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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the Union within the Joint Committee on Mutual Recognition of Professional Qualifications established under the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part, as regards the adoption of a decision on an agreement on the mutual recognition of professional qualifications for architects

COUNCIL DECISION (EU) 2023/...

of ...

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Decision (EU) 2017/37¹ provides for the signing, on behalf of the Union, of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part. CETA was signed on 30 October 2016.
- (2) Council Decision (EU) 2017/38² provides for the provisional application of parts of CETA, including the establishment of the Joint Committee on Mutual Recognition of Professional Qualifications (the ‘MRA Committee’). CETA has been provisionally applied since 21 September 2017.
- (3) On 22 May 2018, the Regulatory Organizations for Architecture in Canada (ROAC (formerly ‘Canadian Architectural Licensing Authorities’ (CALA)) and the Architects’ Council of Europe (ACE) submitted a Joint Recommendation to the MRA Committee. At its meeting of 16 April 2019, the MRA Committee agreed that the requirements of Chapter Eleven of CETA are met and the documents provided by ROAC and ACE constitute an acceptable Joint Recommendation for a Mutual Recognition Agreement (MRA), in particular as far as its potential value and the compatibility of the licensing or qualification regimes of the Parties are concerned.

¹ Council Decision (EU) 2017/37 of 28 October 2016 on the signing on behalf of the European Union of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (OJ L 11, 14.1.2017, p. 1).

² Council Decision (EU) 2017/38 of 28 October 2016 on the provisional application of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (OJ L 11, 14.1.2017, p. 1080).

- (4) At its meeting of 24 November 2020, the MRA Committee established the negotiating entities and established the steps to negotiate an MRA. A series of nine negotiation rounds were held between 24 March 2021 and 10 March 2022.
- (5) The draft MRA negotiated between the Union and Canada provides for the mutual recognition of professional qualifications under specific and strict conditions. With regard to the recognition of Canadian professional qualifications, the draft MRA requires a minimum of 12 years of education, training and professional experience as an architect, a valid professional licence or registration as an architect from a competent authority in Canada and being of good standing. The requirement to obtain a valid professional licence or registration as an architect implies completion of studies in conformity with the Canadian Education Standard and the Canadian Architects Certification Board accreditation system. Assessment of the conditions on which a registration or licence is obtained formed the basis for the conclusion in the Joint Recommendation to recognise that standards of education and practical training of architects in Canada were acceptable.
- (6) The MRA will set out rules according to which the professional qualifications of architects can be recognised and access be given to professional architectural activities in both Parties and therefore will facilitate trade in architectural services.

- (7) The MRA Committee is to adopt a decision on an MRA.
- (8) It is appropriate to establish the position to be taken on the Union's behalf in the MRA Committee as regards the adoption of a decision on an MRA, as the MRA will be binding on the Union.
- (9) The position of the Union within the MRA Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Joint Committee on Mutual Recognition of Professional Qualifications (the 'MRA Committee') as regards the adoption of a decision on an agreement on the mutual recognition of professional qualifications of architects shall be based on the draft Decision of the MRA Committee attached to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

For the Council
The President
