

## Chapter 13

### Telecommunications

#### Article 13.01 Scope and Coverage

1. This Chapter applies to:
  - (a) measures adopted or maintained by a Party relating to access to and use of public telecommunications services;
  - (b) measures adopted or maintained by a Party relating to obligations of suppliers of public telecommunications services;
  - (c) other measures relating to public telecommunications networks or services; and
  - (d) measures adopted or maintained by a Party relating to the supply of information services.
2. Except to ensure that enterprises operating broadcast stations and cable systems have continued access to and use of public telecommunications services, this Chapter does not apply to any measure adopted or maintained by a Party relating to broadcast or cable distribution of radio or television programming.
3. Nothing in this Chapter shall be construed to:
  - (a) require a Party or require a Party to compel any enterprise to establish, construct, acquire, lease, operate, or provide telecommunications networks or services where such networks or services are not offered to the public generally;
  - (b) require a Party to compel any enterprise exclusively engaged in the broadcast or cable distribution of radio or television programming to make available its broadcast or cable facilities as a public telecommunications network; or
  - (c) prevent a Party from prohibiting persons operating private networks<sup>1</sup> from using their networks to supply public telecommunications networks or services to third parties.

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<sup>1</sup> According to the law of the Republic of Nicaragua, the private networks are those destined to services of strict Particular Interest. The Services of Particular Interest are those established by a natural or legal person to satisfy their own necessities of communication using authorized networks or their own facilities, within the national territory. The cross border private networks require to lease capabilities of a service operator properly authorized in the Nicaraguan territory to operate their own international long distance infrastructures. These services cannot be provided to third parties, they are provided by the telecommunications private networks, which shall not be interconnected to the public network, unless it is authorized by the Instituto Nicaraguense de Telecomunicaciones y Correos

For greater certainty, nothing in this Chapter shall be construed to prevent the Republic of Nicaragua from applying a Most-Favored Treatment to other Central American countries, in the Central American Integration Framework.

### **Article 13.02 Access to and Use of Public Telecommunications Services**

1. A Party shall ensure that enterprises of the other Party have access to and use of any public telecommunications service, including leased circuits, offered in its territory or across its borders, on reasonable and non-discriminatory terms and conditions, including as set out in paragraphs 2 through 6.

2. Each Party shall ensure that such enterprises are permitted to:

- (a) purchase or lease, and attach terminal or other equipment that interfaces with a public telecommunications network;
- (b) provide services to individual or multiple end-users over leased or owned circuits;
- (c) connect owned or leased circuits with public telecommunications networks and services in the territory, or across the borders, of that Party or with circuits leased or owned by another person;
- (d) perform switching, signaling, processing, and conversion functions; and
- (e) use operating protocols of their choice.

3. A Party shall ensure that enterprises of the other Party may use public Telecommunications services for the movement of information in its territory or across its borders and for access to information contained in databases or otherwise stored in machine-readable form in the territory of the Parties.

4. Notwithstanding paragraph 3, a Party may take such measures as are necessary to:

- (a) ensure the security and confidentiality of messages; or
- (b) protect the privacy of non-public personal data of subscribers to public telecommunications services,

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(TELCOR) or its successor. The cross border traffic directed through the pertinent infrastructure that comprises of a private network must be originated and be finished within the same private network.

subject to the requirement that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination or disguised restriction on trade in services.

5. Each Party shall ensure that no condition is imposed on access to and use of public telecommunications networks or services, other than that necessary to:

- (a) safeguard the public service responsibilities of suppliers of public telecommunications networks or services, in particular their ability to make their networks or services available to the public generally; or
- (b) protect the technical integrity of public telecommunications networks or services.

6. Provided that conditions for access to and use of public telecommunications networks or services satisfy the criteria set out in paragraph 5, such conditions may include:

- (a) a requirement to use specified technical interfaces, including interface protocols, for interconnection with such networks or services; and
- (b) a licensing, permit, registration, or notification procedure which, if adopted or maintained, is transparent and provides for the processing of applications filed thereunder in accordance with the Party's national law or regulation.

### **Article 13.03 Obligations Relating to Suppliers of Public Telecommunications Services<sup>2</sup>**

#### **Interconnection**

1.
  - (a) A Party shall ensure that suppliers of public telecommunications services in its territory provide, directly or indirectly, interconnection with the suppliers of public telecommunications services of the other Party.
  - (b) In carrying out subparagraph (a), each Party shall ensure that suppliers of public telecommunications services in its territory take reasonable steps to protect the confidentiality of commercially sensitive information of, or relating to, suppliers and end-users of public telecommunications services and only use such information for the purpose of providing those services.

