



Radiocommunication Bureau (BR)

Circular Letter  
CR/426

24 January 2018

To Administrations of Member States of the ITU

Subject: **Minutes of the 76<sup>th</sup> meeting of the Radio Regulations Board**

Pursuant to the provisions of Nos. 13.18 of the Radio Regulations and in accordance with §1.10 of Part C of the Rules of Procedure, please find attached the approved minutes of the 76<sup>th</sup> meeting of the Radio Regulations Board (6 – 10 November 2017).

These minutes were approved by the Members of the Radio Regulations Board by electronic means and are available on the RRB pages of the ITU web site.

A handwritten signature in black ink, appearing to read 'FRANCIS RANCY', is positioned above the printed name of the Director.

François Rancy  
Director

Annex: Minutes of the 76<sup>th</sup> meeting of the Radio Regulations Board

**Distribution:**

- ⇒ Administrations of Member States of ITU
- Members of the Radio Regulations Board

Document RRB17-3/11-E  
28 November 2017  
Original: English

MINUTES<sup>1</sup>  
OF THE  
76TH MEETING OF THE RADIO REGULATIONS BOARD

6-10 November 2017

Present: Members, RRB

Mr I. KHAIROV, Chairman  
Mr M. BESSI, Vice-Chairman  
Mr N. AL HAMMADI, Mr D. Q. HOAN, Mr Y. ITO, Ms L. JEANTY,  
Mr S.K. KIBE, Mr S. KOFFI, Mr A. MAGENTA, Mr V. STRELETS,  
Mr R.L. TERÁN, Ms J. C. WILSON

Executive Secretary, RRB

Mr F. RANCY, Director, BR

Précis-Writers

Mr T. ELDRIDGE and Ms A. HADEN

Also present: Mr M. MANIEWICZ, Deputy Director and Chief, IAP

Mr A. VALLET, Chief, SSD  
Mr M. SAKAMOTO, Head, SSD/SSC  
Mr J. WANG, Head, SSD/SNP  
Mr C.C. LOO, Acting Head, SSD/SPR  
Mr A. FALOU DINE, SSD/SPR  
Mr N. VASSILIEV, Chief, TSD  
Mr B. BA, Head, TSD/TPR  
Mr K. BOGENS, Head, TSD/FMD  
Ms I. GHAZI, Head, TSD/BCD  
Mr W. IJEH, BR Administrator  
Mr D. BOTHA, SGD  
Ms K. GOZAL, Administrative Secretary

<sup>1</sup> The minutes of the meeting reflect the detailed and comprehensive consideration by the members of the Radio Regulations Board of the items that were under consideration on the agenda of the 76th meeting of the Board. The official decisions of the 76th meeting of the Radio Regulations Board can be found in Document RRB17-3/10.

Subjects discussed	Documents
1 Opening of the meeting	-
2 Report by the Director of BR	RRB17-3/2 + Add.1-10, Add.2(Add.1), Add.8(Add.1), Add.10(Add.1)(Rev.1), Add.10(Add.2), Add.10(Add.3)
3 Rules of procedure	RRB17-3/1 (RRB16- 2/3(Rev.6)), RRB17-3/5; CCRR/59
4 Iridium satellite system (HIBLEO-2) interference to the radio astronomy service	RRB17-3/3, RRB17-3/8
5 Submission by the Administration of Qatar regarding a change of notifying administration for the ESHAILSAT-26E-2 and ESHAILSAT-26E-3 satellite networks	RRB17-3/4; RRB17-3/DELAYED/3, RRB17-3/DELAYED/4, RRB17-3/DELAYED/5
6 Submission by the Administration of India requesting an extension of the date of bringing into use of frequency assignments to the INSAT-EXK82.5E satellite network	RRB17-3/6; RRB17-3/DELAYED/1, RRB17-3/DELAYED/2
7 Submission by the Administration of Indonesia requesting an extension of the regulatory period for the bringing into use of the frequency assignments to the PALAPA-C4-K satellite network	RRB17-3/7
8 Submission by the Administration of China requesting an extension of the regulatory deadline for the bringing into use of the frequency assignments to the CHINASAT-DL5 satellite network	RRB17-3/9
9 Election of the Chairman and Vice-Chairman of the Board for 2018	-
10 Chairmanship of the Working Group on Rules of Procedure	-
11 Work on the Board's report under Resolution 80 (Rev. WRC-07)	-
12 Dates of the next and future meetings	-
13 Approval of the summary of decisions	RRB17-3/10
14 Closure of the meeting	-

## **1 Opening of the meeting**

1.1 The **Chairman** opened the meeting at 1400 hours on Monday, 6 November 2017 and welcomed participants.

1.2 The **Director**, speaking on his own behalf and that of the Secretary-General, also welcomed participants.

1.3 The **Chairman** drew attention to five late submissions which had all been received prior to the start of the meeting and related to items already on the Board's agenda. He proposed that they be taken into consideration for information purposes under the agenda items to which they related.

1.4 It was so **agreed**.

1.5 **Mr Magenta** stressed that late submissions received after the start of a given meeting should not be taken into consideration even if they related to items on the Board's agenda. They should be noted, but not discussed.

1.6 **Mr Strelets** said that the Board's handling of late submissions had been decided years previously, and was clearly set out in the Internal Arrangements and Working Methods of the Board in Part C of the Rules of Procedure. The late submissions accepted for information at the present meeting had all been received before the start of the meeting.

1.7 The **Chairman** said that the Board should decide what to do with late submissions case by case, as sometimes the information they contained was vital to the Board's consideration of a subject.

1.8 **Mr Ito** said that the issue of late submissions had been discussed at great length in the past. He personally had pressed for the official inclusion of late submissions on the agenda of a given meeting if they contained important elements, but the decision had been taken to accept them for information only, the aim being to avoid floods of late submissions. That did not, however, prevent late submissions from being discussed.

1.9 **Mr Kibe**, referring to §1.6 of Part C of the Rules of Procedure, noted that if late submissions were accepted for a given meeting, they were not placed on the agenda of the following meeting. Late submissions had been taken up as contributions on many past occasions, but when they were accepted, it was for information only. The Board's 66<sup>th</sup> meeting, for example, had seen a slew of late submissions, and it might be useful to rediscuss the matter at some stage.

1.10 The **Director** and **Ms Wilson** endorsed the Chairman's call for flexibility, noting that the existing text in Part C of the Rules of Procedure adequately covered matters.

1.11 **Mr Strelets** noted that regrettably not all documents had been made available in all the ITU languages in time for preparation for the present Board meeting.

1.12 The **Director** said that unfortunately the weeks leading up to the present meeting had coincided with another major ITU event, WTDC-17, towards which the bulk of translation resources had had to be channeled.

## **2 Report by the Director of BR (Document RRB17-3/2 and Addenda 1-10, including Addendum 1 to Addendum 2, Addendum 1 to Addendum 8, and Addenda 1(Rev.1), 2 and 3 to Addendum 10)**

2.1 The **Director** introduced his customary report in Document RRB17-3/2, drawing attention to Annex 1 listing the actions taken by the Bureau arising from the decisions of the 75th meeting. With regard to the implementation of cost recovery for satellite network filings (late payments), covered in §3 and Annex 4 to the report, he noted that no filings had been cancelled as a result of non-payment of invoices.

## **Analysis of the processing of filings for space systems and measures to be taken (§2 of Document RRB17-3/2 and Addendum 7)**

2.2 The **Director**, drawing attention to §2 of his report, recalled that the Board had previously discussed the delays in processing satellite network filings, and he provided updated statistics (including October 2017) to complement Annex 3 to the report. As shown in Table 2 of Annex 3, the treatment time for publication of coordination requests for satellite networks had fallen from almost 8 months in August 2017 to 4.8 months in October 2017. Thanks to a series of measures taken by the Bureau, as described in Addendum 7 to Document RRB17-3/2, as well as hard work by BR staff, the treatment delay was now close to 4 months. As he had informed the Board at its 75th meeting, the Council had decided to add three P3 posts to the Bureau's staff to strengthen work on the processing of satellite network filings. Those staff would be recruited over the next months, and the Bureau would be in a better position to cope with its workload, always bearing in mind that the Bureau had no control over the number and complexity of networks submitted.

2.3 **Mr Strelets** thanked the Bureau for the analysis of the processing times of space system filings and the measures to be taken, provided in Addendum 7 to Document RRB17-3/2, but was not optimistic that the three additional posts, which had not yet been filled, would be sufficient. While the treatment time for coordination requests had been reduced, the processing of satellite networks under Appendices 30/30A and 30B was around 10 months. Along with its routine work, the Bureau had responded to a request from ITU-R Working Party 4A relating to Appendix 8, and would need to update its software to take account of the newly approved revision of Recommendation ITU-R S.1503. But devoting resources to software development, while essential, was not sufficient to resolve the problem of processing delays. More staff were needed who were qualified to deal with non-GSO filings. In his view, there should be separate teams within the Bureau working not only on the planned and non-planned bands; it would also be expedient to look into the possibility of a separate team to examine complex notices for multi-satellite non-GSO networks. The increase in the number of notices implied an increase in revenue. As a generator of ITU's revenue, the Bureau should see a commensurate increase in its staff.

2.4 The **Chairman** said that the Board shared the concerns expressed by Mr Strelets. Even when the three new posts were filled, it was not clear how the processing time for Appendix 30/30A and 30B filings would be reduced. It appeared from Figure 7 in Addendum 7 that the BR engineers were working at full capacity.

2.5 The **Director** agreed with Mr Strelets about the need for human resources as well as improved software. Once the ITU membership had approved Recommendation ITU-R S.1503-3, the Bureau would update the epdf compliance verification software. But to put the problem in perspective, out of 26 notices, the current software had experienced difficulties only in regard to three systems. Concerning human resources, the Bureau would effectively gain four staff members: the three posts to be filled as from the beginning of 2018 plus the replacement of a soon-to-retire staff, who suffered repeated sick leaves during the last two years. Among the measures to improve processing times, he was sure that the new Chief SSD would consider staff restructuring and improvements in the processes.

2.6 **Mr Bessi** said that Addendum 7 to Document RRB17-3/2 responded to the Board's request for a report on measures to reduce the time required to process satellite network filings. In response to Resolution 908 (Rev. WRC-15), the Bureau had to develop an electronic submission system to be used by administrations, but he agreed with Mr Strelets that the Bureau also needed experts to work on filings in order to put an end to processing delays that exceeded regulatory time limits. In order to make progress, there was a need to recruit experts, and develop treatment and validation software. Also, because administrations were now notifying systems with thousands of satellites, there was a need to review Council Decision 482 (which would be discussed when the Board considered Addendum 8 to Document RRB17-3/2, see §§ 2.80-2.94 of these minutes).

2.7 The **Director** agreed with Mr Bessi about the importance of improving the electronic submission of notices under Resolution 908 (Rev. WRC-15), and the disconnect between the costs currently recovered under Council Decision 482 as compared with the Bureau's actual workload in processing increasingly complex systems, both GSO and non-GSO.

2.8 **Mr Strelets** said that the fees for the processing of frequency assignments to satellite networks indicated in Council Decision 482 did not represent the cost of the Bureau's processing of the notices, but rather an effective barrier against the submission to ITU of spurious satellite network filings.

2.9 **Ms Jeanty** thanked the Bureau for the substantive analysis in Addendum 7 but emphasized that the Bureau's tasks in processing filings for space systems were mandatory and had to be carried out within the regulatory time limits. For the reasons explained in the document, those time limits had not been respected for some time. She was confident, however, that with the extra staff the Bureau would manage to meet the deadlines. If that proved not to be the case, then the Bureau would need to prioritize, further reallocate staff or investigate possible restructuring.

2.10 **Mr Ito** said that Addendum 7 to Document RRB17-3/2 provided answers to repeated questions by the Board about why the Bureau had not respected the four-month time limit for the treatment of certain filings. Despite the best efforts of the Bureau to develop software and improve processing, there was a lack of human and financial resources. It was up to the Council to solve that problem.

2.11 **Mr Magenta** said that Addendum 7 clarified matters. He anticipated that, with extra staff and improved software, treatment times would decrease.

2.12 **Mr Hoan** welcomed the analysis in Addendum 7. The increasing number and complexity of notices had lengthened treatment times, and the cost-recovery structure itself (with one free API and a cost ceiling), must bear some responsibility for that situation.

2.13 **Mr Kibe** recognized that part of the problem of delays in processing space system filings related to insufficient human resources and he encouraged the Bureau to fill the three additional posts as soon as possible. He suggested that the information in Addendum 7 should be brought to the attention of WRC-19 through the Director's report.

2.14 The **Director** said that, in the past, increases in treatment times had often been associated with the need to implement new WRC decisions, and those transient problems had been resolved once the relevant software had been updated. In the last two years, however, the number and especially the complexity of filings had been causing additional delays in processing. The present cost-recovery system took no account of complexity and, as Mr Hoan had noted, was exacerbating the difficulty.

