EXHIBIT 99

# GENERAL AGREEMENT ON TRADE IN SERVICES

Description: The growing importance of trade in services for the growth and development of the world economy

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Preamble

Recognizing the growing importance of trade in services for the growth and development of the world economy,

Desiring to establish a multilateral framework of principles and rules for trade in services with a view to the expansion of such trade under conditions of transparency and progressive liberalization and as a means of promoting the economic growth of all trading partners and the development of developing countries,

Recognizing the right of Members to regulate and introduce new regulations on the supply of services within their territories in order to meet national policy objectives and, given the asymmetry with respect to regulatory development in services across countries, recognizing in particular the need for developing countries to exercise this right,

Recognizing the particular importance of the services of infrastructure which, when available on a commercial basis, are a basic component of other economic activities,

Recognizing that the lack of disciplines in this area may prevent the realization of the potential benefits of specialization in the production of services,

Recognizing that the development of such a framework may be facilitated by trends in relevant technology,

Recognizing the objectives of relevant international organizations,

Recognizing the economic growth and development objectives and the flexibility and policy objectives of the Members as set forth in the preamble to the Agreement on the World Trade Organization (hereinafter referred to as "the WTO Agreement") and in the Ministerial Declaration of 20 September 1986 (hereinafter referred to as "the Ministerial Declaration"),

Recognizing the particular economic situation and development needs of developing countries, including the need for them to create domestic capacity in services and to increase their participation in international trade in services,

Recognizing the particular vulnerability of the services sector in developing countries to the effects of liberalization in view of relative lack of competitiveness, inadequacy of infrastructure and other structural factors,

Recognizing the right of Members to prescribe and accord to their respective companies such treatment as they deem appropriate with respect to the ownership of capital in their territories,

Recognizing that, in the context of their respective laws and regulations, the movement of capital is an essential element in the supply of a service under the General Agreement on Trade in Services (hereinafter referred to as "GATS") and that Members have agreed that no Member should impose any restrictions on the international movement of capital which are inconsistent with their obligations or specific commitments regarding services which are fully liberalized under this Agreement or to the extent that such restrictions are a prudential measure or are otherwise required in exceptional circumstances or circumstances of serious balance-of-payments difficulties or external financial difficulties,

Recognizing that, in the context of their respective laws and regulations, Members should give sympathetic consideration to the movement of capital in relation to the supply of services by other Members,

Recognizing that, in the context of their respective laws and regulations, Members should give sympathetic consideration to the granting of temporary entry and stay to natural persons of other Members who are required to be present in their territories for the purpose of supplying a service,

Recognizing that, in the context of their respective laws and regulations, Members should give sympathetic consideration to the granting to persons who are engaged in the supply of services in the territories of other Members of such treatment as is required for the activities to be carried on adequately,

Recognizing that, in the context of their respective laws and regulations, Members should give sympathetic consideration to the granting of such treatment as is required for persons who are engaged in the supply of services in the territories of other Members to avail themselves of such facilities as are required for the supply of services in the territories of other Members

communicates within the company or with or among its subsidiaries, branches and, subject to a Member's domestic laws and regulations, affiliates. For these purposes, "subsidiaries", "branches" and, where applicable, "affiliates" shall be as defined by each Member. "Intra-corporate communications" in this Annex excludes commercial or non-commercial services that are supplied to companies that are not related subsidiaries, branches or affiliates, or that are offered to customers or potential customers.

(e) Any reference to a paragraph or subparagraph of this Annex includes all subdivisions thereof.

4. Transparency

In the application of Article III of the Agreement, each Member 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

5. Access to and use of Public Telecommunications Transport Networks and Services

(a) Each Member shall ensure that any service supplier of any other Member is accorded access to and use of public telecommunications transport networks and services on reasonable and non-discriminatory terms and conditions, for the supply of a service included in its Schedule. This obligation shall be applied, inter alia, through paragraphs (b) through (f).

