

**Document CWG-WCIT12/C-105-E
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CWG-WCIT12 CONTRIBUTION 105

**SOURCE:
Portugal**

**CEPT COMMENTS ON CWG-WCIT12/TD-64
(ANTICIPATED FINAL DRAFT OF THE FUTURE ITRS)**

This submission was developed by CEPT in a preparatory meeting to the WCIT 2012 in which 21 Member States have participated.

CEPT notes there is an inconsistency in the way reasoning provided by Member States / regional associations to sustain their proposals / positions are reflected in TD64.

If the CWG WCIT-12 decides to include justifications provided by Member States / regional associations in the final version of TD 64, CEPT will insist to include all of them or none.

In any case, if reasons are included only those justifying the proposal should be included in the text, not commentary.

The present contribution intends to include in the revised version of TD 64 (Anticipated final draft of the future ITRs) at least some of the reasoning underlying proposals / positions of CEPT which are already reflected in TD 62. It also intends to reflect the exact text as proposed in C71 concerning provision 9.1.a).

CEPT inputs are highlighted in “Turquoise”. The text not highlighted in Turquoise is the text in TD64.

The contribution does not aim at disclosing any new CEPT proposal / position. In fact, new CEPT proposals / position are disclosed at CWG-WCIT12/C-104 (CEPT contribution to the final meeting of the CWG WCIT-12).

NOC CWG/54/0.0

International Telecommunication Regulations

NOC CWG/54/0.1

PREAMBLE

Reasons: title and title of Preamble remain unchanged.

MOD CWG/54/0.2

1 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] complete]~~ 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.

Reasons:

The term “state” is the one used in the Constitution.

The term “complement” is the one used in the Constitution.

MOD CWG/54/0.3

1 While the sovereign right of each ~~country-state~~ to regulate its telecommunications is fully recognized, the provisions of the present Regulations ~~supplement the International Telecommunication Convention, with a view~~ serve to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications.

Reasons:

This proposal avoids having to choose between “complement’ and “complete” and is aligned with the Preamble of the Radio Regulations.

NOC CWG/54/1.0

ARTICLE I

Purpose and Scope of the Regulations

Reasons: title of Article 1 remains unchanged.

MOD CWG/54/1.1

2 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. ~~They also set rules applicable to administrations.~~

Reasons:

The revised ITRs should only contain provisions regarding obligations of Member States, and not direct the activities of private parties.

MOD CWG/54/1.2

2 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. ~~They also set rules applicable to administrations.~~ Member States may apply these rules to recognized operating agencies.

MOD CWG/54/1.3

2 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. ~~These~~ Regulations also set rules applicable to [Member States and] operating agencies*~~administrations.~~

* The term “operating agency” includes “recognized operating agency” and is used in that sense throughout these Regulations.

Reasons:

Adding Member States would expand the scope of the Regulation which previously set rules only for administration.

MOD CWG/54/1.4

2 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 | require Member States to ensure that administrations and operating agencies engaged in international telecommunications comply with the provisions of the ITRs]-~~also set rules applicable to administrations.~~

MOD CWG/54/1.5

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

MOD CWG/54/1.6

3 b) These Regulations recognize in Article 9 the right of Members ~~s~~States to allow special arrangements.

NOC CWG/54/1.7

3A

Reasons:

No new 1.1 c). The provision proposed in 1.1.c is not in the scope of the ITRs.

ADD CWG/54/1.8

3A c) 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.

NOC CWG/54/1.8A

3B

Reasons:

No new 1.1 d). The addition of 1.1.d) is not supported as it is not appropriate to include such issues in article 1.1.

ADD CWG/54/1.8B

3B d) Member States shall guarantee absolute priority for telecommunications relating to safety of life (distress), including for prevention, relief and mitigation in emergency situations.

NOC CWG/54/1.8C

3C

Reasons:

No new 1.1 e). The proposal for a new 1.1.e) is addressed in 1.7.c).

ADD CWG/54/1.8D

3C e) Member States shall cooperate for the purpose of implementing the International Telecommunication Regulations.

NOC CWG/54/1.9

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

NOC CWG/54/1.10

5 1.3 These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public of international telecommunication services.

MOD CWG/54/1.11

5 1.3 These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public and the security of international telecommunication services; and in particular the availability, operation, and use of advanced telecommunications facilities in developing countries. The scope may be all existing, emerging, and future telecommunication facilities and services.

MOD CWG/54/1.12

5 1.3 These Regulations ~~are established with a view to~~ facilitating global interconnection and interoperability of telecommunication ~~networks 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, and greater confidence and security, including of information, in the provision of international telecommunication services to the public.

MOD CWG/54/1.13

6 1.4 Unless otherwise specified in these Regulations, ~~r~~References to ~~CEPT~~ [ITU-T | 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.

MOD CWG/54/1.13A

6 1.4 References to ~~CEPT~~ 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.

MOD CWG/54/1.14

7 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 Member States and operating agencies, as the case may be ~~administrations.~~

Reasons:

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.

MOD CWG/54/1.15

7 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 recognized operating agencies~~administrations~~.

SUP CWG/54/1.16

~~**7** 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.~~

Reasons:

International 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 in contradiction.

MOD CWG/54/1.16A

8 1.6 In implementing the principles of these Regulations, administrations* [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].

MOD CWG/54/1.16B

8 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~~.

Reasons:

The use of the term “encourage” is in line with existing provision of the ITRs 1.7.b).

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, references to ITU-T “Instructions” should be suppressed.

MOD CWG/54/1.16C

8 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~~ ITU-T Recommendations, including any Instructions forming part of or derived from these Recommendations.

MOD CWG/54/1.16D

8 1.6 ~~In implementing the principles of these Regulations, administrations should comply with,~~ For the purposes of these Regulations and the principles enshrined in them, Member States shall provide, to the greatest extent practicable, for the implementation of the relevant ITU ~~CCITT~~ Recommendations and Resolutions by administrations and operating agencies, including any Instructions forming part of or derived from these Recommendations.

MOD CWG/54/1.16E

8 1.6 In implementing the principles of these Regulations, ~~administrations should comply with~~ there shall be compliance with, to the greatest extent practicable, the relevant ~~CCITT~~ ITU-T Recommendations, including any Instructions forming part of or derived from these Recommendations.

MOD CWG/54/1.17

9 1.7 a) These Regulations recognize the right of any Member State, subject to national law and should it decide to do so, to require that 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.

MOD CWG/54/1.18

9 1.7 a) These Regulations recognize the right of any Member State, subject to national law and should it decide to do so, to require that 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.

Reasons:

It has been suggested that the source (Global Voice Group) may wish to consider withdrawing this proposal given lack of support.

MOD CWG/54/1.19

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

Reasons:

Member States have the sovereign right to impose obligations in accordance with national law, on all operating agencies, not just on recognized operating agencies.

The ITRs should apply to Member States.

