

CHAPTER FOURTEEN
TELECOMMUNICATIONS

第十四章 电信

ARTICLE 14.1: SCOPE AND COVERAGE

1. This Chapter applies to measures affecting trade in telecommunications services, including:
- (a) measures relating to access to and use of public telecommunications services;
 - (b) measures relating to obligations of suppliers of public telecommunications services;
 - (c) other measures relating to public telecommunications networks or services; and
 - (d) measures relating to the supply of value-added services.
2. Except to ensure that an enterprise operating a broadcast station or cable system has continued access to and use of public telecommunications services, this Chapter (except for Article 14.20) does not apply to any measure 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 not offered to the public generally; or
 - (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.

Section A: Access to and Use of Public Telecommunications Networks and Services

ARTICLE 14.2: ACCESS AND USE

1. Each Party shall ensure that service suppliers of the other Party have access to and use of any public telecommunications network or 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 service suppliers of the other Party are permitted to:
- (a) purchase or lease and attach terminal or other equipment that interfaces with a public telecommunications network;

第十四条第1条：范围和覆盖范围

1. 本章适用于影响电信服务贸易的措施，包括：
- (a) 与公共电信服务接入和使用相关的措施；(b) 与公共电信服务供应商义务相关的措施；(c) 与公共电信网络或服务相关的其他措施；以及(d) 与增值服务供应相关的措施。
2. 除了确保运营广播站或有线电视系统的企业能够持续接入和使用公共电信服务外，本章（除第十四条第20条外）不适用于任何与无线电或电视节目广播或有线电视分发相关的措施。
3. 本章任何内容均不得解释为：
- (a) 要求缔约方，或要求缔约方强制任何企业，建立、建设、收购、租赁、运营或提供未向公众普遍提供的电信网络或服务；或 (b) 要求缔约方强制任何专门从事无线电或电视节目广播或有线电视分发的企业，将其广播或有线电视设施作为公共电信网络提供。

A：公共电信网络和服务的接入和使用

ARTICLE 14.2: ACCESS AND USE

1. 每一方应确保另一方的服务供应商 有权接入和使用任何公共电信网络或 服务，包括租用电路，在其领土内或跨越其边境提供，基于合理和非歧视性的条款和条件，包括第2段至第6段中规定的内容。
2. 每一方应确保另一方的服务供应商被允许：
- (a) 购买或租赁并连接与公共电信网络接口的终端或其他设备；

- (b) provide services to individual or multiple end-users over leased circuits;¹
- (c) connect owned or leased circuits with public telecommunications networks and services or with circuits leased or owned by another enterprise;
- (d) perform switching, signaling, processing, and conversion functions; and
- (e) use operating protocols of their choice in the supply of any service.

3. Each Party shall ensure that service suppliers of the other Party may use public telecommunications services for the movement of information in its territory or across its borders, including for intra-corporate communications, and for access to information contained in databases or otherwise stored in machine-readable form in the territory of either Party.

4. Notwithstanding paragraph 3, a Party may take such measures as are necessary to ensure the security and confidentiality of messages, provided 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 and services, other than as necessary to:

- (a) safeguard the public service responsibilities of suppliers of public telecommunications networks and 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 and 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;
- (b) requirements, where necessary, for the inter-operability of such networks and services; and
- (c) type approval of terminal or other equipment that interfaces with the network and technical requirements relating to the attachment of that equipment to such networks.

Section B: Suppliers of Public Telecommunications Services

¹ For greater certainty, subparagraph (b) shall not be construed to prohibit a Party from requiring a service supplier to obtain a license to supply specific services.

(b) 通过租用电路为单个或多个最终用户提供服务；¹(c) 将自有或租用的电路与公共电信网络和服务或由另一家企业租用或拥有的电路连接； (d) 执行交换、信令、处理和转换功能； 以及 (e) 在提供服务时使用其选择的操作协议。

3. 每一方应确保另一方的服务供应商可以在其领土内或跨越其边境使用公共电信服务，包括用于企业内部通信， 以及用于访问包含在任一方领土内的数据库或以机器可读形式存储的信息。

4. 尽管有第3段的规定， 缔约方可以采取必要的措施以确保消息的安全性和保密性， 但前提是这些措施不得以构成任意或不合理的歧视或服务贸易的隐蔽限制的方式实施。

5. 每一方应确保在公共电信网络和服务方面没有施加任何条件， 除非是为了：

(a) 保护公共电信网络和服务供应商的公共服务责任， 特别是其向公众普遍提供其网络或服务的能力； 或 (b) 保护公共电信网络或服务的技术完整性。

6. 如果进入和使用公共电信网络和服务的条件符合第5段中规定的标准， 则此类条件可以包括：

(a) 使用指定的技术接口， 包括接口协议， 以与该网络或服务互联互通的要求；
(b) 必要时， 对该网络和服务互操作性的要求； 以及(c) 与网络接口的终端或其他设备的型式认可， 以及将该设备连接到该网络的技术要求。

Section B: 公共电信服务供应商

¹ 为明确起见， 第（b）款不应被解释为禁止缔约方要求服务供应商为提供特定服务而获得许可证。

ARTICLE 14.3: OBLIGATIONS RELATING TO SUPPLIERS OF PUBLIC TELECOMMUNICATIONS SERVICES²

Interconnection

1.

(a)

Each Party shall ensure that suppliers of public telecommunications services in its territory provide, directly, or indirectly within the same territory, interconnection with suppliers of public telecommunications services of the other Party at reasonable rates.

(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 obtained as a result of interconnection arrangements and only use such information for the purpose of providing these services.

Number Portability

2.

Each Party shall ensure that suppliers of public telecommunications services in its territory provide number portability to the extent technically feasible, and on reasonable terms and conditions.³

Dialing Parity and Access to Telephone Numbers

3.

Each Party shall ensure that:

(a)

suppliers of public telecommunications services in its territory provide dialing parity within the same category of service to suppliers of public telecommunications services of the other Party; and

(b)

suppliers of public telecommunications services of the other Party in the Party’s territory are afforded non-discriminatory access to telephone numbers.

