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| African Telecommunication Union Administrations |
| African Common Proposals for the Work of the Conference |
|  |
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Proposal: To modify an existing provision, add a new provision or suppress a provision in the International Telecommunications Regulations (ITRs).

INTERNATIONAL TELECOMMUNICATION
REGULATIONS

**NOC** AFCP/19/1

PREAMBLE

**Reasons:** Title of the Preamble remains unchanged.

**MOD** AFCP/19/2**#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:** To align existing text of the ITRs with the current terminology used in No. 31 of the CS.

**NOC** AFCP/19/3

Article 1

Purpose and Scope of the Regulations

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

**MOD** AFCP/19/4**#10901**

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. These Regulations also set rules applicable to Member States and Operating Agencies\*.

**Reasons:** To make these regulations applicable to both the signatory Member States and Operating Agencies (through CS #38).

**MOD** AFCP/19/5**#10903**

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

**Reasons:** Re-phrasing and editorial update.

**NOC** AFCP/19/6

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

**Reasons:** Non controversial provision, it stood the test of time.

**MOD** AFCP/19/7**#10913**

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, availability to the public and security of international telecommunication services.

**Reasons:** Adds the security aspect as an important objective to ascertain the principles of peaceful relations and avoidnance of harm to other Member States as articulated in the preamble and Article 42 of the CS, and in line with the purpose of the ITRs in general.

**MOD** AFCP/19/8**#10915**

6 1.4 Unless otherwise specified in these Regulations, 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:** Except for those very few Recommendations that should be given a non-voluntary status if it’s partial or non-implementation will lead to improper implementation/enforcement of the ITRs provisions to fulfil their intended purpose. Otherwise the ITU-T Recommendations will keep its voluntary nature. Such class of Recommendations may include those that have policy or regulatory implications and approved by the Member States using the TAP process. Other editorials are considered, where ITU-T replaces CCITT and instructions are dismissed as being obsolete.

**SUP** AFCP/19/9**#10919**

7

**Reasons:** This provision 1.5 is *exo-facto*, and is not needed anymore in a competitive environment.

**MOD** AFCP/19/10**#10921**

8 1.6 In implementing the principles of these Regulations, Member States should take measures to ensure that Operating Agencies comply with, to the greatest extent practicable, the relevant ITU-T Recommendations.

**Reasons:** Operating Agencies are the entities that should comply with the ITU-T Recommendations, whereas Member States ensure such compliance through their national policies and regulatory frameworks pursuant to CS #38.

**MOD** AFCP/19/11**#10927**

9 1.7 *a)* These Regulations recognize the right of any Member State, subject to national law and should it decide to do so, to require that Operating Agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State.

**Reasons:** To align with CS preamble; which refers to Member States’ sovereign right to regulate its telecommunications.

**SUP** AFCP/19/12**#10930**

10

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

**SUP** AFCP/19/13

11 **Reasons:** This provision has no additional value. Cooperation in implementing these Regulations should be always envisaged.

**NOC** AFCP/19/14

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:** Regulations related to radiocommunications should be contained within the Radio Regulations. Revision of these RRs is to be addressed by a competent World Radio Conference, as needed.

**NOC** AFCP/19/15

Article 2

Definitions

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

**MOD** AFCP/19/16

13 2.0 For the purpose of these Regulations, the following definitions shall apply.

**NOC** AFCP/19/17

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:** This definition is contained in No. 1012 of the CS and is fundamental for these ITRs.

**ADD** AFCP/19/18**#10942**

14A 2.1A *Telecommunication/ICT:* Any transmission, emission or reception, including processing, of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

**Reasons:** The Term Telecommunication/ICT is commonly and frequently used within the ITU; it is mentioned repeatedly in all of its Conferences and Assemblies’ outcomes.

 Although the term "Telecommunication" and its definition in both the ITRs and the CS &CV already cover the ICTs, it is quite useful to clearly reflect this by slightly improving the definition; it does not address a specific technology or a specific service. It is important to understand that this proposal does not intend to change the current “Telecommunication” definition; it rather creates another parallel clarifying definition for Telecommunications/ICTs for the purpose of these ITRs.

**SUP** AFCP/19/19**#10945**

15

**Reasons:** Definition of International telecommunications Services is already found in CS 1011.

**ADD** AFCP/19/20**#12744**

15A 2.2A *International telecommunication/ICT service:* The offering of a telecommunication capability between different countries.

