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>> CHAIR: Good afternoon, Distinguished Delegates. I think we should start the meeting. Please kindly take your seats. Thank you.

Distinguished ladies and gentlemen, welcome to the second meeting of Committee 5.

I trust that you all are hanging in there and keeping up with the issues. And I congratulate all of you for the hard work that you've put in so far. What we're doing here is so important that it calls for all the sacrifices that we can get. And that's great.

I hope today's proceedings will yield the necessary compromises or set the scene for the necessary compromises that will take us forward for the next several years.

We shall consider the agenda of this meeting. It's document ADM/12-E. It's a very short one, deceptively short. But the workload is quite substantial.

If you've had a look at the agenda, and you have no difficulties with it, we will consider the agenda approved.

So with that, we will adopt the agenda ADM/12.

(Gavel)

The agenda is approved.

On the agenda item 3 is the progress report of Working Group 5 -- Working Group 1 of Committee 5. And I'll call upon the Chair of Working Group 1 of Com 5 to elaborate on the document DT/26. So Chair of Working Group 1 of Com 5, if you're here, please.

Trinidad and Tobago, you have the floor.

>> TRINIDAD AND TOBAGO: Yes. Thank you.

The working group commenced yesterday and we were considering Article 6, and there are a number of issues pertaining to definitions we discussed. We had the issue of OAs versus ROAs, and that has been -- and that will be the subject of an ad hoc Committee which takes place I believe this evening.

So the second issue was that there were two very distinct camps of thought relating to Article 6 and to the accounting system. And some of our States proposed the deletion of the text relating to the accounting system, because it is no longer used in their countries. However, the system remains in many countries still, and others, the other countries proposed keeping it because it is still maintained.

And we are making this suggestion to Com 5 that this matter of principle be addressed at this level, so that either we maintain the text or it is deleted or some other alternative is found for dealing with this issue of accounting system.

And that was our suggestion to Com 5, Chairman. Thank you.

>> CHAIR: Thank you, Chair, for Working Group 1 of Com 5. And thank you for the hard work you put in last night.

This obviously is a very important issue on Article 6, and because it's a matter of principle this is the right place to make a ruling on it. But before we do so, maybe we will hear a few comments from the floor. Angola, I saw your name come up. I don't know whether it was a mistake. But if you have something to say, you can go ahead now.

>> ANGOLA: Thank you, Chairman. It was a mistake.

>> CHAIR: Thank you.

As said earlier, there are two strong schools of thought on this. But we really must move towards some consensus. But before we do that, we have to get some compromises. Because 24 years ago, several members that are here now had no input to what was set up then, and yet a large majority of such countries are consuming telecoms and ICT services and products. And whilst there has been a lot of improvements in other parts of the world, some countries are dealing with issues that cannot be ignored.

So we really have to have a compromise position on this. And for that matter, we would like to deliberate a little bit before we move forward. But the end goal is to try and satisfy everybody as much as possible, if that is possible.

But let me call upon the delegation from the United States, followed by the Russian Federation, please.

Thank you.

>> UNITED STATES OF AMERICA: Thank you, Mr. Chairman. Good afternoon. Good afternoon, colleagues.

And I just wanted to speak a little bit about the general issue that you've raised here. The United States, when I'm not here at the WCIT, my function is as head of the National Bureau of the Federal Communications Commission, and one of the things we have to do is issue reports on the International Telecommunications Services. In the most recent report that we had that came out this past summer, only 2 percent of U.S. traffic that is International traffic is settled according to accounting rates. And if you look at it by region, there is no region in the world where it's more than 9 percent. And so it's very, very small.

And with -- and so that's one of the reasons why the United States has put in a proposal to replace Article 6 and the accounting provisions in that particular provision. And, instead, to put in a provision that calls for commercial agreements. That is where we see the trend, and I think that other countries are also seeing that trend.

We have suggested that Article -- that appendix 1 also be suppressed, and -- because we think that it's no longer applicable to most traffic. Now, you know, there may be some other alternatives that we could think about for dealing with the countries that still use those particular appendices and Article 6. But I think that for most of the global traffic, it no longer follows the accounting procedures that are listed in Article 6.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

Russian Federation, please.

>> RUSSIAN FEDERATION: Thank you, Chairman.

