



TRADE RELATED TECHNICAL ASSISTANCE PROJECT 2

A Joint Project of the European Union and the Republic of the Philippines

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Capacity Building for Philippine Tripartite Partners on Movement of Natural Persons and Mutual Recognition Arrangements (MNP and MRA)

Technical Report

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Movement of Natural Persons and Mutual Recognition Arrangements

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Movement of Natural Persons and Mutual Recognition Arrangements

(1) BACKGROUND

Importing countries view temporary foreign labour movement as having the following advantages:

- i. enhances the receiving country's labour market flexibility;
- ii. helps alleviate sectoral labour shortages;
- iii. avoids the sanctioning of permanent immigration with its attendant welfare costs and the necessity of implementing integration policies;
- iv. promotes the movement of managerial staff and highly skilled workers. (OECD 1999, 24)

But many countries have imposed restrictions on foreign skilled workers: such as limits on duration of stay, labour market and/or economic needs tests, skills transfer and pre-employment conditions, qualifications recognition requirements, or have tied foreign skilled labour to commercial presence (Wongboonsin 2008).

In general, countries provide mechanisms to select or attract the people that their industries and employers require. At the same time, they introduce mechanisms to exclude those skilled people who are trained in occupations in which they have an oversupply or a perceived oversupply. Often the oversupply may not be real but fears about a possible oversupply may be generated among professionals in the host country who are anxious about protecting their incomes and status.

A major difference exists between trade in services and goods in that services are subject to much greater regulatory control, often for the purpose of consumer protection, but at other times reflecting basically protectionist policies. This fact makes deregulation and liberalisation for services more complex than that for goods (Feridhanusetyawan & Stahl 2001).

(2) DEFINITIONS

The **General Agreement on Trade in Services (GATS)** is a treaty of the World Trade Organization (WTO) that entered into force in January 1995 as a result of the Uruguay Round negotiations. The treaty was created to extend the multilateral trading system to service sector, in the same way the General Agreement on Tariffs and Trade (GATT) provides such a system for merchandise trade. The development of information technologies and the internet have expanded the range of internationally tradeable service products to include a range of commercial activities such as medicine, distance learning, engineering, architecture, advertising and freight forwarding.

The overall goal of the GATS is to remove barriers to trade **but** members are free to choose which sectors are to be progressively liberalised, under which mode of supply a particular sector would be covered, and to what extent liberalisation will occur over a given period of time. Members' commitments are governed by a "[ratchet effect](#)", meaning that commitments are one-way and should not be wound back once entered into.

The **typology of trade in services** incorporated in GATS was that developed by Sampson & Snape (1985). There are **four** modes of supply of services:

Mode 1 - 'cross-border supply' - services supplied from one country to another;

Mode 2 - 'consumption abroad' - consumers from one country using services in another;

Mode 3 - 'commercial presence' - a company from one country setting up operations in another country, and

Mode 4 - 'movement of natural persons - person travelling temporarily from their own country to supply services in another country. Mode 4 occurs when a person is present in an economy other than his/her own in order to supply a commercial service. The GATS explicitly specifies that the agreement does not apply to persons seeking access to another country's employment market, and it does not apply to labour mobility other than on a strictly temporary basis.

Mode 4 underpins the first three, and particularly Mode 3. For example, a company engaging in 'cross border supply' in the form of a sale of banking software most likely will send staff to the customers' location to assist in the installation of that software and the training of local staff in its use. Even prior to the sale of the software the company's marketing team might visit to negotiate the sale. Tourists travelling to 'consume abroad' tourism services are often accompanied by tour guides. Most importantly, to establish a 'commercial presence' in a host country, foreign multinational companies will bring into the host country intra-company transferees to ensure the proper set up and operation of their new venture, or at least as many as restrictions and regulations permit.¹ Regulations permitting, they may want to hire experts

¹ These examples highlight the complementarity of modes of supply. However, the modes can be substitutes as well. Thus 'commercial presence' may obviate the need for 'cross-border supply' and vice versa. The Mode 4 'movement of natural persons' in the form of self-employed contractual service suppliers to a host country may provide domestic service providers in that country with sufficient talent to preclude the need to engage in a joint

from their home and/or other countries to provide various services. All of these movements of service providers fall under Mode 4. Thus regulatory measures and restrictions pertaining to Mode 4 'movement of natural persons' (e.g. visa restrictions, quotas, economic needs tests) are an important determinant of the feasibility and extent of trade in services (Hoekman 2006).

Four major categories of natural persons fall under the scope of Mode 4 (Magdeleine & Maurer 2008):

(1) *contractual service suppliers - self-employed*. Such a person enters another member country in the context of a service contract with a service consumer in that country or is hired by a private firm (not government). This category of Mode 4 temporary entrants is elsewhere referred to as *independent professionals*. **Important.**

(2) *contractual service suppliers as employees of a juridical person*.² The juridical person is actually a firm that supplies services to another economy under Mode 1 (without a 'commercial presence' – Mode 3). So these CSS are employees of the firm who travel to another member economy to facilitate the 'cross-border' supply of services.

(3) *intra-corporate transferees and foreign employees directly recruited by foreign established companies*. In this situation the movement is the result of a supply of services under Mode 3. That is, a company in member A sets up an affiliate firm or joint venture in member B and then sends some of its own staff to work in the affiliate/joint venture. It also applies to foreign employees directly recruited to work in the affiliate/joint venture. Intra-corporate transferees are a particularly important sub-group as most of the commitments to liberalise Mode 4 movements focus specifically on this group. **Most important.**

(4) *service sellers*. These are natural persons who are trying to acquire contracts for the cross-border supply of services (Mode 1) or are negotiating the setting up of a commercial presence (Mode 3). In trade negotiations, these persons are often referred to as *Business Visitors*.

Skilled worker is any worker who has some special skill, knowledge, or ability in his/her work. A skilled worker may have attended a college, university or technical school or may have learned his/her skills on the job and achieved some degree of certification.

Skilled professional worker is defined as an individual who is engaged in a knowledge-intensive profession — such as physicians, nurses, science and technology (S&T) workers, engineers, information technology (IT) specialists, graduate and postdoctoral students, scholars and researchers, and administrators and managers.

Recognition (of qualifications or skills) is based on the principle of equivalence. Can be accorded bilaterally or plurilaterally.

venture with a foreign multinational ('commercial presence'). As can be deduced, restrictions on one mode of supply may force service providers to use another, possibly less efficient mode of supply.

² A juridical person is an entity (such as a firm) other than a natural person (human being) created by law and recognized as a legal entity having distinct identify, legal personality, and duties and rights (BusinessDictionary.com).

Equivalence means is equal in value and content. Equivalence and recognition are not the same as harmonisation.

Harmonisation is when training and regulation requirements have been made the same or comparable. This should circumvent the need for a test of equivalence.

International standards – where a group of countries or professional bodies agree to adhere to a set of standards, which they believe meet their regulatory objectives.

The confusion in terminology between MRA and MRAR within ASEAN has led to some confusion in expectations:

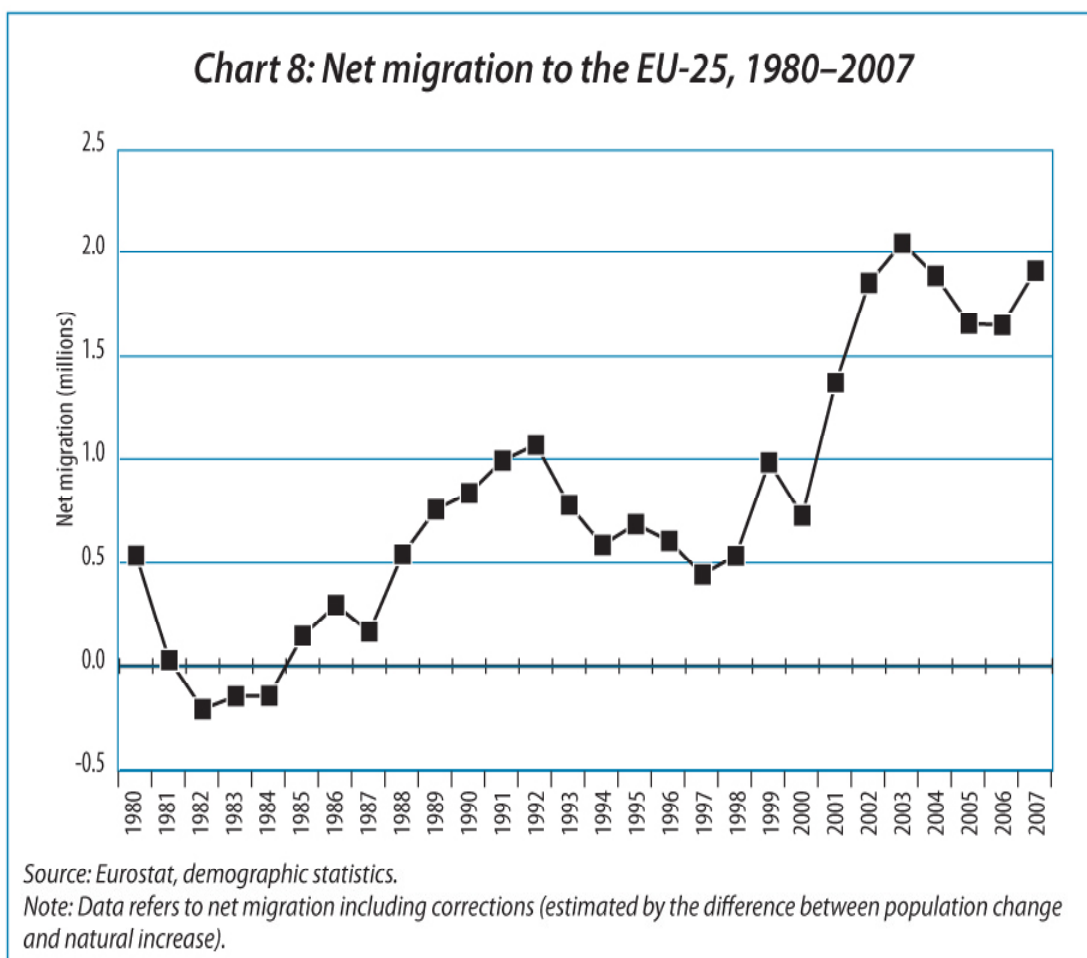
- **Mutual Recognition Agreement (MRA)** — in the skills recognition context, means a signed legal international agreement that recognises the equivalencies of accreditation systems. An MRA is developed and signed after negotiations are completed as to the equivalence of two or more countries' systems or individual occupations.
- **Mutual Recognition Arrangement (MRAR)** — a mechanism for countries to work together to harmonise competency standards and training in selected occupations, thereby facilitating labour mobility. It may lead to an MRA. The seven MRAs, so defined by ASEAN, are in effect MRARs. We recommend the terminology be changed to MRAR in order to avoid confusion and raising inappropriate expectations.

(3) EUROPEAN IMMIGRATION AND CURRENT OFWS DEPLOYED FROM PHILIPPINES (handout 1)

A. Marked increase in immigration to EU...

- Net migration up 3 X since mid-90s
- migrants arrived in last 7 yrs ~ 1/3 all working age migrants
- > intra-EU flows (~ 2 times)

Chart 1: Level of net migration to the EU



Source: EU Labour Force Survey, reported by Holthuis, 2009: 3.

B. Migrants in EU labour markets

Chart 2: Growing importance of migrants to EU labour markets, 2000-07

Opportunity and a
discuss
are needed to see the picture.

Source: Holthuis, 2009: 5.

Discussion – overall, 23-24% of increased employment is of migrants

Importance of migrants varies

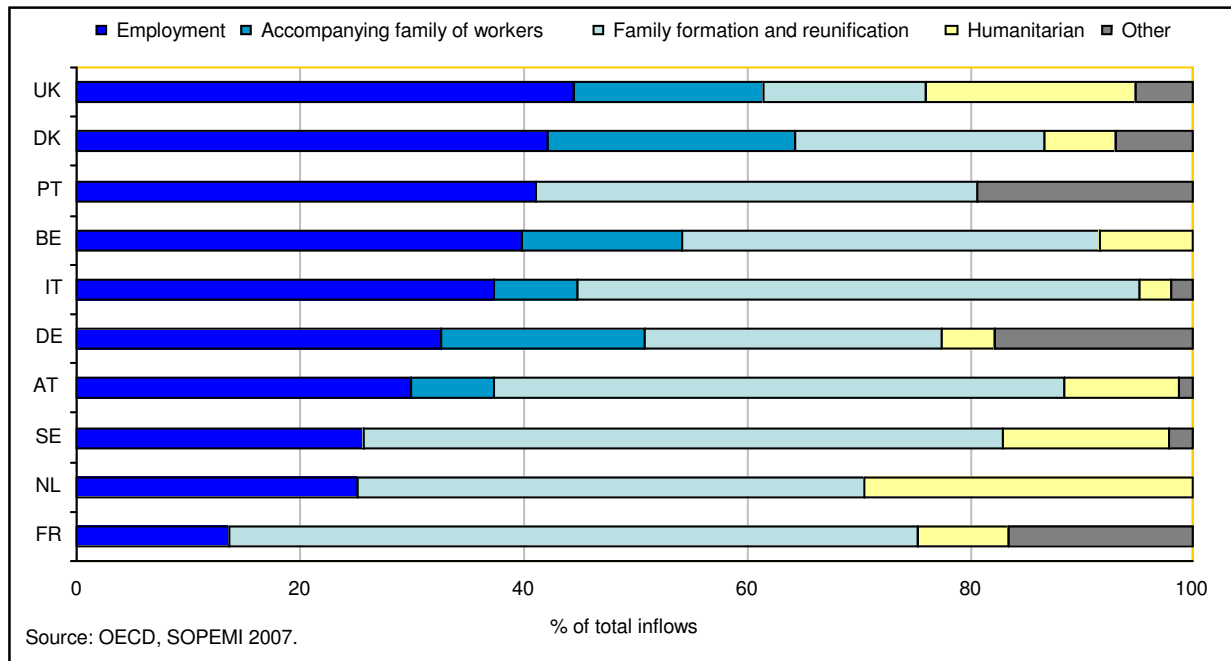
UK. Portugal (almost 60% or more)

Denmark, Cyprus (35 to 55%)

and Spain 28%

C. EU states have different reasons for immigration

Chart 3: International migration to selected Member States by category of entry, 2005

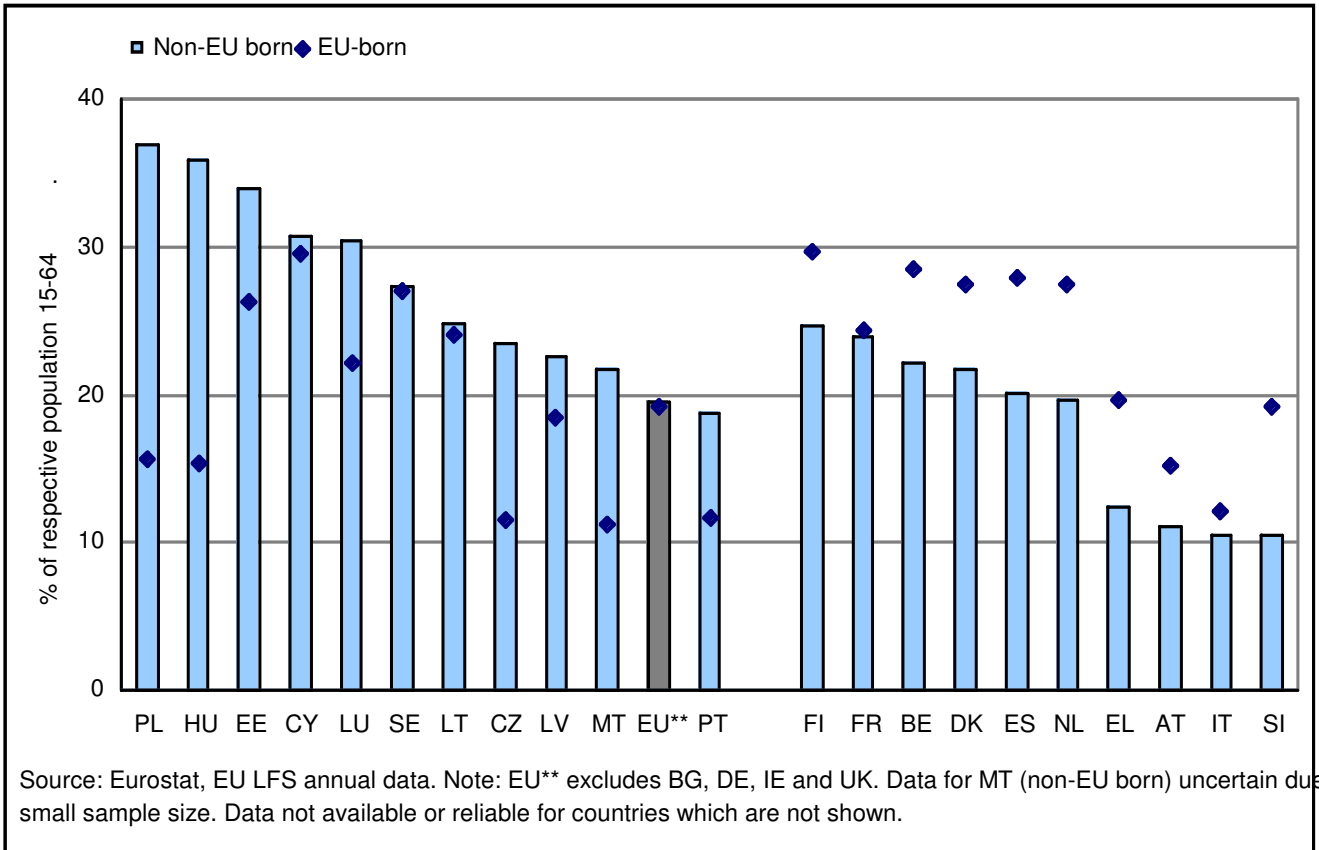


Source: Holthuis, 2009: 12.