**Reasons:** Similar reasons to those of 2.1A.

**MOD** AFCP/19/21**#10948**

16 2.3 *Government telecommunication:* 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 replies to government telecommunications mentioned above.

**Reasons:** Align existing ITR’s definition of government telecommunications with definition found in No. 1014 of the CS.

**SUP** AFCP/19/22**#10945**

17

**Reasons:** Not needed any more for obsolescence.

**SUP** AFCP/19/23**#10945**

18

**Reasons:** Not needed any more for obsolescence.

**SUP** AFCP/19/24**#10945**

19

**Reasons:** Not needed any more for obsolescence.

**SUP** AFCP/19/25**#10945**

20

**Reasons:** Not needed any more for obsolescence.

**MOD** AFCP/19/26

21 2.6 *International route:* All technical facilities, installations and transmission channels used for the transmission of traffic between technical facilities and installations located in different countries.

**Reasons:** To encompass all the facilities and installations, including the transmission channels. Irrespective of the current routing arrangements in which multiple routes may be used, however a definition is still technology neutral and hence relevant to these ITRs.

**MOD** AFCP/19/27

22 2.7 *Relation:* Exchange of traffic between two Operating Agencies located in two different countries by appropriate means.

**Reasons:** Edit of the original provision to encompass all the facilities and installations, including the transmission channels, used in a traffic route. Suppress 2.7 a) and 2.7 b) as being too much detailed.

**SUP** AFCP/19/28**#11922**

23

**Reasons:** 2.7 suffientintly deifne the term *Relation*. This provision includes un-necessary details.

**SUP** AFCP/19/29**#11923**

24

**Reasons:** 2.7 suffientintly deifne the term *Relation*. This provision includes un-necessary details.

**MOD** AFCP/19/30

25 2.8 *Termination rate:* Rate corresponding to the remuneration of the use of an Operating Agency’s network to complete international traffic on its network, or third party’s network.

**Reasons:** Reflects the current situation where the Termination Rate is the prevailing practice to charge terminating traffic.

**MOD** AFCP/19/31**#11751**

26 2.9 *Collection charge:* The charge established and collected by an Operating Agency from its customers for the use of an international telecommunication service.

**Reasons:** Editorial change for the definition of “collection charge”, while suppressing 2.10 regarding the definition of “instructions” as being obsolete and not used anymore.

**SUP** AFCP/19/32**#10966**

27

**ADD** AFCP/19/33**#12746**

27A 2.10A *Operating Agency*: Any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.

**Reasons:** Although it is found on CS #1007, however it is included here for its extreme importance to define the scope of applicability of the ITRs.

**ADD** AFCP/19/34**#10979**

27B 2.10B *Fraud*: use of public international telecommunication services or facilities with the intention of avoiding payment, without correct payment, with no payment at all, or by making someone else pay, by misusing numbering (addressing) resources, by intentional misrepresentation of identity or other deceptive, wrongful or criminal practices, in order to obtain personal or financial gain that can lead to actual or potential disadvantage or financial harm to another individual or group.

**Reasons:** A new definition to complement the purpose of the Union and these ITRs of assuring peaceful relations between Member States, and avoidance of harming other Member States; and therefore any fraudulent activities should be clearly identifiable and the proper ITR provisions should be phrased to avoid practicing such activities.

**ADD** AFCP/19/35**#10985**

27C 2.10C *Originating Identification*: The Originating Identification is the service by which the terminating party shall have the possibility of receiving identity information in order to identify the origin of the communication.

**Reasons:** This new definition is introduced to reflect the importance of identifying the origin of a communication. It will be addressed by the ITR provision that requests provision of information on the origin of the communication to the receiving party to combat fraud, misuse, security breaches and take account of end user convince and interests.

**NOC** AFCP/19/36

Article 3

International Network

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

**MOD** AFCP/19/37**#12179**

28 3.1 Member States shall ensure that Operating Agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

**Reasons:** Empowers Member States to ensure availability and satisfactory quality of international networks.

**MOD** AFCP/19/38**#11006**

29 3.2 Member States shall endeavour to establish policies that promote the provision of technical facilities that support international telecommunication services, and shall ensure that Operating Agencies endeavour to provide sufficient telecommunication facilities to meet the requirements and demand for these services.

