

SINGAPORE – SCHEDULE OF COMMITMENTS

For the 10th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SPECIFIC COMMITMENTS			
BUSINESS SERVICES			
A. Professional Services			
International Commercial Arbitration Services in relation to international law, foreign law and Singapore law (CPC 86190)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Accounting and auditing services except for financial auditing services and accounting review services (CPC 8621 **)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Financial auditing services (CPC 86211) Accounting review services (CPC 86212)	(1) Public accountants must be ordinarily resident in Singapore or at least one of the partners of the firm must be ordinarily resident in Singapore (2) None (3) As in Mode 1	(1) None (2) None (3) None	
Book-Keeping Services (CPC 8622)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Taxation Services (CPC 863)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Architectural Services (CPC 8671)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Engineering Services (CPC 8672)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Integrated engineering services (CPC 8673)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Landscape Architecture services (CPC 86742)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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B. Computer-Related Services			
Consultancy Services Related to the Installation of Computer Hardware (CPC 84100)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Software Implementation Services (CPC 842)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Information Technology Consultancy Services	(1) None (2) None (3) None	(1) None (2) None (3) None	
Data Processing	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Database Services (CPC 84400)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Maintenance and Repair Services of Computers	(1) None (2) None (3) None	(1) None (2) None (3) None	

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C. Research and Development Services			
R&D services on natural sciences, specifically biotechnology services and industrial research (CPC 85102-85103)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Research and experimental development services on economics (CPC 85202)	(1) None (2) None (3) None	(1) None (2) None (3) None	
R&D services on social sciences and humanities, specifically economic and behavioral research (CPC 852**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Interdisciplinary R&D services for projects undertaken by education institutions (CPC 853**)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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D. Real Estate Services			
Renting or leasing services involving owned or leased non residential property (CPC 82102)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Residential and non-residential property management services on a fee or contract basis (CPC 82201 + 82202)	(1) Only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore (2) None (3) Only the Sentosa Development Corporation is allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore	(1) None (2) None (3) None	

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E. Rental/Leasing Services without Operators			
Leasing or rental services relating to ships without operator (CPC 83103)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Leasing or rental services concerning private cars, goods transport vehicles, and other land transport equipment without operator (CPC 83101, 83102, 83105)	(1) The cross-border rental of private cars, goods transport vehicles and other land transport equipment without operator by Singapore residents with the intent to use the vehicles in Singapore is prohibited (2) None (3) None	(1) None (2) None (3) None	
Leasing or rental services relating to other machinery and equipment without operator (CPC 83106-83109)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Leasing or rental services concerning personal and household Goods (CPC 832)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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F. Other Business Services	(1) None	(1) None	
Advertising Services	(2) None	(2) None	
	(3) None	(3) None	
Market Research Services (CPC 86401)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
Industrial Research	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
Printing , Publishing Services:	(1) Unbound	(1) Unbound	
Printing on a fee or contract basis (CPC 88442**)	(2) None	(2) None	
	(3) Unbound	(3) Unbound	
Commercial Market Research	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	

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Management Consulting Services	(1) None (2) None (3) None	(1) None (2) None (3) None	
Public Relations Consultancy Services	(1) None (2) None (3) None	(1) None (2) None (3) None	
Services related to management consulting (CPC 866)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Technical testing and analysis services (CPC 8676)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Transport distribution, retail and services incidental to the distribution of piped gas	(1) Unbound* (2) None (3) Unbound except for trading and retailing of natural gas	(1) Unbound* (2) None (3) Unbound	

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Retail of electricity	(1) Unbound* (2) None (3) Unbound except for retail of electricity to contestable consumers	(1) Unbound* (2) None (3) Unbound	
Placement and supply services of personnel (CPC 872)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Alarm Monitoring Services (CPC 87303)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Geological, geophysical and other scientific prospecting services (CPC 86751)	(1) Unbound* (2) None (3) Unbound	(1) Unbound* (2) None (3) Unbound	
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, CPC 8861-8866 **)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Building Cleaning Services (CPC 874)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Photographic services (CPC 875)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Packaging Services (CPC 876)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Exhibition Management Services	(1) None (2) None (3) None	(1) None (2) None (3) None	
Translation/Interpretation Services (CPC 87905)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Interior Design Services, excluding Architecture	(1) None (2) None (3) None	(1) None (2) None (3) None	
Buildings and Facilities Management Services	(1) None (2) None (3) None	(1) None (2) None (3) None	
Duplicating services (CPC 87904)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Speciality Design services (CPC 87907)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Resale basis:	(1) None	(1) None	
a) Public Switched Services (local and international) (not including the use of leased circuits connected to the public switched network)	(2) None	(2) None	
	(3) None	(3) None	
b) Leased Circuit Services (local and international) (without connection to the public switched network)			
c) Public Cellular Mobile Telephone Services			
d) Public Radio Paging Services			
Value - Added Network (VAN) Services ³	(1) None	(1) None	
The services covered are:	(2) None	(2) None	
- Store-and-retrieve VAN services (S&R),	(3) None	(3) None	
- store-and-forward VAN services (S&F),			
- electronic mail,			
- voice mail,			
- on-line information and data base retrieval,			
- electronic data Interchange,			
- code and protocol conversion			
- on-line information and/or data processing			
Others			

