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| **World Conference on International Telecommunications (WCIT-12)Dubai, 3-14 December 2012** |  |
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| European Administrations |
| EUROPEAN COMMON PROPOSALS FOR THE WORK OF THE CONFERENCE |
|  |
| **Contents** |

[Proposals](#prop) 2

[Preamble](#pream) 2

[Article 1](#art1) 2

[Article 2](#art2) 4

[Article 3](#art3) 8

[Article 4](#art4) 9

[Article 5](#art5) 10

[Article 6](#art6) 11

[Article 7](#art7) 14

[Article 8](#art8) 14

[Article 9](#art9) 15

[Article 10](#art10) 16

[Appendix 1](#app1) 17

[Appendix 2](#app2) 17

[Appendix 3](#app3) 17

[Resolutions](#res) 19

[Recommendations](#rec) 20

[Opinion](#op) 21

**PROPOSALS**

Europe supports NOC to any proposed modification / addition on Articles 2, 3, 4, 5, 6, 7, 8, 9 and 10 which is not indicated in this contribution.

**NOC** EUR/16A1/1

INTERNATIONAL TELECOMMUNICATION
REGULATIONS

**NOC** EUR/16A1/2

PREAMBLE

**Reasons:** Title and title of Preamble remain unchanged.

**MOD** EUR/16A1/3**#10897**

1 While the sovereign right of each state to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereinafter “Regulations”) complement the Constitution and 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 world-wide telecommunications.

**Reasons:** The term “state” is the one used in the Constitution. The term “complement” is the one used in the Constitution.

**NOC** EUR/16A1/4

Article 1

Purpose and Scope of the Regulations

**Reasons:** Title of Article 1 remains unchanged.

**MOD** EUR/16A1/5

2 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.

**Reasons:** The revised ITRs should only contain provisions regarding obligations of Member States, and not direct the activities of private parties.

**MOD** EUR/16A1/6

3 *b)* These Regulations recognize in Article 9 the right of Member States to allow special arrangements.

**Reasons:** Editorial update.

**NOC** EUR/16A1/7

4 1.2 In these Regulations, “the public” is used in the sense of the population, including governmental and legal bodies.

**Reasons:** The proposal stood the test of time.

**NOC** EUR/16A1/8

5 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.

**Reasons:** The proposal stood the test of time.

**MOD** EUR/16A1/9

6 1.4 References to ITU-T Recommendations in these Regulations are not to be taken as giving to those Recommendations the same legal status as the Regulations.

**Reasons:** The ITU Constitution does not provide ITU Recommendations with a binding force, by their nature ITU-T Recommendations are non-binding, i.e. of voluntary application, and should not therefore be imposed as a matter of routine. Europe considers that the ITRs revision shall not be used to change the nature of ITU Recommendations.

Europe supports the suppression of the reference to “Instructions”. Both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141, (Instructions for operators on the operator-assisted international telephone service) were withdrawn. Therefore, Europe considers that references to instructions are outdated and should be suppressed.

**SUP** EUR/16A1/10

7

**Reasons:** International traffic handling today is more complex than previously experienced and this is reflected in the commercial relationships currently existing between operators.

Art. 42 of the ITU Constitution and Art. 9 of the current ITRs refer to special arrangements therefore the text on existing 1.5 seems to be in contradiction.

**MOD** EUR/16A1/11**#10921**

8 1.6 In implementing the principles of these Regulations, Member States should encourage recognized operating agencies to comply with, to the greatest extent practicable, the relevant ITU-T Recommendations.

**Reasons:** The Constitution of the Union does not provide ITU Recommendations with a binding force, by their nature ITU-T Recommendations are non-binding, i.e. of voluntary application, and should not therefore be imposed as a matter of routine. Europe considers that the ITRs revision shall not be used to change the nature of ITU Recommendations.

The proposed text, including the use of the term “encourage” is in line with existing provision of the ITRs 1.7 b).

Europe supports the suppression of the reference to ITU-T “Instructions”.

**MOD** EUR/16A1/12

9 1.7 *a)* These Regulations recognize the right of any Member State, subject to national law , to require that recognized operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State.

