



IECEX PUBLICATION

**IEC Scheme for Certification to Standards relating to Equipment for use
in Explosive Atmospheres (IECEX Scheme)**

Basic Rules





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IECEX 01

Edition 3.0 2007-12

IECEX PUBLICATION

**IEC Scheme for Certification to Standards relating to Equipment for use
in Explosive Atmospheres (IECEX Scheme)**

Basic Rules

INTERNATIONAL
ELECTROTECHNICAL
COMMISSION

PRICE CODE

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INTERNATIONAL ELECTROTECHNICAL COMMISSION

**IEC Scheme for Certification to Standards relating to equipment
for use in explosive atmospheres (IECEX Scheme) –****Basic rules**

FOREWORD

This publication has been prepared by the IECEX Management Committee (ExMC) and approved by the IEC Conformity Assessment Board (CAB).

It cancels and replaces Publication IECEX 01:2005, Second edition.

This publication is directly related to

- Publication IECEX 02 – Equipment Certification Program covering equipment for use in explosive atmospheres – Rules of Procedure and
- Publication IECEX 03 the IECEX Certified Service Facilities Program covering repair and overhaul of Ex equipment – Rules of Procedure
- Publication IECEX 04 – IECEX Conformity Mark Licensing System – Regulations

This edition of IECEX 01 takes effect immediately upon publication and replaces the previous edition.

The annex to this publication is normative.

The text of this publication is based on the following documents:

Document	Report on Voting
ExMC/360A/CD	ExMC/413/RM Draft minutes of the ExMC 2007 Denver meeting
	Approved at the 2007 CAB Meeting in Paris

This edition of IECEX 01:2007 has been published to take into account changes to Clause 9, to include the IECEX Conformity Mark Committee (ExMarkCo).

INTRODUCTION

IECEX Scheme Objective

The objective of the IECEX Scheme is to facilitate international trade in equipment and services for use in explosive atmospheres, while maintaining the required level of safety:

- reduced testing and certification costs to manufacturer
- reduced time to market
- international confidence in the product assessment process
- one international database listing
- maintaining International Confidence in equipment and services covered by IECEX Certification

What is an Ex area?

Ex areas can be known by different names such as “Hazardous Locations”, “Hazardous Areas” “Explosive Atmospheres”, and the like and relate to areas where flammable liquids, vapours, gases or combustible dusts are likely to occur in quantities sufficient to cause a fire or explosion.

The modern day automation of industry has meant an increased need to use equipment in Ex areas. Such equipment is termed “Ex equipment”.

Where do you commonly find Ex equipment?

Ex equipment in such areas include:

- Automotive refuelling stations or petrol stations
- Oil refineries, rigs and processing plants
- Chemical processing plants
- Printing industries, paper and textiles
- Hospital operating theatres
- Aircraft refuelling and hangars
- Surface coating industries
- Underground coalmines
- Sewerage treatment plants
- Gas pipelines and distribution centers
- Grain handling and storage
- Woodworking areas
- Sugar refineries
- Metal surface grinding, especially aluminium dusts and particles

IECEX International Certification Scheme

In addition to the preparation of International Standards, the IEC facilitates the operation of Conformity Assessment Schemes. One such Scheme is the IECEX Scheme.

The IECEx Scheme comprises the following two Global Certification Programs

- The IECEx Certified Equipment Program
- The IECEx Certified Service Facilities Program

The IECEx Certified Equipment Program

This IECEx Program is an International Certification Scheme covering product that meets the requirements of International Standards, e.g. IEC Standards prepared by TC 31.

The IECEx Certified Equipment Program provides both:

- a) A single International Certificate of Conformity that requires manufacturers to successfully complete:

Testing and Assessment of samples for compliance with Standards

Assessment and auditing of manufacturers premises

On-going surveillance audits of manufacturers premises

or

- b) A “fast-track” process for countries where regulations still require the issuing of national Ex Certificates or approval. This is achieved by way of global acceptance of IECEx equipment Test and Assessment Reports.

Certificates issued by the IECEx Certified Equipment Program are issued as “Electronic Certificates” and are live on the IECEx Website. This enables full public access for viewing and printing. Visit the IECEx “On-Line Certificate” System.

