


AIPE	PGC-05 PROFESSIONAL CODE FOR PROFESSIONAL ENGINEERS		
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PROFESSIONAL CODE FOR PROFESSIONAL ENGINEERS


REVIEW No.	DATE	PURPOSE
00	07/09/2012	Initial document
01	07/03/2013	Review
02	01/09/2015	Amendments approved by the Supervision and Guarantees Committee (CSG, Spanish acronym) of 05/11/2015
03	19/04/2018	Change of brand. EQF7 Master's programme added and internationalisation

Prepared by:	Reviewed by:	Approved by:
The Supervision and Guarantees Committee	The Board of Directors	The Supervision and Guarantees Committee

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1. PURPOSE

The aim of this procedure is to establish and define the basic rules of conduct for AIPE-certified professionals, Professional Engineers and the Association's certifying staff.

2. SCOPE

This document applies to the activities performed by Professional Engineers (PEs) and to the staff involved in AIPE's certification activity. The incident resolution process is not included within the scope of this procedure.

In the case of Professional Engineers from other accredited Certification Entities, any references to the processes or documents of AIPE's Certification System will be replaced for those applied by their respective Certification Entity.

3. STANDARDS OF REFERENCE AND APPLICABLE DEFINITIONS


The standards of reference are as follows:

IPR-1000	Catalogue of Competences of Professional Engineers
IPR-1001	Requirements for Registration as Professional Engineer
IPR-1002	Requirements for the Ongoing Professional Development of Professional Engineers
IPR-1006	Candidate's Guide
IPR-1007	Evaluator's Guide
IPR-1008	Guide for Requesting Certification as Professional Engineer by Accredited Certification Entities

The applicable definitions are set out in the document PGC-06 – Standards, Documentation and Definitions.

For quality purposes, the definitions of *Professional Engineer* and *Certifying Staff* are included below.

- **Professional Engineer:** An engineer that holds a PE certificate issued by AIPE and currently in force, who has at least 4 years' professional experience and whose professional competences are in accordance with this category.

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- **Certifying Staff:** Any individual involved in the professional review process within the certification scheme, namely: documentation verifier, documentation evaluator, primary evaluator, secondary evaluator and members to the Supervision and Guarantees Committee.

4. PUBLIC DISCLOSURES

Professional Engineers:

- Should not issue any public professional opinion unless such an opinion is based on a reasonably deep knowledge on the subject concerned, their know-how on the matter and the certainty of the suitability of their contribution.
- When making a statement in favour of an interested party to whom they may be linked, they should indicate such a circumstance disclosing any economic interest they could have in such matters.


The Certifying Staff:

- Should keep any aspect concerning the certification processes fully confidential.

5. CONFLICT OF INTERESTS

Professional Engineers:

- Should avoid any conflict of interests with their company or client but, if unavoidable, should disclose any such conflicts immediately.
- Should inform their clients or any company about any business link, interests or circumstances that could affect their professional judgement.
- Should not accept any greater compensation from any party, either monetary or of any other kind, on account of services relating to the same project, unless such circumstances are totally clarified and accepted by all of the parties involved.
- Should not request or accept commissions from the suppliers of materials or equipment in order to include them in the specifications.

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- Should not request or accept any direct or indirect commissions from contractors, agents or any other parties related to their client or company regarding projects under their responsibility.

The Certifying Staff:

- Should remain impartial with respect to the certification candidates; specifically, they should not have any hierarchical, functional, advisory, training, economic or commercial dependence on them nor any other dependence whatsoever.
- Should apply the same homogeneity and integrity requirements and certification management criteria to all candidates.

6. LABOUR RELATIONSHIPS

Professional Engineers:


- Should not falsify nor allow any alteration whatsoever of their educational and professional background, nor of that of their colleagues.
- Should not exaggerate or conceal their responsibilities, with regard to professional activities performed at present, in the past or in the future.
- When applying for a job, they should not distort the facts in order to deliberately enhance their qualifications and CV.

