

**TELECOMMUNICATIONS (AMENDMENT)
ACT, 2006 – 28**

Arrangement of Sections

Section

1. Short title.
2. Amendment to section 10 of Cap. 282B.
3. Insertion of section 87A to 87E in Cap. 282B.
4. Amendment to section 113 of Cap. 282B.
5. Insertion of section 114A into Cap. 282B.
6. Amendment of Cap. 282B.

SCHEDULE

I assent
C. STRAUGHN HUSBANDS
Governor-General
21st August, 2006.

2006 – 28

An Act to amend the Telecommunications Act.

(28th August, 2006) Commence-
ment.

ENACTED by the Parliament of Barbados as follows:

1. This Act may be cited as the *Telecommunications (Amendment) Act, 2006*. Short title.

2. Section 10 of the *Telecommunications Act* in this Act referred to as the principal Act, is amended by adding the following subsections: Amendment
of section
10 of Cap.
282B.

Cap. 161.

"(3) Notwithstanding paragraph (d) of subsection (1), where the Governor-General has, in accordance with the *Emergency Powers Act*, declared that a state of public emergency exists, the importation of all telecommunications and radiocommunications apparatus by a non-governmental organization or a non-state entity for the purpose of granting assistance in disaster mitigation and emergency relief

(a) shall not require the issue of a licence; and

(b) shall not be subject to payment of any duties or taxes.

(4) For the purposes of this section, "non-governmental organisation" and "non-state entity" have the meanings assigned by the Tampere Convention."

Insertion of new sections 87A to 87E in Cap. 282B.

3. The *Telecommunications Act* is amended in Part XIV by inserting the following new sections immediately after section 87:

"Fraudulent use of multi-channel video or information service system.

87A. Any person who obtains a multi-channel video or information service system

(a) without the authorisation of the multi-channel video or the information service system provider; and

(b) with the intention of depriving the multi-channel video or information service system provider of the remuneration which should be paid for the service

commits an offence and is liable on summary conviction to a fine of \$25 000 and in the case of a continuing offence to a further fine of \$2 000 for every day or part thereof that the offence continues.

Theft of or tampering with multi-channel video or information service system.

87B. (1) Any person who without the authorisation of a multi-channel video or information service system provider

- (a) makes or maintains a connection, whether physically, electrically, electronically or inductively to
 - (i) a cable, wire or other component attached to a multi-channel video or information service system; or
 - (ii) a television set, video recorder or other receiver attached to a multi-channel video or information service system;
- (b) attaches or causes to be attached
 - (i) a cable, wire or other component to a multi-channel video or information service system; or
 - (ii) a television set, video recorder or receiver to a multi-channel video or information service system;
- (c) tampers with or modifies a device installed by a multi-channel video or information service system provider; or
- (d) tampers with or modifies an access device or uses that access device or any unauthorised access device to obtain a service from a multi-channel video or information service system provider

with the intention of depriving the multi-channel video or information service system provider of the remuneration which should be paid for the service, commits an offence and is liable on summary conviction to a fine of \$25 000.

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Manufacture,
distribution
or advertise-
ment of
multi-
channel
video or
information
service
device.

87C. Any person who without the authorisation of a multi-channel video or information service system provider, for remuneration, knowingly

(a) manufactures;

(b) assembles;

(c) modifies;

(d) imports;

(e) exports;

(f) distributes;

(g) advertises; or

(h) offers for sale

any access device, or part thereof for a system of components wholly or partly designed to make intelligible an encrypted, encoded, scrambled or other non-standard signal, carried or caused to be carried by a multi-channel video or information service system provider, commits an offence and is liable on summary conviction

(i) to a fine of \$100 000; and

(ii) in the case of a continuing offence, to a further fine of \$2 000 for every day or part thereof that the offence continues.

Sale or lease
of multi-
channel
video or
information
service
system
device.

87D. Any person who without the authorisation of a multi-channel video or information service system provider, knowingly sells or leases with the intent to aid in the commission of an offence under section 87B, any

- (a) access device or part thereof;
- (b) access device kit or part thereof; or
- (c) plan for a system of components,

wholly or partly designed to make intelligible an encrypted, encoded, scrambled or other non-standard signal carried by a multi-channel video or information service system provider commits an offence and is liable on summary conviction

- (i) to a fine of \$100 000; and
- (ii) in the case of a continuing offence to a further fine of \$2 000 for every day or part thereof that the offence continues.

