# World Conference on International Telecommunications (WCIT-12)

Dubai, 3-14 December 2012



#### **PLENARY MEETING**

Document 19-E 2 November 2012 Original: English

## **African Telecommunication Union Administrations**

## AFRICAN COMMON PROPOSALS FOR THE WORK OF THE CONFERENCE

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**Proposal:** To modify an existing provision, add a new provision or suppress a provision in the International Telecommunications Regulations (ITRs).

## INTERNATIONAL TELECOMMUNICATION REGULATIONS

**NOC** AFCP/19/1

**PREAMBLE** 

**Reasons:** Title of the Preamble remains unchanged.

**MOD** AFCP/19/2

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

**Reasons:** To align existing text of the ITRs with the current terminology used in No. 31 of the CS.

**NOC** AFCP/19/3

#### ARTICLE 1

## **Purpose and Scope of the Regulations**

**Reasons:** Title of Article 1 remains unchanged.

MOD AFCP/19/4

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.

TheyThese Regulations also set rules applicable to administrations\*Member States and Operating Agencies\*.

**Reasons:** To make these regulations applicable to both the signatory Member States and Operating Agencies (through CS #38).

<sup>\*</sup> The term "operating agency" includes "recognized operating agency" and is used in that sense throughout these Regulations.

<sup>\*</sup> or recognized private operating agency(ies)

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

**Reasons:** Re-phrasing and editorial update.

## **NOC** AFCP/19/6

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

**Reasons:** Non controversial provision, it stood the test of time.

#### **MOD** AFCP/19/7

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 security of international telecommunication services.

**Reasons:** Adds the security aspect as an important objective to ascertain the principles of peaceful relations and avoidnance of harm to other Member States as articulated in the preamble and Article 42 of the CS, and in line with the purpose of the ITRs in general.

#### **MOD** AFCP/19/8

**6** 1.4 <u>Unless otherwise specified in these Regulations, references to CCITTITU-T</u>
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.

**Reasons:** Except for those very few Recommendations that should be given a non-voluntary status if it's partial or non-implementation will lead to improper implementation/enforcement of the ITRs provisions to fulfil their intended purpose. Otherwise the ITU-T Recommendations will keep its voluntary nature. Such class of Recommendations may include those that have policy or regulatory implications and approved by the Member States using the TAP process. Other editorials are considered, where ITU-T replaces CCITT and instructions are dismissed as being obsolete.

#### **SUP** AFCP/19/9

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:** This provision 1.5 is *exo-facto*, and is not needed anymore in a competitive environment.

#### **MOD** AFCP/19/10

8 1.6 In implementing the principles of these Regulations, administrations\* Member States should take measures to ensure that Operating Agencies comply with, to the greatest extent practicable, the relevant CCITT\_ITU-T Recommendations, including any Instructions forming part of or derived from these Recommendations.

**Reasons:** Operating Agencies are the entities that should comply with the ITU-T Recommendations, whereas Member States ensure such compliance through their national policies and regulatory frameworks pursuant to CS #38.

**MOD** AFCP/19/11

**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 private operating Operating agencies Agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State.

**Reasons:** To align with CS preamble; which refers to Member States' sovereign right to regulate its telecommunications.

**SUP** AFCP/19/12

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.

**SUP** AFCP/19/13

11 c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations (for interpretation, also see Resolution No. 2).

**Reasons:** This provision has no additional value. Cooperation in implementing these Regulations should be always envisaged.

**NOC** AFCP/19/14

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

**Reasons:** Regulations related to radiocommunications should be contained within the Radio Regulations. Revision of these RRs is to be addressed by a competent World Radio Conference, as needed.

**NOC** AFCP/19/15

#### **ARTICLE 2**

#### **Definitions**

**Reasons:** Title of Article 2 remains unchanged.

**MOD** AFCP/19/16

13 <u>2.0</u> For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.

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 contained in No. 1012 of the CS and is fundamental for these ITRs.

**ADD** AFCP/19/18

2.1A *Telecommunication/ICT:* Any transmission, emission or reception, including processing, of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

**Reasons:** The Term Telecommunication/ICT is commonly and frequently used within the ITU; it is mentioned repeatedly in all of its Conferences and Assemblies' outcomes.

