

PLENARY MEETING

**Revision 1 to
Document 7-E
24 October 2012
Original: English**

Arab States Administrations

ARAB STATES COMMON PROPOSALS FOR THE WORK OF THE CONFERENCE¹

Submitted by the following Member States:

Algeria (People's Democratic Republic of), Bahrain (Kingdom of), Comoros (Union of the), Djibouti (Republic of), Egypt (Arab Republic of), Iraq (Republic of), Jordan (Hashemite Kingdom of), Kuwait (State of), Lebanon, Libya, Mauritania (Islamic Republic of), Morocco (Kingdom of), Oman (Sultanate of), Qatar (State of), Saudi Arabia (Kingdom of), Somali (Democratic Republic of), Sudan (Republic of the), Tunisia, United Arab Emirates and Yemen (Republic of)

The Arab States common proposals were developed over several preparatory meetings of the Arab Group.

The proposals seek to find solutions in line with the views of the Arab Administrations to satisfy the various issues addressed by WCIT-12, within the framework of its agenda and scope.

During the preparatory meetings of the Arab Region for the preparation of the WCIT-12, main input and output Documents for the CWG-WCIT12 meetings were discussed and examined by the Arab Group with a view towards focusing on the most important issues and to reconcile the differences in approaches.

As result of this examination and discussion and taking into account the various proposals of other Regional Groups (APT, ATU, CEPT, CITELE, RCC, etc.) and other membership; the following views and Modification of the ITRs provisions were endorsed by the Arab Group with the aim to reflect the Arab Region interests and at the same time converge with other membership proposals.

Additions as well as alterations of the existing Draft ITRs Text have also been made using revision marks.

It is maybe worth mentioning that Arab States reserve their right to submit revision and/or extension to this common proposal to the work of the WCIT-12 which may include proposals on the provisions provided below as well as other provisions that have not yet received any common proposal from the Arab States.

¹ These proposals are co-sponsored by Palestine. For the status of Palestine, see Resolution 99 (Rev. Guadalajara, 2010).

NOC ARB/7/1

INTERNATIONAL TELECOMMUNICATION REGULATIONS

NOC ARB/7/2

PREAMBLE

Reasons: Title of Preamble remains unchanged.

MOD ARB/7/3

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 ~~Convention~~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: This Proposal is based on [CWG/4A2/3](#). The term "State" is the one used in the Constitution. The term "complement" is the one used in the English Constitution.

NOC ARB/7/4

ARTICLE 1

Purpose and Scope of the Regulations

Reasons: Title of Article 1 remains unchanged.

MOD ARB/7/5

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*.

Reasons: This proposal is based on [CWG/4A2/7](#). Update the term "administrations or recognized operating agencies" with Member States and operating agencies.

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

MOD ARB/7/6

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

Reasons: This proposal is based on [CWG/4A2/9](#). Important to recognize special arrangement between operators.

ADD ARB/7/7

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.

Reasons: This proposal is based on [CWG/4A2/12](#). Emphasize the importance of taking all measures to avoid the interruption of services and prevent causing harm to the operations of other Member States.

ADD ARB/7/8

3B d) These Regulations recognize the absolute priority for safety of life telecommunications, including distress telecommunications, emergency telecommunications services and telecommunications for disaster relief as provided in Article 5.

Reasons: This proposal is based on [CWG/4A2/14](#). Emphasize the priority of safety of life and emergency telecommunications.

NOC ARB/7/9

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

Reasons: It may be necessary to clarify what is meant by "the public".

MOD ARB/7/10

5 1.3 a) 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; ~~and the availability, operation, and use of advanced telecommunications facilities in all countries.~~

b) These Regulations promote greater confidence and security, including of information, in the provision of international telecommunications/ICT services.

Reasons: This proposal is based on [CWG/4A2/19](#). This proposal emphasizes the importance of security and availability of telecommunications in all countries. This view merges between different proposals including the Latin America & Caribbean, ARB, and RCC views as provided in Doc. TD 62.

