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European Administrations

EUROPEAN COMMON PROPOSALS FOR THE WORK OF THE CONFERENCE

European Common Proposals for the work of the Conference

This contribution presents the European Common Proposals (ECP) for World Conference on International Telecommunications (WCIT-12). These have been developed by the European Conference of Postal and Telecommunications Administrations (CEPT[1]) Committee for ITU Policy (Com-ITU).

Introduction

The WCIT-12 is a significant event and a one of a kind opportunity for the revision of the International Telecommunication Regulations.

Europe wishes to facilitate a worldwide consensus in many controversial topics.

To this end and given the general competitiveness of international telecommunication services and the positive outcomes experienced especially by consumers, Europe is of the view that regulation is only requested where it is justifiable as unnecessary additional burden both to Member States and private companies is not desirable for the development of international telecommunication services.

In addition, Europe recalls that one-size-fits-all and prescriptive solutions are not advisable. In fact, the revised International Telecommunication Regulations are expected to be applicable, helpful and meaningful in every region and country of the world during a large number of years. This will not be achievable if there is a temptation to micro-manage the International Telecommunication

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[1] Members of CEPT (Europe) are: Albania (Republic of), Andorra (Principality of), Austria, Azerbaijani Republic, Belarus (Republic of), Belgium, Bosnia and Herzegovina, Bulgaria (Republic of), Croatia (Republic of), Cyprus (Republic of), Czech Republic, Denmark, Estonia (Republic of), Finland, France, Georgia, Germany (Federal Republic of), Greece, Hungary (Republic of), Iceland, Ireland, Italy, Latvia (Republic of), Liechtenstein (Principality of), Lithuania (Republic of), Luxembourg, Malta, Moldova (Republic of), Monaco (Principality of), Montenegro (Republic of), Netherlands (Kingdom of the), Norway, Poland (Republic of), Portugal, Romania, Russian Federation, San Marino (Republic of), Serbia (Republic of), Slovak Republic, Slovenia (Republic of), Spain, Sweden, Switzerland (Confederation of), The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vatican City.

services, as a positive provision to a given country may be meaningless or even harmful to its neighbour.

Europe considers that the WCIT-12 shall find win-win solutions.

Criteria

As indicated in contributions to the CWG WCIT-12, Europe agreed on a set of guiding criteria for the revision of the International Telecommunication Regulations (ITRs).

Europe is of the view that such criteria are objective, balanced and have a legal basis, and therefore should be taken in utmost consideration by Member States.

The criteria are the following (presented in no particular order):

- **Criterion 1:** *As an International Treaty, the ITRs should address high level strategic and policy issues*

  Europe considers of particular relevance the compliance with the principle that ITRs should contain high level strategic and policy issues concerning international telecommunications services and facilities (i.e. areas of relevance to be included in an International Treaty), meaning that the provisions should be flexible and sufficiently broad to apply over time.

  In addition, the ITRs should safeguard the rights of telecoms operators and service providers to exercise commercial choice and to have operational and technology freedom in providing international telecommunications services and facilities.

  The basis for this criterion is laid down in Resolution 171 "Preparations for the 2012 world conference on international telecommunications" (Guadalajara, 2010) which in its "Resolves further" reads that proposals for the revision of the ITRs shall "reflect, inter alia, strategic and policy principles, with a view to ensuring flexibility in order to accommodate technological advances" and "are of relevance to be included in an international treaty".

- **Criterion 2:** *Consistency with ITU Constitution, in particular the Preamble and Article 1*

  Europe acknowledges that Member States should, to the greatest extent practicable, comply with Recommendations of the ITU. However, it is considered that requirements for Member States:

  (i) to enforce ITU-T Recommendations;

  (ii) to introduce national measures to enforce ITU provisions

  are inconsistent with the Preamble of the Constitution and with the purposes of the Union in Article 1 of the ITU Constitution and the scope and purposes of the ITRs as set out in its Article 1. Further, by their nature ITU-T Recommendations are non-binding, i.e. of voluntary application, and should not therefore be imposed as a matter of routine.

  This does not mean that individual Member States cannot impose the matters covered by ITU-T Recommendations through measures such as national legislation and licence requirements if they so choose.

  These principles are acknowledged in provision 1.4 of the ITRs.

  Therefore, bearing in mind that the Constitution of the Union does not provide ITU Recommendations with a binding force, Europe considers that the ITRs revision shall not be used to change the nature of Recommendations of the ITU.

- **Criterion 3:** *Consistency with International agreements / legislation adopted by CEPT members*

  Over 100 countries have made commitments consequential to the Agreement on Basic Telecommunications Services in the Fourth Protocol of the General Agreement on Trade in Services (GATS). Therefore, proposals that are incompatible with the principles underlying the WTO Treaties or that undermine commitments contracted in this organisation cannot be supported.

  In addition, considering that a large number of European countries are EU/EEA Members, Europe will not support proposals which are in contradiction to EU/EEA legislation.

- **Criterion 4:** Exclusion of *Areas related to Member States' application of legal or policy principles which are within their sovereign rights*

  Europe will consider proposals related to national defence, national security, content, and cybercrime issues in the context of Resolves no. 3 of Resolution 130 (Rev. Guadalajara, 2010) "ITU shall focus resources and programmes on those areas of cybersecurity within its core mandate and expertise, notably the technical and development spheres, and not including areas related to Member States' application of legal or policy principles related to national defence, national security, content and cybercrime, which are within their sovereign rights".

- **Criterion 5***: Exclusion of areas not related to the Purpose and Scope of the ITRs*

  Europe stresses the importance of compliance with the Purpose and Scope of the ITRs, in particular with provisions:

  - 1.1a): "These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. They also set rules applicable to administrations".
  - 1.3.) These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public of international telecommunication services.

  In this respect, Europe considers that proposals concerning national / regional telecommunication services or transport means should not be included in the ITRs. The compliance with this criterion is also linked to the Preambles of both the ITU Constitution and the ITRs which fully recognise "the sovereign right of each State to regulate its telecommunication".

  Consistent with this criterion, Europe also notes that the existing basic structure of the ITRs should be maintained.

Taking in consideration the above mentioned criteria, Europe proposes the amendments to the ITRs as presented in the addendum to this document.

The table of co-signatures by European administrations is provided in **Annex 1**.

ANNEX 1

List of co-signatures of the European Common Proposals (ECPs)

Member States	ECP 1 (EUR/16A1/1 to 84 and EUR/16A1/98 to 108	ECP2 (EUR/16A1/85 to 97)
ALB		
AND		
AUT		
AZE		
BEL		
BIH		
BLR		
BUL		
CVA		
CYP		
CZE	Yes	
D	Yes	Yes
DNK	Yes	Yes
E	Yes	Yes
EST	Yes	Yes
F	Yes	Yes
FIN	Yes	Yes
G	Yes	Yes
GEO		
GRC	Yes	Yes
HNG	Yes	
HOL	Yes	Yes
HRV	Yes	Yes
I		
IRL		
ISL		
LIE		
LTU	Yes	
LUX		
LVA		
MCO		
MDA		
MKD		
MLT	Yes	Yes
MNE		
NOR	Yes	Yes
POL		
POR	Yes	Yes
ROU		
RUS		Yes
S	Yes	
SMR		
SRB		
SUI	Yes	Yes
SVK	Yes	Yes
SVN		
TUR		
UKR		
Total	**19**	**16**