The IECEx Certified Service Facilities Program

This IECEx Program is an International Certification Scheme that covers the assessment and the on-site audit of organizations that provide a Repair and Overhaul service to the Ex industry.

Due to the very high capital investment made by industry in most Ex equipment it is much more economical to repair and overhaul equipment rather than to replace it with new. This also has obvious environmental benefits.

The challenge for industry is to ensure that all the very unique Ex safety features, included in the design and manufacturing of Ex equipment, are not compromised during the repair process.

Ex Repair and Overhaul Facilities and Workshops, certified under the IECEx Certified Service Facilities Program, provide industry with the assurance that repairs and overhaul to Ex equipment will be undertaken according to the strict requirements of IECEx Scheme to the International Standard IEC 60079-19. Like the IECEx Certified Equipment Program, only “Electronic Certificates” are issued via the “On-Line” system thereby giving industry full access to both the viewing and printing of certificates.

Applications

Ex equipment Manufacturers and Ex Service Providers can apply to existing IECEx Certification Bodies (termed ExCBs), in any country.

Countries and Certification Bodies can apply to become members of the IECEx Scheme with Certification bodies able to issue IECEx Certificates once accepted according to the application procedures.

Rules of the IECEX Scheme including Rules of Procedures are available, free of charge, from the IECEX website.

National Member Bodies of the IEC Scheme make application for their country to participate in the IECEX Scheme on a Standard-by-Standard basis. The application is made to the Secretary of the Ex Management Committee.

Certification bodies and testing laboratories wishing to be accepted into the IECEX Scheme must reside in a participating country. Their application for acceptance is made through their National Member Body of the IECEX Scheme for the country in which they reside.

Certification bodies and testing laboratories are accepted into the IECEX Scheme after satisfactory assessment of their competence. Assessors are selected who will provide confidence to regulatory authorities, users, manufacturers and certification bodies. ISO/IEC Standards and Guides 17025, 65 and IECEX Technical Guidance Documents are used as part of the IECEX assessment process.

IEC Scheme for Certification to Standards relating to equipment for use in explosive atmospheres (IECEX Scheme) –

Basic rules

1 Title

The title of the Scheme is:

"IEC Scheme for Certification to Standards relating to equipment for use in Explosive Atmospheres", hereinafter referred to as "the IECEX Scheme".

2 Object

Taking into account the object of the International Electrotechnical Commission (IEC) as given in Article 2 of the Statutes, the particular object of the IECEX Scheme, operated under the authority of the IEC in conformity with the Statutes, is to provide a global frame work for independent assessment and certification of equipment and services associated with explosive atmospheres.

3 Field of application

The IECEX Scheme is applicable to such Standards and types of protection and services referred to in clause 2 as approved by its Ex Management Committee (ExMC) and notified to the IEC Conformity Assessment Board (CAB).

A list of these types of protection and services shall be published.

4 Governing documents

The documents which state the Rules of the IECEX Scheme and which govern the organization of its work 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 the Rules of Procedure of the IECEX Scheme;
- c) the Basic Rules which define the principles of the IECEX Scheme and which are approved by the CAB;
- d) the Rules of Procedure which define the working procedures of the IECEX Scheme. The Rules of Procedure are decided upon and amended by the ExMC, in accordance with the voting procedure described in clause 12. The Rules of Procedure of the IECEX Scheme and amendments to them shall be notified to the CAB.

5 Membership

5.1 Any country in which there is a Member National Committee of the IEC, as defined in Article 4 of the Statutes of the IEC, may apply for membership of the IECEX Scheme.

Membership of IECEX is also open to non-IEC countries under certain conditions.

The Member Body of the IECEX Scheme shall be representative of the national conformity assessment community in Ex equipment. It may be either

- the National Committee of IEC, or
- a body notified to the IEC by the National Committee of the IEC

5.2 Application for membership shall be submitted to the Secretary of the Ex Management Committee by the National Committee of the IEC. The candidate Member Body shall undertake to abide by the Basic Rules and Rules of Procedure of the IECEX Scheme.

5.3 There shall be only one Member Body of the IECEX Scheme in a particular country.

5.4 A Member Body wishing to withdraw from membership of the IECEX Scheme shall give at least one calendar year's notice. This Member Body shall pay its annual dues for the calendar year during which the notice was given.

