

**DISCLAIMER:** *The Commission and Australia are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 24 March 2026. The texts are published in view of the public interest in the Agreement, for information purposes only and they may undergo further minor modifications, including as a result of the process of legal and linguistic revision. These texts are without prejudice to the final outcome of the Agreement between the EU and Australia. The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its applicable legal requirements and procedures necessary for the entry into force of the Agreement.*

## SECTION E

### REGULATORY FRAMEWORK

#### SUB-SECTION 1

#### DOMESTIC REGULATION

#### ARTICLE 9.29

##### Scope and definitions

1. This Sub-Section applies to measures of a Party relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards<sup>1</sup> affecting:
  - (a) cross-border trade in services;
  - (b) establishment or operation; or

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<sup>1</sup> As far as measures relating to technical standards are concerned, this Sub-Section only applies to such measures affecting trade in services. Technical standards do not include regulatory or implementing technical standards for financial services.

(c) the supply of a service through the presence of a natural person<sup>2</sup> of a Party in the territory of the other Party where such natural persons fall within the categories defined in Article 9.2 (Definitions – General provisions).

2. This Sub-Section does not apply to a measure to the extent that the measure is not subject to an obligation in Section B (Investment Liberalisation) or Section C (Cross-Border Trade in Services) of this Chapter by reason of Article 9.10 (Non-conforming measures and exceptions) or Article 9.17 (Non-conforming measures).

3. For the purposes of this Sub-Section:

(a) "authorisation" means the permission to carry out any of the activities referred to in points (a) to (c) of paragraph 1 resulting from a procedure that a natural or juridical person must adhere to in order to demonstrate compliance with licensing requirements, qualification requirements or technical standards.

(b) "competent authority" means a central, regional or local government or authority or non-governmental body in the exercise of powers delegated by central, regional or local governments or authorities, which is entitled to take a decision concerning authorisation.

## ARTICLE 9.30

### Submission of applications

Each Party shall, to the extent practicable, avoid requiring an applicant to approach more than one competent authority for each application for authorisation. If an activity for which authorisation is requested is within the jurisdiction of multiple competent authorities, multiple applications for authorisation may be required.

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<sup>2</sup> For greater certainty, point (c) does not include measures relating to the granting of temporary entry of a natural person.

## ARTICLE 9.31

### Application timeframes

If a Party requires authorisation, it shall ensure that its competent authorities, to the extent practicable, permit the submission of an application at any time throughout the year.<sup>3</sup> If a specific time period for applying for authorisation exists, the Party shall ensure that the competent authorities allow a reasonable period of time for the submission of an application.

## ARTICLE 9.32

### Electronic applications and acceptance of copies

If a Party requires authorisation, it shall ensure that its competent authorities:

- (a) to the extent possible, accept applications in electronic format; and
- (b) accept copies of documents that are authenticated in accordance with the Party's law, in place of original documents, unless the competent authorities require original documents to protect the integrity of the authorisation process.

## ARTICLE 9.33

### Processing of applications

1. If a Party requires authorisation, it shall ensure that its competent authorities:

- (a) to the extent practicable, provide an indicative timeframe for the processing of an application;

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<sup>3</sup> Competent authorities are not required to start considering applications outside of their official working hours and working days.

- (b) at the request of the applicant, provide without undue delay information concerning the status of the application;
- (c) to the extent practicable, ascertain without undue delay the completeness of an application for processing under the Party's laws and regulations;
- (d) if they consider an application complete for processing<sup>4</sup> under the Party's laws and regulations, within a reasonable period of time after the submission of the application ensure that:
  - (i) the processing of the application is completed;
  - (ii) the applicant is informed of the decision concerning the application,<sup>5</sup> to the extent possible in writing; and<sup>6</sup>
  - (iii) an authorisation is granted as soon as the competent authority determines that the conditions for authorisation have been met;
- (e) if they consider an application incomplete for processing under the Party's laws and regulations, within a reasonable period of time, to the extent practicable:
  - (i) inform the applicant that the application is incomplete;
  - (ii) at the request of the applicant identify the additional information required to complete the application or otherwise provide guidance on why the application is considered incomplete; and

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<sup>4</sup> Competent authorities may require that all information is submitted in a specified format to consider it "complete for processing".

<sup>5</sup> Competent authorities may meet this requirement by informing an applicant in advance in writing, including through a published measure, that a lack of response after a specified period of time from the date of submission of the application indicates acceptance of the application.

<sup>6</sup> For greater certainty, "in writing" may include in electronic form.