Employment is very important in UK, Denmark, Portugal, Belgium, Italy but in other family reunion is larger (France, Netherlands).

D. Share of migrants with tertiary education varies by member state

Chart 4: % migrants and EU-born with tertiary qualifications

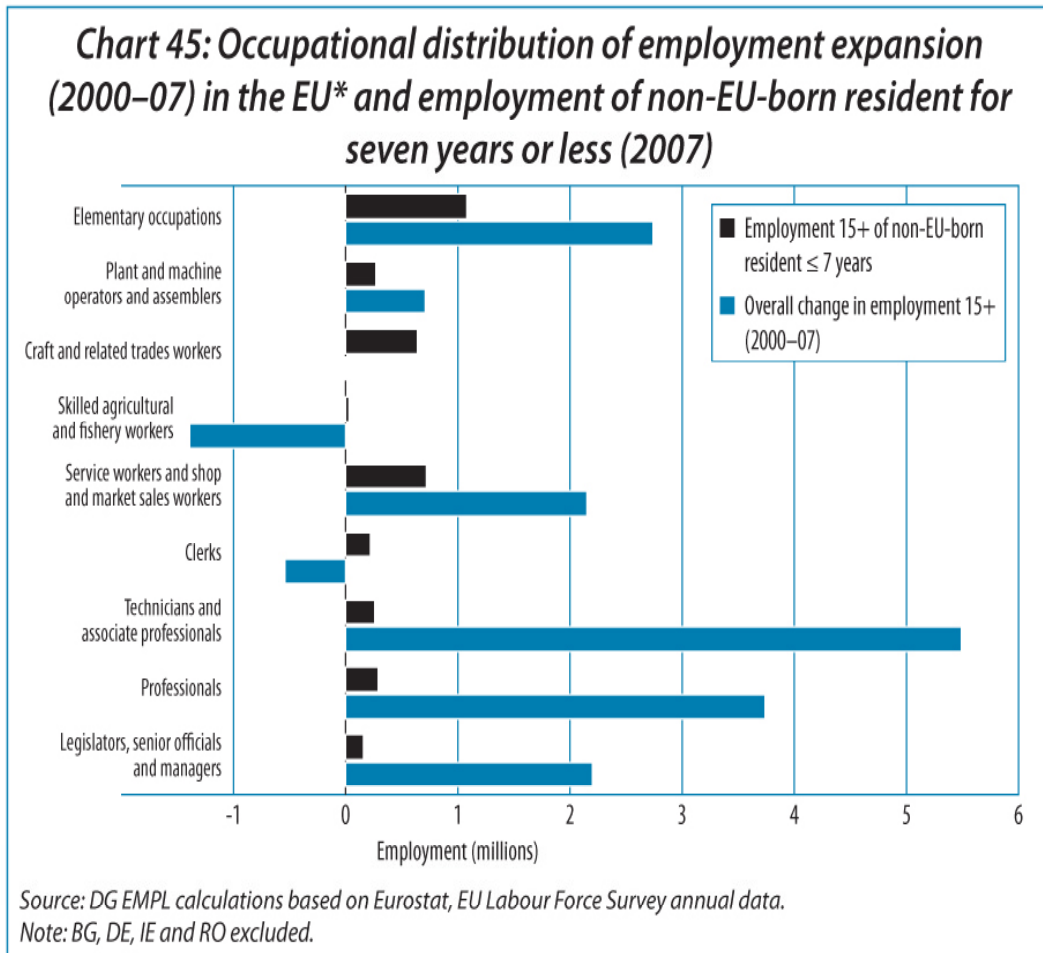


Source: Holthuis, 2009: 13.

Biggest discrepancy in:
 Poland
 Hungary
 Estonia
 Lithuania
 Czech Rep
 Montenegro
 Portugal

E. What jobs are migrants filling in the EU?

Chart 5: Expansion in EU and non-EU employment, 2000-07



Source: Holthuis, 2009: 7.

For recent migrants employed:

- ~ 1/5 in skilled non-manual occupations (vs > 60% total employment change 2000-2007 in UK)
- i.e. much more concentrated in
 - *elementary*
 - low-medium skilled occupations (*craft and trades workers, service and shop/market sales workers*)

F. Labour market situation of migrants in EU

Tend to be in jobs of lower quality

Migrants are more likely to be:

- In fixed term employment (22% of employees vs 14% EU-born)
- Under-represented in supervisory positions
- In jobs for which are over-qualified - 66% of recent high-skilled arrivals in jobs for which are over-qualified (3 times rate of native-born) – especially in northern Europe
- Employed in low/medium skilled jobs

But demand for highly qualified workers is growing.

This is the context in which the Philippines is looking to expand MNPs to Europe and elsewhere.

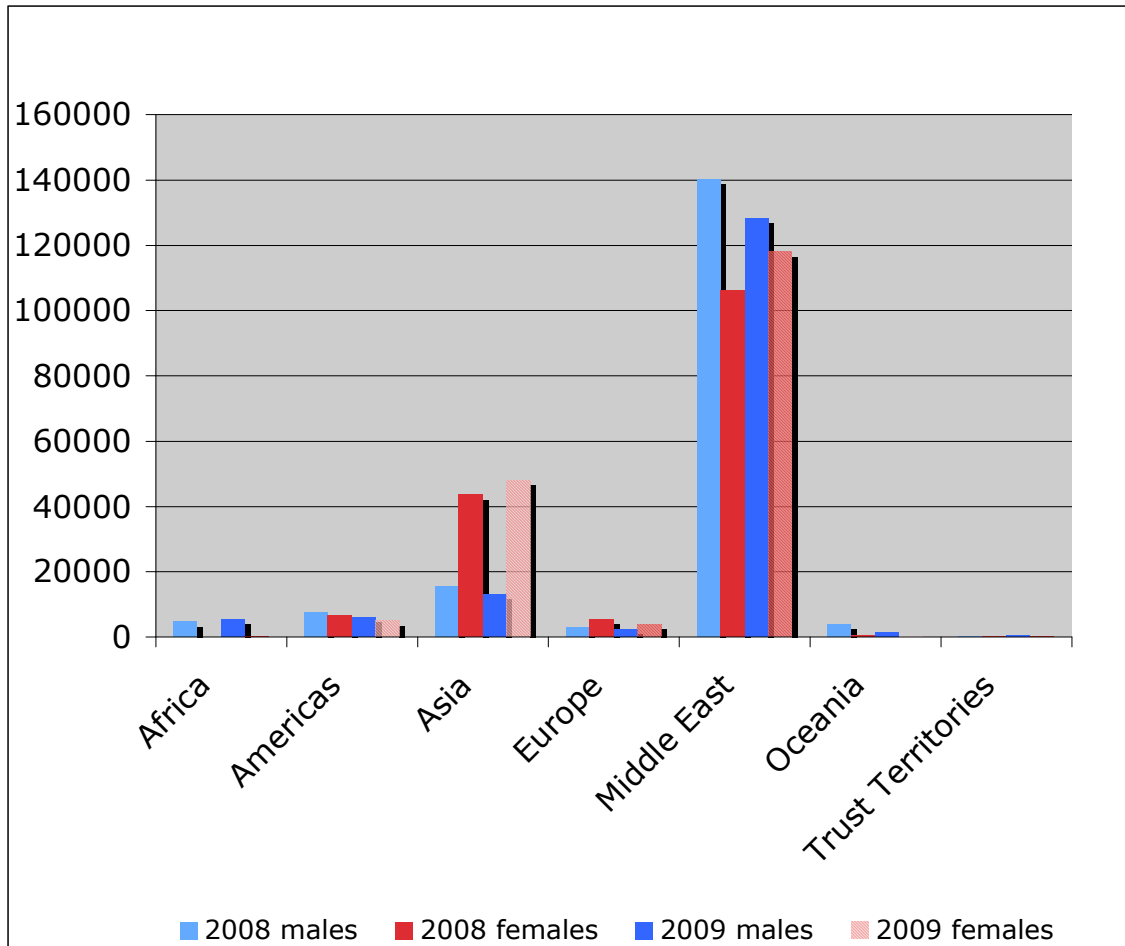
G. Deployment of landbased OFWs abroad from the Philippines

