

COMMITTEE RULES OF THE ASEAN CHARTERED PROFESSIONAL ENGINEER COORDINATING COMMITTEE

1. INTRODUCTION

1.1 LEGAL BASIS

1.2 These Rules have been developed and will be applied in accordance with the provisions of the ASEAN Mutual Recognition Arrangement (MRA) on Engineering Services CPC 8672, and are intended to be read in conjunction with those provisions. Should the requirements of the Rules and those of the MRA be found to be inconsistent, the requirements of the MRA will prevail.

1.3 MRA ON ENGINEERING SERVICES

1.4 The Governments of Member Countries of the Association of South East Asian Nations (collectively referred to as "ASEAN", and comprising of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam) have agreed on the ASEAN Mutual Recognition Arrangement on Engineering Services which aims to:

1.5 facilitate mobility of engineering services professionals; and

1.6 exchange information in order to promote adoption of best practices on standards and qualifications.

1.7 ASEAN CHARTERED PROFESSIONAL ENGINEER (ACPE)

a. Under the MRA- a professional engineer or practitioner who holds the nationality of an ASEAN Member Country and possesses qualifications and experience that complies with the requirements specified in the Assessment Statement may apply to be emplaced on the ASEAN Chartered Professional Engineers Register (ACPER) and accorded the title of ASEAN Chartered Professional Engineer (ACPE).

b. An ACPE shall practice engineering only in the specific discipline or disciplines in which he/she has been adjudged to be competent under this arrangement.

1.8 REGISTERED FOREIGN PROFESSIONAL ENGINEER (RFPE)

a. An ACPE who wishes to provide professional engineering services in another participating ASEAN Country shall be eligible to apply to the Professional Regulatory Authority (PRA) of a host participating ASEAN Country to be registered as a Registered Foreign Professional Engineer (RFPE).

b. A Registered Foreign Professional Engineer (RFPE) will be permitted to work in collaboration with designated Professional Engineers in the said host country, but subject to domestic laws and regulations and where applicable, not making submissions to statutory authorities of the host country.

1.9 THE PROFESSIONAL REGULATORY AUTHORITY (PRA)

1.10 The Professional Regulatory Authority (PRA) of each participating ASEAN Member Country shall be responsible for the following:

- a. Consider applications from and authorise the ASEAN Chartered Professional Engineers (ACPEs) to work as Registered Foreign Professional Engineers (RFPEs), not in independent practice, but in collaboration with designated local Professional Engineers in the Host Country subject to the domestic laws and regulations and where applicable, not making submissions to statutory authorities of the Host Country as provided for by this Arrangement;
- b. Monitor and assess the professional practice of the Registered Foreign Professional Engineers (RFPEs) and to ensure compliance with this Arrangement;
- c. Report to relevant local and international bodies developments in the implementation of this Arrangement;
- d. Maintain high standards of professional and ethical practice in engineering;
- e. Notify the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) Secretariat (set up under Article 4.3.5) promptly in writing when a Registered Foreign Professional Engineer (RFPE) had contravened this Arrangement, or when a Professional Engineer who is also an ASEAN Chartered Professional Engineer (ACPE) is no longer qualified to undertake independent professional engineering practice in the Country of Origin, has not complied with Continuing Professional Development (CPD) policy of the Country of Origin at a satisfactory level, or has seriously violated technical, professional or ethical standards either in the Country of Origin or in the Host Country whereby such violations have led to deregistration or suspension from practice;
- f. Prepare rules and regulations to enable the implementation of this Arrangement; and
- g. Exchange information regarding laws, practices and prevailing developments in the practice of engineering within the region with the view to harmonisation in accordance with regional and/or international standards.

1.11 MONITORING COMMITTEE

A Monitoring Committee (MC) shall be:

- a. Established in and by each participating ASEAN Member Country to develop, process and maintain an ASEAN Chartered Professional Engineers Register (ACPER) in the Country of Origin.
- b. Recognised as competent by, and may exercise some functions on behalf of, the authorities responsible for the registration and licensing of professional engineers in the country concerned.
- c. Recognised as an authorised body and shall be able to certify the qualification and experience of individual professional engineers directly or by reference to other competent bodies.
- d. The MC shall also undertake to ensure that all ASEAN Chartered Professional Engineers (ACPEs) on its ASEAN Chartered Professional Engineers Register (ACPER):
 1. comply fully with the requirements specified in the MRA; and

2. provide evidence when apply for renewal of their registration that they have complied with the Continuing Professional Development (CPD) at a level prescribed in this Assessment Statement.

