

same time bridge the gap between countries who have sought rules favoring certain existing technologies and those seeking a minimalist approach until both market and new technology developments become more clear, and thus the effect on commerce and business applications more predictable.

The status of ongoing projects at various international bodies, both intergovernmental and private sector, as well as federal and state domestic law developments in the United States will be reviewed as appropriate. These may include recent developments at the OECD, APEC, the ICC and others, and the status of the proposed Uniform Electronic Transactions Act (UETA) and Uniform Commercial Code Article 2B, in view of the close connection between them in an era of globalization of commerce, information, and borderless connections through data networks. US proposals for a multilateral convention or bilateral agreements incorporating relevant provisions of the 1996 UNCITRAL Model Law will also be reviewed.

Recent UN documents that will be on the table at the Study Group meeting are available from the Office of Legal Adviser at the contact numbers indicated below, or at the following UN web page addresses: http://www.un.or.at/uncitral/english/sessions/wg_ec/wp-80.htm, and [wp-78.htm](http://www.un.or.at/uncitral/english/sessions/wg_ec/wp-78.htm). For additional background documents on electronic commerce, including the 1996 UNCITRAL Model Law on Electronic Commerce, as well as general information on other international law unification projects at the Commission, such as international project finance, secured interest financing and commercial arbitration, access the UNCITRAL web page at www.un.or.at/uncitral/index.html.

The Advisory Committee meeting will take place at the Department of Commerce at 14th and Pennsylvania Ave., NW in the Secretary's Conference Room 5855; attendees should use the main entrance on 14th Street. The meeting is open to the public up to the capacity of the meeting room; persons who cannot attend are welcome to comment, including any recommendations for possible U.S. positions on these matters. For further information, please contact Mark Bohannon, Chief Counsel for Technology at the Department of Commerce, (202) 482-1984, fax 482-0253, or Harold Burman, Advisory Committee Executive Director, at (202) 776-8421, fax 776-8482. Written comments or requests to be added to the ACPIL mailing list on electronic

commerce can be sent to the Office of Legal Adviser (L/PIL), 2430 "E" Street, NW, Suite 355 South Building, Washington, DC 20037-2800.

Harold S. Burman,

Advisory Committee, Executive Director.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Request for Comments on CITE Multilateral Negotiations Regarding a Mutual Recognition Agreement for Telecommunications Equipment

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for public comments.

SUMMARY: The Trade Policy Staff Committee (TPSC) requests comments from interested persons to be used in formulating U.S. positions and objectives for negotiations on a mutual recognition agreement (MRA) for telecommunications equipment among member states of the Inter-American Telecommunications Commission (CITEL) of the Organization of American States (OAS).

DATES: Comments are due by noon on Tuesday, February 16, 1999.

ADDRESSES: Comments should be submitted to Gloria Blue, Executive Secretary, TPSC, ATTN: CITEL Telecom MRA Comments, Office of the United States Trade Representative, Room 122, 600 17th Street, NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: William Corbett, Office of Industry Affairs, (202) 395-9586; or Joanna McIntosh, Office of General Counsel, (202) 395-7203.

SUPPLEMENTARY INFORMATION: Leaders at the December 1994 Summit of the Americas noted that the OAS has an important role to play in the development of telecommunications and information infrastructure in the Americas. CITEL is the OAS entity that is responsible for facilitating and furthering this development. CITEL member states include: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Saint Vincent and the Grenadines, Suriname, St. Kitts and

Nevis, Trinidad and Tobago, United States of America, Uruguay, and Venezuela.

The Working Group on Equipment Certification of the CITEL Permanent Consultative Committee I (PCC-I) is a biannual forum in which the telecommunications officials of CITEL member states undertake cooperative endeavors: to liberalize trade in telecommunications goods and services; to facilitate private sector interaction with telecommunications authorities on policy and business issues; to coordinate efforts to promote human resources development in the regional telecommunications industry; and to improve regional telecommunications infrastructure. At its next meeting in February or March 1999, the CITEL Working Group on Equipment Certification will begin negotiations on a draft MRA for telecommunications equipment among CITEL member states.

Mutual recognition agreements allow exporters to test and/or certify equipment to importing countries' mandatory technical requirements. An MRA for telecommunications equipment among CITEL member states potentially would reduce redundancy in performing conformity assessments to satisfy importing countries' approval processes. This would shorten approval times in a sector subject to ever-shortening product life cycles, and thereby facilitate trade in telecommunications equipment among CITEL member states. An MRA for telecommunications equipment would enhance benefits accruing to the United States from the reduction in tariffs on telecommunications equipment under the Information Technology Agreement.

The World Trade Organization Agreement on Technical Barriers to Trade encourages members to enter into mutual recognition agreements that "give mutual satisfaction regarding their potential for facilitating trade in the products concerned." An MRA does not require harmonization of mandatory technical requirements.

