

**ANNEX ON
TELECOMMUNICATION SERVICES**

**Article 1
Scope**

1. This Annex shall apply to measures by a Member State affecting trade in public telecommunications transport networks and services.
2. This Annex shall not apply to measures affecting broadcasting services as defined in the domestic laws and regulations of each Member State.
3. Nothing in this Annex shall be construed to:
 - (a) require a Member State to authorise a service supplier of another Member State to establish, construct, acquire, lease, operate or supply telecommunications transport networks or services, unless otherwise in accordance with its Schedule of Non-Conforming Measures under this Agreement; or
 - (b) require a Member State (or require a Member State to oblige service suppliers under its jurisdiction) to establish, construct, acquire, lease, operate or supply telecommunications transport networks or services not offered to the public generally.

**Article 2
Definitions**

For the purposes of this Annex, the term:

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

电信服务附件

第一条 范
围

1. 本附件适用于成员国影响公共电信传输网络和服务贸易的措施。
2. 本附件不适用于影响各成员国国内法律法规定义的广播服务的措施。
3. 本附件中的任何内容不得解释为:
 - (a) 要求成员国授权另一成员国的服务供应商建立、建设、收购、租赁、运营或提供电信传输网络或服务, 除非根据本协议下的不符措施清单另有规定; 或 (b) 要求成员国 (或要求成员国强制其管辖范围内的服务供应商) 建立、建设、收购、租赁、运营或提供未向公众普遍提供的电信传输网络或服务。

第二条
定义

就本附件而言, 术语:

- (a) “成本导向”指基于成本, 并可包括合理利润, 且可能针对不同设施或服务采用不同的成本计算方法;

- (b) “**end user**” means a subscriber to or a final consumer of public telecommunications transport networks or services, including a service supplier other than a supplier of public telecommunications transport networks or services;
- (c) “**essential facilities**” means facilities of a public telecommunications transport network or service that:
- (i) are exclusively or predominantly provided by a single or limited number of suppliers; and
 - (ii) cannot feasibly be economically or technically substituted in order to provide a service;
- (d) “**international mobile roaming service**” means a commercial mobile service provided pursuant to a commercial agreement between suppliers of public telecommunications transport networks or services that enables end users to use their home mobile handset or other device for voice, data or messaging services while outside the territory in which the end user’s home public telecommunications transport network is located;
- (e) “**international submarine cable landing station**” means the premises¹ where connection takes place with an international submarine cable system, as determined by the telecommunications regulatory body or other relevant competent authority or by a supplier of public telecommunications transport networks or services who owns or controls the premises, if required;

¹ For Thailand, this may include other designated points of access.

(b) “终端用户”指公共电信传输网络或服务的订户或最终消费者，包括公共电信传输网络或服务供应商以外的服务供应商；

(c) “关键设施”指公共电信传输网络或服务的设施，且该设施：

- (i) 由单一或有限数量的供应商独家或主要提供；且
- (ii) 在经济或技术上无法被切实替代以提供服务；

(d) “国际移动漫游服务”指根据公共电信传输网络或服务供应商之间的商业协议提供的商用移动服务，该服务使终端用户在其终端用户所属公共电信传输网络所在领土之外时，能够使用其归属地移动手机或其他设备进行语音、数据或消息服务；

(e) “国际海底电缆登陆站”指由电信监管机构或其他相关主管当局或拥有或控制该场所的公共电信传输网络或服务供应商（如有要求）确定的、与国际海底电缆系统进行连接的场所¹；

¹ 对泰国而言，这可能包括其他指定的接入点。

- (f) **“leased circuits”** means telecommunications facilities between two or more designated points that are set aside for the dedicated use of, or availability to, particular users;
- (g) **“major supplier”** means a supplier which has the ability to materially affect the terms of participation, having regard to price and supply, in the relevant market for public telecommunications transport networks or services as a result of:
- (i) control over essential facilities; or
 - (ii) use of its position in the market;
- (h) **“non-discriminatory”** means treatment no less favourable than that accorded to any other user of like public telecommunications transport networks or services in like circumstances;
- (i) **“personal data”** means any information about an identified or identifiable natural person;
- (j) **“public telecommunications transport network”** means the public telecommunications infrastructure which permits telecommunications between and among defined network termination points;
- (k) **“public telecommunications transport service”** means any telecommunications transport service required, explicitly or in effect, by a Member State to be offered to the public generally. Such services may include, *inter alia*, telegraph, telephone, telex and data transmission typically involving transmission of customer-supplied information between two or more defined points without any end-to-end change in the form or content of the customer's information;