5.5 Any proposal to suspend membership, or to cancel such suspension, shall require agreement by a majority of at least four-fifths of the total number of Member Bodies, except in the case of suspension for non-payment of dues, or any other fees as decided by the ExMC.

If the suspension of the membership has not been cancelled during the year after which the decision was taken, the body concerned ceases to be a member of the IECEX Scheme.

5.6 Appeals on matters of membership are dealt with by the CAB.

6 Organization

6.1 The organization comprises

- an IECEX Management Committee (ExMC)
- an Ex Testing and Assessment Group (ExTAG), and
- a Board of Appeal
- a secretariat

6.2 The overall responsibility for the operation of the IECEX Scheme is vested in the ExMC, which is a Committee of the IEC and operates under the authority of the CAB.

7 Ex Management Committee

7.1 The composition of the ExMC is as follows:

- a) a delegation of up to three persons from each Member Body. The delegation shall take account of all interests in the conformity assessment process at national level, including those of regulatory authorities, Ex equipment users, manufacturers, service providers and conformity assessment bodies;
- b) the Chairman (with casting vote only);
- c) the Vice-Chairman (without vote);
- d) the Treasurer (without vote);
- e) the Secretary (without vote);
- f) the Chairman of the ExTAG (without vote);
- g) the Chairman of IEC TC 31, Electrical Apparatus for Explosive Atmospheres (without vote);
- h) the General Secretary of the IEC (without vote).

7.2 Meetings of the ExMC shall be held at least annually. Additional meetings of the ExMC may be convened either if decided upon by the Chairman of the ExMC or if requested in writing to the Secretary of the ExMC by at least four Members.

Notice of the meetings shall be circulated by the Secretary at least two months prior to the meeting, together with the agenda and proposal documents.

In preparing the agenda, the Secretary shall, as far as possible, list all the documents related to the various items for discussion.

The ExMC may refuse to consider matters set before it if the relevant documents have not been circulated in accordance with the above.

Each Member of the ExMC shall name one person as Chief Delegate.

The Officers of the CAB are entitled to attend ExMC meetings without a right to vote.

Observers may attend meetings of the ExMC with permission of the Chairman. The observers shall have no right to vote, and their right to speak shall be determined by the Chairman.

The General Secretary of the IEC or his representative may attend all meetings within the IECEX Scheme, *ex officio*, without vote.

Minutes of the meetings of the ExMC shall be circulated by the Secretary to all Members of the IECEX Scheme within one month of the meeting.

7.3 The ExMC submits for decision by the CAB proposals with regard to

- a) modifications to the Basic Rules of the IECEX Scheme,
- b) the appointment of officers of the ExMC,
- c) the appointment of the Chairman and members of the Board of Appeal of the IECEX Scheme,
- d) the budget and financial accounts of the IECEX Scheme, and
- e) policy of the IECEX Scheme.

7.4 The ExMC shall decide on

- a) questions related to membership of the IECEX Scheme,
- b) dues to be paid by Member Bodies,
- c) proposed budget and financial accounts of the IECEX Scheme, for approval by the CAB,
- d) surcharges and the conditions under which they may be levied,
- e) approval of the Rules of Procedure for the operation of the IECEX Scheme,
- f) other questions regarding the Rules of Procedure mentioned in e) above,
- g) types of protection or services for the IECEX Scheme,
- h) acceptance of Member Bodies of the IECEX Scheme,
- i) acceptance, rejection and suspension of ExCBs and of Ex Testing Laboratories (ExTLs),
- j) appointment of the Chairman and the Secretary of the ExTAG,
- k) appointment of assessors for the acceptance of ExCBs and ExTLs. To build market confidence and mutual confidence between ExCBs and ExTLs, assessors shall include experts drawn from the manufacturer, user and regulatory authority interests as well as from ExCBs and ExTLs,
- l) assessors' fees, and
- m) the layout and content of IECEX Certificates of Conformity and IECEX Test Reports (ExTRs).

