ASEAN MUTUAL RECOGNITION ARRANGEMENT FRAMEWORK ON ACCOUNTANCY SERVICES

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "ASEAN Member States" or singularly as "ASEAN Member State");

RECOGNISING the objectives of the ASEAN Framework Agreement on Services (AFAS), which are to enhance cooperation in services amongst ASEAN Member States in order to improve the efficiency and competitiveness, diversity, production capacity, and supply and distribution of services of their services suppliers within and outside ASEAN; to eliminate substantially restrictions to trade in services amongst ASEAN Member States; and to liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by ASEAN Member States under the General Agreement on Trade in Services (GATS) with the aim to realising a free trade area in services;

NOTING that Article V of AFAS provides that ASEAN Member States may recognise the education or experience obtained, requirements met, and license or certification granted in other ASEAN Member States, for the purpose of licensing or certification of service suppliers;

NOTING the decision of the Bali Concord II adopted at the Ninth ASEAN Summit held in 2003 calling for completion of Mutual Recognition Arrangements (hereinafter referred to as

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"MRAs") for qualifications in major professional services by 2008 to facilitate free movement of professional/skilled labour/talents in ASEAN;

DESIRING to provide a Mutual Recognition Arrangement Framework (hereinafter referred to as "MRA Framework") on Accountancy Services to facilitate the negotiations of MRAs in the Accountancy Services among ASEAN Member States as well as promoting the flow of relevant information and exchanging expertise, experiences and best practices suited to specific needs of each ASEAN Member State;

RECOGNISING the right of each ASEAN Member State to regulate the supply of the Accountancy Services sector within its territory;

NOTING the different levels of development of Accountancy Services among ASEAN Member States;

HAVE AGREED on this MRA Framework to encourage ASEAN Member States who are ready, to enter into bilateral or multilateral negotiations on MRAs on Accountancy Services.

ARTICLE I
OBJECTIVES AND PRINCIPLES

1.1 This MRA Framework lays down the broad principle and framework for the negotiations of bilateral or multilateral MRAs on Accountancy Services between or among ASEAN Member States.

1.2 The objectives of this MRA Framework are:

1.2.1 To facilitate the negotiations of MRAs on Accountancy Services between or among ASEAN Member States by providing a structure towards the conclusion of such MRAs; and

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1.2.2 To exchange information in order to promote and take into consideration the development of the best practices on standards and qualifications in the accountancy profession.

1.3 In achieving the above objectives, ASEAN Member States shall be guided by the following principles:

1.3.1 Promoting efficiency and quality of standards of the accountancy profession in ASEAN Member States;

1.3.2 Enhancing cooperation in the accountancy profession among ASEAN Member States;

1.3.3 Respecting and conforming with the Domestic Regulations of the participating ASEAN Member States without lowering the standards and requirements of the accountancy profession in each ASEAN Member State; and

1.3.4 All negotiations between or among ASEAN Member States for the conclusion of bilateral or multilateral MRAs on Accountancy Services shall be based on objectivity, fairness and reciprocity.

ARTICLE II
DEFINITIONS AND SCOPE

In this MRA Framework, unless the context otherwise indicates:

2.1 **Accountancy Services** refers to the activities covered under Central Product Classification (hereinafter referred to as "CPC") 862 of the Provisional CPC of the United Nations as well as other accountancy related services or services incidental to an Accountancy

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Services provider, the inclusion of which shall be mutually agreed between or among the ASEAN Member States negotiating bilateral or multilateral MRAs on Accountancy Services;

2.2 **Country of Origin** refers to the ASEAN Member State where the Practising Professional Accountant is registered as a member of and/or licensed to practice accountancy by the National Accountancy Body and/or the Professional Regulatory Authority;

2.3 **Criteria/Standards** generally, these two words are used synonymously to mean a specification of conditions required by National Accountancy Body and/or Professional Regulatory Authority to be met by the Practising Professional Accountant;

2.4 **Domestic Regulations** refers to laws, by-laws, regulations, rules, orders of respective ASEAN Member States as well as directives, guidelines and standards, relating to Accountancy Services, issued by the respective National Accountancy Body (NAB) and/or Professional Regulatory Authority (PRA);

