|  |  |
| --- | --- |
|  | **Revision 1 toDocument EG-ITRs-3/DL/2** |
| **1 October 2024** |
| **English only** |
|  |  |
|  |
| REPORT OF THE THIRD MEETING OF THE EXPERT GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS, 2023-2026 (EG-ITRs) |

# 1 Introduction

**1.1** The third meeting of theEG-ITRs (2023-2026) was held on 30 September – 1 October 2024.

**1.2** On behalf of the Secretary-General Ms Doreen Bogdan-Martin, the Director, Telecommunication Standardisation Bureau (TSB), Mr Seizo Onoe, welcomed the participants to the third meeting of EG-ITRs (2023-2026). He commended the members on their active participation and commitment to the work of the Group as demonstrated also by the number and diversity of contributions submitted on the various issues and aspects relating to the ITRs, and urged the Group to continue working together in the spirit of consensus and collaboration.

**1.3** The Chair thanked the TSB Director for his presence and support for the meeting and stressed the importance of constructively considering the proposals presented to the Group and reaching agreement on a way forward that could guide the work of Group to accomplish the tasks set out by PP-22 and Council 2023.

# 2 Adoption of the Agenda and allocation of documents

The Agenda ([Document EG-ITRs-3/1(Rev.2)](https://www.itu.int/md/S24-EGITRS3-C-0001/en)) was presented by the Chair. A member proposed to move Contribution 4 to a new agenda item 6 titled the Format and Content of the Final Report of the EG-ITRs to Council 2026 (“Final Report”), and also suggested that the part of Contribution 10 as it relates to the Final Report could also be discussed under this new Agenda item. The meeting agreed and the revised Agenda ([Document EG-ITRs-3/1(Rev.3)](https://www.itu.int/md/S24-EGITRS3-C-0001/en)) was adopted.

# 3 Discussion on contributions received on new trends which may impact the ITRs

The EG-ITRs examined the various contributions (in the order listed in the agenda), which were noted by the Group. The summaries of the contributions (as submitted by the authors of the documents) along with the corresponding discussions are provided below.

## 3.1 Contribution [EG-ITRs-3/2](https://www.itu.int/md/S24-EGITRS3-C-0002/en), Hill

### 3.1.1 Summary of contribution

It is appropriate to continue discussions on the ITRs. All international telecommunication services rely on the ITRs to some extent. The 2012 ITRs include provisions on new issues, for which binding treaty-level provisions have been proposed in trade negotiations. The use of AI in international telecommunication services should be discussed in the context of the ITRs, as this is a new trend/emerging issue. Some criticism of the 2012 ITRs is not justified. There are overlaps between ITU’s work and proposals made in trade negotiations.

Proposals made in trade negotiations indicate that agreement on treaty-level provisions regarding certain matters within the scope of ITU is a new trend and/or and emerging issue in telecommunications/ICTs and its environment which may impact the ITRs. In particular, there are provisions (agreed or proposed) in trade agreements regarding spam and cybersecurity.

In light of the above, Member States are invited to consider the situation and to consider how to address it in the context of the review of the ITRs. In particular, they may wish to consider: a) Provisions should refer to, and bind, only Member States, not private parties (some of the language of the 1988 ITRs, which were agreed when there were still many state-owned monopoly telecommunications operators, was carried over to the 2012 ITRs); b) the ITRs should complement the Constitution/Convention (CS/CV), not overlap with it; consequently, Member States may wish to consider abrogating, either in the CS/CV, or in the ITRs, provisions that overlap or are duplicative or redundant; c) Member States may wish to consider whether new provisions are required to fill gaps and to address new/emerging issues.

A more detailed discussion for each of the articles of the 2012 ITRs, and for possible gap-filling, is provided in the annex to this contribution.

**Summary of Addendum 1 to EG-ITRs-3:** This Addendum refers to a Council of Europe treaty on Artificial Intelligence (AI) and discusses its implications for the ITRs.

### 3.1.2 Discussion

– Some members supported the proposals set out in this contribution and the addendum, highlighting that there is an urgent need to consider how new trends such as AI will impact international telecommunication networks and services.

– Some members were of the opinion that many of the proposals set out in this contribution and addendum are beyond the scope and original purpose of the ITRs. They reiterated that while these are important issues for the international community to consider, they are not topics that should be addressed in the context of the ITRs.

– The contribution was noted.

