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**CWG-WCIT12 TEMPORARY DOCUMENT 64 Rev.1**

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Chairman**

**ANTICIPATED FINAL DRAFT OF THE FUTURE ITRS**

*Editorial Note: this document represents the differing views expressed during the in CWG-WCIT of the Compilation of proposals, with a view towards reconciling the differences in approaches. (See no. 7 of the group's Terms of Reference, Annex 1 of Council Resolution 1312.)*

*The views are shown as draft revisions of selected articles of the ITRs. Other options and views are found in the Compilation of proposals, TD-62 (the previous version of the compilation of proposals is found in TD 52 Rev.2).*

*Items that have not yet been considered by CWG-WCIT are highlighted in yellow.*

*This revision has been updated to include proposals submitted to the eighth meeting of CWG-WCIT12 and those proposals are highlighted in turquoise.*

**This document presents work in progress, it has not been reviewed or agreed by CWG-WCIT.**

***The proposed revisions to the ITRs have not been agreed.***

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**NOC** CWG/54/0.0

## **International Telecommunication Regulations**

**NOC** CWG/54/0.1

### **PREAMBLE**

**Reasons:** title and tile of Preamble remain unchanged.

**MOD** CWG/54/0.2

**1** While the sovereign right of each country-state to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereinafter "Regulations") supplement [complement+complete] the Constitution and Convention of the International Telecommunication Union Convention, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications.

**Reasons:**

The term "state" is the one used in the Constitution.

The term "complement" is the one used in the Constitution.

**MOD** CWG/54/0.3: WITHDRAWN, consider deleting

**1** While the sovereign right of each country-state to regulate its telecommunications is fully recognized, the provisions of the present Regulations supplement the International Telecommunication Convention, with a view serve to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications.

**Reasons:**

This proposal avoids having to choose between "complement" and "complete" and is aligned with the Preamble of the Radio Regulations.

**NOC** CWG/54/1.0

### **ARTICLE I**

#### **Purpose and Scope of the Regulations**

**Reasons:** title of Article 1 remains unchanged.

**MOD** CWG/54/1.1

2 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. ~~They also set rules applicable to administrations.~~

**Reasons:**

The revised ITRs should only contain provisions regarding obligations of Member States, and not direct the activities of private parties.

**MOD** CWG/54/1.2

2 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. ~~They also set rules applicable to administrations.~~ Member States may apply these rules to recognized operating agencies.

**MOD** CWG/54/1.3

2 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. ~~They~~ seey Regulations also set rules applicable to [Member States and] operating agencies\* ~~administrations.~~

\* The term "operating agency" includes "recognized operating agency" and is used in that sense throughout these Regulations.

**Reasons:**

Adding Member States would expand the scope of the Regulation which previously set rules only for administration.

Updating the term "administrations or recognized operating agencies" with Member States and operating agencies.

**MOD** CWG/54/1.4

2 1.1 a) These Regulations establish general principles which relate to the [provision ↓ interoperability] and operation of international telecommunication services [for the provision of international telecommunication services] offered to the public as well as to the underlying international telecommunication transport means used to provide such services. They [place obligations on Member States in respect of fulfilment of the provisions of the Regulations by administrations and operating agencies involved in international telecommunications ↓ require Member States to ensure that administrations and operating agencies engaged in international telecommunications comply with the provisions of the ITRs] ~~also set rules applicable to administrations.~~

**Reasons:**

In a number of developing countries, including some RCC members, administrations cooperate for the provision of international telecommunication services.

**MOD** CWG/54/1.5

**3** b) These Regulations recognize ~~in Article 9~~ the right of Members States to allow special arrangements as provided in Article 9.

**Reasons:**

Important to recognize special arrangement between operators.

**MOD** CWG/54/1.6

**3** b) These Regulations recognize in Article 9 the right of Members ~~s~~States to allow special arrangements.

**NOC** CWG/54/1.7

**3A**

**Reasons:**

No new 1.1 c). The provision proposed in 1.1.c is not in the scope of the ITRs.

**ADD** CWG/54/1.8

**3A** c) These Regulations recognize that Member States shall take the relevant necessary measures to prevent interruptions of services and shall ensure that no harm is caused by their operating agencies to the operating agencies of other Member States which are operating in accordance with the provisions of these Regulations.

**Reasons:**

Emphasizing on the importance of taking all measures to prevent the interruption of services and causing harm to the operations of other Member States.

Develops § 5 of Article 38 of the ITU Constitution. Specifies Member States' regulatory obligations in ensuring that their operating agencies do not cause harm to the agencies of other Member States.

**NOC** CWG/54/1.8A

**3B**

**Reasons:**

No new 1.1 d). The addition of 1.1.d) is not supported as it is not appropriate to include such issues in article 1.1.

**ADD** CWG/54/1.8B

**3B** d) Member States shall guarantee These Regulations recognize the absolute priority for telecommunications relating to safety of life (distress) telecommunications, including distress telecommunications, emergency telecommunications services and telecommunications for disaster relief as provided in Article 5 for prevention, relief and mitigation in emergency situations.



**Reasons:**

Emphasizing on the priority of safety of life and emergency telecommunications.

Consider moving this provision to Article 5, being a mandate rather than a scope.

Develops Article 40 of the Constitution. Specifies Member States' obligations to guarantee absolute priority for telecommunications in emergency situations.

**NOC** CWG/54/1.8C

**3C**

**Reasons:**

No new 1.1 e) since it is quite similar to 1.23. The proposal for a new 1.1.e ) is addressed in 1.7.c).

**ADD** CWG/54/1.8D

**3C** e) Member States shall cooperate for the purpose of implementing the International Telecommunication Regulations.

**Reasons:**

Transferring this provision to ITR 1.1 from the old 1.7c) gives it greater force and extends it unequivocally to the whole of the ITRs.

**NOC** CWG/54/1.9

**4** 1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies.

**Reasons:**

It is may be necessary to clarify what is meant by "the public".

**NOC** CWG/54/1.10

**5** 1.3 These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public of international telecommunication services.

**MOD** CWG/54/1.11

**5** 1.3 a) These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public and the security of international telecommunication services; and in particular the availability, operation, and use of advanced telecommunications facilities in developing all countries. The scope may be all-existing, emerging, and future telecommunication facilities and services.

[1.3 b) These Regulations promote greater confidence and security, including of information, in the provision of international telecommunications/ICTs.]

**Reasons:**

This proposal emphasizes on the importance of security and availability of the telecommunications in all countries. This view merges between all the different proposals including the Latin America & Caribbean, ARB, and RCC Views as provided in Doc. TD 62.

**MOD** CWG/54/1.12

5 1.3 These Regulations ~~are established with a view to~~ facilitating global interconnection and interoperability of telecommunication networks facilities and ~~to promoting~~ the harmonious development and efficient operation of technical facilities, ~~as well as~~ the efficiency, usefulness and availability to the public of international telecommunication services, and greater confidence and security, including of information, in the provision of international telecommunication services to the public.

**Reasons:**

It is proposed to include in Article 1 a general provision on security of international telecommunication services, which is covered in detail in new Article 8 “Confidence and security in the provision of international telecommunications and services”.

**MOD** CWG/54/1.13

6 1.4 Unless otherwise specified in these Regulations, rReferences to ~~CCITT~~ ITU-T | ITU Recommendations of the ITU [and Instructions] in these Regulations are not to be taken as giving to those Recommendations [and Instructions] the same legal status as the Regulations.

**Reasons:**

This proposal emphasizes Recommendations by the ITU are voluntary by nature, except for those specific Recommendations that WCIT-12 agrees to give them different status.

**MOD** CWG/54/1.13A

6 1.4 References to ~~CCITT~~ ITU-T Recommendations [and Instructions] in these Regulations are not to be taken as giving to those Recommendations [and Instructions] the same legal status as the Regulations.

**MOD** CWG/54/1.14

7 1.5 Within the framework of the present Regulations, the provision [and operation] of international telecommunication services in each relation is pursuant to mutual agreement between [administrations | Member States] and/or operating agencies, as the case may beadministrations.

**Reasons:**

In spite that article 42 of the CS refer to special arrangements, and accordingly direct or complex commercial relations may exist between operators; however, there should be - and does not contradict – to have a legal binding document (agreement) between Operating Agencies operating under the jurisdiction of their relevant Member States in each of the relations, either bi- or multilateral, in order to preserve their mutual rights firstly, and secondly to preserve the rights of the involved Member States in case of a breach of this ITRs, e.g. instances of fraud, misuse ..etc which could have negative effects on the interests of this MS and /or its OAs or users. Indeed, Article 11 No. 76A of the CS allows the Secretary-General to act as depositary of special arrangements established in conformity with Article 42 of the CS.

Updating the term "administrations or recognized operating agencies" with Member States and operating agencies. Important to recognize special arrangement between operators.

Today, some administrations, primarily in the developing countries, including in RCC countries, participate in agreements for the provision of international telecommunication services. Accordingly, it is proposed to retain the concept of "administration".

**MOD** CWG/54/1.15

**7** 1.5 Within the framework of the present Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between recognized operating agencies~~administrations~~.

**SUP** CWG/54/1.16

~~**7** 1.5 Within the framework of the present Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between administrations.~~

**Reasons:**

International traffic handling today is more complex than previously experienced and this is reflected in the commercial relationships currently exist between OAs. Art. 42 CS and art 9 of the ITRs refer to special arrangements therefore the text on existing 1.5 seems to in contradiction.

**MOD** CWG/54/1.16A

**8** 1.6 In implementing the principles of these Regulations, administrations\* [and operating agencies] should comply with, to the greatest extent practicable, the relevant ~~CCITT~~ ITU-T Recommendations[, including any Instructions forming part of or derived from these Recommendations].

**MOD** CWG/54/1.16B

**8** 1.6 In implementing the principles of these Regulations, ~~administrations~~ Member States should encourage take measures to ensure that operating agencies to comply with, to the greatest extent practicable, the relevant ~~CCITT~~ ITU-T Recommendations, ~~including any Instructions forming part of or derived from these Recommendations~~.

**Reasons:**

The use of the term "encourage" is in line with existing provision of the ITRs 1.7.b).

Both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141, (Instructions for operators on the operator-assisted international telephone service) were withdrawn. Therefore, references to ITU-T "Instructions" should be suppressed.

**MOD** CWG/54/1.16C

**8** 1.6 In implementing the principles of these Regulations, ~~administrations~~ Member States and operating agencies should comply with, to the greatest extent practicable, the relevant ~~CCITT~~ ITU-T Recommendations by the ITU having policy or regulatory implications, including any Instructions forming part of or derived from these Recommendations.

**Reasons:**

This proposal emphasizes the importance of compliance with Recommendations by the ITU that have policy and regulatory implications.

**MOD** CWG/54/1.16D

**8** 1.6 ~~In implementing the principles of these Regulations, administrations should comply with,~~ For the purposes of these Regulations and the principles enshrined in them, Member States shall provide, to the greatest extent practicable, for the implementation of the relevant ITU CCITT Recommendations and Resolutions by administrations and operating agencies, including any Instructions forming part of or derived from these Recommendations.

**MOD** CWG/54/1.16E

**8** 1.6 In implementing the principles of these Regulations, ~~administrations should comply with~~ there shall be compliance with, to the greatest extent practicable, the relevant ~~CCITT~~ ITU-T Recommendations, including any Instructions forming part of or derived from these Recommendations.

**MOD** CWG/54/1.17

**9** 1.7 a) These Regulations recognize the right of any Member State, subject to national law and should it decide to do so, to require that administrations and recognized private-operating agencies (ROAs), which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State.

**MOD** CWG/54/1.18

**9** 1.7 a) These Regulations recognize the right of any Member State, subject to national law and should it decide to do so, to require that administrations and ROAs private operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State and be subject to transparency and accountability requirements.

**Reasons:**

It has been suggested that the source (Global Voice Group) may wish to consider withdrawing this proposal given lack of support.

**MOD** CWG/54/1.19

**9** 1.7 a) These Regulations recognize the right of any Member State, subject to national law and should it decide to do so, to require that ~~administrations\*~~ operating agencies, which operate in its territory and provide and international telecommunication service to the public or provide an international telecommunication service to the public in its territory, be authorized ~~by that Member State.~~ by that Member State.

**Reasons:**

Member States have the sovereign right to impose obligations in accordance with national law, on all operating agencies, not just on recognized operating agencies.

In line with CS, Member States have the sovereign right to impose obligations in accordance with national law, on all operating agencies, not just on recognized operating agencies.

The ITRs should apply to Member States.

**MOD** CWG/54/1.20

**10** b) The Member State concerned shall, as appropriate, encourage the application of relevant ITU-T ~~CCITT~~ Recommendations by such service providers.

**Reasons:**

This provision seems to be very similar to 1.6, perhaps it could be merged with 1.6.

**MOD** CWG/54/1.21

**10** b) The Member State concerned shall, as appropriate, encourage the application of relevant ~~CCITT~~ ITU-T Recommendations by such service providers operating agencies.

**Reasons:**

This provision seems to be very similar to 1.6, perhaps it could be merged with 1.6.

**SUP** CWG/54/1.22

~~**10** b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers.~~

**Reasons:**

This provision seems to be very similar to 1.6 and should be suppressed as there is a need to avoid repetition.

**MOD** CWG/54/1.23

**11** c) The Members States, and operating agencies where appropriate, shall cooperate in implementing the International Telecommunication Regulations.

**Reasons:**

Use of the term "cooperate" may need to be revisited and it may be appropriate to consider moving the provision elsewhere.

This proposal emphasizes the importance of cooperation among the membership to meet the objective of these Regulations. The term "Members" is replaced by Member States and Operating Agencies.

**MOD** CWG/54/1.24

**11** c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations. The need to promote compliance will be given emphasis and appropriate assistances will be provided to strengthen national capacity in developing countries and countries in transition in support of compliance.

**SUP** CWG/54/1.25

~~**11** c) The Member, where appropriate, shall cooperate in implementing the International Telecommunication Regulations.~~

**NOC** CWG/54/1.26

**12** 1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.

**Reasons:**

~~Mexico reserves its position regarding 1.8.~~

To retain this provision, since it defines the scope of the ITRs, and clarifies its relation with respect to the RR.

The provision stood the test of time.

**NOC** CWG/54/1.27

**Reasons:**

No new 1.9

Reason: No new 1.9 is required since it is generally understood. It is also adequately covered by 1.1 b) as well as Whole Article 9. See also Information Document 9 from the ITU Secretary-General clarifying this matter in great details.

**12A**

**ADD** CWG/54/1.28

**12A** 1.9 Nothing in these regulations shall be interpreted as modifying the rights and obligations of Member States under any other treaties to which they are parties.

**Reasons:**

It was suggested that the purpose of this proposal could be achieved through a declaration rather than an article in the ITRs. The Legal Advisor was requested to provide a legal analysis of the issues raised by this proposal. That legal analysis is found in CWG-WCIT/C 89.

Some Member States stated that they strongly opposed this proposed new provision, because it would make the ITRs subordinate to all other treaties, even bilateral treaties, and even subsequent treaties.

**NOC** CWG/54/2.0

## ARTICLE 2

### Definitions

**Reasons:** title of Article 2 remains unchanged.

**NOC** CWG/54/2.0A

**13** For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.

**NOC** CWG/54/2.1

**14** 2.1 Telecommunication: Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

**MOD** CWG/54/2.1A

**14** 2.1 *Telecommunication/ICT*: Any transmission, emission, ~~or~~ reception or/including processing of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

**Reasons:**

This is different from the definition of the term found in 1012 CS and would be difficult to accept. The Term Telecommunications/ICTs is commonly used within the ITU, it is mentioned many times in all of its Conferences and Assemblies outcomes. Although the term "Telecommunication" and its definition in both the ITRs and the CS&CV already covers the ICTs, it is quite useful to clearly reflect this by slightly improving the definition. It is important to understand that this proposal does not intend to change the current Telecommunication definition; it rather creates another parallel clarifying definition for Telecommunications/ICTs.

**SUP** CWG/54/2.1B

**14** ~~2.1 Telecommunication: Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.~~

**Reasons:** This definition is found in 1012 CS.

**NOC** CWG/54/2.2

**15** 2.2 *International telecommunication service*: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.

**Reasons:**

The provision stood the test of time.

**MOD** CWG/54/2.2A

**15** 2.2 *International telecommunication service*: The offering of a telecommunication capability including, but not limited to: offering of a telecommunication capability in roaming, international public telegram service, telex, traffic termination services (including Internet traffic termination), any kind of circuit provision services, other services integral to provision of international telecommunication services between telecommunication offices or stations of any nature that are in or belong to different countries.

**Reasons:** This is different from the definition of the term found in 1011 CS.

**SUP** CWG/54/2.2B

**15** ~~2.2 International telecommunication service: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.~~

**Reasons:** This definition is found in 1011 CS.

**MOD** CWG/54/2.3

**16** 2.3 *Government telecommunication*s: ~~A~~Telecommunications originating with any: Head of a State; Head of a government or members of a government; Commanders-in-Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary-General of the United Nations; Heads of the principal organs of the United Nations; the International Court of Justice, or repl~~iesy~~iesy to a government ~~telegram~~ telecommunications mentioned above.

**Reasons:** Align with 1014 CS.

**SUP** CWG/54/2.3A

**16** ~~2.3 Government telecommunication: A telecommunication originating with any: Head of a State; Head of a government or members of a government; Commanders in Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary General of the United Nations; Heads of the principal organs of the United Nations; the International Court of Justice, or reply to a government telegram.~~

**Reasons:**

**Obsolete.**

**MOD** CWG/54/2.4

**17** **2.4 Service telecommunication:**

A telecommunication that relates to public international telecommunications and that is exchanged [by agreement] among the following:

- [administrations | Member States];
- [recognized] ~~private~~ operating agencies,
- and the Chairman of the ~~Administrative~~ Council, the Secretary-General, the Deputy Secretary-General, the Directors of the ~~Bureaux International Consultative Committees~~, the members of the ~~Radio Regulations International Frequency Regulation~~ Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.

**SUP** CWG/54/2.4A

~~**17** **2.4 Service telecommunication:**~~

~~A telecommunication that relates to public international telecommunications and that is exchanged among the following:~~

- ~~— administrations;~~
- ~~— recognized private operating agencies;~~



~~and the Chairman of the Administrative Council, the Secretary General, the Deputy Secretary General, the Directors of the International Consultative Committees, the members of the International Frequency Registration Board, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.~~

**MOD** CWG/54/2.5

**18** 2.5 Privilege telecommunication

**19** 2.5.1 A telecommunication that may be exchanged during sessions of the ITU ~~Administrative~~ Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the ~~Administrative~~ Council, members of delegations, senior officials of the ~~permanent organs of the Union~~ General Secretariat and of the three Bureaux and members of the Radio Regulations Board and their authorized colleagues attending conferences and meetings of the ITU and, on the other, their administrations or recognized ~~private~~ operating agency or the ITU, and relating either to matters under discussion by the ~~Administrative~~ Council, conferences and meetings of the ITU or to public international telecommunications.

