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| **Expert Group on the InternationalTelecommunication Regulations (EG-ITRs) Sixth meeting – 17-18 January 2022** |  |
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|  | **Document EG-ITRs-6/2-E** |
| **17 December 2021** |
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| Contribution by Secretariat |
| DRAFT FINAL REPORT OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (EG-ITRS) TO ITU COUNCIL 2022 |
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| **Summary**In accordance with ITU Plenipotentiary Resolution 146 (Rev. Dubai, 2018), and Council Resolution 1379 (Mod. 2019), the Expert Group on the International Telecommunication Regulations (EG-ITRs), open to all Member States and Sector Members, was reconvened in 2019. This document is the final report of the Expert Group to Council 2022.**Action required**The Council is invited to **examine** the final report of EG-ITRs and **submit** it to the 2022 Plenipotentiary Conference with the Council's comments.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**References**[*ITU Plenipotentiary Resolution 146 (Rev. Dubai, 2018)*](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf)*,* [*Council Resolution 1379 (Mod. 2019)*](https://www.itu.int/md/S19-CL-C-0139/en) |

**1.** **Introduction**

1.1 In accordance with [ITU Plenipotentiary Resolution 146 (Rev. Dubai, 2018)](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf), and [Council Resolution 1379 (Mod. 2019)](https://www.itu.int/md/S19-CL-C-0139/en), the Expert Group on the International Telecommunication Regulations (EG-ITRs), open to all Member States and Sector Members, was reconvened in 2019. This document is the final report of the Expert Group to Council 2022.

1.2 In the sections below, the report provides an overview of the background of the Group, the comprehensive review carried out by the Group, and the views on the way forward in respect of the ITRs.

1.3 The Council is invited to examine the final report of EG-ITRs and submit it to the 2022 Plenipotentiary Conference with the Council's comments.

**2. Background**

**2.1** In accordance with Article 4 "Instruments of the Union" of the ITU Constitution, the International Telecommunication Regulations (ITRs) are one of the two Administrative Regulations included in the list of Instruments of the Union (paragraph 29 of the Constitution).

Two versions of the ITRs exist: the 1988 ITRs and the 2012 ITRs. Background information concerning the two versions are available [here](https://www.itu.int/en/wcit-12/Pages/itrs.aspx).

**2.2** At its 2016 session, the ITU Council, in accordance with ITU Plenipotentiary Resolution 146 (Rev. Busan, 2014), created an Expert Group on the International Telecommunication Regulations, open to all Member States and Sector Members. The Group, chaired by Mr Fernando Borjón (Mexico), held four meetings in 2017-2018. The final report of the Group, along with the comments of Council 2018, was submitted to ITU Plenipotentiary Conference 2018 and is available [here](https://www.itu.int/en/council/eg-itrs/Pages/default.aspx).

**2.4** At the 2018 Plenipotentiary Conference, [Resolution 146 (Rev. Dubai, 2018)](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf), recalling the report of the Expert Group on the International Telecommunication Regulations, resolved that the ITRs should normally be reviewed periodically and to conduct a comprehensive review of the ITRs with a view to achieving consensus on the way forward in respect of the ITRs. As per the instructions of [Resolution 146 (Rev. Dubai, 2018)](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf), the Council 2019 reconvened the [Expert Group on the International Telecommunication Regulations (EG-ITRs)](https://www.itu.int/en/council/Pages/eg-itrs.aspx), open to all Member States and Sector Members for this purpose.

**2.5** The Terms of Reference for the EG-ITRs, specified in [Council Resolution 1379 (Mod. 2019)](https://www.itu.int/md/S19-CL-C-0139/en), are as follows:

*1 On the basis of contributions submitted by Member States, Sector Members and inputs from the Directors of the Bureaux if necessary, the EG-ITRs shall undertake a comprehensive review of the ITRs.*

*2 The EG-ITRs shall undertake a provision-by-provision examination of the ITRs, focusing on the 2012 ITRs, taking into account new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment.*

*3 The review should include, among others:*

*a) applicability of the provisions of the ITRs in fostering the provision and development of international telecommunication/ICT services and networks;*