MOD CWG/54/1.20

10 b) The Member State concerned shall, as appropriate, encourage the application of relevant ITU-T ~~CCITT~~ Recommendations by such service providers.

Reasons:

This provision seems to be very similar to 1.6, perhaps it could be merged with 1.6.

MOD CWG/54/1.21

10 b) The Member State concerned shall, as appropriate, encourage the application of relevant ~~CCITT~~ ITU-T Recommendations by such ~~service providers~~ operating agencies.

Reasons:

This provision seems to be very similar to 1.6, perhaps it could be merged with 1.6.

SUP CWG/54/1.22

10 ~~b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers.~~

Reasons:

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

MOD CWG/54/1.23

11 c) The Members States, where appropriate, shall cooperate in implementing the International Telecommunication Regulations.

Reasons:

Use of the term “cooperate” may need to be revisited and it may be appropriate to consider moving the provision elsewhere.

MOD CWG/54/1.24

11 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.

SUP CWG/54/1.25

11 ~~e) The Member, where appropriate, shall cooperate in implementing the International Telecommunication Regulations.~~

NOC CWG/54/1.26

12 1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.

Reasons:

The provision stood the test of time.

~~Mexico reserves its position regarding 1.8.~~

Note: CEPT is of the view that reservations should not be in the final draft of the future ITRs

NOC CWG/54/1.27

Reasons:

No new 1.9

12A

ADD CWG/54/1.28

12A 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.

Reasons:

It was suggested that the purpose of this proposal could be achieved through a declaration rather than an article in the ITRs. The Legal Advisor was requested to provide a legal analysis of the issues raised by this proposal. That legal analysis is found in CWG-WCIT/C 89.

Some Member States stated that they strongly opposed this proposed new provision, because it would make the ITRs subordinate to all other treaties, even bilateral treaties, and even subsequent treaties.

NOC CWG/54/2.0

ARTICLE 2

Definitions

Reasons: title of Article 2 remains unchanged.

NOC CWG/54/2.0A

13 For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.

NOC CWG/54/2.1

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

MOD CWG/54/2.1A

14 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.

Reasons: This is different from the definition of the term found in 1012 CS and would be difficult to accept.

SUP CWG/54/2.1B

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

Reasons: This definition is found in 1012 CS.

NOC CWG/54/2.2

15 2.2 *International telecommunication service*: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.

Reasons:

The provision stood the test of time.

MOD CWG/54/2.2A

15 2.2 *International telecommunication service*: The offering of a telecommunication capability 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.

Reasons: This is different from the definition of the term found in 1011 CS.

SUP CWG/54/2.2B

15 ~~2.2 *International telecommunication service*: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.~~

Reasons: This definition is found in 1011 CS.

MOD CWG/54/2.3

16 2.3 *Government telecommunication*s: ~~A~~Itelecommunications 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 repl~~ies~~y to a government ~~telegram~~ telecommunications mentioned above.

Reasons: Align with 1014 CS.

SUP CWG/54/2.3A

16 ~~2.3 *Government telecommunication*: A telecommunication originating with any: Head of a State; Head of a government or members of a government; Commanders-in-Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary-General of the United Nations;~~

~~Heads of the principal organs of the United Nations; the International Court of Justice, or reply to a government telegram.~~

Reasons:

Obsolete.

MOD CWG/54/2.4

17 2.4 Service telecommunication:

A telecommunication that relates to public international telecommunications and that is exchanged [by agreement] among the following:

- [administrations | Member States];
- [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 or authorized officials of the Union, including those working on official matters outside the seat of the Union.

SUP CWG/54/2.4A

~~**17 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.~~

MOD CWG/54/2.5

18 2.5 Privilege telecommunication

19 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.

20 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, 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.

SUP CWG/54/2.5A

18 ~~2.5 Privilege telecommunication~~

19 ~~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.~~

20 ~~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.~~

Reasons:

Obsolete.

NOC CWG/54/2.6

21 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.

MOD CWG/54/2.6A

21 2.6 *International route*: A route for the transmission of traffic between tTechnical facilities and installations located in different countries ~~and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.~~

SUP CWG/54/2.6B

21 ~~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.~~

Reasons:

The definition of international route is no longer required as it does not reflect reality (multitude of routing arrangements).

MOD CWG/54/2.7

22 2.7 *Relation*: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their ~~administrations*~~operating agencies:

23 a) a means for the exchange of traffic in that specific service:

- over direct circuits (direct relation), or
- via a point of transit in a third country (indirect relation), and

24 b) normally, the settlement of accounts [by manual or other billing systems as appropriate].

SUP CWG/54/2.7A

~~**22** 2.7 *Relation*: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations*:~~

~~**23** a) a means for the exchange of traffic in that specific service:~~

- ~~- over direct circuits (direct relation), or~~
- ~~- via a point of transit in a third country (indirect relation), and~~

~~**24** b) normally, the settlement of accounts.~~

Reasons:

The definition of Relation is no longer required as it does not reflect reality (competitive markets).

MOD CWG/54/2.8

25 2.8 *Accounting rate*: The rate agreed [~~between administrations*~~ | between operating agencies] in a given relation that is used for the establishment of international accounts [for international telecommunication services].

SUP CWG/54/2.8A

~~**25** 2.8 *Accounting rate*: The rate agreed between administrations* in a given relation that is used for the establishment of international accounts.~~

Reasons:

The definition of accounting rate is no longer required as it does not reflect reality (wide variety of arrangements).

MOD CWG/54/2.9

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

MOD CWG/54/2.9A

26 2.9 *Collection charge*: The charge established and collected [~~by an administration*~~ | by an operating agency] from ~~its~~ customers for the use of an international telecommunication service.

SUP CWG/54/2.9B

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

Reasons:

The definition of collection charges is no longer required.

MOD CWG/54/2.10

27 2.10 *Instructions*: A collection of provisions drawn from one or more ~~ITU-T CCITT~~ Recommendations dealing with practical operational procedures for the handling of telecommunication traffic (e.g., acceptance, transmission, accounting).

SUP CWG/54/2.10A

27 ~~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).~~

Reasons:

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, references to ITU-T "Instructions" should be suppressed.

NOC CWG/54/2.10AA

27A

Reasons:

No new 2.10A. The argument that the ITRs should not be self contained contradicts with the Preamble of the Treaty and therefore definition Public Correspondence should not be included.

ADD CWG/54/2.10AB

27A 2.10A Public Correspondence: Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

Reasons: Taken from 1004 CS.

NOC CWG/54/2.10B

27B

Reasons:

No new 2.10B. The argument that the ITRs should not be self contained contradicts with the Preamble of the Treaty and therefore definition on Operating Agency should not be included.

ADD CWG/54/2.10BA

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

Reasons: Taken from 1007 CS.

NOC CWG/54/2.10C

27C

Reasons:

No new 2.10C. Defined in 2.4

ADD CWG/54/2.10CA

27C 2.10C 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.

