

Trade in Services

CZECH REPUBLIC

Schedule of Specific Commitments

Supplement 2

(This is authentic in English only)

This text replaces the entry for subsector (f) Facsimile services and supplements other entries relating to the Telecommunication Services section contained on page 17 of document GATS/SC/26.

CZECH REPUBLIC - 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
Commitments in these sub-sectors are undertaken in accordance with the pro-competitive regulatory disciplines described in the column headed "Additional Commitments", and are subject to the following conditions:			
1.	Each service to be provided in the Czech Republic as well as installation and provision of network infrastructure requires a licence to be obtained from the Czech regulatory body. Licences are based on generally available criteria and may contain requirement on universal services.		
2.	Licences are granted only to service providers established according to the Czech legislation.		
2.C. TELECOMMUNICATION SERVICES Excluding broadcasting services ¹ :			
a.			
Voice (telephone) services - public (CPC 75211, 75212) Services provided by using any network technology	(1) None after the year 2000. (2) None (3) None after the year 2000. (4) Unbound, except as indicated in horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in horizontal section	Additional commitments (attached).
Local/Long-distance/International			
- for public - facilities-based - resale-based - wire based - fixed radio based			

¹ Broadcasting is defined as the uninterrupted chain of transmission, required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

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
Voice telephone services - non public Local/long-distance/International for non-public-closed user groups	<p>(1) None*</p> <p>(2) None</p> <p>(3) None*</p> <p>(4) Unbound, except as indicated in horizontal section</p> <p>*Connection to the PSTN will be possible after the year 2000.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in horizontal section</p>	
Domestic and International Services provided by using any network technology, in a facilities-based or resale-basis in the following market segments:			
b. Packet-switched data transmission services (CPC 7523)	(1) None	(1) None	
c. Circuit-switched data transmission services (CPC 7523)	(2) None	(2) None	
d. Telex services (CPC 7523)	(3) None	(3) None	
e. Telegraph services (CPC 7522)	(4) Unbound, except as indicated in horizontal section	(4) Unbound, except as indicated in horizontal section	
f. Facsimile services (excluding Postfax services) (CPC 7522 + 7523)			
g. Leased circuit services** (CPC 7522 + 7523)	**Until the year 2000 the circuits leased for these services may not be connected to the PSTN.		
For public use			
For non-public use			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

o. Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Other	(1) None*	(1) None	
Mobile services (CPC 75213)	(2) None	(2) None	
- digital cellular telephony	(3) None*	(3) None	
- Paging	(4) Unbound, except as indicated in horizontal section	(4) Unbound, except as indicated in horizontal section	
- PCS	*except for international voice services which are reserved until the year 2000 for SPT TELECOM		
- data services			
Video and audio transport services (CPC 7524**, 7526)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound, except as indicated in horizontal section	(4) Unbound, except as indicated in horizontal section	

ADDITIONAL COMMITMENTS TO THE CZECH REPUBLIC SCHEDULE ON
BASIC TELECOMMUNICATIONS SERVICES

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications service, (where specific commitments are undertaken).

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.

2.2 Interconnection to be ensured

Interconnection with (an essential facilities supplier) (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 (an essential facilities supplier) (a major supplier) a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that (an essential facilities supplier) (a major supplier) will make publicly available a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with (an essential facilities supplier) (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

The Czech Republic 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 Czech Republic.

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.