*b) flexibility of, or lack thereof, the provisions of the ITRs to accommodate new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment;*

*4 The EG-ITRs will present a progress report reflecting all views on the ITRs review to Council 2020 and Council 2021, and a final report to Council 2022 for examination and submission to the 2022 Plenipotentiary Conference with the Council’s comments.*

**2.6** Council 2019 appointed Mr. Lwando Bbuku (Zambia) as the Chairman of the Group. Council 2019 appointed six Vice-Chairs as follows:

a. Mr. Guy-Michel Kouakou (Africa Region)

b. Mr. Santiago Reyes-Borda (Americas Region)

c. Mr. Xiping Huang (Asia-Pacific Region)

d. Mr. Aleksei S. Borodin (CIS Region)

e. Mr. Simon van Merk​om (Europe Region)

f. Mr. Ahmed Al-Raghy, 2019-2021 (Arab States), Ms. Shahira Selim (Arab States) 2021-2022

**2.7** In accordance with [Council Res. 1379 (Mod. 2019)](https://www.itu.int/md/S19-CL-C-0139/en), EG-ITRs held six meetings. All documents and reports related to the meetings of the EG-ITRs can be found on the [EG-ITRs website](https://www.itu.int/en/council/Pages/eg-itrs.aspx), as well as webcast archives of all the meetings.

**3. Comprehensive Review of the ITRs**

3.1 The reports of the six meetings held by the EG-ITRs are transmitted to the Council for information:

3.1.1 **First meeting, 16 – 17 September 2019 (**[**see report**](https://www.itu.int/md/S19-EGITR1-C-0013/en)**)**: At the first meeting, the EG-ITRs adopted the Work Plan set out in Annex 1 to this report as well as a template for the provision-by-provision examination of the ITRs in alignment with the Terms of Reference (Examination Table – Annex 2). The Group also agreed that the meeting report for each EG-ITRs meeting would be prepared offline and shared with the Vice-Chairs for circulation within their region/networks for review and finalized accordingly. The meeting reports of the meetings held in September and February would be merged and consolidated to be presented to Council as Progress Reports in 2020 and 2021 respectively.

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| **Contributions Received at the First Meeting** | * REVIEW OF THE INTERNATIONAL TELCOMMUNICATION REGULATIONS ([EG-ITRs-1/2](https://www.itu.int/md/S19-EGITR1-C-0002/en)): Contribution by Austria, the Czech Republic, Estonia, Latvia, the Netherlands, Romania, Sweden and the United Kingdom
* FURTHER STEPS TOWARDS A COMPREHENSIVE REVIEW OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (ITRS) AND THE ACHIEVEMENT OF CONSENSUS ON A SINGLE TEXT OF THE ITRS [EG-ITRs-1/3](https://www.itu.int/md/S19-EGITR1-C-0003/en)): Contribution by the Russian Federation
* POSSIBLE FUTURE STEPS TOWARDS ACHIEVING CONSENSUS ON A SINGLE VERSION OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-1/4](https://www.itu.int/md/S19-EGITR1-C-0004/en)): Contribution by the Russian Federation
* VIEWS ON THE COMPREHENSIVE REVIEW OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-1/5](https://www.itu.int/md/S19-EGITR1-C-0005/en)): Contribution by Canada and the United States of America
* COMPREHENSIVE REVIEW OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-1/6](https://www.itu.int/md/S19-EGITR1-C-0006/en)): Contribution by the Republic of South Africa
* PROPOSAL ON THE REVIEW AND REVISION OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (ITRS) ([EG-ITRs-1/7](https://www.itu.int/md/S19-EGITR1-C-0007/en)): Contribution by the People's Republic of China
* CONTRIBUTION TO THE WORK OF EG-ITRS ([EG-ITRs-1/8](https://www.itu.int/md/S19-EGITR1-C-0008/en)): Contribution by Ghana
* GENERAL VIEWS ON THE COMPREHENSIVE REVIEW OF THE ITRs ([EG-ITRs-1/9](https://www.itu.int/md/S19-EGITR1-C-0009/en)): Contribution by the Kingdom of Saudi Arabia
* PROPOSALS FOR INCORPORATION INTO THE WORK PLAN OF THE EG-ITRS ([EG-ITRs-1/10](https://www.itu.int/md/S19-EGITR1-C-0010/en)): Contribution by Zimbabwe
* PROPOSED WORK PLAN ([EG-ITRs-1/11](https://www.itu.int/md/S19-EGITR1-C-0011/en)): Contribution by Côte d'Ivoire
* PRINCIPLES FOR THE REVIEW OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS REGULATIONS ([EG-ITRs-1/12](https://www.itu.int/md/S19-EGITR1-C-0012/en)): Contribution by the Federative Republic of Brazil
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3.1.2 **Second Meeting, 12 – 13 February 2020 (**[**see report**](https://www.itu.int/md/S20-EGITR2-C-0013/en)**)**: At the second meeting, the EG-ITRs reviewed the Preamble and Articles 1-4 of the ITRs, in accordance with the Work Plan. The Group also decided at this meeting on the process for completing the Examination Table – the “Summary Outcome” column would be completed by the members during the meeting while the columns on “Applicability in fostering provision and development of networks and services” and “Flexibility to accommodate New trends and Emergent issues” were completed offline by the Vice-Chairs in consultation with the members from their regions based on the contributions and discussions at the meeting. The corresponding sections of the Examination Table were completed through this process. The Progress Report to Council was drafted in the manner decided at the first meeting and submitted to the 2020 Virtual Consultation of Councillors, and subsequently approved by correspondence by Council members.

