

**ARRANGEMENT OF CLAUSES**

1. Short title
2. Amendment of the Schedule to principal Act





GRENADA

**ACT NO. 2 OF 2019****I assent,**

CÉCILE E. F. LA GRENADE

*Governor-General.**14th May, 2019.*

AN ACT to amend the Eastern Caribbean Telecommunications Authority Treaty Act CAP. 85C.

*[17th May, 2019].*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows—

**1.** This Act may be cited as the—

Short title.

**EASTERN CARIBBEAN TELECOMMUNICATIONS  
AUTHORITY TREATY (AMENDMENT) ACT, 2019,**

and shall be read as one with the Eastern Caribbean Telecommunications Authority Treaty Act, Chapter 85C, hereinafter referred to as the “principal Act”.

**2.** The Schedule to the principal Act is amended as follows—

Amendment of  
the Schedule to  
principal Act.

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- (a) in the Preamble to the Treaty, by deleting the word “telecommunications” wherever it appears and substituting therefor the words “electronic communications”;
- (b) in Article 1 of the Treaty as follows—
- (i) by repealing the definitions of “telecommunications”, “telecommunications licence”, “telecommunications provider” and “telecommunications services”;
  - (ii) by repealing the definition of “frequency authorization” and substituting therefor the following new definition—  
““frequency authorization” means an authorization to use radio frequencies in connection with the operation of an electronic communications network or the provision of electronic communications services under a licence or otherwise;”;
  - (iii) by repealing the definition of “Organisation” and substituting therefor the following—  
““Organisation” means the Organisation of Eastern Caribbean States established by the Treaty of Basseterre on 18 June, 1981, as amended by the Revised Treaty of Basseterre, 18th June 2010;”;

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- (iv) by repealing the definition of the “universal service” and substituting therefor the following new definition—

““universal service and access” means universal service and access as defined by Contracting States;”;

- (v) by repealing the definition of “Universal Service and Access Fund” and substituting therefor the following new definition—

““Universal Service and Access Fund” means the Fund established by Contracting States under Article 12;”;

- (vi) by inserting the following definitions in the proper alphabetical sequence—

““electronic communications”

- (a) means a type of transmission, emission or reception and, where applicable switching or routing of—

- (i) voice, data, text, sound, audio, video, animation, visual images, moving images, pictures, pulses, signals or other information, or

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- (ii) a combination of the information under subparagraph (i),

using wire, radio frequency, optical, other electromagnetic means or by way of any other technology, whether with or without the aid of tangible conduct;

- (b) includes telecommunications;
- (c) does not include content services;”;

““electronic communications equipment manufacturer” means a person who makes equipment or apparatus for the purpose of or intended to be used for electronic communications as part of or comprising an electronic communications system;”;

““electronic communications network” means transmission systems and, where applicable, switching or routing equipment and other resources which permit the conveyance of signals by wire, radio, optical signals, electricity distribution

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systems, high-voltage lines or other electromagnetic means, including networks for radio and television broadcasting and cable television networks;”;

““electronic communications service” means a service provided wholly or partially by the conveyance of signals on an electronic communications networks;”;

““licence” means a licence issued to a person for the operation of an electronic communications network or the provision of an electronic communications service;”;

(vii) in the definitions of “class licence” and “terminal equipment” as follows—

(A) by deleting the words “telecommunications network” wherever they appear and substituting therefor the words “electronic communications network”; and

(B) by deleting the words “telecommunications service” wherever they appear and substituting

therefor the words “electronic communications service”;

- (viii) in the definition of “individual licence”, by deleting the words “telecommunications licence” wherever they appear and substituting therefor the words “electronic communications licence”;

(c) in Article 3 of the Treaty as follows—

- (i) by deleting the word “telecommunications” wherever it appears and substituting therefor the words “electronic communications”;
- (ii) by deleting the words “a Telecommunications” wherever they appear and substituting therefor the words “an Electronic Communications”;

(d) in Article 4 of the Treaty as follows—

- (i) by deleting the word “telecommunications” wherever it appears and substituting therefor the words “electronic communications”;
- (ii) by deleting the words “telecommunications providers” wherever they appear and substituting therefor the words “electronic communication providers”;
- (iii) by deleting the words “a universal service” wherever they appear and substituting therefor the words “electronic communications service”;

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tuting therefor the words “universal service and access”;

(e) in Article 5 of the Treaty as follows—

(i) by deleting the word “telecommunications” wherever it appears and substituting therefor the words “electronic communications”;

