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INTERNATIONAL TELECOMMUNICATION REGULATIONS

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PREAMBLE

1 While the sovereign right of each State to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereafter referred to as "Regulations") complement the Constitution and the 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 worldwide telecommunications.

2 Member States affirm their commitment to implement these Regulations in a manner that respects and upholds their human rights obligations.

3 These Regulations recognize the right of access of Member States to international telecommunication services.

ARTICLE 1

Purpose and scope of the Regulations

4 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. These Regulations do not address the content-related aspects of telecommunications.

5 *b)* These Regulations also contain provisions applicable to those operating agencies, authorized or recognized by a Member State, to establish, operate and engage in international telecommunications services to the public, hereinafter referred as "authorized operating agencies".

6 *c)* These Regulations recognize in Article 13 the right of Member States to allow special arrangements.

7 1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies.

8 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.

9 1.4 References to Recommendations of the ITU Telecommunication Standardization Sector (ITU-T) in these Regulations are not to be taken as giving to those Recommendations the same legal status as these Regulations.

10 1.5 Within the framework of these Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between authorized operating agencies.

11 1.6 In implementing the principles of these Regulations, authorized operating agencies should comply with, to the greatest extent practicable, the relevant ITU-T Recommendations.

12 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 authorized operating agencies which operate in its territory and provide an international telecommunication service to the public be authorized by that Member State.

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

14 *c)* The Member States, where appropriate, shall cooperate in implementing these Regulations.

15 1.8 These Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.

ARTICLE 2

Definitions

16 2.1 For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.

17 2.2 *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.

18 2.3 *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.

19 2.4 *Government telecommunications:* Telecommunications originating with any: Head of 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 replies to government telecommunications mentioned above.

20 2.5 *Service telecommunication:* A telecommunication that relates to public international telecommunications and that is exchanged among the following:

– Member States;

– authorized operating agencies; and

– the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.

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.

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

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.

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

26 2.9 *Collection charge:* The charge established and collected by an authorized operating agency from its customers for the use of an international telecommunication service.

ARTICLE 3

International network

27 3.1 Member States shall endeavour to ensure that authorized operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

28 3.2 Member States shall endeavour to ensure the provision of sufficient telecommunication facilities to meet the demand for international telecommunication services.

29 3.3 Authorized 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 authorized operating agencies concerned, the origin authorized operating agency has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination authorized operating agencies.

30 3.4 Subject to national law, any user, by having access to the international network, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to the relevant ITU-T Recommendations.

31 3.5 Member States shall endeavour to ensure that international telecommunication numbering resources specified in ITU-T Recommendations are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.

32 3.6 Member States shall endeavour to ensure that international calling line identification (CLI) information is provided taking into account the relevant ITU-T Recommendations.

33 3.7 Member States should create an enabling environment for the implementation of regional telecommunication traffic exchange points, with a view to improving quality, increasing the connectivity and resilience of networks, fostering competition and reducing the costs of international telecommunication interconnections.

ARTICLE 4

International telecommunication services

34 4.1 Member States shall promote the development of international telecommunication services and shall foster their availability to the public.

35 4.2 Member States shall endeavour to ensure that authorized operating agencies cooperate within the framework of these Regulations to provide, by agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ITU-T Recommendations.

36 4.3 Subject to national law, Member States shall endeavour to ensure that authorized operating agencies provide and maintain, to the greatest extent practicable, a satisfactory quality of service corresponding to the relevant ITU-T Recommendations with respect to:

37 *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;

38 *b)* international telecommunication facilities and services available to users for their dedicated use;

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

40 *d)* a capability for interworking between different services, as appropriate, to facilitate international telecommunication services.

41 4.4 Member States shall foster measures to ensure that authorized operating agencies provide free-of-charge, transparent, up-to-date and accurate information to end users on international telecommunication services, including international roaming prices and the associated relevant conditions, in a timely manner.

42 4.5 Member States shall foster measures to ensure that telecommunication services in international roaming of satisfactory quality are provided to visiting users.

43 4.6 Member States should foster cooperation among authorized operating agencies in order to avoid and mitigate inadvertent roaming charges in border zones.

44 4.7 Member States shall endeavour to promote competition in the provision of international roaming services and are encouraged to develop policies that foster competitive roaming prices for the benefit of end users.

ARTICLE 5

Safety of life and priority of telecommunications

45 5.1 Safety-of-life telecommunications, such as distress telecommunications, shall be entitled to transmission as of right and, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant articles of the Constitution and the Convention and taking due account of the relevant ITU-T Recommendations.

46 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. 45 (5.1) above, in accordance with the relevant provisions of the Constitution and the Convention and taking due account of the relevant ITU-T Recommendations.

47 5.3 The provisions governing the priority enjoyed by any other telecommunication services are contained in the relevant ITU-T Recommendations.

48 5.4 Member States should encourage authorized operating agencies to inform all users, including roaming users, in good time and free of charge, of the number to be used for calls to the emergency services.

ARTICLE 6

Security and robustness of networks

49 6.1 Member States shall individually and collectively endeavour to ensure the security and robustness of international telecommunication networks in order to achieve effective use thereof and avoidance of technical harm thereto, as well as the harmonious development of international telecommunication services offered to the public.

