

PLENARY MEETING

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Brazil (Federative Republic of)

PROPOSALS FOR THE WORK OF THE CONFERENCE

NOC B/18/1

**INTERNATIONAL TELECOMMUNICATION
REGULATIONS**

Reasons: Title of these Regulations should be the same as in the ITU Constitution.

NOC B/18/2

PREAMBLE

Reasons: Maintain the title of the opening statement of the ITRs.

PREAMBLE

MOD B/18/3

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 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, and thus facilitating peaceful relations, international cooperation among peoples and economic and social progress, making them, so far as possible, generally available to the public.~~

Reasons: Updates to the text based on the current Preamble of the ITU Constitution while maintaining the specific scope of the ITRs.

NOC B/18/4

ARTICLE 1

Purpose and Scope of the Regulations

Reasons: Maintain the title of Article 1 of the ITRs.

MOD B/18/5

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*.~~

Reasons: The new ITRs will be binding to Member States.

MOD B/18/6

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

Reasons: Updates and improvements to the text.

SUP B/18/7

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

Reasons: This definition of public is out-dated, as it does not include the private sector, an essential player in the currently privatized telecommunications market. Moreover, there is no need to define “public” specifically in the context of the ITRs, as the dictionary definition of “public” is adequate for the purposes of the ITRs.

MOD B/18/8

5 1.3 These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication ~~facilities networks and services~~ 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: The main purpose of the ITRs is not to safeguard telecommunication facilities, but to ensure that telecommunication networks and services are globally interconnected and interoperable. Moreover, if the main goal of item 1.3 is achieved, it is not necessary to mention its target public.

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

MOD B/18/9

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

Reasons: Editorial update of the item, altering administrations to relevant parties. Also, change in the wording in order to improve the text.

MOD B/18/10

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

Reasons: Administrations are no longer the only players which should comply, to the greatest extent possible, with the technical Recommendations of the ITU. The scope is also increased from ITU-T Recommendations to ITU Recommendations, as there are also ITU-R Recommendations which should be implemented in order to achieve global interconnection and interoperability of telecommunications. There is no need to mention "Instructions". Additionally, Brazil agrees that the Recommendations of the ITU shall not be made obligatory by the ITRs.

MOD B/18/11

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 recognized~~ operating agencies (ROAs), which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State.

Reasons: Updates and improvements to the text.

MOD B/18/12

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

Reasons: Increase in the scope from ITU-T Recommendations to ITU Recommendations, as there are also ITU-R Recommendations which should be implemented in order to achieve global interconnection and interoperability of telecommunications.

MOD B/18/13

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

Reasons: The correct scope for this provision is Operating Agencies, as there are specific provisions within the ITRs that are targeted towards a broader public than ROAs. Furthermore, Operating Agencies involve ROAs.

ADD B/18/14

12A 1.9 Member States shall cooperate to promote the development of telecommunication infrastructure to support public education, public health and financial inclusion.

Reasons: Brazil understands that the ITRs, as a long term Treaty for the interoperability and interconnection of international telecommunications, should recognize and anticipate the future impact of international telecommunications in public education and public health. Furthermore, considering that financial inclusion is part of the current agenda of the World Bank, that mobile banking and other similar services and applications are essential for financial inclusion, and that these services and applications demand reliable telecommunication interoperability and interconnection, it is appropriate that the ITRs anticipate the need for cooperation and promotion of their developments.

NOC B/18/15

ARTICLE 2

Definitions

Reasons: Maintain the title of Article 2 of the ITRs.

NOC B/18/16

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 current text still applies for the purpose of Article 2.

SUP B/18/17

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

Reasons: There should be no duplication of definitions between the ITRs and the CS/CV. This definition already exists in CS 1014.

SUP B/18/18

17 ~~2.4 — Service telecommunication~~

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

~~— administrations;~~

~~— recognized private operating agencies;~~

~~— and the Chairman of the Administrative Council, the Secretary General, the Deputy Secretary General, the Directors of the International Consultative Committees, the~~

~~members of the International Frequency Registration Board, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.~~

Reasons: There should be no duplication of definitions between the ITRs and the CS/CV. This definition already exists in CV 1006.

SUP B/18/19

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

SUP B/18/20

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

~~— sessions of the ITU Administrative Council,~~

~~— conferences and meetings of the ITU~~

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

SUP B/18/21

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

Reasons: These provisions are obsolete and no longer apply.