7. USE OF LOGOS AND BRANDS

AIPE's logo should be used by the certification staff to identify documents, certificates, correspondence, etc. and its use should be restricted to the Association itself and to the people authorised by the latter during the certification process.

The Professional Engineer brand (PE) may be used by certified professionals for professional purposes only and provided that their certification is in force, as set out in PEC-13 – Brand Use.

The use of the PE brand by unauthorised organisations or individuals, or for purposes other than those stated above, or not explicitly authorised, constitute a fraudulent use of the brand resulting in a serious offence.

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Notwithstanding the foregoing, AIPE reserves itself the right to take any actions it may deem relevant, including, among others, publishing in its communication media the misuse or abusive use of its brand.

8. MISCONDUCT

Any individual subjected to this procedure should fulfil the following obligations:

- Should not sign any documents on any activities on which he/she did not a professional knowledge of his/her own and over which he/she may not have had any full and direct responsibility for their control or supervision.
- Should not allow, either consciously or deliberately, that his/her name or that of his/her company be associated with any individual or company that he/she may know, or have strong evidence to assume, that are involved in fraudulent or false businesses or professional practices.
- Should inform AIPE within a maximum term of one month of any complaint filed against him/her and that may not have been processed by AIPE itself, so that the relevant procedure can be carried out.


9. FRAUDULENT PRACTICE

Any breach or violation of the Professional Code will be deemed as a fraudulent practice. Therefore, after the procedure to resolve the alleged breach is initiated, as set out in procedure PEC-08 – Procedure for the Resolution of Complaints and Appeals, and once all the steps foreseen therein have been taken, if the Professional Engineer or the certifying staff are found to be guilty, the relevant penalties will be applied.

10. MISCONDUCT AND PENALTIES

10.1. Minor Misconduct

Minor misconduct occurs when the Professional Engineer acts with negligence in a way that does not lead to bodily injuries or to a significant economic cost for the affected party, and that does not purport any significant impairment to the environment or the safety and health of people nor to the integrity of property, “significant cost” being any cost in excess of €100,000.

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Furthermore, the following actions will also be understood as minor misconduct:

- Professional performance by a certified individual whose certification may have expired within the previous 6-month period and who may not have been advised thereof in writing or when, if advised, may have failed to renew his/her certification.
- Any actions carried out in breach of sections 4 and 5.
- Those actions by the certifying staff that may be contrary to the applicable procedures.

Minor misconduct will be penalised through private notification.

10.2. Serious Misconduct


Serious misconduct occurs when a Professional Engineer may have acted in a way leading to non-permanent damages to individuals or property, or when the provable cost of which may imply an economic damage to the company, business or people, for a total amount between €100,000 and €240,000.

As for the certifying staff, serious misconduct will occur when any action may imply a breach of the principles of confidentiality and impartiality which they are obliged to observe in all circumstances.

Furthermore, the following actions will also be understood as serious misconduct:

- Performance by a certified professional whose certification may have expired within a term greater than six months before any such performance and failure by the former to renew his/her certification.
- Any actions in breach of section 6.
- Abusive use of the certification as stated in procedure PEC-01 – General Certification Procedure.
- Incurring minor misconduct twice.

Serious events will lead to a penalty to be publicly notified and to the withdrawal of certification for a 6-month period, after which the penalised professional will be subjected to a recertification audit, as stated in procedure PEC-01.

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A serious misconduct by AIPE evaluators will lead to public notification thereof and to losing the status as such for a 6-month period. In order to recover that status, they must proceed as stated in procedure PGC-10 – Selection and Qualification of Evaluators.

10.3. Very Serious Misconduct

Very serious misconduct will occur when, as a result of proven negligent professional performance, verifiable costs causing economic damages higher than €240,000 may have been incurred. In general, any permanent damages to people, property and the environment will be deemed very serious misconduct.