2.5 **Host Country** refers to the ASEAN Member State where a Practising Professional Accountant from another ASEAN Member State applies for recognition to work in;

2.6 **National Accountancy Body** and/or **Professional Regulatory Authority** ("**NAB** and/or **PRA**") refers to the designated professional accountancy body or designated government agency in charge of each ASEAN Member State as in **Appendix I**;

2.7 **Practising Professional Accountant ("PPA")** refers to a natural person who is a national of an ASEAN Member State, who is assessed by the NAB and/or PRA as being technically, morally, and legally qualified to

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undertake independent professional accountancy practice and is registered as a member of and/or licensed to practice accountancy by the NAB and/or the PRA. ASEAN Member States may adopt different nomenclatures and requirements in referring to PPAs when negotiating their bilateral or multilateral MRAs on Accountancy Services; and

2.8 **Recognition** refers to acceptance by an NAB and/or PRA of compliance with its requirements.

ARTICLE III
BASIS FOR RECOGNITION

The ASEAN Member States hereby recognise that education, licences, demonstration of competencies and experience may be the principal elements considered in granting mutual recognition.

3.1 Education

The ASEAN Member States agree that a PPA of an ASEAN Member State who seeks recognition in another ASEAN Member State should have met the educational requirements in effect in the Country of Origin. Such individual's educational credentials may be accepted as having satisfied the educational requirements of the Host Country's NAB and/or PRA.

3.2 Licences

Where licences are required from governmental or regulatory bodies other than the NAB and/or PRA of each ASEAN Member State, the ASEAN Member States shall, subject to their Domestic Regulations, use their best endeavours to facilitate the PPA of the other ASEAN Member States to obtain the necessary approval.

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3.3 Demonstration of Competencies

The ASEAN Member States recognise the need to require the PPA seeking recognition to demonstrate competencies to assure that the PPA has satisfactory knowledge of the Domestic Regulations of the Host Country.

3.4 Experience

A PPA seeking recognition shall meet the experience requirements specified by the Host Country.

3.5 International Federation of Accountants (IFAC) Standards and Guidelines

ASEAN Member States are encouraged to take into account the standards and guidelines set out by IFAC. The professional competencies and qualifications threshold for the practice of accountancy in ASEAN Member States shall be established, maintained and upheld according to these standards taking into consideration the Domestic Regulations of each ASEAN Member State.

ARTICLE IV
DOMESTIC REGULATION

4.1 Domestic Regulations

Any bilateral or multilateral MRAs on Accountancy Services between or among ASEAN Member States shall not prejudice the rights, powers and authority of each ASEAN Member State and its NAB and/or PRA and other regulators of the profession to set and regulate the necessary Domestic Regulations.

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4.2 National Accountancy Body and/or Professional Regulatory Authority

The NAB and/or PRA of each ASEAN Member State, where applicable, shall be responsible for the following:

4.2.1 Granting recognition to the PPA who applies to work solely or in collaboration with the PPA of the Host Country, subject to Domestic Regulations;

4.2.2 Monitoring the professional practice of the PPA granted recognition to practice Accountancy Services in the Host Country;

4.2.3 Setting and/or maintaining, where applicable, standards of professional and ethical practice in Accountancy Services; and

4.2.4 Exchanging information regarding Domestic Regulations, practices and developments on Accountancy Services in the ASEAN Member States with the view to harmonise the practice in accordance with regional and/or international standards.

ARTICLE V
MUTUAL RECOGNITION ARRANGEMENTS

Following the signing of this MRA Framework, ASEAN Member States are encouraged to negotiate and conclude bilateral or multilateral MRAs on Accountancy Services.

5.1 Subject to the circumstances of each ASEAN Member State, an MRA may be concluded with the involvement and/or consent of the NAB and/or PRA and the relevant government agencies. A sample MRA is attached at **APPENDIX II.**

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5.2 ASEAN Member States are encouraged to keep to the spirit of the World Trade Organisation (WTO) Guidelines for Mutual Recognition Agreements or Arrangements in the Accountancy Sector. A copy of the Guidelines is attached at **APPENDIX III**.

