



ExMC/131/Inf

INTERNATIONAL ELECTROTECHNICAL COMMISSION

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

For Consideration by Members of ExMC

Title: Third-party marks of conformity and their use

**This document has been issued for your information and is for
discussion during the next ExMC Meeting in Seoul October 2002 under
Item 13 of Draft Agenda ExMC/127/DA.**

**Address:
IECEx Secretariat
286 Sussex Street
Sydney NSW 2140
Australia**

**Tel: +61 2 8206 6940
Fax: +61 2 8206 6272
Email: chris.agius@iecex.com**



Third-party marks of conformity and their use

Marques de conformité de tierce partie et leur usage

ICS 03.120.20

To expedite distribution, this document is circulated as received from the committee secretariat. The work of editing and text composition will be undertaken at publication stage.

Pour accélérer la distribution, le présent document est distribué tel qu'il est parvenu du secrétariat du comité. Le travail de rédaction et de composition de texte sera effectué au stade de publication.

This draft is submitted to a parallel enquiry in ISO and a CDV vote in the IEC.

THIS DOCUMENT IS A DRAFT CIRCULATED FOR COMMENT AND APPROVAL. IT IS THEREFORE SUBJECT TO CHANGE AND MAY NOT BE REFERRED TO AS AN INTERNATIONAL STANDARD UNTIL PUBLISHED AS SUCH.

IN ADDITION TO THEIR EVALUATION AS BEING ACCEPTABLE FOR INDUSTRIAL, TECHNOLOGICAL, COMMERCIAL AND USER PURPOSES, DRAFT INTERNATIONAL STANDARDS MAY ON OCCASION HAVE TO BE CONSIDERED IN THE LIGHT OF THEIR POTENTIAL TO BECOME STANDARDS TO WHICH REFERENCE MAY BE MADE IN NATIONAL REGULATIONS.

Copyright notice

This ISO document is a Draft International Standard and is copyright-protected by ISO. Except as permitted under the applicable laws of the user's country, neither this ISO draft nor any extract from it may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, photocopying, recording or otherwise, without prior written permission being secured.

Requests for permission to reproduce should be addressed to either ISO at the address below or ISO's member body in the country of the requester.

ISO copyright office
Case postale 56 • CH-1211 Geneva 20
Tel. + 41 22 749 01 11
Fax + 41 22 749 09 47
E-mail copyright@iso.ch
Web www.iso.ch

Reproduction may be subject to royalty payments or a licensing agreement.

Violators may be prosecuted.

Contents

Page

Foreword	iv
Introduction	v
1 Scope	1
2 Normative references	1
3 Terms and definitions.....	1
4 General requirements.....	2
5 Design and application of marks of conformity	2
6 Issuing marks of conformity.....	3
7 Ownership and control.....	3
7.1 Information	3
7.2 Licence.....	3
7.3 Surveillance of marks of conformity.....	4
Bibliography	5

Foreword

ISO (the International Organization for Standardization) is a worldwide federation of national standards bodies (ISO member bodies). The work of preparing International Standards is normally carried out through ISO technical committees. Each member body interested in a subject for which a technical committee has been established has the right to be represented on that committee. International organizations, governmental and non-governmental, in liaison with ISO, also take part in the work. ISO collaborates closely with the International Electrotechnical Commission (IEC) on all matters of electrotechnical standardization.

International Standards are drafted in accordance with the rules given in the ISO/IEC Directives, Part 3.

The main task of technical committees is to prepare International Standards. Draft International Standards adopted by the technical committees are circulated to the member bodies for voting. Publication as an International Standard requires approval by at least 75 % of the member bodies casting a vote.

Attention is drawn to the possibility that some of the elements of this International Standard may be the subject of patent rights. ISO shall not be held responsible for identifying any or all such patent rights.

ISO/IEC 17030 was prepared by ISO/CASCO, *Committee on conformity assessment*.

