

ZBIERKA ZÁKONOV SLOVENSKEJ REPUBLIKY

Ročník 2014

Uverejnené: 17.01.2014

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OZNÁMENIE

Ministerstva zahraničných vecí a európskych záležitostí Slovenskej republiky

Ministerstvo zahraničných vecí a európskych záležitostí Slovenskej republiky oznamuje, že 22. októbra 2010 boli v Guadalajare prijaté zmeny Ústavy Medzinárodnej telekomunikačnej únie (ITU) (oznámenie č. 3).

Národná rada Slovenskej republiky so zmenami vyslovila súhlas uznesením č. 78 z 27. júna 2012 a rozhodla, že zmeny Ústavy ITU sú medzinárodnou zmluvou, ktorá má podľa čl. 7 ods. 5 Ústavy Slovenskej republiky prednosť pred zákonmi.

Prezident Slovenskej republiky podpísal listinu o prijatí zmien 26. novembra 2012. Listina o prístupe bola uložená 12. decembra 2012 u depositára, ktorým je generálny tajomník Medzinárodnej telekomunikačnej únie.

Zmeny Ústavy ITU nadobudli platnosť 1. januára 2012 v súlade s časťou II.

Slovenská republika pri podpise uplatnila nasledujúce výhrady a vyhlásenia:

Číslo výhrady	Text
23	Delegácie členských štátov Európskej únie prehlasujú, že členské štáty Európskej únie aplikujú listiny schválené Konferenciou vládných splnomocnencov (Guadalajara, 2010) v súlade so svojimi záväzkami vyplývajúcimi zo Zmluvy o Európskej únii a Zmluvy o fungovaní Európskej únie.
39	V dobe podpisu Záverečných dokumentov Konferencie vládných splnomocnencov (Guadalajara, 2010) delegácie uvedených štátov formálne prehlasujú, že trvajú na prehláseniach a výhradách vykonaných príslušnými štátmi pri podpise „Záverečných dokumentov na predchádzajúcich konferenciách ITU“ spojených s podpisom zmlúv, ako keby tieto prehlásenia a výhrady boli v plnej miere vykonané na tejto Konferencii vládných splnomocnencov.
85	Delegácie vyššie uvedených štátov – s odkazom na prehlásenie vykonané Mexikom (č. 70), vzhľadom na to, že prehlásenia a iné podobné prehlásenia odkazujú na Bogotskú deklaráciu rovníkových krajín z 3. decembra 1976 a na požiadavky týchto krajín týkajúcich sa uplatňovania zvrchovaných práv na časti geostacionárnej dráhy družíc alebo na akékoľvek súvisiace požiadavky – sa zhodli, že zmienené požiadavky nemôže táto konferencia uznať. Vyššie uvedené delegácie rovnako prehlasujú, že odkaz v článku 44 Ústavy na „geografickú situáciu určitých krajín“ neznamena uznanie žiadosti o akékoľvek prednostné práva na geostacionárnu dráhu družíc.

**K oznámeniu č. 4
2014 Z. z.**

**DOKUMENT, KTORÝM SA MENÍ A DOPLŇA ÚSTAVA MEDZINÁRODNEJ TELEKOMUNIKAČNEJ
ÚNIE (ŽENEVA, 1992)**

v znení zmien a doplnení prijatých Konferenciou vládných splnomocnencov (Kyoto, 1994), Konferenciou vládných splnomocnencov (Minneapolis, 1998), Konferenciou vládných splnomocnencov (Marakéš, 2002), a Konferenciou vládných splnomocnencov (Antalya, 2006)

Zmeny a doplnenia prijaté Konferenciou vládných splnomocnencov (Guadalajara, 2010)

VYSVETLUJÚCE POZNÁMKY

Symbole používané v záverečných dokumentoch

Symbole uvedené na okraji označujú zmeny prijaté Konferenciou vládných splnomocnencov (Guadalajara, 2010) v porovnaní s textami Ústavy a Dohovoru (Ženeva, 1992) v znení zmien a doplnení prijatých Konferenciou vládných splnomocnencov (Kyoto, 1994), Konferenciou vládných splnomocnencov (Minneapolis, 1998), Konferenciou vládných splnomocnencov (Marakéš, 2002) a Konferenciou vládných splnomocnencov (Antalya, 2006) a majú tento význam:

ADD = pridanie nového ustanovenia

MOD = úprava existujúceho ustanovenia

(MOD) = redakčná úprava existujúceho ustanovenia

SUP = zrušenie existujúceho ustanovenia

SUP* = ustanovenie sa v záverečných dokumentoch presunulo na iné miesto

ADD* = existujúce ustanovenie sa presunulo z iného miesta v záverečných dokumentoch na označené miesto

Za týmito symbolmi nasleduje číslo existujúceho ustanovenia. Pri nových ustanoveniach (symbol ADD) je bod, do ktorého sa majú vložiť, uvedený číslom predchádzajúceho ustanovenia, po ktorom nasleduje písmeno.

ÚSTAVA MEDZINÁRODNEJ TELEKOMUNIKAČNEJ ÚNIE* (ŽENEVA, 1992)

ČASŤ I. Predslov

Na základe a pri vykonávaní príslušných ustanovení Ústavy Medzinárodnej telekomunikačnej únie (Ženeva, 1992), v znení zmien a doplnení prijatých Konferenciou vládných splnomocnencov (Kyoto, 1994), Konferenciou vládných splnomocnencov (Minneapolis, 1998), Konferenciou vládných splnomocnencov (Marakéš, 2002) a Konferenciou vládných splnomocnencov (Antalya, 2006), najmä ustanovení článku 55 tejto Ústavy, prijala Konferencia vládných splnomocnencov Medzinárodnej telekomunikačnej únie (Guadalajara, 2010) tieto zmeny a doplnenia uvedenej Ústavy:

KAPITOLA V

Ostatné ustanovenia, týkajúce sa fungovania Únie

ČLÁNOK 28

Financie Únie

- MOD 5** Pri výbere svojej príspevkovej triedy ju členský štát nezniží o viac ako 15 percent ním zvoleného počtu jednotiek na obdobie predchádzajúce zníženiu, so zaokrúhlením nadol na najbližší nižší počet jednotiek na stupnici jednotiek pri príspevku troch alebo viacerých jednotiek, alebo o viac ako jednu príspevkovú triedu pri príspevku nižšom ako tri jednotky. Rada k tomu uvedie spôsob, akým sa znižovanie postupne zavedie počas obdobia medzi konferenciami vládnych splnomocnencov. Za výnimočných okolností, akými sú prírodné katastrofy, ktoré si vyžadujú zaviesť programy medzinárodnej pomoci, však konferencia vládnych splnomocnencov môže opraviť na významnejšie zníženie počtu príspevkových jednotiek, ak o to požiada členský štát, ktorý preukázal, že naďalej už nemôže udržiavať svoj príspevok v triede, ktorú si predtým zvolil.

ČASŤ II. Dátum nadobudnutia účinnosti

Zmeny a doplnenia obsiahnuté v tomto dokumente nadobudnú ako celok a vo forme jedného jediného dokumentu platnosť dňa 1. 1. 2012 pre členské štáty, ktoré budú v uvedenej dobe stranami Ústavy a Dohovoru Medzinárodnej telekomunikačnej únie (Ženeva, 1992) a uložia pred uvedeným dátumom svoj dokument o ratifikácii, prijatí alebo schválení tohto pozmeňujúceho a doplňujúceho dokumentu, alebo o pristúpení k nemu.

NA DŮKAZ TOHO podpísali príslušní vládni splnomocnenci originál tohto dokumentu, ktorým sa mení a dopĺňa Ústava Medzinárodnej telekomunikačnej únie (Ženeva, 1992) v znení zmien a doplnení prijatých Konferenciou vládnych splnomocnencov (Kyoto, 1994), Konferenciou vládnych splnomocnencov (Minneapolis, 1998), Konferenciou vládnych splnomocnencov (Marakéš, 2002) a Konferenciou vládnych splnomocnencov (Antalya, 2006).