MOD ARB/7/11

6 1.4 Unless otherwise specified in these Regulations, Rferences to ~~CCITT~~ Recommendations of the ITU 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: This proposal is based on [CWG/4A2/21](#). This proposal emphasizes that Recommendations by the ITU are voluntary by nature, except for those specific Recommendations to which WCIT-12 agrees to give them different status.

MOD ARB/7/12

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.*

Reasons: This proposal is based on [CWG/4A2/23](#). Update the term "administrations or recognized operating agencies" with Member States and operating agencies. Important to recognize special arrangement between operators.

MOD ARB/7/13

8 1.6 In implementing the principles of these Regulations, ~~administrations~~ Member States should take measures to ensure 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.

Reasons: This proposal is based on [CWG/4A2/28](#). This proposal emphasizes the importance of compliance with Recommendations by the ITU especially that have policy and regulatory implications. This proposal also merges between the Arab and ATU proposals.

MOD ARB/7/14

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.

Reasons: This proposal is based on [CWG/4A2/33](#). In line with CS; Member States have the sovereign right to impose obligations in accordance with national law, on all operating agencies, not just on recognized operating agencies.

SUP ARB/7/15

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

Reasons: This provision seems to be very similar to 1.6 and should be suppressed as there is a need to avoid repetition.

MOD ARB/7/16

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

Reasons: This proposal is based on [CWG/4A2/37](#). This proposal emphasizes the importance of cooperation among the membership to meet the objective of these Regulations. The term "Members" is replaced by Member States and operating agencies.

NOC ARB/7/17

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: Retain this provision since it defines the scope of the ITRs, and clarifies its relation with respect to the RR.

NOC ARB/7/18

ARTICLE 2

Definitions

Reasons: title of Article 2 remains unchanged.

NOC ARB/7/19

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

NOC ARB/7/20

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 ARB/7/21

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

Reasons: This proposal is based on [CWG/4A2/48](#). The Term Telecommunications/ICTs is commonly used within the ITU; it is mentioned many times in all of its Conferences and Assemblies outcomes. Although the term "Telecommunication" and its definition in both the ITRs and the CS&CV already cover the ICTs, it is quite useful to clearly reflect this by slightly improving the definition. It is important to understand that this proposal does not intend to change the

current Telecommunication definition; it rather creates another parallel clarifying definition for Telecommunications/ICTs.

MOD ARB/7/22

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 proposal is only for editorial changes.

ADD ARB/7/23

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

Reasons: This proposal is based on CWG/4A2/53. The Term Telecommunications/ICTs is commonly used within the ITU; it is mentioned many times in all of its Conferences and Assemblies outcomes. Although the term "Telecommunication" and its definition in both the ITRs and the CS&CV already cover the ICTs, it is quite useful to clearly reflect this by slightly improving the definition. Therefore it is applicable to add it to the international telecommunication service definition. It is important to understand that this proposal does not intend to change the current definition; it rather creates another parallel clarifying definition for International Telecommunications/ICTs service.

MOD ARB/7/24

16 2.3 *Government telecommunication*: ~~A telecommunication~~ Telecommunications 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, World Health Organization or ~~reply-replies~~ to a government ~~telegram~~ telecommunications mentioned above.

Reasons: This proposal is based on [CWG/4A2/54](#). Align with CS 1014 & CS 191.

ADD ARB/7/25

27B 2.10B *Operating Agency*: Any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.

Reasons: This proposal is based on [CWG/4A2/54](#). Taken from CS 1007.

The provisional number 27B is chosen taking into account that a proposal for a new provision 27A on a different topic is found in WCIT/4 Add.2.

ADD ARB/7/26

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.).

