



**Secretariat, WG-ITRs**

**DRAFT OF THE ANNEXES OF REPORT TO THE COUNCIL**

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# COUNCIL 2005

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## Final report by the Chairman of the Council Working Group on the International Telecommunication Regulations (ITRs): Annexes

### Summary

Resolution 121 (Marrakesh, 2002) resolves that the Union should continue a process of reviewing the ITRs and instructed Council to establish a working group on the ITRs to prepare a final report, at the latest by the 2005 session of Council, for transmission to the 2006 plenipotentiary conference.

Pursuant to Resolution 121, the extraordinary session of the 2002 Council at Marrakesh established a working group to continue a review of the ITRs. However, the nomination of the Chairman for the Working Group only took place at Council 2003. At Council 2003, Mr. Alaa Fahmy (Egypt) was appointed as Chairman of the Working Group and requested to start the ITRs review process, using mainly electronic working methods. At Council 2004, the Chairman presented a progress report.

### Action required

Pursuant to Resolution 121, Council is requested to consider the final report by the Group and make any comments it considers appropriate before the final report and comments are transmitted to Member States and to the 2006 plenipotentiary conference, including recommendations on any appropriate treaty changes, and whether there is a need to convene a world conference on international telecommunications.

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### References

*PP Res. 121. C04/17, C05/xx.*

**ANNEXES TO REPORT BY THE CHAIRMAN OF  
THE COUNCIL WORKING GROUP ON ITR REVIEW (WG-ITR)**

The main body of the report is contained in C05/xx.

Annex 1 lists the documents taken into account by the group, and used as baseline reference.

Annex 2 summarizes the division of views with respect to amending, or abrogating, or moving to another instrument some or all of the current provisions, given that the Group studied the ITRs in accordance with the Terms of Reference and that it was not possible to find consensus on all topics

Annex 3 summarizes the division of view with respect to possible new provisions, given that it was not possible to find consensus.

## ANNEX 1

### List of baseline reference documents

No.	Document	Description of content	Website reference
<b>1. Expert Group and Council documents</b>			
1	Secretariat document on “Review of the International Telecommunication Regulations” Document ITR/03 (November 1999)	Unofficial commentary by the Secretariat on ITRs in two parts: A. legal, economic and operational issues B. detailed examination of individual provisions of the ITRs	<a href="http://www.itu.int/osg/spu/stratpol/ITRs/auth/itrhistory.html">http://www.itu.int/osg/spu/stratpol/ITRs/auth/itrhistory.html</a>
2	Secretariat document on “Relation between the International Telecommunication Regulations and the Constitution/Convention document” Document ITR/06 Rev1	A comparison of the provisions in the ITRs with similar or equivalent provisions in the ITU Constitution and Convention	<a href="http://www.itu.int/osg/spu/stratpol/ITRs/auth/itrhistory.html">http://www.itu.int/osg/spu/stratpol/ITRs/auth/itrhistory.html</a>
3	Report of expert Working Group A	Report by Chair of WG 1 on the review of the ITRs from the view point of developing countries	<a href="http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html">http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html</a>
4	Report of Expert Working Group B	Report by chair of WG2 of the review of the ITRs from the standpoint of current and future needs of Member States	<a href="http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html">http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html</a>
5	Final Report of Expert working Group (May 2000)	Summary of the findings of the group of Experts on reform of the ITRs	<a href="http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html">http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html</a>
6	Council Document C2000/31 (May 2000)	Report to Council by Secretary General of the “divided” outcome	<a href="http://www.itu.int/itudoc/gscouncil/c00/docs/31.html">http://www.itu.int/itudoc/gscouncil/c00/docs/31.html</a>