Guadalajara, 22. októbra 2010

Výhrady a vyhlásenia spolupodpísané Slovenskou republikou

Číslo výhrady	Text
23	Delegácie členských štátov Európskej únie prehlasujú, že členské štáty Európskej únie aplikujú listiny schválené Konferenciou vládnych splnomocnencov (Guadalajara, 2010) v súlade so svojimi záväzkami vyplývajúcimi zo Zmluvy o Európskej únii a Zmluvy o fungovaní Európskej únie.
39	V dobe podpisu Záverečných dokumentov Konferencie vládnych splnomocnencov (Guadalajara, 2010) delegácie uvedených štátov formálne prehlasujú, že trvajú na prehláseniach a výhradách vykonaných príslušnými štátmi pri podpise „Záverečných dokumentov na predchádzajúcich konferenciách ITU“ spojených s podpisom zmlúv, ako keby tieto prehlásenia a výhrady boli v plnej miere vykonané na tejto Konferencii vládnych splnomocnencov.
85	Delegácie vyššie uvedených štátov – s odkazom na prehlásenie vykonané Mexikom (č. 70), vzhľadom na to, že prehlásenia a iné podobné prehlásenia odkazujú na Bogotskú deklaráciu rovníkových krajín z 3. decembra 1976 a na požiadavky týchto krajín týkajúcich sa uplatňovania zvrchovaných práv na časti geostacionárnej dráhy družíc alebo na akékoľvek súvisiace požiadavky – sa zhodli, že zmienené požiadavky nemôže táto konferencia uznať. Vyššie uvedené delegácie rovnako prehlasujú, že odkaz v článku 44 Ústavy na „geografickú situáciu určitých krajín“ neznamena uznanie žiadosti o akékoľvek prednostné práva na geostacionárnu dráhu družíc.

K oznámeniu č. 3/2014 Z. z.

**CONSTITUTION
OF THE INTERNATIONAL TELECOMMUNICATION UNION
(GENEVA, 1992)**

**as amended by the Plenipotentiary Conference (Kyoto, 1994),
by the Plenipotentiary Conference (Minneapolis, 1998),
by the Plenipotentiary Conference (Marrakesh, 2002)
and
by the Plenipotentiary Conference (Antalya, 2006)**

CONSTITUTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Preamble

- 1** While fully recognizing the sovereign right of each State to regulate its telecommunication and having regard to the growing importance of telecommunication for the preservation of peace and the economic and social development of all States, the States Parties to this Constitution, as the basic instrument of the International Telecommunication Union, and to the Convention of the International Telecommunication Union (hereinafter referred to as "the Convention") which complements it, with the object of facilitating peaceful relations, international cooperation among peoples and economic and social development by means of efficient telecommunication services, have agreed as follows:

CHAPTER I

Basic Provisions

ARTICLE 1

Purposes of the Union

- 2** 1 The purposes of the Union are:
- 3** *a)* to maintain and extend international cooperation among all its Member States for the improvement
PP-98 and rational use of telecommunications of all kinds;
- 3A** *abis)* to promote and enhance participation of entities and organizations in the activities of the Union
PP-98 and foster fruitful cooperation and partnership between them and Member States for the fulfilment of the overall objectives as embodied in the purposes of the Union;
- 4** *b)* to promote and to offer technical assistance to developing countries in the field of
PP-98 telecommunications, and also to promote the mobilization of the material, human and financial resources needed for its implementation, as well as access to information;
- 5** *c)* to promote the development of technical facilities and their most efficient operation with a view to
improving the efficiency of telecommunication services, increasing their usefulness and making
them, so far as possible, generally available to the public;
- 6** *d)* to promote the extension of the benefits of the new telecommunication technologies to all the
world's inhabitants;
- 7** *e)* to promote the use of telecommunication services with the objective of facilitating peaceful
relations;

- 8** *f)* to harmonize the actions of Member States and promote fruitful and constructive cooperation and partnership between Member States and Sector Members in the attainment of those ends;
- PP-98**
- 9** *g)* to promote, at the international level, the adoption of a broader approach to the issues of telecommunications in the global information economy and society, by cooperating with other world and regional intergovernmental organizations and those nongovernmental organizations concerned with telecommunications.
- 10** 2 To this end, the Union shall in particular:
- 11** *a)* effect allocation of bands of the radio-frequency spectrum, the allotment of radio frequencies and the registration of radiofrequency assignments and, for space services, of any associated orbital position in the geostationary-satellite orbit or of any associated characteristics of satellites in other orbits, in order to avoid harmful interference between radio stations of different countries;
- PP-98**
- 12** *b)* coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio-frequency spectrum for radiocommunication services and of the geostationary-satellite and other satellite orbits;
- PP-98**
- 13** *c)* facilitate the worldwide standardization of telecommunications, with a satisfactory quality of service;
- 14** *d)* foster international cooperation and solidarity in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate;
- PP-98**
- 15** *e)* coordinate efforts to harmonize the development of telecommunication facilities, notably those using space techniques, with a view to full advantage being taken of their possibilities;
- 16** *f)* foster collaboration among Member States and Sector Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunications on a sound basis;
- PP-98**
- 17** *g)* promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services;
- 18** *h)* undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters;
- 19** *i)* promote, with international financial and development organizations, the establishment of preferential and favourable lines of credit to be used for the development of social projects aimed, *inter alia*, at extending telecommunication services to the most isolated areas in countries.
- 19A** *j)* promote participation of concerned entities in the activities of the Union and cooperation with regional and other organizations for the fulfilment of the purposes of the Union.
- PP-98**

ARTICLE 2

Composition of the Union

- 20** The International Telecommunication Union is an intergovernmental organization in which Member States and Sector Members, having well-defined rights and obligations, cooperate for the fulfilment of the purposes of the Union. It shall, having regard to the principle of universality and the desirability of universal participation in the Union, be composed of:
- PP-98**
- 21** *a)* any State which is a Member State of the International Telecommunication Union as a Party to any International Telecommunication Convention prior to the entry into force of this Constitution and the Convention;
- PP-98**
- 22** *b)* any other State, a Member of the United Nations, which accedes to this Constitution and the Convention in accordance with Article 53 of this Constitution;
- 23** *c)* any other State, not a Member of the United Nations, which applies for membership of the Union and which, after having secured approval of such application by two-thirds of the Member States of the Union, accedes to this Constitution and the Convention in accordance with Article 53 of this Constitution. If such application for membership is made during the interval between two plenipotentiary conferences, the Secretary-General shall consult the Member States of the Union; a Member State shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.
- PP-98**

ARTICLE 3**PP-98 Rights and Obligations of Member States and Sector Members**

- 24** 1 Member States and Sector Members shall have the rights and shall be subject to the obligations provided for in this Constitution and the Convention.
PP-98
- 25** 2 Rights of Member States in respect of their participation in the conferences, meetings and consultations of the Union are:
PP-98
- 26** a) all Member States shall be entitled to participate in conferences, shall be eligible for election to the Council and shall have the right to nominate candidates for election as officials of the Union or as members of the Radio Regulations Board;
PP-98
- 27** b) subject to the provisions of Nos. 169 and 210 of this Constitution, each Member State shall have one vote at all plenipotentiary conferences, all world conferences and all Sector assemblies and study group meetings and, if it is a Member State of the Council, all sessions of that Council. At regional conferences, only the Member States of the region concerned shall have the right to vote;
PP-98
- 28** c) subject to the provisions of Nos. 169 and 210 of this Constitution, each Member State shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional conferences, only the Member States of the region concerned shall have the right to vote.
PP-98
- 28A** 3 In respect of their participation in activities of the Union, Sector Members shall be entitled to participate fully in the activities of the Sector of which they are members, subject to relevant provisions of this Constitution and the Convention:
PP-98
- 28B** a) they may provide chairmen and vice-chairmen of Sector assemblies and meetings and world telecommunication development conferences;
PP-98
- 28C** b) they shall be entitled, subject to the relevant provisions of the Convention and relevant decisions adopted in this regard by the Plenipotentiary Conference, to take part in the adoption of Questions and Recommendations and in decisions relating to the working methods and procedures of the Sector concerned.
PP-98

ARTICLE 4**Instruments of the Union**

- 29** 1 The instruments of the Union are:
– this Constitution of the International Telecommunication Union,
– the Convention of the International Telecommunication Union, and
– the Administrative Regulations.
- 30** 2 This Constitution, the provisions of which are complemented by those of the Convention, is the basic instrument of the Union.
- 31** 3 The provisions of both this Constitution and the Convention are further complemented by those of the Administrative Regulations, enumerated below, which regulate the use of telecommunications and shall be binding on all Member States:
PP-98
– International Telecommunication Regulations,
– Radio Regulations.
- 32** 4 In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail. In the case of inconsistency between a provision of the Convention and a provision of the Administrative Regulations, the Convention shall prevail.

