



## **CWG-WCIT12 CONTRIBUTION 45**

**SOURCE:  
United States of America**

### **U.S. comments on Temporary Document 36**

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As requested in **DM-11-1010**, *Invitation to the fifth meeting of the Council Working Group for the Preparation of the 2012 World Conference on International Telecommunications (CWG-WCIT12)*, to be held on 27-30 September 2011 in Geneva, Switzerland, the Administration of the United States of America forwards the attached U.S. comments on Temporary Document 36.

**Compilation of United States positions on proposed revisions to the ITRs**

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
1		MOD: Overall change. It would be much clearer if the term ' <i>administration</i> ' were used in the ITRs in the same sense as defined in No. 1002 of the Constitution and that an entity providing public telecommunications networks or public telecommunications services would be defined as an <i>operator</i> or <i>operating agency</i> . The term ROA could then either be included in <i>operator</i> or <i>operating agency</i> or preferably deleted. <i>Source TD 21 Rev.1</i>	It is not clear what is being proposed, and we do not clearly know what Member State is proposing this change. The United States needs clarification as to the intent of this change.  Also, this is not treaty-level text as required in Res 171. We do not support expanding ROA to include the terms operator or operating agency or replacing ROA with those terms because it would expand the scope of the ITRs.
2	<p style="text-align: center;"><b>PREAMBLE</b></p> <p>While the sovereign right of each country to regulate its telecommunications is fully recognized, the provisions of the present Regulations supplement the International Telecommunication Convention, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications.</p>	MOD: While the sovereign right of each country to regulate its telecommunications is fully recognized, the provisions of the present Regulations <del>complement</del> <del>supplement</del> the International Telecommunication <u>Union</u> , <u>Constitution and</u> 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. <i>Source TD 21 Rev.1 and C 28 (USA).</i>	United States proposal, see <b>C 28 (USA)</b> .

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3		MOD: While the sovereign right of each country to regulate its telecommunications is fully recognized, the provisions of the present Regulations <del>supplement the International Telecommunication Convention, with a view</del> 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. <i>Source: C 9 (Russian Federation)</i>	According to CS 29, 31, and 32, the ITRs and the Radio Regulations are the Administrative Regulations of the Union and that in the case of inconsistency between a provision of CS or CV and the Administrative regulations, the CS or CV shall prevail.
4	<p align="center"><b>Article I</b></p> <p align="center"><b>Purpose and Scope of the Regulations</b></p> <p>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*.</p>	MOD: 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. <del>They also set rules applicable to administrations.*.</del> <u>Member States may apply these rules to Recognized Operating Agencies.</u> <i>Source C 28 (USA).</i>	United States proposal, see <b>C 28 (USA)</b>
5	1.1 b) These Regulations recognize in Article 9 the right of Members to allow special arrangements.	MOD: 1.1 b) These Regulations recognize <del>in Article 9</del> the right of Members <u>States</u> to allow special arrangements <u>as provided in Article 9.</u> <i>Source TD 21 Rev.1.</i>	The United States has no comment at this time
6		MOD: 1.1 b) These Regulations recognize in Article 9 the right of Member States to allow special arrangements <u>on the condition that these do not cause technical harm to third countries.</u> <i>Source TD 21 Rev.1.</i>	The United States does not see the need to add “to third countries.” Technical harm to all telecommunications facilities should be avoided.

\* ~~or recognized private operating agency(ies)~~

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7		MOD: 1.1 b) These Regulations recognize in Article 9 the right of Member <del>States</del> to allow special arrangements. <i>Source</i> <a href="#">C 28 (USA)</a> .	United States proposal, see <a href="#">C 28 (USA)</a>
8		ADD: 1.1 c) The purpose may be general rules to be applied by administrations for regulating international telecommunication services and to be applied by operators/service providers for the provision of such international telecommunication services. <i>Source</i> C 9 (Russian Federation)	This proposal would result in detailed regulatory provisions, contrary to PP Resolution 171 (Guadalajara), which states that the ITRs should contain “strategic and policy principles” and be “of relevance to be included in an international treaty.”
9	1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies.		The United States has no comment at this time.
10	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: 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, <u>and the availability, operation, and use of advanced telecommunications facilities in developing countries.</u> <i>Source: C 25 (SG3RG-LAC)</i>  The proposed addition is not in accordance with the purpose of the ITRs. <i>Source: C 33 (Brazil)</i>	The United States supports Brazil’s comments in C.33.
11		MOD: 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. <u>The scope may be all existing, emerging, and future telecommunication facilities and services.</u> <i>Source: C 9 (Russian Federation)</i>	This provision would establish a legally binding commitment on Member States that cannot be specified or well described for its consideration and evaluation. The United States is not able to agree to such an open-ended commitment.

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12	1.4 References to CCITT Recommendations and Instructions in these Regulations are not to be taken as giving to those Recommendations and Instructions the same legal status as the Regulations.	MOD: 1.4 <u>Unless otherwise specified in these Regulations, r</u> References to <del>CCITT</del> 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. <i>Source TD 21 Rev.1.</i>	Article 1.4 of the existing ITRs protects the sovereign rights of ITU Member States to determine how, if and when to adopt any of the ITU-T Recommendations into its regulatory framework. The proposed revision would give recommendations a legal/policy/regulatory status that could have a chilling effect on the work of the ITU-T Study Groups and on their ability to adapt ITU-T recommendations to changes as needed.
13		MOD: 1.4 References to <del>ITU-T/CCITT</del> 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. <i>Source TD 21 Rev.1 and C 28 (USA).</i>	United States proposal, see <b>C 28 (USA)</b>
14		MOD: 1.4 References to ITU-T Recommendations and Instructions in these Regulations are not to be taken as giving to those Recommendations and Instructions the same legal status as the Regulations. <u>However Member States should give due consideration to ITU-T Recommendations to which they have not expressed a reservation.</u> <i>Source C 25 (SG3RG-LAC).</i>	The United States believes that the current version of article 1.4 is sufficient. Our point made in row 12 (above) applies here.

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15	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*.	<p>MOD: 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 <u>recognized operating agencies (ROAs) administrations</u>*. <i>Source C 28 (USA).</i></p> <p>CS: general. (Art. 4) CV: general (Arts. 36, 37) Maintain. ITRs should be self-contained instrument. <i>Source C 31 (UAE)</i></p>	<p>United States proposal, see <b>C 28 (USA)</b>.</p> <p>The United States does not support the UAE proposal; it is inconsistent with CV #29-32.</p>
16		SUP: 1.5. <i>Source C 35 (CEPT)</i>	The United States proposes new Article 1.9. We believe that this new article would assist here and overall.
17	1.6 In implementing the principles of these Regulations, administrations should comply with, to the greatest extent practicable, the relevant CCITT Recommendations, including any Instructions forming part of or derived from these Recommendations.	MOD: 1.6 In implementing the principles of these Regulations, administrations should comply with, to the greatest extent practicable, the relevant <u>ITU-T</u> <del>CCITT</del> Recommendations, including any Instructions forming part of or derived from these Recommendations. <i>Source TD 21 Rev.1 and C 28 (USA).</i>	United States proposal, see <b>C 28 (USA)</b>
18	1.7 a) These Regulations recognize the right of any Member, subject to national law and should it decide to do so, to require that administrations and private operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member.	MOD: 1.7 a) These Regulations recognize the right of any Member <u>State</u> , subject to national law and should it decide to do so, to require that administrations and private operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member. <i>Source TD 21 Rev.1</i>	The United States proposes same MOD, see <b>C 28 (USA)</b>

\*-or recognized private operating agency(ies)

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
19		MOD: 1.7 a) These Regulations recognize the right of any Member <u>State</u> , subject to national law and should it decide to do so, to require that administrations and <u>recognized private</u> -operating agencies( <u>ROAs</u> ), which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member <u>State</u> . <i>Source</i> <u>C 28 (USA)</u> .	United States proposal, see <u>C 28 (USA)</u>
20		MOD: 1.7 a) These Regulations recognize the right of any Member <u>State</u> , subject to national law and should it decide to do so, to require that administrations and <u>ROAs private-operating agencies</u> , which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member <u>State and be subject to transparency and accountability requirements</u> . <i>Source</i> <u>C 34 (Global Voice Group)</u> .	This proposal encroaches on Member States' sovereign right to regulate their respective telecommunications environments as set out in the Preamble to the Constitution.
21	1.7 b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers.	MOD: 1.7 b) The Member <u>State</u> concerned shall, as appropriate, encourage the application of relevant <u>ITU-T <del>CCITT</del></u> Recommendations by such service providers. <i>Source</i> <u>TD 21 Rev.1 and C 28 (USA)</u> .	United States proposal, see <u>C 28 (USA)</u>
22	1.7 c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations.	MOD: 1.7 c) The Members <u>States</u> , where appropriate, shall cooperate in implementing the International Telecommunication Regulations. <i>Source</i> <u>TD 21 Rev.1</u>	The United States proposes same change, see <u>C 28 (USA)</u>
23		MOD: 1.7 c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations. <u>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</u> . <i>Source: C 39 (Malaysia)</i>	Compliance is a national matter. ITU-D has done extensive work in Study Group 1 to provide examples of how best to do this. In addition, ITU-D has assistance that can be provided to Member States in building technical capacity in this area.

	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
24	1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.		No proposal to address.
24 bis		ADD 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.	The proposed new article assists in avoiding potential conflicts between the ITRs and the provisions of other treaties to which Member States are already parties.
25	<p style="text-align: center;"><b>Article 2</b></p> <p style="text-align: center;"><b>Definitions</b></p> <p>For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.</p>		No proposal to address.
26	2.1 <i>Telecommunication</i> : 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.		United States proposal, see <b>C28 (USA)</b>
27	2.2 <i>International telecommunication service</i> : The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries		No proposal to address.
28	2.3 <i>Government telecommunication</i> : 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.	MOD: 2.3 <i>Government telecommunication</i> : 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 repl <del>ies</del> y to a government <del>telegram</del> <u>telecommunications mentioned above</u> . Source TD 21 Rev.1.	If this text is to be retained, the United States supports aligning it with the CS/CV definition.

