



**WORKING GROUP ON THE
INTERNATIONAL TELECOMMUNICATION
REGULATIONS**

GENEVA — THIRD MEETING — 11-13 MAY 2005

Report 3

English only

**Report of the third meeting of the Council Working Group on the
International Telecommunication Regulations**

The attached report by the chairman of the Council Working Group on the International Telecommunication Regulations constitutes the report of the third and final meeting.

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1 Introduction

1.1 The Plenipotentiary Conference (Marrakesh, 2002) adopted [Resolution 121](#), which resolved that the process of reviewing the [International Telecommunication Regulations](#) (ITRs), should be continued. To this end, it recommended that the Council establish a working group (WG-ITR), open to all Member States, to include appropriate legal, regulatory and technical experts, with the following terms of reference:

- 1) to take into account the results of the work carried out under Resolution 79 (Minneapolis, 1998) and all contributions to this conference on the issue as baseline reference documents;
- 2) to study the ITRs and prepare recommendations on which provisions, if any, should be terminated, retained in the ITRs, transferred to the Constitution or Convention, or embodied in ITU Recommendations;
- 3) to prepare recommendations of required draft texts for amending the Constitution and Convention, if deemed appropriate;
- 4) to consider whether there is a need for new provisions in the ITRs, which should be dealt with at a world conference on international telecommunications;
- 5) to identify new issues, if any, that may be the subject of ITU Recommendations;
- 6) to report to the Council annually on its progress with respect to the issues referred to above, including those conclusions of the group that could form the basis for the Recommendations of the three ITU Sectors;
- 7) to prepare a final report, at the latest by the 2005 session of the Council, for transmission to the 2006 Plenipotentiary Conference.

Resolution 121 also invites contributions from Member States, Sector Members, advisory groups, regional preparatory meetings, regional organizations (in line with Resolution 58, (Kyoto, 1994)) and other organizations.

1.2 In the 2003 ordinary session of Council, Mr. Alaa FAHMY (Egypt) was appointed as the Chairman of WG-ITR. Council requested that work be started as soon as possible, preferably by using electronic working methods ([see summary record, Document C03/93](#)).

1.3 In the 2004 ordinary session of Council, the Chairman presented a report of work to date, C04/17.

2 Actions taken since Council 2004 and their results

2.1 As agreed at Council 2004, the Secretary-General sent DM-1141 on 22 June 2004 to all Member States, containing a questionnaire drafted by the working group and requesting replies by 15 September 2004. In addition, contributions to the work were requested by 15 November 2004.

2.2 The second meeting of WG-ITR was held on 6-7 December 2004, in Geneva. Some 45 delegates from 22 Member States attended the meeting. The meeting examined 33 responses to the questionnaire sent on 22 June. Responses can be found at:

<http://www.itu.int/ITU-T/secured/itr/replies/index.html>

It also examined five contributions from Member States, and six contributions from the Management Team (including the Secretariat) and TSB. The contributions can be found at:

<http://www.itu.int/ITU-T/secured/itr/documents/index.html>

The meeting agreed on two documents to be used as inputs to the third and final meeting. The report of the second meeting, containing the cited documents, can be found at:

http://www.itu.int/ITU-T/itr/docs_1204.html

2.3 The third and final meeting of WG-ITR was held on 11-13 May 2005, in Geneva. Some 33 delegates from 18 Member States attended the meeting. The meeting examined the two input documents agreed at the second meeting, as well as two contributions. The contributions can be found at the URL cited above. This document with its attachment constitutes the report of the third and final meeting. Its annexes can be found at:

http://www.itu.int/ITU-T/itr/docs_0505.html

This document also constitutes the final report to Council as agreed at the third and final meeting. The attachment to this report, containing three annexes can be found in C05/EP/xx.

2.4 The meeting thanked the Chairman, the management team and the secretariat for their work.

3 Results in accordance with Terms of Reference

The following paragraphs describe how the Group has met the individual items 1 through 7 of its Terms of Reference (ToR).

3.1 The Group took into account, and used as baseline reference, the documents listed in Annex 1 of the Attachment (see C05/EP/xx).

3.2 The Group studied the ITRs in accordance with item 2 of the ToR. It was not possible to find consensus with respect to terminating, retaining or transferring current ITR provisions. The different views are summarized in Annex 2 of the Attachment (see C05/EP/xx).

3.3 Covered by 3.2 above.

3.4 It was not possible to find consensus on new provisions. The different views are summarized in Annex 3 of the Attachment (see C05/EP/xx).

