

No. 53003*

**Canada
and
Mexico**

Protocol between the Government of Canada and the Government of the United Mexican States concerning the transmission and reception of signals from satellites for the provision of mobile-satellite services and associated feeder links in Canada and in the United Mexican States (with appendix). Mexico City, 16 January 2001

Entry into force: *16 January 2001 by signature, in accordance with article IX*

Authentic texts: *English, French and Spanish*

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**Canada
et
Mexique**

Protocole entre le Gouvernement du Canada et le Gouvernement des États-Unis du Mexique relatif à l'émission et à la réception de signaux par satellite pour la fourniture de services mobiles par satellite et de liaisons de connexion associées au Canada et aux États-Unis du Mexique (avec appendice). Mexico, 16 janvier 2001

Entrée en vigueur : *16 janvier 2001 par signature, conformément à l'article IX*

Textes authentiques : *anglais, français et espagnol*

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**Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE UNITED MEXICAN STATES
CONCERNING
THE TRANSMISSION AND RECEPTION OF SIGNALS
FROM SATELLITES FOR THE PROVISION OF MOBILE-SATELLITE
SERVICES AND ASSOCIATED FEEDER LINKS
IN CANADA AND IN THE UNITED MEXICAN STATES

RECOGNIZING the long standing bonds of friendship and co-operation between the Governments of Canada and the United Mexican States (herein referred to as the “Parties”);

PURSUANT to the Agreement Between the Government of the United Mexican States and the Government of Canada Concerning the Provision of Satellite Services, signed April 9, 1999 (herein referred to as the “Agreement”);

RECOGNIZING the sovereign right of countries to regulate their telecommunications, including the use and operation of the radio spectrum within their territory;

EMPHASIZING that there has been a long standing and successful bilateral relationship in coordinating the respective Satellite Systems of both countries through the International Telecommunication Union (the “ITU”), and that both Parties will apply these same positive efforts and expertise in the pending and future coordination of Satellites licensed by the Government of Canada (herein referred to as “Canada”) and by the Government of the United Mexican States (herein referred to as “Mexico”), which are subject to this Protocol;

RECOGNIZING the enhanced opportunities for the provision of Satellite Services in Canada and in Mexico arising from the World Trade Organization General Agreement on Trade in Services, the growing needs of the Satellite communications industries of both Parties, and the public interest in the development of these services;

RECOGNIZING that the Parties have signed, under the auspices of the ITU, the Memorandum of Understanding to Facilitate Arrangements for Global Mobile Personal Communications by Satellite, Including Regional Systems (GMPCS-MoU); and

IN ORDER to facilitate the establishment of the conditions for the transmission and reception of signals from Satellites licensed by either Party for the provision of domestic and international Covered Services, as defined herein, to users in Canada and Mexico,

THE PARTIES agree as follows:

ARTICLE I

Purposes

1. The purposes of this Protocol are:
 - 1.1 To establish conditions and technical criteria for the use of Canadian and Mexican Satellites and Earth Stations for the provision of Covered Services, as defined herein, to, from, and within the territories of the Parties.
 - 1.2 To facilitate the provision of Covered Services covered by this Protocol to, from, and within Canada and Mexico via Satellites licensed by either Party.

ARTICLE II

Scope

1. The provisions of this Protocol are without prejudice to the rights and obligations of Canada and Mexico under the Constitution and Convention of the ITU (Geneva, 1992, as amended from time to time) and its Radio Regulations, the North American Free Trade Agreement and the General Agreement on Trade in Services (GATS) of the World Trade Organization, in particular the Fourth Protocol on Basic Telecommunication Services.
2. For Canada, this Protocol is limited to the consideration of Covered Services and does not include those services which are regulated under the Broadcasting Act of Canada, where such services are intended for direct reception by the public.
3. For Mexico, this Protocol is limited to the consideration of Covered Services and does not include those services which are intended for direct reception by the public, either free or restricted (paid subscription services).

