

**CHAPTER 85C**  
**EASTERN CARIBBEAN TELECOMMUNICATIONS AUTHORITY**  
**TREATY ACT**

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• Act • Subsidiary Legislation •

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**ACT**

Act No. 30 of 2000

ARRANGEMENT OF SECTIONS

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**CHAPTER 85C**  
**EASTERN CARIBBEAN TELECOMMUNICATIONS AUTHORITY TREATY**  
**ACT**

**An Act to provide for the implementation of the Treaty Establishing the Eastern Caribbean Telecommunications Authority, and for matters connected therewith.**

[Act No. 30 of 2000.]

[15th November, 2000.]

**1. Short title**

This Act may be cited as the Eastern Caribbean Telecommunications Authority Treaty Act.

**2. Interpretation**

For the purposes of this Act, “Treaty” means the Treaty Establishing the Eastern Caribbean Telecommunications Authority signed at St. George’s, Grenada on 4th May, 2000, contained in the Schedule to this Act.

**3. Effect of Treaty**

The Treaty shall have the force and effect of law in Grenada.

**4. Commencement**

This Act comes into force on the 15th day of November, 2000.

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**Schedule**

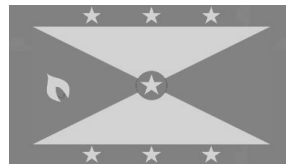
# EASTERN CARIBBEAN TELECOMMUNICATIONS AUTHORITY TREATY ACT

## *Treaty Establishing the Eastern Caribbean Telecommunications Authority (ECTEL)*

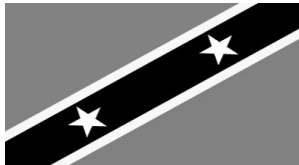
[Section 2.]



Commonwealth of Dominica



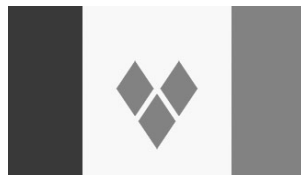
Grenada



Saint Kitts and Nevis



Saint Lucia



Saint Vincent and the Grenadines

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## TREATY ESTABLISHING THE EASTERN CARIBBEAN TELECOMMUNICATIONS AUTHORITY

### *Preamble*

The Governments of the Contracting States,

Desirous of creating a competitive environment for telecommunications in the contracting States;

Conscious that the benefits of universal telecommunications services should be realised by the people of the Contracting States;

Determined to provide affordable, modern, efficient, competitive and universally available telecommunications services to the people of the Contracting States;

Convinced that a liberalised and competitive telecommunications sector is essential for the future economic and social development of the Contracting States;

Recognising that a harmonised and co-ordinated approach by the Contracting States is required to achieve a liberalised and competitive telecommunications sector;

Have agreed as follows.

### ARTICLE 1

#### *Definitions*

1. For the purposes of this Treaty—

“application” means application for a licence or frequency authorisation including a variation or renewal of a licence;

“Board” means the Board of Directors referred to in Article 8 of this Treaty;

“broadcaster” means a provider of broadcasting services;

“broadcasting” means the transmission of radio or video programming to the public on a free, pay, subscription, or other basis, whether by cable television, terrestrial, or satellite means, or by other electronic delivery of such programming;

“Chairperson” means the Chairperson of ECTEL;

“class licence” means a licence issued on the same terms to each applicant of a category of users in respect of the operation of a specified type of telecommunications network or a specified type of telecommunications services or both;

“Contracting States” means the Commonwealth of Dominica, Grenada, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and any State which becomes a party to this Treaty by virtue of Article 22;

“Council” means the Council of Ministers referred to in Article 7;

“directive” means a policy directive given by the Council to the Board pursuant to Article 7;

“Director-General” means the Director-General of the Organisation of Eastern Caribbean States;

“ECTEL” means the Eastern Caribbean Telecommunications Authority established by this Treaty;

“ECTEL Fund” means the Fund established by Article 10;

“frequency authorisation” means an authorisation granted by the Minister to use radio frequencies in connection with the operation of a network or the provision of services under an individual licence or class licence or otherwise;

“individual licence” means a telecommunications licence issued to a particular person on terms specific to that person;

“Managing Director” means the person appointed under Article 9 to the post of managing director of ECTEL;

“Minister” means the Minister responsible for telecommunications in each Contracting State, respectively;

“Organisation” means the Organisation of the Eastern Caribbean States established by the Treaty of Basseterre, of 18th June 1981;

“person” includes any corporation, either aggregate or sole, any partnership or association, and any undertaking, club, society, or other body of one or more persons, and any individual;

“radio equipment” means any equipment designed or used for radio-communications;

“radio-communications” means the transmission, emission or reception of signs, signals, text, images and sounds, or other intelligence of any nature by radio;