1.12 **THE ASEAN CHARTERED PROFESSIONAL ENGINEER COORDINATING COMMITTEE (ACPECC)**

- a. The ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall be established and shall have the authority to confer and withdraw the title of ASEAN Chartered Professional Engineer (ACPE). This authority may be delegated in writing from time to time by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) to the authorised Monitoring Committee (MC) in each participating ASEAN Member Country. Members of the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall comprise of one appointed representative from each Monitoring Committee (MC) of the participating ASEAN Member Countries.
- b. The functions of the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall include:
 1. Facilitating the development and maintenance of authoritative and reliable Registers of ASEAN Chartered Professional Engineers (ACPER);
 2. Promoting the acceptance of ASEAN Chartered Professional Engineers (ACPEs) in each participating ASEAN Member Country as possessing general technical and professional competence that is substantially equivalent to that of professional engineers registered or licensed in the Country of Origin;
 3. Developing, monitoring, maintaining and promoting mutually acceptable standards and criteria for facilitating practice by ASEAN Chartered Professional Engineers (ACPEs) throughout the participating ASEAN Member Country;
 4. Seeking to gain a greater understanding of existing barriers to such practice and to develop and promote strategies to help governments and licensing authorities reduce those barriers and manage their processes in an effective and non-discriminatory manner;
 5. Through the mechanisms available within ASEAN, encouraging the relevant governments and licensing authorities to adopt and implement streamlined procedures for granting rights to practice to ASEAN Chartered Professional Engineers (ACPEs);
 6. Identifying and encouraging the implementation of best practice for the preparation and assessment of engineers intending to practise at the professional level; and
 7. Continuing mutual monitoring and information exchange by whatever means that are considered most appropriate, including but not limited to:
 - i regular communication and sharing of information concerning assessment procedures, criteria, systems, manuals, publications and lists of recognised practitioners;
 - ii informing all Professional Regulatory Authorities (PRAs) when it has been notified that an ASEAN Chartered Professional Engineer (ACPE) is no longer qualified to undertake independent professional engineering practice in the Country of Origin, has not complied with the Continuing

Professional Development (CPD) policy of the Country of Origin at a satisfactory level, or has seriously violated technical, professional or ethical standards either in the Country of Origin or the Host Country, whereby such violations have led to deregistration or suspension from practice or withdrawal from the ASEAN Chartered Professional Engineers Register (ACPER);

- iii verifying the operation of the procedures of participating ASEAN Member Countries; and
 - iv observing the open meetings of any Professional Regulatory Authorities (PRAs) and/or commissions responsible for implementing key aspects of these procedures and relevant open meetings of the governing bodies of the participating ASEAN Member Countries.
- c. The ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) may, whenever it deems appropriate, invite the non-participating ASEAN Member Countries to attend as observers to its meetings.

2. CHAIRMANSHIP AND ORGANIZATION

- 2.1 Chairmanship shall be rotated every two years in alphabetical order of the participating Member States. The Vice Chairman shall be from the next participating Member State assuming chairmanship.
- 2.2 Based on the principle in paragraph 2.1, Indonesia and Malaysia shall be the first chairman and vice-chairman, respectively. (Lao PDR will be given priority in the next rotation).
- 2.3 Members of the ASEAN ACPECC shall comprise one appointed representative, who shall be an engineer, from each Monitoring Committee (MC) of the participating ASEAN member countries, while others may attend the meeting as observers.
- 2.4 Organization of ACPECC, consist of:
 - 1. Chairman;
 - 2. Vice Chairman;
 - 3. Secretary (to be appointed by the Chairman);
 - 4. Delegates of the participating ASEAN Member Countries (maximum 3 persons, other than the Chairman and Vice Chairman); and
 - 5. Delegates of the non-participating ASEAN Member Countries as observers (maximum 3 persons).

3. ACPECC SECRETARIAT

- 3.1 The administration of the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall be facilitated by a Secretariat. The establishment and funding of the Secretariat shall be decided by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC).
- 3.2 The ACPECC Secretariat will be located in Jakarta, Indonesia.
- 3.3 The Secretariat shall be headed by a Secretary upon the approval by ACPECC
- 3.4 The ACPECC Secretariat shall:

- a. facilitates the administration of the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC)
- b. process and maintain an ASEAN Chartered Professional Engineers Register (ACPER)
- c. maintain website
- d. convenes meetings
- e. issues publications

