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| PLENARY MEETING | | Addendum 9 to  Document 48-E | |
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| United States of America | | | |
| VIEWS on WTSA-16 DOC. 39 – Recommendation ITU-t D.97 (methodological principles for determining international mobile roaming rates) | | | |

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| **Abstract:** | The United States does not support the approval of the draft new Recommendation ITU-T D.97 (methodological principles for determining international mobile roaming rates) contained in WTSA-16 Document 39. |

Discussion

WTSA-16 Document 39 contains a draft new Recommendation ITU-T D.97 (methodological principles for determining international mobile roaming rates) from Study Group 3. As the United States explained in its response to TSB Circular 209, and contained in WTSA-16 Document 49, this proposed new Recommendation was determined by Study Group 3, but existing Recommendation ITU-T D.98 (Charging in international mobile roaming service) addresses concerns about the need to reduce international mobile roaming rates. These rates are being reduced, as reflected in the recent (July 19, 2016) announcement by the Presidents of Rwanda and Gabon of an initiative to eliminate roaming charges, similar to an initiative that has been implemented for the region including Rwanda, Uganda, and Kenya. More importantly, the draft Recommendation in Document 39 is substantively flawed.

Significantly, the draft Recommendation is at best a national, not a technical international telecommunications standard as required by the ITU-T Strategic Plan. This new Recommendation follows Recommendation ITU-T D.98, but it significantly expands the potential national regulatory impact of the original text from four years ago. Draft new Recommendation ITU-T D.97 advocates potential new national regulatory measures, including the establishment of tariff caps. In addition, the draft puts forward a number of methodological principles that could be used by national regulators to control retail or wholesale rates.

The measures put forward in this draft are unnecessary, as there has not been a market failure in international mobile roaming that would require the one-size-fits-all national responses this draft asserts. This draft Recommendation thus conflicts with provisions of the ITU-T Strategic Plan, which, in objective T1, states that ITU-T is to “[d]evelop non-discriminatory international standards (ITU-T recommendations), in a timely manner, and foster interoperability and improved performance of equipment, networks, services and applications” (emphasis added). Similarly, No. 193 of the Convention states that ITU-T study groups study “technical, operating, and tariff questions” to “prepare recommendations on them with a view to standardizing telecommunications on a worldwide basis” (emphasis added). This proposed national Recommendation addresses issues that are subject to the sovereign rights of Member States and contravenes both the ITU-T Strategic Plan and the ITU Convention.

Proposal

For all of these reasons, draft new Recommendation ITU-T D.97 in Document 39 should not be approved.