Dear colleagues, we should like to give some explanations about the position of the RCC. In our view, in this situation, there are no contradictory positions because the documents which we are reviewing at this time contain norms which satisfy both the views of those who need Article 6 and the views of those who don't need Article 6, because this Article has positions about special agreements, which we are calling commercial agreements here. But, in essence, these are agreements. And if these agreements exist, then we are guided by their norms.

But here we will agree with the United States of America that there is, indeed, a share of the traffic which in different regions has a different significance. For us, it's 20 percent where the norms of Article 6 are applied, including settlement of balances of accounts in appendix 1. And that is why we think that there is more opportunity for compromise now that we already have a great deal of opportunity for compromise.

Now, this provision has been in force for 24 years. It has been working for 24 years. And it can still play a useful role.

Thank you.

>> CHAIR: Thank you very much for echoing the idea that there could be some wiggle room, could be some room for compromise. As the earlier speaker before you also said they are willing to consider the needs of other countries who are still finding this relevant.

So we will go to Oman followed by Australia and we will make a ruling after that. Thank you.

Oman, you have the floor.

>> OMAN: Thank you, Mr. Chair. Thank you. It was pressed by mistake. Thank you.

>> CHAIR: Okay.

Australia then. Australia, you have the floor.

>> AUSTRALIA: Thank you, Chair.

Australia considers charging and accounting arrangements between operators to be a commercial matter in the current International telecommunications market. The accounting rate system set out in the current ITRs was adopted when the International telecommunications market comprised mostly state-owned telecommunications providers exchanging circuit switched minutes. Australia considers this system is no longer relevant in the current liberalized and competitive International telecommunications market, and we support deleting most provisions on charging and accounting. We consider it inappropriate to mandate matters that are subject to commercial arrangements in a binding multi-lateral Treaty.

The ITU-T D series, general tariff principles recommendations, established guidelines on topics relating to charging and accounting. Australia considers that these positions need not be duplicated in the ITRs.

Australia could accept proposals for revising Article 6 that align with the following principles: First, that proposals that reflect high level and flexible principles on charging and accounting arrangements without prescribing a particular course of action for regulatory bodies.

Secondly, proposals that permit provisions on charging and accounting to be superseded by commercial or special arrangements. We could also support transferring some of the existing provisions of Article 6 to appendix 1, providing the application of these provisions remains flexible and at the discretion of Member States.

Thank you, Chair.

>> CHAIR: Thank you, Australia.

Cote d'Ivoire, Portugal and Senegal; the list now appears to be growing. But can you keep your comments brief, please, before we move onto the next issue.

>> COTE D'IVOIRE: Thank you, Chairman.

Cote d'Ivoire is in favor of maintaining Article 6 and appendix 1, because we believe these two provisions contain provisions which constitute a basis of negotiation which is sufficiently transparent for our operators. So we favor maintaining these two articles.

Article 6 and appendix 1, according to the African Group, could have editorial modifications made to them as well as modifications made to them as the telecommunication environment develops.

So we repeat, we would like to maintain Article 6 and appendix 1.

>> CHAIR: Thank you, Cote d'Ivoire.

Portugal, please, followed by Senegal.

>> PORTUGAL: Thank you, Mr. Chairman.

Europe supports the view that the ITR should be technologically neutral and in no circumstances should provide treatment to a sort of arrangement over others. Europe considers any reference to a particular arrangement should be dealt with in the ITU-T recommendations, which can more easily be adapted to technical developments and market consensus.

In line with this rationale, Europe is offering to this conference a proposal which is flexible and can accommodate market developments. Europe proposes to suppress existing provisions in Article 6 are not adequate for the competitive landscape of the International telecommunication market. In addition, we propose to add the following provision:

"6.1. Subject: Applicable national law, the terms and conditions between recognized operating agencies for the provision of International telecommunications services shall be subject to commercial agreement."

Thank you, Mr. Chairman.

>> CHAIR: Thank you, Portugal.

Senegal, please, you have the floor.

>> SENEGAL: Thank you, Chairman.

As stated by our colleague from Cote d'Ivoire, for Senegal the provisions of Article 6 remain relevant. They cover the major portion of traffic exchanged. Whatever technological developments unfold, we feel the Article could be modified by consultation. But we think it should be maintained because it is relevant and it enables us to establish accounting for the exchange of International traffic.

