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| **Expert Group on the International Telecommunication Regulations (EG-ITRs)** |  |
| **Fourth meeting – Virtual meeting, 3-4 February 2021** |  |
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| PROVISION-BY-PROVISION EXAMINATION OF THE ITRS | |

The United Kingdom is pleased to submit this contribution to the fourth meeting of the Expert Group on the ITRs. We welcome the invitation to submit contributions to support the provision-by-provision examination of the ITRs, in accordance with the Terms of Reference. This contribution covers Article 9 to 14 of the ITRs, it does not cover Appendix 2 to avoid duplication as our views on Appendix 2 are already reflected in the analysis of the provisions of the ITRs. We look forward to discussing this Examination Table at the fourth meeting of the Expert Group.

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| **2012 Article** | **Sub article and Provision** | **Related** [**1988**](https://www.itu.int/dms_pub/itu-t/opb/reg/T-REG-ACT-1988-PDF-E.pdf) **sub article and provision** | **Applicability in fostering provision and development of networks and services** | **Flexibility to accommodate New trends and Emergent issues** | **Summary Outcome** |
|  | **Suspension of services** | **Article 7: Suspension of Services** |  |  |  |
| 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. | 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. | This obligation to notify the ITU SG of suspension of international telecommunication services serves no benefit in fostering provision and development of networks and services.  ‘Partial or total suspension of international telecommunication services’ is not adequately defined in this treaty.  This provision could in fact be seen as legitimising and normalising member states taking the extreme action of suspending international telecommunication services. | This obligation to notify the ITU SG of suspension of international telecommunication services serves no benefit, and is therefore not flexible, in accommodating new trends. |  |
| 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. | 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members, using the most appropriate means of communication. | This obligation for the SG to notify all other member states of a suspension of international telecommunication services serves no benefit in fostering provision and development of networks and services.  This provision could in fact be seen as legitimising and normalising member states taking the extreme action of suspending international telecommunication services. | This obligation to notify the ITU SG of suspension of international telecommunication services serves no benefit, and is therefore not flexible, in accommodating new trends. |  |
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|  | **Dissemination of information** | **Article 8: Dissemination of Information** |  |  |  |
| 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. | 8.1 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. | This provision does not help in fostering provision and development of networks and services. | This provision does not provide flexibility in accommodating new trends and emergent issues. |  |
|  | **Energy efficiency/e-waste** |  |  |  |  |
| 11.1 | Member States are encouraged to adopt energy-efficiency and e-waste best practices taking into account the relevant ITU-T Recommendations. |  | “Member states are encouraged to adopt” is not legally enforceable so cannot help the development of networks and services. This is unnecessary as the topic is covered in the Basel Convention. The reference to ITU-T recommendations could confuse the regulatory environment. | This provision could hinder innovation because it might cause confusion by conflicting with the Basel Convention.  This provision therefore does not provide flexibility in accommodating new trends and emergent issues. |  |
|  | **Accessibility** |  |  |  |  |
| 12.1 | Member States should promote access for persons with disabilities to international telecommunication services, taking into account the relevant ITU-T Recommendations. |  | “Promoting” access is not defined and is therefore not legally enforceable. Access for persons with disabilities is clearly an important priority but successfully promoting access is likely to be less about changing technical ‘networks and services’, and much more about societal change, such as improving education, ensuring workplace equality, quality medical care and assistive hardware.  This provision therefore does not help in fostering the provision and development of networks and services. | There are many new ITU-T Recommendations every year to address New trends and Emergent issues. However, this also means that there is a cache of outmoded and redundant Recommendations. This provision requires member states to continue taking these into account. This provision therefore does not provide flexibility in accommodating new trends and emergent issues. |  |
|  | **Special arrangements** | **Article 9: Special Arrangements** |  |  |  |
| 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.  b) Any such special arrangements shall endeavour to avoid technical harm to the operation of the telecommunication facilities of third countries. | 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.  b) Any such special arrangements should avoid technical harm to the operation  of the telecommunication facilities of third countries. | This provision sets out something the treaty does not do, so it does not facilitate the provision and development of networks and services. | This provision sets out something the treaty does not do, so it cannot on its own provide flexibility in accommodating new trends and emergent issues. |  |
| 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. | 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. | “Member States should, where appropriate, encourage” is not legally enforceable and furthermore, is likely to be inconsistently applied by states because of different interpretations of ‘where appropriate’ and ‘encourage’  This provision therefore does not help in fostering the provision and development of networks and services... | There are many new ITU-T Recommendations every year to address New trends and Emergent issues. However, this also means that there is a cache of outmoded and redundant Recommendations. This provision requires member states to encourage parties to any special arrangement to take into account these redundant Recommendations. |  |
|  | **Final provisions** | **Article 10: Final Provisions** |  |  |  |
| 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. | 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.  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. | This provision sets out the commencement of the treaty so on its own cannot facilitate the provision and development of networks and services. | This provision sets the commencement of the treaty so on its own cannot provide flexibility in accommodating new trends and emergent issues. |  |
| 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. | 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\*.  \* or recognized private operating agency(ies) | The fact that Member States are allowed to make reservations on any provision may undermine the effectiveness of this treaty or result in inconsistency amongst members. This provision therefore does not help in fostering the provision and development of networks and services. | This provision is inflexible as while Member States can make reservations when they sign the Convention, they cannot later rescind or add new reservations as emerging issues might demand. |  |
|  |  | 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. | NA - not present in 2012 ITRs | NA - not present in 2012 ITRs |  |

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