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**No. S 262**

TELECOMMUNICATIONS ACT  
(CHAPTER 323)

TELECOMMUNICATIONS  
(EXEMPTION FROM DOMINANT LICENSEE PROVISIONS  
IN TELECOM COMPETITION CODE 2005 —  
INTERNATIONAL CAPACITY SERVICES)  
NOTIFICATION 2005

In exercise of the powers conferred by section 26(5) of the Telecommunications Act, the Info-communications Development Authority of Singapore hereby makes the following Notification:

**Citation and commencement**

**1.** This Notification may be cited as the Telecommunications (Exemption from Dominant Licensee Provisions in Telecom Competition Code 2005 — International Capacity Services) Notification 2005 and shall come into operation on 26th April 2005.

**Exemption**

**2.—(1)** For the purposes of subsection 2.5 of the Code of Practice for Competition in the Provision of Telecommunication Services 2005 (G.N. No. S 87/2005) (“Code”), it is notified for general information that Singapore Telecommunications Limited (referred to in this Notification as SingTel) is exempted from the following provisions of the Code:

- (a) in relation to the provision of telecommunication services in the markets specified in sub-paragraph (2) and solely in relation to the specific telecommunication product offerings specified in relation to each market:
  - (i) subsection 4.2.1.1 (Duty to Provide Service at Just and Reasonable Prices, Terms and Conditions);
  - (ii) subsection 4.2.1.2 (Duty to Provide Service on a Non-discriminatory Basis);
  - (iii) subsection 4.2.1.3 (Duty to Provide Unbundled Telecommunication Services);

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- (iv) subsection 4.2.2.1 (Duty to Provide Service on Reasonable Request);
  - (v) subsection 4.2.2.2 (Duty to Allow Resale of End User Telecommunication Services);
  - (vi) subsection 4.2.2.3 (Duty to Allow Sales Agency);
  - (vii) subsection 4.3 (Wholesale Services);
  - (viii) subsection 4.4 (Tariffing);
  - (ix) subsection 4.5 (Duty to Publish Tariffs);
  - (x) subsection 4.6 (Duty to Provide Service Consistent with Effective Tariffs); and
  - (xi) subsection 8.2 (Abuse of Dominant Position in the Singapore Market);
- (b) in relation to the provision of telecommunication services in the International Managed Data Services (IMDS) market and solely in relation to the specific telecommunication product offerings specified in sub-paragraph (3):
- (i) subsection 4.2.1.1 (Duty to Provide Service at Just and Reasonable Prices, Terms and Conditions);
  - (ii) subsection 4.2.1.2 (Duty to Provide Service on a Non-discriminatory Basis);
  - (iii) subsection 4.2.1.3 (Duty to Provide Unbundled Telecommunication Services);
  - (iv) subsection 4.2.2.1 (Duty to Provide Service on Reasonable Request);
  - (v) subsection 4.2.2.2 (Duty to Allow Resale of End User Telecommunication Services);
  - (vi) subsection 4.2.2.3 (Duty to Allow Sales Agency);
  - (vii) subsection 4.3 (Wholesale Services);
  - (viii) subsection 4.4 (Tariffing);
  - (ix) subsection 4.5 (Duty to Publish Tariffs); and
  - (x) subsection 4.6 (Duty to Provide Service Consistent with Effective Tariffs).
- (2) The markets and telecommunication product offerings referred to in sub-paragraph (1) (a) are —
- (a) in relation to the International IP Transit market, the following product offerings:

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- (i) Standard Universal Internet Access service;
  - (ii) Prioritised Asia Direct Universal Internet Access service;
  - (iii) SingTel EXPAN MyNetwork service;
- (b) in relation to the Leased Satellite Bandwidth market, the following product offering:
- (i) SingTel Leased Satellite Bandwidth service;
- (c) in relation to the Very Small Aperture Terminal (VSAT) market, the following product offering:
- (i) SingTel Global Very Small Aperture Terminal service;
- (d) in relation to the Digital Video Broadcast-IP (DVB-IP) market, the following product offering:
- (i) SingTel Digital Video Broadcast-Internet Protocol service;
- (e) in relation to the Satellite TV Uplink market, the following product offerings:
- (i) Permanent Telecast Uplink service;
  - (ii) Occasional Telecast Uplink service;
- (f) in relation to the Satellite TV Downlink market, the following product offerings:
- (i) Permanent Telecast Downlink service;
  - (ii) Occasional Telecast Downlink service;
- (g) in relation to the Satellite International Private Leased Circuit (Satellite IPLC) market, the following product offerings:
- (i) IPLC service (via Satellite); and
- (h) in relation to any one or more markets specified in sub-paragraphs (a) to (g):
- (i) such other telecommunication service or product offering as may be confirmed by the Authority in writing under paragraph 3 to be within one of the markets in sub-paragraphs (a) to (g).
- (3) The telecommunication product offerings referred to in sub-paragraph (1) (b) are —
- (a) Bilateral Frame Relay service;
  - (b) ConnectPlus Frame Relay service;

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- (c) ACASIA Frame Relay service;
  - (d) Infonet Frame Relay service;
  - (e) Bilateral Asynchronous Transfer Mode service;
  - (f) ConnectPlus Asynchronous Transfer Mode service;
  - (g) ACASIA Asynchronous Transfer Mode service;
  - (h) Infonet Asynchronous Transfer Mode service;
  - (i) ConnectPlus Internet Protocol-Virtual Private Network service; and
  - (j) such other telecommunication service or product offering as may be confirmed by the Authority in writing under paragraph 3 to be within the International Managed Data Services (IMDS) market.

(4) For the purposes of sub-paragraphs (1) (b), (2) (a) to (g) and (3) (j), a reference to a market shall be construed as a reference to the market as described in the Authority's Explanatory Memorandum dated 12th April 2005.

### **Procedure for confirmation**

**3.—**(1) For the purposes of paragraphs 2 (2) (h) and (3) (j), SingTel shall provide a written notice to the Authority when it requests the relevant exemption to apply to such other telecommunication service or product offering that it offers or has offered after 2nd March 2004 and shall include in such notice —

- (a) a clear and complete description of such other telecommunication service or product offering; and
- (b) an explanation as to why such other telecommunication service or product offering is within one of the markets specified in paragraphs 2 (1)(b) or (2) (a) to (g).

(2) Upon considering the written notice under sub-paragraph (1), the Authority shall confirm, in writing, whether such other telecommunication service or product offering is within one of the markets specified in paragraphs 2 (1) (b) or (2) (a) to (g) and such service or product offering shall be exempted in accordance with sub-paragraph (3).

(3) An exemption under sub-paragraph (2) shall take effect on the date of publication of the Authority's notice in the Government

*Gazette* specifying the application of the relevant exemption to a telecommunication service or product offering.

Made this 26th day of April 2005.

LAM CHUAN LEONG  
*Chairman,*  
*Info-communications Development Authority*  
*of Singapore.*