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| |  |  | | --- | --- | | **Expert Group on the International Telecommunication Regulations (EG-ITRs) Second meeting - Geneva, 12-13 February 2020** |  | |  |  | |  | **Document EG-ITRs-2/13-E** | |  | **21 April 2020** | |  | **English only** |   REPORT OF THE SECOND MEETING of  the expert group on the international telecommunication regulations  (eg-itrs) |

1. **Introduction**

**1.1** The Secretary-General, Mr. Houlin Zhao, welcomed the participants to the second meeting of the EG-ITRs. He noted the productive outcomes arising from the first meeting of the Group, and urged members to embark upon the provision-by-provision review of the ITRs, in accordance with the agreed Work Plan, with a spirit of consensus and collaboration.

**1.2** The Deputy Secretary-General, Mr. Malcolm Johnson, wished the Group every success with the provision-by-provision review of the ITRs and reiterated the assistance and availability of the Secretariat to support the work of the Group, as needed.

**1.3** The Director of the Development Bureau, Ms. Doreen Bogdan-Martin, noted the request made by the Group, following its first meeting, to the Directors of the different Bureaux to seek advice from the Telecommunications Advisory Groups, and conveyed the progress made by ITU-D to contribute to the deliberations of the Group, as appropriate, in this regard.

**1.4** The Chairman thanked the Elected Officials for their presence and support for the meeting and stressed the need for the Group to work together effectively, efficiently and in the spirit of consensus to complete the portion of the agreed Work Plan assigned to this second meeting. He also thanked his Vice-Chairman for their support and commitment to furthering the work of the Group.

**2 Adoption of the Agenda and allocation of documents**

The Agenda (Document [EG-ITRs-2/1 (Rev. 2)](https://www.itu.int/md/S20-EGITR2-C-0001/en)) was presented by the Chairman. The Chairman proposed to re-organize and cluster presentation of contributions and corresponding discussions into two items (Discussion on Contributions received on the provisions of the Preamble to Article 4 of the ITRs (based on the Work Plan agreed in the first meeting of the EG-ITRs) and (Discussion on other Contributions received on the CITEL questionnaire). He further suggested that, in the interest of time and in order to ensure completion of the Examination Table for all the provisions assigned to the second meeting of the Group, under each of the abovementioned Agenda items, all the contributions be presented at first, to be followed by a joint discussion to be reflected in the Examination Table.

Some members agreed with this approach given the limited time of the meeting, while some members requested that the two Agenda items be merged and all contributions presented together, in order to ensure that any discussions on the Examination Table take into account the views set out in all the contributions received. The meeting decided that all contributions submitted to the second meeting of the EG-ITRs, by Member States and Sector Members, would first be presented at the same time, followed by discussions on all of them in the context of the Examination Table.

The Agenda was adopted.

**3 Contributions from Member States and Sector Members**

The various contributions submitted to the second meeting of the EG-ITRs were presented and noted by the Group. The summaries of the contributions (as submitted by the authors of the documents) are provided below in the order in which they were presented during the meeting:

**3.1** **Contribution** [**EG-ITRs-2/2**](http://www.itu.int/md/S20-EGITR2-C-0002/en) **from the Russian Federation – “Provision-by-provision examination of sections of the ITRs at the second meeting of EG-ITRs in accordance with the work plan adopted at the first meeting”**

The position of the Russian Federation on the provisions of the ITRs to be examined at the second meeting of EG-ITRs is detailed in the Table 1 attached to the Contribution.

It should be noted that in many cases the 1988 ITRs have not allowed for the changes that have occurred in the telecommunication/ICT ecosystem since 1988, in particular the significantly broader range of entities providing international telecommunication services, going far beyond “recognized private operating agencies”. Furthermore, the 1988 ITRs use terminology that is not in keeping with the ITU Constitution and Convention as well as outdated terms, leading to misunderstandings and/or errors in the application of the Regulations.

In order further to refine the ITRs, it would be useful to include in the text of the Regulations terms and/or provisions concerning universal service, roaming, unsolicited communications and the main provisions of WTSA Resolutions 20, 29, 52, 61, 65 and 91.

**3.2 Contribution** [**EG-ITRs-2/5**](https://www.itu.int/md/S20-EGITR2-C-0005/en) **from the United Kingdom – “Provision-by-provision examination of the ITRs”**

The United Kingdom is pleased to submit this contribution to the second meeting of the Expert Group on the ITRs. We welcome the invitation to submit contributions to support the provision-by-provision examination of the ITRs, in accordance with the Terms of Reference. This contribution covers the following provisions of the ITRs: Preamble, Article 1, Article 2, Article 3 and Article 4.

In summary, it is our view that the international telecommunications market is completely different now in 2020 than it was in the 1980s. The ITRs were intended to regulate the arrangements for making and charging for international telephone calls and they originate from a time when telephone services were largely provided by state-owned monopolies.

Today international telephony is primarily managed through commercial arrangements between private sector companies - as supported by the joint contribution by America Movil, AT&T, Bell Canada Mobility, Telefonica and Verizon. Today, the ITRs are largely irrelevant in the modern global telecommunications market. We note that many of the provisions in the ITRs are statements of intent or “best endeavours” or they are not clearly defined and this means that they are not legally enforceable. We note that many of the provisions in the ITRs are duplicated elsewhere.

We take the view that emphasising state intervention and adherence to redundant technical standards could actually hinder the development of telecommunication services. We believe that the existence of two versions of the treaty has not caused any difficulties or hindered the development of global communications in any way, that there is clearly no consensus on this issue among ITU Member States and that trying to revise the treaty could create new divisions.

We look forward to discussing the various contributions and getting a better understanding of the different views and areas of agreement going forwards.

