

CONFORMITY ASSESSMENT PUBLICATION

**IEC Conformity Assessment Systems –
Basic Rules**





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CONFORMITY ASSESSMENT PUBLICATION

**IEC Conformity Assessment Systems –
Basic Rules**

INTERNATIONAL
ELECTROTECHNICAL
COMMISSION

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INTERNATIONAL ELECTROTECHNICAL COMMISSION

IEC Conformity Assessment Systems – Basic Rules

FOREWORD

This publication governs the corporate and administrative structure of the IEC Systems of Conformity Assessment.

This edition 2.3 supersedes edition 2.2 published in 2018-09.

This publication has been prepared and approved by the IEC Conformity Assessment Board (CAB) with input from the IEC Conformity Assessment Systems under its purview.

Each of the annexes to this publication is normative.

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

Document(s)	Decision(s)
CAB/1171B/RM, CAB/1170/DL	CAB Decision 33/7
CAB/1230A/RM, CAB/1221/DL, CAB/1195/R	CAB Decision 34/9
CAB/1282A/RM, CAB/1281A/DL, CAB/1273/DC	CAB Decision 35/14
CAB/1342A/RM, CAB/1341/DL, CAB/1309A/R	CAB Decision 36/10
CAB/1471A/RM, CAB/1464A/DL	CAB Decision 38/8
CAB/1490/DV, CAB/1490A/RV	CAB Decision 39/03
CAB/1531A/RM, CAB/1530/DL	CAB Decisions 39/03 & 39/20
CAB/1619/R, CAB/1621/INF	CAB Decision 41/24
CAB/1676/R, CAB/1699A/DL	CAB Decision 42/4
CAB/1767/RM, CAB/1759/DL	CAB Decision 43/17
CAB/1807/RM, CAB/1803/DL	CAB Decision 44/14

INTRODUCTION

In recognition of the need to facilitate international trade for the safe installation/maintenance of electrotechnical equipment/components, the IEC operates international Conformity Assessment (CA) Systems comprised of various Schemes that provide a global framework for independent assessment and certification of products, processes, personnel and services addressed by each of the individual IEC CA System. The IEC CA Systems seek to serve the needs of all stakeholder groups through their active participation at the member body level and, where endorsed by the member body, at the System level.

The IEC CA Systems and Schemes are intended to reduce obstacles to international trade which arise from having to meet different national certification or approval criteria and to facilitate certification or approval according to international standards/specifications. This is achieved through a combination of:

- a) mutual recognition (reciprocal acceptance) by members of the Systems using System/Scheme deliverables such as certificates, test reports, assessments, etc. or in some Systems by the implementation of quality assessment procedures;
- b) the recognition of Equipment, Components, Services and Personnel certified under the IEC CA Systems which may be recognized by System stakeholders as satisfying market requirements.

This document provides a framework and sets out the basic rules for the structure and operation of the IEC CA Systems. Since the IEC is one organization, this harmonized set of rules ensures that the Systems operate in a consistent and transparent manner while allowing flexibility for the individual Systems to serve the needs of their respective customers, providing a mechanism for easier collaboration between the Systems. The IEC recognizes that market forces are moving in a direction away from a product approach to a systems oriented approach for conformity assessment. By harmonizing the basic operational rules and using a common, modular approach to CA programmes, complexity is reduced thus allowing for the more timely establishment of new programmes and Systems to meet the needs of various stakeholders. This harmonization also provides an opportunity to promote the use of existing, and proven, best practices across the IEC CA Systems.

IEC Conformity Assessment Systems – Basic Rules

1 Title

These Basic Rules apply to all Conformity Assessment Systems operating within the IEC.

Current IEC Conformity Assessment Systems (IEC CA Systems) are identified in Annex A.

2 Object

Taking into account the object of the International Electrotechnical Commission (IEC) as given in Article 2 of the IEC Statutes, the particular object of an IEC CA System, operated under the authority of the IEC in conformity with the Statutes, is to facilitate international trade by providing a global framework for impartial third-party conformity assessment and certification of equipment, services, personnel and other related activities, encompassing the concept of mutual recognition.

The CA Systems operate and administer a peer assessment programme to qualify the CA entities (e.g., Certification Bodies, Test Laboratories, Inspection Bodies) to achieve a high level of confidence amongst its members and stakeholders and to ensure the highest acceptance in various countries and regions.

3 Scope of IEC CA System

Each IEC CA System shall have a clearly defined scope of operation as approved by the IEC Conformity Assessment Board (CAB).

The scopes of the current IEC CA Systems are detailed in Annex A.

4 Governing documents

The documents which state the Rules of the CA System 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;
- c) the ISO/IEC Directives;
- d) CAB Policy for IEC Conformity Assessment (IEC CAB-P01);
- e) the IEC CA Systems Basic Rules (IEC CA 01) which define the principles of the CA Systems and which are approved by the CAB;
- f) any CA System Supplements to IEC CA 01 as approved by the CAB. The CA System Supplement shall reference IEC CA 01 and shall contain clauses to supplement or modify the corresponding clauses in IEC CA 01 to cater to any unique aspect of a CA System.

NOTE 1 The naming convention for the CA System Supplement shall be as follows: IECEE 01-S, IECEx 01-S, IECQ 01-S and IECRE 01-S.

NOTE 2 The combination of IEC CA 01 and the CA System Supplement constitutes the Basic Rules of the respective CA System.

