|  |  |
| --- | --- |
| **COUNCIL WORKING GROUPTO PREPARE FOR THE 2012 WORLDCONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS** |  |
| GENEVA, 20-22 June 2012 |  |
|  |  |
|  | **Document CWG-WCIT12/DT–62 Rev.2-E** |
| **21 June 2012** |
| **Original: English** |
| **CWG-WCIT12 TEMPORARY DOCUMENT 62 Rev.2** |
| SOURCE:Chairman |
| Draft compilation of proposals with options for revisions to the ITRs |

*Editorial Note: this document includes proposals and comments found in contributions C 101, C 102, C 103, C 104, C 105, C 107, C 108, C 109, C 110, C 111, C 112, C 113, C 114, C 115, C 116, C 117, C 121, C 122, C 124; and in TD 70.

This version includes new proposals on which the membership has not yet commented. Comments on new proposals can be submitted directly to WCIT.****The proposed revisions to the ITRs have not been agreed.***

The following table presents the proposals to be discussed by the CWG-WCIT12. The table has been simplified with respect to previous versions, taking into account decisions made by the group at the previous meetings:

* It was agreed to produce a document that clearly identifies each option for each article, including the option of no change.
* It was agreed that the compilation of proposals could be simplified by combining similar proposals, reflecting differences and options.

Consequently:

1. Several versions of the option are used in the compilation, which are indicated as the following: (NOC)- no change: (MOD)- modification of the existing text; (ADD)- introduction of new text; (SUP)- suppression of the text.
2. The no change option has been added for each article, even if it had not been explicitly proposed, see item 5 of CWG-WCIT12/R – 5.
3. The left-most column containing the original text of the ITRs has been deleted because the original text is found as a no change option.
4. The various proposals have been numbered as option 1, option 2, etc.
5. Whenever possible, proposals have been combined and shown in a single row, while still showing them as separate options.

Member States reserve their right to submit additional proposals and/or comments.

Compilation of options for proposed revisions to the ITRs

The views expressed in all documents / contributions are yet to be agreed.

| **Possible revisions of 1988 Int’l Telecom Regulations (ITRs)** | **Reasons from the source, comments from contributions and remarks from the meeting** |
| --- | --- |
| Option 1 MOD1: Overall change. It would be much clearer if the term ‘*administration*’were used in the ITRs in the same sense as defined in No. 1002 of the Constitution and that an entity providing public telecommunications networks or public telecommunications services would be defined as an *operator* or *operating agency*. The term ROA could then either be included in *operator* or *operating agency* or preferably deleted. *Source TD 21 Rev.1 and Côte d’Ivoire* | Option 1 MOD1:It is not clear what is being proposed, and we do not clearly know what Member State is proposing this change. The United States needs clarification as to the intent of this change. Also, this is not treaty-level text as required in Res 171. We do not support expanding ROA to include the terms operator or operating agency or replacing ROA with those terms because it would expand the scope of the ITRs. *Source C 45 (USA)*Cf. Contribution from Germany (CWG-WCIT12/C-53) to the 5th Council Working Group on “Considerations for the revision of the ITRs” [see below]. *Source C 54 (Portugal)**NOTE: the positions expressed by Portugal in this document are also supported by: Czech Republic, Finland, France, Germany, Italy, The Netherlands, Romania, Sweden, Switzerland and the United Kingdom* |
| Option 2 MOD2:- It might be considered appropriate that revised ITRs contain only provisions regarding obligations of Member States, and not direct the activities of private parties. - In this light, it would be appropriate to use the term “Member State” instead of “administration”.- In this light, it would also be appropriate to discontinue with the incorporation of “recognized private operating agencies” by reference to obligations for “administrations”. *Source C 53 (Germany)* | Option 2 MOD2: CEPT invites the other delegations to take the following considerations into account and proposes that the revised ITRs should only contain provisions regarding obligations of Member States, and not direct the activities of private parties. *Source C 53 (Germany)* |
| Option 3 MOD3: It might be considered appropriate to include in the ITRs whenever applicable provisions to request Member States to transfer to their national laws and administrative regulations those provisions of the ITRs that reference obligations on the Member State or address fraudulent practices or possible harm to another Member State. *Source C 58 (Egypt) and Côte d’Ivoire* | Option 3 MOD3:Germany on behalf of CEPT in its contribution (CWG-WCIT C53) stated that “ITRs are a treaty. The purpose of a treaty is to record agreements between parties subject to international law (in particular countries) concerning obligations that they undertake regarding national or international matters. In general, treaties do not directly bind private parties. Private parties are bound by national laws, which national laws might be adapted and interpreted in the light of treaties, so as to fulfill a country’s treaty obligations”. Hence it is appropriate that the ITRs request Member States to adapt in their national laws and regulatory frameworks provision applicable to private operating agencies authorized by them to comply with the provisions of the ITRs whenever it refer to an obligation, particularly that may otherwise cause harm or represent a fraudulent activity on another Member States. Transfer of the provisions of the ITRs to the national laws and regulatory framework should not be just an optional and selective process as long as they concern certain obligations on Member States or address harmful or fraudulent practices that may cause disadvantage to other Member States. *Source C 58 (Egypt)* The United States believes that the proposed MOD is unnecessary. The preamble to the Constitution and the ITRs recognize each Member State’s right to regulate its telecommunication and therefore do not preclude transfer of applicable provisions of the ITRs to national laws if a Member State chose to do so. *(USA)*.  |
| Option 4 MOD4*:* APT Members are of the view that for the replacement of “CCITT” by “ITU-T” needs to be done systematically.Agreement was reached for the replacement of the term “Member” with “Member State”.For the replacement of the term “Administration” with “Member State” or “Operating Agencies”, to be considered on a case by case basis, since some provisions are dealing with responsibilities of Member States; while other provisions are dealing with the responsibilities of Operating Agencies. In the ITRs reference is made to Recognized Private Operating Agency. In order to cover all three terms, Operating Agency, Recognized Operating Agency and Recognized Private Operating Agency, a possible option would be to refer to “Operating Agency” as an umbrella term while the two other terms, “Recognized Operating Agency” and “Recognized Private Operating Agency”, should be considered as subset of “Operating Agency”, to cover all possible cases in different countries as the situation may be. Source C 92 (APT) |  |
|  | CEPT puts forward 5 criteria for accepting proposals from other regions.- The idea is to set a predictable pattern for CEPT reaction towards proposal from.- These criteria do not preclude the evaluation of each proposal on a case-by-case basis.- In view of the relatively limited time for a comprehensive review of ITR and for reaching a worldwide agreement, CEPT considers that disclosing a set of objective, balanced and a legal based criteria will facilitate negotiation in future.The criteria for accepting proposals are the following (presented in no particular order):**Criterion 1**: General compliance with the key principles indicated in CEPT Contribution 35, the ITRs should- Contain high level strategic and policy issues concerning international telecommunications services and facilities- Safeguard the rights of telecoms operators and service providers to exercise commercial choice.The fundamentals for this criterion are laid down in Resolution 171 “Preparations for the 2012 world conference on international telecommunications” (Guadalajara, 2010) in particular its “Resolves further” 3.iii) and 3.iv) .**Criterion 2**: Consistency with the Preamble and Article 1 of the CSIn this criterion it is underlined that the Constitution of the Union does not provide ITU Recommendations with a binding force, by their nature ITU-T Recommendations are non-binding, i.e. of voluntary application, and should not therefore be imposed as a matter of routine. CEPT considers that the ITRs revision shall not be used to change the nature of ITU Recommendations. |
|  | **Criterion 3**: Consistency with International agreements / legislation adopted by CEPT members. There are two main concerns:1) to comply with the Fourth Protocol of the WTO Agreement;2) Evaluation of proposal in subjects which are part of EU/EEA legislation on electronic communication, in light of its consistency with such legislation.**Criterion 4**: Areas related to Member States' application of legal or policy principles which are within their sovereign rights.CEPT will consider proposals related to national defence, national security, content, and cybercrime issues in the context of Resolves no. 3 of Resolution 130 (Rev. Guadalajara, 2010) “ITU shall focus resources and programmes on those areas of cybersecurity within its core mandate and expertise, notably the technical and development spheres, and not including areas related to Member States' application of legal or policy principles related to national defence, national security, content and cybercrime, which are within their sovereign rights”**Criterion 5**: Exclusion of areas not related to the Purpose and Scope of the ITRs.Under this criterion, it is referred that proposals concerning national telecommunication services or national transport means should not be included in the ITRs.At this respect, CEPT considers that proposals concerning national telecommunication services or national transport means should not be included in the ITRs.The compliance with this criterion is also linked to the Preambles of both the ITU Constitution and the ITRs which fully recognise “the sovereign right of each State to regulate its telecommunication” and also with Article 25 of the Constitution establishes that “A WCIT may revise (…) revise the International Telecommunication Regulations and may deal with any question of a worldwide character within its competence and related to its agenda”.*Source: C 54 (Portugal)*The revision of the ITRs, needed because of the evolution of international relations, must permit an easier use of this document and greater transparency in the supply of international telecommunications services. The inadequacies of the current version of the ITRs has the consequence of causing well-known problems particularly for developing countries but also security problems for these countries. *(Côte d’Ivoire)* |
|  | The intent of the African region is to use the following criteria when considering proposals*.* The criteria are presented in no particular order. **Criterion 1:** ITRs should contain ***inter alia*** high level strategic and policy issues regarding telecommunications/ICTs. Although Africa considers that the ITRs should be kept at high level, however in certain instances the ITRs can deal with technical or regulatory issues related to international telecommunications.**Criterion 2:** Transfer of particular commitments, obligations and provisions to national legislations, policy and regulatory frameworks, so as to ensure achievement of the purpose of the Union as set out in the Preamble of the Constitution, and the avoidance of potential and actual harm to Member States and their operating agencies.**Criterion 3:** Observance of the provisions of the ITRs by Member States, administration, and operating agencies, in accordance with No. 38 of the Constitution.**Criterion 4:** Consistency with Article 1 of the Constitution and Article 1 of the ITRs which states that “*Member States should, to the greatest extent practicable, comply with ITU Recommendations”.* To fulfil this task, in certain instances the ITRs can include technical, operational and regulatory issues related to international telecommunications; in these cases, the ITRs can include reference to specific ITU Recommendations, whose provisions would become mandatory if such a Recommendation is deemed essential for the proper implementation/enforcement of this ITR provision to fulfil its intended purpose. **Criterion 5:** The ITRs should be a stand-alone treaty and not be subject to or dependant on any other treaties (except CS/CV). Africa will evaluate on case-by-case basis proposals that request the compliance of the ITRs to specific regional legislations.**Criterion 6:** Respect of areas related to Member States' application of legal or policy principles which are within their sovereign right, within the framework of the Preamble of the CS, that is, respecting the rights of other Member States with respect to issues such as, *inter alia*, fraud, technical harm, financial misappropriation/harm, and other security issues.*Source C 61 (Africa) and Russian Federation* |
|  | CITEL Member States propose that all revisions to the ITRs reflect the points i) through iv) below.With respect to the scope of review of the ITRs, PP-10 resolved to consider and study all relevant work and outputs that have been developed in the ITU regarding the ITRs; to discuss and examine all proposals for revision to the ITRs, including proposals for the addition of new and emerging issues, for updating and suppression of provisions and/or for abrogation as appropriate; and to discuss and examine all proposals for revision to the ITRs, provided that those proposals:*“*i*)* are consistent with the purposes of the Union set forth in Article 1 of the ITU Constitution;ii) are in line with the scope and purpose of the ITRs as set out in its Article 1, with the understanding that CWG-WCIT 12 could consider proposals for the revision of Article 1 of the ITRs;iii) reflect, inter alia, strategic and policy principles, with a view to ensuring flexibility in order to accommodate technological advances;iv) are of relevance to be included in an international treaty.”*Source C 63 (CITEL)*The principles expressed in this contribution are supported by CEPT (see CEPT criterion 1). *Source C 72 (Portugal)*The contribution cites selectively from Resolution 171. The principles above relate to the work of CWG-WCIT, not to WCIT itself. *(Egypt)* |
|  | The CITEL Administrations support avoiding overlaps between the revised ITRs and the Radio Regulations. As a general matter, CITEL Administrations consider that all ITU’s administrative regulations specific to radiocommunications should be contained within the Radio Regulations where they may be addressed by a competent World Radiocommunication Conference (WRC), as needed. *Source C 64 (CITEL)*CEPT considers that the principles expressed in this contribution are relevant and should be supported. *Source C 72 (Portugal)* |
|  | During their first preparatory meeting; the Arab administrations at this stage agreed to initially adopt the following general principles in preparation of their contribution towards revising the ITRs:1) ITRs complete the CS/CV; the relevant text (provisions and or articles) in the CS/CV should be transferred to the ITRs, as appropriate2) Replace the term administrations/ROA with Member States and/or Operating Agency as appropriate, and (see German Proposal)3) Strengthen the enforcement of the ITRs, and Member States and Operating Agencies obligations in implementing its provisions and resolutions 4) Some specific ITU-T Recommendations could be referred to within the ITRs as mandatory to apply (e.g. the ones on numbering).5) Possible Revision of existing Definitions in Article (2) (Modification, Addition, and Suppression). 6) To add new provisions in relation to misuse of numbering, naming, addressing, fraud, spam, and International calling party number delivery7) To add new provisions in relation to routeing, hubbing8) Revisions of Article 6 that could include Deletion, Modification and Addition of the existing provisions on charging and accounting (e.g. roaming, taxation, termination and transit tariffs, etc.) and could include some general principles on economic issues.9) With regards to Article 10 (Final Provisions), replace it with a new article similar to Article 59 of the Radio Regulations.*Source C 67 (Arab States) and Russian Federation*At present, there is a proposal for a definition of hubbing, but no substantive proposal on that issue. *Source Portugal*ITU-T Recommendations are negotiated and approved with the understanding that they are voluntary. Their content might be different if it were known during the approval process that they are to be binding. *Source UK*It could be justified to make references to ITU Recommendations on a specific, case by case basis, so as to make those particular Recommendations binding. *(Russian Federation)*Sector Members participate in ITU-T work with the understanding that they are not binding. They might express other views if they knew that they would become binding. And how could the ITRs refer to Recommendations that are not yet approved? *(First)* |
|  | Proposal to systematically refer to “ITU Recommendations” rather than to “ITU-T Recommendations”: Such a course of action seems to be incorrect, due to the fact that in the ITRs reference may be made to ITU-T Recommendations in general and, where it is absolutely necessary, reference may be made to ITU-R Recommendations. Moreover, the term “ITU Recommendations” is broad and misleading as it does not clearly indicate the field of application of the Recommendation. Consequently, to make a general reference to ITU Recommendations seems to be inappropriate and thus APT does not support such a course of action.Proposal to incorporate in the ITRs certain provisions found in the Constitution (CS) or Convention (CV): This is a fundamental question which needs a proper reply. It is to be noted that there may be no need to repeat certain provisions as contained in the Constitution and the Convention in the ITRs unless such repetition is absolutely necessary. For example, very limited provisions of the Constitution and perhaps of the Convention have been included in the Radio Regulations only where such inclusion was absolutely necessary. Consequently, every effort should be made to avoid such repetition and thus inclusion of certain terms from the Constitution and the Convention in the ITRs must be kept to the minimum absolutely necessary.*Source C 92 (APT)* |
|  | AHCIET (Asociación Iberoamericana de Centros de Investigación y Empresas de Telecomunicación) comments:The Iberoamerican Association of Research Centers and Telecommunications Companies (AHCIET), believes that the review of the current ITR, ought to pursue the draft of a stable treaty, containing a set of general principles to enable a strategic and political environment that facilitates the development of Information and Communications Technologies in the long term.AHCIET believes that a treaty drafted in the in the aforementioned terms, will foster innovation and investment, which are necessary for the introduction of groundbreaking technologies and in general, for the evolution of ICT. AHCIET considers that the introduction of service specific regulation will hardly reflect the technological evolution, or the different issues that surround the delivery of these services at a regional and national level. For this reason we consider that this is an inadequate regulatory approach that will generate for country members, a delegation of regulatory functions that are already established and that are difficult to modify. AHCIET believes that the modifications of the treaty should be done according to the scope and aims of the current ITR, as defined on article 1. Considering that competition is fierce on the international telephony traffic markets, AHCIET finds that the introduction of regulation on this field is inconvenient because unnecessary regulation can hinder innovation. AHCIET considers that a unified global regulation for roaming is inconvenient as it would overlook the needs and realities of the different countries; this is especially relevant when it comes to the different needs of developed and undeveloped economies. For this reason we recommend to avoid the introduction of new rules on this matter as it would hinder innovation and the development of the market. Instead, Member States should rely on their regulatory faculties to implement the necessary regulatory measures in case there is a market failure. AHCIET believes that the Internet and the Information Society has developed in a vertiginous way due to the fact that the actors on this market have enjoyed a competitive and stable market that incentives, investment, innovation and development of ICT for the benefit of society as a whole. For this reason, any regulatory intervention of the ITU on this matter would affect negatively the dynamic on this market.AHCIET understands that mandates, resolutions and recommendations of the ITU-T should remain as non-binding for Member States as it is established on article 1.4. of the current ITR.Source C 102 (AHCIET) |
|  | The SAMENA Telecommunications Council (SAMENA) presents 12 considerations and goals for the revision of the ITRs. The goals are:1. Support policy transformation in the industry and a market driven economy.2. Promote the growth of the ICT industry in a sustainable manner through open market practices.3. Facilitate international cooperation on Telecommunications matters.4. Allow Operating Agencies to conduct commercial matters themselves.5. Foster independence in dispute resolutions.6. Ensure and preserve incentives to meet the massive traffic growth and maintain Internet Openness and Growth.7. Adopt strategic and policy principles that ensure flexibility (self-governance) and accommodate future technological advances.8. Maintain technology neutrality on all dimensions of the treaty.9. Establish guidelines for governments on setting investment incentives.10. Safeguard the ITRs from being a catalyst for adverse, unintended change, and avoid undue complexities in the text of the ITRs Treaty.11. Safeguard the ITRs Treaty against frequent amendments and ensure its future applicability.12. Amendments of the Charging & Accounting section of the ITRs should be re-evaluated and should reflect current commercial dealings and needs.Source C 110 (SAMENA) |
|  | The Member States of CITEL present their views and understandings regarding the principles to be observed in revising the International Telecommunication Regulations (ITRs):1. The ITRs should contain provisions concerning obligations to the signatory Member States. Member States should adopt the necessary measures to implement the ITRs at the national and international levels, whenever the provisions apply, consistent to national legislation;2. The ITRs should mostly address high-level matters regarding international telecommunications, considering the technical aspects inherent to telecommunications;3. The ITRs should be viewed as provisions that complement the ITU Constitution (CS) and Convention (CV), so any proposal that is “unconstitutional” or contravenes what is defined in the CS and CV should not be approved;4. The ITRs should, to the greatest extent possible, avoid duplicating provisions that already exist in the ITU CS and CV;5. The term “Member” should be systematically replaced by “Member States”;6. The term “CCITT” should be systematically replaced by “ITU-T”;Source C 117 (CITEL) |
|  | • Throughout this contribution, the United States is concerned that using the term operating agency may sweep in previously unregulated entities, and this choice may have unintended consequences. • "The US does not support adding changing “telecommunication services” to “telecommunication/ICTs”, which changes the scope and purpose of this treaty described in Article 1 of the ITRs." Additionally, the USA notes that “international telecommunication service” is defined in both CS1011 and ITR Article \*\*, such that the proposed change renders the treaty ambiguous in its application.• The United States does not support proposals for new definitions to Article 2 that are conflicting, inconsistent, or overlapping with those in the ITU Constitution and Convention.• We oppose proposals that intrudes upon the prerogatives of national governments to allow markets to respond to the demand for international telecommunications services• Any references to Recommendations should be references to “ITU-T Recommendation” andnot reference to “Recommendenation of the ITU” or “ITU Recommendations”. • The US reserves its right to comment on proposals submitted in C 124 from Mexico, which was submitted past the agreed deadline.• The United States does not support the proposed new security-related provisions: they are too focused on cyber security/cyber crime, content (INFORMATION & PERSONAL DATA) most of which are subject of national law and this is in contravention to PP Res 130. This proposal adds several new detailed regulatory issues to the ITRs in contravention to PP Res 171 and is outside the scope of the ITU and ITRs.• The USA is of the view that the Inclusion of “ICTs” in the ITRs greatly expands application and impact of ITRs beyond telecommunications.Source USA |
| Option 0 NOC:***PREAMBLE***While the sovereign right of each country to regulate its telecommunications is fully recognized, the provisions of the present Regulations supplement the International Telecommunication Convention, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications. *Source CWG-WCIT12*Option 1 MOD1: … the provisions of the present Regulations complement ~~supplement~~ the International Telecommunication Union, Constitution and Convention, with a view to attaining the purposes of the International Telecommunication Union … *Source TD 21 Rev.1 and C 28 (USA)*Option 2 MOD2: WITHDRAWNOption 3 MOD3***:*** … WITHDRAWN | Option 1 MOD1The purpose of this change is to align with the current terminology used in CS No. 31. *Source TD 21 Rev.1 and C 28 (USA) and Canada*Supported. CS no 31 says: “The provisions of both this Constitution and the Convention are further **complemented** by those of the Administrative Regulations (..)”. *Source C 54 (Portugal)*It was stated that the 2014 Plenipotentiary Conference could make changes affecting the use of the terms “Constitution and Convention” *(Iran)*.It was stated that changes to the Preamble should be minimized *(Iran)*.Option 2 MOD2According to CS 29, 31, and 32, the ITRs and the Radio Regulations are the Administrative Regulations of the Union and that in the case of inconsistency between a provision of CS or CV and the Administrative regulations, the CS or CV shall prevail. *Source C 45 (USA) and Canada*CEPT considers that it is necessary to keep the principle of complementing ITU Constitution and Convention. *Source C 54 (Portugal)* |
| Option 4 MOD4***:*** … WITHDRAWNOption 5 MOD5***:*** While the sovereign right of each ~~country~~ Member State to regulate its telecommunications is fully recognized, the provisions of the present Regulations ~~supplement~~ complement the International Telecommunication Union Constitution and Convention, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications. *Source: C 71 (Portugal) and C 124 (Mexico)*Option 6 MOD6***:*** While the sovereign right of each country to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereinafter “Regulations”) supplement the Constitution and Convention of the International Telecommunication Union ~~Convention~~, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications. *Source: C 94 (RCC)*Option 7 MOD7***:*** While the sovereign right of each ~~country~~ State to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereinafter “Regulations”) ~~supplement~~ complement the Constitution and Convention of the International Telecommunication Union ~~Convention~~, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications. *Source: C 103 (Arab States) and C 116 (Africa) and C 117 (CITEL)* EDITORIAL NOTE: C 117 proposes to retain “the present Regulations” | Option 4 MOD4***:***In this contribution, we propose to replace the term “administration\*” either with the term “Member State” and/or with the term “operating agency”, as appropriate.We propose not to use the term “recognized operating agency” (ROA) because that concept is no longer applied in many countries. The term “operating agency” covers both operators and recognize operators and is applicable also in countries that no longer “recognize” operators in the sense of the ITU’s definition of ROA. (The term “operating agency” as defined in the Constitution also includes government-owned operators.)Source: C 68 (Arab States)Some Member States did not support this proposal. (United States and Canada)The terms “complete” and “complement” are synonymous in Spanish. (Mexico)Option 5 MOD5***:*** The reasoning for this proposal are expressed in C 53. *Source: C 71 (Portugal)*Spain stated that in Spanish there is a small difference between complete and complement. Therefore, Spain agree using complement in Spanish. *(Spain)*It was agreed that “country” should be replaced by “state”, not Member State. *(Sixth meeting)*Further consideration on the reference to “state” instead of “Member State” is needed. *(Portugal)*Harmonize with the Preamble of the Constitution. *Source C 124 (Mexico)*Option 7 MOD7***:*** replaces Option 4 Mod4. *Source: C 103 (Arab States)* |
| Option 0 NOC:**Article I****Purpose and Scope of the Regulations**Source CWG-WCIT12 |  |
| Option 0 NOC: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\*. *Source CWG-WCIT12*Option 1 MOD1*: …* ~~They also set rules applicable to administrations.\*~~. Member States may apply these rules to Recognized Operating Agencies. *Source C 28 (USA)*Option 2 MOD2*: …* ~~They also set rules applicable to administrations.\*~~. *Source C 54 (Portugal) and C 124 (Mexico)*Option 3 MOD3*: …* They also set rules applicable to~~administrations\*~~ Member States and operating agencies. *Source C 68 and C 103 (Arab States) and C 116 (Africa)* | Option 0 NOC: The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:Save for Article 1.5 and some editorials, the purpose and scope of the ITRs as expressed in Article 1 has stood the test of time well. *Source C 35 (CEPT).*1.1 a) Editorial update to clarify that the ITRs apply to Member States. *Source C 28 (USA)*Some Member States did not support this proposal *(Iran, Egypt, Russian Federation)*.Algeria reserves its right to propose revisions to this provision.Member States have to be requested in the ITRs to transfer to their national laws and administrative regulations those provisions of the ITRs that reference obligations on the Member State or address fraudulent practices or possible harm to another Member State. (Appropriate text and its citation in the ITR shall be provided and will be subject to further review). *Source C58 (Egypt).*The Administration of Russia does not support this proposal since it confines the scope of the ITRs solely to recognized operating agencies. *Source C 111 (Russian Federation)*With the proposed deletion, the term “rules” is not longer defined and thus cannot be used in this provision. *(Iran, Algeria)*Option 2 MOD2:CEPT proposes this amendment in light of the contribution from Germany (CWG-WCIT12/C-53) to the 5th Council Working Group on “Considerations for the revision of the ITRs”. The revised ITRs should only contain provisions regarding obligations of Member States, and not direct the activities of private parties. *Source C 54 and C 105 (Portugal)*Some Member States did not support this proposal *(Russian Federation)*.Pursuant to the definitions of the Annex to the Constitution, the Administration is the governmental department or service responsible for discharging the obligations deriving from the Administrative Regulations. *Source C 124 (Mexico)*Option 3 MOD3*:*See Preamble and no. 38 CS, which states “The Member States are also bound to take the necessary steps to impose the observance of the provisions of this Constitution, the Convention and the Administrative Regulations upon operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries”. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| 1.1 a) – CONTINUEDOption 4 MOD4*:* 1.1 a) These Regulations establish general principles which relate to the ~~provision~~ interoperability and operation of international telecommunication services for the provision of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. They place obligations on Member States in respect of fulfilment of the provisions of the Regulations by administrations and operating agencies involved in international telecommunications ~~also set rules applicable to administrations\*~~. *Source C 94 (RCC)*Option 5 MOD5*:*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 require Member States to ensure that administrations and operating agencies engaged in international telecommunications comply with the provisions of the ITRs. ~~They also set rules applicable to administrations\*~~. *Source C 95 (Russian Federation)* | Option 4 MOD4: Some Member States did not support this proposal: it is not appropriate to include such issues in article 1.1. Source Portugal.In a number of developing countries, including some RCC members, administrations cooperate for the provision of international telecommunication services. Source C 112 (Russian Federation)Option 5 MOD5This section is one of the most significant in the Regulations, since it establishes the subject(s) of the ITRs. The main subjects of international treaties in international public law are usually States or, at the outside, government agencies representing them.The ITU Constitution, in its Article 6, establishes the Member States as its main subject and makes it binding upon States to ensure that telecommunication offices and operating agencies abide by the provisions of the Constitution, the Convention and the Administrative Regulations.It is proposed that Member States be established as the subject of the ITRs in the interests of acting fully within the framework of international public law. A State may assign the obligations deriving from the provisions of the adopted Regulations to different entities/organizations in accordance with its domestic legislation.Source C 111 (Russian Federation) |
| Option 0 NOC: 1.1 b) These Regulations recognize in Article 9 the right of Members to allow special arrangements. *Source CWG-WCIT12*Option 1 MOD1: 1.1 b) These Regulations recognize ~~in Article 9~~ the right of Member~~s~~ States to allow special arrangements as provided in Article 9. *Source TD 21 Rev.1 and C 94 (RCC) and C 103 (Arab States) and C 116 (Africa)*Option 2 MOD2: 1.1 b) These Regulations recognize in Article 9 the right of Member~~s~~ States to allow special arrangements on the condition that these do not cause technical harm to third countries. *Source TD 21 Rev.1, Côte d’Ivoire and C 67 (Arab States)*Option 3 MOD3: 1.1 b) These Regulations recognize in Article 9 the right of Member~~s~~ States to allow special arrangements. *Source C 28 (USA), C 71 (Portugal), Mexico, Australia and Rwanda* | Option 1 MOD1:It was proposed to add at the end “on the condition that these do not cause technical and/or financial harm to third countries” pursuant to view (5) of the WTPF Opinion 6. *(Egypt)*.Important to recognize special arrangement between operators. Source C 103 (Arab States)Option 2 MOD2:The United States does not see the need to add “to third countries.” Technical harm to all telecommunications facilities should be avoided. *Source C 45 (USA)*It was proposed to add “and/or financial harm” pursuant to view (5) of the WTPF Opinion 6, and this new text is proposed for MOD1 1.1 b) above. *(Egypt)*.Option 3 MOD3: Editorial update. *Source C 28 (USA) and Canada*The treaty should impose obligations on Member States, see C 49. *(Portugal)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: new 1.1 c) The purpose may be general rules to be applied by administrations for regulating international telecommunication services and to be applied by operators/service providers for the provision of such international telecommunication services. *Source C 9 (Russian Federation)* | Option 1 ADD:This proposal would result in detailed regulatory provisions, contrary to PP Resolution 171 (Guadalajara), which states that the ITRs should contain “strategic and policy principles” and be “of relevance to be included in an international treaty.”  *Source C 45 (USA) and Canada*This proposal does not seem to be in line with “Criterion 1: General compliance with the key principles indicated in CEPT Contribution 35”. Contrary to contribution from Germany (CWG-WCIT12/C-53) to the 5th Council Working Group on “Considerations for the revision of the ITRs”. The provision proposed in 1.1.c is not in the scope of the ITRs. *Source C 54 and C 105 (Portugal)*This proposal is in line with CS articles 37, 38, additionally Member States have to be requested in the ITRs to transfer to their national laws and administrative regulations those provisions of the ITRs that reference obligations on the Member State or address fraudulent practices or possible harm to another Member State. (This text is subject to further review). *Source C58 (Egypt)*This is a general principle for fulfilment of the ITRs and is expanded upon in the texts of specific articles submitted by the Russian Administration and RCC in С-94 and С-95. It is not, moreover, proposed for inclusion in the new ITRs. *Source C 111 (Russian Federation)*Develops § 5 of Article 38 of the ITU Constitution. Specifies Member States’ regulatory obligations in ensuring that their operating agencies do not cause harm to the agencies of other Member States. *Source C 112 (Russian Federation)*If this proposal is accepted, it the text should appear later in the ITRs, not in article 1. *(Switzerland)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD1: new 1.1 d) Member States shall take the relevant measures to prevent interruptions of services and shall ensure that no harm is caused by their operating agencies to the operating agencies of other Member States which are operating in accordance with the provisions of these Regulations. *Source C 94 (RCC)*Option 2 ADD2: new 1.1 d) These Regulations recognize that Member States shall take necessary measures to prevent interruptions of services and shall ensure that no harm is caused by their operating agencies to the operating agencies of other Member States which are operating in accordance with the provisions of these Regulations. *Source C 103 (Arab States)* | ***Option 1 ADD1***: Some Member States did not support this proposal: it is not appropriate to include such issues in article 1.1. Source C 105 (Portugal)The provisions expressed here serve to develop Article 38 "Establishment, operation and protection of telecommunication channels and installations" of the ITU Constitution, and specifically § 5 thereof, by specifying Member States’ corresponding regulatory obligations in ensuring that their operating agencies do not cause harm to the agencies of other Member States. Source C 111 (Russian Federation)Develops Article 40 of the Constitution. Specifies Member States’ obligations to guarantee absolute priority for telecommunications in emergency situations. Source C 112 (Russian Federation)Option 2 ADD2: Emphasizing on the importance of taking all measures to prevent the interruption of services and causing harm to the operations of other Member States. Source C 103 (Arab States) |
| Option 0 NOC: no ADD. *Source C 116 (Africa)*Option 1 ADD1: new 1.1 e) Member States shall guarantee absolute priority for telecommunications relating to safety of life (distress), including for prevention, relief and mitigation in emergency situations. *Source C 94 (RCC)*Option 2 ADD2: new 1.1 e) These Regulations recognize the absolute priority for safety of life telecommunications, including distress telecommunications, emergency telecommunications services and telecommunications for disaster relief as provided in Article 5. *Source C 103 (Arab States)* | ***Option 1 ADD1***: Some Member States did not support this proposal: it is not appropriate to include such issues in article 1.1. Source C 105 (Portugal)Consider moving this provision to Article 5, being a mandate rather than a scope. Source C 116 (Africa)The Russian Administration supports the RCC position and deems it appropriate to include in the ITRs provisions relating to safety of life in disaster situations and for warning of emergency situations. The wording of this provision develops Article 40 of the ITU Constitution (“Priority of Telecommunications Concerning Safety of Life”), specifically placing the obligation on Member States to guarantee absolute priority to telecommunications in emergency situations. Source C 111 (Russian Federation)Transferring this provision to ITR 1.1 from the old 1.7c) gives it greater force and extends it unequivocally to the whole of the ITRs. Source C 112 (Russian Federation)See US comments to Article 5.1 below. (USA)***Option 2 ADD2***: Emphasizing on the priority of safety of life and emergency telecommunications. Source C 103 (Arab States) |
| Option 0 NOC: no ADD. *Source C 103 (Arab States)*Option 1 ADD: new 1.1 f) Member States shall cooperate for the purpose of implementing the International Telecommunication Regulations. *Source C 94 (RCC)* | ***Option 0 NOC:*** No new 1.1 e) since it is quite similar to 1.7 c). *Source C 103 (Arab States)****Option 1 ADD***: Some Member States did not support this proposal: it is not appropriate to include such issues in article 1.1. Source Portugal.Transferring this provision to the beginning (§ 1.1) of the Regulations from § 1.7 c) strengthens its effect and makes it unambiguously applicable to the entire ITRs. Source C 111 (Russian Federation) |
| Option 0 NOC: 1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies. *Source C 28 (USA) and C 71 (Portugal) and C 116 (Africa) and C 124 (Mexic)*Option 1 MOD: 1.2 In these Regulations, "the public" is used in the general sense ~~of the population~~, including governmental bodies and physical and legal persons ~~bodies~~. *Source C 94 (RCC)* | Some Member States reserved their right to propose revisions to this provision. *(Russian Federation)*Option 0 NOC: The provision stood the test of time. *Source C 71 (Portugal)*It may be necessary to clarify what is meant by “the public”. *Source C 103 (Arab States)*Option 1 MOD: This proposal concerns only the Russian version of the text. *Source C 94 (RCC)* |
| Option 0 NOC: 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. *Source C 71 (Portugal), USA and Canada*Option 1 MOD1: … as well as the efficiency, usefulness and availability to the public of international telecommunication services, and the availability, operation, and use of advanced telecommunications facilities in developing countries. *Source: C 25 (SG3RG-LAC)*Option 2 MOD2: … as well as the efficiency, usefulness and availability to the public of international telecommunication services. The scope may be all existing, emerging, and future telecommunication facilities and services. *Source: C 9 (Russian Federation)*Option 3 MOD3: … as well as the efficiency, usefulness, ~~and~~ availability and security to the public of international telecommunication services. *Source: Russian Federation, Algeria and C 67 (Arab States) and C 116 (Africa)* | ***Option 0 NOC***: The provision stood the test of time. Source C 71 (Portugal)Option 1 MOD1The proposed addition is not in accordance with the purpose of the ITRs. *Source: C 33 (Brazil, C 45 (USA), C 54 (Portugal), and Canada*CEPT considers that the proposal does not relate to international telecommunication services (see CEPT criteria for accepting proposals - “Criterion 5 - Exclusion of areas not related to the Purpose and Scope of the ITRs provision and operation of international”). *Source C 54 (Portugal)*Option 2 MOD 2This provision would establish a legally binding commitment on Member States that cannot be specified or well described for its consideration and evaluation. The United States is not able to agree to such an open-ended commitment. *Source C 45 (USA)*No support. CEPT favours that the ITRs should be technology neutral to accommodate new facilities and services. *Source C 54 (Portugal)****Option 3 MOD3:***Reference should be made to the discussions at PP-10 regarding cybersecurity. *(Iran)*The United States does not support this proposal. Source C 99 (USA). |
| 1.3 – CONTINUEDOption 4 MOD4: 1.3 These Regulations ~~are established with a view to~~ facilitate~~ing~~ global interconnection and interoperability of telecommunication networks ~~facilities~~ and ~~to~~ promote~~ing~~ the harmonious development and efficient operation of technical facilities, ~~as well as~~ the efficiency, usefulness and availability to the public of international telecommunication services, and greater confidence and security, including of information, in the provision of international telecommunication services to the public. *Source C 94 (RCC)*Option 5 MOD5: 1.3 a) 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 and the security of international telecommunication services; and the availability, operation, and use of advanced telecommunications facilities in all countries. 1.3 b) These Regulations promote greater confidence and security, including of information, in the provision of international telecommunications/ICTs. *Source C 103 (Arab States)* | ***Option 4 MOD4***:In the existing ITRs, there are no provisions concerning security of international telecommunication services. At the same time, practically every plenipotentiary conference and every world telecommunication standardization assembly addresses issues of international telecommunication security. The rapidly developing international telecommunication services market is well ahead of the development of the regulatory measures needed to ensure the transparent and secure functioning of such services. To this end, we further propose the introduction of special provisions dealing with the security of international telecommunication services, including with specific reference to the most pressing issues currently being faced (new Article 8 "Confidence and security in the provision of international telecommunication services"). This also needs to be reflected in Article 1, where the main purposes and scope of the ITRs are described. *Source C 111 (Russian Federation)*It is proposed to include in Article 1 a general provision on security of international telecommunication services, which is covered in detail in new Article 8 “Confidence and security in the provision of international telecommunications and services”. *Source C 112 (Russian Federation)****Option 5 MOD5***: This proposal emphasizes on the importance of security and availability of the telecommunications in all countries. This view merges between all the different proposals including the Latin America & Caribbean, ARB, and RCC views as provided above. *Source C 103 (Arab States)* |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: 1.4 Unless otherwise specified in these Regulations, r~~R~~eferences to ~~CCITT~~ Recommendations and Instructions … *Source TD 21 Rev.1 and Russian Federation and C 116 (Africa)* | Option 1 MOD 1:Article 1.4 of the existing ITRs protects the sovereign rights of ITU Member States to determine how, if and when to adopt any of the ITU-T Recommendations into its regulatory framework. The proposed revision would give recommendations a legal/policy/regulatory status that could have a chilling effect on the work of the ITU-T Study Groups and on their ability to adapt ITU-T recommendations to changes as needed. *Source C 45 (USA)*In this regard following clarifications are provided. Reference to any Recommendation could be made in three following ways:1) Reference is made to specific ITU-T Recommendation proceeded by the word “shall” which makes the application of that Specific Recommendation Mandatory. Due to the rapid advancement in the technology, it would inappropriate to make the application of a given/specific Recommendation mandatory.2) Reference is made to the latest relevant ITU-T Recommendation in force proceeded by the word “shall” which makes the application of the latest in force Recommendation Mandatory. Such incorporation by reference seems not to cause any difficulty due to the fact that the application of the referenced latest Recommendation would duly take into account the latest advancement in technology in a mandatory manner.3) Reference is made to the relevant / latest ITU-T Recommendation in force proceeded by the word “should or may or could l” which makes the application of the latest relevant ITU-T Recommendation in a voluntary / non mandatory manner. Such incorporation by reference seems also not to cause any difficulty due to the fact that the application of the referenced latest relevant Recommendation would be optional and ,if applied, would duly take into account the latest advancement in technology in a non mandatory or optional manner.Whenever reference is made to a relevant ITU-T Recommendation a foot note to be added indicating that the TSB is instructed to periodically ¨[ every X Month ] publish the list of those Recommendation relevant to the subject referred to in the corresponding provisions of ITR .The inclusion of this footnote is absolutely necessary to avoid dispute(s) among the Member States involved in application of that Recommendation.The above-mentioned legal status of the referenced ITU-T Recommendation(s) needs to be duly included in the text, where required*Source C 48 (Iran)* |
| 1.4 – CONTINUEDOption 2 MOD2*:* 1.4 References to ITU-T~~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. *Source TD 21 Rev., C 28 (USA), C 71 (Portugal), C 65 (CITEL) and C 74 (ISOC) and C 92 (APT) and C 93 (Portugal) and C 124 (Mexico)***EDITORIAL NOTE:** C 71 proposes to put “and Instructions” in square brackets. C 92 and C 93 propose to delete “and instructions” C28 and C 65 did not propose to deleted “and instructions”. | Not supported. See CEPT criteria for accepting proposals – “Criterion 2 - “Consistency with the Preamble and Article 1 of the CS”. The ITRs cannot be used to change the non-binding nature of ITU Recommendations. Source C 54 (Portugal)Option 2 MOD 2:Editorial update. *Source C 28 (USA) and Canada*Supported. *Source C 54 (Portugal)*Some Member States did not support this proposal *(Russian Federation)*. As a general matter, the ITU-R Recommendations are also voluntary. Only a very few ITU-R Recommendations are explicitly adopted into the Radio Regulations by reference. This is only done for the purpose of providing any necessary technical details that are required for the implementation of a specific provision of the Radio Regulations. In all cases, this is to ensure technical compatibility among applications of radio services that operate in accordance with the Radio Regulations. None of the ITU-T Recommendations have a comparable purpose since that they do not provide technical details that would be required to enforce any provisions of the ITRs. There is neither a technical nor a regulatory basis for giving any of the ITU-T Recommendations the same legal status as the very general, high level provisions contained in the ITRs. CITEL Administrations support maintaining the existing Article 1.4 of the ITRs, with the appropriate editorial revision to change “CCITT” to “ITU-T”, which establishes that the ITU-T Recommendations are voluntary for ITU Member States. *Source C 65 (CITEL)*The principles expressed in C 65 are supported by CEPT (see CEPT criterion 2). *Source C 72 (Portugal)*Proposals to modify 1.4 and to add a new 3.5 would have the effect of making it compulsory for states to impose ITU-T standards and potentially policy decisions on telecom/Internet service providers in their countries. This approach would be counterproductive for global communications and is counter to the international collaborative standards development process that is place today. ISOC believes that ITU-T Recommendations should continue to be voluntary. Source C 74 (ISOC)It should be noted that as a general rule, the application of ITU-T Recommendations are non mandatory and optional/voluntary. There is neither a technical nor a regulatory basis for giving any of the ITU-T Recommendations the same legal status as the very general, high level provisions contained in the ITRs. APT Members are therefore of the opinion that there seems to be no need to modify the existing provision of Article 1.4 of the ITRs, except appropriate editorial revision to change “CCITT” to “ITU-T”, which establishes that the ITU-T Recommendations are voluntary for ITU Member States. It is worth mentioning that the term “Instructions” referred to in the provision of Article 1.4 currently does not exist in the ITRs. The above term may therefore be deleted. Source C 92 (APT) |
| 1.4 – CONTINUEDOption 3 MOD3: 1.4 References to ITU-T 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. However Member States should give due consideration to ITU-T Recommendations to which they have not expressed a reservation*. Source C 25 (SG3RG-LAC)* | CEPT supports the suppression of the reference to ITU-T “Instructions”. As mentioned in INFO DOC 2 to the 7th CWG WCIT-12 ([Status of Instructions](http://www.itu.int/md/T09-CWG.WCIT12-INF-0002/en)), both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141, (Instructions for operators on the operator-assisted international telephone service) were withdrawn. Therefore, CEPT considers that references to instructions are outdated and should be suppressed. *Source C 93 (Portugal)*Option 3 MOD 3:This proposal is not necessary because, once a country have expressed no reservation to a Recommendation, it is obvious that this country already gives its due consideration to the Recommendation. *Source: C 33 (Brazil) and C 54 (Portugal)*The United States believes that the current version of article 1.4 is sufficient. Our point made above applies here. Source C 45 (USA) |
| 1.4 – CONTINUED***Option 4 MOD4***: 1.4 References to ~~CCITT~~ITU-T Recommendations ~~and Instructions~~ in these Regulations are not to be taken as providing that applying them is mandatory, unless otherwise specified in these Regulations~~giving to those Recommendations and Instructions the same legal status as the Regulations~~. *Source C 67 (Arab States)****Option 5 MOD5***: 1.4 References to ~~CCITT~~ITU-T 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, unless otherwise specified in these Regulations. *Source C 81 (Egypt)* | Option 4 MOD4: This change is made so that it will be possible to make certain selected ITU-T Recommendation binding. Otherwise they could not be made binding. Source C 67 (Arab States)The United States does not support this proposal. Source C 99 (USA).Option 5 MOD5: It has been noticed that there several instances of - inter alia - fraud, harm, misuse, misappropriation, security threats and breaches, abuse of significant market/negotiation power have been exercised by Operating Agencies as a result of deviation from proper implementation or adherence to ITU Recommendations, in particular when commercialization is the main and only mechanism for providing international telecommunication services. To avoid such malpractices, OAs should comply to the relevant provisions of the ITRs pursuant to CS No. 38, and comply to specific ITU Recommendations, to the greatest extent possible, either directly, or indirectly through commitments in the ITRs on MSs to include in their national regulations or other legislative instruments reference to these specific Recommendations. Source C 81 Rev.1 (Egypt)The US had proposed to add a provision regarding compliance with certain ITU-T Recommendation to Appendix 2 of the ITRs, which proves that there are some instances where reference to or inclusion of ITU-T Recommendations in the ITRs is necessary and is a justifiable demand. (Egypt)In response, the US states that Appendix 2 already contains a reference to ITU recommendations in the section modified by the US proposal. A statement that Member States “should comply” with a relevant ITU Recommendation does not make that recommendation mandatory or give it the same legal status as a regulation. Source C 99 (USA)Key issues should be addressed in the ITRs, possibly by cross-referencing ITU-T Recommendations in the ITRs. References should be flexible, to accommodate technological evolution, as is done in the Radio Regulations. (Iran)The proposed language could have the effect of making future ITU-T Recommendations binding. (UK)It is legitimate to refer to Recommendations or Resolutions in the ITRs. That could be done by copying text or making a reference. Incorporation by reference is used in the Radio Regulations. While it is understood that most Recommendations are voluntary, some have regulatory implications and should be binding. There is no intent to make all ITU-T Recommendations mandatory. Only selected, specific, Recommendations would be made mandatory. Attention is drawn to WTSA Resolution 65 which stipulates that ITU-T Recommendations shall be applied. (UAE, Russian Federation, Mexico)Comparisons to the Radio Regulations are not appropriate. National laws and regulations regarding matters dealt with in the ITU-T differ widely and many countries no longer participate, as countries, in the ITU-T work. (Netherlands)Some countries stated that they do not have the resources to follow the work of all Study Groups, so they could not accept that Recommendations would be binding. (Portugal) |
| 1.4 – CONTINUED***Option 6 MOD6***: 1.4 References to ~~CCITT~~ITU 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, unless these Regulations stipulate otherwise. *Source C 95 (Russian Federation)*Option 7 MOD7: 1.4 Unless otherwise specified in these Regulations, r~~R~~eferences to ~~CCITT~~ Recommendations ~~and Instructions~~ of the ITU are not to be taken as giving to those Recommendations ~~and Instructions~~ the same legal status as the Regulations. *Source C 103 (Arab States)* | The history of the ITU-T Recommendations, whose implementation is a national matter. The situation is different with respect to ITU-R. It might be difficult to ratify a treaty that contains many references to Recommendations. (Bulgaria)People who work in ITU-T do not expect to be working on a treaty, and that making Recommendations mandatory could have a chilling effect on their work. (USA)The existing Article 5 contains references making certain ITU-T Recommendations mandatory. Such provisions could be extended to other areas. (Mexico)People working in ITU-T work carefully and are aware of the implications of their work and additionally, Recommendations having regulatory aspects are approved by circulation to MSs according to the TAP procedure.. (Egypt)ITU-T Recommendations are voluntary and should remain so, unless there are specific and precise references as is done in the Radio Regulations. Future versions of Recommendations cannot be made mandatory by the ITRs. (Sweden)Attention was drawn to C 65 from CITEL. It states that Recommendations should not be made mandatory. (Canada)Mexico does not associate with C 65. (Mexico)Recommendations should be applied on a voluntary basis. (Korea)Option 6 MOD6: The reference to “ITU” rather than “ITU-T” is intentional. Source C 95 (Russian Federation)In the interests of ensuring a "technology-neutral document", it would be appropriate, in Article 1 of the ITRs relating to the scope of the ITRs, to use the term "ITU Recommendations" rather than "ITU-T Recommendations", thereby not artificially limiting the scope of the new Regulations. This will allow for the development of new technologies and services to be taken into account and for keeping the provisions of the ITRs up to date. Given that the next revision of the ITRs may happen only after a lengthy period of time, there is no sense in making reference solely to Recommendations of the Standardization Sector. The term "ITU Instructions" can be maintained, with any actions in that regard being determined with reference to Resolution 8 of WATTC-88. The Russian Administration is of the view that the possible adoption of new Instructions in the future should not be ruled out. Source C 111 (Russian Federation)***Option 7 MOD7***: This proposal emphasizes Recommendations by the ITU are voluntary by nature, except for those specific Recommendations that WCIT-12 agrees to give them different status. Source C 103 (Arab States) |
