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International regulatory cooperation

Progress report on the sectoral initiative on Telecom

Submitted by the Rapporteur

Summary

The Sectoral Initiative on Telecom works to create a more open trading environment for telecommunication products. In 2004, the Working Party approved Common Regulatory Objectives for this sector. Although there has been limited interest in using these in national legislation or as a basis for mutual recognition agreements, they may nevertheless be a relevant reference in current negotiations under way in the World Trade Organization (WTO) Negotiating Group on Non-agricultural Market Access (NAMA) and in the discussions within the non-tariff measures work programme in the WTO Information Technology Agreement (ITA). The Common Regulatory Objectives could be used to provide practical examples of good regulatory practice in the information and communication technologies sector.

Proposed decision

The Working Party adopts the report on the Sectoral initiative on Telecom. It mandates the Secretariat to continue to report on its development and implementation. It further requests the secretariat, resources permitting, to assist in initiating a discussion about the CROs with the main telecom producers and Governments of East-Asian countries (e.g. China, Japan and the Republic of Korea) and in following up to contacts with the Information Technology Agreement of the World Trade Organization.

I. Project objective and key deliverables

1. The Sectoral Initiative on Telecom seeks to create greater market access for information and communication technology (ICT) products. Common regulatory objectives (CROs) for ICT products constitute agreements among countries on regulatory convergence in support of legitimate requirements (see TRADE/WP.6/2003/16/Add.2). Common regulatory objectives were drawn up in 2003¹ for equipment such as:

- personal computers and PC peripherals
- legacy Public Switched Telephone Network Terminals
- Bluetooth
- Wireless Local Area Network
- Global Standard for Mobile Telecommunications
- International Mobile Telecommunications (IMT-2000).

II. Current status of project

2. The World Trade Organization (WTO) Information Technology Agreement (ITA) has recently been expanded to cover more products, following intense work by a number of major participants in the plurilateral agreement (see https://www.wto.org/english/news_e/news15_e/ita_23jul15_e.htm). The agreement removes tariffs for the products covered. The Agreement also includes a non-tariff measures work programme, so far resulting in a living list of Members' conformity assessment procedures for electromagnetic compatibility, and Guidelines for such procedures. In recent years there have been increasing requests to address non-tariff measures more thoroughly within the ITA committee work, once the expansion negotiations were concluded.

3. In order to identify potential issues to be addressed, a workshop on NTB was held 7 May 2015 (see https://www.wto.org/english/tratop_e/inftec_e/workshopmay15_e/workshopmay15_e.htm), where industry representatives raised their concerns regarding NTBs in this sector.

4. The result of the tariff negotiations was endorsed at the WTO Ministerial Conference in Nairobi in December 2015. There have been some further delays to agree on staging of the commitments, however focus is now shifting to NTBs. A subgroup within the ITA Committee has been established, to develop a proposal within the area of NTBs. Aspects to be covered will likely include transparency and conformity assessment. It is expected that more intense work within the ITA Committee will be done in 2017.

5. The work of the UNECE Initiative could be of value for the ITA and had earlier been brought to the attention of WTO. (For a detailed analysis of how the CROs could be used in the context of the WTO Non-agricultural Products Market Access (NAMA) negotiations, see ECE/TRADE/C/WP.6/2010/10).

¹ www.unece.org/trade/wp6/SectoralInitiatives/Telecom/CROs.htm

III. Responsibility for the continuation of the work, and the role of the secretariat

5. After an informal meeting held in Geneva, as part of the 2012 Annual Planning Meeting of UNECE WP.6 Activities, it was decided to keep the dialogue with WTO counterparts open, especially in the context of the Triennial Reviews of the WTO Technical Barriers to Trade (TBT) Committee. This decision has been followed up since through informal contacts.

6. The Sectoral Initiative asks the Working Party to request the secretariat to assist it in initiating a discussion about the CROs with the main telecom producers and Governments of East-Asian countries (e.g. China, Japan and the Republic of Korea) and in following up to contacts with the WTO ITA.
