

WORLD TRADE ORGANIZATION

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Group on Basic Telecommunications

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COMMUNICATION FROM EL SALVADOR

Draft Offer on Basic Telecommunications

The attached communication is circulated at the request of El Salvador to members of the Group on Basic Telecommunications.

El Salvador submits herewith its schedule of specific commitments in basic telecommunications services in the framework of the Negotiations on Basic Telecommunications.

El Salvador reserves the right to modify, reduce or withdraw this offer, in full or in part, at any time prior to the conclusion of the Negotiations on Basic Telecommunications.

El Salvador also reserves the right to make technical changes, amendments and corrections to this offer.

DRAFT OFFER OF EL SALVADOR ON BASIC TELECOMMUNICATIONS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>2.C. <u>Telecommunications services</u></p> <p>Domestic and international services through public and non-public basic telecommunications networks using any network technology (e.g. wire-based, radio, satellite, cable and television); based on the use of facilities and based on resale; for each of the following services:</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Application must be made to the SIGET (Electricity and Telecommunications Supervisory Authority) for a concession or licence to use the regulated frequency and allocation of numbers and multi-carrier system operator selection key.</p>	<p>(1) None, except as indicated under horizontal commitments.</p> <p>(2) None</p> <p>(3) None</p>	<p>On the basis of the legal framework of the Telecommunications Law (Legislative Decree 807 of 12 September 1996), El Salvador submits the attached reference-paper commitments.</p>
<p>(a) Voice telephony</p> <p>(b) Packet-switched data transmission services</p> <p>(c) Circuit-switched data transmission services</p> <p>(d) Telex services</p> <p>(f) Facsimile services</p> <p>(g) Private-leased circuit services</p>	<p>Subject to availability of access to the radio spectrum, classified in the following categories: free use, official use or regulated use (by licensing).</p> <p>Access to INTELSAT facilities through the signatory.</p> <p>Prices and terms and conditions of telecommunications services to final users will be established by free negotiation except in the cases provided for in the Telecommunications Law.</p>		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
(o) Other - Radiocommunication frequency - Paging - Mobile cellular services - Leasing of transmission media and switching ports - Public telephones	As indicated in the horizontal commitments. (4) None, except as indicated under horizontal commitments.	(4) None, except as indicated under horizontal commitments.	

ADDITIONAL TEXT ATTACHED TO THE DRAFT OFFER OF EL SALVADOR
ON BASIC TELECOMMUNICATIONS SERVICES

REFERENCE PAPER

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) Are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier means a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) Control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) Engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing commercial telecommunications services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2. Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) Under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) at all technically feasible levels and exchanges in order to ensure termination in the network of one of the parties of telecommunications originating in any other commercial network, or transfer telecommunications originating in the network of one of the parties to any other commercial telecommunications network selected by the end-user implicitly or explicitly;
- (c) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (d) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for access to essential facilities for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) At any time; or
- (b) after a period of 40 days which has been made publicly known to a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) All the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.