Annex B to Chapter 6
Telecommunications Services

Article B.1
Scope

1. This Annex shall apply to measures by a Party affecting trade in public telecommunications transport networks and services.

2. This Annex shall not apply to measures affecting broadcasting services as defined in the laws and regulations of each Party.

3. Nothing in this Annex shall be construed to:

(a) require a Party to authorise a service supplier of another Party to establish, construct, acquire, lease, operate or supply telecommunications transport networks or services other than as provided for in its Schedule of Specific Commitments in Annex 6; or

(b) require a Party (or require a Party to oblige service suppliers under its jurisdiction) to establish, construct, acquire, lease, operate or supply telecommunications transport networks or services not offered to the public generally.

Article B.2
Definitions

For the purposes of this Annex, the term:

(a) "cost-oriented" means based on cost, and may include a reasonable profit, and may involve different cost methodologies for different facilities or services;

(b) "end user" means a subscriber to or a final consumer of public telecommunications transport networks or services, including a service supplier other than a supplier of public telecommunications transport networks or services;

(c) "essential facilities" means facilities of a public telecommunications transport network or service that:

(i) are exclusively or predominantly provided by a single or limited number of suppliers; and

(ii) cannot feasibly be economically or technically substituted in order to provide a service;

(d) "leased circuits" means telecommunications facilities between two or more designated points that are set aside for the dedicated use of, or availability to, particular users;

(e) "major supplier" means a supplier which has the ability to materially affect the terms of participation, having regard to price and supply, in the relevant market for public telecommunications transport networks or services as a result of:

(i) control over essential facilities; or

(ii) use of its position in the market;

(f) "non-discriminatory" means treatment no less favourable than that accorded to any other user of like public telecommunications transport networks or services in like circumstances;

(g) "personal data" means any information about an identified or identifiable natural person;

(h) "public telecommunications transport network" means the public telecommunications infrastructure which permits telecommunications between and among defined network termination points;