2.15 The **Chairman** suggested that the Board conclude on §2 of the Director's report and Addendum 7 as follows:

"In relation to §2 of Document RRB17-3/2 and RRB17-3/2(Add.7), the Board indicated its appreciation for the detailed analysis of the reasons for the delays in the processing time for various types of filings and the proposed measures to reduce them. The Board expressed concern regarding the continued delays in the processing time of filings, but also noted that such delays have been reduced in certain cases. The Board instructed the Bureau to continue to apply all measures, such as increasing human resources and developing relevant software, to reduce the processing time of filings to within the regulatory limits and to report on evolution of the situation to the Board."

2.16 It was so **agreed**.

**Harmful interference to broadcasting stations in the VHF/UHF bands between Italy and its neighbouring countries (§4.2 of Document RRB17-3/2 and Addenda 3-6, 9 and 10, as well as Addenda 1(Rev.1), 2 and 3 to Addendum 10)**

2.17 **Mr Vassiliev (Chief TSD)** introduced Addendum 3 to Document RRB17-3/2, containing an analysis relating to the application of the GE84 terrestrial broadcasting agreement. In particular, the analysis explained why the Administration of Italy's status as a signatory to the GE84 Regional Agreement imposed upon it some significant obligations. Furthermore, the fact that the Administration of Italy had applied provisions of the Agreement was not without legal consequence. It was a fundamental principle of law, as quoted by the Special Rapporteur (Sir Humphrey Waldock) of the International Law Commission, that "no one may at the same time claim to enjoy a right and to be free of the obligations attaching to it". Moreover, the fact that an ITU Member State was not bound by the GE84 Agreement did not exempt it from complying with the provisions of the Radio Regulations that existed to protect the radio services of other countries. With the exception of the 118 FM assignments recorded following the Article 11 procedure (listed in Annex 1 to Addendum 3), none of Italy's assignments has a right to protection against harmful interference from any of the Slovenian assignments listed in Annex 2 to Addendum 3 and must not cause harmful interference to any of those Slovenian assignments. He noted that only 30 administrations (out of the 121 administrations having territories in the GE84 planning area) had formally approved the GE84 Agreement. Nevertheless, the majority of those administrations that had not approved the agreement still fully applied its provisions, thus acting *de facto* as contracting members of the agreement.

2.18 The **Director** said that the analysis responded to the Board's request at its 75th meeting for information on "the overall history of assignments notified since 1984 by the Administrations of Italy and Slovenia in respect of the application of RR No. 11.34". The Italian Administration was not acting in conformity with the Radio Regulations or the ITU Constitution or Convention because Italian stations that were not notified were causing harmful interference to stations notified in accordance with the Radio Regulations.

2.19 **Mr Bessi** welcomed the analysis of the rights and obligations of administrations, which was similar to the analysis prepared for the GE06 Agreement, and said that it should be brought to the attention of all parties concerned in working towards a solution in the FM band. Given the progress made between Italy and France, Switzerland and others, he asked why coordination agreements were not being reached with Slovenia.

2.20 **Mr Strelets** said that the analysis of the GE84 Agreement was of general interest and suggested that a version not mentioning specific countries be placed on the Board's website. With regard to sound broadcasting services, the Bureau and administrations had expended huge efforts that had produced no significant results. Perhaps a different approach was needed, such as putting pressure on Italy via CEPT, since the problem was strictly regional in nature. The report of the meeting of the Bureau with the administrations of Italy and neighbouring countries (Addendum 6 to Document RRB17-3/2) envisaged further steps to be taken, but the Italian legal framework was a stumbling block to solving the problems of harmful interference. With regard to the GE06 Agreement, he noted that Croatia was still complaining of harmful interference to its television broadcasting stations.

2.21 The **Director** said the Italian Government had been able to push through new legislation to help resolve problems under the GE06 Agreement, but had found it more difficult to do so in regard to the GE84 Agreement, despite its goodwill to find a solution. Current Italian legislation did not reflect the GE84 Agreement, but it should reflect the Radio Regulations, Constitution and Convention, so in fact there should be legal arguments for stopping the harmful interference.

2.22 **Mr Hoan** agreed with Mr Bessi. He appreciated the analysis of the GE84 Agreement, which clearly showed that Italy had to apply the provisions of the Constitution, Convention and Radio Regulations and to cease causing harmful interference to neighbouring countries. He welcomed the outcome of the multilateral meeting and hoped that there would be further multilateral meetings and bilateral coordination. He asked the Bureau to monitor the situation and report back to the Board at its next meeting.

2.23 **Ms Jeanty** said that the excellent analysis in Addendum 3 could usefully be cited in court cases, without ITU having to be directly involved. It was an important principle of law that no one

could enjoy rights but be free of the associated obligations. The analysis should have visibility among the ITU membership. She noted that, interestingly, the text also twice mentioned liability.

2.24 **Mr Bessi** agreed with Ms Jeanty that the analysis should be given visibility. With regard to the imbalance between Italy and Slovenia in the number of FM broadcasting stations recorded in the Master Register, especially in the border area, and the complaints of harmful interference, he said that the Board should confirm that stations that were coordinated and recorded in the Master Register had the right to protection and priority over non-coordinated stations.

2.25 **Mr Vassiliev (Chief TSD)** said that, from Italy's point of view, there was an imbalance, arising partly from the application by Slovenia of the plan modification procedure, to which Italy had not objected. Historically also, Italy's relations with Slovenia and Croatia differed from its relations with other neighbouring countries.

2.26 The **Chairman** referred to No. 0.3 of the Radio Regulations and emphasized the importance of equitable access. Perhaps Slovenia might be more conciliatory towards Italy and involve broadcasters in meetings, which would facilitate progress.

2.27 **Mr Strelets** said that the Board should not soften its stance towards Italy regarding its violation of the Radio Regulations. In Addendum 2 to Addendum 10 to Document RRB17-3/2, the Croatian Administration called for urgent action "to immediately stop operation of uncoordinated Italian stations on the channels which are according to the international Plan GE06 allocated to Croatian broadcasting TV stations along the Adriatic Coast". In Addendum 4 to Document RRB17-3/2, the Administration of Slovenia stated that "obligations from the GE84 Agreement cannot be related to the clearance of the 700 MHz band", and refuted Italy's claim that GE84 registrations were "unbalanced". He stressed that GE84 Plan modification procedures and other ITU procedures had to be followed. Bilateral coordination with Italy had proved unsuccessful, and Slovenia reiterated its support for all ITU activities and efforts to eliminate harmful interference.

2.28 **Mr Bessi** said that, while a balanced number of stations in the frontier zone would be desirable, the Board should confirm that stations recorded in the Master Register had a right to protection from harmful interference.

2.29 **Ms Ghazi (Head TSD/BCD)** introduced Addendum 6 to Document RRB17-3/2, containing a report of a meeting of the Bureau with the Italian Administration and neighbouring countries in relation to harmful interference to sound broadcasting services caused by Italy to its neighbours. The meeting had been held in Rome on 11 and 12 October 2017. Italy had proposed a two-phase solution: first, solving interference on a case-by-case basis; and subsequently, releasing 700 MHz, preparing a T-DAB plan for VHF band III, and revising Italy's national FM plan to retain only stations operating in conformity with the GE84 frequencies. No timeline had been agreed. The communication from the Administration of Italy contained in Annex 1 to Addendum 6 referred to "fair allocation of" and "fair access to" frequencies, and at the meeting she had explained that the principle of any regional agreement was equitable access, especially bearing in mind Article 4 of the Radio Regulations. To put the present discussion in perspective, she informed the Board that today Italy had 4644 assignments in the GE84 Plan, Croatia 848 and Slovenia 615. Historically, at the end of the GE84 conference, Italy had had 4635 assignments in the GE84 Plan, Croatia 548 and Slovenia 176, bearing in mind that at that time both Croatia and Slovenia had been part of Yugoslavia. According to the BR database, 171 individual Croatian stations and 161 individual Slovenian stations were receiving harmful interference from Italian stations. In comparison, only 13 individual French stations and 27 individual Maltese stations were receiving harmful interference from Italian stations. Altogether, 1159 Croatian and 287 Slovenian stations reported multiple interference caused by multiple stations. Annex 2 to Addendum 6 contained priority lists of sound broadcasting stations of Croatia, France, Malta, Slovenia and Switzerland receiving harmful interference from Italian broadcasters. Apparently, the reason for the good collaboration between France and Italy was the involvement of French broadcasters in meetings. She noted that Addendum 9 to Document RRB17-3/2 contained an updated road map provided by the Administration of Italy to solve the harmful interference to VHF



sound broadcasting stations of neighbouring countries. It was difficult to match the listed priorities with the road map, and the Bureau awaited confirmation of progress from the countries concerned.

2.30 **Mr Koffi** said that the Board should remain optimistic and urge all administrations concerned to pursue their efforts.

2.31 The **Chairman** suggested that the Board conclude on §4.2 of the Director's report as follows:

“Concerning the case of harmful interference to broadcasting stations in the VHF/UHF bands between Italy and its neighbouring countries as addressed in §4.2 of Document RRB17-3/2, RRB17-3/2(Add.4), RRB17-3/2(Add.5) and RRB17-3/2(Add.6), the Board noted with satisfaction the efforts made by the Bureau and the administrations, and in particular the multilateral meeting that had been convened and its outcome. The Board also noted with satisfaction the progress made at the meeting and the commitment of the Administration of Italy to continue solving FM harmful interference and to develop a regulatory framework for a T-DAB plan for VHF Band III with a view to migrate certain non-conforming FM stations to Band III in the future. The Board urged administrations to pursue all efforts in order to resolve cases of harmful interference as soon as possible and to participate in future multilateral meetings. The Board further urged the Administration of Italy:

- to continue to convene bilateral meetings especially with Croatia and Slovenia, and to work with all administrations involved to resolve remaining harmful interference problems;
- to continue updating the roadmap, if more details are provided, especially planned actions concerning the priority lists;
- to establish a timeline and action plan concerning the T-DAB and FM national Plans;
- to inform about any update(s) to the broadcasting law.

The Board instructed the Bureau to continue to convene multilateral meetings, as necessary, and report on progress.”

2.32 It was so **agreed**.

2.33 The **Chairman** said that the Bureau was preparing an anonymized version of the analysis in Addendum 3 to Document RRB17-3/2, relating to the application of the GE84 Regional Agreement, and considered that the Board should endorse that anonymized text. He suggested that the Board conclude in that regard as follows:

“With reference to §4.2 of Document RRB17-3/2 and RRB17-3/2(Add.3), the Board indicated its appreciation to the Bureau and the Legal Adviser for the analysis on the application of the GE-84 Regional Agreement and the Board endorsed it. The Board concluded that Document RRB17-3/2(Add.3) would serve as an important reference and instructed the Bureau to publish a generalised version under the “Special Topics” section of the RRB website.”

2.34 It was so **agreed**.

2.35 Responding to a query by **Mr Sakamoto (Head SSD/SSC)** regarding §4.3 of the Director's report, the **Chairman** said that the Board should discuss harmful interference to the radio astronomy service in the frequency band 1 610.6 - 1 613.8 MHz by the Iridium satellite system (HIBLEO-2) under the separate agenda item devoted to that subject (see §4 of these minutes).

#### **Operation of stations in satellite and terrestrial services under No. 4.4 of the Radio Regulations (§7 of Document RRB17-3/2 and Addendum 2)**

2.36 The **Director** introduced §7 of his report and Addendum 2, recalling the Board's discussion at its 75th meeting in regard to the application of No. 4.4 of the Radio Regulations, reiterating that No. 4.4 was not an exemption from all the provisions of the Radio Regulations and did not absolve administrations from applying the relevant procedures. He informed the Board that Addendum 2 had been drafted in consultation with the ITU Legal Adviser, and contained a preliminary draft revision to the rule of procedure on No. 4.4 for the Board to consider, as requested by the Board. Rules were

needed to ensure that the misinformed application of No. 4.4 did not endanger the entire radiocommunication ecosystem.

2.37 **Mr Strelets** welcomed the report in Addendum 2 but expressed concern that the preliminary draft rule on No. 4.4 appeared to legitimize derogations from the Table of Frequency Allocations. It would be preferable for the rule to encourage administrations to abstain from applying No. 4.4.

2.38 **Ms Wilson** observed that No. 4.4 of the Radio Regulations did not tell administrations that they should not use the provision, but said that if they did so they had certain obligations, namely not to cause harmful interference to a station operating in accordance with the provisions of the Constitution, the Convention and the Radio Regulations, and not to claim protection from harmful interference caused by such a station. In her view, the preliminary draft was a good starting point as it made explicit what had previously been implicit: that in using No. 4.4, administrations had to apply the Radio Regulations, the Constitution and Convention.

