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| **Expert Group on the International Telecommunication Regulations (EG-ITRs)** |  |
| **Fourth meeting (virtual) - 3-4 February 2021** |  |
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|  | **Document EG-ITRs-4/2-E** |
| **14 January 2021** |
| **Original: Russian** |
| Russian Federation | |
| PROVISION-by-PROVISION examination of sections of the international telecommunication regulations at the fourth meeting of EG-itrs in accordance with the work plan adopted at the first meeting OF THE GROUP | |

# 1 Introduction

The first meeting of EG-ITRs agreed on a work plan for the Expert Group and approved a template for the provision-by-provision examination of the ITRs.

In accordance with the work plan adopted at the first meeting, the fourth meeting of EG-ITRs should conduct an analysis of the following sections of the ITRs:

– Article 9 – Suspension of services;

– Article 10 – Dissemination of information;

– Article 11 – Energy efficiency/e-waste;

– Article 12 – Accessibility;

– Article 13 – Special arrangements;

– Article 14 – Final provisions;

– Appendix 2 – Additional provisions relating to maritime telecommunications.

The position of the Russian Federation on the provisions of the ITRs to be examined at the fourth meeting of EG-ITRs is detailed in Table 1 below.

The Russian Federation notes that the 1988 ITRs do not accommodate the changes that have occurred in the telecommunication/ICT ecosystem since 1988. Furthermore, the 1988 ITRs use terminology that is not in keeping with the current provisions of the ITU Constitution, Convention and Plenipotentiary Conference resolutions, as well as outdated terms, leading to misunderstandings and/or errors in the application of the 1988 ITRs.

In addition to accommodating the changes in the telecommunication/ICT ecosystem, in particular the shift from largely public to private ownership and control of telecommunication/ICT systems and networks, as well as other changes to have occurred since 1988, the 2012 ITRs respond to many of today’s challenges concerning environmental protection (Article 11 – Energy efficiency/e-waste) and access to telecommunications/ICTs for persons with disabilities (Article 12 – Accessibility). These internationally accepted requirements reflect changes in the social and economic environment but are not provided for in any way by the provisions of the 1988 ITRs.

In the course of the further refinement of the ITRs, it would be useful to include in the text of the Regulations terms and/or provisions concerning different aspects of international regulation that will help to accelerate the development, implementation and use of telecommunications/ICTs, particularly in developing countries. It is imperative that the provisions of the ITRs contribute to the bridging of the digital divide, digital transformation, personal data and privacy protection, the use of telecommunications/ICTs in emergency situations, including pandemics, and SDG attainment. The ITRs should facilitate the provision of universal services, reduction of roaming costs, curbing of unsolicited telecommunication messages (including spam) and the implementation of major decisions from the Plenipotentiary Conference, World Radiocommunication Conference, Radiocommunication Assembly, World Telecommunication Standardization Assembly and World Telecommunication Development Conference. An extremely important objective of the ITRs is the building of confidence and security in the use of telecommunications/ICTs at the international level.

