

# ASEAN Mutual Recognition Arrangement on Nursing Services, Cebu, Philippines, 8 December 2006

## PREAMBLE

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, 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 Countries of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "ASEAN Member Countries" or singularly as "ASEAN Member Country");

**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 Countries in order to improve the 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 Countries; and to liberalise trade in services by expanding the depth and scope of liberalisation beyond those undertaken by ASEAN Member Countries under the General Agreement on Trade in Services (hereinafter referred to as "GATS") with the aim to realising free trade in services;

**RECOGNISING** the ASEAN Vision 2020 on Partnership in Dynamic Development, approved on 1 June 1997, which charted towards the year 2020 for ASEAN 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;

**NOTING** that Article V of AFAS provides that ASEAN Member Countries may recognise the education or experience obtained, requirements met, and licence or certification granted in other ASEAN Member Countries, for the purpose of licensing or certification of service suppliers;

**NOTING** the decision of the Bali Concord II adopted at the Ninth ASEAN Summit held in 2003 calling for completion of Mutual Recognition Arrangements (hereinafter referred to as "MRAs" or singularly as "MRA") for qualifications in major professional services by 2008 to facilitate free movement of professionals/skilled labour/talents in ASEAN; and

**PROVIDING** an MRA on Nursing Services that would strengthen professional capabilities by promoting the flow of relevant information and exchange of expertise, experience and best practices suited to the specific needs of ASEAN Member Countries.

**HAVE AGREED** as follows

## ARTICLE I OBJECTIVES

The objectives intended under this MRA are to:

- 1.1 facilitate mobility of nursing professionals within ASEAN;
- 1.2 exchange information and expertise on standards and qualifications;

1.3. promote adoption of best practices on professional nursing services; and

1.4 provide opportunities for capacity building and training of nurses.

## ARTICLE II

### DEFINITIONS AND SCOPE

In this MRA, unless the context otherwise stated,

2.1 **Nurse** refers to a natural person who has completed the required professional training and conferred the professional nursing qualification; and has been assessed by the Nursing Regulatory Authority of the Country of Origin as being technically, ethically and legally qualified to undertake professional nursing practice; and is registered and/or licensed as a professional nurse by the Nursing Regulatory Authority of the Country of Origin. This definition shall not apply to a technical level nurse.

2.2 **Country of Origin** refers to the participating ASEAN Member Country where a nurse has a valid and current registration and/or licence to practise nursing.

2.3 **Foreign Nurse** refers to a nurse of ASEAN nationality who is registered and/or licensed to practise nursing in the Country of Origin and is applying to be registered and/or licensed to practise nursing in Host Country in accordance with the Policy on Practice of Nursing in the Host Country.

2.4 **Host Country** refers to the participating ASEAN Member Country where a Foreign Nurse applies to be registered and/or licensed to practise nursing.

2.5 **Nursing Qualification** means the qualification in nursing granted by a recognised Training Institution approved and recognised by the Nursing Regulatory Authority and/or the appropriate agency of the Country of Origin.

2.6 **Nursing Regulatory Authority** (hereinafter referred to as "NRA") means a body vested with the authority by the Government of each ASEAN Member Country to control and regulate nurses and the practice of nursing. In this MRA, NRA refers to the following:

Nursing Board of Brunei	for Brunei Darussalam
Ministry of Health, Kingdom of Cambodia	for the Kingdom of Cambodia
Ministry of Health, Republic of Indonesia	for the Republic of Indonesia
Ministry of Health Lao People's Democratic Republic	for Lao People's Democratic Republic
Malaysia of Health & Midwifery Boards	for Malaysia
Ministry of Health & Myanmar Nursing and Midwifery Council	for the Union of Myanmar
Professional Regulation Commission, Board of Nursing	for the Republic of the Philippines
Singapore Nursing Board	for the Republic of Singapore
Thailand Nursing Council	for the Kingdom of Cambodia
Ministry of Health, Socialist Republic of Viet Nam	for Socialist Republic of Viet Nam

**2.7 Practice of Nursing** refers to the provision of nursing care by a nurse that encompasses promotive preventive, curative and rehabilitative practices which may include education and research.