MOD B/18/22

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

Reasons: An international route is not defined the facilities and installations that support it, but by the actual connection to exchange telecommunication traffic.

SUP B/18/23

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

SUP B/18/24

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

SUP B/18/25

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

Reasons: It is not necessary to define Relation in the context of the ITRs, as the dictionary definition of Relation is adequate for the purposes of the ITRs.

MOD B/18/26

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

Reasons: The accounting rate term is still used in mutual agreements between ROAs, thus the definition should be updated.

SUP B/18/27

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

Reasons: This provision is obsolete.

NOC B/18/28

ARTICLE 3

International Network

Reasons: Maintain the title of Article 3 of the ITRs.

MOD B/18/29

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 minimum quality of service [taking into consideration the relevant Recommendations of the ITU].

Reasons: Operating agencies are responsible for the establishment, operation and maintenance of international networks. This provision demands a wider scope than only Recognized Operating Agencies. Also, the Recommendations of the ITU could be considered in the determination of the minimum quality of service.

MOD B/18/30

29 3.2 ~~Administrations* shall endeavour to provide sufficient telecommunication facilities. Member States shall establish policies~~ to meet the requirements of and demand for international telecommunication services, taking into account a sustainable regulatory framework for these services.

Reasons: This proposal includes Members States as responsible for the establishment of policies and regulation of telecommunications, while also recognizing that is it important from the regulatory point of view that the telecommunication sector is balanced and sustainable.

SUP B/18/31

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 obsolete and no longer applies to the current telecommunication market as the choice of international routes to be used is currently governed by market-driven decisions.

MOD B/18/32

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.~~

Reasons: The modifications in this provision protect the right of the users to send traffic and correctly identify the parties responsible for the international telecommunication network. The quality issue is already addressed in other provisions, thus it can be deleted from this text.

ADD B/18/33

31A 3.5 Member States shall ensure that international naming, numbering, addressing and identification resources are used only by the assignees and only for the purposes for which they were assigned and that unassigned resources shall not be used. Member States shall also endeavour to prevent misuse and misappropriation of these resources.

Reasons: This new provision aims at assuring that telecommunications' critical resources are used in an optimal way and only for the purpose for which they were created and assigned. The prevention of misappropriation and misuse of critical resources is also under the responsibility of Member States.

ADD B/18/34

31B 3.6 Member States should encourage network operators and service providers to:

- implement calling party identification features in the international telecommunication services using naming, numbering and other resources, where technically possible;
- use appropriate standards when implementing calling party identification features;

- ensure the requirements associated with data protection, data privacy, consumer protection, and emergency provisions are met, when implementing calling party identification features.

Reasons: Where technically possible and applicable, and whenever desired by both parties, the identification of the calling party number is a valuable information for both the originator and the recipient of communications, as well as for security related issues. This new provision recognizes the technical difficulties and the importance of this information.

ADD B/18/35

31C 3.7 Member States should foster the implementation of regional traffic exchange points with a view to improve quality, increase the connectivity and resilience of networks, and reduce the costs of international telecommunication connections.

Reasons: This proposal aims at decreasing the costs of connection to international telecommunication networks.

NOC B/18/36

ARTICLE 4

International Telecommunication Services

Reasons: Maintain the title of Article 4 of the ITRs.

MOD B/18/37

32 4.1 Members States shall establish policies to promote the implementation development of international telecommunication services and ~~shall endeavour to make such services generally available to foster their availability~~ in their national network(s).

Reasons: This provision recognizes the role of Member States in developing telecommunications and increasing their availability to the public.

MOD B/18/38

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

Reasons: This provision recognizes the importance of the technical work performed at all sectors of the ITU and the settlement of mutual agreements for the provision of international telecommunication services.

MOD B/18/39

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 quality of service corresponding to the relevant ~~CCITT-ITU-T~~ Recommendations with respect to:

Reasons: For global interconnection and interoperability, it is necessary that minimum standards on quality of services be considered by operating agencies.

MOD B/18/40

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, or diminish the level of security of technical facilities and personnel;

Reasons: This amendment includes technical security issues in the maintenance of quality standards for international telecommunication services.

ADD B/18/41

38B 4.5 Given the particular characteristics of GTSs, which display both the features of international telecommunication services as well as their own specific features in the form of ubiquitous access in accordance with local legislations and of their own specially assigned country codes, allowing subscribers to have a single worldwide number, Member States may insert and implement GTSs into national law.

