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| **Expert Group on the InternationalTelecommunication Regulations (EG-ITRs)Third meeting - Geneva, 17-18 September 2020** |  |
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|  | **Document EG-ITRs-3/12-E** |
|  | **8 January 2021** |
|  | **English only** |

REPORT OF THE THIRD VIRTUAL MEETING of
THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS
(EG-ITRs)

**1 Introduction**

**1.1** The Deputy Secretary-General, Mr. Malcolm Johnson, welcomed the participants to the third virtual meeting of the EG-ITRs. Highlighting the pivotal role of ICTs and telecommunications during the COVID pandemic, he noted the importance of the ITRs in promoting the efficiency and availability of telecoms networks and wished the Group every success with the provision-by-provision review of the 2012 ITRs. Acknowledging the new virtual format of the meeting, as well as the reduced meeting time, the Deputy Secretary-General urged the Group to continue to work together with a spirit of consensus and collaboration in order to complete the agreed Work Plan, and reiterated the assistance and availability of the Secretariat to support the work of the Group, as needed.

**1.2** The Director of the Development Bureau (BDT), Ms. Doreen Bogdan-Martin, assured the Group of BDT’s continued support and noted that she had presented a progress report on the work to the 2020 meeting of the Telecommunication Development Advisory Group.

**1.3** The Director of the Standardization Bureau (TSB), Mr. Chaesub Lee, informed the Expert Group that TSB has nearly concluded their current Study Group meeting cycle and noted his intention to update the Group of the relevant agreed recommendations at its next meeting.

**1.4** The Chairman thanked the Elected Officials for their presence and support for the meeting. Given its virtual format and the reduced time, he 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 third meeting. He also thanked his Vice-Chairmen for their support and commitment to furthering the work of the Group.

**2 Adoption of the Agenda**

**2.1** The Agenda ([Document EG-ITRs-3/1(Rev.1)](https://www.itu.int/md/S20-EGITR3-C-0001/en)) was presented by the Chairman. The Chairman proposed to cluster the presentation of contributions and corresponding discussions into two items (Discussion on General Contributions received) and (Discussion on Contributions received on the following provisions of the ITRs (based on the Work Plan agreed in the first meeting of the EG-ITRs)). 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 third meeting of the Group, under each of the abovementioned Agenda items, all the contributions be presented briefly first, followed by a joint discussion to be reflected in the Examination Table.

**2.2** As per past practice, the Summary Outcome of the Examination Table would be completed during the meeting as agreed by the members, while the remaining two columns on “Applicability in fostering provision and development of networks and services” and “Flexibility to accommodate New trends and Emergent issues” would be completed offline by the Vice-Chairs based on the contributions and discussions at the meeting. The completed Examination Table (5-8/Appendix 1) is annexed to this Meeting Report.

The Agenda was adopted.

**3 Discussion on General Contributions received**

The various contributions submitted to the third 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-3/8**](https://www.itu.int/md/S20-EGITR3-C-0008/en) **from Egypt and Saudi Arabia – “Proposal on how to make discussions move forward”**

The contribution suggests ways in which to move forward with the Expert Group discussions, which have become stagnant. Instead of focusing on the micro-analysis as mandated in the ToR – the provision by provision examination – discussions have moved to the macro-level, where many have started again discussing the ITRs as a whole, with the view that they are not suitable or not applicable today. The contributors are afraid that the Group will not achieve constructive results if we continue this way and the discussion may be moving away from the Group’s scope.

**3.2 Discussion on the Contribution**

Some members were of the opinion that this contribution sets out a helpful framework to move the Group towards a meaningful provision-by-provision review and consensus of the 2012 ITRs, which was the purpose for re-convening the EG-ITRs. They further noted that following the methodology proposed in this contribution would help provide a constructive overview of the status of the 2012 ITRs in the report of the Group to the 2022 Plenipotentiary Conference and provide a way forward.

Some members were of the opinion that the working methodology of the Group has already been agreed at the first meeting by consensus, and that some of the suggestions made in this contribution are beyond the mandate of the Group which is to review the applicability of the provisions of the 2012 ITRs and their flexibility to adapt to new trends. They noted therefore, that given the Group is already at its third meeting and has finished reviewing a portion of the ITRs using the agreed Work Plan, it is preferable to continue the review process using the agreed methodology.

This contribution was noted by the Group and it was agreed that the Group would continue with the current Work Plan and approach.

**4. Discussion on Contributions received on the following provisions of the ITRs (based on the Work Plan agreed in the first meeting of the EG-ITRs)**

**4.1 Contributions:**

**4.1.1 Contribution** [**EG-ITRs-3/2**](https://www.itu.int/md/S20-EGITR3-C-0002/en) **from South Africa - Comprehensive review of the ITRs**

The Republic of South Africa hereby submits its contribution with respect to the provision by provision examination of Articles 5 – 8 and Appendix 1 of the 2012 ITRs (Annex I). The inputs reflect what works and what should be revised. The Republic of South Africa looks forward to working with other member states in fulfilling the objectives of the ITU.

**4.1.2 Contribution** [**EG-ITRs-3/3**](https://www.itu.int/md/S20-EGITR3-C-0003/en) **from Australia, Canada and USA - Views on Articles 5 through 8 and Appendix 1 of the 2012 ITRs**

The provisions on charging and accounting rates, security and robustness of networks, and unsolicited bulk electronic communication, in our view, are neither applicable nor flexible 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.

Treaty provisions that are general in nature are more likely to withstand changing market conditions and technological innovation. The contributors believe that general provisions of the ITRs included in the ITU Constitution and Convention are more resilient and capable of enduring changing market and technological environment.

