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Radiocommunication Bureau (BR)

Circular Letter
CR/449

16 September 2019

To Administrations of Member States of the ITU

Subject: **Minutes of the 81st 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 81st meeting of the Radio Regulations Board (15 – 19 July 2019).

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.

Mario Maniewicz
Director

Annex: Minutes of the 81st meeting of the Radio Regulations Board

Distribution:

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

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Annex

Radio Regulations Board
Geneva, 15 – 19 July 2019

Document RRB19-2/21-E
1 August 2019
Original: English

MINUTES*
OF THE
81ST MEETING OF THE RADIO REGULATIONS BOARD

15 – 19 July 2019

Present: Members, RRB

Ms L. JEANTY, Chairman
Ms C. BEAUMIER, Vice-Chairman
Mr T. ALAMRI, Mr L. F. BORJÓN, Ms S. HASANOVA, Mr A. HASHIMOTO,
Mr Y. HENRI, Mr D. Q. HOAN, Mr S. M. MCHUNU, Mr H. TALIB, Mr N. VARLAMOV

Précis-Writers

Mr T. ELDRIDGE and Ms C. RAMAGE

Also present:
Ms J. WILSON, Deputy-Director, BR and Chief IAP
Mr A. VALLET, Chief, SSD
Mr C.C. LOO, Head, SSD/SPR
Mr M. SAKAMOTO, Head, SSD/SSC
Mr J. WANG, Head, SSD/SNP
Mr N. VASSILIEV, Chief, TSD
Mr K. BOGENS, Head, TSD/FMD
Ms I. GHAZI, Head, TSD/BCD
Mr B. BA, Head, TSD/TPR, TSD/TPR
Mr D. BOTHA, SGD
Ms K. GOZAL, Administrative Secretary

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* 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 81st meeting of the Board. The official decisions of the 81st meeting of the Radio Regulations Board can be found in Document RRB19-2/20.

	Subjects discussed	Documents
1	Opening of the meeting	-
2	Adoption of the agenda and treatment of late submissions	-
3	Report by the Director of BR	RRB19-2/6+Corr.1 +Add. 1-5
4	Resolution 80 (Rev. WRC-07) (Documents)	RRB19-2/2, RRB19-2/9, RRB19-2/10, RRB19-2/11, RRB19-2/12+Corr.1, RRB19-2/13, RRB19-2/14, RRB19-2/DELAYED/1; CR/443
5	Rules of procedure	RRB19-2/1 (RRB16-2/3(Rev.11)), RRB19-2/5; CCRR/62
6	Requests relating to cancellations of the frequency assignments to satellite networks: Request for a decision by the Radio Regulations Board for cancellation of some of the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks at 122˚E under No. 13.6 of the Radio Regulations	RRB19-2/3, RRB19-2/18
7	Requests relating to cancellations of the frequency assignments to satellite networks: Submission by the Administration of Greece regarding the submission from the Administration of France requesting the suppression of the frequency assignments to the HELLAS-SAT-2G (39˚E) satellite network (Documents RRB19-2/6, RRB19-2/16, RRB19-2/DELAYED/3, RRB19-2/DELAYED/6 and RRB19-2/DELAYED/9)	RRB19-2/6, RRB19-2/16, RRB19-2/DELAYED/3, RRB19-2/DELAYED/6, RRB19-2/DELAYED/9
8	Requests relating to cancellations of the frequency assignments to satellite networks: Submission by the Administration of the United Kingdom requesting the suppression of the frequency assignments to the ARABSAT-KA-30.5E, ARABSAT 5A-30.5E and ARABSAT 7A-30.5E satellite networks in the ranges 17 700-22 000 MHz and 27 500-30 000 MHz	RRB19-2/6+Add.3, RRB19-2/17, RRB19-2/DELAYED/4, RRB19-2/DELAYED/5(Rev.1), RRB19-2/DELAYED/8
9	Requests relating to extension of the regulatory time-limit to bring into use the frequency assignments to satellite networks: Submission by the Administration of Australia requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the SIRION-1 satellite network	RRB19-2/8, RRB19-2/DELAYED/7

10	Requests relating to extension of the regulatory time-limit to bring into use the frequency assignments to satellite networks: Submission by the Administration of Indonesia requesting an extension of the regulatory period for the bringing into use of the frequency assignments in the Ka band to the PSN-146E (146˚E) satellite network	RRB19-2/15
11	Requests relating to extension of the regulatory time-limit to bring into use the frequency assignments to satellite networks: Submission by the Administration of Indonesia requesting an extension of the regulatory period for the bringing into use of the frequency assignments in the Ku band to the PALAPA-C1-B (113˚E) satellite	RRB19-2/19, RRB19-2/DELAYED/2
12	Preparation for RA-19 and WRC-19	-
13	Confirmation of the dates of the next meeting and indicative dates for subsequent meetings	-
14	Approval of the summary of decisions	RRB19-2/20
15	Closure of the meeting	-

1 Opening of the meeting

1.1 The **Chairman** opened the meeting at 0900 hours on Monday, 15 July 2019 and welcomed participants.

1.2 The **Director**, speaking also on behalf of the Secretary-General, welcomed all participants, including the recently appointed Deputy Director, Ms Joanne Wilson. He wished the Board a fruitful meeting.

1.3 The **Chairman** and other Board members congratulated Ms Wilson on her appointment.

2 Adoption of the agenda and treatment of late submissions

2.1 **Mr Botha (SGD)** noted that two contributions from the United States originally tabled for consideration at the present meeting (Documents RRB19-2/4 and RRB19-2/7) had been withdrawn. The United States Administration had agreed to the action taken by the Bureau regarding the matters concerned. He went on to draw attention to eight late submissions, all of which related to items already on the Board's agenda.

2.2 It was **agreed** that the eight late submissions would be taken up, for information, under the agenda items to which they related.

2.3 Subsequently, following the Board's adoption of its agenda, the **Chairman** drew attention to a further late submission, from the Administration of Greece, which also related to an item on the Board's agenda. She invited the members to decide whether or not to accept it.

2.4 **Mr Alamri** saw no objection to accepting the late submission, which would presumably help to present the whole picture regarding the case to which it related. In general terms, it was extremely important to accept late submissions to the maximum extent possible, as they often came in response to other contributions submitted just before the official deadline and were the last chance for an administration to defend its interests. Obviously the late submissions must relate to an item already on the Board's agenda. He nevertheless considered that a deadline should be set beyond which late submissions would no longer be acceptable.

2.5 **Mr Borjón** said that he would be opposed to setting a second deadline for contributions to meetings; there should be a single deadline beyond which contributions became late submissions, and the acceptability of late submissions should be decided case by case. Most late submissions came in response to documents already on the Board's agenda for a given meeting, nevertheless some of these submissions tend to be repetitive on previous arguments and are only focused on documenting a response to a counterpart document, generating a ping-pong effect without additional information.

2.6 **Mr Varlamov** agreed with Mr Alamri that something should be done to instil order regarding the handling of late submissions. He recalled that a contribution had been made to PP-18 on the matter. The acceptability of late submissions also depended on the language in which they were submitted, and, as for certain other meetings and conferences, the Board might wish to rule that any late contribution must be submitted at least in English in order even to be considered for inclusion on the agenda of a given meeting. Such an approach would be in line with §1.6 of the Board's working methods as set out in Part C of the Rules of Procedure.

2.7 The **Director** recalled that, as the ITU translation services catered for the needs of the entire Union, translation of contributions to Board meetings could only be guaranteed for those respecting the three-week deadline.

2.8 **Mr Vallet (Chief SSD)** recalled that the three-week deadline for submissions to Board meetings had been set for the purposes of finalizing the agenda of any given meeting. A distinction was already drawn between late submissions relating to items already on the Board's agenda, and those not. Consideration

could be given to setting a specific deadline for late submissions responding to contributions already on the agenda, recognizing that it was important for administrations to be able to respond to contributions that potentially affected their interests. It was now seen as a practice that late submissions relating to items already on the agenda were accepted.

2.9 **Ms Beaumier** recalled that in the past the consideration of agenda items had sometimes been deferred to the subsequent meeting when comments from potentially affected administrations had been submitted late and could not be taken into consideration. She agreed with previous speakers that administrations should have the opportunity to respond in the form of late submissions when their interests were potentially affected, and consideration could be given to establishing a deadline specifically for such submissions, in order to avoid the ping-pong effect now witnessed.

2.10 **Mr Henri** said that to accept late submissions during the whole course of meetings was somewhat questionable. Thought might be given to ruling that late submissions relating to items on the agenda might be deemed receivable up until the Board formally adopted its agenda, after which such late submissions and any other submissions not relating to items on the agenda would automatically be placed on the agenda of the Board's next meeting.

2.11 **Ms Hasanova** agreed that late submissions relating to items on the Board's agenda should be accepted and published; however, as they would not necessarily be translated, they should be submitted in English.

2.12 **Mr Talib** suggested that the number of late submissions that would be accepted from any given administration should be limited to one contribution per administration, for example.

2.13 **Mr Varlamov** said that the Board was free to continue its established practice regarding late submissions that related to items already on the Board's agenda. If, however, it decided to introduce as a deadline the adoption of its agenda, the acceptability of a submission would have to depend on the precise date and time it was submitted, its language, and its content. The Board must therefore insist that it be submitted in at least English..

2.14 **Mr Hoan** shared Mr Alamri's views regarding the acceptance of late submissions provided in response to contributions already on the Board's agenda. The acceptance of late submissions was catered for by Part C of the Rules of Procedure, and they could be accepted for information on a case by case basis at the Board's discretion. He therefore agreed with Mr Borjón. No limit should be set on late submissions and multiple deadlines should not be set for submissions to Board meetings.

2.15 **Mr Alamri** agreed that problems relating to translation would be obviated by insisting that all late submissions were made at least in English. According to the Board's existing working methods, it was up to the Board to decide whether or not to accept late submissions.

2.16 Following further comments by **Mr Varlamov,** the **Director** and **Mr Botha (SGD)** on ITU practice regarding work using the six official working languages or English only, and the translation of Board documents and late submissions in particular, the **Chairman** requested members to return to the question of whether or not to accept the late submission by Greece which had been received in English following the Board's adoption of its agenda.

2.17 **Mr Henri** said that as a matter of principle and regardless of its content he would find it very difficult to accept a late submission received after the Board had formally adopted its agenda including the relevant documents to be considered.

2.18 **Ms Beaumier** agreed: she would not want to set a potentially dangerous precedent. Moreover, the late submission in question appeared not to add anything new to the material already before the Board.

2.19 **Mr Borjón** agreed that the late submission brought no essential new elements to the discussion and should therefore be refused. A clear message should be sent to administrations that submissions would not be receivable once a Board meeting had adopted its agenda.

2.20 **Ms Hasanova, Mr Alamri, Mr Talib, Mr Varlamov** and **Mr Mchunu** said that the late submission seemed to be relatively straightforward and simply repeated elements contained in the documents already before the Board. They could therefore accept the submission, in line with §1.6 of Part C of the Rules of Procedure.

2.21 Noting that the Board was divided on the matter, the **Chairman** suggested that the Board accept the late submission (Document RRB19-2/DELAYED/9) on an exceptional basis, for information, while sending a clear message to administrations by concluding as follows:

"The Board noted the significant number of delayed submissions to its 81st meeting, which included a delayed submission received after the start of the meeting and the adoption of the agenda. The Board decided to accept this delayed submission on an exceptional basis and to consider it for information. The Board urged administrations to refrain from submitting delayed submissions after the Board has approved the agenda of the meeting and decided that in future such overly delayed submissions will only be accepted on a case-by-case basis. All delayed documents should be submitted at least in English.

The Board decided to revise the rules of procedure on its working methods accordingly at its 82nd meeting."

2.22 It was so **agreed**.

2.23 Thus the Board ultimately **adopted** its agenda as contained in Document RRB19-2/OJ/1(Rev.2).

3 Report by the Director of BR (Documents RRB19-2/6 and Corrigendum 1 and Addenda 1-5)

3.1 The **Director** introduced his customary report in Document RRB19-2/6 and Corrigendum 1 (English only). Referring to §2, he was pleased to report that, within the reporting period, all regulatory time-limits and performance indicators had been observed for the processing of terrestrial and space notices. With regard to §6, he noted with satisfaction the outcome of the work of the Council Expert Group on Decision 482 and praised the efforts of its chairman, Mr Varlamov. Turning to Annex 1 (Summary of actions arising from the 80th meeting of the RRB), he noted that general information concerning the submission of stations located in disputed territories was available on the Board's SharePoint.

Actions arising from the last RRB meeting (§1 and Annex 1 to Document RRB19-2/6)

3.2 In response to a question from **Mr Varlamov** in relation to item i) of §4 of Annex 1, **Mr Vallet (Chief SSD)** said that the Bureau was still working on the analysis, history and treatment of classes of stations in the space operation service or providing space operation functions. It hoped to provide the information to the Board at its next meeting so that the Board could then decide whether or not the rules of procedure should be modified.

3.3 **Mr Henri** said that the Director might wish to indicate in his report to WRC-19 that the Bureau and Board were looking into the matter.

3.4 The **Chairman** suggested that the Board conclude on the matter as follows:

"In relation to item i) of §4 of Annex 1 to the Report of the Director of the Radiocommunication Bureau regarding the analysis, history and manner of treatment of classes of stations in the space operation service or providing space operation functions, the Board instructed the Bureau to include this item in the report of the Director of the Radiocommunication Bureau to WRC-19 and also to submit a document on this item to the 82nd meeting of the Board for consideration."

