

GUIDE TO SERVICES FOR TRADE AGENTS IN BOTH ATEX AND IECEX CERTIFICATION SYSTEMS

This guide sets out the basic details applicable to the issue of “Trade Agents” certificates offered by SGS Baseefa Ltd.

ROLES AND DEFINITIONS

It is a common commercial practice for an agent or distributor to place a product on the market, presenting themselves as manufacturer and undertaking the relevant responsibilities whilst the product is actually made by the company for whom they are agent or distributor.

In order to clarify the roles, the following definitions apply to this publication:

OEM

The actual manufacturer or producer of the product who is not identified to the market place or final purchaser.

TRADE AGENT

The agent or distributor that presents themselves to the market place as the de facto manufacturer and accepts the commercial responsibilities of the manufacturer in respect of the purchaser.

TRADE AGENT CONTRACT

The commercial agreement between the OEM and the Trade Agent that defines how the relationship between the two companies is organised.

THE ATEX DIRECTIVE 2014/34/EU

In clause 1.0.5 of Annex III to the directive (both original and revised versions) it is required that the manufacturer is identified in the marking of the equipment. This is qualified by the European Commission “Blue Guide” (which is relevant to most EU Trading Directives, including ATEX) as the person responsible for placing the product on the market rather than the physical manufacturer (although very often they are the same person).

Therefore it is clear that, in respect of ATEX, the Trade Agent must fulfil all market place responsibilities that would otherwise be fulfilled by the OEM, including holding Notified Body documentation such as EC-Type Examination certificates and Quality Assurance Notifications in their own name, as well as issuing the Declaration of Conformity in their own name.

This publication outlines the SGS Baseefa Ltd process to enable such documentation to be created.

THE IECEX INTERNATIONAL CERTIFICATION SCHEME

The IECEX Management Committee have recognised the need to fulfil the identical requirement in respect of Trade Agents and have issued IECEX Operational Document OD203, which is available at <http://www.iecex.com/publications/operational-od/>

THE PROCEDURE

Since the information provided in IECEX OD 203 is comprehensive, SGS Baseefa Ltd follows the given process for both ATEX and IECEX in order to provide a Trade Agent with the necessary certification documentation. If applicable, documentation for both certification schemes is provided at the same time.

Applicants are advised to read the complete OD 203 document, but the process is summarised here:

1. SGS Baseefa Ltd receives an application from the Trade Agent to issue a replica certificate showing the name of the Trade Agent as both applicant and manufacturer in substitution for the name of the OEM.

The application is accompanied by:

- A reference to the OEM’s SGS Baseefa Ltd ATEX and IECEX certificates or, if not issued, the relevant Report numbers
- An alternative type designation for the equipment (if required)
- A declaration by the OEM that the product to be physically manufactured by the OEM and placed on the market in the name of the Trade Agent will be identical to the product described in the original certificates or reports
- A declaration by the Trade Agent that the product to be physically manufactured by the OEM and placed on the market in the name of the Trade Agent will be identical to the product described in the original certificates or reports
- A copy of the marking to be applied by the OEM but showing the Trade Agent as the de facto manufacturer
- A copy of the contractual agreement between the OEM and the Trade Agent
- A copy of the relevant part of the installation and maintenance instructions to be supplied by the Trade Agent

2. SGS Baseefa Ltd records in a formal report that all the above have been received and checked. The only technical reference in the report will be to the original report issued to the OEM. For an IECEX report, only the name of the Trade Agent will be shown in the ExTR summary data that is publicly available on the IECEX certificate database web site.
3. SGS Baseefa Ltd arranges a Quality System assessment of the Trade Agent in accordance with the relevant parts of ISO/IEC 80079-34 to ensure that the correct QMS procedures are in place relevant to the activities of the Trade Agent (including, for example, procedures for product recall). (For further details on the extent of the QMS requirements, see Annex A to IECEX Operational Document OD203.) If this results in the issue of an IECEX QAR, the cross-reference between the QARs issued to the OEM and the Trade Agent is maintained in the document, but it is not included in the QAR summary published in the IECEX database web site.

4. SGS Baseefa prepares and issues either or both an ATEX EC-Type Examination Certificate and an IECEX Certificate as required. Both documents are identical to the certificates issued to the OEM except that the name of the Trade Agent is substituted and, if relevant, a different type designation is used.

The above sequence represents the situation where SGS Baseefa Ltd has technical responsibility for all certificates and QARs. It is possible to extend the scheme to cover situations where more than one certification body is involved, but does involve inter-body cooperation. Please consult SGS Baseefa Ltd if you envisage this arrangement being applicable.

As a simpler alternative to the above procedure, if the names of both the Trade Agent and the OEM are allowed to be shown in the equipment marking, the OEM can apply to SGS Baseefa Ltd for a supplementary certificate to show the dual names on the marking (even with the Trade Agent name being more prominent provided the OEM name and address is legible). Both companies can then market the product directly using the certificates issued to the OEM.

CONTACT INFORMATION

To learn how SGS Baseefa can help you exceed customer expectations, visit www.sgs.co.uk/sgsbaseefa or contact baseefa@sgs.com for more information.