



## Presidency's Compendium of Best Practices on MRAs for Professional Services



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## ABBREVIATIONS

Mutual Recognition Agreements	MRA
Free Trade Agreements	FTA
United Kingdom	UK
Comprehensive and Progressive Agreement for Trans-Pacific Partnership	CPTPP
General Agreement on Trade in Services	GATS
Mercado Comun del Sur	MERCOSUR
Comisión para la Integración de la Agrimensura, Agronomía, Arquitectura, Geología e Ingeniería del MERCOSUR	CIAM
Association of Southeast Asian Nations	ASEAN
Compound Annual Growth Rate	CAGR
United States Dollar	USD

## OVERVIEW

### 1. Background

Mutual Recognition Agreements (MRAs) in professional services are voluntary agreements between competent authorities that confer recognition of certain licensing or qualification requirements obtained in the jurisdiction of the other parties to the agreement. Such requirements include those regarding education, training, certification, accreditation and professional experience.

In practice, there are a number of steps leading to 'Recognition' in the process of development and implementation of MRAs, including substantive and procedural requirements for recognition of qualifications, professional experience and other conditions. The substantive requirements may include broad conformity and meeting of professional standards across countries. Procedural requirements entail the necessary procedures to demonstrate that the substantive requirements are met. MRAs are negotiated by regulators or professional licensing bodies endowed with the necessary (delegated) legal powers, including central/federal or sub-federal government authorities, and professional associations empowered by the governments to negotiate on their behalf and independent professional bodies.

### 2. Structure and end-use

The Compendium, prepared by Indian Presidency, outlines key provisions incorporated in MRAs across the jurisdictions or contained in "best-practice" guidelines for the development of MRAs. These are derived from the inputs received from several G20 Members in the form of response to the Presidency's questionnaire and case studies. The Compendium has been finalized in light of the comments/inputs received from G20 Members and invitee countries. The Compendium enlists a variety of provisions and practices of G20 members. Acknowledging that no one-size-fits-all solution exists, it presents a range of options for policymakers looking to promote trade in professional services and can serve as a toolkit for professional bodies to adopt relevant provisions and initiatives highlighted therein and adapt them as per the domestic legal frameworks while formulating their own regulatory policies.

Any views expressed within a country's entry in the compendium is that country's alone and does not represent a G20 position or the position of any other country identified in the entry.

### 3. Highlights

Some of the G20 members have included provisions in Free Trade Agreements (FTA) related to mutual recognition in professional services, including the Korea-Australia FTA, the Korea-United States FTA, UK-EU Trade Cooperation Agreement, among other EU FTAs, UK-New Zealand FTA, Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), United States-Mexico-Canada Agreement (2020). Some of these agreements incorporate voluntary guidelines on Mutual Recognition Agreements or Arrangements for the Professional Services Sector.

Some of the G20 Members have entered into specific MRAs which vary based on their domestic regulatory frameworks. Argentina has entered into MRAs with Bolivia, Chile, Colombia, Cuba, Ecuador, Spain, Mexico, Peru, and Ukraine for recognition of education titles. Some of the G20 members have specific MRAs for Architects including EU-Canada MRA for Architects (2022). Indonesia has entered into MRAs with ASEAN for Engineering Services, Nursing Services, Architectural Services, Surveying Qualifications, Tourism Professional, Accountancy Services, Medical Practitioners, Dental practitioners.

Some G20 members have prioritized need for transparency during negotiations, conducting impact assessments to identify benefit and risks, impact of differences in regulatory requirements on developing MRAs, and consultation with stakeholders as key steps and requirements in negotiating and producing MRA. Further, G20 Members also identified compatibility with national skills, language proficiency, resource constraints, and adhering to the timelines as significant challenges during negotiation and implementation of MRAs.

## COUNTRY BEST PRACTICES–G20MEMBERS

### I. Argentina

#### **Information provided by the Ministry of Education of the Argentine Republic**

##### **1) Procedure in Argentina for the recognition of professional titles**

As outlined in the provisions of the Higher Education Law (Law 24.521), the exclusive authority to confer bachelor's degrees and equivalent professional titles, as well as postgraduate degrees, lies solely with university institutions.

Official recognition of degrees issued by university institutions is granted by the National Ministry of Education. The titles with official recognition certify the received academic training and qualify for the respective professional practice throughout the national territory, while acknowledging the provinces' regulatory authority over professional practice. The knowledge and abilities that such titles certify, as well as the activities for which their holders are competent, are established and made known by the university institutions. Furthermore, the curricula must adhere to the minimum hour requirements set by the Ministry of Education in coordination with the Council of Universities.

In the case of those titles corresponding to professions regulated by the State, the exercise of which could compromise the public interest, directly jeopardizing the health, safety, rights, property or training of the inhabitants, article 43 of the Higher Education Law states that the following requirements must be respected, alongside the minimum hour load:

- a) The study plans must take into account the basic curricular contents and the criteria on training established by the Ministry of Education, in agreement with the Council of Universities;
- b) The respective careers must be periodically accredited by the National Commission for University Evaluation and Accreditation or by duly recognized private entities constituted for that purpose.

It is the Ministry of Education that determines with restrictive criteria, in agreement with the Council of Universities, the list of such titles, as well as the professional activities reserved exclusively for them.

Undergraduate and graduate degrees are qualifying titles for professional practice, which implies recognition of the university institution as the competent entity that allows to perform professional practice. No other institution in Argentina can grant university level titles with this category.

Both public bodies, such as colleges or professional councils that grant professional registration, carry out a merely administrative analysis of the certifications issued by university institutions, but they cannot demand any exam or further academic requirement.

## **2) Argentine experience in the field of 'Mutual recognition agreements of studies'**

The recognition of foreign university degrees in the Argentine Republic is carried out through two possible mechanisms, namely: revalidation and validation processes.

### Revalidation process:

The Higher Education Law No. 24.521 in subsection k) of its Article 29 attributes only to state run National Universities the power to revalidate foreign titles.

In this context, recognition through revalidation occurs by means of a National University that provides a program of study leading to a degree equivalent or similar to the foreign degree, irrespective of the individual's nationality.

In this case, the process is initiated by the interested party before a National University. Given the academic and institutional autonomy of the universities, each of them may have a particular procedure to resolve the revalidation. In general, university institutions, through commissions made up of academic specialists in the discipline in question, compare the foreign title with the title they issue and determine if there is total equivalence between the two or if certain additional academic obligations must be fulfilled to achieve the revalidation. This requires having previously revalidated the secondary level studies, in the event that this educational level has also been carried out abroad. The Ministry of Education has no intervention in the revalidation process.

### Validation process:

Regarding the validation mechanism, it is applied in the case of titles issued in countries with which the Argentine Republic has signed agreements for the mutual recognition of studies. The recognition is carried out through the validation procedure

and is channelled through the National Directorate of University Management of the Secretariat of University Policies of the Ministry of Education.

Depending on the type of agreement, two types of validation can be given.

\*Indirect validation through the University Commission of Experts: In this case, an evaluation is carried out by a university commission of experts to determine the reasonable equivalence of the foreign title. These commissions work on the basis of academic collaboration agreements between university institutions and the Ministry of Education. The university commission of experts can determine that the interested person complies with the reasonable equivalence of their degree with a similar Argentine degree, or that they must comply with additional academic obligations (curricular contents), which they can carry out at the same institution without any delay. The university institution may not demand that foreign professionals, due to their status as such, take courses with regular students. They must take a general exam or take a levelling course with a final exam that contemplates the curricular contents established by the university expert commissions. Afterwards, the university institution will sign a minutes record in line with its regulations, that will be communicated to the competent area of the Ministry of Education.

\*Automatic validation based on quality accreditation: It is implemented with those countries that have national mechanisms for accreditation of the quality of their careers. The degree recognition scheme based on national or regional accreditation systems implies a swift mechanism for automatic recognition of degrees. This process grants authorization to perform professional practice of those university degree titles that have current accreditation granted by the respective agencies of accreditation. This mechanism is established without prejudice to the applicable regulations for each profession that countries impose on its own nationals.

Within this framework, the Argentine Republic has signed bilateral or multilateral agreements for the recognition of university and higher education degrees with different countries. The agreements in force are listed below:



Country	Current Agreement	Date	Law	Complements	Observations
<b>Plurinational State of Bolivia</b>	Mutual recognition agreement for higher education titles and academic degrees between the Argentine Republic and the Plurinational State of Bolivia	7/18/2012	26.869		
<b>Chile</b>	Agreement for Mutual Recognition of Professional Titles and Degrees and University Degrees between the Republic of Argentina and the Republic of Chile	3/16/2012	26.883		
<b>Colombia</b>	Mutual Recognition Agreement for Certificates, Titles and Academic Degrees of Primary, Secondary and Higher Education between the Government of the Argentine Republic and the Government of the Republic of Colombia	12/3/1992	24.324	Final Act IV CBT Meeting 11/16/2004	
<b>Cuba</b>	Mutual Recognition of Certificates, Titles and Academic Degrees of Higher Education between the Republic of Cuba and the Republic of Argentina	11/25/1998	27.358	Additional Protocol of 6/22/2007	
<b>Ecuador</b>	Mutual Recognition Agreement of titles, Diplomas and Academic Degrees of Higher Education between the Argentine Republic and the Republic of Ecuador	12/4/2012	26.999		
<b>Spain</b>	Mutual Recognition Agreement of Titles, Diplomas and Academic Degrees of Higher University Education between the Argentine Republic and the Kingdom of Spain	2/23/2017	27.475		

<b>Mexico</b>	Agreement for Mutual Recognition of Titles, Diplomas and Academic Degrees of Higher Education between the Argentine Republic and the United States of Mexico	5/30/2011	26.779		
<b>Peru</b>	Agreement for the Recognition of University Degrees between the Argentine Republic and the Republic of Peru	8/12/1998	25.182		
<b>Ukraine</b>	Mutual Recognition Agreement of Higher Education Titles between the Government of the Argentine Republic and the Government of Ukraine	4/20/2011	27.003		

Furthermore, it's important to highlight that Article 20 of the National Constitution stipulates equal civil rights for foreigners as enjoyed by Argentine citizens. As a result, various levels of government are obligated to collaborate in order to offer a comprehensive approach for safeguarding the rights of foreign individuals who enter the country as asylum seekers or recipients of humanitarian aid initiatives.

The following case fall within this framework:

Country	CASE	Date	Rule
<b>Syria</b>	Validation of university degrees, diplomas or academic degrees of professionals who have entered the country through the special humanitarian visa program for foreigners affected by the conflict in the Syrian Arab Republic issued by university institutions duly recognized by the competent authorities of SYRIA	2/7/2018	MR 229/18

Finally, for individuals seeking to pursue postgraduate studies within the Argentine Republic, there is no requirement for revalidating or validating the foreign university degree obtained at the prior educational level. The respective argentine university can admit interested students, only by reviewing their academic background.

The only exception to this rule are the postgraduate courses or specialties related to health sciences. In that case, when the postgraduate course or the specialty involves professional practice as part of the training, the revalidation or validation will be required.

Revalidation and validation are different procedures with the same scope. They produce the same effects, in accordance with the provisions of the Higher Education Law, Article 42: "officially recognized titles will certify the academic training received and enable the respective professional practice throughout the national territory, without prejudice to the police power over the professions that corresponds to the provinces."

As previously mentioned, the control of the exercise of the professions is attribution of the provinces and these generally delegate it through professional associations or councils. As for collegiate professions, enrolment in colleges or professional associations is compulsory to be able to perform professional practice. For the registration of professionals with foreign titles in these colleges, the validation of the degree is requested by the Ministry of Education or the revalidation through a national university. In the case of holders of foreign university titles who have completed the validation process, they are entitled to carry out the professional activity that is inherent to the validated Argentine title.

### **3) Good practices that our country has implemented in this field**

In recent times, the Argentine Republic has actively pursued policies concerning the recognition of educational degrees with countries that have established national mechanisms for accrediting the quality of their degrees. In this context, collaborative agreements can be forged with these countries, aiming to establish an 'automatic validation procedure' or expedited protocols that speed up the recognition of foreign titles, enabling the pursuit of professional practice.

These instances have proven to be notably more feasible to execute, primarily due to the broad equivalence of accreditation procedures across various fields of study. This overarching framework of equivalence serves as a comprehensive benchmark, facilitating a simplified and efficient recognition process.

The aforementioned procedure is implemented in existing agreements with: Bolivia, Chile, Colombia, Ecuador, Spain and Mexico.

## II. Australia

### **Australia's Approach to Mutual Recognition Agreements (MRAs) for Professional Qualifications, Licensing and Registration**

Mutual Recognition Agreements (MRAs), and similar arrangements, are arrangements between accreditation, licensing or professional bodies where qualifications and licences required to practise the profession in one country are recognised as meeting the requirements to practise in the other country. MRAs essentially streamline the recognition of professional qualifications, licensing and registration processes to facilitate the easier two-way movement of professionals. MRAs complement trade agreements by addressing residual and time-consuming process and procedural ('behind-the-border') barriers on licensing and registration. Importantly, MRAs ensure domestic standards are met by foreign professionals.

In Australia, these MRAs are not negotiated by government, but by accreditation and licensing bodies. The Australian Government plays a facilitative role to help professional services accreditation and licensing bodies engage with their overseas counterparts.

Through the inclusion of Professional Services annexes or chapters in modern FTAs, Australia has sought to provide a platform for its professional bodies to engage with their counterparts, and in some cases, conclude new MRAs. For example, under the Professional Services Annex of the Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA), Engineers Australia and Persatuan Insinyur Indonesia (PII) were able to recently conclude a MRA in July 2023.

In some FTAs, the framework provided by the professional services chapter or annex extends to providing non-binding guidelines for mutual recognition arrangements in professional services. For example, the Guidelines attached to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) (see Resource 1 below).

It is important to note, however, that there is no pre-requisite for a FTA to be in place for a MRA to be negotiated between interested economies.

Australia is leading initiatives to increase the adoption of MRAs and improve cross-border mobility of professionals and professional services in the APEC region. There is much the G20 could gain from that existing APEC work, including the:

- *APEC Inventory of Mutual Recognition Agreements for Professional Qualifications and Licensure* (see Resource 2 below); and
- [\[forthcoming\]](#) *Mutual Recognition Agreements Toolkit: A Practical Resource to Support Professional Services Mutual Recognition in the APEC Region (MRA Toolkit)* (see Resource 3 below).

## **Resource 1 – Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) Guidelines for Mutual Recognition Agreements or Arrangements for Professional Services**

Parties to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) developed non-binding, voluntary “Guidelines for Mutual Recognition Agreements or Arrangements for Professional Services”. The Guidelines provide practical guidance for relevant bodies or authorities or other entities entering into mutual recognition negotiations for regulated professional services.

### Guidelines for Mutual Recognition Agreements or Arrangements for Professional Services

#### Introductory Notes

These Guidelines, adopted pursuant to Article 27.3.1 and Annex 10-A (Professional Services) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (‘CPTPP’), provide practical guidance for governments, relevant bodies or authorities, or other entities entering into mutual recognition negotiations for regulated professional services. These guidelines are non-binding and are intended to be used by the Parties on a voluntary basis. They do not modify or affect the rights and obligations of the Parties under the CPTPP.

The objective of these guidelines is to facilitate the negotiation of mutual recognition agreements or similar arrangements (MRAs) that streamline and better facilitate the recognition of professionals between the Parties. It is recognised that responsibility for, and decisions on, the extent of the form and content of MRAs resides directly with the entities negotiating the MRAs. Therefore, notwithstanding the form and content identified in Section B of these guidelines, the negotiating entities will decide on what elements they wish to include in an MRA that streamlines the recognition of professionals through the pre-recognition of qualifications, licensing, registration, and/or professional body membership.

The guidelines listed below are provided by way of illustration. The listing of these guidelines is indicative and is intended neither to be exhaustive, nor as an endorsement of the application of such measures by the Parties.

## **Section A: Conduct of Negotiations and Relevant Obligations**

### *Opening of Negotiations*

1. Entities intending to enter into negotiations towards an MRA are encouraged to inform the Professional Services Working Group established under Annex 10-A. The following information may be supplied:

- (a) the entities involved in negotiations (for example, governments, organisations in professional services or institutes which have authority, statutory or otherwise, to enter into such negotiations);
- (b) a contact point to obtain further information;
- (c) the subject of the negotiations (specific activity covered); and
- (d) the expected time of the start and end of negotiations.

### *Focal Points for Negotiations*

2. Entities entering into negotiations towards an MRA are encouraged to establish a single focal point for negotiations.

### *Results*

3. Upon the conclusion of an MRA, the parties to the MRA are encouraged to inform the Professional Services Working Group, and may supply the following information in its notification:

- (a) the content of a new MRA; or

- (b) the significant modifications to an existing MRA.

#### *Follow-up Actions*

4. As a follow-up action to a conclusion of an MRA, parties to the MRA are encouraged to inform the Professional Services Working Group of the following:

- (a) that the MRA complies with the provisions of Chapter 10;
- (b) measures and actions taken regarding the implementation and monitoring of the MRA; and
- (c) that the text of the MRA is publicly available.

## **Section B: Form and Content of MRAs**

### *Introductory Note*

This Section sets out various issues that may be addressed in MRA negotiations and, if so decided during the negotiations, included in the MRA. It includes some basic ideas on what a Party might require of foreign professionals seeking to take advantage of an MRA.

### *Participants*

5. The MRA should identify clearly:

- (a) the parties to the MRA (for example, governments, organisations in professional services, or institutes);
- (b) competent authorities or organisations other than the parties to the MRA, if any, and their position in relation to the MRA; and



- (c) the status and area of competence of each party to the MRA.

#### *Purpose of the MRA*

6. The purpose of the MRA should be clearly stated.

#### *Scope of the MRA*

7. The MRA should set out clearly:

- (a) its definitions;
- (b) its scope in terms of the specific profession or titles and professional activities it covers in the territories of the parties to the MRA;
- (c) who is entitled to use the professional titles concerned;
- (d) whether the recognition mechanism is based on qualifications, on the license obtained in the jurisdiction of the party of origin or on some other requirement; and
- (e) whether it covers temporary access (including a range of possible duration and conditions for renewal, if applicable), permanent access, or both, to the profession concerned.

#### *MRA Provisions*

8. The MRA should clearly specify the qualifications or registration conditions, and their equivalences, to be met for recognition between the parties to the MRA. If the requirements of the various sub-national jurisdictions under an MRA are not identical, the difference and the modalities for the recognition of qualifications between sub-national jurisdictions should be clearly presented.

9. The MRA should seek to ensure that recognition does not require citizenship or any form of residency, or education, experience, or training in the jurisdiction of the host party as a condition for recognition by that host party.
10. The requirements and procedures under the MRA should not discriminate based on age, gender, and race.

