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

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1 Introduction

1.1 The second meeting of the Council Working Group on the International Telecommunication Regulations was held in Geneva 6 - 7 December 2004. Some 45 experts from 22 Member States attended the meeting. A list of participants is attached as **Annex 1** of this report.

1.2 Mr. Alaa Fahmy, Chairman of the Working Group wished a warm welcome to all participants and thanked the three Vice Chairmen (Mr. Vincent Affleck (UK), Mr. Raynold Mfungahema (Tanzania) and Mr. Hurbert Marks (USA) for the support and work since the last meeting.

1.3 The Chairman drew attention to the fact that the work of this Group would finish in the spring of next year at which time it should provide a final report to the Council. Therefore, the present meeting has an extremely important task to lay the groundwork for preparing its Report to Council 2005.

2 Adoption of the agenda

The draft agenda introduced by the Chairman was adopted, with a modification. It was agreed to include a new agenda item on the relevant results of the World Telecommunication Standardization Assembly 2004. A copy of the modified agenda is provided as **Annex 2** of this Report.

3 Consideration of the report of the previous meeting.

The Working Group reviewed the report of its previous meeting held in June 2004, and approved it without amendment.

4 Main relevant results of World Telecommunication Standardization Assembly

4.1 The meeting examined the salient points of the WTSA concerning Council WG on ITR, it was noted in particular that the WTSA has adopted several new and revised Resolutions which might have impact on the work of this Group.

4.2 The secretariat introduced also WTSA-04 Resolutions 20 and 51, discussions concerning E.212, and developments in SG 2 (see Documents ITR/007 and ITR/009).

4.3 Syria thanked the Secretariat and drew attention to WTSA's revision of Resolution 29, and to Articles 3.1 and 3.3 of the ITRs which, in Syria's opinion, prohibit certain practices identified in Resolution 29.

5 Report of Sub-group 1

5.1 Mr Affleck, Chairman of Sub Group1, introduced Document ITR/006, which represents the report of Sub-group 1. This Group is responsible for analyzing previous work on ITRs carried out since PP-98 (Minneapolis) including Contributions to PP-02 (Marrakesh). A copy of the report is provided as **Annex 3** of this Report.

5.2 Syria thanked Mr Affleck for the excellent work, but noted that this work does not refer to certain Resolutions adopted by PP-02, at a minimum, PP-02 Resolutions 101, 102, 133, and 21 (Alternative Calling Procedures) should be referenced.

5.3 The meeting agreed that the Secretariat should produce a new document referencing both PP and WTSA-04 Resolutions which may be relevant.

5.4 The report submitted by Sub Group 1 was agreed and it was decided that this report, together with the new document from the Secretariat, would form part of the final report to Council 2005.

6 Examination of replies to questionnaire and contributions

6.1 The Chairman introduced the topic using Document WD-ITR 2/04. He also invited other members to introduce briefly their input documents, if required.

6.2 The USA introduced its response to the questionnaire and also its input Document ITR/014.

6.3 The Secretariat introduced documents ITR/10, ITR/011, and ITR/012.

6.4 The meeting decided that all documents submitted to this meeting will be considered in due time when it discusses the related items.

7 Discussion of review of current ITRs

7.1 Report of Sub-group 2 (review of current ITRs)

7.1.1 Mr Mfungahema, Chairman of Sub Group 2, introduced the topic using Document WD-ITR 2/06.

7.1.2 The Netherlands, Tanzania and Egypt have introduced respectively Document ITR/005, ITR/008 and ITR/013.

7.1.3 Document ITR/015 was not introduced since Sudan was not present.

7.2 Classification of ITR provisions which should be terminated, retained in the ITR, transferred to the CS or CV, or embodied in ITU Recommendations

7.2.1 The discussion on this topic is summarized in the **Annex 4** to this document. It should be understood that the issue identification recorded (for example, “maintain current ITR provision as is”) does not reflect a consensus view. Several individual and group of countries explicitly reserved their position and stated that they reserved their right to reopen discussions at a later stage. **Annex 5** to this report contains statements by CEPT, by Egypt and by the USA.

7.2.2 In Annex 4, the references to WTO/GATS must be understood to include the note that not all signatories of the ITRs (or all ITU Member States) are members of WTO or have made commitments under GATS' Reference Paper on telecommunications, however as of 1 November 2004, 102 countries had included telecommunications services in their schedules of commitments under GATS.