3.5 It was so **agreed**.

3.6 Replying to a question from **Mr Hashimoto** regarding item k) of §4 of Annex 1, **Mr Vallet (Chief SSD)** said that the Bureau had developed a revised working document on regulatory considerations regarding items A.1.f.2 and A.1.f.3 of Annex 2 to Appendix 4, which was available on the Board's SharePoint and would be discussed by the Working Group on the Rules of Procedure. The working document updated in the light of the working group's discussions would be circulated to Board members.

3.7 Following the subsequent discussions of the working group (see §5 below), the **Chairman** suggested that the Board conclude on the matter as follows:

"Regarding item k) of §4 of Annex 1 to the Report of the Director of the Radiocommunication Bureau on the use of items A.1.f.2 and A.1.f.3 in Annex 2 to Appendix 4 and current practice of the Bureau, the Working Group on the Rules of Procedure discussed the item in detail and the Board instructed the Bureau to prepare a draft rule of procedure on this matter and to circulate it to administrations for comments and consideration at the 82nd meeting of the Board."

3.8 It was so **agreed**.

Processing of filings for terrestrial and space systems (§2 of Document RRB19-2/6)

3.9 **Mr Alamri, Mr Hoan** and the **Chairman** congratulated the Bureau on achieving the regulatory deadlines and performance indicators for the processing of space and terrestrial notices and hoped that such progress would continue in the future.

3.10 The **Chairman** suggested that the Board conclude on the matter as follows:

"The Board noted with appreciation the information provided in §2 of the Report of the Director of the Radiocommunication Bureau. The Board expressed its appreciation for the efforts of the Bureau and the fact that the Bureau had observed all regulatory time-limits, where applicable, and all performance indicators in the processing of notices. The Board instructed the Bureau to continue to observe these regulatory time-limits and performance indicators in the processing of notices."

3.11 It was so **agreed**.

3.12 Following a short discussion on submissions of stations located in disputed territories (item a) of Annex 1 to Document RRB19-2/6), the Board **agreed** to conclude as follows:

"The Board further noted that the Bureau continued to experience difficulties in processing stations located in disputed territories or resulting in coordination requirement with respect to these disputed territories, as also reported in §2 of Document RRB19-1/4. In taking due note of No. 0.11 of the Preamble to the Radio Regulations, the Board instructed the Bureau to prepare and submit to its 82nd meeting:

- Proposals to align the ITU Digitized World Map (IDWM) with the United Nations map in terms of the disputed territories, starting with the territories for which the Bureau has suspended submissions
- Proposals on registration in the MIFR of frequency assignments to stations located in disputed territories, which could include a preliminary draft modification to the rules of procedure on Resolution 1 (Rev. WRC-97)."

Implementation of cost recovery for satellite network filings (late payments) (§3 of Document RRB19-2/6)

3.13 The Board **noted** §3 of Document RRB19-2/6.

Reports of harmful interference and/or infringements of the Radio Regulations (Article 15 of the Radio Regulations) (§4.1 of Document RRB19-2/6)

3.14 **Mr Vassiliev (Chief TSD)**, drawing attention to Tables 1 to 4 in the Director's report, noted that a total of 371 communications concerning reports of harmful interference and/or infringements had been received by the Bureau between 1 June 2018 and 31 May 2019.

3.15 **Mr Talib** and **Mr Borjón** welcomed the information provided in Tables 1 to 4 in Document RRB19-2/6, which was broken down clearly for ease of reference.

3.16 The Board **noted** with appreciation the information provided in §4.1 of Document RRB19-2/6 and in particular the information presented in Tables 1 to 4.

Harmful interference to broadcasting stations in the VHF/UHF bands between Italy and its neighbouring countries (§4.2 of Document RRB19-2/6 and Addenda 1, 2 and 5)

3.17 **Mr Vassiliev (Chief TSD)** drew attention to §4.2 of Document RRB19-2/6, which noted the updates provided from neighbouring countries on the interference situation caused by Italian stations since the Board's previous meeting, and to Addendum 1, in which the Administration of Slovenia reported no change in interference cases and concerns regarding the use by Italian stations of T-DAB frequencies not in conformity with the GE06 Plan. He noted that the Bureau had updated the list of priority FM sound broadcasting stations in the light of information from the Administration of Switzerland on the resolution of one interference case. Addendum 2 to Document RRB19-2/6 contained an updated road map provided by Italy outlining the steps it was taking to resolve the remaining cases of TV, FM and T-DAB interference. He noted reports by Italy that the results of Italian simulations of the TV interference scenario contradicted the results of measurements carried out by Croatia at certain identified sites. With regard to the Italy-Slovenia cross-border case, he observed that Italian regulations for FM broadcasting did not permit Italian authorities to revoke licences to use frequency assignments even if they were not in conformity with the GE84 Agreement, which could lead to legal difficulties in resolving certain interference cases. He also noted that documents regarding new authorizations that increase the power characteristics of certain Slovenian FM transmission stations had been submitted to the Bureau by Italy for information in Slovenian only and asked whether the Board would wish to receive those documents as supporting material.

3.18 **Ms Ghazi (Head TSD/BCD)** introduced Addendum 5 to Document RRB19-2/6, containing the report on the 8-9 July meeting of the Bureau with the Italian Administration and neighbouring countries on harmful interference to the sound broadcasting services caused by Italy to its neighbours. Four key areas had been discussed. First, with regard to cases of harmful interference to the sound broadcasting stations in the FM band, participants had indicated that no bilateral meeting had taken place and that there had been no real improvement in reported cases of interference. Detailed information on interference cases was set out in Annex 1. Second, on DAB planning, Croatia and Slovenia had urged Italy to find solutions to enable them to use their GE06 channel 12 frequency blocks, which were currently subject to interference. Italy had been requested to undertake joint measurements with Croatia with a view to addressing the differences identified regarding the TV interference scenario. Third, on actions to address the conclusions of the October 2018 meeting, she said that the switch-off of the 700 MHz band would start in 2020 and end in 2022, and Italy was working towards the establishment of a new DAB plan in the VHF band, which it hoped to complete in 2021. Fourth, with regard to litigation cases, she said that Slovenia had expressed its concern at the 14 litigation cases initiated by Italian operators against Slovenian stations operating in conformity with the GE84 Plan. Switzerland, which was also the subject of a litigation case from an Italian operator, had likewise expressed its concern. The Bureau had encouraged Italy, Croatia and Slovenia to provide relevant information in order to achieve a better understanding of the differences in measurements, develop recommendations and obtain real data on the operating stations.

3.19 The **Chairman** thanked all involved parties for their efforts, but remarked that, as time went on, neighbouring countries would start to bring into operation their frequencies according to the plans, which was unlikely to help the interference situation.

3.20 **Ms Hasanova** thanked the Bureau for its efforts to resolve the harmful interference issues, including through the multilateral meeting, and called on Italy to provide all relevant information to its neighbouring countries. The Bureau should continue to assist the administrations concerned in their coordination efforts and report on the matter to future meetings of the Board.

3.21 **Mr Talib** thanked the Bureau for the action taken on the matter and requested that, in future, the report on the multilateral meeting should present the work being undertaken by the Bureau and the administrations concerned to give a clearer idea of progress made, including by identifying the cases resolved and those that had resulted in litigation.

3.22 **Mr Borjón** praised the actions of the Bureau. While information on the litigation cases might be useful, such cases were not for ITU to resolve. ITU was not an enforcement agency; it was seeking to promote a collaborative spirit with a view to finding solutions.

3.23 The **Chairman** said that the Board was not looking into litigation cases and would therefore not benefit from receiving the documents submitted to the Bureau for information in Slovenian. In her view, the Bureau was already providing a clear indication of progress made by regularly updating the road map and indicating the cases that had been resolved.

3.24 **Ms Ghazi (Head TSD/BCD)** said that, owing to time constraints, Addendum 5 to Document RRB19-2/6 had been produced in English only. Every effort would be made in future to translate summaries of multilateral meetings in time for the Board's meetings. Slovenia and Switzerland had agreed to provide Italy with a list of stations for which litigation had been initiated, and it was her understanding that the Italian authorities would endeavour to prevent the situation from escalating further. She would be pleased to provide the Board with a list of litigation cases, if it so wished.

3.25 **Mr Vassiliev (Chief TSD)**, responding to Mr Talib, said that the Bureau maintained a list of priority cases and indicated all cases resolved in a given reporting period; such information was available on the Bureau's website.

3.26 **Mr Alamri** praised the efforts of the Bureau to resolve the cases of harmful interference between Italy and its neighbouring countries. Noting that the Italian authorities were not permitted under national regulations to revoke licences to use frequency assignments, even if they were not in conformity with the GE84 Agreement, he said that it was important to send a clear message that any national legislation should take due account of ITU regulations, plans and agreements.

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

"In relation to §4.2 of the Report of the Director of the Radiocommunication Bureau and its Addenda 1, 2 and 5, the Board noted with appreciation the efforts of the administrations and the Bureau in the multi-lateral coordination meeting. However, the Board noted that little progress had been made in resolving the cases of harmful interference from sound broadcasting stations of Italy to its neighbours. The Board also noted with concern the cases that have resulted in litigation in some of the administrations concerned and encouraged administrations to base their national legislation on the Radio Regulations, the ITU regional agreements and Plans. The Board also encouraged the administrations concerned to make all efforts to resolve the cases of harmful interference and instructed the Bureau to continue to assist the administrations concerned in their coordination efforts and to continue to report progress to future meetings of the Board."

Harmful interference caused by China to HF broadcasting stations of the United Kingdom (§4.3 of Document RRB19-2/6)

3.28 **Mr Ba (Head TSD/TPR)** said that the Bureau had convened a coordination meeting on 18 and 19 June between the Administrations of China and the United Kingdom to address the problem of harmful interference. The two administrations had demonstrated a willingness to cooperate and had agreed to continue discussions on a bilateral basis.

3.29 **Mr Varlamov** thanked the Bureau for convening the meeting. The positive results achieved clearly showed the value of bilateral discussions in resolving cases of harmful interference.

3.30 **Mr Hoan** endorsed those comments, adding that the excellent results achieved had shown that the Board had taken the right decision at its previous meeting.

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

"In considering §4.3 of the Report of the Director of the Radiocommunication Bureau concerning the case of harmful interference caused by China to HF broadcasting stations of the United Kingdom, the Board noted with appreciation the positive outcome of the bilateral coordination meeting between the administrations, their spirit of cooperation and good faith, and appreciated the role of the Bureau in facilitating the meeting. The Board encouraged the administrations to continue their discussions in bilateral meetings."

Implementation of Nos. 11.44.1, 11.47, 11.48, 11.49, 9.38.1, Resolution 49 and No. 13.6 of the Radio Regulations (§5 of Document RRB19-2/6)

3.32 **Mr Mchunu** welcomed the work carried out by the Bureau to suppress networks, particularly under No. 13.6, as it all contributed to cleaning up the Master Register. He asked how long it took to conduct the investigations involved.

3.33 **Mr Vallet (Chief SSD)** said that straightforward investigations under No. 13.6 leading to a positive result (network suppression) could take no more than 1-2 months. Less straightforward investigations involving reminders, incomplete files, etc., could take anything between three to nine months.

3.34 The Board **noted** §5 of Document RRB19-2/6 and expressed its appreciation for the information provided.

Council work on cost recovery for satellite filings (§6 of Document RRB19-2/6)

3.35 **Mr Varlamov**, who had chaired the Council Expert Group on Decision 482, introduced §6 of the Director's report. The Expert Group had met for the third time in June 2019 and had finalized its progress report to Council-19. In Part 1, the progress report recommended various changes to Decision 482 to deal with large/complex non-GSO satellite systems, but recommended that the decision should not be revised for the time being in regard to Procedure C (additional fee for epfd examination). Part 2 of the progress report contained the Expert Group's conclusions regarding exceptionally complex GSO satellite filings. Council-19 had discussed the report and adopted the Expert Group's recommendations. In doing so, it had amended Decision 482 in respect of complex/large non-GSO filings; it had issued instructions to the Director in respect of exceptionally large GSO filings and endorsed the Board's instructions to the Bureau under RR No. 4.1 to contact the notifying administration of such filings, drawing its attention to the negative consequences of such submissions; and it had decided to continue the work of the Expert Group with new terms of reference. He thanked the staff of the Bureau who had contributed to the successful work both in the Expert Group and at Council-19.

3.36 The **Director** said that the Bureau welcomed the steps taken by the Council in regard to cost recovery based on the work carried out and recommendations put forward by the Expert Group. Thanks to the credibility of the members of the Expert Group and its chairman, the Council had clearly understood that the primary intent was not to increase income from cost recovery, but to solve the problems resulting from the submission of large and complex filings. He thanked the Chairman of the Expert Group and all those who had participated in the work.

3.37 **Mr Alamri, Ms Beaumier, Mr Borjón, Mr Talib, Ms Hasanova** and the **Chairman,** speaking on behalf of the entire Board, congratulated the Expert Group, its chairman and the Bureau for the very positive results achieved, and wished the Expert Group every success in its future work. **Mr Hoan** echoed those remarks, stressing that the Board should reiterate its instructions to the Bureau under No. 4.1 with regard to contacting administrations submitting large and complex filings.

3.38 **Mr Vallet (Chief SSD)** said that the work carried out appeared already to have borne fruit: the Bureau had received no further exceptionally complex GSO filings since Council-19 and the size of filings received had also decreased.