#### *Eligibility for Recognition – Qualifications*

11. If the MRA is based on recognition of qualifications, then it should, where applicable, state:
  - (a) the minimum level of education required (including entry requirements, length of study, and subjects studied);
  - (b) the minimum level of experience required (including location, length, and conditions of practical training or supervised professional practice prior to licensing, and framework of ethical and disciplinary standards);
  - (c) examinations required, especially examinations of professional competence;
  - (d) the extent to which qualifications obtained in the jurisdiction of the party of origin are recognised in the jurisdiction of the host party; and
  - (e) the qualifications which the parties to the MRA are prepared to recognise, for instance, by listing particular diplomas or certificates issued by certain institutions, or by reference to particular minimum requirements to be certified by the authorities of the jurisdiction of the party of origin, including whether the possession of a certain level of qualification would allow recognition for some activities but not others.

#### *Eligibility for Recognition – Registration*

12. If the MRA is based on recognition of the licensing, membership or registration decision made by regulators in the jurisdiction of the party of origin, it should specify the mechanism by which eligibility for such recognition may be established.

*Eligibility for recognition - Additional Requirements for Recognition in the Jurisdiction of the Host Party ("Compensatory Measures")*

13. If it is considered necessary to provide for additional requirements in order to ensure the quality of the service, the MRA should set out the conditions under which those requirements may apply, for example, in case of shortcomings in relation to qualification requirements in the jurisdiction of the host party or knowledge of local law, practice, standards, and regulations. This knowledge should be essential for practice in the jurisdiction of the host party or required because there are differences in the scope of licensed practice.

14. If additional requirements are deemed necessary, the MRA should set out in detail what they entail (for example, examination, aptitude test, additional practice in the jurisdiction of the host party or in the jurisdiction of the party of origin, practical training, and language used for examination).

*Mechanisms for Implementation*

15. The MRA could state:

- (a) the rules and procedures to be used to monitor and enforce the provisions of the MRA;
- (b) the mechanisms for dialogue and administrative cooperation between the parties to the MRA; and
- (c) the means of arbitration for disputes under the MRA.

16. As a guide to the treatment of individual applicants, the MRA could include details on:

- (a) the focal point of contact in each party to the MRA, for information on all issues relevant to the application (such as the name and address, licensing formalities, and information on additional requirements which need to be met in the jurisdiction of the host party);
- (b) the duration of procedures for the processing of applications by the relevant authorities of the jurisdiction of the host party;
- (c) the documentation required of applicants and the form, including by electronic means, in which it should be presented and any time limits for applications;
- (d) acceptance of documents and certificates, including by electronic means where applicable, issued in the jurisdiction of the party of origin in relation to qualifications and licensing;
- (e) the procedures of appeal to or review by the relevant authorities in case of the rejection of an individual application for recognition; and
- (f) the fees that might be reasonably required.

17. The MRA could also include the following commitments:

- (a) that requests about the measures will be promptly dealt with;
- (b) that adequate preparation time will be provided where necessary;
- (c) that any exams or tests will be arranged with reasonable periodicity and accessibility;
- (d) that fees to applicants seeking to take advantage of the terms of the MRA will be in proportion to the cost to the jurisdiction of the host party or organisation; and

- (e) that information on any assistance programmes in the jurisdiction of the host party for practical training, and any commitments of the jurisdiction of the host party in that context, be supplied.

18. The MRA could require the parties to the MRA to communicate to their counterpart any new requirements or modifications to existing requirements that might have an impact on the recognition of qualifications under the MRA.

#### *Licensing and Other Provisions in the Jurisdiction of the Host Party*

19. If applicable:

- (a) the MRA could also set out the means by which, and the conditions under which, a license is actually obtained following the establishment of eligibility, and what such license entails (such as a license and its content, membership of a professional body, and use of professional or academic titles);
- (b) a licensing requirement, other than qualifications and experience, may include, for example:
  - (i) proof of payment of any required application fees,
  - (ii) a language proficiency requirement,
  - (iii) proof of good and financial standing,
  - (iv) professional indemnity insurance in accordance with the laws of the jurisdiction of the host party,
  - (v) demonstrate local knowledge of occupational legislation (i.e. Acts, regulations and codes) in the host jurisdiction,
  - (v) compliance with the jurisdiction of the host party's requirements for use of trade or firm names, and

- (vi) compliance with the jurisdiction of the host party's ethics, for instance independence and incompatibility.

### *Revision of the MRA*

20. If the MRA includes terms under which it can be reviewed, amended, or revoked, the details of such terms should be clearly stated.

### ***Resource 2 – APEC Inventory of Mutual Recognition Agreements for Professional Qualifications and Licensure<sup>1</sup>***

The [APEC Inventory of Mutual Recognition Agreements \(MRAs\) for Professional Qualifications](https://aasc.knack.com/mra-inventory#home/) (<https://aasc.knack.com/mra-inventory#home/>) is a single source online resource of all known mutual recognition agreements (MRAs) on licensing, qualifications and accreditation of professionals and skilled service providers in the Asia-Pacific Economic Cooperation (APEC) region. The Inventory contains details of more than 216 agreements and is regularly updated. Many of the MRAs include agreement text.

### *What are the benefits of the APEC MRA Inventory?*

By listing all existing MRAs in one place and making them searchable, the APEC MRA Inventory makes it much more efficient for those interested in MRAs to find, access, understand and use them.

For individuals, businesses and professional associations, the APEC MRA Inventory provides a simple transparent means of identifying MRAs that could facilitate their work across borders through cheaper and streamlined registration and licensing procedures and processes.

For governments and competent authorities (i.e. regulators, professional associations etc), an overview of all the agreements in place will assist in the prioritisation and development of future agreements as well as aiding in benchmarking current practice.

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<sup>1</sup> Led and funded by Australia.

The APEC MRA Inventory provides a rich dataset that has the potential to change the way we think about the possibilities of expanding mutual recognition.

**G20 members and member countries' professional services bodies could use the APEC MRA Inventory to identify a MRA format or 'model' that is best suited to their needs and tailor MRAs to suit the relevant profession and economy. It is clear that there is no 'one size fits all' model as each of the professions and each of the economies would negotiate provisions that are most suitable to those professions and economies.**

*Which economies are included?*

The APEC MRA Inventory includes all known mutual recognition agreements that have been entered into by at least one of APEC's 21 member economies. For non-APEC economies, the Inventory only includes those agreements that also involve an APEC economy. Some agreements are between a sub-national jurisdiction in one economy, especially in the case of the United States and Canada, and another economy. Intra-national agreements between states or provinces in the same economy are not included.

*What type of agreements are found in the APEC Inventory of MRAs?*

The APEC MRA Inventory includes all mutual recognition agreements which relate to professional practice licensure or professional accreditation and which involve at least one economy which is a member of APEC. For example, Australia may have a bilateral agreement with India in Accounting, or it may be one of many economies which have signed up to a multilateral international agreement such as the Washington Accord. The APEC Inventory of MRAs therefore includes different types of agreements, which are all international but may be between two economies or many economies, and which may lead to different levels of professional recognition. International agreements that relate primarily to recognition of educational qualifications are only included where they confer a right to professional practice. The APEC MRA Inventory does not include unilateral recognition of foreign qualifications by APEC economies where there is no international agreement in place.

*What information is included for each agreement?*

The APEC MRA Inventory includes the following information for each agreement:

- Profession
- Economies involved
- Agreement title
- Year the agreement entered into force
- Link to the competent authority in each economy
- Link to application details for professional seeking recognition
- Link to the agreement text, where available
- An assessment of the level of recognition afforded by the agreement

The APEC MRA Inventory includes the organisation in each economy that has responsibility for overseeing professional licensure/registration according to the MRA. In most cases, the Inventory includes a link to the organisation's home page, and a link to 'application details', i.e. the information provided by that organisation for foreign professionals seeking to have their professional qualifications recognised.

***Resource 3 – Mutual Recognition Agreements Toolkit: A Practical Resource to Support Professional Services Mutual Recognition in the APEC Region (MRA Toolkit)<sup>2</sup>***

[\[forthcoming Resource currently being considered by APEC. Australia will provide an update\]](#)

The [\[forthcoming\]](#) *Mutual Recognition Agreements Toolkit: A Practical Resource to Support Professional Services Mutual Recognition in the APEC Region (MRA Toolkit)* is a non-prescriptive, practical resource. It places information and guidance about the process of developing and implementing MRAs at the fingertips of MRA practitioners, including ideas on the use of the digital environment to increase efficiency and transparency.

The MRA Toolkit is based upon the analysis of existing MRAs and sets out functional elements and guidelines for streamlining the recognition of qualifications and licensing processes through MRAs. The toolkit provides practical guidance around the following topics:

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<sup>2</sup> Led and funded by Australia.



- Understanding mutual recognition: key concepts and definitions
- Approaching MRAs: common barriers and how to overcome them
- Preparing for a MRA: Factors to consider in the home economy
- Assessing equivalency of standards: key principles and best practices
- Choosing an instrument: different kinds of agreement
- Building a MRA: the common elements of a MRA
- Negotiating a MRA: Process and pointers
- Implementing and reviewing a MRA

### III. Brazil

In light of GATS Article VII, Brazil has reaffirmed disciplines regarding recognition in services chapters and annexes, including specific rules for professional services, of its Free Trade Agreements (FTAs). In general, as in GATS, FTAs set out a general framework to foster closer ties in specific sectors. In Brazil, professional bodies in charge of recognition of licensing or registration currently enjoy significant autonomy from the government.

In 2022, MERCOSUR countries (Argentina, Brazil, Paraguay and Uruguay) signed a Framework Agreement for the Mutual Recognition and Concession of Registration for the Temporary Professional Work on Surveying, Agronomy, Architecture, Geology and Engineering. The CIAM Agreement, currently not in force, aims at greater integration in the common market, particularly in trade in services through movement of natural persons.

This agreement establishes guidelines for professional bodies to enter in recognition arrangements that facilitate temporary exercise of certain professions in MERCOSUR countries. Among the guiding principles of the agreement are (i) the recognition of academic background and credentials of professionals; (ii) the practice of professional activities on behalf of public interest, safety, health and life of persons, and the protection of the environment; (iii) transparency and reciprocity. The CIAM Agreement also introduces the creation of management and information focal points in all MERCOSUR countries, as well as rules on dispute resolution.

## **MERCOSUR/CMC/DEC. N° 16/21**

### **ACUERDO MARCO MERCOSUR DE RECONOCIMIENTO RECÍPROCO Y OTORGAMIENTO DE MATRÍCULAS PARA EL EJERCICIO PROFESIONAL TEMPORARIO DE LA AGRIMENSURA, AGRONOMÍA, ARQUITECTURA, GEOLOGÍA E INGENIERÍA**

**VISTO:** El Tratado de Asunción, el Protocolo de Ouro Preto, el Protocolo de Montevideo sobre el Comercio de Servicios del MERCOSUR y la Decisión N° 25/03 del Consejo del Mercado Común.

#### **CONSIDERANDO:**

Que el Protocolo de Montevideo contempla en su Artículo XI el compromiso de los Estados Partes de alentar en sus respectivos territorios a las entidades competentes, tanto a las gubernamentales como a las asociaciones y colegios profesionales, a desarrollar normas para el ejercicio de actividades profesionales a través del otorgamiento de licencias o matrículas y proponer recomendaciones al Grupo Mercado Común (GMC) sobre reconocimiento mutuo, considerando la educación, experiencia, licencias, matrículas o certificados obtenidos en el territorio de otro Estado Parte.

Que las referidas normas deben basarse en criterios y objetivos transparentes, que aseguren la calidad del servicio profesional, la protección al consumidor, el orden público, la seguridad y la salud de la población, el respeto por el medio ambiente y la identidad de los Estados Partes.

Que, con ese objetivo, se aprobó el Mecanismo para el Ejercicio Profesional Temporario, el cual estableció las directrices para la celebración de Convenios de Reconocimiento Recíproco entre entidades profesionales para el otorgamiento de licencias temporarias.

Que la Comisión para la Integración de la Agrimensura, Agronomía, Arquitectura, Geología e Ingeniería del MERCOSUR (CIAM), reconocida como Grupo de Trabajo por el actual Subgrupo de Trabajo N° 17 “Servicios” (SGT N° 17) presentó un proyecto de Acuerdo Marco para el Ejercicio Profesional Temporario en el MERCOSUR.

#### **EL CONSEJO DEL MERCADO COMÚN DECIDE:**

Art. 1 - Aprobar el texto del proyecto de “Acuerdo Marco MERCOSUR de reconocimiento recíproco y otorgamiento de matrículas para el ejercicio profesional temporario de la agrimensura, agronomía, arquitectura, geología e ingeniería”, que consta como Anexo de la presente Decisión.

Art. 2 - La adhesión de las entidades profesionales fiscalizadoras de los Estados Partes al Mecanismo de Ejercicio Profesional Temporario establecido en el Acuerdo Marco será tramitada en la forma prevista en su artículo 14.

Art. 3 - El Grupo Mercado Común podrá instruir a la Secretaría del MERCOSUR a brindar apoyo para mantener y actualizar el registro a que hace referencia el artículo 14.7 del Acuerdo Marco.

Art. 4 - La vigencia del Acuerdo en anexo se regirá por lo que establece su artículo 15.

Art. 5 - Esta Decisión no necesita ser incorporada al ordenamiento jurídico de los Estados Partes, por reglamentar aspectos de la organización o del funcionamiento del MERCOSUR.

**GMC (Dec. CMC N° 20/02, Art. 6) – Montevideo, xx/xx/21.**

**ACUERDO MARCO MERCOSUR DE RECONOCIMIENTO RECÍPROCO Y OTORGAMIENTO DE MATRÍCULAS PARA EL EJERCICIO PROFESIONAL TEMPORARIO DE LA AGRIMENSURA, AGRONOMÍA, ARQUITECTURA, GEOLOGÍA E INGENIERÍA**

La República Argentina, la República Federativa del Brasil, la República del Paraguay y la República Oriental del Uruguay, en calidad de Estados Partes del MERCOSUR son partes de este Acuerdo, en adelante denominados “Partes”,

**CONSIDERANDO:**

Que el Protocolo de Montevideo contempla en su Artículo XI el compromiso de los Estados Partes de alentar en sus respectivos territorios a las entidades competentes, tanto a las gubernamentales como a las asociaciones y colegios profesionales, a desarrollar normas para el ejercicio de actividades profesionales a través del otorgamiento de licencias y proponer recomendaciones al Grupo Mercado Común (GMC) sobre reconocimiento mutuo, considerando la educación, experiencia, licencias, matrículas o certificados obtenidos en el territorio de otro Estado Parte.

Que las referidas normas deben basarse en criterios y objetivos transparentes, que aseguren la calidad del servicio profesional, la protección al consumidor, el orden público, la seguridad y la salud de la población, el respeto por el medio ambiente y la identidad de los Estados Partes.

Que, con ese objetivo, se aprobó el Mecanismo para el Ejercicio Profesional Temporario, el cual estableció las directrices para la celebración de Convenios de Reconocimiento Recíproco entre entidades profesionales para el otorgamiento de licencias o matrículas temporarias.

Que la Comisión para la Integración de la Agrimensura, Agronomía, Arquitectura, Geología e Ingeniería del MERCOSUR (CIAM), reconocida como Grupo de Trabajo 3 por el actual Subgrupo de Trabajo N° 17 “Servicios” (SGT N° 17) presentó un proyecto de Acuerdo Marco para el Ejercicio Profesional Temporario en el MERCOSUR.

## **ACUERDAN:**

### **ARTÍCULO 1 PRINCIPIOS RECTORES**

Los principios rectores del presente Acuerdo Marco son:

1. El reconocimiento de la formación académica y de los antecedentes de los profesionales de cada Estado Parte.
2. La tutela de la práctica del ejercicio profesional en pos de la defensa del interés público; la seguridad, los bienes, la salud y la vida de las personas, así como la protección del medio ambiente.
3. La observancia de la transparencia y de la reciprocidad de las acciones a las que se refiere este Acuerdo Marco.

### **ARTÍCULO 2 OBJETO**

El presente Acuerdo Marco tiene por objeto:

1. Establecer el Mecanismo de Reconocimiento Recíproco y Otorgamiento de Matrículas para el ejercicio profesional temporario de graduados universitarios de nivel superior en las áreas de la agrimensura, agronomía, arquitectura, ingeniería, geología y profesiones afines en el ámbito del MERCOSUR.
2. Viabilizar la creación de Registros de Matriculados Temporarios en las jurisdicciones de los Estados Partes.

### **ARTÍCULO 3 DEFINICIONES**

A los fines del presente Acuerdo Marco se adoptan las siguientes definiciones:

Competencia profesional: comprende el alcance, las atribuciones, las incumbencias y las actividades reservadas al título o aquellas que, conforme a la formación recibida y a la legislación, definen las actividades de un título profesional.

Convenios de Reconocimiento Recíproco: son aquellos acuerdos formalizados entre entidades profesionales de fiscalización de dos o más Estados Partes que establecen los documentos, condiciones y procedimientos requeridos a los prestadores de servicios profesionales temporarios en las respectivas jurisdicciones.

Entidad profesional de fiscalización: es aquella entidad instituida o reconocida por ley, acuerdo o convenio de un Estado Parte, nacional, provincial o estadual, con delegación para proceder al registro y fiscalización del ejercicio profesional dentro de una determinada jurisdicción de un Estado Parte.

País de origen: es aquel Estado Parte en el que el profesional posee título habilitante con validez nacional y mantiene activa su matrícula profesional en la jurisdicción correspondiente a su ejercicio permanente.

País receptor: es aquel Estado Parte en el que el profesional solicita la matriculación para el ejercicio profesional temporario.

Prestadores de los Servicios Profesionales Temporarios: son personas nacidas o naturalizadas en un Estado Parte que ejerzan temporariamente su profesión en alguno de los Estados Partes del MERCOSUR, en virtud de una relación contractual, a los que la legislación del país receptor exija registro, matriculación o inscripción equivalente para el ejercicio de su profesión.

Los prestadores de los servicios profesionales temporarios deben ser profesionales universitarios con título de grado de nivel superior con validez nacional en el país de origen, debidamente registrados en una entidad profesional de fiscalización del ejercicio profesional de dicho país de origen y con un contrato de prestación de servicios.

Profesional asistente: es aquel profesional con las atribuciones y/o competencias equivalentes al prestador de servicios profesionales temporarios, domiciliado en el país receptor y registrado en la entidad profesional de fiscalización con jurisdicción en el sitio donde se llevará a cabo la prestación de los servicios profesionales temporarios, de conformidad con la normativa establecida por la entidad profesional de fiscalización receptora.

Este profesional acompañará todas las actividades que realice el prestador de servicios profesionales temporarios durante la vigencia del contrato temporario, incluyendo posibles prórrogas y modificaciones.

Registro de Matriculados Temporarios: es el Registro que las Entidades Profesionales de Fiscalización deberán crear a los fines de implementar los Convenios de Reconocimiento Recíproco y las correspondientes matriculaciones de profesionales con contrato para prestar servicios profesionales temporarios.

Servicio profesional temporario: es el servicio que presta un profesional de un Estado Parte en otro Estado Parte, contratado bajo términos legales por un periodo de hasta dos años, prorrogable por hasta dos años.

