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Trade in Services

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COLOMBIA

Schedule of Specific Commitments

Supplement 2

(This is authentic in Spanish only)

This schedule supplements the section on Telecommunications Services contained in pages 28 to 31 of document GATS/SC/20.

COLOMBIA - SCHEDULE OF SPECIFIC COMMITMENTS

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.TELECOMMUNICATIONS SERVICES</p> <p>The commitments in this schedule do not cover radio and television broadcasting services.</p> <p>All sectors</p> <p>1.For public use, exclusively facilities-based services</p> <p>Local and extended local voice telephony¹</p>	<p>The licence or concession for the supply of telecommunications services is only granted to enterprises legally set up in Colombia.</p> <p>(1)None</p> <p>(2)None</p> <p>(3)Foreign investment is permitted up to a maximum of 70% of the capital of the enterprise licensed to operate.</p> <p>(4)Unbound, except as indicated by horizontal commitments</p>	<p>(1)None</p> <p>(2)None</p> <p>(3)None</p> <p>(4)Unbound, except as indicated by horizontal commitments</p>	<p>The annexed Reference Paper is adopted, with the notes and reservations indicated.</p>

¹"Extended local" voice telephony (departmental or regional telephony) is the service supplied by the same operator to users in a continuous geographical area consisting of adjacent municipalities, provided the area does not go outside that of the Department.

<p>National and international long-distance telephony</p>	<p>Long-distance traffic must be routed through operators licensed to provide a long-distance telephone service. Deliberate inversion of the genuine direction of international traffic (call-back) is not allowed.</p> <p>(1)None</p> <p>(2)None</p> <p>(3)Foreign investment is permitted up to a maximum of 70% of the capital of the enterprise licensed to operate. National and international long-distance services are provided by the National Telecommunications Enterprise. Any additional number of operators will be determined by an economic needs test.</p> <p>(4)Unbound, except as indicated by horizontal commitments.</p>	<p>(1)None</p> <p>(2)None</p> <p>(3)None</p> <p>(4)Unbound, except as indicated in the horizontal commitments.</p>	
<p>Carrier services</p> <p>Packet-switched data transmission services</p>	<p>Carrier services² may only be supplied by operators duly authorized to engage in such activities or to provide the relevant services in Colombia. The authorization to supply carrier services does not involve a concession to supply</p>		

²Carrier service is a service providing the necessary capacity to transmit signals between two or more specific points on the telecommunications network. This covers services through circuit- or packet-switched networks and through non-switched networks.

	<p>capital and the shares must be listed in a stock exchange in Colombia. Foreign investment is permitted up to a maximum of 70% of the capital of the enterprise licensed to operate.</p> <p>(4)Unbound, except as indicated by horizontal commitments.</p>	<p>(4)Unbound, except as indicated by horizontal commitments.</p>	
<p>Personal Communications services (PCs)</p>	<p>(1)None</p> <p>(2)None</p> <p>(3)The Personal Communications service will be supplied as from 31 December 1999 by a number of operators determined by an economic needs test. Foreign investment is permitted up to a maximum of 70 per cent of the capital of the enterprise licensed to operate.</p> <p>(4)Unbound, except as indicated by horizontal commitments.</p>	<p>(1)None</p> <p>(2)None</p> <p>(3)None</p> <p>(4)Unbound, except as indicated by horizontal commitments.</p>	
<p>Paging services (900 MHz band)</p>	<p>(1)Unbound</p> <p>(2)None</p> <p>(3)The number of operators to supply two-way paging services will be determined not later than 30 June 1997. Foreign investment is permitted up to a maximum of 70 per cent of the capital of the enterprise licensed to operate.</p>	<p>(1)None</p> <p>(2)None</p> <p>(3)None</p>	

	(4)Unbound, except as indicated by horizontal commitments.	(4)Unbound, except as indicated by horizontal commitments.	
Trunking	(1)None (2)None (3)The national trunking service will be supplied by four operators selected by competitive bidding, not later than 30 June 1997. Foreign investment is permitted up to a maximum of 70% of the capital of the enterprise licensed to operate. (4)Unbound, except as indicated by horizontal commitments.	(1)None (2)None (3)None (4)Unbound, except as indicated by horizontal commitments.	
Provision of satellite capacity, exclusively by geostationary satellite systems	Authorizations to provide satellite capacity do not involve a concession to supply other telecommunications services in Colombia or in connections with foreign countries. (1)None (2)None (3)Foreign investment is permitted up to a maximum of 70% of the capital of the enterprise licensed to operate. (4)Unbound, except as indicated by horizontal commitments.	(1)None (2)None (3)None (4)Unbound, except as indicated by horizontal commitments.	
2.For non-public use, facilities-based (Relates to the private telecommunications network, established by natural or legal			

persons for their private and exclusive use, without provision of services to third persons and without connection to the State telecommunications network or to other private telecommunications networks)			
Voice telephone services	(1)None	(1)None	
Packet-switched data transmission	(2)None	(2)None	
Circuit-switched data transmission	(3)None	(3)None	
Private leased circuit services	(4)Unbound, except as indicated by horizontal commitments.	(4)Unbound, except as indicated by horizontal commitments.	
Paging services			
Trunking services			

ANNEX

Reference Paper

The additional commitments appearing in this schedule apply to basic telecommunications services where specific commitments are undertaken.

Scope

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

Definitions

Users mean service consumers.

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-subsidization⁴;
 - (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.

⁴The Colombian State reserves the right to maintain subsidies among different strata of one and the same service.

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.⁵ Such connection 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, 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

⁵When a request is made to the major supplier (operator) or any existing telecommunications services operator for interconnection at a point different from the one proposed by them, they shall have the right to require the new operator to pay the cost caused by that decision. In the event of a dispute concerning the point of interconnection, the regulatory body may rule on the dispute and allocate costs in the light of the relevant rules and of equitable and objective criteria.

interconnection within a reasonable period of time, to the extent that these have not been established previously.⁶

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 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 objective⁷, 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.

⁶This item is adopted on the understanding that "independent domestic body" refers to the body determined by Colombian law.

⁷"Objective" means that allocation and use depend on availability and the national frequency table.