**Reasons:** This provision requests Member States to take measures to ensure sufficient facilities to meet user demand of international telecommunications services.

**MOD** AFCP/19/39

30 3.3 Operating Agencies shall determine by mutual agreement which international routes are to be used. Member States/Operating Agencies shall have the right to know which international routes are used for carrying the traffic.

**Reasons:** Although in a commercial oriented environment operating agencies determine the routes dynamically, possibly based on least cost route or other criteria. However for tracing of fraudulent activities, misuse and security objectives, operating agencies should have information on the route used to carry the traffic, and consequently Member States shall have the right to know which route is used, only when deemed necessary to avoid cost and latency. This high level requirement will motivate studies and innovation to solve any current technological limitations. Africa does not support the concept that Member States impose routing.

**MOD** AFCP/19/40

31 3.4 Subject to national law, any user, by having access to the international network established by an Operating Agency, has the right to send traffic. A satisfactory quality of service [and above a minimum level] should be maintained to the greatest extent practicable and as much as possible, corresponding to relevant ITU-T Recommendations.

**Reasons:** This provision has been revised to assure to the greatest extent practicable that users enjoys satisfactory QoS over international networks, taking into consideration avoidance of too much degradation in the quality of offered services.

**ADD** AFCP/19/41

31A 3.4A Member States shall ensure that the legal and regulatory frameworks and instruments applicable in their territories shall mandate Operating Agencies which operate in their territory and provide international telecommunications services offered to the public to apply the ITU-T Resolutions and Recommendations relating to naming, numbering, addressing and identification. Member States shall ensure that these resources are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.

**Reasons:** This provision has been introduced to ensure the right of Member States to protect its NNAI resources, and to combat misuse of such resources, that may harm other Member States.

**ADD** AFCP/19/42**#11044**

31B 3.4B Member states shall, through various channels open to them, ensure that Operating Agencies implement Calling Line Identification (CLI) features, where technically possible, including at least presentation of country code, national destination code or equivalent origination identifiers in accordance with the relevant ITU-T Recommendations; ensure that integrity of the CLI is maintained end-to-end; ensure that the requirements associated with data protection and data privacy are met, but such masked information shall be made available to duly authorized law enforcement agencies. Member States may impose additional obligations.

**Reasons:** Knowing the true origin of a communication is very important to combat fraud, misuse and security breaches, as well as respecting users’ rights and convenience. This provision requests such information to be available to the receiving party (where technically possible to give room when it is totally impossible to make such information available), however a minimum set of information shall be made available in accordance with the ITU-T Recommendations.

**NOC** AFCP/19/43

Article 4

International Telecommunication Services

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

**MOD** AFCP/19/44**#11055**

32 4.1 Member States shall promote the implementation of international telecommunication services and shall endeavour to ensure that Operating Agencies make such International Telecommunications services generally available to the public in their national network(s).

**Reasons:** This provision requests Member States to endeavor to be sure of the availability of international communications services to the users.

**MOD** AFCP/19/45**#11058**

33 4.2 Member States shall ensure that Operating Agencies 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 ITU-T Recommendations.

**Reasons:** This provision requests Member States to ensure availability of variety of international telecommunication services to the users as per the relevant ITU-T Recommendations to ensure versatility, interoperability and quality.

**MOD** AFCP/19/46**#11062**

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

**Reasons:** To ensure that services are offered to the users with satisfactory quality of service corresponding to the relevant ITU-T Recommendations.

**MOD** AFCP/19/47

35 *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 or to the public;

**Reasons:** Editorial changes, while expanding the protection to the public.

**MOD** AFCP/19/48**#11070**

36 *b)* international telecommunication facilities and services available to customers for their use;

**Reasons:** Editorial change.

**NOC** AFCP/19/49

37 *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

**Reasons:** Sustain the provision due to its relevance.

**NOC** AFCP/19/50

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

**Reasons:** Sustain the provision due to its relevance.

**ADD** AFCP/19/51

38A 4.4 Members States shall ensure transparency of end-user prices and the provision of clear information on how to access the services and the prices thereof, in particular to avoid unreasonable or surprising bills for international services (e.g. mobile roaming and data roaming), and shall ensure that Operating Agencies take the necessary measures to fulfill these requirements.

