***ASIET contribution to the ITU consultation on “Building an enabling environment for access to the Internet”***

***INTRODUCTION: GENERAL CONSIDERATIONS***

*As a consequence of the decision of the International Telecommunication Union (ITU) Council Working Group on International Internet-related Public Policy Issues (CWG-Internet) on 18 February 2016 to hold an open consultation (online and physical) on* ***“Building an enabling environment for access to the Internet”****, ASIET would like to take this opportunity to share regional telecom operators perspectives on the topics addressed in the consultation.*

*Speaking on behalf of Latin-American telecom operators, ASIET (Interamerican Association of telecom enterprises) believes that enabling environments are essential to reach the social and economic advantages of the Internet, and consequently, of the Information Society. These are created through flexible and light touch regulation for emerging and innovative technologies and business models and applying the same rules for all the players in the digital ecosystem value chain.*

*Enabling environments* ***are essential*** *for the continued fulfilment of the benefits of the Internet and ICT for Sustainable Development Goals.*

*Innovation, building and developing ICTs and infrastructure are crucial, but it requires that the necessary legal, policy and regulatory frameworks and approaches that are in place at national levels be revised in order be adapted to the new scenario and so continue promoting investment in ICTs and infrastructure, fostering entrepreneurship and innovation.*

*Some* ***key policy issues*** *related to foster private sector resources and attracting both foreign and domestic investment to achieve an enabling environment are:*

* *Technology neutral laws and regulation (same services same rules)*
* *A regulatory framework which promotes competition and fosters entrepreneurship;*
* *Transparency;*
* *Measures to combat corruption;*
* *Rule of law;*
* *Stable legal system;*
* *Digital literacy and ICT education*

*The new actors like OTTs has changed radically the value chain in the Digital Ecosystem, they are practically in any link of the chain except in providing connectivity, OTTs and Telcos are important actors, they need one the other in order to improve the Digital Ecosystem. It is necessary to achieve a balance in their responsibilities on the infrastructure capacity.*

*A harmonious development is paramount, telecommunications networks are essential to Internet, the innovation is produced both in the networks as in the "cloud “,the* ***sustainability*** *of the digital ecosystem is essential, a* ***Level Playing Field*** *policy in order to avoid asymmetries In the market is essential.*

*A regulatory* ***light touch*** *approach progressing to an ex-post model should be applied, encouraging competition and enabling the entrance of new players in the ICT ecosystem, while permitting the promotion of innovative business models*

*Established communication services are based on global and universal connectivity through numbering and open standards. Internet-based proprietary applications and services (e.g. VoIP, Messaging) are increasingly* ***substituting*** *such communication services, but* ***interoperability*** *is rare. Policy makers and regulators should promote interoperability between communication and messaging services to foster competition and improve consumer experience.*

*Administrations must improve the legal framework and cooperation between states to eliminate loopholes that cyber criminals can use due to the global nature of the Internet; Develop cyber-security standards and homologation processes that must be met by personal devices vendors in order to trade their products; And: intensify its efforts for “security by design”, especially for personal devices and in social networks, to secure customer experience; Enhance ways of collaboration to define and update standards and best practices that allows to maintain a secure cyber space; Agree on the adoption of a single cyber-security standard to establish an appropriate security and privacy baseline*

*International cooperation between governments and stakeholders is essential to protect consumers and businesses. Governments should be more transparent about national security measures and must respect human rights and the rule of law.*

# Question 1: Internet connectivity - What are the elements of an enabling environment to promote Internet connectivity?

*To achieve the full power of the Internet and ICTs, the connectivity is a paramount key. The connectivity will occur over networks and with technology funded primarily by private industry investments.*

*In our view the following elements has to be considered in an enabling environments intending to promote Internet connectivity:*

1. ***From administrative and regulatory point of view:***
   * Administrative processes must be **transparent**, **quick** and **affordable.**
   * **Clarity and simplification** in the granting of licenses, reduction of its time of response, and implementation of tools for monitoring and transparency.
   * Consistent and reliable **regulations at national level**, high level of legal security and simplification in the legal processes.
2. ***From infrastructure building point of view:***
   * Restrictions of deployment only in spaces of cultural interest or artistic value.
   * Standardization of electromagnetic **radiation restrictions** applied to radiant equipment.
   * Clear rules for **infrastructure sharing** and deployments coordination.
3. ***From an economic point of view:***
   * Simplification and **reduction of the tax charges**.
   * **Incentives** for private investment in areas of low profitability (e.g.: tax deduction)
   * Reducing the **level of corruption** in government agencies in the sector (when necessary).
4. ***From a socio demographic point of view:***
   * To improve the **education system** in order to promote the use and demand of telecommunications (digital) services
   * To **educate and inform** the population on the effects of the telecommunications systems (electromagnetic radiation) in order to reduce the fear on health aspects.
   * High **levels of safety** for reduction of vandalism and destruction of infrastructure, as an investment incentive.