Defini-
tions.

87E. For the purposes of sections 87A, 87B, 87C and 87D,

"access device" means a device wholly or partly designed to make intelligible an encrypted, encoded, scrambled or other non-standard signal carried by a multi-channel video or information service system provider;

"encrypted", "encoded", "scrambled" or "non-standard signal" means any type of signal or transmission that is not intended to produce an intelligible programme or service without the use of a device, signal or information provided by a multi-channel video or information service system provider;

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"multi-channel video or information service system" means a cable television system, a multi-channel, multi-point distribution service system, a direct broadcast satellite system or other system providing video or information services that are distributed by cable, wire, radio frequency or other media;

"multi-channel video or information service provider" means the licensed provider of a cable television system, a multi-channel, multi-point distribution service system, a direct broadcast satellite system or other system providing video or information services that are distributed by cable, wire, radio frequency or other media.

Applica-
tion.

87F. Sections 87A to 87E shall apply to all licensed providers of multi-channel video or information service systems who satisfy the standards of service delivery as may from time to time be set out in guidelines prepared and distributed by the Ministry."

Amend-
ment to
section 113
of
Cap. 282B.

4. Section 113 of the principal Act is amended by deleting the word "*Schedule*" and substituting the words "*First Schedule*".

Insertion of
section
114A into
Cap. 282B.

5. The principal Act is amended by inserting immediately after section 114 the following section as section 114A:

Tampere
Convention.
Second
Schedule.

114A. The Tampere Convention signed at Tampere, Finland in 1998 and set out in the *Second Schedule*, has the force of law in Barbados.

Amend-
ment of
Cap. 282B.
First
Schedule.

6. The principal Act is amended by

- (a) re-designating the Schedule to the Act as the *First Schedule*, and
- (b) inserting immediately after the *First Schedule* as re-designated, the *Second Schedule* set out in the *Schedule* to this Act.

SCHEDULE

(section 4)

"SCHEDULE

(section 114A)

**TAMPERE CONVENTION
ON THE PROVISION OF
TELECOMMUNICATION RESOURCES
FOR DISASTER MITIGATION AND
RELIEF OPERATIONS**

1998

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SCHEDULE – Cont'd**TAMPERE CONVENTION
ON THE PROVISION OF TELECOMMUNICATION RESOURCES
FOR DISASTER MITIGATION AND RELIEF OPERATIONS****THE STATES PARTIES TO THIS CONVENTION,**

recognizing

that the magnitude, complexity, frequency and impact of disasters are increasing at a dramatic rate, with particularly severe consequences in developing countries,

recalling

that humanitarian relief and assistance agencies require reliable, flexible telecommunication resources to perform their vital tasks,

further recalling

the essential role of telecommunication resources in facilitating the safety of humanitarian relief and assistance personnel,

further recalling

the vital role of broadcasting in disseminating accurate disaster information to at-risk populations,

convinced

that the effective, timely deployment of telecommunication resources and that rapid, efficient, accurate and truthful information flows are essential to reducing loss of life, human suffering and damage to property and the environment caused by disasters,

concerned

about the impact of disasters on communication facilities and information flows,

SCHEDULE – Cont'd

aware

of the special needs of the disaster-prone least developed countries for technical assistance to develop telecommunication resources for disaster mitigation and relief operations,

reaffirming

the absolute priority accorded emergency life-saving communications in more than fifty international regulatory instruments, including the Constitution of the International Telecommunication Union,

noting

the history of international cooperation and coordination in disaster mitigation and relief, including the demonstrated life-saving role played by the timely deployment and use of telecommunication resources,

further noting

the Proceedings of the International Conference on Disaster Communications (Geneva, 1990), addressing the power of telecommunication systems in disaster recovery and response,

further noting

the urgent call found in the Tampere Declaration on Disaster Communications (Tampere, 1991) for reliable telecommunication systems for disaster mitigation and disaster relief operations, and for an international Convention on Disaster Communications to facilitate such systems,

further noting

United Nations General Assembly resolution 44/236, designating 1990-2000 the International Decade for Natural Disaster Reduction, and resolution 46/182, calling for strengthened international coordination of humanitarian emergency assistance,

further noting

the prominent role given to communication resources in the Yokohama Strategy and Plan of Action for a Safer World, adopted by the World Conference on Natural Disaster Reduction (Yokohama, 1994),

