



November 18, 2010

Via Online Submission www.regulations.gov

Ms. Gloria Blue
Executive Secretary, Trade Policy Staff Committee
Office of the U.S. Trade Representative
600 17th Street, N.W.
Washington, DC 20036

RE: USTR's Request for Comments: Negotiating Objectives with Malaysia as part of the ongoing negotiations of a Trans-Pacific Partnership Trade Agreement.

Dear Ms. Blue:

In response to the Federal Register notice issued on October 20, 2010, the Telecommunications Industry Association (TIA) and its hundreds of member companies would like to thank you for the opportunity to submit comments regarding Malaysia joining the Trans-Pacific Partnership (TPP) trade agreement negotiations.

TIA represents the global information and communications technology (ICT) industry through standards development, advocacy, tradeshow, business opportunities, market intelligence and world-wide environmental regulatory analysis. TIA continues to facilitate the convergence of new communications networks while working towards a competitive and innovative market environment.

Implementing free trade agreements is an important component to helping build a strong, global digital economy that relies on a quality infrastructure, a network of services, and a solid legal and commercial framework providing confidence and protection to investors. TIA is encouraged that Malaysia is already a signatory to the World Trade Organization's (WTO) Information Technology Agreement (ITA), and has an established independent telecommunications regulator.

According to TIA's 2010 ICT Market Review and Forecast, Malaysia's compounded annual growth rate for telecommunications revenues between 2010 and 2013 is 4 percent.¹ In addition to this forecasted growth, Malaysia recently initiated a \$4.5 billion, ten-year project to build a high-speed broadband network.²

While TIA supports Malaysia joining the TPP negotiations, more needs to be done to establish a solid, level playing field for telecommunications industry. The following principles and objectives should be addressed when negotiating the trade agreement with Malaysia.

Technology Neutrality:

TIA is a strong advocate for policies that promote technology neutrality, in which standards are developed by market-driven dynamics and open, transparent processes. The United States should ensure that language supporting technology neutral policies are included in the TPP to promote competition and ensure that consumers are able to choose technologies that best suit their needs.

¹ TIA's ICT Market Review and Forecast 2010.

² TIA's ICT Market Review and Forecast 2010.

Allocation, Licensing and Use of Scarce Resources:

TIA reemphasizes the importance of the WTO Basic Telecommunications Agreement Reference Paper Article 6, which states that “any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner.” As more applications and devices are introduced to the network, the need for more spectrum and its properties will rapidly increase. The United States Government should ensure in future trade agreements that resource allocation procedures for all telecommunication services are followed in this regard.

Plurilateral Commitments under the WTO (GPA):

TIA strongly supports the United States urging Malaysia to commit to plurilateral agreements under the WTO, including, but not limited to:

Government Procurement Agreement (GPA): TIA supports government procurement policies that place domestic and foreign companies on a level playing field. Preferential procurement policies may distort market efficiencies, possibly increase consumer cost and prevent the development of a competitive industry, and can be detrimental to innovation and productivity. Currently, Malaysia is not a signatory to the WTO GPA, and it has repeatedly excluded government procurement from its other negotiated free trade agreements. The U.S. Government should urge Malaysia to sign the WTO’s Government Procurement Agreement as it would not only encourage a competitive industry, but it would strengthen the international trading system.

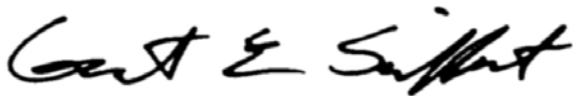
Mutual Recognition Agreement (MRA) for Testing and Certification:

As a signatory to the APEC TEL MRA, Malaysia has indicated it supports the goal of facilitating trade, promoting market access, and reducing or minimizing non-tariff trade barriers. In order to follow through on this support TIA encourages the USTR to urge Malaysia to implement Phase 1 of the APEC TEL MRA framework with the United States.

TIA wishes to express its appreciation to the USTR for its efforts on behalf of the U.S. ICT industry. It is important that the United States continue its efforts, both bilaterally and multilaterally, to bring about a fully competitive world market for ICT equipment.

If you have any questions about this submission or if we can assist you in other ways, please do not hesitate to contact Nick Fetchko, Director for International and Government Affairs, at 202-346-3246 or at nfetchko@tiaonline.org.

Sincerely,



Grant Seiffert
President