Reasons: Global telecommunication services (GTS) and provisions for using global numbering resources should be included in the ITRs, in order to drive the development of these ubiquitous networks.

NOC B/18/42

ARTICLE 5

Safety of Life and Priority of Telecommunications

Reasons: Maintain the title of Article 5 of the ITRs.

SUP B/18/43

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

Reasons: There should be no duplication of definitions between the ITRs and the CS/CV. This definition already exists in CV 1014 and the provisions that govern the priority of government telecommunications are already defined in article 41 of the ITU CS.

MOD B/18/44

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

Reasons: The relevant Recommendations of the ITU describe the other cases of priority that are not defined in the ITU CS.

ADD B/18/45

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

Reasons: This new provision recognizes the benefits for users to have knowledge of the number to be called in case of emergencies when roaming abroad.

ADD B/18/46

ARTICLE 5A

Confidence and security in the provision of international telecommunications and services

Reasons: This new article aims at addressing new issues on security of telecommunication networks and services, which Brazil understands is within the ITU mandate, in accordance with Resolution 130 (Guadalajara, 2010).

ADD B/18/47

41D 5A.1 Member States should encourage Operating Agencies in their territories to take appropriate measures for ensuring networks safety and security.

5A.2 Member States should collaborate to promote international cooperation to avoid technical harm to networks.

5A.3 Member States are encouraged to cooperate in that sense.

Reasons: This new provision aims at encouraging international cooperation in promoting networks safety and security and in avoiding technical harm to said networks.

ADD B/18/48

ARTICLE 5B

Countering spam

Reasons: Spam is an international issue that has serious technical implications on telecommunication networks and services. Even though there are many facets to the problem of Spam, technical solutions implemented on networks and services seem to be one way to prevent its propagation. Technical studies on this issue have been undertaken in the last 8 years at the ITU-T sector. Brazil recognizes that there is a legal aspect involved in the prosecution of spammers, but also recognizes that this aspect of Spam is not within the mandate of the ITU, nor of the ITRs.

ADD B/18/49

41E 5B.1 Member States shall ensure that operating agencies take appropriate measures to prevent the propagation of spam.

5B.2 Member States are encouraged to cooperate in that sense.

Reasons: Considering that studies are still underway in the ITU-T sector, any provision on Spam should be flexible enough to facilitate international cooperation on the matter. This new provision allows for that flexibility while, at the same time, recognizes spam as an international problem that should be met with a solution.

NOC B/18/50

ARTICLE 6

Charging and Accounting

Reasons: Maintain the title of Article 6 of the ITRs.

MOD B/18/51

43 6.1.1 ~~Each administration* shall, s~~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*~~ Member States should ~~try cooperate~~ to avoid too great a dissymmetry between the charges ~~applicable collected by operators from their customers~~ in each direction of the same relation.

Reasons: The proposed changes maintain the essence of the original provision, which is to avoid a great dissymmetry between charges collected in each side of an international communication, in order to benefit the end user with lower charges. It also updates the charge definition issue in the sense that it is not a national matter anymore, but a market-driven matter settled in mutual commercial agreements. Member States, however, should oversee that the charges are competitive and reasonably priced to the general population.

MOD B/18/52

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*~~ used for that communication.

Reasons: The proposed updates reflect the current market where international routes are chosen for economical and technical reasons. The end charge on customers, however, if an international route is altered for any reason, should not be increased.

MOD B/18/53

46 6.2 **Accounting, transit and termination rates**

MOD B/18/54

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. The terms and conditions, including prices, for the provision of international communications services, shall, subject to applicable national law, be commercially agreed between operators, taking into account a cost-based principle.~~

Reasons: Brazil understands that a cost-based principle, if considered in the negotiation of mutually agreed prices, and should the occasion and national laws allow, could result in lower final charges to the end user. Operators would also benefit from lower mutual rates.

MOD B/18/55

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

Reasons: Current Appendix 1 should be suppressed and Appendix 2 on maritime telecommunications should be maintained but renumbered to Appendix 1, so this provision should be amended accordingly.

ADD B/18/56

54E 6.10 Member States shall collaborate in preventing and mitigating fraud in international telecommunications.

Reasons: This new provision recognizes the importance of collaboration in the prevention and mitigation of fraud while providing flexibility for Member States to decide the best way in which collaborative efforts could be implemented.