2.39 The **Director** understood the concern expressed by Mr Strelets but highlighted the current trend. From just one API implying the use of No. 4.4 in 2006, the annual number of such notices had increased to 32 in 2016. Ten years hence, the Bureau would not like to see 320 such API notices each with hundreds of microsatellites. The regulations should fulfil their historic role of providing transparency, ensuring that ITU was notified and thus able to publish information to give administrations a chance to protect their stations. In response to the comments made, he suggested that the draft rule be aligned more closely with the text of the provision.

2.40 **Mr Bessi** thanked the Bureau for its work. The situation arising from the increased use of No. 4.4 would worsen unless something was done. The draft rule seemed balanced, obliging administrations to inform the Bureau of assignments if there was a risk of harmful interference. Under Nos. 11.2 and 11.3, administrations wishing to use No. 4.4 would have to notify the Bureau of their intentions, hence other administrations would be informed.

2.41 **Mr Ito** welcomed the draft rule. While he disliked lengthy regulations that might prevent new developments, many newcomers did not know the Radio Regulations. Sometimes No. 4.4 was misused, on occasion intentionally. Notifying administrations had to approve the use of systems, so they should have to check that those systems would not harm others. Clearly, administrations must not allow the use of frequency spectrum assigned to other users or administrations if harmful interference was anticipated.

2.42 **Mr Magenta** suggested that the Bureau revise the draft rule taking account of the Board's views and circulate it to administrations for comment.

2.43 **Mr Strelets** asked about recent cases of the use of No. 4.4. Were the notifying administrations really unaware of the provisions of the Radio Regulations? Also, with regard to the draft rule, how could an administration be sure that use of a frequency assignment would not cause harmful interference, given that "permissible interference" and "accepted interference", defined in Nos. 1.167 and 1.168, were allowed?

2.44 The **Director** said that the Bureau could provide a list of recent cases, many of which were the responsibility of one knowledgeable administration. In regard to high altitude platform stations (HAPS), one administration had sought the Bureau's advice. In his view, a rule of procedure would be helpful.

2.45 **Mr Koffi** said that the preliminary draft rule clarified matters and provided a context for No. 4.4.

2.46 **Mr Hoan** shared the Bureau's concern about the increasing use of No. 4.4 and was in favour of a rule of procedure to avoid misuse of the provision. The proposed draft however put greater responsibility on the notifying administration, in particular to conduct studies to demonstrate that the intended use would not cause harmful interference. The draft rule should therefore be circulated to administrations for comment prior to its approval by the Board.

2.47 **Mr Strelets** said that an administration's responsibilities listed in § 1.5 of the preliminary draft might have two unintended consequences. First, it might legitimise the use of No. 4.4 to achieve international recognition in derogation of the Table of Frequency Allocations. Second, the cumbersome procedure might push administrations to avoid informing the Bureau, for example in the case of students wanting to launch a small satellite.

2.48 The **Director** said that the remarks made by Mr Strelets were valid. He suggested that the preliminary draft be revised to indicate that administrations should refrain from applying No. 4.4, and that administrations had the obligation of notifying an assignment only if there was a possibility of causing harmful interference.

2.49 **Ms Wilson** agreed with the spirit of the discussion but warned that the Board should not inadvertently revise the Radio Regulations. The draft rule should not imply that applying No. 4.4 was doing something in derogation of the Radio Regulations. No. 4.4 was a legitimate provision that protected the sovereign right of administrations to use spectrum as they wished within their territorial boundaries. The use of No. 4.4 was legitimate provided it did not create harmful interference into the services of other administrations. Obviously, the misuse of No. 4.4 was illegitimate.

2.50 The **Director** said that Ms Wilson was correct but stressed that the purpose of the rule was to ensure that administrations understood how No. 4.4 should be used legitimately. In particular, Article 11 must not be violated.

2.51 **Ms Jeanty** shared the doubts expressed by Mr Strelets, especially his fear that administrations might not bother to inform the Bureau. She also agreed with Ms Wilson that use of No. 4.4 was legitimate. The preliminary draft could be revised taking account of those views.

2.52 **Mr Strelets** observed, with respect to sovereign rights, that an administration would not complain about itself; No. 4.4 came into play when other States were involved and international recognition was required. He noted that in numerous cases, the conditions for the use of frequency bands by certain applications within the framework of radio services were even more stringent than the requirements of No. 4.4. For example, the requirements set forth in Resolution 156 (WRC-15) were much more stringent than those of No. 4.4.

2.53 **Mr Bessi** agreed with the Director. Administrations could use No. 4.4 provided they respected the relevant provisions and did not cause harmful interference. He asked why in Addendum 2 the Bureau had proposed a preliminary draft rule of procedure on No. 9.2B. Perhaps a rule on No. 9.1 might be more appropriate.

2.54 The **Director** suggested that, in revising the preliminary draft rule on No. 4.4, the Bureau might include a reference to Article 9, thereby dispensing with the need for a rule on No. 9.2B. The Board could consider a revised preliminary draft at its next meeting, along with a history of the application of No. 4.4, and decide whether or not a rule of procedure was needed. In general, application of No. 4.4 implied a violation of the Table of Frequency Allocations or other key limitations in power, hence the potential to cause harmful interference. Thus use of No. 4.4 should always be notified. He said that he would prepare a revised version of the preliminary draft rule on No. 4.4 that aligned the text with the wording of No. 4.4 of the Radio Regulations, reaffirmed that the provision was an exception, took into account Mr Bessi's comment on the proposed preliminary draft rule on No. 9.2B, specified that notification must include a commitment to fulfil the conditions in the provision, and clarified the categories of bands to which No. 4.4 could not be applied.

2.55 When the Board took up the revised preliminary draft rule on No. 4.4 prepared by the Director, **Ms Wilson** reiterated that No. 4.4 was a legitimate element of the Radio Regulations and the Board should neither discourage nor encourage its use. Legitimate use of No. 4.4 (not causing harmful interference and not claiming protection) should not cause any difficulty.

2.56 **Mr Strelets** said that the spirit of No. 4.4 was reflected in the provision itself. Administrations should not use frequencies in derogation of the Table of Frequency Allocations, but could do so exceptionally under certain conditions. The problem now being faced concerned the

increased implicit use of No. 4.4 by space systems that had the potential to cause harmful interference but were sometimes not even being notified to the Bureau. The rule of procedure should clarify the application of the provision but not add to the burden of administrations. Often there were no criteria or methods to calculate harmful interference, and he wondered how the Bureau would analyse cases. The Bureau should further consider the use of No. 4.4 arising from changes in the regulations by WRCs.

2.57 The **Director** recalled that Ms Wilson had spoken earlier of the sovereign right to use No. 4.4 associated with national territory. In the past five years, perhaps only a dozen or so cases had been notified under No. 4.4 for terrestrial services and had caused no problems. Compared with the hundreds of thousands of cases processed by the Bureau, those cases were indeed exceptional. The Bureau's concern related to space services, and he noted that in just the first six months of 2017 the Bureau had received twenty API notices for non-GSO satellite networks implying the use of No. 4.4. The use of No. 4.4 should remain exceptional. The Bureau hoped that the exception would not become the rule. In the past five years, apart from these specific API notices, there had not been a single declared use of No. 4.4 that was not a consequence of a conference decision that made previously notified assignments non-compliant. The Bureau's concern was the increasing undeclared use of No. 4.4.

2.58 **Mr Bessi**, supported by **Ms Wilson**, stressed that the purpose of the draft rule was to clarify the application of the provision rather than summarize the Board's view.

2.59 **Mr Ito** said that the draft rule must not soften No. 4.4 of the Radio Regulations. The telecommunications ecosystem was being threatened by increasing use of the exception, sometimes by people who had no knowledge of the regulations. He supported the comments made by Mr Strelets.

2.60 **Mr Strelets**, supported by **Mr Bessi**, suggested that the Board should ask the Bureau to draft a rule of procedure on No. 4.4 on the basis of the present discussion, and to circulate the draft rule to administrations for comment. He recalled however that, according to No. 13.0.1, a rule of procedure should be developed only when there was a clear need for such a rule. The table presented by the Bureau in Addendum 2 to Document RRB17-3/2 did not justify the development of the rule.

2.61 The **Chairman** asked whether the Bureau could present an analysis of cases relating to the use No. 4.4.

2.62 The **Director** said that the reasons for developing a rule were the alarming increase in the number of non-GSO systems in bands not allocated to space systems, and the so-called "field trials" of HAPS in bands not identified for HAPS. Perhaps the Board would prefer to await an historical analysis of the use of No. 4.4 before deciding on whether or not to proceed with a rule of procedure. The historical analysis could be made available to the Board in time for consideration at its next meeting.

2.63 The **Chairman** said that the Board needed a full background analysis in order to reach a balanced view on whether or not there was a need for a rule of procedure. He suggested that the Board conclude as follows:

"The Board thanked the Bureau and the Legal Adviser for the detailed analysis and the preliminary draft Rules of Procedure on RR Nos. **4.4** and **9.2B** as provided in Document RRB17-3/2(Add.2). In considering the preliminary draft Rule of Procedure, the Board reaffirmed the following principles that should prevail in the application of RR No. **4.4**:

- the obligation on administrations to notify their assignments in the application of RR No. **4.4**;
- the obligation on administrations to immediately eliminate harmful interference should it occur.

The Board requested the Bureau to provide, for its 77th meeting, an analysis of the history of RR No. **4.4** and its application, as well as an updated preliminary draft Rule of Procedure on this

provision, so that the procedure of consultation of administrations on a draft Rule of Procedure can be initiated thereafter.”

2.64 It was so **agreed**.

### **Review of findings on frequency assignments to non-GSO FSS satellite systems under Resolution 85 (WRC-03) (§8 of Document RRB17-3/2)**

2.65 **Mr Sakamoto (Head SSD/SSC)** introduced §8.1 of Document RRB17-3/2, reporting on the Bureau’s review of findings on frequency assignments to non-GSO FSS systems under Resolution 85 (WRC-03), as requested by the Board at its 75th meeting. He said that Recommendation ITU-R S.1503-3 recently developed by Working Party 4A, when approved by the membership, would be used to review two satellite network filings currently given a qualified favourable finding under Resolution 85. Difficulties faced by the Bureau in examining Article 22 limits and No. 9.7B coordination requirements were reflected in §8.2 of Document RRB17-3/2. In particular, the calculation time under No. 9.7B to identify specific earth stations that might be affected by a non-GSO FSS network with more than 100 satellites would take close to or even longer than four months. The Bureau was working to improve the software but asked the Board whether, meanwhile, for cases requiring longer calculation times, the Bureau could publish the result of examination under No. 9.7B in two steps: frequency overlap, to be published within four months of the date of receipt of the coordination request; and final identification of affected specific earth stations through epfd calculation, as a MOD publication. As explained in §8.3 of Document RRB17-3/2, to reduce its workload and avoid inconsistencies, the Bureau would publish epfd data once examination was completed. Finally, §8.4 of Document RRB17-3/2 outlined efforts to further improve the epfd validation software. Responding to a query by **Mr Strelets**, he said that in Table 1 in §8, on the status of Article 22 epfd examination, the column “Reason” referred to notification under Article 11 (“N”) and coordination (“C”). All the systems had been processed for publication except with regard to the epfd examination.

2.66 The **Chairman** invited comments on the proposed two-stage publication process.

2.67 **Mr Ito** was surprised to hear that the examination of just one system could take more than four months, at a time when non-GSO coordination requests were increasing. He asked what human and financial resources the Bureau needed to cope with the workload and whether those resource needs were reported to the Council.

2.68 The **Director** observed that resources and workload would be considered in the context of Addendum 8 to Document RRB17-3/2 (see §§2.80 -2.94 of these minutes).

2.69 **Mr Strelets** recalled that, based on concerns expressed by the Board and taken up by RAG and administrations, the Council had already increased the Bureau’s budget by a million Swiss francs to recruit staff and develop software. He welcomed the information provided in §8 of Document RRB17-3/2, which described the complexity of the Bureau’s work. While he was not opposed to the proposed two-stage publication, he noted that it would not ultimately reduce the Bureau’s overall workload. He stressed that the Bureau should not focus its resources on non-GSO systems at the expense of processing GSO systems.

2.70 The **Director** said that, since one non-GSO network could interfere with all GSO networks, examination under No. 11.31 was a prerequisite to publication, whereas No. 9.7B was a trigger for coordination and, in the Bureau’s experience, the lengthy calculation would most likely show that coordination was required. The reason for a two-stage publication was to prevent a delay in publishing notices, which would create uncertainty on the impact of the non-GSO system on all GSO systems.

2.71 Responding to a query by **Ms Wilson**, **Mr Sakamoto (Head SSD/SSC)** said that, while two-stage publication would require slightly more work than single-stage publication, it would avoid blocking networks. The **Director** added that waiting until all the calculations had been completed would create uncertainty for GSO and non-GSO systems. Perhaps the initial publication could assume a worst-case scenario under No. 9.7B.

