



# International Telecommunication Regulations: The Mobile Industry Perspective

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# Overview of Mobile Industry Views



- Concepts of competition and liberalisation have helped promote innovation and economic growth since 1988
  - Have enabled mobile industry to reach 6 billion users in 20 years, bringing enormous socio-economic benefits
- The internet has grown and should continue to flourish in a multistakeholder environment
  - Needs flexibility to accommodate rapid technological change and innovation
- Expanding the remit of the ITU outside its core competencies will create unnecessary complexity and duplication with the work of other international bodies

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# Mobile Industry Views on Specific Topics



- Roaming
- Surtaxes on International Incoming Traffic
- Fraud, Number Misuse And Calling Line Identity
- Cybersecurity
- Spam

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- *General:*

- A broad treaty like the ITRs offers neither the flexibility nor the nuance necessary to appropriately address the complex issue of roaming.
- Roaming is a technology-specific issue and the ITRs should remain technology-neutral.

- *Transparency:*

- Believes in the principle of transparency of pricing for consumers for all telecoms services, not just roaming.
- In context of roaming, GSMA proposes the following treaty text:

*“Member States, taking into account specific national and regional conditions, and noting the progress that industry has already made, should encourage the development of effective ways to make available clear, transparent and timely information on their respective international retail roaming prices to consumers.”*

# Roaming (cont.)



- *Price regulation:*

- The GSMA disagrees with any principle in the ITRs on price regulation, particularly caps on retail and/or wholesale prices.
- Roaming markets around the world are at very different stages of development; there is no global 'silver bullet' to address roaming prices. Decisions whether to regulate should be left to the discretion of national governments and taken in context of bilateral / regional arrangements

- Governments should instead:

- Encourage operators to take measures that enhance consumer awareness
- Address structural barriers that increase costs for service providers and consumers
- Only consider price regulation as a last resort if the above fail and only if a regulatory impact assessment shows that the benefit exceeds the cost of regulation

# Surtaxes on International Incoming Traffic



- The GSMA believes the imposition of taxes by one country on traffic arriving from another violates international conventions on double taxation.
- Such surtaxes:
  - artificially inflate international calling prices, rolling back the process of liberalisation of international gateways
  - lead to reciprocity from neighbouring countries, creating a “beggar thy neighbour” effect.
  - delay the roll-out of services, with a direct effect on national income
  - increase the digital divide - the diaspora and local consumers suffer the most long-term harmful effects
- For these reasons, the ITRs should enshrine a high-level principle on avoidance of international double taxation

# Fraud, Number Misuse & Calling Line Identity



- The GSMA understands that many ITU Member States have serious concerns about fraud perpetrated through misuse of numbering resources and/or lack of CLI and/or CPND
- Industry believes the most appropriate way to address this is through the ongoing work in ITU-T Study Group 2
- It is not appropriate for an international treaty like the ITRs because:
  - Fraud is defined as criminal in many jurisdictions and treated differently by different legal regimes. Complex aspects of criminal law exceed the authority of the ITU.
  - The ITU has no enforcement powers, juridical structures, or sanction authority to prevent misuse and misappropriation of numbering resources, to settle disputes between Administrations, or to enforce new provisions on fraud in the ITRs.

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# Cybersecurity



- The GSMA recognises that cybersecurity and defence against cyber-attacks are critical issues which should be addressed appropriately at international level.
- However, ITRs is not the correct instrument because:
  - Cybersecurity investigation, prosecution, and enforcement are primarily aspects of domestic, criminal law
  - Solutions to counter cybersecurity attacks vary greatly from one jurisdiction to another; some tools and preventative measures are not lawful in some markets. Without a uniform approach to deploying such tools any attempt to address cybersecurity through ITRs will be unworkable.
  - Inclusion of cybersecurity issues in the ITRs would duplicate existing multi-stakeholder Internet policy development processes and would be contrary to the Tunis Agenda for the Information Society (2005).

- The GSMA believes that:
  - Defining spam in the ITRs would restrict options open to network operators to monitor / manage spam levels, and stifle market innovation.
  - Technical solutions are best developed by industry innovators to facilitate the match between the unique characteristics of networks and jurisdictions.
  - Adding spam would extend the reach of the ITRs into the area of content, which is outside ITU's scope as a primarily technical organisation.
  - What is labelled "spam" by some is considered "speech" by others. Including spam in the multilateral ITRs could have difficult consequences eg embroiling ITU and Member States in debates about commercial or political speech.
  - Any attempt to address spam in a treaty instrument such as the ITRs would be impractical as provisions will be outdated almost immediately.
  - Past attempts to regulate spam have had unintended consequences, such as damage to legitimate advertising and marketing activity.

# Commonwealth ITU Group (CIG) Objectives



- CIG met on 19 June 2012
  - National positions of CIG members to be shaped by agreed objectives
  - ITRs should enable the development of telecoms markets while encouraging technological innovation
  - Closer co-operation is required between all stakeholders to identify the most effective multi-lateral solution
  - Flexible and non-prescriptive text is required - incorporation by reference of ITU-T Recommendations should be avoided
  - Should support technology neutrality
  - Encourage competition and foster fair and reasonable roaming prices and greater transparency of such prices for consumers
  - ITRs are not frequently updated, so the final text needs to be flexible enough to accommodate future developments in telecommunications

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THANK YOU FOR YOUR ATTENTION

Any Questions?

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