Section 2
Definitions

For the purposes of this Annex:

(a) the term "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;

(b) the term "intra-corporate communications" means telecommunications through which a company communicates within the company or with or among its subsidiaries, branches and, subject to the laws and regulations of a Party, affiliates. For these purposes, the terms "subsidiaries", "branches" and, where applicable, "affiliates" shall be as defined by each Party. "Intra-corporate communications" in this Annex excludes commercial or non-commercial services that are supplied to companies that are not related subsidiaries, branches or affiliates, or that are offered to customers or potential customers;

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

(d) the term "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) use of its position in the market;

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

(f) the term "public telecommunications transport network" means the public telecommunications infrastructure which permits telecommunications between and among defined network termination points, as provided for in the laws and regulations of each Party;

Note: For greater certainty, this definition is without prejudice to the GATS.

(g) the term "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, as provided for in the laws and regulations of each Party;

Note: For greater certainty, this definition is without prejudice to the GATS.

(h) the term "reference interconnection offer" means an interconnection offer extended by a major supplier and filed with or approved by a telecommunications regulatory body specifying rates, terms and conditions;

(i) the term "telecommunications dispute resolution body" means any body responsible for resolution of disputes concerning telecommunications;

(j) the term "telecommunications regulatory body" means any body responsible for the regulation of telecommunications; and

(k) the term "users" means service consumers and service suppliers.