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| **Contributions Received at the Second Meeting** | PROVISION-BY-PROVISION EXAMINATION OF SECTIONS OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS AT THE SECOND MEETING OF EG-ITRS IN ACCORDANCE WITH THE WORK PLAN ADOPTED AT THE FIRST MEETING ([EG-ITRs-2/2](https://www.itu.int/md/S20-EGITR2-C-0002/en)): Contribution submitted by the Russian FederationRESPONSE TO THE CITEL QUESTIONNAIRE ([EG-ITRs-2/3](https://www.itu.int/md/S20-EGITR2-C-0003/en)): Contribution submitted by CanadaCOMMENTS ON THE COMPREHENSIVE REVIEW FROM PREAMBLE TO ARTICLE 4 OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-2/4](https://www.itu.int/md/S20-EGITR2-C-0004/en)): Contribution submitted by the People's Republic of ChinaPROVISION-BY-PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-2/5](https://www.itu.int/md/S20-EGITR2-C-0005/en)): Contribution submitted by United Kingdom of Great Britain and Northern IrelandJOINT RESPONSE TO CITEL QUESTIONS ON THE ITRS ([EG-ITRs-2/6](https://www.itu.int/md/S20-EGITR2-C-0006/en)): Joint Contribution submitted by America Movil, AT&T, Bell Canada Mobility, Telefonica and VerizonVIEWS ON THE PROVISION BY PROVISION REVIEW OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-2/7](https://www.itu.int/md/S20-EGITR2-C-0007/en)): Joint contribution by Australia, Canada, Guatemala and the United StatesCOMPREHENSIVE REVIEW OF THE INTERNATIONAL TELECOMMUNICATIONS REGULATIONS ([EG-ITRs/8](https://www.itu.int/md/S20-EGITR2-C-0008/en)): Contribution by the Republic of South Africa EXAMINATON TABLE OF ITR PROVISIONS: PREAMBLE-ARTICLE 4 ([EG-ITRs-2/9](https://www.itu.int/md/S20-EGITR2-C-0009/en)): Contribution from the Republic of Côte d'Ivoire PROVISION BY PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-2/10](https://www.itu.int/md/S20-EGITR2-C-0010/en)): Contribution submitted by the Arab Republic of Egypt and the Kingdom of Saudi Arabia PROVISION BY PROVISION REVIEW OF THE INTERNATIONAL TELECOMMUNICATIONS REGULATIONS ([EG-ITRs-2/11](https://www.itu.int/md/S20-EGITR2-C-0011/en)): Contribution submitted by the Republic of Zimbabwe RESPONSE TO THE CITEL QUESTIONNAIRE ([EG-ITRs-2/12](https://www.itu.int/md/S20-EGITR2-C-0012/en)): Contribution submitted by Mexico |

3.1.3 **Third meeting, 17 – 18 September 2020** **(**[**see report**](https://www.itu.int/md/S20-EGITR3-C-0012/en)**):** At the third meeting, the EG-ITRs reviewed Articles 5-8 and Appendix 1 of the ITRs, in accordance with the Work Plan. The corresponding sections of the Examination Table was completed through the process decided in the second meeting.

