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ANTIGUA Y BARBUDA

Proyecto de Lista refundida de Compromisos Específicos¹

El documento adjunto contiene un proyecto de la Lista refundida de Compromisos Específicos de Antigua y Barbuda, en formato Word. Este documento no sustituye los compromisos jurídicamente vinculantes contraídos por Antigua y Barbuda en su Lista de Compromisos Específicos (GATS/SC/2; GATS/SC/2/Suppl.1).

Adjunto al proyecto de lista refundida figura la Lista de Exenciones del Artículo II (NMF) de Antigua y Barbuda (GATS/EL/2) en formato Word.

Los proyectos de la Lista refundida y de la Lista de Exenciones del trato NMF fueron preparados 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.

ANTIGUA AND BARBUDA – SCHEDULE OF SPECIFIC COMMITMENTS

Mode 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) Joint ventures are encouraged; approval must first be obtained but up to 100% foreign ownership of an enterprise is permitted.</p> <p>4) Every person who is not a national of Antigua/Barbuda must have a valid work permit before taking up employment in the country. Normally, a work permit will be issued for a specific period to a non-national to fill a particular post and only when qualified nationals are unavailable. This requirement is to ensure that suitable nationals are given an opportunity to fill the vacancy. A prospective employer is required to submit the application for a work permit to the Minister of Labour for approval.</p>		

Mode 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
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A <u>Professional Services</u>			
(a) Legal services: consulting in home law of the service provider and international law (CPC 861)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	
(b) Accounting, auditing & book-keeping services (CPC 862)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	
(c) Taxation services (CPC 863)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	
(d) Architect services (CPC 8671)	1) None 2) None 3) Architect Act 4) As indicated under horizontal commitments	1) None 2) None 3) Architect Act 4) None	
(e) Engineering services (CPC 8672)	1) None 2) None 3) Engineers Act 4) As indicated under horizontal commitments	1) None 2) None 3) Engineers Act 4) None	
(h) Medical services (CPC 9312)	1) None 2) None 3) Medical Act 4) As indicated under horizontal commitments	1) None 2) None 3) Medical Act 4) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. COMPUTER AND RELATED SERVICES			
(b) Software implementation services (CPC 842)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	
(c) Data processing services (CPC 843)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	
(d) Data base services (CPC 844)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	
C. <u>Research & Development Services</u>			
(a) Research and development on natural sciences (CPC 851)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	
(b) Research and development services on social sciences and humanities (CPC 852)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	
(c) Interdisciplinary research and development services (CPC 853)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	

Mode 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
2. COMMUNICATION SERVICES			
C. <u>Telecommunication Services</u>			
(a) Voice telephone services (CPC 7521)	1) Bypass of exclusive operators not permitted until 2012. None as of 2012. 2) None 3) Domestic telephone reserved to Government owned exclusive operator. International telephone reserved to international exclusive operator until 2012. None as of 2012 (only applies to international telephone). 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	See attached additional commitments on regulatory disciplines.
<u>For public use</u>	1) Bypass of exclusive operators not permitted until 2012. None as of 2012 for international services. 2) None 3) Reserved to exclusive operators until 2012. None as of 2012 for international services. 4) Unbound except as indicated in the horizontal section. None as of 2012 for international services.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(b) Packet-switched data transmission services (CPC 7523**)	2) None 3) Reserved to exclusive operators until 2012. None as of 2012 for international services.	2) None 3) None	
(c) Circuit-switched data transmission service (CPC 7523**)	4) Unbound except as indicated in the horizontal section. None as of 2012 for international services.	4) Unbound except as indicated in the horizontal section	
(d) Telex services (CPC 7523**)			
(e) Telegraph services (CPC 7522)			
(g) Private leased circuit services (CPC 7522**, CPC 7523**)			