- (f) “租用电路”指为特定用户专用或可用的、在两个或多个指定点之间预留的电信设施;
- (g) “主要供应商”指具备以下能力的供应商:
由于对关键设施的控制或利用其市场地位, 能够在考虑价格和供应的情况下, 实质性影响参与公共电信传输网络或服务相关市场的条款;
- (i) 控制关键设施; 或
- (ii) 利用其市场地位; (h) “非歧视性”指待遇不低于

在类似情况下给予同类公共电信传输网络或服务任何其他使用者的待遇;
- (i) “个人数据”指关于已识别或可识别的自然人的任何信息;
- (j) “公共电信传输网络”指允许在规定的网络终接点之间进行电信的公共电信基础设施; (k) “公共电信传输服务”

指成员国明确或实际要求向公众普遍提供的任何电信传输服务。此类服务可包括但不限于电报、电话、电传和数据传输, 通常涉及在客户提供的两个或多个指定点之间传输信息, 且客户信息的格式或内容在端到端传输过程中不发生任何改变;

- (l) “**telecommunications**” means the transmission and reception of signals by any electromagnetic means;
- (m) “**telecommunications regulatory body**” means any body or bodies in the territory of a Member State which is or are responsible, under the domestic laws and regulations of that Member State, for the regulation of telecommunications; and
- (n) “**users**” means end users or suppliers of public telecommunications transport networks or services.

Article 3 Access and Use

1. Each Member State shall ensure that any service supplier of another Member State is accorded access to and use of public telecommunications transport networks and services in a timely fashion and on transparent, reasonable and non-discriminatory terms and conditions unless otherwise in accordance with its Schedule of Non-Conforming Measures under this Agreement This obligation shall be applied, *inter alia*, through paragraphs 2 through 6.
2. Each Member State shall ensure that service suppliers of another Member State have access to and use of any public telecommunications transport network or service offered within or across the border of that Member State, including private leased circuits, and to this end shall ensure, subject to the provisions of paragraphs 5 and 6, that such suppliers are permitted to:
 - (a) purchase or lease and attach terminal or other equipment which interfaces with the network and which is necessary to supply their services;
 - (b) interconnect private leased or owned circuits with public telecommunications transport networks and

- (l) “电信”指通过任何电磁手段进行的信号传输与接收;
- (m) “电信监管机构”指任一
根据成员国国内法律法规, 负责电信监管的该成员国
领土内的一个或多个机构; 且
- (n) “用户”指公共电信传输网络或服务的终端用户或供应商。

第三条 接入和 使用

1. 各成员国应确保另一成员国的任何服务供应商在透明、合理且非歧视的条款和条件下, 及时获得接入和使用公共电信传输网络和服务的权利, 除非根据本协议的不符措施清单另有规定。此项义务应特别通过第2款至第6款予以实施。
2. 各成员国应确保另一成员国的服务供应商能够接入和使用在该成员国境内或跨境提供的任何公共电信传输网络或服务, 包括专用租赁电路。为此目的, 成员国应在遵守第5款和第6款规定的前提下, 确保此类供应商被许可:
 - (a) 购买或租赁并连接与网络接口且为提供其服务所必需的终端或其他设备; (b) 将私有租赁或自有电路与公共电信传输网络及

services or with circuits leased or owned by other service suppliers; and

- (c) use operating protocols of their choice in the supply of any service, other than as necessary to ensure the availability of telecommunications transport networks and services to the public generally.

3. Each Member State shall ensure that service suppliers of another Member State may use public telecommunications transport networks and services for the movement of information within and across borders, including for intra-corporate communications of such service suppliers, and for access to information contained in data bases or otherwise stored in machine-readable form in the territory of any Member State.

4. Notwithstanding paragraph 3, a Member State may take measures as are necessary to:

- (a) ensure the security and confidentiality of messages; or
- (b) protect the personal data of end users of public telecommunications transport networks or services

provided that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade in services.