## 3.2 Multi-country Contribution [EG-ITRs-3/6](https://www.itu.int/md/S24-EGITRS3-C-0006/en), Côte d'Ivoire, Cameroon, South Africa, Tanzania

### 3.2.1 Summary

This contribution intents to raise awareness on new trends such as provision of telecoms services using NGSO satellite systems that impact the ITR. NGSO systems provide broadband and voice services that is nowadays substitutable to terrestrial telecommunications services. While recognizing the benefit of such systems for reducing the global digital divide, these systems come with several challenges that could affect the sustainability of national telecommunications ecosystem and the development of infrastructure.

**Economic and Strategic Challenges:** the provision of NGSO satellite services do not require territorial infrastructures investments in every country covered that could create competition imbalances.

There is a risk of revenue erosion for terrestrial operators that could lead to a reduction of investments in national infrastructures. This is a particular concern for many developing countries, where the economic contributions of the NGSO systems may be limited due to the lack of control on the traffic and on the revenue generated and to enforce national regulations.

**Security Challenges:** NGSO systems often rely on ground stations outside national borders, which reduces country’s ability to meet security requirements, such as service suspension, lawful interception, and fraud prevention. This lack of control could foster illegal activities and terrorism.

**Digital Sovereignty Challenges:** enforce national regulation is becoming an issue regarding the extraterritorial nature of NGSO systems. This raises some concerns when it’s come to taxation and fair competition between satellite and terrestrial telecom providers. The use of NGSO satellite may hinder or reduce the sovereign right of many countries to control effectively its telecommunication/TIC and enforce national regulations.

There is a need for an international agreement not only on radio aspect but on the provision of telecommunication services by NGSO satellite.

### 3.2.2 Discussion

– Some members expressed support for this proposal emphasizing that it as an important issue and relevant new trend that needs to be addressed in the context of the ITRs. They recognized that discussions are ongoing from various perspectives on this subject in other forums such as the ITU-R and ITU-T. Given the relevance of the subject, particularly for developing countries, these members stressed that it needs to be a part of the broader telecommunication/ICT regulatory framework for countries based on the ITRs, in addition to its discussion in other ongoing mechanisms or processes.

– Some members were of the opinion that, while the proposal discusses an important issue, a treaty mechanism is not best placed to address it given its dynamic nature. Some members questioned the conclusions in the contribution, including asserting that NGSO systems require significant investment and that they are complementary to terrestrial networks and there are existing mechanisms to address security requirements. Further, the discussion on it in other existing forums and mechanisms, including at ITU-R and ITU-T, could risk duplication of work within the Union. These experts suggested that the policy challenges presented in this contribution could also be a part of the discussions related to the World Telecommunication/ICT Policy Forum 2026.

– During the review of the meeting report, some members were of the opinion that while NGSO systems are complementary to the terrestrial services, the issue of the security of NGSO with respect to the sovereignty of Member States needs to be addressed.

– The contribution was noted.

## 3.3 Contribution [EG-ITRs-3/11](https://www.itu.int/md/S24-EGITRS3-C-0011/en), China

### 3.3.1 Summary

The development of the new generation of information and communication technologies and their integration with the industry have brought great opportunities to global telecommunications /ICT, as well as many new international issues and challenges such as the digital divide, privacy and data protection, and network security. The review and revision of the ITR should take into account new trends and issues, respond to the issues above, effectively address the difficulties faced by developing countries, and maintain the stability of the ITR international legal framework. The Council has agreed to submit this contribution to the Expert Group for further consideration and discussion.

### 3.3.2 Discussion

– Some members expressed support for the proposals set out in this contribution, stressing that some of the issues identified have already been broadly identified by the international community to be treaty-level provisions given their impact on current and future global needs from Member States, especially developing countries. It is for this Group to discuss whether this can be considered more particularly in the context of ITU, and specifically in relation to the ITRs. These members highlighted that spam and cybersecurity, for instance, are a core mandate of ITU and therefore, merit consideration in the context of the ITRs. They further emphasized that the discussion of these matters in other forums and mechanisms is an indication of their importance, and should be considered in the context of the review of the ITRs given their impact on the treaty whose scope is defined in its preamble and Article 1.

– Some members were of the opinion that the scope of this contribution is beyond the Terms of Reference of the Group which is limited to reviewing matters that may impact the ITRs, as well as beyond the intent and purpose of the ITRs. They highlighted the existence of other UN entities, and international and multilateral mechanisms and processes, that are already considering these matters, including with a specific focus on the needs of developing and least developed countries. These members suggested that ITU should not duplicate or overlap with the work of such other mechanisms and processes.

