|  |  |
| --- | --- |
|  | **Document EG-ITRs-3/5** |
| **10 July 2024** |
| **English only** |
|  |  |
| Contribution from HILL | |
| UPDATING CERTAIN DOCUMENTS | |
| **Purpose**  This contribution discusses updating certain documents prepared by the ITU Secretariat between 1998 and 2012.  **Action required**  The Expert Group on the International Telecommunication Regulations is invited to **consider** this document.  **References**  Council [Resolution 1379](https://www.itu.int/md/S23-CL-C-0121/en) (Terms of Reference)  [EG-ITRs-2/13](https://www.itu.int/md/S24-EGITRS2-C-0013/en); [EG-ITRs-1/2](https://www.itu.int/md/S23-EGITRS1-C-0002/en) | |

**Summary**

In response to a request made in document [EG-ITRs-2/13](https://www.itu.int/md/S24-EGITRS2-C-0013/en), this contribution presents some considerations regarding the need, or not, to update certain documents prepared by the ITU Secretariat between 1998 and 2012 that address legal and other aspects of the ITRs.

**Proposal**

1. Document [EG-ITRs-2/13](https://www.itu.int/md/S24-EGITRS2-C-0013/en) requested an analysis and possible updating of certain documents prepared by the ITU Secretariat between 1998 and 2012 that address legal and other aspects of the ITRs:

a) [CWG-WCIT12/TD-4](http://www.itu.int/md/T09-CWG.WCIT12-100125-TD-PLEN-0004/en) – Vienna Convention on the Law of Treaties 1969. The document reproduced for information the text of the Vienna Convention on the Law of Treaties. Articles 26 ff. concern observance, application and interpretation of treaties.

b) [CWG-WCIT12/TD-5](http://www.itu.int/md/T09-CWG.WCIT12-100125-TD-PLEN-0005/en) – Background information of a legal nature. During discussions in past meetings of the EG-ITRs, a recurring question has been "what are the legal implications of this or that language in the treaty?" The purpose of this paper is to set forth some considerations to be taken into account when answering such questions.

c) [CWG-WCIT12/TD-16](http://www.itu.int/md/T09-CWG.WCIT12-100412-TD-PLEN-0016/en) – Unilateral acts of international organizations as an expression of their normative authority. Explanations regarding the "normative" authority of international organizations, in this particular case – ITU, and the consequences of decisions adopted by them in cases where international organizations directly establish provisions of international law that are binding on Member States.

d) [TD 30 (PLEN/ITR-EG)](http://www.itu.int/md/T09-ITR.EG-090602-TD-PLEN-0030/en) – Food for thought concerning consent to be bound by the ITRs. Examines the question of the acceptance by a Member State of the obligations to apply the ITRs in accordance with the ITU Constitution and Convention.

e) [CWG-WCIT12/INF-1](http://www.itu.int/md/T09-CWG.WCIT12-INF-0001/en) – Predecessor of the current (1988) ITRs.

f) [CWG-WCIT12/INF-2](http://www.itu.int/md/T09-CWG.WCIT12-INF-0002/en) – Status of Instructions in the 1988 ITRs.

g) [CWG-WCIT12/INF-3](http://www.itu.int/md/T09-CWG.WCIT12-INF-0003/en) – Summary of ITU Workshop on taxation of telecommunication services and related products.

h) [CWG-WCIT12/INF-4 Rev.1](http://www.itu.int/md/T09-CWG.WCIT12-INF-0004/en) – Supplement 2 to Recommendation ITU-T E.156. Questions relating to misuse of numbering resources.

i) [CWG-WCIT12/INF-5](http://www.itu.int/md/T09-CWG.WCIT12-INF-0005/en) – Overview of Quality of Service.

j) [CWG-WCIT12/INF-6](http://www.itu.int/md/T09-CWG.WCIT12-INF-0006/en) – Overview of Convergence.

k) [CWG-WCIT12/INF-7](http://www.itu.int/md/T09-CWG.WCIT12-INF-0007/en) – Security in the use of ICTs.

l) [CWG-WCIT12/INF-8](http://www.itu.int/md/T09-CWG.WCIT12-INF-0008/en) – Overview of enforcement issues, including status of ITU-T Recommendations.

m) [CWG-WCIT12/INF-9](http://www.itu.int/md/T09-CWG.WCIT12-INF-0009/en) – International Frameworks. Information document on the ITRs and other international frameworks.

n) [CWG-WCIT12/INF-10](http://www.itu.int/md/T09-CWG.WCIT12-INF-0010/en) – The human right to access communications.

o) [CWG-WCIT12/INF-11 Rev.1](http://www.itu.int/md/T09-CWG.WCIT12-INF-0011/en) – Protection of Critical National Infrastructure.

p) [CWG-WCIT12/INF-12](http://www.itu.int/md/T09-CWG.WCIT12-INF-0012/en) – Overview of ITU work on tariff and accounting matters, including international mobile roaming, international Internet connectivity, and taxation issues.

q) [CWG-WCIT12/INF-13](http://www.itu.int/md/T09-CWG.WCIT12-INF-0013/en) – Interconnection and Interoperability.

r) [CWG-WCIT12/INF–15](http://www.itu.int/md/T09-CWG.WCIT12-INF-0015/en) – Summary report of the ITU workshop on origin identification and alternative calling procedures.