- g) the Rules of Procedure which define the working procedures of the CA System and its Schemes. The Rules of Procedure are prepared and approved by the CA System's Management Committee (MC) and endorsed by the CAB to ensure that the Rules of Procedure of the CA Systems and Schemes are consistent with the CAB Policy for IEC Conformity Assessment (IEC CAB-P01) and with the IEC Statutes and Rules of Procedure.

In case of a conflict, contradiction or inconsistency between the provisions of one of the above mentioned documents and provisions of another of the above mentioned documents, the provisions of the document listed in a higher position shall take precedence over the provisions of the document listed in a lower position.

5 Membership

5.1 Any country in which there is a Full or Associate Member National Committee of the IEC, as defined in Article 4 of the Statutes of the IEC, may apply for membership of a CA System(s). The CA System member country may or may not have conformity assessment bodies operating in the CA System.

Membership of the CA System is also open to non-IEC countries subject to the concurrence of the IEC Executive Committee (ExCo) regarding general IEC policy and satisfaction of the specific requirements for membership, as set out in Annex C.

Application for membership of one or more CA System shall be submitted to the CA System Executive Secretary by the National Committee of the IEC. As part of its application for membership to a CA System the Member Body shall submit a document describing their management organization, hierarchy, including their sub-groups, and an indication as to how their national interests can participate. The candidate member body shall undertake to abide by the Basic Rules and Rules of Procedure of the CA System. Applications for CA System membership from non-IEC member countries will be handled in accordance with the procedure set out in Annex C. The Member Body may be either:

- a) the National Committee of the IEC; or
- b) a body notified to the IEC by the National Committee of the IEC.

The Member Body of the CA System shall be fully representative of the national conformity assessment community and should include a wide representation from industry, regulatory authorities and standards bodies as well as conformity assessment interests.

The Member Body shall report to the MC annually on its efforts to support full representation of national interests within their Member Bodies.

In order to achieve maximum efficiency and the necessary discipline in the work, each Member Body shall clearly indicate for each CA System if it intends:

- to attend meetings, participate actively in the work, with an obligation to vote on all questions formally submitted for voting within the Systems and to contribute to meetings (Voting-member),

or

- to follow the work as an observer (non-voting), and therefore to receive committee documents and to have the right to submit comments and to attend meetings (Non-Voting Member).

On a 5-year cycle, where the body notified as the Member Body (MB) of a country is not the same as the IEC National Committee (NC), the IEC NC shall be requested by the CA System Executive Secretary to reaffirm their appointment of the MB organization for the applicable conformity assessment System(s). This reaffirmation shall be deemed as the NC's confirmation of the MB's capability to comply with the MB requirements of the respective CA System's Basic Rules, including being fully representative of all conformity assessment interests within the country.

Membership in Committees, Working Groups (WG) or Task Forces (TF) is open to any Member Body, regardless of their membership status with respect to voting.

5.2 The CA System Member Bodies nominated by Full or Associate Member National Committees of the IEC or from non-IEC member countries are entitled to participate fully in the committees and activity of the CA System, except that representatives of IEC Associate Members and of non-IEC member countries are not eligible to hold any leadership position.

5.3 There shall be only one Member Body of the CA System in a particular country. It shall be responsible for the receiving, considering and endorsing applications from bodies seeking acceptance as a Conformity Assessment Body e.g., Test Laboratory or Certification Body, when submitting such to the CA System Secretariat, in accordance with the Rules of Procedure for the specific CA System. The Member Body shall be responsible for the nomination of individuals for membership in Committees, Working Groups (WG) and Task Forces (TF) of the System except for those cases specifically noted in the Systems Supplements.

5.4 A Member Body may, one time in any twelve month period, request to change its membership (Voting/Non-Voting) status in the CA System by informing the CA System Executive Secretary. Unless ineligible (see 5.7), the change in status shall become effective immediately upon approval by the CA System Executive Secretary.

5.5 A Member Body wishing to withdraw from membership of the CA System shall give at least one calendar year's notice. This Member Body shall pay its annual dues for the calendar year following the year during which the notice was given, unless notice of withdrawal is received up to and including 30 June, in which case the Member Body shall only be required to pay the current year's dues.

5.6 A Member Body may be suspended for non-payment of dues or fees (see 13.6), or for violation of any rules or violation of the spirit and intent of the CA System's objectives and goals related to the facilitation of international trade and reciprocity of such. Any proposal to suspend membership of the CA System, or to cancel such suspension, shall require agreement by a majority of at least two-thirds of the total number of eligible votes received from the CA System Voting Member Bodies, with abstentions and non-votes not being counted, except in the case of suspension for non-payment of dues, or any other fees as decided by the MC, in which case the Executive Secretary may take the administrative action of suspension.

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 CA System.

Suspended IEC National Committees or bodies notified by them for CA System membership (i.e., Member Bodies) shall not be permitted to retain membership of the CA System or be admitted to membership in the CA System, shall have no right to send a delegation to the CA System MC, receive documents or publications of the CA System, exercise its vote or participate in the CA System during the period of suspension. Conformity Assessment Bodies, (e.g., Certification Bodies and Testing Laboratories associated with such suspended IEC Members or the nominated CA System Member) shall not be permitted to participate in the activities of the CA System.

In the case of suspension, Article 13 of the IEC Statutes applies.

5.7 The CA System Executive Secretary shall notify the CA System Chairman if a Voting Member:

- has been persistently inactive and has failed to attend two successive MC meetings,
- or
- has failed to vote on two successive MC ballots submitted for voting within CA System.

