



ExMC/944/R
July 2014

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

For Consideration by Members of the IECEx Management Committee, ExMC

Report from the ExMarkCo Meeting held 22nd May 2014 in Dubai

Introduction

The attached is a report of the combined meeting of ExMarkCo (*IECEx Conformity Mark Committee*) held 22nd May 2014 in Dubai.

Members are asked to note this report and consider the following Recommendation to ExMC:

Recommendation 1 [Item 15] That Mr Tim Duffy be appointed as ExMarkCo Chairman for an additional term of three years

ExMC Members will be asked to consider the attached ExMarkCo report and the above recommendation during the ExMC meeting in The Hague, 28th and 29th August 2014.

Chris Agius

IECEx Executive Secretary

MEETING REPORT

Meeting of the IECEEx Mark Committee (ExMarkCo)

Held in Dubai on Thursday 22nd May 2014
(commencing at 9:00 a.m. for a half day)

at
Sofitel Dubai Down Town Hotel

Attendance:

Mr Chris Agius (CA)	IECEEx Executive Secretary
Mr Heinz Berger (HB)	IECEEx Treasurer and Certiconsult GmbH
Mr Ron Sinclair (RS)	IECEEx ExTAG Chair and SGS Baseefa (GB)
Mr John Allen (JA)	ExPCC Chair and Sheppard Engineering (GB)
Mr Ralph Wigg (RW)	ExPCC Vice Chair and E-x Solutions Intl Pty Ltd (AU)
Mr Mark Amos (MA)	IECEEx Secretariat
Mr Marty Cole	Observer

Apologies:

Mr Timothy Duffy	IECEEx ExMarkCo Chairman
Prof Dr Thorsten Arnhold	IECEEx Chairman
Dr Alexander Zalogin	IECEEx Vice Chairman and NANIO CCVE
Mr Julien Gauthier	ExTAG Secretary and LCIE Bureau Veritas (FR)
Mr Theo Pijpker	DEKRA (NL)
Dr Uwe Klausmeyer	Immediate Past IECEEx Chairman
Mr Jacques Lavaud (JL)	TOTAL Exploration and Production (FR)
Mr Halim Hafiz (HH)	PETRONAS
Mr Risto Sulonen (RS)	VTT Expert Services (FI)
Mr Paul Meanwell (PM)	South African Flameproof Association (ZA)
Mr David Chirdon (DC)	MSHA (USA)
Mr Klaus Lorenz (KL)	TÜV SÜD Product Service GmbH (DE)
Mr Li Jiang (LJ)	Warom Technology Group (CN)
Mr Roger Jones (RJ)	National Oilwell Varco (GB)
Ms Dalia El Tawy (DT)	Solar Turbines Inc (USA)

1. OPENING OF THE MEETING

The Meeting was opened at 9:00 a.m. and chaired by the IECEEx Executive Secretary on behalf of the Chairman, Mr Tim Duffy, followed by self-introduction of all participants.

The Chairman also welcomed Mr Cole as an observer.

2. APOLOGIES

As noted above.

3. APPROVAL OF THE AGENDA

Members were asked to consider any other items not listed on the agenda – there were no additions or comments.

4. CONSTITUTION

Members noted and accepted the membership of the ExMarkCo (as ExMarkCo/01J/Inf) subject to ExMC endorsement of the following changes:

ACTION 4.1: It was suggested (by JA) and agreed that the “Repairers” membership category be renamed as “Service Facilities” – Secretariat to revise ExMarkCo/01J/Inf to reflect this.

ACTION 4.2: Membership constitution to have a “Training Bodies” category (with a maximum of one representative) by the Secretariat and invitations to nominate a representative to be extended to Training Bodies.

ACTION 4.3: Secretary to extend an invitation to the US Coast Guard to nominate a representative under the “Regulators” membership category.

ACTION 4.4: Secretary to write to the EU Commission advising of the existing “Regulators” membership category and invite the participation of an EU Commission representative on the ExMarkCo. Ron Sinclair to advise

ACTION 4.5: Secretary to extend an invitation to the US Petroleum Institute to participate as an observer.

ACTION 4.6: Secretariat to review the ExMarkCo Terms of Reference with respect to scope and, as appropriate, insert text to clarify that the ExMarkCo covers all issues related to the IECEx logo as detailed in IECEx documentation including IECEx 04 and IECEx Guides 01B and 04A.

