

INTERNATIONAL ELECTROTECHNICAL COMMISSION

IEC SCHEME FOR CERTIFICATION TO STANDARDS FOR SAFETY OF ELECTRICAL EQUIPMENT FOR EXPLOSIVE ATMOSPHERES (IECEx SCHEME)

Ex Management Committee (ExMC)

Draft - Regulations for the use of the IECEx Mark of Conformity.

This draft is an edited version of CENELEC Memorandum No 19, 1995, Regulations for the use of the CENELEC Electronic Components Committee Mark for Electronic Components of Assessed Quality, which was also published in French.

It supersedes Doc. ExCC/26/CD and takes into account the work of members of the previous Working Group IECEx WG Ex.

This draft should be read in conjunction with the IECEx Basic Rules and Rules of Procedure, detailed in IECEx 01 and 02

This document has been prepared by the ExMC Secretary and is submitted for consideration during the ExMC September 1999 Sydney meeting.

While the complete contents of this document are under consideration, ExMC members are asked to give careful consideration to the clauses identified with a marginal bar.

1 Name and seat

1.1 The Association is called "the International Electrotechnical Commission" (hereinafter referred to as '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.

1.2 The first Statutes of the IEC, drawn up at the Preliminary Meeting held in London in 1906, were adapted in 1908. Revised Statutes were adopted in 1949, in 1963, in 1974, in 1991 and in 1993. The present Statutes, published in 1997, replace those of 1993.

1.3 The seat and registered office of IEC is at present at 3, rue de Varembé, 1211 GENEVA 20, Switzerland.

2 General

2.1 IEC authorizes the use of the Collective IECEx Mark, a reproduction of which is contained in annex A (hereinafter referred to as “the Mark”) in respect of equipment certified under the “IEC Scheme for Certification to Standards for Electrical Equipment for Explosive Atmospheres (hereinafter referred to as “IECEx Scheme”). The IECEx Scheme is governed by IEC Publication IECEx 01, and the governing documents to which that Publication refers (jointly hereinafter referred to as “The Basic Rules of the Scheme”).

IEC shall have the responsibility to register, manage and protect the Mark through the Ex Management Committee of the IECEx Scheme.

2.2 The Ex Management Committee shall be responsible for the supervision of the observance of these Regulations and their interpretation and for the preparation and maintenance of any necessary supplementary detailed provisions (including Rules of Procedure, Publication IECEx 02).

2.3 The IEC Central Office, under the supervision of the Ex Management Committee, shall undertake the following tasks:

- registration of the Mark and its renewal on an international basis;
- protection of the Mark against identical or similar applications and registrations, including the necessary surveillance;
- maintenance of a list of Accepted Certification Bodies empowered to grant permission to use the Mark;
- maintenance of a list of countries in which the Mark is protected.

3 Organization

3.1 IEC empowers each Member Body of the IECEx to grant permission to use the Mark within its country.

A Member Body of the IECEx is an organization which has been formed in accordance with the national rules to act on behalf of the IECEx Scheme in its defined country on a national and international basis.

3.2 The President of IEC shall write a letter to each Member Body of the IECEx, empowering it to grant permission to use the Mark in accordance with the Rules of the Scheme. Each Member Body of the IECEx shall return one copy of this letter confirming that it will only grant permission in accordance with those rules. Each Member Body of the IECEx should follow its own national procedures which implement the IECEx Scheme, to determine which individual manufacturers in its defined geographical area meet the requirements of the Scheme.

3.3 The Accepted Certification Bodies (hereinafter referred to as “ACBs”) are responsible for ensuring the inspection and testing of the equipment covered by the Scheme. The uniform application of the certification procedures of the Scheme in the Member countries is ensured by the Ex Management Committee.

3.4 The ACBs are responsible on behalf of, and by delegation from, the Member Bodies of the IECEx for the granting of permission for the use of the Mark in accordance with the Rules of the Scheme, by manufacturers. A standard form of agreement between ACB and manufacturer is shown in annex ?????. (to be developed).

The Scheme permits any company seeking product approval to use any registered ACB to service its certification and assessment requirements.

3.5 The affixing of the Mark on an equipment or component or on the packing of an equipment or component means that the equipment or component has been certified according to the Rules of the Scheme.

4 Conditions of use

4.1 An ACB may grant permission to manufacturers to use the Mark provided that it has a written agreement with its national Member Body of the IECEx binding it to observe these Regulations.

4.2 The Mark may be used by any manufacturer to whom the ACB (on behalf of the Member Body of the IECEx) has granted permission to use it in accordance with the Rules of Procedure.

4.3 The conditions for granting this permission are that the equipment or components bearing the Mark, or in packaging bearing the Mark, have been certified in accordance with the Rules of the Scheme

Manufacturers under the IECEx Scheme are entitled to use the IECEx Mark as a promotional marketing or advertising logo, for example on letterheads.