5.3 ASEAN Member States are urged to keep to the spirit of this MRA Framework when negotiating and concluding bilateral or multilateral MRAs on Accountancy Services.

5.4 The provisions of this MRA Framework shall apply to nationals of ASEAN Member States unless otherwise provided for in bilateral or multilateral MRAs on Accountancy Services.

ARTICLE VI
AMENDMENTS

6.1 The provisions of this MRA Framework may only be amended by written agreement by the Government of all ASEAN Member States.

6.2 **APPENDIX** I (List of NAB and/or PRA) may be amended administratively by the ASEAN Secretary-General upon notification by an ASEAN Member State of any change to its NAB and/or PRA. The ASEAN Secretary-General shall thereafter notify the other ASEAN Member States of the change.

ARTICLE VII
DISPUTE SETTLEMENT

7.1 ASEAN Member States shall at all times endeavour to agree on the interpretation and application of this MRA Framework and shall make every attempt through communication, dialogue, consultation and cooperation

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to arrive at a mutually satisfactory resolution of any matter that might affect the implementation of this MRA Framework.

7.2 The provisions of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR on the 29 November 2004, shall apply to disputes concerning the interpretation, implementation, and/or application of any of the provisions under this MRA Framework.

ARTICLE VIII
FINAL PROVISIONS

8.1 The terms and definitions and other provisions of the GATS and AFAS shall be referred and applied to matters arising under this MRA Framework for which no specific provision has been made under it.

8.2 This MRA Framework shall enter into force 3 months after the date of signature by all ASEAN Member States.

8.3 This MRA Framework shall be deposited with the ASEAN Secretary-General, who shall promptly furnish a certified copy thereof to each ASEAN Member State.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective governments, have signed this ASEAN Mutual Recognition Arrangement Framework on Accountancy Services.

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DONE at Cha-am, Thailand, this Twenty Sixth Day of February in the Year Two Thousand and Nine, in a single original copy in the English Language.

For Brunei Darussalam:

LIM JOCK SENG
Second Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:

CHAM PRASIDH
Senior Minister and Minister of Commerce

For the Republic of Indonesia:

MARI ELKA PANGESTU
Minister of Trade

For the Lao People's Democratic Republic:

NAM VIYAKETH
Minister of Industry and Commerce

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For Malaysia:

TAN SRI MUHYIDDIN YASSIN
Minister of International Trade and Industry

For the Union of Myanmar:

U SOE THA
Minister for National Planning and Economic Development

For the Republic of the Philippines:

PETER B. FAVILA
Secretary of Trade and Industry

For the Republic of Singapore:

LIM HNG KIANG
Minister for Trade and Industry

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For the Kingdom of Thailand:

PORNTIVA NAKASAI
Minister of Commerce

For the Socialist Republic of Viet Nam:

VU HUY HOANG
Minister of Industry and Trade

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APPENDIX I
LIST OF PROFESSIONAL REGULATORY AUTHORITIES AND NATIONAL ACCOUNTANCY BODIES

Member State	Professional Regulatory Authority	National Accountancy Body
Brunei Darussalam	Ministry of Finance (Note: A public accountant need not be a member of BICPA, although the Ministry of Finance recommends so)	Brunei Darussalam Institute of Certified Public Accountants (BICPA)
Cambodia	Ministry of Economy and Finance (Note: National Accounting Council)	Kampuchea Institute of Certified Public Accountants and Auditors (KICPAA)
Indonesia	Ministry of Finance (Note: A public accountant must be a member of Institut Akuntan Publik Indonesia – Indonesian Institute of Certified Public Accountant)	Ikatan Akuntan Indonesia (IAI) Institut Akuntan Publik Indonesia – Indonesian Institute of Certified Public Accountant
Lao PDR	Ministry of Finance (Note: A public accountant must be a member of LAAIA. For foreign public accountants, they may submit their application forms to the Ministry of Planning and Investment, and then this organ will coordinate with Ministry of Finance concerning this matter)	Lao Association of Accountants and Independent Auditors (LAAIA)