| Option 0 NOC: 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\*. *Source CWG-WCIT12*Option 1 MOD1: …, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between recognized operating agencies (ROAs) ~~administrations~~~~\*~~. *Source C 28 (USA) and Japan*Option 2 SUP: 1.5. *Source C 35 (CEPT) and C 93 (Portugal) and C 116 (Africa)*Option 3 MOD2: …, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between operating agencies ~~administrations~~~~\*~~. *Source C 68 (Arab States) and Egypt (C 96) and C 124 (Mexico)* | Option 1 MODIn light of increased competition, a provision that promotes bilateral agreements between administrations as a condition for provision and operation of international telecommunication services is no longer appropriate. *Source C 28 (USA)*Maintain. ITRs should be self-contained instrument. *Source C 31 (UAE)*The United States does not support the UAE proposal; it is inconsistent with CV #29-32. *Source C 45 (USA)*Some Member States did not support this proposal *(Russian Federation)*No support because ROAs by this MOD will not be bound by the provisions of these ITRs, but only by their mutual agreement. There should be a mechanism to transfer obligations when necessary to ROAs. *Source C58 (Egypt)*Option 2 SUPInternational traffic handling today is more complex than previously experienced and this is reflected in the commercial relationships currently exist between OAs. Art. 42 CS and art 9 of the ITRs refer to special arrangements therefore the text on existing 1.5 seems to be in contradiction. *Source C 93 (CEPT)*The United States proposes new Article 1.9. We believe that this new article would assist here and overall. *Source C 45 (USA)*Some Member States did not support this proposal *(Egypt, Russian Federation)*In addition to the remarks expressed in C35, Some Member States noted that this provision was intended to set some rules to "each relation" which in accordance to its definition in article 2.7 of the existing ITRs addresses to circuit switched networks. With the shift towards IP switched networks both provisions 1.5 and 2.7 are no longer meaningful. *(Portugal)*Option 3 MOD2: see Preamble. *Source C 68 (Arab States)*There are at present four related definitions, two in the CS, two in the ITRs, regarding OA and ROA. This situation should be discussed. *(Iran)*To reconcile the term with the definitions of the ITU Constitution and to reflect the current situation in which most of the providers of telecommunication services are private companies. *Source C 124 (Mexico)* |
| 1.5 – CONTINUEDOption 4 MOD3: …, the provision ~~and operation~~ of international telecommunication services in each relation is pursuant to mutual agreement between adminstrations/operating agencies. *Source C 94 (RCC)*Option 5 MOD5: …, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between Member States and/or operating agencies, as the case may be ~~administrations~~~~\*~~. *Source C 103 (Arab States)* | Egypt supports the Arab proposal in the context that in spite that article 42 of the CS refer to special arrangements, and accordingly direct or complex commercial relations may exist between operators; however, there should be - and does not contradict – to have a legal binding document (agreement) between Operating Agencies operating under the jurisdiction of their relevant Member States in each of the relations, either bi- or multilateral, in order to preserve their mutual rights firstly, and secondly to preserve the rights of the involved Member States in case of a breach of this ITRs, e.g. instances of fraud, misuse ..etc which could have negative effects on the interests of this MS and /or its OAs or users. Indeed, Article 11 No. 76A of the CS allows the Secretary-General to act as depositary of special arrangements established in conformity with Article 42 of the CS.Source C 96 (Egypt)The Unites States does not support this proposal. Source C 99 (USA)***Option 4 MOD3:***In the majority of ITU Member States, it is often the case that administrations or other government entities are not directly involved in the conclusion of agreements on the provision of international telecommunication services. This happens in developing countries (including among RCC members) or in any countries where the State maintains a degree of control over the operating agencies' shareholdings. It is proposed to retain the concept of “administration” for those States where it is relevant. Source C 111 (Russian Federation)Today, some administrations, primarily in the developing countries, including in RCC countries, participate in agreements for the provision of international telecommunication services. Accordingly, it is proposed to retain the concept of “administration”. Source C 112 (Russian Federation)Option 5 MOD4: Updating the term "administrations or recognized operating agencies" with Member States and operating agencies. Important to recognize special arrangement between operators. Source C 103 (Arab States) |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: … to the greatest extent practicable, the relevant ITU-T ~~CCITT~~ Recommendations … *Source TD 21 Rev.1 and C 28 (USA)*Option 2 MOD2: 1.6 … withdrawnOption 3 MOD3: 1.6 In implementing the principles of these Regulations, ~~administrations~~ Member States should encourage operating agencies to comply with, to the greatest extent practicable, the relevant ~~CCITT~~ ITU-T Recommendations~~, including any Instructions forming part of or derived from these Recommendations~~. *Source C 71 (Portugal) and C 93 (Portugal)*Option 4 MOD4: 1.6 Unless otherwise specified in these Regulations, i~~I~~n implementing the principles of these Regulations, ~~administrations~~ Member States and operating agencies should comply with, to the greatest extent practicable, the relevant ~~CCITT~~ ITU-T Recommendations, including any Instructions forming part of or derived from these Recommendations. *Source C 81 (Egypt)* | Option 1 MOD:Editorial update to align with CS/CV. *Source C 28 (USA)*Supported. *Source C 54 (Portugal), Canada*Some Member States did not support this proposal (CCITT should be deleted, not replaced by ITU-T) *(Russian Federation)*Option 3 MOD3: See also C 53 and C 54 (CEPT criterion 2 “Compliance with the Preamble and Article 1 of the CS”).CEPT to further consider on text under square brackets *. Source C 71 (Portugal)*CEPT confirms its endorsement to use “encourage” as this is the wording used in provision 1.7.b) in the current ITRs. Both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141, (Instructions for operators on the operator-assisted international telephone service) were withdrawn. CEPT supports the suppression of the reference to ITU-T “Instructions” (see explanation on provision 1.4 above). *Source C 93 and C 105 (Portugal)*The Unites States does not support this proposal. Source C 99 (USA)***Option 4 MOD4:*** See Option 5 MOD5 in 1.4 above.The Unites States does not support this proposal. Source C 99 (USA) |
| 1.6 – CONTINUEDOption 5 MOD5: 1.6 ~~In implementing the principles of these Regulations, administrations should comply with,~~ To comply with the aims of the ITRs and principle enshrined therein, , Member States shall ensure, to the greatest extent practicable, that administrations/operating agencies comply with the relevant ITU ~~CCITT~~ Recommendations and~~, including any~~ Instructions ~~forming part of or derived from these Recommendations~~. *Source C 95 (Russian Federation)*Option 6 MOD 6: 1.6 In implementing the principles of these Regulations, , ~~administrations~~ Member States and operating agencies should comply with, to the greatest extent practicable, the relevant ~~CCITT~~ Recommendations of the ITU having policy or regulatory implications~~, including any Instructions forming part of or derived from these Recommendations~~. *Source C 103 (Arab States)*Option 7 MOD7: 1.6 In implementing the principles of these Regulations, ~~administrations~~ Member States should take measures to ensure that operating agencies comply with, to the greatest extent practicable, the relevant ~~CCITT~~ ITU-T Recommendations~~, including any Instructions forming part of or derived from these Recommendations~~. *Source C 116 (Africa)*Option 8 MOD8: 1.6 In implementing the principles of these Regulations, the administrations of the Member States shall encourage operating agencies to ~~should~~ comply with, to the greatest extent practicable, the relevant ~~CCITT~~ ITU-T Recommendations, to guarantee the interconnection and interoperability of telecommunication networks by offering the public a satisfactory quality service ~~including any Instructions forming part of or derived from these Recommendations~~. *Source C 124 (Mexico)* | ***Option 5 MOD5***: The reference to “ITU” rather than to “ITU-T” is deliberate. Source C 95 (Russian Federation)The amendments proposed by the Russian Administration shift the emphasis from compliance with Recommendations (implementing the principles of the Regulations) to the unambiguous objective of fulfilling the Regulations, which of necessity includes complying with Recommendations. Source C 111 (Russian Federation)Option 6 MOD 6: See Preamble. This proposal emphasizes the importance of compliance with Recommendations by the ITU that have policy and regulatory implications. Source C 103 (Arab States) |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: 1.7 a) These Regulations recognize the right of any Member State, …. *Source TD 21 Rev.1.*Option 2 MOD2: 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 administrations and recognized ~~private~~ operating agencies(ROAs), which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State. *Source C 28 (USA) and C 91 (Rwanda).*Option 3 MOD3: 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 administrations and ROAs ~~private operating agencies~~, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State and be subject to transparency and accountability requirements. *Source C 34 (Global Voice Group).* | Option 2 MOD2: Editorial update to align with CS/CV. *Source C 28 (USA)*Option 3 MOD3:Member States should have the possibility to impose transparency obligations on ROAs so that Member States have full visibility and knowledge of the evolution of the market. Only in this way will member States be in the position to implement their policies. *Source C 34 (Global Voice Group).*This proposal encroaches on Member States’ sovereign right to regulate their respective telecommunications environments as set out in the Preamble to the Constitution. *Source C 45 (USA)*Provision under review by CEPT. CEPT does not support this specific proposal for a number of reasons:- Transparency and accountability can be addressed at a national or regional level (“Criterion 5 - Exclusion of areas not related to the Purpose and Scope of the ITRs provision and operation of international”);- The choice of obligations / remedies is a technical issue to be addressed by national authorities (cf. criterion 1: General compliance with the key principles indicated in CEPT Contribution 35).*Source C 54 (Portugal)*The ITRs should request Member States to adopt in their national laws and regulatory frameworks provision applicable to private operating agencies authorized by them, to comply with the provisions of the ITRs whenever it refer to an obligation, particularly that may otherwise cause harm or represent a fraudulent activity on “another Member States”. *Source C58 (Egypt)* |
| 1.7(a) – CONTINUEDOption 4 MOD4: 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 ~~administrations\*~~ and ~~private~~ operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State. *Source C 104 (Portugal) and C 116 (Africa) and C 124 (Mexico)*Option 5 MOD5: 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 administrations and ~~private~~ operating agencies, which operate in its territory and provide ~~an~~ international telecommunication services to the public, be authorized by that Member State. *Source C 94 (RCC)*Option 6 MOD6: 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 ~~administrations\*~~ and ~~private~~ operating agencies, which operate in its territory ~~and~~ or provide an international telecommunication service to the public in its territory, be authorized by that Member State. *Source C 103 (Arab States)* | Option 4 MOD4See Preamble. *Source C 68 (Arab States)*See also C53. The ITRs should apply to Member States. CEPT considers that the ITRs should indirectly apply to Operating Agencies. *Source C 71 and C 105 (Portugal)*The Unites States does not support this proposal. Source C 99 (USA)Member States have the sovereign right to impose obligations in accordance with national law, on all operating agencies, not just on recognized operating agencies. Source C 116 (Africa)To reconcile the terms with the ITU Constitution and with the current situation of the telecommunications sector. Source C 124 (Mexico)Option 5 MOD5:It is proposed that reference not be made to national law, inasmuch as the Preamble recognizes the right of each country to regulate its telecommunications. It also has to be borne in mind that a considerable number of today's international telecommunication services are not regulated by the national law of the territory in which they are provided, this being a matter which may in the near future call for a new revision of the ITRs. Such services include:1. The large number of services provided via the Internet, including instant messaging, IP-telephony, videotelephony and videoconferencing;2. Mobile payments in particular and mobile banking services in general, where financial operations are conducted not only through banking channels (which are governed by stringent regulatory requirements), but also through international telecommunication channels with the assistance of international telecommunication facilities and services. This issue may in the near future call for a revision not only of the international financial, but also the communications, regulatory framework.Source C 111 (Russian Federation)Option 6 MOD6: In line with CS, Member States have the sovereign right to impose obligations in accordance with national law, on all operating agencies, not just on recognized operating agencies. Source C 103 (Arab States) |
| Option 0 NOC: 1.7 b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers. *Source CWG-WCIT12*Option 1 MOD1: 1.7 b) The Member State concerned shall, as appropriate, encourage the application of relevant ITU-T ~~CCITT~~ Recommendations by such service providers. *Source TD 21 Rev.1 and C 28 (USA) and C 91 (Rwanda) and C 124 (Mexico)*Option 2 MOD2: 1.7 b) The Member State concerned shall, as appropriate, encourage the application of relevant ~~CCITT~~ ITU-T Recommendations by such ~~service providers~~ operating agencies. *Source C 68 (Arab States)*Option 3 SUP: 1.7 b) *Source C 93 (Portugal) and C 94 (RCC) and C 103 (Arab States) and C 116 (Africa)* | Option 1 MOD1: Editorial update to align with CS/CV. *Source C 28 (USA) and Canada and C 124 (Mexico)*Some Member States proposed referring to “ITU” Recommendations, as opposed to “ITU-T”. *(Russian Federation)*Option 2 MOD2: See Preamble. *Source C 68 (Arab States)*It was stated that this provision appears to be very similar to 1.6, perhaps it could be merged with 1.6.The Unites States does not support this proposal. Source C 99 (USA)Option 3 SUP: As noted above, it was stated that this provision appears to be very similar to 1.6. CEPT agrees with this view and supports suppression of provision 1.7.b) as there is a need to avoid repetition. *Source C 93 (Portugal) and C 103 (Arab States) and C 116 (Africa) and C 94 (RCC)* |
| Option 0 NOC: 1.7 c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations. *Source CWG-WCIT12*Option 1 MOD1: 1.7 c) The Member~~s~~ States [and operating agencies], where appropriate, shall cooperate in implementing the International Telecommunication Regulations. *Source TD 21 Rev.1 and C 91 (Rwanda) and C 103 (Arab States) and C 104 (Portugal)*Option 2 MOD2: 1.7 c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations. The need to promote compliance will be given emphasis and appropriate assistances will be provided to strengthen national capacity in developing countries and countries in transition in support of compliance. *Source: C 39 (Malaysia)*Option 2 SUP: 1.7 c). *Source C 94 (RCC) and C 116 (Africa) and C 124 (Mexico)* | Option 1 MOD1: Only the Arab States propose “and operating agencies”. This proposal emphasizes the importance of cooperation among the membership to meet the objective of these Regulations. Source C 103 (Arab States)Option 2 MOD2:Could be further developed in new WCIT Resolution. *Source: C 39 (Malaysia) and Egypt and UAE*Compliance is a national matter. ITU-D has done extensive work in Study Group 1 to provide examples of how best to do this. In addition, ITU-D has assistance that can be provided to Member States in building technical capacity in this area. *Source C 45 (USA)*Provision under review by CEPT. Nevertheless, Malaysia proposal is not supported, as it does not seem to be in line with the purpose and scope of ITRs (criterion 5 - Exclusion of areas not related to the Purpose and Scope of the ITR). *Source C 54 (CEPT)*Option 2 SUP: It is proposed that this provision be transferred to § 1.1 (see Option 1 ADD: new 1.1 f)). *Source C 111 (Russian Federation)*Pursuant to the ITU Constitution, Member States are in charge of enforcing the main instruments of the ITU. *Source C 124 (Mexico)* |
| Option 0 NOC: 1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise. *Source C 28 (USA) and C 93 (Portugal) and C 94 (RCC) and C 103 (Arab States) and C 116 (Africa)*Option 1 MOD: 1.8 The Regulations shall apply, regardless of the means of transmission used~~, so far as the Radio Regulations do not provide otherwise~~. *Source C 124 (Mexico)* | Option 0 NOC: The provision stood the test of time. *Source C 93 (Portugal)*To retain this provision, since it defines the scope of the ITRs, and clarifies its relation with respect to the RR. *Source C 103 (Arab States)*Option 1 MOD: The Radio Regulations and the Telecommunication Regulations have clearly defined the scope of what is considered unnecessary to mention in the Radio Regulations. *Source C 124 (Mexico)* |
| Option 0 NOC: no ADD. *Source C 116 (Africa)*Option 1 ADD: new 1.9 Nothing in these regulations shall be interpreted as modifying the rights and obligations of Member States under any other treaties to which they are parties. *Source C 45 (USA)* | Option 1 ADD:The proposed new article assists in avoiding potential conflicts between the ITRs and the provisions of other treaties to which Member States are already parties. *Source C 45 (USA)*Some Member States did not support this proposal, the ITRs should not refer to other treaties and should not be subordinated to other treaties. *(Egypt, Iran, UAE)*It was stated that the ITRs should not conflict with other treaties. *(Portugal, Russian Federation)*Some Member States categorically opposed this proposal. *(Russian Federation)*The issue of relations with other treaties needs to be further considered and the legal advisor was asked to provide an analysis of the issues raised by this proposal.No new 1.9 is required since it is generally understood. It is also adequately covered by 1.1 b) as well as Whole Article 9. See also Information Doc 9 from the ITU Secretary-General clarifying this matter in great details. *Source C 103 (Arab States)* |
| Option 0 NOC:**Article 2****Definitions**For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes. *Source CWG-WCIT12*Option 1 MOD: For the purpose of these Regulations, the following definitions shall apply. ~~These terms and definitions do not, however, necessarily apply for other purposes.~~ Source C 124 (Mexico) | The Russian Federation stated that it reserves its position regarding definitions.Some Member States stated that any modifications that contradict the CS or CV would be difficult to accept. *Source APT****Option 1 MOD:*** The text is clear enough to indicate that the definitions apply to the ITRs. *Source C 124 (Mexico)* |
| Option 0 NOC: 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. *Source C 71 (Portugal), USA and Iran and C 91 (Rwanda) and C 93 (Portugal) and C 107 (Digicel) and C 117 (CITEL)****Option 1 MOD1***: 2.1 *Telecommunication:* Any transmission, emission, ~~or~~ reception or processing of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems. *Source Russian Federation and Egypt and C 95(Russian Federation)****Option 2 SUP***: 2.1 *Source C 92 (APT) and C 124 (Mexico)****Option 3 MOD2***: 2.1 *Telecommunication/ICT:* Any transmission, emission or reception, including processing, of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems. *Source C 103 (Arab States)* | Current definition is technology neutral and it should remain that way to ensure that the ITRs are a flexible and enduring treaty. *Source C 28 (USA)*Maintain so that ITRs is self-contained. *Source C 31 (UAE)*Option 0 NOC: The provision stood the test of time. *Source C 71 (Portugal)*CEPT does not support expanding the definition of Telecommunication to include “processing” as it would excessively broaden the scope of the ITRs. This topic is seldom discussed within ITU and Member States never agreed on this subject. Telecommunication is defined in the Annex to the CS (p. 1012). As stated in Art. 4 of the CS, “In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail”. Therefore, it is worthless to agree on a definition which is not consistent with the CS. *Source C 93 (Portugal)*Terms defined in the Constitution should not be amended in the Regulations in light of Article 4.4 of the Constitution which provides that in the event of an inconsistency between the Constitution and the Regulations the Constitution prevails. *Source C 107 (Digicel)*The Member States of CITEL support the decision to keep the current definition of NOC “telecommunication” and NOC “international telecommunication service” contained in Article 2: “Definitions” of the International Telecommunication Regulations (ITRs), in accordance with Article 25 of the ITU Constitution. *Source C 117 (CITEL)*Option 1 MOD1: Data protection may be a topic for the ITRs. *(Russian Federation)*An example of processing is the manipulation or change of calling party number in a transit node. *(Egypt)*Some Member States did not support his proposal, which would excessively broaden the scope of the ITRs . *(Spain, UK, USA, Netherlands)*The definition found in the Constitution should be retained: a definition in the ITRs should not conflict with the Constitution, which would be the case for this proposal. *(Korea)*The addition of “processing” is justifiable from a technical point of view because processing does take place within networks. *(Mexico)*This topic was already discussed by a Council Working Group. After much discussion, there was no consensus to include the word “processing”. The current definition is sufficiently broad and should be retained. *(Iran)*FIRST notes Contribution C 27 (Arab States) and supports the Intervention by Japan indicating that the proposed modification would have the effect of introducing a conflict between the definitions of telecommunication in the Constitution and ITRs. Since the Constitution definition would take precedence, FIRST supports no change. *(First)****Option 2 SUP***: This term is already contained in ITU CS or CV, therefore there seems to be no need to repeat itin the ITRs unless it is absolutely necessary. In accordance with No. 32 of Article 4 of the ITU CS, terms contained in CS/CV shall prevail when there is inconsistency. *Source C 92 (APT)* These definitions are in the Annex of the Constitution or Convention, in this sense only the Plenipotentiary Conference have the powers to amendment these treaties, for that consider convenient delete of the ITRs. *Source C 124 (Mexico)****Option 3 MOD2***: The Term Telecommunications/ICTs is commonly used within the ITU, it is mentioned many times in all of its Conferences and Assemblies outcomes. Although the term "Telecommunication" and its definition in both the ITRs and the CS&CV already covers the ICTs, it is quite useful to clearly reflect this by slightly improving the definition. It is important to understand that this proposal does not intend to change the current Telecommunication definition; it rather creates another parallel clarifying definition for Telecommunications/ICTs. *Source C 103 (Arab States)*Some Member States did not support this proposal. *(CEPT, USA)*It was stated that “processing” is already included in the current definition of telecommunications. *(Bulgaria)* |
| Option 0 NOC: 2.2 *International telecommunication service:* The offering of a telecommunicationcapability between telecommunication offices or stations of any nature that are in or belong to different countries. *Source C 28 (USA) and C 71 (Portugal) and C 74 (ISOC) and C 94 (RCC) and C 107 (Digicel) and C 117 (CITEL)*Option 1 MOD: 2.2 *International telecommunication service:* The offering of a telecommunicationcapability including, but not limited to: offering of a telecommunication capability in roaming, international public telegram service, telex, traffic termination services (including Internet traffic termination), any kind of circuit provision services, other services integral to provision of international telecommunication services between telecommunication offices or stations of any nature that are in or belong to different countries. *Source C 55 (Russian Federation, Belarus and Moldova) and Côte d’Ivoire****Option 2 SUP***: 2.2 *Source C 92 (APT) and C 124 (Mexico)* | Option 0 NOC: Maintain so that ITRs is self-contained. *Source C 31 (UAE)*Option 0 NOC: The Internet is not a telecommunication service. Including Internet traffic termination would excessively broaden the scope of the definition. Source C 74 (ISOC)Some Member states did not agree with that statement: Internet traffic termination is a telecommunication service. (Russian Federation)Many communications that take place using the Internet are international telecommunication services, for example Voice over IP. (Iran)Internet is a telecommunication service. (Mexico)This provision stood the test of time. Source C 105 (Portugal)Terms defined in the Constitution should not be amended in the Regulations in light of Article 4.4 of the Constitution which provides that in the event of an inconsistency between the Constitution and the Regulations the Constitution prevails. *Source C 107 (Digicel)*The Member States of CITEL support the decision to keep the current definition of NOC “telecommunication” and NOC “international telecommunication service” contained in Article 2: “Definitions” of the International Telecommunication Regulations (ITRs), in accordance with Article 25 of the ITU Constitution. *Source C 117 (CITEL)*Option 1 MOD:It is believed essential to list specific basic international telecommunication services in this definition so to make the text of 2.2 clear and well-defined. *Source C 55 (Russian Federation, Belarus and Moldova)*Some Member States did not support this proposal, the current definition is sufficiently broad and flexible; the addition is too detailed and not technology-neutral. *(Canada, Portugal, USA)*It was agreed that definitions should be revisited after the other articles are agreed.It was stated that the specific issues raised by the Russian Federation could perhaps be addressed elsewhere in the ITRs, without changing the definition.It is proposed that the existing definition be retained in accordance with Option 0 NOC (with the editorial corrections for the Russian language), with the list of services being accommodated in § 4.2. *Source C 111 (Russian Federation)*It was stated that the terms “office” and “station” are outdated and should be replaced. *(Côte d’Ivoire)****Option 2 SUP***: See 2.1 above |
| Option 0 NOC: 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. *Source C 28 (USA) and C 94 (RCC)*Option 1 MOD: … the International Court of Justice, or replies~~y~~ to ~~a~~ government ~~telegram~~ telecommunications mentioned above. *Source TD 21 Rev.1 and C 103 (Arab States) and C 107 (Digicel) and C 111 (Russian Federation)*Option 2 SUP: 2.3. *Source C 35 (CEPT) and TD 21 Rev.1 and C 91 (Rwanda) and C 92 (APT) and C 124 (Mexico)* | Option 1 MOD:Align with CS 1014. *Source TD 21 Rev.1 and C 103 (Arab States) and C 107 (Digicel)*Maintain. ITRs should be self-contained instrument. *Source C 31 (UAE)* If this text is to be retained, the United States supports aligning it with the CS/CV definition. *Source C 45 (USA) and UAE*Algeria reserves its right to propose revisions to this proposal.Option 2 SUP: Obsolete *Source C 35 (CEPT).*See also 2.1 above. |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: 2.4 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 Bureaux ~~International Consultative Committees~~, the members of the Radio Regulations ~~International Frequency Regulation~~ Board, other … . *Source C 28 (USA)* | Option 1 MOD1:Editorial updates to align with CS/CV. *Source C 28 (USA) and Canada*Maintain so that ITRs is self-contained. *Source C 31 (UAE)* |
| 2.4 *- CONTINUED*Option 2 MOD2: 2.4 A telecommunication that relates to public international telecommunications and that is exchanged by agreement 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 Bureaux ~~International Consultative Committees~~, the members of the Radio Regulations ~~International Frequency Registration Board~~, other representatives … . *Source TD 21 Rev.1* Option 3 MOD3: 2.4 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 Bureaux ~~International Consultative Committees~~, the members of the Radio Regulations ~~International Frequency Regulation~~ Board, and other representatives …  *Source C 38 (USA) and C 107 (Digicel)*Option 4 MOD4: 2.4 A telecommunication that relates to public international telecommunications and that is exchanged among the following:~~– administrations\*~~ Member States;*–*~~recognized private operating agencies~~operating agencies,… *Source C 68 (Arab States)****Option 5 SUP***: 2.4 *Source C 92 (APT) and C 104 (Portugal) and C 124 (Mexico)* | Option 2 MOD2:Revisit after review of Appendix 3. *Source TD 21 Rev.1.* Proposed addition of “by agreement” renders the definition inconsistent with the definition provided in CV 1006. *Source C 45 (USA)* Option 3 MOD3: Align with CV. *Source C 35 (CEPT)*As the term is inconsistent with the Convention it should be amended to reflect the term as defined in the Convention as Article 4.4 of the Constitution provides that in the event of an inconsistency between the Convention and the Regulations the Convention prevails. *Source C 107 (Digicel)*Option 4 MOD4: See Preamble. *Source C 68 (Arab States)*The Unites States does not support this proposal. Source C 99 (USA)***Option 5 SUP***: This term is already contained in ITU CS or CV, therefore there seems to be no need to repeat it in the ITRs unless it is absolutely necessary. In accordance with No. 32 of Article 4 of the ITU CS, terms contained in CS/CV shall prevail when there is inconsistency. *Source C 92 (APT) and C 104 (Portugal)*See also 2.1 above. |
| 2.4 *- CONTINUED*Option 6 MOD5:…- ~~recognized private~~ operating agencies,- and the Chairman of the ~~Administrative~~ Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux ~~International Consultative Committees~~, the members of the Radio Regulations ~~International Frequency Regulation~~ Board, other representatives …  *Source C 94 (RCC) and C 111 (Russian Federation)* |  |
| Option 0 NOC:2.5 *Privilege telecommunication* 2.5.1 A telecommunication that may be exchanged during sessions of the ITU Administrative Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union and their authorized colleagues attending conferences and meetings of the ITU and, on the other, their administrations or recognized private operating agency or the ITU, and relating either to matters under discussion by the Administrative Council, conferences and meetings of the ITU or to public international telecommunications. *Source CWG-WCIT12*Option 1 MOD1: 2.5.1 A telecommunication that may be exchanged during sessions of the ITU ~~Administrative~~ Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the ~~Administrative~~ Council, … , and relating either to matters under discussion by the ~~Administrative~~ Council, conferences and meetings of the ITU or to public international telecommunications. *Source: TD 21 Rev.1*Option 2 MOD2: …, senior officials of the General Secretariat and of the three Bureaux and members of the Radio Regulations Board ~~permanent organs of the Union~~ and their authorized colleagues …. *Source: TD 8 (Secretariat)* | Option 1 MOD1Maintain. ITRs should be self-contained instrument. *Source C 31 (UAE)*Please see edits below from C 28 (USA). *(USA)*Option 2 MOD2: Please see edits below from C 28 (USA). *(USA)* |
| 2.5.1 - *CONTINUED*Option 3 MOD3: 2.5.1 A telecommunication that may be exchanged during sessions of the ITU ~~Administrative~~ Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the ~~Administrative~~ Council, members of delegations, senior officials of the ~~permanent organs of the Union~~ General Secretariat and of the three Bureaux and members of the Radio Regulations Board 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. *Source C 28 (USA).*Option 4 SUP: 2.5.1 *Source TD 21 Rev.1and C 35 (CEPT), Iran and Russian Federation and C 124 (Mexico)*Option 5 MOD4: 2.5.1 A telecommunication that may be exchanged during sessions of the ITU ~~Administrative~~ Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the ~~Administrative~~ Council, members of delegations, senior officials of the permanent organs of the Union and their authorized colleagues attending conferences and meetings of the ITU and, on the other, their administrations or ~~recognized~~ ~~private~~ operating agency or the ITU, and relating either to matters under discussion by the ~~Administrative~~ Council, conferences and meetings of the ITU or to public international telecommunications. *Source C 94 (RCC) and C 111 (Russian Federation)* | Option 3 MOD3: Editorial updates to align with CS/CV. *Source C 28 (USA)*Option 4 SUP: Obsolete *Source C 35 (CEPT), Iran and Russian Federation and C 124 (Mexico)* |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: 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, …  *Source TD 21 Rev.1*Option 2 MOD2: 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~~ senior officials of the General Secretariat and of the three Bureaux and members of the Radio Regulations Board attending ITU conferences and meetings, … *Source: C 28 (USA) and Secretariat (TD 8)* Option 3 SUP: 2.5.2 *Source TD 21 Rev.1 and C35 (CEPT) and C 124 (Mexico)*Option 4 MOD3: 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 Member~~s~~ States of the ~~Administrative~~ Council, …  *Source C 94 (RCC) and C 111 (Russian Federation)* | Option 1 MOD1:Maintain. ITRs should be self-contained instrument. *Source C 31 (UAE)*Please see edits below from C 28 (USA). *(USA)*Option 2 MOD2: Editorial updates to align with CS/CV. *Source C 28 (USA)*Option 3 SUP: Obsolete *Source C 35 (CEPT) and C 124 (Mexico)* |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 SUP: 2.6. *Source C 28 (USA), C 34 (Global Voice Group), and C 54 (Portugal)*Option 2 MOD1: 2.6 *International route:* A route for the transmission of traffic between t~~T~~echnical facilities and installations located in different countries ~~and used for telecommunication traffic between two international telecommunication terminal exchanges or offices~~. *Source C 94 (RCC)*Option 3 MOD2: 2.6 *International route International route:* Technical facilities and installations located in different countries and used to send ~~for~~ telecommunication traffic between two international telecommunication terminal exchanges or stations ~~offices~~. *Source C 124 (Mexico)* | Option 1 SUP:Does not account for the multitude of routing arrangements that currently exist under commercial arrangements, where the choice of international route is a commercial matter; no longer necessary. *Source C 28 (USA)* This definition does not longer reflect reality. *Source C 34 (Global Voice Group)*CEPT considers that this definition is no longer required as it does not reflect reality (multitude of routing arrangements).. *Source: C 54 (Portugal)*Some Member States did not support this proposal, the definition should be retained, but perhaps revised. *(Côte d’Ivoire, Cuba, Russian Federation)*Some Member States reserved their position and indicated the right of a Member State to know the route of its traffic, at least for security purposes. *(Egypt)*Algeria reserves its right to propose revisions to this proposal.Option 2 MOD1: It is proposed that the term "International route" be clarified as meaning a route for the transmission of traffic between technical facilities in different countries. *Source C 111 (Russian Federation)*To clarify the term “international route”, which is understood to mean a route for the transmission of traffic between technical facilities in different countries. *Source C 112 (Russian Federation)*See option 1 above. *(USA)*Option 3 MOD2: clarify the definition. Source C 124 (Mexico) |
| Option 0 NOC: 2.7 *Relation:* Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations\*: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), andb) normally, the settlement of accounts. *Source C 67 (Arab States)*Option 1 MOD1: 2.7 *Relation:* *…*b) normally, the settlement of accounts by manual or other billing systems as appropriate. *Source TD 21 Rev.1.*Option 2 SUP: 2.7. *Source C 28 (USA), C 34 (Global Voice Group), and C 54 (Portugal) and C 91 (Rwanda) and C 124 (Mexico)*Option 1 MOD1: 2.7 *Relation:*: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their ~~administrations\*~~operating agencies:…*Source C 68 (Arab States)* | Option 0 NOC: The definition is relevant and useful, it should be maintained. Source C 67 (Arab States)The Unites States does not support this proposal. Source C 99 (USA)Option 1 MOD:Review to see if still required. *Source: C 35 (CEPT)*The United States proposes to suppress Article 2.7 in its entirety because it does not reflect the existing competitive international telecommunication market. *Source: C 45 (USA)*Some Member States reserved their position and indicated that the term “indirect relation” has to be also defined, in addition to a comprehensive definition of the term “hub”. *(Egypt)*It was stated that the definition may need to be revised.Some Member States stated that this definition is still relevant. *(Côte d’Ivoire)*The Unites States does not support this proposal. Source C 99 (USA)Option 2 SUP:Does not reflect the existing competitive international telecommunication market; no longer necessary. *Source C 28 (USA) and C 91 (Rwanda)*This definition does not longer reflect reality. *Source C 34 (Global Voice Group)*CEPT considers that this definition is no longer required as it does not reflect reality (competitive market). *Source: C 54 (Portugal)*Some countries did not support this proposal. *(Iran, Russian Federation)*In addition to the remarks expressed in C35 regarding 1.5, Some Member States noted that this provision was intended to set some rules to "each relation" which in accordance to its definition in article 2.7 of the existing ITRs addresses to circuit switched networks. With the shift towards IP switched networks both provisions 1.5 and 2.7 are no longer meaningful. *(Portugal)*This provision is considered obsolete. *Source C 124 (Mexico)*Option 1 MOD1: See Preamble. *Source C 68 (Arab States)* |
| 2.7 – CONTINUEDOption 2 MOD2: 2.7 *Relation:*: Exchange of traffic between two ~~terminal~~ countries, always referring to a specific service if there is between their administrations/operating agencies:…*Source C 94 (RCC)* |  |
| Option 0 NOC: 2.8 *Accounting rate:* The rate agreed between administrations\* in a given relation that is used for the establishment of international accounts. *Source CWG-WCIT12*Option 1 SUP: 2.8. *Source C 28 (USA), C 34 (Global Voice Group, and C 54 (Portugal) and C 124 (Mexico)*Option 2 MOD1: 2.8 *Accounting rate:* The rate agreed ~~between administrations\*~~ in a given relation that is used for the establishment of international accounts. *Source C 68 (Arab States)*Option 3 MOD2: 2.8 *Accounting rate:* The rate agreed between administrations/operating agenciesin a given relation that is used for the establishment of international accounts for international telecommunication services. *Source C 94 (RCC)* | Option 0 NOC: The Unites States does not support this proposal. Source C 99 (USA)Option 1 SUP:Does not reflect the full range of arrangements in the market and is not necessary in light of proposed changes to Article 6. *Source C 28 (USA)*This definition does not longer reflect reality. *Source C 34 (Global Voice Group)*CEPT considers that this definition is no longer required as it does not reflect reality (wide variety of arrangements). *Source: C 54 (Portugal)*Some countries did not support this proposal. *(Côte d’Ivoire, Iran, Russian Federation)*Do not support suppression. Article should be rephrased properly to go in line with new market trends. *Source C 91 (Rwanda)*This provision is considered obsolete. *Source C 124 (Mexico)*Option 2 MOD1: See Preamble. We propose simply to delete the term “administration” without replacing it with any other term, and this so that the definition applies to all entities, including those that might not be considered to be “operating agencies”. *Source C 68 (Arab States)*The Unites States does not support this proposal. Source C 99 (USA)***Option 3 MOD2***: The definition is used to describe the charging and accounting methods in Article 6. It is proposed to add “administrations/operating agencies”, since in a number of countries it is not operating agencies, but rather the administrations, that handle accounting matters. Source C 112 (Russian Federation) |
| Option 0 NOC: 2.9 *Collection charge:* The charge established and collected by an administration\* from its customers for the use of an international telecommunication service. *Source CWG-WCIT12*Option 1 MOD1: 2.9 *Collection charge:* The charge established and collected by an administration\*/ROA from its customers for the use of an international telecommunication service. *Source C 28 (USA), C 34 (Global Voice Group).*Option 2 SUP: 2.9. *Source: C 16 (SG3RG-AFR), C 27 (SG3RG-AO), and C 54 (Portugal) and C 124 (Mexico)*Option 3 MOD2: 2.9 *Collection charge:* The charge established and collected ~~by an administration\*~~ from ~~its~~ customers for the use of an international telecommunication service. *Source C 60 (Africa) and C 68 (Arab States) and C 91 (Rwanda)*Option 4 MOD3: 2.9 *Collection charge:* The charge established and collected by an administration/operating agency from its customers for the use of an international telecommunication service. *Source C 94 (RCC)* | Option 0 NOC: The Unites States does not support this proposal. Source C 99 (USA)Option 1 MOD1: Editorial update. *Source C 28 (USA)*Option 2 SUP:This term is included in Article 6.1.3 and therefore the definition should not be SUP. *Source: C 45 (USA)*As CEPT is proposing to delete provision 6.1.1 this definition seems no longer needed. The definition of collection charges is no longer required. *Source C 54 and C 72 and C 105 (Portugal)*Some Member States did not support this proposal. *(Côte d’Ivoire)*This provision is considered obsolete. *Source C 124 (Mexico)*Option 3 MOD2:The definition should apply to all entities that collect charges.**Editorial note:** apply the same change to all definitions in which administration\* appears: the definition should apply to all entities, not only to ROA or OA*. Source C 60 (Africa)*See Preamble. We propose simply to delete the term “administration” without replacing it with any other term, and this so that the definition applies to all entities, including those that might not be considered to be “operating agencies”. *Source C 68 (Arab States)*The Unites States does not support this proposal. Source C 99 (USA)***Option 4 MOD3***: The definition is used to describe charging and accounting methods in Article 6. It is proposed to add “administration/operating agency”, since in a number of countries it is not operating agencies but rather the administrations, that handle accounting matters. Source C 112 (Russian Federation) |
| Option 0 NOC: 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). *Source CWG-WCIT12*Option 1 MOD1: 2.10 *Instructions:* A collection of provisions drawn from one or more ITU-T ~~CCITT~~ Recommendations …  *Source TD 21 Rev. 1, C 28 (USA) and C 68 (Arab States)*Option 2 SUP: 2.10 *Source C 93 (Portugal) and C 124 (Mexico)*Option 3 MOD2: 2.10 *Instructions:* A collection of provisions drawn from one or more ITU ~~CCITT~~ Recommendations …  *Source C 94 (RCC)* | Option 1 MOD:Review to see if still required. *Source:C35 (CEPT) and Russian Federation*Further review is required to see whether this provision is necessary. *Source: C 45 (USA)*Attention was drawn to [INF-2](http://www.itu.int/md/T09-CWG.WCIT12-INF-0002/en) which provides information on instructions: at present there are no instructions which are in force.Editorial update. *Source C 28 (USA)*Some Member States stated that the definition should be retained. *(Canada)*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Option 2 SUP: See 1.4 above. *Source C 93 (Portugal)*This provision is considered obsolete. *Source C 124 (Mexico)*Option 3 MOD2: The use of “ITU” instead of “ITU-T” is deliberate. *Source C 94 (RCC)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: CS 1004. *Source C 31 (UAE).**Public Correspondence*: Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission. | Option 1 ADD:ITRs should be self-contained instrument. *Source C 31 (UAE) and Russian Federation*The United States does not support moving these definitions out of the CS/CV and into this treaty or duplicating them. The CS/CV are standalone treaties, and their provisions are integral in their entirety. Moving articles out of the CS/CV destabilizes their integrity. These definitions inform the application of both the ITRs and the Radio Regulations and should remain in the CS/CV. Furthermore, the definition for mobile service in CV 1003 pertains to radiocommunications, the focus of the Radio Regulations and not the ITRs. *Source: C 45 (USA)*Definitions on Public Correspondence (CS 1004); Telegram (CS 1013); Private Telegrams (CS 1015); Telegraphy (CS 1016); Telephony (CS 1017) ; Mobile service (CV 1003) are not needed since there are no articles in the ITRs which refer to these definitions. The argument that the ITRs should be self contained is in contradiction with the Preamble of the Treaty, therefore CEPT considers that the inclusion of a definition of Operating Agency (CS 1007) is also not needed. *Source C 54 (Portugal)*Some Member States do not support this proposal. *(Canada)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: CS 1007. *Source C 31 (UAE) and C 67 (Arab States) and C 94 (RCC) and C 111 (Russian Federation)**Operating Agency*: Any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service. | Option 1 ADD: See aboveThis definition is actively used in the text of the ITRs. *Source C 111 (Russian Federation)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: CV 1006. *Source C 31 (UAE).**Service Telecommunication*: A telecommunication that relates to public international telecommunications and that is exchanged among the following:– administrations,– recognized 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.  | Option 1 ADD: See above |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: new 2.11 *Transit rate*: a rate set by the point of transit in a third country (indirect relation). *Source TD 21 Rev.1, Russian Federation and C 67 (Arab States)* | Option 1 ADD:It is not necessary or possible to define all routing options in a competitive environment where choice of route and payment option is a commercial matter. *Source: C 45 (USA)*Definition is not needed since there are no articles in the ITRs which refer to these definitions. *Source C 54 (Portugal)*Some Member States stated that this definition is required. *(Egypt, Russian Federation)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: new 2.12 *Termination rate*: A rate set by the destination administration/ROA for terminating incoming traffic regardless of origin. *Source TD 21 Rev. 1, Russian Federation and C 67 (Arab States)* | Option 1 ADD:It is not necessary or possible to define all routing options in a competitive environment where choice of route and payment option is a commercial matter. *Source: C 45 (USA)*Definition is not needed since there are no articles in the ITRs which refer to these definitions. *Source C 54 (Portugal)*Some Member States stated that this definition is required. *(Russian Federation)* |
| Option 0 NOC: no ADD. *Source C 92 (APT)*Option 1 ADD1: new 2.13 *Spam*: information transmitted over telecommunication networks [as text, sound, image, tangible data used in a man-machine interface bearing advertizing nature or having no meaningful message,] simultaneously or during a short period of time, to a large number of particular addressees without prior consent of the addressee (recipient) to receive this information or information of this nature. (Spam should be distinguished from information of any type (advertisements inclusive) transmitted over broadcasting (non-addressed) networks (such as TV and/or radio broadcasting networks, etc.)). *Source: Russian Federation (C 22), Algeria, Egypt and C67 (Arab States) and C 91 (Rwanda) and C 112 (Russian Federation).* EDITORIALn OTE: only C 112 proposes the square bracketsOption 2 ADD2: new 2.13 *Spam*: Information transmitted over telecommunication networks simultaneously or during a short period of time to a large number of particular addressees\* without prior consent of the addressee (recipient) to receive this information or information of this nature.\* Spam should be distinguished from information of any type (including advertisements) transmitted over broadcasting, including non-addressed, networks.*Source: C 94 (RCC)*Option 3 ADD3: new 2.13 *Spam*: information transmitted over telecommunication networks as text, sound, image, tangible data used in a man-machine interface bearing advertising nature or having no meaningful message, simultaneously or during a short period of time, to a large number of particular addressees without prior consent of the addressee (recipient) to receive this information or information of this nature. Note: Spam should be distinguished from information of any type (advertisements inclusive) transmitted over broadcasting (non-addressed) networks (such as TV and/or radio broadcasting networks, etc.)).*Source C 103 (Arab States)* | Option 0 NOC: It was considered that since this issue may be outside the scope of ITRs it would therefore be difficult to include this definition in the ITRs. Therefore one possible alternative is to adopt relevant Resolutions to address this issue. Source C 92 (APT)Option 1 ADD1:The United States does not agree that a definition of SPAM should be added. Advances are made in this area continually and any attempt to address SPAM through the ITRs would be ineffective and would be outdated immediately. The most effective mechanisms for responding to SPAM are technological. To add an issue like SPAM also would change the technological neutrality of the treaty. *Source: C 45 (USA)*Under editorial review, namely to evaluate compatibility with the EU/EEA legislation, and to reflect the work being developed at international level, e.g. OECD. *Source C 54 (Portugal)*Some Member States did not support this proposal: it is not sufficiently broad to cover existing national laws on spam. *(Australia)*Some Member States did not support adding any definition of spam. *(Canada)*To deal with spam ISOC supports the development of codes of conduct or best practices at the national, regional, and international level. As a model, we urge examination and consideration of individual jurisdictions’ self-regulatory approaches that have evolved with regard to advertising, including consumer protection mechanisms. Adding a definition of spam to the ITRs would extend treaty coverage into areas of content and use of the network, again with the force of international treaty and likely national law.  *Source C 74 (ISOC)*Option 2 ADD2:It is proposed that the ITRs should contain a definition that is technology and content neutral and which reflects only the two main features of spam, namely its massive scale and its undesirability, and that they should refer only to the essence of the problem, assigning responsibility for any detailed response to the level of domestic law. To this end, we consider it expedient to incorporate the proposed definition of spam. This definition:a. makes no reference to any telecommunication technology (it avoids the concept of mass mailings and uses the concept of information);b. concerns mass transmission;c. concerns targeted addressing;d. refers to the lack of prior consent.This definition makes no mention of content (type of information), making it content-independent and satisfying neutrality conditions.*Source: C 111 (Russian Federation)*Option 3 ADD3: The proposal is merging the Arab views with ATU and the RCC views. Spam is one of the very critical issues to be dealt with under the revised ITRs. A definition is provided that is based on the ITU studies on countering Spam. (See ITU-T Rec. X.1231, X.1240, X.1241, X.1242, X.1243, X.1244, and X.1245). *Source C 103 (Arab States)*The US does not support this proposal: based on Russia’s expansion of meaning of “telecommunications service”, this would pull in a wide range of services, even those used using the subscribers own home network (e.g., OTT services). *(USA)*The US opposes inclusion of a definition of spam. *(USA)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 92 (APT)*Option 1 ADD: new 2.14 *Hub*: a transit center (or network operator) that offers to other operators a telecommunication traffic termination service to nominated destinations contained in the offer. *Source C 27 (SG3RG-AO) and C 67 (Arab States) and C 91 (Rwanda)* | ***Option 0 NOC***: It was considered that since this issue may be outside the scope of ITRs it would therefore be difficult to include this definition in the ITRs. Therefore one possible alternative is to adopt relevant Resolutions to address this issue. Source C 92 (APT)Option 1 ADD:The United States does not agree that the definition of “hub” should be added to the treaty as the treaty should be technology neutral and flexible. Adding terms like “hub” begins to insert issues of a granular technological, commercial operational nature. *Source: C 45 (USA)*Some Member States did not support this proposal, it is inconsistent with Resolution 171. *(Canada)*Technical Definition not needed in the ITR as the concept is not being used in the Treaty. Not aligned with Criterion 1. *Source C 54 (Portugal)*Attention was drawn to the criteria presented in [C 54](http://www.itu.int/md/T09-CWG.WCIT12-C-0054/en).Some Member States stated that this definition is required because many of the fraudulent activities and inconveniences to the users are due to hubbing of international traffic. *Source: C56, 57 & 58 (Egypt) and C 91 (Rwanda)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 92 (APT)*Option 1 ADD: new 2.15 *Hubbing*: the routing of telecommunication traffic in hubbing mode consists in the use of hub facilities to terminate telecommunication traffic to other destinations, with full payment due to the hub. *Source C 27 (SG3RG-AO) and C 67 (Arab States) and C 91 (Rwanda)* | ***Option 0 NOC***: It was considered that since this issue may be outside the scope of ITRs it would therefore be difficult to include this definition in the ITRs. Therefore one possible alternative is to adopt relevant Resolutions to address this issue. Source C 92 (APT)Option 1 ADD:Agreed by SG3 in D.000. *Source C 27 (SG3RG-AO).*The United States does not agree that the definition of “hubbing” should be added to the treaty as the treaty should be technology neutral and flexible. Adding terms like “hubbing” begins to insert issues of a granular technological, commercial operational nature. The proposed revision introduces a detailed provision that is contrary to Resolution 171 according to which the ITRs should reflect “…strategic and policy principle.” to ensure flexibility and to accommodate technological advances. *Source: C 45 (USA)*Some Member States did not support this proposal, it is inconsistent with Resolution 171. *(Canada)*Technical Definition not needed in the ITR as the concept is not being used in the Treaty. Not aligned with Criterion 1. *Source C 54 (Portugal)*Some Member States stated that this definition is required because many of the fraudulent activities and inconveniences to the users are due to hubbing of international traffic. *Source: C56, 57 & 58 (Egypt) and C 91 (Rwanda)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 92 (APT) and C 93 (Portugal)****Option 1 ADD1***: new 2.16 *Fraud:* use of any telecommunications facilities or services with the intention of avoiding payment, without correct payment, with no payment at all, by making someone else pay, or by using a wrongful or criminal deception in order to obtain a financial or personal gain from the use of those facilities or services. *Source C 41 (Pacific Islands), C 43 (SG3RG-AFR), C 49 (UAE) and C 67 (Arab States)* | Option 0 NOC:It was considered that since this issue may be outside the scope of ITRs it would therefore be difficult to include this definition in the ITRs. Therefore one possible alternative is to adopt relevant Resolutions to address this issue. Source C 92 (APT)CEPT reiterates its position as CEPT considers that Fraud is a matter defined and dealt with under national jurisprudence, and therefore its application to telecommunications remains a national matter. Source C 93 (Portugal)Option 1 ADD1:Opinion 6 of the Fourth World Telecommunications Policy Forum (Lisbon, 2009) contains the following definition of the term “fraud”:Use of telecommunications facilities with the intention of avoiding payment; without correct payment, with no payment at all, or by making someone else pay.That definition does not fully account for fraud that involves the misuse/misappropriation of numbering resources. Therefore, we propose to expand that definition. *Source C 41 (Pacific Islands)*The United States reserves its right to provide further text once draft text on the issues listed is provided. We observe that this proposal would add a new detailed regulatory issue to the ITRs, in contravention of PP Resolution 171 (Guadalajara), and outside the scope of the ITU mandate related to national legal, policy, and regulatory matters, and content. *Source C 45 (USA) and Australia and Canada*While this Administration has no difficulty to support this proposal, however, it seeks clarification on how this modified definition will be implemented and in which article it is cross referenced. *Source C 48 (Iran)*Not supported. CEPT believes that fraud is outside the scope of Article 1 of the ITRs and also appears in-consistent with the purposes of the Union as set out in Article 1 of the Constitution. In fact, the purposes of the Union do not relate to fraud or other criminal issues. *Source C 54 (Portugal)*Some Member States stated that a definition of fraud should be included, but reserved their position regarding the actual text of the definition. *(Russian Federation)* |
