

PLENARY MEETING

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PROPOSALS FOR THE WORK OF THE CONFERENCE

PREAMBLE

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/1

1 While the sovereign right of each ~~country~~State to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereinafter "Regulations") ~~supplement~~complement the Constitution and Convention of the International Telecommunication Union, 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.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/2

ARTICLE 1

Purpose and Scope of the Regulations

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/3

2 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication/ICT services offered to the public as well as to the underlying international telecommunication transport means used to provide such services.

~~They~~ These Regulations also set rules applicable to ~~administrations~~ Member States and operating agencies* involved in international telecommunications.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/4

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

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/5

3A c) These Regulations set obligations on Member States to take the necessary measures to prevent interruptions of services and that no technical harm is caused by their operating agencies to the operating agencies of other Member States which are operating in accordance with the provisions of these Regulations.

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

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

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~~**6** 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.~~

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7 1.5 Within the framework of the present Regulations, the provision and operation of international telecommunication /ICT services in each relation is pursuant to mutual agreement between ~~administrations~~ Member States and/or operating agencies, as the case may be.

* ~~or recognized private operating agency(ies)~~ The term “operating agency” includes “recognized operating agency” and is used in that sense throughout these Regulations.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/10

8 1.6 In implementing the principles of these Regulations, ~~administrations~~Member States should take measures to promote that and operating agencies* ~~should~~ comply with, to the greatest extent practicable, the relevant ~~CCITT~~ Recommendations, ~~including any instructions forming part of or derived from these Recommendations.~~ by the ITU, especially those having policy or regulatory implications.

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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 or~~ provide an international telecommunication /ICT service to the public in its territory, be authorized by that Member State.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/12

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

ARTICLE 2

Definitions

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/13

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.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/14

14A 2.1bis *Telecommunication/ICT*: Any transmission, emission or reception, that may include processing, of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/15

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.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/16

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

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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; ~~2~~

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/18

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/19

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

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24 b) normally, the settlement of accounts.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/21

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/22

26 2.9 *Collection charge*: The charge established and collected by ~~an~~ administrations^{*} /operating agencies from ~~its~~ their customers for the use of an international telecommunication service.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/23

27B 2.10B *Fraud*: use of public international telecommunication services or facilities with the intention of avoiding payment, without correct payment, with no payment at all, or by making someone else pay, by misusing numbering (addressing) resources, by intentional misrepresentation of identity or other deceptive, wrongful or criminal practices, in order to obtain personal or financial gain that can lead to actual or potential disadvantage or financial harm to another individual or group.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/24

27C 2.13 *Spam*: information transmitted in bulk over telecommunication networks as text, sound, image, tangible data used in a man-machine interface bearing indiscriminate 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.

Note: 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.).

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/25

27A 2.11 *Internet*: An international conglomeration of interconnected telecommunication networks which provides for the interaction of connected information systems and their users, by carrying their traffic using a single system of numbering, naming, addressing, identification, protocols and procedures that is defined by Internet Standards.

Reasons: IETF RFC 2418, taking into account the terms and definitions in the ITU Constitution and Convention and the WSIS (Geneva 2003 – Tunis 2005) outcome documents.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/26

27B 2.12 *Internet traffic*: Traffic generated by interacting information systems connected to the telecommunication networks that constitute the Internet.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/27

27C 2.13 *Internet access*: The ability to interact through the exchange of Internet traffic with any information systems connected to the telecommunication networks that constitute the Internet.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/28

27D 2.14 *Basic Internet infrastructure*: Telecommunication facilities and information systems which are vitally important for ensuring integrity, reliable operation and security of the Internet.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/29

27E 2.15 *National Internet segment*: Telecommunication networks or parts thereof which are located within the territory of the respective State and used to carry Internet traffic and/or provide Internet access.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/30

ARTICLE 3

International Network

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/31

28 3.1 Members States shall ensure that ~~administrations~~operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service, taking into consideration the relevant Recommendations of the ITU.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/32

29 3.2 ~~Administrations*~~Member States shall establish policies to promote that operating agencies endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunications/ICT services.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/33

30 3.3 ~~Administrations*-Operating agencies~~ shall determine by mutual agreement which international routes are to be used. ~~Pending agreement and provided that there is no direct route existing between the terminal administrations* concerned, the origin administration* has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination administrations*.~~A Member State has the right to know the international route of its traffic where technically feasible.