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Member State	Professional Regulatory Authority	National Accountancy Body
Malaysia	Malaysian Institute of Accountants (MIA) (For certain type of services, additional license is required from the Ministry of Finance)	Malaysian Institute of Accountants (MIA)
Myanmar	Myanmar Accountancy Council (MAC)	Myanmar Accountancy Council (MAC)
The Philippines	(1) Professional Regulation Commission (2) Board of Accountancy	Philippine Institute of Certified Public Accountants (PICPA)
Singapore	Accounting and Corporate Regulatory Authority (Note: A public accountant must be a member of ICPAS)	Institute of Certified Public Accountants of Singapore (ICPAS)
Thailand	The Oversight Committee on Accounting Professions (Note: A public accountant must be a member of FAP)	Federation of Accounting Professions (FAP)
Viet Nam	Ministry of Finance	Viet Nam Accountancy and Auditing Association (VAA)

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APPENDIX II
SAMPLE MUTUAL RECOGNITION AGREEMENT ON ACCOUNTANCY SERVICES

This **MUTUAL RECOGNITION AGREEMENT ("MRA")** is made and entered into on this (Day) of (Month) (Year) between:

(1) (**Professional Body A**) situated at (address); and

(2) (**Professional Body B**) situated at (address),

(singularly as "Party", and collectively as "Parties").

1. PREAMBLE

(Brief write-up of Professional Body A and B and their working relationship)
Example:

1.1. "A" and "B" enjoy a long and mutually respectful relationship, having worked together for many years for the development of the accountancy profession locally, within the region and internationally.

The Parties share common and strong interests in the advancement of the profession of accountancy, especially in relation to the maintenance and strengthening of professional and educational standards, as well as the internationalisation of the profession.

1.2. "A" represents approximately (number) professional accountants, and actively consults and operates with like professional bodies in other countries in a number of diverse areas of mutual interest and support to further develop the accountancy profession. "B" represents approximately (number) professional

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accountants, and actively consults and operates with like professional bodies in other countries in a number of diverse areas of mutual interest and support to further develop the accountancy profession.

2. OBJECTIVES OF MRA

2.1 The MRA sets down the terms for the admission of appropriately qualified members of each Party to the membership of the other Party and such admission shall be mutually recognised by the Parties.

2.2 The MRA is an undertaking of both Parties and shall take effect upon the completion of the assessment of the professional program of each Party by the other Party. The Parties target to complete such assessment no later than (DATE) or such later date as the Parties may mutually agree.

2.3 Each Party undertakes to use its best endeavours to ensure that its professional program is acceptable to the other Party.

3. MEMBERSHIP RECOGNITION

This section sets out the membership admission requirements of each Party relating to

- Completion of a recognised professional accountancy examination or program;
- Having relevant practical experience;
- Complying with continuing professional education requirements;
- Satisfying proficiency in local laws;
- Completion of courses on ethics and professional practice subjects.

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4. PROCESS

4.1 To facilitate the assessment process under clause 2.2, each Party undertakes to provide the other Party with the syllabus, course content and details of the examination process in relation to that Party's professional programs as soon as these materials become available, but no later than (DATE) or such later date as the Parties may mutually agree.

4.2 The Parties agree that their respective professional programs will be subject to an annual quality assurance review.

4.3 The Parties agree that they will be in regular contact with each other at the (appropriate level to discuss and resolve any issues that may arise during the review process.

4.4 If the Parties are unable to resolve issues arising from the annual quality assurance review, either Party may terminate this agreement in accordance with the clause 15.

5. CONDITIONS FOR REVIEW OF APPLICATION OF MEMBERSHIP

5.1 Each application for membership from one Party shall be reviewed by the other Party (the "Recipient Party").

5.2 Each Party acknowledges that Recipient Party shall be solely responsible for the determining the approval or non-approval of the application for membership of the Recipient Party.

5.3 This MRA does not apply in relation to qualification and/or additional requirements, whether required by

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the other Party or by law, necessary to practise as a public accountant within that Party's country.

