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GRANADA

Proyecto de Lista refundida de Compromisos Específicos¹

El documento adjunto contiene un proyecto de la Lista refundida de Compromisos Específicos de Granada, en formato Word. Este documento no sustituye los compromisos jurídicamente vinculantes contraídos por Granada en su Lista de Compromisos Específicos (GATS/SC/96; GATS/SC/96/Suppl.1).

El proyecto de Lista refundida fue preparado por la Secretaría, a petición de los Miembros, para facilitar el proceso de las negociaciones, incluida la presentación de ofertas iniciales.

¹ Este documento se ha preparado, en inglés solamente, bajo la responsabilidad de la Secretaría y sin perjuicio de las posiciones de los Miembros ni de sus derechos y obligaciones en el marco de la OMC.

GRENADA- 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 |
|---------------------------------------|---|-----------------------------------|------------------------|
| I. HORIZONTAL COMMITMENTS | | | |
| ALL SECTORS INCLUDED IN THIS SCHEDULE | <p>3) Commercial presence requires that foreign services providers incorporate or establish the business locally in accordance with the relevant provisions of the Laws of Grenada, and where so required, be subject to relevant Acts pertaining to property acquisition lease and rental and any operating conditions that may be the subject of existing laws and regulations. Some of these are as follows:</p> <ol style="list-style-type: none"> 1. The <u>Exchange Control Act</u> which requires Grenada's Ministry of Finance to regulate all Foreign Exchange Transactions. 2. <u>Withholding Tax</u>. Foreign Investment enterprises in Grenada are subject to the Withholding Tax Provision of the Income Tax Ordinance. 3. <u>Registration of Judicial Presence</u>. Grenada Commercial code requires that all Companies be registered. 4. <u>Insurance Act</u>. Only corporate entities are allowed to conduct insurance business in Grenada. All such entities must first be registered by the Registrar of Insurance. | | |

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|----------------------|---|-----------------------------------|------------------------|
| | <p>5. <u>Aliens Landholding</u>. The Alien Landholding Act requires foreign companies and individuals wishing to hold property in Grenada to first obtain a licence in order to do so, within which conditions of purchase are detailed.</p> <p>Grenada reserves a number of small business service opportunities for nationals. The room limitation on Hotel and Resort Development is within the context of this policy. In such circumstances when foreign service providers are permitted to operate, an economic needs test may be required.</p> <p>4) The entry of all foreign natural persons to Grenada and their residence in Grenada is regulated by Grenada's immigration laws.</p> <p>The entry of all foreign persons is subject to Work Permit Regulations. Issue of permits is normally confined to people with managerial and technical skills which are in short supply or not available in Grenada.</p> <p>Professionals in certain disciplines may be required to register with the appropriate professional or governmental body.</p> | | |

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|--|
| II. SECTOR SPECIFIC COMMITMENTS | | | |
| 2. COMMUNICATION SERVICES | | | |
| B. <u>Courier Services</u> | 1) None 2) None 3) Subject to exchange control regulations and alien landholding regulations. 4) Subject to work permit and immigration regulations. | 1) None 2) None 3) Subject to withholding tax 4) None | |
| C. <u>Telecommunication Services</u> | | | See attached additional commitments on regulatory disciplines. |
| <u>For public use:</u> | | | |
| (a) Voice telephone services (CPC 7521) | 1) Until 2006 bypass of the network of exclusive public operator not permitted. None as of 2006 | 1) None | |
| (b) Packet-switched data transmission services (CPC 7523**, CPC 7524**) | 2) None | 2) None | |
| (c) Circuit-switched data transmission services (CPC 7523**) | 3) Reserved to exclusive supply until 2006. None as of 2006 | 3) None | |
| (d) Telex services (CPC 7523**) | 4) As indicated in the horizontal section | 4) None | |
| (g) Private leased circuit services (CPC 7522**, CPC 7523**, CPC 7525) | | | |

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|-----------------------------------|------------------------|
| For non-public use (i.e. closed user groups): | 1) Until 2006 only on network facilities supplied by the exclusive operator and bypass of exclusive operator not permitted and resale of excess capacity are not permitted. None as of 2006 | 1) None | |
| (a) Voice telephone services (CPC 7521) | 2) None | 2) None | |
| (b) Packet-switched data transmission services (CPC 7523**, CPC 7524**) | 3) Until 2006 only on network facilities supplied by the exclusive operator and bypass of exclusive operator not permitted and resale of excess capacity are not permitted. None as of 2006 | 3) None | |
| (c) Circuit-switched data transmission services (CPC 7523**, CPC 7524**) | 4) As indicated in the horizontal section | 4) None | |
| (f) Facsimile services (CPC 7521**, CPC 7529**) | 1) Until 2006 bypass of the network of exclusive operator not permitted. None as of 2006 | 1) None | |
| (h) Electronic mail (CPC 7523**) | 2) None | 2) None | |
| (i) Voice mail (CPC 7523**) | 3) Reserved to exclusive operator until 2006. None as of 2006 | 3) None | |
| (j) On-line information and data base retrieval (CPC 7523**) | 4) As indicated in the horizontal section | 4) None | |
| (k) Electronic data interchange (CPC 7523**) | 1) Until 2006 only on facilities supplied by the exclusive operator. None as of 2006 | 1) None | |
| (l) Enhanced/value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523**) | 2) None | 2) None | |
| (m) Code and protocol conversion | 3) Until 2006 only on facilities supplied by the exclusive operator. None as of 2006 | 3) None | |
| (n) On-line information and/or data processing (incl. transaction processing) (CPC 843**) | 4) As indicated in the horizontal section | 4) None | |