Although the term "Telecommunication" and its definition in both the ITRs and the CS &CV already cover the ICTs, it is quite useful to clearly reflect this by slightly improving the definition; it does not address a specific technology or a specific service. It is important to understand that this proposal does not intend to change the current "Telecommunication" definition; it rather creates another parallel clarifying definition for Telecommunications/ICTs for the purpose of these ITRs.

## **SUP** AFCP/19/19

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:** Definition of International telecommunications Services is already found in CS 1011.

**ADD** AFCP/19/20

**15A** 2.2A *International telecommunication/ICT service:* The offering of a telecommunication capability between different countries.

**Reasons:** Similar reasons to those of 2.1A.

**MOD** AFCP/19/21

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 replies to a government telegram telecommunications mentioned above.

**Reasons:** Align existing ITR's definition of government telecommunications with definition found in No. 1014 of the CS.

**SUP** AFCP/19/22

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.

**Reasons:** Not needed any more for obsolescence.

**SUP** AFCP/19/23

18 2.5 Privilege telecommunication

**Reasons:** Not needed any more for obsolescence.

**SUP** AFCP/19/24

19 2.5.1 A telecommunication that may be exchanged during:

-sessions of the ITU Administrative Council,

<del>-conferences and meetings of the ITU</del>

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.

**Reasons:** Not needed any more for obsolescence.

**SUP** AFCP/19/25

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:** Not needed any more for obsolescence.

**MOD** AFCP/19/26

2.6 International route: All taleachnical facilities, and installations and transmission channels located in different countries and used for the transmission of telecommunication traffic between two international telecommunication terminal exchanges or offices technical facilities and installations located in different countries.

**Reasons:** To encompass all the facilities and installations, including the transmission channels. Irrespective of the current routing arrangements in which multiple routes may be used, however a definition is still technology neutral and hence relevant to these ITRs.

2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations\*: Operating Agencies located in two different countries by appropriate means.

**Reasons:** Edit of the original provision to encompass all the facilities and installations, including the transmission channels, used in a traffic route. Suppress 2.7 a) and 2.7 b) as being too much detailed.

**SUP** AFCP/19/28

23 α) 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

**Reasons:** 2.7 sufficientially deifne the term *Relation*. This provision includes un-necessary details.

**SUP** AFCP/19/29

24 b) normally, the settlement of accounts.

**Reasons:** 2.7 sufficientially deifne the term *Relation*. This provision includes un-necessary details.

**MOD** AFCP/19/30

2.8 Accounting <u>Termination</u> rate: The rRate agreed between administrations\*-in a given relation that is used for the establishment of international accounts. corresponding to the remuneration of the use of an Operating Agency's network to complete international traffic on its network, or third party's network.

**Reasons:** Reflects the current situation where the Termination Rate is the prevailing practice to charge terminating traffic.

**MOD** AFCP/19/31

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

**Reasons:** Editorial change for the definition of "collection charge", while suppressing 2.10 regarding the definition of "instructions" as being obsolete and not used anymore.

**SUP** AFCP/19/32

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).

**ADD** AFCP/19/33

2.10A *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:** Although it is found on CS #1007, however it is included here for its extreme importance to define the scope of applicability of the ITRs.

**ADD** AFCP/19/34

2.10B *Fraud*: use of public international telecommunication services or facilities with the intention of avoiding payment, without correct payment, with no payment at all, or by making someone else pay, by misusing numbering (addressing) resources, by intentional misrepresentation of identity or other deceptive, wrongful or criminal practices, in order to obtain personal or financial gain that can lead to actual or potential disadvantage or financial harm to another individual or group.

**Reasons:** A new definition to complement the purpose of the Union and these ITRs of assuring peaceful relations between Member States, and avoidance of harming other Member States; and therefore any fraudulent activities should be clearly identifiable and the proper ITR provisions should be phrased to avoid practicing such activities.

**ADD** AFCP/19/35

2.10C *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.

**Reasons:** This new definition is introduced to reflect the importance of identifying the origin of a communication. It will be addressed by the ITR provision that requests provision of information on the origin of the communication to the receiving party to combat fraud, misuse, security breaches and take account of end user convince and interests.

**NOC** AFCP/19/36

#### **ARTICLE 3**

#### **International Network**

**Reasons:** Title of Article 3 remains unchanged.

**MOD** AFCP/19/37

28 3.1 Member <u>State</u>s shall ensure that <u>administrations</u>\*<u>Operating Agencies</u> cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

**Reasons:** Empowers Member States to ensure availability and satisfactory quality of international networks.

**MOD** AFCP/19/38

3.2 Administrations\* Member States shall endeavour to establish policies that promote the provision of technical facilities that support provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services, and shall ensure that Operating Agencies endeavour to provide sufficient telecommunication facilities to meet the requirements and demand for these services.