3.5 It was noted that several issues which have arisen since PP-02 are currently being studied in ITU-T and ITU-D. Taking that into account, the Group could not identify any additional issues which should be the subject of study in ITU-T or ITU-D. The Group noted that, in any case, any ITU member can initiate, via contributions, work in ITU-T or ITU-D.

3.6 The Group has reported annually to Council.

3.7 This document with its attachment constitutes the final report of the group submitted to Council 2005, for its consideration in accordance with Plenipotentiary Resolution 121.

4 Conclusion

There were three views on how to satisfy the requirements of Plenipotentiary Resolution 121:

- a) Leave the ITRs unchanged.
- b) Amend the ITRs, this will include adding new provisions.
- c) Terminate the ITRs and transfer certain provisions to the CS, CV and ITU-T Recommendations.

Alaa M. FAHMY

Chairman, Council Working Group on ITR Review

Attachment 1
to the final report by the Chairman of the Council Working Group on the
International Telecommunication Regulations (ITRs): Annexes

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

Annex 2 summarizes the different views with respect to terminating, retaining, or transferring current ITR provisions, given that the Group studied the ITRs in accordance with the Terms of Reference and that it was not possible to find consensus.

Annex 3 summarizes the different 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
1. Expert Group and Council documents			
1	Secretariat document on “Review of the International Telecommunication Regulations” Document ITR/03 (Nov.1999)	Information document from the Secretariat on ITRs in two parts: A. legal, economic and operational issues B. detailed examination of individual provisions of the ITRs	http://www.itu.int/osg/spu/stratpol/ITRs/auth/itrhistory.html
2	Secretariat document on “Relation between the International Telecommunication Regulations and the Constitution/Convention document” Document ITR/06 Rev.1	A comparison of the provisions in the ITRs with similar or equivalent provisions in the ITU Constitution and Convention	http://www.itu.int/osg/spu/stratpol/ITRs/auth/itrhistory.html
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	http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html)
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	http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html)
5	Final Report of Expert Working Group (May 2000)	Summary of the findings of the Group of Experts on reform of the ITRs	http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html)

No.	Document	Description of content	Website reference
6	Council Document C2000/31 (May 2000)	Report to Council by Secretary General of the “divided” outcome of Expert Group	http://www.itu.int/itudoc/gscouncil/c00/docs/31.html
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	http://www.itu.int/itudoc/gscouncil/c00/docs/58.html
8	Secretariat Document	A detailed overview of the responses to the Council Questionnaire, which countries reacted the strongest on which options	http://www.itu.int/osg/spu/stratpol/ITRs/analysis/comments2
9	Council Document C2001/23 (April 2001)	Report to Council 2001 by Secretary General analysing the outcome of the Questionnaire on ITRs	http://www.itu.int/itudoc/gscouncil/c01/docs/023.html
10	Council Document C2001/40 (May 2001)	Contribution by Australia on ITRs	http://www.itu.int/itudoc/gscouncil/c01/docs/040.html
11	Council Document C2001/131 (September 2001)	Summary Record of discussion by Council 2001 on the outcome of the questionnaire	http://www.itu.int/itudoc/gscouncil/c01/docs/131.html
2. Contributions submitted at PP 02			
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	http://www.itu.int/md/meetingdoc.asp?type=sitems&lang=e&parent=S02-PP-C-0039

No.	Document	Description of content	Website reference
		<p>2. A report submitted by the Secretary General to the 2002 Council, as amended by the Council 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 12th and 13th 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	http://www.itu.int/md/meetingdoc.asp?type=sitems&lang=e&parent=S02-PP-C-0056
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	http://www.itu.int/md/meetingdoc.asp?type=sitems&lang=e&parent=S02-PP-C-0063
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	http://www.itu.int/md/meetingdoc.asp?type=sitems&lang=e&parent=S02-PP-C-0013
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	http://www.itu.int/md/meetingdoc.asp?type=sitems&lang=e&parent=S02-PP-C-0014

No.	Document	Description of content	Website reference
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 to be undertaken by the Sectors and by the Secretary General	http://www.itu.int/md/meetingdoc.asp?type=sitems&lang=e&parent=S02-PP-C-0052
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	http://www.itu.int/md/meetingdoc.asp?type=sitems&lang=e&parent=S02-PP-C-0010
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	http://www.itu.int/md/meetingdoc.asp?type=mitems&lang=e&parent=S02-PP-020923-TD-GEN-0027
3. Resolutions which may be relevant			
20	Plenipotentiary Resolutions 21, 101, 102, 130, 133		http://www.itu.int/md/meetingdoc.asp?type=sitems&lang=e&parent=S02-PP-ADM-0009
21	World Telecommunication Standardization Assembly Resolutions 20, 29, 47, 48, 49, 50, 51, 52		http://www.itu.int/ITU-T/wtsa/resolutions.html

No.	Document	Description of content	Website reference
4. Council Working Group on ITRs			
22	Contributions to the Council Working Group on ITRs		http://www.itu.int/ITU-T/secured/itr/documents/index.html
23	Replies to the Questionnaire of the Council Working Group on ITRs		http://www.itu.int/ITU-T/secured/itr/replies/index.html

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)

The table below shows positions, not consensus. That is, there is no agreement with respect to the positions shown.