**4.1.3 Contribution** [**EG-ITRs-3/4**](https://www.itu.int/md/S20-EGITR3-C-0004/en) **from Mexico - Mexico´s points of view for the 3rd meeting of the Expert Group on the International Telecommunication Regulations (EG - ITRS)**

Mexico reiterates its previous opinion that establishes that there are elements that continue to be in force in the international environment of the telecommunications sector, as they promote greater regulatory coherence and provide certainty to international telecommunications.

In conclusion, it is considered that the obligations established in the ITR only seek the application of measures related to the objective of the articles. Therefore, it does not offer additional technical or legal elements to those provided for the ITU Constitution, or in Recommendations and Resolutions that allow greater flexibility to adapt and update to the constant evolution of the telecommunications sector.

**4.1.4 Contribution** [**EG-ITRs-3/5**](https://www.itu.int/md/S20-EGITR3-C-0005/en) **from Bell Mobility (Canada); KDDI, NTT DOCOMO Inc. (Japan); AT&T, Verizon (United States) - Sector Member contribution on Articles 5 through 8 and Appendix 1 of the 2012 ITRs**

Based on the collective operational experience of the contributors, Article 5 through 8 and Appendix 1 are neither applicable to the fostering and development of international products and services, neither are they flexible enough to accommodate today's dynamic and innovative marketplace. Although issues of security and safety are most important to global operators, the contributors do not believe that treaty provisions can keep pace with the speed of technological development and innovation.

**4.1.5 Contribution** [**EG-ITRs-3/6**](https://www.itu.int/md/S20-EGITR3-C-0006/en) **from the Russian Federation - Provision-by-provision examination of sections of the ITRs at the third meeting of EG-ITRs in accordance with the work plan adopted at the first meeting of the Group**

The position of the Russian Federation is clearly outlined in Document 6. In the document, the Russian Federation has assessed each provision of Articles 5-8 and Appendix 1 individually. It was stated that the ITRs were necessary; provisions of the 2012 ITRs are flexible and relevant.

It was noted that in many cases, the 1988 ITRs have not reflected the changes that have occurred in the telecommunication/ICT ecosystem since 1988. Some of them, for example Nos. 44, 50 and 1/25, are fully obsolete and not applicable or relevant. Furthermore, the 1988 ITRs use terminology that is not in keeping with the current provisions of the ITU Constitution and Convention as well as outdated terms, leading to misunderstandings and/or errors in the application of the Regulations.

**4.1.6 Contribution** [**EG-ITRs-3/7**](https://www.itu.int/md/S20-EGITR3-C-0007/en) **from Egypt - Provision by provision examination of Articles 5, 6, 7, 8 and Appendix 1 of the ITRs**

Most provisions are flexible and applicable enough. For those provisions that need amendments, Egypt have suggested how those amendments can take place without making editorial revisions or changes to provision itself. Egypt also suggests getting legal advice on how to make changes to summarize Article 8 and Appendix 1.

**4.1.7 Contribution** [**EG-ITRs-3/9**](https://www.itu.int/md/S20-EGITR3-C-0009/en) **from the United Kingdom - Provision-by-provision examination of ITRs**

The United Kingdom is pleased to present our contribution to this meeting which covers Articles 5 - 8 and Appendix 1. The United Kingdom has assessed each provision individually, except Appendix 1 to avoid duplication as their views are already reflected in the analysis of the provisions.

The general view of the United Kingdom is that ITRs are not relevant to today's telecoms environment; they are not applicable in fostering the progress and development of networks and services; they are not flexible to accommodate new trends and emerging issues.

**4.1.8 Contribution** [**EG-ITRs-3/10**](https://www.itu.int/md/S20-EGITR3-C-0010/en) **from Saudi Arabia - Provision by provision examination of Articles 5 to 8 and Appendix 1 of the 2012 ITRs**

In keeping with the second meeting of the EG-ITRs, Saudi Arabia is pleased to submit this contribution to the third meeting of the Expert Group on the ITRs. Annex 1 contains provision by provision examination table of articles 5 to 8 and Appendix 1 of 2012 ITRs.

**4.1.9 Contribution** [**EG-ITRs-3/11**](https://www.itu.int/md/S20-EGITR3-C-0011/en) **from the Netherlands - Provision-by-provision examination of the ITRs**

The view of the Netherlands is that, given the dynamic, competitive nature of the communications market, and the fact that the telecommunications/ICT sector is increasingly being integrated into the broader digital economy, it is unclear how an inflexible treaty instrument such as the ITRs can play a positive role in promoting future growth and prosperity in the international telecommunication marketplace.

  The Netherlands is of the view that the provisions as part of a Treaty instrument are not suitable to accommodate the changing market environment and is not convinced that new treaty-level provisions will help to build an enabling environment to attract investment and bridge a digital divide where this still exists.

**4.2 Discussions on the Contributions**

**4.2.1** 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 (5-8/Appendix 1) 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.

**4.2.2** Due to connectivity issues for the Chair during discussions on this Agenda item on the first day of the meeting, the Vice Chair of the Americas, as the senior-most Vice Chair, stepped in to conduct the meeting after a break of 20 minutes and led the discussions for the final 30 minutes of the meeting.

**4.2.3** Some members were also of the opinion that the Examination Table is being completed based on initial comments and contributions without holding any in-depth discussion on each of the provisions.

Some members noted that the views of the members have been expressed in their presentations and contributions and need not be repeated for each provision, and therefore, the language used to complete the Examination Table is a factual reflection of the meeting’s discussion.

**4.2.4**  Some members were of the opinion as well, that where relevant, language related to the existence or absence of reference to all ITU Recommendations (not ITU-T Recommendations only) on the applicable provisions be included in the Summary Outcome column.