**Reasons:** This provision requests Member States to take measures to ensure sufficient facilities to meet user demand of international telecommunications services.

#### **MOD** AFCP/19/39

3.3 Administrations\*Operating Agencies shall determine by mutual agreement which international routes are to be used. Pending agreement and provided that there is no direct route existing between the terminal administrations\*-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\*-Member States/Operating Agencies shall have the right to know which international routes are used for carrying the traffic.

**Reasons:** Although in a commercial oriented environment operating agencies determine the routes dynamically, possibly based on least cost route or other criteria. However for tracing of fraudulent activities, misuse and security objectives, operating agencies should have information on the route used to carry the traffic, and consequently Member States shall have the right to know which route is used, only when deemed necessary to avoid cost and latency. This high level requirement will motivate studies and innovation to solve any current technological limitations. Africa does not support the concept that Member States impose routing.

#### **MOD** AFCP/19/40

3.4 Subject to national law, any user, by having access to the international network established by an administration\* Operating Agency, has the right to send traffic. A satisfactory quality of service [and above a minimum level] should be maintained to the greatest extent practicable and as much as possible, corresponding to relevant CCITTITU-T Recommendations.

**Reasons:** This provision has been revised to assure to the greatest extent practicable that users enjoys satisfactory QoS over international networks, taking into consideration avoidance of too much degradation in the quality of offered services.

#### **ADD** AFCP/19/41

3.4A 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 ITU-T Resolutions and Recommendations relating to naming, numbering, addressing and identification. Member States shall ensure that these resources are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.

**Reasons:** This provision has been introduced to ensure the right of Member States to protect its NNAI resources, and to combat misuse of such resources, that may harm other Member States.

#### **ADD** AFCP/19/42

3.4B Member states shall, through various channels open to them, ensure that Operating Agencies implement Calling Line Identification (CLI) features, where technically possible, including at least presentation of country code, national destination code or equivalent origination identifiers in accordance with the relevant ITU-T Recommendations; ensure that integrity of the CLI is maintained end-to-end; ensure that the requirements associated with data protection and data privacy are met, but such masked information shall be made available to duly authorized law enforcement agencies. Member States may impose additional obligations.

**Reasons:** Knowing the true origin of a communication is very important to combat fraud, misuse and security breaches, as well as respecting users' rights and convenience. This provision requests such information to be available to the receiving party (where technically possible to give room when it is totally impossible to make such information available), however a minimum set of information shall be made available in accordance with the ITU-T Recommendations.

**NOC** AFCP/19/43

#### **ARTICLE 4**

#### **International Telecommunication Services**

**Reasons:** Title of Article 4 remains unchanged.

**MOD** AFCP/19/44

4.1 Members States shall promote the implementation of international telecommunication services and shall endeavour to ensure that Operating Agencies make such International Telecommunications services generally available to the public in their national network(s).

**Reasons:** This provision requests Member States to endeavor to be sure of the availability of international communications services to the users.

**MOD** AFCP/19/45

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 CCITTITU-T Recommendations.

**Reasons:** This provision requests Member States to ensure availability of variety of international telecommunication services to the users as per the relevant ITU-T Recommendations to ensure versatility, interoperability and quality.

**MOD** AFCP/19/46

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 minimum satisfactory quality of service corresponding to the relevant CCITT\_ITU-T Recommendations with respect to:

**Reasons:** To ensure that services are offered to the users with satisfactory quality of service corresponding to the relevant ITU-T Recommendations.

**MOD** AFCP/19/47

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

**Reasons:** Editorial changes, while expanding the protection to the public.

36 b) international telecommunication facilities and services available to customers

for their dedicated use;

Reasons: Editorial change.

**NOC** AFCP/19/49

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

**Reasons:** Sustain the provision due to its relevance.

**NOC** AFCP/19/50

a capability for interworking between different services, as appropriate, to

facilitate international communications.

**Reasons:** Sustain the provision due to its relevance.

**ADD** AFCP/19/51

**38A** 4.4 Members States shall ensure transparency of end-user prices and the provision of clear information on how to access the services and the prices thereof, in particular to avoid unreasonable or surprising bills for international services (e.g. mobile roaming and data roaming), and shall ensure that Operating Agencies take the necessary measures to fulfill these requirements.