SCHEDULE – Cont'd

further noting

resolution 7 of the World Telecommunication Development Conference (Buenos Aires, 1994), endorsed by resolution 36 of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), urging Governments to take all practical steps for facilitating the rapid deployment and the effective use of telecommunication equipment for disaster mitigation and relief operations by reducing and, where possible, removing regulatory barriers and strengthening cooperation among States,

further noting

resolution 644 of the World Radiocommunication Conference (Geneva, 1997), urging Governments to give their full support to the adoption of this Convention and to its national implementation,

further noting

resolution 19 of the World Telecommunication Development Conference (Valletta, 1998), urging Governments to continue their examination of this Convention with a view to considering giving their full support to its adoption,

further noting

United Nations General Assembly resolution 51/94, encouraging the development of a transparent and timely procedure for implementing effective disaster relief coordination arrangements, and of Relief Web as the global information system for the dissemination of reliable and timely information on emergencies and natural disasters,

with reference

to the conclusions of the Working Group on Emergency Telecommunications regarding the critical role of telecommunications in disaster mitigation and relief,

supported

by the work of many States, United Nations entities, governmental, intergovernmental, and non-governmental organizations, humanitarian agencies, telecommunication equipment and service providers, media, universities and communication and disaster-related organizations to improve and facilitate disaster-related communications,

SCHEDULE – Cont'd

desiring,

to ensure the reliable, rapid availability of telecommunication resources for disaster mitigation and relief operations, and

further desiring

to facilitate international cooperation to mitigate the impact of disasters,

have agreed as follows:

Article 1

Definitions

Unless otherwise indicated by the context in which they are used, the terms set out below shall have the following meanings for the purposes of this Convention:

1. "State Party" means a State which has agreed to be bound by this Convention.

2. "Assisting State Party" means a State Party to this Convention providing telecommunication assistance pursuant hereto.

3. "Requesting State Party" means a State Party to this Convention requesting telecommunication assistance pursuant hereto.

4. "This Convention" means the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations.

5. "The depositary" means the depositary for this Convention, as set forth in Article 15.

6. "Disaster" means a serious disruption of the functioning of society, posing a significant, widespread threat to human life, health, property or the environment, whether caused by accident, nature or human activity, and whether developing suddenly or as the result of complex, long-term processes.

7. "Disaster mitigation" means measures designed to prevent, predict, prepare for, respond to, monitor and/or mitigate the impact of, disasters.

SCHEDULE – Cont'd

8. "Health hazard" means a sudden outbreak of infectious disease, such as an epidemic or pandemic, or other event posing a significant threat to human life or health, which has the potential for triggering a disaster.

9. "Natural hazard" means an event or process, such as an earthquake, fire, flood, wind, landslide, avalanche, cyclone, tsunami, insect infestation, drought or volcanic eruption, which has the potential for triggering a disaster.

10. "Non-governmental organization" means any organization, including private and corporate entities, other than a State or governmental or intergovernmental organization, concerned with disaster mitigation and relief and/or the provision of telecommunication resources for disaster mitigation and relief.

11. "Non-State entity" means any entity, other than a State, including non-governmental organizations and the Red Cross and Red Crescent Movement, concerned with disaster mitigation and relief and/or the provision of telecommunication resources for disaster mitigation and relief.

12. "Relief operations" means those activities designed to reduce loss of life, human suffering and damage to property and/or the environment caused by a disaster.

13. "Telecommunication assistance" means the provision of telecommunication resources or other resources or support intended to facilitate the use of telecommunication resources.

14. "Telecommunication resources" means personnel, equipment, materials, information, training, radio-frequency spectrum, network or transmission capacity or other resources necessary to telecommunications.

15. "Telecommunications" means any transmission, emission, or reception of signs, signals, writing, images, sounds or intelligence of any nature, by wire, radio, optical fibre or other electromagnetic system.