Reasons: Taken from 1006 CV.

NOC CWG/54/2.11

27D

Reasons:

No new 2.11

ADD CWG/54/2.11A

27D 2.11 Transit rate: a rate set by the point of transit in a third country (indirect relation).

NOC CWG/54/2.12

27E

Reasons:

No new 2.12

ADD CWG/54/2.12A

27E 2.12 Termination rate: A rate set by the destination administration/ROA for terminating incoming traffic regardless of origin.

NOC CWG/54/2.13

27F

Reasons:

No new 2.13

ADD CWG/54/2.13A

27F 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.)).

NOC CWG/54/2.14

27G

Reasons:

No new 2.14. **Technical definition.**

ADD CWG/54/2.14A

27G 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.

NOC CWG/54/2.15

27H

Reasons:

No new 2.15. **Technical definition.**

ADD CWG/54/2.15A

27H 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.

NOC CWG/54/2.16

27I

Reasons:

No new 2.16. **Fraud is a matter defined and dealt with under national jurisprudence, and therefore its application to telecommunications remains a national matter.**

ADD CWG/54/2.16A

27I 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.

ADD CWG/54/2.16B

27I 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.

ADD CWG/54/2.16C

27I 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.

NOC CWG/54/2.17

27J

Reasons:

No new 2.17. The inclusion of provision 2.17 could jeopardize the sovereign right of Member States to regulate its telecommunications.

ADD CWG/54/2.17A

27J 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.

NOC CWG/54/2.18

27K

Reasons:

No new 2.18.

ADD CWG/54/2.18A

27K 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.

NOC CWG/54/2.19

27L

Reasons:

No new 2.19

ADD CWG/54/2.19A

27L 2.19 Calling Party Number (CPN): The telephone number of the originator of an international call.

NOC CWG/54/2.20

27M

Reasons:

No new 2.20

ADD CWG/54/2.20A

27M 2.20 International Calling Party Number Delivery (ICPND): Calling Party Number delivery across boundaries of countries.

NOC CWG/54/2.21

27N

Reasons:

No new 2.21

ADD CWG/54/2.21A

27N 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.

NOC CWG/54/2.22

27O

Reasons:

No new 2.22

ADD CWG/54/2.22A

27O 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.

NOC CWG/54/2.23

27P

Reasons:

No new 2.23

ADD CWG/54/2.23A

27P 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.

27Q

NOC CWG/54/2.24

Reasons:

No new 2.24

ADD CWG/54/2.24A

27Q 2.24 Integrity of the international telecommunication network: The capability of the international telecommunication network to carry international traffic.

NOC CWG/54/2.25

27R

Reasons:

No new 2.25

ADD CWG/54/2.25A

27R 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.

NOC CWG/54/2.26

27S

Reasons:

No new 2.26

ADD CWG/54/2.26A

27S 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.

NOC CWG/54/2.27

27T

Reasons:

No new 2.27

ADD CWG/54/2.27A

27T 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.

Reasons: Some suggested that, if this definition is accepted, the term “International Roaming” would be preferable.

NOC CWG/54/3.0

ARTICLE 3

International Network

Reasons: title of Article 3 remains unchanged.

MOD CWG/54/3.1

28 3.1 Members ~~States~~ shall ~~encourage ensure that~~ administrations* ~~and ROAs to~~ cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

Reasons:

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.

MOD CWG/54/3.2

28 3.1 Members ~~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].

Reasons:

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.

MOD CWG/54/3.3

28 3.1 Members 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.

Reasons:

Given market liberalization, it may be difficult under national law for some Member States to ensure quality of service.

MOD CWG/54/3.4

29 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.

Reasons:

It is important that Member States adopt policies that create incentives to invest in telecommunication networks.

MOD CWG/54/3.5

29 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 telecommunication services.

MOD CWG/54/3.6

29 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.

SUP CWG/54/3.7

29 ~~3.2 Administrations* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services.~~

Reasons:

Obsolete.

MOD CWG/54/3.8

30 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.

MOD CWG/54/3.9

30 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.~~ A Member State shall have the right to know through where its traffic has been routed, and should have the right to impose any routing regulations in this regard, for purposes of security and countering fraud.

MOD CWG/54/3.10

30 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.

SUP CWG/54/3.11

30 ~~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.~~

Reasons:

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

MOD CWG/54/3.12

31 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 CCITTU-T Recommendations.

MOD CWG/54/3.13

31 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.

MOD CWG/54/3.14

31 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.

SUP CWG/54/3.15

~~**31** 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.~~

Reasons:

~~The proposal is to move the text elsewhere, not to suppress the text itself.~~

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

NOC CWG/54/3.16

31A

Reasons:

No new 3.5 (misuse)

ADD CWG/54/3.17

31A 3.5 Member States shall endeavour to prevent misuse and misappropriation of numbering resources.

Reasons: was proposed in TD 52 as option 1 of 3.2.

ADD CWG/54/3.18

31A 3.5 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.

Reasons: was proposed in TD 52 as option 2 of 3.4.

ADD CWG/54/3.19

31A 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.

ADD CWG/54/3.20

31A 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.

ADD CWG/54/3.21

31A 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.

ADD CWG/54/3.22

31A 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.

ADD CWG/54/3.23

31A 3.5 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.

ADD CWG/54/3.24

31A 3.5 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.

ADD CWG/54/3.25

31A 3.5 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 | apply].

ADD CWG/54/3.26

31A 3.5 Use made of naming, numbering and identification resources that are within the responsibility and remit of the ITU should be in conformance with the use for which they were assigned.

ADD CWG/54/3.27

31A 3.5 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.

ADD CWG/54/3.28

31A 3.5 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.

Reasons: was proposed for 8A.7

NOC CWG/54/3.29

31B

Reasons:

No new 3.6 (calling party identification)

ADD CWG/54/3.30

31B 3.6 International calling party number delivery shall be provided [taking into account | in accordance with] relevant ITU-T Recommendations.

ADD CWG/54/3.31

31B 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations[, to the greatest extent practicable].

ADD CWG/54/3.32

31B 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.

ADD CWG/54/3.33

31B 3.6 International calling party number delivery [and/or originating identification] shall be provided in accordance with relevant ITU-T Recommendations[, to the greatest extent practicable]. 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[, but that masked information shall be made available to duly authorized law enforcement agencies].

ADD CWG/54/3.34

31B 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.

ADD CWG/54/3.35

31B 3.6 Member States shall encourage the provision of international calling party number delivery in accordance with the relevant ITU-T Recommendations.

ADD CWG/54/3.36

31B 3.6 Member States should, through various channels open to them, encourage network operators and service providers:

- To implement CLI features, where technically possible
- To use appropriate standards when implementing CLI features,
- To ensure that integrity of CLI is maintained end to end
- To ensure that the requirements associated with data protection and data privacy are met.

