|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|

|  |  |
| --- | --- |
| **Plenipotentiary Conference (PP-22)Bucharest, 26 September – 14 October 2022** |  |
|  |  |
|  |  |
| PLENARY MEETING | **Document 35-E** |
|  | **9 June 2022** |
|  | **Original: English** |
|  |
| Report by the Council |
| FINAL REPORT OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (EG-ITRS) |
|  |

 |

|  |
| --- |
| SummaryIn accordance with the ITU Plenipotentiary Resolution 146 (Rev. Dubai, 2018), and Council Resolution 1379 (Modified 2019), the Expert Group on the International Telecommunication Regulations (EG-ITRs), open to all Member States and Sector Members, was reconvened in 2019 to, *inter alia*, review the ITRs and submit a report on the outcome of the review to the Council for consideration, publication and subsequent submission to the 2022 plenipotentiary conference with the Council’s comments. Further to Resolution 146 (Rev. Dubai, 2018), the EG-ITRs submitted its final report to the 2022 session of the Council. The final report was approved by the Council for transmission to the 2022 Plenipotentiary Conference along with the comments of Council as reflected in the summary records of the fifth plenary meeting. The final report of the EG-ITRs is presented below along with the extract of the summary record of the fifth Plenary meeting of the 2022 session of the Council (attached as Annex 3 to this document).Action requiredThe Plenipotentiary Conference is invited to **consider** the final report of EG-ITRs and **take necessary action, as appropriate**.\_\_\_\_\_\_\_\_\_\_\_\_References[*ITU Plenipotentiary Resolution 146 (Rev. Dubai, 2018)*](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf)*,* [*Council Resolution 1379 (Modified 2019)*](https://www.itu.int/md/S19-CL-C-0139/en) *,* [*C20/26*](https://www.itu.int/md/S20-CL-C-0026/en)*,* [*C21/26*](https://www.itu.int/md/S21-CL-C-0026/en)*,* [*C22/26*](https://www.itu.int/md/S22-CL-C-0026/en)*,* [*C22/90*](https://www.itu.int/md/S22-CL-C-0090/en) |

|  |  |
| --- | --- |
| **Council 2022Geneva, 21-31 March 2022** | A picture containing text, clipart  Description automatically generated |
|  |  |
|  |  |
| **Agenda item: PL 1.7** | **Document C22/26-E** |
| **18 February 2022** |
| **Original: English** |
|  |
| FINAL REPORT OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (EG-ITRS) TO ITU COUNCIL 2022 |

|  |
| --- |
| SummaryIn accordance with ITU Plenipotentiary Resolution 146 (Rev. Dubai, 2018), and Council Resolution 1379 (Mod. 2019), the Expert Group on the International Telecommunication Regulations (EG-ITRs), open to all Member States and Sector Members, was reconvened in 2019. This document is the final report of the Expert Group to Council 2022.Action requiredThe Council is invited to **examine** the final report of EG-ITRs and **submit** it to the 2022 Plenipotentiary Conference with the Council’s comments.\_\_\_\_\_\_\_\_\_\_\_\_References[*ITU Plenipotentiary Resolution 146 (Rev. Dubai, 2018)*](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf)*,* [*Council Resolution 1379 (Mod. 2019)*](https://www.itu.int/md/S19-CL-C-0139/en) |

**1.** **Introduction**

1.1 In accordance with [ITU Plenipotentiary Resolution 146 (Rev. Dubai, 2018)](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf), and [Council Resolution 1379 (Mod. 2019)](https://www.itu.int/md/S19-CL-C-0139/en), the Expert Group on the International Telecommunication Regulations (EG-ITRs), open to all Member States and Sector Members, was reconvened in 2019. This document is the final report of the Expert Group to Council 2022.

1.2 In the sections below, the report provides an overview of the background of the Group, the comprehensive review carried out by the Group, and the views on the way forward in respect of the ITRs.

1.3 The Council is invited to examine the final report of EG-ITRs and submit it to the 2022 Plenipotentiary Conference with the Council’s comments.

**2. Background**

**2.1** In accordance with Article 4 “Instruments of the Union” of the ITU Constitution, the International Telecommunication Regulations (ITRs) are one of the two Administrative Regulations included in the list of Instruments of the Union (paragraph 29 of the Constitution).

Two versions of the ITRs exist: the 1988 ITRs and the 2012 ITRs. Background information concerning the two versions are available [here](https://www.itu.int/en/wcit-12/Pages/itrs.aspx).

**2.2** At its 2016 session, the ITU Council, in accordance with ITU Plenipotentiary Resolution 146 (Rev. Busan, 2014), created an Expert Group on the International Telecommunication Regulations, open to all Member States and Sector Members. The Group, chaired by Mr Fernando Borjón (Mexico), held four meetings in 2017-2018. The final report of the Group, along with the comments of Council 2018, was submitted to ITU Plenipotentiary Conference 2018 and is available [here](https://www.itu.int/en/council/eg-itrs/Pages/default.aspx).

**2.4** At the 2018 Plenipotentiary Conference, [Resolution 146 (Rev. Dubai, 2018)](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf), recalling the report of the Expert Group on the International Telecommunication Regulations, resolved that the ITRs should normally be reviewed periodically and to conduct a comprehensive review of the ITRs with a view to achieving consensus on the way forward in respect of the ITRs. As per the instructions of [Resolution 146 (Rev. Dubai, 2018)](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf), the Council 2019 reconvened the [Expert Group on the International Telecommunication Regulations (EG-ITRs)](https://www.itu.int/en/council/Pages/eg-itrs.aspx), open to all Member States and Sector Members for this purpose.

**2.5** The Terms of Reference for the EG-ITRs, specified in [Council Resolution 1379 (Mod. 2019)](https://www.itu.int/md/S19-CL-C-0139/en), are as follows:

*1 On the basis of contributions submitted by Member States, Sector Members and inputs from the Directors of the Bureaux if necessary, the EG-ITRs shall undertake a comprehensive review of the ITRs.*

*2 The EG-ITRs shall undertake a provision-by-provision examination of the ITRs, focusing on the 2012 ITRs, taking into account new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment.*

*3 The review should include, among others:*

*a) applicability of the provisions of the ITRs in fostering the provision and development of international telecommunication/ICT services and networks;*

*b) flexibility of, or lack thereof, the provisions of the ITRs to accommodate new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment;*

*4 The EG-ITRs will present a progress report reflecting all views on the ITRs review to Council 2020 and Council 2021, and a final report to Council 2022 for examination and submission to the 2022 Plenipotentiary Conference with the Council’s comments.*

**2.6** Council 2019 appointed Mr Lwando Bbuku (Zambia) as the Chairman of the Group. Council 2019 appointed six Vice-Chairs as follows:

a. Mr Guy-Michel Kouakou (Africa Region)

b. Mr Santiago Reyes-Borda (Americas Region)

c. Mr Xiping Huang (Asia-Pacific Region)

d. Mr Aleksey S. Borodin (CIS Region)

e. Mr Simon van Merkom (Europe Region)

f. Mr Ahmed Al-Raghy, 2019-2021 (Arab States), Ms Shahira Selim (Arab States) 2021-2022

**2.7** In accordance with [Council Res. 1379 (Mod. 2019)](https://www.itu.int/md/S19-CL-C-0139/en), EG-ITRs held six meetings. All documents and reports related to the meetings of the EG-ITRs can be found on the [EG-ITRs website](https://www.itu.int/en/council/Pages/eg-itrs.aspx), as well as webcast archives of all the meetings.

**3. Comprehensive Review of the ITRs**

3.1 The reports of the six meetings held by the EG-ITRs are transmitted to the Council for information:

3.1.1 **First meeting, 16 – 17 September 2019 (**[**see report**](https://www.itu.int/md/S19-EGITR1-C-0013/en)**)**: At the first meeting, the EG-ITRs adopted the Work Plan set out in [Annex 1](#Annex1) to this Report as well as a template for the provision-by-provision examination of the ITRs in alignment with the Terms of Reference (Examination Table – [Annex 2](#Annex2)). The Group also agreed that the meeting report for each EG-ITRs meeting would be prepared offline and shared with the Vice-Chairs for circulation within their region/networks for review and finalized accordingly. The meeting reports of the meetings held in September and February would be merged and consolidated to be presented to Council as Progress Reports in 2020 and 2021 respectively.

|  |  |
| --- | --- |
| **Contributions Received at the First Meeting** | * REVIEW OF THE INTERNATIONAL TELCOMMUNICATION REGULATIONS ([EG-ITRs-1/2](https://www.itu.int/md/S19-EGITR1-C-0002/en)): Contribution by Austria, the Czech Republic, Estonia, Latvia, the Netherlands, Romania, Sweden and the United Kingdom
* FURTHER STEPS TOWARDS A COMPREHENSIVE REVIEW OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (ITRS) AND THE ACHIEVEMENT OF CONSENSUS ON A SINGLE TEXT OF THE ITRS [EG-ITRs-1/3](https://www.itu.int/md/S19-EGITR1-C-0003/en)): Contribution by the Russian Federation
* POSSIBLE FUTURE STEPS TOWARDS ACHIEVING CONSENSUS ON A SINGLE VERSION OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-1/4](https://www.itu.int/md/S19-EGITR1-C-0004/en)): Contribution by the Russian Federation
* VIEWS ON THE COMPREHENSIVE REVIEW OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-1/5](https://www.itu.int/md/S19-EGITR1-C-0005/en)): Contribution by Canada and the United States of America
* COMPREHENSIVE REVIEW OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-1/6](https://www.itu.int/md/S19-EGITR1-C-0006/en)): Contribution by the Republic of South Africa
* PROPOSAL ON THE REVIEW AND REVISION OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (ITRS) ([EG-ITRs-1/7](https://www.itu.int/md/S19-EGITR1-C-0007/en)): Contribution by the People’s Republic of China
* CONTRIBUTION TO THE WORK OF EG-ITRS ([EG-ITRs-1/8](https://www.itu.int/md/S19-EGITR1-C-0008/en)): Contribution by Ghana
* GENERAL VIEWS ON THE COMPREHENSIVE REVIEW OF THE ITRs ([EG-ITRs-1/9](https://www.itu.int/md/S19-EGITR1-C-0009/en)): Contribution by the Kingdom of Saudi Arabia
* PROPOSALS FOR INCORPORATION INTO THE WORK PLAN OF THE EG-ITRS ([EG-ITRs-1/10](https://www.itu.int/md/S19-EGITR1-C-0010/en)): Contribution by Zimbabwe
* PROPOSED WORK PLAN ([EG-ITRs-1/11](https://www.itu.int/md/S19-EGITR1-C-0011/en)): Contribution by Côte d’Ivoire
* PRINCIPLES FOR THE REVIEW OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-1/12](https://www.itu.int/md/S19-EGITR1-C-0012/en)): Contribution by the Federative Republic of Brazil
 |

3.1.2 **Second Meeting, 12 – 13 February 2020 (**[**see report**](https://www.itu.int/md/S20-EGITR2-C-0013/en)**)**: At the second meeting, the EG-ITRs reviewed the Preamble and Articles 1-4 of the ITRs, in accordance with the Work Plan. The Group also decided at this meeting on the process for completing the Examination Table – the “Summary Outcome” column would be completed by the members during the meeting while the columns on “Applicability in fostering provision and development of networks and services” and “Flexibility to accommodate New trends and Emergent issues” were completed offline by the Vice-Chairs in consultation with the members from their regions based on the contributions and discussions at the meeting. The corresponding sections of the Examination Table were completed through this process. The Progress Report to Council was drafted in the manner decided at the first meeting and submitted to the 2020 Virtual Consultation of Councillors, and subsequently approved by correspondence by Council members.

|  |  |
| --- | --- |
| **Contributions Received at the Second Meeting** | PROVISION-BY-PROVISION EXAMINATION OF SECTIONS OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS AT THE SECOND MEETING OF EG-ITRS IN ACCORDANCE WITH THE WORK PLAN ADOPTED AT THE FIRST MEETING ([EG-ITRs-2/2](https://www.itu.int/md/S20-EGITR2-C-0002/en)): Contribution submitted by the Russian FederationRESPONSE TO THE CITEL QUESTIONNAIRE ([EG-ITRs-2/3](https://www.itu.int/md/S20-EGITR2-C-0003/en)): Contribution submitted by CanadaCOMMENTS ON THE COMPREHENSIVE REVIEW FROM PREAMBLE TO ARTICLE 4 OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-2/4](https://www.itu.int/md/S20-EGITR2-C-0004/en)): Contribution submitted by the People’s Republic of ChinaPROVISION-BY-PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-2/5](https://www.itu.int/md/S20-EGITR2-C-0005/en)): Contribution submitted by United Kingdom of Great Britain and Northern IrelandJOINT RESPONSE TO CITEL QUESTIONS ON THE ITRS ([EG-ITRs-2/6](https://www.itu.int/md/S20-EGITR2-C-0006/en)): Joint Contribution submitted by America Movil, AT&T, Bell Canada Mobility, Telefonica and VerizonVIEWS ON THE PROVISION BY PROVISION REVIEW OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-2/7](https://www.itu.int/md/S20-EGITR2-C-0007/en)): Joint contribution by Australia, Canada, Guatemala and the United StatesCOMPREHENSIVE REVIEW OF THE INTERNATIONAL TELECOMMUNICATIONS REGULATIONS ([EG-ITRs/8](https://www.itu.int/md/S20-EGITR2-C-0008/en)): Contribution by the Republic of South Africa EXAMINATON TABLE OF ITR PROVISIONS: PREAMBLE-ARTICLE 4 ([EG-ITRs-2/9](https://www.itu.int/md/S20-EGITR2-C-0009/en)): Contribution from the Republic of Côte d’Ivoire PROVISION BY PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-2/10](https://www.itu.int/md/S20-EGITR2-C-0010/en)): Contribution submitted by the Arab Republic of Egypt and the Kingdom of Saudi Arabia PROVISION BY PROVISION REVIEW OF THE INTERNATIONAL TELECOMMUNICATIONS REGULATIONS ([EG-ITRs-2/11](https://www.itu.int/md/S20-EGITR2-C-0011/en)): Contribution submitted by the Republic of Zimbabwe RESPONSE TO THE CITEL QUESTIONNAIRE ([EG-ITRs-2/12](https://www.itu.int/md/S20-EGITR2-C-0012/en)): Contribution submitted by Mexico |

3.1.3 **Third meeting, 17 – 18 September 2020** **(**[**see report**](https://www.itu.int/md/S20-EGITR3-C-0012/en)**):** At the third meeting, the EG-ITRs reviewed Articles 5-8 and Appendix 1 of the ITRs, in accordance with the Work Plan. The corresponding sections of the Examination Table was completed through the process decided in the second meeting.

