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

**Title: Summary of the voting results on ExMC/1313/DV Vote on the acceptance of co-operation between DEKRA Certification B.V. the Netherlands and DEKRA EXAM GmbH, Germany**

**Circulated to: IECEx Management Committee, ExMC**

**INTRODUCTION**

This document contains a summary of the voting results on *ExMC/1313/DV Vote on the acceptance of co-operation between DEKRA Certification B.V. the Netherlands and DEKRA EXAM GmbH, Germany*

***Chris Agius***

**IECEx Secretariat**

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***Summary of the voting results on ExMC/1313/DV Vote on the acceptance of co-operation between DEKRA Certification B.V. the Netherlands and DEKRA EXAM GmbH, Germany***

***Circulation Date: 171221***

***Closing Date: 180131 Reminders sent: Yes***

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| ***Voting response from ExMC Members*** |
| ***Member*** | ***Response*** | ***Comments*** |
| **(AU) Australia** | **Y** |  |
| **(BR) Brazil** | **Y** |  |
| **(CA) Canada** | **Y** | See Annex A |
| **(CH) Switzerland** | **Y** |  |
| **(CN) China** | **Y** |  |
| **(HR) Croatia** | **Y** |  |
| **(CZ) Czech Republic** | **Y** |  |
| **(DE) Germany** | **Y** |  |
| **(DK) Denmark** | **Y** |  |
| **(FI) Finland** | **Y** |  |
| **(FR) France** | **Y** |  |
| **(GB) United Kingdom** | **Y** | See Annex A  |
| **(HU) Hungary** | **Y** |  |
| **(IN) India**  | **NR** |  |
| **(IL) Israel** | **NR** |  |
| **(IT) Italy** | **Y** |  |
| **(JP) Japan** | **Y** | See Annex A  |
| **(KR) Korea** | **Y** |  |
| **(MY) Malaysia** | **Y** |  |
| **(NL) Netherlands** | **Y** |  |
| **(NO) Norway** | **Y** |  |
| **(NZ) New Zealand** | **Y** |  |
| **(PL) Poland** | **Y** |  |
| **(RO) Romania** | **NR** |  |
| **(RU) Russia** | **Y** |  |
| **(SE) Sweden** | **Y** |  |
| **(SI) Slovenia** | **Y** |  |
| **(ES) Spain** | **Y** |  |
| **(TR) Turkey** | **NR** |  |
| **(AE) United Arab Emirates** | **NR** |  |
| **(US) United States** | **Y** | See Annex A  |
| **(ZA) South Africa** | **Y** |  |
| **Members Voting: 32** | **Members in favour: 27****Members against: 0** |
|  | **Final Decision: Approved** |
|  | **Status on: 2018 01 31**  |

***Vote: Do the members of the IECEx System agree with the acceptance of ExMC/1313/DV***

***Vote on the acceptance of co-operation between DEKRA Certification B.V. the Netherlands and DEKRA EXAM GmbH, Germany?***

**Y = In favour N = Against NR = Not received**

**Annex A**

CA

**Comment:** IECEx 02 does not address the co-operation and utilization being sought between DEKRA Certification B.V. the Netherlands and DEKRA EXAM GmbH, DE of each other’s laboratory or whether such an arrangement must be approved by the ExMC. The issuance of a letter ballot prior to having revised IECEx 02 to address co-operation and utilization of laboratories that reside within an enterprise only satisfies a single enterprise’s request. While it would establish a precedent, it would not be a binding precedent, and other enterprises having similar request might be decided differently. We recommend that the ExMC task ExMCWG01: Technical Revision of IECEx scheme rules, to change the Rules of Procedure, IECEx 02, so that the practice is expressly permitted, or prohibited, as the case may be

GB

**Comment:** IECEx 02 may not address the co-operation and utilization being sought between DEKRA Certification B.V. the Netherlands and DEKRA EXAM GmbH, DE of each other’s laboratory or whether such an arrangement must be approved by the ExMC. The issuance of a letter ballot prior to having revised IECEx 02 to address co-operation and utilization of laboratories that reside within an enterprise only satisfies a single enterprise’s request. While it would establish a precedent, it would not be a binding precedent, and other enterprises having similar request might be decided differently. We recommend that the ExMC task ExMCWG01: Technical Revision of IECEx scheme rules, to change the Rules of Procedure, IECEx 02, so that the practice is expressly permitted, or prohibited, as the case may be.

JP

We understand that confidentiality needs to be kept, but when a newly concluded cooperation agreement is informed, a little more detailed information should be disclosed to let us know properly how and why it has been happened.

US

IECEx 02 does not address co-operation and utilization being sought between DEKRA Certification B.V. the Netherlands and DEKRA EXAM GmbH, DE of each other’s laboratory or whether such an arrangement must be approved by ExMC. The issuance of a letter ballot prior to having revised IECEx 02 to address co-operation and utilization of laboratories that reside within an enterprise only satisfies a single enterprise’s request. While it would establish a precedent, it would not be a binding precedent, and other enterprises having similar request might be decided differently. The USNC/IECEx recommends that the ExMC task ExMCWG01, Technical Revision of IECEx scheme rules, to change the Rules of Procedure, IECEx 02, so that the practice is expressly permitted, or prohibited, as the case may be

**SECRETARIAT RESPONSE:**

Given that the comments from CA, GB, JP and US are of a similar nature making reference to IECEx rules, we are reminded of the Note at the beginning of Section 11 to IECEx 02:

NOTE When an application is made for acceptance of a certification body that intends to employ already accepted ExTLs, assessment is made according to this clause. Applications for acceptance of a certification body and an associated testing laboratory may be submitted together or as one combined application, and assessment according to 11.1 and 11.2 may be combined.

This note, has existed in IECEx 02 for almost all editions and recognises that an ExTL and an ExCB may be either within the one organisation or separate organisations.

We then turn to second bullet of Clause 11.2.1 of IECEx 02 which requires that an ExTL must be either integral with an ExCB, under technical or legal control or have an agreement to work with an ExCB according to the rules.

We then note that acceptance of an ExCB and an ExTL requires ExMC approval re Clause 11.1.7 and 11.2.6 respectively.

In noting the above the following observations are made:

1. Language used within our IECEx 02 rules makes it clear that the acceptance of an ExCB and an ExTL requires approval by the ExMC. This in turn suggests that any changes in this cooperation also requires approval from ExMC. Changes such as to change or add another ExTL to the cooperation with an ExCB.
2. The current and past practise within IECEx has to always seek ExMC approval for any changes to cooperation between ExCB and ExTL
3. It is agreed that IECEx 02 should be reviewed / expanded to make it clear how the situation is handled when an ExCB wishes to work with more than 1 ExTL and vice versa.

Therefore, this matter is being referred to the Convener of ExMC WG1 as a suggested topic for discussion and consideration at the next ExMC WG1 meeting, during which a proposal for ExMC to consider may be developed.