7.5 The ExMC shall, moreover, have the following duties:

- a) to manage the IECEX Scheme in accordance with the Basic Rules and Rules of Procedure of the IECEX Scheme;
- b) to monitor the continuing compliance of ExCBs and ExTLs with the Rules of the Scheme;
- c) to monitor acceptance of IECEX Certificates of Conformity in participating countries;
- d) to promote the IECEX Scheme;
- e) to submit an annual report on its activities to the CAB;
- f) to carry out any other tasks relevant to the object of the IECEX Scheme, given to it by the CAB.

7.6 The IECEX Scheme shall incorporate a Board of Appeal whose responsibilities are

- a) to recommend a solution to any dispute referred to it with regard to the application of these Rules, and
- b) to report to the ExMC, for appropriate action, any observations relating to the technical content of standards accepted for use in the IECEX Scheme and their application, that have become evident when investigating a dispute.

The Board of Appeal shall consist of four members, with deputies, and a Chairman, two of who shall be from ExCBs. They shall be appointed by the CAB, upon nomination by the ExMC. Their terms of office shall be three years, and they shall be immediately eligible once for re-appointment for a further period of three years.

The Secretary of the ExMC shall act as the Secretary of the Board of Appeal and shall have no right to vote.

For considering a case submitted to the Board of Appeal, the Chairman and all four members or their deputies shall be present. A case may be dealt with by correspondence, with the agreement of the parties involved.

Neither the Chairman of the Board of Appeal nor the four members or deputies shall serve in a case in which an ExCB or an ExTL of their country is involved. When necessary in such an event, a person from a country not involved in the case shall be appointed by the Chairman of the CAB upon nomination by the Chairman of the ExMC.

The parties interested shall have the right to be heard by the Board of Appeal.

Decisions of the Board of Appeal about its recommendations shall be taken by a simple majority of the four members. If the votes are equally divided, the Chairman shall decide upon the action to be taken.

If a recommendation from the Board of Appeal is not followed, either party may submit the case to the CAB for appropriate action.

The Rules of Procedure for the Board of Appeal are given in annex A.

7.7 Decisions by the ExMC concerning Member Bodies of the IECEX Scheme may be appealed to the CAB.

7.8 The ExMC may establish Working Groups with clearly defined terms of reference, to advise it on matters related to the management of the IECEX Scheme or to enhance the efficiency of its operation.

NOTE Working Groups may be established for the purpose of dealing with matters relating to, for example,
- layout and content of assessment report forms for the initial assessment of ExCBs and ExTLs,
- the evaluation of assessment and reassessment reports for ExCBs and ExTLs, including recommendations for acceptance, rejection or suspension, and
- layout and content of IECEX Certificates of Conformity, and the layout of Ex Test Reports.

7.9 The secretariat duties of any Working Group shall be under the responsibility of the Secretary of the ExMC.

7.10 There may be instances where matters of confidentiality associated with recommendations for decisions to be taken according to 7.4 i) need to be addressed. In such cases, the circulation of documents may be restricted to the Secretaries of Member Bodies of the IECEX Scheme by the Chairman. When such matters are dealt with at a meeting, the Chairman may restrict the right for persons other than the Chief Delegates to be present. Notification of such action shall be provided in advance of the meeting, or at the discretion of the Chairman such discussion can take place without notice. When necessary, these matters may be recorded in separate confidential minutes with restricted circulation.

8 Officers and administration

8.1 The officers of the ExMC are

- the Chairman
- the Vice-Chairman
- the Treasurer, and
- the Secretary

8.2 The Chairman is appointed for a period of three years by the CAB, on nomination by the ExMC. He is immediately eligible once for re-appointment in the same office, for a further period of three years. The Chairman shall not, upon appointment, act as a national delegate to the ExMC. The Chairman is empowered to establish an advisory group, basically consisting of the persons holding the offices listed under 7.1 c) to g).

The Chairman shall be responsible to the CAB and shall ensure that the affairs concerning the IECEX Scheme are conducted in accordance with these Rules.

The principal duties of the Chairman are to

- a) convene meetings of the ExMC,
- b) preside over the meetings of the ExMC,
- c) decide upon the agendas for the meetings of the ExMC, and
- d) to act on behalf of the ExMC between its meetings.

The Chairman may attend all meetings within the IECEX Scheme, *ex officio*, without vote in this capacity.

