

PLENARY MEETING

Document 20-E
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Mexico

PROPOSALS FOR THE WORK OF THE CONFERENCE

PREAMBLE

MOD MEX/20/1

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

Reasons: The Administration of Mexico considers it appropriate to harmonize the text with the Preamble to the ITU Constitution, in accordance with inter-American proposal 10 (IAP 10) in Document 10.

ARTICLE 1

Purpose and Scope of the Regulations

MOD MEX/20/2

2 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the

underlying international telecommunication transport means used to provide such services. ~~They also set rules applicable to administrations*.~~

Reasons: Pursuant to the definitions in the Annex to the Constitution, the "administration" is the governmental department or service responsible for discharging the obligations undertaken in the Administrative Regulations, therefore the text indicated should be deleted.

MOD MEX/20/3

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

Reasons: The Administration of Mexico considers it appropriate to systematically replace "Members" by "Member States" in order to harmonize the terminology with that of the ITU Constitution, thus § 1.1 *b*) should be amended as proposed in CITEL's IAP 13.

NOC MEX/20/4

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

Reasons: This provision is deemed to be still valid and should therefore be left unchanged; Mexico supports CITEL proposal IAP 14.

NOC MEX/20/5

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

Reasons: This provision is deemed to be still valid and should therefore be left unchanged; Mexico supports CITEL proposal IAP 15.

MOD MEX/20/6

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

Reasons: The Administration of Mexico considers it appropriate to systematically replace "CCITT" by "ITU-T", and therefore supports proposal IAP 16.

MOD MEX/20/7

7 1.5 Within the framework of the present Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between ~~administrations*~~ operating agencies.

Reasons: To reconcile the term with the definitions in the ITU Constitution and to reflect the current situation in which most of the providers of telecommunication services are private companies.

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

MOD MEX/20/8

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

Reasons: The Administration of Mexico considers it appropriate to systematically replace "CCITT" by "ITU-T", and therefore supports proposal IAP 17.

MOD MEX/20/9

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

Reasons: To reconcile the terms with the ITU Constitution and with the current situation of the telecommunication sector.

MOD MEX/20/10

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

Reasons: The Administration of Mexico considers it appropriate to systematically replace "CCITT" by "ITU-T".

SUP MEX/20/11

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

Reasons: Pursuant to the ITU Constitution, Member States are in charge of enforcing the basic instruments of ITU; this text is therefore not required.

MOD MEX/20/12

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

Reasons: The Radio Regulations and International Telecommunication Regulations have clearly defined scopes, and the existing wording could be understood to mean that the Radio Regulations are above the ITRs. It is worth noting that Article 4 of the ITU Constitution gives the hierarchy of the instruments, with the Administrative Regulations at the same level and below the ITU Constitution and Convention.

ARTICLE 2

Definitions

MOD MEX/20/13

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

Reasons: The text is clear enough to indicate that the definitions apply to the ITRs.

SUP MEX/20/14

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

Reasons: The Administration of Mexico considers that the definitions contained in ITU Constitution and/or Convention be modified by the plenipotentiary conference; in order to avoid possible differences between the basic texts of ITU, it therefore deems it appropriate to delete the definition of "telecommunication".

SUP MEX/20/15

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

Reasons: The Administration of Mexico considers that the definitions contained in ITU Constitution and/or Convention could be modified by the plenipotentiary conference; in order to avoid possible differences between the basic texts of ITU, it therefore deems it appropriate to delete the definition of "international telecommunication service".

SUP MEX/20/16

16 ~~2.3 — *Government telecommunication:* A telecommunication originating with any: Head of a State; Head of a government or members of a government; Commanders in Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary General of the United Nations; Heads of the principal organs of the United Nations; the International Court of Justice, or reply to a government telegram.~~

Reasons: The Administration of Mexico considers that the definitions contained in ITU Constitution and/or Convention could be modified by the plenipotentiary conference; in order to avoid possible differences between the basic texts of ITU, it therefore deems it appropriate to delete the definition of "government telecommunication".