Article 2**Coordination**

1. The United Nations Emergency Relief Coordinator shall be the operational coordinator for this Convention and shall execute the responsibilities of the operational coordinator identified in Articles 3, 4, 6, 7, 8, and 9.

SCHEDULE – Cont'd

2. The operational coordinator shall seek the cooperation of other appropriate United Nations agencies, particularly the International Telecommunication Union, to assist it in fulfilling the objectives of this Convention, and, in particular, those responsibilities identified in Articles 8 and 9, and to provide necessary technical support, consistent with the purposes of those agencies.

3. The responsibilities of the operational coordinator under this Convention shall be limited to coordination activities of an international nature.

Article 3

General Provisions

1. The States Parties shall cooperate among themselves and with non-State entities and intergovernmental organizations, in accordance with the provisions of this Convention, to facilitate the use of telecommunication resources for disaster mitigation and relief.

2. Such use may include, but is not limited to:

- (a) the deployment of terrestrial and satellite telecommunication equipment to predict, monitor and provide information concerning natural hazards, health hazards and disasters;
- (b) the sharing of information about natural hazards, health hazards and disasters among the States Parties and with other States, non-State entities and intergovernmental organizations, and the dissemination of such information to the public, particularly to at-risk communities;
- (c) the provision of prompt telecommunication assistance to mitigate the impact of a disaster; and
- (c') the installation and operation of reliable, flexible telecommunication resources to be used by humanitarian relief and assistance organizations.

3. To facilitate such use, the States Parties may conclude additional multinational or bilateral agreements or arrangements.

4. The States Parties request the operational coordinator, in consultation with the International Telecommunication Union, the depositary, and other relevant United Nations entities and intergovernmental and non-governmental organizations, to use its best efforts, in accordance with the provisions of this Convention, to:

SCHEDULE – Cont'd

- (a) develop, in consultation with the States Parties, model agreements that may be used to provide a foundation for multinational or bilateral agreements facilitating the provision of telecommunication resources for disaster mitigation and relief;
- (b) make available model agreements, best practices and other relevant information to States Parties, other States, non-State entities and intergovernmental organizations concerning the provision of telecommunication resources for disaster mitigation and relief, by electronic means and other appropriate mechanisms;
- (c) develop, operate, and maintain information collection and dissemination procedures and systems necessary for the implementation of the Convention; and
- (d) inform States of the terms of this Convention, and to facilitate and support the cooperation among States Parties provided for herein.

5. The States Parties shall cooperate among themselves to improve the ability of governmental organizations, non-State entities and intergovernmental organizations to establish mechanisms for training in the handling and operation of equipment, and instruction courses in the development, design and construction of emergency telecommunication facilities for disaster prevention, monitoring and mitigation.

Article 4**Provision of Telecommunication Assistance**

1. A State Party requiring telecommunication assistance for disaster mitigation and relief may request such assistance from any other State Party, either directly or through the operational coordinator. If the request is made through the operational coordinator, the operational coordinator shall immediately disseminate this information to all other appropriate States Parties. If the request is made directly to another State Party, the requesting State Party shall inform the operational coordinator as soon as possible.

2. A State Party requesting telecommunication assistance shall specify the scope and type of assistance required and those measures taken pursuant to Articles 5 and 9 of this Convention, and, when practicable, provide the State Party to which the request is directed and/or the operational coordinator with any other information necessary to determine the extent to which such State Party is able to meet the request.

SCHEDULE – Cont'd

3. Each State Party to which a request for telecommunication assistance is directed, either directly or through the operational coordinator, shall promptly determine and notify the requesting State Party whether it will render the assistance requested, directly or otherwise, and the scope of, and terms, conditions, restrictions and cost, if any, applicable to such assistance.

4. Each State Party determining to provide telecommunication assistance shall so inform the operational coordinator as soon as possible.

5. No telecommunication assistance shall be provided pursuant to this Convention without the consent of the requesting State Party. The requesting State Party shall retain the authority to reject all or part of any telecommunication assistance offered pursuant to this Convention in accordance with the requesting State Party's existing national law and policy.

6. The States Parties recognize the right of requesting States Parties to request telecommunication assistance directly from non-State entities and intergovernmental organizations, and the right of non-State entities and intergovernmental organizations, pursuant to the laws to which they are subject, to provide telecommunication assistance to requesting States Parties pursuant to this Article.