| 2.16 - *CONTINUED****Option 2 ADD2***: new 2.16 *Fraud*: Use of public international telecommunication services or facilities with the intention of avoiding payment, without correct payment, with no payment at all, or by making someone else pay, by misusing numbering resources or other deceptive practices, in order to obtain personal or financial gain. *Source C 47 (Cuba)****Option 3 ADD3***: new 2.16 *Fraud:* use of any telecommunications facilities or services with the intention of avoiding payment, without correct payment, with no payment at all, by making someone else pay, by using a wrongful or criminal deception in order to obtain a financial or personal gain from the use of those facilities or services or by intentional misrepresentation of identity which can lead to actual or potential disadvantage or financial harm to another individual or group. *Source C 57 (Egypt) and Côte d’Ivoire and C 91 (Rwanda)****Option 4 ADD4***: new 2.16 *Network fraud:* (fraud on international telecommunication networks): The causing of harm to operating agencies or to the public, the wrongful obtaining of gain in the provision of international telecommunication services through abuse of trust or deception, including through inappropriate use of numbering resources. *Source C 94 (RCC)****Option 5 ADD5***: new 2.16 *Fraud:* Use of public international telecommunication services or facilities with the intention of avoiding payment, without correct payment, with no payment at all, or by making someone else pay, by misusing numbering (addressing) resources, by intentional misrepresentation of identity, or other deceptive practices, in order to obtain personal or financial gain that can lead to actual or potential disadvantage or financial harm to another individual or group. *Source C 103 (Arab States)* | Option 2 ADD2:The World Telecommunication Policy Forum (Lisbon, 2009) considered the possibility of including the issue of fraud in the subjects for possible consideration in the revision of the ITRs, and Opinion 6 of the Forum proposed that it be defined as “Use of telecommunications facilities with the intention of avoiding payment; without correct payment, with no payment at all, or by making someone else pay.”This text was a first attempt at a definition which could be expanded in order to identify the form that fraud in international telecommunications takes, with the definition referring to the misuse of numbering resources or other deceptive practices.The ITRs need to complement this definition by identifying the scope of the commitments made by members in regard to this issue, and to that end we propose that provisions be added to Article 6 of the ITRs.*Source C46 (Cuba)*Some Member States do not the support the addition of any definition of fraud. *(Australia, Canada, USA)*Option 3 ADD3:It has been noticed that the proposed definitions focus on fraudulent activities related to financial dimensions and the assurance of correct payment, Although, intentional misrepresentation of identity adds significantly to this problem, particularly with the increased use of the alternative calling procedures of international traffic including Hubbing where the call origin identifiers are not passed transparently or may be intentionally altered to mislead the destination party; it also causes other types of harm or disadvantage to the called party or to the terminating administration or operating agency or even the Member State, either actual or potential, thus it is proposed to address it explicitly in the definition. *Source C 57 (Egypt)*Some Member States do not the support the addition of any definition of fraud. *(Australia, Canada, USA)*Some regions are in a view that a definition on Fraud should not be included as being a national matter. Egypt is in a view that fraud occurs as a result of mal-practices of some OAs affecting other OAs internationally, such as but not limited to: misuse, CLI spoofing or blocking, …etc. Fraud definition can help in characterizing instances of violation of the ITR treaty in such cases or others. *Source C 96 (Egypt)****Option 4 ADD4***:This definition is put forward in support of new Article 8, proposed by the Russian Administration. *Source C 111 (Russian Federation)*Unlawful acts carried out on international telecommunication networks and affecting operating agencies and subscribers located in different jurisdictions can only be combated on the basis of an international agreement, namely the ITRs, and through harmonization of the relevant national legislations. *Source C 112 (Russian Federation)****Option 5 ADD5***: The US opposes inclusion of a definition of fraud. *(USA)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)****Option 1 ADD1***: new 2.17 *Global telecommunication service (GTS)*: A service, based on international numbering resources, which enables communication to be established between an end-consumer subscriber and a subject or object whose physical location and national jurisdiction have no bearing on the service’s use; which satisfies and complies with recognized and accepted international standards; and which is provided over the public telecommunication network by one or more recognized operating agencies (ROAs) using the identifiers of a ubiquitous network in two or more countries.A GTS is characterized by the existence of a single infrastructure complex, the location of whose components is distributed among two or more countries such that this complex cannot, in terms of its ownership or location, be attributed to any one country; and by a single GTS ROA, endowed by ITU with the status of GTS operator and operating in accordance with the ITRs and with the legislations of those ITU Member States on whose territories it provides access to the telecommunication service *Source: C 73 (Multiregional Transit Telecom)****Option 2 ADD2***: new 2.17 *Global telecommunication service (GTS)*: A service which enables communication to be established through a global number between subscribers whose physical location and national jurisdiction have no bearing on the tariff to be set for the service’s use; which satisfies and complies with recognized and accepted international standards; and which is provided over the public telecommunication network by operating agencies having obtained the relevant numbering resources from ITU-T. *Source C 112 (Russian Federation)* | Option 1 ADD1:Codes have been assigned to over 35 global telecommunication services (GTSs) recognized by ITU-T, and the Director of TSB publishes new or modified code assignments on the website, where this information is available to any organization needing to make changes.The adoption by WCIT-12 of an appropriate provision for inclusion in the ITRs, laying down and enshrining the principles and procedure for call setup when using global numbering would be an effective means of promoting the new services in the context of construction of the global information society using global numbering resources.The need to introduce an appropriate provision in the ITRs stems from the fact that TSB does not grant the applicant the right to implement its resource assignment without obtaining and meeting the requirements of the involved national administration, including the administrations of any subsequent countries in which the applicant wishes to provide service after the resource assignment has been made by the Director of TSB. It is important to give country codes for GTSs the same status and level of subscriber accessibility as is given to country codes for local telecommunication services, and to create opportunities for administrations and local telecommunication service ROAs to connect to GTSs and route traffic at the local level. *Source: C 44 and C 73 (Multiregional Transit Telecom)*Some Member States did not support this provision: it could jeopardize the sovereign right of Member States to regulate its telecommunications. *(Canada, Portugal and USA)*Some Member States did not support this provision: it is too detailed and technology-specific; it could distort market by forcing unneeded interconnections. *(USA)*CEPT does not support a provision related to Global telecommunication service: it could jeopardize the sovereign right of Member States to regulate their telecommunications. *Source C 71 (Portugal)***EDITORIAL NOTE:** the comments above refer to the original proposed ADD, which was subsequently modified.***Option 2 ADD2***: It is proposed to revise the earlier definition to take into account the discussions that have taken place. *Source C 112 (Russian Federation)*The comments above regarding Option 1 Add1 apply equally to this option. |
| Option 0 NOC: no ADD. *Source C 90 (Canada) and C 104 (Portugal)****Option 1 ADD***: new 2.18 *Calling Party Identification (CPI)*: a supplementary service in which a series of digits, characters and symbols are conveyed transparently to the called party to identify uniquely the calling party originating the international call. *Source C 56 (Egypt) and Côte d’Ivoire and C 91 (Rwanda)* | Option 0 NOC:The reliance on the use of the CPN to determine the origin of a call, or to trace the route taken by a call, is often inefficient and ineffective, due to the technical and operational concerns raised in C 90.In keeping with the Canadian view that the ITRs should remain at a high-level and be technology neutral, and the realization that CPN is a technical matter requiring further studies in order to address its limitations, we would propose to continue to improve guidance for Member States to address these issues through the work developed by the ITU-T Study Groups, such as Study Group 2. Furthermore, we would encourage information sharing and collaboration among registered operating agencies, and national regulatory authorities, to continue to address these important issues on a bilateral basis.Source C 90 (Canada)CEPT supports NOC *Source C 104 (Portugal)*Option 1 ADD:In the recent years, the transmission of international calling party numbers and other identifiers are becoming increasingly important. Despite the fact that all procedures related to the transmission of the cited identifiers are rather fully described in ITU-T Recommendations, practice in recent years shows that administrations and telecommunication operators significantly didn’t apply these ITU-T Recommendations; additionally, failure of transmission of these identifiers due to the advent of new technologies has been increasingly observed. Also some telecommunication operators refrain from including or implementing CPND facilities in their networks for commercial/economic reasons. All of these practices and limitations are forming great challenges to malicious call tracing, national security, counter-terrorism and proper accounting and settlement.As a consequence of the current situation, there has been a request by a number of ITU Member States for explicit inclusion in the International Telecommunication Regulations (ITRs) of an article requiring unconditional transmission of international calling party number and other identifiers.*Source C 56 (Egypt) and Cuba* |
| 2.18 - CONTINUED | Some Member States did not support this proposal: Member States should not be required to implement obligations regarding calling party number delivery. Technology evolves, the sovereign rights of Member States should not be restricted, economic arbitrage cannot be restricted. The topic is best dealt with in ITU-T Study Groups. *(Canada, Portugal, USA)*Some Member States supporting adding the topic of calling party identification to the ITRs, while recognizing that the ITRs should deal only with the international aspects of the issue, in particular to deal with fraud. Technical issues should be dealt with by ITU-T Study Groups, the ITRs should deal with the principle. *(Russian Federation)*Attention was drawn to the work of ITU-T Study Group 2 which adopted Recommendation E.157 in November 2009. There has not been any further work on the topic in SG2.Some Member States request that countries indicate whether they transmitted calling party identification. *(Iran)*Some Member States stated that the issue is that some countries do not have the capabilities to ensure that calling party identification is delivered. *(Portugal)*Some Member States stated that the issue should be further studied. *(Italy, UAE)*Some Member States stated that it was important to add provisions regarding numbering and calling party identification to the ITRs. *(UAE)*Calling party identification is needed to respond to the concern to address rapidly the fraud and security issues, as already stated by other delegations. It must be stated that this was the reason that motivated the SG3RG-AFR proposal for revisions along these lines. (Côte d’Ivoire) and C 91 (Rwanda) |
| Option 0 NOC: no ADD. *Source C 90 (Canada) and C 104 (Portugal)****Option 1 ADD***: new 2.19 *Calling Party Number (CPN):* The telephone number of the originator of an international call. *Source C 56 (Egypt) and Côte d’Ivoire* | Option 0 NOC: see 2.18 aboveOption 1 ADD:See 2.18 above.Some countries take the view that the proposal does not concern content or the control of content. *(Iran, Russian Federation)* |
| Option 0 NOC: no ADD. *C 90 (Canada) and C 104 (Portugal)****Option 1 ADD***: new 2.20 *International Calling Party Number Delivery (ICPND)*: Calling Party Number delivery across boundaries of countries. *Source C 56 (Egypt) and Côte d’Ivoire* | Option 0 NOC: see 2.18 aboveOption 1 ADD:See 2.18 above. |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)****Option 1 ADD***: new 2.21 Originating Identification: The Originating Identification is the service by which the terminating party shall have the possibility of receiving identity information in order to identify the origin of the communication. *Source C 80 (Egypt) and C 91 (Rwanda) and C 103 (Arab States)* | Option 0 NOC: CEPT supports NOC *Source C 104 (Portugal)*Option 1 ADD:The impact of non-delivery of the true origin of a call has been dealt with repeatedly in the ITU-T SGs - in particular ITU-T SG3 - and related Workshops . It was demonstrated that the MS or OA terminating the call is subject to great financial losses without having the capability to identify the exact cause of this loss due to their ignorance or being handicapped to identify the origin or the overall route of the call. There are several mechanisms in which suppression or transmission of fake call origin causes such losses. When suppression or spoofing is intentional to obtain financial gain based on wrongful deception regarding the origin of the call, then this should be considered a fraudulent activity and should be prohibited and/or prosecuted. Many cases of fraud are association with the non-transmission of calling party identification. Origin identification is required to prevent this and also for security reasons. Source C 80 (Egypt)Some Member States did not support this proposal. The EEC Recommendation cited in C 80 is primarily intended to protect consumers, whereas the proposal from Egypt would seem to concern refilling and other legitimate commercial practices. (Netherlands, Portugal)Further, the report from ITU-T Study Group 2 indicates that there are not that many cases of numbering misuse. (Netherlands, UK)There are data protection issues. (UK)Proposals regarding calling party identification are not needed in the ITRs and would limit operator freedom. The US national provisions cited in C 80 do not support including of provisions in the ITRs, rather, they indicate that such matters can be addressed at the national level. (USA)Reports collected by Study Group 2 are partial, since no survey of users or operators has been carried out. The fact that many cases were spontaneously reported to Study Group 2 indicates that there is a significant issue and that it should be dealt with in the ITRs. (Russian Federation)In Mexico there is an obligation on operators to provide the origin of the call for national calls, but not for international calls. In some cases, the call origin is not delivered for commercial reasons, including at times fraudulent activity. This is a real issue that should be addressed in the ITRs. Calling party delivery is not just a matter of consumer protection, it also affects public policy issues such as security and combating fraud. Mexico does not associate with C 65. (Mexico)The data provided by Study Group 2 concerns only reports submitted to ITU. Since misuse is clearly taking place, the issue must be addressed, in particular because it is likely the case that some cases of misuse are not formally reported to the ITU. The purpose of the proposed provisions is to harmonize national laws for what concerns international transmission of calling party information. Some countries already have such provisions and they should be extended to all countries, by adding them to the ITRs. (UAE, Mexico)There are financial, security, and social (for example, to find the source of harassing calls) aspects arising from international calling party delivery. (Iran)  |
| 2.21 - CONTINUED | It would be difficult to impose obligations on Voice over IP providers, who are not regulated. The Recommendation E.156 adopted by ITU-T is sufficient and no provisions are needed in the ITRs. (Canada)The ITRs should incorporate general principles and not be limited by technology that can evolved. Recommendation E.156 is not sufficient and provisions are needed in the ITRs, and indeed have been adopted at the regional level in Europe. (Egypt, Tanzania) and C 91 (Rwanda)CEPT reserves its position. (Portugal)The proposal is merging the Arab views with ATU views. Fraud is one of the very critical issues to be dealt with under the revised ITRs. A definition is provided that is based on the ITU studies. The impact of non-delivery of the true origin of a call has been dealt with repeatedly in the ITU-T SGs - in particular ITU-T SG3 - and related Workshops . It was demonstrated that the MS or OA terminating the call is subject to great financial losses without having the capability to identify the exact cause of this loss due to their ignorance or being handicapped to identify the origin or the overall route of the call. There are several mechanisms in which suppression or transmission of fake call origin causes such losses. When suppression or spoofing is intentional to obtain financial gain based on wrongful deception regarding the origin of the call, then this should be considered a fraudulent activity and should be prohibited and/or prosecuted. Many cases of fraud are association with the non-transmission of calling party identification. Origin identification is required to prevent this and also for security reasons. Source C 103 (Arab States) |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)****Option 1 ADD***: new 2.22 Emergency/distress telecommunications: A special category of telecommunications with absolute priority for the transmission and reception of information relating to safety of life at sea, on land, in the air or in space, and of information of exceptional urgency concerning an epidemiological or epizootic situation issued by the World Health Organization. *Source C 94 (RCC)* | Option 0 NOC: CEPT supports NOC *Source C 104 (Portugal)*Option 1 ADD: The Russian Administration supports the position of RCC and deems it appropriate to include in the ITRs provisions relating to safety of life in disaster situations and for warning of emergency situations. These provisions develop Article 40 "Priority of telecommunications concerning safety of life" of the ITU Constitution by imposing on Member States the obligation to guarantee absolute priority for telecommunications in emergency situations. Source C 111 (Russian Federation)The wording of this provision develops Article 40 of the ITU Constitution (“Priority of Telecommunications Concerning Safety of Life”), specifically placing the obligation on Member States to guarantee absolute priority to telecommunications in emergency situations. Source C 112 (Russian Federation) |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)****Option 1 ADD***: new 2.23 Personal data: Any information relating to a physical person (the subject of the personal data) identified or identifiable on the basis of such information. *Source C 94 (RCC)* | Option 0 NOC: CEPT supports NOC *Source C 104 (Portugal)*Option 1 ADD: It is proposed that the new definition be included in the text of the ITRs (in support of new Article 8, proposed by the Russian Administration). Source C 111 (Russian Federation) |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)****Option 1 ADD***: new 2.24 Integrity of the international telecommunication network: The capability of the international telecommunication network to carry international traffic. *Source C 94 (RCC)* | Option 0 NOC: CEPT supports NOC *Source C 104 (Portugal)*Option 1 ADD: It is proposed that the new definition be included in the text of the ITRs (in support of new Article 8, proposed by the Russian Administration). Source C 111 (Russian Federation) |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)****Option 1 ADD***: new 2.25 Stability of the international telecommunication network: The capability of the international telecommunication network to carry international traffic in the event of failure of telecommunication nodes or links and also in the face of internal and external destructive actions and to return to its original state. *Source C 94 (RCC)* | Option 0 NOC: CEPT supports NOC. In CEPT’s point of view, the proposed definition is related to cybercrime issues. Therefore, it is not in line with Resolution 171 and CEPT criteria 1. *Source C 104 (Portugal)*Option 1 ADD: It is proposed that the new definition be included in the text of the ITRs (in support of new Article 8, proposed by the Russian Administration). Source C 111 (Russian Federation) |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)****Option 1 ADD***: new 2.26 Security of the international telecommunication network: The capability of the international telecommunication network to withstand internal and external destabilizing actions liable to compromise its functioning. *Source C 94 (RCC)* | Option 0 NOC: CEPT supports NOC. In CEPT’s point of view, the proposed definition is related to cybercrime issues. Not in line with Resolution 130. See also CEPT criterion 4. *Source C 104 (Portugal)*Option 1 ADD: It is proposed that the new definition be included in the text of the ITRs (in support of new Article 8, proposed by the Russian Administration). Source C 111 (Russian Federation) |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)****Option 1 ADD***: new 2.27 Roaming:Provision to the subscriber of the opportunity to use telecommunication services offered by other operating agencies, with which the subscriber has not concluded an agreement. *Source C 95 (Russian Federation)* | Option 0 NOC: CEPT supports NOC. Technical definition better addressed at a Study Group level. See ITU-T Recommendation D.98 (due to be formally approved in the next SG3 meeting). If a definition is to be consider is should refer to “international roaming” as to clarify the purpose of the provision. *Source C 104 (Portugal)*Option 1 ADD:This definition refers to international roaming. Source Russian Federation.The current definitions of roaming relate to mobile communications, since their fairly widespread use began with the provision of such services. Today, however, convergence on telecommunication networks is resulting in a situation where various types of communication are also indirectly providing roaming services, for example IP-based telephony systems such as Skype, and this trend is liable to expand. This being the case, we are of the view that the definition of roaming should not be tied to a specific technology (mobile communication networks), but that there should be a more general definition that can be applied to any type of communication network, both now and in the future. Source C 111 (Russian Federation)The ITRs should be technology-neutral and should not focus on a single technology or specific service. (USA) |
| Option 0 NOC: no ADD. *Source CWG-WCIT12****Option 1 ADD***: new 2.28 IP interconnection: IP interconnection refers to technical and business solutions and rules to ensure the delivery of IP traffic through different networks. Source C 109 (ETNO) | ***Option 1 ADD***: To ensure more efficient use of networks and to allow for new business models better reflecting future demand, Member States should support a new IP interconnection ecosystem that provides both, best effort delivery and end-to-end Quality of Service delivery. Delivery based on QoS allows for management of the IP traffic according to its characteristics (i.e. delivery requirements and acknowledged value) thus supporting innovation to provide a value-added service, making better use of the assets of telecommunications operators. *Source C 109 (ETNO)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12****Option 1 ADD***: new 2.29 End to end quality of service delivery and best effort delivery: End to End quality of service delivery refers to the delivery of PDU (Packet Data Unit) with predefined end-to-end performance objectives. Best-effort delivery refers delivery to of a PDU without predefined performance targets. Source C 109 (ETNO) | ***Option 1 ADD***: See 2.28 above |
| Option 0 NOC: no ADD. *Source CWG-WCIT12****Option 1 ADD1***: new definitions for telecommunication operator, telecommunication service provider, emergency telecommunication, local telecommunication, personal data, fraud, international identification, international numbering, international naming, international addressing, network connection and interworking, accounting. *Source C 9 (Russian Federation)****Option 2 ADD2***: new definitions for telecommunications security, personal data, roaming, online child protection. Text to be supplied. *Source C 40 (Russian Federation)* | Option 1 ADD1:The United States reserves its right to provide further text once draft text on the issues listed is provided. We observe that this proposal would add several new detailed regulatory issues to the ITRs, in contravention of PP Resolution 171 (Guadalajara), and outside the scope of the ITU mandate related to national legal, policy, and regulatory matters, and content). *Source: C 45 (USA) and Canada*CEPT reserves its position until text is provided. Definitions would only be needed if these issues are to be addressed in the ITRs. Need to avoid duplication and deviation in relation to existing definitions in CS/CV. *Source C 54 (Portugal)*These proposals are particular cause for concern, because they would greatly expand the ITRs’ coverage into areas that would negatively impact upon the Internet, and broaden the scope of the ITRs into controlling the content of communications, specifically on the Internet. ISOC here highlights the potential for harm arising from such significant expansion of the scope of the Treaty, and will comment more fully after seeing the specific text being proposed. *Source C 74 (ISOC)*Definitions for "personal data" and "network fraud" are presented above. *Source C 111 (Russian Federation)*Option 2 ADD2:The United States observes that this proposal would add several new detailed regulatory issues to the ITRs, in contravention of PP Resolution 171 (Guadalajara) and outside the scope of the ITU related to national legal, policy, and regulatory matters, and content. In particular, with respect to a new definition of telecommunications security, a treaty on International Telecommunications Regulations should not include provisions on the content of communications over telecommunications facilities (content), provisions related to criminal aspects (cybercrime), or provisions on national defense/ national security. (See PP Res 130). We reserve our right to provide further comments once draft text on the issues listed is provided. *Source: C 45 (USA) and Canada*CEPT reserves its position until text is provided. Definitions would only be needed if these issues are to be addressed in the ITRs. Need to avoid duplication and deviation in relation to existing definitions in CS/CV. *Source C 54 (Portugal)*These proposals are particular cause for concern, because they would greatly expand the ITRs’ coverage into areas that would negatively impact upon the Internet, and broaden the scope of the ITRs into controlling the content of communications, specifically on the Internet. ISOC here highlights the potential for harm arising from such significant expansion of the scope of the Treaty, and will comment more fully after seeing the specific text being proposed. *Source C 74 (ISOC)*Definitions for "Security of the international telecommunication network", "personal data" and "roaming" are presented above. *Source C 111 (Russian Federation)* |
| ***Option 3 ADD3***: new definition for the term “invoice”. Text to be supplied. *Source TD 21 Rev.1****Option 4 ADD4***:Need to add to ITR art. 2 definitions of spam, alternative calling procedures.Need to add to ITR art. 2 provision defining new account settlement procedures approved by ITU-T which are not reflected in current ITR version.Add to ITR Art. 2 definition of “user of the international network”. *Source Annex 3 of the Report of CWG on ITR submitted to Council 2005* | Option 3 ADD3:The item was proposed to the ITR-EG, but is yet to be agreed *Source TD 21 Rev.1*The United States believes that the proposed revision introduces a detailed provision that is contrary to Resolution 171 according to which the ITRs should reflect “…strategic and policy principle.” to ensure flexibility and to accommodate technological advances. We reserve the right to provide further text once draft text on the issues listed is provided. *Source: C 45 (USA)*CEPT reserves its position until text is provided. Definitions would only be needed if these issues are to be addressed in the ITRs. Need to avoid duplication and deviation in relation to existing definitions in CS/CV. *Source C 54 (Portugal)*Option 4 ADD4: The Unites States does not support this proposal. Source C 99 (USA) |
| Option 0 NOC:**Article 3****International Network**Source CWG-WCIT12 |  |
| Option 0 NOC: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. *Source CWG-WCIT12*Option 1 MOD1: 3.1 Member~~s~~ States shall ensure …  *Source TD 21 Rev.1*Option 2 MOD2: 3.1 Member~~s~~ States shall encourage ~~ensure that~~ administrations\* and ROAs to cooperate in the establishment, …  *Source C 28 (USA)*Option 3 MOD3: 3.1 Member~~s~~States shall ensure that ~~administrations\*~~ operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service and above a minimum level taking into consideration the relevant Recommendations of the ITU. *Source C 103 (Arab States)*Option 4 MOD4: 3.1 Member~~s~~States shall ~~ensure that~~ ~~administrations\*~~ encourage operating agencies to cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service. *Source C 71 (Portugal) and Mexico* | There is a need for cooperation in the maintenance of the international network to ensure a satisfactory level of service. *Source C 20 (CEPT)* This Article fails to recognise the competitive environment that now prevails for the substantial majority of international telecoms traffic. *Source C 35 (CEPT)*Option 1 MOD1:CS: no. 5 and Art. 38 (which are broader than the ITRs)Could be maintained with a different wording, acknowledging, as a general principle, the establishment, operation and maintenance of the international network to provide a satisfactory quality of service. *Source: C 35 (CEPT)*Some Member States stated that the use of the term “cooperate” should be revisited. *(Iran)*Some Member States stated that the word “shall” should be used. *(Russian Federation)*Option 2 MOD2:In many countries, the network is owned by private companies and quality of service is not directly controlled by Member States. *Source C 28 (USA)*Given market liberalization, it may be difficult under national law for some Member States to ensure quality of service. Competition in the market is the best way to guarantee a satisfactory quality of service. *Source C 105 (Portugal)* Some Member States did not support the replacement of “ensure” by “encourage”. *(Iran)*It was agreed that the use of the term “administration” needs to be reviewed in light of developments since 1988.Option 3 MOD3: See Preamble. The provision imposes a requirement to cooperate, not a requirement to provide a particular level of quality of service. Further, it refers only to the international network, not the national network.It was noted that reliance only on market forces according to competition mechanism to improve QoS offered to the users has not worked in many instances, but in the contrary, there exist agility in offering low quality services that makes the consumer more often prone to be a victim for such deteriorated services, in particular those based on VoIP. Assuring a level of QoS above a minimum set by the relevant ITU-T Recommendation shall help to a great extent to preserve users’ rights. Moreover, the term "satisfactory" is adequate compromise between minimum and maximum QoS. *Source C 103 (Arab States)*The Unites States does not support this proposal. Source C 99 (USA)Some Member States do not support referring to Recommendations of the ITU. (Australia, Canada, Sweden, Iran, USA)Option 4 MOD4: See also C 53. CEPT supports the replacement of “ensure” to “encourage”, as quality of service is not directly controlled by Member States: operating agencies are private companies. *Source C 71 (Portugal)*Some Member States did not agree with this proposal: it may be appropriate for Member States to ensure cooperation to achieve a satisfactory quality of service. *(Russian Federation and Egypt)*No. 38 CS provides that Member States are bound to take the necessary steps to impose the observance of the provisions of the Administrative Regulations upon operating agencies authorized by them to establish and operate telecommunications and which engage in international services. *(Iran and Egypt)* |
| 3.1 – CONTINUED***Option 5 MOD5***: 3.1 Member~~s~~ States shall ensure that administrations/operating agencies cooperate … Source C 94 (RCC)***Option 6 MOD6***: 3.1 Member~~s~~ States shall ensure that ~~administrations\*~~operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service and above a minimum level corresponding to the relevant ITU-T Recommendation. Source C 96 (Egypt)Option 6 MOD6: 3.1 Member~~s~~ States shall ensure that ~~administrations\*~~ cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service. Member States shall facilitate the development of international IP interconnections providing both best effort delivery and end to end quality of service delivery. *Source C 109 (ETNO)****Option 7 MOD7***: 3.1 Member~~s~~ States shall ensure that ~~administrations\*~~operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service. Source C 116 (Africa) ***Option 8 MOD8***: 3.1 Administrations of Member~~s~~ States shall ~~ensure that~~ ~~administrations\*~~ supervise and check that operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service for users. Source C 124 (Mexico) | Adequate quality of service should be ensured through competition and market mechanisms, not regulatory provisions. Some Member States to not have the power to impose quality of service regulations. *(Mexico, Germany and Digicell)*The Unites States does not support this proposal. Source C 99 (USA)Option 5 MOD5:The expansion to "administrations/operating agencies" is supported. This should ensure cooperation in the establishment, operation and maintenance of the international network. *Source C 111 (Russian Federation)*Option 6 MOD6It was noted during the discussions in the CWG-WCIT 6th meeting and in CWG-WCIT TD54 some confusion or insufficiency in the use of each of the words “minimum” or “satisfactory”. Egypt is in a view that the proper use may be a combination of both as shown in the modification of 3.1. The meaning is self explanatory. It was noted that reliance only on market forces according to competition mechanism to improve QoS offered to the users has not worked in many instances, but in the contrary, there exist agility in offering low quality services that makes the consumer more often prone to be a victim for such deteriorated services, in particular those based on VoIP.Assuring a level of QoS above a minimum set by the relevant ITU-T Recommendation shall help to a great extent to preserve users’ rights. The same applies for articles 3.4 and 4.3 below.*Source C 96 (Egypt)*Option 6 MOD6: See 2.28 above. *Source C 109 (ETNO*)The proposed provision is inappropriate for a treaty: should contain high-level principles that will endure. The proposal is not technology-neutral. Key terms and concepts are vague and would be subject to diverging interpretations, making implementation problematic. The proposal could cause economic hardship to developing countries and limit their access to content. The proposal improperly intrudes on national sovereignty by imposing regulations. *(USA)*CEPT reserves its position, but at first glance the proposal seems to prescriptive. *(Portugal, Sweden)****Option 7 MOD7:*** The provision imposes a requirement to cooperate, not a requirement to provide a particular level of quality of service. Further, it refers only to the international network, not the national network. It was noted that reliance only on market forces according to competition mechanism to improve QoS offered to the users has not worked in many instances, but in the contrary, there exist agility in offering low quality services that makes the consumer more often prone to be a victim for such deteriorated services, in particular those based on VoIP. Assuring a level of QoS above a minimum set by the relevant ITU-T Recommendation shall help to a great extent to preserve user’s’ rights. *Source C 116 (Africa)****Option 8 MOD8:***Update. *Source C 124 (Mexico)* |
| Option 0 NOC: 3.2 Administrations\* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services. *Source CWG-WCIT12*Option 1 MOD1: … demand for international telecommunication services and shall endeavor to prevent misuse and misappropriation of numbering resources. *Source: C 16 (SG3RG- AFR), Opinion 6 WTPF*Option 2 MOD2: 3.2 Member States ~~Administrations\*~~ shall endeavour to establish policies that promote the provision of technical facilities that support ~~provide sufficient telecommunication facilities to meet the requirements of and demand for~~ international telecommunication services. *Source C 28 (USA), C 34 (Global Voice Group)*Option 3 SUP: 3.2. *Source C 35 (CEPT)* | Option 1 MOD 1:Text of proposal based on CWG-WCIT12 C1, Adds 1 and 2. *Source: C 16 (SG3RG- AFR)*The United States believes that misuse and misappropriation of numbering resources should not be addressed in the ITRs. The United States recognizes that international cooperation is needed with respect to misuse and misappropriation of telephone numbering resources. However misuse and misappropriation manifest themselves so differently from country-to-country and touches upon national legal, policy, and regulatory procedures. Moreover, addressing these issues involves complex, technology-specific solutions that will continue to evolve with technological advances and market responses. These issues are better addressed nationally or bilaterally through discussions between or among by Member States. *Source: C 45 (USA)*Some Member States did not support this proposal: misuse and misappropriation are national regulatory matters. Such matters are best dealt in the ITU context through Recommendations and Resolutions. *(Canada)*Some Member States stated that misuse of international numbering resources is not a national matter but an international matter. Resolutions have a lower status than treaties so the matter should be dealt with in the ITRs. *(Iran)*Option 2 MOD2:Importance of Member States adopting policies that create incentives to invest in telecommunication networks. *Source C 28 (USA)*Some Member States did not support this proposal. *(Iran)*Some Member States supported this option. (Canada, Mexico)Option 3 SUP:This refers to work once undertaken by ‘Plan Committees’ which were abandoned in the early 1990s. There appears to be minimal, if any, justification in the current environment for a pro-active role for Member States in this area. The provision is obsolete. *Source C 35 (CEPT) and C 105 (Portugal)*Some Member States did not support this proposal. *(Russian Federation)* |
| 3.2 – CONTINUEDOption 4 MOD3: 3.2 ~~Administrations\*~~ Member States shall ensure that operating agencies endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunications/ICTs ~~services~~. *Source C 103 (Arab States)*Option 5 MOD4: 3.2 ~~Administrations\*~~ ~~shall endeavour to provide sufficient telecommunication facilities~~ Member States shall establish policies to meet the requirements of and demand for international telecommunication services. *Source C 94 (RCC)*Option 6 MOD5: 3.2 ~~Administrations\*~~ Operating Agencies shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services. For this purpose, and to ensure an adequate return on investment in high bandwidth infrastructures, operating agencies shall negotiate commercial agreements to achieve a sustainable system of fair compensation for telecommunications services and, where appropriate, respecting the principle of sending party network pays. *Source C 109 (ETNO)*Option 7 MOD6: 3.2 Member States ~~Administrations\*~~ shall endeavour to establish policies that promote the provision of technical facilities that support ~~provide sufficient telecommunication facilities to meet the requirements of and demand for~~ international telecommunication services and shall ensure that Operating Agencies endeavour to provide sufficient telecommunication facilities to meet the requirements and demand for these services. *Source C 116 (Africa)*Option 8 MOD7: 3.2 Administrations shall facilitate the deployment of ~~endeavour to provide~~ sufficient telecommunication networks ~~facilities~~ to meet the requirements of and demand for international telecommunication services. *Source C 124 (Mexico)* | Option 4 MOD3:See Preamble. This proposal replaces the term "administration and Recognized Operating Agencies" with Member States and Operating Agencies. It also emphasizes the importance of facilitating adequate access and promptly responding to the market demand. *Source C 103 (Arab States)*Some Member States did not support this proposal. *(Iran, USA, Canada, Australia, Sweden, Portugal)*The Unites States does not support this proposal. Source C 99 (USA)***Option 5 MOD4***: We propose a new wording for this provision to reflect the fact that one of the tasks of Member States is to provide legal and regulatory machinery to facilitate the comprehensive development of international telecommunication services in a competitive environment. Source C 111 (Russian Federation)Option 6 MOD5: See 2.28 above. In response to a question, it was clarified that the purpose of the proposal is to adapt the ITRs to modern data networks. Relations between operators should be governed by commercial negotiations: it is not desired to introduce new regulations. *Source (ETNO)*The proposed provision is inappropriate for a treaty: should contain high-level principles that will endure. The proposal is not technology-neutral. Key terms and concepts are vague and would be subject to diverging interpretations, making implementation problematic. The proposal could cause economic hardship to developing countries and limit their access to content. The proposal improperly intrudes on national sovereignty by imposing regulations. *(USA)*CEPT reserves its position, but at first glance the proposal seems to be prescriptive. *(Portugal, Sweden)*The text does not specify the obligations of Member States, it may need to be redrafted. *(UK)*Option 8 MOD7: Update. Source C 124 (Mexico) |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: 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. *Source TD 21 Rev.1.*Option 2 MOD2: 3.3 Member States ~~Administrations\*~~ shall have the power to determine ~~by mutual agreement~~ which national ~~international~~ routes are to be used for the management of international communications. ~~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.~~ *Source C 34 (Global Voice Group).*Option 3 SUP: 3.3. *Source C 28 (USA) and C 35 (CEPT)*  | Option 1 MOD1: The United States does not agree to this MOD. It is not appropriate in a competitive environment, where companies need flexibility to choose the most efficient route for their traffic. *Source: C 45 (USA) and C 91 (Rwanda)*Technology convergence makes routing difficult to be predictable. Source C 91 (Rwanda)Option 2 MOD2: This proposal is highly confusing as it has two interpretations:  either (a) Member States will have power to determine which of their own national routes are to be used for the management of international communications, which is of course inherent in sovereignty and thus this proposal is unnecessary; or (b) Member States will have such power over other Member States’ national routes, which is contrary to the purpose of the ITRs expressed in the Preamble recognizing the sovereign right of each country to regulate its telecommunications.  In any case, the proposed edits would encroach on Member States’ sovereign right to regulate their telecommunications, as recognized in the Preamble to the Constitution. *Source: C 45 (USA)*Option 3 SUP:Not appropriate in a competitive environment, where companies need flexibility to choose the most efficient route for their traffic. *Source C 28 (USA)* Potentially conflicts both with the current industry practice and with commitments made under the Fourth Protocol of the WTO Agreement. *Source C 35 (CEPT)*The existing ITRs text potentially conflicts with the current practice. In addition, Routing of traffic is a question of commercial arrangements and therefore a provision related to such issue could result in uncompetitive outcomes. *Source C 105 (Portugal)*Some Member States do not support this proposal. *(Egypt, Russian Federation)*.A Member State shall have the right to know through where its traffic has been routed, for purposes of security and countering fraud. *(Egypt)*  |
| 3.3 - CONTINUEDOption 4 MOD3: 3.3 ~~Administrations\*~~ Operating Agenciesshall 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.~~ A Member State has the right to know how its its traffic is routed. *Source C 103 (Arab States)*Option 5 MOD4: 3.3 ~~Administrations\*~~ 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 ~~administrations\*~~ operating agencies concerned, the origin ~~administration\*~~ 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 ~~administrations\*~~operating agencies*.* Member States [can | shall have the right to] request information on the routes used by their operating agencies and may impose restrictions on routeing. *Source C68 (Arab States) and C 96 (Egypt)* [the option “ shall have the right” is from C 96] | Option 4 MOD3: Recognizes the sovereign right of Member States to control fundamental aspects of its traffic flows, in particular routeing. This proposals modifies the original provision with the objective to recognize the most of the international routes are determined through mutual agreements between the operators. However Member Sates shall continue to be able know how its traffic is routed, mainly for purposes of security and preventing fraud. *Source C 103 (Arab States)*It is not clear what traffic is covered by the provision and whether the regulations would apply to incoming traffic, to outgoing traffic, to national traffic, and/or to third-party traffic. *(Sweden)*There must be transparency of the routes: on request, Member States must be able to know the routes used, in particular to avoid fraud and to maintain national security. If the MS does have the right to know or select the route in certain circumstances (e.g. for Security reasons), then the only alternative left is to block traffic from such destinations, which is neither logical nor desirable! *(Egypt)*These may not be international issues, all countries have the sovereign right to request information from national operators and/or to impose regulations on national operators. *(UK)*The provision does not impose an obligation on Member States, it merely recognizes their rights. If needed, the language could be changed to clarify that. *(Iran)*The US does not support this proposal. Not appropriate in a competitive environment, where companies need flexibility to choose the most efficient route for their traffic. Imposing routing regulations on international companies would significantly harm their technical and commercial ability to route their traffic and to build future capacity due to economic harm *(USA)*.Not supported. The purposes of this provision are not clear to CEPT. The provision is not necessary as Preambles of both the ITU Constitution and the ITRs fully recognise “the sovereign right of each State to regulate its telecommunication” (CEPT criterion 5). If the purpose of the provision is to provide Member States with powers over other Member States, it would be contrary to the Preamble of the ITRs. Routing of traffic is a question for commercial arrangements. Could result in uncompetitive outcomes. CEPT queries if the proposed provision would apply to incoming traffic, to outgoing traffic, to national traffic, and/or to third-party traffic. *Source C93 (Portugal)*Option 5 MOD4: See Preamble. *Source C68 (Arab States)*These may not be international issues, all countries have the sovereign right to request information from national operators and/or to impose regulations on national operators. *(UK)*Routing of traffic in nowadays environment is in many cases based on commercial agreements. Any commercial agreement is based on terms and conditions between the parties. According to the proposed provision in the ITR treaty, each Member Stats shall have the right to request OAs under its jurisdiction to include in their agreements a clause to make information on the route of the call be available to the MS if so requested. OAs should be able to identify the route of the traffic by applying, and according to, the relevant ITU-T Recommendations. MSs will also have the right if deemed necessary, e.g. for security reasons, or for countering fraud to request OAs to include in their agreements restrictions on some specific routes. Availability of routing information to the competent authority of a MS – if needed – shall not hinder the competitive environment. Mitigation or avoidance of harm resulting from fraud or security is privileged or prioritized over commercial competition, the preamble of the CS addresses communications to facilitate peaceful relations. *Source C 96 (Egypt)* |
| Option 6 MOD5: 3.3 Member States/operating agencies shall have the right to know which international routes are used for carrying traffic. ~~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.~~ *Source C 94 (RCC) and C 116 (Africa)*Option 7 MOD6: 3.3 ~~Administrations\*~~ Operating agencies shall determine by mutual agreement which international routes are intended to be used and shall duly inform the administrations of the Members States involved in the said routes. Pending agreement and provided that there is no direct route existing between the ~~terminal administrations~~ operating agencies concerned, the origin operating agency ~~administration~~, having been previously authorized by involved Administrations has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination operating agencies ~~administrations~~. *Source C 124 (Mexico).* | The Unites States does not support this proposal. Source C 99 (USA)***Option 6 MOD5:*** Africa reserves its right to reconsider this provision. Africa does not support the concept that Member States impose routing. *Source C 116 (Africa)*In most countries, administrations no longer determine international routes, this being done by telecommunication operators/service providers, although by no means always, since the development of IP-based services has resulted in traffic routing for the most part happening automatically. At the same time, operating agencies may, where necessary, coordinate traffic routes on the basis of bilateral and multilateral agreements. Member States also have the right, where necessary, to know the actual course of a route, for the purposes of ensuring security and combating fraud. *Source C 111 (Russian Federation)****Option 7 MOD6***: Is pertinent kept the freedom of the operating agencies to define the international routes by mutual agreement, also, by security considerations is convenient that the operating agencies informing to Member States when don´t exist a direct route. Source C 124 (Mexico) |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: 3.4 Member States recognize the right of the public to correspond by means of the international service of public correspondence. The services, the charges and the safeguards shall be the same for all users in each category of correspondence without any priority or preference. ~~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~~ITU-T Recommendations. *Source TD 21 Rev.1.*Option 2 MOD2: 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~~ITU-T Recommendations. Misuse and misappropriation of numbering resources should be prevented to the greatest extent practicable, by implementing the relevant ITU-T Resolutions and Recommendations and, as appropriate, by transposing them to national laws. *Source: C 16 (SG3RG-AFR), Opinion 6 WTPF* | The Unites States does not support this proposal. Source C 99 (USA)Option 1 MOD1:CS: no 179 broader than ITR. No 13, genericMaintain. ITRs should be self-contained instrument. *Source C 31 (UAE)*Align with 179 CS  *Source TD 21 Rev.1*The United States does not agree with this MOD. The proposed edits would encroach on a Member States’ sovereign right to regulate their telecommunications, as recognized in the Preamble to the Constitution. *Source: C 45 (USA) and Canada*Some Member States proposed referring to ITU Recommendations. *(Russian Federation)*Option 2 MOD2:Text of proposal based on CWG-WCIT12 C1, Adds 1 and 2. *Source: C 16 (SG3RG-AFR)*The text added after “ITU-T Recommendations” is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.” *Source: C 45 (USA) and Canada*Some Member States proposed referring to ITU Recommendations. *(Russian Federation)*Some Member States stated that a specific reference to ITU-T Recommendations related to misuse was appropriate and should be added to the ITRs, given the reality of misuse. *(Iran, Korea, UAE)*Some Member States stated that incorporation by reference of specific ITU-T Recommendations could be envisaged. *(UAE)*Some Member States stated that the purpose of the proposed revision is to ensure that agreed provisions are enforced at the national level. *(UAE)*The United States does not agree with this MOD. The proposed edits would encroach on a Member States’ sovereign right to regulate their telecommunications, as recognized in the Preamble to the Constitution. *Source: C 45 (USA), Canada* |
| Option 3 MOD3: 3.4 Subject to national law, any user, by having access to the international network established by an administration~~\*~~/ROA, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant ~~CCITT~~ ITU-T Recommendations. *Source C 28 (USA)*Option 4 SUP: 3.4. *Source C 35 (CEPT)* Option 5 MOD4: 3.4 Subject to national law, any user, by having access to the international network established by an ~~administration~~ operating agency, has the right to send traffic. A satisfactory quality of service should be maintained ~~to the greatest extent practicable~~, corresponding to relevant ~~CCITT~~ Recommendations of the ITU. *Source C 103 (Arab States)*Option 6 MOD5: 3.4 Subject to national law, any user, by having access to the international network established by an ~~administration~~ operating agency, has the right to send traffic. A satisfactory quality of service and above a minimum level should be maintained to the greatest extent practicable, corresponding to relevant ~~CCITT~~ ITU-T Recommendations. *Source C 96 (Egypt)*Option 7 MOD6: 3.4 Subject to national law, any user, by having access to the international network established by an ~~administration~~ operating agency, has the right to send traffic. A satisfactory quality of service [and above a minimum level] should be maintained to the greatest extent practicable, and as much as possible corresponding to relevant ~~CCITT~~ ITU-T Recommendations. *Source C 116 (Africa)*Option 8 MOD7: 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. Administrations shall encourage operating agencies to maintain ~~A~~ a satisfactory quality of service for users ~~should be maintained to the greatest extent practicable,~~ corresponding to the relevant ~~CCITT~~ ITU-T Recommendations. *Source C 124 (Mexico)* | Member States have to be requested in the ITRs to transfer to their national laws and administrative regulations those provisions of the ITRs that reference obligations on the Member State or address fraudulent practices or possible harm to another Member State. (Appropriate text and its citation in the ITR shall be provided and will be subject to further review). *Source C58 (Egypt)*Attention was drawn to the liaison from ITU-T SG2, [TD 37](http://www.itu.int/md/T09-CWG.WCIT12-110927-TD-PLEN-0037/en).The Chairman of ITU-T SG2 stated that neither SG2 nor the TSB has the power to take measures against misuse, and that it is for this reason that the matter was brought to the attention of CWG-WCIT through the cited liaison, recognizing that the matter raises delicate issues.Regarding misuse, see also comments below.Option 3 MOD3:Editorial update. *Source C 28 (USA) and Canada*Some Member States proposed referring to ITU Recommendations. *(Russian Federation)*Option 4 SUP:If kept, align with Art 33 of CS where the provision is worded more strongly. *Source C 35 (CEPT).*Some Member States did not support this proposal. *(Russian Federation)*There are two reasons for this proposal: (1) to move the text elsewhere in the ITRs, not to suppress the text itself; (2) to suppress the text in the ITRs. *Source C 105 (Portugal)*Option 5 MOD4 See Preamble. This proposals supports the retention of the original provision with slight amendments to ensure right of quality access for the user. *Source C 103 (Arab States)*The Unites States does not support this proposal. Source C 99 (USA)Option 6 MOD5: See 3.1 *Source C 96 (Egypt)*Option 8 MOD7: Is convenient that the Member States promote the best quality conditions in the services provided. *Source C 124 (Mexico)* |
