Report of the First meeting of the Council Working Group on the International Telecommunication Regulations

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1. Introduction

1.1   The first meeting of the Council Working Group on the International Telecommunication Regulations was held in Geneva from 7 (afternoon) to 8 June 2004. Some (63) experts from (29) 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 welcomed all the experts and thanked the Director of BDT, Mr. H. Touré and the Director of TSB, Mr. H. Zhao, for showing interest in the work of this Group and for having attended the opening of the meeting. The Chairman reminded the experts that the Group has an extremely important task to achieve in a short period of time and requested the cooperation of all experts so that the Group uses its first meeting to lay the groundwork for preparing its Report to Council 2005.

2. Adoption of the agenda

2.1   The meeting reviewed the Draft Agenda. A copy is provided as Annex 2 of this Report.

2.2   Syria and Russia indicated that there is a need to include new items in the ITR but if this issue is covered in the agenda item related to the work of Sub-Groups, they have no problem to adopt the agenda as it is. The Group adopted the agenda.

3. Understanding the mandate of Working Group on ITR

The Group of Experts reviewed the tasks outlined in Resolution No.121 of the 2002 Marrakesh Plenipotentiary Conference and agreed to the Chairman's summary which is reproduced as follows:

Resolution 121 resolved that the ITU should continue a process of reviewing the International Telecommunication Regulations (ITRs) and instructed Council to establish a Working Group, open to all Member States, to undertake that review. The mandate of the Working Group is broad in scope. It is to produce a report to Council 2005 for transmission to the 2006 Plenipotentiary Conference.

The specific terms of reference established by Resolution 121 are:
1.   to take into account the results of the work carried out under Resolution 79 (Minneapolis, 1998) and all contributions to this conference on the issue as baseline reference documents;
2.   to study the ITRs and prepare recommendations on which provisions, if any, should be terminated, retained in the ITRs, transferred to the Constitution or Convention, or embodied in ITU Recommendations;
3.   to prepare recommendations of required draft texts for amending the Constitution and Convention, if deemed appropriate;

4.   to consider whether there is a need for new provisions in the ITRs, which should be dealt with at a world conference on international telecommunications;

5.   to identify new issues, if any, that may be the subject of ITU Recommendations;

6.   to report to the Council annually on its progress with respect to the issues referred to above, including those conclusions of the group that could form the basis for the Recommendations of the three ITU Sectors;

7.   to prepare a final report, at the latest by the 2005 session of the Council, for transmission to the 2006 Plenipotentiary Conference.

4.   Working Methods / Nomination of Vice-Chairmen

4.1   Working Methods

The Chairman has made a number of efforts to increase participation in the Working Group, sending letters to all Member States requesting their participation in October 2003 and January 2004. He has established three Sub-groups to address specific parts of the mandate set by Res. 121 and appointed coordinators of the Sub-groups.

o   Sub-group 1, coordinated by Vincent Affleck, UK -- analyze past work and contributions submitted. (terms of reference No 1)

o   Sub-group 2, coordinated by Raynold Mfungahema, Tanzania -- study the ITRs and prepare recommendations on which provisions, if any, should be terminated, retained in the ITRs, transferred to the Constitution or Convention, or embodied in ITU Recommendations. (terms of reference No 2)

o   Sub-group 3, coordinated by Herbert Marks, U.S. -- consider whether there is a need for new provisions in the ITRs and identify new issues that may be the subject of future ITU Recommendations. (terms of reference No. 4 and 5)

Note: For terms of reference No. 3 (to prepare recommendations of required draft texts for amending the Constitution and Convention, if deemed appropriate), it is appropriate to carry out this item based on conclusions reached after studying items 2, 4 and 5.

        The Sub-groups are to work mainly through email discussions. A website (http://www.itu.int/itr) has been created where all documents and messages exchanged are posted. The group will also meet physically two more times, as described under Agenda Item No. 7 (Work Programme).

4.2   Nomination of Vice-Chairmen

The meeting unanimously elected the three coordinators as Vice Chairmen of the Working Group on ITRs. They will assist the Working Group Chairman in the achievement of the mandate entrusted to this Group.

5.   Review of past work

In order to facilitate the understanding of all experts, the Chairman summarized the work on ITRs carried out from 1998 through now by various groups (see Working

Document/06). He briefly presented the results of PP-98, Council sessions, as well as the work of the Expert Group meeting in November 1999.

6.   Objectives to be achieved and work programme

6.1   Objectives

The meeting agreed the following objectives:

Prepare a Report to Council 2005 for transmission to the 2006 Plenipotentiary Conference, which addresses:

- Which provisions of the ITRs, if any, should be terminated, retained in the ITRs, transferred to the Constitution or Convention, accompanied by draft text.

- Whether there is a need for new provisions in the ITRs, Constitution or Convention, accompanied by draft text.

