

It is understood that some economies are not able to adopt the agreed APEC Architect criteria in an immediate manner, depending on other type of policies outside their organizations own. For that reason, these economies might need more time and information to engage their government institutions to accept possible adjustments in their legislature and be able to apply Central Council rules, taking into account that they are for better.

It is also understood that other economies do not have any problems in applying the APEC Architect rules and procedures that have been accepted by the Central Council, and that they have stated their commitment to do so.

Depending on these factors and with the idea of moving forward accordingly, there is a need to adjust the APEC Architect Operation Manual and insert agreed course of action if any participating economy failed to comply with Council rules in set timeframes.

Among the rules and procedures that have not met the compliance of participating members of APEC Architect are as follows:

- The establishment of Register databases and websites.
- The contents of Register databases and websites according to guidelines established on the APEC Architect Manual.
- The adoption of the documentation agreed by the Central Council.
- The six monthly Monitoring Committee Report to Council.
- Promotion of the APEC Architect Register.
- The payment of fees in case a financial formula should be agreed and adopted at this meeting by the Central Council.

Some of these rules and procedures may have a stronger repercussion against the APEC Architect project than others, for which the course of action imposed by the Council may differ. In this case, the possibility of actions if any participating economy failed to comply must differ and may be in the order of the following proposals according to the accepted timeframes by the Central Council:

- In case of not complying in the first instance, the Monitoring Committee would be advised by the Secretariat for correction according to the Operations Manual.
- In a second instance for not complying with the advice of the Secretariat according to the Operation Manual or in an action agreed by the Council of certain degree that may damage the APEC Architect Project, the Monitoring would receive a first admonition.
- After receiving the first admonition and not being able to comply and/or to make a statement of the reasons for not complying acceptable to the Council, a second admonition would be given to the Monitoring Committee that would be circulated to all economies for their knowledge.
- If the Monitoring Committee does not comply after the actions stated above, the Central Council may agree on different types of actions,
  - Administrative or representative actions;
  - Temporary suspension of Monitoring Committee until compliance according to Operation Manual;
  - An economic fee;
  - Definitive suspension of authorization of Monitoring Committee by the Central Council because it no longer conforms with APEC Architect criteria.

Economies are invited to discuss mechanisms to set acceptable timetables for compliance of Council rules or requirements, as well as course of action proposed to be taken in case of failure to comply within the accepted timeframe, or put on the table any other acceptable mechanism.

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**Action: Item 7: Proposal on course of action if any participating economy failed to comply with Council rules**

Central Council to receive timetables from each participating economy for compliance of the rules and procedures set for APEC Architect

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**PROPOSAL – Item 7: Proposal on course of action if any participating economy failed to comply with Council rules.**

**It is proposed that:**

After full discussion and consideration of the proposals put to the Council, to adopt policies in accordance with decisions taken at the meeting

- Of timeframes acceptable to the Council.
  - The different levels of possible course of actions.
  - The rules and procedures that should be taken into account for course of action in case a participating economy failed to comply.
  - The mechanisms to advise and or admonish according to the rules and procedures set in the APEC Architect Manual.
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**Item 8 - APEC Architect Reciprocal Recognition Framework.**

The main purpose of APEC Architect is 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.

Three broad categories provided by the Survey Applications for Authorization completed by Monitoring Committees for the Council meeting of Tokyo identified the following three broad categories of recognition requirements that would be imposed by various economies on APEC Architects from elsewhere, in order of increasing levels of restriction:

1. Domain specific assessment
2. Comprehensive registration examination
3. Period of host economy residence/experience

In Mexico City, each economy nominated the most liberal of the three categories of professional recognition requirements it was prepared to offer APEC Architects from other economies. This served as a commitment towards the proposals for a Reciprocal Recognition Framework. (The commitment of participating economies to the APEC Architect Reciprocal Recognition Framework is attached as APPENDIX 4, p. 37)

Proposals to establish a Reciprocal Recognition Framework as the central item of the APEC Architect, based on commitment to these three categories of registration requirements for APEC Architects from other economies, were adopted by the Central Council in the Mexico City meeting, with the provision for economies to adopt a reciprocal basis for the assessment of APEC Architects from economies committed to a more restrictive category of registration requirements. Even though, it was pointed out that reciprocal recognition between economies would be based on substantial equivalence of their respective requirements, not on total uniformity. (The provisions for the establishment of the APEC Architect Reciprocal Recognition Framework adopted by the Central Council Meeting is attached at APPENDIX 5, p. 38)

It can be seen that most 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, mainly through domain specific tests. 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. 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.

