

Costa Rica	
Telecoms legislation and regulations	<ul style="list-style-type: none"> • General Telecommunications Law 8642 of June 30, 2008 • Government implementing regulation 34765 of September 22, 2008 • Law 7593 of September 5, 1996 'on the public services' regulatory authority' • Law 8660 of July 29, 2009 'on the reorganisation of regulatory authorities and public administrations' • Telecommunications competition regulation of October 6, 2008
NRA	<p>Telecommunications Superintendence (SUTEL)</p> <p>SUTEL is an administrative body within the Public Services' Regulatory Authority (ARESEP).</p> <p>President of SUTEL: George Miley</p> <p><i>Decision making body:</i></p> <p>Board of SUTEL. It is composed of three members, including the President. The board meets once a week.</p> <p><i>Appointment/dismissal:</i></p> <p>The members of SUTEL board are designated and appointed by the Managing Council of ARESEP for a five year mandate (renewable once for an equal term). Four out of five ARESEP council members must agree on the designation (ARESEP council has five members appointed by the Government for a six year term).</p> <p>Eligibility criteria include: Costa Rican citizenship, university education, proven personal integrity, at least 5 years experience in telecommunications and no conflict of interest.</p> <p>Dismissal of a SUTEL board member before the expiry of its term is foreseen in case of unjustified absence from the country for over a month or from three consecutive board meetings, for disciplinary reasons, or incapacity to participate in the board activities.</p> <p><i>Responsibilities:</i></p> <ul style="list-style-type: none"> • implement telecommunications' policy and legislation • regulate the provision of telecommunications services, grant licences, impose access and interconnection obligations, approve retail tariffs and contracts with end users • manage the universal service fund • regulate and manage scarce resources, including numbers and radio spectrum • ensure compliance with consumer rights • lay out and enforce quality standards for telecommunications services • promote competition in the telecommunications sector (control of anticompetitive practices ex post and prior authorization of mergers in the telecoms sector) solve inter operator disputes • impose sanctions in case of infringement of telecommunications regulations and competition law. <p><i>Decision making criteria (voting):</i></p> <p>Simple majority (at least 2 votes required to adopt a decision). The president has a qualified vote in case of draw.</p> <p><i>Budget: CRC 4.97m (US\$ 9.82m) in 2010</i></p> <p>SUTEL's main financial resources come from authorization fees, and from the state budget.</p> <p><i>Staff: 27 people as of Dec. 2010. Recruiting of 29 people has been approved and is expected shortly</i></p> <p><i>Appeals to NRA decisions:</i></p> <p>SUTEL board decisions can be appealed to the Managing Council of ARESEP.</p>
Ministry/ies with responsibilities in telecoms	<p>Ministry of Environment, Energy and Telecommunications (Minaet)</p> <p>Minister: Teofilo de la Torre Arguello, appointed in May 2010.</p> <p><i>Responsibilities:</i></p> <ul style="list-style-type: none"> • definition of national telecommunications policy • definition of a national plan for the development of telecommunications • control over spectrum licensing by SUTEL (the ministry may oppose SUTEL's decisions on the grant of spectrum licences for public interest reasons, although these reasons must be explained and sufficiently justified). <p><i>Interaction with NRA:</i></p> <p>Informal cooperation.</p>

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Competition framework	<p><i>Competition authority (NCA):</i> Competition Commission (COPROCOM) is the general competition authority. However, SUTEL has exclusive competence to apply competition law in the telecommunications sector (see above). COPROCOM is an administrative body within the Ministry of Industry, Economy and Commerce. President: Stephan Brunner, designated in July 2009 (until July 2013). <i>Legislation:</i></p> <ul style="list-style-type: none"> • Competition Law 7472 of January 19, 1995 • Regulation 25234 of July 1, 1996 'on competition and consumer protection'. <p><i>Decision making body:</i> The board is composed of five members, including the President. <i>Appointment/dismissal of the board members:</i> Appointment by the government, upon proposal from the Ministry of Industry, for a four year mandate (renewable). The president of the COPROCOM is elected by majority of the board amongst