

我國專門職業資格之國際相互認許  
出席亞太建築師第2次中央議會經過與展望

考選部 編印  
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# 我國專門職業資格之國際相互認許

## 出席亞太建築師第 2 次中央議會經過與展望

黃慶章 撰

### 壹、前 言

2005 年 6 月 1 日亞太建築師中央議會正式成立後，亞太建築師登錄制度已自 2005 年 9 月 19 日開始起動。2006 年 5 月 23 日至 24 日，亞太建築師計畫第二次中央議會會議(APEC Architect Project Second Central Council Meeting)在墨西哥市舉行，有亞太經合會 14 個經濟體參加。本次會議同意原為觀察員的新加坡及韓國成為正式會員，加上 2005 年東京會議的 12 個創始會員：澳洲、加拿大、中國、香港、日本、馬來西亞、墨西哥、紐西蘭、菲律賓、中華台北、泰國及美國，目前亞太建築師中央議會已經成長至 14 個會員經濟體。

亞太建築師計畫第二次中央議會會議除了討論會務工作外(如登錄證書及識別卡樣式、中央議會秘書處之輪派原則、下次中央議會時間及地點等)，本次會議最重要的議題是建立亞太建築師互惠認許架構(APEC Architect reciprocal recognition framework)，由各參與經濟體分別承諾將提供何種開放外國建築師執業之條件，並鼓勵承諾開放程度相當之經濟體儘快展開相互認許的談判。

根據《亞太建築師操作手冊》，亞太經濟合作會議(Asia Pacific Economic Cooperation, APEC)以世界貿易組織(World Trade Organization, WTO)服務貿易總協定(General Agreement on Trade in Services, GATS)的各項原則為基礎，透過減少法規限制以利服務貿易的持續自由化，最後促進會員經濟體之間建立適當的互利協定。其中，亞太建築師計畫(APEC Architect project)目的是發展相關機制以促使當前針對來自其他經濟體之建築師的專門職業認許之各項限制能予減少或移

除；登錄成爲一位亞太建築師，相當於證明符合地主國亞太經濟體對於建築師的一部分或全部的認許條件。

爲利我國未來在亞太建築師計畫的架構下，展開與其他經濟體的建築師專門職業資格相互認許談判，本文檢視國際間已有的建築師相互認許協定，包括澳洲與紐西蘭、歐盟、美國與加拿大、中國與香港等 4 項雙邊或複邊協定，歐盟與墨西哥、美國、加拿大正在進行的談判，以及國際建築師組織建立之國際標準等，分析其認許機制特色，並據以進一步提出具體建議意見。

## 貳、建築師國際相互認許概況

建築師是專門職業服務業的一種，受過正規的專業養成教育或訓練，並經過考試或相當的資格衡鑑程序，加上專業實務的歷練，才能取得執業資格；其後，還可能必須接受持續專業教育(continued professional development)等職業管理機制，以確保其能維持相當的執業品質。

世界貿易組織(WTO)於 1995 年 1 月 1 日正式成立，總部設在瑞士日內瓦，以有效管理及執行烏拉圭回合之各項決議，其所轄之貿易協定除了 GATT 1994 之外，尚包括其他許多協定，例如：「服務貿易總協定」、「與貿易有關智慧財產權協定」、及「爭端解決規則與程序瞭解書」等。其中，依照服務貿易總協定(GATS)，服務貿易原則上應符合最惠國待遇原則，各有關法規應符合透明化及公平性之要求，惟如屬區域性經濟整合協定或基於公共道德或國防安全則可排除服務貿易總協定之適用。會員在本協定下承諾開放之服務業市場，應依最惠國待遇對所有會員開放，不得加以互惠條件或其他限制，但服務貿易總協定亦允許會員對少數部門提出最惠國待遇適用豁免或採取保留措施，各類豁免一般限用十年且每五年應檢討乙次。另由於各國國內法規、非邊境措施對服務貿易有極大之影響，故亦規定所有規定之執行必須以合理之方式管理。

我國專門職業及技術人員考試建制之初，即開放部分考試供外國人報考，加入 WTO 之後，也遵循 GATS 規定擴大開放外國人報考專門職業及技術人員考試，以下首先探討 GATS 的相關規定，再進一步分析國際間若干代表性的建築師相互認許協議，作為未來推動我國對外談判建築師相互認許的參考。

### 一、我國加入 WTO 與開放外國人報考建築師考試

我國於 2002 年 1 月 1 日成為 WTO 的正式會員。在申請成為正式會員時，我國依據與 WTO 同意之條件，透過工作小組之成立與談判，以及提出貨品貿易與服務貿易之市場開放承諾表，在 WTO 全體會員同意下加入 WTO。

GATS第VI條「國內規章」(Domestic Regulation)第 6 項規定：「與專業性服務有關之行業已被提出特定承諾時，會員應提供適當程序，以驗證其他會員專業人員之能力。」<sup>1</sup>依照WTO秘書處 1998 年的分析(WTO, 1998)，在烏拉圭回合談判結束至 1998 年之間，共有 61 個會員對專門職業服務業(Professional Services)中的建築服務業提出特定承諾，略少於對於技師服務業提出承諾的會員數(69 個)，但高於法律服務業及會計服務業。

根據我國向 WTO 提出之特定承諾表(Schedule of Specific Commitments)(WTO, 2002; 台灣 WTO 中心, 2004)，我國在專門職業服務業中提出特定承諾的行業，包括下列 6 項(參見表一)，依上開服務貿易總協定之規定，必須開放讓其他 WTO 會員之國民參加各該專門職業及技術人員考試，以驗證其執業能力：

1.法律服務業：(1)允許取得我國律師資格之外國人，以獨資或合夥方式設立事務所提供服務；(2)允許取得外國法事務律師資格者，以獨資或合夥方式設立事務所提供國際法及其母國法之服務，並於我國加入W T O時，得僱用我國律師或與我國律師合夥設立事務所；(3)具一定資格之外國人，得以助理或顧問身分，受僱於我國律師或外國法事務律師。

2.會計、審計及簿記服務業：(1)除涉及會計簽證業務外，開放「跨國提供服務」及「國外消費」；(2)取得我國會計師資格者得以獨資或與其他會計師聯合執業方式執業；(3)開放審計(部分審計業務需會計師簽證)及簿記服務業。

3.租稅服務業：除所得稅簽證業務限由取得我國租稅代理人資格者辦理外，其他服務均予開放。

4.建築服務業：除建築簽證業務限由取得我國建築師資格者辦理外，其他服務均予開放。

5.技師服務業：除技師簽證業務限由取得我國技師資格者辦理外，其他服務均予開放。

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<sup>1</sup> “In sectors where specific commitments regarding professional services are undertaken, each Member shall provide for adequate procedures to verify the competence of professionals of any other Member.”

本報告引用之服務貿易總協定(GATS)條文，中文部分，參見經濟部國際貿易局(2004)。英文部分，參見 WTO(1994)。



6.獸醫服務業：允許取得我國獸醫師及獸醫佐資格者，設立獸醫診所提供服務。

其中，在建築師部分，我國在 1971 年 12 月 27 日制定公布建築師法，第 54 條第 1 項即已經規定：「凡外國依其法律，准許中華民國人民充任建築師者，其人民得依中華民國法律，應建築師考試。」1997 年 5 月 7 日，因應我國加入世界貿易組織(WTO)，刪除此一互惠規定，並修正為「外國人得依中華民國法律應建築師考試。」

另依 2001 年 4 月 18 日考試院訂定發布之專門職業及技術人員高等考試建築師考試規則第 21 條規定，外國人具有本規則規定之應考學經歷資格，且無不得應考之情事者，得應本考試或申請部分科目免試。目前，僅具專科以上學校正規建築系科畢業資格者，應試科目共 6 科(一、建築計畫與設計；二、敷地計畫與都市設計；三、營建法規與實務；四、建築結構；五、建築構造與施工；六、建築環境控制)；具有專科以上學校正規建築系科畢業資格，並曾任建築工程工作，成績優良(其服務年資，研究所畢業或大學五年畢業者為三年，大學四年畢業者為四年，專科學校畢業者為五年)，或兼具曾任公立或立案之私立專科以上學校教職年資(講師三年以上、助理教授或副教授二年以上、教授一年以上)，講授建築主要學科至少二科者，應試科目為 5 科(一、建築計畫與設計；二、敷地計畫與都市設計；三、營建法規與實務；四、建築結構；五、建築構造與施工)；領有外國建築師證書，經考選部認可，並具有建築工程工作一年以上者，應試科目為 4 科(一、建築計畫與設計；二、敷地計畫與都市設計；三、營建法規與實務；四、建築結構)。

其中在學歷部分，外國人持有之學歷條件須經教育部承認。而依教育部於 2005 年 7 月 6 日修正發布之《國外學歷查證(驗)及認定作業要點》，持教育部已建立參考名冊之國外學歷者，應檢具相關證件或文件(包括經我國駐外館處驗證之學歷證件、歷年成績證明等)，送由各機關(構)、學校逕行查驗及認定；藝術類文憑或教育部未建立參考名冊之國外學，則由各機關(構)、學校另行函請駐外館處協助查證及認定，其條件包括該學校應為當地國政府權責機關或專業評鑑團體所認可，修業期限、修習課程應與國內同級同類學校規定相當。(教育部，2005)

表 1 臺灣、澎湖、金門及馬祖個別關稅領域服務業特定承諾表及最惠國待遇豁

免表(2001年11月7日)：節錄專業服務業部分

提供服務之型態：(1)跨國提供服務 (2)國外消費 (3)商業據點呈現 (4)自然人呈現			
行業或次行業別	市場開放之限制	國民待遇之限制	附加承諾
貳、特定行業承諾			
一、商業服務業			
A·專業服務業			
(a)法律服務業(861**)			
i.由「外國法事務律師」提供之法律服務 —外國法事務律師獨立執行其原資格國法或國際法 —有關婚姻、親子或繼承事件當事人一造為中華臺北人民或遺產在中華臺北境內之個案，外國法事務律師須與中華臺北律師合作或取得其提供之書面意見始得為之。	(1)無限制。 (2)無限制。 (3)限由已以獨資或合夥方式設立法律事務所之自然人提供。合夥人限於取得「外國法事務律師」之自然人。 (4)除水平承諾所列者外，不予承諾。	(1)無限制。 (2)無限制。 (3)事務所之名稱須表明「外國法事務律師」。 (4)除水平承諾所列者外，不予承諾。	(3) (a)中華臺北將依下列條件許可「外國法事務律師」： i.服務提供者在其原資格國為合格律師；且 ii.服務提供者在其原資格國以律師身分執業五年以上。但外國律師曾受中華臺北律師聘僱為助理或顧問，或曾在其他國家或地區執行其母國法者，其受僱或執業期間，以二年為限，得計入所須之五年執業經驗中。 iii.中華臺北加入WTO以前，已依中華臺北「律師聘僱外國人許可及管理辦法」受僱於中華臺北律師擔任助理或顧問之外國律師，申請時受僱滿二年者得申請成為「外國法事務律師」。
ii.外國法助理或顧問 —協助中華臺北律師或外國法事務律師，但不得以助理或顧問本身名義從事訴訟或提供其他法律服務	(1)無限制。 (2)無限制。 (3)限由自然人提供。 (4)除水平承諾所列者外，不予承諾。	(1)無限制。 (2)無限制。 (3)無限制。 (4)除水平承諾所列者外，不予承諾。	(b)加入WTO時，中華臺北將准許「外國法事務律師」僱用中華臺北律師或與中華臺北律師合夥。 (c)外國人於大學法律相關科系畢業，或至少有二年法律相關工作經驗，或通過任何國家律師考試者，得受僱於中華臺北律師或外國法事務律師擔任助

提供服務之型態：(1)跨國提供服務 (2)國外消費 (3)商業據點呈現 (4)自然人呈現			
行業或次行業別	市場開放之限制	國民待遇之限制	附加承諾
(b)會計、審計及簿記服務業(862) i.會計師(862**)	(1)除中華臺北會計師簽證相關服務限由中華臺北會計師提供外，無限制。 (2)除中華臺北會計師簽證相關服務限由中華臺北會計師提供外，無限制。 (3)限由已設立非公司型態之事務所之自然人提供服務。 (4)除水平承諾所列者外，不予承諾。	(1)無限制。 (2)無限制。 (3)無限制。 (4)除水平承諾所列者外，不予承諾。	理或顧問工作。
ii.其他(會計師除外)(862**)	(1)無限制。 (2)無限制。 (3)無限制。 (4)除水平承諾所列者外，不予承諾。	(1)無限制。 (2)無限制。 (3)無限制。 (4)除水平承諾所列者外，不予承諾。	
(c)租稅服務業(863) i.所得稅簽證服務業(863**)	(1)除中華臺北所得稅簽證相關服務限由中華臺北稅務代理人提供外，無限制。 (2)除中華臺北所得稅簽證相關服務限由中華臺北稅務代理人提供外，無限制。 (3)限由已設立非公司型態之事務所之自然人提供服務。 (4)除水平承諾所列者外，不予承諾。	(1)無限制。 (2)無限制。 (3)無限制。 (4)除水平承諾所列者外，不予承諾。	
ii.租稅服務業(由稅務代理人提供之所得稅簽證服務除外)(863**)	(1)無限制。 (2)無限制。 (3)無限制。 (4)除水平承諾所列者外，不予承諾。	(1)無限制。 (2)無限制。 (3)無限制。 (4)除水平承諾所列者外，不予承諾。	
(d)(e)(f)(g) 建築(8671)、工程(8672)、綜合工程(8673)及都市規劃與景觀建築(8674)服務業 i.建築師	(1)除中華臺北建築師簽證相關服務限由中華臺北建築師提供外，無限制。 (2)除中華臺北建築師簽證相關服務限由中華臺北建築師提供外，無限制。	(1)無限制。 (2)無限制。 (3)無限制。 (4)除水平承諾所列者外，不予承諾。	

提供服務之型態：(1)跨國提供服務 (2)國外消費 (3)商業據點呈現 (4)自然人呈現			
行業或次行業別	市場開放之限制	國民待遇之限制	附加承諾
ii. 專業技師	<p>師證相關服務限由中華臺北建築師提供外，無限制。</p> <p>(3)限由已設立非公司型態之事務所之自然人提供服務。</p> <p>(4)除水平承諾所列者外，不予承諾。此外，在中華臺北設立之建築師事務所得僱用建築、土木及相關工程技術之外國技術人員。</p>	<p>(1)無限制。</p> <p>(2)無限制。</p> <p>(3)無限制。</p> <p>(4)除水平承諾所列者外，不予承諾。</p>	
iii. 其他(建築師及專業技師簽證服務除外)	<p>(1)無限制。</p> <p>(2)無限制。</p> <p>(3)無限制。</p> <p>(4)除水平承諾所列者外，不予承諾。</p>	<p>(1)無限制。</p> <p>(2)無限制。</p> <p>(3)無限制。</p> <p>(4)除水平承諾所列者外，不予承諾。</p>	
(i) 獸醫服務業(932)	<p>(1)除開處方、診斷及診察相關業務須由取得執業許可之中華臺北獸醫師提供外，無限制。</p> <p>(2)無限制。</p> <p>(3)</p> <p>(a)限由已設立非公司型態之獸醫診所之自然人提供服務。</p> <p>(b)獸醫佐須具備下列證明文件之一：</p> <p>i. 擔任獸醫助理四年以上；</p> <p>ii. 從事獸醫相關業務五年以上。</p> <p>(4)除水平承諾所列者外，不予承諾。</p>	<p>(1)無限制。</p> <p>(2)無限制。</p> <p>(3)無限制。</p> <p>(4)除水平承諾所列者外，不予承諾。</p>	
(以下略)	(以下略)	(以下略)	(以下略)

資料來源：經濟部國際貿易局(2001)。

## 二、服務貿易總協定之相互認許機制

GATS 涉及專門職業服務業自由化議題的條文，除了第 VI 條「國內規章」外，尚有 2 條重要條文，首先是第 VII 條「認許」(Recognition)，特別是其第 1 項規定：「…，會員對在特定國家取得之學位、經歷、資格、執照或證書得予以認許」(…, a Member may recognize the education or experience obtained, requirements met, or licenses or certifications granted in a particular country)。

基本上，這項規定有其現實上的考慮：既然各會員彼此間存在太多的法規制度差異性，要達成認許協議的話，雙邊(bilaterally)或複邊(plurilaterally)的諮商或談判，會較多邊(multilaterally)諮商或談判來得容易；如果要求認許應自動擴及所有其他 WTO 會員，可能會抑制，而非助長雙邊或複邊相互認許協議(Mutual Recognition Agreements, MRAs)諮商或談判的進行。因此，第 VII 條容許會員違反 GATS 第 II 條的最惠國待遇原則(the MFN requirement)<sup>2</sup>，也就是說，第 VII 條容許會員僅對特定 WTO 會員進行認許，而不及於其他會員。不過，第 VII 條同時也對這項自由設定了若干限制，其第 2 項規定：參加 MRAs 的會員，不論 MRA 為現存或將來訂立者，該會員應提供其他有興趣之會員適當機會，以諮商其加入該協定或協議，或諮商其他相當之協定或協議。為了落實此第 2 項規定，本條第 4 項進一步規定：各會員於諮商 MRAs 前，應儘早通知服務貿易理事會(Council for Trade in Services)，以提供適當機會予其他會員，俾於進入實質階段前，表達其參與此項諮商之興趣。此外，對第 3 者更具保障作用的是本條第 3 項規定：會員於給予認許時，不得使適用於服務提供者之許可、核照或檢定等之標準或要件，在各國間造成差別待遇或造成服務貿易之隱藏性限制。整體而言，第 VII 條儘可能在(1)雙邊及複邊協議的現實需要，(2)兼顧最惠國待遇原則等二方之間求取平衡，並要求參與協議之會員，應提供協議外之其他會員參與的機會。不過，第 VII 條除了第 3 項限制不得形成差別待遇，以及第 4 項要求資訊透明之外，本條規定仍舊

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<sup>2</sup> GATS 第 II 條第 1 項規定：「關於本協定所涵蓋之措施，各會員應立即且無條件地對來自其他會員之服務或服務提供者提供不低於該會員給予其他國家相同服務或服務提供者之待遇。」

保留各會員享有自行決定認許方式的極大空間。

其次，另一個涉及專門職業服務業自由化的 GATS 條文，是第 V 條「經濟整合」(Economic Integration)，目前甚多認許機制是包含在區域貿易協定(Regional Trade Agreements, RTAs)或自由貿易協定(Free Trade Agreements, FTAs)之中，諸如澳紐緊密經濟關係貿易協定(Australia New Zealand Closer Economic Relations Trade Agreement, ANZCERTA)、歐盟(European Union)。透過 RTAs 設立的認許機制，並不須要依第 VII 條第 4 項規定向服務貿易理事會報告，在此種情況下，未參加 RTAs 的會員無法知悉其他會員是否簽署或正在諮商 MRA，當然也就沒有機會聲請加入。

至於簽署 MRAs 的主體，也不以政府為限。就專門職業服務業而言，通常受到國內規章的規範或管制，這種職業管理涉及相當複雜的事務；若干國家採聯邦體制，由聯邦所屬的各邦或各州實際負責管理專門職業；也有若干國家由政府立法，實際的管理事項係交由民間專業團體自律(self-regulation)；自律團體可能依法設立，並在法律中明定由政府授予自律團體相關權利及自主性。因此，簽署 MRAs 的主體，可能是國與國，可能是法律授權的政府機關與另一國家的政府機關，可能是專業團體與另一國的專業團體，也可能是這 3 種主體的不同組合。

就國際間建築師執業資格相互認許協議的現狀而言，大多源於專業團體彼此間簽署協定，由政府主管機關(或州、邦之機關)配合執行，但同時屬於區域貿易協定的一環。

### 三、建築師國際相互認許概況

WTO 杜哈回合談判議題(the Doha Development Agenda)主要聚焦於貨品貿易，尤其是農業的各種保護政策。相對而言，有關服務業貿易的談判卻很少受到關注，因此也很少有所進展。究其原因，主要為：1. 對 GATS 所作的承諾，極易對會員造成不當的且難以預料的法規管制自由限制；2. 許多國家的法規制度過於脆弱，不足以因應自由化市場的挑戰；3. 缺乏法規管制合作機制，對於來自其他會員的服務提供者品質難以掌控(Mattoo, 2005)。MRAs 亦然，經初步清查，WTO

各會員最近一次知會服務貿易理事會的MRAs是 2004 年 2 月 27 日，澳洲與日本分別提報的二國執業技師相互認許協議(WTO, 2004b)<sup>3</sup>。

根據 Nielson(2002)的分析研究，MRAs 大多由相鄰近國家所簽訂，或附屬在區域合作(整合)計畫之中。目前既有的 MRAs 大多存在於已開發國家之間(尤其是 OECD 國家)；由開發中國家彼此間、或開發中國家與已開發國家之間所簽訂的 MRAs 為數不多，而且主要還是居於較高開發層次的開發中國家；另外，非洲及亞洲國家(除中國、香港、澳門外)彼此間幾乎完全沒有任何認許協議。

其次，就各國簽訂的 MRAs 內容而言，大多數並未提供資格的自動認許機制，而且大多只是對另一國家學歷的認許，如拉丁美洲各國間之協議多屬此一模式，目的在使當事人能夠申請深造的機會。相互認許之內容涵蓋到專門職業人員能夠移動到另一國家執業的協議，主要是存在於區域貿易協定(RTAs)的架構中，如歐盟(EU/EEA)，以及澳紐緊密經濟關係貿易協定中的泛塔斯曼相互認許約定(Trans-Tasman Mutual Recognition Arrangement, TTMRA)。由於認許協議大多由專業團體負責談判或諮商，故而認許的專門職業人員，通常僅限於已經國際化的專門職業，如建築師、技師及會計師。

國際間相互認許缺乏進展，其原因主要包括(Nielson, 2002)：1.WTO 各會員

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<sup>3</sup> 本件MRA的標題為“A Bilateral Framework to Facilitate Mobility for Mutual Recognition of Registered/Licensed Engineers”，是根據澳洲與日本貿易與經濟架構(Australia’s Trade and Economic Framework with Japan)而發起，於 2003 年 10 月 1 日由 4 個機關(構)共同簽署：澳洲技師學會(the Institution of Engineers Australia, (Engineers Australia))；澳洲國家技師登錄委員會(the National Engineering Registration Board in Australia)；社團法人日本技術士會(the Institution of Professional Engineers, Japan (IPEJ))；日本文部科學省(Japan’s Ministry of Education, Cultures, Sports, Science and Technology(MEXT))。本件MRA規定一國取得APEC工程師資格的執業技師可在另一國登錄或領取執照。(此雙邊架構文件參見日本文部科學省，2003)

依據此一雙邊架構之內容，其適用對象為登錄/領照技師且其姓名登載於母國之 APEC 工程師登錄冊上者。至於申請人之出生地或受教育地點，則不受限制。此架構僅適用於兩國均有相當執業範圍之技師科別，如機械、電子、化學等技師；對於執業範圍不同之技師科別，則不適用之。但申請人亦得循其他替代程序申請取得地主國的登錄/領照資格。

申請人除須聲明其姓名登載於母國 APEC 工程師登錄冊外，並須符合下列 4 項條件：(1)同意遵守地主國之法律規章，遵循地主國的持續能力保證要求，遵從真實、誠實、廉潔等道德標準並據以有道德地執業，包括至少應遵守地主國的道德標準。(2)證明其在地主國已取得相當一年的經驗。(3)向地主國說明先前有無登錄/核照之申請舊案。(4)完成申請表格並支付必要規費。值得注意的是，依本項雙邊架構，在地主國取得登錄/領照資格後，仍然會受到地主國移民及簽證等條件之限制。