Section C: Additional Obligations Relating to Major Suppliers⁴

ARTICLE 14.4: TREATMENT BY MAJOR SUPPLIERS

Each Party shall ensure that a major supplier in its territory accords suppliers of public telecommunications services of the other Party treatment no less favorable than such major

² Article 14.3 is subject to Annex 14-A.

³ Paragraph 2 does not apply with respect to suppliers of voice over internet protocol services.

⁴ Section C is subject to Annex 14-B.

第十四条第三款：与公共电信服务供应商相关的义务²

互联互通

1. (a) 每一方应确保其领土内的公共电信服务供应商直接或在其领土内间接地，以合理费率与其他一方的公共电信服务供应商进行互联互通。(b) 在执行第 (a) 段时，每一方应确保其领土内的公共电信服务供应商采取合理措施，保护通过互联互通安排获得的、与公共电信服务供应商和最终用户相关的商业敏感信息的保密性，并且仅将此类信息用于提供这些服务。

号码携带

2. 每一方应确保其领土内的公共电信服务供应商在技术可行的范围内提供号码携带，并按合理条款和条件提供³。

拨号对等和电话号码接入

3. 每一方应确保：

(a) 其领土内公共电信服务供应商向另一方领土内公共电信服务供应商提供同类别服务内的拨号对等；以及

(b) 另一方领土内公共电信服务供应商在缔约方领土内享有非歧视性接入电话号码的权利。

Section C: 与主要供应商相关的附加义务⁴

ARTICLE 14.4: TREATMENT 由MAJOR SUPPLIERS提供

每一方应确保其领土内的主要供应商给予另一方的公共电信服务供应商不低于其给予自身、其子公司、其附属公司或非附属服务供应商的待遇。

² 第十四条第3款受附件14-A约束。³ 第2款不适用于语音 over internet protocol 服务供应商。⁴ 第C节受附件14-B约束。

supplier accords to itself, its subsidiaries, its affiliates, or non-affiliated service suppliers regarding:

- (a) the availability, provisioning, rates, or quality of like public telecommunications services; and
- (b) the availability of technical interfaces necessary for interconnection.

ARTICLE 14.5: COMPETITIVE SAFEGUARDS

- Each Party shall maintain appropriate measures for the purpose of preventing suppliers of public telecommunications services that, alone or together, are a major supplier in its territory from engaging in or continuing anticompetitive practices.
- The anticompetitive practices referred to in paragraph 1 include in particular:
 - (a) engaging in anticompetitive cross-subsidization;
 - (b) using information obtained from competitors with anticompetitive results; and
 - (c) not making available, on a timely basis, to suppliers of public telecommunications services, technical information about essential facilities and commercially relevant information that are necessary for them to provide services.

ARTICLE 14.6: RESALE

Each Party shall ensure that a major supplier in its territory does not impose unreasonable or discriminatory conditions or limitations on the resale of its public telecommunications services.

ARTICLE 14.7: UNBUNDLING OF NETWORK ELEMENTS

Each Party shall provide its telecommunications regulatory body the authority to require a major supplier in its territory to offer access to network elements on an unbundled basis on terms and conditions, and at cost-oriented rates, that are reasonable, non-discriminatory, and transparent for the supply of public telecommunications services.

ARTICLE 14.8: INTERCONNECTION

General Terms and Conditions

- Each Party shall ensure that a major supplier in its territory provides interconnection for the facilities and equipment of suppliers of public telecommunications services of the other Party:
 - (a) at any technically feasible point in the major supplier’s network;

供应商给予其自身、其子公司、其附属公司或非附属服务供应商的待遇，包括：

- (a) 类似公共电信服务的可用性、提供、费率或质量；以及 (b) 为实现互联互通所必需的技术接口的可用性。

第十四条第五款：竞争保障措施

- 每一方应维持适当的措施，以防止其领土内单独或共同构成主要供应商的公共电信服务供应商从事或继续从事反竞争行为。
- 第一款所述的反竞争行为特别包括：
 - (a) 从事反竞争的交叉补贴；(b) 使用从竞争对手处获得并产生反竞争结果的信息；以及 (c) 未及时向公共电信服务供应商提供有关基本设施和商业相关信息的技术信息，而这些信息对于他们提供服务是必要的。

第十四条第六款：转售

每一方应确保其领土内的主要供应商在转售其公共电信服务时，不施加不合理或歧视性的条件或限制。

第14.7条：网络元素解绑

每一方应向其电信监管机构提供授权，要求其领土内的主要供应商以合理、非歧视和透明的条款和条件，并以成本导向的费率，提供对网络元素的解绑访问，以供应公共电信服务。

ARTICLE 14.8: INTERCONNECTION

通用条款和条件

- 每一方应确保其领土内的主要供应商为另一方的公共电信服务供应商的设施和设备提供互联互通：
 - (a) 在主要供应商网络的任何技术可行点；

- (b) under non-discriminatory terms, conditions (including technical standards and specifications), and rates;
- (c) of a quality no less favorable than that provided by the major supplier for its own like services, for like services of non-affiliated service suppliers, or for its subsidiaries or other affiliates;
- (d) in a timely fashion, and on terms and conditions (including technical standards and specifications), and at 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
- (e) 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.

Options for Interconnecting with Major Suppliers

2. Each Party shall ensure that a major supplier in its territory provides suppliers of public telecommunications services of the other Party the opportunity to interconnect their facilities and equipment with those of the major supplier through:

- (a) negotiation of a new interconnection agreement; and
- (b) one of the following options:
 - (i) a reference interconnection offer containing the rates, terms, and conditions that the major supplier offers generally to suppliers of public telecommunications services; or
 - (ii) the terms and conditions of an interconnection agreement in effect.

Public Availability of Interconnection Offers and Agreements

3. If a major supplier in the territory of a Party has a reference interconnection offer, the Party shall require the offer to be made publicly available.

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

5. Each Party shall require a major supplier in its territory to file all interconnection agreements to which it is party with its telecommunications regulatory body.⁵

⁵ The United States may comply with paragraph 5 by requiring filing with a state regulatory authority.