Reasons: This proposal is based on [CWG/4A2/78](#). The proposal merges the Arab views with ATU and the RCC views. Spam is one of the very critical issues to be dealt with under the revised ITRs. A definition is provided that is based on the ITU studies on countering Spam. (See ITU-T Rec. X.1231, X.1240, X.1241, X.1242, X.1243, X.1244, and X.1245).

ADD ARB/7/27

27F 2.16 *Fraud:* Use chargeable/paid for public international telecommunication/ICT 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 practices, in order to obtain or transfer personal or financial gain that can lead to actual or potential disadvantage or financial harm to another individual or group.

Reasons: This proposal is based on [CWG/4A2/85](#). The proposal is merging the Arab views with ATU and the RCC views. Fraud is one of the very critical issues to be dealt with under the revised ITRs. This definition is based on the studies by ITU-T SGs - in particular ITU-T SG3 - on Fraud as well as the several proposals to the WCIT.

ADD ARB/7/28

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: This proposal is based on [CWG/4A2/91](#). The proposal is merging the Arab views with ATU views. Fraud, due to missing or wrongful origin of the call, is one of the very critical issues to be dealt with under the revised ITRs. This definition is based on the EU studies and Regulations on Origin Identification and CPND. The impact of non-delivery of the true origin of a call has been dealt with repeatedly in the ITU-T SGs - in particular ITU-T SG3 & SG2 - and related Workshops .It was demonstrated that the MS or OA terminating the call is subject to great financial losses without having the capability to identify the exact cause of this loss due to their ignorance or being handicapped to identify the origin of the call or the overall route of the call. There are several mechanisms in which suppression or transmission of fake call origin causes such losses. When suppression or spoofing is intentional to obtain financial gain based on wrongful deception regarding the origin of the call, then this should be considered a fraudulent activity and should be prohibited and/or prosecuted. Many cases of fraud are association with the non-transmission of calling party identification. Origin identification is required to prevent this fraud. There are also security requirements to identify the true origin of the call. Number of countries endorsed Laws and Regulations which accuse spoofing of Calling Party Number (e.g. the U.S).

NOC ARB/7/29

ARTICLE 3

International Network

Reasons: Title of Article 3 remains unchanged.

MOD ARB/7/30

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 and above a minimum level taking into consideration the relevant Recommendations of the ITU.

Reasons: This proposal is based on [CWG/4A2/110](#). The provision imposes a requirement to cooperate, not a requirement to provide a particular level of quality of service. Further, it refers only to the international network, not the national network, so it is an international matter which affects the QoS offered to other MSs.

It was noted that reliance only on market forces according to competition mechanism to improve QoS offered to the users has not worked in many instances, but in the contrary, there exist agility in offering low quality services that makes the consumer more often prone to be a victim for such deteriorated services, in particular those based on VoIP. Assuring a level of QoS above a minimum set by the relevant ITU-T Recommendation shall help to a great extent to preserve users' rights. Moreover, the term "satisfactory" is adequate compromise between minimum and maximum QoS.

MOD ARB/7/31

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

Reasons: This proposal is based on [CWG/4A2/113](#). This proposal replaces the term "administration and Recognized Operating Agencies" with Member States and operating agencies. It also emphasizes the importance of facilitating adequate access and promptly responding to the market demand. This proposal also merges between the ATU & Arab proposals.

MOD ARB/7/32

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 route of its traffic where technically feasible.

Reasons: This proposal is based on [CWG/4A2/119](#). This proposals modifies the original provision with the objective of recognizing that most of the international routes are determined through

mutual agreements between the operators. However Member States shall continue to be able to know how its traffic is routed, mainly for purposes of security and preventing fraud and spam.

MOD ARB/7/33

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 and above a minimum level should be maintained ~~to the greatest extent practicable~~, corresponding to relevant ~~CCITT~~ Recommendations of the ITU.

Reasons: This proposal is based on [CWG/4A2/124](#). This proposals supports the retention of the original provision with slight amendments to ensure right of quality access for the user.

