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| **Expert Group on the InternationalTelecommunication Regulations (EG-ITRs) Sixth meeting – 17 and 18 January 2022** |  |
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|  | **Document EG-ITRs-6/8** |
|  | **15 February 2022** |
|  | **Original: English** |

Report of the sixth virtual meeting of
the Expert Group on the International Telecommunication Regulations
(EG-ITRS)

**1 Introductory Remarks**

**1.1** The Secretary-General, Mr. Houlin Zhao, welcomed members to the sixth meeting of the EG-ITRs. He commended the progress made by the Group in terms of concluding its provision-by-provision review of the ITRs, further noting that the ITRs, as one of the treaties forming the three pillars of ITU, remains the only global treaty to establish general principles relating to the provision and operation of international telecoms. He wished the EG-ITRs every success with concluding their work and endorsing their final report, and reiterated the assistance and availability of the Secretariat to support the work of the Group, as needed.

**1.2** As the Chairman of EG-ITRs, Mr. Lwando Bbuku, was unable to join this meeting, the Vice-Chairman (Americas), Mr. Santiago Reyes-Borda, chaired the meeting. He thanked the Secretary-General for his presence and support for the meeting and stressed the need for the Group to work together effectively, efficiently and in the spirit of consensus to finalize the report of the EG-ITRs that will be presented to Council 2022 for comments and subsequent submission to the ITU Plenipotentiary Conference 2022, in accordance with the agreed Work Plan of the Group. He also thanked the EG-ITRs Management Team for their support and commitment to furthering the work of the Group.

**2 Adoption of the Agenda**

**2.1** The Agenda ([**EG-ITRs-6/1 (Rev. 1)**](https://www.itu.int/md/S22-EGITR6-C-0001/en)) was presented by the Chairman.

Some members suggested that Agenda Item 4, “Approval of the draft Final Report of the EG-ITRs to ITU Council 2022”, could be further clarified to reflect that the Final Report of the EG-ITRs will be presented to ITU Council 2022 for comments and subsequent submission to the ITU Plenipotentiary Conference 2022. Post clarifications regarding the process of presentation of the Final Report of the EG-ITRs to the ITU Council and Plenipotentiary Conference 2022, the Agenda was adopted.

**3 Discussion on Contributions received**

**3.1 Contributions:**

**3.1.1 REPORT OF THE EG-ITRS TO COUNCIL (**[**EG-ITRs-6/3**](https://www.itu.int/md/S22-EGITR6-C-0003/en)**): Contribution by Austria, Czech Republic, Latvia, Romania, the Netherlands, Spain, Sweden and the United Kingdom**

In this contribution, our overall observation based on the provision-by-provision examination is that on each provision of the 2012 ITRs there is a range of views and no consensus. This observation is not any different from the findings of the previous Expert Group.

Regarding the status quo of two sets of ITRs treaties, we have observed that since 2012 the development of telecommunications services has continued to advance and the existence of two sets of ITRs has not hindered this development in any way.

Our view remains that spending resources from ITU and Members of ITU on activities to discuss the ITRs, or activities to explore the possible holding of another WCIT would cause great uncertainty for many years, which could actually hinder the investment that we all need to see. It seems unlikely that a third set of ITRs would attract consensus agreement, and this could put at risk the ITU’s good reputation.

In our view the conclusion to be drawn is that any further work on the matter will not lead to any other result than the existing two opposite views, and the only way forward is to leave the status quo of two sets of ITRs as it is and to refrain from any further activities on the ITRs.

**3.1.2 VIEWS ON THE FINAL REPORT TO COUNCIL 2022 (**[**EG-ITRs-6/4**](https://www.itu.int/md/S22-EGITR6-C-0004/en)**): Contribution by Canada and the USA**

Canada and the United States wish to express their support for the draft final report of the Expert Group on the International Telecommunication Regulations (EG-ITRs) to ITU Council 2022, as contained in Document EG-ITRs-6/2.

Having participated actively in all five previous EG-ITRs meetings, we find that the report fully reflects all the contributions received and the various opinions expressed. We appreciate that the report factually and correctly concludes that there is a lack of consensus on the way forward with respect to the ITRs.

**3.1.3 FURTHER STEPS IN THE IMPLEMENTATION OF RESOLUTION 146 (REV. DUBAI, 2018) OF THE PLENIPOTENTIARY CONFERENCE AND RESOLUTION 1379 (MODIFIED 2019) OF THE ITU COUNCIL AND PROPOSALS FOR THE FINAL REPORT OF EG-ITRS (**[**EG-ITRs-6/5**](https://www.itu.int/md/S22-EGITR6-C-0005/en)**): Contribution by Rostelecom**

This contribution calls on ITU Member States and Sector Members, including those participating in the meetings of EG-ITRs, to demonstrably make the meaningful efforts required to fulfil *resolves 2* of Resolution 146 (Rev. Dubai, 2018) of the Plenipotentiary Conference and achieve consensus on the way forward in respect of the ITRs.

It was also proposed to consider two possible ways of resolving the existing disagreements at this time and identify the preferred option: the first option is for all Member States to accede to the International Telecommunication Regulations (Rev. Dubai, 2012); the second option is for a partial or full revision of the ITRs with a view to the adoption of a new version of the treaty by consensus. Reflect in the Final Report of EG-ITRs the contributions submitted by the Directors of the three ITU Bureaux (previous contributions EG-ITRs-5/INF/1, EG-ITRs-5/10).