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29		SUP: 2.3. <i>Source C 35 (CEPT) and TD 21 Rev.1.</i>	The United States has no comment at the present time.
30	<p>2.4 <i>Service telecommunication:</i> A telecommunication that relates to public international telecommunications and that is exchanged among the following:</p> <ul style="list-style-type: none"> <li>- administrations;</li> <li>- recognized private operating agencies,</li> <li>- 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.</li> </ul>	<p>MOD: 2.4 A telecommunication that relates to public international telecommunications and that is exchanged among the following:</p> <ul style="list-style-type: none"> <li>- administrations;</li> <li>- recognized <del>private</del> operating agencies,</li> <li>- and the Chairman of the <del>Administrative</del>-Council, the Secretary-General, the Deputy Secretary-General, the Directors of the <del>Bureaux International Consultative Committees</del>, the members of the <del>Radio Regulations International Frequency Regulation Board</del>, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union. <i>Source C 28 (USA)</i></li> </ul>	United States proposal, see <b>C 28 (USA)</b>
31		<p>MOD: 2.4 A telecommunication that relates to public international telecommunications and that is exchanged <del>by agreement</del> among the following:</p> <ul style="list-style-type: none"> <li>- administrations;</li> <li>- recognized private operating agencies,</li> <li>- and the Chairman of the <del>Administrative</del>-Council, the Secretary-General, the Deputy Secretary-General, the Directors of the <del>Bureaux International Consultative Committees</del>, the members of the <del>Radio Regulations International Frequency Registration Board</del>, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union. <i>Source TD 21 Rev.1.</i></li> </ul>	Proposed addition of “by agreement” renders the definition inconsistent with the definition provided in CV 1006.

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32		<p>MOD: 2.4 A telecommunication that relates to public international telecommunications and that is exchanged among the following:</p> <ul style="list-style-type: none"> <li>- administrations;</li> <li>- recognized <del>private</del> operating agencies,</li> <li>- and the Chairman of the <del>Administrative</del> Council, the Secretary-General, the Deputy Secretary-General, the Directors of the <del>Bureaux International Consultative Committees</del>, the members of the <del>Radio Regulations International Frequency Regulation</del> Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union. <i>Source C 35 (CEPT)</i></li> </ul>	<p>The United States proposes same change, see <b>C 28 (USA)</b></p>
33	<p>2.5 <i>Privilege telecommunication</i></p> <p>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.</p>	<p>MOD 2.5.1 A telecommunication that may be exchanged during sessions of the ITU <del>Administrative</del> Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the <del>Administrative</del> 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 <del>Administrative</del> Council, conferences and meetings of the ITU or to public international telecommunications. <i>Source: TD 21 Rev.1.</i></p>	<p>The United States proposes same change, see <b>C 28 (USA)</b></p>

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34		<p>MOD: 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 <u>General Secretariat and of the three Bureaux and members of the Radio Regulations Board permanent organs of the Union</u> 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. <i>Source: TD 8 (Secretariat)</i></p>	<p>The United States proposes same change, see <b>C 28 (USA)</b></p>
35		<p>MOD: 2.5.1 A telecommunication that may be exchanged during sessions of the ITU <del>Administrative</del> Council, conferences and meetings of the ITU between, on the one hand, representatives of Members of the <del>Administrative</del> Council, members of delegations, senior officials of the <del>permanent organs of the Union</del> <u>General Secretariat and of the three Bureaux and members of the Radio Regulations Board</u> and their authorized colleagues attending conferences and meetings of the ITU and, on the other, their administrations or recognized <del>private</del> operating agency or the ITU, and relating either to matters under discussion by the <del>Administrative</del> Council, conferences and meetings of the ITU or to public international telecommunications. <i>Source</i> <b>C 28 (USA)</b>.</p>	<p>The United States proposal, see <b>C 28 (USA)</b></p>
36		<p>SUP: 2.5.1 <i>Source TD 21 Rev.1 and C35 (CEPT)</i>.</p>	<p>The United States has no comment at this time.</p>

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37	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.	MOD: 2.5.2 A private telecommunication that may be exchanged during sessions of the ITU <del>Administrative</del> Council and conferences and meetings of the ITU by representatives of Members of the <del>Administrative</del> 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. <i>Source TD 21 Rev.1.</i>	The United States proposes same change, see <b>C 28 (USA)</b>
38		MOD: 2.5.2 A private telecommunication that may be exchanged during sessions of the ITU <del>Administrative</del> Council and conferences and meetings of the ITU by representatives of Members of the <del>Administrative</del> Council, members of delegations, <del>senior officials of the permanent organs of the Union</del> <u>senior officials of the General Secretariat and of the three Bureaux and members of the Radio Regulations Board</u> 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. <i>Source: <b>C 28 (USA)</b> and Secretariat (TD 8)</i>	United States proposal, see <b>C 28 (USA)</b>
39		SUP: 2.5.2 <i>Source TD 21 Rev.1 and C35 (CEPT).</i>	
40	2.6 <i>International route:</i> Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.	SUP: 2.6. <i>Source <b>C 28 (USA)</b>, C 34 (Global Voice Group).</i>	United States proposal, see <b>C 28 (USA)</b>

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41	<p>2.7 <i>Relation</i>: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations*:</p> <p>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</p> <p>b) normally, the settlement of accounts.</p>	<p>MOD: 2.7 <i>Relation</i>: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations*:</p> <p>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</p> <p>b) normally, the settlement of accounts <u>by manual or other billing systems as appropriate.</u> <i>Source TD 21 Rev.1.</i></p>	<p>The United States proposes to suppress Article 2.7 in its entirety because it does not reflect the existing competitive international telecommunication market.</p>
42		<p>SUP: 2.7. <i>Source</i> <b>C 28 (USA)</b>, C 34 (<i>Global Voice Group</i>).</p>	<p>United States proposal, see <b>C 28 (USA)</b></p>
43	<p>2.8 <i>Accounting rate</i>: The rate agreed between administrations* in a given relation that is used for the establishment of international accounts.</p>	<p>SUP: 2.8. <i>Source</i> <b>C 28 (USA)</b>, C 34 (<i>Global Voice Group</i>).</p>	<p>United States proposal, see <b>C 28 (USA)</b></p>
44	<p>2.9 <i>Collection charge</i>: The charge established and collected by an administration* from its customers for the use of an international telecommunication service.</p>	<p>MOD: 2.9 <i>Collection charge</i>: The charge established and collected by an administration* <u>/ROA</u> from its customers for the use of an international telecommunication service. <i>Source</i> <b>C 28 (USA)</b>, C 34 (<i>Global Voice Group</i>).</p>	<p>United States proposal, see <b>C 28 (USA)</b></p>
45		<p>SUP: 2.9. <i>Source</i>: C 16 (<i>SG3RG-AFR</i>), C 27 (<i>SG3RG-AO</i>)</p>	<p>This term is included in Article 6.1.3 and therefore the definition should not be SUP.</p>
46	<p>2.10 <i>Instructions</i>: 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).</p>	<p>MOD: 2.10 <i>Instructions</i>: A collection of provisions drawn from one or more <u>ITU-T</u> <del>CCITT</del> Recommendations dealing with practical operational procedures for the handling of telecommunication traffic (e.g., acceptance, transmission, accounting). <i>Source TD 21 Rev.1</i></p>	<p>Further review is required to see whether this provision is necessary.</p>

\*-or recognized private operating agency(ies)

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47		MOD: 2.10 <i>Instructions</i> : A collection of provisions drawn from one or more <del>ITU-T ECIT</del> Recommendations dealing with practical operational procedures for the handling of telecommunication traffic (e.g. acceptance, transmission, accounting). <i>Source C 28 (USA)</i> .	United States proposal, see <b>C 28 (USA)</b>
48		ADD: CS 1004, 1007,1008, 1013, 1015, 1016, 1017 and CV 1003 and 1006. <i>Source C 31 (UAE)</i> .	The United States does not support moving these definitions out of the CS/CV and into this treaty or duplicating them. The CS/CV are standalone treaties, and their provisions are integral in their entirety. Moving articles out of the CS/CV destabilizes their integrity. These definitions inform the application of both the ITRs and the Radio Regulations and should remain in the CS/CV. Furthermore, the definition for mobile service in CV1003 pertains to radiocommunications, the focus of the Radio Regulations and not the ITRs.
49		ADD: 2.11 <i>Transit rate</i> : a rate set by the point of transit in a third country (indirect relation). <i>Source TD 21 Rev.1</i> .	It is not necessary or possible to define all routing options in a competitive environment where choice of route and payment option is a commercial matter.
50		ADD: 2.12 <i>Termination rate</i> : A rate set by the destination administration/ROA for terminating incoming traffic regardless of origin. <i>Source TD 21 Rev.1</i> .	It is not necessary or possible to define all routing options in a competitive environment where choice of route and payment option is a commercial matter.

