|  |  |
| --- | --- |
| **Plenipotentiary Conference (PP-18)Dubai, 29 October – 16 November 2018** |  |
|  |  |
|  |  |
| **PLENARY MEETING** | **Document 69-E** |
|  | **13 October 2018** |
|  | **Original: Chinese** |
|  |
| People's Republic of China |
| proposals for the work of the conference |
| Proposals for the revision of resolution 146 (BUSAN, 2014) |
|  |

# I Introduction

In accordance with No. 3, Article 4 of the Constitution of the International Telecommunication Union (hereafter referred as ITU), the provisions of both the Constitution and the Convention are further complemented by those of the Administrative Regulations, enumerated below, which regulate the use of telecommunications and shall be binding on all Member States:

– International Telecommunication Regulations;

– Radio Regulations.

It is explicitly stipulated in § 1 of the Preamble of the 2012 International Telecommunication Regulations (hereinafter referred to as ITRs) that, while the sovereign right of each State to regulate its telecommunications is fully recognized, the ITR provisions complement the Constitution and the Convention of the International Telecommunication Union, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for worldwide telecommunications.

# II Analysis on the review of the ITRs carried out since the establishment of EG‑ITR

In accordance with Resolution 146 (PP-14) and Council Resolution 1379, the ITU Council set up an Expert Group on the International Telecommunication Regulations (EG-ITR) to review the ITRs. Since 2017, when EG-ITR began the ITRs review, a total of four expert group meetings have been held according to its terms of reference set by the Council Resolution 1379, with the content of examination covering mainly the following three areas:

a) an examination of the 2012 ITRs to determine their 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;

b) legal analyses of the 2012 ITRs;

c) analyses of any potential conflicts between the obligations of signatories to the 2012 ITRs and those of signatories to the 1988 ITRs with respect to the implementation of the provisions of two editions.

The above review is only of a general nature and does not cover the specific provisions of the ITRs (2012). The final report developed by the EG-ITR only states and summarizes two different views: one considers that the ITRs are no longer applicable, the main reason being that operators either no longer use the ITRs or use them on a very limited scale since they are operating under commercial agreements; the other view deems the ITRs (2012) still applicable, but in urgent need of improvement in the face of the new emerging trends in the international telecommunication/ICT industry.

# III Proposal

The rapid advancement of telecommunications/ICT has given rise to a new trend of deep integration between telecom industry and the Internet in the field of telecommunications/ICT, and the fast growing OTT in particular has posed unprecedented challenges to the development and security of telecommunications/ICT worldwide. The "resolves" part of WCIT Resolution 4 (Dubai, 2012) specifies its intention "to invite the 2014 Plenipotentiary Conference to consider this resolution and to take necessary action, as appropriate, to convene periodically (for example every eight years) a world conference on international telecommunications to revise the ITRs".

In view of the above, the China-proposed amendments to Resolution 146 (PP-14) mainly include: 1) retain EG-ITR; 2) authorize EG-ITR to review the provisions of the ITRs (2012) in the light of the new trend of telecommunications/ICT, and report to the Council and PP-22 on the views regarding the ITRs amendments.

**Annex:** Resolution 146 (Rev. Dubai, 2018)

MOD CHN/69/1

RESOLUTION 146 (Rev. dubai, 2018)

Periodic review and revision of the International Telecommunication Regulations

The Plenipotentiary Conference of the International Telecommunication Union (Dubai, 2018),

*recalling*

*a)* Article 25 of the ITU Constitution, on world conferences on international telecommunications (WCIT);

*b)* No. 48 in Article 3 of the ITU Convention, on other conferences and assemblies;

*c)* that *recognizing e)* of Resolution 4 (Dubai, 2012) of WCIT, on periodic review of the International Telecommunication Regulations, 2012 states that "the International Telecommunication Regulations consist of high-level guiding principles that should not require frequent amendment, but in the fast moving sector of telecommunications/ICTs may need to be periodically reviewed";

*d)* according to the "*resolves*" paragraph that deals with periodic review of the ITRs in WCIT Resolution 4, it is necessary "to invite the 2014 Plenipotentiary Conference to consider this resolution and to take necessary action, as appropriate, to convene periodically (for example every eight years) a world conference on international telecommunications to revise the ITRs",

considering

*a)* according to No. 3, Article 4 of the ITU Constitution, the provisions of both the Constitution and the Convention are complemented by the ITRs which shall be binding on all Member States. Therefore, it is imperative that ITRs keep in step with the fast growing telecommunications/ICT;

*b)* the rapid advancement of telecommunications/ICT has given rise to a new trend of deep integration between the telecom industry and the Internet in the field of telecommunications/ICT, and the fast growing OTT in particular has posed unprecedented challenges to the development and security of telecommunications/ICT worldwide, a situation that calls for full account to be taken of them in the process of the ITRs review and revision,

resolves

1 that a periodic review and revision of the International Telecommunication Regulations shall normally be carried out every eight years;

2 that, considering that EG-ITR has already conducted a general review of the International Telecommunication Regulations (the specific provisions of the ITRs have not been covered), to retain the EG-ITR for the review of the provisions of the 2012 International Telecommunication Regulations;

3 to authorize EG-ITR to focus on the new trends arising from telecommunications/ICT, and propose amendments to ITRs (2012) based on the review of the ITRs (2012) provisions;

4 to authorize EG-ITR to complete the final report on the review and revision of the 2012 ITRs and report to the 2022 Council, and in the meantime submit the report to the 2022 Plenipotentiary Conference with the Council's comments,

instructs the Secretary-General

1 to extend EG-ITR's term of service and have its mandate updated by the Council;

2 to report for publication the EG-ITR's proposed review and revision of the ITRs to the 2022 Council and subsequently to the 2022 Plenipotentiary Conference,

instructs the Council

1 to update and establish the specific terms of reference of EG-ITR as "to review the ITRs (2012) provisions and specify work progress";

2 to consider the EG-ITR report at the 2022 Council meeting and submit it to the 2022 Plenipotentiary Conference with the Council's comments,

instructs the Directors of the Bureaux

1 to propose relevant revisions within their terms of reference and make corresponding contributions;

2 to submit the results of their work to the EG-ITR;

3 to consider providing fellowships, where resources are available, to developing countries and least developed countries (according to the list established by the United Nations), in order to increase their participation in the expert group,

invites Member States and Sector Members

to participate and contribute to EG‑ITR on the review and revision of the International Telecommunication Regulations,

invites the 2022 plenipotentiary conference

to consider the EG‑ITR proposed report on the review and revision of the International Telecommunication Regulations (2012) and take necessary actions, as appropriate.

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