



Baroness Catherine Ashton
Member of the European Commission
Trade Commissioner
European Commission
200, rue de la loi
B – 1049 - Brussels

Brussels, 21 September 2009

Subject: FTA Negotiations and MRAs for Architectural Services

Dear Baroness Ashton,

The Architects' Council of Europe (ACE) has been an active Member of the European Services Forum (ESF) ever since its creation.

For more than ten years the ACE has devoted efforts to developing specific approaches to the negotiation of Mutual Recognition Agreements (MRAs) for architects, as foreseen in the GATS Agreement. The ACE and its counterparts the professional organisations in several non-EU countries have been encouraged on several occasions by the official Authorities to prepare the ground for the negotiation of official MRAs.

The ACE has already concluded agreements with Mexico and the USA and it is currently engaged in negotiations with several other countries, notably the Republic of Korea and Canada, and is about to engage in other discussions with e.g. India. These are profession-to-profession agreements whereby, in order to make them legally binding and to implement them effectively, there is a need to conclude official agreements at the appropriate level.

As you will be aware the European Commission has received, several years ago, a specific mandate from the Member States to open negotiations for such MRAs for architectural, urban planning and landscape services. The architectural profession is the only one that has expressed a specific interest and a strong wish in that respect whereby this profession has become, *de facto*, a spearhead profession. The MRA negotiated for architects will most probably pave the way towards concluding such agreements also for other professions who might be interested.

The ESF has been kept informed along the way by the ACE of the development of profession-to-profession negotiations and agreements, and information was also provided on several occasions during informal meetings that regularly take place between the ESF and the Ad Hoc 133 Committee on Services. In particular the ESF is aware that already back in 2002 the ACE and its counterparts in Mexico signed the first Agreement, under the auspices of the relevant Ministries as far as Mexico is concerned. At a later stage both parties notified the agreement to their respective official Authorities. The same was done in respect of the agreement concluded with the USA in 2005, but no progress is being made at official level in this case due to some political blockage.



It is only when starting the review of the EU-Mexico Free Trade Agreement and when addressing its Annexes that the work started in the European Commission in preparation towards the negotiation of an official MRA. For various reasons the process is a very lengthy one and the ACE has expressed to the ESF, and of course also to the Commission Services, its concern about the delay in concluding an official agreement.

For the reasons already mentioned above, it is of crucial importance that this MRA, that will, in effect, be the first one ever concluded, should be finalised within the earliest possible time frame. It is obvious that it will then facilitate the process for the negotiation of other MRAs for architectural services, notably in the context of negotiations entered into by the European Commission with third countries in the context of Free Trade Agreements or similar cooperation agreements.

In particular, in view of the fact that the EU and Korea are going to sign an FTA very soon it would make sense if, in the aftermath of that FTA, an MRA for architectural services could be rapidly negotiated. The ESF is aware that the Commission Services have had talks with their Korean counterparts who have confirmed their interest for such an MRA and the ACE has also formally started profession-to-profession discussions.

The ESF appreciates the efforts of the Services of the Commission as reported by the ACE to advance these issues. Of course the ESF is fully aware that the ACE is already, steadily monitoring these issues with the Commission Services in a very good spirit of cooperation.

I would like to specifically draw your attention and kindly ask you to bring your personal support to these efforts in your dealings with your official interlocutors within the Commission itself as well as with the Member States, so as to give a push, at a timely moment, to make a real breakthrough on the MRA topic, particularly in relation to the EU-Mexico FTA, which should be submitted to the members of the 133 Committee in the coming days.

It is in the interest of the ESF as a whole that real progress should be made in the architectural sector because it will inevitably impact on other services sectors in the ESF. Other professional services like the accounting services or legal services might be interested in negotiating profession-to-profession agreements, but they are all waiting whether the one negotiated by the architects will effectively be transformed into binding international agreements, starting with the one with Mexico. Negotiating these private agreements require lot of time and resources, and they will eventually do this only if there is a precedent.

Thanking you in advance for your attention,

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Christoffer Taxell', is written over a light blue circular stamp.

Christoffer Taxell
ESF Chairman