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|  | **Document EG-ITRs-2/8** |
| **8 November 2023** |
| **English only** |
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| Contribution from Hill |
| ITEMS FOR THE FINAL REPORT |
| **Purpose**This contribution presents items to be included in the EG-ITRs final report. **Action required**The Expert Group on the International Telecommunication Regulations is invited to **discuss** this document.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Reference***Council* [*Resolution 1379*](https://www.itu.int/md/S23-CL-C-0121/en) *(Terms of Reference)* [*EG-ITRs-1/2: Contribution from Hill: Overall considerations*](https://www.itu.int/md/S23-EGITRS1-C-0002/en)[*EG-ITRs-2/7: Contribution from Hill: Proposal for structure of final report*](https://www.itu.int/md/S24-EGITRS2-C-0007/en) |

**Summary**

This contribution presents items to be included in the final report of the EG-ITRs. The items are presented as entries in the proposed Annex 1 of the proposed structure for the final report presented in [EG-ITRs-2/7](https://www.itu.int/md/S24-EGITRS2-C-0007/en): Proposal for structure of final report. The items are those set forth in contribution [EG-ITRs-1/2](https://www.itu.int/md/S23-EGITRS1-C-0002/en) and its addendums.

**Background**

1. Our contribution [EG-ITRs-1/2](https://www.itu.int/md/S23-EGITRS1-C-0002/en) and its addendums contains a detailed review of the ITRs. We submit that the individual items of that review should be reflected in the EG-ITRs’ final report.

2. In this contribution, we show in the Table below how those individual items could be reflected in the EG-ITRs’ final report if that final report is structured as proposed in our contribution [EG-ITRs-2/7](https://www.itu.int/md/S24-EGITRS2-C-0007/en).

3. If that proposed structure for the final report is not adopted, we submit that the items presented in this contribution should nevertheless be included in the EG-ITRs’ final report to Council.

**Table**

| **2012 Provisions** | **Sub article and Provision** | **Related 1988 sub article and provision** | **New trends which may impact the ITRs** | **Empirical data on use of the ITRs** | **Relevance of the ITRs** | **Summary** |
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| Not applicable | Not applicable | Not applicable | We are of the opinion that consideration should be given to developing an entirely new version of the ITRs, along the lines proposed in Addendum 15 of our contribution  [EG-ITRs-1/2](https://www.itu.int/md/S23-EGITRS1-C-0002/en) .If that is not agreed, then we are of the opinion that the items set forth below should be considered. |  | We are of the opinion that treaty-level provisions regarding international telecommunication are needed and relevant. Indeed, recent proposals in negotiations on trade agreements, and recent trade agreements, establish binding treaty-level provisions regarding international telecommunication. |  |
|  | **1. While the sovereign right of each State to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereafter referred to as "Regulations") complement the Constitution and the Convention of the International Telecommunication Union, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for worldwide telecommunications.** | While the sovereign right of each country to regulate its telecommunications is fully recognized, the provisions of the present Regulations supplement the International Telecommunication Convention, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing thedevelopment of facilities for world-wide telecommunications.  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **Member States affirm their commitment to implement these Regulations in a manner that respects and upholds their human rights obligations.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **These Regulations recognize the right of access of Member States to international telecommunication services.** |  |  |  | We are of the opinion that this provision has no operative effect (because it is in the preamble) and thus could be abrogated. |  |
|  | **1.1 (a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. These Regulations do not address the content-related aspects of telecommunications.** | 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. They also set rules applicable to administrations\*.\* or recognized private operating agency(ies) |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **1.1 (b) These Regulations also contain provisions applicable to those operating agencies, authorized or recognized by a Member State, to establish, operate and engage in international telecommunications services to the public, hereinafter referred as "authorized operating agencies".** | 1.1 b) These Regulations recognize in Article 9 the right of Members to allow special arrangements.  |  |  | We are of the opinion that, since the ITRs are a treaty, its provisions should refer only to obligations and rights of Member States. They should not purport to have direct effects on private sector entities. If a state wishes to impose certain obligations on private sector entities within its jurisdiction, it can do so through national laws and/or regulations, in accordance with their sovereign rights and article 1.7(a) of the 2012 ITRs. Thus this provision could be abrogated and all references to “operating agencies” could be removed from the rest of the ITRs. |  |
