

# Mueller Exhibit 1

# **ETSI Directives**

**Version 001  
March 1988**

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## Foreword

These ETSI Directives contain the following individual documents:

- ETSI Statutes;
- ETSI Rules of Procedure (RoP);

ETSI members can find all versions of the Directives at:

[http://docbox.etsi.org//Board/ETSI\\_Directives/](http://docbox.etsi.org//Board/ETSI_Directives/)

ETSI has numerous guideline documents supporting the ETSI Directives available from various locations on the ETSI web site. Currently, the easiest way to locate these documents is to go the ETSI portal home page (<http://portal.etsi.org>) and then go to the "**ETSI rules and legal info.**" section of the **Services Index** where you will find a series of links to the guideline documents.

**Statutes of the  
European Telecommunications Standards Institute  
Version approved by General Assembly #01  
on 29-30 March 1988**

General Assembly, 29-30 March 1988

Statutes  
of the European Telecommunications  
Standards Institute

## STATUTES OF THE EUROPEAN TELECOMMUNICATIONS STANDARDS INSTITUTE

### ARTICLE 1

In accordance with the French law of 1 July 1901 and the decree of 16 August 1901, an association is founded by the signatories to these present statutes.

The Association thus formed shall have the title "EUROPEAN TELECOMMUNICATIONS STANDARDS INSTITUTE" and may be known by the acronym "ETSI" and hereinafter referred to as the Institute.

The European Telecommunications Standards Institute shall be non-profit-making but shall not be otherwise debarred from trading.

### ARTICLE 2: PURPOSE

The objective of the Institute is to produce the technical standards which are necessary to achieve a large unified European telecommunications market.

The objective of the Institute may be achieved by any means. The Institute may carry out any action relating directly or indirectly, wholly or in part, to its objective or which may develop or facilitate the achievement of its objective.

### ARTICLE 3: ACTIVITIES

The principal role of the Institute shall be technical pre-standarisation and standardisation at the European level in the following fields:

- Telecommunications

- Areas common to telecommunications and information technology subject to decisions by the IT Steering Committee (ITSTC)
- Areas common to telecommunications and sound and TV broadcasting in co-operation with other concerned organisations such as the European Broadcasting Union.

The activities of the Institute shall build upon worldwide standards, existing or in preparation, and furthermore will contribute to the production of harmonised new worldwide standards in the same fields.

#### ARTICLE 4: HEADQUARTERS

The headquarters of the Institute shall be located in SOPHIA-ANTIPOLIS, VALBONNE (Alpes Maritimes).

The headquarters may be transferred to any other location by decision of the General Assembly.

#### ARTICLE 5: DURATION

The duration of the Institute is unlimited.

#### ARTICLE 6: MEMBERSHIP

6.1 Subject to Article 6.3 below Members of the Institute may be:

- Administrations
- Public Network Operators
- Manufacturers
- Users including Private service providers offering services to the public



- Research bodies.

6.2 Members may participate individually and/or grouped in national or European organisations.

6.3 All the members must be established on the territory of a country falling within the geographical area of the European Conference of Posts and Telecommunications Administrations (CEPT) and must demonstrate their interest in European standardisation in the field of telecommunications by compliance with these statutes and the Rules of Procedure (envisaged in Article 16 below).

#### ARTICLE 7: ADMISSION TO MEMBERSHIP

The conditions for admission to the Institute are governed by the General Assembly. Membership of the Institute must be agreed by the General Assembly.

#### ARTICLE 8: TERMINATION OF MEMBERSHIP

Membership will be terminated by dissolution or abolition, by resignation or exclusion.

Exclusion will be decided by the General Assembly for non-payment of contribution or for serious reasons, the party concerned having been previously invited, by registered letter, to appear before the General Assembly to furnish an explanation.

#### ARTICLE 9: RESOURCES

The funds of the Institute can be obtained from:

- subscriptions from members
- grants

- revenue from its assets
- sums received in return for services provided by the Institute
- any other resources authorised by the legislative and regulatory instruments.

#### ARTICLE 10: STRUCTURE

The Institute shall comprise a General Assembly, a Secretariat headed by a director, a Technical Assembly, Technical Committees and Project Teams.

#### ARTICLE 11: GENERAL ASSEMBLY

- 11.1 Save for the provisions of article 15.2 below the General Assembly is the highest authority of the Institute. It is founded permanently by the members and shall be representative of all of the members.
- 11.2 It is the authority to make or ratify the acts concerning the Institute subject to the provisions of Article 15 below. Its resolutions taken in accordance with the present Statutes or the Rules of Procedure shall be mandatory for all members.
- 11.3 Representatives from the European Economic Community (EEC) and from the European Free Trade Association (EFTA) shall have a special status as "counsellors".
- 11.4 Representatives of organisations concerned with telecommunications may, by invitation, attend meetings of the General Assembly as observers.

## ARTICLE 12: ORDINARY GENERAL ASSEMBLY

The General Assembly shall meet at least twice a year in ordinary session.

At least thirty days before the due date, the members of the Institute will be given notice of the meeting by the Director. A draft agenda will be included with the calling notice.

