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Negotiating Group on Basic Telecommunications

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COMMUNICATION FROM MOROCCO

Draft Offer on Basic Telecommunications

The following communication is circulated at the request of Morocco to members of the Negotiating Group on Basic Telecommunications.

KINGDOM OF MOROCCO

Negotiating Group on Basic Telecommunications

Offer on Basic Telecommunications

Morocco's real and whole-hearted participation in the work of the Negotiating Group on Basic Telecommunications (NGBT) demonstrates the Kingdom's firm resolve to reach an agreement on basic services before 30 April 1996, the date set by the Marrakesh Conference.

Hence, immediately following that Conference, Morocco decided to revise its current legislation on the sector, which was described in the reply to the questionnaire and is based on a State monopoly for all basic telecommunication services as defined by the World Trade Organization.

A draft law on telecommunication regulations is therefore currently being studied by the Moroccan Government, which intends to submit it to Parliament for approval before the end of this year.

The draft legislation in question provides for:

- opening up to competition enterprise networks, all mobile networks and services, and all data networks and services;
- retaining for a specified period a monopoly for the point-to-point voice telephone service.

In addition, the draft law establishes a regulatory body that is independent of any telecommunication service and network operator, as well as a National Posts and Telecommunications Council consisting of representatives of trade associations, users and operators, which will give its views on the general principles of the regulations applicable to telecommunications. It will also give its opinion on the allocation of operators' licences following invitations to tender. Moreover, under this draft legislation the present principal operator will become a private-law company.

The Kingdom of Morocco therefore submits this offer which will come into effect only after the draft legislation in question has been approved.

Explanatory Note

This note contains further details on aspects of Morocco's conditional offer relating to the regulatory body, interconnection, licensing system, approval and safeguards against anti-competitive practices.

Regulation

A regulatory authority will be set up before the end of 1996. The authority will be independent of network operators and telecommunication services suppliers.

Its main functions will be:

- to establish the general conditions covering the rights and obligations of operators;
- to process applications for establishment and operating licences following the selection of operators by invitation to tender;
- to manage scarce resources (spectrum, blocks of numbers, geostationary orbits, high points, etc.);
- to prepare technical standards in cooperation with the various members of the telecommunications sector (manufacturers, operators, service suppliers, etc.);
- to control tariffs of monopoly services;
- to carry out arbitration procedures in the event of disputes between operators;
- to guarantee the right of interconnection for all telecommunication network operators.

Interconnection

In principle, network operators negotiate interconnection on a commercial basis under conditions of fairness, transparency and non-discrimination.

In the event of dispute, the regulatory authority will settle disputes between operators.

The authority will ensure in particular that interconnection is carried out under transparent technical conditions and at cost-oriented tariffs.

The various operators holding licences to establish and operate public telecommunications networks have the obligation to:

- participate financially in the costs of the "*public service*";
- contribute to research and development and training in the telecommunications area.

Approval

Telecommunication terminal equipment must be approved before being put into use. Approval is based on the technical specifications established by the regulatory authority.

Transparency

The National Council, comprising representatives of trade associations, users and operators, gives its opinion on:

- the general regulatory principles applicable to telecommunications;
- the award of licences for operators by invitation to tender.

Access to information concerning regulatory decisions and matters is authorized within the limits laid down by the law.

Safeguards against anti-competitive practices

All measures will be taken to avoid the establishment of a dominant position of the principal operator, unfair competition and dumping.

Kingdom of Morocco - OFFER ON BASIC TELECOMMUNICATIONS

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
2.C TELECOMMUNICATION SERVICES								
2.C.1								
(a) Point-to-point voice telephones services		(1)	Possible through the IAM telecommunication network ¹		(1)	None		<u>Explanatory note:</u> - Regulatory principles - Procedures for the grant of licences, number blocks and frequency allocation - Approval - Interconnection
(d) Telex services		(2)	None		(2)	None		
(o) Integrated service data network (ISDN)		(3)	These services will remain an IAM monopoly until 31 December 2001		(3)	Unbound		
		(4)	Foreign participation in the capital of IAM: unbound Governed by the Moroccan immigration laws		(4)	Governed by the Moroccan immigration laws		

¹IAM: Itissalat Al-Maghrib.

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	
2.C.2	(1) Commercial presence required	(1) None		
(b) Packet-switched data transmission services	(2) None	(2) None		
(c) Frame relaying services	(3) Subject to an establishment and operation licence if the operator installs his own transmission infrastructure Subject to declaration if transmission capacity is leased to other operators Subject to availability of blocks of numbers	(3) Unbound		
	(4) Governed by the Moroccan immigration laws	(4) Governed by the Moroccan immigration laws		

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
2.C.3		(1)	Commercial presence required	(1)	None
(o) Mobile telephone services		(2)	None	(2)	None
(o) Paging services		(3)	Reserved for operators selected by public tendering procedure, in accordance with ANRT specifications ²	(3)	Unbound
(o) PCS (Personal communication services)			Subject to an operating and establishment licence (a mobile telephone network - NMT and GSM - is already operated by IAM)		
(o) Mobile data services			Subject to availability of scarce resources (radio frequency spectrum, number blocks, etc.)		
		(4)	Governed by the Moroccan immigration laws	(4)	Governed by the Moroccan immigration laws

²Agence national de réglementation des télécommunications: National Telecommunication Regulatory Agency, newly established for the purpose of regulating the sector.

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
2.C.4 Leased circuit services	(1) Commercial presence required	(1) None	
	(2) Possible through telecommunication networks	(2) None	
	(3) Reserved for operators of public telecommunication networks	(3) Unbound	
	(4) Governed by the Moroccan immigration laws	(4) Governed by the Moroccan immigration laws	