|  |  |
| --- | --- |
| **Contributions Received at the Third Meeting** | COMPREHENSIVE REVIEW OF THE INTERNATIONAL TELECOMMUNICATIONS REGULATIONS ([EG-ITRs-3/2](https://www.itu.int/md/S20-EGITR3-C-0002/en)): Contribution from the Republic of South Africa VIEWS ON ARTICLES FIVE THROUGH EIGHT AND APPENDIX 1 OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-3/3](https://www.itu.int/md/S20-EGITR3-C-0003/en)): Contribution from Australia , Canada , United States of America: MEXICO´S POINTS OF VIEW FOR THE 3RD MEETING OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (EG - ITRS) ([EG-ITRs-3/4](https://www.itu.int/md/S20-EGITR3-C-0004/en)): Contribution from MexicoSECTOR MEMBER CONTRIBUTION ON ARTICLES 5 THROUGH 8 AND APPENDIX 1 OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-3/5](https://www.itu.int/md/S20-EGITR3-C-0005/en)): Contribution from Bell Mobility , AT&T , KDDI Corporation , NTT DoCoMo, Inc. , Verizon Communication CorporationPROVISION-BY-PROVISION EXAMINATION OF SECTIONS OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS AT THE THIRD MEETING OF EG-ITRS IN ACCORDANCE WITH THE WORK PLAN ADOPTED AT THE FIRST MEETING OF THE GROUP ([EG-ITRs-3/6](https://www.itu.int/md/S20-EGITR3-C-0006/en)): Contribution from the Russian FederationPROVISION BY PROVISION EXAMINATION OF ARTICLES 5,6,7, 8 AND APPENDIX 1 OF THE ITRS ([EG-ITRs-3/7](https://www.itu.int/md/S20-EGITR3-C-0007/en)): Contribution from the Arab Republic of Egypt PROPOSAL ON HOW TO MAKE DISCUSSIONS MOVE FORWARD ([EG-ITRs-3/8](https://www.itu.int/md/S20-EGITR3-C-0008/en)): Contribution from the Arab Republic of Egypt and Kingdom of Saudi Arabia PROVISION-BY-PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-3/9](https://www.itu.int/md/S20-EGITR3-C-0009/en)): Contribution from United Kingdom of Great Britain and Northern IrelandPROVISION BY PROVISION EXAMINATION OF ARTICLES 5 TO 8 AND APPENDIX 1 OF THE 2012 ITRS ([EG-ITRs-3/10](https://www.itu.int/md/S20-EGITR3-C-0010/en)): Contribution from the Kingdom of Saudi Arabia PROVISION-BY-PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-3/11](https://www.itu.int/md/S20-EGITR3-C-0011/en)): Contribution from the Netherlands  |

3.1.4 **Fourth meeting, 3 – 4 February 2021 (**[**see report**](https://www.itu.int/md/S21-EGITR4-C-0008/en)**):** At the fourth meeting, the EG-ITRs reviewed Articles 9-14 and Appendix 2 of the ITRs in accordance with the Work Plan. The corresponding sections of the Examination Table were completed through the process decided in the second meeting, thereby concluding the provision-by-provision review of the 2012 ITRs. The Progress Report to Council was drafted in the manner decided at the first meeting and submitted to the 2021 Virtual Consultation of Councillors, and subsequently approved by correspondence by Council members.

|  |  |
| --- | --- |
| **Contributions Received at the Fourth Meeting** | PROVISION-BY-PROVISION EXAMINATION OF SECTIONS OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS AT THE FOURTH MEETING OF EG-ITRs IN ACCORDANCE WITH THE WORK PLAN ADOPTED AT THE FIRST MEETING OF THE GROUP ([EG-ITRs-4/2](https://www.itu.int/md/S21-EGITR4-C-0002/en)): Contribution by the Russian Federation PROVISION-BY-PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-4/3](https://www.itu.int/md/S21-EGITR4-C-0003/en)): Contribution by the United Kingdom of Great Britain and Northern IrelandPROVISION-BY-PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-4/4](https://www.itu.int/md/S21-EGITR4-C-0004/en)): Contribution from the Netherlands PROVISION BY PROVISION EXAMINATION OF ARTICLES 9 TO 14 AND APPENDIX 2 OF THE 2012 ITRS ([EG-ITRs-4/5](https://www.itu.int/md/S21-EGITR4-C-0005/en)): Contribution by Saudi Arabia, Egypt, Jordan, and Kuwait VIEWS ON ARTICLES NINE THROUGH FOURTEEN AND APPENDIX 2 OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-4/6](https://www.itu.int/md/S21-EGITR4-C-0006/en)): Contribution by United States of America and CanadaPROVISION-BY-PROVISION EXAMINATION OF ARTICLES 9 TO 12 AND APPENDIX 2 OF THE 2012 ITRs ([EG-ITRs-4/7](https://www.itu.int/md/S21-EGITR4-C-0007/en)): Contribution by the People’s Republic of China  |

3.1.5 **Fifth meeting, 30 September – 1 October 2021 (**[**see report**](https://www.itu.int/md/S21-EGITR5-C-0010/en)**):** At the fifth meeting, the EG-ITRs discussed the mandate and scope of work of the Group, including views on a way forward with respect to the ITRs. Members also discussed their overall observations on the Examination Table as well as views on [DL 2 - Draft Final report of the Expert Group on the International Telecommunication Regulations (EG-ITRS)](https://www.itu.int/md/S21-EGITR5-210930-DL-0002/en) that will be presented to Council 2022 for examination and submission to the 2022 Plenipotentiary Conference with the Council’s comments, in accordance with the Work Plan.

|  |  |
| --- | --- |
| **Contributions Received at the Fifth Meeting** | ITRS – FUTURE DEVELOPMENT, EVALUATING THEIR APPLICATION, OVERVIEW OF BEST PRACTICES ([EG-ITRs-5/2](https://www.itu.int/md/S21-EGITR5-C-0002/en)): Contribution by the Russian FederationRECOMMENDATIONS OF THE NEXT STEP OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (EG-ITRS) ([EG-ITRs-5/4](https://www.itu.int/md/S21-EGITR5-C-0004/en)): Contribution by the People’s Republic of China OVERALL OBSERVATIONS BASED ON THE PROVISION-BY-PROVISION EXAMINATION ([EG-ITRs-5/5](https://www.itu.int/md/S21-EGITR5-C-0005/en)): Contribution by Czech Republic, Estonia, Latvia, Netherlands, Sweden and United Kingdom FURTHER STEPS IN THE IMPLEMENTATION OF RESOLUTION 146 (REV. DUBAI, 2018) OF THE PLENIPOTENTIARY CONFERENCE AND RESOLUTION 1379 (MODIFIED 2019) OF THE ITU COUNCIL ([EG-ITRs-5/6](https://www.itu.int/md/S21-EGITR5-C-0006/en)): Contribution by the Russian FederationFURTHER STEPS IN THE IMPLEMENTATION OF RESOLUTION 146 (REV. DUBAI, 2018) OF THE PLENIPOTENTIARY CONFERENCE AND RESOLUTION 1379 (MODIFIED 2019) OF THE ITU COUNCIL WITH A VIEW TO ACHIEVING CONSENSUS IN RESPECT OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-5/7](https://www.itu.int/md/S21-EGITR5-C-0007/en)): Contribution by the Russian FederationOVERALL OBSERVATIONS BASED ON THE PROVISION-BY-PROVISION EXAMINATION OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-5/8](https://www.itu.int/md/S21-EGITR5-C-0008/en)): Contribution by Australia, Canada, and the United States of AmericaSECTOR MEMBER CONTRIBUTION ON OVERALL OBSERVATIONS BASED ON THE PROVISION-BY-PROVISION EXAMINATION OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-5/9](https://www.itu.int/md/S21-EGITR5-C-0009/en)): Contribution by AT&T, Bell Mobility Canada, KDDI, NTT DOCOMO, Telefonica, Verizon |
| **Information Document** | TSB Director’s input on the International Telecommunication Regulations ([EG-ITRs-5/INF/1](https://www.itu.int/md/S21-EGITR5-INF-0001/en)) |

3.1.6 **Sixth meeting, 17 – 18 January 2022** ([see report](https://www.itu.int/md/S22-EGITR6-C-0008/en)): At the sixth meeting, the EG-ITRs discussed and finalized this Report in accordance with the Work Plan and also approved the Sixth Meeting Report.

|  |  |
| --- | --- |
| **Contributions Received at the Sixth Meeting** | REPORT OF THE EG-ITRS TO COUNCIL ([EG-ITRs-6/3](https://www.itu.int/md/S22-EGITR6-C-0003/en)): Contribution by Austria, Czech Republic, Latvia, Romania, the Netherlands, Spain, Sweden and the United Kingdom VIEWS ON THE FINAL REPORT TO COUNCIL 2022 ([EG-ITRs-6/4](https://www.itu.int/md/S22-EGITR6-C-0004/en)): Contribution by Canada and the USAFURTHER STEPS IN THE IMPLEMENTATION OF RESOLUTION 146 (REV. DUBAI, 2018) OF THE PLENIPOTENTIARY CONFERENCE AND RESOLUTION 1379 (MODIFIED 2019) OF THE ITU COUNCIL AND PROPOSALS FOR THE FINAL REPORT OF EG-ITRS ([EG-ITRs-6/5](https://www.itu.int/md/S22-EGITR6-C-0005/en)): Contribution by RostelecomFINAL THOUGHTS ON THE ITRS ([EG-ITRs-6/6](https://www.itu.int/md/S22-EGITR6-C-0006/en)): Contribution by the Arab Republic of Egypt and the State of KuwaitVIEWS ON THE RELATED WORK OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (EG-ITRS) ([EG-ITRs-6/7](https://www.itu.int/md/S22-EGITR6-C-0007/en)): Contribution by the People’s Republic of China. |

**3.2** The full Examination Table, reflecting the different views of the EG-ITRs members, is attached as [Annex 2](#Annex2) to this Report.

**3.3 Views on theprovision-by-provision examination of the ITRs, focusing on the 2012 ITRs, taking into account new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment.**

3.3.1Members agreed on the working methods for the provision-by-provision examination of the ITRs, as well as the template for reflecting such review and the different views of the meeting. The Work Plan adopted by the Group is set out in [Annex 1](#Annex1) to this Report, while the detailed outcome of the provision-by-provision examination is reflected in the Examination Table set out in Annex 2 to this Report. Members wished to highlight that the Examination Table attached in Annex 1 has originally been filled out in English and therefore, slight discrepancies in terms may be found when this content is translated into the other five languages

Some members suggested that, while conducting the provision-by-provision review process, members may also want to suggest updates to the text of the ITRs where they deem it necessary in order to reflect the new trends and emerging issues in international telecommunications/ICT environment. Some members were of the opinion that the scope of the Terms of Reference of the Group only extend to a “review” and not “revision” of the ITRs, and therefore, no updates or edits need to be suggested to the provisions.

Members agreed that all the views of the Group on the provisions of the ITRs will be reflected in the Examination Table as stated during the meetings and/or in the contributions submitted to the meeting.

3.3.2 Pursuant to [Council Resolution 1379 (Mod. 2019)](https://www.itu.int/md/S19-CL-C-0139/en) which instructs the Directors of the Bureaux “*each within their field of competence, with advice from the relevant advisory group, to contribute to the work of the Group, recognizing that the ITU Telecommunication Standardization Sector has most of the work relevant to the ITRs*”, the EG-ITRs agreed that the Chairman would invite the Directors of the Bureaux to “*seek advice from the relevant advisory group to contribute to the work of the EG-ITR Group, taking into account the agreed work plan of EG-ITRs in Annex 1*”, the Directors of the Bureaux attended the different meetings of the EG-ITRs and provided feedback from their advisory group. At the fifth meeting of the Group, an [Information Document](https://www.itu.int/md/S21-EGITR5-INF-0001/en) was submitted for the consideration of the Group on behalf of the Director of the Standardization Bureau (TSB). In this document, ITU-T Study Groups elaborate how their work is related to 2012 ITRs, by linking some Recommendations with relevant 2012 ITRs provisions.

3.3.3 During the meetings, members encouraged Sector Members to participate actively in the discussions of the Group and to present contributions that could aid the review process.

3.3.4Broadly, twosets of divergent views were expressed by the members while examining the provisions of the ITRs.

a.Some members were of the opinion that the provisions continue to be relevant as they are applicable in fostering the provision and development of networks and services and flexible to accommodate new trends and emerging issues. With respect to some provisions, some of these members also expressed the view that the provisions have to be updated to reflect the changes that have taken place in the provision of international telecommunication/ICTs services to the end user or to take into account new trends in international telecommunications/ICTs.

b. Some members were of the opinion that the provisions of the ITRs are not relevant, as they are no longer applicable in fostering the provision and development of networks and services or flexible to accommodate new trends and emerging issues.

3.3.5 During the review process, some members expressed the opinion that the Examination Table is being completed based on initial comments and contributions without holding any in-depth discussion or dialogue to reach common understanding on each of the provisions.

Some members noted that the views of the members have been expressed in their presentations and contributions and need not be repeated for each provision, and therefore, the language used to complete the Examination Table is a factual reflection of the meeting’s discussion.

**3.4Overall Observations on the ITRs**

3.4.1Members agreed that the views reflected in the Examination Table are representative of the different perspectives on the ITRs within the Group.

3.4.2 Some members expressed that the ITRs are signed by governments while the practical implementation is carried out by other stakeholders. These members also expressed that it is therefore important for the EG-ITRs to bring in the views of the other stakeholders through the current review process to fully achieve the mandate set before the Group.

The Group agreed that members are at liberty to carry out their own form of consultations or information gathering with other stakeholders, in line with the Terms of Reference. The results of these consultations were submitted as contributions and presented to the Group during the meetings.

3.4.3 Some members stated the view that the ITRs are not relevant or practical in today’s fast evolving competitive market-based economy that is driven by dynamic technology, new uses and application, and innovation. These members were of the opinion that the ITRs are no longer in use within their region, and the development of telecommunications/ICTs has flourished regardless of the application of the 2012 ITRs. These members also indicated that no difficulties caused by the existence of two different treaties were reported by market players. They further suggested that different tools are needed to match the current pace of change in the commercial market, and stated that the participation by Member States and Sector Members in the EG-ITRs was low, highlighting the fact that these treaties are no longer useful for most countries and operators.

Some members were of the opinion that the ITRs continue to remain relevant and applicable, and are currently in use by operators within their region. They suggested that the current difficulties caused by having two different versions of the treaties can only be resolved by harmonizing the two treaties, and by updating the ITRs to reflect the new trends in the international telecommunication/ICT environment. These members proposed finding ways to reach consensus on the way forward in this regard, including by discussing specific areas of concern and proposing revisions/additions, as the case may be, to address such concerns.