Regarding column 2, it should be understood that the position “retain as is” refers either to the ITRs as a whole, or refers only to those provisions that would not be amended. The positions “terminate” and “terminate and transfer” refer to proposals to terminate the ITRs as a whole and to transfer certain provisions to the Constitution, Convention, or ITU-T Recommendations. See the Conclusion of the main body of the report.

In column 3, the notation CS/x refers to margin number x of the Constitution, CV/x refers to margin number x of the Convention (see explanatory notes which preface the collection of Basic Texts).

<p align="center">1988 Int’l Telecom Regulations</p>	<p align="center">Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<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>Retain as is.</p> <p>Terminate.</p>	<p>Already covered by CS/1.</p>
<p align="center">Article I</p> <p align="center">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>1.1 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>1.1(a) already covered by CS/2-19A.</p> <p>Revisit the question of whether 1.1.b conflicts with WTO/GATS.</p> <p>1.1(b) already covered by CS/193.</p>

<p align="center">1988 Int’l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<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 and 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>Add to CS by amending CS/179:</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 as the efficiency, usefulness and availability to the public of international telecommunication services.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate and transfer.</p>	<p>Revisit alignment with CS</p> <p>Add to CS by amending CS/5 and CS/186-187 (see 1.7 b) below):</p> <p>5: 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.</p>
<p>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.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p>	<p>Change “CCITT” to “ITU-T”.</p> <p>Not needed if ITRs are terminated.</p>
<p>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.</p>	<p>Retain as is.</p> <p>Terminate.</p>	<p>To be covered in ITU-T Recommendations.</p>

<p align="center">1988 Int'l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<p>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.</p>	<p>Amend. Retain as is. Terminate and transfer.</p>	<p>Change "CCITT" to "ITU-T".</p> <p>Add to CS by amending CS/38:</p> <p>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.</p>
<p>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.</p>	<p>Retain as is. Terminate.</p>	<p>Covered by CS Preamble.</p>
<p>1.7 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 and transfer.</p>	<p>Change "CCITT" to "ITU-T".</p> <p>Add to CS by amending CS/38 (see 1.6 above) and CS 186-187:</p> <p>186: 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>187: 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>1.7 c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations.</p>	<p>Retain as is. Terminate.</p>	<p>Not needed if ITRs are terminated.</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>Not needed if ITRs are terminated.</p>

<p align="center">1988 Int’l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<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>	<p>Retain as is. Terminate.</p>	<p>Covered in CS/1012.</p>
<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/1011.</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/1014.</p>
<p>2.4 <i>Service telecommunication</i>: A telecommunication that relates to public international telecommunications and that is exchanged among the following:</p> <ul style="list-style-type: none"> - 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>Amend. Retain as is. Terminate.</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.</p> <p>Covered in CV/1006, but language is slightly different, may need to revisit CV/1006.</p>

<p align="center">1988 Int'l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<p>2.5 <i>Privilege telecommunication</i></p> <p>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.</p>	<p>Retain as is.</p> <p>Terminate and transfer.</p>	<p>Add to CS Annex:</p> <p>Privilege Telecommunications:</p> <p>(a) A telecommunication that may be 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</p>
<p>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.</p>	<p>Retain as is.</p> <p>Terminate and transfer.</p>	<p>Add to CS Annex:</p> <p>Privilege Telecommunications:</p> <p>(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.</p>
<p>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.</p>	<p>Retain as is.</p> <p>Terminate and transfer.</p>	<p>Add to CS Annex:</p> <p>International route: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.</p>

<p align="center">1988 Int'l Telecom Regulations</p>	<p align="center">Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<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: 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.</p>	<p>Amend. Retain as is. Terminate.</p>	<p>Replace with definition from ITU-T Recommendation D.000. Already 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. Retain as is. Terminate.</p>	<p>Replace with definition from D.000. Already 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. Retain as is. Terminate.</p>	<p>Replace with definition from D.000. Already 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. Retain as is. Terminate.</p>	<p>Replace with definition from D.000. Already covered by D.000.</p>
<p align="center">Article 3 International Network</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. Terminate.</p>	<p>Already covered by CS/13 and CS/186-187.</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. Terminate.</p>	<p>Already covered by CS/5.</p>