Some members were of the opinion that the current language included in the Summary Outcome column is broad enough to reflect various views of the Group and has been negotiated and agreed at the previous meeting.

**4.2.5** Finally, some members requested that their comments on certain provisions of the 2012 ITRs be reflected in this Report:

**a)** **Article 6:** Some members suggested that the following considerations be taken into account in the completion of the Examination Table: Member States should make their own and joint efforts to enhance the security and protection of telecommunications infrastructure and important data in the infrastructure.

 Some members were of the opinion that the current language included in the Summary Outcome column is broad enough to reflect the various views of the Group, and the Vice Chairs could reflect contributions and discussions more specifically in the Applicability and Flexibility columns.

**b) Article 7.1:** Some members suggested that the following considerations be taken into account in the completion of the Examination Table: Member States should endeavour to take measures to better protect data security.

Some members were of the opinion that the current language included in the Summary Outcome column is broad enough to reflect the various views of the Group, and the Vice Chairs could reflect contributions and discussions more specifically in the Applicability and Flexibility columns.

**c)** **Articles 8.2.1 and 8.2.2:** Some members noted that the ITRs are the only international treaty to reference the accounting rate system, which is still in use by a small number of Member States today, and therefore seek to consult with legal counsel on their review.

Some members noted that this issue is fully covered at a bi- or multilateral commercial level and can be resolved accordingly instead of via a global international agreement.

**5. Next steps**

In keeping with past precedence, the Chairman proposed to the Group that the meeting report for this third 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-3/DL/1-E](https://www.itu.int/md/S20-EGITR3-200917-DL-0001/en)). The meeting reports of all the EG-ITR meetings held since September 2019 will be consolidated as a Progress Report to be presented to the next session of Council.

**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 and the interpreters 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)**

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**Examination Table (5-8/Appendix 1)**