- (iii) provide the applicant with the opportunity<sup>7</sup> to provide the additional information that is required to complete the application;

however, if none of the above is practicable, and the application is rejected due to incompleteness, ensure that they inform the applicant within a reasonable period of time; and

- (f) if an application is rejected, to the extent possible, either upon their own initiative or upon request of the applicant, inform the applicant of the reasons for rejection and, if applicable, the timeframe for an appeal against that decision and the procedures for resubmission of an application. An applicant should not be prevented from submitting another application solely on the basis of a previously rejected application.

2. A Party shall ensure that authorisation, once granted, enters into effect without undue delay, subject to the applicable terms and conditions.

## ARTICLE 9.34

### Fees

1. For all economic activities covered by this Sub-section other than financial services, each Party shall ensure that the authorisation fees<sup>8</sup> charged by its competent authorities are reasonable, transparent and do not in themselves restrict the supply of the relevant service or the pursuit of any other economic activity.

2. With regard to financial services, each Party shall ensure that its competent authorities, with regard to authorisation fees that they charge, provide applicants with a schedule of fees or information on how fee amounts are determined, and do not use the fees as a means of avoiding the Party's commitments or obligations.

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<sup>7</sup> Such opportunity does not require a competent authority to provide extensions of deadlines.

<sup>8</sup> Authorisation fees do not include fees for the use of natural resources, payments for auction, tendering or other non-discriminatory means of awarding concessions, or mandated contributions to the provision of universal service.

## ARTICLE 9.35

### Assessment of qualifications

If a Party requires an examination for authorisation, it shall ensure that its competent authorities schedule such an examination at reasonably frequent intervals and provide a reasonable period of time to enable applicants to request to take the examination. To the extent practicable, each Party shall accept requests in electronic format to take such examinations, and shall consider the use of electronic means in other aspects of examination processes.

## ARTICLE 9.36

### Objectivity, impartiality and independence

If a Party adopts or maintains a measure relating to authorisation, it shall ensure that its competent authority processes an application, and reaches and administers its decisions, objectively and impartially and in a manner independent from any person carrying out the economic activity for which authorisation is required.

## ARTICLE 9.37

### Publication and information available

1. If a Party requires authorisation, it shall promptly publish<sup>9</sup> the information necessary for service suppliers or persons seeking to supply a service, and for persons carrying out or seeking to carry out the economic activity for which the licence or authorisation is required, to comply with

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<sup>9</sup> For the purposes of this Sub-Section, "publish" means to include in an official publication, such as an official journal, or on an official website. The Parties are encouraged to consolidate electronic publications into a single portal.

the requirements and procedures for obtaining, maintaining, amending and renewing such authorisation.

2. The information referred to in paragraph 1 shall include, where it exists:
  - (a) the requirements and procedures;
  - (b) contact information of relevant competent authorities;
  - (c) authorisation fees;
  - (d) applicable technical standards;
  - (e) procedures for appeal or review of decisions concerning applications;
  - (f) procedures for monitoring or enforcing compliance with the terms and conditions of licences or qualifications;
  - (g) opportunities for public involvement, such as through hearings or comments; and
  - (h) indicative timeframes for the processing of an application.

## ARTICLE 9.38

### Technical standards

A Party shall encourage its competent authorities, when adopting technical standards, to adopt technical standards developed through open and transparent processes, and shall encourage any body, including relevant international organisations, designated to develop technical standards to do so through open and transparent processes.

## ARTICLE 9.39

### Development of measures

If a Party adopts or maintains measures relating to authorisation, it shall ensure that:

- (a) such measures are based on clear, objective and transparent criteria;<sup>10</sup>
- (b) the procedures are impartial, easily accessible to all applicants and adequate for applicants to demonstrate whether they meet the requirements, where such requirements exist; and
- (c) the procedures do not in themselves unjustifiably prevent fulfillment of requirements.

## ARTICLE 9.40

### Limited number of licences

If the number of licences available for a given economic activity is limited because of the scarcity of available natural resources or technical capacity, a Party shall apply a selection procedure to potential candidates which is impartial and transparent and provides for adequate publicity about the launch, conduct and completion of the procedure. The selection procedure may take into account legitimate policy objectives, including considerations of health, safety, protection of the environment and the preservation of cultural heritage.

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<sup>10</sup> Such criteria may include competence and the ability to supply a service or any other economic activity, including to do so in a manner consistent with a Party's regulatory requirements, such as health and environmental requirements. Competent authorities may assess the weight to be given to each criterion.