2.72 **Mr Bessi** said that a two-stage process would appear to optimize the use of time and resources. Administrations should be informed that the two-stage process would apply only to complex networks, not to all networks, and that the results initially published were incomplete and would be followed by a second publication. Perhaps the proposed two-stage process could be implemented as a test, until the Bureau had software to reduce treatment time. With regard to the report in §8.1 of Document RRB17-3/2, in future the Board would not need such detailed information but should be informed if filings were to be cancelled and should be updated on progress to develop software to review findings under Resolution 85 (WRC-03).

2.73 **Mr Kibe**, making a general comment, said that GSO networks had initially been more dominant, and conferences had protected them from non-GSO networks under Article 22, in particular No. 22.2. Now there was an upsurge of non-GSO networks and perhaps there might be a need to modify Article 22. He welcomed the information presented in the report and asked whether the Director intended to circulate it more widely to Study Group 4.

2.74 The **Director** observed that Board documents were public and that the GSO and non-GSO communities were following the present discussion.

2.75 **Mr Strelets** noted that Addendum 1 to Addendum 8 to Document RRB17-3/2 contained the comments received from various working parties. He assumed that new software would be developed to apply Recommendation ITU-R S.1503-3 and asked how the Bureau would treat networks that had already been processed using the current software.

2.76 The **Director** said that the Bureau would not reprocess networks that had already been accepted, as that would introduce uncertainty. The modified software developed to implement Recommendation ITU-R S.1503-3 would take account of specific circumstances or parameters not taken into account by the current software. At the final publication stage, the new software might have to be used for epfd examinations. Otherwise, the Bureau would accept the results of the previous software. **Mr Vallet (Chief SSD)** added that a satellite network in conformity with Article 22 under the current software would also be in conformity under the new software. For networks not in conformity, the new version of the software would allow for better modelling and less reliance on worst case scenarios than the current version. He confirmed that processing under No. 9.7B would be delayed only for large networks.

2.77 **Mr Hoan** wondered whether the new Recommendation ITU-R S.1503-3 would lead to improved epfd validation software. Complexity increased with the number of satellites, and he agreed with the two-phase publication proposed by the Bureau for systems where examination under No. 9.7B took too long. Such systems should be clearly defined.

2.78 The **Chairman** suggested that the Board conclude as follows:

“In considering §§8.1 to 8.4 of Document RRB17-3/2 on the application of Resolution **85 (WRC-03)**, the Board took note of the various efforts of the Bureau to process filings and review findings of frequency assignments to non-GSO FSS satellite systems. The Board instructed the Bureau to continue with the implementation of the proposed measures to expedite the treatment of the filings and to report on progress in these efforts. These measures include, where necessary, performing a two-stage publication of the administrations affected pursuant to RR No. **9.7B**, in order to avoid delaying the whole process.”

2.79 It was so agreed.

#### **Cost-recovery for non-GSO satellite networks (Addendum 8 to Document RRB17-3/2 and Addendum 1 to Addendum 8)**

2.80 **Mr Loo (Acting Head SSD/SPR)** introduced Addendum 8 to Document RRB17-3/2, dealing with cost recovery for non-GSO satellite networks, and the related comments from Working Parties 4A, 4C, 7B and 7C contained in Addendum 1 to Addendum 8. He drew particular attention to the recent sharp increases in the numbers of cost recovery units per notice, orbital altitudes per notice,

and unique inclination angles within a notice, as shown in Figures 2, 3 and 4 in Addendum 8, respectively. Table 1 in Addendum 8 outlined a possible cost recovery scheme for non-GSO satellite systems, it being understood that it was up to the Council to decide on the actual fee. In comparison with current practice, a new element was to multiply the flat fee by the number of mutually exclusive configurations. With regard to the variable fee, the Bureau proposed calculating the number of units not only on the basis of number of frequency assignments, number of emissions and number of class of stations, but also of number of different orbital altitudes and number of inclinations.

2.81 The **Director** said that the intention was to send a revised document to Working Parties 4A and 4C, as well as the Council Working Group on Financial and Human Resources, with a view to making a single simple proposal to the Council on cost recovery for non-GSO satellite networks, taking into account the view expressed by the ITU-R membership.

2.82 **Mr Ito** observed that, if there was a cost ceiling and systems hit that ceiling, then administrations would in effect benefit from a fixed price, whatever the complexity of their filings.

2.83 The **Director** said that, in his understanding, the Bureau's work in processing filings was hampered by an inappropriate cost recovery structure. The existence of a cost ceiling removed any incentive for administrations to take early decisions in system design. Multiple mutually exclusive options were being submitted, and the Bureau had to verify them all.

2.84 **Mr Strelets** agreed with the Director. A simple proposal for cost recovery for non-GSO systems should be made to the Council, in which each element of complex systems was invoiced separately. The cost recovery structure for GSO systems should remain untouched, and networks used for scientific research or safety and rescue (such as Cospas-Sarsat) should not be charged high fees. After all, ITU was not a commercial venture but an international organization run on the basis of contributions from its membership.

2.85 The **Director** said that ITU was neither a commercial venture nor a charity. While cost recovery for satellite network filings should not be seen as the Union's cash cow, neither should the cost recovery structure oblige the organization to work for nothing, as was the case at present. **Mr Vallet (Chief SSD)** added that scientific research satellites would not change fee category unless they transmuted into complex systems.

2.86 **Mr Ito** thanked the Bureau for bringing the matter to the Board's attention. The Board could consider cost recovery from a regulatory point of view but it was up to the Council to take a financial decision based on an understanding of the reality of the situation, balancing actual and ideal costs.

2.87 **Ms Wilson** said that the challenge was to balance competing interests. On one hand, the Bureau needed resources to process filings and avoid creating a backlog that would harm administrations. On the other hand, administrations needed to know in advance what filings would cost. Resolution 91 (Rev. Guadalajara, 2010) of the Plenipotentiary Conference gave guidance for future cost recovery, so the next Council session could take a decision. A simple proposal was more likely to be approved, and it would be unwise to raise prices for networks that normally would be at a lower price.

2.88 **Mr Strelets** recalled that cost recovery had been introduced to deter paper satellites. Now a new cost recovery structure was needed to deter imaginary networks. Filings for emergency services should be processed free of charge.

2.89 The **Director** understood that the Board wanted the Bureau to draft a simple and understandable proposal for the Council to modify cost recovery, such that non-commercial systems (for example, scientific research) were not penalized, and to ensure transparency in the sense that costs reflected the actual work of the Bureau in processing filings. It was important for the cost recovery structure to keep pace with technological change. Furthermore, the structure should not create perverse incentives, say by fixing a ceiling that allowed administrations to submit a whole range of options to be processed at no extra cost, thereby effectively shifting the burden of evaluating each choice of potential network design from the operator to the Bureau.

2.90 **Mr Bessi** suggested that the Bureau might present a simulation of costs for processing systems filed in 2017 and compare cost recovery under the present system with that under a proposed new system.

2.91 **Mr Magenta** agreed that ITU was not a commercial organization but pointed out that the costs of every conference decision were always calculated. The problem of paper satellites had prompted cost recovery. Now the principle of “first come, first served” was being undermined because lengthy processing times resulted in violating regulatory time limits and creating a deadlock in which nobody was being served. An equitable cost recovery formula was needed.

2.92 **Ms Jeanty** supported the suggestions made by the Director for preparing a document for the Council. Bearing in mind the comments made by the Board, she said that the proposed cost recovery structure should provide incentives to limit extensive filings and mutually exclusive configurations.

2.93 The **Chairman** suggested that the Board conclude as follows:

“In relation to the cost recovery model as proposed in Document RRB17-3/2(Add.8) and the comments from ITU-R Working Parties 4A, 4C, 7B and 7C as contained in Document RRB17-3/2(Add.8)(Add.1), the Board noted that although this matter is within the responsibilities of the Council, the cost recovery model has an impact on the process of the examination and treatment of filings. The Board observed that modifications to the cost recovery model should:

- Be simple and understandable;
- Be fully transparent and properly reflect the use of the resources by the Bureau;
- Not affect smaller or simpler systems, in particular when they are not subject to coordination or epfd limits.

The Board encouraged the Bureau to provide:

- Projections on what the application of the new model would lead to, compared with the current model;
- A comparison of current and estimated future costs (staff and software).

The Board further observed that the cost ceiling in the current model was equivalent to having a flat fee for more complex satellite networks, irrespective of their complexity and the amount of effort required for their examination and treatment. The Board encouraged the Bureau to continue to develop the model in consultation with the relevant ITU-R working parties before submitting it to the Council for consideration.”

2.94 It was so **agreed**.

### **RRB budget for the period 2018-2019 (Addendum 1 to Document RRB17-3/2)**

2.95 The **Director** drew attention to Addendum 1 to his report, which, pursuant to interest expressed by Board members, presented the Board’s budget for 2017-2019 along with budgeted and actual expenditure for 2011-2016. Considerable savings had been made each year since 2011, largely because interpretation had been required in four languages only rather than six, and the reduced yearly budget of CHF 406 000 for 2018 and 2019 had been established on that basis. Depending on who was elected by PP-18 to serve on the Board as from 2019, expenditure might rise, in which case an increased budget might have to be requested for 2020/2021.

2.96 **Mr Strelets** said that he would have preferred to have received the present information prior to Council-17, thus giving Board members the chance to influence the Council’s discussion and approval of the Board’s budget for 2018-2019. Indeed, the budget cuts gave cause for concern. In the most recent WRC year, 2015, expenditure had been close to CHF 500 000, whereas only CHF 406 000 was budgeted for the next WRC year, 2019. Moreover, additional Board meeting days might be required in 2018 in order for the Board to complete its work on items relating to WRC-19, such as its report under Resolution 80 (Rev. WRC-07).



2.97 The **Director** said that, although it might have been interesting for the Board to have received information at an earlier stage of the preparation and approval process of the Board's draft budget, no ITU texts foresaw the involvement of the Board, RAG or study groups in that process, which essentially commences in January in any given budget year, with the preparation of documents for discussion by the Council Working Group on Financial and Human Resources.

2.98 The **Chairman** said that it might be useful for the Board to seek to provide an input to the next round of preparation of the Board's budget to be submitted to the Council.

2.99 **Ms Wilson** said that the Board's budget did not appear to cover the cost of Board members' participation in WRC-19, or any possible increase in interpretation or travel costs as from 2019.

2.100 **Mr Magenta** echoed the concerns expressed by Ms Wilson and Mr Strelets. Comparisons with previous years pointed to the insufficiency of the CHF 406 000 budgeted annually for 2018 and 2019. Rather than curbing activities, it would be better to budget sufficient funds to cover all likely activities as unused funds could always be returned.

2.101 The **Director** said that the Council's decisions to cut the Board's budget had been inevitable, as over the years the Board's expenditure had consistently been far less than budgeted. It should nevertheless be noted that the participation of Board members in WRCs was covered by the conference's budget, not by the Board's. If as from 2018 the Board's budget proved insufficient – for example to cater for additional meeting days – it could always be made up from savings for example in 2017, or indeed from savings made elsewhere within the Sector.

2.102 **Mr Koffi** welcomed the Director's explanation, but agreed with the concerns expressed by Ms Wilson. The amounts budgeted for 2018 and 2019 would inevitably be insufficient, and any savings made in previous years should be used to make up the shortfalls.

2.103 **Mr Strelets** saw ITU-R's activities as being the most important of ITU's as a whole, yet ITU-R's budget and staffing had been cut more severely than those of the other ITU Sectors, including the General Secretariat, despite ITU-R's increasing workload. Administrations must be made aware of the need to strengthen ITU-R, failing which ITU as a whole would find itself in dire straits.

2.104 **Ms Jeanty** recognized that, given the major savings made between 2011 and 2016, budget cuts had been inevitable; she nevertheless wondered why they had been so severe.

2.105 **Mr Ijeh (BR Administrator)** said that the amount of CHF 406 000 budgeted annually for 2018 and 2019 was based on the Board's current membership and consequent travel and interpretation costs, etc. Any adjustments required in 2018 and 2019 would be made, for example if additional meeting-days proved necessary. He confirmed that costs for Board members' participation in the WRC were borne by the conference budget. As to the possibility, raised by **Mr Koffi**, of holding a fourth Board meeting in, say, 2018, Annex 2 to Plenipotentiary Conference Decision 5 (Rev. Busan, 2014) precluded that possibility, but not that of extending a given Board meeting.

2.106 The **Director** said that the importance of ITU-R's activities, and indeed those of all ITU Sectors, was fully recognized by the entire ITU membership. Any shortfall in the Board's budget would only be minor, and would not be allowed to prevent the Board from carrying out its duties to the full.

