

ORGANIZATION

(97-1371)

Trade in Services

BRAZIL

Schedule of Specific Commitments

Supplement 2

(This is authentic in English only)

This text is inserted as the Telecommunication services section in document GATS/SC/13.

BRAZIL - SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>2.C. TELECOMMUNICATION SERVICES</p> <p>Commitments undertaken in this schedule are subject to the following general conditions:</p> <p>Each telecommunications service to be supplied in Brazil requires a specific governmental licence to be obtained through a transparent, objective and non-discriminatory process. Licences are not required for the supply of Value Added Services.</p> <p>Licences referred to in item (i) are granted only to juridical persons duly constituted according to the Brazilian legislation, which requires head office and management located in the Brazilian territory.</p> <p>EMBRATEL has exclusive rights to link with Intelsat and Inmarsat.</p> <p>The supply of space segment facilities of satellites that occupy orbital positions notified by foreign countries is allowed whenever they offer better technical, operational or commercial conditions. Otherwise, satellites that occupy orbital positions notified by Brazil must be used. Regulatory decisions on this regard will be based on a transparent, objective and non-discriminatory process.</p> <p>This schedule does not include telecommunications services supplied for distribution of radio or television programming for direct reception by service consumers.</p>			
Public domestic and international services, provided using any network technology, on a facilities-basis:			<p>Within one year after the enactment by the President of the Republic, of the present draft General Telecommunications Law, Brazil will introduce into its schedule Additional Commitments on regulatory principles, as emerging from the new Law, comprising competitive safeguards, interconnection, universal service, public availability of licensing criteria, independent regulator and the allocation and use of scarce resources.</p>
Voice telephone services	None, other than: international traffic shall be operated by a supplier duly licensed.	None	
Packet-switched data transmission services	None	None	
Circuit-switched data transmission services	Unbound, except:	None	
Telex services	Within one year after the enactment by the President of the Republic, of the present draft General Telecommunications Law, Brazil will introduce into its schedule commitments related to the supply of public telecommunications services binding the relevant parts in terms of Market Access of the new Law.	Unbound, except:	
Telegraph services		Within one year after the enactment by the President of the Republic, of the present draft General Telecommunications Law, Brazil will introduce into its schedule commitments related to the supply of public telecommunications services binding the relevant parts in terms of National Treatment of the new Law.	
Facsimile services			
	Unbound except as indicated in the horizontal	Unbound except as indicated in the horizontal	
Non-public domestic and international services, for Closed Users Groups, provided using any network technology, on a			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
facilities-basis:			
Voice telephone services	None, other than:	None	Interconnection of Closed sis, subject to conditions Regulatory functions are ces.
Packet-switched data transmission services	None	None	
Circuit-switched data transmission services	None	None	
Telex services	Unbound except as indicated in the horizontal	Unbound except as indicated in the horizontal	
Telegraph services			
Facsimile services			
Private leased circuit services			
The following concept is applicable:			
Closed Users Group is a group of natural or juridical persons that performs a common specific activity, which is not susceptible to extension to the public in general.			
Value Added Services:			
Electronic mail	None	None	The use of PTNS will be Regulatory functions are ces
Voice mail	None	None	
On-line information and data base retrieval	None	None	
Electronic data interchange	Unbound except as indicated in the horizontal	Unbound except as indicated in the horizontal	
Enhanced/value-added facsimile services, including store-and-			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
forward, store-and-retrieve			
Code and protocol conversion			
<p>On-line information and/or data processing (including transaction processing)</p> <p>The following concept is applicable:</p> <p>Value Added Service is characterized by the addition of features to a telecommunications service that supports it, thus creating utilities related to the access, storage, presentation, transfer and retrieval of information.</p>			

Other services:			
<p>/Digital Cellular mobile-service (800 MHz/terrestrial systems)</p> <p>on a facilities-basis</p>	<p>Unbound</p> <p>None</p> <p>None, other than:</p> <p>Service is to be provided on a duopoly basis in telephone company may be allowed to be one of the a subsidiary;</p> <p>Direct and indirect participation of foreign limited to 49%; no restriction to foreign ownership for y 1999.</p> <p>Unbound except as indicated in the horizontal</p>	<p>None</p> <p>None</p> <p>None</p> <p>Unbound except as indicated in the horizontal</p>	<p>Interconnection with PTNS</p> <p>The general conditions for</p> <p>Regulatory functions are ces.</p>
<p>services (terrestrial systems)</p> <p>on a facilities basis</p>	<p>Unbound</p> <p>None</p> <p>None</p> <p>Unbound except as indicated in the horizontal</p>	<p>None</p> <p>None</p> <p>None</p> <p>Unbound except as indicated in the horizontal</p>	<p>The regulatory functions are entrusted to the Ministry of Communications of Brazil, which has independent legal personality from the suppliers of telecommunications services.</p>
Other services (continued)			
<p>telecommunications transport service.</p>	<p>None, other than:</p> <p>r all legal effects.</p>	<p>None</p>	<p>Regulatory functions are entrusted to the Ministry of Communications of Brazil,</p>

			which has independent legal personality from the suppliers of telecommunications services.
<p>The following concept is applicable:</p> <p>Satellite telecommunications transport service is the supply of space segment facilities of geostationary orbit satellites (GSO) to duly licensed suppliers of services listed in this schedule.</p> <p>Note: The supply of space segment facilities of satellites that occupy orbital positions notified by other countries is contingent upon prior coordination with Brazil of their orbital positions and associated frequencies</p>	<p>None</p> <p>None, other than:</p> <p>ified by Brazil requires that the satellite control territory. Direct and indirect participation of foreign limited to 49%; no restriction to foreign ownership for y 1999.</p> <p>Unbound except as indicated in the horizontal</p>	<p>None</p> <p>None</p> <p>Unbound except as indicated in the horizontal</p>	