3.39 The Board **agreed** to conclude on the matters as follows:

"In relation to §6 of the Report of the Director of the Radiocommunication Bureau concerning the Council work on cost recovery for satellite filings, the Board noted with appreciation the output of the Council Expert Group under the chairmanship of Mr N. VARLAMOV, together with the support of the Bureau, which resulted in a satisfactory outcome and decision by Council-19. The Board considered that the revised Council Decision 482 introduced the necessary measures to reduce the impact of complex and large non-GSO network filings on the processing of filings and on available Bureau resources. The Board reaffirmed the need for the current practice of the Bureau to contact administrations submitting large and complex GSO satellite network notices. The Board wished Mr N. VARLAMOV and the Council Expert Group all success with its continued efforts and new mandate to consider exceptionally complex GSO satellite filings."

Review of findings for frequency assignments to non-GSO FSS satellite systems under Resolution 85 (WRC-03) (§7 of Document RRB19-2/6)

3.40 **Mr Vallet (Chief SSD)** said that §7 contained the now habitual report on work carried out under Resolution 85 (WRC-03) and the results of the examinations conducted. Table 8 in that section was a new element, listing all cases already published or yet to be published, and networks yet to be processed, in order of receipt. The table presented the initial date of receipt; it should be borne in mind that some requests for coordination or modification were followed by further requests for modification accompanied by technical analyses indicating that no more interference would be created by the modified parameters so that the original date of protection would remain unchanged.

3.41 **Mr Hashimoto** welcomed the work carried out by the Bureau, observing that a milestone had been reached as the validation software referred to in *resolves* 5 of Resolution 85 (WRC-03) had been made available to administrations. The forthcoming WRC could now decide whether or not further software should be developed based on the future version of Recommendation ITU-R S.1503.

3.42 **Mr Vallet (Chief SSD)** said that the Bureau intended to update the software based on Recommendation ITU-R S.1503-3, but discussions were under way in regard to WRC-19 agenda item 1.6 relating to sharing between GSO and non-GSO systems in other frequency bands, and a possible revision to Recommendation ITU-R S.1503-3 was under discussion in Working Party 4A. The Bureau was therefore going to await the outcome of the discussion in Study Group 4 and at WRC-19 before issuing a call for bids for software. He noted that, as indicated in §7 of Document RRB19-2/6, the continuous application of Resolution 85 (WRC-03) had been requested for only three systems.

3.43 **Mr Varlamov** noted that a period of about four years could sometimes elapse between the earliest date of receipt and the date of review publication owing to coordination requirements under RR No. 9.7B. The question thus arose as to how the changes in requirements and criteria could be taken into account in the remaining years of the seven-year regulatory period. If the period between the date of receipt and the examination could be reduced, the assignments recorded in the Master Register would be better coordinated, with fewer assignments recorded under No. 11.41.

3.44 **Mr Vallet (Chief SSD)** said that the Bureau implemented Resolution 85 and reported thereon to the Board in accordance with the instructions it had received from the Board a few years previously. Recalling how matters had evolved over the years, he said that for a long time no validation software had been available. When it had become available, the Bureau had commenced its reviews and found that the input data could prove unusable or could give results that the administration concerned had not intended in regard to its operations. Consequently, lengthy exchanges could be required between the administration and the Bureau before carrying out the formal review. Thus the examinations took time, but were necessary in order to avoid problems – including the possible submission of cases to the Board for decision. He went on to

comment in detail on the examinations carried out by the Bureau under Resolution 85, in particular the examination under RR No. 9.7B which was conducted in stages as decided by the Board at its 76th meeting in November 2017. He indicated that a maximum of three administrations can be currently identified as potentially affected under RR No.9.7B.

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

"The Board noted §7 of the Report of the Director of the Radiocommunication Bureau on the review of findings for frequency assignments to non-GSO FSS satellite systems under Resolution 85 (WRC-03), thanked the Bureau for the information provided and in particular appreciated the information in the new Table 8."

Possible rule of procedure on No. 5.458 of the Radio Regulations (§8 of Document RRB19-2/6)

3.46 **Mr Vallet (Chief SSD)** said that §8 of Document RRB19-2/6 contained a possible draft rule of procedure to clarify that there was no frequency allocation to the Earth exploration-satellite (passive) and space research (passive) services in the frequency bands 6 425-7 075 MHz and 7 075-7 250 MHz. The wording suggested was similar to that used in the rule of procedure on RR No. 5.149.

3.47 **Mr Hoan** thanked the Bureau for clarifying the regulatory status of the Earth exploration-satellite (passive) and space research (passive) services in the above-mentioned frequency bands and expressed support for the development of a draft rule of procedure on No. 5.458 based on the wording of the rule on No. 5.149.

3.48 **Mr Hashimoto** endorsed those comments, adding that the adoption of such a rule of procedure would be very useful for the Bureau as well as for the membership.

3.49 **Mr Borjón** questioned the need for a rule of procedure on No. 5.458, citing No. 8.4, which stated that "a frequency assignment shall be known as a non-conforming assignment when it is not in accordance with the Table of Frequency Allocations or the other provisions of these Regulations."

3.50 **Mr Vallet (Chief SSD)** said that the "other provisions" referred to in No. 8.4 were included in the rule of procedure on No. 11.31. That rule of procedure provided that the regulatory examination should include conformity with the Table of Frequency Allocations, including its footnotes and any resolution or recommendation referred to in such a footnote. The footnote itself did not specifically indicate that an allocation existed, and the proposed draft rule of procedure sought to clarify the situation. Following a comment from **Mr Varlamov**, he said that three submissions had been received pertaining to assignments to the Earth exploration-satellite (passive) and space research (passive) services. The Bureau would write to the administrations concerned to clarify the status of their frequency assignments and update the Master Register accordingly.

3.51 **Ms Beaumier**, having welcomed the additional clarifications provided, said that she would support the development of a draft rule of procedure on No. 5.458.

3.52 **Mr Alamri** said that he too would welcome the preparation of a draft rule of procedure on No. 5.458.

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

"In relation to §8 of the Report of the Director of the Radiocommunication Bureau concerning the proposal from the Bureau for a rule of procedure on No. 5.458 of the Radio Regulations, the Board decided that a rule of procedure is required to clarify that there is no frequency allocation to the Earth exploration-satellite (passive) and space research (passive) services in the frequency bands 6 425-7 075 MHz and 7 075-7 250 MHz and that such use will not be in conformity with the Table of Frequency Allocations. Consequently, the Board instructed the Bureau to prepare a draft rule of procedure on this matter and to circulate it to administrations for comments and consideration at the 82nd meeting of the Board."

Sections 9 and 10 of Document RRB19-2/6

3.54 Regarding §9 of Document RRB19-2/6 (Coordination meeting between the Administrations of France and Greece) and §10 of Document RRB19-2/6 (Coordination between the Administrations of the Kingdom of Saudi Arabia and the United Kingdom of Great Britain and Northern Ireland), the Board **noted** that both matters would be taken up at the present meeting under subsequent agenda items.

Information on the implementation of Resolution 40 (WRC-15) (Addendum 4 to Document RRB19-2/6)

3.55 **Mr Vallet (Chief SSD)** drew attention to Addendum 4 to Document RRB19-2/6, which presented information and statistics about the implementation of Resolution 40 (WRC-15). He asked whether any additional statistics and information might be provided by the Bureau to facilitate consideration of the implementation of Resolution 40 (WRC-15) at WRC-19.

3.56 **Mr Varlamov** said that he had had difficulty in finding some of the information provided in Addendum 4 to Document RRB19-2/6. It was difficult to extract statistics about the number of orbital locations sequentially brought into use with a single spacecraft on the webpage related to Resolution 40 (WRC-15).

3.57 **Mr Vallet (Chief SSD)** said that the Bureau would seek to improve the webpage before WRC-19.

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

"The Board noted the information provided in Addendum 4 to the Report of the Director of the Radiocommunication Bureau concerning the information and statistics on the implementation of Resolution 40 (WRC-15). The Board indicated that it was difficult to extract statistics about the number of orbital locations sequentially brought into use with a single spacecraft from the indicated webpage and instructed the Bureau to revise the webpage in order to include this search feature."

Access by Board members to online publications of special sections and the BR IFIC

3.59 Following a request by **Mr Henri** regarding Board members' access to online information in the course of its work, the Board **agreed** as follows:

"The Board considered that there was a need for the members of the Board to have access to the online publications of the special sections and the BR IFIC, and that additionally, in relation to certain cases brought to the Board for a decision, the relevant publication information would be required on a case-by-case basis. Consequently, the Board instructed the Bureau to grant the members of the Board access to the relevant online publications for terrestrial and space services and also to provide in future the publication information relevant to cases under consideration by the Board on a case-by-case basis."

3.60 The Board **noted** the report of the Director of BR (Document RRB19-2/6 and Corrigendum 1 and Addenda 1-5), along with the fact that Addendum 3 would be taken up subsequently during the present meeting (see §8 below).

4 Resolution 80 (Rev. WRC-07) (Documents RRB19-2/2, RRB19-2/9, RRB19-2/10, RRB19-2/11, RRB19-2/12 and Corrigendum 1, RRB19-2/13, RRB19-2/14, RRB19-2/DELAYED/1; Circular Letter CR/443)

4.1 **Ms Beaumier**, speaking as the Chairman of the Board's Working Group on Resolution 80 (Rev. WRC-07), drew attention to Document RRB19-2/2 containing the Board's draft report to WRC-19 on Resolution 80 (Rev. WRC-07) as revised by the Board at its 80th meeting. Since that meeting, Circular Letter CR/443 had been sent out to administrations inviting comments on the draft report, and seven administrations had responded, as follows: Document RRB19-2/9 from the Administration of Greece, Document RRB19-2/10 from

the Administration of Saudi Arabia, Document RRB19-2/11 from the Administration of Oman, Document RRB19-2/12 and Corrigendum 1 from the Administration of Jordan, Document RRB19-2/13 from the Administration of Cyprus, Document RRB19-2/14 from the Administration of Viet Nam, and Document RRB19-2/DELAYED/1 (taken up for information) from the Administration of the Islamic Republic of Iran. Having noted briefly the sections of the draft report to which the submissions related, she said that they would all be discussed in detail by the Board's working group.

4.2 The **Chairman** recalled that, as with the Board's discussions on rules of procedure, all Board members could participate in discussions on the Board's Resolution 80 report even if their country had submitted a contribution on it. She invited members to make general comments on the report and contributions received, following which the Board would enter into detailed discussions in the working group.

4.3 **Mr Alamri** noted that some of the contributions received dealing with the application of RR No. 13.6 proposed the imposition of a time-limit of 21 months into the past, whereas others preferred no time-limit. It was up to the conference rather than the Board to take such a decision. As requested by certain administrations, however, the Board should in its report clarify the difficulties encountered in the application of RR No. 13.6, particularly with regard to retroactive application of the provision.

4.4 **Ms Beaumier** said that the report would incorporate the comments received to the extent the Board deemed them appropriate, and would present all possible information on the issues identified in its report. Only where it reached consensus would the Board suggest a possible way forward on any given issue.

4.5 The **Chairman** said that the basic intention was to identify and comment on the problems encountered by the Board, without necessarily seeking to solve them itself.

4.6 **Mr Varlamov** considered that the Board should seek to propose solutions where possible, even though it would be up to the WRC to decide whether or not to adopt them.

4.7 Following meetings of the Working Group on Resolution 80 (Rev. WRC-07) on 17, 18 and 19 July, the Board **agreed** to conclude on the matter as follows:

"The Board considered in detail the contributions in Documents RRB19-2/9, RRB19-2/10, RRB19-2/11, RRB19-2/12, RRB19-2/12(Corr.1), RRB19-2/13 and RRB19-2/14, and Document RRB19-2/DELAYED/1 for information. The Working Group on Resolution 80 (Rev.WRC-07), under the chairmanship of Ms C. BEAUMIER, reviewed the draft Report on Resolution 80 (Rev.WRC-07) to WRC-19, taking into account the comments from administrations. The Board approved the Report on Resolution 80 (Rev.WRC-07) and instructed the Bureau to submit the Report as a contribution to WRC-19."

The Chairman, on behalf of all the Board Members, thanked Ms Beaumier for all her work and efforts in finalising the Resolution 80 Report and Ms Wilson for her work and efforts in preparing the outline and the first drafts of the Report.

5 Rules of procedure (Documents RRB19-2/1 (RRB16-2/3(Rev.11)), RRB19-2/5; Circular Letter CCRR/62)

List of rules of procedure (Document RRB19-2/1(RRB16-2/3(Rev.11)))

5.1 Following a meeting of the Working Group on the Rules of Procedure on Wednesday, 17 July, its Chairman, **Mr Henri**, reported that the Working Group had, *inter alia*, updated the list of rules of procedure set out in Document RRB19-2/1 (RRB16-2/3(Rev.11)) to reflect the decisions taken by the Board regarding No. 5.458 and items A.1.f.2 and A.1.f.3 in Annex 2 to Appendix 4. The working group had not had time to review the list of rules of procedure in relation to RR No.13.0.1. Thus, the only rules of procedure identified for incorporation in the Radio Regulations were those relating to Resolution 49 (Rev. WRC-15) and No. 5.510, which were included in the Report of the Director to WRC-19.

5.2 The **Chairman** said that she had reviewed the list of proposed rules of procedure and had not identified any others that lent themselves to incorporation in the Radio Regulations. She invited members to review the list themselves.