³ Provision of VAN services is subject to registration for store and retrieve VAN services from the Infocomm Development Authority of Singapore (IDA). Note: for the purpose of Singapore's commitments under the AFAS, the services under CPC 7523 are included within Singapore's offer for VAN services

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- Telecommunications consulting services			
D. Audio-visual Services	(1) None	(1) None	
i) the services covered are production, distribution and public display of	(2) None	(2) None	
<ul style="list-style-type: none"> - motion pictures - video recordings - sound recordings, except where excluded under (ii) (CPC 9611, CPC 9612) 	(3) None	(3) None	
ii) All broadcasting and AV services and materials that are broadcasting-related are excluded, examples being			
<ul style="list-style-type: none"> - Free-to-air broadcasting - Cable and pay television - Direct broadcasting by satellite - Teletext 			

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CONSTRUCTION AND ENGINEERING RELATED SERVICES			
Construction Services (CPC 511 – 518)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	

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DISTRIBUTION SERVICES			
Commission agent services (CPC 621) except for pharmaceutical and medical goods and cosmetics (except 62117)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Wholesale trade services (CPC 622)** except for pharmaceutical and medical goods and surgical and orthopaedic instruments	(1) None (2) None (3) None	(1) None (2) None (3) None	
Wholesale of motor vehicles (CPC 61111)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Retail sales of motor vehicles (CPC 61112)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Sales of parts or accessories of motor vehicles (CPC 61130)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Retail sales of motorcycles and snowmobiles and related parts and accessories (CPC 61210)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Franchising services (CPC 8929 **)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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EDUCATION SERVICES Specific commitments on Market Access and National Treatment through any mode of supply shall not be construed to apply to the recognition of university degrees for the purpose of admission, registration and qualification for professional practice in Singapore.			
Primary Education Services (CPC 921**) Excluding provision of the service for Singapore citizens, including sports education services	(1) None (2) None (3) None	(1) None (2) None (3) None	
General secondary and higher secondary education services (CPC 9221**, CPC 9222**) Excluding provision of the service for Singapore citizens, including sports education services (only applies to junior colleges and pre university centres under the Singapore educational system)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Post-secondary technical and vocational education services (only non-publicly funded education institutions) (CPC 92230*, 92240*, 92310)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Sanitation and similar services (CPC 9403)	(1) Unbound*	(1) Unbound*	
Cleaning of exhaust gases (CPC 9404)	(2) None	(2) None	
Noise abatement services (CPC 9405)	(3) None	(3) None	
Servicing of Chemical Toilets	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign equity participation allowable up to a maximum of 70%	(3) None	

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Ambulance services(CPC 93192)	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	
Acute care hospitals, nursing homes and convalescent hospitals as defined by the Private Hospitals and Medical Clinics Act, run on a commercial basis (CPC 93193**)	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	
Laboratories licensed under the Private Hospitals and Medical Clinics Act (CPC 931991**)	(1) None (2) None (3) None	(1) None (2) None (3) None	

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SOCIAL SERVICES			
Statutory supervision services as listed in the Appendix to this Schedule are excluded from the scope of these commitments			
Social services delivered through residential institutions to old persons and the handicapped (CPC 93311)	(1) Unbound* (2) None (3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	(1) Unbound* (2) Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore (3) None	
Social services delivered through residential institutions to children and other clients (CPC 93312 **)	(1) Unbound (2) Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	(1) Unbound (2) Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Child day-care services including day-care services for the handicapped (CPC 93321) Vocational rehabilitation services (CPC 93324)	(1) Unbound (2) Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	(1) Unbound (2) Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore. (3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	