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 and timeframe.

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. For that matter, all commitments to reciprocal recognition were to be recorded on Monitoring Committee websites and on the Central Council website.

At the time of the writing of this document, very few economies have the Recognition Requirements for APEC Architects of other economies in their websites.

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, and further for all the region as the desired outcome of the APEC Architect Framework.

### **8.1- Update on Mutual Recognition Agreements signed by Member economies of APEC Architect Project:**

The Central Council has resolved in its previous meetings, *“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) as a matter of policy.

To help establish some considerations towards the Mutual recognition of the APEC Architect throughout the region in the near future, delegates are invited to report to the Council on Mutual Recognition Agreements signed in the past years, how they are structured and their degree of acceptance. Two experiences have been set forward in opening a general discussion on this Item, but other economies with similar arrangements or working on these, are also invited to participate.

#### **8.1.1: NAFTA Trinational Mutual Recognition Arrangement on Architectural Services**

It is understood that members of the North America Trade Agreement (NAFTA) have developed a Mutual Recognition Agreement on Architectural services. APEC Architect Central Delegates whose economies are members of NAFTA are invited to provide information to the Central Council on the Trinational MRA and how they see it co-existing with the APEC Architect.

#### **8.1.2: ASEAN Mutual Recognition Arrangement on Architectural Services**

It is understood that members of the ASEAN countries are developing an ASEAN Mutual Recognition Arrangement on Architectural Services. APEC Architect Central Delegates whose economies are members of ASEAN are invited to provide information to the Central Council on the ASEAN MRA and how they see it co-existing with the APEC Architect.

### **8.2 - Proposals on the APEC Architect Reciprocal Recognition Framework**

As the APEC Architect Reciprocal Recognition Framework (RRF) is the major objective of the project with the commitment of all economies to pursue, Delegates are invited to report to the Council on their work towards the establishment of recognition requirements based on the three nominated categories for APEC Architects from other economies, and their experience, if any, on the applications of APEC Architects of other architects to their economy;

- a. Domain specific assessment
- b. Comprehensive registration examination
- c. Period of host economy residence/experience

As recorded on participating Economies Monitoring Committee websites on Item 6.1, only five economies have a statement on the requirements for APEC Architects from other economies. And even if the provisions of the APEC Architect RRF and the category of professional recognition requirements to which each economy is committed are to be entered on each Monitoring Committee

website should be included on the rest of the websites in an accepted timeframe agreed in this meeting, it is important to take the next step towards the goal of the APEC Architect.

The establishment of a complete APEC Architect RRF should be dealt in this meeting to have all the pieces together to provide a structured basis for the mutual recognition of APEC Architects from all participating economies, taking into account the commitments undertaken as members of the APEC Architect Project in all previous meetings.

A proposal on the completion of the APEC Architect RRF may include the following documentation needed for the application of an APEC Architect from another economy, and statements:

1. The Record of Seven Year Period of Professional Practice as a Registered/Licensed Architect adopted by the Council.
2. The unified Registration (Application) Form for APEC Architects from other economies adopted on Item 6.2
3. This Form must include the most liberal of the three categories of registration/certification requirements each economy is prepared to offer APEC Architects from other economies;
4. 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 requirements, an economy may choose to impose a similar level of requirements to that of the applicant's economy for which there must be a statement in this direction;

Delegates are invited to participate with proposals that may enrich the APEC Architect RRF, and the timeframes for its adoption by participating economies.

For general discussion and agreement.