ARTICLE 7

Unsolicited bulk electronic communications

50 7.1 Member States should endeavour to take necessary measures to prevent the propagation of unsolicited bulk electronic communications and minimize its impact on international telecommunication services.

51 7.2 Member States are encouraged to cooperate in that sense.

ARTICLE 8

Charging and accounting

52 **8.1 International telecommunication arrangements**

53 8.1.1 Subject to applicable national law, the terms and conditions for international telecommunication service arrangements may be established through commercial agreements or through accounting-rate principles established pursuant to national regulation.

54 8.1.2 Member States shall endeavour to encourage investments in international telecommunication networks and promote competitive wholesale pricing for traffic carried on such telecommunication networks.

55 **8.2 Accounting-rate principles**

56 ***Terms and conditions***

57 8.2.1 The following provisions may apply where the terms and conditions of international telecommunication service arrangements are established through accounting-rate principles, established pursuant to national regulation. These provisions do not apply to arrangements established through commercial agreements.

58 8.2.2 For each applicable service in a given relation, authorized operating agencies shall, by mutual agreement, establish and revise accounting rates to be applied between them, in accordance with the provisions of Appendix 1 and taking into account the relevant ITU-T Recommendations.

59 8.2.3 Unless otherwise agreed, parties engaged in the provision of international telecommunication services shall follow the relevant provisions as set out in Appendices 1 and 2.

60 8.2.4 In the absence of special arrangements concluded between authorized operating agencies, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:

– either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;

– or freely convertible currencies or other monetary unit agreed between the authorized operating agencies.

61 ***Collection charges***

62 8.2.5 The charges levied on customers for a particular communication should in principle be the same in a given relation, regardless of the international route used for that communication. In establishing these charges, Member States should try to avoid dissymmetry between the charges applicable in each direction of the same relation.

63 **8.3 Taxation**

64 8.3.1 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.

65 **8.4 Service telecommunications**

66 8.4.1 Authorized operating agencies may in principle forego the inclusion of service telecommunications in international accounting, under the relevant provisions of the Constitution and the Convention and these Regulations, having due regard for the need for reciprocal arrangements. Authorized operating agencies may provide service telecommunications free of charge.

67 8.4.2 The general operational, charging and accounting principles applicable to service telecommunications should take account of the relevant ITU-T Recommendations.

ARTICLE 9

Suspension of services

68 9.1 If a Member State exercises its right in accordance with the Constitution and the 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.

69 9.2 The Secretary-General shall immediately bring such information to the attention of all other Member States, using the most appropriate means of communication.

ARTICLE 10

Dissemination of information

70 10.1 Using the most suitable and economical means, the Secretary-General shall disseminate information provided, of an administrative, operational, or statistical nature, concerning international telecommunication services. Such information shall be disseminated in accordance with the relevant provisions of the Constitution and the Convention and of this Article, on the basis of decisions taken by the Council or by competent ITU conferences, and taking account of conclusions or decisions of ITU assemblies. If so authorized by the Member State concerned, the information may be transmitted to the Secretary-General directly by an authorized operating agency, and shall then be disseminated by the Secretary-General. Member States should transmit such information to the Secretary-General in a timely manner, taking into account the relevant ITU-T Recommendations.

ARTICLE 11

Energy efficiency/e-waste

71 11.1 Member States are encouraged to adopt energy-efficiency and e-waste best practices taking into account the relevant ITU-T Recommendations.

ARTICLE 12

Accessibility

72 12.1 Member States should promote access for persons with disabilities to international telecommunication services, taking into account the relevant ITU-T Recommendations.

ARTICLE 13

Special arrangements

73 13.1 *a)* Pursuant to Article 42 of the Constitution, special arrangements may be entered into on telecommunication matters which do not concern Member States in general. Subject to national laws, Member States may allow authorized operating agencies or other organizations or persons to enter into such special mutual arrangements with Member States and authorized operating agencies, or other organizations or persons that are so allowed in another country for the establishment, operation and use of special international 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, the financial, technical or operating conditions to be observed.

74 *b)* Any such special arrangements shall endeavour to avoid technical harm to the operation of the telecommunication facilities of third countries.

75 13.2 Member States should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 73 (13.1) above to take into account relevant provisions of ITU-T Recommendations.

ARTICLE 14

Final provisions

76 14.1 These Regulations, of which Appendices 1 and 2 form integral parts, shall enter into force on 1 January 2015, and shall be applied as of that date, consistent with all the provisions of Article 54 of the Constitution.

77 14.2 If a Member State makes reservations with regard to the application of one or more of the provisions of these Regulations, other Member States shall be free to disregard the said provision or provisions in their relations with the Member State which has made such reservations.

IN WITNESS WHEREOF, the delegates of the Member States of the International Telecommunication Union named below have, on behalf of their respective competent authorities, signed one copy of the present Final Acts in the Arabic, Chinese, English, French, Russian and Spanish languages. In case of discrepancies or dispute, the French text shall prevail. This copy shall be deposited in the archives of the Union. The Secretary-General shall forward one certified copy to each Member State of the International Telecommunication Union.

Done at Dubai, 14 December 2012.