

APAC Regulations and Codes

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**AUTHORSHIP**

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1. SCOPE

These Regulations and Codes apply to:

* the General Assembly;
* the Executive Committee;
* APAC Committees, Councils, and Working Groups;
* APAC Full and Associate Members;
* APAC Affiliates;
* the Secretariat.

Further details on processes in support of the Regulations and Codes are given in the APAC Management System Manual.

1. MEMBERSHIP

Membership categories of APAC are defined in the APAC Constitution.

All new or re-applying applicants for membership are to complete and submit to the APAC Secretariat the Membership Application Form (APAC FGOV-005) for consideration by the Executive Committee.

Applicants must be able to demonstrate that they are carrying out accreditation of conformity assessment bodies and have accredited at least 2 such bodies. Applicants must also commit to apply for APAC MRA signatory status within 3 years of becoming an Associate Member;

Where the criteria for membership cannot be met, APAC may accept an organisation as an Affiliate; applicants for Affiliate status are to complete and submit to the APAC Secretariat the Affiliate Application Form (APAC FGOV-006) for consideration by the Executive Committee.

The APAC Secretariat shall maintain a current Register of Members and Affiliates (APAC FGOV-011) which shall be publicly available.

APAC Full Members are required to ensure that other MRA signatories are advised of any significant changes in their status and/or operating practices. Associate members are requested to provide the same advice. A checklist/form to be used when providing such advice via the APAC Secretariat is document APAC FGOV-010.

1. OBLIGATIONS OF MEMBERS AND AFFILIATES
   1. Obligations

All Full Members, Associate Members and Affiliates shall comply with the following obligations:

* + 1. To abide by the APAC Constitution and APAC Code of Ethics;
    2. To support the aims and objectives of APAC, including the recognition and promotion of the APAC Mutual Recognition Arrangement (MRA);
    3. To ensure that its delegates and other representatives abide by the APAC Code of Conduct;
    4. For Full Members to operate in compliance with the requirements of ISO/IEC 17011 and relevant mandatory IAF, ILAC and APAC documents;
    5. To pay annual fees by the due date;
    6. To attend and participate actively in meetings of the General Assembly and for Full Members, in meetings of the MRA Council;
    7. To return ballots (by email or by such electronic means as the Executive Committee may authorise) within the prescribed timeframes;
    8. To provide comments on draft APAC documents within the prescribed timeframes, when requested;
    9. To respond to surveys within the prescribed timeframes, when requested;
    10. To offer representatives, whenever appropriate or feasible, to attend and support APAC committees and working groups;
    11. For APAC Full Members to volunteer representatives to be trained as peer evaluators, and provide at least one peer evaluator;
    12. To contribute to the efficient resolution of any complaints received by APAC;
    13. To uphold copyright of APAC publications;
    14. To maintain the security and, where appropriate, confidentiality of APAC internal and committee documents, and to endeavour to prevent unauthorised disclosure of any other confidential information gained within APAC;
    15. For Associate Members and Affiliates, to ensure that it cannot be inferred that the body has signatory status within the APAC MRA;
    16. To make available on request to APAC its rules, objectives, aims, membership and other documentation;
    17. To promote the international acceptance of certificates and reports issued by conformity assessment bodies accredited by accreditation body Members that are signatories to the APAC MRA, to the ILAC MRA and/or to the IAF MLA;
    18. To provide APAC with information on request about the measures taken to fulfil the above obligations.
  1. Non-Compliance

Non-compliance with the above obligations by an APAC Member will be investigated by the APAC Executive Committee in accordance with APAC’s Complaints and Appeals process.

A breach of these Obligations may lead to suspension or termination of APAC membership as determined by the Executive Committee. Details of applicable sanctions for suspension or termination are detailed in the APAC Constitution.

Should a body wish to have its membership reinstated after termination, it shall apply as a new Member and the application shall be processed in the normal way. Reinstatement of membership may be subject to the settlement of any outstanding debts that were due at the time membership was terminated.

1. CODE OF ETHICS

APAC has, through its members, responsibility for the integrity of a wide range of accredited conformity assessment activities. As such, it is committed to maintaining the trust and respect of clients and the public at large through unquestionable integrity, honesty and ethical business conduct.

APAC Members and Affiliates have a responsibility to uphold this dedication to corporate ethics. In addition to the requirements of conduct created by this code, a Member and, where relevant, an Affiliate shall comply with applicable laws and regulations, both domestic and international.

The following Code of Ethics, which is mandatory for APAC Full and Associate Members and, where indicated, Affiliates, is a statement of concepts concerning the way in which APAC Members and, where indicated, Affiliates should conduct their activities in an ethical manner. It is not a complete list of legal or ethical questions that may be faced in the course of business, and, therefore, it must be used together with common sense and sound judgment. The Code is a set of dynamic principles governing the professional conduct of APAC Members and where indicated Affiliates.