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51		<p>ADD: 2.13 <i>Spam</i>: 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.)). <i>Source: Russian Federation (C 22)</i></p>	<p>The United States does not agree that a definition of SPAM should be added. Advances are made in this area continually and any attempt to address SPAM through the ITRs would be ineffective and would be outdated immediately. The most effective mechanisms for responding to SPAM are technological. To add an issue like SPAM also would change the technological neutrality of the treaty.</p>
52		<p>ADD: 2.14 <i>Hub</i>: a transit center (or network operator) that offers to other operators a telecommunication traffic termination service to nominated destinations contained in the offer. <i>Source C 27 (SG3RG-AO)</i>.</p>	<p>The United States does not agree that the definition of “hub” should be added to the treaty as the treaty should be technology neutral and flexible. Adding terms like “hub” begins to insert issues of a granular technological, commercial operational nature.</p>
53		<p>ADD: 2.15 <i>Hubbing</i>: 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. <i>Source C 27 (SG3RG-AO)</i>.</p>	<p>The United States does not agree that the definition of “hubbing” should be added to the treaty as the treaty should be technology neutral and flexible. Adding terms like “hubbing” begins to insert issues of a granular technological, commercial operational nature. The proposed revision introduces a detailed provision that is contrary to Resolution 171 according to which the ITRs should reflect “...strategic and policy principle.” to ensure flexibility and to accommodate technological advances.</p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
53 <i>bis</i>		Add: 2.16 <i>Fraud</i> : 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. <i>Source C 41 (Pacific Islands) and C43 (SG3RG-AFR).</i>	The United States reserves its right to provide further text once draft text on the issues listed is provided. We observe that this proposal would add a new detailed regulatory issue to the ITRs, in contravention of PP Resolution 171 (Guadalajara), and outside the scope of the ITU mandate related to national legal, policy, and regulatory matters, and content.
54		ADD: new definitions for telecommunication operator, telecommunication service provider, emergency telecommunication, local telecommunication, personal data, fraud, international identification, international numbering, international naming, international addressing, network connection and interworking, accounting. <i>Source C 9 (Russian Federation)</i>	The United States reserves its right to provide further text once draft text on the issues listed is provided. We observe that this proposal would add several new detailed regulatory issues to the ITRs, in contravention of PP Resolution 171 (Guadalajara), and outside the scope of the ITU mandate related to national legal, policy, and regulatory matters, and content.
55		ADD: new definitions for telecommunications security, personal data, roaming, online child protection. Text to be supplied. <i>Source C 40 (Russian Federation)</i>	The United States observes that this proposal would add several new detailed regulatory issues to the ITRs, in contravention of PP Resolution 171 (Guadalajara) and outside the scope of the ITU related to national legal, policy, and regulatory matters, and content.. In particular, with respect to a new definition of telecommunications security, a treaty on International Telecommunications Regulations should not include provisions on the content of communications over telecommunications facilities (content), provisions related to criminal aspects (cybercrime), or provisions on national defense/ national security. (See PP Res 130). We reserve our right to provide further comments once draft text on the issues listed is provided.

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
56		ADD: new definition for the term "invoice". Text to be supplied. <i>Source TD 21 Rev.1</i>	The United States believes that the proposed revision introduces a detailed provision that is contrary to Resolution 171 according to which the ITRs should reflect "...strategic and policy principle." to ensure flexibility and to accommodate technological advances. We reserve the right to provide further text once draft text on the issues listed is provided.
57	<b>Article 3</b> <b>International Network</b>		
58	3.1 Members shall ensure that administrations* cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.	MOD: 3.1 Members <u>States</u> shall ensure that administrations* cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service. <i>Source TD 21 Rev.1.</i>	United States proposes the same change, see <b>C 28 (USA)</b>
59		MOD: 3.1 Members <u>States</u> shall <u>encourage ensure that</u> administrations* <u>and ROAs to</u> cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service. <i>Source C 28 (USA).</i>	United States proposal, see <b>C 28 (USA)</b>

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
60	<p>3.2 Administrations* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services.</p>	<p>MOD: 3.2 Administrations* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services <u>and shall endeavor to prevent misuse and misappropriation of numbering resources.</u>  <i>Source: C 16 (SG3RG- AFR), Opinion 6 WTPF</i></p>	<p>The United States believes that misuse and misappropriation of numbering resources should not be addressed in the ITRs.</p> <p>The United States recognizes that international cooperation is needed with respect to misuse and misappropriation of telephone numbering resources. However misuse and misappropriation manifest themselves so differently from country-to-country and touches upon national legal, policy, and regulatory procedures. Moreover, addressing these issues involves complex, technology-specific solutions that will continue to evolve with technological advances and market responses. These issues are better addressed nationally or bilaterally through discussions between or among by Member States</p>
61		<p>MOD: 3.2 <u>Member States Administrations*</u> shall endeavour to <u>establish policies that promote the provision of technical facilities that support provide sufficient telecommunication facilities to meet the requirements of and demand for</u> international telecommunication services. <i>Source C 28 (USA), C 34 (Global Voice Group).</i></p>	<p>United States proposal, see <u>C 28 (USA)</u></p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
62		SUP: 3.2. <i>Source C 35 (CEPT).</i>	The United States has no comment at this time.
63	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.	MOD: 3.3 Administrations* shall determine by mutual agreement which international routes are to be used. Pending agreement <del>and provided that there is no direct route existing between the terminal administrations concerned,</del> 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. <i>Source TD 21 Rev.1.</i>	The United States does not agree to this MOD. It is not appropriate in a competitive environment, where companies need flexibility to choose the most efficient route for their traffic.
64		MOD: 3.3 <u>Member States Administrations*</u> shall <u>have the power to</u> determine <u>by mutual agreement</u> which <u>national international</u> routes are to be used <u>for the management of international communications.</u> <del>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.</del> <i>Source C 34 (Global Voice Group).</i>	This proposal is highly confusing as it has two interpretations: either (a) Member States will have power to determine which of their own national routes are to be used for the management of international communications, which is of course inherent in sovereignty and thus this proposal is unnecessary; or (b) Member States will have such power over other Member States' national routes, which is contrary to the purpose of the ITRs expressed in the Preamble recognizing the sovereign right of each country to regulate its telecommunications. In any case, the proposed edits would encroach on Member States' sovereign right to regulate their telecommunications, as recognized in the Preamble to the Constitution.
65		SUP: 3.3. <i>Source C 28 (USA) and C 35 (CEPT).</i>	United States proposal, see <u>C 28 (USA)</u>

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
66	<p>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.</p>	<p>MOD: 3.4 <u>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.</u> <del>Subject to national law, any user, by having access to the international network established by an administration*, has the right to send traffic.</del> A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant <u>ECITITU-T</u> Recommendations. <i>Source TD 21 Rev.1.</i></p>	<p>The United States does not agree with this MOD. The proposed edits would encroach on a Member States' sovereign right to regulate their telecommunications, as recognized in the Preamble to the Constitution.</p>
67		<p>MOD: 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 <u>ECITITU-T</u> Recommendations. <u>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.</u> <i>Source: C 16 (SG3RG-AFR), Opinion 6 WTPF</i></p>	<p>The text added after "ITU-T Recommendations" is not necessary, as ITR Article 1.6 already provides that "administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations."</p>

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
68		MOD: 3.4 Subject to national law, any user, by having access to the international network established by an administration <sup>*</sup> <u>ROA</u> , has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant <del>CEPT</del> <u>ITU-T</u> Recommendations. <i>Source C 28 (USA).</i>	United States proposal see <u>C 28 (USA)</u>
69		SUP: 3.4. <i>Source C 35 (CEPT).</i>	The United States has no comment at this time.
70		ADD: New 3.5 Member States shall ensure that administrations, recognized operating agencies, and operating agencies which operate in their territory and provide international telecommunications services offered to the public apply the ITU-T Resolutions and Recommendations relating to naming, numbering, addressing and identification. <i>Source C 16 (SG3RG-<u>AFR</u>), Opinion 6 WTPF</i>	The United States does not agree with this text as it dictates application of ITU-T Recommendations and Resolutions and interfere with commercial network management. In addition, this proposal appears to give recommendations the same legal status as provisions of the ITRs, and is contrary to ITR Article 1.4. ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T recommendations].”
71		ADD: New 3.6 International calling party number delivery shall be provided taking into account/in accordance with relevant ITU-T Recommendations. <i>Source TD 21 Rev.1.</i>	The United States believes that this text is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.” Networks, signaling systems, and national numbering plans are not managed, designed, or built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate.

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
72		ADD: New 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations, to the greatest extent practicable. <i>Source C 16 (SG3RG-AFR) and C 27 (SG3RG-AO)</i>	The United States believes that this ADD is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.” Networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate
73		ADD: New 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations, to the greatest extent practicable. Member States may provide for data privacy by authorizing the masking of information other than the country code and national destination code, but that masked information shall be made available to duly authorized law enforcement agencies. <i>Source C 25 (SG3RG-LAC).</i>	The United States believes that this ADD is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.” Networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate.
74		ADD: New 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations, to the greatest extent practicable. Member States may provide for data privacy by authorizing the masking of information other than the country code and national destination code. <i>Source: C 30 (UAE).</i>	The United States believes that this proposal is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.” Networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. Data privacy is outside the scope of the ITU’s mandate from a national legal, policy, and regulatory perspective.

	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
75		<p>ADD: New 3.7 Member States shall ensure that international naming, numbering, addressing and identification resources are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used. The provisions of the relevant ITU-T Recommendations shall be applied. <i>Source C 25 (LAC) and C 30 (UAE).</i></p>	<p>The United States believes that this proposal is not necessary, as ITR Article 1.6 already provides that “administrations should comply with, to the greatest extent practicable, the relevant [ITU-T] recommendations.” The issue of misuse is being studied in ITU-T Study Group 2 and that work has shown that the term misuse has different connotations and that developing a solution to the problems encountered involves complex technical issues. Therefore, this issue should not be included in the ITRs, where precision of language is essential, but should continue to be studied in the ITU-T and addressed nationally by Member States. In addition, networks, signaling systems, and national numbering plans are not managed, designed nor built the same way. Operators need the flexibility to manage their own networks and apply Recommendations as appropriate. Data privacy is outside the scope of the ITU’s mandate from a national legal, policy, and regulatory perspective.</p>
76		<p>ADD: 3.8 new article regarding Internet address allocation distribution. Text to be defined. <i>Source: C 40 (Russian Federation)</i></p>	<p>The United States reserves its right to provide further text once draft text on the issue listed is provided. We note that a system already exists for allocation and assignment of Internet Protocol (IP) addresses, and that this function is performed by entities in the Internet technical community.</p>
77	<p><b>Article 4</b> <b>International Telecommunication Services</b> 4.1 Members shall promote the implementation of international telecommunication services and shall endeavour to make such services generally available to the public in their national network(s).</p>	<p>MOD: 4.1 Member States shall promote the implementation of international telecommunication services and shall endeavour to make such services generally available to the public in their national network(s). <i>Source TD 21 Rev.1.</i></p>	<p>The United States proposes the same change, see <b>C 28 (USA)</b></p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
78		MOD: 4.1 Members <del>States</del> shall, <u>to the greatest extent practicable, establish policies to</u> promote the <u>development implementation</u> of international telecommunication services <del>that are and shall endeavour to make such services</del> generally available to the public <del>in their national network</del> <del>(s)</del> . Source <u>C 28 (USA)</u> .	United States proposal, see <u>C 28 (USA)</u>
79	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.	MOD: 4.2 Member- <del>s</del> <del>States</del> 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 <del>ITU-TCITT</del> Recommendations. Source <i>TD 21 Rev.1</i> .	The United States proposes the same change, see <u>C 28 (USA)</u>
80		MOD: 4.2 Member- <del>s</del> <del>States</del> shall <u>encourage ensure that</u> administrations* <del>ROAs to</del> 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 <del>ITU-T CCITT</del> Recommendations. Source <u>C 28 (USA)</u> .	United States proposal, see <u>C 28 (USA)</u>
81		SUP: 4.2. Source <i>C 35 (CEPT)</i> .	The United States has no comment at this time.
82		ADD: text of CS 186-189A. Source <i>C 31 (UAE)</i>	The proposed revision is unnecessary because ITRs are already subject to the CV provisions that are listed here. The General Provisions Relating to Telecommunications in CS Chapter VI (CS179-193) inform the supplication of both the ITRs and the Radio Regulations. We support retaining these provisions in the CS and do not support transferring them to or duplicating them in the ITRs.