**Reasons:** The ITRs may only indirectly apply to recognısed operatıng agencıes.

**SUP** EUR/16A1/13

10

**Reasons:** This provision seems to be very similar to 1.6 and should be suppressed as there is a need to avoid repetition.

**MOD** EUR/16A1/14

11 *b)* The Member States, where appropriate, shall cooperate in implementing the International Telecommunication Regulations.

**Reasons:** Editorial update. The provision stood the test of time.

**NOC** EUR/16A1/15

12 1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.

**Reasons:** The provision stood the test of time.

**NOC** EUR/16A1/16

Article 2

Definitions

**Reasons:** Title of Article 2 remains unchanged.

**NOC** EUR/16A1/17

13 For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.

**NOC** EUR/16A1/18

14 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.

**Reasons:** Europe does not support expanding the definition of Telecommunication to include “processing” as it would excessively broaden the scope of the ITRs. Europe does not agree to include the term “ICT” in the revised ITRs.

This topic is seldom discussed within ITU and Member States never agreed on this subject.

Telecommunication is defined in the Annex to the ITU Constitution (No. 1012). As stated in Art. 4 of the ITU Constitution, “In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail”. Therefore, it is not possible to agree on a definition which is not consistent with the CS.

**NOC** EUR/16A1/19

15 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.

**Reasons:** The current definition is broad and flexible to accommodate technological developments.

International telecommunication service is defined in the Annex to the ITU CS (No. 1011). ). As stated in Art. 4 of the CS, “In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail”. Therefore, it is not possible to agree on a definition which is not consistent with the CS.

**SUP** EUR/16A1/20

16

**Reasons:** Obsolete.

**SUP** EUR/16A1/21

## **17**

**Reasons:** Obsolete.

**SUP** EUR/16A1/22

## **18**

**SUP** EUR/16A1/23

19

**Reasons:** Obsolete.

**SUP** EUR/16A1/24

20

**Reasons:** Obsolete.

**SUP** EUR/16A1/25

21

**Reasons:** Europe considers that this definition is no longer required as it does not reflect reality (multitude of routing arrangements).

**SUP** EUR/16A1/26

22

**SUP** EUR/16A1/27

23

**SUP** EUR/16A1/28

24

**Reasons:** Europe considers that this definition is no longer required as it does not reflect reality (competitive markets).

**SUP** EUR/16A1/29

25

**Reasons:** Europe considers that this definition is no longer required as it does not reflect reality (wide variety of arrangements).

**SUP** EUR/16A1/30

26

**Reasons:** As Europe is proposing to suppress provision 6.1.1 this definition is no longer needed.

**SUP** EUR/16A1/31

27

**Reasons:** Europe proposes the suppression of the reference to “Instructions”. Both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141, (Instructions for operators on the operator-assisted international telephone service) were withdrawn. Therefore, Europe considers that references to instructions are outdated and should be suppressed.

**NOC** EUR/16A1/32

Article 3

International Network

**Reasons:** Title of Article 3 remains unchanged.

**MOD** EUR/16A1/33**#11005**

28 3.1 Member States shall encourage recognized operating agencies to cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

**Reasons:** Given market liberalization, it may be difficult under national law for some Member States to ensure quality of service.

Competition in the market is the best way to guarantee a satisfactory quality of service.

**MOD** EUR/16A1/34

29 3.2 Member States shall encourage the provision of sufficient telecommunication facilities to meet the demand for international telecommunication services inter alia through the fostering of competitive and liberalised telecommunication markets.

**Reasons:** Proposal that aims at fostering of liberalised and competitive International telecommunication services.

**SUP** EUR/16A1/35

30

**Reasons:** Obsolete.

**ADD** EUR/16A1/36

30A 3.3A Member States should encourage the appropriate use of those numbering resources which are the responsibility and remit of the ITU, in order that they are used only for the purposes for which they were assigned. Member States shall endeavour to ensure that resources, which are the responsibility and remit of the ITU, are not used until they are assigned.

**Reasons:** Europe proposes to address the issue related to the conformity of use of numbering resources.

**MOD** EUR/16A1/37**#11017**

31 3.4 Subject to national law, any user, by having access to the international telecommunication network established by a recognized operating agency, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant ITU-T Recommendations.