**3.3 Contribution** [**EG-ITRs-2/7**](https://www.itu.int/md/S20-EGITR2-C-0007/en) **from the United States, Canada, Australia and Guatemala – “Views on the provision by provision review of the 2012 ITRs”**

Pursuant to the Work Plan agreed to at the September meeting of the Expert Group on the International Telecommunication Regulations (EG-ITRs), Australia, Canada, Guatemala and the United States are pleased to offer their views on the Preamble and Articles 1 through 4 of the 2012 ITRs. We believe most of the detailed provisions in the 2012 ITR are neither applicable to nor practical in today’s communications environment. Any attempt to revise the 2012 ITRs to address existing economic conditions and emerging technologies and services will meet the same fate as the current provisions – because of the rapidly changing market and regulatory environment, detailed treaty provisions will perpetually be obsolete.

**3.4 Contribution** [**[EG-ITRs-2/8](https://www.itu.int/md/S19-EGITR1-C-0005/en)**](https://www.itu.int/md/S20-EGITR2-C-0008/en) **[from South Africa – “Comprehensive review of the International Telecommunications Regulations”](https://www.itu.int/md/S19-EGITR1-C-0005/en)**

The Republic of South Africa is grateful for the opportunity to again participate in the important work of the Expert Group on the International Telecommunications Regulations (EG-ITRs) in relation to the comprehensive review of the International Telecommunications Regulations (ITRs).

Member States have not been able to agree on one ITR to be adopted or implemented by all. In undertaking this comprehensive review of the ITRs, Member States are reminded that “ITU is committed to connecting all the world's people – wherever they live and whatever their means. Through our work, we protect and support everyone's right to communicate.”

Having noted the discussions of the EG-ITRs that took place from 16 - 17 September 2019, the agreed Work Plan and Examination Table, the Republic of South Africa hereby makes its contribution with respect to the provision-by-provision examination of the 2012 ITRs, with special focus on the Preamble and Articles 1 – 4. See Annex I of the contribution.

Having also noted the divergent views of various member states regarding the relevance of the ITRs, the Republic of South Africa initiated a consultation process with its authorized operating agencies on this issue. The results of the consultation process are contained in Annex II of the contribution.

**3.5 Contribution** [**EG-ITRs-2/9**](https://www.itu.int/md/S20-EGITR2-C-0009/en) **from Cote D’Ivoire – “Examination table of ITR provisions: Preamble-Article 4”**

As agreed at the meeting of the Expert Group on the International Telecommunication Regulations (EG-ITRs) held in September 2019, Côte d’Ivoire has examined the applicability and flexibility of the ITR provisions from the Preamble to Article 4. The examination was carried out in accordance with the “examination table” and the work plan approved and contained in Annexes 1 and 3 of the report of the EG-ITRs meeting held in September 2019.

**3.6 Contribution** [**EG-ITRs-2/10**](https://www.itu.int/md/S20-EGITR2-C-0010/en) **from the Arab Republic of Egypt and Kingdom of Saudi Arabia – “Provision by provision examination of the ITRs”**

Egypt and Saudi Arabia are grateful for the opportunity to participate in the Expert Group on the International Telecommunication Regulations (EG-ITRs). We believe that the provision by provision examination of the treaty will be very helpful and will guide the way forward on the future of the ITRs. The views of Egypt and Saudi Arabia regarding the provisions of the preamble, articles 1,2,3 and 4 are set out in the Examination Table in the contribution.

**3.7 Contribution** [**EG-ITRs-2/11**](https://www.itu.int/md/S20-EGITR2-C-0011/en) **from the Republic of Zimbabwe – “Provision by provision review of the ITRs”**

Zimbabwe is pleased to present its views and comments on the comprehensive review of the international telecommunications regulations as per to the Work Plan agreed to at the September meeting of the Expert Group on the International Telecommunication Regulations (EG-ITRs).

Zimbabwe carried an industry consultation on the applicability and flexibility of the 2012 International Telecommunication Regulations. Generally, the views from the consultation were that operators deem the ITRs to be relevant for the provision of International Telecommunication Regulators. Suggestions for revision of some provisions were also proffered and are herein contained in Annex 1 of the contribution.

**3.8 Contribution** [**EG-ITRs-2/3**](https://www.itu.int/md/S20-EGITR2-C-0003/en) **from Canada – “Response to the CITEL Questionnaire”**

During the EG-ITRs September 2019 meeting, the administrations of the Commonwealth of the Bahamas, Brazil, Canada, Mexico, Paraguay and the United States of America agreed to circulate the questions below to all CITEL Administrations and Associate Members.

“Taking into account the terms of reference of Council Resolution 1379

1. Do you use the ITRs? If so how? If not, why?

2. In the current international telecommunications/ICTs environment, are the 2012 ITRs applicable in fostering the provision and development of international telecommunication/ICT services and networks? Please give examples.

3. In the current international telecommunications/ICTs environment, are the 2012 ITRs flexible to accommodate new trends in telecommunications/ICT and emerging issues? Please give examples.”

Canada is pleased to provide a response to the above questions. In conclusion, Canada believes that the ITU should concentrate and focus its financial and human resources in priorities such as closing the Digital Divides, and contribute, within the WSIS Framework and its mandate and core competencies, to the attainment of the 2030 Sustainable Development Goals (SDGs).

**3.9 Contribution** [**EG-ITRs-2/6**](https://www.itu.int/md/S20-EGITR2-C-0006/en) **from America Movil, AT&T, Bell Canada Mobility, Telefonica and Verizon – “Joint Response to CITEL Questions on the ITRs”**

In response to the request of the Vice-Chairman for the Americas Region of the Expert Group on the International Telecommunication Regulations (EG-ITRs), the above-listed companies jointly submit the below replies to CITEL Questions on the ITRs. We appreciate the opportunity to provide our views.

**3.10 Contribution** [**EG-ITRs-2/12**](https://www.itu.int/md/S20-EGITR2-C-0012/en) **from Mexico – “Response to the CITEL questionnaire”**

During the EG-ITRs September 2019 meeting, the administrations of the Commonwealth of the Bahamas, Brazil, Canada, Mexico, Paraguay and the United States of America agreed to circulate the questions below to all CITEL Administrations and Associate Members.

Mexico is pleased to provide a response to these questions.