每一國自行安排評估申請案之方式，如果進行考試或口試時，應讓另一國指派代表擔任觀察員。

間對於專門職業人員的養成教育及訓練制度差異極大，各國教育及訓練制度背後隱含的文化背景及政策論據也有很大的不同。2.各會員國憂心失去法規管制的主權地位，或擔心認許結果會導致資格標準或執業水準的齊一化，甚至只能以最小公約數達成協議，以致降低素質。3.若干開發中國家缺乏部分專門職業的證照制度(licensing systems)，或缺乏正式資格評鑑機制(qualification mechanisms)，以致無從判斷相等性(equivalence)；此外，包括在職訓練、正式訓練等事項的相等性，也不易計算。4.許多認許提案必須尋求專門職業團體的密切配合，或由其主動提案，但若干開發中國家可能欠缺有組織、有資源且具代表性的職業團體；此外，對於開放額外的外國建築師進入市場，專門職業團體可能興趣缺缺。5.專業團體不瞭解 MRAs 可能有助於提昇開發中國家的專門職業水準，或認為 MRAs 只是市場侵略的工具，而非創造境外工作機會的工具。6.建立認許機制需要投入大量資源且涉及高度複雜的作業程序，卻很難預期有多少短期的市場開放利潤，以平衡推動 MRAs 所需的成本。7.缺乏配套的市場開發及國民待遇承諾，以致缺乏諮商 MRAs 的誘因。

目前各國簽署的 MRAs 數量不多，以下就建築師執業資格具代表性的 MRAs 進行分析。

#### (一)澳紐緊密經濟關係貿易協定

1983 年生效的澳紐緊密經濟關係貿易協定(Australia New Zealand Closer Economic Relations Trade Agreement, ANZCERTA)是WTO認定的一個典型自由貿易協定，由澳洲與紐西蘭兩國政府簽訂(government - government agreement)，但 ANZCERTA不僅是一項自由貿易協定(FTA)，其涵蓋內容包括所有層面的澳洲・紐西蘭貿易及經濟關係；除了促進貨品及服務業的雙邊貿易外，兩國並透過 ANZCERTA架構，就檢疫、關稅、交通、法規管制及產品標準、商事法事件等進行緊密合作(Commonwealth Government, 2005)。1998 年 5 月 1 日起，紐澳兩國



進一步簽訂的泛塔斯曼相互認許約定(TTMRA)正式運作<sup>4</sup>，成為建築師等各類專門職業人員資格認許的主要依據。

根據 TTMRA，除特定醫事人員外，依澳洲法律登錄執行某一職業的人，有權依紐西蘭法律執行該一相等職業；依紐西蘭法律登錄執行某一職業的人，也有權依澳洲法律執行該一相等職業。當事人申請在地主國登錄時，應向相關該地主國之地方政府登錄機關提出書面申請。地方政府得針對登錄設定條件，但限於目的在維持當事人先前登錄時所附帶的條件，或基於達到職業間相等性的必要。地方政府登錄機關如發現當事人之登錄資格被其他政府撤銷或廢止，或因民刑事案件或懲戒程序而被禁止執業者，可以撤銷或廢止該當事人之登錄資格。

對於當事人提出的登錄申請，應於書面申請送達地方政府登錄機關後 1 個月內核發登錄證件；但如書面申請所附文件或資料登載錯誤或不齊、申請後當事人之資格條件發生重大改變、申請登錄之職業並非相等的職業，核發登錄證件之期限得延長至 6 個月，登錄機關並得設定登錄條件，以達到職業間的相等性；如書面申請所附文件或資料登載錯誤或不齊，或申請登錄之職業並非相等的職業，且無法以設定條件方式達到相等性，地方政府登錄機關可以拒絕核發登錄證件。

經核發後，登錄證件自原申請日開始生效。而在當事人向地方政府登錄機關提出申請後，即取得臨時登錄資格(Deemed Registration)，並得比照正式登錄資格執行該職業。

對地方政府登錄機關所作之決定，可向申訴委員會要求覆審。紐西蘭的主管部長與至少一位澳洲相關政府之部長可以共同宣告特定職業具相等性，並有權界定或說明達到相等性所必要之各種條件。部長宣告之效力優於申訴委員會的決定。

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<sup>4</sup> 澳洲為聯邦國家，其憲法並未授權國會制定法律規範專門職業，因此，對於專門職業的法規管制權限屬於各州及地區政府。1993 年 3 月 1 日，澳洲相互認許協定(MRA)開始運作，規定：任何人在任一州或地區登錄或領有執照以執行某一職業，她(他)即有權在任一其他州或地區登錄相等的職業(equivalent occupation)，而不需要再經過額外的資格或經歷的評鑑；但各立法機關可以立法設定達到相等性(equivalence)所必要的登錄條件。1998 年 5 月 1 日開始運作的泛塔斯曼相互認許約定(TTMRA)，基本上為澳洲政府將其國內之相互認許協定擴大適用至紐西蘭。參見 WTO(2004c)。

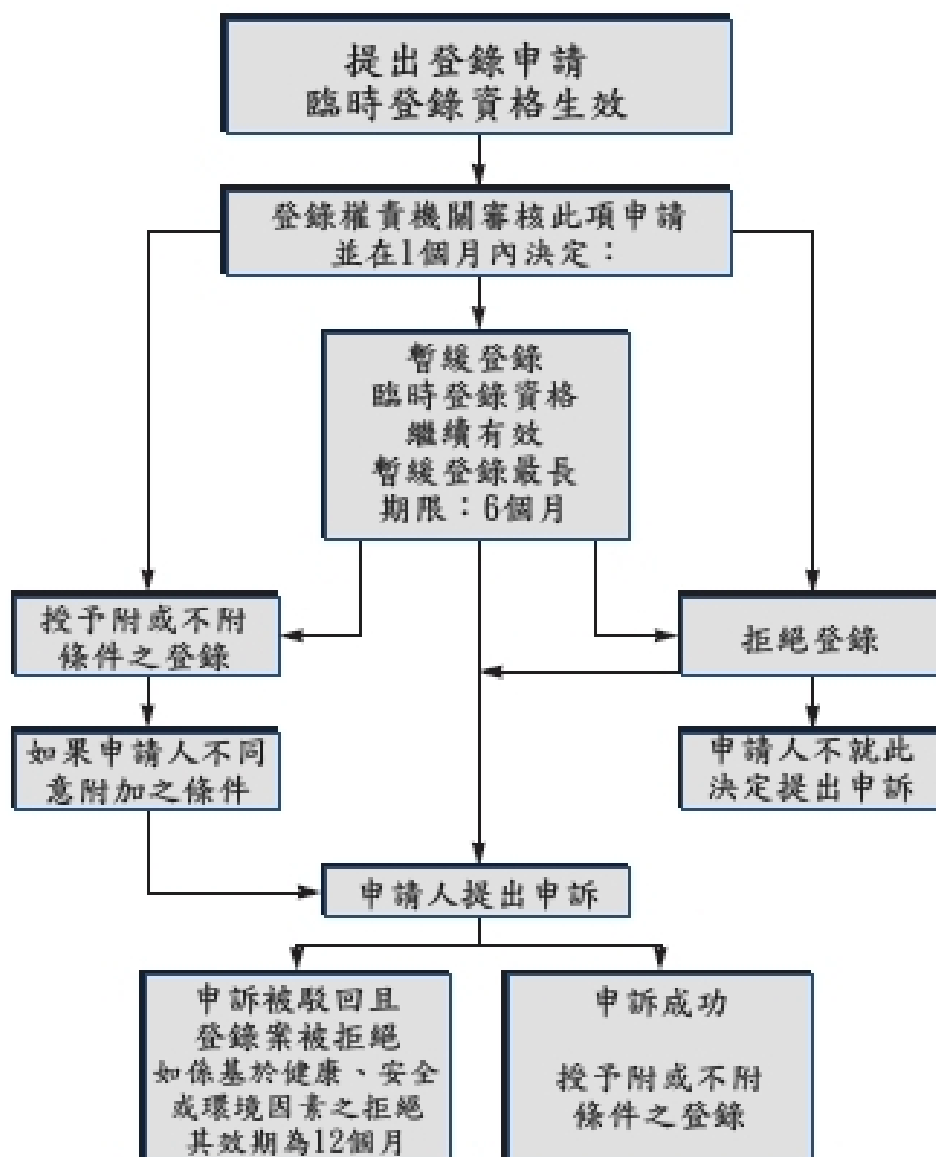


圖 1 澳洲、紐西蘭 TTMRA 架構下的相互認許登錄程序

資料來源：(Commonwealth Government, 2005)

在建築師部分，澳洲目前僅採認紐西蘭的執業資格，其他國家的建築師資格無法被自動認許。原則上，如果是登錄於紐西蘭且擁有開業執照的建築師，即可依澳洲的泛塔斯曼相互認許法(the Trans-Tasman Mutual Recognition Act)規定，在澳洲任一地方政府登錄，不須提出資格文件再作評鑑、不須額外的實務經驗，也不須參加建築師實務考試(the Architectural Practice Examination)(反之，如果是紐西蘭以外的國家，則須經過這些審核程序。)(AACA, 2006)。

## (二)歐盟建築部門相互認許指令

歐盟的專門職業認許制度是以受法規管制的專門職業(regulated professions)為範圍(即如無特定專門職業資格，不得執業)，如果地主國對當事人原來從事專門職業並無法規管制，當事人可以自由開業，不需要申請專門職業資格的認許。歐盟有關專門職業資格相互認許的機制，是由 4 類法規所規範：

1.過渡性指令(transitory Directives)：1960 年代，歐洲經濟共同體(European Economic Community, EEC)爲了促進商業、工業、手工藝等技職人員的流動及在其他會員國設置據點，針對此類活動所須具備之一般商業或專業知識等技職資格(vocational qualifications)，規範各會員國如何在過渡期間採認其工作年資，並據以認定其執業資格。目前相關指令(64/222/EEC, 64/427/EEC, 68/364/EEC, 68/366/EEC, 68/368/EEC, 70/523/EEC, 75/368/EEC, 75/369/EEC, 82/470/EEC, 82/489/EEC)已經整合在單一的一般體系指令(1999/42/EC)之中。

2.部門性指令(sectoral Directives)：設有專門職業資格自動認許(automatic recognition)機制，主要涵蓋衛生部門，並及於建築師；部門性指令共有 12 種(Council Directives 93/16/EEC, 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/432/EEC, 85/433/EEC, 85/384/EEC)，涵蓋 7 種專門職業：醫師、護士、牙醫師、助產士、獸醫、藥師及建築師。

3.律師業指令：共有 2 個指令(77/249/EEC, 98/5/EC)，其一規範服務提供方式，另一規範增設據點方式，均屬開業權利事項，2 個指令之規範內容不及於專門職業資格之認許問題。

4.一般體系指令(“general system” Directives)：共有 3 種指令(Council Directives 89/48/EEC, 92/51/EEC, European Parliament and Council Directive 1999/42/EC)，原則適用於針對資格條件進行規範的所有專門職業(包括律師的資格認許)。不過，受法規管制的專門職業，應優先適用部門性指令或過渡性指令，不在這 2 種指令適用範圍者，才適用一般體系(參見圖 2)。

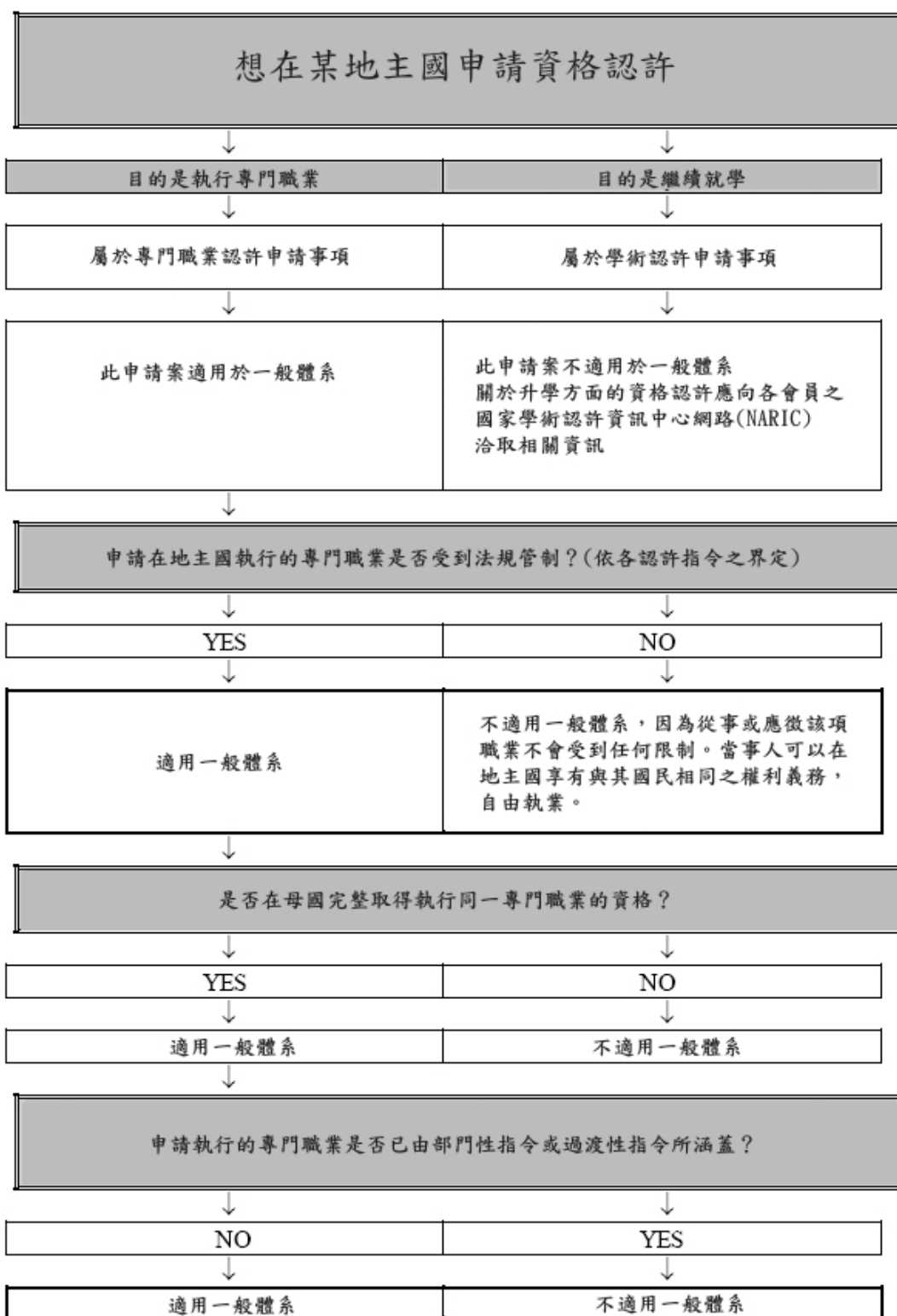


圖 2 歐盟一般體系適用之專門職業認許範圍

資料來源：(EC, 2001: 14)

歐盟早期的認許機制，是以通盤齊一化(comprehensive harmonization)各會員教育及訓練制度的制度為基礎，就專門職業經驗(通常 3-6 年)及專門職業文憑(diplomas)進行認許。由於此類作法太過繁複，遂改採新一套的相互認許機制，稱為認許的一般體系(general system of recognition)，不再通盤齊一化各種取得專門職業執業資格的學經歷條件，只要是歐盟會員國之國民，在任一個會員國中完成所有專業教育及訓練課程後，完整取得某一專門職業的執業資格，欲至另一會員國從事同一職業，而且該職業為地主國(the host Member State)訂有法規管制的專門職業，可向地主國提出申請，並由地主國權責機關進行個案審議，並在 4 個月以內作出決定(EC, 2001)。

在正常情況下，如果當事人在母國(the home Member State)已經取得執行特定專門職業的資格，向地主國申請認許她(他)的資格條件以便執行相同的專門職業的話，其專門職業資格都會被認許。不過，在作決定之前，地主國權責機關會比較當事人在母國接受的專業教育及訓練，是否符合地主國所要求的水準，並應考量當事人取得執業資格後的訓練或專業經歷可否彌補原有條件之不足。如果發現雙方在時間長短或內容上有重大差異，地主國得就認許設定額外的條件，但此種額外條件僅能以下列 3 種方式設定：(1)要求當事人提出在母國執行該專門職業的經歷證明(如果專業養成教育或訓練時間低於地主國規定時間一年以上，通常採此一方式)，否則應(2)要求當事人須先在地主國擔任見習人員一定期間(an adaptation period)，或(3)要求當事人通過地主國的能力測驗(an aptitude test)(採見習或測驗方式，通常是因為當事人專業養成教育或訓練之內容與地主國之規定有重大差異，或因兩國同一專門職業執業範圍不同)。原則上，在見習或測驗 2 者之間，可由當事人自由選擇(EC, 2001)。

在一般體系下的專門職業認許，原則上不能要求當事人接受語言測驗(language examination)，但地主國可以要求當事人須具備基於執行該專門職業所必要之該國語言相關知識；對於語言的要求，不能超過執業所必要的範圍。同時，不論是那一種受法規管制的專門職業，申請表件均係以地主國之官方語言處理；地主國可以要求當事人送審的證明文件須先以其官方語言翻譯，甚至要求須透過

其所採認之翻譯人員負責翻譯。而且，如果認許的額外條件是實施能力測驗的話，也很可能是以地主國官方語言進行。

專門職業資格獲得認許後，當事人即可依適用於地主國國民的相同法律、法規及行政規則執業，例如：可能要先向職業管理機關(構)登錄、或提出專業責任保險證明文件、或提出善良品行或聲譽且未被宣告破產之證明。但如果地主國決定要求當事人提出經歷證明，或接受見習或測驗，或如果決定拒絕當事人的申請案，權責機關均必須詳列理由，當事人並得依地主國之申訴程序向法院或仲裁機關提出申訴。

由於一般體系下的專門職業資格須經地主國就申請個案進行審議，因此，一般體系並未提供自動認許機制。

反之，部門性指令之特色是統一規範歐盟各會員國對該部門專門職業的養成教育或培訓制度，在此齊一標準下，自動認許其他會員國的專門職業資格。

建築師資格認許適用的部門性指令為 1985 年 6 月 10 日制定的 85/384/EEC，規範建築業文憑、證照及其他正式資格證明文件之相互認許，包括促進有效運用設立據點之權力及提供服務之自由。根據本項建築業指令，據以核發文憑、證照或其他正式資格證明文件的教育及訓練，必須透過大學層級並以建築學為主的課程始能取得。每一會員國應將其境內核發的文憑、證照及其他正式資格證明文件之清單同時知會其他會員及歐盟執行委員會(European Commission)；如會員或執行委員會對該資格證明文件是否符合培訓標準有所質疑，執行委員會應提交教育及訓練諮詢委員會建築領域(the Advisory Committee on Education and Training in the Field of Architecture)處理(EU, 2006)。

85/384/EEC第 2 條規定，每一會員國對於其他會員國核發給任一會員國之國民，基於完成本指令規定之建築教育及訓練條件而發給之文憑、證照或其他正式資格證明文件，應認許為具有在地主國境內核發此種資格證明的相同效力，可據以執行建築師專門職業，並可冠用地主國之建築師職銜，但地主國應准予當事人

使用其合法之學術職銜。<sup>5</sup>

在執業行為方面，地主國可以對待其國民之同樣方式要求當事人提出良好品行或良好聲譽的證明文件；或以國民待遇原則要求當事人提出專業責任保除證明。比較特別的是，如果地主國要求其本國建築師必須由專業團體管理或為其會員，則其他會員國之國民可以不受此一限制，除此之外，當事人可以根據地主國國民一樣之權利義務提供專業服務，並遵守該國所適用之職業管理法規。至於語語部分，本指令也規定「各會員國應確保：在合適的情況下，當事人能夠基於本人及其顧客利益之考量，取得在地主國推展其專門職業所必要之語言知識。」(第26條第3項)

到2007年10月20日，85/384/EEC將被廢止並由2005/36/EC指令所取代。歐盟議會(European Parliament)及歐盟理事會(Council of the European Union)於2005年9月7日制定的2005/36/EC單一指令，目的是將15個認許指令(包括12個部門性指令、3個一般體系指令)進行整合，2007年生效後，原來的一般體系指令、部門性指令均將同時廢止。新的單一指令，除了整合既有的一般體系指令、部門性指令外，另一主要特色是將受法規管制的專門職業之執業方式區分為2種(EU, 2006)：

1. 臨時性及偶發性的提供服務(provide services on a temporary and occasional basis)：可以不經申請資格認許，直接以當事人原有專門職業職銜在另一會員國提供服務。但地主國仍舊可以基於職業管理之需求，要求當事人登錄或提出相關文件。

2. 在其他會員國長期設立服務據點(permanent establishment in another Member State)：對於專門職業人員欲在另一會員國境內設立據點，持續執行某項專門職業活動者，新的單一指令也涵蓋了3種既有的認許制度：

A. 認許專門職業資格的一般體系(本指令第I章)(General system for the

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<sup>5</sup> 另依本指令設有既有權利制度(system of acquired rights)，相當於信賴保護原則，即對於本指令開始適用以前之各會員國國民所持有之文憑、證照及其他正式資格證明文件，在本指令開始適用之後，各會員國應逕予認許。

recognition of professional qualifications)：所有專門職業，只要不適用認許的特定法規(specific rules of recognition)，即適用於此一般體系；此外，如果遷移的專門職業人員不符合其他認許架構所設定的各種條件，也同樣要回歸適用於此一般體系。一般體系是以相互認許的原則(the principle of mutual recognition)為基礎，如果遷移者(the migrant)所受之訓練與地主國所要求之訓練二者間存在著實質的差異時，並不排除適用補償性措施(compensatory measures)；補償性措施可能採取的形式，或為一定期間的見習，或為一項能力測驗，除特別情形外，補償性措施究應採何種形式應由遷移者自行選擇。

B. 以專業經驗為資格證明的自動認許體系(本指令第II章)(System of automatic recognition of qualifications attested by professional experience)：

即原來過渡性指令所規範的認許制度。本指令列舉的工業、手工藝及商業活動，應依規定之不同情況(包括3類部門：1.紡織工業、化學工業等，包括石油工業、印刷、製造工業、營造等；2.交通設備製造、以及運輸、郵政、電信、影視等相關活動；3.餐廳、旅館及其他個人、社區、休閒服務活動)，以專業經驗作為資格條件予以自動認許。

C. 特定專門職業資格的自動認許制度(本指令第III章)(System of automatic recognition of qualifications for specific professions)：

即原先部門性指令規範的認許制度。此種自動認許是以協調最低訓練條件為基礎，自動認許各會員國的訓練資格，涵蓋下列8種專門職業：醫師(doctors)、負責一般照護的護士(nurses responsible for general care)、牙科實作人員(dental practitioners)、專業牙科實作人員(specialised dental practitioners)、獸醫(veterinary surgeons)、助產士(midwives)、藥師(pharmacists)及建築師(architects)。

其中，在建築師資格認許部分，根據2005/36/EC指令第III章(Recognition on the basis of coordination of minimum training conditions)第1節(General Provisions)第21條(Principle of automatic recognition)的規定，建築師正式資格證明文件必須



由各會員國權責機關核發。對於符合第 46 條規定建築師最低訓練條件的本指令附表 V 之 5.71.(Evidence of formal qualifications of architects recognized pursuant to Article 46)所列的建築師正式資格證明文件，每一會員國應予認許，並應給予此一正式資格證明文件在其境內相同的執業效果。

同章第 8 節(Architect)第 46 條規定：建築師的訓練必須包括累計大學或相當培訓機構至少 4 年全時課程，或 6 年課程，其中至少 3 年為全時；該項訓練必須在結束時通過一項大學層級的考試。該項訓練之內容必須為大學層級，且建築學應為主要成份，在建築學訓練的理論面與實務面應有所均衡，並應確保學生能取得共計 11 項領域的建築知識及技能(略)。此外，第 47 條第 2 項也有一項例外規定：當事人在建築師或建築事務所監督下從事 7 年以上建築工作，參加屬於社會改進計畫(social betterment schemes)的課程或非全時的大學課程，如能符合第 46 條的要求，並經建築學考試(須為大學層級並相當於第 46 條之終局考試)及格者，亦可視同符合第 21 條的建築師認許條件。

經認許後，專門職業人員可以使用原有職銜，以及其附帶的簡稱，也可以使用地主國的專門職業職銜(第 54 條、第 52 條)。但如果地主國是由專業團體或組織負責管制該項專門職業的話(指愛爾蘭及英國)，被認許的專門職業人員必須先成為該組織或團體的會員，才能使用地主國的職銜(第 52 條)。

新的單一指令對於各種專門職業資格的相互認許程序也酌作修正。個人申請案應檢附相關文件及證照向地主國權責機關提出，包括良好品行或聲譽、身心健康證明、財務狀況等(第 50 條)。權責機關應在 1 個月內確認收到申請案，並列出應補驗之文件；自申請案齊備之日起，權責機關應於 3 個月內作出決定。如果決定拒絕該項申請，權責機關應提具理由；對於遭到拒絕的申請案，或對逾期延宕決定，可向各國法院提出訴訟(第 51 條)。

至於語言知識，各會員國可以要求遷移者須具備執業所必要之語言知識，但相關規定應符合比例原則；對於語言能力的評量必須與專門職業資格認許有所區隔，且必須在完成認許之後才能夠進行。

### (三)美國與加拿大之建築師互相認許協定

早在 1986 年起，美國與加拿大即已採用相同一致的建築師筆試。1988 年批准、1989 年 1 月 1 日生效的加拿大及美國自由貿易協定(the Canada/U.S. Free Trade Agreement)第 1403 條規定：雙方應鼓勵執照及證書條件的相互認許，以利他方國民可以提供所涵蓋的服務。<sup>6</sup>其適用之服務業包括：建築業(Architecture)、旅遊服務業(Tourism)、電腦服務業及電信・網路服務業(Computer Services and Telecommunication-Network-Based Enhanced Services)等 (Foreign Affairs and International Trade Canada, 2006)。

根據這項自由貿易協定，美國建築登錄委員會全國聯合會(NCARB)與加拿大建築委員會全國會議(CCAC)二個專業組織於 1994 年 6 月 25 日，簽署互相認許協定(Inter-Recognition Agreement between the National Council of Architectural Registration Boards and Committee of Canadian Architectural Councils)，自 1994 年 7 月 1 日起生效。因係由專門職業團體所簽署，故這不屬於政府對政府的協定。而且，只有批准此項協定的州或省才會執行這項協定；亦即，根據(美國)州級建築登錄委員會或(加拿大)省建築師公會提交的認可文件(Letter of Undertaking)，才分別執行本項協定。因此，各州生效日期不同。另本協定並未規定失效時期(WTO, 1997)，亦即，除非 NCARB 或 CCAC 決定中止，否則本協定持續生效。美國各州委員會或加拿大各省公會可以撤銷其提交之認可文件，但除受懲戒者外，先前已核發的認許資格均繼續有效。

根據本項互認認許協定第 4 點規定，NCARB 對於在加拿大各省登錄的建築師(Registered Architect)，符合下列 3 個條件者，即核發其證書(Certificate)：(1)

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<sup>6</sup> 依本協定之 Article 1403: Licensing and Certification，

1. The Parties recognize that measures governing the licensing and certification of nationals providing covered services should relate principally to competence or the ability to provide such covered services.
2. Each Party shall ensure that such measures shall not have the purpose or effect of discriminatorily impairing or restraining the access of nationals of the other Party to such licensing or certification.
3. The Parties shall encourage the mutual recognition of licensing and certification requirements for the provision of covered services by nationals of the other Party.

