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| **Expert Group on International Telecommunication Regulations (EG‑ITRs)** |  |
| **Fourth meeting – Geneva, 12-13 April 2018** |  |
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|  | **Document EG-ITRs-4/8-E** |
| **29 March 2018** |
| **Original: Russian** |
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| APPLICATION OF THE iNTERNATIONAL TELECOMMUNICATIoN REGULATIONS AND RELEVANT RECOMMENDATIONS OF THE ITU STANDARDIZATION SECTOR | |

Introduction

The Administrations of RCC Member States carried out a survey of telecommunication operators involved in providing international telecommunication services, concerning the application of the provisions and standards of the International Telecommunication Regulations (ITRs) and of relevant Recommendations of ITU’s Telecommunication Standardization Sector (ITU-T) in collaboration with their partners in the region and beyond.

A specimen questionnaire form is set out in Annex 1.

This survey was based on available experience of collaboration of administrations and telecommunication operators in the RCC during the period of review of the 1988 ITRs and of preparations for the World Conference on International Telecommunications 2012 (WCIT-12), and in accordance with the Terms of Reference of the Expert Group on the International Telecommunication Regulations (EG-ITR) as set out in Council Resolution 1379 of 2016.

Some generalized results of the ITR survey are set out below.

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| **Period of the survey:** January – March 2018  **Number of respondents:** 11 telecommunication operators and five countries  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **1** **Do you apply provisions of the ITRs and relevant ITU Recommendations in international commercial agreements?**  – *Yes, we apply provisions of the ITRs and of relevant ITU-T Recommendations (all respondents to the survey).*  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **2** **In what percentage of international agreements do you apply the ITRs?**  2.1 By including an explicit reference:  *– In 70 per cent of international agreements.*  2.2 Indirectly, by applying provisions (without an explicit reference):  – *In 30 per cent of international agreements and also by application in annexes to agreements.*  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **3** **Which provisions of the ITRs do you apply in relations with your partners under international agreements, and in what percentage of the international agreements indicated in question 1 above?**  ***All respondents as appropriate:***  *3.1 By inclusion in the international agreement of an explicit reference to the following provisions of the ITRs:*  *– avoidance of double taxation – in 50-100 per cent of agreements;*  *– provision of service (technical) telecommunications free of charge – in 100 per cent of agreements;*  *– use of offsetting – in 100 per cent of agreements;*  *– charging and accounting – in 100 per cent of agreements.*  *3.2* *By indirect application of the following provisions of the ITRs:*  – *avoidance of double taxation – in 0‑50 per cent of agreements.*  ***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***  **4 In what percentage of international agreements do you apply relevant ITU-T Recommendations and of which series, as indicated under question 1 above?**  4.1 By including an explicit reference:  *– In 100 per cent of international agreements we apply such provisions by including references to ITU-T Recommendations of series D (D.150, D.170, D.307 and others) and series E (E.156, E.214, E.212, E.164 and others), series М (М.10-782, M.**800-1375, M**.1400), series G (G.702, G.704, G.**101-182), and series Q (Q.310-490, Q.700-716, Q.761-764, Q.767, Q.781-782).*  4.2 Indirectly, by applying provisions (without a reference):  *– ITU-T Recommendations of series D, E, X, Q, Y*  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **5** **Are there in your view questions that should be covered by the ITRs in their future revision?**  ***All respondents as appropriate:***  ***Yes, in our view the following questions need to be considered:***  *– Misuse/fraud (action relating to illegal appropriation and misuse of international telecommunication numbering, naming, addressing, and identification resources), calling party number delivery, international calling line identification and origin identification)*  *– Traffic management principles*  *– Classification of international telecommunication services covered by No. 63 (§ 8.3)*  *– Protection of users of international telecommunication services, global harmonization of national numbers for access to emergency services*  *– Ensuring accessibility of emergency call services for users in different regions, including issues of time spent in roaming when using data networks*  *– General principles of charging and account settlement for international telecommunication services*  *– Settlement of accounts for international telecommunication roaming services*  *– Settlement of disputes.*  *– Clarification regarding time frames duration for testing new (direct, backhaul) communication channels*  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **6** **Does your organization have information on any current problems and obstacles with regard to the application of provisions of ITRs 1988 and ITRs 2012 in relations with international partners applying different versions of the ITRs?**  *– The risk of problems and obstacles arising in the future cannot be ruled out. There is therefore support for work on collecting information with a view to elucidating potential risks, globally and on a regular basis.*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **7 Are there in your view any potential complications/conflicts in applying different versions of the ITRs (ITRs 88 and ITRs 12) in your organization when collaborating with international partners?**  *– In theory such difficulties could arise owing to the absence in ITRs 1988 of a number of new articles and provisions that are included in ITRs 2012. Work is therefore need to gather such information globally on a regular basis.* |

