

ORGANIZATION

(97-1487)

Trade in Services

Original: Spanish

ARGENTINA

Schedule of Specific Commitments

Supplement 1

(This is authentic in Spanish only)

This Schedule supplements the section on Telecommunications Services on pages 9 to 11 of document GATS/SC/4.

ARGENTINA - SCHEDULE OF SPECIFIC COMMITMENTS¹

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
2.C. All subsectors	This offer does not include the provision of satellite facilities of geostationary artificial satellites for the Fixed Satellite Service.		See Annex
The services included in this column may be supplied by any technological means (e.g. fibre optics, radio links, satellites, cable), except as otherwise stated in the limitations indicated in the market access column.			
	(1) None from 8 November 2000 (2) None (3) None from 8 November 2000	(1) None (2) None (3) None	

¹Argentina considers the cable or broadcast distribution of radio or television programming to be outside the scope of this Schedule in accordance with paragraph 2(b) of the GATS Annex on Telecommunications.

All or part of the Schedule of the Argentine Republic can enter into full effect only after approval by the National Congress and ratification by the Government, in accordance with the constitutional provisions in force.

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
	(4) Unbound except as indicated in the horizontal section	(4) Unbound except as indicated in the horizontal section	
	(1) None from 8 November 2000 (2) None (3) None from 8 November 2000 (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
- Domestic data services (CPC 7523**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
- Domestic telex services (CPC 7523**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
	(1) None (2) None	(1) None (2) None	See Annex

	<p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p>	
<p>- International data services (CPC 7523**)</p>	<p>(1) None from 8 November 2000</p> <p>(2) None</p> <p>(3) None from 8 November 2000</p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p>	
<p>- International telex services (CPC 7523**)</p>	<p>(1) None from 8 November 2000</p> <p>(2) None</p> <p>(3) None from 8 November 2000</p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p>	
	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except that up to 8 November 2000 the links used for supplying these services must belong to the enterprise holding the exclusive rights to provide international connections.</p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in</p>	

		the horizontal section	
- Leased telephone circuits	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except that up to 8 November 2000 the present basic telephone service licence-holders have a preferential installation period of 60 days inside basic tariff areas or 180 days outside those areas.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p>	See Annex
	<p>(1)</p> <p>(2)</p> <p>(3)</p> <p>(4)</p>	<p>(1)</p> <p>(2)</p> <p>(3)</p> <p>(4)</p>	
	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

	<p>(3) None</p> <p>MTS are supplied under a duopolistic regime, the available spectrum being assigned in all the service areas.</p> <p>In the case of PCS, the administrative authority will decide on a number of suppliers per operating area in the light of present and future needs.</p> <p>(4) Unbound except as indicated in the horizontal section</p>	<p>(3) None</p> <p>(4) Unbound except as indicated in the horizontal section</p>	
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ANNEX

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 the functions and elements 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 dominant 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 the access provided between suppliers in order to allow access to clients, users, services or elements of a network.

2.2 Interconnection to be ensured

Interconnection with a dominant supplier will be ensured at any technically viable 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) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, 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.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a dominant supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a dominant 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 dominant 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, to resolve disputes regarding 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.