Table 1

| 2012 Article | Sub-article and provision | Related 1988 sub-article and provision | Applicability in fostering provision and development of networks and services | Flexibility to accommodate new trends and emergent issues | Summary outcome |
| --- | --- | --- | --- | --- | --- |
| **ARTICLE 9 −** **Suspension of services** | 68  9.1 If a Member State exercises its right in accordance with the Constitution and the Convention to suspend international telecommunication services partially or totally, that Member State shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication. | 55  7.1 If a Member exercises its right in accordance with the Convention to suspend international telecommunication services partially or totally, that Member shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 69  9.2 The Secretary-General shall immediately bring such information to the attention of all other Member States, using the most appropriate means of communication. | 56  7.2 The Secretary-General shall immediately bring such information to the attention of all other Members, using the most appropriate means of communication. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| **ARTICLE 10 –** **Dissemination of information** | 70  10.1 Using the most suitable and economical means, the Secretary-General shall disseminate information provided, of an administrative, operational, or statistical nature, concerning international telecommunication services. Such information shall be disseminated in accordance with the relevant provisions of the Constitution and the Convention and of this Article, on the basis of decisions taken by the Council or by competent ITU conferences, and taking account of conclusions or decisions of ITU assemblies. If so authorized by the Member State concerned, the information may be transmitted to the Secretary-General directly by an authorized operating agency, and shall then be disseminated by the Secretary-General. Member States should transmit such information to the Secretary-General in a timely manner, taking into account the relevant ITU-T Recommendations. | 57   Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by administrations\*, of an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated in accordance with the relevant provisions of the Convention and of this Article, on the basis of decisions taken by the Administrative Council or by competent administrative conferences, and taking account of conclusions or decisions of Plenary Assemblies of the International Consultative Committees. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible.  It seems appropriate to replace the reference to ITU-T Recommendations with a reference to ITU Recommendations as all types of telecommunications are used for the transmission of such messages. |
| ***No. 57 of the 1988 ITRs contains outdated references to the now defunct Administrative Council, administrative conferences and Plenary Assemblies of the International Consultative Committees.*** | |
| **ARTICLE 11 –** **Energy efficiency/e-waste** | 71  11.1 Member States are encouraged to adopt energy-efficiency and e-waste best practices taking into account the relevant ITU-T Recommendations. | *No analogous provision in the 1988 ITRs.* | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible.  It seems appropriate to replace the reference to ITU-T Recommendations with a reference to ITU Recommendations as the issues covered by this Article concern all telecommunication/ICT devices, systems and networks. |
| ***Article 11 of the 2012 ITRs reflects widely recognized provisions of resolutions of the UN and other international organizations and the legislation of many ITU Member States concerning environmental protection.*** | |
| **ARTICLE 12 –** **Accessibility** | 72  12.1 Member States should promote access for persons with disabilities to international telecommunication services, taking into account the relevant ITU-T Recommendations. | *No analogous provision in the 1988 ITRs.* | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible.  It seems appropriate to replace the reference to ITU-T Recommendations with a reference to ITU Recommendations as solving the issues covered by this Article involves the use of various telecommunication/ICT devices, systems and networks. |
| ***Article 12 of the 2012 ITRs reflects widely recognized provisions of resolutions of the UN and other international organizations and the legislation of many ITU Member States concerning the promotion of access for persons with disabilities.*** | |
| **ARTICLE 13 –** **Special arrangements** | 73  13.1 *a)* Pursuant to Article 42 of the Constitution, special arrangements may be entered into on telecommunication matters which do not concern Member States in general. Subject to national laws, Member States may allow authorized operating agencies or other organizations or persons to enter into such special mutual arrangements with Member States and authorized operating agencies, or other organizations or persons that are so allowed in another country for the establishment, operation and use of special international telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Member States concerned, and including, as necessary, the financial, technical or operating conditions to be observed. | 58  9.1 *a)* Pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982), special arrangements may be entered into on telecommunication matters which do not concern Members in general. Subject to national laws, Members may allow administrations\* or other organizations or persons to enter into such special mutual arrangements with Members, administrations\* or other organizations or persons that are so allowed in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Members concerned, and including, as necessary, those financial, technical, or operating conditions to be observed. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| ***No. 58 of the 1988 ITRs contains an outdated reference to the now defunct International Telecommunication Convention.*** | |
| 74  13.1 *b)* Any such special arrangements shall endeavour to avoid technical harm to the operation of the telecommunication facilities of third countries. | 59  *b)* Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 75  13.2 Member States should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 73 (13.1) above to take into account relevant provisions of ITU-T Recommendations. | 60  9.2 Members should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 58 to take into account relevant provisions of CCITT Recommendations. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible.  It seems appropriate to replace the reference to ITU-T Recommendations with a reference to ITU Recommendations as such arrangements might concern various telecommunication/ICT systems and networks. |
| ***No. 60 of the 1988 ITRs contains an outdated reference to CCITT Recommendations.*** | |
| **ARTICLE 14 –** **Final provisions** | 76  14.1 These Regulations, of which Appendices 1 and 2 form integral parts, shall enter into force on 1 January 2015, and shall be applied as of that date, consistent with all the provisions of Article 54 of the Constitution. | 61  10.1 These Regulations, of which Appendices 1, 2 and 3 form integral parts, shall enter into force on 1 July 1990 at 0001 hours UTC.  62  10.2 On the date specified in No. 61, the Telegraph Regulations (Geneva, 1973) and the Telephone Regulations (Geneva, 1973) shall be replaced by these International Telecommunication Regulations (Melbourne, 1988) pursuant to the International Telecommunication Convention. | ***These provisions were implemented within the established time-frames in accordance with the ITU Constitution and Convention.*** | | |