**3.11 Contribution** [**EG-ITRs-2/4**](https://www.itu.int/md/S20-EGITR2-C-0004/en) **from the People’s Republic of China – “Comments on the comprehensive review from Preamble to Article 4 of the ITRs”**

Based on the terms of reference of EG-ITRs and the consensus reached at its first meeting, the People’s Republic of China has provided a proposal for the review of relevant content from Preamble to Article 4 of ITRs.

**4. Discussions on the Contributions**

**4.1** The views on the respective provisions as reflected in the Contributions as well as the deliberations of the Group during the second meeting have been captured in the Examination Table (Pre-4) attached as Annex I hereto. The Summary Outcome column was filled as agreed by members during the meeting while the other two columns on “Applicability in fostering provision and development of networks and services” and “Flexibility to accommodate New trends and Emergent issues” respectively have been completed offline by the Vice-Chairs in consultation with the members from their regions based on the contributions and discussions at the meeting.

**4.2** As a broad comment on the review of the treaty, **s**ome members expressed the view that the 2012 ITRs are not relevant or practical given today’s communications environment, and hence many Member States have also not signed this treaty.

Some members noted that the 2012 ITRs, as a treaty instrument, are applicable and flexible and that this review process is important to examine the provisions in this regard in order to achieve consensus on the way forward.

**4.3** In addition,where there are provisions that are replicated in both the 1988 and 2012 ITRs, some members noted that those Member States that are party to the 1988 treaty are legally bound to comply with those provisions, and yet, when those provisions occur in the 2012 ITRs, these Member States do not find them to be applicable or flexible, in the light of this review.

Some members highlighted that the question for examination was whether the provisions were applicable in “fostering provision and development of networks and services”, not whether they were legally applicable. They were of the opinion that the meeting should refrain from delving into issues surrounding the legal obligations of Member States or the legal applicability of provisions the 1988 ITRs as these issues are not within the mandate of the Group, which is specific to reviewing the provisions of the 2012 ITRs against the criteria of applicability (in fostering provision and development of networks and services) and flexibility (to accommodate new trends and emergent issues) as set out above.

**4.4** Regarding those provisions in the Examination Table where the Summary Outcome column indicates a suggestion to update the said provision, some members noted that such recommendations constitute a revision of the 2012 ITRs which is beyond the scope of the Group and should not be included, while some members were of the opinion that these recommendations are in furtherance of the review process and will help identify the provisions that need to be updated for this purpose.

**4.5** During the meeting, members encouraged more Sector Members to participate actively in the discussions of the Group and continue to present contributions that can aid the deliberations and the review process.

**4.6** For the purpose of this Report, members wished to highlight that the Examination Table attached in Annex 1 has been filled out in English and therefore, slight discrepancies in terms may be found when this content is translated into the other five languages.

**5 Discussion of next steps**

In keeping with past precedence, the Chairman proposed to the Group that the meeting report for this second meeting of the EG-ITRs would be prepared offline and shared with the Vice-Chairs for circulation within their region/networks for review and finalized in accordance with the process agreed during the meeting ([Document EG-ITRs-2/DL/2-E](https://www.itu.int/md/S20-EGITR2-200212-DL-0003/en)). The meeting reports of the meetings held in September 2019 and February 2020 will be consolidated as a Progress Report to be presented to Council 2020.

**6 Closing of the Meeting**

In closing, the Chairman thanked all the ITU Member States and Sector Members who made contributions and participated in the work of the Expert Group, the Vice-Chairmen, and ITU Elected Officials and the Secretariat for their efficient assistance during the meeting.

The Group thanked the Chairman and Secretariat for their effective organization and management of the Group.