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Guidance and counselling services not elsewhere classified related to children (CPC 93322)	(1) Unbound (2) Unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore (3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	(1) Unbound (2) Unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore (3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	
Welfare services not delivered through residential institutions (CPC 93323)	(1) None (2) Unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore (3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	(1) None (2) Unbound for a non-resident service supplier soliciting business or conducting active marketing in Singapore (3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded	

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Other social services without accommodation (CPC 93329 **)	<p>(1) Unbound</p> <p>(2) Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore.</p> <p>(3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded</p>	<p>(1) Unbound</p> <p>(2) Singapore retains the discretion to determine whether a non-resident service supplier may solicit business or conduct active marketing in Singapore.</p> <p>(3) Unbound for facilities/ service operations run by non-profit service suppliers that are partially or totally state-funded</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (CPC 64110)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Restaurant and Catering Services (CPC 64210/64230)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Beverage serving services for consumption on the premises (CPC 643)	(1) None (2) None (3) Unbound, except up to 70 % equity participation permitted.	(1) None (2) None (3) None	

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Travel Agencies and Tour Operators (CPC 7471)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Tourist Guide Services (CPC 7472)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Other Tourism Services - International hotel operator, - Tourism consultancy services, - Convention centre, - Tourist resorts include hotel, - Marinas, golf course and other - Sport facilities - Hotel management - Professional Congress Organisers	(1) None (2) None (3) None	(1) None (2) None (3) None	

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RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIO VISUAL SERVICES)			
Entertainment services (including theatre, live bands & circus services) (CPC 9619)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Library Services	(1) None (2) None (3) None	(1) None (2) None (3) None	
Sports and recreational services, except gambling and betting services (CPC 964 **)	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	
News Agency Services: Supplying Services of News Images (CPC 9629**)	(1) Unbound (2) None (3) Unbound	(1) Unbound (2) None (3) Unbound	

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TRANSPORT SERVICES			
A. Maritime Transport Services			
International Maritime Passenger and Freight Transport excluding cabotage transport (CPC 7211 ** and CPC 7212 **)	(1) None (2) None (3) None, except on the registration of Singapore flag ships as specified in the Merchant Shipping Act	(1) None (2) None (3) None, except on the registration of Singapore flag ships as specified in the Merchant Shipping Act	In accordance with the decisions made at the WTO Negotiating Group on Maritime Transport Services, where the following services are not otherwise covered by the obligation enshrined in (ii) of sub-paragraph (c) of Article XXVIII of the General Agreement on Trade in Services in Annex 1B to the WTO Agreement, they are made to international maritime transport operators on reasonable and non discriminatory terms and conditions: <ul style="list-style-type: none"> - pilotage; - towing and tug assistance; - provisioning, fuelling and watering; - garbage collection and ballast waste disposal; - port captain's services; - navigation aids;

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			<ul style="list-style-type: none"> - emergency repair facilities; - anchorage; and - other shore-based operational services essential to ship operations, including communications, water and electrical supplies.
Rental of vessels with crew (CPC 7213)	(1) None (2) None (3) Foreign equity allowable up to a maximum of 70%	(1) None (2) None (3) None	
Maintenance and repair of vessels (CPC 8868 **)	(1) Unbound* (2) None (3) Foreign equity allowable up to a maximum of 70%	(1) Unbound* (2) None (3) None	
International Towage	(1) None (2) None (3) None	(1) None (2) None (3) None	

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Maritime Auxiliary Service: Classification societies ⁵ , except for statutory services for Singapore flag ships	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
Vessels salvage and re-floating services (not applicable in harbour) (CPC 7454)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign equity allowable up to a maximum of 70%	(3) None	

⁵ provision of rules on the construction and safety of ships and issuance of classification certificate in accordance to the specified rules. Excludes survey and classification of Singapore flag vessels, which requires specific authorisation by the relevant authority

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Internal Waterways Transport Services⁶			
Passenger Transportation (CPC 7221**)	(1) None (2) None (3) Foreign Equity Participation allowable up to a maximum of 70%	(1) None (2) None (3) None	
Freight Transportation (CPC 7222**)	(1) None (2) None (3) Foreign Equity Participation allowable up to a maximum of 70%	(1) None (2) None (3) None	
Rental of Vessels with Crew (CPC 7223**)	(1) None (2) None (3) Foreign Equity Participation allowable up to a maximum of 70%	(1) None (2) None (3) None	
Maintenance and repair of vessels for Internal Waterways (CPC 8868**)	(1) None (2) None (3) Foreign Equity Participation allowable up to a maximum of 70%	(1) None (2) None (3) None	

⁶ Excludes reservoirs. All vessels in the reservoirs require vessel permits.

