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|  | **Addendum 5 toDocument EG-ITRs-1/2** |
| **7 September 2023** |
| **English only** |
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| Contribution from HILL |
| ART. 5: SAFETY OF LIFE AND PRIORITY OF TELECOMMUNICATIONS |
| **Purpose**Discussion**Action required**The document is submitted to EG-ITRs **for discussion**. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Reference**[Council Resolution 1379, revised 2023](https://www.itu.int/md/S23-CL-C-0121/en) |

1. The work of the current ITR-EG is specified in its Terms of Reference[[1]](#footnote-1):

*2 Taking into consideration the work of the previous two Expert Groups, the review may consider, among others:*

*a) new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment which may impact the ITRs,*

*b) empirical data on the current use of the ITRs by operating agencies and/or administrations and the proportion of global telecommunication services which now rely on the ITRs, and*

*c) the relevance of the ITRs which “consist of high-level guiding principles” in the current telecommunication/ICT environment.*

2. This contribution focuses on Art. 5 of the 2012 ITRs, Safety of life and priority of telecommunications, which states:

*5.1 Safety-of-life telecommunications, such as distress telecommunications, shall be entitled to transmission as of right and, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant articles of the Constitution and the Convention and taking due account of the relevant ITU-T Recommendations.*

*5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over telecommunications other than those referred to in No. 45 (5.1) above, in accordance with the relevant provisions of the Constitution and the Convention and taking due account of the relevant ITU-T Recommendations.*

*5.3 The provisions governing the priority enjoyed by any other telecommunication service are contained in the relevant ITU-T Recommendations.*

*5.4 Member States should encourage authorized operating agencies to inform all users, including roaming users, in good time and free of charge, of the number to be used for calls to the emergency services.*

**Discussion of Article 5**

3. As stated in an academic writing [[2]](#footnote-2) this provision overlaps considerably with Articles 40 and 41 of the ITU Constitution.

4. Therefore, Member States are invited to consider the situation and to consider how to address it in the context of the review of the ITRs: Member States could consider either abrogating the respective portions of Articles 40 and 41 of the ITU Constitution, or abrogating this article of the ITRs.

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1. <https://www.itu.int/md/S23-CL-C-0121/en> [↑](#footnote-ref-1)
2. Hill, Richard (2013) *The New International Telecommunications Regulations and the Internet: A Commentary and Legislative History*,Schulthess/Springer, p. 101 [↑](#footnote-ref-2)