| Option 0 NOC: no ADD. *Source C 74 (ISOC)*Option 1 ADD1: new 3.5 Member States shall ensure that administrations, recognized operating agencies, and operating agencies which operate in their territory and provide international telecommunications services offered to the public apply the ITU-T Resolutions and Recommendations relating to naming, numbering, addressing and identification. *Source C 16 (SG3RG-AFR), Opinion 6 WTPF*Option 2 ADD2: new 3.5 Notwithstanding the provisions of Art.1, §1.4 and §1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, §1.3; in Art.3, §3.3.; and taking into account Art.3, §3.1, Members shall require, subject to national law, that administrations, recognized operating agencies, and private operating agencies which operate in their territory and provide international telecommunications services offered to the public, apply the ITU-T Recommendations and national laws relating to naming, numbering, addressing and identification, including any Instructions forming part of, or derived from, said Recommendations. *Source Annex 3 of the Report of CWG on ITR submitted to Council 2005*Option 3 ADD3: new 3.5 Member States shall ensure that the legal and regulatory frameworks and instruments applicable in their territories shall mandate [Administrations, Recognized Operating Agencies, and Operating Agencies] which operate in their territory and provide international telecommunications services offered to the public to apply the ITU-T Resolutions and Recommendations relating to naming, numbering, addressing and identification. [Member States shall ensure that these resources are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.] *Source C 56 (Egypt) and Côte d’Ivoire and C 116 (Africa)* EDITORIAL NOTE: the first square brackets and the text in the second square brackets are proposed only by Africa | Option 0 NOC: Proposals to change 1.4 and to add a new 3.5 would have the effect of making it compulsory for states to impose ITU-T standards and potentially policy decisions on telecom/Internet service providers in their countries. This approach would be counterproductive for global communications and is counter to the international collaborative standards development process that is place today. ISOC believes that ITU-T Recommendations should continue to be voluntary. Source C 74 (ISOC)Option 1 ADD1:Text of proposal based on CWG-WCIT12 C1, Adds 1 and 2. *Source: C 16 (SG3RG-AFR)*The United States does not agree with this text as it dictates application of ITU-T Recommendations and Resolutions and interfere with commercial network management. In addition, this proposal appears to give recommendations the same legal status as provisions of the ITRs, and is contrary to ITR Article 1.4. ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations. *Source: C 45 (USA) and Canada*Option 2 ADD2:The United States does not agree with this text as it dictates application of ITU-T Recommendations and Resolutions and interferes with commercial network management. In addition, this proposal appears to give recommendations the same legal status as provisions of the ITRs, and is contrary to ITR Article 1.4. ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.” *(USA)*Option 3 ADD3:In the recent years, the transmission of international calling party numbers and other identifiers are becoming increasingly important. Despite the fact that all procedures related to the transmission of the cited identifiers are rather fully described in ITU-T Recommendations, practice in recent years shows that administrations and telecommunication operators significantly didn’t apply these ITU-T Recommendations; additionally, failure of transmission of these identifiers due to the advent of new technologies has been increasingly observed. Also some telecommunication operators refrain from including or implementing CPND facilities in their networks for commercial/economic reasons. All of these practices and limitations are forming great challenges to malicious call tracing, national security, counter-terrorism and proper accounting and settlement.As a consequence of the current situation, there has been a request by a number of ITU Member States for explicit inclusion in the International Telecommunication Regulations (ITRs) of an article requiring unconditional transmission of international calling party number and other identifiers.*Source C 56 (Egypt)* |
| 3.5 - CONTINUEDOption 4 ADD4: new 3.5 Member States shall ensure that the legal and regulatory frameworks and instruments applicable in their territories shall mandate operating agencies which operate in their territory and provide international telecommunications services offered to the public to apply the following ITU-T Recommendations relating to naming, numbering, addressing and identification: E190, E164, E164.1, E212, E156, E157, Q708. *Source C 67 (Arab States)* | Option 4 ADD4: It is necessary to ensure that operating agencies apply key ITU-T Recommendations related to naming, numbering, addressing and identification. It is felt that it is necessary to list the specific Recommendations that are to be binding, as is done in the Radio Regulations. Source C 67 (Arab States)Some Member States did not support this proposal. It concerns national matter and ITU-T Recommendations should not be binding. (USA, Canada, Australia and Portugal)ITU-T Recommendations should not be binding. (Portugal)Some Member States did not support this proposal, because it mandates how a country would conduct national legal and regulatory regimes, which are national matters. ITU-T Recommendations are voluntary and should remain so, so the proposal to incorporate ITU-T Recommendations into the ITRs by reference cannot be supported. Management of national numbering plans is a national matter. (USA)  |
| Option 0 NOC: no ADD. *C 90 (Canada)*Option 1 ADD1: new 3.6 International calling party number delivery shall be provided taking into account/in accordance with relevant ITU-T Recommendations. *Source TD 21 Rev.1 and Côte d’Ivoire*Option 2 ADD2: new 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations, to the greatest extent practicable. *Source C 16 (SG3RG-AFR) and C 27 (SG3RG-AO) and Côte d’Ivoire*Option 3 ADD3: new 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations, to the greatest extent practicable. Member States may provide for data privacy by authorizing the masking of information other than the country code and national destination code,but that masked information shall be made available to duly authorized law enforcement agencies. *Source C 25 (SG3RG-LAC) and Côte d’Ivoire* | Option 0 NOC: see 2.18 aboveOption 1 ADD1:The United States believes that this text is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.” Networks, signaling systems, and national numbering plans are not managed, designed, or built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. *Source C 45 (USA)*Egypt draws attention to its position as expressed in C 56.Option 2 ADD2:Text of proposal based on CWG-WCIT12 C 1, Adds 1 and 2. *Source C 16 (SG3RG-AFR)*The United States believes that this ADD is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.” Networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. *Source C 45 (USA)*Egypt draws attention to its position as expressed in C 56.Option 3 ADD3:Taking into account the economic consequences of misuse of numbering resources, SG3RG-LAC proposes the inclusion of articles related to misuse of numbering resources and calling party identification. *Source C 25 (LAC).*The United States believes that this ADD is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.”  Networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. *Source C 45 (USA)*Egypt draws attention to its position as expressed in C 56. |
| 3.6 - *CONTINUED*Option 4 ADD4: new 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations, to the greatest extent practicable. Member States may provide for data privacy by authorizing the masking of information other than the country code and national destination code. *Source C 30 (UAE) and C 42 (Pacific Islands) and Côte d’Ivoire*Option 5 ADD5: new 3.6 Members shall ensure, consistent with technical capabilities and national legal and regulatory frameworks, that telecommunication administrations and operators cooperate in the implementation and application of the following measures:– Administrations and operators originating calls must provide the prefix designating the calling country code, in conformity with the relevant ITU-T Recommendations.– Transit administrations and operators must cooperate in identifying and transmitting to termination administrations and operators the code identifying the calling line corresponding to the traffic they receive.– Members will be able to respect the privacy of the data of the calling user, provided those data involve neither the code of the country of origin nor the national destination code.*Source C 47 (Cuba) and Côte d’Ivoire* | Option 4 ADD4:The operative parts of WTSA Resolution 65 and of E.157 include the language “consistent with technical capabilities and national legal and regulatory frameworks”. It is clear that all transmission of calling party identification must be consistent with technical capabilities; however it would be desirable to harmonize national legal and regulatory frameworks in order to ensure the seamless and transparent international transmission of calling party identification. Since the ITRs is a treaty, it is appropriate to envisage an article whose effect would be to encourage harmonization of national legal and regulatory frameworks so as to achieve the goal mentioned above. *Source C 30 (UAE) and C 42 (Pacific Islands)*The United States believes that this proposal is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.”  Networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. Data privacy is outside the scope of the ITU’s mandate from a national legal, policy, and regulatory perspective. *Source C 45 (USA)*Egypt draws attention to its position as expressed in C 56.Option 5 ADD5:Since the entry into force of the current version of the ITRs, world standardization assemblies and the ITU-T study groups have approved provisions that have helped update the international regulations, and within this context the World Telecommunication Standardization Assembly (Johannesburg, 2008) approved Resolution 65 “Calling party number delivery”, in which the WTSA expressed its concern “that there appears to be a trend to suppress the transmission across international boundaries of calling party identification, in particular the country code and the national destination code” and recognized “that such practices have an unfavorable effect on security and economic issues”.Not only are the implications of this issue financial, but they also relate to the need to ensure confidence and security in the use of ICTs, and realization of these objectives is facilitated by binding provisions calling for the dispatch and receipt of the code identifying the country of origin of calls.*Source C 47 (Cuba)*The United States believes that this proposal is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.”  Networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. Data privacy is outside the scope of the ITU’s mandate from a national legal, policy, and regulatory perspective. *Source C 45 (USA) and Canada*Egypt draws attention to its position as expressed in C 56. |
| 3.6 - *CONTINUED*Option 6 ADD6: new 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations. Member States, in certain specific circumstances, may provide for data privacy by authorizing the masking of information other than the country code and national destination code. *Source Côte d’Ivoire*.Option 7 ADD7: new 3.6 Pursuant to article 3.5, international calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations. Member States may provide for data privacy by authorizing the masking of information other than the country code and the national destination code, but that masked information shall be made available to duly authorized law enforcement agencies. *Source C 56 (Egypt) and Côte d’Ivoire* | Option 6 ADD6:The United States believes that this proposal is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.”  Networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. Data privacy is outside the scope of the ITU’s mandate from a national legal, policy, and regulatory perspective. *Source C 45 (USA) and Canada*Egypt draws attention to its position as expressed in C 56.Option 7ADD7:In the recent years, the transmission of international calling party numbers and other identifiers are becoming increasingly important. Despite the fact that all procedures related to the transmission of the cited identifiers are rather fully described in ITU-T Recommendations, practice in recent years shows that administrations and telecommunication operators significantly didn’t apply these ITU-T Recommendations; additionally, failure of transmission of these identifiers due to the advent of new technologies has been increasingly observed. Also some telecommunication operators refrain from including or implementing CPND facilities in their networks for commercial/economic reasons. All of these practices and limitations are forming great challenges to malicious call tracing, national security, counter-terrorism and proper accounting and settlement.As a consequence of the current situation, there has been a request by a number of ITU Member States for explicit inclusion in the International Telecommunication Regulations (ITRs) of an article requiring unconditional transmission of international calling party number and other identifiers.*Source C 56 (Egypt)*The United States believes that this proposal is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.”  Networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. Data privacy is outside the scope of the ITU’s mandate from a national legal, policy, and regulatory perspective. *Source C 45 (USA) and Canada*Egypt draws attention to its position as expressed in C 56. |
| Option 8 ADD8: new 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations, to the greatest extent practicable. Member States may provide for data privacy by authorizing the masking of information other than the country code and national destination code, but that masked information shall be made available to duly authorized law enforcement agencies. *Source 67 (Arab States)*Option 9 ADD9: new 3.6 Member States or Operating Agencies involved in a communication route – and in particular in transit nodes – shall ensure, to the greatest extent practicable, the provision, transport and forward of international calling party number delivery, calling line identification and/or origination identification, and its integrity end-to-end, in accordance with the relevant ITU-T Recommendations. Member States may provide for data privacy and data protection by authorizing the masking of information other than the country and operating agency identification codes or equivalent originating identifiers, but that masked information shall be made available to duly authorized law enforcement agencies. *Source C 96 (Egypt)*Option 10 ADD10:new 3.6 Member States shall encourage the provision of international calling party number delivery in accordance with the relevant ITU-T Recommendations. *Source C 92 (APT)*Option 11 ADD11: new 3.6 Member States should, through various channels open to them, encourage network operators and service providers to:- implement CLI features, in the international public switched telephony network services using naming, numbering and other resources within the remit and responsibility of the ITU, where technically possible,- use appropriate standards when implementing CLI features,- ensure the requirements associated with data protection, data privacy, consumer protection, and emergency provisions are met, when implementing CLI features.*Source C 103 (Portugal)* | Option 8 ADD8Differs from Option 7 Add 7 only by omitting “Pursuant to article 3.5” at the beginning. Source C 67 (Arab States)The Unites States does not support this proposal. Source C 99 (USA)Option 9 ADD9:Egypt, in line with the Arab proposal C67, C68 and the concept paper of the African countries C61, believes in the strong relation between masking or spoofing of the origin of a communication, and fraud, misuse and security. This was also emphasized in the information document CWG-WCIT12 [INF 15](http://www.itu.int/md/T09-CWG.WCIT12-INF-0015/en) on the outcomes of the workshop on *“Alternate Calling Procedures and Origin Identification”,* and ITU-T SG2 document [C140](http://www.itu.int/md/T09-SG02-C-0140/en) and presentation by the GSMA Fraud Forum.Simply, this clause proposes a high level requirement for the identification of the true origin of a call - to the greatest extent practicable -and requests faithful transmission and forwarding of these identifiers. Source C 96 (Egypt)The Unites States does not support this proposal. Source C 99 (USA)Option 10 ADD10: The APT member countries are of the view that the issue of Calling Party Identification should be addressed together with the misuse of numbering resources. The non-delivery of international calling party numbers, in particular, the country code of the originating country, only exacerbates the problem of misuse of numbering resources. Therefore the APT members are adamant that this issue be addressed in the ITRs in the form of a new article. Source C 92 (APT)Option 11 ADD11: CEPT believes that the ITR’s should avoid references to technical aspects associated with International CLI, and require policy statements and requirements to be included. Source C 93 (Portugal) |
| Option 12 ADD12: new 3.6: Member States shall ensure correct transmission of the calling party number / address / name / identity. *Source C 94 (RCC)****Option 13 ADD 13***: new 3.6: International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations. *Source Iran*Option 14 ADD14: new 3.6 Member States shall, through various channels open to them, ensure that operating agencies:- implement CLI features, where technically possible- use appropriate standards when implementing CLI features,- ensure that integrity of CLI is maintained end to end- ensure that the requirements associated with data protection and data privacy are met.*Source C 103 (Arab States)*Option 15 ADD15: new 3.6 Member states shall, through various channels open to them, ensure that Operating Agencies implement Calling Line Identification (CLI) features, where technically possible, including at least presentation of country code, national destination code or equivalent origination identifiers in accordance with the relevant ITU-T Recommendations; ensure that integrity of the CLI is maintained end-to-end; ensure that the requirements associated with data protection and data privacy are met, but such masked information shall be made available to duly authorized law enforcement agencies. Member States may impose additional obligations. Source C 116 (Africa) | ***Option 12 ADD12***: Various world assemblies and conferences have addressed the issue of quality of service and telecommunication network security. This issue relates to, among other things, calling party identification (calling line identification, calling subscriber identification and various similar terms and definitions). It is necessary to ensure identification of the number/address/name/identity of the calling party, and to ensure that this number/address/name/identity is transmitted, via all the transit operators or operating agencies, through to the final operator responsible for transmitting the call to the called party. *Source C 111 (Russian Federation)****Option 14 ADD14***: This proposal is a merge between the CEPT views and the views of ARB, the ATU, the Latin America, Pacific Islands, and APT. The main objective is to implement Calling Line Identification features facilitate the identification of the origin of calls, mainly for security reasons, and to limit spoofing and prevent fraud. Source C 103 (Arab States)***Option 15 ADD15***: This provision addresses various requirements related to: identification of the source of the communication, non-spoofing (integrity end to end) of the CLI, catering for data privacy and protection, and the right to unveil the origin of the communication subject to a proper legal procedure. Source C 116 (Africa) |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD1: new 3.7 Member States shall ensure that international naming, numbering, addressing and identification resources are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used. The provisions of the relevant ITU-T Recommendations shall be applied. *Source C 25 (LAC), C 30 (UAE), C 42 (Pacific Islands)*  | Option 1 ADD1:Taking into account the economic consequences of misuse of numbering resources, SG3RG-LAC proposes the inclusion of articles related to misuse of numbering resources and calling party identification. *Source C 25 (LAC).*While the measures provided for in E.156 and WTSA Resolution 61 are effective, they are not sufficiently effective and numbering misuse continues to occur. The root cause of certain types of misuse appears to be the fact that such misuse is not prohibited by the national laws of certain countries, so operators based in those countries can freely engage in the misuse, making the misuse very difficult to stop. The most effective measure would appear to be to ensure that all countries prohibit misuse of international numbering resources. This can be achieved by agreeing an appropriate article in the new ITRs. *Source C 30 (UAE) and C 42 (Pacific Islands)*The United States believes that this proposal is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.”  The issue of misuse is being studied in ITU-T Study Group 2 and that work has shown that the term misuse has different connotations and that developing a solution to the problems encountered involves complex technical issues.  Therefore, this issue should not be included in the ITRs, where precision of language is essential, but should continue to be studied in the ITU-T and addressed nationally by Member States. In addition, networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. Data privacy is outside the scope of the ITU’s mandate from a national legal, policy, and regulatory perspective. *Source C 45 (USA) and Canada*Egypt draws attention to its position as expressed in C 56.General policy principles may be acceptable, subject to editorial review. To be kept within ITU mandate.In relation to “The provisions of the relevant ITU-T Recommendations shall be applied”, the proposals do not comply with CEPT criteria for accepting proposals (criterion 2 – “Consistency with the Preamble and Article 1 of the CS”), bearing in mind that ITU recommendations are non binding, and the voluntary application nature of the ITU-T recommendations cannot be changed by means of the ITR revision.*Source C 54 (Portugal)*Numbering misuse results in fraud and significant financial issues. It must be addressed in the ITRs and appropriate provisions should be transposed to national law. *(Russian Federation)*Some Member States did not support an extension of the role of ITU to issues related to the use of IP addresses. *(USA, Canada)* |
| Option 2 ADD2: new 3.7 Members shall ensure, consistent with technical capabilities and national legal and regulatory frameworks, that telecommunication administrations and operators under their jurisdiction neither participate in the misuse/misappropriation of numbering resources not assigned to them or assigned to other administrations and operators, nor use these resources using procedures that do not conform to the relevant ITU-T Recommendations’ assignment criteria. *Source C 47 (Cuba)*Option 3 ADD3: new 3.7 Member States shall ensure that international naming, numbering, addressing and identification resources are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources shall not be used. The provisions of the relevant ITU Recommendations shall be applied/ shall apply. *Source C 48 (Iran)* | Option 2 ADD2:Opinion 6 of the World Telecommunication Policy Forum (Lisbon, 2009) considered that in the course of preparing for the WCIT the membership might wish to consider modifying Article 3.2 to include reference to preventing misuse and misappropriation of numbering resources, considering among other issues the misuse of numbering, naming and addressing resources, and the use of a numbering resource when its use does not conform to the assignment criteria or when an unassigned numbering resource is used in the provision of a telecommunication service. *Source C 47 (Cuba)*The United States believes that this proposal is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.”  The issue of misuse is being studied in ITU-T Study Group 2 and that work has shown that the term misuse has different connotations and that developing a solution to the problems encountered involves complex technical issues.  Therefore, this issue should not be included in the ITRs, where precision of language is essential, but should continue to be studied in the ITU-T and addressed nationally by Member States. In addition, networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. Data privacy is outside the scope of the ITU’s mandate from a national legal, policy, and regulatory perspective. *Source C 45 (USA) and Canada*Egypt draws attention to its position as expressed in C 56.Option 3 ADD3:Reformulate the proposal in ADD1 above, recognizing that the term “shall“ has its unique legal connotation which is more appropriate in a treaty text. *Source C 48 (Iran)*The United States believes that this proposal is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.”  The issue of misuse is being studied in ITU-T Study Group 2 and that work has shown that the term misuse has different connotations and that developing a solution to the problems encountered involves complex technical issues.  Therefore, this issue should not be included in the ITRs, where precision of language is essential, but should continue to be studied in the ITU-T and addressed nationally by Member States. In addition, networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. Data privacy is outside the scope of the ITU’s mandate from a national legal, policy, and regulatory perspective. *Source C 45 (USA) and Canada*Egypt draws attention to its position as expressed in C 56. |
| Option 4 ADD4: new 3.7 Member States should encourage the appropriate use of numbering resources which are the responsibility and remit of the ITU, so that they are used only for the purposes for which they were assigned. Member States shall endeavour to ensure that unassigned resources, which are the responsibility and remit of the ITU, are not used. *Source C 104 (Portugal)*Option 5 ADD5: new 3.7 Member States shall encourage the appropriate use of numbering resources so that they are used only by the assignees and only for the purposes for which they were assigned. In accordance with the relevant ITU-T Recommendations, Member States shall endeavor to ensure that unassigned resources are not used. *Source C 92 (APT)*Option 6 ADD6: new 3.7 a) Member States shall ensure that international naming, numbering, addressing and identification resources specified in the 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.3.7 b) Member states shall, if they so elect, be able to control all naming, numbering, addressing and identification resources used within their territories for international telecommunications/ICTs.S*ource C 103 (Arab States)* | Option 4 ADD4: CEPT proposes to address the issue related to the conformity of use of naming, numbering and identification resources. Source C 71 (Portugal)Option 5 ADD5: The misuse of numbering resources continues to be an important issue for APT member countries and members are of the view that more should be done to mitigate the problem. It is acknowledged that while important and initial steps have been taken to address this issue, most notably at the WTSA-08 (Johannesburg), the problem persists and continues to affect several APT countries in particular the small island countries of the Pacific. Therefore the APT members are adamant that this issue be addressed in the WCIT process in the form of a new article. Source C 92 (APT)***Option 6 ADD6***: Adequate, efficient, and trusted management of the naming, numbering, and addressing resources shall continue to be ensured. Member States shall take appropriate measures to ensure the confidence in using these important resources. This proposal also merges between the different proposals given on this matter. Source C 103 (Arab States)It was stated that it is not clear whether this proposal would apply to Internet addresses. (Sweden, FIRST, USA)3.7 (b) is too general and would expand scope of ITRs over resources not under the mandate of ITU-T including naming, numbering and addressing used by ICTs (e.g., serial numbers on computing or telecom equipment). (USA, Australia)To the extent that the reach of 3.28A is unclear, the United States does not support an expansion of the ITU’s role in internet naming, numbering, addressing resources. (USA) |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD1: new 3.8 regarding Internet address allocation distribution. Text to be defined. *Source C 40 (Russian Federation) and Côte d’Ivoire* | Option 1 ADD1:Oblige ITU to allocate/distribute some part of IPv6 addresses (as same way/principle as for telephone numbering) *Source C 40 (Russian Federation)*The United States reserves its right to provide further text once draft text on the issue listed is provided. We note that a system already exists for allocation and assignment of Internet Protocol (IP) addresses, and that this function is performed by entities in the Internet technical community. *Source C 45 (USA) and Australia, Canada*CEPT reserves its position until text is provided. As a principle, CEPT does not agree that ITU has a role in internet address allocation. *Source C 54 (Portugal) and Australia, Canada*This would oblige ITU to allocate/distribute some part of IPv6 addresses, which would be disruptive to the existing, successful mechanism for allocating/distributing IPv6 addresses (for more information see: A Delicate Balance < <http://www.internetsociety.org/ip-addressing>). ISOC has concerns about this proposal but will comment more fully after seeing the specific text to be proposed. *Source C 74 (ISOC)* |
| Option 0 NOC: no ADD. *Source C 104 (Portugal) and C 116 (Africa)*Option 1 ADD1: new 3.9 WITHDRAWN. *Source C 84 (Paraguay)*Option 2 ADD2: new 3.9 Member states shall take appropriate measures nationally to ensure that all parties (including [recognized] operating agencies ) involved in the provision of international telecommunication connections [on any kind of network] negotiate and agree to bilateral commercial arrangements, or an alternative type of arrangement [between Member States or recognizes operating agencies], enabling direct international telecommunication connections [on any kind of network] that take into account the possible need for compensation between [them | the mentioned recognised operating agencies] for the value of elements such as traffic flow, number of routes, and cost of international transmission [and the possible application of network externalities, amongst others]. *Source C 103 (Arab States) and C 113 (Paraguay)* EDITORIAL NOTE: the parts in square brackets are proposed only by Paraguay | ***Option 1 ADD1***:Some Member States take the view that it might be inappropriate to include such detail in the ITRs. Further, the provision does not appear to be technology-neutral. Source USAThe language is that found in Recommendation ITU-T D.50, and should be included in the ITRs. Source ParaguayThe substance of the issue is important, but it could be envisaged to include it in a different form, such as WCIT Resolution, which might or might not be cross-referenced in the ITRs. Source Iran.SG3 is more appropriate to address this particular issue. CEPT believes that to attempt to regulate the costs of international internet interconnectivity is not the best option to increase international interconnectivity. The establishment of national and regional IXPs is an effective way for countries to reduce international internet connectivity costs. A number of studies and benchmarks on best practices sustain this view. Source C 104 (Portugal)The basic principles contained in the text proposed by Paraguay should be reflected in the revised version of Article 6. Additional details proposed by Paraguay could be considered for adoption in a Resolution. Source C 116 (Africa)***Option 2 ADD2***: The substance of the issue is important, the language is similar to that found in Recommendation ITU-T D.50, and should be included in the ITRs. However, the previous proposal did not appear to be technology-neutral, and it used the term "administration", this has been amended in this proposal. Source C 103 (Arab States)World countries have been making significant efforts to meet the Millenium Development Goals (MDG) as well as the goals of the World Summit on Information Society (WSIS). Thus, in many countries, the deployment of infrastructure for networks and for information and communication technology applications which use as much as possible broadband and other innovative technologies, has become a priority on their development agendas. Governments have understood the need to set up public policies and the importance of regulating telecommunications that allow the acceleration of economic and social progress for their countries, as well as the wellbeing of all persons, communities and villages. The role of governments includes the provision of a clear coherent and foreseeable legal framework in order to promote a favourable environment in which world networks, including Internet, be widely accessible to all citizens without any discrimination and in the management of Internet resources guarantee adequate protection of public interests. *Source C 113 (Paraguay)*The USA believes that this proposal is too detailed for a treaty. *(USA)* |
| Option 0 NOC: no ADD. *Source C 103 (Arab States) and C 104 (Portugal) and C 116 (Africa)*Option 1 ADD1: new 3.10 The public having access to the international network shall have the right to transmit traffic. *Source C 94 (RCC)* | ***Option 0 NOC:*** No need to ADD new 3.10 (right to transmit traffic), since the essence of this is already covered in 3.4. *Source C 103 (Arab States)****Option 1 ADD1***: Some countries stated that “Subject to national law” should be added at the beginning of this proposal. Source Iran, Qatar, UAEIt is understood that Member States have the right to regulate their telecommunications, this is stated in the Preamble and does not need to be repeated. Source RussiaThe proposal concerns § 3.4. We propose that the reference to national law be suppressed, since the Preamble recognizes the sovereign right of each country to regulate its telecommunications. The term "user" does not appear in the current ITRs. We therefore propose that it be replaced with the broader term "the public", as defined in § 1.2. The second sentence in existing § 3.4 can also be deleted, since satisfactory quality of service is already referred to in § 3.1. Reference to ITU Recommendations is made in Article 1 and is superfluous here. Source C 111 (Russian Federation) |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)*Option 1 ADD1: new 3.11 Member States shall endeavour to provide, in a timely manner, sufficient numbering, naming, identification and addressing resources on telecommunication networks and provide competing (including at global level) mechanisms for their allocation in order to meet the requirements of and demand for international telecommunication services. *Source C 94 (RCC)* | Option 0 NOC: CEPT supports no ADD. *Source C 104 (Portugal)****Option 1 ADD1***: Some countries stated that the proposal is not sufficiently clear, in particular regarding to whom to provide the resources and the meaning of “competing provisions”. Source IranThe Russian Administration supports the RCC position and considers that one of the tasks of Member States is to provide legal and regulatory machinery to facilitate the comprehensive development of international telecommunication services in a competitive environment. One of the most critical issues is that of numbering resource allocation, naming, identification and addressing of telecommunication resources. We propose that issues relating to development of a competitive environment be included under telecommunication services as a whole, including services for the allocation and use of numbering resources and the naming, identification and addressing of telecommunication facilities. Source C 111 (Russian Federation) |
| Option 0 NOC:**Article 4****International Telecommunication Services**Source CWG-WCIT12 |  |
| Option 0 NOC: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). *Source CWG-WCIT12*Option 1 MOD1: 4.1 Member~~s~~ States shall, to the greatest extent practicable, establish policies to promote the development ~~implementation~~ of international telecommunication services that are ~~and shall endeavour to make such services~~ generally available to the public ~~in their national network (s)~~. *Source C 28 (USA) and C 91 (Rwanda)*Option 2 MOD2: 4.1 Member~~s~~ States shall, to the greatest extent practicable, establish policies to promote the development ~~implementation~~ of international telecommunication services ~~and shall endeavour to make such services generally available~~ to foster the general availability to the public of such services~~in their national network (s)~~. *Source C 54 (Portugal)*Option 3 MOD3: 4.1 Member~~s~~ States shall promote the implementation and development of international telecommunications/ICTs ~~services~~ and shall endeavour to ensure that operating agencies make international telecommunication ~~such~~ services generally available to the public in their national network(s). *Source C 103 (Arab States)*Option 4 MOD4: 4.1 Member~~s~~ States shall promote the availability ~~implementation~~ of international telecommunication services ~~and shall endeavour to make such services generally available~~ to the public ~~in their national network(s)~~. *Source C 94 (RCC)*Option 5 MOD5: 4.1 Member~~s~~ States shall promote the implementation of international telecommunication services and shall endeavour to ensure that operating agencies make such services generally available to the public in their national network(s). *Source C 116 (Africa)* Option 6 MOD6: 4.1 Member~~s~~ States shall promote the implementation of international telecommunication services and shall endeavour to make such services ~~generally~~ available to the public in their recognized operating agencies ~~national network(s)~~. *Source C 124 (Mexico)*  | There is a need for sufficient telecommunication facilities to meet the requirements of, and demand for, international telecommunication services. All users and consumers to have the right to send traffic via the international network. A wide range of international services to be promoted. *Source C 20 (CEPT).*Review and update. *Source C 35 (CEPT)* Maintain. ITRs should be self-contained instrument. *Source C 31 (UAE)* The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1: Editorial update to align with CS Art 1.1.c *Source C 28 (USA)*Option 2 MOD2:A new text is proposed. *Source C 54 (Portugal)*Some Member Stated did not support this proposal. *(Iran)*Option 3 MOD3: See Preamble. This proposal merges between the views of the CEPT with the ARB, RCC, and USA. It also replaces the term "administrations or ROAs" with Member States and operating Agencies. *Source C 103 (Arab States)*The United States does not support this proposal. Source C 99 (USA).Option 6 MOD6: Update. *Source C 124 (Mexico)* |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: 4.2 Member ~~s~~ States 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 ITU-T~~CCITT~~ Recommendations. *Source TD 21 Rev.1*Option 2 MOD2: 4.2 Member ~~s~~ States shall encourage ~~ensure that~~ administrations~~\*~~~~/~~ROAs to cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ITU-T ~~CCITT~~ Recommendations. *Source C 28 (USA)*Option 3 SUP: 4.2. *Source C 35 and C 104 (Portugal)*Option 4 MOD3: 4.2 Member~~s~~ States shall ensure that ~~administrations\*~~ operating agencies cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ~~CCITT~~ [Recommendations of the ITU | ITU-T Recommendations]. *Source C 103 (Arab States) and C 116 (Africa) EDITORIAL NOTE: Africa proposes “ITU-T Recommendations”* | Option 0 NOC: The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1: Some Member States proposed referring to ITU Recommendations. *(Russian Federation)*Option 2 MOD2:Editorial update to align with CS/CV *Source C 28 (USA)*Some Member States proposed referring to ITU Recommendations. *(Russian Federation)*Option 3 SUP: It refers again to “mutual agreement”. The best way for providing choice and innovation in the provision of international services is by facilitating competition in the provision of such services. *Source C 35 (CEPT)*Option 4 MOD3: See Preamble. This proposal replaces the term "administrations or ROAs" with Member States and operating Agencies, and replaces CCITT with ITU. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 5 MOD4: 4.2 Member~~s~~ States shall ensure that administrations/operating agencies cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services ~~which should conform, to the greatest extent practicable, to the relevant CCITT Recommendations~~ of any type, including, but not limited to: - services for carrying traffic (including services for carrying Internet traffic and data transmission);- telecommunication roaming services;- services for the provision of telecommunication channels;- services in the public international telegraph service;- services in the international telex service;- telematic telecommunication services;- multimedia telecommunication services;- convergent telecommunication services;- global telecommunication services.*Source C 94 (RCC)* | Option 5 MOD4:It was stated that this proposal would be more appropriate as a new article, rather than a MOD to 4.2. *Source Iran, Korea.*Some Member States did not support this proposal: it is not technology-neutral. *Source Portugal*It was stated that this proposal would be more appropriate as a new article, rather than a MOD to 4.2. It could have the effect of implicitly changing the definition of “international telecommunication services”. Some of the terms should be clarified, for example “convergent telecommunication services”. *Source Iran*CEPT reiterates its position for the suppression of provision 4.2. The proposed amendment is not technological neutral. Such principle is relevant so that the ITRs are flexible to accommodate technological developments. Some of the services identified are no longer used. *Source C 104 (Portugal)*It is believed essential to list specific basic international telecommunication services in this definition so to make the text of 42.2 clear and well-defined. *Source C 111 (Russian Federation)*The list of services is proposed in connection with the application of 6.1.3 in the interests of ensuring the availability of basic telecommunication services which have already become traditional (Internet, data transmission, telematics, roaming), and develops the provisions of WATTC-88 Resolution 6. Today, these services are established provide:– voice telecommunication services;– broadband services, including Internet.Eliminating dual taxation for those services will serve to lower their price for the end user.The proposed wording of § 4.2 of the ITRs will facilitate achievement of one of the Union's most crucial tasks, namely to broaden public accessibility to international telecommunication services, resulting in communications on a global scale.Source C 111 and C 112 (Russian Federation) |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: text of CS 186-189A. *Source C 31 (UAE) and C 67 (Arab States)***Establishment, Operation and Protection of Telecommunication Channels and Installations**1 Member States shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.2 So far as possible, these channels and installations must be operated by the methods and procedures which practical operating experience has shown to be the best. They must be maintained in proper operating condition and kept abreast of scientific and technical progress.3 Member States shall safeguard these channels and installations within their jurisdiction.4 Unless other conditions are laid down by special arrangements, each Member State shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.5 Member States recognize the necessity of taking practical measures to prevent the operation of electrical apparatus and installations of all kinds from disrupting the operation of telecommunication installations within the jurisdiction of other Member States. | Option 1 ADD:Maintain. ITRs should complete the CS/CV; the relevant text (provisions and articles) in the CS/CV should be transferred to the ITRs, as appropriate. *Source C 67 (Arab States)*The proposed revision is unnecessary because ITRs are already subject to the CV provisions that are listed here. The General Provisions Relating to Telecommunications in CS Chapter VI (CS179-193) inform the supplication of both the ITRs and the Radio Regulations. We support retaining these provisions in the CS and do not support transferring them to or duplicating them in the ITRs. *Source C 45 (USA)*The proposed provisions are included in Article 38 of the CS (“establishment, operation and protection of telecommunication channels and installations”). Need to avoid duplication. These provisions include technical considerations. Therefore, the proposal does not meet “criterion 1” described above, as it does not refer to high level strategic and policy issues. *Source C 54 (Portugal)* |
| Option 0 NOC: 4.3 Subject to national law, Members shall endeavour to ensure that administrations\* provide and maintain, to the greatest extent practicable, a minimum quality of service corresponding to the relevant CCITT Recommendations with respect to: *Source CWG-WCIT12*Option 1 MOD1: … a minimum quality of service corresponding to the relevant ITU-T ~~CCITT~~ Recommendations with respect to:  *Source TD 21 Rev.1 and Egypt*Option 2 MOD2: 4.3 Subject to national law, Member ~~s~~ States shall endeavour to ensure that [Operating Agencies | ROAs] ~~administrations~~~~\*~~ provide and maintain, to the greatest extent practicable, a satisfactory ~~minimum~~ quality of service corresponding to the relevant ITU-T ~~CCITT~~ Recommendations with respect to: *Source C 28 (USA) and C 104 (Portugal) and C 116 (Africa) EDITORIAL NOTE: USA proposes OA, Portugal and Africa propose Operating Agencies*Option 3 MOD3: 4.3 Subject to national law, Member*~~s~~* States shall endeavour to ensure that ~~administrations\*~~ operating agencies provide and maintain, to the greatest extent practicable, a satisfactory ~~minimum~~ quality of service taking into consideration ~~corresponding~~ ~~to~~ the relevant ~~CCITT~~ Recommendations of the ITU with respect to: *Source C 103 (Arab States)*Option 4 MOD4: 4.3 ~~Subject to national law,~~ Member*~~s~~* States shall endeavour to ensure that administrations /operating agencies provide and maintain~~, to the greatest extent practicable, a minimum~~ an agreed quality of service ~~corresponding to the relevant CCITT Recommendations~~ with respect to: *Source C 94 (RCC)* | Option 1 MOD1:Could be maintained with a different wording, to reflect present reality of competitive and liberalized markets. Editorial review needed to align with contribution from Germany (CWG-WCIT12/C-53) to the 5th Council Working Group on “Considerations for the revision of the ITRs”. *Source C 54 (Portugal)*Some Member States did not support this proposal. *(Canada)*Some Member States proposed referring to ITU Recommendations. *(Russian Federation)*Option 2 MOD2:Editorial update to align with CS/CV *Source C 28 (USA) and Canada*Could be maintained with a different wording, to reflect present reality of competitive and liberalized markets. Editorial review needed to align with contribution from Germany (CWG-WCIT12/C-53) to the 5th Council Working Group on “Considerations for the revision of the ITRs”. *Source C 54 (Portugal)*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Some Member States did not support this proposal, drawing attention to the increasingly observable deterioration of the quality of service in many international connections, in particular VoIP based, which was commensurate with the current trend of commercialization of the telecommunications sector, and QoS should not go below a certain minimum level. *(Egypt)*CEPT supports Option 2, with the understanding that it should apply to OAs. The text complements the wording proposed by CEPT for the revision of provision 3.1. *Source C 104 (Portugal)*Option 3 MOD3: See Preamble. This proposal emphasizing on the role of Member States in endorsing satisfactory QoS. *Source C 103 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 5 MOD5: 4.3 Subject to national law, Member*~~s~~* States shall endeavour to ensure that ~~administrations\*~~ operating agencies provide and maintain, to the greatest extent practicable, a satisfactory quality of service and above a minimum level ~~quality of service~~ corresponding to the relevant ~~CCITT~~ ITU-T Recommendations with respect to: *Source C 96 (Egypt)*Option 6 MOD6: 4.3 Subject to national law, Member*~~s~~* States shall endeavour to ensure that operating agencies provide and maintain, to the greatest extent practicable, a ~~minimum~~ quality of service that is satisfactory to the users, if applicable having regard to ~~corresponding to~~ the relevant ~~CCITT~~ ITU-T Recommendations with respect to: *Source C 124 (Mexico)* | ***Option 5 MOD5***: See 3.1 Source C 96 (Egypt)***Option 6 MOD6***: Update. Source C 124 (Mexico) |
| Option 0 NOC: 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; *Source C 103 (Arab States) and C 124 (Mexico)*Option 1 MOD1: 4.3a) 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; harm to technical facilities and personnel shall be construed to include spam, malware, etc. as defined in relevant ITU-T Recommendations (as the case may be), as well as malicious code transmitted by any telecommunication facility or technology, including Internet and Internet Protocol. Furthermore, the said provision shall be construed to prohibit connection of terminals that cause harm to technical facilities or personnel. *Source Opinion 6 WTPF and Côte d’Ivoire*Option 2 MOD2: 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~~ diminish the level of security of technical facilities and personnel; *Source C 94 (RCC)*Option 3 MOD3: a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel or to the public; *Source C 116 (Africa)* | Option 0 NOC: Retaining this provision to ensure conditional/healthy access. Source C 103 (Arab States)Option 1 MOD:The United States believes that this MOD is not necessary. The proposed language does not make sense in the context of the original text of 4.3 a) which concerns harm to the network caused by “terminals.” In addition, this text suggests that the ITU has a role in content related issues. We do not believe it does. *Source C 45 (USA)*Some Member States did not support this proposal: it could be difficult to implement and involve removal of compromised computers from the Internet. *(Australia)*Attention was drawn to Art. 42 of the Constitution.Consistent with PP-10 Res., ISOC supports excluding content, national defense and security, and cybercrime aspects from the ITRs. Any other aspects of cybersecurity must meet the criteria established in PP-10 Res. 171 to be considered for inclusion in any revised ITRs. ISOC believes that issues such as cybersecurity, cybercrime, spam, etc., are most effectively dealt with by developing national best practices and codes of conduct, with appropriate international cooperation. ISOC will comment more fully after seeing the specific text being proposed. *Source C 74 (ISOC)* |
| Option 0 NOC: 4.3 b) international telecommunication facilities and services available to customers for their dedicated use; *Source C 124 (Mexico)*Option 1 MOD: 4.3 b) international telecommunication facilities and services available to customers for their ~~dedicated~~ use; *Source C 94 (RCC) and C 103 (Arab States) and C 116 (Africa)* | Some Member States reserved their position regarding use of the term “customer” versus “user”. *(Russian Federation)*Option 1 MOD: Retaining this provision to ensure availability, while updating it to ensure efficiency and advanced technology. *Source C 103 (Arab States)* |
| Option 0 NOC: 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 *Source C 116 (Africa) and C 124 (Mexico)*Option 1 MOD1: 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 *Source C 94 (RCC)*Option 2 MOD2: 4.3 c) at least a form of telecommunication/ICT which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and *Source C 103 (Arab States)* | 4.3 c) should be reviewed and updated. *Source C 35 (CEPT)*Option 2 MOD2: Retaining this provision to ensure Public access to the ICTs. *Source C 103 (Arab States)* |
| Option 0 NOC: 4.3 d) a capability for interworking between different services, as appropriate, to facilitate international communications. *Source C 103 (Arab States) and C 116 (Africa)*Option 1 MOD1: 4.3 d) a capability for interworking between different services, as appropriate, to facilitate international communications services. *Source C 28 (USA).*Option 2 MOD2: 4.3 d) a capability for interworking between different services, as appropriate, to facilitate international telecommunications. *Source C 94 (RCC) and C 124 (Mexico)* | Option 0 NOC: Retaining this provision to facilitate the growth of international communications, via the convergence between the different services and technologies. Source C 103 (Arab States)The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1: Editorial update to be consistent with title of Article 4. *Source C 28 (USA)*Option 2 MOD2: Editorial. *Source C 124 (Mexico)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 103 (Arab States)*Option 1 ADD1: new 4.4 Additional provisions relating to global telecommunication services (GTS)Given the particular characteristics of GTSs, which display both the features of international telecommunication services as well as their own specific features in the form of ubiquitous access in accordance with local legislations and of their own specially assigned country codes allowing subscribers to have a single worldwide number, national legislation may insert and implement GTSs into national law to the effect that GTS are considered local services in the applicable jurisdiction. *Source C 73 (Multiregional Transit Telecom)*Option 2 ADD2: new 4.4 Additional provisions relating to global telecommunication services (GTS)Given the particular characteristics of GTS, which allows subscribers to have a worldwide number, national legislation may allow and implement GTSs in such a way that GTSs are considered as local communication services in the applicable jurisdiction. *Source C 112 (Russian Federation)* | Option 1 ADD1:Given that global numbering resources are an important factor in the provision of new innovative services aimed at overcoming the digital divide and constructing the global information society by 2015, it is proposed that this text be added to the ITRs. *Source C 45 (Multiregional Transit Telecom)*See comments under 2.17 above.We believe the proposed provision introduces a detailed provision that is contrary to Resolution 171 (Guadalajara, 2010) according to which the ITRs should reflect “…strategic and policy principles” to ensure flexibility and to accommodate technological advances. GTS is not a term that we recognize from the work that has been done to date in the ITU. Global rules for interconnection – as put forward here – may distort markets by forcing the implementation of high-cost interconnections for services that, within certain countries, may not be driven by consumers. *Source USA*CEPT does not support a provision related to Global Telecommunication services: it could jeopardize the sovereign right of Member States to regulate their telecommunications. *Source C 71 (Portugal)***EDITORIAL NOTE**: the comments above refer to a the original version of the proposed ADD, which was subsequently modified.Option 2 ADD2: The adoption at WCIT-12 of a relevant provision in the ITRs to formulate and enshrine the principle of setting up calls using a global number would be an effective way of promoting new services in the context of building the global information society, through the use of global numbering resources. The fundamental reason why such a provision needs to be included in the ITRs relates to the fact that the practice followed in a number of countries of equating global telecommunication services with regular international telephone communications restricts competition and hampers the introduction and development of new technologies and services, whereas one of the basic purposes of the ITRs is precisely to promote the development of new technologies and services. *Source C 112 (Russian Federation)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 4.5 Calling Party Identification is a basic right to any called party telecommunicated internationally, unless national legal and regulatory frameworks of the originating country conditionally restrict this identification excluding the Country Code and the National Destination Code. Member States shall endeavor to ensure that Administrations, ROAs and OAs which operate in their territory and provide international telecommunications services offered to the public to provide the delivery of the Calling Party Number to the called party. *Source C 56 (Egypt) and Côte d’Ivoire* | Option 1 ADD:In the recent years, the transmission of international calling party numbers and other identifiers are becoming increasingly important. Despite the fact that all procedures related to the transmission of the cited identifiers are rather fully described in ITU-T Recommendations, practice in recent years shows that administrations and telecommunication operators significantly didn’t apply these ITU-T Recommendations; additionally, failure of transmission of these identifiers due to the advent of new technologies has been increasingly observed. Also some telecommunication operators refrain from including or implementing CPND facilities in their networks for commercial/economic reasons. All of these practices and limitations are forming great challenges to malicious call tracing, national security, counter-terrorism and proper accounting and settlement.As a consequence of the current situation, there has been a request by a number of ITU Member States for explicit inclusion in the International Telecommunication Regulations (ITRs) of an article requiring unconditional transmission of international calling party number and other identifiers.*Source C 56 (Egypt)*See comments above regarding calling party identification.The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: no ADD. *Source C 103 (Arab States)*Option 1 ADD: WITHDRAWN. | Option 0 NOC: No need for new 4.6 (provision of roaming), its essence is already covered elsewhere. *Source C 103 (Arab States)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD1: new 4.7 Member States shall ensure that operating agencies providing international telecommunication services, including roaming, make available to subscribers information on tariffs, including duties and fiscal taxes. Each subscriber should be able to have access to such information and receive it in a timely manner and free of charge when roaming (entering into roaming), except where the subscriber has previously declined to receive such information. *Source C 94 (RCC) and C 121 (INTUG)*Option 2 ADD2: new 4.7 Member States shall implement measures to improve transparency in prices, modalities and conditions of access to international mobile roaming services as well as their effective and immediate communication to the user. *Source C 117 (CITEL)*Option 3 ADD3: new 4.7 Member States, taking into account specific national and regional conditions, should encourage the development of effective ways to provide consumers with clear, transparent and timely information on retail charges for international mobile roaming services. *Source C 122 (Digicel)* | ***Option 1 ADD1***: The Russian Administration supports the RCC position and considers that there is currently a problem of timely provision to subscribers of information on international telecommunication service tariffs and on the cost of additional paying services. This can lead to a situation in which the users of such services receive invoices specifying unexpectedly high amounts. This problem has now been resolved in certain countries, whose legislation lays down specific instructions on the procedures for informing users about the tariffs for the services in question. In the light of these considerations, we propose the inclusion of new §§ 4.7 and 4.8 in the ITRs. Source C 111 (Russian Federation)***Option 2 ADD2***: The implementation of measures for increased transparency in International Mobile Roaming (IMR) service would serve both to increase competition and empower consumers, with minimal regulatory intervention. Consumers of roaming services would be fully aware of the prices they would be paying, and operators would compete to gain roaming consumers, causing downward pressures on market prices. Source C 117 (CITEL)***Option 3 ADD3***: Policies regulating transparency of retail charges for all international telecommunication service (including for the avoidance of doubt international roaming) is in Digicel´s view a sovereign right of each Member State that by its very nature should not be included in an international treaty. Digicel offers the text in an effort to seek a compromise between various other proposals on this topic. Source C 122 (CITEL)The US does not support this proposal. The ITRs should be technology-neutral and should not focus on a single technology-specific service. (USA) |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 4.8 Member States shall ensure that operating agencies providing international telecommunication services, including roaming, make available to subscribers information on the cost of additional paid services, including calls to short numbers, provided by the operating agency itself or by another service provider, through to their completion. *Source C 94 (RCC) and C 121 (INTUG)* | Option 1 ADD:The ITRs should be technology-neutral and should not focus on a single technology-specific service. (USA) |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)*Option 1 ADD: new 4.9 Member States shall ensure that operating agencies providing international telecommunication services, including roaming, make available to subscribers the option of declining any additional paid international telecommunication services (such as calls to short paid numbers) and/or basic services (voice, data) entirely, up to a given spending limit or on other conditions. *Source C 94 (RCC)* | Option 0 NOC: CEPT considers that the implementation of the proposal is not technically feasible worldwide. The cut-off conditions are not defined (and it is not possible to define them worldwide) and for that reason it would raise a number of discrepancies in the implementations which would harm both consumers and operating agencies. *Source C 104 (Portugal)*Option 1 ADD: The proposal is intended to strengthen confidence in the use of international telecommunication services and reduce the risk of using unrequested services (either unintentionally or as a result of unauthorized actions on the part of other persons). *Source C 111 (Russian Federation)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 4.10 Operating Agencies shall cooperate in the development of international IP interconnections providing both, best effort delivery and end to end quality of service delivery. Best effort delivery should continue to form the basis of international IP traffic exchange. Nothing shall preclude commercial agreements with differentiated quality of service delivery to develop. *Source C 109 (ETNO)* | Option 1 ADD: See 2.28 above. *Source C 109 (ETNO)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 4.11 Member States shall foster the establishment of mutual agreements on mobile services accessed within a predetermined border zone in order to prevent or mitigate inadvertent roaming charges. *Source C 115 (Brazil)* | Option 1 ADD: The establishment of agreements between operators of bordering Member States on the pricing of calls originated at a predetermined “border zone” can mitigate the problem of inadvertent international roaming and the consequent bill-shock on end consumers. This would alleviate problems that are currently experienced by users and would also encourage and increase the usage of mobile services on border zones. *Source C 115 (Brazil)*The USA believes that the ITRs should be technology neutral and should not focus on a single technology-specific service. *(USA)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 4.12 Member States shall implement measures to ensure that international telecommunication roaming services of satisfactory levels of quality, comparable to that provided to their own local users, are provided to visiting users. *Source C 117 (CITEL)* | Option 1 ADD: Recognizing the challenges facing all States with regard to international roaming services and the transnational dimension of those services, the need to raise awareness among users and operators of the costs of these services and the availability, advantages and diversity of providers, and in order to guarantee transparent and effective protection for users, it is essential to agree certain minimum measures as regards quality and transparency of information on these services. *Source C 117 (CITEL)*The USA believes that the ITRs should be technology neutral and should not focus on a single technology-specific service. *(USA)* |