#### **ARTÍCULO 4 EFECTOS**

En virtud de las disposiciones del presente Acuerdo Marco, y de los convenios de reconocimiento recíproco, el otorgamiento de la matrícula profesional temporaria por parte de una entidad profesional de fiscalización de un país receptor permitirá al

prestador del servicio profesional temporario obtener la habilitación legal para ejercer la profesión en la jurisdicción de la entidad profesional de fiscalización receptora sin otros requisitos relacionados con su calidad de profesional que los establecidos en el convenio de reconocimiento recíproco respectivo y en el presente Acuerdo Marco.

## **ARTÍCULO 5 PROCEDIMIENTO PARA LA MATRICULACIÓN**

1. Para prestar servicios profesionales temporarios, el profesional deberá realizar la solicitud ante la respectiva entidad profesional de fiscalización de origen, que gestionará la obtención de la matrícula para la prestación del servicio profesional temporario ante la entidad profesional de fiscalización de la jurisdicción correspondiente del país receptor.

2. Los procedimientos para la matriculación del profesional serán establecidos entre las Entidades Profesionales de Fiscalización respectivas a través de los Convenios de Reconocimiento Recíprocos. La matriculación en el Registro de Matriculados Temporarios será de hasta dos (2) años, prorrogable por igual período vinculado a una prórroga de contrato.

3. La concesión del registro profesional temporario podrá estar sujeta a la asistencia efectiva de un Profesional Asistente si la legislación del país receptor así lo requiere. No obstante, las entidades profesionales de fiscalización podrán eximir del requerimiento de designar un Profesional Asistente en los Convenios de Reconocimiento Recíproco, bajo condiciones de reciprocidad y sujeto a lo establecido en la legislación local.

4. Para prestar servicios profesionales temporarios, el profesional debe presentarse ante la entidad profesional de fiscalización en cuya jurisdicción prestará el servicio a fin de obtener la matriculación en el Registro de Matriculados Temporarios.

5. La entidad profesional de fiscalización receptora tendrá un plazo de 20 días corridos, contados a partir de la recepción de la documentación remitida por la entidad profesional de fiscalización de origen para comunicar la aprobación de la inscripción en el Registro o requerir, por única vez, información adicional. El plazo total del trámite no podrá exceder de 40 días corridos.

6. Son causales de denegación de inscripción:

6.1. No presentar alguno de los documentos exigidos en los Convenios de Reconocimiento Recíproco firmados entre Entidades Profesionales de Fiscalización luego de adherir al Mecanismo de Ejercicio Profesional Temporario establecido en el presente Acuerdo Marco. 6.2. Tener el registro del profesional suspendido o cancelado por parte de la entidad profesional de fiscalización del país de origen.

## **ARTÍCULO 6 REQUISITOS PARA LA INSCRIPCIÓN EN EL REGISTRO**

Los requisitos a ser incorporados en los convenios de reconocimiento recíproco para la inscripción en el registro de matriculados temporarios son:

1. Contrato de trabajo y/o de prestación de servicio.
2. Documento de identidad personal.
3. Certificado de registro profesional en el que se detalla la situación matricular, ausencia de sanciones vigentes, competencias profesionales y experiencia profesional, suministrada por la entidad profesional de fiscalización de origen y de acuerdo con la profesión y su modo de ejercicio; dicho certificado tendrá una validez de ciento ochenta (180) días.
4. Dirección completa del domicilio en el país de origen.
5. Dirección completa del domicilio en el país receptor.
6. Declaración jurada en la que el prestador de servicios profesionales temporarios acepta la jurisdicción disciplinaria, ética y técnica de la entidad profesional de fiscalización receptora, respetando la misma y toda otra legislación local.
7. Declaración jurada donde conste el compromiso del prestador de servicios profesionales temporarios de restringir su actividad exclusivamente a lo previsto en el contrato y a lo compatible con su formación profesional, siendo la violación a esta declaración jurada, causal de revocación de la inscripción en el Registro de Matriculados Temporarios.
8. Datos completos del Profesional Asistente, en caso de corresponder.

La entidad profesional de fiscalización de origen emitirá un documento que certifique la formación profesional y acredite el cumplimiento de los requisitos y condiciones para tramitar el registro para el ejercicio profesional temporario, y lo comunicará a la entidad profesional de fiscalización receptora.

## **ARTÍCULO 7 CONVENIOS DE RECONOCIMIENTO RECÍPROCO**

Para la aplicación de este Acuerdo Marco las entidades profesionales de fiscalización deberán firmar entre sí convenios de reconocimiento recíproco a los que estarán sujetos los prestadores de servicios profesionales temporarios.

Los convenios de reconocimiento recíproco entre entidades profesionales de fiscalización sólo podrán ser firmados luego de cumplidas las condiciones establecidas en los artículos 14 y 15 del presente Acuerdo Marco.

La firma de los convenios de reconocimiento recíproco se regirá por el principio de equidad territorial previsto en el numeral 5 del artículo 14 del presente Acuerdo Marco.



Los convenios de reconocimiento recíproco no podrán establecer requerimientos o procedimientos más restrictivos que los establecidos en el presente Acuerdo Marco.

### **ARTÍCULO 8 IMPLEMENTACIÓN**

Cada Estado Parte se compromete a adoptar los instrumentos necesarios para asegurar la implementación con alcance nacional del presente Acuerdo Marco, así como la armonización de la legislación vigente, para permitir la aplicación del mismo.

7 Las entidades profesionales de fiscalización que adhieran al Mecanismo de ejercicio profesional temporario establecido en el presente Acuerdo Marco y las entidades que integran la Comisión para la Integración de la Agrimensura, Agronomía, Arquitectura, Geología e Ingeniería del MERCOSUR (CIAM) deberán implementar los instrumentos necesarios para asegurar su cumplimiento en su jurisdicción.

### **ARTÍCULO 9 CENTROS FOCALES DE INFORMACIÓN Y GESTIÓN**

Cada Estado Parte dispondrá de un Centro Focal por profesión o agrupamiento de profesiones que constituirá el centro de información sobre la normativa y reglamentación nacional y de cada una de las jurisdicciones que lo integran, cuyas funciones y atribuciones figuran como Anexo.

### **ARTÍCULO 10 DIRECTRICES**

Los convenios de reconocimiento recíproco deberán seguir las siguientes directrices:

a. A condición de reciprocidad, la entidad profesional de fiscalización del país receptor no exigirá traducción de documentos siempre que éstos se encuentren en idioma español o portugués.

b. Las entidades profesionales de fiscalización informarán en forma explícita las competencias profesionales de los títulos de sus matriculados sobre la base de la capacitación recibida en la formación del prestador del servicio profesional temporario y la normativa vigente en la materia, lo que deberá estar claramente tipificado por título profesional en los Convenios de Reconocimiento Recíproco, según los criterios de las Entidades Profesionales de Fiscalización intervinientes.

Las competencias atribuidas a un prestador de servicios temporarios en el país receptor no podrán exceder las de un profesional del mismo título de ese país.

Las entidades profesionales de fiscalización informarán en forma explícita en cada caso las competencias profesionales de los títulos y los antecedentes de su matriculado, sobre la base de las capacidades recibidas en la formación del prestador del servicio profesional temporario y la normativa vigente en la materia.

- c. Para los casos no contemplados en el inciso anterior, los criterios de equivalencias en la formación serán definidos por las entidades profesionales integrantes de la CIAM y las entidades profesionales afines.
- d. Los procedimientos de fiscalización serán los mismos que los aplicados por la entidad profesional de fiscalización receptora a los profesionales de su jurisdicción. 8
- e. Los prestadores de servicios profesionales temporarios tienen los mismos derechos, deberes y obligaciones en el ejercicio de actividades profesionales que los establecidos en el reglamento de la entidad profesional de fiscalización receptora para los profesionales de su jurisdicción con relación a las cuestiones técnicas, administrativas, éticas, civiles, penales, ambientales e históricas, no pudiendo ser electores ni elegibles en la entidad profesional de fiscalización receptora.
- f. Para la inscripción en el registro de matriculados temporarios no podrán exigirse a los prestadores de servicios profesionales temporarios evaluaciones sobre conocimiento local no vinculadas al ejercicio profesional.

#### **ARTÍCULO 11 SANCIONES 1.**

- 1.El prestador de servicios profesionales temporarios quedará sujeto al procedimiento de juzgamiento y sanción que establezca la normativa de la entidad profesional de fiscalización receptora, debiendo asegurarse en forma plena el derecho de defensa, a ser oído, a ofrecer pruebas y a recurrir la decisión final ante, al menos, una instancia superior.
2. La sanción será aplicada por la entidad profesional de fiscalización receptora y será comunicada a la entidad profesional de fiscalización de origen del profesional y a los centros focales de información y gestión.

#### **ARTÍCULO 12 CÓDIGO DE ÉTICA**

Serán de aplicación los Códigos de Ética de las Entidades Profesionales de Fiscalización receptoras y, en carácter supletorio y de conformidad con la legislación del país receptor, el Código de Ética Profesional vigente de la CIAM.

#### **ARTÍCULO 13 DIVERGENCIAS ENTRE LAS ENTIDADES PROFESIONALES Y/O LOS PROFESIONALES**

Las entidades profesionales y/o los profesionales que mantengan divergencias sobre la aplicación, interpretación y/o cumplimiento del mecanismo de ejercicio profesional temporario establecido en el presente Acuerdo Marco, procurarán solucionarlas de forma amigable, sin perjuicio de los instrumentos y la normativa aplicable en la jurisdicción en la que se plantee la divergencia.

## ARTÍCULO 14 ADHESIÓN DE LAS ENTIDADES PROFESIONALES DE FISCALIZACIÓN

1. Las Entidades Profesionales de Fiscalización de los Estados Partes podrán adherir al Mecanismo de Ejercicio Profesional Temporario establecido en el artículo 2 de este Acuerdo Marco mediante una solicitud dirigida al órgano dependiente del Grupo Mercado Común (GMC) competente en materia de servicios. 9
2. A tales efectos, las Entidades Profesionales de Fiscalización deberán:
  - a. presentar la documentación legal que acredite su condición de entidad responsable de la concesión de licencias y matrículas para el ejercicio profesional y de la fiscalización en la jurisdicción correspondiente;
  - b. aclarar el alcance territorial y profesional de su jurisdicción,
  - c. remitir copia de toda legislación, reglamentación o procedimientos pertinentes aplicados por la entidad para la fiscalización del ejercicio profesional en su jurisdicción, así como cualquier otra normativa relacionada aplicable al ejercicio profesional en dicha jurisdicción.
3. Las Entidades Profesionales de Fiscalización que adhieran al Mecanismo de Ejercicio Profesional Temporario deberán cumplir con lo previsto en este Acuerdo Marco para la inscripción de los prestadores de servicios profesionales temporarios en el registro de matriculados temporarios.
4. El órgano dependiente del GMC competente en materia de servicios evaluará el cumplimiento de los requisitos establecidos en el numeral precedente y, de verificar su cumplimiento, elevará la solicitud al GMC con su conformidad con el pedido de adhesión, para su aprobación.
5. La adhesión de una o más entidades profesionales de fiscalización de un Estado Parte al Mecanismo de Ejercicio Profesional Temporario establecido en este Acuerdo Marco sólo tendrá efectos ante las Entidades Profesionales de Fiscalización de los otros Estados Partes después de que éstas constaten que la adhesión de la o las Entidades Profesionales de Fiscalización de un mismo Estado Parte cubren todo el territorio de ese Estado Parte o una parte sustantiva del mismo, de modo que sea considerado equitativo por las Entidades de los demás Estados Partes para los cuales el Acuerdo Marco esté en vigor.
6. La manifestación por la que se reconoce una cobertura territorial equitativa, en los términos previstos en el numeral anterior, se presentará mediante una comunicación formal de las Entidades Profesionales de Fiscalización adherentes de los demás

Estados Partes ante el órgano dependiente del GMC competente en materia de servicios.

7. El órgano dependiente del GMC competente en materia de servicios mantendrá un registro de las Entidades Profesionales de Fiscalización que hayan adherido al Mecanismo de Ejercicio Profesional Temporario establecido en este Acuerdo Marco así como de las manifestaciones por las que las Entidades Profesionales adherentes de uno o más Estados Partes reconocieron la cobertura territorial equitativa en los términos mencionados en el numeral 6.

8. Una vez que el órgano dependiente del GMC competente en materia de servicios haya registrado la manifestación de la cobertura territorial equitativa a la que se 10 refiere el numeral 6, que abarque al menos a dos Estados Partes, las Entidades Profesionales de Fiscalización adherentes de dichos Estados Partes podrán celebrar entre sí los Convenios de Reconocimiento Recíproco previstos en el artículo 7.

#### **ARTÍCULO 15 ENTRADA EN VIGOR EI**

presente Acuerdo Marco entrará en vigor treinta (30) días después la notificación del cumplimiento de los requisitos internos para la entrada en vigor por el segundo Estado Parte del MERCOSUR. Para los Estados Partes que lo notifiquen con posterioridad, el presente Acuerdo entrará en vigor treinta (30) días después de la fecha de presentación de dicha notificación.

#### **ARTÍCULO 16 ENMIENDAS**

La entrada en vigor de las enmiendas al presente Acuerdo Marco estará regida por lo dispuesto en el artículo precedente.

#### **ARTÍCULO 17 DENUNCIA**

Las Partes podrán denunciar el presente Acuerdo Marco en cualquier momento mediante notificación dirigida al depositario, con copia a las demás Partes. La denuncia surtirá efecto transcurridos noventa (90) días desde la recepción de la notificación por parte del depositario.

#### **ARTÍCULO 18 DEPOSITARIO**

La República del Paraguay será depositaria del presente Acuerdo Marco y de las respectivas notificaciones del cumplimiento de los requisitos internos para su entrada en vigor, debiendo notificar a las Partes la fecha de comunicación de dichas notificaciones y de la entrada en vigor del Acuerdo Marco, así como enviarles copia debidamente autenticada del mismo. Hecho en ....., a los ..... días del mes de .....de dos mil....., en un original, en los idiomas español y portugués, siendo ambos textos igualmente auténticos.

## **ANEXO FUNCIONES Y ATRIBUCIONES DE LOS CENTROS FOCALES DE INFORMACIÓN Y GESTIÓN**

1. El(los) centro(s) focal(es) de información y gestión en cada Estado Parte estarán constituidos formados por las Entidades de la CIAM y/o las Entidades Profesionales de la Fiscalización del ejercicio profesional en las jurisdicciones que adhieran al Mecanismo de Ejercicio Profesional Temporario establecido en el presente Acuerdo Marco.
2. El(los) centro(s) focal(es) establecerán sus reglamentos y coordinarán sus reuniones y agendas.
3. Cada centro focal de un Estado Parte realizará, como mínimo, las siguientes actividades:
  - a) Mantener actualizada la información sobre legislaciones, reglamentaciones y procedimientos aplicables al ejercicio profesional en las entidades de ese Estado Parte adheridas al Acuerdo Marco.
  - b) Archivar copia de los originales de las solicitudes de adhesión y de su correspondiente aprobación por el GMC, así como de los Convenios de Reconocimiento Recíproco manteniendo actualizada la información respectiva.
  - c) Organizar y mantener actualizada una base de datos, de conformidad con la normativa nacional cuando sea aplicable, en la que conste, entre otros, el movimiento de profesionales temporarios así como las altas, bajas y eventuales sanciones, sobre la base de la información provista por cada entidad profesional de fiscalización.
  - d) Mantener comunicación con los centros focales correspondientes de los demás Estados Partes.
  - e) Contar con un sitio web en el que se difunda la información a la que hace referencia el literal a), así como toda otra información que se considere conveniente para el cumplimiento del objetivo del centro focal.
4. Los costos de creación y funcionamiento de los centros focales en cada Estado Parte serán solventados por las Entidades de la CIAM y/o las entidades profesionales de fiscalización que hayan adherido al Mecanismo de Ejercicio Profesional Temporario establecido en el presente Acuerdo Marco.

## IV. Canada

### **Canada's Experience with Mutual Recognition Agreements (MRAs) for Professional Services**

**Submission to the G20 Trade and Investment Working Group – August 2023**

#### **Regulated Professions in Canada**

In Canada, the licensing of professionals, temporary or permanent, in regulated sectors is mainly the purview of Provincial/Territorial jurisdictions (the sub-federal level of government), whose legislatures have delegated their authority to issue licenses and to recognize the qualifications of foreign professionals to regulatory authorities. Each regulatory authority establishes and administers requirements in accordance with its Province or Territory's applicable laws. Certain Provincial/Territorial regulatory authorities are organized under an umbrella organisation, which facilitates and coordinates their work at the national level.

Provincial/Territorial regulatory authorities assess educational credentials evaluated by accredited institutions, as well as experience and other requirements, e.g. proof of good standing. Professions that are widely regulated in Canada include those of accountants, architects, engineers, lawyers, veterinarians and medical practitioners. Other professions are regulated in some Provinces/Territories, but not all, e.g. those of landscape architects and urban planners.

Information on Provincial/Territorial regulatory authorities responsible for the licensing/accreditation of regulated professions in Canada is available on the following website, subject to content published on each regulatory authority's website:

[https://www.cicic.ca/934/search\\_the\\_directory\\_of\\_occupational\\_profiles.canada](https://www.cicic.ca/934/search_the_directory_of_occupational_profiles.canada)

#### **Mutual Recognition Agreements (MRAs)**

Provincial/Territorial regulatory authorities may delegate their authority to negotiate an MRA to their national umbrella organisation (e.g. Regulatory Organizations of Architecture in Canada, forarchitects). MRAs are adopted and implemented by each

Provincial/Territorial regulatory authority, notwithstanding whether a national umbrella organisation was the negotiating entity.

Canada's standard approach to the recognition of professional qualifications for professional services in its FTAs is to provide a transparent framework, which facilitates the voluntary dialogue and cooperation between regulatory authorities of the Parties. For instance, in the Canada-United States-Mexico Agreement (CUSMA), Canada has adopted an Annex on Professional Services (Annex 15-C), along with non-binding Guidelines for Mutual Recognition Agreements or Arrangements for the Professional Services Sector, to encourage and assist professional services regulatory authorities in their MRA negotiations.

## V. European Union (including France, Germany, Italy, Netherlands, Spain)

### NON-PAPER – EU APPROACH ON MUTUAL RECOGNITION ARRANGEMENTS FOR PROFESSIONAL QUALIFICATIONS (MRAs)

#### **Rationale**

For institutional reasons, the EU cannot directly recognise qualifications in its trade agreements. Therefore, all EU Free Trade Agreements (FTAs) currently in force include an article on recognition as part of the services title of the FTA, in the section setting out the relevant regulatory framework (see current standard text in Annex I). The main aim of the article in its current form is to set out a simple procedural framework allowing the EU to negotiate and adopt a legally binding, EU-wide mutual recognition arrangement (MRA), in any sector and at any time once the FTA enters into force or is provisionally applied. This framework sets out a two-step approach: first, the parties encourage discussions between the relevant representative professional bodies and competent authorities, who are invited to propose to the relevant FTA committee a joint recommendation on the mutual recognition of professional qualifications. As a second step, the relevant committee then reviews the recommendation. This review could lead to the negotiation and the adoption of a legally binding MRA that may be annexed to the FTA.