Draft rules of procedure and comments from administrations (Circular Letter CCRR/62 and Document RRB19-2/5)

5.3 **Mr Vassiliev (Chief TSD)** introduced the draft revised rules of procedure on RR No. 11.31 and the ST61 and GE84 Regional Agreements annexed to Circular Letter CCRR/62.

5.4 The draft revised rule of procedure on No. 11.31 was **approved**, with effective date of application 1 January 2017.

5.5 Regarding the draft revised rules on the ST61 and GE84 Agreements, **Mr Vassiliev (Chief TSD)** said that it was proposed that the draft rules, intended to facilitate the application of the plan modification procedures, should apply immediately after approval. According to the draft rules, the basic period for completion of coordination procedures under both agreements would be set at one year, plus 12 weeks for receipt of initial comments under the ST61 Agreement and 100 days for receipt of initial comments under the GE84 Agreement. The Bureau had received comments on the draft rules from three administrations, as annexed to Document RRB19-2/5. The Administration of Uzbekistan considered the one-year time-frame acceptable, but proposed that the effective date of application of the draft rule on the GE84 Agreement should be 31 December 2019. The Administration of the Russian Federation considered that the draft rule on the GE84 Agreement should not enter into force before 1 January 2020. The Administration of Azerbaijan would shortly be submitting more specific proposals in writing to the Bureau, to the effect that the time-frame for completion of coordination procedures should be extended to two years and that the effective date of application of the draft rule on the GE84 Agreement should be 31 March 2020.

5.6 In response to a question from **Mr Borjón**, he said that the proposed one year time-frame for completion of coordination procedures was common in older agreements, and pointed out that a two-year time-frame had been provided for in the GE06 Agreement. If the Board decided on a two-year period, there was nothing to prevent administrations from completing the coordination process earlier.

5.7 **Ms Hasanova** thanked the Bureau for its efforts to facilitate coordination meetings for countries with disputed territories and in conflict, including her own. A time period of one year plus one hundred days was not sufficient for countries with exceptional circumstances and in conflict to complete coordination procedures, particularly when unfounded objections were raised by countries other than neighbouring countries. Accordingly, a period of two years plus 100 days should be set for the completion of coordination procedures under the GE84 Agreement; the effective date of application of the draft rule of procedure should be 31 March 2020.

5.8 **Mr Varlamov** said that extending the time period for the completion of coordination to a maximum of two years plus 100 days would not have a detrimental effect on those administrations that were able to complete the process earlier, and would be beneficial to others requiring more time. He agreed that the draft rule of procedure on the GE84 Agreement should take effect as from 31 March 2020.

5.9 **Mr Alamri** agreed that administrations should be given two years to complete coordination and suggested that 31 December 2019 be set as the effective date of application of the draft rule on the GE84 Agreement.

5.10 **Mr Vassiliev (Chief TSD)** said that the Board might wish to apply the same approach in both the draft rule of procedure on the ST61 Agreement and that on the GE84 Agreement.

5.11 **Mr Varlamov** agreed that it would be beneficial for administrations if the Board took a consistent approach. A basic period of two years plus 12 weeks for completion of coordination should be established

with respect to the ST61 Agreement and 31 March 2020 should be set as the effective date of application of the draft rule of procedure.

5.12 **Mr Alamri** said that he would endorse that approach, but no restrictions should be placed on the retroactive application of the rules.

5.13 It was so **agreed**.

5.14 The draft rules of procedure on the ST61 and GE84 Regional Agreements were **approved**, with effective date of application 31 March 2020, and with the rules also applying retroactively to all plan modifications published in Part A.

5.15 The **Chairman** proposed that the Board conclude on its work on the Rules of Procedure as follows:

"Following a meeting of the Working Group on the Rules of Procedure, under the chairmanship of Mr Y. HENRI, the Board decided to update the list of proposed rules of procedure in Document RRB19-2/1 (RRB16-2/3(Rev.11)) taking into account the proposals by the Bureau for the revision of certain rules of procedure.

The Board discussed the draft rules of procedure circulated to administrations in Circular Letter CCRR/62, along with the comments received from administrations, as contained in Document RRB19-2/5. The Board adopted the rules of procedure with modifications as contained in Annexes 1 to 3 to this summary of decisions.

The Board reviewed the list of proposed rules of procedure in Document RRB19-2/1 (RRB16-2/3(Rev.11)) in relation to RR No. 13.0.1, however the Board did not identify any rules of procedure that should be incorporated in the Radio Regulations, apart from the rules of procedure relating to Resolution 49 (Rev.WRC-15) and RR No. 5.510, which are already included in the Report of the Director to WRC-19."

5.16 It was so **agreed**.

6 Requests relating to cancellations of the frequency assignments to satellite networks: Request for a decision by the Radio Regulations Board for cancellation of some of the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks at 122˚E under No. 13.6 of the Radio Regulations (Documents RRB19-2/3 and RRB19-2/18)

6.1 **Mr Loo (Head SSD/SPR)** introduced Document RRB19-2/3, in which the Bureau requested the Board to decide to cancel certain frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks under No. 13.6 of the Radio Regulations. Outlining the background to the case as provided in the document, he said that on 17 October 2017, the Administration of China had informed the Bureau that the ASIASAT-AAA satellite network had been brought into use on 9 October 2017 at 122˚E by satellite ASIASAT 9. Based on reliable information, the Bureau had not been able to identify the frequency bands on-board satellite ASIASAT 9. The Bureau had noted that, at the same orbital position, the Administration of China had recorded assignments in the frequency bands listed in Table 1 of the document for the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks. However, the Bureau had been unable to find evidence of the existence of those frequency bands on-board the satellite operational at 122˚E prior to 9 October 2017 (ASIASAT 4) even though the frequency assignments were recorded as having been brought into use as long ago as 1998. On 8 November 2017, under No. 13.6 of the Radio Regulations, the Bureau requested the Administration of China to provide information demonstrating the bringing into use or continuity of use of the frequency bands attributed to the ASIASAT-AAA satellite network and to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks. Through a lengthy exchange of correspondence with the Administration of China, copies of which were set out in Annexes 1-11 to the document, the Bureau had been able to conclude on the bringing into use of the frequency assignments for the ASIASAT-AAA satellite network, but

was unable to confirm that the assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks at 122˚E in the frequency bands set out in Table 1 had been brought into use or continued to be in use before the arrival of the ASIASAT 9 satellite on 9 October 2017. It was therefore requesting the cancellation of those assignments.

6.2 In response to the Bureau's request for cancellation, the Administration of China had submitted Document RRB19-2/18 requesting the retention of the frequency assignments on a number of grounds. China objected to the fact that, although the Bureau had been notified that the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks had been fully operational via ASIASAT 9 before the launch of the investigation under No. 13.6 on 8 November 2017, it was requesting evidence concerning the previous-generation satellite at 122˚E, even though to China's understanding this is not the intent of No. 13.6 and should be avoided. Moreover, the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks had been recorded in the MIFR for over 15 years in full compliance with the requirements of the Radio Regulations in force at the time. All coordination had been completed and no complaints or questions in respect of the assignments had been raised by other administrations. Cancellation of the assignments would adversely impact a number of critical services and create a discrepancy between entries in the Master Register and actual use.

6.3 In response to questions from **Ms Beaumier** and **Mr Alamri**, he said that, when the Bureau had begun an investigation under Circular Letter CR/301 in 2009/2010, it did not have the tools to identify the exact frequency bands on-board the ASIASAT 4 satellite at 122˚E. It now had such tools at its disposal, and had been unable to find evidence of the frequency bands assigned to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks on-board that satellite. For that reason, it had launched an investigation under No. 13.6, for which current practice was to go back three years (corresponding to the maximum period for suspension). It had not found any evidence of the use of those assignments in the three years prior to October 2017, but had not gone as far back as 1998.

6.4 **Mr Varlamov** asked why current practice was to go back three years when, pursuant to No. 11.49, notifying administrations had a maximum period of 21 months to inform the Bureau of a suspension.

6.5 **Mr Vallet (Chief SSD)** said that the intent was not to apply No. 13.6 retroactively but merely to ensure that the situation that had prevailed before the date of bringing into use or suspension was correct in order to ensure that the regulatory situation was continuously correct.

6.6 The **Chairman** said that the current approach taken by the Bureau of going back three years for investigations under No. 13.6 appeared to be reasonable. However, the Board should indicate in its report to WRC-19 under Resolution 80 (Rev. WRC-07) that the application of this provision had caused certain difficulties.

6.7 In response to a question from **Mr Borjón**, **Mr Loo (Head SSD/SPR)** said that in 2009, the Bureau had been satisfied that a satellite was in position at 122˚E (ASIASAT 4). However, on 17 October 2017, when it had been notified by the Chinese Administration of the bringing into use, using the ASIASAT 9 satellite, of the ASAISAT-AAA satellite network at 122˚E, the Bureau had begun looking in more detail at the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks which were recorded at the same orbital position of 122ºE, prompting the investigation under No. 13.6. The Bureau had confirmed that the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks in the bands listed in the document were operated by the ASIASAT 9 satellite.

6.8 **Ms Beaumier** pointed out that the Board was not assessing the bringing into use of the filings as early as 1998, but was seeking clarification concerning the continuous operation of the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks at 122˚E immediately before the arrival of the ASIASAT 9 satellite on 9 October 2017. It was her understanding that the frequency bands listed in Table 1 of Document RRB19-2/3 were not included in the ASIASAT-AAA satellite network filing.

6.9 **Mr Loo (Head SSD/SPR)** confirmed that understanding. Following a question from **Ms Hasanova**, he also confirmed that the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks had completed all required coordination.

6.10 **Mr Hoan** understood that the Bureau was requesting the cancellation because the Administration of China had failed to respond directly and explicitly to requests for clarification as to whether the assignments in the frequency bands assigned to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks at 122˚E as listed in Table 1 in Document RRB19-2/3 had been brought into use or continued to be in use before the arrival of ASIASAT 9 on 9 October 2017.

6.11 **Mr Varlamov** noted that the Administration of China had initially informed the Bureau about the bringing into use of assignments to the ASIASAT-AAA satellite network, yet the Bureau had requested clarification regarding the bringing into use of frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks, which were already recorded in the MIFR. Furthermore, in 2009 the Bureau had been satisfied regarding the presence of ASIASAT 4 at 122˚E, which had remained at that orbital position until 2017. He sought clarification of the reasons why the Bureau was reviewing its previous conclusion and was dealing with satellite networks other than ASIASAT-AAA. He also highlighted that the Master Register should reflect the orbital situation correctly, yet consideration was being given to cancelling frequency assignments that had been brought into use and were currently operational.

6.12 **Mr Vallet (Chief SSD)** said that a satellite had indeed been present at 122˚E from 2009 to 2017. When Circular Letter CR/301 had been issued in 2009, the Bureau had been prioritizing actions aimed at ensuring that the Master Register was in conformity with actual use. Accordingly, the Bureau had focused initially on cases where no satellite was in orbit. It was important to note that the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks had not been concluded on positively in 2009; they had simply not been considered as a priority case as the presence of a satellite had been verified, and it had not been deemed necessary to launch an investigation under No. 13.6 at that time. When an administration informed the Bureau of a change of satellite, the Bureau sought clarification regarding all that administration's satellite networks at the same orbital position to ensure that none were affected and that the Master Register remained correct. The Master Register did not simply reflect the operational situation in orbit but constituted a database of the regulatory rights attached to frequency assignments operated by administrations. Such regulatory rights were afforded by following proper procedures, including by ensuring that frequency assignments were actually used by satellites, not simply by positioning a satellite in orbit.

6.13 **Ms Beaumier** agreed that the Master Register should reflect the regulatory rights attached to frequency assignments. In the absence of information from the Administration of China confirming the continuous use of the frequency assignments in question just prior to the arrival of ASIASAT 9, it would be difficult for the Board to decide to retain them and allow China to maintain the rights associated with entry in the Master Register. A new filing would have to be submitted to properly register the assignments.

6.14 **Mr Alamri** said that caution should be exercised in cancelling frequency assignments to satellite networks recorded in the Master Register many years previously in compliance with the regulatory regime in force at the time. Moreover, as the Administration of China had confirmed that the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks were in use via the ASIASAT 9 satellite, which had the capability to transmit in the entire frequency range of 10.7 – 12.75 GHz, the Master Register reflected current use. He would therefore support retention of the assignments, since their cancellation would adversely affect the reliability of records in the Master Register and have a serious impact on the administration and satellite operators concerned who have developed and implemented their satellite networks relying on BR decisions of recording those frequency assignments in MIFR many years ago. He also mentioned that moving in the direction of cancellation of frequency assignments of operational satellites will create discrepancies between the entries in the MIFR and the actual uses which is opposite to the intent of RR No. 13.6. Noting the importance of focusing on current use, he said that retroactive examination of assignments recorded in the Master Register many years earlier should be avoided.

6.15 **Mr Talib** said that cancellation would have a detrimental effect on the Administration of China and might constitute a precedent. He supported retention of the frequency assignments pending the provision of further information by the Administration of China, in compliance with the relevant provisions of the Radio Regulations.

6.16 **Mr Borjón** pointed out that the frequency assignments had been brought into use on 9 October 2017, i.e. before the launch of the investigation under No. 13.6. As everything appeared to be in order when the Bureau had received the information and had launched its investigation, he questioned the retroactive application of No. 13.6 and did not support the cancellation of the frequency assignments.

6.17 **Mr Hashimoto** suggested that it would be prudent to await the outcome of discussions at WRC-19 on the retroactive application of No. 13.6 before taking a decision.