| Option 0 NOC:**Article 5**Safety of Life and Priority of TelecommunicationSource CWG-WCIT12 |  |
| Option 0 NOC:5.1 Safety of life telecommunications, such as distress telecommunications, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Convention and taking due account of relevant CCITT Recommendations. *Source CWG-WCIT12*Option 1 MOD1: 5.1 Safety of life telecommunications, ~~such as~~ including distress telecommunications, emergency telecommunication services and telecommunications for disaster relief, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of/in accordance with relevant ITU[-T] ~~CCITT~~ [Resolutions and] Recommendations. *Source TD 21 Rev.1.*Option 2 MOD2: 5.1: Align with CS 191.  *Source C 31 (UAE) and C 67 (Arab States)*CS 191: International telecommunication services must give absolute priority to all telecommunications concerning safety of life at sea, on land, in the air or in outer space, as well as to epidemiological telecommunications of exceptional urgency of the World Health Organization.Option 3 MOD3: 5.1Member States shall adopt policies that, to the greatest extent practicable, ensure that s~~S~~afety of life telecommunications, such as distress telecommunications, are ~~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 Convention and taking due account of relevant ~~CCITT~~ ITU-T Recommendations. *Source C 28 (USA) and C 71 (Portugal) and C 116 (Africa)* | Option 0 NOC: The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:Safety of life telecommunications to have absolute priority over all other telecommunications. *Source C 20 (CEPT)*.Should be reviewed in light of Art 40 of CS. *Source C 35 (CEPT)*Some participants propose to add “resolutions” in front of “Recommendations”. Some participants did not agree with the proposed change. *Source TD 21 Rev.1*The priority of safety of life telecommunications is established in all the instruments of the Union.  Distress (emergency), urgency, and safety communications are recognized as safety of life telecommunications.  The United States opposes expanding the definition of safety of life telecommunication to include the broad category of telecommunications for disaster relief.  While the United States recognizes that telecommunications are critical to disaster relief, not all disaster relief communications concern safety of life.  Those that do are covered within the current definition.  Furthermore, such a change to the definition of safety of life telecommunications in the ITRs could have implications for other instruments of the Union, particularly the Radio Regulations. *Source C 45 (USA)*No support. *Source C 54 (Portugal)*Some Member States proposed referring to ITU Recommendations. *(Russian Federation)*Option 2 MOD2:ITRs should complete the CS/CV; the relevant text (provisions and articles) in the CS/CV should be transferred to the ITRs, as appropriate. *Source C 67 (Arab States)*No support. *Source C 54 (Portugal) and USA*Option 3 MOD3:Clarifies role of Member States *Source C 28 (USA)*Editorial update to align with CS/CV. *Source C 28 (USA)*Proposal is acceptable. *Source C 54 (Portugal)*Some Member States proposed referring to ITU Recommendations. *(Russian Federation)* |
| Option4 MOD4: 5.1 Safety of life telecommunications, ~~such as~~ including distress telecommunications shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other international service telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of/in accordance with relevant ITU ~~CCITT~~ Recommendations. When providing such services, departures from compliance with individual provisions of the ITRs (regarding spam or the protection of personal data), as well as the suspension or restriction of other international telecommunication services, is permissible. *Source C 95 (Russian Federation)*Option 5 MOD5: 5.1 Safety of life telecommunications, ~~such as~~ including distress telecommunications, emergency telecommunication services and telecommunications for disaster relief, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention ~~and taking due account of~~ in accordance with relevant ~~CCITT~~ Resolutions and Recommendations of the ITU. *Source C 103 (Arab States)*Option 6 MOD6: 5.1 Safety of life telecommunications, ~~such as distress telecommunications~~ shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of/in accordance with relevant ITU ~~CCITT~~ Recommendations. *Source C 124 (Mexico)* | ***Option4 MOD4***: The reference to “ITU” rather than to “ITU-T” is intentional. Source C 95 (Russian Federation)CEPT does not support the propose text as it could be interpreted as a content related provision. Source C 104 (Portugal)This provision underscores the absolute priority of distress telecommunications and gives operating agencies the right to make mass announcements in exceptional situations using their subscriber base. Source C 112 (Russian Federation)***Option5 MOD5***: Retaining this important provision, and slightly improving its text. The proposal also recognizes that there are number of ITU (ITU-T, ITU-D, and ITU-R) Resolutions which are related to Safety of Life and should be taken into account. Source C 103 (Arab States)***Option 6 MOD6***: Reconcile terms in accordance with the Constitution. Source C 124 (Mexico) |
| Option 0 NOC: no add. Source CWT-WCIT12Option 1 ADD: 5.1A Member States shall ensure that telecommunications relating to safety of life (distress), including for prevention, relief, and mitigation in emergency situations, are given absolute priority. Source C 116 (Arab States) |  |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: … in accordance with the relevant provisions of the Constitution and Convention and taking due account of relevant ~~CCITT~~ ITU-T Recommendations . *Source C 28 (USA) and C 124 (Mexico)*Option 2 SUP: 5.2. *Source C 35 (CEPT) and C 116 (Africa)*Option 3 MOD2: 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 other types of telecommunications other than those referred to in 5.1 ~~No. 39~~, in accordance with the relevant provisions of the Constitution and Convention and taking due account of relevant ITU ~~CCITT~~ Recommendations. *Source C 95 (Russian Federation) and C 103 (Arab States)* | Option 0 NOC: The United States does not support this proposal. Source C 99 (USA).Option 1 MOD:Editorial update to align with CS/CV. *Source C 28 (USA)* Note that the reference to No. 39 will change.Maintain so that ITRs is self-contained. *Source C 31 (UAE)*Some Member States proposed referring to ITU Recommendations. *(Russian Federation)*Option 2 SUP: Obsolete. *Source C 35 (CEPT)*Option3 MOD2: the reference to “ITU” rather than to “ITU-T” is intentional. *Source C 95 (Russian Federation)* |
| Option 0 NOC: 5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant CCITT Recommendations. *Source CWG-WCIT12*Option 1 MOD1: 5.3 The provisions governing the priority enjoyed by any ~~all~~ other telecommunications services are contained in the relevant ~~CCITT~~ ITU-T Recommendations. *Source TD 21 Rev.1., C 28 (USA) and C 116 (Africa)*Option 2 SUP: 5.3. *Source C 35 (CEPT)*Option 3 MOD2: 5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant ITU ~~CCITT~~ Recommendations. *Source C 95 (Russian Federation) and C 124 (Mexico)*Option 4 MOD3: 5.3 The provisions governing the priority enjoyed by any ~~all~~ other telecommunications are contained in the relevant ~~CCITT~~ Recommendations of the ITU. *Source C 103 (Arab States)*  | Option 0 NOC: The United States does not support this proposal. Source C 99 (USA).Option 1 MOD:Maintain so that ITRs is self-contained. *Source C 31 (UAE)*Replace the word “all”, with “any” to align with French version and with the definition in article 2.2. *Source C 28 (USA) and TD 21 Rev.1.*Some Member States proposed referring to ITU Recommendations. *(Russian Federation)*Option 2 SUP: Obsolete. *Source C 35 (CEPT)*Option3 MOD2: the reference to “ITU” rather than to “ITU-T” is intentional. *Source C 95 (Russian Federation)*Option4 MOD3: Retaining this provision, and slightly improving its text. *Source C 103 (Arab States)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 103 (Arab States) and C 116 (Africa)*Option 1ADD: new 5.4 Notwithstanding the provisions of Art.1, §1.4 and §1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, §1.3; in Art.3, §3.3.; and taking into account Art.3, §3.1, Member States shall encourage administrations, recognized operating agencies, and operating agencies which operate in their territory and provide international telecommunications services offered to the public, to apply the ITU-T Recommendations relating to safety of life, priority telecommunications, disaster recovery and emergency telecommunications, including any Instructions forming part of, or derived from, said Recommendations. *Source TD 21 Rev.1.* | Option 0 NOC: No new 5.4 (applying ITU Rec. on Safety of Life) is required, since the essence of it is already covered by the previous 5.1, 5.2, and 5.3. Source C 103 (Arab States)Option 1 ADD:Requirement for Member States to enforce the application of ITU-T recommendations. *Source Opinion 6 of WTPF*The United States believes that the ADD is not necessary, as ITR Articles 1.6 and 5.2 already cover this issue. If the intent of the proposal is to give greater status to certain recommendations, we disagree with the proposal. *Source C 45 (USA).*Not supported. CEPT considers that a requirement for Administrations to enforce ITU Recommendations is inconsistent with criterion 2: “Compliance with Article 1 of the CS”, bearing in mind that ITU Recommendations are of voluntary application. *Source C 54 (Portugal)* |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)*Option 1 ADD1: new 5.5 regarding absence of unified emergency number. Text to be defined. *Source C 40 (Russian Federation)*Option 2 ADD2: new 5.5 Member States shall seek to introduce a single number, both within the country and in their region, for calls to the emergency services. *Source C 95 (Russian Federation)*Option 3 ADD3: new 5.5 Member States should cooperate to introduce in addition to their existing national emergency numbers a global number for calls to the emergency services globally. *Source C 103 (Arab States)* | Option 1 ADD1:Unified regional emergency numbers for all telecom services in all telecom networks including IP networks and VoIP phones and notification to customers of this number in any roaming region. *Source C 40 (Russian Federation)*The United States reserves its position until the text is defined. We note that ITU-T Study Group 2 has already addressed the issue of suggested possible emergency codes in ITU-T Recommendation E.161. The studies conducted in SG2 have proven that “harmonization” or “unification” is not feasible, and the choice of emergency numbers is a national and/or regional matter. *Source C 45 (USA)*CEPT reserves its right to comment when text is provided. *Source C 54 (Portugal)*Option 2 ADD2: CEPT support NOC. The provision is not related to international telecommunication services. See also CEPT criterion 5. Source C 104 (Portugal)***Option 3 ADD3***: The proposal is aimed at securing the introduction of unified numbers for calls to the emergency services within countries and regions in order to reduce the burden on international telecommunication services in emergency situations. Source C 111 (Russian Federation)Option 3 ADD3: This proposal slightly improves the original text of the proposal, and aims to facilitate the harmonization of worldwide emergency number(s), building up on studies found in ITU-T Rec. E.161.1. *Source C 103 (Arab States)*This proposal may not be technically possible. (USA) |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)*Option 1 ADD1: new 5.6 regarding emergency notification. Text to be defined. *Source C 40 (Russian Federation)*Option 2 ADD2: new 5.6 Member States shall inform every roaming subscriber, in good time and free of charge, of the number to be used for calls to the emergency services. *Source C 95 (Russian Federation)*Option 3 ADD3: new 5.6 Member States shall ensure that operating agencies inform every roaming user, in good time and free of charge, of the number to be used for calls to the emergency services. *Source C 103 (Arab States)*Option 4 ADD4: new 5.6 Member States shall ensure that operating agencies inform all users, including roaming users, in good time and free of charge, of the number to be used for calls to the emergency services. *Source C 103 (Arab States)* | Option 1 ADD1:The United States reserves its position until the text is defined and would like to better understand what is meant by “emergency notification.” Numbering systems are different around the world. Countries have adopted national and regional emergency numbers, policies, regulations, and national outreach programs. *Source C 45 (USA)*CEPT reserves its right to comment when text is provided. However, this topic does not seem to be related to high level strategic and policy issues (CEPT criterion 1). *Source C 54 (Portugal)*Option 2 ADD2: CEPT supports NOC. These provisions are very detailed. CEPT queries the feasibility of the application of such measure worldwide. CEPT considers that SGs are the appropriate level to address this topic. Source C 104 (Portugal)Option 3 ADD3: This proposal slightly improves the original text of the proposal, and aims to facilitate the harmonization of worldwide emergency number(s), building up on studies found in ITU-T Rec. E.161.1. *Source C 103 (Arab States)* |
| Option 0 NOC:**Article 6****Charging and Accounting**Source C 112 (Russian Federation) | Option 0 NOC: Article 6 should be retained. Operating agencies interact not only on the basis of bilateral arrangements but also without them. In the case of cooperation without an arrangement (e.g. on the basis of an “acceptance” agreement – request for service/delivery/submission of an account/payment), the ITRs play the role of such an arrangement, determining the procedure governing the interactions, including rules and time-frames for the settlement of accounts and for questioning accounts. *Source C 112 (Russian Federation)*The article should be retained, with suitable modifications, because it addresses issues that are important for developing countries, however the title in French should be changed: the French term “taxation” is not appropriate. *(Algeria, Côte d’Ivoire, Mexico)*The current provisions of article 6 should be replaced by new provisions as proposed below; the current provisions could be moved to an Annex, with a suitable title. *(Côte d’Ivoire)*It was stated that the title of the article should not be changed *(Iran, Portugal)*It was stated that the title should be changed, as proposed below *(USA)*Arab states reserved their position regarding the contents of article 6 and were of the view that the title should be changed. *(UAE, Jordan)* |
| Option 0 NOC:6.1 *Collection charges*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. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 1 MOD1: 6.1.1 Each administration~~\*~~ and operating agency [shall/could], subject to applicable national law … *Source TD 21 Rev.1* | Option 0 NOC: No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:These detailed regulatory provisions are counterproductive in today’s competitive communications market. *Source C 45 (USA)*Some Member States believe that the verb “shall” is appropriate for the international treaty *(Russian Federation)*. |
| 6.1.1 - *CONTINUED*Option 2 MOD2:**International Telecommunication Service Arrangements ~~Charging and Accounting~~***~~Collection charges~~* ~~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.~~ Subject to applicable national law, the terms and conditions of arrangements between ROAs for the provision of international telecommunication services shall be subject to mutual commercial agreement. *Source C 28 (USA)*Option 3 MOD3:**Pricing~~Charging and Accounting~~**6.1 *Collection charges*6.1.1 Each ~~administration~~~~\*~~ROA shall, subject to applicable national law, establish the collection charges to be offered to ~~collected from~~ its customers. The level of the charges is a national matter; and as such could be regulated by the Member State in line with the principles in these Regulations . ~~great a dissymmetry between the charges applicable in each direction of the same relation~~. *Source C 34 (Global Voice Group)* | Option 2 MOD2:Detailed regulatory provisions governing charging and accounting for international telecommunication services are not appropriate for a competitive market. *Source C 28 (USA)*The original text of provisions 6.1.1 and 6.1.2 are not relevant in competitive markets. The proposed language is flexible and can therefore accommodate technological advances and market developments. *Source C 28 (USA)*Some Member States did not support this proposal *(Russian Federation, Iran)*.Option 3 MOD3:The United States believes that this MOD is not necessary, because the CS Preamble contains text recognizing “the sovereign right of each country to regulate its telecommunications.” We also note that many national regulators have removed price regulations in light of increased competition in their domestic and in the international market. *Source C 45 (USA)*Some Member States did not support this proposal *(Russian Federation)*. |
| Option 4 SUP: 6.1.1 *Source C 16 (SG3RG-AFR), C 27 (SG3RG-AO), C 24 (SG3RG-LAC) and C 116 (Africa)* | Option 4 SUP:SG3RG-AFR proposes that all articles of the ITRs that deal with accounting be deleted, **provided** that appropriate articles are added to ensure that Member States implement national legislation that ensures that operators transmit calling party identification. Further, it is essential to ensure that small operators in developing countries are protected against abuse of significant market power by major international operators, so a new article to this effect would have to be adopted. **Thus a new article 6.7 forms an integral part of this proposal**. *Source C 16 (SG3RG-AFR)*It is inappropriate for Member States in an international treaty to make commitments which dictate the detail of how private operators conduct their commercial activities with operators in other countries in the current liberalised and competitive international telecommunications market. However, this does not prevent other Member States imposing such rules on a national basis if they so choose. CEPT recognises that Art. 37 and 38 of the CV anticipate that the ‘Administrative Regulations’ will contain certain provisions relating to accounting and the monetary unit to be used . However , the ITU basic Instruments themselves are due to be reviewed shortly and in CEPT’s view the existing Articles in the Convention do not of themselves justify the continuance of Article 6 and Appendices 1&2 of the ITRs, all of which should be deleted. *Source C 35 (CEPT)* The United States reserves its right to provide further text once draft text on the issues listed is provided. Provisions concerning market power would result in detailed regulatory provisions, in contravention of PP Resolution 171 (Guadalajara). Market power determinations are made by national authorities with the expertise to undertake a competent analysis of competition issues. *Source C 45 (USA)*Some Member States reserve their right to revisit the issues or the whole of Article 6 and submit further proposals, in particular following the regional preparatory meetings *(Egypt)*.Some Member States did not support this proposal *(Russian Federation)*.Suppress most of the existing provisions of article 6, except for selected provisions, which should be moved into the new Article 6 shown below, having the new title “Economic and Policy Issues”. If required, other existing provisions can be moved into another document, for example a Resolution. *Source C 116 (Africa)* |
| Option 5 MOD4: 6.1.1 Each operating agency~~administration[[1]](#footnote-1)\*~~ 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, i~~In establishing these charges, Member States~~administrations~~ should take measures~~try~~ to avoid too great a dissymmetry between the charges applicable in each direction of the same relation, and they shall ensure transparency. *Source C 60 (Africa ) and C 68 (Arab States)*Option 6 SUP 6.1.1 and ADD: 6.1 Subject to applicable national law, the terms and conditions between operating agencies for the provision of international telecommunication services shall be subject to commercial agreements. *Source C 104 (Portugal)*Option 7 MOD5: 6.1.1 Each administration/operating agency 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/operating agencies should try to avoid too great a dissymmetry between the charges applicable in each direction of the same relation. *Source C 94 (RCC)*Option 8 MOD6:**~~Charging~~ Tariffs and Accounting**6.1 *Tariffs~~Collection charges~~*6.1.1 ~~Each administration/ROA shall~~ Operation agencies shall freely establish telecommunication service tariffs to be offer its customers so as to enable the rendering of such services under satisfactory quality and competitiveness conditions, without any discrimination whatsoever, subject to applicable national law~~, establish the charges to be collected from its customers~~. The level of the tariffs charges is a national matter; however, in establishing these tariffs ~~charges~~, ~~administrations should~~ Member States shall ensure that recognized operating agencies will try to avoid ~~too great a dissymmetry between the charges applicable in each direction of the same relation~~ discriminatory practices, cross-subsidization to services provided under competition by the Recognized Operating Agencies or through their subsidiaries or affiliate companies, as the case may be. The relevant Member States may intercede and agree to introduce tariffs, service quality, and information regulations. *Source C 124 (Mexico)* | Option 5 MOD4: Modify the provision to take into account the present telecommunications environment, in which administrations (that is, Member States) typically do not establish charges, but in which Member States are responsible for ensuring transparency and equity. *Source C 60 (Africa)*The United States does not support this proposal. Source C 99 (USA).CEPT considers that a clarification of terms is required. CEPT supports the principle of transparency of retail charges. Although, transparency in the sense that is proposed by Egypt seems to be related with interconnection and access conditions. The EU legislation dictates that transparency of interconnection and access obligations may only be imposed where an operator is designated as having significant market power on a specific market as a result of an extensive market analysis (Access Directive art. 8 and art. 9).In addition, CEPT Criterion 1 safeguards the rights of telecoms operators and service providers to exercise commercial choice and to have operational and technology freedom in providing international telecommunications services and facilities.For these reasons, this proposal is not supported by CEPT and reiterates the proposal for SUP of this provision. Source C 72 (Portugal)Changing this provision (and others) to refer to “operating agencies” would dramatically expand its scope and could lead to unintended negative consequences. (USA)Option 6 SUP 6.1.1 and ADD:CEPT proposes a MOD to provision 6.1. (on collection charges) to include a provision related to International Telecommunication Service Arrangements.CEPT supports the view that the ITRs should be technological neutral and in no circumstance should provide prominent treatment to a sort of arrangement over others.In particular, the accounting rates system is one among different sort of arrangements that are currently used by the industry and therefore the ITRs should not provide a prominent treatment to it.CEPT considers that any reference to particular arrangements should be dealt within ITU-T Recommendations which can more easily be adapted to technical developments and market circumstances.Source C 71 (Portugal)Option 7 MOD5: This provision is relevant and should be retained. Source C 111 (Russian Federation)Option 8 MOD6: We consider appropriate address the provisions of Article 6 are the items relate to tariffs for international telecommunications. To meet the ITU objectives aimed at fostering cooperation among Member States and sector members in order to reach the minimum level consistent with a sound quality service and a healthy and independent telecommunication financial management through tariff-setting. *Source C 124 (Mexico)* |
| Option 0 NOC: No ADD. *Source CWG-WCIT12*Option 1 ADD1: 6.x Tariff TransparencyMember States shall ensure that operators providing international telecommunication services, in particular international roaming, at least provide free of charge transparent and up-to-date information on retail charges, including roaming charges. *Source C 104 (Portugal) and C 121 (INTUG)****Option 2 ADD 2****:* Member States shall ensure that operating agencies providing international telecommunication services , provide transparent and up-to-date information on retail charges to end users, including roaming charges*. Source C 103 (Arab States)* | Option 1 ADD1:CEPT favours the strengthening of retail tariff transparency on international telecommunication services, in particular international roaming. Source C 104 (Portugal)Some Member States did not support this proposal. (USA)Option 2 ADD2: Retaining this provision and improving it to emphasize on the end users right for transparency in retail charges. Source C 103 (Arab States) |
| Option 0 NOC: No ADD. *Source CWG-WCIT12*Option 1 ADD1: 6.y Costs of International Roaming Servicesa) Member States shall encourage competition in the international roaming market; b) Member States are encouraged to cooperate to develop policies for reducing charges on international roaming services. *Source C 104 (Portugal)*Option 2 ADD2: Member States shall foster the establishment of international roaming mobile services prices based on principles of reasonability, competitiveness and non-discrimination relative to prices applied to local users of the visited country. Source C 117 (CITEL)Option3 ADD3: Member States shall ensure that operating agencies providing international communications services, including mobile services, enable open equivalent access by devices used by subscribers contracted to other operating agencies, such that they are able to connect to applications and content service without charges beyond that normally applied to their own contracted subscribers. Source C 117 (CITEL) | Option 1 ADD1:To complement proposal on transparency of retail charges, CEPT is addressing the level of mobile roaming charges as well and the need to – over time - reduce them. In order to reduce the charges it is recognised that a one-size-fits-all, regulatory solution at global level might be premature. However, we do believe that some general principles should be taken up in the ITR’s to address this issue. Source C 71 (Portugal)Some Member States did not support this proposal. (USA)Option 2 ADD2: In order to increase the use of international mobile roaming services, account must be taken of all aspects that contribute to its unfair prices. As well as dealing with the problems mentioned in C 117 IAP 6, mobile operators should be encouraged to set prices for international mobile roaming services based on reasonable and fair criteria that effectively benefit end consumers, so that they can make full use of their mobile devices wherever they go, and mobile operators, to fully utilize the capacity of their networks and obtain economies of scale from the significant increase in the number of international roaming users. Source C 117 (CITEL)The USA believes that the ITRs should be technology neutral and should not focus on a single technology-specific service. (USA) |
| Option 0 NOC: 6.1.2 The charge 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. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 1 MOD1: 6.1.2 The charge levied by an administration~~\*~~ or operating agency on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that administration or operating agency. *Source fourth meeting* Option 2 SUP: 6.1.2. *Source C 16 (SG3RG-AFR), C 27 (SG3RG-AO), C 24 (SG3RG-LAC), C 28 (USA), C 34 (Global Voice Group), C35 (CEPT)*Option 3 MOD2: 6.1.2 The [tariff | charge] levied by an ~~administration\*~~ operating agency on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that ~~administration~~ operating agency. *Source C 68 (Arab States) and C 124 (Mexico)* EDITORIAL NOTE: Only C 124 proposes to use the term “tariff”Option 4 MOD3: 6.1.2 The charge levied by an administration/operating agency on customers for a particular communication should in principle be the same in a given relation, regardless of the international route chosen by that administration/operating agency. *Source C 94 (RCC)* | Option 0 NOC:No change. Still relevant. It is believed reasonable to retain item 6.1.2 as it supports a stable platform for negotiations reflected in hundreds of agreements affecting billions of dollars. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 MOD: These detailed regulatory provisions are counterproductive in today’s competitive communications market. *Source C 45 (USA)*Option 2 SUP:See comments above re SUP of 6.1.1 *Source C 16 (SG3RG-AFR)* and *Source C 35 (CEPT)*The original text of provisions 6.1.1 and 6.1.2 are not relevant in competitive markets. The proposed language is flexible and can therefore accommodate technological advances and market developments. *Source C 28 (USA)*Eliminate as the concept of route is also eliminated. *Source C 34 (Global Voice Group)*Some Member States did not support this proposal *(Russian Federation)*Option 3 MOD2: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA)Option 4 MOD3: The Russian Administration supports the RCC position and considers that this provision is relevant and should be retained. We propose the addition of "operating agency" and retention of "administration", since this is relevant for a number of countries. Source C 111 (Russian Federation) |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: 6.1.3 ~~Where in accordance with the national law of a country, a~~ Countries are free to levy fiscal taxes on ~~is levied on collection charges for~~ international telecommunication services in accordance with their national laws, but international double taxation must be avoided~~,~~ ~~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 arrangements~~. *Source C 18 (SG3RG-AFR), C 24 (SG3RG-LAC), C 27 (SG3RG-AO), and C 32 (Brazil)*Option 2 MOD2: 6.1.3 Article 6.1.3 of the International Telecommunications Regulations should be clarified and should stipulate that administrations shall not apply taxes to incoming international calls, so as to avoid double taxation. *Source C 26 Rev. 1 (GSMA)*Option 3 MOD3: 6.1.3 Member States to only collect fiscal taxes in respect of international services billed to customers in that country. *Source C 20 (CEPT)*Option 4 MOD4: 6.1.3 *TEXT TO BE PROVIDED Source C 54 (Portugal)* | Option 1 MOD1:Ensure the ability to tax different operators in different countries is not affected. *Source* *C 24 (SG3RG-LAC)*Double taxation in roaming services is a big obstacle to the service charge reduce. *Source C 32 (Brazil)*The United States does not agree with language that would expand the scope of Article 6.1.3. Also, it is not clear what is intended by the term “double taxation”. *Source C 45 (USA)*Some Member Stated did not support this proposal *(Russian Federation)*.Option 2 MOD2:Discriminatory taxation of telecommunications services deters the adoption and use of broadband, mobile and other advanced ICT sector tools that are major drivers of development and growth in the information-based economy of the 21st century. *Source C 26 Rev. 1 (GSMA)*It is not clear what is intended by the term “double taxation”. *Source C 45 (USA)*The Russian Federation supports in general the idea of this proposal. However, to date there is no specific text to discuss. *(Russian Federation)*Option 3 MOD3:Review and strengthen provisions. The need to avoid double taxation on international telecoms services is an important principle. *Source C 35 (CEPT)*The Russian Federation supports in general the idea of this proposal. It is suggested to provide a more detailed text of 6.1.3. *(Russian Federation)*Option 4 MOD4: Specific amendment proposal by CEPT is under review for later presentation. *Source C 54 (Portugal)* |
| Option 5 MOD5: ~~6.1.3~~ 6.2 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.ADD: 6.2.1 Where an ROA has a duty or fiscal tax levied on its share of charges for providing international telecommunication services or other remunerations, it shall not in turn impose any such duty or fiscal tax on other ROAs.ADD: 6.2.2 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.*Source C 28 (USA)*Option 6 MOD6: 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 which is to be included in the collected charges or added to the collected charges, this tax shall ~~normally~~ be collected only in respect of international telecommunication services ~~billed~~ presented for payment to customers in that country, unless other arrangements are made to meet special circumstances. This rule also applies in case payments for international telecommunication services and any other services integral to them are made through specialized payment agencies in accordance with arrangements with administrations\*. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 7 SUP: 6.1.3. *Source C 34 (Global Voice Group) and C 104 (Portugal)* | Option 5 MOD5:6.2.1 was moved from 1.6 in Appendix 1 *Source C 28 (USA)*6.2.2 was moved from 3.3.4 in Appendix 1 *Source C 28 (USA)*Under review by CEPT. Further clarification of the rationale of this proposal is needed. *Source C 54 (Portugal)*The USA reserved its right to provide further proposals.Option 6 MOD6:Russian Federation supports the concerns of a number of participants that discriminatory taxation of telecommunications services deters the adoption and use of advanced ICT sector tools, and that provisions of item 6.1.3 should be reviewed and strengthened. The need to avoid double taxation on international telecommunication services is an important principle. *Source C 55 (Russian Federation, Belarus and Moldova)*As a general matter, we do not support the inclusion of this text as it attempts to dictate how and through whom a Member State may process or manage fiscal taxes. More specifically, it is not clear what “specialized payment agencies” are as this is a new term in the context of this treaty and in the context of ITU-T Recommendations. *(USA)*Dual taxation increases the price of international telecommunication services for the end user. Eliminating dual taxation of international telecommunication services makes such services more accessible for the population. Source C 112 (Russian Federation)Option 7 SUP:National authorities are free to impose taxes on all telecommunications traffic, whether incoming or outgoing. *Source C 34 (Global Voice Group)*The United States supports retaining the text of 6.1.3. *Source C 45 (USA)*Not supported. *Source Russian Federation*CEPT considers that fiscal policy is not within the scope of the revised ITRs (see CEPT criteria 5). *Source C 104 (Portugal)* |
| Option 8 MOD7: 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.~~ National authorities are free to impose taxes on all telecommunications traffic, whether incoming or outgoing. However, such taxes should be reasonable and the proceeds should be directed where possible at the development of the industry. Regarding double taxation, Member States are encouraged to cooperate within the framework of bilateral, juridical double taxation treaties under which taxation arrangements are pre-determined by the terms of the treaty so as to protect against the risk of double taxation and avoidance or evasion of tax liability. *Source C 82 (SG3RG-LAC)*Option 9 MOD8: 6.1.3 Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges, to be included or added to the collection charge, for international telecommunication services, this tax shall ~~normally~~ be collected only in respect of international telecommunication services ~~billed~~ presented for payment to customers in that country, unless other arrangements are made to meet special circumstances. This rule also applies in cases where accounts for international telecommunication services are handled through specialized accounting authorities on the basis of arrangements with administrations/operating agencies. *Source C 94 (RCC)*Option 10 MOD9: 6.1.3 Where, in accordance with the national law of a Member State ~~country~~, a fiscal tax is levied on tariffs ~~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. *Source C 124 (Mexico)* | Option 8 MOD7: The proposal represents initial thinking of the ITU-T Study Group 3 Regional Group for Latin America and the Caribbean (SG3RG-LAC) and Member States reserve their right to modify the proposal.Option 9 MOD8: The need to eliminate dual taxation for international telecommunication services is an important principle in terms of the public accessibility of those services, since dual taxation raises the price of international telecommunication services for the end user. The Russian Administration supports the RCC position and is in favour of retaining the provisions of Article 6, including § 6.1.3, since operating agencies interact not only on the basis of bilateral arrangements but also without them. In the case of cooperation without an arrangement (e.g. on the basis of an “acceptance” agreement – request for service/delivery/submission of an account/payment), the ITRs play the role of such an arrangement, determining the procedure governing the interactions, including rules and time-frames for the settlement of accounts and for questioning accounts. Source C 111 (Russian Federation) |
| Option 0 NOC: no new 6.1.3A *Source CWG-WCIT12*Option 1 ADD: new 6.1.3A Fiscal taxes on telecommunications equipment and services should not be excessive, and their proceeds should be used to finance the development of telecommunications services. *Source C 101 (SG3RG-AFR)* |  |
| Option 0 NOC:6.2 *Accounting rates*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. *Source CWG-WCIT12*Option 1 MOD1:6.2 *Accounting, transit and termination rates* ~~6.2.1~~ For each applicable service in a given relation, administrations~~\*~~ or operating agencies shall by mutual agreement establish and revise accounting, transit and termination rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant ITU-T ~~CCITT~~ Recommendations and relevant cost trends. *Source TD 21 Rev.1* | Option 0 NOC: The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:The proposed edits would expand substantially the scope of the charging and accounting provisions of Article 6.  These detailed regulatory provisions are counterproductive in today’s competitive communications market. *Source C 45 (USA)*Some Member States did not support this proposal. *(Portugal and Russian Federation)* |
| 6.2 - *CONTINUED*Option 2 MOD2:6.2 ~~Accounting rates~~Wholesale prices6.2.1 Each ROA shall, subject to applicable national law, agree with other ROAs under commercial agreement, the terms and conditions, including prices, for the provision of international communications services. Member States shall have the power to regulate the terms and conditions of the services provided in their territory in line with the principles in these Regulations. ~~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.~~ *Source C 34 (Global Voice Group)*Option 3 MOD3: ~~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 ITU-T~~CCITT~~ Recommendations and relevant cost trends. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 4 SUP: 6.2 and 6.2.1. *Source C 16 (SG3RG-AFR), C 27 (SG3RG-AO), C 24 (SG3RG-LAC), C 28 (USA), C35 (CEPT) and C 124 (Mexico)* | Option 2 MOD2:The United States believes that this MOD is not necessary, because the CS Preamble contains text recognizing “the sovereign right of each country to regulate its telecommunications. *Source C 45 (USA)*Some Member States took the view that the ITRs should not impose obligations directly on ROAs. *(Iran)*Some Member States did not support this proposal. *(Portugal and Russian Federation)*Option 3 MOD3:Editorial update. Still relevant.Mutual agreement is an important part of the foundation for negotiations between administrations\*. This is a fundamental and heavily used article by operators on a daily basis to provide services around the world.Source: TD 21 Rev.1. *Source C 55 (Russian Federation, Belarus and Moldova)*Some Member States proposed referring to ITU Recommendations. *(Russian Federation)*The United States does not support this proposal. Source C 99 (USA).Option 4 SUP:This provision has been replaced by the proposed new 6.1, concerning arrangements for the provision of international telecommunication services. *Source C 28 (USA)*See comments above re SUP of 6.1.1 *Source C 16 (SG3RG-AFR)* and *Source C 35 (CEPT)*Some Member Stated did not support this proposal *(Russian Federation)*. |
| 6.2 - *CONTINUED*Option 5 MOD4:6.2 *Accounting, transit and termination rates* ~~6.2.1~~ For each applicable service in a given relation, administrations~~\*~~ or operating agencies shall by mutual agreement, on the basis of costs, establish and revise accounting, transit and termination rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant ITU-T ~~CCITT~~ Recommendations and relevant cost trends.*Source C 60 (Africa)*Option 6 MOD5: 6.2.1 For each applicable service in a given relation, ~~administrations~~ operating agencies shall by mutual agreement establish and revise accounting, transit and termination rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant ~~CCITT~~ ITU-T Recommendations and relevant cost trends. *Source C 68 (Arab States)*Option 7 MOD6: ~~6.2.1~~ For each applicable service in a given relation, administrations/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 relevant ~~CCITT~~ ITU-T Recommendations and relevant cost trends. *Source C 94 (RCC)* | Option 5 MOD4:Introduce the principle of cost-based pricing. *Source C 60 (Africa)*Not supported. In accordance to CEPT Criterion 5, CEPT considers that the choice of the regulatory approach (eg. Cost-orientation) falls within the scope of “the sovereign right of each State to regulate its telecommunication”. CEPT proposes to SUP 6.2. *Source C 72 (Portugal)*Some Member States reserved their position *(Russian Federation)*The United States does not support this proposal. Source C 99 (USA).Option 6 MOD5:See Preamble. *Source C 68 (Arab States)*This provision is relevant. *Source C 111 (Russian Federation)* |
| Option 0 NOC:6.3 *Monetary unit*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. *Source CWG-WCIT12*Option 1 MOD1: ~~6.3.1~~ In the absence of special arrangements concluded between administrations~~\*~~ or 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 currencies agreed by debtors and creditors ~~or the gold franc, equivalent to 1/3.061SDR~~.  *Source TD 21 Rev.1 and C 55 (Russian Federation, Belarus and Moldova)*Option 2 SUP: 6.3 and 6.3.1. *Source C 16 (SG3RG-AFR), C 24 (SG3RG-LAC), C 27 (SG3RG-AO), C 28 (USA), C 34 (Global Voice Group), C35 (CEPT)* *and C 124 (Mexico)* | Option 0 NOC: The United States does not support this proposal. Source C 99 (USA).Option 1 MOD:Maintain so that ITRs is self-contained. *Source C 31 (UAE)*This proposal introduces new terminology that is not defined in the ITRs (e.g., debtor and creditor) and would thus increase the ambiguity of this provision. *Source C 45 (USA)*This article provides a backstop for determining monetary unit, when special arrangements have not been concluded between administrations\*. Provision regarding gold franc is obsolete. Source TD 21 Rev.1. *Source C 55 (Russian Federation, Belarus and Moldova)*The Russian Administration supports the RCC position and is in favour of retaining this provision, insofar as it provides a basis for determining the monetary unit in cases where special arrangements have not been concluded between operating agencies. Source C 112 (Russian Federation)Option 2 SUP:See comments above re SUP of 6.1.1 *Source C 16 (SG3RG-AFR)* and *Source C 35 (CEPT)*Obsolete provision. *Source C 28 (USA), C 34 (Global Voice Group)* |
| Option 3 MOD2: 6.3.1 In the absence of special arrangements concluded between ~~administrations\*~~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:Source C 68 (Arab States)Option 4 MOD3: ~~6.3.1~~ In the absence of special arrangements concluded between administrations/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 administrations/operating agencies ~~or the gold franc, equivalent to 1/3.061SDR~~.  *Source C 94 (RCC)* | Option 3 MOD2: See Preamble. Source C 68 (Arab States)The United States does not support this proposal. Source C 99 (USA)Option 4 MOD3: The Russian Administration supports the RCC position and is in favour of retaining this provision, insofar as it provides a basis for determining the monetary unit in cases where special arrangements have not been concluded between operating agencies. Source C 111 (Russian Federation) |
| Option 0 NOC: 6.3.2 In accordance with relevant provisions of the International Telecommunication 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. *Source CWG-WCIT12*Option 1 SUP: 6.3.2. *Source C 16 (SG3RG-AFR),C 24 (SG3RG-LAC), C 27 (SG3RG-AO), C 28 (USA), C 34 (Global Voice Group), C 35 (CEPT), C 55 (Russian Federation, Belarus and Moldova), TD 21 Rev.1 and C 94 (RCC) and C 124 (Mexico)*Option 2 MOD: In accordance with relevant provisions of the International Telecommunication Convention, this provision shall not affect the possibility open to ~~administrations\*~~ operating agencies of establishing bilateral arrangements for mutually acceptable coefficients between the monetary unit of the IMP and the gold franc. *Source C 68 (Arab States)* | Option 0 NOC: The United States does not support this proposal. Source C 99 (USA).Option 1 SUP:See comments above re SUP of 6.1.1 *Source C 16 (SG3RG-AFR)* and *Source C 35 (CEPT)*Obsolete provision. *Source C 28 (USA), C 34 (Global Voice Group)*Delete since no longer relevant in light of change to 6.3.1. *Source C 55 (Russian Federation, Belarus and Moldova)***=>SUP agreed**Option 2 MOD: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC:6.4 *Establishment of accounts and settlement of balances of account*6.4.1 Unless otherwise agreed, administrations\* shall follow the relevant provisions as set out in Appendices 1 and 2. *Source CWG-WCIT12*Option 1 MOD1: ~~6.4.1~~ Unless otherwise agreed, administrations~~\*~~ or operating agencies shall apply ~~follow~~ the relevant provisions as set out in Appendices 1 and 2. *Source TD 21 Rev.1.)*Option 2 MOD2: ~~6.4.1~~ Unless otherwise agreed, … *Source C 55 (Russian Federation, Belarus and Moldova)*Option 3 MOD3: 6.4: align with CV 497, 498.CV 497: The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the Member States and Sector Members concerned in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 42 of the Constitution, these settlements shall be effected in accordance with the Administrative Regulations.CV 498: Administrations of Member States and Sector Members which operate international telecommunication services shall come to an agreement with regard to the amount of their debits and credits. *Source C 31 (UAE)*Option 4 SUP: 6.4 and 6.4.1. *Source C 16 (SG3RG-AFR), C 24 (SG3RG-LAC), C 27 (SG3RG-AO), C 28 (USA)C 34 (Global Voice Group), C35 (CEPT) and C 124 (Mexico)* | Option 0 NOC: The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1: The United States does not support this proposal. Source C 99 (USA).Option 2 MOD2:Editorial update. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 3 MOD3:Maintain so that ITRs is self-contained. *Source C 31 (UAE)*Not supported. Provisions proposed by UAE are included in article 37 of the CV (“Rendering and Settlement of Accounts”). Need to avoid duplication. It refers to technical issues that should not be included in an international treaty.*Source C 54 (Portugal)*The United States does not support this proposal. Source C 99 (USA).Option 4 SUP:See comments above re SUP of 6.1.1 *Source C 16 (SG3RG-AFR)* and *Source C 35 (CEPT)*Obsolete provision, as well as Appendix 1. *Source C 34 (Global Voice Group)*The United States had proposed to suppress Appendices 1 and 2 and consequently Articles 6.4 and 6.4.1. The United States is now reviewing Appendix 2. Any changes to that Appendix may require corresponding changes to Article 6.4.1. *Source C 45 (USA)*Some Member Stated did not support this proposal *(Russian Federation)*. |
| ***Option 5 MOD4***: 6.4.1 Unless otherwise agreed, ~~administrations\*~~ operating agencies shall follow the relevant provisions as set out in Appendices 1 and 2. Source C 68 (Arab States)Option 6 MOD5: ~~6.4.1~~ Unless otherwise agreed, administrations/operating agencies shall follow the relevant provisions as set out in Appendices 1 and 2. *Source C 94 (RCC)* | Option 5 MOD5: See Preamble. Source C 68 (Arab States)The United States does not support this proposal. Source C 99 (USA).Option 6 MOD5: The provision is relevant, and Appendices 1 and 2 are used. Source C 111 (Russian Federation) |
| Option 0 NOC:6.5 *Service and privilege telecommunications*6.5.1 Administrations\* shall follow the relevant provisions as set out in Appendix 3. *Source CWG-WCIT12*Option 1 MOD1: ~~6.5.1~~ Administrations~~\*~~ and operating agencies shall apply ~~follow~~ the relevant provisions as set out in Appendix 3. *Source TD 21 Rev.1.*Option 2 MOD2: ~~6.5.1~~ Administrations\* shall … *Source C 55 (Russian Federation, Belarus and Moldova)*Option 3 MOD3:6.~~5~~3 *Service and privilege telecommunications*6.~~5~~.3.1 Administrations~~\*~~/ROAs shall … *Source C 28 (USA)*Option 4 SUP: 6.5 and 6.5.1. *Source C 16 (SG3RG-AFR), C 24 (SG3RG-LAC), C 27 (SG3RG-AO), C35 (CEPT) and C 124 (Mexico)*Option 5 MOD5: 6.5.1 ~~Administrations\*~~Operating agencies shall follow the relevant provisions as set out in Appendix 3. *Source C 68 (Arab States)*Option 6 MOD6: ~~6.5.1~~ Administrations/operating agencies shall follow the relevant provisions as set out in Appendix 3. *Source C 94 (RCC)* | Option 1 MOD1:The United States does not support expanding the scope of this provision to include “operating agencies”. *Source C 45 (USA)*Some Member Stated did not support this proposal *(Russian Federation)*.Option 2 MOD2:Editorial update. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 3 MOD3: Editorial update to align with CS/CV. *Source C 28 (USA)*Option 4 SUP:Obsolete *Source C 35 (CEPT)*Some Member Stated did not support this proposal *(Russian Federation)*Option 5 MOD5: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD1: new 6.6 Notwithstanding the provisions of Art.1, §1.4 and §1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, §1.3; in Art.3, §3.3.; and taking into account Art.3, §3.1, Members States shall, as appropriate, encourage administrations, recognized operating agencies, and private operating agencies which operate in their territory and provide international telecommunications services offered to the public, to apply the ITU-T Recommendations relating to charging and accounting and alternate calling procedures, including any Instructions forming part of, or derived from, said Recommendations. *Source TD 21 Rev.1.*Option 2 ADD2: new 6.6 Notwithstanding the provisions of Art.1, §1.4 and §1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, §1.3; in Art.3, §3.3.; and taking into account Art.3, §3.1, Members States shall, as appropriate, encourage administrations\*, which operate in their territory and provide international telecommunications services, to apply the ITU-T Recommendations relating to charging and accounting and alternate calling procedures, including any Instructions forming part of, or derived from, said Recommendations. *Source TD 21, Rev. 1, C 55 (Russian Federation, Belarus and Moldova)* | Option 1 ADD1:The United States believes this ADD is unnecessary, in light of Article 1.6.  Moreover, adding the term “private operating agencies” would expand the scope of recommendations already adopted by the ITU-T. *Source C 45 (USA)*Not supported. The proposal does not comply with CEPT criteria for accepting proposals (criterion 2 – “Consistency with the Preamble and Article 1 of the CS”, bearing in mind that ITU recommendations are applied on a voluntary basis. *Source C 54 (Portugal)*Some Member States provided amended versions of this proposal *(Russian Federation)*.Option 2 ADD2:Reference to the relevant ITU-T Recommendations in the ITRs will increase the role of those Recommendations. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States believes this ADD is unnecessary, in light of Article 1.6.  Moreover, adding the term “private operating agencies” would expand the scope of recommendations already adopted by the ITU-T. *Source C 45 (USA)*Not supported. The proposal does not comply with CEPT criteria for accepting proposals (criterion 2 – “Consistency with the Preamble and Article 1 of the CS”, bearing in mind that ITU recommendations are applied on a voluntary basis. *Source C 54 (Portugal)***EDITORIAL NOTE:**the only difference between the proposal in TD 21 and the proposal in C 55 is the replacement of“*encourage administrations, recognized operating agencies, and private operating agencies*” *by “encourage administrations\**”. |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD1: new 6.7: Member States shall ensure that each party in a negotiation or agreement related to or arising out of international connectivity matters including those for the Internet will have standing to have recourse to the competition authorities of the other party's country. *Source C 16 (SG3RG-AFR), C 27 (SG3RG-AO)*  | Option 1 ADD1:Based on Add 24 to WTSA-08 Document 47 and is consistent with 2.5 of the World Trade Organization (WTO) Reference Paper. *Source C16 (SG3RG-AFR)*The United States believes this ADD is unnecessary and outside the scope of the ITU’s mandate. The proposed text would dictate the jurisdiction and procedures of sovereign nations’ competition authorities, and thus would be outside the scope of the ITRs. *Source C 45 (USA) and Canada*This proposal does not seem to be in line with the Purposes of the Union as set out in Art. 1 of the CS (see criterion 2) and also it does not seem to be related with the purpose of the ITR as presented in article 1 of the said Treaty (criterion 5). However, further explanation on the rationale of this proposal is needed. *Source C 54 (Portugal)*Some Member States did not support this proposal: there are differences in how competition authorities operate in different countries based on different regulatory frameworks. The jurisdictions of many regulatory authorities are limited to domestic markets. For these reasons it may be problematic for competition authorities to undertake to enforce the decisions of another country’s competition authority. We also note that the use of the term ‘Internet’ is imprecise – it is unclear whether it refers to carriage services or content services. *(Australia)*Some Member States reserve their right to propose revised text for such an article. *(Egypt, Russian Federation)* |
