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|  | **Document EG-ITRs-2/4** |
| **8 November 2023** |
| **English only** |
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| Contribution from Hill |
| LIAISING WITH WTO |
| **Purpose**To propose to liaise with the World Trade Organization regarding possible overlapping work. **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 proposes that – pursuant to the collaboration agreement between ITU and WTO – a liaison statement be sent to WTO inviting collaboration with respect to matters of common interest, in particular on technical and regulatory and development matters concerning telecommunications that have arisen in the context of discussions on binding treaty-level provisions that are taking place in the WTO Joint Statement Initiative on e-commerce, such as security and spam. The ITU’s technical and regulatory expertise could assist participants in WTO meeting to ensure that the actual language in WTO agreements 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).

**Background**

1. Pursuant to its Terms of Reference, the EG-ITRs may consider, among others, the relevance of the ITRs which “consist of high-level guiding principles" in the current telecommunication/ICT environment.

2. As noted in 1.13-1.18; 1.23-1.27; and 2.1-11.3 of our contribution [EG-ITRs-1/2](https://www.itu.int/md/S23-EGITRS1-C-0002/en), there appear to be numerous overlaps between work carried out in the ITU and trade-related proposals regarding e-commerce and telecommunications are being proposed for discussion in the context of the World Trade Organization (WTO) work on e-commerce, including in particular work on:

1. allocation and use of frequencies and numbers;
2. access to infrastructure and interconnection;
3. security;
4. spam;
5. open source software;
6. universal service and net neutrality;
7. regulatory body and licensing;
8. recourse.

3. Thus it appears appropriate to ensure that the ITRs remain relevant in light of what may be agreed in WTO, since WTO agreements may affect the current telecommunication/ICT environment.

4. The GATS Annex on Telecommunications mandates, in its Article 6, collaboration between the World Trade Organization (WTO) and ITU[[1]](#footnote-1). Pursuant to that mandate, the two organizations have concluded a collaboration agreement[[2]](#footnote-2), pursuant to which the two organizations participate as observers in each others' meetings and collaborate at the staff level on such activities as research, publications, conferences and workshops. For example, during 2006 the WTO Secretariat provided technical and drafting comments on portions of an ICT Regulation Toolkit being prepared by the ITU.

5. The collaboration agreement is attached to this contribution. It provides in particular:

1. The ITU and the WTO shall cooperate in the discharge of their respective mandates in accordance with the provisions of this Agreement.
2. The ITU and the WTO shall identify areas of common interest within their respective mandates, with particular emphasis on technical, regulatory and development matters concerning trade in telecommunications, in which cooperation may foster the purposes of both organizations.
3. The ITU Secretariat shall also be invited as an Observer to meetings of other relevant WTO bodies (excluding the Committee on Budget, Finance and Administration, the Dispute Settlement Body, the Appellate Body and dispute settlement panels) where that body considers that matters of common interest to both organizations will be under discussion.
4. ...
5. The WTO Secretariat shall make available to the ITU Secretariat the agenda of any WTO meeting to which it is an observer at the time of its circulation in the WTO, and for other meetings (other than those of the Committee on Budget, Finance and Administration, the Dispute Settlement Body, the Appellate Body and dispute settlement panels) if the agenda includes a telecommunications matter that may be of interest to the ITU.
...

6. Pursuant to Annex of the Tunis Agenda, ITU is identified as a possible moderator/facilitator of the following action lines:

С2. Information and communication infrastructure
C5. Building confidence and security in the use of ICTs

7. There are numerous activities and studies in the ITU regarding those action lines, and also regarding allocation and use of frequencies and numbers; spam; universal service and net neutrality; regulatory body and licensing.

8. In light of the above, and in order to ensure cooperation in accordance with Article 1 of the cited Agreement between ITU and WTO, it is proposed that the Secretary-General send a liaison to WTO. A draft is proposed in the Annex to this contribution.

**Attachment:** Agreement between the International Telecommunication Union and the World Trade Organization

**Annex to
Liaising with WTO**

From: Secretary-General, ITU

To: Director-General, WTO

Subject: Collaboration between WTO and ITU

The GATS Annex on Telecommunications mandates, in its Article 6, collaboration between the World Trade Organization (WTO) and ITU[[3]](#footnote-3). Pursuant to that mandate, the two organizations have concluded a collaboration agreement[[4]](#footnote-4), pursuant to which the two organizations participate as observers in each others’ meetings and collaborate at the staff level on such activities as research, publications, conferences and workshops.

The collaboration agreement provides in particular that the ITU and the WTO shall cooperate in the discharge of their respective mandates in accordance with the provisions of this Agreement; that the ITU and the WTO shall identify areas of common interest within their respective mandates; that the ITU Secretariat shall be invited as an Observer to meetings of relevant WTO bodies where that body considers that matters of common interest to both organizations will be under discussion; that the WTO Secretariat shall make available to the ITU Secretariat the agenda of WTO meetings if the agenda includes a telecommunications matter that may be of interest to the ITU.

It has been brought to the attention of ITU that there appear to be numerous overlaps between work carried out in the ITU and trade-related proposals regarding e-commerce and telecommunications that are being proposed for discussion in the context of the WTO work on e-commerce, including in particular work on allocation and use of frequencies and numbers; access to infrastructure and interconnection; security; spam; open source software; universal service and net neutrality; regulatory body and licensing; recourse.

Pursuant to Annex of the Tunis Agenda, ITU is identified as a possible moderator/facilitator of the action lines С2. Information and communication infrastructure ; and C5. Building confidence and security in the use of ICTs. There are numerous activities and studies in the ITU regarding those action lines, and also regarding allocation and use of frequencies and numbers; spam; universal service and net neutrality; regulatory body and licensing.

Consequently, the ITU kindly requests that it be invited as an Observer to meetings of the WTO Joint Statement Initiative on e-commerce, and that the WTO Secretariat make available to the ITU Secretariat the agenda of those meetings, when they include a telecommunications matter that may be of interest to ITU, including in particular the matters referred to above, and this in order to ensure that ITU’s expertise in technical, regulatory and development matters concerning telecommunications is made available to participants in WTO meetings.

The ITU’s technical and regulatory expertise could assist participants in WTO meeting to ensure that the actual language in WTO agreements 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).

We would also invite you to consider whether it would be useful and appropriate to envisage mutual briefing sessions, in which the respective work of the two organizations regarding these matters could be presented to their respective memberships, again in order to ensure that ITU’s expertise in technical, regulatory and development matters concerning telecommunications is made available to participants in WTO meetings.

And we would invite you to consider whether it would be useful and appropriate for WTO to transmit to ITU, for information and possible comment, drafts of texts on topics where ITU has specific technical expertise, such as information and communication infrastructure; building confidence and security in the use of ICTs; allocation and use of frequencies and numbers; spam; universal service and net neutrality; regulatory body; and licensing.

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1. <https://www.wto.org/english/thewto_e/coher_e/wto_itu_e.htm> [↑](#footnote-ref-1)
2. <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/S/C/11.pdf> [↑](#footnote-ref-2)
3. <https://www.wto.org/english/thewto_e/coher_e/wto_itu_e.htm> [↑](#footnote-ref-3)
4. <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/S/C/11.pdf> [↑](#footnote-ref-4)