5. Ex CERTIFYING BODIES EXCBS) FOR THE IECEx MARK

5.1 LIST OF CURRENTLY AUTHORISED ExCBs OD 001

Members noted the list of currently authorised ExCBs (as listed below and in OD 001 that is available on-line <http://www.iecex.com/directory/bodies/OD001.asp> (members area) and at <http://www.iecex.com/directory/bodies/bodies3.asp?id=5> (Public area)

Australia	TestSafe, SIMTARS
Finland	VTT
France	LCIE, INERIS
Germany	TUV SUD PS, PTB
Hungary	BKI
Netherlands	DEKRA
Norway	Presafe
United Kingdom	SGS Baseefa, ITS, SIRA
USA	UL

The Secretary took this item as an opportunity to advise members of the revised procedure for renewing ExCB License Agreements as requested by the IEC General Secretary.

5.2 LIST OF CANDIDATE ExCBs and STATUS

It was reported to members by the Secretariat that, as at 22nd May 2014, there are no new Applicant ExCBs for the IECEx Conformity Mark Scheme.

6. ExMarkCo MEETING NO. 6, Buxton 6th June 2013.

6.1 Report on the Status of Action Items arising from previous meetings

Members noted, without comments or questions, a report from the Secretariat on the status of Action Items detailed in the Confirmed Minutes of the IECEx ExMarkCo Meeting in Buxton, 6th June 2013.

7. ACTION ITEMS REFERRED TO THE IECEx EXMARKCO FOR CONSIDERATION:

Members noted, without comments or questions, a report from the Secretariat on the status of other Action Items from other meetings including:

- Nil from 2013 Buxton IECEx Executive Meeting
- Nil from ExMC Fortaleza 2013 Meeting (refer ExMC/902A/RM)

8. IECEx CONFORMITY MARK SCHEME DOCUMENTS FOR NOTING:

Members noted, without comments or questions, a report from the Secretariat on IECEx Conformity Mark Scheme supporting documentation as follows:

- 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.1.2 - *Guidance on Use of the IECEx Internet based “On-Line” Certificate of Conformity System (Part 4: Creating IECEx Conformity Mark Licenses)*

9. DEVELOPMENT OF RULES FOR USE OF IECEx MARK ON PRODUCTS COVERED BY UNIT VERIFICATION

Members noted the publication of a revision of IECEx OD 022 as OD 422 to clarify the rules and procedures for the use of the IECEx Mark on products covered by unit verification.

10. DISPLAY OF IECEx CONFORMITY MARK ON CERTIFICATES

Members noted Appendix B to the agenda as a report from the Secretariat on progress on the decision from the ExMC Calgary meeting (refer ExMC/819A/RM, Item 9.1.6) that the Conformity Mark be displayed on a CoC linked to a Conformity Mark, and, that no fee to be charged for the up- issue of a CoC to show the link to the Conformity Mark. Following some discussion on the issues raised by the Secretariat concerning the impact to the on-line CoC System (refer to in the Appendix B of the ExMarkCo Agenda) it was **agreed** that further discussion on this matter be postponed.

11. CONFIDENTIALITY AGREEMENT

In reporting on progress to address Action Item under ExMarkCo Paris Meeting, Decision 2012/04 and ExMC/819A/RM page 58, Item 20, the Secretary provided an overview of the background to this agenda item in addition to following extract from the minutes of the Fortaleza 2013 ExMC Meeting regarding this matter:

.....Mr. Duffy informed the meeting of the work being carried out to address the issue of “Confidentiality Agreements” originally raised by ExMarkCo Members and updated the meeting on advice from IEC Central Office legal counsel. The meeting supported (as recorded in Decision 2013/22A) the ExMarkCo and Executive views from their Buxton 2013 meetings that more work needs to be undertaken to cover aspects of Confidentiality within the IECEx Rules rather than in formal Confidentiality Agreements.

In response to the following Action Item from the Buxton 2013 Meeting of ExMarkCo

Secretariat to prepare a draft revision of IECEx Rules (noting the need to include the results of the investigations by TD and JO recommended below) to address both the ExMC Decision and the views of the ExMarkCo on the advice from IEC’s advisor.

Mr Duffy recently advised that:

“My discussions with Rockwell Automation legal indicated that they would prefer a less restrictive agreement and their recommendation would be to not sign the agreement.”

During subsequent discussion by ExMarkCo members the following points were raised :

- Mr Wigg suggested that the issue of confidentiality also applies, in varying degrees, to all members of all IECEx Committees and Working Groups. This was acknowledged with the following decisions and action items :

ACTION 11.1: Secretariat to prepare, and with ExMC approval, implement an “IECEx Committee and Working Group Member Welcome Pack” – this will include or complement the existing IECEx OD 031.

