
Chapter Thirteen

Communications

Article 1300: Application of General Rules

For greater certainty, Chapter Four (General Rules) applies to this Chapter, except as otherwise provided in this Chapter.

Article 1301: Scope and Coverage

This Chapter applies to measures adopted or maintained by a Party relating to communications services and telecommunications facilities.

Article 1302: Access to and Use of Transport Networks and Services

For the purposes of Article 401 (Reciprocal Non-Discrimination), "treatment" includes access to and use of public telecommunications transport networks and public telecommunications transport services.

Article 1303: Committee on Communications-Related Measures

1. When so requested by a Party, the Parties shall establish a Committee on Communications-Related Measures composed of representatives of each Party.⁶⁸
2. The Communications Committee shall, among other things:
 - (a) monitor the implementation of this Chapter;
 - (b) provide a forum for the Parties to consult on issues respecting this Chapter; and
 - (c) identify communications-related measures that may require reconciliation and develop consensus on common approaches to and specify schedules and time frames for reconciliation.

Article 1304: Monopolies

Where a Party maintains or designates a monopoly to provide any communications services or telecommunications facilities and the monopoly competes, directly or through an affiliate, in other markets in the provision of communications services or telecommunications facilities, the Party shall ensure that the monopoly does not use its monopoly position to engage in anticompetitive conduct in those other markets, either directly or through its dealings with its affiliates, in a manner that adversely affects another Party.

⁶⁸ This paragraph was amended by the Fifth Protocol of Amendment.

Article 1305: Saskatchewan Provision⁶⁹

Article 1306: Definitions

In this Chapter:

communications means the emission, transmission or reception of intelligence by any wire, cable, radio, optical or other electromagnetic system, or by any similar technical system;

Communications Committee means the Committee established under Article 1303(1);

communications services means services provided by means of telecommunications facilities and includes the provision, in whole or in part, of telecommunications facilities and any related equipment, whether by sale, lease or otherwise;

telecommunications facilities means any facilities, apparatuses or other things used or capable of being used for telecommunications or for any operation directly connected with telecommunications and includes a transmission facility as defined in the *Telecommunications Act* (Canada);

public telecommunications transport networks means public telecommunications infrastructures and systems that permit telecommunications;

public telecommunications transport services means services offered to the public involving the transmission of customer-supplied information between two or more points on a public telecommunications transport network without any end-to-end change in the form or content of that information.

⁶⁹ This article was deleted by the Fifth Protocol of Amendment.