| **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** |
| --- | --- | --- | --- | --- | --- |
|  | **5.1 Safety-of-life telecommunications, such as distress telecommunications, shall be entitled to transmission as of right and, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant articles of the Constitution and the Convention and taking due account of the relevant ITU-T Recommendations.** | 5.1 Safety of life telecommunications, such as distress telecommunications, shall be entitled to transmission as of rightand shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Convention and taking due account of the relevant CCITT Recommendations. | 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 this Article 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 is not applicable, with some members adding that other instruments such as Article 40 of the ITU Constitution and relevant ITU-T Recommendations, establish the priority of telecommunications related to the safety of human life | Some members were of the opinion that this provision is flexible to accommodate new trends and emerging issuesSome members were of the opinion that this provision is not flexible due to the privatization of the telecom servicesSome members were of the opinion that this provision should be updated to refer to all ITU Recommendations.Some members were of the opinion that this provision is partially flexible as it does not support emerging future communication channels. | 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.  |
|  | **5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over telecommunications other than those referred to in No. 45 (5.1) above, in accordance with the relevant provisions of the Constitution and the Convention and taking due account of the relevant ITU-T Recommendations.** | 5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over telecommunications other than those referred to in No. 39, in accordance with the relevant provisions of the Convention and taking due account of relevant CCITT Recommendations. | 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 this Article 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 is not applicable, with some members adding that other instruments such as the ITU Constitution already deal with the subject matter of this provision. | Some members were of the opinion that this provision is flexible to accommodate new trends and emerging issues.Some members were of the opinion that this provision is not flexible due to the privatization of the telecom services.Some members were of the opinion that this provision should be updated to refer to all ITU Recommendations, with some members adding that the terminology “where technically practicable” is unclear due to the rapid developments in telecommunications/ICTs. | 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.  |
|  | **5.3 The provisions governing the priority enjoyed by any other telecommunication services are contained in the relevant ITU-T Recommendations.** | 5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant CCITT Recommendations. | 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 this Article 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 is not applicable, with some members adding that other instruments such as the ITU Constitution already deal with the subject matter of this provision. | Some members were of the opinion that this provision is flexible to accommodate new trends and emerging issues.Some members were of the opinion that this provision is not flexible due to the privatization of the telecom services. Some members were of the opinion that this provision should be updated to refer to all ITU 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.  |
|  | **5.4 Member States should encourage authorized operating agencies to inform all users, including roaming users, in good time and free of charge, of the number to be used for calls to the emergency services.** |  | 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 this provision is not applicable, with some members adding that other instruments such as the ITU Constitution already deal with the subject matter of this provision and that this provision is now outdated. | Some members were of the opinion that this provision is flexible to accommodate new trends and emerging issues.Some members were of the opinion that this provision is not flexible due to the privatization of the telecom services and does not take into account new trends and emerging 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.  |
|  | **6.1 Member States shall individually and collectively endeavour to ensure the security and robustness of international telecommunication networks in order to achieve effective use thereof and avoidance of technical harm thereto, as well as the harmonious development of international telecommunication services offered to the public.** |  | Some members were of the opinion that this provision is applicable since security and robustness are crucial and key in the development of telecommunications networks, and that it is an important role of Member States to ensure security and robustness by developing regulations in this field. Some members were of the opinion that Member States should make their own and joint efforts to enhance the security and protection of telecommunications infrastructure and important data in the infrastructure.Some members were of the opinion that the provision only indicates an obligation to Member States.Some members were of the opinion that this provision is of little practical use, technical solutions to address network security and robustness would produce a more desirable outcome.Some members were of the opinion that this provision is not applicable to fostering the development of international networks and services, since treaty provisions cannot keep pace with the rapid speed of technology development and innovation and may have the unintended consequence of impeding network operators’ ability to quickly respond to changing network environments. Some members are of the opinion that the provision is unenforceable, also it is unclear what is meant by “harmonious” in this context. Also security and robustness are a responsibility of private sector. | Some members were of the opinion that this provision is flexible and supports the role of Member States to ensure security and robustness by developing regulations in this field.Some members were of the opinion this provision should be expanded to include issues related to privacy, data protection, etc., and how Member States can attribute to overcome challenges related to these aspects.Some members were of the opinion the provision should be expanded to emphasize the need to increase international cooperation to counter cross-border issuesSome members were of the opinion that the provision is unenforceable.Some members were of the opinion that this provision is not flexible enough to accommodate today’s dynamic market place and evolving technological landscape, since treaty provisions cannot keep pace with the rapid speed of technology development and innovation and may have the unintended consequence of impeding network operators’ ability to quickly respond to changing network environments.  | 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.  |
|  | **7.1 Member States should endeavour to take necessary measures to prevent the propagation of unsolicited bulk electronic communications and minimize its impact on international telecommunication services.** |  | Some members were of the opinion that the ITRs are necessary and that provisions 7.1 and 7.2 are applicable and need to be addressed in an international treaty-binding agreement, with some members adding that the absence of these provisions may negatively impact communication networks and services.Some members were of the opinion that Member States should endeavour to take measures to better protect data security.Some members are of the opinion that the ITRs are not necessary and that addressing issues such as unsolicited bulk electronic communications in a treaty instrument may have the unintended consequence of impeding network operators’ ability to quickly respond to changing network environments. Some members were of the opinion that although the Constitution and the Convention do not contain specific provisions on this subject, it should be taken into account that there are resolutions and recommendations of the ITU that consider it and which have greater flexibility to adapt and update according to technological changes. | Some members were of the opinion that the ITRs are necessary and that provisions 7.1 and 7.2 are flexible enough to accommodate new trends and emergent issues, and need to be addressed in an international treaty-binding agreement. Some members were of the opinion that although the Constitution and the Convention do not contain specific provisions on this subject, it should be taken into account that there are resolutions and recommendations of the ITU that consider it and which have greater flexibility to adapt and update according to technological changes.Some members were of the opinion that this provision is not flexible enough to support the speed of change necessary to counter the phenomenon of unsolicited bulk electronic communications, with some members adding that the terminology ‘necessary measures’ has the potential to be a hindrance to the private sector service providers working to tackle this issue.Some members were of the opinion that this provision could be updated to include the various forms of spam and emphasise the need for multi-stakeholder cooperation to combat spam | 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.  |