(b) 在非歧视性条款、条件（包括技术标准和规范）和费率下； (c) 质量不低于主要供应商为其自身类似服务、非附属服务供应商的类似服务或其子公司或其他附属公司所提供的服务； (d) 及时地，并在透明、合理、考虑经济可行性且充分解耦的条款和条件下，以及成本导向的费率，以便供应商无需为提供服务所不需要的网络组件或设施付费；以及 (e) 应要求，在网络终端点之外向大多数用户提供，费用反映必要附加设施的建设成本。

与主要供应商互联互通的选项

2. 每一方应确保其领土内的主要供应商为其另一方公共电信服务供应商提供的机会，通过以下方式将其设施和设备与主要供应商的设施和设备互联互通：

(a) 协商新的互联互通协议；以及 (b) 以下选项之一： (i) 包含主要供应商通常向公共电信服务供应商提供的费率、条款和条件的参考互连报价；或 (ii) 有效的互联互通协议的条款和条件。

互联互通报价和协议的公共可用性

3. 如果一方领土内的主要供应商有一个参考互连报价，该方应要求该报价被公开提供。

4. 每一方应公开提供其领土内与主要供应商进行互联互通协商的适用程序。

5. 每一方应要求其领土内的主要供应商向其电信监管机构提交其作为缔约方的所有互联互通协议。⁵

⁵ 美国可以通过要求向州监管机构提交文件来遵守第5段。

6. Each Party shall make publicly available interconnection agreements in effect between a major supplier in its territory and other suppliers of public telecommunications services in its territory.

ARTICLE 14.9: PROVISIONING AND PRICING OF LEASED CIRCUITS SERVICES⁶

1. Each Party shall ensure that a major supplier in its territory provides service suppliers of the other Party leased circuits services that are public telecommunications services on terms and conditions, and at rates, that are reasonable and non-discriminatory.

2. In carrying out paragraph 1, each Party shall provide its telecommunications regulatory body the authority to require a major supplier in its territory to offer leased circuits services that are public telecommunications services to service suppliers of the other Party at capacity-based, cost-oriented prices.

ARTICLE 14.10: CO-LOCATION

1. Subject to paragraphs 2 and 3, each Party shall ensure that a major supplier in its territory provides to suppliers of public telecommunications services of the other Party in the Party’s territory physical co-location of equipment necessary for interconnection or access to unbundled network elements on terms and conditions, and at cost-oriented rates, that are reasonable, non-discriminatory, and transparent.

2. Where physical co-location is not practical for technical reasons or because of space limitations, each Party shall ensure that a major supplier in its territory provides an alternative solution⁷ on terms and conditions, and at cost-oriented rates, that are reasonable, non-discriminatory, and transparent.

3. Each Party may limit which premises are subject to paragraphs 1 and 2, provided the Party specifies any such limitation in its law or regulations.

ARTICLE 14.11: ACCESS TO POLES, DUCTS, CONDUITS, AND RIGHTS-OF-WAY

Each Party shall ensure that a major supplier in its territory affords access to poles, ducts, conduits, and rights-of-way owned or controlled by the major supplier to suppliers of public telecommunications services of the other Party in the Party’s territory on terms and conditions, and at rates, that are reasonable, non-discriminatory, and transparent.

Section D: Other Measures

ARTICLE 14.12: SUBMARINE CABLE SYSTEMS

⁶ Article 14.9 shall not be construed to require a Party to ensure that the major supplier provides leased circuits as an unbundled network element.

⁷ The United States may comply with the obligation in Article 14.10.2 to ensure that a major supplier in its territory provides an alternative solution by ensuring that the supplier provides virtual co-location.

6. 每一方应将其领土内主要供应商与其他公共电信服务供应商之间的有效互联协议公开可用。

第14.9条：租用电路服务的提供和定价⁶

1. 每一方应确保其领土内的主要供应商为另一方的服务供应商提供公共电信服务性质的租用电路服务，其条款和条件以及费率应为合理和非歧视性的。

2. 在执行第1款时，每一方应向其电信监管机构提供要求其领土内主要供应商向另一方的服务供应商以基于容量、成本导向的价格提供公共电信服务性质的租用电路服务的权力。

第14.10条：共址

1. 在遵守第2款和第3款的前提下，每一方应确保其领土内的主要供应商向其领土内公共电信服务供应商提供用于互联互通或接入解束网络元素的必要设备的物理共址，其条款和条件以及费率应为合理、非歧视性且透明的成本导向费率。

2. 由于技术原因或空间限制，物理共址不切实际时，每一方应确保其领土内的主要供应商提供替代方案⁷，其条款和条件、费率应为合理、非歧视和透明的成本导向费率。

3. 每一方可以限制第1段和第2段所适用的场所，但该方应在其法律或法规中规定任何此类限制。

第14.11条：对电杆、管道、导管和通行权的接入

每一方应确保其领土内的主要供应商向该方领土内公共电信服务的另一方供应商提供对其拥有的主要供应商所有的电杆、管道、导管和通行权的接入，其条款和条件、费率应为合理、非歧视和透明的。

第D节：其他措施

ARTICLE 14.12: SUBMARINE CABLE SYSTEMS

⁶ 第14.9条不得解释为要求一方确保主要供应商将租用电路作为解束网络元素提供⁷。美国可以通过确保供应商提供虚拟共址来履行第14.10.2条中的义务，以确保其领土内的主要供应商提供替代方案。

1. Where a supplier of telecommunications services in the territory of a Party operates a submarine cable system to provide public telecommunications services, that Party shall ensure that the supplier accords suppliers of public telecommunications services of the other Party reasonable and non-discriminatory treatment with respect to access⁸ to that submarine cable system, including landing facilities.