ARTICLE 5**Definitions**

- 33** Unless the context otherwise requires:
- 34** a) the terms used in this Constitution and defined in its Annex, which forms an integral part of this Constitution, shall have the meanings assigned to them in that Annex;
- 35** b) the terms – other than those defined in the Annex to this Constitution – used in the Convention and defined in the Annex thereto, which forms an integral part of the Convention, shall have the meanings assigned to them in that Annex;
- 36** c) other terms defined in the Administrative Regulations shall have the meanings therein assigned to them.

ARTICLE 6**Execution of the Instruments of the Union**

- 37** 1 The Member States are bound to abide by the provisions of this Constitution, the Convention and the
PP-98 Administrative Regulations in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 48 of this Constitution.
- 38** 2 The Member States are also bound to take the necessary steps to impose the observance of the
PP-98 provisions of this Constitution, the Convention and the Administrative Regulations upon operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

ARTICLE 7**Structure of the Union**

- 39** The Union shall comprise:
- 40** a) the Plenipotentiary Conference, which is the supreme organ of the Union;
- 41** b) the Council, which acts on behalf of the Plenipotentiary Conference;
- 42** c) world conferences on international telecommunications;
- 43** d) the Radiocommunication Sector, including world and regional radiocommunication conferences, radiocommunication assemblies and the Radio Regulations Board;
- 44** e) the Telecommunication Standardization Sector, including world telecommunication standardization
PP-98 assemblies;
- 45** f) the Telecommunication Development Sector, including world and regional telecommunication development conferences;
- 46** g) the General Secretariat.

ARTICLE 8**Plenipotentiary Conference**

- 47** 1 The Plenipotentiary Conference shall be composed of delegations representing Member States. It shall
PP-98 be convened every four years.
- 48** 2 On the basis of proposals by Member States and taking account of reports by the Council, the
PP-98 Plenipotentiary Conference shall:
- 49** a) determine the general policies for fulfilling the purposes of the Union prescribed in Article 1 of this Constitution;
- 50** b) consider the reports by the Council on the activities of the Union since the previous plenipotentiary
PP-94 conference and on the policy and strategic planning of the Union;
PP-98
- 51** c) in the light of its decisions taken on the reports referred to in No. 50 above, establish the strategic
PP-98 plan for the Union and the basis for the budget of the Union, and determine related financial limits,
PP-02 until the next plenipotentiary conference, after considering all relevant aspects of the work of the Union in that period;
- 51A** c *bis*) establish, using the procedures described in Nos. 161D to 161G of this Constitution, the total
PP-98 number of contributory units for the period up to the next plenipotentiary conference on the basis of the classes of contribution announced by Member States;
- 52** d) provide any general directives dealing with the staffing of the Union and, if necessary, fix the basic salaries, the salary scales and the system of allowances and pensions for all the officials of the Union;
- 53** e) examine the accounts of the Union and finally approve them, if appropriate;

- 54** *f)* elect the Member States which are to serve on the Council;
PP-98
- 55** *g)* elect the Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux of the Sectors as elected officials of the Union;
- 56** *h)* elect the members of the Radio Regulations Board;
- 57** *i)* consider and adopt, if appropriate, proposals for amendments to this Constitution and the Convention, put forward by Member States, in accordance with the provisions of Article 55 of this Constitution and the relevant provisions of the Convention, respectively;
PP-94
PP-98
- 58** *j)* conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded by the Council on behalf of the Union, and take such measures in connection therewith as it deems appropriate;
- 58A** *j bis)* adopt and amend the General Rules of conferences, assemblies and meetings of the Union;
PP-98
PP-02
- 59** *k)* deal with such other telecommunication questions as may be necessary.
- 59A** 3 Exceptionally, in the interval between two ordinary Plenipotentiary Conferences, it shall be possible to convene an extraordinary Plenipotentiary Conference with a restricted agenda to deal with specific matters;
PP-94
- 59B** *a)* by a decision of the preceding ordinary Plenipotentiary Conference;
PP-94
- 59C** *b)* should two-thirds of the Member States individually so request the Secretary-General;
PP-94
PP-98
- 59D** *c)* at the proposal of the Council with the approval of at least two-thirds of the Member States.
PP-94
PP-98

ARTICLE 9

Principles Concerning Elections and Related Matters

- 60** 1 The Plenipotentiary Conference, at any elections referred to in Nos. 54 to 56 of this Constitution, shall ensure that:
- 61** *a)* the Member States of the Council are elected with due regard to the need for equitable distribution of the seats on the Council among all regions of the world;
PP-02
- 62** *b)* the Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux shall be elected among the candidates proposed by Member States as their nationals and shall all be nationals of different Member States, and at their election due consideration should be given to equitable geographical distribution amongst the regions of the world; due consideration should also be given to the principles embodied in No. 154 of this Constitution;
PP-94
PP-98
PP-02
- 63** *c)* the members of the Radio Regulations Board shall be elected in their individual capacity from among the candidates proposed by Member States as their nationals. Each Member State may propose only one candidate. The members of the Radio Regulations Board shall not be nationals of the same Member State as the Director of the Radiocommunication Bureau; at their election, due consideration should be given to equitable geographical distribution amongst the regions of the world and to the principles embodied in No. 93 of this Constitution.
PP-94
PP-98
PP-02
- 64** 2 Provisions relating to taking up duties, vacancy and re-eligibility are contained in the Convention.
PP-02

ARTICLE 10

The Council

- 65** 1 1) The Council shall be composed of Member States elected by the Plenipotentiary Conference in accordance with the provisions of No. 61 of this Constitution.
PP-98

- 66** 2) Each Member State of the Council shall appoint a person to serve on the Council who may be
PP-02 assisted by one or more advisers.
- 67** (SUP)
PP-02
- 68** 3 In the interval between Plenipotentiary Conferences, the Council shall act, as governing body of the
Union, on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the
latter.
- 69** 4 1) The Council shall take all steps to facilitate the implementation by the Member States of the
PP-98 provisions of this Constitution, of the Convention, of the Administrative Regulations, of the
decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other
conferences and meetings of the Union, and perform any duties assigned to it by the Plenipotentiary
Conference.
- 70** 2) The Council shall consider broad telecommunication policy issues in accordance with the
PP-98 guidelines given by the Plenipotentiary Conference to ensure that the Union's policies and strategy
PP-02 fully respond to changes in the telecommunication environment.
- 70A** 2*bis*) the Council shall prepare a report on the policy and strategic planning recommended for the
PP-02 Union, together with their financial implications, using the specific data prepared by the
Secretary-General under No. 74A below.
- 71** 3) It shall ensure the efficient coordination of the work of the Union and exercise effective financial
control over the General Secretariat and the three Sectors.
- 72** 4) It shall contribute, in accordance with the purposes of the Union, to the development of
telecommunications in the developing countries by every means at its disposal, including through
the participation of the Union in the appropriate programmes of the United Nations.

ARTICLE 11**General Secretariat**

- 73** 1 1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy
Secretary-General.
73bis The Secretary-General shall act as the legal representative of the Union.
PP-06
- 73A** 2) The functions of the Secretary-General are specified in the Convention. In addition, the
PP-98 Secretary-General shall:
- 74** a) coordinate the Union's activities, with the assistance of the Coordination Committee;
PP-98
- 74A** b) prepare, with the assistance of the Coordination Committee, and provide to the Member States and
PP-98 Sector Members, such specific information as may be required for the preparation of a report on the
PP-02 policies and strategic plan for the Union, and coordinate the implementation of the plan; this report
shall be communicated to the Member States and Sector Members for review during the last two
regularly scheduled sessions of the Council before a plenipotentiary conference;
- 75** c) take all the actions required to ensure economic use of the Union's resources and be responsible to
PP-98 the Council for all the administrative and financial aspects of the Union's activities;
- 76** (SUP)
PP-06
- 76A** 3) The Secretary-General may act as depositary of special arrangements established in conformity
PP-98 with Article 42 of this Constitution.
- 77** 2 The Deputy Secretary-General shall be responsible to the Secretary-General; he shall assist the
Secretary-General in the performance of his duties and undertake such specific tasks as may be
entrusted to him by the Secretary-General. He shall perform the duties of the Secretary-General in the
absence of the latter.