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31 3.4 Subject to national law, any user, by having access to the international network established by an ~~administration~~operating agency, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant ~~CCITT~~Recommendations of the ITU.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/35

ARTICLE 3A

Internet

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/36
(Collaborative approach)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/37

31A 3A.1 Internet governance shall be effected through the development and application by governments, the private sector and civil society of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the Internet.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/38
(Management of identification resources)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/39

31B 3A.2 Member States shall have equal rights to manage the Internet, including in regard to the allotment, assignment and reclamation of Internet numbering, naming, addressing and identification resources and to support for the operation and development of basic Internet infrastructure.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/40
(Local regulation)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/41

31C 3A.3 Member States shall have the sovereign right to establish and implement public policy, including international policy, on matters of Internet governance, and to regulate the national Internet segment, as well as the activities within their territory of operating agencies providing Internet access or carrying Internet traffic.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/42
(Policy on use and operation)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/43

31D 3A.4 Member States should endeavour to establish policies aimed at meeting public requirements with respect to Internet access and use, and at assisting, including through international cooperation, administrations and operating agencies in supporting the operation and development of the Internet.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/44
(Protection and security)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/45

31E 3A.5 Member States should ensure that administrations and operating agencies cooperate in ensuring the integrity, reliable operation and security of the national Internet segment, direct relations for the carrying of Internet traffic and the basic Internet infrastructure.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/46

ARTICLE 3B

Numbering, naming, addressing and identification resources

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/47
(Fundamental Right)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/48

31F 3B.1 Member states have the right to manage all naming, numbering, addressing and identification resources used for international telecommunications/ICT services within their territories.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/49
(Preventing misuse)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/50

31G 3B.2 Member States shall endeavour to ensure that international naming, numbering, addressing and identification resources are used only by the assignees and only for the purposes for which they were assigned and that unassigned resources shall not be used. Member States shall also endeavour to prevent misuse and misappropriation of these resources.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/51
(Calling Line Identification)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/52

31H 3B.3 Member States shall endeavour, through various channels open to them, to ensure that operating agencies:

- implement Originating Identification (OI) features, where technically possible; including at least presentation of country code, national destination code or equivalent origination identifiers in accordance with the relevant Recommendations of ITU
- use appropriate standards when implementing OI features,
- maintain end to end the integrity and correctness of OI
- ensure that the requirements associated with data protection and data privacy are met;

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/53

ARTICLE 3C

Confidence and Security of Telecommunications/ICTs

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/54
(Appropriate measures)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/55

31I 3C.1 Member States shall undertake appropriate measures, individually or in cooperation with other Members states, to ensure Confidence and Security of Telecommunications/ICTs.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/56
(Scope)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/57

31J 3C.2 Issues related to security include physical and operational security of networks; denial of service attacks; countering unsolicited electronic communication (e.g Spam); and protection of information and personal data (e.g. phishing) (personal data).

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/58
(International cooperation)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/59

31K 3C.3 Member States, in accordance to national law, should cooperate with each other to investigate, prosecute, correct and repair security breaches and incidents as appropriate in timely manner.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/60
(Role of Operating Agencies)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/61

31L 3C.4 Member States should endeavour to ensure that operating agencies and other concerned entities provide and maintain, to the greatest extent practicable, confidence and security of telecommunications/ICTs.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/62
(Cooperation between Operating Agencies)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/63

31M 3C.5 Member States shall endeavour to ensure that operating agencies and other concerned entities cooperate with their counter parts in other Member states in ensuring confidence and security of telecommunications/ICT as appropriate and in timely manner.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/64
(Combating Spam)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/65

31O 3C.6 Member States shall endeavour ensure that operating agencies take the appropriate measures to prevent the propagation of unsolicited electronic communication/spam. Member States are encouraged to cooperate in that sense.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/66
(Combating network fraud)