Reasons:

ITR's should avoid references to technical aspects associated with International CLI, and require policy statements and requirements to be included.

ADD CWG/54/3.37

31B 3.6 Member States shall ensure correct transmission of the calling party number / address / name / identity.

ADD CWG/54/3.38

31B 3.6 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.

Reasons: was proposed for 4.5.

ADD CWG/54/3.39

31B 3.6 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.

Reasons: was proposed for 8A.8.

NOC CWG/54/3.40

31C

Reasons:

No new 3.7 (international Internet connectivity)

ADD CWG/54/3.41

31C 3.7 Administrations shall take appropriate measures nationally to ensure that all parties (including operating agencies authorized by Member States) involved in the provision of international Internet connections negotiate and agree to bilateral commercial arrangements, or an alternative type of arrangement between administrations, enabling direct international Internet connections that take into account the possible need for compensation between them for the value of elements such as traffic flow, number of routes, geographical coverage and cost of international transmission, and the possible application of network externalities, amongst others.

Reasons:

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.

The language is that found in Recommendation ITU-T D.50, and should be included in the ITRs.

The 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.

NOC CWG/54/3.42

31D

Reasons:

No new 3.8 (right to transmit traffic)

ADD CWG/54/3.43

31D 3.8 The public having access to the international network shall have the right to transmit traffic.

Reasons: this should not contradict the stoppage provision in art. 34 CS. Refer also to art. 33 CS. "Public" is defined in art. 1 of the ITRs.

NOC CWG/54/4.0

ARTICLE 4

International Telecommunication Services

Reasons: title of Article 4 remains unchanged.

MOD CWG/54/4.1

32 4.1 Members ~~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)~~.

MOD CWG/54/4.2

32 4.1 Members ~~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)~~.

MOD CWG/54/4.3

32 4.1 Members ~~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).

MOD CWG/54/4.4

32 4.1 Members ~~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)~~

MOD CWG/54/4.5

33 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.

MOD CWG/54/4.6

33 4.2 Members 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~~ ITU-T Recommendations.

MOD CWG/54/4.7

33 4.2 Members 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.~~

Reasons:

~~The proponents take the view that this proposal is in line with the existing text.~~

~~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”.~~

~~Some Member States did not support this proposal: it is not technology neutral.~~

Note: CEPT is of the view that reservations or other views should not be in the final draft of the future ITRs . Only the proposals and the reason supporting the proposal should be included.

SUP CWG/54/4.8

33 ~~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.~~

Reasons:

The best way for providing choice and innovation in the provision of international services is by facilitating competition in the provision of such services.

MOD CWG/54/4.9

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

MOD CWG/54/4.10

34 4.3 Subject to national law, Members States shall endeavour to ensure that ~~administrations*~~ operating agencies provide and maintain, to the greatest extent practicable, a satisfactory minimum quality of service [and above a minimum level] corresponding to the relevant ~~CCITT~~ ITU-T Recommendations with respect to:

Reasons:

The concept of “satisfactory” quality of service might not be sufficiently specific. “Minimal” might be a more specific term and might be preferable.

Neither concept is very precise and it is more appropriate to refer to a satisfactory level.

MOD CWG/54/4.11

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

NOC CWG/54/4.12

35 a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel;

MOD CWG/54/4.13

35 a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel; 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.

MOD CWG/54/4.14

35 a) access to the international network by users using terminals which are permitted to be connected to the network and which do not ~~cause harm to~~ diminish the level of security of technical facilities and personnel.

NOC CWG/54/4.15

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

MOD CWG/54/4.16

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

NOC CWG/54/4.17

37 c) at least a form of telecommunication which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and

MOD CWG/54/4.18

37 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

NOC CWG/54/4.19

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

MOD CWG/54/4.20

38 d) a capability for interworking between different services, as appropriate, to facilitate international telecommunications [services].

NOC CWG/54/4.21

38A

Reasons:

No new 4.4 (transparency of roaming tariffs).

Any transparency provision should be general and not restricted to the roaming service.

ADD CWG/54/4.22

38A 4.4 Member States shall ensure that operators providing international telecommunication services, in particular international roaming, provide transparent and up-to-date information on retail charges, including roaming charges. [In particular, each customer should also be able to easily have access to, and receive appropriate and timely pricing (including taxes) information free of charge when abroad on the relevant price plan, except when the customer has notified his home operator that he does not require this service].

ADD CWG/54/4.23

38A 4.4 Members States shall ensure transparency of end-user prices, in particular to avoid unreasonable or surprising bills for international services (e.g mobile roaming and data roaming).

ADD CWG/54/4.24

38A 4.4 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.

ADD CWG/54/4.25

38A 4.4 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.

ADD CWG/54/4.26

38A 4.4 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.

NOC CWG/54/4.27

38B

Reasons:

No new 4.5 (Global Telecommunications Services). The proposal to add 4.5 could jeopardize the sovereign right of Member States to regulate their telecommunications.

ADD CWG/54/4.28

38B 4.5 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.

NOC CWG/54/4.29

38C

Reasons:

No new 4.6 (provision of roaming).

ADD CWG/54/4.30

38C 4.6 Agreements between administrations for the provision of international roaming services shall stipulate that such services are to be:

– provided to visiting users with a level of quality comparable to that provided to their own users;

– accompanied by promptly available and clear information on how to access the services and the prices thereof.

Mechanisms shall also be put in place to enable compliance with the above provisions to be monitored.

NOC CWG/54/5.0

ARTICLE 5

Safety of Life and Priority of Telecommunication

Reasons: title of Article 5 remains unchanged.

MOD CWG/54/5.1

39 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 in accordance with relevant ITU-T ~~CCITT~~ [Resolutions and] Recommendations.

MOD CWG/54/5.2

39 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.~~ 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.

Reasons:

Align with No. 191 Cs

MOD CWG/54/5.3

39 5.1 Member States shall adopt policies that, to the greatest extent practicable, ensure that sSafety 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.

Reasons:

~~This proposal weakens the provision, which is not desirable.~~

The proposal clarifies the role of Member States.

NOTE: Only reasonings for supporting this proposal should be included.

MOD CWG/54/5.4

39 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~~ [Resolutions and] 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.

MOD CWG/54/5.5

40 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 [types of] telecommunications other than those referred to in No. 39, in accordance with the relevant provisions of the Constitution and Convention and taking due account of relevant ~~CCITT~~ ITU-T Recommendations.

SUP CWG/54/5.6

~~**40** 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.~~

Reasons:

Obsolete

MOD CWG/54/5.7

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

SUP CWG/54/5.8

~~**41** 5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant CCITT Recommendations.~~

Reasons:

Obsolete

NOC CWG/54/5.9

41A

Reasons:

No new 5.4. Requirement for Administrations to enforce ITU Recommendations is inconsistent with the Constitution of the ITU.

ADD CWG/54/5.10

41A 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.

