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| Sector member contribution on Articles 5 through 8 and  Appendix 1 of the 2012 international telecommunication regulations | |

**Introduction**

The above-listed ITU-T Sector Members appreciate the opportunity to contribute our views on Articles 5 through 8 and Appendix 1 of the 2012 International Telecommunication Regulations (ITRs), as set forth in the Expert Group-ITRs work plan. Based on our collective operational experience, the ITRs are no longer applicable to or relevant in today’s highly competitive international telecommunications market. Rather, the continued successful deployment and use of telecommunication infrastructure and services worldwide is mostly realized through flexible policy frameworks that support ongoing innovation, market-based competition, mutually acceptable reciprocal operating agreements between providers, and private sector investment; not through a treaty instrument such as the ITRs.

**Discussion**

While issues of security and safety are of significant importance to global operators, in our view, Articles 5 and 6 are not applicable to fostering the development of international networks and services, and not flexible enough to accommodate today’s dynamic market place and evolving technological landscape. Similar to rigid top-down national regulations in these areas, treaty provisions cannot keep pace with the rapid speed of technology development and innovation.

For example, Article 5 (Safety of life and priority of telecommunications) addresses emergency calling, a capability that has long been a standard practice adopted by most, if not all, operators around the world. While an important topic, we consider this particular provision to be outdated in today’s dynamic international telecommunication environment where operators tailor their approaches to these issues at a national level. Furthermore, Article 5 includes provisions contained in the ITU Constitution and Convention and we do not believe there is a need for their inclusion in the ITRs.

With respect to Article 6 (Security and robustness of networks) and Article 7 (Bulk electronic communications), attempts to address such issues in a treaty instrument also may have the unintended consequence of impeding network operators’ ability to quickly respond to changing network environments. Rather than including such provisions in an intergovernmental treaty, we believe such matters are most effectively addressed through voluntary risk-based approaches and other efforts at the national level.

Article 8 (Charging and accounting) and Appendix 1 speak to the regulatory needs of a bygone era in which international traffic exchange was conducted by monopoly carriers that were often government-owned, and served as the basis for an intergovernmental treaty. Over the past two decades, international and domestic telecommunication markets have experienced significant structural and technological transformations. To our knowledge, there are very few countries or carriers that continue to rely on the ITR-based accounting rate regime.

**Conclusion**

In our view, Articles 5 through 8 and Appendix 1 are neither applicable to the fostering and development of international networks and services nor flexible to accommodate today’s dynamic and innovative market place. Today, the emergence of multiple competing private-sector operators in each country has resulted in a competitive landscape that does not require any treaty instrument like the ITRs.

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