Table 1: OFW Deployment per region - new hires, 2008 & 2009

| Region | | Male | Female | Not stated | Total |
|---------------|------|-------------|---------------|-------------------|--------------|
| Africa | 2008 | 4,503 | 68 | 1 | 4,590 |
| | 2009 | 5,251 | 108 | 0 | 5,359 |
| Americas | 2008 | 7,652 | 6,757 | 0 | 14,409 |
| | 2009 | 6,055 | 4,950 | 0 | 11,005 |
| Asia | 2008 | 15,448 | 43,618 | 5 | 59,071 |
| | 2009 | 12,927 | 47,921 | 0 | 60,848 |
| Europe | 2008 | 3,020 | 5,549 | 0 | 8,569 |
| | 2009 | 2,232 | 3,900 | 0 | 6,132 |
| Mid. East | 2008 | 140,142 | 106,218 | 6 | 246,366 |
| | 2009 | 128,305 | 117,983 | 2 | 246,290 |
| Oceania | 2008 | 3,875 | 457 | 0 | 4,332 |
| | 2009 | 1,329 | 283 | 0 | 1,612 |
| Trust Terrs, | 2008 | 240 | 151 | 0 | 391 |
| | 2009 | 348 | 141 | 0 | 489 |
| Total | 2008 | 174,881 | 162,837 | 12 | 337,730 |
| | 2009 | 156,454 | 175,296 | 2 | 331,752 |

Source: Statistics from POEA website.

Chart 6: OFW Deployment per region - new hires, 2008 & 2009

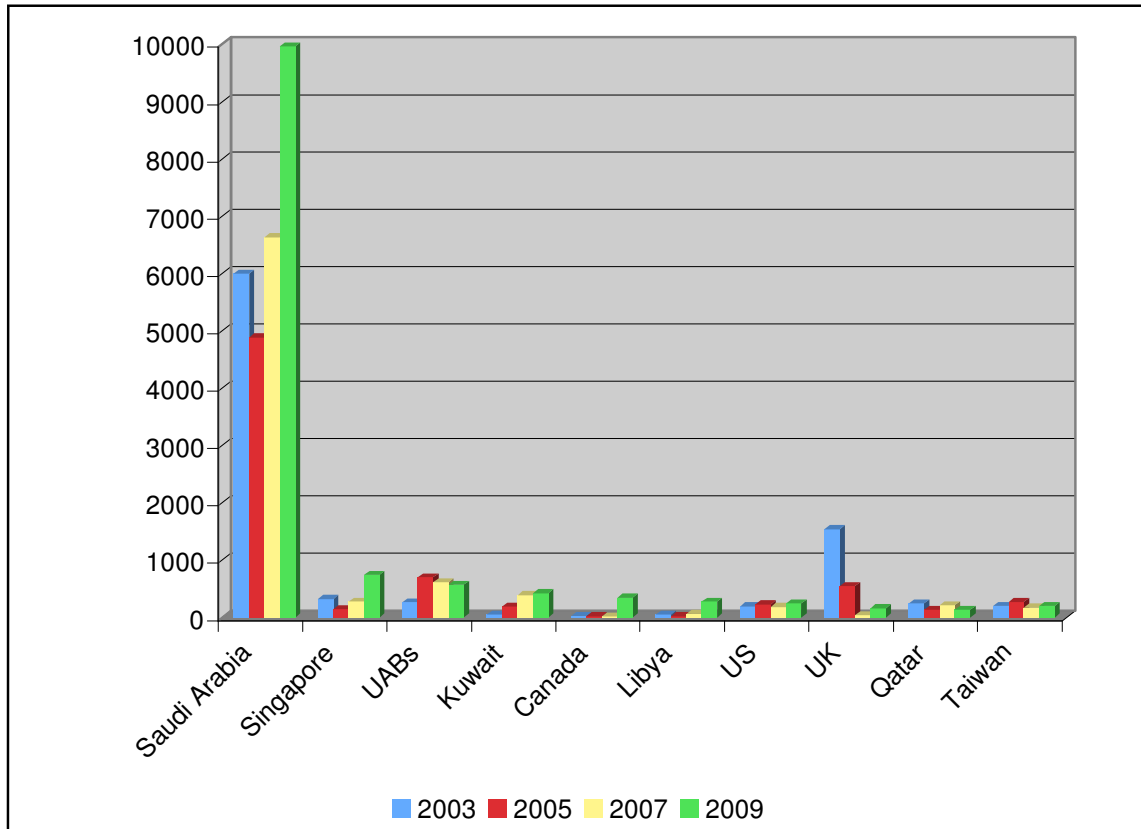


Top 10 occupations for new deployments in 2009 (see POEA 2009 report) were:

- 1) Household service workers 71,557 (**more than 5 times greater than Nurses**)
- 2) Nurses professional 13,465
- 3) Waiters, bartenders and related workers 11,977
- 4) Charworkers, cleaners and related workers 10,056
- 5) Wiremen electrical 9,752
- 6) Caregivers and caretakers 9,228
- 7) Labourers/helpers general 8,099
- 8) Plumbers and pipe fitter 7,722
- 9) Welders and flame-cutter 5,910
- 10) Housekeeping and related service workers 5,127

H. Nurses were second most important occupational group

Chart 7: Number of deployed nurses by top 10 destinations, new hires, 2003-09



Source: POEA data.

Similar data are available for:

- I. Teachers
- II. Caregivers
- III. IT related workers

I. Professional, technical and related workers going to Europe (7.5% Of new hires in 2009)

Table 3: OFW Deployment per European country and skill, new and total hires, 2009

| | Prof, tech and related workers | | Occupations | Others | Total new hires | Total new and rehires |
|-----------------------------------|--------------------------------|------------|---|--------|-----------------|-----------------------|
| | Male | Female | | | | |
| Albania | 0 | 4 | Physi/occupational therapist (P & OT) | 0 | 4 | 11 |
| Armenia | 2 | 0 | Elect and electronics eng techs | 3 | 5 | |
| Austria | 0 | 0 | | 8 | 8 | 66 |
| Belgium | 0 | 0 | | 23 | 23 | 228 |
| Croatia | 7 | 14 | P & OT, entertainer | 2 | 23 | 30 |
| Cyprus | 1 | 3 | Pharmacist, (P & O Ts), Eng tech mechanical | 1,462 | 1,466 | 2,660 |
| Czech Republic | 0 | 11 | P & OT, Teacher, systems analyst | 158 | 169 | 210 |
| Denmark | 2 | 1 | Engineer, IT, economist | 3 | 6 | 88 |
| Finland | 9 | 19 | Prof nurse, engineer | 77 | 105 | 190 |
| France | 0 | 1 | Actors and stage director | 13 | 14 | 221 |
| Germany | 4 | 0 | System analyst, Industrial engineer | 9 | 13 | 90 |
| Greece | 2 | 3 | Eng. technician, | 89 | 94 | 2,102 |
| Ireland | 2 | 5 | Engineer, prof. nurse | 13 | 14 | 4,527 |
| Italy | 0 | 1 | Prof. Nurse, P & OT | 1,945 | 1,946 | 23,159 |
| Malta | 1 | 5 | Accountant | 9 | 15 | 154 |
| Netherlands | 5 | 2 | Engineer, IT, System analyst | 14 | 21 | 584 |
| Norway | 9 | 19 | Accountant, Engineer, Prof nurse, Eng tech, Teacher | 50 | 78 | 744 |
| Poland | 1 | 1 | P & OT | 185 | 187 | 219 |
| Russia | 58 | 1 | Engineer tech, accountant | 133 | 189 | 960 |
| Spain | 7 | 5 | Eng techs, Mech engineer | 642 | 654 | 2,826 |
| Turkey | 21 | 2 | Engineers, Mech eng tech, IT | 28 | 51 | 126 |
| UK | 92 | 139 | Prof nurse, Mech eng tech, etc | 130 | 361 | 7,071 |
| Total P/T workers these countries | 223 | 236 | | | | |
| Total Europe new hires | 2,232 | 3,900 | | | 6,132 | |
| Total Europe new and rehires | | | | | | 47,409 |

Source: POEA website.

Note: Data are for temporary labour migrants and MNP are included in here.

(4) Related Regulations affecting the MNPs

a) Immigration policies

The Annex on the MNPs gives wide scope to impose measures to regulate the entry of natural persons. Many laws and regulations that protect domestic labour markets from foreign competition are in place.