Some members were of the opinion that the existence of two versions of the ITRs negatively impacts the image of the ITU as the UN agency responsible for telecommunications/ICTs, and there is a need to figure out new ways to settle the situation. These members were of the view that harmonizing views to achieving one set of the treaty is crucial and possible, just as members were able to find compromised solutions in other issues. It was also suggested that members who believe that ITRs are no longer relevant need to make a proposal on the way forward.

**3.5 Way forward in respect of the ITRs**

3.5.1 The Group discussed the different views of the members on the matter of achieving consensus on the way forward in respect of the ITRs, including related to the scope of work of the EG-ITRs.

 Some members were of the view that, in addition to the provision-by-provision review of the ITRs, the mandate of the Group includes reaching some agreement on a way forward in respect of the ITRs, including proposing any revisions/amendments to the ITRs as may be necessary to (a) reconcile differences between the Member States who are party to and those who are not party to the 2012 ITRs; and (b) update them, taking into account new trends in international telecommunications/ICT and emerging issues in international telecommunications/ICT environment. These members cited [PP Resolution 146 (Rev. Dubai 2018)](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf) and [Council Resolution 1379 (Mod. 2019)](https://www.itu.int/md/S19-CL-C-0139/en) which states that “*an Expert Group on the International Telecommunication Regulations (EG-ITRs), open to all Member States and Sector Members, be reconvened to conduct a comprehensive review of the ITRs with a view to achieving consensus on the way forward in respect of the ITRs, with the Terms of Reference shown in Annex 1 of this Resolution*.” These members were also of the view that the EG-ITRs could choose one of two options mentioned below to reach a consensus on future ITRs.

Option 1: All Member States, which have not yet ratified, accepted or approved the International Telecommunication Regulations (Rev. Dubai, 2012), to accede to the 2012 ITRs.

Option 2: A revision of the ITRs to adopt a new version of the treaty by consensus[[1]](#footnote-1). These members believe that the adoption of decisions regarding the ITRs should be made at the ITU Plenipotentiary Conference 2022.

 Some members were of the view that the mandate of the Group is clearly set out in the Terms of Reference in Council Resolution 1379 (Mod. 2019) which focus on undertaking a “*provision-by-provision examination of the ITRs, focusing on the 2012 ITRs, taking into account new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment*” and submitting a report reflecting all views on the ITRs review to Council 2022 for examination and submission to the 2022 Plenipotentiary Conference (PP) with the Council’s comments. These members were of the view that the Group has achieved its mandate by completing a provision-by-provision review of the ITRs, and that a factual report of this review, the Examination Table, and any related discussions is sufficient for the purpose of reporting to Council 2022, while also stating that there is no consensus within the Group on the way forward. Discussions on the way forward may be left up to Council and ITU Plenipotentiary Conference 2022.

3.5.2 In the context of the aforesaid discussion, there were several views expressed, through contributions as well as discussions at the meetings, on the potential way for the Group to achieve consensus on the way forward in respect of the ITRs:

 Some members suggested that the Group consider identifying specific areas for review and future development of the ITRs as well as also consider taking next steps such as preparation of technical reports etc. related to the application of the ITRs.

 Some members proposed that, based on the Examination Table, members should identify difficult provisions in the ITRs and provide concrete suggestions in this Report for revisions/amendments, for the consideration of Council and PP 2022.

Some members stated that the provision-by-provision examination conducted by the Group has repeatedly demonstrated that the ITRs are neither applicable in fostering the provision and development of networks and services nor flexible in accommodating new trends and emerging issues in today’s communications environment, and that the work and results of this Group and the previous Expert Group highlights a continued impossibility to reach consensus in respect of the ITRs. They noted that as the previous Expert Group found no “real-world” difficulties had arisen from differences between the 2012 and the 1988 texts, there is no need for a new treaty. They highlighted that the Group could not reach consensus on the need for a new treaty and that they did not believe any further discussions on the subject would result in a different outcome. In this respect, they suggested that instead of having further discussion, resources could be better used towards achieving the Sustainable Development Goals or to support capacity building activities.

Some members noted that members who believe that the ITRs are no longer relevant need to make a proposal on the way forward.

Some members were of the view that the Expert Group needs to continue its work referred to in [Res. 146 (Rev. Dubai 2018)](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf) until consensus is reached, while some other members were of the view to retain the status quo of two sets of ITRs treaties and not start another Expert Group.

**4. Summary**

**4.1** Broadly, twosets of divergent views were expressed by the members while conducting a provision-by-provision examination of the ITRs.

a.Some members were of the opinion that the provisions continue to be relevant as they are applicable in fostering the provision and development of networks and services and flexible to accommodate new trends and emerging issues. With respect to some provisions, some of these members also expressed the view that the provisions have to be updated to reflect the changes that have taken place in the provision of international telecommunication/ICTs services to the end user or to take into account new trends in international telecommunications/ICTs.

b. Some members were of the opinion that the provisions of the ITRs are not relevant, as they are no longer applicable in fostering the provision and development of networks and services or flexible to accommodate new trends and emerging issues.

**4.2** The Group has completed a provision-by-provision review of the ITRs, and a factual report of this review, the Examination Table, and any related discussions is set out in this Report.

**4.3** Members expressed different views on the matter of achieving consensus on the way forward in respect of the ITRs.

 Some members suggested that the Group consider identifying specific areas for revision and future development of the ITRs as well as also consider taking next steps such as preparation of technical reports etc. related to the application of the ITRs.

 Some members proposed that, based on the Examination Table, members should identify difficult provisions in the ITRs and provide concrete suggestions in this Report for revisions/amendments, for the consideration of Council and PP 2022.

Some members stated that the provision-by-provision examination conducted by the Group has repeatedly demonstrated that the ITRs are neither applicable nor flexible in today’s communications environment, and that the work and results of this Group highlights a continued impossibility to reach consensus in respect of the ITRs.

Some members noted that members who believe that ITRs are no longer relevant need to make a proposal on the way forward.

It was agreed that there is lack of consensus within the Group on the way forward with respect to the ITRs. Further action on the matter may be considered and decided, as appropriate.

**4.4** The Expert Group expressed its sincere appreciation to the Chairman and Vice Chairmen of the Group as well as to the Secretariat who have tirelessly and devotedly contributed to the completion of this task and the interpreters for their efficient assistance during the meeting.

**Annex 1: Work Plan of EG-ITRs**

**Work Plan**

|  |  |  |  |
| --- | --- | --- | --- |
| **Meeting** | **Primary Actions** | **Provisions** | **Expectations** |
| 2nd Meeting (February 2020) | Provision-by-provision examination of the ITRs | PreambleARTICLE 1 Purpose and scope of the RegulationsARTICLE 2 DefinitionsARTICLE 3 International networkARTICLE 4 International telecommunication services | Draft results of the provision-by-provision examination using the Examination Table [[2]](#footnote-2) Progress report to Council |
| 3rd Meeting (September 2020) | ARTICLE 5 Safety of life and priority of telecommunicationsARTICLE 6 Security and robustness of networksARTICLE 7 Unsolicited bulk electronic communicationsARTICLE 8 Charging and accountingAPPENDIX 1 General provisions concerning accounting | Draft results of the provision-by-provision examination using the Examination Table  |
| 4th Meeting (February 2021) | ARTICLE 9 Suspension of servicesARTICLE 10 Dissemination of informationARTICLE 11 Energy efficiency/e-wasteARTICLE 12 AccessibilityARTICLE 13 Special arrangementsARTICLE 14 Final provisionsAPPENDIX 2 Additional provisions relating to maritime telecommunications | Draft results of the provision-by-provision examination using the Examination TableProgress report to Council |
| 5th Meeting (September 2021) | Overall Observations based on the provision-by-provision examination |  | First Draft of the Final Report to Council 2022 |
| 6th Meeting (just prior to Council 2022) | Finalize the Final Report to Council 2022 |  | Final Report to Council 2022 |