7. A non-State entity or intergovernmental organization may not be a "requesting State Party" and may not request telecommunication assistance under this Convention.

8. Nothing in this Convention shall interfere with the right of a State Party, under its national law, to direct, control, coordinate and supervise telecommunication assistance provided under this Convention within its territory.

Article 5**Privileges, Immunities, and Facilities**

1. The requesting State Party shall, to the extent permitted by its national law, afford to persons, other than its nationals, and to organizations, other than those headquartered or domiciled within its territory, who act pursuant to this Convention to provide telecommunication assistance and who have been notified to, and accepted by, the requesting State Party, the necessary privileges, immunities, and facilities for the performance of their proper functions, including, but not limited to:

- (a) immunity from arrest, detention and legal process, including criminal, civil and administrative jurisdiction of the requesting State Party, in respect of acts or omissions specifically and directly related to the provision of telecommunication assistance;

SCHEDULE – Cont'd

- (b) exemption from taxation, duties or other charges, except for those which are normally incorporated in the price of goods or services, in respect of the performance of their assistance functions or on the equipment, materials and other property brought into or purchased in the territory of the requesting State Party for the purpose of providing telecommunication assistance under this Convention; and
- (c) immunity from seizure, attachment or requisition of such equipment, materials and property.

2. The requesting State Party shall provide, to the extent of its capabilities, local facilities and services for the proper and effective administration of the telecommunication assistance, including ensuring that telecommunication equipment brought into its territory pursuant to this Convention shall be expeditiously licensed or shall be exempt from licensing in accordance with its domestic laws and regulations.

3. The requesting State Party shall ensure the protection of personnel, equipment and materials brought into its territory pursuant to this Convention.

4. Ownership of equipment and materials provided pursuant to this Convention shall be unaffected by their use under the terms of this Convention. The requesting State Party shall ensure the prompt return of such equipment, material and property to the proper assisting State Party.

5. The requesting State Party shall not direct the deployment or use of any telecommunication resources provided pursuant to this Convention for purposes not directly related to predicting, preparing for, responding to, monitoring, mitigating the impact of or providing relief during and following disasters.

6. Nothing in this Article shall require any requesting State Party to provide its nationals or permanent residents, or organizations headquartered or domiciled within its territory, with privileges and immunities.

7. Without prejudice to their privileges and immunities in accordance with this Article, all persons entering the territory of a State Party for the purpose of providing telecommunication assistance or otherwise facilitating the use of telecommunication resources pursuant to this Convention, and all organizations providing telecommunication assistance or otherwise facilitating the use of telecommunication resources pursuant to this Convention, have a duty to respect the laws and regulations of that State Party. Such persons and organizations also shall have a duty not to interfere in the domestic affairs of the State Party into whose territory they have entered.

SCHEDULE – Cont'd

8. Nothing in this Article shall prejudice the rights and obligations with respect to privileges and immunities afforded to persons and organizations participating directly or indirectly in telecommunication assistance, pursuant to other international agreements (including the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, and the Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the General Assembly on 21 November 1947) or international law.

Article 6**Termination of Assistance**

1. The requesting State Party or the assisting State Party may, at any time, terminate telecommunication assistance received or provided under Article 4 by providing notification in writing. Upon such notification, the States Parties involved shall consult with each other to provide for the proper and expeditious conclusion of the assistance, bearing in mind the impact of such termination on the risk to human life and ongoing disaster relief operations.

2. States Parties engaged in providing or receiving telecommunication assistance pursuant to this Convention shall remain subject to the terms of this Convention following the termination of such assistance.

3. Any State Party requesting termination of telecommunication assistance shall notify the operational coordinator of such request. The operational coordinator shall provide such assistance as is requested and necessary to facilitate the conclusion of the telecommunication assistance.

Article 7**Payment or Reimbursement of Costs or Fees**

1. The States Parties may condition the provision of telecommunication assistance for disaster mitigation and relief upon agreement to pay or reimburse specified costs or fees, always bearing in mind the contents of paragraph 9 of this Article.