CHAPTER II
Radiocommunication Sector

ARTICLE 12
Functions and Structure

- 78** 1 1) The functions of the Radiocommunication Sector shall be, bearing in mind the particular concerns of
PP-98 developing countries, to fulfil the purposes of the Union, as stated in Article 1 of this Constitution, relating to radiocommunication:
- by ensuring the rational, equitable, efficient and economical use of the radio-frequency spectrum by all radiocommunication services, including those using the geostationary-satellite or other satellite orbits, subject to the provisions of Article 44 of this Constitution, and
 - by carrying out studies without limit of frequency range and adopting recommendations on radiocommunication matters.
- 79** 2) The precise responsibilities of the Radiocommunication Sector and the Telecommunication Standardization Sector shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close coordination shall be carried out between the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors.
- 80** 2 The Radiocommunication Sector shall work through:
- 81** a) world and regional radiocommunication conferences;
 - 82** b) the Radio Regulations Board;
 - 83** c) radiocommunication assemblies;
 - PP-98**
 - 84** d) radiocommunication study groups;
 - 84A** dbis) the Radiocommunication Advisory Group;
 - PP-98**
 - 85** e) the Radiocommunication Bureau, headed by the elected Director.
- 86** 3 The Radiocommunication Sector shall have as members:
- 87** a) of right, the administrations of all Member States;
 - PP-98**
 - 88** b) any entity or organization which becomes a Sector Member in accordance with the relevant
PP-98 provisions of the Convention.

ARTICLE 13
Radiocommunication Conferences and Radiocommunication Assemblies

- 89** 1 A world radiocommunication conference may partially or, in exceptional cases, completely, revise the Radio Regulations and may deal with any question of a worldwide character within its competence and related to its agenda; its other duties are specified in the Convention.
- 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.
PP-98
PP-06
- 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.
PP-98
PP-06

- 92** 4 The decisions of a world radiocommunication conference, of a radiocommunication assembly and of a regional radiocommunication conference shall in all circumstances be in conformity with this Constitution and the Convention. The decisions of a radiocommunication assembly or of a regional radiocommunication conference shall also in all circumstances be in conformity with the Radio Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down by the Plenipotentiary Conference.

ARTICLE 14

Radio Regulations Board

- 93** 1 The Radio Regulations Board shall consist of elected members thoroughly qualified in the field of radiocommunications and possessing practical experience in the assignment and utilization of frequencies. Each member shall be familiar with the geographic, economic and demographic conditions within a particular area of the world. They shall perform their duties for the Union independently and on a part-time basis.
- 93A** 1*bis*) The Radio Regulations Board is composed of not more than either 12 members, or of a number corresponding to 6% of the total number of Member States, whichever is the greater.
- 94** 2 The duties of the Radio Regulations Board shall consist of:
- 95** a) the approval of Rules of Procedure, which include technical criteria, in accordance with the Radio Regulations and with any decision which may be taken by competent radiocommunication conferences. These Rules of Procedure shall be used by the Director and the Bureau in the application of the Radio Regulations to register frequency assignments made by Member States. These Rules shall be developed in a transparent manner and shall be open to comment by administrations and, in case of continuing disagreement, the matter shall be submitted to the next world radiocommunication conference;
- 96** b) the consideration of any other matter that cannot be resolved through the application of the above Rules of Procedure;
- 97** c) the performance of any additional duties, concerned with the assignment and utilization of frequencies, as indicated in No. 78 of this Constitution, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference or by the Council with the consent of a majority of the Member States, in preparation for, or in pursuance of the decisions of, such a conference.
- 98** 3 1) In the exercise of their Board duties, the members of the Radio Regulations Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust. In particular, each member of the Board shall refrain from intervening in decisions directly concerning the member's own administration.
- 99** 2) No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a member thereof, or from any public or private organization or person. Members of the Board shall refrain from taking any action or from participating in any decision which may be incompatible with their status defined in No. 98 above.
- 100** 3) Member States and Sector Members shall respect the exclusively international character of the duties of the members of the Board and refrain from attempting to influence them in the performance of their Board duties.
- 101** 4 The working methods of the Radio Regulations Board are defined in the Convention.

ARTICLE 15

Radiocommunication Study Groups and Advisory Group

- PP-98**
- 102** The respective duties of the radiocommunication study groups and advisory group are specified in the Convention.
- PP-98**

ARTICLE 16

Radiocommunication Bureau

- 103** The functions of the Director of the Radiocommunication Bureau are specified in the Convention.

CHAPTER III
Telecommunication Standardization Sector

ARTICLE 17
Functions and Structure

- 104** 1 1) The functions of the Telecommunication Standardization Sector shall be, bearing in mind the particular concerns of the developing countries, to fulfil the purposes of the Union relating to telecommunication standardization, as stated in Article 1 of this Constitution, by studying technical, operating and tariff questions and adopting recommendations on them with a view to standardizing telecommunications on a worldwide basis.
- PP-98**
- 105** 2) The precise responsibilities of the Telecommunication Standardization and Radiocommunication Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close coordination shall be carried out between the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors.
- 106** 2 The Telecommunication Standardization Sector shall work through:
- 107** a) world telecommunication standardization assemblies;
- PP-98**
- 108** b) telecommunication standardization study groups;
- 108A** bbis) the Telecommunication Standardization Advisory Group;
- PP-98**
- 109** c) the Telecommunication Standardization Bureau headed by the elected Director.
- 110** 3 The Telecommunication Standardization Sector shall have as members:
- 111** a) of right, the administrations of all Member States;
- PP-98**
- 112** b) any entity or organization which becomes a Sector Member in accordance with the relevant provisions of the Convention.
- PP-98**

ARTICLE 18

- PP-98** **World Telecommunication Standardization Assemblies**
- 113** 1 The duties of world telecommunication standardization assemblies are specified in the Convention.
- PP-98**
- 114** 2 World telecommunication standardization assemblies shall be convened every four years; however, an additional assembly may be held in accordance with the relevant provisions of the Convention.
- PP-98**
- 115** 3 Decisions of world telecommunication standardization assemblies must in all circumstances be in conformity with this Constitution, the Convention and the Administrative Regulations. When adopting resolutions and decisions, the assemblies shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down by the Plenipotentiary Conference.
- PP-98**

ARTICLE 19

- PP-98** **Telecommunication Standardization Study Groups and Advisory Group**
- 116** The respective duties of the telecommunication standardization study groups and advisory group are specified in the Convention.
- PP-98**

ARTICLE 20

Telecommunication Standardization Bureau

- 117** The functions of the Director of the Telecommunication Standardization Bureau are specified in the Convention.