**Annex 2: Examination Table**

**Examination Table (Preamble-Appendix 2)**

| **2012 Provisions** | **Sub article and Provision** | **Related 1988 sub article and provision** | **Applicability in fostering provision and development of networks and services** | **Flexibility to accommodate New trends and Emergent issues** | **Summary Outcome** |
| --- | --- | --- | --- | --- | --- |
|  | **1. While the sovereign right of each State to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereafter referred to as "Regulations") complement the Constitution and the Convention of the International Telecommunication Union, 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 worldwide telecommunications.** | 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 thedevelopment of facilities for world-wide telecommunications.  | Some members were of the opinion that this provision is applicable in fostering the provision and development of networks and services.Some members were of the opinion that the Preamble should be updated given the changes that have taken place in the provision of telecommunication services to the end user.Some members were of the opinion that this provision duplicates the Constitution of the ITU, where the sovereign right of each State to regulate its telecommunications is already recognised. | Some members were of the opinion that this provision is flexible to accommodate new trends and emerging issues, while acknowledging the sovereign right of each country to regulate its telecommunication services. Some members also noted that this provision is also flexible enough to allow Member States to be innovative while at the same time fostering uniformity, without infringing human rights.Some members were of the opinion that an international treaty is not necessary or effective in order to promote the development of telecommunication services while harmonizing the development of facilities for worldwide telecommunications.Some members were of the opinion that this provision does not take into account innovations in end-user telecommunications services that are driven primarily by the service layer. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **Member States affirm their commitment to implement these Regulations in a manner that respects and upholds their human rights obligations.** |  | Some members were of the view that this provision is applicable to networks and services, and is not in conflict with the sovereign rights of Member States to provide network services.Some members were of the opinion that human rights issues could include protection of personal data, right to access mobile and internet-based communication technologies, freedom of expression, promoting universal access to the internet, etc.Some members were of the opinion that this provision is irrelevant to fostering the provision and development of networks and services as Member States are already bound by international human rights law, and that there are other instruments of the United Nations already cover the issue of Human Rights. | Some members were of the opinion that this provision affects the flexibility to accommodate new trends and emergent issues.Some members were of the opinion that the question of flexibility is irrelevant as Human Rights obligations apply generally and the UN General Assembly has recognised that human rights should be protected online and offline.Some members were of the opinion that this provision does not affect the flexibility to accommodate new trends and emergent issues, with some members noting that the reference to human rights obligations is very broad while specifics pertaining to human rights obligations are contained in other binding and non-binding instruments.Some members also noted that this provision is also flexible enough to allow Member States to be innovative while at the same time fostering uniformity, without infringing human rights. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **These Regulations recognize the right of access of Member States to international telecommunication services.** |  | Some members were of the opinion that this provision is applicable in fostering the provision and development of networks and services, and is not in conflict with the sovereign rights of Member States to provide network services.Some members were of the opinion that this provision creates a legal ambiguity as it creates a new right for Member States - the ‘right of access’ – without clarifying the duties or obligations this places on states or on companies, and consequently is not applicable in fostering the provision and development of networks and servicesSome members were of the opinion that it is difficult to apply this provision to communications services made available over data networks, in particular IP networks. | Some members were of the opinion that this provision affects the flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision does not affect the flexibility to accommodate new trends and emergent issuesSome members were of the opinion that the lack of clarity in the meaning of a ‘right of access’ makes it inflexible in accommodating new trends and emergent issues.Some members were of the opinion that the provision does not cover new trends due to the restrictive definition of "international telecommunication services".Some members also noted that this provision is also flexible enough to allow Member States to be innovative while at the same time fostering uniformity, without infringing human rights. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **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. These Regulations do not address the content-related aspects of telecommunications.** | 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\*.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports competitiveness and delivery of quality services as well as not-regulated aspects of content, i.e. the network related aspects. Some members were of the opinion that this provision is unclear since it refers to content which implies telecommunications also addresses content, which is confusing. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, with some experts noting that it should not include content related aspects. Some members were of the opinion that this provision is not flexible because the definition is too narrow, and while Member States can make reservations when they sign the Convention, they cannot later rescind or add new reservations as technological development demands. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **1.1 (b) These Regulations also contain provisions applicable to those operating agencies, authorized or recognized by a Member State, to establish, operate and engage in international telecommunications services to the public, hereinafter referred as "authorized operating agencies".** | 1.1 b) These Regulations recognize in Article 9 the right of Members to allow special arrangements.  | Some members were of the opinion that this provision is applicable and supports competitiveness and delivery of quality services as well as all service providers.Some members were of the opinion that this provision does not cover providers who offer services without state authorization.  Some members were of the opinion that this provision is not clear about to whom the definition refers exactly.  | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, noting that the allowance of “authorized operating agencies” is flexible enough to include any entity that may be authorized by Member States (e.g. private services providers, or if a Member States allows operations without a license/permit, etc.).Some members were of the opinion that this provision is not flexible because it does not include new actors.Some other members were of the opinion that this provision lacks flexibility because of the lack of clarity regarding authorized and unauthorized operating agencies.  | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to take into account new trends in telecommunications/ICTs |
|  | **1.1 (c) These Regulations recognize in Article 13 the right of Member States to allow special arrangements.** |  | Some members were of the opinion that this provision is applicable and supports competitiveness and delivery of quality services as well as all service providers.Some members were of the opinion that this provision is not flexible, since it is not applicable any more | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, also because of the possibility of special arrangements. Some members were of the opinion that this provision is not flexible, since it is not necessary any more. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies.** | 1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies. | Some members were of the opinion that this provision is applicable and supports provision of services.Some members were of the opinion that this provision is not applicable to fostering provision and development of networks and services as it only sets out a definition in the treaty..  | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, with some members noting that with emerging technologies such as AI and robotics, the definition of “the public” may not be sufficiently broad.Some members were of the opinion that flexibility is irrelevant for this provision as it sets out a definition in the treaty | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **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.** | 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. | Some members were of the opinion that this provision is applicable and supports solving interconnection challenges.Some members were of the opinion that this provision is not applicable since it refers to a high level treaty objective. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, with some members noting that all possible ways of global interconnection that do not violate human rights are permissible.Some members were of the opinion that this provision does not cover new forms of electronic communications. Some members were of the opinion that flexibility is irrelevant to this provision because of the high level of this provision. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **1.4 References to Recommendations of the ITU Telecommunication Standardization Sector (ITU-T) in these Regulations are not to be taken as giving to those Recommendations the same legal status as these Regulations.** | 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. | Some members were of the opinion that this provision is applicable and supports solving interconnect challengesSome members were of the opinion that this provision addresses an issue out of scope of the treaty.  | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.Some members were of the opinion that this provision is inflexible since it includes only ITU-T Recommendations.Some members were of the opinion that flexibility is irrelevant to this provision because it addresses an issue outside the ITRs. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect ITU standards |
|  | **1.5 Within the framework of these Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between authorized operating agencies.** | 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\*. \* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports development of networks and services, and solves interconnect challenges, but does not include new actors.Some members were of the opinion that this provision is not applicable since most agreements are settled outside the ITRs framework. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, with some members noting that it allows the establishment of international telecommunication services on commercial terms through mutual agreement between authorised operating agencies.Some members were of the opinion that this provision is not flexible because it does not include new actors.Some members were of the opinion that this provision is not flexible to accommodate the way modern agreements are managed. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **1.6 In implementing the principles of these Regulations, authorized operating agencies should comply with, to the greatest extent practicable, the relevant ITU-T Recommendations.** | 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.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports development of networks and services, noting that it also provides guidelines which are non-mandatory but may therefore not be observed. Some member also highlighted that this provision could be in contradiction with provision 1.4. Some members were of the opinion that this applicability of the provision is unclear because it is open to wide interpretation and in any case is not legally enforceable.  | Some members were of the opinion that this provision is to a certain extent flexible to accommodate new trends and emergent issues, also because it allows other standards to be used.Some members noted that the limited range of Recommendations used is one reason for the limited flexibility of this provision. Some members were of the opinion that this provision is not flexible because it lacks clarity since Recommendations for new trends and issues take time to become available. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **1.7 (a) These Regulations recognize the right of any Member State, subject to national law and should it decide to do so, to require that authorized operating agencies which operate in its territory and provide an international telecommunication service to the public be authorized by that Member State.** | 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. | Some members were of the opinion that this provision is applicable and it takes into account national circumstances and sovereign rights.Some members were of the opinion that this provision is not necessary because it overlaps with the Constitution. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible because it does not include new actors.Some members were of the opinion that flexibility is irrelevant to this provision. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **1.7 (b) The Member State concerned shall, as appropriate, encourage the application of relevant ITU-T Recommendations by such service providers.** | 1.7 (b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers. | Some members were of the opinion that this provision is applicable, supports development of networks and services and allows for nations to develop national solutions.Some members were of the opinion that this provision does not apply since the phrase “as appropriate” is open to such wide interpretation that Member States are not obligated to encourage the application of the relevant recommendations.  | Some members were of the opinion that this provision is to a certain extent flexible to accommodate new trends and emergent issues, also because it allows other standards to be used and allows for globalization of agencies, with some members noting the limited range of Recommendations used is one reason for the limited flexibility of this provision. Some members were of the opinion that this provision is not flexible since it is requires Member States to apply outdated recommendations.  | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **1.7 (c) The Member States, where appropriate, shall cooperate in implementing these Regulations.** | 1.7 (c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations (For interpretation, also see Resolution No. 2). | Some members were of the opinion that this provision is applicable, supports development of networks and services and allows for nations to develop national solutions.Some members were of the opinion that the applicability of this provision, and the phrase “as appropriate”, is open to such wide interpretation that is places no obligation on states, further noting that there is also no definition of “cooperation”, which makes it even more difficult to enforce. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, allowing for globalization of agencies.Some members were of the opinion that flexibility is not applicable to this provision, since most agreements are settled outside the ITRs framework | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **1.8 These Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.** | 1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise. | Some members were of the opinion that this provision is applicable and supports development of networks and services, noting that it also sets a clear distinction between ITRs and Radio regulations.Some members were of the opinion that this provision is not applicable because it addresses the scope of the treaty. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.Some members were of the opinion that flexibility is not applicable to this provision since it addresses the scope of the treaty. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **2.1 For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.** | For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes. | Some members were of the opinion that the applicability of the definitions is unclear regarding fostering provision and development of networks and services.Some members were of the opinion that this provision is applicable.Some other members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that the flexibility of the definitions is unclear regarding accommodation of new trends and emergent issues.Some members were of the opinion that this provision is flexible.Some other members were of the opinion that this provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some members stated that this provision may not be relevant to the examination criteria that has been set |
|  | **2.2 Telecommunication: 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.** | 2.1 Telecommunication: 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. | Some members were of the opinion that this provision is applicable and supports development of networks and services, and covers the current, common means of transmission of information.Some members noted that, in their view, the Internet and audiovisual media are telecommunications for the purpose of these Regulations, particularly if the objective is to promote the development of networks and services in an era of convergence.Some members noted that this definition is the same as that contained in the Constitution.Some other members suggested that this provision needs to be updated.Some other members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.Some other members suggested that this provision does not fully cover the concept of "electronic communication" in line with an approach geared towards the end user.Some other members were of the opinion that this provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible, or a reference to the relevant provision of the ITU CS should be made insteadSome members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user; Some other members suggested that an additional provision/definition be introduced for the same reason. |
|  | **2.3 International telecommunication service: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.** | 2.2 International telecommunication service: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries. | Some members were of the opinion that this provision is applicable and supports development of networks and services, with some members noting that this definition is the same as that contained in Constitution.Some members were of the opinion that this provision allows any agency to establish network services with other agencies without prejudice.Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, with some members noting that future technologies are covered in the provision under the banner of “stations of any nature”.Some members were of the opinion that this provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **2.4 Government telecommunications: Telecommunications originating with any: Head of 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 replies to government telecommunications mentioned above.** | 2.3 Government telecommunication: 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.  | Some members were of the opinion that this definition/provision is applicable in fostering the provision and development of network and services, with some members noting that this definition is the same as that contained in Constitution.Some members were of the opinion that this provision covers the current acceptable definition of government arms and security.Some members were of the opinion that the applicability of this definition/provision is unclear in regards to fostering the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issuesSome members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues.Some members were of the opinion that this definition needs to be updated to reflect the changes that have taken place in regards to accommodating new trends and emerging issues, with some members noting that the definition may not fully cover local law enforcement agencies and all government branches  | Some members were of the opinion that this provision requires no change as it is applicable and flexible, or a reference to the relevant provision of the ITU CV should be made insteadSome members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **2.5 Service telecommunication: A telecommunication that relates to public international telecommunications and that is exchanged among the following:*** **Member States;**
* **authorized operating agencies; and**
* **the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.**
 | 2.4 Service telecommunication: 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.
 | Some members were of the opinion that this definition/provision is applicable in fostering the provision and development of network and services, with some members noting that this definition is similar to the definition contained in the Constitution.Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issuesSome members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible, or a reference to the relevant provision of the ITU CV should be made insteadSome members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **N/A** | 2.5 Privilege telecommunication2.5.1 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.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. |  |  |  |
|  | **2.6 International route: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.** |  2.6 International route: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices. | Some members were of the opinion that this definition/provision is applicable in fostering the provision and development of network and services Some members were of the opinion that this provision does not apply to the routing of Internet traffic and is restrictive considering the number of intermediary actors that have ensured the provision of international telecommunications services thus far.Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issuesSome members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues.’ | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service, if there is between their authorized operating agencies:** |  2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations\*:\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports development of networks and services.Some other members suggested that this provision needs to be updated given that there can be a “relation” between two terminal countries without the involvement of their authorized operating agencies.Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.Some other members suggested that this provision does not fully take into account developments such as communication services over the Internet and new actors.Some other members were of the opinion that this provision is no longer flexible in accommodating new trends and emergent issues given that the relevance of its inclusion is not clear and the attempt to define the term makes it inflexible.Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues.’ | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **(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),**
 | 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 | Some members were of the opinion that this provision is applicable and supports development of networks and services.Some other members suggested that this provision does not fully take into account new actors.Some other members were of the opinion that this provision is no longer applicable to the provision and development of networks and services.Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.Some other members suggested that this provision does not fully take into account new trends and intermediary actors.Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues.’ | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **(b) normally, the settlement of accounts.** |  b) normally, the settlement of accounts | Some members were of the opinion that this provision is applicable and supports development of networks and services.Some other members suggested that this provision needs to be updated.Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.Some other members that this provision does not fully account for the other means involved in the "relation", given that the settlement of accounts is discontinued because of new actors and technological developments.Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **2.8 Accounting rate: The rate agreed between authorized operating agencies, in a given relation that is used for the establishment of international accounts.** | 2.8 Accounting rate: The rate agreed between administrations\* in a given relation that is used for the establishment of international accounts. \* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports development of networks and services.Some other members suggested that this provision does not fully take into account that. while accounting rate principles may still be applicable in some countries, terms and conditions for international agreements are established through commercial agreements.Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.Some other members suggested that this provision does not fully take into account alternative actors, with some members noting that different terminologies are used in commercial agreements to mean the same thing.Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **2.9 Collection charge: The charge established and collected by an authorized operating agency from its customers for the use of an international telecommunication service.** | 2.9 Collection charge: The charge established and collected by an administration\* from its customers for the use of an international telecommunication service.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports development of networks and services.Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.Some other members suggested that this provision does not fully take into account communication services delivered or accessible over the Internet, with some members noting that different terminologies are used in commercial agreements to mean the same thing.Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **N/A** | 2.10 Instructions: 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).  |  |  |  |
