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orea Telecommunications Market Access Agreement (4/96)

EXCHANGE OF LETTERS ON IMPLEMENTATION OF THE 1992 TELECOMMUNICATIONS AGREEMENT

April , 1996

The Honorable Michael antor

United States Trade Representative

Executive Office of the President

600 17th Street, N.W.

Washington. D.C. 20506

Dear Ambassador antor:

I refer to the recent bilateral telecommunications consultations between the Governments of the Republic of orea and the United States regarding issues involving the 1992 Understanding on Telecommunications.

I am pleased to inform you that, in response to the U.S. Government's request, the orean Government is willing to hold a meeting with the U.S. side to begin to discuss telecommunications market access issues of mutual concern at any time in the second half of April 1996, with the objective of effectively addressing these issues as early as possible.

Sincerely,

Ambassador un Woo ParkK

April , 1996

Ambassador un Woo Park

Embassy of the Republic of orea

2450 Massachusetts Avenue, N.W.

Washington, D.C. 20008

Dear Ambassador Park:

I refer to the recent bilateral telecommunications consultations between the Governments of the Republic of orea and the United States regarding telecommunications issues. I welcome the orean Government's reaffirmation of its commitment to comply with the 1990 and 1992 Understanding on Telecommunications (the "ROUs").

I also welcome the fact that, in addition to the commitments in the ROUs, the orean Government will ensure that, in accordance with orea's commitments under the agreements of the World Trade Organization (the "WTO"), U.S. firms are accorded non-discriminatory access to the orean telecommunications market.

I welcome the following statements from the orean Government:

"I. orea Telecom's Procurement K

"A. The K e yve me t c fi ms th t:

"(1) the K e ve me t will t equie e cu ge K e Telec m t ffe p efe e ti l t e tme t t d mestic ll -p duced telec mmu ic ti s etwo k equipme t c mmodit p ducts i its p cu eme t p cess;

"(2) the K e ve me t will c ti ue t e su e th t K e Telec m exte ds equ l t e tme t t d mestic d U.S. supplie s i K e Telec m's p cu eme t p cess, i cludi g the futu e p cu eme t f equipme t i v lvi g dv ced tech l gies, such s As ch us T sfe Mode tech l g . The K e ve me t will fu the e su e th t K e Telec m d es tpu p sel del its p cu eme t i de t dis dv t ge U.S. supplie s; d

"(3) the K e ve me t will t equie e cu ge K e Telec m t bt i t sfe f tech l g s c diti f wadi g p cu eme t c t ct f telec mmu ic ti s etwo k equipme t c mmodit p ducts th ugh t sfe eit he di ect l t K e Telec m t K e Telec m's d mestic supplie s.

"B. The K e ve me t fu the c fi ms th t K e Telec m's p cu eme t egul ti s will:

"(1) p vide dequ te p tecti f the p p iet i f mati discl sed b its supplie s, which eit he c stitutes t de sec et is the wise subject t i tellectu l p pe t ight; d

"(2) equie supplie s t t i f i ge p te t, t dema k the t pe f i tellectu l p pe t ight held b thi d p t i K e , i fulfilli g thei c t cts with K e Telec m.

"C. A vi l ti b supplie f K e Telec m f thi d p t 's t de sec ets i tellectu l p pe t ights is cti ble u de the elev t public l w i K e , i cludi g the U f i C mpetiti P eve ti Act.

"D. The K e ve me t will e su e th t, with espect t the equipme t c ve ed b A ticle XVII f the 1992 ROU, K e Telec m:

"(1) c siste t with A ticle VI f the WTO Ag eeme t ve me t P cu eme t, d es t p ep e, d pt ppl tech ic l specific ti s with view t , with the effect f, c e ti g u ecess bst cles t i te ti l t de; d

"(2) c siste t with A ticle VI f the WTO Ag eeme t ve me t P cu eme t, p esc ibes tech ic l specific ti s, whe e pp p i te, (i) i te ms f p e f ma ce the th desig desc iptive ch cte istics; d (ii) b sed i te ti l st d ds, whe e such exist, the wise ti l tech ic l egul ti s ec g ized ti l st d ds.

