WORKING GROUP ON THE
INTERNATIONAL TELECOMMUNICATION
REGULATIONS

GENEVA   —   SECOND MEETING   —   6 – 7 DECEMBER, 2004

Management Team

Summary of Discussion of New issues

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This document summarizes the discussions held during the 6-7 December meeting. It should be understood that the issue identification recorded does not reflect a consensus view, but merely reflects an initial reading by the Chairman of the sense of the discussion of views at this preliminary stage. Several individual and group of countries explicitly reserved their position and stated that they reserved their right to reopen discussions at a later stage.

The Chairman noted that there was a division of opinions and that further study is required.

a) Suggestion for additional provisions in ITRs

Spam	Agreement: Important issue requiring urgent resolution. Proponents: Resolution requires treaty-level provision. Technical measures are not sufficient. No specific proposal yet, will be developed in the future. Opponents: Issue is being studied in various forums, including ITU-T. Premature to consider treaty-level provision. Not clear if it would be effective.
Settlement of disputes	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. 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.
Misuse of numbering	Proponents: 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 mechanisms established by WTSA-04 and ITU-T Study Group 2 are not adequate because they have no binding power.

Opponents: WTSA-04 and ITU-T Study Group 2 have established mechanisms to deal with misuse. Premature to consider ITR provision at this time. Should not be dealt with at treaty level. |
| Quality of Service | 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.

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. |
| Information security and

Security of signaling and traffic information; billing information; control | Agreed: important topic.

Proponents: Important issue that should be addressed by treaty-level provision. |

and security of data; managing synchronization of call count	Some required measures go beyond what can be done by Recommendations. 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.
Prohibitions on alternative calling arrangements and Calling number transmitting service	Proponents: a treaty-level provision, with binding effect, is required to prevent deployment of such practices to countries which prohibit it nationally. Many countries prohibit callback. Opponents: Not suitable for ITRs.
Internet governance	Proponents: Once WSIS concludes its work, may need to consider whether ITRs should include new provisions. 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.
New accounting rate methods	Several countries: Premature to consider for ITRs at this time. Also need to consider impact of revision procedures if ITRs reference Recommendations and made them binding . 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. 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.
IP telephony	Many countries: no agreed definition. 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. Opponents: ITRs should not refer to specific technologies or services.
International mobile roaming and International mobile satellite service	Proponents: When national and ITU-T studies are completed, it may be appropriate to consider new ITR provisions. Opponents: Premature to consider for ITRs, given ongoing study in national bodies and ITU-T.
Internet intellectual property; access to adult content	Agreed: Out of scope of ITU.
Universal service	Proponents: Given results of ITU-D work, and WTO provisions, an ITR provision should be formulated. 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.
User of international networks	Proponents: Once ITU-D studies are completed, it may be appropriate to add a definition of this term to the ITRs. Opponents: Not sufficiently specific to be considered for inclusion in ITRs.

b) Suggestions for Recommendations

Spam	Agreement: Important issue requiring urgent resolution. WTSA-04 Resolution 51 instructs ITU-T to study the issue.
Misuse of numbering	Agreement: Important issue requiring resolution. Being studied in ITU-T.
Quality of Service	Being studied in ITU-T.
Information security and Security of signaling and traffic information; billing information; control and security of data; managing synchronization of call count	Being studied in ITU-T.
Prohibitions on alternative calling	Being studied in ITU-T..

arrangements and Calling number transmitting service	
New accounting rate methods	Being studied in ITU-T.
IP telephony	Being studied in ITU, in particular ITU-T.
International mobile roaming and International mobile satellite service	Being studied in ITU-T.
Universal service	Being studied in ITU-D and ITU-T.

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