The Chairman who is chosen by the General Assembly and assisted by one or more Vice Chairmen shall preside over the Assembly and put forward the situation of the Association.

The Director will give an account of the management and finances of the Institute and will annually present the balance sheet for the approval of the General Assembly.

Only matters included on the agenda shall be considered at meetings of the General Assembly.

## ARTICLE 13: EXTRAORDINARY GENERAL ASSEMBLY

An extraordinary General Assembly may be called by the Chairman. It shall be convened if at least one third of the members so request. A minimum of 15 days notice shall be given for an Extraordinary Meeting.

## ARTICLE 14: SECRETARIAT

14.1 The Director and Deputy Director are appointed by the General Assembly. They shall be ex-officio non-voting members of the General Assembly and the Technical Assembly.

14.2 The Director shall be the legal representative of the Institute. He shall hold Chief Executive authority in all matters, apart from those which are expressly reserved for the General Assembly and

the Technical Assembly in these Statutes, to manage and administer the affairs of the Institute.

- 14.3 The Director may temporarily delegate all or part of his responsibilities to the Deputy Director.

#### ARTICLE 15: THE TECHNICAL ASSEMBLY

15.1 The Technical Assembly comprises of members of the Institute.

15.2 The Technical Assembly is the highest authority within the Institute for the production and approval of technical standards, elaborated by itself and its technical bodies. It has the powers to approve the technical work programme, to determine priorities and to give guidance to the Director upon the work to be undertaken.

15.3 Representatives from the European Economic Community (EEC) and from the European Free Trade Association (EFTA) shall have a special status as "Counsellors".

15.4 Representatives of organisations concerned with telecommunications may, by invitation, attend meetings of the Technical Assembly as observers.

#### ARTICLE 16: RULES OF PROCEDURE

Internal Rules of Procedure of the Institute shall be adopted by the General Assembly. The Rules of Procedure shall establish the various points which are not provided for in these Statutes, notably those concerning the internal administration of the Institute.

ARTICLE 17: RELATIONSHIP TO OTHER BODIES

The Institute shall operate on the basis that the Telecommunications Commission of the CEPT will have devolved its regular standards-making policy and recommendation approval powers to the Institute. It is incumbent upon the Institute to establish close working relationships with other European standards bodies.

ARTICLE 18: AUDITOR

The General Assembly shall annually appoint an auditor. It shall determine the annual remuneration of the auditor.

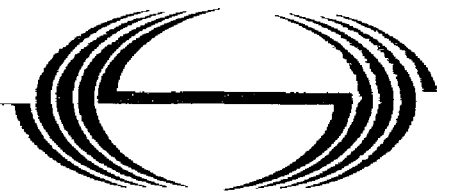
ARTICLE 19: AMENDMENTS TO THESE STATUTES AND THE RULES OF PROCEDURE

These Statutes and Rules of Procedure may only be amended by decision taken in the General Assembly.

ARTICLE 20: DISSOLUTION, WINDING UP

In the event of a voluntary dissolution of the Institute, the General Assembly which had decided the dissolution shall at the same time fix the terms of liquidation, will appoint one or more liquidators to dispose of the assets of the Institute, will determine their powers and assign any remaining assets after payment of the liabilities. Any balance of liabilities shall be borne by the members.

**Rules of Procedure of the  
European Telecommunications Standards Institute  
Version approved by General Assembly #01  
on 29-30 March 1988**



RULES OF PROCEDURE  
OF THE  
EUROPEAN TELECOMMUNICATIONS STANDARDS INSTITUTE

ETSI

(Copenhagen, 1988.11.10/3027U/jby/MJK)

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(Copenhagen, 1988.11.10/3027U/jby/MJK)



## PREAMBLE

These Rules of Procedure must be read in conjunction with the Statutes of the European Telecommunications Standards Institute, hereinafter referred to as the Institute.

## ARTICLE 1 - MEMBERSHIP

- 1.1. Conditions for membership, observer status and counsellor status
  - 1.1.1. Administrations, public network operators, manufacturers, users including private service providers offering services to the public and research bodies who belong to a country falling within the geographical area of the CEPT and who demonstrate their interest in European standardisation efforts in the field of telecommunications, may become members of the Institute. National and European organisations concerned with telecommunications may also become members of the Institute.
  - 1.1.2. In relation to membership, definitions of administrations, public network operators, manufacturers, users, private service providers, research bodies and organisations are given in Annex 1.
  - 1.1.3. Membership of the Institute cannot be obtained by:
    - supranational organisations such as EEC and EFTA,
    - organisations from outside the geographical area covered by the CEPT or
    - worldwide organisations.

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- 1.1.4. Members may participate individually or grouped on a national or European basis.

National organisations which combine the functions of national administrations and network operators, may apply for membership in both of the two categories provided that each membership is separately represented.

- 1.1.5. Members of the Institute have the right to participate directly in the work of the Institute by attending meetings of the two Assemblies and by allocating experts to the Technical Committees and by proposing experts to the Project Teams.

- 1.1.6. The Institute may have observers.

