

Annexe 1

EUROPEAN COMMON PROPOSALS FOR THE WORK OF THE CONFERENCE

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PROPOSALS

NOC EUR/XX/0.0

International Telecommunication Regulations

NOC EUR/XX/0.1

PREAMBLE

Reasons: title and tile of Preamble remain unchanged.

MOD EUR/XX/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 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.

NOC EUR/XX/1.0

ARTICLE I

Purpose and Scope of the Regulations

Reasons:

title of Article 1 remains unchanged.

MOD EUR/XX/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 EUR/XX/1.2

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

Reasons:

Editorial update

NOC EUR/XX/1.4

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

Reasons:

The proposal stood the test of time.

NOC EUR/XX/1.5

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.

Reasons:

The proposal stood the test of time.

MOD EUR/XX/1.6

6 1.4 References to ~~CCITT ITU-T~~ Recommendations ~~and Instructions~~ in these Regulations are not to be taken as giving to those Recommendations ~~and Instructions~~ the same legal status as the Regulations.

Reasons:

The ITU Constitution does not provide ITU Recommendations with a binding force, by their nature ITU-T Recommendations are non-binding, i.e. of voluntary application, and should not therefore be imposed as a matter of routine. Europe considers that the ITRs revision shall not be used to change the nature of ITU Recommendations.

Europe supports the suppression of the reference to “Instructions”. Both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141, (Instructions for operators on the operator-assisted international telephone service) were withdrawn. Therefore, Europe considers that references to instructions are outdated and should be suppressed.

SUP EUR/XX/1.7

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 existing between operators.

Art. 42 of the ITU Constitution and Art. 9 of the current ITRs refer to special arrangements therefore the text on existing 1.5 seems to be in contradiction.

SUP EUR/XX/1.10

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 EUR/XX/1.11

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

Reasons:

Editorial update. The provision stood the test of time.

NOC EUR/XX/1.12

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.

NOC EUR/XX/2.0

ARTICLE 2

Definitions

Reasons: title of Article 2 remains unchanged.

NOC EUR/XX/2.1

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 EUR/XX/2.2

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:

Europe does not support expanding the definition of Telecommunication to include “processing” as it would excessively broaden the scope of the ITRs. Europe does not agree to include the term “ICT” in the revised ITRs.

This topic is seldom discussed within ITU and Member States never agreed on this subject.

Telecommunication is defined in the Annex to the ITU Constitution (No. 1012). As stated in Art. 4 of the ITU Constitution, “In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail”. Therefore, it is not possible to agree on a definition which is not consistent with the CS.

NOC EUR/XX/2.3

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 current definition is broad and flexible to accommodate technological developments.

International telecommunication service is defined in the Annex to the ITU CS (No. 1011). As stated in Art. 4 of the CS, “In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail”. Therefore, it is not possible to agree on a definition which is not consistent with the CS.

SUP EUR/XX/2.4

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.

SUP EUR/XX/2.5

~~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:

Obsolete.

SUP EUR/XX/2.6

~~18 2.5 Privilege telecommunication~~

~~—— 2.5.1 A telecommunication that may be exchanged during sessions of the ITU Administrative Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union and their authorized colleagues attending conferences and meetings of the ITU and, on the other, their administrations or recognized private operating agency or the ITU, and relating either to matters under discussion by the Administrative Council, conferences and meetings of the ITU or to public international telecommunications.~~

Reasons:

Obsolete.

SUP EUR/XX/2.7

~~19 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.

SUP EUR/XX/2.8

~~20 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:

Europe considers that this definition is no longer required as it does not reflect reality (multitude of routing arrangements).

SUP EUR/XX/2.9

21 ~~2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations*:~~

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

~~—over direct circuits (direct relation), or~~

~~—via a point of transit in a third country (indirect relation), and~~

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

Reasons:

Europe considers that this definition is no longer required as it does not reflect reality (competitive markets).

SUP EUR/XX/2.10

22 ~~2.8 Accounting rate: The rate agreed between administrations* in a given relation that is used for the establishment of international accounts.~~

Reasons:

Europe considers that this definition is no longer required as it does not reflect reality (wide variety of arrangements).

SUP EUR/XX/2.11

23 ~~2.9 Collection charge: The charge established and collected by an administration* from its customers for the use of an international telecommunication service.~~

Reasons:

As Europe is proposing to suppress provision 6.1.1 this definition is no longer needed.

SUP EUR/XX/2.12

24 ~~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:

Europe proposes the suppression of the reference to “Instructions”. Both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141, (Instructions for operators on the operator-assisted international telephone service) were withdrawn. Therefore, Europe considers that references to instructions are outdated and should be suppressed.

NOC EUR/XX/3.0

ARTICLE 3

International Network

Reasons: title of Article 3 remains unchanged.