(ii) by repealing paragraph (d) and substituting therefor the following new paragraph—

“(d) recommend to the Contracting States the type of electronic communication networks or electronic communication services subject to a licence and exemption, if any;”;

(iii) by repealing paragraph (g) and substituting therefor the following new paragraph—

“(g) design and operate open tender procedures for licenses related to electronic communication networks and electronic communications services as requested by Contracting States;”;

(iv) by repealing paragraph (h) and substituting therefor the following new paragraph—

- “(h) subject to article 11, review an application for a licence;”;
- (v) by repealing paragraph (l) and substituting therefor the following new paragraph—
- “(l) recommend to the Contracting States classes and sub-classes of licenses, an appropriate fee structure for licenses or other matters for or in relation to the conduct or regulation of electronic communications;”;
- (f) in Article 6 of the Treaty, by deleting the word “telecommunications” wherever it appears and substituting therefor the words “electronic communications”;
- (g) in Article 7 of the Treaty, by deleting the word “telecommunications” wherever it appears and substituting therefor the words “electronic communications”;
- (h) in Article 8 of the Treaty—
- (i) in paragraph 3 sub-paragraph (b), by deleting the word “telecommunications” wherever it appears and substituting therefor the words “electronic communications”;
- (ii) in paragraph 3 sub-paragraphs (h), (m) and (n), by deleting the words “telecom-

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munications legislation” wherever they appear and substituting therefor the words “electronic communications legislation”;

(i) in Article 9 of the Treaty as follows—

(i) by deleting the words “telecommunications provider” wherever they appear and substituting therefor the words “electronic communication provider”;

(ii) by deleting the word “telecommunications” wherever it appears and substituting therefor the words “electronic communications”;

(j) in Article 11 of the Treaty—

(i) by repealing paragraph 1 and substituting therefor the following new paragraph—

“1. The Contracting States agree that:

(a) the classes of licenses are an individual licence, a class licence, or a class or sub-class of a licence as recommended by ECTEL under article 5(1);

(b) an application made in a Contracting State for an individual licence shall be submitted to ECTEL for its review and recommendation in order to ensure compliance

with the technical and financial requirements of ECTEL and this Treaty;

- (c) an application for a class licence in a Contracting State shall be submitted to the National Telecommunications Regulatory Commission in the Contracting State for its review;
- (d) an application for a frequency authorization in a Contracting State shall be submitted to ECTEL;
- (e) in the case of other licenses or sub-classes of licenses recommended by ECTEL under article 5(1), ECTEL shall determine, if an application for that licence is submitted to ECTEL or the National Telecommunications Regulatory Commission for review;
- (f) if an application is reviewed by ECTEL under paragraph (e), ECTEL shall recommend applicants who satisfy the relevant technical and financial requirements to

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operate an electronic communications network or an electronic communications service;

(g) if an application is reviewed by the National Telecommunications Regulatory Commission under paragraph (e), the National Telecommunications Regulatory Commission shall review the application;

(h) ECTEL shall manage the spectrum on behalf of the Contracting States.”;

(ii) in paragraph 2 as follows—

(A) by deleting the words “universal service” wherever they appear and substituting therefor the words “universal service and access”;

(B) by deleting the word “telecommunications” wherever it appears and substituting therefor the words “electronic communications”;

(k) in Article 12 of the Treaty as follows—

(i) by deleting the words “universal service” wherever they appear and substituting

therefor the words “universal service and access”;

- (ii) by deleting the word “telecommunications” wherever it appears and substituting therefor the words “electronic communications”;

(l) in Article 13(1) of the Treaty as follows—

- (i) by deleting the word “may” wherever it appears and substituting therefor the word “shall”;

(ii) in sub-paragraph (b) as follows—

(A) by deleting the word “mediation” wherever it appears and substituting therefor the word “resolution”;

(B) by deleting the full stop and substituting therefor a semi-colon;

(C) by inserting after sub-paragraph (b) the following new sub-paragraph (c)—

“(c) refer the matter to ECTEL for arbitration.”;

(m) in Article 17 of the Treaty, by repealing paragraph 2.

Passed by the House of Representatives this 8th day of March, 2019.

ANDREW AUGUSTINE  
*Clerk to the House of Representatives (Ag.).*

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Passed by the Senate this 21st day of March, 2019.

ANDREW AUGUSTINE  
*Clerk to the Senate (Ag.).*

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