|  | **1.1 (c) These Regulations recognize in Article 13 the right of Member States to allow special arrangements.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies.** | 1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **1.3 These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public of international telecommunication services.** | 1.3 These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public of international telecommunication services. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **1.4 References to Recommendations of the ITU Telecommunication Standardization Sector (ITU-T) in these Regulations are not to be taken as giving to those Recommendations the same legal status as these Regulations.** | 1.4 References to CCITT Recommendations and Instructions in these Regulations are not to be taken as giving to those Recommendations and Instructions the same legal status as the Regulations. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **1.5 Within the framework of these Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between authorized operating agencies.** | 1.5 Within the framework of the present Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between administrations\*. \* or recognized private operating agency(ies) |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **1.6 In implementing the principles of these Regulations, authorized operating agencies should comply with, to the greatest extent practicable, the relevant ITU-T Recommendations.** | 1.6 In implementing the principles of these Regulations, administrations\* should comply with, to the greatest extent practicable, the relevant CCITT Recommendations, including any Instructions forming part of or derived from these Recommendations.\* or recognized private operating agency(ies) |  |  | This provision could be abrogated, for the reasons given above for art. 1.1(b). |  |
|  | **1.7 (a) These Regulations recognize the right of any Member State, subject to national law and should it decide to do so, to require that authorized operating agencies which operate in its territory and provide an international telecommunication service to the public be authorized by that Member State.** | 1.7 (a) These Regulations recognize the right of any Member, subject to national law and should it decide to do so, to require that administrations and private operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **1.7 (b) The Member State concerned shall, as appropriate, encourage the application of relevant ITU-T Recommendations by such service providers.** | 1.7 (b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **1.7 (c) The Member States, where appropriate, shall cooperate in implementing these Regulations.** | 1.7 (c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations (For interpretation, also see Resolution No. 2). |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **1.8 These Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.** | 1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **2.1 For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.** | For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes. |  |  | We are of the opinion that the first four definitions (arts. 2.2-2.5) overlap with the ITU Constitution (the same terms are defined in the same way); and that the other definitions (2.6-2.9) are longer relevant (see discussion below regarding Article 8). Thus this article could be abrogated. |  |
|  | **2.2 Telecommunication: Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.** | 2.1 Telecommunication: Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems. |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **2.3 International telecommunication service: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.** | 2.2 International telecommunication service: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries. |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **2.4 Government telecommunications: Telecommunications originating with any: Head of State; Head of a government or members of a government; Commanders-in-Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary-General of the United Nations; Heads of the principal organs of the United Nations; the International Court of Justice, or replies to government telecommunications mentioned above.** | 2.3 Government telecommunication: A telecommunication originating with any: Head of a State; Head of a government or members of a government; Commanders-in-Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary-General of the United Nations; Heads of the principal organs of the United Nations; the International Court of Justice, or reply to a government telegram.  |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **2.5 Service telecommunication: A telecommunication that relates to public international telecommunications and that is exchanged among the following:*** **Member States;**
* **authorized operating agencies; and**
* **the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.**
 | 2.4 Service telecommunication: A telecommunication that relates to public international telecommunications and that is exchanged among the following:* Administrations;
* recognized private operating agencies,
* and the Chairman of the Administrative Council, the Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees, the members of the International Frequency Registration Board, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.