**Reasons:** This provision considers the users’ right to have transparent information on the international charges, bearing in mind the current excessive data charges for roaming users.

**NOC** AFCP/19/52

Article 5

Safety of Life and Priority of Telecommunications

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

**MOD** AFCP/19/53

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 Recommendations.

**Reasons:** This provision recognizes the importance of safety in life communications, and requests Member States to adopt policies to ensure provision of these services – to the greatest extent practicable.

**ADD** AFCP/19/54

39A 5.1A Member States shall encourage Operating Agencies operating in their territories, and provide international telecommunications services to the public, to apply the ITU-T Recommendations relating to safety of life, priority telecommunications, restoration of communications and disaster emergency telecommunications.

**Reasons:** Addressing Member States’ responsibility in encouraging Operating Agencies to comply with the safety of life telecommunications in accordance with the relevant ITU-T Recommendations.

**SUP** AFCP/19/55

40

**Reasons:** Not needed any more for obsolescence.

**MOD** AFCP/19/56

41 5.3 The provisions governing the priority enjoyed by any other telecommunication services are contained in the relevant ITU-T Recommendations.

**Reasons:** Editorial change.

**ADD** AFCP/19/57**#11798**

41A 5.3A Member States shall ensure that operating agencies inform all users including roaming users, in good time and free of charge, of the number to be used for calls to the emergency services.

**Reasons:** This provision ensures availability of emergency information to the users of international services.

**ADD** AFCP/19/58**#11115**

Article 5A

Confidence and security in the provision of international telecommunications/ICTs and services

**ADD** AFCP/19/59**#11119**

41B 5A.1 Member States should cooperate regarding telecommunications security matters (including cybersecurity), in particular to develop technical standards and acceptable legal norms, including among others those regarding territorial jurisdiction and sovereign responsibility.

**Reasons:** This provision recognizes the importance of confidence and security of international telecommunications/ICTs and services. It encourages Member States to cooperate to develop technical standards and acceptable legal norms regarding security matters as being addressed in the WSIS process, and in compliance with PP Resolution 130.

**ADD** AFCP/19/60

41C 5A.2 Member States shall cooperate to harmonize national laws, jurisdictions, and practices in the areas of: the investigation and prosecution of cybercrime (including eavesdropping and breach of privacy of telecommunications); data preservation, retention, protection (including personal data protection), and privacy; and approaches for network defense and response to cyber attacks.

**Reasons:** The provision requests Member States to cooperate to harmonize their national laws, jurisdiction and practices in different areas related to security.

**ADD** AFCP/19/61

41D 5A.3 Member States shall ensure that operating agencies take the appropriate measures to combat network fraud.

**Reasons:** To request and empower Member states to combat network fraud.

**ADD** AFCP/19/62

Article 5B

Countering spam

**Reasons:** Add a new article on countering spam.

**ADD** AFCP/19/63

41E Member States shall ensure that operating agencies take appropriate measures to prevent the propagation of spam including:

 a) to adopt national legislation to act against spam;

 b) to cooperate to take actions to counter spam;

 c) to exchange information on national findings/actions to counter spam.

**Reasons:** Empowering and ensuring that Member States take measures to prevent propagation of spam. Member States shall cooperate to ensure that there is common understanding of spam and cooperate to combat it.

**MOD** AFCP/19/64**#11129**

Article 6

Economic and Policy Issues

**Reasons:** Add new title to address high level provisions suitable for an international treaty.

**ADD** AFCP/19/65

## **42.00** 6.0. General Economic and policy issues:

**Reasons:** This new subtitle emphasise that the following provisions are of general nature that establish the main principles and framework for the accounting and charging issues. Only general principles are introduced with no preference to any certain commercial arrangements.

**ADD** AFCP/19/66

42.01 6.0.1 Member States shall ensure transparency with respect to retail prices and quality of service.

**Reasons:** To foster implementation of measures for increased transparency in International telecommunication services with respect to the retail side. Consumers of international services would be fully aware of the prices they would be paying, and QoS parameters and measures they will enjoy in return.

**ADD** AFCP/19/67

42.02 6.0.2 Member States should foster continued investment in high-bandwidth infrastructures.