8 Discussion of possible new provisions

8.1 Discussion of new issues

8.1.1 Mr Marks, Chairman of Sub Group 3, introduced WD-ITR 2/07 Rev 1, prepared by the Group Management Team. The document is a compilation of those new issues that were introduced in the Questionnaire responses or in individual contributions.

8.1.2 Participants were invited to propose other new issues, if any, that they may deem appropriate to be added to the document. There have been no other new proposals.

8.1.3 The meeting discussed those new issues item by item. A summary of discussions is contained in **Annex 6** to this report. It should be understood that the issue identification recorded does not reflect a consensus view. Several individual and group of countries explicitly reserved their position and stated that they reserved their right to reopen discussions at a later stage.

8.1.4 The Chairman noted that there was a division of opinions and that further study is required. Nevertheless, Annexes 4 and 6 are important outputs of this meeting and the Chairman invited further contributions for the next meeting.

8.2 Examination of possible new provisions in the ITR

Covered under 8.1 above.

8.3 Examination of possible new issues that may be the subject of ITU Recommendations

Covered under 8.1 above.

9 Future work programme

9.1 The Group agreed to use the Annexes 4 and 6 as basic input documents for the next meeting. The Chairman invited further contributions based on those two documents (Annexes 4 and 6). It was agreed that the deadline for submission of the contributions would be 1 April 2005.

9.2 As the date of the Council 2005 session was not yet decided at the time of the Group's first meeting, the participants have agreed that the next meeting of Council Working Group on ITRs is more conveniently rescheduled to 11-13 May 2005, in Geneva.

10 Closure of the meeting

10.1 Before closing the meeting, the Chairman congratulated the Chairmen of Sub Groups and the Secretariat on their dedication and also the participants on their cooperation. The meeting had been an efficient one.

10.2 Observing that the success of this Group depended solely on the quality of the contributions submitted, he encouraged members to begin preparation for the next meeting.

Annex 1

Final list of Participants of the Council Working Group on the International Telecommunication Regulations

**Second meeting
6-7 December 2004 – Geneva**



"Final List ITRs.pdf"

Annex 2

Agenda of the second meeting of the Working Group on International Telecommunication Regulations

- 1 Opening of the meeting
- 2 Adoption of the Agenda
- 3 Review of the previous meeting report
4. Main relevant results of World Telecommunication Standardization Assembly
- 5 Report of Sub-group 1
- 6 Examination of replies to questionnaire and contributions: an overview
- 7.1 Report of Sub-group 2 (Review of current ITR)
- 7.2 Classification of ITR provisions which should be terminated, retained in the ITR, transferred to the CS or CV, or embodied in ITU Recommendations
- 8.1 Report of Sub-group 3 (New Issues)
- 8.2 Examination of possible new provisions in the ITR
- 8.3 Examination of possible new issues that may be the subject of ITU Recommendations
- 9 Future work programme
- 10 Other business
- 11 Closure of the meeting

Annex 3

Report on the activities of Sub-Group 1

Introduction

Sub Group 1 of the Council Working group on ITRs is responsible for analysing previous work on ITRs carried out since PP98 (Minneapolis) including Contributions to PP02 (Marrakesh).

A draft List of Baseline Documents (the List) was presented to the first meeting of the CWG on ITRs on 7-8 June 2004 where it was discussed. There have been two periods of consultation since then (until 31 July 2004 and until 15 September 2004) in which WG members were invited to comment on the documents identified on the draft List and to identify any further documents which were important and contained concrete proposals.

Previous work

Expert Group

The ITRs in their present form date from 1988. At PP98, Resolution 79 was adopted which required the Secretary General to review the ITRs aided by a Group of Experts and report back to PP02 with any recommendations. The ITU Secretariat produced two background documents to facilitate the work of the Expert Group : (i) An analysis of the ITRs examining the legal, economic and operational issues including a detailed examination of the individual provisions and (ii) a comparison of the provisions in the ITRs with similar or equivalent provisions in the ITU Constitution and Convention (see documents 1 and 2 on the List).

The Expert Group set up two Working Groups using e-mail to review the options. WG A was to review the position from the standpoint of Developing Countries and WG B was to review the ITRs from the standpoint of current and future needs of Member States, particularly where liberalisation was either in place or under implementation.

