior to the meeting.The Chairman invited any new business. None were raised | Chair |
| 1. **NEXT MEETING**

To consider the date and time for the next meeting.The Chair suggested and the meeting agreed that the next meeting should be held in conjunction with the 2020 operational meetings in Shanghai but that also to make use of teleconferencing to reduce the burden on time required for face to face meetings.The next meeting including plans for teleconferencing to be advised following the September 2019 Dubai IECEx Management meeting.Time period for IECEx 2020 series of Operational meetings is 11 – 16 May 2020 to be confirmed, during the Executive meeting. | Chair |
| 1. **CLOSE**

The Chair closed the meeting at 1245, thanking members for their attendance and active participation. | Chair |

**Annex A** = Summary of the Justification and Proposal for a Simplified IECEx Mark System

**ANNEX A – Summary of the Justification and Proposal for a Simplified IECEx Mark System**

**A.1. Justification for a simplified Mark Licensing System:-**

* Value of having a Mark:
	+ Minimise costs to manufacturer via consolidation of auditing and prevention of multiple licenses
	+ Aligns with best practice for operating Certification schemes
	+ Acts as a promotional tool for the IECEx System
* Negligible administrative costs associated with the Mark scheme on the IECEx Financials
* The IECEx Mark is an asset of the IEC
	+ Noting considerable investment by IEC
* Removal of the IECEx Mark blocks any options for future use in replacing new National Marks
	+ Noting current contractual arrangements between ExCBs and IEC
* Provides visual indication of compliance
* A Mark is a vital component for certification systems, facilitates the recognition by national legislation and facilitates the daily work of field inspectors.

**Recommendation: ExMarkCo Recommends provision of an IECEx Mark based on the following concepts in A.2.**

**A.2. Proposed concepts for accessing the IECEx Mark:**

* Integration into the IECEx 02 Equipment Scheme:
	+ Use of Mark by Manufacturers remains voluntary;
	+ Associating the Mark with the Certificate number;
	+ Solves lack of current mandating to show identification of “IECEx” on Marking, thereby preventing use “PTB 19.0001” as CoC number without IECEx identifier;
	+ Avoids impacting on label space for manufacturers
* Linkage to QAR provider instead of CoC provider
	+ Only one Licence is required per manufacturer;
	+ Part of the normal QAR audit;
* Use of the “On-Line” Certificate System to provide traceability of Mark use thereby removing the need to show License number in the Mark

The above principles allow for Marking of Certificate number according to item *d) of 29.3 IEC 60079-0.* This would allow the manufacturer the choice of including either of the following on their marking label:

IECEx PTB 19.0001

**A.3. Other issues for ExMarkCo to consider**

PTB 19.0001

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Acceptable form of showing Certificate Number – (method a)

Acceptable form of showing Certificate Number – (method b)

* Use of IECEx Mark on CoCs
* IECEx Rules and ODs, eg IECEx 02, 04, 04A, OD 422, OD 011 to be updated to reflect the new arrangements – Mark Amos to investigate
* IECEx 02 to be updated to mandate “IECEx’ or Mark to be included in the Certificate reference number
* Obtain legal advice on Proposed concepts – C Agius
* Legacy issues regarding existing use need to be addressed
* Explore efficiencies in ExMarkCo work, eg meetings
* May need to look at updating QAR Summary and form re instructions relating to auditing to ensure consistency