|  | **7.2 Member States are encouraged to cooperate in that sense.** |  | Some members were of the opinion that the ITRs are necessary and that provisions 7.1 and 7.2 are applicable, and need to be addressed in an international treaty-binding agreement, Some members are of the opinion that the ITRs are not necessary and that addressing issues such as unsolicited bulk electronic communications in a treaty instrument may have the unintended consequence of impeding network operators’ ability to quickly respond to changing network environments. Some members were of the opinion that although the Constitution and the Convention do not contain specific provisions on this subject, it should be taken into account that there are resolutions and recommendations of the ITU that consider it and which have greater flexibility to adapt and update according to technological changes. | Some members were of the opinion that the ITRs are necessary and that provisions 7.1 and 7.2 are flexible enough to accommodate new trends and emergent issues, and need to be addressed in an international treaty-binding agreementSome members were of the opinion that although the Constitution and the Convention do not contain specific provisions on this subject, it should be taken into account that there are resolutions and recommendations of the ITU that consider it and which have greater flexibility to adapt and update according to technological changes.Some members were of the opinion that this provision could be updated to include the various forms of spam and emphasise the need for multi-stakeholder cooperation to combat spam.Some members were of the opinion that the question of “flexibility” of this provision is irrelevant here because this provision simply states very high-level intentions. | 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.  |
|  | **8.1 International telecommunication arrangements** |  |  |  | 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.  |
|  | **8.1.1 Subject to applicable national law, the terms and conditions for international telecommunication service arrangements may be established through commercial agreements or through accounting-rate principles established pursuant to national regulation.** |  | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.  Some members were of the opinion that this is a matter for mutual agreement between operating agencies. It is not necessary to have an intergovernmental treaty to state this.In addition, this provision is irrelevant in an international treaty as it is “subject to national law”. This provision does not necessarily add any further obligations than what is already in the member state’s domestic laws so cannot be said to foster the provision and development of networks and services. Some members added that this regulation reflects existing practice and upholds the sovereign right of each Member State pertaining to international arrangements. | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that that in the modern telecommunications market, agreements are primarily made between private sector companies.In addition, this provision is irrelevant in an international treaty as it is “subject to national law”. Some members added that it is conceivable that in the future as international telecommunication service arrangements develop, they may be established through ways other than ‘commercial agreements or through accounting-rate principles’. This limits that possibility. | 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.  |
|  | **8.1.2 Member States shall endeavour to encourage investments in international telecommunication networks and promote competitive wholesale pricing for traffic carried on such telecommunication networks.** |  | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.  Some members were of the opinion that this provision is not applicable in a modern telecommunications market, where investments are decided upon and made by private companies, which will lead to competitive wholesales.Some members noted that this provision is still applicable, because, fostering provisioning and development of international networks and services requires that the investor to obtain a reasonable return on their investment. | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members added that this provision is sufficiently flexible, because, encourages investment, competition and competitive prices.Some members were of the opinion that that in the modern telecommunications environment, new trends and emergent issues regarding networks are managed directly through mutual agreements between 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.  |
|  | **8.2 Accounting-rate principles**  |  |  |  | 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.  |
|  | **Terms and conditions** |  |  |  | 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.  |
|  | **8.2.1 The following provisions may apply where the terms and conditions of international telecommunication service arrangements are established through accounting-rate principles, established pursuant to national regulation. These provisions do not apply to arrangements established through commercial agreements.** |  | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services. Some members were of the opinion that this provision has very limited applicability, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment.In addition, this provision is irrelevant in an international treaty as it is “pursuant to national regulation”.Some members added that this provision is unenforceable. “The following provisions may apply” is very weak language so it is unlikely that it can help in the development of networks.Some members added that these countries still use accounting rate system. | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. In addition, this provision is irrelevant in an international treaty as it is “pursuant to national regulation”.Some members were of the opinion that there is a need to consider whether telecommunications arrangements are still established through accounting rate principles. If not, then consideration should be made to updating the relevant provisions. | 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.   |
|  | **8.2.2 For each applicable service in a given relation, authorized operating agencies shall, by mutual agreement, establish and revise accounting rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account the relevant ITU-T Recommendations.** | 6.2.1 For each applicable service in a given relation, administrations\* shall by mutual agreement establish and revise accounting rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant CCITT Recommendations and relevant cost trends.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services as some countries still use an accounting rate system. Some members were of the opinion that this provision has very limited applicability, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | 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.  |
|  | **8.2.3 Unless otherwise agreed, parties engaged in the provision of international telecommunication services shall follow the relevant provisions as set out in Appendices 1 and 2.** | 6.4.1. Unless otherwise agreed, administrations\* shall follow the relevant provisions as set out in Appendices 1 and 2.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services. Some members were of the opinion that this provision has very limited applicability, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | Some members were of the opinion that this provision is flexible (it says “unless otherwise agreed”)Some members were of the opinion that this provision is not flexible, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | 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.  |
|  | **8.2.4 In the absence of special arrangements concluded between authorized operating agencies, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:** **– either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;** **– or freely convertible currencies or other monetary unit agreed between the authorized operating agencies.** | 6.3.1 In the absence of special arrangements concluded between administrations\*, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:– either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;– or the gold franc, equivalent to 1/3.061 SDR.6.3.2 In accordance with relevant provisions of the InternationalTelecommunication Convention, this provision shall not affect the possibility open to administrations\* of establishing bilateral arrangements for mutually acceptable coefficients between the monetary unit of the IMF and the gold franc.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services. Some members were of the opinion that this provision has very limited applicability, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | Some members were of the opinion that this provision is not flexible, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment.The provision ensures flexibility to accommodate 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.  |
|  | **Collection charges** | 6.1 Collection charges |  |  | 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.  |