符合領取證書之標準；(2)經 CCAC 證明符合 CCAC 之入會標準；(3)主要執業地點是在加拿大各省建築師公會轄區內。此外，NCARB 原則接受在加拿大通過法文建築師考試之申請人，但可以設定其核發證書之條件為登錄建築師必須展現適當的英語能力，以憑在美國執行建築業務。另一方面，加拿大各省建築師公會對於主要執業地點是在美國各州的 NCARB 證書持有人，也會在各省轄區內將其登錄為建築師。同樣的，加拿大省級建築師公會也可以就登錄設定條件，要求 NCARB 之證書持有人必須具有該公會轄區內之官方語言能力。

NCARB 核發證書或加拿大各省公會辦理登錄時，不得附加下列條件：(1)不得要求當事人須在美國或加拿大境內與當地建築師以聯合事務所或其他協同方式執行建築業務；(2)不得要求當事人須在美國或加拿大境內居住或取得國籍。

取得認許證書之後，當事人要在美國各州或加拿大各轄區內執行建築業務時，必須獲得各地權責機關之核准，並須遵守該地之實務要求。各州或各省在提交認可文件時，可以明定任何的特殊要求，如申請人必須展現對於地方法律或地震的知識，或要求實施個別口試。

為監測本協定條款之所有簽署人之行為、協助本協定之執行、並確保相關待處理事項或爭議能迅速獲得妥適處理，本協定設立了一個「國際委員會會議」(Committee of International Councils, CIC)，由 8 人組成，其中 3 人由 CCAC 任命，3 人由 NCARB 任命，1 人為 CCAC 執行長，1 人為 NCARB 執行長。每雙曆年之主席由 NCARB 任命，每單曆年之主席由 CCAC 任命。主席在每一曆年應至少召開一次 CIC 會議，必要時得隨時召開之。

表 2 美加兩國建築師互相認許概況

加拿大參加協定之各省	美國參加協定之各洲	
Alberta (3,4)	Alabama	Nebraska
British Columbia (3,4)	Alaska (1,5)	Nevada (1,3)
Manitoba (3,4)	Arizona (1)	New Hampshire
New Brunswick (3,4)	Arkansas	New Mexico (1)
Newfoundland (3,4,6)	California (3)	New York (2)
Nova Scotia (3,4)	Colorado	North Carolina
Ontario (3,4,6)	Connecticut	North Dakota
Prince Edward Island (3,4)	Delaware	N. Mariana Islands
Quebec (3,4)	Florida	Ohio (3)
Saskatchewan (3,4)	District of Columbia	Oklahoma
	Florida	Oregon (1)
	Georgia	Pennsylvania
	Guam	Puerto Rico (8)
	Hawaii	Rhode Island
	Idaho (1)	South Carolina
	Illinois (3)	South Dakota (3)
	Indiana (3)	Tennessee
	Iowa	Texas (7)
	Kansas	Utah
	Kentucky	Vermont
	Louisiana	Virgin Islands (8)
	Maine	Virginia
	Maryland	Washington(1,3)
	Massachusetts	West Virginia
	Michigan	Wisconsin
	Minnesota	Wyoming
	Mississippi	
	Missouri	
	Montana (1)	

說明：

1. 須具備地震知識。
2. 未參加 NCARB 考試者應加考口試。
3. 須具備有關地方法律的知識。
4. 須具備各工程項目的實務條件。
5. 須完成阿拉斯加委員會核可之極地工程課程。
6. 須具流利英語能力。
7. 德州並未簽署認可文件，但表示會接受 NCARB 證書作為互惠基礎。
8. 波多黎各及維爾京群島並未簽署認可文件，但會接受持有 NCARB 證書的加拿大建築師進行登錄。但波多黎各及維爾京群島的申請人可能無法獲得加拿大各省的對等登錄。

資料來源：NCARB(2006)。

#### (四)中國與香港建築師資格互認協議

中國與香港在 2003 年簽訂了《內地與香港關於建立更緊密經貿關係的安排》(the Mainland and Hong Kong Closer Economic Partnership Arrangement, 中文簡稱《安排》，英文簡稱 CEPA)，並自 2004 年 1 月 1 日起生效；依中國代表向 WTO 之說明，CEPA 係一個自由貿易區(free-trade area)，並依 GATS 第 V 條推動服務業貿易的自由化(WTO, 2004a)。

CEPA 第四章為〈服務貿易〉，計列 5 條，最後 1 條第十五條〈專業人員資格的相互承認〉規定：「一、雙方鼓勵專業人員資格的相互承認，推動彼此之間的專業技術人才交流。二、雙方主管部門或行政機構將研究、協商和制訂相互承認專業人員資格的具體辦法。」CEPA 附件 4〈關於開放服務貿易領域的具體承諾〉規定，自 2004 年 1 月 1 日起，內地對香港服務及服務提供者實施本附件表 1 所列的具體承諾，其涵蓋的服務貿易部門包括商業服務、通信服務、建築及相關工程服務、分銷服務、金融服務、旅遊和與旅遊相關的服務、運輸服務及物流服務等；其中商業服務中的分部門 A.〈專業服務〉中，包括 a.法律服務、b.會計、審計和簿記服務、d.建築設計服務、e.工程服務、f.集中工程服務、g.城市規劃和風景園林設計服務(城市總體規劃服務除外)、h.醫療及牙醫服務等 7 項專門職業。在其中「d.建築設計服務、e.工程服務、f.集中工程服務、g.城市規劃和風景園林設計服務(城市總體規劃服務除外)」分部門項下，具體承諾為「允許香港服務提供者以獨資形式在內地提供建築設計服務、工程服務、集中工程服務、城市規劃和風景園林設計服務。」而且，香港服務提供者可在內地設立獨資顧問公司提供以上服務。至於香港對內地進一步開放服務業的內容，以及香港對內地人員取得香港專業資格的具體承諾，則均尚待雙方透過磋商加以擬訂和實施。在專業資格互認部分，目前雙方已簽署協議的專門職業包括：(1)建築與相關工程服務(建築師、結構工程師、產業測量師、規劃師、工料測量師、建築測量師)，(2)證券及期貨服務，(3)保險服務，(4)專利代理服務，(5)會計師專業服務。(引自：香港特別行政區政府工業貿易署，2006)

在建築師部分，香港建築師學會與中國之全國註冊建築師管理委員會於2004年2月17日在北京簽訂了〈全國註冊建築師管理委員會與香港建築師學會建築師資格互認協議〉(香港建築師學會，2004)。依這項協議，雙方透過比較研究，認為內地與香港在建築師專業考試大綱、試題及實踐培訓範圍等標準的實質內容上基本相同，同意就內地一級註冊建築師執業資格與香港建築師學會法定會員資格開展資格互認，其資格互認的原則有3項：(1)互惠互利、(2)數量對等、(3)戶籍控制。

申請資格互認者的條件：學會法定會員申請內地一級註冊建築師執業資格的條件為(1)戶籍：香港永久性居民。(2)專業資格：申請時為香港建築師學會法定會員(包括資深會員)；滿足學會認可的建築專業教育要求；滿足學會有關培訓及工作經驗的規定；成為學會法定會員後的年限不少於5年。另一方面，內地一級註冊建築師申請學會法定會員資格的條件為(1)戶籍：中華人民共和國公民(內地)。(2)專業資格：申請時為內地一級註冊建築師；滿足委員會認可的建築專業教育要求；符合委員會規定的職業實踐標準；取得一級註冊建築師執業資格後的年限不少於5年。當事人通過與其他國家或地區之間的資格互認取得的內地一級註冊建築師執業資格或學會法定會員資格，不適用於申請本協議規定的資格互認。

香港申請資格互認者，應先向學會申請，經學會審核符合資格互認條件的，向委員會推薦。內地申請資格互認者，應向委員會申請，經委員會審核符合資格互認條件的，向學會推薦。在本協議有效期間，委員會和學會首兩年各推薦申請互認人數不超過120人；以後每年推薦申請互認人數，由雙方另行商定。

由於內地與香港在法律法規、標準、建設工程管理和專業守則等方面存在一定差異，委員會和學會同意對符合資格互認條件者，採用培訓、測試和面試的方式進行考核，每年舉行一次，有關培訓、測試和面試的辦法由委員會和學會商定。雙方進行考核之基本架構分別為：

學會法定會員申請內地一級註冊建築師執業資格的培訓、測試和面試：(1)培訓：學會推動的申請人必須參加由委員會安排的不少於14學時的培訓，培訓

採用普通話，內容為：a.《中華人民共和國建築法》、《中華人民共和國城市規劃法》、《中華人民共和國招標投標法》和《中華人民共和國合同法》等法律的有關內容；b.《中華人民共和國註冊建築師條例》、《建設工程勘察設計管理條例》、《建設工程質量管理條例》和《建設工程安全生產管理條例》等法規的有關內容；c.《實施工程建設強制性標準監督規定》和《外商投資建設工程設計企業管理規定》等規章的有關內容；d.內地註冊建築師執業制度簡介。(2)測試：培訓結束後，由委員會組織測試。測試時間為 1 小時，試題採用繁體中文，題型為選擇題。(3)面試：測試後，委員會組織專家對申請人進行 20 分鐘的專業面試，由專家評估其從事建築實踐的經驗與能力，要求申請人事先提供一式二份文字材料(包括個人技術履歷，完成的主要工程業績，某一工程的設計方案和技術要點介紹)並回答問題。(4)考核通過：委員會根據申請人的測試和面試情況，評定申請人是否通過考核。委員會在面試後兩個月內向學會通知通過考核的人員名單。

通過考核的學會法定會員，經委員會批准並報建設部和人事部備案後，便可取得內地一級註冊建築師執業資格，由委員會核發相應證明。但學會法定會員通過互認取得內地一級註冊建築師執業資格，在受取並註冊於非香港企業在中國境內設立的外商投資建設工程設計企業的，不能作為《外商投資建設工程設計企業管理規定》所規定的外商投資建設工程設計企業申請工程設計資質要求的外國服務提供者。

另一方面，內地一級註冊建築師申請學會法定會員資格的培訓、測試和面試：(1)培訓：委員會推薦的申請人必須參加由學會安排的不少於 14 學時的培訓，培訓採用漢語普通話和英語，內容為：a.香港建築師學會及香港建築師註冊管理局簡介；b.香港建築專業運作情況簡介；c.香港監控建築工程法規條例簡介；d.香港建築施工情況及合同內容簡介；f.香港建築師專業監管、專業操守、聘用建築師協議條款及收費標準簡介。(2)測試：培訓結束後，由學會組織測試。測試時間為 1 小時，試題採用簡體中文和英文，題型為選擇題。(3)面試：測試後，學會組織專家對申請人進行 20 分鐘的專業面試，由專家評估其從事建築實踐的經驗與能力，要求申請人事先提供一式二份文字材料(包括個人技術履歷，完成

的主要工程業績，某一工程的設計方案和技術要點介紹)並回答問題。(4)考核通過：學會根據申請人參加測試和面試的情況，評定申請人是否通過考核。學會在面試後兩個月內向委員會通知通過考核的人員名單。

通過考核的內地一級註冊建築師，經學會根據章程登記便可成為學會法定會員，由學會核發《香港建築師學會法定會員證書》。

委員會和學會各自對對方所推薦的申請人有最後批准決定權，對不符合條件或申報不實的當事人，以及取得資格之後，當事人的戶籍、原法定會員或註冊建築師資格條件等發生變化，不符合本協議資格互認的申請條件者，由原審批機構註銷其互認資格，並通知對方和當事人。

根據這項互認協議，香港建築師學會與全國註冊建築師管理委員會，第一次於 2004 年 5 月 18 日至 20 日在深圳舉行首次培訓、測試及面試，並於 2004 年 8 月 16 日在大連市舉行了資格證書頒授儀式。兩地的建築師更於 2005 年 5 月 24 日至 26 日在廣州舉行資格互認的第二次培訓及測試。藉著 CEPA 的優惠，現時已有不少的香港建造業公司在內地設立企業，並成功取得了相關的企業資質證書，開展業務(香港特別行政區政府環境運輸與工務局，2006)。



## (五)歐洲與墨西哥、美國、加拿大建築師相互認許談判

1990年成立的歐洲建築師聯合會(the Architects' Council of Europe, ACE), 由歐盟所有25個會員國及瑞士、挪威、新申請加入國家(保加利亞、克羅埃西亞、羅馬尼亞及土耳其)等歐洲國家之專業代表及法規管制機構所組成, 近年來ACE與墨西哥、美國、加拿大的建築師專業團體密切聯繫, 同意彼此協力合作, 朝向建立共同專業標準及推動相互認許談判而努力; 其中, ACE已分別與墨西哥及美國建築師專業團體完成初步的相互認許談判, 並簽訂相互認許協定草案(ACE, 2006)。

### 1. 歐洲與墨西哥之建築師相互認許談判

墨西哥與歐盟的經濟夥伴、政治協調及合作協定(the Economic Partnership, Political Co-ordination and Co-operation Agreement between Mexico and the EU)於2000年10月1日生效, 根據本協定, 歐盟與墨西哥之間成立相當於NAFTA的自由貿易區。在此協定架構下, 墨西哥與歐盟爲了發展相互認許文憑及證照之協定所必要之標準、程序及作業, 俾透過雙方政經體系的完全市場開放, 提昇建築專門職業達到國際水準, 授權由建築專門職業先進行協議, 再提交雙方之正式決策機關。俟各正式決策機關同意將相互認許協定納入歐盟與墨西哥自由貿易協定之服務業附件, 此相互認許協定才會發生拘束力。

2001年至2002年間, ACE與墨西哥國際建築實務委員會(Comite Mexicano Para Practica internacional De La Arquitectura, COMPIA)分別簽署了意向書(Letter of Intent), 希望能建立容許雙方無障礙地提供建築服務的機制, 達到相互認許證照及完全市場開放的目標。

根據此一意向書, ACE與COMPIA已完成了一份墨西哥與歐盟雙方境內建築師相互認許協定(Mutual Recognition Agreement for architects within both the Republic of Mexico and the European Union), 將相互認許界定爲: 具有專門職業文憑(diploma)及證照(cédula)的任一位墨西哥建築師可以在任一歐盟會員國獲得

認許為一位建築師；在任一歐盟會員國的任一位建築師，凡符合歐盟 EEC 85/384 指令者，可以在墨西哥全境之內獲得認可為一位建築師。但本協定僅適用於墨西哥及歐盟在各自國家中合格執行建築業務的國民。

至於相互認許的程序，分別為：

墨西哥建築師希望在歐盟任一會員國提供服務者適用之條件：(1)擁有專門職業學位及建築師證照。(2)具備至少 5 年之登錄後專門職業執業經驗，並經相關機關(Colegio，即學校)驗證後再經墨西哥建築學校聯合會(the Federación de Colegios de Arquitectos de México, FCARM)核發證明。(3)經 FCARM 授予正式文件證明此建築師擁有專門職業文憑及證照，得以建築師身分執業，並證明其具備至少 5 年之登錄後執業經驗。(4)將前述證明文件提送至該建築師希望執業的歐盟地主國相關機關，俾由該機關核發一份認許文件，認可其為一位建築師；此項認許資格在負責核發的地主國中全境之內均屬有效。(5)由地主國負責核准執業的相關機關授予建築師執業登錄資格。

任一歐盟會員國之建築師要在墨西哥境內提供服務者適用之條件：(1)具有由認證合格教育機構(列舉在歐盟 85/384 指令中)授予的建築師專門職業學位。(2)具有在其母國有效之專門職業登錄資格。(3)具備至少 5 年之登錄後專門職業實務經驗，並由歐盟會員國相關機關根據該國法律出具相關證明；但依該國規定在 5 年或 6 年全時大學建築教育後，須先經 1 年或 3 年專業實務經驗始能參加登錄資格考試時(如愛爾蘭、英國及奧地利)，該實務訓練期間可抵算此 5 年經驗之相當年資。(4)持有歐盟會員國全國性專門職業組織核發之正式文件，證明其登錄資格仍屬有效，且該歐盟會員國之建築師具備至少 5 年之登錄後實務經驗；但依該國規定在 5 年或 6 年全時大學建築教育後，須先經 1 年或 3 年專業實務經驗始能參加登錄資格考試時(如愛爾蘭、英國及奧地利)，該實務訓練期間可抵算此 5 年經驗之相當年資。(5)向 FCARM 提出上述證明文件，俾由其核發一份認許文件，針對該歐盟會員國之建築師認可為一位建築師，並應獲得墨西哥各州接受且無任何障礙。(6)由專門職業總局(the Dirección General de Profesiones, DGP)核發一份專門職業證照，俾該歐盟建築師得在墨西哥以建築師名義執業，並獲得墨西

哥所有聯邦組成單位之認可。歐盟會員國的建築師在墨西哥執業時，應遵守其獲准執業轄區內之現時有效法律。

此外，依本項專門職業團體簽訂的協定，建築師在其他國家執業時，僅得提供當地建築師獲准提供之服務；但如果地主國准許提供之執業範圍較小時，建築師亦僅得以提供在其本國可提供之服務為限。建築師在地主國進行建築服務業貿易時，應自行負責取得該國的本土知識。建築師在地主國執業時，應遵守國際建築師聯盟提議之國際建築實務專業標準公約(the UIA Accord on Recommended International Standards of Professionalism in Architectural Practice)中之道德及行為政策(Policy on Ethics and Conduct)，並遵守地主國之專門職業規範及法律。

## 2. 歐洲與美國之建築師相互認許談判

2000年9月8日ACE與美國建築師協會(the American Institute of Architects, AIA)簽署了一份建築專業協議(Accord on Professionalism in Architecture) (效期5年，雙方於2005年10月15日續約)，除了約定共同合作致力於互相瞭解及提昇建築專業外，雙方同意由ACE與美國建築師登錄委員會全國聯合會(NCARB)及美國建築師協會(AIA)一起提出專門職業資格相互認許協定，並籲請各自之權責機關展開教育、考試、登錄及核發執照等標準相互認許，以及對等開放建築服務業市場的談判。

2001年至2005年之間，美國與歐洲建築專業代表團體多次進行專門職業對專門職業的相互認許談判，2005年7月7日雙方決定共同提出一份ACE與美國NCARB及AIA之間的專門職業資格相互認許協定(Agreement for Mutual Recognition of Professional Qualifications)草案，列出未來雙方正式簽署有關建築教育及專門職業資格之MRA時，建築師專門職業所期盼應具備的主要架構及內容，送交美國及歐盟之權責機關參採。

根據本協定草案，歐盟建築師及美國建築師符合下列條件者，即可由對方所認許：歐盟及美國的建築師必須具備由正式教育、登錄/領照及實務經驗等3項累計至少14年年資的證明，其中至少7年須為經檢證的登錄/領照後完全合格的

執業經驗。此外，歐盟建築師必須達到歐盟理事會 2005/36/EC 指令建築師相關條款規定之資格條件，並符合雙方任一轄區之登錄/核照條件；美國建築師必須達到登錄/領照當時之所在地教育、訓練及考試(ARE 或在其之前的考試制度)等資格條件，並符合雙方任一轄區之登錄/核照條件。本協定適用之對象必須為雙方國家之國民。

至於登錄/領照後完全合格執業經驗(post-registration/licensure fully-qualified experience)的標準，係指實際負責涵蓋從先期研究到營造管理等全程活動的全面建築實務且經檢證過的專門職業經驗。檢證應採書面形式，載明申請人確實執行建築業務，並符合繼續登錄之條件(如持續專業發展(CPD)、專業責任保險(PII))、未曾受過懲戒。

為監測正式簽署同意遵守本協定條款之所有權責機構的執行情況、協助執行本協定及有效處理相關爭議，本協定設立聯合治理委員會(Joint Governance Committee, JGC)，由美國及歐盟各派 4 人組成。對於申請人資格疑義，JGC 也有相關權限，亦即：如果申請人未符合相互認許之標準，JGC 可進行評估並決定申請人另須具備那些資格條件及如何滿足這些條件。

在取得相互認許資格後，申請人另外還須遵守若干核發執照的條件及程序，包括：申請人應提出良好品行的證明，提出具一定效期(如 3 個月)的專業責任保險(Professional indemnity insurance, PII)證明，申請人應自行瞭解與執業相關的當地條件，遵守當地法律、行為守則及道德規範；登錄條件如包含每年一定時數的持續專業發展(Continuing Professional Development, CPD)或繼續教育(Continuing Education)，申請人也必須同意提出符合規定之證明文件。但本協定規定雙方登錄機關不得要求申請人定居或設立據點，且不得對申請人增設任何語言能力條件。

### 3. 歐洲與加拿大之建築師相互認許談判

2005 年 1 月 21 日，ACE 與加拿大建築委員會全國會議(CCAC)、加拿大皇家建築師協會(the Royal Architectural Institute of Canada, RAIC)簽署了一份建築

合作及專業協議(Accord on Co-operation and Professionalism in Architecture)。根據這份協議，歐盟與加拿大決定發展包括相互認許文憑、證照及執業經驗所須標準、程序及作業之協定，以期透過雙方資格的充份採認及互通，提昇建築專門職業達到國際品質。在此原則下，ACE、CCAC 及 RAIC 同意持續交換建築執業之教考訓用各種資訊，成立聯合草擬小組負責研提一份相互認許協定草案，再提交此 3 個協定簽署團體決定。在作業時程上，目標設定在本協議簽署後 12 個月內完成 MRA 的談判；3 個專業團體獲致共識後，將 MRA 提交歐盟及加拿大的貿易代表，俟相關權責機關正式簽署後，MRA 才會正式產生拘束力。

