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ANNEX 8-B

ANNEX ON PROFESSIONAL SERVICES

ARTICLE 8-B.1

Definitions

- (a) "professional qualifications" means the qualifications attested by evidence of formal qualification, education and/or professional experience, including an attestation of professional registration, a licence or its equivalent.
- (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, regulations or administrative provisions of the Parties.

ARTICLE 8-B.2

Scope and Objectives

1. This Annex applies to professions which are regulated in each Party, including in all or some Member States of the European Union 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 (MRAs) for regulated professions.

4. 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.

5. An MRA adopted pursuant to this Annex shall apply throughout the territories of the Union and India.

ARTICLE 8-B.3

Recognition

1. 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.

2. The Parties shall encourage their relevant professional bodies or authorities in their respective territories to identify and jointly communicate to the Parties, to the extent practicable within twelve 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. On receipt of such communication, the Parties shall review the communication, and jointly decide on the negotiation and nature of an agreement or arrangement providing for mutual recognition of the education or experience obtained, qualification requirements and procedures and licensing requirements and procedures. The agreement or arrangement shall be annexed to this Agreement pursuant to Article XX (Amendment-Final Provision Chapter), and shall be considered to form an integral part of this Agreement.

3. Each Party shall encourage the relevant authorities in its territory 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 sub-paragraph should not operate to prevent a service supplier of the other Party from gaining a local license once that service supplier satisfies the applicable local licensing requirements.

4. The Parties shall also encourage their professional bodies to consider, as appropriate, plurilateral or multilateral agreements or international framework that relate to regulated professionals in the development of agreements on the recognition of professional qualifications, licensing and registration.

ARTICLE 8-B.4

Collaboration in Regulated Professions

1. To facilitate the activities referred to in Article X.3 above, the Parties shall encourage their 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. The Parties shall also encourage their professional bodies to consider, as appropriate, plurilateral or multilateral agreements or international frameworks that relate to regulated professionals.

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

4. Upon request and to the extent practicable, the Parties 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.