– The contribution was noted.

# 4 Discussion on contributions received on empirical data on the current use of the ITRs

The EG-ITRs examined the various contributions (in the order listed in the agenda), which were noted by the Group. The summaries of the contributions (as submitted by the authors of the documents) along with the corresponding discussions are provided below.

## 4.1 Multi-country Contribution [EG-ITRs-3/7](https://www.itu.int/md/S24-EGITRS3-C-0007/en), Czech Republic , Bulgaria , Croatia , Denmark , Netherlands (Kingdom of the) , Romania , Sweden , United Kingdom

### 4.1.1 Summary

The region undertook a survey among the operating agencies in order to obtain evidence of whether and how the ITRs are used.

The survey found no examples of the use of the ITRs within the region, neither any examples where the existence of two treaties presented any obstacle or problem for the electronic communications industry. Relationships with foreign operator customers are settled by commercial agreements and not the ITRs. It was noted that other emerging issues are being addressed in the ITU without any need for the ITRs to address them. Some operators said that they had never used the ITRs and saw no future need for the ITRs.

Therefore, there is no need to further review the ITRs. All members of the ITU should continue to address the challenge to improve investment, affordability and capacity. New treaty-level provisions will not help any country build an enabling environment to attract investment or to address the challenges. Reviewing the ITRs would only take resources and effort away from urgent work to develop capacity, infrastructure and affordable connectivity.

### 4.1.2 Discussion

– Some members expressed support for the proposals in this contribution, affirming that the ITRs are not being used within their regions, and that the existence of the two treaties has presented no obstacle or problem. They emphasized that surveys have previously been shared by their regions with the EG-ITRs that has reiterated the lack of use of the treaty or its provisions, or any requirement to further review, revise or update them.

– Some members noted that while some portions of the ITRs, such as the accounting rate provisions, are no longer widely used, this does not necessarily reflect on other elements of the ITRs, in particular special arrangements. They emphasized that their regions, and particularly developing countries, are still using the treaty as a basis for national regulatory frameworks and also for inclusion of relevant text in other bilateral or multilateral agreements. These experts pointed to surveys and analysis that have been submitted to previous meetings/cycles of the EG-ITRs that have highlighted the reliance within their regions on the provisions of the ITRs as well as relevant ITU-T standards. They stressed the importance of reviewing the treaty in order to continue to help guide countries with setting the policy agendas for operators nationally, and updating it as a standardized framework for international cooperation in this context.

– The discussion highlighted that the reliance by operators on the ITRs may differ from one region to another.

– The contribution was noted.

## 4.2 Contribution [EG-ITRs-3/9](https://www.itu.int/md/S24-EGITRS3-C-0009/en), Tanzania

### 4.2.1 Summary

This contribution highlights the use of the International Telecommunication Regulations (ITRs) by some African countries. It is the intention of the contributors, as the EG-ITRs continues to hold meetings and perform its duties in line with the TORs, to provide additional information regarding countries that implements and/or relies on the ITRs.

**4.2.2 Discussion**

– Some members expressed support for this contribution indicating that it reflects clear and practical examples of how the ITRs are being used to guide national regulatory frameworks and highlights the continuing relevance of international agreement on the subject. These members stated that the contribution is a reflection of the use and relevance of the ITRs within several regions and emphasized that it is crucial to recognize the important role of the ITRs, particularly for developing countries, during the discussions of the Group.

– Some members were of the opinion that ongoing work in other sectors of the ITU could be useful in this context. They also welcomed the possibility of considering more empirical data on the use and relevance of the ITRs if shared by members of the Group.

– The contribution was noted.

# 5 Discussion on general contributions received

The EG-ITRs examined the various contributions (in the order listed in the agenda), which were noted by the Group. The summaries of the contributions (as submitted by the authors of the documents) along with the corresponding discussions are provided below.

