



**WORKING GROUP ON THE
INTERNATIONAL TELECOMMUNICATION
REGULATIONS**

GENEVA — SECOND MEETING — 6 – 7 DECEMBER, 2004

Management team

Summary of discussions

This document summarizes the discussions held during the 6-7 December meeting. It should be understood that the tentative decisions recorded (for example, “maintain current ITR provision as is”) do not reflect a consensus view, but merely reflects an initial reading by the Chairman of the sense of the meeting at this preliminary stage. Several countries explicitly reserved their position and stated that they reserved their right to reopen discussions at a later stage.

The USA notes that it does not consider that this exercise could be conclusive, given the lack of consensus on the threshold issues, notably scope and whether provisions should be moved to CS or CV. It asked that the following formal statement be included in the minutes:

The United States believes that no consensus has been reached on the threshold issues of: (1) whether the scope of the ITRs should remain as is (2) whether any ITR provisions should be transferred to the CS/CV.

Until such time as consensus is established on these two issues, proposed changes to the current ITRs cannot be considered conclusive. The United States regains the right to make or respond to any comment or future proposals, as appropriate.

The references below to WTO/GATS must be understood to include the note that not all signatories of the ITRs (or all ITU Member States) are members of WTO or have made commitments under GATS.

1988 Int'l Telecom Regulations	Results of first round of discussions	Results of second round of discussions
<p align="center">PREAMBLE</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>Maintain as is.</p>	
<p align="center">Article I</p> <p>Purpose and Scope of the Regulations</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>Maintain as is, but consider whether “general principles” should read “principles”.</p> <p>Maintain as is, but revisit the question of whether 1.1.b conflicts with WTO/GATS.</p>	
<p>1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies.</p>	<p>Maintain as is, or adopt the new version:</p> <p>1.2 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>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.</p>	<p>Maintain “as is”. Revisit alignment with CS and revisit European proposal: Add to CS by amending CS/1(c) and 38 (see 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,</p>	

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	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.	Maintain, but 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.*	Maintain as is.	
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.	Maintain, but change “CCITT” to “ITU”.	
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.	Maintain as is.	
b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers.	Maintain, but change “CCITT” to “ITU”.	
c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations.	Maintain as is.	
1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.	Maintain as is.	

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<p align="center">Article 2 Definitions</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>	Maintain as is.	
<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>	Maintain as is.	
<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>	Maintain as is.	
<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>Maintain, but "exchanged among" should read "exchanged by agreement among" and update to reflect new names of relevant bodies (e.g. Administrative Council becomes Council).</p> <p>Also 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</p>	<p>Maintain as is but suggest new language could be considered for CS/CV, taking into account current situation and other relevant international instruments (e.g.</p>	

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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.	Tampere Convention).	
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.	NOTE: there is an inconsistency in the Secretariat notes, we are not sure which of the following is correct: Maintain as is but suggest new language could be considered for CS/CV, taking into account current situation and other relevant international instruments (e.g. Tampere Convention). OR Maintain as is, but revisit whether it could be covered in CS or CV.	
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.	Maintain as is, but revisit whether it could be covered in CS or CV.	
2.7 <i>Relation</i> : Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations*: 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 b) normally, the settlement of accounts.	Replace with definition from D.000.	
2.8 <i>Accounting rate</i> : The rate agreed between administrations* in a given relation that is used for the establishment of international accounts.	Replace with definition from D.000.	
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.	Replace with definition from D.000.	
2.10 <i>Instructions</i> : A collection of provisions drawn from one or more CCITT Recommendations dealing with	Replace with definition from D.000.	

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practical operational procedures for the handling of telecommunication traffic (e.g., acceptance, transmission, accounting).		
		<p>Egypt – Need to add definitions of spam, alternative calling procedures</p> <p>Cuba – Need to add provision defining new account settlement procedures approved by ITU-T which are not reflected in current ITR version</p> <p>Ecuador – Add definition of “user of the international network”</p>
Article 3 International Network		
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.	Maintain as is.	
3.2 Administrations* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services.	Maintain as is.	
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*.		Germany to provide re-phrasing to reflect current situation.
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.	Maintain as is with change of “CCITT” to “ITU”, but note that the question of moving to CS or CV will be revisited.	
		Tanzania – Add new Section 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

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		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.
Article 4 International Telecommunication Services		
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).	Maintain as is.	
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.	Maintain but replace "CCITT" with "ITU".	
Article 5 Safety of Life and Priority of Telecommunication		
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. 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.	Delete from ITR but modify CS to reflect text from ITRs.	

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5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant CCITT Recommendations.	Delete from ITR but modify CS to reflect text from ITRs.	
Article 6 Charging and Accounting		
6.1 <i>Collection charges</i> 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.	Delete and cover in ITU-T Recommendations	
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.	Delete and 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.	Maintain as is. Revisit whether to move to ITU 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.	Maintain as is, but replace "CCITT" with "ITU", and review possible inconsistency with WTO/GATS. Revisit whether to move to ITU 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.	Maintain as is and review possible inconsistency with WTO/GATS. Revisit whether to move to ITU Recommendations.	
6.3.2 In accordance with relevant provisions of the International	Maintain as is. Revisit whether to move to ITU Recommendations.	

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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.		
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 as set out in Appendices 1 and 2.	Maintain as is and review possible inconsistency with WTO/GATS. Revisit whether to move to ITU Recommendations.	
6.5 <i>Service and privilege telecommunications</i> 6.5.1 Administrations* shall follow the relevant provisions as set out in Appendix 3.	Maintain as is. Revisit whether to move to ITU Recommendations.	
Article 7 Suspension of Services		
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. 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members, using the most appropriate means of communication.	Maintain as is.	
Article 8 Dissemination of Information	Maintain as is.	
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.		
Article 9 Special Arrangements		

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<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>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>Maintain as is but review possible inconsistency with WTO/GATS.</p>	
<p>Article 10 Final Provisions</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>Update if a new version of the ITRs is adopted.</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>Update if a new version of the ITRs is adopted.</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</p>	<p>Update if a new version of the ITRs is adopted.</p>	

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reservations and its administrations*.		
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.	Update if a new version of the ITRs is adopted.	
IN WITNESS WHEREOF, the delegates of the Members 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 of the International Telecommunication Union. Done at Melbourne, 9 December 1988.		
Note: Throughout this document Administrations* includes recognised operating agencies.		
Appendix 1	Amend section 2.2 by changing “third month” to “ first month ” Amend section 3.3.1 by changing “two calendar months” to “ one calendar month ” Revisit Cuba’s proposal.	Cuba – Replace 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
Appendices 2 and 3	Maintain as is, revisit Cuba’s proposal	Cuba – Replace 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