

# WORLD TRADE ORGANIZATION

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Trade in Services

UGANDA

Schedule of Specific Commitments

Supplement 1

Revision

(This is authentic in English only)

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This text replaces documents GATS/SC/89/Suppl.1 on telecommunication services.

## UGANDA – REVISED SCHEDULE OF SPECIFIC COMMITMENTS IN BASIC TELECOMMUNICATIONS

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. Telecommunications Services*  Facilities based public-switched voice telecommunication services on fixed network infrastructure:			Uganda undertakes the obligations contained in the reference paper attached hereto.
(a) Basic voice services, including over value-added networks such as Internet	(1) International basic voice telephony traffic must be carried through networks of the duopoly major licence holders and other pre-existing licence holders, according to the terms of those licences..	(1) None	The interpretation of "Major licence" and "Minor licence" are as by the definitions given by the Uganda Communications Act 1997. <sup>2</sup>
(b) Private voice network services to third parties	(2) None	(2) None	
*Excludes video and audio broadcast services	(3) SNO inaugurated service 21 October 1998. Thereafter, Uganda Telecom Limited (UTL) and Second National Operator (SNO) <sup>1</sup> duopoly exclusivity, subject to Uganda Government review after 2003. Neither UTL nor its affiliates shall hold interests in the SNO or its affiliates nor shall SNO or its affiliates hold ownership in the UTL or its affiliates. Company must be registered in Uganda.	(3) None	

<sup>1</sup>"SNO" means the first public operator other than UTL issued with a major licence.

<sup>2</sup>i.e. Major licence includes a licence for the provision of local, long distance or international telephone services, trunk capacity resale and telecommunications, store and forward messaging, cellular or mobile services and; minor licence includes all other licences not being major licences.

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
Private voice & data for closed user groups (group of people with stable common and long-term economic interest)	(4) Unbound except for technical personnel unless Ugandans are or become available. Entry and temporary stay of foreign service suppliers subject to compliance with laws, regulations and guidelines in force in Uganda.	(4) Unbound except for technical personnel stipulated under market access.	
	(1) None, except cross-border access alternative for voice should be through the duopoly major licence holders.	(1) None	
	(2) None	(2) None	
	(3) Resale of excess capacity not allowed. Company must be registered in Uganda.	(3) None	
	(4) Unbound except for technical personnel unless Ugandans are or become available. Entry and temporary stay of foreign service suppliers subject to compliance with laws, regulations and guidelines in force in Uganda.	(4) Unbound except for technical personnel stipulated under market access.	

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	
(o)	Other						
-	Mobile cellular voice and data	(1)	Roaming is allowed but cross-border access permitted only via network of duopoly major licence operator.	(1)	None		
		(2)	None	(2)	None		
		(3)	Two operators existing. Up to 2003 a maximum of (three) (3) operators to have cellular mobile licences as a service. The third operator will be UTL. Company must be registered in Uganda.	(3)	None		
		(4)	Unbound except for technical personnel unless Ugandans are or become available. Entry and temporary stay of foreign service suppliers subject to compliance with laws, regulations and guidelines in force in Uganda.	(4)	Unbound except for technical personnel stipulated under market access.		
-	Data services TCP/IP (Internet)	(1)	None, except international voice over Internet, not permitted during the five year exclusivity period of the duopoly major licence holders.	(1)	None		
		(2)	None	(2)	None		
		(3)	Company must be registered in Uganda	(3)	None		
		(4)	Unbound except for technical personnel unless Ugandans are or become available. Entry and temporary stay of foreign service suppliers subject to compliance with laws, regulations and guidelines in force in Uganda.	(4)	Unbound except for technical personnel stipulated under market access.		

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
- Paging services	(1) Cross border permitted only via networks of duopoly major licence operator. (2) None (3) Company must be registered in Uganda (4) Unbound, except for technical personnel unless Ugandans are or become available. Entry and temporary stay of foreign service suppliers subject to compliance with laws, regulations and guidelines in force in Uganda.	(1) None (2) None (3) None (4) Unbound except for technical personnel stipulated under market access.	
- Private mobile radio & - Trunked mobile radio	(1) Cross-border supply only via networks of duopoly major licence operator. (2) None (3) Company must be registered in Uganda (4) Unbound except for technical personnel unless Ugandans are or become available. Entry and temporary stay of foreign service suppliers subject to compliance with laws, regulations and guidelines in force in Uganda.	(1) None (2) None (3) None (4) Unbound except for technical personnel stipulated under market access.	

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
Global mobile personal communications by satellite operations	<p>(1) Permitted only with agreement with one or both duopoly operators as well as arrangements under GMPCS-MoU, to which Uganda is a signatory.</p> <p>(2) None</p> <p>(3) Company must be registered in Uganda</p> <p>(4) Unbound except for technical personnel unless Ugandans are or become available. Entry and temporary stay of foreign service suppliers subject to compliance with laws, regulations and guidelines in force in Uganda.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except for technical personnel stipulated under market access</p>	

## 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.

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