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| **Question(s):** | | | RG-WM | | Geneva, 22-26 January 2024 |
| **TD** | | | | | |
| **Source:** | | | Rapporteur, TSAG RG-WM | | |
| **Title:** | | | Information to support the discussion on contribution C64 | | |
| **Contact:** | | Olivier Dubuisson  Orange France | | E-mail: [olivier.dubuisson@orange.com](mailto:olivier.dubuisson@orange.com) | |
| **Contact:** | | Mr Stefano Polidori  TSB; Secretary RG-WM | | E-mail: [stefano.polidori@itu.int](mailto:stefano.polidori@itu.int) | |

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| **Abstract:** | This document provides an overview of the current legal framework with regard to the proposals in contribution [C64](https://www.itu.int/md/T22-TSAG-C-0064/en). |

**Action**: RG-WM is invited to discuss this document.

**Introduction:**

In contribution [C64](https://www.itu.int/md/T22-TSAG-C-0064/en), Korea (Republic of) suggests that:

(a) TSAG provides advice on whether the SG management appointed by WTSA could submit TDs to facilitate discussion at its regional group meeting and TSAG considers, for example, updating the clause 3.3.5 in Recommendation ITU-T A.1 to explicitly state that study group chairman and vice-chairman are able to submit inputs as TDs;

(b) the chair and vice-chairs of study groups be encouraged to participate in regional group meetings to accelerate the debate and closely work with regional groups with the objective of bridging standardization gaps;

(c) TSAG gives clear criteria or procedure for endorsing or approving regional group chairman and vice-chairman by their parent study group.

**Analysis:**

(a1) ITU-T A.1, clause 3.3.5 (based on GR 84) expand on the powers of a chair with respect to their own groups:

**3.3.5** Chairmen and vice-chairmen of study groups and working parties may at any time submit inputs as TDs to their study group or working party, including, in particular, proposals likely to accelerate the debates.

**GR84** 3 The chairman of the conference or of a committee, a subcommittee or a working group may at any time submit proposals likely to accelerate the debates.

(a2) Consequently, ITU-T A.1, clause 3.3.5, does not authorize an SG chair to submit a TD to meetings of groups other than his/her own group. This also means that an SG chair cannot submit a TD to meetings of a regional group of a study group.

(a3) [WTSA Resolution 54](https://www.itu.int/pub/T-RES-T.54-2022):

*resolves* [...]

2  to develop draft terms of reference and working methods for these regional groups, which are to be consistent with and approved by the parent study group, as regards areas of concern to them; [...] *(rapporteur's underlined)*

*invites the regions and their Member States* [...]

2  to develop draft terms of reference and working methods for these regional groups, which are to be consistent with and approved by the parent study group, as regards areas of concern to them; [...] *(rapporteur's underlined)*

(a4) Even if a regional group can develop specific working methods, they shall be consistent with higher instruments, including WTSA Resolution 54 and the participatory rights established therein.

(a5) Submitting documents for discussion in a regional group is inherently tied to the right of the author to participate in that group (see also item (b1) below). Correspondingly, an SG chair cannot, solely by virtue of its position as SG chair, submit documents for discussion in a regional group.

(a6) Consequently, there is no means (existing or to be specified) which could allow an SG chair to submit a TD to a regional group of their study group.

(a7) The only possible solution is for the RG chair to submit a TD, taking into account material from the SG chair, if considered appropriate.

(b1) The participatory rights in regional groups were clarified by the ITU Legal Affairs Unit in their "Legal opinion on participation rights in regional groups" provided to TSAG in 2019 (TD577 [2017-2020]).

(b2) There is nothing in [WTSA Resolution 54](https://www.itu.int/pub/T-RES-T.54-2022) that allows SG chairs to automatically participate, by virtue of their position as SG chair, in meetings of regional groups.

(b3) An SG chair could nonetheless participate in a meeting of a regional group if invited by the regional group, as per [WTSA Resolution 54](https://www.itu.int/pub/T-RES-T.54-2022):

*resolves* [...]

6 that meetings of regional groups of other study groups shall, in principle, be limited to delegates and representatives from Member States, Sector Members, Academia and Associates of the study group concerned in the region; however, each regional group may invite other participants to attend all or part of a meeting, to the extent that these other participants would be eligible to attend the meetings of the full study group; *(rapporteur's underlined)*

(b4) Obviously, the SG chair can also participate (as a delegate) in a meeting of a regional group if the Member State or Sector Member it represents is from the region.

(b5) One possible way forward could be for the working methods set by the parent group to potentially identify some role for the SG management (e.g. in a supportive capacity) to ensure coherence and alignment with ITU-T's broader objectives.

(c1) Regional groups remain under the authority of their parent study group which approves their terms of reference (and appoints their chair and vice-chair), in accordance with [WTSA Resolution 54](https://www.itu.int/pub/T-RES-T.54-2022).

(c2) When considering the establishment of a regional group, a study group could include, in its terms of reference, a text similar to that in Recommendation ITU-T A.7, clause 2.3, 1st paragraph:

A chair and vice-chair are initially appointed by the parent study group. If needed, after the initial establishment of the regional group, subsequent management appointments will be made by the regional group, and the parent study group informed accordingly. Appointment of chair and vice-chair shall be primarily based upon demonstrated competence both in technical content of the parent study group and in the management skills required.

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