|  | **3.1 Member States shall endeavour to ensure that authorized operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.** | 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. \*or recognized private operating agency(ies) | Some members were of the view that this provision is applicable and that it promotes development of networks and services, and that it addresses the current need for development of network services, meeting agreed QoS standards.Some members were of the view that the provision is not applicable because “Member States shall endeavour to ensure” is unenforceable and that competition in the market is the most effective way to guarantee a satisfactory quality of service while fostering provision and development.Some members were of the view that the provision is applicable to authorized operating agencies only within the meaning of the ITRs.Some members were of the view that this provision supports the development of networks and services on quality, although the word/term “satisfactory” is vague. | Some members were of the view that this provision ensures flexibility. Some members were of the view that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation. Some members were of the view that alternative actors providing electronic communications services are not directly involved in the maintenance and development of the international network and are not represented in the countries concerned.Some members noted that international telecommunication services are provided based on quality as agreed with other parties and on commercial terms. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **3.2 Member States shall endeavour to ensure the provision of sufficient telecommunication facilities to meet the demand for international telecommunication services.** | 3.2 Administrations\* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services.\* or recognized private operating agency(ies)] | Some members were of the view that the provision is applicable and that it promotes development of networks and services and that it addresses the current need for development of network service to deliver solutions to various agencies.Some members were of the view that the phrase “Member States shall endeavour to ensure” is unenforceable and this is now the responsibility of the private sector. | Some members were of the view that the provision ensures flexibility to accommodate new trends and emergent issues, noting that the demand for international telecommunication services are driven by commercial imperatives based on mutual requests and agreements between operators.Some members were of the view that in the modern telecommunications market the provision of facilities is mostly for the private sector, not for Member States. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **3.3 Authorized operating agencies 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 authorized operating agencies concerned, the origin authorized operating agency has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination authorized operating agencies.** | 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\*.\* or recognized private operating agency(ies)] | Some members were of the view that the provision is applicable and that it promotes development of networks and services.Some members were of the view that this is a matter for mutual agreement between operating agencies, and it is not necessary to have an intergovernmental treaty to state this. Some members were of the view that the provision is not applicable to services provided over data networks (IP), noting that there are actors authorized by a State that provide international telecommunications services in other States without authorization and control. | Some members were of the view that the provision ensures flexibility.Some members were of the view that the provision is not flexible because, in the modern telecommunications market, routing is primarily agreed between private sector companies, and that the majority of services that are innovative in terms of electronic communications use data networks, in particular IP. They further noted that selection of international routes is a matter to be decided between authorised operating agencies, which is done based on technical and commercial factors considered between the parties. Moreover, the latter part of the provision may not provide the necessary flexibility to accommodate new trends and emergent issues because it implies that the origin authorized operating agency need to reach some agreement relevant transit and destination authorized operating agencies by virtue of taking their interests into account. It would be better if the second part gave the origin authorized operating agency a “right” as oppose to just a “choice” to determine the route. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **3.4 Subject to national law, any user, by having access to the international network, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to the relevant ITU-T Recommendations.** | 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.  | Some members were of the view that the provision is applicable and that it promotes development of networks and services, taking into account national circumstances, and allows users to establish networking relationships freely.Some members were of the view that the provision is not applicable.Some members expressed the view that the provision is irrelevant in an international treaty as it is “subject to national law”:“A satisfactory quality of service should be maintained to the greatest extent practicable” is open to wide interpretation and the provision does not state which ITU-T Recommendations are relevant.Some members were of the view that access to the international network is not determined by States but depends on commercial agreements between authorized operators that are not subject to national legislation, and users have access to national networks from which they benefit from international services. | Some members were of the view that the provision ensures flexibility, taking into account national circumstances, whereas some members were of the view that it is not flexible, because the provision is irrelevant in an international treaty as it is “subject to national law”, noting that expectations of quality of services will vary according to the technology and its state of development. These members suggested that it is possible that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation.Some members were of the view that in this provision, the definition of “user” may not cover emerging technologies such as robotics.Some members suggested that this provision does not reflect all relevant ITU standards | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **3.5 Member States shall endeavour to ensure that international telecommunication numbering resources specified in ITU-T Recommendations are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.** |  | Some members were of the view that this provision is applicable and that it promotes development of networks and services while at the same time ensuring the rights of Member States and enforcing compliance on numbering resources for accountability purposes.Some members were of the view that the provision is weak because **“**Member States shall endeavour to ensure” is unenforceable.Some members were of the view that this provision is difficult to apply as the measures required for its application should be explicitly defined in order to ensure worldwide harmonization, as stated in the Preamble. | Some members were of the view that the provision ensures flexibility as it ensures accurate use of numbering resources.Some members were of the view that the question of flexibility does not arise because the provision is unenforceable.Some members were of the view that this provision does not take account of addressing and naming.Some members were of the view that reference to “ITU-T Recommendations” is limiting the flexibility of the text. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect ITU standards |
|  | **3.6 Member States shall endeavour to ensure that international calling line identification (CLI) information is provided taking into account the relevant ITU-T Recommendations.** |  | Some members were of the view that the provision ensures applicability and that it promotes development of networks and services.Some members were of the view that “Member States shall endeavour to ensure” is unenforceable. Some members were of the view that the provision is difficult to apply as the measures required for its application should be explicitly defined in order to ensure worldwide harmonization, as stated in the Preamble. Some members were of the view that the provision does not taken into account origin identifiers, given the technological advancements and the introduction of IoT application in the international telecommunication service market. Some members were of the view that CLI must be maintained for accountability purposed.  | Some members were of the view that the provision ensures flexibility, noting that it curbs CLI manipulation, which could lead to inaccurate or unsuccessful routing and billing of international calls.Some members were of the view that this provision could be inflexible if it leads to adherence to redundant recommendations, given that it has not been specified which ITU-T recommendations are “relevant”..Some members were of the view that reference to the ITU-T Recommendations is limiting the flexibility of the text.Some members were of the view that with a strong shift to IP, a consideration must be made to make IP address available, in cases of security risk. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **3.7 Member States should create an enabling environment for the implementation of regional telecommunication traffic exchange points, with a view to improving quality, increasing the connectivity and resilience of networks, fostering competition and reducing the costs of international telecommunication interconnections.** |  | Some members were of the view that the provision is applicable and that it promotes development of networks and services, noting that this provision requires Member States to promote more than one point of interconnection for traffic exchange.Some members were of the view that the provision is unenforceable because it only says Member States “should” do this and it does not say exactly what “an enabling environment” means.  | Some members were of the view that the provision ensures flexibility.Some members are of the view that, in the modern telecommunications environment, the implementation of regional telecommunication traffic exchange points is a matter for the private sector. They further noted that there is a danger that without a clear definition of an “enabling environment”, Member States may take action under this provision which could actually hinder the development and provision of new services. Some members were of the view that the text is too specific and not flexible enough. Some members were of the view that the provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.1 Member States shall promote the development of international telecommunication services and shall foster their availability to the public.** | 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). | Some members were of the opinion that this provision is applicable to promote the development of networks et services. They noted that it allows Member States to promote and foster international telecommunication services in order to make it available to the public where such a need has been identified.Some members were of the opinion that this provision is unenforceable as it is not possible to judge whether adequate efforts to “promote” or “foster” have been undertaken. The emphasis here on the role of Member States could detract from the role of the private sector, which is responsible for the vast majority of investment, and might therefore discourage the provision and development of services. | Some members were of the opinion that the provision is flexible as it allows operating agencies to innovate based on commercial agreements. But the intervention of Member States is needed where there is a lack of availability and development of international telecommunication service for the public.However, some members were of the opinion that the international communication service does not cover new electronic communication services made available over Internet.Some members were of the opinion that this provision is not clear as it is not clear on what the terms “foster” and “promote” mean in practice | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.2 Member States shall endeavour to ensure that authorized operating agencies cooperate within the framework of these Regulations to provide, by agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ITU-T Recommendations.** | 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.\*or recognized private operating agency(ies) | Some members were of the opinion that this provision promotes and supports the development of networks and services. They noted that it’s applicable and highlights the need for cooperation in the provision of international telecommunication servicesSome members were of the opinion that the wording of the provision – “Member States shall endeavour to ensure” is unenforceable. the treaty does not require operating agencies to cooperate and it’s unnecessary to encourage them to do so. For commercial reason, they will cooperate if needed.  | Some members were of the opinion that this provision could be inflexible because there is no clear reference to the relevant ITU-T recommendations and those recommendations could be superseded or redundant regarding new trends and emerging issues. The provision is not clear how to comply. Some members were of the opinion that this provision is flexible and could be more so if the text is not limited to ITU-T recommendations and could extend communication services to the Internet. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user. Some other members suggested that this provision needs to be updated to reflect ITU standards |
|  | **4.3 Subject to national law, Member States shall endeavour to ensure that authorized operating agencies provide and maintain, to the greatest extent practicable, a satisfactory quality of service corresponding to the relevant ITU-T Recommendations with respect to:** | 4.3 Subject to national law, Members shall endeavour to ensure that administrations [or recognized private operating agency(ies)] provide and maintain, to the greatest extent practicable, a minimum quality of service corresponding to the relevant CCITT Recommendations with respect to:   | Some members were of the opinion that the text of the provision – “Member States shall endeavour to ensure” - is unenforceable, while noting that usually the most effective way to guarantee access and a satisfactory quality of service is by competition in the market.Some members were of the opinion that this provision promotes and supports the development of network and services taking into account national circumstance, as it allows Member States to tailor make solution for their jurisdictions according to a minimum set of QOS standards. | Some members were of the opinion that actions taken under this provision to ensure specific levels of quality of service could hinder innovation due to different QOS expectations according to the technology.Some members were of the opinion that this provision is flexible and allows to have a minimum set of QOS standard for all services while taking into account national circumstance. They further noted that this provision does not reflect all relevant ITU standards | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect ITU standards  |
|  | **4.3 (a) 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;** | 4.3 (a) 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;  | Some members were of the opinion that the text of the provision– “Member States shall endeavour to ensure” - is unenforceable, while noting that usually the most effective way to guarantee access and a satisfactory quality of service is by competition in the market.Some members were of the opinion that the provision promotes and supports the provision and the development of networks and services. Some members were of the opinion that the provision is applicable but lacks clarity for the term “harm” to ensure proper applicability. | Some members were of the opinion that actions taken under this provision to ensure specific levels of quality of service could hinder innovation due to different QOS expectations according to the technology Some members were of the opinion that this provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.3 (b) international telecommunication facilities and services available to customers for their dedicated use;** | 4.3 (b) international telecommunication facilities and services available to customers for their dedicated use; | Some members were of the opinion that the text of the provision – “Member States shall endeavour to ensure” - is unenforceable, while noting that usually the most effective way to guarantee access and a satisfactory quality of service is by competition in the market.Some members were of the opinion that the provision promotes and supports the provision and the development of networks and services and is applicable. | Some members were of the opinion that actions taken under this provision to ensure specific levels of quality of service could hinder innovation due to different QOS expectations according to the technology Some members were of the opinion that this provision is flexible | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.3 (c) at least a form of telecommunication service which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and** | 4.3 (c) 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 | Some members were of the opinion that the text of the provision – “Member States shall endeavour to ensure” - is unenforceable, which noting that usually the most effective way to guarantee access and a satisfactory quality of service is by competition in the market.Some members were of the opinion that the word “reasonably” is not measurable and can thus create can confusion and have a negative effect on applicability.Some members were of the opinion that the provision promotes and supports the provision and the development of networks and services and is applicable. | Some members were of the opinion that actions taken under this provision to ensure specific levels of quality of service could hinder innovation due to different QOS expectations according to the technology Some members were of the opinion that this provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.3 (d) a capability for interworking between different services, as appropriate, to facilitate international telecommunication services.** | 4.3 (d) a capability for interworking between different services, as appropriate, to facilitate international communications. | Some members were of the opinion that the text of the provision – “Member States shall endeavour to ensure” - is unenforceable, while noting that usually the most effective way to guarantee access and a satisfactory quality of service is by competition in the market.Some members were of the opinion that the provision promotes and supports the provision and the development of networks and services and is applicable. | Some members were of the opinion that actions taken under this provision to ensure specific levels of quality of service could hinder innovation due to different QOS expectations according to the technology Some members were of the opinion that this provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **4.4 Member States shall foster measures to ensure that authorized operating agencies provide free-of-charge, transparent, up-to-date and accurate information to end users on international telecommunication services, including international roaming prices and the associated relevant conditions, in a timely manner.** |  | Some members were of the opinion that the provision is unenforceable because authorized operating agencies / service providers are the key actors and not Member States, and it’s undefined how Member States will foster these principles among their authorized operating agenciesSome members were of the opinion that the provision promotes and supports the development of networks and services and is applicable. It’s a push for transparency on roaming charges to users which is required to avoid bill shock to consumers, , especially when roaming or making use of international telecommunications in another country. | Some members were of the opinion that, In the modern telecommunications environment Member States are not the key actors, and actions taken by Members State under this provision could be counter productiveSome members were of the opinion that the provision is flexible and allows regulation of emerging technologies when international roaming | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **4.5 Member States shall foster measures to ensure that telecommunication services in international roaming of satisfactory quality are provided to visiting users.** |  | Some members were of the opinion that it is unclear what measures Member States are expected to take since roaming services are based on commercial agreements. This provision is unenforceable.Some members were of the opinion that the provision is a push for monitoring of QoS on international roaming service to users and Roaming services are of the same quality as that offered to local users as it operates on the same network.Some members were of the opinion that this provision is applicable and supports the development of networks and services. | Some members were of the opinion that this provision is not flexible because it could hinder investment in new technology and expansion to new service in the case the operating agencies choose to temporarily deliver below ‘satisfactory quality’ services ‘Some members were of the opinion that this provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **4.6 Member States should foster cooperation among authorized operating agencies in order to avoid and mitigate inadvertent roaming charges in border zones.** |  | Some members were of the opinion that this provision is unenforceable and may hinder the provision and development of networks and services. They further expressed that the authorized operating agencies already have a strong commercial incentive to cooperate with each other on this issue, and in fact, if cooperation is suggested by the state, it may not appear voluntary and therefore parties may be reluctant in cooperating, and that it is a concern that this provision does not say that Member States should apply it equally and fairly between all authorized operating agencies.Some members were of the opinion that provision pushes for cooperation between private licensed operators to avoid and neutralize bill shock for international roaming service to users due to accidentally attaching to foreign networks when close to the border.Some members were of the opinion that his provision is applicable and promotes development of network and services and Member States provide current and up-to-date information on roaming services to mitigate bill shocks | Some members were of the opinion that this provision put too much emphasis on Member States to intervene, which means that the provision is less likely to accommodate new trends and emergent issues as these are typically first encountered by service providers.Some members were of the opinion that this provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.7 Member States shall endeavour to promote competition in the provision of international roaming services and are encouraged to develop policies that foster competitive roaming prices for the benefit of end users.** |  | Some members were of the opinion that the text of the provision “Member States shall endeavour to promote” and “foster” is not legally enforceable and it’s not clear how this should be done.Some members were of the opinion that the provision pushes for competition on international roaming service to users and regional cooperation to foster competitive roaming prices.Some members were of the opinion that this provision is applicable and supports the development of networks and services. Nevertheless, some members were of the opinion that tariffs are set/negotiated directly between operators and intermediary actors and depends to a great extent on intermediary actors.  | Some members were of the opinion that this provision put too much emphasis on Member States to intervene. This means that the provision is less likely to accommodate new trends and emergent issues as these are typically first encountered by service providers. Some members were of the opinion that the provision is flexible allows regulation of international roaming.Nevertheless, some members were of the opinion that Member States have no room for negotiation to protect consumers as roaming service is based on commercial agreement. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.Some members stated that this provision is not necessary as it is no longer applicable or flexible.Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **5.1 Safety-of-life telecommunications, such as distress telecommunications, shall be entitled to transmission as of right and, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant articles of the Constitution and the Convention and taking due account of the relevant ITU-T Recommendations.** | 5.1 Safety of life telecommunications, such as distress telecommunications, shall be entitled to transmission as of rightand 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 the relevant CCITT Recommendations. | Some members were of the opinion that this provision is applicable in fostering the provision and development of networks and services.Some members were of the opinion that this Article should be updated given the changes that have taken place in the provision of telecommunication services to the end user. Some members were of the opinion that this provision is not applicable, with some members adding that other instruments such as Article 40 of the ITU Constitution and relevant ITU-T Recommendations, establish the priority of telecommunications related to the safety of human life | Some members were of the opinion that this provision is flexible to accommodate new trends and emerging issuesSome members were of the opinion that this provision is not flexible due to the privatization of the telecom servicesSome members were of the opinion that this provision should be updated to refer to all ITU Recommendations.Some members were of the opinion that this provision is partially flexible as it does not support emerging future communication channels. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **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. 45 (5.1) above, in accordance with the relevant provisions of the Constitution and the Convention and taking due account of the relevant ITU-T 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. | Some members were of the opinion that this provision is applicable in fostering the provision and development of networks and services.Some members were of the opinion that this Article should be updated given the changes that have taken place in the provision of telecommunication services to the end user.Some members were of the opinion that this provision is not applicable, with some members adding that other instruments such as the ITU Constitution already deal with the subject matter of this provision. | Some members were of the opinion that this provision is flexible to accommodate new trends and emerging issues.Some members were of the opinion that this provision is not flexible due to the privatization of the telecom services.Some members were of the opinion that this provision should be updated to refer to all ITU Recommendations, with some members adding that the terminology “where technically practicable” is unclear due to the rapid developments in telecommunications/ICTs. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **5.3 The provisions governing the priority enjoyed by any other telecommunication services are contained in the relevant ITU-T Recommendations.** | 5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant CCITT Recommendations. | Some members were of the opinion that this provision is applicable in fostering the provision and development of networks and services.Some members were of the opinion that this Article should be updated given the changes that have taken place in the provision of telecommunication services to the end user.Some members were of the opinion that this provision is not applicable, with some members adding that other instruments such as the ITU Constitution already deal with the subject matter of this provision. | Some members were of the opinion that this provision is flexible to accommodate new trends and emerging issues.Some members were of the opinion that this provision is not flexible due to the privatization of the telecom services. Some members were of the opinion that this provision should be updated to refer to all ITU Recommendations | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **5.4 Member States should encourage authorized operating agencies to inform all users, including roaming users, in good time and free of charge, of the number to be used for calls to the emergency services.** |  | Some members were of the opinion that this provision is applicable in fostering the provision and development of networks and services.Some members were of the opinion that this provision is not applicable, with some members adding that other instruments such as the ITU Constitution already deal with the subject matter of this provision and that this provision is now outdated. | Some members were of the opinion that this provision is flexible to accommodate new trends and emerging issues.Some members were of the opinion that this provision is not flexible due to the privatization of the telecom services and does not take into account new trends and emerging issues.  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **6.1 Member States shall individually and collectively endeavour to ensure the security and robustness of international telecommunication networks in order to achieve effective use thereof and avoidance of technical harm thereto, as well as the harmonious development of international telecommunication services offered to the public.** |  | Some members were of the opinion that this provision is applicable since security and robustness are crucial and key in the development of telecommunications networks, and that it is an important role of Member States to ensure security and robustness by developing regulations in this field. Some members were of the opinion that Member States should make their own and joint efforts to enhance the security and protection of telecommunications infrastructure and important data in the infrastructure.Some members were of the opinion that the provision only indicates an obligation to Member States.Some members were of the opinion that this provision is of little practical use, technical solutions to address network security and robustness would produce a more desirable outcome.Some members were of the opinion that this provision is not applicable to fostering the development of international networks and services, since treaty provisions cannot keep pace with the rapid speed of technology development and innovation and may have the unintended consequence of impeding network operators’ ability to quickly respond to changing network environments. Some members are of the opinion that the provision is unenforceable, also it is unclear what is meant by “harmonious” in this context. Also security and robustness are a responsibility of private sector. | Some members were of the opinion that this provision is flexible and supports the role of Member States to ensure security and robustness by developing regulations in this field.Some members were of the opinion this provision should be expanded to include issues related to privacy, data protection, etc., and how Member States can attribute to overcome challenges related to these aspects.Some members were of the opinion the provision should be expanded to emphasize the need to increase international cooperation to counter cross-border issuesSome members were of the opinion that the provision is unenforceable.Some members were of the opinion that this provision is not flexible enough to accommodate today’s dynamic market place and evolving technological landscape, since treaty provisions cannot keep pace with the rapid speed of technology development and innovation and may have the unintended consequence of impeding network operators’ ability to quickly respond to changing network environments.  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **7.1 Member States should endeavour to take necessary measures to prevent the propagation of unsolicited bulk electronic communications and minimize its impact on international telecommunication services.