**Reasons:** To encourage Member States to invest in high-bandwidth infrastructure to ensure evolution of the international telecommunication networks as well as new classes of services and applications beyond the traditional services.

**ADD** AFCP/19/68

42.03 6.0.3 Member States shall promote cost-oriented wholesale pricing.

**Reasons:** The responsibility of Member States to promote for cost oriented pricing to reduce charges on the end users ultimately.

**ADD** AFCP/19/69

42.04 6.0.4 Member States shall take measures to ensure that fair compensation is received for carried traffic (e.g. interconnection or termination).

**Reasons:** Promotes to a more sustainable model for the international telecommunications ecosystem. Huge investments are needed to respond to the dramatic traffic growth, this should not be generated mainly and from the general user side, but from fair and innovative commercial agreements between infrastructure operators and telecommunications applications providers.

**ADD** AFCP/19/70

42.05 6.0.5 Member States shall ensure that their regulatory frameworks drive the Operating Agencies to establish mutual commercial agreements with providers of international communication applications and services in alignment with principles of fair competition, innovation, adequate quality of service and security.

**Reasons:** To foster increase in the customer base and enhancement in the quality of experience (QoE), by offering more choices and more confidence in those offerings.

**ADD** AFCP/19/71

42.06 6.0.6 The Member States shall take measures to ensure that Operating Agencies have the right to charge providers of international communication applications and services appropriate access charges based on the agreed quality of service.

**Reasons:** To balance the revenues across the ecosystem, thus avail revenues for operating agencies to invest in high bandwidth international infrastructures, which will benefit the end users and provide them with innovative services, while lowering ultimately their connectivity charges.

**NOC** AFCP/19/72

## **42** 6.1 Collection charges

**Reasons:** No change of the title. Although the following provisions are rarely used in nowadays environment, but they should be sustained to be used by those who still adhere to the traditional accounting systems.

**MOD** AFCP/19/73**#11135**

43 6.1.1 Each Operating Agency shall, subject to applicable national law, establish the charges to be collected from its customers.

**Reasons:** Editorial change to reflect the change in the telecommunications environment.

**MOD** AFCP/19/74**#11140**

44 6.1.2 The charge levied by an Operating Agency on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that Operating Agency.

**Reasons:** Editorial change.

**SUP** AFCP/19/75**#11147**

45

**Reasons:** Too detailed to be included in the main body of the ITRs.

**MOD** AFCP/19/76**#11154**

## **46** 6.2 Accounting, transit and termination rates

**Reasons:** To extend the provision to cover the reality of relations between operating agencies.

**MOD** AFCP/19/77

47 6.2.1 For each applicable service in a given relation, Operating Agencies shall by mutual agreement, on the basis of cost orientation, establish and revise accounting, transit and termination rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant ITU-T Recommendations and relevant cost trends.

**Reasons:** Extends the provision to cover the reality of relations between operating agencies; However cost orientation in these relations is targeted and should be taken into consideration in accordance with the relevant ITU-T Recommendations, so as to attain reasonable charges to the end users.

**SUP** AFCP/19/78

## **48**

**Reasons:** Obsolete in the current environment.

**SUP** AFCP/19/79

49

**Reasons:** Obsolete in the current environment.

**SUP** AFCP/19/80

50

**Reasons:** Obsolete in the current environment.

**NOC** AFCP/19/81

## **51** 6.4 Establishment of accounts and settlement of balances of account

**MOD** AFCP/19/82

52 6.4.1 Member States shall ensure that Operating Agencies follow the relevant provisions as set out in Appendices 1 and 2.

**Reasons:** Editorial changes and integrating the Appendices, which elaborates on the accounts’ establishment and settlement.

**NOC** AFCP/19/83

## **53** 6.5 Service and privilege telecommunications

**MOD** AFCP/19/84

54 6.5.1 Member States shall ensure that Operating Agencies follow the relevant provisions as set out in Appendix 3.

**Reasons:** Sustain the provision with editorials.

**ADD** AFCP/19/85**#11174**

54A 6.5.2 Member States shall ensure that each party in a negotiation or agreement related to or arising out of international connectivity matters, including those for the Internet, will have access to alternative dispute resolution mechanisms and will have recourse to the relevant regulatory or competition authorities of the other party's State.

**Reasons:** To provide for alternative dispute resolution and other mechanisms, to preserve the interests of Member States and avoid abuse on their small market power operators.