1988 Int'l Telecom Regulations	Summary of positions New issues are not included. They are discussed in Annex 3	
<p>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.</p>	<p>Retain as is. Terminate.</p>	<p>To be covered by ITU-T Recommendations.</p>
<p>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.</p>	<p>Amend. Retain as is. Terminate and transfer (1). Terminate and transfer (2).</p>	<p>Change "CCITT" to "ITU-T".</p> <p>Add to CS by amending CS/179 and CS/186:</p> <p>179: 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>186: Member States shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, for achieving and maintaining satisfactory levels of quality of services, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.</p> <p>Amend CS/186 as above and add new provision:</p> <p>So far as possible, these channels and installations must be operated by the methods, recommendations and procedures which scientific knowledge and practical operating experiences has shown to be the best. They must be maintained in proper operating condition and kept abreast of scientific and technical progress.</p>

<p align="center">1988 Int’l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<p align="center">Article 4</p> <p align="center">International Telecommunication Services</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. Terminate and transfer.</p>	<p>Add to CS by adding new provision to Article 33: 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. Retain as is. Terminate.</p>	<p>Change “CCITT” to “ITU-T”. Already covered by CS/2-19A and CS/186-189A.</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. Terminate and transfer.</p>	<p>To be covered by ITU-T Recommendations.</p>

<p align="center">1988 Int'l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<p align="center">Article 5</p> <p align="center">Safety of Life and Priority of Telecommunication</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>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p> <p>Terminate and transfer (1).</p> <p>Terminate and transfer (2).</p>	<p>Change "CCITT" to "ITU-T".</p> <p>Already covered by CS/191 and CS/200.</p> <p>New language could be considered for the CS/CV, taking into account current situation and other relevant international instruments (e.g. Tampere Convention).</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>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p>	<p>Change "CCITT" to "ITU-T".</p> <p>Already covered by CS/192.</p>
<p>5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant CCITT Recommendations.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate.</p> <p>Terminate and transfer.</p>	<p>Change "CCITT" to "ITU-T".</p> <p>Already covered by CS/192.</p> <p>Modify CS to reflect text from ITRs.</p>
<p align="center">Article 6</p> <p align="center">Charging and Accounting</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 and transfer.</p>	<p>To be covered in ITU-T Recommendations.</p>

<p align="center">1988 Int'l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<p>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.</p>	<p>Retain as is. Terminate and transfer.</p>	<p>To be covered in ITU-T Recommendations.</p>
<p>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.</p>	<p>Retain as is. Terminate and transfer.</p>	<p>To be covered in ITU-T Recommendations.</p>
<p>6.2 Accounting rates</p> <p>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.</p>	<p>Amend (1). Amend (2). Retain as is. Terminate and transfer.</p>	<p>Change "CCITT" to "ITU-T". Review possible inconsistency with WTO/GATS. To be covered in ITU-T Recommendations.</p>
<p>6.3 <i>Monetary unit</i></p> <p>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:</p> <p>- either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;</p> <p>- or the gold franc, equivalent to 1/3.061 SDR.</p>	<p>Amend. Retain as is. Terminate and transfer.</p>	<p>Review possible inconsistency with WTO/GATS. To be covered in ITU-T Recommendations.</p>
<p>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.</p>	<p>Retain as is. Terminate and transfer.</p>	<p>To be covered in ITU-T Recommendations.</p>

<p align="center">1988 Int'l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<p>6.4 <i>Establishment of accounts and settlement of balances of account</i></p> <p>6.4.1 Unless otherwise agreed, administrations shall follow the relevant provisions as set out in Appendices 1 and 2.</p>	<p>Amend.</p> <p>Retain as is.</p> <p>Terminate and transfer.</p>	<p>Review possible inconsistency with WTO/GATS.</p> <p>To be covered in ITU-T Recommendations.</p>
<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 and transfer.</p>	<p>Review possible inconsistency with WTO/GATS.</p> <p>To be covered in ITU-T Recommendations.</p>
<p align="center">Article 7 Suspension of Services</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>Already covered by CS/182.</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>Already covered by CS/182.</p>

<p align="center">1988 Int'l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<p align="center">Article 8 Dissemination of Information</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. Terminate. Terminate and transfer.</p>	<p>Already covered by CV/98-99. Add to CV Article 5: <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 align="center">Article 9 Special Arrangements</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. Retain as is. Terminate.</p>	<p>Review possible inconsistency with WTO/GATS. Already covered by CS/193.</p>