**2.8 Recognised Training Institution** means any university, college or nursing education institution approved by the NRA and/or appropriate agency of the Country of Origin following procedures prescribed by its Government or its relevant authority.

### **ARTICLE III**

#### **RECOGNITION, QUALIFICATIONS AND ELIGIBILITY OF FOREIGN NURSES**

##### **3.1 Recognition of a Foreign Nurse**

A Foreign Nurse may apply for registration or licence in a Host Country to be recognised and allowed to practise nursing in accordance with the laws and regulations of the Host Country concerned, subject to the following conditions:

3.1.1 Granted a Nursing Qualification;

3.1.2 Possession of a valid professional registration and/or licence from the Country of Origin and current practising licence or certificate or any relevant certifying documents;

3.1.3 Minimum practical experience in the practice of nursing of not less than three (3) continuous years prior to the application;

3.1.4 Compliance with satisfactory continuing professional development in accordance with the Policy on Continuing Professional Development in nursing as may be mandated by the NRA of the Country of Origin;

3.1.5 Certification from the NRA of the Country of Origin of no record or pending investigation of having violated any technical, professional or ethical standards, local and international, for the practice of nursing; and

3.1.6 Compliance with any other requirements, such as to submit for a personal medical examination or undergo an induction program or a competency assessment, as may be imposed on any such application for registration and/or licence as deemed fit by the NRA or any other relevant authority or the Government of the Host Country concerned.

##### **3.2 Eligibility of a Foreign Nurse**

Subject to domestic laws and regulations, a Foreign Nurse who satisfies the conditions as stated in Article 3.1 is deemed eligible to work in the Host Country.

##### **3.3 Undertaking of a Foreign Nurse**

A Foreign Nurse who is granted registration or licence in the Host Country to practise nursing shall comply with the following:

3.3.1. Local codes of professional conduct in accordance with the policy on ethics and conduct on the Practice of Nursing established and enforced by the Host Country;

3.3.2 Prevailing domestic laws and regulations of the Host Country, including rules and regulations governing the practice of nursing in the Host Country;

3.3.3 Subscribe to any requirements for an insurance liability scheme of the Host Country; and

3.3.4 Respect the culture and religion of the Host Country.

### **ARTICLE IV**

#### **EVALUATION, REGISTRATION AND MONITORING**

##### **4.1 Nursing Regulatory Authority**

The NRA of the Host Country shall be responsible for the following:

4.1.1 Evaluate the qualifications and experiences of Foreign Nurses;

4.1.2 Register and/or license Foreign Nurses allowing them to practise nursing in the Host Country;

4.1.3 Monitor the professional practice and conduct of Foreign Nurses who have been registered and/or licensed; and

4.1.4 Ensure that Foreign Nurses observe and maintain high standards of practice of nursing in accordance with the code of professional conduct of the Host Country.

#### 4.2 ASEAN Joint Coordinating Committee on Nursing

4.2.1 An ASEAN Joint Coordinating Committee on Nursing shall be established comprising representatives from the NRA and/or appropriate Government Agency of the participating ASEAN Member Countries to meet regularly to:

4.2.1.1 facilitate the implementation of this MRA;

4.2.1.2 seek greater understanding of existing policies, procedures and practices, to develop and promote strategies to manage the implementation of this MRA;

4.2.1.3 encourage the adoption and harmonisation of standards and procedures in the implementation of this MRA through the mechanisms available;

4.2.1.4 update changes or developments in the relevant prevailing laws, regulations and practices of each Host Country;

4.2.1.5 continue mutual monitoring and information exchange;

4.2.1.6 serve as an avenue to resolve amicably any disputes or issues arising out of the implementation of this MRA that is forwarded to it by any NRA of the participating ASEAN Member Country;

4.2.1.7 discuss the development of capacity building programmes; and

4.2.1.8 discuss other matters related to this MRA.

4.2.2 The ASEAN Joint Coordinating Committee on Nursing shall formulate the mechanism to carry out its mandate.

### **ARTICLE V**

#### **MUTUAL EXEMPTION**

##### **5.1 Mutual Exemption**

5.1.1 The participating ASEAN Member Countries recognise that any arrangement, which would confer exemption from further assessment by the NRA of the Host Country could be concluded only with the involvement and consent of that NRA and/or the relevant government agencies.