2. Where a major supplier of international public telecommunications services in the territory of a Party controls cable landing facilities and services for which there are no economically or technically feasible alternatives, the Party shall ensure that the major supplier:⁹

- (a) permits suppliers of public telecommunications services of the other Party to:
 - (i) use the major supplier’s cross-connect links in the submarine cable landing station to connect their equipment to backhaul links and submarine cable capacity of any supplier of telecommunications; and
 - (ii) co-locate their transmission and routing equipment used for accessing submarine cable capacity and backhaul links of any supplier of telecommunications in the submarine cable landing station on terms and conditions, and at cost-oriented rates, that are reasonable, transparent, and non-discriminatory; and
- (b) provides suppliers of telecommunications of the other Party international leased circuits, backhaul links, and cross-connect links in the submarine cable landing station on terms and conditions, and at rates, that are reasonable, transparent, and non-discriminatory.¹⁰

ARTICLE 14.13: CONDITIONS FOR THE SUPPLY OF VALUE-ADDED SERVICES

1. Neither Party may require an enterprise in its territory that it classifies as a supplier of value-added services and that supplies those services over facilities that the enterprise does not own to:

- (a) supply those services to the public generally;
- (b) cost-justify its rates for those services;
- (c) file a tariff for those services;

⁸ With respect to a supplier of the other Party that does not own facilities in the territory of the Party in which the cable landing system is located, that Party may comply with paragraph 1 by ensuring access to the submarine cable system through facilities that the supplier of the other Party leases from a licensed supplier of public telecommunications services in the territory of the Party.

⁹ Paragraph 2 is subject to Annex 14-B.

¹⁰ Notwithstanding paragraph 2, a Party may permit a major supplier in its territory to limit access to or use of its submarine cable landing station if capacity at the station is unavailable.

1. 在一方领土内提供电信服务的供应商经营海底电缆系统以提供公共电信服务时，该方应确保该供应商对另一方的公共电信服务供应商就海底电缆系统（包括登陆设施）的接入给予合理和非歧视性的待遇。

2. 当一方领土内提供国际公共电信服务的主要供应商控制着没有经济或技术可行替代方案的电缆登陆设施和服务时，该方应确保该主要供应商:⁹

- (a) 允许另一方的公共电信服务供应商：
 - (i) 使用该主要供应商在海底电缆登陆站中的交叉连接链路，将其设备连接到任何电信供应商的回程链路和海底电缆容量；以及
 - (ii) 在海底电缆登陆站中，就接入任何电信供应商的海底电缆容量和回程链路而使用的传输和路由设备，以合理、透明和非歧视性的条款和成本导向的费率，进行共位安装；以及
- (b) 在海底电缆登陆站中，就国际租用电路、回程链路和交叉连接链路，以合理、透明和非歧视性的条款和费率，向另一方的电信供应商提供。¹⁰

第十四条第十三条：提供增值服务的条件

1. 任何一方不得要求其在领土内将其归类为增值服务供应商，并且通过其不拥有的设施提供这些服务的实体：

- (a) 向公众普遍提供这些服务；
- (b) 为这些服务证明其费率的合理性；
- (c) 提交这些服务的费率表；

⁸ 对于在位于海底电缆登陆站的另一方的领土内不拥有设施的另一方供应商，该方可以通过确保通过从该方领土内获得许可证的公共电信服务供应商租赁的设施访问海底电缆系统来遵守第1段。⁹ 第2段受附件14-B约束。¹⁰尽管有第2段，一方可以允许其领土内的主要供应商在登陆站容量不可用时限制对其海底电缆登陆站的访问或使用。

- (d) connect its networks with any particular customer for the supply of those services; or
- (e) conform with any particular standard or technical regulation of the telecommunications regulatory body for connecting to any other network, other than a public telecommunications network.

2. Notwithstanding paragraph 1, a Party may take the actions described in paragraph 1 to remedy a practice of a supplier of value-added services that the Party has found in a particular case to be anticompetitive under its law or regulations, or to otherwise promote competition or safeguard the interests of consumers.

ARTICLE 14.14: INDEPENDENT REGULATORY BODIES

Each Party shall ensure that its telecommunications regulatory body is separate from, and not accountable to, any supplier of public telecommunications services. With a view to ensuring the independence and impartiality of telecommunications regulatory bodies, each Party shall ensure that its telecommunications regulatory body does not own equity¹¹ or maintain an operating or management role in any such supplier. Each Party shall ensure that its regulatory decisions and procedures, including decisions and procedures relating to licensing, interconnection with public telecommunications networks and services, tariffs, and assignment or allocation of spectrum for non-government public telecommunications services, are impartial with respect to all market participants.

ARTICLE 14.15: 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 14.16: LICENSING PROCESS

1. When a Party requires a supplier of public telecommunications services to have a license, the Party shall make publicly available:
- (a) all the licensing criteria and procedures it applies;
 - (b) the period it normally requires to reach a decision concerning an application for a license; and
 - (c) the terms and conditions of all licenses in effect.

¹¹ For greater certainty, Article 14.14 shall not be construed to prohibit a government entity of a Party other than the telecommunications regulatory body from owning equity in a supplier of public telecommunications services.

- (d) 为提供这些服务，将其网络与任何特定客户连接；或 (e) 遵守电信监管机构关于连接任何其他网络（除公共电信网络外）的任何特定标准或技术法规。电信监管机构关于连接任何其他网络（除公共电信网络外）的任何特定标准或技术法规。

2. 不论第1段如何规定，缔约方可以采取第1段所述的行动，以纠正其法律或法规认定在特定情况下具有反竞争性的增值服务供应商的实践，或以其他方式促进竞争或维护消费者利益。

第十四条第十四条：独立监管机构

每一缔约方应确保其电信监管机构与任何公共电信服务供应商分离，并对其负责。为确保电信监管机构的独立性和公正性，每一缔约方应确保其电信监管机构在任何此类供应商中不拥有股权¹¹ 或维持运营或管理角色。每一缔约方应确保其监管决定和程序，包括与许可、与公共电信网络和服务的互联互通、费率，以及为非政府公共电信服务分配或分配频谱的决定和程序，对所有市场参与者均保持公正。

第十四条第十五条：普遍服务

每一方应以透明、非歧视性和竞争中立的方式管理其维持的任何普遍服务义务，并确保其普遍服务义务的负担不应超过其定义的普遍服务类型所必需的程度。

第十四条第十六条：许可程序

1. 当一方要求公共电信服务供应商获得许可证时，该方应公开提供：

- (a) 它所适用的所有许可标准及程序；(b) 它通常要求达到关于许可申请的决定的期限；以及(c) 所有在效许可的条款和条件。

¹¹ 为进一步明确，第十四条第十四条不应被解释为禁止缔约方法府的政府实体（除电信监管机构外）在公共电信服务供应商中拥有股权。

2. Each Party shall ensure that, on request, an applicant receives the reasons for the denial of a license.

ARTICLE 14.17: 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 retains the right not to provide detailed identification of frequencies allocated or assigned for specific government uses.
3. A Party’s measures allocating and assigning spectrum and managing frequency are not measures that are *per se* inconsistent with Article 12.4 (Market Access) either as it applies to cross-border trade in services or through the operation of Article 12.1.3 (Scope and Coverage) to an investor or covered investment of the other Party. Accordingly, each Party retains the right to establish and apply spectrum and frequency management measures that may have the effect of limiting the number of suppliers of public telecommunications services, provided that it does so in a manner consistent with this Agreement. This includes the ability to allocate frequency bands, taking into account current and future needs and spectrum availability.
4. Each Party shall endeavor to allocate and assign spectrum for non-government telecommunications services in a manner that encourages economically efficient use of the spectrum and competition among suppliers of telecommunications services, recognizing that a Party may encourage this behavior through a variety of means, including through administrative incentive pricing, auctions, or unlicensed use.