CHAPTER IV
Telecommunication Development Sector

ARTICLE 21
Functions and Structure

- 118** 1) The functions of the Telecommunication Development Sector shall be to fulfil the purposes of the Union as stated in Article 1 of this Constitution and to discharge, within its specific sphere of competence, the Union's dual responsibility as a United Nations specialized agency and executing agency for implementing projects under the United Nations development system or other funding arrangements so as to facilitate and enhance telecommunications development by offering, organizing and coordinating technical cooperation and assistance activities.
- 119** 2) The activities of the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors shall be the subject of close cooperation with regard to matters relating to development, in accordance with the relevant provisions of this Constitution.
- 120** 2) Within the foregoing framework, the specific functions of the Telecommunication Development Sector shall be to:
- 121** a) raise the level of awareness of decision-makers concerning the important role of telecommunications in the national economic and social development programme, and provide information and advice on possible policy and structural options;
- 122** b) promote, especially by means of partnership, the development, expansion and operation of telecommunication networks and services, particularly in developing countries, taking into account the activities of other relevant bodies, by reinforcing capabilities for human resources development, planning, management, resource mobilization, and research and development;
- PP-98**
- 123** c) enhance the growth of telecommunications through cooperation with regional telecommunications organizations and with global and regional development financing institutions, monitoring the status of projects included in its development programme to ensure that they are properly executed;
- 124** d) activate the mobilization of resources to provide assistance in the field of telecommunications to developing countries by promoting the establishment of preferential and favourable lines of credit, and cooperating with international and regional financial and development institutions;
- 125** e) promote and coordinate programmes to accelerate the transfer of appropriate technologies to the developing countries in the light of changes and developments in the networks of the developed countries;
- 126** f) encourage participation by industry in telecommunication development in developing countries, and offer advice on the choice and transfer of appropriate technology;
- 127** g) offer advice, carry out or sponsor studies, as necessary, on technical, economic, financial, managerial, regulatory and policy issues, including studies of specific projects in the field of telecommunications;
- 128** h) collaborate with the other Sectors, the General Secretariat and other concerned bodies in developing a general plan for international and regional telecommunication networks so as to facilitate the coordination of their development with a view to the provision of telecommunication services;
- 129** i) in carrying out the above functions, give special attention to the requirements of the least developed countries.
- 130** 3) The Telecommunication Development Sector shall work through:
- 131** a) world and regional telecommunication development conferences;
- 132** b) telecommunication development study groups;
- 132A** bbis) the Telecommunication Development Advisory Group;
- PP-98**
- 133** c) the Telecommunication Development Bureau headed by the elected Director.
- 134** 4) The Telecommunication Development Sector shall have as members:
- 135** a) of right, the administrations of all Member States;
- PP-98**
- 136** b) any entity or organization which becomes a Sector Member in accordance with the relevant provisions of the Convention.
- PP-98**

ARTICLE 22**Telecommunication Development Conferences**

- 137** 1 Telecommunication development conferences shall be a forum for the discussion and consideration of topics, projects and programmes relevant to telecommunication development and for the provision of direction and guidance to the Telecommunication Development Bureau.
- 138** 2 Telecommunication development conferences shall comprise:
- 139** a) world telecommunication development conferences;
- 140** b) regional telecommunication development conferences.
- 141** 3 There shall be, between two Plenipotentiary Conferences, one world telecommunication development conference and, subject to resources and priorities, regional telecommunication development conferences.
- 142** 4 Telecommunication development conferences shall not produce Final Acts. Their conclusions shall take the form of resolutions, decisions, recommendations or reports. These conclusions must in all circumstances be in conformity with this Constitution, the Convention and the Administrative Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down
- PP-98**
- 143** 5 The duties of telecommunication development conferences are specified in the Convention.

ARTICLE 23**Telecommunication Development Study Groups and Advisory Group**

- PP-98**
- 144** The respective duties of telecommunication development study groups and advisory group are specified in the Convention.
- PP-98**

ARTICLE 24**Telecommunication Development Bureau**

- 145** The functions of the Director of the Telecommunication Development Bureau are specified in the Convention.

CHAPTER IVA**Working Methods of the Sectors**

- PP-02**
- 145A** The radiocommunication assembly, the world telecommunication standardization assembly and the world telecommunication development conference may establish and adopt working methods and procedures for the management of the activities of their respective Sectors. These working methods and procedures must be compatible with this Constitution, the Convention and the Administrative Regulations, and in particular Nos. 246D to 246H of the Convention.
- PP-02**

CHAPTER V**Other Provisions Concerning the Functioning of the Union****ARTICLE 25****World Conferences on International Telecommunications**

- 146** 1 A world conference on international telecommunications may partially, or in exceptional cases, completely revise the International Telecommunication Regulations and may deal with any question of a worldwide character within its competence and related to its agenda.
- 147** 2 Decisions of world conferences on international telecommunications shall in all circumstances be in conformity with this Constitution and the Convention. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down by the Plenipotentiary Conference.
- PP-98**

ARTICLE 26**Coordination Committee**

- 148** 1 The Coordination Committee shall consist of the Secretary- General, the Deputy Secretary-General and the Directors of the three Bureaux. It shall be presided over by the Secretary-General, and in his absence by the Deputy Secretary-General.
- 149** 2 The Coordination Committee shall act as an internal management team which advises and gives the Secretary-General practical assistance on all administrative, financial, information system and technical cooperation matters which do not fall under the exclusive competence of a particular Sector or of the General Secretariat and on external relations and public information. In its considerations, the Committee shall keep fully in view the provisions of this Constitution, the Convention, the decisions of the Council and the interests of the Union as a whole.

ARTICLE 27**Elected Officials and Staff of the Union**

- 150** 1 1) In the performance of their duties, neither the elected officials nor the staff of the Union shall seek or accept instructions from any government or from any other authority outside the Union. They shall refrain from acting in any way which is incompatible with their status as international officials.
- 151** 2) Member States and Sector Members shall respect the exclusively international character of the duties of these elected officials and of the staff of the Union, and refrain from trying to influence them in the performance of their work.
- PP-98**
- 152** 3) No elected official or any member of the staff of the Union shall participate in any manner or have any financial interest whatsoever in any enterprise concerned with telecommunications, except as part of their duties. However, the term "financial interest" is not to be construed as applying to the continuation of retirement benefits accruing in respect of previous employment or service.
- 153** 4) In order to ensure the efficient operation of the Union, any Member State a national of which has been elected Secretary-General, Deputy Secretary-General or Director of a Bureau shall refrain, as far as possible, from recalling that national between two plenipotentiary conferences.
- PP-98**
- 154** 2 The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

ARTICLE 28**Finances of the Union**

- 155** 1 The expenses of the Union shall comprise the costs of:
- 156** a) the Council;
- 157** b) the General Secretariat and the Sectors of the Union;
- 158** c) Plenipotentiary Conferences and world conferences on international telecommunications.
- 159** 2 The expenses of the Union shall be met from:
- PP-98**
- 159A** a) the contributions of its Member States and Sector Members;
- PP-98**
- 159B** b) other revenues as identified in the Convention or in the Financial Regulations.
- PP-98**
- 159C** 2bis) Each Member State and Sector Member shall pay a sum equivalent to the number of units in the class of contribution it has chosen in accordance with Nos. 160 to 161I below.
- PP-98**
- 159D** 2ter) Expenses incurred by the regional conferences referred to in No. 43 of this Constitution shall be borne:
- PP-98**
- PP-02**
- 159E** a) by all the Member States of the region concerned, in accordance with their class of contribution;
- PP-02**

- 159F** b) by any Member States of other regions which have participated in such conferences, in accordance
PP-02 with their class of contribution;
- 159G** c) by authorized Sector Members and other authorized organizations which have participated in such
PP-02 conferences, in accordance with the provisions of the Convention.
- 160** 3) 1) Member States and Sector Members shall be free to choose their class of contribution for defraying
PP-98 Union expenses.
- 161** 2) The choice by Member States shall be made at a plenipotentiary conference in accordance with the
PP-98 scale of classes of contribution and conditions contained in the Convention and with the procedures
described below.
- 161A** 3) The choice by Sector Members shall be made in accordance with the scale of classes of contribution
PP-98 and conditions contained in the Convention and with the procedures described below.
- 161B** *3bis*) 1) At its session preceding the plenipotentiary conference, the Council shall fix the provisional
PP-98 amount of the contributory unit, on the basis of the draft financial plan for the corresponding
period and total number of contributory units.
- 161C** 2) The Secretary-General shall inform the Member States and Sector Members of the
PP-98 provisional amount of the contributory unit as determined under No. 161B above and invite
PP-06 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.
- 161D** 3) The plenipotentiary conference shall, during its first week, determine the provisional upper
PP-98 limit of the amount of the contributory unit resulting from the steps taken by the
Secretary-General in pursuance of Nos. 161B and 161C above, and taking account of any
changes in class of contribution notified by Member States to the Secretary-General as well
as classes of contribution remaining unchanged.
- 161E** 4) Bearing in mind the draft financial plan as revised, the plenipotentiary conference shall, as
PP-98 soon as possible, determine the definitive upper limit of the amount of the contributory unit
PP-02 and set the date, which shall be at the latest on Monday of the final week of the
PP-06 plenipotentiary conference, by which Member States, upon invitation by the Secretary-General,
shall announce their definitive choice of class of contribution.
- 161F** 5) Member States which have failed to notify the Secretary- General of their decision by the
PP-98 date set by the plenipotentiary conference shall retain the class of contribution previously
chosen.
- 161G** 6) The plenipotentiary conference shall then approve the definitive financial plan on the basis
PP-98 of the total number of contributory units corresponding to the definitive classes of
contribution chosen by the Member States and classes of contribution of the Sector
Members at the date on which the financial plan is approved.
- 161H** *3ter*) 1) The Secretary-General shall inform the Sector Members of the definitive upper limit of the
PP-98 amount of the contributory unit and invite them to notify, within three months from the
closing date of the plenipotentiary conference, the class of contribution they have chosen.
- 161I** 2) Sector Members which have failed to notify the Secretary- General of their decision within
PP-98 this three-month period shall retain the class of contribution previously chosen.
- 162** 3) Amendments to the scale of classes of contribution adopted by a plenipotentiary conference
PP-98 shall apply for the selection of the class of contribution during the following plenipotentiary
conference.
- 163** 4) The class of contribution chosen by a Member State or a Sector Member is applicable as of
PP-94 the first biennial budget after a plenipotentiary conference.
PP-98
- 164** (SUP)
PP-98
- 165** 5) When choosing its class of contribution, a Member State shall not reduce it by more than two classes of
PP-98 contribution and the Council shall indicate to it the manner in which the reduction shall be gradually
implemented over the period between plenipotentiary conferences. However, under exceptional
circumstances such as natural disasters necessitating international aid programmes, the
Plenipotentiary Conference may authorize a greater reduction in the number of contributory units
when so requested by a Member State which has established that it can no longer maintain its
contribution at the class originally chosen.

