



MEETING OF THE REGULATORY ASSOCIATIONS



Armenia City, Colombia
19 September, 2011

Chairman's report

Introduction

At the invitation of Mr. Brahim Sanou, Director, ITU Telecommunication Development Bureau, and following RESOLUTION 48 (Rev. Hyderabad, 2010) - Strengthening cooperation among telecommunication regulators – calling on the ITU to organize, coordinate and facilitate activities that promote information sharing among regulators and regulatory associations on key regulatory issues at the international and regional level, the Regulatory Associations meeting, organized by the Telecommunication Development Bureau (BDT) of the International Telecommunication Union (ITU), in collaboration with the Ministry of Information and Communication Technologies and the Communications Regulatory Commission of Colombia (CRC) was held at the Cultural Metropolitan Convention Centre, Armenia City, Colombia, in the afternoon of 19 September 2011.

This meeting, held on the day preceding the ITU Global ICT Industry Leaders' Forum (GILF) and the Global Symposium for Regulators (GSR) 2011, was chaired by Mr. David Pérez Tavares, President of REGULATEL, Secretary of State of the Dominican Republic and President of INDOTEL Executive Committee, and was attended by 53 participants representing nine Regional Associations including: ARCTEL-CPLP, AREGNET, ARTAC, CRASA, FRATEL, REGULATEL, OCCUR and WATRA.

ITU was represented by Mr. Brahim Sanou, BDT Director, and presentations¹ were made by representatives of REGULATEL, CRASA, ARCTEL-CPLP, WATRA, AREGNET, FRATEL and ITU.

The topics of discussion this year included: i) Regulatory Association sustainability and financial support: Experience in Regulatory Associations, ii) a presentation of the ICT Regulatory Decisions Clearinghouse (ICTDec), and iii) How to exchange Information and Experiences among Regulators Associations

A report of the meeting was presented for information during the GSR11 **"Way forward"** Session.

Welcoming remarks

Opening statements were made by **Mr. C. Lizcano Ortiz**, Executive Director, CRC Colombia and Chairman of GSR-11, Mr. Brahim Sanou, BDT Director and Mr. David Pérez Tavares, President of REGULATEL, Secretary of State of the Dominican Republic and President of INDOTEL Executive Committee.

¹ Presentations are available at: <http://www.itu.int/ITU-D/treg/Events/Seminars/GSR/GSR11/ras11/agenda.html>

These opening remarks emphasised that the Regulatory Associations meeting is the perfect scenario to strengthen the exchange of experiences. All regulators in the various countries around the world have common objectives. ICTs are in all countries the driving force of the economy. The challenges of the regulation and of the definition of the public policies are similar everywhere and it is important for any regulatory association to know what the others are doing. Mr. Lizcano hoped that the results of the meeting would be positive and would lead the various associations to joint plans. He acknowledged he was honored to host the meeting in Colombia.

Mr. D. Pérez Tavares welcomed all participants and underlined the work accomplished by the ITU in benefit of the ICT sector by promoting forums and regulatory associations. In this sense he remarks that the Latin American Telecom Regulators Forum-REGULATEL has worked tirelessly to harmonize and consolidate the activities and information among regulators in the region. He thanked the European Commission for the help given that contributed to the financial sustainability of the association. The world financial crisis puts the RAs in a difficult situation and the meeting aims at generating ideas to face it. He thanked all participants for their presence.

Mr. B. Sanou thanked the Colombian authorities for their hospitality and said that the Regulatory Associations contribute to help regulators in deciding their policies. The World Telecommunication Development Conference WTDC-10 revised Resolution 48 on strengthening the cooperation among telecommunication regulators, and enhanced BDT to continue coordinating and facilitating joint activities relating to telecommunication policy and regulatory issues in pursuit of best practices with regional and sub-regional organizations and institutions. The fact that the Regulatory Associations' meeting is for the first time this year on its own and not in parallel with the GILF shows how important are the RAs for the ITU and will allow to aim discussing urgent topics such as a viability analysis on the regulatory associations. He announced a new tool, the Online Networking Platform, a facility that allows participants to connect with one another without needing each other's contact information, providing a calendar and meeting booking functions and accessible via the Web or from mobile phones. He finally stressed that ITU will continue to offer support and cooperation to intensify and strengthen the work of Regional Associations and will benefit from the work on information and statistical databases that the associations produce.

