

## **PART THREE: SERVICES AND INVESTMENT**

### **Chapter IX: Services**

#### **Article IX.01      General Provisions**

1. The Parties recognise the increasing importance of trade in services in their economies. In their efforts to gradually develop and broaden their relations, the Parties shall cooperate in the WTO and plurilateral fora, with the aim of creating the most favourable conditions for achieving further liberalisation and additional mutual opening of markets for the trade in services.
2. With a view to developing and deepening their relations under this Agreement, the Parties agree that within two (2) years of the date of entry into force of this Agreement, they will review developments related to trade in services and consider the need for further disciplines in this area.
3. Upon request of a Party, the other Party shall provide information, on a timely basis, on measures that may have an impact on the trade in services.

#### **Article IX.02      Services**

1. The Parties herein recognise the importance of their rights and obligations assumed in the *General Agreement on Trade in Services (GATS)*.
2. Each Party shall ensure that its competent authorities, within a reasonable time after the submission of an application for a license or certification by a national of the other Party:
  - (a) where the application is complete, make a determination on the application and inform the applicant of that determination; or
  - (b) where the application is not complete, inform the applicant without undue delay of the status of the application and the additional information that is required under the Party's law.
3. (a) The Parties to this Agreement shall encourage bodies responsible for the regulation of professional services in their respective territories to:
  - (i) ensure that measures relating to the licensing or certification of nationals of the other Party are based on objective and transparent criteria, such as competence and the ability to provide a service; and
  - (ii) co-operate with the view to developing mutually acceptable standards and criteria for licensing and certification of professional service providers.
- (b) The following elements may be examined with regard to the standards and criteria referred to in subparagraph (a)(ii):
  - (i) education - accreditation of schools or academic programs;

- (ii) examinations - qualifying examinations for licensing, including alternative methods of assessment such as oral examinations and interviews;
  - (iii) experience - length and nature of experience required for licensing;
  - (iv) conduct and ethics - standards of professional conduct and the nature of disciplinary action for non-conformity with those standards;
  - (v) professional development and re-certification - continuing education and ongoing requirements to maintain professional certification;
  - (vi) scope of practice - extent of, or limitations on, permissible activities;
  - (vii) local knowledge - requirements for knowledge of such matters as local laws, regulations, language, geography or climate; and
  - (viii) consumer protection - alternatives to residency requirements, including bonding, professional liability insurance and client restitution funds, to provide for the protection of consumers.
- (c) These bodies shall report on the result of their discussions related to the development of mutually acceptable standards mentioned in subparagraph (a)(ii) and, as appropriate, provide any recommendations to the Coordinators.
- (d) With respect to the recognition of qualification and licensing requirements, the Parties note the existence of rights and obligations with respect to each other under Article VII (Recognition) of the GATS.
- (e) For the purpose of this paragraph, **professional services** means services, the provision of which requires specialised post-secondary 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 provided by trades-persons or vessel and aircraft crew members.