In the event of the Chairman's being unable to fulfil his duties, the Vice-Chairman shall deputize for him.

8.3 The Vice-Chairman is appointed for a period of three years by the CAB, on nomination by the ExMC. He is immediately eligible once for re-appointment in the same office, for a further period of three years. The Vice-Chairman may at the same time be a national delegate to the ExMC, except when he takes the chair at a meeting.

In the absence of the Chairman, the Vice-Chairman shall act in his place.

8.4 The Treasurer is appointed for a period of three years by the CAB, on nomination by the ExMC. He is eligible for re-appointment without restriction. The Treasurer may at the same time be a national delegate to the ExMC.

The principal duties of the Treasurer are to

- a) guide the Secretary in financial matters related to the IECEX Scheme,
- b) establish and present to the ExMC the budget on the basis of the information supplied by the Secretary,
- c) present, with his observations, the audited annual financial reports of the IECEX Scheme to the ExMC,
- d) supervise the finances of the IECEX Scheme, and
- e) arrange for the invoicing of the Member Bodies.

8.5 The Secretariat may be located at the office of a Member Body or at the Central Office of the IEC or elsewhere. The ExMC shall decide on the degree of administrative support provided by the Central Office.

8.6 The Secretary is entrusted with the chief executive officer functions in relation to the IECEX Scheme.

The routine work of the Secretary of the ExMC is to

- a) provide the secretarial services of the ExMC,
- b) handle the daily financial matters of the Secretariat of the IECEX Scheme,
- c) circulate to the Member Bodies the accounts of the IECEX Scheme,
- d) accept or reject applications from candidate ExCBs or ExTLs in accordance with the Rules of Procedures of the IECEX schemes as approved by the ExMC,
- e) organize initial assessment and reassessment of ExCBs and of ExTLs, including the appointment of assessors,
- f) handle requests for extension of acceptance to further standards for types of protection, for ExCBs and for ExTLs,
- g) keep up to date records regarding the ExCBs and ExTLs,
- h) periodically circulate questionnaires requesting information about the standards to which ExTRs are recognized or issued and about national differences,
- i) be responsible for editing and arranging the publication of the IECEX publications,
- j) be responsible for maintaining a list of assessors approved by the ExMC and for managing the assessment activities,
- k) provide administrative support to the ExTAG.

8.7 The Secretary is appointed for a period of five years by the CAB, on nomination by the ExMC. He is eligible for re-appointment without restriction. The Secretary shall act independently of any Member of the IECEX Scheme and shall not act as a national delegate to the ExMC. The Secretary shall be present at all meetings of the ExMC, but has no right to vote.

8.8 The Chairman, the Vice-Chairman, the Treasurer and the Secretary of the ExMC shall take office on the first day of January of the year after the meeting of the CAB at which they have been appointed.

8.9 The officers of the IECEX Scheme are empowered to make decisions in between ExMC meetings, as delegated to them by the ExMC. They shall, in addition, carry out any other task(s) assigned to them by the ExMC.

Any decision on matters delegated to the officers shall be reported to the ExMC and recorded in the Minutes.

9 Committees Reporting to the ExMC

9.1 Conformity Assessment Bodies Committee (ExTAG)

9.1.1 The Conformity Assessment Bodies Committee referred to as the Ex Testing and Assessment Group (ExTAG) deals with matters of a technical nature concerning the application of the IEC standards to the assessment and testing of Ex equipment and matters relating to the assessment and surveillance of a manufacturer's or service provider's quality system. The principle role of ExTAG is to facilitate common application of testing, assessment and auditing requirements in the issue and maintenance of an IECEX Certificate of Conformity.

9.1.2 All ExCBs and ExTLs shall be members of the ExTAG. Where an organization is both an ExCB and an ExTL it shall have only a single membership.

The Chairman and/or Secretaries of TC 31 and subcommittees shall be *ex officio* members of the ExTAG, in order to facilitate the solution of problems relating to the application of the IEC standards.

