

Trade in Services

MALAYSIA

Schedule of Specific Commitments

Supplement 2

(This is authentic in English only)

This text supplements the Telecommunication Services section contained in pages 23 to 25 of document GATS/SC/52.

MALAYSIA - 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
<p>Basic Telecommunications*</p> <p>Basic local, inter-exchange and international services; supplied over public telecommunications transport networks using any network technology; facilities-based; in each of the market segment</p>				
1. Voice Service (wired or wireless)	(1) None		(1) None	Pro-competition regulatory principle in respect of interconnection arrangement and competition (Refer to Annex I).
2. Packet-switched data transmission services, including frame-relay services	(2) None		(2) None	
3. Circuit-switched data transmission services	(3) Only through acquisition of shares of existing licensed public telecommunications operators:		(3) None	
4. Facsimile Service	- Foreign shareholding of up to 30 per cent in these service providers is allowed		(4) Unbound except as indicated in horizontal commitments	
5. Private leased circuit service				
6. Domestic/International satellite services and satellite links/capacities (inclusive of mobile satellite)	(4) Unbound except as indicated in horizontal commitments.			
7. Satellite earth stations				
8. International switching and other international gateway facilities				
9. Mobile services - analogue/digital cellular				
10. Paging services				
11. Trunked radio services				
12. Video transport services				

*excluding broadcasting services as defined under Broadcasting Act 1988.

ANNEX IAnnex to Additional Commitments

Principles	Procedural Requirements
1. Competition safeguards	<p>The regulatory body must take measures to:</p> <ul style="list-style-type: none"> - Maintain fair competition among network operators; - Safeguard the interest of consumers; - Ensure that network operators contribute to Universal Service Obligation particularly the extension of services into rural and other underserved areas as stipulated in the licences; - To advise other network operators on the licensed status of each network operator including terms and conditions pertaining to the operator's licence which govern the right of the licensee to interconnect with operators; - To exercise its functions with respect to the conduct of telecommunications operators and the running of telecommunications services in Malaysia as provided for under Section 3B of the Telecommunications Act;
2. Universal Service	
3. Public availability of licensing criteria	
4. Independent regulator	
5. Interconnection arrangements	
	<p>To ensure that the following principles pertaining to interconnection arrangements are adhered to:</p> <ul style="list-style-type: none"> - Interconnection and access between network operators shall be on an equitable and non-discriminatory basis; - Charges for interconnection facilities and services provided by network operators shall be fair and equitable; - The technical qualities of interconnect facilities and services provided by network operators shall be of no less quality than that provided by them within their own networks; - A domestic network operator in any of the market segments shall not abuse its market power to limit access to essential facilities only for interconnection; - The network operator that provides the access connection to the customer should be allowed to tell him (the customer); - No cross-subsidies should be allowed between carriers whereby one carrier has to bear an inequitable share of the Universal Service Obligation burden where the said share is not proportional to its market share.