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| **Council Working Group on International Internet Related Public Policy issues (CWG‑Internet)** |  |
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Contribution from the Russian Federation

PROPOSALS FOR FURTHER WORK ON THE OTT international PUBLIC POLICY

1. **Introduction**

The fast development of information and communication technologies (ICTs) led to the advent of Internet-based services commonly known as OTT services.

Such services have a significant impact on national and international telecommunications and became an essential part of the global digital economy. In this context, public policy related to OTTs should be considered as a matter of priority, including issues as security, privacy, and measures to prevent misuse. The development of OTT services sets new objectives for the regulation of the telecommunications industry, which should also be aimed at stimulating investment and innovations in new services.

One of the most important aspects which have to be taken into account when examining regulatory approaches of the OTT services is their cross-border nature. It requires Member States and all stakeholders to collaborate and coordinate internationally.

1. **Discussion**

Issues related to OTT services are considered by the ITU comprehensively.

In accordance with its Terms of Reference approved by Resolution 1336 (MOD, 2015), the Council Working Group on International Internet-related Public Policy Issues (CWG-Internet) shall identify, study and develop topics related to international public policy issues related to the Internet.

Namely, the CWG-Internet proposed and the ITU Council 2017 supported this proposal that the CWG-Internet helds open consultations on the topic "Public policy considerations for the OTTs”. Within this topic, stakeholders presented opinions on the policy, regulation, opportunities and implications associated with OTT services, on the contribution of OTT players related to safety, security and privacy of the consumer; conditions for the development and prosperity of all stakeholders, cooperation at local and international level, and other aspects.

The ITU Telecommunication Standardization Sector (ITU-T), based on its tasks to study technical, operating and tariff questions and to adopt recommendations on them for standardization of telecommunications worldwide, performs studies on OTT in the framework of Study Group 3 (Question 9/3 "Economic and regulatory impact of the Internet, convergence (services or infrastructure) and new services, such as over the top (OTT), on international telecommunication services and networks"). To date, technical report was prepared, draft new ITU-T Recommendations, related to on the economic impact of OTTs, customer redress mechanism and consumer protection, impact of OTT services on telecommunication operators are under work. Studies of the economic impact of convergence of technology and services, as well as the role of regulator are being performed.

The ITU Telecommunication Development Sector (ITU-D), on the basis of its tasks on the arrangement and coordination of technical cooperation and assistance, works on Question 1/1 "Policy, regulatory and technical aspects of the migration from existing networks to broadband networks in developing countries, including next-generation networks, m-services, OTT services and the implementation of IPv6" and is expected to complete its Final Report on this Question.

1. **Proposals**

Russia’ Administration would like to express support for the studies completed by ITU-T on technical, economic, regulatory aspects related to OTT services, as well as work completed by ITU-D, aimed at assisting developing countries. Russia’ Administration is looking forward to the finalization of ongoing studies and the adoption of relevant ITU-T Recommendations.

Russia’ Administration supports the initiative of the CWG-Internet to conduct open consultations on considerations related to OTTs. Open consultations held by CWG-Internet have shown great interest in this topic and submitted comprehensive material for consideration, which CWG-Internet shall use in its further work.

Taking into account studies performed by the CWG-Internet, ITU-T and ITU-D Study Groups within the framework of their respective lines of activities, it is proposed:

1. ITU-T SG3 to continue ongoing studies, inter alia, within Q9/3, on OTT, including items on consumer protection s, economic impact of convergence of technology and services, and the role of regulators.

ITU-T SG 17 to continue ongoing studies, including items within Q5/17 on countering spam, Q10/17 on authentication, and other issues relevant for OTT.

To request ITU-D SG 1 and ITU-T SG 3 and SG 17 to submit their considerations on issues related to OTT services that require regulation to the CWG-Internet.

2. The CWG-Internet, on the basis of contributions from Member States, ITU-T and ITU-D SGs information, as well as open consultation materials on the OTT, to perform analysis of OTT regulation practices and present/prepare recommendations on aspects of OTT public policies. CWG-Internet to submit results of its work to the ITU Council to its 2019 session for decision on further work.

3. For this purpose, we propose to consider and approve the draft of Council Resolution concerning further work on international public policy issues related to OTT, to be submitted to the 2018 ITU Council session.

