

ORGANISATION MONDIALE DU COMMERCE

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Commerce des services

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BARBADE

Projet de version codifiée de la Liste d'engagements spécifiques¹

On trouvera ci-joint un projet de version codifiée de la Liste d'engagements spécifiques de la Barbade en format Word. Ce document ne remplace pas les engagements juridiquement contraignants souscrits par la Barbade dans sa Liste d'engagements spécifiques (GATS/SC/9; GATS/SC/9/Suppl.1).

Le projet de version codifiée de la liste a été établi par le Secrétariat, à la demande des Membres, pour faciliter le processus de négociation, y compris la présentation des offres initiales.

¹ Le présent document a été établi, en anglais seulement, par le Secrétariat sous sa propre responsabilité et sans préjudice des positions des Membres ni de leurs droits et obligations dans le cadre de l'OMC.

BARBADOS – 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>4) The Immigration Act and regulations control the entry and residence of all foreign natural persons working in Barbados. Prior to a natural person working in Barbados a work permit must be obtained. Labour market tests are conducted.</p>	<p>3) The Property Transfer Tax Act stipulates that a foreign investor interested in the purchase or sale of land or shares/stocks is subject to a specific tax on the value of settlement</p>	
II. SECTOR-SPECIFIC COMMITMENTS			
<p>1. BUSINESS SERVICES</p> <p>A. <u>Professional Services</u></p> <p>(a) Legal services (CPC 86130 - legal documentation and certification services)</p> <p>(h) Medical services (CPC 93122 - specialized medical services)</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Only a natural person can practice law</p> <p>4) An attorney has to be admitted to the local Bar and registered as required under the Legal Profession Act</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) Only a natural person can practice medicine</p> <p>4) Under the Medical Registration Act, all medical practitioners must be registered</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Not applicable</p> <p>4) None</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) Not applicable</p> <p>4) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Computer and Related Services</u>			
(b) Software implementation services (CPC 842)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
2. COMMUNICATION SERVICES			
B. <u>Courier Services</u> (CPC 7512)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. <u>Telecommunication Services</u>			
<u>For public use:</u>			
(a) Voice telephone services (CPC 7521)	1) Until 1 January 2012, reserved to exclusive supplier. 2) None 3) Until 1 January 2012, reserved to exclusive suppliers.	1) None 2) None 3) None	
(b) Packet-switched data transmission services (CPC 7523**)	4) Unbound except as indicated in the horizontal section.	4) Unbound except as indicated in the horizontal section.	
(c) Circuit-switched data transmission services (CPC 7523**)			
(d) Telex services (CPC 7523**)			
			Barbados undertakes the obligations contained in the reference paper hereto

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**, CPC 7529**) (g) Private leased circuit services (CPC 7522**, CPC 7523**) <u>For non-public use</u> (i.e. closed user groups, on a non-facilities basis): (a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**, CPC 7529**) <u>Value-added services:</u> (h) Electronic mail (CPC 7523**) (i) Voice mail (CPC 7523**) (j) On-line information and data base retrieval (CPC 7523**) (k) Electronic data interchange (CPC 7523**)	1) Until 1 January 2012, only permitted over networks of the exclusive suppliers; two-ended break-out not permitted. 2) None 3) Until 1 January 2012, only permitted over networks of the exclusive suppliers; two-ended break-out not permitted. 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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
(l) Enhanced-value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (incl. transaction processing (CPC 843**)) (o) Other			
- Internet and internet access services	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
- Mobile services (terrestrial and satellite based) - cellular/mobile telephone services - mobile data services - personal communication services - paging	1) None as of 1 January 1999 2) None 3) None as of 1 January 1999 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
- Fixed Satellite Services	1) None, except: two-ended break-out is not permitted.	1) None	
- VSAT services (for non-public use)	2) None, except: two-ended break-out is not permitted. 3) None, except: two-ended break-out is not permitted. 4) None, except: two-ended break-out is not permitted.	2) None 3) None 4) Unbound expect as indicated in the horizontal section.	

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
- Telecom equipment sales, rental, maintenance, connection, repair and consulting services (CPC 7541, CPC 7545)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
7. FINANCIAL SERVICES			
A. <u>All Insurance and Insurance-Related Services</u>			
(c) Reinsurance (CPC 812) ¹	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. <u>Entertainment Services</u> (CPC 96191 – theatrical, producer, singer group, band and orchestra, entertainment services)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

Classifications are based on the Services Sectoral Classification List. MTN.GNS/W/120 and the UN Provisional Central Product Classification.

¹ The service specified constitutes only a part of the total range of activities covered by the CPC Classification.

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.