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Pushing and Towing Services (CPC 7224**)	(1) None (2) None (3) Foreign Equity Participation allowable up to a maximum of 70%	(1) None (2) None (3) None	
Supporting Services for Internal Waterways (CPC 745**)	(1) None (2) None (3) Foreign Equity Participation allowable up to a maximum of 70%	(1) None (2) None (3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rail Transport Services			
Passenger Transportation (CPC 7111)	(1) Unbound (2) None (3) Unbound	(1) Unbound (2) None (3) Unbound	
Freight Transportation (CPC 7112)	(1) Unbound (2) None (3) Unbound	(1) Unbound (2) None (3) Unbound	
Pushing and towing services (CPC 7113)	(1) Unbound* (2) None (3) Unbound	(1) Unbound* (2) None (3) Unbound	
Maintenance and repair of urban and suburban rail transport equipment (CPC 8868 **)	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Road Transport Services			
<ul style="list-style-type: none"> • Rental services of cars with operators (CPC 71222) • Rental services of buses and coaches with operators (CPC 71223) • Rental services of commercial freight vehicles with operators (CPC 71240) 	(1) Unbound*	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
<ul style="list-style-type: none"> • Freight (Road) transportation of: <ul style="list-style-type: none"> a) refrigerated goods (CPC 71231) b) liquids or gases (CPC 71232) c) containerized freight (CPC 71233) d) furniture (CPC 71234) 	(1) Unbound*	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
<ul style="list-style-type: none"> • Maintenance and repair services of motor vehicles (CPC 61120) • Maintenance and repair services of parts of motor vehicles (CPC 88 **) 	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
<ul style="list-style-type: none"> • Parking services (CPC 74430) 	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
G. Pipeline Transport			
Transportation of Fuels:	(1) Unbound*	(1) Unbound*	
Transportation of natural gas (CPC 7131**)	(2) None	(2) None	
	(3) Unbound	(3) Unbound	
Transportation of other Goods:	(1) Unbound*	(1) Unbound*	
Transportation of Coal Slurry (CPC 7139**)	(2) None	(2) None	
	(3) Unbound	(3) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
H. Services Auxiliary to All Modes of Transport	(1) None	(1) None	
Maritime Auxiliary Services:	(2) None	(2) None	
• Shipping agency services	(3) None	(3) None	
• Shipping brokerage services	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
Storage and Warehouse services: Refrigerated Storage and warehousing services (CPC7421**)	(1) Unbound*	(1) Unbound*	
	(2) None	(2) None	
	(3) Foreign equity allowable up to a maximum of 70%, except such services provided in the port	(3) Foreign equity allowable up to a maximum of 70% except such services provided in the port	

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

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
OTHER SERVICES NOT INCLUDED ELSEWHERE			
Washing, cleaning and dyeing services (CPC 9701)	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	
Hairdressing and other beauty services (CPC 9702)	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	
Funeral, cremation and undertaking services except maintenance services of cemeteries, care of graves and graveyards (CPC 97030**)	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	

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APPENDIX

TYPES OF SOCIAL SERVICES EXCLUDED FROM SINGAPORE'S SCHEDULE OF COMMITMENTS

1 Statutory Supervision Services With Accommodation for the Following Types of Clients (CPC 9331):

- a) women and girls detained in a place of safety under Section 160 of the Women's Charter (CPC 93312);
- b) children detained in a place of safety under Section 8 of the Children & Young Persons (CYP) Act (CPC 93312);
- c) children and young persons detained in a place of detention under Section 44 (1) (f) CYP Act, or on probation to an approved school⁷ under Section 44 (1) (g) of the CYP Act (CPC 93319);
- d) children and young persons admitted to an approved home for statutory supervision under Section 49 (ii) of CYP Act (CPC 93312);
- e) persons placed on probation with the requirement of residence in an approved institution under Section 12 of the Probation of Offenders Act (CPC 93319).

2 Statutory Supervision Services Without Accommodation for the Following Types of Clients (9332):

- a) children and young persons placed under supervision of an appointed welfare officer under Section 49 (i) of the CYP Act (CPC 93329);
- b) persons placed on probation without the requirement of residence in an approved institution under Section 5 of the Probation of Offenders Act (CPC 93329).

⁷ The term 'approved school' used in Section 44(1) (g) of the CYP Act denotes a remand home for young offenders, and not a mainstream educational institution. Young offenders are detained in an 'approved school' for rehabilitation rather than for formal education.

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REFERENCE PAPER

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;

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(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

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(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.