| ***No. 62 of the 1988 ITRs contains an outdated reference to the now defunct*** ***International Telecommunication Convention.*** | |  |
| 77  14.2 If a Member State makes reservations with regard to the application of one or more of the provisions of these Regulations, other Member States shall be free to disregard the said provision or provisions in their relations with the Member State which has made such reservations. | 63  10.3 If a Member makes reservations with regard to the application of one or more of the provisions of these Regulations, other Members and their administrations\* shall be free to disregard the said provision or provisions in their relations with the Member which has made such reservations and its administrations\*. | ***These provisions were implemented in accordance with the ITU Constitution and Convention.*** | | |
|  |  | 64  10.4 Members of the Union shall inform the Secretary-General of their approval of the International Telecommunication Regulations adopted by the Conference. The Secretary-General shall inform Members promptly of the receipt of such notifications of approval. |  | | |
| **APPENDIX 2 –** **Additional provisions relating to maritime telecommunications** | 2.1  1 General | |  |  |  |
| 2.2  1.1 The provisions contained in Article 8 and Appendix 1, taking into account the relevant ITU-T Recommendations, shall also apply to maritime telecommunications when establishing and settling accounts under this Appendix, insofar as the following provisions do not provide otherwise. | 2/2  The provisions contained in Article 6 and Appendix 1, taking into account the relevant CCITT Recommendations, shall also apply to maritime telecommunications in so far as the following provisions do not provide otherwise. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| ***No. 2/2 of the 1988 ITRs contains an outdated reference to CCITT Recommendations.*** | |
| 2.3  2 **Accounting authority** | |  |  |  |
| 2.4  2.1 Charges for maritime telecommunications in the maritime mobile service and the maritime mobile-satellite service shall, in principle, and subject to national law and practice, be collected from the maritime mobile station licensee: | 2/4  2.1 Charges for maritime telecommunications in the maritime mobile service and the maritime mobile-satellite service shall in principle, and subject to national law and practice, be collected from the maritime mobile station licensee: | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.5  *a)* by the administration that has issued the licence; or | 2/5  *a)* by the administration that has issued the licence; or | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.6  *b)* by an authorized operating agency; or | 2/6  *b)* by a recognized private operating agency; or | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.7  *c)* by any other entity or entities designated for this purpose by the administration referred to in No. 2/5 (2.1.*a)*) above. | 2/7  *c)* by any other entity or entities designated for this purpose by the administration referred to in *a)* above. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.8  2.2 The administration or the authorized operating agency or the designated entity or entities listed in 2.1 above are referred to in this Appendix as the "accounting authority". | 2/8  2.2 The administration or the recognized private operating agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the "accounting authority". | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.9  2.3 References to authorized operating agency contained in Article 8 and Appendix 1 shall be read as "accounting authority" when applying the provisions of Article 6 and Appendix 1 to maritime telecommunications. | 2/9  2.3 References to administration\* contained in Article 6 and Appendix 1 shall be read as "accounting authority" when applying the provisions of Article 6 and Appendix 1 to maritime telecommunications. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.10  2.4 Member States shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations and Maritime Mobile Service Identity Assignments. The number of such names and addresses shall be limited, taking into account the relevant ITU-T Recommendations. | 2/10  2.4 Members shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations; the number of such names and addresses shall be limited taking into account the relevant CCITT Recommendations. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| ***No. 2/10 of the 1988 ITRs contains an outdated reference to CCITT Recommendations.*** | |
| 2.11  3 **Establishment of accounts** | |  |  |  |
| 2.12  3.1 In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the service provider that sent it. | 2/12  3.1 In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the accounting authority that sent it. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.13  3.2 However, any accounting authority has the right to question the contents of an account for a period of six calendar months after dispatch of the account, even after the account has been paid. | 2/13  3.2 However, any accounting authority has the right to question the contents of an account for a period of six calendar months after dispatch of the account. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.14  4 **Settlement of balances of account** | |  |  |  |
| 2.15  4.1 All international maritime telecommunication accounts shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account, except where the settlement of accounts is undertaken in accordance with No. 2/17 (4.3) below. | 2/15  4.1 All international maritime telecommunication accounts shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account, except where the settlement of accounts is undertaken in accordance with paragraph 4.3 below. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.16  4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the administration that has licensed the mobile station shall, on request, take steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee. | 2/16  4.2 If international maritime telecommunication accounts remain unpaid after six calendar months, the administration that has licensed the mobile station shall, on request, take all possible steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.17  4.3 If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the originating service provider that queries and payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account. | 2/17  4.3 If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the originating accounting authority that queries and payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |
| 2.18  4.4 The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than twelve calendar months after the date of the traffic to which the accounts relate, unless provided otherwise under national law in which case the maximum deadline can be within eighteen calendar months. | 2/18  4.4 The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than eighteen calendar months after the date of the traffic to which the accounts relate. | The provision is applicable in fostering provision and development of networks and services. | The provision ensures flexibility to accommodate new trends and emergent issues. | The provision does not require modification as it is applicable and flexible. |

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