Observer status may be obtained by European organisations entitled to become members, but who do not wish to do so, and by European organisations concerned with telecommunications who are not entitled to become members.

Non European organisations concerned with telecommunications may be invited to participate as observers in the Technical Assembly and in the meetings of the Technical Committees.

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\*) Throughout this document, "European" means from a country falling within the geographical area of the CEPT.

Observers may attend the meetings of the two Assemblies of the Institute with the right to speak but without the right to vote.

1.1.7. The counsellors mentioned in paragraph 11.3 of the Statutes of the Institute may attend the meetings of the two Assemblies with the right to speak but without the right to vote.

1.2. Admission to membership

1.2.1. Application for membership shall be made in writing to the Director.

1.2.2. The conditions for admission to the Institute are governed by the General Assembly.  
Membership of the Institute must be agreed by the General Assembly.

1.3. Withdrawal and expulsion

1.3.1. Members shall be free to withdraw from the Institute. Written notice of withdrawal shall be given to the Director of the Institute with 12 months notice.

Until 1 January 1989 members, and potential members, registering an interest in joining the Institute by written notification to the inaugural General Assembly, may withdraw from membership and its obligations with no financial or other penalty.

1.3.2. A member of the Institute shall withdraw if it has not paid the whole or the fractions required of its annual contribution and if a formal demand to pay made by registered letter with advice of delivery has not been followed up within three months after the date of dispatch of the letter.

After this date, the member which has not paid its contribution shall have suspended its right to vote in the Assemblies and its right to be represented in and to provide experts for the work in the Technical Committees or Project Teams.

In this case the General Assembly shall rule supremely and without appeal.

- 1.3.3. Any member of the Institute may be expelled if it has seriously neglected the duties which it is incumbent on it to discharge as a member.

The expulsion shall be decided supremely and without appeal by the General Assembly voting by secret ballot. The party concerned shall be notified of the decision by registered letter with advice of delivery.

The expulsion shall take effect from the date fixed by the General Assembly.

## ARTICLE 2 - STRUCTURE

The Institute shall consist of:

- a. A General Assembly
- b. A Secretariat
- c. A Technical Assembly
- d. Technical Committees
- e. Project Teams

## ARTICLE 3 - GENERAL ASSEMBLY

- 3.1. The General Assembly shall comprise representatives of members of the Institute which may be grouped in national delegations.

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- 3.2. Representatives from the EEC and EFTA shall have a special status as counsellors.
- 3.3. Representatives from organisations concerned with telecommunications may, by invitation, attend meetings of the General Assembly as observers.
- 3.4. The primary function of the General Assembly is to make decisions on the management of the Institute. Voting procedures are described in paragraph 12.2., with the exception of the approval of the annual budget and financial statements for which the voting procedures described in paragraph 12.3. shall apply.
- 3.5. The General Assembly's functions shall be:
- to elect its Chairman and Vice Chairmen
  - to determine the general policy of the Institute
  - to adopt the internal Rules of Procedure of the Institute and any subsequent modifications to them and to decide upon disputes arising from their applications
  - to adopt amendments to the Statutes
  - to decide upon transferring the headquarters
  - to appoint and to dismiss the Director and the Deputy Director

- to rule on questions concerning membership and observer status
- to decide upon the voluntary dissolution of the Institute
- to adopt the annual budget and approve financial statements
- to approve the annual report
- to appoint an auditor annually and to determine the annual remuneration of the auditor.

3.6. Upon the proposal of the Director of the Institute the General Assembly shall examine how to solve any possible disputes arising in the Technical Assembly which are not of a technical nature.

3.7. The General Assembly shall meet at least twice a year in ordinary session.

At least thirty days before the due date which was fixed at the previous meeting, the members of the Institute will be given notice by the Chairman. A draft agenda will be included with the calling notice.

The Chairman may, or on the request of at least one third of the members the Chairman shall, convene an extraordinary General Assembly. A minimum of fifteen days notice shall be given for an extraordinary meeting.

ARTICLE 4 - DIRECTOR AND DEPUTY DIRECTOR

- 4.1. The Director, assisted by the Deputy Director and their staff, shall be responsible for: the assigning of resources; preparation of work schedules and priorities; and relationships with external bodies, all within the framework of guidelines laid down by the General Assembly, and decisions taken by the Technical Assembly.
- 4.2. The Director, assisted by the Deputy Director, shall be responsible for:
- the co-ordination of the activities of the Technical Committees and Project Teams
  - the administration of public enquiry on draft standards
  - the day to day administration of the staff
  - the recruitment of staff/experts
  - giving an account of the management and finances of the Institute to the General Assembly
  - presenting annually the balance sheet for the approval of the General Assembly
  - communicating regularly to the Chairmen of both Assemblies important information within their areas of responsibility
  - putting progress reports to both Assemblies
  - promotion of the work of the Institute outside

and shall be responsible for putting detailed proposals to both Assemblies on:

- the fully costed annual programme of work
- the preparation of the annual budget.

The Director shall be the legal representative of the Institute. He shall hold Chief Executive authority in all matters, apart from those which are expressly reserved for the General Assembly and the Technical Assembly in the Statutes, to manage and administer the affairs of the Institute.