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<sup>2</sup> Paragraphs 2 through 4 of this Article do not apply with respect to suppliers of commercial mobile services. Nothing in this Article shall be construed to preclude a Party from imposing the requirements set out in this Article on suppliers of commercial mobile services.

- (c) Each Party shall provide its telecommunications regulatory body the authority to require public telecommunications services suppliers to file their interconnection contracts.<sup>3</sup>

## **Resale**

2 Each Party shall endeavour to ensure that suppliers of public telecommunications services do not impose unreasonable or discriminatory conditions or limitations on the resale of those services.

## **Number Portability**

3 Each Party shall ensure that suppliers of public telecommunications services in its territory provide number portability to the extent technically feasible, on a timely basis, and on reasonable terms and conditions.<sup>4</sup>

## **Dialing Parity**

4 A Party shall ensure that suppliers of public telecommunications services in its territory provide dialing parity to suppliers of public telecommunications services of the other Party, and afford suppliers of public telecommunications services of the other Party non-discriminatory access to telephone numbers and related services with no unreasonable dialing delays.

## **Article 13.04 Additional Obligations Relating to Major Suppliers of Public Telecommunications Services<sup>5</sup>**

### **Treatment by Major Suppliers**

1. A Party shall ensure that major suppliers in its territory accord suppliers of public telecommunications services of the other Party treatment no less favorable than such major suppliers accord to their subsidiaries, their affiliates, or non-affiliated service suppliers regarding:

- (a) the availability, provisioning, rates, or quality of like public telecommunications services; and

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3 In the case of the Republic of Nicaragua the prior approval of interconnection contracts is required.

4 Compliance with this paragraph, shall be subject to the economic feasibility of providing number portability, taking into account the market development level.

5 The Article 13.04 does not apply with respect to suppliers of commercial mobile services. This Article is without prejudice to any rights or obligations that a Party may have under the GATS, and nothing in this Article shall be construed to preclude a Party from imposing the requirements set out in this Article on suppliers of commercial mobile services.

- (b) the availability of technical interfaces necessary for interconnection.

### **Competitive Safeguards**

- 2.
  - (a) Each Party shall maintain<sup>6</sup> appropriate measures for the purpose of preventing suppliers who, alone or together, are a major supplier in its territory from engaging in or continuing anti-competitive practices.
  - (b) The anti-competitive practices referred to in subparagraph (a) include in particular:
    - (i) engaging in anti-competitive cross-subsidization;
    - (ii) using information obtained from competitors with anti-competitive results; and
    - (iii) not making available, on a timely basis, to suppliers of public telecommunications services, technical information about essential facilities and commercially relevant information which are necessary for them to provide public telecommunications services.

### **Resale**

- 3. A Party shall ensure that major suppliers in its territory:
  - (a) offer for resale, at reasonable rates<sup>7</sup>, to suppliers of public telecommunications services of the other Party, public telecommunications services that such major suppliers provide at retail to end-users that are not suppliers of public telecommunications services; and
  - (b) do not impose unreasonable or discriminatory conditions or limitations on the resale of such services.<sup>8</sup>

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6 For purposes of paragraph 2, "maintain" a measure includes the actual implementation of such measure, as appropriate.

7 For purposes of subparagraph (a), wholesale rates set pursuant to a Party's law and regulations satisfy the standard of reasonableness. Therefore, each Party shall establish their reasonability criteria according to the conditions of its own market.

8 A Party may provide, that a reseller that obtains a public telecommunications service at wholesale rates, that is available at retail rates to only a limited category of subscribers, shall not offer this service to a different category of subscribers.

## **Unbundling of Network Elements**

4.
  - (a) Each Party shall provide its telecommunications regulatory body the authority to require major suppliers in its territory to offer access to network elements on an unbundled basis on terms, conditions, and at cost-oriented rates that are reasonable, non-discriminatory, and transparent for the supply of public telecommunications services.
  - (b) Each Party may determine the network elements required to be made available in its territory, and the suppliers that may obtain such elements, in accordance with its law and regulations.