Upon receipt of such a notification, the CA System Executive Secretary shall remind the Voting Member Body of its obligation to take an active part in the work of the MC. In the absence of a satisfactory response to this reminder, and upon continuation of the above articulated shortcomings in required Voting Member behaviour, the Voting Member Body shall without exception automatically have its status changed to that of Non-Voting Member. A Member Body having its status so changed may, after a period of 12 months, indicate to the CA System Executive Secretary that it wishes to regain Voting Member status in the CA System, in which case this shall be granted.

Only individuals from Voting Member Bodies are eligible for nomination and/or appointment to leadership positions within the CA System

6 Organization

6.1 The organization of a specific CA System shall comprise:

- a) a Management Committee (MC);
- b) an Executive Group (see 8.2);
- c) Committees and other Groups established by the MC; and
- d) a Secretariat.

6.2 The overall responsibility for the operation of the CA System is vested in the CA System's MC, which is a Committee of the IEC and operates under the authority of the CAB. The CAB has delegated the management and overall operational responsibility related to the CA System to the MC. The CAB supervises the MC and has the authority to disband the MC and/or the CA System (IEC Statutes, Article 13). This authority shall not be exercised without prior consultation between the CAB and the MC.

7 Management Committee

7.1 The composition of the CA System MC 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, equipment users, manufacturers, service providers and conformity assessment bodies;
- b) the Chair (with casting vote only);
- c) the immediate past Chair (without vote);
- d) the Vice-Chair (without vote);
- e) the Treasurer (without vote);
- f) the Executive Secretary (without vote);
- g) the Chair and Secretaries of Committees and Convenors of other Groups established by the MC (without vote);
- h) the Chair of the CAB (ex-officio without vote); and
- i) the IEC General Secretary & CEO (ex-officio without vote).

NOTE The CAB Chair and the IEC General Secretary & CEO or delegated representative may attend all meetings within the CA System, *ex officio*, without vote.

7.2 Each Voting Member Body has one vote.

7.3 Meetings of the MC shall be held at least annually.

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

Each Member of the MC shall name one person as Head Delegate.

Observers may attend meetings of the MC with permission of the CA System Chair, however, final approval is at the discretion of the host organization(s) and CA System Chair. In general, the number of observers shall be limited to two per country, unless specially authorized by the CA System Chair and the host organization(s). The observers shall have no right to vote, and their right to speak shall be determined by the CA System Chair.

7.4 Unless otherwise specified, documents to be considered by the MC shall be circulated according to the table below.

7.5 Documents which have not been circulated in accordance with the below table, or any additional matter not on the agenda, may only be considered by the MC with agreement by the MC Chair following consultation with the Members. No decision can be taken if a voting Member objects.

Document or action		MC meeting timeline	Before After
Preliminary draft agenda (DA)	Circulation	10 weeks	
Documents requiring a decision, including proposals, documents for approval and WG reports	Submission	9 weeks	
	Circulation	8 weeks	
Other documents (documents not requiring a decision), e.g. WG progress reports	Submission	7 weeks	
	Circulation	6 weeks	
Preliminary linked DA	Circulation	4 weeks	
Comments to appear in the final linked DA	Submission	3 weeks	
Presentations for informational items	Submission	3 weeks	
Final linked DA	Circulation	2 weeks	
Unconfirmed minutes and action items document	Circulation		4 weeks maximum
Unconfirmed minutes comments	Submission		12 weeks
Confirmed minutes	Circulation		13 weeks*

*If substantive comments are received, additional time may be needed.

7.6 The MC provides a report on its activities at least annually to the CAB and submits proposals for approval by the CAB with regard to:

- a) modifications to the Basic Rules of CA Systems (IEC CA 01);
- b) the appointment of Officers of the MC;

- c) establishment of a new Committee;
- d) the budget and annual financial accounts of the CA System;
- e) business plans of the CA System;
- f) proposals for extensions to the Scope of the CA System; and
- g) proposals for the use of normative documents other than IEC or ISO International Standards.

7.7 The MC shall decide on:

- a) questions related to membership of the IEC CA System;
- b) dues and other sources of income to be paid by Member Bodies or recipients/providers of services;
- c) proposed budget and financial accounts of the IEC CA System for approval by the CAB;
- d) surcharges and the conditions under which they may be levied;
- e) the Rules of Procedure for the operation of the specific IEC CA System and its Schemes;
- f) other questions regarding the Rules of Procedure mentioned in e) above;
- g) acceptance of Member Bodies of the IEC CA System;
- h) acceptance, rejection and suspension of Conformity Assessment Bodies, e.g., CBs and TLs;
- i) appointment of assessors for the inclusion in the list of approved IEC CA System Peer Assessors;
- j) assessors' fees; and
- k) the layout and content of Certificates and Reports used within the IEC CA System.

7.8 The MC shall, moreover, have the following duties:

- a) to manage the IEC CA System in accordance with the Basic Rules and Rules of Procedure of the IEC CA System;
- b) to monitor the continuing compliance of IEC CA System's Conformity Assessment Bodies with the Rules of the CA System;
- c) to monitor any reported misuse of the IEC logos, marks and certificates that may give rise to an adverse impact on the IEC brand or name and to report it to the CAB annually;
- d) to monitor acceptance of IEC CA Certificates and Reports in participating countries;
- e) to promote the IEC CA System;
- f) to submit an annual report on its activities to the CAB; and
- g) to carry out any other tasks relevant to the object of the IEC CA System, given to it by the CAB.

7.9 The MC may establish Working Groups with clearly defined terms of reference, to advise it on matters related to the operation of the IEC CA System 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:

- creation of procedures for manufactures/customers testing programmes;
- development of a specific new programme (approved by CAB) and assigned by the MC;
- the layout and content of assessment report forms for the assessment of CBs and TLs;
- the evaluation of assessment and reassessment reports for CBs and TLs, including recommendations for acceptance, rejection or suspension; and
- the layout and content of Certificates, and the layout of Test Reports.