2. When such condition exists, the States Parties shall set forth in writing, prior to the provision of telecommunication assistance:

- (a) the requirement for payment or reimbursement;
- (b) the amount of such payment or reimbursement or terms under which it shall be calculated; and

SCHEDULE – Cont'd

(c) any other terms, conditions or restrictions applicable to such payment or reimbursement, including, but not limited to, the currency in which such payment or reimbursement shall be made.

3. The requirements of paragraphs 2 (b) and 2 (c) of this Article may be satisfied by reference to published tariffs, rates or prices.

4. In order that the negotiation of payment and reimbursement agreements does not unduly delay the provision of telecommunication assistance, the operational coordinator shall develop, in consultation with the States Parties, a model payment and reimbursement agreement that may provide a foundation for the negotiation of payment and reimbursement obligations under this Article.

5. No State Party shall be obligated to make payment or reimbursement of costs or fees under this Convention without having first expressed its consent to the terms provided by an assisting State Party pursuant to paragraph 2 of this Article.

6. When the provision of telecommunication assistance is properly conditioned upon payment or reimbursement of costs or fees under this Article, such payment or reimbursement shall be provided promptly after the assisting State Party has presented its request for payment or reimbursement.

7. Funds paid or reimbursed by a requesting State Party in association with the provision of telecommunication assistance shall be freely transferable out of the jurisdiction of the requesting State Party and shall not be delayed or withheld.

8. In determining whether to condition the provision of telecommunication assistance upon an agreement to pay or reimburse specified costs or fees, the amount of such costs or fees, and the terms, conditions and restrictions associated with their payment or reimbursement, the States Parties shall take into account, among other relevant factors:

- (a) United Nations principles concerning humanitarian assistance;
- (b) the nature of the disaster, natural hazard or health hazard;
- (c) the impact, or potential impact, of the disaster;
- (d) the place of origin of the disaster;
- (e) the area affected, or potentially affected, by the disaster;
- (f) the occurrence of previous disasters and the likelihood of future disasters in the affected area;

SCHEDULE – Cont'd

- (g) the capacity of each State affected by the disaster, natural hazard or health hazard to prepare for, or respond to, such event; and
- (h) the needs of developing countries.

9. This Article shall also apply to those situations in which telecommunication assistance is provided by a non-State entity or intergovernmental organization, provided that:

- (a) the requesting State Party has consented to, and has not terminated, such provision of telecommunication assistance for disaster mitigation and relief;
- (b) the non-State entity or intergovernmental organization providing such telecommunication assistance has notified to the requesting State Party its adherence to this Article and Articles 4 and 5; and
- (c) the application of this Article is not inconsistent with any other agreement concerning the relations between the requesting State Party and the non-State entity or intergovernmental organization providing such telecommunication assistance.

Article 8

Telecommunication Assistance Information Inventory

1. Each State Party shall notify the operational coordinator of its authority(ies):

- (a) responsible for matters arising under the terms of this Convention and authorized to request, offer, accept and terminate telecommunication assistance; and
- (b) competent to identify the governmental, intergovernmental and/or non-governmental resources which could be made available to facilitate the use of telecommunication resources for disaster mitigation and relief, including the provision of telecommunication assistance.

2. Each State Party shall endeavour to inform the operational coordinator promptly of any changes in the information provided pursuant to this Article.

SCHEDULE – *Cont'd*

3. The operational coordinator may accept notification from a non-State entity or intergovernmental organization of its procedures for authorization to offer and terminate telecommunication assistance as provided in this Article.

4. A State Party, non-State entity or intergovernmental organization may, at its discretion, include in the material it deposits with the operational coordinator information about specific telecommunication resources and about plans for the use of those resources to respond to a request for telecommunication assistance from a requesting State Party.

5. The operational coordinator shall maintain copies of all lists of authorities, and shall expeditiously disseminate such material to the States Parties, to other States, and to appropriate non-State entities and intergovernmental organizations, unless a State Party, non-State entity or intergovernmental organization has previously specified, in writing, that distribution of its material be restricted.

6. The operational coordinator shall treat material deposited by non-State entities and intergovernmental organizations in a similar manner to material deposited by States Parties.