6.18 **Mr Henri** observed that ASIASAT 4 had been in position until 9 October 2017, yet its frequency plan had not included the bands listed in Table 1 of Document RRB19-2/3. Notwithstanding the information provided by the Chinese Administration, the Bureau had acted correctly, its request was justified and he would support the cancellation of the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks in the bands listed. The late operation of frequency assignment to a satellite did not constitute sufficient regulatory grounds to obviate the need for compliance of such assignments with No. 11.44 on bringing into use and No.13.6 on continuity of use.

6.19 **Mr Hoan** agreed that cancellation would have an adverse impact on existing services and create a discrepancy between the entries in the Master Register and actual use. He considered that the Bureau had acted correctly, but acknowledged that no clear conclusion on retroactive application had yet been reached by the WRC. He supported the suggestion to defer a decision on the matter until after WRC-19.

6.20 **Mr Varlamov** pointed out that the frequency assignments had been introduced and used under a previous regulatory regime. In 2009, the Bureau had been able to confirm the presence of a satellite at 122˚E and the situation had appeared to be in order. However, with the far more advanced tools the Bureau now had at its disposal, it had been unable to find evidence of certain bands on-board the satellite at that position before 9 October 2017. Even if certain infringements had occurred in the past, a new satellite had now been launched and appropriate procedures followed. Although the case was complex, he would support retaining the frequency assignments on an exceptional basis.

6.21 **Mr Mchunu** said that China had not confirmed the status of the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks prior to the arrival of ASIASAT 9 on 9 October 2017. The case should be referred to WRC-19, which would be providing guidance and direction on No. 13.6.

6.22 **Ms Hasanova**, noting that the frequency assignments were in use and that all required coordination had been completed, said that the Board should defer its decision until after WRC-19.

6.23 The **Chairman**, noting the diverse views expressed, said that it was essential for the Board's credibility that it be seen as a decision-making body. Accordingly, it should refer cases to the WRC only as a last resort. She suggested that the Board might see fit to decide to cancel the frequency assignments, but instruct the Bureau to retain them in the MIFR until the last day of WRC-19 to give the Administration of China an opportunity to appeal to the conference.

6.24 **Mr Varlamov** said that he agreed that the Board should be seen to take decisions. A more positive approach in the present case, however, would be for the Board to instruct the Bureau to retain the frequency assignments in the MIFR until the end of WRC-19 pending the conference's consideration of the issue.

6.25 The **Chairman** said that her suggestion implied a firmer stance on the part of the Board.

6.26 **Ms Beaumier** supported the Chairman's suggestion and agreed that referring the case to WRC-19 for decision would send the wrong message about the capability of the Board. Based on available information, the Bureau had acted correctly in its investigation under No. 13.6. In her view, the Board was

not dealing with the retroactive application of No. 13.6, but was assessing whether or not the requirements concerning continuous operation of frequency assignments had been met.

6.27 **Mr Alamri** pointed out that if there will be any decision by WRC-19 concerning a time period for the application of No. 13.6, it would take effect after the conference, and would therefore not apply to the present case, accordingly he saw no reason deferring the decision until after WRC-19. The Administration of China had confirmed the continued use of the frequency assignments and the Board therefore had no reason to cancel them. The Master Register reflected the current situation and the assignments should be retained.

6.28 **Mr Henri, Mr Borjón** and **Mr Talib** having reiterated their earlier comments, the **Chairman**, responding to a comment from **Mr Mchunu**, said that a decision by the Board to postpone cancellation until the last day of WRC-19 rather than to cancel the assignments with immediate effect would save the Bureau extra work should the Administration of China appeal to WRC-19 and the conference decide to reverse the Board's decision.

6.29 **Mr Hoan** agreed that it was for the Board, not WRC-19, to take a decision on the matter. As WRC-19 would be considering the application of No. 13.6 under the report by the Board on Resolution 80 (Rev. WRC-07), a decision on the case should be deferred until after WRC-19.

6.30 **Mr Varlamov** said that he would prefer the Board not to defer its decision until after WRC-19.

6.31 **Mr Henri** agreed that it was important for the Board to be seen as a decision-maker body on the matter, which pertained to the international rights and obligations of administrations in respect of frequency assignments recorded in the MIFR. In his view, No. 13.6 had not been applied retroactively. A legal or regulatory act is said to be retroactive when its effects may be exerted on situations or facts that predate its date of application, and if the legislator has expressly pronounced on this point, which is not the case for No. 13.6. The reliable information available indicates that some of the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks had not been in continuing use and therefore not in compliance with the Radio Regulations and should be cancelled. He would, however, be prepared to go along with the Chairman's proposed way forward as such action would send a strong signal from the Board about the importance of compliance with the Radio Regulations and maintain the reliability, integrity and credibility of the Master Register.

6.32 The **Chairman**, noting that the Board was divided, suggested that it might reach a conclusion based on decisions in respect of similar cases in the past. She drew attention in that regard to a request for the cancellation of frequency assignments to the INTELSAT8 328.5E and INTELSAT9 328.5E, considered by the Board at its 78th meeting in 2018. Although the assignments in question had never been brought into use, the case might nevertheless be of relevance.

6.33 **Mr. Hashimoto** said that there is certainly similarity between the current case and the case considered at the 78th meeting, therefore, the Board should make a similar decision. Otherwise, the Conference would have a problem.

6.34 **Mr Vallet (Chief SSD)** said that the Board might also wish to look back at a case it had dealt with at its 69th meeting in 2015· concerning the status of the ASIASAT-CK and ASIASAT-CKX networks. He recalled that, when implementing a decision taken by the Board at its 64th meeting to cancel frequency assignments in a particular band to the ASIASAT-CKZ satellite network, the Bureau noted that the Administration of China had the same frequency band recorded for two other networks registered in the MIFR at the same orbital position, namely ASIASAT-CK and ASIASAT-CKX, which consequently triggered an investigation under No. 13.6 for these satellite networks.

6.35 **Mr Varlamov** agreed that some aspects of the case highlighted by Mr Vallet were similar to the case now before the Board. However, the Board was currently discussing the cancellation of frequency assignments that were fully operational and registered in the MIFR. A decision to cancel such assignments could have implications for the future viability and credibility of the Register, and he urged caution.

6.36 **Mr Borjón** said that, while there were certain similarities with the case considered by the Board in 2015, the networks in question were operational and the assignments had been brought into use before the investigation under 13.6 had been launched.

6.37 **Mr Alamri** said that cancellation of the frequency assignments under consideration would constitute a retroactive decision and should be avoided. Had the Chinese Administration not informed the Bureau of the bringing into use of ASIASAT-AAA, the regulatory status of the assignments under discussion would have remained unchanged. With the Bureau questioning frequency assignments recorded in the Master Register many years earlier in compliance with the regulations in force at the time, it might appear as if the Administration of China was being punished because it has informed the Bureau of the actual use of the frequency assignments of this satellite network in compliance with related provisions of Radio Regulations.

6.38 **Mr Henri** said that he was still missing the reason for the use of the term 'retroactive' in the context of No. 13.6. No. 13.6 stated that "the Bureau shall consult the notifying administration", but did not provide for a time-limit in that regard. He also noted that No. 14.1 did not set a time period for an administration or the Bureau to initiate a review of a finding with a view to ensuring the accuracy of entries in the MIFR. Each case should be examined on its own merit.

6.39 The **Chairman**, agreeing that No. 13.6 did not provide a time-limit, asked how far back it was appropriate to go. Also, was it acceptable to overlook a previous failure to comply with regulatory requirements once the situation had been rectified?

6.40 **Mr Vallet (Chief SSD)** said that the validity of an assignment was not conferred through an entry in the MIFR, but through compliance with the Radio Regulations. Provisions existed to avoid irregularities, including No. 14.1, according to which findings could be reviewed at the request of an administration or on the initiative of the Bureau, and No. 11.50, on the periodic review of the Master Register by the Bureau. No time-limit was specified in either.

6.41 **Ms Beaumier** said that, had the Bureau launched its investigation on 8 October 2017, the Board would have had no difficulty in deciding to cancel the assignments. She failed to see how the Board could overlook the fact that the frequency assignments in question had not been in use immediately before the arrival of ASIASAT 9 at 122°E, and agreed that there was no set time limit for investigations under No. 13.6 or No. 14.1. She supported the Chairman's proposed way forward.

6.42 **Mr Talib** said that previous similar cases should be taken into account. However, the situation was particularly challenging: the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks were operated by ASIASAT 9, but a previous irregularity had been identified. He did not support cancellation, which could create a legal precedent, and suggested that, as a worst case scenario, the assignments should be maintained in the Register until the end of WRC-19.

6.43 The **Chairman** urged members to agree on a way forward, drawing inspiration as appropriate from the previous similar cases identified. Accordingly, following further comments by **Mr Vallet (Chief SSD), Mr Varlamov** and **Mr Alamri,** she suggested that the Board conclude on the matter as follows:

"The Board carefully considered the information provided by the Bureau in Document RRB19-2/3 and that provided by the Administration of China in Document RRB19-2/18.

In relation to the request of the Bureau for the cancellation of some of the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks at 122°E, the Board noted that the Bureau had applied the provisions of the Radio Regulations correctly. The Board noted that the Administration of China provided no information to demonstrate that the frequency assignments continued to be in use in compliance with the provisions of the Radio Regulations for the three-year period prior to 9 October 2017.

The Board also took into consideration that the questioned assignments had been registered in the MIFR for a long time, had actually been brought into use some weeks before the Bureau started the investigation on 8 November 2017 under RR No. 13.6 and continued to be in operation. The Board also noted that all

coordination requirements of the frequency assignments had been completed and that no complaints had been received from other administrations.

However, based on the results of the investigation by the Bureau under RR No. 13.6, the Board concluded that the Administration of China had not complied with the Radio Regulations on the basis that the frequency assignments were not in use for more than a 21 month period prior to the launch of ASIASAT 9. Consequently, the Board decided to cancel the frequency assignments as listed in Table 1 of Document RRB19-2/3 to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks and instructed the Bureau to suspend this cancellation until the last day of WRC-19."

6.44 It was so **agreed**.

7 Requests relating to cancellations of the frequency assignments to satellite networks: Submission by the Administration of Greece regarding the submission from the Administration of France requesting the suppression of the frequency assignments to the HELLAS-SAT-2G (39˚E) satellite network (Documents RRB19-2/6, RRB19-2/16, RRB19-2/DELAYED/3, RRB19-2/DELAYED/6 and RRB19-2/DELAYED/9)

7.1 **Mr Vallet (Chief SSD)** drew attention to §9 of the Director's report to the present meeting in Document RRB19-2/6 which outlined what had been achieved at the coordination meeting held further to the decisions taken by the Board at its 80th meeting on the French Administration's request for the Board to cancel the frequency assignments to Greece's HELLAS-SAT-2G (39˚E) satellite network. At the coordination meeting held on 27-28 May 2019 with the participation of the Bureau, various proposals had been noted for further discussion, including a late proposal by the Greek Administration. Agreement had been reached to comment on the proposals by correspondence and hold a second coordination meeting with the Bureau's participation in Paris, scheduled tentatively for the end of September/beginning of October 2019.

7.2 He went on to introduce Document RRB19-2/16, in which the Greek Administration addressed in detail the arguments put forward by France in support of its request for cancellation of Greece's frequency assignments, as considered by the Board at its 80th meeting. The Greek Administration concluded *inter alia* that it firmly believed that the Board had more than sufficient information before it at the present meeting to affirm the continued validity of the HELLAS-SAT-2G satellite network's registration in its entirety and to accept the demonstration that it had been fully brought back into use in a timely fashion with the launch and operation of the Hellas Sat 4 satellite.

7.3 As announced in Document RRB19-2/16, Document RRB19-2/DELAYED/3 (taken up by the Board for information) contained the Greek Administration's response to the investigation which the Board had instructed the Bureau to carry out under RR No. 13.6 following the Board's 80th meeting. Greece concluded in the late submission that it was evident that the MIFR entries for the Greek network were fulfilled by the HellaSat spacecraft, and asserted that it was inappropriate, as a matter of established procedure, for the Bureau to revisit much older, long-closed investigations under RR No. 13.6 to reassess circumstances that might have existed years previously.

7.4 In Document RRB19-2/DELAYED/6 (taken up by the Board for information), the French Administration responded to the Greek Administration's contributions, expressed its willingness to pursue further coordination efforts, and explained why it had waited until 2019 to seek cancellation of the Greek frequency assignments, commenting on various details of the matter.

7.5 In Document RRB19-2/DELAYED/9 (taken up by the Board for information), the Greek Administration noted France's late submission, maintained that all the points raised in it were answered by Greece's submissions to the present meeting, and reiterated its request for the Board to reject France's request for cancellation of the Greek assignments.

7.6 He concluded by suggesting that the best way forward might be to urge the two administrations to pursue coordination further, as both were prepared to do so but were unlikely to back down from their positions until agreement on coordination had been reached.

7.7 The **Chairman** suggested that the Board urge the two administrations to continue their coordination efforts, and see what results had been achieved when it met for its 82nd meeting.

7.8 **Mr Varlamov** asked whether the Bureau was satisfied by Greece's response to the investigation under RR No. 13.6.

7.9 **Mr Vallet (Chief SSD)** said that the answer to that question depended on what could be expected of an administration responding to an investigation under RR No. 13.6. On one hand, Greece had provided detailed information on the present operations of the frequencies in question. On the other, it had provided no information regarding the bringing into use of the Ka band in 2013, while affirming that an investigation under RR No. 13.6 into events in 2013 could not be conducted in 2019.