4. ACPECC MEETINGS

- 4.1 General Meetings of the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall be held at least once in each two year period to deal with applications by Monitoring Committees seeking authorisation to initiate Registers and/or authorisation to review the Guidelines on Criteria and Procedures, Assessment Statement and other related guidelines, procedures and documentation, and recommend any amendments to all the Professional Regulatory Authorities (PRAs).
- 4.2 Meeting of ACPECC may be held if needs arise. The Secretariat should circulate an invitation signed by the Chairman to call ACPECC meeting giving reasonable time prior to the date of the meeting. The invitation shall specify the agenda, time and venue of the meetings. Confirmation from participating member states to participate to the ACPECC meeting shall be received by the Secretariat at least 21 days before the meeting. Should there be less than 70% of participating member states who had confirmed that they would participate at the scheduled meeting, the respective ACPECC meeting shall be rescheduled. The meeting can be convened in the absences of any participating member state that has confirmed to attend the meeting.
- 4.3 At the Meeting, each Monitoring Committee will be represented by one representative and a maximum of two accompanying delegates.
- 4.4 Decisions, as far as possible, shall be based on the ASEAN spirit of unanimous principles between the members attending the meeting. Decisions taken at the ACPECC meeting shall be circulated to all participating ASEAN Member Countries and shall be adopted if no objection is raised by any participating ASEAN Member Country within 3 months from the date the decision was circulated or by the next ACPECC meeting, whichever is earlier. If there are objections from 2 or more participating ASEAN Member Countries, the decision shall not be adopted.
- 4.5 The Agenda of the meeting are,
 - a. review and endorsement of the submitted assessment statement;
 - b. conferment and withdrawal of the title of ACPEs;
 - c. discussion on developing, monitoring, maintaining, and promoting mutually acceptable standards and criteria for facilitating practice by ASEAN Chartered Professional Engineers (ACPEs) throughout the participating ASEAN Member Country.
 - d. any other matters in operationalisation of MRA

5. REVIEW PROCEDURES

5.1 Assessment Statement

- a. The Monitoring Committee (MC) of each participating ASEAN Member Countries seeking authorisation to initiate a Register for the purpose of the ASEAN Chartered Professional Engineers Register (ACPER) shall prepare an assessment statement setting out the criteria and procedures for assessing compliance with the qualifications set out at Article 3.1 of the MRA for Professional Engineer applicants.
- b. The proposed statement shall be reviewed and approved by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC). Guidelines on criteria and procedures and examples are set out in Appendices II, III and IV of the MRA.

5.2 Conferment and Withdrawal

- a. Conferment issued based on the endorsed Assessment Statement of the respective MC and verifying the operation of the procedures from time to time as may be required.
- b. PRA of the Host Country shall notify the ACPECC Secretariat promptly in writing when a Registered Foreign Professional Engineer (RFPE) has contravened the MRA, or has seriously violated technical, professional or ethical standards in the Host Country whereby such violations have led to deregistration or suspension from practice.
- c. MC of the Country of Origin shall notify the ACPECC Secretariat promptly in writing when an ACPE:
 - (1) has contravened the MRA, or
 - (2) when a Professional Engineer who is also an ASEAN Chartered Professional Engineer (ACPE) is no longer qualified to undertake independent professional engineering practice in the Country of Origin,
 - (3) has not complied with Continuing Professional Development (CPD) policy of the Country of Origin at a satisfactory level, or
 - (4) has seriously violated technical, professional or ethical standards either in the Country of Origin whereby such violations have led to deregistration or suspension from practice.
- d. Where Article 5.2.2 and 5.2.3 above is applicable, the respective MC shall withdraw and deregister the said ACPE from the ACPER.
- e. ACPECC shall inform all PRAs when it has been notified that an ACPE is deregistered or suspended from practice or withdrawn from the ACPER

6. CERTIFICATES

- 6.1 The registration as ACPE is attested by a certificate signed by the Chairman of ACPECC and the Chairman of MC of Origin Country.
- 6.2 The ACPE Certificate will be issued once by ACPECC, however the registration should be renewed annually and the fees paid through the respective Monitoring Committee.

6.3 The ACPE title may be retained as long as the holder remains registered.

7. REPORTING

7.1 The ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) shall report its progress of work to ASEAN Coordinating Committee on Services (CCS).

8. FINANCES

8.1 The ACPECC financial resources shall be derived from:

- a. Annual registration fees paid through the respective Monitoring Committee;
- b. Unbinding donation from other sources;
- c. Income from activities of the ACPECC, such as publications that may be developed by the International Conferences and the Technical Committees.

8.2 The fiscal year shall be from the 1st of January to the 31st of December of each year

9. APPEALS AND DISPUTE SETTLEMENT

The provisions of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR on the 29 November 2004, shall apply to disputes concerning the interpretation, implementation, and/or application of any of the provisions under this Arrangement.

10. RULES AMENDMENT

10.1 Any MC of the Participating Member Countries may request in writing any amendment to all or any part of this Rules.

10.2 The provisions of this Rules may only be modified through amendments mutually agreed upon in writing by the MC of all the Participating Member Countries in a General Meeting of ACPECC, provided that the proposal has been received by the Secretariat at least three calendar months prior to the Meeting and disseminated to all ACPECC members at least two months prior to the Meeting. Any such amendment agreed to shall be reduced in writing and shall form part of this Rules and shall come into force on such date as may be determined by all the Participating Member Countries.

10.3 Any amendment shall not prejudice the rights and obligations arising from or based on this Rules prior or up to the date of such amendment.