Neither WG was able to reach a consensus on a way forward but four possible options were identified:

- a) The possible termination of the existing ITRs to be achieved through integration of the relevant provisions of the ITU Constitution, Convention or other instruments such as Recommendations, Resolutions and MOUs;
- b) The modification of the ITRs with a detailed update of the existing provisions, with a view to keeping the ITRs as a treaty level text;
- c) Detailed proposals explaining why there is a need to defer a determination on whether to review and modify the ITRs; and
- d) Proposals for new areas of regulation to enable further development and determination as to which provisions were really appropriate for inter-governmental treaty level regulatory agreement.

The possibility of combining the options was considered, (docs 3-5).

Council Consideration

The Secretary made a report to Council00 of the outcome of the work of the Expert Group (doc 6). Council 00 decided to distribute a questionnaire to ascertain the needs and concerns of Member states and Sector Members with respect to the ITRs and the views on the four above Options (doc 7). The volume of responses to the Questionnaire was very disappointing with only a 6% response rate. However, the responses which were made fell into two broad camps, that is (i) developed countries with liberalised markets who preferred the ITRs to be abandoned with their relevant provisions incorporated into the Constitution and Convention or would prefer to defer the decision and (ii) developing countries with monopolistic markets who would prefer to retain the ITRs with treaty level status modified to cover new issues, (docs 8-9).

Council01 reviewed the outcome of the Questionnaire aided by Contributions from Members including one from Australia (doc 10) which included two recommendations for further work. Again there was no agreement on the issue and Council concluded that it was not in a position to take a decision on further work and invited Member States to submit proposals to PP02 on a voluntary basis (doc 11).

PP02 (Marrakesh)

Council provided a report to PP02 detailing the work that had been done since PP98 and containing a document presented at Council by Morocco (representing the Arab group) and Australia proposing the convening of a World Conference on International Telecommunication in 2007, and including possible time schedules and estimates of the cost of holding a WCIT (doc 12).

There were also six separate contributions relating to ITRs from Member States; that is from Senegal, China, Australia (two), Arab States and European States. Senegal proposed a draft Resolution to convene a World Conference (doc 13). China proposed a draft Resolution to set up a preparatory WG charged with preparation of a World Conference and instructed the Council to define the agenda and set a date in 2007 (doc 14). Australia made a general proposal for a basic restructuring of the ITU Instruments without any changes to the content or meaning of the provisions. This proposal would add procedures for World Conferences and procedures for assemblies to the ITRs (doc 15). In addition, Australia made a specific proposal to amend the ITU Constitution to recognise the application of national laws in implementing the ITRs (doc 16). The Arab States made a proposal for a draft resolution to adopt an agenda and set a date in 2007 for a World Conference and for appropriate preparatory work to be undertaken by the Sectors and by the Secretary General (doc 17). The European States made a proposals to revise the ITRs by incorporating certain elements of the ITRs in the Constitution and Convention and developing ITU-T Recommendations to cover other elements and to remove the remaining elements which are either duplicated in the Constitution and Convention or ITU-T Recommendations and proposed that WTSA04 report to PP06 on any further action required (doc 18).

At PP02, the proposals were considered in detail by an Ad Hoc Group of Committee 5. The Ad Hoc Group identified two distinct elements: addressing the relevance of the existing provisions of the ITRs and considering the need to add new provisions to the ITRs. There was again no consensus on either of these issues but the Ad Hoc Group proposed that the review be continued with a decision, in principle, to hold a WCIT in the year 2007/8 conditional on the final decision to be taken by PP06 (doc 19).

Council WG on ITRs

The Council WG on ITRs was set up as a result of PP02 Resolution 121. The Chairman of the WG issued a letter in January 2004 seeking, inter alia, contributions to assist the work of the WG. As a

result, three contributions were received all relating to numbering issues, one from Antigua & Barbuda (doc 20) and two from TSB relating to issues which have arisen in ITU-T Study Group 2 (docs 21-22).

At the first meeting of the CWG, the Chairman made a presentation on the past work on ITRs. In addition, following discussion, a draft List of baseline documents was prepared. It was noted that the only document on the List that contained concrete proposals for changes to the Constitution and Convention is the Contribution to PP02 by the European States (doc 18). In addition, the CWG agreed that the List should include a description of each document, rather than an evaluation of the contents, in order to avoid any possible bias on the content of the document which otherwise might creep in. Following the meeting of the CWG, and as a result of a request for further comments on the List, the Dutch Government provided a further document which compares the ITR provisions and the corresponding Constitution/ Convention references with the GATS Annex on Telecommunications. This has been added to the List (doc 23).

