

WORLD TRADE ORGANIZATION

RESTRICTED

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Group on Basic Telecommunications

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COMMUNICATION FROM PERU

Conditional Offer on Basic Telecommunications

Revision

The following communication is circulated at the request of Peru to members of the Group on Basic Telecommunications.

Peru reserves the right to modify or withdraw partly or in their entirety the commitments made in this offer depending, *inter alia*, on the number of offers submitted by the other parties, the extent to which such offers are equivalent and mutually acceptable, and the scope and importance of the most-favoured-nation (MFN) exemptions submitted by other parties in accordance with the Annex on Article II Exemptions, as well as on a satisfactory outcome as regards additional commitments resulting from the telecommunications negotiations.

PERU - DRAFT CONDITIONAL OFFER

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. TELECOMMUNICATIONS SERVICES</p> <p>C. <u>Telecommunications services</u></p> <p>(a) Telephone services</p>	<p>(1) Fixed telephone services will be under a regime of exclusivity for the period until June 1999.</p> <p>The supply of telephone services based on making call attempts within the country in order to obtain a call-back with a dial tone from networks stemming from a basic telecommunications network located outside the national territory is not permitted.</p> <p>Interconnection among private services is prohibited.</p> <p>(2) None, except that the supply of telephone services based on making call attempts within the country in order to obtain a call-back with a dial tone from networks stemming from a basic telecommunications network located outside the national territory is not permitted.</p> <p>(3) Fixed telephone services will be under a regime of exclusivity for the period until June 1999.</p> <p>The number of concessionaires of a particular service may be restricted for technical reasons. In such cases, concessions must be granted through public invitation to tender.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	<p>See attached sheet</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
<p>(b) Packet-switched data transmission services</p> <p>(c) Circuit-switched data transmission services</p> <p>(d) Telex services</p> <p>(e) Telegraph services</p> <p>(f) Facsimile services</p> <p>(g) Private leased circuit services</p> <p>(o) Other</p> <p>- Analogue/digital mobile/cellular services</p> <p>- Personal communication services</p>	<p>Interconnection among private services is prohibited.</p> <p>(4) None, except as indicated under horizontal commitments.</p> <p>(1) None for the supply of the service in local concession areas.</p> <p>Supply of the service for national and international long-distance communications must use the carrier services granted in exclusivity until June 1999 inclusive.</p> <p>The service of leased long-distance private circuits is considered a form of operation of carrier services.</p> <p>Until June 1999 persons who establish or who have established a private service are not authorized:</p> <p>(i) to use lines or circuits for the supply of telecommunications services including signal transport and the resale of capacity to third persons; or</p> <p>(ii) to interconnect such leased lines or circuits to the public telecommunications network.</p>	<p>(4) Unbound, except as indicated in the horizontal section in the fourth column.</p> <p>(1) None</p>	<p>See attached sheet</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
<ul style="list-style-type: none"> - Paging services - Mobile data services - Trunking services 	<p>Interconnection among private services is prohibited.</p> <p>(2) None</p> <p>(3) None for the provision of the service in local concession areas.</p> <p>The provision of the service for national and international long- distance communications must use the carrier services granted in exclusivity until June 1999.</p> <p>The number of concessionaires of a particular service may be limited for technical reasons. In such cases, concessions must be granted through public invitation to tender.</p> <p>Until June 1999, persons who establish or have established a private service are not authorized to:</p> <p>(i) use lines or circuits for the supply of telecommunications services including signal transmission or the resale of capacity to third persons; or</p> <p>(ii) to interconnect such leased lines or circuits to the public telecommunications network.</p>	<p>(2) None</p> <p>(3) None</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	
	Interconnection among private services is prohibited. (4) None, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.		

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 is 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 public telecommunications transport networks or 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 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) 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
- (c) 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 interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major 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 reasonable period of time which has been made publicly known

to an independent domestic body, which may be 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.