ADD B/18/57

54P 6.18A Member States shall ensure that operators establish charging units and parameters that bill international telecommunication services' consumers according to what is effectively consumed.

Reasons: This proposal aims at solving the problem of different fractioning of telecommunication charging units (e.g., seconds, minutes, kilobytes, megabytes) and parameters (e.g., time distance, volume) between similar usage situations, for example, charging an international mobile roaming user by the minute for a local call even though local users are charged by seconds on local calls. The charging units and parameters should reflect as accurately as possible what the customer has effectively consumed.

NOC B/18/58

ARTICLE 7

Suspension of Services

Reasons: Maintain the title of Article 7 of the ITRs.

MOD B/18/59

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.

Reasons: Editorial updates.

MOD B/18/60

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: Editorial updates.

NOC B/18/61

ARTICLE 8

Dissemination of Information

Reasons: Maintain the title of Article 8 of the ITRs.

NOC B/18/62

ARTICLE 9

Special Arrangements

Reasons: title of Article 9 remains unchanged.

MOD B/18/63

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, 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 Member States concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

Reasons: Editorial updates.

NOC B/18/64

ARTICLE 10

Final Provisions

Reasons: title of Article 10 remains unchanged.

SUP B/18/65

~~APPENDIX 1~~

~~General Provisions Concerning Accounting~~

Reasons: Accounting rules are currently being defined directly in commercial agreements between operators, so it is not necessary to detail these provisions in the ITRs anymore.

MOD B/18/66

APPENDIX 21

**Additional Provisions Relating to
Maritime Telecommunications**

Reasons: Current Appendix 1 should be suppressed and Appendix 2 on maritime telecommunications should be maintained but renumbered to Appendix 1.

SUP B/18/67

~~APPENDIX 3~~

~~Service and Privilege Telecommunications~~

Reasons: Service Telecommunications' provisions are already defined in CV 1006 and privilege telecommunications are obsolete.

SUP B/18/68

~~RESOLUTION NO. 1~~

~~Dissemination of Information Concerning
International Telecommunication Services
- Available to the Public~~

Reasons: The Resolution is out of date. Covered by no. 183 of the Constitution and 202 and 203 of the Convention.

SUP B/18/69

~~RESOLUTION NO. 2~~

~~Cooperation of the Members of the Union in Implementing
the International Telecommunication Regulations~~

Reasons: Provisions on cooperation between Member States are already defined throughout the ITRs.

SUP B/18/70

~~RESOLUTION NO. 3~~

~~Apportionment of Revenues in
Providing International Telecommunication Services~~

Reasons: Provisions on cooperation between Member States are already defined throughout the ITRs.

SUP B/18/71

~~RESOLUTION NO. 4~~

~~The Changing Telecommunication Environment~~

Reasons: No longer relevant, as the invitation was acted upon by the 1989 Plenipotentiary Conference.

SUP B/18/72

~~RESOLUTION NO. 5~~

~~CCITT and World Wide Telecommunications Standardization~~

Reasons: No longer relevant, as the actions called for were taken by the Administrative Council and the 1989 Plenipotentiary Conference.

SUP B/18/73

~~RESOLUTION NO. 6~~

~~Continued Availability of Traditional Services~~

Reasons: Decision on the continuity of traditional services should be market-driven.

SUP B/18/74

~~RESOLUTION NO. 7~~

~~Dissemination of Operational and Service Information
-Through the General Secretariat~~

Reasons: No longer relevant, as the information is published as appropriate in the Operational Bulletin, and covered by no. 202 and 203 of the Convention.

SUP B/18/75

~~RESOLUTION NO. 8~~

~~Instructions for International Telecommunication Services~~

Reasons: Not relevant anymore. As mentioned in CWG WCIT-12/INF-2 (Status of Instructions), both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141 (Instructions for operators on the operator-assisted international telephone service), have been withdrawn.

SUP B/18/76

~~RECOMMENDATION NO. 1~~

~~Application to the Radio Regulations of the Provisions
-of the International Telecommunication Regulations~~

Reasons: The mentioned transitional period between the entry into force of the partially revised Radio Regulations (October 3, 1989) and the entry into force of the International Telecommunication Regulations (July 1, 1990), is over.

SUP B/18/77

~~RECOMMENDATION NO. 2~~

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

Reasons: The actions called for were taken by the Administrative Council and the 1989 Plenipotentiary Conference.