7.10 The Secretariat duties of any Working Group shall be under the responsibility of the CA System Executive Secretary.

8 Officers, Executive and administration

8.1 The Officers of the IEC CA System are:

- a) the Chair;
- b) the Vice-Chair;
- c) the Treasurer; and
- d) the Secretary (IEC CA System Executive Secretary).

8.2 The Executive Group of the IEC CA System may comprise:

- a) the Officers of the CA System;
- b) the Chair, Vice or Deputy Chair and Secretary of Committees established by the MC; and
- c) the Immediate Past IEC CA System Chair.

The IEC CA System MC shall determine and approve the structure and membership of the Executive Group. Minor differences in the composition of the executive committee are allowed to respond to the needs of the individual CA Systems. The duties assigned to the Executive Group are per 8.11.

8.3 The Chair is appointed for a period of three years by the CAB, on the nomination of the IEC CA System MC. The Chair is eligible for re-appointment in the same office 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 IEC CA System MC may by specific resolution, outlining the circumstances, propose to the CAB that the incumbent Chair be appointed to one additional year in that position.

The Chair shall not, upon appointment, act as a national delegate to the IEC CA System MC.

The Chair shall represent the interest of the CA System, be responsible to the CAB and ensure that the affairs concerning the IEC CA System are conducted in accordance with these Rules.

The principal duties of the Chair are to:

- a) convene meetings of the CA System MC;
- b) preside over the meetings of the CA System MC;
- c) compile the agendas for the meetings of the CA System MC in consultation with the CA System Executive Secretary; and
- d) act on behalf of the CA System MC between its meetings.

The Chair may attend all meetings within the IEC CA System, *ex officio*, without vote in this capacity.

8.4 The Vice-Chair is appointed for a period of three years by the CAB, on the nomination of the MC. The Vice-Chair is eligible for re-appointment in the same office 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 MC may by specific resolution, outlining the circumstances, propose to the CAB that the incumbent Vice-Chair be appointed to one additional year in that position.

The Vice-Chair may at the same time be a national delegate to the MC, except when they take the chair at a meeting.

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

8.5 The Treasurer is appointed for a period of three years by the CAB, on the nomination of the MC. The Treasurer is eligible for re-appointment in the same office 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 MC may by specific resolution, outlining the circumstances, propose to the CAB that the incumbent Treasurer be appointed to one additional year in that position.

The Treasurer may at the same time be a national delegate to the MC.

The principal duties of the Treasurer are to:

- a) guide the CA System Executive Secretary in financial matters related to the IEC CA System;
- b) establish and present to the CA System MC the budget on the basis of the information supplied by the Executive Secretary;
- c) present, with observations, the audited annual financial reports of the IEC CA System to the CA System MC; and
- d) oversee the finances of the CA System.

8.6 The Secretariat is provided by the Central Office and may reside in the IEC Central Office or elsewhere. The IEC General Secretary & CEO in consultation with the IEC CA System shall decide on the degree of administrative support provided by the Central Office.

8.7 The Executive Secretary is entrusted with the chief executive officer functions of the IEC CA System in consultation with the executive thereof, as delegated by and under the supervision of the IEC General Secretary & CEO. The routine work of the CA System Executive Secretary is to:

- a) provide general administrative and secretarial services for the IEC CA System and the secretarial services to the CA System MC;
- b) handle and be responsible for the daily financial matters of the Secretariat and the IEC CA System;
- c) circulate to the Member Bodies the accounts of the IEC CA System;
- d) accept or reject applications from candidate Conformity Assessment Bodies in accordance with the Rules of Procedure of the IEC CA System as approved by the MC;
- e) organize and manage initial assessment and reassessment of Conformity Assessment Bodies, including the appointment of assessors, as applicable;
- f) handle requests for scope extension applications for Conformity Assessment Bodies, e.g., CBs, TLs;
- g) keep up to date records regarding the Conformity Assessment Bodies, e.g., CBs, TLs;
- h) periodically circulate questionnaires requesting information about acceptance of the IEC CA System and about national differences;
- i) be responsible for editing and arranging the publication of the IEC CA System publications;
- j) be responsible for maintaining a list of assessors approved by the MC and for managing the assessment activities; and
- k) provide administrative support to Committees and other Groups established by the MC, as necessary.

8.8 The Executive Secretary is appointed for a period of five years by the CAB, upon nomination by the MC and is eligible for re-appointment without restriction. The Executive Secretary is an employee or contractor of the IEC and a decision to appoint the Executive Secretary requires prior consent of the IEC General Secretary & CEO. The CA System Chair shall consult with CAB Chair and the IEC General Secretary & CEO before a proposal is made to the MC for a nomination of an Executive Secretary.

The Executive Secretary shall act independently of any Member of the IEC CA System and shall not act as a national delegate to the CA System MC. The Executive Secretary shall be present at all meetings of the CA System MC, but has no right to vote. In exceptional circumstances the IEC General Secretary & CEO may appoint an alternate to represent the Executive Secretary at a meeting of the CA System MC, should a matter arise that prevents such attendance.

8.9 The Chair, the Vice-Chair, the Treasurer and the Executive Secretary of the IEC CA System shall take office on the first day of January of the year after the meeting of the CAB at which they have been appointed unless otherwise determined by the CAB.