"E. The K e ve me t will fu the e su e th t K e Telec m will t equie supplie s t submit p p iet tech ic l i f mati (i cludi g specific ti s d/ schematic di g ms) f the telec mmu ic ti s etwo k equipme t d c mmodit p ducts t be pu ch sed, except t the exte th t such i f mati is ecess f K e Telec m's dete mi ti f the supplie 's qu lifi c ti d/ its pe ti d mai te ce f the equipme t d p ducts.

"II. App v l f Telec mmu ic ti s Equipme t

"A. The K e ve me t tes th t vi l ti f the t pe pp v l egul ti s b K e ve me t ffici l is pu ish ble u de the elev t public l w i K e , i cludi g the K e N ti l Civil Se v t Act. The t pe pp v l egul ti s p vide f , mo g the thi gs, p tecti f the c fide ti l i f mati submitted b t pe pp v l pplic ts.

"B. The K e ve me t will c efull mo it its t pe pp v l p cess t e su e c mpli ce with the elev t p visi s f the 1992 ROU, p ticul l the p visi s eg di g d cume t ti equi eme ts f t pe pp v l pplic ti s. I this c ecti , the K e ve me t will issue di ective t c ll t the tte ti f its t pe pp v l ffici ls the imp t ce f K e 's c mpli ce with the p visi s f 1992 ROU.

"C. The K e ve me t wou ld like t c ll the tte ti f the U.S. ve me t t the p visi s f P g ph y XVI. f the 1992 ROU eg di g mutu l ec g iti f equipme t pp v l. I this eg d, the K e ve me t c fi ms its c ti ui g i te est i esumi g discussi s with the U.S. ve me t c ce i g this

U.

subject s tly s ssible. It is the K e n Gove n^{me}nt's belief th t mu^{tu} l ec gniti n nge^{me}nt will se ve t signific ntly enh nce e ch side's ccess t the the 's equi nt ket."

I eci te the willingness f the K e n Gove n^{me}nt t eng ge in fu the discussi ns with the S. G ove n^{me}nt c nce ning issues ising unde the i le^{me}nt ti n f the RO s.

Since ely,

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A^{mb} ss d Mich el K nt

A il , 1996

The Hon ble Mich el K nt U

nited St tes T de Re esent tive

Executive Office f the P esident

600 17th St eet, N.W.

Washingt n, D.C. 20506

De A^{mb} ss d K nt :

I efe t the ecent bil te l c nsult ti ns between the Gove n^{me}nts f the Re ublic f K e nd the nited St tes eg ding telec nic ti ns issues. Pu su nt t these c nsult ti ns. the K e n Gove n^{me}nt is le sed t e ffi^m its c t^{me}nt t c ly with the 1990 nd 1992 nde st ndings n Telec nic ti ns (the "RO s").

In dditi n t the c^{me}nts in the RO s, the K e n Gove n^{me}nt will ensu e th t, in cc d nce with K e 's c^{mi} me^{nt} s unde the g ee^{me}nts f the Wo ld T de Org niz ti n (the "WTO"), .S. fi^{ms} e cc ded n n- disc i^{mi} n t y ccess t the K e n telec nic ti ns ket.

I. K e Telec^{m'} s P^m cu e^{me}nt

A. The K e n Gove n^{me}nt c nfi^{ms} th t:

(1) the K e n Gove n^{me}nt will n t equi e enc u ge K e Telec^m t ffe efe enti l t e t^{me}nt t d estic lly- duced telec nic ti ns netw o k equi^{me}nt cU dity ducts in its cu e^{me}nt cess;

(2) the K e n Gove n^{me}nt will c ntinue t ensu e th t K e Telec^m extends equ l t e t^{me}nt t d^{me}stic nd .S. su lie s in K e Telec^{mu} s cu e^{me}nt cess, including the futu e cu e nt f equi nt inv lving dv nced techn l gies, such s Asynch n us T nsfe Mode techn l gy. The K e n Gove n^{me}nt will fu the ensu e th t K e Telec d es n t u sely del y its cu e nt in de t dis dv nt ge .S. su lie s; nd

(3) the K e n Gove n^{me}nt will n t equi e enc u ge K e Telec^m t bt in t nsfe f techn l gy s c nditi n f wading cu e^{me}nt c nt ct f telec nic ti ns netw o k equi^{me}nt c e dity ducts th ugh t nsfe eithe di ectly t K e Telec^m t K e Telec^m s d^e me^{stic} su lie s.