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
83	4.3 Subject to national law, Members shall endeavour to ensure that administrations* provide and maintain, to the greatest extent practicable, a minimum quality of service corresponding to the relevant CCITT Recommendations with respect to:	MOD: 4.3 Subject to national law, Member- <del>s</del> <u>States</u> shall endeavour to ensure that administrations* provide and maintain, to the greatest extent practicable, a minimum quality of service corresponding to the relevant <u>ITU-T <del>CCITT</del></u> Recommendations with respect to: ... . <i>Source TD 21 Rev.1.</i>	The United States proposes the same change, see <u>C 28 (USA)</u>
84		MOD: 4.3 Subject to national law, Member- <del>s</del> <u>States</u> shall endeavour to ensure that <u>ROAs administrations*</u> provide and maintain, to the greatest extent practicable, a <u>satisfactory minimum</u> quality of service corresponding to the relevant <u>ITU-T <del>CCITT</del></u> Recommendations with respect to: <i>Source <u>C 28 (USA)</u>.</i>	United States proposal, see <u>C 28 (USA)</u>
85	4.3 a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel;	MOD 4.3a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel; <u>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.</u> <i>Source Opinion 6 WTPF</i>	The United States believes that this MOD is not necessary. The proposed language does not make sense in the context of the original text of 4.3 a) which concerns harm to the network caused by “terminals.” In addition, this text suggests that the ITU has a role in content related issues. We do not believe it does.
86	4.3 b) international telecommunication facilities and services available to customers for their dedicated use;		The United States has no comment at this time.

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
87	4.3 c) at least a form of telecommunication which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and		The United States has no comment at this time.
88	4.3 d) a capability for interworking between different services, as appropriate, to facilitate international communications.	MOD: 4.3 d) a capability for interworking between different services, as appropriate, to facilitate international communications <u>services</u> . Source <b>C 28 (USA)</b> .	The United States proposal, see <b>C 28 (USA)</b>
89	<p style="text-align: center;"><b>Article 5</b> <b>Safety of Life and Priority of Telecommunication</b></p> <p>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.</p>	MOD: 5.1 Safety of life telecommunications, <u>such as including distress telecommunications, emergency telecommunication services and telecommunications for disaster relief</u> , 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 <u>Constitution and</u> Convention and taking due account of/in accordance with relevant <u>ITU[-T] CCITT [Resolutions and]</u> Recommendations. Source <i>TD 21 Rev.1</i> .	The priority of safety of life telecommunications is established in all the instruments of the Union. Distress (emergency), urgency, and safety communications are recognized as safety of life telecommunications. The United States opposes expanding the definition of safety of life telecommunication to include the broad category of telecommunications for disaster relief. While the United States recognizes that telecommunications are critical to disaster relief, not all disaster relief communications concern safety of life. Those that do are covered within the current definition. Furthermore, such a change to the definition of safety of life telecommunications in the ITRs could have implications for other instruments of the Union, particularly the Radio Regulations.
90		MOD: 5.1 <u>Member States shall adopt policies that, to the greatest extent practicable, ensure that</u> <del>s</del> Safety of life telecommunications, such as distress telecommunications, <u>are shall be</u> 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 <u>Constitution and</u> Convention and taking due account of relevant <u>CCITT ITU-T</u> Recommendations..Source <b>C 28 (USA)</b> .	United States proposal, see <b>C 28 (USA)</b>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
91	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.	MOD: 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 <u>Constitution and</u> Convention and taking due account of relevant <del>CCITT</del> <u>ITU-T</u> Recommendations. . Source <u>C 28 (USA)</u> .	United States proposal, see <u>C 28 (USA)</u>
92		SUP: 5.2. Source C 35 (CEPT).	The United States has no comment at this time.
93	5.3 The provisions governing the priority enjoyed by all other telecommunications are contained in the relevant CCITT Recommendations.	MOD: 5.3 The provisions governing the priority enjoyed by <u>any aH</u> other telecommunications <u>services</u> are contained in the relevant <del>CCITT</del> <u>ITU-T</u> Recommendations. Source TD 21 Rev.1., <u>C 28 (USA)</u> .	United States proposal, see <u>C 28 (USA)</u>
94		SUP: 5.3. Source C 35 (CEPT)	The United States has no comment at this time
95		ADD: New 5.4 Notwithstanding the provisions of Art.1, §1.4 and §1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, §1.3; in Art.3, §3.3.; and taking into account Art.3, §3.1, Member States shall encourage administrations, recognized operating agencies, and operating agencies which operate in their territory and provide international telecommunications services offered to the public, to apply the ITU-T Recommendations relating to safety of life, priority telecommunications, disaster recovery and emergency telecommunications, including any Instructions forming part of, or derived from, said Recommendations. Source TD 21 Rev.1.	The United States believes that the ADD is not necessary, as ITR Articles 1.6 and 5.2 already cover this issue. If the intent of the proposal is to give greater status to certain recommendations, we disagree with the proposal.

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
96		ADD 5.5 new article regarding absence of unified emergency number. Text to be defined. <i>Source: C 40 (Russian Federation)</i>	The United States reserves its position until the text is defined. We note that ITU-T Study Group 2 has already addressed the issue of suggested possible emergency codes in ITU-T Recommendation E.161. The studies conducted in SG2 have proven that “harmonization” or “unification” is not feasible, and the choice of emergency numbers is a national and/or regional matter.
97		ADD 5.6: new article regarding emergency notification. Text to be defined. <i>Source: C 40 (Russian Federation)</i>	The United States reserves its position until the text is defined and would like to better understand what is meant by “emergency notification.” Numbering systems are different around the world. Countries have adopted national and regional emergency numbers, policies, regulations, and national outreach programs.
98	<p style="text-align: center;"><b>Article 6</b></p> <p style="text-align: center;"><b>Charging and Accounting</b></p> <p>6.1 <i>Collection charges</i></p> <p>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.</p>	<p>SUP: 6.1.1 <i>Source: C 16 (SG3RG-AFR), C 27 (SG3RG-AO), C 24 (SG3RG-LAC), C35 (CEPT)</i></p> <p>SG3RG-AFR proposes that all articles of the ITRs that deal with accounting be deleted, <b>provided</b> that appropriate articles are added to ensure that Member States implement national legislation that ensures that operators transmit calling party identification. Further, it is essential to ensure that small operators in developing countries are protected against abuse of significant market power by major international operators, so a new article to this effect would have to be adopted. <b>Thus a new article 6.7 forms an integral part of this proposal.</b> <i>Source: C 16 (SG3RG-AFR)</i></p>	<p>The United States reserves its right to provide further text once draft text on the issues listed is provided. Provisions concerning market power would result in detailed regulatory provisions, in contravention of PP Resolution 171 (Guadalajara). Market power determinations are made by national authorities with the expertise to undertake a competent analysis of competition issues.</p>

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
99		<p>MOD: <b><u>International Telecommunication Service Arrangements Charging and Accounting</u></b></p> <p>MOD: 6.1 <i>Collection charges</i></p> <p>6.1.1—Each administration<sup>*</sup> 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. <u>Subject to applicable national law, the terms and conditions of arrangements between ROAs for the provision of international telecommunication services shall be subject to mutual commercial agreement.</u> <i>Source: C 28 (USA)</i></p>	<p>United States proposal,, see <b>C 28 (USA)</b></p>
100		<p>MOD: <b><u>Pricing Charging and Accounting</u></b></p> <p>MOD: 6.1.1 Each <del>administration<sup>*</sup></del> ROA shall, subject to applicable national law, establish the <u>collection</u> charges to be <u>offered to</u> <del>collected from</del> its customers. The level of the charges is a national matter; <u>and as such could be regulated by the Member State in line with the principles in these Regulations .</u> <del>great a dissymmetry between the charges applicable in each direction of the same relation.</del> <i>Source C 34 (Global Voice Group)</i></p>	<p>The United States believes that this MOD is not necessary, because the CS Preamble contains text recognizing “the sovereign right of each country to regulate its telecommunications.” We also note that many national regulators have removed price regulations in light of increased competition in their domestic and in the international market.</p>
101		<p>MOD: 6.1.1 Each administration<sup>*</sup> <u>and operating agency</u> [shall/<u>could</u>], subject to applicable national law ... <i>Source TD 21 Rev.1.</i></p>	<p>These detailed regulatory provisions are counterproductive in today’s competitive communications market.</p>

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
102	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.	MOD: 6.1.2 The charge levied by an administration* <u>or operating agency</u> on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that administration <u>or operating agency</u> . <i>Source: ?fourth meeting?</i>	These detailed regulatory provisions are counterproductive in today's competitive communications market.
103		SUP: 6.1.2. <i>Source: C 16 (SG3RG-AFR), C 27 (SG3RG-AO), C 24 (SG3RG-LAC), C 28 (USA), C 34 (Global Voice Group), C35 (CEPT)</i>	United States proposal, see: <b>C 28 (USA)</b>
104	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: 6.1.3 <del>Where in accordance with the national law of a country, a Countries are fee to levy fiscal taxes on is levied on collection charges for</del> international telecommunication services <u>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.</u> <i>Source: C 18 (SG3RG-AFR), C 24 (SG3RG-LAC), C 27 (SG3RG-AO), and C 32 (Brazil)</i>	The United States does not agree with language that would expand the scope of Article 6.1.3. Also, it is not clear what is intended by the term "double taxation."
105		MOD: 6.1.3 Article 6.1.3 of the International Telecommunications Regulations should be clarified and should stipulate that administrations shall not apply taxes to incoming international calls, so as to avoid double taxation. <i>Source: C 26 Rev. 1 (GSMA)</i>	It is not clear what is intended by the term "double taxation."
106		MOD: 6.1.3 Member States to only collect fiscal taxes in respect of international services billed to customers in that country. <i>Source: C 20 (CEPT)</i>	The United States has no comment at this time.

