

DISCLAIMER: *These texts are published for information purposes only and may undergo further modifications. These texts are without prejudice to the outcome of the Agreement between India and the EU. The texts will be final upon signing. The Agreement will become binding on the Parties only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.*

ANNEX 8-B

PROFESSIONAL SERVICES

ARTICLE 8-B.1

Scope and objectives

1. This Annex applies to measures affecting the supply of professional services regulated by each Party, including in all or some Member States and in all or some states and territories of India.
2. Nothing in this Annex shall prevent a Party from requiring that natural persons possess the necessary professional qualifications specified in the territory where the service is supplied, for the regulated profession concerned.
3. This Annex establishes a framework to facilitate mutual recognition of professional qualifications and sets out the general conditions for the negotiation of Mutual Recognition Agreements (hereinafter referred to as "MRAs") for regulated professions.
4. An MRA adopted pursuant to this Annex applies to the territories of the European Union and India.

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ARTICLE 8-B.2

Definitions

For the purposes of this Annex:

- (a) "professional qualifications" means qualifications attested by evidence of formal qualification, education or professional experience, including an attestation of professional registration, a licence or its equivalent; and
- (b) "regulated profession" means a service, the access to or pursuit of which, including the use of a title or designation, is subject to the possession of specific professional qualifications under the laws and regulations of the Parties, and in particular administrative procedures.

ARTICLE 8-B.3

Recognition

1. A Party shall not accord recognition in a manner that would constitute a means of discrimination in the application of its criteria for the authorisation, licensing or certification of a service supplier, or that would constitute a disguised restriction on trade in services.

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2. The Parties shall encourage the establishment of dialogue between their relevant professional bodies or authorities to share and facilitate understanding of their respective qualifications, registration requirements and processes, with a view to facilitating mutual recognition of professional qualifications or experience obtained.
3. The Parties shall encourage their relevant professional bodies or authorities to identify and jointly communicate to the Parties, to the extent practicable within 12 months from the date of entry into force of this Agreement, professional service sectors where interest may exist for mutual recognition of professional qualifications or experience obtained.
4. Upon receipt of the communication referred to in paragraph 3, the Parties shall review it and jointly decide on the negotiations and nature of an agreement or arrangement providing for mutual recognition of professional qualifications. Such agreement or arrangement shall be annexed to this Agreement pursuant to Article 20.5 (Amendments) and shall form an integral part of this Agreement.
5. Each Party shall encourage their relevant authorities to implement, where feasible, a temporary, limited or project-specific licensing or registration regime for service suppliers of the other Party based on license or recognised professional body membership of the other Party without the need for a further written examination. Any temporary, limited or project-specific licence granted under this paragraph should not prevent a service supplier of the other Party from gaining a license if that service supplier satisfies the applicable licensing requirements.
6. When developing agreements on the recognition of professional qualifications, licensing and registration, the Parties shall encourage their professional bodies to take into consideration, as appropriate, plurilateral or multilateral agreements or international frameworks.

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ARTICLE 8-B.4

Collaboration on regulated professions

1. To facilitate the activities referred to in Article 8-B.3 (Recognition), each Party shall encourage its relevant bodies to establish a dialogue to share information and good practices on professional standards and criteria, which may include the following topics:
 - (a) education, training and qualifications;
 - (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. Each Party shall encourage its professional bodies to consider, as appropriate, plurilateral or multilateral agreements or international frameworks that relate to regulated professions.

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3. Each Party shall consider, or encourage its relevant bodies to consider, subject to its laws and regulations, whether and how to apply ethical, conduct and disciplinary standards to suppliers of professional services of the other Party in a manner that is no more burdensome than the application of those standards to its own suppliers of professional services in that regulated profession.

4. Upon request of a Party and to the extent practicable, each Party shall share information, including information concerning skills shortages as well as standards and criteria for the licensing and certification of professional service suppliers and information relating to the relevant regulatory or competent authorities, to support the pursuit of the objectives of this Annex.
