The Amendments were previously published as Miscellaneous Series No. 4 Cm 9308 (2016)

Treaty Series No. 18 (2017)

Instruments Amending

the Constitution of the International Telecommunication Union (Geneva, 1992) and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998) and by the Plenipotentiary Conference (Marrakesh, 2002) (Amendments adopted by the Plenipotentiary Conference (Antalya, 2006))

Adopted Antalya, 24 November 2006

[The Amendments entered into force on 2 August 2017]

Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 2017

Cm 9514

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ISBN 978-1-5286-0064-4

CCS1017158696 10/17

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

INSTRUMENTS AMENDING THE CONSTITUTION OF THE INTERNATIONAL TELECOMMUNICATION UNION (GENEVA, 1992) AND THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION (GENEVA, 1992) AS AMENDED BY THE PLENIPOTENTIARY CONFERENCE (KYOTO, 1994), BY THE PLENIPOTENTIARY CONFERENCE (MINNEAPOLIS, 1998) AND BY THE PLENIPOTENTIARY CONFERENCE (MARRAKESH, 2002) (AMENDMENTS ADOPTED BY THE PLENIPOTENTIARY CONFERENCE (ANTALYA, 2006))

EXPLANATORY NOTES

Symbols used in the Final Acts

The symbols given in the margin indicate changes adopted by the Plenipotentiary Conference (Antalya, 2006) in relation to the texts of the Constitution and Convention (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998) and by the Plenipotentiary Conference (Marrakesh, 2002), and have the following meaning:

ADD	=	addition of a new provision
MOD	=	modification of an existing provision
(MOD)	=	editorial modification of an existing provision
SUP	=	deletion of an existing provision
SUP*	=	provision moved to another place in the Final Acts
ADD*	=	an existing provision moved from another place in the Final Acts to the place indicated

These symbols are followed by the number of the existing provision. For new provisions (symbol ADD), the point at which they are to be inserted is shown by the number of the preceding provision, followed by a letter.

INSTRUMENT AMENDING THE CONSTITUTION OF THE INTERNATIONAL TELECOMMUNICATION UNION (GENEVA, 1992) AS AMENDED BY THE PLENIPOTENTIARY CONFERENCE (KYOTO, 1994), BY THE PLENIPOTENTIARY CONFERENCE (MINNEAPOLIS, 1998) AND BY THE PLENIPOTENTIARY CONFERENCE (MARRAKESH, 2002) (AMENDMENTS ADOPTED BY THE PLENIPOTENTIARY CONFERENCE (ANTALYA, 2006))[1]

PART I

Foreword

By virtue of and in implementation of the relevant provisions of the Constitution of the International Telecommunication Union (Geneva, 1992)[2], as amended by the Plenipotentiary Conference (Kyoto, 1994)[3], by the Plenipotentiary Conference (Minneapolis, 1998)[4] and by the Plenipotentiary Conference (Marrakesh, 2002)[5], in particular those in Article 55 thereof, the Plenipotentiary Conference of the International Telecommunication Union (Antalya, 2006) has adopted the following amendments to the said Constitution:

CHAPTER I

Basic Provisions

ARTICLE 11

General Secretariat

ADD* **73*bis*** The Secretary-General shall act as the legal representative of the Union.

SUP* **76**

[1] The language used in the basic instruments of the Union (Constitution and Convention) is to be considered as gender neutral
[2] Treaty Series No. 024 (1996) CM 3145
[3] Treaty Series No. 065 (1997) CM 3779
[4] Miscellaneous Series No. 02 (2016) CM 9306
[5] Miscellaneous Series No. 03 (2016) CM 9307

CHAPTER II

Radiocommunication Sector

ARTICLE 13

Radiocommunication Conferences and Radiocommunication Assemblies

MOD PP-98 **90** 2 World radiocommunication conferences shall normally be convened every three to four years; however, following the application of the relevant provisions of the Convention, such a conference need not be convened or an additional one may be convened.

MOD PP-98 **91** 3 Radiocommunication assemblies shall also normally be convened every three to four years, and may be associated in place and time with world radiocommunication conferences so as to improve the efficiency and effectiveness of the Radiocommunication Sector. Radiocommunication assemblies shall provide the necessary technical bases for the work of the world radiocommunication conferences and respond to all requests from world radiocommunication conferences. The duties of the radiocommunication assemblies are specified in the Convention.