Session 1: Regulatory association sustainability and financial support: Experience in Regulatory Associations

Mr. G. Peña, Secretary General, **REGULATEL**, gave a presentation on RAs' sustainability and the experience of REGULATEL. He noted that Latin America is a big region, with more than 500 million population in a 21 million square kilometers territory and has a mobile penetration of almost 100 per cent. REGULATEL has many activities and the 20 regulators members from the region and 3 European observers can interchange information. It has so far benefited from the financial help of the European Commission because in the region several regulators face legal impediments to contribute economically to the association. For the future a secure financial basis has to be found. In 2012 the support of the European Commission will come to an end and alternative solutions will need to be found. A questionnaire was sent to all Regulatory Associations to enquire on the difficulties they encounter in their activity and the result was that for 80 per cent of all RAs the financial sustainability is a problem. Human and financial resources are needed, and the generation of these resources must be guaranteed.

REGULATEL is wondering if maintaining the actual structure, with a permanent Secretariat and a Forum or go for a structure with only a Forum, without juridical personality and other working methods. This second alternative would be a pity because regulators benefit a lot from the work of the association. REGULATEL's databases and statistics on ICT indexes give valuable data for the entire region and benefit also operators, end-users and telecom industry. Mr. Peña emphasized 14 years working with AHCIEET to bring academic environments and stressed the priority in search of a strategic plan. He thanked the ITU for its support and stressed the importance of intensifying RAs meetings and exchanges.

The representative of **ARCTEL-CPLP** said that his association, regrouping Portuguese speaking countries TIC regulators, doesn't have a structure as REGULATEL but works through a Forum of telecommunication regulators, an indicators' working group, a global regulation database

and is working on a regulation handbook and guidelines. He underlined the importance of the collaboration among all the Regulatory Associations and noted that sustainability is one of the most urgent issues, together with issues linked to roaming. He proposed to stimulate an agreement among operators on a prime-rate and the creation of a fund that could be used for beneficial activities, but operators are reluctant to contribute to such fund. He finally said that a half-day meeting for RAs is too short because more time is needed for discussion.

The delegate from **CRASA** (Communications Regulators' Association of Southern Africa) gave some background of her association, created as TRASA in 1997 and initially funded by the United States Agency for International Aid (USAID) and the ITU. The international financial support has ceased now and the 15 CRASA annual members' fees cannot cover 8 ongoing projects. She said that there are too many Regulatory Associations in Africa and stressed the need to consolidate and terminate regional initiated projects. She thanked the ITU for the assistance given to CRASA.

The representative of **FRATEL** (Réseau Francophone de la Régulation des Télécommunications) said that FRATEL is an institution composed of telecommunication regulators of French language. It has no proper financing but members host the events. The organization has a coordination committee with a chairman and two vice-chairmen and normally holds a meeting each year. This year's meeting will be held on 7 and 8 November in Guinea Conakry.

The representative of **AREGNET** (Arab Regulators Network of Telecommunications and Information Technologies) said that AREGNET is chaired by one of its members in rotation, while the secretariat is in Algeria. The aim of the association is to promote consistent regulatory practices in the countries of the Arab region. AREGNET is sector member of the ITU and the head of the ITU Office for the Arab States participates to meetings of AREGNET with the status of observer since 2004. AREGNET conducts studies and supports projects of Arab telecommunications regulators. Its outcomes and studies are annually reported to the general assembly. In 2011 reports were issued on cloud computing, children protection, climate change etc. with the aim of sharing information creating an economy of scale in regulatory framework. Workshops are also organized, many of which in collaboration with the BDT and the ITU Area Office.

The delegate from **WATRA** (West Africa Telecommunications Regulators' Association) said that WATRA has 15 member states and follows several projects, the last one being on submarine cables, to foster the harmonization of regulation procedures. WATRA organizes seminars and workshops, but the financial sustainability is a problem like for the other Associations. She agreed on the fact that there are too many African Regulatory Associations and complained the lack of collaboration among them. Feasibility of their projects relies on funding sources. There is a need of reinforcing human resources (there is a Secretary and one or two people collaborating).