NOC CWG/54/5.11

41B

Reasons:

No new 5.5 (single emergency number).

ADD CWG/54/5.12

41B 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.

NOC CWG/54/5.13

41C

Reasons:

No new 5.6 (information on emergency number).

ADD CWG/54/5.14

41C 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.

NOC CWG/54/6.0

ARTICLE 6

Charging and Accounting

Reasons: title of Article 6 remains unchanged.

MOD CWG/54/6.0A

ARTICLE 6

International Telecommunication Service Arrangements Charging and Accounting

Reasons: Change in title.

MOD CWG/54/6.0B

ARTICLE 6

Pricing Charging and Accounting

Reasons: Change in title.

MOD CWG/54/6.0C

ARTICLE 6

Charging and Accounting

Reasons: Suppress all of article 6.

NOC CWG/54/6.1

42 6.1 Collection charges

43 6.1.1 Each administration/ROA 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.

MOD CWG/54/6.2

43 6.1.1 Each administration^{*} and operating agency [shall | could], 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.

MOD CWG/54/6.3

43 ~~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 | operating agencies] for the provision of international telecommunication services shall be subject to mutual commercial agreement.

Reasons:

The proposal is related to proposal 2 for the title, and to the suppression of 6.1.2. Note that there are two variants: referring to ROA or of OA

MOD CWG/54/6.4

43 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.~~

MOD CWG/54/6.5

43 6.1.1 Each ~~operating agency~~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, i~~n establishing these charges, Member Statesadministrations should take measurestry to avoid too great a dissymmetry between the charges applicable in each direction of the same relation, and they shall ensure transparency.

NOC CWG/54/6.6

43A

Reasons:

No new 6.1.1A (costs of international roaming services).

ADD CWG/54/6.6A

43A 6.1.1A Costs of International Roaming Services

6.1.1 a) Member States shall ensure effective cooperation within their region to develop a policy for reducing charging which is appropriate for their own region.

6.1.1 b) Member States shall promote economic efficiency and encourage competition in the international roaming market.

NOC CWG/54/6.7

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

MOD CWG/54/6.8

44 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.

MOD CWG/54/6.9

44 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 route chosen by that administration operating agency.

SUP CWG/54/6.10

~~**44** 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.~~

NOC CWG/54/6.11

45 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.

NOC CWG/54/6.12

45A

Reasons:

No new 6.1.3A.

ADD CWG/54/6.12A

45A 6.1.3A 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.

Reasons:

6.1.3A is taken from 1.6 in Appendix 1; 6.1.3B is taken from 3.3.4 in Appendix 1.

NOC CWG/54/6.13

45B

Reasons:

No new 6.1.3B.

ADD CWG/54/6.13A

45B 6.1.3B 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.

Reasons:

6.1.3A is taken from 1.6 in Appendix 1; 6.1.3B is taken from 3.3.4 in Appendix 1.

MOD CWG/54/6.14

45 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.

MOD CWG/54/6.15

45 6.1.3 Member States shall not apply taxes to incoming international calls, so as to avoid double taxation. ~~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.~~

MOD CWG/54/6.16

45 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.

MOD CWG/54/6.17

45 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.

SUP CWG/54/6.18

45 ~~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.~~

MOD CWG/54/6.19

46 6.2 Accounting rates

47 ~~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-TCITF~~ Recommendations and relevant cost trends.

MOD CWG/54/6.20

46 6.2 Accounting, transit and termination rates

47 ~~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 CCITF~~ Recommendations and relevant cost trends.

MOD CWG/54/6.21

46 6.2 ~~Accounting rates~~ Wholesale prices

47 6.2.1 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.

SUP CWG/54/6.22

46 ~~6.2~~ Accounting rates

47 ~~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.

MOD CWG/54/6.23

48 6.3 Monetary unit

49 ~~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.~~

MOD CWG/54/6.24

49 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 the gold franc, equivalent to 1/3.061 SDR.

SUP CWG/54/6.25

48 **6.3 — Monetary unit**

~~49 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.~~

SUP CWG/54/6.26

~~50 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.~~

MOD CWG/54/6.27

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

~~52 6.4.1 Unless otherwise agreed, administrations* shall follow the relevant provisions as set out in Appendices 1 and 2.~~

MOD CWG/54/6.28

~~52 6.4.1 Unless otherwise agreed, administrations* or operating agencies shall apply follow the relevant provisions as set out in Appendices 1 and 2.~~

MOD CWG/54/6.29

~~52 6.4.1 Unless otherwise agreed, administrations* operating agencies shall follow the relevant provisions as set out in Appendices 1 and 2.~~

MOD CWG/54/6.30

52 ~~6.4.1 Unless otherwise agreed, administrations* shall follow the relevant provisions as set out in Appendices 1 and 2. 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. 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.~~

Reasons: Align with 497, 498 CV.

SUP CWG/54/6.31

51 ~~6.4 Establishment of accounts and settlement of balances of account~~

52 ~~6.4.1 Unless otherwise agreed, administrations* shall follow the relevant provisions as set out in Appendices 1 and 2.~~

MOD CWG/54/6.32

53 **6.5 Service and privilege telecommunications**

54 ~~6.5.1 Administrations* and operating agencies shall apply follow~~ the relevant provisions as set out in Appendix 3.

MOD CWG/54/6.33

54 ~~6.5.1 Administrations/ROAs shall follow the relevant provisions as set out in Appendix 3.~~

MOD CWG/54/6.34

54 ~~6.5.1 Administrations*-Operating agencies~~ shall follow the relevant provisions as set out in Appendix 3.

NOC CWG/54/6.35

54A

Reasons:

No new 6.6.

ADD CWG/54/6.35A

54A 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.

ADD CWG/54/6.35B

54A 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.

NOC CWG/54/6.36

54B

Reasons:

No new 6.7.

ADD CWG/54/6.36A

54B 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.

ADD CWG/54/6.36B

54B 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.

NOC CWG/54/6.37

54C

Reasons:

No new 6.8.

ADD CWG/54/6.37A

54C 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.

NOC CWG/54/6.38

54D

Reasons:

No new 6.9.

ADD CWG/54/6.38A

54D 6.9 Member States shall take measures to ensure that foreign creditors for telecommunications accounts can obtain payment quickly and efficiently.

NOC CWG/54/6.39

54E

Reasons:

No new 6.10.

ADD CWG/54/6.39A

54E 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.

ADD CWG/54/6.39B

54E 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.

NOC CWG/54/6.40

54F

Reasons:

No new 6.11

54F **ADD** CWG/54/6.40A

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.

NOC CWG/54/6.41

54G

Reasons:

No new 6.12

ADD CWG/54/6.41A

54G 6.12 Member States shall ensure that rates (in particular transit rates, termination rates, and roaming rates) are cost-based.

NOC CWG/54/6.42

54H

Reasons:

No new 6.13.