Furthermore, the following actions will also be deemed very serious misconduct:

- Professional performance, either conscious or deliberate, by a person with a certification past due for a period longer than 12 months.
- Any actions carried out in breach of sections 7, 8 and 9.
- Incurring serious misconduct twice.


Very serious misconduct will be penalised through public notification and the certification definite withdrawal. AIPE reserves itself the right of admitting the professional involved in future certification processes, and of filing any relevant legal actions.

11.CERTIFICATION WAIVER

Any Professional Engineer can waive his/her certification voluntarily. For that purpose, he/she must submit a standard form to AIPE's Supervision and Guarantees Committee, stating his/her waiver.

AIPE's Supervision and Guarantees Committee will then cancel any certification requests and delete them from the Professional Engineers registry, timely informing this fact in writing and the effective date of the requester's waiver. Such a written document will be entered in the certification system and kept in the individual's file for at least 10 years.

This request and its subsequent confirmation by AIPE, as per form FEC-26 – Notification of Cancellation of the PE Certification, implies a waiver to any rights that the requester may be entitled to, as well as to the use of the certification in performing his/her professional activity as from the date when written notification thereof has been served.

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However, professional responsibility over any actions performed during the certification valid term will not terminate until the period stated by law.

12.CERTIFICATION CANCELLATION

In addition to the causes set forth under items 10 and 11, certification will be cancelled in the absence of a request of recertification, pursuant to procedure PEC-01 – General Certification Procedure.


However, professional responsibility over any actions performed during the certification valid term will not terminate until the period stated by law.

13.RESPONSIBILITIES

This procedure stemming from AIPE's Professional Code, according to the scope stated in item 2, will apply to Professional Engineers and the certifying staff.

Both groups, in performing their duties, are obliged to:

- Be aware of the Professional Code of Conduct, be acquainted with its provisions and interpret them correctly.
- Act with integrity, showing:
 - Honesty,
 - Impartiality, and
 - Loyalty and a service vocation toward society at large, their clients, their company and AIPE, when acting as certifying staff.
- Be absolutely objective when issuing any professional document, including all the relevant and suitable information, avoiding any omissions that may lead to misinterpretation or confusion. Should they have to appear before a court, committee or the like to express their opinion, they will only do so provided that they have a well-grounded opinion on the facts being the subject matter of the claim, based upon their know-how and certainty about the accuracy of their testimony.
- Protect the safety, health and well-being of the community in performing their professional activity, being impartial at all times. Should their impartiality be threatened or safety, health and public well-being not be guaranteed, they must:

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- Inform the competent authority;
 - Decline any responsibility; and
 - If necessary, terminate the relationship with the company or client.
- Undertake to carry out only those tasks that he/she is qualified for in the industry.

The staff reached by this procedure must inform AIPE immediately about any breach of the Professional Code stated herein.

14. REGISTRATION AND FILING OF CLAIMS AND COMPLAINTS

Actions by certified professionals or the certifying staff may be reported to AIPE, as stated in this procedure. In the first case, the term to be used is “complaints” and, in the second case, “claim” (usually against any certification decision).

The process to submit claims and complaints, and for their resolution, is described in procedure PEC-08 – Procedure for the Resolution of Complaints and Appeals.

AIPE will keep a “File of Complaints and Appeals” that will contain any files entered for this reason. This will be done individually as soon as it becomes known. Each file will contain the following records:

- Form of Complaints, Claims and Appeals
- Call of the committees in charge of the resolution process
- Minutes of the committees
- Notifications sent to the individual involved

Additionally, a copy thereof is enclosed to the individual files of the certified individuals and to the electronic File of Non-conformances and Corrective/Preventive Actions, depending on whether it is a claim or a complaint, respectively.

Pursuant to section 9 of this Professional Code, any claims and complaints against the alleged responsible individuals, of which AIPE has not been informed through the corresponding channels, should be reported to the Association within a maximum term of one month, as from the date of receipt of such a claim or complaint by the individual involved. Deliberately concealing such a fact will lead to a very serious misconduct and could result in the certification withdrawal.