

MEXICO – MEASURES AFFECTING TELECOMMUNICATIONS SERVICES

Request for Consultations by the United States

Addendum

The following communication, dated 10 November 2000, from the Permanent Mission of the United States to the Permanent Mission of Mexico and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the Government of Mexico pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) and Article XXIII of the General Agreement on Trade in Services (GATS) regarding measures affecting trade in telecommunications services.

In recent months, the Government of Mexico has adopted several measures affecting telecommunications services. The Federal Telecommunications Commission adopted the "Administrative Resolution whereby the Ministry of Communications and Transportation, through the Federal Telecommunications Commission, establishes for Teléfonos de México S.A. de C.V., specific obligations in connection with rates, service quality and information, in its capacity as public telecommunications network concessionaire with substantial power in five relevant markets, in accordance with Article 63 of the Federal Telecommunications Law", published in the *Diario Oficial* on 12 September 2000. The United States believes that this measure may be inconsistent with Mexico's GATS commitments and obligations, including Article VI and Mexico's additional commitments under Article XVIII as set forth in the Reference Paper inscribed in Mexico's Schedule of Specific Commitments, including Sections 1 and 5.

In addition, the Government of Mexico has established a regime governing the terms and conditions of local and long-distance interconnection, including for calls terminating in cities in which competitive carriers lack facilities. This regime includes the measures listed below – which apply to certain market participants – as well as any amendments to, replacements of, or other measures adopted to govern the terms and conditions of interconnection for other market participants:

- (1) Resolution No. P/EXT/061000/007, by which the Secretary of Communications and Transport, through the Federal Telecommunications Commission, resolves the conditions of interconnection not agreed upon by the public telecommunications network concessionaires Avental, S.A., and Teléfonos de México, S.A. de C.V., and Teléfonos del Noroeste, S.A. de C.V., for the period 1 January to 31 December 2001, dated 6 October 2000;
- (2) Resolution No. P/EXT/111000/008, by which the Secretary of Communications and Transport, through the Federal Telecommunications Commission, resolves the conditions of interconnection not agreed upon by the public telecommunications network concessionaires

Alester, S. de R.L. de C.V., and Teléfonos de México, S.A. de C.V., and Teléfonos del Noroeste, S.A. de C.V., for the period 1 January to 31 December 2001, dated 11 October 2000;

- (3) Resolution by which the Secretary of Communications and Transportation, by direction of the Federal Telecommunications Commission, resolves the interconnection conditions not agreed by the public network concessionaires Avantel Servicios Locales, S.A. and Teléfonos de México, S.A. de C.V./Teléfonos del Noroeste, S.A. de C.V., dated 23 August 2000.

The United States believes that these measures may be inconsistent with Mexico's GATS commitments and obligations, including Article VI and Mexico's additional commitments under Article XVIII as set forth in the Reference Paper inscribed in Mexico's Schedule of Specific Commitments, including Sections 2 and 5.

This request for consultations supplements and does not replace the earlier request of the United States for consultations made in WTO Document WT/DS204/1, circulated on 29 August 2000.

We look forward to receiving your reply to this request and to fixing a mutually convenient date for consultations.