 |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **N/A** | 2.5 Privilege telecommunication2.5.1 A telecommunication that may be exchanged during:- sessions of the ITU Administrative Council,- conferences and meetings of the ITU between, on the one hand, representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union and their authorized colleagues attending conferences and meetings of the ITU and, on the other, their administrations or recognized private operating agency or the ITU, and relating either to matters under discussion by the Administrative Council, conferences and meetings of the ITU or to public international telecommunications.2.5.2 A private telecommunication that may be exchanged during sessions of the ITU Administrative Council and conferences and meetings of the ITU by representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union attending ITU conferences and meetings, and the staff of the Secretariat of the Union seconded to ITU conferences and meetings, to enable them to communicate with their country of residence. |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **2.6 International route: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.** |  2.6 International route: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices. |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service, if there is between their authorized operating agencies:** |  2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations\*:\* or recognized private operating agency(ies) |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **(a) means for the exchange of traffic in that specific service:*** **over direct circuits (direct relation), or**
* **via a point of transit in a third country (indirect relation),**
 | a) a means for the exchange of traffic in that specific service:- over direct circuits (direct relation), or- via a point of transit in a third country (indirect relation), and |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **(b) normally, the settlement of accounts.** |  b) normally, the settlement of accounts |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **2.8 Accounting rate: The rate agreed between authorized operating agencies, in a given relation that is used for the establishment of international accounts.** | 2.8 Accounting rate: The rate agreed between administrations\* in a given relation that is used for the establishment of international accounts. \* or recognized private operating agency(ies) |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **2.9 Collection charge: The charge established and collected by an authorized operating agency from its customers for the use of an international telecommunication service.** | 2.9 Collection charge: The charge established and collected by an administration\* from its customers for the use of an international telecommunication service.\* or recognized private operating agency(ies) |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **N/A** | 2.10 Instructions: A collection of provisions drawn from one or more CCITT Recommendations dealing with practical operational procedures for the handling of telecommunication traffic (e.g., acceptance, transmission, accounting).  |  |  | We are of the opinion that this article could be abrogated. |  |
|  | **3.1 Member States shall endeavour to ensure that authorized operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.** | 3.1 Members shall ensure that administrations\* cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service. \*or recognized private operating agency(ies) |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **3.2 Member States shall endeavour to ensure the provision of sufficient telecommunication facilities to meet the demand for international telecommunication services.** | 3.2 Administrations\* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services.\* or recognized private operating agency(ies)] |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **3.3 Authorized operating agencies shall determine by mutual agreement which international routes are to be used. Pending agreement and provided that there is no direct route existing between the terminal authorized operating agencies concerned, the origin authorized operating agency has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination authorized operating agencies.** | 3.3 Administrations\* shall determine by mutual agreement which international routes are to be used. Pending agreement and provided that there is no direct route existing between the terminal administrations\* concerned, the origin administration\* has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination administrations\*.\* or recognized private operating agency(ies)] | We are of the opinion that, in order to accommodate new trends, consideration should be given to adding provisions along the following lines:a) Member States shall ensure, through national regulation, that all international numbering resources assigned and published by ITU can be dialed and are routed in their jurisdictions.b) Member States shall endeavour to ensure that AI systems used for the international telecommunication network are transparent: it should be clear when something is AI-produced, and the training data and model architectures should be disclosed.c) Member States shall ensure that builders of AI systems used for the international telecommunication network are accountable for the outputs produced.d) Member States shall ensure that AI systems do not have full autonomous control of critical systems or infrastructure used for the international telecommunication network (which would include basic telecommunications infrastructure). |  | We are of the opinion that the existing text of this provision is no longer relevant, nor should it be included in the ITRs, because it purports to impose obligations directly on private sector entities (see the discussion above under art. 1.1(b)). However, new provisions should be added as suggested under “new trends”. |  |