Introduction

Marks of conformity take many forms and different uses. They can convey useful information about a product, or indicate particular characteristics of a product such as its safety, quality, performance, reliability, or impact on the environment. They are found on products, certificates and publications denoting the conformity of a product, management system, service, process, person or an organization to specified requirements. Most important for all marks of conformity is to gain the confidence of the market and consumers in products and other objects of conformity to which these marks have been applied.

The prime purpose of this International Standard is to enable a uniform approach to the use of marks, to fill relevant gaps which have become apparent in existing ISO, IEC, ISO/IEC Standards and Guides, to address potential problems arising from different uses of marks, to generally provide a clear and rational basis for the use of marks of conformity, and to set out general requirements for the marks of conformity and their use. This International Standard concentrates on third-party marks of conformity but may also be used as guidance for other applications of marks of conformity.

This International Standard is based on market feedback and demands from various users of conformity assessment marks. It takes account of the ISO report on *Marks of conformity assessment*, published in May 1999. Benefits are targeted at all users of marks, including conformity assessment bodies, licensed suppliers, and consumers. The result should be improved market confidence and consumer acceptance of these marks.

Third-party marks of conformity and their use

1 Scope

This International Standard provides general requirements for third-party marks of conformity and their use.

NOTE This International Standard may also be used as guidance in using marks of conformity in other than third-party application.

2 Normative references

The following normative documents contain provisions which, through reference in this text, constitute provisions of this International Standard. For dated references, subsequent amendments to, or revisions of, any of these publications do not apply. However, parties to agreements based on this International Standard are encouraged to investigate the possibility of applying the most recent editions of the normative documents indicated below. For undated references, the latest edition of the normative document referred to applies. Members of ISO and IEC maintain registers of currently valid International Standards.

ISO/IEC Guide 2:1996, *Standardization and related activities - General vocabulary* [under revision] or future ISO/IEC 17000:200x

3 Terms and definitions

For the purposes of this International Standard, the following terms and definitions apply. For all other terms and definitions, those in ISO/IEC Guide 2 apply.

3.1

mark of conformity

protected mark indicating that the relevant object of conformity assessment (product, process, system, person or organization) is in conformity with specified standards or other normative documents

NOTE 1 The specified standards or other normative documents may be the relevant international standards such as ISO, IEC, ISO/IEC International Standards and Guides, regional or national standards or other normative documents.

NOTE 2 A protected mark is a mark legally protected against unauthorized use.

NOTE 3 A product may be a service.

NOTE 4 An organization may be a conformity assessment body.

3.2

third-party mark of conformity

protected mark issued by a third party under the rules of a conformity assessment system or scheme indicating that confidence is provided that the relevant object of conformity assessment (product, process, person, system or organization) is in conformity with specified standards or other normative documents.

EXAMPLES Marks of conformity can be: product certification marks, quality/environment management system certification marks, environmental conformity marks and accreditation marks.

NOTE 1 The specified standards or other normative documents may be the relevant international standards such as ISO/IEC International Standards and Guides, regional or national standards or other normative documents.

NOTE 2 A product may be a service.

NOTE 3 An organization may be a conformity assessment body.

3.3

owner of a mark of conformity

person or organization that has registered a mark of conformity legally

NOTE An issuer may not be an owner, and may be authorized to sub-licence other organizations or persons.

4 General requirements

4.1 The owner and issuer of the mark of conformity shall:

- a) have rules governing the proper use of the mark of conformity;
- b) take proper measures to minimize misconceptions and lack of clarity regarding the mark of conformity that could lead to a reduction in its effectiveness;
- c) have rules to ensure that the mark of conformity and any accompanying information are not misleading and take action against their use in a misleading way ;
- d) have measures to protect and monitor the use of the mark of conformity;
- e) take suitable actions to resolve misuses of the mark of conformity, including withdrawal of the mark or appropriate legal action;
- f) keep record of all complaints relating to the use of the mark of conformity and take suitable actions.

4.2 When the owner or issuer of the mark of conformity grants a licence for the use of that mark by others, a binding agreement shall be made according to the rules referred to in clause 4.1 a).