ARTICLE 14.18: ENFORCEMENT

Each Party shall provide its competent authority the authority to enforce the Party’s measures relating to the obligations set out in Articles 14.2 through 14.12. That authority shall include the ability to impose effective sanctions, which may include financial penalties, injunctive relief (on an interim or final basis), corrective orders, or the modification, suspension, or revocation of licenses.

ARTICLE 14.19: RESOLUTION OF TELECOMMUNICATIONS DISPUTES¹²

Further to Articles 21.3 (Administrative Proceedings) and 21.4 (Review and Appeal), each Party shall ensure that:

Recourse

¹² For Korea, for purposes of Article 14.19, **enterprise** means a natural person or a juridical person organized under the laws of Korea.

2. 每一方应确保，在要求时，申请人收到许可证被拒绝的理由。

第14.17条：稀缺资源的分配和使用

1. 每一方应客观、及时、透明和非歧视性地管理其稀缺电信资源的分配和使用程序，包括频率、号码和通行权。
2. 每一方应公开提供已分配频段的当前状态，但保留不提供已分配或分配给特定政府用途的频率的详细识别信息的权利。
3. 一方在分配和分配频谱以及管理频率方面的措施，既不与第12.4条（市场准入）本身不一致，也不通过第12.1.3条（范围和覆盖）适用于另一方的投资者或受保护投资。因此，每一方保留制定和实施频谱和频率管理措施的权利，这些措施可能对公共电信服务的供应商数量产生限制效果，前提是这样做与本协议一致。这包括根据当前和未来的需求以及频谱可用性分配频段的能力。
4. 每一方应努力分配和分配频谱用于非政府电信服务，以鼓励频谱的经济有效使用和电信服务供应商之间的竞争，认识到缔约方可以通过各种手段鼓励这种行为，包括通过行政激励定价、拍卖或无证使用。

第14.18条：执行

每一方应向其主管当局提供执行缔约方关于第14.2条至第14.12条中规定的义务的措施的权力。该权力应包括实施有效制裁的能力，这可能包括财务处罚、禁令救济（临时或最终）、纠正指令或许可证的修改、暂停或撤销。

ARTICLE 14.19: RESOLUTION OF TELECOMMUNICATIONS DISPUTES¹²

根据第21.3条（行政程序）和第21.4条（审查和上诉），每一方应确保：

申诉

¹² 对于韩国，在第14.19条的目的下，企业是指根据韩国法律组织成立的自然人或法人。

- (a)

(i)

enterprises may have recourse to a telecommunications regulatory body or other relevant body of the Party to resolve disputes regarding the Party’s measures relating to matters set out in Articles 14.2 through 14.12; and
- (ii)

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 specified period after the supplier requests interconnection, by its telecommunications regulatory body¹³ to resolve disputes regarding the terms, conditions, and rates for interconnection with that major supplier;

Reconsideration

- (b)

any enterprise whose legally protected 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. Neither 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 the determination or decision;¹⁴ and

Judicial Review

- (c)

any enterprise whose legally protected interests are adversely affected by a determination or decision of the Party’s telecommunications regulatory body may obtain review of the determination or decision by an impartial and independent judicial authority of the Party. Neither Party may permit an application for judicial review to constitute grounds for non-compliance with the determination or decision of the telecommunications regulatory body unless the relevant judicial body stays the determination or decision.

ARTICLE 14.20: TRANSPARENCY

Further to Article 21.1 (Publication), each Party shall ensure that:

- (a)

rulemakings, including the basis for such rulemakings, of its telecommunications regulatory body and 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 reasonable opportunity to comment on, any rulemaking that its telecommunications regulatory body proposes;

¹³ The United States may comply with subparagraph (a)(ii) by providing for review by a state regulatory authority.

¹⁴ For Korea, subparagraph (b) does not apply to a determination or decision of the telecommunications regulatory body with respect to disputes between service suppliers or between service suppliers and users.

(a) (i) 企业可以申诉至电信监管机构或该方其他相关机构，以解决有关该方针对第14.2条至第14.12条所述事项采取的措施所产生的争议；以及 (ii) 另一方公共电信服务的供应商，若已请求与该方境内主要供应商互联互通，可在供应商请求互联互通后的合理且公开指定的期限内，通过其电信监管机构¹³ 寻求审查，以解决有关与该主要供应商互联互通的条款、条件和费率的争议；

复核

(b) 任何企业的合法利益因缔约方电信监管机构的一项决定或裁决而受到不利影响时，均可向该机构申诉要求复核该决定或裁决。除非相关机构暂停该决定或裁决，否则任何一方不得允许此类申诉构成不遵守电信监管机构决定或裁决的理由；¹⁴ 并且

司法审查

(c) 任何企业的合法利益因缔约方电信监管机构的一项决定或裁决而受到不利影响时，均可通过缔约方公正且独立的司法机构获得对该决定或裁决的审查。除非相关司法机构暂停该决定或裁决，否则任何一方不得允许司法审查申请构成不遵守电信监管机构决定或裁决的理由。

第14.20条：透明度

根据第21.1条（公布），每一方应确保：

- (a)

其电信监管机构的规则制定，包括其规则制定的依据，以及其电信监管机构提交的费率，均应立即公布或以其他方式公开可用；
- (b)