No.	Document	Description of content	Website reference
		of Expert Group	
7	Council Document C2000/58 (July 2000)	Summary Record of discussion by Council on the Review of ITRs which resulted in an agreement to send a questionnaire on ITRs to Members	<a href="http://www.itu.int/itudoc/gscouncil/c00/docs/58.html">http://www.itu.int/itudoc/gscouncil/c00/docs/58.html</a>
8	Secretariat Document	A detailed overview of the responses to the Council Questionnaire which countries reacted the strongest on which options	<a href="http://www.itu.int/osg/spu/stratpol/ITRs/analysis/comments2">http://www.itu.int/osg/spu/stratpol/ITRs/analysis/comments2</a>
9	Council Document C2001/23 (April 2001)	Report to Council 2001 by Secretary General analysing the outcome of the Questionnaire on ITRs	<a href="http://www.itu.int/itudoc/gscouncil/c01/docs/023.html">http://www.itu.int/itudoc/gscouncil/c01/docs/023.html</a>
10	Council Document C2001/40 (May 2001)	Contribution by Australia on ITRs	<a href="http://www.itu.int/itudoc/gscouncil/c01/docs/040.html">http://www.itu.int/itudoc/gscouncil/c01/docs/040.html</a>
11	Council Document C2001/131 (September 2001)	Summary Record of discussion by Council 2001 on the outcome of the questionnaire	<a href="http://www.itu.int/itudoc/gscouncil/c01/docs/131.html">http://www.itu.int/itudoc/gscouncil/c01/docs/131.html</a>
<b>2. Contributions Submitted at PP 02</b>			
12	Council – PP-02/Doc.39-E (July 2002)	Short report by Chairman of council to PP02 which includes as annexes:  1. A document from Morocco and Australia, as amended by Council, calling for a world Conference in 2007  2. A report submitted by the Secretary general to the 2002 Council, as amended by Council	<a href="http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0039">http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0039</a>

No.	Document	Description of content	Website reference
		<p>setting out a draft schedule for a World Conference and the preliminary budget estimate for convening a World Conference</p> <p>3. Relevant excerpts from the 12<sup>th</sup> and 13<sup>th</sup> plenary meetings of Council 2002 where ITRs were review of discussed</p>	
13	Senegal – PP-02/Doc. 56 (July 2002)	Proposes a draft Resolution to convene a World Conference	<a href="http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0056">http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0056</a>
14	China – PP-02/Doc. 63 (August 2002)	Proposes a draft Resolution to set up a preparatory WG charged with preparation of a World Conference and instructs the Council to define the agenda and set a date in 2007	<a href="http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0063">http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0063</a>
15	Australia – PP-02/Doc.13 (January 2002)	Proposal for a basic restructuring of the ITU Instruments without any changes to the content or meaning of the provisions. This proposal would add procedures for World Conferences and procedures for assemblies to the ITRs	<a href="http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0013">http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0013</a>
16	Australia – PP-02/Doc.14 (January 2002)	Proposal to amend the ITU Constitution to recognise the application of national laws in implementing the ITRs	<a href="http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0014">http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0014</a>
17	Arab States (Algeria, Egypt, Kuwait, Morocco, Saudi Arabia, Tunisia, Yemen) – PP-02/Doc. 52 (July 2002)	Proposal for a draft resolution to adopt an agenda and set a date in 2007 for a World Conference and for appropriate preparatory work	<a href="http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0052">http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0052</a>