Conclusion

CWG Sub Group 1 has now reviewed the work on ITRs since PP98 and identified the necessary baseline reference documents including the Contributions to PP02. The documents and contributions considered as part of the consideration of the ITRs since 1998, the records of key meetings, the Contributions to PP02 and other key documents have now been identified and included, with a short description, in the *List of Baseline Documents*. This should allow the further consideration of the ITRs by the CWG to proceed with full cognisance of previous work to review ITRs since 1998.

Annex 1 - List of Baseline Documents:

<http://www.itu.int/ITU-T/secured/itr/documents/itr-id006a1.doc>

Annex 4

Summary of discussions of review of current ITRs

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
|---|--|--|
| <p style="text-align: center;">PREAMBLE</p> <p>While the sovereign right of each country to regulate its telecommunications is fully recognized, the provisions of the present Regulations supplement the International Telecommunication Convention, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications.</p> | <p>Maintain as is.</p> | |
| <p style="text-align: center;">Article I Purpose and Scope of the Regulations</p> <p>1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. They also set rules applicable to administrations.*</p> <p>b) These Regulations recognize in Article 9 the right of Members to allow special arrangements.</p> | <p>Maintain as is, but consider whether “general principles” should read “principles”.</p> <p>Maintain as is, but revisit the question of whether 1.1.b conflicts with WTO/GATS.</p> | |
| <p>1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies.</p> | <p>Maintain as is, or adopt the new version:</p> <p>1.2 In these Regulations, the term “public” applies in its widest sense to the general population, to legal persons and</p> | |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
|---|---|--|
| | entities and to governmental bodies. | |
| <p>1.3 These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public of international telecommunication services.</p> | <p>Maintain “as is”. Revisit alignment with CS and revisit European proposal: Add to CS by amending CS/1(c) and 38 (see below) c) to promote harmonious development of technical facilities and their most efficient operation with a view to facilitating global interconnection and interoperability of telecommunications facilities and improving the efficiency of telecommunications services, thereby increasing their usefulness and making them, so far as possible, generally available to the public.</p> | |
| <p>1.4 References to CCITT Recommendations and Instructions in these Regulations are not to be taken as giving to those Recommendations and Instructions the same legal status as the Regulations.</p> | <p>Maintain, but change “CCITT” to “ITU”.</p> | |
| <p>1.5 Within the framework of the present Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between administrations.*</p> | <p>Maintain as is.</p> | |
| <p>1.6 In implementing the principles of these Regulations, administrations* should comply with, to the greatest extent practicable, the relevant CCITT Recommendations, including any Instructions forming part of or derived from these Recommendations.</p> | <p>Maintain, but change “CCITT” to “ITU”.</p> | |
| <p>1.7 a) These Regulations recognize the right of any Member, subject to national law and should it decide to do so, to require that administrations* and private operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member.</p> | <p>Maintain as is.</p> | |
| <p>b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers.</p> | <p>Maintain, but change “CCITT” to “ITU”.</p> | |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
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| c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations. | Maintain as is. | |
| 1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise. | Maintain as is. | |
| <p style="text-align: center;">Article 2 Definitions</p> <p>For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.</p> | Maintain as is. | |
| 2.1 <i>Telecommunication</i> : Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems. | Maintain as is. | |
| 2.2 <i>International telecommunication service</i> : The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries | Maintain as is. | |
| 2.3 <i>Government telecommunication</i> : A telecommunication originating with any: Head of a State; Head of a government or members of a government; Commanders-in-Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary-General of the United Nations; Heads of the principal organs of the United Nations; the International Court of Justice, or reply to a government telegram. | Maintain as is. | |
| 2.4 <i>Service telecommunication</i> : A telecommunication that relates to public international telecommunications and that is exchanged among the following: | Maintain, but "exchanged among" should read "exchanged by agreement among" and update to reflect new names of relevant bodies (e.g. Administrative Council becomes Council) and | |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
|--|---|--|
| <ul style="list-style-type: none"> - administrations*; - recognized private operating agencies, - and the Chairman of the Administrative Council, the Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees, the members of the International Frequency Registration Board, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union. | <p>eliminating obsolete language.</p> <p>Also revisit 1006 CV.</p> | |
| <p>2.5 <i>Privilege telecommunication</i></p> <p>2.5.1 A telecommunication that may be exchanged during sessions of the ITU Administrative Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union and their authorized colleagues attending conferences and meetings of the ITU and, on the other, their administrations* or recognized private operating agency or the ITU, and relating either to matters under discussion by the Administrative Council, conferences and meetings of the ITU or to public international telecommunications.</p> | <p>Maintain as is but suggest new language could be considered for CS/CV, taking into account current situation and other relevant international instruments (e.g. Tampere Convention).</p> | |
| <p>2.5.2 A private telecommunication that may be exchanged during sessions of the ITU Administrative Council and conferences and meetings of the ITU by representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union attending ITU conferences and meetings, and the staff of the Secretariat of the Union seconded to ITU conferences and meetings, to enable them to communicate with their country of residence.</p> | <p>NOTE: there is an inconsistency in the Secretariat notes, we are not sure which of the following is correct:</p> <p>Maintain as is but suggest new language could be considered for CS/CV, taking into account current situation and other relevant international instruments (e.g. Tampere Convention).</p> <p>OR</p> <p>Maintain as is, but revisit whether it could be covered in CS or CV.</p> | |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
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| 2.6 <i>International route</i> : Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices. | Maintain as is, but revisit whether it could be covered in CS or CV. | |
| 2.7 <i>Relation</i> : Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations*: a) a means for the exchange of traffic in that specific service: - over direct circuits (direct relation), or - via a point of transit in a third country (indirect relation), and b) normally, the settlement of accounts. | Replace with definition from D.000. | |
| 2.8 <i>Accounting rate</i> : The rate agreed between administrations* in a given relation that is used for the establishment of international accounts. | Replace with definition from D.000. | |
| 2.9 <i>Collection charge</i> : The charge established and collected by an administration from its customers for the use of an international telecommunication service. | Replace with definition from D.000. | |
| 2.10 <i>Instructions</i> : A collection of provisions drawn from one or more CCITT Recommendations dealing with practical operational procedures for the handling of telecommunication traffic (e.g., acceptance, transmission, accounting). | Replace with definition from D.000. | |
| | | <p>Egypt – Need to add definitions of spam, alternative calling procedures.</p> <p>Cuba – Need to add provision defining new account settlement procedures approved by ITU-T which are not reflected in current ITR version.</p> <p>Ecuador – Add definition of “user of the international network”.</p> |
