

Trade in Services

Original: Spanish

DOMINICAN REPUBLIC

Schedule of Specific Commitments

Supplement 2

(This is authentic in Spanish only)

This text replaces the commitment concerning subsector (b) data transmission services, contained in the section on Telecommunications on page 20 of document GATS/SC/28, and supplements the other commitments on Telecommunications on page 22 of the same document.

DOMINICAN REPUBLIC - 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 undertaken in this list are subject to the following general conditions:</p> <p><u>Regulatory issues</u></p> <p>1. The telecommunications regulatory body, which at the time of this offer, is the Directorate-General of Telecommunications (DGT), specifically supervises regulatory matters pertaining to the sector, including the establishment and enforcement of regulations. It is the competent body nationwide and is separate from any private telecommunications supplier. However, it directly administers part of the rural telephone network. Several private operators indirectly administer basic telecommunications services on behalf of the State under a concession system.</p> <p>2. Any terminal or other type of equipment produced abroad that interfaces with the public-switched telephone network must be approved in accordance with the standards established for World Numbering Zone 1. The regulatory body may require evidence of such type-approval.</p> <p>3. Any reference in the offer to the conditions to be ensured in regard to interconnection with the major supplier will be regarded as valid for all suppliers with operating concessions.</p>			
<p>(a)Voice telephone services (CPC 7521)</p> <p>(b)Packet-switched data transmission (CPC 7523)</p> <p>(c)Circuit-switched data transmission (CPC 7523)</p> <p>(d)Telex services (CPC 7523)</p> <p>(e)Telegraph services (CPC 7522)</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3)The following requirements must be fulfilled:</p> <p style="padding-left: 20px;">(a)Establish legal domicile in Dominican territory;</p> <p style="padding-left: 20px;">(b)be set up as a legal person in the Dominican Republic; and</p> <p style="padding-left: 20px;">(c)obtain a concession from the Executive Branch through the telecommunications regulatory body,</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) Unbound</p>	<p>Contained in the annex.</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
(f) Facsimile services (CPC 7521 and 7529) (g) Private leased circuit services (CPC 7522 and 7523) (o) Other: -Connection and interconnection services (CPC 7543 and 7525) -Paging services (CPC 75291) -Mobile maritime and air-to-ground telecommunications services (CPC 75299)	which at the time of this offer is the Directorate-General of Telecommunications (DGT) (4) Unbound, except as indicated in the horizontal commitments established in the Dominican Republic's Uruguay Round Schedule of Services (GATS/SC/28)	(4) Unbound, except as indicated in the horizontal commitments established in the Dominican Republic's Uruguay Round Schedule of Services (GATS/SC/28)	

REFERENCE PAPER

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 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 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.