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| **Contributions Received at the Third Meeting** | COMPREHENSIVE REVIEW OF THE INTERNATIONAL TELECOMMUNICATIONS REGULATIONS ([EG-ITRs-3/2](https://www.itu.int/md/S20-EGITR3-C-0002/en)): Contribution from the Republic of South Africa VIEWS ON ARTICLES FIVE THROUGH EIGHT AND APPENDIX 1 OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-3/3](https://www.itu.int/md/S20-EGITR3-C-0003/en)): Contribution from Australia , Canada , United States of America: MEXICO´S POINTS OF VIEW FOR THE 3RD MEETING OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (EG - ITRS) ([EG-ITRs-3/4](https://www.itu.int/md/S20-EGITR3-C-0004/en)): Contribution from MexicoSECTOR MEMBER CONTRIBUTION ON ARTICLES 5 THROUGH 8 AND APPENDIX 1 OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-3/5](https://www.itu.int/md/S20-EGITR3-C-0005/en)): Contribution from Bell Mobility , AT&T , KDDI Corporation , NTT DoCoMo, Inc. , Verizon Communication CorporationPROVISION-BY-PROVISION EXAMINATION OF SECTIONS OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS AT THE THIRD MEETING OF EG-ITRS IN ACCORDANCE WITH THE WORK PLAN ADOPTED AT THE FIRST MEETING OF THE GROUP ([EG-ITRs-3/6](https://www.itu.int/md/S20-EGITR3-C-0006/en)): Contribution from the Russian FederationPROVISION BY PROVISION EXAMINATION OF ARTICLES 5,6,7, 8 AND APPENDIX 1 OF THE ITRS ([EG-ITRs-3/7](https://www.itu.int/md/S20-EGITR3-C-0007/en)): Contribution from the Arab Republic of Egypt PROPOSAL ON HOW TO MAKE DISCUSSIONS MOVE FORWARD ([EG-ITRs-3/8](https://www.itu.int/md/S20-EGITR3-C-0008/en)): Contribution from the Arab Republic of Egypt and Kingdom of Saudi Arabia PROVISION-BY-PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-3/9](https://www.itu.int/md/S20-EGITR3-C-0009/en)): Contribution from United Kingdom of Great Britain and Northern IrelandPROVISION BY PROVISION EXAMINATION OF ARTICLES 5 TO 8 AND APPENDIX 1 OF THE 2012 ITRS ([EG-ITRs-3/10](https://www.itu.int/md/S20-EGITR3-C-0010/en)): Contribution from the Kingdom of Saudi Arabia PROVISION-BY-PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-3/11](https://www.itu.int/md/S20-EGITR3-C-0011/en)): Contribution from the Netherlands  |

3.1.4 **Fourth meeting, 3 – 4 February 2021 (**[**see report**](https://www.itu.int/md/S21-EGITR4-C-0008/en)**):** At the fourth meeting, the EG-ITRs reviewed Articles 9-14 and Appendix 2 of the ITRs in accordance with the Work Plan. The corresponding sections of the Examination Table were completed through the process decided in the second meeting, thereby concluding the provision-by-provision review of the 2012 ITRs. The Progress Report to Council was drafted in the manner decided at the first meeting and submitted to the 2021 Virtual Consultation of Councillors, and subsequently approved by correspondence by Council members.