- Identify new issues, if any, that may be the subject of ITU Recommendations (including issues that may be moved from the ITR to ITU Recommendations).

6.2   Work Programme

The meeting agreed to the following work programme:

1. Sub-group 1 should start immediately to identify the most important documents which have concrete proposals to be taken as baseline documents
2. Invite additional contributions from Member States
3. Develop questionnaire based on a proposal from coordinator of Sub-group 2 to be distributed to Member States
4. Set deadline of September 15, 2004 for Member States to submit responses to the questionnaire
5. Set deadline of September 30, 2004 for Sub-Group 1 to submit its report to the Working Group
6. Set deadline of November 15, 2004 for contributions from Member States to be considered at December meeting
7. Hold a meeting of the Working Group December 6-7, 2004, just before GRS, to consider responses to questionnaire, contributions from Member States and other parties and Sub-Group 1's report and begin drafting the report to Council 2005.
8. Set deadline of February 15, 2005 for Sub-groups 2 and 3 to submit recommendations to the Working Group
9. Hold a Working Group meeting in early March 2005 to review recommendations of Sub-groups 2 and 3 and to finalize the report to the Council
10. Submit Report to Council by March 31, 2005

The above is based on the assumption that Council 2005 will meet in June 2005. The schedule may be adjusted accordingly if Council 2005 meets later.

The meeting discussed also the possibility of holding a physical meeting during the WTSA 2004 but this will be decided later if it is determined that it is useful and practicable.

7   Review of Questionnaire

The coordinator of sub-Group 2 had submitted a questionnaire in order to advance the work. The meeting agreed that sending a questionnaire is the best way to solicit contributions from Member States. The experts discussed the questionnaire over the two days, agreeing on questions that would produce information useful to Sub-Groups 2 and 3.. The meeting also agreed to request Council that the questionnaire be dispatched as a Circular from the Secretary General. A copy of the questionnaire is attached as Annex 3.

8.   Issues for Sub-Groups

8.1   Sub-Group 1

Mr. Affleck, coordinator in charge of Sub-Group 1, indicated that there are quite a number of documents submitted in the past and that there is a need to determine key documents to be examined in depth by his Group. There are doc uments which state some views and others which are specific contributions and proposals. Both types of documents need to be considered. Mr. Affleck proposed that he would prepare a list of key documents to be presented to the meeting on the second day for comment. On the second day, Mr. Affleck distributed a list of key documents. On the basis of discussion, the original list was expanded and the agreed list is attached as Annex 4.   Mr. Affleck invited any comments concerning the list to be sent immediately to him. Following the meeting, Mr. Affleck will prepare a document which sets out the key documents with a description of what they contain. Following submission of the first draft of that document, Mr. Affleck will accept comments up to 15 September 2005. The final version will be produced on the basis of comments received prior to that date.

It was noted that to date the only contribution that proposes concrete changes to the text of the Constitution and Convention is PP 02/Doc. Addendum 5 to Doc. 10 (Sept. 19, 2002) from European States. It was also noted that Australia stated that it would revisit its previous contributions and resubmit the appropriate portions.

8.2   Sub-Group 2

Dr. Mfungahema, coordinator in charge of Sub-Group 2, indicated to the meeting why he concluded that the best way to achieve concrete results is to start to collect comments by means of a questionnaire. He looked into the past work and found that in 1999 the secretariat had prepared a questionnaire. (see: http://www.itu.int/osg/spu/stratpol/ITRs/auth/itr-03a.doc) but the responses to that 1999 questionnaire may no longer be valid. What is required now is for each Member State to examine the provisions of the ITRs one by one using the new agreed questionnaire to arrive at conclusive decisions. See section 7.

8.3   Sub-Group 3

Mr. Marks, coordinator in charge of Sub-Group 3 reviewed the mandate of his Group and indicated that, up to now; there are three input documents to be considered by his Group. He also indicated that some documents presented in the past might help to progress the work of his Group.

Some delegates indicated that this Sub-Group is responsible for the most important part of the review process and the WG should define the possible items which could complete the ITRs in the future. The meeting agreed to request participants to provide possible items to be studied by this Group for possible inclusion in the ITRs.

9   Liaison to ITU sectors

The Group discussed whether there is a need to send a liaison to the different organizations and especially to the Study Groups of three sectors.

Some delegates indicated that only Member States could provide inputs and therefore the Study Group should wait until Council takes a decision. Others indicated that PP-02 Resolution 121 0f PP-02 is clear enough, it invites Regional Organizations defined by Kyoto Resolution 58 to provide input and that Sector Members as well as Study Groups can provide input to Council WG-ITRs.

The meeting noted the contributions from ITU-T Study Group 2 and the presentation by the Rapporteur for ITR of ITU-T Study Group 3.

