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| **Expert Group on International Telecommunication Regulations (EG‑ITRs)** |  |
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| Mexico | |
| IMPLICATIONS OF THE TERMS OF REFERENCE OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (EG-ITRs) | |

Introduction

With the adoption of Resolution 1379 within the framework of the 2016 session of the ITU Council, the Expert Group on the International Telecommunication Regulations was created along with its terms of reference.

The Administration of Mexico deems it of the utmost importance that all participants in the Expert Group share the same understanding of the aforementioned terms of reference, as this will contribute pragmatically to the work and analysis to be undertaken with a view to achieving concrete results.

The Administration of Mexico is therefore putting forward various considerations with a view to focusing the work of the forthcoming meetings.

Submission of contributions and elements to be taken into consideration in the examination of the 2012 ITRs

For Mexico, the clear identification of those players eligible to submit contributions direct to EG‑ITRs – such as Members States, Sector Members, Bureau directors - is essential if the work of the group is to be efficient and effective, taking into consideration the time it takes to fulfil the group’s terms of reference.

The examination or general analysis of the 2012 ITRs, as indicated in the terms of reference themselves, should focus solely on the text produced by WCIT-12, without prejudice to countries having or not having signed the final acts of that conference. The text produced by WCIT-12 should be analysed based on the present international telecommunications environment, including new trends and issues, with the aim of identifying the obstacles faced in applying the 2012 ITRs and related resolutions.

Applicability within the present environment and relationship with other international instruments

The applicability of the ITRs should be understood in terms of the advantages deriving from fulfilling the legal obligations thereof vis-à-vis other binding multilateral and/or international instruments. In general terms, this refers to the degree/level to which the provisions of the 2012 ITRs have been implemented in binding international instruments and national legal frameworks.

Legal analyses of 2012 ITRs

While legal analyses can certainly deal with various different aspects, Mexico considers that the concept in hand entails solely that the legal analyses of the 2012 ITRs must focus on confirming that each provision thereof complies with the Purpose of the Regulations as established in Article 1.

Potential conflicts between the obligations and application of the 1988 and 2012 ITRs

Mexico considers that ITU has already analysed the conflicts stemming from applying both instruments, noting that, in the event that it is sought to establish a relationship between Member States signatories to the 1988 ITRs and another Member State signatory to the 2012 ITRs, both parties are bound by the 1988 treaty. Certain provisions of the new treaty, however, are not applicable, for example transparency in mobile roaming prices, accessibility, reduction of e-waste, cooperation in combating unsolicited bulk electronic communications, and so forth.

Content of final report to Council-18

The report must focus on compiling the positions and proposals submitted by Member States, Sector Members and the Directors of the Bureaux if necessary, with a view to producing a concise analytical document to facilitate the decision to be taken by the 2018 plenipotentiary conference on the need to review and/or modify, as appropriate, the ITRs, and consequently on whether or not it is necessary to hold a world conference on international telecommunications.

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