**Reasons:** The provision stood the test of time.

**ADD** EUR/16A1/38**#11121**

31A 3.5.A Member States should encourage recognized operating agencies to take measures to further robustness of their networks used for international telecommunication services.

 3.5.B Member States are encouraged to cooperate in that sense.

**NOC** EUR/16A1/39

Article 4

International Telecommunication Services

**Reasons:** Title of Article 4 remains unchanged.

**MOD** EUR/16A1/40**#11054**

32 4.1 Member States shall, to the greatest extent practicable, establish policies to promote the development of international telecommunication services to foster the general availability to the public of such services.

**Reasons:** Europe supports text in favour of the general availability to the public of international telecommunication services.

**MOD** EUR/16A1/41**#11057**

33 4.2 Member States shall encourage recognized operating agencies to cooperate within the framework of these Regulations to provide by commercial agreements, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ITU-T Recommendations.

**Reasons:** Europe considers the best way for providing choice and innovation in the provision of international services is by facilitating competition in the provision of such services

**MOD** EUR/16A1/42**#11062**

34 4.3 Subject to national law, Member States shall endeavour to ensure that recognized 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:

**MOD** EUR/16A1/43

35 *a)* access to the international network ;

**MOD** EUR/16A1/44

36 *b)* international telecommunication facilities and services available to the public ;

**SUP** EUR/16A1/45

37

**MOD** EUR/16A1/46**#11075**

38 *d)* a capability for interworking between different services, as appropriate, to facilitate international telecommunications services.

**Reasons:** The proposed text complements the wording proposed by CEPT for the revision of provision 3.1.

**ADD** EUR/16A1/47**#12766**

38A 4.4 Tariff transparency

Member States shall ensure that recognized operating agencies providing international telecommunication services, at least provide free of charge, transparent and up-to-date information on retail charges to the end users, including international roaming charges.

**Reasons:** Europe aims at ensuring that customers receive the necessary pricing information to make an informed purchase decision regarding international telecommunication services, in particular, international roaming services. Transparency refers to retail prices.

**NOC** EUR/16A1/48

Article 5

Safety of Life and Priority of Telecommunications

**Reasons:** Title of Article 5 remains unchanged.

**MOD** EUR/16A1/49**#11100**

39 5.1 Member States shall adopt policies that, to the greatest extent practicable, ensure that safety of life telecommunications, such as distress telecommunications, are entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of relevant ITU-T Recommendations.

**Reasons:** This proposal clarifies the roles of Member States.

**SUP** EUR/16A1/50

40

**Reasons:** Obsolete.

**SUP** EUR/16A1/51

41

**Reasons:** Obsolete.

**NOC** EUR/16A1/52

Article 6

Charging and Accounting

**Reasons:** Title of Article 6 remains unchanged.

**SUP** EUR/16A1/53

## **42**

**SUP** EUR/16A1/54

43

**Reasons:** It is inappropriate for Member States in an international treaty to make commitments which dictate the detail of how private operators conduct their commercial activities with operators in other countries in the current liberalised and competitive international telecommunications market.

**ADD** EUR/16A1/55**#11133**

43A 6.1. Subject to applicable national law, the terms and conditions between recognized operating agencies for the provision of international telecommunication services shall be subject to commercial agreement.

**Reasons:**

Europe supports the view that the ITRs should be technological neutral and in no circumstance should provide prominent treatment to a sort of arrangement over others.

In particular, the accounting rates system is one among different sort of arrangements that are currently used by the industry and therefore the ITRs should not provide a prominent treatment to it.

Europe considers that any reference to particular arrangements should be dealt within ITU-T Recommendations which can more easily be adapted to technical developments and market circumstances.

**SUP** EUR/16A1/56

44

**Reasons:** It is inappropriate for Member States in an international treaty to make commitments which dictate the detail of how private operators conduct their commercial activities with operators in other countries in the current liberalised and competitive international telecommunications market.

**SUP** EUR/16A1/57

45

**Reasons:** Europe advocates that fiscal issues are not within the scope of the ITRs.

**SUP** EUR/16A1/58

## **46**

**SUP** EUR/16A1/59

47

**Reasons:** Europe supports the view that the ITRs should be technological neutral and in no circumstance should provide prominent treatment to a sort of arrangement over others.