Results

The following conclusions can be drawn from the replies given by respondents:

1) Telecommunication operators in RCC/CIS countries, in their relations with foreign partners, apply individual provisions of the ITRs and relevant ITU-T Recommendations.

2) Telecommunication operators in RCC/CIS countries, in commercial agreements with foreign partners, apply individual provisions and standards of the ITRs, either by explicit reference to specific points in the ITRs or indirectly, by incorporation of such provisions in commercial agreements without a reference to the ITRs.

3) Telecommunication operators in RCC/CIS countries also indirectly apply individual provisions of the ITRs when providing international telecommunication services if there are no such provisions in the national legislation of the telecommunication operator’s country.

4) Many of the RCC/CIS telecommunication operators questioned noted a number of questions that could be covered by the ITRs in future in the light of modern trends.

5) A number of the RCC/CIS telecommunication operators questioned noted the difficulty of establishing any difficulties and impediments with regard to the application of the 1988 and 2012 ITRs in relations with international partners applying different versions of the ITRs, given the lack of sufficient time to assess application practice. However, these operators noted that they foresaw potential future risks, and noted that work would be needed on the collection of data globally on a regular basis.

6) A number of telecommunication operators in RCC/CIS countries noted that in their view, potential difficulties/conflicts might arise in applying different versions of the ITRs (1988 and 2012) when collaborating with international partners owing to the absence in the 1988 ITRs of a number of new articles and provisions that are present in the 2012 version. Work was needed on collecting such data globally on a regular basis.

7) A number off the administrations questioned also noted that issues had already arisen during the provisional application period for the 2012 ITRs, and foresaw potential difficulties/conflicts in the continued application of the 1988 and 2012 ITRs, owing above all to:

– the non-correspondence of terminology used in the 1988 and 2012 ITRs to the ITU basic texts (Constitution and Convention);

– the non-correspondence of terminology between the 1988 and 2012 versions;

– the scope the 1988 and 2012 ITRs covering entirely different international telecommunication stakeholders;

– the extension of certain equivalent provisions of the 1988 and 2012 ITRs to different international telecommunication stakeholders;

– the fact that the provisions of the 1988 ITRs do not meet the requirements of rapidly developing modern technologies;

– the fact that the 2012 ITRs do not cover all ITU Member States;

– the fact that there is some uncertainty as to the possibility of applying both the 1988 and 2012 versions of the ITRs.

Proposal

In the light of the foregoing considerations, the administrations and telecommunication operators submitting this contribution to the fourth and final meeting of EG-ITR propose that the views set out under “Results” above be included in the relevant sections of the EG-ITR final report.

Annex 1

Questionnaire on application of the provisions and standards of the International Telecommunication Regulations and ITU-T Recommendations

**1 Do you apply provisions of the ITRs and relevant ITU Recommendations in international commercial agreements?**

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

For example, *“Yes, we apply provisions of the ITRs and relevant ITU-T Recommendations”, “Yes, we apply only provisions of the ITRs”, “Yes, we apply only provisions of ITU-T Recommendations”, or “No, we do not apply these provisions”.*

**2 In what percentage of international agreements do you apply the ITRs?**

2.1 By including an explicit reference:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Indicate the percentage of international agreements in which you apply provisions by including an explicit reference to the ITRs. *For example, "We apply provisions in \_\_\_ per cent of international agreements”*.