5. Each Member State shall ensure that no condition is imposed on access to and use of public telecommunications transport networks and services other than as necessary to:

- (a) safeguard the public service responsibilities of suppliers of public telecommunications transport networks and services, in particular their ability to

服务或其他服务供应商租赁或拥有的电路互联；及

- (c) 在提供任何服务时使用其选择的操作协议，除非为确保公共电信传输网络和服务对公众普遍可用所必需的情况外。

3. 各成员国应确保另一成员国的服务供应商可使用公共电信传输网络和服务进行境内及跨境信息传输，包括此类服务供应商的内部企业通信，以及接入任何成员国领土内数据库或以其他机器可读形式存储的信息。

4. 尽管有第3款规定，成员国可采取必要措施以：

- (a) 确保消息的安全性和机密性；或 (b) 保护公共电信传输网络或服务的终端用户的个人数据

前提是该等措施的实施方式不构成任意或不合理的歧视手段或对服务贸易的变相限制。

5. 各成员国应确保对公共电信传输网络和服务的接入和使用不施加任何条件，除非为以下目的所必需：

- (a) 保障公共电信传输网络和服务供应商的公共服务责任，特别是其能力以

make their networks or services available to the public generally; or

- (b) protect the technical integrity of public telecommunications transport networks or services.

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

- (a) a requirement to use specified technical interfaces, including interface protocols, for interconnection with public telecommunications transport networks and services;
- (b) requirements, where necessary, for the interoperability of public telecommunications transport services and to encourage the achievement of the goals set out in Article 17 (Relation to International Organisations);
- (c) type approval of terminal or other equipment which interfaces with public telecommunications transport networks and technical requirements relating to the attachment of such equipment to such networks;
- (d) restrictions on interconnection of private leased or owned circuits with public telecommunications transport networks or services or with circuits leased or owned by other service suppliers; or
- (e) notification, permit, registration and licensing.

使其网络或服务普遍向公众提供；或

- (b) 保护公共电信传输网络或服务的技术完整性。

6. 只要满足第5款规定的标准，接入和使用公共电信传输网络和服务的条件可包括：

- (a) 要求使用指定的技术接口，包括接口协议，以便与公共电信传输网络和服务进行互联互通；(b) 在必要时对公共电信传输服务的互操作性提出要求，并鼓励实现第17条（与国际组织的关系）中规定的目标；(c) 对与公共电信传输网络连接的终端或其他设备进行类型批准，并规定与此类设备连接到此类网络相关的技术要求；(d) 限制私有租赁或自有电路与公共电信传输网络或服务或其他服务供应商租赁或拥有的电路进行互联互通；或(e) 通知、许可、注册和许可。

Article 4 Number Portability

Each Member State shall endeavour to ensure that suppliers of public telecommunications transport networks or services in its territory provide number portability for mobile services in accordance with its domestic laws and regulations, to the extent technically and economically feasible, on a timely basis and on reasonable terms and conditions.

Article 5 Competitive Safeguard²

1. Each Member State shall adopt or maintain appropriate measures for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.
2. The anti-competitive practices referred to in paragraph 1 shall include, in particular:
 - (a) engaging in anti-competitive cross-subsidisation;
 - (b) using information obtained from competitors with anti-competitive results; and
 - (c) not making available to other suppliers of public telecommunications transport networks or services, on a timely basis, technical information about essential facilities and commercially relevant information which are necessary for them to supply services.

² Cambodia and Thailand commit to apply this Article by the end of 2019.

第四条 号码可携性

各成员国应努力确保其领土内的公共电信传输网络或服务供应商根据其国内法律法规，在技术和经济上可行的范围内，及时并以合理的条款和条件为移动服务提供号码可携性。

第五条 竞争保障²

1. 各成员国应采取或维持适当措施，以防止单独或共同构成主要供应商的供应商从事或继续反竞争行为。
2. 第1款所述反竞争行为尤其应包括：
 - (a) 从事反竞争交叉补贴；
 - (b) 使用从竞争对手处获得的具有反竞争效果的信息；以及
 - (c) 未及时向其他公共电信传输网络或服务供应商提供关于关键设施的技术信息和商业相关信息，这些信息是他们提供服务所必需的。

² 柬埔寨和泰国承诺于2019年底前实施本条。

Article 6
Treatment by Major Suppliers

Each Member State shall ensure that a major supplier in its territory accords to suppliers of public telecommunications transport networks and services of another Member State treatment no less favourable than that such major supplier accords in like circumstances to its subsidiaries and affiliates, or any non-affiliated service suppliers regarding:

- (a) the availability, provisioning, rates or quality of like telecommunications services;³ and
- (b) the availability of technical interfaces necessary for interconnection.

Article 7
Resale⁴

Each Member State shall ensure that any major supplier in its territory does not impose unreasonable or discriminatory conditions or limitations on the resale of the public telecommunications transport services by suppliers of public telecommunications transport networks or services of another Member State.