|  | **8.2.5 The charges levied on customers for a particular communication should in principle be the same in a given relation, regardless of the international route used for that communication. In establishing these charges, Member States should try to avoid dissymmetry between the charges applicable in each direction of the same relation.** | 6.1.1 Each administration\* shall, subject to applicable national law, establish the charges to be collected from its customers. The level of the charges is a national matter; however, in establishing these charges, administrations\* should try to avoid too great a dissymmetry between the charges applicable in each direction of the same relation.6.1.2 The charges levied by an administration\* on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that administration\*.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.Some members were of the opinion that this provision has very limited applicability, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment.Some members added that “In principle” and “should try” means that this provision is unenforceable.  | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible, since it does not cover commercial agreements which are the majority of agreements in modern telecommunications environment. | 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.  |
|  | **8.3 Taxation** |  |  |  | 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.  |
|  | **8.3.1 Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances.** | 6.1.3. Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances. | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.  Some members were of the opinion that this provision is not applicable, because since development of telecommunications environment it is unclear if an issue like special circumstances will exist in the future. Some members indicated what constitutes “special circumstances” is not defined, thus leaving regulatory uncertainty. Some members added that text is important to avoid double taxation | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues, with some members adding that this provision maintains Member State sovereignty as it does not automatically impose fiscal taxes on other countries.Some members were of the opinion that this provision is not flexible since the development of the telecommunications is unpredictable and therefor it is unclear what could be understood by special circumstances in the future. Some members indicated what constitutes “special circumstances” is not defined, thus leaving regulatory uncertainty.  | 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.  |
|  | **8.4 Service telecommunications** | 6.5 Service and privilege telecommunications |  |  | 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.  |
|  | **8.4.1 Authorized operating agencies may in principle forego the inclusion of service telecommunications in international accounting, under the relevant provisions of the Constitution and the Convention and these Regulations, having due regard for the need for reciprocal arrangements. Authorized operating agencies may provide service telecommunications free of charge.** | 6.5.1 Administrations\* shall follow the relevant provisions as set out in Appendix 3.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services. Some members were of the opinion that this provision does not facilitate the development of networks and services as this is an area that is already agreed between operating agencies.Some members were of the opinion that this provision addresses actions an agency “may” perform, and therefore should not be included in a Treaty.  | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision addresses actions an agency “may” perform, and therefore unclear with regard to flexibility to accommodate new trends and emergent issues. Some members indicated that this provision (and others) assumes that all operating agencies must be authorized, but this may not continue to be the case in the future. | 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.  |
|  | **8.4.2 The general operational, charging and accounting principles applicable to service telecommunications should take account of the relevant ITU-T Recommendations.** |  | Some members were of the opinion that this provision is applicable in fostering provision and development of networks and services.  Some members were of the opinion that this provision is not applicable, with some members adding that this provision may hinder the development of networks and services as this is an area that is already agreed between operating agencies and requiring their operations to take into account the relevant ITU-T Recommendations adds to their regulatory burden.Some members were of the opinion that it is also not clear which ITU-T recommendations are “relevant”.  | Some members were of the opinion that the provision ensures flexibility to accommodate new trends and emergent issues.Some members were of the opinion that this provision is not flexible. It is not clear how to comply with this provision because there are unlikely to be Recommendations for the newest trends and issues.Some members impressed opinion that it is also not clear which ITU-T recommendations are “relevant”. Because, this is inflexible as although new Recommendations are generated to address emerging issues, it is not clear that outmoded ITU-T Recommendations may be disregarded. | 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 | **1. Accounting rates**  | 1. Accounting rates | Some members were of the opinion that this Article is applicable, and does not hamper the provision and development of networks and services.Some members were of the opinion that this Article is largely irrelevant to the current international telecommunications environment, as it includes several detailed provisions that govern the establishment of accounting rates between Member States, but the vast majority of traffic is no longer exchanged under such an accounting rate regime. | Some members were of the opinion that this Article is sufficiently flexible**.**Some members were of the opinion that this Article is not flexible, with some members adding that trying to apply the accounting rate provisions or even to revise them to apply to current market-based arrangements would impede the flow of international telecommunication traffic and deter market and technological innovations that improve services and lower prices for consumers. | 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.  |
| 1/2 | **1.1 For each applicable service in a given relation, Member States shall endeavour to ensure that authorized operating agencies, by mutual agreement, establish and revise accounting rates to be applied between them, taking into account ITU-T Recommendations and trends in the cost of providing the specific telecommunication service, and divide such rates into terminal shares payable to the authorized operating agencies of terminal countries and, where appropriate, into transit shares payable to the authorized operating agencies of transit countries.** | 1.1 For each applicable service in a given relation, administrations\* shall by mutual agreement establish and revise accounting rates to be applied between them, taking into account the Recommendations of the CCITT and trends in the cost of providing the specific telecommunication service, and shall dividesuch rates into terminal shares payable to the administrations\* of terminal countries and, where appropriate, into transit shares payable to the administrations\* of transit countries.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/3 | **1.2 Alternatively, in traffic relations where ITU-T cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method:** | 1.2 Alternatively, in traffic relations where CCITT cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method: | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/4 | **a) authorized operating agencies shall establish and revise their terminal and transit shares taking into account ITU-T Recommendations;** | a) administrations\* shall establish and revise their terminal and transit shares taking into account theRecommendations of the CCITT;\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision is specific to the accounting rate system. | 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.  |
| 1/5 | **b) the accounting rate shall be the sum of the terminal shares and any transit shares.** | b) the accounting rate shall be the sum of the terminal shares and any transit shares. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision is specific to the accounting rate system. | 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.  |
