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|  | **Document EG-ITRs-2/10** |
| **19 December 2023** |
| **English only** |
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| Contribution from Hill |
| PROPOSED REVISIONS to the DRAFT REPORT OF THE FIRST MEETING OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS, 2023-2026 (EG-ITRS)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Purpose**To present proposed revisions to the draft report of the first meeting. **Action required**The Expert Group on the International Telecommunication Regulations is invited to **discuss** this document.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Reference**[EG-ITRs-2/9: Draft report](https://www.itu.int/md/S23-EGITRS1-C-0002/en) |

NOTE: there are four paragraphs (including this one) that appear in boxes. These are comments, they are not found in the original draft report. All the rest of the text of this contribution is found in the draft report, except for suggested revisions which are shown as revision marks.

NOTE: the four proposed revisions to the draft report as shown as Rev Marks in the text below. They appear in sections 2, 5.4, 6, and 7.

1. **Introduction**

**1.1** On behalf of the Secretary-General Ms Doreen Bogdan-Martin, the Deputy Secretary-General, Mr Tomas Lamanauskas, welcomed the participants to the first meeting of EG-ITRs (2023-2026). He noted that the ITRs are one of the treaties forming the foundation of ITU’s mission, the others being the ITU Constitution and Convention, and the Radio Regulations, and therefore stressed the importance of the work that lies ahead of the Group.

**1.2** The Chair thanked the Deputy 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 accomplish the tasks set out by PP22 and Council 2023. She also acknowledged the work of the previous EG-ITRs and emphasized that she looks forward to working closely with her Vice-Chairs to achieve the mandate set before the Group.

**2 Adoption of the Agenda and allocation of documents**

The agenda (Document EG-ITRs-1/1 (Rev.1)) was presented by the Chair. The Chair also highlighted that Document EG-ITRs-1/10 was received after the deadline. The meeting agreed to discuss it under Agenda Item 7 (Other business), if time permitted. The agenda was adopted.

**3 Presentation of working methods and Terms of Reference of EG-ITRs, based on PP Res. 146 (Rev. Bucharest, 2022) and Council Res. 1379 (Mod. 2023)**

**3.1** As background information for the discussion at the meeting, the Chair presented relevant excerpts from PP Res. 146 (Rev. Bucharest, 2022) and Council Res. 1379 (Mod. 2023) on the working methods and Terms of Reference for the EG-ITRs.

**3.2** A membernoted that the Terms of Reference for the EG-ITRs includes the phrase “among others,” which implies that the Group has the flexibility to consider matters beyond those listed in the Terms of Reference.

**4 Discussion of the work plan of EG-ITRs, taking into account the contributions received**

The EG-ITRs examined the various contributions (in the order listed in the agenda), which were noted by the Group. The summaries of the contributions (as submitted by the authors of the documents) are provided below, followed by an overview of the discussions on these contributions.

**4.1** **Summary of Contributions** [**EG-ITRs-1/3**](https://www.itu.int/md/S23-EGITRS1-C-0003/en)**,** [**EG-ITRs-1/4**](https://www.itu.int/md/S23-EGITRS1-C-0004en)**,** [**EG-ITRs-1/5**](https://www.itu.int/md/S23-EGITRS1-C-0005/en)**,** [**EG-ITRs-1/6**](https://www.itu.int/md/S23-EGITRS1-C-0006/en)**, and** [**EG-ITRs-1/9(Rev.1)**](https://www.itu.int/md/S23-EGITRS1-C-0009/en)

**4.1.1 Contribution** [**EG-ITRs-1/3**](https://www.itu.int/md/S23-EGITRS1-C-0003/en) **from Hill**

In the view of the proponent, some provisions of the ITRs (whether the 1988 version or the 2012 version) are no longer useful or appropriate. All international telecommunication services rely on the ITRs to some extent. Most operating agencies do not rely directly on the ITRs, because the ITRs is a treaty that binds states. The 2012 ITRs include provisions on new issues, for which binding treaty-level provisions have been proposed in trade negotiations, in particular regarding spam and cybersecurity.

The use of Artificial Intelligence (AI) in international telecommunications network is an emerging issue that might merit discussion in the context of the ITRs.

The proponent proposes that the ITRs be reviewed by inviting contributions on: which, if any, provisions of the ITRs (whether the 1988 version or the 2012 version) are no longer relevant; which, if any, provisions of the ITRs should be modified in light of current developments – such as discussions in trade forums on issues such as spam and cybersecurity – in order to ensure that the ITRs continue to provide relevant high-level guiding principles in the current telecommunication/ICT; and new and emerging issues for which new provisions should be added to the ITRs, such as the use of Artificial Intelligence (AI) for international telecommunications networks, and/or building a digital public infrastructure, and/or bridging the digital gender divide.