|  | **3.4 Subject to national law, any user, by having access to the international network, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to the relevant ITU-T Recommendations.** | 3.4 Subject to national law, any user, by having access to the international network established by an administration\* has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant CCITT Recommendations.  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **3.5 Member States shall endeavour to ensure that international telecommunication numbering resources specified in ITU-T Recommendations are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **3.6 Member States shall endeavour to ensure that international calling line identification (CLI) information is provided taking into account the relevant ITU-T Recommendations.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **3.7 Member States should create an enabling environment for the implementation of regional telecommunication traffic exchange points, with a view to improving quality, increasing the connectivity and resilience of networks, fostering competition and reducing the costs of international telecommunication interconnections.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.1 Member States shall promote the development of international telecommunication services and shall foster their availability to the public.** | 4.1 Members shall promote the implementation of international telecommunication services and shall endeavour to make such services generally available to the public in their national network(s). |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.2 Member States shall endeavour to ensure that authorized operating agencies cooperate within the framework of these Regulations to provide, by agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ITU-T Recommendations.** | 4.2 Members shall ensure that administrations\* cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant CCITT Recommendations.\*or recognized private operating agency(ies) |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.3 Subject to national law, Member States shall endeavour to ensure that authorized operating agencies provide and maintain, to the greatest extent practicable, a satisfactory quality of service corresponding to the relevant ITU-T Recommendations with respect to:** | 4.3 Subject to national law, Members shall endeavour to ensure that administrations [or recognized private operating agency(ies)] provide and maintain, to the greatest extent practicable, a minimum quality of service corresponding to the relevant CCITT Recommendations with respect to:   |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.3 (a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel;** | 4.3 (a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel;  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.3 (b) international telecommunication facilities and services available to customers for their dedicated use;** | 4.3 (b) international telecommunication facilities and services available to customers for their dedicated use; |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.3 (c) at least a form of telecommunication service which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and** | 4.3 (c) at least a form of telecommunication which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.3 (d) a capability for interworking between different services, as appropriate, to facilitate international telecommunication services.** | 4.3 (d) a capability for interworking between different services, as appropriate, to facilitate international communications. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.4 Member States shall foster measures to ensure that authorized operating agencies provide free-of-charge, transparent, up-to-date and accurate information to end users on international telecommunication services, including international roaming prices and the associated relevant conditions, in a timely manner.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.5 Member States shall foster measures to ensure that telecommunication services in international roaming of satisfactory quality are provided to visiting users.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.6 Member States should foster cooperation among authorized operating agencies in order to avoid and mitigate inadvertent roaming charges in border zones.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **4.7 Member States shall endeavour to promote competition in the provision of international roaming services and are encouraged to develop policies that foster competitive roaming prices for the benefit of end users.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **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. |  |  | We are of the opinion that this provision overlaps considerably with Articles 40 and 41 of the ITU Constitution. Therefore it could be abrogated. s |  |
|  | **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. |  |  | We are of the opinion that this provision could be abrogated, for the reasons given above for art. 5.1. |  |
|  | **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. |  |  | We are of the opinion that this provision could be abrogated, for the reasons given above for art. 5.1 |  |