| 1/6 | **1.3 When one or more authorized operating agencies acquire, either by flat-rate remuneration or other arrangements, the right to utilize a part of the circuit and/or installations of another authorized operating agency, the former have the right to establish their share as mentioned in Nos. 1/2 (1.1) and 1/3 (1.2) above, for this part of the relation.** | 1.3 When one or more administrations\* acquire, either by flat rate remuneration or other arrangements, the right to utilize a part of the circuit and/or installations of another administration\*, the former have the right to establish their share as mentioned in 1.1 and 1.2 above, for this part of the relation.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/7 | **1.4 In cases where one or more international routes have been established by agreement between authorized operating agencies and where traffic is diverted unilaterally by the authorized operating agency of origin to an international route which has not been agreed with the authorized operating agency of destination, the terminal shares payable to the authorized operating agency of destination shall be the same as would have been due to it had the traffic been routed over the agreed primary route, and the transit costs are borne by the authorized operating agency of origin, unless the authorized operating agency of destination is prepared to agree to a different share.** | 1.4 In cases where one or more routes have been established by agreement between administrations\* and where traffic is diverted unilaterally by the administration\* of origin to a route which has not been agreed with the administration\* of destination, the terminal shares payable to the administration\* of destination shall be the same as would have been due to it had the traffic been routed over the agreed primary route and the transit costs are borne by the administration\* of origin, unless the administration\* of destination is prepared to agree to a different share.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision is specific to the accounting rate system. | 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.  |
| 1/8 | **1.5 In cases where traffic is routed via a transit point without authorization and/or agreement to the transit share, the transit authorized operating agency has the right to set the level of the transit share to be included in the international accounts.** | 1.5 In cases where the traffic is routed via a transit point without authorization and/or agreement to the transit share, the transit administration\* has the right to set the level of the transitshare to be included in the international accounts.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision is specific to the accounting rate system. | 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.  |
| 1/9 | **1.6 Where an authorized operating agency has a duty or fiscal tax levied on its accounting-rate shares or other remunerations, it shall not in turn impose any such duty or fiscal tax on other authorized operating agencies.** | 1.6 Where an administration\* has a duty or fiscal tax levied on its accounting rate shares or other remunerations, it shall not in turn impose any such duty or fiscal tax on other administrations\*. \* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not flexible.Some members were of the opinion that this provision is specific to the accounting rate system. | 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.  |
| 1/10 | **2 Establishment of accounts**  | 2 Establishment of accounts  | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/11 | **2.1 Unless otherwise agreed, the authorized operating agencies responsible for collecting the charges shall establish a monthly account showing all the amounts due, and send it to the authorized operating agencies concerned.** | 2.1 Unless otherwise agreed, the administrations\* responsible for collecting the charges shall establish a monthly account showing all the amounts due and send it to the administrations\* concerned.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible.Some members were of the opinion that this provision is not 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.  |
| 1/12 | **2.2 The accounts should be sent as promptly as possible, taking into account relevant ITU-T Recommendations, and, except in cases of force majeure, before the end of a period of 50 days following the month to which they relate, unless otherwise mutually agreed.** | 2.2 The accounts shall be sent as promptly as possible and, except in cases of force majeure, before the end of the third month following that to which they relate. | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/13 | **2.3 In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the authorized operating agency which sent it.** | 2.3 In principle an account shall be considered as accepted without the need for specific notification of acceptance to the administration\* which sent it.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/14 | **2.4 However, any authorized operating agency has the right to question the contents of an account within a period of two calendar months after the receipt of the account, but only to the extent necessary to bring any differences within mutually agreed limits.** | 2.4 However, any administration\* has the right to question the contents of an account for a period of two calendar months after the receipt of the account, but only tothe extent necessary to bring any differences within mutually agreed limits.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/15 | **2.5 In relations where there are no special agreements, a quarterly settlement statement showing the balances of the monthly accounts for the period to which it relates shall be prepared and issued as soon as possible by the creditor authorized operating agency, and shall be sent to the debtor authorized operating agency, which, after verification, shall return a copy endorsed with its acceptance.** | 2.5 In relations where there are no special agreements, a quarterly settlement statement showing the balances of the monthly accounts for the period to which it relates shall be prepared as soon as possible by the creditor administration\* and shall be sent in duplicate to the debtor administration\*,which, after verification, shall return on of the copies endorsed with its acceptance.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible.Some members were of the opinion that this provision is not 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.  |
| 1/16 | **2.6 In indirect relations where a transit authorized operating agency acts as an accounting intermediary between two terminal points, Member States shall endeavour to ensure that authorized operating agencies include accounting data for transit traffic in the relevant outgoing traffic account to authorized operating agencies beyond it in the routing sequence as soon as possible after receiving the data from the originating authorized operating agency, in accordance with the relevant ITU-T Recommendations.** | 2.6 In indirect relations where a transit administration\* acts as an accounting intermediary between two terminal points, it shall include accounting data for transit traffic in the relevant outgoing traffic account to administrations\* beyond it in the routing sequence as soon as possible after receiving that data from the originating administration\*.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members added that it is applicable as it refers to the ITU-T RecommendationsSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.   |
| 1/17 | **3 Settlement of balances of accounts** | 3 Settlement of balances of accounts | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/18 | **3.1 Choice of the currency of payment** | 3.1 Choice of the currency of payment | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/19 | **3.1.1 The payment of balances of international telecommunication accounts shall be made in the currency selected by the creditor, after consultation with the debtor. In the event of disagreement, the choice of the creditor shall prevail in all cases, subject to the provisions in No. 1/20 (3.1.2) below. If the creditor does not specify a currency, the choice shall rest with the debtor.** | 3.1.1 The payment of balances of international telecommunication accounts shall be made in the currency selected by the creditor after consultation with the debtor. In the event of disagreement, the choice of the creditor shall prevail in all cases, subject to the provisions in 3.1.2 below. If the creditor does not specify a currency, the choice shall rest with the debtor. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/20 | **3.1.2 If a creditor selects a currency with a value fixed unilaterally or a currency the equivalent value of which is to be determined by its relationship to a currency with a value also fixed unilaterally, the use of the selected currency must be acceptable to the debtor.** | 3.1.2 If a creditorselects a currency with a value fixed unilaterally or a currency the equivalent value of which is to be determined by its relationship to a currency with a valuealso fixed unilaterally, the use of the selected currency must be acceptable to the debtor. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/21 | **3.1.3 Provided the periods of payment are observed, authorized operating agencies have a right, by mutual agreement, to settle their balances of various kinds by offsetting:** | 3.4.1 Provided the periods of payment are observed, administrations\* may by mutual agreement settle their balances of various kinds by offsetting:\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/22 | **a) credits and debits in their relations with other authorized operating agencies;** | 3.4.1 – credits and debits in their relations with other administrations\*; and/or\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/23 | **b) any other mutually agreed settlements, if appropriate.** |  3.4.1 - debts arising from postal services, if appropriate. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/24 | **This rule also applies in case payments are made through specialized payment agencies in accordance with arrangements with authorized operating agencies.** |  | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/25 | **3.2 Determination of the amount of payment** | 3.2 Determination of the amount of payment | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.   |
