|  |  |
| --- | --- |
|  | **Document EG-ITRs-4/7** |
| **15 November 2024** |
| **English only** |
|  |  |
| Contribution from HILL | |
| POSSIBLE CONSENSUS ITEM | |
| **Purpose**  This contribution discusses one item on which it might be possible to find consensus.  **Action required**  The Expert Group on the International Telecommunication Regulations is invited to **consider** this document.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **References**  *Council* [*Resolution 1379*](https://www.itu.int/md/S23-CL-C-0121/en) *(Terms of Reference); Documents* [*EG-ITRs-3/2*](https://www.itu.int/md/S24-EGITRS3-C-002/en)*;* [*EG-ITRs-3/8*](https://www.itu.int/md/S24-EGITRS3-C-008/en)*;* [*EG-ITRs-3/12*](https://www.itu.int/md/S24-EGITRS3-C-0012/en) | |

Summary

A review of the archive webcast of the third meeting suggests that it may be possible to reach consensus on a specific item.

Background

1 The third meeting of the EG-ITRs considered the following contributions (see Document [EG-ITRs-3/12](https://www.itu.int/md/S24-EGITRS3-C-012/en)):

– Document [EG-ITRs-3/2](https://www.itu.int/md/S24-EGITRS3-C-0002/en), which proposes, inter alia, that provisions of the ITRs 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).

– Document [EG-ITRs-3/8](https://www.itu.int/md/S24-EGITRS3-C-0008/en), which proposes that the 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.

2 During the discussions on Document [EG-ITRs-3/8](https://www.itu.int/md/S24-EGITRS3-C-0008/en), the Chair appeared to have identified a point on which consensus had been reached.

3 However, during the discussions on the draft of section 5.3.2 of the meeting report (Document [EG-ITRs-3/12](https://www.itu.int/md/S24-EGITRS3-C-0012/en)), it was not possible to reach consensus on language that summarized the point in question.

4 And this, in particular, because some members pointed out that, pursuant to the Constitution, the ITRs do bind operators, albeit indirectly via the Member States. Article 6 of the Constitution states:

1 The Member States are bound to abide by the provisions of this Constitution, the Convention and the Administrative Regulations in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 48 of this Constitution.

2 The Member States are also bound to take the necessary steps to impose the observance of the provisions of this Constitution, the Convention and the Administrative Regulations upon operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

4 The archive webcast of the third meeting of the EG-ITRs is available at:  
<https://www.itu.int/en/council/Pages/webcast-cwg2024-archive-ties.aspx>.

5 The discussion of Document [EG-ITRs-3/8](https://www.itu.int/md/S24-EGITRS3-C-008/en) starts at 2h30m in the webcast of the 30 September 2024 morning session (9h30m). What follows is our transcript or summary of portions what was said:

...

*OUR SUMMARY:* Some countries support the proposal from Egypt.

*USA, 2h36m40s*: “this level of detailed discussion about the provisions of the ITRs and possible revisions to the scope of it and who is covered by the ITRs are not within the mandate of this particular group. We are jumping ahead to a possible revision of the ITRs, and the scope of this EG-ITRs is to focus on review of the current ITRs. We believe that this would be an important issue to discuss were there to be agreement to review of the ITRs, but that is a step ahead of what the mandate of this group is.”

...

*Germany, 2h38m17s*: “we echo the statement of the US, we see that as outside the current mandate of the EG-ITRs and we do not see the necessity to discuss it.”

*Chair, 2h38m30s*: “I believe that you are speaking regarding the detailed provisions, not to the idea of the proposal.”

...

*Hill, 2h39m05s*: “the fact that the concept of operating agencies, recognized operating issues, authorized operating agencies may no longer be particularly relevant is an emerging issue. ... We are not here to decide whether or not to revise the ITRs, but in the process of the review it is perfectly legitimate to say: the group considered the fact that these concepts don’t seem to be relevant anymore for the ITRs, they impact the ITRs, and come to that conclusion. ... I didn’t see any opposition to the proposal from Egypt, so perhaps miraculously we would have consensus to capture the fact that indeed it would appear that those definitions are no longer relevant for the ITRs, which does not prejudge, of course, whether or not the ITRs should be revised. In the course of the review we have reached agreement that those concepts don’t any more belong in the ITRs. But perhaps that’s not the case.”

*Chair, 2h40m20s*: “This is what I understood as well, if I am not mistaken.”

*Côte d’Ivoire, 2h40m20s*: *OUR SUMMARY:* supports the proposal from Egypt and the statements made by Hill.

Canada *2h42m45s*: *OUR SUMMARY:* detailed discussions should not lead to an assumption that revision is required.

*2h44m56s, Chair*: “what I understood from the floor and from the last interventions and from all interventions is that there is agreement on the fact that, as Canada has mentioned, the ITRs of course are a treaty, so the ITRs can only address the Member States, the governments, and not the operators. So we have agreement on that point. We don’t have agreement on discussion specific provisions, and that’s OK. At least we have agreement on one point.”

6 There were no objections or comments regarding this ruling from the Chair.

Proposal

7 Based on the webcast of the third meeting, and the discussions that took place when reviewing the draft meeting report, it is proposed that the group agree the following:

Without prejudice to the question of whether or not the ITRs should or should not be revised, the group agreed that, in principle, the ITRs should focus on Member States, not private parties, and that references to operating agencies, private recognized operating agencies, recognized operating agencies, and authorized operating agencies are not needed in light of Article 6 of the Constitution.

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