**3.1.4 FINAL THOUGHTS ON THE ITRS (**[**EG-ITRs-6/6**](https://www.itu.int/md/S22-EGITR6-C-0006/en)**): Contribution by the Arab Republic of Egypt and the State of Kuwait**

The current situation with two versions of the treaty (1988 and 2012 ITRs) is harmful to the image of ITU as the UN agency responsible for telecommunications/ICTs.

Therefore, we look forward to receiving proposals on the way forward from all Member States, and especially those who believe that the ITRs are no longer relevant, including proposals to abrogate the treaty if they see so.

ITRs are important to us as developing countries, and hence we propose for this Expert Group to continue its work until consensus is reached.

**3.1.5 VIEWS ON THE RELATED WORK OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (EG-ITRS) (**[**EG-ITRs-6/7**](https://www.itu.int/md/S22-EGITR6-C-0007/en)**): Contribution by the People's Republic of China**

In account of the new trends in telecommunications/ICT and the emerging issues in the international telecommunications/ICT environment, it is important to foster an enabling environment that can keep abreast with the rapidly changing ICT ecosystem. In view of this, we propose to retain the EG-ITRs. Based on the work results already achieved up to now, the Expert Group will continue to facilitate the review and revision of the ITRs as well as other related work.

**3.2 Discussions on the Contributions**

**3.2.1** Some members were of the view that the provision-by-provision review of the ITRs has helped identify the issues or difficulties that have arisen due to the differences between the 2012 and the 1988 texts, and that surveys within their regions have demonstrated that the ITRs are in use by operators. These members stressed that the Group has failed to achieve its mandate unless an agreement is reached among members on a way forward in respect of the ITRs, including proposing any revisions/amendments to the ITRs as may be necessary to update them, taking into account new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment.

**3.2.2** Some members were of the view that, based on the provision-by-provision examination, there is a range of views on each provision of the ITRs and no consensus on either the “applicability of the provisions of the ITRs in fostering the provision and development of international telecommunication/ICT services and networks” or the “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” can be reached. They stated that the Group has achieved its mandate by concluding a provision-by-provision review and that the Final Report of the EG-ITRs, together the Examination Table, adequately reflects that the lack of consensus within the Group on the way forward.

**3.2.3** Some members were of the view that the current situation with two versions of the treaty (1988 and 2012 ITRs) is harmful to the image of ITU as the UN agency responsible for telecommunications/ICTs, and that it is important to have proposals from all Member States on the way forward, and especially those who believe that the ITRs are no longer relevant, including proposals to abrogate the treaty if they see so. As a way forward they proposed that the Expert Group needs to continue its work until consensus is reached.

Some members preferred to retain status quo, stating that since 2012 the development of telecommunications services has continued to advance and the existence of two sets of ITRs has not hindered this development in any way. They were of the view that continuing the work of the Expert Group would only take resources and effort away from urgent work needed to develop capacity, infrastructure and affordable connectivity.

**3.2.4** Members agreed that the Final Report of the EG-ITRs should reflect all the discussions and different positions within the Group, as well as reference the various contributions of the members and any written inputs received from the ITU Bureaux.

**3.2.5** Members expressed their appreciation for the Chairman and the Vice Chairmen for their efficient management of the meetings of the EG-ITRs and the significant efforts invested by them in advancing the work of the Group.

**4 Approval of the draft Final Report of the EG-ITRs to ITU Council 2022**

**4.1** The Group discussed their views on [Document 2 - Draft Final report of the Expert Group on the International Telecommunication Regulations (EG-ITRS)](https://www.itu.int/md/S22-EGITR6-C-0002/en) prior to endorsing it for presentation to Council 2022 for comments and subsequent submission to the ITU Plenipotentiary Conference 2022.

**4.2** Some members requested for clarification regarding the process for presenting the Final Report of the EG-ITRs to Council and Plenipotentiary Conference 2022. It was clarified that, as per Resolution 146 (Rev. Dubai 2018), the Final Report of the EG-ITRs will first be presented to Council in March 2022 for comments, and then the Report together with the Council’s comments will be submitted for consideration to the Plenipotentiary Conference 2022.

**4.3** Some members suggested including an Annex to the Final Report of the EG-ITRs containing the written input received from the Director of the Standardisation Bureau at the fifth meeting of the Group. It was agreed by the meeting that the inputs of the Directors were referenced and hyperlinked in various sections of the Final Report of the EG-ITRs.

**4.4** Some members also echoed and reiterated the importance of reflecting in the Final Report of the EG-ITRs the views expressed during EG-ITRs meetings along with the various contributions received.

Some members were of the opinion that since Final Report of the EG-ITRs references and hyperlinks all the meeting reports as well as all the contributions received, this was not necessary.

**4.5** Members agreed that given that the Group could not reach consensus on the way forward in respect of the ITRs, the Final Report of the EG-ITRs would reflect that it is up to the ITU Plenipotentiary Conference 2022 to decide on the matter.

**5 Next Steps**

 The Final Report of the EG-ITRs will be posted online by 19 February 2022 after incorporating the hyperlink to this sixth meeting report as agreed by the Group.

**6 Closing of the Meeting**

In closing, the Acting Chairman thanked all the ITU Member States and Sector Members who made contributions and participated in the work of the Expert Group, the Management Team, and ITU Elected Officials, and the Secretariat and the interpreters for their efficient assistance during the meeting.

The Group thanked the Chairman and Secretariat for their effective organization and management of the Group.

**A/Chairman: Mr. Santiago Reyes-Borda (Vice-Chair, Americas Region)**

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