



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.7.2007
COM(2007)441 final

2007/0155(ACC)

Proposal for a

COUNCIL DECISION

on a Community position within the EU/Mexico Joint Council concerning the implementation of Article 9 of the Joint Council Decision No 2/2001 on the establishment of a framework for the negotiation of mutual recognition agreements

(presented by the Commission)

EXPLANATORY MEMORANDUM

The EU/Mexico Free Trade area was established by decisions of the EU Mexico Joint Council. The EU/Mexico Joint Council Decision 2/2001, which provides for the liberalization of trade in services between the Parties in accordance with Article V of the GATS, includes review clauses in its Articles 7, 9 and 17.

On 23 October 2006 the Council authorised the Commission to honour those review clauses. As regards the review clause foreseen in Article 9 of Decision 2/2001, subsequent negotiations with Mexico resulted in an agreement to establish a framework for the negotiation of mutual recognition agreements.

The Commission therefore recommends the Council to adopt the enclosed Council Decision as the EU common position on the proposed EU/Mexico Joint Council Decision in annex.

Proposal for a

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on a Community position within the EU/Mexico Joint Council concerning the implementation of Article 9 of the Joint Council Decision No 2/2001 on the establishment of a framework for the negotiation of mutual recognition agreements

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 133 thereof, in conjunction with Article 300(2) first subparagraph, first sentence.

Having regard to the proposal from the Commission¹,

Whereas:

- (1) The EU/Mexico Free Trade area was established by decisions of the EU Mexico Joint Council. The EU/Mexico Joint Council Decision 2/2001, which provides for the liberalization of trade in services between the Parties in accordance with Article V of the GATS, includes review clauses in its Articles 7, 9 and 17.
- (2) In accordance with Article 9 of Joint Council Decision 2/2001, the Joint Council shall establish the necessary steps for the negotiation of mutual recognition agreements
- (3) On 23 October 2006 the Council authorised the Commission to honour the review clauses of Joint Council Decision 2/2001. As regards the review clause foreseen in Article 9 of Decision 2/2001, subsequent negotiations with Mexico resulted in an agreement to establish a framework for the negotiation of mutual recognition agreements.
- (4) The negotiation of mutual recognition agreements could be fostered and facilitated by recommendations issued by professional bodies of the Parties; the Parties should assess the consistency of those recommendations with the Global Agreement and with Decisions adopted by the Joint Council established by that Agreement; following that assessment, negotiations could be initiated by the competent authorities of the Parties.

HAS DECIDED AS FOLLOWS:

¹ OJ C [...], [...], p. [...].

Sole Article

To adopt as a Community position within the EU-Mexico Joint Council, the annexed draft decision.

Done at Brussels,

*For the Council
The President*

ANNEX

DRAFT DECISION NO .../... OF THE EU-MEXICO JOINT COUNCIL

of

implementing article 9 of Joint Council Decision No 2/2001 of 27 February 2001 on the establishment of a framework for the negotiation of mutual recognition agreements

THE JOINT COUNCIL

Having regard to Decision No 2/2001 of the EU-Mexico Joint Council, and in particular article 9 thereof, and to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, (hereafter “Global Agreement”) and in particular Article 47 thereof,

Whereas:

- (1) In principle, no later than three years following the entry into force of Decision No 2/2001, the Joint Council shall establish the necessary steps for the negotiation of mutual recognition agreements
- (2) The negotiation of mutual recognition agreements could be fostered and facilitated by recommendations issued by professional bodies of the Parties; the Parties should assess the consistency of those recommendations with the Global Agreement and with Decisions adopted by the Joint Council established by that Agreement; following that assessment, negotiations could be initiated by the competent authorities of the Parties.
- (3) The assessment of professional bodies recommendations shall be carried out by the Joint Committee, pursuant to the provision of Article 48(2) of the Global Agreement

HAS DECIDED AS FOLLOWS:

Article 1

1. The Parties shall encourage the relevant representative professional bodies in their respective territories to provide recommendations on mutual recognition to the Joint Committee, for the purpose of the fulfilment, in whole or in part, by service suppliers of the criteria applied by each Party for the authorisation, licensing, operation and certification of service suppliers and, in particular, professional services.
2. On receipt of a recommendation referred to in the preceding paragraph, the Joint Committee shall review the recommendation with a view to determine whether it is consistent with the Global Agreement and with Decisions adopted by the Joint Council established by that Agreement.

3. When, in conformity with the procedure set in paragraph 2, a recommendation referred to in paragraph 1 has been found to be consistent with the relevant Agreement and Joint Council Decisions and the competent authorities find that there is a sufficient level of correspondence between the relevant regulations of the Parties, the Parties shall, with a view to implement that recommendation, negotiate, through those competent authorities, an agreement on mutual recognition of requirements, qualifications, licences and other regulations.
4. The agreements referred to in paragraph 3 shall be concluded within a mutually agreed time by way of a Joint Council Decision, which may cover, inter alia, the following matters:
 - a) equivalence of qualifications, including education, experience and examinations;
 - b) equivalence of conduct and ethics standards
 - c) professional development and continuing education to maintain equivalence
 - d) local knowledge, covering matters such as local laws, regulations, language, geography or climate;
 - e) equivalence of consumer protection requirements such as professional liability insurance;
 - f) specific treatment for short-term temporary licensing.

Article 2

This Decision shall enter into force on an exchange of written notifications certifying the completion of the necessary legal procedures. The date of entry into force shall be published in the Official Journal of the European Union and in the Official Journal of the United Mexican States.

Done at

*For the Joint Council
The President*

**LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS HAVING A
BUDGETARY IMPACT EXCLUSIVELY LIMITED TO THE REVENUE SIDE**

1. NAME OF THE PROPOSAL:

Proposal for a COUNCIL DECISION On a Community position within the EU/Mexico Joint Council concerning the implementation of Article 9 of the Joint Council Decision No 2/2001 on the establishment of a framework for the negotiation of mutual recognition agreements

2. BUDGET LINES:

Chapter and Article: Not applicable

Amount budgeted for the year concerned: Not applicable

3. FINANCIAL IMPACT

Proposal has no financial implications

Proposal has no financial impact on expenditure but has a financial impact on revenue – the effect is as follows:

(€ million to one decimal place)

Budget line	Revenue ²	12 month period, starting dd/mm/yyyy	[Year n]
Article ...	<i>Impact on own resources</i>		
Article ...	<i>Impact on own resources</i>		

² Regarding traditional own resources (agricultural duties, sugar levies, customs duties) the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % of collection costs

Situation following action					
	[n+1]	[n+2]	[n+3]	[n+4]	[n+5]
Article ...					
Article ...					

4. ANTI-FRAUD MEASURES

5. OTHER REMARKS