<p align="center">1988 Int'l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</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>Amend (1). Amend (2). Retain as is. Terminate.</p>	<p>Review possible inconsistency with WTO/GATS. Replace "CCITT" with "ITU-T". Already covered by CS/193.</p>
<p align="center">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>Amend. Retain as is. Terminate</p>	<p>Update. Not needed if ITRs are terminated.</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. Retain as is. Terminate</p>	<p>Update. Not needed if ITRs are terminated.</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. Retain as is. Terminate.</p>	<p>Update. Not needed if ITRs are terminated.</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. Retain as is. Terminate.</p>	<p>Update. Not needed if ITRs are terminated.</p>

<p align="center">1988 Int'l Telecom Regulations</p>	<p>Summary of positions New issues are not included. They are discussed in Annex 3</p>	
<p>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.</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)

The table below shows positions, not consensus. That is, there is no agreement with respect to the positions shown.

Suggestion as formulated by one or more Member States	Summary of discussions Current ITR provisions are discussed in Annex 2	Proposed text for ITRs or CS/CV
Spam	<p><u>Agreement</u>: Important issue requiring international cooperation.</p> <p><u>Proponents</u>: 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><u>Opponents</u>: 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>Need to add to ITR art. 2 definitions of spam, alternative calling procedures.</p> <p>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>Add to ITR Art. 2 definition of “user of the international network”.</p>
Settlement of disputes	<p><u>Proponents</u>: 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><u>Opponents</u>: 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</p>	

Suggestion as formulated by one or more Member States	Summary of discussions Current ITR provisions are discussed in Annex 2	Proposed text for ITRs or CS/CV
	<p>fundamental principle of sovereignty embodied in ITU's basic instruments. Current voluntary mechanism in the CS is adequate. Binding dispute resolution could require different expertise than at present and could have impact on the budget.</p>	
Misuse of numbering	<p><u>Proponents:</u> 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><u>Opponents:</u> 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>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><u>Proponents:</u> 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><u>Opponents:</u> 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>	

Suggestion as formulated by one or more Member States	Summary of discussions Current ITR provisions are discussed in Annex 2	Proposed text for ITRs or CS/CV
<p>Information security and¹</p> <p>Security of signaling and traffic information; billing information; control and security of data; managing synchronization of call count</p>	<p><u>Agreed:</u> important topic, scope is as defined in Plenipotentiary Resolution 130, Strengthening the role of ITU in information and communication network security.</p> <p><u>Proponents:</u> 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><u>Opponents:</u> 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>	
<p>Prohibitions on alternative calling arrangements and</p> <p>Calling number transmitting service</p>	<p><u>Proponents:</u> 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><u>Opponents:</u> Not suitable for ITRs. Currently being studied in ITU-T.</p>	
<p>Internet governance</p>	<p><u>Proponents:</u> Once WSIS and other developments conclude there may be a need to consider whether ITRs should include new provisions.</p> <p><u>Opponents:</u> 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>	

¹ The agreed title for this item is “information and communication network security”

Suggestion as formulated by one or more Member States	Summary of discussions Current ITR provisions are discussed in Annex 2	Proposed text for ITRs or CS/CV
New accounting rate methods	<p><u>Several countries:</u> 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><u>Proponents:</u> 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><u>Opponents:</u> Not appropriate for ITRs, since covered by 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.</p>	Replace Appendices 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.
IP telephony ²	<p><u>Many countries:</u> no agreed definition for “IP telephony”.</p> <p><u>Proponents:</u> 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.</p> <p><u>Opponents:</u> ITRs should not refer to specific technologies or services. Currently being studied in ITU, in particular ITU-T.</p>	
International mobile roaming and	<p><u>Proponents:</u> When national initiatives and ITU-T studies are completed, it may be appropriate to consider new ITR provisions.</p>	

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

Suggestion as formulated by one or more Member States	Summary of discussions Current ITR provisions are discussed in Annex 2	Proposed text for ITRs or CS/CV
International mobile satellite service	<u>Opponents:</u> Premature to consider for ITRs, given ongoing study in national bodies and ITU-T.	
Internet intellectual property; access to adult content	<u>Agreed:</u> Out of scope of ITU.	
Universal service ³	<u>Proponents:</u> Given results of ITU-D work, and WTO provisions, an ITR provision should be formulated. <u>Opponents:</u> 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	<u>Proponents:</u> It may be appropriate to add a definition of this term to the ITRs. <u>Opponents:</u> Not sufficiently specific to be considered for inclusion in ITRs.	

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

Attachment 2

Final list of participants



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