本項建築合作及專業協議將「相互認許」界定為：依歐盟 EEC/85/384 指令在任一歐盟會員國中獲得認許的歐洲建築師，可在加拿大全境之內被認許為一位建築師；持有建築學位並經加拿大各省合法發給執照的加拿大建築師，可在任一歐盟會員國中被認許為一位建築師。雙方希望在最短時間內針對教育、考試及經驗等項目建築相等性(equivalencies)，進而就執業及核發執照/登錄等條件的相關認許目標進行雙邊談判，配合未來歐洲與加拿大貿易協定的開展，開放雙方之建築服務業市場。

## (六)建築師國際組織建立的國際資格標準

目前許多專門職業的國際組織已經著手開發屬於該職業特有的國家標準協議，其中最為活躍的是會計、建築及工程技師等領域。在工程技師方面，主要是在華盛頓公約協定(the Washington Accord)下研發一套認許工程教育課程相等性的體系；在會計專門職業方面，主要是由國際會計標準委員會(International Accounting Standards Board, IASB，前身爲 International Accounting Standards Committee)長期開發的各種執業標準。

至於在建築師部分，最主要的是國際建築師聯盟(Union Internationale des Architectes / International Union of Architects, UIA)研訂的《國際建築實務專業標準公約協定》(the UIA Accord on Recommended International Standards of Professionalism in Architectural Practice)；另一個國際建築師組織則是大英國協建築師協會(Commonwealth Association of Architects, CAA)，對於大英國協各國的建築教育訂定一套認證機制。

### 1. UIA 國際建築實務專業標準公約協定

UIA 成立於 1948 年，目前由超過 100 個國家的建築師公會所組成，合計其代表的建築師約 130 萬人。1994 年 UIA 設立專門職業執業委員會(Professional Practice Commission)，該委員會發展出《國際建築實務專業標準公約協定》及 9 件政策指導原則(policy guidelines)(UIA, 1999)，提報 1999 年 7 月在中國北京召開的 UIA 代表大會(每 3 年召開 1 次)，獲得無異議通過。這是一項歷史性的成就，建築專業第一次採用了全球標準(AIA, 2006)。

本項公約協定是國際建築師社群共同努力所提出的建議性文件，目的在建立最能服務民眾利益的各種標準及實務作業，界定建築師專門職業的最佳執業模式，及宣告建築師專門職業所期待的標準。

UIA 鼓勵各國政府及法規管制機關根據本公約協定的各項政策，檢視其國內標準並作適當的修正，以作為談判相互認許協定的基礎。UIA 的用意即在於提出

本項公約協定及各項政策指導原則，供各國政府及其相關機構在進行建築服務業相互認許談判之實務參考。

UIA公約協定的內容，首先是一份「專業原則」(Principles of Professionalism)的宣告，其後則係一系列共 16 項的政策議題：(1)建築業之執業(Practice of Architecture)：本公約協定對之作明確之定義。(2)建築師(Architect)：也作明確之定義。(3)建築師之基本條件(Fundamental Requirements of an Architect)：本公約協定列舉 13 項的知能條件。(4)教育(Education)：UIA建議建築師的教育(不含實務經驗／訓練／實習)至少為期 5 年，透過經認證／驗證／認許的建築課程，在經認許／驗證／認許的大學中以全時方式進行授課，但對於授課方法及是否因地制宜進行等，可以自行決定；而且這項教育標準可以由具相等性的教育資格加以替代(flexibility for equivalency)。(5)認證／驗證／認許(Accreditation/Validation/Recognition)：課程須由在大學以外的獨立機構定期進行認證／驗證／認許。(6)實務經驗／訓練／實習(Practical Experience/Training/Internship)：在登錄／領取執照／取得證書並以建築師身分執業之前，建築系科畢業生應完成至少 2 年的適當實務經驗／訓練／實習(未來的目標為 3 年)，但此項標準可以由具相等性之資格替代(flexibility for equivalence)。(7)展現具備專業知識及能力(Demonstration of Professional Knowledge and Ability)：須提出之證明必須包括在實務經驗／訓練／實習結束時通過至少 1 項考試；各種必要的專業實務知識及能力未納入考試評鑑者，如事業管理及有關法律規範等知能，應以其他適當方法證明。(8)登錄／領取執照／取得證書(Registration/Licensing/Certification)：UIA呼籲所有國家對於建築師執業應建立登錄／領取執照／取得證書之制度。基於公眾利益的考量，此類登錄／領取執照／取得證書之事項應以法律規範。(9)採購(Procurement)：各國政府應採用能夠甄選出最適格建築師的採購制度。(10)道德及行爲(Ethics and Conduct)：UIA鼓勵其會員將UIA國際諮詢服務道德守則納入當地道德及行爲守則之中，並要求其所屬建築師遵守當地有效之道德及行爲守則。(11)持續專業發展(Continuing Professional Development)：UIA要求其會員建立持續專業發展制度，以維護公眾利益。(12)執業範圍(Scope of Practice)：UIA鼓勵並推動建築師執

業領域的擴充。(13)執業形式(Form of Practice)：除傳統獨立事務所或聯合事務所或以受僱身分執業等形式外，在不違法之情況下，建築師應能以其他任何形式執業。(14)在地主國執業(Practice in a Host Nation)：建築師在另一國家未經登錄而擬提供建築服務時，應與當地建築師合作，以確保能夠兼顧相關法律、環境、社會、文化及歷史遺產等因素。(15)智慧財產及複製權(Intellectual Property and Copyright)：UIA會員之本國法律應維護建築師執業之權利義務，並使建築師擁有其作品之智慧財產及複製權。(16)建築師專業協會之角色(Role of Professional Institutes of Architects)：UIA鼓勵所屬會員成立專業協會或公會。

## 2.CAA 建議之認證必備建築課程條件

CAA 成立於 1965 年，由大英國協各國之建築協會所組成，目前計有 37 個會員。CAA 最爲人所知的是，其自 1968 年起逐步建立一套對建築課程的認證(validation)程序，並由此發展出一套建築課程條件；通過符合條件之課程標準者，即具備登錄或核發證書使其擔任建築師的資格。此一獨特的多邊體系目前涵蓋 12 個國家的 68 所學校。

2000 年 1 月，CAA 出版《CAA 建議之認證必備建築課程條件：程序及標準》(Qualifications in Architecture Recommended for Recognition by CAA: Procedures and Criteria)(CAA, 2000)，未來並預定每 6 年檢視及修正。根據此項文件附錄 A 〈認證標準〉(validation criteria)，CAA 對於建築教育的認證主要分成 2 部分：(1) 學校特色(Characteristics Required of Schools with Validated Courses)：包括學校應屬於高等教育層級，最好具備大學水準；其入學資格應不低於大學入學資格。(2) 課程(Courses)：包括課程內容應在建築訓練的理論與實務之間達到均衡，並應涵蓋 9 個領域的建築專業知能；設計專案工作應爲主要的建築教育方法，以師生對話爲內容的各類專案應占有較多的學習時數，其比率至少應爲課程的一半；課程結束時應實施正式考試，其主要考試內容爲學生個人報告，並就其提出之建築計畫有效辯護，展現其獲取之知識及相關技能，其評審委員應包含其他學校或其他國家的實作建築師及教師；均衡取得的設計能力、知識及技能應具有一定的成熟度



(maturation)，建築課程的實施時間應不少 5 年大學或相當機構的課程，另外再加上 2 年的建築實務經驗，但此實務經驗如係在課程結束前取得者，亦得採計。



## 參、亞太建築師計畫運作現況

亞太建築師計畫(APEC Architect Project)之目的，係建立一個讓亞太經濟合作會議各參與經濟體內的建築師，能夠在各經濟體之間充分交流，並提供對等專業服務的機制。亞太建築師計畫的最終理想，是希望能建立一個機制，以替代目前雙邊或多邊的相互認證談判，或作為建立各經濟體之間未來 WTO 談判的暖身動作。

本計畫最初由澳洲於 2000 年 5 月向亞太經濟合作會議人力資源發展工作小組(APEC Human Resources Development Working Group, HRDWG)提出，2001 年 9 月 17、18 日在澳洲布里斯班舉行發起會議是為開端。至今，本項計畫總共召開一次發起會議，四次指導委員會會議，二次臨時議會，最後成立中央議會，並於今年 5 月 23、24 日在墨西哥召開第二次中央議會。

本次墨西哥會議之結論，除若干會務事項(新加入會員、建立秘書處業務承接制度、決定 2 年後之中央議會開會地點)外，最主要的決定是建立各會員經濟體相互認許的談判架構。

### 一、第一次中央議會前之沿革

亞太建築師計畫是亞太經濟合作會議人力資源發展工作小組(HRDWG)下的特別計畫，該小組於 2000 年 5 月在馬來西亞半島的汶萊(Brunei)會議中決定支持澳洲所提的 APEC 建築師計畫(APEC Architect Project)，並委託澳洲主辦此項計畫。我國最早是由中華民國建築學會參加 2001 年的發起會議，2002 年舉行第一次、第二次指導委員會時，係由中華民國建築師公會全國聯合會代表參加，返國後，始於 2003 年初，由行政院召集跨部會協調會議，正式由政府部門提出政策及經費的各項支持，終於促成第三次指導委員會於 2004 年在台北順利召開，並由我國爭取到亞太建築師計畫秘書處業務，於 2005 年 1 月 1 日開始從澳洲政府接手承辦，協助日本召開東京會議，正式成立亞太建築師中央議會，我國也因此

成爲亞太建築師中央議會創始會員經濟體。

有關亞太建築師計畫從發起會議開始，迄至正式成立亞太建築師中央議會之沿革，概述如下：(有關中央議會之創立及其成立前之沿革，詳見：黃慶章，2005)

(一)亞太建築師計畫會議(The APEC Architect Project Meeting)：即首次的發起會議。本會議是在 2001 年 9 月 16 日至 18 日，於澳洲的布里斯班(Brisbane)舉行，共有 11 個亞太經濟合作會議會員經濟體派出代表出席，分別爲：澳洲、中國、中國香港、日本、馬來西亞、紐西蘭、巴布亞紐幾內亞、菲律賓、中華台北、泰國及美國。本次會議達成以下 2 項協議：1.認同亞太經濟體之間，建築服務業之交流具有對大眾利益的價值；2.承認各經濟體之間，其文化差異具有正面價值。此外，本次會議也決定成立一個指導委員會(Steering Committee)，推動亞太建築師計畫。

(二)第一次亞太建築師計畫指導委員會會議(The First APEC Architect Steering Committee Meeting)：2002 年 6 月 12 日至 14 日，在澳洲雪梨(Sydney)舉行，參與之 10 個經濟體分別爲澳洲、中國大陸、中國香港、日本、馬來西亞、紐西蘭、菲律賓、泰國、美國及我國中華台北。此次會議同意訂定一些基本原則，成爲 APEC 建築師認證註冊的基本要件。這些原則包括：1.建築教育課程之共通領域；2.建築教育課程之審核及認證；3.建築師註冊前或認證前之工作經驗年限；4.APEC 建築師應爲母國經濟體已註冊或認證之建築師。

(三)第二次亞太建築師計畫指導委員會會議(The Second APEC Architect Steering Committee Meeting)：2002 年 12 月 12 日至 13 日，在馬來西亞的吉隆坡(Kuala Lumpur)舉行，計有 11 個亞太經濟合作會議的經濟體參加，分別爲澳洲、香港、日本、韓國、新加坡、泰國、菲律賓、美國、紐西蘭、台灣、馬來西亞(主辦國)，其中韓國、新加坡爲第一次參加。本次會議討論重點包括：1.APEC 建築師應具備基本內涵(亞太建築師憲章)；2.各經濟體註冊後(認證後)建築師實務經驗年限；3.請各參與經濟體提供其本國對外國建築師資格認許制度之資料；4.APEC 建築師註冊中心的建立與運作；5.各經濟體 APEC 建築師分支註冊中心之授權；6.APEC 建築師計畫未來進程。此次會議較重大的突破有 2 項：一爲註冊後建築

師(各經濟體)需有 7 年以上實務經驗，至於如何認定其內容及年限，有待爾後會議討論；另一項為在下次會議舉行前，各經濟體必須成立監督委員會，成員包含產、官、學界代表，且必須提名一位代表至爾後的中央議會成為當然成員。

(四)第三次亞太建築師計畫指導委員會會議(The Third APEC Architect Steering Committee Meeting)：2004 年 2 月 18 日至 19 日，在台北市舉行，由中華台北主辦；共有 12 個亞太經濟合作會議經濟體參加：澳洲、加拿大、香港、日本、韓國、馬來西亞、紐西蘭、菲律賓、新加坡、泰國、美國、中華台北。本次會議決定事項之重點包括：1.各經濟體成立臨時監督委員會，並提名成員參與第四次指導委員會及成立臨時議會；2.各經濟體之監督委員會獲得授權後，執行前次會議規定之功能及依中央議會賦予之權限管理該經濟體之 APEC 建築師註冊處分支機構；3.規定在第四次 APEC 建築師指導委員會會議中成立臨時(中央)議會；4.由中華台北承接秘書處工作。

(五)亞太建築師計畫第四次指導委員會暨第一次臨時議會會議(Fourth Steering Committee / First Provisional Council Meeting)：2004 年 9 月 22 日至 23 日，在美國夏威夷(Hawaii USA)舉行，共計有 15 個亞太經濟合作會議之會員經濟體參加，分別為澳洲、加拿大、中國、中國香港、日本、韓國、馬來西亞、墨西哥、紐西蘭、秘魯、菲律賓、新加坡、中華台北、泰國、美國。本次會議決定事項之重點包括：1.成立臨時議會；2.臨時監督委員會向臨時議會申請授權成為正式監督委員會、成立 APEC 建築師註冊部門；3.設立中央議會秘書處網站。

(六)亞太建築師計畫第二次臨時議會會議暨第一次中央議會會議(The APEC Architect Project Second Provisional Council Meeting / First Central Council Meeting)：2005 年 5 月 31 日至 6 月 1 日，在日本東京舉行，共計有 14 個亞太經濟合作會議的會員經濟體參加，分別為：澳洲、加拿大、中國、中國香港、日本、韓國、馬來西亞、墨西哥、紐西蘭、菲律賓、新加坡、中華台北、泰國、美國。本次會議決定事項，包括：1.正式成立中央議會：共計有 12 個會員經濟體的監督委員會獲得授權。換言之，創始會員經濟體有 12 個：澳洲、加拿大、中國、中國香港、日本、馬來西亞、墨西哥、紐西蘭、菲律賓、中華台北、泰國、美國。

2.APEC 建築師註冊日，大會訂為自 2005 年 9 月 19 日開始啓動，各經濟體需於此日期前完成其註冊網路系統。

## 二、墨西哥會議之綜合結論

亞太建築師計畫第二次中央議會會議(APEC Architect Project Second Central Council Meeting)於 2006 年 5 月 23 日至 24 日，在墨西哥市舉行，有亞太經合會 14 個經濟體參加，其中在 2005 年東京會議中成為創始會員者為 12 個經濟體：澳洲、加拿大、中國、香港、日本、馬來西亞、墨西哥、紐西蘭、菲律賓、中華台北、泰國、美國。第 1 天會議中，各參與經濟體陸續同意新加坡及韓國成為正式會員，使亞太建築師中央議會會員經濟體增加至 14 個。

2005 年 6 月 1 日亞太建築師中央議會正式成立後，亞太建築師登錄制度已自 2005 年 9 月 19 日開始起動，各經濟體陸續發放登錄證書及識別卡，惟由於部分經濟體對其樣式仍有不同意見，經本次會議討論結果，決定登錄證書上之秘書長簽名改為中央議會印信，識別卡樣式亦酌作修正。

對於中央議會秘書處之工作，本次會議決定由各參與經濟體一起分攤費用，分攤方式由美國代表組成專案小組研議，於 10 月以前通知監督委員會，並請各經濟體於 12 月 31 日以前確認。秘書處原則上由各經濟體輪流擔任，會中除試排各經濟體輪流次序外，並由墨西哥自願承接下一屆秘書處工作，自 2007 年 1 月 1 日起至 2008 年 12 月 31 日止。中央議會原則上改為 2 年召開 1 次，下次會議訂於 2008 年 8 月上旬在加拿大溫哥華舉行，確定日期由加拿大決定。

除了上述會務工作外，本次會議也建立亞太建築師互惠認許架構(APEC Architect reciprocal recognition framework)，由各參與經濟體分別承諾將提供何種開放外國建築師執業之條件，並鼓勵承諾開放程度相當之經濟體儘快展開相互認許的談判。

本次會議議程計列 14 個議案，以下茲就會議概況及結論分別說明如下：(綜合結論請參見附錄二)

### **第 1 案 – 歡迎各經濟體代表(WELCOME TO DELEGATES)**

本次會議共計有 14 個經濟體參加，除韓國及新加坡以觀察員身分列席外，另 12 個經濟體為亞太建築師中央議會之創始會員：澳洲、加拿大、中國、香港、日本、馬來西亞、墨西哥、紐西蘭、菲律賓、中華台北、泰國、美國。

### **第 2 案 – 亞太經合會會議進程序(APEC MEEETING PROCEDURES)**

各參與經濟體代表同意照亞太經合會會議進程序及亞太建築師中央議會程序(APEC Architect Central Council Proceedings)進行會議。

### **第 3 案 – 默哀記念(IN MEMORIAM)**

馬來西亞之中央議會代表 Dato' Dr Ikmal Hisham Albakri 甫過世，主席請全體出席人員起立默哀 3 分鐘。

### **第 4 案 – 確認議程(ADOPTION OF THE AGENDA)**

照案通過。

### **第 5 案 – 確認第 2 次臨時議會/第 1 次中央議會綜合結論(CONFIRMATION OF THE SUMMARY CONCLUSIONS OF THE SECOND PROVISIONAL COUNCIL / FIRST CENTRAL COUNCIL MEETING)**

各參與經濟體均同意東京會議之各項綜合結論。

### **第 6 案 – 中央議會的組成(CONSTITUTION OF THE CENTRAL COUNCIL)**

#### **6.1：第 1 次中央議會引發的議題**

根據秘書處的建議，中央議會同意對於新成立的韓國及新加坡監督委員會進行授權，並接受其代表為中央議會的成員。

#### **6.2：對新成立的監督委員會進行授權**

**中央議會同意：**

未來對於新成立監督委員會授權的申請案，應由秘書處評估是否完成申請授

權調查表並提出必要的教育及認證制度相關資料，再提請中央議會決定。<sup>7</sup>

### **6.3：中央議會成員**

中央議會接受各監督委員會所提名的代表作為其成員。

## **第 7 案 – 建立亞太建築師登錄進度追蹤機制(ESTABLISHMENT OF THE APEC ARCHITECT REGISTER REVIEW OF PROGRESS)**

### **7.1：啓動亞太建築師登錄簿 (Inauguration of the APEC Architect Register)**

中央議會同意：

- 中央議會確認前次會議已同意的監督委員會網站及資料庫指導原則，並依本次會議之各項決定進行修正。
- 中央議會及各監督委員會網站資料至少應每6個月更新1次。
- 未建立監督委員會的經濟體，應儘可能在本次會議結束後3個月內依中央議會之各項決定完成建立其網站。
- 秘書處得對各經濟體網站之任何缺失提出建議。<sup>8</sup>

### **7.2：登錄證書及識別卡 (The Certificate of Registration and ID Card)**

中央議會同意：

- 中央議會一方面確認採行登錄/領照建議師之「7年專業經驗紀錄」的形式結構，並酌作修正以涵蓋4類的建築實務範疇，另一方面確認採行「登錄亞太建築師申請書」的形式結構為最低要求。
- 各監督委員會應確保其對這些基本文件所作的改變均能包含必要的基本資料。

亞太建築師登錄證書應採單一格式，其修正後之樣式應僅由參與經濟體監督

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<sup>7</sup> 按澳洲及會議主席均要求韓國及新加坡應按規定格式提出評估報告，中國及馬來西亞等則傾向於同意韓國及新加坡成為正式會員；案經第 1 天會議上午中途休息 20 分鐘後，各經濟體代表同意新加坡成為正式會員，惟認為係屬特例，將來如有新申請案時，仍應照規定程序辦理。至下午 4 時 35 分，各經濟體代表亦同意韓國成為正式會員。

<sup>8</sup> 按第 1 天上午 10 時 20 分開始討論 7.1 時，仍有部分經濟體尚未建立亞太建築師網站，另中華台北聘用之秘書處顧問Helen Fisher發言表示各經濟體網站內容有諸多缺失，對於秘書處索取資料或詢問意見時，往往無法在規定期限內繳交。



委員會主任委員簽名，另加印亞太建築師中央議會印信。澳洲應提出此項文件之修正樣式及印信格式，供中央議會採決。

識別卡應由各經濟體一致採用，並作 2 項修正：卡片正面應包含失效日期；背面文字修正為「本卡片持有者，為登記在各會員經濟體共同維護之亞太建築師登錄簿的建築師。」

### 7.3：監督委員會向中央議會報告

#### 中央議會同意：

中央議會採行一種標準格式，供各種監督委員會每 6 個月向中央議會報告，以確保品質。<sup>9</sup>

### 第 8 案 – 中央議會行政工作(CENTRAL COUNCIL ADMINISTRATION)

中央議會接受秘書處在第 1 屆任期中辦理中央議會行政工作的報告。<sup>10</sup>

### 第 9 案 – 亞太建築師互惠認許架構(APEC ARCHITECT RECIPROCAL RECOGNITION FRAMEWORK)

#### 中央議會同意：

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<sup>9</sup> 7.3 部分，第 1 天下午先作初步討論，至第 2 天中午再由各經濟體代表由橫式、直式兩種報告表格中作選擇，多數經濟體選擇直式表格。

<sup>10</sup> 按第 1 天下午討論本案時，除秘書處陳副秘書長韶賜進行工作報告外，大會並就各經濟體如何輪流擔任秘書處工作進行討論，初步決定，除 2007-9 的第 2 屆秘書處由各經濟體自願擔任外，2009 以後每 2 年一屆的秘書處，由各經濟體輪流，主席並建議由各經濟體「非正式認領」(for exercise only)；澳洲率先表示，該國與中華台北均已擔任過這項工作，建議輪流順序應排在最後。至下午 5 時，各經濟體認領情形如下：(中國、香港、泰國、韓國未認領)

*2007	
2009	
2011	
2013	Canada
2015	Malaysia
2017	USA
2019	Philippines
2021	New Zealand
2023	Singapore
2025	Mexico
2027	Japan
2029	Australia
2031	Chinese Taipei

中央議會引進一套互惠認許架構(a Reciprocal Recognition Framework)，作為母國經濟體對於來自外國經濟體之亞太建築師登錄條件的互惠認許結構化基礎。

1. 本架構奠基於下列 3 種專業登錄認許條件的不同範疇：<sup>11</sup>
  - 1) 進行特定科目考試Domain specific assessment
  - 2) 進行綜合性登錄考試Comprehensive registration examination
  - 3) 要求在母國經濟體居住/實習一定期間Period of host economy residence/experience

中央議會體認：部分參與經濟體尚未提供給來自來他經濟體之建築師有獨立執業的權利。中央議會理解：這些經濟體將致力於儘快放寬其既有之各項限制。

2. 在這 3 種專業登錄條件的不同範疇中，各經濟體應敘明其對於來自其他經濟體的亞太建築師，將準備提供的最自由範疇為那一種。
3. 為維持互惠對等，申請人如係來自採行較嚴格的登錄/授證條件範疇之經

<sup>11</sup> 按根據會前調查，各參與經濟體對於外國建築師申請在該國執業者，可能採行之條件限制，可歸納為 4 類：1)進行特定科目考試 Domain specific tests，2)進行綜合性登錄考試Comprehensive registration examination，3)要求在母國經濟體居住/實習一定期間Period of host economy residence/experience，4)要求必須與當地建築師合作執業Mandatory collaboration with local architect。

議程資料原將中華台北列為 Comprehensive registration examination，第 2 天上午討論本案時，經中華台北代表說明：領有外國建築師證書，經考選部認可，並具有建築工程工作一年以上者，得減免應試科目，僅列考 4 科，性質上應屬 Domain specific tests，並即請議事單位予以更正：

