

2012 ASEAN MUTUAL RECOGNITION ARRANGEMENT ON TOURISM PROFESSIONALS

Signed in Bangkok, Thailand on 9 November 2012

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PREAMBLE

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "ASEAN Member States" and singularly as "ASEAN Member State");

RECOGNISING the objectives of the ASEAN Framework Agreement on Services (hereinafter referred to as "AFAS"), which are to enhance cooperation in services amongst ASEAN Member States in order to improve efficiency and competitiveness, diversify production capacity and supply and distribution of services of their services suppliers within and outside ASEAN; to eliminate substantially the restrictions to trade in services amongst ASEAN Member States; and to liberalize trade in services by expanding the depth and scope of liberalization beyond those undertaken by ASEAN Member States under the General Agreement on Trade in Services (hereinafter referred to as "GATS") with the aim to realizing free trade in services;

RECOGNISING the ASEAN Vision 2020 on Partnership in Dynamic Development, approved on 14 June 1997, which charted towards the year 2020 for the creation of a stable, prosperous and highly competitive ASEAN Economic Region which would result in:

- free flow of goods, services and investment;
- equitable economic development, and reduced poverty and socio-economic disparities; and
- enhanced political, economic and social stability;

RECOGNISING the objectives of the ASEAN Tourism Agreement (hereinafter referred to as "ATA"), which are to cooperate in facilitating travel into and within ASEAN; to enhance cooperation in the tourism industry among ASEAN Member States in order to improve its efficiency and competitiveness; to substantially reduce restrictions to trade in tourism and travel services among ASEAN Member States; to enhance the development and promotion of ASEAN as a single tourism destination with world-class standards, facilities and attractions; to enhance mutual assistance in human resource development and strengthen cooperation to develop, upgrade and expand tourism and travel facilities and services in ASEAN; and to create favorable conditions for the public and private sectors to engage more deeply in tourism development, intra-ASEAN travel and investment in tourism services and facilities;

RECOGNISING the Cebu Declaration on the Establishment of the ASEAN Community by 2015 adopted at the 12th ASEAN Summit that agreed to accelerate the establishment of an ASEAN Community by 2015 along the lines of ASEAN Vision 2020 and the Declaration of ASEAN Concord II in the three pillars of the ASEAN Security Community, ASEAN Economic Community and ASEAN Socio-Cultural Community;

NOTING the decision of the Bali Concord II adopted at the Ninth ASEAN Summit held in 2003 in Bali, Indonesia calling for completion of Mutual Recognition Arrangements for qualifications in major professional services by 2008; and

NOTING that the ASEAN Framework for the Integration of Priority Sectors (2004) recognizes the priority for the creation of a single economic area for ASEAN and the importance of close partnerships with the private sector;

HAVE AGREED on this ASEAN Mutual Recognition Arrangement on Tourism Professionals (hereinafter referred to as "this Arrangement") as follows:

ARTICLE I OBJECTIVES

The objectives of this Arrangement are:

- 1.1 To facilitate mobility of Tourism Professionals; and
- 1.2 To exchange information on best practices in competency-based education and training for Tourism Professionals and to provide opportunities for cooperation and capacity building across ASEAN Member States.

ARTICLE II DEFINITIONS AND SCOPE

In this Arrangement, unless the context otherwise states,

- 2.1 **ASEAN Common Competency Standards for Tourism Professionals (ACCSTP)** refers to the minimum requirements of competency standards in hotel and travel services as listed in the APPENDIX which aim to upgrade tourism services and facilitate the development of this Arrangement between ASEAN Member States;
- 2.2 **ASEAN National Tourism Organizations (ASEAN NTOs)** refers to the government institutions in charge of the tourism sector of ASEAN Member States;
- 2.3 **ASEAN Tourism Professional Monitoring Committee (ATPMC)** consists of ASEAN NTOs and appointed representatives from the National Tourism Professional Boards (NTPBs);
- 2.4 **ASEAN Tourism Professional Registration System (ATPRS)** refers to a web-based facility to disseminate details regarding the list of Foreign Tourism Professionals duly certified in accordance with Articles 2.10 and 2.14;
- 2.5 **Assessment** refers to the process of appraising the qualification and/or competencies of Tourism Professionals;
- 2.6 **Certification** refers to the issuance of a certificate to Tourism Professional whose qualification and/or competencies have met the standards specified in ACCSTP;
- 2.7 **Common ASEAN Tourism Curriculum (CATC)** refers to the common curriculum for ASEAN Tourism Professionals as mutually agreed upon by the ASEAN Tourism Ministers upon recommendation by the ASEAN NTOs;
- 2.8 **Foreign Tourism Professionals** refer to Tourism Professionals who are nationals of any other ASEAN Member States who are certified in an ASEAN Member State;

