2. Each Party shall monitor or assess such treatment referred to in paragraph 1 on the basis of whether such suppliers of public telecommunications transport networks or services, their subsidiaries, their affiliates, and non-affiliated service suppliers are in like circumstances.

Section 8
Competitive Safeguards

1. Each Party shall, through its relevant authorities, maintain appropriate measures for the purpose of preventing a major supplier from engaging in or continuing anti-competitive practices.

2. For the purposes of paragraph 1, anti-competitive practices shall include:

(a) using information obtained from competitors with anti-competitive results; and

(b) not making available to suppliers of public telecommunications transport networks or services, on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

Section 9
Interconnection with Major Suppliers

1. Each Party shall ensure that a major supplier in its Area provides interconnection with suppliers of public telecommunications transport networks or services of the other Party at any specified technically and commercially feasible point in the network. Such interconnection is provided:

(a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated suppliers of public telecommunications transport networks or services or of its subsidiaries or other affiliates;

Note: With regard to "rates" in this subparagraph, it is understood that interconnection rates are commercially or economically negotiated between suppliers of public telecommunications transport networks or services subject to the laws and regulations of each Party consistent with subparagraph (b).

(b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, in a way that the service supplier need not pay for network components or facilities that it does not require for the services to be provided; and

Note: The Parties understand that timeliness may vary from case to case, depending upon the complexity of each interconnection negotiation, which may be affected by a range of factors. However, interconnection shall not be delayed without justifiable reasons.

(c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities and mutually agreed terms and conditions.

2. Each Party shall endeavour to require the major suppliers in its Area to provide suppliers of public telecommunications transport networks or services of the other Party, interconnection with the major suppliers' unbundled network components or facilities for the provision of public telecommunications transport networks or services.

3. Implementation of the provisions of paragraph 2 may be determined by each Party, depending upon the state of market conditions in the relevant markets as assessed by the Party in its Area.