## **Interconnection**

5.
  - (a) **General Terms and Conditions**

A Party shall ensure that major suppliers in its territory provide interconnection for the facilities and equipment of suppliers of public telecommunications services of the other Party:

    - (i) at any technically feasible point in the major supplier's network;
    - (ii) under non-discriminatory terms, conditions (including technical standards and specifications), and rates;
    - (iii) of a quality no less favorable than that provided by such major suppliers for their own like services, for like services of non-affiliated service suppliers, or for their subsidiaries or other affiliates;
    - (iv) 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 suppliers need not pay for network components or facilities that they do not require for the service to be provided; and
    - (v) on 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.

(b) Options for Interconnecting with Major Suppliers

A Party shall ensure that suppliers of public telecommunications services of the other Party may interconnect their facilities and equipment with those of major suppliers in its territory pursuant to at least one of the following options:

- (i) a reference interconnection offer or another standard interconnection offer containing the rates, terms, and conditions that the major suppliers offer generally to suppliers of public telecommunications services; or
- (ii) the terms and conditions of an interconnection agreement in force or through negotiation of a new interconnection agreement.

(c) Public Availability of Interconnection Offers

Each Party shall provide its telecommunications regulatory body the authority to require major suppliers in its territory to make publicly available reference interconnection offers or other standard interconnection offers containing the rates, terms, and conditions that the major suppliers offer generally to suppliers of public telecommunications services.

(d) Public Availability of the Procedures for Interconnection Negotiations

Each Party shall make publicly available the applicable procedures for interconnection negotiations with major suppliers in its territory.

(e) Public Availability of Interconnection Agreements Concluded with Major Suppliers

- (i) Each Party shall require major suppliers in its territory to file all interconnection agreements to which they are party with its telecommunications regulatory body or other relevant body.
- (ii) Each Party shall make publicly available interconnection agreements in force between major suppliers in its territory and other suppliers of public telecommunications services in its territory.

## **Provisioning and Pricing of Leased Circuits Services**

6.
  - (a) A Party shall ensure that major suppliers in its territory provide enterprises of the other Party leased circuits services that are public telecommunications services on terms, conditions, and at rates that are reasonable and non-discriminatory.
  - (b) In carrying out subparagraph (a), a Party shall provide its telecommunications regulatory body the authority to require major suppliers in its territory to offer leased circuits services that are public telecommunications services to enterprises of the other Party at flat rate, cost-oriented prices.

## **Co-location**

7.
  - (a) Subject to subparagraphs (b) and (c), a Party shall ensure that major suppliers in its territory provide to suppliers of public telecommunications services of the other Party physical co-location of equipment necessary for interconnection on terms, conditions, and at cost-oriented rates that are reasonable, non-discriminatory, and transparent.
  - (b) Where physical co-location is not practical for technical reasons or because of space limitations, each Party shall ensure that major suppliers in its territory:
    - (i) provide an alternative solution, or
    - (ii) facilitate virtual co-location in its territory, on terms, conditions, and at cost-oriented rates that are reasonable, non-discriminatory, and transparent.
  - (c) Each Party may specify in its law or regulations which premises are subject to subparagraphs (a) and (b).

## **Access to Rights-of-Way**

8. A Party shall ensure that major suppliers in its territory afford access to their poles, ducts, conduits, and rights-of-way which are bulletined as network bottleneck facilities to suppliers of public telecommunications services of the other Party on terms, conditions, and at rates that are reasonable and non-discriminatory.

### **Article 13.05 Conditions for the Supply of Information Services**

1. No Party may require an enterprise in its territory that it classifies<sup>9</sup> as a supplier of information services and that supplies such services over facilities that it does not own to:

- (a) supply such services to the public generally;
- (b) cost-justify its rates for such services;
- (c) file a tariff for such services for approval;
- (d) interconnect its networks with any particular customer for the supply of such services; or
- (e) conform with any particular standard or technical regulation for interconnection other than for interconnection to a public telecommunications network.

2. Notwithstanding paragraph 1, a Party may take the actions described in subparagraphs (a) through (e) to remedy a practice of a supplier of information services that the Party has found in a particular case to be anti-competitive under its law or regulations, or to otherwise promote competition or safeguard the interests of consumers.

### **Article 13.06 Independent Regulatory Bodies<sup>10</sup> and Government-Owned Telecommunications Suppliers**

1. Each Party shall ensure that its telecommunications regulatory body is separate from, and not accountable to, any supplier of public telecommunications services. To this end, each Party shall ensure that its telecommunications regulatory body does not hold a financial interest or maintain an operating role in any such supplier.