ADD ARB/7/34

31A 3.5 a) Member States shall ensure that international naming, numbering, addressing and identification resources specified in the Recommendations of ITU are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.

b) Member states shall, if they so elect, be able to control all naming, numbering, addressing and identification resources used within their territories for international telecommunications/ICT services.

Reasons: This proposal is based on [CWG/4A2/140](#). Adequate, efficient, and trusted management of the naming, numbering, and addressing resources shall continue to be ensured. Member States shall take appropriate measures to ensure the confidence in using these important resources. This proposal also merges between the different proposals given on this matter.

ADD ARB/7/35

31B 3.6 Member States shall, through various channels open to them, ensure that operating agencies:

- implement CLI 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 CLI features,
- ensure that integrity and correctness of CLI is maintained end to end
- ensure that the requirements associated with data protection and data privacy are met; but any masked information shall be made available to duly authorized law enforcement agencies.

Reasons: This proposal is based on [CWG/4A2/148](#). This proposal is a merge between the CEPT views and the views of ARB, the ATU, the Latin America, Pacific Islands, and APT. The main objective is to implement Calling Line Identification features facilitate the identification of the origin of calls, mainly for security reasons, and to limit spoofing and prevent fraud.

ADD ARB/7/36

31C 3.7 Member states shall take appropriate measures nationally to ensure that all parties (including operating agencies) involved in the provision of international telecommunication

connections negotiate and agree to bilateral commercial arrangements, or an alternative type of arrangements, enabling direct international telecommunication connections that take into account the possible need for compensation between them for the value of elements such as traffic flow, number of routes, and cost of international transmission.

Reasons: This proposal is based on [CWG/4A2/155](#). The substance of the issue is important, the language is similar to that found in Recommendation ITU-T D.50, and should be included in the ITRs. However, the previous proposal did not appear to be technology-neutral, and it used the term "administration", this has been amended in this proposal.

NOC ARB/7/37

ARTICLE 4

International Telecommunication Services

Reasons: Title of Article 4 remains unchanged.

MOD ARB/7/38

32 4.1 Members States shall promote the implementation and development of international telecommunications/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).

Reasons: This proposal is based on [CWG/4A2/161](#). This proposal merges between the views of the CEPT with the ARB, RCC, and USA. It also replaces the term "administrations or ROAs" with Member States and operating agencies.

MOD ARB/7/39

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 which should conform, to the greatest extent practicable, to the relevant ~~CCITT~~ Recommendations of the ITU.

Reasons: This proposal is based on [CWG/4A2/164](#). This proposal replaces the term "administrations or ROAs" with Member States and operating agencies, and replaces CCITT with ITU.

MOD ARB/7/40

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 and above a minimum level taking into consideration ~~corresponding to~~ the relevant ~~CCITT~~ Recommendations of the ITU with respect to:

Reasons: This proposal is based on [CWG/4A2/169](#). This proposal emphasizes the role of Member States in endorsing satisfactory QoS.

NOC ARB/7/41

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;

Reasons: This proposal is based on [CWG/4A2/171](#). Retain this provision to ensure conditional/healthy access.

MOD ARB/7/42

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

Reasons: This proposal is based on [CWG/4A2/176](#). Retain this provision to ensure availability, while updating it to ensure efficiency and advanced technology.

MOD ARB/7/43

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

Reasons: This proposal is based on [CWG/4A2/178](#). Retain this provision to ensure Public access to the ICTs.

NOC ARB/7/44

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

Reasons: This proposal is based on [CWG/4A2/180](#). Retain this provision to facilitate the growth of international communications, via the convergence between the different services and technologies.

ADD ARB/7/45

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.

Reasons: This proposal is based on [CWG/4A2/183](#). This provision emphasizes on the end users right for transparency in retail charges. This proposal merges the previous Arab proposal with the CEPT proposal.