8.10 Twelve months prior to the end of term of an Officer, the Executive Secretary shall issue an open call for nominations, which includes an identification of the willingness of a non-term limited incumbent to stand for re-election, from the Member Bodies.

If a nomination has not been received after three months, the Secretary shall contact the term limited Officer holding the position in question to assess if he is agreeable to stand for an additional year of office.

8.11 The Executive Group of the IEC CA System provides an advisory function and is empowered to make operational decisions between MC meetings, as delegated to them by the MC. They shall, in addition, carry out any other task(s) assigned to them by the MC. With the Chair's agreement, members of the Executive Group may attend all meetings associated with the IEC CA System.

Any decision on matters delegated to the Executive Group shall be reported to the MC and recorded in the minutes.

9 Committees and Other Groups reporting to the CA System MC

9.1 Formation of Committees

The CA System MC may propose for CAB approval the establishment of a Committee within the CA System that reports to the CA System MC. In doing so the CA System MC shall inform CAB of the following:

- a) the reason for this proposal;
- b) the role and proposed authorities of the Committee;
- c) the membership and constitution of the Proposed Committee;
- d) any other information that may assist the CAB in reaching a decision.

The Chair and any Vice-Chair or Secretary of Committees reporting to the CA System MC shall be appointed by the CA System MC upon nomination by the Committee seeking to appoint such Officers.

The term of office of the Chair and Vice Chair of the Committees reporting to the CA System MC shall be three years and they shall be eligible for re-appointment for one further period of three years. The procedure indicated in 8.10 shall be used regarding call for nominations and reappointment.

9.2 Formation of Other Groups reporting to the CA System MC

The CA System MC may set up or disband Groups or fora for specific and defined tasks, other than Working Groups as provided for by 7.9 and Committees as provided for by 9.1, taking into account the needs of the CA System. When establishing such Groups or fora, the CA System MC shall inform the CAB, whom has the authority to request the CA System to alter or disband such arrangements. Such action taken by the CAB shall only be done following consultation with the CA System MC.

10 Legal provisions

10.1 International level

The IEC CA Systems are an inseparable part of the IEC. There is only one legal entity, being the IEC.

10.1.1 The CA System MC 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 expands its means only on achieving the object of Clause 2.

The decisions of the CA System MC are made voluntarily on the basis of the prescribed voting procedures.

10.1.2 The seat of the CA System 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 CA System shall violate, or cause any acts which violate, the laws of a country in which the CA System operates. It is the responsibility of the Member Body in each participating country, in the establishment of the national rules implementing the CA System, to ensure against the violation of any law.

10.3 Legal protection

The granting of certification of conformity shall not transfer to the CA System MC 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 CA System MC shall do so on their own responsibility and shall take all possible steps to exclude any liability from falling on the CA System MC or on the IEC.

10.5 Exoneration

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

11 Standards

11.1 The CA Systems are generally based on the use of International Standards, namely those published by IEC and ISO. Use of Specifications within a CA System other than an IEC or ISO Standard may be possible under the following circumstances:

- there is no IEC nor ISO Standard to cover this topic;
- approval of CAB has been obtained.

A list of normative documents approved for use in the CA System shall be included in the Rules of Procedure of the CA System.

11.2 If the CA System wishes to include Specifications within its scope of activities, it shall provide to CAB the relevant rationale and the proposed steps to quickly bring resolution to the CA System's needs. These proposed steps may include, for example, a request of 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 CA MC may also propose that the CAB request the Standardization Management Board (SMB) of the IEC to initiate the preparation of the required Standard.

11.3 While the official language of documents used within a CA System is English, Rules of Procedure and other CA System documentation may be translated under the following guidelines:

- translations may be arranged by the CA System Secretary or a CA System Member Body;
- the CA System Member Body should confirm the accuracy of any translations; and
- translated documents shall at all times be published as IEC CA System's Documents and subjected to the copyright provisions of the IEC;
- in case of divergence of meaning the English version always takes priority.

12 Voting

12.1 Each CA System Voting Member Body has one vote in the committees in which it participates. Votes submitted by Member Bodies shall be positive, negative or abstention.

Voting is not permitted for suspended Member Bodies or Non-Voting Member Bodies

12.2 For the purposes of CA System Committee meetings, the presence of half the number of the Voting Member Bodies shall constitute a quorum. If a quorum is not present at a meeting (or during an inquorate portion of the meeting) the meeting may continue but all decisions must be phrased as recommendations to be confirmed through voting by correspondence.

Unless other provisions are made, decisions in meetings shall be taken by a simple majority of votes of the Voting Member Bodies who are present and voting. Voting by proxy is not permitted. A simple majority (more than 50% of eligible votes) is necessary for the election of Officers, Committee Chairs, Vice-Chairs and Secretaries.

Candidate elections shall be held by secret ballot with the individual voting results remaining confidential within the Secretariat.

The CA System Chair shall normally not vote, but if the votes are equally divided the Chair shall decide on the action to be taken.

Decisions are normally taken during meetings. Between meetings, if the CA System Chair so decides, voting takes place by correspondence. The quorum is achieved if half the number of the Voting Member Bodies is participating in a vote by correspondence. Abstention is counted in deciding whether a quorum has been achieved but not in deciding a simple majority.

Voting by correspondence utilizes the following process:

- a) documents requiring vote are circulated to all Member Bodies by the Secretariat with the approval of the Chair;
- b) Member Bodies are provided 45 days (12 weeks for amendments to the Basic Rules and Rules of Procedure, see 12.4) for electronic open comment and dialogue along with Voting Member Body vote;
- c) if substantive comments are received, Member Bodies are provided 30 additional days for review of comments, dialogue and submission of Voting Member Body final vote.

