

ACE POLICY POSITION 2016

SUPPORT FOR
THE NEGOTIATION
OF BINDING MUTUAL
RECOGNITION
AGREEMENTS (MRAs)



ARCHITECTS' COUNCIL OF EUROPE
CONSEIL DES ARCHITECTES D'EUROPE



■ Highlights

- ACE supports the negotiation of binding Mutual Recognition Agreements (MRAs) – ideally annexed to Free Trade Agreements (FTAs) – to promote the mobility of architects beyond the EU.
- ACE supports and has contributed to the development of international standards (the UIA Accord on International Standards of Professionalism) based on academic education (of 5 years) and practical experience (traineeship) (of 2 years) for licensing/recognition.
- ACE recognises that in the absence of harmonised training, it is useful to agree on a compensatory mechanism.
- ACE proposes to negotiate MRAs primarily with countries that already have – or are negotiating – a FTA with the EU that provides for market access. Focus will be placed initially on Canada and the USA.
- ACE encourages DG TRADE to facilitate the conclusion of MRAs on architectural services when negotiating free trade agreements – ideally in the form of a special chapter cf. the Comprehensive Economic and Trade Agreement with Canada (CETA) or otherwise, in the form of an appendix.

■ ACE position

- 1| The EU has already negotiated a number of FTAs with third countries paving the way for market access relating to 'movement of natural persons' (GATS Mode 4).
- 2| Given that the absence of professional recognition is the principal barrier to international trade in architectural services, ACE has worked – with the International Union of Architects (UIA) – to develop an international standard for the training of architects for licensure or recognition that is the basis for its MRAs with third countries.
- 3| ACE supports the promotion of professional mobility beyond the EU through the incorporation of binding MRAs in FTAs between the EU and third countries. The provision of market access by a FTA allows professional representatives to limit their focus to professional standards.
- 4| Recognising the futility of engaging in a forensic examination of academic and practical training outcomes – given that architectural education is not globally harmonised - ACE proposes that differences be accepted at face value, and that a compensatory mechanism be developed – expressed in terms of a post-license/recognition period of professional practice experience (e.g. 5 years) so that the principal beneficiaries of MRAs may be considered as broadly experienced before seeking registration in the Country of Destination.
- 5| ACE has also helped to draft Disciplines for Domestic Regulation in the field of architecture, in an attempt to avoid the placing of undue barriers in the way of aspiring registrants.
- 6| ACE proposes to negotiate MRAs primarily with countries that have concluded – or are negotiating – a FTA with the EU, and has developed a generic, WTO-compliant template for such agreements.
- 7| For the time being, ACE aims to conclude MRAs with Canada and the USA. It has also renewed contact with South Korea and will re-visit its earlier MRA with Mexico.
- 8| ACE encourages DG TRADE to facilitate the conclusion of MRAs on architectural services and to assist ACE in bringing its contribution to bear in this area.



■ Background

- Global competitiveness is one of the 5 pillars of growth identified by the EU. The EU manages trade relations with third countries and Trade Policy is one of its exclusive powers. It is currently finalising a trade agreement with Canada (the Comprehensive Economic Trade Agreement – CETA) and negotiations with the USA are advancing (the Transatlantic Trade & Investment Partnership – TTIP).
- The architectural profession is a relatively mobile one. Historically, the peaks and troughs of the market have led architects to seek work abroad when home conditions are no longer buoyant.
- However, the profession is also a regulated one in most parts of the world, and in order to practice independently in another jurisdiction, it is invariably necessary to seek professional registration or recognition. The process can be long, requiring individual assessment of qualifications and experience, undergoing adaptation periods or forming an association with a local practice, which is not without its own difficulties and risks.
- The architectural profession has done more than most to develop international standards of professionalism and disciplines of domestic regulation. The EU's Trade Policy Committee is mandated by the Member States to develop agreements on architectural services, as a spearhead project.
- ACE has developed a model, using a WTO-compliant template, which aims to provide for agreements defining eligibility for recognition in terms of a mutually acceptable period of study and practical training for licensing/recognition and a post-license/recognition period of professional experience (in the home jurisdiction).

■ Annexe

- *Accord of the International Union of Architects (UIA) on International Standards of Professionalism*

OTHER ACE POLICY POSITIONS 2016

- THE ROLE OF ARCHITECTURE IN ENERGY EFFICIENT CONSTRUCTION
- URBAN REGENERATION: RENOVATING THE EXISTING BUILDING STOCK
- QUALITY-BASED PUBLIC PROCUREMENT
- THE IMPORTANCE OF LIFE-LONG LEARNING AND THE ROLE OF THE PROFESSION IN DELIVERING CONTINUING PROFESSIONAL DEVELOPMENT
- DISSEMINATION OF ARCHITECTURAL CULTURE
- OPTIMISING PROFESSIONAL MOBILITY
- REGULATION OF ARCHITECTS

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