NOC ARB/7/46

ARTICLE 5

Safety of Life and Priority of Telecommunications

Reasons: Title of Article 5 remains unchanged.

MOD ARB/7/47

39 5.1 Safety of life telecommunications, ~~such as including~~ distress telecommunications, emergency telecommunication services and telecommunications for disaster relief, 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 Resolutions and~~ Recommendations of the ITU.

Reasons: This proposal is based on [CWG/4A2/203](#). Retain this important provision, and slightly improve its text. The proposal also recognizes that there are a number of ITU (ITU-T, ITU-D, and ITU-R) Resolutions which are related to Safety of Life and should be taken into account.

MOD ARB/7/48

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.

Reasons: This proposal is based on [CWG/4A2/209](#). Retain this provision, and slightly improve its text. The proposal also merges between the RCC views with the USA, and ARB views.

MOD ARB/7/49

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

Reasons: This proposal is based on [CWG/4A2/211](#). Retain this provision, and slightly improve its text.

ADD ARB/7/50

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.

Reasons: This proposal is based on [CWG/4A2/217](#). This proposal slightly improves the original text of the proposal of new 5.5 & 5.6, and aims to facilitate the harmonization of worldwide emergency number(s), building up on studies found in ITU-T Rec. E.161.1.

ADD ARB/7/51

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.

Reasons: This proposal is based on [CWG/4A2/219](#). This proposal slightly improves the original text of the proposal of new 5.5 & 5.6, and aims to facilitate the harmonization of worldwide emergency number(s), building up on studies found in ITU-T Rec. E.161.1.

ADD ARB/7/52

ARTICLE 5A

Confidence and Security of Telecommunications/ICTs

41D 5A.1 Member States shall undertake appropriate measures, individually or in cooperation with other Members states, to ensure Confidence and Security of Telecommunications/ICTs.

5A.2 Issues related to security include physical and operational security of networks; cybersecurity, cyberthreats, and cyber attacks; denial of service attacks; other online threats; controlling and countering unsolicited electronic communication (e.g Spam); and protection of information and personal data (e.g. phishing).

5A.3 Member States, in accordance to national law, shall cooperate to investigate, prosecute, correct and repair security breaches and incidents in timely manner.

5A.4 Member States shall ensure that operating agencies and other concerned entities provide and maintain, to the greatest extent practicable, confidence and security of telecommunications/ICTs.

5A.5 Member States shall ensure that operating agencies and other concerned entities cooperate with their counter parts in other Member states in ensuring confidence and security of telecommunications/ICTs.

5A.6 Member States shall ensure that operating agencies take the appropriate measures to prevent the propagation of spam.

5A.7 Member States shall ensure that operating agencies take the appropriate measures to combat network fraud.

Reasons: This proposal is based on [CWG/4A2/229](#). Confidence and Security in the use of ICTs is one of the most -if not the most- critical issues to be dealt with under the revised ITRs. At personnel, business, and government levels building confidence and security in the ICTs is a top priority. However this could only be achieved through global commitment, cooperation, and partnership. The new article treats this vital issue in three main points:

- Appropriate measures by the Member States (e.g. standards, legalizations, policies, initiatives, etc.);
- Enforcing such security measures to the extent practicable;
- Partnership and Global Cooperation in order to promptly resolving security breaches.

NOC ARB/7/53

ARTICLE 6

Charging and Accounting

ADD ARB/7/54

42.00 6.0 General Economic and Policy Principles

ADD ARB/7/55

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

ADD ARB/7/56

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

ADD ARB/7/57

42.03 6.0.3 Member States should promote cost-oriented wholesale pricing to the extent that it fosters competition. Regulatory measures may be imposed by the Member States to the extent that this cannot be achieved through market mechanisms and to the extent that such measures do not hinder competition.

ADD ARB/7/58

42.04 6.0.4 Member States shall take measures to ensure that fair compensation is received for carried traffic (e.g. interconnection or termination). Regulatory measures may be imposed by the Member States to the extent that this cannot be achieved through market mechanisms and to the extent that such measures do not hinder competition.

