

ANNEX 6 FRAMEWORK ON MUTUAL RECOGNITION ARRANGEMENTS

Article 1 Objectives

The objectives of this Annex are to:

- (a) provide the framework for the development of Mutual Recognition Arrangements between the Parties on:
 - (i) accreditation of educational institutions and academic programmes; or
 - (ii) qualifications, registration, licensing and certification requirements and experience for the fulfilment in whole or in part, of standards and criteria for the authorisation, licensing or certification of services suppliers; and
- (b) promote the exchange of information and adoption of best practices on standards and criteria between the Parties,

in order to facilitate the mobility of professional service suppliers between the Parties in fulfilment of commitments made between the Parties.

Article 2 Scope of Mutual Recognition Arrangements

1. The Parties shall endeavour to take all relevant steps to ensure that the relevant competent bodies in their respective territories develop mutually acceptable accreditation and recognition arrangements under the respective sectors or sub-sectors which shall define on matters including:

- (a) qualifications:
 - level of educational requirements including entry requirements, length of study or core subjects;
 - accreditation of educational institutions and programmes;
- (b) examinations – qualifying examinations for registration, licensing and certification, including any alternative methods of assessment, for the purpose of assuring satisfactory knowledge of domestic laws, standards and practices in the host country and that the examinations are based on subjects relevant to the applicable qualification requirements;
- (c) experience – length and nature of experience required for registration and licensing;

- (d) recognition process – mechanisms for verification and assessment of qualifications and experience;
 - (e) conduct and ethics – standards of professional conduct and the nature of disciplinary action for non-conformity with those standards;
 - (f) professional development and re-certification – continuing education and ongoing requirements to maintain professional certification;
 - (g) scope of practice – extent of, or limitations on, permissible activities including entitlements on the use of professional titles;
 - (h) information and documentation – measures relating to accessibility to information on and transparency of recognition procedures, processes and fees;
 - (i) local knowledge – requirements for knowledge of such matters as local laws, language, regulations, local culture, geography, or climate; or
 - (j) consumer protection – measures that provide for the protection of consumers.
2. Recognition by the relevant competent bodies shall be based on multilaterally agreed criteria, where appropriate.

Article 3 Definitions

For purposes of this Annex:

- (a) “accreditation” refers to quality assurance processes by competent authorities or bodies of the Parties;
- (b) “assessment or evaluation” refers to particular processes for reporting or comparison of achievement against core competencies, criteria, standards, or a benchmark adopted by each Party’s competent authority or body;
- (c) “competent authority” generally refers to the designated professional institution or regulatory body or governmental agency or body or its authorised agency, or those established under domestic laws of the Parties;
- (d) “criteria” or “standards” refers to a specification for and/or mark of quality, which the competent authority or body requires to be met; and
- (e) “professional services” means services, the supply of which requires specialised tertiary education, or equivalent training or experience, and for which the right to practise is granted or restricted by a Party, but does not include services supplied by trades-persons or vessel and aircraft crew members.

Article 4 Domestic Regulation

Any Mutual Recognition Arrangement between the competent authorities or bodies of the Parties shall not reduce, eliminate or modify the rights, powers and authority of the Parties to set and regulate the necessary laws, rules, regulations, standards, requirements and other regulations incidental to the objectives of the Mutual Recognition Arrangement. The Parties, however, shall undertake to exercise their regulatory powers responsibly and in good faith for this purpose without creating any unnecessary barriers towards mutual recognition arrangements.

Article 5 Responsibilities

The Parties, through the Sub-Committee on Trade in Services shall:

- (a) develop procedures for fostering the development and implementation of Mutual Recognition Arrangements between the competent authorities or bodies of the Parties;
- (b) exchange information by whatever means considered most appropriate particularly on assessment or evaluation processes and the adopted competencies, criteria, standards, or benchmarks pertaining to mutual recognition.
- (c) promote acceptable international standards, criteria and best practices to facilitate the effective and efficient delivery of services;
- (d) maintain a current listing of all recognised qualifications and be updated on the progress of any Mutual Recognition Arrangement being entered into between the Parties;
- (e) examine and consider the feasibility of developing model procedures for the registration, licensing and certification of service suppliers; and
- (f) examine other issues of mutual interest relating to the supply of services.

Article 6 Administration

1. The Sub-Committee on Trade in Services shall facilitate the negotiations and implementation of Mutual Recognition Arrangements between competent authorities or bodies of each Party.

2. To facilitate the work of the Sub-Committee on Trade in Services, each Party shall consult with the relevant bodies in its territory to identify services for negotiations on Mutual Recognition Arrangements.

3. The Sub-Committee Trade on Services shall report to the Joint Committee on its progress, including with respect to any recommendations or initiatives to promote accreditation of educational institutions and programmes and the mutual recognition of qualifications, licensing and qualification requirements, as well as its work programme, within one year of the entry into force of the agreement and thereafter as necessary.

Article 7 Review

The Sub-Committee in Trade on Services may review the provisions of this Annex as mutually agreed.