**Reasons:** This provision considers the users' right to have transparent information on the international charges, bearing in mind the current excessive data charges for roaming users.

**NOC** AFCP/19/52

#### **ARTICLE 5**

## Safety of Life and Priority of Telecommunications

**Reasons:** Title of Article 5 remains unchanged.

**MOD** AFCP/19/53

39 5.1 Safety-Member States shall adopt policies that, to the greatest extent practicable, ensure that safety of life telecommunications, such as distress telecommunications, shall beare entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of relevant CCITT\_ITU Recommendations.

**Reasons:** This provision recognizes the importance of safety in life communications, and requests Member States to adopt policies to ensure provision of these services – to the greatest extent practicable.

**ADD** AFCP/19/54

39A 5.1A Member States shall encourage Operating Agencies operating in their territories, and provide international telecommunications services to the public, to apply the ITU-T Recommendations relating to safety of life, priority telecommunications, restoration of communications and disaster emergency telecommunications.

**Reasons:** Addressing Member States' responsibility in encouraging Operating Agencies to comply with the safety of life telecommunications in accordance with the relevant ITU-T Recommendations.

**SUP** AFCP/19/55

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:** Not needed any more for obsolescence.

**MOD** AFCP/19/56

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

**Reasons:** Editorial change.

**ADD** AFCP/19/57

41A 5.3A Member States shall ensure that operating agencies inform all users including roaming users, in good time and free of charge, of the number to be used for calls to the emergency services.

**Reasons:** This provision ensures availability of emergency information to the users of international services.

**ADD** AFCP/19/58

#### **ARTICLE 5A**

## Confidence and security in the provision of international telecommunications/ICTs and services

**ADD** AFCP/19/59

**41B** 5A.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.

**Reasons:** This provision recognizes the importance of confidence and security of international telecommunications/ICTs and services. It encourages Member States to cooperate to develop

technical standards and acceptable legal norms regarding security matters as being addressed in the WSIS process, and in compliance with PP Resolution 130.

**ADD** AFCP/19/60

41C 5A.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 cyber attacks.

**Reasons:** The provision requests Member States to cooperate to harmonize their national laws, jurisdiction and practices in different areas related to security.

**ADD** AFCP/19/61

41D 5A.3 Member States shall ensure that operating agencies take the appropriate measures to combat network fraud.

**Reasons:** To request and empower Member states to combat network fraud.

**ADD** AFCP/19/62

#### **ARTICLE 5B**

## **Countering spam**

**Reasons:** Add a new article on countering spam.

**ADD** AFCP/19/63

**41E** Member States shall ensure that operating agencies take appropriate measures to prevent the propagation of spam including:

- 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.

**Reasons:** Empowering and ensuring that Member States take measures to prevent propagation of spam. Member States shall cooperate to ensure that there is common understanding of spam and cooperate to combat it.

#### **ARTICLE 6**

## Charging and Accounting Economic and Policy Issues

**Reasons:** Add new title to address high level provisions suitable for an international treaty.

**ADD** AFCP/19/65

42.00 6.0. General Economic and policy issues:

**Reasons:** This new subtitle emphasise that the following provisions are of general nature that establish the main principles and framework for the accounting and charging issues. Only general principles are introduced with no preference to any certain commercial arrangements.

**ADD** AFCP/19/66

**42.01** 6.0.1 Member States shall ensure transparency with respect to retail prices and quality of service.

**Reasons:** To foster implementation of measures for increased transparency in International telecommunication services with respect to the retail side. Consumers of international services would be fully aware of the prices they would be paying, and QoS parameters and measures they will enjoy in return.

**ADD** AFCP/19/67

**42.02** 6.0.2 Member States should foster continued investment in high-bandwidth infrastructures.

**Reasons:** To encourage Member States to invest in high-bandwidth infrastructure to ensure evolution of the international telecommunication networks as well as new classes of services and applications beyond the traditional services.

**ADD** AFCP/19/68

**42.03** 6.0.3 Member States shall promote cost-oriented wholesale pricing.

**Reasons:** The responsibility of Member States to promote for cost oriented pricing to reduce charges on the end users ultimately.

**ADD** AFCP/19/69

**42.04** 6.0.4 Member States shall take measures to ensure that fair compensation is received for carried traffic (e.g. interconnection or termination).

