

ANNEX 8D

PROFESSIONAL SERVICES

Article 8D.1

Definitions

For the purposes of this Annex:

- (a) **“regulated or licensed occupation”** means occupations for which there are designated authorities, including regulators, that may determine eligibility to practise, including professional qualification, and may cover occupations requiring specific skill sets or expertise under various industry or business sectors or state and territory regulatory regimes.

Article 8D.2

Scope

This Annex shall apply to measures of a Party affecting the supply of professional services and services in regulated or licensed occupations.

Article 8D.3

Objectives

The objectives of this Annex are to:

- (a) encourage the development of systems for the recognition of professional qualifications and experience, registration and licensing of professionals, including through mutual recognition or similar arrangements, to better facilitate trade in professional services between the Parties;
- (b) facilitate the sharing of knowledge and expertise on professional services, accreditation, standards, and regulation between relevant bodies of the Parties in the development of best practices;
- (c) enhance cooperation on skills development and mutual recognition of professional qualifications as well as education and training qualifications for regulated or licensed occupations; and
- (d) support the sharing of information on developments in labour markets.

Article 8D.4

Recognition of Professional Qualifications, Licensing and Registration

1. Each Party shall engage with its relevant bodies and encourage them to establish dialogues with the relevant bodies of the other Party with a view to negotiating and concluding, within 12 months of the date of entry into force of this Agreement, mutual recognition or similar arrangements providing for the recognition of the qualifications, licensing, and registration procedures across professional services and services in regulated or licensed occupations of mutual interest. The Parties shall promptly exchange the relevant contact points to facilitate such dialogues.
2. Each Party shall encourage its relevant bodies to take into account, as appropriate, plurilateral or multilateral agreements or international frameworks that relate to professional services in the development of agreements on the recognition of professional qualifications, licensing, and registration.

Article 8D.5

Temporary, Limited or Project-Specific Licensing or Registration

1. The Parties may consider, if feasible, based on a foreign service supplier's home licence or recognised professional body membership, without the need for further written examination:
 - (a) taking steps to implement a temporary, limited or project-specific licensing or registration regime; or
 - (b) granting such licence or registration, if appropriate.
2. The temporary, limited or project-specific licence granted under paragraph 1 should not operate to prevent a foreign service supplier from gaining a local licence once that service supplier satisfies the applicable local licensing requirements.

Article 8D.6

Professional Standards

1. To facilitate the activities referred to in Article 8D.4 (Recognition of Professional Qualifications, Licensing and Registration), each Party shall encourage its relevant bodies to work towards the development of mutually acceptable professional standards and criteria in mutually agreed areas. In particular, such professional standards and criteria may include the following matters:
 - (a) education;

- (b) examinations;
 - (c) experience;
 - (d) conduct and ethics;
 - (e) professional development and re-certification;
 - (f) scope of practice;
 - (g) local knowledge; and
 - (h) consumer protection.
2. On request of the other Party, the requested Party shall, where practicable, provide information concerning standards and criteria for the licensing and certification of professional service suppliers, or otherwise provide information relating to the appropriate regulatory or other body to consult regarding these standards and criteria.
 3. The Parties shall encourage their relevant bodies to refer to international frameworks, where applicable, in developing common standards and criteria for the relevant professions.

Article 8D.7
Cooperation in Regulated or Licensed Occupations

1. Each Party shall encourage the mutual recognition of the relevant qualifications, licensing or certification requirements including in regulated or licensed occupations under various industry and business sectors.
2. Each Party shall encourage its relevant bodies to organise or facilitate bilateral discussions on occupational skill sets and standards in specific regulated or licensed occupations, based on the request of the other Party.
3. The Parties shall endeavour to work towards sharing of information on the skill shortage and skill sets desirable for the occupations referred to in paragraph 2.

Article 8D.8
Professional Services Working Group

1. The Parties hereby establish a Working Group on the Professional Services ("Working Group") composed of representatives of each Party.
2. Unless otherwise agreed by the Parties, the Working Group shall meet once a year, or without undue delay at the request of either Party. The meetings shall take place in India or in New Zealand alternately or by any other appropriate means of communication, as agreed by the representatives of the Parties.
3. With respect to issues relating to this Annex, the Working Group shall:
 - (a) monitor and review the implementation and operation of this Annex;
 - (b) consider and discuss technical issues arising from the implementation of this Annex, without prejudice to Chapter 19 (Dispute Settlement);
 - (c) adopt decisions or make recommendations;
 - (d) conduct the preparatory work necessary to support the functions of the Joint Commission, including when the Joint Commission adopts decisions or recommendations; and
 - (e) provide a forum for the Parties to exchange information, discuss best practices and share implementation experiences.
4. The Working Group may decide on its own rules of procedure, in the absence of which the Rules of Procedure of the Joint Commission shall apply *mutatis mutandis*.
5. The Working Group shall report to the Committee on Trade in Services established under Article 8.23 (Committee on Trade in Services) on the results and conclusions from each of its meetings.