7.10 Responding to a question by **Mr Talib,** he said that there was no regulatory time-limit on how far into the past an investigation under RR No. 13.6 could be conducted. In practical terms, the Bureau did not have the resources to investigate all cases dating back numerous years.

7.11 **Mr Hoan** agreed with the Chairman's suggestion to await the outcome of the coordination meeting scheduled for September/October 2019.

7.12 **Mr Alamri** noted that the Bureau's current practice regarding investigations under RR No. 13.6 was to look no more than three years into the past, and that equal treatment should be applied to all cases. He asked what was being done regarding the two bands for which Greece had invoked CS Article 48. To his understanding, according to the decisions taken by WRC-15 the Bureau was to discontinue any investigation as soon as Article 48 was invoked.

7.13 **Mr Vallet (Chief SSD)** said that the scope of the Bureau's investigation in accordance with the instructions issued by the Board at its 80th meeting was set out in the Bureau's letter to the Greek Administration ref. 11SG(SPR)O-2019-001151 of 29 March 2019. The letter indicated that the Board had noted that Greece had invoked CS Article 48 for the bands 20.2-21.2 GHz and 30-31 GHz. The Board had nevertheless not taken an explicit decision about these frequency bands.

7.14 The **Chairman** said that the Board had not discussed that matter specifically. To her understanding, the Greek Administration's invocation of CS Article 48 for the two bands did mean that the Board would consider that aspect of the case closed.

7.15 **Ms Beaumier** inferred from the Bureau's explanations that it would not have carried out an investigation under RR No. 13.6 going back six years at its own initiative. She asked whether the Bureau would have done so if France had submitted its request directly to the Bureau.

7.16 **Mr Vallet (Chief SSD)** said that when the Bureau received a request for investigation from an administration, it first ascertained whether or not it had carried out an investigation on the same issue in the past. If it had, it would send the results to the administration concerned. Thus in the present instance, it would have informed the French Administration that CS Article 48 had been invoked for certain bands and that the Bureau therefore considered the matter closed in that regard. If the French Administration was not satisfied with that response, it could submit the matter to the Board for consideration. As to the remaining parts of the request, if no investigation had already been carried out, the Bureau would have sent the French Administration's request to the Greek Administration, there being no time-limit on the application of RR No. 13.6, indicating that the matter was under investigation at the request of France, and not at the Bureau's initiative. Regarding the specific case at hand, the Bureau would have noted that when considering the bringing into use of network HELLAS-SAT-2G, it had looked at the frequency ranges of the satellite used at the orbital position in question, but not at the specific frequency bands, which was what the French Administration was calling into question. Since the investigation involved new information compared with

the Bureau's initial investigation, the Bureau would send the French Administration's request to the Greek Administration.

7.17 **Mr Varlamov** pointed out that RR No. 13.6 had existed in different versions over the years, and its present version could therefore not be applicable indefinitely into the past. From the practical viewpoint, all activities were limited according to the resources available, and if the Bureau did not carry out an investigation because it did not have sufficient resources, presumably it would inform the Board accordingly.

7.18 **Mr Henri**, making a general comment not in direct relation to the case under discussion, said that to his recollection the Board had not taken any definitive decisions as to how it should handle cases for which CS Article 48 was invoked.

7.19 The **Chairman** said that to her recollection the Board had not decided explicitly that it would consider closed any cases for which CS Article 48 was invoked, but had concluded that it could not pursue matters any further whenever the article was invoked. The situation regarding CS Article 48 was unsatisfactory, which was why it was being raised in the Board's report to WRC-19 under Resolution 80.

7.20 **Mr Hashimoto** noted that, notwithstanding the French Administration's request for cancellation in its submissions, §9 of Document RRB19-2/6 suggested that technical solutions to the problem might well be possible. The best way forward would therefore be to endeavour to reach agreement at the technical level.

7.21 **Mr Vallet (Chief SSD)** agreed with Mr Hashimoto, noting that satellites were already in orbit and that to seek to resolve the issue at the regulatory level would be extremely complex.

7.22 **Mr Borjón** said that the Board did not have all the information required in order to decide whether or not to cancel the Greek assignments as requested by France, and the only decision it could take was to discuss no further the bands for which CS Article 48 had been invoked. As mentioned, however, satellites were in orbit at the positions concerned. Bearing in mind the basic purposes of the Union in terms of ensuring the efficient use of resources, collaboration, and so forth, he would support the Chairman's initial proposal to encourage the administrations concerned to continue to pursue agreement at the technical/coordination level.

7.23 **Ms Beaumier** also endorsed the Chairman's initial proposal, with the Board deferring its decision on the matter until the 82nd Board meeting, by which time the second coordination meeting would have been held. The Board was certainly not in a position to end the investigation at the present juncture as requested by the Greek Administration. The Board should instead continue to encourage the two administrations to coordinate in good faith. She also noted that Greece had not addressed the issues identified by France that had led to the present investigation under RR No. 13.6. Regarding matters relating in general to CS Article 48, she agreed that the Board had not concluded explicitly on the subject, but was reporting the problems encountered to the WRC under Resolution 80.

7.24 **Ms Hasanova** said that the Bureau was to be thanked for all the support it had provided to the two administrations concerned in their efforts to reach agreement at the technical level. At the present juncture, the Board should encourage the parties to pursue those efforts, requesting the Bureau to report back on the matter to the Board at its 82nd meeting.

7.25 **Mr Alamri** considered that, in accordance with decisions taken by WRC-15 and previous RRBs on similar cases, the Board should agree to close the investigation under RR No. 13.6 with regard to those bands for which CS Article 48 had been invoked as it is not within its mandate to make decisions with reference to this article.

7.26 **Mr Varlamov** considered that matters relating to CS Article 48 were sufficiently clear, as the Board had recognized at its 78th meeting that it was not within its mandate to make decisions with reference to that article. Moreover, the Board was fully discharging its responsibilities in regard to §1.6*bis* of Part C of the Rules of Procedure relating to transparency in its work, as all the documentation before the meeting was unrestricted. He nevertheless suggested that the two administrations should be placed on an equal footing,

by ascertaining whether all was in order with regard to the French network ATHENA-FIDUS-38E, and he therefore asked whether an investigation had ever been made into that network.

7.27 **Mr Vallet (Chief SSD)** said that the Bureau had looked into the bringing-into-use of the ATHENA-FIDUS-38E network and had been informed by the French Administration in 2015 that the network was used for national defence purposes. In accordance with the Bureau's practice at the time, i.e. prior to WRC-15, it had informed the French Administration that the latter's reference to military use was understood by the Bureau to be an indirect invocation of CS Article 48 for that network, and had closed the matter on that basis. Such had been the Bureau's approach at the time, and it had never given rise to any problems. If another administration requested information regarding the bringing-into-use of network ATHENA-FIDUS-38E, the Bureau would reply that it had investigated the matter in the past under RR No. 13.6, and in line with the practice at the time had closed the investigation based on the French Administration's indirect invocation of Article 48. Lastly, he noted that under the ITU Constitution and Convention and the decisions taken by the WRC, the Board had certain powers that went beyond those of the Bureau.

7.28 **Mr Varlamov**, supported by **Mr Alamri**, said that in order to establish a full and balanced picture of the situation the French Administration should be asked under RR No. 13.6 to clarify matters regarding invocation of CS Article 48 for its ATHENA-FIDUS-38E network. The Board could discuss the regulatory status of the two administrations' networks at its 82nd meeting, thus possibly adding some incentive for both parties to resolve the issue at the technical level. He noted that explicit invocation of CS Article 48 was now required as decided by WRC-15, and other administrations had been requested to clarify matters regarding CS Article 48 in the same manner as he was now suggesting for France.

7.29 The **Chairman** suggested that such an approach might constitute retroactive application of WRC decisions in regard to a case that had already been investigated and closed.

7.30 **Ms Beaumier** expressed similar doubts.

7.31 **Mr Varlamov** insisted that the French Administration could perfectly well be asked to clarify whether or not it invoked Article 48 for its ATHENA-FIDUS-38E network. The Board had full information on the Greek Administration's network, but practically nothing on the French network.

7.32 The **Chairman** proposed that the Board conclude on the matter as follows:

"The Board considered in detail §9 of Document RRB19-2/6 and Document RRB19-2/16, and Documents RRB19-2/DELAYED/3, RRB19-2/DELAYED/6 and RRB19-2/DELAYED/9 for information. The Board expressed its appreciation to the Administrations of France and Greece for their coordination efforts conducted in good faith and to the Bureau for convening the coordination meeting, and noted with satisfaction that another coordination meeting with the presence of the Bureau was planned.

The Board also considered that the Administration of Greece had invoked CS Article 48 in relation to the frequency assignments to the HELLAS-SAT-2G (39°E) satellite network in the frequency bands 20.2-21.2 GHz and 30-31 GHz, and that the Administration of France had indicated military use of the frequency assignments to the ATHENA-FIDUS-38E satellite network. The Board reiterated that it was not within its mandate to make decisions with reference to CS Article 48.

The Board noted for information that the Administration of Greece had provided Document RRB19-2/DELAYED/3 in response to the inquiries from the Bureau under RR No. 13.6, as a result of the instruction from the Board to the Bureau at its 80th meeting.

Consequently, the Board decided to instruct the Bureau to:

- Confirm with the Administration of France the status of the use of the frequency assignments to the ATHENA-FIDUS-38E satellite network with respect to CS Article 48
- Continue to support the coordination efforts of the two administrations and report any progress to 82nd meeting of the Board.

The Board also encouraged the Administrations of France and Greece to continue their coordination efforts in good faith."

7.33 It was so **agreed**.

8 Requests relating to cancellations of the frequency assignments to satellite networks: Submission by the Administration of the United Kingdom requesting the suppression of the frequency assignments to the ARABSAT-KA-30.5E, ARABSAT 5A-30.5E and ARABSAT 7A-30.5E satellite networks in the ranges 17 700-22 000 MHz and 27 500-30 000 MHz (Documents RRB19-2/6 and Addendum 3, RRB19-2/17, RRB19-2/DELAYED/4, RRB19-2/DELAYED/5(Rev.1) and RRB19-2/DELAYED/8)

8.1 **Mr Vallet (Chief SSD)** drew attention to §10 of the Director's report to the present meeting in Document RRB19-2/6, which outlined what had been achieved at the coordination meeting held on 29-30 April 2019 between delegates from Saudi Arabia, acting as notifying administration for ARABSAT, and the United Kingdom further to the decisions taken by the Board at its 80th meeting regarding the United Kingdom Administration's request for the Board to cancel the frequency assignments to the ARABSAT-KA-30.5E, ARABSAT 5A-30.5E and ARABSAT 7A-30.5E satellite networks in the ranges 17 700-22 000 MHz and 27 500-30 000 MHz. The two administrations had agreed at the coordination meeting to use the outcome of a meeting held in August 2014 as a baseline to pursue coordination, to work together by correspondence, and to hold a further coordination meeting on 26-27 June 2019 at ITU headquarters.

8.2 He then drew attention to Document RRB19-2/17, dated 24 June 2019 – i.e. just before the June coordination meeting – in which the United Kingdom deplored the fact that satellite ARABSAT-6A, launched on 11 April 2019, appeared to be causing interference as from 11 June 2019 to the United Kingdom network's established operations. Until such time as agreement was reached between the parties concerned, the United Kingdom reiterated its request for the Board to cancel the frequency assignments to the three ARABSAT networks in the ranges indicated.

8.3 Addendum 3 to Document RRB19-2/6 contained the report on the second coordination meeting held on 26-27 June 2019. Noting that the operators had found solutions regarding the interference experienced, he said that with regard to coordination the meeting had allowed the parties to agree on the principles for identifying the service areas of each operator and on the next steps to be taken. The first steps (exchange of technical information) had been completed, and the agreement was that all steps would be completed by 15 September 2019. He was optimistic that they would. During the process, both delegations had agreed to avoid the risk of mutual interference in overlapping coverage areas by informing and cooperating with each other for any planned changes in service.

8.4 Document RRB19-2/DELAYED/4 (taken up by the Board for information) contained the United Kingdom's positive reaction to the results achieved at the second coordination meeting, but reiterated that administration's concerns, especially as it perceived reluctance on the part of Saudi Arabia to continue the meetings under the auspices of the Bureau. The United Kingdom considered the Bureau's continued guidance to be essential. In that regard, he noted that although the Bureau had been very involved up until the second coordination meeting, the two administrations had agreed to further pursue matters thenceforth by correspondence and through meetings between the operators, thus without the Bureau's direct involvement; he himself had pushed for that approach in the belief that more progress would be made by the operators without the Bureau present. The Bureau was nevertheless following matters very closely.

8.5 Document RRB19-2/DELAYED/5(Rev.1) (taken up by the Board for information) contained Saudi Arabia's comments and concerns regarding the decision taken by the Board at its 80th meeting, the results of the second coordination meeting and the United Kingdom's submission in Document RRB19-2/17. It requested that the Board review that decision, close the case regarding the regulatory status of the ARABSAT Ka-band filings at 30.5˚E and not consider the United Kingdom's request in Document RRB19-2/17; and that

the Board instruct the United Kingdom Administration to ensure that the Hylas-2/Hylas-3 satellite operations were in conformity with the principles of the Constitution, Convention and Radio Regulations and caused no interference to the operations of the ARABSAT-5A and ARABSAT-6A satellite services based on the regulatory status of ARABSAT networks at orbital position 30.5˚E. Saudi Arabia reiterated its commitment to finding an amicable solution in cooperation with the United Kingdom Administration.