**ADD** AFCP/19/86**#11185**

54B 6.5.3 Member States shall ensure that rates (in particular transit rates, termination rates, and roaming rates) are cost-oriented.

**Reasons:** To foster cost-oriented rates to avoid extremes in setting these rates.

**NOC** AFCP/19/87

Article 7

Suspension of Services

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

**MOD** AFCP/19/88**#11214**

55 7.1 If a Member State exercises its right in accordance with the Constitution and Convention to suspend international telecommunication services partially or totally, that Member State 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:** Editorial change to align with Article 35 of the CV.

**MOD** AFCP/19/89**#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:** Editorial change to align with Article 35 of the CV.

**NOC** AFCP/19/90

Article 8

Dissemination of Information

**Reasons:** Title of Article 8 remains unchanged.

**MOD** AFCP/19/91

57 Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by Member States, 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 Constitution and Convention and of this Article, on the basis of decisions taken by the Council or by competent conferences, and taking account of conclusions or decisions of competent Assemblies. If so authorized by the concerned Member State, the information can be transmitted to the Secretary-General directly or by an Operating Agency, and shall then be disseminated by the Secretary-General.

**Reasons:** Sustain the provision with editorial updates; but addressing the necessity that Operating Agencies should be authorized by their Member States before submitting information to the Secretary-General, to avoid inconsistency.

**ADD** AFCP/19/92

ARTICLE 8A

Environmental Issues

**Reasons:** To address the importance of the issue of saving the environment.

**ADD** AFCP/19/93**#11222**

57A 8A.1 Member States shall cooperate to encourage operating agencies and industry to adopt energy efficiency international standards and best practices, including disclosure and labeling schemes, so as to reduce energy consumption of communications facilities and installations.

**Reasons:** To request Member States to cooperate to encourage taking measures to reduce energy consumption.

**ADD** AFCP/19/94

57B 8A.2 Member States shall cooperate to encourage operating agencies and the industry to take-back schemes and recycling management facilities to reduce e-waste resulting from communications facilities and installations, [and to avoid causing harm to other Member States from such e-waste.] | [and to ensure that such practices does not cause harm to other Member States.]

**Reasons:** To request Member States to cooperate to encourage operating agencies and the industry to consider avoid causing harm to other Member States as a result of e-waste and should address also not causing harm due to disposal of e-waste.

**NOC** AFCP/19/95

Article 9

Special Arrangements

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

**MOD** AFCP/19/96**#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 Members in general. Subject to national laws, Member States may allow Operating Agencies or other organizations or persons to enter into such special mutual arrangements with 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.

**Reasons:** Editorial change.

**MOD** AFCP/19/97**#11230**

59 *b)* Any such special arrangements should avoid technical or financial harm to the operation of the telecommunications of third parties.

**Reasons:** This provision has opened the door wide for operating agencies, in the wide sense as depicted in CS #42, for establishing telecommunications networks and providing telecommunications services, which do not concern Member States in general. However the Member States shall be concerned if such activities cause any sort of harm to the Member State and associated with fraudulent activities or technical mal-practices, and will be also in conflict with the terms of the CS preamble.

**MOD** AFCP/19/98**#11235**

60 9.2 Member States should encourage the parties to any special arrangements that are made pursuant to 9.1 above to take into account relevant provisions of ITU-T Recommendations.

**Reasons:** This provision targets to support 9.1 b) , since compliance to the ITU-T Recommendations will support the avoidance of causing harm to other Member States.

**MOD** AFCP/19/99

Article 10

Entry into Force and Provisional Application

**Reasons:** Title of Article 10 is changed to reflect its actual content.

**MOD** AFCP/19/100

61 10.1 These Regulations, of which Appendices 1, 2 and 3 form integral parts and which 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.

**Reasons:** Suppress 10.2, 10.3 and 10.4, and align with the Radio Regulations.

**SUP** AFCP/19/101**#11243**

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**Reasons:** Suppress 10.2, 10.3 and 10.4, and align with the Radio Regulations.

**SUP** AFCP/19/102**#11246**

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**Reasons:** Suppress 10.2, 10.3 and 10.4, and align with the Radio Regulations.

**SUP** AFCP/19/103**#11248**

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**Reasons:** Suppress 10.2, 10.3 and 10.4, and align with the Radio Regulations.

