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**PLENARY MEETING**

**Addendum 1 to  
Document 9-E  
3 August 2012  
Original: English**

**United States of America**

**PROPOSALS FOR THE WORK OF THE CONFERENCE**

**NOC USA/9A1/1**

**INTERNATIONAL TELECOMMUNICATION  
REGULATIONS**

**NOC USA/9A1/2**

**PREAMBLE**

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

**MOD USA/9A1/3**

**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 International Telecommunication Constitution and Convention, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications.

**Reasons:** The purpose of proposed revision is to align existing text of the International Telecommunication Regulations (ITRs) with the current terminology used in CS No. 31.

**NOC USA/9A1/4**

**ARTICLE 1**

**Purpose and Scope of the Regulations**

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

## **MOD USA/9A1/5**

**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\***. **Member States may apply these regulations to Recognized Operating Agencies (ROAs).**

**Reasons:** The proposed revision is to align the text with terminology used in CS and CV and to clarify that the provisions of the ITRs primarily apply to Member States who are signatory to the treaty. Member States, subject to national law, may subject ROAs to the ITRs.

## **MOD USA/9A1/6**

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

**Reasons:** Editorial update.

## **NOC USA/9A1/7**

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

**Reasons:** This provision stood the test of time.

## **NOC USA/9A1/8**

**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 embodies the Purposes of the Union articulated in Article 1 of the CS.

## **MOD USA/9A1/9**

**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:** There is neither a technical nor a regulatory basis for giving any of the ITU-T Recommendations the same legal status as the very general, high level provisions contained in the ITRs. The proposed editorial revisions with respect to Recommendations support maintaining the text in the existing provision, which establishes that ITU-T Recommendations should continue to be voluntary. Also, the proposed revision deletes the provision regarding Instructions because they are no longer in effect.

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

#### **MOD USA/9A1/10**

**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~~<sup>\*</sup>ROAs.

**Reasons:** In light of increased competition, a provision that promotes bilateral agreements between administrations for the provision and operation of international telecommunication services is no longer appropriate. The proposed revisions reflect the international telecommunication traffic exchange in competitive environment.

#### **MOD USA/9A1/11**

**8** 1.6 In implementing the principles of these Regulations, ~~administrations~~<sup>\*</sup>Member States 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 proposed revisions comport with Article 1.4, which establishes that ITU-T Recommendations are voluntary. Also, because Instructions are no longer in effect, the proposed revision supports the suppression of the reference to ITU-T Instructions.

#### **MOD USA/9A1/12**

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

**Reasons:** Proposed revisions align the existing text with terms in CS/CV. This provision reiterates Member States' sovereign right to regulate its telecommunications as provided by the Preamble of the Union and the ITRs.

#### **SUP USA/9A1/13**

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

**Reasons:** This provision is similar to the provision found in Article 1.6.

#### **MOD USA/9A1/14**

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

**Reasons:** Proposed revisions align the text with terms in CS/CV. The proposed revision supports the suppression of reference to Resolution 2 of the 1988 WATT because it no longer relevant.

#### **NOC USA/9A1/15**

**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:** This provision stood the test of time. As a general matter, regulations related to radiocommunications within the ITU's Administrative Regulations should all be contained within

the Radio Regulations where they may be addressed by a competent World Radio Conference, as needed. In the event of ambiguity between the application of radio regulations and these regulations, this provision ensures the radio regulations apply.

**NOC** USA/9A1/16

## ARTICLE 2

### **Definitions**

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

**NOC** USA/9A1/17

**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 introduction precisely describes the scope and purpose of the definitions included in the ITRs. Only those definitions that help to understand the regulations should be included in the ITRs.

**NOC** USA/9A1/18

**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 current definition of telecommunications is technology neutral and it should remain that way to ensure that the ITRs are a flexible and enduring treaty. This definition is also contained in CS No. 1012 and any attempt to revise these definitions would be in conflict with the provisions of the basic instrument of the ITU. Any attempt to amend substantially the definition and define particular technologies and services would undermine the long-term stability of the ITRs by introducing concepts that may become irrelevant with future technological developments.