Article 9**Regulatory Barriers**

1. The States Parties shall, when possible, and in conformity with their national law, reduce or remove regulatory barriers to the use of telecommunication resources for disaster mitigation and relief, including to the provision of telecommunication assistance.

2. Regulatory barriers may include, but are not limited to:

- (a) regulations restricting the import or export of telecommunication equipment;
- (b) regulations restricting the use of telecommunication equipment or of radio-frequency spectrum;
- (c) regulations restricting the movement of personnel who operate telecommunication equipment or who are essential to its effective use;
- (d) regulations restricting the transit of telecommunication resources into, out of and through the territory of a State Party; and
- (e) delays in the administration of such regulations.

SCHEDULE – *Cont'd*

3. Reduction of regulatory barriers may take the form of, but shall not be limited to:
- (a) revising regulations;
 - (b) exempting specified telecommunication resources from the application of those regulations during the use of such resources for disaster mitigation and relief;
 - (c) pre-clearance of telecommunication resources for use in disaster mitigation and relief, in compliance with those regulations;
 - (d) recognition of foreign type-approval of telecommunication equipment and/or operating licenses;
 - (e) expedited review of telecommunication resources for use in disaster mitigation and relief, in compliance with those regulations; and
 - (f) temporary waiver of those regulations for the use of telecommunication resources for disaster mitigation and relief.

4. Each State Party shall, at the request of any other State Party, and to the extent permitted by its national law, facilitate the transit into, out of and through its territory of personnel, equipment, materials and information involved in the use of telecommunication resources for disaster mitigation and relief.

5. Each State Party shall notify the operational coordinator and the other States Parties, directly or through the operational coordinator, of:

- (a) measures taken, pursuant to this Convention, for reducing or removing such regulatory barriers;
- (b) procedures available, pursuant to this Convention, to States Parties, other States, non-State entities and/or intergovernmental organizations for the exemption of specified telecommunication resources used for disaster mitigation and relief from the application of such regulations, pre-clearance or expedited review of such resources in compliance with applicable regulations, acceptance of foreign type-approval of such resources, or temporary waiver of regulations otherwise applicable to such resources; and
- (c) the terms, conditions and restrictions, if any, associated with the use of such procedures.

SCHEDULE – Cont'd

6. The operational coordinator shall regularly and expeditiously make available to the States Parties, to other States, to non-State entities and to intergovernmental organizations an up-to-date listing of such measures, their scope, and the terms, conditions and restrictions, if any, associated with their use.

7. Nothing in this Article shall permit the violation or abrogation of obligations and responsibilities imposed by national law, international law, or multilateral or bilateral agreements, including obligations and responsibilities concerning customs and export controls.

Article 10**Relationship to Other International Agreements**

This Convention shall not affect the rights and obligations of States Parties deriving from other international agreements or international law.

Article 11**Dispute Settlement**

1. In the event of a dispute between States Parties concerning the interpretation or application of this Convention, the States Parties to the dispute shall consult each other for the purpose of settling the dispute. Such consultation shall begin promptly upon the written declaration, delivered by one State Party to another State Party, of the existence of a dispute under this Convention. The State Party making such a written declaration of the existence of a dispute shall promptly deliver a copy of such declaration to the depositary.

2. If a dispute between States Parties cannot be settled within six (6) months of the date of delivery of the written declaration to a State Party to the dispute, the States Parties to the dispute may request any other State Party, State, non-State entity or intergovernmental organization to use its good offices to facilitate settlement of the dispute.

3. If neither State Party seeks the good offices of another State Party, State, non-State entity or intergovernmental organization, or if the exercise of good offices fails to facilitate a settlement of the dispute within six (6) months of the request for such good offices being made, then either State Party to the dispute may:

- (a) request that the dispute be submitted to binding arbitration; or
- (b) submit the dispute to the International Court of Justice for decision, provided that both States Parties to the dispute have, at the time of signing,

SCHEDULE -- *Cont'd*

ratifying or acceding to this Convention, or at any time thereafter, accepted the jurisdiction of the International Court of Justice in respect of such disputes.

4. In the event that the respective States Parties to the dispute request that the dispute be submitted to binding arbitration and submit the dispute to the International Court of Justice for decision, the submission to the International Court of Justice shall have priority.