SUP MEX/20/17

17 ~~2.4 — *Service telecommunication*~~

~~A telecommunication that relates to public international telecommunications and that is exchanged among the following:~~

~~———administrations;~~

~~recognized private operating agencies;~~

~~and the Chairman of the Administrative Council, the Secretary General, the Deputy Secretary General, the Directors of the International Consultative Committees, the members of the International Frequency Registration Board, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.~~

Reasons: The Administration of Mexico considers that the definitions contained in ITU Constitution and/or Convention could be modified by the plenipotentiary conference; in order to avoid possible differences between the basic texts of ITU, it therefore deems it appropriate to delete the definition of "service telecommunication".

SUP MEX/20/18

18 ~~2.5~~ **Privilege telecommunication**

SUP MEX/20/19

19 ~~2.5.1~~ A telecommunication that may be exchanged during:

~~sessions of the ITU Administrative Council,~~

~~conferences and meetings of the ITU~~

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

Reasons: This provision is considered obsolete.

SUP MEX/20/20

20 ~~2.5.2~~ A private telecommunication that may be exchanged during sessions of the ITU Administrative Council and conferences and meetings of the ITU by representatives of Members of the Administrative Council, members of delegations, senior officials of the permanent organs of the Union attending ITU conferences and meetings, and the staff of the Secretariat of the Union seconded to ITU conferences and meetings, to enable them to communicate with their country of residence.

MOD MEX/20/21

21 2.6 *International route:* Technical facilities and installations located in different countries and used ~~for to send~~ telecommunication traffic between two international telecommunication terminal exchanges or station offices.

Reasons: To clarify the definition.

SUP MEX/20/22

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

SUP MEX/20/23

~~23 a) — a means for the exchange of traffic in that specific service:
— over direct circuits (direct relation), or
— via a point of transit in a third country (indirect relation), and~~

SUP MEX/20/24

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

Reasons: This provision is considered obsolete.

MOD MEX/20/25

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

Reasons: This provision is deemed to be still valid with the updating of the term "recognized operating agencies".

SUP MEX/20/26

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

Reasons: This provision is considered obsolete.

SUP MEX/20/27

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

Reasons: This provision is considered obsolete.

ADD MEX/20/28

27H 2.21 *Originating Identification:* The Originating Identification is the service by which the terminating party shall have the possibility of receiving identity information in order to identify the origin of the communication.

Reasons: It is considered important for call origin identification data to be available.

ARTICLE 3

International Network

MOD MEX/20/29

28 3.1 ~~Administrations of Members States shall ensure that administrations* shall supervise and check that operating agencies~~ cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service for users.

Reasons: Update.

MOD MEX/20/30

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

Reasons: To update the terms in accordance with the Constitution and clarify the text.

MOD MEX/20/31

30 3.3 ~~Administrations* Operating agencies~~ shall determine by mutual agreement which international routes ~~are they intend to be used and in accordance with the national law of the country concerned shall duly inform the Member States involved~~. Pending agreement and provided that there is no direct route existing between the ~~terminal administrations* operating agencies~~ concerned, the origin ~~administration* operating agency~~ has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination ~~administrations* operating agencies~~.

Reasons: It is pertinent to maintain the freedom of the operating agencies to define by mutual agreement the international routes to be used; moreover, for security reasons it is appropriate that Member States be informed when no direct route exists.

MOD MEX/20/32

31 3.4 Subject to national law, any user, by having access to the international network ~~established by an administration*~~, has the right to send traffic. Member States shall encourage operating agencies recognized by them to maintain a satisfactory quality of service ~~should be maintained to the greatest extent practicable for users~~, corresponding to relevant CCITT-ITU-T Recommendations.

Reasons: To update the terms in accordance with the ITU Constitution and clarify the provision.

ADD MEX/20/33

31B 3.6 Members shall ensure, consistent with technical capabilities and national legal and regulatory frameworks, that operating agencies cooperate in the implementation and application of the following measures:

- Operating agencies originating calls must provide the prefix designating the calling country code, in conformity with the relevant ITU-T Recommendations.

- Transit operating agencies must cooperate in identifying and transmitting to termination operating agencies the code identifying the calling line corresponding to the traffic they receive.

Reasons: It is considered important for call origin identification data to be available.

ARTICLE 4

International Telecommunication Services

MOD MEX/20/34

32 4.1 Members States shall promote the implementation of international telecommunication services and shall ~~endeavour to make ensure that~~ such services ~~generally available are provided~~ to the public ~~in by~~ their ~~national network(s)~~ recognized operating agencies.

Reasons: To update the terms in accordance with the ITU Constitution and clarify the provision.