I have a further point. Today we have a problem with this word of “taxation” instead of "tarification." Because the French word used here, "taxation," has implications of duties and taxes, rather than charging. And that would put up prices for the consumers.

So, I repeat: In French we must use the word "tarification" not "taxation" to align with the English.

>> CHAIR: Thank you very much.

On your last point, please look that the Editorial Committee is already looking at these -- the appropriateness of these two words, "tarification" and "taxation," or whatever it is. But an expert group is looking at it. So you may want to make yourself available and contribute to that.

I'll take the Russian Federation for now, and we will come back to this issue.

Russian Federation, you have the floor.

>> RUSSIAN FEDERATION: Thank you, Chairman.

Distinguished colleagues, in addition to the position of the RCC, I should like to point out further that we have to see the provisions of Article 6 and appendix 1 and 2 as a continuation, as an instrument for the implementation of Article 37 of the Convention. That is, in those cases where between the operators no agreement exists, and Article 42 of the Constitution, this provision is in the Convention. I shall read it. "In the absence of such agreement, and also in absence of special agreements, accounts are settled in accordance with the provisions of the Administrative Regulations."

We cannot reject that instrument, even if for the American region it's only 9 percent or for our region it's only 20 percent. But if you look at it in economic terms, there could be large amounts of money involved, and we have to give the operators this instrument and this tool for their work.

Thank you.

>> CHAIR: Thank you very much for expressing those concerns, which are quite relevant.

At this point in time, I think I do not feel that we should continue discussing this issue. There has been expression of a certain amount of compromise that can be tolerated. And I think I would like to urge all of you to bring those elements of compromise together in an ad hoc group of Com 5 that will be set up. And I recommend that it be chaired by Australia. And I invite the countries from the developing countries, Senegal, Togo, Ghana, all those who feel strongly, especially the African Group, who feel strongly about this to make their views known and also educate some of the people who may not be aware of what is happening in other parts of the world. So that a compromise can be reached that can take us forward to make sure that there is equity and everybody is pretty much taken off.

Obviously Russia and the RCC group must play a strong role in this ad hoc Committee. The time and location will be announced later.

Before I get off this, let me listen to -- is it CUBDA, if you're here, followed by -- no? It's gone? Okay.

Portugal, you have the floor.

>> PORTUGAL: Yes, thank you, Mr. Chairman.

(Another non-English translation on this channel)

>> CHAIR: Is the English translation working? We didn't get it up here.

>> INTERPRETER: The gentleman was speaking English, Mr. Chairman.

>> CHAIR: Sorry. Can you repeat what you said, the gentleman from Portugal?

>> PORTUGAL: Surely. I was saying that Europe would like to participate in this group as well.

Thank you.

>> CHAIR: Wonderful. That is clear English enough. I'm sorry.

Australia, please, followed by Mexico.

>> AUSTRALIA: Thank you, Chairman.

This is Bob Horton speaking actually as one of your Vice Chairmen, rather than for Australia, because I wouldn't like to steal the job that you gave Australia.

Also, I apologize that I don't speak English as well as you might think, because I'm from Australia -- I've been there long enough, anyway.

But, Chair, what we had coming to us from Working Group 1 was a request for advice. And I think we really haven't discussed quite far enough yet what advice we could give in terms of principles and how to approach this. That may even assist Australia in its approach to the task.

What we have before us in this particular point in time and development in the history of traveling the world is a dual highway, a highway where in some cases we heard that there are still many of the old Administration types who need to negotiate with each other using the charging and accounting regime, which has been in place for 24 years. And there is still a definite need for that, and, also, a legitimate requirement for it within the CS/CV.

On the other hand, we have seen an enormous growth of commercial arrangements which are taking place these days. And that is the second lane of the highway.

Now, a third group of relationships is where the old Administration types need to negotiate with the more modern agencies. So there is a hybrid situation there. And that could be a situation where the fall-back position is the new commercial arrangements, so that it recognizes that the transition is on its way. We are moving more and more to commercial agreements.

So if we recognize that and be sensitive to both of these types of relationships that need to be done, both commercial and the traditional charging arrangements, then if we make provision for that in a bifurcated way, without one impeding the other -- it's the high level sort of principle we should put in place -- then I think we thought maybe the compromise that we need to head towards, we don't throw out the old with the new. Because the old is still needed, even though it is needed less and less and we go on.