2.107 The Board **agreed** to conclude on the matter as follows:

“The Board noted the information provided in Document RRB17-3/2(Add.1) on the budget. The Board expressed its concern on the reductions in the budget for 2018 and 2019, noting that WRC-19 and its preparation will take place during this period, and that the new composition of the Board as from 2019 may entail additional travelling, translation and interpretation costs.”

**Bringing into use of the frequency assignments in the bands 19 700-19 878 and 29 500-29 678 MHz to the F-SAT-N-E-33E satellite network under No. 11.44B (WRC-12) of the Radio Regulations (§9 of Document RRB17-3/2)**

2.108 **Mr Loo (Acting Head SSD/SPR)** introduced §9 of the Director’s report, which set forth the circumstances in which the Bureau had decided to accept on an exceptional basis the bringing into use on 24 October 2015 of the frequency assignments in the bands 19 700-19 878 and 29 500-29 678 MHz to the F-SAT-N-E-33E satellite network at 33°E. In view of the specificity of the case, the Bureau was informing the Board of the steps taken.

2.109 **Mr Strelets** said the case now before the Board presented several anomalies. First, regarding the bringing into use of the F-SAT-N-E-33E satellite network, the French Administration appeared to have first reported one thing to the Bureau, and subsequently another when the Bureau had looked into matters further under No. 13.6 of the Radio Regulations; moreover, it was questionable whether the ninety-day period of operation under No. 11.44B had been complied with. Second, the correspondence exchanged between France and the Bureau had not been made available to the Board, and he wondered why the matter was only now being brought to the Board’s attention, when it had for the most part occurred in 2016. Third, in taking its decision “on an exceptional basis” in derogation of the Radio Regulations, the Bureau had clearly overstepped its mandate. The Board should address the matter at its 77th meeting, with full documentation including all correspondence exchanged.

2.110 **Ms Jeanty** recalled that at its 75th meeting the Board had agreed, based on No. 14.4, that the Bureau should deal with certain cases itself. The Bureau should simply report the decisions to the Board, with the latter noting them. The present matter appeared to be the first such case. If it was to look into the substance of the case, the Board might query where satellite EUTELSAT 33D was now, but the events described in §9 of Document RRB17-3/2 had all occurred a year ago.

2.111 **Ms Wilson** agreed with Ms Jeanty that, given the Board’s discussions at its 75th meeting, there was no reason for the Board to do more than note the decision taken by the Bureau. Regarding the substance of the matter, she had no difficulty with the fact that the French Administration had corrected itself when confronted by the Bureau in its examination under No. 13.6, as the criteria for bringing into use the network in question appeared to have been satisfied. She nevertheless requested clarification regarding the regulatory period for reporting suspension of use of a network and the consequences of failing to do so within that period.

2.112 **Mr Loo (Acting Head SSD/SPR)** said that the correspondence received from the French Administration completing the exchange of correspondence between it and the Bureau had been received in August 2017, which was why the Bureau was reporting the matter to the Board only now. Responding to Ms Wilson, he said that the case before the Board did not pertain to any failure to report suspension of use of a network on time, but to France’s failure to notify bringing into use within 30 days from the end of the 90-day period of continuous use under No. 11.44B. That information should have been submitted not later than 11 May 2016.

2.113 **Mr Strelets** asked what provisions of the Radio Regulations or Rules of Procedure had been used by the Bureau as an “exceptional basis” for the decision it had taken. If no provisions could be cited, any administration could claim the right to such treatment. If the Board noted the Bureau’s decision without objecting to it, the Board would be complicit with the action taken by the Bureau, and he had doubts regarding some elements of the case – for example, the apparent backdating of the date notified for the bringing into use of network F-SAT-N-E-33E. At its 75th meeting, several Board members had urged that cases like the one now under discussion should be brought before the Board, but to no avail.

2.114 **Mr Bessi** said that the action taken by the Bureau in the case under consideration had basically been two-fold, involving the application of No. 11.44B on one hand and that of No. 13.6 on the other. Regarding the latter, everything appeared to be in order. Regarding the former, the thirty-day period referred to in No. 11.44B (WRC-12) appeared not to have been respected. It might be

useful to look into whether other such cases of non-compliance in the past had been brought before the Board or had been dealt with by the Bureau.

2.115 Responding to those comments and questions from the **Chairman, Mr Loo (Acting Head SSD/SPR)** said that based on publicly available reliable information and information provided by France, the Bureau had concluded that network F-SAT-N-E-33E had been in operation for at least ninety days at 33°E, from 24 October 2015 to 11 April 2016. The French Administration had been 16 days late in notifying the bringing-into-use to the Bureau.

2.116 **Mr Strelets** said that it was clear from §9.4 of the Director's report that the French Administration had failed to comply with the Radio Regulations. Neither the Bureau nor the Board was competent to deal with the matter, so consideration should be given to referring the case to the WRC for decision.

2.117 **Ms Wilson** said that the case before the Board was subject to No. 11.44B as approved by WRC-12. Nevertheless, that provision had been revised by WRC-15, with the adoption *inter alia* of footnote 27 (No. 11.44B.2) precisely in order to cover cases of non-compliance with the thirty-day period specified in No. 11.44B itself. As the Bureau's handling of the case had been in full compliance with the texts adopted by WRC-12, she could readily accept the action taken by the Bureau "on an exceptional basis". There was no reason to refer it to the WRC. Moreover, no other administrations were adversely affected by the decision taken by the Bureau. There was no need for the Board to endorse the Bureau's decision, but it could do so.

2.118 **Mr Strelets** said that the revision of No. 11.44B by WRC-15 did nothing to resolve the main issue at stake, namely the fact that the Bureau had acted in infringement of the Radio Regulations, and it was the Board's duty to oversee the actions taken by the Bureau. Accordingly, at its 75th meeting the Board had called upon the Bureau to bring complex cases to the attention of the Board, thus ensuring full transparency. Moreover, according to his reading of No. 11.44B.2, that new footnote did not address the issue on which the Bureau had taken a decision. It was essential for the Board to agree on its understanding of No. 11.44B and its new footnote 11.44B.2 with regard to the case under consideration, and it might be advisable for the Board to seek the Legal Adviser's opinion on the matter. Lastly, to accept an administration's failure to comply with the Radio Regulations by a relatively short margin would set a dangerous precedent, as cases of non-compliance by greater margins might well appear before the Bureau and Board in the future.

2.119 The **Director** said that at the Board's 75th meeting the Bureau had brought to the Board's attention two cases on the borderline between the Bureau's responsibilities and those of the Board, and had been told by the Board to assume its responsibilities. The borderline between the two bodies' areas of responsibility could be unclear, which was why the Bureau had both decided on the present case itself and brought its decision to the Board's attention. The Bureau stood ready to follow whatever instructions the Board gave it.

2.120 **Mr Bessi** said that it was important to establish the Bureau and Board's responsibilities as clearly as possible. It seemed the Bureau had applied No. 11.44B without referring it to the Board because no provisions of the Radio Regulations required it to do so. To his mind, the most important aspect of No. 11.44B was compliance with the ninety-day period of operation, and the fact that the administration in question had been several days late in notifying compliance with that period to the Bureau was unfortunate but not inexcusable – noting also that No 11.44B.2 as adopted by WRC-15 appeared to indicate that even if an administration notified bringing into use more than 120 days after its actual occurrence, the network could still be deemed compliant with No. 11.44B. He could therefore agree to the Board noting the decision taken by the Bureau.

2.121 **Ms Wilson** said that, notwithstanding the provisions adopted by WRC-15, those adopted by WRC-12 were applicable to the case under consideration, and they did not provide any indication of the action to be taken if bringing into use was notified to the Bureau more than 120 days after its actual occurrence. Faced with that dilemma, and the fact that the decision taken "on an exceptional

basis” by the Bureau would have no adverse impact on other administrations, the Board could simply note the decision taken by the Bureau.

2.122 **Mr Hoan** endorsed the comments made by Ms Wilson. While the French Administration had not fully complied with the regulations in force at the time of bringing into use of its network and notification thereof to the Bureau, the provisions failed to indicate what action should be taken in consequence. He could therefore agree to note the decision taken by the Bureau.

2.123 **Ms Jeanty** supported Mr Bessi and Mr Hoan. Notwithstanding the Board’s discussions at its 75th meeting regarding decisions that could be taken by the Bureau in the light of No. 14.4, there was indeed a fine line between the Bureau’s responsibilities and those of the Board. With the explanations given, and the fact that no other administrations would be affected, she considered the Bureau did have the authority to take the decision it had taken, and she could agree with it.

2.124 **Mr Strelets** reiterated that in §9.4 of the Director’s report the Bureau clearly recognized that the case under consideration involved infringement of the Radio Regulations. Moreover, it was evident that the case involved the use of one satellite to bring more than one network into use in a short period of time, which ran counter to Resolution 40 (WRC-15), thus constituting further infringement of the regulations. In addition, at the outset the administration concerned had provided the Bureau with unreliable information, later retracting that information when confronted by the Bureau under No. 13.6. No provisions of the Radio Regulations could serve as the “exceptional basis” to which the Bureau referred. The matter should be referred to the WRC for decision.

2.125 **Mr Ito** said that the case before the Board had to be dealt with under the Radio Regulations in force at the time, in other words the texts adopted by WRC-12. Based thereon, the bringing into use of France’s network had been notified to the Bureau slightly late. The situation was undesirable, but legitimate, and he could therefore agree to note the decision taken by the Bureau.

2.126 **Mr Bessi** said that, even though the case had involved non-compliance with the Radio Regulations in force at the time, the consequences of non-compliance could only be found in the regulations that had entered into force subsequently, and those should therefore be applied. He thus saw no reason to defer the matter to a subsequent meeting or refer it to the WRC, as had been suggested. The decision taken by the Bureau should simply be noted by the Board.

2.127 **Mr Magenta** supported Mr Ito and Mr Bessi, noting that the Board was sometimes required to show flexibility when faced with rigid regulatory periods, in particular when infringement involved minor oversights.

2.128 The Board **agreed** to conclude on the matter as follows:

“The Board noted the information provided in §9 of Document RRB17-3/2 concerning the bringing into use of the frequency assignments in the bands 19 700 – 19 878 MHz and 29 500 – 29 678 MHz to the F-SAT-N-E-33E satellite network under RR No. **11.44B** (WRC-12). Having taken due consideration of the fact that RR No. **11.44B** (WRC-12) did not provide guidance for such cases, an issue that was subsequently addressed by WRC-15, and further noting the fact that the decision did not affect satellite networks of other administrations, the Board noted the decision of the Bureau.”

#### **Reinstatement of frequency assignments to the NIGCOMSAT-1R satellite network (§10 of Document RRB17-3/2)**

2.129 **Mr Loo (Acting Head SSD/SPR)** introduced §10 of the Director’s report, informing the Board that the Bureau had decided to accept, on an exceptional basis and considering that the interests of other administrations would not be adversely impacted, the late resubmission of the NIGCOMSAT-1R satellite network under No. 11.46. Meanwhile, the Bureau had been made aware of interference from NIGCOMSAT-1R to a Turkish satellite network, and the Bureau was assisting the Administrations of Nigeria and Turkey to resolve that problem through coordination.

2.130 Responding to comments by **Mr Magenta**, the **Director** explained that, since the Turkish network had been received before the Nigerian network, the Bureau’s decision did not modify the

rights of Turkey. The Board might encourage the administrations to continue their coordination efforts.

2.131 **Mr Strelets** said that the decision taken by the Bureau was not in conformity with the Radio Regulations. Neither the Bureau nor the Board had the mandate to take such a decision, and the case should be brought to the attention of the WRC. Nevertheless, given the special circumstances, in particular that the satellite was in orbit and operating, and that the network was providing vital communication services to Nigeria and other African countries, the Board could leave the situation as it was and take note of the Bureau's decision. If there was interference, the Bureau would have to take the appropriate action.

2.132 **Mr Magenta** said that coordination between Nigeria and Turkey had not yet been concluded, and there was no need for the matter to be brought to the conference. **Ms Wilson** endorsed that view.

2.133 The **Director** noted that the Bureau routinely reported to the conference all cases brought to the Board. That did not mean that the Bureau was seeking endorsement by the WRC.

2.134 **Mr Koffi**, supported by **Ms Jeanty**, suggested that the Board should take note of the Bureau's decision and encourage the Administrations of Turkey and Nigeria to continue their discussions. The Bureau should report back to the next meeting of the Board on the outcome of those discussions. In any event, the case would be reported to the conference.

2.135 The Board **agreed** to conclude on the matter as follows:

“The Board also noted the information provided in §10 of Document RRB17-3/2 on the reinstatement of frequency assignments to the NIGCOMSAT-1R satellite network, as well as the particular situation involving the Turkish satellite network at 42°E. Taking further note of the fact that the satellite is operational and provides essential communication services to developing countries, the Board noted the decision of the Bureau on this matter. The Board encouraged the Administrations of Nigeria and Turkey to continue their coordination efforts.”