## 5.1 Contribution [EG-ITRs-3/3](https://www.itu.int/md/S24-EGITRS3-C-0003/en), Hill

### 5.1.1 Summary of Contribution

In light of discussions that took place at the 26 February-2 March 2024 13th WTO Ministerial Conference, this contribution proposes that –pursuant to the collaboration agreement between ITU and WTO – a liaison statement be sent to WTO inviting collaboration with respect to matters of common interest, in particular on technical and regulatory and development matters concerning telecommunications that have arisen in the context of discussions on binding treaty-level provisions that are taking place in the WTO Joint Statement Initiative on e-commerce, such as security and spam. The ITU’s technical and regulatory expertise could assist participants in WTO meeting to ensure that the actual language in WTO agreements is consistent with the intended goals of the agreements, and that the language does not have unintended side-effects (for example, of inadvertently permitting targeted advertising when the intent is to combat spam).

**Addendum 1 to** **EG-ITRs-3/3:** This Addendum presents our analysis of the overlaps between work in ITU and work in the WTO Joint Statement Initiative on E-Commerce.

### 5.1.2 Discussion

– Some members welcomed the contribution as it highlights the importance of updating the ITRs to meet the needs of the modern telecommunications environment, given that several related aspects are also concurrently under discussion at WTO such as frequency management, numbering, spam and cybersecurity and could be supported by ITU’s expertise in this regard.

– Some members were of the opinion that there is no requirement to issue a liaison statement to WTO given that the agreement between the two organizations already defines the modalities of cooperation and the ways in which they can contribute to each other’s activities.

– Some members requested a report on the implementation of the agreement and involvement of ITU in WTO activities. Other members stated that neither a report nor a liaison statement to WTO is needed.

– It was noted that not all members of ITU are members of WTO.

– The contribution was noted.

**5.2 Contribution** [**EG-ITRs-3/5**](https://www.itu.int/md/S24-EGITRS3-C-0005/en)**, Hill**

**5.2.1 Summary**

In response to a request made in document [EG-ITRs-2/13](https://www.itu.int/md/S24-EGITRS2-C-0013/en), this contribution presents some considerations regarding the need, or not, to update certain documents prepared by the ITU Secretariat between 1998 and 2012 that address legal and other aspects of the ITRs.

**5.2.2 Discussions**

– Some members were of the opinion that implementing the proposal set out in this contribution was not necessary in the context of the current mandate of the EG-ITRs and could also strain Secretariat resources that are limited.

– Some members supported the value of the contribution and expressed the importance for the Secretariat to conduct the exercise requested in the contribution related to the update of the documents listed in it, given that the ITRs are one of the basic texts of the ITU and the activities proposed are essential to further discussions related to the consideration of issues relating to the ITRs, including their review, and the expenditure of resources for which cannot be considered excessive in the view of the statutory nature for the ITU of such activities.

– The contribution was noted.

## 5.3 Contribution [EG-ITRs-3/8](https://www.itu.int/md/S24-EGITRS3-C-0008/en), Egypt

### 5.3.1 Summary

Egypt is of the view that the International Telecommunication Regulations (ITRs) should focus on Member States rather than directly addressing operating agencies. Member States would ensure that operators comply with ITR provisions through their national regulations.

Several articles in the ITRs need revision to reflect this approach.

The document suggests shifting the focus to Member States, which would manage these processes through regulation rather than having operating agencies directly negotiate terms. While Member States are mentioned in some sections, many provisions are still directed at operating agencies.

This shift is proposed to better align with the current ecosystem, with Member States playing a more central regulatory role.

### 5.3.2 Discussions

– Some members drew attention to the history and complexity of inclusion of operating agencies within the ITRs.

– Some members supported the proposal suggesting that, as the concept of recognized or authorized operating agencies are no longer particularly relevant, this proposal presents an “emerging issue” to be addressed in the context of the ITRs and should be considered by the Group. Implementing it will help navigate the complexity about if and how to reference operating agencies in the ITRs. Some members did not agree with this proposal.

– Some members were of the opinion that, while they recognize the importance of the issue, the proposed revision of the provisions of the ITRs, as set out in this contribution, are too detailed and beyond the Terms of Reference set for this Group which is to focus on a review of the treaty and not a revision of specific provisions. Further, these members also emphasized that binding treaties concern and should be addressed only to Member States as such, and its provisions can be applied as they deem necessary on operating agencies domestically.

– The contribution was noted.