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**MOD** AFCP/19/104

 IN WITNESS WHEREOF, the delegates of the Member States 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 State of the International Telecommunication Union.

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**Reasons:** Align with the Radio Regulations.

**NOC** AFCP/19/105

APPENDIX 1

General Provisions Concerning Accounting

**Reasons:** Suppress all provisions of the Appendix 1 for obsolescence except those shown below, which have undergone editorial changes to reflect current practices.

**MOD** AFCP/19/106

# **1/1** 1 Accounting and termination rates

**Reason:** Reflects the current practices which is based on setting a termination rate for the incoming traffic.

**MOD** AFCP/19/107**#11254**

1/2 1.1 For each applicable service in a given relation, Member States shall ensure that Operating Agencies shall by mutual agreement establish and revise accounting rates to be applied between them, taking into account the Recommendations of the ITU-T and trends in the cost of providing the specific telecommunication service.

**MOD** AFCP/19/108**#11255**

1/3 1.2 Alternatively, in traffic relations where ITU-T cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method:

**MOD** AFCP/19/109

1/4Operating Agencies shall establish and revise their termination rates taking into account the Recommendations of the ITU-T;

**SUP** AFCP/19/110

1/5

**MOD** AFCP/19/111

1/6 1.3 When one or more Operating Agencies acquire, either by flat rate remuneration or other arrangements, the right to utilize a part of the circuit and/or installations of another Operating Agency, the former have the right to establish their share as mentioned in 1.1 and 1.2 above, for this part of the relation.

**SUP** AFCP/19/112

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**SUP** AFCP/19/113

1/8

**SUP** AFCP/19/114

1/9

**MOD** AFCP/19/115

# **1/10** 2 Establishment of accounts and invoices

**ADD** AFCP/19/116

## **1/10A** 2.1 Establishment of Accounts

**MOD** AFCP/19/117

1/11 2.1.1 Unless otherwise agreed, the Operating Agencies responsible for collecting the charges shall establish a monthly account showing all the amounts due and send it to the Operating Agencies concerned.

**MOD** AFCP/19/118**#11264**

1/12 2.1.2 The accounts shall be sent in accordance with the relevant ITU-T Recommendations.

**ADD** AFCP/19/119

## **1/12A** 2.2 Preparation of invoices

**ADD** AFCP/19/120

1/12B2.2.1Transit relations can be replaced by bilateral relations in the case of large traffic (whole sale or hubbing). In the case of wholesale traffic, aggregate operators collect bilaterally, traffic from one or more operators to finish within their networks.

**ADD** AFCP/19/121

1/12C 2.2.2 Unless specially agreed, the Operating Agency responsible for the termination of traffic, forwards an invoice according to ITU-T Recommendations to the originating operating agency.

**ADD** AFCP/19/122

1/12D 2.2.3 However, any operating agency has the right to challenge the evidence of an invoice for a period of one calendar month at most from the date of receipt, but only insofar as it shows differences in mutually agreed limits.

**SUP** AFCP/19/123

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**SUP** AFCP/19/124

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**SUP** AFCP/19/125

1/15

**MOD** AFCP/19/126**#11272**

1/16 2.6 In indirect relations where a transit Operating Agency acts as an accounting intermediary between two terminal points, Member States shall ensure that Operating Agencies shall include accounting data for transit traffic in the relevant outgoing traffic account to Operating Agencies beyond it in the routing sequence as soon as possible after receiving that data from the originating agency, in accordance with the relevant ITU-T Recommendations.

**NOC** AFCP/19/127

# **1/17** 3 Settlement of balances of accounts

**NOC** AFCP/19/128

## **1/18** 3.1 Choice of the currency of payment

**NOC** AFCP/19/129

1/19 3.1.1 The payment of balances of international telecommunication accounts shall be made in the currency selected by the creditor after consultation with the debtor. In the event of disagreement, the choice of the creditor shall prevail in all cases subject to the provisions in 3.1.2 below. If the creditor does not specify a currency, the choice shall rest with the debtor.

**NOC** AFCP/19/130

1/20 3.1.2 If a creditor selects a currency with a value fixed unilaterally or a currency the equivalent value of which is to be determined by its relationship to a currency with a value also fixed unilaterally, the use of the selected currency must be acceptable to the debtor.