- 165A** *5bis)* Under exceptional circumstances such as natural disasters necessitating international aid programmes, the Council may authorize a reduction in the number of contributory units when so requested by a Member State which has established that it can no longer maintain its contribution at the class originally chosen.
- PP-98**
- 165B** *5ter)* Member States and Sector Members may at any time choose a class of contribution higher than the one already adopted by them.
- PP-98**
- 166** (SUP)
- and**
- 167**
- PP-98**
- 168** 8 Member States and Sector Members shall pay in advance their annual contributory shares, calculated on the basis of the biennial budget approved by the Council as well as of any adjustment adopted by the Council.
- PP-98**
- 169** 9 A Member State which is in arrears in its payments to the Union shall lose its right to vote as defined in Nos. 27 and 28 of this Constitution for so long as the amount of its arrears equals or exceeds the amount of the contribution due for the two preceding years.
- PP-98**
- 170** 10 Specific provisions governing the financial contributions by Sector Members and by other international organizations are contained in the Convention.
- PP-98**

ARTICLE 29**Languages**

- 171** 1 1) The official languages of the Union shall be Arabic, Chinese, English, French, Russian and Spanish.
- PP-06**
- 172** 2) In accordance with the relevant decisions of the Plenipotentiary Conference, these languages shall be used for drawing up and publishing documents and texts of the Union, in versions equivalent in form and content, as well as for reciprocal interpretation during conferences and meetings of the Union.
- 173** 3) In case of discrepancy or dispute, the French text shall prevail.
- 174** 2 When all participants in a conference or in a meeting so agree, discussions may be conducted in fewer languages than those mentioned above.

ARTICLE 30**Seat of the Union**

- 175** The seat of the Union shall be at Geneva.

ARTICLE 31**Legal Capacity of the Union**

- 176** The Union shall enjoy in the territory of each of its Member States such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.
- PP-98**

ARTICLE 32**General Rules of Conferences, Assemblies and Meetings of the Union**

- PP-02**
- 177** 1 The General Rules of conferences, assemblies and meetings of the Union adopted by the Plenipotentiary Conference shall apply to the preparation of conferences and assemblies and to the organization of the work and conduct of the discussions of conferences, assemblies and meetings of the Union, as well as to the election of Member States of the Council, of the Secretary-General, of the Deputy Secretary-General, of the Directors of the Bureaux of the Sectors and of the members of the Radio Regulations Board.
- PP-98**
- PP-02**
- 178** 2 Conferences, assemblies and the Council may adopt such rules as they consider to be essential in addition to those in Chapter II of the General Rules of conferences, assemblies and meetings of the Union. Such additional rules must, however, be compatible with this Constitution, the Convention and the aforesaid Chapter II; those adopted by conferences or assemblies shall be published as documents of the conference or assembly concerned.
- PP-98**
- PP-02**

CHAPTER VI
General Provisions Relating to Telecommunications

ARTICLE 33

The Right of the Public to Use the International Telecommunication Service

- 179** Member States recognize the right of the public to correspond by means of the international service of public correspondence. The services, the charges and the safeguards shall be the same for all users in each category of correspondence without any priority or preference.

PP-98

ARTICLE 34

Stoppage of Telecommunications

- 180** 1 Member States reserve the right to stop, in accordance with their national law, the transmission of any private telegram which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.

PP-98

- 181** 2 Member States also reserve the right to cut off, in accordance with their national law, any other private telecommunications which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency.

PP-98

ARTICLE 35

Suspension of Services

- 182** Each Member State reserves the right to suspend the international telecommunication service, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Member States through the Secretary-General.

PP-98

ARTICLE 36

Responsibility

- 183** Member States accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

PP-98

ARTICLE 37

Secrecy of Telecommunications

- 184** 1 Member States agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.

PP-98

- 185** 2 Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their national laws or the execution of international conventions to which they are parties.

ARTICLE 38

Establishment, Operation and Protection of Telecommunication Channels and Installations

- 186** 1 Member States shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.

PP-98

- 187** 2 So far as possible, these channels and installations must be operated by the methods and procedures which practical operating experience has shown to be the best. They must be maintained in proper operating condition and kept abreast of scientific and technical progress.

PP-98

- 188** 3 Member States shall safeguard these channels and installations within their jurisdiction.

PP-98

189 4 Unless other conditions are laid down by special arrangements, each Member State shall take such
PP-98 steps as may be necessary to ensure maintenance of those sections of international telecommunication
circuits within its control.

189A 5 Member States recognize the necessity of taking practical measures to prevent the operation of
PP-98 electrical apparatus and installations of all kinds from disrupting the operation of telecommunication
installations within the jurisdiction of other Member States.

ARTICLE 39

Notification of Infringements

190 In order to facilitate the application of the provisions of Article 6 of this Constitution, Member States
PP-98 undertake to inform and, as appropriate, assist one another with regard to infringements of the
provisions of this Constitution, of the Convention and of the Administrative Regulations.

ARTICLE 40

Priority of Telecommunications Concerning Safety of Life

191 International telecommunication services must give absolute priority to all telecommunications
concerning safety of life at sea, on land, in the air or in outer space, as well as to epidemiological
telecommunications of exceptional urgency of the World Health Organization.

ARTICLE 41

Priority of Government Telecommunications

192 Subject to the provisions of Articles 40 and 46 of this Constitution, government telecommunications (see
Annex to this Constitution, No. 1014) shall enjoy priority over other telecommunications to the extent
practicable upon specific request by the originator.

ARTICLE 42

Special Arrangements

193 Member States reserve for themselves, for the operating agencies recognized by them and for other
PP-98 agencies duly authorized to do so, the right to make special arrangements on telecommunication matters
which do not concern Member States in general. Such arrangements, however, shall not be in conflict
with the terms of this Constitution, of the Convention or of the Administrative Regulations, so far as
concerns the harmful interference which their operation might cause to the radio services of other
Member States, and in general so far as concerns the technical harm which their operation might cause to
the operation of other telecommunication services of other Member States.

ARTICLE 43

Regional Conferences, Arrangements and Organizations

194 Member States reserve the right to convene regional conferences, to make regional arrangements and to
PP-98 form regional organizations, for the purpose of settling telecommunication questions which are
susceptible of being treated on a regional basis. Such arrangements shall not be in conflict with either
this Constitution or the Convention.

CHAPTER VII

Special Provisions for Radio

ARTICLE 44

PP-98 **Use of the Radio-Frequency Spectrum and of the Geostationary-Satellite and Other Satellite Orbits**

195 1 Member States shall endeavour to limit the number of frequencies and the spectrum used to the
PP-02 minimum essential to provide in a satisfactory manner the necessary services. To that end, they shall
endeavour to apply the latest technical advances as soon as possible.

