

**SENEGAL**

**Schedule of Specific Commitments**

**Supplement 1**

(This is authentic in French only)

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This text replaces, in document GATS/SC/75 (pages 3 to 11), the commitments undertaken in the following subsectors:

- Circuit-switched voice telephone services (CPC 7521)
- leased-line voice telephone services (including by satellite) (CPC 7522, 7523)
- mobile radio telephone services (CPC 7521)
- circuit-switched data transmission services (CPC 7523)
- leased-line data transmission services (including by satellite) (CPC 7523)
- circuit-switched telex (CPC 7523)
- telegraph services (CPC 7522)
- two-way earth station (CPC 7521, 7522, 7523)
- one-way earth station (other than TVRO) (CPC 7521, 7522, 7523)
- telex traffic switching (CPC 7523)
- one-way paging system services (CPC 7523)
- video-conferencing services
- audiographic tele-conferencing services (CPC 7523)

It also completes the commitments undertaken in the field of telecommunications services appearing in document GATS/SC/75 (pages 3 to 11) in the following subsectors:

- Coastal links
- electronic mail (CPC 7523)
- electronic mail with automatic translation (CPC 7523)
- protocol conversion
- speed conversion
- telephone centres ("téléboutique") (CPC 7521, 7522, 7523)
- sale of terminals
- communications system engineering services (CPC 8672)
- TVRO antennas

**SENEGAL - SCHEDULE OF SPECIFIC COMMITMENTS**

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
<b>Sector or subsector</b>		<b>Limitations on market access</b>		<b>Limitations on national treatment</b>	<b>Additional commitments</b>
2.C. Telecommunications services					
Local, long-distance and international basic services supplied in public telecommunications networks using any technology, and provided by making available facilities, sale or resale, between fixed points, of public telecommunication services in the following market segments:				(1) None	Senegal undertakes the attached additional commitments on regulatory principles. In this framework, by 31 December 1997 at the latest the authorities will set up a regulatory structure aimed at fostering sound and fair competition among operators.
(a) Voice telephony		(1) Exclusively through the Sonatel network, on which Sonatel has a monopoly in international traffic until 31 December 2003 at the earliest and 31 December 2006 at the latest. After 2003 the authorities will examine the possibility of opening up the sector to other operators.		(2) None	Within a radius of 300 metres around a given point, a public network consumer is authorized to extend access to the service supplied to that consumer to other sites dependent upon that consumer by means of private leased circuits.
(b) Packet-switched data transmission services		(2) None		(3) None	
(c) Circuit-switched data transmission services		(3) Sonatel's monopoly also applies to local and long-distance traffic until 31 December 2003 at the earliest and 31 December 2006 at the latest. After 2003 the authorities will examine the possibility of opening up the sector to other operators.			
(d) Telex services		(4) Unbound		(4) Unbound	
(f) Facsimile services					
(g) Private leased circuit services					
excluding radio or television programme distribution services.					

Modes of supply:				
(1)	(2)	(3)	(4)	
Cross-border supply	Consumption abroad	Commercial presence	Presence of natural persons	
Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments	
(o) Other - Paging services - Professional multichannel system services	(1) Exclusively through the Sonatel network, on which Sonatel has a monopoly in international traffic. This monopoly should expire on 31 December 2003 at the earliest and 31 December 2006 at the latest. After 2003 the authorities will examine the possibility of opening up the sector to other operators.	(1) None		
	(2) None	(2) None		
	(3) For each of these services the authorities restrict the number of operators to three.	(3) None		
	(4) Unbound	4) Unbound		
- Mobile cellular services, including mobile data services	(1) Exclusively through the Sonatel network, on which Sonatel has a monopoly in international traffic. This monopoly should expire on 31 December 2003 at the earliest and 31 December 2006 at the latest. After 2003 the authorities will examine the possibility of opening up the sector to other operators.	(1) None		
	(2) None	(2) None		

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			
- Fixed satellite services		(3)	In the course of 1997 the Government will select one or two operators following an international call for tenders.	(3)	None				
		(4)	Unbound	(4)	Unbound				
		(1)	Exclusively through the Sonatel network, on which Sonatel has a monopoly in international traffic until 31 December 2003 at the earliest and 31 December 2006 at the latest. After 2003 the authorities will examine the possibility of opening up the sector to other operators.	(1)	None				
		(2)	None	(2)	None				
		(3)	Unbound	(3)	None				
		(4)	Unbound	(4)	Unbound				

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	
- Mobile satellite services	(1)	Mobile satellite communication terminals may be used by a visitor to Senegal only:				(1)	None		
		• if the length of stay does not exceed seven calendar days, after which the service supplier must comply with the current regulations in this area in Senegal; and							
		• if the service supplier has undertaken to provide the information concerning the communications to or from such terminals within the time-limit set by the authorities.							
	(2)	None				(2)	None		
	(3)	In 1997 the authorities will establish the maximum number of licences for operating mobile satellite services in Senegal, including the installation of gangways if necessary. Creation of a permanent establishment (legal person) in Senegal is required.				(3)	National or foreign service suppliers established on Senegalese territory are subject to the same tax rules.		
	(4)	Unbound				(4)	Unbound		

## REFERENCE PAPER OF SENEGAL

### 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:<sup>1</sup>

- (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;
- (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; and
- (d) subject to payment of the charges approved by the authorities.<sup>2</sup>

## 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.

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<sup>1</sup>The term "non-discriminatory" is to be interpreted as referring to national treatment as defined in the Agreement and having the meaning, specific to the sector, of "terms" and conditions no less favourable than those granted to any other user of telecommunications common carrier networks or services in similar circumstances.

<sup>2</sup>The authorities may set different charges for different services provided in different regions and in different circumstances or set charges that are higher or lower than the normal ones.

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.