Labour laws ultimately affect immigration restrictions and requirements. Immigration or similar departments tend to follow the decisions in other departments rather than make decisions themselves.

Nevertheless, difficulties, delays and red tape associated with obtaining visas and work permits impede skilled people from going elsewhere to work. If the mobility is of a temporary nature, this may even serve to stop the mobility altogether.

b) Domestic regulations

Article VI - Domestic Regulation

1. In sectors where specific commitments are undertaken, each Member shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.

Labour market tests (LMTs) are a common feature of many countries and they involve some means of assessing (e.g. advertising the position) as to whether a position can be filled by a local. If the position cannot be filled, the employer is usually given permission to import a person from abroad.

Economic needs tests are macro or economy-wide measures of the occupational skills that are in shortage in a particular labour market. A list may be constructed of these skill or occupational shortages. These lists are given various names, such as Occupations in Demand or Skills Shortages List. The compilation of these lists is a resource-intensive exercise.

c) Emergency safeguard measures

Within GATS, Article X on Emergency Safeguard Measures (ESMs), was a part of the balance struck (with TRIPS) to encourage developing countries to accept the GATS commitments.

Article X - Emergency Safeguard Measures

1. There shall be multilateral negotiations on the question of emergency safeguard measures based on the principle of non-discrimination. The results of such negotiations shall enter into effect on a date not later than three years from the date of entry into force of the WTO Agreement.

2. In the period before the entry into effect of the results of the negotiations referred to in paragraph 1, any Member may, notwithstanding the provisions of paragraph 1 of Article XXI, notify the Council on Trade in Services of its intention to modify or withdraw a specific commitment after a period of one year from the date on which the commitment enters into force; provided that the Member shows cause to the Council that the modification or withdrawal cannot await the lapse of the three-year period provided for in paragraph 1 of Article XXI.

3. The provisions of paragraph 2 shall cease to apply three years after the date of entry into force of the WTO Agreement.

ESMs (mainly quotas and tariffs) are to be used as a mechanism by governments, under certain specified conditions, to impose or increase protection to relieve, on a temporary basis, difficulties or pressures (domestic injury) that have arisen as a result of liberalization commitments and obligations undertaken in trade agreements — i.e. to serve the purpose of a 'safety valve' to allow governments to protect domestic industry temporarily if it was unable to cope with intensified international competition in the domestic market.

There are arguments for and against ESMs and there are three groupings in the ESM negotiations:

- those opposing the ESMs —the OECD countries led by the US and the EU.
- the ASEAN group minus Singapore and their supporters, particularly the ACP Group that wants the ESMs.
- a set of developing countries that are emerging services economies and are converging to the OECD position that the ESMs provision is neither feasible nor desirable—includes India, Pakistan, China and South Africa and select other developing countries.

The differences in country positions on the ESMs were further reinforced at the July 2006 meeting of the Working Group on Rules, where no consensus emerged on most of the issues. As of December 2006, there was no clarity on the question of desirability and feasibility, operational issues were not clarified, ambiguities existed in defining key terms, and there was no draft text in sight. Importantly some countries also argued that the development dimension seemed quite unclear (Kulkarni, 2008: 259).

d) Other regulatory restrictions

Regulations covering investments, nationality, language capability, residency status and length of stay carry implications for both Modes 3 and 4. For example, Table 1 shows the type of restrictions that still apply in each of the ASEAN Member States. **(Handout 2)**

Nationality, language and residency requirements are designed to protect labour markets from foreign competition. They are inconsistent with the greater mobility of skilled human resources. Length of stay requirements, such as period of residency prior to an exam or ability to practice, also inhibit short-term mobility.

Language requirements (such as the need to speak Thai in Thailand) are also not conducive to the short-term mobility of skilled human resources. Means of overcoming this barrier, such as the use of interpreters or professional exams in other languages, need to be put in place. Malaysia has done this for nurses but not for other professions.

e) Economic integration

Article V (of GATS) - Economic Integration

1. This Agreement shall not prevent any of its Members from being a party to or entering into an agreement liberalizing trade in services between or among the parties to such an agreement, provided that such an agreement:

(a) has substantial sectoral coverage, and

(b) provides for the absence or elimination of substantially all discrimination, in the sense of Article XVII, between or among the parties, in the sectors covered under subparagraph (a), through:

(i) elimination of existing discriminatory measures, and/or

(ii) prohibition of new or more discriminatory measures.

f) Recognition of foreign qualifications/skills

The non-recognition of many foreign professional qualifications/skills has been a controversial issue globally. In the absence of international standards in most professions, other mechanisms have been used to try to establish the equivalence or comparability of professional training standards.

It is especially a problem for developing countries and it is more of a problem for small and medium enterprises (SMEs) and contractual service suppliers.

This remains one of the pervasive barriers in the area of professional services and affects the MNPs in more than one way: it either denies market access to service providers from other

countries or induces a service provider to perform in a capacity below his or her level of qualification/skill.

There are variations in foreign credential recognition (FCR) requirements, processes and outcomes for different recognition purposes in each country, according to:

- the training costs incurred by field by source country;
- whether access to full registration in destination countries is sought;
- whether access to conditional registration (eg for temporary foreign workers) is required; and
- whether it is private or public sector employment.

There is also a need to know the legal governance and jurisdiction requirements of FCR by country and field, including the relative powers of:

- the national government;
- the regional government;
- national or regional regulatory or professional bodies;
- universities; and
- employers.

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.

(5) EU SCHEMES AND INTRA-EU MOBILITY AND HOW THIS AFFECTS THE PHILIPPINES

An occupation-by-occupation approach initially occurred in the EU, commencing in the 1960s, for the development of occupational MRAs. This was too slow, however, and in 1989 the Directive on the Recognition of Professional Qualifications (89/48/EEC) was adopted by the Council of European Commission Ministers. This directive covered professions that required a university degree or equivalent.

This was followed by another general directive covering regulated professions requiring qualifications below a degree level (92/51/EEC). These general directives were supplemented later by a Certificate of Experience (directive 99/42/EEC), promoting the recognition of trades experience and qualifications.

At a meeting of 29 European Ministers of Education in 1989 it was agreed to establish a European Higher Education Area (EHEA) by 2010. The EHEA was designed to create a common higher education framework among the signatory states by: implementing a system of easily readable and comparable degrees; standardising degree structures (Bachelor/Masters/Doctorates); implementing a system of credits; promoting greater mobility by overcoming obstacles; promoting European cooperation in quality assurance; and promoting European dimensions in higher education (closer international cooperation and networks).

The most recent directive on mutual recognition (2005) is presented below.

These schemes have not included people from outside the EU and each country/occupation sets its own rules and regulations for assessing and admitting non-EU skilled workers. However, there is a new policy context now, according to Holthuis (2009, 15-16). At the political level:

- Since 2000: foundations for common immigration policy (incl. LM-related)
- Oct 2008: European Pact on Immigration and Asylum — “forms basis for the Union and its Member States of a common immigration and asylum policy”

There have been several calls for actions relevant to migrants:

- I. General: reduce employment gaps for people at a disadvantage, incl. migrants
 - GL 19: combating discrimination & integrating immigrants essential
 - GL 20: appropriate management of economic migration to better match LM needs

2. Policy Plan on Legal Migration: intended actions and legislative initiatives
 - Two proposals for Directives "conditions of entry and residence of third-country nationals for the purposes of highly qualified employment" and "a single application procedure for a single permit for third-country nationals etc"
 - Three proposals aiming to provide flexible responses to the changing needs of Member States' labour markets.

OECD policies towards temporary workers (Handout 3 OECD report 2010)

- the global financial crisis had an impact but
- most still encourage high skilled migration to fill gaps and ensure growth
- each has specific policies to do this

EU SYSTEM FOR THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

This directive establishes a system for the recognition of professional qualifications, in order to help make labour markets more flexible, further liberalise the provision of services, encourage more automatic recognition of qualifications and simplify administrative procedures.

ACT

Directive [2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications [[See amending act\(s\)](#)].

SUMMARY

This directive applies to all European Union (EU) Member State nationals wishing to practise a regulated profession ^{*}, on either a self-employed or employed basis, in a Member State other than that in which they obtained their professional qualifications.

The directive makes a distinction between "freedom to provide services" and "freedom of establishment" on the basis of criteria identified by the Court of Justice: duration, frequency, regularity and continuity of the provision of services.

FREEDOM TO PROVIDE SERVICES

Any EU national who is legally established in a Member State may provide services on a temporary and occasional basis in another Member State under his/her original professional title without having to apply for recognition of his/her qualifications. However, if the profession in question is not regulated in that Member State, the service provider must provide evidence of two years' professional experience.

