

PCC.III/RES.26(III-95)

**CONSIDERATION OF THE ESTABLISHMENT OF A JOINT PCC.I, II, AND III
AD HOC WORKING GROUP ON LEGAL MATTERS¹**

The Third Meeting of the Permanent Consultative Committee III: Radiocommunications,

Noting:

That COM/CITEL res.7 (Extra-93) created the Ad Hoc Legal Working Group and this Group has work underway of importance to all the PCCs;

That PCC.III adopted Resolution PCC.III res.9 for the purpose of establishing a group of experts on legal matters to deal with matters within its competence;

That the Third Meeting of the PCC.I Ad Hoc Working Group on Legal Matters, held in Washington on April 25-26, 1995, considered it advisable to recommend the establishment of a single Working Group, in which associated members would also participate, to advise all the Permanent Consultative Committees (PCCs).

Considering:

That the Summit of the Americas asked CITEL to carry out a work program to evaluate legal means to promote liberalization, common standards, interoperability of networks and compatible use of the radio spectrum;

That PCC.III sees the need for a Joint Ad Hoc Working Group on Legal Matters to take account of legal issues and the administrative law practices followed in Member Countries concerning its work;

That creation of a Joint Ad Hoc Working Group on Legal Matters would avoid duplication of effort among PCCs and provide for consideration of issues that are of common interest;

That the terms of reference of any Joint Ad Hoc Working Group on Legal Matters must be clearly drawn up to focus work on legal aspects concerning the work programs of the PCCs and avoid duplication of work in PCCs that concern technical, operational, economic, regulatory policy and other issues,

Resolves:

1. To request COM/CITEL at its meeting in December 1995, to replace the present Ad Hoc Working Group on Legal Matters with the creation of a Joint Ad Hoc Working Group on Legal Matters in accordance with Article 93 of the CITEL Regulations having terms of reference and working methods outlined in the "Annex" to this Resolution with the aim of serving all of the PCCs,
2. To request COM/CITEL to authorize the scheduling of the First Meeting of the Joint Ad Hoc Working Group as soon as possible based upon consultations among the chairmen of the three PCCs and the Executive Secretary of CITEL,

¹ Published as PCC.III-225/95 rev.3.

3. To direct the Joint Ad Hoc Working Group on Legal Matters, for its first task upon its formation, to identify legal regimes and administrative processes that may be considered beneficial to facilitate the introduction of modern technologies for the provision of telecommunications services throughout the member countries of CITEL,
4. That the Joint Ad Hoc Working Group on Legal Matters should be chaired jointly by members appointed by the Chairman of each PCC (one Chairman per PCC).

Requests the Executive Secretary:

1. To bring this matter to the attention of the Chairman of COM/CITEL so that he can include this on the agenda of the COM/CITEL meeting and invite contributions from Members on the terms of reference for this Joint Ad Hoc Working Group as far in advance of the meeting as possible.
2. To bring this matter to the attention of PCC.I and PCC.II, as a matter of urgency.

ANNEX

**Terms of Reference and Working Methods for a Joint Ad Hoc Working Group
of the CITEL Permanent Consultative Committees on Legal Matters**

1. The purpose of the Joint Ad Hoc Working Group on Legal Matters (AHWG-L) shall be to study issues and provide advice requested by the PCCs on legal matters and administrative law practices related to telecommunications services and networks corresponding to the mandate of CITEL.
2. The AHWG-L will conduct its work, insofar as practicable, by correspondence; however, it may conduct meetings, preferably in association with meetings of the parent PCCs.
3. In order to ensure a focus in its work, the AHWG-L should limit its work to tasks referred to it officially by the PCCs; however, where deemed necessary, it may include in its recommendations to the PCCs, identification of issues needing urgent attention by CITEL.