8.6 Lastly, Document RRB19-2/DELAYED/8 from Saudi Arabia (taken up by the Board for information) reacted to the United Kingdom's Document RRB19-2/DELAYED/4, and in particular to the United Kingdom's assertion that Saudi Arabia was reluctant to hold further coordination meetings under the auspices of the Bureau. It requested the Board to invite the United Kingdom to adhere to the signed summary record of the 26-27 June coordination meeting, and it reiterated the requests it made in Document RRB19-2/DELAYED/5(Rev.1).

8.7 Concluding his introduction, he said that the coordination meetings appeared to be producing positive results and in his view the coordination efforts should therefore be further pursued, noting that the next key date in the process was 15 September. In the meantime, it was only to be expected that the two administrations would maintain their positions regarding the regulatory status of the assignments in question.

8.8 The **Chairman** agreed that, notwithstanding the requests made by the two parties, the coordination efforts appeared to be producing results, and for the Board to take a decision on the case at the present juncture might well hamper those efforts. The Board might nevertheless address the United Kingdom's request for the Bureau to continue to provide assistance at the meetings held.

8.9 **Mr Varlamov** said that the case appeared to involve two basic elements: the regulatory status of the ARABSAT networks, for which Saudi Arabia had provided all necessary documentation; and the matter of coordination, which seemed to be well under way. To his mind, however, the United Kingdom should be pushed to comply with its coordination obligations stemming from the registration of its assignments under RR Nos. 11.41 and 11.42. If no coordination agreement was reached, presumably No. 11.42A would apply. Moreover, ARABSAT's reputation was suffering from the accusations made by the United Kingdom Administration.

8.10 **Ms Hasanova** endorsed Mr Varlamov's comments.

8.11 **Mr Hashimoto** endorsed the Chairman's comments, and said that the Board should await the outcome of the two administrations' next coordination meeting before considering the matter further.

8.12 **Mr Talib** endorsed the previous speakers' comments, including the Chairman's summary. The matter was only being considered by the Board at the present meeting because the United Kingdom had submitted a contribution on it at the last moment, prompting late submissions in response and counter-response. In his view, the only question the Board might wish to address was whether or not the Bureau should be directly involved in the meetings between the parties. Otherwise, things were reasonably clear: the Avanti (United Kingdom) system was operational at 31˚E under RR No. 11.41, and was obliged to comply with No. 11.42, whereas satellite ARABSAT-6A was operational at 30.5˚E, and all the necessary data had been submitted for it and the related networks, as was confirmed by the Bureau. The Board should now close the case in so far as the Board was concerned, and let the coordination efforts continue under the relevant provisions of the Radio Regulations. The Board could not involve itself in all coordination activities between administrations.

8.13 Responding to questions by **Mr Henri, Mr Vallet (Chief SSD)** said that no formal complaints of harmful interference had been submitted to the Bureau under RR Article 15 or Appendix 10 regarding the case at hand. Interference had been discussed at the coordination meeting held in June 2019, focusing on how it could be avoided.

8.14 **Mr Henri** said that the way forward decided by the Board at its 80th meeting appeared to be bearing fruit, and should be further pursued. The Board should not enter into detailed discussion of regulatory status at the present juncture, nor should it close the case now; it should defer any decision on the matter to its next meeting.

8.15 **Mr Mchunu** agreed with Mr Henri.

8.16 **Mr Borjón** agreed that the decision taken by the Board at its 80th meeting was producing results and agreement might well be reached through the coordination efforts. He would nevertheless like the Board to make it clear that at the present juncture it saw no reason to question the regulatory status of the ARABSAT assignments for which the United Kingdom was seeking cancellation. He noted that ARABSAT had invested considerable time and resources into the three networks, which provided valued services to both the general public and the military.

8.17 The **Chairman** said that the Board had not discussed the regulatory status of the ARABSAT networks either at the present or at the 80th meeting. It had deemed it more worthwhile to urge the administrations and operators concerned to find a technical solution to their problem, and only if no such solution was found would the Board have to analyse the regulatory situation in depth. It was hoped that a technical solution might be found by mid-September. She agreed with Mr Talib that, but for the United Kingdom's last-minute submission, the Board would not be discussing the matter now.

8.18 **Ms Beaumier** endorsed the Chairman's comments. She would be very reluctant to take any decision that could inadvertently compromise the future progress of coordination discussions. The Board should therefore not focus on regulatory considerations now, but should encourage the parties involved to reach a coordination agreement.

8.19 **Mr Hoan** agreed that the focus should be on the completion of coordination between the two administrations, as satellites were already in orbit and operational.

8.20 The **Chairman** proposed that the Board conclude on the matter by encouraging the two administrations to continue their efforts to find a solution at the technical level, and should defer any other decision on it to its next meeting.

8.21 **Mr Varlamov** said that the Board's present decision should refer to the fact that Saudi Arabia had submitted evidence confirming the regulatory status of its networks, and to the need for the United Kingdom to comply with the regulatory provisions applicable as a result of registering its assignments under RR No. 11.41 (RR Nos. 9.6 and 11.42), i.e. the assignments should cause no interference to other registered networks.

8.22 **Mr Talib** endorsed Mr Varlamov's comments. He would be reluctant to take a decision on the matter at the present juncture as the situation had evolved since the Board's 80th meeting. The Board should note the status of the networks involved, encourage the administrations to continue their coordination efforts, but otherwise consider the case closed as far as it was concerned.

8.23 **Mr Henri** said that he would find it very difficult to close the case now and take decisions based on late submissions which the Board was supposed to take up for information only. The late submissions should be placed on the agenda of the Board's next meeting, at which stage a decision could be taken on them. It would be incorrect to make references to No. 11.41 or 11.42 in the Board's present decision, as no assistance had been requested for the purpose of resolving a report of harmful interference.

8.24 **Mr Varlamov** considered that reference to No. 11.41 would be appropriate, as registration under that provision obliged the administration concerned to immediately eliminate interference if it caused any, without waiting for a report of interference to be submitted.

8.25 **Ms Beaumier** noted that the two administrations, via their operators, had been able to resolve the interference experienced and agree to an approach to promptly address any future similar situation without any intervention from the Board or the Bureau. The submissions presented to the Board appeared to report

on the situation for information only without any specific request for assistance. For those reasons, she felt a reference to RR No. 11.42, and possibly RR No. 11.41, were unnecessary and potentially counter-productive.

8.26 The **Chairman** proposed that the Board conclude on the matter as follows:

"The Board considered in detail §10 of Document RRB19-2/6 and Document RRB19-2/17, as well as Documents RRB19-2/DELAYED/4, RRB19-2/DELAYED/5(Rev.1) and RRB19-2/DELAYED/8 for information. The Board expressed its satisfaction regarding the coordination efforts of the Administrations of Saudi Arabia and the United Kingdom, and that these efforts were producing positive results so far. The Board also expressed its appreciation for the efforts of the Bureau for convening the coordination meetings and assisting the two administrations.

The Board noted the information provided about the regulatory status of the ARABSAT-KA-30.5E, ARABSAT 5A-30.5E and ARABSAT 7A-30.5E satellite networks. The Board also noted that the INMARSAT-S2, UKDSAT-B1, UKMMSAT-B1, UKMMSAT-B1-TTC-C and UKJKSAT-1 satellite networks were recorded in the Master Register under RR No. 11.41.

The Board further noted the proposed date for the final outcome of the coordination efforts on 15 September 2019.

Consequently, the Board decided to instruct the Bureau to continue to support the Administrations of Saudi Arabia and the United Kingdom in their coordination efforts and encouraged these administrations to complete the coordination process, taking into account RR No. 11.41 and the rules of procedure on RR No. 9.6 and continue to avoid harmful interference between the satellite networks. The Board instructed the Bureau to report any progress to the 82nd meeting of the Board."

8.27 It was so **agreed**.

9 Requests relating to extension of the regulatory time-limit to bring into use the frequency assignments to satellite networks: Submission by the Administration of Australia requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the SIRION-1 satellite network (Documents RRB19-2/8 and RRB19-2/DELAYED/7)

9.1 **Mr Sakamoto (Head SSD/SSC)** introduced Document RRB19-2/8 in which the Administration of Australia requested a two-year extension of the regulatory period for bringing into use the frequency assignments to its SIRION-1 satellite network on the grounds of *force majeure* for the reasons set out in its submission. He outlined the sequence of events of the case involving first the launch vehicle failure of SIRION PATHFINDER-1 and subsequently the failure of the operator to establish control of the replacement satellite SIRION PATHFINDER-2, bring it to the altitude and inclination of one of the notified planes, or effect bringing into use. Annex 1 to the submission provided evidence from the satellite's insurers of the total loss of SIRION PATHFINDER-1, and in Annex 2 the satellite manufacturer Astro Digital summarized the anomalies suffered by SIRION PATHFINDER-2, concluding that "if Astro Digital is able to resolve all of these anomalies in the future it may be able to raise SP-2 to a 650 km circular orbit but it is unknown if and when that will occur."

9.2 He drew attention to Document RRB19-2/DELAYED/7 (taken up by the Board for information), in which the Administration of Papua New Guinea maintained that Australia's request did not satisfy the conditions for *force majeure* as identified by the ITU Legal Adviser in his opinion on the matter, or the "limited and qualified" standard set by the WRC. In particular, Papua New Guinea said that SIRION PATHFINDER-2 had suffered design and/or quality defects that had been foreseeable and not inevitable or irresistible, thus not satisfying the second condition for *force majeure* in the ITU Legal Adviser's opinion.

9.3 Providing further explanations at the request of **Mr Talib**, he said that failure to bring into use the SIRION-1 network by the regulatory deadline would result in its cancellation (API, coordination request, notification, etc.) under RR No. 11.48. The Board could extend the regulatory period, but only on the grounds of *force majeure* or co-passenger delay. Regarding the potential impact on Papua New Guinea, SIRION-1 had been filed before and therefore certain Papua New Guinea filings have to obtain coordination agreement with respect to SIRION-1, which would no longer be the case if SIRION-1 was cancelled.

9.4 **Mr Varlamov**, supported by **Mr Alamri**, noted that Papua New Guinea's objections to Australia's request included the fact that Australia intended to bring into use two types of orbit with one satellite. He nevertheless observed that according to the rules of procedure on non-GSO networks, one satellite could be used to bring into use an entire system regardless of orbital plane, and therefore Papua New Guinea's argument was invalid. In considering Australia's request, the Board should concentrate on whether it met the conditions for *force majeure,* and not on aspects such as priority for coordination purposes.

9.5 Responding to a query by **Mr Alamri, Mr Sakamoto (Head SSD/SSC)** said that Australia had not requested a regulatory extension following the launch failure of SIRION PATHFINDER-1; it had continued its plans for the SIRION-1 network based on the SIRION PATHFINDER-2 replacement satellite.

9.6 **Mr Varlamov** said that Australia's request appeared to satisfy the conditions for *force majeure*, and the Board should therefore grant the 24-month extension requested.

9.7 **Ms Beaumier** agreed that the case did appear to qualify as *force majeure,* but nevertheless raised a few questions. First, as queried by Papua New Guinea, had the necessary tests been carried out prior to the launch of SIRION PATHFINDER-2? No test reports had been provided - although even if they had, it would be difficult to determine precisely what constituted neglect when it came to testing, design, neglect by the operator, etc., or could be ascribed to launch failure. Second, although the overall time-line of the requested extension appeared to be in order, it was not necessarily clear whether each period was fully justified - for example, the 150 days indicated by Australia for orbit plane change. She nevertheless considered that the Board should grant the requested extension on the grounds of *force majeure.*

9.8 **Mr Borjón** said that it should be assumed that the Administration of Australia was acting in good faith, with every intention of bringing into use its network; with hindsight it was always easy to point to what might have been done better. Papua New Guinea raised certain questions, but it would be impossible to analyse them with absolute certainty. Australia was a vast territory, therefore the services to be provided by SIRION-1 would be of considerable use to it. For all those reasons, he agreed that the Board should accede to the request based on *force majeure.*

9.9 **Mr Alamri** said that Australia had made significant efforts to bring into use the SIRION-1 network, but had suffered the launch failure of SIRION PATHFINDER-1 followed by the loss of control of SIRION PATHFINDER-2 in accordance with evidences annexed to Australia's request. The case met the conditions for *force majeure*, and the requested extension should be granted.

9.10 **Mr Hoan** sympathized with Australia for the setbacks it had encountered with the two satellites intended to bring into use the SIRION-1 network. To his mind, the malfunction of a satellite could constitute *force majeure*, and the Board had never in the past demanded test reports when considering a case of *force majeure*. The Board should grant the Australian Administration's request on the grounds of *force majeure*.

9.11 **Mr Talib** said that Australia appeared to have made every effort to bring into use its SIRION-1 network, first with SIRION PATHFINDER-1 and subsequently with SIRION PATHFINDER-2, and the case met the conditions for *force majeure.*

9.12 **Ms Hasanova** agreed with the previous speakers.

9.13 **Mr Henri** also agreed with the previous speakers, adding that all appropriate and rigorous tests had no doubt been conducted with positive results before the satellite went into orbit. Regarding the time-line detailed by the Australian Administration in its submission, his research involving a reliable source suggested

that a replacement satellite would use electrical propulsion, which would take time for orbit raising, but also require considerable power and time when it came to achieving the right orbital inclination. The 150 days ascribed to that exercise would therefore appear to be justified.