The host Member State may require the service provider to make a declaration prior to providing any services on its territory (to be renewed annually), including details of insurance cover or other documents such as proof of nationality, legal establishment and professional qualifications.

If the host Member State requires *pro forma* registration with the competent professional association, this must be automatic. The competent authority must forward the applicant's file to the professional organisation or body on receipt of the prior declaration. For professions that have public health or safety implications and do not benefit from automatic recognition, the host Member State may carry out a prior check of the service provider's professional qualifications within the limits of the principle of proportionality.

In cases where the service is provided under the professional title of the Member State of establishment or under the formal qualifications * of the service provider, the competent authorities of the host Member State may require the latter to furnish recipients of the service with certain information, in particular concerning insurance cover against financial risks arising from professional liability.

With regard to both the temporary provision of services and permanent establishment in another Member State, the authorities concerned are to ensure a proactive exchange of information relating to any serious circumstances arising from an individual's establishment on their territory that are liable to have consequences for the pursuit of the professional activities concerned. This exchange of information must be carried out in compliance with existing data protection legislation.

FREEDOM OF ESTABLISHMENT

"Freedom of establishment" applies when a professional enjoys the effective freedom to become established in another Member State in order to conduct a professional activity there on a stable basis.

General system for the recognition of qualifications

The general system applies to professions not covered by specific rules of recognition and to certain situations where the professional does not meet the conditions set out in other recognition schemes. This system is based on the principle of mutual recognition, without prejudice to the application of compensatory measures if there are substantial differences between the training * acquired by the person concerned and the training required in the host Member State. The compensatory measure may take the form of an adaptation period * or an aptitude test *. The choice is left to the person concerned, unless specific derogations exist.

When access to or pursuit of a profession is regulated in the host Member State, i.e. it is subject to possession of specific professional qualifications, the competent authority in said Member State is to allow access to the profession in question and pursuit thereof under the same conditions as for its nationals. However, the applicant must hold a training qualification obtained in another Member State that attests to a level of training at least equivalent to the level immediately below that required in the host Member State.

On the other hand, when access to a profession is not subject to possession of specific professional qualifications in the applicant's Member State, access to that profession in a host Member State where it is regulated requires proof of two years' full-time professional experience over the preceding ten years in addition to the qualification.

The directive distinguishes five levels of professional qualifications:

- attestation of competence issued by a competent authority in the home Member State,

attesting either that the holder has acquired general knowledge corresponding to primary or secondary education, or has undergone training not forming part of a certificate or diploma, or has taken a specific examination without previous training or has three years' professional experience;

- certificate corresponding to training at secondary level of a technical or professional nature or general in character, supplemented by a professional course;
- diploma certifying successful completion of training at post-secondary level of a duration of at least one year or professional training that is comparable in terms of responsibilities and functions;
- diploma certifying successful completion of training at higher or university level of a duration of at least three years and not exceeding four years;
- diploma certifying successful completion of training at higher or university level of a duration of at least four years.

The host Member State can make recognition of qualifications subject to the applicant completing a compensation measure (aptitude test or adaptation period of a maximum of three years) in the following three cases:

- the training was at least one year shorter than that required by the host Member State;
- the training covered substantially different matters from those covered by the evidence of formal training required in the host Member State;
- the profession as defined in the host Member State comprises one or more regulated professional activities that do not exist in the corresponding profession in the applicant's home Member State and requires specific training that covers substantially different matters from those covered by the applicant's training.

The directive allows representative professional associations at both national and European level to propose common platforms to compensate for the substantial differences identified between Member States' training requirements. The platform is a way of ensuring that additional measures are not imposed on those concerned, while guaranteeing an appropriate qualification level. The platform is a kind of predefined compensatory measure. The Commission will report to the European Parliament and the Council on the common platforms at the end of 2010.

System of automatic recognition of qualifications attested by professional experience in certain industrial, craft and commercial activities

The industrial, craft and commercial activities listed in the directive (Chapter II) are subject, under the conditions stated, to the automatic recognition of qualifications attested by professional experience.

The elements taken into consideration for the recognition of professional experience are its duration and form (in a self-employed or employed capacity). Previous training is also taken into consideration and may reduce the amount of professional experience required. However, evidence of all previous training must be provided by means of a certificate recognised by the Member State or judged as fully valid by a competent professional body.

The pursuit of all these professional activities is subject to the conditions shown in:

- list I of Annex IV, referring to various sectors such as the textile, chemical and oil industries, printing, manufacturing, construction, etc.;
- list II of Annex IV, referring to sectors such as the manufacture of transport equipment,

activities related to transport, postal services, telecommunications, photographic studios, etc.;

- list III of Annex IV, referring to sectors such as restaurants and hotels, personal, community and recreation services, etc.

System of automatic recognition of qualifications for the professions of doctor, nurse, dentist, veterinary surgeon, midwife, pharmacist and architect

The automatic recognition of training qualifications based on the coordination of minimum training conditions covers the following professions: doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects (Chapter III of the directive).

For recognition purposes, the directive lays down minimum training conditions for each of these professions, including the minimum duration of studies. The formal qualifications conforming to the directive issued by Member States are listed in Annex V. These qualifications enable holders to practise their profession in any Member State.

The directive allows Member States to authorise part-time training for all of these professions, provided that the overall duration, level and quality of such training is not lower than that of continuous full-time training.

Without prejudice to the specific acquired rights of the professions concerned, and particularly of architects (Annex VI), even if the formal qualifications for these professional activities held by nationals of Member States do not satisfy all the training requirements described, each Member State has to recognise them as sufficient proof. However, these qualifications must attest to the successful completion of training that began before the reference dates laid down in Annex V and be accompanied by evidence of the holder having devoted at least three consecutive years to the activities in question over the preceding five-year period.

Procedure for the mutual recognition of professional qualifications

An individual application must be submitted to the competent authority in the host Member State, accompanied by certain documents and certificates. The competent authority has one month to acknowledge receipt of an application and to draw attention to any missing documents. In principle, a decision has to be taken within three months of the date on which the application was received in full. However, this deadline may be extended by one month in cases falling under the general system for the recognition of qualifications. Reasons have to be given for any rejection. A rejection or a failure to take a decision by the deadline can be contested in national courts.

Member State nationals must be able to use the title conferred on them, and possibly an abbreviated form thereof, as well as the corresponding professional title of the host Member State. If a profession is regulated in the host Member State by an association or organisation (see Annex I), Member State nationals have to become members of that organisation or association in order to be able to use the title.

Member States may require applicants to have the language knowledge necessary for practising the profession. This provision must be applied proportionately, which rules out the systematic imposition of language tests before a professional activity can be practised.

In order to facilitate the application of the above provisions, the directive calls for close collaboration between the competent authorities in the host and the home Member States. In addition, it calls for the introduction of the following provisions:

- each Member State has to designate a coordinator to facilitate the uniform application of the directive;
- Member States have to designate contact points tasked with providing citizens with any relevant information about the recognition of professional qualifications and helping them in asserting their rights, particularly through contact with the authorities ruling on requests for recognition;
- Member States have to appoint representatives to the committee on the recognition of professional qualifications;
- the Commission is required to consult experts from the professional groups concerned as appropriate.

Member States are required to report to the Commission on the application of the system every two years. If applying one of the provisions of the directive presents major difficulties in a particular area, the Commission has to examine those difficulties in collaboration with the Member State concerned.

As of 20 October 2007, the Commission will draw up a report on the implementation of the directive every five years.

Background

This directive is a response to the 2001 Stockholm European Council's recommendations calling on the Commission to design a more uniform, transparent and flexible system with the aim of achieving the Lisbon strategy objectives.

The directive brings together in a single text the three directives on the general system for the recognition of professional qualifications ([recognition of diplomas, certificates and other evidence of higher education of long duration](#); [recognition of other diplomas, certificates and other evidence of other professional education and training](#); and the [mechanism for the recognition of qualifications for crafts, trades and certain services](#)).

It also consolidates twelve sectoral directives covering the professions of [doctor](#), nurse (Directive [77/452/EEC](#)), dental practitioner (Directive [78/686/EEC](#)), veterinary surgeon (Directive [78/1026/EEC](#)), midwife (Directive [80/154/EEC](#)), [architect](#) and pharmacist ([mutual recognition of diplomas in pharmacy](#) and [qualifications in pharmacy](#)).

The specific directives on the provision of services by lawyers (Directive [77/249/EEC](#)) and the [establishment of lawyers](#) are not covered by this exercise, since they concern the recognition not of professional qualifications but of the authorisation to practice.