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| **Contributions Received at the Fourth Meeting** | 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 ([EG-ITRs-4/2](https://www.itu.int/md/S21-EGITR4-C-0002/en)): Contribution by the Russian Federation PROVISION-BY-PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-4/3](https://www.itu.int/md/S21-EGITR4-C-0003/en)): Contribution by the United Kingdom of Great Britain and Northern IrelandPROVISION-BY-PROVISION EXAMINATION OF THE ITRS ([EG-ITRs-4/4](https://www.itu.int/md/S21-EGITR4-C-0004/en)): Contribution from the Netherlands PROVISION BY PROVISION EXAMINATION OF ARTICLES 9 TO 14 AND APPENDIX 2 OF THE 2012 ITRS ([EG-ITRs-4/5](https://www.itu.int/md/S21-EGITR4-C-0005/en)): Contribution by Saudi Arabia, Egypt, Jordan, and Kuwait VIEWS ON ARTICLES NINE THROUGH FOURTEEN AND APPENDIX 2 OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-4/6](https://www.itu.int/md/S21-EGITR4-C-0006/en)): Contribution by United States of America and CanadaPROVISION-BY-PROVISION EXAMINATION OF ARTICLES 9 TO 12 AND APPENDIX 2 OF THE 2012 ITRs ([EG-ITRs-4/7](https://www.itu.int/md/S21-EGITR4-C-0007/en)): Contribution by the People's Republic of China  |

3.1.5 **Fifth meeting, 30 September – 1 October 2021 (**[**see report**](https://www.itu.int/md/S21-EGITR5-C-0010/en)**):** At the fifth meeting, the EG-ITRs discussed the mandate and scope of work of the Group, including views on a way forward with respect to the ITRs. Members also discussed their overall observations on the Examination Table as well as views on [DL 2 - Draft Final report of the Expert Group on the International Telecommunication Regulations (EG-ITRS)](https://www.itu.int/md/S21-EGITR5-210930-DL-0002/en) that will be presented to Council 2022 for examination and submission to the 2022 Plenipotentiary Conference with the Council’s comments, in accordance with the Work Plan.

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| **Contributions Received at the Fifth Meeting** | ITRS – FUTURE DEVELOPMENT, EVALUATING THEIR APPLICATION, OVERVIEW OF BEST PRACTICES ([EG-ITRs-5/2](https://www.itu.int/md/S21-EGITR5-C-0002/en)): Contribution by the Russian FederationRECOMMENDATIONS OF THE NEXT STEP OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (EG-ITRS) ([EG-ITRs-5/4](https://www.itu.int/md/S21-EGITR5-C-0004/en)): Contribution by the People's Republic of China OVERALL OBSERVATIONS BASED ON THE PROVISION-BY-PROVISION EXAMINATION ([EG-ITRs-5/5](https://www.itu.int/md/S21-EGITR5-C-0005/en)): Contribution by Czech Republic, Estonia, Latvia, Netherlands, Sweden and United Kingdom FURTHER STEPS IN THE IMPLEMENTATION OF RESOLUTION 146 (REV. DUBAI, 2018) OF THE PLENIPOTENTIARY CONFERENCE AND RESOLUTION 1379 (MODIFIED 2019) OF THE ITU COUNCIL ([EG-ITRs-5/6](https://www.itu.int/md/S21-EGITR5-C-0006/en)): Contribution by the Russian FederationFURTHER STEPS IN THE IMPLEMENTATION OF RESOLUTION 146 (REV. DUBAI, 2018) OF THE PLENIPOTENTIARY CONFERENCE AND RESOLUTION 1379 (MODIFIED 2019) OF THE ITU COUNCIL WITH A VIEW TO ACHIEVING CONSENSUS IN RESPECT OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-5/7](https://www.itu.int/md/S21-EGITR5-C-0007/en)): Contribution by the Russian FederationOVERALL OBSERVATIONS BASED ON THE PROVISION-BY-PROVISION EXAMINATION OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-5/8](https://www.itu.int/md/S21-EGITR5-C-0008/en)): Contribution by Australia, Canada, and the United States of AmericaSECTOR MEMBER CONTRIBUTION ON OVERALL OBSERVATIONS BASED ON THE PROVISION-BY-PROVISION EXAMINATION OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS ([EG-ITRs-5/9](https://www.itu.int/md/S21-EGITR5-C-0009/en)): Contribution by AT&T, Bell Mobility Canada, KDDI, NTT DOCOMO, Telefonica, Verizon |

*3.1.6 Sixth meeting, (see report)*

**3.2** The full Examination Table, reflecting the different views of the EG-ITRs members, is attached as Annex 2 to this Report.

