

**TIC Council**

# **Global Board Regulation One**

Full membership  
Version 1

**March 2019**



# Full Members: Membership Criteria and Application Process

Regulation 1 made by the Global Board Pursuant to Article 13.1.j. of the Articles of Association on 27 March 2019

## PART ONE

### 1.1 Definitions

The same definitions as in the Articles of Association of the TIC Council apply.

### 1.2 Members

#### 1.2.1 Full Membership

A Members shall be a legal entity as defined in Article 6.1 of the Articles of Association engaged in carrying on the business of the Profession as defined in Article 4.1 of the Articles of Association.

#### 1.2.2 Categories

There are three categories of Members as set out in Article 7.1 of the Articles of Association namely:

- (a) Members whose annual turnover from activities relevant to the TIC Council (“Relevant Turnover”) exceeds Euros 2.500.000.000 shall be A1 Members, Members whose Relevant Turnover is less than or equal to Euros 2.500.000.000 and more than Euros 1.000.000.000 shall be A2 Members, and Members whose Relevant Turnover is less than or equal to Euros 1.000.000.000 and more than Euros 700,000,000 shall be A3 Members. All A Members shall have voting rights as described in article 12.8.2.1 of the Articles of Association.
- (b) Members whose Relevant Turnover is less than or equal to Euros 700.000.000 but is more than Euros 400,000,000 shall be B1 Members, Members whose Relevant Turnover is less than or equal to Euros 400.000.000 and more than Euros 100.000.000 shall be B2 Members. All B Members shall have voting rights as described in article 12.8.2.1 of the Articles of Association.
- (c) Members whose Relevant Turnover is less than or equal to Euros 100.000.000 and more than Euros 10.000.000 shall be C1 Members, Members whose Relevant Turnover is less than or equal to Euros 10.000.000 shall be C2 Members. All C Members shall have voting rights as described in article 12.8.2.1 of the Articles of Association.

### 1.3 Criteria for Membership

1.3.1 Upon admission to membership and at all times thereafter the Member shall meet, and continue to comply with, the TIC Council Membership Requirements set out in Part 2 of this Regulation.

1.3.2 The Global Board shall exercise its reasonable discretion in determining the degree of ownership or control which is relevant for the purposes of Requirements 2.5, 2.6

and 2.7 taking into account common ownership or directors, contractual arrangements, confusing common names, informal understandings or other means by which interested parties may have the ability to influence the outcome of a service provided by a Member.

1.3.3 In connection with Requirement 2.3, the Member is expected to be able to show what factors have been taken into account when determining the necessary level of insurance or alternative coverage. One of the factors that should be taken into account is the risk associated with the performance of the Member's activities. (TIC Council has no responsibility whatsoever for ensuring that Members are insured.)

#### 1.4 **New Member Applicants**

In applying for membership in accordance with paragraph 1.6 below a new applicant will need to demonstrate compliance with all of the Requirements in Part 2. In the case of Requirement 2.6, applicants are required to fully implement the Compliance Code using documentation which must be made available to the TIC Council in the English language prior to being accepted into membership. Compliance has subsequently to be demonstrated by an annual external independent verification described in Annexes B and C to the TIC Council's Compliance Code Guidelines for Implementation.

#### 1.5 **Existing Members**

All Members shall confirm their ongoing compliance with the requirements in Part 2 of the Regulation on an annual basis by means of a signed declaration, supported by such documentary evidence of compliance as the Director General may reasonably request. In particular, the Director General may request evidence of the ultimate ownership of a Member in order to demonstrate compliance with Requirements 2.5, 2.6 and 2.7. All Members shall arrange for the effectiveness of the implementation of the Compliance Programme to be verified at least annually by a recognised independent external audit firm and meet the document submission requirements of the TIC Council (including the submission of the Agreed Upon Procedures report). The documents and the annual reports submitted as per the external verification procedures are confidential and for the Director General only.

#### 1.6 **Applications for Membership**

1.6.1 An applicant for new membership shall deliver to the Secretariat a completed application form containing complete information relevant to the category of membership applied for and regarding all the criteria referred to in this Regulation. When returning the application form the applicant will be asked to pay a non-refundable fee to cover the reasonable costs incurred by the TIC Council in processing the application.

1.6.2 The Secretariat will acknowledge receipt of the application form and review it. Further documents or information may be called for.

1.6.3 Once the Secretariat is reasonably satisfied that sufficient information has been submitted to support the applicant's claim that all the criteria have been met, the Secretariat will arrange with the applicant for an audit to be carried out by auditors

nominated by the TIC Council. The purpose of such audit is to checking conformity with the criteria for membership specifically on the implementation of the compliance programme as in Requirement 2.6 and is not a financial audit. The audit will be carried out at the applicant's expense.