2.136 **Mr Vallet (Chief SSD)** informed the Board that the Bureau had just received a message from the Administration of Turkey indicating that it had met with the administration of Nigeria to solve the problems of harmful interference.

2.137 The **Director** noted that many coordinations were still pending and the Bureau would help in concluding them, if so requested. The coordination with Turkey appeared, however, to be the most difficult.

2.138 **Mr Strelets** regretted that the Board's decision mentioned Turkey alone. Frequency assignments to satellite networks of other administrations with which coordination had not yet been completed could be affected by satellite network NIGCOMSAT-1R. The proposed Board decision encouraged the Administration of Nigeria to coordinate with only one administration.

2.139 **Mr Vallet (Chief SSD)** noted that Turkey was the only administration mentioned in the Director's report.

2.140 The Director's report in Document RRB17-3/2, together with its various addenda, was **noted**.

### **3 Rules of procedure (Documents RRB17-3/1 (RRB16-2/3(Rev.6)), RRB17-3/5; Circular Letter CCRR/59)**

3.1 **Mr Bessi**, speaking as the chairman of the Board's Working Group on Rules of Procedure, introduced Document RRB17-3/1 (RRB16-2/3(Rev.6)), noting that the Board had approved all of the rules of procedure in the document save the draft revised rule on No. 11.14 of the Radio Regulations, which was before the present meeting for consideration, having been sent out to administrations for comment in Circular Letter CCRR/59. He noted that, further to discussions at the present meeting under the Director's report, a draft revised rule of procedure on No. 4.4 might be developed for

consideration at the Board's 78th meeting; that would be reflected in a revised version of Document RRB17-3/1 (RRB16-2/3(Rev.6)).

3.2 **Mr Kibe** noted that, according to Document RRB17-3/1 (RRB16-2/3(Rev.6)), rules on Resolution 907 (Rev. WRC-15) were to be considered by the Board at the present or 77th meeting. As they were not before the present meeting, could it be assumed they would be before the Board at its next meeting?

3.3 **Mr Loo (Acting Head SSD/SPR)** said that work under Resolutions 907 (Rev. WRC-15) and 908 (Rev. WRC-15) was in progress, and as from early 2018 administrations would be testing the relevant tools developed. The Bureau would be drafting rules of procedure based on the results of that testing, therefore any draft rules developed could not be brought before the Board for consideration before the Board's 78th meeting.

3.4 **Mr Bessi** said that Document RRB17-3/1 (RRB16-2/3(Rev.6)) would be revised accordingly.

3.5 **Ms Jeanty** and the **Chairman** commended Mr Bessi on the excellent work he had carried out on the Rules of Procedure as chairman of the Working Group.

3.6 **Mr Bessi** introduced the draft revised rule of procedure on No. 11.14 in Circular Letter CCRR/59, and drew attention to the comments received from the Administrations of France and Armenia as contained in Document RRB17-3/5. Both administrations expressed their agreement with the draft rule proposed.

3.7 **Mr Kibe** recalled that at its 75th meeting the Board had discussed the need to revise the existing rule of procedure on No. 11.14 in the light of the changes made to Appendix 17 by WRC-12. The draft revised rule prepared as a consequence appeared to meet with the approval of all administrations, and the Board could therefore approve the revised rule without further discussion, with entry into effect immediately upon approval.

3.8 It was so agreed.

#### **4 Iridium satellite system (HIBLEO-2) interference to the radio astronomy service (Documents RRB17-3/3 and RRB17-3/8)**

4.1 **Mr Sakamoto (Head SSD/SSC)**, introducing Documents RRB17-3/3 and RRB17-3/8, referred back to §4.3 of the Director's report in Document RRB17-3/2 which recalled the Board's discussion of the matter at its 75th meeting. He noted that the United States had submitted an input document to Working Party 4C presenting the results of initial comparison of a replacement satellite with a first-generation satellite. The only developments to report to the Board since the time of preparation of Document RRB17-3/2 were that Working Party 4C had met and discussed the input from the United States, but had considered it premature to produce any output on the matter. Working Party 7D had also met, had noted the input document to Working Party 4C from the United States, and had sent various comments to Working Party 4C in a liaison statement, but reaching no solid conclusions. Document RRB17-3/3, submitted by the Administrations of Italy, Latvia, Lithuania, the Netherlands, Spain and Switzerland, also mentioned the measurements made, along with the fact that their analysis would be taken up at the next meeting of ECC SE40 in December 2017. Document RRB17-3/8, submitted by the United States in response to Document RRB17-3/3, said that the measurements made were encouraging, even though they had not yet been fully analysed, and that the United States Administration had instructed Iridium to continue to cooperate closely with the affected parties to resolve the issue.

4.2 The **Chairman** said that, although measurements had now been made to compare the new satellites with the older ones, those measurements had not yet been analysed, meaning that no substantive progress had yet been made. Further consideration of the matter should be deferred to the Board's next meeting, noting that there were grounds for optimism that the problem would ultimately be resolved. **Mr Magenta** agreed.

4.3 **Mr Strelets** also agreed with the Chairman, and said the Board should therefore reiterate the decisions it had reached on the matter at its previous meetings. He noted that the number of signatories to the document submitted on behalf of those seeking to protect the radio astronomy service in the band 1 610.1-1 613.8 MHz was increasing, implying to his mind that the matter was becoming one of global interest; he therefore considered that all Board members should be free to participate in the discussion even if the administration of their country was a signatory.

4.4 **Mr Kibe** also endorsed the Chairman's comments, and hoped that the matter would be resolved in 2018 with the launch of all the Iridium NEXT satellites. The Board should renew its call for the parties involved to cooperate, with the Bureau providing assistance where it could.

4.5 **Mr Koffi** agreed with the Chairman that there were grounds for optimism, and endorsed the conclusions proposed. The Bureau and Board should continue to follow the matter closely and return to it at its next meeting.

4.6 **Mr Vallet (Chief SSD)** said that there were indeed grounds for optimism, but whether or not the introduction of the NEXT satellites would remove all interference would only become clear at the end of 2018 when all the new satellites had been brought into operation. The Board's intervention had nevertheless been instrumental in bringing about real dialogue between the parties involved.

4.7 The Board **agreed** to conclude on the matter as follows:

"The Board carefully considered §4.3 of Document RRB17-3/2 and the submissions from the Administrations of Italy, Latvia, Lithuania, the Netherlands, Spain and Switzerland as contained in Document RRB17-3/3 and the Administration of the United States as contained in Document RRB17-3/8. The Board noted with satisfaction the continued dialogue and cooperation between the administrations on this matter and urged them to continue these efforts and to share the measurement results. Furthermore, the Board invited the administrations to report on any progress and instructed the Bureau to provide the necessary assistance to administrations."

## **5 Submission by the Administration of Qatar regarding a change of notifying administration for the ESHAILSAT-26E-2 and ESHAILSAT-26E-3 satellite networks (Documents RRB17-3/4 and RRB17-3/DELAYED/3, /4 and /5)**

5.1 **Mr Wang (Head SSD/SNP)** introduced Document RRB17-3/4 and, for information, Documents RRB17-3/DELAYED/3, /4 and /5, all of which related to the request by the Administration of Qatar in Document RRB17-3/4 to change the notifying administration code for the ESHAILSAT-26E-2 and ESHAILSAT-26E-3 satellite networks from "QAT/ARB" to "QAT". He drew particular attention to Attachment 2 to Document RRB17-3/4, which reflected the publication history of the two networks since their first submission to the Bureau, including the splitting of the ARABSAT-AXB26E network into two networks, the change of the notifying administration from "ARS/ARB" to "QAT/ARB", and the change of name of the satellite networks. The Bureau had informed the Administration of Qatar that no regulations or rules of procedure covered its present request, which it could submit to the Board for consideration if it so wished. The Administration of Qatar was doing so, in Document RRB17-3/4, and included in its submission a letter from the General Counsel of ARABSAT agreeing to removal of the intergovernmental code "ARB" from the networks in question, subject to certain conditions. In the three late submissions to the present meeting, the Administrations of Egypt, Bahrain and the United Arab Emirates requested removal of their territories from the service area of the networks concerned and re-examination of the resulting reference situation; the Administration of Bahrain requested deferral of consideration of the matter to the Board's 77th meeting; and the Administration of Saudi Arabia requested deferral of the decision, thereby leaving potentially affected administrations time to consider the impact of Qatar's request and make any inputs they deemed necessary. The Administrations of Bahrain, Egypt and the United Arab Emirates also stated that any action regarding the networks concerned was subject to the explicit agreement of the Member States whose territories were included in the service area of the networks. He noted that, under §6.16 of Article 6 of Appendix 30B, the Bureau could deal with any requests

from administrations to remove their territory from the service area of networks, without need for a decision by the Board.

5.2 Following comments by various Board members, it was **agreed** that any requests by administrations to be excluded from the service area of the networks concerned could be handled by the Bureau without the Board's involvement.

5.3 Responding to a question by **Mr Bessi, Mr Wang (Head SSD/SNP)** said that the exclusion of the territory of any of the four administrations that had submitted the late submissions from the service area of the networks concerned would have no impact on the reference situation since there were no test points in any of those four countries. Thus, any such exclusions would not affect any other networks.

5.4 Regarding the request to change the notifying administration code from "ARS/ARB" to "QAT" and responding to comments by **Mr Magenta, Mr Wang (Head SSD/SNP)** said that at its 64<sup>th</sup> meeting the Board had acceded to a request that was perhaps comparable with the request now before it, involving a transfer of role of notifying administration from France/European Space Agency (F/ESA) to the United Kingdom (G). The Board had nevertheless stressed that any such requests must be dealt with on a case-by-case basis.

5.5 **Mr Strelets** drew attention to the Board's information document RRB16-2/INFO/2 of 16 May 2016, which listed changes of notifying administration effected in the past. Regarding such requests, the most recent decision taken by the Board had been in refusing a request for a change of notifying administration from the Administration of Norway to the Administration of the United States, at the Board's 72<sup>nd</sup> meeting.

5.6 **Ms Wilson** said that the request now before the Board appeared to differ from all requests for a change of notifying administration considered by the Board in the past, as it involved a notifying administration that had moved out of the group to which the network had belonged and the other administrations in the group had not given their agreement to the change requested. Indeed, there were requests for the Board to defer consideration of the submission to a subsequent Board meeting.

5.7 **Ms Jeanty** said that, while dealing with such requests case by case, the Board must remain consistent in the decisions it took. Regarding ARABAT's reservation, in its correspondence reproduced in Attachment 1 to Document RRB17-3/4, of the "explicit right, at any time, to withdraw its agreement" to removal of the intergovernmental code "ARB", she considered that condition to be unacceptable, particularly in view of the decision taken by the Board at its 52<sup>nd</sup> meeting, according to which "any changes to the ITU databases may be submitted only by the notifying administration."

5.8 Responding to a question by **Mr Al Hammadi, Mr Wang (Head SSD/SNP)** said that the request now before the Board differed from the one involving the ARABSAT networks at the Board's 64<sup>th</sup> meeting, in that the latter had involved a change of notifying administration acting on behalf of ARABSAT from Saudi Arabia to Qatar, the agreement from the former notifying administration Saudi Arabia is definitely required, whereas the present case involved the transfer of ARABSAT networks from ARABSAT– whose notifying administration was now Qatar – to an individual administration – also Qatar – i.e. the Administration of Saudi Arabia is no longer the notifying Administration.

5.9 **Mr Kibe** said that even if the present request were acceptable from the regulatory viewpoint, various administrations submitting comments said that the change of notifying administration must be subject to the explicit agreement of the Member States included in the service area of the networks, and two administrations requested that consideration of the matter be deferred to a later Board meeting so that the administrations concerned could study it further. It was unclear to him whether Qatar was still a member of ARABSAT, and whether the request could be regarded as a simple change of notifying administration for ARABSAT

5.10 **Mr Strelets** said that, even though a legal basis existed for changing the notifying administration of a given intergovernmental organization, there was a regulatory lacuna when it came



to transferring spectrum rights from one administration to another – as for example in the case of the request to transfer rights from Norway to the United States considered and rejected by the Board at its 72<sup>nd</sup> meeting. The history of the networks now under discussion was long and complex, and had included the change of notifying administration from Saudi Arabia to Qatar based on the procedure in place. According to that procedure, any change of notifying administration had to come from the legal representative of the organization concerned further to a decision made by the highest body of that organization, taking account of the views of all its members. No such decision had been made in the present case. On the contrary, the change of notifying administration requested by Qatar appeared to pose problems for the other administrations concerned, with two of them requesting deferral of the matter to a subsequent Board meeting. Nevertheless, even if the highest body of ARABSAT did send the Board a request for the change of notifying administration code and all other related problems had been resolved, the Board would still have no legal basis for acceding to it, owing to the regulatory lacuna he had pointed to. The matter was not covered by the existing rule of procedure. Consideration might be given to developing a new rule of procedure as a basis for a decision by the Board.