**ADD** AFCP/19/131**#11291**

1/20A 3.1.3 Provided the periods of payment are observed, operating agencies have a right by mutual agreement to settle their balances of various kinds by offsetting:

a) credits and debits in their relations with other operating agencies;

b) any other mutually agreed settlements, if appropriate.

This rule also applies in case payments are made through specialized payment agencies in accordance with arrangements with operating agencies.

**SUP** AFCP/19/132

## **1/21**

**SUP** AFCP/19/133

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**SUP** AFCP/19/134

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**SUP** AFCP/19/135

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**SUP** AFCP/19/136

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**SUP** AFCP/19/137

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**SUP** AFCP/19/138

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**SUP** AFCP/19/139

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**SUP** AFCP/19/140

## **1/29**

**SUP** AFCP/19/141

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**SUP** AFCP/19/142

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**SUP** AFCP/19/143

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**SUP** AFCP/19/144

1/33

**SUP** AFCP/19/145

## **1/34**

**SUP** AFCP/19/146

1/35

**SUP** AFCP/19/147

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**SUP** AFCP/19/148

1/37

**NOC** AFCP/19/149

APPENDIX 2

Additional Provisions Relating to
Maritime Telecommunications

**Reasons:** Keep this Appendix 2 (with the shown revisions) and its title, due to its continued relevance and applicability to the current Maritime Telecommunications.

**NOC** AFCP/19/150

# **2/1** 1 General

**MOD** AFCP/19/151

2/2 The provisions contained in Article 6 and Appendix 1, taking into account the relevant Recommendations of the ITU, shall also apply to maritime telecommunications in so far as the following provisions do not provide otherwise.

**NOC** AFCP/19/152

# **2/3** 2 Accounting authority

**NOC** AFCP/19/153

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:

**NOC** AFCP/19/154

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

**MOD** AFCP/19/155

2/6 *b)* by an Operating Agency; or

**NOC** AFCP/19/156

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

**MOD** AFCP/19/157

2/8 2.2 The Member State or the Operating Agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the “accounting authority”.

**MOD** AFCP/19/158

2/9 2.3 References to Operating Agencies contained in Article 6 and Appendix 1 shall be read as “accounting authority” when applying the provisions of Article 6 and Appendix 1 to maritime telecommunications.

**MOD** AFCP/19/159**#11308**

2/10 2.4 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.

**NOC** AFCP/19/160

# **2/11** 3 Establishment of accounts

**MOD** AFCP/19/161

2/12 3.1 In principle, an account shall be considered as accepted without the need for specific notification of acceptance from the accounting authority to the Operating Agency that sent it.

**MOD** AFCP/19/162**#11313**

2/13 3.2 However, any accounting authority has the right to question the contents of an account for a period of six calendar months after dispatch of the account even after the account has been paid.

**NOC** AFCP/19/163

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

**MOD** AFCP/19/164**#11316**

2/15 4.1 All 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** AFCP/19/165

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

**NOC** AFCP/19/166

2/17 4.3 If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the originating accounting authority that queries and payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account.

**NOC** AFCP/19/167

2/18 4.4 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.

**NOC** AFCP/19/168

APPENDIX 3

Service and Privilege Telecommunications

**NOC** AFCP/19/169

# **3/1** 1 Service telecommunications

**MOD** AFCP/19/170**#11326**

3/2 1.1 Member States may require that service telecommunications be provided free of charge.

**MOD** AFCP/19/171**#11327**

3/3 1.2 Operating Agencies may in principle forego inclusion of service telecommunications in international accounting, under the relevant provisions of the Constitution and Convention of the International Telecommunication Union and the present Regulations, having due regard for the need for reciprocal arrangements.

**MOD** AFCP/19/172**#11328**

# **3/4** 2 Privilege telecommunications

Member States may require that privilege telecommunications be provided free of charge, and Operating Agencies accordingly may forego the inclusion of such classes of telecommunication in international accounting, under the relevant provisions of the Constitution and Convention of the International Telecommunication Union and the present Regulations.

**MOD** AFCP/19/173**#11329**

# **3/5** 3 Applicable provisions

The general operational, charging and accounting principles applicable to service and privilege telecommunications should take account of the relevant ITU-T Recommendations.

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