

APLMF MEMORANDUM OF UNDERSTANDING

(Sixth draft - October 1998)

1. PREAMBLE

The Asia-Pacific Legal Metrology Forum (APLMF) is a grouping of legal metrology authorities in the Asia-Pacific Economic Cooperation (APEC) economies and other economies on the Pacific Rim, whose objective is the development of legal metrology and the promotion of free and open trade in the region through the harmonisation and removal of technical or administrative barriers to trade in the field of legal metrology.

This Memorandum of Understanding represents a commitment by Members of APLMF to work towards achieving the aims of APLMF as outlined in this document using the mechanisms specified herein.

2. DEFINITIONS

a) Membership

Membership is open to legal metrology authorities in all economies within the Asia-Pacific Region and other economies by decision of the Forum.

b) Signatory

A signatory is a delegate in whose name the Memorandum of Understanding is signed on behalf of the Member authority.

c) Member

A Member is an organisation or institution responsible for legal metrology in its economy within the Asia-Pacific Region. When more than one authority in an economy has responsibility for legal metrology, each shall be eligible to apply to be a Member.

d) Corresponding Member

A Corresponding Member is a regional organisation or authority with an interest in the work of the Forum.

e) Delegate

Each Member can appoint a Delegate to the Forum, but each economy shall have only one vote.

The Memorandum of Understanding refers to "Signatories", "Members" and "Delegates".

Signatories, Heads of Member organisations and Delegates may or may not be the same person depending upon the circumstances appropriate to each economy.

f) Asia–Pacific Region

The Asia–Pacific Region encompasses those economies on the Pacific rim.

g) President

Elected head of APLMF, holding office for a term of two years, with a further term of two years may be allowed by the Forum, and supported by a Secretariat.

h) Region/Regional

The Asia–Pacific Region specifically.

3. RESOLUTION

3.1 The Signatories to the Memorandum of Understanding declare their common intention to take part in the Asia–Pacific Legal Metrology Forum (APLMF), an Asia–Pacific collaboration in legal metrology, and to participate in its activities in pursuit of its objectives to the extent that this is possible.

3.2 The activities of the APLMF will be decided and coordinated by the Forum. The Forum ensures that specific tasks are pursued in accordance with the objectives of APLMF.

4. OBJECTIVES OF APLMF

4.1 The participating legal metrology organisations intend to collaborate in APLMF to promote the coordination and integrity of legal metrology activities and services in order to achieve greater harmony of measurement and testing within the Region and build mutual confidence in measurement between Members. Specific objectives are:

a) To identify and promote the removal of technical or administrative barriers to trade in the field of legal metrology.

- b) To develop and maintain mutual confidence between legal metrology authorities in the Asia–Pacific region.
- c) To provide a forum for exchange of information between legal metrology authorities.
- d) To promote mutual recognition arrangements between Members and with other regional groups and individual economies.
- e) To cooperate with the International Organisation of Legal Metrology (OIML) and promote the use and acceptance of OIML International Recommendations and other publications and the OIML Certification Scheme.
- f) To collaborate with other regional bodies in the field of legal metrology.
- g) To coordinate regional training courses in legal metrology and facilitate exchange of staff between authorities.
- h) To facilitate the provision of cooperation assistance for the development of legal metrology infrastructure.

4.2 In pursuit of these objectives APLMF will seek to:

- a) Encourage and facilitate collaboration among interested Members on specific projects.
- b) Establish working groups in specific fields of legal metrology.
- c) Transfer expertise in the field of measurement standards and pattern approval testing between Members through seminars, conferences, workshops, training programs, consultancies and technical publications.
- d) Initiate interlaboratory test comparisons to allow assessment of accuracies in order to gain international recognition of measurement capabilities of Member laboratories.
- e) Maintain an up-to-date database of technical infrastructure capabilities and services available within the Region.
- f) Establish and maintain effective links with other region-based metrological bodies.
- g) Collaborate with other bodies within the Asia–Pacific Region that are active in measurement standards, pattern approval testing and conformance.

- h) Develop and maintain multilateral Mutual Recognition Agreements (MRAs) between Members and develop MRAs with other regional bodies.
- i) Undertake other activities as decided by the Forum from time to time.

5. MODUS OPERANDI

5.1 The working language of APLMF is English.

5.2 The role of the Forum.

The Forum meets to review and discuss the aims and specific tasks of APLMF. The Forum itself decides upon its rules of procedure. The Forum elects the **President** from its Delegates for a period of two years. The **President** normally provides the necessary secretariat assistance to support the APLMF.

To be read in conjunction with “Rules of Procedure for APLMF and Collaborations”.

5.3. The APLMF Secretariat is currently funded by the responsible economy. The Forum may decide to establish membership fees or make charges for attendance at Forum meetings, workshops and seminars. The Forum will also seek assistance from funding agencies for specific projects.

5.4 EXECUTIVE COMMITTEE

The Executive Committee is responsible to the Forum for the effective pursuit of APLMF objectives.

