

Trade in Services

GHANA

Schedule of Specific Commitments

Supplement 1

(This is authentic in English only)

This text is inserted as Sector 2.C. on Telecommunications in document GATS/SC/35.

GHANA - 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
2. COMMUNICATION SERVICES			
C. <u>Telecommunication services</u>			
<u>For public use</u>	(1) Bypass of duopoly operators is not permitted.	(1) None	See attached additional commitments on regulatory disciplines.
<u>Fixed network infrastructure</u>	(2) None	(2) None	
<u>Local, domestic long distance, and international</u>	(3) Duopoly established with the operators to provide service in competition with each other. Regulator can licence additional suppliers of local service to underserved population centres for which duopoly operators have declined rights of first refusal. Only through joint venture with Ghanaian national(s).	(3) None	The duopoly operators are granted exclusivity for a period of five years. At the expiration of this period, the Government will conduct a review of its policy to determine whether to license additional suppliers of such services.
a. Voice telephone services (7521) (Including public pay telephone services, operator and emergency services)			
g. Private leased circuit service (7522**, 7523**)	(4) Unbound except as indicated under horizontal measures	(4) Unbound except as indicated under horizontal measures	

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Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>For public use</u> b. Packet-switched data transmission services (7523 ^{**}) c. Circuit-switched data transmission services (7523 ^{**}) d. Telex services (7523 ^{**}) e. Telegraph services (7522) f. Facsimile services (7521 ^{**} , 7529 ^{**}) o. Other Internet and Internet access services [except voice] (75260 ^{**}) Teleconferencing services (75292)	(1) Bypass of network facilities of the duopoly operators is not permitted (2) None (3) May establish own network facilities; or may obtain transmission capacity, but only from the duopoly operators. Only through joint venture with Ghanaian national(s) (4) Unbound except as indicated under horizontal measures	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal measures	
<u>For public use</u> Mobile services (terrestrial and satellite based) - Cellular/mobile telephone services - Mobile data services - Personal communications services - Paging (75291) - Trunked radio system services Fixed satellite services	(1) For voice services commercial arrangements with duopoly operators required. For non-voice services bypass of network facilities of duopoly operators is not permitted. (2) None (3) Only through joint venture with Ghanaian national(s). (4) Unbound except as indicated under horizontal measures.	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal measures	

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
Telecommunications equipment sales (75410)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound except as indicated under horizontal measures	(4) Unbound except as indicated under horizontal measures	
Telecommunications equipment rental, maintenance, connection, repair and consulting services (75420 - 75450)	(1) Commercial presence required	(1) None	
	(2) None	(2) None	
	(3) Only through joint venture with Ghanaian national(s)	(3) None	
	(4) Unbound except as indicated under horizontal measures	(4) Unbound except as indicated under horizontal measures	

ATTACHMENT: ADDITIONAL COMMITMENTS

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.