**Chairman: Mr. Lwando Bbuku (Zambia)**

**ANNEX I**

**Examination Table (Pre-4)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **2012 Provisions** | **Sub article and Provision** | **Related 1988 sub article and provision** | **Applicability in fostering provision and development of networks and services** | **Flexibility to accommodate New trends and Emergent issues** | **Summary Outcome** |
|  | **1. While the sovereign right of each State to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereafter referred to as "Regulations") complement the Constitution and the 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 worldwide telecommunications.** | 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. | Some members were of the opinion that this provision is applicable in fostering the provision and development of networks and services.  Some members were of the opinion that the Preamble should be updated given the changes that have taken place in the provision of telecommunication services to the end user.  Some members were of the opinion that this provision duplicates the Constitution of the ITU, where the sovereign right of each State to regulate its telecommunications is already recognised. | Some members were of the opinion that this provision is flexible to accommodate new trends and emerging issues, while acknowledging the sovereign right of each country to regulate its telecommunication services.  Some members also noted that this provision is also flexible enough to allow Member States to be innovative while at the same time fostering uniformity, without infringing human rights.  Some members were of the opinion that an international treaty is not necessary or effective in order to promote the development of telecommunication services while harmonizing the development of facilities for worldwide telecommunications.  Some members were of the opinion that this provision does not take into account innovations in end-user telecommunications services that are driven primarily by the service layer. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **Member States affirm their commitment to implement these Regulations in a manner that respects and upholds their human rights obligations.** |  | Some members were of the view that this provision is applicable to networks and services, and is not in conflict with the sovereign rights of Member States to provide network services.  Some members were of the opinion that human rights issues could include protection of personal data, right to access mobile and internet-based communication technologies, freedom of expression, promoting universal access to the internet, etc.  Some members were of the opinion that this provision is irrelevant to fostering the provision and development of networks and services as Member States are already bound by international human rights law, and that there are other instruments of the United Nations already cover the issue of Human Rights. | Some members were of the opinion that this provision affects the flexibility to accommodate new trends and emergent issues.  Some members were of the opinion that the question of flexibility is irrelevant as Human Rights obligations apply generally and the UN General Assembly has recognised that human rights should be protected online and offline.  Some members were of the opinion that this provision does not affect the flexibility to accommodate new trends and emergent issues, with some members noting that the reference to human rights obligations is very broad while specifics pertaining to human rights obligations are contained in other binding and non-binding instruments.  Some members also noted that this provision is also flexible enough to allow Member States to be innovative while at the same time fostering uniformity, without infringing human rights. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **These Regulations recognize the right of access of Member States to international telecommunication services.** |  | Some members were of the opinion that this provision is applicable in fostering the provision and development of networks and services, and is not in conflict with the sovereign rights of Member States to provide network services.  Some members were of the opinion that this provision creates a legal ambiguity as it creates a new right for Member States - the ‘right of access’ – without clarifying the duties or obligations this places on states or on companies, and consequently is not applicable in fostering the provision and development of networks and services  Some members were of the opinion that it is difficult to apply this provision to communications services made available over data networks, in particular IP networks. | Some members were of the opinion that this provision affects the flexibility to accommodate new trends and emergent issues.  Some members were of the opinion that this provision does not affect the flexibility to accommodate new trends and emergent issues  Some members were of the opinion that the lack of clarity in the meaning of a ‘right of access’ makes it inflexible in accommodating new trends and emergent issues.  Some members were of the opinion that the provision does not cover new trends due to the restrictive definition of "international telecommunication services".  Some members also noted that this provision is also flexible enough to allow Member States to be innovative while at the same time fostering uniformity, without infringing human rights. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **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 do not address the content-related aspects of telecommunications.** | 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\*.  \* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports competitiveness and delivery of quality services as well as not-regulated aspects of content, i.e. the network related aspects.  Some members were of the opinion that this provision is unclear since it refers to content which implies telecommunications also addresses content, which is confusing. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, with some experts noting that it should not include content related aspects.  Some members were of the opinion that this provision is not flexible because the definition is too narrow, and while Member States can make reservations when they sign the Convention, they cannot later rescind or add new reservations as technological development demands. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **1.1 (b) These Regulations also contain provisions applicable to those operating agencies, authorized or recognized by a Member State, to establish, operate and engage in international telecommunications services to the public, hereinafter referred as "authorized operating agencies".** | 1.1 b) These Regulations recognize in Article 9 the right of Members to allow special arrangements. | Some members were of the opinion that this provision is applicable and supports competitiveness and delivery of quality services as well as all service providers.  Some members were of the opinion that this provision does not cover providers who offer services without state authorization.    Some members were of the opinion that this provision is not clear about to whom the definition refers exactly. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, noting that the allowance of “authorized operating agencies” is flexible enough to include any entity that may be authorized by Member States (e.g. private services providers, or if a Member States allows operations without a license/permit, etc.).  Some members were of the opinion that this provision is not flexible because it does not include new actors.  Some other members were of the opinion that this provision lacks flexibility because of the lack of clarity regarding authorized and unauthorized operating agencies. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to take into account new trends in telecommunications/ICTs |
|  | **1.1 (c) These Regulations recognize in Article 13 the right of Member States to allow special arrangements.** |  | Some members were of the opinion that this provision is applicable and supports competitiveness and delivery of quality services as well as all service providers.  Some members were of the opinion that this provision is not flexible, since it is not applicable any more | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, also because of the possibility of special arrangements.  Some members were of the opinion that this provision is not flexible, since it is not necessary any more. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies.** | 1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies. | Some members were of the opinion that this provision is applicable and supports provision of services.  Some members were of the opinion that this provision is not applicable to fostering provision and development of networks and services as it only sets out a definition in the treaty.. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, with some members noting that with emerging technologies such as AI and robotics, the definition of “the public” may not be sufficiently broad.  Some members were of the opinion that flexibility is irrelevant for this provision as it sets out a definition in the treaty | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **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.** | 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. | Some members were of the opinion that this provision is applicable and supports solving interconnection challenges.  Some members were of the opinion that this provision is not applicable since it refers to a high level treaty objective. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, with some members noting that all possible ways of global interconnection that do not violate human rights are permissible.  Some members were of the opinion that this provision does not cover new forms of electronic communications.  Some members were of the opinion that flexibility is irrelevant to this provision because of the high level of this provision. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **1.4 References to Recommendations of the ITU Telecommunication Standardization Sector (ITU-T) in these Regulations are not to be taken as giving to those Recommendations the same legal status as these Regulations.** | 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. | Some members were of the opinion that this provision is applicable and supports solving interconnect challenges  Some members were of the opinion that this provision addresses an issue out of scope of the treaty. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.  Some members were of the opinion that this provision is inflexible since it includes only ITU-T Recommendations.  Some members were of the opinion that flexibility is irrelevant to this provision because it addresses an issue outside the ITRs. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect ITU standards |