5.4.1 The composition of the Executive Committee

- a) the APLMF **President**;
- b) the immediate past **President**;
- c) the APLMF **Secretary**;
- d) three Members drawn from three separate APLMF economies.

5.4.2 The three Members shall be drawn from three separate APLMF economies elected by Members.

Where an election is required for the three economies to be represented, it shall be on the basis of a simple majority of votes cast.

- 5.4.3 The Executive Committee may elect from its Members a Vice President.
- 5.4.4 Members may, upon advice to the President nominate deputies for specific meetings.
- 5.4.5 Meetings of the Executive Committee are open only to its Members except at the invitation of the President.
- 5.4.6 In the event of a casual vacancy occurring, the Member from which the previous member of the Executive Committee was drawn shall designate a replacement to complete the term of the previous member.
- 5.4.7 Term of office of the Executive Committee

The Members of the Executive Committee shall normally be elected for a term of two years and may be re-elected for a second term of up to two years. The term of office for each Member shall be set to ensure continuity of the Membership of the Executive Committee.

- 5.4.8 Responsibilities of the Executive Committee

The responsibilities of the Executive Committee are to:

- a) implement the APLMF policy and management, including financial management, between the meetings of the Forum, as directed by the Forum members;
- b) ensure cooperation between APLMF and other regional and international organisations for the development and promotion of legal metrology;
- c) endorse the appointment of APLMF committee members;
- d) ensure proper coordination between APLMF working groups;
- e) draft proposals concerning the policy of APLMF;
- f) receive and discuss reports from working groups and to prepare proposals for the Forum meeting arising from these reports;
- g) meet at least once a year. These meetings may be conducted with any combination of in-person, telephone, electronic mail or televisual participation.

6. RIGHTS OF MEMBERS

In order to achieve the objectives of APLMF, Members will have the following rights.

- 6.1 Members participation in the Forum is voluntary and no decisions of the Forum are binding on the members.
- 6.2 All Members will have the right to propose specific projects. Such projects will be undertaken by interested Members on terms to be decided between themselves.
- 6.3 Notwithstanding Clause 6.2, Members will have the right to conduct specific projects independent of APLMF.
- 6.4 All Members may seek the assistance of either the APLMF Secretariat or other Members directly, to enter into consultancies, secondments, or other mechanisms, on specific measurement problems, on terms to be decided between the parties concerned.
- 6.5 Corresponding members and OIML may attend and participate in Forum and Working Party meetings but shall not have voting rights.

7. RESPONSIBILITIES OF MEMBERS

Members commit themselves to the pursuance of the objectives and tasks of APLMF. In particular they will have the following responsibilities.

- 7.1 When an area of metrological activity is under consideration by the Forum, all Members will normally make available to the Forum, information on current and planned work in that area, with the exception of any work carried out in confidence.
- 7.2 The attainment of the objectives of APLMF requires participation by Members to the extent commensurate with resources and expertise at their disposal. In particular, Members are encouraged to consult and utilise in delegations to Forum meetings and activities, representatives of manufacturers and others that are affected by legal metrology laws and regulations in their economy.
- 7.3 Members will make every effort to ensure that necessary resources are made available under their internal procedures to attend meetings and to participate in APLMF activities.
- 7.4 Members will act through the President in all matters relating to APLMF collaboration.

8. THE MEMORANDUM OF UNDERSTANDING

- 8.1 This Memorandum of Understanding will come into force on upon signature by at least ten legal metrology authorities in ten member economies, but will remain open for further participation within the defined Membership.
- 8.2 This Memorandum of Understanding may be amended by a decision of two thirds of the voting membership subject to 60 days notice of such amendment.
- 8.3 If a Member, for any reason whatever, intends to terminate its participation, the Signatory will notify the President of the Forum of its intention as soon as possible, preferably not later than three months beforehand.
- 8.4 This Memorandum of Understanding is concluded for a preliminary term of four years. It will continue in effect unless, within this two-year period or any subsequent two-year period, revision or termination is proposed to the Forum by at least one third of the Signatories.

Participation in this Memorandum of Understanding is purely voluntary and will not have any binding effect in public international law.

RULES OF PROCEDURE FOR APLMF COLLABORATIONS

Article 1 - SCOPE

These Rules of Procedure apply to APLMF meetings organised within the ambit of APLMF and to the organisation of Collaborative Projects.

Article 2 - TERMS OF REFERENCE OF THE APLMF

The APLMF meets to plan and review the activities of APLMF and to discuss its aims and specific tasks.