Where applied for these purposes, the Mark shall be authenticated by the annotation in close proximity of the company's national approval number as granted by the relevant ACB.

5 Duties of the user of the Mark

5.1 An authorized user of the Mark is required to comply with these Regulations, the Rules of the Scheme and the detailed conditions stipulated in accordance with 2.2.

5.2 An authorized user of the Mark shall accept that his use of the Mark shall not imply any legal responsibilities on the part of IEC; such responsibility is incumbent under national or supra-national law on the manufacturer of the product so marked.

6 Rights and duties of IEC

6.1 The sole proprietor of the Mark is IEC.

6.2 IEC through delegated authority authorises, the Ex Management Committee and the Member Bodies of the IECEx to:

- ensure that the user complies with these Regulations, the Rules of the System and the detailed conditions stipulated in accordance with 2.2, and
- ensure that the permission to affix the Mark is suspended or withdrawn by the Member Body of the IECEx which granted it, in any case of persistent non-conformity with the Rules of Procedure and/or specification or of non-observance of the quality assessment procedures.

6.3 IEC shall take action against any case of misuse of the Mark, wherever possible through the Member Body of the IECEx concerned.

6.4 Failure of a Member Body of the IECEx to prevent continued misuse of the Mark in its country shall result in suspension or withdrawal of that country from the IECEx Scheme, which shall be, announced in the IECEx Bulletin.

7 Complaints, sanctions and appeals

7.1 Any complaints arising within the defined geographical area of a Member Body of the IECEx shall be dealt with in accordance with the rules in force in the country of that Member Body.

7.2 When complaints are lodged in respect of the quality of equipment or components supplied bearing the Mark in a country which is not the manufacturing country, and the two countries involved each have an ACB and when these complaints cannot be solved

bilaterally between the ACB concerned, then the matter shall be referred to the Ex Management Committee for further action.

7.3 In other cases when neither of the procedures given in 7.1 or 7.2 are applicable, then the matter shall be referred to the Secretary of the Ex Management Committee, who in consultation with the Chairman, shall determine how to handle it.

7.4 Each infringement of the requirements of these Regulations shall lead to such sanctions being applied as are decided by the Ex Management Committee. The most severe sanction shall be to prohibit a country from participating in any part of the IECEx Scheme. IEC is entitled to sue the offender for the damages and prejudice to its interests caused by the infringements.

7.5 In any case the IEC Conformity Assessment Board is the supreme body for appeal.

List of abbreviations

IEC	Electrotechnical Commission
IECEx Scheme	IEC Scheme for Certification to Standards for Electrical Equipment for Explosive Atmospheres
ACB	Accepted Certification Body

ANNEX A

THE IECEX MARK

1 Master symbol for photographic reproduction

The IECEX mark reproduced below may be used for photographic reproduction

(Note. The pictogram shown below is for illustrative purposes only and is not necessarily the mark that will be registered by IEC and used as the IECEX Mark of Conformity.)

AWAITING ExMC AGREEMENT

2 Proportional dimensions of the symbol

All reproductions of the IECEX Mark shall comply with the following dimensional proportions:

(under consideration)

3 Traceability of the IECEX Mark

Manufacturers that have been permitted to use the IECEX Mark shall ensure that the IECEX Certificate of Conformity (CoC) Number, issued ACB and associated with the product, shall be included and form part of the IECEX Mark. The CoC number shall appear with the IECEX Mark on all promotional and advertising material and shall not be displayed in a manner that may misrepresent the mark as being associated with a product not covered by a CoC.

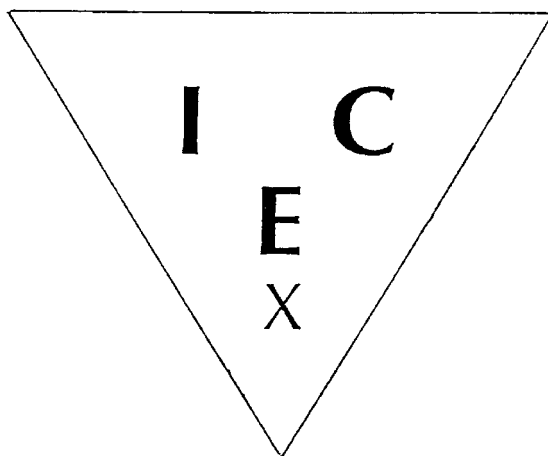
Drafting Note: ExMC to decide whether the individual Certificate of Conformity and ACB identification should be included on the product. Alternatively a unique ACB identification number may be included on the product instead of the Certificate of Conformity Number.

The IECEX Bulletin shall include a list of CoCs issued including:

- CoC Number
- Manufacturer

- Issuing ACB
- Issue date
- Description of products covered

Possible Examples of the IECEx Mark:



Example 1



Example 2