³ Indonesia commits to apply this subparagraph by the end of 2020.
⁴ Brunei Darussalam may require that licensees who purchase public telecommunication services on a wholesale basis only resell their services to an end user.
Cambodia commits to apply this Article by the end of 2019.
Indonesia commits to apply this Article once reflected in its domestic laws and regulations.
Viet Nam commits to apply this Article by the end of 2020.

第六条 主要供应商的待遇

各成员国应确保其领土内的主要供应商在类似情况下，向另一成员国的公共电信传输网络和服务供应商提供的待遇，不低于该主要供应商向其子公司和附属公司或任何非附属服务供应商提供的待遇，涉及：

- (a) 同类电信服务的可用性、提供、费率或质量；³ 以及
- (b) 互联互通所需技术接口的可用性。

第七条 转售⁴

各成员国应确保其领土内的任何主要供应商不对另一成员国公共电信传输网络或服务供应商转售公共电信传输服务施加不合理或歧视性条件或限制。

³ 印度尼西亚承诺在2020年底前适用本项。⁴ 文莱达鲁萨兰国可要求以批发方式购买公共电信服务的被许可方仅将其服务转售给终端用户。柬埔寨承诺在2019年底前适用本条。印度尼西亚承诺在其国内法律法规体现后适用本条。越南承诺在2020年底前适用本条。

Article 8 Interconnection⁵

1. Each Member State shall ensure that suppliers of public telecommunications transport networks in its territory provide interconnection with the suppliers of public telecommunications transport networks or services of another Member State to the extent provided for in its domestic laws and regulations.

2. Each Member State shall ensure that a major supplier which has control over essential facilities in its territory provides interconnection for the facilities and equipment of suppliers of public telecommunications transport networks and services of another Member State at any technically feasible point in the network. Such interconnection shall be provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services, or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion and on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier of public telecommunications transport networks or services of another Member State need not pay for network components or facilities that it does not require for the services to be provided; and

⁵ Cambodia commits to apply this Article by the end of 2019.

第8条 互联互通⁵

1. 各成员国应确保其领土内的公共电信传输网络供应商根据其国内法律法规的规定，与另一成员国公共电信传输网络或服务供应商提供互联互通。

2. 各成员国应确保在其领土内控制关键设施的主要供应商，为另一成员国公共电信传输网络和服务供应商的设施和设备提供网络内任何技术可行点的互联互通。此类互联互通应满足以下要求：

- (a) 按照非歧视性条款、条件（包括技术标准和规范）及费率提供，且质量不低于其自身同类服务、非附属服务供应商的同类服务、或其子公司或其他附属公司所享有的服务质量；
- (b) 以透明、合理（考虑经济可行性）且充分分拆的条件（包括技术标准和规范）及成本导向费率及时提供，使另一成员国公共电信传输网络或服务供应商无需为其不提供服务所需的网络组件或设施付费；且

⁵ 柬埔寨承诺于2019年底前实施本条。

- c) upon request, at points in addition to the network termination points offered to the majority of suppliers of public telecommunications transport networks and services, subject to charges that reflect the cost of construction of necessary additional facilities.

3. Each Member State shall ensure that suppliers of public telecommunications transport networks or services of another Member State may interconnect their facilities and equipment with those of major suppliers which have control over essential facilities in its territory pursuant to at least one of the following options:

- (a) a reference interconnection offer, approved by the Member State's telecommunications regulatory body, containing the rates, terms and conditions that the major supplier which has control over essential facilities offers generally to suppliers of public telecommunications transport services;
- (b) the terms and conditions of an existing interconnection agreement; or
- (c) a new interconnection agreement through commercial negotiation.

4. Each Member State shall ensure that the procedures applicable for interconnection to a major supplier are made publicly available.

5. Each Member State shall ensure that a major supplier in its territory makes publicly available either its interconnection agreements or reference interconnection offer.

6. Each Member State shall ensure that a major supplier which has control over essential facilities does not use or provide commercially sensitive or confidential information on suppliers of public telecommunications transport networks or services or end users thereof, which was acquired through its

- c) 应要求，在向大多数公共电信传输网络和服务供应商提供的网络终接点之外的其他点提供，费用应反映必要附加设施的建造成本。

3. 各成员国应确保其他成员国的公共电信传输网络或服务供应商可根据以下至少一种选项，将其设施和设备与在其领土内控制关键设施的主要供应商实现互联互通：

- (a) 经批准的参考互连报价，成员国的电信监管机构，包含控制关键设施的主要供应商向公共电信传输服务供应商普遍提供的费率、条款和条件；

(b) 现有互连协议的条款和条件；或

(c) 通过商业谈判达成的新互连协议。

4. 各成员国应确保适用于与主要供应商互联互通的程序公开可查。

5. 各成员国应确保其领土内的主要供应商公开其互连协议或参考互连报价。

6. 各成员国应确保控制关键设施的主要供应商不得使用或提供通过其与公共电信传输网络或服务供应商的电信设施开展互联业务所获取的、关于公共电信传输网络或服务供应商或其终端用户的商业敏感或机密信息，

interconnection business with telecommunications facilities of the suppliers of the public telecommunications transport networks or services, for purposes other than such interconnection business.

