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|  | **Revision 1 to Document EG-ITRs-2/15** |
| **22 January 2024** |
| **English only** |
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| Contribution from Russian Federation Armenia (Republic of), Belarus (Republic of), Kyrgyz Republic, Tajikistan (Republic of) and Uzbekistan (Republic of) | |
| PROBLEMATIC ISSUES RELATED TO THE APPLICATION OF THE ITRs | |
| **Purpose**  Provide information to assess the relevance of current editions of the ITRs.  **Action required**  The Expert Group on the International Telecommunication Regulations is invited **to approve** this document.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **References**  PP [Resolution 146 (Rev. Bucharest, 2022)](https://www.itu.int/en/council/Documents/basic-texts-2023/RES-146-E.pdf), Council [Resolution 1379](https://www.itu.int/md/S23-CL-C-0121/en) (mod. 2023) | |

**I. Introduction**

In the previous period of review of the 1988 International Telecommunication Regulations (ITRs), starting in 1998 with Resolution 79 (Minneapolis, 1998) of the Plenipotentiary Conference (PP) right up to the adoption of the decision at PP-10 in Resolution 171 (Guadalajara, 2010) on “Preparations for the 2012 world conference on international telecommunications”, most administrations and operators, and above all from most developing countries, have drawn attention to the following fundamental problem issues connected with the application of the ITRs.

1) The outdated terminology of the 1988 ITRs and the fact that it does not correspond to basic instruments (Constitution, Convention, Radio Regulations) or other ITU documents (ITU Recommendations), which considerably complicates the application of the 1988 ITRs and its individual provisions.

2) The 1988 ITRs do not correspond to the realities of modern telecommunications/ICTs, or to the roles, aims and practical functions of administrations and operators - a factor that still prevents administrations and operators from applying the 1988 ITRs effectively. This is due mainly to the following factors:

– Fundamental changes in the role and functions of administrations and operators in the course of global liberalization of international telecommunication markets, privatization of national monopoly operators and a sharp increase in the number of participants in international telecommunications as new telecommunication operators emerge.

– Significant changes in the role and functions of ITU Member States in the provision of international telecommunications. If earlier (before 1988), in most countries the governments built telecommunication infrastructure were at the same time the owners of monopoly telecommunications operators and regulated telecommunications, then from the 1990s onwards, governments have basically regulated and licensed international telecommunications, leaving the construction of infrastructure and the operation of telecommunication systems and networks to private telecommunication operators and companies.

– Changes in telecommunication infrastructure, the very nature of the functioning of international telecommunication and the provision of international telecommunication services.

– The emergence of new international telecommunication services, primarily in the field of mobile wireless telecommunications (including roaming between operators in different countries).

– The absence of any common approach to ensure effective cooperation in the interests of the end user between ITU Member States and telecommunication operators with each other and each with each on issues arising from the rapidly developing and changing telecommunication/ICT environment.

3) The fact that provisions of the 1988 ITRs do not correspond to the current conditions in which telecommunication administrations and operators work against the backdrop of rapidly developing telecommunication/ICT technologies and their introduction to international telecommunication networks; this concerns in particular implementation of ITR provisions regarding:

– organization and routing selection for international telecommunication traffic;

– calling party number delivery, international calling line identification and origin identification;

– tariff setting, time-limits and procedures for settlements of accounts;

– roaming issues, problems of inadvertent roaming, and settlements between operators.

4) The adoption of new ITU Resolutions and Recommendations that relate to issues pertaining to the 1988 ITRs or examine issues that need to be reflected in the ITRs in order to create conditions for the introduction of new telecommunication/ICT technologies and services for all users.

Opinions regarding future ITRs diverged as they do today, but all the parties to the discussion in 2010 adopted by consensus a decision to revise the 1988 ITRs and hold WCIT-12 for that purpose.

However, as the ITRs had not been revised for 24 years before 2012, WCIT-12 for objective reasons was not able to discuss adequately and reach a compromise on all the proposals received from ITU Member States and Sector Members, taking into account all current trends in telecommunications/ICTs.

As a result, there is currently a certain dichotomy in the implementation of the two versions of the ITRs: on the one hand, all Member States have agreed on the need to revise the 1988 ITRs, while on the other hand, a number of administrations at WCIT-12 stated that it would not be possible to accede to the revised ITRs in 2012 and subsequent years.

This state of affairs, in addition to the previous problems of effective implementation of the 1988 ITRs, also gives rise to new challenges for administrations and operators when collaborating with partners from countries, in which different versions of the ITRs (1988 and 2012) are applied at the national level.

At the same time, both versions of the ITRs include, among others, a number of important provisions concerning the economic aspects of providing telecommunication/ICT services, including for end users, namely:

1) Avoidance of double taxation.

2) Application of mechanisms for the settlement (offsetting) of accounts for international telecommunication/ICT services.

3) Provision of international service (technical) telecommunications free of charge.

4) Procedures for issuing invoices and settlements for international telecommunication services.

5) Procedures for issuing invoices and settlements for international maritime telecommunications.

6) Application of settlements between operators for international communication services via a third party (“accounting authority”).

Not all of the above provisions are included in both versions of the ITRs, that creates additional potential risks of financial loss for the following reasons:

– the impossibility of applying the 1988 ITRs because their provisions are outdated;

– the fact that not all ITU Member States are covered by the 2012 ITRs;

– the lack of clarity as regards the possibility of applying both the 1988 and 2012 ITRs.

**II. Proposals**

In the light of the foregoing, we propose including the following points in the interim report of EG-ITRs for Council Session 2024:

1) To underline the importance of having a single text of the ITRs (by analogy with the Radio Regulations) for application by all Member States in order to create an enabling environment that fosters supportive, transparent, pro-competitive and predictable policies and decisions, as well as a regulatory and legal framework that provides the necessary incentives for investment in the development of telecommunications/ICTs and of the information society as a whole in the interests of the end user.

2) To note the current lack of clarity regarding the possibility of applying (joint use of) both the 1988 and 2012 editions of the ITRs, or either one of those editions in the interaction of administrations and operators of Member States applying different versions of the ITRs (1988 or 2012, as the case may be).

3) To indicate the necessity of holding a new WCIT, as a sole and single legitimate mean, if it is not possible to reach a consensus at PP-26 on eliminating the discrepancies arising from the application of the 1988 and 2012 ITRs, and in order to achieve a broad consensus on a single ITR text.

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