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Negotiating Group on Basic Telecommunications

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COMMUNICATION FROM TUNISIA

Response to Questionnaire on Basic Telecommunications

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

PART I

Definition and Market Structure

Definition

1. The Tunisian Telecommunications Code as defined by Law 77-58 of 3 August 1977 stipulates that all telecommunication services are considered to be basic telecommunications.

In particular, the term basic telecommunications covers:

- The national telecommunications network comprising:
 - the cable, fibre optic, radio and satellite transmission network;
 - the telephone, telex and data switching facilities;
 - the subscriber distribution networks.
- The following services:
 - telephone;
 - telex;
 - data transmission;
 - mobile communications;
 - rural communications;
 - maritime communications.

2. In the present context, the Tunisian regulatory regime does not distinguish between networks and services in defining basic telecommunications.

3. No.

Market structure

4. The Law enacting the Telecommunications Code gives the Ministry of Communications a monopoly on telecommunications in Tunisia.

5. Under Law 95-36 of 17 April 1995 establishing the National Telecommunications Office (Tunisia Telecom), from 1996 the latter will be the exclusive supplier of basic telecommunications for the whole of Tunisian territory.

6. No.

7. None of the basic services is subject to the rules of competition.

(a) The supply of telecommunications services from terminals and the establishment of company networks using public telecommunications network circuits are authorized.

(b) No.

8. Tunisia is a member of the following organizations:

- Intelsat;
- Arabsat;
- Inmarsat;
- RASCOM;
- SEAMEWE.

Tunisia also has observer status with Eutelsat and is a member of ITU and PATU.

PART II

Competition

A. Subsectors

At present, the Ministry of Communications is the exclusive supplier of the following communications services:

- (a) voice telephone services;
- (b) packet-switched data transmission services;
- (c) circuit-switched data transmission services;

- (d) telex services;
- (e) telegraph services;
- (f) facsimile services;
- (g) private leased circuit services.

The following provisions apply to all these subsectors:

(i) Overview

The national regulations (Law 77-58 of 3 August 1977) give the Ministry of Communications a monopoly on the service.

(ii) Modes of supply

- cross-border supply: through the Tunisian telecommunications network;
- consumption abroad: authorized by access through the Tunisian telecommunications network;
- commercial presence: not authorized;
- presence of natural persons: governed by Tunisian immigration law.

(iii) Market access: not applicable.

(iv) National treatment: not applicable.

(v) Licensing: not applicable.

From 1996, these services will be provided by the National Telecommunications Office (Tunisia Telecom) on an exclusive basis.

B. Categories

The following categories:

- local/long distance/domestic and international services;
- wire-based and cable systems, satellite systems

are subject to the following provisions:

1 and 2. The Ministry of Communications has a monopoly on telecommunications in Tunisia. Accordingly, no distinction is made between local services, long distance services and international services. They are all accessible through the national telecommunications network operator.

However, it should be noted that, within the monopoly, certain ministries and public bodies have their own networks.

Resale basis

3. The resale of leased circuit capacity is not authorized.
4. The resale of leased circuit excess capacity is not authorized.

Facilities-based

5. The Ministry of Communications (from 1996 the Telecommunications Office) is responsible for the construction of the telecommunications network.

It should also be noted that, within the monopoly, certain ministries and public bodies have their own autonomous networks which they construct in coordination with the Ministry of Communications.

Public/non-public supply

6. No.
7. All the telecommunication services are based on availability to the public with the exception of:
 - government telecommunications;
 - security telecommunications.
8. See Question 7.
9. The Ministry of Communications and, from 1996, the Telecommunications Office have all the public service obligations.
10. Not applicable.
11. Pay-phones may be operated by suppliers other than the public network operator. The supply of this service is subject to specifications and the supplier must be approved.

PART III

Regulatory Issues

Relationship between regulatory and operational functions

1. The Ministry of Communications is responsible for:
 - making regulatory policy;
 - applying the regulations.

2. The Ministry of Communications is responsible for:
 - negotiating standards at international level;
 - applying standards at national level.
3. The laws concerning telecommunications are promulgated by the President of the Republic after being approved by the Chamber of Deputies.

As regards telecommunications regulations, the Ministry of Communications issues orders and proposes draft decrees.

The administrative tribunal is responsible for settling disputes.

Frequency allotment or assignment

4. Under the Telecommunications Code the Ministry of Communications is responsible for managing the frequency spectrum. Before a radio station can be set up or a frequency used, authorization (operating licence) must be obtained from the Ministry.
5. Yes, provided they obtain the necessary authorization.

Numbering and identification codes

6. With respect to numbering and identification codes, the Ministry of Communications applies procedures consistent with the relevant provisions of the international regulations.
7. Yes, provided they obtain the necessary authorization.

Standards, type approval and equipment attachment

8. The mandatory standards are those of the national and international standardization bodies.
9. When a standard is being developed, the public is not consulted.

Neither foreigners nor the private sector may participate in the adoption process.

10. All telecommunications equipment intended to be used in connection with the public telecommunications networks, whether produced locally or abroad, is subject to prior type approval by the Ministry of Communications.

Self-certification is not authorized. However, type approval in the country of the producer is taken into consideration in connection with the type approval of telecommunications equipment.

11. The ability to attach terminal equipment to the public network is regulated by requiring type approval of the equipment to be connected.
12. The Telecommunications Act gives the Ministry of Communications a monopoly on telecommunications in Tunisia, and the Telecommunications Office is the only operator authorized to use its own switches for supplying basic telecommunications.

Private suppliers connected to the public network must obtain the prior approval of the Administration to use their own switches.

13. Terminal equipment can be attached to the network only after it has been checked and authorized by the Administration.

Interconnection

14. Since there is only one public telecommunications operator, the Tunisian regulations do not make any special provision for interconnection.

15. Not applicable.

16. Interconnection between leased circuits and public data networks is prohibited.

17. Not applicable.

Competitive safeguards

18. Not applicable.

19. Not applicable.

20. Not applicable.

21. Not applicable.

Pricing-related measures

22. The tariffs for public telecommunications services are adjusted by the Administration and can be applied only with the agreement of the Government.

23. The internal tariffs are established by decree and published in the Official Journal of the Tunisian Republic. International tariffs are established by ministerial order.

24. There are no special discounts applied on a discriminatory basis.

25. The Ministry of Communications is the only supplier of telecommunications services and establishes its tariffs with the agreement of the Government.

26. Tariffs are determined on the basis of a general evaluation of the costs and overheads of the telecommunications systems employed.

These tariffs are adjusted as a function of purchasing power.

As regards accounting rates, Tunisia, as a member of the ITU, follows that body's recommendations when setting international rates.

27. The tariffs for a new service are established on the basis of a cost analysis.

Rights of way for the construction of infrastructure

28. The Ministry of Communications, at present, and the Telecommunications Office, from 1996, are the only national telecommunications network operators and the only suppliers of basic telecommunications.

The construction of telecommunications infrastructure is entrusted to a company under the supervision of the Ministry of Communications, after its own services have made studies and designs. As regards subscriber line networks, the private sector is authorized to participate in civil engineering and cable pulling projects, and even in the connection of subscribers, in accordance with a programme developed by its own services.

29. See reply to Question 28.

New telecommunications services

30. The introduction of a new service is subject to the approval of the Ministry of Communications which, in particular, issues an order establishing the tariffs applicable.

31. The status of any new service is determined by the Ministry of Communications.