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
107		<p>MOD: <del>6.1.3</del> <u>6.2</u> 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.</p> <p><u>ADD: 6.2.1 Where an ROA has a duty or fiscal tax levied on its share of charges for providing international telecommunication services or other remunerations, it shall not in turn impose any such duty or fiscal tax on other ROAs.</u></p> <p><u>ADD: 6.2.2 The payment charges imposed in the debtor country (taxes, clearing charges, commissions, etc.) shall be borne by the debtor. Any such charges imposed in the creditor country, including payment charges imposed by intermediate banks in third countries, shall be borne by the creditor.</u></p> <p>Source: <u>C 28 (USA)</u></p>	United States proposal, see <u>C 28 (USA)</u>
108		SUP: 6.1.3. <i>Source C 34 (Global Voice Group)</i>	The United States supports retaining the text of 6.1.3.

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
10 9	<p>6.2 Accounting rates</p> <p>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.</p>	<p>MOD: 6.2 Accounting, <u>transit and termination</u> rates</p> <p><del>6.2.1</del> For each applicable service in a given relation, administrations* <u>or operating agencies</u> shall by mutual agreement establish and revise accounting, <u>transit and termination</u> rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant <u>ITU-T CCITT</u> Recommendations and relevant cost trends.</p> <p><i>Source TD 21 Rev.1</i></p>	<p>The proposed edits would expand substantially the scope of the charging and accounting provisions of Article 6. These detailed regulatory provisions are counterproductive in today's competitive communications market.</p>
11 0		<p><del>MOD: 6.2. Accounting rates Wholesale prices</del></p> <p><del>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.</del></p> <p><i>Source C 34 (Global Voice Group)</i></p>	<p>The United States believes that this MOD is not necessary, because the CS Preamble contains text recognizing "the sovereign right of each country to regulate its telecommunications."</p>

\*-or recognized private operating agency(ies)

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
111		SUP: 6.2 and 6.2.1. <i>Source: C 16 (SG3RG-AFR), C 27 (SG3RG-AO), C 24 (SG3RG-LAC), C 28 (USA), C35 (CEPT)</i>	United States proposal, see <b>C 28 (USA)</b>
112	<p>6.3 <i>Monetary unit</i></p> <p>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:</p> <p>- either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;</p> <p>- or the gold franc, equivalent to 1/3.061 SDR.</p>	<p>MOD: <del>6.3.1</del> In the absence of special arrangements concluded between administrations* <u>or operating agencies</u>, 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:</p> <p>- either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;</p> <p>- <u>or freely convertible currencies or other currencies agreed by debtors and creditors or the gold franc, equivalent to 1/3.061SDR.</u> <i>Source TD 21 Rev.1.</i></p>	This proposal introduces new terminology that is not defined in the ITRs (e.g., debtor and creditor) and would thus increase the ambiguity of this provision.
113		SUP: 6.3 and 6.3.1. <i>Source: C 16 (SG3RG-AFR), C 24 (SG3RG-LAC), C 27 (SG3RG-AO), <b>C 28 (USA)</b>, C 34 (Global Voice Group), C35 (CEPT)</i>	United States proposal, see: <b>C 28 (USA)</b> ,
114	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.	SUP: 6.3.2. <i>Source: C 16 (SG3RG-AFR), C 24 (SG3RG-LAC), C 27 (SG3RG-AO), <b>C 28 (USA)</b>, C 34 (Global Voice Group), C 35 (CEPT), TD 21 Rev.1.</i>	United States proposal, see: <b>C 28 (USA)</b> ,

\*~~or recognized private operating agency(ies)~~

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
115	<p>6.4 <i>Establishment of accounts and settlement of balances of account</i></p> <p>6.4.1 Unless otherwise agreed, administrations* shall follow the relevant provisions as set out in Appendices 1 and 2.</p>	<p>MOD: <del>6.4.1</del> Unless otherwise agreed, administrations* <u>or operating agencies</u> shall <u>apply follow</u> the relevant provisions as set out in Appendices 1 and 2. <i>Source TD 21 Rev.1.</i></p> <p>SUP: 6.4 and 6.4.1. <i>Source: C 16 (SG3RG-AFR), C 24 (SG3RG-LAC), C 27 (SG3RG-AO), C 28 (USA) C 34 (Global Voice Group), C35 (CEPT)</i></p>	<p>The United States proposed to suppress Appendices 1 and 2 and consequently Articles 6.4 and 6.4.1. The United States is now reviewing Appendix 2. Any changes to that Appendix may require corresponding changes to Article 6.4.1</p>
116		<p>SUP: 6.4 and 6.4.1. <i>Source: C 16 (SG3RG-AFR), C 24 (SG3RG-LAC), C 27 (SG3RG-AO), C 28 (USA) C 34 (Global Voice Group), C35 (CEPT)</i></p>	<p>United States proposal, see: <b>C 28 (USA)</b></p>
117		<p>MOD [6.4]: align with CV 497, 498. <i>Source C 31 (UAE)</i></p>	<p>The United States proposes to SUP.</p>
118	<p>6.5 <i>Service and privilege telecommunications</i></p> <p>6.5.1 Administrations* shall follow the relevant provisions as set out in Appendix 3.</p>	<p>MOD: <del>6.5.1</del> Administrations* <u>and operating agencies</u> shall <u>apply follow</u> the relevant provisions as set out in Appendix 3. <i>Source TD 21 Rev.1.</i></p>	<p>The United States does not support expanding the scope of this provision to include “operating agencies.”</p>
119		<p>SUP: 6.5.1. <i>Source: C 16 (SG3RG-AFR), C 24 (SG3RG-LAC), C 27 (SG3RG-AO), C35 (CEPT)</i></p>	<p>The United States has no comment at this time.</p>
120		<p>MOD: <del>6.5.3</del> <i>Service and privilege telecommunications</i></p> <p>MOD: <del>6.5.3.1</del> Administrations* <u>ROAs</u> shall follow the relevant provisions as set out in the Appendix.</p> <p><i>Source: C 28 (USA)</i></p>	<p>United States proposal, see: <b>C 28 (USA)</b></p>

\*-or recognized private operating agency(ies)

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
121		<p>ADD: New 6.6 Notwithstanding the provisions of Art.1, §1.4 and §1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, §1.3; in Art.3, §3.3.; and taking into account Art.3, §3.1, Members States shall, as appropriate, encourage administrations, recognized operating agencies, and private operating agencies which operate in their territory and provide international telecommunications services offered to the public, to apply the ITU-T Recommendations relating to charging and accounting and alternate calling procedures, including any Instructions forming part of, or derived from, said Recommendations. <i>Source TD 21 Rev.1.</i></p>	<p>The United States believes this ADD is unnecessary, in light of Article 1.6. Moreover, adding the term “private operating agencies” would expand the scope of recommendations already adopted by the ITU-T.</p>
122		<p>ADD: New 6.7: Member States shall ensure that each party in a negotiation or agreement related to or arising out of international connectivity matters including those for the Internet will have standing to have recourse to the competition authorities of the other party's country. <i>Source: C 16 (SG3RG-AFR), C 27 (SG3RG-AO)</i></p>	<p>The United States believes this ADD is unnecessary and outside the scope of the ITU’s mandate. The proposed text would dictate the jurisdiction and procedures of sovereign nations’ competition authorities, and thus would be outside the scope of the ITRs.</p>
123		<p>ADD New 6.8 When evaluating significant market power and its abuse, national competition authorities should also take into account international market share and international market power. <i>Source: C 27(SG3RG-AO)</i></p>	<p>The ITRs should not constrain the ability of national regulatory authorities to undertake analysis based upon national policy and law, taking into account national market conditions. In addition, the proposed language conflicts with the important principle stated in the Preamble to the ITRs that “the sovereign right of each country to regulate its telecommunications is fully recognized.”</p>

	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
124		ADD New 6.9 Member States shall take measures to ensure that foreign creditors for telecommunications accounts can obtain payment quickly and efficiently. <i>Source C 27 (SG3RG-AO).</i>	This proposal addresses issues that are already addressed in several ITU-T Recommendations. We believe that this ADD also is inconsistent with PP Resolution 171 (Guadalajara) which provides that the ITRs should contain "strategic and policy principles" and be "of relevance to be included in an international treaty." We do not believe this text conforms to that requirement.

