

**GUIDELINES FOR ENGAGEMENT BETWEEN
THE HEALTH WORKING GROUP AND THE PRIVATE SECTOR
(update endorsed August 2019)**

I. BACKGROUND

1. The mandate of the Asia Pacific Economic Cooperation (APEC) forum's Health Working Group (HWG) is to work together to improve people's health and well-being to promote trade, security, inclusive growth and economic development in the APEC region.
2. The HWG is comprised of representatives from APEC economies, and provides a useful forum for discussion and collaboration on regional health issues. The HWG operates on the basis of consensus and there are no binding commitments through HWG participation – it is not a norms and/or standard-setting body.
3. The HWG acknowledges the importance of engaging with the private sector to successfully achieve this mandate. The private sector makes significant contributions to regional health outcomes including through research and development to advance medical science, improvements to existing products and services, and enhancements to the quality and efficacy of care. It is essential the HWG actively engages with all stakeholders to deliver better health outcomes in the Asia-Pacific region.
4. As the HWG is comprised of representatives from member economies who set domestic health and regulatory policy and are involved in significant procurement of goods and services in the health sector, it is important that any engagement with the private sector is conducted in a transparent and competitively neutral manner that manages risks (real or perceived) of conflict of interest.
5. The HWG's *Guidelines for engagement between the Health Working Group and the private sector* (the Guidelines) guide this engagement and build on APEC's broader collaboration with the private sector to enhance cooperation in the field of human health. The Guidelines will facilitate greater engagement with the private sector and, importantly, will provide a mechanism to actively manage real (or perceived) conflicts of interest, guarantee competitive neutrality and assure that all engagement with the private sector is managed in an open and transparent manner.

II. APPLICATION

6. These Guidelines apply to all HWG events including: HWG meetings, HWG projects, HWG-endorsed policy dialogues and High-Level Meetings. These Guidelines should be adhered to in all HWG interaction with the private sector.
7. Any reference to the private sector is a reference to all non-governmental entities including business/industry, academia, civil society, non-governmental organisations and philanthropic foundations. For the purposes of these Guidelines, state-owned enterprises will also be treated as private sector entities to ensure they do not receive any unwarranted advantage over private enterprises through their interaction with the HWG.

III. GUIDING PRINCIPLES

8. The *Guidelines on Managing Cooperation with Non-Members* (the SOM Guidelines), were approved by APEC Senior Officials in September 2015. The SOM Guidelines set out the principles and procedures for managing cooperation between APEC and non-member entities and individuals and outline how the APEC Working Groups should engage with private sector representatives. The HWG Guidelines are consistent with, and adhere to, the SOM Guidelines. As such the HWG Guidelines do not apply to the participation of non-APEC economies and intergovernmental multilateral organizations, engagement with which may only be approved by the SOM Steering Committee on Economic and Technical Cooperation (SCE).

9. The *Rules of Procedure on Participation by Non-Members in APEC Working Groups* (Rules of Procedure; 1993 APEC Ministerial Statement), provide that private sector representatives who are included as part of a member economies' delegation have the full rights of all participants of member economy delegations, at the discretion of their heads of delegation. These Guidelines are consistent with the Rules of Procedure and are intended to provide clearer principles and procedures for how the HWG engages with private sector entities, including those who are part of member economy delegations, to ensure competitive neutrality and transparency, and to avoid any conflicts of interest.

10. Considering this APEC guidance, the Guidelines adhere to the following principles:

- (i) *Collaboration to advance health* – the HWG will engage with the private sector where collaboration will advance health outcomes including via improvements in quality, volume, accessibility; and the reduction of burden.
- (ii) *Integrity* – all HWG engagement with the private sector must maintain the integrity of the HWG and ensure the mutual respect of all member economies and take a scientific and evidence-based approach. Any conflicts of interest, whether real or perceived, must be clearly identified and appropriately managed.
- (iii) *Competitive neutrality* – all HWG engagement with the private sector will be conducted in a fair, inclusive and open manner to ensure that one private entity, including state-owned enterprises, does not receive preferential treatment or a competitive advantage over another due to its engagement with HWG.
- (iv) *Transparency and accountability* – the HWG will ensure that any decision to collaborate and engage with the private sector is managed by consensus and in a transparent manner.