Mode of Supply	1)	Cross-border supply	2)	Consumption abroad	3)	Commercial presence	4)	Presence of natural persons
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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>For non-public use</u> (i.e. Closed user groups):</p> <p>(b) Packet-switched data transmission services (CPC 7523**)</p> <p>(c) Circuit-switched data transmission services (CPC 7523**)</p>	<p>1) Only on network facilities supplied by the exclusive operators and bypass of exclusive operators not permitted. None as of 2012 for international services.</p> <p>2) None</p> <p>3) Only on network facilities supplied by the exclusive operators and bypass of exclusive operators not permitted and resale of excess capacity are not permitted until 2012. None as of 2012 for international services.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	
<p>(f) Facsimile services) (CPC 7521**, CPC 7529**)</p> <p>(h) Electronic mail (CPC 7523**)</p> <p>(i) Voice mail (CPC 7523**)</p> <p>(j) On-line information and data base retrieval (CPC 7523**)</p>	<p>1) Only on network facilities supplied by the exclusive operators.</p> <p>2) None</p> <p>3) Only on network facilities supplied by the exclusive operators.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(k) Electronic data interchange (CPC 7523**) (l) Enhance/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 (Except voice) (CPC 75260)			
Mobile service (terrestrial based) <ul style="list-style-type: none"> - Cellular/mobile telephone services - Mobile data services - Personal communications services - Paging (CPC 75291) - Trunked radio system services 	1) Unbound 2) None 3) Foreign ventures permitted only if capital invested is greater than US\$500,000, ventures less than US\$500,000 reserved to nationals. 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Mode 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
Mobile services (satellite-based) <ul style="list-style-type: none"> - Mobile telephone services - Mobile data services - Personal communications services - Paging - Trunked radio system services 	1) Only through arrangements between satellite transport service suppliers and exclusive international operator, who is under obligation not to limit the number of suppliers with whom such arrangements will be entered into 2) None 3) Reserved to supply by exclusive operator in accordance with arrangements indicated under mode 1. 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) Only through arrangements between satellite transport service suppliers and exclusive international operator, who is under obligation not to limit the number of suppliers with whom such arrangements will be entered into 2) None 3) Only on satellite network capacity supplied by the exclusive international operator and bypass of exclusive international operator 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	
Teleconferencing services (CPC 75292)	1) Only on network facilities supplied by the exclusive operators. 2) None 3) Only on network facilities supplied by the exclusive operators. 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
Telecommunications equipment sales, rental, maintenance, connection, repair and consulting services (CPC 75410, 75450)	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	

Mode 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
7. FINANCIAL SERVICES			
A. <u>All insurance and insurance related services</u>			
(c) Re-insurance (CPC 81299)	1) None 2) None 3) Insurance Act 4) As indicated under horizontal commitments	1) None 2) None 3) Insurance Act 4) None	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotel and Resort Development</u> (Construction)	1) None 2) None 3) Hotel Proprietors Act 4) As indicated under horizontal commitments	1) None 2) None 3) Hotel Proprietors Act 4) None	
Hotel management (CPC 641)	1) None 2) None 3) Hotel Proprietors Act 4) As indicated under horizontal commitments	1) None 2) None 3) Hotel Proprietors Act 4) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. <u>Entertainment Services</u> (CPC 9619)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	

Mode 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
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u>			
(b) Freight transport services (CPC 7222)	1) None 2) None 3) A & B Merchant Shipping Act 4) As indicated under horizontal commitments	1) None 2) None 3) A & B Merchant Shipping Act 4) None	
(d) Maintenance & repair of vessels (CPC 8868)	1) None 2) None 3) Business Act 4) As indicated under horizontal commitments	1) None 2) None 3) Business Act 4) None	

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.

ANTIGUA AND BARBUDA – LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
2.C. Telecommunication services Mobile services (terrestrial based)	Measures which regional agreements offer Caricom National equal treatment to domestic nationals	Caricom member countries	Indefinite	Caricom Single Market Agreement