

COURTESY TRANSLATION

May 28, 2004

The Honorable Robert B. Zoellick
United States Trade Representative
Washington, D.C.

Dear Ambassador Zoellick:

I have the honor to refer to Annex 13 (Specific Commitments of Costa Rica on Telecommunications Services) of the Free Trade Agreement between our Governments signed this day (the “Agreement”) and to propose the following:

Costa Rica has undertaken an obligation in the Agreement to open its market for the supply of wireless telecommunications services. Once the market is open, competitive wireless service suppliers will need to be assigned blocks of spectrum in order to supply services. The Republic of Costa Rica shall, at a minimum, in compliance with its policy to allocate radio-electric spectrum in a manner to promote its most efficient use, and in keeping with international and regional norms, ensure that there will be sufficient, commercially relevant frequencies available in the national spectrum in order to satisfy the market access commitments included in section III.2 of Annex 13. According to CITELE and ITU recommended norms, commercially relevant frequencies for the provision of commercial mobile wireless services are understood to include the following ranges: 800 – 900 MHz, and 1700 – 1999 MHz.

I have the honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our Governments.

Sincerely,

Alberto Trejos

May 28, 2004

The Honorable Alberto Trejos
Minister of Foreign Trade
San Jose, Costa Rica

Dear Minister Trejos:

I am pleased to acknowledge your letter of today's date, which reads as follows:

“I have the honor to refer to Annex 13 (Specific Commitments of Costa Rica on Telecommunications Services) of the Free Trade Agreement between our Governments signed this day (the “Agreement”) and to propose the following:

Costa Rica has undertaken an obligation in the Agreement to open its market for the supply of wireless telecommunications services. Once the market is open, competitive wireless service suppliers will need to be assigned blocks of spectrum in order to supply services. The Republic of Costa Rica shall, at a minimum, in compliance with its policy to allocate radio-electric spectrum in a manner to promote its most efficient use, and in keeping with international and regional norms, ensure that there will be sufficient, commercially relevant frequencies available in the national spectrum in order to satisfy the market access commitments included in section III.2 of Annex 13. According to CITELE and ITU recommended norms, commercially relevant frequencies for the provision of commercial mobile wireless services are understood to include the following ranges: 800 – 900 MHz, and 1700 – 1999 MHz.

I have the honor to propose that this letter and your letters of confirmation in reply shall constitute an agreement between our Governments.”

I have the honor to accept your proposal on behalf of my Government and to confirm that your letter and this reply shall constitute an agreement between our Governments.

Sincerely,

Robert B. Zoellick