Several EU FTAs also include guidelines set out in an annex to the FTA, which are designed to support the steps towards the conclusion of a MRA (see standard text in Annex II). The guidelines are non-binding and provide guidance to professional bodies and authorities when drafting joint recommendations, as well as to the parties when reviewing these joint recommendations and negotiating a MRA.

The EU concluded the negotiations on a MRA for architects with Canada in March 2022 (see text in Annex III).



## ANNEX I - STANDARD EU FTA ARTICLE ON RECOGNITION OF PROFESSIONAL QUALIFICATIONS

### ARTICLE X.X

#### **Professional qualifications**

1. Nothing in this Article shall prevent a Party from requiring that natural persons possess the necessary professional qualifications specified in the territory where the activity is performed, for the sector of activity concerned.
2. The professional bodies or authorities, which are relevant for the sector of activity concerned in their respective territories, may develop and provide joint recommendations on the recognition of professional qualifications to the [institutional body to be defined]. Such joint recommendations shall be supported by an evidence-based assessment of:
  - (a) the economic value of an envisaged mutual recognition arrangement; and
  - (b) the compatibility of the respective regimes, that is, the extent to which the requirements applied by each Party for the authorisation, licensing, operation and certification are compatible.
3. On receipt of a joint recommendation, the [institutional body to be defined] shall review its consistency with this Title within a reasonable period of time. The [institutional body to be defined] may, following such review, develop and adopt a mutual recognition arrangement by decision as an annex to this Agreement, which shall be considered to form an integral part of this Title.<sup>22</sup>
4. An arrangement referred to in paragraph 3 shall provide for the conditions for recognition of professional qualifications acquired in the Union and professional qualifications acquired in [other Party] relating to an activity covered by this Title and Title XXX [Digital trade].
5. The Guidelines for mutual recognition arrangements set out in Annex XXX shall be taken into account in the development of the joint recommendations referred to in paragraph 2 of this Article and by the [institutional body to be defined] when assessing whether to adopt such an Arrangement, as referred to in paragraph 3 of this Article.

## ANNEX II – STANDARD EU GUIDELINES TO SUPPORT THE CONCLUSION OF MRAS

### ANNEX XXX

#### GUIDELINES FOR MUTUAL RECOGNITION ARRANGEMENTS

##### SECTION A: General Provisions

###### Introduction

1. This Annex contains guidelines for arrangements on the conditions for the recognition of professional qualifications (“arrangements”), as foreseen by Article [X] [Professional qualifications].
2. Pursuant to that Article, these guidelines shall be taken into account in the development of joint recommendations by professional bodies or authorities of the Parties (“joint recommendations”).
3. The guidelines are non-binding, non-exhaustive and do not modify or affect the rights and obligations of the Parties under this Agreement. They set out the typical content of arrangements, and provide general indications as to the economic value of an arrangement and the compatibility of the respective professional qualifications regimes.
4. Not all elements of these guidelines may be relevant in all cases and professional bodies and authorities are free to include in their joint recommendations any other element that they consider pertinent for the arrangements of the profession and the professional activities concerned, consistent with this Agreement.
5. The guidelines should be taken into account by the [Committee] when deciding whether to develop and adopt arrangements. They are without prejudice to its review of the consistency of joint recommendations with Title [X] [Services and Investment] and its discretion to take into account the elements it deems relevant, including those contained in joint recommendations.

##### SECTION B: Form and Content of an Arrangement

6. This section sets out the typical content of an arrangement, some of which is not within the remit of the professional bodies or authorities preparing joint recommendations. These aspects constitute, nonetheless, useful information to be

taken into account in the preparation of joint recommendations, so that they are better adapted to the possible scope of an arrangement.

7. Matters addressed specifically in this Agreement which apply to arrangements (such as the geographical scope of an arrangement, its interaction with scheduled non-conforming measures, the system of dispute resolution, appeal mechanisms, monitoring and review mechanisms of the arrangement) should not be addressed by joint recommendations.

8. An arrangement may specify different mechanisms for the recognition of professional qualifications within a Party. It may also be limited, but not necessarily so, to setting the scope of the arrangement, the procedural provisions, the effects of recognition and additional requirements, and the administrative arrangements.

9. An arrangement which is adopted by the [Committee] should reflect the degree of discretion that is intended to be preserved for competent authorities deciding on recognition.

### **Scope of an Arrangement**

10. The arrangement should set out:
- a. the specific regulated profession(s), relevant professional title(s) and the activity or group of activities covered by the scope of practice of the regulated profession in both Parties (“scope of practice”); and
  - b. whether it covers the recognition of professional qualifications for the purpose of access to professional activities on a fixed-term or an indefinite basis.

### **Conditions for recognition**

11. The arrangement may specify in particular:
- a. the professional qualifications necessary for recognition under the arrangement (for example, evidence of formal qualification, professional experience, or other attestation of competence);
  - b. the degree of discretion preserved by recognition authorities when assessing requests for recognition of these qualifications; and
  - c. the procedures to deal with variations and gaps between professional qualifications and means to bridge the differences, including the possibility for imposing any compensatory measures or any other relevant conditions and limitations.

### **Procedural provisions**

12. The arrangement may set out:
- a. the documents required and the form in which they should be presented (for example, by electronic or other means, whether they should be supported by translations or certifications of authenticity, etc.);
  - b. the steps and procedures in the recognition process, including those relating to possible compensatory measures, corresponding obligations and timelines; and
  - c. the availability of information relevant to all aspects of the recognition processes and requirements.

### **Effects of recognition and additional requirements**

13. The arrangement may set out provisions on the effects of recognition (if relevant, also in respect of different modes of supply);
14. The arrangement may describe any additional requirements for the effective exercise of the regulated profession in the host Party. Such requirements may include:
- a. registration requirements with local authorities;
  - b. appropriate language skills;
  - c. proof of good character;
  - d. compliance with the requirements of the host Party for use of trade or firm names;
  - e. compliance with the rules of ethics, independence and professional conduct requirements of the host Party;
  - f. need to obtain professional indemnity insurance;
  - g. rules on disciplinary action, financial responsibility and professional liability; and
  - h. requirements for continuous professional development.

### **Administration of the arrangement**

15. The arrangement should set out the terms under which it can be reviewed or revoked, and the effects of any revision or revocation. Consideration may also be given to the inclusion of provisions concerning the effects of any recognition previously accorded.

### SECTION C: Economic value of an envisaged arrangement

16. Pursuant to Article [X] [Professional qualifications], joint recommendations shall be supported by an evidence-based assessment of the economic value of an envisaged arrangement. This may consist of an evaluation of the economic benefits that an arrangement is expected to bring to the economies of both Parties. Such an assessment may assist the [Committee] when developing and adopting an arrangement.
17. Aspects such as the existing level of market openness, industry needs, market trends and developments, client expectations and requirements and business opportunities would constitute useful elements.
18. The evaluation is not required to be a full and detailed economic analysis, but should provide an explanation of the interest of the profession in, and the expected benefits for the Parties ensuing from, the adoption of an arrangement.

### SECTION D: Compatibility of respective professional qualification regimes

19. Pursuant to Article [X] [Professional qualifications], joint recommendations shall be supported by an evidence-based assessment of the compatibility of the respective professional qualification regimes. This assessment may assist the [Committee] when developing and adopting an arrangement.
20. The following process aims at guiding professional bodies and authorities when assessing the compatibility of the respective professional qualifications and activities with a view to simplifying and facilitating the recognition of professional qualifications.  
Step One: Assessment of the scope of practice and the professional qualifications required to practise the regulated profession in each Party.
21. The assessment of the scope of practice and of the professional qualifications required to practise a regulated profession in each of the Parties should be based on all relevant information.
22. The following elements should be identified:
  - a. activities or groups of activities covered by the scope of practice of the regulated profession in each Party; and
  - b. the professional qualifications required in each Party to practise the regulated profession, which may include any of the following elements:
    - i. the minimum education required, for example, entry requirements, level of education, length of study and contents of study;

- ii. the minimum professional experience required, for example, location, length and conditions of practical training or supervised professional practice prior to registration, licensing or equivalent;
- iii. examinations passed, especially examinations of professional competency; and
- iv. obtention the acquisition of a licence, or equivalent, certifying, inter alia, the fulfilment of the necessary professional qualification requirements for the pursuit of the profession.

Step Two: Evaluation of the divergence between the scope of practice of, or the professional qualifications required to practise, the regulated profession in each Party.

23. The evaluation of the divergence in the scope of practice of, or in the professional qualifications required to practise, the regulated profession, in each Party, should in particular identify divergence that is substantial.

24. Substantial divergence in the scope of practice may exist if all of the following conditions are met:

- a. one or more activities covered by a regulated profession in the host Party are not covered by the corresponding profession in the Party of origin;
- b. such activities are subject to specific training in the host Party;
- c. the training for such activities in the host Party covers matters substantially diverging from those covered by the applicant's qualification.

25. Substantial divergence in the professional qualifications required to practise a regulated profession may exist if there are divergences in the Parties' requirements with regard to the level, duration or content of the training that is required for the pursuit of activities covered by the regulated profession.

Step Three: Recognition mechanisms

26. There may be different mechanisms for the recognition of professional qualifications, depending on the circumstances. There may be different mechanisms within a Party.

27. If there is no substantial divergence in the scope of practice and in the professional qualifications required to practise a regulated profession, an arrangement may provide for a simpler, more streamlined recognition process than would be the case where substantial divergence exists.

28. If there is substantial divergence, the arrangement may provide for compensatory measures which are sufficient to remedy such divergence.

29. Where compensatory measures are used to reduce substantial divergence, they should be proportionate to the divergence that they seek to address. Any practical professional experience or formally validated training could be taken into account to assess the extent of the compensatory measures needed.
30. Whether or not the divergence is substantial, the arrangement may take account of the degree of discretion that is intended to be preserved for competent authorities deciding on recognition requests.
31. Compensatory measures may take different forms, including:
  - a. a period of supervised practice of a regulated profession in the host Party, possibly accompanied by further training, under the responsibility of a qualified person and subject to a regulated assessment;
  - b. a test made or recognised by the relevant authorities of the host Party to assess the applicant's ability to practice a regulated profession in that Party; or
  - c. a temporary limitation of the scope of practice; or a combination of those.
32. The arrangement could envisage that a choice be given to applicants between different compensatory measures where this could limit the administrative burden for applicants and such measures are equivalent.

ANNEX III – TEXT OF THE EU-CANADA MRA FOR ARCHITECTS

**Agreement on the Mutual Recognition of Professional Qualifications for  
Architects**

The EUROPEAN UNION and CANADA  
hereafter jointly referred to as the “Parties”,  
resolve to:

- (1) ESTABLISH a framework to achieve a fair, transparent and consistent regime for the mutual recognition of professional qualifications for the profession of architects;

AND

- (2) AFFIRMING their commitments as Parties to the Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part, done at Brussels on 30 October 2016 (CETA);
- (3) RECOGNISING the authority of Provincial and Territorial Governments in Canada for the regulation of professional qualifications and services within their jurisdiction;
- (4) IMPLEMENTING Chapter Eleven of CETA on the mutual recognition of professional qualifications for the profession of architects;
- (5) RECOGNISING the preparatory work and joint recommendation of the Architects’ Council of Europe and the Regulatory Organization of Architecture in Canada;
- (6) RECALLING that fees that applicants may incur in relation to their application should be reasonable and commensurate with the costs incurred, and should not in themselves restrict the supply of a service or the pursuit of any other economic activity covered by CETA;
- (7) ACKNOWLEDGING the high standards of education and practical training of architects within the Members States of the European Union and in Provinces and Territories of Canada, which take into account the different national, educational traditions and allow for elements of equivalency;



- (8) ENCOURAGING trade in architectural services between the European Union and Canada by setting the conditions for the mutual recognition of professional qualifications to allow for subsequent registration or licensing of architects in the other Party;
- (9) NOTING the Canadian Free Trade Agreement<sup>1</sup>, which contains provisions for domestic labour mobility within Canada;
- (10) RECALLING that an applicant whose request for recognition was rejected under this Agreement may have recourse to the review procedures specified under Article 12.3.6 of CETA,

HAVE AGREED AS FOLLOWS:

### *Article 1*

#### **Purpose and scope**

1. This Agreement establishes the conditions and procedures according to which a jurisdiction of one Party that regulates access to or the pursuit of architectural activities by requiring specific professional qualifications shall recognise the professional qualifications giving access to architectural activities in a jurisdiction of the other Party.
2. This Agreement applies to nationals of a Member State of the European Union and to nationals of Canada seeking to take up and pursue architectural activities on a self-employed or an employed basis.
3. This Agreement does not apply to architects who are authorised to pursue architectural activities in Canada or in the European Union pursuant to a mutual recognition agreement with a third party.
4. Without prejudice to this Agreement, Member States of the European Union and Provinces and Territories of Canada may recognise, in accordance with their respective laws and regulations, professional qualifications that do not meet the requirements of this Agreement.

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<sup>1</sup> [https://www.cfta-alec.ca/wp-content/uploads/2020/09/CFTA-Consolidated-Text-Final-English\\_September-24-2020.pdf](https://www.cfta-alec.ca/wp-content/uploads/2020/09/CFTA-Consolidated-Text-Final-English_September-24-2020.pdf)

## Article 2

### Definitions

For the purposes of this Agreement, the definitions in Articles 1.1, 1.2, and 11.1 of CETA apply. The following definitions also apply and replace the definitions in Articles 1.1, 1.2 and 11.1 of CETA where relevant:

- (a) 'architect' means a natural person who is professionally and academically qualified and is registered, licensed or its equivalent to pursue architectural activities in a jurisdiction covered by this Agreement, according to the conditions in place giving access to the pursuit of architectural activities covered by this Agreement;
- (b) 'architectural activities' means the pursuit of professional activities that are regularly carried out under the professional title of "architect" in a host jurisdiction;
- (c) 'competent authority' means an authority or body that is empowered under the laws and regulations of the Parties to recognise professional qualifications covered by this Agreement for access to or pursuit of architectural activities or to issue documents that are relevant to the operation of this Agreement;
- (d) 'formal qualifications' means diplomas, certificates and other evidence issued by a competent authority in a jurisdiction designated pursuant to legislative, regulatory or administrative provisions of that jurisdiction and that certify the successful completion of professional training;
- (e) 'host jurisdiction' means the jurisdiction of the Party that makes access to or the pursuit of architectural activities contingent upon specific professional qualifications and where an architect who has obtained final professional qualifications in a jurisdiction of the other Party seeks to pursue architectural activities;
- (f) 'jurisdiction' means the territory of each of the Provinces or Territories of Canada, or the territory of each of the Member States of the European Union, in so far as this Agreement applies in these territories;
- (g) 'professional experience' means the effective and lawful practice of architectural activities in a jurisdiction;

- (h) 'Professional Qualifications Directive' means Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, including its annexes<sup>3</sup>, as amended;
- (i) 'professional qualifications' means the qualifications attested to by evidence of formal qualification and professional experience, including an attestation of professional registration, a licence or its equivalent; and
- (j) 'ROAC' means the Regulatory Organizations of Architecture in Canada, a national professional organisation of Provincial and Territorial competent authorities who voluntarily work as a collective to adopt nationally recognised standards and programs regarding the profession of architects.

### *Article 3*

#### **Effects of recognition**

1. The competent authority of a host jurisdiction shall, in accordance with the procedures and conditions set out in this Agreement, recognise as equivalent the professional qualifications of an architect certified by any competent authority of the other Party.
2. For the purposes of access to or pursuit of architectural activities, the host jurisdiction shall accord to the professional qualifications of architects whose qualifications have been recognised under this Agreement, the same effect in its territory as the professional qualifications which are issued or certified in its territory and give access to the pursuit of architectural activities.

### *Article 4*

#### **Requirements for recognition**

1. Without prejudice to Article 6, and subject to any language skills requirements that may apply, the requirements for an architect of a Member State of the European Union to pursue architectural activities in a host jurisdiction of Canada shall be:

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<sup>3</sup> OJ L 255 30.9.2005, p. 22.

- (a) a minimum of 12 years of education, training and professional experience as an architect, attested by evidence of:
    - formal qualifications meeting the requirements of Article 46, including qualifications listed in Annex V, or the requirements of Article 49, including qualifications listed in Annex VI, of the Professional Qualifications Directive, accompanied by a certificate attesting to compliance with the acquired rights under that Directive, as appropriate, and
    - a minimum of four years of professional experience in a Member State of the European Union obtained after registration, licensing or its equivalent,
  - (b) a valid professional registration or licence as an architect from a competent authority of a Member State of the European Union or its equivalent if there is no registration or licensing regime, and
  - (c) being of good character.
2. Without prejudice to Article 6, and subject to any language skills requirements that may apply, the requirements for an architect of Canada to take up and pursue architectural activities in a Member State of the European Union shall be:
- (d) a minimum of 12 years of education, training and professional experience as an architect attested to by evidence of:
    - formal qualifications issued in Canada giving access to the profession of architects as described in Appendix I, and
    - a minimum of four years of professional experience in Canada obtained after registration or licensing,
  - (e) a valid professional registration or licence as an architect from a competent authority in Canada, and
  - (f) being of good standing.
3. The requirements of the first indent of subparagraph (a) of paragraph 1 or the first indent of subparagraph (a) of paragraph 2 of this Article may also be met by formal qualifications issued by a third party and recognised as equivalent

according to the requirements of a jurisdiction of a Party, and where appropriate, supplemented by professional training, examination or professional experience as required in that jurisdiction.

### *Article 5*

#### **Compensatory measure**

1. An architect of a Member State of the European Union seeking to take up and pursue architectural activities in a host jurisdiction of Canada shall undertake and successfully complete a 10-hour online pre-registration course to satisfy domain-specific knowledge requirements on building regulation, construction documents, contract administration and professional practice. The application referred to in Article 6(1) shall include the fees for the participation in the course. The requirements and modalities of the online pre-registration course are set out in Appendix II.
2. The online pre-registration course shall not go beyond what is proportionate to address differences in domain-specific knowledge between the Member States of the European Union and the Provinces and Territories of Canada. It shall not act as an unreasonable disincentive to apply for recognition and shall not unduly delay or complicate access to or the pursuit of professional activities for architects referred to in paragraph 1 of this Article. The test modules of the online pre-registration course may be retaken up to three times within three months from the first access to it.
3. The online pre-registration course may only be required for architects referred to in paragraph 1 of this Article who seek to obtain recognition of their professional qualifications by a Canadian host jurisdiction for the first time.
4. The European Union reserves the right to introduce an equivalent online pre-registration course. Paragraphs 1, 2 and 3 of this Article would apply to any such online course, with the exception of the requirements and modalities of Appendix II, subject to the necessary changes being made.