* 1. Code
     1. The member of APAC or Affiliate shall at all times comply with its own policies, procedures, and operational rules, and with those of APAC as set out in the APAC Constitution and this Code of Ethics. In addition, Full Members shall comply with the additional requirements of the APAC MRA (APAC MRA-002) and the related MRA documents.
     2. Each member of APAC or Affiliate shall act honestly, in good faith, and conduct itself in a manner that will reflect positively upon itself, on accreditation, and in the best interests of APAC and the APAC MRA.
     3. Each member of APAC shall act impartially ensuring that it is independent in judgment and actions and take all reasonable steps to be satisfied as to the soundness of all decisions taken.
     4. An APAC Member or Affiliate shall not present or imply a self-declaration of conformance with relevant international standards as having any recognition by APAC of such compliance.
     5. An APAC Associate Member or Affiliate shall not take any actions that state or imply that its membership or affiliate status is equivalent to APAC Full Membership.
     6. An APAC Full Member shall not make statements that misrepresent the purpose or scope of the MRA, nor take any actions that state or imply APAC MRA recognition in areas outside its recognised scope.
     7. APAC members, their accredited conformity assessment bodies, and APAC Affiliates shall use the APAC logo only in the manner approved by APAC.
     8. APAC Members shall try to avoid conflicts of interest or potential conflicts of interest arising out of the fulfillment of their APAC membership duties and the responsibilities of membership. They shall report any such matters to the APAC Executive Committee via the APAC Secretariat.
  2. Breaches of Code of Ethics

Alleged breaches of the Code of Ethics that are reported to the APAC Secretariat shall be dealt with under the APAC Complaints and Appeals Process.

1. CODE OF CONDUCT

APAC is a diverse regional cooperation. It is therefore important for the continuing success of APAC that its activities are conducted in a manner that are inclusive and that ensure all participants are treated fairly and with respect, irrespective of their racial, cultural, religious or social backgrounds.

The following Code of Conduct is binding on all APAC Members and their delegates or representatives in APAC activities including but not limited to: APAC meetings; APAC MRA evaluations; APAC training courses; workshops and seminars; the work arising from APAC Working Groups; or other ad hoc groups. It also applies to participants in APAC activities who are not from an APAC Member, e.g. Affiliates, representatives from other regions, or observers at APAC meetings and evaluations.

* 1. Code

1. Show respect for the race, culture, religion and gender of participants in APAC activities.
2. Maintain and support a collaborative and collegiate environment that is free from discrimination, harassment or offensive behaviour.
3. Respect the right to privacy and do not use information gained in the course of professional or business activities for personal use without consent.
4. Maintain business etiquette and professional courtesy in all interactions whether in person e.g. at meetings or evaluations, or in communications by telephone, email etc.
   1. Breaches of Code of Conduct

In most cases, breaches of this Code are best resolved privately, between the parties to the breach.

If, however, a serious breach of this Code occurs or is witnessed, or if a satisfactory resolution to a breach cannot be achieved by the parties concerned, the matter should be reported as soon as practicable to a member of the Executive Committee, APAC Quality Manager or APAC Secretariat. The matter will be investigated in accordance with APAC’s Complaints and Appeals Process.

APAC understands that there may be cultural norms, religious practices, political protocols and/or social customs that could create unnecessary stress to participants in APAC activities and render compliance with this Code more difficult. In such cases, it is the participant’s responsibility to be sensitive to these constraints and take reasonable steps to avoid potentially difficult situations. If necessary, assistance can be sought from the APAC Secretariat.

1. COMMITTEES

The APAC Constitution requires APAC to establish an Executive Committee and sets out its Terms of Reference. The nomination and election procedures for members of the Executive Committee are set out in APAC GOV-003.

The APAC Constitution also requires APAC to establish the MRA Council as a standing committee to coordinate activities with respect to the APAC MRA, and authorises APAC to establish other committees, sub-committees, and working groups (APAC Committees) as necessary to carry out the objectives, aims and tasks of APAC. The organisation of committees, other than the Executive Committee and MRA Council, and their Terms of Reference are set out in APAC GOV-004 and supporting documents.

Where necessary, APAC Committees may establish their own supplementary rules, which shall be in harmony with these Regulations and Codes.

* 1. Committee Decision-Making

Committees shall attempt to reach conclusions by a process of consensus.

Consensus is defined in the ISO/IEC Directives, Part 1 as: “General agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus need not imply unanimity.”

If a consensus cannot be reached, unless otherwise specified, decisions shall be based upon a simple majority of voting by those Committee members attending the meeting.

1. CONFIDENTIALITY

APAC Members and Affiliates are to treat all information and documentation obtained in the course of APAC activities that is not freely available to the public (i.e. from closed meetings) or when designated as not for open distribution as strictly confidential.

This Regulation shall also apply to information relating to the MRA Council. All members and observers of a peer evaluation team, all members, observers and APAC Secretariat personnel, the MRA Management Committee, any Appeals Panel, and all applicants and members of the MRA Council who request to see reports on pre-evaluation, evaluation and re-evaluation of other applicants and members, must have signed a Declaration of Confidentiality (APAC FGOV-007).

The APAC Secretariat shall ensure that a completed APAC Declaration of Confidentiality (APAC FGOV-007) is obtained prior to disclosing and/or allowing access to APAC confidential information, both in writing and orally, relating to pre-evaluations, evaluations, re-evaluations and settlement of appeals and complaints.

In relation to the APAC MRA, an applicant or member of the MRA Council under evaluation shall advise the evaluation team members how to treat the documents it has provided. This advice may require the team members to either return all documents to the applicant/member or to destroy the documentation.

1. AMENDMENT TABLE

This table provides a summary of the changes to the document with this issue.

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| --- | --- |
| **Section(s)** | **Amendment(s)** |
| All | New issue on establishment of APAC.  This document is based upon the following:   * APLAC SEC 055 Issue No. 1 Obligations of Members * PAC-EXEC-001 PAC Memorandum of Understanding (Issue 3) * APLAC SEC 054 Issue No. 1 APLAC Code of Conduct * PAC-EXEC-013 PAC Code of Conduct (Issue 1) * APLAC SEC 042 Issue No. 6 APLAC Code of Ethics |
| End |  |