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## **PROPOSAL – Item 8: Proposal on the APEC Architect Reciprocal Recognition Framework.**

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

- After full discussion and consideration of any proposals put to the Council, to adopt policies on the APEC Architect Reciprocal Recognition Framework in accordance with decisions taken at the meeting
- Council to accept timeframe for the adoption and application of the APEC Architect Reciprocal Recognition Framework.
- Council to adopt the documentation for Registration (Application) for APEC Architects of other economies

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## **Action: Item 8: Proposal on the APEC Architect Reciprocal Recognition Framework**

- Central Council to receive timetables from each participating economy for compliance of the rules and procedures set for APEC Architect Reciprocal Recognition Framework.
- 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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## **Item 9 - Central Council Administration**

For the first time, the APEC Architect Central Council Secretariat has become mostly operational with administrative duties according to the Operations Manual. Nevertheless, many issues must be undertaken so that future Secretariats may perform their task in the most efficient manner with the participation and collaboration of the participating Monitoring Committees. Many of these problems have already been dealt on other items of this document, and others will depend on the Report by the Mexico Secretariat and the decisions on the budgetary formula.

But it must also be understood that there are still many issues of a developmental nature that must be agreed upon in this meeting to help the Secretariats in the future. And although there are only 14 Monitoring Committees as of today, the communication is not always as quick and efficient as it should due to differences in times zones and media, among others.

With this in mind, 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.

### **9.1 - Report by Mexico Secretariat**

Mexico will present its Report on the work undertaken as Secretariat to the APEC Architect. And as was agreed at the previous meeting will provide budgetary and resource information of its term for the guidance of participating economies. It will serve to put forward any suggestions it may have on the administration of Council business and raise any other matters on which it requires the opinion and approval of the Central Council.

The Council must be reminded that Mexico accepted to act as Secretariat to the Central Council on the basis of receiving financial support from the other economies, due to resource implications and responsibilities.

### **9.2 - Approval of Funding Formula for the Secretariat**

It has been greatly discussed in previous meetings, on how to deal with the funding for the Central Council Secretariat, no matter which economy has the responsibility. The main topics on this matter have been: the need to develop a system by which other participating economies could contribute to the funding of the acting Secretariat; the acknowledgment that options must be provided for variation of the particular circumstances of any economy; to have a more detailed indication of the workload and resources needed to undertake the work; among others

But there is general acceptance to the consideration that a fee be paid by each participating economy to the acting Secretariat to partially, or completely, offset the cost of providing the service which might prove to be the best way to ensure that responsibility for the management of the APEC framework was shared by all economies.

With this idea in place, it was agreed in Mexico that a detailed proposal for financial contributions by each economy to the Secretariat to partially offset the costs of providing administrative services,

possibly based on an equitable allocation related to the size of economies, should be developed for discussion at the next meeting. The United States delegation volunteered to work on these proposals with the help of New Zealand, the Philippines and Japan, and to put forward recommendations by the end of the year. This Committee proposed a Funding Formula that was received by the Secretariat and circulated to all economies for their revision and acceptance.

Only few economies openly accepted this formula, a few others informed that they would revise it and send their decision, but most did not announce any action. It is understood that this committee would advise the Council on any other proposals to be discussed at this meeting.

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### **PROPOSAL – Item 9.2: Approval of Funding Formula for the Secretariat.**

**It is proposed that:**

- After full discussion and consideration of proposals put to the Council, to approve a Funding Formula for the Secretariat in accordance with decisions taken at the meeting
- Council to approve mechanism and timeframe for the payment of fees according to the adopted funding formula

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### **9.3 – Acceptance to the Schedule of Rotation for Monitoring Committees to act as Secretariat.**

At the last Central Council meeting and after a long discussion, a system for the rotation of the Secretariat by the member Economies was proposed. Although the schedule was generally accepted by the Council as a notional timeframe only, and it was acknowledged that the commitments made by delegations were not binding on any economy, it proved to be an interesting exercise that in this meeting we are to put forward for its acceptance. (The proposed Secretariat Schedule of Rotation is at APPENDIX 6, p. 39)

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### **PROPOSAL – Item 9.3: Acceptance to the Schedule of Rotation for Monitoring Committees to act as Secretariat.**

**It is proposed that:**

- After full discussion and consideration of proposals put to the Council, to approve the Schedule of Rotation for Monitoring Committees to act as Secretariat.

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### **Action: Item 9.3: Acceptance to the Schedule of Rotation for Monitoring Committees to act as Secretariat.**

Each economy to confirm to Council its possibility to act as Secretariat according to the proposal of last Central Council meeting in Mexico