6. LOCAL COMPANY LAW, TAXATION LAW AND OTHER REQUIREMENTS

(This section sets out the local laws and other requirements of each Party)

7. PRACTICAL EXPERIENCE

7.1 The Parties acknowledge that the practical experience requirements of each Party shall be in accordance with the spirit of the International Education Standard on Practical Experience as published by the International Federation of Accountants ("IFAC").

7.2 Notwithstanding clause 7.1, each Party shall retain its right to refuse admission of members of the other Party who do not meet the practical experience requirements established under any laws applicable to that Party.

8. CONTINUING PROFESSIONAL DEVELOPMENT OR EDUCATION

8.1 Each Party undertakes to ensure that the continuing professional development or professional education it offers to the other Party are in accordance with required IFAC standards.

8.2 Subject to clause 8.1, each Party shall accept the continuing professional development or professional education offered by the other Party.

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9. PROFESSIONAL PROGRAMS

9.1 The Parties acknowledge that this MRA shall not inhibit or preclude each Party from offering and delivering its professional programs or other relevant programs in any location including the country of the other Party.

10. VARIATIONS TO MRA

10.1 The Parties acknowledge that this MRA may be varied from time to time subject to the mutual agreement of the Parties and undertake to procure that any such variation, where appropriate, shall include transitional provisions to ensure that the interests of members or registered students of each Party enrolled in their respective professional programs are not prejudiced.

11. MATERIAL CHANGES TO EDUCATION, PROFESSIONAL OR OTHER STANDARDS

11.1 Each Party acknowledges and agrees to inform and advise the other Party in the event of any material changes to its educational, professional or other standards during the term of this MRA.

12. PUBLICITY

12.1 Both Parties agree that public comment may not be made in relation to this MRA until the MRA takes effect under clause 2.2.

12.2 Both Parties will not make any public comment without the knowledge and agreement of the other Party.

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13. COSTS AND EXPENSES

13.1 Each Party shall bear its own costs or any other expenses arising in connection with this MRA.

14. JOINT INITIATIVES

14.1 The Parties may engage in joint initiatives from time to time upon such terms as mutually agreed between the Parties and undertakes to notify the other Party of any proposed initiatives that have an impact on this MRA.

15. TERMINATION OF MRA

15.1 The MRA shall be valid for a duration of (No. of years) commencing from its effective date as stated in Clause 2.2.

15.2 During this time, either Party may terminate this MRA by giving 12 months notice to the other Party.

15.3 Both Parties agree that termination notice given under clause 15.2 would include conditions that would ensure that the interest of members/registered students of either Party enrolled in their respective professional programs are not disadvantaged.

16. CONFIDENTIALITY

16.1 Each Party recognises and affirms that any information disclosed to it by the other Party is proprietary information, and further agrees to keep all proprietary information in strictest confidence and shall not disclose such information to any third party, nor use the information for any other purpose other than as stipulated in this MRA unless the express prior

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approval of the other Party providing the information is obtained.

17. STATUS

17.1 This MRA shall not restrict the rights of the Council of Professional Body A and/or the Council of Professional Body B to pass binding resolutions to regulate or amend the requirements of membership admission of the relevant Party provided such resolutions are made in accordance with the governing laws applicable to that Party.

18. SUMMARY

18.1 The Parties enter into this MRA with the clear intention of advancing the interests of their respective members in general. Each Party expresses its goodwill to the other party and agrees to work constructively towards achievement of Mutual Recognition as set out in this MRA.

IN WITNESS WHEREOF this Mutual Recognition Agreement has been duly executed on the date first above written.

