

ANNEX 8C PROFESSIONAL SERVICES

Article 8C.1 Definitions

For the purposes of this Annex:

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

Article 8C.2 Scope

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

Article 8C.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 vocational education and training qualifications for regulated or licensed occupations; and
- (d) support the sharing of information on developments in labour markets.

Article 8C.4 General Principles

1. The Parties recognise that professional services, and regulated or licensed occupations, play an essential role in facilitating trade and investment across

both goods and services sectors and in promoting economic growth and business confidence.

2. Each Party shall consider, or encourage its relevant bodies to consider, subject to its laws and regulations, whether or in what manner to:
 - (a) 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 to professionals of the Party in the relevant professional services sub-sector;
 - (b) accommodate the provision of professional services:
 - (i) on a cross-border basis through the use of telecommunications technology;
 - (ii) by establishing a commercial presence; and
 - (iii) a combination of subparagraphs (i) and (ii); and
 - (c) permit service suppliers of each Party to work together.

Article 8C.5

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. The Parties shall encourage their relevant bodies to take into account, as appropriate, plurilateral or multilateral agreements or international framework that relate to professional services in the development of agreements on the recognition of professional qualifications, licensing, and registration.

Article 8C.6

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 license once that service supplier satisfies the applicable local licensing requirements.

Article 8C.7
Professional Standards

1. To facilitate the activities referred to in Article 8C.5 above, 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 8C.8
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 those occupations.

Article 8C.9
Professional Services Working Group

1. The Parties hereby establish a Professional Services Working Group (“Working Group”) composed of representatives of each Party to facilitate:
 - (a) the achievement of the objectives of this Annex; and
 - (b) the effective implementation and administration of systems for the recognition of qualifications, licensing and registration procedures across professional services and services in regulated or licensed occupations.
2. The Working Group shall 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 information.
3. The Working Group shall support relevant bodies of each Party in relation to the development of systems for recognition of professional qualifications, registration and occupational licensing including having regard to how those relevant bodies establish, and the manner in which they administer, those systems. This support may include providing information on:
 - (a) identifying possible improvements in the systems of the relevant bodies; and
 - (b) sharing best practices.
4. The Working Group may consider developing model mutual recognition arrangements and procedures for temporary or project-specific licensing of professional services suppliers with a view to facilitating the negotiation of those arrangements or the adoption of those procedures by relevant bodies.

5. The Working Group may support relevant bodies of each Party in developing mechanisms for cooperation and mutual recognition as covered under this Annex.
6. The Working Group shall meet within 12 months of the date of entry into force of this Agreement and subsequently as agreed by the Working Group. The relevant bodies of each Party may also be invited to participate in the Working Group.
7. The Working Group shall report to the Subcommittee on Trade in Services on its progress, including with respect to recommendations for initiatives to promote the recognition of professional qualifications, licensing and registration, and on the further direction of its work, no later than 2 years after the date of entry into force of this Agreement, or as otherwise agreed by the Parties.