4.3. The Director shall be responsible for the practical organisation of the meetings and work of the General Assembly and the Technical Assembly and shall provide any support required during their meetings.

4.4. The term of office of the Directorship and of the Deputy Directorship should not exceed 5 years, extendable by one further term not exceeding 3 years.

The post of Director or Deputy Director, when vacant, or when the term of office of the current Director or Deputy Director is due to expire, shall be advertised publicly.

The General Assembly shall decide upon the appointment of the Director using the voting procedure set out in paragraph 12.2. from a shortlist of candidates presented to it by the Chairman.



The General Assembly shall decide upon the appointment of the Deputy Director using the voting procedure set out in paragraph 12.2. from a shortlist of candidates presented to it by the Director.

#### ARTICLE 5 - SECRETARIAT

- 5.1. Members may be entitled to nominate persons to any post within the Secretariat, except the Directorship and Deputy Directorship. The Director shall decide if such a nominee may be accepted and the period of employment of that nominee. A nominating member may then select to pay the salary and other emoluments of the nominee and to be reimbursed accordingly by the Institute.
- 5.2. Proposals for changes in the budgetary staffing levels of the Secretariat must first be put to a meeting of the Technical Assembly for comments as to the suitability or appropriateness of those changes in relation to the current or future work programmes. The proposals must then be approved at a meeting of the General Assembly at which the comments of the Technical Assembly are available for any discussion.
- 5.3. The Secretariat will be responsible for the preparation and distribution of the minutes of meetings of the General Assembly and Technical Assembly.
- 5.4. The Secretariat shall maintain an up-to-date list of members, observers and counsellors. However it shall be the responsibility of the members, observers and counsellors to ensure that the

Secretariat is provided with the relevant details of their representatives to ensure efficient communications.

#### ARTICLE 6 - TECHNICAL ASSEMBLY

6.1. The Technical Assembly comprises the members of the Institute.

Representatives from the EEC and EFTA shall have a special status as counsellors.

Representatives from organisations concerned with telecommunications may, by invitation, attend meetings of the Technical Assembly as observers.

Individuals of special eminence in the field of telecommunications and/or standardisation may also be invited to become special observers.

6.2. The Technical Assembly is the highest authority within the Institute for the production and approval of technical standards, elaborated by itself (and its technical bodies) or other technical bodies.

6.3. The Technical Assembly's functions shall be:

- to elect its Chairman and Vice Chairmen
- to give guidance to the Director on the work to be undertaken and indicate the priorities and give its views on proposals from other sources (EEC, EFTA, CEPT, etc.)

- to approve the costed annual work programme unanimously, noting the resources required and approve the associated timetable
- to decide upon the creation or cessation of Technical Committees and Project Teams and approve their terms of reference
- to adopt, according to the provisions of Article 14, draft standards submitted to it by the Technical Committees
- to vote at intermediate stages of the preparation of draft standards in the Technical Committees where it has not been possible to arrive at a timely consensus
- to ensure that a public enquiry has been carried out after preparation of the draft standards by the Technical Committees and before approval by the Technical Assembly
- to approve other forms of output of the Institute such as reports, specifications and recommendations as may be decided by the Technical Assembly
- to approve work undertaken under the special voluntary account.

6.4. Voting is described in paragraph 12.2.

6.5. The Technical Assembly shall meet at least twice a year and may meet on other occasions for special meetings.

At least thirty days before the due date which was fixed at the previous meeting, the members of the Institute will be given notice by the Director. A draft agenda and such supporting documents will be included with the calling notice.

Special meetings may be convened at the initiative of the Director, the Chairman of the Technical Assembly or at the request of at least one third of the members. The notice given for special meetings should not be less than fifteen days.

ARTICLE 7 - CHAIRMANSHIP AND VICE CHAIRMANSHIP OF THE GENERAL ASSEMBLY  
AND TECHNICAL ASSEMBLY

- 7.1. The General Assembly and Technical Assembly each elect their own Chairman and Vice Chairmen using the voting procedure of paragraph 12.2.
- 7.2. The Chairman and the Vice Chairmen shall be elected for two years. The Chairman or Vice Chairmen may be elected for one further consecutive term only.
- 7.3. The following criteria for choosing Chairmen and Vice Chairmen should be operated flexibly:

Experience and qualifications of the person concerned.

Equitable geographical distribution.

The Chairman and Vice Chairmen should not be of the same nationality nor should they be elected from the same class of members.

A Vice Chairmanship does not prejudice succession to a Chairmanship. Appointment to a Chairmanship from a Vice Chairmanship shall be regarded as a new appointment for the purposes of paragraph 7.2. above.

- 7.4. Nomination for the posts of Chairman and Vice Chairman of the two Assemblies shall be submitted in writing to the Director thirty days before the date of the Assembly.
- Each nomination must be proposed by at least two national delegations and must indicate the nominee's consent to be nominated.

