|  |  |
| --- | --- |
|  | **Document EG-ITRs-3/10** |
| **18 September 2024** |
| **English only** |
|  |  |
| Contribution by the United States of America | |
| FURTHER U.S. OBSERVATIONS ON THE CURRENT REVIEW OF THE ITRs | |
| **Purpose**  This contribution reiterates longstanding U.S. views on the ITRs, emphasizes the importance of closely adhering to the EG-ITRs Terms of Reference, and comments on the structure and content of the final report.  **Action required**  The Expert Group on the International Telecommunication Regulations is invited to **consider** this document and reflect it in the progress report to Council 2025.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **References**  *Documents* [*EG-ITRs-2/19*](https://www.itu.int/md/S24-EGITRS2-C-0019/en)*;* [*EG-ITRs-2/21*](https://www.itu.int/md/S24-EGITRS2-C-0021/en)*;* [*EG-ITRs-3/4*](https://www.itu.int/md/S24-EGITRS3-C-0004/en)*.* | |

At the previous meeting of this Expert Group, the United States submitted Document [EG‑ITRs‑2/19](https://www.itu.int/md/S24-EGITRS2-C-0019/en), which reiterates the longstanding U.S. position on the ITRs, organized along the elements of the current review as set out in the Terms of Reference. In the absence of any compelling evidence to the contrary, we reaffirm the conclusions therein.

In particular, as the United States has long noted, there is a fundamental incompatibility with the use of an inflexible treaty instrument to attempt to regulate a dynamic, competitive international telecommunications/ICT marketplace. Treaty provisions relating to telecommunications must be flexible enough to keep up with constant changes in technology and the market. It remains unclear how a static, sector-specific treaty with limited real-world applicability could ever prove flexible enough to accommodate new trends and emerging issues in the international telecommunications/ICT environment; given the rapid evolution of market and regulatory conditions, any attempts at new or revised treaty provisions (even those “which ‘consist of high-level guiding principles’”) would immediately become outdated.

As this Expert Group continues its work, we emphasize that it is critical to hew closely to the Terms of Reference. For example, the current review may consider new trends and emerging issues “which may impact the ITRs” (emphasis added). Although several contributions to the past two meetings have sought to identify such new trends and emerging issues, it remains unclear how these may impact the ITRs. In the U.S. view, the simple fact that these topics are not included in an ITU treaty-level instrument does not automatically indicate any corresponding impact to the ITRs. We welcome additional analysis and explanation.

Finally, according to the work plan in Annex 1 to Document [EG-ITRs-2/21](https://www.itu.int/md/S24-EGITRS2-C-0021/en), the fifth meeting of the EG‑ITRs will begin working on the final report. Until then, we do not see a need to maintain a list of inputs as proposed in Document [EG-ITRs-3/4](https://www.itu.int/md/S24-EGITRS3-C-0004/en); this exercise would reopen the drafting and duplicate the content of the prior meeting reports, which already collect and summarize all inputs (the goal of the final report). Therefore, we suggest that the final report to Council 2026 follow the same short, simple format as the progress report to Council 2024 (and ostensibly Council 2025), i.e., it consolidates the references/links to all prior meeting reports, which already “reflect all inputs made by Member States and Sector Members, and inputs from the Directors of the Bureaux, whether made in contributions or verbally.”

Summary of the proposal for the meeting report

This contribution reaffirms the conclusions set out in Document [EG-ITRs-2/19](https://www.itu.int/md/S24-EGITRS2-C-0019/en), which reiterates the longstanding U.S. position on the ITRs, organized along the elements of the current review as set out in the Terms of Reference.

It also emphasizes the importance of closely adhering to the EG-ITRs Terms of Reference. For example, the current review may consider new trends and emerging issues “which may impact the ITRs” (emphasis added). Although several contributions have sought to identity such new trends and emerging issues, it remains unclear how these may impact the ITRs. In the U.S. view, the simple fact that these topics are not included in an ITU treaty-level instrument does not automatically indicate any corresponding impact to the ITRs.

Finally, this contribution proposes that the final report to Council 2026 follow the same short, simple format as the progress report to Council 2024, i.e., it consolidates the references/links to all prior meeting reports, which already “reflect all inputs made by Member States and Sector Members, and inputs from the Directors of the Bureaux, whether made in contributions or verbally.”

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