**NOC** USA/9A1/19

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

**Reasons:** The current definition of international telecommunication service is technology neutral and it should remain that way to ensure that the ITRs are a flexible and enduring treaty. This definition is also contained in CS No. 1011 and any attempt to revise these definitions would be in conflict with the provisions of the basic instrument of the ITU. Any attempt to amend the definition and define particular technologies and services would undermine the long-term stability of the ITRs by introducing concepts that may become irrelevant with future technological developments.

**MOD** USA/9A1/20

**16 2.3 *Government telecommunication:*** ~~At~~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~~ telecommunications mentioned above.

**Reasons:** The proposed revisions align existing ITRs definition of government telecommunications with definition found in CS No. 1014.

**SUP USA/9A1/21**

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

**Reasons:** The proposed revision supports suppression of this definition because it does not account for the multitude of routing arrangements that currently exist under commercial arrangements, where the choice of international route is a commercial matter.

**SUP USA/9A1/22**

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

**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~~

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

**Reasons:** The proposed revision supports suppression of this definition because it does not reflect the existing competitive international telecommunication market.

**SUP USA/9A1/23**

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

**Reasons:** This definition does not reflect the full range of arrangements in the market and is not necessary in light of proposed changes to Article 6.

**MOD USA/9A1/24**

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

**Reasons:** Editorial update.

**SUP USA/9A1/25**

**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:** Because Instructions are no longer in effect, the proposed revision supports the suppression of the reference to ITU-T Instructions.

**NOC** USA/9A1/26

## ARTICLE 3

### International Network

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

**SUP** USA/9A1/27

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

**Reasons:** This provision is not appropriate in a competitive environment, where companies need flexibility to choose the most efficient route for their traffic.

**MOD** USA/9A1/28

## ARTICLE 6

### Charging and Accounting/International Telecommunication Service Arrangements

**Reasons:** Suggested edits to the title of Article 6 reflect the fact that detailed regulatory provisions governing charging and accounting for international telecommunication services are not appropriate for a competitive market, consistent with Plenipotentiary Resolution 171 (Guadalajara, 2010).

**SUP** USA/9A1/29

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

**Reasons:** Obsolete title.

**MOD** USA/9A1/30

**43** ~~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. Subject to applicable national law, the terms and conditions of arrangements between ROAs for the provision of international telecommunication services shall be subject to commercial agreement.~~

**Reasons:** The original text of provisions 6.1.1 and 6.1.2 are not relevant in competitive markets. The proposed language is flexible and can therefore accommodate technological advances and market developments, as required by Plenipotentiary Resolution 171 (Guadalajara 2010).

**SUP USA/9A1/31**

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

**Reasons:** See justification for provision 6.1.1.

**MOD USA/9A1/32**

**45 6.1.32** Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances.

**Reasons:** Modified to reflect renumbering.

**ADD USA/9A1/33**

**45A 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.

**Reasons:** 6.2.1 was moved from 1.6 in Appendix 1.

**SUP USA/9A1/34**

**46 6.2—Accounting rates**

**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.~~

**Reasons:** This provision has been replaced by the proposed new 6.1, concerning arrangements for the provision of international telecommunication services.

**SUP USA/9A1/35**

**48 6.3—Monetary unit**

**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.~~

**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 IMF and the gold franc.~~

**Reasons:** Obsolete provisions.

**SUP** USA/9A1/36

**51 6.4 Establishment of accounts and settlement of balances of account**

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

**Reasons:** The United States proposes to delete Appendix 1 and modifying Appendix 2.

**NOC** USA/9A1/37

## ARTICLE 9

### **Special Arrangements**

**Reasons:** Title of Article 9 remains unchanged.

**MOD** USA/9A1/38

**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\*-ROAs or other organizations or persons to enter into such special mutual arrangements with Members States, 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 States concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

**Reasons:** Editorial update to align with CS/CV.

**MOD** USA/9A1/39

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

**Reasons:** Technical harm to all telecommunication facilities should be avoided, not just of third countries.

**MOD** USA/9A1/40

**60 9.2 Members States 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 ITU-T Recommendations.**

**Reasons:** Editorial update to align with CS/CV.

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