No.	Document	Description of content	Website reference
		to be undertaken by the Sectors and by the Secretary General.	
18	European States (Austria, Belgium, Bulgaria, Czech, Denmark, Estonia, France, Germany, Hungary, Iceland, Italy, Latvia, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, UK) – PP-02/Doc. Addendum 5 to Doc. 10 (September 2002)	Proposals to revise the ITRs by incorporating certain elements of the ITRs in the Constitution and Convention; by developing ITU-T recommendations to cover other elements; to remove the remaining elements which are either duplicated in the Constitution and Convention or ITU-T Recommendations; and for WTSA-04 to report to PP-06 on any further action required.	<a href="http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0010">http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-C-0010</a>
19	Report of Chairman of the Ad Hoc Group on Review of the International Telecommunication Regulations – Document 27 Rev.1 (October 2002)	Report to Committee 5 of PP-02 Ad Hoc Group on the detailed consideration of ITRs and proposing that a World Conference be held in 2007 or 2008 subject to confirmation by PP-06.	<a href="http://www.itu.int/md/meetingdoc.asp?type=mitems&amp;lang=e&amp;parent=S02-PP-020923-TD-GEN-0027">http://www.itu.int/md/meetingdoc.asp?type=mitems&amp;lang=e&amp;parent=S02-PP-020923-TD-GEN-0027</a>
	<b>3. Resolutions which may be relevant</b>		
20	Plenipotentiary Resolutions 21, 101, 102, 130, 133		<a href="http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-ADM-0009">http://www.itu.int/md/meetingdoc.asp?type=sitems&amp;lang=e&amp;parent=S02-PP-ADM-0009</a>
21	World Telecommunication Standardization Assembly Resolutions 20, 29, 50, 51, 52		<a href="http://www.itu.int/ITU-T/wtsa/resolutions.html">http://www.itu.int/ITU-T/wtsa/resolutions.html</a>

<b>4. Council Working Group on ITRs</b>			
22	Contributions to the Council Working Group on ITRs		<a href="http://www.itu.int/ITU-T/secured/itr/documents/index.html">http://www.itu.int/ITU-T/secured/itr/documents/index.html</a>
23	Replies to the Questionnaire of the Council Working Group on ITRs		<a href="http://www.itu.int/ITU-T/secured/itr/replies/index.html">http://www.itu.int/ITU-T/secured/itr/replies/index.html</a>



## ANNEX 2

### Summary of positions with respect to terminating, retaining, or transferring current ITR provisions (see Annex 3 for summary of discussion of new issues)

1988 Int'l Telecom Regulations	Summary of positions	
<p style="text-align: center;"><b>PREAMBLE</b></p> <p>While the sovereign right of each country to regulate its telecommunications is fully recognized, the provisions of the present Regulations supplement the International Telecommunication 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.</p>	<p>Retain as is.</p> <p>Terminate.</p>	<p>European States and Sudan – already covered by CS/preamble</p>
<p style="text-align: center;"><b>Article I</b></p> <p style="text-align: center;"><b>Purpose and Scope of the Regulations</b></p> <p>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.*</p> <p>b) These Regulations recognize in Article 9 the right of Members to allow special arrangements.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p> <p>Amend.</p> <p>Retain as is.</p> <p>Terminate</p>	<p>Consider whether “general principles” should read “principles”.</p> <p>European States and Sudan – 1.1(a) covered by CS/1.</p> <p>Revisit the question of whether 1.1.b conflicts with WTO/GATS.</p> <p>European States and Sudan –1.1(b) covered by CS/42.</p>

1988 Int'l Telecom Regulations	Summary of positions	
<p>1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate/transfer.</p>	<p>In these Regulations, the term “public” applies in its widest sense to the general population, to legal persons and entities and to governmental bodies</p> <p>European States -- Add to CS by amending CS/1:</p> <p>1 Member States recognize the right of the public to correspond by means of the international service of public correspondence. The term "public" applies in its widest sense to the general population, to legal persons and entities and to governmental bodies. The services, the charges and the safeguards shall be the same for all users in each category of correspondence without any priority or preference.</p>
<p>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</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate/transfer.</p>	<p>Revisit alignment with CS</p> <p>Add to CS by amending CS/1(c) and 38 (see</p>