**20** 2.5.2 A private telecommunication that may be exchanged during sessions of the ITU ~~Administrative~~ Council and conferences and meetings of the ITU by representatives of Members of the ~~Administrative~~ Council, members of delegations, ~~senior officials of the permanent organs of the Union~~ senior officials of the General Secretariat and of the three Bureaux and members of the Radio Regulations Board attending ITU conferences and meetings, and the staff of the Secretariat of the Union seconded to ITU conferences and meetings, to enable them to communicate with their country of residence.

**SUP** CWG/54/2.5A

**18** *2.5 Privilege telecommunication*

**19** ~~2.5.1 A telecommunication that may be exchanged during sessions of the ITU Administrative Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union and their authorized colleagues attending conferences and meetings of the ITU and, on the other, their administrations or recognized private operating agency or the ITU, and relating either to matters under discussion by the Administrative Council, conferences and meetings of the ITU or to public international telecommunications.~~

**20** ~~2.5.2 A private telecommunication that may be exchanged during sessions of the ITU Administrative Council and conferences and meetings of the ITU by representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union attending ITU conferences and meetings, and the staff of the Secretariat of the Union seconded to ITU conferences and meetings, to enable them to communicate with their country of residence.~~

**Reasons:**

**Obsolete.**

**NOC** CWG/54/2.6

**21** 2.6 *International route*: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.

**MOD** CWG/54/2.6A

**21** 2.6 *International route*: A route for the transmission of traffic between tTechnical facilities and installations located in different countries ~~and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.~~

**Reasons:**

To clarify the term “international route”, which is understood to mean a route for the transmission of traffic between technical facilities in different countries.

**SUP** CWG/54/2.6B

**21** ~~2.6 International route: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.~~

**Reasons:**

The definition of international route is no longer required as it does not reflect reality (multitude of routing arrangements).

**MOD** CWG/54/2.7

**22** 2.7 *Relation*: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their ~~administrations\*~~operating agencies:

**23** a) a means for the exchange of traffic in that specific service:

- over direct circuits (direct relation), or
- via a point of transit in a third country (indirect relation), and

**24** b) normally, the settlement of accounts [by manual or other billing systems as appropriate].

**SUP** CWG/54/2.7A

**22** ~~2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations\*:~~

**23** ~~a) a means for the exchange of traffic in that specific service:~~

- ~~–over direct circuits (direct relation), or~~
- ~~–via a point of transit in a third country (indirect relation), and~~

**24** ~~b) normally, the settlement of accounts.~~

**Reasons:**

The definition of Relation is no longer required as it does not reflect reality (competitive markets).

**MOD** CWG/54/2.8

**25** 2.8 *Accounting rate*: The rate agreed [~~between administrations<sup>\*</sup>~~ | between administrations/operating agencies] in a given relation that is used for the establishment of international accounts [for international telecommunication services].

**Reasons:**

The definition is used to describe the charging and accounting methods in Article 6. It is proposed to add “administrations/operating agencies”, since in a number of countries it is not operating agencies, but rather the administrations, that handle accounting matters.

**SUP** CWG/54/2.8A

**25** ~~2.8 Accounting rate: The rate agreed between administrations<sup>\*</sup> in a given relation that is used for the establishment of international accounts.~~

**Reasons:**

The definition of accounting rate is no longer required as it does not reflect reality (wide variety of arrangements).

**MOD** CWG/54/2.9

**26** 2.9 *Collection charge*: The charge established and collected by an administration/ROA from its customers for the use of an international telecommunication service.

**MOD** CWG/54/2.9A

**26** 2.9 *Collection charge*: The charge established and collected [~~by an administration<sup>\*</sup>~~ | by an administration/operating agency] from ~~its~~ customers for the use of an international telecommunication service.

**Reasons:**

The definition is used to describe charging and accounting methods in Article 6. It is proposed to add “administration/operating agency”, since in a number of countries it is not operating agencies but rather the administrations, that handle accounting matters.

**SUP** CWG/54/2.9B

**26** ~~2.9 Collection charge: The charge established and collected by an administration<sup>\*</sup> from its customers for the use of an international telecommunication service.~~

**Reasons:**

The definition of collection charges is no longer required.

**MOD** CWG/54/2.10

**27** 2.10 *Instructions*: A collection of provisions drawn from one or more ITU-T-CCITT Recommendations dealing with practical operational procedures for the handling of telecommunication traffic (e.g., acceptance, transmission, accounting).

**SUP** CWG/54/2.10A

**27** ~~2.10 Instructions: A collection of provisions drawn from one or more CCITT Recommendations dealing with practical operational procedures for the handling of telecommunication traffic (e.g., acceptance, transmission, accounting).~~

**Reasons:**

Both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141, (Instructions for operators on the operator-assisted international telephone service) were withdrawn. Therefore, references to ITU-T "Instructions" should be suppressed.

**NOC** CWG/54/2.10AA

**27A**

**Reasons:**

No new 2.10A. The argument that the ITRs should not be self contained contradicts with the Preamble of the Treaty and therefore definition Public Correspondence should not be included.

**ADD** CWG/54/2.10AB

**27A** 2.10A Public Correspondence: Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

**Reasons:** Taken from 1004 CS.

**NOC** CWG/54/2.10B. The argument that the ITRs should not be self contained contradicts with the Preamble of the Treaty and therefore definition on Operating Agency should not be included.

**27B**

**Reasons:**

No new 2.10B

**ADD** CWG/54/2.10BA

**27B** 2.10B Operating Agency: Any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.

**Reasons:** Taken from 1007 CS.

**NOC** CWG/54/2.10C

**27C**

**Reasons:**

No new 2.10C. Defined in 2.4

**ADD** CWG/54/2.10CA

**27C** 2.10C Service Telecommunication: A telecommunication that relates to public international telecommunications and that is exchanged among the following:

– administrations,

– recognized operating agencies, and

– the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.

**Reasons:** Taken from 1006 CV.

**NOC** CWG/54/2.11

**27D**

**Reasons:**

No new 2.11

**ADD** CWG/54/2.11A

**27D** 2.11 Transit rate: a rate set by the point of transit in a third country (indirect relation).

**NOC** CWG/54/2.12

**27E**

**Reasons:**

No new 2.12

**ADD** CWG/54/2.12A

**27E** 2.12 Termination rate: A rate set by the destination administration/ROA for terminating incoming traffic regardless of origin.

**NOC** CWG/54/2.13

**27F**

**Reasons:**

No new 2.13

**ADD** CWG/54/2.13A

**27F** 2.13 Spam: information transmitted over telecommunication networks [as text, sound, image, tangible data used in a man-machine interface bearing advertizing nature or having no meaningful message,] simultaneously or during a short period of time, to a large number of particular addressees without prior consent of the addressee (recipient) to receive this information or information of this nature.

Note: (Spam should be distinguished from information of any type (advertisements inclusive) transmitted over broadcasting (non-addressed) networks (such as TV and/or radio broadcasting networks, etc.)).

**Reasons:**

The proposal is merging the Arab views with ATU and the RCC views. Spam is one of the very critical issues to be dealt with under the revised ITRs. A definition is provided that is based on the ITU studies on countering Spam. (See ITU-T Rec. X.1231, X.1240, X.1241, X.1242, X.1243, X.1244, and X.1245).

**NOC** CWG/54/2.14

**27G**

**Reasons:**

No new 2.14. Technical definition.

**ADD** CWG/54/2.14A

**27G** 2.14 Hub: a transit center (or network operator) that offers to other operators a telecommunication traffic termination service to nominated destinations contained in the offer.

**NOC** CWG/54/2.15

**27H**

**Reasons:**

No new 2.15. Technical definition.

**ADD** CWG/54/2.15A

**27H** 2.15 Hubbing: the routing of telecommunication traffic in hubbing mode consists in the use of hub facilities to terminate telecommunication traffic to other destinations, with full payment due to the hub.

**NOC** CWG/54/2.16

**27I**

**Reasons:**

No new 2.16. Fraud is a matter defined and dealt with under national jurisprudence, and therefore its application to telecommunications remains a national matter.

**ADD** CWG/54/2.16A

**27I** 2.16 Fraud: use of any telecommunications facilities or services with the intention of avoiding payment, without correct payment, with no payment at all, by making someone else pay, or by using a wrongful or criminal deception in order to obtain a financial or personal gain from the use of those facilities or services.

**ADD** CWG/54/2.16B

**27I** 2.16 Fraud: Use of public international telecommunication services or facilities with the intention of avoiding payment, without correct payment, with no payment at all, or by making someone else pay, by misusing numbering (addressing) resources, by intentional misrepresentation of identity or other deceptive practices, in order to obtain personal or financial gain that can lead to actual or potential disadvantage or financial harm to another individual or group.

**ADD** CWG/54/2.16C

**27I** 2.16 Fraud: use of any telecommunications facilities or services with the intention of avoiding payment, without correct payment, with no payment at all, by making someone else pay, by using a wrongful or criminal deception in order to obtain a financial or personal gain from the use of those facilities or services or by intentional misrepresentation of identity which can lead to actual or potential disadvantage or financial harm to another individual or group.

**ADD** CWG/54/2.16D

**27I** 2.16 Network fraud: (fraud on international telecommunication networks): The causing of harm to operating agencies or to the public, the wrongful obtaining of gain in the provision of international telecommunication services through abuse of trust or deception, including through inappropriate use of numbering resources.

**Reasons:**

Unlawful acts carried out on international telecommunication networks and affecting operating agencies and subscribers located in different jurisdictions can only be combated on the basis of an international agreement, namely the ITRs, and through harmonization of the relevant national legislations.

**NOC** CWG/54/2.17

**27J**

**Reasons:**

No new 2.17. The inclusion of provision 2.17 could jeopardize the sovereign right of Member States to regulate its telecommunications.

**ADD** CWG/54/2.17A

**27J** 2.17 Global telecommunication service (GTS): A service, based on international numbering resources, which enables communication to be established between an end-consumer subscriber and a subject or object whose physical location and national jurisdiction have no bearing on the service's use; which satisfies and complies with recognized and accepted international standards; and which is provided over the public telecommunication network by one or more recognized operating agencies (ROAs) using the identifiers of a ubiquitous network in two or more countries.

A GTS is characterized by the existence of a single infrastructure complex, the location of whose components is distributed among two or more countries such that this complex cannot, in terms of its ownership or location, be attributed to any one country; and by a single GTS ROA, endowed by ITU with the status of GTS operator and operating in accordance with the ITRs and with the

legislations of those ITU Member States on whose territories it provides access to the telecommunication service.

**ADD** CWG/54/2.17B

**27J** 2.17 Global telecommunication service (GTS): A service which enables communication to be established through a global number between subscribers whose physical location and national jurisdiction have no bearing on the tariff to be set for the service's use; which satisfies and complies with recognized and accepted international standards; and which is provided over the public telecommunication network by operating agencies having obtained the relevant numbering resources from ITU-T.

**NOC** CWG/54/2.18

**27K**

**Reasons:**

No new 2.18

**ADD** CWG/54/2.18A

**27K** 2.18 Calling Party Identification (CPI): a supplementary service in which a series of digits, characters and symbols are conveyed transparently to the called party to identify uniquely the calling party originating the international call.

**NOC** CWG/54/2.19

**27L**

**Reasons:**

No new 2.19

**ADD** CWG/54/2.19A

**27L** 2.19 Calling Party Number (CPN): The telephone number of the originator of an international call.

**NOC** CWG/54/2.20

**27M**

**Reasons:**

No new 2.20

**ADD** CWG/54/2.20A

**27M** 2.20 International Calling Party Number Delivery (ICPND): Calling Party Number delivery across boundaries of countries.

**NOC** CWG/54/2.21

**27N**

**Reasons:**



No new 2.21

**ADD** CWG/54/2.21A

**27N** 2.21 Originating Identification: The Originating Identification is the service by which the terminating party shall have the possibility of receiving identity information in order to identify the origin of the communication.

**Reasons:**

The proposal is merging the Arab views with ATU views. Fraud is one of the very critical issues to be dealt with under the revised ITRs. A definition is provided that is based on the ITU studies. The impact of non-delivery of the true origin of a call has been dealt with repeatedly in the ITU-T SGs - in particular ITU-T SG3 - and related Workshops . It was demonstrated that the MS or OA terminating the call is subject to great financial losses without having the capability to identify the exact cause of this loss due to their ignorance or being handicapped to identify the origin or the overall route of the call. There are several mechanisms in which suppression or transmission of fake call origin causes such losses. When suppression or spoofing is intentional to obtain financial gain based on wrongful deception regarding the origin of the call, then this should be considered a fraudulent activity and should be prohibited and/or prosecuted. Many cases of fraud are association with the non-transmission of calling party identification. Origin identification is required to prevent this and also for security reasons.

**NOC** CWG/54/2.22

**27O**

**Reasons:**

No new 2.22

**ADD** CWG/54/2.22A

**27O** 2.22 Emergency/distress telecommunications: A special category of telecommunications with absolute priority for the transmission and reception of information relating to safety of life at sea, on land, in the air or in space, and of information of exceptional urgency concerning an epidemiological or epizootic situation issued by the World Health Organization.

**Reasons:**

The wording of this provision develops Article 40 of the ITU Constitution ("Priority of Telecommunications Concerning Safety of Life"), specifically placing the obligation on Member States to guarantee absolute priority to telecommunications in emergency situations.

**NOC** CWG/54/2.23

**27P**

**Reasons:**

No new 2.23

**ADD** CWG/54/2.23A

**27P** 2.23 Personal data: Any information relating to a physical person (the subject of the personal data) identified or identifiable on the basis of such information.

**27Q**

**NOC** CWG/54/2.24

**Reasons:**

No new 2.24

**ADD** CWG/54/2.24A

**27Q** 2.24 Integrity of the international telecommunication network: The capability of the international telecommunication network to carry international traffic.

**NOC** CWG/54/2.25

**27R**

**Reasons:**

No new 2.25

**ADD** CWG/54/2.25A

**27R** 2.25 Stability of the international telecommunication network: The capability of the international telecommunication network to carry international traffic in the event of failure of telecommunication nodes or links and also in the face of internal and external destructive actions and to return to its original state.

**NOC** CWG/54/2.26

**27S**

**Reasons:**

No new 2.26

**ADD** CWG/54/2.26A

**27S** 2.26 Security of the international telecommunication network: The capability of the international telecommunication network to withstand internal and external destabilizing actions liable to compromise its functioning.

**NOC** CWG/54/2.27

**27T**

**Reasons:**

No new 2.27

**ADD** CWG/54/2.27A

**27T** 2.27 Roaming: Provision to the subscriber of the opportunity to use telecommunication services offered by other operating agencies, with which the subscriber has not concluded an agreement.

**Reasons:** Some suggested that, if this definition is accepted, the term “International Roaming” would be preferable.

**NOC** CWG/54/2.28

**27U**

**Reasons:**

No new 2.28

**ADD** CWG/54/2.28A

**27U** 2.28 IP interconnection: IP interconnection refers to technical and business solutions and rules to ensure the delivery of IP traffic through different networks.

**NOC** CWG/54/2.29

**27V**

**Reasons:**

No new 2.29

**ADD** CWG/54/2.29A

**27V** 2.29 End to end quality of service delivery and best effort delivery: End to End quality of service delivery refers to the delivery of PDU (Packet Data Unit) with predefined end-to-end performance objectives; Best-effort delivery refers delivery to of a PDU without predefined performance targets.

**NOC** CWG/54/3.0

## ARTICLE 3

### International Network

**Reasons:** title of Article 3 remains unchanged.

**MOD** CWG/54/3.1

**28** 3.1 Members States shall encourage ensure that administrations\* and ROAs to cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

**Reasons:**

Given market liberalization, it may be difficult under national law for some Member States to ensure quality of service.

Competition in the market is the best way to guarantee a satisfactory quality of service.

**MOD** CWG/54/3.2

**28** 3.1 Members States shall ensure that administrations\* operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service and above a minimum level taking into consideration the relevant Recommendations of the ITU [and above a minimum level corresponding to the relevant ITU-T Recommendation]. [Member States shall facilitate the development of international IP interconnections providing both best effort delivery and end to end quality of service delivery.]

**Reasons:**

The provision imposes a requirement to cooperate, not a requirement to provide a particular level of quality of service. Further, it refers only to the international network, not the national network.

It was noted that reliance only on market forces according to competition mechanism to improve QoS offered to the users has not worked in many instances, but in the contrary, there exist agility in offering low quality services that makes the consumer more often prone to be a victim for such deteriorated services, in particular those based on VoIP. Assuring a level of QoS above a minimum set by the relevant ITU-T Recommendation shall help to a great extent to preserve users' rights. Moreover, the term "satisfactory" is adequate compromise between minimum and maximum QoS.

**MOD** CWG/54/3.3

**28** 3.1 Members States shall ensure that administrations\* encourage operating agencies to cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

**Reasons:**

Given market liberalization, it may be difficult under national law for some Member States to ensure quality of service.

**MOD** CWG/54/3.4

**29** 3.2 Member States Administrations\* shall endeavour to establish policies that promote the provision of technical facilities that support ~~provide sufficient telecommunication facilities to meet the requirements of and demand for~~ international telecommunication services [and shall ensure that Operating Agencies endeavour to provide sufficient telecommunication facilities to meet the requirements and demand for these services].

**Reasons:**

It is important that Member States adopt policies that create incentives to invest in telecommunication networks.

**MOD** CWG/54/3.5

**29** 3.2 ~~Administrations\*~~ Member States shall ensure that operating agencies endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunications services/ICTs.

**Reasons:**

This proposal replaces the term "administration and Recognized Operating Agencies" with Member States and Operating Agencies. It also emphasizes the importance of facilitating adequate access and promptly responding to the market demand.

**MOD** CWG/54/3.6

**29** 3.2 ~~Administrations\*~~ shall ~~endeavour to provide sufficient telecommunication facilities~~ Member States shall establish policies to meet the requirements of and demand for international telecommunication services.

**MOD** CWG/54/3.6A

**29** 3.2 ~~Administrations\*~~ Operating agencies shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication. For this purpose, and to ensure an adequate return on investment in high bandwidth infrastructures, operating agencies shall negotiate commercial agreements to achieve a sustainable system of fair compensation for telecommunications services and, where appropriate, respecting the principle of sending party network pays.

**SUP** CWG/54/3.7

**29** ~~3.2 Administrations\*~~ shall ~~endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services.~~

**Reasons:**

**Obsolete.**

**MOD** CWG/54/3.8

**30** 3.3 ~~Member States Administrations\*~~ shall have the power to determine by mutual agreement which national international-routes are to be used for the management of international communications. ~~Pending agreement and provided that there is no direct route existing between the terminal administrations concerned, the origin administration has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination administrations.~~

**MOD** CWG/54/3.9

**30** 3.3 ~~Administrations\*~~ Operating agencies shall determine by mutual agreement which international routes are to be used. ~~Pending agreement and provided that there is no direct route existing between the terminal administrations concerned, the origin administration has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination administrations.~~ A Member State has the right to know how its traffic is routed. ~~[A Member State shall have the right to know through where its~~

traffic has been routed, and should have the right to impose any routing regulations in this regard, for purposes of security and countering fraud].

**Reasons:**

This proposal modifies the original provision with the objective to recognize the most of the international routes are determined through mutual agreements between the operators. However Member States shall continue to be able know how its traffic is routed, mainly for purposes of security and preventing fraud.