Unless other provisions are made, decisions on matters voted upon by correspondence shall be taken by a simple majority of votes of those Voting Member Bodies voting. Abstention is counted in deciding whether a quorum is achieved but not counted in deciding a simple majority.

A vote by correspondence is terminated when all Voting Member Bodies have voted or the term specified in b) and c) is expired. In the case of voting on the approval of the annual financial accounts and the annual budgets, a shorter voting period will be determined by the Chair to meet IEC requirements, but shall be no less than one month.

If the votes are equally divided, the Chair shall decide on the action to be taken.

When determining the total number of Voting Member Bodies, bodies whose membership has been suspended and Non-Voting Member Bodies shall not be taken into consideration (see 5.6).

12.3 Proposed amendments to the CA System Supplements shall be communicated in writing to the Member Bodies at least 12 weeks prior to the meeting of the CA System at which the proposed amendments are to be considered. Such amendments are approved if two-thirds of the Voting Member Bodies present are in favour.

If the 12-week submission deadline is not achievable prior to the meeting, the CA System Chair may decide to submit the proposed amendments for approval by the Voting Member Bodies by correspondence (see 12.2). The amendments are approved if a two-thirds majority of the votes cast by the Voting Member Bodies are in favour. Abstentions are excluded when the votes are counted.

If approved by the CA System MC, the proposed amendments shall be submitted to the CAB for approval. The amendments are applicable immediately following approval by the CAB.

The CAB may amend the Basic Rules on its own initiative, however before taking any such action the CAB shall consult with the MCs of the CA Systems. Unless other specific provisions are made, the consultation with the CA Systems' MCs shall include the following:

- proposal from CAB to each CA System Chair and Executive Secretary, supported by a rationale for the proposed changes;
- CA Systems' MCs discussions and decisions at the next MC meetings;
- the CA Systems discussions may result in agreement on an amended version of the proposal.

12.4 Proposed amendments to the CA System Rules of Procedure shall be communicated in writing to the Member Bodies at least 12 weeks prior to the meeting of the CA System MC at which the proposed amendments are to be considered. Such amendments are approved if two-thirds of the Voting Member Bodies present are in favour.

If the 12-week submission deadline is not achievable prior to the meeting, the CA System Chair may decide to submit the proposed amendments for approval by the Voting Member Bodies by correspondence (see 12.2). The amendments are approved if a two-thirds majority of the votes cast by the Voting Member Bodies are in favour. Abstentions are excluded when the votes are counted. Approved changes to the Rules of Procedure are to be notified and endorsed (as indicated in Clause 4.g) by the CAB following the CA System MC approval.

13 Finance

13.1 CA Systems shall be self-financing.

13.2 The financial year of the CA System shall be the calendar year.

13.3 The CA System shall derive its income from annual dues paid by its Member Bodies and from other sources as approved by the CA System MC and identified in the annual budget as approved by CAB.

13.4 Each year, not later than the end of March, the Executive Secretary shall send to the Member Bodies the accounts of the CA System for the preceding year, duly ratified by a professional auditor as part of the overall externally auditing of IEC accounts. The CA System MC shall consider and approve the audited accounts at a MC meeting or via correspondence. The approved accounts shall be forwarded to the CAB Secretary not later than the deadline prescribed by the CAB.

13.5 The draft annual budget for the following year will be forwarded to Member Bodies in sufficient time to ensure approval by correspondence not later than the end of the third week of March. The approved annual budget of the CA System shall be forwarded to the CAB Secretary not later than the deadline prescribed from time to time by the CAB.

The CA System MC shall establish the system of allocating the dues within the CA System.

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

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

The CA System MC shall also decide on any other fees assigned to any service deliverable provided by the CA System.

13.6 Any Member Body whose dues for a given calendar year have not been paid by 30 June of that year may have its membership suspended (see 5.5).

13.7 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.

13.8 The CA Systems finances will be integrated on an annual basis in the IEC's financial reporting.

14 Dissolution of the IEC CA System

Any proposal for dissolution of the CA System, if supported by more than two thirds of the total number of CA System Voting Member Bodies, shall be submitted to the CAB for approval and any necessary action. The CAB shall determine the disposal of remaining property and funds after the settlement of all liabilities.

15 Appeals

Appeals concerning all IEC CA Systems that cannot be resolved at the CA Systems level shall be escalated to the Board of Appeal of the CAB. Annex B sets out procedures of the Board of Appeal at the CAB level.

Annex A (normative)

Scope of IEC CA Systems

A.1 The CA Systems operating within the IEC at time of publication of this edition of the Basic Rules are detailed in this Annex.

A.2 IECEE

A.2.1 The title of the CA System is “IEC System of Conformity Assessment Schemes for Electrotechnical Equipment and Components”, hereinafter referred to as “the IECEE System”.

A.2.2 The IECEE is applicable to such standards, categories and services as proposed by its Certification Management Committee (CMC) and approved by the IEC Conformity Assessment Board (CAB). A list of the approved categories is included and maintained in the IECEE 01-S.