CHAPTER V

Other Provisions Concerning the Functioning of the Union

ARTICLE 28

Finances of the Union

MOD PP-98 **161C** 2) The Secretary-General shall inform the Member States and Sector Members of the provisional amount of the contributory unit as determined under No. 161B above and invite the Member States to notify, no later than four weeks prior to the date set for the opening of the plenipotentiary conference, the class of contribution they have provisionally chosen.

MOD **161E** 4) Bearing in mind the draft financial plan as revised,
PP-98 the plenipotentiary conference shall, as soon as
PP-02 possible, determine the definitive upper limit of the amount of the contributory unit and set the date, which shall be at the latest on Monday of the final week of the plenipotentiary conference, by which Member States, upon invitation by the Secretary-General, shall announce their definitive choice of class of contribution.

ARTICLE 29

Languages

MOD **171** 1 1) The official languages of the Union shall be Arabic, Chinese, English, French, Russian and Spanish.

PART II

Date of Entry into Force

The amendments contained in the present instrument shall, as a whole and in the form of one single instrument, enter into force on 1 January 2008 between Member States being at that time parties to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, the present amending instrument.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed the original of the present instrument amending the Constitution of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998) and by the Plenipotentiary Conference (Marrakesh, 2002).

Done at Antalya, 24 November 2006

INSTRUMENT AMENDING THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION (GENEVA, 1992) AS AMENDED BY THE PLENIPOTENTIARY CONFERENCE (KYOTO, 1994), BY THE PLENIPOTENTIARY CONFERENCE (MINNEAPOLIS, 1998) AND BY THE PLENIPOTENTIARY CONFERENCE (MARRAKESH, 2002) (AMENDMENTS ADOPTED BY THE PLENIPOTENTIARY CONFERENCE (ANTALYA, 2006))[6]

PART I

Foreword

By virtue of and in implementation of the relevant provisions of the Convention of the International Telecommunication Union (Geneva, 1992)[7], as amended by the Plenipotentiary Conference (Kyoto, 1994)[8], by the Plenipotentiary Conference (Minneapolis, 1998)[9] and by the Plenipotentiary Conference (Marrakesh, 2002)[10], in particular those in Article 42 thereof, the Plenipotentiary Conference of the International Telecommunication Union (Antalya, 2006) has adopted the following amendments to the said Convention:

[6] The language used in the basic instruments of the Union (Constitution and Convention) is to be considered as gender neutral.
[7] Treaty Series No. 024 (1996) CM 3145
[8] Treaty Series No. 065 (1997) CM 3779
[9] Miscellaneous Series No. 02 (2016) CM 9306
[10] Miscellaneous Series No. 03 (2016) CM 9307

CHAPTER I

Functioning of the Union

SECTION 1

ARTICLE 2

Elections and Related Matters

Elected officials

MOD **13** 1 The Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux shall take up their duties on the dates determined by the Plenipotentiary Conference at the time of their election. They shall normally remain in office until dates determined by the following plenipotentiary conference, and they shall be eligible for re-election once only for the same post. Re-election shall mean that it is possible for only a second term, regardless of whether it is consecutive or not.

Members of the Radio Regulations Board

MOD **20** 1 The members of the Radio Regulations Board shall take up their duties on the dates determined by the Plenipotentiary Conference at the time of their election. They shall remain in office until dates determined by the following plenipotentiary conference, and shall be eligible for re-election once only. Re-election shall mean that it is possible for only a second term, regardless of whether it is consecutive or not.

SECTION 2

ARTICLE 4

The Council

SUP **58**

MOD **60B** 9*ter)* Sector Members may attend, as observers, meetings
PP-02 of the Council, its committees and its working groups, subject to the conditions established by the Council, including conditions relating to the number of such observers and the procedures for appointing them.

MOD **73** 7) review and approve the biennial budget of the Union,
PP-98 and consider the budget forecast (included in the
PP-02 financial operating report prepared by the Secretary-General under No. 101 of this Convention) for the two-year period following a given budget period, taking account of the decisions of the Plenipotentiary Conference in relation to No. 50 of the Constitution and of the financial limits set by the Plenipotentiary Conference in accordance with No. 51 of the Constitution; it shall ensure the strictest possible economy but be mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible. In so doing, the Council shall take into account the priorities established by the Plenipotentiary Conference as expressed in the strategic plan for the Union, the views of the Coordination Committee as contained in the report by the Secretary-General mentioned in No. 86 of this Convention and the financial operating report mentioned in No. 101 of this Convention. The Council shall carry out an annual review of income and expenditure with a view to effecting adjustments, where appropriate, in accordance with resolutions and decisions of the Plenipotentiary Conference;

