

COMMUNICATION FROM COLOMBIA¹

Professional Services

The following communication has been received from the delegation of Colombia with the request that it be circulated to Members of the Council for Trade in Services.

I. INTRODUCTION

1. In accordance with the services sectoral classification list in document MTN.GNS/W/120, professional services encompass a wide range of fields: legal services, accounting, auditing and bookkeeping services, taxation services, architectural services, engineering services, integrated engineering services, urban planning and landscape architectural services, medical and dental services, veterinary services and services provided by midwives, nurses, physiotherapists and para-medical personnel. These services have a common characteristic, namely practice of the respective profession is recognized by the competent authority.

2. Domestic regulations on the provision of professional services include qualification-related requirements which, together with profession-specific regulations, aim to guarantee the quality of the service as well as protection of society and the consumer.

3. Professional service providers in developing countries are typically small firms or self-employed professionals; that is to say, business is small-scale and the predominant mode of supply is through the presence of natural persons.

4. The quality of higher education in developing countries has significantly increased and the academic standard of professional training is now comparable to that of developed countries. The educational background and experience of professionals in developing countries enables them to be competitive in the international arena as far as rendering professional services is concerned.

II. PROPOSALS

5. Recognition of qualifications, academic certifications and experience gained in other Members' territory should be encouraged. Qualifications should be checked within reasonable periods.

¹ Colombia reserves the right to amend this proposal at any time. This communication does not constitute an offer by Colombia in relation to this sector.

6. The procedures for presenting and processing a request for authorization to exercise a profession in another Member country should not in themselves be a restriction on the supply of the service.

7. Members should ensure full compliance with and the effective implementation of Article IV.2(b) of the GATS (Increasing Participation of Developing Countries): "Developed country Members, ..., shall establish contact points, ..., to facilitate the access of developing country Members' service suppliers to information, related to their respective markets, concerning: (b) registration, recognition and obtaining of professional qualifications; and (c) the availability of services technology".

8. Members should ensure full compliance with and the effective implementation of Article VII of the GATS (Recognition), in particular paragraph 2, which states that "A Member that is a party to an agreement or arrangement of the type referred to in paragraph 1 (recognition of education and experience), 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".

9. The legitimate concern about protecting society and consumers and guaranteeing service quality can be satisfied by the use of guarantees or temporary licensing procedures, *inter alia*. Nationality and residence requirements are a barrier to trade in professional services and should be abolished.

10. Commitments should be undertaken which pave the way for the entry of professional service providers through the mode of supply known as movement of natural persons in such a way as to facilitate the stay of foreign professionals, subject to compliance with domestic requirements.