- 196** 2 In using frequency bands for radio services, Member States shall bear in mind that radio frequencies and any associated orbits, including the geostationary-satellite orbit, are limited natural resources and that they must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations, so that countries or groups of countries may have equitable access to those orbits and frequencies, taking into account the special needs of the developing countries and the geographical situation of particular countries.
- PP-98**

ARTICLE 45

Harmful Interference

- 197** 1 All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Member States or of recognized operating agencies, or of other duly authorized operating agencies which carry on a radio service, and which operate in accordance with the provisions of the Radio Regulations.
- PP-98**
- 198** 2 Each Member State undertakes to require the operating agencies which it recognizes and the other operating agencies duly authorized for this purpose to observe the provisions of No. 197 above.
- PP-98**
- 199** 3 Further, the Member States recognize the necessity of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in No. 197 above.
- PP-98**

ARTICLE 46

Distress Calls and Messages

- 200** Radio stations shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as may be required.

ARTICLE 47

False or Deceptive Distress, Urgency, Safety or Identification Signals

- 201** Member States agree to take the steps required to prevent the transmission or circulation of false or deceptive distress, urgency, safety or identification signals, and to collaborate in locating and identifying stations under their jurisdiction transmitting such signals.
- PP-98**

ARTICLE 48

Installations for National Defence Services

- 202** 1 Member States retain their entire freedom with regard to military radio installations.
- PP-98**
- 203** 2 Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measures to be taken to prevent harmful interference, and the provisions of the Administrative Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.
- 204** 3 Moreover, when these installations take part in the service of public correspondence or other services governed by the Administrative Regulations, they must, in general, comply with the regulatory provisions for the conduct of such services.

CHAPTER VIII

Relations With the United Nations, Other International Organizations and Non-Member States

ARTICLE 49

Relations With the United Nations

- 205** The relationship between the United Nations and the International Telecommunication Union is defined in the Agreement concluded between these two organizations.

ARTICLE 50**Relations With Other International Organizations**

- 206** In furtherance of complete international coordination on matters affecting telecommunication, the Union
PP-02 should cooperate with international organizations having related interests and activities.

ARTICLE 51**Relations With Non-Member States**

- 207** Each Member State reserves for itself and for the recognized operating agencies the right to fix the
PP-98 conditions on which it admits telecommunications exchanged with a State which is not a Member State of the Union. If a telecommunication originating in the territory of such a State is accepted by a Member State, it must be transmitted and, in so far as it follows the telecommunication channels of a Member State, the obligatory provisions of this Constitution, of the Convention and of the Administrative Regulations and the usual charges shall apply to it.

CHAPTER IX**Final Provisions****ARTICLE 52****Ratification, Acceptance or Approval**

- 208** 1 This Constitution and the Convention shall be simultaneously ratified, accepted or approved by any
PP-98 signatory Member State, in accordance with its constitutional rules, in one single instrument. This instrument shall be deposited, in as short a time as possible, with the Secretary-General. The Secretary-General shall notify the Member States of each deposit of any such instrument.
- 209** 2 1) During a period of two years from the date of entry into force of this Constitution and the Convention,
PP-98 a signatory Member State, even though it may not have deposited an instrument of ratification, acceptance or approval, in accordance with No. 208 above, shall enjoy the rights conferred on Member States in Nos. 25 to 28 of this Constitution.
- 210** 2) From the end of a period of two years from the date of entry into force of this Constitution and the
PP-98 Convention, a signatory Member State which has not deposited an instrument of ratification, acceptance or approval, in accordance with No. 208 above, shall no longer be entitled to vote at any conference of the Union, at any session of the Council, at any meeting of any of the Sectors of the Union, or during any consultation by correspondence conducted in accordance with the provisions of this Constitution and of the Convention until it has so deposited such an instrument. Its rights, other than voting rights, shall not be affected.
- 211** 3 After the entry into force of this Constitution and the Convention in accordance with Article 58 of this
Constitution, an instrument of ratification, acceptance or approval, shall become effective on the date of its deposit with the Secretary-General.

ARTICLE 53**Accession**

- 212** 1 A Member State which is not a signatory to this Constitution and the Convention, or, subject to the
PP-98 provisions of Article 2 of this Constitution, any other State referred to in that Article, may accede to this Constitution and the Convention at any time. Such accession shall be made simultaneously in the form of one single instrument covering both this Constitution and the Convention.
- 213** 2 The instrument of accession shall be deposited with the Secretary-General, who shall notify the
PP-98 Member States of each deposit of any such instrument when it is received and shall forward to each of them a certified copy thereof.
- 214** 3 After the entry into force of this Constitution and the Convention in accordance with Article 58 of this
Constitution, an instrument of accession shall become effective on the date of its deposit with the Secretary-General, unless otherwise specified therein.

ARTICLE 54
Administrative Regulations

- 215** 1 The Administrative Regulations, as specified in Article 4 of this Constitution, are binding international instruments and shall be subject to the provisions of this Constitution and the Convention.
- 216** 2 Ratification, acceptance or approval of this Constitution and the Convention, or accession to these instruments, in accordance with Articles 52 and 53 of this Constitution, shall also constitute consent to be bound by the Administrative Regulations adopted by competent world conferences prior to the date of signature of this Constitution and the Convention. Such consent is subject to any reservation made at the time of signature of the Administrative Regulations or revisions thereof to the extent that the reservation is maintained at the time of deposit of the instrument of ratification, acceptance, approval or accession.
- 216A** 2*bis*) The Administrative Regulations referred to in No. 216 above shall remain in force, subject to such
PP-98 revisions as may be adopted in application of Nos. 89 and 146 of this Constitution and brought into force. Any revision of the Administrative Regulations, either partial or complete, shall enter into force on the date or dates specified therein only for the Member States which, prior to such date or dates, have notified the Secretary-General of their consent to be bound by that revision.
- 217** (SUP)
PP-98
- 217A** 3*bis*) A Member State shall notify its consent to be bound by a partial or complete revision of the
PP-98 Administrative Regulations by depositing with the Secretary-General an instrument of ratification, acceptance or approval of that revision or of accession thereto or by notifying the Secretary-General of its consent to be bound by that revision.
- 217B** 3*ter*) Any Member State may also notify the Secretary-General that its ratification, acceptance or
PP-98 approval of, or accession to, amendments to this Constitution or the Convention in accordance with Article 55 of the Constitution or Article 42 of the Convention shall constitute consent to be bound by any revision of the Administrative Regulations, either partial or complete, adopted by a competent conference prior to the signature of the said amendments to this Constitution or to the Convention.
- 217C** 3*quater*) The notification referred to in No. 217B above shall be given at the time of the deposit by the
PP-98 Member State of its instrument of ratification, acceptance or approval of, or accession to, the amendments to this Constitution or to the Convention.
- 217D** 3*pen*) Any revision of the Administrative Regulations shall apply provisionally, as from the date of
PP-98 entry into force of the revision, in respect of any Member State that has signed the revision and has not notified the Secretary-General of its consent to be bound in accordance with Nos. 217A and 217B above. Such provisional application only takes effect if the Member State in question did not oppose it at the time of signature of the revision.
- 218** 4 Such provisional application shall continue for a Member State until it notifies the Secretary-General of
PP-98 its decision concerning its consent to be bound by any such revision.
- 219** (SUP)
to
221
PP-98
- 221A** 5*bis*) If a Member State fails to notify the Secretary-General of its decision concerning its consent to be
PP-98 bound under No. 218 above within thirty-six months following the date or dates of entry into force of the revision, that Member State shall be deemed to have consented to be bound by that revision.
- 221B** 5*ter*) Any provisional application within the meaning of No. 217D or any consent to be bound within the
PP-98 meaning of No. 221A shall be subject to any reservation as may have been made by the Member State concerned at the time of signature of the revision. Any consent to be bound within the meaning of Nos. 216A, 217A, 217B and 218 above shall be subject to any reservation as may have been made by the Member State concerned at the time of signature of the Administrative Regulations or revision thereto, provided that it maintains the reservation when notifying the Secretary-General of its consent to be bound.
- 222** (SUP)
PP-98
- 223** 7 The Secretary-General shall inform Member States promptly of any notification received pursuant to
PP-98 this Article.