**MOD** CWG/54/3.10

**30** 3.3 Member States/operating agencies shall have the right to know which international routes are used for carrying traffic. Administrations\* shall determine by mutual agreement which international routes are to be used. Pending agreement and provided that there is no direct route existing between the terminal administrations concerned, the origin administration has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination administrations.

**Reasons:**

Africa does not support the concept that Member States impose routing.

**SUP** CWG/54/3.11

**30** ~~3.3 Administrations\* shall determine by mutual agreement which international routes are to be used. Pending agreement and provided that there is no direct route existing between the terminal administrations concerned, the origin administration has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination administrations.~~

**Reasons:**

The existing ITRs text potentially conflicts with the current practice. In addition, Routing of traffic is a question of commercial arrangements and therefore a provision related to such issue could result in uncompetitive outcomes

**MOD** CWG/54/3.12

**31** 3.4 Member States recognize the right of the public to correspond by means of the international service of public correspondence. The services, the charges and the safeguards shall be the same for all users in each category of correspondence without any priority or preference. Subject to national law, any user, by having access to the international network established by an administration\*, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant ~~CCITT~~ ITU-T Recommendations.

**MOD** CWG/54/3.13

**31** 3.4 Subject to national law, any user, by having access to the international network established by an administration\* /ROA, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant ~~CCITT~~ ITU-T Recommendations.

**MOD** CWG/54/3.14

**31** 3.4 Subject to national law, any user, by having access to the international network established by an administration operating agency, has the right to send traffic. A satisfactory quality of service [and above a minimum level] should be maintained to the greatest extent practicable, corresponding to relevant ~~CCITT~~ ITU-T Recommendations of the ITU.

**Reasons:**

This proposals supports the retention of the original provision with slight amendments to ensure right of quality access for the user.

**MOD** CWG/54/3.14A

**31** 3.4 Subject to national law, any user, by having access to the international network established by an administration operating agency, has the right to send traffic. A satisfactory quality of service [and above a minimum level] should be maintained to the greatest extent practicable and as much as possible, corresponding to relevant ~~CCITT~~ ITU-T Recommendations.

**SUP** CWG/54/3.15

~~**31** 3.4 Subject to national law, any user, by having access to the international network established by an administration\*, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant CCITT Recommendations.~~

**Reasons:**

There are two reasons for this proposal: (a) the proposal is to move the text elsewhere, not to suppress the text itself; (2) to suppress the text in the ITRs.

**NOC** CWG/54/3.16

**31A**

**Reasons:**

No new 3.5 (misuse)

**ADD** CWG/54/3.17

**31A** 3.5 Member States shall endeavour to prevent misuse and misappropriation of numbering resources.

**Reasons:** was proposed in TD 52 as option 1 of 3.2.

**ADD** CWG/54/3.18

**31A** 3.5 Misuse and misappropriation of numbering resources should be prevented to the greatest extent practicable, by implementing the relevant ITU-T Resolutions and Recommendations and, as appropriate, by transposing them to national laws.

**Reasons:** was proposed in TD 52 as option 2 of 3.4.

**ADD** CWG/54/3.19

**31A** 3.5 Member States shall ensure that administrations, recognized operating agencies, and operating agencies which operate in their territory and provide international telecommunications services offered to the public apply the ITU-T Resolutions and Recommendations relating to naming, numbering, addressing and identification.

**ADD** CWG/54/3.20

**31A** 3.5 Notwithstanding the provisions of Art.1, §1.4 and §1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, §1.3; in Art.3, §3.3.; and taking into account Art.3, §3.1, Members shall require, subject to national law, that administrations, recognized operating agencies, and private operating agencies which operate in their territory and provide international telecommunications services offered to the public, apply the ITU-T Recommendations and national laws relating to naming, numbering, addressing and identification, including any Instructions forming part of, or derived from, said Recommendations.

**ADD** CWG/54/3.21

**31A** 3.5 Member States shall ensure that the legal and regulatory frameworks and instruments applicable in their territories shall mandate [Administrations, Recognized Operating Agencies, and] Operating Agencies which operate in their territory and provide international telecommunications services offered to the public to apply the ITU-T Resolutions and Recommendations relating to naming, numbering, addressing and identification. [Member States shall ensure that these resources are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.]

**ADD** CWG/54/3.22

**31A** 3.5 Member States shall ensure that the legal and regulatory frameworks and instruments applicable in their territories shall mandate operating agencies which operate in their territory and provide international telecommunications services offered to the public to apply the following ITU-T Recommendations relating to naming, numbering, addressing and identification: E190, E164, E164.1, E212, E156, E157, Q708.

**ADD** CWG/54/3.23

**31A** 3.5 Member States shall ensure that international naming, numbering, addressing and identification resources are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used. The provisions of the relevant ITU-T Recommendations shall be applied.

**ADD** CWG/54/3.24

**31A** 3.5 Members shall ensure, consistent with technical capabilities and national legal and regulatory frameworks, that telecommunication administrations and operators under their jurisdiction neither participate in the misuse/misappropriation of numbering resources not assigned to them or assigned to other administrations and operators, nor use these resources using procedures that do not conform to the relevant ITU-T Recommendations' assignment criteria.



**ADD** CWG/54/3.25

**31A** 3.5 Member States shall ensure that international naming, numbering, addressing and identification resources are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources shall not be used. The provisions of the relevant ITU Recommendations shall [be applied | apply].

~~**ADD** CWG/54/3.26~~

~~**31A** 3.5 Use made of naming, numbering and identification resources that are within the responsibility and remit of the ITU should be in conformance with the use for which they were assigned.~~

**ADD** CWG/54/3.26

**31A** 3.5 Member States should encourage the appropriate use of numbering resources which are the responsibility and remit of the ITU, so that they are used only for the purposes for which they were assigned. Member States shall endeavour to ensure that unassigned resources, which are the responsibility and remit of the ITU, are not used.

**ADD** CWG/54/3.27

**31A** 3.5 Member States shall encourage the appropriate use of numbering resources so that they are used only by the assignees and only for the purposes for which they were assigned. In accordance with the relevant ITU-T Recommendations, Member States shall endeavor to ensure that unassigned resources are not used.

**ADD** CWG/54/3.28

**31A** 3.5 Member States shall ensure that numbering, naming, addressing and identification resources in international telecommunication networks are used in accordance with their intended purpose and stipulated allocation.

**Reasons:** was proposed for 8A.7

**ADD** CWG/54/3.28A

**31A** 3.5 a) Member States shall ensure that international naming, numbering, addressing and identification resources specified in the ITU-T Recommendations are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.

3.5 b) Member states shall, if they so elect, be able to control all naming, numbering, addressing and identification resources used within their territories for international telecommunications/ICTs.

**Reasons:**

Adequate, efficient, and trusted management of the naming, numbering, and addressing resources shall continue to be ensured. Member States shall take appropriate measures to ensure the confidence in using these important resources. This proposal also merges between the different proposals given on this matter.

**NOC** CWG/54/3.29

**31B**

**Reasons:**

No new 3.6 (calling party identification)

**ADD** CWG/54/3.30

**31B** 3.6 International calling party number delivery shall be provided [taking into account ] in accordance with] relevant ITU-T Recommendations.

**ADD** CWG/54/3.31

**31B** 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations[, to the greatest extent practicable].

**ADD** CWG/54/3.32

**31B** 3.6 Members shall ensure, consistent with technical capabilities and national legal and regulatory frameworks, that telecommunication administrations and operators cooperate in the implementation and application of the following measures:

– Administrations and operators originating calls must provide the prefix designating the calling country code, in conformity with the relevant ITU-T Recommendations.

– Transit administrations and operators must cooperate in identifying and transmitting to termination administrations and operators the code identifying the calling line corresponding to the traffic they receive.

– Members will be able to respect the privacy of the data of the calling user, provided those data involve neither the code of the country of origin nor the national destination code.

**ADD** CWG/54/3.33

**31B** 3.6 International calling party number delivery [and/or originating identification] shall be provided in accordance with relevant ITU-T Recommendations[, to the greatest extent practicable]. Member States[, in certain specific circumstances,] may provide for data privacy by authorizing the masking of information other than the country code and national destination code[, but that masked information shall be made available to duly authorized law enforcement agencies].

**ADD** CWG/54/3.34

**31B** 3.6 Member States or Operating Agencies involved in a communication route – and in particular in transit nodes – shall ensure, to the greatest extent practicable, the provision, transport and forward of international calling party number delivery, calling line identification and/or origination identification, and its integrity end-to-end, in accordance with the relevant ITU-T Recommendations. Member States may provide for data privacy and data protection by authorizing the masking of information other than the country and operating agency identification codes or equivalent originating identifiers, but that masked information shall be made available to duly authorized law enforcement agencies.

**ADD** CWG/54/3.35

**31B** 3.6 Member States shall encourage the provision of international calling party number delivery in accordance with the relevant ITU-T Recommendations.

**ADD** CWG/54/3.36

**31B** 3.6 Member States shall, through various channels open to them, encourage ensure that network operators and service providers operating agencies to:

- To implement CLI features, where technically possible
- To use appropriate standards when implementing CLI features,
- To ensure that integrity of CLI is maintained end to end
- To ensure that the requirements associated with data protection and data privacy are met.

**Reasons:**

This proposal is a merger between the CEPT views and the views of ARB, the ATU, the Latin America, Pacific Islands, and APT. The main objective is to implement Calling Line Identification features facilitate the identification of the origin of calls, mainly for security reasons, and to limit spoofing and prevent fraud.

**NOC** CWG/54/3.29

**ADD** CWG/54/3.36A

**31B** 3.6 Member States should, through various channels open to them, encourage network operators and service providers to:

- implement CLI features, in the international public switched telephony network services using naming, numbering and other resources within the remit and responsibility of the ITU, where technically possible,
- use appropriate standards when implementing CLI features,
- ensure the requirements associated with data protection, data privacy, consumer protection, and emergency provisions are met, when implementing CLI features.

**Reasons:**

ITR's should avoid references to technical aspects associated with International CLI, and require policy statements and requirements to be included.

**ADD** CWG/54/3.36B

**31B** 3.6 Member states shall, through various channels open to them, ensure that Operating Agencies implement Calling Line Identification (CLI) features, where technically possible, including at least presentation of country code, national destination code or equivalent origination identifiers in accordance with the relevant ITU-T Recommendations; ensure that integrity of the CLI is maintained end-to-end; ensure that the requirements associated with data protection and data privacy are met, but such masked information shall be made available to duly authorized law enforcement agencies. Member States may impose additional obligations.

**Reasons:**

This provision addresses various requirements related to: identification of the source of the communication, non-spoofing (integrity end to end) of the CLI, catering for data privacy and protection, and the right to unveil the origin of the communication subject to a proper legal procedure.

**ADD** CWG/54/3.37

**31B** 3.6 Member States shall ensure correct transmission of the calling party number / address / name / identity.

**ADD** CWG/54/3.38

**31B** 3.6 Calling Party Identification is a basic right to any called party telecommunicated internationally, unless national legal and regulatory frameworks of the originating country conditionally restrict this identification excluding the Country Code and the National Destination Code. Member States shall endeavor to ensure that Administrations, ROAs and OAs which operate in their territory and provide international telecommunications services offered to the public to provide the delivery of the Calling Party Number to the called party.

**Reasons:** was proposed for 4.5.

**ADD** CWG/54/3.39

**31B** 3.6 Member States shall ensure that operating agencies duly identify the subscriber when providing international telecommunication services, and shall ensure the appropriate processing, transmission and protection of identification information in international telecommunication networks.

**Reasons:** was proposed for 8A.8.

**NOC** CWG/54/3.40

**31C**

**Reasons:**

No new 3.7 (international Internet connectivity)

**ADD** CWG/54/3.41

**31C** 3.7 Administrations Member states shall take appropriate measures nationally to ensure that all parties (including [recognized] operating agencies authorized by Member States) involved in the provision of international telecommunication Internet connections on any kind of network negotiate and agree to bilateral commercial arrangements, or an alternative type of arrangement [between Member States or recognized operating agencies] between administrations, enabling direct international telecommunication Internet connections on any kind of network that take into account the possible need for compensation between [them | the mentioned recognized operating agencies] for the value of elements such as traffic flow, number of routes, geographical coverage and cost of international transmission, [and the possible application of network externalities, amongst others].

**Reasons:**

Some Member States take the view that it might be inappropriate to include such detail in the ITRs. Further, the provision does not appear to be technology-neutral.

The language is that found in Recommendation ITU-T D.50, and should be included in the ITRs.

The substance of the issue is important, but it could be envisaged to include it in a different form, such as WCIT Resolution, which might or might not be cross-referenced in the ITRs.

The previous proposal did not appear to be technology-neutral, and it used the term "administration", this has been amended in this proposal.

**NOC** CWG/54/3.42

**31D**

**Reasons:**

No new 3.8 (right to transmit traffic), **since the essence of this is already covered in 3.4.**

**ADD** CWG/54/3.43

**31D** 3.8 The public having access to the international network shall have the right to transmit traffic.

**Reasons:** this should not contradict the stoppage provision in art. 34 CS. Refer also to art. 33 CS. "Public" is defined in art. 1 of the ITRs.

**NOC** CWG/54/4.0

## ARTICLE 4

### International Telecommunication Services

**Reasons:** title of Article 4 remains unchanged.

**MOD** CWG/54/4.1

**32** 4.1 Members States shall, to the greatest extent practicable, establish policies to promote the development implementation of international telecommunication services that are and shall endeavour to make such services generally available to the public in their national network(s).

**MOD** CWG/54/4.2

**32** 4.1 Members States shall, to the greatest extent practicable, establish policies to promote the development implementation of international telecommunication services and shall endeavour to make such services generally available to foster the general availability to the public of such services in their national network(s).

**MOD** CWG/54/4.3

**32** 4.1 Members States shall promote the implementation and development of international telecommunications /ICTs services\_ and They shall also endeavour to ensure that operating agencies make international telecommunication such services generally available to the public in their national network(s).

**Reasons:**

This proposal merges between the views of the CEPT with the ARB, RCC, and USA. It also replaces the term "administrations or ROAs" with Member States and operating Agencies.

**MOD** CWG/54/4.4

**32** 4.1 Members States shall promote the availability implementation of international telecommunication services ~~and shall endeavour to make such services generally available~~ to the public ~~in their national network(s)~~

**MOD** CWG/54/4.5

**33** 4.2 Member-s States shall encourage ensure that administrations\* ~~/ROAs to~~ cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ITU-T CCITT Recommendations.

**MOD** CWG/54/4.6

**33** 4.2 Members States shall ensure that ~~administrations\*~~ operating agencies cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ~~CCITT~~ ITU-T Recommendations of the ITU.

**Reasons:**

This proposal replaces the term "administrations or ROAs" with Member States and operating Agencies, and replaces CCITT with ITU.

**MOD** CWG/54/4.7

**33** 4.2 Members States shall ensure that administrations/operating agencies cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services ~~which should conform, to the greatest extent practicable, to the relevant CCITT Recommendations of any type, including, but not limited to:~~

- ~~- services for carrying traffic (including services for carrying Internet traffic and data transmission);~~
- ~~- telecommunication roaming services;~~
- ~~- services for the provision of telecommunication channels;~~
- ~~- services in the public international telegraph service;~~
- ~~- services in the international telex service;~~
- ~~- telematic telecommunication services;~~
- ~~- multimedia telecommunication services;~~
- ~~- convergent telecommunication services;~~
- ~~- global telecommunication services.~~

**Reasons:**

The proponents take the view that this proposal is in line with the existing text.

It was stated that this proposal would be more appropriate as a new article, rather than a MOD to 4.2. It could have the effect of implicitly changing the definition of "international telecommunication services". Some of the terms should be clarified, for example "convergent telecommunication services".

Some Member States did not support this proposal: it is not technology-neutral.

The list of services is proposed in connection with the application of 6.1.3 in the interests of ensuring the availability of basic telecommunication services which have already become traditional (Internet, data transmission, telematics, roaming), and develops the provisions of WATTC-88 Resolution 6. Today, these services are established provide:

- voice telecommunication services;
- broadband services, including Internet.

Eliminating dual taxation for those services will serve to lower their price for the end user.

**SUP** CWG/54/4.8

**33** ~~4.2 Members shall ensure that administrations\* cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant CCITT Recommendations.~~

**Reasons:**

The best way for providing choice and innovation in the provision of international services is by facilitating competition in the provision of such services.

**MOD** CWG/54/4.9

**34** 4.3 Subject to national law, Member-s States shall endeavour to ensure that ROAs administrations\* provide and maintain, to the greatest extent practicable, a satisfactory minimum quality of service corresponding to the relevant ITU-T CCITT Recommendations with respect to:

**MOD** CWG/54/4.10

**34** 4.3 Subject to national law, Members States shall endeavour to ensure that administrations\*-operating agencies provide and maintain, to the greatest extent practicable, a satisfactory minimum quality of service [and above a minimum level] the relevant ~~CCITT~~ ITU-T Recommendations with respect to:

**Reasons:**

The concept of “satisfactory” quality of service might not be sufficiently specific. “Minimal” might be a more specific term and might be preferable.

Neither concept is very precise and it is more appropriate to refer to a satisfactory level.

This proposal emphasizing on the role of Member States in endorsing satisfactory QoS.

**MOD** CWG/54/4.10A

**34** 4.3 Subject to national law, Members States shall endeavour to ensure that administrations\*-operating agencies provide and maintain, to the greatest extent practicable, a satisfactory minimum quality of service [and above a minimum level] corresponding to taking into consideration the relevant ~~CCITT~~ ITU-T Recommendations of the ITU with respect to:

**MOD** CWG/54/4.11

**34** 4.3 ~~Subject to national law~~, Members States shall endeavour to ensure that operating agencies provide and maintain, ~~to the greatest extent practicable, a minimum an agreed~~ quality of service ~~corresponding to the relevant CCITT Recommendations~~ with respect to:

**NOC** CWG/54/4.12

**35** a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel;

**Reasons:**

Retaining this provision to ensure conditional/healthy access.

**MOD** CWG/54/4.12A

**35** a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel [or to the public];

**MOD** CWG/54/4.13

**35** a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel; harm to technical facilities and personnel shall be construed to include spam, malware, etc. as defined in relevant ITU-T Recommendations (as the case may be), as well as malicious code transmitted by any telecommunication facility or technology, including Internet and Internet Protocol. Furthermore, the said provision shall be construed to prohibit connection of terminals that cause harm to technical facilities or personnel.

**MOD** CWG/54/4.14

**35** a) access to the international network by users using terminals which are permitted to be connected to the network and which do not ~~cause harm to~~ diminish the level of security of technical facilities and personnel.

**NOC** CWG/54/4.15

**36** b) international telecommunication facilities and services available to customers for their dedicated use;

**MOD** CWG/54/4.16

**36** b) international telecommunication facilities and services available to customers for their ~~dedicated~~ use;

**Reasons:**

Retaining this provision to ensure availability, while updating it to ensure efficiency and advanced technology.