ADD CWG/54/6.42A

54H 6.13 Member States shall promote transparency with respect to retail and wholesale prices, costs, and quality of service.

ADD CWG/54/6.35

NOC CWG/54/6.43

54I

Reasons:

No new 6.14.

ADD CWG/54/6.43A

54I 6.14 Member States should foster continued investment in high-bandwidth infrastructures.

NOC CWG/54/6.44

54J

Reasons:

No new 6.15.

ADD CWG/54/6.44A

54J 6.15 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.

NOC CWG/54/6.45

54K

Reasons:

No new 6.16.

ADD CWG/54/6.45A

54K 6.16 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.

NOC CWG/54/6.46

54L

Reasons:

No new 6.17.

ADD CWG/54/6.46A

54L 6.17 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).

NOC CWG/54/6.47

54M

Reasons:

No new 6.18.

ADD CWG/54/6.47A

54M 6.18 Member States should consider measures to favour special interconnection rates for landlocked countries.

NOC CWG/54/6.48

54N

Reasons:

No new 6.19.

ADD CWG/54/6.48A

54N **6.19 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.

Reasons: The text is taken from 496 CV.

NOC CWG/54/6.49

54O

Reasons:

No new 6.20.

ADD CWG/54/6.49A

54O 6.20 Rendering and Settlement of Accounts

6.20.1 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.

6.20.2 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.

Reasons: The text is taken from 498 CV.

6.20.3 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.

Reasons: The text is taken from 497, 498,499 CV.

MOD CWG/54/6.50

ARTICLE 6

Economic and policy issues Charging and Accounting

Reasons: Change in title.

NOC CWG/54/6.50A

54R

Reasons:

No new title for article 6.

ADD CWG/54/6.50B

54R 6.A Member States shall ensure transparency with respect to retail and wholesale prices, costs, and quality of service.

6.B Member States should foster continued investment in high-bandwidth infrastructures.

6.C 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.D 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.

6.E 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.F The right to create universal service funds or universal service obligations is reserved.

Reasons:

This ADD is combined with SUP existing text (except for 6.1.3)

SUP CWG/54/6.50C

Suppress existing provisions of article 6, except for 6.1.3.

Reasons: Replace existing provisions of article 6 with new provisions above.

NOC CWG/54/7.0

ARTICLE 7

Suspension of Services

Reasons: title of Article 7 remains unchanged.

MOD CWG/54/7.1

55 7.1 If a Member State exercises its right in accordance with the Constitution and Convention to suspend international telecommunication services partially or totally, that Member States shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.

MOD CWG/54/7.2

55 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members States, using the most appropriate means of communication.

NOC CWG/54/7.3

55A

Reasons:

No new 7.3 (intercommunication).

ADD CWG/54/7.4

55A **7.3 Intercommunication**

7.3.1 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.

7.4.3 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.

7.3.3 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.

Reasons:

Add 500 CV to the ITRs.

NOC CWG/54/7.5

55B

Reasons:

No new 7.4 (secret language).

ADD CWG/54/7.6

55B 7.4 Secret Language

7.4.1 Government telegrams and service telegrams may be expressed in secret language in all relations.

7.4.2 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.

7.4.3 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.

Reasons:

Add 504, 505, 506 CV to the ITRs.

NOC CWG/54/7.7

55C

Reasons:

No new 7.5 (stoppage of telecommunications).

ADD CWG/54/7.8

55C 7.5 Stoppage of Telecommunications

7.5.1 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.

7.5.2 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.

Reasons:

Add 180, 181 CS to the ITRs.

NOC CWG/54/7.9

55D

Reasons:

No new 7.6 (suspension of services).

ADD CWG/54/7.10

55D **7.6 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.

Reasons:

Add 182 CS to the ITRs.

NOC CWG/54/7.11

55E

Reasons:

No new 7.7 (responsibility).

ADD CWG/54/7.12

55E **7.7 Responsibility**

Member States accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

Reasons:

Add 183 CS to the ITRs.

NOC CWG/54/7.13

55F

Reasons:

No new 7.8 (secrecy of telecommunications).

ADD CWG/54/7.14

55F 7.8 Secrecy of Telecommunications

7.8.1 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.

7.8.2 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.

Reasons:

Add 184, 185 CS to the ITRs.

NOC CWG/54/8.0

ARTICLE 8

Dissemination of Information

Reasons: title of Article 8 remains unchanged.

MOD CWG/54/8.1

57 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.

MOD CWG/54/8.2

57 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 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. 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.

SUP CWG/54/8.3

57 ~~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.~~

Reasons:

Many references are out of date and Articles 5 (o) and (p) of CV contain similar text.

NOC CWG/54/8.4

57A

Reasons:

No new 8.2 (notification of infringements).

ADD CWG/54/8.5

57A 8.2 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.

Reasons:

Add 190 CS to the ITRs.

ADD CWG/54/8A.1

ARTICLE 8A

Confidence and security in the provision of international telecommunications and services

Reasons: Add a new article on security.

ADD CWG/54/8A.2

57B 8A.1 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.

8A.2 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.

8A.3 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.

ADD CWG/54/8A.3

57B 8A.1 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.

8A.2 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.

Reasons: This proposal is based on 12 (a) and 12 (b) of the Geneva Plan of action.

ADD CWG/54/8A.4

57B 8A.1 Member States shall cooperate to strengthen security while enhancing the protection of personal information, privacy and data.

8A.2 Member States shall cooperate with other stakeholders to develop necessary legislation for the investigation and prosecution of cybercrime.

8A.3 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.

8A.4 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.

Reasons: This proposal is based on 39-42 of the Tunis Agenda.

ADD CWG/54/8A.5

57B 8A.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.

8A.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.

Reasons: This proposal is related to the part in square brackets for the title.

ADD CWG/54/8A.6

57B 8A.1 Member States should encourage Operating Agencies in their territories to take appropriate measures for ensuring network security.

8A.2 Member States should collaborate to promote international cooperation to avoid technical harm to networks.

ADD CWG/54/8A.7

57B 8A.1 Member States should encourage operating agencies to take measures to further the security, safety, continuity, sustainability and robustness of their networks.

8A.1 Member States are encouraged to cooperate in that sense.

ADD CWG/54/8A.8

57B 8A.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.

8A.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.

8A.3 Member States shall ensure the protection of personal data handled for the purposes of providing international telecommunication services.

8A.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.

8A.5 Member States shall prevent the propagation of spam.

8A.6 Member States shall combat network fraud.

8A.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.

8A.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.

8A.9 Member States shall ensure that operating agencies take the appropriate measures to ensure reliable operation, confidence and security of international telecommunications.

ADD CWG/54/8B.1

ARTICLE 8B

Countering spam

Reasons: Add a new article on countering spam.

ADD CWG/54/8B.2

57C Member 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.

ADD CWG/54/8B.3

57C Member States shall prevent the propagation of spam.

