BULLETIN OF ACTS AND DECREES
OF THE
REPUBLIC OF SURINAME

STATE DECREES of March 10, 2007 for the implementation of Articles 13 and 14 of the Telecommunications Facilities Act (Bulletin of Acts and Decrees 2004 no. 151) (Decree on Regulated and Obligatory Services).

THE PRESIDENT OF THE REPUBLIC OF SURINAME

Considering that, for the implementation of Articles 13 and 14 of the Telecommunications Facilities Act (Bulletin of Acts and Decrees 2004 no. 151), it is required to set forth the following;

Having heard the State Council, set forth the following state decree drawn up by the Council of Ministers:

Definitions
Article 1

In this state decree and the provisions belonging thereto, the following terms shall have the following meaning:


b. concession holder : a legal person to whom a concession has been granted pursuant to Article 9 paragraph 1 of the Act;

c. leased lines : leased lines as meant in Article 7;

d. mobile user : the user of mobile telecommunications equipment that is connected to the mobile telecommunications infrastructure;

e. TAS : Telecommunications Authority Suriname;
f. fixed connections : fixed users as meant in Article 7;
g. service area : an area to be described in the concession to which the concession applies
h. Act : Telecommunications Facilities Act (Bulletin of Acts and Decrees 2004 no. 151)

Services
Article 2

1. The regulated services mentioned in Article 13 of the Act are:
   a. telephone service including public telephone, the issue of a telephone directory, the availability of an information service, the availability of emergency telephone numbers;
   b. fixed connections (leased lines);
   c. telex and telegraph service.

These services are further described in this state decree.

2. Pursuant to Article 14 of the Act, one or more of the services meant in paragraph 1 of this Article may be made obligatory for a concession holder.

3. The above shall pertain exclusively to the service area.

Telephone service
Article 3

1. The telephone service shall be divided into:
   a. the telephone service on fixed telecommunications infrastructure;
   b. the telephone service on mobile telecommunications infrastructure;
   c. the international telephone service.

2. Above services shall be linked through interconnection.
Article 4

1. Telephone service on fixed telecommunications infrastructure shall be understood to mean the service pertaining to the direct transport of speech between connection points on the fixed telecommunications infrastructure in Suriname, whereby a user can connect from a connection point to the connection point of his choice.

2. The telephone service meant in paragraph 1 of this Article shall also include the service whereby a user can connect from a connection point to the user of his choice who is connected to the mobile telecommunications infrastructure in Suriname.

3. The telephone service on fixed telecommunications infrastructure shall also include the provision of public voice telephony.

4. The concession holder who exploits a telephone service on the fixed telecommunications infrastructure may be obligated to maintain a telephone directory and to make available an information service to customers or users.

5. The concession holder who exploits a telephone service on the fixed telecommunications infrastructure may also be obligated to make available emergency telephone numbers to customers or users to report emergency situations.

Article 5

1. The telephone service on mobile telecommunications infrastructure shall be understood to mean the service pertaining to the direct transport of speech between mobile users whereby a mobile user can make a connection with the mobile user of his choice in Suriname.

2. The telephone service meant in paragraph 1 of this Article shall also include the service whereby a mobile user in Suriname can connect to a connection point of his choice on the fixed telecommunications infrastructure in Suriname.

Article 6

1. International telephone service shall be understood to mean the service pertaining to the direct transport of speech whereby a user of a connection point on the fixed telecommunications infrastructure can connect to a
connection point on the fixed telecommunication infrastructure of a mobile user of his choice in another country.

2. The telephone service meant in paragraph 1 of this Article shall also include the service whereby the mobile user can connect to a connection point of his choice on the fixed telecommunications infrastructure or to a mobile user in another country.

Fixed connections (leased lines)
Article 7

Fixed connections (leased lines) shall be understood to mean a possibility for the direct transport of signals between two connection points of which the realization cannot be influenced by the user via a connection point. A leased line is a fixed connection on which certain services are offered. The leased lines transport data.

Telex service
Article 8

1. Telex service shall be understood to mean the service pertaining to the direct transport of text messages to and from connection points on the fixed telecommunications infrastructure in Suriname whereby the user can select the connection point of his choice via his connection point as set forth in the ITU Convention belonging to the Telegraph Regulation as it now reads or has been amended.

2. Telex service shall also be understood to mean the provision of this service with a connection point in another country.

Telegraph service
Article 9

Telegraph service shall be understood to mean the transfer of messages of random senders to random addressees as set forth in the ITU Convention belonging to the Telegraph Regulation as it now reads or has been amended.
Other stipulations

Article 10

The services described in Articles 2 up to and including 6 of this state decree shall also include the storage and processing, however only insofar as this is necessary for the direct transport of signals and the processes belonging thereto.