At each meeting, consider and discuss the contributions received, summarize them, and document either consensus or divergent views. Agree a report to PP, transmitted via Council, on consensus and divergent views.

**4.1.2 Contribution** [**EG-ITRs-1/4**](https://www.itu.int/md/S23-EGITRS1-C-0004en) **from the Russian Federation and Armenia**

Document [EG-ITRs-1/4](https://www.itu.int/dms_pub/itu-s/md/23/egitrs1/c/S23-EGITRS1-C-0004%21%21MSW-E.docx) primarily provides a proposal on the work plan of EG-ITRs for the period of 2024-2026 with each EG-ITRs meeting to focus on the groups of the ITRs articles with the aim to developing the shared experts’ opinion on each of the articles on the basis of the contributions/inputs from Member States, Sector Members, Directors of the three ITU Bureaux, as well as the views of the EG-ITR Vice-Chairs from each region. Result of the review by the EG-ITRs to be presented to the Council for consideration and comments. The contribution also presents the proposed structure and timeline of the progress and final reports to the Council on the results of the study of issues relating to the ITRs, including its review.

**4.1.3 Multi-country Contribution** [**EG-ITRs-1/5**](https://www.itu.int/md/S23-EGITRS1-C-0005/en) **from Bulgaria, Czech Republic, Denmark, Germany, Hungary, Romania, Spain, Sweden, United Kingdom**

This contribution sets out the high-level positions of the proponents on the ITRs, relevant to the work of the Expert Group on the ITRs. This includes stating that the contribution proponents remain unconvinced that new treaty-level provisions will help any country build an enabling environment to attract investment. The contribution highlights that proponents did not sign the 2012 ITRs as there is no practical or legal reason for them to do so. It also states that they would not support holding another WCIT as this would cause great uncertainty for many years; and it is not clear that a third set of the ITRs would attract consensus.

The contribution also makes proposals on working methods. These include:

- an agreed Work Plan that fully reflects the Terms of Reference as set out in Resolution 1379 approved by the 2023 Council session;

- encouraging contributions from diverse stakeholders, including, but not limited to, Member States, Sector Members and the Directors of the Bureaux;

- and a call for evidence for 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, followed by a detailed consideration thereof based upon submitted contributions and reflected in the respective reports and a call for evidence for 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, followed by a detailed consideration thereof based upon submitted contributions and reflected in the respective reports.

**4.1.4 [Multi-country Contribution](https://www.itu.int/md/S19-EGITR1-C-0005/en)** [**[EG-ITRs-1/6](https://www.itu.int/md/S19-EGITR1-C-0005/en)**](https://www.itu.int/md/S23-EGITRS1-C-0006/en) **[from Bulgaria, Czech Republic, Denmark, Germany, Hungary, Romania, Spain, Sweden, United Kingdom](https://www.itu.int/md/S19-EGITR1-C-0005/en)**

This contribution proposes a detailed work plan for the remaining meetings of the Expert Group on the ITRs that schedules all the activities included in the Terms of Reference of the EG ITRs for each specific meeting of the EG with reference to the objectives and desired outcome. The 6th and final meeting of EG-ITRs would prepare a final report to be presented at Council 2026 for comments and consideration.

**4.1.5 Contribution** [**EG-ITRs-1/9(Rev.1)**](https://www.itu.int/md/S23-EGITRS1-C-0009/en) **from South Africa and China**

1.In developing and finalising the working plan, the Republic of South Africa and the People‘s Republic of China believe that the work plan must provide for the following:

1.1 submission of information by Member States and Sector Members relating to identified new trends and emerging issues in international telecommunications/ICT environment which may impact the ITRs. Member States and Sector Members, where possible, to motivate why they believe that the identified trends and emerging issues have an impact on the ITRs; and

1.2 submission of empirical data by Member States and Sector Members on the current use of the ITRs by the operating agencies and/or administrations.

