

LEX MUNDI
PUBLICATION



Telecommunications Regulation

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- 1. What is the name and nature of the regulatory body(ies) in your jurisdiction?
To which bodies (if any) are decisions appealed?**

Unidad Reguladora de Servicios de Comunicaciones and is an independent regulatory body. Decisions are appealed before the Ministry of Industry and Energy.

- 2. Has your jurisdiction adopted the WTO Basic Telecommunications Agreement?
If yes, with what exceptions, if any?**

No.

- 3. Are operators in your jurisdiction privately or publicly/state owned?**

Both.

- 4. What are the primary differences between the regulation of wire line, wireless, satellite, cable and VoIP providers?**

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Regulations are general and do not distinguish between the type of services but in relation to the use of public or private networks. VoIP is not regulated as such.

5. Are broadcasters regulated separately from telecoms?

Although there are regulations applicable to both, there are specific regulations applicable only to broadcasters.

6. How are satellite earth stations and submarine cable landings regulated?

There is not much regulations in this senese and general regulations are applicable to both situations

7. How is the radio spectrum generally regulated?

The radio spectrum is in general regulated by rules issued by the URSEC or decrees of the Executive Power and the use of such spectrum depends on the band to be used and if there is spectrum available.

8. Are any operators granted exclusivity?

Yes. The State-owned company ANTEL has the monopoly of the fix telephone lines.

9. Are anti-competitive practices subject to regulation or general competition (e.g., antitrust) laws?

Yes.

10. What services have been liberalized or designated as competitive services?

All except fix telephone lines. However, all telecom services are subject to the prior URSEC's authorization.

11. Are there regulated tariffs or price lists? If so, for what types of services?

No, except for fix telephone services which need the approval of the Executive Power to be modified.

12. Are there restrictions on foreign investment in any types of communications companies? If so, what are the restrictions?

No.

13. What are the approval processes for mergers and acquisitions? Do these vary by type of operator?

They need the authorization from the URSEC or the Executive Power depending the type of license not the type of operator.

14. Is interconnection between carriers mandatory?

Yes, with respect to those essential resources determined in the Interconnection Regulation.

15. Are interconnection fees/rates regulated?

No. However, the provider may not discriminate and in case of discrepancies between the parties, the URSEC may determine the fee to be paid.

16. Must carriers make available network components to competitors? If so, what are fees/prices based on cost, or market rates?

Yes. Fees/prices are not regulated.

17. Is there an obligation to serve all customers? If yes, is there a fund to subsidize eligible carriers? Which carriers contribute to the fund? Which carriers are eligible to receive these funds? Are broadband services subsidized or otherwise promoted through tax or other incentives?

There is not an obligation to serve all customers, except for ANTEL with respect to the monopoly of fix telephone lines.

18. Are there mandatory requirements to customer agreements (subscriptions, etc.)?

Yes.

19. Are there any general or telecommunication specific requirements as to data retention?

Yes.

20. Is number portability mandatory? If so, for which types of carriers (e.g., wireline, wireless, voice over internet protocol)?

No.

21. Is “equal access” dialing selection mandatory? If yes, for which types of carriers?

Yes for all international telephone carriers

22. Is access or other contributions (“ADCs”) required of new entrants?

No.

23. Is VoIP regulated? If yes, to what extent?

No.

24. Are any major changes to telecommunications laws expected in the near future?

No.

25. Is resale of telecom services permitted? If yes, is this activity regulated? What is the process to become a reseller? Are foreign companies permitted to be resellers?

Yes, it is permitted and regulated. Resellers must register themselves before the URSEC filling all the requirements established in the regulation. Foreign companies are permitted to be resellers but if they perform such activity within the country they will need to open a branch or set-up a subsidiary in accordance with what is established under the Corporation's Law.