

TIC Council

Global Board Regulation Three

Observer membership
Version 1

March 2019



Observer Members: Membership Criteria, Commitment, Obligations and Application Process

Regulation 3 made by the Global Board Pursuant to Article 13.1.j.
of the Articles of Association on 27 March 2019

1 Definitions

The same definitions as in the Articles of Association apply.

2 Observer Membership Category Description

An Observer Member shall be a legal entity as defined in Article 6.3 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 and which is not yet in a position to fulfil all the requirements for membership as defined in Articles 6.1.1 and/or 6.1.2 of the Articles of Association.

3 Observer Membership Criteria

Observer Members shall meet the criteria for membership in the following clauses of TIC Council Board Regulation 1: Part Two, Clauses 2.1, 2.2, 2.4, 2.5, 2.7, 2.9, 2.10.

4 Commitment by Observer Member

4.1 Standards of Conduct

TIC Council Members are required to comply with the TIC Council Compliance Code including the Compliance Principles relating to Integrity, Conflict of Interest, Confidentiality and Data Protection, Anti-bribery, Fair Business Conduct, Health & Safety and Fair Labour. During the two years of the affiliation to TIC Council as an Observer Member, the Members shall commit to and shall ensure that they maintain the same standards of integrity and ethical conduct in the performance of their services as Full Members. The Members shall conduct themselves with the highest standards of business ethics and integrity, and shall not do anything which would bring their reputation, or the reputation of TIC Council or the TIC industry, into disrepute.

4.2 Commitment to meeting Full Membership criteria

4.2.1 Observer Members shall commit to work towards achieving Full Membership of the TIC Council within two years. Before they can apply for Full Membership they must:

- adopt transparent and auditable Compliance Programme in accordance with Clause 2.6 of the TIC Council Board Regulation 1;
- demonstrate to the satisfaction of the TIC Council how they will meet their liability for damages incurred by third parties from their professional negligence.

4.2.2 If the Observer Member has not met these requirements within a period of two years, its membership status shall be reviewed by the TIC Council with a view to termination unless a realistic plan for it to achieve full conformity to an agreed timetable is agreed between the TIC Council and the Observer Member.

5 Obligations of Observer Member

5.1 Observer Members shall at all times provide testing/inspection/certification services to the extent practicable in accordance with the principles for the Profession promulgated by the TIC Council.

5.2 Observer Members shall be entitled to membership of sectorial Committees relevant to their exercise of the Profession and horizontal Committees provided that the corresponding Terms of Reference of a given Committee allow it. Observer Members allowed in a Committee shall have no voting rights.

5.3 Observer Members shall have the right to attend General Meetings of the TIC Council, but shall have no vote.

5.4 Observer Members may describe themselves as Observer Members of the TIC Council, but may not lay claim to full membership or use the TIC Council logo.

5.5 Observer Members shall pay such annual Observer Membership fee to the TIC Council as may from time to time be decided by the TIC Council Global Board. The fee shall be equivalent to 50% of the fee corresponding to the category of the membership to which the Observer Member would belong.

6 New Observer Member Applicants

In applying for membership in accordance with paragraph 8 below a new Observer Member applicant will need to demonstrate compliance with all of the relevant Requirements in Part 2 of the TIC Council Board Regulation 1 (see paragraph 3 above).

7 Existing Observer Members

All Observer Members shall confirm their ongoing compliance with the relevant requirements in Part 2 of the TIC Council Regulation 1 (see paragraph 3 above) on an annual basis by means of a signed declaration, supported by such documentary evidence of compliance as the Director General may reasonably request.

8 Applications for Observer Membership

8.1 An applicant for new observer membership shall deliver to the Secretariat a completed application form containing complete information relevant to observer membership and regarding all the relevant criteria. When returning the application form the applicant will be asked to pay a non-returnable fee to cover the reasonable costs incurred by the TIC Council in processing the application.

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

- 8.3** When the Secretariat is satisfied that all relevant information has been received, the Secretariat will, if the applicant so requests, submit the application to the TIC Council Global Board for decision. The Secretariat will notify the applicant promptly of the TIC Council Global Board's decision once that decision has been made.
- 8.4** Upon admission to observer membership the Observer Member will be required to sign an undertaking to observe and comply with the terms of this Regulation and all other applicable TIC Council statutes, rules and regulations.

9 Powers of Global Board

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

-Ends-