|  | **1.5 Within the framework of these Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between authorized operating agencies.** | 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\*.  \* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports development of networks and services, and solves interconnect challenges, but does not include new actors.  Some members were of the opinion that this provision is not applicable since most agreements are settled outside the ITRs framework. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, with some members noting that it allows the establishment of international telecommunication services on commercial terms through mutual agreement between authorised operating agencies.  Some members were of the opinion that this provision is not flexible because it does not include new actors.  Some members were of the opinion that this provision is not flexible to accommodate the way modern agreements are managed. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **1.6 In implementing the principles of these Regulations, authorized operating agencies should comply with, to the greatest extent practicable, the relevant ITU-T Recommendations.** | 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.  \* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports development of networks and services, noting that it also provides guidelines which are non-mandatory but may therefore not be observed.  Some member also highlighted that this provision could be in contradiction with provision 1.4.  Some members were of the opinion that this applicability of the provision is unclear because it is open to wide interpretation and in any case is not legally enforceable. | Some members were of the opinion that this provision is to a certain extent flexible to accommodate new trends and emergent issues, also because it allows other standards to be used.  Some members noted that the limited range of Recommendations used is one reason for the limited flexibility of this provision.  Some members were of the opinion that this provision is not flexible because it lacks clarity since Recommendations for new trends and issues take time to become available. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **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 authorized operating agencies which operate in its territory and provide an international telecommunication service to the public be authorized by that Member State.** | 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. | Some members were of the opinion that this provision is applicable and it takes into account national circumstances and sovereign rights.  Some members were of the opinion that this provision is not necessary because it overlaps with the Constitution. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.  Some members were of the opinion that this provision is not flexible because it does not include new actors.  Some members were of the opinion that flexibility is irrelevant to this provision. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **1.7 (b) The Member State concerned shall, as appropriate, encourage the application of relevant ITU-T Recommendations by such service providers.** | 1.7 (b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers. | Some members were of the opinion that this provision is applicable, supports development of networks and services and allows for nations to develop national solutions.  Some members were of the opinion that this provision does not apply since the phrase “as appropriate” is open to such wide interpretation that Member States are not obligated to encourage the application of the relevant recommendations. | Some members were of the opinion that this provision is to a certain extent flexible to accommodate new trends and emergent issues, also because it allows other standards to be used and allows for globalization of agencies, with some members noting the limited range of Recommendations used is one reason for the limited flexibility of this provision.  Some members were of the opinion that this provision is not flexible since it is requires Member States to apply outdated recommendations. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **1.7 (c) The Member States, where appropriate, shall cooperate in implementing these Regulations.** | 1.7 (c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations (For interpretation, also see Resolution No. 2). | Some members were of the opinion that this provision is applicable, supports development of networks and services and allows for nations to develop national solutions.  Some members were of the opinion that the applicability of this provision, and the phrase “as appropriate”, is open to such wide interpretation that is places no obligation on states, further noting that there is also no definition of “cooperation”, which makes it even more difficult to enforce. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, allowing for globalization of agencies.  Some members were of the opinion that flexibility is not applicable to this provision, since most agreements are settled outside the ITRs framework | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **1.8 These Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.** | 1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise. | Some members were of the opinion that this provision is applicable and supports development of networks and services, noting that it also sets a clear distinction between ITRs and Radio regulations.  Some members were of the opinion that this provision is not applicable because it addresses the scope of the treaty. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.  Some members were of the opinion that flexibility is not applicable to this provision since it addresses the scope of the treaty. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **2.1 For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.** | For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes. | Some members were of the opinion that the applicability of the definitions is unclear regarding fostering provision and development of networks and services.  Some members were of the opinion that this provision is applicable.  Some other members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that the flexibility of the definitions is unclear regarding accommodation of new trends and emergent issues.  Some members were of the opinion that this provision is flexible.  Some other members were of the opinion that this provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some members stated that this provision may not be relevant to the examination criteria that has been set |
|  | **2.2 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.** | 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. | Some members were of the opinion that this provision is applicable and supports development of networks and services, and covers the current, common means of transmission of information.  Some members noted that, in their view, the Internet and audiovisual media are telecommunications for the purpose of these Regulations, particularly if the objective is to promote the development of networks and services in an era of convergence.  Some members noted that this definition is the same as that contained in the Constitution.  Some other members suggested that this provision needs to be updated.  Some other members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.  Some other members suggested that this provision does not fully cover the concept of "electronic communication" in line with an approach geared towards the end user.  Some other members were of the opinion that this provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible, or a reference to the relevant provision of the ITU CS should be made instead  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user; Some other members suggested that an additional provision/definition be introduced for the same reason. |
|  | **2.3 International telecommunication service: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.** | 2.2 International telecommunication service: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries. | Some members were of the opinion that this provision is applicable and supports development of networks and services, with some members noting that this definition is the same as that contained in Constitution.  Some members were of the opinion that this provision allows any agency to establish network services with other agencies without prejudice.  Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues, with some members noting that future technologies are covered in the provision under the banner of “stations of any nature”.  Some members were of the opinion that this provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **2.4 Government telecommunications: Telecommunications originating with any: Head of 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.** | 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 reply to a government telegram. | Some members were of the opinion that this definition/provision is applicable in fostering the provision and development of network and services, with some members noting that this definition is the same as that contained in Constitution.  Some members were of the opinion that this provision covers the current acceptable definition of government arms and security.  Some members were of the opinion that the applicability of this definition/provision is unclear in regards to fostering the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues  Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues.  Some members were of the opinion that this definition needs to be updated to reflect the changes that have taken place in regards to accommodating new trends and emerging issues, with some members noting that the definition may not fully cover local law enforcement agencies and all government branches | Some members were of the opinion that this provision requires no change as it is applicable and flexible, or a reference to the relevant provision of the ITU CV should be made instead  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **2.5 Service telecommunication: A telecommunication that relates to public international telecommunications and that is exchanged among the following:**   * **Member States;** * **authorized operating agencies; and** * **the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.** | 2.4 Service telecommunication: A telecommunication that relates to public international telecommunications and that is exchanged among the following:   * 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. | Some members were of the opinion that this definition/provision is applicable in fostering the provision and development of network and services, with some members noting that this definition is similar to the definition contained in the Constitution.  Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues  Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible, or a reference to the relevant provision of the ITU CV should be made instead  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **N/A** | 2.5 Privilege telecommunication  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.  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. |  |  |  |
