

PROTOCOL OF ACCESSION OF THE SULTANATE OF OMAN TO THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION (WITH SCHEDULE). GENEVA, 10 OCTOBER 2000	PROTOCOLE D'ACCESSION DU SULTANAT D'OMAN À L'ACCORD DE MARRAKECH INSTITUANT L'ORGANISATION MONDIALE DU COMMERCE (AVEC ANNEXE). GENÈVE, 10 OCTOBRE 2000
Entry into force : 9 November 2000, in accordance with paragraph 8¹	Entrée en vigueur : 9 novembre 2000, conformément au paragraphe 8¹
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[ENGLISH TEXT — TEXTE ANGLAIS]

PROTOCOL OF ACCESSION OF THE SULTANATE OF OMAN TO THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

The World Trade Organization (hereinafter referred to as the "WTO"), pursuant to the approval of the General Council of the WTO accorded under Article XII of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as "WTO Agreement"), and the Sultanate of Oman (hereinafter referred to as "Oman"),

Taking note of the Report of the Working Party on the Accession of Oman to the WTO in document WT/ACC/OMN/26 (hereinafter referred to as the "Working Party Report"),

Having regard to the results of the negotiations on the accession of Oman to the WTO,
Agree as follows:

PART I. GENERAL

1. Upon entry into force of this Protocol, Oman accedes to the WTO Agreement pursuant to Article XII of that Agreement and thereby becomes a Member of the WTO.

2. The WTO Agreement to which Oman accedes shall be the WTO Agreement as certified, amended or otherwise modified by such legal instruments as may have entered into force before the date of entry into force of this Protocol. This Protocol, which shall include the commitments referred to in paragraph 157 of the Working Party Report, shall be an integral part of the WTO Agreement.

1. Participant: Oman - Acceptance/Acceptation: 10 October 2000/10 octobre 2000.

3. Except as otherwise provided for in the paragraphs referred to in paragraph 157 of the Working Party Report, those obligations in the Multilateral Trade Agreements annexed to the WTO Agreement that are to be implemented over a period of time starting with the entry into force of that Agreement shall be implemented by Oman as if it had accepted that Agreement on the date of its entry into force.

4. Oman may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is recorded in the list of Article II Exemptions annexed to this Protocol and meets the conditions of the Annex to the GATS on Article II Exemptions.

PART II. SCHEDULES

5. The Schedules annexed to this Protocol shall become the schedule of Concessions and Commitments annexed to the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as the "GATT 1994") and the Schedule of Specific Commitments annexed to the General Agreement on Trade in Services (hereinafter referred to as "GATS") relating to Oman. The staging of concessions and commitments listed in the Schedules shall be implemented as specified in the relevant parts of the respective Schedules.

6. For the purpose of the reference in paragraph 6(a) of Article II of the GATT 1994 to the date of that Agreement, the applicable date in respect of the Schedules of Concessions and Commitments annexed to this Protocol shall be the date of entry into force of this Protocol.

PART III. FINAL PROVISIONS

7. This Protocol shall be open for acceptance, by signature or otherwise, by Oman until 31 October 2000.

8. This Protocol shall enter into force on the thirtieth day following the day of its acceptance.

9. This Protocol shall be deposited with the Director-General of the WTO. The Director-General of the WTO shall promptly furnish a certified copy of this Protocol and a notification of acceptance thereto pursuant to paragraph 7 to each member of the WTO and Oman.

10. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this tenth day of October two thousand, in a single copy in the English, French and Spanish languages each text being authentic, except that a Schedule annexed hereto may specify that it is authentic in only one or more of these languages.

For the signatures, see p. 740 of this volume.

SCHEDULE CXLIX - SULTANATE OF OMAN¹

This Schedule is authentic only in the English language.

1. Not published herein in accordance with article 12 (2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations, as amended. For the texts, see WTO Publication of 10 October 2000 - Vol. 23 (Pub. No. X-2000-450).

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 feasible be economically or technically substituted in order to provide a service.

A major suppliers 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 license 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 license and

b) The terms and conditions of individual licenses.

The reasons for the denial of a license 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, number 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.