Article 11

1. The services described in Articles 2 up to and including 4 of this state decree shall include in any case the following activities:

   a. the duty of delivery and connection, which shall be understood to mean establishing connections on the telecommunications infrastructure with which said service shall be provided as well as eliminating interference therein;

   b. routing, which shall be understood to mean the processing of the address of the destination;

   c. the establishment of the connection, which shall be understood to mean the establishment of the relation between connection points;

   d. fixing rates, which shall be understood to mean maintaining the consumer costs;

   e. data management, which shall be understood to mean managing the data of the connections;

   f. collection, which shall be understood to mean settling connection and consumer costs.

2. The activities meant in paragraph 1 of this Article shall also include the provision of facilities that are closely related to the establishment of connections, routing and fixing of rates.
Final stipulation
Article 12

1. This state decree may be referred to as the Decree on Regulated and Obligatory Services.


3. It shall become effective on the day that the Telecommunications Facilities Act becomes effective.

4. The Minister charged with communications shall be responsible for the implementation of this state decree.
Drawn up in Paramaribo on March 10, 2007

R.R. VENETIAAN

Issued in Paramaribo on March 19, 2007
The Minister of Home Affairs,

M.S.H. HASSANKHAN
STATE DEGREE of March 10, 2007 for the implementation of Articles 13 and 14 of the Telecommunications Facilities Act (Bulletin of Acts and Decrees 2004 no. 151) (Decree on Regulated and Obligatory Services).

EXPLANATORY MEMORANDUM

General considerations

Based on the Telecommunications Facilities Act (Bulletin of Acts and Decrees 2004 no. 151) concessions must be granted for establishing, developing, maintaining and exploiting telecommunications infrastructure in the interest of efficient telecommunications services and in the general economic and social interest.

Also with regard to the international developments, the Government is of the opinion that there is no more room for a monopoly in the field of telecommunications. However, the Government is also of the opinion that there is no reason to allow a “free for all” situation. For this reason, for the time being, the Government deems it desirable to pursue the concession regime.

Up to the end of the eighties, telecommunications on the fixed infrastructure (by means of cables and, where necessary, fixed radio connections) was the most important source of telecommunications. Since then, mobile (cellular) communication has developed at high speed. This mobile telecommunication uses infrastructure (control rooms, sending and receiving stations and connections in-between) that is, in principle, independent from abovementioned fixed infrastructure. Therefore, the exploitation of mobile infrastructure does not necessarily have to be put in the hands of the same concession holder charged with the exploitation of the fixed infrastructure.

Another issue is that a concession does not have to span all of Surinamese territory by definition, neither for fixed nor for mobile infrastructures. For this reason, the term “service area” is introduced.

Paragraph 3 of Article 9 of the Act distinguishes between two types of concessions, namely:
- concessions for fixed infrastructure and services;
- concessions for mobile infrastructure and services.

In both cases, the services may include regulated as well as non-regulated services. Furthermore, it is assumed that concession holders generally wish to provide international traffic themselves. However, the possibility of a separate concession for providing international infrastructure and services remains.
It is of great importance that the users of an infrastructure (fixed or mobile) are able to communicate without interruptions with users of another infrastructure (fixed or mobile). For this reason the Act stipulates (Articles 11 and 12) that every concession holder is obligated – when such is requested – to provide interconnection to another concession holder. This interconnection may be described as a physical and logical link. The duty of interconnection also counteracts the emergence of unnecessary duplication in the establishment of infrastructures.

This state decree describes the regulated services. “Regulated” means that conditions may be attached to these services. These conditions may, for example, pertain to rates. Pursuant to Article 14 of the Act, in the interest of economic and social traffic, providing those same services may be charged to a concession holder who provides these services to anyone at a certain rate. This duty does not necessarily have to be imposed on every concession holder.

The description of regulated and obligatory services is, in first instance, meant to provide an unambiguous specification of the duties and powers of the various concession holders. In addition, services may, in principle, be offered by others than concession holders; in this case, a license from the TAS is required. Insofar as it concerns regulated services, conditions may be attached, for example, in case of a licensee who offers international telephone communications without having his own infrastructure for that purpose. Obviously, in such a case, interconnection with one or more infrastructures will be obligatory.

Furthermore, it is important to indicate what services may be offered by others than concession holders by means of fixed connections (leased lines) and telecommunications facilities of a special nature or limited size respectively. For example, when a company in Suriname is granted a license for installing a VSAT antenna for the benefit of a connection with another location of that company in or outside of Suriname, to prevent “by-pass”, such an installation may not be used to offer regulated services to third parties. This is expressly set forth in the license conditions. A concession holder, for competitive reasons, may also offer to provide such a VSAT facility.

