

## PART THREE: SERVICES AND INVESTMENT

### Chapter VIII: Services and Investment

#### Article VIII.1 General provisions

1. The Parties recognise the increasing importance of trade in services and investment in their economies. In their efforts to gradually develop and broaden their relations, the Parties will cooperate in the WTO and plurilateral fora, with the aim of creating the most favourable conditions for achieving further liberalisation and additional mutual opening of markets for trade in services and investment.

2. With a view to developing and deepening their relations under this Agreement, the Parties agree that within 3 years of the date of entry into force, they will review developments related to trade in services and investment, and consider the need for further disciplines in these areas.

3. Upon request of either Party, the other Party shall endeavour to provide information on measures that may have an impact on trade in services and investment.

#### Article VIII.2 Investment

The Parties note the existence of the *Agreement between the Government of Canada and the Government of Costa Rica for the Promotion and Protection of Investments*, signed in San José, Costa Rica, on March 18, 1998 (APPI).

#### Article VIII.3 Services

1. The Parties herein recognize the importance of their rights and obligations assumed in the *General Agreement on Trade in Services (GATS)*.

2.

(a) The Parties to this Agreement shall encourage bodies responsible for the regulation of professional services in their respective territories to:

(i) ensure that measures relating to the licensing or certification of nationals of the other Party are based on objective and transparent criteria, such as competence and the ability to provide a service; and

(ii) cooperate with the view to developing mutually acceptable standards and criteria for licensing and certification of professional service providers.

(b) The following elements may be examined with regard to the standards and criteria referred to in subparagraph (a)(ii):

(i) education - accreditation of schools or academic programs;

(ii) examinations - qualifying examinations for licensing, including alternative methods of assessment such as oral examinations and interviews;

(iii) experience - length and nature of experience required for licensing;

(iv) conduct and ethics - standards of professional conduct and the nature of disciplinary action for non-conformity with those standards;

(v) professional development and re-certification - continuing education and ongoing requirements to maintain professional certification;

(vi) scope of practice - extent of, or limitations on, permissible activities;

**(vii)** local knowledge - requirements for knowledge of such matters as local laws, regulations, language, geography or climate; and

**(vii)** consumer protection - alternatives to residency requirements, including bonding, professional liability insurance and client restitution funds, to provide for the protection of consumers.

**(b)** These bodies should report on the result of their discussions related to the development of mutually acceptable standards mentioned in subparagraph (a)(ii) and, as appropriate, provide any recommendations to the Coordinators.

**(c)** With respect to the recognition of qualification and licensing requirements, the Parties note the existence of rights and obligations with respect to each other under Article VII of the GATS.

**(d)** For the purpose of this paragraph, professional services means services, the provision of which requires specialized post-secondary education, or equivalent training or experience, and for which the right to practice is granted or restricted by a Party, but does not include services provided by trades-persons or vessel and aircraft crew members.