#### ARTICLE 8 - TECHNICAL COMMITTEES

- 8.1. The Technical Committees of the Institute will provide a forum for consensus building among European technical experts in developing relevant new standards. They will also be the focus of harmonising a European view for worldwide standards organisations particularly the CCITT and CCIR. They shall consist of experts from members of the Institute meeting as required on an ad hoc basis. With the approval of the Technical Assembly a Technical Committee can involve participants who are not members of the Institute.
- 8.2. The Technical Committees shall submit proposals for draft standards to the Technical Assembly for approval, after examination of the proposals made by the Project Teams and any Sub Committees. The Technical Committees shall endeavour to reach consensus. If no consensus can be reached, the Chairman of the Committee can decide to take an indicative vote amongst the members of the Committee. After this vote, if it is still not possible to reconcile diverging opinions all alternative opinions shall be submitted to the Technical Assembly for decision.

- 8.3. The Technical Committees may appoint their own officers and designate their rapporteurs.
- 8.4. Technical Committees shall keep the Secretariat regularly advised of their activities for the information of members of the Technical Assembly.
- 8.5. Subject to any directions from the Technical Assembly, Technical Committees shall be free to organise themselves.
- 8.6. The meetings of the Technical Committees shall be hosted on a voluntary basis by members of the Institute and costs of attendance shall be borne by the organisations of each attendee.

#### ARTICLE 9 - PROJECT TEAMS

- 9.1. The Project Teams of the Institute created by the Technical Assembly for well defined tasks and limited time periods will consist of small numbers of experts specifically chosen for their competence and their availability for the tasks entrusted to them.
- 9.2. The Teams shall be disbanded when their tasks are completed - unless fresh or further tasks are given to them. The Teams shall submit draft documents to a Technical Committee for peer group consensus forming before submission to the Technical Assembly, but the Technical Assembly may also specify they be submitted directly via the Director.

- 9.3. Members should be advised regularly by the Director of progress of work of the Teams.
- 9.4. Subject to any directions from the Technical Assembly, Project Teams may be free to organise themselves.

#### ARTICLE 10 - FINANCIAL YEAR

The financial year of the Institute shall commence on January 1 and end on December 31.

#### ARTICLE 11 - FINANCE

- 11.1. The budget voted annually by the General Assembly shall comprise:
- 11.1.1. The common operating costs (salaries, expenses and other emoluments, costs of premises, etc.) of the Secretariat.
- 11.1.2. The costed work programme, which has been agreed unanimously by the Technical Assembly. This would cover the costs of Project Teams whose work is included in the agreed programme; and a contingency fund to meet the costs of urgent work that must be undertaken, which arises between meetings of the General Assembly.
- 11.1.3. A special voluntary account to cover the costs of all other work undertaken and not covered by 11.1.2, which the Technical Assembly has agreed can be undertaken.

A special "language account" to cover the costs of interpretation in French and German in the Technical Assembly and translation into French and German of the approved standards.

11.2. The budget shall be financed in the following manner:

11.2.1. Member Administrations shall ensure that common operating costs are met by national contributions based on the scales set out in Annex 2.

11.2.2. The costs of the agreed work programme and the contingency fund to be met by contributions from all members of the Institute based on the scales set out in Annex 3.

11.2.3. The costs of the special voluntary account to be met by voluntary contributions from members of the Institute.

The costs of the special "language account" to be met by contributions from the member Administrations having agreed to share those costs.

11.2.4. From revenues from the sale of publications of the Institute and payments under contracts made with outside organisations.

11.2.5. From revenues from annual fees charged to observers by the Director. Special observers and observers from organisations with which the Institute may enter into reciprocal agreements shall not be charged.

11.2.6. From other revenues not covered by the above.

11.3. The Institute, in agreement with the organisations from whom the experts have been recruited by the Director for Project Teams, may arrange to pay for the costs of the experts by directly reimbursing those organisations.



## ARTICLE 12 - VOTING

### 12.1. Principles

In all bodies of the Institute, members shall endeavour to reach consensus.

National weighted voting (using procedure A) shall apply in both the General Assembly and the Technical Assembly subject to

- in the General Assembly, individual voting (using procedure B) shall apply to the approval of the annual budget and financial statements,
- in the Technical Assembly, approval of the costed work programme shall be unanimous.

Voting procedures shall be reviewed after a period of two years from the adoption of the Memorandum of Understanding between CEPT Telecommunications Administrations to establish a European Telecommunications Standards Institute on 15 January 1988.

### 12.2. Procedure A - National weighted voting

Weighted voting by national delegations as stipulated in Annex 4 shall apply. The views of operators, manufacturers, users and research bodies shall be taken into account by delegations in arriving at a view on how their votes are cast.

12.3. Procedure B - Individual voting

Each member shall have an individual vote. The aggregate votes of none of the type of members defined in Article 6 of the Statutes\*) shall exceed 35% of the total votes cast. The percentage of votes needed to approve a proposal shall be 71% of the total votes cast except where the Rules of Procedure provide otherwise.

12.4. Care should be taken to protect minority rights.

12.5. Under the voting procedure described in paragraph 12.2., the vote of each national delegation shall be cast by the head of the national delegation.