(b) Each Member shall ensure that service suppliers of any other Member have access to and use of any public telecommunications transport network or service offered within or across the border of that Member, including private leased circuits, and to this end shall ensure, subject to paragraphs (e) and (f), that such suppliers are permitted:

(i) to purchase or lease and attach terminal or other equipment which interfaces with the network and which is necessary to supply a supplier's services

(ii) to interconnect private leased or owned circuits with public telecommunications transport networks and services or with circuits leased or owned by another service supplier

(iii) to use operating protocols of the service supplier's 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.

(c) Each Member shall ensure that service suppliers of any other Member 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. Any new or amended measures of a Member significantly affecting such use shall be notified and shall be subject to consultation, in accordance with relevant provisions of the Agreement.

(d) Notwithstanding the preceding paragraph, a Member may take such measures as are necessary to ensure the security and confidentiality of messages, subject to the requirement 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.

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

(i) to safeguard the public service responsibilities of suppliers of public telecommunications transport networks and services, in particular their ability to make their networks or services available to the public generally

(ii) to protect the technical integrity of public telecommunications transport networks or services

(iii) to ensure that service suppliers of any other Member do not supply services unless permitted pursuant to commitments in the Member's Schedule.

(f) Provided that they satisfy the criteria set out in paragraph (e), conditions for access to and use of public telecommunications transport networks and services may include:

(i) restrictions on resale or shared use of such services

(ii) a requirement to use specified technical interfaces, including interface protocols, for inter-connection with such networks and services

(iii) requirements, where necessary, for the inter-operability of such services and to encourage the achievement of the goals set out in paragraph 7(a)

(iv) type approval of terminal or other equipment which interfaces with the network and technical requirements relating to the attachment of such equipment to such networks

(v) restrictions on inter-connection of private leased or owned circuits with such networks or services or with circuits leased or owned by another service supplier

(vi) notification, registration and licensing.

(g) Notwithstanding the preceding paragraphs of this section, a developing country Member may, consistent with its level of development, place reasonable conditions on access to and use of public telecommunications transport networks and services necessary to strengthen its domestic telecommunications infrastructure and service capacity and to increase its participation in international trade in telecommunications services. Such conditions shall be specified in the Member's Schedule.

6. Technical Cooperation

(a) Members recognize that an efficient, advanced telecommunications infrastructure in countries, particularly developing countries, is essential to the expansion of their trade in services. To this end, Members endorse and encourage the participation, to the fullest extent practicable, of developed and developing countries and their suppliers of public telecommunications transport networks and services and other entities in the development programmes of international and regional organizations, including the International Telecommunication Union, the United Nations Development Programme, and the International Bank for Reconstruction and Development.

(b) Members shall encourage and support telecommunications cooperation among developing countries at the international, regional and sub-regional levels.

(c) In cooperation with relevant international organizations, Members shall make available, where practicable, to developing countries information with respect to telecommunications services and developments in telecommunications and information technology to assist in strengthening their domestic telecommunications services sector.

(d) Members shall give special consideration to opportunities for the least-developed countries to encourage foreign suppliers of telecommunications services to assist in the transfer of technology, training and other activities that support the development of their telecommunications infrastructure and expansion of their telecommunications services trade.

7. Relation to International Organizations and Agreements

(a) Members recognize the importance of international standards for global compatibility and inter-operability of telecommunication 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.

(b) Members recognize the role played by intergovernmental and non-governmental organizations and agreements in ensuring the efficient operation of domestic and global telecommunications services, in particular the International Telecommunication Union. Members shall make appropriate arrangements, where relevant, for consultation with such organizations on matters arising from the implementation of this Annex.

ANNEX ON NEGOTIATIONS ON BASIC TELECOMMUNICATIONS

1. Article II and the Annex on Article II Exemptions, including the requirement to list in the Annex any measure inconsistent with most-favoured-nation treatment that a Member will maintain, shall enter into force for basic telecommunications only on:

(a) the implementation date to be determined under paragraph 5 of the Ministerial Decision on Negotiations on Basic Telecommunications

(b) should the negotiations not succeed, the date of the final report of the Negotiating Group on Basic Telecommunications provided for in that Decision.

2. Paragraph 1 shall not apply to any specific commitment on basic telecommunications which is inscribed in a Member's Schedule.