** |  | Some members were of the opinion that the ITRs are necessary and that provisions 7.1 and 7.2 are applicable and need to be addressed in an international treaty-binding agreement, with some members adding that the absence of these provisions may negatively impact communication networks and services.Some members were of the opinion that Member States should endeavour to take measures to better protect data security.Some members are of the opinion that the ITRs are not necessary and that addressing issues such as unsolicited bulk electronic communications in a treaty instrument may have the unintended consequence of impeding network operators’ ability to quickly respond to changing network environments. Some members were of the opinion that although the Constitution and the Convention do not contain specific provisions on this subject, it should be taken into account that there are resolutions and recommendations of the ITU that consider it and which have greater flexibility to adapt and update according to technological changes. | Some members were of the opinion that the ITRs are necessary and that provisions 7.1 and 7.2 are flexible enough to accommodate new trends and emergent issues, and need to be addressed in an international treaty-binding agreement.Some members were of the opinion that although the Constitution and the Convention do not contain specific provisions on this subject, it should be taken into account that there are resolutions and recommendations of the ITU that consider it and which have greater flexibility to adapt and update according to technological changes.Some members were of the opinion that this provision is not flexible enough to support the speed of change necessary to counter the phenomenon of unsolicited bulk electronic communications, with some members adding that the terminology ‘necessary measures’ has the potential to be a hindrance to the private sector service providers working to tackle this issue.Some members were of the opinion that this provision could be updated to include the various forms of spam and emphasise the need for multi-stakeholder cooperation to combat spam | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **7.2 Member States are encouraged to cooperate in that sense.** |  | Some members were of the opinion that the ITRs are necessary and that provisions 7.1 and 7.2 are applicable, and need to be addressed in an international treaty-binding agreement, Some members are of the opinion that the ITRs are not necessary and that addressing issues such as unsolicited bulk electronic communications in a treaty instrument may have the unintended consequence of impeding network operators’ ability to quickly respond to changing network environments. Some members were of the opinion that although the Constitution and the Convention do not contain specific provisions on this subject, it should be taken into account that there are resolutions and recommendations of the ITU that consider it and which have greater flexibility to adapt and update according to technological changes. | Some members were of the opinion that the ITRs are necessary and that provisions 7.1 and 7.2 are flexible enough to accommodate new trends and emergent issues, and need to be addressed in an international treaty-binding agreementSome members were of the opinion that although the Constitution and the Convention do not contain specific provisions on this subject, it should be taken into account that there are resolutions and recommendations of the ITU that consider it and which have greater flexibility to adapt and update according to technological changes.Some members were of the opinion that this provision could be updated to include the various forms of spam and emphasise the need for multi-stakeholder cooperation to combat spam.Some members were of the opinion that the question of “flexibility” of this provision is irrelevant here because this provision simply states very high-level intentions. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **8.1 International telecommunication arrangements** |  |  |  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **8.1.1 Subject to applicable national law, the terms and conditions for international telecommunication service arrangements may be established through commercial agreements or through accounting-rate principles established pursuant to national regulation.** |  | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.  Some members were of the opinion that this is a matter for mutual agreement between operating agencies. It is not necessary to have an intergovernmental treaty to state this.In addition, this provision is irrelevant in an international treaty as it is “subject to national law”. This provision does not necessarily add any further obligations than what is already in the member state’s domestic laws so cannot be said to foster the provision and development of networks and services. Some members added that this regulation reflects existing practice and upholds the sovereign right of each Member State pertaining to international arrangements. | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that that in the modern telecommunications market, agreements are primarily made between private sector companies.In addition, this provision is irrelevant in an international treaty as it is “subject to national law”. Some members added that it is conceivable that in the future as international telecommunication service arrangements develop, they may be established through ways other than ‘commercial agreements or through accounting-rate principles’. This limits that possibility. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **8.1.2 Member States shall endeavour to encourage investments in international telecommunication networks and promote competitive wholesale pricing for traffic carried on such telecommunication networks.** |  | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.  Some members were of the opinion that this provision is not applicable in a modern telecommunications market, where investments are decided upon and made by private companies, which will lead to competitive wholesales.Some members noted that this provision is still applicable, because, fostering provisioning and development of international networks and services requires that the investor to obtain a reasonable return on their investment. | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members added that this provision is sufficiently flexible, because, encourages investment, competition and competitive prices.Some members were of the opinion that that in the modern telecommunications environment, new trends and emergent issues regarding networks are managed directly through mutual agreements between operating agencies.  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **8.2 Accounting-rate principles**  |  |  |  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **Terms and conditions** |  |  |  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **8.2.1 The following provisions may apply where the terms and conditions of international telecommunication service arrangements are established through accounting-rate principles, established pursuant to national regulation. These provisions do not apply to arrangements established through commercial agreements.** |  | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services. Some members were of the opinion that this provision has very limited applicability, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment.In addition, this provision is irrelevant in an international treaty as it is “pursuant to national regulation”.Some members added that this provision is unenforceable. “The following provisions may apply” is very weak language so it is unlikely that it can help in the development of networks.Some members added that these countries still use accounting rate system. | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. In addition, this provision is irrelevant in an international treaty as it is “pursuant to national regulation”.Some members were of the opinion that there is a need to consider whether telecommunications arrangements are still established through accounting rate principles. If not, then consideration should be made to updating the relevant provisions. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.   |
|  | **8.2.2 For each applicable service in a given relation, authorized operating agencies 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 the relevant ITU-T Recommendations.** | 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.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services as some countries still use an accounting rate system. Some members were of the opinion that this provision has very limited applicability, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **8.2.3 Unless otherwise agreed, parties engaged in the provision of international telecommunication services shall follow the relevant provisions as set out in Appendices 1 and 2.** | 6.4.1. Unless otherwise agreed, administrations\* shall follow the relevant provisions as set out in Appendices 1 and 2.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services. Some members were of the opinion that this provision has very limited applicability, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | Some members were of the opinion that this provision is flexible (it says “unless otherwise agreed”)Some members were of the opinion that this provision is not flexible, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **8.2.4 In the absence of special arrangements concluded between authorized operating agencies, 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 freely convertible currencies or other monetary unit agreed between the authorized operating agencies.** | 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.6.3.2 In accordance with relevant provisions of the InternationalTelecommunication 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.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services. Some members were of the opinion that this provision has very limited applicability, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | Some members were of the opinion that this provision is not flexible, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment.The provision ensures flexibility to accommodate new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **Collection charges** | 6.1 Collection charges |  |  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **8.2.5 The charges levied on customers for a particular communication should in principle be the same in a given relation, regardless of the international route used for that communication. In establishing these charges, Member States should try to avoid dissymmetry between the charges applicable in each direction of the same relation.** | 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.6.1.2 The charges 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\*.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.Some members were of the opinion that this provision has very limited applicability, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment.Some members added that “In principle” and “should try” means that this provision is unenforceable.  | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **8.3 Taxation** |  |  |  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **8.3.1 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.** | 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. | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.  Some members were of the opinion that this provision is not applicable, because since development of telecommunications environment it is unclear if an issue like special circumstances will exist in the future. Some members indicated what constitutes “special circumstances” is not defined, thus leaving regulatory uncertainty. Some members added that text is important to avoid double taxation | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues, with some members adding that this provision maintains Member State sovereignty as it does not automatically impose fiscal taxes on other countries.Some members were of the opinion that this provision is not flexible since the development of the telecommunications is unpredictable and therefor it is unclear what could be understood by special circumstances in the future. Some members indicated what constitutes “special circumstances” is not defined, thus leaving regulatory uncertainty.  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **8.4 Service telecommunications** | 6.5 Service and privilege telecommunications |  |  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **8.4.1 Authorized operating agencies may in principle forego the inclusion of service telecommunications in international accounting, under the relevant provisions of the Constitution and the Convention and these Regulations, having due regard for the need for reciprocal arrangements. Authorized operating agencies may provide service telecommunications free of charge.** | 6.5.1 Administrations\* shall follow the relevant provisions as set out in Appendix 3.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services. Some members were of the opinion that this provision does not facilitate the development of networks and services as this is an area that is already agreed between operating agencies.Some members were of the opinion that this provision addresses actions an agency “may” perform, and therefore should not be included in a Treaty.  | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision addresses actions an agency “may” perform, and therefore unclear with regard to flexibility to accommodate new trends and emergent issues. Some members indicated that this provision (and others) assumes that all operating agencies must be authorized, but this may not continue to be the case in the future. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
|  | **8.4.2 The general operational, charging and accounting principles applicable to service telecommunications should take account of the relevant ITU-T Recommendations.** |  | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.  Some members were of the opinion that this provision is not applicable, with some members adding that this provision may hinder the development of networks and services as this is an area that is already agreed between operating agencies and requiring their operations to take into account the relevant ITU-T Recommendations adds to their regulatory burden.Some members were of the opinion that it is also not clear which ITU-T recommendations are “relevant”.  | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible. It is not clear how to comply with this provision because there are unlikely to be Recommendations for the newest trends and issues.Some members impressed opinion that it is also not clear which ITU-T recommendations are “relevant”. Because, this is inflexible as although new Recommendations are generated to address emerging issues, it is not clear that outmoded ITU-T Recommendations may be disregarded. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.   |
|  | **9.1 If a Member State exercises its right in accordance with****the Constitution and the Convention to suspend international telecommunication services partially or totally, that Member State****shall immediately notify the Secretary-General of the suspension and****of the subsequent return to normal conditions by the most appropriate means of communication.** | 7.1 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. | Some members were of the opinion that the provision is applicable, also because the importance of appropriate coordination has to be taken into consideration when suspension of services is expected.Some members were of the opinion that the provision serves no benefit, is superfluous or is duplicative to provisions of the CS/CV. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues; because of different reasons like upgrade, maintenance or national situations.  Some members were of the opinion that the provision serves no benefit, is outdated or is duplicative to provisions of the CS/CV.  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **9.2 The Secretary-General shall immediately bring such information to the attention of all other Member States, using 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. | Some members were of the opinion that the provision is applicable, also because the importance of appropriate coordination has to be taken into consideration when suspension of services is expected.Some members were of the opinion that the provision serves no benefit, is superfluous or is duplicative to provisions of the CS/CV.  | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues; because of different reasons like upgrade, maintenance or national situations. Some members were of the opinion that the provision serves no benefit, is superfluous or is duplicative to provisions of the CS/CV.  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **10.1 Using the most suitable and economical means, the****Secretary-General shall disseminate information provided, of an****administrative, operational, or statistical nature, concerning international telecommunication services. Such information shall be disseminated in accordance with the relevant provisions of the****Constitution and the Convention and of this Article, on the basis of****decisions taken by the Council or by competent ITU conferences, and****taking account of conclusions or decisions of ITU assemblies. If so****authorized by the Member State concerned, the information may be transmitted to the Secretary-General directly by an authorized operating agency, and shall then be disseminated by the Secretary-General. Member States should transmit such information to the****Secretary-General in a timely manner, taking into account the relevant ITU-T Recommendations.** | 8. 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.\* or recognized private operating agency(ies) | Some members were of the opinion that the provision is applicable; coordination and dissemination of information are the cornerstones for the conveyance and flow of international telecommunication/information networks and services and play a vital role in the current and future telecommunications/ICTs networks.  Some members were of the opinion that the provision does not support the accommodation of new trends and emergent issues, it is duplicative to provisions of the CS/CV; it is an element of the role of ITU. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues; because of different reasons like upgrade, maintenance or national situations.  Some members were of the opinion that the provision does not provide flexibility in accommodating new trends and emergent issues, it is duplicative to provisions of the CS/CV and an element of the role of ITU. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **11.1 Member States are encouraged to adopt energy efficiency and e-waste best practices taking into account the relevant ITU-T Recommendations.** |  | Some members were of the opinion that this provision requires no change as it is applicable. Article 11 of the 2012 ITRs provisions reflects widely recognized provisions of resolutions of the UN and other international organizations and the legislation of many ITU Member States concerning environmental protection. Further, it seems appropriate to replace the reference to ITU-T Recommendations with a reference to ITU Recommendations as the issues covered by this Article concern all telecommunication/ICT devices, systems and networks.Some members also stated that with the increase of the world’s dependency on the telecommunications/ICTs networks and services, adopting global e-waste and energy efficiency strategies is more necessary than ever before. They were of the opinion that this Article could be linked to SDG 7 (Affordable and Clean Energy), SDG 8 (Decent Work and Economic Growth), SDG 11 (Sustainable Cities and Communities), SDG 12 (Responsible Consumption and Production). Some members were of the opinion that this provision is not necessary as it is no longer applicable. They further noted that Article 11 provisions, though well intentioned, repeat points already made elsewhere in Plenipotentiary resolutions and are not necessary to include in a treaty like the ITRs.Some members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user. Some Members were of the opinion that “Member states are encouraged to adopt” is not legally enforceable so cannot help the development of networks and services. Further, they were of the opinion that this Article is unnecessary as the topic is covered in the Basel Convention. Additionally, the reference to ITU-T recommendations could confuse the regulatory environment. | Some members were of the opinion that this provision requires no change as it is flexible. Article 11 of the 2012 ITRs provisions reflects widely recognized provisions of resolutions of the UN and other international organizations and the legislation of many ITU Member States concerning environmental protection. Further, it seems appropriate to replace the reference to ITU-T Recommendations with a reference to ITU Recommendations as the issues covered by this Article concern all telecommunication/ICT devices, systems and networks.Some members also stated that with the increase of the world’s dependency on the telecommunications/ICTs networks and services, adopting global e-waste and energy efficiency strategies is more necessary than ever before. They were of the opinion that this Article could be linked to SDG 7 (Affordable and Clean Energy), SDG 8 (Decent Work and Economic Growth), SDG 11 (Sustainable Cities and Communities), SDG 12 (Responsible Consumption and Production) and that this Article is flexible enough to accommodate current and new ICT trends and needs.Some members were of the opinion that this provision is not necessary as it is no longer flexible. They further noted that Article 11 provisions, though well intentioned, repeat points already made elsewhere in Plenipotentiary resolutions and are not necessary to include in a treaty like the ITRs.Some members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user. Some members were of the opinion that “Member states are encouraged to adopt” is not legally enforceable so cannot help the development of networks and services. This is unnecessary as the topic is covered in the Basel Convention. The reference to ITU-T recommendations could confuse the regulatory environment. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **12.1 Member States should promote access for persons with disabilities to international telecommunication services, taking into account the relevant ITU-T Recommendations.** |  | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.Some members were of the opinion that, while access for persons with disabilities is an important issue, the mere promoting of access should not be a provision in a telecommunications treaty, since this issue is part of change in societal and cultural environments and frameworks. The issue should be addressed on a higher level to be able to foster the provision and development of networks and services. | Some members were of the opinion that this provision ensures flexibility to accommodate new trends and emergent issuesSome members were of the opinion that while access for persons with disabilities is an important issue, the mere promoting of access should not be a provision in a telecommunications treaty, but should be addressed on a higher level to be able to accommodate new trends and emergent issues. The provision does not provide the needed flexibility.  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **13.1 a)Pursuant to Article 42 of the Constitution, special arrangements may be entered into on telecommunication matters which do not concern Member States in general. Subject to national laws, Member States may allow authorized operating agencies or other organizations or persons to enter into such special mutual arrangements with Member States and authorized operating****agencies, or other organizations or persons that are so allowed in****another country for the establishment, operation and use of special international telecommunication networks, systems and services, in****order to meet specialized international telecommunication needs within and/or between the territories of the Member States concerned, and including, as necessary, the financial, technical or operating conditions to be observed.** | 9.1 a) Pursuant to Article 31 of the International Telecommunication Convention (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 international 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.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services as it is an important and applicable practical provision that allows special arrangements with different entities.Some members were of the opinion that this provision intends to set out a procedure for specific non-regular, and unforeseen, issues that might come into play between Member States and which are not covered by the Treaty. Since this covers dedicated specific issues it does not facilitate the provision and development of networks and services. | Some members were of the opinion that this provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision intends to set out a procedure for specific non-regular, and unforeseen, issues that might come into play between Member States and which are not covered by the Treaty. Since this covers dedicated specific issues it is not relevant with regard to providing flexibility in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **13.1 (b) Any such special arrangements shall endeavour to avoid technical harm to the operation of the telecommunication facilities of third countries.** | b) Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries. | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services as it is an important and applicable practical provision that allows special arrangements with different entities.Some members were of the opinion that this provision intends to set out a procedure for specific non-regular, and unforeseen, issues that might come into play between Member States and which are not covered by the Treaty. Since this covers dedicated specific issues it does not facilitate the provision and development of networks and services. | Some members were of the opinion that this provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision intends to set out a procedure for specific non-regular, and unforeseen, issues that might come into play between Member States and which are not covered by the Treaty. Since this covers dedicated specific issues it is not relevant with regard to providing flexibility in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
|  | **13.2 Member States should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 73 (13.1) above to take into account relevant provisions of ITU-T Recommendations.** | 9.2 Members should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 58 to take into account relevant provisions of CCITT Recommendations. | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services as it encourages – without obligation - the parties to take into account ITU-T Recommendations.Some members were of the opinion that “Member States should, where appropriate, encourage” is not legally enforceable and furthermore, is likely to be inconsistently applied by states because of different interpretations of ‘where appropriate’ and ‘encourage’. Further, given that provision 13.2 sets a working process related to provision 13.1, this provision also does not facilitate the provision and development of networks and services. | Some members were of the opinion that this provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that there are many new ITU-T Recommendations every year to address New trends and Emergent issues. However, this also means that there is a cache of outmoded and redundant Recommendations. This provision requires member states to encourage parties to any special arrangement to take into account these redundant Recommendations. Further, given that provision 13.2 sets a working process related to provision 13.1, this provision also is not relevant with regard to providing flexibility in accommodating new trends and emergent issues.Some members were of the opinion that it could be updated to refer to ITU Recommendations in general. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **[[3]](#footnote-3)14.1 These Regulations, of which Appendices 1 and 2 form integral parts, shall enter into force on 1 January 2015, and shall be applied as of that date, consistent with all the provisions of Article 54 of the Constitution.** | 10.1 These Regulations, of which Appendices 1, 2 and 3 form integral parts, shall enter into force on 1 January 1990 at 0001 hours UTC. | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and servicesSome members were of the opinion that since this provision addresses the commencement of the treaty, it is irrelevant to the provision and development of networks and services. | Some members were of the opinion that the issue of flexibility does not apply with this respect to this provision.Some members were of the opinion that since this provision addresses the commencement of the treaty, it is irrelevant in terms of flexibility in accommodating new trends and emergent issues | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. ] |