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
125		<p>MOD: article 6 to be replaced as follows. <i>Source: C 25 (SG3RG-LAC)</i></p> <p style="text-align: center;"><b>6. Economic and policy issues</b></p> <p>1. Member States shall ensure transparency with respect to retail and wholesale prices, costs, and quality of service.</p> <p>2. Member States should foster continued investment in high-bandwidth infrastructures.</p> <p>3. Member States shall [take measures to] ensure that prices are oriented on costs. Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms.</p> <p>4. Member States shall take measures to ensure that an adequate return is provided on investments in network infrastructures. If this cannot be achieved through market mechanisms, then other mechanisms may be used.</p> <p>5. Member States shall [take measures to] ensure that fair compensation is received for carried traffic (e.g. interconnection or termination). Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms.</p> <p>6. The right to create universal service funds or universal service obligations is reserved.</p> <p>[7. new article on taxation to be inserted there. Text to be supplied.]</p> <p><i>Source: C 25 (SG3RG-LAC); for 6.5 also C 27 (SG3RG-AO)</i></p>	<p>The United States reserves its right to provide further text once draft text on the issues listed is provided. In accordance with PP Resolution 171 (Guadalajara), the ITRs should contain “strategic and policy principles” and be “of relevance to be included in an international treaty.” This proposal would add several new issues to the ITRs and would result in detailed legal, policy, and regulatory provisions that should be the province of national regulators and policy-makers in some cases, and in other cases are outside the competence of the ITU.</p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
126		<p>ADD: new articles regarding:</p> <ul style="list-style-type: none"> <li>- Determination of basic principles and structure of tariff formation/establishment. Determination of tariff limits.</li> <li>- Roaming tariffs.</li> <li>- International roaming and traffic taxation</li> <li>- Non-transparency and complexity of roaming tariffs for customers.</li> <li>- Non-transparency and complexity of additional paid service tariffs.</li> </ul> <p>Text to be defined. <i>Source: C 40 (Russian Federation)</i></p>	<p>The United States reserves its right to comment on specific text once provided. We note, however, that at least some of the topics listed are the province of national regulators and appear to be outside the scope of the ITRs as established in PP Resolution 171 (Guadalajara).</p>
127		<p>ADD: provisions regarding accounting rates for calls terminating on mobile networks and transiting via the fixed network. Text to be supplied. <i>Source TD 21 Rev.1</i></p>	<p>The United States reserves its right to comment on specific text, if provided. The proposed edits would expand substantially the scope of the charging and accounting provisions of Article 6. The UNITED STATES is of the view that those detailed regulatory provisions are counterproductive in today's competitive market.</p>
128		<p>ADD: provisions for settlement of disputes between international operators. <i>Source Opinion 6 WTPF</i></p>	<p>The United States reserves its right to comment on specific text, if provided. The intent of this "addition" expands the scope of the ITU and interferes with commercial operational matters</p>
129		<p>ADD: CV 496, 497, 498, 499, 500, 501, 502 503, 504, 505, 506. <i>Source C 31 (UAE)</i>.</p>	<p>The proposed ADD is unnecessary because ITU Member States are already subject to the CV provisions that are listed here.</p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
130	<p align="center"><b>Article 7</b> <b>Suspension of Services</b></p> <p>7.1 If a Member exercises its right in accordance with the Convention to suspend international telecommunication services partially or totally, that Member shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.</p>	<p>MOD: 7.1 If a Member <b>State</b> exercises its right in accordance with the <b>Constitution and</b> Convention to suspend international telecommunication services partially or totally, that Member <b>States</b> shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication. <i>Source TD 21 Rev.1 and C 28 (USA)</i></p> <p>Review and align with Art 35 of CV. <i>Source C 35 (CEPT)</i></p> <p>Maintain. ITRs should be self-contained instrument. <i>Source C 31 (UAE)</i></p>	<p>United States proposal, see <b>C 28 (USA)</b></p> <p>The United States has no comment on the CEPT proposal at this time.</p> <p>The United States does not support the UAE proposal to move articles out of the CS/CV and into this treaty. The CS/CV is a standalone treaty, and its provisions are integral in its entirety. Moving articles out of the CS/CV destabilizes its integrity.</p>
131	<p>7.2 The Secretary-General shall immediately bring such information to the attention of all other Members, using the most appropriate means of communication.</p>	<p>MOD: 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members <b>States</b>, using the most appropriate means of communication. <i>Source TD 21 Rev.1 and C 28 (USA)</i></p> <p>Review and align with Art 35 of CV. <i>Source C 35 (CEPT)</i></p>	<p>United States proposal, see <b>C 28 (USA)</b></p>
132		<p>ADD: CS 180, 181, 182, 183, 184, 185. <i>Source C 31 (UAE).</i></p>	<p>The proposed ADD is unnecessary because ITU Member States are already subject to the CS provisions that are listed here. The General Provisions Relating to Telecommunications in CS Chapter VI (CS179-193) inform the application of both the ITRs and the Radio Regulations. We support retaining these provisions in the CS and do not support transferring or duplicating them in the ITRs.</p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
13 3	<p align="center"><b>Article 8</b></p> <p align="center"><b>Dissemination of Information</b></p> <p>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.</p>	<p>MOD: 8 <del>Dissemination of Information Security of telecommunication facilities and services: Quality of telecommunication services</del> <i>Source C 9 (Russian Federation)</i></p> <p>Maintain so that ITRs is self-contained. <i>Source C 31 (UAE)</i></p>	<p>The United States reserves its right to comment on specific text once provided.</p> <p>The United States does not support the UAE proposal; it is inconsistent with CV #29-32.</p>
134		SUP: 8 <i>TD 21 Rev.1.</i>	The United States has no comment at this time.
13 5		<p>MOD: 8 Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by administrations, of an <del>administrative, operational tariff or a</del> statistical nature concerning international telecommunication <del>routes and</del> services. Such information shall be disseminated in accordance with the relevant provisions of the <del>Constitution and</del> Convention and of this Article, on the basis of decisions taken by the <del>Administrative</del> Council or by <del>relevant competent administrative</del> conferences, and taking account of conclusions or decisions of Plenary Assemblies of the International Consultative Committees. <i>Source C 28 (USA).</i></p>	United States proposal, see <b>C 28 (USA)</b>

	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
<b>13 6</b>		SUP: 8. <i>Source: C 35 (CEPT) and TD 21 Rev.1</i>	The United States has no comment at this time.
<b>13 7</b>		ADD: 8.1 new article regarding personal data protection. Text to be defined. <i>Source: C 40 (Russian Federation)</i>	The United States reserves its right to comment on specific text once provided.
<b>13 8</b>		ADD: 8.2 new article regarding targeted cyber attacks, online crimes. Text to be defined. <i>Source: C 40 (Russian Federation)</i>	A treaty on International Telecommunications Regulations should not include provisions on the content of communications over telecommunications facilities (content), provisions related to criminal aspects (cybercrime), or provisions on national defense/national security. (See PP Res 130). We reserve our right to provide further comments once draft text on the issues listed is provided.
<b>13 9</b>		ADD 8.3 new article regarding misuse of international resources of naming, numbering, addresses and identification. Text to be defined. <i>Source: C 40 (Russian Federation)</i>	The United States reserves its right to comment on specific text once provided.
<b>14 0</b>		ADD 8.4 new article regarding absence of identification of the origin of traffic/caller. Text to be defined. <i>Source: C 40 (Russian Federation)</i>	The United States reserves its right to comment on specific text once provided.
<b>14 1</b>		ADD CS 190. <i>Source C 31 (UAE).</i>	The proposed revision is unnecessary because the ITRs are already subject to the CS provision that is listed here. . The General Provisions Relating to Telecommunications in CS Chapter VI (CS179-193) inform the application of both the ITRs and the Radio Regulations. We support retaining these provisions in the CS and do not support transferring or duplicating them in the ITRs.

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
142	<p align="center"><b>Article 9</b></p> <p align="center"><b>Special Arrangements</b></p> <p>9.1 a) Pursuant to Article 31 (Nairobi, 1982), special arrangements may be entered into on telecommunication matters which do not concern Members in general. Subject to national laws, Members may allow administrations* or other organizations or persons to enter into such special mutual arrangements with Members, administrations or other organizations or persons that are so allowed in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Members concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.</p> <p>[Article 31 of the ITU Convention (Nairobi, 1982) (replaced by Article 42, no. 193, of the present Constitution) stated the following: Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special arrangements on telecommunication matters which do not concern Member States in general. Such arrangements, however, shall not be in conflict with the terms of this Convention or of the Administrative Regulations annexed thereto, so far as concerns the harmful interference which their operation might be likely to cause to the radio services of other countries.]</p>	<p>MOD: 9.1 a) <del>Pursuant to Article 31 (Nairobi, 1982)</del> Pursuant to Article 42 of the Constitution, special arrangements ... <i>Source TD 21 Rev.1.</i></p> <p>Maintain so that ITRs is self-contained. <i>Source C 31 (UAE)</i></p> <p>Review. In the current international telecommunications environment the special arrangements described in Article 9 now represent the normal means of providing and operating international telecommunication services. Certain parts of this text could conflict with commitments made under the Fourth Protocol of the WTO Agreement. Is the appellation 'special arrangements' still appropriate? Does it conflict with WTO obligations or Article 42 of the CV? <i>Source C 35 (CEPT)</i></p>	<p>The United States supports this editorial change.</p> <p>The United States does not support the UAE proposal; it is inconsistent with CV #29-32.</p> <p>See United States proposed new Article 1.9</p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
143		MOD: 9.1 a) Pursuant to Article 31 (Nairobi, 1982), special arrangements may be entered into on telecommunication matters which do not concern Members in general. Subject to national laws, Members may allow administrations <sup>*</sup> /ROAs or other organizations or persons ... <i>Source: C 28 (USA)</i>	United States proposal, see <b>C 28 (USA)</b>
144	b) Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries.	MOD: 9.1 b) Any such special arrangements <del>should</del> shall avoid technical harm to the operation of the telecommunication facilities of third countries. <i>Source TD 21 Rev.1.</i>	The United States does not support changing from “should” to “shall” as proposed in this MOD. It cannot be guaranteed that a special arrangement will avoid technical harm; thus, we cannot agree to “shall.” We agree that technical harm to all telecommunication facilities should be avoided, but instances of force majeure may overtake the ability of an entity to avoid some technical harm. See Article 189(a) of the Constitution.
145		MOD: 9.1 b) Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities <del>of third countries</del> . <i>Source: C 28 (USA)</i>	United States proposal, see <b>C 28 (USA)</b>
146		MOD: 9.1 b) Any such special arrangements should avoid <del>financial and/or</del> technical harm to the operation of the telecommunication facilities of third countries. <i>Source: Opinion 6 WTPF</i>	The United States does not agree to the inclusion of “financial” harm as it is ambiguous and outside the scope of the ITRs. If the intent of the proposed MOD is to avoid an impact on the revenues of recognized operating agencies, we would oppose the proposal. The ITRs should not protect the revenues of any entity or interfere with competitive market forces.

