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REPORT OF THE WORKING PARTY ON THE ACCESSION OF TONGA

Addendum

Part II - Schedule of Specific Commitments in Services List of Article II MFN Exemptions

As indicated in paragraph 189 of the Report of the Working Party on the Accession of Tonga (WT/ACC/TON/17) the Schedule of Specific Commitments in Services resulting from the negotiations between the Kingdom of Tonga and WTO Members is annexed to the Protocol of Accession of Tonga and is reproduced hereunder.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE			
Taxation Measures	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
ALL SECTORS INCLUDED IN THIS SCHEDULE		(1) Unbound with regard to subsidies (2) Unbound with regard to subsidies (3) Unbound with regard to subsidies Government approval, under the Foreign Investment Act, is required for foreign investors to invest into the Kingdom The Tongan Constitution prohibits the sales of land to all foreigners. Foreigners can only attain land through leasing, with the right to lease land for up to 99 years as well as sub-lease property (4) Unbound except for measures listed under Market Access Subsidies available to natural persons may be limited to Tongan citizens	
	(4) Unbound except for measures affecting the entry and temporary stay of nationals of another member who fall into the categories listed below:		

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>- <u>Services Salespersons</u></p> <p>Persons not based in the territory of the Kingdom of Tonga and receiving no remuneration from a source located within Tonga, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where:</p> <p>a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service</p> <p>Entry for persons named in this section is limited to a ninety-day period</p> <p>- <u>Intra-corporate Transferees</u></p> <p>Managers, executives and specialists, as defined below, who are employees of firms that provide services through a branch, subsidiary or affiliate in Tonga and who have been in the prior employ of their firm outside Tonga for a period of not less than one year immediately preceding the date of their application for admission and who are one of the following:</p> <p>(a) <u>Managers</u></p> <p>Persons within an organization who primarily direct the organization, or a department or sub-division of the organization, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring or firing other personnel action (such as promotion or leave authorization), and exercise discretionary authority over day-to-day operations. Does not include</p>		

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform task necessary for the provision of the service</p> <p>(b) <u>Executives</u></p> <p>Persons within the organization who primarily direct the management of the organization, establish the goals and policies of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to the actual provision of a service or services of the organization</p> <p>(c) <u>Specialists</u></p> <p>Persons within an organization who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the organization's services, research equipment, techniques or management (specialists may include, but are not limited to, members of licensed professions.) Entry for persons named in this section is limited to a two-year period, which may be renewed</p>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<u>Personnel Engaged in Establishment</u> Independent executives being natural persons who meet the criteria of executives and senior managers who intend, or are responsible for the establishment in Tonga, of a new business of a service supplier with its head of operations in the territory of another Member and which has no other representative, branch or subsidiary in Tonga. Executives would not directly perform tasks related to the actual provision of a service or services of the organization. Entry for persons named in this section is limited to a two-year period, which may be renewed		
SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services			
(a) Legal Services (CPC 861)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(d) Architectural Services (CPC 8671)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(e) Engineering services (CPC 8672)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f) Integrated engineering services (CPC 8673)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(g) Urban planning and landscape architectural services (CPC 8674)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(h) Medical and dental services (CPC 9312)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(i) Veterinary services (CPC 932)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
B. Computer and Related Services			
(a) Consultancy services related to installation of computer hardware (CPC 841)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(b) Software implementation services (CPC 842)			
(c) Data processing services (CPC 843)			
(d) Data base services (CPC 844)			
(e) Other (CPC 845 + 849)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
F. Other Business Services			
(a) Advertising services (CPC 871)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(c) Management consulting services (CPC 865)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(d) Services related to management consulting (CPC 866)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(e) Technical testing and analysis services (CPC 8676)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(r) Printing, publishing (CPC 88442)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
2. COMMUNICATION SERVICES			
A. Postal Services			
Consultancy related to the provision of Postal Services (CPC 7511**)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
B. Courier Services			
Courier Services (CPC 7512)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Telecommunication Services			
Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and "Market Access Limitations on Spectrum Availability"(S/GBT/W/3).			
Basic telecommunications: (a) Voice telephone services (CPC 7521) (b) Packet-switched data transmission services (CPC 7523**) (c) Circuit-switched data transmission services (CPC 7523**) (d) Telex services (CPC 7523**) (e) Telegraph services (CPC 7522) (f) Facsimile services (CPC 7521**+ 7529**) (g) Private leased circuit services (CPC 7522**+7523**)	(1) As of 1 January 2008: None (2) As of 1 January 2008: None (3) As of 1 January 2008: None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	Tonga subscribes to the principles set forth in the reference paper attached
Value-added telecommunications services, including: (h) Electronic mail (CPC 7523**) (i) Voice mail (CPC 7523**)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	Tonga subscribes to the principles set forth in the reference paper attached
(j) On-line information and data base-retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**) (l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve (7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing) (CPC 843**) (o) Other	(1) As of 1 January 2008: None (2) As of 1 January 2008: None (3) As of 1 January 2008: None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	Tonga subscribes to the principles set forth in the reference paper attached

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Audiovisual Services			
(a) Motion Picture and video tape distribution services (CPC 9611**) to other industries for public entertainment, television broadcasting, or sale or rental to others ¹	(1) None (2) None (3) None	(1) (2) (3) None, except unbound for support programmes established to preserve or promote the cultural identity of Tonga and of countries with which Tonga has bilateral and plurilateral agreements now or in the future	
(b) Motion Picture projection service (CPC 9612)	(4) Unbound except as indicated under horizontal commitments	(4) Unbound except as indicated under horizontal commitments	
(c) Radio and television distribution services (CPC 9613**)² Broadcasting services for radio and television programs are specifically excluded			
(d) Sound recording (n.a.)			
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work for buildings (CPC 512)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
B. General construction work for civil engineering (CPC 513)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
C. Installation and assembly work (CPC 514 +516)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
D. Building completion and finishing work (CPC 517)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	

¹ For the purpose of the Schedule, distribution means licensing of motion pictures or videotapes.