1988 Int'l Telecom Regulations	Summary of positions	
as the efficiency, usefulness and availability to the public of international telecommunication services.		below) c) to promote harmonious development of technical facilities and their most efficient operation with a view to facilitating global interconnection and interoperability of telecommunications facilities and improving the efficiency of telecommunications services, thereby increasing their usefulness and making them, so far as possible, generally available to the public.
1.4 References to CCITT 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.	Amend. Retain as is. Terminate.	Change “CCITT” to “ITU”
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.*	Retain as is. Terminate.	
1.6 In implementing the principles of these Regulations, administrations* should comply with, to the greatest extent practicable, the relevant CCITT Recommendations, including any Instructions forming part of or derived from these Recommendations.	Amend. Retain as is. Terminate/transfer.	Change “CCITT” to “ITU”. Retain as is. European States and Sudan -- Add to CS by amending CS/6(2) The Member States are also bound to take the necessary steps, through technical, procedural or administrative instructions, or any other means, to impose the observance of the provisions of this Constitution, the Convention and the Administrative Regulations.
1.7 a) These Regulations recognize the right of any Member, subject to national law and should it decide to do so, to require that administrations* and private operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member.	Retain as is. Terminate/transfer.	European States and Sudan -- Covered by CS Preamble

1988 Int'l Telecom Regulations	Summary of positions	
<p>b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers.</p>	<p>Amend. Retain as is. Terminate/transfer.</p>	<p>Change “CCITT” to “ITU</p> <p>European States -- Add to CS by amending CS/6(2) and 38</p> <p>1 Member States shall take such steps as may be necessary to ensure the establishment, under the best technical conditions for achieving and maintaining levels of quality of services, of the channels . . . .</p> <p>2 So far as possible, these channels and installations must be operated by the methods, recommendations and procedures which scientific knowledge and practical operating experience . . . .</p>
<p>c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations.</p>	<p>Retain as is. Terminate.</p>	
<p>1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.</p>	<p>Retain as is. Terminate.</p>	
<p style="text-align: center;"><b>Article 2</b></p> <p style="text-align: center;"><b>Definitions</b></p> <p>For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.</p>		
<p>2.1 <i>Telecommunication</i>: 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.</p>	<p>Retain as is. Terminate</p>	<p>Covered in CS/An.</p>

1988 Int'l Telecom Regulations	Summary of positions	
<p>2.2 <i>International telecommunication service:</i> The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries</p>	<p>Retain as is. Terminate</p>	<p>Covered in CS/An.</p>
<p>2.3 <i>Government telecommunication:</i> 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.</p>	<p>Retain as is. Terminate.</p>	<p>Covered in CS/An.</p>
<p>2.4 <i>Service telecommunication:</i> 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.</p>	<p>Amend.  Retain as is. Terminate/transfer.</p>	<p>”exchanged among” should read “exchanged by agreement among” and update to reflect new names of relevant bodies (e.g. Administrative Council becomes Council) and eliminating obsolete language  Covered in CV/An, but language is slightly different, may need to Revisit 1006 CV.</p>
<p>2.5 <i>Privilege telecommunication</i> 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</p>	<p>Retain as is. Terminate/transfer.  Terminate/transfer.</p>	<p>New language could be considered for CS/CV, taking into account current situation and other relevant international instruments (e.g. Tampere Convention). European States and Sudan -- Add to CS Annex Privilege Telecommunications: (a) A telecommunication that may be</p>

1988 Int'l Telecom Regulations	Summary of positions	
discussion by the Administrative Council, conferences and meetings of the ITU or to public international telecommunications.		exchanged during sessions of the ITU Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the 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 Council, conferences and meetings of the ITU or to public international telecommunications; or
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.	Retain as is. Terminate/transfer.  Terminate/transfer.	New language could be considered for CS/CV, taking into account current situation and other relevant international instruments (e.g. Tampere Convention).  European States and Sudan -- Add to CS Annex Privilege Telecommunications:  (b) A private telecommunication that may be exchanged during sessions of the ITU Council and conferences and meetings of the ITU by representatives of Members of the 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.
2.6 <i>International route:</i> Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.	Retain as is. Terminate/transfer.	European States and Sudan -- Add to CS Annex  International route: Technical facilities and installations located in different countries and