**NOC** CWG/54/4.17

**37** c) at least a form of telecommunication which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and



**MOD** CWG/54/4.17A

**37** c) at least a form of telecommunication/ICTs which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and

**Reasons:**

Retaining this provision to ensure public access to ICTs.

**MOD** CWG/54/4.18

**37** c) at least a form of telecommunication service which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and

**NOC** CWG/54/4.19

**38** d) a capability for interworking between different services, as appropriate, to facilitate international communications.

**Reasons:**

Retaining this provision to facilitate the growth of international communications, via the convergence between the different services and technologies.

**MOD** CWG/54/4.20

**38** d) a capability for interworking between different services, as appropriate, to facilitate international telecommunications [services].

**NOC** CWG/54/4.21

**38A**

**Reasons:**

No new 4.4 (transparency of roaming tariffs).

Any transparency provision should be general and not restricted to the roaming service.

**ADD** CWG/54/4.22

**38A** 4.4 Member States shall ensure that operators providing international telecommunication services, in particular international roaming, at least provide free of charge transparent and up-to-date information on retail charges, including roaming charges. [In particular, each customer should also be able to easily have access to, and receive appropriate and timely pricing (including taxes) information free of charge when abroad on the relevant price plan, except when the customer has notified his home operator that he does not require this service].

**ADD** CWG/54/4.22A

**38A** 4.4 Member States shall ensure that operators operating agencies providing international telecommunication services, in particular international roaming, provide transparent and up-to-date information on retail charges to end users, including roaming charges. [In particular, each customer should also be able to easily have access to, and receive appropriate and timely pricing (including taxes) information free of charge when abroad on the relevant price plan, except when the customer has notified his home operator that he does not require this service].

**Reasons:**

Retaining this provision and improving it to emphasize on the end users right for transparency in retail charges.

**ADD** CWG/54/4.22C

**38A** 4.4 Member States shall ensure that operators providing international telecommunication services, in particular international roaming, provide transparent and up-to-date information on retail charges, including roaming charges. [In particular, each customer should also be able to easily have access to, and receive appropriate and timely pricing (including taxes) information free of charge when abroad on the relevant price plan, except when the customer has notified his home operator that he does not require this service].

**ADD** CWG/54/4.23

**38A** 4.4 Members States shall ensure transparency of end-user prices, in particular to avoid unreasonable or surprising bills for international services (e.g mobile roaming and data roaming).

**ADD** CWG/54/4.23A

**38A** 4.4 Members States shall ensure transparency of end-user prices and the provision of clear information on how to access the services and the prices thereof, in particular to avoid unreasonable or surprising bills for international services (e.g mobile roaming and data roaming), and shall ensure that Operating Agencies take the necessary measures to fulfill these requirements.

**ADD** CWG/54/4.24

**38A** 4.4 Member States shall ensure that operating agencies providing international telecommunication services, including roaming, make available to subscribers information on tariffs, including duties and fiscal taxes. Each subscriber should be able to have access to such information and receive it in a timely manner and free of charge when roaming (entering into roaming), except where the subscriber has previously declined to receive such information.

**ADD** CWG/54/4.25

**38A** 4.4 Member States shall ensure that operating agencies providing international telecommunication services, including roaming, make available to subscribers information on the cost of additional paid services, including calls to short numbers, provided by the operating agency itself or by another service provider, through to their completion.

**ADD** CWG/54/4.26

**38A** 4.4 Member States shall ensure that operating agencies providing international telecommunication services, including roaming, make available to subscribers the option of declining any additional paid international telecommunication services (such as calls to short paid numbers) and/or basic services (voice, data) entirely, up to a given spending limit or on other conditions.

**ADD** CWG/54/4.26A

**38A** 4.4 Member States shall implement measures to improve transparency in prices, modalities and conditions of access to international mobile roaming services as well as their effective and immediate communication to the user.

**ADD** CWG/54/4.26B

**38A** 4.4 Member States, taking into account specific national and regional conditions, should encourage the development of effective ways to provide consumers with clear, transparent and timely information on retail charges for international mobile roaming services.

**NOC** CWG/54/4.27

**38B**

**Reasons:**

No new 4.5 (Global Telecommunications Services). The proposal to add 4.5 could jeopardize the sovereign right of Member States to regulate their telecommunications.

**ADD** CWG/54/4.28

**38B** 4.5 Given the particular characteristics of GTSs, which display both the features of international telecommunication services as well as their own specific features in the form of ubiquitous access in accordance with local legislations and of their own specially assigned country codes allowing subscribers to have a single worldwide number, national legislation may insert and implement GTSs into national law to the effect that GTS are considered local services in the applicable jurisdiction.

**ADD** CWG/54/4.28A

**38B** 4.5 Given the particular characteristics of GTS, which allows subscribers to have a worldwide number, national legislation may allow and implement GTSs in such a way that GTSs are considered as local communication services in the applicable jurisdiction.

**Reasons:**

The adoption at WCIT-12 of a relevant provision in the ITRs to formulate and enshrine the principle of setting up calls using a global number would be an effective way of promoting new services in the context of building the global information society, through the use of global numbering resources. The fundamental reason why such a provision needs to be included in the ITRs relates to the fact that the practice followed in a number of countries of equating global telecommunication services with regular international telephone communications restricts competition and hampers the introduction and development of new technologies and services, whereas one of the basic purposes of the ITRs is precisely to promote the development of new technologies and services.

**NOC** CWG/54/4.29

**38C**

**Reasons:**

No new 4.6 (provision of roaming).

**ADD** CWG/54/4.30

**38C** 4.6 Agreements between administrations for the provision of international roaming services shall stipulate that such services are to be:

- provided to visiting users with a level of quality comparable to that provided to their own users;
- accompanied by promptly available and clear information on how to access the services and the prices thereof.

Mechanisms shall also be put in place to enable compliance with the above provisions to be monitored.

**ADD** CWG/54/4.30A

**38C** 4.6 Member States shall implement measures to ensure that international telecommunication roaming services of satisfactory levels of quality, comparable to that provided to their own local users, are provided to visiting users.

**NOC** CWG/54/4.31

**38D**

**Reasons:**

No new 4.7 (international IP interconnections).

**ADD** CWG/54/4.32

**38D** 4.7 Operating agencies shall cooperate in the development of international IP interconnections providing both, best effort delivery and end to end quality of service delivery. Best effort delivery should continue to form the basis of international IP traffic exchange. Nothing shall preclude commercial agreements with differentiated quality of service delivery to develop.

**NOC** CWG/54/4.33

**38E**

**Reasons:**

No new 4.8 (border zone inadvertent roaming).

**ADD** CWG/54/4.34

**38E** 4.8 Member States shall foster the establishment of mutual agreements on mobile services accessed within a predetermined border zone in order to prevent or mitigate inadvertent roaming charges.

**NOC** CWG/54/5.0

## ARTICLE 5

### Safety of Life and Priority of Telecommunication

**Reasons:** title of Article 5 remains unchanged.

**MOD** CWG/54/5.1

**39** 5.1 Safety of life telecommunications, ~~such as including~~ distress telecommunications, ~~emergency telecommunication services and telecommunications for disaster relief,~~ shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention ~~and~~ in accordance with relevant ~~ITU-T CCITT Resolutions and~~ Recommendations of the ITU.

**Reasons:**

Retaining this important provision, and slightly improving its text. The proposal also recognizes that there are number of ITU (ITU-T, ITU-D, and ITU-R) Resolutions which are related to Safety of Life and should be taken into account.

**MOD** CWG/54/5.2

**39** 5.1 ~~Safety of life telecommunications, such as distress telecommunications, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Convention and taking due account of relevant CCITT Recommendations.~~ International telecommunication services must give absolute priority to all telecommunications concerning safety of life at sea, on land, in the air or in outer space, as well as to epidemiological telecommunications of exceptional urgency of the World Health Organization.

**Reasons:**

Align with No. 191 Cs

**MOD** CWG/54/5.3

**39** 5.1 Member States shall adopt policies that, to the greatest extent practicable, ensure that sSafety of life telecommunications, such as distress telecommunications, ~~are shall be~~ entitled to transmission as of right and, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of relevant ~~CCITT~~ ITU-T Recommendations.

**Reasons:**

~~This proposal weakens the provision, which is not desirable.~~

The proposal clarifies the role of Member States.

**ADD** CWG/54/5.3A

**39A** 5.1 b) Member States shall ensure that telecommunications relating to safety of life (distress), including for prevention, relief, and mitigation in emergency situations, are given absolute priority.

**MOD** CWG/54/5.4

**39** 5.1 Safety of life telecommunications, ~~such as~~ including distress telecommunications shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other international service telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of/in accordance with relevant ITU CCITT [Resolutions and] Recommendations. When providing such services, departures from compliance with individual provisions of the ITRs (regarding spam or the protection of personal data), as well as the suspension or restriction of other international telecommunication services, is permissible.

**Reasons:**

This provision underscores the absolute priority of distress telecommunications and gives operating agencies the right to make mass announcements in exceptional situations using their subscriber base.

**MOD** CWG/54/5.5

**40** 5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over [types of] telecommunications other than those referred to in No. 39, in accordance with the relevant provisions of the Constitution and Convention and taking due account of relevant ~~CCITT~~ ITU-T Recommendations.

**Reasons:**

Retaining this provision, and slightly improving its text. The proposal also merges between the RCC views with the USA, and ARB views.

**SUP** CWG/54/5.6

~~40 5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over telecommunications other than those referred to in No. 39, in accordance with the relevant provisions of the Convention and taking due account of relevant CCITT Recommendations.~~

**Reasons:**

Obsolete

**MOD** CWG/54/5.7

**41** 5.3 The provisions governing the priority enjoyed by any ~~all~~ other telecommunications services are contained in the relevant ~~CCITT~~ ITU-T Recommendations of the ITU.

**Reasons:**

Retaining this provision, and slightly improving its text.

**MOD** CWG/54/5.7A

**41** 5.3 The provisions governing the priority enjoyed by any ~~all~~ other telecommunications services are contained in the relevant ~~CCITT~~ ITU-T Recommendations.

**Reasons:**

**SUP** CWG/54/5.8

**41** ~~5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant CCITT Recommendations.~~

**Reasons:**

**Obsolete**

**NOC** CWG/54/5.9

**41A**

**Reasons:**

No new 5.4. Requirement for Administrations to enforce ITU Recommendations is inconsistent with the Constitution of the ITU.

**ADD** CWG/54/5.10

**41A** 5.4 Notwithstanding the provisions of Art.1, §1.4 and §1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, §1.3; in Art.3, §3.3.; and taking into account Art.3, §3.1, Member States shall encourage administrations, recognized operating agencies, and operating agencies which operate in their territory and provide international telecommunications services offered to the public, to apply the ITU-T Recommendations relating to safety of life, priority telecommunications, disaster recovery and emergency telecommunications, including any Instructions forming part of, or derived from, said Recommendations.

**NOC** CWG/54/5.11

**41B**

**Reasons:**

No new 5.5 (single emergency number).

**ADD** CWG/54/5.12

**41B** 5.5 Member States should cooperate shall seek to introduce in addition to their existing national emergency numbers a single global number, both within the country and in their region, for calls to the emergency services globally.

**NOC** CWG/54/5.13

**41C**

**Reasons:**

No new 5.6 (information on emergency number).

**ADD** CWG/54/5.14

**41C** 5.6 Member States shall ensure that operating agencies inform every roaming subscriber | every roaming user | all users including roaming users, in good time and free of charge, of the number to be used for calls to the emergency services.

**Reasons:**

This proposal slightly improves the original text of the proposal of new 5.5 & 5.6, and aims to facilitate the harmonization of worldwide emergency number(s), building up on studies found in ITU-T Rec. E.161.1.

**NOC** CWG/54/6.0

**ARTICLE 6**

**Charging and Accounting**

**Reasons:**

Title of Article 6 remains unchanged.

Article 6 should be retained. Operating agencies interact not only on the basis of bilateral arrangements but also without them. In the case of cooperation without an arrangement (e.g. on the basis of an “acceptance” agreement – request for service/delivery/submission of an account/payment), the ITRs play the role of such an arrangement, determining the procedure governing the interactions, including rules and time-frames for the settlement of accounts and for questioning accounts.

**MOD** CWG/54/6.0A

**ARTICLE 6**

**International Telecommunication Service Arrangements Charging and Accounting**

**Reasons:** Change in title.

**MOD** CWG/54/6.0B

**ARTICLE 6**

**Pricing Charging and Accounting**

**Reasons:** Change in title.



**MOD** CWG/54/6.0C

## ARTICLE 6

### Charging and Accounting

**Reasons:** Suppress all of article 6.

**NOC** CWG/54/6.1

#### 42 6.1 Collection charges

43 6.1.1 Each administration/ROA shall, subject to applicable national law, establish the charges to be collected from its customers. The level of the charges is a national matter; however, in establishing these charges, administrations should try to avoid too great a dissymmetry between the charges applicable in each direction of the same relation.

**MOD** CWG/54/6.2

43 6.1.1 Each administration<sup>\*</sup> and operating agency [shall | could], subject to applicable national law, establish the charges to be collected from its customers. The level of the charges is a national matter; however, in establishing these charges, administrations should try to avoid too great a dissymmetry between the charges applicable in each direction of the same relation.

**MOD** CWG/54/6.3

43 ~~6.1.1—Each administration\* shall, subject to applicable national law, establish the charges to be collected from its customers. The level of the charges is a national matter; however, in establishing these charges, administrations should try to avoid too great a dissymmetry between the charges applicable in each direction of the same relation. Subject to applicable national law, the terms and conditions of arrangements between [ROAs + operating agencies] for the provision of international telecommunication services shall be subject to mutual commercial agreement.~~

**Reasons:**

The proposal is related to proposal 2 for the title, and to the suppression of 6.1.2. Note that there are two variants: referring to ROA or of OA

**MOD** CWG/54/6.4

43 6.1.1 Each ~~administration\*~~ROA shall, subject to applicable national law, establish the collection charges to be ~~offered to collected from~~ its customers. The level of the charges is a national matter; and as such could be regulated by the Member State in line with the principles in these Regulations . ~~great a dissymmetry between the charges applicable in each direction of the same relation.~~

**MOD** CWG/54/6.5

43 6.1.1 Each ~~operating agency~~administration\* shall, subject to applicable national law, establish the charges to be collected from its customers. ~~The level of the charges is a national matter; however, i~~n establishing these charges, Member States~~administrations~~ should take

~~measurestry~~ to avoid too great a dissymmetry between the charges applicable in each direction of the same relation, ~~and they shall ensure transparency.~~

**NOC** CWG/54/6.6

**43A**

**Reasons:**

No new 6.1.1A (costs of international roaming services).

**ADD** CWG/54/6.6A

**43A** ~~6.1.1A Costs of International Roaming Services~~

~~6.1.1 a) Member States shall ensure effective cooperation within their region to develop a policy for reducing charging which is appropriate for their own region.~~

~~6.1.1 b) Member States shall promote economic efficiency and encourage competition in the international roaming market.~~

**ADD** CWG/54/6.6A

**43A** ~~6.1.1A Costs of International Roaming Services~~

~~6.1.1 a) Member States shall encourage competition in the international roaming market;~~

~~6.1.1 b) Member States are encouraged to cooperate to develop policies for reducing charges on international roaming services.~~

**NOC** CWG/54/6.7

**44** 6.1.2 The charge levied by an administration/ROA on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that administration.

**MOD** CWG/54/6.8

**44** 6.1.2 The charge levied by an administration\* ~~or operating agency~~ on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that administration ~~or operating agency~~.

**MOD** CWG/54/6.9

**44** 6.1.2 The charge levied by an ~~administration\*~~ ~~operating agency~~ on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that ~~administration~~ ~~operating agency~~.

**SUP** CWG/54/6.10

**44** ~~6.1.2 The charge levied by an administration\* on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that administration.~~

**NOC** CWG/54/6.11

**45** 6.1.3 Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances.

**NOC** CWG/54/6.12

**45A**

**Reasons:**

No new 6.1.3A.

**ADD** CWG/54/6.12A

**45A** 6.1.3A Where an ROA has a duty or fiscal tax levied on its share of charges for providing international telecommunication services or other remunerations, it shall not in turn impose any such duty or fiscal tax on other ROAs.

**Reasons:**

6.1.3A is taken from 1.6 in Appendix 1; 6.1.3B is taken from 3.3.4 in Appendix 1.

**ADD** CWG/54/6.12B

**45A** 6.1.3A Fiscal taxes on telecommunications equipment and services should not be excessive, and their proceeds should be used to finance the development of telecommunications services.

**NOC** CWG/54/6.13

**45B**

**Reasons:**

No new 6.1.3B.

**ADD** CWG/54/6.13A

**45B** 6.1.3B The payment charges imposed in the debtor country (taxes, clearing charges, commissions, etc.) shall be borne by the debtor. Any such charges imposed in the creditor country, including payment charges imposed by intermediate banks in third countries, shall be borne by the creditor.

**Reasons:**

6.1.3A is taken from 1.6 in Appendix 1; 6.1.3B is taken from 3.3.4 in Appendix 1.

**MOD** CWG/54/6.14

**45** 6.1.3 Where in accordance with the national law of a country, a Countries are free to levy fiscal taxes on is levied on collection charges for international telecommunication services in accordance with their national laws, but international double taxation must be avoided; this tax

~~shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special arrangements.~~

**MOD** CWG/54/6.15

**45** 6.1.3 ~~Member States shall not apply taxes to incoming international calls, so as to avoid double taxation. Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances.~~

**MOD** CWG/54/6.16

**45** 6.1.3 ~~Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances. National authorities are free to impose taxes on all telecommunications traffic, whether incoming or outgoing. However, such taxes should be reasonable and the proceeds should be directed where possible at the development of the industry. Regarding double taxation, Member States are encouraged to cooperate within the framework of bilateral, juridical double taxation treaties under which taxation arrangements are pre-determined by the terms of the treaty so as to protect against the risk of double taxation and avoidance or evasion of tax liability.~~

**MOD** CWG/54/6.17

**45** 6.1.3 Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges, to be included or added to the collection charge, for international telecommunication services, this tax shall ~~normally~~ be collected only in respect of international telecommunication services ~~billed~~ presented for payment to customers in that country, unless other arrangements are made to meet special circumstances. This rule also applies in cases where accounts for international telecommunication services are handled through specialized accounting authorities on the basis of arrangements with administrations/operating agencies.

**Reasons:**

Dual taxation increases the price of international telecommunication services for the end user. Eliminating dual taxation of international telecommunication services makes such services more accessible for the population.

**SUP** CWG/54/6.18

**45** ~~6.1.3 Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances.~~

**MOD** CWG/54/6.19

**46** **6.2 Accounting rates**

**47** ~~6.2.1~~ For each applicable service in a given relation, administrations\* shall by mutual agreement establish and revise accounting rates to be applied between them, in accordance with

the provisions of Appendix 1 and taking into account relevant ~~ITU-TCITT~~ Recommendations and relevant cost trends.

**MOD** CWG/54/6.20

**46 6.2 Accounting, transit and termination rates**

**47 6.2.1** For each applicable service in a given relation, [administrations]<sup>\*</sup> or operating agencies shall by mutual agreement [, on the basis of costs,] establish and revise accounting, transit and termination rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant ~~ITU-T CCITT~~ Recommendations and relevant cost trends.

