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|  | **Document EG-ITRs-2/3** |
| **8 November 2023** |
| **English only** |
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| Contribution from Hill | |
| EMPIRICAL DATA ON INDUSTRY REQUESTS | |
| **Purpose**  To present some empirical data regarding industry requests for binding treaty-level provisions on certain topics covered in the 2012 ITRs.  **Action required**  The Expert Group on the International Telecommunication Regulations is invited to **discuss** this document.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **Reference**  *Council* [*Resolution 1379*](https://www.itu.int/md/S23-CL-C-0121/en) *(Terms of Reference)*  [*EG-ITRs-1/2: Contribution from Hill: Overall considerations*](https://www.itu.int/md/S23-EGITRS1-C-0002/en) | |

**Summary**

This contribution presents evidence to the effect that that a large number of international companies are of the view that binding treaty-level provisions are needed for cybersecurity and spam. It argues that it is preferable to hold discussions on such matters in the ITU, rather than the WTO, because the ITU’s technical and regulatory expertise can ensure that the actual language agreed is consistent with the intended goals of the agreements, and that the language does not have unintended side-effects. For example, of inadvertently permitting targeted advertising when the intent is to combat spam; or of inadvertently broadening provisions on security to include content-related aspects of ICT security, such as combating so-called disinformation.

**Background**

1. Pursuant to its Terms of Reference, the EG-ITRs may consider, among others, new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment which may impact the ITRs.

2. It appears that a large number of international companies are of the view that binding treaty-level provisions are needed for cybersecurity and spam.

3. In 2019, the International Chamber of Commerce called for agreements to be made in WTO (see attachment 1):

1. to promote technological innovation to enhance online security and reliability based on broadly agreed industry guidelines
2. to address cybersecurity challenges utilizing a risk management framework approach

4. Also in 2019, several industry groups active in the ICT sector also called for agreements to be made in WTO (see attachment 2):

1. Support Ongoing Work at the World Trade Organization (WTO)
2. Reach early agreement on ambitious and inclusive international rules through the WTO Joint Statement Initiative on E-Commerce

As noted in 1.16 and 1.17 of our contribution [EG-ITRs-1/2](https://www.itu.int/md/S23-EGITRS1-C-0002/en), the work in WTO referred to above includes treaty-level provisions on cybersecurity and spam.

5. In December 2021, the International Chamber of Commerce welcomed progress in work in the WTO Joint Statement Initiative on E-commerce on unsolicited commercial electronic messages (see attachment 3).

6. In 2023, the Global Services Coalition, a coalition of industry groups active in the ICT sector, stated that states that the WTO e-commerce agreement must “Promote cooperation, coordination and harmonization on cybersecurity” (see attachment 4).

7. This empirical data suggests that binding treaty-level provisions regarding cybersecurity and spam, more detailed that the one in the 2012 ITRs, are being requested by a large number of private companies.

8. We submit that it is preferable to hold discussions on such matters in the ITU, rather than the WTO, because the ITU’s technical and regulatory expertise can ensure that the actual language agreed is consistent with the intended goals of the agreements, and that the language does not have unintended side-effects. For example, of inadvertently permitting targeted advertising when the intent is to combat spam; or of inadvertently broadening provisions on security to include content-related aspects of ICT security, such as combating so-called disinformation. See in this respect 1.16 and 1.17 of our contribution [EG-ITRs-1/2](https://www.itu.int/md/S23-EGITRS1-C-0002/en) and its addendums 6 and 7.

**Attachments:**

**1.** “WTO Plurilateral negotiations on trade-related aspects of electronic commerce: ICC Baseline Position”, downloaded on 15 October 2023, from:

<https://iccwbo.org/news-publications/policies-reports/wto-plurilateral-negotiations-trade-related-aspects-electronic-commerce-icc-baseline-position/>

**2.** “2019 G20 Ministerial Meeting on Trade and Digital Economy Recommendations for Promoting Innovation, Digital Technologies, and Trade”, downloaded on 15 October 2023, from:

<https://cdn.digitaleurope.org/uploads/2019/05/May9JointIndustryG20Recommendations.pdf>

**3.** “ICC welcomes progress on e-commerce at the WTO”, downloaded on 22 October 2023, from:

<https://iccwbo.org/news-publications/news/icc-welcomes-progress-on-e-commerce-at-the-wto/>

**4.** “Paper on Global Services Coalition Priorities for WTO MC 13”, downloaded on 15 October 2023, from:

<https://www.thecityuk.com/news/global-services-coalition-priorities-for-wto-ministerial-conference-13-in-2024>

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