And I think, Chairman, then there will not be many more accidents on the road, then, if we recognize that it is a dual highway and we can cross over at certain points when we're ready.

Thank you, Chairman. I hope that assists the task.

>> CHAIR: Thank you, Mr. Horton. Indeed, at this point, I would like to ask the Australian delegation to repeat their compromise, because they opened the way for a possible compromise, together with the U.S, and I thought the RCC group also indicated there could be room for compromise. That is why we are where we are now.

So if the Australia delegation can read the original compromise statement or position that was presented, that could be the basis for moving forward and an attempt to accommodate everybody.

And what you said is right. There are new ways of doing things, but the old ways still persist in certain areas, and we shouldn't throw them away. We should find a way to work together, so that the weakest link in the international telecommunication network does not bring everything crashing; that everybody's sufficiently satisfied so that the smooth International telecommunication can continue.

So if Australia can read their text originally presented. Thank you.

>> AUSTRALIA: Forgive me, Chair. I'm just trying to find it. Just bear with me for a moment.

Chair, this isn't quite framed in the form of a proposal, but in essence what I was saying was that we felt that the ITU-T D series, General Tariff Principle Recommendations, established guidelines on topics related to charging and accounting, and Australia considered the charging and accounting provisions need not be duplicated in the ITRs. Perhaps they could cross refer in some fashion to the ITU-T D series.

We indicated that we could accept proposals for revising Article 6 that align with two principles. The first was proposals that reflect high level and flexible principles on charging and accounting arrangements, without prescribing a particular course of action for national regulatory bodies.

And the second principle was that proposals that permit provisions on charging and accounting to be superseded by commercial arrangements or special arrangements. And it does seem to us that that creates the potential as economies move more to commercially-based arrangements, perhaps, to pick up the two-lane analogy that Dr. Horton was talking about.

We also indicated that we would support transferring some of the existing provisions of Article 6 to appendix 1, provided the application of these provisions remains flexible and at the discretion of Member States.

So it's not quite a fully fleshed out proposal, Chair, but I guess it has some elements of one.

Thank you, Chair.

>> CHAIR: Thank you very much. Certainly there is some room for working towards the centre, moving away from entrenched positions, that I see in this statement.

Russian Federation, please.

>> RUSSIAN FEDERATION: Thank you, Chairman.

We would like to thank our colleagues for their attention to this question and readiness to compromise. We would like to confirm that we are prepared actively to participate in this process in order to move to the middle, as you say.

We would like to point out a single point, that in Article 6 and appendixes, we don't have issues relating to setting the tariffs, setting the prices to say what sort of money the operator should charge his clients.

It clearly States the operator does this according to his own discretion. And these articles only gave an instrument, a tool, for settlement of accounts. They merely lay down a procedure for preparing an account and then paying that account, and also settlement of balances of accounts.

The last norm, which exists today in the Regulations, has enabled many states to include it into their domestic legislation. If this is to be a recommendation, then the basis for it will be diminished and we may well run the risk of depriving the operators of this instrument.

Thank you.

>> CHAIR: Thank you very much.

Mexico, you have the floor now.

>> MEXICO: Thank you, Mr. Chairman.

Chairman, we are somewhat confused. It has been suggested that there is a compromise solution based on statements by various delegations. I think, rather, that we have a commitment to find a compromise, rather than a compromise solution per se. Perhaps somebody could clarify exactly what compromise solution is being referred to. Because Mexico would rather support the U.S. proposal, which could be to support commercial agreements between ROAs.

So perhaps you would be kind enough to explain in greater detail what compromise solution is being referred to.

>> CHAIR: Well, I was pointing out that there is room to find compromise, not that a compromise solution has been reached. And to do that, this ad hoc Committee will have to examine the positions that have been presented and everybody make a commitment to work on examining their positions in the light of what is the reality now. That is, there is a need for the system, the accounting system, or Article 6 as it exists now, for many countries. And on the other hand, things have become so liberalized that perhaps it's not as relevant.

However, because we are talking about International communications and we have to have a system that works for everybody, there is a potential for meeting that middle ground that takes care of the new way of doing things without throwing away the old ways, where we have come from.

So this is where you have to meet and come up with something that could be considered as a compromise for us all to examine. So I wasn't indicating that a compromise has been reached, but that there is room for compromise and that this ad hoc Committee must examine the situation and the realities on the ground.