APEC ARCHITECT RECIPROCAL RECOGNITION FRAMEWORK  
Recognition Requirements for APEC Architects from other economies:

Domain Specific Assessments	Comprehensive Registration Examination	Period of Host Economy Residence
Australia Japan Mexico New Zealand Singapore Chinese Taipei USA		Hong Kong China

由於「互惠認許架構」僅列 3 種登錄條件限制，未包括第 4 種「要求必須與當地建築師合作執業」(Mandatory collaboration with local architect)，中國代表強力表示反對，基於學習中文不易、中國文化具有特色、地方政府法規繁複等理由，認為應再加上第 4 種限制；菲律賓、香港、韓國、馬來西亞、泰國、日本等代表，亦均有類似之意見，惟中華台北、美國、澳洲等代表則主張開放，主席爰建議增列第 1 項附記文字，最後雖然獲得通過，但中國代表仍舊在確定會議綜合結論時再次重申反對之立場。

濟體時，母國經濟體得採行與該經濟體相當程度之評量條件。

4. 各經濟體就專業登錄/發證 3 種範疇所作的承諾，應以標準格式登錄於每一監督委員會網站，並於亞太建築師中央議會網站上摘錄為互惠認許架構。
5. 一個經濟體的專業登錄/發證條件如有任何改變，應立即知會中央議會。
6. 具有類似互惠認許承諾的各參與經濟體，應考量於近期內展開相互認許協議的談判。

#### **第 10 案 – 推廣亞太建築師登錄簿(PROMOTION OF THE APEC ARCHITECT REGISTER)**

**中央議會同意：**

- 各監督委員會應要求專業公會將亞太建築師資訊定期分送給所屬會員；
- 分送給各經濟體中所有登錄/領照建築師、管制機關相關人員一份關於亞太建築師登錄簿功能及運作的資訊小冊，以利他們瞭解亞太建築師登錄簿的制度及目標；
- 秘書處應知會國際建築師協會(UIA)及其他區域性建築師組織有關亞太建築師登錄簿制度及其效益；
- 秘書處應知會亞太經合會人力資源發展工作小組(HRDWG)有關亞太建築師登錄簿制度及其效益；
- 秘書處應向亞太經合會徵詢有有助於亞太建築師目標的提案建議。

#### **第 11 案 – 指派秘書處(APPOINTMENT OF THE SECRETARIAT)**

中央議會同意由各參與經濟體支付一筆費用給秘書處，以支應該項業務成本。中央議會接受美國代表提議，並由日本、紐西蘭、菲律賓表示願意參與的提案：由美國代表組成小組研擬詳細的經費分攤方案。中央議會並同意：美國代表組成的專案小組應在 2006 年 10 月以前向各監督委員會提出經費分攤方案，各經濟體應在 2006 年 12 月 31 日以前加以確認。

中央議會感謝墨西哥根據先前同意由所有經濟體提供經費支援的共識，自願

擔任 2007 年 1 月 1 日開始的下一屆秘書處。<sup>12</sup>

## 第 12 案 – 臨時提案(ANY OTHER BUSINESS)

中央議會同意：未來必須採行若干政策，以確保各參與經濟體能夠遵守中央議會的法令及有關期限之程序規定。本項議題應列入下次中央議會會議的議程。

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## 第 13 案 – 綜合結論(SUMMARY CONCLUSIONS)

### 13.1： 確認綜合結論(Adoption of the Summary Conclusions)

基於中央議會每 2 年才召開 1 次，獲得授權的各監督委員會對於本次會議綜合結論，應在收到結論起 3 個月內向秘書處通知是否支持，俾利中央議會墨西哥會議之各項決定得予執行。

## 第 14 案 – 中央議會下次會議(Next meeting of the Central Council)

中央議會決定：下次亞太建築師會議訂於 2008 年 8 月上旬在加拿大溫哥華舉行，確定日期由加拿大決定。<sup>14</sup>

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<sup>12</sup> 按第 2 天下午討論本案時，在主席詢問有無經濟體自願擔任 2007-09 秘書處、無經濟體表態之下，美國率先建議秘書處經費由各參與經濟體分攤，經日本、紐西蘭、菲律賓等表示支持，爰先就經費分攤部分獲致共識，其後，墨西哥表態自願負責 2007-09 之秘書處工作，獲得各與會代表一支鼓掌通過。各經濟體再重新試排 2007-33 之秘書處輪流順序如下(主席強調仍係試排性質 exercise only)：

2007	Mexico
2009	USA
2011	New Zealand
2013	Canada
2015	Malaysia
2017	China
2019	Philippines
2021	Thailand
2023	Singapore
2025	Korea
2027	Japan
2029	Australia
2031	Chinese Taipei

<sup>13</sup> 按第 2 天下午討論本案時，秘書處顧問 Helen Fisher 向主席建議提出臨時動議，希望能建立懲戒條款，爰在會場上臨時發啟動議案，泰國代表對此舉動表示嚴重不滿並離席抗議，原提案乃決定撤回。

<sup>14</sup> 按討論本案時，澳洲、美國等代表均表示中央議會以每 2 年舉行 1 次為宜，獲得各經濟體同意本項意見後，加拿大代表自願擔任下次中央議會的主辦單位。

## 肆、建築師的國內制度與國際認許

商品的國際貿易，如果不符產品製造標準(product standards)，對輸入國而言，可能形成劣質商品氾濫，對於消費者及環境帶來安全問題。所謂標準(standard)，主要在界定各種作業程序、產品或服務的具體特徵，明定那種情況可以交易或不可以交易，以及交易時應該遵循的程序；因此，標準有助於貿易的進行。商品或服務是否符合標準，則有賴品管流程或品質評鑑程序(conformity assessment procedures)就其是否滿足一項標準所設定的各項規格加以證明。這包含以下一種以上的程序：1.測試(testing)：廠商聲明產品通過在其實驗室或第三者之實驗室中實施的測試；2.檢驗(inspection)：就成份、材料及成品進行獨立檢查；3.發證(certification)：由第三者核發正式證明文件，表示某一產品符合特定的標準，通常包括核發標章、證書或標示；4.登錄(registration)：對生產品管系統進行獨立的審核，並在某一品質系統登錄制中完成登記，如 ISO 9000 或 ISO 14000。5.證證(creditation)：針對測試及檢驗實驗室、發證機構及檢查機構是否各自具備合格技術能力，進行評估及授證。各國經濟發展情況不同，區域貿易夥伴間所規定的商品標準，往往與國際標準有別(如歐盟標準、美國標準、日本標準等)；另一方面，國際間區域性商品標準齊一化能否成功，其關鍵在於各國是否認許彼此的品質評鑑程序，包括是否採信對方的測試資料、產品標章及認證機構的能力等。如果不能採信，輸入國即須重新測試，進而形成廠商的雙重成本。(Aldaz-Carroll, 2006)

專門職業人員資格的相互認許，亦可作如是觀。兩國在談判專門職業人員資格相互認許時，要求的資格標準未必即等於國際組織(如 UIA)建議的標準；但兩國必須對於對方認證過的人選，基於認許對方品質評鑑程序的前提，而予以接受。換言之，對於在對方國家中完整取得執業資格的專門職業人員，基本上即認許其執業能力，不須在進入本國之後，重新以本國的程序再測試一次。

## 一、國內法規管制制度與相互認許

服務業貿易比商品貿易更容易受到國內法規管制的影響。對於服務業進行法規管制的理由，就經濟層面而言，主要源自 3 項問題所衍生的市場失敗：1.天然獨占或寡占(natural monopoly or oligopoly)、2.不對等的資訊(asymmetric information)、3.外部效果(externalities)；如就社會層面而言，則主要基於公平性的考量(considerations on equity) (Gamberale and Mattoo, 2002)。

天然獨占或寡占的現象是各類在地服務(locational services)的特色。此類服務需要特定的分配網路，如地面運輸需要道路及鐵路、通信需要光纖電纜及衛星、供應自來水及地下水處理需要水管；而且此類服務也可能需要特定設施才能傳送或接收服務，如鐵路車站及公車站、海港、機場、電話數據機等。形成獨占或寡占的原因，首先是受到空間限制，很難複製網路及終端服務點；其次初期投資規模很大，以致進場門檻太高。

不對等資訊的問題是許多仲介服務業及以知識為基礎的服務業的特色(intermediation and knowledge-based services)，包括金融服務業、專門職業服務業等。對於賣方真正的特質，買方往往不很清楚；因此，消費者很難評斷醫師、律師等專門職業人員的能力，交通服務的安全性，或銀行及保險公司的品質。原則上，適當公布資訊有助於改善問題，但如果要將所有必要資訊全部讓個別消費者瞭解，成本太高。相對而言，管制服務提供者，要比教育消費者來得容易。對於服務提供者設定最低限度的管制條件，反映的是全體消費者對於服務品質的要求達成一定程度的共識。因此，法規管制主管機關便要求所有銀行必須符合一定財務狀況的門檻條件，專門職業人員必須符合一定能力的門檻條件。

至於外部效果的問題，主要源自市場價格無法完全掌握相關交易的成本及利益。典型的例子是交通服務或旅遊服務提供者產生之負面環境外部效果。

在 GATS 架構下，國內法規管制措施，不論基於經濟或社會理由，都要受到國民待遇原則的限制，即對外國人不能有差別待遇。但法規管制措施即使沒有差別待遇，其設定的各種標準或領取執照的條件，卻可能對自由貿易形成障礙。就

造成法規管制的 3 項經濟理由而言，針對天然獨占或寡占、不對等資訊謀求改善的法規管制措施，可能本身就是貿易障礙；至於外部效果問題，通常是因為缺乏法規管制而造成貿易問題。至於在專門職業服務業部分，如果某一國家的國內訓練及考試標準太低，或與其他國家之間的差異太大，都可能阻礙相關人員取得外國認許資格；另一方面，國內法規管制措施如果標準設定太高，國內消費者可能反而會偏愛較便宜、較低品質的服務。如何能同時符合輸出市場的需求，以及國內民眾的品質偏好，可說是市場開放政策的一項重要課題。

一個國家要確保國內法規管制制度能夠支持國內及國外貿易，必須在每一個服務部門中決定適當的合作場域(forum)，如多邊合作或區域合作，以及合作途徑(approach)，如採行國際規則、相互認許或齊一化(Mattoo and Fink, 2002)。在國際規則方面，主要的問題是這些規則很難處理跨國差異，包括各國之間對於醫師等專門職業人員訓練的品質標準彼此不同，各國之間的法律制度及溝通、傳送服務的網路標準均互不相容；這些差異所反映的，可能是特定國家對於品質水準的偏好，也可能只是歷史傳承使然。其次，如果一個國家的標準不夠高，可以透過國際齊一化，提昇國家標準；但國家標準通常有其特有的國家政策目標，齊一化固然有助於國際貿易，但對國內市場也會帶來可觀的社會成本。齊一化所引發的制度調整成本大小，主要影響因素是雙方國家兩套標準之間存有多大差異；兩國的法規偏好相近、法規管制制度能夠相容的話，成本最小；另一方面，齊一化能帶來多大的市場整合利益，關鍵在於能否創造真正整合的市場，而這就有賴於兩國之間的互動關係，其影響因素包括地理位置鄰接、法律制度及語言等。

至於相互認許(mutual recognition)，則未必會涉及到國內法規變革的問題；雖然一定程度的齊一化有助於相互認許，但如能建立彼此的相等性，也可以在此基礎上進行相互認許。就專門職業資格而言，相互認許通常係指涉：一方面認許培訓內容的相等性(equivalence of the content of the training)，另一方面認許對方國家(母國)對此培訓核發證明的權力，其形式包括授予文憑或其他資格證明文件(Nelson, 2003; Nicolaidis and Trachtman, 2000)。認許包括 2 個層面，一為養成教育，二為專門職業資格或執業資格。

認許的前提是一個國家已經設有一套規範專門職業的制度。要發展一種專門職業的國內規章制度，是很困難的工作，需要有負責而健全的機構發展能夠平衡不同政策目標的制度，包括要兼顧專門職業的品質以及專門職業人力的適當供給。甚至，若干開發中國家可能缺乏此種規章制度所需要的資源、技術及機構。

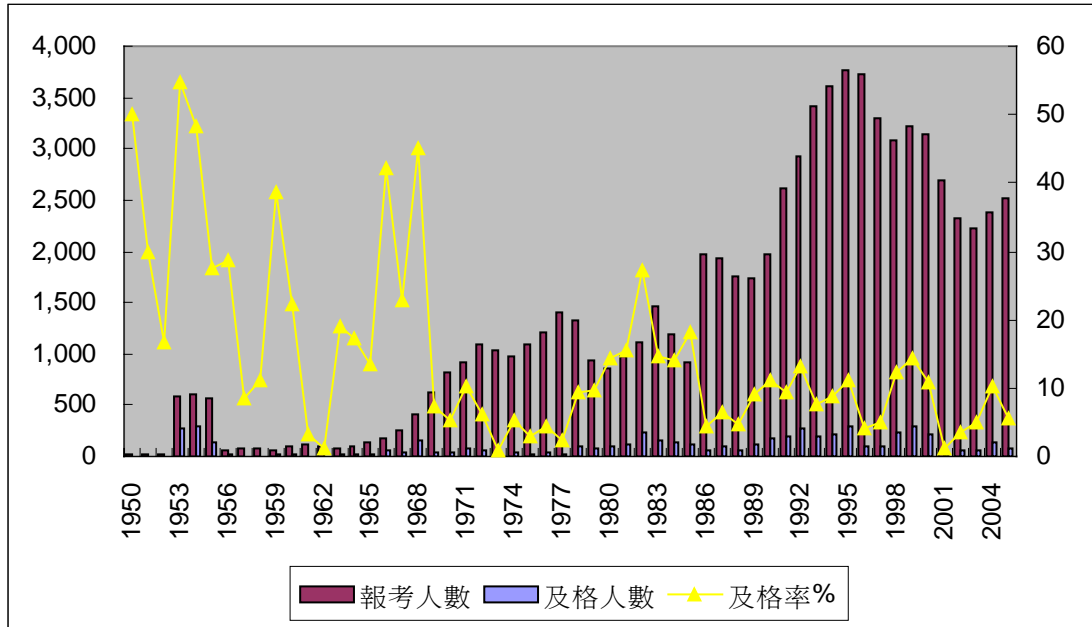


圖 3 我國歷年建築師考試統計

我國建築師及技師的教考訓用制度極具歷史，早自 1950 年起，即已有相關的考試制度。近年來，在與國際接軌的努力下，分別加入亞太建築師及亞太工程師的國際組織；透過與國際社會的交流，未來可以進一步檢討教考訓用相關的法規管制制度。不過，雖然我國接受亞太建築師與亞太工程師的資格條件，基本上並不影響國內從業人員的執業資格；換言之，經過現行教考訓用取得執業資格的建築師及技師，仍舊可以在國內法規管制制度下繼續執業，唯有準備跨國執業的從業人員，才須在較嚴格的學經歷條件下取得亞太建築師及亞太工程師的資格，並以此具相等性之資格條件，與其他亞太經濟體進行資格相互認許的談判。

爲了讓國內取得亞太建築師資格者，能夠獲得其他會員經濟體的認許，未來必須落實執行兩方面工作，一是確實遵守亞太建築師操作手冊規定的資格標準，二是強化國內審核亞太建築師申請案件的程序。



## 二、國內養成教育制度與相互認許

在本文檢視的各種建築師國際相互認許協定中，包括澳洲與紐西蘭、歐盟、美國與加拿大、中國與香港，以及歐洲與墨西哥、美國或加拿大等正進行的認許談判，幾乎全都涵蓋在區域貿易協定(RTAs)或自由貿易協定(FTAs)的架構之中，簽約國彼此間有密切的經濟貿易關係。

建築師的資格相互認許，首先會遭遇的問題是養成教育條件或資格衡鑑制度是否齊一化。歐盟會員國眾多，其採取的途徑是先就各會員國的建築教育齊一標準，以此為基礎「自動認許」建築師資格；澳洲與紐西蘭也有非常相近的教考訓用制度。在此資格條件相等的前提下，以上 2 個協定地主國對於建築師資格係採直接認許。此外，中國與香港也是透過比較研究，認為在教育及考試制度等標準上實質內容相同，以此為基礎進行資格相互認許；但此一認許協定設有人數限制，且有培訓、測試和面試的審核程序。美國與加拿大早在 1986 年起即採用相同一致的建築師考試筆試試題，原則上由兩國負責登錄的全國性聯合會逕行認許其資格；但其後再由各州(省)依此認許資格分別決定其執業資格時，即可能附加補償性措施作為條件，尤其是加拿大建築師養成教育與美國畢竟有別，故加拿大各省對於美國建築師均設定條件，包括須具備其養成教育所要求之實習經驗及具備當地法律知識。

但即使不談雙方的建築教育是否相等，還是可以談判相互認許。以歐洲與美國的談判為例，雙方正式取得執業資格的建築師，可以在正式教育、登錄/領照及實務經驗等 3 項累計至少 14 年年資、其中至少 7 年為執業年資的基礎上相互認許。歐洲與墨西哥的談判亦很類似，雙方正式取得執業資格的建築師，可以在 5 年執業年資的基礎上進行認許。此外，澳洲與日本的執業技師相互認許，是以取得亞太工程師資格者且在地主國取得 1 年經驗者為認許對象，而亞太工程師資格的取得，也是除了教育等資格之外，必須具備至少 7 年的執業經驗。

亞太建築師登錄標準與此類似，包括：(1)教育基準部分，必須至少接受 4 年大學正規教育，主修學科為建築學。(2)於母國經濟體註冊/核照為建築師之前，

應有最少 2 年的實習年資。(3)在母國經濟體完成建築師註冊/核照程序。(4)首次完成建築師註冊/核照後，具備至少 7 年的專業實務經驗；其中至少 3 年的經驗必須包括獨自承擔具備中度複雜性的設計、文件和合約管理的專業職責，或以建築師身分與其他建築師合作，負責複雜建築物的設計、文件和/或合約管理等層面的專業職責；必須維持專業能力。

因此，在亞太各國建築教育互有差異之情況下，我國應以亞太建築師登錄資格為基礎，與其他亞太建築師中央議會參與經濟體進行資格相互認許的談判。

### 三、補償性措施與相互認許

相互認許(mutual recognition)或單方認許(recognition)外國學歷、證照等資格條件，可以視為將國內法規管制權限轉移至對方國家(當事人的母國)<sup>15</sup>。認許的結果，即是接受外國的法規管制措施；但在決定由外國法規管制制度取代本國法規管制制度之時，首先必須判定外國法規管制制度能夠滿足地主國的管制目的。因此，要使兩國認許彼此的法規管制制度，除非已先建立有雙方齊一的法制，通常有賴長時間的法規整合，此則必須透過法規合作、交換資料及法規分析研究(Nicolaïdis and Trachtman, 2000)。

相互認許通常不會毫無條件或保留地接受對方的法規管制制度，事前要對另一方的法規管制制度進行分析研究，也需要彼此進行法規調整；在達成相互認許協定之後，通常會保留給地主國一定的權限，彼此互相監測，在無法滿足地主國需求時，地主國還是能有所作為，以維護公眾福祉。換言之，相互認許應該要受到有效的動態管理，主權的移轉只是局部性的，而且是可以回溯復原的。

兩國相互認許，前提是彼此接受雙方具相等性(equivalence)。一般來說，相等性意謂雙方同意各自的核發證照程序及資格等技術要求是可以接受並可互相替補，即雙方的法規管制目標(regulatory goals)可以由對方的法規管理措施以不

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<sup>15</sup> 另一方面，國民待遇原則(rule of national treatment)是將地主國的法規管制措施適用於在地主國營運的外國人；齊一化原則(rules of harmonization)則可視為建立一套跨國性的法規管制制度，各國主管機關根據該國際標準執行國內法規管制，或由某一國際組織實施管制。參見Nicolaïdis and Trachtman (2000)。

同但相等的方式達成(fulfilled in different but equivalent way) (Beviglia Zampetti, 2000)。如果地主國的法規管制目標有一部分未能滿足，諸如建築師欠缺有關地震威力的當地知識，或二國對於執業範圍之規定有差異，則地主國應被容許設立額外的認許條件，即補償性措施(compensatory measures)。換言之，為了保障民眾利益，相互認許仍必須設立雙方合意的補償性措施，以確保專門職業服務品質。

在本文檢視的幾個建築師資格相互認許協定中，簽約國往往有相近似的歷史發展背景及語言(如澳洲與紐西蘭)，但語言如果不同時，也容許這項差異存在，至於其因應之道：有將語言能力設定為執業條件者(如歐盟、美國與加拿大)，有在認許程序之一的考試中針對試題採用地主國語言者(中國與香港)，有明定不得設定語言為認許條件者(如歐洲與美國的談判)。

除了語文條件外，本文檢視的各種建築師資格相互認許協定，在補償性措施上也都有其特色。首先，採完全認許或自動認許的澳紐建築師認許及歐盟建築指令，對於認許均未設附帶條件或補償性措施，但澳洲與紐西蘭的泛塔斯曼相互認許約定(TTMRA)在適用於其他專門職業時，其實也可能在認許時附加條件；另外，歐盟相互認許的一體體系則規定 2 種形式的補償性措施，或為一定期間的見習，或為一項能力測驗(由當事人自行選擇)。

其次，美國與加拿大的建築師相互認許，在各州及各省都可能附加執業條件，包括須具備各工程項目的實務條件、地震知識、有關地方法律的知識、加考口試、須完成核可之極地工程課程等。另外，在歐洲與美國由專業團體簽訂的相互認許協定中，也規定申請人如未符合相互認許標準，可由雙方共同成立之聯合治理委員會進行評估，決定申請人另須具備那些資格條件及如何滿足這些條件。

最後，中國與香港的建築師資格互認協議對於每年互認人數設有定額限制，對於符合資格互認者，採用培訓、測試和面試的方式進行考核。

因此，未來在與其他亞太經濟體談判建築師資格相互認許時，我國必須針對談判對方的建築師教考訓用制度進行深入的分析研究，並與我國制度進行比較，根據國人需要，訂出雙方能夠接受的認許標準，以及相應的補償性措施。

對於認許的結果，應考量充分運用現行考試制度的彈性規定。亦即，依照現

行專門職業及技術人員考試法第 16 條第 1 項規定，具有與專門職業及技術人員考試相當之資歷者，應專門職業及技術人員考試，得視其不同資歷，減免應試科目。在專門職業及技術人員高等考試建築師考試規則中，也有全部科目免試及格，以及部分科目免試的制度。因此，未來似可將建築師資格相互認許及其補償性措施融入考試規則中，完全符合相互認許資格者，應准予全部科目免試；必須施予補償性附帶條件者，則以部分科目免試之制度，僅列考必要的科目。

## 伍、結語：未來努力方向

近年來，WTO 主要議題鎖定在農業，服務貿易談判始終沒有重大進展。更甚者，2006 年 7 月 24 日，WTO 正式發布新聞，表示由於談判各方存有過大的歧見，包括在農業議題上無法獲致共識、市場開放不足、富國與貧國之農民補貼受到不平等待遇，杜哈回合多邊談判全面暫時中止(WTO, 2006)。

不過，多邊貿易談判雖然觸礁，最近幾年在複邊或雙邊談判上，尤其是區域貿易協定或自由貿易協定方面，則有許多的進展。而在專門職業人員資格相互認許方面，幾項重要的發展也發生在區域貿易協定中，包括歐盟的專門職業認許單一指令即將在 2007 年正式實施，歐盟與墨西哥、美國及加拿大談判建築師資格相互認許等。在 APEC 此一區域貿易協定中，我國在 2005 年加入了亞太工程師組織，更重要的是成為亞太建築師的創始會員經濟體，以 APEC 區域貿易協定為框架，將有機會與其他經濟體洽談專門職業資格認許協定。

認許是一項高度複雜而且費時的工作，包括許多階段性的工作，諸如資訊交換、分析雙方的規章制度、評估有無落差、採取何種補償措施、有無不列入認許之事項、地主國規章制度是否需要調整等。雙方在教育制度、標準、規章形式、發展水準等差異程度，以及參與認許之當事人數量，也會影響認許程序進行的速度與效率。一旦簽署之後，相互認許協定還需要持續的投入資源，包括監測及評估各種特殊情況是否應訴諸防衛措施(Nielson, 2003)。

國際間建築師專門職業資格的相互認許，大多歷經長時間的談判談程，而且大多以養成教育的齊一化為認許的前提，歐盟即為最顯著的例子。不過，近年來也出現若干以執業經歷為主要條件的認許協定，如歐盟與墨西哥及美國的談判；在亞太工程師架構中，澳洲與日本也是以雙方取得亞太工程師的專業技師為資格認許對象。亞太建築師中央議會各參與經濟體的養成教育制度存有極大的差異，而由於亞太建築師資格的取得條件，是在正規學歷之外更設 7 年執業經驗，足可形成國與國進行資格認許談判的良好基礎。而在與其他經濟體談判建築師相互認

許之前，我國也必須就對方的建築師教考訓用制度進行詳細分析研究，研判最能符合國內民眾需求的資格條件，作為認許的資格標準。

同樣的，國內的一般建築師教考訓用制度應參考國際建築師組織訂定的標準持續改進，但更重要的是，我國必須強化申請擔任亞太建築師的審核程序，使其他經濟體信任我國的品管制度，進而願意與我國進行相互認許的談判。在此一部分，中華民國建築師公會全國聯合會也已經有相同的看法，目前已經決定加強核發亞太建築師資格之認證程序，認證工作加邀考選部代表協助審查；基於美國等經濟體均有 **interview** 程序，中華台北未來除加強書面審查外，必要時亦應採行面談機制。

最後，認許的結果往往必須對申請人附加補償性條件，以確保其資格條件及執業能力確實符合國人需求。在我國與其他亞太經濟體談判建築師資格相互認許協定時，應參考國外既有經驗，妥慎規劃合理的補償性措施，並結合目前國內建築師考試的全部科目免試及格與部分科目免試制度，以健全的資格銓選程序，授予申請人執業資格。

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# 附 錄

## 一、亞太建築師計畫第二次中央議會議程



Asia-Pacific  
Economic Cooperation

**APEC ARCHITECT PROJECT  
SECOND CENTRAL COUNCIL MEETING  
AGENDA and BRIEFING NOTES**

**23 - 24 May 2006**

**APEC ARCHITECT  
CENTRAL COUNCIL MEETING  
23-24 May 2006**

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# AGENDA

**DAY 1 9.30 AM**

**Item 1: Welcome to Delegates**

Welcome extended to delegates of participating economies and observers attending the meeting.