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

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
147	<p>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.</p>	<p>MOD:9.2 <del>Members</del> <u>Member States</u> should, where appropriate, encourage the parties to any special arrangements that are made pursuant to <u>9.1 above No. 58(9.1)</u> to take into account relevant provisions of <u>ITU-T CCITT</u> Recommendations. <i>Source TD 21 Rev.1.</i></p> <p>Review. In the current international telecommunications environment the special arrangements described in Article 9 now represent the normal means of providing and operating international telecommunication services. Certain parts of this text could conflict with commitments made under the Fourth Protocol of the WTO Agreement. Is the appellation 'special arrangements' still appropriate? Does it conflict with WTO obligations or Article 42 of the CV? <i>Source C 35 (CEPT)</i></p>	<p>The United States supports this editorial change.</p> <p>See United State -proposed new Article 1.9</p>
148		<p>MOD: 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 <u>ITU-T CCITT</u> Recommendations. <i>Source: C 28 (USA)</i></p>	<p>United States proposal, see: <u>C 28 (USA)</u></p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
149		<p>ADD: new articles on cybersecurity and cybercrime based on 12 (a) and 12 (b) of the Geneva Plan of action, for example:</p> <p>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.</p> <p>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.</p> <p><i>Source: C 27 (SG3RG-AO)</i></p>	<p>The United States notes that proposals to include cybersecurity are inconsistent with the principles expressed in PP Resolution 130 which provides that core mandate of the ITU does not include aspects of cybersecurity relating to national defense, national security, content and cybercrime.</p> <p>We are of the view that, in accordance with PP Resolution 171 (Guadalajara), the ITRs should contain “strategic and policy principles” and be “of relevance to be included in an international treaty.” This proposal addresses a detailed regulatory issue in contravention of PP Resolution 171; it also proposes to expand the scope of the ITRs into national policy, legal, and regulatory matters and invokes jurisdictional issues..</p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
150		<p>ADD: new articles on cybersecurity and cybercrime based on 39-42 of the Tunis Agenda, for example:</p> <p>Member States shall cooperate to strengthen security while enhancing the protection of personal information, privacy and data. Member States shall cooperate with other stakeholders to develop necessary legislation for the investigation and prosecution of cybercrime.</p> <p>Member States should cooperate to take actions to counter spam, including through consumer and business education; appropriate legislation, law-enforcement authorities and tools; the <b>continued</b> development of technical and self-regulatory measures; best practices; and international cooperation.</p> <p>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.</p> <p><i>Source: C 27 (SG3RG-AO)</i></p> <p>Countermeasures against spam including phishing and malware. <i>Source Opinion 6 WTPF</i></p>	<p>A treaty on International Telecommunications Regulations should not include provisions on the content of communications over telecommunications facilities (content), provisions related to criminal aspects (cybercrime), or provisions on national defense/national security. (See PP Res 130).</p> <p>The United States does not agree that SPAM should be included in the ITRs. Measures to counter spam are evolving too rapidly to be addressed in a stable document such as a treaty like the ITRs. Advances are made in this area continually and any attempt to address SPAM through the ITRs would be ineffective and would be outdated immediately. The most effective mechanisms for responding to SPAM are technological.</p>
151		<p>ADD: new article. Members States shall ensure transparency of end-user prices, in particular to avoid surprising bills for international services (e.g mobile roaming and data roaming). <i>Source: C 27 (SG3RG-AO)</i></p>	<p>This appears to be a national regulatory matter and therefore is not appropriate for a treaty. We reserve our right to comment when text is provided.</p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
152		ADD: new article. Member States should consider measures to favour special interconnection rates for landlocked countries. <i>Source: C 27 (SG3RG-AO)</i>	The level of charging and accounting rates is addressed in ITU-T study groups and should continue to be addressed at that level and not in the ITRs. The work involves detailed cost analysis and consideration of policy matters that are more appropriately addressed in a study group recommendation than in a treaty.
153		ADD: new articles regarding compliance. Text to be defined. <i>Source: C 39 (Malaysia)</i>	The United States reserves its comments until the text is defined.
154	<p align="center"><b>Article 10</b> <b>Final Provisions</b></p> <p>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.</p>	MOD: 10.1 These <u>revised</u> Regulations, of which Appendices 1, 2 and 3 form integral parts, shall enter into force on <u>INSERT DATE AND TIME 1 July 1990 at 0001</u> hours UTC. <i>Source TD 21 Rev.1.</i>	This entire article is subject to legal review.
155	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.	SUP: 10.2. <i>Source TD 21 Rev.1.</i>	This entire article is subject to legal review.
156	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: 10.3 Align French and English translations, which are at present inconsistent. <i>Source TD 21 Rev.1.</i>	This entire article is subject to legal review.

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	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
157	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.		This entire article is subject to legal review.
158		ADD: The revision of the ITRs in the future may need to be done in a more flexible and timely manner. Text to be supplied. <i>Source TD 21 Rev.1</i>	This entire article is subject to legal review.
159		ADD: new 10.5 A total revision of these Regulations as a whole as well as substantive revisions of individual articles may only be undertaken by a World Conference on International Telecommunications. <i>Source C 24 (SG3RG-LAC)</i>	This entire article is subject to legal review.
160		ADD: new 10.6 Any plenipotentiary conference shall have the power to make editorial changes to individual articles of these Regulations in order to maintain consistency with the Constitution, Convention, Resolutions of the World Telecommunication Standardization Assembly, and/or ITU-T Recommendations. <i>Source C 24 (SG3RG-LAC)</i>	This entire article is subject to legal review.
161		ADD: new 10.7 The plenipotentiary conference shall itself determine whether particular changes to individual articles are editorial. <i>Source C 24 (SG3RG-LAC)</i>	This entire article is subject to legal review.
162		ADD: new 10.8 Plenipotentiary decisions regarding changes to these Regulations shall be taken in accordance with the process for amending the Constitution. <i>Source C 24 (SG3RG-LAC)</i>	This entire article is subject to legal review.

	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
163	IN WITNESS WHEREOF, the delegates of the Members of the International Telecommunication Union named below have, on behalf of their respective competent authorities, signed one copy of the present Final Acts in the Arabic, Chinese, English, French, Russian and Spanish languages. This copy shall remain in the archives of the Union. The Secretary-General shall forward one certified copy to each Member of the International Telecommunication Union. Done at Melbourne, 9 December 1988.	MOD: Done at <u>INSERT PLACE AND DATE Melbourne, 9 December 1988</u> . <i>Source TD 21 Rev.1.</i>	This entire article is subject to legal review.

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
164	<p style="text-align: center;">APPENDIX 1</p> <p><b>General Provisions Concerning Accounting</b></p> <p>1. <i>Accounting rates</i></p> <p>1.1 For each applicable service in a given relation, administrations* shall by mutual agreement establish and revise accounting rates to be applied between them, taking into account the Recommendations of the CCITT and trends in the cost of providing the specific telecommunication service, and shall divide such rates into terminal shares payable to the administrations* of terminal countries, and where appropriate, into transit shares payable to the administrations* of transit countries.</p>	<p>SUP: Appendix 1. <i>Source C 16 (SG3RG-AFR), C 25 (SG3RG-LAC), C 27 (SG3RG-AO), C 28 (USA) and C 34 (Global Voice Group), C 35 (CEPT)</i></p> <p>Obsolete provision. <i>Source C 34 (Global Voice Group)</i></p> <p>It is inappropriate for Member States in an international treaty to make commitments which dictate the detail of how private operators conduct their commercial activities with operators in other countries in the current liberalised and competitive international telecommunications market. However, this does not prevent other Member States imposing such rules on a national basis if they so choose. CEPT recognises that Art. 37 and 38 of the CV anticipate that the 'Administrative Regulations' will contain certain provisions relating to accounting and the monetary unit to be used. However, the ITU basic Instruments themselves are due to be reviewed shortly and in CEPT's view the existing Articles in the Convention do not of themselves justify the continuance of Article 6 and Appendices 1&amp;2 of the ITRs, all of which should be deleted. <i>Source C 35 (CEPT)</i></p>	<p>United States proposal, see <b>C 28 (USA)</b></p> <p>The United States proposes same change, see <b>C 28 (USA)</b></p> <p>The United States proposes same change, see <b>C 28 (USA)</b></p>

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
165		<p>MOD: 1.1 For each applicable service in a given relation, administrations* shall by mutual agreement establish and revise accounting rates to be applied between them, taking into account the Recommendations of the <del>CCITT</del> <u>ITU-T</u> 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. <i>Source: TD 21Rev.1</i></p>	The United States proposes to SUP this article
166	<p>1.2 Alternatively, in traffic relations where CCITT cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method:</p> <ul style="list-style-type: none"> <li>• a) administrations* shall establish and revise their terminal and transit shares taking into account the Recommendations of the CCITT;</li> <li>• b) the accounting rate shall be the sum of the terminal shares and any transit shares.</li> </ul>	<p>MOD: 1.2 Alternatively, in traffic relations where <del>CCITT</del> <u>ITU-T</u> cost studies can be used as a basis, the accounting rate may be determined in accordance with the following method:</p> <ul style="list-style-type: none"> <li>• a) administrations* shall establish and revise their terminal and transit shares taking into account the Recommendations of the <del>CCITT</del> <u>ITU-T</u>;</li> <li>b) the accounting rate shall be the sum of the terminal shares and any transit shares.</li> </ul> <p><i>Source: TD 21Rev.1</i></p>	The United States proposes to SUP this article
167	<p>1.3 When one or more administrations* acquire, either by flat rate remuneration or other arrangements, the right to utilize a part of the circuit and/or installations of another administration*, the former have the right to establish their share as mentioned in 1.1 and 1.2 above, for this part of the relation.</p>		The United States proposes to SUP this article

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	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
16 8	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.		The United States proposes to SUP this article
16 9	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.		The United States proposes to SUP this article
17 0	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*.		The United States proposes to SUP this article