So that was my point.

Canada, please.

>> CANADA: Thank you, Mr. Chairman.

And we would like to offer Canada's support and participation in the ad hoc group.

Mr. Chairman, we believe that the recognition of the diversity of views on the issue should be preceded by the recognition of a factor that is very important. And that is that more than any proscriptive regulations, we need a regulatory environment that promotes competition, investment, entrepreneurship and innovation, because all of that goes to the benefit of consumers worldwide.

We also recognize, Mr. Chairman, that there are places and countries in the world in which the transition to a liberalized and market-based environment hasn't happened at the pace in which it has happened in many other countries of the world. And in that sense, Mr. Chairman, we fully recognize your point of view that the meeting of the two minds, so to say, is to see how we can all collectively advance towards a more liberalized market-based environment which has proven to be so effective, particularly in developing countries.

Thank you, Chairman.

>> CHAIR: Thank you very much.

India, you have the floor, followed by UAE.

>> INDIA: Thank you very much, Mr. Chairman.

I think Article 6 deals with the important subject of accounting and settlement principles. Yes, to some extent, that is -- it's important to do because the views have been reduced. But with regard to settlement of accounts, it's still basically being followed. So though it's not muchly used, I would suggest – India would like to suggest to keep it in some part in the ITR. Backward compatibility is also required, because there may be some countries who may not be tied to the new accounting systems. For them there should be some guidelines or principles that would help them with their accounts. So India would suggest that this provision be kept in some way in some form in the ITR.

With regard to other provisions, like investment, infrastructures, how to be more competitive, and others issues, for those provisions perhaps these can be kept in these articles.

Thank you, Mr. Chairman.

>> CHAIR: Thank you, India, for your suggestion. And I trust that you participate fully in the ad hoc meetings, to make sure that these are taken care of.

United Arab Emirates, you have the floor.

>> UNITED ARAB EMIRATES: Thank you. I'm speaking on behalf of the Arab States.

Mr. Chairman, considering the Article was there for many years, and actually maybe some of the operators are cross-referenced in some of the provisions listed in the Article 6 or in the appendices, the Arab States are not in favor of suppression of such Article at the current, but we fully understand the technological change in the International market of today.

And also we support you, Mr. Chairman, in the proposal that Article 6 needs to be updated accordingly.

In order to find the proper compromises after discussing the highlighted issues raised by earlier speakers regarding the competition in the liberalized market of today, and to maintain also the flexibility in this area, and actually, Mr. Chairman, as we have seen from the proposals by different Administrations in this conference, that there are proposals for new provisions in order to address such issues related to the new technologies and the new liberalized market, and I believe, Mr. Chairman, this can be updated considering the existing provisions as well. Thank you.

>> CHAIR: Thank you. I hope you participate in the ad hoc.

I’ll call on Uganda now, followed by Iran.

>> UGANDA: Thank you. We would like to participate in this ad hoc group. I thank you.

>> CHAIR: Thank you, Uganda.

Iran, you have the floor now.

>> IRAN: Thank you, Mr. Chairman.

Yes, we believe that 24 years has passed and we need to have a fresh look at this Article. But perhaps as a way of suggesting, Chairman, we suggest the term of reference is to possibly be as follows. To look at the Article 6, this one, and identify which are the fundamental provisions that are to be kept and included in Article 6.

Two, what are the provisions in existing or new proposals to the WCIT which could be included in the appendix? And also make reference to the transition positions or status that the world is going to, or the almost liberalized commercial conditions, and put necessary elements also in Article 6 making reference to the special arrangements, reference to Article 37 of the Convention and Article 42 of the Constitution.

And then come up with the suggestion to Committee 5 and then maybe the Working Group 5-1 can pick that up, too. Otherwise, the various proposals would be difficult to follow before making such filtering and such identification.

And I thank you very much.

>> CHAIR: Thank you, Iran. We will take that into consideration.

Kenya, you have the floor.

>> KENYA: Thank you, Mr. Chairman, and good afternoon to colleagues.

I'm speaking as the outgoing Vice Chairman of Study Group 3. Increasingly, Mr. Chairman, we have heard input from several Member States in respect of the contents of Article 6 and appendix 1. That symbolizes the importance of charging on International settlement matters in even today's telecommunications environment at the International level. Therefore, we propose that these Articles be maintained. And for that reason we wish to participate in the ad hoc group and urge you, Mr. Chairman, to keep this ad hoc group as open as possible without restriction.