MOD MEX/20/35

33 4.2 Members States shall ensure that ~~administrations*~~ operating agencies cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ~~CCITT-ITU-T~~ Recommendations.

Reasons: To update the terms in accordance with the ITU Constitution.

MOD MEX/20/36

34 4.3 Subject to national law, Members States shall endeavour to ensure that ~~administrations*~~ recognized operating agencies provide and maintain, to the greatest extent practicable, a ~~minimum~~ quality of service ~~corresponding that is satisfactory to the users, if applicable, having regard~~ to the relevant ~~CCITT-ITU-T~~ Recommendations with respect to:

Reasons: To update the terms in accordance with the ITU Constitution and clarify the provision.

NOC MEX/20/37

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

NOC MEX/20/38

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

NOC MEX/20/39

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

Reasons: The text remains useful in the current situation.

MOD MEX/20/40

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

Reasons: To clarify the text.

ARTICLE 5

Safety of Life and Priority of Telecommunications

MOD MEX/20/41

39 5.1 Safety of life telecommunications, ~~such as distress telecommunications~~, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of relevant ~~CCITT-ITU-T~~ Recommendations.

Reasons: To harmonize the terms in accordance with the Constitution.

MOD MEX/20/42

40 5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over telecommunications other than those referred to in No. 39, in accordance with the relevant provisions of the Convention and taking due account of relevant ~~CCITT-ITU-T~~ Recommendations.

Reasons: To harmonize the terms in accordance with the Constitution.

MOD MEX/20/43

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

Reasons: The Administration of Mexico considers it appropriate to systematically replace "CCITT" by "ITU-T".

MOD MEX/20/44

ARTICLE 6

Charging-Tariffs and Accounting

MOD MEX/20/45

42 **6.1** ~~Collection charges~~Tariffs

MOD MEX/20/46

43 6.1.1 ~~Each administration* -~~Recognized operating agencies shall freely establish telecommunication service tariffs enabling the rendering of such services under satisfactory quality and competitiveness conditions, without any discrimination whatsoever~~shall~~, subject to applicable national law, ~~establish the charges to be collected from its customers. The level of the charges is a national matter; however, in establishing these charges, administrations* should try to avoid too great a dissymmetry between the charges applicable in each direction of the same relation.~~

Reasons: To meet the ITU objectives aimed at fostering cooperation among Member States and Sector Members in order to reach the minimum level consistent with a sound quality service and a healthy and independent telecommunication financial management through tariff-setting.

MOD MEX/20/47

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

Reasons: To update the terms in accordance with the ITU Constitution.

MOD MEX/20/48

45 6.1.3 Where, in accordance with the national law of a ~~country~~Member State, a fiscal tax is levied on ~~collection charges tariffs~~ for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances.

Reasons: To update the terms in accordance with the ITU Constitution.

NOC MEX/20/49

46 **6.2** **Accounting rates**

Reasons: Is deemed to be still valid.

SUP MEX/20/50

47 ~~6.2.1 — For each applicable service in a given relation, administrations* shall by mutual agreement establish and revise accounting rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account relevant CCITT Recommendations and relevant cost trends.~~

ADD MEX/20/51

47A 6.3 Each recognized operating agency shall, subject to applicable national law, agree with other recognized operating agencies under commercial agreements the terms and conditions, including prices, for the provision of international communication service. 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.

Reasons: At present, tariffs are negotiated between recognized operating agencies.

SUP MEX/20/52

48 ~~6.3 Monetary unit~~

SUP MEX/20/53

49 ~~6.3.1 In the absence of special arrangements concluded between administrations*, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:~~
~~—— either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;~~
~~—— or the gold franc, equivalent to 1/3.061 SDR.~~

SUP MEX/20/54

50 ~~6.3.2 In accordance with relevant provisions of the International Telecommunication Convention, this provision shall not affect the possibility open to administrations* of establishing bilateral arrangements for mutually acceptable coefficients between the monetary unit of the IMP and the gold franc.~~

Reasons: Is deemed no longer valid.

ARTICLE 7

Suspension of Services

MOD MEX/20/55

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

Reasons: The Administration of Mexico considers it appropriate to systematically replace "Members" by "Member States" in order to harmonize with the ITU Constitution.

MOD MEX/20/56

56 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members States, using the most appropriate means of communication.