|  | **14.2 If a Member State makes reservations with regard to the application of one or more of the provisions of these Regulations, other Member States shall be free to disregard the said provision or provisions in their relations with the Member State which has made such reservations.** | 10.2 On a date specified in No. 61, the Telegraph Regulations (Geneva, 1973) and the Telephone Regulations (Geneva, 1973) shall be replaced by these International Telecommunication Regulations (Melbourne, 1988) pursuant to the International Telecommunication Convention. | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services, and there is no change to it from the ITRs provision except for referral to Member States instead of administrations.Some members were of the opinion that, since this provision allows Member States to make reservations on any provision of the Treaty, the effectiveness of the Treaty is weakened, and it does not help in fostering the provision and development of networks and services. | The provision establishes a special regime for reservations and declarations, and therefore, the issue of flexibility does not apply.Some members were of the opinion that, since this provision allows Member States to make reservations on any provision of the Treaty, the effectiveness of the Treaty is weakened, and it does not support flexibility when new trends or emerging issues arise | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/1 | **1. Accounting rates**  | 1. Accounting rates | Some members were of the opinion that this Article is applicable, and does not hamper the provision and development of networks and services.Some members were of the opinion that this Article is largely irrelevant to the current international telecommunications environment, as it includes several detailed provisions that govern the establishment of accounting rates between Member States, but the vast majority of traffic is no longer exchanged under such an accounting rate regime. | Some members were of the opinion that this Article is sufficiently flexible**.**Some members were of the opinion that this Article is not flexible, with some members adding that trying to apply the accounting rate provisions or even to revise them to apply to current market-based arrangements would impede the flow of international telecommunication traffic and deter market and technological innovations that improve services and lower prices for consumers. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/2 | **1.1 For each applicable service in a given relation, Member States shall endeavour to ensure that authorized operating agencies, by mutual agreement, establish and revise accounting rates to be applied between them, taking into account ITU-T Recommendations and trends in the cost of providing the specific telecommunication service, and divide such rates into terminal shares payable to the authorized operating agencies of terminal countries and, where appropriate, into transit shares payable to the authorized operating agencies of transit countries.** | 1.1 For each applicable service in a given relation, administrations\* shall by mutual agreement establish and revise accounting rates to be applied between them, taking into account the Recommendations of the CCITT and trends in the cost of providing the specific telecommunication service, and shall dividesuch rates into terminal shares payable to the administrations\* of terminal countries and, where appropriate, into transit shares payable to the administrations\* of transit countries.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/3 | **1.2 Alternatively, in traffic relations where ITU-T cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method:** | 1.2 Alternatively, in traffic relations where CCITT cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method: | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/4 | **a) authorized operating agencies shall establish and revise their terminal and transit shares taking into account ITU-T Recommendations;** | a) administrations\* shall establish and revise their terminal and transit shares taking into account theRecommendations of the CCITT;\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision is specific to the accounting rate system. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/5 | **b) the accounting rate shall be the sum of the terminal shares and any transit shares.** | b) the accounting rate shall be the sum of the terminal shares and any transit shares. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision is specific to the accounting rate system. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/6 | **1.3 When one or more authorized operating agencies acquire, either by flat-rate remuneration or other arrangements, the right to utilize a part of the circuit and/or installations of another authorized operating agency, the former have the right to establish their share as mentioned in Nos. 1/2 (1.1) and 1/3 (1.2) above, for this part of the relation.** | 1.3 When one or more administrations\* acquire, either by flat rate remuneration or other arrangements, the right to utilize a part of the circuit and/or installations of another administration\*, the former have the right to establish their share as mentioned in 1.1 and 1.2 above, for this part of the relation.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/7 | **1.4 In cases where one or more international routes have been established by agreement between authorized operating agencies and where traffic is diverted unilaterally by the authorized operating agency of origin to an international route which has not been agreed with the authorized operating agency of destination, the terminal shares payable to the authorized operating agency of destination shall be the same as would have been due to it had the traffic been routed over the agreed primary route, and the transit costs are borne by the authorized operating agency of origin, unless the authorized operating agency of destination is prepared to agree to a different share.** | 1.4 In cases where one or more routes have been established by agreement between administrations\* and where traffic is diverted unilaterally by the administration\* of origin to a route which has not been agreed with the administration\* of destination, the terminal shares payable to the administration\* of destination shall be the same as would have been due to it had the traffic been routed over the agreed primary route and the transit costs are borne by the administration\* of origin, unless the administration\* of destination is prepared to agree to a different share.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision is specific to the accounting rate system. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/8 | **1.5 In cases where traffic is routed via a transit point without authorization and/or agreement to the transit share, the transit authorized operating agency has the right to set the level of the transit share to be included in the international accounts.** | 1.5 In cases where the traffic is routed via a transit point without authorization and/or agreement to the transit share, the transit administration\* has the right to set the level of the transitshare to be included in the international accounts.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision is specific to the accounting rate system. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/9 | **1.6 Where an authorized operating agency has a duty or fiscal tax levied on its accounting-rate shares or other remunerations, it shall not in turn impose any such duty or fiscal tax on other authorized operating agencies.** | 1.6 Where an administration\* has a duty or fiscal tax levied on its accounting rate shares or other remunerations, it shall not in turn impose any such duty or fiscal tax on other administrations\*. \* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision is specific to the accounting rate system. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/10 | **2 Establishment of accounts**  | 2 Establishment of accounts  | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/11 | **2.1 Unless otherwise agreed, the authorized operating agencies responsible for collecting the charges shall establish a monthly account showing all the amounts due, and send it to the authorized operating agencies concerned.** | 2.1 Unless otherwise agreed, the administrations\* responsible for collecting the charges shall establish a monthly account showing all the amounts due and send it to the administrations\* concerned.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible.Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/12 | **2.2 The accounts should be sent as promptly as possible, taking into account relevant ITU-T Recommendations, and, except in cases of force majeure, before the end of a period of 50 days following the month to which they relate, unless otherwise mutually agreed.** | 2.2 The accounts shall be sent as promptly as possible and, except in cases of force majeure, before the end of the third month following that to which they relate. | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/13 | **2.3 In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the authorized operating agency which sent it.** | 2.3 In principle an account shall be considered as accepted without the need for specific notification of acceptance to the administration\* which sent it.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/14 | **2.4 However, any authorized operating agency has the right to question the contents of an account within a period of two calendar months after the receipt of the account, but only to the extent necessary to bring any differences within mutually agreed limits.** | 2.4 However, any administration\* has the right to question the contents of an account for a period of two calendar months after the receipt of the account, but only tothe extent necessary to bring any differences within mutually agreed limits.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/15 | **2.5 In relations where there are no special agreements, a quarterly settlement statement showing the balances of the monthly accounts for the period to which it relates shall be prepared and issued as soon as possible by the creditor authorized operating agency, and shall be sent to the debtor authorized operating agency, which, after verification, shall return a copy endorsed with its acceptance.** | 2.5 In relations where there are no special agreements, a quarterly settlement statement showing the balances of the monthly accounts for the period to which it relates shall be prepared as soon as possible by the creditor administration\* and shall be sent in duplicate to the debtor administration\*,which, after verification, shall return on of the copies endorsed with its acceptance.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible.Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/16 | **2.6 In indirect relations where a transit authorized operating agency acts as an accounting intermediary between two terminal points, Member States shall endeavour to ensure that authorized operating agencies include accounting data for transit traffic in the relevant outgoing traffic account to authorized operating agencies beyond it in the routing sequence as soon as possible after receiving the data from the originating authorized operating agency, in accordance with the relevant ITU-T Recommendations.** | 2.6 In indirect relations where a transit administration\* acts as an accounting intermediary between two terminal points, it shall include accounting data for transit traffic in the relevant outgoing traffic account to administrations\* beyond it in the routing sequence as soon as possible after receiving that data from the originating administration\*.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members added that it is applicable as it refers to the ITU-T RecommendationsSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.   |
| 1/17 | **3 Settlement of balances of accounts** | 3 Settlement of balances of accounts | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/18 | **3.1 Choice of the currency of payment** | 3.1 Choice of the currency of payment | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/19 | **3.1.1 The payment of balances of international telecommunication accounts shall be made in the currency selected by the creditor, after consultation with the debtor. In the event of disagreement, the choice of the creditor shall prevail in all cases, subject to the provisions in No. 1/20 (3.1.2) below. If the creditor does not specify a currency, the choice shall rest with the debtor.** | 3.1.1 The payment of balances of international telecommunication accounts shall be made in the currency selected by the creditor after consultation with the debtor. In the event of disagreement, the choice of the creditor shall prevail in all cases, subject to the provisions in 3.1.2 below. If the creditor does not specify a currency, the choice shall rest with the debtor. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/20 | **3.1.2 If a creditor selects a currency with a value fixed unilaterally or a currency the equivalent value of which is to be determined by its relationship to a currency with a value also fixed unilaterally, the use of the selected currency must be acceptable to the debtor.** | 3.1.2 If a creditorselects a currency with a value fixed unilaterally or a currency the equivalent value of which is to be determined by its relationship to a currency with a valuealso fixed unilaterally, the use of the selected currency must be acceptable to the debtor. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/21 | **3.1.3 Provided the periods of payment are observed, authorized operating agencies have a right, by mutual agreement, to settle their balances of various kinds by offsetting:** | 3.4.1 Provided the periods of payment are observed, administrations\* may by mutual agreement settle their balances of various kinds by offsetting:\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/22 | **a) credits and debits in their relations with other authorized operating agencies;** | 3.4.1 – credits and debits in their relations with other administrations\*; and/or\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/23 | **b) any other mutually agreed settlements, if appropriate.** |  3.4.1 - debts arising from postal services, if appropriate. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/24 | **This rule also applies in case payments are made through specialized payment agencies in accordance with arrangements with authorized operating agencies.** |  | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/25 | **3.2 Determination of the amount of payment** | 3.2 Determination of the amount of payment | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.   |
| 1/26 | **3.2.1 The amount of the payment in the selected currency, as determined below, shall be equivalent in value to the balance of the account.** | 3.2.1 The amount of the payment in the selected currency, as determined below, shall be equivalent in value to the balance of the account. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/27 | **3.2.2 If the balance of the account is expressed in the monetary unit of the IMF, the amount of the selected currency shall be determined by the relationship in effect on the day before payment, or by the latest relationship published by the IMF, between the monetary unit of the IMF and the selected currency.** | 3.2.2 If the balance of the account is expressed in the monetary unit of the IMF, the amount of the selected currency shall be determined by the relationship in effect on the day before payment, or by the latest relationship published by the IMF, between the monetary unit of the IMF and the selected currency. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/28 | **3.2.3 However, if the relationship of the monetary unit of the IMF to the selected currency has not been published, the amount of the balance of account shall, at a first stage, be converted into a currency for which a relationship has been published by the IMF, using the relationship in effect on the day before payment or the latest published relationship. The amount thus obtained shall, at a second stage, be converted into the equivalent value of the selected currency, using the closing rate in effect on the day prior to payment or the most recent rate quoted on the official or generally accepted foreign-exchange market of the main financial centre of the debtor country.** | 3.2.3 However, if the relationship of the monetary unit of the IMF to the selected currency has not been published, the amount of the balance of account shall, at a first stage, be converted into a currency for which a relationship has been published by the IMF, using the relationship in effect on the day before payment or the latest published relationship. The amount thus obtained shall, at a second stage, be converted into the equivalent value of the selected currency, using the closing rate in effect on the day prior to payment or the most recent rate quoted on the official or generally accepted foreign-exchange market of the main financial centre of the debtor country.3.2.4 If the balance of the account is expressed in gold francs, the amount shall, in the absence of special arrangements, be converted into the monetary unit of the IMF in accordance with the provisions of section 6.3 of the Regulations. The amount of payment shall then be determined in compliance with the provisions of 3.2.2. above. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.   |
| 1/29 | **3.2.4 If, in accordance with a special arrangement, the balance of the account is not expressed in the monetary unit of the IMF, the payment shall also be the subject of this special arrangement and:** | 3.2.5 If, in accordance with a special arrangement, the balance of the account is expressed neither in the monetary unit of the IMF nor in gold francs, the payment shall also be the subject of this special arrangement and:  | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/30 | **a) if the selected currency is the same as the currency of the balance of account, the amount of the selected currency shall be the amount of the balance of account;** | 3.2.5 a) if the selected currency is the same as the currency of the balance of account, the amount of the selected currency shall be the amount of the balance of account; | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/31 | **b) if the selected currency for payment is different from the currency in which the balance is expressed, the amount shall be determined by converting the balance of account to its equivalent value in the selected currency in accordance with the provisions of No. 1/28 (3.2.3) above.** | 3.2.5 b) if the selected currency for payment is different from the currency in which the balance is expressed, the amount shall be determined by converting the balance of account to its equivalent value in the selected currency in accordance with the provisions of 3.2.3 above. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/32 | **3.3 Payment of balances** | 3.3 Payment of balances | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/33 | **3.3.1 Payment of balances of account shall be effected as promptly as possible, but in no case later than two calendar months after the day on which the settlement statement is dispatched by the creditor authorized operating agency. Beyond this period, the creditor authorized operating agency may, subject to prior notification in the form of a final demand for payment, and unless otherwise agreed, charge interest at a rate of up to 6 per cent per annum, reckoned from the day following the date of expiry of the said period.** | 3.3.1 Payment of balances of account shall be effected as promptly as possible, but in no case later than two calendar months after the day on which the settlement statement is dispatched by the creditor administration\*. Beyond this period, the creditor administration\* may, subject to prior notification in the form of a final demand for payment, and unless otherwise agreed, charge interest at a rate of up to6% per annum, reckoned from the day following the date of expiry of the said period.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/34 | **3.3.2 The payment due on a settlement statement shall not be delayed pending settlement of a query on that account. Adjustments which are later agreed shall be included in a subsequent account.** | 3.3.2 The payment due on a settlement statement shall not be delayed pending settlement of a query on that account. Adjustments which are later agreed shall be included in a subsequent account. | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/35 | **3.3.3 On the date of payment, the debtor shall transmit the amount of the selected currency as computed above by a bank cheque, transfer or any other means acceptable to the debtor and the creditor. If the creditor expresses no preference, the choice shall fall to the debtor.** | 3.3.3 On the date of payment, the debtor shall transmit the amount of the selected currency as computed above by a bank cheque, transfer or any other means acceptable to the debtor and the creditor. If the creditor expresses no preference, the choice shall fall to the debtor. | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/36 | **3.3.4 The payment charges imposed in the debtor country (taxes, clearing charges, commissions, etc.) shall be borne by the debtor. Any such charges imposed in the creditor country, including payment charges imposed by intermediate banks in third countries, shall be borne by the creditor.** | 3.3.4 The payment charges imposed in the debtor country (taxes, clearing charges, commissions, etc.) shall be borne by the debtor. Any such charges imposed in the creditor country, including payment charges imposed by intermediate banks in third countries, shall be borne by the creditor. | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/37 | **3.4 Additional provisions** | 3.4 Additional provisions-  |  |  | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 1/38 | **3.4.1 If, between the time the remittance (bank transfer, cheques, etc.) is effected and the time the creditor is in receipt of that remittance (account credited, cheque encashed, etc.), a variation occurs in the equivalent value of the selected currency calculated as indicated in No. 1/25 (3.2) above, and if the difference resulting from such variations exceeds 5 per cent of the amount due as calculated following such variations, the total difference shall be shared equally between debtor and creditor.** | 3.4.2 If, between the time the remittance (bank transfer, cheques, etc.) is effected and the time the creditor is in receipt of that remittance (account credited, cheque encashed, etc.), a variation occurs in the equivalent value of the selected currency calculated as indicated in paragraph 3.2, and if the difference resulting from such variations exceeds 5% of the amount due as calculated following such variations, the total difference shall be shared equally between debtor and creditor. | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 1/39 | **3.4.2 Should there be a radical change in the international monetary system which invalidates or makes inappropriate one or more of the foregoing paragraphs, authorized operating agencies are free to adopt, by mutual agreement, a different monetary basis and/or different procedures for the settlement of balances of accounts, pending a revision of the above provisions.** | 3.4.3 If there should be a radical change in the international monetary system which invalidates or makes inappropriate one or more of the foregoing paragraphs, administrations\* are free to adopt, by mutual agreement, a different monetary basis and/or different procedures for the settlement of balances of accounts, pending a revision of the above provisions.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user.  |
| 2/1 | **1. General**  | 1. General | Some members stated that any revisions to the ITRs, including to Appendix 2, would inevitably fail to keep up with the rapid pace of technological change and market evolution.Some members were of the opinion that the ITRs need to be revised and that Appendix 2 is an integral part of the ITRs. | Some members stated that any revisions to the ITRs, including to Appendix 2, would inevitably fail to keep up with the rapid pace of technological change and market evolution.Some members were of the opinion that the ITRs need to be revised and that Appendix 2 is an integral part of the ITRs. | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. Some members stated that this provision may not be relevant to the examination criteria that has been set |
| 2/2 | **1.1 The provisions contained in Article 8 and Appendix 1,****taking into account the relevant ITU-T Recommendations, shall also apply to maritime telecommunications when establishing and settling accounts under this Appendix, insofar as the following provisions do not provide otherwise.** | The provisions contained in Article 6 and Appendix 1, taking into account the relevant CCITT Recommendations, shall also apply to maritime telecommunications in so far as the following provisions do not provide otherwise. | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable .Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/3 | **2. Accounting Authority** | 2. Accounting Authority | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/4 | **2.1 Charges for maritime telecommunications in the****maritime mobile service and the maritime mobile-satellite service****shall, in principle, and subject to national law and practice, be collected from the maritime mobile station licensee:** | 2.1 Charges for maritime telecommunications in the maritime mobile service and the maritime mobile-satellite service shall in principle, and subject to national law and practice, be collected from the maritime mobile station licensee: | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/5 | **a) by the administration that has issued the licence; or** | a) by the administration that has issued the licence; or | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/6 | **b) by an authorized operating agency; or** | b) by a recognized private operating agency; or | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/7 | **c) by any other entity or entities designated for this purpose by the administration referred to in No. 2/5 (2.1.*a)*) above.** | c) by any other entity or entities designated for this purpose by the administration referred to in (a) above. | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/8 | **2.2 The administration or the authorized operating agency or****the designated entity or entities listed in 2.1 above are referred to in this Appendix as the "accounting authority".** | 2.2 The administration or the recognized private operating agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the "accounting authority". | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/9 | **2.3 References to authorized operating agency contained in****Article 8 and Appendix 1 shall be read as "accounting authority" when applying the provisions of Article 6 and Appendix 1 to maritime telecommunications.** | 2.3 References to administration\* contained in Article 6 and Appendix 1 shall be read as "accounting authority" when applying the provisions of Article 6 and Appendix 1 to maritime telecommunications.\*or recognized private operating agency(ies) | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/10 | **2.4 Member States shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations and Maritime Mobile Service Identity Assignments. The number of such****names and addresses shall be limited, taking into account the relevant ITU-T Recommendations.**  | 2.4 Members shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations; the number of such names and addresses shall be limited taking into account the relevant CCITT Recommendations.  | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICT services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/11 | **3. Establishment of accounts** | 3. Establishment of accounts | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICT services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/12 | **3.1 In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the service provider that sent it.** | 3.1 In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the accounting authority that sent it. | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICT services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/13 | **3.2 However, any accounting authority has the right to****question the contents of an account for a period of six calendar months after dispatch of the account, even after the account has been paid.** | 3.2 However, any accounting authority has the right to question the contents of an account for a period of six calendar months after dispatch of the account. | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICT services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/14 | **4 Settlement of balances of account** | 4 Settlement of balances of account | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICT services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/15 | **4.1 All international maritime telecommunication accounts****shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account, except where the settlement of accounts is undertaken in accordance with No. 2/17 (4.3) below.** | 4.1 All international maritime telecommunication accounts shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account, except where the settlement of accounts is undertaken in accordance with paragraph 4.3 below. | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICT services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/16 | **4.2 If international maritime telecommunication accounts****remain unpaid after six calendar months, the administration that has licensed the mobile station shall, on request, take steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee.** | 4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the administration that has licensed the mobile station shall, on request, take all possible steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee. | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICT services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
| 2/17 | **4.3 If the period between the date of dispatch and receipt****exceeds one month, the receiving accounting authority should at****once notify the originating service provider that queries and****payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account.** | 4.3 If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the originating accounting authority that queries and payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account. | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICT services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |
| 2/18 | **4.4 The debtor accounting authority may refuse the****settlement and adjustment of accounts presented more than twelve calendar months after the date of the traffic to which the accounts relate, unless provided otherwise under national law in which case the maximum deadline can be within eighteen calendar months.** | 4.4 The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than eighteen calendar months after the date of the traffic to which the accounts relate. | Some members were of the opinion that Appendix 2 requires no change as it is applicable. Some members were of the opinion that Appendix 2 is not necessary as it is no longer applicable.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user | Some members were of the opinion that Appendix 2 requires no change as it is flexible. Some members were of the opinion that Appendix 2 is not necessary as it is no longer flexible.Some other members suggested that Appendix 2 needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICT services to the end user | Some members were of the opinion that this provision requires no change as it is applicable and flexible. Some members stated that this provision is not necessary as it is no longer applicable or flexible.  |

