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

(b) "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 basic telecommunications services as a result of:

(i) control over essential facilities; or

(ii) the use of its position in the market;

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

(d) "public telecommunications transport service" means any telecommunications transport service required, explicitly or in effect, by a Party to be offered to the public generally. Such services may include, *inter alia*, telegraph, telephone, telex, and data transmission typically involving the real-time transmission of customer-supplied information between two or more points without any end-to-end change in the form or content of the customer's information;

(e) "regulatory authority" means the body or bodies entrusted with any of the regulatory tasks assigned in relation to the issues mentioned in this Annex; and

(f) "telecommunications" means the transmission and reception of signals by any electromagnetic means.

Article II

Competitive Safeguards

1. Each Party shall maintain appropriate measures for the purposes of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anticompetitive practices.

2. The anticompetitive practices referred to in paragraph 1 shall include, in particular:

(a) engaging in anticompetitive cross-subsidisation, or pricing services in a manner that gives rise to unfair competition;

(b) using information obtained from competitors with anticompetitive results; and

(c) not making available to other service suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to supply services.