利害关系人应得到充分的提前公共通知，
- 合理的评论机会，对其电信监管机构提出的任何规则制定；

¹³ 美国可以通过提供由州监管机构进行审查来遵守第(a)(ii)项。

¹⁴ 对于韩国，第(b)项不适用于电信监管机构就服务供应商之间或服务供应商与用户之间的争议作出的决定或裁决。关于服务供应商之间或服务供应商与用户之间的争议。

- (c) to the extent practicable, all comments filed with the telecommunications regulatory body in the rulemaking are made publicly available;
- (d) its telecommunications regulatory body responds in its rulemaking to all significant and relevant issues raised in comments filed with the telecommunications regulatory body; and
- (e) its measures relating to public telecommunications services are made publicly available, including:
 - (i) measures relating to
 - (A) tariffs and other terms and conditions of service;
 - (B) specifications of technical interfaces;
 - (C) conditions for attaching terminal or other equipment to the public telecommunications network; and
 - (D) notification, permit, registration, or licensing requirements, if any; and
 - (ii) procedures relating to judicial and other adjudicatory proceedings.

ARTICLE 14.21: MEASURES CONCERNING TECHNOLOGIES AND STANDARDS¹⁵

1. The Parties recognize that measures concerning technologies and standards may contribute to legitimate public policy objectives, and that a regulatory approach that affords suppliers of public telecommunications and value-added services the flexibility to choose the technologies that they use to supply their services may contribute to innovation in and development of information and communications technologies.
2. A Party may apply a measure that limits the technologies or standards that a supplier of public telecommunications or value-added services may use to supply its services, provided that the measure is designed to achieve a legitimate public policy objective and is not prepared, adopted, or applied in a manner that creates unnecessary obstacles to trade. Except with respect to technical requirements referred to in paragraph 3, each Party retains the right to define its own legitimate public policy objectives, recognizing that affording protection to domestic suppliers of telecommunications or value-added services or equipment is not a legitimate public policy objective.
3. A Party may apply a technical requirement¹⁶ that limits the technologies or standards that

¹⁵ Except for paragraphs 1 and 5(b), Article 14.21 does not apply to measures adopted before the date this Agreement enters into force.

(c) 尽可能地，所有在规则制定中提交给电信监管机构的评论都公开可用； (d) 其电信监管机构在其规则制定中回应所有在提交给电信监管机构的评论中提出的重要且相关的问题；以及 (e) 其与公共电信服务相关的措施公开可用，包括： (i) 与 (A) 费率和其他服务条款和条件； (B) 技术接口规范； (C) 连接终端或其他设备到公共电信网络的连接条件；以及 (D) 如有的话，通知、许可、注册或许可要求

并且（二）与司法和其他裁决程序相关的程序。

第十四条第二十一条：关于技术和标准的措施¹⁵

- 各方承认，有关技术和标准方面的措施有助于实现合法的公共政策目标，并且赋予公共电信和增值服务供应商选择其提供服务所使用技术的灵活性的监管方法有助于信息和通信技术的发展与创新。
2. 一方可以采取限制公共电信或增值服务供应商提供服务时可使用的技术或标准的措施，前提是该措施旨在实现合法的公共政策目标，并且其制定、采纳或适用方式不会造成不必要的贸易障碍。除第3段所述的技术要求外，每一方保留定义其自身合法公共政策目标的权利，承认保护国内电信或增值服务或设备供应商并非合法的公共政策目标。
 3. 缔约方可以应用一项技术要求¹⁶，该要求限制技术或标准。

¹⁵ 除第1段和第5(b)段外，第14.21条不适用于在本协议生效之前采取的措施。

a supplier of public telecommunications or value-added services may use to supply its services in a particular spectrum frequency band, provided that the requirement is designed to ensure effective or efficient use of the spectrum (including with respect to preventing harmful interference), safeguard consumers’ continued access to domestic or international networks or services,¹⁷ facilitate law enforcement, or protect human health or safety.

4. To the extent possible, each Party shall endeavor to base its technical requirements relating to the supply of telecommunications or value-added services on performance rather than design or descriptive characteristics.
5. If a Party adopts a measure that mandates the use of a specific technology or standard, or otherwise limits a supplier’s ability to choose the technology it uses, to supply a telecommunications or value-added service, it shall:

- (a) do so on the basis of a rulemaking
 - (i) in which the Party determines that market forces have not achieved, or could not reasonably be expected to achieve, its legitimate public policy objective; and
 - (ii) that affords suppliers of telecommunications or value-added services or equipment the opportunity to demonstrate that an alternative technology or standard could achieve the Party’s legitimate public policy objective; and
- (b) after adopting the measure, provide suppliers of telecommunications or value-added services or equipment opportunities to request the Party to initiate a rulemaking to permit, in addition, the use of an alternative technology or standard that could effectively and reasonably achieve the Party’s legitimate public policy objective. The Party shall respond to any such request in writing, stating the reasons for accepting or rejecting the request, including how amending or not applying the measure may affect consumers, and make the response and, to the extent practicable, the request publicly available.

ARTICLE 14.22: FORBEARANCE

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

¹⁶ The Parties recognize that it may be appropriate to base technical requirements regarding the supply of public telecommunications or value-added services on international standards.

¹⁷ For greater certainty, “safeguard consumers’ continued access to domestic or international networks or services” includes facilitating consumers’ ability to access mobile networks globally.

a 供应商 of 公共电信 or 增值服务 may use to supply its services in a particular 频段, provided that the requirement is designed to ensure effective or efficient use of the 频谱 (including with respect to preventing 有害干扰), safeguard 消费者’ continued access to 国内 or 国际 网络或服务,¹⁷ facilitate 执法, or protect 人类健康 or safety.