ACTION 11.2: Secretary to raise the issue of confidentiality and the impartiality of IECEx activity participants not associated with accepted ExCBs (and hence they are not bound by the declarations that ExCBs must make as a condition of IECEx acceptance) with the ExMC and investigate the need to revise IECEx 01, IECEx 02, IECEx 04 and IECEx 05. Such revisions may include insertion of a statement that attendance at a meeting and signing of the attendance sheet confirms acceptance of certain conditions (these will be included on a standardised IECEx meeting attendance sheet format to be prepared by the Secretariat)

12. USE AND MISSUSE OF IECEx MARK AND LOGO – Report from Secretariat

The Secretary provided an overview on the proactive surveillance activities undertaken by the Secretariat to identify, discuss and follow up on any cases of misuse of IECEx Mark or Logo.

The Secretary then provided a report on recent issues and the status of efforts to resolve matters identified with certain Training Bodies. In response members reported that they are satisfied with the action taken by the Secretariat.

The Secretary also provided an update on the status of the registration of the IECEx logo and the IECEx text.

Members did not report any other instances of misuse of the IECEx Mark or logo.

13. CAB ISSUES CONCERNING IECEx CONFORMITY MARK

The Secretary reported that there are currently no issues relating to misuse of the IECEx Mark and Logo before the IEC CAB and that the IEC CAB has not made any requests of the ExMarkCo.

14. IECEx MARK LICENCE AGREEMENT RENEWALS

Members noted a verbal report on the status as @ 22nd May 2014 of IECEx Mark License renewals.

ACTION 14.1: Members discussed the matter of outstanding renewals and agreed that the Secretariat will proceed to suspend ExCBs with expired Licence Agreements and advise these ExCBs that all Mark Licences they have issued to manufacturers must be either suspended or cancelled.

15. ExMarkCo CHAIRMAN

Members noted that the current ExMarkCo Chairman (Mr Tim Duffy) was appointed to this position for a second term of three years by agreement of the ExMC at their meeting in 2010.

ACTION 15.1: In accordance with

IECEx 01 (Ed 6.0) 2013-12

9.2.11 *The term of office of the Chairman shall be three years and he shall be eligible for reappointment for one further period of three years. If at the conclusion of a second or subsequent term there are no new candidates nominated for election to the position, the ExMC may appoint the ExMarkCo Chairman for a further 3 year term.*

Following a call for nominations for the position of ExMarkCo Chairman, the Secretariat informed that no nominations came forward and that in the absence and in accordance with the above that Mr Tim Duffy will be recommended for ExMC acceptance as ExMarkCo Chair for an additional term of three years.

Recommendation to ExMC: That Mr Tim Duffy be appointed as ExMarkCo Chairman for an additional term of three years.

ACTION 15.2: For future clarification of the nomination process, the Secretariat to draft a revision of IECEx 01 for initial ExMarkCo consideration, prior to submission to ExMC. This revision will include, for the ExMarkCo Chairman nomination process, the current text regarding the ExTAG Chair and ExTAG Secretary nomination process.

16. PROMOTIONAL ACTIVITIES ACTIVITIES AND MARKETING OF THE IECEx MARK:

Members noted the report from the Secretariat of recent and planned IECEx promotional activities including:

- IEC Young Professionals Forum – New Delhi, Oct 2013 (RW)
- 2014 IECEx International Conference – Malaysia, Feb 2014
- PCIC Middle East - Abu Dhabi, Feb 2014 (CA & JA)
- NOV Global Certification Symposium – USA, Apr 2014 (MA)
- ATEX Forum – NL , May 2014 (CA)
- Updated Smart Phone App development
- Planning underway for 2015 IECEx International Conference – Poland, April 2015

and advised of the following future opportunities to promote the benefits of the IECEx ConformityMark:

- IEEE GC – Oman, 1st – 4th Feb 2015 (Mr Cole to provide details to Secretariat to enable cooperation with ESMA)
- Saudi Aramco Conference – date and location TBA (Mr Berger provide details to Secretariat)

17. OTHER BUSINESS

The Secretary advised members of the proposal from IEC Central Office Communications Department to revise the IECEx logo along with other IEC CA System logos to align with the logo for the new IEC RE System.

Members raised their concerns with the proposal, particularly regarding the costs and other practical issues for the IECEx certified manufacturers, ExCBs, IECEx Mark Licence holders that will arise from the need to revise product markings, product and service literature, letterheads, Certificates of Conformity, the IECEx On-line Certification System, IECEx documentation, etcetra, etcetra, and noted that this change neither proposes nor provides a clear benefit for any stakeholder in the IECEx System.

The ExMarkCo noted similar concerns expressed by the IECEx Executive on this matter earlier in the week and the decision of the Executive to not support the proposed change.

The ExMarkCo requested that the Secretary record that the ExMarkCo is strongly opposed to a change of the IECEx logo.

18. NEXT MEETING

To be held in conjunction with other IECEx Operational Meetings in Toronto, Canada in May 2015.

19. CLOSE

Meeting closed @ 12:15 p.m.