5 Design and application of marks of conformity

5.1 The design of the mark of conformity, or accompanying information, shall identify the issuer and the aspects covered by the mark (e.g. safety, environmental, performance, ethics) in a way that avoids potential misunderstanding. Alternatively the design of the mark of conformity, or accompanying information, shall refer to publicly available information relating to these aspects.

NOTE A mark of conformity should be so designed as to minimize the risk of counterfeiting or other forms of misuse.

5.2 A mark of conformity may be accompanied by additional information to make the meaning of the mark more clearly understood. Such information shall not be misleading and should be in a language understood by the intended recipients.

NOTE It is preferable to use symbols that are universally understandable rather than descriptive words.

5.3 If a mark of conformity only relates to certain parts of a product, the rules governing its use shall include requirements to minimize the misunderstanding that the mark applies to the entire product.

5.4 When a mark of conformity relates to a product, the mark shall be directly applied to each unit of production, except where the physical size of the unit or the type of product does not permit, in which case it may be applied on the package.

5.5 Marks of conformity may be used on documents, products, product packaging, promotional material etc. However, when a mark of conformity relates to management systems (e.g. quality or environmental management systems) and accreditation systems, the mark shall not be displayed on a product, product packaging, or in any other way that may be interpreted as denoting product conformity.

6 Issuing marks of conformity

6.1 Issuing of the mark of conformity shall be based on a conformity assessment system or scheme, which contains at least the following elements:

- a) determination of characteristics, consisting of, as appropriate: testing, examination of persons, assessment of bodies, auditing of management systems, etc.;
- b) evaluation, meaning examination of the extent to which an object of conformity assessment fulfils specified requirements;
- c) attestation, consisting of decision on conformity;
- d) licensing, giving authorization to others to use the mark of conformity;
- e) surveillance, evaluating the continued conformity of the object of conformity assessment to specified requirements sufficient to assure continued confidence in the mark of conformity.

NOTE There are some instances for which surveillance is not used, such as when the issuer applies the mark of conformity on every product or on batch-tested products.

6.2 The third-party mark of conformity shall only be applied under the rules laid down in a publicly available conformity assessment system or scheme.

6.3 The maximum period of time for applying a mark of conformity after the specified standard or other normative document becomes obsolete shall be established by the rules of the conformity assessment system or scheme.

The period of time should be appropriate to the aspect being assessed. For example, in cases relating to health and safety, the period would be short.

7 Ownership and control

7.1 Information

7.1.1 The owner or issuer shall maintain and update a publicly available list of objects of conformity assessment which have been granted the mark of conformity.

7.1.2 The owner or issuer shall provide information on request that explains the meaning of the mark of conformity to purchasers and the public. Specific responses to questions or concerns from interested parties regarding the mark of conformity shall be provided.

7.1.3 The owner or issuer of the mark of conformity shall provide, update at regular intervals, and make available on request, a description of the rights and obligations of licensees, and other restrictions or limitations on the use of the mark.

7.2 Licence

7.2.1 The binding agreement mentioned in 4.2 should contain provisions to assure that the licensee follows the rules of the system or scheme.

7.2.2 A licence shall require the licensee to:

- a) control the use of the mark of conformity;
- b) take corrective actions in case of non-conformity;
- c) keep a record of all complaints relating to the use of the mark of conformity and make these available to the owner/issuer on request.

7.3 Surveillance of marks of conformity

7.3.1 The owner or issuer shall establish a procedure to deal with alleged incorrect or misleading uses of the mark of conformity and shall take suitable actions.

NOTE Suitable actions can include periodical surveillance of licensees, corrective action, withdrawal of licence, publication of the transgression and, if necessary, other legal action including when misuse is by a party not under contract with the owner of the mark of conformity.

7.3.2 A corrective action plan shall be established in respect of each misuse of the mark of conformity. The corrective action plan should include steps to co-operate with other interests as far as possible and to the extent to which their involvement will minimize the negative consequence of the misuse.

NOTE Each corrective action plan can be different since the situation surrounding each misuse of the mark of conformity will vary.

Bibliography

All standards and guides on conformity assessment [to be finalized].