Article 9
Provisioning and Pricing of Leased Circuit Services ⁶

Each Member State shall ensure that a major supplier which has control over essential facilities in its territory provides suppliers of public telecommunications transport networks and services of another Member State with leased circuit services that are public telecommunications transport networks or services on terms and conditions, and at rates, that are reasonable, non-discriminatory and transparent.

Article 10
Co-location⁷

Each Member State shall ensure, in accordance with its domestic laws and regulations, that a major supplier which has control over essential facilities in its territory allows suppliers of public telecommunications transport networks or services of another Member State to locate their equipment within the major supplier's buildings on terms and conditions, including technical feasibility and space availability where applicable, and at rates, that are reasonable, non-discriminatory (including with respect to timeliness) and transparent.

⁶ Cambodia commits to apply this Article by the end of 2019.
Indonesia commits to apply this Article once reflected in its domestic laws and regulations.
Viet Nam commits to apply this Article by the end of 2020.
⁷ Cambodia commits to apply this Article by the end of 2019.
Indonesia commits to apply this Article once reflected in its domestic laws and regulations.
Thailand commits to apply this Article by the end of 2019.
Viet Nam commits to apply this Article by the end of 2020.

用于此类互联业务以外的目的。

第9条 租赁电路服务的提供和定价 ⁶

各成员国应确保在其领土内控制关键设施的主要供应商，以合理、非歧视和透明的条款和条件及费率，向另一成员国的公共电信传输网络和服务供应商提供属于公共电信传输网络或服务的租赁电路服务。

**第10条 共
置⁷**

各成员国应根据其国内法律法规，确保在其领土内控制关键设施的主要供应商允许其他成员国的公共电信传输网络或服务供应商在主要供应商的建筑内以合理、非歧视性（包括及时性方面）和透明的条款和条件（包括技术可行性和空间可用性，如适用）以及费率部署其设备。

⁶ 柬埔寨承诺在2019年底前实施本条。印度尼西亚承诺在其国内法律法规中体现后实施本条。越南承诺在2020年底前实施本条。⁷ 柬埔寨承诺在2019年底前实施本条。印度尼西亚承诺在其国内法律法规中体现后实施本条。泰国承诺在2019年底前实施本条。越南承诺在2020年底前实施本条。

Article 11
Independent Telecommunications Regulatory Body

1. Each Member State shall ensure that its telecommunications regulatory body is separate from, and not accountable to, any supplier of public telecommunications services.
2. Each Member State shall ensure that the decisions of, and the procedures used by, its telecommunications regulatory body are impartial with respect to all market participants.

Article 12
Universal Service

Each Member State has the right to define the kind of universal service obligations it wishes to maintain. Such obligations shall not be regarded as anti-competitive *per se*, provided that 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 State.

Article 13
Licensing⁸

1. Where a licence, concession, permit, registration or other type of authorisation is required for the supply of public telecommunications transport networks or services, each Member State shall make publicly available:

⁸ Cambodia commits to apply this Article by the end of 2019.

第十一条 独立电信监管机构

1. 各成员国应确保其电信监管机构独立于任何公共电信服务供应商，且不对其负责。
2. 各成员国应确保其电信监管机构的决策和程序对所有市场参与者公正无私。

第十二条 普遍服务

各成员国有权定义其希望维持的普遍服务义务类型。此类义务本身不应被视为反竞争，只要其以透明、非歧视和竞争中性的方式实施，且不超过成员国所定义普遍服务类型的必要负担。

第十三条 许可⁸

1. 当提供公共电信传输网络或服务需要许可证、特许权、许可、注册或其他类型的授权时，各成员国应公开提供：

⁸ 柬埔寨承诺于2019年底前实施本条。

- (a) all the licensing or other authorisation criteria and procedures, and the period of time normally required to reach a decision concerning an application for a licence, concession, permit, registration or other type of authorisation; and
- (b) the terms and conditions of individual licences, concessions, permits, registrations or other type of authorisations it has issued.⁹

2. The competent authority of a Member State shall notify an applicant of the outcome of its application, without undue delay, after a decision has been taken. In case a decision is taken to deny an application for a licence, concession, permit, registration or other type of authorisation, the competent authority of the Member State shall make known to the applicant, upon request, the reason for the denial.