| Article 3 | | |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
|---|---|---|
| International Network | | |
| 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. | Maintain as is. | |
| 3.2 Administrations* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services. | Maintain as is. | |
| 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*. | | Germany to provide re-phrasing to reflect current situation. |
| 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. | Maintain as is with change of “CCITT” to “ITU”, but note that the question of moving to CS or CV will be revisited. | |
| | | <p>Tanzania – Add new Section 3.5 Notwithstanding the provisions of Art. 1, ¶¶ 1.4 and 1.6, and to enshrine the purpose set out in the Preamble; in art. 1, ¶ 1.3; in Art. 3, ¶ 3.3.; and taking into account Art. 3, ¶ 3.1, Members shall require, subject to national law, that administrations, recognized operating agencies, and private operating agencies which operate in their territory and provide international telecommunications services offered to the public, apply the ITU-T Recommendations and national laws relating to naming, numbering, addressing and</p> |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
|---|---|--|
| | | identification, including any Instructions forming part of, or derived from, said Recommendations. |
| <p style="text-align: center;">Article 4 International Telecommunication Services</p> <p>4.1 Members shall promote the implementation of international telecommunication services and shall endeavour to make such services generally available to the public in their national network(s).</p> | Maintain as is. | |
| <p>4.2 Members shall ensure that administrations* cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant CCITT Recommendations.</p> | Maintain but replace "CCITT" with "ITU". | |
| <p>4.3 Subject to national law, Members shall endeavour to ensure that administrations* provide and maintain, to the greatest extent practicable, a minimum quality of service corresponding to the relevant CCITT Recommendations with respect to:</p> <ul style="list-style-type: none"> 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; b) international telecommunication facilities and services available to customers for their dedicated use; 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 d) a capability for interworking between different services, as appropriate, to facilitate international communications | <p><i>This part was missing in the original document WD-ITR 2/06 and therefore has not been considered yet.</i></p> | |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
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| <p align="center">Article 5 Safety of Life and Priority of Telecommunication</p> <p>5.1 Safety of life telecommunications, such as distress telecommunications, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Convention and taking due account of relevant CCITT Recommendations.</p> | Delete from ITR but modify CS to reflect text from ITRs. | |
| <p>5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over telecommunications other than those referred to in No. 39, in accordance with the relevant provisions of the Convention and taking due account of relevant CCITT Recommendations.</p> | | |
| <p>5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant CCITT Recommendations.</p> | Delete from ITR but modify CS to reflect text from ITRs. | |
| <p align="center">Article 6 Charging and Accounting</p> <p>6.1 <i>Collection charges</i> 6.1.1 Each administration shall, subject to applicable national law, establish the charges to be collected from its customers. The level of the charges is a national matter; however, in establishing these charges, administrations* should try to avoid too great a dissymmetry between the charges applicable in each direction of the same relation.</p> | Delete and cover in ITU-T Recommendations | |
| <p>6.1.2 The charge levied by an administration on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that administration.</p> | Delete and cover in ITU-T Recommendations | |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
|---|---|--|
| <p>6.1.3 Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances.</p> | <p>Maintain as is. Revisit whether to move to ITU Recommendations.</p> | |
| <p>6.2 <i>Accounting rates</i> 6.2.1 For each applicable service in a given relation, administrations* shall by mutual agreement establish and revise accounting rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant CCITT Recommendations and relevant cost trends.</p> | <p>Maintain as is, but replace "CCITT" with "ITU", and review possible inconsistency with WTO/GATS. Revisit whether to move to ITU Recommendations.</p> | |
| <p>6.3 <i>Monetary unit</i> 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.</p> | <p>Maintain as is and review possible inconsistency with WTO/GATS. Revisit whether to move to ITU Recommendations.</p> | |
| <p>6.3.2 In accordance with relevant provisions of the International Telecommunication Convention, this provision shall not affect the possibility open to administrations* of establishing bilateral arrangements for mutually acceptable coefficients between the monetary unit of the IMF and the gold franc.</p> | <p>Maintain as is. Revisit whether to move to ITU Recommendations.</p> | |
| <p>6.4 <i>Establishment of accounts and settlement of balances of account</i> 6.4.1 Unless otherwise agreed, administrations* shall follow the relevant provisions as set out in Appendices 1 and 2.</p> | <p>Maintain as is and review possible inconsistency with WTO/GATS. Revisit whether to move to ITU Recommendations.</p> | |
| <p>6.5 <i>Service and privilege telecommunications</i></p> | <p>Maintain as is. Revisit whether to move to ITU</p> | |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
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| 6.5.1 Administrations* shall follow the relevant provisions as set out in Appendix 3. | Recommendations. | |
| <p style="text-align: center;">Article 7 Suspension of Services</p> <p>7.1 If a Member exercises its right in accordance with the Convention to suspend international telecommunication services partially or totally, that Member shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.</p> | Maintain as is. | |
| 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members, using the most appropriate means of communication. | | |
| <p style="text-align: center;">Article 8 Dissemination of Information</p> <p>Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by administrations*, of an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated in accordance with the relevant provisions of the Convention and of this Article, on the basis of decisions taken by the Administrative Council or by competent administrative conferences, and taking account of conclusions or decisions of Plenary Assemblies of the International Consultative Committees.</p> | Maintain as is. | |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
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| <p style="text-align: center;">Article 9 Special Arrangements</p> <p>9.1 a) Pursuant to Article 31 (Nairobi, 1982), special arrangements may be entered into on telecommunication matters which do not concern Members in general. Subject to national laws, Members may allow administrations* or other organizations or persons to enter into such special mutual arrangements with Members, administrations* or other organizations or persons that are so allowed in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Members concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.</p> <p>b) Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries.</p> <p>9.2 Members should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 58 (9.1) to take into account relevant provisions of CCITT Recommendations.</p> | <p>Maintain as is but review possible inconsistency with WTO/GATS.</p> | |
| <p style="text-align: center;">Article 10 Final Provisions</p> <p>10.1 These Regulations, of which Appendices 1, 2 and 3 form integral parts, shall enter into force on 1 July 1990 at 0001 hours UTC.</p> | <p>Update if a new version of the ITRs is adopted.</p> | |
| <p>10.2 On the date specified in No.61 (10.1), the Telegraph Regulations (Geneva, 1973) and the Telecommunication Regulations (Geneva, 1973) shall be replaced by these Telecommunication Regulations (Melbourne, 1988) pursuant to the International Telecommunication Convention.</p> | <p>Update if a new version of the ITRs is adopted.</p> | |