| 1/26 | **3.2.1 The amount of the payment in the selected currency, as determined below, shall be equivalent in value to the balance of the account.** | 3.2.1 The amount of the payment in the selected currency, as determined below, shall be equivalent in value to the balance of the account. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/27 | **3.2.2 If the balance of the account is expressed in the monetary unit of the IMF, the amount of the selected currency shall be determined by the relationship in effect on the day before payment, or by the latest relationship published by the IMF, between the monetary unit of the IMF and the selected currency.** | 3.2.2 If the balance of the account is expressed in the monetary unit of the IMF, the amount of the selected currency shall be determined by the relationship in effect on the day before payment, or by the latest relationship published by the IMF, between the monetary unit of the IMF and the selected currency. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/28 | **3.2.3 However, if the relationship of the monetary unit of the IMF to the selected currency has not been published, the amount of the balance of account shall, at a first stage, be converted into a currency for which a relationship has been published by the IMF, using the relationship in effect on the day before payment or the latest published relationship. The amount thus obtained shall, at a second stage, be converted into the equivalent value of the selected currency, using the closing rate in effect on the day prior to payment or the most recent rate quoted on the official or generally accepted foreign-exchange market of the main financial centre of the debtor country.** | 3.2.3 However, if the relationship of the monetary unit of the IMF to the selected currency has not been published, the amount of the balance of account shall, at a first stage, be converted into a currency for which a relationship has been published by the IMF, using the relationship in effect on the day before payment or the latest published relationship. The amount thus obtained shall, at a second stage, be converted into the equivalent value of the selected currency, using the closing rate in effect on the day prior to payment or the most recent rate quoted on the official or generally accepted foreign-exchange market of the main financial centre of the debtor country.3.2.4 If the balance of the account is expressed in gold francs, the amount shall, in the absence of special arrangements, be converted into the monetary unit of the IMF in accordance with the provisions of section 6.3 of the Regulations. The amount of payment shall then be determined in compliance with the provisions of 3.2.2. above. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.   |
| 1/29 | **3.2.4 If, in accordance with a special arrangement, the balance of the account is not expressed in the monetary unit of the IMF, the payment shall also be the subject of this special arrangement and:** | 3.2.5 If, in accordance with a special arrangement, the balance of the account is expressed neither in the monetary unit of the IMF nor in gold francs, the payment shall also be the subject of this special arrangement and:  | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/30 | **a) if the selected currency is the same as the currency of the balance of account, the amount of the selected currency shall be the amount of the balance of account;** | 3.2.5 a) if the selected currency is the same as the currency of the balance of account, the amount of the selected currency shall be the amount of the balance of account; | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/31 | **b) if the selected currency for payment is different from the currency in which the balance is expressed, the amount shall be determined by converting the balance of account to its equivalent value in the selected currency in accordance with the provisions of No. 1/28 (3.2.3) above.** | 3.2.5 b) if the selected currency for payment is different from the currency in which the balance is expressed, the amount shall be determined by converting the balance of account to its equivalent value in the selected currency in accordance with the provisions of 3.2.3 above. | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/32 | **3.3 Payment of balances** | 3.3 Payment of balances | Some members were of the opinion that this provision is applicable. Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/33 | **3.3.1 Payment of balances of account shall be effected as promptly as possible, but in no case later than two calendar months after the day on which the settlement statement is dispatched by the creditor authorized operating agency. Beyond this period, the creditor authorized operating agency may, subject to prior notification in the form of a final demand for payment, and unless otherwise agreed, charge interest at a rate of up to 6 per cent per annum, reckoned from the day following the date of expiry of the said period.** | 3.3.1 Payment of balances of account shall be effected as promptly as possible, but in no case later than two calendar months after the day on which the settlement statement is dispatched by the creditor administration\*. Beyond this period, the creditor administration\* may, subject to prior notification in the form of a final demand for payment, and unless otherwise agreed, charge interest at a rate of up to6% per annum, reckoned from the day following the date of expiry of the said period.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicable Some members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/34 | **3.3.2 The payment due on a settlement statement shall not be delayed pending settlement of a query on that account. Adjustments which are later agreed shall be included in a subsequent account.** | 3.3.2 The payment due on a settlement statement shall not be delayed pending settlement of a query on that account. Adjustments which are later agreed shall be included in a subsequent account. | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/35 | **3.3.3 On the date of payment, the debtor shall transmit the amount of the selected currency as computed above by a bank cheque, transfer or any other means acceptable to the debtor and the creditor. If the creditor expresses no preference, the choice shall fall to the debtor.** | 3.3.3 On the date of payment, the debtor shall transmit the amount of the selected currency as computed above by a bank cheque, transfer or any other means acceptable to the debtor and the creditor. If the creditor expresses no preference, the choice shall fall to the debtor. | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/36 | **3.3.4 The payment charges imposed in the debtor country (taxes, clearing charges, commissions, etc.) shall be borne by the debtor. Any such charges imposed in the creditor country, including payment charges imposed by intermediate banks in third countries, shall be borne by the creditor.** | 3.3.4 The payment charges imposed in the debtor country (taxes, clearing charges, commissions, etc.) shall be borne by the debtor. Any such charges imposed in the creditor country, including payment charges imposed by intermediate banks in third countries, shall be borne by the creditor. | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/37 | **3.4 Additional provisions** | 3.4 Additional provisions-  |  |  | 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.  |
| 1/38 | **3.4.1 If, between the time the remittance (bank transfer, cheques, etc.) is effected and the time the creditor is in receipt of that remittance (account credited, cheque encashed, etc.), a variation occurs in the equivalent value of the selected currency calculated as indicated in No. 1/25 (3.2) above, and if the difference resulting from such variations exceeds 5 per cent of the amount due as calculated following such variations, the total difference shall be shared equally between debtor and creditor.** | 3.4.2 If, between the time the remittance (bank transfer, cheques, etc.) is effected and the time the creditor is in receipt of that remittance (account credited, cheque encashed, etc.), a variation occurs in the equivalent value of the selected currency calculated as indicated in paragraph 3.2, and if the difference resulting from such variations exceeds 5% of the amount due as calculated following such variations, the total difference shall be shared equally between debtor and creditor. | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |
| 1/39 | **3.4.2 Should there be a radical change in the international monetary system which invalidates or makes inappropriate one or more of the foregoing paragraphs, authorized operating agencies are free to adopt, by mutual agreement, a different monetary basis and/or different procedures for the settlement of balances of accounts, pending a revision of the above provisions.** | 3.4.3 If there should be a radical change in the international monetary system which invalidates or makes inappropriate one or more of the foregoing paragraphs, administrations\* are free to adopt, by mutual agreement, a different monetary basis and/or different procedures for the settlement of balances of accounts, pending a revision of the above provisions.\* or recognized private operating agency(ies) | Some members were of the opinion that this provision is applicableSome members were of the opinion that this provision is not applicable. | Some members were of the opinion that this provision is flexible. Some members were of the opinion that this provision is not 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.  |