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/67

31P 3C.7 Member States shall endeavour to ensure that operating agencies take the appropriate measures to combat network fraud.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/68

ARTICLE 3D

Energy Efficiency and E-Waste

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/69

31Q Member States are encouraged to adopt energy efficiency and exchange of best practices taking into account relevant ITU-T [ITU] Recommendations so as to reduce the possible negative impact on the environment and climate change, energy consumption and e-waste of telecommunications /ICT facilities and installations.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/70

ARTICLE 3E

Accessibility for persons with disabilities

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/71

31R Member States should promote access for persons with disabilities to international telecommunication/ICT services taking into account relevant ITU-T [ITU] Recommendations.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/72

ARTICLE 4

International Telecommunication Services

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/73

32 4.1 Members States shall promote the implementation and development of international telecommunication s/ICT services. ~~and They~~ shall also endeavour to ensure that operating agencies make such international telecommunication/ICT services generally available to the public in their national network(s).

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/74

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 /ICT services of any type related to voice and broadband services, which should conform, to the greatest extent practicable, to the relevant ~~CCITT~~ Recommendations of the ITU.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/75

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/76

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/77

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/78

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/79

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

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/80

38A 4.4 Member States shall ensure that operating agencies providing international telecommunication/ICT services at least provide, promptly and free of charge, transparent and up-to-date information on total retail charges (inclusive of all applicable taxes) to the end users, including international roaming charges.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/81

ARTICLE 5

Safety of Life and Priority of Telecommunications

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/82

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 in accordance with relevant ~~CCITT~~ Recommendations of the ITU.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/83

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 other types of telecommunications other than those referred to in No. 395.1, in accordance with the relevant provisions of the Constitution and Convention and taking due account of relevant CCITT-ITU Recommendations.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/84

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

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/85

41B 5.5 Member States should cooperate to introduce in addition to their existing national emergency numbers a global number for calls to the emergency services.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/86

41C 5.6 Member States shall ensure that operating agencies inform every roaming user, promptly and free of charge, of the number to be used for calls to the emergency services.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/87

ARTICLE 6

Charging and Accounting

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/88

42.00 6.0 General Economic and Policy Principles

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/89

42.01 6.0.1 Member States should foster continued investment in high-bandwidth infrastructures.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/90

42.02 6.0.2. Member States shall promote transparency with respect to retail prices and quality of service.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/91

42.04 6.0.3 Member States may take measures to ensure that fair compensation is received for carried international traffic (e.g. interconnection or termination).

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/92

42.05 6.0.4 Member states shall ensure that their regulatory frameworks promote the establishment of mutual commercial agreements with providers of international communication applications and services in alignment with principles of fair competition, innovation, adequate quality of service and security.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/93

42 **6.1** **Collection charges**

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/94

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/95

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/96

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

46 6.2 Accounting rates

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/97

47 ~~6.2.1~~—For each applicable service in a given relation, administrations*/operating agencies 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 ~~ECITF~~ ITU-T Recommendations and relevant cost trends.

48 6.3 Monetary unit

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/98

49 ~~6.3.1~~—In the absence of special arrangements concluded between administrations*/operating agencies, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:

- either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;
- or freely convertible currencies or other monetary unit agreed between the administrations/operating agencies~~the gold franc, equivalent to 1/3.061 SDR.~~

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/99

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

ADD* ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/100

~~3/152A~~ **16.5 Service telecommunications**

Reasons: Moved from Appendix 3 which is SUP.