A.2.3 IECEE shall operate individual Conformity Assessment Schemes that are complementary to:

- an ISO/IEC Scheme type 1a, according to ISO/IEC 17067, for the mutual recognition of Test Certificates and related documents indicating that one or more specimens of electrotechnical equipment, falling within the approved Scope of the Scheme, were tested and found to be in conformity with specific standards. This Scheme is called “IECEE CB Scheme for Mutual Recognition of Test Certificates for Electrotechnical Equipment and Components” as contained in the Publication IECEE 02;
- an ISO/IEC Scheme type 5 according to ISO/IEC 17067, for the mutual recognition of Conformity Assessment Certificates and related documents for electrotechnical equipment, falling within the approved Scope of the Scheme. This Scheme is called “IECEE CB-FCS Scheme for Mutual Recognition of Conformity Assessment Certificates for Electrotechnical Equipment and Components” as contained in the IECEE 03;
- any other individual conformity assessment activities that are complementary to the other IECEE Schemes or services.

A.3 IECEX

A.3.1 The title of the IECEX is “IEC System for Certification to Standards Relating to Equipment for Use in Explosive Atmospheres”, hereinafter referred to as “the IECEX System”.

A.3.2 The IECEX System includes assessment and certification of equipment, services and personnel covered by IEC International Standards for explosive atmospheres or in the case where no relevant IEC Standards exist, ISO Standards applicable to the approved Scheme (CAB Decision 24/17).

A.3.3 Schemes approved to operate under the IECEX CA System are, refer to the IECEX Rules of Procedure for specific details:

- the IECEX Certified Equipment Scheme;
- the IECEX Certified Service Facilities Scheme;
- the IECEX Certificate of Personnel Competence Scheme;
- the IECEX Conformity Mark Licensing System.

A.4 IECQ

A.4.1 The IECQ CA System, "IEC Quality Assessment System for Electronic Components", hereinafter referred to as "the IECQ System" is applicable to all electronic components, assemblies and related materials and processes for which quality assessment is required in standards and specifications approved for use in the IECQ System

A.4.2 The scope of the IECQ System includes, refer to the IECQ Rules of Procedure for specific details:

- Electronic Component Manufacturers Approvals;
- Qualification Approval;
- Capability Approval;
- Technology Approval;
- Process Approval;
- Electronic Component Distributor Approval;
- Independent Test Laboratory Approval;
- Hazardous Substance Process Management (HSPM);
- Avionics Scheme (previously referred to as Electronic Component Management Plan (ECMP)).

A.5 IECRE

A.5.1 The IECRE CA System, "IEC System for Certification to Standards Relating to Equipment for Use in Renewable Energy Applications", hereinafter referred to as "the IECRE System", is a Renewable Energies Conformity Assessment System which covers the following Sectors:

- Wind Energy (WE);
- Marine Energy (ME);
- Solar PV Energy (PV).

A.5.2 The IECRE System includes conformity assessment of any particular material, product (services, software, hardware or processed materials), installation, process, system, person or body covered by International Standards related to Sectors listed under A.5.1 above as proposed by its Management Committee (REMC) and approved by the IEC Conformity Assessment Board (CAB). The IECRE System may also provide for the assessment and certification of competence of persons and bodies working in or conducting work affecting IECRE Sectors.

A.5.3 The IECRE System will not include the conformity assessment covered by the other IEC CA Schemes. However, the IECRE System may select to make use of the deliverables from the other IEC CA Schemes such as certificates and reports for integration in applicable IECRE Schemes.

Annex B (normative)

Procedure for the CAB Board of Appeal

B.1 The Board of Appeal shall be appointed on a case by case basis and consist of a Chair and four experts. They shall be appointed by the CAB Chair in consultation with the IEC General Secretary & CEO and on the nomination by the relevant CA System Chair and Executive Secretary. The Board of Appeal shall be disbanded following completion of the case for which they were appointed.

B.2 Upon direction of the CAB Chair, the Executive Secretary of the relevant CA System shall generally act as the Secretary of the Board of Appeal and shall have no right to vote.

B.3 For considering a case submitted to the Board of Appeal, the Chair of the Board of Appeal and all four members shall be present. A case may be dealt with by correspondence, with the agreement of the parties involved.

B.4 Neither the Chair of the Board of Appeal nor the four members shall serve in a case in which an Appellant of their country is involved.

B.5 The parties interested shall have the right to be heard by the Board of Appeal.

B.6 Decisions of the Board of Appeal about its recommended solution shall be taken by a simple majority of the four members. If the votes are equally divided, the Chair of the Board of Appeal shall decide upon the action to be taken.

B.7 An Appellant, who can be a Certification Body (CB), a Testing Laboratory (TL) or a Member Body of the relevant IEC CA System, shall have the right to submit an appeal to the Board of Appeal through the Executive Secretary of the relevant CA System.

B.8 When an Appellant wishes to appeal against a decision taken by a CB about a matter with which this Appellant is concerned, the Appellant shall first appeal according to the appeal procedure of the CB concerned, when that procedure is applicable.

B.9 If the Appellant is not satisfied with the outcome of the appeal at national level and the Appellant thinks that the decision is against the Rules or if the national appeal procedure is not applicable, the Appellant may submit an appeal in writing to the Executive Secretary of the applicable CA System within one month after having been informed of the decision at the national level, setting out all reasons for the appeal and its willingness to cover costs of the appeal. The Executive Secretary of the CA System shall prepare an estimate of these costs.

B.10 The Executive Secretary who has received the appeal shall first make every effort to resolve the appealed issue at the level of the CA System before formally establishing a Board of Appeal according to Clause B.1.

B.11 The Board of Appeal may meet at any time provided the complainant expresses willingness to pay the travelling and living expenses for the Chair of the Board of Appeal, 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 applicable CA System before the meeting can take place.

B.12 When the Board of Appeal meets to consider a case, the following applicable information shall be available:

- the appeal;
- the text of all correspondence between the parties; and
- any additional documentation to support the appeal, as necessary.