**Reasons:** Promotes to a more sustainable model for the international telecommunications ecosystem. Huge investments are needed to respond to the dramatic traffic growth, this should not be generated mainly and from the general user side, but from fair and innovative commercial agreements between infrastructure operators and telecommunications applications providers.

**ADD** AFCP/19/70

**42.05** 6.0.5 Member States shall ensure that their regulatory frameworks drive the Operating Agencies to establish mutual commercial agreements with providers of international

communication applications and services in alignment with principles of fair competition, innovation, adequate quality of service and security.

**Reasons:** To foster increase in the customer base and enhancement in the quality of experience (QoE), by offering more choices and more confidence in those offerings.

**ADD** AFCP/19/71

**42.06** 6.0.6 The Member States shall take measures to ensure that Operating Agencies have the right to charge providers of international communication applications and services appropriate access charges based on the agreed quality of service.

**Reasons:** To balance the revenues across the ecosystem, thus avail revenues for operating agencies to invest in high bandwidth international infrastructures, which will benefit the end users and provide them with innovative services, while lowering ultimately their connectivity charges.

**NOC** AFCP/19/72

#### 42 6.1 Collection charges

**Reasons:** No change of the title. Although the following provisions are rarely used in nowadays environment, but they should be sustained to be used by those who still adhere to the traditional accounting systems.

**MOD** AFCP/19/73

43 6.1.1 Each administration\*-Operating Agency shall, subject to applicable national law, establish the charges to be collected from its customers. The level of the charges is a national matter; however, in establishing these charges, administrations\* should try to avoid too great a dissymmetry between the charges applicable in each direction of the same relation.

**Reasons:** Editorial change to reflect the change in the telecommunications environment.

**MOD** AFCP/19/74

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.

Reasons: Editorial change.

**SUP** AFCP/19/75

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.

**Reasons:** Too detailed to be included in the main body of the ITRs.

**MOD** AFCP/19/76

46 6.2 Accounting, transit and termination rates

**Reasons:** To extend the provision to cover the reality of relations between operating agencies.

47 6.2.1 For each applicable service in a given relation, administrations\*Operating Agencies shall by mutual agreement, on the basis of cost orientation, establish and revise accounting, transit and termination rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant CCITT-ITU-T Recommendations and relevant cost trends.

**Reasons:** Extends the provision to cover the reality of relations between operating agencies; However cost orientation in these relations is targeted and should be taken into consideration in accordance with the relevant ITU-T Recommendations, so as to attain reasonable charges to the end users.

**SUP** AFCP/19/78

48 6.3 Monetary unit

**Reasons:** Obsolete in the current environment.

**SUP** AFCP/19/79

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.

**Reasons:** Obsolete in the current environment.

**SUP** AFCP/19/80

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 IMP and the gold franc.

**Reasons:** Obsolete in the current environment.

**NOC** AFCP/19/81

51 6.4 Establishment of accounts and settlement of balances of account

**MOD** AFCP/19/82

6.4.1 Unless otherwise agreed, administrations\* shall Member States shall ensure that Operating Agencies follow the relevant provisions as set out in Appendices 1 and 2.

**Reasons:** Editorial changes and integrating the Appendices, which elaborates on the accounts' establishment and settlement.

53 6.5 Service and privilege telecommunications

**MOD** AFCP/19/84

**54** 6.5.1 Administrations\* shall Member States shall ensure that Operating Agencies follow the relevant provisions as set out in Appendix 3.

**Reasons:** Sustain the provision with editorials.

**ADD** AFCP/19/85

6.5.2 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 recourse to the relevant regulatory or competition authorities of the other party's State.

**Reasons:** To provide for alternative dispute resolution and other mechanisms, to preserve the interests of Member States and avoid abuse on their small market power operators.

**ADD** AFCP/19/86

**54B** 6.5.3 Member States shall ensure that rates (in particular transit rates, termination rates, and roaming rates) are cost-oriented.

**Reasons:** To foster cost-oriented rates to avoid extremes in setting these rates.

**NOC** AFCP/19/87

#### **ARTICLE 7**

## **Suspension of Services**

**Reasons:** Title of Article 7 remains unchanged.

**MOD** AFCP/19/88

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

**Reasons:** Editorial change to align with Article 35 of the CV.

**MOD** AFCP/19/89

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.