2. Each Party shall ensure that the decisions and procedures of its telecommunications regulatory body are impartial with respect to all interested persons. To this end, each Party shall ensure that any financial interest that it holds in a supplier of public telecommunications services does not influence the decisions and procedures of its telecommunications regulatory body.

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<sup>9</sup> For purposes of applying this provision, each Party may, through its telecommunications regulatory body, classify which services in its territory are information services.

<sup>10</sup> Each Party shall endeavor to ensure that its telecommunications regulatory body has adequate resources to carry out its functions.

3. No Party may accord more favorable treatment to a supplier of public telecommunications services or to a supplier of information services than that accorded to a like supplier of the other Party on the ground that the supplier receiving more favorable treatment is owned, wholly or in part, by the national government of the Party.

#### **Article 13.07 Universal Service**

Each Party shall administer any universal service obligation that it maintains in a transparent, non-discriminatory, and competitively neutral manner and shall ensure that its universal service obligation is not more burdensome than necessary for the kind of universal service that it has defined.

#### **Article 13.08 Licenses and Other Authorizations**

1. Where a Party requires a supplier of public telecommunications services to have a license, concession, permit, registration, or other type of authorization, the Party shall make publicly available:

- (a) all applicable licensing or authorization criteria and procedures it applies;
- (b) the time it normally requires to reach a decision concerning an application for a license, concession, permit, registration, or other type of authorization; and
- (c) the terms and conditions of all licenses or authorizations it has issued.

2. Each Party shall ensure that, on request, an applicant receives the reasons for the denial of a license, concession, permit, registration, or other type of authorization.

#### **Article 13.09 Allocation and Use of Scarce Resources**

1. Each Party shall administer its procedures for the allocation and use of scarce telecommunications resources, including frequencies, numbers, and rights-of-way, in an objective, timely, transparent, and non-discriminatory manner.

2. Each Party shall make publicly available the current state of allocated frequency bands but shall not be required to provide detailed identification of frequencies allocated for specific government uses.

3. For greater certainty, a Party's measures regarding the allocation and assignment of spectrum and regarding frequency management are not measures that are *per se* inconsistent with Article 11.04 (Market Access), which is applied to Chapter 10 (Investment) through Article 11.01 (Scope and Coverage). Accordingly, each Party retains the right to establish and apply its spectrum and frequency allocation and management policies, which may limit the number of suppliers of public telecommunications services, provided that it does so in a manner that is consistent with this Agreement. Each Party also retains the right to allocate frequency bands taking into account present and future needs.

### **Article 13.10 Enforcement**

Each Party shall provide its competent authority with the authority to establish and enforce the Party's measures relating to the obligations set out in Articles 13.02 through 13.05. Such authority shall include the ability to impose effective sanctions, which may include financial penalties, injunctive relief (on an interim or final basis), or the modification, suspension, and revocation of licenses or other authorizations.

### **Article 13.11 Resolution of Domestic Telecommunications Disputes**

Further to Articles 20.04 (Administrative Proceedings) and 20.05 (Review and Appeal), each Party shall ensure the following:

#### **Recourse to Telecommunications Regulatory Bodies**

- (a)
  - (i) A Party shall ensure that enterprises of the other Party may seek review by a telecommunications regulatory body or other relevant body to resolve disputes regarding the Party's measures relating to a matter set out in Articles 13.02 through 13.05.
  - (ii) A Party shall ensure that suppliers of public telecommunications services of the other Party that have requested interconnection with a major supplier in the Party's territory may seek review, within a reasonable and publicly available period of time after the supplier requests interconnection, by a telecommunications regulatory body to resolve disputes regarding the terms, conditions, and rates for interconnection with such major supplier.

#### **Reconsideration**

- (b) Each Party shall ensure that any enterprise that is aggrieved or whose interests are adversely affected by a determination or decision of the Party's telecommunications regulatory body may petition the body to reconsider that determination or decision. No Party may permit such a petition to constitute grounds for non-compliance with the determination

or decision of the telecommunications regulatory body unless an appropriate authority stays such determination or decision.

### **Judicial Review**

- (c) Each Party shall ensure that any enterprise that is aggrieved or whose interests are adversely affected by a determination or decision of the Party's telecommunications regulatory body may obtain judicial review of such determination or decision by an independent judicial authority.