1988 Int'l Telecom Regulations	Summary of positions	
		used for telecommunication traffic between two international telecommunication terminal exchanges or offices.
<p>2.7 <i>Relation</i>: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations*:</p> <p>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</p> <p>b) normally, the settlement of accounts.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p>	<p>Replace with definition from ITU-T Recommendation D.000.</p> <p>Covered by D.000.</p>
<p>2.8 <i>Accounting rate</i>: The rate agreed between administrations* in a given relation that is used for the establishment of international accounts.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p>	<p>Replace with definition from D.000.</p> <p>Covered by D.000.</p>
<p>2.9 <i>Collection charge</i>: The charge established and collected by an administration from its customers for the use of an international telecommunication service.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p>	<p>Replace with definition from D.000.</p> <p>Covered by D.000.</p>
<p>2.10 <i>Instructions</i>: 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).</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p>	<p>Replace with definition from D.000.</p> <p>Covered by D.000.</p>
<p><b>Article 3</b></p> <p><b>International Network</b></p>		
<p>3.1 Members shall ensure that administrations* cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.</p>	<p>Retain as is.</p> <p>Terminate</p>	<p>European States and Sudan -- already covered by CS/1.2c) and 38.</p>
<p>3.2 Administrations* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services.</p>	<p>Retain as is.</p> <p>Terminate.</p>	<p>European States and Sudan -- already covered by CS/1.1c).</p>
<p>3.3 Administrations* shall determine by mutual agreement which international routes are to be used. Pending agreement and</p>	<p>Amend.</p>	<p>Re-phrasing to reflect current situation.</p>





1988 Int'l Telecom Regulations	Summary of positions	
<p style="text-align: center;"><b>Article 4</b></p> <p style="text-align: center;"><b>International Telecommunication Services</b></p> <p>4.1 Members shall promote the implementation of international telecommunication services and shall endeavour to make such services generally available to the public in their national network(s).</p>	<p>Retain as is.</p> <p>Terminate/transfer.</p>	<p>European States -- Add to CS by adding 33.2</p> <p>Member States shall promote the implementation of international telecommunication services for public use in their national network(s).</p>
<p>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.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate/transfer.</p>	<p>Replace “CCITT” with “ITU.</p> <p>European States and Sudan -- already covered by CS/1 and 38.</p>
<p>4.3 Subject to national law, Members shall endeavour to ensure that administrations* provide and maintain, to the greatest extent practicable, a minimum quality of service corresponding to the relevant CCITT Recommendations with respect to:</p> <p>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;</p> <p>international telecommunication facilities and services available to customers for their dedicated use;</p> <p>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</p> <p>a capability for interworking between different services, as appropriate, to facilitate international communications</p>	<p>Retain as is.</p> <p>Terminate.</p>	<p><i>This part was missing in the original document WD-ITR 2/06 and therefore has not been considered yet.</i></p>

1988 Int'l Telecom Regulations	Summary of positions	
<p style="text-align: center;"><b>Article 5</b></p> <p style="text-align: center;"><b>Safety of Life and Priority of Telecommunication</b></p> <p>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.</p>	<p>Retain as is.</p> <p>Terminate.</p> <p>Terminate/transfer.</p>	<p>European States and Sudan – already covered by CS/40 and 46.</p> <p>Modify CS to reflect text from ITRs.</p>
<p>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.</p>	<p>Retain as is.</p> <p>Terminate.</p>	<p>European States and Sudan – already covered by CS/41.</p>
<p>5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant CCITT Recommendations.</p>	<p>Retain as is.</p> <p>Terminate.</p> <p>Terminate/transfer.</p>	<p>European States and Sudan – already covered by CS/41.</p> <p>Modify CS to reflect text from ITRs.</p>
<p style="text-align: center;"><b>Article 6</b></p> <p style="text-align: center;"><b>Charging and Accounting</b></p> <p>6.1 <i>Collection charges</i></p> <p>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.</p>	<p>Retain as is.</p> <p>Terminate/transfer.</p>	<p>Cover in ITU-T Recommendations.</p>