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(Professional Body A)

Signed by (Name), President
For and on behalf of **(Professional Body A)** _____

in the presence of:

_____
Name of Witness:
Designation of Witness:
(Professional Body A)

(Professional Body B)

Signed by (Name), President
For and on behalf of **(Professional Body B)** _____
in the presence of:

_____
Name of Witness:
Designation of Witness:
(Professional Body B)

Dated this (Day) of (Month) (Year)

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APPENDIX III
WTO GUIDELINES FOR MUTUAL RECOGNITION AGREEMENTS OR ARRANGEMENTS IN THE ACCOUNTANCY SECTOR

The World Trade Organization (WTO) guidelines for MRAs in the Accountancy Sector are attached for reference purposes. The guidelines are reproduced below:

WORLD TRADE ORGANIZATION
Council for Trade in Services
S/L/38
28 May 1997
(97-2295)

GUIDELINES FOR MUTUAL RECOGNITION AGREEMENTS OR ARRANGEMENTS IN THE ACCOUNTANCY SECTOR

Introduction

This document provides practical guidance for governments, negotiating entities or other entities entering into mutual recognition negotiations on accountancy services. These guidelines are non-binding and are intended to be used by Members on a voluntary basis, and cannot modify the rights or obligations of the Members of the WTO.

The objective of these guidelines is to make it easier for parties to negotiate recognition agreements and for third parties to negotiate their accession to such agreements or to negotiate comparable ones. The most common way to achieve recognition has been through bilateral agreements. Article VII of the GATS recognises this as permissible. There are differences in education and examination standards, experience requirements, regulatory influence and various

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other matters, all of which make implementing recognition on a multilateral basis extremely difficult. Bilateral negotiations will enable those involved to focus on the key issues related to their two environments. Once bilateral agreements have been achieved, however, this can lead to other bilateral agreements, which will ultimately extend mutual recognition more broadly.

Where autonomous recognition is granted, it is suggested that the WTO be informed of the relevant elements in these guidelines for transparency purposes. Such elements could include, for example, those covered in sections B.3, B.4(a) and (b), B.5 and B.6.

The examples listed under the various sections of these guidelines are provided by way of illustration. The listing of these examples is indicative and is intended neither to be exhaustive nor as an endorsement of the application of such measures by WTO Members.

A. Conduct of negotiations and relevant obligations under the GATS

With reference to the obligations of WTO Members under Article VII of the GATS, this section sets out points considered useful in the discharge of these obligations. A copy of Article VII is annexed to these guidelines.

1. Opening of negotiations

The information supplied to the WTO should include the following:

- the intent to enter into negotiations;
- the entities involved in discussions (e.g. governments, national organisations in the accountancy sector or institutes which have

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authority - statutory or otherwise - to enter into such negotiations);

- a contact point to obtain further information;
- subject of negotiations (specific activity covered);
- the expected time of the start of negotiations and an indicative date for the expression of interest by third parties.

2. Results

On conclusion of an MRA, the information supplied should include the following:

- the content of the agreement (if a new agreement);
- significant modifications to the agreement (if an agreement already exists).

3. Follow-up actions

For WTO Members supplying information under paragraph (1) above, follow-up actions include ensuring that:

- the conduct of negotiations and the agreement itself comply with the provisions of GATS - in particular Article VII;
- they adopt any measures and undertake any action required to ensure the implementation and monitoring of the agreement, on their own account, and by the competent authorities, or, in pursuance of Article I of the GATS, encourage adoption of such measures and action by relevant sub-national authorities and by other organisations;

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- they respond promptly to requests from other WTO Members seeking to enter into MRA negotiations.

4. Single negotiating entity

Where no single negotiating entity exists, Members are encouraged to establish one.

B. Form and content of agreement

This section sets out various issues that may be addressed in any negotiations and, if so agreed, included in the final agreement. It includes some basic ideas on what a Member might require of foreign professionals seeking to take advantage of an MRA.

1. Participants

The MRA should identify clearly:

- the parties to the agreement (for example, governments, national accountancy organisations or institutes);

- competent authorities or organisations other than the parties to the agreement, if any, and their position in relation to the agreement;

- the status and area of competence of each party to the agreement.

2. Purpose of agreement

The purpose of the MRA should be clearly stated.

3. Scope of agreement

The MRA should set out clearly:

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- the scope of the agreement in terms of the specific accountancy professions or titles and professional activities it covers in the territories of the parties;

- who is entitled to use the professional titles concerned;

- whether the recognition mechanism is based on qualifications, or on the licence obtained in the country of origin, or some other requirement;

- whether the agreement covers temporary and/or permanent access to the profession concerned.