**3.3 Views on theprovision-by-provision examination of the ITRs, focusing on the 2012 ITRs, taking into account new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment.**

**3.3.1** Members agreed on the working methods for the provision-by-provision examination of the ITRs, as well as the template for reflecting such review and the different views of the meeting. The Work Plan adopted by the Group is set out in Annex 1 to this Report, while the detailed outcome of the provision-by-provision examination is reflected in the Examination Table set out in Annex 2 to this Report. Members wished to highlight that the Examination Table attached in Annex 1 has originally been filled out in English and therefore, slight discrepancies in terms may be found when this content is translated into the other five languages

Some members suggested that, while conducting the provision-by-provision review process, members may also want to suggest updates to the text of the ITRs where they deem it necessary in order to reflect the new trends and emerging issues in international telecommunications/ICT environment. Some members were of the opinion that the scope of the Terms of Reference of the Group only extend to a “review” and not “revision” of the ITRs, and therefore, no updates or edits need to be suggested to the provisions.

Members agreed that all the views of the Group on the provisions of the ITRs will be reflected in the Examination Table as stated during the meetings and/or in the contributions submitted to the meeting.

**3.3.2** Pursuant to [Council Resolution 1379 (Mod. 2019)](https://www.itu.int/md/S19-CL-C-0139/en) which instructs the Directors of the Bureaux “*each within their field of competence, with advice from the relevant advisory group, to contribute to the work of the Group, recognizing that the ITU Telecommunication Standardization Sector has most of the work relevant to the ITRs*”, the EG-ITRs agreed that the Chairman would invite the Directors of the Bureaux to “*seek advice from the relevant advisory group to contribute to the work of the EG-ITR Group, taking into account the agreed work plan of EG-ITRs in Annex 1*”, the Directors of the Bureaux attended the different meetings of the EG-ITRs and provided feedback from their advisory group. At the fifth meeting of the Group, an [Information Document](https://www.itu.int/md/S21-EGITR5-INF-0001/en) was submitted for the consideration of the Group on behalf of the Director of the Standardization Bureau (TSB). In this document, ITU-T Study Groups elaborate how their work is related to 2012 ITRs, by linking some Recommendations with relevant 2012 ITRs provisions.

**3.3.3** During the meetings, members encouraged Sector Members to participate actively in the discussions of the Group and to present contributions that could aid the review process.

**3.3.4** Broadly, twosets of divergent views were expressed by the members while examining the provisions of the ITRs.

**a.** Some members were of the opinion that the provisions continue to be relevant as they are applicable in fostering the provision and development of networks and services and flexible to accommodate new trends and emerging issues. With respect to some provisions, some of these members also expressed the view that the provisions have to be updated to reflect the changes that have taken place in the provisions of telecommunication/ICTs services to the end user or to take into account new trends in telecommunications/ICTs.

**b.** Some members were of the opinion that the provisions of the ITRs are not relevant, as they are no longer applicable in fostering the provision and development of networks and services or flexible to accommodate new trends and emerging issues.

**3.3.5** During the review process, some members expressed the opinion that the Examination Table is being completed based on initial comments and contributions without holding any in-depth discussion or dialogue to reach common understanding on each of the provisions.

Some members noted that the views of the members have been expressed in their presentations and contributions and need not be repeated for each provision, and therefore, the language used to complete the Examination Table is a factual reflection of the meeting’s discussion.

**3.4Overall Observations on the ITRs**

**3.4.1** Members agreed that the views reflected in the Examination Table are representative of the different perspectives on the ITRs within the Group.

**3.4.2** Some members expressed that the ITRs are signed by governments while the practical implementation is carried out by other stakeholders. These members also expressed that it is therefore important for the EG-ITRs to bring in the views of the other stakeholders through the current review process to fully achieve the mandate set before the Group.