| 1988 Int'l Telecom Regulations | Summary of first round of discussions | Information to be provided for the second round of discussions |
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| <p>10.3 If a Member makes reservations with regard to the application of one or more of the provisions of these Regulations, other Members and their administrations* shall be free to disregard the said provision or provisions in their relations with the Member which has made such reservations and its administrations*.</p> | <p>Update if a new version of the ITRs is adopted.</p> | |
| <p>10.4 Members of the Union shall inform the Secretary-General of their approval of the International Telecommunication Regulations adopted by the Conference. The Secretary-General shall inform Members promptly of the receipt of such notifications of approval.</p> | <p>Update if a new version of the ITRs is adopted.</p> | |
| <p>IN WITNESS WHEREOF, the delegates of the Members of the International Telecommunication Union named below have, on behalf of their respective competent authorities, signed one copy of the present Final Acts in the Arabic, Chinese, English, French, Russian and Spanish languages. This copy shall remain in the archives of the Union. The Secretary-General shall forward one certified copy to each Member of the International Telecommunication Union. Done at Melbourne, 9 December 1988.</p> | | |
| <p>Note: Throughout this document Administrations* includes recognised operating agencies.</p> | | |
| <p>Appendix 1</p> | <p>Amend section 2.2 by changing “third month” to “first month” Amend section 3.3.1 by changing “two calendar months” to “one calendar month”.</p> <p>Revisit Cuba’s proposal.</p> | <p>Cuba – Replace with provisions that confer the same legal status as the ITRs on the ITU D-series Recommendations that have updated the content of the replaced provisions.</p> |
| <p>Appendices 2 and 3</p> | <p>Maintain as is, revisit Cuba’s proposal</p> | <p>Cuba – Replace with provisions that confer the same legal status as the ITRs on the ITU D-series Recommendations that have updated the content of the replaced provisions.</p> |