NOC CWG/54/9.0

ARTICLE 9

Special Arrangements

Reasons: title of Article 9 remains unchanged.

MOD CWG/54/9.1

58 9.1 a) Pursuant to Article 42 of the Constitution, special arrangements may be entered into on telecommunication matters which do not concern Members States in general. Subject to national laws, Members States may allow administrations*/ROAs or other organizations or persons to enter into such special mutual arrangements with Members States, 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 States concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

MOD CWG/54/9.2

58 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 Members States in general. Subject to national laws, Members 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 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 States concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

MOD CWG/54/9.3

58 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 Members States concerned and including, as necessary, those financial, technical, or operating conditions, and any requirements for strengthening confidence and ensuring security, including of information, to be observed.

NOC CWG/54/9.4

59 b) Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries.

MOD CWG/54/9.5

59 b) Any such special arrangements shall should avoid technical harm to the operation of the telecommunication facilities of third countries.

MOD CWG/54/9.6

59 b) Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities ~~of third countries~~.

MOD CWG/54/9.7

59 b) Any such special arrangements should avoid financial and/or technical harm to the operation of the telecommunication facilities of third countries.

MOD CWG/54/9.8

59 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~~ third countries.

MOD CWG/54/9.9

59 b) ~~Any such s~~Special arrangements should avoid technical harm to the operation of ~~the any~~ telecommunication facilities ~~/services of third countries~~.

MOD CWG/54/9.10

59 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).

Reasons: There is no doubt a typographical error in this proposal: it should probably read “should avoid causing injury/bringing harm” or “should not cause injury/bring harm”.

MOD CWG/54/9.11

60 9.2 Members 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.

SUP CWG/54/9.12

60 ~~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.~~

Reasons:

Not needed in light of 1.6.

NOC CWG/54/10.0

ARTICLE 10

Final Provisions

Reasons: title of Article 10 remains unchanged.

MOD CWG/54/10.0A

ARTICLE 10

Entry into force and provisional application ~~Final Provisions~~

Reasons: reflect new content of Article 10.

ADD CWG/54/10.1

61A These Regulations, which [complement | complete] the provisions of the Constitution and Convention of the International Telecommunication Union, shall enter into force on 1 January 2015 and shall be applied as of that date pursuant to Article 54 of the Constitution.

Reasons: SUP 10.1 through 10.4 to align with RR.

MOD CWG/54/10.2

61 10.1 These Regulations, of which [Appendices 1, 2 and 3 form integral parts], shall enter into force on 1 January 2015 ~~July 1990 at 0001 hours UTC.~~

SUP CWG/54/10.3

61 ~~10.1 These Regulations, of which [Appendices 1, 2 and 3 form integral parts], shall enter into force | July 1990 at 0001 hours UTC.~~

SUP CWG/54/10.4

62 ~~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.~~

ADD CWG/54/10.5

62A 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.

MOD CWG/54/10.6

63 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 [recognized] operating agencies administrations* ~~shall be free to disregard~~ are not obliged to abide by the said provision or provisions in their relations with the Member State which has made such reservations and its [recognized] operating agencies administrations*.

Reasons:

Align to the French text which says “ne sont pas obligés d’observer”.

SUP CWG/54/10.7

~~**63** 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*.~~

MOD CWG/54/10.8

64 10.4 Members States of the Union shall inform the Secretary-General of their [approval of | consent to be bound by] the International Telecommunication Regulations adopted by the Conference. The Secretary-General shall inform Members States promptly of the receipt of such notifications ~~of approval~~.

SUP CWG/54/10.9

~~**64** 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.~~

ADD CWG/54/10.10

64A 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.

MOD CWG/54/10.11

64B IN WITNESS WHEREOF, the delegates of the Members States of the International Telecommunication Union named below have, on behalf of their respective competent authorities, signed one copy of the present Final Acts in the Arabic, Chinese, English, French, Russian and Spanish languages. This copy shall remain in the archives of the Union. The Secretary-General shall forward one certified copy to each Member State of the International Telecommunication Union. Done at Dubai, 14 December 2012 Melbourne, 9 December 1988.

NOC CWG/54/A1.0

APPENDIX 1

General Provisions Concerning Accounting

Reasons: title of Appendix 1 remains unchanged.

SUP CWG/54/A1.1

APPENDIX 1

General Provisions Concerning Accounting

Reasons: Appendix 1 is obsolete and should be suppressed. 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.

NOC CWG/54/A1.2

1/1 1. **Accounting rates**

Reasons: Heading remains unchanged

MOD CWG/54/A1.3

1/2 1.1 For each applicable service in a given relation, [administrations/ROAs | operating agencies] shall by mutual agreement establish and revise accounting rates to be applied between them, taking into account the Recommendations of the ~~ITU-T CCIT~~ and trends in the cost of providing the specific telecommunication service, and shall divide such rates into terminal shares payable to the [administrations/ROAs | operating agencies] of terminal countries, and where appropriate, into transit shares payable to the [administrations/ROAs | operating agencies] of transit countries.

Reasons:

One proposal is to retain the term “administration/ROA”, the other to replace it by “operating agency”. This is the case also for subsequent provisions of Appendix 1

MOD CWG/54/A1.4

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

MOD CWG/54/A1.5

1/4 a) [administrations/ROAs | operating agencies] shall establish and revise their terminal and transit shares taking into account the Recommendations of the ~~ITU-T CCIT~~;

NOC CWG/54/A1.6

1/5 b) the accounting rate shall be the sum of the terminal shares and any transit shares.

MOD CWG/54/A1.7

1/6 1.3 When one or more [administrations/ROAs | 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/ROA | 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.

MOD CWG/54/A1.8

1/7 1.4 In cases where one or more routes have been established by agreement between [administrations/ROAs | operating agencies] and where traffic is diverted unilaterally by the [administrations/ROAs | operating agencies] of origin to a [n international] route which has not been agreed with the [administrations/ROAs | operating agencies] of destination, the terminal shares payable to the [administrations/ROAs | operating agencies] 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 [administrations/ROAs | operating agencies] of origin, unless the [administrations/ROAs | operating agencies] of destination is prepared to agree to a different share.

MOD CWG/54/A1.9

1/8 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/ROA | operating agency] has the right to set the level of the transit share to be included in the international accounts.

MOD CWG/54/A1.10

1/9 1.6 Where an [administration/ROA | 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/ROAs | operating agencies].

NOC CWG/54/A1.11

1/10 **2. Establishment of accounts**

Reasons: Heading remains unchanged

1/11 2.1 Unless otherwise agreed, the [administrations/ROAs | operating agencies] responsible for collecting the charges shall establish a monthly account showing all the amounts due and send it to the [administrations/ROAs | operating agencies] concerned.

MOD CWG/54/A1.12

1/12 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.

MOD CWG/54/A1.13

1/12 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.