|  | **2.6 International route: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.** | 2.6 International route: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices. | Some members were of the opinion that this definition/provision is applicable in fostering the provision and development of network and services Some members were of the opinion that this provision does not apply to the routing of Internet traffic and is restrictive considering the number of intermediary actors that have ensured the provision of international telecommunications services thus far.  Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues  Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues.’ | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service, if there is between their authorized operating agencies:** | 2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations\*:  \* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports development of networks and services.  Some other members suggested that this provision needs to be updated given that there can be a “relation” between two terminal countries without the involvement of their authorized operating agencies.  Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.  Some other members suggested that this provision does not fully take into account developments such as communication services over the Internet and new actors.  Some other members were of the opinion that this provision is no longer flexible in accommodating new trends and emergent issues given that the relevance of its inclusion is not clear and the attempt to define the term makes it inflexible.  Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues.’ | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **(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),** | 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 | Some members were of the opinion that this provision is applicable and supports development of networks and services.  Some other members suggested that this provision does not fully take into account new actors.  Some other members were of the opinion that this provision is no longer applicable to the provision and development of networks and services.  Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.  Some other members suggested that this provision does not fully take into account new trends and intermediary actors.  Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues.’ | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **(b) normally, the settlement of accounts.** | b) normally, the settlement of accounts | Some members were of the opinion that this provision is applicable and supports development of networks and services.  Some other members suggested that this provision needs to be updated.  Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.  Some other members that this provision does not fully account for the other means involved in the "relation", given that the settlement of accounts is discontinued because of new actors and technological developments.  Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **2.8 Accounting rate: The rate agreed between authorized operating agencies, in a given relation that is used for the establishment of international accounts.** | 2.8 Accounting rate: The rate agreed between administrations\* in a given relation that is used for the establishment of international accounts.  \* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports development of networks and services.  Some other members suggested that this provision does not fully take into account that. while accounting rate principles may still be applicable in some countries, terms and conditions for international agreements are established through commercial agreements.  Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.  Some other members suggested that this provision does not fully take into account alternative actors, with some members noting that different terminologies are used in commercial agreements to mean the same thing.  Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **2.9 Collection charge: The charge established and collected by an authorized operating agency from its customers for the use of an international telecommunication service.** | 2.9 Collection charge: The charge established and collected by an administration\* from its customers for the use of an international telecommunication service.  \* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable and supports development of networks and services.  Some members were of the opinion that this provision neither facilitates, nor hinders the provision and development of networks and services. | Some members were of the opinion that this provision is flexible to accommodate new trends and emergent issues.  Some other members suggested that this provision does not fully take into account communication services delivered or accessible over the Internet, with some members noting that different terminologies are used in commercial agreements to mean the same thing.  Some members were of the opinion that this definition/provision is neither flexible, nor inflexible in accommodating new trends and emergent issues. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **N/A** | 2.10 Instructions: 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). |  |  |  |
|  | **3.1 Member States shall endeavour to ensure that authorized operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.** | 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.  \*or recognized private operating agency(ies) | Some members were of the view that this provision is applicable and that it promotes development of networks and services, and that it addresses the current need for development of network services, meeting agreed QoS standards.  Some members were of the view that the provision is not applicable because “Member States shall endeavour to ensure” is unenforceable and that competition in the market is the most effective way to guarantee a satisfactory quality of service while fostering provision and development.  Some members were of the view that the provision is applicable to authorized operating agencies only within the meaning of the ITRs.  Some members were of the view that this provision supports the development of networks and services on quality, although the word/term “satisfactory” is vague. | Some members were of the view that this provision ensures flexibility.  Some members were of the view that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation.  Some members were of the view that alternative actors providing electronic communications services are not directly involved in the maintenance and development of the international network and are not represented in the countries concerned.  Some members noted that international telecommunication services are provided based on quality as agreed with other parties and on commercial terms. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **3.2 Member States shall endeavour to ensure the provision of sufficient telecommunication facilities to meet the demand for international telecommunication services.** | 3.2 Administrations\* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services.  \* or recognized private operating agency(ies)] | Some members were of the view that the provision is applicable and that it promotes development of networks and services and that it addresses the current need for development of network service to deliver solutions to various agencies.  Some members were of the view that the phrase “Member States shall endeavour to ensure” is unenforceable and this is now the responsibility of the private sector. | Some members were of the view that the provision ensures flexibility to accommodate new trends and emergent issues, noting that the demand for international telecommunication services are driven by commercial imperatives based on mutual requests and agreements between operators.  Some members were of the view that in the modern telecommunications market the provision of facilities is mostly for the private sector, not for Member States. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **3.3 Authorized operating agencies 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 authorized operating agencies concerned, the origin authorized operating agency has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination authorized operating agencies.** | 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\*.  \* or recognized private operating agency(ies)] | Some members were of the view that the provision is applicable and that it promotes development of networks and services.  Some members were of the view that this is a matter for mutual agreement between operating agencies, and it is not necessary to have an intergovernmental treaty to state this.  Some members were of the view that the provision is not applicable to services provided over data networks (IP), noting that there are actors authorized by a State that provide international telecommunications services in other States without authorization and control. | Some members were of the view that the provision ensures flexibility.  