**MOD** CWG/54/6.21

**46 6.2 ~~Accounting rates~~ Wholesale prices**

**47 6.2.1** Each ROA shall, subject to applicable national law, agree with other ROAs under commercial agreement, the terms and conditions, including prices, for the provision of international communications services. Member States shall have the power to regulate the terms and conditions of the services provided in their territory in line with the principles in these Regulations. For each applicable service in a given relation, administrations<sup>\*</sup> shall by mutual agreement establish and revise accounting rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant CCITT Recommendations and relevant cost trends.

**SUP** CWG/54/6.22

**46 ~~6.2~~ Accounting rates**

**47 6.2.1** For each applicable service in a given relation, administrations<sup>\*</sup> shall by mutual agreement establish and revise accounting rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant CCITT Recommendations and relevant cost trends.

**MOD** CWG/54/6.23

**48 6.3 Monetary unit**

**49 6.3.1** In the absence of special arrangements concluded between administrations<sup>\*</sup> or operating agencies, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:

- either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;

- or freely convertible currencies or other currencies agreed by debtors and creditors or the gold franc, equivalent to 1/3.061SDR.

**Reasons:**

The Russian Administration supports the RCC position and is in favour of retaining this provision, insofar as it provides a basis for determining the monetary unit in cases where special arrangements have not been concluded between operating agencies.

**MOD** CWG/54/6.24

**49** 6.3.1 In the absence of special arrangements concluded between administrations\* operating agencies, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:

- either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;

- or the gold franc, equivalent to 1/3.061 SDR.

**SUP** CWG/54/6.25

**48** ~~6.3 — Monetary unit~~

~~49 6.3.1 In the absence of special arrangements concluded between administrations\*, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:~~

~~- either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;~~

~~- or the gold franc, equivalent to 1/3.061 SDR.~~

**SUP** CWG/54/6.26

~~50 6.3.2 In accordance with relevant provisions of the International Telecommunication Convention, this provision shall not affect the possibility open to administrations\* of establishing bilateral arrangements for mutually acceptable coefficients between the monetary unit of the IMF and the gold franc.~~

**MOD** CWG/54/6.27

**51** **6.4 Establishment of accounts and settlement of balances of account**

**52** ~~6.4.1~~ Unless otherwise agreed, administrations\* shall follow the relevant provisions as set out in Appendices 1 and 2.

**MOD** CWG/54/6.28

**52** ~~6.4.1~~ Unless otherwise agreed, administrations\* or operating agencies shall apply ~~follow~~ the relevant provisions as set out in Appendices 1 and 2.

**MOD** CWG/54/6.29

**52** ~~6.4.1~~ Unless otherwise agreed, administrations\* operating agencies shall follow the relevant provisions as set out in Appendices 1 and 2.

**MOD** CWG/54/6.30

**52** 6.4.1 Unless otherwise agreed, administrations\* shall follow the relevant provisions as set out in Appendices 1 and 2. The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the Member States and Sector Members concerned in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 42 of the Constitution, these settlements shall be effected in accordance with the Administrative Regulations. Administrations of Member States and Sector Members which operate international telecommunication services shall come to an agreement with regard to the amount of their debits and credits.

**Reasons:** Align with 497, 498 CV.

**SUP** CWG/54/6.31

**51** 6.4 Establishment of accounts and settlement of balances of account

**52** 6.4.1 Unless otherwise agreed, administrations\* shall follow the relevant provisions as set out in Appendices 1 and 2.

**MOD** CWG/54/6.32

**53** 6.5 Service and privilege telecommunications

**54** 6.5.1 Administrations\* and operating agencies shall apply follow the relevant provisions as set out in Appendix 3.

**MOD** CWG/54/6.33

**54** 6.5.1 Administrations/ROAs shall follow the relevant provisions as set out in Appendix 3.

**MOD** CWG/54/6.34

**54** 6.5.1 Administrations\*-Operating agencies shall follow the relevant provisions as set out in Appendix 3.

**NOC** CWG/54/6.35

**54A**

**Reasons:**

No new 6.6.

**ADD** CWG/54/6.35A

**54A** 6.6 Notwithstanding the provisions of Art.1, §1.4 and §1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, §1.3; in Art.3, §3.3.; and taking into account Art.3, §3.1, Members States shall, as appropriate, encourage administrations, recognized operating agencies, and private operating agencies which operate in their territory and provide international telecommunications services offered to the public, to apply the ITU-T Recommendations relating to charging and accounting and alternate calling procedures, including any Instructions forming part of, or derived from, said Recommendations.

**ADD** CWG/54/6.35B

**54A** 6.6 Notwithstanding the provisions of Art.1, §1.4 and §1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, §1.3; in Art.3, §3.3.; and taking into account Art.3, §3.1, Members States shall, as appropriate, encourage administrations\*, which operate in their territory and provide international telecommunications services, to apply the ITU-T Recommendations relating to charging and accounting and alternate calling procedures, including any Instructions forming part of, or derived from, said Recommendations.

**NOC** CWG/54/6.36

**54B**

**Reasons:**

No new 6.7.

**ADD** CWG/54/6.36A

**54B** 6.7 Member States shall ensure that each party in a negotiation or agreement related to or arising out of international connectivity matters including those for the Internet will have standing to have recourse to the competition authorities of the other party's country.

**ADD** CWG/54/6.36B

**54B** 6.7 Member States shall ensure that each party in a negotiation or agreement related to or arising out of international connectivity matters, including those for the Internet, will have access to alternative dispute resolution mechanisms and will have standing to have recourse to the relevant regulatory or competition authorities of the other party's country.

**NOC** CWG/54/6.37

**54C**

**Reasons:**

No new 6.8.

**ADD** CWG/54/6.37A

**54C** 6.8 When evaluating significant market power and its abuse, national competition authorities should also take into account international market share and international market power.

**NOC** CWG/54/6.38

**54D**

**Reasons:**

No new 6.9.

**ADD** CWG/54/6.38A

**54D** 6.9 Member States shall take measures to ensure that foreign creditors for telecommunications accounts can obtain payment quickly and efficiently.



**NOC** CWG/54/6.39

**54E**

**Reasons:**

No new 6.10.

**ADD** CWG/54/6.39A

**54E** 6.10 Subject to national law, members shall ensure that administrations collaborate in preventing and controlling fraud in international telecommunications by:

- Identifying and transmitting to the transit and destination administrations and operators the pertinent information required for the purposes of payment for the routing of international traffic, in particular the calling line code.

- Following up requests by administrations of other countries to investigate calls that cannot be billed, and helping to resolve outstanding accounts.

- Respecting the right of members to decide the payment procedure for international telecommunications terminating on their territory.

**ADD** CWG/54/6.39B

**54E** 6.10 Subject to national law, members shall ensure that administrations collaborate in preventing and controlling fraud in international telecommunications by:

- Identifying and transmitting to the transit and destination administrations and operators the pertinent information required for the purposes of payment for the routing of international traffic, in particular the originating Country Code, National Destination Code and the Calling Party Number.

- Following up requests by administrations of other countries to investigate calls that cannot be billed, and helping to resolve outstanding accounts.

- Following up requests by other Member States and Administrations to identify the source of calls originated from their territories exerting potential fraudulent activity.

**NOC** CWG/54/6.40

**54F**

**Reasons:**

No new 6.11

**54F** **ADD** CWG/54/6.40A

6.11 The ITU Standardization Sector shall be responsible for disseminating the regulatory frameworks in place in administrations having an impact on matters related to fraud.

**NOC** CWG/54/6.41

**54G**

**Reasons:**

No new 6.12

**ADD** CWG/54/6.41A

**54G** 6.12 Member States shall ensure that rates (in particular transit rates, termination rates, and roaming rates) are cost-based.

**NOC** CWG/54/6.41B

**54Gbis**

**Reasons:**

No new 6.12A

**ADD** CWG/54/6.41C

**54Gbis** 6.12A Member States shall foster the establishment of international roaming mobile services prices based on principles of reasonability, competitiveness and non-discrimination relative to prices applied to local users of the visited country.

**NOC** CWG/54/6.41C

**54Gter**

**Reasons:**

No new 6.12B

**ADD** CWG/54/6.41D

**54Gter** 6.12B Member States shall ensure that operating agencies providing international communications services, including mobile services, enable open equivalent access by devices used by subscribers contracted to other operating agencies, such that they are able to connect to applications and content service without charges beyond that normally applied to their own contracted subscribers.

**NOC** CWG/54/6.42

**54H**

**Reasons:**

No new 6.13.

**ADD** CWG/54/6.42A

**54H** 6.13 Member States shall promote transparency with respect to retail and wholesale prices, costs, and quality of service.

**NOC** CWG/54/6.43

**54I**

**Reasons:**

No new 6.14.

**ADD** CWG/54/6.43A

**54I** 6.14 Member States should foster continued investment in high-bandwidth infrastructures.

**NOC** CWG/54/6.44

**54J**

**Reasons:**

No new 6.15.

**ADD** CWG/54/6.44A

**54J** 6.15 Member States shall promote cost-oriented pricing. Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms and to the extent that such measures do not hinder competition.

**NOC** CWG/54/6.45

**54K**

**Reasons:**

No new 6.16.

**ADD** CWG/54/6.45A

**54K** 6.16 Member States shall take measures to ensure that fair compensation is received for carried traffic (e.g. interconnection or termination). Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms and to the extent that such measures do not hinder competition.

**NOC** CWG/54/6.46

**54L**

**Reasons:**

No new 6.17.

**ADD** CWG/54/6.46A

**54L** 6.17 Members States shall ensure transparency of end-user prices, in particular to avoid surprising bills for international services (e.g mobile roaming and data roaming).

**NOC** CWG/54/6.47

**54M**

**Reasons:**

No new 6.18.

**ADD** CWG/54/6.47A

**54M** 6.18 Member States should consider measures to favour special interconnection rates for landlocked countries.

**NOC** CWG/54/6.47B

**54Mbis**

**Reasons:**

No new 6.13A.

**ADD** CWG/54/6.47C

**54Mbis** 6.18A Member States shall ensure that operators establish charging units and parameters that bill telecommunication service consumers according to what is effectively consumed.

**NOC** CWG/54/6.48

**54N**

**Reasons:**

No new 6.19.

**ADD** CWG/54/6.48A

**54N** **6.19 Charges and Free Services**

The provisions regarding charges for telecommunications and the various cases in which free services are accorded are set forth in the Administrative Regulations.

**Reasons:** The text is taken from 496 CV.

**NOC** CWG/54/6.49

**54O**

**Reasons:**

No new 6.20.

**ADD** CWG/54/6.49A

**54O** **6.20 Rendering and Settlement of Accounts**

6.20.1 The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the Member States and Sector Members concerned in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 42 of the Constitution, these settlements shall be effected in accordance with the Administrative Regulations.

6.20.2 Administrations of Member States and Sector Members which operate international telecommunication services shall come to an agreement with regard to the amount of their debits and credits.

**Reasons:** The text is taken from 498 CV.

6.20.3 The statement of accounts with respect to debits and credits referred to in No. 498 above shall be drawn up in accordance with the provisions of the Administrative Regulations, unless special arrangements have been concluded between the parties concerned.

**Reasons:** The text is taken from 497, 498,499 CV.

**MOD** CWG/54/6.50

## ARTICLE 6

### Economic and policy issues Charging and Accounting

**Reasons:** Change in title.

**NOC** CWG/54/6.50A

**54R**

**Reasons:**

No new title for article 6.

**ADD** CWG/54/6.50B

**54R** 6.A Member States shall ensure transparency with respect to retail and wholesale prices, costs, and quality of service.

6.B Member States should foster continued investment in high-bandwidth infrastructures.

6.C Member States shall [take measures to] ensure that prices are oriented on costs. Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms.

6.D Member States shall take measures to ensure that an adequate return is provided on investments in network infrastructures. If this cannot be achieved through market mechanisms, then other mechanisms may be used.

6.E Member States shall [take measures to] ensure that fair compensation is received for carried traffic (e.g. interconnection or termination). Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms.

6.F The right to create universal service funds or universal service obligations is reserved.

6.G Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances.

**Reasons:**

This ADD is combined with SUP existing text (except for 6.1.3, which is reproduced in 6.G)

**SUP** CWG/54/6.50C

Suppress existing provisions of article 6, except for 6.1.3.

**Reasons:** Replace existing provisions of article 6 with new provisions above.

**ADD** CWG/54/6.50D

**54S 6.2 Accounting, transit and termination rates**

6.2.1 For each applicable service in a given relation, [administrations]<sup>\*</sup> or Operating Agencies shall by mutual agreement, on the basis of cost orientation, establish and revise accounting, transit and termination rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant ITU-T ~~CCITT~~ Recommendations and relevant cost trends.

6.2.2 Member States shall ensure that each party in a negotiation or agreement related to or arising out of international connectivity matters, will have access to alternative dispute resolution mechanisms and will have standing to have recourse to the relevant regulatory or competition authorities of the other party's state, [this dispute resolution mechanism may also be by a body mutually agreeable to the parties of the dispute (a neutral body in one of the concerned countries or by a neutral international body, or as agreed by the concerned parties).]

6.2.3 Member States shall ensure that rates (in particular transit rates, termination rates, and roaming rates) are cost-oriented.

**Reasons:**

A new provision on settlement of disputes by a body mutually agreeable to the parties in dispute (for example by a neutral body in one of the concerned countries or by a neutral international body) is proposed in 6.2.2.

**NOC** CWG/54/7.0

## ARTICLE 7

### Suspension of Services

**Reasons:** title of Article 7 remains unchanged.

**MOD** CWG/54/7.1

**55** 7.1 If a Member State exercises its right in accordance with the Constitution and Convention to suspend international telecommunication services partially or totally, that Member States shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.

**Reasons:**

Retaining this important provision with slight update of text.

**MOD** CWG/54/7.2

**55** 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members States, using the most appropriate means of communication.

**Reasons:**

Retaining this important provision with slight update of text.

**NOC** CWG/54/7.3

**55A**

**Reasons:**

No new 7.3 (intercommunication). This and the following Article 7 provisions are duplication of the CS provisions.

**ADD** CWG/54/7.4

**55A 7.3 Intercommunication**

7.3.1 Stations performing radiocommunication in the mobile service shall be bound, within the limits of their normal employment, to exchange radiocommunications reciprocally without distinction as to the radio system adopted by them.

7.4.3 Nevertheless, in order not to impede scientific progress, the provisions of No. 1 above shall not prevent the use of a radio system incapable of communicating with other systems, provided that such incapacity is due to the specific nature of such system and is not the result of devices adopted solely with the object of preventing intercommunication.

7.3.3 Notwithstanding the provisions of No. 1 above, a station may be assigned to a restricted international service of telecommunication, determined by the purpose of such service, or by other circumstances independent of the system used.

**Reasons:**

Add 500 CV to the ITRs.

**NOC** CWG/54/7.5

**55B**

**Reasons:**

No new 7.4 (secret language).

**ADD** CWG/54/7.6

**55B 7.4 Secret Language**

7.4.1 Government telegrams and service telegrams may be expressed in secret language in all relations.

7.4.2 Private telegrams in secret language may be admitted between all Member States with the exception of those which have previously notified, through the Secretary-General, that they do not admit this language for that category of correspondence.

7.4.3 Member States which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in Article 35 of the Constitution.

**Reasons:**

Add 504, 505, 506 CV to the ITRs.

**NOC** CWG/54/7.7

**55C**

**Reasons:**

No new 7.5 (stoppage of telecommunications).

**ADD** CWG/54/7.8

**55C 7.5 Stoppage of Telecommunications**

7.5.1 Member States reserve the right to stop, in accordance with their national law, the transmission of any private telegram which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.

7.5.2 Member States also reserve the right to cut off, in accordance with their national law, any other private telecommunications which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency.

**Reasons:**

Add 180, 181 CS to the ITRs.

**NOC** CWG/54/7.9

**55D**

**Reasons:**

No new 7.6 (suspension of services).

**ADD** CWG/54/7.10

**55D 7.6 Suspension of services**

Each Member State reserves the right to suspend the international telecommunication service, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Member States through the Secretary-General.

**Reasons:**

Add 182 CS to the ITRs.

**NOC** CWG/54/7.11

**55E**

**Reasons:**

No new 7.7 (responsibility).



**ADD** CWG/54/7.12

**55E** **7.7 Responsibility**

Member States accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

**Reasons:**

Add 183 CS to the ITRs.

**NOC** CWG/54/7.13

**55F**

**Reasons:**

No new 7.8 (secrecy of telecommunications).

**ADD** CWG/54/7.14

**55F** **7.8 Secrecy of Telecommunications**

7.8.1 Member States agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.

7.8.2 Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their national laws or the execution of international conventions to which they are parties.

**Reasons:**

Add 184, 185 CS to the ITRs.

**NOC** CWG/54/8.0

## ARTICLE 8

### Dissemination of Information

**Reasons:** title of Article 8 remains unchanged.

**MOD** CWG/54/8.1

**57** Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by administrations, of an ~~administrative, operational tariff or a~~ statistical nature concerning international telecommunication ~~routes and~~ services. Such information shall be disseminated in accordance with the relevant provisions of the Constitution and Convention and of this Article, on the basis of decisions taken by the ~~Administrative~~ Council or by ~~relevant competent administrative~~ conferences, and taking account of conclusions or decisions of Plenary Assemblies of the International Consultative Committees.

**MOD** CWG/54/8.2

**57** 8.1 Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by ~~administrations\*~~ Member States, of an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated in accordance with the relevant provisions of the Convention and of this Article, on the basis of decisions taken by the Administrative Council or by competent administrative conferences, and taking account of conclusions or decisions of Plenary competent Assemblies ~~of the International Consultative Committees~~. If so authorized by the concerned Member State, the information may be transmitted to the Secretary-General directly by an operating agency and shall then be disseminated by the Secretary-General.

8.2 Member States should transmit such information to the Secretary- General in timely manner and in accordance with the relevant Recommendation of the ITU.

**Reasons:**

Retaining 8 which is an important provision with slight update of text. Moreover to recognize the possible authorization of the Member States to its operating agencies to notify to the ITU this information on its behalf directly.

Adding 8.2 which aims to urge the Member States or its authorized operating agencies to transmit this important information on timely manner.

**SUP** CWG/54/8.3

**57** ~~Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by administrations, of an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated in accordance with the relevant provisions of the Convention and of this Article, on the basis of decisions taken by the Administrative Council or by competent administrative conferences, and taking account of conclusions or decisions of Plenary Assemblies of the International Consultative Committees.~~

**Reasons:**

Many references are out of date and Articles 5 (o) and (p) of CV contain similar text.

**NOC** CWG/54/8.4

**57A**

**Reasons:**

No new 8.2 (notification of infringements).

**ADD** CWG/54/8.5

**57A** 8.2 In order to facilitate the application of the provisions of Article 6 of the Constitution, Member States undertake to inform and, as appropriate, assist one another with regard to infringements of the provisions of the Constitution, of the Convention and of the Administrative Regulations.

**Reasons:**

Add 190 CS to the ITRs.