2. If the workplan makes provision for the submission and analysis of information, then it should be easy to determine the extent of the relevance of certain provisions of the ITRs

**4.2 Discussion of Contributions** [**EG-ITRs-1/3**](https://www.itu.int/md/S23-EGITRS1-C-0003/en)**,** [**EG-ITRs-1/4**](https://www.itu.int/md/S23-EGITRS1-C-0004en)**,** [**EG-ITRs-1/5**](https://www.itu.int/md/S23-EGITRS1-C-0005/en)**,** [**EG-ITRs-1/6**](https://www.itu.int/md/S23-EGITRS1-C-0006/en)**, and** [**EG-ITRs-1/9(Rev.1)**](https://www.itu.int/md/S23-EGITRS1-C-0009/en)

**4.2.1** Each of the work plan proposals set out in the aforementioned Contributions was discussed by the Group.

**4.2.2** Since contributions 4 and 6 presented different templates for the potential work plan, the meeting discussed ways forward to reach agreement, including a merger of the templates ([EGITRs1/DL1](https://www.itu.int/md/S23-EGITRS1-231016-DL-0001/en)), ways to reflect inputs from the other contributions in the templates, and whether a call for evidence should be issued by the Group for 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.

**4.2.3** Therewere divergent views on whether the work plan should include an article-by-article consideration of the issues set out in the Terms of Reference or whether the ITRs should be discussed as a whole in the context of the Terms of Reference.

**4.2.4** The Chair also requested interested members to hold informal consultations to try to build consensus. Some revised proposals were made by different members during the meeting and after informal discussions, but the Group could not reach any consensus.

**4.2.5** Recognizing the lack of consensus in the Group on the work plan,the meeting decided that it would proceed with its work without a work plan. Future meetings of the Group will be conducted based on the contributions received.

**5 Introduction/Discussion of other Contributions from Member States and Sector Members**

The EG-ITRs examined the various contributions (in the order listed in the agenda). The summaries of the contributions (as submitted by the authors of the documents) are provided below. The contributions were noted by the Group.

**5.1 Contribution** [**EG-ITRs-1/2+Add.1-15**](https://www.itu.int/md/S23-EGITRS1-C-0002/en) **from Hill**

It is appropriate to continue discussions on the ITRs. All international telecommunication services rely on the ITRs to some extent. The 2012 ITRs include provisions on new issues, for which binding treaty-level provisions have been proposed in trade negotiations. The use of AI in international telecommunication services should be discussed in the context of the ITRs, as this is a new trend/emerging issue. Some criticism of the 2012 ITRs is not justified. There are overlaps between ITU’s work and proposals made in trade negotiations.

Proposals made in trade negotiations indicate that agreement on treaty-level provisions regarding certain matters within the scope of ITU is a new trend and/or and emerging issue in telecommunications/ICTs and its environment which may impact the ITRs. In particular, there are provisions (agreed or proposed) in trade agreements regarding spam, cybersecurity, frequency allocation, and even network neutrality.

In light of the above, Member States are invited to consider the situation and to consider how to address it in the context of the review of the ITRs. In particular, they may wish to consider:

(a) Provisions should refer to, and bind, only Member States, not private parties. (Some of the language of the 1988 ITRs, which were agreed when there were still many state-owned monopoly telecommunications operators, was carried over to the 2012 ITRs.); (b) The ITRs should complement the CS/CV, not overlap with it; consequently, Member States may wish to consider abrogating, either in the CS/CV, or in the ITRs, provisions that overlap or are duplicative or redundant. (c) Member States may wish to consider whether new provisions are required to fill gaps and to address new/emerging issues.

A more detailed discussion for each of the articles of the 2012 ITRs, and for possible gap-filling, is provided in the addendums to this contribution.

**5.2 Contribution** [**EG-ITRs-1/7**](https://www.itu.int/md/S23-EGITRS1-C-0007/en) **from Ghana**

The proponents have been concerned that over 10 years, this is the third Expert Group on a matter that touches on the core objectives and principles of the International Telecommunication Union – an organization that we all pride ourselves on as the sole UN agency responsible for telecommunications/ICT matters, and yet we are still unable to reach a decision even on the work plan despite the very clear Terms of Reference set for the Group.

The proponents essentially would support any progressive work plan that would compare provision by provision the 2 ITRs (1988 and 2012) towards reviewing and consolidating into a single ITRs.

The proponents also refer to RESOLUTION 4 (Periodic Review of the International Telecommunication Regulations, World Conference on International Telecommunications (Dubai, 2012) that resolved to invite the 2014 Plenipotentiary Conference to convene periodically (for example every eight years) a World Conference on International Telecommunications to revise the ITRs.

 It has been 11 years and there have been a lot of technological changes and trends since then. [Addendum 15 of Doc2 EG-ITRs](https://www.itu.int/md/S23-EGITRS1-C-0002/en) [(NEW TRENDS IN TELECOMMUNICATIONS/ICT AND EMERGING ISSUES IN INTERNATIONAL TELECOMMUNICATIONS/ICT ENVIRONMENT WHICH MAY IMPACT THE ITRS) lists a number of them.](https://www.itu.int/md/S23-EGITRS1-C-0002/en)

The proponents do not support the notion that the existing 2 ITRs have co-existed well and that it will be a financial burden on ITU to organise another WCIT for a single ITRs when we all recognise that some provisions of the ITRs (either 1988 or 2012 version) are no longer useful whiles others are still relevant.