(6) WORLD TRADE ORGANIZATION - MNPS AND THE PROPOSAL FOR MUTUAL RECOGNITION AGREEMENTS (MRAS)

In general, assessment of qualifications and/or skills for entry into an occupation may take place through one or more of the following procedures: (i) mutual recognition agreements (MRAs) for occupations or for groups of countries or provinces/states; (ii) competency-based assessment by means of employer interviews or tests; (iii) on-the-job competency assessment, during or after a period of service; (iv) probationary or trial periods of supervised work; (v) examination of knowledge, skills and language skills; and (vi) credentials assessment, or assessment of paper qualifications, where institutions or individuals are assessed for comparability, 'substantial' equivalence or equivalence (UNCTAD 2004: 9).

Different approaches may have disadvantages from the service provider's perspective. Sometimes an approach falls short when assessing a person's knowledge and skills because it only takes into consideration formal qualifications, or it has a special bias towards local knowledge and regulation, or uses unfamiliar examination formats. It can also involve prohibitive fees for the applicant or heavy administrative costs. Furthermore, the assessment of paper qualifications may not be the optimal way of measuring true competencies, which are the most relevant to the ability to supply the service.

The WTO proposed MRAs as the means of finding harmony in occupational standards. Article VII permits but does not require recognition and members must 'afford other interested WTO members adequate opportunity to prove they meet the same standards' through notification requirements or the use of international standards. The ability to set standards is left up to Members – the WTO only requires that there is 'no discrimination in the application of those standards (VII.3)'. As well, they 'must have adequate procedures to verify competence where commitments for professional services are made (Article VI.6)'. (Neilson, 2004)

MRAs tend to be concluded between countries with relatively similar training systems and regulatory regimes, and generally require the active involvement and existence of professional bodies and the private sector. Acceding to an existing MRA could be very difficult for those countries that lack national recognition systems, professional bodies and/or industry associations. Developing countries could benefit from bilateral technical and financial support in promoting the establishment of professional bodies and associations. To date, discussions on issues of recognition of professional qualifications, including the advancement of prospects of negotiating MRAs between developed and developing countries, have not gone beyond a preliminary stage. In order to stimulate discussion on and possibly improve prospects for negotiating MRAs, some countries have developed generic guidelines for MRAs.

A sectoral approach to recognition is required as attempts to address the supply of professional services across the board would be unworkable, unless there is a Free Trade Agreement (FTA). One way to proceed would be to commence with the occupations in greatest global demand, medicine, nursing, teaching, etc where, as a consequence, the best opportunities exist for trade in services.

Some have proposed the idea of delegating responsibility for negotiating MRAs to the professional or industry bodies in a country. ... However, scepticism has been expressed about

the neutral role of professional agencies. Professional bodies may be partial and there may be a need for government intervention in this respect.

(7) THE ACCOUNTANCY MODEL MRA DEVELOPED BY THE WTO AND ITS RELEVANCE FOR THE PHILIPPINES (Handout 4 WTO guidelines)

Not that the press release states guidelines for the development of MR agreements (MRAs) or arrangements (MRARs).

Key elements

a) Article VI.6 (verifying competence) - first a basic general obligation

Article VI.6

- Where specific commitments in professional services are undertaken, each member shall provide for adequate procedures to verify the competence of professionals from any other member.
- Procedures, not substance
- “Adequate” is not defined
- Does not require the establishment of equivalence between home and host country requirements, nor recognition.

b) Article VII (Recognition)

Article VII

- permits members to deviate from the most-favoured-nation (MFN) principle and enter into bilateral or plurilateral MRAs. i.e. Philippines can set up its own MRAs with EU countries.
- Article VII obliges Members to notify existing MRAs and those under negotiation, and to provide an adequate opportunity for other members to negotiate their accession or negotiate comparable agreements. The overall objective of notifications is to increase transparency in this area, and achieving timely and comprehensive notifications is in the interests of developing countries (UNCTAD report (2004, 9-10). Therefore, Philippines should investigate what MRAs exist already with countries in Europe.

c) Article VII (cont) (Parties responsible for development of an MRA)

- GATS applies to measures taken by governments
- also applies to non-governmental bodies (eg delegated professional bodies) in the

exercise of powers delegated by the central, regional or local governments and authorities. It is not clear how specific those delegated powers need to be to bind states at international law.

d) WTO accountancy guidelines for MRAs

- (i) Process - what should be included in notifications of opening and closing of negotiations, follow up actions, encouraged to develop single negotiating entity.
- (ii) Content - what should be covered e.g., participants, purpose and scope, conditions (including at sub-national level), qualifications (minimum levels of education, experience), registration mechanisms, implementation.

When compensatory measures might be required (e.g., knowledge of local law) and what they entail (exams, training).

Also procedures – contact points, length (exams arranged with reasonable periodicity), documentation requirements, fees (in proportion to costs incurred), appeals.

(8) THE PHILIPPINES' EXPERIENCE OF DEVELOPING MRAS

The Philippines has obtained membership of the following international organizations to promote recognition of its academic degrees and professional training.

1. The APEC Engineer Mutual Recognition model

In 1997, the Philippines hosted the APEC Engineer Mutual Recognition Meeting wherein the APEC experts moved toward the creation of an APEC Engineering National Monitoring Committee (NMC). Each member country was tasked to establish an APEC Engineering NMC to review the credentials of engineers throughout the region. In the Philippines, the APEC NMC comprised the CHED; the PRC; and the Philippine Technological Council (PTC), which is the umbrella organization in the technological field and, as such, plays a critical role in assessing the capabilities of engineers in the country.

In 2001, the *APEC Engineer Handbook*, a guidebook for accrediting APEC engineers, was developed by Valenzuela and Romero (2001). This listed the procedures and requirements on how engineering professionals can obtain APEC recognition through consultation meetings and workshops, under the following: Prerequisites and APEC Core Competencies Assessment.

To date, 48 Filipino engineers and 25 architects have gained certification from the APEC's Mutual Recognition Body. Through the APEC Mutual Recognition Program, a national system of equivalency now exists, 38 of which have been assessed by the Philippine APEC NMC, comprising Dr. Ethel Agnes Valenzuela (formerly of the CHED), Engr. Corazon de los Reyes-Romero of the PTC, and Commissioner Avelina de la Rea-Tan of the PRC. There are now ten new APEC Engineer applicants undergoing the process of review by the Philippine APEC NMC.

Given the stiff requirements imposed by the Philippine APEC NMC (e.g., getting a degree from either a COE and COD university), there have only been a low number of Filipino engineers in the APEC's Engineer Registry (Valenzuela and Caoili-Rodriguez, 2008: 24).

2. The ASEAN experience

The ASEAN Economic Ministers' Meeting in Phnom Penh in early 2003 agreed that two or more member countries could conduct negotiations and agree to liberalise trade in services for specific sectors or sub-sectors and other countries may join at a later date. Effectively, therefore, bilateral agreements could be reached within the wider sphere of ASEAN. Later the ASEAN Summit in Bali in October 2003, agreed to Mutual Recognition Arrangements (MRARs) based on agreed common competency standards being developed for accountants, architects, surveyors and engineers in the region by 2008, on an ASEAN 'Minus-X' basis. Later three more occupations were added.

The decision in 2004 to move towards greater economic integration has led to seven occupation-specific Mutual Recognition Arrangements (MRARs) being developed. However, ASEAN's history of negotiating these MRARs has shown this to be a difficult process. While they are all referred to as Arrangements in their titles, the acronym MRA is commonly used. This acronym is used internationally to refer to Mutual Recognition Agreements. The ASEAN MRARs are not MRAs where intense negotiations have led to a signed agreement that

standards, ethics, regulation and maintenance of ongoing competence are comparable and professionals are able to move readily between the relevant countries. They are Mutual Recognition Arrangements (MRARs) that operate as a mechanism for bringing AMS together to discuss professional standards, regulations, ethics and other aspects involved in the practice of a profession. To date, there have been no common sets of core competencies developed and agreed upon for any of the seven professions, as was anticipated in the Bali 2003 announcement.

Various types of MRARs have been developed and Table 1 shows that there are two types of arrangements in ASEAN, (A) and (B):

- A) Standard MRAR—there are five MRARs of this type in ASEAN. They require AMS to meet and discuss and then put in place bodies and laws/policies/practices, or adapt existing bodies/laws/policies/practices, to fulfill the major roles of domestic professional regulation and monitoring. Once they have done this, they are in a position to notify that they are ready to join or implement the MRAR. At the same time, the MRAR also requires new ASEAN-wide bodies to be established to oversee the process, handle disputes and monitor progress. Once these two steps have been undertaken the MRAR should start to work to fill the objectives outlined in Table 1. These MRARs do not lead to increased mobility but they are a first step in moving towards the harmonisation of standards.³
- B) Framework MRAR—there are two MRARs of this type in ASEAN. As Table 1 shows they are quite different in that they provide a clear starting point, only, for the discussion of standards, regulations, rules and requirements for mobility and they leave it up to individual AMS to negotiate firm MRAs. They do not propose to increase mobility of their own accord.