### **Article 13.12 Transparency**

Further to Articles 20.02 (Publication) and 20.03 (Notification and Provision of Information), each Party shall ensure that:

- (a) rulemakings, including the basis for such rulemakings, of its telecommunications regulatory body and end-user tariffs filed with its telecommunications regulatory body are promptly published or otherwise made publicly available;
- (b) interested persons are provided with adequate advance public notice of, and the opportunity to comment on, any rulemaking that its telecommunications regulatory body proposes; and
- (c) its measures relating to public telecommunications services are made publicly available, including measures relating to:
  - (i) tariffs and other terms and conditions of service;
  - (ii) procedures relating to judicial and other adjudicatory proceedings;
  - (iii) specifications of technical interfaces;
  - (iv) bodies responsible for preparing, amending, and adopting standards-related measures affecting access and use;
  - (v) conditions for attaching terminal or other equipment to the public telecommunications network; and
  - (vi) notification, permit, registration, or licensing requirements, if any.

### **Article 13.13 Flexibility in the Choice of Technologies**

No Party may prevent suppliers of public telecommunications services from having the flexibility to choose the technologies that they use to supply their services, including commercial mobile wireless services, subject to requirements necessary to satisfy legitimate public policy interests.

### **Article 13.14 Forbearance**

The Parties recognize the importance of relying on market forces to achieve wide choices in the supply of telecommunications services. To this end, each Party may forbear from applying a regulation to a service that the Party classifies as a public telecommunications service, if its telecommunications regulatory body determines that:

- (a) enforcement of such regulation is not necessary to prevent unreasonable or discriminatory practices;
- (b) enforcement of such regulation is not necessary for the protection of consumers; and
- (c) forbearance is consistent with the public interest, including promoting and enhancing competition between suppliers of public telecommunications services.

### **Article 13.15 Standards-Related Measures**

1. Each Party shall ensure that its standards-related measures relating to the attachment of terminal or other equipment to the public telecommunications networks, including those measures relating to the use of testing and measuring equipment for conformity assessment procedures, are adopted or maintained only to the extent necessary to:

- (a) prevent technical damage to public telecommunications networks;
- (b) prevent technical interference with, or degradation of, public telecommunications networks or services;
- (c) prevent electromagnetic interference, and ensure compatibility, with other uses of the electromagnetic spectrum;
- (d) prevent billing equipment malfunction;
- (e) ensure users' safety and access to public telecommunications networks or services; or
- (f) ensure electromagnetic spectrum's efficiency.

2. A Party may require approval for the attachment to the public telecommunications network of terminal or other equipment that is not authorized, provided that the criteria for that approval are consistent with paragraph 1.

3. Each Party shall ensure that the network termination points for its public telecommunications networks are defined on a reasonable and transparent basis.

4. Neither Party may require separate authorization for equipment that is connected on the customer's side of authorized equipment that serves as a protective device fulfilling the criteria of paragraph 1.

5. Each Party shall:

- (a) ensure that its conformity assessment procedures are transparent and non-discriminatory and that applications filed thereunder are processed expeditiously;
- (b) permit any technically qualified entity to perform the testing required under the Party's conformity assessment procedures for terminal or other equipment to be attached to the public telecommunications network, subject to the Party's right to review the accuracy and completeness of the test results; and
- (c) ensure that any measure that it adopts or maintains requiring to be authorized to act as agents for suppliers of telecommunications equipment before the Party's relevant conformity assessment bodies is non-discriminatory.

6. When the condition allows it, each Party shall adopt, as part of its conformity assessment procedures, provisions necessary to accept the test results from laboratories or testing facilities in the territory of the other Party for tests performed in accordance with the accepting Party's standards-related measures and procedures.

#### **Article 13.16 Technical Cooperation and Other Consultations**

1. To encourage the development of interoperable telecommunications services infrastructure, the Parties shall cooperate in the exchange of technical information, the development of government-to-government training programs and other related activities.

2. The Parties shall consult with a view to determining the feasibility of further liberalizing trade in all telecommunications services, including public telecommunications networks and services.

#### **Article 13.17 Relationship to Other Chapters**

In the event of any inconsistency between this Chapter and another Chapter, this Chapter shall prevail to the extent of the inconsistency.