5.1.2 The participating ASEAN Member Countries further recognise that registering or licensing authorities for the practice of nursing have statutory responsibilities for protecting the health, safety, environment, and welfare of the community within their jurisdiction.

### **ARTICLE VI**

#### **DISPUTE SETTLEMENT**

6.1 The following mechanism will be observed by the ASEAN Joint Coordinating Committee on Nursing in any dispute arising out of the interpretation, implementation, and/or application of this MRA:

6.1.1 A Foreign Nurse may lodge any complaint arising out of this MRA to the NRA of the Host Country;

6.1.2 If the Foreign Nurse is not satisfied with the actions or explanations of the NRA of the Host Country taken with respect to the complaint lodged, then the Foreign Nurse may contact the NRA of the Country of Origin to seek consultations with the NRA of the Host Country to resolve the dispute.

6.1.3 Any unresolved dispute arising from the consultations shall be forwarded by the NRA of either the Country of Origin or the Host Country to the ASEAN Joint Coordinating Committee on Nursing which shall seek to resolve the dispute amicably; and

6.1.4 Any dispute concerning the interpretation, implementation, and/or application of any of the provisions under this MRA which cannot be resolved by the ASEAN Joint Coordinating Committee on Nursing shall be subject to the mechanism set out in the ASEAN Protocol on Enhanced Dispute Settlement Mechanism done at Vientiane, Lao PDR on 29 November 2004.

## **ARTICLE VII**

### **APPLICATION OF THE PROVISIONS OF GATS AND AFAS**

#### **TO THIS MRA**

The terms and definitions and other provisions of the GATS and AFAS shall be referred to and shall apply to matters arising under this MRA for which no specific provision has been made herein.

## **ARTICLE VIII**

### **AMENDMENT**

The provisions of this MRA may only be amended by mutual written agreement by the Governments of all ASEAN Member Countries.

## **ARTICLE IX**

### **DEFERRAL OF IMPLEMENTATION**

9.1 Any ASEAN Member Country that wishes to defer implementation of this MRA shall notify the ASEAN Secretary-General in writing of its intention within three months from the date of signature and the ASEAN Secretary-General shall thereafter notify the rest of the ASEAN Member Countries. The deferral shall be effective upon notification to the other ASEAN Member Countries. Any ASEAN Member Country which does not defer implementation of this MRA shall be referred to as "participating ASEAN Member Country" in this MRA.

9.2 Any ASEAN Member Country which had, pursuant to Article 9.1 above, given notice of its intention to defer the implementation of this MRA, shall notify the ASEAN Secretary-General in writing when it is ready to implement this MRA, provided that such date shall not be later than 1 January 2010. The ASEAN Secretary-General shall thereafter notify the rest of the ASEAN Member Countries.

## **ARTICLE X**

### **FINAL PROVISIONS**

10.1 This MRA shall enter into force for all Member Countries on the date of signature.

10.2 This MRA shall be deposited with the ASEAN Secretary-General, who shall promptly furnish certified copy thereof to each ASEAN Member Country.

**IN WITNESS WHEREOF**, the undersigned, being duly authorised by their respective governments have signed the ASEAN Mutual Recognition Arrangement on Nursing Services.

**DONE** in Cebu, the Philippines, this Eighth Day of December in the year Two Thousand and Six, in single original copy in the English language.

For Brunei Darussalam:

**MOHAMED BOLKIAH**

Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:

**CHAM PRASIDH**

Senior Minister and Minister of Commerce

For the Republic of Indonesia:

**MARI ELKA PANGESTU**

Minister of Trade

For the Lao People's Democratic Republic:

**NAM VIYAKETH**

Minister of Industry and Commerce

For Malaysia:

**RAFIDAH AZIZ**

Minister of International Trade and Industry

For the Union of Myanmar:

**U SOE THA**

Minister for National Planning and Economic Development

For the Republic of the Philippines:

**PETER B. FAVILA**

Secretary of Trade and Industry

For the Republic of Singapore:

**LIM HNG KIANG**

Minister for Trade and Industry

For the Kingdom of Thailand:

**KRIRK-KRAI JIRAPAET**

Minister of Commerce

For the Socialist Republic of Viet Nam:

**TRUONG DINH TUYEN**

Minister of Trade

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