|  | **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.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **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.** |  | We are of the opinion that Member States and private companies see the need for stronger provisions regarding security of international telecommunications networks. Therefore we are of the opinion that this provision should be replaced by more detailed text that includes at least the following commitments:Member States shall:a) refrain from hacking personal accounts or private data held by journalists and private citizens involved in electoral processes.b) refrain from using ICTs to steal the intellectual property of private companies, including trade secrets or other confidential business information, and to provide competitive advantage to other companies or commercial sectors.c) refrain from inserting or requiring “backdoors” in mass-market commercial technology products.d) agree to a clear policy for acquiring, retaining, securing, using, and reporting of vulnerabilities that reflects a strong mandate to report them to vendors in mass-market products and services.e) exercise restraint in developing cyber weapons and ensure that any that are developed are limited, precise, and not reusable; Parties shall also ensure that they maintain control of their weapons in a secure environment.f) agree to limit proliferation of cyber weapons; governments shall endeavor not to distribute, or permit others to distribute, cyber weapons and to use intelligence, law enforcement, and financial sanctions tools against those who do.g) limit engagement in cyber offensive operations to avoid creating mass damage to civilian infrastructure or facilities.h) endeavor to assist private sector efforts to detect, contain, respond, and recover in the face of cyberattacks; in particular, they shall enable the core capabilities or mechanisms required for response and recovery, including Computer Emergency Response Teams (CERTs); intervening in private sector response and recovery would be akin to attacking medical personnel at military hospitals.i) facilitate the establishment of an international cyberattack attribution organization to strengthen trust online.j) individually and in cooperation, develop and apply measures to increase stability and security of international telecommunication networks and in the use of ICTs in order to achieve effective use thereof and avoidance of technical harm thereto, as well as to maintain international peace and security, the harmonious development of ICTs, and to prevent ICT practices that may pose threats to international peace and security. k) shall, in case of ICT incidents, consider all relevant information, including the larger context of the event, the challenges of attribution in the ICT environment, and the nature and extent of the consequences.l) not knowingly allow their territory to be used for internationally wrongful acts using ICTs.m) consider how best to cooperate to exchange information, assist each other, prosecute terrorist and criminal use of ICTs, and implement other cooperative measures to address such threats.n) shall not conduct or knowingly support ICT activity contrary to their obligations under international law, that intentionally damages critical infrastructure, or otherwise impairs the use and operation of critical infrastructure to provide services to the public.o) take appropriate measures to protect their critical infrastructure from ICT threats, taking into account General Assembly Resolution 58/199 on the creation of a global culture of cybersecurity and the protection of critical information infrastructures, and other relevant resolutions.p) respond to appropriate requests for assistance by another State whose critical infrastructure is subject to malicious ICT acts; they shall also respond to appropriate requests to mitigate malicious ICT activity aimed at the critical infrastructure of another State emanating from their territory, taking into account due regard for sovereignty.q) take reasonable steps to ensure the integrity of the supply chain so that end users can have confidence in the security of ICT products; they shall prevent the proliferation of malicious ICT tools and techniques and the use of harmful hidden functions.r) encourage responsible reporting of ICT vulnerabilities, and share associated information on available remedies to such vulnerabilities, to limit and possibly eliminate potential threats to ICTs and ICT-dependent infrastructure.s) shall not conduct, or knowingly support, activity to harm the information systems of the authorized emergency response teams (sometimes known as computer emergency response teams or cybersecurity incident response teams) of another State; and shall not use authorized emergency response teams to engage in malicious international activity. | We are of the opinion that empirical data indicates that private companies see the need for stronger provisions regarding security of international telecommunication networks. |  |  |
|  | **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.** |  | We are of the opinion that Member States and private companies see the need for stronger provisions regarding spam. Therefore we are of the opinion that this provision should be replaced by more detailed text, to be developed by an ad hoc group. | We are of the opinion that empirical data indicates that private companies see the need for stronger provisions regarding spam. | We are of the opinion that that the provisions of the 2012 ITRs do not provide appropriate high-level guiding principles in the current telecommunication/ICT environment, because they are not sufficiently detailed. Therefore, more detailed text should be developed by an ad hoc group. |  |
|  | **7.2 Member States are encouraged to cooperate in that sense.** |  | See above under 7.1 | See above under 7.1 | See above under 7.1 |  |
|  | **8.1 International telecommunication arrangements** |  |  |  |  |  |
|  | **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.** |  |  |  | We are of the opinion that this provision does nothing other than to recognize the current reality: most telecommunication charging and accounting is negotiated by private sector entities, possibility with some conditions imposed by some national regulations (e.g. for roaming). Since the provision is a mere statement of fact, and does not impose any rights or obligations on Member States, it could be abrogated. |  |
|  | **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.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **8.2 Accounting-rate principles**  |  |  |  | We are of the view that the provisions under 8.2 (8.2.1-8.2.5) refer to accounting and charging methods that are used only in certain jurisdictions. Those jurisdictions can enshrine such methods in national law, or in regional agreements, if they so wish. Thus these provisions could be abrogated. |  |