1988 Int'l Telecom Regulations	Summary of positions	
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.	Retain as is. Terminate/transfer.	Cover in ITU-T Recommendations.
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.	Retain as is. Terminate/transfer.	Cover in ITU-T Recommendations.
6.2 <i>Accounting rates</i> 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 CCITT Recommendations and relevant cost trends.	Amend. Amend. Retain as is. Terminate/transfer.	Replace "CCITT" with "ITU". Review possible inconsistency with WTO/GATS. Cover in ITU-T Recommendations.
6.3 <i>Monetary unit</i> 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.	Amend. Amend. Retain as is. Terminate/transfer.	Replace "CCITT" with "ITU". Review possible inconsistency with WTO/GATS. Cover in ITU-T Recommendations.
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.	Retain as is. Terminate/transfer.	Cover in ITU-T Recommendations.
6.4 <i>Establishment of accounts and settlement of balances of account</i> 6.4.1 Unless otherwise agreed, administrations* shall follow the relevant provisions set out in Appendices 1 and 2.	Amend. Retain as is.	Review possible inconsistency with WTO/GATS.

<b>1988 Int'l Telecom Regulations</b>	<b>Summary of positions</b>	
relevant provisions as set out in Appendices 1 and 2.	Terminate/transfer.	Cover in ITU-T Recommendations.
<p>6.5 <i>Service and privilege telecommunications</i></p> <p>6.5.1 Administrations* shall follow the relevant provisions as set out in Appendix 3.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate/transfer.</p>	<p>Review possible inconsistency with WTO/GATS.</p> <p>Cover in ITU-T Recommendations.</p>
<p style="text-align: center;"><b>Article 7</b></p> <p style="text-align: center;"><b>Suspension of Services</b></p> <p>7.1 If a Member exercises its right in accordance with the Convention to suspend international telecommunication services partially or totally, that Member shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.</p>	<p>Retain as is.</p> <p>Terminate.</p>	<p>European States, Lithuania and Sudan – already covered by CS/35.</p>
<p>7.2 The Secretary-General shall immediately bring such information to the attention of all other Members, using the most appropriate means of communication.</p>	<p>Retain as is.</p> <p>Terminate.</p>	<p>European States, Lithuania and Sudan – already covered by CS/35.</p>

1988 Int'l Telecom Regulations	Summary of positions	
<p style="text-align: center;"><b>Article 8</b> <b>Dissemination of Information</b></p> <p>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.</p>	<p>Retain as is.</p> <p>Terminate.</p> <p>Terminate/transfer.</p>	<p>Lithuania – Add to CS/5.1</p> <p><i>pbis</i>) using the most suitable and economical means, disseminate information, provided by administrations, or an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated on the basis of decisions taken by the Administrative Council or by competent administrative conferences, and taking account of conclusions or decisions of Assemblies and Conferences;</p>
<p style="text-align: center;"><b>Article 9</b> <b>Special Arrangements</b></p> <p>9.1 a) Pursuant to Article 31 (Nairobi, 1982), special arrangements may be entered into on telecommunication matters which do not concern Members in general. Subject to national laws, Members may allow administrations* 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 concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p>	<p>Review possible inconsistency with WTO/GATS.</p> <p>European States, Lithuania and Sudan – already covered by CS/42.</p>

<b>1988 Int'l Telecom Regulations</b>	<b>Summary of positions</b>	
<p>b) Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries.</p> <p>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.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p>	<p>Review possible inconsistency with WTO/GATS.</p> <p>European States, Lithuania and Sudan – already covered by CS/42.</p>
<p style="text-align: center;"><b>Article 10</b></p> <p style="text-align: center;"><b>Final Provisions</b></p> <p>10.1 These Regulations, of which Appendices 1, 2 and 3 form integral parts, shall enter into force on 1 July 1990 at 0001 hours UTC.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate</p>	<p>Update.</p>
<p>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.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate</p>	<p>Update.</p>
<p>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*.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p>	<p>Update.</p>
<p>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.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p>	<p>Update.</p>
<p>IN WITNESS WHEREOF, the delegates of the Members of the International Telecommunication Union named below have, on</p>		