Annex 5

Statements

Statement by CEPT

The CEPT, representing 46 ITU Member States, has reviewed the outcome of this meeting of Council WG-ITRs.

The CEPT's conclusion is that the position as set out in its European Common Proposal to PP02 and reiterated in its response to the Questionnaire is still relevant and reinforced by the discussion in the meeting. That is that the current ITRs are anomalous as they are too detailed and inflexible. The more detailed provisions would be better addressed in non-treaty instruments such as Recommendations where they can be more easily amended. Certain provisions which are duplicated in the Constitution and Convention should of course remain there.

The CEPT does not believe on the evidence presented that any of the issues raised as "new" issues for consideration for inclusion in the ITRs should be included for the reasons stated by CEPT representatives during the meeting, not least because there is already on-going work being undertaken on them.

Statement by Egypt

Egypt appreciates the efforts of its fellow ITU members over the past two days and particularly the opportunity to discuss issues not currently included in the ITRs. Many of these issues are of great consequence to ITU members and are subject to discussion in the World Summit on the Information Society (particularly Internet governance) and the Doha round of negotiations of the World Trade Organization.

Egypt believes that introduction of these "new issues" in the discussion of revising the ITRs is a way to enrich the discussion in WSIS and WTO and to exchange information. It is premature to say which, if any, should be included in a treaty revision.

Egypt looks forward to further study of these issues.

Statement by the USA

Given the lack of consensus on the threshold issues, notably scope and whether provisions should be moved to CS or CV, the United States asked that the following formal statement be included in the minutes:

The United States believes that no consensus has been reached on the threshold issues of: (1) whether the scope of the ITRs should remain as is and (2) whether any ITR provisions should be transferred to the CS/CV.

Until such time as consensus is established on these two issues, proposed changes to the current ITRs cannot be considered conclusive. The United States retains the right to make or respond to any comment or future proposals, as appropriate.

Annex 6

Summary of discussion of new issues

| Suggestion as formulated by one or more Member States | Summary of discussions |
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| Spam | <p>Agreement: Important issue requiring international cooperation.</p> <p>Proponents: Important issue requiring urgent resolution, including treaty-level provisions. Technical measures are not sufficient. No specific proposal yet, will be developed in the future.</p> <p>Opponents: Issue is being studied in various forums, including ITU-T. Premature to consider treaty-level provision. Not clear if it would be effective.</p> |
| Settlement of disputes | <p>Proponents: A mechanism to resolve disputes is required. The mechanism currently provided in the CS is voluntary, a mandatory mechanism is required. Dispute resolution should take place within ITU, not in another forum. Countries have accepted non-consensus decision-making through ITU's voting provisions. They have also accepted binding dispute resolution within WTO.</p> <p>Opponents: Premature to consider, given possible inconsistencies between ITRs and WTO/GATS. Would change character of ITU, which is driven by global consensus and which has not handled bilateral disputes in the past. Could be inconsistent with fundamental principle of sovereignty embodied in ITU's basic instruments. Current voluntary mechanism in the CS is adequate. Binding dispute resolution could require different expertise than at present and could have impact on the budget.</p> |
| Misuse of numbering | <p>Proponents: Plenipotentiary Resolution 133, ITU-T Recommendations are not adequate to prevent misuse. Recommendations are violated at present and many countries do not have national legal authority to prevent misuse. Misuse is undesirable and hampers competition and commercial operations. It is not clear whether any ITR provisions currently apply, clarification would be in the interest of all parties. Current steps envisaged by WTSA-04 and ITU-T Study Group 2 are not adequate because they have no binding power.</p> <p>Opponents: WTSA-04 and ITU-T Study Group 2 have established mechanisms to deal with potential misuse. Premature to consider ITR provision at this time. Should not be dealt with at treaty level. It is questionable whether existing</p> |

