

ANNEX 8A

Professional Services

Article 8A.1

Definitions

For the purposes of this Annex:

“professional qualifications” means qualifications attested by evidence of formal qualifications or professional experience.

Article 8A.2

Scope

1. This Annex shall apply to measures of a Party affecting the supply of services in professions that are regulated¹ in the territory of either Party (“professional services”).
2. Notwithstanding paragraph 1, paragraph 4 of Article 8A.7 (Working Group on Professional Services) shall apply to services in professions that are not regulated in either Party or in both Parties.

Article 8A.3

Objectives

1. The objectives of this Annex are to:
 - (a) encourage the development of systems for the recognition of professional qualifications, including through mutual recognition or similar arrangements between the relevant bodies of the Parties, to better facilitate international trade in professional services between the Parties; and
 - (b) facilitate the sharing of knowledge and expertise on professional services, accreditation, standards, and regulation between relevant bodies of the Parties.

¹ A profession is regulated in a Party if the practice of that profession, including the use of a title or designation, is subject to the possession of specific professional qualifications by virtue of a measure of that Party.

Article 8A.4
Recognition of Professional Qualifications

1. Each Party shall within 12 months of the date of entry into force of this Agreement, engage with its relevant bodies and identify professional services where mutual interest may exist between the relevant bodies of each Party for negotiating mutual recognition or similar arrangements for recognition of professional qualifications. Each Party shall thereafter encourage its relevant bodies that have expressed mutual interest to initiate those negotiations with the relevant bodies of the other Party with a view to concluding those negotiations within 36 months of the date of entry into force of this Agreement. The Parties shall promptly exchange their contact points to facilitate those negotiations.
2. Each Party shall encourage its relevant bodies to take into account, as appropriate, plurilateral or multilateral agreements that relate to professional services in the development of agreements on the recognition of professional qualifications.

Article 8A.5
Temporary or Project-Specific Licensing

Each 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 8A.6
Professional standards

1. Each Party shall encourage its relevant bodies that have expressed mutual interest pursuant to paragraph 1 of Article 8A.4 (Recognition of Professional Qualifications) to establish dialogues on professional standards and criteria. In particular, those dialogues may include the following matters:
 - (a) education;
 - (b) examinations;
 - (c) experience;
 - (d) conduct and ethics;
 - (e) professional development and recertification;
 - (f) scope of practice;

- (g) local knowledge; and
 - (h) consumer protection.
2. On request of a Party, the other Party shall, where practicable, provide information concerning standards and criteria for professional service suppliers, or otherwise provide information relating to the appropriate regulatory or other body to consult regarding these standards and criteria.
 3. Each Party shall endeavour to encourage its relevant bodies to refer to international frameworks, where applicable, in their dialogues on professional standards and criteria for the relevant professions.

Article 8A.7

Working Group on Professional Services

1. The Parties hereby establish a Working Group on Professional Services (“Working Group”) 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 shall:
 - (a) liaise, as appropriate, to support the relevant bodies of each Party in pursuing the objectives of this Annex. This support may include providing points of contact, facilitating meetings, and providing or facilitating exchange of information;
 - (b) 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;
 - (c) exchange information on any matters relating to this Annex, including sharing best practices; and
 - (d) consider any other issues relating to this Annex including those referred to it by the Subcommittee on Trade in Services or by the Joint Committee.
4. The Working Group may consider input from professional bodies, other than from regulated professions, in respect of which mutual interest exists in establishing dialogues on recognition of professional qualifications. Where mutual interest is identified, and the Working Group deems it appropriate, each Party shall encourage the relevant body in its territory to establish dialogues on recognition of professional qualifications.²

² Where the profession is regulated in the other Party, the dialogues shall be held with the relevant body in that Party responsible for the regulated profession.

5. The Working Group shall report to the Subcommittee on Trade in Services and may make recommendations on best practices.
6. The Working Group shall meet 12 months after the date of entry into force of this Agreement, and thereafter as agreed by the Parties.