However, the Group agreed that the Chairman should once again invite Member States, Sector Members, Regional Organizations, and other parties to contribute to the work, stressing the need for contributions that propose concrete text, if deemed appropriate, for the ITR, Constitution, or Convention, or specific topics for study as ITU Recommendations.

Annex 1

**Final list of Participants of the Council Working Group on the International
Telecommunication Regulations
7 – 8 June 2004 – Geneva**

"ITR-Final List.pdf"

Annex 2 -
Agenda

First Meeting
Room K, Montbrillant Building
ITU Headquarters, Geneva
7-8 June 2004

1.   Opening of the meeting

2.   Adoption of the Agenda

3.   Understanding the mandate of Working Group on ITR (Resolution 121 /
Marrakesh 2002)

4.   Practical arrangements / working methods

    4.1 Working methods

    4.2 Possible nomination of Vice-Chairmen

5   Review of past work

6.   Objectives to be achieved and work programme

7.   Review of Questionnaire

8.   Issues for Sub-Groups

9.   Liaison to ITU Sectors

10.   Summary and conclusions

11.   Other business

12.   Closure of the meeting

Annex 3 -
Questionnaire

1)   The ITRs set many rules applicable to administrations and to recognized private operating agencies. There are also many operational details in the ITRs.

1.1   Taking into account that today many countries have liberalized the telecommunications sector and many Administrations do not themselves provide international telecommunication services, how do the Member States ensure the abidance of the ITR provisions by Recognized Operating Agencies (ROA) and Operating Agencies (OA)[1]?

1.2   In your opinion, which, if any, of the ITR provisions should be terminated, retained in the ITRs, transferred to the Constitution or Convention, or embodied in ITU Recommendations? Please provide any proposed draft text for amending the Constitution and/or Convention, if deemed appropriate.

2)   Taking into account the *considering a)* through *f)* and *believing a)* and *b)* of Resolutions 121:

2.1   Do you consider that the fast pace of change in the telecommunication environment could make the task of defining International Telecommunication Regulations difficult?

2.2   Do you see some provisions of the ITRs contradicting your national regulations or regional regulations (e.g. EC directives) or other international instruments (e.g. WTO)?

2.3   Are provisions of the ITRs applicable for the provision of international telecommunications services arising out of the evolving telecommunications industry environment? Do you have any issues that are not covered by the current ITR?

3)   Noting that the preamble of the ITR refers to "most efficient operation" and that Paragraph 1.6 refers to "compliance with the relevant ITU-T Recommendations", is Paragraph 1.6 sufficient to guarantee efficient operation of telecommunication, for example to ensure world-wide consistency, stability, and predictability of the E.164, E.212 and/or other numbering plans?

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[1] The terms Administration, ROA and OA are used as defined in the Constitution.

Annex 4 -
Proposed key documents

1. Expert Group and Council documents

- Secretariat document on "Review of the International Telecommunication Regulations" Document ITR/03, 08.11.99
http://www.itu.int/osg/spu/stratpol/ITRs/auth/itrhistory.html
(by selecting the document ITR/03)

- Secretariat document on "Relation between the International Telecommunication Regulations and the Constitution Convention document"
Document ITR/06 Rev1, http://www.itu.int/osg/spu/stratpol/ITRs/auth/itrhistory.html
(by selecting the document ITR/06 Rev 1)

Report of Expert working Group A
Report of Expert working Group B
Final Report of Expert working Group
(Reports to be found under http://www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html)

Council Document C2000/31
Council Document C2001/23
(Documents to be found under http://www.itu.int/council/previoussessions.html)

2. Contributions Submitted at Plenipotentiary 2002

Council PP-02/ Doc. 39 – E (July 3, 2002)

Senegal -- PP-02/Doc. 56 (July 24, 2002)

China – PP-02/Doc. 63 (Aug. 6, 2002)

Australia -- PP-02/Doc. 13 (Jan. 23, 2002)
              PP-02/Doc. 14 (Jan. 23, 2002)

Arab States (Algeria, Egypt, Kuwait, Morocco, Saudi Arabia, Tunisia, Yemen) -- PP-02/Doc. 52 (July 17, 2002)

European States (Austria, Belgium, Bulgaria, Czech Rep., Denmark, Estonia, France, Germany, Hungary, Iceland, Italy, Latvia, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, UK) -- PP-02/Doc Addendum 5 to Doc. 10 (Sept. 19, 2002)

Report of Chairman of the Ad Hoc Group on Review of the International Telecommunication Regulations – Document 27 Rev. 1, 8/10/2002

http://www.itu.int/md/meetingdoc.asp?type=mitems&lang=e&parent=S02-PP-020923-TD-GEN-0027

## 3.	Council Working Group ITR

Antigua and Barbuda – use of E.212 Mobile country codes - Document ITR/001
TSB - ITU-T Study Group 2 work regarding E.164 geographic country codes
TSB - ITU-T Study Group 2 work regarding misuse of numbering resources ITR/004

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