Article 14 **Allocation and Use of Scarce Resources¹⁰**

1. Each Member State shall carry out its procedures for the allocation and use of scarce resources related to telecommunications, including frequencies and numbers, in an objective, timely, transparent and non-discriminatory manner.
2. Each Member State 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. A Member State's measures allocating and assigning spectrum and managing frequency are not measures that are

⁹ For greater certainty, the terms and conditions may not include licensee specific terms and conditions that contain confidential information.

¹⁰ Cambodia commits to apply this Article by the end of 2019.

- (a) 所有许可或其他授权标准及程序，以及通常对许可证、特许权、许可、注册或其他类型授权申请作出决定所需的时间；和

- (b) 其已颁发的个别许可证、特许权、许可、注册或其他类型授权的条款和条件。⁹

2. 成员国主管当局应在作出决定后，及时通知申请人其申请结果。若决定拒绝发放许可证、特许权、许可、注册或其他类型授权的申请，成员国主管当局应申请人要求，须向其说明拒绝理由。

第14条 稀缺资源的分配与使用¹⁰

1. 各成员国应以客观、及时、透明和非歧视性的方式，执行与电信相关的稀缺资源（包括频率和号码）分配及使用程序。
2. 各成员国应公开当前已分配频段的使用状态，但无需提供为特定政府用途所分配频率的详细标识信息。
3. 成员国的措施分配和指配频谱及进行频率管理，并非本身不符合本协议第8条（市场准入）的措施。

⁹ 为更明确起见，条款和条件不得包含载有机密信息的被许可方特定条款和条件。¹⁰ 柬埔寨承诺于2019年底前实施本条。

per se inconsistent with Article 8 (Market Access) of this Agreement. Accordingly, each Member State retains the right to establish and apply spectrum and frequency management policies that have the effect of limiting the number of suppliers of public telecommunications transport networks or services, provided that it does so in a manner consistent with other provisions of this Agreement. Such right includes the ability to allocate frequency bands, taking into account current and future needs and spectrum availability.

Article 15 Transparency

Each Member State shall ensure that relevant information on conditions affecting access to and use of public telecommunications transport networks and services is publicly available, including: tariffs and other terms and conditions of service; specifications of technical interfaces with such networks and services; information on bodies responsible for the preparation and adoption of standards affecting such access and use; conditions applying to attachment of terminal or other equipment; and notifications, permit, registration or licensing requirements, if any.

Article 16 Settlement of Telecommunication Disputes

1. Each Member State shall ensure that suppliers of public telecommunications transport networks or services of another Member State may have timely recourse to its telecommunications regulatory body or dispute settlement body to settle disputes arising under this Annex in accordance with its domestic laws and regulations.

2. Each Member State shall ensure, in accordance with its domestic laws and regulations, that any supplier of public telecommunications transport networks or services aggrieved

因此，各成员国保留制定和实施频谱和频率管理政策的权利，这些政策可能限制公共电信传输网络或服务供应商的数量，前提是以符合本协议其他条款的方式行使该权利。此项权利包括在考虑当前和未来需求及频谱可用性的基础上分配频段的能力。

第15条 透明度

各成员国应确保影响公共电信传输网络和服务接入和使用的相关条件信息可公开获取，包括：服务资费及其他条款和条件；与此类网络和服务技术接口的规范；负责制定和采纳影响此类接入和使用标准的机构信息；终端或其他设备连接的适用条件；以及通知、许可、注册或许可要求（如有）。

第16条 电信争端解决

1. 各成员国应确保另一成员国公共电信传输网络或服务供应商可及时向其电信监管机构或争端解决机构寻求救济，根据其国内法律法规解决本附件项下产生的争端。

2. 各成员国应根据其国内法律法规，确保任何受其相关电信监管机构决定或裁决影响的公共电信传输网络或服务供应商

by a determination or decision of its relevant telecommunications regulatory body may petition that body for reconsideration of that determination or decision. No Member State shall permit such a petition to constitute grounds for non-compliance with such determination or decision of the said body, unless an appropriate authority suspends or withdraws such determination or decision.

3. Each Member State shall ensure that any supplier of public telecommunications transport networks or services aggrieved by a final determination or decision of its relevant telecommunications regulatory body may obtain review of such determination or decision in accordance with its domestic laws and regulations.