Some members were of the view that the provision is not flexible because, in the modern telecommunications market, routing is primarily agreed between private sector companies, and that the majority of services that are innovative in terms of electronic communications use data networks, in particular IP. They further noted that selection of international routes is a matter to be decided between authorised operating agencies, which is done based on technical and commercial factors considered between the parties. Moreover, the latter part of the provision may not provide the necessary flexibility to accommodate new trends and emergent issues because it implies that the origin authorized operating agency need to reach some agreement relevant transit and destination authorized operating agencies by virtue of taking their interests into account. It would be better if the second part gave the origin authorized operating agency a “right” as oppose to just a “choice” to determine the route. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **3.4 Subject to national law, any user, by having access to the international network, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to the relevant ITU-T Recommendations.** | 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. | Some members were of the view that the provision is applicable and that it promotes development of networks and services, taking into account national circumstances, and allows users to establish networking relationships freely.  Some members were of the view that the provision is not applicable.  Some members expressed the view that the provision is irrelevant in an international treaty as it is “subject to national law”:  “A satisfactory quality of service should be maintained to the greatest extent practicable” is open to wide interpretation and the provision does not state which ITU-T Recommendations are relevant.  Some members were of the view that access to the international network is not determined by States but depends on commercial agreements between authorized operators that are not subject to national legislation, and users have access to national networks from which they benefit from international services. | Some members were of the view that the provision ensures flexibility, taking into account national circumstances, whereas some members were of the view that it is not flexible, because the provision is irrelevant in an international treaty as it is “subject to national law”, noting that expectations of quality of services will vary according to the technology and its state of development. These members suggested that it is possible that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation.  Some members were of the view that in this provision, the definition of “user” may not cover emerging technologies such as robotics.  Some members suggested that this provision does not reflect all relevant ITU standards | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **3.5 Member States shall endeavour to ensure that international telecommunication numbering resources specified in ITU-T Recommendations are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.** |  | Some members were of the view that this provision is applicable and that it promotes development of networks and services while at the same time ensuring the rights of Member States and enforcing compliance on numbering resources for accountability purposes.  Some members were of the view that the provision is weak because **“**Member States shall endeavour to ensure” is unenforceable.  Some members were of the view that this provision is difficult to apply as the measures required for its application should be explicitly defined in order to ensure worldwide harmonization, as stated in the Preamble. | Some members were of the view that the provision ensures flexibility as it ensures accurate use of numbering resources.  Some members were of the view that the question of flexibility does not arise because the provision is unenforceable.  Some members were of the view that this provision does not take account of addressing and naming.  Some members were of the view that reference to “ITU-T Recommendations” is limiting the flexibility of the text. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect ITU standards |
|  | **3.6 Member States shall endeavour to ensure that international calling line identification (CLI) information is provided taking into account the relevant ITU-T Recommendations.** |  | Some members were of the view that the provision ensures applicability and that it promotes development of networks and services.  Some members were of the view that “Member States shall endeavour to ensure” is unenforceable.  Some members were of the view that the provision is difficult to apply as the measures required for its application should be explicitly defined in order to ensure worldwide harmonization, as stated in the Preamble.  Some members were of the view that the provision does not taken into account origin identifiers, given the technological advancements and the introduction of IoT application in the international telecommunication service market.  Some members were of the view that CLI must be maintained for accountability purposed. | Some members were of the view that the provision ensures flexibility, noting that it curbs CLI manipulation, which could lead to inaccurate or unsuccessful routing and billing of international calls.  Some members were of the view that this provision could be inflexible if it leads to adherence to redundant recommendations, given that it has not been specified which ITU-T recommendations are “relevant”..  Some members were of the view that reference to the ITU-T Recommendations is limiting the flexibility of the text.  Some members were of the view that with a strong shift to IP, a consideration must be made to make IP address available, in cases of security risk. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **3.7 Member States should create an enabling environment for the implementation of regional telecommunication traffic exchange points, with a view to improving quality, increasing the connectivity and resilience of networks, fostering competition and reducing the costs of international telecommunication interconnections.** |  | Some members were of the view that the provision is applicable and that it promotes development of networks and services, noting that this provision requires Member States to promote more than one point of interconnection for traffic exchange.  Some members were of the view that the provision is unenforceable because it only says Member States “should” do this and it does not say exactly what “an enabling environment” means. | Some members were of the view that the provision ensures flexibility.  Some members are of the view that, in the modern telecommunications environment, the implementation of regional telecommunication traffic exchange points is a matter for the private sector. They further noted that there is a danger that without a clear definition of an “enabling environment”, Member States may take action under this provision which could actually hinder the development and provision of new services.  Some members were of the view that the text is too specific and not flexible enough.  Some members were of the view that the provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.1 Member States shall promote the development of international telecommunication services and shall foster their availability to the public.** | 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). | Some members were of the opinion that this provision is applicable to promote the development of networks et services. They noted that it allows Member States to promote and foster international telecommunication services in order to make it available to the public where such a need has been identified.  Some members were of the opinion that this provision is unenforceable as it is not possible to judge whether adequate efforts to “promote” or “foster” have been undertaken. The emphasis here on the role of Member States could detract from the role of the private sector, which is responsible for the vast majority of investment, and might therefore discourage the provision and development of services. | Some members were of the opinion that the provision is flexible as it allows operating agencies to innovate based on commercial agreements. But the intervention of Member States is needed where there is a lack of availability and development of international telecommunication service for the public.  However, some members were of the opinion that the international communication service does not cover new electronic communication services made available over Internet.  Some members were of the opinion that this provision is not clear as it is not clear on what the terms “foster” and “promote” mean in practice | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.2 Member States shall endeavour to ensure that authorized operating agencies cooperate within the framework of these Regulations to provide, by agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ITU-T Recommendations.** | 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.  \*or recognized private operating agency(ies) | Some members were of the opinion that this provision promotes and supports the development of networks and services. They noted that it’s applicable and highlights the need for cooperation in the provision of international telecommunication services  Some members were of the opinion that the wording of the provision – “Member States shall endeavour to ensure” is unenforceable. the treaty does not require operating agencies to cooperate and it’s unnecessary to encourage them to do so. For commercial reason, they will cooperate if needed. | Some members were of the opinion that this provision could be inflexible because there is no clear reference to the relevant ITU-T recommendations and those recommendations could be superseded or redundant regarding new trends and emerging issues. The provision is not clear how to comply.  Some members were of the opinion that this provision is flexible and could be more so if the text is not limited to ITU-T recommendations and could extend communication services to the Internet. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user. Some other members suggested that this provision needs to be updated to reflect ITU standards |