Article 3 - MEMBERSHIP

- 3.1 Each Member shall appoint one person as the APLMF delegate and inform the President of the appointment. The Member will advise the President of any changes in this appointment and of any observers nominated by the member organisation.
- 3.2 Each APLMF Member must inform the President of the name, address and contact details of their appointed Delegates. The appointees should have the authority to commit the Member organisation to participate in APLMF activities.
- 3.3 Each Delegate may be supported at APLMF meetings by observers but only the Delegate may vote for their economy. Each economy shall be only entitled to one vote.
- 3.4 The APLMF may invite additional observers to specified meetings. Observers will not be able to vote.
- 3.5 Corresponding Members: The same rules apply as for Members, except that Corresponding Members do not have the right to vote.

Article 4 - PRESIDENT

- 4.1 The President shall be elected from among its Delegates at an APLMF meeting.
- 4.2 The President's term of office shall be two years ending at the first meeting following the completion of this term.
- 4.3 In the event of the President's term of office coming to an end prematurely, a new President shall be nominated by the President's member authority subject to the endorsement by the Executive Committee.

- 4.4 The President may be elected for only one further consecutive term of office.
- 4.5 The President will ensure the effective operation of the APLMF Secretariat.
- 4.6 The President will seek appropriate funding to assist Members to attend meetings, conferences and workshops where necessary.
- 4.7 The President will be responsible for facilitating APLMF intercomparison programs.
- 4.8 The President will maintain links between APLMF and:
- a) other Regional bodies involved in measurement standards, pattern approval, testing and conformance, and
 - b) other region-based metrological bodies.
- 4.9 The President will represent APLMF as appropriate, at Asia–Pacific Economic Cooperation (APEC) fora and inform Members of relevant APEC initiatives and recommendations.
- 4.10 The President will facilitate the publication of the APLMF Newsletter and other publications.
- 4.11 The President will ensure that the APLMF *Directory of Legal Metrology* is regularly updated, and all Members will make every effort to assist in the compilation of this *Directory*.

Article 5 - COLLABORATION

- 5.1 APLMF Members will submit to the President for circulation to Delegates, details of projects, seminars, training and workshops for which they wish to seek collaboration within the APLMF.
- 5.2 The collaborating organisation will appoint a Project Coordinator as the contact point for each Collaborative Project. The Project Coordinator will be responsible for keeping the President informed of progress in that project.
- 5.3 The Project Coordinator will submit a Management Plan for each Collaborative Project to the President who will arrange for its distribution to all Delegates.
- 5.4 None of the foregoing Rules of Procedure restrict collaborating economies from entering into additional agreements on individual projects as they see fit.

Article 6 - WORKING PARTIES

- 6.1 The APLMF may set up *ad hoc* working groups to undertake specific tasks, which are limited in time and have clearly defined terms of reference.
- 6.2 Members of working groups can be either Delegates or persons nominated by Delegates.

Article 7 - APLMF SECRETARIAT

- 7.1 The Secretariat for the APLMF is provided by the Member economy of the President. If this cannot be achieved, the President may request help from some other source.
- 7.2 The Secretariat will assist the President in the administration of the APLMF.
- 7.3 The Secretariat will ensure details of collaborations are circulated to all Delegates.
- 7.4 The Secretariat will be responsible for producing a regular APLMF Newsletter.
- 7.5 The Secretariat will maintain a complete set of APLMF publications and APLMF Member details.
- 7.6 Each retiring Secretariat will use its best endeavours to ensure the efficient transfer of APLMF material to the succeeding Secretariat.

Article 8 - CONVOCAATION OF APLMF MEETINGS

- 8.1 The APLMF shall meet as often as required but at least once per year.
- 8.2 The President in consultation with the Members, will decide the place and date of the meeting. The President shall convene the meeting at least ten weeks in advance.
- 8.3 The host economy for each Forum meeting will nominate the Chair for the Forum meeting.
- 8.4 Delegates will be asked to inform the President of items they wish to have included on the agenda at least seven weeks in advance of the meeting, unless the meeting is convened under Article 8.5.
- 8.5 A meeting may also be called at the initiative of the President or at least four Economies specifying the items to be discussed, within a minimum of six weeks notice.
- 8.6 Delegates will be sent a draft agenda at least four weeks in advance of all meetings.
- 8.7 The agenda of all meetings shall be decided by the Forum at the start of the meeting.

Article 9 - MEETING PROCEDURES

- 9.1 Eight Economies shall constitute a quorum.
- 9.2 The Forum will attempt to reach conclusions by consensus whenever possible.
- 9.3 If consensus cannot be reached, decisions shall be based upon the simple majority of votes cast.
- 9.4 If Economies are unable to be present at a meeting, they may empower another Economy to vote on their behalf, provided the President is notified in written form.
- 9.5 A draft report of the APLMF meeting shall be circulated to all Economies within one month of the meeting.

Article 10 - BUSINESS BY CORRESPONDENCE

The APLMF can undertake any business it wishes between meetings by correspondence involving all Delegates.

Article 11 - AMENDMENT OF RULES OF PROCEDURE

These Rules of Procedure can only be amended by a majority of at least two thirds of voting Economies

SIGNATORIES TO THE APLMF MEMORANDUM OF UNDERSTANDING
(List to be attached)