I thank you.

>> CHAIR: Thank you very much. This ad hoc group is open. And as I said earlier, as many people that want to participate should be there, and to help fashion out a better way of doing business, looking at Article 6 that we have now and its appendices. And we will take some material from what was presented by Iran as part of the terms of reference, and begin work as quickly as possible.

At the end of the day, we don't want to leave anybody behind. We want all countries to feel comfortable being part of the International telecommunication network. And the compensation and charges should be what -- I mean, the countries must have the flexibility of making sure that they don't become burdensome and that the free flow of communications can continue.

I had closed the list, but I'll give Iraq and United Arab Emirates the chance to make their statements.

Thank you very much.

>> IRAQ: Thank you, Mr. Chairperson.

We support what has been said by the representative of the UAE and we call for finding a consensus solution in order to obtain the best results that would be beneficial to all.

And thank you for having given Iraq the chance to make its statement. Thank you.

>> CHAIR: Thank you.

United Arab Emirates.

>> UNITED ARAB EMIRATES: Thank you, Mr. Chairman.

I would seek your kind clarification regarding the ad hoc terms of reference. Can you say of this group whether it would be only for the Article 6 existing provisions or also for the new ones? It's our understanding that Working Group 1 will take care of these issues, including Article 1 and the new provisions as well. So if the other group would take the responsibility for the overall Article 1 including the provisions, I would seek your clarification on this.

>> CHAIR: This ad hoc group is to discuss Article 6 only, the existing 6. Yes.

So this list is closed. And as I said earlier, we will look at the Australian position and move from there.

I'm sorry. I have to move on to the next item on the agenda, which is a progress report from Working Group 5 -- Working Group 2 of Com 5. Document is DT/27.

By the way, Australia, you'll be Chairing the ad hoc Committee on the Article 6 issue.

Thank you.

I'm sorry. I've got two outstanding on my list here. Iran and Korea. Please go ahead and make your comments.

>> IRAN: Thank you. Perhaps it may be appropriate that for the time being we would not exclude the new proposal for Article 6. Leave it to the group to look at that one to see which of those elements are to be contained in Article 6 and which one of them go to the appendix. Not closing total the door to the proposals made to this conference by the distinguished membership of the ITU, from the state members. Thank you.

>> CHAIR: Thank you. But this is being looked at by Working Group 1, so let's give them a chance there for that.

Korea, you have the floor, please.

>> REPUBLIC OF KOREA: Thank you, Mr. Chairman.

Simply the question regarding the timeframe of the Working Group 1. This evening there will be a Working Group 1, but you tasked Australia to consider Article 6 and appendix 1. So I'm wondering what the remaining issue is for Working Group 1 this evening.

Thank you.

>> CHAIR: Counselor, address that, please.

>> COUNSELOR: Thank you very much, Mr. Chair.

And good afternoon, Distinguished Delegates.

The idea which came from the Chair, the decision of the Chair of our -- pardon. The decision of Committee 1 of Com 5 -- Working Group 1 of Com 5 is that they would like to have principles which would govern all, you know, have them in their work. So there is this suppression between the substance of Article 6 versus the principle.

They want Com 5 to be able to look at three possibilities: Eliminate Article 6, keep Article 6, modify Article 6. By "modify" I'm talking about something broad. It could be moving it to different parts of the ITRs. So this Com 5 is supposed to just come up with the principles and then this thing goes back to Working Group 1 of Com 5, which will now look at the current text and new proposals. So nothing is actually going to be abandoned. It's just suppression of your responsibilities.

I hope that clarifies a little bit what Com 5 is supposed to do and also on the basis of what the Chair of Working Group of Com 1 presented to this meeting.

Thank you, Mr. Chair.

>> CHAIR: Thank you.

May I now call upon the Chair of Working Group 2 of Com 5 to give his report.

Thank you.

Italy, you have the floor.

>> ITALY: Thank you.

We met twice, yesterday evening and this morning. We went to proposal for provision of audio service. In practice we have some draft text for Article 3.1, 3.4, and 4.3, but we have to revisit that. And we have also draft text for provision of facilities, Article 3.2, again to be revisited. And a new proposed addition on Misuse. For this one, we are creating a group to work in between.