ADD* ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/101

~~3/252B~~ ~~1.16.5.1~~ Administrations*/operating agencies may provide service telecommunications free of charge.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/102

~~3/352C~~ ~~1.26.5.2~~ Administrations*/operating agencies may in principle forego inclusion of service telecommunications in international accounting, under the relevant provisions of the Constitution and Convention of the International Telecommunication Union Convention and the present Regulations, having due regard for the need for reciprocal arrangements.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/103

ARTICLE 7

Suspension of Services

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/104

55 7.1 If a Member State exercises its right in accordance with the Constitution and Convention to suspend international telecommunication services partially or totally, that Member 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.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/105

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.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/106

ARTICLE 8

Dissemination of Information

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/107

57 8.1 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 competent~~ Assemblies ~~of the International Consultative Committees~~. Member States shall transmit such information to the Secretary-General in a timely manner according to the relevant Recommendations of the ITU. If so authorized by the concerned Member State, the information may be transmitted to the Secretary-General directly by an operating agency, and shall then be disseminated by the Secretary-General.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/108

ARTICLE 9

Special Arrangements

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/109

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

SUP ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/110

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/111

60 9.2 ~~Members~~ Member States should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. ~~58~~ 9.1 above to take into account relevant provisions of ~~CCITT~~ Recommendations of the ITU.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/112

ARTICLE 10

Final Provisions

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/113

61 ~~10.1~~—These Regulations, of which Appendices 1, 2 and 3 form integral parts, and which complement the provisions of the Constitution and Convention of the International

Telecommunication Union, shall enter into force on 1 July 1990 at 0001 hours UTC January 2015] and shall be applied as of that date pursuant to Article 54 of the Constitution.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/114

APPENDIX 1

General Provisions Concerning Accounting

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/115

1/1 1 Accounting rates

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/116

1/2 1.1 For each applicable service in a given relation, administrations*/operating agencies shall by mutual agreement establish and revise accounting rates to be applied between them, taking into account ~~the ITU-T 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*/operating agencies of terminal countries, and where appropriate, into transit shares payable to the administrations*/operating agencies of transit countries.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/117

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/118

1/4 a) administrations*/operating agencies shall establish and revise their terminal and transit shares taking into account ~~the ITU-T Recommendations of the CCITT~~;

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/119

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/120

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/121

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/122

1/8 1.5 In cases where the traffic is routed via a transit point without authorization and/or agreement to the transit share, the transit administration*/operating agency has the right to set the level of the transit share to be included in the international accounts.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/123

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/124

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/125

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/126

1/12 2.2 The accounts shall be sent as promptly as possible and, except in cases of *force majeure*, before the end of ~~the third~~ a period of 50 days following the month ~~following that~~ to which they relate.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/127

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/128

1/14 2.4 However, any administration */operating agency has the right to question the contents of an account ~~for a period of two calendar months~~ before the end of the 50-day period after the receipt of the account, but only to the extent necessary to bring any differences within mutually agreed limits.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/129

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/130

1/16 2.6 In indirect relations where a transit administration */operating agency acts as an accounting intermediary between two terminal points, it shall include accounting data for transit traffic in the relevant outgoing traffic account to administrations */operating agencies beyond it in the international routing sequence as soon as possible, but no later than 50 calendar days after receiving that data from the originating administration */operating agency.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/131

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/132

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/133

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/134

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/135

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/136

1/22 3.2.1 The amount of the payment in the selected currency, as determined below, shall be equivalent in value to the balance of the account.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/137

1/23 3.2.2 If the balance of the account is expressed in the monetary unit of the IMF, the amount of the selected currency shall be determined by the relationship in effect on the day before payment, or by the latest relationship published by the IMF, between the monetary unit of the IMF and the selected currency.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/138

1/24 3.2.3 However, if the relationship of the monetary unit of the IMF to the selected currency has not been published, the amount of the balance of account shall, at a first stage, be converted into a currency for which a relationship has been published by the IMF, using the relationship in effect on the day before payment or the latest published relationship. The amount thus obtained shall, at a second stage, be converted into the equivalent value of the selected currency, using the closing rate in effect on the day prior to payment or the most recent rate quoted on the official or generally accepted foreign exchange market of the main financial centre of the debtor country.