1.6.4 Upon completion of the audit and when the Secretariat is reasonably satisfied that all relevant information has been received, the Secretariat will, if the applicant so requests, submit the application to the Global Board for decision. This decision will need to be confirmed by the General Assembly. The Secretariat will notify the applicant promptly of the Global Board's and the General Assembly's decision once that decision has been made.

### 1.7 Powers of the Global Board

The Global Board may make, revoke or vary from time to time regulations and procedures as to the criteria for the admission, qualification, rights, privileges, subscriptions and suspension or termination of each or any category of member of the TIC Council and submit these to the General Assembly for approval.

## PART TWO

### TIC Council Membership Requirements

- 21 The Member shall meet all membership requirements as defined in Article 6 of the Articles of Association.
- 22 Each of the Directors and Officers of the Member shall be a fit and proper person to be engaged in the Profession, and in particular shall not have been convicted of any offence related to the management of any company or its business.
- 23 The Member shall have adequate professional liability insurance or adequate alternative provision for meeting liabilities for professional negligence as approved by the TIC Council based on a proper risk assessment analysis.
- 24 A subsidiary company or division of a larger group may not become a member of the TIC Council unless all of that group's worldwide activities in the Profession are undertaken by the subsidiary or division that constitutes the TIC Council Member or by a group Member under its control. *(This is to ensure that the Member's activities in the Profession are not carried out indirectly by entities which do not meet the TIC Council's membership requirements.)*
- 25 No trader, broker, insurance company or other such user of the services of the Profession shall own the member or have a controlling shareholding in it.
- 26 The Member shall comply with the TIC Council Compliance Code and ensure that the requirements of the Code are implemented throughout its Organisation. *(“Organisation” means all subsidiaries, offices, branches, premises, locations, operations and activities in which or through which the Member (as defined in Article 6.1 of the Articles of Association, including a Group Member) carries on its business in the Profession).*
- 27 The Member shall implement processes and controls to ensure that the Member and its staff are free from conflicts of interest. In particular:
  - The Member and its staff responsible for carrying out its activities in relation to any goods, services or materials shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of such goods, services or materials, nor shall they be the authorised representative of any of these parties except where they are engaged by such a party to provide services within the Profession and such representation (for example in the context of investigations or negotiations relating to a possible loss) is one of the purposes of such engagement;
  - The Member and its staff shall not engage in any activities that may conflict with their independence of judgment and integrity in relation to the provision of technically objective services.
- 28 The Member shall implement processes and controls to ensure the impartiality, independence and integrity of its services and its personnel. In particular:

- The personnel of the Member shall be free from any commercial, financial or other pressures which may affect their judgment;
- Persons or organisations external to the Member shall not be in a position to influence the results of inspections or other work carried out.

29 The member shall operate a quality management system or quality management systems in conformity with the requirements of ISO 9001 and/or, where applicable comply with ISO/IEC 17020 “General requirements for the operation of various types of bodies performing inspection” or ISO/IEC 17025 “General requirements for the competence of testing and calibration laboratories” or ISO/IEC17065 “Requirements for bodies certifying products, processes and services” or an equivalent quality management system as approved by the TIC Council:

- Compliance with ISO 9001 shall be demonstrated by a certificate issued by a certification body accredited by a signatory to the International Accreditation Forum Multi-Lateral Agreement (IAF-MLA);
- Compliance with ISO/IEC 17020, ISO/IEC 17025 or ISO/IEC 17065 shall be demonstrated by an accreditation document issued by an accreditation body which is a signatory to the International Laboratory Accreditation Co-operation Arrangement (ILAC MRA) or the International Accreditation Forum Multi-Lateral Agreement (IAF-MLA) as appropriate;
- The geographical coverage of the quality management system(s) should cover the Member’s predominant permanent service units.
- The scope of the certification or accreditation should cover all that part of the Member’s business which falls within the fields of business set out in Article 4.1 of the Articles of Association.

The member shall meet all other accreditation requirements that it is required to meet under applicable law.

210 The Member shall have an adequate number of permanent personnel who are employed by or are under contract to the Member with the range of expertise to perform its services:

- The personnel responsible for the Member’s professional activities shall have appropriate qualifications, training, experience and knowledge of relevant requirements;
- The personnel shall where appropriate have the ability to make professional judgements as to conformity with general or client-specific requirements and shall understand the significance of deviations found with regard to the normal use of the products/services or processes concerned.

211 Each Committee shall consider from time to time the operation of Requirements 2.5 to 2.10 above in the business sector with which it is concerned, and shall if

appropriate recommend additional membership criteria or codes of practice for that sector, which may be mandatory if approved by the Global Board or if adopted in accordance with procedures approved by the Global Board from time to time. Irrespective of membership of any Committee, all Members are required to implement fully any sector specific requirements of all Committees if they are active in that sector.

- 212 The foregoing Requirements are not intended to and shall not be interpreted or implemented in such a way as to illegally restrict competition or entry into the Profession.

-Ends-