### *Article 6*

#### **Procedures for recognition**

1. An architect seeking to take up and pursue architectural activities in a jurisdiction of the other Party shall submit to the competent authority of that jurisdiction an application by electronic means supported by the documents and certificates listed in Appendix III, if requested by the host jurisdiction. Applications for recognition shall be made in the language of the host jurisdiction or any other language accepted by the host jurisdiction.
2. The competent authority shall acknowledge receipt of an application by electronic means within one month of receipt and inform the applicant whether the application is considered complete. In the case of incomplete applications, the competent authority shall identify the additional information that is required to complete the application and provide the applicant with the opportunity to correct it within a reasonable time period.
3. The procedure for examining the application for recognition shall be completed as quickly as possible and lead to a duly substantiated decision by the competent authority of the host jurisdiction within three months after the date on which the applicant submitted a complete application.
4. If a competent authority requires the completion of the online pre-registration course referred to in Article 5, the competent authority shall give the applicant an opportunity to undertake the online course without undue delay once it considers the requirements of Article 4 to be fulfilled. In any case, the competent authority shall provide the applicant with the opportunity to undertake and complete the online pre-registration course and language examination if required, and, if both are successfully completed, provide the applicant with a duly substantiated decision on the application within the time period referred to in paragraph 3 of this Article.
5. If an application is rejected, the competent authority shall inform the applicant in writing and without undue delay. The competent authority shall inform an unsuccessful applicant of the reasons for the rejection of its application.
6. Any fees that applicants may incur in relation to their application shall be commensurate with the costs incurred by the competent authorities of the host jurisdiction.

### *Article 7*

#### **Pursuit of architectural activities in a host jurisdiction**

1. An architect who obtains recognition of his or her professional qualifications under this Agreement and pursues architectural activities in the host jurisdiction shall comply with the host jurisdiction's laws, regulations, rules of conduct and ethics applicable to architects, such as rules on mandatory professional indemnity insurance, language skills, continuous professional development, registration fees and the use of trade or firm names.
2. An architect referred to in paragraph 1 of this Article shall be entitled to pursue architectural activities under the professional title in that host jurisdiction if such title is protected by law.
3. If the professional qualifications of an architect of a Member State of the European Union referred to in paragraph 1 of Article 4 have been recognised by one host jurisdiction of Canada, another host jurisdiction of Canada cannot impose any supplementary courses that would not be required of an architect of Canada as a condition of registration in a subsequent host jurisdiction.

### *Article 8*

#### **Implementation**

1. Each Party shall make publicly available or shall ensure that their competent authorities make publicly available, if possible by electronic means, information concerning:
  - (a) names and addresses of the competent authorities that administer applications for the recognition of qualifications;
  - (b) relevant requirements and procedures that relate to the implementation and administration of decisions on the mutual recognition of qualifications;
  - (c) procedures that relate to the compulsory registration or membership in a professional body; and
  - (d) laws and regulations applicable to the practice of the professional activities covered by this Agreement, including in particular the domain-

specific knowledge requirements that are tested in the online pre-registration course referred to in Article 5.

2. Each Party shall endeavour to inform the other Party of new regulations or modifications to existing regulations, adopted in the exercise of its right to regulate, that might have an impact on the recognition of qualifications of architects in accordance with subparagraph (d) of Article 11.5 of CETA.
3. The competent authorities of each jurisdiction of a Party shall work in close cooperation and shall provide mutual assistance in order to facilitate implementation of this Agreement.
4. Nothing in this Agreement prevents competent authorities or their associations from meeting on a regular basis with the purpose of discussing matters related to the regulation of the profession of architects.
5. The Parties shall bring any issues arising from the implementation or functioning of this Agreement to the attention of the MRA Committee set up under subparagraph (b) of Article 26.2(1) of CETA if such issues cannot be resolved in accordance with this Article. The Committee shall convene promptly no later than 45 days from the receipt of a request and the Committee shall endeavour to reach a mutually satisfactory resolution of the matter within four months of the date the meeting of the Committee was held.
6. In the event that the CETA Joint Committee examines the effect of a new accession to the European Union pursuant to Article 30.10 of CETA, the MRA Committee shall meet and report to the Committee on Services and Investment to support the examination by the CETA Joint Committee.



## APPENDIX I

### **Formal qualifications issued in Canada giving access to the profession of architects referred to in Article 4(2)**

In Canada, the education required as one of the conditions to gain access to the qualifications of architects is certified by a diploma from one of the following universities:

- University of British Columbia;
- University of Calgary;
- Carleton University;
- Technical University of Nova Scotia (TUNS)-Currently, Dalhousie University;
- Université Laval;
- University of Manitoba;
- McGill University;
- Université de Montréal;
- University of Toronto; and
- University of Waterloo.

The relevant degrees are:

- Bachelor of Architecture (B. Arch) until 2004; and
- Master of Architecture (M. Arch).

The Canadian Architectural Certification Board (“CACB”) or the competent authority may also assess individual professional degrees or diplomas in architecture from non-accredited institutions and grant certification if they meet the Canadian Educational Standard endorsed by ROAC. The CACB maintains a list of current accreditations, as well as information about modes of certification, on their web site.

For graduates from one of the Canadian University Schools of Architecture prior to the implementation of the CACB Degree Program Accreditation System in 1991, CACB certified each individual architectural graduate’s educational qualifications, which needed to be obtained from one of the universities listed above.

## APPENDIX II

### Details of the online 10-hour pre-registration course referred to in Article 5

#### 1. General principles and objectives of the course

The online pre-registration course referred to in Article 5 is intended to ensure that an architect of a Member State of the European Union seeking to take up and pursue architectural activities in a host jurisdiction of Canada has acquired the domain specific knowledge required to practice in one of the Canada's Provinces or Territories.

Upon completion of the course, an applicant will have an understanding of what services an architect is required to provide, the contractual requirements prior to commencing architectural services, professional obligations in a self-regulating profession and the requirement to protect the public good, administrative and legal obligations that an architect is required to know to provide architectural services in Canada and where to find key reference information, including building codes, by-laws, industry standards, and other regulatory documents.

#### 2. Domain-specific knowledge covered

The domain-specific knowledge consists of the following items:

- searching and documentation of relevant building regulations;
- understanding procedures to obtain relief or variance from particular requirements under these building regulations;
- evaluating products and materials
- project compliance with applicable regulations
- preparing and negotiating construction contracts, including the conditions of contracts for construction in order to clarify the roles of the architect, contractor, owner, bonding company and insurer in the administration of the construction phase;
- building permit applications;
- supervising construction progress and performance review; and
- codes of ethics.

### 3. Results

Upon completion of the online pre-registration course, an applicant will receive immediate notification regarding whether he or she has obtained a passing grade. The results are simultaneously transmitted to and recorded by ROAC.

#### APPENDIX III

##### Documents that may be required in accordance with Article 6(1)

The competent authority of a host jurisdiction may require an applicant to provide by electronic means any of the following documents, as appropriate:

1. proof of citizenship or of permanent residency of a Party;
2. evidence of formal qualifications;
3. attestation of professional experience;
4. a letter from a competent authority of the jurisdiction where the architect is qualified sent directly by electronic means to the competent authority of the host jurisdiction confirming the following:
  - (a) date of registration or licensure, or its equivalent if there is no registration or licensing regime in the jurisdiction where the architect is qualified;
  - (b) compliance with the professional qualification requirements set out in subparagraph (a) of Article 4(1) or subparagraph (a) of Article 4(2) of this Agreement, as appropriate;
  - (c) proof of good character or good standing; and
  - (d) if not covered by subparagraph (c), proof that the architect is not subject to ongoing disciplinary action and has not been suspended or barred from the pursuit of architectural activities due to serious professional misconduct or because of a conviction for committing a criminal offence;

If the host jurisdiction requires proof under subparagraphs (c) or (d) above, it shall accept as sufficient evidence a certificate issued by the competent authority of the jurisdiction where the architect is qualified. If the competent authority does not issue such certificates, the host jurisdiction shall accept a declaration under oath or a solemn declaration of the architect concerned before a competent judicial or administrative authority, or a notary or a qualified professional body. In that case, the

- applicant shall also provide a certificate issued by such authority or notary attesting the authenticity of their declaration under oath or solemn declaration;
5. proof that the applicant is insured against the financial risks arising from professional liability in accordance with the laws of the host jurisdiction;
  6. an extract of the criminal record from the jurisdiction referred to in point 4;
  7. proof of payment of the required application fees.

The documents referred to in points 4, 5 and 6 of this Appendix shall not be more than three months old at the date on which they are submitted.

## VI. India

The broad principles underlined in the WTO GATS Agreement on ‘Transparency’ (Article III) and ‘National Treatment’ (Article XVII) have important implications with respect to trade in services. The key principle of transparency involves sharing information and making the negotiation and implementation processes of the MRA transparent to all relevant stakeholders. This includes providing clear guidelines, criteria, and procedures for recognition, as well as making outcomes and decisions publicly available. Transparency helps build trust among participating countries, reduces uncertainty, and ensures a level playingfield for all parties involved.

Further, it is important for any MRAs in the services sector to align with India’s national interests and objectives. This means that the terms and conditions of the MRA should be designed to benefit Indian citizens and safeguarding the country’s economic, social, and strategic objectives.

Mutual recognition and reciprocity are key principles for development of MRAs. These include considering the mutual recognition of qualifications, licenses, and certifications on both sides. By promoting reciprocity, MRAs can facilitate mobility of skilled professionals and encourage cooperation between countries effectively.

Under the FTAs signed by India, there is a provision on Mutual Recognition of Qualifications agreed in the Chapter on Trade in Services/Annex on Professional Services. The objective is to encourage professional bodies to negotiate and conclude mutual recognition or similar arrangements providing for the recognition of the qualifications, licensing, and registration procedures in a time bound manner across professional services.

### **The following steps and requirements may be considered instrumental in negotiating MRAs**

1. Early engagement between the relevant professional bodies and regulators of signatory countries to identify skill gaps in the training systems in the professions
2. Developing a plan of action for each profession to bridge any skill or competency gaps in training by joint mapping of the job roles;
3. Exchange of information such as sharing of skill shortage data related to all professional categories in the sector;

4. Organising workshops and building partnerships between the training institutions of the signatory parties;
5. Identify initial cohorts of applicants on both sides to ensure smooth transition into the Agreement and employment vacancies; and
- 6 Evaluating the approach in a timely manner, to explore the potential and scope for recruitment of Professionals, to address the shortage in near future.

**The Substantive requirements** include broad conformity and meeting professional standards across countries. The **Procedural requirements** entail the necessary procedures to demonstrate that the substantive requirements are met. MRAs need to be negotiated by professional licensing bodies endowed with the necessary (delegated) legal powers, including central/federal or sub-federal government authorities, and professional associations empowered by the Governments to negotiate on their behalf.

The Institute of Chartered Accountants of India has entered into bilateral cooperation agreements in the form of MoUs with various professional accountancy bodies for establishing co-operation in respect of member management, professional ethics, technical research, continuing professional education professional accountancy training, as well as the institutional capacity building of the accountancy profession.

The Institute of Cost Accountants of India has signed MoUs with several professional bodies such as the Institute of Public Accountants, Australia, the Chartered Institute for Securities and Investment, UK (CISI), the Chartered Institute of Public Finance and Accountancy, UK and the Institute of Certified Management Accountants, Sri Lanka.

The MOUs seek to facilitate mutual recognition of qualifications and range of collaborative activities for exchange of knowledge, experience sharing and technical cooperation by way of participation in annual conferences/training programmes/workshops, seminars and joint research projects etc., relevant to their jurisdiction.

The Framework Agreement between India and UK for collaboration on Health Care Workforce. Some elements of cooperation are given below:

- The regulatory bodies have been encouraged to negotiate, within 12 months of entry into force of the Agreement, a system of mutually agreed arrangements for the recognition of the qualifications, licensing and registration procedures for different categories of nursing professionals. This arrangement may also include regulators identifying any gaps based on host country requirements and determining mechanisms to resolve these.
- Collaboration on Allied Health Professionals
- Developing a plan of action for each profession to bridge any skill or competency gaps in Indian training by way of joint mapping of the job roles have also been identified.

## VII. Indonesia

### Responses received from Indonesia to the questionnaire circulated by the Presidency

#### 1. General Information

	Trade in Commercial Services (in USD million)*		Trade Professional Services (in USD million)*		GDP Nominal, Current Prices (in USD billion)**
	Export	Import	Export	Import	
2018	25,488	34,567	3,967	6,724	1,042.711
2019	25,866	36,349	3,714	7,636	1,119,452
2020	14,434	24,653	3,762	7,321	1,062.532
2021	15,396	28,995	4,583	8,106	1,187.732
2022	N/A	N/A	N/A	N/A	1,318.807

Note: Data for Trade Professional Services taken from other business services which consist of research and development services, professional and management consulting services and technical, trade-related and other business services.

Source: (\*) WTO Statistic database, June 2023

(\*\*) IMF World Economic Outlook, 2023



**2. Information on country-specific participation in MRAs in professional services (for the last five years)**  
**A. MRAs involving professional bodies (with one or more countries)**

i) Name of Agreement	MRA on Engineering Services	MRA on Nursing Services	MRA on Architectural Services	Framework Arrangement for Mutual Recognition on Surveying Qualification	MRA on Tourism Professional	MRA on Accountancy Services	MRA on Medical Practitioners	MRA on Dental Practitioners
ii) Year of Signed	9 Dec 2005	8 Dec 2006	19 Nov 2007	19 Nov 2007	9 Nov 2012	13 Nov 2014	26 Feb 2009	26 Feb 2009
iii) Partner Country/Countries	ASEAN Members	ASEAN Members	ASEAN Members	ASEAN Members	ASEAN Members	ASEAN Members	ASEAN Members	ASEAN Members
iv) Coverage (please use WTO Services Sectoral Classification (W/120) wherever possible)	Engineering Services (CPC 8672)	Services provided by Midwives, Nurses, Physiotherapists and Para-Medical Personnel (93191)	Architectural Services (8671)	Engineering related Scientific and technical consulting services (8675)  Geological, Geophysical, and other scientific prospecting services (86751)  Sub-surface Surveying Services (86752)  Surface Surveying Services (86751)  Map Making Services (86751)	Hotel Services  Travel Services	Accounting, Auditing and Bookkeeping Service (862),	Veterinary Services (932)	Medical and Dental Services (9312)

v) Level of Recognition Provided (Automatic/ Partial/ Limited Scope/ Temporary Access/ Other)	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial
vi) Key Provisions for Implementation (Transparency/ Anti-circumvention, others)	Transparency	Transparency	Transparency	Transparency	Transparency	Transparency	Transparency	Transparency
vii) Key Provisions for Review	Amendment	Amendment	Amendment	Amendment	Amendment	Amendment	Amendment	Amendment
viii) Web-link to Agreement Text	<a href="https://agreement.asean.org/media/download/20150119180933.pdf">https://agreement.asean.org/media/download/20150119180933.pdf</a>	<a href="https://agreement.asean.org/media/download/20150119183446.pdf">https://agreement.asean.org/media/download/20150119183446.pdf</a>	<a href="https://asean.org/wp-content/uploads/2021/09/21137.pdf">https://asean.org/wp-content/uploads/2021/09/21137.pdf</a>	<a href="https://investasean.asean.org/files/upload/MRA%20Surveying.pdf">https://investasean.asean.org/files/upload/MRA%20Surveying.pdf</a>	<a href="https://investasean.asean.org/files/uploads/upload/MRA_Tourism_Professionals_bw.pdf">https://investasean.asean.org/files/uploads/upload/MRA_Tourism_Professionals_bw.pdf</a>	<a href="https://aseanpa.org/wp-content/uploads/2022/08/MRA_on_Accountancy_signed_Nov_2014.pdf">https://aseanpa.org/wp-content/uploads/2022/08/MRA_on_Accountancy_signed_Nov_2014.pdf</a>	<a href="https://agreement.asean.org/media/download/20150119183234.pdf">https://agreement.asean.org/media/download/20150119183234.pdf</a>	<a href="https://asean.org/wp-content/uploads/images/2013/economic/sectoral/healthcare_services/mra_dental.pdf">https://asean.org/wp-content/uploads/images/2013/economic/sectoral/healthcare_services/mra_dental.pdf</a>
ix) Whether the MRA is operational at present? (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

### **3. Best principles for development of MRAs based on Indonesian experience in the negotiation and implementation, such as transparency and adherence to International Quality Standards**

There are several principles that has been adopted by Indonesia on the negotiation of MRAs such as:

- 1) National Interest: It's essential for any MRAs to align with Indonesia's national interest and objective. This means that the terms and conditions of the MRA should be designed to benefit Indonesia and its citizens. By aligning MRAs with national interest, a country can optimize the advantages while safeguarding its economic, social, and strategic objectives.
- 2) Transparency: Transparency is crucial in the development of MRAs. It involves sharing information and making the negotiation and implementation processes of the MRA transparent to all relevant stakeholders. This includes providing clear guidelines, criteria, and procedures for recognition, as well as making the outcomes and decisions publicly available. Transparency helps build trust among participating countries, reduces uncertainty, and ensures a level playing field for all parties involved.
- 3) Adherence to International Law: Adherence to international law is a key principle in developing MRAs. This involves aligning the mutual recognition process with established international agreement. By ensuring compatibility with international benchmarks, Indonesia can enhance the credibility and acceptance of its MRAs in the global arena. Adhering to international quality standards also helps facilitate trade, promote efficiency, and increase competitiveness by ensuring that the recognized qualifications or certifications meet recognized global standards.
- 4) Mutual Benefit and Reciprocity: Mutual benefit and reciprocity are essential principles in the development of MRAs. It is important to ensure that the arrangement provides benefits to all participating countries in a balanced manner. This includes considering the mutual recognition of qualifications, licenses, or certifications that have equivalent standards and rigor in both countries. By promoting mutual benefit and reciprocity, the MRA can facilitate the mobility of skilled professionals, encourage cooperation between countries, and foster economic integration.

#### 4. Key steps and requirements instrumental in negotiating and/or producing the desired positive MRA-induced results in Indonesia's experience

The key steps and requirements instrumental in negotiating and/or producing the desired positive MRA-induced results in Indonesia's experience in negotiating on MRA are:

1. **Preliminary Identification of sectors for MRA development.** The sectors identified for the development of MRAs should include the sectors that are prioritised by Indonesia's national interest. An MRA that aligns with Indonesia's national interest can help enhance the country's competitiveness in the global market. By recognizing standards and qualifications from other countries, Indonesian businesses and workers can more easily access international markets and compete with competitors from other nations.
2. **Conducting impact assessment to identify benefits; compare alternative approaches and identifying risks.** The successful development and conclusion of an MRA requires a substantial investment in time and energy by Indonesia and participating countries. It is thus recommended that a demonstrable justification of the benefits is established prior to commencement of the development. The justification should be based on an investigation of the impact, costs and benefits to be derived from the intended MRAs. Such an investigation should include comparison of alternative approaches, including that of maintaining the existing status.
3. **Establishing agreement on the scope of the MRA, its guiding principles and objectives.** It is recommended that the development of the draft text of the MRA be deferred until participating countries have reached a consensus on the scope, guiding principles and objectives of the MRA. The premature development of draft prior to agreement on the scope, principles and objectives could lead to inefficiency in the negotiations between participating countries. The absence of an agreement in principle between Member States on the scope and expected objectives of the MRA provides no common ground for the negotiations on the text of the MRA to proceed in an effective manner. The scope should define the applicable products or sectors that the MRA

addresses, the principles should outline the approaches to be adopted and the objectives be defined in terms of the direct impact on trade.