4. 在可能的情况下，每一方应努力使其关于供应电信或增值服务的技术要求基于性能而非设计或描述性特征。
5. 如果一方采用一项强制使用特定技术或标准的措施，或以其他方式限制供应商选择其使用的技术以供应电信或增值服务的能力，则该方应：

- (a)这样做 基于规则制定
 - (i) 其中该方确定市场力量未能实现，或无法合理预期其将实现其合法公共政策目标；并且，
 - (ii) 为电信或增值服务的供应商或设备提供机会证明替代技术或标准可以实现缔约方的合法公共政策目标；和
- (b) 在采取该措施后，应向电信或增值服务或设备供应商提供机会，要求缔约方启动规则制定程序，以允许除此外还使用能够有效和合理地实现缔约方合法公共政策目标的替代技术或标准。缔约方应以书面形式回应任何此类请求，说明接受或拒绝请求的理由，包括修改或不适用该措施可能如何影响消费者，并应使该回复以及（在可行范围内）该请求公开可用。

第十四条第二十二条：豁免

1. 各缔约方承认依赖竞争性市场力量提供电信服务广泛选择的重要性。为此，每一缔约方可在其法律规定的范围内，对其认定为公共电信服务的服务不适用一项法规，如果其电信监管机构认定：

第十四章 电信 第十六条 当事人承认，基于国际标准制定公共电信或增值服务的技术要求可能是适当的。

第十七条 为进一步明确，“保障消费者持续接入国内或国际网络或服务”包括促进消费者全球接入移动网络的能力。

- (a) enforcement of the regulation is not necessary to prevent unreasonable or discriminatory practices;
- (b) enforcement of the 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.

2. For greater certainty, each Party shall subject its regulatory body’s decision to forbear to judicial review in accordance with Article 14.19(c).

ARTICLE 14.23: RELATION 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 14.24: DEFINITIONS

For purposes of this Chapter:

backhaul links means end-to-end transmission links from a submarine cable landing station to another primary point of access to any public telecommunications network;

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

cost-oriented means based on cost, and may include a reasonable profit, and may involve different cost methodologies for different facilities or services;

cross-connect links means the links in a submarine cable landing station used to connect submarine cable capacity to the transmission, switching, or routing equipment of any supplier of public telecommunications services co-located in that submarine cable landing station;

dialing parity means the ability of an end-user to use an equal number of digits to access a particular public telecommunications service, regardless of which public telecommunications services supplier the end-user chooses;

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 1.4 (Definitions) and includes a branch of an enterprise;

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

(a) 执行该法规并非防止不合理或歧视性做法所必需；(b) 执行该法规并非保护消费者所必需；以及(c) 豁免与公共利益一致，包括促进和增强公共电信服务供应商之间的竞争。

2. 为进一步明确，每一方应根据第14.19条(c)款，将其监管机构不予司法审查的决定提交司法审查。

第14.23条：与其他章节的关系

如果本章与另一章节之间存在任何不一致，则本章应在不一致范围内优先适用。

第14.24条：定义

本章规定如下：

回程链路是指从海底电缆登陆站到任何公共电信网络的主要接入点的端到端传输链路；

商业移动服务是指通过移动无线方式提供的公共电信服务；

成本导向是指基于成本，并可能包括合理利润，并可能涉及针对不同设施或服务不同成本方法；

交叉连接链路是指海底电缆登陆站中用于连接海底电缆容量与在该海底电缆登陆站内共位的任何公共电信服务供应商的传输、交换或路由设备的链路；

拨号对等是指最终用户使用相同数量的数字访问特定公共电信服务的能力，无论最终用户选择哪个公共电信服务供应商；

最终用户是指公共电信服务的最终消费者或订阅者，包括公共电信服务供应商以外的服务供应商；

企业是指根据第1.4条（定义）定义的企业，并包括企业的分支机构；

基本设施是指公共电信网络或服务的基本设施，其：

- (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 supply a service;

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 user;

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 that facility or equipment;

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

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

public telecommunications network means telecommunications infrastructure used to provide public telecommunications services;

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, and excludes value-added services;

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

- (a)由一个或少数几个供应商独家或主要提供；以及 (b)在经济或技术上无法实际替代以供供应
- a
- 服务；

互联互通是指与提供公共电信服务的供应商建立联系，以便一个供应商的用户能够与另一个供应商的用户通信，并访问另一个供应商提供的服务；

租用电路是指两个或多个指定点之间的电信设施，这些设施保留用于用户专用或可供用户使用；

主要供应商是指公共电信服务供应商，其有能力实质性地影响参与相关公共电信服务市场的条款（考虑到价格和供应），作为以下结果：

- (a) 对基本设施的控制；或 (b) 利用其在市场中的地位；

网络元素是指用于提供公共电信服务的设施或设备，包括通过该设施或设备提供的功能、功能和能力；

非歧视性是指给予任何其他使用类似公共电信网络或服务的用户在类似情况下不少于同等待遇的待遇；

号码携带是指公共电信服务的终端用户在切换到同类别公共电信服务供应商时，能够在同一地点保留相同的电话号码，而不会影响质量、可靠性或便利性；

公共电信网络是指用于提供公共电信服务的电信基础设施；

公共电信服务是指任何一方要求，明示或默示，向公众普遍提供的电信服务。此类服务可能包括但不限于电话和数据传输，通常涉及客户提供的在两个或多个点之间传输的信息，且客户信息的形式或内容在端到端传输过程中没有变化，并排除增值服务；

物理共址是指为安装、维护或修理设备而进入供应商拥有或控制的场所，以提供公共电信服务；

reference interconnection offer means an interconnection offer extended by a major supplier and filed with or approved by a telecommunications regulatory body¹⁸ that sufficiently details the terms, rates, and conditions for interconnection such that a supplier of public telecommunications services that is willing to accept it may obtain interconnection with the major supplier on that basis;

service supplier of the other Party means, with respect to a Party, a person that is either a covered investment in the territory of the Party or a person of the other Party and that seeks to supply or supplies services in or into the territory of the Party, and includes a supplier of public telecommunications services;

telecommunications means the transmission and reception of signals by any electromagnetic means;

telecommunications regulatory body means a body at the central level of government responsible for the regulation of telecommunications;

user means a service consumer or a service supplier; and

value-added services means services that add value to telecommunications services through enhanced functionality, and specifically:

- (a) for the United States, means those services as defined in 47 U.S.C. § 153(20); and
- (b) for Korea, means those services as defined in Article 4.4 of the *Telecommunications Business Act*.

¹⁸ For the United States, this body may be a state regulatory authority.