- 2.9 **Host Country** refers to the ASEAN Member State where a Foreign Tourism Professional applies for recognition to work in accordance with ARTICLE III;
- 2.10 **National Tourism Professional Board (NTPB)** refers to the Board for Tourism Professionals which shall be composed of representatives from the public and private sectors including the academia and other relevant tourism stakeholders, to be determined by the respective ASEAN NTOs;
- 2.11 **Recognition** refers to acceptance by the TPCB of a demonstration of compliance with requirements set out in the ACCSTP;
- 2.12 **Tourism Job Title** refers to a specific job position in the tourism sector as specified in the ACCSTP;
- 2.13 **Tourism Professional** refers to a natural person who holds the nationality of an ASEAN Member State certified by the Tourism Professional Certification Board; and
- 2.14 **Tourism Professional Certification Board (TPCB)** refers to the government board and/or agency authorized by the government of each ASEAN Member State primarily responsible for the assessment and certification of Tourism Professionals.

ARTICLE III

RECOGNITION AND ELIGIBILITY OF FOREIGN TOURISM PROFESSIONALS

The qualification of a Foreign Tourism Professional may be recognized by other ASEAN Member States, and if such qualification is recognized, he/she may be eligible to work in a host country provided that he/she possesses a valid tourism competency certificate in a specific tourism job title as specified in the ACCSTP, issued by the TPCB in an ASEAN Member State. The eligibility to work in a host country will be subjected to prevailing domestic laws and regulations of the host country.

ARTICLE IV

BASIS OF RECOGNITION AND QUALIFICATIONS

- 4.1 The ASEAN Member States recognize that competencies based on qualification, education, training and/or experiences shall be the principal elements considered in granting mutual recognition of Foreign Tourism Professional; and
- 4.2 The ASEAN Member States are encouraged to apply the ACCSTP and CATC.

ARTICLE V

RESPONSIBILITIES

5.1 National Tourism Professional Board (NTPB)

The NTPB of each ASEAN Member State shall have the following responsibilities:

- 5.1.1 Create awareness and disseminate information about this Arrangement;
- 5.1.2 Promote, update, maintain, and monitor the ACCSTP and the CATC;

- 5.1.3 Facilitate the exchange of information concerning assessment procedures, criteria, systems, manuals and publications relating to this Arrangement;
- 5.1.4 Report its work progress to the ASEAN NTOs, including actions taken on cases referred to it by the TPCB and/or ATPMC;
- 5.1.5 Formulate and update necessary mechanisms to enable implementation of this Arrangement;
- 5.1.6 Facilitate the exchange of best practices and prevailing developments in tourism sector with the view to harmonizing and updating regional and/or international tourism competencies and curricula; and
- 5.1.7 Such other functions and responsibilities that may be assigned to it by the ASEAN NTOs in the future.

5.2 The Tourism Professional Certification Board (TPCB)

The TPCB of each ASEAN Member State shall have the following responsibilities:

- 5.2.1 Assess qualifications and/or competencies of Tourism Professionals as specified in ACCSTP;
- 5.2.2 Issue certificates to Tourism Professionals whose qualifications and/or competencies have met the standards specified in ACCSTP;
- 5.2.3 Develop, process and maintain a registry of certified Tourism Professionals and job opportunities on the ATPRS; and
- 5.2.4 Notify the NTPB promptly in the event that foreign Tourism Professionals are no longer qualified to provide a particular service or have violated technical, professional or ethical standards;

5.3 ASEAN Tourism Professional Monitoring Committee (ATPMC)

The ATPMC shall have the following responsibilities:

- 5.3.1 Create awareness and disseminate information about this Arrangement on Tourism Professionals within ASEAN
- 5.3.2 Promote, update, maintain and monitor the ACCSTP and the CATC;
- 5.3.3 Notify promptly the concerned TPCB upon receipt of feedback from NTPBs, in case a foreign Tourism Professional is no longer recognized by the host country;
- 5.3.4 Facilitate the exchange of information concerning assessment procedures, criteria, systems, manuals and publications relating to this Arrangement;
- 5.3.5 Report its work progress to the ASEAN NTOs;
- 5.3.6 Formulate and update necessary mechanisms to enable the implementation of this Arrangement; and

- 5.3.7 Such other functions and responsibilities that may be assigned to it by the ASEAN NTOs in the future.