4. **Impact of differences in regulatory requirements on the development of MRAs.** The impact of the differences in regulations should be considered in developing MRAs such as sectors that are subject to an MRA are regulated in one participating countries but are not regulated in one or more of the other country. In this situation, the MRA has no impact on the exports into the particular Member States that does not regulate.
  5. **Consultation with Stakeholders.** The consultation process is undertaken independently by each participating countries. Participating countries will use the results of the consultation to formulate its position in preparation for deliberations of the MRA with other countries.
  6. **Standards Referenced in MRAs.** Any MRAs developed by Indonesia can be developed independently of the initiatives for harmonization of standards in the sector. In cases that there is a need to reference a particular standard in the MRA, the standards referenced should be those that are harmonized. Suitable standards may be required to define the criteria for recognition of conformity assessment results and in special cases, for defining product characteristics.
- 5. Most challenging issues with respect to the negotiation and implementation of such Agreements (for instance, in terms of resource constraints, domestic regulations, adhering to timelines, dispute settlement among others) in Indonesia.**

In the context of Indonesia, several challenging issues can arise during the negotiation and implementation of Mutual Recognition Arrangements (MRAs).

The following are some of the key challenges:

1. **Domestic Regulations and Legal Frameworks:** Domestic regulations and legal frameworks can present obstacles to the negotiation and implementation of MRAs. Harmonizing or aligning domestic regulations with the requirements of the MRA can be complex and time-consuming. This process may involve amending existing laws or creating new legislation, which requires coordination among different government agencies and stakeholders.

2. **Compatibility with National Skills.** Each country typically has its own national skills framework that outlines the qualifications, competencies, and standards required for specific occupations or professions. When entering into an MRA, it is important to ensure compatibility between the national skills frameworks of the participating countries.
3. **Language Proficiency.** Language barriers can hinder the smooth implementation of MRAs, particularly when it comes to communication between regulatory bodies, assessors, and applicants. If there are language differences between the countries involved, it can complicate the exchange of information, documentation, and understanding of requirements.
4. **Lack of Media Publication.** MRAs involve intricate details related to standards, qualifications, and certifications in specific sectors. Communicating the nuances and complexities of MRAs to the general public can be challenging, and media outlets may prioritize more easily understandable and relatable topics.
5. **Resource Constraints:** Limited financial resources and capacity can be a significant challenge. Developing and maintaining the necessary infrastructure, conducting assessments, and ensuring the implementation of the MRA require adequate funding and skilled personnel. Resource constraints may hinder the timely execution of tasks and the establishment of the necessary mechanisms to facilitate recognition.
6. **Adhering to Timelines:** Meeting agreed-upon timelines can be challenging due to various factors. Bureaucratic procedures, changes in government priorities, and the need for further consultations may lead to delays in the negotiation and implementation processes. Timely completion of tasks requires effective project management, streamlined processes, and efficient coordination among stakeholders.
7. **Stakeholder Engagement and Coordination:** Engaging and coordinating with relevant stakeholders is vital for the successful negotiation and implementation of MRAs. Involving government agencies, regulatory bodies, professional associations, educational institutions, industry representatives, and other stakeholders can be challenging, particularly when multiple sectors and interests are involved. Effective communication, consultation, and coordination

mechanisms are necessary to ensure stakeholder buy-in and successful implementation.

Addressing these challenges requires strategic planning, effective coordination among stakeholders, robust legal frameworks, capacity-building efforts, and sufficient resources. It is important to anticipate and address these challenges proactively during the negotiation and implementation stages to ensure the successful establishment and operation of MRAs in Indonesia.

## 6. Useful elements for developing procedures/pre-conditions for third party access in the MRAs

When developing procedures/pre-conditions for third-party access in a MRA, several elements are crucial to ensure effective implementation. Here are three top elements to consider:

1. **Eligibility Criteria and Qualification Process:** Establishing clear eligibility criteria and a rigorous qualification process is vital for third-party access in an MRA. This element ensures that only competent and qualified parties are granted access. The criteria should define the necessary qualifications, experience, expertise, and adherence to relevant standards or regulations. Additionally, outlining the procedure for the qualification process, including application submission, evaluation, and decision-making, is essential.
2. **Compliance and Oversight Mechanisms:** Developing robust compliance and oversight mechanisms is crucial to maintain the integrity and quality of third party access in an MRA. These mechanisms should include regular monitoring, audits, inspections, and reporting requirements to ensure ongoing adherence to the agreed-upon standards and pre-conditions. Implementing a system for addressing non-compliance or deviations, including appropriate penalties or corrective actions, is also necessary to maintain accountability and trust.
3. **Information Sharing and Communication Protocols:** Establishing effective information sharing and communication protocols is essential for smooth collaboration and coordination among the parties involved in the MRA. This element includes defining the channels, formats, and frequency of information exchange between the regulatory bodies, third parties, and

any other relevant stakeholders. Clear communication protocols ensure timely sharing of updates, changes in requirements, or any other pertinent information that may impact third-party access.

While these are the top three elements, it is important to note that the specific elements for developing procedures/pre-conditions for third-party access in an MRA may vary depending on the nature of the arrangement and the industries involved.

**7. Assessment of the impact of the MRAs signed on trade in professional services in your country (please tick the correct option)**

Positive

Negative

	Total Imports*	Total Exports*
Increase (+) or Decrease (-) in Trade in Professional Services (in US\$ million)	From 2005 – 2021 (+) USD 4,313 million  CAGR : 5.31%	From 2005 – 2021 (+) USD 2,698 million  CAGR: 5.36%

Note: Data for Trade Professional Services taken from other business services which consist of research and development services, professional and management consulting services and technical, trade-related and other business services.

Source: WTO Statistic database, June 2023

The impact of the MRAs signed on trade in professional services in Indonesia has been mixed. On the one hand, the MRAs have helped to facilitate the movement of professionals between Indonesia and other countries. This has led to increased competition and innovation in the professional services sector, which has benefited consumers. On the other hand, the MRAs have not been without their challenges. For example, some Indonesian businesses have argued that the MRAs have made it more difficult for them to compete with foreign businesses.



Overall, the impact of the MRAs on trade in professional services in Indonesia has been positive. However, there are still some challenges that need to be addressed in order to ensure that the MRAs are fully effective.

## **8. Service sectors among professional (regulated) services in which country envisage the pursuit of MRAs in future**

Indonesia requires MRA in professional services where it experiences a surplus, particularly to facilitate the mobility of Indonesian workforce to partner countries and to enhance the qualifications of professionals. Those professional services are such following:

1. **Engineering:** Engineering is another critical service sector for any economy. According to ERIA Studies in 2022, Indonesia has the largest engineering graduates in Southeast Asia with around 245 thousand graduates annually. Indonesia also has one of the highest numbers of registered professional engineers in Southeast Asia with around 149 thousand registered engineers, following Malaysia and Philippines. MRAs in engineering would help to facilitate the movement of engineers between Indonesia and other countries. This would lead to increased competition and innovation in the engineering sector, which would benefit businesses and consumers.
2. **Medical Doctors:** According to ERIA studies in 2022, Indonesia has produced 18,928 medical graduates annually and also has more than 200 thousand registered professional medical doctors. The number of doctors in Indonesia is among the largest in Southeast Asia and it has a capability to supply other countries in the region. In order to unleash the potential, Indonesia needs to seek further MRAs within this sector with its partner countries;
3. **Nurse:** According to ERIA studies in 2022, Indonesia has the largest number of nurses in Southeast Asia, with over 1.3 million registered professional nurses in 2022. Additionally, Indonesia produces around 116 thousand nursing graduates annually. Indonesian nurses are known for their high level of education and skills, as well as their compassion and dedication to their patients. Moreover, Indonesian nurses are relatively inexpensive to hire

compared to professionals from other nationalities. This makes them an attractive option for hospitals and clinics in countries with high healthcare costs.

These are just a few of the service sectors in which Indonesia needs MRAs in the future. By signing MRAs in these sectors, the government can help to boost trade and investment, improve the quality of services, and create jobs.

#### **9. Requirement of technical assistance/cooperation in developing the necessary capacity for signing the future MRAs specifying the key areas of concern.**

Indonesia does require technical assistance/cooperation in developing the necessary capacity for signing the future MRA. MRAs are agreements between two or more countries that recognize the qualifications of professionals from each other's countries. This means that a professional who is qualified to practice in one country will be automatically qualified to practice in the other countries that are party to the MRA.

Indonesia has expressed interest in negotiating MRAs with a number of countries, including ASEAN, Australia and the European Free Trade Association (EFTA) states. However, in order to sign these MRAs, Indonesia will need to develop the necessary capacity to assess and recognize the qualifications of professionals from these countries. This includes developing the necessary legal framework, establishing the necessary institutions, and training the necessary personnel.

There are a number of countries that have experience in developing and implementing MRAs. These countries can provide technical assistance and cooperation to Indonesia in developing the necessary capacity. This assistance can include providing advice on the legal framework, the institutions, and the training. It can also include providing funding for these activities.

#### **10. Shortage of professionals in your country**

- a) List the sectors with the shortage of professionals (for example, Health and medical services, IT/ICT, engineering, architectural, accountancy services etc.) in your country (indicating the professions in descending order of requirement)**

Yes, based on the 2020 World Bank report, Indonesia is experiencing a shortage of approximately 35 occupations in professional services such as legal, agricultural, manufacturing, health, education, finance, construction, ICT, and other professional and scientific services.

**b) Estimates on shortage of professionals in the next 5-10 years, if any.**

According to Korn Ferry's studies conducted in 2020, it is predicted that Indonesia will face a significant shortage of professionals in various service sectors by the year 2030. The sectors that are expected to be affected by this shortage include finance, business, information and communication technology (ICT), and manufacturing.

In the finance sector, the deficit of professionals could potentially lead to challenges in managing and maintaining the stability of Indonesia's financial systems. The shortage may result in a lack of skilled individuals who can effectively analyze market trends, provide sound investment advice, and ensure proper risk management strategies are in place.

Similarly, the business sector could be affected by a shortage of professionals, impacting the overall growth and development of enterprises. This deficit may hinder the implementation of innovative strategies, hinder business expansion, and limit the ability to compete in the global market.

The ICT sector, which plays a crucial role in Indonesia's digital transformation, may also face a shortage of professionals. This could hinder the country's progress in technology development, innovation, and digital infrastructure. Without enough skilled experts in this field, Indonesia may struggle to keep pace with advancements in areas such as artificial intelligence, cybersecurity, and data analytics.

Furthermore, the manufacturing sector, which is a significant contributor to Indonesia's economy, may experience a deficit of professionals. This shortage could impact the sector's ability to adopt advanced manufacturing

technologies, optimize production processes, and ensure quality control. As a result, Indonesia's competitiveness in the global manufacturing market may be compromised.

#### **11. Apart from MRAs, other mechanisms adopted by your country to fulfil the shortage of professionals?**

Apart from MRAs, the Indonesian government has also adopted a number of other mechanisms to fulfil the shortage of professionals, including:

- a) Investing in education and training. The government is increasing investment in education and training, with a focus on skills that are in demand by employers. This includes increasing the number of schools and universities, providing scholarships for students to study in Indonesia and abroad, and developing new training programs.
- b) Aligning the curriculum of schools and universities with the needs of employers. The government is working with schools and universities to align the curriculum with the needs of employers. This includes ensuring that students are learning the skills that are in demand by employers, and that the curriculum is updated regularly to reflect changes in the labor market.
- c) Raising awareness of the skills needed by employers: The government is raising awareness of the skills needed by employers through a variety of channels, such as:
  - Public awareness campaigns
  - Training programs for employers and employees
  - Scholarships for students to study in Indonesia and abroad.
- d) Attracting foreign professionals. The government is making it easier for foreign professionals to work in Indonesia. This includes providing work visas, simplifying the immigration process, and providing support services such as language training and childcare.

- e) Promoting professional development: The government is promoting professional development for Indonesian professionals. This includes providing training programs, funding research, and creating opportunities for networking and collaboration.

## VIII. Japan

### 1. Japan's trade data:

Trade in Commercial Services constitutes a significant portion of Japan's GDP. However, this sector faced adverse effects in 2020, which could be attributed to several factors, including the Covid-19 pandemic. During this period, Japan's exports of commercial services were more severely impacted than its imports. Specifically, in 2020, exports of commercial services experienced a decline of over 22%, whereas imports only decreased by 10.3%. Furthermore, in 2021, as trade in commercial services began to recover, Japan's import growth in this sector outpaced its exports. As per data provided in the response, Japan's import of Professional Services is much higher than its exports of the same.

### 2. Critical Factors

The Critical factors to facilitate a negotiation on MRAs include:

a) whether relevant bodies in each party actively seek to establish dialogues on a potential MRA; the government of each party can only encourage, not force, its relevant bodies to do so with the relevant bodies of other parties.

b) equivalences of the qualifications or registration conditions need to be clearly specified in MRAs; the process for which can pose a challenge because existing legal frameworks held by each party can be different. Since areas covered by governmental regulations generally concern public health and welfare, and/or are critical to lives and safety of citizens, a careful deliberation is necessary when assessing whether developing an MRA in certain sector can bring an overall benefit.

With respect to the key prerequisites for developing procedures/pre-conditions for third party access in MRAs, it should be noted that if a third party that wishes to access an existing MRA, there needs to be consensus by all the relevant bodies of the current participating parties with regards to establishing dialogues on the MRA in which the relevant bodies of the third party participate.

### 3. Specified Skilled Worker System:

The system of Specified Skilled Workers is a system that was established for the acceptance of work-ready foreign nationals who have a certain degree of expertise and skills in the industrial fields where it is still difficult to secure human resources even if efforts have been made to improve productivity and secure domestic human resources in order to cope with the worsening labor shortages being experienced by small to medium-size business enterprises.

The statuses of residence of “Specified Skilled Worker (i)” for foreign nationals engaging in work requiring skills which need considerable degree of knowledge or Experience, and “Specified Skilled Worker (ii)” for foreign nationals engaging in work requiring proficient skills were established and operation started on April 1, 2019.

## IX. Russian Federation

### 1. Trade Data Analysis

Based on the provided data, the trade in commercial services for the Russian Federation has shown a fluctuating trend over the past five years. In 2018, the country had total exports of 64,646.27 USD million and total imports of 94,727.91 USD million. However, in 2022, the total exports decreased to 48,513.90 USD million, while the total imports decreased to 70,714.22 USD million.

### 2. MRAs Involving Professional Bodies

For the last five years, Russia has signed ten MRAs, including agreements with Nicaragua, Angola, Cambodia, Slovakia, Uzbekistan, Hungary, Monaco, Zimbabwe, Tajikistan and the EAEU Member States.

#### List of MRAs:

- [Intergovernmental agreement on mutual recognition of education, qualifications and academic degrees with Nicaragua](#)
- [Intergovernmental agreement on mutual recognition of education, qualifications and academic degrees with Angola](#)
- [Intergovernmental agreement on mutual recognition of education, qualifications and academic degrees with Cambodia](#)
- [Intergovernmental agreement on mutual recognition of education, qualifications and academic degrees with Slovakia](#)
- [Intergovernmental agreement on mutual recognition of education, qualifications and academic degrees with Uzbekistan](#)
- [Intergovernmental agreement on mutual recognition of education, qualifications and academic degrees with Hungary](#)
- [Intergovernmental agreement on mutual recognition of education, qualifications and academic degrees with Monaco](#)
- [Intergovernmental agreement on mutual recognition of education, qualifications and academic degrees with Zimbabwe](#)
- [Intergovernmental agreement on mutual recognition of academic degrees and titles with Tajikistan](#)
- [Agreement on Mutual Recognition of documents on academic degrees in the EAEU Member States](#)

Transparency, comparability, fairness, consistency, relevance, and reliability are key provisions for the implementation of MRAs. Russia emphasizes the importance of transparency during negotiations and implementation of MRAs. It also highlights the importance of agreement on dispute settlement procedures between parties in case



disagreements in application or interpretation of MRAs arise. It also highlights the need to take into account the specifics of particular fields of education to which different assessment criteria in different jurisdictions may apply.

### **Partial/ Limited Scope/Temporary Access/Other**

Russia has entered MRAs, which provide the 'Automatic' level of recognition for all the Agreements mentioned. There are no specific key provisions mentioned for review in any of the MRAs. Most of the Russia's current MRAs are operational.

### **Best Practice Principles for Negotiation and Implementation of MRAs**

Russia has identified three best practice principles for negotiation and implementation of MRAs based on Russia's experience: 1) comparability of education levels and rights, 2) quality assurance of education, and 3) transparency in communication.

## X. Saudi Arabia, Kingdom of

The Kingdom of Saudi Arabia highly appreciate the Indian G20 TIWG presidency in their effort in completing the proposed Compendium of best practices on MRA in professional services, and receiving the voluntary inputs of best practices in that area by G20 members.

In this regards, The Kingdom of Saudi Arabia would like to share with the Indian G20 presidency its established program (Authorized Economic Operator), the program was established based on the concept of partnership between customs and commercial bases. The program enhances the security of the global supply chain, and at the same time provides more benefits to facilitate trade.

Such Mutual Recognition Agreements (MRAs) form a major part of guiding customs administrations around the world to contribute and enhancing the supply chain security in global markets.

We believe mutual recognition agreements are an important way for countries to work together formally to obtain significant benefits for the private sector and customs administrations alike, as a business facility approved by the economic operator program in one country obtains benefits similar to those obtained by a business facility in the partner country.

By registering in the referenced program, there are a lot benefits such as:

- Quick lane for the commercial into Saudi costumes
- Priority for custom procedure
- Benefiting from other MRA programs in other countries.
- Appointing account manager

In conclusion, companies in the supply chain that have applied to the program and been validated are classified as low risk business partners and can therefore be trusted by ZATCA. These companies will receive significant benefits that will simplify their customs procedures.

## XI. Republic of Korea

### Republic of Korea's Mutual Recognition Agreements (MRA) on Professional Services

#### I. General Overview of MRAs in Korea's FTAs

Korea establishes the basis for Mutual Recognition Agreements or Arrangements (MRA) on professional services in its FTAs under the Cross-Border Trade in Services chapter. In addition, articles on the mutual recognition of professional services serve as a foundation for further negotiations on MRAs. Individual negotiations are held in respective sectors between the competent authorities responsible for licensing or overseeing the registration of professional services. To date, Korea has completed two professional services MRAs on engineering with Australia and the U.S. (Texas), and is engaged in negotiations with other countries to reach agreements. The Working Group on MRAs established under relevant FTAs are undertaking follow-up negotiations, mainly Canada and E.U.