**Item 2: APEC Meeting Procedures**

APEC meeting procedures and APEC Architect Central Council proceedings are included for the information of delegates.

**Item 3: In Memoriam**

To remember the contribution to APEC Architect made by former Central Council member Dato' Dr Ikmal Hisham Albakri of Malaysia who died recently and to extend the sympathy of the Council to his family, friends and colleagues.

**Item 4: Adoption of the Agenda**

Delegations are invited to give notice if they wish to make a presentation under any item of the Agenda.

**Item 5: Confirmation of the Summary Conclusions of the second Provisional Council / first Central Council meeting**

Confirmation of the agreement of participating economies to the Summary Conclusions of the second meeting of the APEC Architect Provisional Council / first meeting of the APEC Architect Central Council, Tokyo 31 May / 1 June 2005.

**Item 6: Constitution of the Central Council**

**6.1: Matters Arising from the First Meeting of the Central Council**

In accordance with the decision taken at the Tokyo meeting, the Secretariat to advise delegations whether applications for authorization of newly formed Monitoring Committees have been received from Korea or Singapore, and, if so, to obtain Central Council endorsement of the Secretariat's decision

**6.2: Authorization of Newly Formed Monitoring Committees**

To agree on a process for evaluation of any future applications for authorization from newly formed Monitoring Committees of other APEC economies.

**6.3: Central Council Membership**

The names of each economy's current Monitoring Committee nominations for membership of the Central Council to be tabled at the meeting.

**10.30 – 11 AM COFFEE / TEA BREAK**

## **Item 7: Establishment of the APEC Architect Register – a Review of Progress**

### **7.1: Inauguration of the APEC Architect Register**

- a) Economies that have already created their APEC Architect Register databases and websites are invited to comment on any problems encountered and offer any suggestions they may have for revision.
- b) Council to review content of websites and consider amendment if necessary.
- c) Economies that have not yet established Register databases and websites to advise Council of progress and when they expect to complete the process

### **7.2: Documentation**

To discuss the suitability of APEC Architect document guidelines agreed by the Central Council at its previous meeting, including applications for registration and professional experience report forms, the APEC Architect Registration Certificate and ID card. These documents record the compliance of APEC Architects with agreed criteria and act as passports for their professional recognition in other participating economies. Council members are invited to raise any questions or put forward any suggestions with regard to their wording and layout.

**1.00 – 2.30 PM LUNCH BREAK**

### **Item 7 continues**

### **7.3: Monitoring Committee Reports to Council**

To consider introduction of a standard APEC format for the six month reports by Monitoring Committees to the Central Council on their registration activities for the period, which would record any changes to formerly agreed recognition systems, current requirements and planned improvements.

**3.30 – 4.00 PM COFFEE / TEA BREAK**

## **Item 8: Central Council Administration - Report by Chinese Taipei Secretariat**

As agreed at the previous meeting, the Secretariat will provide budgetary and resource information on its term of office for the guidance of participating economies, put forward any suggestions it may have on the administration of Council business and raise any other matters on which it requires the opinion of the Central Council. For general discussion and agreement.

**5.30 PM DAY 1 CONCLUDES**

**DAY 2 9.30 AM**

**Item 9: APEC Architect Reciprocal Recognition Framework**

To consider proposals for the formation of an APEC Architect Reciprocal Recognition Framework to provide a structured basis for the mutual recognition of APEC Architects from all participating economies.

**9.1: Home Economy Recognition Requirements for APEC Architects**

Previous Surveys have identified four different levels of requirements to be imposed by participating economies for the professional recognition of APEC Architects from other economies. Each delegation is requested to confirm its policy on professional recognition requirements for APEC Architects from other economies.

**10.30 – 11.00 AM COFFEE / TEA BREAK**

**9.2: Proposed Reciprocal Recognition Framework**

To provide a reciprocal recognition opportunity for all participants, Council to consider proposals that each economy nominate the most liberal category of recognition requirements it is prepared to offer APEC Architects from elsewhere, thereby establishing different levels of reciprocity as the basis of the proposed Reciprocal Recognition Framework.

The provisions of the APEC Architect Reciprocal Recognition Framework and the category of professional recognition requirements to which each economy is committed to be entered on each Monitoring Committee website.

**9.3: UIA Accord and Practice in a Host Nation**

Note on the implications of the UIA Accord Practice in a Host Nation policy.

**1.00 – 2.30 PM LUNCH BREAK**

**Item 10: Promotion of the APEC Architect Register**

Consideration of strategies for promotion of the APEC Architect Register to ensure that it receives maximum exposure, both domestically and internationally. To discuss proposals to engage professional associations in the dissemination of APEC Architect information and possibilities for direct marketing to architects. Communication with the APEC Organization and international architectural organizations also to be considered. Suggestions for promotional strategies invited from delegations.

**3.30 – 4.00 PM COFFEE / TEA BREAK**



### **Item 11: Appointment of the Secretariat**

Request for an offer from a participating economy to act as Secretariat to the Central Council for an agreed period following the conclusion of Chinese Taipei's term of office on 31 December 2006. If offers are not forthcoming, to consider adoption of a system of rotation for Monitoring Committees to undertake the work of the Secretariat.

### **Item 12: Any Other Business**

Delegates are invited to raise any other matter not on the Agenda, for discussion and resolution.

### **Item 13: Summary Conclusions**

#### **13.1: Adoption of the Summary Conclusions**

Adoption of the Summary Conclusions reached by the meeting on Agenda Items 6-11.

#### **13.2: Operations Manual**

To agree to the amendment of the APEC Architect Operations Manual to incorporate decisions taken by the Central Council at this meeting.

### **Item 14: Next Meeting of the Central Council**

To agree on the date and venue for the next meeting of the APEC Architect Central Council to be held within two years of this meeting. Offers invited from participating economies to act as host for the next meeting.

**Note:** It was agreed at the Tokyo meeting that Monitoring Committees would share the Central Council meeting expenses through a per-delegate registration fee if requested by the host economy.

**5.30 PM MEETING CONCLUDES**

## GLOSSARY OF TERMS

<b>Accreditation</b>	Also validation - the granting of approval/recognition to a course or program of study, which has been tested to produce results of an acceptable standard against set criteria.
<b>Authorization</b>	Approval granted by the Central Council to a Monitoring Committee to maintain a section of the APEC Architect Register.
<b>Central Council</b>	The joint governing body of the APEC Architect project composed of nominees of Monitoring Committees of participating economies, with ultimate responsibility for a range of matters, including the authorization of Monitoring Committees, strategic directions and administrative arrangements
<b>Domain Specific</b>	Competencies or knowledge related to conditions of professional practice unique to an economy.
<b>Home Economy</b>	Economy of permanent residence and primary registration/licensure as an architect.
<b>Monitoring Committee</b>	Independent committee formed by a participating economy, with delegated authority of the Central Council to maintain a section of the APEC Architect Register in its economy and to act as nominating body for the permanent Central Council
<b>Participating Economy</b>	An APEC economy with an authorized Monitoring Committee
<b>Professional Recognition</b>	Acceptance by a regulatory authority as meeting its requirements for registration/licensure
<b>Registration/Licensure</b>	Legal admission to the right to practice as an architect.
<b>Regulatory Authority:</b>	Authority responsible for the registration/licensure or recognition of persons permitted to offer professional services as an architect.

**Note:** In economies with multiple domestic jurisdictions, the 'regulatory authority' referred to in these Briefing Notes is taken to be the national organization composed of representatives of regional jurisdictions to formulate national standards and procedures for the professional recognition of architects. It is understood that the ultimate legal decision for the application of these standards rests with the individual jurisdictions.

**APEC ARCHITECT  
SECOND CENTRAL COUNCIL MEETING  
23-24 May 2006**

**AGENDA and BRIEFING NOTES**

**Introduction**

The purpose of the APEC Architect framework, reiterated and endorsed by participating economies at each Central Council meeting, is to provide a reliable mechanism to facilitate the mobility of architects for the provision of architectural services throughout the APEC region by reducing current barriers to professional recognition. Over the past few years a total of 16 APEC economies have worked together in a spirit of cooperation and commitment to create the APEC Architects Register to accomplish these objectives.

Asia Pacific Economic Cooperation (APEC) is a unique international forum composed of 21 member economies that have undertaken to act collectively to assert and advance their common interests. It is committed to the reduction of barriers to trade in goods and services between member economies. APEC Architect is a direct response to this central strategic goal. It has been developed under the auspices of the APEC Human Resources Development Working Group (HRDWG), one of a number of sectoral groups established to carry out APEC work programs. The HRDWG implements APEC principles directed to the development of the region's human resources, including the reduction of unnecessary obstacles to trade in professional services. Regulations in host economies governing qualification requirements and recognition procedures must be based on objective and transparent criteria such as competence and the ability to supply the service, and not more burdensome than necessary to ensure its quality.

The development of the APEC Architect framework has been shaped by HRDWG principles and all operations of the Central Council are conducted in accordance with its policies.

**Background**

The APEC Architect project began as an initiative of the Australian government in 2001, when representatives of eleven APEC economies met in Brisbane to discuss how HRDWG principles could be applied to the architectural profession in the Asia Pacific region. A Steering Committee was formed to work towards the establishment of a Register of APEC Architects whose professional standards and experience would define a level of competence that would reduce current barriers to the professional recognition of foreign architects in APEC economies. The Register would establish a basis for negotiation of reciprocal recognition agreements between economies.

Over the course of three successive APEC Architect meetings, held in Sydney 2002, Kuala Lumpur 2002 and Taipei 2004, the Steering Committee fully explored the professional standards and registration/licensing systems for architects in each participating economy. Elements of architectural education, practical training and professional examination that would satisfy some, or all of the requirements for registration/licensure in participating economies, were identified and adopted as APEC Architect registration criteria. APEC Architects would also be required to have completed a period of professional experience as a registered architect. A structured framework was developed to implement the project.

At the following meeting in Honolulu, 2004, the APEC Architect Provisional Council was formed, comprising nominees of the Provisional Monitoring Committees established in each participating

economy to administer a section of the APEC Architect Register. Outstanding procedural matters were resolved and a detailed process to administer the Register of APEC Architects agreed. The meeting concluded Australia's undertaking to initiate the project and Chinese Taipei took over administrative responsibility for the APEC Architect framework.

These preliminary negotiations culminated at the last APEC Architect meeting, held in Tokyo in 2005, when all preparations were completed and the Monitoring Committees of twelve participating economies were authorized to maintain a section of the APEC Architect Register. The Central Council, composed of members nominated by the twelve authorized Monitoring Committees, was duly constituted in readiness for the launch of the APEC Architect Register.

On 19<sup>th</sup> September 2005, the work and dedication of all participants came to fruition with the inauguration of the APEC Architect Register.

## **The Way Forward**

This successful outcome has been made possible by the willingness of participants to learn about, and understand the structure and standards of the architectural profession in other economies, to recognize the needs of those involved and to work together to find acceptable solutions when differences arose. It has been a significant achievement.

The forthcoming meeting in Mexico City will mark the conclusion of the development phase of the APEC Architect framework and the beginning of its future role as a valued gateway for architects seeking opportunities to export full professional services throughout the Asia Pacific region.

At this meeting, following a review of the effectiveness of provisions implemented so far, participating economies will be asked to advise the Central Council of the policies they have now adopted for the professional recognition of APEC Architects from other economies. These commitments will form the basis of a framework for the reciprocal recognition of APEC Architects, thereby achieving the ultimate strategic objective of the HRDWG and APEC Architect. To succeed, the framework must be vigorously publicized and promoted and these matters will also be discussed at the meeting.

The development of the APEC Architect framework has been a rewarding experience and as long as this spirit of goodwill and determination to succeed is maintained and agreed policy and principles rigorously applied, APEC Architect will prove a vital resource for the architectural profession, and those who regulate it, throughout the APEC community.

## ITEM 1 – WELCOME TO DELEGATES

The Chair will extend a welcome all delegates of participating economies to the meeting and to the representatives of any other economies who may be attending as observers.

## ITEM 2 – APEC MEETING PROCEDURES

The Chair will outline meeting procedures for delegates who are not familiar with them.

### APEC meeting procedures

- There is a maximum of three seats at the table for each delegation.
- Where delegations have more than three members the Head of Delegation should decide who is seated at the table at any time.
- The Chair does not request delegates to speak unless they indicate that they wish to do so.
- Delegates may do this by raising their hand or by standing their delegation sign on end.
- The Chair will call on delegations to speak, not on individuals.
- Delegates must occupy one of the seats at the table to make an intervention, and may exchange positions with fellow delegates in order to do so.

### APEC Architect Central Council Proceedings

- **Meeting Quorum:** The Central Council meeting quorum is two thirds of the Central Council Monitoring Committee membership.
- **Decision Making:** All Central Council decisions in connection with changes to APEC Architect criteria and registration policy, and the authorization or conditional suspension of Monitoring Committees, require the two-third support of all Central Council member Monitoring Committees for adoption. Council decisions on other matters are arrived at by consensus of members present. A Monitoring Committee must be represented in order to vote. All decisions requiring voting must be notified in advance of the meeting for pre-circulation with the Agenda.

## ITEM 3 – IN MEMORIAM

It is with regret that the Council has learnt of the recent death of former Central Council member Dato' Dr Ikmal Hisham Albakri of Malaysia. Dr Albakri was a valued participant in APEC Architect negotiations and made significant contributions to the development of the project. The Central Council extends its deepest sympathy to his friends and colleagues on the Malaysian Monitoring Committee.

## ITEM 4 – ADOPTION OF THE AGENDA

Delegates are invited to give notice if they wish to make a presentation under any Item on the Agenda.

## ITEM 5 – CONFIRMATION OF THE SUMMARY CONCLUSIONS OF THE SECOND PROVISIONAL COUNCIL / FIRST CENTRAL COUNCIL MEETING

Each participating economy is asked to confirm the agreement of the appropriate authorities in its economy to the Summary Conclusions of the second meeting of the Provisional Council / first meeting of the Central Council held in Tokyo, 31 May - 1 June 2005.

(Summary Conclusions of the second Provisional Council / first Central Council Meeting are attached at APPENDIX 1, p. 25)

## **ITEM 6 – CONSTITUTION OF THE CENTRAL COUNCIL**

### **6.1 Matters Arising from the First Meeting of the Central Council**

At the Central Council meeting in Tokyo, automatic authorization was granted to the Provisional Monitoring Committees of economies that had previously satisfied the Steering Committee that the architectural education and accreditation systems in their economies complied with agreed APEC Architect criteria. Delegations from Korea and Singapore attended the meeting but had not yet submitted a Survey Application for Authorization of their Monitoring Committees, nor had they previously supplied the information on their professional education, accreditation and recognition systems that had been a condition for the automatic authorization of the initiating economies. They hoped to do so however within the following months.

To avoid undue delay the Council agreed that, when ready, Korea and Singapore would submit their Applications for Authorization, together with the required additional information, to the Secretariat and advise it of the names of their Monitoring Committee nominees to the Central Council. The Secretariat would assess the applications and advise the Central Council of the acceptance, or otherwise, of the Korea and Singapore Monitoring Committees for authorization. The Secretariat would circulate all information to the other Monitoring Committees.

At the time of preparation of the Briefing Notes, an application for Authorization had been received from Korea. The Secretariat will report on the situation at the meeting and the decision it has reached with regard to requests for authorization if the required information on education, accreditation and recognition systems has been received and processed by that time.

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#### **ACTION – Item 6.1: Matters Arising**

If Applications for Authorization of their Monitoring Committees and required additional information have been received from Korea and/or Singapore, the Central Council is asked to endorse the Secretariat's decision on their authorization, and if approved, to receive their nominated representatives as members of the Central Council. In accordance with agreed Central Council proceedings, Council endorsement will require the two third support of all member Monitoring Committees.

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### **6.2 Authorization of Newly Formed Monitoring Committees**

It is hoped that other APEC economies, not yet members of APEC Architect, will join in the near future and establish their own Monitoring Committees to maintain a section of the APEC Architect Register.

To obtain Central Council authorization, all participating economies must place on record their conformance with agreed APEC Architect criteria by completing a Survey Application for Authorization addressing the required information. To provide consistency in the information recorded on compliance with APEC Architect standards and principles, applications must be supported by additional information on the architectural education and accreditation systems in the economy.

In the case of Korea and Singapore it was agreed that their applications for authorization and required supporting documentation should be submitted to the Secretariat for assessment and decision. The Council is now asked to confirm that any future application for authorization of a newly formed Monitoring Committee from an economy that is not yet a member of the APEC Architect framework

is to be submitted to the Secretariat acting at the time for assessment and decision. Authorization would be subject to consideration of the information contained in the Survey Application form and supporting documents on the typical programs of architecture education and the required competencies for professional recognition in the economy. The decision of the Secretariat would be endorsed by the Central Council at its following meeting in accordance with agreed Council proceedings.

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## **PROPOSAL – Item 6.2: Authorization of Newly Formed Monitoring Committees**

### **It is proposed that:**

Future applications for the authorization of newly-formed Monitoring Committees to be assessed and determined by the Secretariat subject to their completion of the Survey Application for Authorization and submission of required additional information on education and accreditation systems, for subsequent endorsement by the Central Council

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## **6.3 Central Council Membership**

At the meeting, each delegation will be asked to table the names of its Monitoring Committee's current nominations to membership of the Central Council.

**Note:** There is no limit to the number of delegates appointed to the Central Council by Monitoring Committees, but each authorized economy is entitled to only one vote.

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## **ACTION – Item 6.3: Central Council Membership**

The Central Council is asked to receive the nominated representatives of Monitoring Committees to its membership.

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## **ITEM 7 – ESTABLISHMENT OF THE APEC ARCHITECT REGISTER REVIEW OF PROGRESS**

### **7.1 Inauguration of the APEC Architect Register**

The APEC Architect Register became operational on the 19<sup>th</sup> September 2005 when eight Monitoring Committees publicly launched their sections of the Register database and linked websites and the first APEC Architects were duly registered. The APEC Architect Register is the means by which architects who have achieved agreed standards of professional competence are identified to simplify their admission to registration/licensure in other APEC economies by exempting them from many of the recognition requirements foreign architects must currently undertake. The linked APEC Architect websites are the fabric that bind the decentralized sections of the APEC Architect Register into a unified whole. They are also the principal means of communication between Monitoring Committees.

To succeed in its objectives the APEC Architect Register must be a resource that regulatory authorities in participating economies can rely upon with complete confidence. There is a very real danger in a multi-national endeavour of this kind that, over time, the principles and policies on which its credibility depends may slowly erode through a decline in the rigour with which they are applied. It is therefore essential, for the coherence and authority of the overall APEC Architect Register that

the individual websites and linked databases adopt a generally uniform structure and that the information they contain is consistent, current and above all, accurate

As the Register has only recently become operational and is still in its development phase, the forthcoming meeting will provide an opportunity for Council members to review its current status and reconfirm the specific minimum requirements previously adopted by the Central Council to implement its policies.

### **Monitoring Committee Websites and APEC Architect Register Databases**

To ensure a measure of uniformity, the Central Council has agreed the following outline layout for APEC Architect websites:

- *A brief introductory statement*
- *Access to the list of APEC Architects in that economy*
- *Information for registration as an APEC Architect and document download*
- *A statement of home economy recognition requirements for APEC Architects from other economies*

Particulars of APEC Architects to be recorded on the Register include:

- *name and business address;*
- *home economy or jurisdiction in which the architect is registered/licensed;*
- *any other economy in which the architect is registered/licensed.*
- *An opportunity to be provided for APEC Architects to indicate their willingness to consider offers of professional alliance with APEC Architects from other economies.*

Much has been done by participating economies to implement these guidelines, but much still remains to be done. At the time of preparation of the Briefing Notes, eight economies had constructed Register databases and websites with links to the Central Council website establishing access to the list of APEC Architects registered in those economies. However the website contents varied and in some cases were incomplete. Whilst all included some form of introductory statement, the information provided on registration as an APEC Architect was less consistent. The Seven Year Professional Experience and Application forms for downloading also exhibited a variety of interpretations of the minimum requirement agreed at the last meeting, if in fact they were available at all.

Perhaps of greatest concern was the fact that only three economies had at that stage posted a statement on their websites on the specific requirements that APEC Architects from elsewhere seeking professional recognition in their economy would need to satisfy. The exemption of other APEC Architects from the recognition provisions normally imposed on foreign architects is the key purpose of the APEC Architect framework. As the APEC Architect Register is now operational, it is a decision that all participating economies must make and, in the interests of transparency, declare, if they are indeed to determine applications for registration/licensure of APEC Architects from other participating economies. Delegations will be asked to report to the meeting if any such applications have yet been received.

In view of the importance of maintaining consistent and accurate information on each section of the APEC Architect Register, Council's confirmation of previous guidelines will be sought. (**Note:** Documentation will be considered further under Item 7.2 and home economy recognition requirements for APEC Architects under Item 9).

To open discussion at the meeting on this subject, delegations will be given an opportunity to comment on their experiences in setting up their Register databases and admitting their first APEC Architects, and also to seek the opinion of the meeting on any problems encountered on which they would like Council guidance. Suggestions for revision to previously agreed guidelines will also be invited. As it will be eight months since the inauguration of the Register, delegations will be asked to indicate when they expect the required information to be entered on their websites if they have not



already been completed. In the interests of quality assurance, it is essential that the information provided is current and the views of Council members will be sought on the need to set a target deadline for updating information posted on websites.

Economies that have not yet constructed their APEC Architect Register databases and websites will be requested to advise the Council of their progress so far and when they expect to complete the process so that the information can be correctly entered on the Central Council website. Again the Council may wish to establish a desired timeframe for this to be accomplished.

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## **PROPOSAL – Item 7.1: Inauguration of the APEC Architect Register**

### **It is proposed that**

- the Central Council confirm the previously agreed Monitoring Committee website and database guidelines, modified in accordance with any decisions taken at the meeting;
- information on Central Council and Monitoring Committee websites to be updated at maximum intervals of six months;
- where possible, economies that have not yet done so to complete their websites in accordance with Council decisions within the three months following the meeting.