12.6. An applicant Administration member whose country is not included in the list of allocations of weightings (Annex 4) shall be consulted first by the Chairman of the General Assembly as to the size of the weighting applied for. The Chairman shall then obtain the views of the other members of the Institute, after which he shall obtain the views of the Chairman of TRAC, who will have similarly consulted the signatories of the TRAC, with a view to ensuring there is consistency in the weightings allocated by both the Institute and TRAC.

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- \*) - Administrations
- Public Network Operators
- Manufacturers
- Users including Private Service Providers offering services to the public
- Research bodies

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The Chairman shall subsequently put a proposal before a meeting of the General Assembly for an allocation of weighting to the applicant Administration, and for a consequential amendment to Annex 4. Voting will be in accordance with procedure A subject to the majority vote required being 75 % of the total weighted votes cast.

#### ARTICLE 13 - QUORUM AND PROXY VOTING

- 13.1. In any meeting of the General Assembly and the Technical Assembly, the quorum of those present or represented required for voting under the procedure described in paragraph 12.2. shall consist of at least 50% of the total number of weighted votes given in Annex 4.

The quorum of those present or represented required in the two Assemblies for voting under the procedure described in paragraph 12.3. shall consist of at least 50% of the members.

- 13.2. A member unable to attend a meeting of the General Assembly or the Technical Assembly may give its vote to another member to cast as a proxy vote provided it has notified the Chairman of that Assembly in advance. No member may cast more than one proxy vote.

#### ARTICLE 14 - ELABORATION, APPROVAL AND IMPLEMENTATION OF STANDARDS

- 14.1. Elaboration

Standards approved by the Institute shall be known as ETS (European Telecommunications Standards).

ETS (and I-ETS mentioned in Article 14.5.) shall be elaborated within the fields set out in Article 3 of the Statutes of ETSI which include:

- a) telecommunications terminal equipment including interfaces to networks,
- b) areas common to telecommunication and information technology according to decisions made by the ITSTC or common to telecommunications and broadcasting, or
- c) areas which embrace the telecommunications networks themselves and other areas such as radio communications.

14.2. General

Each national delegation shall inform the Director and the relevant Counsellor in writing of the recognised national standards organisation or organisations having the exclusive responsibility for carrying out the establishment of the national position for the vote, and the standstill and the transposition requirements referred to in this Article, together with their rules which govern how these functions are carried out. Any member shall have the right to inspect a copy of these rules held by the Director and bring to the attention of the General Assembly any problems arising from their application.

14.3. Standstill Period

From the date the Technical Assembly decides that ETSI should produce a standard on a specific matter with its defined scope and for the duration, not generally exceeding 15 months, the Technical Assembly sets down as being required to prepare and adopt that standard, the organisations identified in Article 14.2. shall not publish a new or revised national standard which is not completely in line with an ETS or EN in existence or in preparation on the specific matter in question or take any other action which could prejudice the harmonization intended.

14.4. Public Enquiry

Before a Technical Committee according to Article 8.2. or the Director according to Article 9.2. submits a draft ETS for approval to the Technical Assembly a public enquiry should have been carried out for this draft. The administration within ETSI for this public enquiry shall be the responsibility of the Director. In the ETSI Member Countries the public enquiry shall be carried out by the organisations referred to in Article 14.2. Moreover for a draft ETS which is intended to become a NET a worldwide public enquiry shall be carried out under the responsibility of the Director. Any comments received during the time set shall be given due consideration in an appropriate Technical Committee.

14.5. Approval Procedure

An ETS shall be approved by the weighted voting procedure of Article 12.2. The vote shall be taken by correspondence except where the Chairman of the Technical Assembly decides that the vote is to be taken at a meeting announced thirty days beforehand. The procedure of Article 14.4. and this procedure may also be applied to documents coming from other organisations (eg. CCITT or CCIR recommendations).

In the event that a standard is not approved, then the votes of EC members only shall be counted: if 71% of the total votes cast by the EC countries are in favour of the proposed draft standard and at least 8 countries are in favour, then it shall be adopted as a European Telecommunications Standard in the European Community and other countries which have voted in favour.

The Technical Assembly may decide in a specific case that a limited period of application is to be associated for a draft standard either because the standard represents a provisional solution for a more advanced standard coming later or that the standard is immature and requires some period of trial. In such cases a standard shall be approved by the above procedures but designated as an "Interim" European Telecommunications Standard or I-ETS.

14.6. Transposition Arrangements

When ETSI has approved an ETS on a specific matter then on an agreed date set by the Technical Assembly the organisations mentioned in Article 14.2. shall ensure that all conflicting national standards on that specific matter are withdrawn. They shall refer interested parties enquiring about standards on that specific matter to where copies of the relevant ETS can be obtained.

The organisations referred to in Article 14.2. shall be entitled to publish and market the texts of ETS and I-ETS according to a format specified by ETSI.

14.7. Worldwide Telecommunications Standardisation

The activities of the Institute shall build upon worldwide standards, existing or in preparation, and furthermore will contribute to the production of harmonised new worldwide standards in the same fields.

Members of ETSI shall support within worldwide organisations the promotion of ETS as the basis of worldwide recommendations and standards.