|  | **Terms and conditions** |  |  |  | We are of the opinion that this provision could be abrogated for the reasons given above under 8.2. |  |
|  | **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.** |  |  |  | We are of the opinion that this provision could be abrogated for the reasons given above under 8.2. |  |
|  | **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) |  |  | We are of the opinion that this provision could be abrogated for the reasons given above under 8.2. |  |
|  | **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) |  |  | We are of the opinion that this provision could be abrogated for the reasons given above under 8.2. |  |
|  | **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) |  |  | We are of the opinion that this provision could be abrogated for the reasons given above under 8.2. |  |
|  | **Collection charges** | 6.1 Collection charges |  |  | We are of the opinion that this provision could be abrogated for the reasons given above under 8.2. |  |
|  | **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) |  |  | We are of the opinion that this provision could be abrogated for the reasons given above under 8.2. |  |
|  | **8.3 Taxation** |  |  |  |  |  |
|  | **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. |  |  | We are of the opinion that this provision is difficult to understand, interpret, and apply; if there is a desire to specify something about double taxation, then it should be stated clearly; the current provision is not useful and does not provide appropriate high-level guiding principles in the current telecommunication/ICT environment. |  |
|  | **8.4 Service telecommunications** | 6.5 Service and privilege telecommunications |  |  | We are of the opinion that the provisions under 8.4 (8.4.1-8.4.2) do not create rights or obligations for Member States: they purport to apply to private sector entities; as such they do not belong in the ITRs, see the above under art. 1.1(b). Therefore this provision could be abrogated. |  |
|  | **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) |  |  | We are of the opinion that this provision could be abrogated for the reasons given above under 8.4. |  |
|  | **8.4.2 The general operational, charging and accounting principles applicable to service telecommunications should take account of the relevant ITU-T Recommendations.** |  |  |  | We are of the opinion that this provision could be abrogated for the reasons given above under 8.4. |  |
|  | **9.1 If a Member State exercises its right in accordance with****the Constitution and the Convention to suspend international telecommunication services partially or totally, that Member State****shall immediately notify the Secretary-General of the suspension and****of the subsequent return to normal conditions by the most appropriate means of communication.** | 7.1 If a Member exercises its right in accordance with the Convention to suspend international telecommunication services partially or totally, that Member shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication. |  |  | We are of the opinion that this provision overlaps considerably with Articles 1 (no. 18) and 35 of the ITU Constitution, and with Article 5 (nos. 98 and 99) of the ITU Convention. Therefore this provision could be abrogated. |  |
|  | **9.2 The Secretary-General shall immediately bring such information to the attention of all other Member States, using the most appropriate means of communication.** | 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members, using the most appropriate means of communication. |  |  | We are of the opinion that this provision could be abrogated, for the reasons given above under art. 9.1. |  |
|  | **10.1 Using the most suitable and economical means, the****Secretary-General shall disseminate information provided, of an****administrative, operational, or statistical nature, concerning international telecommunication services. Such information shall be disseminated in accordance with the relevant provisions of the****Constitution and the Convention and of this Article, on the basis of****decisions taken by the Council or by competent ITU conferences, and****taking account of conclusions or decisions of ITU assemblies. If so****authorized by the Member State concerned, the information may be transmitted to the Secretary-General directly by an authorized operating agency, and shall then be disseminated by the Secretary-General. Member States should transmit such information to the****Secretary-General in a timely manner, taking into account the relevant ITU-T Recommendations.** | 8. Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by administrations\*, of an administrative, operational, tariff or statistical nature, concerning international telecommunication routes and services. Such information shall be disseminated in accordance with the relevant provisions of the Convention and of this Article, on the basis of decisions taken by the Administrative Council or by competent administrative conferences, and taking account of conclusions or decisions of Plenary Assemblies of the International Consultative Committees.\* or recognized private operating agency(ies) |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **11.1 Member States are encouraged to adopt energy efficiency and e-waste best practices taking into account the relevant ITU-T Recommendations.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **12.1 Member States should promote access for persons with disabilities to international telecommunication services, taking into account the relevant ITU-T Recommendations.** |  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