参考互连报价是指由主要供应商提供并提交给或经电信监管机构¹⁸ 批准的互连报价，该报价充分详细地说明了互连的条款、费率和条件，以便愿意接受它的公共电信服务供应商可在此基础上与主要供应商进行互连；

另一方服务供应商 是指，对于一方而言，该方领土内的受保护投资，或另一方的人员，并且寻求在或向一方领土内提供或提供服务的供应商，包括公共电信服务供应商；

电信是指通过任何电磁方式传输和接收信号；

电信监管机构是指负责监管电信的政府中央层面的机构；

用户是指服务消费者或服务供应商；和

增值服务是指通过增强功能为电信服务增加价值的电信服务，具体包括：

- (a) 对于美国，是指根据美国法典第47编第153(20)条定义的那些服务；以及 (b) 对于韩国，是指根据电信业务法第4.4条定义的那些服务。

¹⁸ 对于美国而言，该机构可以是州监管机构。

ANNEX 14-A
SUPPLIERS OF PUBLIC TELECOMMUNICATIONS SERVICES

附件14-A 公共电信服务供应商

Korea

- 1. Article 14.3.3 does not apply to Korea with respect to suppliers of international public telecommunications services.

United States

- 2. A state regulatory authority of the United States may exempt a rural local exchange carrier, as defined in Section 251(f)(2) of the *Communications Act of 1934*, as amended, from the requirements contained in paragraphs 2 and 3 of Article 14.3.
- 3. Article 14.3.3(a) does not apply to the United States with respect to suppliers of commercial mobile services.

韩国

- 1. 第14.3.3条不适用于韩国就国际公共电信服务的供应商。

美国

- 2. 美国的州监管机构可以豁免根据1934年通信法第251(f)(2)条定义的农村本地交换载波公司，使其免于遵守第14.3条第2段和第3段的要求。
- 3. 第14.3.3条(a)不适用于美国，涉及商业移动服务供应商。

ANNEX 14-B
ADDITIONAL OBLIGATIONS RELATING TO MAJOR SUPPLIERS

附件14-B 与主要供应商相关的额外义务

Korea

- Article 14.7, paragraphs 1(a), 1(e), and 2(a) of Article 14.8, Article 14.10, and Article 14.11 do not apply to Korea with respect to non-facilities-based suppliers of public telecommunications services.
- With respect to subparagraphs (b) through (d) of Article 14.8.1 and Article 14.9, Korea may permit major suppliers to offer rates, terms, and conditions to non-facilities-based suppliers of public telecommunications services that are less favorable than those offered to facilities-based suppliers of public telecommunications services. For greater certainty, Korea shall ensure that a non-facilities-based supplier of public telecommunications services may have recourse, as provided in Article 14.19, to the telecommunications regulatory body regarding disputes over such rates, terms, and conditions.
- With respect to a non-facilities-based supplier of public telecommunications services, Article 14.8.2(b) applies to Korea only with respect to (i) an interconnection agreement in effect between the major supplier and a non-facilities-based supplier of public telecommunications services or (ii) a reference interconnection offer that a major supplier offers generally to non-facilities-based suppliers of public telecommunications services.
- Article 14.12.2 applies to Korea only with respect to suppliers of public telecommunications services that Korea has licensed as facilities-based suppliers of public telecommunications services pursuant to Article 4 of the *Telecommunications Business Act*.
- Consistent with Article 4.3 of the *Telecommunications Business Act*, a “non-facilities-based supplier” is a licensed supplier of public telecommunications services that does not own wire or wireless lines or other transmission facilities, but may own a switch, router, or multiplexer, and supplies its public telecommunications services through transmission facilities of a licensed facilities-based supplier.
- Articles 14.4, 14.6, and 14.7 and Articles 14.9 through 14.11 do not apply to Korea with respect to suppliers of commercial mobile services.

United States

- Articles 14.4 through 14.11 do not apply to the United States with respect to a rural telephone company, as defined in section 3(37) of the *Communications Act of 1934*, as amended, unless a state regulatory authority orders the requirements described in those Articles to be applied to the company. In addition, a state regulatory authority may exempt a rural local exchange carrier, as defined in section 251(f)(2) of the *Communications Act of 1934*, as amended, from the requirements contained in Articles 14.4 through 14.11.
- Article 14.4 and Articles 14.6 through 14.11 do not apply to the United States with

韩国

- 第14.7条、第14.8条第1(a)、1(e)段和第2(a)段、第14.10条及第14.11条不适用于韩国，涉及非设施型公共电信服务供应商。
- 关于第14.8.1条(b)至(d)款和第14.9条，韩国可以允许主要供应商向非设施型公共电信服务供应商提供比向设施型公共电信服务供应商提供的费率、条款和条件更不利的费率、条款和条件。为明确起见，韩国应确保非设施型公共电信服务供应商可以根据第14.19条的规定，就此类费率、条款和条件方面的争议，向电信监管机构提出申诉。
- 对于非设施型公共电信服务供应商，第14.8.2(b)条仅适用于韩国在以下情况下：(i) 主要供应商与非设施型公共电信服务供应商之间有效的互联互通协议，或(ii) 主要供应商向非设施型公共电信服务供应商普遍提供的参考互连报价。
- 第14.12.2条仅适用于韩国，仅适用于韩国根据《电信业务法》第4条许可的公共电信服务供应商，作为基于设施的公共电信服务供应商。
- 根据《电信业务法》第4.3条，'非基于设施的供应商'是指根据《电信业务法》获得许可的公共电信服务供应商，该供应商不拥有电线或无线线路或其他传输设施，但可以拥有交换机、路由器或多路复用器，并通过获得许可的基于设施的供应商的传输设施提供其公共电信服务。
- 第14.4条、第14.6条和第14.7条以及第14.9条至第14.11条不适用于韩国的商业移动服务供应商。

美国

- 第14.4条至第14.11条不适用于根据1934年《通信法》第3(37)条定义的农村电话公司，除非州监管机构下令将这些条款的要求应用于该公司。此外，州监管机构可以豁免根据1934年《通信法》第251(f)(2)条定义的农村本地交换载波公司，使其免于第14.4条至第14.11条的要求。
- 第14.4条以及第14.6条至第14.11条不适用于美国与商业移动服务供应商有关的情况。

respect to suppliers of commercial mobile services.

就商业移动服务供应商而言。