The Technical Assembly shall be responsible for approving arrangements for the promotion of ETS as described above.

In addition members of ETSI shall support common positions for worldwide organisations (eg. CCITT and CCIR) which have been adopted by the Technical Assembly.

ARTICLE 15 - RELATIONSHIP OF THE INSTITUTE TO OTHER BODIES

- 15.1. Standards which have been identified by TRAC as candidate NETs shall be transmitted to this external body for consideration by that Committee for possible adoption as a mandatory standard given legal force.
- 15.2. The Institute should play its part in supporting EWOS in developing proposals for OSI functional standards in ways to be determined by the ITSTC.
- 15.3. The Institute and the other European standards bodies shall co-ordinate viewpoints via the ITSTC thus consolidating the views of the major industrial and networking operators throughout Europe, and facilitating the long term integration of standardisation activities.

ARTICLE 16 - TRANSITION PERIOD

A transition period, as short as possible, shall be allowed for the orderly transfer of CEPT's technical pre-standardisation and standardisation work to the Institute. During this period a committee comprising the Director, the Deputy Director, the Chairman and Vice Chairmen of the Technical Assembly, the Chairman and Vice Chairmen of CCH, the Chairmen of CR and CAC, the Chairmen of the CCH Working Groups, the Chairmen of GMR, SF and RES, the Chairman and Vice Chairman of TRAC and the manager of the CCH Permanent Secretariat shall be established to ensure close co-ordination between the Institute and CEPT.

(Copenhagen, 1988.11.10/3027U/jby/MJK)



In particular, this committee shall draw up a plan within the first six months after the inaugural General Assembly for the orderly transfer from CEPT to the Institute of relevant activities and appropriate Working Groups, taking into account the importance of ensuring continuity of work and avoiding duplication. Any differences of view shall be presented to the Technical Assembly or General Assembly as appropriate for resolution.

#### ARTICLE 17 - REVIEW OF ACTIVITIES

An evaluation of the operations of the Institute, including the Rules of Procedure, should be made by early 1990 by the members. In preparation for this, the Director shall present a report to the members on the activities of the Institute since its creation.

#### ARTICLE 18 - OFFICIAL LANGUAGES

- 18.1. The official languages of the General Assembly shall be English, French and German. Subject to the provisions of paragraphs 18.2. and 18.3. below, the official documents such as the annual report shall be published in English, French and German.
- 18.2. The official language of the Technical Assembly shall be English. Simultaneous interpretation in French and German shall however be provided and the costs of the interpretation shall be covered by a special "language account". The costs of the special "language account" shall be met by contributions from the member Administrations having agreed to share those costs.

(Copenhagen, 1988.11.10/3027U/jby/MJK)

Draft-standards and standards (ETS) and all other documents shall be approved and published in English.

- 18.3. The working language in the Technical Committees and the Project Teams shall be English. Documents produced by Technical Committees and Project Teams shall be in English.
- 18.4. Once a standard (ETS) has been approved by the Technical Assembly and published in English as an official standard, it may be translated into French and German and published equally as an official standard. The costs of the translation shall be covered by the special "language account".

#### ARTICLE 19 - LITIGATION

Any legal dispute arising during the life of the Institute or during its dissolution shall be dealt with under the French law unless the parties concerned agree otherwise.

However, in case of dispute arising between the members, the members concerned will endeavour to use all means to solve the dispute with the help of other members by the way of internal conciliation.

#### ARTICLE 20 - AMENDMENTS TO THE RULES OF PROCEDURE

Proposed amendments to the Rules of Procedure shall be put to a specially convened meeting of the General Assembly giving not less than three months notice. The weightings of the votes given in Annex 4 shall be used but requires 75% of the total weighted votes cast for a proposal to be approved.

(Copenhagen, 1988.11.10/3027U/jby/MJK)

DEFINITIONS OF MEMBERS OF THE  
INSTITUTE

A. Administration

An Administration is defined as a part of the public administration in a country.

Where a group of relevant interests at a national level decides to be represented through a standardisation body recognized by the national telecommunications administration as competent in a part or all of the work of the Institute, then this body shall be included within the category of membership of administration, and may be a member independent of the telecommunications administration. However, the head of delegation shall be responsible for exercising the national vote unless he delegates this function.

B. Public Network Operator

A Public Network Operator is defined as a recognized operator of a public telecommunications network or part thereof.

C. Manufacturer

A Manufacturer is defined as a company, legally established in a country, developing and/or producing equipment to be used in or connected directly or indirectly to a public telecommunications network, or a national or European organisation of such manufacturers.

D. User

A User is defined as any person, company or organisation making use of a public telecommunications network or a national or European organisation of such users.

E. Private Service Provider

A Private Service Provider is defined as a company or organisation making use of a public telecommunications network to provide services to third parties.

F. Research bodies

A Research body is defined as any research body concerned with telecommunications.