In particular, the accounting rates system is one among different sort of arrangements that are currently used by the industry and therefore the ITRs should not provide a prominent treatment to it.

Europe considers that any reference to particular arrangements should be dealt within ITU-T Recommendations which can more easily be adapted to technical developments and market circumstances.

**SUP** EUR/16A1/60

## **48**

**SUP** EUR/16A1/61

49

**Reasons:** Obsolete.

**SUP** EUR/16A1/62

50

**Reasons:** Obsolete.

**SUP** EUR/16A1/63

## **51**

**SUP** EUR/16A1/64

52

**Reasons:** Europe supports the view that the ITRs should be technological neutral and in no circumstance should provide prominent treatment to a sort of arrangement over others.

In particular, the accounting rates system is one among different sort of arrangements that are currently used by the industry and therefore the ITRs should not provide a prominent treatment to it.

Europe considers that any reference to particular arrangements should be dealt within ITU-T Recommendations which can more easily be adapted to technical developments and market circumstances.

**SUP** EUR/16A1/65

## **53**

**SUP** EUR/16A1/66

54

**Reasons:** Obsolete.

**ADD** EUR/16A1/67

54A 6.5A **Costs of International Roaming Services**

- Member States shall encourage competition in the provision of international roaming services;

- Member States are encouraged to cooperate to develop policies for reducing charges on international roaming services.

**Reasons:** Europe seeks to encourage competition and cooperation to develop policies to address international roaming charges.

**NOC** EUR/16A1/68

Article 7

Suspension of Services

**Reasons:** Title of Article 7 remains unchanged.

**MOD** EUR/16A1/69**#11214**

55 7.1 If a Member State exercises its right in accordance with the ITU Constitution and Convention to suspend international telecommunication services partially or totally, that Member States shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.

**Reasons:** Align with Art. 35 of the Convention.

**MOD** EUR/16A1/70**#11215**

56 7.2 The Secretary-General shall immediately bring such information to the attention of all other Member States, using the most appropriate means of communication.

**Reasons:** Align with Art. 35 of the Convention

**SUP** EUR/16A1/71

Article 8

Dissemination of Information

**Reasons:** Article 8 to be suppressed.

**SUP** EUR/16A1/72

57

**Reasons:** Many references are out of date and Nos. 98 and 99 of Article 5 of the Convention contain similar text.

**NOC** EUR/16A1/73

Article 9

Special Arrangements

**Reasons:** Title of Article 9 remains unchanged.

**MOD** EUR/16A1/74**#11225**

58 9.1 *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 recognized operating agencies or other organizations or persons to enter into such special mutual arrangements with recognized operating agencies or other organizations or persons that are so allowed in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Member States concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

**MOD** EUR/16A1/75**#11232**

59 *b)* Special arrangements should avoid technical harm to the operation of any telecommunication facilities/services.

**Reasons:** Technical harm to any telecommunication facilities should be avoided.

**SUP** EUR/16A1/76

60

**Reasons:** Not needed in light of 1.6.

**NOC** EUR/16A1/77

Article 10

Final Provisions

**MOD** EUR/16A1/78**#12804**

61 10.1 These Regulationswhich complement the provisions of the Constitution and Convention of the International Telecommunication Union, shall enter into force on 1 January 2015 and shall be applied as of that date pursuant to Article 54 of the Constitution.

**SUP** EUR/16A1/79

62

**ADD** EUR/16A1/80**#11244**

62A 10.2A The revision of ITR can only be undertaken by a competent World Conference on International Telecommunication in accordance with Article 25 of the ITU Constitution.

**SUP** EUR/16A1/81

63

**SUP** EUR/16A1/82

64

**MOD** EUR/16A1/83

 IN WITNESS WHEREOF, the delegates of the Members of the International Telecommunication Union named below have, on behalf of their respective competent authorities, signed one copy of these Final Acts. In case of dispute, the French text shall prevail. This copy shall be deposited in the archives of the Union. The Secretary-General shall forward one certified copy to each Member of the International Telecommunication Union.

Done at Dubai, [x] December2012.

**SUP** EUR/16A1/84

APPENDIX 1

General Provisions Concerning Accounting

**Reasons:** Suppress all of Appendix 1. Appendix 1 is obsolete and should be suppressed.

Europe supports NOC to any further modification/addition on Appendix 2.