5.11 **Ms Wilson** said that the Board should defer consideration of the matter to its 77th meeting, and might request an input on it from ARABSAT. She questioned whether there was a need for a rule of procedure, as each case involving a change of notifying administration could be said to be unique. Regarding comparisons with other cases dealt with by the Board in the past, the present case did not appear to involve a change of notifying administration between administrations within an intergovernmental organization, but from an intergovernmental organization to an administration outside it. It might be more comparable with the Norway/United States case dealt with by the Board at its 72<sup>nd</sup> meeting.

5.12 **Mr Al Hammadi** said that, in view especially of Saudi Arabia's request and concerns, the Board should defer consideration of the matter to a subsequent meeting.

5.13 **Mr Hoan** agreed with Mr Al Hammadi, and said the Board should exercise caution. He further noted that the existing rules of procedure addressed a change of notifying administration when the network remained within the intergovernmental organization concerned, which would not be so in the present case. Moreover, to compare the present with past cases might be erroneous, as for example the decision taken on the ARTEMIS network filings (64<sup>th</sup> Board meeting) had been based on specific circumstances.

5.14 **Ms Jeanty** saw no problem in deferring the matter to the Board's next meeting – although she saw more similarities than differences between the present request and certain past cases, for example the transfer of the ARTEMIS filings from F/ESA to the United Kingdom, and that of certain USA-IT filings to the United States and the United Kingdom.

5.15 **Mr Ito** said that the Board had discussed several fairly similar cases in the past, resulting in the creation of a rule of procedure, under which the fundamental criterion was that any request for a change of notifying administration must be based on the agreement of the organization concerned and could not come from a single country speaking only for itself. In the present case, the Administration of Qatar had submitted a request, whereupon several other administrations had voiced objections. The request was therefore not receivable and should be returned, requesting the administrations concerned to reach common agreement on their position.

5.16 The **Director** endorsed Mr Ito's comments, noting moreover that ARABSAT's agreement to remove the intergovernmental code "ARB" was subject to certain conditions over which the Bureau and Board would never have any control. They included the fact that ARABSAT might withdraw its agreement at any time, which would presumably then require the Board to reverse any decision it had taken – and that would in turn require Qatar's agreement. The Board would find itself in an inextricable position.

5.17 **Mr Strelets** agreed with Mr Ito. The case differed from previous cases considered by the Board in that it involved the transfer of spectrum rights shared by a group of administrations to a single administration, which could lead to problems and even abuse at different levels. Rather than

developing a rule of procedure, the Board should consider submitting the matter to the WRC for decision, possibly under the Director's report to the conference.

5.18 **Mr Magenta** agreed with Mr Ito and Mr Strelets, noting that the answer did not lie in developing a rule of procedure. **Mr Al Hammadi** expressed agreement with Mr Ito and the Director.

5.19 **Ms Wilson** agreed with the previous speakers, noting that the Board could not take a decision that might involve returning rights and obligations to the original administrations under certain circumstances.

5.20 **Mr Strelets** said that the Board should not defer the matter as such to its next meeting. It should inform the administrations concerned that in the absence of a harmonized agreement on the part of ARABSAT, the Board was not in a position to deal with the request submitted. If the administrations wished to resubmit the matter to the Board at any future meeting, they would be free to do so.

5.21 **Ms Wilson** said that no administration had asked the Board to reject Qatar's request. Without rejecting the request, therefore, the Board's decision should be to inform the administrations that in order to consider the case it would require a statement of ARABSAT's official position on the matter. **Mr Bessi** and **Mr Koffi** agreed with Ms Wilson.

5.22 **Mr Strelets** stressed the need for Qatar and ARABSAT to reach common agreement in order for the Board to be in a position to consider the matter further at a subsequent meeting. He nevertheless reiterated that no existing regulatory provisions covered a transfer of spectrum rights. The existing rule of procedure did not cover the request under consideration, and the changes of notifying administration agreed to by the Board in the past had all involved specific circumstances. The only comparable request, involving the transfer of spectrum rights from Norway to the United States, had been refused by the Board.

5.23 **Mr Magenta** said that the submissions from Bahrain, the United Arab Emirates and Egypt all referred to the need for explicit agreement on the part of all the Member States whose territories were included in the service areas of the networks concerned, thus implying the desire for the administrations concerned to resolve the matter. Consideration of the case should not necessarily be deferred as such, but might have to be referred to the WRC for decision. He questioned whether a rule of procedure could be developed to deal with such issues.

5.24 The **Director** said that it would be complex to develop a rule of procedure to cover all possible scenarios. A clear distinction had to be drawn between transferring the role of notifying administration from one administration speaking on behalf of other administrations to another within the group of administrations, and transferring spectrum rights from a group of administrations to a single administration. He agreed that, in order for the Board to discuss the present case further, it was essential for the administrations involved to issue an official, common statement. Such a statement had indeed been a common element in the changes of notifying administration agreed to by the Board in the past.

5.25 **Mr Ito** considered that the existing rule of procedure did not cover the request under discussion, and that only past Board decisions could guide the Board in any future decision it took.

5.26 **Ms Jeanty** considered that the existing rule was at least partially relevant, but the Board should examine all cases in detail and on their individual merits.

5.27 **Mr Bessi** stressed the need to maintain the case-by-case approach when dealing with that kind of request, noting that no regulatory bases existed dealing with the case of a group of administrations notifying a transfer of spectrum-use rights to another administration.

5.28 **Ms Wilson** also pointed to the fact that different scenarios – such as privatization – might have different implications.

5.29 The Board **agreed** to conclude on the matter as follows:

“The Board considered the request from the Administration of Qatar as provided in Document RRB17-3/4 and considered Documents RRB17-3/DELAYED/3, RRB17-3/DELAYED/4 and RRB17-3/DELAYED/5 for information. The Board indicated that requests for the change of the notifying administration, including the transfer of rights from a group of administrations to one of them, have been considered on a case-by-case basis and on the basis of a written agreement without conditions on behalf of the Member States involved under the terms of its constitutive Act.

On the basis of the above considerations, the Board decided not to accede under current conditions to the request for a change of the code of the notifying administration for the ESHAILSAT-26E-2 and ESHAILSAT-26E-3 satellite networks. However, a new request could be submitted to the Board for a decision, should appropriate conditions be presented.”

## **6 Submission by the Administration of India requesting an extension of the date of bringing into use of frequency assignments to the INSAT-EXK82.5E satellite network (Documents RRB17-3/6, RRB17-3/DELAYED/1 and /2)**

6.1 The **Chairman** recalled the Board’s discussion at its previous meeting (§4 of Document RRB17-2/8 - Minutes of the 75th meeting) in regard to the request by the Administration of India for an extension of the date of bringing into use of frequency assignments to the INSAT-EXK82.5E satellite network.

6.2 **Mr Wang (Head SSD/SNP)** noted that there had been an error in the facsimile transmission of Document RRB17-3/6 and that Document RRB17-3/DELAYED/1 provided a correct version of that text. He therefore suggested that the Board consider the request by the Administration of India in Document RRB17-3/DELAYED/1 together with the complementary information in Document RRB17-3/DELAYED/2.

6.3 **Mr Ito** said that India’s request was based on *force majeure* and the Board should first check whether or not the conditions for *force majeure* were met.

6.4 The **Chairman** observed that, although the Board’s actions had to be in line with the Radio Regulations, it would understandably be reluctant to cancel an operating network.

6.5 **Mr Strelets** noted that India had intended to operate GSAT-19 at 82.5°E for ninety days before moving it to 48°E, an approach contrary to the spirit of Resolution 40 (WRC-15). Furthermore, the provisions of the Radio Regulations had not been respected in terms of bringing the satellite network into use. With regard to the *force majeure* argument, a delay in producing a new launch vehicle was entirely predictable. He nevertheless felt sympathy for the Administration of India.

6.6 **Mr Bessi** said that the Board had to take account of the fact that the satellite had been in orbit since 5 June 2017, instead of 30 March 2017, because of difficulties with the launch vehicle. The Board should consider previous cases and India’s arguments to determine whether or not the problem with the launch vehicle constituted *force majeure*.

6.7 **Mr Ito** said that for the launch vehicle delay to constitute *force majeure*, it had to be both uncontrollable and unforeseen. The Administration of India said that the delay had been uncontrollable, but in his opinion such a delay could not be said to be unforeseen. The case was thus not one of *force majeure*. Nevertheless, the delay in bringing the assignments into use had been marginal and he thought that the Board could accept the request for an extension.

6.8 **Mr Strelets** recalled his comment at the previous meeting (see §4.12 of Document RRB17-2/8 - Minutes of the 75th meeting) that India should provide information justifying its claim of *force majeure* in terms of the four conditions to be met. Unfortunately that information had not been provided. The Board’s mandate was clear; it could grant an extension in the case of co-passenger delay, or *force majeure*, but neither of those circumstances obtained. As a compromise, perhaps the Board could freeze the situation and ask the Director to bring the case to the WRC for decision.

6.9 **Ms Wilson** shared the views expressed by Mr Strelets. If the Board had taken a decision at its 75th meeting, it would have rejected India's request and the network would have been cancelled. The question that the Board now faced was how, without infringing the Radio Regulations, to help India maintain an operating network.

6.10 **Ms Jeanty** agreed with previous speakers. The information provided did not justify the claim of *force majeure* in terms of the four conditions. While she was generally not in favour of putting cases to the conference for decision, in the present circumstances the Board had no alternative. If the Board were to accept the information provided by India as justifying a claim of *force majeure*, it would be inviting trouble in the future.

6.11 **Mr Koffi** said that the information in the documents submitted by India did not allow the Board to conclude that there was a case of *force majeure*. But the satellite had been operational since 5 June 2017, so what could the Board do? The only option was to bring the case to the conference, as suggested by previous speakers.

6.12 **Mr Hoan** said that, given India's efforts to comply with the Radio Regulations, he could support the approach proposed by Mr Strelets, namely to freeze the situation and bring the matter to the conference for decision.

6.13 **Mr Bessi** said that the Board could not grant an extension to the date of bringing into use, as requested by the Administration of India. The Board could, however, ask the Bureau to freeze the filing pending a decision by the conference. The case could be submitted to the WRC through the Director's report.

6.14 **Mr Vallet (Chief SSD)** said that the Bureau would need to clarify how it should implement the Board's decision. Should the Bureau ask the Administration of India whether or not it wanted to maintain the filings and whether or not it wanted the Bureau to raise the case to the conference? If the Board did not accede to the request by the Administration of India for an extension of the date of bringing into use of the assignments, then the Bureau would cancel the filings.

6.15 **Mr Kibe** recalled that the Board had dealt with similar cases in the past, relating to Viet Nam and the Islamic Republic of Iran, by deciding to cancel the filings but instructing the Bureau not to implement the cancellation until after the following conference. In each of those cases, the administration concerned had successfully appealed to the conference against the Board's decision to cancel the filings.

6.16 The **Director** said that an administrative decision was needed to avoid uncertainty. The Board could, however, as a conservative measure and not to pre-empt the decision of the conference, instruct the Bureau to continue to take the filings into account until the end of WRC-19. He noted that if the Bureau went ahead with implementing the cancellation, the reference situation would change and the Bureau would have to backtrack on two years of work should the conference take a favourable decision on an appeal from India.

6.17 **Mr Strelets** said that the Board had no grounds on which to extend the date for bringing the assignments into use. Hence the Administration of India could not suspend the assignments, because they had not been brought into use on time. The only way the Board could help India to maintain its network was to freeze action by the Bureau on the filings. If it so wished, the Administration of India could then appeal to the conference for a favourable decision.

6.18 **Ms Wilson** understood that asking the Bureau to "freeze" the situation was the same as the approach suggested by the Director. In other words, once the Board decided not to accede to India's request, the Bureau would cancel the assignments but continue to take them into account until the end of the conference without taking any subsequent actions in relation to the satellite network. Clearly, the Board could not grant an extension to a regulatory time limit if there was no case of *force majeure*.

6.19 **Mr Bessi**, supported by **Mr Ito**, said that if it wished to keep the assignments, India's only option was to appeal to the next WRC. Pending a decision by the conference, it would be best to

retain the assignments in the BR database. A decision by the WRC on the matter would orient the Board's future action.

6.20 The **Chairman** suggested that the Board conclude as follows:

“The Board carefully considered Document RRB17-3/6 and further considered Documents RRB17-3/DELAYED/1 and RRB17-3/DELAYED/2 for information as provided by the Administration of India. The Board took note of the efforts that the Administration of India had made to comply with the provisions of the Radio Regulations and that a satellite is currently operational in conformity with the technical characteristics of the INSAT-EXK82.5E satellite network. After thorough examination of all the information provided, the Board concluded that the facts of this case did not meet the requirements for a situation of *force majeure* and that the Board could not accede to the appeal of the Administration of India on the decision of the Bureau to suppress the frequency assignments to the INSAT-EXK82.5E satellite network. However, the Board instructed the Bureau to continue to take into account the frequency assignments to the INSAT-EXK82.5E satellite network until the end of WRC-19 without taking any subsequent actions in relation to this satellite network, thus not foreclosing the possibility for this decision to be appealed to WRC-19.”