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| | Recommendations are violated. |
| Quality of Service | <p>Proponents: Important issue that should be addressed by treaty-level provision. Current ITR language needs to be revisited in order to ensure adequate level of quality of service and be adapted to current situation.</p> <p>Opponents: Adequately addressed in technical Recommendations, notably in ITU-T, and by existing ITR provisions. Is a commercial matter that should not be the object of an ITR provision.</p> |
| Information security and ¹ Security of signaling and traffic information; billing information; control and security of data; managing synchronization of call count | <p>Agreed: important topic, scope is as defined in Plenipotentiary Resolution 130, Strengthening the role of ITU in information and communication network security.</p> <p>Proponents: Important issue, part of it shall be addressed by treaty-level provision. Some required measures go beyond what can be done by Recommendations.</p> <p>Opponents: Adequately addressed in technical Recommendations, notably in ITU-T, and by ongoing work in various bodies, including ITU. Premature to consider ITR provision at this time. Not appropriate to be included in treaty-level material.</p> |
| Prohibitions on alternative calling arrangements and Calling number transmitting service | <p>Proponents: a treaty-level provision, with binding effect, is required to prevent deployment of such practices to countries which prohibit it nationally. Many Member States (114) prohibit callback.</p> <p>Opponents: Not suitable for ITRs. Currently being studied in ITU-T.</p> |
| Internet governance | <p>Proponents: Once WSIS and other developments conclude there may be a need to consider whether ITRs should include new provisions.</p> <p>Opponents: Premature to consider ITR provision at this time, given ongoing work, in particular UN WGIG, and given lack of agreed definitions, scope, mandates, etc.</p> |
| New accounting rate methods | <p>Several countries: Premature to consider for ITRs at this time. Also need to consider impact of revision procedures if ITRs reference Recommendations and make them binding.</p> <p>Proponents: Methods and provisions of the D-series Recommendations should be incorporated in the ITRs. Current provisions in ITRs are not up to date, at a minimum there should be an explicit reference to D-series Recommendations.</p> |

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

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| | <p>Opponents: Not appropriate for ITRs, since covered by ITU-T Recommendations. Not clear what it intended. Current ITR provisions are sufficient. If greater specificity is required, it can be done in ITU-T.</p> |
| IP telephony ² | <p>Many countries: no agreed definition for “IP telephony”.</p> <p>Proponents: ITRs are not compatible with current situation, they should be updated. There is ongoing work in this area and, when it is completed, there may be a need to consider new ITR provisions.</p> <p>Opponents: ITRs should not refer to specific technologies or services. Currently being studied in ITU, in particular ITU-T.</p> |
| International mobile roaming and International mobile satellite service | <p>Proponents: When national initiatives and ITU-T studies are completed, it may be appropriate to consider new ITR provisions.</p> <p>Opponents: Premature to consider for ITRs, given ongoing study in national bodies and ITU-T.</p> |
| Internet intellectual property; access to adult content | <p>Agreed: Out of scope of ITU.</p> |
| Universal service ³ | <p>Agreed: refers to universal access/service.</p> <p>Proponents: Given results of ITU-D work, and WTO provisions, an ITR provision should be formulated.</p> <p>Opponents: Clarification required, probably not suitable for ITRs, given differing national definitions and lack of agreed international definition. Need to clarify whether discussion is about “universal service” or “universal access” or a combination of the two.</p> |
| User of international networks | <p>Proponents: It may be appropriate to add a definition of this term to the ITRs.</p> <p>Opponents: Not sufficiently specific to be considered for inclusion in ITRs.</p> |

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

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