11. These principles support the work of the APEC Business Ethics for Small and Medium Enterprises (SMEs) Initiative, and align with APEC Principles for codes of ethics endorsed by APEC Ministers and Leaders.

IV. MANAGEMENT PROCEDURES

A. Private sector delegates

12. Consistent with broader APEC practice, HWG member economies may include business/private sector representatives as part of their own delegations. However, the head of delegation must be a government representative. Private sector representatives have the full rights of all participants of member economy delegations, as decided by the relevant head of delegation. The composition of a member economy delegation remains at the discretion of the head of delegation, who should consider the above Guiding Principles when determining the composition of their delegations.

13. To ensure transparency, the head of delegation should, at least 14 days in advance of the HWG event:

- notify the APEC Secretariat and the Chair of the HWG that non-government representatives will form part of the delegation;
- identify which private sector entity will be represented;
- specify the role of the private sector entity as part of the delegation and reasons for participation;
- identify any conflicts of interest that may arise (based on the HWG agenda); and
- identify any opportunities for competitors to participate in the event (to ensure competitive neutrality).

14. The APEC Secretariat will distribute a list of all HWG delegates, including any private sector delegates, to HWG member economies in advance of the event. This list will include a description of any private sector entities intended to participate in the HWG and reasons for their attendance.

15. Any member economy with concerns of any real or perceived conflicts of interest should raise this with the Chair of the HWG within 14 days of the private sector delegate being nominated. The Chair will discuss these concerns with the proposing head of delegation to determine what suitable action (if any) can be taken to alleviate these concerns. Suitable actions may include:

- discussion of any conflict of interest prior to opening of event, or prior to discussion of a specific agenda item;
- identification of the delegate before speaking to specific items; or
- voluntary withdrawal of a private sector delegate from the room, or from the table, for discussion of a particular agenda item.

16. Nothing in these Guidelines can be taken to force the withdrawal of a delegate without the approval of the head of delegation. The Guidelines do not prejudice the authority of any member economy over its own delegation.

17. The HWG encourages the participation at HWG meetings by representatives from other APEC groups who have undertaken an APEC-approved delegate appointment process external to HWG, such as the APEC Business Advisory Council observers and the Life Sciences Innovation Forum, subject to the review and approval of the HWG.

B. Private sector guests – single participation in HWG activities

18. The private sector may request to participate in HWG activities, or may be invited to do so by the HWG Chair, the APEC Secretariat or any HWG member economy. Any participation by the private sector must be approved, by consensus, by the HWG. Consistent with the SOM Guidelines, when considering private sector applications, or invitations, the HWG will take into consideration:

- relevant information about the private sector entity and its public profile;
- the relevance of the private sector's expertise to the issues being addressed;
- capacity to make a contribution to the work of the HWG; and
- any demonstrated interest in the APEC region, and in the issues APEC addresses.

19. Any request (including a proposed invitation) will be dealt with in a consistent and transparent manner according to the following process:

- Any request to participate in a HWG event must be provided to the APEC Secretariat at least 14 days before the event.
- Any request must be accompanied by a completed Declaration of Interest form ([Annex A](#)).
- The APEC Secretariat will notify the HWG Chair of any such request.
- If the request is not received by this deadline, the HWG Chair can exercise his/her discretion in accepting any late request.
- Upon receiving a request, the HWG Chair with the assistance of the APEC Secretariat, will write (via email) to all member economies to seek agreement to the private sector's participation in the event.
- Agreement must be by consensus; a nil response after the deadline will be taken as agreement to the private sector's participation in the event.
- Member economies will notify the HWG Chair of any concerns or potential conflicts of interest that a request for participation by the private sector may raise.
- When consensus is made, the Chair will inform all HWG members and the APEC Secretariat of any private sector participation so they can notify the SCE.
- Prior to any HWG event, the Chair (independently, or at the request of a member economy) may choose to hold a closed session of the HWG to discuss the participation of the private sector participant and any conflicts of interests that may arise as a result of such participation. During this session the HWG may choose to take any action, including limiting:
 - the topics on which the private sector entity may present during the event;
 - the agenda items for which the private sector entity is able to be present during the event;
 - attendance of the private sector entity as an observer only during the event; and
 - the non-public information/documents to which the private sector attendee has access.