|  | **13.1 a)Pursuant to Article 42 of the Constitution, special arrangements may be entered into on telecommunication matters which do not concern Member States in general. Subject to national laws, Member States may allow authorized operating agencies or other organizations or persons to enter into such special mutual arrangements with Member States and authorized operating****agencies, or other organizations or persons that are so allowed in****another country for the establishment, operation and use of special international telecommunication networks, systems and services, in****order to meet specialized international telecommunication needs within and/or between the territories of the Member States concerned, and including, as necessary, the financial, technical or operating conditions to be observed.** | 9.1 a) Pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982), special arrangements may be entered into on telecommunication matters which do not concern Members in general. Subject to national laws, Members may allow administrations\* or other organizations or persons to enter into such special mutual arrangements with Members, administrations\* or other organizations or persons that are so allowed in another country for the establishment, operation and use of special international telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Members concerned, and including, as necessary, those financial, technical or operating conditions to be observed.\* or recognized private operating agency(ies) |  | We are of the opinion that Internet traffic, and much other international telecommunication traffic, is enabled by this provision. | We are of the opinion that his provision overlaps considerably with Article 42 of the ITU Constitution. Therefore it could be abrogated, unless there is a view that it does not fully correspond to Article 42 of the Constitution. |  |
|  | **13.1 (b) Any such special arrangements shall endeavour to avoid technical harm to the operation of the telecommunication facilities of third countries.** | b) Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries. |  | We are of the opinion that Internet traffic, and much other international telecommunication traffic, is enabled by this provision. | We are of the opinion that his provision overlaps considerably with Article 42 of the ITU Constitution. Therefore it could be abrogated, unless there is a view that it does not fully correspond to Article 42 of the Constitution. |  |
|  | **13.2 Member States should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 73 (13.1) above to take into account relevant provisions of ITU-T Recommendations.** | 9.2 Members should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 58 to take into account relevant provisions of CCITT Recommendations. |  | We are of the opinion that Internet traffic, and much other international telecommunication traffic, is enabled by this provision. | We are of the opinion that his provision overlaps considerably with Article 42 of the ITU Constitution. Therefore it could be abrogated, unless there is a view that it does not fully correspond to Article 42 of the Constitution. |  |
|  | **14.1 These Regulations, of which Appendices 1 and 2 form integral parts, shall enter into force on 1 January 2015, and shall be applied as of that date, consistent with all the provisions of Article 54 of the Constitution.** | 10.1 These Regulations, of which Appendices 1, 2 and 3 form integral parts, shall enter into force on 1 January 1990 at 0001 hours UTC. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore Appendix 1 could be abrogated and this provision could be amended accordingly |  |
|  | **14.2 If a Member State makes reservations with regard to the application of one or more of the provisions of these Regulations, other Member States shall be free to disregard the said provision or provisions in their relations with the Member State which has made such reservations.** | 10.2 On a date specified in No. 61, the Telegraph Regulations (Geneva, 1973) and the Telephone Regulations (Geneva, 1973) shall be replaced by these International Telecommunication Regulations (Melbourne, 1988) pursuant to the International Telecommunication Convention. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| Not applicable | **14A (new)** | Not applicable | We are of the opinion that consideration should be given to developing new provisions on issue such as building a digital public infrastructure, bridging the digital gender gap, and Universal Acceptance. |  |  |  |
| 1/1 | **1. Accounting rates**  | 1. Accounting rates |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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: |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 1/10 | **2 Establishment of accounts**  | 2 Establishment of accounts  |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 1/17 | **3 Settlement of balances of accounts** | 3 Settlement of balances of accounts |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 1/18 | **3.1 Choice of the currency of payment** | 3.1 Choice of the currency of payment |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 1/23 | **b) any other mutually agreed settlements, if appropriate.** |  3.4.1 - debts arising from postal services, if appropriate. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 1/24 | **This rule also applies in case payments are made through specialized payment agencies in accordance with arrangements with authorized operating agencies.** |  |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 1/25 | **3.2 Determination of the amount of payment** | 3.2 Determination of the amount of payment |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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:  |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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; |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 1/32 | **3.3 Payment of balances** | 3.3 Payment of balances |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 1/37 | **3.4 Additional provisions** | 3.4 Additional provisions-  |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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. |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 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) |  |  | We are of the opinion that Appendix 1 is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 2/1 | **1. General**  | 1. General |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/2 | **1.1 The provisions contained in Article 8 and Appendix 1,****taking into account the relevant ITU-T Recommendations, shall also apply to maritime telecommunications when establishing and settling accounts under this Appendix, insofar as the following provisions do not provide otherwise.