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
171	<p>2. <i>Establishment of accounts</i></p> <p>2.1 Unless otherwise agreed, the administrations* responsible for collecting the charges shall establish a monthly account showing all the amounts due and send it to the administrations* concerned.</p>		The United States proposes to SUP this article
17 2	<p>2.2 The accounts shall be sent as promptly as possible and, except in cases of force majeure, before the end of the third month following that to which they relate.</p>	<p>MOD: 2.2 The accounts shall be sent <u>[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.</u> <i>Source TD 21 Rev.1.</i></p>	The United States proposes to SUP this article
17 3	<p>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.</p>		The United States proposes to SUP this article
17 4	<p>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.</p>	<p>MOD: 2.4 However, any administration* has the right to question the contents of an account <u>[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.</u> <i>Source TD 21 Rev.1.</i></p>	The United States proposes to SUP this article

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
17 5	<p>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.</p>	<p>MOD: 2.5 In relations where there are no special agreements, <u>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.</u> <i>Source TD 21 Rev.1.</i></p>	<p>The United States proposes to SUP this article</p>
17 6	<p>2.6 In indirect relations where a transit administration* acts as an accounting intermediary between two terminal points, it shall include accounting data for transit traffic in the relevant outgoing traffic account to administrations* beyond it in the routing sequence as soon as possible after receiving that data from the originating administration*.</p>		<p>The United States proposes to SUP this article</p>

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	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
177	<p>3. <i>Settlement of balances of accounts</i></p> <p>3.1 <i>Choice of the currency of payment</i></p> <p>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.</p>		The United States proposes to SUP this article
17 8	<p>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.</p>		The United States proposes to SUP this article
17 9	<p>3.2 <i>Determination of the amount of payment</i></p> <p>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.</p>		The United States proposes to SUP this article
18 0	<p>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.</p>		The United States proposes to SUP this article

	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
18 1	<p>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.</p>		<p>The United States proposes to SUP this article</p>
18 2	<p>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.</p>		<p>The United States proposes to SUP this article</p>

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
18 3	<p>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:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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.</li> </ul>		The United States proposes to SUP this article
18 4	<p>3.3 <i>Payment of balances</i></p> <p>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.</p>	<p>MOD: 3.3.1 Payment of balances of account shall be effected <u>[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*</u>. <del>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.</del> <i>Source TD 21 Rev.1.</i></p>	The United States proposes to SUP this article

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
18 5	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.		The United States proposes to SUP this article
18 6	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.		The United States proposes to SUP this article
18 7	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.		The United States proposes to SUP this article
18 8	3.4 <i>Additional provisions</i> 3.4.1 Provided the periods of payment are observed, administrations* may by mutual agreement settle their balances of various kinds by offsetting: <ul style="list-style-type: none"> <li>• – credits and debits in their relations with other administrations*; and/or</li> <li>• – debts arising from postal services, if appropriate.</li> </ul>	MOD: 3.4.1 – <u>any other mutually agreed settlements, if appropriate debts arising from postal services, if appropriate.</u> Source TD 21 Rev.1.	The United States proposes to SUP this article

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	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
189	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.		The United States proposes to SUP this article
190	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.		The United States proposes to SUP this article
191	<p style="text-align: center;">APPENDIX 2</p> <p style="text-align: center;"><b>Additional Provisions Relating to Maritime Telecommunications</b></p> <p>1. <i>General</i></p> <p>The provisions contained in Article 6 and Appendix 1, taking into account the relevant CCITT Recommendations, shall also apply to maritime telecommunications in so far as the following provisions do not provide otherwise.</p>	SUP: Appendix 2. Source: <b>C 28 (USA)</b> and C 35 (CEPT)	In C28 the United States proposed to SUP Appendix 2. We no longer propose this. However, we reserve our position as we are reviewing this Appendix in light of recent technological and administrative developments.

	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
192		Review Appendices 1, 2 and 3 of ITRs taking into account/in accordance with relevant D-series Recommendations of ITU-T. <i>Source TD 21 Rev.1.</i>	
193	<p>2. <i>Accounting authority</i></p> <p>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:</p> <ul style="list-style-type: none"> <li>• a) by the administration that has issued the licence; or</li> <li>• b) by a recognized private operating agency; or</li> <li>• c) by any other entity or entities designated for this purpose by the administration referred to in a) above.</li> </ul>		
194	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”.		
195	2.3 References to administration* contained in Article 6 and Appendix 1 shall be read as “accounting authority” when applying the provisions of Article 6 and Appendix 1 to maritime telecommunications.		

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	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
19 6	2.4 Members shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations; the number of such names and addresses shall be limited taking into account the relevant CCITT Recommendations.	MOD: 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 <del>CCITT</del> <u>ITU-T</u> Recommendations. <i>Source TD 21Rev.1</i>	
197	3. <i>Establishment of accounts</i>  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.		
19 8	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.		
199	4. <i>Settlement of balances of account</i>  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.		

	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
200	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.		
201	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.		
202	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.		
203	<p style="text-align: center;">APPENDIX 3</p> <p style="text-align: center;"><b>Service and Privilege Telecommunications</b></p> <p>1. <i>Service telecommunications</i></p> <p>1.1 Administrations* may provide service telecommunications free of charge.</p>	SUP: Appendix 3. <i>Source C 35 (CEPT)</i>	The United States has no comment at this time.

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	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
204		<p>Review Appendices 1, 2 and 3 of ITRs taking into account/in accordance with relevant D-series Recommendations of ITU-T. <i>Source TD 21 Rev.1.</i></p> <p>Some participants stated that it was not appropriate to include material at this level of detail in the ITRs, it should therefore be included ITU-T Recommendations. <i>Source TD 21 Rev.1.</i></p>	The United States has no comment at this time.
205	<p>1.2 Administrations* may in principle forego inclusion of service telecommunications in international accounting, under the relevant provisions of the International Telecommunication Convention and the present Regulations, having due regard for the need for reciprocal arrangements.</p>		The United States has no comment at this time.
206	<p>2. <i>Privilege telecommunications</i></p> <p>Administrations* may provide privilege telecommunications free of charge, and accordingly may forego the inclusion of such classes of telecommunication in international accounting, under the relevant provisions of the International Telecommunication Convention and the present Regulations.</p>	<p>MOD: 2 Administrations* may provide privilege telecommunications free of charge, and accordingly may forego the inclusion of such classes of telecommunication in international accounting, under the relevant provisions of the <del>International Telecommunication Convention</del> <u>Constitution and Convention</u> and the present Regulations. <i>Source TD 21 Rev.1.</i></p>	The United States has no comment at this time.
207	<p>3. <i>Applicable provisions</i></p> <p>The general operational, charging and accounting principles applicable to service and privilege telecommunications should take account of the relevant CCITT Recommendations.</p>	<p>MOD: 3 The general operational, charging and accounting principles applicable to service and privilege telecommunications should take account of the relevant <del>CCITT</del> <u>ITU-T</u> Recommendations. <i>Source TD 21 Rev.1.</i></p>	The United States has no comment at this time.

	1988 Int'l Telecom Regulations	Possible revisions of ITRs	U.S. Comments
	<b>WATTC-88 Resolutions, Recommendations, and Opinion</b>		
<b>208</b>	<b>Resolution No. 1</b> Dissemination of Information Concerning International Telecommunication Services Available to the Public	MOD: text to be provided <i>Source C 8 and C9 (Russian Federation)</i>	The United States reserves its position until the text is provided.
<b>209</b>		SUP: <i>Source TD 6 (ITR-EG)</i>	The United States has no comment at this time.
<b>210</b>	<b>Resolution No. 2</b> Cooperation of the Members of the Union in Implementing the International Telecommunication Regulations	MOD: text to be provided <i>Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)</i>	The United States reserves its position until the text is provided.
<b>211</b>	<b>Resolution No. 3</b> Apportionment of Revenues in Providing International Telecommunication Services	SUP: <i>Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)</i>	The United States reserves its position until the text is provided.
<b>212</b>	<b>Resolution No. 4</b> The Changing Telecommunication Environment	SUP: <i>Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)</i>	The United States reserves its position until the text is provided.
<b>213</b>	<b>Resolution No. 5</b> CCITT and World-Wide Telecommunications Standardization	SUP: <i>Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)</i>	The United States has no comment at this time.
<b>214</b>	<b>Resolution No. 6</b> Continued Availability of Traditional Services	MOD: text to be provided <i>Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)</i>	The United States reserves its position until the text is provided.
<b>215</b>	<b>Resolution No. 7</b> Dissemination of Operational and Service Information Through the General Secretariat	SUP <i>Source C 8 and TD 6 (ITR-EG)</i>	The United States has no comment at this time.
<b>216</b>		MOD: text to be provided <i>Source C 9 (Russian Federation)</i>	The United States reserves its position until the text is provided.
<b>217</b>	<b>Resolution No. 8</b> Instructions of International Telecommunication Services	MOD: text to be provided <i>Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)</i>	The United States reserves its position until the text is provided.

	<b>1988 Int'l Telecom Regulations</b>	<b>Possible revisions of ITRs</b>	<b>U.S. Comments</b>
<b>217</b>	<b>Recommendation No. 1</b> Application to the Radio Regulations of the Provisions of the International Telecommunication Regulations	MOD: text to be provided <i>Source C 8 and C9 (Russian Federation)</i>	The United States reserves its position until the text is provided.
<b>219</b>		SUP : <i>Source TD 6 (ITR-EG)</i>	The United States has no comment at this time.
<b>220</b>	<b>Recommendation No. 2</b> Changes to Definitions Which Also Appear in Annex 2 to the Nairobi Convention	SUP: <i>Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)</i>	The United States has no comment at this time.
<b>221</b>	<b>Recommendation No. 3</b> Expeditious Exchange of Accounts and Settlement Statements	SUP: <i>Source C 8 and C9 (Russian Federation) and TD 6 (ITR-EG)</i>	The United States has no comment at this time.
<b>222</b>	<b>Opinion No. 1</b> Special Telecommunication Arrangements	MOD: text to be supplied <i>Source C 8 and C9 (Russian Federation) ) and TD 6 (ITR-EG)</i>	The United States took a reservation on this opinion.