### **Action:**

Central Council to receive reports from participating economies of any applications for registration/licensure received from APEC Architects from other economies.

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## **7.2 Documentation**

### **Record of 7-Year Period of Professional Experience as a Registered/Licensed Architect; Application for Registration as an APEC Architect**

In essence, the criteria adopted by the Central Council for admission to the APEC Architect Register comprise two main components. Evidence of the first of these, completion of an accredited program of architectural education and practical experience, plus home economy registration/licensure as an architect, is evaluated when a Monitoring Committee obtains Central Council authorization.

The other APEC Architect criterion, a seven-year period of professional experience as a registered architect, is a different matter. It was adopted by the Central Council as an effective way of confirming the professional competence of APEC Architects and proclaiming their status as experienced practitioners. Each applicant is individually assessed by Monitoring Committees which must evaluate the applicant's compliance with this defining aspect of APEC Architect registration entirely on the basis of the information contained in the applicant's 'Record of 7 Year Period of Professional Experience'.

The professional experience criterion identifies four specific categories of architectural experience (*preliminary studies / preparation of brief, design, contract documentation, administration*) and requires that:

*At least 3 years of the seven-year period must have been undertaken as an architect:*

- *with sole professional responsibility for the design, documentation and contract administration of buildings of moderate complexity;*
- *OR in collaboration with other architects, as an architect in charge of and professionally responsible for a significant aspect of the design, documentation and/or contract administration of complex buildings.*

- *APEC Architects must have practiced in a position of professional responsibility within the preceding two years.*

It is important therefore that Monitoring Committees assure themselves that each of the specific requirements adopted by the Central Council for the professional experience criterion has been addressed and that the information submitted is accurate, authenticated and sufficiently detailed to stand up to scrutiny should it be challenged, or requested by another authority.

In Tokyo the Central Council adopted, as a minimum, the substance of a draft 'Record of Seven Year Period of Professional Experience as a Registered/Licensed Architect' and a draft 'Application for Registration as an APEC Architect' to which each economy could, if it wished, add other requirements. As these documents establish the applicant's conformance with the Council's standards it is essential that this information is in fact submitted, but there appear to be inconsistencies in some versions of the Record of Experience forms that may not provide all the necessary details. At the time of writing, these documents were not available for download on all websites.

Delegations are invited to comment on this situation and to confirm that the information to be provided in the agreed Record of Seven Year Period of Professional Experience as a Registered/Licensed Architect and the Application for Registration as an APEC Architect is in fact a minimum requirement of the Central Council.

### **APEC Architect Certificate and ID Card**

These documents record the compliance of APEC Architects with agreed criteria and the currency of their registration as such. It is intended that they should act as passports for the professional recognition of APEC Architects in other participating economies.

At the last meeting of the Central Council it was resolved that Monitoring Committees would issue an APEC Architect Certificate of Registration and an Identification Card to all architects admitted to the APEC Architect Register, in accordance with a standard design. The Certificate and ID Card would bear the architect's name, the name of the home economy and date and currency of APEC Architect registration. Each economy would be free to use the language of the home economy or any other language of choice, but required information must also be provided in English. As agreed, the Secretariat designed the Certificate and ID card, which was circulated to Council members following the meeting.

An opportunity will be provided for delegations to comment on any aspect of the APEC Architect Certificate and ID card and to confirm the design and content of these documents.

(A copy of the Certificate and ID card are attached at **APPENDIX 2**, p.29)

## **PROPOSAL – Item 7.2: Documentation**

### **It is proposed that:**

- the Council confirm adoption of the 'Record of Seven Year Period of Professional Experience' as a Registered/Licensed Architect and the 'Application for Registration as an APEC Architect' as minimum requirements, modified in accordance with any decisions taken at the meeting.
- Monitoring Committees ensure that the variations they introduce to these base documents include the required minimum information.
- To confirm the contents and layout of APEC Architect Certificate of Registration and ID Card, subject to any modifications agreed by the Central Council.

### 7.3 Monitoring Committee Reports to Council

APEC Architect Central Council policy requires “*Monitoring Committees to immediately notify the Council of any changes to their recognition requirements that might conflict with APEC Architect criteria and policy*”. They also have an obligation “*to report to the Secretariat at six month intervals on their APEC Architect registration activities and any other significant developments during the period, for circulation to all participating economies*”. To ensure consistency of purpose and transparency of application, it is intended that the six-month reports should be submitted in a structured format addressing a range of appropriate issues.

The Secretariat wishes to draw the attention of the Central Council to the Individual Action Plans (IAPs) adopted by the APEC organization as annual reports to be completed by APEC economies to record unilateral steps taken towards meeting the APEC goals of free and open trade. IAPs improve the transparency of economies’ trade and investment regimes, encourage APEC economies to focus on relevant policy issues and enable APEC economies to learn from the liberalization and facilitation experiences of other economies, thereby aiding the policy making process.

The IAPs address 15 policy action areas, including Architectural Business Services. Because they have been designed to be completed by APEC economy governments, as can be seen some of the information requested would not be the responsibility of, or indeed available to, the regulatory authorities and professional associations that share responsibility for the APEC Architect framework. However the overall layout of the report form, and its focus on changes and improvements that have occurred in a range of related issues since the previous report, are well suited to the Central Council’s needs and it is proposed that the Council consider adopting a version of the APEC IAP, appropriately modified for the purposes of Monitoring Committee reports to Council.

To avoid delaying the distribution of these Briefing Notes, a draft report format, based on the APEC IAP and tailored to the needs of APEC Architect, will be prepared and circulated separately to members prior to the forthcoming meeting in Mexico, for discussion and, if agreed, adoption at the meeting as the six monthly Monitoring Committee report form to the Central Council. (A copy of the APEC Individual Action Plan is attached as APPENDIX 3, p.31)

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### **PROPOSAL – Item 7.3: Monitoring Committee reports to the Central Council**

#### **It is proposed that:**

As a quality assurance measure, the Central Council adopt a standard format for the Six month Monitoring Committee reports to the Central Council based on the APEC Individual Action Plan annual reports, modified appropriately for APEC Architect purposes, as discussed and agreed by Central Council.

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## **ITEM 8 – CENTRAL COUNCIL ADMINISTRATION**

### **Report by Chinese Taipei Secretariat**

The unique structure of APEC and its dependence on the voluntary contributions of the economies that take part in its programs shapes the basic financial strategy that must be adopted by the APEC Architect Central Council to carry out its functions. This issue was discussed at some length at the last meeting of the Council and it was agreed that a realistic understanding of the costs involved in administration of the framework would help the Council develop practical measures to minimize costs and control its budget. To help it do this, it was resolved that

*Secretariats would provide budgetary and resource information, on their terms of office administering the APEC Architect framework, to the Central Council at the following meeting for the guidance of participating economies in establishing future financial strategies”.*

As the APEC Architect Register has been operational for less than a year, much of the work undertaken by Chinese Taipei as the first Central Council Secretariat has been of a developmental nature and not entirely typical of the ongoing administrative duties that future Secretariats can expect to perform. However the Secretariat will present its report to the Council on those matters that are relevant to the issues under discussion. Additionally it will put to the meeting any questions that have arisen in the course of its term of office, and any proposals for the future management of the APEC Architect Register for the Council’s consideration.

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## **ACTION – Item 8: Central Council Administration**

After full discussion of any matters raised by the Secretariat and consideration of any proposals put to the Council, to confirm continuation of current financial and administrative arrangements, modified in accordance with any decisions taken at the meeting to amend them.

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## **ITEM 9 – APEC ARCHITECT RECIPROCAL RECOGNITION FRAMEWORK**

APEC Architect has been created to implement the APEC Human Resources Development Working Group (HRDWG) objectives of facilitating the mobility of qualified persons throughout the Asia Pacific region - *“by means of the mutual recognition of their skills and qualifications”*, leading to **reciprocal agreements between member economies**.

Through the identification of mutually acceptable registration/licensure requirements for architects, underpinned by a period of professional experience, registration as an APEC Architect defines a level of competence that will satisfy designated registration criteria in other participating economies without further assessment. A host economy may additionally adopt special requirements for the registration of APEC Architects to address aspects of professional practice unique to that economy. The Central Council has resolved, as a matter of policy, *“to support “the future development of formalized bilateral or multilateral agreements for the mutual recognition of architects with other APEC member economies in appropriate circumstances.”* (Honolulu 2004)

Following extensive research and considerable debate by the Steering Committee, all participating economies have now agreed on a set of criteria that must be satisfied for registration as an APEC Architect, based on common elements of architectural education, practical training and professional examination that generally conform with their own professional recognition standards. Each participating economy has also endorsed a statement of the required ‘Competence of an APEC Architect’. Additional assurance of professional competence is provided by the required period of experience as a practicing architect. Everything is now in place for the Central Council to fulfill its mandate and establish a formal process for the negotiation of reciprocal recognition arrangements between participating economies. This will be the key issue for the Central Council at the forthcoming meeting and members are asked to consider proposals for its introduction.

### **9.1 Home Economy Recognition Requirements for APEC Architects from Other Economies**

As a starting point it is necessary to clarify the present situation with regard to the decision each economy has taken to exempt APEC Architects from any of the requirements it imposes on other

foreign architects seeking professional recognition as a registered/licensed architect. As noted under Item 7.1, at the time of writing several Monitoring Committees had not yet posted a statement to this effect on their websites. As the next meeting will take place eight months after the Register became operational, it is assumed that all economies will by then have reached a decision on this matter. Each delegation will be asked to confirm its current policy on professional recognition requirements for APEC Architects from other economies.

The most recent information on this subject was contained in the Survey Applications for Authorization completed by Monitoring Committees for the last Council meeting. (Summary attached at **APPENDIX 4**, p.32). The Survey identified four broad categories of recognition requirements that would be imposed by various economies on APEC Architects from elsewhere seeking registration/licensure as an architect.

They are, in order of increasing levels of restriction,

- 1) *Domain specific tests*
- 2) *Comprehensive registration examination*
- 3) *Period of host economy residence/experience*
- 4) *Mandatory collaboration with local architect*

It can be seen from the Survey responses that some economies were able to accept the evidence of professional competence accorded by registration as an APEC Architect to substantially exempt them from the assessment procedures and other conditions normally imposed on other foreign architects applying for professional recognition. Others however, despite their endorsement of the recognition criteria adopted by the Central Council, have indicated that at this stage they are not in a position to modify their current recognition procedures for foreign architects to any extent.

Although the ultimate goal of APEC Architect is to reduce or eliminate the need for any further assessment of APEC Architects from other economies, it is understood that some restrictions to trade in professional services are outside the control of the profession. It is also possible that the process of amending current regulatory provisions to accommodate APEC Architect principles may not yet have been completed in some participating economies. However the Survey result does present as something of a contradiction. Whilst no obligation is placed on any participating economy to enter into a reciprocal arrangement with another economy, it is the expected outcome of the APEC Architect project, implicit in the endorsement by all participating economies of the mutually accepted APEC Architect criteria.

## **9.2 Proposed Reciprocal Recognition Framework**

It is evident from the information available that there are differences in the extent to which regulatory authorities are able to liberalize their present requirements. The Central Council must therefore accept this reality and formulate a reciprocal recognition framework for APEC Architects that will accommodate these differences and provide opportunities for all economies to establish reciprocal arrangements at an appropriate level.

In order to do so it is proposed that the Central Council utilize the categories of professional recognition set out above to form the basis of a multi-level Reciprocal Recognition Framework (RRF). The Framework would operate on the straightforward principle that participating economies that have subscribed to the same category of recognition requirements for APEC Architects have, in doing so, defined a level of mutual recognition. By establishing an ordered process for these commitments to be recorded and monitored, APEC Architect will be able to create a formal, multi-level, reciprocal recognition process appropriate to the varied needs and capacity of all participating economies.

## Reciprocal Recognition Options

To determine the realities of the current situation and its potential for reciprocal agreement, each economy that has now launched its section of the APEC Architect Register will be asked at the meeting to nominate the most liberal of the four categories of professional recognition requirements identified in the Survey that it is prepared to offer APEC Architects from other economies.

Possible outcomes:

1. **Reciprocity between each economy committed to the same category of professional recognition requirements will, by definition, be established.** (It is recognised that variations may arise between domestic authorities within some economies and the circumstances in which they occur would be noted and, if necessary, excluded from the commitment).
2. It is probable that most economies would be reluctant to enter into a reciprocal agreement that did not entitle their own architects to similar reductions in the barriers to recognition to those which they themselves were offering other APEC Architects. In this situation, **to maintain a reciprocal basis for the assessment of applicants from economies that have committed to a more restrictive category of recognition requirements, it is proposed that economies be given the option of imposing a similar level of requirements to that of the applicant's economy.**
3. **A participating economy may choose to act unilaterally in the foregoing situation, and accept the imbalance in professional recognition provisions in assessing applicants from an economy with more restrictive recognition requirements.**
4. Mandatory collaboration with local architects is a requirement that precludes the right of independent practice for APEC Architects, and is thus contrary to APEC Architect objectives. Because it could not therefore provide a basis for the registration/licensure of an architect in a participating economy, it is not a viable option for the proposed Reciprocal Recognition Framework.

## Statement of Reciprocal Recognition

The Reciprocal Recognition Framework would consist of a formal declaration by each participating economy stating:

- the most liberal of the three categories of recognition requirements (*domain specific tests, comprehensive registration examination or period of host economy residence/experience*) it is prepared to extend to other participating economies, with any exceptions in particular circumstances noted.
- whether, as a reciprocal option, it would impose a similar level of requirements on APEC Architects from economies that have adopted a more restrictive category of recognition requirements for APEC Architects to those which they themselves apply; or
- whether it would act unilaterally in that situation and accept the imbalance of professional recognition without amending its previously nominated category.

As the reduction of barriers to access to independent practice as a registered architect in other economies is at the heart of APEC Architect endeavour, it is important that the recognition requirements of each participating economy are clearly recorded and fully transparent. It is proposed that a summary of these Reciprocal Recognition Statements would form the Reciprocal Recognition Framework, to be posted on the APEC Architect Central Council website. Individual Reciprocal Recognition Statements setting out each economy's recognition requirements for APEC Architects from other economies, in the terms described, would also be listed on each Monitoring Committee's website.

Economies could change their recorded recognition requirements for APEC Architects at any time, according to need, but they would be required to immediately notify the Central Council of such changes and to report their current status in the six month Monitoring Committee reports to Council.

The commitment of participating economies to the provisions of the proposed APEC Architect Reciprocal Recognition Framework will prepare the way for completion of formal bilateral or plurilateral mutual recognition agreements between participating economies, the desired outcome of the APEC Architect Framework.

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## Proposal – Item 9.2: APEC Architect Reciprocal Recognition Framework

### It is proposed that:

the Central Council introduce a Reciprocal Recognition Framework to provide a structured basis for the reciprocal recognition of APEC Architects from all participating economies.

### It is proposed that:

1. the Framework to be based on the following three categories of professional recognition requirements
  - 1) *Domain specific tests*
  - 2) *Comprehensive registration examination*
  - 3) *Period of host economy residence/experience*
2. each economy nominate the most liberal of the three categories of professional recognition requirements it is prepared to offer APEC Architects from other economies;
3. in order to maintain a reciprocal basis for the assessment of applicants from economies that have committed to a more restrictive category of recognition requirements, an economy may choose to impose a similar level of requirements to that of the applicant's economy;
4. the commitments made by each economy to categories of professional recognition to be recorded in standard format on each Monitoring Committee website and summarized as the Reciprocal Recognition Framework on the APEC Architect Central Council website;
5. any changes to an economy's professional recognition requirements to be notified immediately to the Central Council;
6. participating economies with similar reciprocal recognition commitments consider negotiation of bilateral mutual recognition agreements in the near future.

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## 9.3 The UIA Accord and Practice in a Host Nation

On various occasions delegations have referred to the International Union of Architects (UIA) policy of 'Practice in a Host Nation' (PHN) and its possible relevance for APEC Architect objectives. Practice in a Host Nation requires that "architects providing architectural services on a project in a country in which they are not registered must collaborate with a local architect to ensure that proper and effective understanding is given to legal, environmental, cultural and heritage factors". The policy was introduced some years ago when opportunities for the export of architectural services were expanding and collaboration with local architects was seen as a means of providing some assurance that local issues were addressed by foreign architects in the host country.

Working in voluntary collaboration with local architects is obviously a useful arrangement and often the preferred option for architects undertaking commissions in other countries. It is a matter for individual negotiation between the parties involved and does not need a framework such as APEC Architect to underpin it. However it should be noted that the UIA PHN policy requires architects providing services in a country '**in which they are not registered**' to collaborate with local architects.

APEC Architect on the other hand has been created to facilitate the process by which **architects become registered or licensed in a host APEC economy to enable them to provide independent professional services**. PHN and APEC Architect policies are aimed at achieving quite different objectives and the former has no direct relevance for APEC Architect.

It is essential for any architect working in a different society to have informed advice on the host country's legal and cultural requirements. Collaboration is only one of several ways to obtain it. Perhaps the defining characteristic of any registered profession is that the service provider is accountable both professionally and legally for work performed. A compulsory requirement for collaboration with local architects reduces this accountability and it is in conflict APEC Architect principles by denying foreign architects the right to independent practice in the host country.

The APEC Architect framework, and the APEC HRDWG strategic priority of facilitating the mobility of qualified persons by developing a means for the mutual recognition of skills and qualifications on which it is structured, reflect a new phase in the economic growth of the region. The proposals APEC Architect is developing for reciprocal recognition of architects could be of interest to the UIA as a potential model for future policies.

## **ITEM 10 – PROMOTION OF THE APEC ARCHITECT REGISTER**

The establishment of the APEC Architect Register is a noteworthy achievement, testimony to the good will and commitment of all economies that have participated in its creation. An effective process has been created to overcome barriers currently faced by architects wishing to provide independent professional services in another economy. Everything is now in place for APEC Architect to prove a real force for progress, but will it fulfil its potential? If architects are unaware of the opportunities it offers them, it will fail. The next twelve months will be decisive in establishing registration as an APEC Architect as a familiar, respected and well subscribed gateway for architects undertaking projects throughout the APEC region.

It is therefore of some concern that after six months of existence, with the exception of one economy that has succeeded in registering over 300 APEC Architects, at the time of writing the websites indicate that a total of only 16 architects appear to have been admitted to the APEC Architect Register in the other participating economies. Obviously this is not enough to sustain the framework and the Central Council is now asked, as a matter of urgency, to consider strategies for promotion of the Register so that it receives maximum exposure, both domestically and internationally.

For the Register to succeed the benefits it offers must be widely recognized and valued. Architects wishing to provide professional services in another economy must see clear and immediate advantages in registration as an APEC Architect. The Register must also be held in good standing as a reliable directory of professionals of a known level of competence, if it is to retain the confidence of regulatory authorities and clients alike. Delegations will be invited to discuss proposals for promoting the benefits of registration as an APEC Architect and to contribute suggestions based on their own experiences.

As a way of making architects aware of the increased opportunities for access to independent practice in other economies, and the potential reduction in time and establishment costs available to APEC Architects, it is suggested that Monitoring Committees might enlist the help of professional associations to publicize the APEC Architect Register by including a regular report on its purpose and activities in the association's communications with its architect members. Consideration might also be given to distributing an information leaflet on APEC Architect to all registered/licensed architects in each economy.



Regulatory authorities need to be aware that there are also potential benefits for them in the reduction of the resource intensive work of examining foreign architects for professional recognition and an information leaflet could be distributed to members of these authorities who may not have direct access to information on APEC Architect.

It might also be helpful to engage the support of international architectural organizations, both the UIA and regional associations, as a matter of potential interest to their members. With its emphasis on the reduction of barriers to independent practice in other economies, APEC Architect has direct relevance to present day needs and its policies and application could prove of considerable interest to these organizations.

Finally, now that the Register is operational; it will be important to discuss with the APEC organization itself what benefits might be available to APEC Architects through the Business Travel Card system or similar facilities

All delegations are invited to share their experiences in promoting the APEC Architect Register and to put forward any suggestions that may be helpful to members.

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## **PROPOSAL – Item 10: Promotion**

### **It is proposed that:**

- professional associations of architects be requested by Monitoring Committees to regularly circulate information on APEC Architect to their members;
- an information note on the function and operation of the APEC Architect Register be distributed to all registered/licensed architects in each economy and to regulatory authority members to inform them of its existence and purpose;
- the Secretariat inform the UIA and other regional associations of architects of APEC Architect Register and its benefits;
- advice be sought by the Secretariat from the APEC organization on any APEC initiatives that might serve APEC Architect purposes.

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## **ITEM 11 – APPOINTMENT OF THE SECRETARIAT**

Chinese Taipei's term of office as Secretariat will conclude on the 31 December 2006. Monitoring Committees have already received an outline of the projected workload for the incoming Secretariat and offers are now sought from participating economies to act as Secretariat for the Central Council, under the terms of reference and for the period agreed by the Council, commencing the 1<sup>st</sup> January 2007.

The APEC Architect framework cannot operate without a Secretariat to conduct Council business and coordinate administration of the decentralized sections of the Register. The option of establishing a permanent Secretariat funded by participating economies is not available to APEC because it is not possible to operate such an organization on a voluntary basis. The solution of voluntary rotation that has been adopted by the Central Council is therefore a practical and effective response to this unique circumstance. It will however only work if member economies accept the implied obligation to take their turn, if at all possible. This will be more difficult for smaller economies with fewer resources and APEC Architect policy has taken this into account by making provision for participating economies to be exempted from the Secretariat obligation at their request.

It is hoped therefore that an offer will be received at this meeting to carry on the work of Chinese Taipei and Australia that has preceded it. However it may be helpful to economies if a structured system of rotation were introduced so they would know in advance what commitments to plan for. If any economy is genuinely unable to carry out the functions of the Secretariat, it could advise the Central Council of its circumstance and request to be exempted from the obligation. The opinion of the Council is sought on the merit of introducing a formal system for the rotation of the Secretariat function between economies.

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### **ACTION – Item 11: Offer to Act as the Next Secretariat**

Offers to undertake the role of Secretariat for the Central Council in its second term of office are requested from participating economies.

The Central Council to consider introduction of a structured system of rotation for economies to act as Secretariat to the Central Council, subject to exemption in particular circumstances, on request.

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## **ITEM 12 – ANY OTHER BUSINESS**

Delegates are invited to raise any matter not on the Agenda that they wish to bring to the attention of the Central Council, for discussion and resolution if necessary.

## **ITEM 13 – SUMMARY CONCLUSIONS**

### **13.1 Adoption of the Summary Conclusions**

Central Council members are asked to agree the draft Summary Conclusions reached in the course of the meeting on the matters under consideration.

**Note:** Adoption of the Summary Conclusions will be subject to endorsement by the appropriate authorities of participating economies. In view of the maximum two yearly intervals between Central Council meetings, endorsement will be requested by the Secretariat within three months of the meeting so that decisions taken by the Central Council in Mexico City may be acted upon.

### **13.2 Operations Manual**

Central Council members are asked to agree to the amendment of the Operations Manual to incorporate the decisions taken by the Central Council at this meeting, following their endorsement by participating economies.

## **ITEM 14 – NEXT MEETING OF THE CENTRAL COUNCIL**

The next meeting of the Central Council must be held within two years of this meeting. Offers to host the meeting will be requested from participating economies

**Note:** It was agreed at the Tokyo meeting that Monitoring Committees would share the Central Council meeting expenses through a per-delegate registration fee if requested by the host economy.

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**ACTION – Item 14: Next meeting of the Central Council**

The Central Council to determine the date and venue of the next APEC Architect meeting. Offers to host the meeting will be requested from participating economies

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**SUMMARY CONCLUSIONS**  
**Second Provisional Council / First Central Council Meeting**  
**31 May / 1 June 2005 – Tokyo Japan**

**ITEM 4: PROVISIONAL COUNCIL NOMINATIONS**

The Provisional Council receives the nominated representatives of Provisional Monitoring Committees as its members. The list of nominees to the Provisional Council and the organizations that nominated them is attached at APPENDIX 1 of the Meeting Summary.