<b>1988 Int'l Telecom Regulations</b>	<b>Summary of positions</b>	
<p>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 of the International Telecommunication Union. Done at Melbourne, 9 December 1988.</p>		
<p>Note: Throughout this document Administrations* includes recognised operating agencies.</p>		
<p>Appendix 1</p>	<p>Amend section 2.2. Amend section 3.3.1.  Retain as is. Terminate.</p>	<p>Change “third month” to “first month” Change “two calendar months” to “one calendar month”.</p>
<p>Appendices 2 and 3</p>	<p>Retain as is. Terminate.</p>	

## ANNEX 3

### Summary of discussion of new issues

(see Annex 2 for summary of positions with respect to terminating, retaining, or transferring current ITR provisions)

Suggestion as formulated by one or more Member States	Summary of discussions	Proposed text for ITRs or CS/CV
Spam	<p>Agreement: Important issue requiring international cooperation.</p> <p>Proponents: Important issue requiring urgent resolution, including treaty-level provisions. Technical measures are not sufficient. No specific proposal yet, will be developed in the future.</p> <p>Opponents: Issue is being studied in various forums, including ITU-T. Premature to consider treaty-level provision. Not clear if it would be effective.</p>	<p>Egypt – Need to add to ITR art. 2 definitions of spam, alternative calling procedures.</p> <p>Cuba – Need to add to ITR art. 2 provision defining new account settlement procedures approved by ITU-T which are not reflected in current ITR version.</p> <p>Ecuador – Add to ITR Art. 2 definition of “user of the international network”.</p>
Settlement of disputes	<p>Proponents: A mechanism to resolve disputes is required. The mechanism currently provided in the CS is voluntary, a mandatory mechanism is required. Dispute resolution should take place within ITU, not in another forum. Countries have accepted non-consensus decision-making through ITU’s voting provisions. They have also accepted binding dispute resolution within WTO.</p> <p>Opponents: Premature to consider, given possible inconsistencies between ITRs and WTO/GATS. Would change character of ITU, which is driven by global consensus and which has not handled bilateral disputes in the past. Could be inconsistent with fundamental principle of sovereignty embodied in ITU’s basic instruments. Current voluntary mechanism in the CS is adequate. Binding dispute</p>	



Suggestion as formulated by one or more Member States	Summary of discussions	Proposed text for ITRs or CS/CV
	resolution could require different expertise than at present and could have impact on the budget.	
Misuse of numbering	<p>Proponents: Plenipotentiary Resolution 133, ITU-T Recommendations are not adequate to prevent misuse. Recommendations are violated at present and many countries do not have national legal authority to prevent misuse. Misuse is undesirable and hampers competition and commercial operations. It is not clear whether any ITR provisions currently apply, clarification would be in the interest of all parties. Current steps envisaged by WTSA-04 and ITU-T Study Group 2 are not adequate because they have no binding power.</p> <p>Opponents: WTSA-04 and ITU-T Study Group 2 have established mechanisms to deal with potential misuse. Premature to consider ITR provision at this time. Should not be dealt with at treaty level. It is questionable whether existing Recommendations are violated.</p>	<p>Tanzania – Add new Section to ITR Art 3:</p> <p>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.</p>
Quality of Service	<p>Proponents: Important issue that should be addressed by treaty-level provision. Current ITR language needs to be revisited in order to ensure adequate level of quality of service and be adapted to current situation.</p> <p>Opponents: Adequately addressed in technical Recommendations, notably in ITU-T, and by existing ITR provisions. Is a commercial matter that should not be the object of an ITR provision.</p>	
Information security and <sup>1</sup> Security of signaling and traffic	Agreed: important topic, scope is as defined in Plenipotentiary Resolution 130, Strengthening the role of ITU in information and communication network	