A licensee of a wire broadcasting facility may, in principle, only broadcast programs on such a facility. However, there is the possibility to apply for a license for telecommunications services at the TAS.

Non-regulated services are, for example, services that add storage or processing functions to the direct transport function (such as value added services), interactive video text, voice mail, electronic mail, access to the Internet (access provider), etc. Others than concession holders must have a license from the TAS for providing
non-regulated services. However, no special conditions are attached to such a license. The license is more of a registration than anything else. The same applies to services – again, using the services described in this state decree – that may be realized due to the nature of the peripheral equipment, such as telemetry, weather service, etc.

In conclusion: the user of a service – any service – must know what he is provided with exactly. For this reason, concession holders must include a more detailed description of the characteristics and possibilities of a service in their General Conditions.
EXPLANATION PER ARTICLE

Article 2
Paragraph 1 sets forth a brief summary of the services that belong to the regulated services pursuant to Article 13 of the Act. This means that conditions may be attached to the provision of these services. These conditions may, for example, pertain to rates, all in accordance with the rules to be established by the TAS.
Paragraph 2 makes a link to the obligatory services pursuant to Article 14 of the Act. A regulated service may be obligatory but that does not necessarily have to be the case and does not apply to all concession holders.

Article 3
The telephone service is meant for the direct transport of speech as it is offered in electronic form by peripheral equipment designed for speech communication, such as telephones. The properties of the services, however, enable the user to realize other forms of telecommunications with suitable peripheral equipment using the telephone service. Examples are data transport using modems (that convert data into tone frequent signals and vice versa) and facsimile (whereby image information is converted into tone frequent signals and vice versa). In this regard, the possibility to transport other forms of tone frequent signals other than speech is applied.
The current possibility of transferring tone frequent signals that fit into speech transfer as far as their properties are concerned, must be maintained in the telephone service. This does not mean that extra investments will be required.

Paragraph 1 of this Article limits the telephone service to telephone communication on the fixed telecommunications infrastructure in Suriname. This paragraph is solely concerned with traffic between parties connected to the same fixed telephone network.

Paragraph 2 expands the term “telephone service” on the fixed telecommunications infrastructure to telephone communications of subscribers on the fixed network with users of a mobile network in Suriname.

The supervision of the regulator is primarily aimed at the licensee of the fixed network who is responsible for rates and conditions on which this service is provided. He must obtain the possibility of communication with mobile users via commercial contracts with the licensee of the mobile network.

In case he does not succeed, pursuant to Article 11 paragraph 3 of the Act, a decision of the TAS must be sought. After all, every concession holder is obligated to provide interconnection pursuant to Article 11 paragraph 1 of the Act.
Article 4
Pursuant to Article 16 of the Act, other parties besides concession holders are prohibited from establishing public voice telephony on public ground (public payphones), unless they have obtained a license from the TAS. This service is considered a telephone service on the fixed infrastructure because the concession holder of this infrastructure is the best one to provide this service. Naturally, from such payphones calls may also be placed to parties connected to another (fixed or mobile) infrastructure or to foreign countries. Where so required, interconnection has been established for that purpose. Where there is cause to do so, for example, when there are not sufficient payphones, the TAS may decide to grant permission to other companies to exploit public voice telephony.

Article 5
Paragraph 1 describes mobile telephone communications as communication between users of one and the same mobile infrastructure or of two different mobile infrastructures.
In case of the telephone service between mobile users as is meant here, the connection of the mobile peripheral equipment (for example, the mobile phone) takes place via the radio frequency to the fixed radio station (“base station”) belonging to the telecommunications infrastructure.

The “wireless phone” involving a fixed part connected to a connection point with the user and a portable part connected to it via the radio frequency (with limited range) is, in its entirety, a form of peripheral equipment that is considered “normal” telephone service.

The expansion of the mobile telephone service in paragraph 2 is the counterpart of the expansion of the telephone service on the fixed infrastructure meant in Article 4 paragraph 2.

Article 6
International telephone service is understood to mean all telephone communications between subscribers of a fixed or mobile telephone network and subscribers of another (whether or not mobile) network abroad. It is assumed that, in general, the concession holder wishes to provide international communications himself. If this is not the case, the international communications may be taken care of through the interconnection with the infrastructure of another concession holder. To establish international telephone services, the concession holder will have to be guaranteed the cooperation of the relevant fixed infrastructure of mobile operators. In this regard, he will have to enter into commercial agreements with these operators.
The feature mentioned in Articles 4, 5 and 6 that the user may select his destination via the same connection point that transports speech distinguishes the telephone services as well as the telex and data transport service from the use of fixed connections.