The Group agreed that members are at liberty to carry out their own form of consultations or information gathering with other stakeholders, in line with the Terms of Reference. The results of these consultations were submitted as contributions and presented to the Group during the meetings.

**3.4.3** Some members stated the view that the ITRs are not relevant or practical in today’s fast evolving competitive market-based economy that is driven by dynamic technology, new uses and application, and innovation. These members were of the opinion that the ITRs are no longer in use within their region, and the development of telecommunications/ICTs has flourished regardless of the application of the 2012 ITRs. These members also indicated that no difficulties caused by the existence of two different treaties were reported by market players. They further suggested that different tools are needed to match the current pace of change in the commercial market, and stated that the participation by Member States and Sector Members in the EG-ITRs was low, highlighting the fact that these treaties are no longer useful for most countries and operators.

Some members were of the opinion that the ITRs continue to remain relevant and applicable, and are currently in use by operators within their region. They suggested that the current difficulties caused by having two different versions of the treaties can only be resolved by harmonizing the two treaties, and by updating the ITRs to reflect the new trends in the telecommunication/ICT environment. These members proposed finding ways to reach consensus on the way forward in this regard, including by discussing specific areas of concern and proposing revisions/additions, as the case may be, to address such concerns.

Some members were of the opinion that the existence of two versions of the ITRs negatively impacts the image of the ITU as the UN agency responsible for telecommunications/ICTs, and there is a need to figure out new ways to settle the situation. These members were of the view that harmonizing views to achieving one set of the treaty is crucial and possible, just as Members were able to find compromised solutions in other issues. It was also suggested that Members who believe that ITRs are no longer relevant need to make a proposal on the way forward.

**3.5 Way forward in respect of the ITRs**

**3.5.1** The Group discussed the different views of the members on the matter of achieving consensus on the way forward in respect of the ITRs, including related to the scope of work of the EG-ITRs. Some members were of the view that, in addition to the provision-by-provision review of the ITRs, the mandate of the Group includes reaching some agreement on a way forward in respect of the ITRs, including proposing any revisions/amendments to the ITRs as may be necessary to (a) reconcile differences between the Member States who are party to and those who are not party to the 2012 ITRs; and (b) update them, taking into account new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment. These members cited [PP Resolution 146 (Rev. Dubai 2018)](https://www.itu.int/en/council/Documents/basic-texts/RES-146-E.pdf) and [Council Resolution 1379 (Mod. 2019)](https://www.itu.int/md/S19-CL-C-0139/en) which states that “*an Expert Group on the International Telecommunication Regulations (EG-ITRs), open to all Member States and Sector Members, be reconvened to conduct a comprehensive review of the ITRs with a view to achieving consensus on the way forward in respect of the ITRs, with the Terms of Reference shown in Annex 1 of this Resolution*.”

 Some members were of the view that the mandate of the Group is clearly set out in the Terms of Reference in Council Resolution 1379 (Mod. 2019) which focus on undertaking a “*provision-by-provision examination of the ITRs, focusing on the 2012 ITRs, taking into account new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment*” and submitting a report reflecting all views on the ITRs review to Council 2022 for examination and submission to the 2022 Plenipotentiary Conference (PP) with the Council’s comments. These members were of the view that the Group has achieved its mandate by completing a provision-by-provision review of the ITRs, and that a factual report of this review, the Examination Table, and any related discussions is sufficient for the purpose of reporting to Council 2022, while also stating that there is no consensus within the Group on the way forward. Discussions on the way forward may be left up to Council and ITU Plenipotentiary Conference 2022.

**3.5.2** In the context of the aforesaid discussion, there were several views expressed, through contributions as well as discussions at the meetings, on the potential way for the Group to achieve consensus on the way forward in respect of the ITRs:

 Some members suggested that the Group consider identifying specific areas for review and future development of the ITRs as well as also consider taking next steps such as preparation of technical reports etc. related to the application of the ITRs.

 Some members proposed that, based on the Examination Table, members should identify difficult provisions in the ITRs and provide concrete suggestions in this Report for revisions/amendments, for the consideration of Council and PP 2022.