Article 17 Relation to International Organisations

Member States recognise the importance of international standards for global compatibility and inter-operability of telecommunications networks and services and undertake to promote such standards through the work of relevant international bodies, including the International Telecommunication Union and the International Organization for Standardization.

Article 18 International Mobile Roaming

1. Member States shall endeavour to cooperate on promoting transparent and reasonable rates for international mobile roaming services that can help promote the growth of trade among the Member States and enhance consumer welfare.

2. A Member State may choose to take steps to enhance transparency and competition with respect to international

可向该机构提出申诉，要求重新审议该决定或裁决。除非有关主管机关中止或撤销该决定或裁决，否则任何成员国不得许可此类申诉构成不遵守该机构决定或裁决的理由。

3. 各成员国应确保任何对公共电信传输网络或服务的供应商，如其因相关电信监管机构的最终决定或裁决而受到损害，可根据其国内法律法规对该决定或裁决申请复审。

第17条 与国际组织的关系

成员国认识到国际标准对于电信网络和服务的全球兼容性与互操作性的重要性，并承诺通过包括国际电信联盟和国际标准化组织在内的相关国际机构的工作来推动此类标准。

第18条 国际移动漫游

1. 成员国应努力合作，推动国际移动漫游服务的透明合理费率，以促进成员国间贸易增长并提升消费者福利。

2. 成员国可选择采取措施，以增强国际移动漫游费率及相关技术替代方案（如漫游服务）的透明度和竞争，

mobile roaming rates and technological alternatives to roaming services, such as:

- (a) ensuring that information regarding retail rates is easily accessible to consumers; and
- (b) minimising impediments to the use of technological alternatives to roaming, whereby consumers when visiting the territory of a Member State from the territory of another Member State can access telecommunications services using the device of their choice.

3. Member States recognise that a Member State may choose to promote competition with respect to international mobile roaming rates including through commercial arrangements, or to adopt or maintain measures affecting rates for wholesale and/or retail international roaming services with a view to ensuring the rates are reasonable. If a Member State considers it appropriate, it may cooperate on and implement mechanisms with other Member States to facilitate the implementation of those measures, including but not limited to, by entering into arrangements with those Member States.

4. If a Member State (“the first Member State”) chooses to regulate rates or conditions for wholesale and/or retail international mobile roaming services, it shall ensure that a supplier of public telecommunications services of another Member State (“the second Member State”) has access to the regulated rates or conditions for wholesale and/or retail international mobile roaming services for its customers roaming in the territory of the first Member State if the second Member State has entered into an arrangement with the first Member State to reciprocally regulate rates or conditions for wholesale and/or retail international mobile roaming services

移动漫游费率及漫游服务的技术替代方案，例如：

- (a) 确保消费者能便捷获取关于零售费率的信息；以及
- (b) 尽量减少对使用漫游技术替代方案的阻碍，使消费者在从一成员国领土访问另一成员国领土时，能使用自选设备接入电信服务。

3. 成员国认识到，一成员国可选择通过商业安排等方式促进国际移动漫游费率的竞争，或采取及维持影响批发和/或零售国际漫游服务费率的措施，以确保费率合理。若一成员国认为适当，可与其他成员国合作并实施机制以促进此类措施的落实，包括但不限于与这些成员国达成安排。

4. 若一成员国（“第一成员国”）选择对批发和/或零售国际移动漫游服务的费率或条件实施管制，则应确保另一成员国（“第二成员国”）的公共电信服务供应商能够为其在第一成员国领土内漫游的客户接入受管制的批发和/或零售国际移动漫游服务的费率或条件，前提是第二成员国已与第一成员国达成协议，对批发和/或零售国际移动漫游服务的费率或条件实施互惠管制。

for suppliers of the two Member States.¹¹ Notwithstanding, the first Member State may require suppliers of the second Member State to fully utilise commercial negotiations to reach agreement on the terms for accessing such rates or conditions.

5. A Member State that ensures access to regulated rates or conditions for wholesale and/or retail international mobile roaming services in accordance with paragraph 4, shall be deemed to be in compliance with Article 7 (Most-Favoured Nation Treatment) of this Agreement, and Article 3 (Access and Use) and Article 6 (Treatment by Major Supplier) of this Annex.

6. Nothing in this Article shall require a Member State to regulate rates or conditions for international mobile roaming services.