## CONTRIBUTION TO THE COMMON OPERATING COSTS

25 unit-class	Germany (Fed. Rep. of)
	France
	Italy
	United Kingdom
18 unit-class	Spain
10 unit-class	Austria
	Belgium
	Denmark
	Finland
	Greece
	Ireland
	Norway
	Netherlands
	Portugal
	Sweden
	Switzerland
	Turkey
	Yoguslavia
1 unit-class	Cyprus
	Iceland
	Luxembourg
	Malta
1/2 unit-class	Liechtenstein
	Monaco
	San Marino
	Vatican City

(Copenhagen, 1988.11.10/3027U/jby/MJK)

## CONTRIBUTIONS TO THE AGREED WORK PROGRAMME

The costs of the agreed work programme and the contingency fund shall be met by the contributions from the members of the Institute, each member paying a sum proportional to the number of units in the class of contribution it has chosen from the following scale:

1/3	unit-class
1	unit-class
3	unit-class
6	unit-class
10	unit-class
15	unit-class

Members shall choose their class as follows:

- Administrations (+) according to the gross domestic product (GDP) of their country:

<u>GDP (ECUs x 10<sup>9</sup>)</u>	<u>Class (Unit)</u>
up to 7	1/3
7 to 20	1
20 to 70	3
70 to 200	6
200 to 500	10
above 500	15

(Copenhagen, 1988.11.10/3027U/jby/MJK)

- All other members according to their annual telecommunications-related turnover (TO) (++):

<u>TO (ECUs x 10<sup>6</sup>)</u>	<u>Class (Unit)</u>
up to 70	1/3
70 to 200	1
200 to 700	3
700 to 2000	6
2000 to 5000	10
above 5000	15

(+) Where administrations and public network operators from the same country are both members of the Institute, these administrations shall be entitled to a 50% reduction in their unit-class contribution. When a country has more than one administration member, then one of those members shall choose the GDP-related contribution, and the others should be assessed on the scale of all other members without the above-mentioned reduction. Where it is not possible to identify a turnover or its equivalent, then such members may pay 1/3 unit-class contribution.

(++) The annual subscriptions, fees and other incomes of user and trade associations and other similar organisations shall be used in lieu of turnover.

Note: For GDP and turnover, the latest published or available figures will be applicable.

## NATIONAL WEIGHTED VOTES

1. The percentage of votes needed to approve a proposal shall be 71% of the total votes cast (rounded up to the nearest whole number of votes), if not otherwise provided.
2. Allocation of weightings shall be as given below in order to determine the result:

FRANCE	10
GERMANY (Fed.Rep.of)	10
ITALY	10
UNITED KINGDOM	10
SPAIN	8
BELGIUM	5
GREECE	5
NETHERLANDS	5
PORTUGAL	5
SWEDEN	5
SWITZERLAND	5
AUSTRIA	3
DENMARK	3
FINLAND	3
IRELAND	3
NORWAY	3
CYPRUS	2
ICELAND	2
LUXEMBURG	2
MALTA	2
MONACO	1
TURKEY	5 *

\* according to the decision of the 6th General Assembly

(Copenhagen, 1988.11.10/3027U/jby/MJK)



## List of abbreviations

CAC	Comité d'action commerciale / Commercial Action Committee (CEPT)
CCH	Comité de coordination de l'harmonisation / Co-ordination Committee on Harmonization (CEPT)
CCIR	Comité consultatif international des radiocommunications (UIT) / International Radio Consultative Committee (ITU)
CCITT	Comité consultatif international des téléphones et télégraphes (UIT) / International Telephone and Telegraph Consultative Committee (ITU)
CEN	Comité européen de normalisation / The European Committee for Standardization
CENELEC	Comité européen de normalisation électrotechnique / European Committee for Electrotechnical Standardization
CEPT	Conférence européenne des Administrations des postes et des télécommunications / European Conference of Postal and Telecommunications Administrations
CR	Comité de coordination des radiocommunications / Co-ordination Committee on Radio Communications (CEPT)
EEC/CEE	European Economic Community / Communauté européenne économique
EFTA/AELE	European Free Trade Association / Association européenne de libre échange

(Copenhagen, 1988.11.10/3027U/jby/MJK)

EN           Europäische Norm / European Standard / Norme européenne  
(CEN/CENELEC)

ETS           European Telecommunications Standard / Norme européenne de  
télécommunications (ETSI)

EWOS          European Workshop on Open Systems (CEN/CENELEC)

GMR           Groupe mixte CCH/CAC sur RACE / Mixed Group CCH/CAC on  
RACE (CEPT)

ITSTC         Information Technology Steering Committee / Comité de  
direction de la technologie de l'information  
(CEN/CENELEC/CEPT)

NET           Norme européenne de télécommunications / European  
Telecommunications Standard (TRAC)

RES           Radio Equipment and Systems / Equipements et systèmes de  
radiocommunications (CEPT)

SF            Services et facilités / Services and Facilities (CEPT)

TRAC          Technical Recommendations Application Committee / Comité  
chargé de l'application des recommandations techniques

(Copenhagen, 1988.11.10/3027U/jby/MJK)

### History of the ETSI Directives

Date of version	Changes
Version 001 March 1988	1st edition of the "Directives" comprising the: ETSI Statutes and the ETSI Rules of Procedure.