

- e) subject to Chapter Six (Technical Standards), standards, certification, testing or approval procedures; and
- f) the movement of information across the borders and access to data bases or related information stored, processed or otherwise held within the territory of a Party.

2. The establishment of a commercial presence as set out in this Chapter shall include the establishment of offices, appointment of agents, and installation of customer-premises equipment or terminal equipment for the purpose of distributing, marketing, delivering or facilitating the provision of an enhanced or computer service within or into the territory of a Party.

3. Investment as set out in this Chapter shall include the purchase, lease, construction, or operation of equipment necessary for the provision of an enhanced or computer service.

Article 4: Existing Access

1. Each Party shall maintain existing access, within and across the borders of both Parties, for the provision of enhanced services through the use of the basic telecommunications transport network of the Party and for the provision of computer services.

2. Nothing in paragraph 1 shall be construed to restrict or prevent a Party from introducing measures related to the provision of enhanced services and computer services provided that such measures are consistent with this Chapter.

Article 5: Monopolies

1. Where a Party maintains or designates a monopoly to provide basic telecommunications transport facilities or services, and the monopoly, directly or through an affiliate, competes in the provision of enhanced services, the Party shall ensure that the monopoly shall not engage in anticompetitive conduct in the enhanced services market, either directly or through its dealings with its affiliates, that adversely affects a person of the other Party. Such conduct may include cross-subsidization, predatory conduct, and the discriminatory provision of access to basic telecommunications transport facilities or services.