

## Questionnaire on the International Telecommunication Regulations (ITRs)

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

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1) The International Telecommunication 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) ?

*Since each Member State has the mechanism, for instance, license conditions, operator report filings, and external auditing to regulate telecommunications business operation in the country, they can develop rules, regulations, and criteria for operators to ensure the compliance with the ITRs provisions.*

*However, the enforcement of those rules, regulations, and criteria is rather complicated and not always cost effective. It will be dependent on several factors including telecommunications environment of each country.*

1.2 In your opinion, which, if any, of the ITRs provisions should be terminated, retained in 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.

*Having considered the "Relation between the International Telecommunication Regulations and the CS/CV" produced by Expert Group on the ITRs at its first meeting (8-10 November 1999) and having in mind the need to prevent the duplication, conflict, and the obsolescence of the instruments that lay down the principles relating to the provision of international services, three possible alternatives are suggested:*

*(1) The ITRs should be terminated and integrated into the relevant provisions in CS, CV, ITU Recommendations and other existing instruments depending on the appropriateness and its essence;*

*(2) Any ITRs provisions which are similar to or already reflected in CS/CV should be integrated in the relevant CS/CV. Any ITRs provisions concerning operational aspects which can be incorporated in ITU Recommendations should be transferred to the relevant recommendations by which it could be regularly amended as needed without convening*

*WCIT. Any remaining provisions shall be carefully investigated as to whether they should be terminated or retained the ITRs;*

*(3) The ITRs provisions which are not relevant to the prevailing environment in telecom industry should be modified or terminated such as the last sentence of article 6.1.1 "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".*

2. Taking into account the considering a) through f) and believing a) and b) of resolution 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?

*Due to the increasing complexity of modern telecommunication services and the rapid change in telecommunication environment, the liberalization in particular, defining ITRs in order to make them relevant to prevailing market situation is more likely to be difficult than before.*

*Another factor is that the Plenipotentiary Conference, which is the sole authority to convene the WCIT to revise ITRs, is scheduled every four years. This may cause the excessively out of date of revision of ITRs provision.*

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

*Subject to further detailed study.*

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?

*Having examined the applicability of the ITRs for the provision of international telecommunications services, it is certain that existing ITRs provision, formulated in 1988, are not fully applicable for the provision of evolving telecom services. Therefore, it would be beneficial to include, for example, IP telephony and other Internet issues, international mobile satellite service and international cellular roaming agreement to be investigated in depth while revising ITRs provisions.*

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?

*Noting the world-wide nature and acceptance of ITU Recommendations, such reference to them in the ITRs should be sufficient to ensure the efficient operation of telecommunication since ITU-T recommendations are the key instrument to ensure interoperability between telecommunication network and services.*

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