Normally, these documents shall be circulated at least four weeks before a meeting to the four members of the Board of Appeal. Copies of all documents shall also be sent to the parties.

B.13 When the parties have agreed that the matter may be dealt with by correspondence, Clause B.12 also applies. The Appellant shall have expressed its willingness to pay the costs, if any.

B.14 The Chair of the Board of Appeal may then propose a recommended solution for consideration by the members of the Board of Appeal. It is the duty of the Executive Secretary of the CA System to assist the members and the parties.

B.15 When the recommended solution is reached by correspondence, notes or minutes relevant to the decision shall be recorded.

B.16 The Board of Appeal shall deal with the case confidentially.

B.17 The parties involved each have the right to call an expert to advise on matters relevant to the case.

B.18 During the adjudication of the case, only the Chair of the Board of Appeal, the four members and the Secretary of the Board of Appeal shall be present.

B.19 The Board of Appeal shall give its recommended solution in writing, within one month after the meeting, to the parties, and, if action with regard to Standards is needed, to the IEC General Secretary & CEO.

B.20 The recommended solution of the Board of Appeal shall be presented to the CAB at its next meeting for approval whose decision is final.

Annex C

(normative)

Conditions for bodies and organizations domiciled in non-IEC member countries to become members of an IEC Conformity Assessment System

C.0 Foreword

Bodies and organizations domiciled in non-IEC member countries making application for acceptance into an IEC Conformity Assessment System shall fully satisfy all the conditions specified below.

C.1 Conditions to be satisfied

C.1.1 Use of IEC International Standards to grant “national marks”

Within the country test and assessment work carried out under an IEC CA System will be recognized as the basis for national certification or approval by any existing or future national certification body(ies) proposed for participation in the CA System or will be accepted directly by the country’s product approval authorities.

C.1.2 Well-established body recognized at national level by the authorities and the market

Applicant member bodies from non-IEC member countries must demonstrate the existence of (a) body(ies) operating a national certification or approval scheme recognized by the authorities and the market. If no such body(ies) exist, applicants must provide details of regulatory or other arrangements providing for direct acceptance of conformity assessment results.

C.1.3 IEC membership

Applicants should commit to apply for at least associate membership of the IEC within an agreed time period after admission to an IEC CA System. The agreed time should be proposed by the Applicant itself and approved by the IEC General Secretary & CEO. If not already an Affiliate the applicant must participate in the IEC Affiliate Country Programme and receive Affiliate Conformity Assessment Status of the Programme until such time as the applicant becomes a member of the IEC.

Bodies in countries suspended from the IEC may not be admitted to the IEC CA Systems for a period of three (3) years following their suspension.

C.1.4 IEC ExCo decision on acceptability

The IEC General Secretary & CEO shall be informed by the IEC CA System Secretariat of all applications (or possible applications, where known by the IEC CA System Secretariat) from non-IEC member countries, in order that the IEC ExCo may take a decision in principle as to their acceptability in terms of general IEC policy and any specific requirements with respect to IEC membership, after receiving the IEC General Secretary’s view on this. A timetable for applying for at least associate membership of the IEC shall be agreed with the IEC General Secretary & CEO. The IEC ExCo decision shall be conveyed to the CA System. The IEC ExCo through the CO (including the secretariats of CAB, SMB, and Affiliate Country Programme) will monitor the progress of the non-IEC member country on its timeline for becoming a member of the IEC.

C.1.5 Compliance with IEC CA System membership requirements

Applicants and associated CA entities (e.g., certification bodies, testing laboratories, inspection bodies) must undertake to comply with all relevant CA System rules and requirements, including payment of annual dues and sharing of costs as defined in the CA System rules and varied by the CA System MC and peer assessment procedure (see Section 2).

C.2 Participation rights

The applicant member body and associated CA entities (e.g., certification bodies, testing laboratories, inspection bodies) have the same rights of participation in the activities of the CA System as are exercised by those CA System Members, who are also members of the IEC, except that representatives of non-IEC member countries are not eligible for election to any Officer or Executive position, and not eligible to appeal decisions concerning their membership.

C.3 Application procedure

C.3.1 Member body

An application for member body shall be made according to the Basic Rules and Rules of Procedure of the CA System and must include an undertaking to full commitment by its proposed certification body(ies), or relevant regulatory authorities, to recognize test and assessment work carried out by any member of the CA System for the purpose of granting the “national mark” or other means of national recognition (see. Clause C.1.1).

The applicant organization shall provide the following information:

- a) reasons for the application for membership;
- b) the timetable for joining the CA System;
- c) a description of the structure or proposed structure in the country related to member body, certification body(ies) and testing laboratory(ies) as well as the responsibility for standards;
- d) existence of mandatory and/or voluntary certification schemes;
- e) existence of national differences from IEC International Standards and of conflicting national standards or regulatory requirements, if any (where applicable); and
- f) plans for participation in IEC standardization work.

C.3.2 Processing of applications

The complete member body application, fulfilling all of the requirements specified herein and the relevant requirements of the IEC CA System Basic Rules and Rules of Procedure, shall be submitted to the CA System Secretariat for evaluation and processing according to the Basic Rules, the Rules of Procedure and any relevant Operational Documents.

Prior to finalizing an application the CA System Executive Secretary shall ensure that advice has been obtained from the IEC General Secretary & CEO on the ExCo’s decision with respect to acceptability in terms of general IEC policy and any specific requirements with respect to IEC membership (see C.1.3 and C.1.4).

The final decision of the CA System MC will be notified to the applicant member body and to the IEC Conformity Assessment Board (CAB).