| Option 2 ADD2: new 6.7: Member States shall ensure that each party in a negotiation or agreement related to or arising out of international connectivity matters, including those for the Internet, will have access to alternative dispute resolution mechanisms and will have standing to have recourse to the relevant regulatory or competition authorities of the other party's country.  *Source C 60 (Africa)* | Option 2 ADD2: Modified version of a previous African proposal. *Source C 60 (Africa)*This proposal does not seem to be related with the purpose of the ITR as presented in article 1 of the said Treaty (CEPT criterion 5 “Exclusion of areas not related to the Purpose and Scope of the ITRs”). In addition, the proposal does not seem appropriate in order to attain with “the sovereign right of each State to regulate its telecommunication”. However, further explanation on the rationale of this proposal is needed. *Source C 72 (Portugal and USA)*The United States believes this ADD is unnecessary and outside the scope of the ITU’s mandate. The proposed text would dictate the jurisdiction and procedures of sovereign nations’ competition authorities, and thus would be outside the scope of the ITRs. *Source C 45 (USA)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: new 6.8 When evaluating significant market power and its abuse, national competition authorities should also take into account international market share and international market power. *Source C 27(SG3RG-AO)* | Option 1 ADD:The ITRs should not constrain the ability of national regulatory authorities to undertake analysis based upon national policy and law, taking into account national market conditions.  In addition, the proposed language conflicts with the important principle stated in the Preamble to the ITRs that “the sovereign right of each country to regulate its telecommunications is fully recognized”. *Source C 45 (USA) and Canada*Not supported. Setting guidance for national competition authorities is not part of the ITRs scope (not in line with criterion 5 – “Exclusion of areas not related to the Purpose and Scope of the ITRs). It is also not in line with criterion 1, as it is not a high level policy issue, it is rather a technical issue. *Source C 54 (Portugal)*Some Member States did not support this proposal: it would be inconsistent with many countries’ competition regulatory frameworks which can only take account of domestic markets. *(Australia)*Egypt reserves its right to revert to these articles after discussion within the African group.Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: new 6.9 Member States shall take measures to ensure that foreign creditors for telecommunications accounts can obtain payment quickly and efficiently. *Source C 27 (SG3RG-AO).* | Option 1 ADD:This proposal addresses issues that are already addressed in several ITU-T Recommendations. We believe that this ADD also is inconsistent with PP Resolution 171 (Guadalajara) which provides that the ITRs should contain “strategic and policy principles” and be “of relevance to be included in an international treaty.” We do not believe this text conforms to that requirement. *Source C 45 (USA) and Canada*Not supported. This proposal does not seem to be related with the purpose of the ITR as presented in article 1 of the said Treaty (criterion 5). *Source C 54 (Portugal)*Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD1: new No. 6.10 Subject to national law, members shall ensure that administrations collaborate in preventing and controlling fraud in international telecommunications by:– Identifying and transmitting to the transit and destination administrations and operators the pertinent information required for the purposes of payment for the routing of international traffic, in particular the calling line code.– Following up requests by administrations of other countries to investigate calls that cannot be billed, and helping to resolve outstanding accounts.- Respecting the right of members to decide the payment procedure for international telecommunications terminating on their territory. *Source C 47 (Cuba)*Option 2 ADD2: new 6.10 Subject to national law, members shall ensure that administrations collaborate in preventing and controlling fraud in international telecommunications by:– Identifying and transmitting to the transit and destination administrations and operators the pertinent information required for the purposes of payment for the routing of international traffic, in particular the originating Country Code, National Destination Code and the Calling Party Number.– Following up requests by administrations of other countries to investigate calls that cannot be billed, and helping to resolve outstanding accounts.- Following up requests by other Member States and Administrations to identify the source of calls originated from their territories exerting potential fraudulent activity. *Source C 57 (Egypt)* | Option 1 ADD1:The ITRs need to complement the definition of fraud by identifying the scope of the commitments made by members in regard to this issue. *Source C 47 (Cuba) and C 49 (UAE)*See comments above on calling party identification, misuse and fraud.Some Member States supported the proposal in principle but reserved their right to propose alternate text. *(Russian Federation)*The United States does not support this proposal. Source C 99 (USA).Option 2 ADD2:Egypt is in line with proposal submitted by UAE and Cuba (to further complement the definition of fraud in the ITRs by identifying the scope of the commitments made by members in regard to this issue; specifically Egypt supports and adds to these proposals an addition to Article 6 of the ITRs. *Source C 57 (Egypt)*See comments above on calling party identification, misuse and fraud.Some Member States supported the proposal in principle but reserved their right to propose alternate text. *(Russian Federation)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: new 6.11 The ITU Standardization Sector shall be responsible for disseminating the regulatory frameworks in place in administrations having an impact on matters related to fraud. *Source C 47 (Cuba) and C 57 (Egypt)* | Option 0 NOC: fraud is out of the scope of the ITRs. *Source C 71 (Portugal)*Option 1 ADD:The ITRs need to complement the definition of fraud by identifying the scope of the commitments made by members in regard to this issue. *Source C 47 (Cuba), C49 (UAE) and C 57 (Egypt)*The Russian Federation stated that the resource implications of this proposal should be evaluated, for example by asking TSAG.See comments above regarding fraud.The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)*Option 1 ADD: new 6.12 Member States shall ensure that rates (in particular transit rates, termination rates, and roaming rates) are cost-based. *Source C 60 (Africa)* | Option 0 NOC: The proposal is not in line with criterion 5 (“Exclusion of areas not related to the Purpose and Scope of the ITRs”) and both with the Preamble of both ITU Constitution and the ITRs which fully recognise “the sovereign right of each State to regulate its telecommunication”. *Source C 104 (Portugal)*Option 1 ADD: Enshrine the principle of cost-based pricing. *Source C 60 (Africa)*Not supported. The proposal does not seem to be in line with criterion 5 (“Exclusion of areas not related to the Purpose and Scope of the ITRs”) and both with the Preamble of both ITU Constitution and the ITRs which fully recognise “the sovereign right of each State to regulate its telecommunication”. See also CEPT position on New 6.2 (above). However, CEPT proposes to include high level principles favouring the reduction of international roaming tariffs (see CEPT contribution C 71 and proposal above).*Source C 72 (Portugal)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: no ADD. Source CWG-WCIT12Option 1 ADD: new 6.13 Member States shall ensure that operators establish charging units and parameters that bill telecommunication service consumers according to what is effectively consumed. *Source C 114 (Brazil)* | Option 1 ADD: The use of different fractioning and measuring units for charging telecommunication services is a discrepancy that can lead to unfair charging and unfair rounding up of charges, and it deviates from the basic principle of charging consumers only for what they are effectively consuming. The utilization of reasonable and consistent measuring units can help in developing a market environment less susceptible to unfairness in the charging of telecommunication services. *Source C 114 (Brazil)*The USA believes that the ITRs should be technology neutral and should not focus on a single technology-specific service. (USA) |
| Option 0 NOC: no ADD. *Source C 104 (Portugal)*Option 1 ADD: new provision on settlement of disputes by a body mutually agreeable to the parties in dispute (for example by a neutral body in one of the concerned countries or by a neutral international body). Text to be developed. *Source C 60 (Africa)* | Option 0 NOC: This proposal is not related with the purpose of the ITR as presented in article 1 of the said Treaty (CEPT criterion 5 “Exclusion of areas not related to the Purpose and Scope of the ITRs”). In addition, the proposal does not seem appropriate in order to attain with “the sovereign right of each State to regulate its telecommunication”. *Source C 104 (Portugal)*Option 1 ADD: this proposal does not seem to be related with the purpose of the ITR as presented in article 1 of the said Treaty (CEPT criterion 5 “Exclusion of areas not related to the Purpose and Scope of the ITRs”). In addition, the proposal does not seem appropriate in order to attain with “the sovereign right of each State to regulate its telecommunication”. However, further explanation on the rationale of this proposal is needed. *Source C 72 (Portugal)*Although ITU SO FAR cannot enter into dispute resolution unless the two parties agree (CS §4/CV §41), however at least the ITRs should define what are the classes of practices that can be considered as fraudulent activities, so that MS can clearly identify these instances in relation to their rights and obligations under this treaty, and accordingly consider resolving the dispute either heuristically, or according to ITU mechanisms, or if not, then by other international mechanisms which may be cumbersome and costly for many MSs including developing countries. It is highly recommended to consider a stronger role of the ITU in resolving some appropriate classes of disputes. *Source C 96 (Egypt)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: no MOD. *Source C 71 (Portugal)*Option 1 MOD1: article 6 to be replaced as follows:**6. Economic and policy issues**1. Member States shall ensure transparency with respect to retail and wholesale prices, costs, and quality of service.2. Member States should foster continued investment in high-bandwidth infrastructures.3. Member States shall [take measures to] ensure that prices are oriented on costs. Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms.4. Member States shall take measures to ensure that an adequate return is provided on investments in network infrastructures. If this cannot be achieved through market mechanisms, then other mechanisms may be used.5. Member States shall [take measures to] ensure that fair compensation is received for carried traffic (e.g. interconnection or termination). Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms.6. The right to create universal service funds or universal service obligations is reserved.[7. new article on taxation to be inserted here. Text to be supplied.] *Source C 25 (SG3RG-LAC); for 6.5 also C 27 (SG3RG-AO)*Option 2 MOD2: article 6 to be replaced as follows:**6. Economic and policy issues ~~Charging and Accounting~~**6.1.1. [A Member States shall ensure transparency with respect to retail and wholesale prices, costs, and quality of service.]6.1.2. [Member States should foster continued investment in high-bandwidth infrastructures.]6.1.3. [Member States shall [take measures to] ensure that prices are oriented on costs. Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms.]6.1.4. [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.]6.1.5.[ Member States shall [take measures to] ensure that fair compensation is received for carried traffic (e.g. interconnection or termination). Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms.]6.1.6. [The right to create universal service funds or universal service obligations is reserved.]**6.2 Accounting, transit and termination rates**6.2.1 For each applicable service in a given relation, [administrations]~~\*~~ or Operating Agencies shall by mutual agreement, on the basis of cost orientation, establish and revise accounting, transit and termination rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant ITU-T ~~CCITT~~ Recommendations and relevant cost trends.6.2.2 Member States shall ensure that each party in a negotiation or agreement related to or arising out of international connectivity matters, will have access to alternative dispute resolution mechanisms and will have standing to have recourse to the relevant regulatory or competition authorities of the other party's state, [this dispute resolution mechanism may also be by a body mutually agreeable to the parties of the dispute (a neutral body in one of the concerned countries or by a neutral international body, or as agreed by the concerned parties).]6.2.3 Member States shall ensure that rates (in particular transit rates, termination rates, and roaming rates) are cost-oriented.*Source C 116 (Africa)* | Option 0 NOC: Although, CEPT supports high level principles for the promotion of the transparency of retail charges, it does not support this proposal for the reasons given below. See also CEPT proposals on art. 6. *Source C 71 (Portugal)*Option 1 MOD:Current provisions in Article 6 are difficult to apply in the current liberalized and privatized telecommunications environment. The new ITRs should take into account the differences in negotiating power between commercial operators and the very different needs of the ITU Member States, in particular the differences between developed and developing countries. *Source C 25 (SG3RG-LAC)*The proposed article could require changes in national laws and regulations that are quite stable. As a consequence these issues are not appropriate to the ITRs. *Source C 33 (Brazil) and C 54 (Portugal)*The United States reserves its right to provide further text once draft text on the issues listed is provided. In accordance with PP Resolution 171 (Guadalajara), the ITRs should contain “strategic and policy principles” and be “of relevance to be included in an international treaty.”  This proposal would add several new issues to the ITRs and would result in detailed legal, policy, and regulatory provisions that should be the province of national regulators and policy-makers in some cases, and in other cases are outside the competence of the ITU. *Source C 45 (USA) and Canada*6(2), 6(3) 6(4), 6(5) and 6(6) are too detailed to be included in an International treaty and relate to national matters. Therefore, proposal is not in line with criterion 5 – “Exclusion of areas not related to the Purpose and Scope of the ITRs”; 6(3) Is also not in line with criterion 1, as it is not a high level policy statement, and private companies should have the right to compete and make their economic decisions. *Source C 54 (Portugal)*Some Member States do not support replacing the existing article 6 with the proposed text, but they could support adding selected elements of the proposal to the current text of article 6. *(Russian Federation)*Option 2 MOD2: Replace existing article 6 with this new article. The proposal for 6.1.4 (taxation) is identical to the existing 6.1.3. The provisions in 6.2.1 is a revisions of the corresponding existing provisions. The provision in 6.2.2 is based on proposals for 6.7 above: a new provision is proposed on settlement of disputes by a body mutually agreeable to the parties in dispute (for example by a neutral body in one of the concerned countries or by a neutral international. The provision in 6.2.3 is based on 6.12 above. *Source C 116 (Africa)* |
| New 6 - CONTINUEDOption 2 MOD2: add the following to article 6:x. Member States shall promote transparency with respect to retail and wholesale prices, costs, and quality of service.x. Member States should foster continued investment in high-bandwidth infrastructures.x. Member States shall promote cost-oriented pricing. Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms and to the extent that such measures do not hinder competition.x. Member States shall take measures to ensure that fair compensation is received for carried traffic (e.g. interconnection or termination). Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms and to the extent that such measures do not hinder competition. *Source C 67 (Arab States)* | Option 2 MOD2:Arab Group proposes to add these proposals to article 6. This does not imply that we accept suppression of any of the existing provisions of article 6. In addition, in principle may accept new provisions under this article in relation to roaming, taxation, termination and transit tariffs. Source C 67 (Arab States)The proposal regarding transparency of costs is not appropriate, such information is normally confidential to a private company. (Portugal)The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new articles regarding:* Determination of basic principles and structure of tariff formation/establishment. Determination of tariff limits.
* Roaming tariffs.
* International roaming and traffic taxation
* Non-transparency and complexity of roaming tariffs for customers.
* Non-transparency and complexity of additional paid service tariffs.

Text to be defined. *Source C 40 (Russian Federation)* | Option 1 ADD:Necessity to notify customers about tariffs for basic services at the time of entering a service zone. Necessity to notify customers about additional service tariffs. Possibility to switch off all additional paid services (i.e. short paid number services, money transfers, bill payments) and or voice/data connection either direct or after exceeding a limit. *Source C 40 (Russian Federation)*The United States reserves its right to comment on specific text once provided.  We note, however, that at least some of the topics listed are the province of national regulators and appear to be outside the scope of the ITRs as established in PP Resolution 171 (Guadalajara). *Source C 45 (USA)*CEPT reserves its position until text is provided. *Source C 54 (Portugal)*Some Member States agree in principle to include provisions regarding international roaming. *(Côte d’Ivoire)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: new provisions regarding accounting rates for calls terminating on mobile networks and transiting via the fixed network. Text to be supplied. *Source TD 21 Rev.1*  | Option 0 NOC: CEPT supports the view that the ITRs should be technological neutral and in no circumstance should provide prominent treatment to a sort of arrangement over others. In particular, the accounting rates system is one among different sort of arrangements that are currently used by the industry and therefore the ITRs should not provide a prominent treatment to it. *Source C 71 (Portugal)*Option 1 ADD:The United States reserves its right to comment on specific text, if provided. The proposed edits would expand substantially the scope of the charging and accounting provisions of Article 6.  The United States is of the view that those detailed regulatory provisions are counterproductive in today’s competitive market. *Source C 45 (USA)*Not supported - technical detail (see Criterion 1 - General compliance with the key principles indicated in CEPT Contribution 35). *Source C 54 (Portugal)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: provisions for settlement of disputes between international operators. *Source Opinion 6 WTPF* | Option 1 ADD:The United States reserves its right to comment on specific text, if provided. The intent of this “addition” expands the scope of the ITU and interferes with commercial operational matters. *Source C 45 (USA)*Not supported. The involvement of the ITU in the settlement of disputes between international operators is inconsistent with the purposes of the ITU as set out in Article 1 of the ITU Constitution and would have substantial resource implications. In addition, there are existing expert international forums which are capable of, and do, perform this function already. In addition, this provision could be inconsistent with fundamental principle of sovereignty embodied in ITU basic instruments (see criterion 4 – “Exclusion of areas related to Member States’ application of legal or policy principles which are within their sovereign rights”). *Source C 54 (Portugal)* The Russian Federation reserves its right to comment on specific text if provided.CEPT reserves its position until text is provided. However, CEPT considers that the settlement of disputes between international operators is out of the scope of the ITRs. *Source C 71 (Portugal)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: CV 496. **Charges and Free Services**The provisions regarding charges for telecommunications and the various cases in which free services are accorded are set forth in the Administrative Regulations. *Source C 31 (UAE).* | Option 1 ADD:ITRs should be self-contained instrument. *Source C 31 (UAE)*The proposed ADD is unnecessary because ITU Member States are already subject to the CV provisions that are listed here. *Source C 45 (USA)*Not supported. Provisions proposed by UAE are included in articles:36 (“charges and free service”)37 of the CV (“Rendering and Settlement of Accounts”).38 (“monetary unit”);39 (“Intercommunication”);40 (“secret language).As above, UAE proposal refer to technical issues that should not be included in an international treaty. *Source C 54 (Portugal)*The Russian Federation reserves its right to comment on this proposal *(Russian Federation)*. |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: CV 497, 498, 499. **Rendering and Settlement of Accounts**1 The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the Member States and Sector Members concerned in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 42 of the Constitution, these settlements shall be effected in accordance with the Administrative Regulations.2 Administrations of Member States and Sector Members which operate international telecommunication services shall come to an agreement with regard to the amount of their debits and credits.3 The statement of accounts with respect to debits and credits referred to in No. 498 above shall be drawn up in accordance with the provisions of the Administrative Regulations, unless special arrangements have been concluded between the parties concerned. *Source C 31 (UAE) and C 67 (Arab States)* | Option 0 NOC: see above. *Source C 71 (Portugal)*Option 1 ADD: ITRs should complete the CS/CV; the relevant text (provisions and articles) in the CS/CV should be transferred to the ITRs, as appropriate. *Source C 67 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: no ADD. *Source C 71 (Portugal)*Option 1 ADD: CV 500. **Monetary Unit**In the absence of special arrangements concluded between Member States, 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– or the gold franc, both as defined in the Administrative Regulations.The provisions for application are contained in Appendix 1 of these International Telecommunication Regulations. *Source C 31 (UAE) and C 67 (Arab States)* | Option 0 NOC: see above. *Source C 71 (Portugal)*Option 1 ADD: See aboveThe United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 116 (Africa)*Option 1 ADD: CV 501, 502, 503. **Intercommunication**1 Stations performing radiocommunication in the mobile service shall be bound, within the limits of their normal employment, to exchange radiocommunications reciprocally without distinction as to the radio system adopted by them.2 Nevertheless, in order not to impede scientific progress, the provisions of No. 1 above shall not prevent the use of a radio system incapable of communicating with other systems, provided that such incapacity is due to the specific nature of such system and is not the result of devices adopted solely with the object of preventing intercommunication.3 Notwithstanding the provisions of No. 1 above, a station may be assigned to a restricted international service of telecommunication, determined by the purpose of such service, or by other circumstances independent of the system used. *Source C 31 (UAE).* | Option 0 NOC: see above. *Source C 71 (Portugal)*Option 1 ADD: See aboveThe United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 116 (Africa)*Option 1 ADD: CV 504, 505, 506. **Secret Language**1 Government telegrams and service telegrams may be expressed in secret language in all relations.2 Private telegrams in secret language may be admitted between all Member States with the exception of those which have previously notified, through the Secretary-General, that they do not admit this language for that category of correspondence.3 Member States which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in Article 35 of the Constitution. *Source C 31 (UAE).* | Option 0 NOC: see above. *Source C 71 (Portugal)*Option 1 ADD: See aboveThe United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC:**Article 7****Suspension of Services**Source CWG-WCIT12 |  |
| Option 0 NOC: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. *Source CWG-WCIT12*Option 1 MOD: 7.1 If a Member State exercises its right in accordance with the Constitution and Convention to suspend international telecommunication services partially or totally, that Member State shall immediately notify … *Source TD 21 Rev. 1, C 28 (USA ), C 68 and C 103 (Arab States) and C 71 (Portugal) and C 94 (RCC) and C 116 (Africa) and C 124 (Mexico)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD:Editorial update to align with CS/CV *Source C 28 (USA)*Review and align with Art 35 of CV. *Source C 35 (CEPT)*Maintain. ITRs should be self-contained instrument. *Source C 31 (UAE)* The United States has no comment on the CEPT proposal at this time. The United States does not support the UAE proposal to move articles out of the CS/CV and into this treaty. The CS/CV is a standalone treaty, and its provisions are integral in its entirety. Moving articles out of the CS/CV destabilizes its integrity. *Source C 45 (USA)* |
| Option 0 NOC: 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members, using the most appropriate means of communication. *Source CWG-WCIT12*Option 1 MOD: 7.2 The Secretary-General shall immediately bring such information to the attention of all other Member~~s~~ States, using the most appropriate means of communication. *Source TD 21 Rev.1, C 28 (USA), C 68 and C 103 (Arab States) and C 71 (Portugal) and C 94 (RCC) and C 116 (Africa) and C 124 (Mexico)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD:Editorial update to align with CS/CV *Source C 28 (USA)*Review and align with Art 35 of CV. *Source C 35 (CEPT)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 116 (Africa)*Option 1 ADD: CS 180, 181. **Stoppage of Telecommunications**1 Member States reserve the right to stop, in accordance with their national law, the transmission of any private telegram which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.2 Member States also reserve the right to cut off, in accordance with their national law, any other private telecommunications which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency. *Source C 31 (UAE).* | Option 1 ADD:ITRs should be self-contained instrument. *Source C 31 (UAE)*The proposed ADD is unnecessary because ITU Member States are already subject to the CS provisions that are listed here. The General Provisions Relating to Telecommunications in CS Chapter VI (CS179-193) inform the application of both the ITRs and the Radio Regulations. We support retaining these provisions in the CS and do not support transferring or duplicating them in the ITRs. *Source C 45 (USA)*Not supported. Provisions proposed by UAE are included in articles:34 (“stoppage of telecommunication”35 (“suspension of services”)36 (“responsability”)37 (“secrecy of telecommunications”)Such provisions relate to non-strategic topics.*Source C 54 (Portugal)* |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 116 (Africa)*Option 1 ADD: CS 182. **Suspension of Services**Each Member State reserves the right to suspend the international telecommunication service, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Member States through the Secretary-General. *Source C 31 (UAE).* | Option 0 NOC: see above. *Source C 71 (Portugal)*Option 1 ADD: See above |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 116 (Africa)*Option 1 ADD: CS 183. **Responsibility**Member States accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages. *Source C 31 (UAE).* | Option 0 NOC: see above. *Source C 71 (Portugal)*Option 1 ADD: See above |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 116 (Africa)*Option 1 ADD: CS 184, 185. **Secrecy of Telecommunications**1 Member States agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.2 Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their national laws or the execution of international conventions to which they are parties. *Source C 31 (UAE).* | Option 0 NOC: see above. *Source C 71 (Portugal)*Option 1 ADD: See above |
| Option 0 NOC: Source CWT-WCIT12**Article 8****Dissemination of Information**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. *Source C 95 (Russian Federation)*Option 1 MOD1: **~~Dissemination of Information~~** **Security of telecommunication facilities and services: Quality of telecommunication services** *Source C 9 (Russian Federation)* Option 2 MOD2: 8 Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by administrations, of an ~~administrative, operational tariff or~~ a statistical nature concerning international telecommunication ~~routes and~~ services. Such information shall be disseminated in accordance with the relevant provisions of the Constitution and Convention and of this Article, on the basis of decisions taken by the ~~Administrative~~ Council or by relevant ~~competent administrative~~ conferences, and taking account of conclusions or decisions of Plenary Assemblies of the International Consultative Committees. *Source C 28 (USA).*Option 3 SUP: 8. *Source TD 21 Rev.1 and C 35 and C 71 (CEPT)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1: The purpose of the change is to address all security issues in this article. *(Russian Federation and China)*Maintain so that ITRs is self-contained. *Source C 31 (UAE)*The United States reserves its right to comment on specific text once provided. The United States does not support the UAE proposal; it is inconsistent with CV #29-32. *Source C 45 (USA)*Some Member States did not support this proposal. *(Australia, Canada, Portugal, USA)*Option 2 MOD2: Delete references to information that may be proprietary in a competitive market. *Source C 28 (USA). Source C 28 (USA)*Editorial updates to align with CS/CV. *Source C 28 (USA)*Some Member States did not support this proposal: it is inconsistent with transparency requirements. *(Egypt)*Option 3 SUP: Proposed for deletion since fully covered by 98 and 99 CV.… *Source TD 21 Rev.1.*Many references are out of date and Articles 5 (o) and (p) of CV contain similar text. If kept, The CWG should review Article 8 in order to update it taking into account the text of Article 5 of the CV. *Source C 35 (CEPT)* |
| 8 – CONTINUEDOption 4 MOD3: 8 Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by ~~administrations\*~~ Member States, of an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated in accordance with the relevant provisions of the Constitution and Convention and of this Article, on the basis of decisions taken by the ~~Administrative~~ Council or by competent ~~administrative~~ conferences, and taking account of conclusions or decisions of competent ~~Plenary~~ Assemblies ~~of the International Consultative Committees~~. If so authorized by the concerned Member State, the information may be transmitted to the Secretary-General directly by an operating agency and shall then be disseminated by the Secretary-General. *Source C 103 (Arab States) and C 116 (Africa)*Option 5 MOD4: Using the most suitable and economical means, the ~~Secretary-General~~ Director of the Telecommunications Standardization Bureau 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~~. *Source C 124 (Mexico)* | Option 4 MOD3:See Preamble. Retaining this important provision with slight update of text. Moreover to recognize the possible authorization of the Member States to its operating agencies to notify to the ITU this information on its behalf directly. *Source C 103 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: Source CWT-WCIT12Option 1 ADD: new 8.1 Member States should transmit such information to the Secretary-General in timely manner and in accordance with the relevant Recommendation of the ITU. *Source C 103 (Arab States)* | This proposed provision aims to urge the Member States or its authorized operating agencies to transmit this important information on timely manner. Source C 103 (Arab States) |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 8.1 regarding personal data protection. Text to be defined. *Source C 40 (Russian Federation) and Algeria* | Option 1 ADD:The United States reserves its right to comment on specific text once provided. *Source C 45 (USA) and Canada*CEPT reserves its position until text is provided. *Source C 54 (Portugal)*The proposals are shown above. *Source C 111 (Russian Federation)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 8.2 regarding targeted cyber attacks, online crimes. Text to be defined. *Source C 40 (Russian Federation) and Algeria* | Option 1 ADD:A treaty on International Telecommunications Regulations should not include provisions on the content of communications over telecommunications facilities (content), provisions related to criminal aspects (cybercrime), or provisions on national defense/ national security. (See PP Res 130). We reserve our right to provide further comments once draft text on the issues listed is provided. *Source C 45 (USA) and Canada*CEPT reserves its position until text is provided. Proposal not in line with criterion 4 – “Exclusion of areas related to Member States' application of legal or policy principles which are within their sovereign rights” *Source C 54 (Portugal)*The Russian Federation stated that the text that it would propose would not regard content.Consistent with PP-10 Res., ISOC supports excluding content, national defense and security, and cybercrime aspects from the ITRs. Any other aspects of cybersecurity must meet the criteria established in PP-10 Res. 171 to be considered for inclusion in any revised ITRs. ISOC believes that issues such as cybersecurity, cybercrime, spam, etc., are most effectively dealt with by developing national best practices and codes of conduct, with appropriate international cooperation. ISOC will comment more fully after seeing the specific text being proposed. *Source C 74 (ISOC)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 8.3 regarding misuse of international resources of naming, numbering, addresses and identification. Text to be defined. *Source C 40 (Russian Federation) and Algeria* | Option 1 ADD:The United States reserves its right to comment on specific text once provided. *Source C 45 (USA) and Canada*CEPT reserves its position until text is provided. *Source C 54 (Portugal)*Australia reserves its position until text is provided but considers that it would not be appropriate to include issues relating to addressing, numbering and identification resources. Many countries, including Australia, have arrangements through other mechanisms including MOUs, law enforcement agreements, and other international organizations to address misuse of these resources. Although Australia continues to believe that this is an issue that should be appropriately dealt with by law enforcement agencies within each administration, we recognise that some administrations may not have sufficient resources to police the issue.Some Member States supported the proposal in principle but reserved their right to comment on specific text. *(Egypt)*The proposals are shown above. *Source C 111 (Russian Federation)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 8.4 regarding absence of identification of the origin of traffic/caller. Text to be defined. *Source C 40 (Russian Federation)* | Option 1 ADD:The United States reserves its right to comment on specific text once provided. *Source C 45 (USA) and Canada*CEPT reserves its position until text is provided. *Source C 54 (Portugal)*Some Member States supported the proposal in principle but reserved their right to comment on specific text. *(Egypt)*The proposals are shown above. *Source C 111 (Russian Federation)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 8.5a) Member-States have the responsibility and right to protect the network security of the information and communication infrastructure within their state, to promote the international cooperation to fight against network attacks and disruptions.b) Member-States have the responsibility to require and supervise that enterprises operating in their territory use ICTs in a rational way and endeavour to ensure the effective functioning of ICTs, in secure and trustworthy conditions. c) User information in information and communication network should be respected and protected. Member-states have the responsibility to require and supervise that enterprises operating in their territory protect the security of user information. *Source China* | Option 1 ADD:With the rapid development of ICTs, the use of ICTs and relevant services maybe is inter-national and inter-regional. In order to build the confidence in secure use of ICTs and relevant services among the member states and users, protect the security ICT infrastructure, prevent the misuse of ICTs, respect and protect user information, build a fair, secure and trustworthy cyberspace. We propose to add new articles on network security in ITRs. *Source C 59 (China)*China proposes to add these elements in articles related to network security in the ITRs (probably article 8). *Source China* CEPT position to be defined. A text on Cybersecurity is to be developed by CEPT. CEPT considers that the reasoning of the proposal should be further elaborated. *Source C 71 (Portugal)*This proposal would require Member States to take on a very active and inappropriate role in patrolling and enforcing newly defined standards of behaviour on telecommunication and Internet networks and in services. ISOC believes such issues are most effectively dealt with by developing national best practices and codes of conduct with appropriate international cooperation. The Internet is built on multistakeholder cooperation that includes an important role for governments, but similarly engages the private sector and civil society, through a bottom-up, inclusive process, consistent with the Geneva Declaration of Principles (“All actors in the Information Society should take appropriate actions and preventive measures, as determined by law, against abusive uses of ICTs, such as illegal and other acts motivated by racism, racial discrimination, xenophobia, and related intolerance, hatred, violence, all forms of child abuse, including paedophilia and child pornography, and trafficking in, and exploitation of, human beings.” WSISDeclaration of Principles, paragraph 59). *Source C 74 (ISOC)*We believe the proposed text in C 59 imposing new treaty rights and obligations on Member States regarding domestic network security is both unnecessary and beyond the appropriate scope of the ITRs. The United States looks forward to a further explanation from China with regard to the proposed amendments, and we note that we may have further reaction at that time. *Source C 75 (USA)*The intention of the proposal is to refer only to network security and not content, that is, to the security of the infrastructure. The intention is to encourage Member States to cooperate to improve infrastructure security. Further, article 8 should concern only dissemination of information and a new article should be envisaged for security matter. *(China)*Portions of the proposal (e.g. rights at national level) are already covered by the Preamble and should not be added here. Provisions regarding responsibilities of Member States excessively expand the scope of the ITRs. *(USA)*Taking into account that international networks and operating agencies may be located in different jurisdictions, then strengthening confidence and ensuring security in the provision of international telecommunication services by administrations and operating agencies calls for efforts and concerted action by Member States within the framework of an international agreement, namely these ITRs. This should in turn lead to harmonization of national legislations. *Source C 112 (Russian Federation)* |
| 8.5 – CONTINUEDOption 2 ADD: new 8.5Member States should encourage Operating Agencies in their territories to take appropriate measures for ensuring network security. Member States should collaborate to promote international cooperation to avoid technical harm to networks.*Source C 92 (APT)* | Option 2 ADD: With the rapid development of ICTs, the use of ICTs and relevant services may be international and inter-regional. In order to build the confidence in secure use of ICTs and relevant services among the member states and users, it’s necessary to protect the security of ICT infrastructure and prevent the misuse of ICTs. Source C 92 (APT) |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 8.6 Countering SpamMember States are encouraged:a) to adopt national legislation to act against spam;b) to cooperate to take actions to counter spam;c) to exchange information on national findings/actions to counter spam. *Source C 71 (Portugal) and C 116 (Africa)* | Option 1 ADD:CEPT considers that the economic loss and the security risks related with SPAM are not diminishing over time despite several actions, including national and regional legislation, by many stakeholders to address the issue. In addition, CEPT considers that better international cooperation between all stakeholders is essential to address spam more effectively. Therefore, CEPT advocates the inclusion of some high level principles related to spam. *Source C 71 (Portugal)*The issue of the evolution of technological measures to counter spam could be addressed by mechanisms other than the ITRs. *(Iran)*The issue of countering spam is important and must be included in the ITRs. The Russian Federation will make specific proposals. *(Russian Federation)*The United States does not support this proposal. Source C 99 (USA).The text may be further revised. Source C 116 (Africa) |
| Option 0 NOC: no ADD. *Source C 71 (Portugal) and C 116 (Africa)*Option 1 ADD: CS 190. **Notification of Infringements**In order to facilitate the application of the provisions of Article 6 of the Constitution, Member States undertake to inform and, as appropriate, assist one another with regard to infringements of the provisions of the Constitution, of the Convention and of the Administrative Regulations. *Source C 31 (UAE).* | Option 1 ADD:ITRs should be self-contained instrument. *Source C 31 (UAE)*The proposed revision is unnecessary because the ITRs are already subject to the CS provision that is listed here. . The General Provisions Relating to Telecommunications in CS Chapter VI (CS179-193) inform the application of both the ITRs and the Radio Regulations. We support retaining these provisions in the CS and do not support transferring or duplicating them in the ITRs. *Source C 45 (USA) and Canada*Not needed. Corresponds to CS Article 41 (“Notification of Infringements”) [*sic*, the correct reference is Article 39]. Need to avoid duplication. *Source C 54 (Portugal)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 SUP 8 and ADD1:**Confidence and Security in the Provision of International Telecommunication Services**8.1 Member States shall do their utmost to promote the confidence required for effective use and harmonious development of international telecommunications as well as security in the provision of international telecommunication services.8.2 [Member States shall ensure the confidentiality of information in international telecommunications …] – *For further study*8.3 Member States shall ensure the protection of personal data handled for the purposes of providing international telecommunication services. 8.4 [Member States shall ensure free public access to international telecommunication services …] – *For further study*8.5 Member States shall prevent the propagation of spam. 8.6 Member States shall combat network fraud. 8.7 Member States shall ensure that numbering, naming, addressing and identification resources in international telecommunication networks are used in accordance with their intended purpose and stipulated allocation. 8.8 [Member States shall ensure appropriate identification…] – *For further study*8.9 Member States shall ensure that operating agencies take the appropriate measures to ensure reliable operation, confidence and security of international telecommunications. Source C 94 (RCC) | Option 1 SUP 8 and ADD1:The proposal in 8.5 is not supported. *Source C 116 (Africa)*A new Article 8 "Confidence and security in the provision of international telecommunication services" is proposed in furtherance of the corresponding articles of the Constitution: Art. 34 "Stoppage of telecommunications", Art. 37 "Secrecy of telecommunications" and Art. 38 "Establishment, operation and protection of telecommunication channels and installations". The title of the article corresponds to Action Line C5 of the WSIS Plan of Action, the subject of the regulation being international telecommunication services, not ICTs and their use.Taking into account that international networks and operating agencies may be located in different jurisdictions, then strengthening confidence and ensuring security in the provision of international telecommunication services by administrations and operating agencies calls for efforts and concerted action by Member States within the framework of an international agreement, namely these ITRs. This should in turn lead to harmonization of national legislations.Security in the provision of international telecommunication services is an integral component in the quality requirements applicable to modern telecommunication services and a prerequisite for strengthening confidence in those services and their development.Ensuring security must not impinge upon fundamental and inalienable human rights in regard to the lawful collection, transmission and dissemination of information, or upon the secrecy of telecommunications in so doing. It is, moreover, to be noted in this regard that the proposals on subscriber identification are not contrary to the principles of secrecy of telecommunications or, as the case may be, of anonymity in the use of international telecommunication services.Using regulatory measures and through cooperation at the international level, States must ensure protection of the rights of international telecommunication service users, as well as of personal data and the secrecy of telecommunications, and must resolve law-enforcement issues and specific questions of national security.Ensuring security must not impose uncharacteristic obligations on operating agencies in terms of monitoring of the content of electronic communications. Full delegation of security functions to commercial entities and self-regulation in the field of security are inadmissible, since issues pertaining to the rights and legal interests of users and governments conflict with the interests of the commercial entity, whose fundamental goal is to generate profit.Separate attention is paid to the two most pressing issues, namely spam and network fraud. For example, over 40 per cent of voice traffic is generated by automated telemarketing systems, while spam constitutes over 95 per cent of e-mail traffic and over 80 per cent of search results.The disseminators of spam typically identify themselves using incorrect or fictitious sender information, making it difficult to combat their activities.Over 80 per cent of cases of network fraud and abusive transactions involve the falsified identification of international telecommunication service users and suppliers. In the absence of accurate subscriber identification, it is impossible to develop new services and business models and ensure adequate quality.*Source C 111 (Russian Federation)* |
| new 8 – CONTINUEDOption 2 ADD2:8.2 Member States shall ensure the confidentiality of international telecommunications and of any related information that has become known to the operating agency in the course of providing international telecommunication services.8.4 Member States shall ensure unrestricted public access to international telecommunication services and the unrestricted use of international telecommunications, except in cases where international telecommunication services are used for the purpose of interfering in the internal affairs or undermining the sovereignty, national security, territorial integrity and public safety of other States, or to divulge information of a sensitive nature.8.8 Member States shall ensure that operating agencies duly identify the subscriber when providing international telecommunication services, and shall ensure the appropriate processing, transmission and protection of identification information in international telecommunication networks.*Source C 95 (Russian Federation)* | Some Member States stated that some parts of this proposal are out of the scope of the ITU and should not be included in the ITRs. *(Japan)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD1:Confidence and Security of Telecommunications/ICTsXX.1 Member States shall undertake appropriate measures, individually or in cooperation with other Members states, to ensure Confidence and Security of Telecommunications/ICTs.XX.2 Issues related to security include physical and operational security; cybersecurity, cybercrime, and cyber attacks; denial of service attacks; other online crime; controlling and countering unsolicited electronic communication (e.g Spam); and protection of information and personal data (e.g. phishing).XX.3 Member States, in accordance to national law, shall cooperate to investigate, prosecute, correct and repair security breaches and incidents in timely manner.XX.4 Member States shall ensure that operating agencies and other concerned entities provide and maintain, to the greatest extent practicable, confidence and security of telecommunications/ICTs.XX.5 Member States shall ensure that operating agencies and other concerned entities cooperate with their counter parts in other Member states in ensuring confidence and security of telecommunications/ICTs.*Source C 103 (Arab States)* | Option 1 ADD1:Confidence and Security in the use of ICTs is one of the most -if not the most- critical issues to be dealt with under the revised ITRs. At personnel, business, and government levels building confidence and security in the ICTs is a top priority. However this could only be achieved through global commitment and cooperation. The new article treats this vital issue in three main points:- Appropriate measures by the Member States (e.g. standards, legalizations, policies, initiatives, etc.)- Enforcing such security measures to the extent practicable- Global Cooperation in order to promptly resolving security breaches*Source C 103 (Arab States)*In accordance with PP Resolution 130, cybercrime is a national matter and so should not be mentioned in the ITRs. *(UK, Japan, Canada)*The ITRs should not deal with cybercrime. *(Italy, France, Australia, Portugal)*Cybercrime is a legitimate topic for the ITRs. *(Cuba, UAE, Egypt, Qatar)*Cybersecurity issues are important and should be addressed. *(Togo, Botswana, Azerbaidjan, Tanzania)* |
| Option 0 NOC:**Article 9****Special Arrangements**Source CWG-WCIT12 |  |
| Option 0 NOC:9.1 a) Pursuant to Article 31 (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 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. *Source CWG-WCIT12*Option 1 MOD1: 9.1 a) ~~Pursuant to Article 31 (Nairobi, 1982)~~ Pursuant to Article 42 of the Constitution, special arrangements … *Source TD 21 Rev.1 and C 71 (Portugal)* Option 2 MOD2: 9.1 a) Pursuant to Article 31 (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~~\*~~/ROAs or other organizations or persons … *Source C 28 (USA)* | **EDITORIAL NOTE:**Article 31 of the ITU Convention (Nairobi, 1982) (replaced by Article 42, no. 193, of the present Constitution) stated the following:*Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special arrangements on telecommunication matters which do not concern Member States in general. Such arrangements, however, shall not be in conflict with the terms of this Convention or of the Administrative Regulations annexed thereto, so far as concerns the harmful interference which their operation might be likely to cause to the radio services of other countries.*Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:Maintain so that ITRs is self-contained. *Source C 31 (UAE)*Review. In the current international telecommunications environment the special arrangements described in Article 9 now represent the normal means of providing and operating international telecommunication services. Certain parts of this text could conflict with commitments made under the Fourth Protocol of the WTO Agreement. Is the appellation ‘special arrangements’ still appropriate? Does it conflict with WTO obligations or Article 42 of the CV? *Source C 35 (CEPT)*The United States supports this editorial change. The United States does not support the UAE proposal; it is inconsistent with CV #29-32. Regarding the CEPT comment, see United States proposed new Article 1.9. *Source C 45 (USA)*Australia states that members will need to ensure that they maintain measures to prevent major suppliers from engaging in cartels, anti-competitive horizontal agreements and other anti competitive practices (addressed by section 1.1 of the Telecommunications Reference Paper). Provided that the special arrangements do not involve anti-competitive practices, and Members maintain measures to prevent such practices, there are unlikely to be concerns.Option 2 MOD2: Editorial update to align with CS/CV *Source C 28 (USA)* |
| 9.1 a) – CONTINUEDOption 3 MOD3: 9.1 a) ~~Pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982),~~ [Pursuant to Article 42 of the Constitution] ~~s~~Special arrangements may be entered into on telecommunication matters which do not concern Member~~s~~ States in general. Subject to national laws, Member~~s~~ States may allow ~~administrations\*~~ operating agencies or other organizations or persons to enter into such special mutual arrangements with ~~Members, administrations\*~~ operating agencies or other organizations or persons … of the Member~~s~~ States concerned … *Source C 68 and C 103 (Arab States) and C 105 (Portugal) and C 116 (Africa).* EDITORIAL NOTE: Only C 105 and C 116 propose the “ Pursuant” at the beginning.Option 4 MOD4: 9.1 a) ~~Pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982),~~ Administrations/operating agencies may enter into special arrangements ~~may be entered into on telecommunication matters which do not concern Members in general. Subject to national laws, Members may allow~~ with other administrations/operating agencies 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 telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Member~~s~~ States concerned and including, as necessary, those financial, technical, or operating conditions, and any requirements for promoting confidence and ensuring security, including of information, to be observed. *Source C 94 (RCC)*Option 5 MOD5: 9.1 a) Pursuant to Article 42 of the Constitution ~~31 (Nairobi, 1982)~~, special arrangements may be entered into on telecommunication matters which do not concern Member~~s~~ States in general. Subject to national laws, Member~~s~~ States may allow ~~administrations\* or other organizations or persons~~ recognized operating agencies or other authorized companies to enter into such special mutual arrangements with ~~Members, administrations or other organizations or persons~~ recognized operating agencies or other companies that are so authorized ~~allowed~~ in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Member~~s~~ States concerned, and including, as necessary, those financial, technical, or operating conditions to be observed. *Source C 124 (Mexico)* | Option 3 MOD3:See Preamble. Retaining this important provision with slight update/improvement of the text. Moreover it recognizes that such arrangements could also be entered into by operating agencies.  *Source C 103 (Arab States)***EDITORIAL NOTE:** The CEPT proposal regarding the first part is found in MOD1 above.The United States does not support this proposal. Source C 99 (USA)Option 4 MOD4: It is proposed to supplement the text with a provision to the effect that special arrangements may also include requirements for strengthening confidence and ensuring security. In furtherance of new Article 8, proposed by the Russian Administration. Source C 111 and C 112 (Russian Federation) |