2. Our comments regarding those documents are shown below. For convenience, if a document, in our view, remains valid, that is indicated in **bold**. If a document, in our view, must be updated, that is indicated with underlining. In our view, other documents may need to be updated

a) [CWG-WCIT12/TD-4](http://www.itu.int/md/T09-CWG.WCIT12-100125-TD-PLEN-0004/en) – This document merely reproduces the Vienna Convention on the Law of Treaties. **It remains valid today**.

b) [CWG-WCIT12/TD-5](http://www.itu.int/md/T09-CWG.WCIT12-100125-TD-PLEN-0005/en) – This background information of a legal nature **remains valid today**.

c) [CWG-WCIT12/TD-16](http://www.itu.int/md/T09-CWG.WCIT12-100412-TD-PLEN-0016/en) –These explanations regarding the "normative" authority of international organizations **remain valid today**.

d) [TD 30 (PLEN/ITR-EG)](http://www.itu.int/md/T09-ITR.EG-090602-TD-PLEN-0030/en) – These consideration regarding consent to be bound by the ITRs **remain valid today**.

e) [CWG-WCIT12/INF-1](http://www.itu.int/md/T09-CWG.WCIT12-INF-0001/en) – This document merely reproduces the predecessor of the 1988 ITRs. **It remains valid today**.

f) [CWG-WCIT12/INF-2](http://www.itu.int/md/T09-CWG.WCIT12-INF-0002/en) – The document reviews the status of Instructions in the 1988 ITRs. **It remains valid today**.

g) [CWG-WCIT12/INF-3](http://www.itu.int/md/T09-CWG.WCIT12-INF-0003/en) – This document presents the summary of an ITU Workshop on Taxation of Telecommunication Services and Related Products. It may need to be updated in light of subsequent work on the matter.

h) [CWG-WCIT12/INF-4 Rev.1](http://www.itu.int/md/T09-CWG.WCIT12-INF-0004/en) – This document reproduces Supplement 2 to Recommendation ITU-T E.156. **It remains in force today**.

i) [CWG-WCIT12/INF-5](http://www.itu.int/md/T09-CWG.WCIT12-INF-0005/en) – This document presents an overview of Quality of Service. It may need to be updated in light of subsequent work on the matter.

j) [CWG-WCIT12/INF-6](http://www.itu.int/md/T09-CWG.WCIT12-INF-0006/en) – This document presents an overview of Convergence. It may need to be updated in light of subsequent work on the matter.

k) [CWG-WCIT12/INF-7](http://www.itu.int/md/T09-CWG.WCIT12-INF-0007/en) – This document presents an overview of Security in the Use of ICTs. It may need to be updated in light of subsequent work on the matter.

l) [CWG-WCIT12/INF-8](http://www.itu.int/md/T09-CWG.WCIT12-INF-0008/en) – This document presents an overview of Enforcement Issues, including status of ITU-T Recommendations. **It remains valid today**.

m) [CWG-WCIT12/INF-9](http://www.itu.int/md/T09-CWG.WCIT12-INF-0009/en) – This document presents information on the ITRs and other international frameworks. It would have to be updated in light of subsequent developments, in particular the incorporation of telecommunications-related provisions in trade agreements (see 1.12-1.18, 1.23-1.27, and sections 2-11 of [EG-ITRs-1/2](https://www.itu.int/md/S23-EGITRS1-C-0002/en)).

n) [CWG-WCIT12/INF-10](http://www.itu.int/md/T09-CWG.WCIT12-INF-0010/en) – This document presents information on the Human Right to Access Communications. It may need to be updated in light of subsequent work on the matter.

o) [CWG-WCIT12/INF-11 Rev.1](http://www.itu.int/md/T09-CWG.WCIT12-INF-0011/en) – This document presents information on the Protection of Critical National Infrastructure. It may need to be updated in light of subsequent work on the matter.

p) [CWG-WCIT12/INF-12](http://www.itu.int/md/T09-CWG.WCIT12-INF-0012/en) – This document presents an overview of ITU work on tariff and accounting matters, including international mobile roaming, international Internet connectivity, and taxation issues. It would have to be updated in light of subsequent work on the matter.

q) [CWG-WCIT12/INF-13](http://www.itu.int/md/T09-CWG.WCIT12-INF-0013/en) – This document presents information on Interconnection and Interoperability. It may need to be updated in light of subsequent work on the matter.

r) [CWG-WCIT12/INF–15](http://www.itu.int/md/T09-CWG.WCIT12-INF-0015/en) – This document presents the summary of an ITU Workshop on Origin Identification and Alternative Calling Procedures. It may need to be updated in light of subsequent work on the matter.

\_\_\_\_\_\_\_\_\_\_