<sup>1</sup> The agreed title for this item is “information and communication network security”

Suggestion as formulated by one or more Member States	Summary of discussions	Proposed text for ITRs or CS/CV
information; billing information; control and security of data; managing synchronization of call count	<p>security.</p> <p>Proponents: Important issue, part of it shall be addressed by treaty-level provision. Some required measures go beyond what can be done by Recommendations.</p> <p>Opponents: Adequately addressed in technical Recommendations, notably in ITU-T, and by ongoing work in various bodies, including ITU. Premature to consider ITR provision at this time. Not appropriate to be included in treaty-level material.</p>	
Prohibitions on alternative calling arrangements and  Calling number transmitting service	<p>Proponents: a treaty-level provision, with binding effect, is required to prevent deployment of such practices to countries which prohibit it nationally. Many Member States (114) prohibit callback.</p> <p>Opponents: Not suitable for ITRs. Currently being studied in ITU-T.</p>	
Internet governance	<p>Proponents: Once WSIS and other developments conclude there may be a need to consider whether ITRs should include new provisions.</p> <p>Opponents: Premature to consider ITR provision at this time, given ongoing work, in particular UN WGIG, and given lack of agreed definitions, scope, mandates, etc.</p>	
New accounting rate methods	<p>Several countries: Premature to consider for ITRs at this time. Also need to consider impact of revision procedures if ITRs reference Recommendations and make them binding.</p> <p>Proponents: Methods and provisions of the D-series Recommendations should be incorporated in the ITRs. Current provisions in ITRs are not up to date, at a minimum there should be an explicit reference to D-series Recommendations.</p> <p>Opponents: Not appropriate for ITRs, since covered by</p>	<p>Cuba – Replace Appendix 1, 2 and 3 of ITRs with provisions that confer the same legal status as the ITRs on the ITU D-series Recommendations that have updated the content of the replaced provisions.</p>

Suggestion as formulated by one or more Member States	Summary of discussions	Proposed text for ITRs or CS/CV
	ITU-T Recommendations. Not clear what it intended. Current ITR provisions are sufficient. If greater specificity is required, it can be done in ITU-T.	
IP telephony <sup>2</sup>	Many countries: no agreed definition for “IP telephony”. Proponents: ITRs are not compatible with current situation, they should be updated. There is ongoing work in this area and, when it is completed, there may be a need to consider new ITR provisions. Opponents: ITRs should not refer to specific technologies or services. Currently being studied in ITU, in particular ITU-T.	
International mobile roaming and International mobile satellite service	Proponents: When national initiatives and ITU-T studies are completed, it may be appropriate to consider new ITR provisions. Opponents: Premature to consider for ITRs, given ongoing study in national bodies and ITU-T.	
Internet intellectual property; access to adult content	Agreed: Out of scope of ITU.	
Universal service <sup>3</sup>	Agreed: refers to universal access/service. Proponents: Given results of ITU-D work, and WTO provisions, an ITR provision should be formulated. Opponents: Clarification required, probably not suitable for ITRs, given differing national definitions and lack of agreed international definition. Need to clarify whether discussion is about “universal service” or “universal access” or a combination of the two.	
User of international networks	Proponents: It may be appropriate to add a definition of this term to the ITRs.	

<sup>2</sup> The agreed title for this item is “IP Telephony” in quotation marks.

<sup>3</sup> The agreed title for this item is “universal access/service”

<b>Suggestion as formulated by one or more Member States</b>	<b>Summary of discussions</b>	<b>Proposed text for ITRs or CS/CV</b>
	Opponents: Not sufficiently specific to be considered for inclusion in ITRs.	

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