4. Mutual recognition provisions

The MRA should clearly specify the conditions to be met for recognition in the territories of each party and the level of equivalence agreed between the parties. The precise terms of the agreement will depend on the basis on which the MRA is founded, as discussed above. In case the requirements of the various sub-central jurisdictions of a party to an MRA are not identical, the difference should be clearly presented. The agreement should address the applicability of the recognition granted by one sub-central jurisdiction in the other sub-central jurisdictions of the party.

(a) Eligibility for recognition

(i) Qualifications

If the MRA is based on recognition of qualifications, then it should, where applicable, state:

- the minimum level of education required (entry requirements, length of study, subjects studied);

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- the minimum level of experience required (location, length and conditions of practical training or supervised professional practice prior to licensing, framework of ethical and disciplinary standards);

- examinations passed (esp. examinations of professional competence);

- the extent to which home country qualifications are recognised in the host country;

- the qualifications which the parties are prepared to recognise, for instance, by listing particular diplomas or certificates issued by certain institutions, or by reference to particular minimum requirements to be certified by the authorities of the country of origin, including whether the possession of a certain level of qualification would allow recognition for some activities but not others.

(ii) Registration

If the MRA is based on recognition of the licensing or registration decision made by regulators in the country of origin, it should specify the mechanism by which eligibility for such recognition may be established.

(b) Additional requirements for recognition in the host state ("compensatory measures")

Where it is considered necessary to provide for additional requirements, in order to ensure the quality of the service, the MRA should set out the conditions under which those requirements may apply, e.g. in case of shortcomings in relation to qualification requirements in the host country or knowledge of local law, practice, standards and regulations. This knowledge should be essential for practice in the host

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jurisdiction or required because there are differences in the scope of licensed practice.

Where additional requirements are deemed necessary, the MRA should set out in detail what they entail (for example, examination, aptitude test, additional practice in the host country or in the country of origin, practical training, language used for examination).

5. Mechanisms for implementation

The MRA should state:

- the rules and procedures to be used to monitor and enforce the provisions of the agreement;
- the mechanisms for dialogue and administrative co-operation between the parties;
- the means of arbitration for disputes under the MRA.

As a guide to the treatment of individual applicants, the MRA should include details on:

- the focal point of contact in each party for information on all issues relevant to the application (name and address of competent authorities, licensing formalities, information on additional requirements which need to be met in the host country etc.);
- the length of procedures for the processing of applications by the relevant authorities of the host country;
- the documentation required of applicants and the form in which it should be presented and any time limits for applications;

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- acceptance of documents and certificates issued in the country of origin in relation to qualifications and licensing;

- the procedures of appeal to or review by the relevant authorities;

- any fees that might be reasonably required.

The MRA should also include the following commitments:

- that requests about the measures will be promptly dealt with;

- that adequate preparation time will be provided where necessary;

- that any exams or tests will be arranged with reasonable periodicity;

- that fees to applicants seeking to take advantage of the terms of the MRA will be in proportion to the cost to the host country or organisation;

- that information on any assistance programmes in the host country for practical training, and any commitments of the host country in that context be supplied.

6. Licensing and other provisions in the host country

Where applicable:

- the MRA should also set out the means by which, and the conditions under which, a licence is actually obtained following the establishment of eligibility, and what this licence entails (a licence and its content, membership of a professional body, use of

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professional and/or academic titles etc.). Any licensing requirements other than qualifications should be explained, e.g.:

- an office address, an establishment requirement or a residency requirement;
- a language requirement;
- proof of good conduct and financial standing;
- professional indemnity insurance;
- compliance with host country's requirements for use of trade/firm names;
- compliance with host country ethics (for instance independence and incompatibility).

- in order to ensure the transparency of the system, the MRA should include the following details for each party:

  - the relevant laws and regulations to be applied (disciplinary action, financial responsibility, liability, etc.);
  - the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and any consequential limitations on the professionals;
  - the means for ongoing verification of competence;
  - the criteria for and procedures relating to revocation of the registration of professionals;
  - regulations relating to any nationality and residency requirements needed for the purposes of the MRA.