ARTICLE 55**Provisions for Amending this Constitution**

- 224** 1 Any Member State may propose any amendment to this Constitution. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Member States, reach the Secretary-General not later than eight months prior to the opening date fixed for the plenipotentiary conference. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, publish any such proposal for the information of all the Member States.
- PP-98**
- PP-02**
- 225** 2 Any proposed modification to any amendment submitted in accordance with No. 224 above may, however, be submitted at any time by a Member State or by its delegation at the plenipotentiary conference.
- PP-98**
- 226** 3 The quorum required at any Plenary Meeting of the Plenipotentiary Conference for consideration of any proposal for amending this Constitution or modification thereto shall consist of more than one half of the delegations accredited to the Plenipotentiary Conference.
- 227** 4 To be adopted, any proposed modification to a proposed amendment as well as the proposal as a whole, whether or not modified, shall be approved, at a Plenary Meeting, by at least two-thirds of the delegations accredited to the Plenipotentiary Conference which have the right to vote.
- 228** 5 Unless specified otherwise in the preceding paragraphs of this Article, which shall prevail, the General Rules of conferences, assemblies and meetings of the Union shall apply.
- PP-98**
- PP-02**
- 229** 6 Any amendments to this Constitution adopted by a plenipotentiary conference shall, as a whole and in the form of one single amending instrument, enter into force at a date fixed by the conference between Member States having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Constitution and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.
- PP-98**
- 230** 7 The Secretary-General shall notify all Member States of the deposit of each instrument of ratification, acceptance, approval or accession.
- PP-98**
- 231** 8 After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 52 and 53 of this Constitution shall apply to the Constitution as amended.
- 232** 9 After entry into force of any such amending instrument, the Secretary-General shall register it with the Secretariat of the United Nations, in accordance with the provisions of Article 102 of the Charter of the United Nations. No. 241 of this Constitution shall also apply to any such amending instrument.

ARTICLE 56**Settlement of Disputes**

- 233** 1 Member States may settle their disputes on questions relating to the interpretation or application of this Constitution, of the Convention or of the Administrative Regulations by negotiation, through diplomatic channels, or according to procedures established by bilateral or multilateral treaties concluded between them for the settlement of international disputes, or by any other method mutually agreed upon.
- PP-98**
- 234** 2 If none of these methods of settlement is adopted, any Member State party to a dispute may have recourse to arbitration in accordance with the procedure defined in the Convention.
- PP-98**
- 235** 3 The Optional Protocol on the Compulsory Settlement of Disputes Relating to this Constitution, to the Convention, and to the Administrative Regulations shall be applicable as between Member States parties to that Protocol.
- PP-98**

ARTICLE 57**Denunciation of this Constitution and the Convention**

- 236** 1 Each Member State which has ratified, accepted, approved or acceded to this Constitution and the Convention shall have the right to denounce them. In such a case, this Constitution and the Convention shall be denounced simultaneously in one single instrument, by a notification addressed to the Secretary-General. Upon receipt of such notification, the Secretary-General shall advise the other Member States thereof.
- PP-98**
- 237** 2 Such denunciation shall take effect at the expiration of a period of one year from the date of receipt of its notification by the Secretary-General.

ARTICLE 58**Entry into Force and Related Matters**

- 238** 1 This Constitution and the Convention, adopted by the Additional Plenipotentiary Conference (Geneva, 1992), shall enter into force on 1 July 1994 between Member States having deposited before that date their instrument of ratification, acceptance, approval or accession.
- PP-02**
- 239** 2 Upon the date of entry into force specified in No. 238 above, this Constitution and the Convention shall, as between Parties thereto, abrogate and replace the International Telecommunication Convention (Nairobi, 1982).
- 240** 3 In accordance with the provisions of Article 102 of the Charter of the United Nations, the Secretary-General of the Union shall register this Constitution and the Convention with the Secretariat of the United Nations.
- 241** 4 The original of this Constitution and the Convention drawn up in the Arabic, Chinese, English, French, Russian and Spanish languages shall remain deposited in the archives of the Union. The Secretary-General shall forward, in the languages requested, a certified true copy to each of the signatory Member States.
- PP-98**
- 242** 5 In the event of any discrepancy among the various language versions of this Constitution and the Convention, the French text shall prevail.

ANNEX**Definition of Certain Terms Used in this Constitution, the Convention and the Administrative Regulations of the International Telecommunication Union**

- 1001** For the purpose of the above instruments of the Union, the following terms shall have the meanings defined below:
- 1001A** *Member State:* A State which is considered to be a Member of the International Telecommunication Union in application of Article 2 of this Constitution.
PP-98
- 1001B** *Sector Member:* An entity or organization authorized in accordance with Article 19 of the Convention to participate in the activities of a Sector.
PP-98
- 1002** *Administration:* Any governmental department or service responsible for discharging the obligations undertaken in the Constitution of the International Telecommunication Union, in the Convention of the International Telecommunication Union and in the Administrative Regulations.
- 1003** *Harmful Interference:* Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations.
- 1004** *Public Correspondence:* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.
- 1005** *Delegation:* The totality of the delegates and, should the case arise, any representatives, advisers, attachés, or interpreters sent by the same Member State.
PP-98
Each Member State shall be free to make up its delegation as it wishes. In particular, it may include in its delegation, *inter alia*, in the capacity of delegates, advisers or attachés, persons belonging to any entity or organization authorized in accordance with the relevant provisions of the Convention.
- 1006** *Delegate:* A person sent by the government of a Member State to a plenipotentiary conference, or a person representing a government or an administration of a Member State at another conference or at a meeting of the Union.
PP-98
- 1007** *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.
- 1008** *Recognized Operating Agency:* Any operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 6 of this Constitution are imposed by the Member State in whose territory the head office of the agency is situated, or by the Member State which has authorized this operating agency to establish and operate a telecommunication service on its territory.
PP-98
- 1009** *Radiocommunication:* Telecommunication by means of radio waves.
- 1010** *Broadcasting Service:* A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.
- 1011** *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.
- 1012** *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.
- 1013** *Telegram:* Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.
- 1014** *Government Telecommunications:* Telecommunications originating with any:
– Head of State;
– Head of 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.

1015 *Private Telegrams:* Telegrams other than government or service telegrams.

1016 *Telegraphy:* A form of telecommunication in which the transmitted information is intended to be recorded on arrival as a graphic document; the transmitted information may sometimes be presented in an alternative form or may be stored for subsequent use.

Note: A graphic document records information in a permanent form and is capable of being filed and consulted; it may take the form of written or printed matter or of a fixed image.

1017 *Telephony:* A form of telecommunication primarily intended for the exchange of information in the form of speech.

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The delegation of the Slovak Republic reserves for its Government the right to take any action as it may deem necessary to safeguard its interests should any Member State not share in defraying the expenses of the Union or should any Member State fail to comply with the provisions of the 2006 Antalya Instruments further amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as already amended by the 1994 Kyoto, 1998 Minneapolis and 2002, Marrakesh instruments, or should reservations by other Member States be likely to increase the share of the Slovak Republic in defraying the expenses of the Union or jeopardize its telecommunication services.

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The delegations of the Member States of the European Union and of the Acceding Countries Bulgaria and Romania declare that the Member States of the European Union and the Acceding Countries Bulgaria and Romania will apply the instruments adopted by the Plenipotentiary Conference (Antalya, 2006) in accordance with their obligations under the Treaty establishing the European Community.

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At the time of signing the Final Acts of the Plenipotentiary Conference (Antalya, 2006), the delegations of the mentioned countries formally declare that they maintain the declarations and reservations made by their countries when signing the Final Acts of previous treaty-making Conferences of the Union as if they were made in full at this Plenipotentiary Conference.

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The delegations of the mentioned States, referring to the declaration made by the Republic of Colombia (No. 58), inasmuch as this and any similar statement refers to the Bogotá Declaration of 3 December 1976 by equatorial countries and to the claims of those countries to exercise sovereign rights over segments of the geostationary-satellite orbit, consider that the claims in question cannot be recognized by this Conference. The above-mentioned delegations also wish to state that the reference in Article 44 of the Constitution to the "geographical situation of particular countries" does not imply recognition of claim to any preferential rights to the geostationary-satellite orbit.

*) Jazyk používaný v základných dokumentoch Únie (Ústava and Dohovor) sa považuje za rodovo neutrálny.

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