It was noted that the matters of OA versus ROA, the “Administration” replacement, and the replacement of “CCITT recommendation” will be discussed in the plenary of the conference, and therefore these two were not addressed. In the text we have not put this issue.

Regarding the agenda item 17 of Document ADM/9 (rev 1) on nondiscriminatory access, which is listed in Temporary Document 25, I have suggested and it was agreed that this proposal be transmitted through Com 5 to the plenary of the conference, to be addressed along with other proposals on similar topics.

That is the formal presentation of the result of our Working Group.

>> CHAIR: Thank you, Chair, of Working Group 2 of Com 5.

As you indicated, most of your stuff are on for plenary of conference. So we thank you for your report, and it doesn't look like you're asking us to do anything at this point. But I'll take some contributions from people who have asked for the floor.

And I'll ask Portugal to go first.

>> PORTUGAL: Thank you, Mr. Chairman.

I'm afraid we have moved too quick to this agenda item. I would still wish to go back to the discussion that we were having on provisions -- on Article 6.

As far as I understood, the conclusion was to negotiate the existing provisions in Article 6 separately from the new provisions in Article 6 that were proposed to be included in Article 6.

I think this could be difficult for us to step into these negotiations by that means. We consider that Article 6 is just one. There are not, let's say, two Article 6, and so we have to negotiate them altogether, because otherwise we can be inconsistent between what we achieve in one place or the other.

So, Mr. Chairman, sorry to be inconvenient for you to proceed these, but I have difficulties in accepting this separation of Articles, since we are just talking about one single provision, which is Article 6.

Thank you.

>> CHAIR: Thank you. We will come back to that.

South Africa, you have the floor.

>> SOUTH AFRICA: Sorry, Chairperson. We were not intending to take the floor. My apology.

>> CHAIR: Okay.

Iran, please, you have the floor next.

>> IRAN: Thank you, Chairman.

Two points. Yes, we tend to agree with Portugal that with respect to Article 6, we have to ask the other group to look at the existing plus the new proposal for Article 6. It would not be easy to treat them separately because that would be back and forth.

Second, Chairman, we understood from the Chairman of the Working Group 5-2 that the issue of nondiscriminatory access would be submitted to Committee 5 or the plenary Chairman. We prefer that it should be discussed at Committee 5 but not plenary.

We have to engage in discussion. It has not been discussed. We don't mind if the Working Group 5-2 doesn't want to take that onboard. It should be Committee 5.

He kindly mentioned another topic which we have not properly grasped: Which other topic other than nondiscriminatory access would be discussed at the level of Committee 5? Once again, our preference is Committee 5, but not plenary.

Thank you.

>> CHAIR: Brazil, please. You have the floor.

>> BRAZIL: Thank you very much, Mr. Chairman.

In our point of view, Article 6 is about three issues. One is prices. The other one is accounting. And the other one is taxation.

If you look at our proposal, at the Brazilian proposal, B18, we focus on costs and prices, because we consulted our private sector and they are currently not using the accounting provisions. However, we have to take into consideration what the African nations stated here, that they still use the accounting provisions. So we will be prepared to remove our proposal on suppressing annex 1 and perhaps moving all the accounting provisions to this annex, with one reference to these accounting provisions inside Article 6.

Thank you.

>> CHAIR: Thank you very much, Brazil. That will be useful input for the ad hoc work. Thank you, Brazil. I think you make a good point.

But on the points raised by Iran, I think you're right. The issue regarding nondiscriminatory access should be brought back to Com 5 for future -- for further work on it.

Okay. Italy, you have the floor now.

>> ITALY: To clarify, thank you, Chairman.

To clarify the matter, the real proposal, since we were speaking of two possible Articles in ITR dealing with nondiscriminatory Internet access to users, and with the new draft resolution on nondiscriminatory access to Internet, since it was created in that ad hoc group of the plenary dealing with the question of Internet, the idea was that this ad hoc group of the plenary will take care of also this item, in order to have general directives. Because the idea was, as in the agenda, if you want we can also consider, but it was last pointed in the agenda and we will we have to wait for the conclusion on the Internet and discussions to take place in the ad hoc group of the plenary.

I'm at your disposal for any solution. I can reconsider it in my Working Group or you can discuss it in plenary of Com 5, or you can send it to the ad hoc group on the Internet.