The delegate from **Tunisia** said that Regulatory Associations are normally created on a linguistic or geographical base, so some Arab countries are members of three RAs. Regulators don't want a super-regulator. A Regulatory Association can give directives, but the application of these stands with member countries. Regulatory Associations sometimes don't have a financial problem, but a problem of application of their decisions.

The delegate from **ARCTEL** complained the absence of the representative of Europe, because the European countries are in a different position compared to all the others RAs. The European countries will probably go through BEREC (Body of European Regulators for Electronic Communications) in the future and Europe will not have national but a unique European regulator.

Session 2: Presentation of RME tools, ICT Regulatory Decision Clearinghouse (ICTDec)

Mr. M. Fall, Head of the Regulatory and Market Environment Division, BDT, gave a presentation on ICTDec, an on-line resource that provides access to regulatory decisions originating from ICT decision-making bodies from around the world. ICTDec provides a unified and simplified access to thousands of decisions available on the Web and to selected decisions

unavailable online. It facilitates the global exchange of information, experience and legal precedent among stakeholders in the field of dispute resolution and aims at promoting the application of effective decision making techniques.

ICTDec has recently been updated and now allows decision making bodies to upload decisions directly to the database, available in six languages. The database is open to the Regulatory Associations that can contribute to it and can find in it a useful source of information on ICT related legal disputes. Mr. Fall invited all Regional Associations to designate a focal point and become active parts of ICTDec.

Session 3: How to exchange Information and Experiences among Regulators Associations?

Mr. G. Peña gave a presentation on the possible ways of exchanging information and experiences among Regulatory Associations such as meetings and websites. He mentioned the search of a common position through meetings, working groups and publications, regulatory excellence programs and trainings followed up to date by more than 1000 functionaries of Regulatory Authorities of the region.

The 14 meeting that REGULATEL has organized every year with the Latin American operators, in addition to the other 14 every year with regulators is a very interesting opportunity to get information. REGULATEL Working Groups on policy, broadband, regional indicators and roaming are also very important. Each Working Group approves an action plan at the beginning of each year. He also mentioned the Programme of Excellence: every year the regulator of Spain decides a theme and invites some representatives from the Latin America's regulators for 6 months to study it. Following this Programme, 5 to 8 people from Latino America go to Barcelona's headquarters of CMT, for a six month terms internship each year to bring Latino America's experience and learn from the Spanish regulator.

He agreed with the proposal of having a RA's whole day meeting and proposed a second meeting between two GSRs, possibly hosted by ITU at its Geneva premises.

Mr. Fall brought out the responses to the questionnaire prepared with REGULATEL and suggested on-line discussion forums to limit physical meetings and consequent expenses. ITU has some tools like G-Rex, ICTDec and ICTEye that can facilitate the work of the Regulatory Associations. He suggested that working methods aiming at punctual and time-limited projects could facilitate financial contributions.

Closing remarks

Mr. Sanou thanked all participants for the very good presentations on hot issues and said that the common bottom line of all Regulatory Associations is the financing. The regulators have some money but the RAs have financial problems. What is the value-added that the Regulatory Associations will rapport to the regulators? In some countries the Universal Service Fund is not used and might be used for RAs. On the duration of the meeting, he wondered if in the future the meeting should be reserved to Regulatory Associations, which would imply important issues justifying a whole day meeting, or could be open to national regulators to solve issues that are not faced in the GSR. A five full day meeting (RRA, GILF and GSR) is probably too long for the high level personalities that go to the GSR.

Mr. C. Lizcano Ortíz said that the challenges of all regulators in the same region are very similar, and reiterated the importance of the exchange of experiences and ideas thru a database of projects carried-out in different countries. For all Regulatory Associations the ITU is and will continue to be a strategic partner.

The Chairman **Mr. D. Pérez Tavares** thanked all participants and the BDT Director and declared the meeting closed.