9.1.3 The duties of the ExTAG are

- a) to harmonize the application of the requirements of standards,
- b) to detail the way in which the tests specified in the standards have to be carried out so as to achieve the necessary reproducibility of test results,
- c) to harmonize the design and use of the test equipment referred to in the standards and to make recommendations to the relevant IEC technical committee or subcommittee for improvement of those standards, and
- d) to provide ExCBs and ExTLs with a forum in which practical testing and assessment problems can be demonstrated and discussed.

9.1.4 The ExTAG shall meet at least once a year and preferably in a different country each year, ideally at a place where an ExCB or ExTL is situated.

9.1.5 Participants in meetings of the ExTAG shall be appointed by the members and shall be experts from ExCBs or ExTLs and, if appropriate, other experts. The names of the participants shall be communicated to the Secretary of the ExTAG in due time before each meeting. The number of participants from each member simultaneously present at a meeting shall not exceed three. The participants may, however, change during a particular meeting according to the subject to be discussed.

9.1.6 Decisions of the ExTAG shall be arrived at by consensus. Where consensus cannot be achieved, the matter shall be referred as appropriate to the ExMC or to the relevant IEC technical committee or subcommittee.

9.1.7 If the ExTAG decides that it is essential to revise a test specification of a standard, a proposal detailing the changes shall be submitted to the relevant IEC technical committee of subcommittee.

9.1.8 As soon as possible after a meeting, the Secretary of the ExTAG shall prepare and distribute a report for consideration by the ExMC, covering

- a) the results of the meeting,
- b) proposals being submitted to IEC technical committees and subcommittees, and
- c) proposals submitted to ExMC for discussion.

9.1.9 Minutes of meetings of the ExTAG shall be sent by its Secretary to the members of the ExTAG and to the Secretary of ExMC for circulation to all members of ExMC. They shall embody all conclusions of the relevant meeting, together with a brief account of the discussions.

9.1.10 The Chairman and Secretary of the ExTAG shall be appointed by the ExMC upon nomination by the ExTAG.

9.1.11 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. The term of office of the Secretary shall be five years and shall be renewable without restriction.

9.2 IECEX Conformity Mark Committee (ExMarkCo)

9.2.1 The IECEX Conformity Mark Committee (ExMarkCo) deals with matters relating to the use and operation of the IECEX Conformity Mark.

9.2.2 Membership of the ExMarkCo shall be determined by the ExMC and shall comprise adequate representation from the Conformity Assessment Bodies, manufacturers, end-users and regulators.

9.2.3 The Chairman of ExMarkCo shall be as appointed by ExMC.

9.2.4 The Secretary of the ExMC shall act as the Secretary of ExMarkCo.

9.2.5 The duties of the ExMarkCo are to provide a consultative forum to the ExMC on matters relating to:

- The development, maintenance, and implementation of the Rules and Operational Procedures of the IECEX Mark Conformity Licensing System in accordance with Regulations, IECEX 04.
- Making recommendations concerning the suitability of Certification Bodies to be accepted as Operators in the IECEX Conformity Mark Licensing System and authorized to License the use of the Mark.
- Ensuring that the IECEX Rules and Procedures of the IECEX Conformity Mark Licensing System conform to these Regulations

9.2.6 The IECEX Conformity Mark Committee (ExMarkCo) shall report to the ExMC who, in turn, shall report to CAB on a regular basis, concerning the operation of the IECEX Mark Conformity Licensing System.

9.2.7 The ExMarkCo shall meet as directed by the ExMC, generally on a yearly basis, and preferably at the same time as the ExMC annual meetings. The names of the participants shall be communicated to the Secretary of the ExMarkCo in due time before each meeting.

9.2.8 Decisions of the ExMarkCo shall be arrived at by consensus. Where consensus cannot be achieved, the matter/s shall be referred to the ExMC for a decision.

9.2.9 As soon as possible after a meeting, the Secretary of the ExMarkCo shall prepare and distribute a report for consideration by the ExMC, covering

- a) the results of the meeting,
- b) proposals to be submitted for discussion.

9.2.10 Reports of meetings of the ExMarkCo shall be circulated to all members of ExMC. They shall embody all conclusions of the relevant meeting, together with a brief account of the discussions.

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.

10 Legal provisions

10.1 International level

10.1.1 The ExMC does not engage in trade, is non-profit making and does not take part in any other economic pursuit on its own behalf. It has no marketing function or price-regulating function. It expends its means only on achieving the object of clause 2.