**MOD** EUR/16A1/85

APPENDIX 2

Provisions Relating to
Maritime Telecommunications

# **2/1** 1 General

**MOD** EUR/16A1/86

2/2 The provisions contained in this Appendix shall apply to maritime telecommunications .

# **2/3** 2 Accounting authority

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:

2/5 *a)* by the administration that has issued the licence; or

**MOD** EUR/16A1/87

2/6 *b)* by a recognized operating agency; or

2/7 *c)* by any other entity or entities designated for this purpose by the administration referred to in *a)* above.

**MOD** EUR/16A1/88

2/8 2.2 The administration or the recognized operating agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the “accounting authority”.

**SUP** EUR/16A1/89

**MOD** EUR/16A1/90

2/10 2.3 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 ITU-T Recommendations.

**SUP** EUR/16A1/91

**SUP** EUR/16A1/92

**SUP** EUR/16A1/93

# **2/14** 4 Settlement of balances of account

**MOD** EUR/16A1/94

2/15 4.1 All accepted 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.

**MOD** EUR/16A1/95

2/16 4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the administration that has licensed the mobile station may, on request, take steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee.

**SUP** EUR/16A1/96

**MOD** EUR/16A3/97

2/18 4.3 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.

**SUP** EUR/16A1/98

APPENDIX 3

Service and Privilege Telecommunications

**Reasons:** Suppress all of Appendix 3. Appendix 3 is obsolete and should be suppressed

**SUP** EUR/16A1/99**#11330**

RESOLUTION No. 1

Dissemination of Information Concerning
International Telecommunication Services
Available to the Public

**Reasons:** The Resolution is out of date. Covered by no. 183 of the Constitution and 202 and 203 of the Convention.

**SUP** EUR/16A1/100**#11334**

RESOLUTION No. 3

Apportionment of Revenues in
 Providing International Telecommunication Services

**Reasons:** No longer relevant, because the studies called for in the Resolution have been carried out by ITU-T Study Group 3.

**SUP** EUR/16A1/101**#11335**

RESOLUTION No. 4

The Changing Telecommunication Environment

**Reasons:** No longer relevant, because the invitation was acted upon by the 1989 Plenipotentiary Conference.

**SUP** EUR/16A1/102**#11336**

RESOLUTION No. 5

CCITT and World-Wide Telecommunications Standardization

**Reasons:** No longer relevant, because the actions called for were taken by the Administrative Council and the 1989 Plenipotentiary Conference.

**SUP** EUR/16A1/103**#11339**

RESOLUTION No. 7

Dissemination of Operational and Service Information
 Through the General Secretariat

**Reasons:** No longer relevant, since the information is published as appropriate in the Operational Bulletin, and covered by Nos. 202 and 203 of the Convention.

**SUP** EUR/16A1/104**#11341**

RESOLUTION No. 8

Instructions for International Telecommunication Services

**Reasons:** Not relevant anymore. Both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141 (Instructions for operators on the operator-assisted international telephone service), have been withdrawn.

**SUP** EUR/16A1/105**#11347**

RECOMMENDATION No. 1

Application to the Radio Regulations of the Provisions
 of the International Telecommunication Regulations

**Reasons:** The mentioned transitional period between the entry into force of the partially revised Radio Regulations (October 3, 1989) and the entry into force of the International Telecommunication Regulations (July 1, 1990), is over.

**SUP** EUR/16A1/106**#11348**

RECOMMENDATION No. 2

Changes to Definitions Which also Appear in
 Annex 2 to the Nairobi Convention

**Reasons:** The actions called for were taken by the Administrative Council and the 1989 Plenipotentiary Conference.

**SUP** EUR/16A1/107**#11349**

RECOMMENDATION No. 3

Expeditious Exchange of Accounts and Settlement Statements

**Reasons:** No longer required, because the provisions in question are covered by ITU-T D-series Recommendations (see in particular D.190 on Exchange of international traffic accounting data between Administrations using electronic data interchange (EDI) techniques).

**SUP** EUR/16A1/108**#11350**

OPINION No. 1

Special Telecommunication Arrangements

**Reasons:** Outdated.