Public Comment: Requirements for Submissions

The TPSC, chaired by the Office of the United States Trade Representative (USTR) and including representatives of the Federal Communications Commission and the National Institute of Standards and Technology, requests comments on an MRA for telecommunications equipment among CITEL member states. These comments are to be used in the preparation of negotiating positions for upcoming CITEL Ad Hoc Equipment Certification Working Group meetings. Comments

should address: the potential for such an agreement to remove important non-tariff barriers affecting trade in telecommunications equipment, and the prospective benefits of such an agreement to U.S. producers, workers, and consumers. All comments must be in English, addressed to Gloria Blue, Executive Secretary, TPSC, ATTN: CITEL Telecom MRA Comments, Office of the United States Trade Representative, and submitted in 15 copies by noon on Tuesday, February 16, 1999.

All comments will be placed in the USTR Reading Room for inspection shortly after the filing deadline, except business confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential information submitted in accordance with 15 CFR 2003.6, must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 15 copies, and must be accompanied by 15 copies of a nonconfidential summary of the confidential information. The nonconfidential summary will be placed in the USTR Public Reading Room.

An appointment to review the comments may be made by calling Brenda Webb at (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon, and from 1:00 p.m. to 4:00 p.m., Monday through Friday, and is located in Room 101.

Frederick L. Montgomery,
Chairman, Trade Policy Staff Committee.
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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments Concerning Compliance With Telecommunications Trade Agreements and Market Opportunities for Electronic Commerce

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of request for public comment.

SUMMARY: Pursuant to sections 1372 and 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3107), the Office of the United States Trade Representative (USTR) is reviewing, and requests comments on: the operation and effectiveness of the World Trade Organization (WTO) Basic Telecommunications Agreement, other WTO agreements affecting market opportunities for telecommunications

products and services of the United States, the North American Free Trade Agreement (NAFTA), and other telecommunications trade agreements with Japan, Korea, Mexico and Taiwan; technical assistance for compliance with telecommunications commitments; and issues affecting market opportunities for electronic commerce. The USTR will conclude the review on March 31, 1999.

DATES: Comment are due by noon on Tuesday, February 16, 1999.

ADDRESSES: Comments must be submitted to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, ATTN: Section 1377 Comments, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: William Corbett, Office of Industry, (202) 395-9586; or Joanna McIntosh, Office of the General Counsel, (202) 395-7203.

SUPPLEMENTARY INFORMATION: Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 requires the USTR to review annually the operation and effectiveness of all U.S. trade agreements regarding telecommunications products and services of the United States that are in force with respect to the United States. The purpose of the review is to determine whether any act, policy, or practice of a country that has entered into a telecommunications trade agreement is not in compliance with the terms of such agreement, or otherwise denies to U.S. firms, within the context of the terms of such agreements, mutually advantageous market opportunities. For the current review, the USTR seeks comments on whether:

(1) Any WTO members appear not to be in compliance with their specific commitments under the WTO Base Telecommunications Agreement or with other WTO obligations, e.g., the WTO General Agreement on Trade in Services (GATS), including the Annex on Telecommunications (GATS), that affect market opportunities for U.S. telecommunications products and services; and

(2) Canada or Mexico have failed to comply with their commitments under NAFTA or whether Japan, Korea, Mexico or Taiwan have failed to comply with their commitments under bilateral telecommunications agreements with the United States.

Consistent with the findings and purposes in section 1372 of the Act, the USTR also seeks comments on:

(3) What foreign countries' compliance with their telecommunications trade agreement

commitments would benefit most from bilateral or multilateral technical assistance, especially with respect to the pro-competitive regulatory commitments made under the of WTO Basic Telecommunications Agreement; and

(4) Issues affecting market opportunities for electronic commerce (e.g., the Internet and other interactive computer services) as advanced telecommunications capabilities are deployed in foreign countries.

WTO Basic Telecommunications Agreement

The GATS contains general obligations that apply to all members and services whether or not listed in WTO members' schedules and specific obligations that apply only to services scheduled by a member. The Fourth Protocol to the GATS is the legal instrument embodying seventy WTO members' basic telecommunications services commitments under the GATS. The Fourth Protocol is generally referred to as the WTO Basic Telecommunications Agreement. The agreement entered into force on February 6, 1998 and 65 WTO members have accepted it thus far. A description of each member's specific commitments as embodied in the agreement is available at www.wto.org.

The WTO Basic Telecommunications Agreement encompasses commitments in three areas: market access, national treatment (including investment), and pro-competitive regulatory principles. For countries making full commitments: their market access commitments open local, long-distance and international service through any means of network technology, either on a facilities basis or through resale of existing network capacity; their national treatment commitments ensure treatment no less favorable to U.S. services or service suppliers than to services or service suppliers of the WTO member making the commitment (e.g., U.S. companies can acquire, establish or hold a significant stake in foreign telecommunications companies to the same extent as companies of the WTO member making the commitment); and the pro-competitive regulatory principles, set forth in a Reference Paper and incorporated in the members' schedules, commit members to establish independent regulatory bodies, guarantee that U.S. companies will be able to interconnect with networks in foreign countries at fair prices, forbid anti-competitive practices such as cross-subsidization, and mandate transparency of government regulations and licensing.