**ADD** CWG/54/8A.1

## ARTICLE 8A

### [Security] | [Confidence and security in the provision of international telecommunications and services] | [Confidence and security of telecommunications/ICTs]

#### Reasons:

Add a new article on security.

Taking into account that international networks and operating agencies may be located in different jurisdictions, then strengthening confidence and ensuring security in the provision of international telecommunication services by administrations and operating agencies calls for efforts and concerted action by Member States within the framework of an international agreement, namely these ITRs. This should in turn lead to harmonization of national legislations.

**ADD** CWG/54/8A.2

**57B** 8A.1 Member-States have the responsibility and right to protect the network security of the information and communication infrastructure within their state, to promote the international cooperation to fight against network attacks and disruptions.

8A.2 Member-States have the responsibility to require and supervise that enterprises operating in their territory use ICTs in a rational way and endeavour to ensure the effective functioning of ICTs, in secure and trustworthy conditions.

8A.3 User information in information and communication network should be respected and protected. Member-states have the responsibility to require and supervise that enterprises operating in their territory protect the security of user information.

**ADD** CWG/54/8A.3

**57B** 8A.1 Member States shall cooperate to enhance user confidence, build trust, and protect both data and network integrity; consider existing and potential threats to ICTs; and address other information security and network security issues.

8A.2 Member States in cooperation with the private sector, should prevent, detect and respond to cyber-crime and misuse of ICTs by: developing guidelines that take into account ongoing efforts in these areas; considering legislation that allows for effective investigation and prosecution of misuse; promoting effective mutual assistance efforts; strengthening institutional support at the international level for preventing, detecting and recovering from such incidents; and encouraging education and raising awareness.

**Reasons:** This proposal is based on 12 (a) and 12 (b) of the Geneva Plan of action.

**ADD** CWG/54/8A.4

**57B** 8A.1 Member States shall cooperate to strengthen security while enhancing the protection of personal information, privacy and data.

8A.2 Member States shall cooperate with other stakeholders to develop necessary legislation for the investigation and prosecution of cybercrime.

8A.3 Member States should cooperate to take actions to counter spam, including through consumer and business education; appropriate legislation, law-enforcement authorities and tools; the continued development of technical and self-regulatory measures; best practices; and international cooperation.

8A.4 Member States shall take measures to ensure Internet stability and security, to fight cybercrime and to counter spam, while protecting and respecting the provisions for privacy and freedom of expression as contained in the relevant parts of the Universal Declaration of Human Rights.

**Reasons:** This proposal is based on 39-42 of the Tunis Agenda.

**ADD** CWG/54/8A.5

**57B** 8A.1 Member States should cooperate regarding telecommunications security matters (including cybersecurity), in particular to develop technical standards and acceptable legal norms, including among others those regarding territorial jurisdiction and sovereign responsibility.

8A.2 Member States shall cooperate to harmonize national laws, jurisdictions, and practices in the areas of: the investigation and prosecution of cybercrime (including eavesdropping and breach of privacy of telecommunications); data preservation, retention, protection (including personal data protection), and privacy; and approaches for network defense and response to cyberattacks.

8A.3 [Protection of critical infrastructure: text to be developed]

8A.4 [Member States shall ensure that intercept and monitoring of international telecommunications be subject to due process authorized in accordance with national law.]

**Reasons:** This proposal is related to the part in square brackets for the title.

**ADD** CWG/54/8A.6

**57B** 8A.1 Member States should encourage Operating Agencies in their territories to take appropriate measures for ensuring network security.

8A.2 Member States should collaborate to promote international cooperation to avoid technical harm to networks.

**ADD** CWG/54/8A.7

**57B** 8A.1 Member States should encourage operating agencies to take measures to further the security, safety, continuity, sustainability and robustness of their networks used for international telecommunication services.

8A.2 Member States are encouraged to cooperate in that sense.

**ADD** CWG/54/8A.8

**57B** 8A.1 Member States shall do their utmost to promote the confidence required for effective use and harmonious development of international telecommunications as well as security in the provision of international telecommunication services.

8A.2 Member States shall ensure the confidentiality of international telecommunications and of any related information that has become known to the operating agency in the course of providing international telecommunication services.

8A.3 Member States shall ensure the protection of personal data handled for the purposes of providing international telecommunication services.

8A.4 Member States shall ensure unrestricted public access to international telecommunication services and the unrestricted use of international telecommunications, except in cases where international telecommunication services are used for the purpose of interfering in the internal affairs or undermining the sovereignty, national security, territorial integrity and public safety of other States, or to divulge information of a sensitive nature.

8A.5 Member States shall prevent the propagation of spam.

8A.6 Member States shall combat network fraud.

8A.7 Member States shall ensure that numbering, naming, addressing and identification resources in international telecommunication networks are used in accordance with their intended purpose and stipulated allocation.

8A.8 Member States shall ensure that operating agencies duly identify the subscriber when providing international telecommunication services, and shall ensure the appropriate processing, transmission and protection of identification information in international telecommunication networks.

8A.9 Member States shall ensure that operating agencies take the appropriate measures to ensure reliable operation, confidence and security of international telecommunications.

**ADD** CWG/54/8A.9

**57B** 8A.1 Member States shall undertake appropriate measures, individually or in cooperation with other Member States, to ensure Confidence and Security of Telecommunications/ICTs.

8A.2 Issues related to security include physical and operational security; cybersecurity, cybercrime, and cyber attacks; denial of service attacks; other online crime; controlling and countering unsolicited electronic communication (e.g. Spam); and protection of information and personal data (e.g. phishing).

8A.3 Member States, in accordance to national law, shall cooperate to investigate, prosecute, correct and repair security breaches and incidents in timely manner.

8A.4 Member States shall ensure that operating agencies and other concerned entities provide and maintain, to the greatest extent practicable, confidence and security of telecommunications/ICTs.

8A.5 Member States shall ensure that operating agencies and other concerned entities cooperate with their counter parts in other Member States in ensuring confidence and security of telecommunications/ICTs.

**Reasons:**

Confidence and Security in the use of ICTs is one of the most -if not the most- critical issues to be dealt with under the revised ITRs. At personnel, business, and government levels building

confidence and security in the ICTs is a top priority. However this could only be achieved through global commitment and cooperation. The new article treats this vital issue in three main points:

- Appropriate measures by the Member States (e.g. standards, legalizations, policies, initiatives, etc.)
- Enforcing such security measures to the extent practicable
- Global Cooperation in order to promptly resolving security breaches

**ADD** CWG/54/8B.1

## ARTICLE 8B

### Countering spam

**Reasons:** Add a new article on countering spam.

**ADD** CWG/54/8B.2

**57C** Member States are encouraged:

a) to adopt national legislation to act against spam;

b) to cooperate to take actions to counter spam;

c) to exchange information on national findings/actions to counter spam.

**ADD** CWG/54/8B.3

**57C** Member States shall prevent the propagation of spam.

**ADD** CWG/54/8C.1

## ARTICLE 8C

### Energy efficiency

**Reasons:** Add a new article on energy efficiency.

**ADD** CWG/54/8C.2

**57D** Member States shall cooperate to encourage operating agencies and industry to adopt energy efficiency international standards and best practices including disclosure and labelling schemes, so as to reduce energy consumption and e-waste.

**NOC** CWG/54/9.0

## ARTICLE 9

### Special Arrangements

**Reasons:** title of Article 9 remains unchanged.

**MOD** CWG/54/9.1

**58** 9.1 a) Pursuant to [Article 42 of the Constitution](#), special arrangements may be entered into on telecommunication matters which do not concern Members [States](#) in general. Subject to national laws, Members [States](#) may allow administrations\*/[ROAs](#) or other organizations or persons to enter into such special mutual arrangements with Members [States](#), administrations or other organizations or persons that are so allowed in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Members [States](#) concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

**MOD** CWG/54/9.2

**58** 9.1 a) ~~Pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982),~~ [\[Pursuant to Article 42 of the Constitution\]](#) ~~s~~Special arrangements may be entered into on telecommunication matters which do not concern Members [States](#) in general. Subject to national laws, Members [States](#) may allow ~~administrations\*~~ [operating agencies](#) or other organizations or persons to enter into such special mutual arrangements with ~~Members,~~ [administrations\\*](#) [operating agencies](#) or other organizations or persons that are so allowed in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Members [States](#) concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

**Reasons:**

[Retaining this important provision with slight update/improvement of the text. Moreover it recognizes that such arrangements could also be entered into by operating agencies.](#)

**MOD** CWG/54/9.3

**58** 9.1 a) ~~Pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982),~~ [Administrations/operating agencies may enter into](#) special arrangements ~~may be entered into on telecommunication matters which do not concern Members in general. Subject to national laws, Members may allow~~ [with other](#) [administrations/operating agencies](#) or other organizations ~~or persons to enter into such special mutual arrangements with Members,~~ [administrations\\*](#) ~~or other organizations or persons~~ that are so allowed in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Members [States](#) concerned and including, as necessary, those financial, technical, or operating conditions, [and any requirements for strengthening confidence and ensuring security, including of information,](#) to be observed.

**Reasons:**

It is proposed to supplement the text with a provision to the effect that special arrangements may also include requirements for strengthening confidence and ensuring security.

**NOC** CWG/54/9.4

**59** b) Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries.

**MOD** CWG/54/9.5

**59** b) Any such special arrangements ~~shall should~~ avoid technical harm to the operation of the telecommunication facilities ~~and services~~ of third ~~countries~~ parties, and shall not diminish the security and confidence of telecommunications/ICTs of third parties.

**Reasons:**

Retaining this very important provision, which highlights the conditions for any of these mutual special arrangements, obviously security is among these important conditions.

**MOD** CWG/54/9.6

**59** b) Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities ~~of third countries.~~

**MOD** CWG/54/9.7

**59** b) Any such special arrangements should avoid ~~financial and/or~~ technical harm | ~~technical or financial~~ harm ] to the operation of the [telecommunication facilities of third countries | ~~telecommunications~~ of third ~~countries~~ parties].

**MOD** CWG/54/9.8

**59** b) Any such special arrangements ~~shall should~~ avoid ~~financial misappropriation, harming or stopping of operations, and/or~~ technical harm to the operation of the telecommunication facilities ~~in~~ of third countries.

**MOD** CWG/54/9.9

**59** b) ~~Any such s~~Special arrangements should avoid technical harm to the operation of ~~the any~~ telecommunication facilities ~~/services of third countries.~~

**MOD** CWG/54/9.10

**59** b) ~~Any such s~~Special arrangements should ~~avoid technical~~ cause injury/bring harm to the operation of the telecommunication facilities of third countries (see 1.1 of these Regulations).

**Reasons:** There is no doubt a typographical error in this proposal: it should probably read “should avoid causing injury/bringing harm” or “should not cause injury/bring harm”.



**MOD** CWG/54/9.11

**60** 9.2 Members States should, where appropriate, encourage the parties to any special arrangements that are made pursuant to 9.1 above No. 58(9.1) to take into account relevant provisions of ITU-T CCITT Recommendations.

**MOD** CWG/54/9.11A

**60** 9.2 Members States should, where appropriate, encourage the parties to any special arrangements that are made pursuant to 9.1 above No. 58(9.1) to take into account relevant provisions of ITU-T CCITT Recommendations of the ITU.

**Reasons:**

Retaining this provision with slight improvement/update of its text. The proposal recognizes that the studies done under the ITU could act as reference or at least as starting point when entering into any special arrangements.

**SUP** CWG/54/9.12

**60** ~~9.2 Members should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 58 (9.1) to take into account relevant provisions of CCITT Recommendations.~~

**Reasons:**

Not needed in light of 1.6.

**NOC** CWG/54/10.0

## ARTICLE 10

### Final Provisions

**Reasons:** title of Article 10 remains unchanged.

**MOD** CWG/54/10.0A

## ARTICLE 10

### Entry into force and provisional application~~Final Provisions~~

**Reasons:** reflect new content of Article 10.

**ADD** CWG/54/10.1

**61A** These Regulations, [of which Appendices 1, 2, and 3 form integral parts and] which [complement | complete] the provisions of the Constitution and Convention of the International Telecommunication Union, shall enter into force on 1 January 2015 and shall be applied as of that date pursuant to Article 54 of the Constitution.

**Reasons:** SUP 10.1 through 10.4 to align with RR.

This proposal suggests to SUP 10.1 through 10.4 and to align the ITRs Entry into Force with same provisions of the RR. The provisions related to Entry into force is quite complex and have been drafted adequately and with extra care under Article 54 of CS. Any attempt to re-draft similar text is quite complex and may create contradiction of what is in the CS/CV. Hence it is quite advisable to simply refer to the CS Article 54. Also see the detail document on this critical matter provided by the Secretary-General in DOC# 62 to the CWG-WCIT12.

**MOD** CWG/54/10.2

**61** 10.1 These Regulations, of which [Appendices 1, 2 and 3 form integral parts], shall enter into force on ~~1 January 2015~~ July 1990 at 0001 hours UTC.

**SUP** CWG/54/10.3

**61** ~~10.1 These Regulations, of which [Appendices 1, 2 and 3 form integral parts], shall enter into force~~ July 1990 at 0001 hours UTC.

**SUP** CWG/54/10.4

**62** ~~10.2 On the date specified in No.61 (10.1), the Telegraph Regulations (Geneva, 1973) and the Telecommunication Regulations (Geneva, 1973) shall be replaced by these Telecommunication Regulations (Melbourne, 1988) pursuant to the International Telecommunication Convention.~~

**ADD** CWG/54/10.5

**62A** 10.2A The partial or total revision of ITR can only be undertaken by a competent World Conference on International Telecommunication in accordance with Article 25 of the ITU Constitution.

**MOD** CWG/54/10.6

**63** 10.3 If a Member State makes reservations with regard to the application of one or more of the provisions of these Regulations, other Members States and their [recognized] operating agencies administrations\* shall be free to disregard ~~are not obliged to abide by~~ the said provision or provisions in their relations with the Member State which has made such reservations and its [recognized] operating agencies administrations\*.

**Reasons:**

Align to the French text which says “ne sont pas obligés d’observer”.

**SUP** CWG/54/10.7

**63** ~~10.3 If a Member makes reservations with regard to the application of one or more of the provisions of these Regulations, other Members and their administrations\* shall be free to disregard the said provision or provisions in their relations with the Member which has made such reservations and its administrations\*.~~

**MOD** CWG/54/10.8

**64** 10.4 Members States of the Union shall inform the Secretary-General of their [approval of | consent to be bound by] the International Telecommunication Regulations adopted

by the Conference. The Secretary-General shall inform Members States promptly of the receipt of such notifications ~~of approval~~.

**SUP** CWG/54/10.9

**64** ~~10.4 Members of the Union shall inform the Secretary-General of their approval of the International Telecommunication Regulations adopted by the Conference. The Secretary-General shall inform Members promptly of the receipt of such notifications of approval.~~

**ADD** CWG/54/10.10

**64A** 10.5 A total revision of these Regulations as a whole as well as substantive revisions of individual articles may only be undertaken by a World Conference on International Telecommunications.

**MOD** CWG/54/10.11

**64B** IN WITNESS WHEREOF, the delegates of the Members States of the International Telecommunication Union named below have, on behalf of their respective competent authorities, signed one copy of the present Final Acts in the Arabic, Chinese, English, French, Russian and Spanish languages. This copy shall remain in the archives of the Union. The Secretary-General shall forward one certified copy to each Member State of the International Telecommunication Union. Done at Dubai, 14 December 2012 ~~Melbourne, 9 December 1988~~.

**NOC** CWG/54/A1.0

## APPENDIX 1

### General Provisions Concerning Accounting

#### Reasons:

Title of Appendix 1 remains unchanged.

Appendix 1 should be retained. Operating agencies interact not only on the basis of bilateral arrangements, but also without them. In the case of cooperation without an arrangement (e.g. on the basis of an “acceptance” agreement – request for service/delivery/submission of an account/payment), the ITRs play the role of such an agreement, determining the procedure governing the interactions, including rules and time-frames for the settlement of accounts and for questioning accounts. Article 6 and Appendices 1 and 2 are inextricably linked and contain cross-references.

**SUP** CWG/54/A1.1

## **APPENDIX 1**

### **General Provisions Concerning Accounting**

**Reasons:** Appendix 1 is obsolete and should be suppressed. It is inappropriate for Member States in an international treaty to make commitments which dictate the detail of how private operators conduct their commercial activities with operators in other countries in the current liberalised and competitive international telecommunications market. However, this does not prevent other Member States imposing such rules on a national basis if they so choose.

**NOC** CWG/54/A1.2

#### **1/1 1. Accounting rates**

**Reasons:** Heading remains unchanged

**MOD** CWG/54/A1.3

**1/2** 1.1 For each applicable service in a given relation, [administrations/ROAs | operating agencies] shall by mutual agreement establish and revise accounting rates to be applied between them, taking into account the Recommendations of the ITU-T CCITT and trends in the cost of providing the specific telecommunication service, and shall divide such rates into terminal shares payable to the [administrations/ROAs | operating agencies] of terminal countries, and where appropriate, into transit shares payable to the [administrations/ROAs | operating agencies] of transit countries.

**Reasons:**

One proposal is to retain the term “administration/ROA”, the other to replace it by “operating agency”. This is the case also for subsequent provisions of Appendix 1

**MOD** CWG/54/A1.4

**1/3** 1.2 Alternatively, in traffic relations where ITU-T CCITT cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method:

**MOD** CWG/54/A1.5

**1/4** a) [administrations/ROAs | operating agencies] shall establish and revise their terminal and transit shares taking into account the Recommendations of the ITU-T CCITT;

**NOC** CWG/54/A1.6

**1/5** b) the accounting rate shall be the sum of the terminal shares and any transit shares.

**MOD** CWG/54/A1.7

**1/6** 1.3 When one or more [administrations/ROAs | operating agencies] acquire, either by flat rate remuneration or other arrangements, the right to utilize a part of the circuit and/or

installations of another [administration/ROA | operating agency], the former have the right to establish their share as mentioned in 1.1 and 1.2 above, for this part of the relation.

**MOD** CWG/54/A1.8

**1/7** 1.4 In cases where one or more routes have been established by agreement between [administrations/ROAs | operating agencies] and where traffic is diverted unilaterally by the [administrations/ROAs | operating agencies] of origin to a [n international] route which has not been agreed with the [administrations/ROAs | operating agencies] of destination, the terminal shares payable to the [administrations/ROAs | operating agencies] of destination shall be the same as would have been due to it had the traffic been routed over the agreed primary route and the transit costs are borne by the [administrations/ROAs | operating agencies] of origin, unless the [administrations/ROAs | operating agencies] of destination is prepared to agree to a different share.

**MOD** CWG/54/A1.9

**1/8** 1.5 In cases where the traffic is routed via a transit point without authorization and/or agreement to the transit share, the transit [administration/ROA | operating agency] has the right to set the level of the transit share to be included in the international accounts.

**MOD** CWG/54/A1.10

**1/9** 1.6 Where an [administration/ROA | operating agency] has a duty or fiscal tax levied on its accounting rate shares or other remunerations, it shall not in turn impose any such duty or fiscal tax on other [administrations/ROAs | operating agencies].

