

WORLD TRADE  
ORGANIZATION

GATS/SC/122/Suppl.1

11 April 1997

(97-1481)

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Trade in Services

Original: English

BULGARIA

Schedule of Specific Commitments

Supplement 1

(This is authentic in English only)

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This text supplements the entries relating to the Telecommunication services section contained on pages 16 to 17 of document GATS/SC/122.

## BULGARIA - 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><b>2.C.</b> <b>TELECOMMUNICATION SERVICES (UNCPC )</b></p> <p><b>All sectors</b></p>	<p>The installation and usage of telecommunication equipment and networks and the provision of telecommunication services require a concession, licence, permission or registration from a Bulgarian authorised body.</p> <p>The number of licences may be limited depending on the availability of scarce resources and due to technical reasons (numbering capacity, temporary lack of access points).</p> <p>* BTC LTD - Bulgarian Telecommunications company LTD</p>		As annexed.
<p><b>(a) <u>Voice telephone services</u></b> 75</p> <p>Local/Long distance/ International (using any network technology, facilities-based)</p> <p><u>-for public use</u></p>	<p>(1) BTC Ltd has exclusive rights for facilities based services until 31 December 2004 and for public voice telephony until 31 December 2002</p> <p>(2) None</p> <p>(3) BTC Ltd has exclusive rights for facilities based services until 31 December 2004 and for public voice telephony until 31 December 2002</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><u>-for non-public use</u></p>	<p>(1) Connection to the public telecommunications network is not allowed until 31 December 2004.</p> <p>(2) None</p>		

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>b and c. <u>Packet-and circuit-switched data transmission services</u></p> <p>7523</p> <p>d. <u>Telex services</u></p> <p>7523</p> <p>e. <u>Telegraph services</u></p> <p>7523</p>	<p>(3) Connection to the public telecommunications network is not allowed until 31 December 2004.</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) BTC Ltd has exclusive rights for facilities based services until 31 December 2004 and for telegraph and telex services until 31 December 2002</p> <p>(2) None</p> <p>(3) BTC Ltd has exclusive rights for facilities based services until 31 December 2004 and for telegraph and telex services until 31 December 2002</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</p> <p>(4) Unbound except as indicated in the horizontal section</p>	
<p>f. <u>Facsimile services</u></p> <p>7521</p>	<p>(1) Only through the use of the international network of BTC Ltd.</p> <p>(2) None</p> <p>(3) Only through the use of the international network of BTC Ltd.</p>	<p>(1) None</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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>g. Leased circuit services</b></p> <p style="text-align: right;">7523</p> <p><b>o. Other</b></p> <p><b>Mobile services</b></p> <p><u>-Analogue cellular voice services</u></p>	<p>(4) Unbound except as indicated in the horizontal section</p> <p>(1) BTC Ltd has exclusive rights for facilities based services until 31 December 2004.</p> <p>Sale and lease of capacity of leased circuits is not allowed.</p> <p>(2) None</p> <p>(3) BTC Ltd has exclusive rights for facilities based services until 31 December 2004.</p> <p>Sale and lease of capacity of leased circuit is not allowed.</p> <p>(4) Unbound except as indicated in the horizontal section</p> <p>(1) Only through use of the international network of BTC Ltd. until 31 December 2002.</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><u>-Digital cellular voice services</u></p>	<p>(2) Only through use of the international network of BTC Ltd. until 31 December 2002 and according to the international NMT450 and GSM agreements</p> <p>(3) Only through use of BTC Ltd. infrastructure until 31 December 2002, except in the case if BTC Ltd is not able to provide the necessary infrastructure in the limited period of time specified in the licence.</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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
-for non-public use	(1) Connection to the public telecommunications network is not allowed until 31 December 2004. (2) None (3) Connection to the public telecommunications network is not allowed until 31 December 2004. (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	

**ANNEX  
ADDITIONAL COMMITMENTS  
SCHEDULE OF COMMITMENTS ON BASIC TELECOMMUNICATIONS  
REPUBLIC OF BULGARIA**

**SCOPE**

The following are definitions and principles on the regulatory framework for the basic communications 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 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 subscribers 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 license 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 license and
- (b) the terms and conditions of individual licenses.

The reason for the denial of a license 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 procedure 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.