ADD ARB/7/59

42.05 6.0.5 Member states shall ensure that their regulatory frameworks drive the operating agencies to establish 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.

ADD ARB/7/60

42.06 6.0.6 The Member States shall take measures to ensure that operating agencies have the right to charge providers of international communication applications and services appropriate access charges based on the agreed quality of service. Regulatory measures may be imposed by the Member State in case that this cannot be achieved through commercial arrangements and to the extent that such measures do not hinder competition.

ADD ARB/7/61

42.07 6.0.7 Members States may take necessary measures to optimize the utilization of the facilities of operating agencies in their territories and to ensure their sustainable development considering the public interest.

NOC ARB/7/62

42 **6.1 Collection charges**

MOD ARB/7/63

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~~In establishing these charges, ~~administrations*~~Member States should ~~try~~take measures to try avoid too great a dissymmetry between the charges applicable in each direction of the same relation, and they shall ensure transparency.

MOD ARB/7/64

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 route chosen by that ~~administration*~~operating agency.

NOC ARB/7/65

46 **6.2 Accounting rates**

MOD ARB/7/66

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

SUP ARB/7/67

48 ~~6.3~~ **Monetary unit**

NOC ARB/7/68

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

MOD ARB/7/69

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

NOC ARB/7/70

53 **6.5** **Service and privilege telecommunications**

MOD ARB/7/71

54 6.5.1 ~~Administrations*~~Operating agencies shall follow the relevant provisions as set out in Appendix 3.

NOC ARB/7/72

ARTICLE 7

Suspension of Services

Reasons: title of Article 7 remains unchanged.

MOD ARB/7/73

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 States shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.

Reasons: This proposal is based on [CWG/4A2/320](#). Retain this important provision with slight update of text.

MOD ARB/7/74

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: This proposal is based on [CWG/4A2/321](#). Retain this important provision with slight update of text.

NOC ARB/7/75

ARTICLE 8

Dissemination of Information

Reasons: Title of Article 8 remains unchanged.

MOD ARB/7/76

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~~. 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.

Reasons: This proposal is based on [CWG/4A2/324](#). Retain this important provision with slight update of text. Moreover, recognize the possible authorization by Member States to its operating agencies to notify this information directly to the ITU on its behalf.

ADD ARB/7/77

57A 8.2 Member States should transmit such information to the Secretary-General in timely manner and in accordance with the relevant Recommendation of the ITU.

Reasons: This proposal is based on [CWG/4A2/324](#). This proposed provision aims to urge the Member States or its authorized operating agencies to transmit this important information on timely manner.

NOC ARB/7/78

ARTICLE 9

Special Arrangements

Reasons: Title of Article 9 remains unchanged.

MOD ARB/7/79

58 9.1 a) ~~Pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982), s~~ 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, administrations*~~ operating agencies 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: This proposal is based on [CWG/4A2/331](#). Retain this important provision with slight update/improvement of the text. Moreover, recognize that such arrangements could also be entered into by operating agencies.

MOD ARB/7/80

59 b) Any such special arrangements ~~should~~ shall avoid technical harm to the operation of the telecommunication facilities or services and shall not breach nor diminish the security and confidence of telecommunications/ICTs of third countries, parties and shall not breach the rights of third parties under these Regulations.

Reasons: This proposal is based on [CWG/4A2/334](#). Retain this very important provision, which highlights the conditions for any of these mutual special arrangements; obviously security is among these important conditions.

MOD ARB/7/81

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.

Reasons: This proposal is based on [CWG/4A2/341](#). Retain this provision with slight improvement/update of its text. The proposal recognizes that the studies done under the ITU could act as reference or at least as starting point when entering into any special arrangements.