² For the purpose of the Schedule, distribution means licensing of radio and television programs.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. Other (CPC 511 + 515 + 518)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
4. DISTRIBUTION SERVICES			
A. Commission agent's services (CPC 621)	(1) Unbound (2) Unbound (3) None (4) Unbound except as indicated under horizontal commitments	(1) Unbound (2) Unbound (3) None (4) Unbound except as indicated under horizontal commitments	
B. Wholesale trade services (CPC 622)	(1) None (2) None (3) Unbound (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) Unbound (4) Unbound except as indicated under horizontal commitments	
C. Retailing services (CPC 631 & 632)	(1) None (2) None (3) Unbound (4) Unbound except as indicated under horizontal commitments	(1) None ³ (2) None (3) Unbound (4) Unbound except as indicated under horizontal commitments	
D. Franchising (CPC 8929)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
5. EDUCATIONAL SERVICES			
A. Primary education services (CPC 921)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
B. Secondary education services (CPC 922)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	

³ None for Mode (1) is specifically for the purpose of E-commerce (Internet use only).

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Higher education services (CPC 923)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
D. Adult education (CPC 924)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
E. Other education services (CPC 929)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
6. ENVIRONMENTAL SERVICES			
A. Sewage services / Waste water Services (CPC 9401)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
B. Refuse disposal service (CPC 9402)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
C. Sanitation and similar services (CPC 9403)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Other - Services to reduce exhaust gases and other emissions and improve air quality (CPC 9404) - Noise abatement services (CPC 9405) - Treatment, remediation of contaminated/polluted soil and water, Nature and landscape protection services (CPC 9406) - Other environmental protection services not classified elsewhere (CPC 9409)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
7. FINANCIAL SERVICES			
A. All insurance and insurance-related services			
(a) Life insurance services (b) Non-life insurance services (c) Reinsurance and retrocession	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
B. Banking and other financial services, (excluding insurance)			
(a) Acceptance of deposits and other repayable funds from the public (b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction (c) Financial leasing (d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts (e) Guarantees and commitments (f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> - money market instruments (including cheques, bills, certificates of deposits) - foreign exchange - derivative products including, but not limited to, futures and options - exchange rate and interest rate instruments, including products such as swaps, forward rate agreements - transferable securities - other negotiable instruments and financial assets, including bullion. (g) Participation in issues of all kinds of securities including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues (h) Money broking (i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services (j) Settlement and clearing services for financial assets including securities, derivative products, and other negotiable instruments (k) Advisory, intermediation and other auxiliary financial services on all activities listed in the subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (l) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services 			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital services (CPC 9311)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels and Restaurants (including catering) (CPC 641-643)	(1) None (2) None (3) None for investment of TOP 200,000 or more (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
B. Travel Agencies and Tour Operators Services (CPC 7471)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Cinema theatre operation services (part of CPC 96199)	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	(1) Unbound (2) Unbound (3) None, except for access to subsidies: Unbound (4) Unbound, except as provided in the horizontal section	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. Maritime Transport Services			
(a) Passenger transportation (CPC 7211) (b) Freight transportation (CPC 7212)	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated under horizontal commitments	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated under horizontal commitments	<p>Where not otherwise made available to the international maritime transport suppliers pursuant to Article XXVIII (c) (ii), no measures shall be applied which deny reasonable and non-discriminatory access to the following services:</p> <ol style="list-style-type: none"> 1. Towing and tug assistance 2. Provisioning, fuelling and watering 3. Garbage collecting and ballast waste disposal 4. Emergency repair facilities 5. Lightering and water taxi services 6. Ship agencies 7. Custom brokers 8. Stevedoring and terminal services 9. Surveying and classification services <p>Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment for multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations. "Non discriminatory terms and conditions" mean, for the purpose of this additional commitment, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other multimodal transport operator merchandise which has entered the port at a later date</p>

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Air Transport Services			
(d) Maintenance and repair of aircraft (CPC 8868), as defined in paragraph 6(a) of the Annex on Air Transport Services	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
Computer reservation system services, as defined in paragraph 6(c) of the Annex on Air Transport (CRS)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(e) Supporting services for air transport (CPC 746)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
H. Services auxiliary to all modes of transport			
(a) Cargo-handling service excluding maritime services (CPC 741)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(b) Storage and warehouse service excluding maritime services (CPC 742)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(c) Freight transport agency services (CPC 748)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	
(d) Other (CPC 749)	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	(1) None (2) None (3) None (4) Unbound except as indicated under horizontal commitments	

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;
- (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 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 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 (incl. 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 (incl. 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 licenses.

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.

List of Article II (MFN) Exemptions of Tonga

Sector or sub-sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services Production and distribution of television programmes and cinematographic works	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	Countries with which such bilateral or plurilateral agreements are in force, now or in the future	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned
Audiovisual Services Production and distribution of television programmes and cinematographic works	Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria.	Countries with which bilateral and plurilateral agreements are in force, now or in the future, in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Tonga has a long-standing cultural links
Audiovisual services Production and distribution of audiovisual works through broadcasting transmission to the public	Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission.	Countries with which bilateral or plurilateral agreements are in force, now or in the future, in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Tonga, and with other countries, including in the region