The decisions of the ExMC are made voluntarily on the basis of the prescribed voting procedures.

10.1.2 The seat of the IECEX Scheme shall be the same as that of the IEC.

The laws of the country in which the IEC has its seat shall apply in any or all cases not specifically provided for in these Basic Rules.

10.2 National level

For the national organizations, the laws of the relevant countries shall apply.

Nothing found in these Basic Rules or in the Rules of Procedure of the IECEX Scheme shall violate, or cause any acts which violate, the laws of a country in which the IECEX Scheme operates. It is left to the Member Body in each participating country in the establishment of the national rules implementing the IECEX Scheme to provide the necessary legal protection against the violation of any law.

10.3 Legal protection

The granting of certification of conformity shall not transfer to the ExMC or to the IEC any of the legal responsibilities incumbent, under the national or international law, on the manufacturer or on the supplier of the product or service so certified.

10.4 Exclusion of liability

The national organizations acting on behalf of the ExMC shall do so on their own responsibility and shall take all possible steps to exclude any liability from falling on the ExMC or on the IEC.

10.5 Exoneration

In the case that the ExMC or the IEC is held legally responsible, under national or international law, for any action taken by a national organization acting on behalf of the ExMC, then the national organization involved shall undertake to exonerate fully the ExMC and the IEC from such liabilities.

11 Standards

11.1 The IECEX Scheme is based on the use of specific IEC standards for types of protection of Ex equipment and services, accepted by the ExMC for use in the IECEX Scheme.

11.2 If the ExMC wishes to include in the IECEX Scheme types of protection for which there is no IEC standard, it shall request the relevant IEC technical committee or subcommittee to prepare as quickly as possible the required standard. If there is no committee dealing with the subject, the ExMC shall request the Standards Management Board of the IEC to initiate the preparation of the required standard.

12 Voting

12.1 Each Member Body has one vote in the committees in which it participates.

12.2 The presence of half the number of the Member Bodies shall constitute a quorum. Unless other provisions are made, decisions in meetings shall be taken by a simple majority of votes of the Member Bodies present and voting. Voting by proxy is not permitted.

Abstention is not considered as voting. The Chairman shall normally not vote, but if the votes are equally divided the Chairman shall decide on the action to be taken.

Decisions are normally taken during meetings. Between meetings, if the Chairman so decides, voting takes place by correspondence.

Unless other provisions are made, decisions on matters voted upon by correspondence shall be taken by a simple majority of votes of those Member Bodies voting. Abstention is not considered as voting. A vote by correspondence is terminated when all Member Bodies have voted or two months after the date of circulation of the voting document, whichever results in a shorter period. If the votes are equally divided, the Chairman shall decide on the action to be taken.

When determining the total number of Member Bodies, bodies whose membership has been suspended shall not be taken into consideration.

12.3 Suggested amendments to the Basic Rules shall be communicated in writing to the Member Bodies at least three months prior to the meeting of the ExMC at which the proposed amendments are to be considered.

Decisions affecting the Basic Rules shall be taken by the CAB on proposal by the ExMC and following the same procedure for approval as described in Article 24 of the Statutes of the IEC.

12.4 Decisions affecting the Rules of Procedure of the IECEX Scheme shall be taken by the ExMC. Suggested amendments to the Rules of Procedure shall be communicated in writing to the Member Bodies, at least three months prior to the meeting of the ExMC at which the proposed amendments are to be considered.

Such amendments are approved if four-fifths of the Member Bodies present are in favour. If this condition is not fulfilled, the ExMC may decide to submit the proposed amendments for approval by the Member Bodies following the procedure for the approval stage in the ISO/IEC Directives.

13 Finance

13.1 The IECEX Scheme shall be self-financing.

13.2 The financial year of the IECEX Scheme shall be the calendar year.

13.3 The IECEX Scheme shall derive its income from annual dues paid by its Member Bodies and from other sources as approved by the ExMC.

13.4 Each year, not later than 1 April, the Secretary shall send to the Member Bodies the accounts of the IECEX Scheme for the preceding year, duly ratified by a professional auditor and signed by the Treasurer.