**Reasons:** Editorial change to align with Article 35 of the CV.

#### **ARTICLE 8**

## **Dissemination of Information**

**Reasons:** Title of Article 8 remains unchanged.

**MOD** AFCP/19/91

Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by administrations Member States, of an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated in accordance with the relevant provisions of the Constitution and Convention and of this Article, on the basis of decisions taken by the Administrative Council or by competent administrative conferences, and taking account of conclusions or decisions of Plenary competent Assemblies of the International Consultative Committees. If so authorized by the concerned Member State, the information can be transmitted to the Secretary-General directly or by an Operating Agency, and shall then be disseminated by the Secretary-General.

**Reasons:** Sustain the provision with editorial updates; but addressing the necessity that Operating Agencies should be authorized by their Member States before submitting information to the Secretary-General, to avoid inconsistency.

**ADD** AFCP/19/92

#### **ARTICLE 8A**

## **Environmental Issues**

**Reasons:** To address the importance of the issue of saving the environment.

**ADD** AFCP/19/93

8A.1 Member States shall cooperate to encourage operating agencies and industry to adopt energy efficiency international standards and best practices, including disclosure and labeling schemes, so as to reduce energy consumption of communications facilities and installations.

**Reasons:** To request Member States to cooperate to encourage taking measures to reduce energy consumption.

**ADD** AFCP/19/94

8A.2 Member States shall cooperate to encourage operating agencies and the industry to take-back schemes and recycling management facilities to reduce e-waste resulting from communications facilities and installations, [and to avoid causing harm to other Member States from such e-waste.] | [and to ensure that such practices does not cause harm to other Member States.]

**Reasons:** To request Member States to cooperate to encourage operating agencies and the industry to consider avoid causing harm to other Member States as a result of e-waste and should address also not causing harm due to disposal of e-waste.

**NOC** AFCP/19/95

#### **ARTICLE 9**

## **Special Arrangements**

**Reasons:** Title of Article 1 remains unchanged.

**MOD** AFCP/19/96

9.1 *a)* Pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982), Pursuant to Article 42 of the Constitution special arrangements may be entered into on telecommunication matters which do not concern Members 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.

**Reasons:** Editorial change.

**MOD** AFCP/19/97

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

**Reasons:** This provision has opened the door wide for operating agencies, in the wide sense as depicted in CS #42, for establishing telecommunications networks and providing telecommunications services, which do not concern Member States in general. However the Member States shall be concerned if such activities cause any sort of harm to the Member State and associated with fraudulent activities or technical mal-practices, and will be also in conflict with the terms of the CS preamble.

**MOD** AFCP/19/98

9.2 Members States should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 589.1 above to take into account relevant provisions of CCITT\_ITU-T Recommendations.

**Reasons:** This provision targets to support 9.1 b), since compliance to the ITU-T Recommendations will support the avoidance of causing harm to other Member States.

#### **ARTICLE 10**

## **Final ProvisionsEntry into Force and Provisional Application**

**Reasons:** Title of Article 10 is changed to reflect its actual content.

**MOD** AFCP/19/100

10.1 These Regulations, of which Appendices 1, 2, and 3 form integral parts, shall enter into force on 1 July 1990 at 0001 hours UTC. and which complement the provisions of the Constitution and Convention of the International Telecommunication Union, shall enter into force on 1 January 2015 and shall be applied as of that date pursuant to Article 54 of the Constitution.

**Reasons:** Suppress 10.2, 10.3 and 10.4, and align with the Radio Regulations.

**SUP** AFCP/19/101

62 10.2 On the date specified in No. 61, the Telegraph Regulations (Geneva, 1973) and the Telephone Regulations (Geneva, 1973) shall be replaced by these International Telecommunication Regulations (Melbourne, 1988) pursuant to the International Telecommunication Convention.

**Reasons:** Suppress 10.2, 10.3 and 10.4, and align with the Radio Regulations.

**SUP** AFCP/19/102

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\*.

**Reasons:** Suppress 10.2, 10.3 and 10.4, and align with the Radio Regulations.

**SUP** AFCP/19/103

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.

**Reasons:** Suppress 10.2, 10.3 and 10.4, and align with the Radio Regulations.

**MOD** AFCP/19/104

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 <u>State</u> of the International Telecommunication Union.

Done at Melbourne, 9 December 1988.