ANNEX

draft council resolution

International public policy issues related to OTTs

The Council of the International Telecommunication Union (Geneva, 2018),

recalling

a) all outcomes by the World Summit on the Information Society (WSIS) and WSIS+10 High Level Event final documents;

b) the ITU Internet-related activities that are performed under its mandate towards implementation of this Resolution and other related ITU resolutions;

с) all respective ITU Plenipotentiary Conference Resolutions,

recognizing

a) that OTT services have a significant impact on national and international telecommunications, and public policy considerations related to OTT should be considered as a matter of priority, including issues as security, privacy and measures to prevent misuse;

b) that expansion of OTT services sets new objectives for the regulation of the telecommunications industry, which should be aimed at stimulating investment and innovations;

с) that regulation of cross-border OTT services requires collaboration and coordination of Member States and all stakeholders at the international level;

d) that it is necessary to address both policy and regulatory issues of such services, as well as the economic implications of OTTs, and considerations relating to quality of service,

considering

а) studies completed by SG3 and SG17 of ITU-T;

b) studies completed by SG1 of ITU-D;

с) inputs of stakeholders received during open consultations held by the CWG-Internet,

noting

that many countries and other stakeholders support the need to continue discussions and studies on key issues of OTT services regulation, such as network neutrality, accessibility, consumer rights, licensing, infrastructure development,

resolves

to continue studies on international public policy related to OTTs, including key issues of OTT services regulation, as well as technical and economic aspects,

instructs ITU-T Study Group 3

1 to continue studies on OTT within Q9/3, including protection of OTT services consumers, economic impact of convergence of technologies and services, and the role of regulators;

2 to submit to the CWG-Internet considerations related to OTT services that require development of relevant public polices, particularly:

- on the applicability of legacy regulation on telecommunications to OTT services and, in general a possibility of its application to innovative services,

- on the development of new or modification of existing regulation for similar services from traditional telecom operators and OTT providers (compliance with the principle of competitive neutrality),

- on the defining of required and sufficient level of regulation for OTT services to provide protection of user interests and fostering competition,

and generally on any issues that require development of relevant public polices, according to opinions from SGs participants,

instructs ITU-T Study Group 17

1 to continue studies, including, inter alia, within Q5/17 on countering spam, Q10/17 on authentication and other issues relevant to OTT;

2 to submit to the CWG-Internet considerations related to OTT services that require development of relevant public polices, particularly:

- on personal data protection

- on authentication in OTT messaging services

- on technical analysis of possible measures and implementation mechanisms required for the protection of users rights, because new technological features of OTT services create an unique operational environment (for example, involvement of a large number of players into service value chain, end-to-end encryption ),

and generally on any issues that require development of relevant public polices, according to opinions from SGs participants,

instructs ITU-D Study Group 1

1 to submit to CWG-Internet considerations related to OTT services that require regulation, based on the studies performed within Question 1/1 "Policy, regulatory and technical aspects of the migration from existing networks to broadband networks in developing countries, including next-generation networks, mobile services, OTT services and the implementation of IPv6", in particular:

* on the identification policy tools to facilitate the availability to consumers at the local and national levels of OTT services and applications,
* on identification of cooperation arrangements with OTT providers, that have been used or may be used to meet growing demand and other changes in the market,
* on identification of methodology and policies which facilitate investments into OTT services and applications,
* on evaluation the challenges and preparation overview of best practices and guidelines regarding legal frameworks concerning OTTs,
* on regulation and measures to support competition in the field of OTTs,

and generally on any issues that require regulation, according to opinions from SGs participants,

instructs CWG-Internet

1 to perform analysis of OTT regulation practices and to formulate proposals for the ITU Council with regard to possible aspects of the development of international public policies on regulating OTTs both nationally and internationally, on the basis of information from ITU-T and ITU-D SGs, contributions from Member States and open consultation materials, particularly;

- on the applicability of legacy regulation on telecommunications to OTT services and, in general, a possibility of its application to innovative services,

- on the development of new or modification of existing regulation for similar services from traditional communication operators and OTT providers (compliance with the principle of competitive neutrality),

- on defining a required and sufficient level of regulation for OTT services to provide protection of user interests as well as support for competitive environment,

- on personal data protection,

- on authentication in OTT messaging services ,

- on the implementation of methodology and policies which encourage investment into OTT services and applications,

- on facilitation of accessibility of competitive OTT services and applications,

- on regulation and support of competition in the field of OTT,

- on feasibility of possible measures and implementation mechanisms based on the analysis of results from corresponding SGs, needed to protect users’ interests, because new technological features of OTT services create a unique operational environment (involvement of a large number of companies into service value chain, application of end-to-end encryption),

and on the other issues related to ОТТ, that require regulation, according to opinions from CWG-Internet participants;

2 to submit results of its work to the 2019 Session of the ITU Council to decide on further work;

3 to assist ITU Member-States on the issues of the development of public policy related to ОТТ,

instructs the Directors of Telecommunication Standardization and Development Bureaus

to collaborate with the CWG-Internet and provide information on the matters of this Resolution,

invites Member States and Sector Members

to contribute to the above activities and take active part in the implementation of this Resolution.