**5.3 Contribution** [**EG-ITRs-1/8**](https://www.itu.int/md/S23-EGITRS1-C-0008/en) **from Saudi Arabia and Egypt**

This contribution focuses on the International Telecommunication Regulations (ITRs) and their importance in the context of global telecommunications governance. It highlights the need for seamless information exchange in our interconnected world and emphasizes that ITRs play a significant role in achieving this by addressing various issues related to international telecommunication networks and services.

The document points out that the 2012 ITRs have been a subject of debate for many years, with no consensus among Member States on their revision. This has resulted in the need for innovative and constructive deliberations to find mutually beneficial solutions.

The presence of two versions of ITRs (1988 and 2012) is seen as a hindrance to their functionality and to the image of the ITU. The document argues that the ITRs need to be updated to accommodate new and emerging technologies.

One key proposal is that the ITRs should focus on addressing member states rather than operating agencies. Member States would then apply the provisions and articles of the ITRs in their territories according to their laws and regulations.

**5.4 Contribution** [**EG-ITRs-1/10**](https://www.itu.int/md/S23-EGITRS1-C-0010/en) **from Hill**

NOTE: this contribution was not discussed, due to lack of time.

It is proposed that, if the EG-ITRs decides to issue a request for empirical data, then the request should be sent to all Administrations and to all Sector Members.  Administrations should be invited to forward the request to Operating Agencies.

The request should contain the following elements: (1) A preamble explaining that treaties bind states, so they do not directly bind private parties, but they may bind private parties by being transposed to national law. (2) A short history of the ITRs since 1988. (3) An explanation of why – as implicitly recognized in article 8 of the 2012 ITRs – the accounting rates of article 6 of the 1988 ITRs are no longer used for most international telecommunication services. (4) An invitation to comment on whether other provisions of the 1988 and/or 2012 ITRs: are relevant or useful because they have been transposed to national law; would be relevant or useful if they were transposed to national law; are redundant because they have been implemented in national law independently of the ITRs; or are not needed because there is no need to bind states to transpose such provisions to national law. (5)  An invitation to comment on whether new provisions in the ITRs would be relevant or useful if they were transposed to national law, for example regarding spam, cybersecurity, artificial intelligence, building a digital public infrastructure, bridging the digital gender gap, etc.

**6 Discussion of next steps**

NOTE: the webcast of the first meeting is at:
 <https://www.itu.int/en/council/Pages/webcast-cwg2023-archive-ties.aspx>

Here is the transcript of relevant portions of the webcast:

2h53m20s, Hill: [regarding EG-ITRs 1/2] This document has a fairly long main part and 15 addendums, so I don’t think that’s going to get done [discussed] in a few minutes …  I expect that this document will be discussed later in subsequent meetings.

3h00m40s, Hill: I just have a bookkeeping question. Should I be re-introducing the contribution at subsequent meetings, because certainly we’re not going to be able to discuss all of it, or I think maybe it would be simpler if it could be agreed that contributions which are not fully discussed are carried over to future meetings. I am in your hands on that particular bookkeeping issue.

3h01m09s, Chair: I suggest that there is no need to re-introduce it again in the next meeting, … contributions can be carried over, as you mentioned, to future meetings.

Since the addendums to EG-ITRs 1/2 were neither introduced nor discussed, it was agreed that this contribution would be discussed, as appropriate, in future meetings.

The Chair proposed to the Group that the meeting report for each EG-ITRs meeting would be prepared offline and shared with the Vice-Chairs for circulation within their region/networks for review and finalized accordingly.

**7 Other Business**

NOTE: Here is the transcript of relevant portions of the webcast of the first meeting:

3h14m59, Hill: Do we take contribution EG-ITRs 1/10 now or not … and if not is it automatically carried forward to the next meeting or do you want me to resubmit it?

3h15h46: Chair: Since it is late and colleagues are a little bit tired, maybe you could submit it again to the next meeting in January.

EG-ITRs 1/10 was not discussed, due to lack of time. The proponent was invited to present the contribution again at the next meeting.

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

**8 Closing of the Meeting**

In closing, the Chair thanked all the ITU Member States and Sector Members who made contributions and participated in the work of the Expert Group, the Vice-Chairs, and ITU Elected Officials and the Secretariat for their efficient assistance during the meeting.

**Chair: Ms. Shahira Selim (Egypt)**