MOD **80**
PP-94

14) be responsible for effecting the coordination with all international organizations referred to in Articles 49 and 50 of the Constitution and, to this end, conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article 50 of the Constitution and in Nos. 269B and 269C of this Convention, and with the United Nations in application of the Agreement between the United Nations and the International Telecommunication Union; these provisional agreements shall be submitted to the Plenipotentiary Conference in accordance with the relevant provision of Article 8 of the Constitution;

SECTION 3

ARTICLE 5

General Secretariat

MOD **96** *m)* prepare recommendations for the first meeting of the heads of delegation referred to in No. 49 of the General Rules of conferences, assemblies and meetings of the Union, taking into account the results of any regional consultation;

MOD **100** *q)*
PP-98

after consultation with the Coordination Committee and making all possible economies, prepare and submit to the Council a biennial draft budget covering the expenditures of the Union, taking account of the financial limits laid down by the Plenipotentiary Conference. This draft shall consist of a consolidated budget, including cost-based and results-based budget information for the Union, prepared in accordance with the budget guidelines issued by the Secretary-General, and comprising two versions. One version shall be for zero growth of the contributory unit, the other for a growth less than or equal to any limit fixed by the Plenipotentiary Conference, after any drawing on the Reserve Account. The budget resolution, after approval by the Council, shall be sent for information to all Member States;

MOD **105** 2 The Secretary-General or the Deputy Secretary-General may participate, in an advisory capacity, in conferences of the Union; the Secretary-General or his representative may participate in an advisory capacity in all other meetings of the Union.

SECTION 4

ARTICLE 6

Coordination Committee

MOD PP-02 **111** 4 A report shall be made of the proceedings of the Coordination Committee and shall be made available to the Member States.

SECTION 5

Radiocommunication Sector

ARTICLE 12

Radiocommunication Bureau

MOD PP-98 **178** *b)* exchange with Member States and Sector Members data in machine-readable and other forms, prepare and keep up to date any documents and databases of the Radiocommunication Sector, and arrange with the Secretary-General, as appropriate, for their publication in the languages of the Union in accordance with No. 172 of the Constitution;

SECTION 6

Telecommunication Standardization Sector

ARTICLE 15

Telecommunication Standardization Bureau

MOD
PP-98

203 *d)* exchange with Member States and Sector Members data in machine-readable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Standardization Sector, and arrange with the Secretary-General, as appropriate, for their publication in the languages of the Union in accordance with No. 172 of the Constitution;

SECTION 7

Telecommunication Development Sector

ARTICLE 16

Telecommunication Development Conferences

MOD

209 *a)* world telecommunication development conferences shall establish work programmes and guidelines for defining telecommunication development questions and priorities and shall provide direction and guidance for the work programme of the Telecommunication Development Sector. They shall decide, in the light of the abovementioned programmes of work, on the need to maintain, terminate or establish study groups and allocate to each of them the questions to be studied;

ARTICLE 17A

Telecommunication Development Advisory Group

MOD

215C 1 The telecommunication development advisory group shall be open to representatives of administrations of Member States and representatives of Sector Members and to chairmen and vice-chairmen of study groups and other groups, and will act through the Director.

ARTICLE 18

Telecommunication Development Bureau

MOD **220** *c)* exchange with members data in machine-readable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Development Sector, and arrange with the Secretary-General, as appropriate, for their publication in the languages of the Union in accordance with No. 172 of the Constitution;

SECTION 8

Provisions Common to the Three Sectors

ARTICLE 19

Participation of Entities and Organizations Other than Administrations in the Union's Activities

(MOD) **235** 5 Any request from any entity or organization listed in No. 231. above (other than those referred to in Nos. 269B and 269C of this Convention) to participate in the work of a Sector shall be sent to the Secretary-General and acted upon in accordance with procedures established by the Council.

(MOD) **236** 6 Any request from an organization referred to in Nos. 269B to 269D of this Convention to participate in the work of a Sector shall be sent to the Secretary-General, and the organization concerned shall be included in the lists referred to in No. 237 below.

(MOD) **237** 7 The Secretary-General shall compile and maintain lists of
PP-98 all entities and organizations referred to in Nos. 229 to 231 and Nos. 269B to 269D of this Convention that are authorized to participate in the work of each Sector and shall, at appropriate intervals, publish and distribute these lists to all Member States and Sector Members concerned and to the Director of the Bureau concerned. That Director shall advise such entities and organizations of the action taken on their requests, and shall inform the relevant Member States.

