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|  | **Addendum 9 toDocument EG-ITRs-1/2** |
| **7 September 2023** |
| **English only** |
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| Contribution from HILL |
| ART. 9: SUSPENSION OF SERVICES |
| **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. 9 of the 2012 ITRs, Suspension of services, which states:

*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.*

*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.*

**Discussion of Article 9**

3. As stated in an academic writing [[2]](#footnote-2) this provision overlaps considerably with Articles 1 (no. 18) and 35 of the ITU Constitution, and with Article 5 (nos. 98 and 99) of the ITU Convention.

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 1 and 35 of the ITU Constitution and Article 5 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. 109 [↑](#footnote-ref-2)