Question 18-1/1: Domestic enforcement of telecommunication laws, rules, and regulations by national telecommunication regulatory authorities

1   Statement of the situation

1.1   considering

a)   the importance of national telecommunication regulatory authorities (NRAs) to have adequate legal authority and experience to enforce their domestic laws, rules and regulations on telecommunications;

b)   that effective enforcement is a critical component of safeguarding the public interest;

c)   that effective enforcement of laws can help protect consumers, ensure service quality, public safety and sustainability of supply of services;

d)   that effective enforcement can also guard the supply of communications services from interference, foster the efficient use of spectrum, and promote competition, growth, and investment in the sector;

e)   the difficulties telecommunication regulators face in enforcing their laws, rules and regulations,

1.2   considering further

a)   that the study carried out over the last study cycle addressed the basic issues relating to the enforcement of domestic telecommunication laws;

b)   that the study proposes a number of guidelines that are applicable in diverse circumstances and will assist Member States in their efforts to enforce their domestic telecommunication laws;

c)   that the study has brought to light the existence of common enforcement challenges faced by NRAs;

d)   that the following issues represent common challenges for NRAs: interconnection issues, spectrum issues, internet issues, consumer issues, and network security issues;

e)   that Members States would benefit from a report which sets out the various resources, strategies and tools available to improve enforcement of their domestic laws, rules and regulations in regard to these common challenges in telecommunications.

2   Question for study

To describe the organizational methods and successful practices employed by NRAs as they enforce their domestic laws, rules and regulations in regard to issues that represent common challenges, for example: interconnection issues, competition issues, spectrum issues, internet issues, consumer issues, site sharing, quality of service (including wireless/mobile services) and network security issues.

3   Expected output

a)   A report to the membership presenting guidelines to assist Member States in their efforts to address a number of issues that represent common challenges for an NRA.

b)   The report will reflect best practice guidelines for regulatory authorities with respect to enforcement of laws, rules, and regulations relating to telecommunication issues that represent common challenges for the NRAs.

4 Timing

An interim report will be presented to the study group in 2008. This study is proposed to last up to 2009, when a final report will be submitted.

5 Proposers

ITU-D Study Group 1, through TDAG, proposes the continuation of this Question as here described.

6 Sources of input

a)   Contributions from Member States, Sector Members and interested international organizations, such as OECD.

b)   Surveys/interviews.

c)   Regulatory information available through BDT.

d)   Websites of national telecommunication regulatory authorities worldwide.

e)   Relevant work currently being undertaken in ITU-T and ITU-R.

f)   Other relevant sources.

7 Target audience

Target audience	Developed countries	Developing countries	Least developed countries (LDCs)
Telecom policy-makers	Yes	Yes	Yes
Telecom regulators	Yes	Yes	Yes
Service providers/operators	Yes	Yes	Yes
Manufacturers	No	No	No

a) Target audience

All national telecommunication regulatory authorities, with particular attention to the needs of developing countries.

b) Proposed methods for the implementation of the results

a)   Electronic distribution of the report and guidelines to all Member States and their respective NRAs;

b)   Publication of the report and guidelines on the GREX website;

c)   Distribution of the report and guidelines at the Global Regulators' Symposium and relevant BDT seminars.

8 Proposed methods of handling the Question

Within Study Group 1.

A study group provides the best vehicle for the widest participation by developing countries both in the work of the Question and in shaping the outcome – best practice guidelines.

9   Coordination

This Question should be coordinated with ITU-D Programme 1, Questions 6, 7 and 10 of ITU-D Study Group 1, and, for any spectrum issues, the Resolution 9 Group of ITU-D Study Group 2.

10   Other relevant information

As may become apparent within the life of this Question.

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