5. In the case of a dispute between a State Party requesting telecommunication assistance and a non-State entity or intergovernmental organization headquartered or domiciled outside of the territory of that State Party concerning the provision of telecommunication assistance under Article 4, the claim of the non-State entity or intergovernmental organization may be espoused directly by the State Party in which the non-State entity or intergovernmental organization is headquartered or domiciled as a State-to-State claim under this Article, provided that such espousal is not inconsistent with any other agreement between the State Party and the non-State entity or intergovernmental organization involved in the dispute.

6. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 3. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 3 with respect to a State Party for which such a declaration is in force.

Article 12

Entry into Force

1. This Convention shall be open for signature by all States which are members of the United Nations or of the International Telecommunication Union at the Intergovernmental Conference on Emergency Telecommunications in Tampere on 18 June 1998, and thereafter at the headquarters of the United Nations, New York, from 22 June 1998 to 21 June 2003.

2. A State may express its consent to be bound by this Convention:

(a) by signature (definitive signature);

(b) by signature subject to ratification, acceptance or approval followed by deposit of an instrument of ratification, acceptance or approval; or

(c) by deposit of an instrument of accession.

SCHEDULE – Cont'd

ratifying or acceding to this Convention, or at any time thereafter, accepted the jurisdiction of the International Court of Justice in respect of such disputes.

4. In the event that the respective States Parties to the dispute request that the dispute be submitted to binding arbitration and submit the dispute to the International Court of Justice for decision, the submission to the International Court of Justice shall have priority.

5. In the case of a dispute between a State Party requesting telecommunication assistance and a non-State entity or intergovernmental organization headquartered or domiciled outside of the territory of that State Party concerning the provision of telecommunication assistance under Article 4, the claim of the non-State entity or intergovernmental organization may be espoused directly by the State Party in which the non-State entity or intergovernmental organization is headquartered or domiciled as a State-to-State claim under this Article, provided that such espousal is not inconsistent with any other agreement between the State Party and the non-State entity or intergovernmental organization involved in the dispute.

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(c) by deposit of an instrument of accession.

SCHEDULE – *Cont'd*

3. The Convention shall enter into force thirty (30) days after the deposit of instruments of ratification, acceptance, approval or accession or definitive signature of thirty (30) States.

4. For each State which signs definitively or deposits an instrument of ratification, acceptance, approval or accession, after the requirement set out in paragraph 3 of this Article has been fulfilled, this Convention shall enter into force thirty (30) days after the date of the definitive signature or consent to be bound.

Article 13**Amendments**

1. A State Party may propose amendments to this Convention by submitting such amendments to the depositary, which shall circulate them to the other States Parties for approval.

2. The States Parties shall notify the depositary of their approval or disapproval of such proposed amendments within one hundred and eighty (180) days of their receipt.

3. Any amendment approved by two-thirds of all States Parties shall be laid down in a Protocol which is open for signature at the depositary by all States Parties.

4. The Protocol shall enter into force in the same manner as this Convention. For each State which signs the Protocol definitively or deposits an instrument of ratification, acceptance, approval or accession, after the requirements for the entry into force of the Protocol have been fulfilled, the Protocol shall enter into force for such State thirty (30) days after the date of the definitive signature or consent to be bound.

SCHEDULE – Concl'd

Article 14

Reservations

1. When definitively signing, ratifying or acceding to this Convention or any amendment hereto, a State Party may make reservations.
2. A State Party may at any time withdraw its prior reservation by written notification to the depositary. Such withdrawal of a reservation becomes effective immediately upon notification to the depositary.

Article 15

Denunciation

1. A State Party may denounce this Convention by written notification to the depositary.
2. Denunciation shall take effect ninety (90) days following the date of deposit of the written notification.
3. At the request of the denouncing State Party, all copies of the lists of authorities and of measures adopted and procedures available for reducing regulatory measures provided by any State Party denouncing this Convention shall be removed from use by the effective date of such denunciation.

Article 16

Depositary

The Secretary-General of the United Nations shall be the depositary of this Convention.

Article 17

Authentic Texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the depositary. Only the English, French and Spanish authentic texts will be made available for signature at Tampere on 18 June 1998. The depositary shall prepare the authentic texts in Arabic, Chinese and Russian as soon as possible thereafter."