~~[Some members were of the view that if the ITRs were to be revised, then they should not refer to operating agencies. Other members were of the view that this kind of revision of the ITRs is not needed.]~~

~~[It was agreed that the ITRs apply to Member States, with a focus on provisions addressing operating agencies which require future review. ]~~

~~[Some members agreed that the ITRs apply to Member States. Some members indicated that the implementation of the ITRs, as part of the administrative regulations, is stipulated in Article 6 of the Constitution.]~~

~~It was agreed that the ITRs should focus on Member States rather than directly addressing operating agencies. Some members stated that this should not be understood as an agreement on the revision of the treaty.~~

## 5.4 Multi-Country Contribution [EG-ITRs-3/10](https://www.itu.int/md/S24-EGITRS3-C-0010/en), United States of America

### 5.4.1 Summary

This contribution reaffirms the conclusions set out in Document [EG-ITRs-2/19](https://www.itu.int/md/S24-EGITRS2-C-0019/en), which reiterates the longstanding U.S. position on the ITRs, organized along the elements of the current review as set out in the Terms of Reference.

It also emphasizes the importance of closely adhering to the EG-ITRs Terms of Reference. For example, the current review may consider new trends and emerging issues “which may impact the ITRs” (emphasis added). Although several contributions have sought to identity such new trends and emerging issues, it remains unclear how these may impact the ITRs. In the U.S. view, the simple fact that these topics are not included in an ITU treaty-level instrument does not automatically indicate any corresponding impact to the ITRs.

Finally, this contribution proposes that the final report to Council 2026 follow the same short, simple format as the progress report to Council 2024, i.e., it consolidates the references/links to all prior meeting reports, which already “reflect all inputs made by Member States and Sector Members, and inputs from the Directors of the Bureaux, whether made in contributions or verbally.”

### 5.4.2 Discussions

– The meeting agreed to discuss the proposal related to the Final Report in the subsequent agenda item.

– On the remaining proposals set out in this contribution, some members expressed support for the observations contained in this document while some members were of the opinion that countries have been considering treaty-level provisions that are more detailed and less flexible than those in the ITRs, in other international and multilateral forums and mechanisms.

– The contribution was noted.

# 6 Discussion on Format and Content of Final Report

Per Rev. 3 of the Agenda, the proposal on the Final Report as set out in Contribution 10 as well as the proposals set out in Contribution 4 were discussed under this Agenda item. The summary of Contribution 10 has been provided above and the summary for Contribution 4 is provided below (both as submitted by the authors of the documents). Corresponding discussions on the Final Report are provided below.

## 6.1 Contribution [EG-ITRs-3/4](https://www.itu.int/md/S24-EGITRS3-C-0004/en), Hill

Summary

In order to ensure that all inputs are reflected in the Final Report of the EG-ITRs, it would appear to be judicious to start making a list of the inputs that should be reflected. This contribution presents items for inclusion in such a list.

## 6.2 Discussions on the Format and Content of the Final Report

– Members agreed that, pursuant to the Terms of Reference, the Final Report to Council 2026 will reflect the views that have been expressed by members, whether through contributions or verbally.

– The Chair proposed a structure and outline for the Final Report for the Group’s consideration ([EG-ITRs-3/DL/1](https://www.itu.int/md/S24-EGITRS3-240930-DL-0001/en)), aligned with the Final Reports submitted by the previous cycles of the EG-ITRs, and invited contributions at the next meeting of the Group on this document.

– As preliminary comments on this document, some members welcomed this proposal as a suggestion for a possible draft with the addition of an annex relating to sections 3 and 4, in keeping with past precedence, whereas some members were of the opinion that while the Final Report should respond to the Terms of the Reference, its structure need not be aligned precisely with the text from the Terms of Reference and can present a more focused scope. Some other members were of the opinion that, in keeping with past precedence, the Final Report should be closely aligned with the Terms of Reference and the text therein, given that it was carefully negotiated and agreed at PP 2022.

– The inputs were noted. The Chair suggested contributions could continue to be submitted to future meetings on the structure and content of the Final Report on the basis of [EG-ITRs-3/DL/1](https://www.itu.int/md/S24-EGITRS3-240930-DL-0001/en).

# 7 Next steps

7.1 The Chair presented the draft report of the third meeting to the Group for approval. Members considered the Report and suggested modifications. The draft report was agreed for publication by the Secretariat.

7.2 During the review of the meeting report….[Saudi Arabia to suggest text]

# 8 Any other business

8.1

# 9 Closing of the Meeting

In closing, the Chair thanked all the ITU Member States and Sector Members who made contributions and participated in the work of the Expert Group, the Vice-Chairs, and ITU Elected Officials and the Secretariat for their efficient assistance during the meeting.

 Shahira Selim (Egypt)
 Chair