SUP ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/139

1/25 ~~3.2.4 If the balance of the account is expressed in gold francs, the amount shall, in the absence of special arrangements, be converted into the monetary unit of the IMF in~~

~~accordance with the provisions of section 6.3 of the Regulations. The amount of payment shall then be determined in compliance with the provisions of 3.2.2. above.~~

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/140

1/26 3.2.5 If, in accordance with a special arrangement, the balance of the account is not expressed ~~neither~~ in the monetary unit of the IMF ~~nor in gold francs~~, the payment shall also be the subject of this special arrangement and:

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/141

1/27 a) if the selected currency is the same as the currency of the balance of account, the amount of the selected currency shall be the amount of the balance of account;

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/142

1/28 b) if the selected currency for payment is different from the currency in which the balance is expressed, the amount shall be determined by converting the balance of account to its equivalent value in the selected currency in accordance with the provisions of 3.2.3 above.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/143

1/29 **3.3 Payment of balances**

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/144

1/30 3.3.1 Payment of balances of account shall be effected as promptly as possible, but in no case later than ~~two calendar months~~50 days after the day on which the settlement statement is despatched by the creditor administration ~~*/operating agency~~. Beyond this period, the creditor administration ~~*/operating agency~~ may, subject to prior notification in the form of a final demand for payment, and unless otherwise agreed, charge interest at a rate of up to 6% per annum, reckoned from the day following the date of expiry of the said period.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/145

1/31 3.3.2 The payment due on a settlement statement shall not be delayed pending settlement of a query on that account. Adjustments which are later agreed shall be included in a subsequent account.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/146

1/32 3.3.3 On the date of payment, the debtor shall transmit the amount of the selected currency as computed above by a bank cheque, transfer or any other means acceptable to the debtor and the creditor. If the creditor expresses no preference, the choice shall fall to the debtor.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/147

1/33 3.3.4 The payment charges imposed in the debtor country (taxes, clearing charges, commissions, etc.) shall be borne by the debtor. Any such charges imposed in the creditor country, including payment charges imposed by intermediate banks in third countries, shall be borne by the creditor.

SUP ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/148

1/34 ~~3.4~~ **Additional provisions**

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/149

1/35 ~~3.4.13.3.5~~ Provided the periods of payment are observed, administrations^{*}/operating agencies may by mutual agreement settle their balances of various kinds by offsetting:

- credits and debits in their relations with other administrations^{*}/operating agencies; and/or
- ~~debts arising from postal services~~ any other mutually agreed settlements, if appropriate.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/150

1/35A This rule also applies in case payments are made through specialized payment agencies in accordance with arrangements with administrations/operating agencies.

ADD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/151

1/35B **3.4** **Additional provisions**

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/152

1/36 ~~3.4.23.4.1~~ If, between the time the remittance (bank transfer, cheques, etc.) is effected and the time the creditor is in receipt of that remittance (account credited, cheque encashed, etc.), a variation occurs in the equivalent value of the selected currency calculated as indicated in paragraph 3.2, and if the difference resulting from such variations exceeds 5% of the amount due as calculated following such variations, the total difference shall be shared equally between debtor and creditor.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/153

1/37 ~~3.4.33.4.2~~ 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*/operating agencies are free to adopt, by mutual agreement, a different monetary basis and/or different procedures for the settlement of balances of accounts, pending a revision of the above provisions.

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/154

APPENDIX 2

Additional Provisions Relating to Maritime Telecommunications

2/1 **1** **General**

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/155

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/156

2/3 **2** **Accounting authority**

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/157

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/158

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/159

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/160

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/161

2/8 2.2 The administration or the ~~recognized private~~ operating agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the “accounting authority”.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/162

2/9 2.3 References to a receiving administration*/operating agency contained in Article 6 and Appendix 1 shall be read as “accounting authority” when applying the provisions of Article 6 and Appendix 1 to maritime telecommunications.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/163

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/164

2/11 **3 Establishment of accounts**

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/165

2/12 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 to the administration.

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/166

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

2/14 4 Settlement of balances of account

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/167

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

NOC ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/168

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/169

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

MOD ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/170

2/18 4.4 The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than ~~eighteen~~ 12 calendar months after the date of the traffic to which the accounts relate.

SUP ALG/ARS/BHR/CHN/UAE/RUS/IRQ/SDN/47/171

~~APPENDIX 3~~

~~Service and Privilege Telecommunications~~