ARTICLE III

Definitions

1. For the purposes of this Protocol:
 - 1.1 Mobile-Satellite Service ("MSS") means any radiocommunication signals that are transmitted and/or received by Mobile Earth Stations using one or more Satellites licensed by either Party or, alternatively, between two or more Satellites used by this service which are licensed by either Party;
 - 1.2 Feeder Links means a radio link between a Fixed Earth Station and one or more MSS Satellites licensed by either Party;

- 1.3 Covered Services means MSS and MSS Feeder Links;
 - 1.4 Mobile Earth Station means an Earth Station used to provide MSS while in motion, during halts at unspecified points, or at any specified point within a particular area;
 - 1.5 Fixed Earth Station means an Earth Station at a specified fixed point used to provide MSS Feeder Links and interconnection between the MSS Satellite Network and the public switched telephone network and/or other networks;
 - 1.6 Unless otherwise specified in this Protocol, the term Earth Station shall include both Mobile Earth Stations and Fixed Earth Stations which are used for the purpose of providing the Covered Services; and
 - 1.7 The terms "Advance Publication" and "Coordination" shall have the meanings set forth in the ITU Radio Regulations.
2. The terms defined in the Agreement are also applicable to this Protocol.

ARTICLE IV

Implementing Entities

1. As provided for in Article III of the Agreement, the Administrations responsible for implementing this Protocol shall be:
 - 1.1 For Canada, the Department of Industry; and
 - 1.2 For Mexico, the Secretaría de Comunicaciones y Transportes.

ARTICLE V

Covered Services Frequencies

1. This Protocol applies solely to the frequency bands typically paired as set forth in the appendix to this Protocol (the "Appendix") utilized for the provision of Covered Services.
2. The use of the frequency bands set forth in the Appendix, in the territory of a Party, must comply with the applicable Canadian and Mexican laws, regulations, rules, administrative provisions, policies, licensing procedures, conditions set forth in this Protocol and the respective national frequency allocation tables, and take into consideration the systems currently operating in these bands and any applicable international agreements of the Parties.
3. This Protocol does not apply to frequency bands not listed in the Appendix.

ARTICLE VI

Conditions of Use

1. Licences or authorizations for the provision of Covered Services shall be issued as efficiently and expeditiously as possible by the Administrations in conformance with their respective laws, regulations, rules, administrative provisions, policies and licensing procedures for transmit and/or receive Earth Stations (including Blanket Licences and Spectrum Licences for transmit and/or receive Mobile Earth Stations) and any other applicable Licence for the provision of Covered Services.
2. Each Party shall apply its domestic laws, regulations, rules, administrative provisions, policies and licensing procedures in a transparent and non-discriminatory manner to the Satellites and Earth Stations licensed by either Party, and to all applications for a Licence or authorization, including Blanket Licences and other applicable Licences, for MSS Satellite Networks, to transmit and/or receive Covered Service signals via Satellites and Earth Stations licensed by either Party.
3. Non-conformance to the applicable laws, regulations, rules, administrative provisions, policies and licensing procedures of a Party may result in loss of the Licence or authorization granted by the relevant Administration.
4. The principal laws, regulations, rules, policies and licensing procedures of the Parties, which are applicable to this Protocol, are indicated below:
 - 4.1 For Canada, the laws, regulations, rules, policies and procedures for the granting of Licences in Canada to transmit or receive Covered Services via Satellites licensed by either Party (including licences for Fixed Earth Stations), include the Industry Canada Act, the Radiocommunication Act, the Telecommunications Act, the Broadcasting Act, their subordinate regulations and related policies, Orders and Decisions, and any other laws, regulations, rules, administrative provisions, policies and licensing procedures of Canada related to these services, as amended from time to time.
 - 4.2 For Mexico, the laws, regulations, rules, policies and procedures for the granting of Licences in Mexico to transmit or receive Covered Services via Satellites licensed by either Party (including Licences for Fixed Earth Stations), include the Ley Federal de Telecomunicaciones, the Ley de Vías Generales de Comunicación, the Ley Federal de Radio y Televisión, the Reglamento de Telecomunicaciones, the Reglamento de Comunicación Vía Satélite, the Reglamento del Servicio de Televisión y Audio Restringidos, the Reglas del Servicio de Larga Distancia, the Reglas para prestar el Servicio de Larga Distancia Internacional, and any other laws, regulations, rules, administrative provisions, policies and licensing procedures of Mexico related to these services, as amended from time to time.