MOD CWG/54/A1.14

1/13 2.3 In principle an account shall be considered as accepted without the need for specific notification of acceptance to the [administration/ROA | operating agency] which sent it.

MOD CWG/54/A1.15

1/14 2.4 However, any [administration/ROA | operating agency] 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.

MOD CWG/54/A1.16

1/14 2.4 However, any [administration/ROA | operating agency] 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[, even if the bill was paid].

MOD CWG/54/A1.17

1/14 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.

MOD CWG/54/A1.18

1/15 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.~~

MOD CWG/54/A1.19

1/15 2.5 In relations where there are no special agreements, a quarterly settlement statement showing the balances of the monthly accounts for the period to which it relates shall be prepared [and issued] as soon as possible by the creditor [administration/ROA | operating agency] and shall be sent [in accordance with the provision of 2.2 above] in duplicate to the debtor [administration/ROA | operating agency], which, after verification, shall return one of the copies endorsed with its acceptance.

MOD CWG/54/A1.20

1/16 2.6 In indirect relations where a transit [administration/ROA | 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 [administration/ROA | operating agency] beyond it in the routing sequence [as soon as possible | no later than 30 days | not later than 50 calendar days] after receiving that data from the originating [administration/ROA | operating agency].

NOC CWG/54/A1.21

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

Reasons: Heading remains unchanged

NOC CWG/54/A1.22

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

Reasons: Heading remains unchanged

NOC CWG/54/A1.23

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

NOC CWG/54/A1.24

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

NOC CWG/54/A1.25

1/21 **3.2 Determination of the amount of payment**

Reasons: Heading remains unchanged

NOC CWG/54/A1.26

1/22 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.

NOC CWG/54/A1.27

1/23 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.

NOC CWG/54/A1.28

1/24 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.

SUP CWG/54/A1.29

1/25 ~~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.~~

MOD CWG/54/A1.30

1/26 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:

NOC CWG/54/A1.31

1/27 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;

NOC CWG/54/A1.32

1/28 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.

NOC CWG/54/A1.33

1/29 **3.3 Payment of balances**

Reasons: Heading remains unchanged

MOD CWG/54/A1.34

1/30 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.~~

MOD CWG/54/A1.35

1/30 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/ROA | operating agency]. Beyond this period, the creditor [administration/ROA | 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.

NOC CWG/54/A1.36

1/31 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.

NOC CWG/54/A1.37

1/32 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.

NOC CWG/54/A1.38

1/33 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.

ADD CWG/54/A1.39

1/33A 3.3.5 Provided the periods of payment are observed, [administrations/ROAs | operating agencies] have a right by mutual agreement settle their balances of various kinds by offsetting:

* credits and debits in their relations with other [administrations/ROAs | operating agencies];

* 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/ROAs | operating agencies].

Reasons:

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.

NOC CWG/54/A1.40

1/34 **3.4 Additional provisions**

Reasons: Heading remains unchanged

MOD CWG/54/A1.41

1/35 3.4.1 Provided the periods of payment are observed, [administrations/ROAs | operating agencies] may by mutual agreement settle their balances of various kinds by offsetting:

– credits and debits in their relations with other [administrations/ROAs | operating agencies]; and/or

– debts arising from [postal services | any other mutually agreed settlements], 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.]

NOC CWG/54/A1.42

1/36 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.

MOD CWG/54/A1.43

1/37 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/ROAs | 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.

NOC CWG/54/A2.0

APPENDIX 2

Additional Provisions Relating to Maritime Telecommunications

Reasons: title of Appendix 2 remains unchanged.

MOD CWG/54/A2.1

~~Additional Provisions~~ Relating to Maritime Telecommunications

Reasons: change title of Appendix 2.

SUP CWG/54/A2.2

APPENDIX 2

**Additional Provisions Relating to
Maritime Telecommunications**

Reasons: Appendix 2 is obsolete and should be suppressed

NOC CWG/54/A2.3

2/1 **1. General**

Reasons: Heading remains unchanged

MOD CWG/54/A2.4

2/2 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.

NOC CWG/54/A2.5

2/3 **2. Accounting authority**

Reasons: Heading remains unchanged

NOC CWG/54/A2.6

2/4 2.1 Charges for maritime telecommunications in the maritime mobile service and the maritime mobile-satellite service shall in principle, and subject to national law and practice, be collected from the maritime mobile station licensee:

NOC CWG/54/A2.7

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

MOD CWG/54/A2.8

2/6 b) by a [recognized] ~~private~~ operating agency; or

NOC CWG/54/A2.9

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

MOD CWG/54/A2.10

2/8 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”.

MOD CWG/54/A2.11

2/9 2.3 References to administration/[ROA | operating agency] 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.

MOD CWG/54/A2.12

2/10 2.4 Members shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations; the number of such names and addresses shall be limited taking into account the relevant ~~CCITT~~ ITU-T Recommendations.

NOC CWG/54/A2.13

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

Reasons: Heading remains unchanged

SUP CWG/54/A2.14

2/11 ~~3. Establishment of accounts~~

Reasons: Suppress heading and 3.1 and 3.2

MOD CWG/54/A2.15

2/12 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.

SUP CWG/54/A2.16

~~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.~~

Reasons: Suppress heading and 3.1 and 3.2

MOD CWG/54/A2.17

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

SUP CWG/54/A2.18

~~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.~~

Reasons: Suppress heading and 3.1 and 3.2

MOD CWG/54/A2.19

2/14 **4. Settlement Payment of balances of account**

Reasons: Change heading

MOD CWG/54/A2.20

2/15 4.1 All international maritime telecommunication accounts shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account, ~~except where the settlement of accounts is undertaken in accordance with paragraph 4.3 below.~~

NOC CWG/54/A2.21

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

SUP CWG/54/A2.22

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

MOD CWG/54/A2.23

2/17 4.3 If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the administration that sent the account ~~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.

SUP CWG/54/A2.24

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

MOD CWG/54/A2.25

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.

SUP CWG/54/A2.26

2/18 4.4 The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than eighteen calendar months after the date of the traffic to which the accounts relate.

NOC CWG/54/A3.0

APPENDIX 3

Service and Privilege Telecommunications

Reasons: title of Appendix 3 1 remains unchanged.

SUP CWG/54/A3.1

APPENDIX 3

Service and Privilege Telecommunications

Reasons: Appendix 3 is obsolete and should be suppressed

NOC CWG/54/A3.2

3/1 1. Service telecommunications

Reasons: Heading remains unchanged

MOD CWG/54/A3.3

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

MOD CWG/54/A3.4

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

NOC CWG/54/A3.5

3/4 2. Privilege telecommunications

Reasons: Heading remains unchanged

MOD CWG/54/A3.6

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 Constitution and Convention of the International Telecommunication Union Convention and the present Regulations.

NOC CWG/54/A3.7

3/5 **3. Applicable provisions**

Reasons: Heading remains unchanged

MOD CWG/54/A3.8

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