**NOC** CWG/54/A1.11

**1/10** **2. Establishment of accounts**

**Reasons:** Heading remains unchanged

**1/11** 2.1 Unless otherwise agreed, the [administrations/ROAs | operating agencies] responsible for collecting the charges shall establish a monthly account showing all the amounts due and send it to the [administrations/ROAs | operating agencies] concerned.

**MOD** CWG/54/A1.12

**1/12** 2.2 The accounts shall be sent ~~[taking into account/in accordance with] relevant ITU-T Recommendations as promptly as possible and, except in cases of force majeure, before the end of the third month following that to which they relate.~~

**MOD** CWG/54/A1.13

**1/12** 2.2 The accounts shall be sent ~~in accordance with relevant ITU-T Recommendations as promptly as possible and, except in cases of force majeure, before the end of the 50 days period third month following that~~ the month to which they relate.

**MOD** CWG/54/A1.14

**1/13** 2.3 In principle an account shall be considered as accepted without the need for specific notification of acceptance to the [administration/ROA | operating agency] which sent it.

**MOD** CWG/54/A1.15

**1/14** 2.4 However, any [administration/ROA | operating agency] has the right to question the contents of an account [taking into account/in accordance with] relevant ITU-T Recommendations for a period of two calendar months after the receipt of the account, but only to the extent necessary to bring any difference within mutually agreed limits.

**MOD** CWG/54/A1.16

**1/14** 2.4 However, any [administration/ROA | operating agency] has the right to question the contents of an account in accordance with relevant ITU-T Recommendations but before the end of the 50 days period~~for a period of two calendar months~~ after the receipt of the account, but only to the extent necessary to bring any differences within mutually agreed limits[, even if the bill was paid].

**Reasons:**

The deadlines are in accordance with Recommendation ITU-T D.195 "Time-scale for settlement of accounts for international telecommunication services". The proposed addition ("... even if the bill was paid") eliminates the contradiction between the time-frames stipulated in the appendices to the ITRs and time-frames in countries' legislations. In particular, the time-frame for payment of balances of account (3.3.1) and the time-frame for questioning an account (2.4) are significantly shorter than the period during which the end user has the right to submit a claim regarding an account.

**MOD** CWG/54/A1.17

**1/14** 2.4 However, any administration\*operating agency has the right to question the contents of an account for a period of two calendar months after the receipt of the account, but only to the extent necessary to bring any differences within mutually agreed limits.

**MOD** CWG/54/A1.18

**1/15** 2.5 In relations where there are no special agreements, settlement statements showing the balances of the monthly accounts for the period to which they relate shall be sent [taking into account/in accordance with] relevant ITU-T Recommendations a quarterly settlement statement showing the balances of the monthly accounts for the period to which it relates shall be prepared as soon as possible by the creditor administration\* and shall be sent in duplicate to the debtor administration\*, which, after verification, shall return one of the copies endorsed with its acceptance.

**MOD** CWG/54/A1.19

**1/15** 2.5 In relations where there are no special agreements, a quarterly settlement statement showing the balances of the monthly accounts for the period to which it relates shall be prepared [and issued] as soon as possible by the creditor [administration/ROA | operating agency] and shall be sent [in accordance with the provision of 2.2 above] in duplicate to the debtor [administration/ROA | operating agency], which, after verification, shall return one of the copies endorsed with its acceptance.

**MOD** CWG/54/A1.20

**1/16** 2.6 In indirect relations where a transit [administration/ROA | operating agency] acts as an accounting intermediary between two terminal points, it shall include accounting data for transit traffic in the relevant outgoing traffic account to [administration/ROA | operating agency] beyond it in the routing sequence [as soon as possible | no later than 30 days | not later than 50 calendar days] after receiving that data from the originating [administration/ROA | operating agency].

**NOC** CWG/54/A1.21

**1/17** **3. Settlement of balances of accounts**

**Reasons:** Heading remains unchanged

**NOC** CWG/54/A1.22

**1/18** **3.1 Choice of the currency of payment**

**Reasons:** Heading remains unchanged

**NOC** CWG/54/A1.23

**1/19** 3.1.1 The payment of balances of international telecommunication accounts shall be made in the currency selected by the creditor after consultation with the debtor. In the event of disagreement, the choice of the creditor shall prevail in all cases subject to the provisions in 3.1.2 below. If the creditor does not specify a currency, the choice shall rest with the debtor.

**NOC** CWG/54/A1.24

**1/20** 3.1.2 If a creditor selects a currency with a value fixed unilaterally or a currency the equivalent value of which is to be determined by its relationship to a currency with a value also fixed unilaterally, the use of the selected currency must be acceptable to the debtor.

**NOC** CWG/54/A1.25

**1/21** **3.2 Determination of the amount of payment**

**Reasons:** Heading remains unchanged

**NOC** CWG/54/A1.26

**1/22** 3.2.1 The amount of the payment in the selected currency, as determined below, shall be equivalent in value to the balance of the account.

**NOC** CWG/54/A1.27

**1/23** 3.2.2 If the balance of the account is expressed in the monetary unit of the IMF, the amount of the selected currency shall be determined by the relationship in effect on the day before payment, or by the latest relationship published by the IMF, between the monetary unit of the IMF and the selected currency.

**NOC** CWG/54/A1.28

**1/24** 3.2.3 However, if the relationship of the monetary unit of the IMF to the selected currency has not been published, the amount of the balance of account shall, at a first stage, be converted into a currency for which a relationship has been published by the IMF, using the relationship in effect on the day before payment or the latest published relationship. The amount thus obtained shall, at a second stage, be converted into the equivalent value of the selected currency, using the closing rate in effect on the day prior to payment or the most recent rate quoted on the official or generally accepted foreign exchange market of the main financial centre of the debtor country.

**SUP** CWG/54/A1.29

**1/25** 3.2.4 If the balance of the account is expressed in gold francs, the amount shall, in the absence of special arrangements, be converted into the monetary unit of the IMF in accordance with the provisions of section 6.3 of the Regulations. The amount of payment shall then be determined in compliance with the provisions of 3.2.2. above.

**MOD** CWG/54/A1.30

**1/26** 3.2.5 If, in accordance with a special arrangement, the balance of the account is not expressed neither in the monetary unit of the IMF nor in gold francs, the payment shall also be the subject of this special arrangement and:

**NOC** CWG/54/A1.31

**1/27** a) if the selected currency is the same as the currency of the balance of account, the amount of the selected currency shall be the amount of the balance of account;

**NOC** CWG/54/A1.32

**1/28** b) if the selected currency for payment is different from the currency in which the balance is expressed, the amount shall be determined by converting the balance of account to its equivalent value in the selected currency in accordance with the provisions of 3.2.3 above.

**NOC** CWG/54/A1.33

**1/29** **3.3 Payment of balances**

**Reasons:** Heading remains unchanged

**MOD** CWG/54/A1.34

**1/30** 3.3.1 Payment of balances of account shall be effected [taking into account/in accordance with] relevant ITU-T Recommendations as promptly as possible, but in no case later than two calendar months after the day on which the settlement statement is despatched by the creditor administration\*. Beyond this period, the creditor administration\* may, subject to prior notification in the form of a final demand for payment, and unless otherwise agreed, charge interest at a rate of up to 6% per annum, reckoned from the day following the date of expiry of the said period.



**MOD** CWG/54/A1.35

**1/30** 3.3.1 Payment of balances of account shall be effected as promptly as possible, but in no case later than 50 days two calendar months after the day on which the settlement statement is despatched by the creditor [administration/ROA | operating agency]. Beyond this period, the creditor [administration/ROA | operating agency] may, subject to prior notification in the form of a final demand for payment, and unless otherwise agreed, charge interest at a rate of up to 6% per annum, reckoned from the day following the date of expiry of the said period.

**NOC** CWG/54/A1.36

**1/31** 3.3.2 The payment due on a settlement statement shall not be delayed pending settlement of a query on that account. Adjustments which are later agreed shall be included in a subsequent account.

**NOC** CWG/54/A1.37

**1/32** 3.3.3 On the date of payment, the debtor shall transmit the amount of the selected currency as computed above by a bank cheque, transfer or any other means acceptable to the debtor and the creditor. If the creditor expresses no preference, the choice shall fall to the debtor.

**NOC** CWG/54/A1.38

**1/33** 3.3.4 The payment charges imposed in the debtor country (taxes, clearing charges, commissions, etc.) shall be borne by the debtor. Any such charges imposed in the creditor country, including payment charges imposed by intermediate banks in third countries, shall be borne by the creditor.

**ADD** CWG/54/A1.39

**1/33A** 3.3.5 Provided the periods of payment are observed, [administrations/ROAs | operating agencies] have a right by mutual agreement settle their balances of various kinds by offsetting:

\* credits and debits in their relations with other [administrations/ROAs | operating agencies];

\* any other mutually agreed settlements, if appropriate.

This rule also applies in case payments are made through specialized payment agencies in accordance with arrangements with [administrations/ROAs | operating agencies].

**Reasons:**

Settlements by offsetting are widely used in the relations between recognized operating agencies. It is believed reasonable to include modified provisions regarding settlement of balances and any other mutually agreed settlements by offsetting to Paragraph 3.3.

**NOC** CWG/54/A1.40

**1/34** **3.4 Additional provisions**

**Reasons:** Heading remains unchanged

**MOD** CWG/54/A1.41

**1/35** 3.4.1 Provided the periods of payment are observed, [administrations/ROAs | operating agencies] may by mutual agreement settle their balances of various kinds by offsetting:

– credits and debits in their relations with other [administrations/ROAs | operating agencies]; and/or

– debts arising from [postal services | any other mutually agreed settlements], if appropriate.

[This rule also applies in cases where accounts are handled through specialized accounting authorities on the basis of arrangements with administrations/operating agencies.]

**NOC** CWG/54/A1.42

**1/36** 3.4.2 If, between the time the remittance (bank transfer, cheques, etc.) is effected and the time the creditor is in receipt of that remittance (account credited, cheque encashed, etc.), a variation occurs in the equivalent value of the selected currency calculated as indicated in paragraph 3.2, and if the difference resulting from such variations exceeds 5% of the amount due as calculated following such variations, the total difference shall be shared equally between debtor and creditor.

**MOD** CWG/54/A1.43

**1/37** 3.4.3 If there should be a radical change in the international monetary system which invalidates or makes inappropriate one or more of the foregoing paragraphs, [administrations/ROAs | operating agencies] are free to adopt, by mutual agreement, a different monetary basis and/or different procedures for the settlement of balances of accounts, pending a revision of the above provisions.

**NOC** CWG/54/A2.0

## APPENDIX 2

### Additional Provisions Relating to Maritime Telecommunications

#### Reasons:

Title of Appendix 2 remains unchanged.

Appendix 2 should be retained. Article 6 and Appendices 1 and 2 are inextricably linked and contain cross-references. Appendix 2 provides the necessary legal basis and instrument to be used by an accounting authority in cases where a shipowner does not settle its account for operation in international waters, whereby a user (or shipowner) may at its own discretion modify the ship's ownership structure, its location or its country of registration. Appendix 2 is also necessary for operating agencies which, having no accounting authority, encounter problems arising in relation to the provision of communication services to shipowners and the receipt of payment for services rendered. Therefore, deleting Appendix 2 will have a negative impact on the

financial position of around 100 accounting authorities and on the provision of international telecommunication services for ships worldwide.

**MOD** CWG/54/A2.1

### **Additional Provisions Relating to Maritime Telecommunications**

**Reasons:** change title of Appendix 2.

**SUP** CWG/54/A2.2

### **APPENDIX 2**

### **Additional Provisions Relating to Maritime Telecommunications**

**Reasons:** Appendix 2 is obsolete and should be suppressed

**NOC** CWG/54/A2.3

#### **2/1 1. General**

**Reasons:** Heading remains unchanged

**MOD** CWG/54/A2.4

**2/2** The provisions contained in ~~Article 6 and this Appendix 1~~, taking into account the relevant CCITT Recommendations, shall also apply to maritime telecommunications in so far as the following provisions do not provide otherwise. Administrations should comply with the relevant ITU-T Recommendations and any Instructions forming part of or derived from these Recommendations, when establishing and settling accounts under this Appendix.

**NOC** CWG/54/A2.5

#### **2/3 2. Accounting authority**

**Reasons:** Heading remains unchanged

**NOC** CWG/54/A2.6

**2/4** 2.1 Charges for maritime telecommunications in the maritime mobile service and the maritime mobile-satellite service shall in principle, and subject to national law and practice, be collected from the maritime mobile station licensee:

**NOC** CWG/54/A2.7

**2/5** a) by the administration that has issued the licence; or

**MOD** CWG/54/A2.8

**2/6** b) by a [recognized] private operating agency; or

**NOC** CWG/54/A2.9

**2/7** c) by any other entity or entities designated for this purpose by the administration referred to in a) above.

**MOD** CWG/54/A2.10

**2/8** 2.2 The administration or the [recognized] private operating agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the “accounting authority”.

**MOD** CWG/54/A2.11

**2/9** 2.3 References to administration/[ROA | operating agency] contained in Article 6 and this Appendix 1 shall be read as “accounting authority” when applying the provisions of Article 6 and this Appendix 1 to maritime telecommunications.

**MOD** CWG/54/A2.12

**2/10** 2.4 Members shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations; the number of such names and addresses shall be limited taking into account the relevant ~~CEPT~~ ITU-T Recommendations.

**NOC** CWG/54/A2.13

**2/11** **3. Establishment of accounts**

**Reasons:** Heading remains unchanged

**SUP** CWG/54/A2.14

**2/11** ~~3. Establishment of accounts~~

**Reasons:** Suppress heading and 3.1 and 3.2

**MOD** CWG/54/A2.15

**2/12** 3.1 In principle, an account shall be considered as accepted without the need for specific notification of acceptance ~~to from~~ the accounting authority to the administration that sent it.

**SUP** CWG/54/A2.16

**2/12** ~~3.1 In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the accounting authority that sent it.~~

**Reasons:** Suppress heading and 3.1 and 3.2

**MOD** CWG/54/A2.17

**2/13** 3.2 However, any accounting authority has the right to question the contents of an account for a period of six calendar months after dispatch of the account even after the account has been paid.

**SUP** CWG/54/A2.18

**2/13** ~~3.2 However, any accounting authority has the right to question the contents of an account for a period of six calendar months after dispatch of the account.~~

**Reasons:** Suppress heading and 3.1 and 3.2

**MOD** CWG/54/A2.19

**2/14** **4. Settlement Payment of balances of account**

**Reasons:** Change heading

**MOD** CWG/54/A2.20

**2/15** 4.1 All international maritime telecommunication accounts shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account, ~~except where the settlement of accounts is undertaken in accordance with paragraph 4.3 below.~~

**NOC** CWG/54/A2.21

**2/16** 4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the administration that has licensed the mobile station shall, on request, take all possible steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee.

**SUP** CWG/54/A2.22

**2/16** ~~4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the administration that has licensed the mobile station shall, on request, take all possible steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee.~~

**MOD** CWG/54/A2.23

**2/17** 4.3 If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the ~~administration that sent the account originating accounting authority~~ that queries and payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account.

**SUP** CWG/54/A2.24

**2/17** ~~4.3 If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the originating accounting authority that queries and payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account.~~

**MOD** CWG/54/A2.25

4.4 The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than [twelve | eighteen] calendar months after the date of the traffic to which the accounts relate.

**SUP** CWG/54/A2.26

**2/18** 4.4 The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than eighteen calendar months after the date of the traffic to which the accounts relate.

**NOC** CWG/54/A3.0

### APPENDIX 3

#### Service and Privilege Telecommunications

**Reasons:** title of Appendix 3 remains unchanged.

**SUP** CWG/54/A3.1

### APPENDIX 3

#### Service and Privilege Telecommunications

**Reasons:** Appendix 3 is obsolete and should be suppressed

**NOC** CWG/54/A3.2

**3/1** **1. Service telecommunications**

**Reasons:** Heading remains unchanged

**MOD** CWG/54/A3.3

**3/2** 1.1 Administrations\* Member States may require that provide service telecommunications be provided free of charge.

**MOD** CWG/54/A3.4

**3/3** 1.2 Administrations\* Operating agencies may in principle forego inclusion of service telecommunications in international accounting, under the relevant provisions of the Constitution and Convention of the International Telecommunication Union Convention and the present Regulations, having due regard for the need for reciprocal arrangements.

**NOC** CWG/54/A3.5

**3/4** **2. Privilege telecommunications**

**Reasons:** Heading remains unchanged

**MOD** CWG/54/A3.6

**Administrations\* Member States** may **require that provide** privilege telecommunications **be provided** free of charge, and **operating agencies** accordingly may forego the inclusion of such classes of telecommunication in international accounting, under the relevant provisions of the **Constitution and Convention** of the International Telecommunication **Union Convention** and the present Regulations.

**NOC** CWG/54/A3.7

**3/5** **3. Applicable provisions**

**Reasons:** Heading remains unchanged

**MOD** CWG/54/A3.8

The general operational, charging and accounting principles applicable to service and privilege telecommunications should take account of the relevant **CCHT ITU-T** Recommendations.

## RESOLUTIONS, RECOMMENDATIONS AND OPINION

SUP CWG/54/R1.1

### RESOLUTION NO. 1

#### Dissemination of Information Concerning International Telecommunication Services Available to the Public

**Reasons:** The Resolution is out of date. Covered by no. 183 of the Constitution and 202 and 203 of the Convention.

MOD CWG/54/R1.2

### RESOLUTION NO. 1

#### Dissemination of Information Concerning International Telecommunication Services Available to the Public

The World ~~Conference on International Telecommunications (Dubai, 2012)~~ ~~Administrative Telegraph and Telephone Conference (Melbourne, 1988)~~,

*considering*

- a) that ~~WATTC 88 (Melbourne, 1988) the Conference~~ has adopted provisions regarding international telecommunication services offered to the public and a Resolution on Dissemination of Operational and Service Information;
- b) that these provisions apply to current and new telecommunication environments in which technology, facilities, operators, services, service providers, customer needs and operational practices are rapidly changing;
- c) that the ~~ITU-T CCITT~~ is responsible for developing Recommendations on these matters, especially with respect to efficient global interconnection and interoperability;
- d) that the International Telecommunication Regulations provide a general framework ~~as a supplement to the International Telecommunication Convention~~ with respect to international telecommunication facilities and services available to the public,

*noting*

that the ~~ITU-T CCITT~~, in establishing Recommendations, has characterized a number of services which may be made available to the public,



*resolves*

that, with a view to promoting the global interconnection and interoperability of telecommunication facilities as well as the availability to the public of international telecommunication services, all Members should arrange for the Secretary-General to be notified, as part of the provisions concerning the dissemination of information, of those international telecommunication services which administrations ~~Fehler! Textmarke nicht definiert.~~ operating agencies make available to the public in their respective countries,

*instructs the Secretary-General*

to disseminate that information by the most suitable and economical means.

**Reasons:** Editorial updates. Could still be relevant with a view to develop Article 8 of the ITRs. It could also be revised after establishing the final text of the ITRs.