7. Revision of the agreement

If the MRA includes terms under which it can be reviewed or revoked, the details should be clearly stated.

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ANNEX

Article VII
Recognition

1. For the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorization, licensing or certification of services suppliers, and subject to the requirements of paragraph 3, a Member may recognize the education or experience obtained, requirements met, or licenses or certifications granted in a particular country. Such recognition, which may be achieved through harmonization or otherwise, may be based upon an agreement or arrangement with the country concerned or may be accorded autonomously.

2. A Member that is a party to an agreement or arrangement of the type referred to in paragraph 1, whether existing or future, shall afford adequate opportunity for other interested Members to negotiate their accession to such an agreement or arrangement or to negotiate comparable ones with it. Where a Member accords recognition autonomously, it shall afford adequate opportunity for any other Member to demonstrate that education, experience, licenses, or certifications obtained or requirements met in that other Member's territory should be recognized.

3. A Member shall not accord recognition in a manner which would constitute a means of discrimination between countries in the application of its standards or criteria for the authorization, licensing or certification of services suppliers, or a disguised restriction on trade in services.

4. Each Member shall:

(a) within 12 months from the date on which the WTO Agreement takes effect for it, inform the Council for Trade in Services of its existing

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recognition measures and state whether such measures are based on agreements or arrangements of the type referred to in paragraph 1;

(b) promptly inform the Council for Trade in Services as far in advance as possible of the opening of negotiations on an agreement or arrangement of the type referred to in paragraph 1 in order to provide adequate opportunity to any other Member to indicate their interest in participating in the negotiations before they enter a substantive phase;

(c) promptly inform the Council for Trade in Services when it adopts new recognition measures or significantly modifies existing ones and state whether the measures are based on an agreement or arrangement of the type referred to in paragraph 1.

5. Wherever appropriate, recognition should be based on multilaterally agreed criteria. In appropriate cases, Members shall work in cooperation with relevant intergovernmental and non-governmental organizations towards the establishment and adoption of common international standards and criteria for recognition and common international standards for the practice of relevant services trades and professions.

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BỘ NGOẠI GIAO	CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
	Độc lập - Tự do - Hạnh phúc
Số: 05/2010/TB/LPQT	

Hà Nội, ngày 17 tháng 5 năm 2010

THÔNG BÁO
Ngày điều ước quốc tế nhiều bên có hiệu lực đối với Việt Nam

Thỏa thuận khung ASEAN về công nhận lẫn nhau đối với các dịch vụ kế toán và kiểm toán ("ASEAN Mutual Recognition Arrangement Framework on Accountancy Services") ký tại Cha-am, Thái Lan ngày 26 tháng 02 năm 2009, có hiệu lực đối với Việt Nam kể từ ngày 26 tháng 5 năm 2009.

TL. BỘ TRƯỞNG
KT. VỤ TRƯỞNG VỤ LUẬT PHÁP
VÀ ĐIỀU ƯỚC QUỐC TẾ
PHÓ VỤ TRƯỞNG

Phạm Trường Giang

Nơi nhận :
- Văn phòng Quốc hội *(để báo cáo)*,
- Văn phòng Chủ tịch nước *(để báo cáo)*,
- Văn phòng Chính phủ *(để báo cáo)*,
- Phòng Công báo, Văn phòng Chính phủ *(để đăng Công báo)*,
- Kiểm toán Nhà nước,
- Bộ Công Thương,
- Bộ Kế hoạch và Đầu tư,
- Bộ Tài chính,
- Vụ ASEAN, Bộ Ngoại giao,
- Vụ Đông Nam Á, Nam Á, Nam Thái Bình Dương, Bộ Ngoại giao,
- Vụ Hợp tác Kinh tế đa phương, Bộ Ngoại giao,
- Vụ Đông Bắc Á, Bộ Ngoại giao,
- Vụ Luật pháp và Điều ước quốc tế, Bộ Ngoại giao.