9.14 **Mr Hashimoto** noted that in Annex 2 to Australia's submission Astro Digital recognized its responsibility regarding the anomalies that had occurred with SIRION PATHFINDER-2. The circumstances would seem to match the Board's somewhat broad interpretation of launch failure as reflected in §4.3.2 of its draft report to WRC-19 under Resolution 80.

9.15 **Mr Mchunu** agreed with the previous speakers, observing that the breakdown provided of the length of the extension requested was the sort of justification the Board had called for at its 80th meeting.

9.16 The **Chairman** proposed that the Board conclude on the matter as follows:

"The Board considered Document RRB19-2/8 from the Administration of Australia and considered Document RRB19-2/DELAYED/7 from the Administration of Papua New Guinea for information.

The Board noted that the Administration of Australia had not asked for an extension of the regulatory time limit after the launch failure of the SIRION PATHFINDER-1 satellite.

Noting the reasons given, the Board considered that:

- this situation met all the conditions of *force majeure*;
- the administration had made considerable efforts to meet the regulatory time limit;
- the request was for a defined and limited extension.

Consequently, the Board decided to accede to the request by extending the regulatory period for bringing into use the frequency assignments to the SIRION-1 satellite network until 10 April 2021 and instructed the Bureau to continue to take into account the frequency assignments to the SIRION-1 satellite network."

9.17 It was so **agreed**.

10 Requests relating to extension of the regulatory time-limit to bring into use the frequency assignments to satellite networks: Submission by the Administration of Indonesia requesting an extension of the regulatory period for the bringing into use of the frequency assignments in the Ka band to the PSN-146E (146˚E) satellite network (Document RRB19-2/15)

10.1 **Mr Sakamoto (Head SSD/SSC)** introduced Document RRB19-2/15, in which the Administration of Indonesia requested an extension of the regulatory time-limit for bringing into use the frequency assignments in the Ka band (17.7–21.2 GHz and 27.0–30.0 GHz) to the PSN-146E satellite network from 25 October 2019 to November 2022. Following a *force majeure* situation in 2013 involving the deorbiting of the satellite operating at 146˚E, Indonesia had been obliged to rearrange its plans, including for the C and Ku bands, to ensure the continuity of satellite operation at that position. However, in view of the limited market availability of certain technology to support Ka band operations and the lengthy process of satellite design, it would be unable to meet the October 2019 regulatory deadline for the assignments in that band.

10.2 In response to questions from **Mr Borjón** and **Mr Hoan**, he said that he had difficulty in establishing a direct link between the *force majeure* event in 2013 and the inability to use the Ka band. As well as covering the national territory of Indonesia, the Ka band could also offer coverage of visible area on the Earth.

10.3 **Mr Henri** said that, from the information provided by the Administration of Indonesia, none of the conditions that the ITU Legal Adviser had deemed necessary for a situation to be considered as a case of *force majeure* had been met. He would therefore be reluctant to grant the extension requested. Resolution of such

situations was, however, within the terms of reference of a WRC, and as the regulatory period for the PSN-146E network was due to expire shortly before WRC-19, the Administration of Indonesia might wish to refer the case to the conference.

10.4 The **Chairman** said it was her understanding that there were only two grounds on which the Board could grant an extension, namely co-passenger delay and *force majeure*. The Board might therefore wish to refer the case to WRC-19.

10.5 **Mr Hoan** said that it was difficult to see how the situation could be considered as a case of *force majeure* or co-passenger delay, and it was therefore not within the mandate of the Board to decide to grant the extension. However, he had sympathy for the difficulties faced by the vast archipelago of Indonesia in setting up a mobile broadband network. Recalling CS No. 196 with regard to the special needs of developing countries and the geographical situation of particular countries, he suggested that the Administration of Indonesia be advised to submit the matter to WRC-19. **Ms Beaumier** endorsed those comments, adding that the Board should instruct the Bureau to wait until the last day of WRC-19 before physically cancelling the assignments.

10.6 **Mr Varlamov** noted the efforts made by the Administration of Indonesia to comply with the regulatory time-limit to bring into use the frequency assignments. From the information provided, it would be difficult to consider the situation as a case of co-passenger delay or *force majeure*, and it was therefore not within the Board's authority to grant an extension. He agreed that Indonesia should be encouraged to submit the matter to WRC-19 and suggested that the Bureau should be instructed to continue to take into account the frequency assignments to the PSN-146E satellite network in the frequency bands in question until the last day of the conference. **Mr Borjón** supported those comments.

10.7 **Mr Talib** agreed that, as the situation did not meet the conditions required for *force majeure* or co-passenger delay, the Board could not grant an extension.

10.8 **Mr Alamri** said that he understood the geographical situation of Indonesia and how satellite played a key role in providing telecommunication infrastructure for the whole country. Although he agreed that the case before the Board did not satisfy the conditions to be met in order to qualify as a case of *force majeure*, the Board's decision should take into account the principles of efficient and economic use and equitable access to orbital and frequency resources in CS No.196 related to the special needs of developing countries and the geographical situation of particular countries. He also noted that the regulatory period of PSN-146E would end on 25 October 2019. i.e. shortly before the WRC-19 conference, and he supported the proposal to instruct the Bureau to keep maintaining the frequency assignments under consideration in the MIFR until the end of the conference to give the Indonesian Administration the chance to present the case at the WRC-19 conference.

10.9 **Mr Hoan, Mr Alamri, Mr Hashimoto** and **Mr Mchunu** supported the suggestion made by Mr Varlamov.

10.10 The **Chairman** proposed that the Board conclude on the matter as follows:

"The Board carefully considered the information provided in Document RRB19-2/15 by the Administration of Indonesia and concluded that the situation did not meet the conditions required to be considered as a case of *force majeure*. The Board noted:

- The extensive efforts the administration had made to comply with the regulatory time-limit to bring into use the frequency assignments to the PSN-146E (146°E) satellite network
- CS No. 196 with regard to the special needs of developing countries and the geographical situation of particular countries
- That extensions of the regulatory time-limit for bringing into use of frequency assignments could not be granted for situations that are not within the authority of the Board

- That resolution of such situations were within the terms of reference of a WRC.

Consequently, the Board instructed the Bureau to continue to take into account the frequency assignments to the PSN-146E (146°E) satellite network in the frequency bands 17.7-21.2 GHz and 27.0-30.0 GHz until the last day of WRC-19. The Board furthermore reminded the Administration of Indonesia of the need to notify the frequency assignments to comply with the provisions of the Radio Regulations."

10.10 It was so **agreed**.

11 Requests relating to extension of the regulatory time-limit to bring into use the frequency assignments to satellite networks: Submission by the Administration of Indonesia requesting an extension of the regulatory period for the bringing into use of the frequency assignments in the Ku band to the PALAPA-C1-B (113˚E) satellite network (Documents RRB19-2/19 and RRB19-2/DELAYED/2)

11.1 **Mr Loo (Head SSD/SPR)** introduced Documents RRB19-2/19 and, for information, RRB19-2/DELAYED/2, in which the Administration of Indonesia requested the extension of the regulatory period for bringing into use frequency assignments in four bands in the PALAPA-C1-B satellite network from 6 August 2019 to 31 July 2020, explaining that the PALAPA D satellite currently at the orbital location did not have the capacity to operate the assignments in question, and, for the reasons given in Document RRB19-2/19 (§C - Satellite development), satellite PALAPA N1, which would have the capacity to do so, would not be launched until May 2020 and would not be ready to begin service until July 2020. In §D of the same document, Indonesia outlined the efforts it had made to identify a satellite to cover the bands in question until July 2020, but these efforts have not been successful. In support of its request, Indonesia invoked No. 0.3 of the Radio Regulations with particular regard to the special needs of developing countries and the geographical situation of particular countries and the considerable efforts it had made in trying to fulfil its regulatory obligations. He noted that the Bureau had received the required Resolution 49 information from the Administration of Indonesia, but not the notification information.

11.2 **Mr Borjón** said that the case before the Board closely concerned matters relating to Resolution 80, and CS Article 44, which spoke of equitable access to orbit and frequencies, taking into account the special needs of developing countries and the geographical situation of particular countries. Indonesia obviously fell into both those categories. He noted that Annex 2 to Resolution 80 (Rev. WRC-07) spoke of specifying conditions under which extensions might be granted to developing countries unable to complete the regulatory date requirements, but also indicated that the conditions referred to should be included in the Radio Regulations. He wondered if anything had been done to implement those provisions.

11.3 **Mr Vallet (Chief SSD)** said that the WRC had taken no specific steps along the lines described, its preference being to deal with issues case by case.

11.4 **Mr Varlamov** pointed out that Annex 2 to Resolution 80 (Rev. WRC-07) dated back to the early 2000s, and the regulatory time periods had been altered and to some extent lengthened since then. The **Chairman** agreed, but noted that nothing had been done specifically for the developing countries or countries with particular geographical situations.

11.5 **Mr Varlamov** went on to say that the Board must take a decision on the complex case before it, as the network in question would lapse in August 2019 if not brought into use. Indonesia was undeniably a developing country with specific needs and a country with a particular geographical situation pressing it to develop its ICTs while facing difficult constraints. Nevertheless, the Board did not have the authority to accede to Indonesia's request. It should consider instructing the Bureau to continue to take the assignments in question into account until the end of WRC-19 and forward the matter to the WRC for decision.

11.6 **Ms Beaumier** supported Mr Varlamov's suggested way forward. She agreed with the comments made by Mr Vallet (Chief SSD) regarding the WRC's preference for a case-by-case approach, for which one of the reasons had been the concern to avoid any potential misuse. The Board was authorized to grant extensions under certain specific circumstances, whereas the consideration of all other requests fell within the purview of the WRC.

11.7 **Mr Alamri** said that the Board had the authority to grant extensions for *force majeure* and co-passenger delay, but the present case did not fall into those categories. In his view, the Board should be authorized to grant extensions on case by case basis based on principles of CS No. 196 with regard to the special needs of developing countries and geographical situation of particular countries, such as Indonesia on the current case, and should pursue that possibility in its report under Resolution 80.

11.8 **Mr Henri** said that he shared the other speakers' sympathy with Indonesia and agreed with their conclusion on the best way forward. Mean whilst Indonesia should be advised to submit its first notice for recording of the network PALAPA-C1-B without further delay, otherwise the entire network would lapse under No. 11.48 before the WRC took place.

11.9 The **Chairman** proposed that the Board conclude on the matter as follows:

"The Board carefully considered Document RRB19-2/19 and considered Document RRB19-2/DELAYED/2 for information, and concluded that the situation of the PALAPA-C1-B (113°E) satellite network did not meet the conditions required to be considered as a case of *force majeure* nor of a co-passenger delay. The Board noted:

- The extensive efforts the administration had made to comply with the regulatory time limit to bring into use the frequency assignments to the PALAPA-C1-B (113°E) satellite network
- CS No. 196 with regard to the special needs of developing countries and the geographical situation of particular countries
- That extensions of the regulatory time limit for bringing into use of frequency assignments could not be granted for situations that are not within the authority of the Board
- That resolution of such situations were within the terms of reference of a WRC.

Consequently, the Board instructed the Bureau to continue to take into account the frequency assignments to the PALAPA-C1-B (113°E) satellite network in the frequency bands 11 452-11 678 MHz, 12 252-12 532 MHz, 13 758-13 984 MHz and 14 000-14 280 MHz until the last day of WRC-19. The Board furthermore reminded the Administration of Indonesia of the need to notify the frequency assignments to comply with the provisions of the Radio Regulations."

11.10 It was so **agreed**.

12 Preparation for RA-19 and WRC-19

Designation of Board members to attend RA-19

12.1 The **Chairman** said that, following an exchange of correspondence, it had been agreed to designate Mr Varlamov and herself to represent the Board at RA-19. She invited the Board to endorse that decision.

12.2 It was so **agreed**.

Arrangements for WRC-19

12.3 The **Director** briefly outlined logistical and travel arrangements for Board members.

12.4 The **Chairman** suggested that the Board should discuss its arrangements for participation in WRC-19 in more detail at its 82nd meeting. She agreed with a comment from **Mr Varlamov** that it would be useful

for the Board to review inputs from administrations in relation to its Resolution 80 report at its next meeting with a view to developing clear positions on items.

12.5 It was **agreed** that the Board would discuss the attendance of Board members during WRC-19 further at its 82nd meeting.

13 Confirmation of the dates of the next meeting and indicative dates for subsequent meetings

13.1 The Board **agreed** to confirm the dates of its next meeting as 14-18 October 2019, and to tentatively confirm the dates of its meetings in 2020 and 2021 as:

83rd meeting	23-27 March 2020
84th meeting	6-10 July 2020
85th meeting	19-27 October 2020
86th meeting	22-26 March 2021
87th meeting	12-16 July 2021
88th meeting	1-5 November 2021

14 Approval of the summary of decisions (Document RRB19-2/20)

14.1 The Board **approved** the summary of decisions as contained in Document RRB19-2/20.

15 Closure of the meeting

15.1 **Ms Beaumier**, speaking on behalf of all Board members, congratulated the Chairman on her very able handling of the present meeting.

15.2 The **Chairman** thanked Ms Beaumier for her kind words, and expressed her appreciation to everyone who had contributed to the successful outcome of the meeting. She closed the meeting at 1600 hours on Friday, 19 July 2019.

The Executive Secretary:
M. MANIEWICZ

The Chairman:
L. JEANTY