** | The provisions contained in Article 6 and Appendix 1, taking into account the relevant CCITT Recommendations, shall also apply to maritime telecommunications in so far as the following provisions do not provide otherwise. |  |  | We are of the opinion that this provision is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 2/3 | **2. Accounting Authority** | 2. Accounting Authority |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/4 | **2.1 Charges for maritime telecommunications in the****maritime mobile service and the maritime mobile-satellite service****shall, in principle, and subject to national law and practice, be collected from the maritime mobile station licensee:** | 2.1 Charges for maritime telecommunications in the maritime mobile service and the maritime mobile-satellite service shall in principle, and subject to national law and practice, be collected from the maritime mobile station licensee: |  |  |  |  |
| 2/5 | **a) by the administration that has issued the licence; or** | a) by the administration that has issued the licence; or |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/6 | **b) by an authorized operating agency; or** | b) by a recognized private operating agency; or |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/7 | **c) by any other entity or entities designated for this purpose by the administration referred to in No. 2/5 (2.1.*a)*) above.** | c) by any other entity or entities designated for this purpose by the administration referred to in (a) above. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/8 | **2.2 The administration or the authorized operating agency or****the designated entity or entities listed in 2.1 above are referred to in this Appendix as the "accounting authority".** | 2.2 The administration or the recognized private operating agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the "accounting authority". |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/9 | **2.3 References to authorized operating agency contained in****Article 8 and Appendix 1 shall be read as "accounting authority" when applying the provisions of Article 6 and Appendix 1 to maritime telecommunications.** | 2.3 References to administration\* contained in Article 6 and Appendix 1 shall be read as "accounting authority" when applying the provisions of Article 6 and Appendix 1 to maritime telecommunications.\*or recognized private operating agency(ies) |  |  | We are of the opinion that this provision is no longer relevant, for the reasons given above under arts. 8.2 and 8.4. Therefore this provision could be abrogated. |  |
| 2/10 | **2.4 Member States shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations and Maritime Mobile Service Identity Assignments. The number of such****names and addresses shall be limited, taking into account the relevant ITU-T Recommendations.**  | 2.4 Members shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations; the number of such names and addresses shall be limited taking into account the relevant CCITT Recommendations.  |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/11 | **3. Establishment of accounts** | 3. Establishment of accounts |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/12 | **3.1 In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the service provider that sent it.** | 3.1 In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the accounting authority that sent it. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/13 | **3.2 However, any accounting authority has the right to****question the contents of an account for a period of six calendar months after dispatch of the account, even after the account has been paid.** | 3.2 However, any accounting authority has the right to question the contents of an account for a period of six calendar months after dispatch of the account. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/14 | **4 Settlement of balances of account** | 4 Settlement of balances of account |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/15 | **4.1 All international maritime telecommunication accounts****shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account, except where the settlement of accounts is undertaken in accordance with No. 2/17 (4.3) below.** | 4.1 All international maritime telecommunication accounts shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account, except where the settlement of accounts is undertaken in accordance with paragraph 4.3 below. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/16 | **4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the administration that has licensed the mobile station shall, on request, take steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee.** | 4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the administration that has licensed the mobile station shall, on request, take all possible steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/17 | **4.3 If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the originating service provider that queries and payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account.** | 4.3 If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the originating accounting authority that queries and payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |
| 2/18 | **4.4 The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than twelve calendar months after the date of the traffic to which the accounts relate, unless provided otherwise under national law in which case the maximum deadline can be within eighteen calendar months.** | 4.4 The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than eighteen calendar months after the date of the traffic to which the accounts relate. |  |  | We are of the opinion that this provision is relevant and remains valid. |  |

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