**ITEM 5: AUTHORIZATION OF PROVISIONAL MONITORING COMMITTEES**

The following Provisional Monitoring Committees have been accorded authorization by the Provisional Council.

Australia, Canada, People's Republic of China, Hong Kong China, Japan, Malaysia, Republic of Mexico, New Zealand, Republic of the Philippines, Chinese Taipei, Thailand, United States of America.

**ITEM 6: CONSTITUTION OF THE APEC ARCHITECT CENTRAL COUNCIL**

The Central Council has been declared constituted.

**ITEM 7: APEC ARCHITECT REGISTER DATABASES AND WEBSITES**

**Item 7.1: APEC Architect Register Databases, Monitoring Committee Websites**

**The Central Council agrees that:**

Each Monitoring Committee website is to include

- Brief introductory statement
- Access to the list of APEC Architects in that economy
- Information for registration as an APEC Architect and document download
- A statement of home economy recognition requirements for APEC Architects from other economies

**The Central Council also agrees that:**

Registration numbers assigned to APEC Architects by Monitoring Committees consist of a two-letter abbreviation of the name of the home economy, followed by a five digit number.

Australia	AU
Canada	CA
People's Republic of China	CN
Hong Kong, China	HK
Japan	JP

Republic of Korea	KR
Malaysia	MY
Mexico	MX
New Zealand	NZ
Republic of the Philippines	PH
Singapore	SG
Chinese Taipei	CT
Thailand	TH
United States of America	US

#### **Item 7.2: Central Council Website**

The Central Council confirms the overall content and layout of the Central Council website model.

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### **ITEM 8: DOCUMENTATION**

#### **Item 8.1: Record of 7 Year Period of Professional Experience as an Architect**

##### **The Central Council agrees that**

1. The previous requirement that APEC Architects must have practiced within the preceding two years be extended to require them to have practiced ‘in a position of professional responsibility’ within the preceding two years to ensure currency of adequate experience.
2. The Central Council amend as required, and adopt as a minimum, the substance of the draft ‘Record of Seven Year Period of Professional Experience as a Registered/Licensed Architect’ attached at APPENDIX 3 of the Meeting Summary.

#### **Item 8.2: Application for Registration as an APEC Architect**

The Central Council adopts, as a minimum, the substance of the draft ‘Application for Registration as an APEC Architect’ attached at APPENDIX 4 of the Meeting Summary.

#### **Item 8.3: APEC Architect Identification Card and Certificate**

##### **The Central Council agrees that;**

An APEC Architect Identification Card and Certificate be issued by the home Monitoring Committee on behalf of the Central Council, in accordance with a standard design, to all architects admitted to the APEC Architect Register, bearing the architect’s name, name of the home economy, and date and currency of APEC Architect registration.

#### **Item 8.4: Operations Manual**

The Central Council ratifies the Operations Manual, amended to incorporate decisions taken by the Council during the course of the meeting, as the base reference document for APEC Architect policy and procedures.

#### **Item 8.5: Presentation / Language of Documents**

The Central Council agrees that each economy is free to use the language of the home economy and any other language of choice, however, required information must also be provided in English.

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## **ITEM 9: LETTER OF SUPPORT FROM GOVERNMENTS**

**The Central Council agrees that;**

The earlier resolution by the Provisional Council at its first meeting to seek a letter of support from governments for dissemination among all Monitoring Committees is no longer an appropriate option, and that it be withdrawn.

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## **ITEM 10: LAUNCH OF THE APEC ARCHITECT REGISTER**

The Central Council declared the date on which the APEC Architect Register will become operational as 19 September 2005. Economies are free to begin accepting applications before, although actual registration as an APEC Architect will not begin until the official date of 19 September 2005. The Monitoring Committee web sites should be operational on this date as well.

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## **ITEM 11: FUNDING AND FINANCIAL MANAGEMENT OF APEC ARCHITECT FRAMEWORK**

**The Central Council agrees that;**

1. Monitoring Committees would share Central Council meeting expenses, through a per-delegate registration fee, if requested by the host economy;
  2. Secretariats will provide budgetary and resource information, on their terms of office administering the established APEC Architect framework, to the Central Council at its following meeting, for the guidance of participating economies in establishing future financial strategies;
- 

## **ITEM 12: CENTRAL COUNCIL OPERATIONS PROGRAM**

**The Central Council agrees that;**

1. Except as modified by this meeting, participating economies put into effect the Summary Conclusions adopted at the previous meeting for Promotion of the APEC Architect framework, as soon as possible;
  2. all Monitoring Committees immediately notify the Council of any changes to professional recognition requirements in their economies that might conflict with APEC Architect criteria and policy, as recorded in Section 2 of the Operations Manual;
  3. the Secretariat circulate advice of such changes to all Monitoring Committees, and consult as necessary, for resolution by the Central Council at the following meeting;
  4. Monitoring Committees be required to submit a brief survey report to the Secretariat on a date to be determined by the Secretariat at six month intervals on their APEC Architect registration activities for the period, for circulation to all participating economies;
  5. At three month intervals, the Secretariat post an update of its activities and any relevant developments on the Central Council website and distribute it to Monitoring Committees;
  6. The APEC Architect Secretariat maintain regular dialogue with the APEC Secretariat.
-

### **ITEM 13: ANY OTHER BUSINESS**

**The Central Council agrees that;**

1. When ready, Korea and Singapore notify the Secretariat that they have formed a Provisional Monitoring Committee.
  2. Both Economies submit completed Survey Application and additional information, as well as the names of nominees to the Central Council, to the Secretariat.
  3. On receipt of the required documents completed correctly and in full, the Secretariat will advise the authorized monitoring committees of the Central Council of the acceptance of Korea and Singapore.
  4. The Secretariat shall circulate all information to the authorized monitoring committees of the Central Council.
- 

### **ITEM 14: SUMMARY CONCLUSIONS**

**The Central Council agrees that;**

In view of the two yearly intervals between Central Council meetings, endorsement by the authorised Monitoring Committees of the Summary Conclusions of this meeting to be notified to the Secretariat within three months of receipt so that decisions taken by the Central Council in Tokyo may be acted upon.

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### **ITEM 15: ADMINISTRATIVE PROVISIONS – THE SECRETARIAT**

**The Central Council agrees that;**

The appointment of the next Secretariat is to be decided at the next meeting unless an offer is received in the interim.

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### **ITEM 16: NEXT MEETING OF THE CENTRAL COUNCIL**

The Central Council has determined the next APEC Architect meeting will be held in Mexico City in May or June of 2006 with the exact date to be determined by Mexico.

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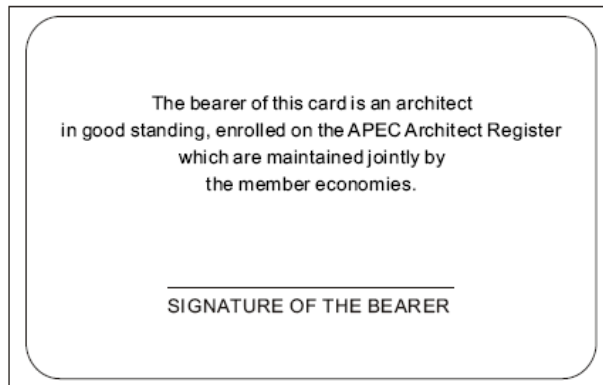
APPENDIX 2

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**Asia-Pacific  
Economic Cooperation**

*By authority of the Central Council of the*  
**APEC ARCHITECT REGISTER**

*and upon recommendation of the [member economy] Monitoring Committee*

**Full Name**

*has been admitted to the Register as*

**APEC Architect**

*and is entitled to all rights and honors thereto appertaining*

*Certificate No.* AA91905 *valid through* SEPTEMBER 19, 2007

*this nineteenth day of September two thousand and five*

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Chair of [member economy] Monitoring Committee

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Secretary General of APEC Architect Secretariat

<b>Chapter 3 (a:3): Business Services: Architectural</b>			
<i>Section</i>	<b>Improvements Implemented Since Last IAP</b>	<b>Current Entry Requirements</b>	<b>Further Improvements Planned</b>
<b>Operational Requirements</b>	<i>[Describe all changes made to operational requirements since the last IAP was prepared]</i>  <i>[Where available, provide links to details in other websites]</i>	<i>[What are the primary domestic regulatory requirements that apply to both domestic and foreign service providers, including operational standards, codes of practice, capital adequacy requirements?]</i>  <i>[Provide links to details in other websites]</i>  <i>[Provide a contact point for further details]</i>	<i>[Are there reviews, new policy directions or forthcoming legislation that will directly impact on the industry structure and operation?]</i>
<b>Licensing and Qualification Requirements of Service Providers</b>	<i>[Describe all changes made to licensing and qualification requirements of service providers since the last IAP was prepared]</i>  <i>[Where available, provide links to details in other websites]</i>	<i>[What are the requirements for licensing and registration across the sector or within specific industries (for both firms and individual service providers)?]</i>  <i>[What are the required educational, training or experience qualifications for service providers? Are there any nationality/residency requirements?]</i>  <i>[Provide links to details in other websites]</i>  <i>[Provide a contact point for further details]</i>	<i>[Are there reviews, new policy directions or forthcoming legislation that will directly impact on the industry structure and operation?]</i>
<b>Foreign Entry</b>	<i>[Describe all changes made to foreign entry in this sector since the last IAP was prepared]</i>  <i>[Where available, provide links to details in other websites]</i>	<i>[What are the additional regulatory requirements for foreign entry into this industry or sector, including arrangements for repatriating profits, quotas, economic needs tests, technology transfer and training requirements?]</i>  <i>[Provide links to details in other websites]</i>  <i>[Provide a contact point for further details]</i>	<i>[Are there reviews, new policy directions or forthcoming legislation that will directly impact on the industry structure and operation?]</i>
<b>Discriminatory Treatment / MFN</b>	<i>[Describe all changes made to discriminatory treatment/MFN in this sector since the last IAP was prepared]</i>  <i>[Where available, provide links to details in other websites]</i>	<i>[What are the additional regulatory requirements for operation into this industry or sector? Are there any provisions, which discriminate between domestic and foreign suppliers?]</i>  <i>[Is there MFN treatment in this sector (e.g. sub-regional arrangement). Are there any measures or regulations which are inconsistent with the MFN principles. If so, why is MFN applied and is there a schedule for eliminating these measures?]</i>  <i>[Provide links to details in other websites]</i>  <i>[Provide a contact point for further details]</i>	<i>[Are there reviews, new policy directions or forthcoming legislation that will directly impact on the industry structure and operation?]</i>

**E. PROFESSIONAL RECOGNITION REQUIREMENTS FOR APEC ARCHITECTS FROM OTHER ECONOMIES**

BARRIERS TO ACCESS TO INDEPENDENT PRACTICE AS AN ARCHITECT IN ANOTHER APEC ECONOMY						
ECONOMY	NONE	DOMAIN SPECIFIC EXAMINATION	PROFESSIONAL PRACTICE EXAMINATION	COMPREHENSIVE EXAMINATION	PERIOD OF HOST ECONOMY RESIDENCE	COLLABORATION WITH LOCAL ARCHITECT
Australia						
Canada		Temporary license			(Full registration)	Temporary license
PR China				May be varied by bilateral agreement		
Hong Kong China					One year	
Japan	To be decided					
Malaysia	Not applicable					
Mexico	None					
New Zealand						
Philippines						
Chinese Taipei						
Thailand	To be determined					
The US						Temporary license

## 二、亞太建築師計畫第二次中央議會綜合結論

### 綜合結論

第2次中央議會會議

墨西哥市，5月23、24日

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#### 第6案 – 中央議會的組成(CONSTITUTION OF THE CENTRAL COUNCIL)

##### 6.1：第1次中央議會引發的議題

根據秘書處的建議，中央議會同意對於新成立的韓國及新加坡監督委員會進行授權，並接受其代表為中央議會的成員。

##### 6.2：對新成立的監督委員會進行授權

中央議會同意：

未來對於新成立監督委員會授權的申請案，應由秘書處評估是否完成申請授權調查表並提出必要的教育及認證制度相關資料，再提請中央議會決定。

##### 6.3：中央議會成員

中央議會接受各監督委員會所提名的代表作為其成員。

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#### 第7案 – 建立亞太建築師登錄進度追綜機制(ESTABLISHMENT OF THE APEC ARCHITECT REGISTER REVIEW OF PROGRESS)

##### 7.1：啓動亞太建築師登錄簿 Inauguration of the APEC Architect Register

中央議會同意：

- 中央議會確認前次會議已同意的監督委員會網站及資料庫指導原則，並依本次會議之各項決定進行修正。

- 中央議會及各監督委員會網站資料至少應每6個月更新1次。
- 未建立監督委員會的經濟體，應儘可能在本次會議結束後3個月內依中央議會之各項決定完成建立其網站。
- 秘書處得對各經濟體網站之任何缺失提出建議。

## **7.2：登錄證書及識別卡 (The Certificate of Registration and ID Card)**

### **中央議會同意：**

- 中央議會一方面確認採行登錄/領照建議師之「7年專業經驗紀錄」的形式結構，並酌作修正以涵蓋4類的建築實務範疇，另一方面確認採行「登錄亞太建築師申請書」的形式結構為最低要求。
- 各監督委員會應確保其對這些基本文件所作的改變均能包含必要的基本資料。

亞太建築師登錄證書應採單一格式，其修正後之樣式應僅由參與經濟體監督委員會主任委員簽名，另加印亞太建築師中央議會印信。澳洲應提出此項文件之修正樣式及印信格式，供中央議會採決。

識別卡應由各經濟體一致採用，並作2項修正：卡片正面應包含失效日期；背面文字修正為「本卡片持有者，為登記在各會員經濟體共同維護之亞太建築師登錄簿的建築師。」

## **7.3：監督委員會向中央議會報告**

### **中央議會同意：**

中央議會採行一種標準格式，供各種監督委員會每6個月向中央議會報告，以確保品質。

## **第8案 – 中央議會行政工作**

中央議會接受秘書處在第1屆任期中辦理中央議會行政工作的報告。

## **第9案 – 亞太建築師互惠認許架構(APEC ARCHITECT RECIPROCAL RECOGNITION FRAMEWORK)**

### **中央議會同意：**

中央議會引進一套互惠認許架構(a Reciprocal Recognition Framework)，作為母國經濟體

對於來自外國經濟體之亞太建築師登錄要求的互惠認許結構化基礎。

1. 本架構奠基於下列3種專業登錄認許條件的不同範疇：
    - 1) 進行特定科目評量Domain specific assessment
    - 2) 進行綜合性登錄考試Comprehensive registration examination
    - 3) 要求在母國經濟體居住/實習一定期間Period of host economy residence/experience
- 中央議會體認：部分參與經濟體尚未提供給來自來他經濟體之建築師有獨立執業的權利。中央議會理解：這些經濟體將致力於儘快放寬其既有之各項限制。
2. 在這3種專業登錄條件的不同範疇中，各經濟體應敘明其對於來自其他經濟體的亞太建築師，將準備提供的最自由範疇為那一種。
  3. 為維持互惠對等，申請人如係來自採行較嚴格的登錄/授證條件範疇之經濟體時，母國經濟體得採行與該經濟體相當程度之評量條件。
  4. 各經濟體就專業登錄/發證3種範疇所作的承諾，應以標準格式登錄於每一監督委員會網站，並於亞太建築師中央議會網站上摘錄為互惠認許架構。
  5. 一個經濟體的專業登錄/發證條件如有任何改變，應立即知會中央議會。
  6. 具有類似互惠認許承諾的各參與經濟體，應考量於近期內展開相互認許協議的談判。

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## 第10案 – 推廣亞太建築師登錄簿(PROMOTION OF THE APEC ARCHITECT REGISTER)

中央議會同意：

- 各監督委員會應要求專業公會將亞太建築師資訊定期分送給所屬會員；
- 分送給各經濟體中所有登錄/領照建築師、管制機關相關人員一份關於亞太建築師登錄簿功能及運作的資訊小冊，以利他們瞭解亞太建築師登錄簿的制度及目標；
- 秘書處應知會國際建築師協會(UIA)及其他區域性建築師組織有關亞太建築師登錄簿制度及其效益；
- 秘書處應知會亞太經合會人力資源發展工作小組(HRDWG)有關亞太建築師登錄簿制度及其效益；

- 秘書處應向亞太經合會徵詢有有助於亞太建築師目標的提案建議。

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## 第11案 – 指派秘書處

中央議會同意由各參與經濟體支付一筆費用給秘書處，以支應該項業務成本。中央議會接受美國代表提議，並由日本、紐西蘭、菲律賓表示願意參與的提案：由美國代表組成小組研擬詳細的經費分攤方案。中央議會並同意：美國代表組成的專案小組應在2006年10月以前向各監督委員會提出經費分攤方案，各經濟體應在2006年12月31日以前加以確認。

中央議會感謝墨西哥根據先前同意由所有經濟體提供經費支援的共識，自願擔任2007年1月1日開始的下一屆秘書處。

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## 第12案 – 臨時提案

中央議會同意：未來必須採行若干政策，以確保各參與經濟體能夠遵守中央議會的法令及有關期限之程序規定。本項議題應列入下次中央議會會議的議程。

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## 第13案 – 綜合結論

### 13.1： 確認綜合結論(Adoption of the Summary Conclusions)

基於中央議會每2年才召開1次，獲得授權的各監督委員會對於本次會議綜合結論，應在收到結論起3個月內向秘書處通知是否支持，俾利中央議會墨西哥會議之各項決定得予執行。

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## 第14案 – 中央議會下次會議

中央議會決定：下次亞太建築師會議訂於2008年8月上旬在加拿大溫哥華舉行，確定日期由加拿大決定。

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**SUMMARY CONCLUSIONS**  
Second Central Council Meeting  
23/24 May, Mexico City, Republic of Mexico

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**ITEM 6 – CONSTITUTION OF THE CENTRAL COUNCIL**

**Item 6.1: Matters Arising from the First Meeting of the Central Council**

On the recommendation of the Secretariat, the Central Council accorded authorization to the newly formed Monitoring Committees of Korea and Singapore and received their representatives as member of the Central Council.

**Item 6.2: Authorization of Newly Formed Monitoring Committees**

**The Central Council agrees that:**

Future applications for the authorization of newly-formed Monitoring Committees to be assessed ~~and determined~~ by the Secretariat subject to ~~their~~ completion of the Survey Application for Authorization and submission of required additional information on education and accreditation systems, for subsequent ~~determination endorsement~~ by the Central Council.

**Item 6.3: Central Council Membership**

The Central Council received the nominated representatives of the Central Council by Monitoring Committees to its membership.

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**ITEM 7 – ESTABLISHMENT OF THE APEC ARCHITECT REGISTER  
REVIEW OF PROGRESS**

**Item 7.1: Inauguration of the APEC Architect Register**

**The Central Council agrees that:**

- the Central Council confirm the previously agreed Monitoring Committee website and database guidelines, modified in accordance with any decisions taken at the meeting;
- information on Central Council and Monitoring Committee websites to be updated at maximum intervals of six months;
- where possible, economies that have not yet done so to complete their websites in accordance with Council decisions within the three months following the meeting.
- *the Secretariat will advise each economy of any deficiency of their websites.*

**Item 7.2: Documentation**

**The Central Council agrees that:**

- the Council confirm adoption of *the structure of the form for the 'Record of Seven Year Period of Professional Experience'* as a Registered/Licensed Architect *modified to include the four nominated categories of architectural practice and the structure of the form for the 'Application for Registration as an APEC Architect'* as minimum requirements, ~~modified in accordance with any decisions taken at the meeting.~~
- Monitoring Committees ensure that the variations they introduce to these base documents include the required minimum information.



- ~~To confirm the contents and layout of APEC Architect Certificate of Registration and ID Card, subject to any modifications agreed by the Central Council.~~

*The APEC Architect Certificate of Registration should be of uniform design and that the proposed layout should be modified to require the signature of the Chair of the member economy Monitoring Committee only, together with the seal of the APEC Architect Central Council. Australia to submit a revised design of the document to the Central Council for agreement together with a proposal for the design of the seal.*

*The proposed ID card design should be adopted by all economies, modified to include the expiration date on the face of the card and with the wording on the reverse of the card amended to read: "The bearer of this card is an architect enrolled on the APEC Architect Register which is maintained jointly by the member economies."*

### **Item 7.3: Monitoring Committee Reports to Council**

#### **The Central Council agrees that:**

As a quality assurance measure, the Central Council adopt a standard format for the six month Monitoring Committee reports to the Central Council.

## **ITEM 8 – CENTRAL COUNCIL ADMINISTRATION**

The Central Council received the report of the Secretariat on its experience in administering the business of the Council in its first term of office.

## **ITEM 9 – APEC ARCHITECT RECIPROCAL RECOGNITION FRAMEWORK**

### **Item 9.2: APEC Architect Reciprocal Recognition Framework**

#### **The Central Council agrees that:**

The Central Council introduce a Reciprocal Recognition Framework to provide a structured basis for the reciprocal recognition of *home economies registration requirements* ~~of~~ for APEC Architects from *foreign all participating economies*.

1. the Framework to be based on the following three categories of professional recognition of *registration requirements*
  - 1) Domain specific assessment
  - 2) Comprehensive registration examination
  - 3) Period of host economy residence/experience

*The Central Council notes that some participating economies do not yet provide for the independent practice of architects from other economies. It is understood that they will work towards liberalizing their current restrictions in the near future.*

2. each economy nominated the most liberal of the three categories of professional *registration recognition* requirements it is prepared to offer APEC Architects from other economies;
3. in order to maintain a reciprocal basis for the assessment of applicants from economies that have committed to a more restrictive category of *registration/certification recognition* requirements, an economy may choose to impose a similar level of requirements to that of the applicant's economy;
4. the commitments made by each economy to categories of professional *registration/certification recognition* to be recorded in standard format on each Monitoring Committee website and

- summarized as the Reciprocal Recognition Framework on the APEC Architect Central Council website;
5. any changes to an economy's professional registration/*certification* ~~recognition~~ requirements to be notified immediately to the Central Council;
  6. participating economies with similar reciprocal recognition commitments consider negotiation of ~~bilateral~~ mutual recognition agreements in the near future.
- 

## **ITEM 10 – PROMOTION OF THE APEC ARCHITECT REGISTER**

### **The Central Council agrees that:**

- professional associations of architects be requested by Monitoring Committees to regularly circulate information on APEC Architect to their members;
  - an information note on the function and operation of the APEC Architect Register be ~~distributed~~ *disseminated* to all registered/licensed architects in each economy and to regulatory authority members to inform them of its existence and purpose;
  - the Secretariat inform the UIA and the other regional associations of architects of APEC Architect Register and its benefits;
  - *the Secretariat inform the HRDWG of APEC Architect Register and its benefits;*
  - advice be sought by the Secretariat from the APEC organization on any APEC initiatives that might serve APEC Architect purposes.
- 

## **ITEM 11 – APPOINTMENT OF THE SECRETARIAT**

The Central Council agrees that a fee be paid by each participating economy to the secretariat to contribute to the cost of providing this service. The Council accepts the offer of US delegation supported by Japan, New Zealand, and Philippines to develop detailed proposals for this purpose. It also agrees that the US led committee send its proposals for financial contributions to each monitoring committee by October 2006, each monitoring committee will confirm by 31 December 2006.

The Central Council welcomes the offer of Mexico to act as the next Secretariat from the first day of January 2007 to December 31 2008, in accordance with receiving financial support of all economies as previously agreed.

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## **ITEM 12 – ANY OTHER BUSINESS**

The Central Council agrees that it must adopt policies to ensure compliance of participating economies with Central Council rules and procedures within an agreed timeframe and that matter be included in the Agenda for the next Central Council meeting.

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## **ITEM 13 – SUMMARY CONCLUSIONS**

### **Item 13.1: Adoption of the Summary Conclusions**

In view of the two yearly intervals between Central Council meetings, endorsement by the authorized Monitoring Committees of the Summary Conclusions of this meeting to be notified to the Secretariat within three months of receipt so that decisions taken by the Central Council meeting in Mexico City may be acted upon.

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#### **ITEM 14 – NEXT MEETING OF THE CENTRAL COUNCIL**

The Central Council has determined the next APEC Architect meeting will be held in Vancouver, Canada in early August of 2008 with the exact date to be determined by Canada.

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