## Article 13.18 Definitions

For purposes of this Chapter:

**authorized equipment** means terminal or other equipment that has been approved for attachment to the public telecommunications transport network in accordance with a Party's conformity assessment procedures;

**commercial mobile services** means public telecommunications services supplied through mobile wireless means;

**conformity assessment procedure** means any procedure used, directly or indirectly, to determine that a technical regulation or standard is fulfilled, including sampling, testing, inspection, evaluation, verification, assurance of conformity, registration, accreditation and approval as well as their combinations, including the procedures referred to in Annex 13.15;

**cost-oriented**<sup>11</sup> means based on cost, and may include a reasonable profit, and may involve different cost methodologies for different facilities or services;

**dialing parity** means the ability of an end-user to use an equal number of digits to access a like public telecommunications service, regardless of the public telecommunications service supplier chosen by such end-user;

**end-user** means a final consumer of or subscriber to a public telecommunications service, including a service supplier other than a supplier of public telecommunications services;

**enterprise** means an "enterprise" as defined in Article 2.01 (Definitions of General Application), and includes a branch of an enterprise;

**essential facilities** means facilities of a public telecommunications network or service that:

- (a) are exclusively or predominantly supplied by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to supply a service;

**information service** means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service;

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<sup>11</sup> The technical definitions on Telecommunications shall be evaluated under the recommendations of the International Union of Telecommunications.

**interconnection** means linking with suppliers providing public telecommunications 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;

**leased circuits** means telecommunications facilities between two or more designated points that are set aside for the dedicated use of or availability to a particular customer or other users of the customer's choosing;

**major supplier** means a supplier of public telecommunications services that has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for public telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market;

**network element** means a facility or equipment used in supplying a public telecommunications service, including features, functions, and capabilities provided by means of such facility or equipment;

**network termination point** means the final demarcation of the public telecommunications network at the customer's premises;

**non-discriminatory** means treatment no less favorable than that accorded to any other user of like public telecommunications services in like circumstances;

**number portability** means the ability of end-users of public telecommunications services to retain, at the same location, telephone numbers without impairment of quality, reliability, or convenience when switching between like suppliers of public telecommunications services;

**physical co-location** means physical access to and control over space in order to install, maintain, or repair equipment, at premises owned or controlled and used by a supplier to supply public telecommunications services;

**public telecommunications networks** means public telecommunications infrastructure which permits telecommunications between an among defined network termination points

**public telecommunications service** means any telecommunications service that a Party requires, explicitly or in effect, to be offered to the public generally. Such services may include, *inter alia*, telephone and data transmission typically involving customer-supplied information between two or more points without any end-to-end change in the form or content of the customer's information, but does not include information services;

**reference interconnection offer** means an interconnection offer extended by a major supplier and filed with or approved by a telecommunications regulatory body that is sufficiently detailed to enable a supplier of public telecommunications services that is willing to accept its rates, terms, and conditions to obtain interconnection without having to engage in negotiations with the major supplier;

**standardization measures** means the rules, technical regulations or procedures for conformity assessment;

**telecommunications** means the transmission and reception of signals by any electromagnetic means, including by photonic means;

**telecommunications regulatory body** means a national body responsible for the regulation of telecommunications;

**terminal equipment** means any analog or digital device capable of processing, receiving, switching, signaling or transmitting signals by electromagnetic means and that is connected by radio or wire to a public telecommunications transport network at a termination point; and

**user** means an end-user or a supplier of public telecommunications services.

## Annex 13.15

### Conformity Assessment Procedure

For purposes of this chapter, conformity assessment procedures include:

In the case of the Republic of Nicaragua:

- (a) *Ley General de Telecomunicaciones y Servicios Postales* of August 23, 1995; and
- (b) *Reglamento de la Ley General de Telecomunicaciones y Servicios Postales*

In the case of the Republic of China (Taiwan):

- (a) Telecommunications Act of May 21, 2003: Articles 39, 42, 44, 49, 50, 71;
- (b) Compliance Approval Regulations of Telecommunications Terminal Equipment of November 29, 2004;
- (c) Compliance Approval Regulations on Controlled Telecommunications Radio-Frequency Devices of November 26, 2004;
- (d) Administrative Regulations on Low Power Radio Waves Radiated Devices of March 22, 2004; and
- (e) Administrative Regulations on the Controlled Telecommunications Radio-Frequency Devices of September 8, 2005.