¹¹ For greater certainty:
(a) no Member State shall, solely on the basis of any obligations owed to it by the first Member State under a most-favoured-nation provision, or under a telecommunications-specific non-discrimination provision, in any international trade agreement, seek or obtain for its suppliers the access to regulated rates or conditions for wholesale and/or retail international mobile roaming services that is provided under this Article.
(b) access to the rates or conditions regulated by the first Member State shall be available to a supplier of the second Member State only if the regulated rates or conditions are reasonably comparable to those reciprocally regulated under the arrangement. The telecommunications regulatory body of first Member State shall, in the case of a disagreement, determine whether the rates or conditions are reasonably comparable. For the purposes of this footnote, rates or conditions that are reasonably comparable means rates or conditions agreed to be such by the relevant suppliers or, in the case of disagreement, determined to be such by the telecommunications regulatory body of first Member State.

适用于两成员国的供应商。¹¹ 尽管如此，第一成员国可要求第二成员国的供应商充分利用商业谈判，就接入此类费率或条件的条款达成协议。

5. 根据第4款确保批发和/或零售国际移动漫游服务接入管制费率或条件的成员国，应被视为遵守本协议第七条（最惠国待遇）、本附件第三条（接入和使用）及第六条（主要供应商的待遇）。

6. 本条任何规定均不得要求成员国对国际移动漫游服务的费率或条件进行监管。

¹¹ 为进一步明确：(a) 任何成员国不得仅基于最惠国条款或电信特定非歧视条款在任何国际贸易协议中对第一成员国承担的义务，为其供应商寻求或获取本条规定提供的批发和/或零售国际移动漫游服务的管制费率或条件接入权。(b) 第一成员国管制的费率或条件仅当与安排下互惠管制的费率或条件合理可比时，方可向第二成员国供应商开放。若存在分歧，第一成员国电信监管机构应裁定费率或条件是否合理可比。就本脚注而言，合理可比的费率或条件指相关供应商共同认可的费率或条件，或在分歧情况下由第一成员国电信监管机构裁定的费率或条件。

Article 19
International Submarine Cable Landing Station^{12 13}

1. Where under its domestic laws and regulations, a Member State has authorised a supplier of public telecommunications transport network in its territory to operate an international submarine cable landing station as a public telecommunications transport network, that Member State shall ensure that such supplier accords the suppliers of public telecommunications transport networks or services of the other Member State reasonable and non-discriminatory treatment in like circumstances.
2. Where submarine cable landing facilities and services cannot be economically or technically substituted, each Member State shall ensure that any major supplier who owns or controls an international submarine cable landing station in its territory allows suppliers of the public telecommunications transport networks or services of the other Member States to:
- (i) access international submarine cable landing stations; and
 - (ii) co-locate their transmission and routing equipment at the international submarine cable landing station;
- based on terms and conditions, and at rates, that are reasonable, non-discriminatory and transparent.

¹² Indonesia will apply this Article to the extent provided for under its domestic laws and regulations.
¹³ For Viet Nam:

- (i) This Article shall only apply to major suppliers who own or control international submarine cable landing stations in the territory of Viet Nam;
- (ii) Under Paragraph 2(i), access to international submarine cable landing stations shall comply with relevant domestic laws and regulations of Viet Nam; and
- (iii) Under Paragraph 2(ii), co-location for international submarine cable landing stations owned or controlled by the major supplier in the territory of Viet Nam shall exclude physical co-location. It may include virtual co-location.

第十九条 国际海底电缆登陆站^{12 13}

1. 如成员国根据其国内法律法规，已授权其领土内的公共电信传输网络供应商将国际海底电缆登陆站作为公共电信传输网络运营，则该成员国应确保该供应商在类似情况下给予其他成员国的公共电信传输网络或服务供应商合理和非歧视性待遇。
2. 在海底电缆登陆设施和服务无法在经济或技术上被替代的情况下，各成员国应确保在其领土内拥有或控制国际海底电缆登陆站的主要供应商允许其他成员国的公共电信传输网络或服务供应商：
- (i) 接入国际海底电缆登陆站；以及 (ii) 在国际海底电缆登陆站共置其传输和路由设备；
- 基于合理、非歧视和透明的条款和条件及费率。

¹² 印度尼西亚将根据其国内法律法规的规定适用本条。¹³ 对于越南：(i) 本条仅适用于在越南领土内拥有或控制国际海底电缆登陆站的主要供应商；(ii) 根据第2款(i)项，接入国际海底电缆登陆站应符合越南相关国内法律法规；以及(iii) 根据第2款(ii)项，对于在越南领土内由主要供应商拥有或控制的国际海底电缆登陆站的共置应排除物理共址，可包括虚拟共址。