(i) control over essential facilities; or

(ii) use of its position in the market;

Note 1: For Peru, rural telephone companies that have at least 80 percent of their total fixed subscriber lines in operation in rural areas may not be considered as major suppliers.

Note 2: For the purposes of this Chapter, basic telecommunications services do not include non-public telecommunications services and value added services. Each Party may classify which services in its Area are value-added services.

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

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

(h) 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, typically involving customer-supplied information between two or more points without any end-to-end change in the form or content of the customer's information. Such services may include, *inter alia*, telegraph, telephone, telex and data transmission;

(i) the term "telecommunications" means the transmission and reception of signals by any electromagnetic means including by photonic means;

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

(k) the term "users" means consumers of, subscribers to or suppliers of public telecommunications transport networks or services.

Article 118
Access and Use

1. Each Party shall ensure that any service supplier of the other Party is accorded access to and use of public telecommunications transport networks and services in a timely fashion, on transparent, reasonable and non-discriminatory terms and conditions. This obligation shall be applied, *inter alia*, through paragraphs 2 through 6.

2. Each Party shall ensure that service suppliers of the other Party have access to and use of any public telecommunications transport network or service offered within or across the border of that Party, including private leased circuits, and to this end shall ensure, subject to the provisions of paragraphs 5 and 6, that such suppliers are permitted:

(a) to purchase or lease and attach terminal or other equipment which interfaces with the network and which is necessary to supply their services;

(b) to interconnect private leased or owned circuits with public telecommunications transport networks and services or with circuits leased or owned by other service suppliers;

(c) to use operating protocols of their choice in the supply of any service, other than as necessary to ensure the availability of telecommunications transport networks and services to the public generally; and

(d) to perform switching, signaling and processing functions.