>> CHAIR: Thank you for the clarification. We will wait then.

Iran, you have the floor.

>> IRAN: Thank you, Mr. Chairman.

I don't believe that the simple issue of nondiscriminatory access to Internet, and so on, which was subject to a resolution of the WTSA-12 and referred by some colleagues to be connected to the overall issue of Internet.

These are two different things, Chairman, although the word "Internet" is involved in both. But we are not dealing with numbering and so on and so forth. We are not dealing with some of those general issues. This is a more narrow matter. We suggest that at least we discuss at the level of Committee 5. However, if you decide after that it could be going to the Working Group of the plenary under the Chairman of the conference, we have no difficulty.

But I don't think that without any discussions we automatically leave it to Working Group of the plenary. Because issues related to Working Group of plenary was discussed at the plenary and it was left or directed to the work of the plenary. You cannot do something of the work of the plenary here.

So I suggest that if possible we discuss that in Committee 5 under general discussions. And once again, it's not under the general issue of the Internet, which is under discussion at Working Group of plenary, as was discussed at the first or second day of the conference.

Thank you.

>> CHAIR: Thank you very much, Iran, for your inputs.

We will have to deliberate further on it and come back to you on that.

Meanwhile, I'll give the floor to Cuba. Cuba, you have the floor.

>> CUBA: Thank you, Chairman.

In the document in which we have the proposal from Cuba, we have understood clearly the proposal of the Chairman of Working Group 2 of Com 5. But we believe that we understand that this would be entrusted to the plenary.

We are in agreement with the proposal of Iran. We see no objection to this. We think it would be far clearer if we could explain the proposal of Cuba and of Asia Pacific.

>> CHAIR: Okay. Thank you, Cuba.

So we will put it on the agenda for a future Com 5 meeting.

So, United States, you have the floor now.

>> UNITED STATES OF AMERICA: Thank you, Chairman.

Maybe I'm a little bit confused. But it seems to me that we can't take any action until the group from the plenary -- the plenary makes a decision on these issues. So are you saying that we will put it on the agenda once they make a decision or are we going to discuss it here before they do that? Which I don't think would be appropriate. I think we have to wait for the decision from the plenary.

Thank you, Mr. Chairman.

>> CHAIR: Well, I was asking for opportunity to have some consultation with the conference Chair on this. So... that is why.

Ladies and gentlemen, so we have had the reports from Working Group 1 and 2, and the way forward especially on Article 6 from Working Group 1 of Com 5. There are a lot of ad hoc meetings and issues within Working Group 1. So we're not going to take too much time, but to bring this meeting to a close now, and publish the next set of instructions for the ad hoc on Article 6 as quickly as we get the time and room information sent to us, while we do consultations with the conference Chairman on the way forward with the report from Working Group 2 of Com 5.

Thank you very much.

Most likely, the ad hoc will be on Thursday, Thursday night. That's what it's looking like. But we will confirm that very quickly.

So with that, I'd like to take the comment from Portugal and we will bring this meeting to a close.

>> PORTUGAL: Thank you, Mr. Chairman.

Just to come back on this. What will be the terms of reference of this ad hoc group? Will it include the proposals for new provisions, or not, on Article 6? That is my question.

>> CHAIR: Well, for now, we're looking at the old, not the new, Article 6. Just the old one.

Okay. Australia, please.

>> AUSTRALIA: Thank you, Chair.

I just wanted to -- we didn't actually formally say yes to your request, but Australia is happy to Chair the ad hoc group. And my colleague, Ms. Caroline Greenway, will be the Chair of the ad hoc group.

Thank you, Chair.

>> CHAIR: Well, thank you for formally responding, but for some reason I had assumed that you would do it. But thanks for confirming my trust in you.

Iran, you have the floor.

>> IRAN: Thank you, Chairman.

May I kindly request you that if you limit the activities of the ad hoc to the existing Article 6, and not taking into account the new proposal, then when will that be taken into account and who will take that into account? The same ad hoc group or which entity? Just a point of clarification.

Thank you.

>> CHAIR: I think for now it's the responsibility of Working Group 1 of Com 5.

Thank you.

Well, ladies and gentlemen, thank you for your participation. This meeting is now closed.

(Gavel)

(End of meeting, 15:45)

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