| Option 0 NOC: 9.1 b)Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries. *Source CWG-WCIT12*Option 1 MOD1: 9.1 b)Any such special arrangements shall ~~should~~ avoid technical harm … *Source TD 21 Rev.1*, *Côte d’Ivoire, Egypt and Russian Federation*Option 2 MOD2: 9.1 b)Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities ~~of third countries~~. *Source C 28 (USA) and C 124 (Mexico)*Option 3 MOD3: 9.1 b)Any such special arrangements should avoid financial and/or technical harm … . *Source Opinion 6 WTPF, Côte d’Ivoire, Cuba*Option 4 MOD4: 9.1 b)Any such special arrangements shall ~~should~~ avoid financial misappropriation, harming or stopping of operations, and/or technical harm to the operation of the telecommunication facilities in~~of~~ third countries. *Source C 60 (Africa) and Russian Federation* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD 1:One of the most significant provisions dealing with infrastructure protection. *Source C 39 Malaysia, Egypt and Russian Federation*The United States does not support changing from “should” to “shall” as proposed in this MOD. It cannot be guaranteed that a special arrangement will avoid technical harm; thus, we cannot agree to “shall.” We agree that technical harm to all telecommunication facilities should be avoided, but instances of force majeure may overtake the ability of an entity to avoid some technical harm. See no. 189A of the Constitution. *Source C 45 (USA)*Option 2 MOD 2:Technical harm to all telecommunication facilities should be avoided, not just of third countries. *Source C 28 (USA)*Some Member States do not support this proposal, they suggest “including third countries”. *(Egypt)*Option 3 MOD 3:The United States does not agree to the inclusion of “financial” harm as it is ambiguous and outside the scope of the ITRs.  If the intent of the proposed MOD is to avoid an impact on the revenues of recognized operating agencies, we would oppose the proposal.  The ITRs should not protect the revenues of any entity or interfere with competitive market forces. *Source C 45 (USA) and Canada*Not supported. CEPT notes that the ‘development and efficient operation of technical facilities’ is explicitly covered by Article 1.3 of the ITRs. However, CEPT considers that the issue of financial harm is not in line with the purpose and scope of the ITRs in Article 1 (do not comply with “criterion 1”). Source C *54 (Portugal)*Some Member States support this proposal in principle but reserve their right to propose alternate text. *(Egypt)*Some Member States reserved their position pending clarification. *(Russian Federation)*Option 4 MOD4: Modified version of a previous African proposal. The modification is intended to make the proposal more precise. *Source C 60 (Africa)*Not supported. CEPT notes that the ‘development and efficient operation of technical facilities’ is explicitly covered by Article 1.3 of the ITRs. However, CEPT considers that the issue of financial harm is not in line with the purpose and scope of the ITRs in Article 1 (do not comply with “CEPT criterion 1”). CEPT considers that the wording on stopping operations should be further explained. *Source C 72 (Portugal)*  |
| Option 5 MOD5: 9.1 b)~~Any such~~ ~~s~~Special arrangements should avoid technical harm to the operation of ~~the~~ any telecommunication facilities/services ~~of third countries~~. *Source C 71 (Portugal)*Option 6 MOD6: 9.1 b)~~Any such~~ ~~s~~Special arrangements should ~~avoid technical~~ cause injury/bring harm to the operation of the telecommunication facilities of third countries (see 1.1 of these Regulations). *Source C 94 (RCC)*Option 7 MOD7: 9.1 b)Any such special arrangements shall ~~should~~ avoid technical harm to the operation and services of the telecommunication facilities of third parties ~~countries~~, and shall not diminish the security and confidence of telecommunications/ICTs of third parties. *Source C 103 (Arab States)*Option 8 MOD8: 9.1 b)Any such special arrangements should avoid technical or financial harm to the operation of the telecommunications facilities of third parties ~~countries~~. *Source C 116 (Africa)* | The United States does not support this proposal. Source C 99 (USA).***Option 5 MOD5***: Technical harm to any telecommunication facilities should be avoided. Source C 71 (Portugal)This proposal is too narrow, the African proposal above is preferable. (Russian Federation)***Option 5 MOD5***: This proposal develops article 42 of the Constitution. Source C 111 (Russian Federation)Option 7 MOD7: Retaining this very important provision, which highlights the conditions for any of these mutual special arrangements, obviously security is among these important conditions. Source C 103 (Arab States) |
| Option 0 NOC: 9.2 Members should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 58 (9.1) to take into account relevant provisions of CCITT Recommendations. *Source CWG-WCIT12*Option 1 MOD1: 9.2 ~~Members~~ Member States should, [where appropriate,] encourage the parties to any special arrangements that are made pursuant to 9.1 above ~~No. 58(9.1)~~ to take into account relevant provisions of ITU-T ~~CCITT~~ Recommendations. *Source TD 21 Rev.1 and C 116 (Africa) and C 124 (Mexico)* EDITORIAL NOTE: only C 124 proposes the square bracketsOption 2 MOD2: 9.2 … to take into account relevant provisions of ITU-T ~~CCITT~~ Recommendations. *Source C 28 (USA)*Option 3 SUP: 9.2. *Source C 71 (Portugal) and C94 (RCC)*Option 4 MOD3: 9.2 ~~Members~~ Member States should, where appropriate, encourage the parties to any special arrangements that are made pursuant to 9.1 above ~~No. 58(9.1)~~ to take into account relevant provisions of ~~CCITT~~ Recommendations of the ITU. *Source C 103 (Arab States)* | Option 1 MOD1:Review. In the current international telecommunications environment the special arrangements described in Article 9 now represent the normal means of providing and operating international telecommunication services. Certain parts of this text could conflict with commitments made under the Fourth Protocol of the WTO Agreement. Is the appellation ‘special arrangements’ still appropriate? Does it conflict with WTO obligations or Article 42 of the CV? *Source C 35 (CEPT)*The United States supports this editorial change. Regarding the CEPT comment, see United States proposed new Article 1.9. *Source C 45 (USA)*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Option 2 MOD2:Editorial update to align with CS/CV. *Source C 28 (USA) and Canada*Some Member States proposed referring to “ITU” Recommendations (as opposed to “IUT-T”). *(Russian Federation)****Option 3 SUP:*** In light of provision 1.6, CEPT considers 9.2 redundant. *Source C 71 (Portugal)*Option 4 MOD3: Retaining this provision with slight improvement/update of its text. The proposal recognizes that the studies done under the ITU could act as reference or at least as starting point when entering into any special arrangements. *Source C 103 (Arab States)* |
| Option 0 NOC: no ADD of new articles. *Source CWG-WCIT12* |  |
| Option 1 ADD1: new articles on cybersecurity and cybercrime based on 12 (a) and 12 (b) of the Geneva Plan of action, for example:Member States shall cooperate to enhance user confidence, build trust, and protect both data and network integrity; consider existing and potential threats to ICTs; and address other information security and network security issues.Member States in cooperation with the private sector, should prevent, detect and respond to cyber-crime and misuse of ICTs by: developing guidelines that take into account ongoing efforts in these areas; considering legislation that allows for effective investigation and prosecution of misuse; promoting effective mutual assistance efforts; strengthening institutional support at the international level for preventing, detecting and recovering from such incidents; and encouraging education and raising awareness. *Source C 27 (SG3RG-AO) and Algeria, Egypt. and Russian Federation* | Option 1 ADD1:Core mandate of the ITU does not include aspects of cybersecurity relating to national defence, national security, content and cybercrime. Based on Resolves 3 of PP Resolution 130 (Rev. Guadalajara, 2010). *Source C 29 (USA) and Australia and Canada*The United States notes that proposals to include cybersecurity are inconsistent with the principles expressed in PP Resolution 130 which provides that core mandate of the ITU does not include aspects of cybersecurity relating to national defense, national security, content and cybercrime. We are of the view that, in accordance with PP Resolution 171 (Guadalajara), the ITRs should contain “strategic and policy principles” and be “of relevance to be included in an international treaty.”  This proposal addresses a detailed regulatory issue in contravention of PP Resolution 171; it also proposes to expand the scope of the ITRs into national policy, legal, and regulatory matters and invokes jurisdictional issues. *Source C 45 (USA) and Australia and Canada*Australia considers that amendments to the ITRs should be consistent with the ITU’s existing mandate and responsibilities. While the ITU plays a very valuable role n the technical and capacity building aspects of cyber security, Australia does not support an expansion of the ITU’s role into matters of cybercrime or national defence/security matters involving cyber security.Australia also considers that activities related to online child protection, which have the potential to cross into criminal matters, are well outside the ITU’s mandate.Australia supports Resolution 130 of the 2010 ITU Plenipotentiary conference, “that the ITU shall focus resources and programmes on those areas of cyber security within its core mandate, notably the technical and deployment spheres...”.Australia is of the view that it would be more appropriate for discussions on cyber security policy to be held elsewhere within the United Nations framework such as the United Nations General Assembly. Some Member States reserved their right to propose alternate text. *(Algeria, Egypt, Russian Federation)*In accordance with PP Resolution 130, cybercrime is a national matter and so should not be mentioned in the ITRs. *(UK, Japan, Canada)*The ITRs should not deal with cybercrime. *(Italy, France, Australia, Portugal)*Cybercrime is a legitimate topic for the ITRs. *(Cuba, UAE, Egypt, Qatar)*Cybersecurity issues are important and should be addressed. *(Togo, Botswana, Azerbaidjan, Tanzania)*Position to be developed. A text on Cybersecurity is to be developed by CEPT. Further review is required. However, only aspects of cybersecurity that protect networks from (technical) considerable harm would be accepted to be addressed in the ITRs. The term "cybersecurity" for ITU should be limited to what is meant by Resolves 3 of Resolution 130 (Guadalajara, 2010). As a consequence of this, any kind of payload inspection (aiming at content level) should be out of scope. Proposal from SG3RG-AO is not in line with CEPT criterion 4: “Exclusion of areas related to Member States' application of legal or policy principles which are within their sovereign rights”. *Source C 71 (Portugal)* |
| Option 2 ADD2: new articles on cybersecurity and cybercrime based on 39-42 of the Tunis Agenda, for example:Member States shall cooperate to strengthen security while enhancing the protection of personal information, privacy and data.Member States shall cooperate with other stakeholders to develop necessary legislation for the investigation and prosecution of cybercrime.Member States should cooperate to take actions to counter spam, including through consumer and business education; appropriate legislation, law-enforcement authorities and tools; the **continued** development of technical and self-regulatory measures; best practices; and international cooperation.Member States shall take measures to ensure Internet stability and security, to fight cybercrime and to counter spam, while protecting and respecting the provisions for privacy and freedom of expression as contained in the relevant parts of the Universal Declaration of Human Rights. *Source C 27 (SG3RG-AO) and Egypt (regarding spam)* | Option 2 ADD2:Countermeasures against spam including phishing and malware. *Source Opinion 6 WTPF*A treaty on International Telecommunications Regulations should not include provisions on the content of communications over telecommunications facilities (content), provisions related to criminal aspects (cybercrime), or provisions on national defense/ national security. (See PP Res 130). The United States does not agree that SPAM should be included in the ITRs. Measures to counter spam are evolving too rapidly to be addressed in a stable document such as a treaty like the ITRs. Advances are made in this area continually and any attempt to address SPAM through the ITRs would be ineffective and would be outdated immediately. The most effective mechanisms for responding to SPAM are technological. *Source C 45 (USA) and Canada*Some Member States reserved their right to propose alternate text. *( Egypt)*Position to be developed. A text on Cybersecurity is to be developed by CEPT. Further review is required. However, only aspects of cybersecurity that protect networks from (technical) considerable harm would be accepted to be addressed in the ITRs. The term "cybersecurity" for ITU should be limited to what is meant by Resolves 3 of Resolution 130 (Guadalajara, 2010). As a consequence of this, any kind of payload inspection (aiming at content level) should be out of scope. Proposal from SG3RG-AO is not in line with CEPT criterion 4: “Exclusion of areas related to Member States' application of legal or policy principles which are within their sovereign rights”. CEPT reserves its position until final text is provided. CEPT considers that spam should be addressed by the ITRs (see proposal in Art. 8).*Source C 71 (Portugal)*In accordance with PP Resolution 130, cybercrime is a national matter and so should not be mentioned in the ITRs. *(UK, Japan, Canada)*The ITRs should not deal with cybercrime. *(Italy, France, Australia, Portugal)*Cybercrime is a legitimate topic for the ITRs. *(Cuba, UAE, Egypt, Qatar)*Cybersecurity issues are important and should be addressed. *(Togo, Botswana, Azerbaidjan, Tanzania)* |
| Option 3 ADD3: new article. Members States shall ensure transparency of end-user prices, in particular to avoid surprising bills for international services (e.g mobile roaming and data roaming). *Source C 27 (SG3RG-AO) and Egypt and C 121 (INTUG)* | Option 3 ADD3: This appears to be a national regulatory matter and therefore is not appropriate for a treaty. We reserve our right to comment when text is provided. *Source C 45 (USA)*CEPT favors the principle of reinforcing tariff transparency for international services, in particular international roaming. See CEPT proposal on article 6. *Source C 71 (Portugal)* |
| Option 4 ADD4: new article. Member States should consider measures to favour special interconnection rates for landlocked countries. *Source C 27 (SG3RG-AO)* | Option 4 ADD4:The level of charging and accounting rates is addressed in ITU-T study groups and should continue to be addressed at that level and not in the ITRs.  The work involves detailed cost analysis and consideration of policy matters that are more appropriately addressed in a study group recommendation than in a treaty. *Source C 45 (USA) and Canada*Not supported. This proposal is linked to discussions on Network externalities. Consensus was never reached. The issue should continue to be dealt with in SG3. *Source C 54 (Portugal)*Some Member States reserved their position, taking into consideration that many of the African countries are landlocked *(Egypt).* |
| Option 5 ADD5: new articles regarding compliance. Text to be defined. *Source C 39 (Malaysia)* | Option 5 ADD5:It is suggested that a Sub-Working group be established and submit reports back to CWG-WCIT . *Source C 39 (Malaysia)*The United States reserves its comments until the text is defined. *Source C 45 (USA)*Some Member States reserved their position until text is provided. *Source C 54 (Portugal) and Russian Federation* |
| Option 6 ADD6: new provisions relating to:- the settlement of disputes- quality of service- Information security- Security of signaling and traffic information; billing information; control and security of data; managing synchronization of call count- Prohibitions on alternative calling arrangements- Calling number transmitting service- Internet governance- New accounting rate methods- IP telephony- International mobile roaming- International mobile satellite service- Universal service- User of international networks *Source Annex 3 of the Report of CWG on ITR submitted to Council 2005* | Option 6 ADD6:Some Member States reserved their position until text is provided. *(Canada, Portugal and USA)*Some Member States supported the proposal in principle but reserved their position until text is provided. *(Algeria, Egypt and Russian Federation)* |
| Option 7 ADD7: new provision relating to International Internet Connectivity. *Source C 48 (Iran) and Côte d’Ivoire* | Option 7 ADD7:Another important issue relating to International Internet Interconnectivity should also to be added to the list of topics to be studied .This issue was at the centre of highlights of PP-10. A brief summary of the matter is reproduced and attached for easy reference in Attachment 2 of [C 48](http://www.itu.int/md/T09-CWG.WCIT12-C-0048/en). *Source C 48 (Iran)*Some Member States reserved their position until text is provided. *(Canada, Portugal and USA)*Some Member States supported the proposal in principle but reserved their position until text is provided. *(Algeria, Egypt and Russian Federation)*CEPT reserves its position until text is provided. *Source C 71 (Portugal)* |
| Option 8 ADD8: new article. Members States shall ensure transparency of end-user prices and the provision of clear information on how to access the services and the prices thereof, in particular to avoid unreasonable or surprising bills for international services (e.g mobile roaming and data roaming), and shall ensure that Operating Agencies take the necessary measures to fulfill these requirements. *Source C 116 (Africa)* | Option 8 ADD8:Modified version of a previous African proposal. May consider whether separate provisions are needed for roaming or whether roaming will be covered by general provisions. *Source C 116 (Africa)*CEPT supports the principles of this proposal. See CEPT contribution C 71 on this matter. *Source C 72 (Portugal*The United States does not support this proposal. Source C 99 (USA).) |
| Option 9 ADD9: new article regarding intercept and monitoring (including that of international telecommunications) be subject to due process authorization in accordance with national law. Text to be developed. *Source C 60 (Africa)* | Option 9 ADD9: New proposal to enshrine basic principles of due process. *Source C 60 (Africa)*CEPT considers that the wording should be further explained. *Source C 72 (Portugal)*The United States does not support this proposal. Source C 99 (USA). |
| Option 10 ADD10: new article**Article xSecurity of telecommunications facilities and services**x.1 Member States should cooperate regarding telecommunications security matters (including cybersecurity), in particular to develop technical standards and acceptable legal norms, including among others those regarding territorial jurisdiction and sovereign responsibility.x.2 Member States shall cooperate to harmonize national laws, jurisdictions, and practices in the areas of: the investigation and prosecution of cybercrime (including eavesdropping and breach of privacy of telecommunications); data preservation, retention, protection (including personal data protection), and privacy; and approaches for network defense and response to cyberattacks.x.3 [Protection of critical infrastructure: text to be developed]x.4 [Member States shall ensure that intercept and monitoring of international telecommunications be subject to due process authorized in accordance with national law.]*Source C 116 (Africa)*Option 11 ADD11: new article**Article xSecurity**Member States should encourage operating agencies to take measures to further the security, safety, continuity, sustainability and robustness of their networks used for international telecommunication services.Member States are encouraged to cooperate in that sense.*Source C 104 (Portugal)* | Option 10 ADD10:Security is included in the list of possible new issues for consideration for the ITRs.Account was taken of the WSIS and WTPF outputs, the contributions from China and the Russian Federation, as well as a March 2010 US report titled “Cyberspace Policy Review” (<http://www.whitehouse.gov/administration/eop/nsc/cybersecurity> <http://www.whitehouse.gov/assets/documents/Cyberspace_Policy_Review_final.pdf> ). Those documents contain material that suggests a possible new article for the ITRs, along the proposed lines.*Source C 60 (Africa)*CEPT position to be further developed. However, some issues in Paragraph 2 are not consistent with CEPT criterion 4. *Source C 72 (Portugal)*None of the proposed text is appropriate for inclusion in the ITRs, which should focus on telecommunications networks and services. The issues raised are either not international, or outside the scope of the ITU, or addressed in other forums, or national matter. Cybersecurity should not be included in the ITRs in any way, shape or form. *(USA and Canada)*What might be more acceptable would be to draft a high-level principle on the basis of the proposal above from China. *(UK)*In accordance with PP Resolution 130, cybercrime is a national matter and so should not be mentioned in the ITRs. *(UK, Japan, Canada)*The ITRs should not deal with cybercrime. *(Italy, France, Australia, Portugal)*Cybercrime is a legitimate topic for the ITRs. *(Cuba, UAE, Egypt, Qatar)*Cybersecurity issues are important and should be addressed. *(Togo, Botswana, Azerbaidjan, Tanzania)*Option 11 ADD11: CEPT proposes text relating to technical measures in relation to combating security issues in the revised ITRs that are in connection to protecting telecommunication /communication networks, but resist any wording that contravenes CEPT criterion 4: “exclusion of areas related to Member States’ application of legal or policy principles which are within their sovereign rights’ e.g. those issues covering content, cybercrime and national security and defense” (as per Resolves 3, Resolution 130 rev. Guadalajara 2010). *Source C 93 (Portugal)* |
| Option 12 ADD12: new article**Article xEnergy efficiency**Member States shall cooperate to encourage operating agencies and industry to adopt energy efficiency international standards and best practices including disclosure and labelling schemes, so as to reduce energy consumption and e-waste.*Source C 108 (Ghana)* | As the leading United Nations Specialized Agency for telecommunications and ICTs, the International Telecommunication Union (ITU) plays a leading role in developing an integrated approach to the significant role of ICTs in addressing climate change and in helping countries implement the United Nations Framework Convention on Climate Change (UNFCCC) through the use of ICTs. *Source C 108 (Ghana)*Some Member States took the view that, while the topic is important, it is not suitable for the ITRs; the substance of the proposal could be included in a WTSA Resolution. *(Iran, Canada)* The USA believes that proposals related to climate change and energy efficiency are outside of the scope and purpose of this treaty, which is described in Article 1 of the ITRs. *(USA)* |
| Option 0 NOC:**Article 10****Final Provisions**Source CWG-WCIT12 | Depending on whether the revision of the ITRs is total or partial, the provisions regarding coming into force could be different. In particular the provisions found in the Radio Regulations might or might not be appropriate. There are two options and the WCIT should consider them. Further, Member States should take into account the provisions of Article 54 of the Constitution. Source C 92 (APT) |
| Option 0 NOC:10.1 These Regulations, of which Appendices 1, 2 and 3 form integral parts, shall enter into force on I July 1990 at 0001 hours UTC. *Source CWG-WCIT12*Option 1 MOD1: 10.1 These revised Regulations, of which Appendices 1, 2 and 3 form integral parts, shall enter into force on INSERT DATE AND TIME ~~I July 1990 at 0001~~hours UTC. *Source TD 21 Rev.1 and C 92 (APT) and C 124 (Mexico)* EDITORIAL NOTE: C 124 does not propose to insert “revised”Option 1 MOD2: 10.1 These Regulations~~, of which Appendices 1, 2 and 3 form integral parts,~~ shall enter into force on INSERT DATE AND TIME ~~I July 1990 at 0001~~hours UTC. *Source C 54 (Portugal)* | Option 1 MOD 1:This entire article is subject to legal review.This entire article is subject to legal review. Source *C 45 (USA)*Need to align with CEPT proposals: SUP appendices. *Source C 54 (Portugal)*The Russian Federation supports maintaining the date and time in article 10, but does not support the addition of “revised”.This provision will be revised and updated according with the outcomes of WCIT-12. Source C 124 (Mexico)Option 1 MOD 1:Need to align with CEPT proposals: SUP appendices. *Source C 54 (Portugal)*Some Member States did not support this proposal: the Appendices should not be deleted. *(Russian Federation)* |
| Option 3 SUP 10.1 through 10.4 and MOD3:**Article 10****Entry into force and provisional application~~Final Provisions~~**These Regulations, which complement the provisions of the Constitution and Convention of the International Telecommunication Union, shall enter into force on 1 January 2015 and shall be applied as of that date pursuant to Article 54 of the Constitution. *Source C 50 (UAE)* | Option 3 SUP and MOD3:The ITRs were agreed in 1988. Subsequent to that, provisions were added to the Constitution regarding the entry into force of revisions of the Administrative Regulations and regarding notifications of consent to be bound by such revisions. Those provisions were added to Article 54 of the Constitution in 1998.Consequently, it would appear that paragraphs 3 and 4 of Article 10 may no longer be needed. It may be more appropriate to align the final provisions of the ITRs with Article 59 of the Radio Regulations (Entry into force and provisional application of the Radio Regulations).The practice for the Radio Regulation is that they enter into force two years after they are adopted, and the ITRs themselves came into force two years after they were adopted.Article 54 of the Constitution contains provisions regarding reservations, so it does not appear necessary to include such provisions in the ITRs: a reference to Article 54 should be sufficient.Similarly, Article 54 of the Constitution specifies that the Secretary General shall inform Member States, so it does not seem necessary to include such a provision in the ITRs.*Source C 50 (UAE)*Some Member States stated that, if the ITRs are self-contained, then they should be self-contained everywhere; the reference to Art. 54 CS is not consistent with that principle. *(Iran and Portugal)*Some Member States reserved their position. *(Russian Federation)*Some Member States reserved their position regarding the exact date of entry into force. *(Iran)*The APT is of the view that it is not appropriate to take a similar course of action to those taken with respect to the revision of the Radio Regulations. The Radio Regulation are subject to revision by the WRC which takes place every 3 to 4 years; no such arrangements are envisaged for the ITRs. *Source C 92 (APT)* |
| Option 4 SUP 10.1 through 10.4 and MOD4:**Article 10****Entry into force and provisional application~~Final Provisions~~**These Regulations, [of which [Appendices 1, 2 and 3 form integral parts], and which complement the provisions of the Constitution and Convention of the International Telecommunication Union, shall enter into force on 1 January 2015 and shall be applied as of that date pursuant to Article 54 of the Constitution. *Source C 103 (Arab States) and C 116 (Africa)* | Option 4 SUP and MOD4:This proposal suggests to SUP 10.1 through 10.4 and to align the ITRs Entry into Force with same provisions of the RR. The provisions related to Entry into force is quite complex and have been drafted adequately and with extra care under Article 54 of CS. Any attempt to re-draft similar text is quite complex and may create contradiction of what is in the CS/CV. Hence it is quite advisable to simply refer to the CS Article 54. Also see the detail document on this critical matter provided by the Secretary-General in Conbribution 62 to the CWG-WCIT12. Source C 103 (Arab States) |
| Option 0 NOC: 10.2 On the date specified in No.61 (10.1), the Telegraph Regulations (Geneva, 1973) and the Telecommunication Regulations (Geneva, 1973) shall be replaced by these Telecommunication Regulations (Melbourne, 1988) pursuant to the International Telecommunication Convention. *Source CWG-WCIT12*Option 1 SUP: 10.2. *Source TD 21 Rev.1 and C 124 (Mexico)*Option 2 MOD: 10.2 On the date specified in No.61 (10.1), the International Telecommunication Regulations (Melbourne, 1988) ~~Telegraph Regulations (Geneva, 1973) and the Telecommunication Regulations (Geneva, 1973)~~ shall be replaced by these International Telecommunication Regulations (Dubai, 2012 ~~Melbourne, 1988~~) ~~pursuant to the International Telecommunication Convention~~. *Source C 92 (APT)* | Option 1 SUP: This entire article is subject to legal review. Source *C 45 (USA)* |
| Option 0 NOC: No ADD *Source CWG-WCIT12*Option 1 ADD: new 10.2A The partial or total revision of ITR can only be undertaken by a competent World Conference on International Telecommunication in accordance with Article 25 of the ITU Constitution. Source C 92 (APT) | Option 1 ADD: Generally speaking the revision of the ITR must be done by the same entity that adopted the initial/original version of that ITR. It should be noted that neither WTSA which is not a treaty making entity nor Plenipotentiary Conference can revise the ITRs. With respect to the revision of the ITRs, it is worth mentioning that Resolution 171 calls on Council to analyse the necessity for periodic review of the ITRs. Once Council decides on this matter, a Resolution may be required to be adopted by the WCIT-12 in that regard. Source C 92 (APT) |
| Option 0 NOC: 10.3 If a Member makes reservations with regard to the application of one or more of the provisions of these Regulations, other Members and their administrations\* shall be free to disregard the said provision or provisions in their relations with the Member which has made such reservations and its administrations. *Source CWG-WCIT12*Option 1 MOD2: 10.3 Align French and English translations, which are at present inconsistent. *Source TD 21 Rev.1*Option 2 MOD2: 10.3 If a Member State makes reservations with regard to the application of one or more of the provisions of these Regulations, other Members States and their administrations\* shall be free to disregard the said provision or provisions in their relations with the Member State which has made such reservations and its administrations. *Source C 92 (APT) and C 124 (Mexico)* | Option 1 MOD1:This entire article is subject to legal review. Source *C 45 (USA)*CEPT asks ITU secretariat to provide consistency between different texts. *Source C 54 (Portugal)*It was clarified that the possible inconsistency is due to fact that the French text says “ne sont pas obligés d’observer” whereas the English says “shall be free to disregard”.Option 2 MOD2:With respect to application of Appendices 1, 2 & 3 in order to satisfy the requirement of those Member States that do not wish to retain these Appendices in the ITR they may wish to make reservation on application of certain part or entire Appendix or Appendices, as appropriate or alternatively if situation arises other alternative such as Optional Protocol may be explored, if appropriate. It is necessary to carefully examine whether the term “Administration” referred to in 10.3 above should be retained, or should be replaced by operating agency with its subset of recognized operating agencies or recognized private operating agencies. This issue is one of the instances mentioned in paragraph 2.2 C 92. *Source C 92 (APT)* |
| Option 0 NOC: 10.4 Members of the Union shall inform the Secretary-General of their approval of the International Telecommunication Regulations adopted by the Conference. The Secretary-General shall inform members promptly of the receipt of such notifications of approval. *Source CWG-WCIT12*Option 1 SUP: 10.4 *Source C 124 (Mexico)* | This entire article is subject to legal review. *Source C 45 (USA)*Option 1 SUP: Pursuant to the outcomes of the WCIT-12, will be necessary elaborate a new provision that replace the current 10.4. *Source C 124 (Mexico)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: The revision of the ITRs in the future may need to be done in a more flexible and timely manner. Text to be supplied. *Source TD 21 Rev., Iran, Russian Federation, Mexico, and UAE* | Option 1 ADD:This entire article is subject to legal review. Source *C 45 (USA)*CEPT reserves its position until text is provided. *Source C 54 (Portugal)*It might be feasible to organize a short WCIT back-to-back with future Plenipotentiary Conferences, if partial revisions are required. *(Iran)*There is a need to be able to update specific provisions more rapidly, e.g. within PP meetings time frame. One possible mechanism might be an ITR Resolution which points to those provisions that are susceptible or prone to regular revisions. *(Egypt)*If high-level principles are agreed regarding the ITRs, then frequent updates would not be needed. The treaty should be flexible and long-lived. *(USA)*Telecommunications technology will continue to evolve and the ITRs must be a flexible instrument. *(Mexico)*Resolution 171 calls on Council to analyse the necessity for periodic review of the ITRs. |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 10.5 A total revision of these Regulations as a whole as well as substantive revisions of individual articles may only be undertaken by a World Conference on International Telecommunications. *Source C 24 (SG3RG-LAC)* | Option 1 ADD:This entire article is subject to legal review. Source *C 45 (USA)*Under review. Proposal to be clarified. *Source C 54 (Portugal)*Some Member States did not support this proposal: only the WCIT should revise the ITRs. *(Iran)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 10.6 Any plenipotentiary conference shall have the power to make editorial changes to individual articles of these Regulations in order to maintain consistency with the Constitution, Convention, Resolutions of the World Telecommunication Standardization Assembly, and/or ITU-T Recommendations. *Source C 24 (SG3RG-LAC)* | Option 1 ADD:This entire article is subject to legal review. Source *C 45 (USA)*Under review. Proposal to be clarified. *Source C 54 (Portugal)*Some Member States did not support this proposal: only the WCIT should revise the ITRs and the WCIT is subordinate to the Plenipotentiary, so it cannot instruct the Plenipotentiary. *(Iran)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 10.7 The plenipotentiary conference shall itself determine whether particular changes to individual articles are editorial. *Source C 24 (SG3RG-LAC)* | Option 1 ADD:This entire article is subject to legal review. Source *C 45 (USA)*Under review. Proposal to be clarified. *Source C 54 (Portugal)*Some Member States did not support this proposal: only the WCIT should revise the ITRs. *(Iran)* |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 10.8 Plenipotentiary decisions regarding changes to these Regulations shall be taken in accordance with the process for amending the Constitution. *Source C 24 (SG3RG-LAC)* |  Option 1 ADD:his entire article is subject to legal review. Source *C 45 (USA)*Under review. Proposal to be clarified. *Source C 54 (Portugal)*Some Member States did not support this proposal: only the WCIT should revise the ITRs. *(Iran)* |
| Option 0 NOC: IN WITNESS WHEREOF, the delegates of the Members of the International Telecommunication Union named below have, on behalf of their respective competent authorities, signed one copy of the present Final Acts in the Arabic, Chinese, English, French, Russian and Spanish languages. This copy shall remain in the archives of the Union. The Secretary-General shall forward one certified copy to each Member of the International Telecommunication Union. Done at Melbourne, 9 December 1988. *Source CWG-WCIT12*Option 1 MOD1: … Done at INSERT PLACE AND DATE ~~Melbourne, 9 December 1988~~. *Source TD 21 Rev.1*Option 2 MOD2: … Done at Dubai, 14 December 2012 ~~Melbourne, 9 December 1988~~. *Source C 92 (APT)* | Option 1 MOD1: This entire article is subject to legal review. Source *C 45 (USA)* |
| Option 0 NOC:APPENDIX 1General Provisions Concerning Accounting*Source CWG-WCIT12*Option 1 MOD1: Appendix 1. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 2 MOD2: Replace Appendices 1, 2 and 3 of ITRs with provisions that confer the same legal status as the ITRs on the ITU D-series Recommendations that have updated the content of the replaced provisions. *Source Annex 3 of the Report of CWG on ITR submitted to Council 2005*Option 3 SUP: Appendix 1. *Source C 16 (SG3RG-AFR), C 25 (SG3RG-LAC),C 27 (SG3RG-AO), C 28 (USA) and C 34 (Global Voice Group), C 35 (CEPT) and C 124 (Mexico)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:The General Provisions Concerning Accounting are integrated by indirect reference into large numbers of agreements, and are used by the carriers during their discussions and negotiations.It makes sense to maintain Appendix 1 and to consider it taking into account/in accordance with relevant D-series Recommendations of ITU-T. Specific revisions are presented below. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Appendix 1 should be retained. Operating agencies interact not only on the basis of bilateral arrangements, but also without them. In the case of cooperation without an arrangement (e.g. on the basis of an “acceptance” agreement – request for service/delivery/submission of an account/payment), the ITRs play the role of such an agreement, determining the procedure governing the interactions, including rules and time-frames for the settlement of accounts and for questioning accounts. Article 6 and Appendices 1 and 2 are inextricably linked and contain cross-references. Source C 112 (Russian Federation)Option 2 MOD 2:The degree to which we should go into details is yet to be discussed. *(Iran)*Some Member States did not support this proposal, see comments above at 1.4. *(USA)*The Russian Federation reserves its right to comment on this proposal *(Russian Federation)*.Option 3 SUP:The vast majority of international traffic is exchanged based on commercial arrangements between ROAs. Accounting rates reflect only a small percentage of the exchanged traffic. *Source C 28 (USA)*Obsolete provision. *Source C 34 (Global Voice Group)*It is inappropriate for Member States in an international treaty to make commitments which dictate the detail of how private operators conduct their commercial activities with operators in other countries in the current liberalised and competitive international telecommunications market. However, this does not prevent other Member States imposing such rules on a national basis if they so choose. CEPT recognises that Art. 37 and 38 of the CV anticipate that the ‘Administrative Regulations’ will contain certain provisions relating to accounting and the monetary unit to be used . However , the ITU basic Instruments themselves are due to be reviewed shortly and in CEPT’s view the existing Articles in the Convention do not of themselves justify the continuance of Article 6 and Appendices 1&2 of the ITRs, all of which should be deleted. *Source C 35 (CEPT)*Some Member States did not support this proposal *(Côte d’Ivoire, Russian Federation)* |
| Option 0 NOC:1. *Accounting rates*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 divide such rates into terminal shares payable to the administrations\* of terminal countries, and where appropriate, into transit shares payable to the administrations\* of transit countries. *Source CWG-WCIT12*Option 1 MOD1: 1.1 … , taking into account the Recommendations of the ~~CCITT~~ ITU-T and trends in the cost …  *Source C 55 (Russian Federation, Belarus and Moldova) and TD 21 Rev.1*Option 2 SUP: 1.1. *Source C 45 (USA)*Option 3 MOD2: 1.1 For each applicable service in a given relation, ~~administrations\*~~operating agencies shall by mutual agreement establish and revise accounting rates to be applied between them, taking into account the Recommendations of the ~~CCITT~~ ITU-T and trends in the cost of providing the specific telecommunication service, and shall divide such rates into terminal shares payable to the ~~administrations\*~~ operating agencies of terminal countries, and where appropriate, into transit shares payable to the ~~administrations\*~~ operating agencies of transit countries …  *Source C 68 (Arab States)*Option 4 MOD3: 1.1 SAME AS ABOVE, BUT use “administration/operating agency*”. Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD:Some participants stated that it was not appropriate to include material at this level of detail in the ITRs, it should therefore be included in ITU-T Recommendations. *Source TD 21 Rev.1.*Editorial update. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Some Member States stated that references to ITU-T Recommendations should be more specific or at least include “relevant” and/or “latest”. *(Iran)*The United States does not support this proposal. Source C 99 (USA).Option 2 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 3 MOD2:See Preamble. *Source C 68* *(Arab States*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: 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:a) administrations\* shall establish and revise their terminal and transit shares taking into account the Recommendations of the CCITT; b) the accounting rate shall be the sum of the terminal shares and any transit shares. *Source CWG-WCIT12*Option 1 MOD1: 1.2 Alternatively, in traffic relations where ~~CCITT~~ ITU-T cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method:a) administrations\* shall establish and revise their terminal and transit shares taking into account the Recommendations of the ~~CCITT~~ ITU-T; … *Source C55 (Russian Federation) and TD 21Rev.1*Option 2 SUP: 1.2. *Source C 45 (USA)*Option 3 MOD2: 1.2 Alternatively, in traffic relations where ~~CCITT~~ ITU-T cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method:a) ~~administrations\* or ROAs~~ Operating agencies shall establish and revise their terminal and transit shares taking into account the Recommendations of the ITU-T ~~CCITT~~; … *Source C 68 (Arab States)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD:Editorial update. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Some Member States stated that references to ITU-T Recommendations should be more specific or at least include “relevant” and/or “latest”. *(Iran)*The United States does not support this proposal. Source C 99 (USA).Option 2 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 3 MOD2: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 4 MOD3: 1.2 Alternatively, in traffic relations where ~~CCITT~~ ITU cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method:a) administrations/operating agencies shall establish and revise their terminal and transit shares taking into account the Recommendations of the ~~CCITT~~ ITU; … *Source C 94 (RCC)* | **Option 4 MOD3**: the reference to “ITU” instead of “ITU-T” is intentional. Source C 94 (RCC) |
| Option 0 NOC: 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. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 1 SUP: 1.3. *Source C 45 (USA)*Option 2 MOD1: 1.3 When one or more ~~administrations\*~~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 ~~administration\*~~operating agency, the former have the right to establish their share as mentioned in 1.1 and 1.2 above, for this part of the relation. *Source C 68 (Arab States)*Option 3 MOD2: 1.3 When one or more administrations/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 administration/operating agencies, the former have the right to establish their share as mentioned in 1.1 and 1.2 above, for this part of the relation. *Source C 94 (RCC)* | Option 0 NOC:No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*.Option 2 MOD:See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: 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. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 1 SUP: 1.4. *Source C 45 (USA)*Option 2 MOD1: 1.4 In cases where one or more routes have been established by agreement between ~~administrations\*~~ operating agencies and where traffic is diverted unilaterally by the ~~administration\*~~operating agency of origin to a route which has not been agreed with the a~~dministration\*~~operating agency of destination, the terminal shares payable to the ~~administration\*~~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 ~~administration\*~~operating agency of origin, unless the ~~administration~~*~~\* or~~* operating agency of destination is prepared to agree to a different share. *Source C 68 (Arab States)*Option 3 MOD2: 1.4 In cases where one or more international routes have been established by agreement between administrations/operating agencies and where traffic is diverted unilaterally by the administration/operating agency of origin to an international route which has not been agreed with the administration/operating agency of destination, the terminal shares payable to the administration/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 administration/operating agency of origin, unless the administration/operating agency of destination is prepared to agree to a different share. *Source C 94 (RCC)* | Option 0 NOC:No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*Some Member States supporting retaining this provision but reserved their right to propose revisions. *(Egypt)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 2 MOD:See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: 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[[2]](#footnote-2)\* has the right to set the level of the transit share to be included in the international accounts. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 1 SUP: 1.5. *Source C 45 (USA)*Option 2 MOD1: 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~~operating agency has the right to set the level of the transit share to be included in the international accounts. *Source C 68 (Arab States)*Option 3 MOD2: 1.5 SAME AS ABOVE, BUT use “administration/operating agency*”. Source C 94 (RCC)* | Option 0 NOC:No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 2 MOD:See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: 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\*. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 1 SUP: 1.6. *Source C 45 (USA)*Option 2 MOD1: 1.6 Where an ~~administration\*~~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 ~~administrations\*~~operating agencies. *Source C 68 (Arab States)*Option 3 MOD2: 1.6 SAME AS ABOVE, BUT use “administration/operating agency*”. Source C 94 (RCC)* | Option 0 NOC:No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 2 MOD: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC:2. *Establishment of accounts*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.. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 1 SUP: 2.1. *Source C 45 (USA)*Option 2 MOD1: 2.1 Unless otherwise agreed, the ~~administrations\*~~operating agencies responsible for collecting the charges shall establish a monthly account showing all the amounts due and send it to the ~~administrations\*~~ operating agencies concerned. *Source C68 (Arab States)*Option 3 MOD2: 2.1 SAME AS ABOVE, BUT use “administration/operating agency*”. Source C 94 (RCC)* | Option 0 NOC: No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 2 MOD: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 MOD1: 2.2 The accounts shall be sent [taking into account/in accordance with] relevant ITU-T Recommendations ~~as promptly as possible and, except in cases of force majeure, before the end of the third month following that to which they relate~~. *Source TD 21 Rev.1.*Option 2 MOD2: 2.2 The accounts shall be sent in accordance with relevant ITU-T Recommendations as promptly as possible and, except in cases of force majeure, before the end of the 50 days period ~~third month~~ following ~~that~~ the month to which they relate. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 3 SUP: 2.2. *Source C 45 (USA)*Option 4 MOD3: 2.2 The accounts shall be sent as promptly as possible and, except in cases of force majeure, before the end of a period of 50 calendar days ~~the third month~~ following ~~that~~ the month to which they relate. *Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:In discussing this provision, it was felt that the time period specified in the ITRs may not reflect current practice, in particular in application of Article 9. Therefore, the time periods may need to be reduced accordingly as appropriate. *Source TD 21 Rev.1.*Some participants support shortening the time periods in 2.2, ranging from 5 to 20 days following the month to which they relate, as the case may be. *Source TD 21 Rev.1.*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Some Member States provided their own version of this proposal, see below *(Russian Federation)*.The United States does not support this proposal. Source C 99 (USA).Option 2 MOD2:The time period specified in this paragraph may not reflect current practice, in particular in application of Article 9.According to D.195 Recommendation of ITU-T “Time-scale for settlement of accounts for international telecommunication services” monthly accounts for traffic on direct circuits is sent within 50 days. If parties bilaterally agree, this period can be reduced, e.g. to 30 days. At the same time taking into account that Appendix 1 of ITRs prevails over ITU-T Recommendation, it is proposed to fix a reasonable time-scale in this paragraph. *Source C 55 (Russian Federation, Belarus and Moldova)*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*The United States does not support this proposal. Source C 99 (USA).Option 3 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC: 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. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 1 SUP: 2.3. *Source C 45 (USA)*Option 2 MOD1: 2.3 In principle an account shall be considered as accepted without the need for specific notification of acceptance to the ~~administration\*~~operating agency which sent it. *Source C 68 (Arab States)*Option 3 MOD2: 2.3 SAME AS ABOVE, BUT use “administration/operating agency*”. Source C 94 (RCC)* | Option 0 NOC:No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 2 MOD: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: 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 to the extent necessary to bring any differences within mutually agreed limits. *Source CWG-WCIT12*Option 1 MOD1: 2.4 However, any administration\* has the right to question the contents of an account [taking into account/in accordance with] relevant ITU-T Recommendations ~~for a period of two calendar months after the receipt of the account, but only to the extent necessary to bring any difference within mutually agreed limits.~~ *Source TD 21 Rev.1.*Option 2 MOD2: 2.4 However, any administration\* has the right to question the contents of an account in accordance with relevant ITU-T Recommendations but before the end of the 50 days period ~~for 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. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 3 SUP: 2.4. *Source C 45 (USA)*Option 4 MOD3: 2.4 However, any ~~administration\*~~operating agency 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 to the extent necessary to bring any differences within mutually agreed limits. *Source C 68 (Arab States)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:In discussing this provision, it was felt that the time period specified in the ITRs may not reflect current practice, in particular in application of Article 9. Therefore, the time periods may need to be reduced accordingly as appropriate. *Source TD 21 Rev.1.* Some participants support shortening the time periods in 2.4, to 15 days after the receipt of the account. *Source TD 21 Rev.1.*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Some Member States provided their own version of this proposal, see below *(Russian Federation)*.The United States does not support this proposal. Source C 99 (USA).Option 2 MOD2:The time period specified in this paragraph may not reflect current practice, in particular in application of Article 9.According to D.195 Recommendation of ITU-T “Time-scale for settlement of accounts for international telecommunication services” monthly accounts for traffic on direct circuits is sent within 50 days. If parties bilaterally agree, this period can be reduced, e.g. to 30 days. At the same time taking into account that Appendix 1 of ITRs prevails over ITU-T Recommendation, it is proposed to fix a reasonable time-scale in this paragraph.*Source C 55 (Russian Federation, Belarus and Moldova)*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Some Member States stated that specific time periods should be shown in square brackets. *(Iran)*The United States does not support this proposal. Source C 99 (USA).Option 3 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 4 MOD3:See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA) |
| Option 5 MOD4: 2.4 However, any administration/operating agency has the right to question the contents of an account within a period of 50 calendar days ~~for 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. *Source C94 (RCC)*Option 6 MOD5: 2.4 However, any administration/operating agency has the right to question the contents of an account within a period of 50 calendar days ~~for 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, even if the bill was paid. *Source C95 (Russian Federation)* | Option 5 MOD4: In accordance with Recommendation ITU-T D.195 “Time-scale for settlement of accounts for international telecommunication services”, the period for sending the accounts is 50 days. It is proposed that that same deadline be stipulated in Appendix 1, as corresponding to current practice. Source C 111 (Russian Federation)***Option 6 MOD5***: The deadlines are in accordance with Recommendation ITU-T D.195 “Time-scale for settlement of accounts for international telecommunication services”. The proposed addition (“… even if the bill was paid”) eliminates the contradiction between the time-frames stipulated in the appendices to the ITRs and time-frames in countries’ legislations. In particular, the time-frame for payment of balances of account (3.3.1) and the time-frame for questioning an account (2.4) are significantly shorter than the period during which the end user has the right to submit a claim regarding an account. Source C 112 (Russia Federation) |
| Option 0 NOC: 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 one of the copies endorsed with its acceptance. *Source CWG-WCIT12*Option 1 MOD1: 2.5 In relations where there are no special agreements, settlement statements showing the balances of the monthly accounts for the period to which they relate shall be sent [taking into account/in accordance with] relevant ITU-T Recommendations ~~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 one of the copies endorsed with its acceptance~~. *Source TD 21 Rev.1.*Option 2 MOD2: 2.5 … and shall be sent in accordance with the provision of 2.2 above in duplicate … *Source C 55 (Russian Federation, Belarus and Moldova)*Option 3 SUP: 2.5. *Source C 45 (USA)*Option 4 MOD3: 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\*~~ operating agency and shall be sent in duplicate to the debtor ~~administration\*~~operating agency, which, after verification, shall return one of the copies endorsed with its acceptance. *Source C 68 (Arab States)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:In discussing this provision, it was felt that the term “as soon as possible” specified in the ITRs may not reflect current practice. Therefore, time periods may need to be specified accordingly as appropriate. *Source TD 21 Rev.1.*Some participants support replacing “as soon as possible” in 2.5 with a range of 5 or 30 days after the end of the month. *Source TD 21 Rev.1.*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Some Member States provided their own version of this proposal, see below *(Russian Federation)*.The United States does not support this proposal. Source C 99 (USA).Option 2 MOD2:The time period specified in this paragraph may not reflect current practice, in particular in application of Article 9.The terms and conditions of this paragraph could be a subject of a commercial agreement. However taking into account modification of the provision of 2.2 above it is proposed to fix a reasonable time-scale in this paragraph.*Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 3 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 4 MOD3: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 5 MOD4: 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 administration/operating agency and shall be sent in duplicate to the debtor administration/operating agency, which, after verification, shall return one of the copies endorsed with its acceptance. *Source C 94 (RCC)* |  |
| Option 0 NOC: 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\*. *Source CWG-WCIT12*Option 1 MOD1: 2.6 … in the routing sequence ~~as soon as possible~~ no later than 30 days after receiving that data from the originating administration\*. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 2 SUP: 2.6. *Source C 45 (USA)*Option 3 MOD2: 2.6 In indirect relations where a transit ~~administration\*~~operating agency 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\*~~operating agencies beyond it in the routing sequence as soon as possible after receiving that data from the originating ~~administration\*~~operating agency. *Source C 68 (Arab States)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:In discussing this provision, it was felt that “as soon as possible” specified in the ITRs may not reflect current practice, in particular in application of Article 9. Therefore, time periods may need to be specified accordingly as appropriate. *Source TD 21 Rev.1.*Some participants support replacing “as soon as possible” in 2.6 with a range of 5 or 30 days after the end of the month. *Source TD 21 Rev.1.*The time period specified in this paragraph may not reflect current practice, in particular in application of Article 9. The terms and conditions of this paragraph could be a subject of a commercial agreement. However it is believed useful to fix a reasonable time-scale in this paragraph. *Source C 55 (Russian Federation, Belarus and Moldova)*Some Member States stated that specific time periods should be shown in square brackets. *(Iran)*The United States does not support this proposal. Source C 99 (USA).Option 2 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 3 MOD2: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| 2.6 - CONTINUEDOption 4 MOD3: 2.6 In indirect relations where a transit administration/operating agency 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/operating agencies beyond it in the international routing sequence as soon as possible and not later than 50 calendar days after receiving that data from the originating administration/operating agency. *Source C 94 (RCC)* |  |
| Option 0 NOC:3. *Settlement of balances of accounts*3.1 *Choice of the currency of payment*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. *Source C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)*Option 1 SUP: 3.1.1. *Source C 45 (USA)* | Option 0 NOC: No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)* |