“relevant bank” means the bank approved by the Council for the conduct of ECTEL’s business;

“telecommunications” means any form of transmission, emission, or reception of signs, signals, text images and sounds, or other intelligence of any nature by wire, radio, optical or other electromagnetic system;

“telecommunications licence” means a licence issued to a telecommunications provider for the operation of a telecommunications network or the provision of telecommunications services;

“telecommunications provider” means a person who is licensed to operate a telecommunications network or to provide telecommunications services;

“telecommunications services” means services provided by a telecommunications provider;

“tender fees” means the fees payable by an applicant for an individual licence in order to participate in an open tender procedure;

“terminal equipment” means equipment intended to be connected directly or indirectly to the network termination point of a telecommunications network in order to emit, transmit, or receive telecommunications services;

“universal service” includes—

- (a) public voice telephony to the population of a Contracting State;
- (b) internet access to the population of a Contracting State;
- (c) telecommunications services to schools, hospitals and similar institutions and to the disabled and physically challenged;
- (d) the promotion of telecommunications services so as to ensure that as wide a range of people as possible share in the freedom to communicate by having access to efficient and modern telecommunications at an affordable cost;

“Universal Service Fund” means the Fund established by Contracting States under Article 12.

## ARTICLE 2

### *Establishment of the Eastern Caribbean Telecommunications Authority*

By this Treaty the Contracting States establish for and among themselves the Eastern Caribbean Telecommunications Authority (hereinafter called ECTEL).

## ARTICLE 3

### *General Obligations*

1. The Contracting States undertake to put in place all appropriate measures, including the enactment of an appropriate legal and regulatory framework to promote the purposes of this Treaty, the performance of their obligations under this Treaty, the implementation of the decisions of the council and other matters for the efficient and effective operations of ECTEL.

2. The Contracting States undertake to put in place in their respective jurisdictions a Telecommunications regulatory body to be known as the National Telecommunications Regulatory Commission which shall co-ordinate and liaise with ECTEL.

## ARTICLE 4

### *Purposes of ECTEL*

1. The major purposes of ECTEL shall be to promote—

- (a) open entry, market liberalisation and competition in telecommunications of the Contracting State;
- (b) harmonised policies on a regional level for telecommunications of the Contracting States;
- (c) a universal service, so as to ensure the widest possible access to telecommunications at an affordable rate by the people of the Contracting States and to enable the people of the Contracting States to share in the freedom to communicate over an efficient and modern telecommunications network;
- (d) an objective and harmonised regulatory regime in telecommunications of the Contracting States;

- (e) fair pricing and the use of cost-based pricing methods by telecommunications providers in the Contracting States;
  - (f) fair competition practices by discouraging anti-competitive practices by telecommunications providers in the Contracting States;
  - (g) the introduction of advanced telecommunications technologies and an increased range of services in the Contracting States;
  - (h) increased penetration of telecommunications in the Contracting States;
  - (i) the overall development of telecommunications in the Contracting States;
  - (j) national consultations in the development of telecommunications.
2. To advance the purposes of ECTEL the Contracting States undertake to—
- (a) collaborate and co-ordinate with each other and with ECTEL;
  - (b) take all appropriate measures for ensuring implementation of the policy and recommendations of ECTEL;
  - (c) meet the financial and other commitments under this Treaty to ensure the efficient operations of ECTEL.

## ARTICLE 5

### *Functions and Powers of ECTEL*

1. ECTEL's functions are to—
- (a) co-ordinate with, and advise, the contracting states on the conduct and regulation of telecommunications and ancillary matters for ensuring the purposes of this Treaty;
  - (b) prepare and maintain a harmonised regional radio spectrum plan;
  - (c) recommend a regional policy for the conduct of telecommunications, in particular in relation to universal service, interconnection, numbering and pricing, and to monitor its implementation in the contracting States;
  - (d) recommend to the Contracting States the type of Telecommunications networks or services which should be subject to an individual licence and class licence, respectively, and exemptions, if any;
  - (e) recommend to the Contracting States the type of communications networks, services and radio equipment which should be subject to frequency authorisation, and exemption, if any;
  - (f) prepare and recommend to the Contracting States forms, other instruments and regulations for the adoption by the Contracting States for the purpose of harmonisations of telecommunications, including application forms and other forms in respect of licences, frequency authorisations and tender documents;
  - (g) design and operate open tender procedures for individual licences as requested by Contracting States;
  - (h) review applications for individual licences submitted by a Contracting State, and to recommend applicants who satisfy the relevant technical and financial requirements for individual licences;
  - (i) recommend to the Contracting States terms and condition to be included in a licence, particularly with respect to the provision of universal service;
  - (j) recommend to the Contracting States matters relating to the management of frequency authorisations, including the sale, if any, by auction;