#### II. Exemplary Articles in Korea's FTAs

The articles on recognition in the Cross-Border Trade in Services chapter of the Korea – U.S. FTA provide an example text for other such FTA articles. It provides a definition of professional services. In particular, the Article on Recognition stipulates that education, experience, qualifications and licenses acquired in designated countries or non-party countries may be recognized. The parties are also obligated to provide each other with opportunities for mutual recognition and exchange information on the status of mutual recognition.

Based on the Annex to the Recognition Article, a "Professional Services Working Group" is formed whose role is to pursue discussions on a Mutual Recognition Agreement, focusing on areas mutually agreed upon between the two countries pertaining primarily to engineering services, architectural services and veterinary



services. These sectors are non-exhaustive, and negotiations for MRAs in other sectors may be convened by mutual agreement between the parties. Only a small number of FTAs, specifically those with the U.S., Australia and the E.U., mandate the establishment of a working group to discuss procedures for fostering the development of mutual recognition arrangements.

### III. Existing MRAs

#### 1. Australia

Date of Signing	2015.4.23
Signatories	Ministry of Science, ICT and Future Planning of the RoK The Institution of Engineers of Australia (EA)
Relevant Articles	Article 7.9 of the Korea-Australia FTA (Recognition), Annex 7-A (Professional Services)
Sector	Engineering (Technician)
Key Qualifications	A person registered as an APEC engineer in Korea shall meet the following requirements (1) Completed an accredited or recognized program, or assessed recognized equivalent (2) Recognized as having the ability to perform tasks independently in their own country (3) Have at least 7 years of working experience after graduation (4) At least 2 years of experience as a responsible technician in key engineering areas

#### 2. U.S.(Texas)

Date of Signing	2016.3.10
Signatories	Ministry of Science, ICT and Future Planning of the RoK Texas Board of Professional Engineers (TBPE)
Relevant Articles	Article 12.9 of the Korea-U.S. FTA (Recognition),



	Annex 12-A (Professional Services)
Sector	Engineering (Technician)
Key Qualifications	<p>(1) The applicant has passed the examiner's interview to demonstrate the technical capabilities required to carry out the engineering practice</p> <p>(2) Proof of experience (one year of experience in the United States or similar experience, one year of engineering practice in Korea)</p> <p>(3) Including 3 years of experience after acquiring a technician, 7 years of practical engineering experience after graduation</p>

### FTA Article related to professional services MRA in Korea-U.S. FTA

**professional services** mean services, the supply of which requires specialized postsecondary education, or equivalent training or experience or examination, and for which the right to practice is granted or restricted by a Party, but does not include services supplied by trades-persons or vessel and aircraft crew members;

### ARTICLE 12.9: RECOGNITION

1. For purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorization, licensing, or certification of services suppliers, and subject to the requirements of paragraph 5, a Party may recognize the education or experience obtained, requirements met, or licenses or certifications granted in a particular country. Such recognition, which may be achieved through harmonization or otherwise, may be based upon an agreement or arrangement with the country concerned or may be accorded autonomously.
2. Where a Party recognizes, autonomously or by agreement or arrangement, the education or experience obtained, requirements met, or licenses or certifications granted in the territory of a non-Party, nothing in Article 12.3 shall be construed to require the Party to accord such recognition to the education or experience obtained, requirements met, or licenses or certifications granted in the territory of



the other Party.

3. On request of the other Party, a Party shall promptly provide information, including appropriate descriptions, concerning any recognition agreement or arrangement that the Party or relevant bodies in its territory has concluded.
4. A Party that is a party to an agreement or arrangement of the type referred to in paragraph 1, whether existing or future, shall afford adequate opportunity for the other Party, if the other Party is interested, to negotiate its accession to such an agreement or arrangement or to negotiate a comparable one with it. Where a Party accords recognition autonomously, it shall afford adequate opportunity for the other Party to demonstrate that education, experience, licenses, or certifications obtained or requirements met in the other Party's territory should be recognized.
5. Neither Party may accord recognition in a manner that would constitute a means of discrimination between countries in the application of its standards or criteria for the authorization, licensing, or certification of services suppliers, or a disguised restriction on trade in services.
6. Annex 12-A applies to measures adopted or maintained by a Party relating to the licensing or certification of professional service suppliers as set out in that Annex.

#### **ANNEX 12-A: PROFESSIONAL SERVICES**

1. On request of the other Party, a Party shall provide information concerning standards and criteria for the licensing and certification of professional services suppliers, including information concerning the appropriate regulatory or other body to consult regarding these standards and criteria. These standards and criteria include requirements regarding education, examinations, experience, conduct and ethics, professional development and re-certification, scope of practice, local knowledge, and consumer protection.
2. Where the Parties agree, each Party shall encourage the relevant bodies in its territory to develop mutually acceptable standards and criteria for licensing and certification, to provide recommendations to the Joint Committee on mutual recognition, and to develop procedures for the temporary licensing arrangements of professional service suppliers of the other Party with respect to professional services sectors or subsectors mutually agreed by the Parties. These sectors or



- subsectors may include those listed in Appendix 12-A-1.
3. The Parties hereby establish a Professional Services Working Group, comprising representatives of each Party, to facilitate the activities set out in paragraphs 1 and 2. The Working Group shall meet within one year after the date this Agreement enters into force unless the Parties otherwise agree.
  4. The Working Group should consider, for professional services generally and, as appropriate, for individual professional services, the following matters:
    - (a) procedures for fostering the development of mutual recognition arrangements between relevant professional bodies of the Parties;
    - (b) the feasibility of developing model procedures for the licensing and certification of professional services suppliers;
    - (c) measures inconsistent with Article 12.2 or 12.4 maintained at the regional level of government that would prevent the development of a mutual recognition arrangement or prevent a service supplier of a Party from receiving the benefits of such an arrangement; and
    - (d) other issues of mutual interest relating to the supply of professional services.
  5. The Working Group shall consider, as appropriate, relevant bilateral, plurilateral, and multilateral agreements relating to professional services.
  6. The Working Group shall report to the Joint Committee on its progress, including with respect to any recommendation for initiatives to promote mutual recognition of standards and criteria and temporary licensing, and on the further direction of its work, no later than two years after the date this Agreement enters into force.
  7. On receipt of a recommendation referred to in paragraphs 2 and 6, the Joint Committee shall review the recommendation within a reasonable time to determine whether it is consistent with this Agreement. Based on the results of that review and as otherwise appropriate, each Party shall work with and encourage its respective relevant bodies to implement the recommendation within a mutually agreed time.
  8. The Joint Committee shall review the implementation of this Annex at least once every three years.

#### **APPENDIX 12-A-1:**

#### **SECTORS FOR MUTUAL RECOGNITION AND TEMPORARY LICENSING**



1. Engineering Services
2. Architectural Services
3. Veterinary Services





## XII. The United Kingdom

### UK Approach and Best Practice on Mutual Recognition Arrangements for Professional Qualifications

#### UK Domestic Framework

In the UK, some professions are regulated by law (e.g. solicitors), while others are subject to voluntary accreditation schemes (e.g. engineers) or industry certification schemes (e.g. electricians).

Regulation of individual legally regulated professions is a mix of devolved and reserved competence, typically following the approach for the policy in which a profession provides services (e.g. education policy and regulation of teachers are both devolved). In devolved areas, some professions are regulated on a UK or GB-wide basis while others are regulated separately in England, Scotland, Wales and Northern Ireland.

Typically, for legally regulated professions, an individual will need to apply to a regulator to be recognised to practise a profession (for example, the General Medical Council). The individual will need to demonstrate to the regulator that they have the necessary qualifications or experience. Many of these regulators have been established as independent of government, whereby the autonomy of regulators to set standards and assess whether professionals meet these is key to the UK system of professional regulation.

Since the recognition of professional qualifications is a key facilitator of both the movement of professionals and of the trade in services, the UK government encourages and supports regulators that are considering recognition arrangements



with their international counterparts. The UK government maintains online guidance<sup>1</sup> for regulators and provides funding through the 'Recognition Arrangements Grant Programme' to eligible regulators and professional bodies from all sectors for work on bilateral or multilateral recognition arrangements.<sup>2</sup> The information below on the recommended approach to MRAs is drawn from the UK government guidance referenced above.

## **Recommended approach for regulators**

### **What is an MRA?**

An MRA is an arrangement between two or more parties (usually regulatory bodies) which aims to facilitate the mobility of professionals through agreed recognition, registration, procedural, or membership processes. These arrangements may provide a streamlined process by which professionals who have obtained professional qualification in their home jurisdiction, can apply for recognition to practise in another, host jurisdiction.

Many MRAs have been previously agreed by regulatory and industry bodies across the UK and their international counterparts, to achieve a variety of objectives. MRAs are typically agreed on a profession-by-profession basis.

MRAs can be agreed independently between regulators with their international counterparts and can be supported by the UK's Free Trade Agreement (FTAs) or negotiated separately. Some FTAs include Mutual Recognition Agreement frameworks (for example, Article 158 of the UK-EU Trade and Cooperation Agreement<sup>3</sup>), others such as the UK-New Zealand FTA<sup>4</sup> include provisions to support and encourage dialogues between regulators where there is mutual interest.

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<sup>1</sup><https://www.gov.uk/government/publications/arrangements-for-the-recognition-of-professional-qualifications/arrangements-to-facilitate-the-recognition-of-professional-qualifications-accessible-webpage>

<sup>2</sup><https://www.gov.uk/government/publications/recognition-arrangements-grant-programme-round-2>

<sup>3</sup> See Annex A

<sup>4</sup> See Annex B



## Considering Recognition arrangements:

Negotiations for establishing recognition arrangements may be a lengthy and resource-intensive process. Before deciding to pursue international recognition arrangements, regulatory bodies are advised to consider their priorities and the resources available to them. Regulatory bodies should first establish the outcomes they want to drive from their international work and identify the problem they are trying to address or opportunities they are trying to seize. Factors regulatory bodies may consider include:

- trade flows of professionals requiring recognition between the UK and international jurisdictions
- numbers of overseas professionals for workforce supply
- reputation of the profession and qualifications associated with that profession
- future needs of businesses and professionals.

Regulatory bodies may need to work with relevant businesses, professionals and other stakeholders, including the UK government and devolved administrations, to determine where recognition arrangements will have the most impact for their sector, where there is a demand and any other considerations such as third country routes to recognition, business practices and provisions in FTAs.

## Defining the Scope and Purpose of an MRA

This element of the arrangement may outline the parties' joint aims, including how the arrangement considers assessment processes, regulatory autonomy, professional registration, and permissions related to regulated activities in the jurisdictions involved. The details of an MRA will vary depending on the aims, processes and structures of the parties involved and should be determined through open dialogue between parties on the level of ambition, and what is achievable through the mechanisms available.



Once the purpose of the arrangement has been agreed and outlined, the scope of which professions and professional qualifications will be covered in the arrangement needs to be determined. As there are differences in how regulatory bodies choose to regulate professions in their jurisdictions and sectors, an MRA may need to reflect this by outlining the specific professions, professional titles, supporting qualifications and experience covered by the arrangement. It is common for participating bodies to conduct mapping exercises with regards to professional qualifications and standards.

The parties involved may also wish to use this section to specify limits to the scope of the arrangement (for example to qualifications gained within those regulators' jurisdictions). Where regulatory bodies are entering into MRAs with multiple international partners, participating bodies may need to consider how to prevent the scope of an arrangement unintentionally increasing through 'daisy-chaining'.

### **Provisions for Mutual Recognition**

Once the purpose and scope of an MRA has been outlined and agreed in principle, the participating bodies may then wish to define how to best deliver on those ambitions through mechanisms and processes for recognition. This may involve the participating bodies agreeing consistent approaches to dealing with applications from the other jurisdiction, to ensure pathways to admission are clear, operable and fair for applicants. The following areas may need to be considered:

- local regulation and requirements
- application requirements
- compensatory measures
- bases for recognition
- procedural oversight

When agreeing a process for recognition, nuances in local regulation should be taken into account for the recognising regulatory body and in particular, regulatory bodies



may need to maintain an appropriate level of autonomy which allows them to take into account and comply with specific local legislation, regulations and other requirements in their jurisdiction.



## Legal Considerations

Recognition arrangements vary in their legal status: e.g. they may be legally binding, or less formal. Participating bodies will need to consider the legal implications of their language. When entering into an agreement, they will need to ensure that they have the power to do so and that everything within it is consistent with applicable legislation. They will also need to consider whether and what safeguards need to be put in place to protect applicants, regulatory bodies themselves, consumers, service recipients and the public more generally. There are several areas with potential legal implications which participating bodies may consider including in an MRA:

- any obligations in the agreement: duties, discretion, roles, responsibilities
- dispute resolution management
- appeals
- discipline and enforcement
- terms of the agreement, review and termination of the agreement
- information sharing and data protection requirements

It should be noted that all of the above information is intended to provide a guide outlining what potential elements could be considered for inclusion in an MRA. Whether to use this information and the level of detail and scope of all of these sections will be for the participating bodies to decide. The UK government recommends that in all cases, independent legal advice is sought.



## **Annex A: UK-EU Trade and Cooperation Agreement**

### **ARTICLE 158**

#### **Professional qualifications**

1. Nothing in this Article shall prevent a Party from requiring that natural persons possess the necessary professional qualifications specified in the territory where the activity is performed, for the sector of activity concerned<sup>1</sup>.

2. The professional bodies or authorities, which are relevant for the sector of activity concerned in their respective territories, may develop and provide joint recommendations on the recognition of professional qualifications to the Partnership Council. Such joint recommendations shall be supported by an evidence-based assessment of:

(a) the economic value of an envisaged arrangement on the recognition of professional qualifications; and

(b) the compatibility of the respective regimes, that is, the extent to which the requirements applied by each Party for the authorisation, licensing, operation and certification are compatible.

3. On receipt of a joint recommendation, the Partnership Council shall review its consistency with this Title within a reasonable period of time. The Partnership Council may, following such review, develop and adopt an arrangement on the conditions for the recognition of professional qualifications by decision as an annex to this Agreement, which shall be considered to form an integral part of this Title.<sup>2</sup>

4. An arrangement referred to in paragraph 3 shall provide for the conditions for recognition of professional qualifications acquired in the Union and professional

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<sup>1</sup>For greater certainty, this Article shall not be construed to prevent the negotiation and conclusion of one or more agreements between the Parties on the recognition of professional qualifications on conditions and requirements different from those provided for in this Article.

<sup>2</sup>For greater certainty, such arrangements shall not lead to the automatic recognition of qualifications but shall set, in the mutual interest of both Parties, the conditions for the competent authorities granting recognition.



qualifications acquired in the United Kingdom relating to an activity covered by this Title and Title III of this Heading.

5. The Guidelines for arrangements on the recognition of professional qualifications set out in Annex 24 shall be taken into account in the development of the joint recommendations referred to in paragraph 2 of this Article and by the Partnership Council when assessing whether to adopt such an Arrangement, as referred to in paragraph 3 of this Article.

## ANNEX 24

### GUIDELINES FOR ARRANGEMENTS ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

#### SECTION A

#### GENERAL PROVISIONS

##### Introduction

1. This Annex contains guidelines for arrangements on the conditions for the recognition of professional qualifications ("arrangements"), as foreseen by Article 158 of this Agreement.
2. Pursuant to Article 158 of this Agreement, these guidelines shall be taken into account in the development of joint recommendations by professional bodies or authorities of the Parties ("joint recommendations").
3. The guidelines are non-binding, non-exhaustive and do not modify or affect the rights and obligations of the Parties under this Agreement. They set out the typical content of arrangements, and provide general indications as to the economic value of an arrangement and the compatibility of the respective professional qualifications regimes.
4. Not all elements of these guidelines may be relevant in all cases and professional bodies and authorities are free to include in their joint recommendations any other





element that they consider pertinent for the arrangements of the profession and the professional activities concerned, consistent with this Agreement.

5. The guidelines should be taken into account by the Partnership Council when deciding whether to develop and adopt arrangements. They are without prejudice to its review of the consistency of joint recommendations with Title II of Heading One of Part Two of this Agreement and its discretion to take into account the elements it deems relevant, including those contained in joint recommendations.

## SECTION B

### FORM AND CONTENT OF AN ARRANGEMENT

6. This section sets out the typical content of an arrangement, some of which is not within the remit of the professional bodies or authorities preparing joint recommendations. These aspects constitute, nonetheless, useful information to be taken into account in the preparation of joint recommendations, so that they are better adapted to the possible scope of an arrangement.

7. Matters addressed specifically in this Agreement which apply to arrangements (such as the geographical scope of an arrangement, its interaction with scheduled non-conforming measures, the system of dispute resolution, appeal mechanisms, monitoring and review mechanisms of the arrangement) should not be addressed by joint recommendations.

8. An arrangement may specify different mechanisms for the recognition of professional qualifications within a Party. It may also be limited, but not necessarily so, to setting the scope of the arrangement, the procedural provisions, the effects of recognition and additional requirements, and the administrative arrangements.

9. An arrangement which is adopted by the Partnership Council should reflect the degree of discretion that is intended to be preserved for competent authorities deciding on recognition.



## Scope of an Arrangement

10. The arrangement should set out:

- (a) the specific regulated profession(s), relevant professional title(s) and the activity or group of activities covered by the scope of practice of the regulated profession in both Parties ("scope of practice"); and
- (b) whether it covers the recognition of professional qualifications for the purpose of access to professional activities on a fixed-term or an indefinite basis.

## Conditions for recognition

11. The arrangement may specify in particular:

- (a) the professional qualifications necessary for recognition under the arrangement (for example, evidence of formal qualification, professional experience, or other attestation of competence);
- (b) the degree of discretion preserved by recognition authorities when assessing requests for recognition of these qualifications; and
- (c) the procedures to deal with variations and gaps between professional qualifications and means to bridge the differences, including the possibility for imposing any compensatory measures or any other relevant conditions and limitations.

## Procedural provisions

12. The arrangement may set out:

- (a) the documents required and the form in which they should be presented (for example, by electronic or other means, whether they should be supported by translations or certifications of authenticity, etc.);
- (b) the steps and procedures in the recognition process, including those relating to possible compensatory measures, corresponding obligations and timelines; and
- (c) the availability of information relevant to all aspects of the recognition processes and requirements.

## Effects of recognition and additional requirements



13. The arrangement may set out provisions on the effects of recognition (if relevant, also in respect of different modes of supply).

14. The arrangement may describe any additional requirements for the effective exercise of the regulated profession in the host Party. Such requirements may include:

- (a) registration requirements with local authorities;
- (b) appropriate language skills;
- (c) proof of good character;
- (d) compliance with the requirements of the host Party for use of trade or firm names;
- (e) compliance with the rules of ethics, independence and professional conduct requirements of the host Party;
- (f) need to obtain professional indemnity insurance;
- (g) rules on disciplinary action, financial responsibility and professional liability; and
- (h) requirements for continuous professional development.