ARTICLE VI RIGHT TO REGULATE

This Arrangement shall not reduce, eliminate or modify the rights, powers and authority of each ASEAN Member State. ASEAN Member States, however, shall undertake to exercise their regulatory powers responsibly and in good faith without creating any unnecessary barriers towards each other.

ARTICLE VII DISPUTE SETTLEMENT

- 7.1 ASEAN Member States shall at all times endeavor to agree on the interpretation and application of this Arrangement and shall make every attempt through communication, dialogue, consultation and cooperation to arrive at a mutually satisfactory resolution of any matter that might affect the implementation of this Arrangement.
- 7.2 The provision of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR on 29 November 2004, shall apply to disputes concerning the interpretation, implementation, and/or application of any of the provisions under this Arrangement.

ARTICLE VIII AMENDMENT

- 8.1 The provisions of this Arrangement may only be modified through amendments mutually agreed upon in writing by all ASEAN Member States.
- 8.2 Any revision, modification or amendments agreed to by the ASEAN Member States shall be reduced into writing and shall form part of this Arrangement.
- 8.3 Notwithstanding Article 8.1 above, the APPENDIX may be amended administratively by the ASEAN Secretary General upon notification by ATPMC.
- 8.4 Such revision, modification or amendment shall come into force on such date as may be determined by the ASEAN Member States.
- 8.5 Any revision, modification, or amendment shall not prejudice the rights and obligations arising from or based on this Arrangement prior or up to the date of such revision, modification, or amendment.

ARTICLE IX FINAL PROVISIONS

- 9.1 Subject to Article 9.2, this Arrangement shall enter into force after all ASEAN Member States have completed and established the TPCB and NTPB or their equivalent bodies and notified the Secretary-General of ASEAN within one hundred and eighty (180) days from the date of its signing.

9.2 In the event that any ASEAN Member State has not completed and established the TPCB and NTPB or their equivalent bodies within one hundred and eighty (180) days from the date of signing, this Arrangement shall enter into force for that ASEAN Member State upon the date of notification in writing to the Secretary General of ASEAN of the completion and establishment of the TPCB and NTPB or their equivalent bodies.

9.3 This Arrangement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each ASEAN Member State.

9.4 This Arrangement or any part thereof shall only be terminated upon mutual agreement of the ASEAN Tourism Ministers upon recommendation of the ASEAN NTOs.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed the ASEAN Mutual Recognition Arrangement on Tourism Professionals.

DONE at Bangkok, Thailand, this Ninth day of November in the Year Two Thousand and Twelve, in a single copy in the English Language.

For Brunei Darussalam:

PEHIN DATO YAHYA
Minister of Industry and Primary Resources

For the Kingdom of Cambodia:

DR. THONG KHON
Minister of Tourism

For the Republic of Indonesia:

JERO WACIK
Minister of Culture and Tourism

For Lao People's Democratic Republic:

SOMPONG MONGKHONVILAY
Minister, Chairman of Lao National Tourism Administration

For Malaysia:

DATO' SRI AZALINA DATO' OTHMAN SAID
Minister of Tourism

For Union of Myanmar:

BRIG GENERAL AYE MYINT KYU
Deputy Minister, Ministry of Hotels and Tourism

For the Republic of the Philippines:

JOSEPH H. DURANO
Secretary, Department of Tourism

For the Republic of Singapore:

S. ISWARAN
Senior Minister of State for Trade and Industry

For the Kingdom of Thailand:

CHUMPOL SILAPA-ARCHA
Minister of Tourism and Sports

For the Socialist Republic of Viet Nam:

HOANG TUAN ANH
Minister of Culture, Sports and Tourism