# Question 2: Affordable Internet - What are the elements of an enabling environment to promote an affordable Internet?

*In our view the following elements has to be considered in an enabling environments intending to promote an affordable Internet:*

* Mobile phones and low-cost ICT devices
* **Subsidized Access** for those social groups that the costs of access remain out of their affordability.
* **Public access** in libraries, community centers, and municipal centres to Internet.
* Providing infrastructure and services (Governments) to those segments of the **population more vulnerable**, accompanying of the training for the correct use of the technology.
* Boost the equity (gender, ethnicity, etc) related to digital adoption.
* **Balanced regulation** to cover the demand and offer, competition, fixed and mobile broadband, public access and by subscription.
* Review the **fiscal regime** applied to telecommunications services, in some countries they are considered as a luxury good.
* **Innovative and commercial solutions**. Flexibility is relevant, both commercial, in order to allow different players to adapt to the changes of the environment, and for the development of new business models, that can be adapted to the needs and **capabilities of payment** for different types of users

# Question 3: Quality of access to the Internet - What are the elements of an enabling environment to promote the quality of access to the Internet?

*In our view the following elements has to be considered in an enabling environments intending to promote the quality of access to the Internet:*

* To promote preventive **maintenance** plans
* To promote **locally-relevant** content, resources and tools
* Contact with the users to validate the levels of satisfaction of provided services.
* Promoting **the knowledge** of the users on the services, rights, obligations, procedures and agencies of regulation and control
* Improving the **digital skills** of users
* To promote the use of **redundant international connectivity** by the suppliers of services (for cases of failure)
* To promote **capacity building** initiatives that seek to empower individuals and businesses locally to become content producers and develop business models.
* **Freedom of expression** and free flow of information in a manner that respects the rights of others and **the rule of law**. The **offline laws** and rules must apply **online** and on the Internet.

# Question 4: Confidence and security in the use of the Internet -– What are the elements of an enabling environment to build confidence and security in the use of the Internet?

Lack of trust in emerging digital technologies and related services can delay or preclude adoption of ICTs and emerging technologies and likewise diminish economic and social benefits , these benefits will only be realized if they are adopted by consumers, businesses and governments who trust that their personal data will be treated according to privacy and security laws.

In our view the following elements has to be considered in an enabling environments intending to build confidence and security in the use of the Internet:

* **Informing** the users of Internet about the existing services, potential risks, methods of protection on the Internet.
* Governments should adopt **policies** to build trust by ensuring that users have appropriate control and practical mechanisms with regard to how their personal data are used and the companies to which they entrust their data should adopt recognized and applicable best practices to ensure that the data are appropriately secured as technology and services evolve.
* Availability of free access centres with **social orientation and protection** to the user
* Plans of services oriented at the development of vulnerable sectors, which include protection against **threats** from the net.
* To work on **interoperability and harmonization** across jurisdictions: Lack of interoperability across the policy and regulatory environment can originate administrative burdens and compliance inconsistencies across jurisdictions. Harmonization is difficult to obtain, as privacy is both subjective to the data subject and related to the cultural and legal context of the jurisdiction.

# Question 5: Role of Governments -– What is the role of Governments in building an enabling environment?

*In our view the following issues has to be considered in the role of Governments in building an enabling environment:*

* Regulations need to **be updated** to reflect the realities of the Digital Economy. Increased competition and more dynamic markets should reduce the need for regulation.
* Provide a **legal and stable** regulatory framework, which fosters a balanced market, with rights and obligations equal for all operators.
* New markets should be analyzed from a consumer perspective and all services must be regulated on a **technology-neutral basis**. Same service, same rules: policies and regulation need to create a **level-playing-field** for competing digital services.
* In dynamic and fast-changing digital markets, case-by-case decisions are less likely to restrict growth and innovation than regulation. Where new policies are needed they should be forward-looking and allow for flexibility of regulatory authorities.
* High taxation clearly reduces the capacity of broadband and communication providers to invest in new infrastructure. Given the much lower levels of taxes paid by many Internet Service companies when compared to telecommunications providers, policy makers should take steps to ensure a more equitable regime. Fair taxation of companies across the Digital Ecosystem will enable investment in both innovative digital start-ups and in the broadband infrastructure that they need for growth
* Therefore, it is governments’ responsibility to take action and fix their **tax Systems**, working together internationally to build a comprehensive approach reflecting the global reach and scope of the Digital Economy.

***ABOUT ASIET:*** *The Interamerican Association of telecommunications Companies (ASIET) was born in 1982 with the name of AHCIET and it is comprised of public and private companies from the telecommunications sector operating in the countries of the American continent. We work for the development of telecommunications and the Information Society in our region through the public- private dialogue promoting the growth of the industry and favoring the exchange of knowledge and best practices, ensuring for the common interests of our partners and the industry.*