MOD PP-98 **240** 10 Any Sector Member has the right to denounce such participation by notifying the Secretary-General. Such participation may also be denounced, where appropriate, by the Member State concerned or, in case of the Sector Member approved pursuant to No. 234C above, in accordance with criteria and procedures determined by the Council. Such denunciation shall take effect at the end of six months from the date when notification is received by the Secretary-General.

ARTICLE 21

Recommendations from One Conference to Another

(MOD) **251** 2 Such recommendations shall be sent to the Secretary-General in good time for assembly, coordination and communication, as laid down in No. 44 of the General Rules of conferences, assemblies and meetings of the Union.

CHAPTER II

Specific Provisions Regarding Conferences and Assemblies

ARTICLE 23

PP-02 **Admission to Plenipotentiary Conferences**

MOD PP-94 PP-02 **269** *d)* observers of the following organizations, agencies and entities, to participate in an advisory capacity

MOD PP-02 **269E** *e)* observers from the Sector Members referred to in Nos. 229 and 231 of this Convention

ARTICLE 24

PP-02 **Admission to Radiocommunication Conferences**

MOD 278 PP-02 *b)* observers of organizations and agencies referred to in Nos. 269A to 269D of this Convention, to participate in an advisory capacity;

MOD PP-02 **279** *c)* observers of other international organizations invited in accordance with the relevant provisions of Chapter I of the General Rules of conferences, assemblies and meetings of the Union, to participate in an advisory capacity;

MOD PP-98 **280** *d)* observers from Sector Members of the Radiocommunication Sector;

ARTICLE 25

PP-98 PP-02

Admission to Radiocommunication Assemblies, World Telecommunication Standardization Assemblies and Telecommunication Development Conferences

ADD **296*bis*** *b)* representatives of Sector Members concerned;

MOD PP-02 **297** *c)* observers, to participate in an advisory capacity, from:

ADD **297*bis*** *i)* the organizations and agencies referred to in Nos. 269A to 269D of this Convention;

SUP **298A**

SUP **298B**

(MOD) 298C PP-02 *ii)* any other regional organization or other international organization dealing with matters of interest to the assembly or conference.

SUP **298D**

SUP **298E**

SUP* **298F**

CHAPTER IV

Other Provisions

ARTICLE 33

Finances

MOD PP-98 **468** 1 1) The scale from which each Member State, Subject to the provisions of No. 468A below, and Sector Member, subject to the provisions of No. 468B below, shall choose its class of contribution, in conformity with the relevant provisions of Article 28 of the Constitution, shall be as follows:

40 unit class 8 unit class

35 unit class 6 unit class

30 unit class 5 unit class

28 unit class 4 unit class

25 unit class 3 unit class

23 unit class 2 unit class

20 unit class 1 1/2 unit class

18 unit class 1 unit class

15 unit class 1/2 unit class

13 unit class 1/4 unit class

11 unit class 1/8 unit class

10 unit class 1/16 unit class

MOD **476** 4 1) The organizations referred to in Nos. 269A to 269E
PP-94 of this Convention and other organizations also
PP-98 specified in Chapter II thereof (unless they have been
PP-02 exempted by the Council, subject to reciprocity) and Sector Members referred to in No. 230 of this Convention which participate, in accordance with the provisions of this Convention, in a plenipotentiary conference, in a conference, assembly or meeting of a Sector of the Union, or in a world conference on international telecommunications, shall share in defraying the expenses of the conferences, assemblies and meetings in which they participate on the basis of the cost of these conferences and meetings and in accordance with the Financial Regulations. Nevertheless, Sector Members will not be charged separately for their attendance at a conference, assembly or meeting of their respective Sectors, except in the case of regional radiocommunication conferences.

(MOD) 5*bis)* When a Sector Member contributes to defraying the
480A expenses of the Union under No. 159A of the
PP-98 Constitution, the Sector for which the contribution is made should be identified.

ADD **480B** 5*ter*) Under exceptional circumstances, the Council may authorize a reduction in the number of contributory units when so requested by a Sector Member which has established that it can no longer maintain its contribution at the class originally chosen.

ANNEX

Definition of Certain Terms Used in this Convention and the Administrative Regulations of the International Telecommunication Union

MOD **1002** *Observer:* A person sent by a Member State, organization, agency or entity to attend a conference, assembly or meeting of the Union or the Council, without the right to vote and in accordance with the relevant provisions of the basic texts of the Union.
PP-94
PP-98

PART II

Date of Entry into Force

The amendments contained in the present instrument shall, as a whole and in the form of one single instrument, enter into force on 1 January 2008 between Member States being at that time parties to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, the present amending instrument.

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Done at Antalya, 24 November 2006

CCS1017158696

978-1-5286-0064-4