| Option 0 NOC: 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. *Source C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)*Option 1 SUP: 3.1.2. *Source C 45 (USA)* | Option 0 NOC: No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC:3.2 *Determination of the amount of payment*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. *Source C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)*Option 1 SUP: 3.2.1. *Source C 45 (USA)* | Option 0 NOC: No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC: 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.. *Source C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)*Option 1 SUP: 3.2.2. *Source C 45 (USA)* | Option 0 NOC: No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC: 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.. *Source C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)*Option 1 SUP: 3.2.3. *Source C 45 (USA)* | Option 0 NOC: No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC: 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. *Source CWG-WCIT12*Option 1 SUP: 3.2.4. *Source C 45 (USA) and C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Delete since no longer relevant in light of change to 6.3.1. *Source C 55 (Russian Federation, Belarus and Moldova)***=> SUP agreed.** |
| Option 0 NOC: 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: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; 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. *Source CWG-WCIT12*Option 1 MOD: 3.2.5 If, in accordance with a special arrangement, the balance of the account is not 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:… *Source C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)*Option 1 SUP: 3.2.5. *Source C 45 (USA)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD: Modify in light of change to 6.3.1. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC:3.3 *Payment of balances*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 despatched 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 to 6% per annum, reckoned from the day following the date of expiry of the said period. *Source CWG-WCIT12*Option 1 MOD1: 3.3.1 Payment of balances of account shall be effected [taking into account/in accordance with] relevant ITU-T Recommendations ~~as promptly as possible, but in no case later than two calendar months after the day on which the settlement statement is despatched 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 to 6% per annum, reckoned from the day following the date of expiry of the said period.~~ *Source TD 21 Rev.1*Option 2 MOD2: 3.3.1 Payment of balances of account shall be effected as promptly as possible, but in no case later than 50 days ~~two calendar months~~ after the day on which the settlement statement is despatched by the creditor administration/operating agency. Beyond this period, the creditor administration/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 annum, reckoned from the day following the date of expiry of the said period. *Source C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)*Option 3 SUP: 3.3.1. *Source C 45 (USA)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:In discussing this provision, it was felt that the time period specified in the ITRs may not reflect current practice, in particular in application of Article 9. Therefore, the time periods may need to be reduced accordingly as appropriate. *Source TD 21 Rev.1.*Some participants support shortening the time periods in 3.3.1 to a range of 5 or 30 days after the end of the month. *Source TD 21 Rev.1.*Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Some Member States provided their own version of this proposal, sell below *(Russian Federation)*.The United States does not support this proposal. Source C 99 (USA).Option 2 MOD2:The time period specified in par. 3.3.1. doesn’t reflect the current practice, in particular in application of Article 9. The terms and conditions of this paragraph could be a subject of a commercial agreement. However it is believed useful to fix a reasonable time-scale in this paragraph. *Source C 55 (Russian Federation, Belarus and Moldova)*Some Member States stated that specific time periods should be shown in square brackets. *(Iran)*Option 3 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| **Option 4MOD3**: 3.1.1 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 despatched by the creditor ~~administration\*~~operating agency. Beyond this period, the creditor ~~administration\*~~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 annum, reckoned from the day following the date of expiry of the said period. Source C68 (Arab States) | **Option 4 MOD3**: See Preamble. Source C 68 (Arab States)The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: 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.. *Source C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)*Option 1 SUP: 3.3.2. *Source C 45 (USA)* | Option 0 NOC: No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC: 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.. *Source C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)*Option 1 SUP: 3.3.3. *Source C 45 (USA)* | Option 0 NOC: No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC: 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.. *Source C 55 (Russian Federation, Belarus and Moldova) and C 94 (RCC)*Option 1 SUP: 3.3.4. *Source C 45 (USA)* | Option 0 NOC: No change. Still relevant. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC: no ADD. *Source CWG-WCIT12*Option 1 ADD: new 3.3.5 Provided the periods of payment are observed, administrations\* have a right by mutual agreement settle their balances of various kinds by offsetting:\* credits and debits in their relations with other administrations\*;\* any other mutually agreed settlements, if appropriate. This rule also applies in case payments are made through specialized payment agencies in accordance with arrangements with administrations\*. *Source C 55 (Russian Federation, Belarus and Moldova)* | Option 1 ADD: Settlements by offsetting are widely used in the relations between recognized operating agencies. It is believed reasonable to include modified provisions regarding settlement of balances and any other mutually agreed settlements by offsetting to Paragraph 3.3. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC:3.4 *Additional provisions*3.4.1 Provided the periods of payment are observed, administrations\* may by mutual agreement settle their balances of various kinds by offsetting:– credits and debits in their relations with other administrations\*; and/or– debts arising from postal services, if appropriate. *Source CWG-WCIT12*Option 1 MOD1: 3.4.1…– any other mutually agreed settlements, if appropriate ~~debts arising from postal services, if appropriate~~. *Source TD 21 Rev.1.*Option 2 SUP: 3.4.1. *Source C 45 (USA) and C 55 (Russian Federation, Belarus and Moldova)*Option 3 MOD2: 3.4.1 Provided the periods of payment are observed, ~~administrations\*~~ operating agencies may by mutual agreement settle their balances of various kinds by offsetting:– credits and debits in their relations with other ~~administrations\*~~operating agencies; and/or– debts arising from postal services, if appropriate. *Source C 68 (Arab States)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD1:Some Member States reserved their right to propose revisions for the title “Additional provisions”. *(Iran, UAE)*Some Member States questioned the use of the term “if appropriate”. *(Iran)*Some Member States proposed that the term “if appropriate”, it could be replaced by “as appropriate”. *(UAE)*Option 2 SUP: Delete since no longer relevant in light of new 3.3.5. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 3 MOD2: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| 3.4.1 - CONTINUEDOption 4 SUP: “3.4 Additional Provisions” and renumber the provisions as 3.3.x. and MOD:~~3.4.1~~ 3.3.5 Provided the periods of payment are observed, administrations/operating agencies may by mutual agreement settle their balances of various kinds by offsetting:– credits and debits in their relations with other administrations/operating agencies; ~~and/or~~– ~~debts arising from postal services,~~ any other mutually agreed accounts, if appropriate.This rule also applies in cases where accounts are handled through specialized accounting authorities on the basis of arrangements with administrations/operating agencies.Source C 94 (RCC) |  |
| Option 0 NOC: 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. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 1 SUP: 3.4.2. *Source C 45 (USA)*Option 2 ADD: “3.4 Additional Provisions” in front of 3.4.2 and renumber the provisions as 3.4.1, etc. Source C 94 (RCC) | Option 0 NOC: No change. Still relevant. However, change the number to 3.4.1 in light of deletion above. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*. |
| Option 0 NOC: 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. *Source C 55 (Russian Federation, Belarus and Moldova)*Option 1 SUP: 3.4.3. *Source C 45 (USA)*Option 2 MOD1: 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\*~~ 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. *Source C 68 (Arab States)*Option 2 MOD2: 3.4.3 SAME AS ABOVE, BUT use “administration/operating agency*”. Source C 94 (RCC)* | Option 0 NOC: No change. Still relevant. However, change the number to 3.4.2 in light of deletion above. *Source C 55 (Russian Federation, Belarus and Moldova)*The United States does not support this proposal. Source C 99 (USA).Option 1 SUP: Some Member Stated did not support this proposal *(Russian Federation)*Option 2 MOD1: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC:APPENDIX 2Additional Provisions Relating toMaritime Telecommunications*Source CWG-WCIT12*Option 1 MOD1: **~~Additional~~ Provisions Relating to Maritime Telecommunications** *Source Iran*Option 2 MOD2: Review Appendices 1, 2 and 3 of ITRs taking into account/in accordance with relevant D-series Recommendations of ITU-T. *Source TD 21 Rev.1.*Option 3 MOD3: Replace Appendices 1, 2 and 3 of ITRs with provisions that confer the same legal status as the ITRs on the ITU D-series Recommendations that have updated the content of the replaced provisions. *Source Annex 3 of the Report of CWG on ITR submitted to Council 2005*Option 4 SUP: Appendix 2. *C 35 (CEPT)* | The United States proposes to retain parts of Appendix 2 essential to the accounting authorities, and establishing and settling of accounts. *Source C 76 (USA)*Appendix 2 should be retained with the corresponding amendments; the provisions are relevant and in use. Article 6 and Appendices 1 and 2 are inextricably linked and contain cross-references. Accounting authorities are needed to handle the accounts for telecommunication services between operating agencies and telecommunication service users. Accounting authorities currently handle payments for telecommunication services between shipowners and over 150 coast earth stations and coast radio centres. In some cases, accounting authorities also act as intermediaries between operating agencies and shipowners, for example in the event of fraudulent use of telecommunications. Appendix 2 provides the necessary legal basis and instrument to be used by an accounting authority in cases where a shipowner does not settle its account for operation in international waters, whereby a user (or shipowner) may at its own discretion modify the ship’s ownership structure, its location or its country of registration. Appendix 2 is also necessary for operating agencies which, having no accounting authority, encounter problems arising in relation to the provision of communication services to shipowners and the receipt of payment for services rendered. Therefore, deleting Appendix 2 will have a negative impact on the financial position of around 100 accounting authorities and on the provision of international telecommunication services for ships worldwide. Source C111 and C 112 (Russian Federation)Option 1 MOD1:The United States does not support this proposal. Source C 99 (USA).Option 2 MOD2:Some participants stated that it was not appropriate to include material at this level of detail in the ITRs, it should therefore be included in ITU-T Recommendations. *Source TD 21 Rev.1.*Review Appendices 1, 2 and 3 of ITRs taking into account/in accordance with relevant D-series Recommendations of ITU-T. *Source TD 21 Rev.1.*The United States does not support this proposal. Source C 99 (USA).Option 3 MOD3:The degree to which we should go into details is yet to be discussed. *(Iran)*Some Member States did not support this proposal, see comments above at 1.4. *(USA)*Option 4 SUP:It is inappropriate for Member States in an international treaty to make commitments which dictate the detail of how private operators conduct their commercial activities with operators in other countries in the current liberalised and competitive international telecommunications market. However, this does not prevent other Member States imposing such rules on a national basis if they so choose. CEPT recognises that Art. 37 and 38 of the CV anticipate that the ‘Administrative Regulations’ will contain certain provisions relating to accounting and the monetary unit to be used . However , the ITU basic Instruments themselves are due to be reviewed shortly and in CEPT’s view the existing Articles in the Convention do not of themselves justify the continuance of Article 6 and Appendices 1&2 of the ITRs, al of which should be deleted. *Source C 35 (CEPT)*In C 28 the United States proposed to SUP Appendix 2. We no longer propose this. However, we reserve our position as we are reviewing this Appendix in light of recent technological and administrative developments. *Source C 45 (USA) and Australia and Canada*Some Member States did not support this proposal: the provisions are used and are referenced in other instruments. *(Russian Federation)*Some Member States did not support this proposal *(Côte d’Ivoire)*Some Member States reserved their position *(UK)* |
|  | At this stage, CEPT maintains its position on Appendix 2. CEPT notes that the use of satellite equipment through land earth stations and also regular mobile communication services is becoming more common. Such solutions do not exclusively rely on Accounting Authorities. However, if evidence is provided demonstrating the need for maintaining Appendix 2, CEPT is prepared to reconsider its position. Source C93 (Portugal) |
| Option 0 NOC:1. *General* 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. *Source CWG-WCIT12****Option 1 MOD1:*** The provisions contained in ~~Article 6 and~~ this 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~~. Administrations should comply with the relevant ITU-T Recommendations and any Instructions forming part of or derived from these Recommendations, when establishing and settling accounts under this Appendix. *Source C 76 (USA)****Option 2 MOD2:*** The provisions contained in Article 6 and Appendix 1, taking into account the relevant ~~CCITT~~ ITU Recommendations, shall also apply to maritime telecommunications in so far as the following provisions do not provide otherwise. *Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Some Member States noted that a similar provision could be applied to other ITU-T Recommendations. *(Egypt)****Option 2 MOD2:***the reference to “ITU” rather than “ITU-T” is intended. *Source C 94 (RCC)* |
| Option 0 NOC:2. *Accounting authority*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:a) by the administration that has issued the licence; orb) by a recognized private operating agency; orc) by any other entity or entities designated for this purpose by the administration referred to in a) above. *Source CWG-WCIT12*Option 1 MOD1:…b) by a recognized ~~private~~ operating agency; or…*Source C 75 (USA)*Option 2 MOD2:…b) by an ~~recognized private~~ operating agency; or…*Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: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”. *Source CWG-WCIT12****Option 1 MOD1:*** 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”. *Source C 76 (USA)****Option 2 MOD2:*** 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”. *Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: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. *Source CWG-WCIT12*Option 1 MOD1: 2.3 References to ~~administration~~ operating agency 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. *Source C 68 (Arab States)*Option 2 MOD2: 2.3 References to administration contained in ~~Article 6 and~~ this Appendix ~~1~~ shall be read as “accounting authority” when applying the provisions of ~~Article 6 and~~ this Appendix ~~1~~ to maritime telecommunications. *Source C 76 (USA)*Option 3 MOD3: 2.3 References to administration/operating agency 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. *Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: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. *Source CWG-WCIT12*Option 1 MOD1: 2.4 … taking into account the relevant ~~CCITT~~ ITU-T Recommendations. *Source TD 21Rev.1 and C 76 (USA)*Option 2 MOD2: 2.4 Member~~s~~ States … taking into account the relevant ~~CCITT~~ ITU Recommendations. *Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD: Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)*Option 2 MOD2: the reference to “ITU” rather than “ITU-T” is intended. *Source C 94 (RCC)* |
| Option 0 NOC:3. *Establishment of accounts*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. *Source CWG-WCIT12****Option 1 SUP*** 3.1. *Source C 76 (USA)****Option 2 MOD:*** 3.1 In principle, an account shall be considered as accepted without the need for specific notification of acceptance ~~to~~ from the accounting authority to the administration that sent it. *Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: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. *Source CWG-WCIT12****Option 1 SUP*** 3.2. *Source C 76 (USA)****Option 1 MOD:*** 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. *Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC:4. *Settlement of balances of account*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. *Source C 94 (RCC)*Option 1 MOD:4. *~~Settlement~~ Payment of balances of account*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~~. *Source C 76 (USA)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: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. *Source C 94 (RCC)*Option 1 MOD: 4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the ~~administration~~ Member State that has licensed the mobile station shall, … *Source C 68 (Arab States)****Option 2 SUP*** 4.2. *Source C 76 (USA)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA).Option 1 MOD: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: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. *Source CWG-WCIT12****Option 1 SUP*** 4.3. *Source C 76 (USA)****Option 2 MOD:*** 4.3 If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the administration that sent the account ~~originating accounting authority~~ that queries and payments may be delayed. … *Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC: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. *Source CWG-WCIT12****Option 1 SUP*** 4.4. *Source C 76 (USA)****Option 2MOD:*** 4.4 The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than twelve ~~eighteen~~ calendar months after the date of the traffic to which the accounts relate. *Source C 94 (RCC)* | Option 0 NOC:The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC:APPENDIX 3Service and Privilege Telecommunications*Source CWG-WCIT12*Option 1 MOD1: Review Appendices 1, 2 and 3 of ITRs taking into account/in accordance with relevant D-series Recommendations of ITU-T. *Source TD 21 Rev.1.*Option 2 MOD2: Replace Appendices 1, 2 and 3 of ITRs with provisions that confer the same legal status as the ITRs on the ITU D-series Recommendations that have updated the content of the replaced provisions. *Source Annex 3 of the Report of CWG on ITR submitted to Council 2005*Option 3 SUP: Appendix 3. *Source C 35 (CEPT) and C 124 (Mexico)* | Option 1 MOD 1:Maintain most of the provisions of Appendix 3. *Source C 28 (USA)*Some participants stated that it was not appropriate to include material at this level of detail in the ITRs, it should therefore be included ITU-T Recommendations. *Source TD 21 Rev.1.*Option 2 MOD 2:The degree to which we should go into details is yet to be discussed. *(Iran)*Some Member States did not support this proposal, see comments above at 1.4. *(USA)*Option 3 SUP:Obsolete. *Source C 35 (CEPT)*The concept of “privilege telecommunications” is no longer relevant. *(Iran)*Some Member States did not support this proposal, the provisions may still be relevant, further study is required. *(Egypt, Russian Federation, UAE)*Some Member States did not support this proposal *(Côte d’Ivoire)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC:1. *Service telecommunications*1.1 Administrations\* may provide service telecommunications free of charge. *Source CWG-WCIT12*Option 1 MOD1: 1.1 ~~Administrations\*~~ Member States may require that ~~provide~~ service telecommunications be provided free of charge. *Source C 68 (Arab States)*Option 2 MOD2: 1.1 Administrations/operating agencies may provide service telecommunications free of charge. *Source C 94 (RCC)* | Option 1 MOD: See Preamble. *Source C 68 (Arab States)* |
| Option 0 NOC:1.2 Administrations\* may in principle forego inclusion of service telecommunications in international accounting, under the relevant provisions of the International Telecommunication Convention and the present Regulations, having due regard for the need for reciprocal arrangements. *Source CWG-WCIT12*Option 1 MOD1: 1.2 ~~Administrations\*~~ Operating agencies may in principle forego … *Source C 68 (Arab States)*Option 2 MOD2: 1.2 Administrations/operating agencies may in principle forego inclusion of service telecommunications in international accounting, under the relevant provisions of the International Telecommunication Union’s Constitution and Convention and the present Regulations, having due regard for the need for reciprocal arrangements. *Source C 94 (RCC)* | Option 1 MOD: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC:2. *Privilege telecommunications*Administrations\* may provide privilege telecommunications free of charge, and accordingly may forego the inclusion of such classes of telecommunication in international accounting, under the relevant provisions of the International Telecommunication Convention and the present Regulations. *Source CWG-WCIT12*Option 1 MOD2: … under the relevant provisions of the ~~International Telecommunication Convention~~ Constitution and Convention and the present Regulations. *Source TD 21 Rev.1*Option 2 MOD2: 2 ~~Administrations\*~~ Member States may require that ~~provide~~ privilege telecommunications be provided free of charge, and operating agencies accordingly may forego the inclusion of such classes of telecommunication in international accounting, under the relevant provisions of the International Telecommunication Constitution and Convention and the present Regulations. *Source C 68 (Arab States)*Option 3 MOD3: 2 Administrations/operating agencies may provide privilege telecommunications free of charge, and accordingly may forego the inclusion of such classes of telecommunication in international accounting, under the relevant provisions of the International Telecommunication Union’s Constitution and Convention and the present Regulations. *Source C 94 (RCC)* | Option 2 MOD2: See Preamble. *Source C 68 (Arab States)*The United States does not support this proposal. Source C 99 (USA). |
| Option 0 NOC:3. *Applicable provisions*The general operational, charging and accounting principles applicable to service and privilege telecommunications should take account of the relevant CCITT Recommendations. *Source CWG-WCIT12*Option 1 MOD: … should take account of the relevant ~~CCITT~~ ITU-T Recommendations. *Source TD 21 Rev.1 and C 68 (Arab States)* | Option 1 MOD: Some Member States proposed referring to “ITU” Recommendations (as opposed to “ITU-T”). *(Russian Federation)* |

| **WATTC-88 Resolutions, Recommendations, and Opinion** | **Possible revisions** | **Reasons from the source, comments from contributions and remarks from the meeting** |
| --- | --- | --- |
|  |  | Some Member States proposed minimizing the number of Resolutions, etc. *(Iran)* |
| **Resolution No. 1**Dissemination of Information Concerning International Telecommunication Services Available to the Public | Option 0 NOC Source CWG-WCIT12Option 1 MOD: text to be provided *Source C 8 and C9 (Russian Federation)* Option 2 SUP: *Source TD 6 (ITR-EG) and C 124 (Mexico)* | Option 1 MOD:**Revise** after establishing the final text of the ITRs. No longer relevant in its current form. *Source C 8 (Russian Federation)***Defer a decision** until completion of studies on the new text of the ITRs. Possible orientations could be found in the text of C9. *Source C9 (Russian Federation)*The United States reserves its position until the text is provided. Source *C 45 (USA)*Option 2 SUP: The Resolution is out of date. Covered by no. 183 of the Constitution and 202 and 203 of the Convention. *Source TD 6 (ITR-EG)* |
|  | Option 3 MOD: *Source TD 70 (CWG-WCIT12/Rapporteur Group)*RESOLUTION No. 1 (Rev. Dubai, 2012)Dissemination of Information ConcerningInternational Telecommunication Services Available to the PublicThe World Conference on International Telecommunications ~~Administrative Telegraph and Telephone Conference~~ (~~Melbourne~~Dubai, ~~1988~~2012),considering*a)* that ~~the Conference~~ WATTC-88 (Melbourne, 1988) has adopted provisions regarding international telecommunication services offered to the public and a Resolution on Dissemination of Operational and Service Information;*b)* that these provisions apply to current and new telecommunication environments in which technology, facilities, operators, services, service providers, customer needs and operational practices are rapidly changing;*c)* that the ~~CCITT~~ ITU-T is responsible for developing Recommendations on these matters, especially with respect to efficient global interconnection and interoperability;*d)* that the International Telecommunication Regulations provide a general framework ~~as a supplement to the International Telecommunication Convention~~ with respect to international telecommunication facilities and services available to the public,notingthat the ~~CCITT~~ ITU-T, in establishing Recommendations, has characterized a number of services which may be made available to the public,resolvesthat, with a view to promoting the global interconnection and interoperability of telecommunication facilities as well as the availability to the public of international telecommunication services, all Members should arrange for the Secretary-General to be notified, as part of the provisions concerning the dissemination of information, of those international telecommunication services which administrations~~\*~~/operating agencies make available to the public in their respective countries,instructs the Secretary-Generalto disseminate that information by the most suitable and economical means. | Option 3 MOD: Editorial updates. Could still be relevant with a view to develop Article 8 of the ITRs. It could also be revised after establishing the final text of the ITRs. Source TD 70 (CWG-WCIT12/Rapporteur Group) |
| **Resolution No. 2**Cooperation of the Members of the Union in Implementing the International Telecommunication Regulations | Option 0 NOC Source CWG-WCIT12Option 1 MOD: MOD: text to be provided *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)*Option 2 SUP: *Source TD 70 (CWG-WCIT12/Rapporteur Group) and C 124 (Mexico)*Option 3 MOD: *Source TD 70 (CWG-WCIT12/Rapporteur Group)*RESOLUTION No. 2 (Rev. Dubai, 2012)Cooperation of the Members of the Union in Implementing the International Telecommunication RegulationsThe World ~~Administrative Telegraph and Telephone Conference (Melbourne,1988)~~ Conference on International Telecommunications (Dubai, 2012),recallingthe principle of the sovereign right of each country to regulate its telecommunication as embodied in the Preamble to the Constitution of the International Telecommunication ~~Convention (Nairobi, 1982)~~ Union, and in the Preamble to the International Telecommunication Regulations as well as the purposes of the Union contained in Article ~~4~~ 1 of ~~that~~ the ~~Convention~~ Constitution,realizingthat, in the case of difficulties in the applicable national law in the implementation of the International Telecommunication Regulations, appropriate cooperation amongst the Members concerned is desirable,resolvesthat, upon request by a Member concerned about the limited effectiveness of its national law in relation to international telecommunication services offered to the public in its territory, the Members concerned shall, where appropriate, consult on a reciprocal basis, with a view to maintaining and extending international cooperation between Members of the Union, in the spirit of Article ~~4~~ 1 of the above-mentioned ~~Convention~~ Constitution for the improvement and rational use of telecommunications, including the orderly use of the international telecommunication network. | Option 1 MOD:**Revise** after establishing the final text of the ITRs. Still relevant. *Source C 8 (Russian Federation)***Revise**. Develop towards promoting the idea of the need to align national regulations on the ITRs. *Source C9 (Russian Federation)*Could still be relevant, and **could be retained**. Alternatively, it could be adopted by WTSA, WCIT or the plenipotentiary conference (as appropriate), and then updated as required by future assemblies or conferences. *Source TD 6 (ITR-EG)*The United States reserves its position until the text is provided. Source *C 45 (USA)*Option 2 SUP: CEPT is of the view that the ITR provision 1.7.c deals with the cooperation when implementing the ITRs, therefore Resolution 2 may not be needed. *Source TD 70 (CWG-WCIT12/Rapporteur Group)****Option 3 MOD:*** Could still be relevant and retained with editorial updates It could also be revised after establishing the final text of the ITRs.*Source TD 70 (CWG-WCIT12/Rapporteur Group)* |
| **Resolution No. 3**Apportionment of Revenues in Providing International Telecommunication Services | Option 0 NOC Source CWG-WCIT12Option 1 SUP: *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG) and TD 70 (CWG-WCIT12/Rapporteur Group) and C 124 (Mexico)* | Option 1 SUP:No longer relevant. *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)*The United States reserves its position until the text is provided. Source *C 45 (USA)*No longer relevant, because the studies called for in the Resolution have been carried out by ITU-T Study Group 3. *Source TD 70 (CWG-WCIT12/Rapporteur Group)* |
| **Resolution No. 4**The Changing Telecommunication Environment | Option 0 NOC Source CWG-WCIT12Option 1 SUP: *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG) and TD 70 (CWG-WCIT12/Rapporteur Group)* | Option 1 SUP:No longer relevant. *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)*The United States reserves its position until the text is provided. Source *C 45 (USA)*No longer relevant, because the invitation was acted upon by the 1989 Plenipotentiary Conference. *Source TD 70 (CWG-WCIT12/Rapporteur Group)* |
| **Resolution No. 5**CCITT and World-Wide Telecommunications Standardization | Option 0 NOC Source CWG-WCIT12Option 1 SUP: *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG) and TD 70 (CWG-WCIT12/Rapporteur Group) and C 124 (Mexico)* | Option 1 SUP:No longer relevant. *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)*No longer relevant, because the actions called for were taken by the Administrative Council and the 1989 Plenipotentiary Conference. *Source TD 70 (CWG-WCIT12/Rapporteur Group)* |
| **Resolution No. 6**Continued Availability of Traditional Services | Option 0 NOC Source CWG-WCIT12Option 1 MOD: text to be provided *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)*Option 2 SUP: *Source TD 70 (CWG-WCIT12/Rapporteur Group) and C 124 (Mexico)* | Option 1 MOD:**Revise** after establishing the final text of the ITRs. Still relevant. *Source C 8 (Russian Federation)***Defer a decision** until completion of studies on ITRs Article 7. May depend on Article 7. *Source C9 (Russian Federation)***Reconsider** in light of text of revised ITRs. Could still be relevant, but it could be adopted by WTSA, and then updated as required by future WTSAs. *Source TD 6 (ITR-EG)*The United States reserves its position until the text is provided. Source *C 45 (USA)*Option 2 SUP: *CEPT is of the view that this may be irrelevant at the moment, as basic telephone services (like mobile services) are widely available in many developing countries. Source TD 70 (CWG-WCIT12/Rapporteur Group)* |
|  | Option 3 MOD: *Source TD 70 (CWG-WCIT12/Rapporteur Group)*RESOLUTION No. 6 (Rev. Dubai, 2012)Continued Availability of Traditional [Basic] ServicesThe ~~World Administrative Telegraph and Telephone Conference (Melbourne,1988),~~Conference on International Telecommunications (Dubai, 2012),considering*a)* that provisions regarding telecommunication services available to the public have been made in the International Telecommunication Regulations;*b)* that those Regulations do not, however, provide a detailed list of the international telecommunication services required to be made available to the public;*c)* that under those Regulations, Members shall endeavour to ensure that users are provided with a capability for interworking between different services, as appropriate, to facilitate international communications;*d)* that keeping in mind the universality of communications, it would be desirable to ensure to the greatest extent possible, in the absence of establishment of new services in many Member countries, that the public in those countries should have continuing effective use of traditional [basic] services to communicate on a world-wide basis;*e)* that certain rural areas and developing countries, in particular, may need to rely on existing widely available services for international communications for a relatively long period of time,resolvesthat all Members should cooperate to ensure that, pending the establishment of new telecommunication services, in particular in the areas and countries referred to in *e)* above, provisions should be made to allow, through available communication infrastructures, continued availability of traditional [basic] services so as to enable effective communications on a world-wide basis. | Option 3 MOD: Could still be relevant and revised after establishing the final text of the ITRs, particularly Articles 4 and 7. For example, an obsolete term “traditional services” could be replaced with “basic services” to keep up with the progress of telecommunications. As an option the Resolution could be adopted by WTSA, and then updated as required by future WTSAs. Source TD 70 (CWG-WCIT12/Rapporteur Group) |
| **Resolution No. 7**Dissemination of Operational and Service Information Through the General Secretariat | Option 0 NOC Source CWG-WCIT12Option 1 MOD: text to be provided *Source C 9 (Russian Federation)*Option 2 SUP: *Source C 8 and TD 6 (ITR-EG) and TD 70 (CWG-WCIT12/Rapporteur Group) and C 124 (Mexico)* | Option 1 MOD:**Update** to reflect current situation and/or merge with Resolution 1. *Source C 9 (Russian Federation)*The United States reserves its position until the text is provided. *Source C 45 (USA)*Option 2 SUP:No longer relevant. *Source C 8 and TD 6 (ITR-EG)*No longer relevant, since the information is published as appropriate in the Operational Bulletin, and covered by no. 202 and 203 of the Convention. *Source TD 70 (CWG-WCIT12/Rapporteur Group)* |
|  | Option 3 MOD: *Source TD 70 (CWG-WCIT12/Rapporteur Group)*RESOLUTION No. 7 (Rev. Dubai, 2012)Dissemination of Operational and Service Information Through the General Secretariat The World ~~Administrative Telegraph and Telephone Conference (Melbourne,1988)~~ Conference on International Telecommunications (Dubai, 2012),in view of*a)* No~~s~~. ~~291, 293 and 294~~ 98 of the ~~International Telecommunication~~ Convention of the International Telecommunication Union (~~Nairobi~~ Geneva, 19~~82~~92) concerning the ~~general~~ information dissemination functions of the Secretary-General;*b)* Article 8 of the International Telecommunication Regulations (~~Melbourne~~Dubai, ~~1988~~2012),considering*a)* the importance of exchanging administrative, operational, tariff and statistical information in a cost-effective manner in order to facilitate the efficient and smooth operation of international telecommunication routes and services;*b)* the need for timely dissemination of such information to administrations~~\*~~/operating agencies;***[****c)* that such information is available at present in the following examples of operational and service publications:– List of telegraph offices– Gentex table– TA Table (transferred account)– Codes and abbreviations for the use of the international telecommunication services– Table of international telex relations and traffic– List of destination indicators for the telegram retransmission system and of telex network identification codes– Bureaufax table– Yearbook of common carrier telecommunication statistics– List of international telephone routes– Table of rates for telegrams– Directory of information on programme booking centres, international sound programme centres, international television programme centres and centres for maintaining sound and television programme circuits– Message handling/physical delivery service profile tables– Information for the operation of the international telegraph, data transmission and Telematic services– TA Booklet (transferred account)– List of telecommunication channels used for the transmission of telegrams – List of cables forming the world submarine network– Notification– Operation Bulletin,**]**resolvesthat operational and service information helpful to the smooth and efficient functioning of international telecommunications shall be disseminated by the General Secretariat in an appropriate form,invites Member States ~~Administrations~~to encourage the provision of appropriate information, to the extent practicable, in a timely fashion and in accordance with national arrangements,instructs the Secretary-General1 to disseminate the above-mentioned information by the most suitable and economical means;2 to revise, update, cancel, or create such publications as necessary, taking account of:i) the directives of a competent conference or of the ~~Administrative~~ ITU Council ~~of the Union~~;ii) the Recommendations of the ~~Plenary Assembly of the CCITT~~ WTSA; and, exceptionally;iii) the results of consultation by correspondence with ~~Administrations~~ Member States. | Option 3 MOD: Could still be relevant and updated to reflect current situation. For example, item c) of this Resolution could be revised as appropriate. As an option it could also be merged with Resolution 1 Source TD 70 (CWG-WCIT12/Rapporteur Group) |
| **Resolution No. 8**Instructions of International Telecommunication Services | Option 0 NOC Source CWG-WCIT12Option 1 MOD: text to be provided *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)*Option 2 SUP: *Source TD 70 (CWG-WCIT12/Rapporteur Group) and C 124 (Mexico)* | Option 1 MOD:**Revise** after establishing the final text of the ITRs. Still relevant. *Source C 8 (Russian Federation)*Defer a decision until completion of studies on the new text of the ITRs.. *Source C9 (Russian Federation)***Reconsider** in light of text of revised ITRs. Could still be relevant, but it could be adopted by WTSA, and then updated as required by future WTSAs. *Source TD 6 (ITR-EG)*The United States reserves its position until the text is provided. Source *C 45 (USA)*Option 2 SUP: Not relevant anymore. As mentioned in CWG WCIT-12/INF-2 (Status of Instructions), both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141 (Instructions for operators on the operator-assisted international telephone service), have been withdrawn. *Source TD 70 (CWG-WCIT12/Rapporteur Group)* |
|  | Option 3 MOD: *Source TD 70 (CWG-WCIT12/Rapporteur Group)*RESOLUTION No. 8 (Rev. Dubai, 2012)Instructions for International Telecommunication ServicesThe World Conference on International Telecommunications (Dubai, 2012) ~~Administrative Telegraph and Telephone Conference (Melbourne,1988)~~,recalling*a)* the reasons for which the WATTC (Geneva, 1973) introduced the concept of Instructions for a collection of provisions drawn from one or more CCITT Recommendations dealing with practical procedure for operation and tariff arrangements which have to be brought into force on a specific date in order to ensure their observance at the world level;*b)* the special importance attached by WATTC (Geneva, 1973) to Instructions as a means of ensuring the orderly and efficient operation of certain telecommunication services available world-wide,considering~~a) that the International Telecommunication Convention (Nairobi, 1982), in No. 288, refers to “operating instructions”;~~*~~b)~~* that Articles 1 and 2 of the International Telecommunication Regulations (~~Melbourne~~ Dubai, ~~1988~~2012) ~~also~~ make reference to “Instructions”;*~~c)~~* ~~that the IXth CCITT Plenary Assembly (Melbourne, 1988) approved a new Recommendation C.3 concerning “Instructions for International Telecommunication Services”;~~instructs the ~~CCITT~~ ITU-Tto devote particular attention to any new Recommendations which by their content should be the subject of Instructions, ~~and to revise and supplement Table I of Recommendation C.3 as required,~~invites the administrations~~\*~~/operating agenciesto take all necessary steps to ensure that their operational units are informed, as soon as possible, of any amendments to existing Instructions and any new Instructions approved by ~~CCITT Plenary Assemblies~~ WTSAs,instructs the Secretary-General1 to publish all operational provisions which the ~~CCITT~~ ITU-T considers as “Instructions”;2 to gather and publish the decisions taken by Member States ~~administrations\*~~ regarding certain optional provisions contained in Instructions which require mutual exchange of information regarding their application. | Option 3 MOD: Could still be relevant and revised after establishing the final text of the ITRs. The Resolution could be applied to any new Instructions in future. As an option this Resolution could be adopted by WTSA, and then updated as required by future WTSAs. Source TD 70 (CWG-WCIT12/Rapporteur Group) |
| **Recommendation No. 1**Application to the Radio Regulations of the Provisions of the International Telecommunication Regulations | Option 0 NOC Source CWG-WCIT12Option 1 MOD: text to be provided *Source C 8 and C9 (Russian Federation)* Option 2 SUP: *Source TD 6 (ITR-EG) and TD 70 (CWG-WCIT12/Rapporteur Group) and C 124 (Mexico)* | Option 1 MOD:**Revise** after establishing the final text of the ITRs. No longer relevant in its current form.While recognizing that the Recommendation is obsolete, there are still some proposals in general to take advantage of the idea to apply the provisions of the International Telecommunication Regulations to the Radio Regulations. *Source C 8 (Russian Federation) and TD 70 (CWG-WCIT12/Rapporteur Group)***Defer a decision** until completion of studies on the new text of the ITRs.. *Source C9 (Russian Federation)*The United States reserves its position until the text is provided. Source *C 45 (USA)*Option 2 SUP:**Consider abrogating**. Not relevant because the actions called for have been carried out by the Administrative Council and the World Administrative Radio Conference.The mentioned transitional period between the entry into force of the partially revised Radio Regulations (October 3, 1989) and the entry into force of the International Telecommunication Regulations (July 1, 1990), is over. *Source TD 6 (ITR-EG) and TD 70 (CWG-WCIT12/Rapporteur Group)* |
| **Recommendation No. 2**Changes to Definitions Which Also Appear in Annex 2 to the Nairobi Convention | Option 0 NOC Source CWG-WCIT12Option 1 SUP: *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG) and TD 70 (CWG-WCIT12/Rapporteur Group) and C 124 (Mexico)* | Option 1 SUP: No longer relevant.The actions called for were taken by the Administrative Council and the 1989 Plenipotentiary Conference. *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG) and TD 70 (CWG-WCIT12/Rapporteur Group)* |
| **Recommendation No. 3**Expeditious Exchange of Accounts and Settlement Statements | Option 0 NOC Source CWG-WCIT12Option 1 SUP: *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG) and TD 70 (CWG-WCIT12/Rapporteur Group) and C 124 (Mexico)* | Option 1 SUP: No longer relevant.No longer required, because the provisions in question are covered by ITU-T D-series Recommendations (see in particular D.190 on Exchange of international traffic accounting data between Administrations using electronic data interchange (EDI) techniques). *Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG) and TD 70 (CWG-WCIT12/Rapporteur Group)* |
| **Opinion No. 1**Special Telecommunication Arrangements | Option 0 NOC Source CWG-WCIT12Option 1 MOD: text to be supplied *Source C 8 and C9 (Russian Federation) ) and TD 6 (ITR-EG)*Option 2 SUP: *Source TD 70 (CWG-WCIT12/Rapporteur Group)* | Option 1 MOD:**Revise** after approval of the final text of the ITRs. Still relevant. *Source C 8 (Russian Federation)* **Defer a decision** until completion of studies on the new text of the ITRs.. *Source C9 (Russian Federation)* The Opinion **could still be relevant**, but it could be adopted by WTSA, and then updated as required by future WTSAs. *Source TD 6 (ITR-EG)*The United States took a reservation on this opinion. *Source C 45 (USA)*Option 2 SUP: May be outdated and not relevant anymore. *Source TD 70 (CWG-WCIT12/Rapporteur Group)* |
|  | Option 2 MOD: *Source TD 70 (CWG-WCIT12/Rapporteur Group)*OPINION No. 1 (Rev. Dubai, 2012)Special Telecommunication ArrangementsThe World Conference on International Telecommunications (Dubai, 2012)~~Administrative Telegraph and Telephone Conference (Melbourne,1988)~~,~~in view of~~~~Article 31 of the International Telecommunication Convention (Nairobi,1982),~~~~taking into account~~~~Resolution No. 10 of the Plenipotentiary Conference (Nairobi, 1982),~~considering*a)* that the whole of the telecommunications sector is currently evolving towards more efficient services requiring new technical facilities;*b)* that the development of business and other communications, including communications among and within organizations with offices in different countries, will continue at an increasingly rapid pace and is necessary to economic development;*c)* that not all Member countries may be capable of adequately meeting all the requirements in this respect;*d)* that each Member may exercise full sovereign control, through its national laws, over any decision concerning special arrangements made pursuant to Article ~~31~~ 42 of the Constitution of the International Telecommunication Union ~~Nairobi Convention~~,considering further*a)* that, for many Members, revenues from international telecommunications are vital for their administrations~~\*/~~operating agencies;*b)* that the majority of such revenues are derived from the provision of international telecommunication services to businesses and other organizations,notingthat the provisions of Article 9 of the International Telecommunication Regulations (Dubai, 2012 ~~Melbourne, 1988~~) apply to special telecommunication arrangements, and in particular that such arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries,is of the opinion~~1~~ ~~that special telecommunication arrangements pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982) should be made only where existing arrangements are unable to satisfactorily meet the relevant telecommunication need;~~~~2~~1 that in allowing such special arrangements, Members should consider their effects on third countries, and in particular, to the extent possible within national law, should endeavour to ensure that any adverse effects on the orderly development, operation or usage of the international telecommunication network by other Members are minimized;~~3~~2 that any such special arrangements should be consistent with the maintenance and extension of international cooperation for the improvement and rational use of telecommunications, as well as with the promotion of the development of technical facilities and their most efficient operation, with a view to improving the efficiency of telecommunication services, especially those available to the public. | Option 3 MOD: Could still be relevant and revised after completion of studies on the new text of the ITRs. As an option it could be adopted by WTSA, and then updated as required by future WTSAs *Source TD 70 (CWG-WCIT12/Rapporteur Group)* |

| **Proposed new WCIT-12 Resolutions** | Reasons from the source, comments from contributions and remarks from the meeting |
| --- | --- |
|  | It was stated that some provisions proposed for the ITRs which could be difficult to include in the treaty (for example spam) could possibly, as an option, be included in new WCIT Resolutions. (APT)In response, it was stated that some of the proposals regarding cybersecurity and spam were submitted as proposals for the ITRs and they should be contained in the ITRs, in particular with respect to general technology-neutral principle. Resolutions are not binding. (Arab States, Africa)It was stated that it might not be appropriate to envisage a proliferation of new Resolutions. (CEPT)It was stated that basic principles could be included in the ITRs and more detailed provisions could be included in Resolution. (Nigeria) |
| Option 0 NOC: No ADD. Source CWG-WCIT12Option 1 ADD: New Resolution ASpecial measures for landlocked developing countries (LLDCs) for access the international optical fibre networkThe World Conference on International Telecommunications (Dubai, 2012),consideringresolution 65/172 of 20 December 2010 of the United Nations General Assembly on specific actions related to the particular needs and problems of landlocked developing countries;Resolution 30 (Rev. Guadalajara, 2010) of the Plenipotentiary Conference on special measures for the least developed countries, small island developing states, landlocked developing countries and countries with economies in transition,considering furtherthe Millennium Declaration and the 2005 World Summit Outcome;the outcome of the Geneva (2003) and Tunis (2005) phases of the World Summit on the Information Society (WSIS);the Almaty Declaration and Almaty Programme of Action Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries, | Option 1 ADD:Measures are needed so that landlocked developing countries can achieve the objective of the Millennium Development Goals and of the WSIS, taking account of the difficulties and additional costs involved in order to access the international optical fibre network. *Source C 46 (Paraguay) and Costa Rica, Cuba, Egypt and Uruguay*Some Member States expressed interest to this proposal and readiness to further consider it. *(Mexico, USA)*The world’s countries have been making substantial efforts to achieve the Millennium Development Goals (MDGs) and those of the World Summit on the Information Society (WSIS). Thus, in many countries, the deployment of a network infrastructure and information and communication technology applications that, if possible, use broadband and other innovative technologies more widely, has become a priority on their development agendas. Government have understood the need for public policymaking and the importance of telecommunication regulation that would make it possible to speed up the economic and social progress of their countries, as well as the well-being of all persons, communities and peoples. Landlocked developing countries would like to raise awareness about the obstacle that the current difficulty in securing access to the international fiber optic network is to the progress of their communities, as this network is an indispensable tool for trade and, above all, for knowledge. The present proposal is aimed at promoting a new paradigm, one involving close cooperation between landlocked and transit countries that would enable joint and regional growth and bridge the digital divide between countries, in search of a genuine and fully integrated society of knowledge. *Source C 66 (CITEL)* |
| ADD Res A – CONTINUEDrecallingthe New Partnership for Africa’s Development (NEPAD), which is an initiative intended to boost economic cooperation and development at regional level, given that many landlocked and transit developing countries are in Africa,reaffirmingthe right of access of landlocked countries to the sea and freedom of transit through the territory of transit countries by all means of transport, in accordance with applicable rules of international law,reaffirming furtherthat transit countries, in the exercise of their full sovereignty over their territory, have the right to take all measures necessary to ensure that the rights and facilities provided for landlocked countries in no way infringe upon their legitimate interests,recognizingthe importance of telecommunications and new information and communication technologies (ICT) to the development of LLDCs,notingthat access to the international optical fibre network for LLDCs and the laying of optical fibre across transit countries are not indicated in the infrastructure development and maintenance priorities in the Almaty Programme of Action,concernedsince this difficulty affecting LLDCs continues to jeopardize their development agendas,consciousthat fiber optic cable is a profitable telecommunications transport medium;that access within landlocked countries to the international fiber optic network will promote their integral development and the potential for them to create their own Information Society, | CEPT position to be developed. However, CEPT considers that the proliferation of Resolutions may be difficult to handle time wise. *Source C 72 (Portugal)* |
| ADD Res A – CONTINUEDconscious alsothat the planning and laying of international optical fibre calls for close cooperation between landlocked and transit countries;that in making the basic investment in laying fiber optic cable, capital investments by the private sector are required,instructs the Secretary-General and the Director of the Telecommunication Development Bureau1 to ensure that studies of the situation of telecommunication/ICT services in the LLDCs should emphasize the importance of access to the international fiber optic network;2 to propose to the ITU Council specific measures designed to ensure genuine progress and provide LLDCs with effective assistance in connection with *instructs* 1;3 to provide the administrative and operational structure necessary to develop a strategic plan that contains practical guidelines and criteria to govern and promote regional, subregional, multilateral, and bilateral projects affording LLDCs greater access to the international fiber optic network,requests the Secretary-Generalto transmit the text of this resolution to the Secretary-General of the United Nations, with a view to bringing it to the attention of the United Nations High Representative for the Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDSs),instructs the Councilto take appropriate measures to ensure that the Union continues to collaborate actively in the development of telecommunication/ICT services in LLDCs,encourages landlocked developing countriesto continue to accord high priority to telecommunication/ICT activities and projects that promote integral socioeconomic development, adopting technical cooperation activities financed from bilateral or multilateral sources that will benefit the general public, |  |
| ADD Res A – CONTINUEDurges Member States1 to cooperate with landlocked countries by promoting regional, subregional, multilateral, and bilateral projects for telecommunication infrastructure integration that afford LLDCs greater access to the international fiber optic network,2 to include and/or maintain in South-South and triangular cooperation programs with donor participation, and in cooperation among subregional and regional organizations, actions complementing the Almaty Programme of Action to assist landlocked developing and transit countries in executing these telecommunication infrastructure integration projects,invites Member States, Sector Members and Associatesto continue support the work of ITU-D in studies of the situation of telecommunication/ICT services in the least developed countries, LLDCs, small island developing states, and countries with economies in transition so identified by the United Nations and requiring special measures for telecommunication/ICT development.*Source C 46 (Paraguay) and C 66 (CITEL.)* EDITORIAL NOTE: the text in C 46 has slight editorial differences with respect to the text presented above, which is from C 66. |  |
| Option 0 NOC: No ADD. Source CWG-WCIT12Option 1 ADD: New Resolution B**Treatment of the Provisions of the Constitution and Convention related to the ITRs**The World Conference on International Telecommunications (Dubai, 2012),*considering*a) Resolution 163 (Guadalajara, 2010), Establishment of a Council working group on a stable ITU Constitution;b) that, pursuant to decisions taken at the conference, certain provisions of the International Telecommunications Regulations are identical or related to certain provisions of the Constitution or Convention,*resolves to invite the plenipotentiary conference*to consider whether the following provisions of the Constitution and Convention should suppressed from those instruments:\* In the **CS**: 179 through 193, 1004, 1007, 1008 and 1011 through 1017;\* In the **CV:** 496 through 506, 1003 and 1006.*Source C 52 (UAE)* | Option 1 ADD:It has been pointed out that some provisions of the current ITRs are similar to, or related to, provisions of the Constitution or Convention. Some Member States take the view that this situation is perfectly acceptable, other Member States take the view that it would be preferable to avoid overlap.In particular, it has been proposed that such provisions be deleted from the ITRs so that they would be found only in the Constitution or Convention.However, it has also been proposed that provisions that are currently found in the Constitution and Convention should added to the ITRs in order to ensure that the ITRs are a self-contained document. If that is done, then it might be appropriate to consider whether to delete such provisions from the Constitution and Convention.If the WCIT agreed such an approach, then WCIT could bring it to the attention of the 2014 Plenipotentiary Conference through a WCIT Resolution. That Resolution could invite the Plenipotentiary Conference to consider the matter in light of the work of CWG-STB-CS and the revised ITRs adopted by WTCT-12.*Source C 52 (UAE)*The argument that the ITRs should be self contained is in contradiction with the Preamble of the Treaty. *Source CEPT* |
| Option 0 NOC: No ADD. Source CWG-WCIT12Option 1 ADD: New Resolution C on Promoting compliance with ITRs. Text to be defined *Source* *C 39 (Malaysia)* | Option 1 ADD:The need to promote compliance with ITRs will be given emphasis and appropriate assistances will be provided to strengthen national capacity in developing countries and countries in transition in support of compliance.In order to translate the proposal into reality legal options and approaches should be identified (new provisions of or separate guidelines which will underline approaches or procedures related to compliance attached to the ITRs to be introduced).The proposal could be further developed in new WCIT Resolution.*Source* *C 39 (Malaysia)*Some Member States supported this proposal and expressed readiness to further work on it *( Egypt, UAE)* |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. \* or recognized private operating agency(ies) [↑](#footnote-ref-1)
2. \* or recognized private operating agency(ies) [↑](#footnote-ref-2)