**Reasons:** Align with the Radio Regulations.

**NOC** AFCP/19/105

#### APPENDIX 1

## **General Provisions Concerning Accounting**

**Reasons:** Suppress all provisions of the Appendix 1 for obsolescence except those shown below, which have undergone editorial changes to reflect current practices.

**MOD** AFCP/19/106

## 1/1 1 Accounting <u>and termination</u> rates

**Reason:** Reflects the current practices which is based on setting a termination rate for the incoming traffic.

**MOD** AFCP/19/107

1/2 1.1 For each applicable service in a given relation, administrations\* Member States shall ensure that Operating Agencies shall by mutual agreement establish and revise accounting rates to be applied between them, taking into account the Recommendations of the CCITT-ITU-T and trends in the cost of providing the specific telecommunication service, and shall divide such rates into terminal shares payable to the administrations\* of terminal countries, and where appropriate, into transit shares payable to the administrations\* of transit countries.

**MOD** AFCP/19/108

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

**MOD** AFCP/19/109

1/4 a) administrations\*Operating Agencies shall establish and revise their terminal termination rates and transit shares taking into account the Recommendations of the CCITTITU-T;

**SUP** AFCP/19/110

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

1/6 1.3 When one or more administrations\*Operating Agencies acquire, either by flat rate remuneration or other arrangements, the right to utilize a part of the circuit and/or installations of another administration\*,Operating Agency, the former have the right to establish their share as mentioned in 1.1 and 1.2 above, for this part of the relation.

**SUP** AFCP/19/112

1.4 In cases where one or more routes have been established by agreement between administrations\* and where traffic is diverted unilaterally by the administration\* of origin to a route which has not been agreed with the administration\* of destination, the terminal shares payable to the administration\* of destination shall be the same as would have been due to it had the traffic been routed over the agreed primary route and the transit costs are borne by the administration\* of origin, unless the administration\* of destination is prepared to agree to a different share.

**SUP** AFCP/19/113

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\* has the right to set the level of the transit share to be included in the international accounts.

**SUP** AFCP/19/114

1/9 1.6 Where an administration\* has a duty or fiscal tax levied on its accounting rate shares or other remunerations, it shall not in turn impose any such duty or fiscal tax on other administrations\*.

**MOD** AFCP/19/115

1/10 2 Establishment of accounts and invoices

**ADD** AFCP/19/116

1/10A 2.1 Establishment of Accounts

1/11 2.1.1 Unless otherwise agreed, the administrations\*Operating Agencies responsible for collecting the charges shall establish a monthly account showing all the amounts due and send it to the administrations\*Operating Agencies concerned.

**MOD** AFCP/19/118

1/12 2.21.2 The accounts shall be sent in accordance with the 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.

**ADD** AFCP/19/119

1/12A 2.2 Preparation of invoices

**ADD** AFCP/19/120

**1/12B** 2.2.1 Transit relations can be replaced by bilateral relations in the case of large traffic (whole sale or hubbing). In the case of wholesale traffic, aggregate operators collect bilaterally, traffic from one or more operators to finish within their networks.

**ADD** AFCP/19/121

**1/12C** 2.2.2 Unless specially agreed, the Operating Agency responsible for the termination of traffic, forwards an invoice according to ITU-T Recommendations to the originating operating agency.

**ADD** AFCP/19/122

**1/12D** 2.2.3 However, any operating agency has the right to challenge the evidence of an invoice for a period of one calendar month at most from the date of receipt, but only insofar as it shows differences in mutually agreed limits.

**SUP** AFCP/19/123

1/13 2.3 In principle an account shall be considered as accepted without the need for specific notification of acceptance to the administration\* which sent it.

24/31 WCIT12/19-E

**SUP** AFCP/19/124

1/14 2.4 However, any administration\* has the right to question the contents of an account for a period of two calendar months after the receipt of the account, but only to the extent necessary to bring any differences within mutually agreed limits.

**SUP** AFCP/19/125

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 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** AFCP/19/126

1/16 2.6 In indirect relations where a transit administration\*-Operating Agency acts as an accounting intermediary between two terminal points, it-Member States shall ensure that Operating Agencies shall include accounting data for transit traffic in the relevant outgoing traffic account to administrations\*-Operating Agencies beyond it in the routing sequence as soon as possible after receiving that data from the originating administration\*agency, in accordance with the relevant ITU-T Recommendations.