MOD ARB/7/82

ARTICLE 10

Final Provisions Entry into force and provisional application

Reasons: This proposal is based on [CWG/4A2/344](#). Reflects new content of Article 10.

MOD ARB/7/83

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 201[5] and shall be applied as of that date pursuant to Article 54 of the Constitution.

SUP ARB/7/84

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.~~

~~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 and their administrations* shall be free to disregard the said provision or provisions in their relations with the Member which has made such reservations and its administrations*.~~

~~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.~~

Reasons: This proposal is based on [CWG/4A2/345](#). Suppress 10.2 through 10.4 and align the ITRs Entry into Force with same provisions of the RR. The provisions related to Entry into force are quite complex and have been drafted adequately and with extra care under Article 54 of CS. Any attempt to re-draft similar text is quite complex and may create contradiction with CS/CV. Hence it is quite advisable to simply refer to the CS Article 54. Also see the detail document on this critical matter provided by the ITU Secretary-General in **Doc 62 to the CWG-WCIT12**.

APPENDIX 1

General Provisions Concerning Accounting

1/1 1 Accounting rates

MOD ARB/7/85

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 Recommendations of the ~~CCITT-ITU~~ 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 ARB/7/86

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

MOD ARB/7/87

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

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

MOD ARB/7/88

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 ARB/7/89

1/7 1.4 In cases where one or more routes have been established by agreement between administrations*operating agencies and where traffic is diverted unilaterally by the administration*operating agency of origin to a 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 ARB/7/90

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 ARB/7/91

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.

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

MOD ARB/7/92

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 ARB/7/93

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 ARB/7/94

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 after the receipt of the account, but only to the extent necessary to bring any differences within mutually agreed limits.

MOD ARB/7/95

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 ARB/7/96

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 routing sequence as soon as possible after receiving that data from the originating administration*operating agency.

1/29 **3.3** **Payment of balances**

MOD ARB/7/97

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 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.

1/34 3.4 Additional provisions

MOD ARB/7/98

1/35 3.4.1 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, if appropriate.

MOD ARB/7/99

1/37 3.4.3 If there should be a radical change in the international monetary system which invalidates or makes inappropriate one or more of the foregoing paragraphs, ~~administrations*~~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.

APPENDIX 2

Additional Provisions Relating to Maritime Telecommunications

2/1 1 General

MOD ARB/7/100

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

2/3 2 Accounting authority

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:

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

MOD ARB/7/101

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

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

MOD ARB/7/102

2/8 2.2 The ~~administration~~ Member States 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 ARB/7/103

2/9 2.3 References to ~~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 ARB/7/104

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

2/11 3 Establishment of accounts

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.

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.

2/14 4 Settlement of balances of account

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.

MOD ARB/7/105

2/16 4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the ~~administration~~ Member State 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.

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 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.

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

APPENDIX 3

Service and Privilege Telecommunications

3/1 1 Service telecommunications

MOD ARB/7/106

3/2 1.1 ~~Administrations*~~Member States may ~~provide-require that~~ service telecommunications be provided free of charge.

MOD ARB/7/107

3/3 1.2 ~~Administrations*~~Operating agencies may in principle forego inclusion of service telecommunications in international accounting, under the relevant provisions of the ~~International Telecommunication Constitution and~~ Convention of the International Telecommunication Union and the present Regulations, having due regard for the need for reciprocal arrangements.

MOD ARB/7/108

3/4 2 Privilege telecommunications

~~Administrations*~~Member States may ~~provide-require that~~ privilege telecommunications be provided free of charge, and operating agencies accordingly may forego the inclusion of such classes of telecommunication in international accounting, under the relevant provisions of the ~~International Telecommunication Constitution and~~ Convention of the International Telecommunication Union and the present Regulations.

MOD ARB/7/109

3/5 3 Applicable provisions

The general operational, charging and accounting principles applicable to service and privilege telecommunications should take account of the relevant ~~CCITT~~ Recommendations of the ITU.