board members for a two year period. At least one of the members of the board must be a lawyer, and another must be an economist. The other two members must hold a university degree which is relevant for COPROCOM's activities. Dismissal of a COPROCOM council member or the president before the expiry of their term is only foreseen in case of serious negligence, criminal offence confirmed by a final judgment (no appeal possible), or unjustified absence three consecutive board meetings or unauthorised absence from the country for more than three months. <i>Responsibilities:</i> Prevention and control of anticompetitive conduct:</p> <ul style="list-style-type: none"> • analysis and approval of concentrations • detection and control of abuse of dominance and of anticompetitive practices and agreements. <p><i>Decision making criteria (voting):</i> Majority (voting quorum is 4 members. At least 3 votes required to adopt a decision). <i>Interaction with NRA:</i> Application of competition law and merger control in the telecommunications sector is the sole responsibility of SUTEL, although the non binding opinion of COPROCOM must be requested.</p> <hr/> <p>Definition of dominance – SMP <i>How is it defined in the legislation?</i> Not explicitly defined. The law outlines the criteria to define the relevant market and conduct a SMP assessment. <i>Thresholds? Assessment criteria?</i> No threshold. SMP assessment is based on:</p> <ul style="list-style-type: none"> • market share and ability to unilaterally set prices or restrict supply in the relevant market barriers to entry • existence and position of competitors • access, by the undertaking and its competitors, to financial resources and other inputs • recent conduct. <p><i>Who files complaints for abuse of dominant position, and how?</i> Any interested party or COPROCOM on its own accord.</p> <hr/> <p>Merger control rules <i>Legal basis:</i></p> <ul style="list-style-type: none"> • General Telecommunications Law 8642 of June 30, 2008 (art. 56) • Government implementing regulation 34765 of September 22, 2008 (art. 23) • Competition Law 7472 of January 19, 1995 (art. 16) • Telecommunications competition regulation of October 6, 2008 <p><i>Thresholds and criteria obliging request of prior authorisation:</i> Not defined. Any concentration in the telecommunications sector is subject to prior approval by SUTEL. <i>Authorisation from whom?</i> SUTEL <i>Procedure and timing:</i> The notification of a concentration must be filed before its implementation. SUTEL must take a decision within 30 working days from the filing. This term can be extended by an additional 15 working days in particularly complex cases. SUTEL may impose conditions to clear a merger, in which case the procedure is further extended for 10 working days. SUTEL must request the non binding opinion of COPROCOM, which must deliver it within 15 working days from the request.</p>
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Consumer protection	<p><i>Consumer protection legislation:</i></p> <ul style="list-style-type: none"> • Competition Law 7472 of January 19, 1995 • Regulation 25234 of July 1, 1996 <p><i>Authority in charge of protecting consumers:</i></p> <p>National Consumer Commission (CNC), reporting to the Ministry of Industry, Economy and Commerce. CNC may impose fines and also order the withdrawal of a product from the market.</p> <p><i>How do consumers protect their interests? Whom can they address to?</i></p> <p>Consumers can address CNC, but to get damage compensation they must seize a civil court.</p>
Contacts	<p><i>Telecommunications operator associations:</i></p> <p>ICT chamber of commerce (CAMTIC).</p> <p><i>Consumer associations:</i></p> <p>Consumidores de Costa Rica - association for consumer protection.</p>
Institutional milestones	<ul style="list-style-type: none"> • Laura Chinchilla Miranda elected President of the Republic in February 2010 (five year mandate) • Teófilo de la Torre Argüello appointed Minister of Communications in May 2010. • National Telecommunications Plan (2009-2014) approved by the government in May 2009.
Institutional outlook	<ul style="list-style-type: none"> • Mandate of three board members of the competition authority to expire in mid 2011. • Costa Rica is in the middle of a transition from state-owned monopoly to competition. Following ratification of the free trade agreement between the US and Central American States, in 2007, Costa Rica started the reform of its regulatory environment to open telecommunications to competition. This process is still ongoing.