For policy dialogues and technical seminars without involvement of the Secretariat and HWG Chair, the above process should be carried out by the project overseer (PO) and vice-chair respectively.

- Any private sector participation at a HWG event will be consistent with APEC's *Terms of Participation of Approved Guests* in the SOM Guidelines (reproduced at Annex B). All private sector attendees must clearly identify themselves, and which private sector entity they represent, before they address the HWG.
 - APEC's logo and acronym represents APEC, the premier vehicle for regional economic cooperation. Any use of the logo and acronym by the private sector shall adhere to the *APEC Logo Guidelines* (2013).

C. Self-funded Projects that are funded by private sector

20. Any self-funded project, presented to a HWG meeting, including those from other fora which are reported to HWG meetings, shall declare its source of funding in the concept note when provided to the HWG in order for any self-funded projects that are funded by the private sector to be reviewed to avoid any conflicts of interest.

V. NON-COMPLIANCE

21. If a member economy suspects non-compliance with the Guidelines by a private sector entity, then they must bring their concerns to the attention of the HWG Chair. Upon receiving such a notification, the HWG Chair may request the submission of information, materials and other evidence from the private sector entity and/or the head of delegation, or any member economy, before consulting with the HWG to decide on any appropriate action to be taken.

VI. OVERSIGHT AND REVIEW

22. The APEC Secretariat will include the Guidelines on the agenda of every HWG event and will speak to any issue with implementation. Member economies will be able to raise any issues with the Guidelines during this discussion. The HWG may amend the Guidelines, by consensus, at any time.

DECLARATION OF INTERESTS
APEC HEALTH WORKING GROUP GUESTS

The APEC Health Working Group (HWG) requires that all guests disclose any circumstances that could represent a potential conflict of interest.

A conflict of interest can be defined as any interest that may affect, or reasonably be perceived to affect, the guest's objectivity and independence. You must disclose on this Declaration of Interest form any financial, professional or other interest relevant to the subject of the event and any interest that could be affected by the outcome of the event.

Please complete this form and submit it to the HWG Secretariat no later than 14 days before the event. You must also promptly inform the Secretariat if there is any change in this information prior to, or during the course of the event.

Name: _____

Institution: _____

Email: _____

Date and title of event, including description of subject matter to be considered that may be subject to a conflict of interest:

Outline any conflicts of interest that may be relevant to the event:

DECLARATION: I hereby declare that the disclosed information is true and complete to the best of my knowledge.

Date: _____

Signature: _____

Terms of Participation of Approved Guests

The following terms outline the rights of participation by approved guests in APEC fora meetings or separately held events, the supporting role of the Chair/Lead Shepherd in controlling approved guest participation in such meetings and separately held events, and ensuring that the fora conform to all relevant APEC procedures and requirements:

1. Guests should strictly follow APEC rules, Guidelines and practices during their attendance in APEC meetings and events;
2. Guests may be invited/allowed by the Chair/Lead Shepherd to address its forum meeting or separately held event on an agreed topic where the guests' expertise is relevant to the agenda item under consideration. While the guests' views may be taken into account by the forum, the guests cannot take part in the decision-making process;
3. Guests may be invited by the Chair/Lead Shepherd to respond to questions that arise in a forum meeting or a separately held event;
4. Guests, with the agreement of the Chair/Lead Shepherd, may be permitted to circulate documents for information on relevant subjects during APEC fora meetings or separately held event(s);
5. Guests should respect the confidentiality of meetings and if appropriate, of separately held event(s), and any meeting documents received;
6. Guests and Observers should be invited to leave the meeting room when the issue of non-member participation is discussed; and
7. The Chair/Lead Shepherd may also convene closed sessions of fora meetings excluding Observers and guests.