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# INTERNATIONAL TELECOMMUNICATION UNION



## Questionnaire on the International Telecommunication Regulations (ITRs)

Please return by 15 September 2004, by one of the following methods:

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Name of your Administration: MINISTRY OF TRANSPORT & COMMUNICATIONS

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**Instructions:** Please provide responses to the following questions, if appropriate in consultation with concerned parties. Responses can be sent, if desired, on a separate sheet or document attached to this cover sheet.

1) The International Telecommunications Regulations (ITRs) set many rules applicable to administrations and to recognized private operating agencies. There are also many operational details in the ITRs.

1.1 Taking into account that today many countries have liberalized the telecommunications sector and many Administrations do not themselves provide international telecommunication services, how do the Member States ensure the abidance of the ITRs provisions by Recognized Operating Agencies (ROA) and Operating Agencies (OA)?

The telecommunications industry and the environment in which it operates have changed substantially since the current ITRs were written in 1988. In particular, the ITRs are focused on cooperation rather than recognizing the competitive and liberalized conditions which exist on many international routes and which apply to the vast majority of international traffic.

<sup>1</sup> The terms Administration, ROA and OA are used as defined in the Constitution.

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Europe considers that the ITRs, as written, are no longer relevant and that it is not possible, or appropriate, to apply them in respect of liberalized routes.

1.2 In your opinion, which, if any, of the ITRs provisions should be terminated, retained in the ITRs, transferred to the Constitution or Convention, or embodied in ITU Recommendations? Please provide any proposed draft text for amending the Constitution and/or Convention, if deemed appropriate.

Please see the European Proposal to PP-02/ Doc addendum 5 to Doc.10 (September 2002)

2) Taking into account the *considering a) through f) and believing a) and b)* of Resolutions 121:

2.1 Do you consider that the fast pace of change in the telecommunication environment could make the task of defining International Telecommunication Regulations difficult?

Europe considers that the current rapid rate of change in the current telecommunications environment, including the transition to the use of IP technology and the convergence of the industry with other communications and media activities would make the task of defining ITRs very difficult. In addition, the extended time-scale inherent in the World Conference process would inevitably mean that the ITRs would be out of date before their entry into force.

2.2 Do you see some provisions of the ITRs contradicting your national regulations or regional regulations (e.g. EC directives) or other international instruments (e.g. WTO)?

The ITRs are potentially in conflict with the WTO/GATS for those countries which have made commitments under the GATS in 1997 and afterwards (in particular the Fourth Protocol to the GATS). Any revision of the ITRs must take into account the possibility for operators in liberalised markets to freely negotiate international interconnection arrangements, unless they have market power on a specific route or market, in which case regulatory intervention by the competent national regulatory authorities could be justified.

2.3 Are provisions of the ITRs applicable for the provision of international telecommunications services arising out of the evolving telecommunications industry environment? Do you have any issues that are not covered by the current ITRs?

Europe considers that the current ITRs are anomalous and do not attain the purposes of the ITU in promoting the development of telecommunication services and their utmost efficient operation whilst harmonizing the development of facilities for worldwide telecommunications.

Europe believes that the provisions are too detailed and inflexible and the more detailed provisions would be better addressed in non-treaty instruments such as Recommendations where they can be more easily amended.

Europe also is concerned that the ITU is facing financial problems. The holding of a World Conference would substantially add to these financial problems whilst placing additional financial burdens on those Member States, in particular from developing countries which would participate in the process leading up to the World Conference.

3. Noting that the preamble of the ITRs refers to "most efficient operation" and that Paragraph 1.6 refers to "compliance with the relevant ITU-T Recommendations", is Paragraph 1.6 sufficient to guarantee efficient operation of telecommunication, for example to ensure world-wide consistency, stability, and predictability of the E.164, E.212 and/or other numbering plans?

**Europe notes the problems outlined in the Council Working Group Documents ITR/001, 002 and 004 relating to the misuse of numbers allocated by the ITU. Europe recognizes that these issues are serious and need to be addressed. However, it is not immediately clear that amending the ITRs would, by itself, address the problems identified.**

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