Reasons: The Administration of Mexico considers it appropriate to systematically replace "Members" by "Member States" in order to harmonize with the ITU Constitution.

ARTICLE 8

Dissemination of Information

MOD MEX/20/57

57 Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by ~~administrations*~~ Member States, of an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated ~~in accordance with the relevant provisions of the Convention and of this Article,~~ on the basis of decisions taken by the ~~Administrative Council or by competent administrative conferences, and taking account of conclusions or decisions of Plenary Assemblies of the International Consultative Committees.~~

Reasons: To update the terms in accordance with the ITU Constitution.

ARTICLE 9

Special Arrangements

MOD MEX/20/58

58 9.1 a) Pursuant to Article ~~31 of the International Telecommunication Convention (Nairobi, 1982)~~ 42 of the Constitution of the International Telecommunication Union, special arrangements may be entered into on telecommunication matters which do not concern Members States in general. Subject to national laws, Members States may allow ~~administrations* or other organizations or persons~~ recognized operating agencies or other authorized companies to enter into such special mutual arrangements with ~~Members, administrations* or other organizations or persons that are so allowed~~ recognized operating agencies or other authorized companies in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Members States concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

MOD MEX/20/59

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

Reasons: Technical harm to any telecommunication facility should be avoided.

MOD MEX/20/60

60 9.2 Members ~~States should, where appropriate, shall~~ encourage the parties to any special arrangements that are made pursuant to No. 58 to take into account relevant provisions of ~~CCITT-ITU-T~~ Recommendations.

Reasons: To update the terms in accordance with the ITU Constitution.

ARTICLE 10

Final Provisions

MOD MEX/20/61

61 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.~~

Reasons: To be updated in accordance with the number of appendices and date of entry into force agreed to.

SUP MEX/20/62

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

Reasons: Update.

MOD MEX/20/63

63 10.3 If a Member makes reservations with regard to the application of one or more of the provisions of these Regulations, other Members ~~States and their administrations*~~ shall be free to disregard the said provision or provisions in their relations with the Member State which has made such reservations ~~and its administrations*~~.

Reasons: Update.

SUP MEX/20/64

64 ~~10.4 — Members of the Union shall inform the Secretary-General of their approval of the International Telecommunication Regulations adopted by the Conference. The Secretary-General shall inform Members promptly of the receipt of such notifications of approval.~~

SUP MEX/20/65

APPENDIX 1

General Provisions Concerning Accounting

Reasons: Is deemed obsolete with regard to commercial reality.

MOD MEX/20/66

APPENDIX ~~2~~1

Additional Provisions Relating to Maritime Telecommunications

Reasons: It is deemed necessary to retain this appendix subject to the modifications in proposal IAP 22 in Document 10 from CITELE.

SUP MEX/20/67

APPENDIX 3

Service and Privilege Telecommunications

Reasons: Is deemed no longer valid.

SUP MEX/20/68

RESOLUTION NO. 1

Dissemination of Information Concerning International Telecommunication Services Available to the Public

Reasons: Is deemed no longer valid.

SUP MEX/20/69

RESOLUTION NO. 3

Apportionment of Revenues in Providing International Telecommunication Services

Reasons: Is deemed no longer valid.

SUP MEX/20/70

RESOLUTION NO. 5

CCITT and World-Wide Telecommunications Standardization

Reasons: Is deemed no longer valid.

SUP MEX/20/71

RESOLUTION NO. 6

Continued Availability of Traditional Services

Reasons: Is deemed no longer valid.

SUP MEX/20/72

RESOLUTION NO. 8

Instructions for International Telecommunication Services

Reasons: Is deemed no longer valid.

SUP MEX/20/73

RECOMMENDATION NO. 1

**Application to the Radio Regulations of the Provisions
of the International Telecommunication Regulations**

Reasons: Is deemed no longer valid.

SUP MEX/20/74

RECOMMENDATION NO. 2

**Changes to Definitions Which also Appear in
Annex 2 to the Nairobi Convention**

Reasons: Is deemed no longer valid.

SUP MEX/20/75

RECOMMENDATION NO. 3

Expeditious Exchange of Accounts and Settlement Statements

Reasons: Is deemed no longer valid.

SUP MEX/20/76

OPINION NO. 1

Special Telecommunication Arrangements

Reasons: Is deemed no longer valid.