2.2 Indirectly, by applying provisions (without including any specific reference):

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Indicate the percentage of international agreements in which you apply particular provisions of the ITRs without an explicit reference to the ITRs. For example, *“We apply provisions in \_\_\_ per cent of international agreements”*.

**3 Which provisions of the ITRs do you apply in relations with your partners under international agreements, and in what percentage of the international agreements indicated in question 1 above?**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Indicate ITR provisions.

*For example: “We apply the following provisions of the ITRs by including an explicit reference in the international agreement: …” and/or “We apply the following provisions of the ITRs without including an explicit reference in the international agreement:*

*– avoidance of double taxation – in \_\_\_ per cent of agreements;*

*– provision of service (technical) telecommunications free of charge – in \_\_\_ per cent of agreements;*

*– use of offsetting – in \_\_\_ per cent of agreements;*

*– charging and accounting – in \_\_\_ per cent of agreements;*

**–** *provisions on settlement of accounts for maritime communications – in \_\_\_ per cent of agreements*

**–** *roaming, inadvertent roaming, information on emergency numbers for roaming subscribers - in \_\_ per cent of agreements*

**–** *unsolicited bulk communications – in \_\_\_ per cent of agreements.”*

Indicate other provisions.

**4 In what percentage of international agreements do you apply relevant ITU-T Recommendations and of which series, as indicated under question 1 above?**

4.1 By including explicit references:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Indicate percentage of international agreements in which there is an explicit reference to ITU-T Recommendations.

For example, *“We apply such provisions in \_\_\_ per cent of international agreements by including references to ITU-T Recommendations of series D (D.98, D.50 , …) and series E (E.156, E.164, …)”*

4.2 Indirectly, by applying provisions without a reference:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Indicate percentage of international agreements in which you apply individual provisions of ITU‑T Recommendations without including an explicit reference.

For example, *“We apply individual provisions of ITU-T Recommendations of series D (D.98, D.50,) and series E (E.156, E.164,…) in \_\_\_ per cent of international agreements”.*

**5 Are there in your view questions that should be covered by the ITRs in their future revision?**

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

Indicate which ones, in the light of your experience of collaboration with international partners.

**6 Does your organization have information on current problems and obstacles with regard to the application of provisions of ITRs 1988 and ITRs 2012 in relations with international partners applying different versions of the ITRs?**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Indicate which ones, in the light of your experience of collaboration with international partners.

**7 Are there in your view any potential complications/conflicts in applying different versions of the ITRs (ITRs 1988 and ITRs 2012) in your organization when collaborating with international partners ?**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Indicate which ones, in the light of your experience of collaboration with international partners.

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1. This contribution was considered at a joint meeting of the RCC Infocommunications Commission and the RCC Telecommunication and Infocommunications Operators Board (21 February 2018) and at the joint meeting of the RCC Working Group on Work with the International Telecommunication Union and the RCC Commission on Coordination of International Cooperation (6 March 2018). The contribution was endorsed by participants at meetings of the RCC working bodies and by the following: [State Enterprise “Morsviazsputnik”](https://www.itu.int/online/mm/scripts/s/gensel10?_orgid=1200010099) (Russian Federation) and “Multiregional TransitTelecom” (Russian Federation), as well as by operators that are not, as at March 2018, ITU Sector Members: “TransTeleCom (TTK)” (Russian Federation), “Mobile TeleSystems (MTS)” (Russian Federation), “Uzbectelecom” (Republic of Uzbekistan), PJSC “Vimpelcom” (Russian Federation), and “Kar-Tel” LLP (Republic of Kazakhstan). [↑](#footnote-ref-1)