Some members stated that the provision-by-provision examination conducted by the Group has repeatedly demonstrated that the ITRs are neither applicable in fostering the provision and development of networks and services nor flexible in accommodating new trends and emerging issues in today’s communications environment, and that the work and results of this Group and the previous Expert Group highlights a continued impossibility to reach consensus in respect of the ITRs. They noted that as the previous Expert Group found no “real-world” difficulties had arisen from differences between the 2012 and the 1988 texts, there is no need for a new treaty. They highlighted that the Group could not reach consensus on the need for a new treaty and that they did not believe any further discussions on the subject would result in a different outcome. In this respect, they suggested that instead of having further discussion, resources could be better used towards achieving the Sustainable Development Goals or to support capacity building activities.

Some members noted that members who believe that the ITRs are no longer relevant need to make a proposal on the way forward.

**4. Summary**

**4.1** Broadly, twosets of divergent views were expressed by the members while conducting a provision-by-provision examination of the ITRs.

**a.** Some members were of the opinion that the provisions continue to be relevant as they are applicable in fostering the provision and development of networks and services and flexible to accommodate new trends and emerging issues. With respect to some provisions, some of these members also expressed the view that the provisions have to be updated to reflect the changes that have taken place in the provision of telecommunication/ICTs services to the end user or to take into account new trends in telecommunications/ICTs.

**b.** Some members were of the opinion that the provisions of the ITRs are not relevant, as they are no longer applicable in fostering the provision and development of networks and services or flexible to accommodate new trends and emerging issues.

**4.2** The Group has completed a provision-by-provision review of the ITRs, and a factual report of this review, the Examination Table, and any related discussions is set out in this Report.

**4.3** Members expressed different views on the matter of achieving consensus on the way forward in respect of the ITRs.

 Some members suggested that the Group consider identifying specific areas for revision and future development of the ITRs as well as also consider taking next steps such as preparation of technical reports etc. related to the application of the ITRs.

 Some members proposed that, based on the Examination Table, members should identify difficult provisions in the ITRs and provide concrete suggestions in this Report for revisions/amendments, for the consideration of Council and PP 2022.

Some members stated that the provision-by-provision examination conducted by the Group has repeatedly demonstrated that the ITRs are neither applicable nor flexible in today’s communications environment, and that the work and results of this Group highlights a continued impossibility to reach consensus in respect of the ITRs.

Some members noted that members who believe that ITRs are no longer relevant need to make a proposal on the way forward.

It was agreed that there is lack of consensus within the Group on the way forward with respect to the ITRs.

**Annex 1: Work Plan of EG-ITRs**

**Work Plan**

|  |  |  |  |
| --- | --- | --- | --- |
| **Meeting** | **Primary Actions** | **Provisions** | **Expectations** |
| 2nd Meeting (February 2020) | Provision-by-provision examination of the ITRs | PreambleARTICLE 1 Purpose and scope of the RegulationsARTICLE 2 DefinitionsARTICLE 3 International networkARTICLE 4 International telecommunication services | Draft results of the provision-by-provision examination using the Examination Table [[1]](#footnote-2) Progress report to Council |
| 3rd Meeting (September 2020) | ARTICLE 5 Safety of life and priority of telecommunicationsARTICLE 6 Security and robustness of networksARTICLE 7 Unsolicited bulk electronic communicationsARTICLE 8 Charging and accountingAPPENDIX 1 General provisions concerning accounting | Draft results of the provision-by-provision examination using the Examination Table  |
| 4th Meeting (February 2021) | ARTICLE 9 Suspension of servicesARTICLE 10 Dissemination of informationARTICLE 11 Energy efficiency/e-wasteARTICLE 12 AccessibilityARTICLE 13 Special arrangementsARTICLE 14 Final provisionsAPPENDIX 2 Additional provisions relating to maritime telecommunications | Draft results of the provision-by-provision examination using the Examination TableProgress report to Council |

**Annex 2: Examination Table (***To be annexed to the final version of the report.***)**

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1. *Note: Identification of new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment will be covered under column 5 of the agreed* Examination Table *(Flexibility to accommodate New trends and Emergent issues).* [↑](#footnote-ref-2)