Table 1 summarises the key elements of ASEAN MRARs emphasising the objectives and mutual exemptions, the implementation requirements, the signatories and state of progress. The confusion in terminology between MRA and MRAR within ASEAN has led to some confusion in expectations,

Table of ASEAN Agreements/Arrangements ([Handout 5](#))

3. The Philippines/Malaysia architecture MRA

The Professional Regulatory Board of Architecture (PRBoA), fully reconstituted as of 30 March 2007 in full compliance with *Republic Act No. 9266 (The Architecture Act of 2004)*, is one of 44 Professional Regulatory Boards (PRBs) under the Professional Regulation Commission (PRC) of the Republic of the Philippines.

The PRBoA as an entity is under the administrative control and supervision of the PRC, a quasi-judicial and quasi-legislative entity that forms part of the executive branch of the Philippine Government. As such, it does not act independently on matters involving the regulation of the

³ One MRA in architecture was signed between Malaysia and the Philippines, before the MRAR process began in ASEAN.

practice of the profession of architecture in the Philippines. The reconstituted PRBoA is a collegial body and is active in the areas of executive action relating to the implementation and enforcement of *Republic Act* No. 9266 (otherwise known as the Philippine "*Architecture Act of 2004*"), its implementing rules and regulations (IRR) and derivative regulations e.g. other executive issuances of the PRBoA through the PRC.

The PRBoA supports the Asia-Pacific Economic Cooperation (APEC) Architects Registry and the Association of Southeast Asian Nations/ASEAN Mutual Recognition Agreement (MRA) for borderless architectural practice, as qualified under the protocols/agreements and as qualified by valid and subsisting laws on architectural practice in the Philippines.

4. AANZFTA

5. Philippines-Japan agreement (Handout)

6. Philippines-EU agreement (Handout)

Since 1980 the relationship between the Philippines and the EU had been governed by the EEC-ASEAN Cooperation Agreement.

In 2010 EU and Philippines signed **a new *Partnership and Cooperation Agreement (PCA)***. The PCA is not a free-trade agreement. While it enhances cooperation in various trade matters, it does not include specific trade concessions by either party. However, should the EU and Philippines decide to negotiate an FTA, the PCA would facilitate its conclusion.

(9) URGENT ISSUE: THE NEED FOR BETTER ACCREDITATION AND QUALITY ASSURANCE OF PHILIPPINES' EDUCATION AND SKILLS (HANDOUT 6)

In the negotiation of MRAs, the guarantee of the quality of the training and skills held by a natural person is paramount. In the absence of a national accreditation system it is very difficult for receiving countries to have certainty about the quality of the service that will be provided and it will mean that individual arrangements tests will need to be made.

The accreditation and quality assurance situation in the Philippines urgently needs attention. As a 2008 UNESCO report (Hawthorne, 2008: 16) states:

Given the importance of global credential recognition, growing attention is now being paid to Filipino quality assurance, in a context where private institutions have rapidly proliferated, few are covered by QA processes (as in the US), and incentives need to be provided for institutions to commit to national accreditation (a mere 19% currently covered, with 221 higher education institutions now being assessed). The quality of Filipino training remains highly variable, with subjects/disciplines assessed rather than the quality of institutions and staff. FCR challenges are also intensified by the Philippines' truncated secondary education system relative to other systems. Improved quality assurance in line with global norms appears to be a policy imperative ...

The full report on the Philippines is supplied as a handout. It is Valenzuela, E A P (2008), 'Migration and Education: Quality Assurance and Mutual Recognition of Qualifications – The Philippines', Southeast Asian Ministers of Education Regional Center for Educational Innovation and Technology, Manila.

In the conclusion (Valenzuela, 2008: 31), the author states:

As this study looked through the documents on mutual recognition for the Asia Pacific Region, and interviewed a number of key players on mutual recognition and migration, the main driving force seems to be the comparability of education. It is in the hands of the academe if the citizens of the country could use their education and training abroad. Increasingly, it is also in the hands of the professional associations if the academic and professional qualification will be properly presented, and given due recognition by their counterpart professional accrediting bodies.

Taking everything together, it has become evident that globalization and the fast technological progress impacts on migration. Enormous challenges arise from this development and in all of these changes, quality of education matters.

(10) DISCUSSION OF MAJOR STEPS IN THE FORM AND CONTENT OF AN AGREEMENT

1. Identification of participants
2. Purpose of agreement
3. Scope of agreement
4. Mutual recognition provisions
 - i. Eligibility for recognition
 - a. Qualifications
 - b. Registration
 - ii. Additional requirements for recognition

(11) CONCLUSION

What else do we need to know and how do we operate from here?

If MRAs are too difficult to achieve, what are the other options? Try to **join existing MRA negotiations** when notifications are received by the WTO. Try to negotiate MRARs on (a) bilateral basis - if EU-wide basis is not possible. **Go beyond** the assessment of 'paper

qualifications' (degrees and diplomas) to an assessment of demonstrated experience, certificates of competence or tests of competence.

What else can the Philippines government do?

- Involve professional bodies more;
- Provide practical assistance and 'know-how' to professions;
- Use the skills of employers in developing agreements;
- Develop greater expertise in negotiating agreements;
- Improve quality of Philippines' training to meet international competency standards;
- Streamline entry procedures and consider a GATS type of visa – this would facilitate data collection and speed up entry;
- Learn from international good examples - eg Indian example of the Indian Institute of Corporate Affairs—established by the Ministry of Corporate Affairs, Government of India in the year 2008 to 'take up training and capacity building and also to act as a think tank on corporate matters; designed with an eye on the future to provide a platform for dialogue, interaction and partnership between governments, corporates, investors, civil society, professionals, academicians and other stakeholders in the emerging 21st century corporate environment'.

(12) SUMMARY OF FINDINGS AND RECOMMENDATIONS

A training report was prepared and submitted to DOLE on completion of the workshops. This contained the following major findings and recommendations.

(1) Considerable existing activity/expertise in internationalisation of some professions:

- accounting
- engineering
- much less in others

- 1) In this context the main points raised were:
- 2) the possibility of achieving MRAs/MRARs was questioned;
- 3) improvement of Filipino training, accreditation and quality assurance seen as first priority; and
- 4) harmonisation to international standards is seen as vitally important.

Three recommendations were proposed in this section.

(2) Major perceptions on reasons for lack of progress on MRAs/MRARs:

- protectionism of professional bodies
- professional bodies not involved in negotiations
- absence of international standards – except for seafarers, welders, actuaries,
- lower quality of training in the Philippines
- large amount of regulation
- few government initiatives to encourage MNP

Three recommendations were proposed in this section.

(3) Perceptions on lack of progress on MNPs

Very little progress on Mode 4 in the Philippines, as elsewhere - perhaps need a study or stock-take.

Lack of coordination at the government level on the Movement of NPs is a major problem in all AMS, as it is here.

Relatively few people fully understand the concepts and policy implication of MNPs and MRAs/ MRARs and the ongoing training of key officials and tripartite members is needed—covering topics in these workshops and others.

Four recommendations were proposed in this section.

Full List of Recommendations

Recommendation 1: professions collate information on policies, laws and regulations for qualification, accreditation, licensing, continued education etc. for their occupation.

Recommendation 2: governing bodies of occupations take responsibility for aligning their standards with international standards, where possible, or with alternative standards that match their major potential contractual service supplier or IP destinations.

Recommendation 3: professional bodies be authorised to take a role in negotiating MRAs, where appropriate, and that the government provide backup and overview advice.

Recommendation 4: DOLE provide experts to assist sectors individually, either in supporting their current activities or in promoting knowledge and expertise on the development of MRAs or other arrangements for qualifications assessment and recognition.

Recommendation 5: DOLE develop a model or pro forma for an MRA, to use as a starting point in developing an occupational MRA.

Recommendation 6: DOLE provide practical assistance and guidance, contact points and suggested partner countries for developing MRAs in specific occupations.

Recommendation 7: study or stock-take is needed to evaluate the current position on MNPs in the Philippines and major barriers.

Recommendation 8: mechanism for incorporating other tripartite members into pre-negotiation meetings needs to be found or to take them in as co-negotiating parties.

Recommendation 9: Establishment of a MNP working group that includes key industry, labour and government representatives—to incorporate a body of people who understand and can discuss/debate the issues.

Recommendation 10: Above group could conduct/ organise seminars and information sessions for other interested parties.

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