|  |  |
| --- | --- |
| **Expert Group on International Telecommunication Regulations (EG‑ITRs)** |  |
| **Second meeting – Geneva, 13-15 September 2017**  |  |
|  |  |
|  | **Document EG-ITRs 2/12-E** |
| **30 August 2017** |
| **Original: Spanish** |
| Contribution by the Bolivarian Republic of Venezuela |
| REVIEW OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS |

Introduction

The International Telecommunication Regulations (ITRs) should serve as an instrument that promotes the advance of telecommunication services at global level, establishing guidelines that allow Member States and authorized operating agencies to realize exchanges under optimum conditions, respecting the sovereign right of each country to regulate its telecommunications. Thus, the ITRs should accommodate the current behaviour of telecommunication markets at global level, allowing for the evolution and competitiveness of those markets as well as the dynamic and changing environment of international telecommunications.

Today, telecommunication services are engaged in a clear cycle of convergence, and advances in technology have resulted in an increased use of telecommunication infrastructures, both offering opportunities and raising challenges within the sector. As technology evolves, States are assessing their regulatory policies and focuses, with a view to creating an environment more conducive to their development.

Position of Venezuela regarding the 2012 ITRs

Based on the provisions of our domestic legislation: the Constitution of the Bolivarian Republic of Venezuela; the Organic Law on Telecommunications (LOTEL); Regulations, Rulings and other legal norms, Venezuela deems there to be no contradictions between the guidelines in the 1988 and 2012 ITRs, the latter constituting an extension of the former.

The Bolivarian Republic of Venezuela is recommending at the upcoming 2018 plenipotentiary conference that the 2012 ITRs be revised, moving on with the work with a view to a possible world conference on international telecommunications (WCIT) which, based on Article 25 of the ITU Constitution, would be the natural forum for their modification and approval.

**Proposal by the Bolivarian Republic of Venezuela**

Considering the provisions of Resolution 1379 of Council-16, and specifically Annex 1 thereto setting forth the terms of reference of the Expert Group on the ITRs regarding the review of the Regulations, it is our view, consistent with those terms of reference, that the review should include the following:

a) *“an examination of the 2012 ITRs to determine its applicability in a rapidly evolving international telecommunication environment, taking into account technology, services and existing multilateral and international legal obligations as well as changes in the scope of domestic regulatory regimes”*

The Member States should establish a unified position regarding the applicability and effectiveness of the Regulations in light of the current dynamic and based on the International Public Law maxim: Pacta Sunt Servanda – compliance in good faith with the commitments made by States at international level. Accordingly, in our view, until such consensus is reached, to hold a new WCIT will not achieve the success expected, thus calling into question the credibility of the Union. Any revision of the Regulations must therefore take into consideration the differences that exist between States as well as their different levels of technical, legal and economic development.

b) *“Legal analyses of the 2012 ITRs”*

Regarding the legal analysis, we consider it important that the following elements were included in the 2012 Regulations: custody of international telecommunication numbering resources, international calling line identification (CLI) and the exchange of traffic through connectivity and reducing the costs of international interconnection. Likewise, those sections of the article on “International Telecommunication Services” that refer to international roaming, services, tariffs, costs and prices that are competitive. The periodic review of the Regulations must nevertheless be facilitated to ensure that they are adapted to society’s new needs in the field of telecommunications, such as: new trends in telephony (VoIP, IP telephony), Over the Top (OTT) services, the Internet of Things (IoT), and others.

c) *“Analyses of any potential conflicts between the obligations of signatories to the 2012 ITRs and signatories to the 1988 ITRs with respect to implementation of the provisions of the 1988 and the 2012 ITRs”*

The main conflict now arising from the Regulations resides in their limited effect for Member States, given that only eight of the 193 countries have ratified the 2012 Treaty and the remaining 89 States that signed the WCIT-12 Final Acts (104 countries) remain governed by the 1988 ITRs; this implies that, if a new WCIT is held, both sets of Regulations would have to be analysed, giving rise to major challenges in terms of producing a document that meets with consensus.

The Bolivarian Republic of Venezuela therefore recommends ongoing study of the Regulations culminating in their updating, and agrees that ITU Council work by correspondence should continue in order to coordinate a basic document that can be brought before a subsequent WCIT once the latter has been convened by the 2018 plenipotentiary conference (PP-18).

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