The establishment and, with that, the purpose of a fixed connection cannot be changed by the user via the connection point. An order to that effect must be issued to the manager of the infrastructure via other ways. A “telephone leased line” (a fixed connection suitable for the transfer of speech) is, therefore, not included in the definition of the term “telephone service”.

**Article 7**
A fixed connection (leased line) can be established between two parties connected to the same infrastructure or between a party connected to a (fixed) infrastructure and a party connected to another (fixed) infrastructure, the latter abroad or not. As is also set forth in the Explanatory Memorandum of the Act, the use of leased lines, especially in the business community, is an important form of service to promote all kinds of new developments. For this reason, fixed connections are part of the regulated services and the availability of fixed connections may be charged to one or more concession holders.

**Article 8**
The telex service is an internationally standardized form of text communication that plays an important role in, especially, (international) business transactions. In recent years, telex has become less important, because of new communication methods, such as electronic mail (e-mail) and facsimile that offer more possibilities. For this reason, it will be sufficient to charge the telex service to only one concession holder.

**Article 9**
The telegraph service (telegrams) is a special form of message service of which the characteristics are set forth within the scope of the ITU. In this regard, the volume is also becoming less and less and, therefore, it will be sufficient to charge this service to only one concession holder. The telegraph service involves more than just a link between connection points of an infrastructure. Handing in may take place, for example, via a post office and for delivery physical transport is common practice.

**Article 11**
**Paragraph 1**
The services described in Articles 3, 4, 5, 6, and 8 of this state decree shall also include the following activities and facilities that are an integral part of the services in the direct transport of data:
- linking infrastructures;
establishing connection points on the telecommunications infrastructure (delivery and connection point) and eliminating interference;
- address of the destination (routing), establishing the relation between connection points (establishment of connections) and maintaining consumer costs (rates);
- managing the data of the connections (directories) and settling connection and consumer costs (collection);
- facilities that are closely related to the establishment of connections, routing and fixing of rates (examples are: call forwarding, uniform number, toll free number and closed user group).

The elements indicated above are provided for in Article 11 paragraph 1 and are considered necessary in the interest of general social and economic traffic.

The advancing technological developments may, in future, make changes necessary in the elements of services as provided in this state decree. At that time, the contents of this state decree will be amended.

**Paragraph 2**
The possibilities that the telephone service offers for establishing connections, the manner and extent of flexibility with which the destination is addressed and the manner in which consumer costs are determined and settled, are referred to as “facilities” in this paragraph. This term is selected carefully to avoid confusion with the term “services”. Facilities as meant here determine the manner in which the transport of signals is realized and settled and the ease with which it is used. The possibilities of modern technology also increase the facilities with regard to the establishment of connections, routing and fixing of rates. By way of illustration, this includes some facilities in telephone services (that have not yet been fully implemented in Suriname).

Examples of facilities in the assembly of connections:
- “hotline” (preprogrammed direct connection without dialing);
- Closed user group with its own number plan.

Examples of routing facilities:
- call forwarding (“follow me”);
- uniform number (a national uniform number for a user with many branches whereby the caller is automatically connected to the nearest branch).

Examples of rates facilities:
- calling party pays (collect call);
- call with extra charge that is settled with the person that is being called (premium number).
These facilities are realized by the concession holder by making provisions in the telecommunications infrastructure (for example, telephone control rooms). Some facilities may be realized by third parties by making provisions in the peripheral equipment. For example, a hotline provision may be realized by an automatic dialing facility in the peripheral equipment. “Shortcuts” seems to become a standard provision in telephones. The purpose of this section is not to prohibit or obstruct the application of facilities in peripheral equipment. Because a number of facilities can also be realized by means of peripheral equipment, in omitting this in this section of the Article, it would be easy for third parties to realize a “new” voice service outside of the scope of this state decree, which may lead to selective “by-pass” by applying fixed connections. In this case, for example, one may realize the facility “call forwarding” in peripheral equipment that is centrally installed and legalize in this way the (improper) use of fixed connections or approved facilities for a type of telephone service.

Services offered by third parties with facilities realized in peripheral equipment in combination with the telephone and telex service charged to the concession holder is allowed. An example is the exploitation by third parties of a teleconference facility that uses the telephone service and a facility implemented in peripheral equipment.

Some of the activities mentioned in paragraph 1 are applicable mutatis mutandis to fixed connections. This applies in particular to the establishment of connections and, furthermore, to the fixing of rates, data management and collection.

Paramaribo, March 10, 2007

R. R. VENETIAAN