B. The K e n Gove n^{me}nt fu the c nfi^{ms} th t K e Telec^s cu e^{me}nt egul ti ns will:

(1) vide dequ te tecti n f the iet y inf^{mu} ti n discl sed by its su lie s, which eithe c nstitutes t de sec et is the wise subject t n intellectu l e ty ight; nd

(2) equi e su lie s n t t inf inge n tent, t de k ' ny the ty e f intellectu l e ty ight held by thi d ty in K e , in fulfilling thei c nt cts with K e Telec

C. Any vi l ti n by su lie f K e Telec f thi d ty's t de sec ets intellectu l e ty ights is U cti n ble unde the elev nt ublic l w in K e , including the nf i C etiti n P eventi n Act.

D. The Korea e-meet will evaluate, with respect to the equipment covered by Article X of the 1992 ROU, Korea Telecom:

(1) consistent with Article VI of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, does not prevent, adopt or apply technical specifications with a view to, or with the effect of, creating unnecessary obstacles to international trade;

(2) consistent with Article VI of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, prescribes technical specifications, where appropriate, (i) in terms of performance the design or descriptive characteristics; and (ii) based on international standards, where such exist, otherwise on international technical regulations or recognized international standards.

E. The Korea e-meet will urge the South Korea Telecom to equip suppliers to submit properly technical information (including specifications and/or schematic diagrams) of the telecommunications network equipment and commodity products to be purchased, except to the extent that such information is excessively Korea Telecom's determination of the suppliers' qualification and/or its operational maintenance of the equipment and products.

II. Approval of Telecommunications Equipment

A. The Korea e-meet notes that in order to the type approval regulations by Korea e-meet on which is published under the relevant public law in Korea, including the Korea National Communications Commission Act. The type approval regulations provide, among other things, protection of the confidentiality of information submitted by type approval applicants.

B. The Korea e-meet will continue to monitor its type approval process to ensure compliance with the relevant provisions of the 1992 ROU, particularly the provisions regarding document requirements on type approval applications. In this connection, the Korea e-meet will issue directives to call to the attention of its type approval officials the importance of Korea's compliance with the provisions of the 1992 ROU.

C. The Korea e-meet would like to call the attention of the U.S. e-meet to the provisions of Paragraph XVI. of the 1992 ROU regarding mutual recognition of equipment approval. In this regard, the Korea e-meet commits its continuing interest in resuming discussions with the U.S. e-meet concerning this subject as promptly as possible. It is the Korea e-meet's belief that mutual recognition arrangements will serve to significantly enhance each side's access to the other's equipment market.

I would like to inform you that the Korea e-meet will continue to be available to engage in discussions with the U.S. e-meet concerning issues arising under the implementation of the ROUs.

I hope that the ongoing dialogue is helpful to you under the direction of Korea's telecommunications policy.

Sincerely,

Ambassador Ku Woo-Pik

Ambassador Ku Woo-Pik

Embassy of the Republic of Korea

Washington, D.C.

De Ambassador Park: f

I refer to the recent bilateral telecommunications consultations between the e-meets of the Republic of Korea and the United States regarding issues arising under the 1992 Understanding on Telecommunications.

I welcome the fact that, in response to our request, the Korea e-meet is willing to hold meetings with the U.S. side to begin to discuss telecommunications market access issues of mutual concern at any time in the second half of April 1996, with the objective of effectively addressing these issues as early as possible. f

Sincerely

Michael Kantor

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