The ExMC shall endorse the audited accounts for submission to the CAB for approval.

13.5 The ExMC shall propose to the CAB the annual budget of the IECEX Scheme for approval.

The ExMC shall establish the system of allocating the dues within the IECEX Scheme.

The ExMC shall also decide on surcharges and the conditions under which they may be levied.

13.6 Each year, not later than 1 November, the Member Bodies shall be invoiced for their dues for the following year.

The dues shall be paid in the first six months of each year.

13.7 Any Member Body whose dues for a given calendar year have not been paid by 31 December of that year may have its membership suspended by decision of the ExMC.

During such a suspension, the Member Body has no right to send a delegation to the ExMC, or to receive documents or publications of the IECEX Scheme, or to exercise its vote or to participate in the IECEX Scheme.

13.8 Suspension of membership for a non-payment of dues shall be immediately cancelled when the Member Body has fully paid its past and current dues.

14 Dissolution of the IECEX Scheme

Any proposal for dissolution of the IECEX Scheme, if supported by more than one-half of the total number of ExMC Member Bodies, shall be processed as described in 12.3. In the case of dissolution, the CAB shall settle the disposal of remaining property and funds after the settlement of all liabilities.

Annex A (normative)

Procedure for the Board of Appeal

A.1 An applicant, an ExCB, an ExTL or a Member Body of the IECEX shall have the right to submit an appeal to the Board of Appeal.

A.2 When an applicant wishes to appeal against a decision taken by an ExCB about a matter with which this applicant is concerned, the applicant shall first appeal according to the appeal procedure of the ExCB concerned, when that procedure is applicable.

If the applicant is not satisfied with the outcome of the appeal at national level and the applicant thinks that the decision is against the Rules or if the national appeal procedure is not applicable, the applicant may submit an appeal in writing to the Secretary of the ExMC within one month after having been informed of the decision, setting out all reasons for the appeal.

A.3 When an ExCB, an ExTL or a Member Body wishes to submit an appeal, it shall do so in writing to the Secretary of the ExMC within one month after having concluded that it cannot come to an agreement, setting out its reasons in full.

A.4 In order to consider a case, the Board of Appeal shall normally meet in conjunction with a meeting of the ExMC. The Board of Appeal may however meet at any time provided the complainant expresses willingness to pay the travelling and living expenses for the Chairman, the four members and the Secretary of the Board of Appeal for this meeting. These expenses shall be notified in advance to the complainant and shall have been paid to the account of the IECEX Scheme before the meeting can take place.

A.5 When the Board of Appeal meets to consider a case, the following information shall be available:

- a) the appeal;
- b) the text of all correspondence between the parties and with the Secretary of the ExMC that is essential for the appeal;
- c) extract from the relevant reports on testing;
- d) photographs of the equipment or a specimen of it;
- e) drawings, circuit diagrams, instruction handbooks, and so on, as necessary.

Normally, these documents shall be circulated at least four weeks before a meeting by the Secretary of the ExMC to the Chairman and the four members of the Board of Appeal, and their deputies when they will serve on the case. Copies of all documents shall also be sent to the parties.

A.6 When the parties have agreed that the matter may be dealt with by correspondence, A.5 also applies. The complainant shall have expressed its willingness to pay the costs, if any.

The Chairman of the Board of Appeal may then propose a solution for consideration by the members of the Board of Appeal. It is the duty of the Secretary of the ExMC to assist the members and the parties.

When the decision is taken by correspondence, notes or minutes relevant to the decision shall be written.

A.7 The Board of Appeal shall deal with the case confidentially.

A.8 The parties involved each have the right to call an expert to advise on matters relevant to the case.

A.9 During the adjudication of the case, only the Chairman, the four members or their deputies and the Secretary of the Board of Appeal shall be present.

A.10 The Board of Appeal shall give its recommendations in writing, within one month after the meeting, to the parties, and, if action with regard to standards is needed, to the General Secretary of the IEC.

A.11 The recommendations of the Board of Appeal shall be presented to the ExMC at its next meeting in such a way as not to reveal the identity of the parties, when that is desired. When an ExCB has not followed a recommendation of the Board of Appeal, the ExMC shall decide on appropriate steps to be taken.

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