



INTERNATIONAL TELECOMMUNICATION UNION

**WORKING GROUP ON THE
INTERNATIONAL TELECOMMUNICATION
REGULATIONS**

Working
Document/08-E

English only

GENEVA — FIRST MEETING — 7-8 JUNE, 2004

Detailed discussion items for the Agenda

DRAFT AGENDA ITEM 3

**Review of Mandate of Working Group on ITR
Resolution 121/Marrakesh 2002**

Resolution 121 resolved that the ITU should continue a process of reviewing the International Telecommunication Regulations (ITRs) and instructing Council to establish a Working Group, open to all Member States, to undertake that review. The mandate of the Working Group is broad in scope. It is to produce a report to Council 2005 for transmission to the 2006 Plenipotentiary Conference.

The specific terms of reference established by Resolution 121 are:

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.

Note: For terms of reference No. 3 (to prepare recommendations of required draft texts for amending the Constitution and Convention, if deemed appropriate), it is appropriate to carry out this item based on conclusions reached after studying items 2, 4 and 5.

DRAFT AGENDA ITEM 4

Practical Arrangements/Working Methods

4.1 Working Methods

The Chairman has made a number of efforts to increase participation in the Working Group, sending letters to all Member States requesting their participation in October 2003 and January, 2004. He has established three Sub-groups to address specific parts of the mandate set by Res. 121 and appointed coordinators of the Sub-groups.

- Sub-group 1, coordinated by Vince Affleck, UK -- analyze past work and contributions submitted
- Sub-group 2, coordinated by Ray Mfungahema, Tanzania -- 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
- Sub-group 3, coordinated by Herb Marks, U.S. – consider whether there is a need for new provisions in the ITRs and identify new issues that may be the subject of future ITU Recommendations

The Sub-groups are to work mainly through email discussions. There will be physical meetings for the Working Group to assist in achieving significant progress. The planned number and dates of these meetings will be subject to discussion under Agenda Item No. 7 (Work Programme).

Sub-group 1 should present its analysis to the Working Group by September 30, 2004 so it can be taken into consideration by Sub-groups 2 and 3 in making their recommendations. Sub-groups 2 and 3 should present their recommendations to the Working Group by February 15, 2005. The recommendations of Sub-groups 2 and 3 should include required draft text, including amendments to the Constitution and Convention, if deemed appropriate, as reflected in terms of reference No. 3.

4.2 Possible Nomination of Vice-Chairman

The Chairman considers it useful to have Vice-Chairman to assist in moving the work program along. As he stated in his letter (DM-1079), Chairman would like to nominate the coordinators of the three Sub-groups to be Vice-Chairmen of the Working Group. These individuals have already shown their willingness to participate and the product of their Sub-groups will form the basis for the product of the Working Group as a whole.

DRAFT AGENDA ITEM 5

Review of Past Work

Chairman's Presentation – Working Document/06

Contributions Submitted at Plenipotentiary 2002

Senegal -- PP-02/Doc. 56 (July 24, 2002)

China -- PP-02/Doc. 63 (Aug. 6, 2002)

Australia -- PP-02/Doc. 13 (Jan. 23, 2002)
PP-02/Doc. 14 (Jan. 23, 2002)

Arab States (Algeria, Egypt, Kuwait, Morocco, Saudi Arabia, Tunisia, Yemen) -- PP-02/Doc. 52 (July 17, 2002)

European States (Austria, Belgium, Bulgaria, Czech Rep., 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 (Sept. 19, 2002)

1999-2000 Documents

http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html

DRAFT AGENDA ITEM 6

Objectives to be Achieved and Work Programme

Objective -- Prepare a Report to Council 2005 for transmission to the 2006 Plenipotentiary Conference, which addresses:

- Which provisions of the ITRs, if any, should be terminated, retained in the ITRs, transferred to the Constitution or Convention, or embodied in the ITU Recommendations, accompanied by draft text.
- Whether there is a need for new provisions in the ITRs, Constitution or Convention, accompanied by draft text.
- Identify new issues, if any, that may be the subject of ITU Recommendations.

Work Programme

1. Sub-group 1 should start immediately to identify the most important documents which have concrete proposals to be taken as baseline documents
2. Invite additional contributions from Member States
3. Develop questionnaire based on proposal from Coordinator of Sub-group 2 to be distributed to Member States
4. Set deadline of September 15, 2004 for Member States to contribute responses to questionnaire
5. Set deadline of September 30, 2004 for Sub-Group 1 to submit its report to the Working Group
6. Set deadline of November 15, 2004 for contributions from Member States to be considered at December meeting
7. Hold meeting of the Working Group December 6-7, 2004 to consider responses to questionnaire, contributions from other parties and Sub-Group 1's report and begin drafting recommendations
8. Set deadline of February 15, 2005 for Sub-groups 2 and 3 to submit recommendations to the Working Group
9. Hold a Working Group meeting in early March 2005 to review recommendations of Sub-groups 2 and 3
10. Submit Report to Council by March 31, 2005

DRAFT AGENDA ITEM 7

Review of Questionnaire

Questionnaire proposed by Mr. Mfungahema:

1) The ITRs set many rules applicable to Administrations and to Recognized Operating Agencies (Art. 1.1) as well as to the Operating Agencies (Art. 1.6). There are also many operational details in the ITRs.

Taking into account that today many countries have liberalized the telecom sector and many Administrations do not provide international telecommunication services, how can the Member States impose the observance of the detailed operational provisions upon Recognized Operating Agencies (ROA) and Operating Agencies (OA)?

Are operational rules applicable to the ROA and OA necessary in an international treaty?

In your country, how many operators are classified as ROA and how many as OA?

If it is not possible to impose the observance of the provisions upon ROA and OA, isn't it better to remove those detailed operational matters from the ITRs? If not why ?

Should they be deleted entirely or moved to a non-treaty instrument, for example ITU-T Recommendations?

2) The fast pace of change in the telecommunication environment makes the task of defining telecommunication rules difficult. But in many countries the national regulatory processes have been completed and in some countries regulators have introduced only a minimum set of rules, considering that regulation is only needed where there is market failure.

Are the instructive regulations of the type found in Article 3, 4 and 6 of the ITRs consistent with your national telecommunication law or regulations?

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)?

Do you see some provisions of the ITRs, which are still relevant for the traditional services (e.g. fixed telephony) but not relevant for the new services (e.g. mobile or value added services)?

3) Noting that the preamble 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?

DRAFT AGENDA ITEM 9

Liaison to ITU Sectors

Identify specific areas in which each ITU sector can provide useful contributions

In addition, all members of the Working Group are invited to approach other organizations directly.
