

1 ARTICLE XVIII OF THE GENERAL AGREEMENT ON TRADE IN SERVICES 1
1.1 Text of Article XVIII1
1.2 "Reference Paper" on Basic Telecommunications1
1.2.1 General1
1.2.2 Text of model Reference Paper1

1 ARTICLE XVIII OF THE GENERAL AGREEMENT ON TRADE IN SERVICES

1.1 Text of Article XVIII "Reference Paper" on Basic Telecommunications

1.2.1 General

1. In 1997, Members concluded a special General Agreement on Trade in Services (GATS) negotiations in basic telecommunications in which they made commitments in market access and national treatment. Many Members also entered into additional commitments under Article XVIII of the GATS by drawing upon the provisions of a negotiated "Reference Paper" containing pro- competitive regulatory principles applicable to the telecommunications sector. In these negotiations, Members could elect to insert any or all of the provisions of the model Reference Paper into their Schedules and could also insert modified versions of these provisions. The Reference Paper provisions contained in the Schedules of individual Members may therefore differ from the model provisions below.

1.2.2 Text of model Reference Paper

"Reference Paper

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

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

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive Safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) under non-