|  | **4.3 Subject to national law, Member States shall endeavour to ensure that authorized 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:** | 4.3 Subject to national law, Members shall endeavour to ensure that administrations [or recognized private operating agency(ies)] provide and maintain, to the greatest extent practicable, a minimum quality of service corresponding to the relevant CCITT Recommendations with respect to: | Some members were of the opinion that the text of the provision – “Member States shall endeavour to ensure” - is unenforceable, while noting that usually the most effective way to guarantee access and a satisfactory quality of service is by competition in the market.  Some members were of the opinion that this provision promotes and supports the development of network and services taking into account national circumstance, as it allows Member States to tailor make solution for their jurisdictions according to a minimum set of QOS standards. | Some members were of the opinion that actions taken under this provision to ensure specific levels of quality of service could hinder innovation due to different QOS expectations according to the technology.  Some members were of the opinion that this provision is flexible and allows to have a minimum set of QOS standard for all services while taking into account national circumstance. They further noted that this provision does not reflect all relevant ITU standards | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect ITU standards |
|  | **4.3 (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;** | 4.3 (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; | Some members were of the opinion that the text of the provision– “Member States shall endeavour to ensure” - is unenforceable, while noting that usually the most effective way to guarantee access and a satisfactory quality of service is by competition in the market.  Some members were of the opinion that the provision promotes and supports the provision and the development of networks and services.  Some members were of the opinion that the provision is applicable but lacks clarity for the term “harm” to ensure proper applicability. | Some members were of the opinion that actions taken under this provision to ensure specific levels of quality of service could hinder innovation due to different QOS expectations according to the technology  Some members were of the opinion that this provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.3 (b) international telecommunication facilities and services available to customers for their dedicated use;** | 4.3 (b) international telecommunication facilities and services available to customers for their dedicated use; | Some members were of the opinion that the text of the provision – “Member States shall endeavour to ensure” - is unenforceable, while noting that usually the most effective way to guarantee access and a satisfactory quality of service is by competition in the market.  Some members were of the opinion that the provision promotes and supports the provision and the development of networks and services and is applicable. | Some members were of the opinion that actions taken under this provision to ensure specific levels of quality of service could hinder innovation due to different QOS expectations according to the technology  Some members were of the opinion that this provision is flexible | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.3 (c) at least a form of telecommunication service which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and** | 4.3 (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 | Some members were of the opinion that the text of the provision – “Member States shall endeavour to ensure” - is unenforceable, which noting that usually the most effective way to guarantee access and a satisfactory quality of service is by competition in the market.  Some members were of the opinion that the word “reasonably” is not measurable and can thus create can confusion and have a negative effect on applicability.  Some members were of the opinion that the provision promotes and supports the provision and the development of networks and services and is applicable. | Some members were of the opinion that actions taken under this provision to ensure specific levels of quality of service could hinder innovation due to different QOS expectations according to the technology  Some members were of the opinion that this provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.3 d) a capability for interworking between different services, as appropriate, to facilitate international telecommunication services.** | 4.3 (d) a capability for interworking between different services, as appropriate, to facilitate international communications. | Some members were of the opinion that tthe text of the provision – “Member States shall endeavour to ensure” - is unenforceable, while noting that usually the most effective way to guarantee access and a satisfactory quality of service is by competition in the market.  Some members were of the opinion that the provision promotes and supports the provision and the development of networks and services and is applicable. | Some members were of the opinion that actions taken under this provision to ensure specific levels of quality of service could hinder innovation due to different QOS expectations according to the technology  Some members were of the opinion that this provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **4.4 Member States shall foster measures to ensure that authorized operating agencies provide free-of-charge, transparent, up-to-date and accurate information to end users on international telecommunication services, including international roaming prices and the associated relevant conditions, in a timely manner.** |  | Some members were of the opinion that the provision is unenforceable because authorized operating agencies / service providers are the key actors and not Member States, and it’s undefined how Member States will foster these principles among their authorized operating agencies  Some members were of the opinion that the provision promotes and supports the development of networks and services and is applicable. It’s a push for transparency on roaming charges to users which is required to avoid bill shock to consumers, , especially when roaming or making use of international telecommunications in another country. | Some members were of the opinion that, In the modern telecommunications environment Member States are not the key actors, and actions taken by Members State under this provision could be counter productive  Some members were of the opinion that the provision is flexible and allows regulation of emerging technologies when international roaming | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **4.5 Member States shall foster measures to ensure that telecommunication services in international roaming of satisfactory quality are provided to visiting users.** |  | Some members were of the opinion that it is unclear what measures Member States are expected to take since roaming services are based on commercial agreements. This provision is unenforceable.  Some members were of the opinion that the provision is a push for monitoring of QoS on international roaming service to users and Roaming services are of the same quality as that offered to local users as it operates on the same network.  Some members were of the opinion that this provision is applicable and supports the development of networks and services. | Some members were of the opinion that this provision is not flexible because it could hinder investment in new technology and expansion to new service in the case the operating agencies choose to temporarily deliver below ‘satisfactory quality’ services ‘  Some members were of the opinion that this provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible. |
|  | **4.6 Member States should foster cooperation among authorized operating agencies in order to avoid and mitigate inadvertent roaming charges in border zones.** |  | Some members were of the opinion that this provision is unenforceable and may hinder the provision and development of networks and services. They further expressed that the authorized operating agencies already have a strong commercial incentive to cooperate with each other on this issue, and in fact, if cooperation is suggested by the state, it may not appear voluntary and therefore parties may be reluctant in cooperating, and that it is a concern that this provision does not say that Member States should apply it equally and fairly between all authorized operating agencies.  Some members were of the opinion that provision pushes for cooperation between private licensed operators to avoid and neutralize bill shock for international roaming service to users due to accidentally attaching to foreign networks when close to the border.  Some members were of the opinion that his provision is applicable and promotes development of network and services and Member States provide current and up-to-date information on roaming services to mitigate bill shocks | Some members were of the opinion that this provision put too much emphasis on Member States to intervene, which means that the provision is less likely to accommodate new trends and emergent issues as these are typically first encountered by service providers.  Some members were of the opinion that this provision is flexible. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |
|  | **4.7 Member States shall endeavour to promote competition in the provision of international roaming services and are encouraged to develop policies that foster competitive roaming prices for the benefit of end users.** |  | Some members were of the opinion that the text of the provision “Member States shall endeavour to promote” and “foster” is not legally enforceable and it’s not clear how this should be done.  Some members were of the opinion that the tprovision pushes for competition on international roaming service to users and regional cooperation to foster competitive roaming prices.  Some members were of the opinion that this provision is applicable and supports the development of networks and services.  Nevertheless, some members were of the opinion that tariffs are set/negotiated directly between operators and intermediary actors and depends to a great extent on intermediary actors. | Some members were of the opinion that this provision put too much emphasis on Member States to intervene. This means that the provision is less likely to accommodate new trends and emergent issues as these are typically first encountered by service providers.  Some members were of the opinion that the provision is flexible allows regulation of international roaming.  Nevertheless, some members were of the opinion that Msember States have no room for negotiation to protect consumers as roaming service is based on commercial agreement. | Some members were of the opinion that this provision requires no change as it is applicable and flexible.  Some members stated that this provision is not necessary as it is no longer applicable or flexible.  Some other members suggested that this provision needs to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user |