**NOC** AFCP/19/127

1/17 3 Settlement of balances of accounts

**NOC** AFCP/19/128

1/18 3.1 Choice of the currency of payment

**NOC** AFCP/19/129

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** AFCP/19/130

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.

## **ADD** AFCP/19/131

**1/20A** 3.1.3 Provided the periods of payment are observed, operating agencies have a right by mutual agreement to settle their balances of various kinds by offsetting:

- a) credits and debits in their relations with other operating agencies;
- b) 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 operating agencies.

**SUP** AFCP/19/132

1/21 3.2 Determination of the amount of payment

**SUP** AFCP/19/133

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.

**SUP** AFCP/19/134

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.

**SUP** AFCP/19/135

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** AFCP/19/136

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.

**SUP** AFCP/19/137

1/26 3.2.5 If, in accordance with a special arrangement, the balance of the account is expressed neither in the monetary unit of the IMF nor in gold francs, the payment shall also be the subject of this special arrangement and:

**SUP** AFCP/19/138

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;

**SUP** AFCP/19/139

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.

**SUP** AFCP/19/140

1/29 3.3 Payment of balances

**SUP** AFCP/19/141

1/30 3.3.1 Payment of balances of account shall be effected as promptly as possible, but in no case later than two calendar months after the day on which the settlement statement is despatched by the creditor administration\*. Beyond this period, the creditor administration\* may, subject to prior notification in the form of a final demand for payment, and unless otherwise agreed, charge interest at a rate of up to 6% per annum, reckoned from the day following the date of expiry of the said period.

**SUP** AFCP/19/142

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.

**SUP** AFCP/19/143

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.

**SUP** AFCP/19/144

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.

**SUP** AFCP/19/145

1/34 3.4 Additional provisions

**SUP** AFCP/19/146

1/35 3.4.1 Provided the periods of payment are observed, administrations\* may by mutual agreement settle their balances of various kinds by offsetting:

- credits and debits in their relations with other administrations\*: and/or

debts arising from postal services, if appropriate.

**SUP** AFCP/19/147

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.

**SUP** AFCP/19/148

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\* 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.

#### **APPENDIX 2**

## Additional Provisions Relating to Maritime Telecommunications

**Reasons:** Keep this Appendix 2 (with the shown revisions) and its title, due to its continued relevance and applicability to the current Maritime Telecommunications.

**NOC** AFCP/19/150

2/1 1 General

**MOD** AFCP/19/151

**2/2** The provisions contained in Article 6 and Appendix 1, taking into account the relevant CCITT-Recommendations of the ITU, shall also apply to maritime telecommunications in so far as the following provisions do not provide otherwise.

**NOC** AFCP/19/152

2/3 2 Accounting authority

**NOC** AFCP/19/153

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** AFCP/19/154

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

**MOD** AFCP/19/155

**2/6** by an recognized private operating Operating agency Agency; or

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

**MOD** AFCP/19/157

**2/8** 2.2 The administration Member State or the recognized private operating Operating agency Agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the "accounting authority".

## **MOD** AFCP/19/158

**2/9** 2.3 References to <u>administration\*Operating Agencies</u> contained in Article 6 and Appendix 1 shall be read as "accounting authority" when applying the provisions of Article 6 and Appendix 1 to maritime telecommunications.

#### **MOD** AFCP/19/159

**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** AFCP/19/160

#### 2/11 3 Establishment of accounts

**MOD** AFCP/19/161

**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 Operating Agency that sent it.

## **MOD** AFCP/19/162

**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.

## 2/14 4 Settlement of balances of account

**MOD** AFCP/19/164

**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.

**MOD** AFCP/19/165

**2/16** 4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the <u>administration-Member State</u> 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.

**NOC** AFCP/19/166

**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.

**NOC** AFCP/19/167

**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** AFCP/19/168

#### **APPENDIX 3**

**Service and Privilege Telecommunications** 

## 3/1 1 Service telecommunications

**MOD** AFCP/19/170

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

**MOD** AFCP/19/171

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 Convention Union and the present Regulations, having due regard for the need for reciprocal arrangements.

**MOD** AFCP/19/172

## 3/4 2 Privilege telecommunications

Administrations\* Member States may provide require that 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 Convention Union and the present Regulations.

**MOD** AFCP/19/173

## 3/5 3 Applicable provisions

The general operational, charging and accounting principles applicable to service and privilege telecommunications should take account of the relevant <a href="CCHT-ITU-T">CCHT-ITU-T</a> Recommendations.