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| (o) Other | | | |
| Internet and internet access services (except voice) (CPC 75260) | 1) Until 2006 only on facilities supplied by the exclusive operator. None as of 2006 2) None 3) Until 2006, only on network facilities supplied by the exclusive operator. None as of 2006 4) As indicated in the horizontal section | 1) None 2) None 3) None 4) None | |
| Mobile services (terrestrial based) | 1) Until 2006 reserved to exclusive operator. None as of 2006 | 1) None | |
| - Cellular/mobile telephone | 2) None | 2) None | |
| - Mobile data services | 3) Until 2006, reserved to exclusive operator. None as of 2006 | 3) None | |
| - Personal communications services (CPC 75291) | 4) As indicated in the horizontal section | 4) None | |
| <u>For public use:</u> | 1) Until 2006 through arrangements between satellite transport services suppliers and exclusive operator, who is under obligation not to limit the number of suppliers with whom such arrangements will be entered into. None as of 2006 | 1) None | |
| Mobile services (satellite-based) | | | |
| - Mobile telephone services | 2) None | 2) None | |
| - Mobile data services | 3) Until 2006 through arrangements between satellite transport services suppliers and exclusive operator, who is under obligation not to limit the number of suppliers with whom such arrangements will be entered into. None as of 2006 | 3) None | |
| - Personal communications services | 4) As indicated in the horizontal section | 4) None | |
| Fixed satellite services (including, but not limited to CPC 7524**) | | | |

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| <u>For non-public use</u> (i.e. closed user groups): Mobile services (satellite-based) Fixed satellite services | 1) Until 2006 through arrangements between satellite transport services suppliers and exclusive operator, who is under obligation not to limit the number of suppliers with whom such arrangement will be entered into. None as of 2006 2) None 3) Until 2006, only on satellite network capacity supplied by the exclusive operator and bypass of exclusive operator not permitted. None as of 2006 4) As indicated in the horizontal section | 1) None 2) None 3) None 4) None | |
| Trunked radio system services | 1) Foreign ownership limited to 49% 2) None 3) Foreign ownership limited to 49% 4) As indicated in the horizontal section | 1) None 2) None 3) None 4) None | |
| <u>For public use</u> Teleconferencing services (CPC 75292) | 1) Until 2006 bypass of the network of exclusive operator not permitted. None as of 2006 2) None 3) Reserved to exclusive operator 2006. None as of 2006 4) As indicated in the horizontal section | 1) None 2) None 3) None 4) None | |
| <u>For non-public use</u> (i.e. closed user groups): Teleconferencing services (CPC 75292) | 1) Until 2006, only on network facilities supplied by the exclusive operator and bypass of exclusive operator not permitted and resale of excess capacity are not permitted. None as of 2006 2) None 3) Until 2006, only on network facilities supplied by the exclusive operator not permitted and resale of excess capacity are not permitted. None as of 2006 4) As indicated in the horizontal section | 1) None 2) None 3) None 4) None | |

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Telecommunications equipment sales, rental, maintenance, connection, repair and consulting services (CPC 75410 - 75450) | 1) None 2) None 3) Only through joint venture with Nationals 4) As indicated in the horizontal section | 1) None 2) None 3) None 4) None | |
| 7. FINANCIAL SERVICES | | | |
| A. <u>All Insurance and Insurance Related Services</u> | | | |
| (c) Reinsurance | 1) None 2) None 3) Subject to exchange control regulations and alien landholding regulations. 4) Subject to work permit and immigration regulations. | 1) None 2) None 3) Subject to withholding tax 4) None | |
| 9. TOURISM AND TRAVEL-RELATED SERVICES | | | |
| A. <u>Hotel Development</u> | 1) Unbound* 2) None 3) Subject to alien landholding regulations, exchange control regulations. Limited to the developments of hotels in excess of (100) rooms. Hotel development of less than 100 rooms may be subject to an economic needs test. 4) Limited to managerial and specialist skills levels and as indicated in the horizontal section. Subject to work permit and immigration regulations. | 1) None 2) None 3) Subject to withholding tax 4) None | |

* Unbound due to lack of technical feasibility.

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| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | |
| A. <u>Entertainment Services</u> | 1) None 2) None 3) May be required to employ national artist and entertainers. Limited to theatre, musical ensembles and bands, dance troupes. Subject to exchange control regulations and alien landholding regulations. 4) Subject to work permits and immigration regulations. | 1) None 2) None 3) Subject to withholding tax 4) None | |
| D. <u>Sporting and Other Recreational Services</u> | 1) Unbound* 2) None 3) Subject to exchange control regulations and alien landholding regulations. 4) Subject to work permits and immigration regulations. | 1) None 2) None 3) Subject to withholding tax 4) None | |

* Unbound due to lack of technical feasibility.

ATTACHMENT: ADDITIONAL COMMITMENTS

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.