Administration of the arrangement

15. The arrangement should set out the terms under which it can be reviewed or revoked, and the effects of any revision or revocation. Consideration may also be given to the inclusion of provisions concerning the effects of any recognition previously accorded.

## SECTION C

### ECONOMIC VALUE OF AN ENVISAGED ARRANGEMENT

16. Pursuant to Article 158(2) of this Agreement, joint recommendations shall be supported by an evidence-based assessment of the economic value of an envisaged arrangement. This may consist of an evaluation of the economic benefits that an arrangement is expected to bring to the economies of both Parties. Such an assessment may assist the Partnership Council when developing and adopting an arrangement.



17. Aspects such as the existing level of market openness, industry needs, market trends and developments, client expectations and requirements and business opportunities would constitute useful elements.

18. The evaluation is not required to be a full and detailed economic analysis, but should provide an explanation of the interest of the profession in, and the expected benefits for the Parties ensuing from, the adoption of an arrangement.

## SECTION D

### COMPATIBILITY OF RESPECTIVE PROFESSIONAL QUALIFICATION REGIMES

19. Pursuant to Article 158(2) of this Agreement, joint recommendations shall be supported by an evidence-based assessment of the compatibility of the respective professional qualification regimes. This assessment may assist the Partnership Council when developing and adopting an arrangement.

20. The following process aims at guiding professional bodies and authorities when assessing the compatibility of the respective professional qualifications and activities with a view to simplifying and facilitating the recognition of professional qualifications.

Step One: Assessment of the scope of practice and the professional qualifications required to practise the regulated profession in each Party.

21. The assessment of the scope of practice and of the professional qualifications required to practise a regulated profession in each of the Parties should be based on all relevant information.

22. The following elements should be identified:

(a) activities or groups of activities covered by the scope of practice of the regulated profession in each Party; and

(b) the professional qualifications required in each Party to practise the regulated profession, which may include any of the following elements:



- (i) the minimum education required, for example, entry requirements, level of education, length of study and contents of study;
- (ii) the minimum professional experience required, for example, location, length and conditions of practical training or supervised professional practice prior to registration, licensing or equivalent;
- (iii) examinations passed, especially examinations of professional competency; and
- (iv) the acquisition of a licence, or equivalent, certifying, inter alia, the fulfilment of the necessary professional qualification requirements for the pursuit of the profession.

Step Two: Evaluation of the divergence between the scope of practice of, or the professional qualifications required to practise, the regulated profession in each Party.

23. The evaluation of the divergence in the scope of practice of, or in the professional qualifications required to practise, the regulated profession, in each Party, should in particular identify divergence that is substantial.

24. Substantial divergence in the scope of practice may exist if all of the following conditions are met:

- (a) one or more activities covered by a regulated profession in the host Party are not covered by the corresponding profession in the Party of origin;
- (b) such activities are subject to specific training in the host Party;
- (c) the training for such activities in the host Party covers matters substantially diverging from those covered by the applicant's qualification.

25. Substantial divergence in the professional qualifications required to practise a regulated profession may exist if there are divergences in the Parties' requirements with regard to the level, duration or content of the training that is required for the pursuit of activities covered by the regulated profession.

Step Three: Recognition mechanisms



26. There may be different mechanisms for the recognition of professional qualifications, depending on the circumstances. There may be different mechanisms within a Party.

27. If there is no substantial divergence in the scope of practice and in the professional qualifications required to practise a regulated profession, an arrangement may provide for a simpler, more streamlined recognition process than would be the case where substantial divergence exists.

28. If there is substantial divergence, the arrangement may provide for compensatory measures which are sufficient to remedy such divergence.

29. Where compensatory measures are used to reduce substantial divergence, they should be proportionate to the divergence that they seek to address. Any practical professional experience or formally validated training could be taken into account to assess the extent of the compensatory measures needed.

30. Whether or not the divergence is substantial, the arrangement may take account of the degree of discretion that is intended to be preserved for competent authorities deciding on recognition requests.

31. Compensatory measures may take different forms, including:

(a) a period of supervised practice of a regulated profession in the host Party, possibly accompanied by further training, under the responsibility of a qualified person and subject to a regulated assessment;

(b) a test made or recognised by the relevant authorities of the host Party to assess the applicant's ability to practice a regulated profession in that Party; or

(c) a temporary limitation of the scope of practice; or a combination of those.

32. The arrangement could envisage that a choice be given to applicants between different compensatory measures where this could limit the administrative burden for applicants and such measures are equivalent.



## Annex B: UK- New Zealand Free Trade Agreement

### ANNEX 9A

#### PROFESSIONAL SERVICES AND RECOGNITION OF PROFESSIONAL QUALIFICATIONS

##### Article 9A.1

##### Definitions

For the purposes of this Annex:

“**legal arbitration, conciliation, and mediation services**” means the preparation of documents to be submitted to, the preparation for and appearance before, an arbitrator, conciliator, or mediator in any dispute involving the application and interpretation of law.<sup>10</sup> It does not include arbitration, conciliation, and mediation services in disputes not involving the application and interpretation of law which fall under services incidental to management consulting. It also does not include acting as an arbitrator, conciliator, or mediator; and “**professional qualifications**” means qualifications attested by evidence of formal qualifications or professional experience.

##### Article 9A.2

##### Scope

This Annex applies to measures of a Party affecting the supply of professional services, including by a covered investment.

##### Article 9A.3

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<sup>10</sup>As a sub-category, international legal arbitration, conciliation, or mediation services refers to the same services when the dispute involves parties from two or more countries.



## Recognition of Professional Qualifications

1. If access to or pursuit of a regulated profession<sup>11</sup> in the jurisdiction of the other Party is contingent upon possession of specific professional qualifications, that Party shall encourage, as appropriate, its relevant bodies to establish and operate systems for recognition of professional qualifications obtained in the other Party's jurisdiction.
2. Nothing in paragraph 1 shall prevent a Party, or a relevant body of a Party, from:
  - (a) negotiating mutual recognition arrangements; or
  - (b) requiring that natural persons meet additional conditions that apply to the practice of a particular profession in that Party.
3. Each Party shall encourage its relevant bodies to take into account, as appropriate, agreements that relate to professional services in the development of systems for the recognition of professional qualifications.

### Article 9A.4

#### Temporary or Project-Specific Licensing

A Party may consider, if feasible, taking steps to encourage its relevant bodies to consider implementing procedures for the temporary or project-specific licensing of professional service suppliers of the other Party. Those procedures should not operate to prevent a professional service supplier from gaining a local licence once that supplier satisfies the applicable local licensing requirements.

### Article 9A.5

#### Dialogues on Professional Qualifications or Facilitation of Licensing Procedures

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<sup>11</sup> "regulated profession" means a profession, the practice of which, including the use of a title or designation, is subject to the possession of specific professional qualifications by virtue of a measure of a Party.





1. Each Party shall endeavour to identify professional services in respect of which a mutual interest exists in establishing dialogues on professional qualifications or facilitation of licensing procedures. To this end, a Party may consult any of its relevant bodies that it deems appropriate.
2. Where mutual interest is identified, each Party shall encourage its relevant bodies that it deems appropriate and that are responsible for the respective areas of mutual interest, to establish dialogues with the relevant bodies of the other Party on professional qualifications or facilitation of licensing procedures.
3. These dialogues may consider any appropriate means for achieving progress, including mutual recognition arrangements or other mechanisms.

#### **Article 9A.6**

##### **Architectural Services**

If, pursuant to paragraphs 1 and 2 of Article 9A.5 (Dialogues on Professional Qualifications or Facilitation of Licensing Procedures), a dialogue is established between the relevant bodies of the Parties responsible for regulating the architecture profession, each Party shall encourage those bodies to discuss the potential inclusion of sustainability skills<sup>12</sup> as a requirement for recognition.

#### **Article 9A.7**

##### **Legal Services**

1. Nothing in paragraphs 2 to 4 shall affect the right of a Party to regulate and supervise the supply of legal services, referred to in paragraph 2, in a non-discriminatory manner.
2. Paragraph 3 applies to measures of a Party affecting the supply of legal advisory services and legal arbitration, conciliation, and mediation services in relation to:

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<sup>12</sup>Sustainability skills may include, among others, the study of sustainable design or energy efficiency in the initial training or continuous professional development of architects.



- (a) the law of the other Party;
- (b) other foreign law to the extent the lawyer of the other Party is qualified to practise that law (and not being the law of the host Party); or
- (c) international law.

3. A host Party shall:

- (a) allow a national of the other Party, who is professionally qualified and authorised in the other Party, to practise as a lawyer to supply services referred to in paragraph 2, without having to requalify, or be authorised to practise, as a domestic (host Party) lawyer; and
- (b) not impose disproportionately complex or burdensome administrative or regulatory conditions on, or for, the supply of these services by persons referred to in subparagraph (a).

4. Paragraph 3 shall not include the supply of:

- (a) legal representation services in matters or proceedings before administrative agencies, the courts, or other duly constituted official tribunals of a Party;
- (b) legal advisory and legal authorisation, documentation, and certification services supplied by legal professionals entrusted with public functions, such as notaries, and services supplied by bailiffs; or
- (c) services supplied by patent or trademark attorneys.

## **Article 9A.8**

### **Legal Services Regulatory Dialogue**

1. The Parties recognise that legal services play an essential role in facilitating trade and investment and in promoting economic growth and business confidence.
2. The Parties shall establish a Legal Services Regulatory Dialogue (“Dialogue”) composed of representatives from the legal professions of each Party, including from the relevant bodies in each Party.
3. The objectives of the Dialogue are to:



(a) consider any matters affecting the requalification of lawyers of one Party seeking admission to practise in the other Party. Issues in scope for consideration include:

(i) academic pre-requisites and additional practical legal training, particularly for experienced lawyers;

(ii) requirements for post-qualification supervision;

(iii) the feasibility of recognising legal professional qualifications obtained in one Party without the requirement for an aptitude examination or adaptation period to be undertaken in the other Party; and

(iv) timeframes for requalification and admission to practise law;

(b) share expertise on matters affecting the types of business structures through which lawyers and enterprises of one Party may establish and supply legal services in the other Party, including limited liability partnerships; and

(c) share information and knowledge on other regulatory matters affecting the legal profession, including on licensing and standards, joint partnerships, and on wider issues affecting the trade in legal services between the Parties.

4. The Parties shall encourage the Dialogue to meet within two years of the date of entry into force of this Agreement, and thereafter as determined by the Dialogue.

5. The Parties shall encourage the Dialogue to provide the Professional Services Working Group (“Working Group”) with a report on the progress of objectives set out in paragraph 3 and subsequently provide, if requested, updates on any discussions within the Dialogue.

## **Article 9A.9**

### **Professional Services Working Group**

1. The Working Group, established under Article 30.10 (Working Groups – Institutional Provisions), shall be composed of representatives of each Party.

2. The Working Group may invite, as appropriate, relevant experts, including representatives of relevant bodies, to attend meetings.



3. The Working Group may:

- (a) review and monitor the implementation and operation of this Annex, including with regard to the measures adopted by a Party pursuant to it, and with a view to identifying areas for improvement;
- (b) exchange information, and facilitate the exchange of information between relevant bodies, on any matters relating to this Annex, including sharing best practices;
- (c) make recommendations on best practices to the Services and Investment Sub-Committee (“Sub-Committee”); and
- (d) consider any other issues relating to this Annex including those referred to it by the Sub-Committee or by the Joint Committee, and refer matters to the Sub-Committee, as appropriate.

4. The Working Group shall report to the Sub-Committee.

5. The Working Group shall meet two years after the date of entry into force of this Agreement, and thereafter as agreed by the Parties.



## XIII. United States of America

In the United States, professional services are regulated at the state level, and the competent authorities for negotiating, implementing, and assessing MRAs are the relevant licensing boards and the organizations to which the boards belong for the relevant sectors. The United States-Mexico-Canada Agreement contained the following voluntary Guidelines for Mutual Recognition Agreements or Arrangements for the Professional Services Sector, (Annex 15-C, Appendix 1).

### **APPENDIX 1 GUIDELINES FOR MUTUAL RECOGNITION AGREEMENTS OR ARRANGEMENTS FOR THE PROFESSIONAL SERVICES SECTOR**

#### Introductory Notes

This Appendix provides practical guidance for governments, negotiating entities or other entities entering into mutual recognition negotiations for the professional services sector. These guidelines are non-binding and are intended to be used by the Parties on a voluntary basis. They do not modify or affect the rights and obligations of the Parties under this Agreement.

The objective of these guidelines is to facilitate the negotiation of mutual recognition agreements or arrangements (MRAs).

The examples listed under this Appendix are provided by way of illustration. The listing of these examples is indicative and is intended neither to be exhaustive, nor as an endorsement of the application of such measures by the Parties.

## Section A: Conduct of Negotiations and Relevant Obligations

### Opening of Negotiations



1. Parties intending to enter into negotiations towards an MRA are encouraged to inform the Professional Services Working Group established under Annex 15-C. The following information may be supplied:

- (a) the entities involved in discussions (for example, governments, national organizations in the professional services sector or institutes which have authority, statutory or otherwise, to enter into such negotiations);
- (b) a contact point to obtain further information;
- (c) the subject of the negotiations (specific activity covered); and
- (d) the expected time of the start of negotiations.

### Single Negotiating Entity

2. If no single negotiating entity exists, the parties are encouraged to establish one.

### Results

3. Upon the conclusion of an MRA, parties to the MRA are encouraged to inform the Professional Services Working Group, and may supply the following information in its notification:

- (a) the content of a new MRA; or
- (b) the significant modifications to an existing MRA.

### Follow-up Actions

4. As a follow-up action to a conclusion of an MRA, parties to the MRA are encouraged to inform the Professional Services Working Group of the following:



- (a) that the MRA comply with the provisions of this Chapter;
- (b) measures and actions taken regarding the implementation and monitoring of the MRA; and
- (c) that the text of the MRA is publicly available.

## Section B: Form and Content of MRAs Introductory Note

This Section sets out various issues that may be addressed in MRA negotiations and, if so agreed during the negotiations, included in the MRA. It includes some basic ideas on what a Party might require of foreign professionals seeking to take advantage of an MRA.

### Participants

5. The MRA should identify clearly:
  - (a) the parties to the MRA (for example, governments, national professional organisations, or institutes);
  - (b) competent authorities or organizations other than the parties to the MRA, if any, and their position in relation to the MRA; and
  - (c) the status and area of competence of each party to the MRA.

### Purpose of the MRA

6. The purpose of the MRA should be clearly stated.



## Scope of the MRA

7. The MRA should set out clearly:
  - (a) its scope in terms of the specific profession or titles and professional activities it covers in the territories of the parties;
  - (b) who is entitled to use the professional titles concerned;
  - (c) whether the recognition mechanism is based on qualifications, on the license obtained in the country of origin or on some other requirement; and
  - (d) whether it covers temporary access, permanent access, or both, to the profession concerned.

## MRA Provisions

8. The MRA should clearly specify the conditions to be met for recognition in the territories of each Party and the level of equivalence agreed between the parties to the MRA. The precise terms of the MRA depend on the basis on which the MRA is founded, as discussed above. If the requirements of the various sub-national jurisdictions of a party to an MRA are not identical, the difference should be clearly presented. The MRA should address the applicability of the recognition granted by one sub-national jurisdiction in the other sub-national jurisdictions of the party to the MRA.

9. The Parties should seek to ensure that recognition does not require citizenship or any form of residency, or education, experience, or training in the territory of the host jurisdiction.





## Eligibility for Recognition - Qualifications

10. If the MRA is based on recognition of qualifications, then it should, where applicable, state:

- (a) the minimum level of education required (including entry requirements, length of study, and subjects studied);
- (b) the minimum level of experience required (including location, length, and conditions of practical training or supervised professional practice prior to licensing, and framework of ethical and disciplinary standards);
- (c) examinations passed, especially examinations of professional competence;
- (d) the extent to which home country qualifications are recognised in the host country; and
- (e) the qualifications which the parties to the MRA are prepared to recognize, for instance, by listing particular diplomas or certificates issued by certain institutions, or by reference to particular minimum requirements to be certified by the authorities of the country of origin, including whether the possession of a certain level of qualification would allow recognition for some activities but not others.

## Eligibility for Recognition - Registration

11. If the MRA is based on recognition of the licensing or registration decision made by regulators in the country of origin, it should specify the mechanism by which eligibility for such recognition may be established.



12. If it is considered necessary to provide for additional requirements in order to ensure the quality of the service, the MRA should set out the conditions under which those requirements may apply, for example, in case of shortcomings in relation to qualification requirements in the host country or knowledge of local law, practice, standards, and regulations. This knowledge should be essential for practice in the host country or required because there are differences in the scope of licensed practice.

13. If additional requirements are deemed necessary, the MRA should set out in detail what they entail (for example, examination, aptitude test, additional practice in the host country or in the country of origin, practical training, and language used for examination).

## Mechanisms for Implementation

14. The MRA could state:

- (a) the rules and procedures to be used to monitor and enforce the provisions of the MRA;
- (b) the mechanisms for dialogue and administrative cooperation between the parties to the MRA; and
- (c) the means of arbitration for disputes under the MRA.

15. As a guide to the treatment of individual applicants, the MRA could include details on:

- (a) the focal point of contact in each party to the MRA for information on all issues relevant to the application (such as the name and address of



competent authorities, licensing formalities, and information on additional requirements which need to be met in the host country);

- (b) the duration of procedures for the processing of applications by the relevant authorities of the host country;
- (c) the documentation required of applicants and the form in which it should be presented and any time limits for applications;
- (d) acceptance of documents and certificates issued in the country of origin in relation to qualifications and licensing;
- (e) the procedures of appeal to or review by the relevant authorities; and
- (f) the fees that might be reasonably required.

16. The MRA could also include the following commitments:

- (a) that requests about the measures will be promptly dealt with;
- (b) that adequate preparation time will be provided where necessary;
- (c) that any exams or tests will be arranged with reasonable periodicity;
- (d) that fees to applicants seeking to take advantage of the terms of the MRA will be in proportion to the cost to the host country or organisation; and
- (e) that information on any assistance programmes in the host country for practical training, and any commitments of the host country in that context, be supplied.

## Licensing and Other Provisions in the Host Country

17. If applicable:



- (a) the MRA could also set out the means by which, and the conditions under which, a license is actually obtained following the establishment of eligibility, and what such license entails (such as a license and its content, membership of a professional body, and use of professional or academic titles);
- (b) a licensing requirement, other than qualifications, should include, for example:
  - (i) an office address, an establishment requirement, or a residency requirement,
  - (ii) a language requirement,
  - (iii) proof of good conduct and financial standing,
  - (iv) professional indemnity insurance,
  - (v) compliance with host country's requirements for use of trade or firm names, and
  - (vi) compliance with host country ethics, for instance independence and incompatibility.

## Revision of the MRA

18. If the MRA includes terms under which it can be reviewed or revoked, the details of such terms should be clearly stated.