MOD EUR/XX/3.2

26 3.2 Member States shall encourage the provision of sufficient telecommunication facilities to meet the demand for international telecommunication services inter alia through the fostering of competitive and liberalised telecommunication markets.

Reasons:

Proposal that aims at fostering of liberalised and competitive International telecommunication services.

SUP EUR/XX/3.3

27 ~~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:

Obsolete.

ADD EUR/XX/3.5

29 3.4 Member States should encourage the appropriate use of those numbering resources which are the responsibility and remit of the ITU, in order that they are used only for the purposes for which they were assigned. Member States shall endeavour to ensure that resources, which are the responsibility and remit of the ITU, are not used until they are assigned.

Reasons:

Europe proposes to address the issue related to the conformity of use of numbering resources.

NOC EUR/XX/4.0

ARTICLE 4

International Telecommunication Services

Reasons: title of Article 4 remains unchanged.

MOD EUR/XX/4.1

31 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).~~

Reasons:

Europe supports text in favour of the general availability to the public of international telecommunication services.

NOC EUR/XX/5.0

ARTICLE 5

Safety of Life and Priority of Telecommunication

Reasons: title of Article 5 remains unchanged.

MOD EUR/XX/5.1

39 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 clarifies the roles of Member States.

SUP EUR/XX/5.2

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.

SUP EUR/XX/5.3

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

Reasons:

Obsolete

NOC EUR/XX/6.0

ARTICLE 6

Charging and Accounting

Reasons: title of Article 6 remains unchanged.

SUP EUR/XX/6.1

42 ~~6.1 Collection charges~~

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

Reasons:

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.

SUP EUR/XX/6.2

43 ~~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.~~

Reasons:

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.

SUP EUR/XX/6.4

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:**

Europe advocates that fiscal issues are not within the scope of the ITRs

SUP EUR/XX/6.5

46 ~~Accounting rates~~

~~6.2.1 For each applicable service in a given relation, administrations* shall by mutual agreement establish and revise accounting rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant CCITT Recommendations and relevant cost trends.~~

Reasons:

Europe supports the view that the ITRs should be technological neutral and in no circumstance should provide prominent treatment to a sort of arrangement over others.

In particular, the accounting rates system is one among different sort of arrangements that are currently used by the industry and therefore the ITRs should not provide a prominent treatment to it.

Europe considers that any reference to particular arrangements should be dealt within ITU-T Recommendations which can more easily be adapted to technical developments and market circumstances.

SUP EUR/XX/6.6

47 ~~6.3 Monetary unit~~

~~6.3.1 In the absence of special arrangements concluded between administrations*, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:~~

~~—either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;~~

~~—or the gold franc, equivalent to 1/3.061 SDR.~~

Reasons:

Obsolete

SUP EUR/XX/6.7

48 ~~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.~~

Reasons:

Obsolete

SUP EUR/XX/6.8

49 ~~6.4 Establishment of accounts and settlement of balances of account~~

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

Reasons:

Europe supports the view that the ITRs should be technological neutral and in no circumstance should provide prominent treatment to a sort of arrangement over others.

In particular, the accounting rates system is one among different sort of arrangements that are currently used by the industry and therefore the ITRs should not provide a prominent treatment to it.

Europe considers that any reference to particular arrangements should be dealt within ITU-T Recommendations which can more easily be adapted to technical developments and market circumstances.

SUP ~~6.5 Service and privilege telecommunications~~

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

Reasons:

Obsolete

* or recognized private operating agency(ies)

ADD EUR/XX/6.9

50 6.2 Costs of International Roaming Services

- *Member States shall encourage competition in the provision of international roaming services;*
- *Member States are encouraged to cooperate to develop policies for reducing charges on international roaming services”.*

Reasons:

Europe seeks to encourage competition and cooperation to develop policies to address international roaming charges.

NOC EUR/XX/7.0

ARTICLE 7

Suspension of Services

Reasons: title of Article 7 remains unchanged.

MOD EUR/XX/7.1

51 7.1 If a Member State exercises its right in accordance with the ITU 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.

Reasons:

Align with Art 35 of the Convention

MOD EUR/XX/7.2

52 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:

Align with Art 35 of Convention

ARTICLE 8

Dissemination of Information

Reasons: title of Article 8 to be suppressed.

SUP EUR/XX/8.1

53 ~~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 Convention contain similar text.

ARTICLE 9

Special Arrangements

SUP CWG/54/9.3

56 ~~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.

SUP EUR/XX/A1.0

~~APPENDIX 1~~

~~General Provisions Concerning Accounting~~

SUP: all of Appendix 1

Reasons: Appendix 1 is obsolete and should be suppressed

SUP EUR/XX/A3.0

~~APPENDIX 3~~

~~Service and Privilege Telecommunications~~

SUP: all of Appendix 3

Reasons: Appendix 3 is obsolete and should be suppressed