6.21 It was so **agreed**.

## 7 **Submission by the Administration of Indonesia requesting an extension of the regulatory period for the bringing into use of the frequency assignments to the PALAPA-C4-K satellite network (Document RRB17-3/7)**

7.1 **Mr Falou Dine (SSD/SPR)** introduced the request by Indonesia in Document RRB17-3/7 for the Board to grant an extension of the regulatory period for bringing into use the frequency assignments to satellite network PALAPA-C4-K at 150.5°E in the band 13 758-13 934 MHz from 27 January 2016 to 3 July 2016. Outlining the main elements of the case, he said that on 21 October 2014 the PALAPA C2 satellite had been moved from 150.5°E to 146°E in order to cater for a situation deemed by the Administration of Indonesia as constituting *force majeure* at the latter orbital position. An interim satellite BRISat Pre had been placed at 150.5°E to ensure operations at that position, but without the capacity to operate the assignments in the band 13 758-13 934 MHz. Finally, on 3 July 2016 the BRISat replacement satellite launched on 18 June 2016 had taken over the operation at 150.5°E of all bands pertaining to the PALAPA-C4-K satellite network, including the band 13 758-13 934 MHz. It had been in operation there since then, giving rise to no complaints of harmful interference. Nevertheless, since the band 13 758-13 934 MHz had not been in operation between 27 January and 3 July 2016, Indonesia was requesting an extension of the bringing-into-use period for the assignments in that band up to 3 July 2016. He noted, having regard to No. 196 of the ITU Constitution, that Indonesia was a developing country with special needs and a geographical situation that made satellite communications vital to it.

7.2 Responding to a question by the **Chairman, Mr Loo (Acting Head SSD/SPR)** said that the frequency assignments concerned had not yet been deleted from the MIFR.

7.3 **Mr Ito** said that the case was complex, but evoked certain basic principles. At its 75th meeting, the Board had considered a request based on *force majeure* submitted by Indonesia for orbital position 146°E, but had granted the request on the basis of co-passenger delay rather than *force majeure*. The submission now before the Board appeared to involve some of the same elements as that previous case, in a bid to save assignments at another orbital position, with one satellite being moved about to cover different orbital positions. He questioned whether the Board could accede to the request.

7.4 **Ms Wilson** said that, despite a fair amount of extraneous information in the submission, the crux of the matter lay in the fact that the interim satellite operated at 150.5°E as from 15 August 2015 had not had the capacity to operate the assignments in the band 13 758-13 934 MHz; consequently, bringing into use had not been completed for that band when the regulatory period had expired on 27

January 2016, and operation of the band had only been resumed on 3 July 2016. She saw no grounds for a case of *force majeure*, as even in early 2014 Indonesia should have been well aware that it would not meet the bringing-into-use deadline.

7.5 **Ms Jeanty** agreed with Ms Wilson, but noted that the Indonesian Administration was not in fact claiming *force majeure*. Indonesia was simply asking for an extension of the bringing-into-use period for certain frequencies.

7.6 **Mr Strelets**, agreeing with the concerns expressed by the previous speakers, said that the case before the Board was clearly not *force majeure*. Nevertheless, a satellite was in orbit operating the assignments concerned, all required coordination had been effected, and no complaints of harmful interference had been made. The network was now operating services of vital importance to a country with special needs and a particular geographical situation. Unfortunately, the Board had no regulatory grounds for granting the extension requested. The best the Board could do would be to instruct the Bureau to continue to take the filing into account until WRC-19, leaving Indonesia free to take the request to the conference if it so wished.

7.7 **Mr Bessi** said that despite the complexity of the information provided, it was clear that the Board could not accede to the request for extension of the bringing-into-use period as to do so would be in derogation of the Radio Regulations and Rules of Procedure. Could the evocation of *force majeure* at one orbital position (146°E) serve as grounds for extending a regulatory period at another (150.5°E), in derogation of the regulatory texts? In his opinion it could not, especially given that no elements had been provided to justify the claim of *force majeure* at 146°E. Nor could the fact that the network was now in operation serve as grounds for derogating from the Radio Regulations; that argument could be taken into account, but not as a decisive factor, only when the Board was considering granting an extension under the mandate given to it by the WRC, for example in a case of *force majeure* or co-passenger delay. Indonesia would be free to submit its request to the WRC if it so wished.

7.8 **Mr Kibe** said that, while everyone was aware of the importance of satellite communications to Indonesia given its specific geographical situation, the Board could not recognize the case as constituting *force majeure*, and no provisions of the Radio Regulations could be used to justify extension of the bringing-into-use period. He therefore agreed with the previous speakers that the Board should not accede to the request, leaving it up to the Indonesian Administration to take the matter to the WRC if it so wished.

7.9 **Mr Koffi** agreed with the previous speakers, particularly the way forward proposed by Mr Strelets.

7.10 **Ms Wilson** also agreed with previous speakers. Moreover, the Board should do nothing to give administrations the impression that any regulatory misdemeanours they committed in the registration process would ultimately be forgiven if at the end of the day they had a network in operation.

7.11 **Mr Magenta, Mr Hoan, Mr Ito and Ms Jeanty** endorsed the previous speakers' comments.

7.12 The Board **agreed** to conclude on the matter as follows:

“The Board considered the request from the Administration of Indonesia as contained in Document RRB17-3/7. The Board noted that there is an operational satellite with the technical characteristics of the PALAPA-C4-K satellite network at the time of considering this request and that Indonesia has a geographical composition of its territories to which telecommunication services can be provided economically only via satellite telecommunication services. After careful examination of the information provided, the Board concluded that the facts of this case did not meet the requirements for a situation of *force majeure* or of co-passenger delay and therefore it was not in its authority to grant an extension of the regulatory period for the bringing into use of the frequency assignments to the PALAPA-C4-K satellite network. Consequently, the Board was not able to accede to the request from the Administration of Indonesia. However, the Board instructed the Bureau to continue to take

into account the frequency assignments to the PALAPA-C4-K satellite network until the end of WRC-19, thus not foreclosing the possibility for this decision to be appealed to WRC-19.”

## **8 Submission by the Administration of China requesting an extension of the regulatory deadline for the bringing into use of the frequency assignments to the CHINASAT-DL5 satellite network (Document RRB17-3/9)**

8.1 **Mr Falou Dine (SSD/SPR)** introduced the request from the Administration of China in Document RRB17-3/9 for an extension of the regulatory deadline for bringing into use the frequency assignments to the CHINASAT-DL5 satellite network on the grounds of *force majeure* as set out in the document.

8.2 **Mr Strelets, Mr Kibe, Mr Hoan, Mr Magenta, Ms Wilson, Ms Jeanty, Mr Koffi, Mr Bessi** and **Mr Ito** said that for the reasons set out in the document, China’s request was clearly a case of *force majeure*, fully satisfying the four applicable conditions for *force majeure*.

8.3 **Mr Al Hammadi** agreed with the previous speakers, but asked whether coordination had been completed for the network.

8.4 **Mr Falou Dine (SSD/SPR)** said that notification of the network had only just been received by the Bureau, therefore it was too soon to seek to ascertain whether all coordination had been completed. Moreover, No. 11.31 had also to be applied.

8.5 The **Chairman** noted that the Board was unanimous in its decision to accede to China’s request, and proposed that the Board conclude as follows:

“The Board considered the request from the Administration of China as contained in Document RRB17-3/9 and expressed its sympathy to the Administration of China on the loss of the CHINASAT-DL5 satellite due to launch failure. After thorough consideration of the information provided, the Board concluded that the facts of the case met all conditions to qualify as a situation of *force majeure*. The Board further recognised that the Administration of China had provided the information required under Resolution 49 (Rev.WRC-15) and that the request for extension of the regulatory deadline was for a limited and defined period. Consequently, the Board decided to accede to the request from the Administration of China to extend the regulatory deadline for the bringing into use of the frequency assignments to the CHINASAT-DL5 satellite network in the 10.9-11.2 GHz, 20.121.2 GHz and 29.9 - 31.0 GHz frequency bands until 31 December 2019.”

8.6 It was so **agreed**.

## **9 Election of the Chairman and Vice-Chairman of the Board for 2018**

9.1 Having regard to No. 144 of the ITU Convention, the Board **agreed** that Mr Bessi, Vice-Chairman of the Board for 2017, would serve as its Chairman in 2018.

9.2 **Mr Strelets** noted the Board’s agreement that its Vice-Chairman in 2018 should be from Region A.

9.3 **Mr Terán**, supported by **Mr Magenta**, proposed that Ms Wilson should be elected as the Board’s Vice-chairman for 2018 and thus as Chairman-elect for 2019.

9.4 It was so **agreed**.

9.5 **Mr Bessi** and **Ms Wilson** thanked their fellow Board members for the honour and trust thus placed in them, and said that they would carry out their duties to the best of their abilities.

9.6 The **Chairman** congratulated Mr Bessi and Ms Wilson and wished them every success in their future roles.

## 10 Chairmanship of the Working Group on Rules of Procedure

10.1 **Mr Bessi** noted that he would have to cede his position as Chairman of the Working Group on Rules of Procedure, and that Mr Al Hammadi, Vice-Chairman of the Working Group, would not be standing for a second term of office as a Board member. It was therefore proposed, following informal consultations, to appoint Ms Jeanty as the working group's Chairman-elect, as she would be standing for a second term of office.

10.2 **Mr Koffi** supported that proposal.

10.3 It was so **agreed**.

10.4 **Ms Wilson** commended Mr Bessi for the excellent work he had carried out as Chairman of the Working Group on Rules of Procedure.

10.5 The **Chairman** congratulated Ms Jeanty and wished her every success.

## 11 Work on the Board's report under Resolution 80 (Rev. WRC-07)

11.1 **Ms Wilson**, speaking as the Chairman of the Board's Working Group on Resolution 80 (Rev. WRC-07), presented the outline she had prepared as a basis for developing the Board's report under Resolution 80 to WRC-19, along with the basic approach she was adopting both for new topics and topics already addressed in the Board's report to WRC-15. She would welcome feedback and input from all Board members, including for further topics to be addressed in the report, and urged members to volunteer to work on text for particular subject areas. She said she had started work on the report as early as possible so as to allow those members not standing for re-election to the Board at PP-18 to contribute to the report.

11.2 The **Chairman** thanked and commended Ms Wilson for the extremely useful work she was carrying out on the report, to which all Board members should contribute. The Board would work regularly on the report henceforth in order to complete it on time for submission to the conference.

11.3 **Mr Strelets** welcomed the excellent work carried out by Ms Wilson. He nevertheless noted the specific framework of the Board's report under Resolution 80 (Rev. WRC-07) as contained in *resolves* 2 of the resolution. The Board's report should not seek to cover all the Board's activities, which would anyway be reported to the conference in the relevant parts of the Director's report.

11.4 **Mr Ito** also commended Ms Wilson for her excellent work. Responding to Mr Strelets' comments, he said that as the objective of Resolution 80 was essentially to ensure equitable access to orbit/spectrum resources, particularly for the developing countries, its scope – which had evolved over the years – was inevitably vast, as it involved identifying and discussing all areas of difficulty that needed to be resolved in order to achieve an ideal situation. Moreover, the manner in which issues were tackled in the Board's report under Resolution 80 would not necessarily be the same as in the Director's report to the conference. The Board should therefore not shy away from covering all areas of difficulty it encountered in its discussions – including, for example, changes of notifying administration, discussed at the present meeting.

## 12 Dates of the next and future meetings

12.1 The Board **agreed** to confirm the dates of its next (77th) meeting as 19-23 March 2018, and to tentatively confirm the dates of its 78th and 79th meetings as 16-20 July 2018 and 26-30 November 2018, respectively.

## 13 Approval of the summary of decisions (Document RRB17-3/10)

13.1 The summary of decisions (Document RRB17-3/10) was **approved**.



## 14 Closure of the meeting

14.1 The **Chairman** thanked all participants – Board members and staff alike, and in particular the Director – for all the support they had given him in his year as chairman, which had been an extremely interesting, gratifying, but by no means easy experience.

14.2 **Ms Wilson, Mr Magenta, Ms Jeanty, Mr Ito, Mr Koffi and Mr Strelets** took the floor to congratulate the Chairman on his very able handling of the Board's meetings in 2017, at which a great amount of useful work had been done.

14.3 The **Chairman** thanked speakers for their kind words, and closed the meeting at 1200 hours on Friday, 10 November 2017.

The Executive Secretary:  
F. RANCY

The Chairman:  
I. KHAIROV