**Annex 3: Extract of the summary records of the fifth plenary session of the Council 2022**

**6 Final report of the Expert Group on the International Telecommunication Regulations (EG-ITRs) to ITU Council 2022 (Documents C22/26, C22/67, C22/72 and C22/75)**

6.1 The Chairman of EG-ITRs presented Document [C22/26](https://www.itu.int/md/S22-CL-C-0026/en), containing the final report of the group. He noted that the Group had carried out a provision by provision review of the ITRs as per the Terms of Reference of the Group, and highlighted that no consensus had been achieved on the way forward with respect to the ITRs.

6.2 The councillor from Egypt introduced a proposal by Egypt and Kuwait, contained in Document [C22/67](https://www.itu.int/md/S22-CL-C-0067/en), to establish a new expert group on the ITRs with the aim of achieving consensus. The ITRs were a vital tool for governing relations between Member States regarding telecommunications/ICTs and for helping to attain the SDGs. The scope of the ITRs should be limited to Member States, which could then adopt policies and regulations to ensure that operating agencies implemented the ITRs. Furthermore, the existence of two versions of the ITRs was harmful to ITU’s image, and the World Conference on International Telecommunications (WCIT) should not be convened again until a single version of the ITRs had been agreed upon. The problem of how to proceed with the ITRs would be best resolved within the expert group.

6.3 The councillor from China presented Document [C22/72](https://www.itu.int/md/S22-CL-C-0072/en), recommending that the expert group should continue its review of the ITRs and related work. The ITRs remained the only global treaty that established general principles to facilitate the provision and operation of international telecommunications, and they helped enhance the efficiency, practicability and availability of global international telecommunication networks, infrastructure and services, especially for developing countries. A legal and regulatory environment that could keep up with the rapidly changing ICT ecosystem also needed to be cultivated.

6.4 The councillor from the United States introduced Document [C22/75](https://www.itu.int/md/S22-CL-C-0075/en), which contained a contribution from the United States and Canada. The report set out in Document C22/26 accurately reflected all views expressed during the meetings of EG-ITRs, including the lack of consensus on the future of both the ITRs and the expert group. The only recourse for the Council was therefore to note the report and transmit it to PP-22.

6.5 The councillor from Canada, co-sponsor of Document C22/75, recalled that neither of the past two expert groups had managed to achieve consensus and that the expert group members had received a legal opinion that there was no conflict between the two versions of the ITRs. There was also no empirical evidence that Member States were experiencing problems in that regard. One councillor expressed support for that position, arguing that the expert group’s work was resource-intensive and that the ITRs were no longer necessary as they had been largely replaced by commercial-based arrangements.

6.6 Several councillors expressed strong support for the continuation of the expert group’s work, as they deemed the ITRs vital to global telecommunications, and many of them called for a single version of the ITRs to be established which took into account new developments in that field. New approaches were required to overcome the divergent positions on the topic. One councillor argued that the expert group had yet to its complete mandate under Resolution 146 (Rev. Dubai, 2018) and Council Resolution 1379 (Modified 2019), while other councillors argued the opposite. Some councillors proposed that the terms of reference for the expert group should be updated.

6.7 One councillor proposed that the report should include a recognition of the difficult circumstances in which the discussions had been held, owing to COVID-19, which his administration believed had had an impact on the outcome. Another councillor regretted that, owing to the lack of consensus, the expert group had not had the opportunity to discuss matters of substance in respect of the real problems that the ITRs helped countries address. A further councillor encouraged the expert group to study the real-world applications of the ITRs to identify whether they were still required.

6.8 Councillors agreed that, as no consensus had been reached within the expert group, any decision on the future of the group should be taken at PP-22.

6.9 The Council **noted** the report contained in Document C22/26 and **agreed** to transmit it to the Plenipotentiary Conference, together with the summary record of the meeting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Decisions by consensus are a long standing practice in ITU [↑](#footnote-ref-1)
2. *Note: Identification of new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment will be covered under column 5 of the agreed* Examination Table *(Flexibility to accommodate New trends and Emergent issues).* [↑](#footnote-ref-2)
3. Article 14: Some members were of the opinion that the examination criteria of “*applicability in fostering provision and development of networks and services*” and “*flexibility to accommodate new trends and emergent issues*” are not relevant for these provisions and requested for the advice of ITU’s Legal Counsel on this issue. The Legal Counsel advised that these provisions are factual and reflect the modalities related to implementation of the treaty. Some members were of the opinion that the meeting should refrain from delving into the legal applicability of the provisions as this issue is not within the mandate of the Group, and that the review criteria of “*applicability in fostering provision and development of networks and services*” and “*flexibility to accommodate new trends and emergent issues*” continues to be relevant in respect of the provisions of Article 14s. [↑](#footnote-ref-3)