**SUP** CWG/54/R2.1

## RESOLUTION NO. 2

### **Cooperation of the Members of the Union in Implementing the International Telecommunication Regulations**

**Reasons:** ITR provision 1.7.c deals with the cooperation when implementing the ITRs, therefore Resolution 2 may not be needed.

**MOD** CWG/54/R2.2

## RESOLUTION NO. 2

### **Cooperation of the Members of the Union in Implementing the International Telecommunication Regulations**

The World Conference on International Telecommunications (Dubai, 2012) ~~Administrative Telegraph and Telephone Conference (Melbourne, 1988)~~,

*recalling*

the principle of the sovereign right of each country to regulate its telecommunication as embodied in the Preamble to the Constitution of the International Telecommunication Union Convention (Nairobi, 1982), and in the Preamble to the International Telecommunication Regulations as well as the purposes of the Union contained in Article 14 of the Constitution that Convention,

*realizing*

that, in the case of difficulties in the applicable national law in the implementation of the International Telecommunication Regulations, appropriate cooperation amongst the Members concerned is desirable,

*resolves*

that, upon request by a Member concerned about the limited effectiveness of its national law in relation to international telecommunication services offered to the public in its territory, the Members concerned shall, where appropriate, consult on a reciprocal basis, with a view to maintaining and extending international cooperation between Members of the Union, in the spirit of Article 14 of the above-mentioned Constitution Convention for the improvement and rational use of telecommunications, including the orderly use of the international telecommunication network.

**SUP** CWG/54/R3.1

### RESOLUTION NO. 3

#### **Apportionment of Revenues in Providing International Telecommunication Services**

**Reasons:** No longer relevant, because the studies called for in the Resolution have been carried out by ITU-T Study Group 3.

**SUP** CWG/54/R4.1

### RESOLUTION NO. 4

#### **The Changing Telecommunication Environment**

**Reasons:** No longer relevant, because the invitation was acted upon by the 1989 Plenipotentiary Conference.

**SUP** CWG/54/R5.1

### RESOLUTION NO. 5

#### **CCITT and World-Wide Telecommunications Standardization**

**Reasons:** No longer relevant, because the actions called for were taken by the Administrative Council and the 1989 Plenipotentiary Conference.

**SUP** CWG/54/R6.1

## RESOLUTION NO. 6

### Continued Availability of Traditional Services

**Reasons:** This may be irrelevant at the moment, as basic telephone services (like mobile services) are widely available in many developing countries.

**MOD** CWG/54/R6.2

## RESOLUTION NO. 6

### Continued Availability of Traditional **[Basic]** Services

The World Conference on International Telecommunications (Dubai, 2012) Administrative Telegraph and Telephone Conference (Melbourne, 1988),

*considering*

- a) that provisions regarding telecommunication services available to the public have been made in the International Telecommunication Regulations;
- b) that those Regulations do not, however, provide a detailed list of the international telecommunication services required to be made available to the public;
- c) that under those Regulations, Members shall endeavour to ensure that users are provided with a capability for interworking between different services, as appropriate, to facilitate international communications;
- d) that keeping in mind the universality of communications, it would be desirable to ensure to the greatest extent possible, in the absence of establishment of new services in many Member countries, that the public in those countries should have continuing effective use of traditional **[basic]** services to communicate on a world-wide basis;
- e) that certain rural areas and developing countries, in particular, may need to rely on existing widely available services for international communications for a relatively long period of time,

*resolves*

that all Members should cooperate to ensure that, pending the establishment of new telecommunication services, in particular in the areas and countries referred to in e) above, provisions should be made to allow, through available communication infrastructures, continued availability of traditional **[basic]** services so as to enable effective communications on a world-wide basis.

**Reasons:** Could still be relevant and revised after establishing the final text of the ITRs, particularly Articles 4 and 7. For example, an obsolete term “traditional services” could be replaced with “basic services” to keep up with the progress of telecommunications. As an option the Resolution could be adopted by WTSA, and then updated as required by future WTSA.

**SUP** CWG/54/R7.1

## RESOLUTION NO. 7

### Dissemination of Operational and Service Information Through the General Secretariat

**Reasons:** No longer relevant, since the information is published as appropriate in the Operational Bulletin, and covered by no. 202 and 203 of the Convention.

**MOD** CWG/54/R7.2

## RESOLUTION NO. 7

### Dissemination of Operational and Service Information Through the General Secretariat

The World ~~Conference on International Telecommunications (Dubai, 2012) Administrative Telegraph and Telephone Conference (Melbourne, 1988),~~

*in view of*

a) Nos. ~~98 291, 293 and 294~~ of the ~~International Telecommunication Convention of the International Telecommunication Union (Nairobi, 1982)~~ concerning the ~~general~~ information dissemination functions of the Secretary-General;

b) Article 8 of the International Telecommunication Regulations (~~Dubai, 2012 Melbourne, 1988~~),

*considering*

a) the importance of exchanging administrative, operational, tariff and statistical information in a cost-effective manner in order to facilitate the efficient and smooth operation of international telecommunication routes and services;

b) the need for timely dissemination of such information to administrations **Fehler! Textmarke nicht definiert.** operating agencies;

[c) that such information is available at present in the following examples of operational and service publications:

- List of telegraph offices
- Gentex table
- TA Table (transferred account)
- Codes and abbreviations for the use of the international telecommunication services
- Table of international telex relations and traffic
- List of destination indicators for the telegram retransmission system and of telex network identification codes
- Bureau fax table
- Yearbook of common carrier telecommunication statistics
- List of international telephone routes

- Table of rates for telegrams
- Directory of information on programme booking centres, international sound programme centres, international television programme centres and centres for maintaining sound and television programme circuits
- Message handling/physical delivery service profile tables
- Information for the operation of the international telegraph, data transmission and Telematic services
- TA Booklet (transferred account)
- List of telecommunication channels used for the transmission of telegrams
- List of cables forming the world submarine network
- Notification
- Operation Bulletin,]

*resolves*

that operational and service information helpful to the smooth and efficient functioning of international telecommunications shall be disseminated by the General Secretariat in an appropriate form,

*invites Member States Administrations*

to encourage the provision of appropriate information, to the extent practicable, in a timely fashion and in accordance with national arrangements,

*instructs the Secretary-General*

1 to disseminate the above-mentioned information by the most suitable and economical means;

2 to revise, update, cancel, or create such publications as necessary, taking account of:

i) the directives of a competent conference or of the Administrative ITU Council of the Union;

ii) the Recommendations of the World Telecommunications Standardization Assembly Plenary Assembly of the CCITT; and, exceptionally,

iii) the results of consultation by correspondence with Member States Administrations.

**Reasons:** Could still be relevant and updated to reflect current situation. For example, item c) of this Resolution could be revised as appropriate. As an option it could also be merged with Resolution 1.

**SUP** CWG/54/R8.1

## RESOLUTION NO. 8

### Instructions for International Telecommunication Services

**Reasons:** Not relevant anymore. As mentioned in CWG WCIT-12/INF-2 (Status of Instructions), both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141 (Instructions for operators on the operator-assisted international telephone service), have been withdrawn.

**MOD** CWG/54/R8.2

## RESOLUTION NO. 8

### Instructions for International Telecommunication Services

The World ~~Conference on International Telecommunications (Dubai, 2012) Administrative Telegraph and Telephone Conference (Melbourne, 1988),~~

*recalling*

a) the reasons for which the WATTC (Geneva, 1973) introduced the concept of Instructions for a collection of provisions drawn from one or more CCITT Recommendations dealing with practical procedure for operation and tariff arrangements which have to be brought into force on a specific date in order to ensure their observance at the world level;

b) the special importance attached by WATTC (Geneva, 1973) to Instructions as a means of ensuring the orderly and efficient operation of certain telecommunication services available world-wide,

*considering*

a) ~~that the International Telecommunication Convention (Nairobi, 1982), in No. 288, refers to “operating instructions”;~~

b) that Articles 1 and 2 of the International Telecommunication Regulations (Dubai, 2012 Melbourne, 1988) also make reference to “Instructions”;

c) ~~that the IXth CCITT Plenary Assembly (Melbourne, 1988) approved a new Recommendation C.3 concerning “Instructions for International Telecommunication Services”;~~

*instructs the ITU-T CCITT*

to devote particular attention to any new Recommendations which by their content should be the subject of Instructions, and to revise and supplement Table I of Recommendation C.3 as required,

*invites the administrations ~~Fehler! Textmarke nicht definiert.~~ operating agencies*

to take all necessary steps to ensure that their operational units are informed, as soon as possible, of any amendments to existing Instructions and any new Instructions approved by ITU-T CCITT Plenary Assemblies,

*instructs the Secretary-General*

1 to publish all operational provisions which the ITU-T CCITT considers as “Instructions”;

2 to gather and publish the decisions taken by Member States administrations Fehler! Textmarke nicht definiert. regarding certain optional provisions contained in Instructions which require mutual exchange of information regarding their application.

**Reasons:** Could still be relevant and revised after establishing the final text of the ITRs. The Resolution could be applied to any new Instructions in future. As an option this Resolution could be adopted by WTSA, and then updated as required by future WTSAs.

**NOC** CWG/54/RA.1

#### RESOLUTION NO. A

### Speciation measures for landlocked developing countries (LLDCs) for access the international optical fibre network

**Reasons:** No new Resolution A.

**ADD** CWG/54/RA.2

#### RESOLUTION NO. A

### Speciation measures for landlocked developing countries (LLDCs) for access the international optical fibre network

The World Conference on International Telecommunications (Dubai, 2012),

*considering*

resolution 65/172 of 20 December 2010 of the United Nations General Assembly on specific actions related to the particular needs and problems of landlocked developing countries;

Resolution 30 (Rev. Guadalajara, 2010) of the Plenipotentiary Conference on special measures for the least developed countries, small island developing states, landlocked developing countries and countries with economies in transition,

*considering further*

the Millennium Declaration and the 2005 World Summit Outcome;

the outcome of the Geneva (2003) and Tunis (2005) phases of the World Summit on the Information Society (WSIS);

the Almaty Declaration and Almaty Programme of Action Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries,

*recalling*

the New Partnership for Africa's Development (NEPAD), which is an initiative intended to boost economic cooperation and development at regional level, given that many landlocked and transit developing countries are in Africa,

*reaffirming*

the right of access of landlocked countries to the sea and freedom of transit through the territory of transit countries by all means of transport, in accordance with applicable rules of international law,

*reaffirming further*

that transit countries, in the exercise of their full sovereignty over their territory, have the right to take all measures necessary to ensure that the rights and facilities provided for landlocked countries in no way infringe upon their legitimate interests,

*recognizing*

the importance of telecommunications and new information and communication technologies (ICT) to the development of LLDCs,

*noting*

that access to the international optical fibre network for LLDCs and the laying of optical fibre across transit countries are not indicated in the infrastructure development and maintenance priorities in the Almaty Programme of Action,

*concerned*

since this difficulty affecting LLDCs continues to jeopardize their development agendas,

*conscious*

that fiber optic cable is a profitable telecommunications transport medium;

that access within landlocked countries to the international fiber optic network will promote their integral development and the potential for them to create their own Information Society,

*conscious also*

that the planning and laying of international optical fibre calls for close cooperation between landlocked and transit countries;

that in making the basic investment in laying fiber optic cable, capital investments by the private sector are required,

*instructs the Secretary-General and the Director of the Telecommunication Development Bureau*

- 1 to ensure that studies of the situation of telecommunication/ICT services in the LLDCs should emphasize the importance of access to the international fiber optic network;
- 2 to propose to the ITU Council specific measures designed to ensure genuine progress and provide LLDCs with effective assistance in connection with *instructs 1*;
- 3 to provide the administrative and operational structure necessary to develop a strategic plan that contains practical guidelines and criteria to govern and promote regional, subregional, multilateral, and bilateral projects affording LLDCs greater access to the international fiber optic network,

*requests the Secretary-General*

to transmit the text of this resolution to the Secretary-General of the United Nations, with a view to bringing it to the attention of the United Nations High Representative for the Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDSs),

*instructs the Council*

to take appropriate measures to ensure that the Union continues to collaborate actively in the development of telecommunication/ICT services in LLDCs,



*encourages landlocked developing countries*

to continue to accord high priority to telecommunication/ICT activities and projects that promote integral socioeconomic development, adopting technical cooperation activities financed from bilateral or multilateral sources that will benefit the general public,

*urges Member States*

- 1 to cooperate with landlocked countries by promoting regional, subregional, multilateral, and bilateral projects for telecommunication infrastructure integration that afford LLDCs greater access to the international fiber optic network,
- 2 to include and/or maintain in South-South and triangular cooperation programs with donor participation, and in cooperation among subregional and regional organizations, actions complementing the Almaty Programme of Action to assist landlocked developing and transit countries in executing these telecommunication infrastructure integration projects,

*invites Member States, Sector Members and Associates*

to continue support the work of ITU-D in studies of the situation of telecommunication/ICT services in the least developed countries, LLDCs, small island developing states, and countries with economies in transition so identified by the United Nations and requiring special measures for telecommunication/ICT development.

**Reasons:**

Measures are needed so that landlocked developing countries can achieve the objective of the Millennium Development Goals and of the WSIS, taking account of the difficulties and additional costs involved in order to access the international optical fibre network. Source C 46 (Paraguay) and Costa Rica, Cuba, Egypt and Uruguay

The world's countries have been making substantial efforts to achieve the Millennium Development Goals (MDGs) and those of the World Summit on the Information Society (WSIS). Thus, in many countries, the deployment of a network infrastructure and information and communication technology applications that, if possible, use broadband and other innovative technologies more widely, has become a priority on their development agendas. Government have understood the need for public policymaking and the importance of telecommunication regulation that would make it possible to speed up the economic and social progress of their countries, as well as the well-being of all persons, communities and peoples. Landlocked developing countries would like to raise awareness about the obstacle that the current difficulty in securing access to the international fiber optic network is to the progress of their communities, as this network is an indispensable tool for trade and, above all, for knowledge. The present proposal is aimed at promoting a new paradigm, one involving close cooperation between landlocked and transit countries that would enable joint and regional growth and bridge the digital divide between countries, in search of a genuine and fully integrated society of knowledge.

**NOC** CWG/54/RB.1

## RESOLUTION NO. B

### Treatment of the Provisions of the Constitution and Convention related to the ITRs

**Reasons:** No new Resolution B.

**ADD** CWG/54/RB.2

## RESOLUTION NO. B

### Treatment of the Provisions of the Constitution and Convention related to the ITRs

The World Conference on International Telecommunications (Dubai, 2012),

*considering*

a) Resolution 163 (Guadalajara, 2010), Establishment of a Council working group on a stable ITU Constitution;

b) that, pursuant to decisions taken at the conference, certain provisions of the International Telecommunications Regulations are identical or related to certain provisions of the Constitution or Convention,

*resolves to invite the plenipotentiary conference*

to consider whether the following provisions of the Constitution and Convention should be suppressed from those instruments:

\* In the **CS**: 179 through 193, 1004, 1007, 1008 and 1011 through 1017;

\* In the **CV**: 496 through 506, 1003 and 1006.

**Reasons:**

It has been pointed out that some provisions of the current ITRs are similar to, or related to, provisions of the Constitution or Convention. Some Member States take the view that this situation is perfectly acceptable, other Member States take the view that it would be preferable to avoid overlap.

In particular, it has been proposed that such provisions be deleted from the ITRs so that they would be found only in the Constitution or Convention.

However, it has also been proposed that provisions that are currently found in the Constitution and Convention should be added to the ITRs in order to ensure that the ITRs are a self-contained document. If that is done, then it might be appropriate to consider whether to delete such provisions from the Constitution and Convention.

If the WCIT agreed such an approach, then WCIT could bring it to the attention of the 2014 Plenipotentiary Conference through a WCIT Resolution. That Resolution could invite the Plenipotentiary Conference to consider the matter in light of the work of CWG-STB-CS and the revised ITRs adopted by WTCT-12.

**SUP** CWG/54/Rec1.1

### RECOMMENDATION NO. 1

#### **Application to the Radio Regulations of the Provisions of the International Telecommunication Regulations**

**Reasons:** The mentioned transitional period between the entry into force of the partially revised Radio Regulations (October 3, 1989) and the entry into force of the International Telecommunication Regulations (July 1, 1990), is over.

**SUP** CWG/54/Rec2.1

### RECOMMENDATION NO. 2

#### **Changes to Definitions Which also Appear in Annex 2 to the Nairobi Convention**

**Reasons:** The actions called for were taken by the Administrative Council and the 1989 Plenipotentiary Conference.

**SUP** CWG/54/Rec3.1

### RECOMMENDATION NO. 3

#### **Expeditious Exchange of Accounts and Settlement Statements**

**Reasons:** No longer required, because the provisions in question are covered by ITU-T D-series Recommendations (see in particular D.190 on Exchange of international traffic accounting data between Administrations using electronic data interchange (EDI) techniques).

**SUP** CWG/54/O1.1

### OPINION NO. 1

#### **Special Telecommunication Arrangements**

**Reasons:** May be outdated and not relevant anymore.

**MOD** CWG/54/O1.2

## OPINION NO. 1

### Special Telecommunication Arrangements

The World ~~Conference on International Telecommunications (Dubai, 2012) Administrative Telegraph and Telephone Conference (Melbourne, 1988),~~

~~in view of~~

~~Article 31 of the International Telecommunication Convention (Nairobi, 1982),~~

~~taking into account~~

~~Resolution No. 10 of the Plenipotentiary Conference (Nairobi, 1982),~~

~~considering~~

a) that the whole of the telecommunications sector is currently evolving towards more efficient services requiring new technical facilities;

b) that the development of business and other communications, including communications among and within organizations with offices in different countries, will continue at an increasingly rapid pace and is necessary to economic development;

c) that not all Member countries may be capable of adequately meeting all the requirements in this respect;

d) that each Member may exercise full sovereign control, through its national laws, over any decision concerning special arrangements made pursuant to Article 42 of the Constitution of the International Telecommunication Union ~~31 of the Nairobi Convention,~~

~~considering further~~

a) that, for many Members, revenues from international telecommunications are vital for their administrations ~~Fehler! Textmarke nicht definiert.~~ operating agencies;

b) that the majority of such revenues are derived from the provision of international telecommunication services to businesses and other organizations,

~~noting~~

that the provisions of Article 9 of the International Telecommunication Regulations (Dubai, 2012 Melbourne, 1988) apply to special telecommunication arrangements, and in particular that such arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries,

~~is of the opinion~~

~~1 that special telecommunication arrangements pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982) should be made only where existing arrangements are unable to satisfactorily meet the relevant telecommunication need;~~

12 that in allowing such special arrangements, Members should consider their effects on third countries, and in particular, to the extent possible within national law, should endeavour to ensure that any adverse effects on the orderly development, operation or usage of the international telecommunication network by other Members are minimized;

**23** that any such special arrangements should be consistent with the maintenance and extension of international cooperation for the improvement and rational use of telecommunications, as well as with the promotion of the development of technical facilities and their most efficient operation, with a view to improving the efficiency of telecommunication services, especially those available to the public.

**Reasons:** Could still be relevant and revised after completion of studies on the new text of the ITRs. As an option it could be adopted by WTSA, and then updated as required by future WTSAs.

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