CHAPTER 7

Regulatory/procedural aspects

CONTENTS

		Page
7	Introduction	3
7.1	Planning area	3
7.2	Plans associated with the new agreement	3
7.3	Date of entry into force of the agreement	3
7.4	Transition period	4
7.5	Procedures	4
7.5.1	General	4
7.5.2	Current situation	5
7.5.3	Scope and objectives of the procedures	5
7.5.4	Outline of the procedures	6
7.5.4.1	Specific procedures for coordination of unresolved incompatibilities affecting the new plans	6
7.5.4.1.1	Specific procedures for coordinating an assignment/allotment in one of the plans with existing and planned broadcasting assignments during the transition period	6
7.5.4.1.2	Specific procedures for coordinating assignments/allotments in one of the plans with existing and planned assignments of other primary services	6
7.5.4.1.3	Procedures for coordination of other unresolved incompatibilities within the broadcasting requirements	7
7.5.4.2	Procedures for modifying one of the plans	7
7.5.4.3	Cancellation of an assignment or an allotment	8
7.5.4.4	Procedures for coordination of future assignments of other primary services with the broadcasting service	8
7.5.4.5	Procedure for converting an analogue assignment in the plan into a digital assignment/allotment during the transition period	8
7.5.4.6	Procedure for converting a digital allotment into one or more digital assignments	8
7.5.4.7	Notification	8
7.5.4.8	Use of a digital assignment/allotment in the plan for analogue broadcasting during the transition period, under certain conditions	8

Page

7.5.4.9 Use of an assignment in the plan for purposes other than broadcasting under certain conditions 9

7.5.4.10 Continued use of an analogue broadcasting assignment after the transition period, under certain conditions 9

7.5.4.11 Elimination of harmful interference 9

7.5.4.12 Settlement of disputes 9

7.5.4.13 Accession to the agreement 9

7.5.4.14 Denunciation of the agreement 9

7.5.4.15 Revision of the agreement 9

7.5.4.16 Entry into force and duration of the agreement 9

7 Introduction

Regulatory and procedural content must take account of the terms of the new agreement, in particular the planning area, the plans associated with the agreement, the entry into force of the agreement and the length of the transition period. These will form the basis for determining the regulatory procedures for modifying the plans, the coordination procedures for the transition from analogue to digital and the regulatory procedures to be used for sharing of the frequency bands 174-230 MHz and 470-862 MHz between the broadcasting service and other services to which they are allocated on an equal primary basis.

7.1 Planning area

Region 1 (parts of Region 1 situated to the west of meridian 170º E and to the north of parallel 40º S) and the Islamic Republic of Iran, except the territories of Mongolia.

7.2 Plans associated with the new agreement

The new Agreement should contain the following frequency plans:

i) A digital plan comprising two parts:

– Part 1, for digital broadcasting in Band III (174-230 MHz), with provisions for T-DAB and DVB-T;

– Part 2, for digital broadcasting in Bands IV and V (470-862 MHz), with provisions for DVB-T.

The digital plan would contain existing and planned assignments and allotments, as defined in § 1.7 of this report, in addition to the assignments and allotments proposed by administrations and approved by the conference at its second session.

ii) An analogue plan comprising two parts:

– Part 1, for analogue broadcasting in Band III (174-230 MHz);

– Part 2, for analogue broadcasting in Bands IV and V (470-862 MHz).

The analogue plan would contain existing and planned analogue assignments as defined in § 1.7 of this report.

7.3 Date of entry into force of the agreement

The date of entry into force of the new agreement, to be decided by the second session, should not be earlier than 12 months after the end of the second session.

The final acts of the second session may need to provide for provisional application of the new agreement (or parts of it) as from the date of the end of the second session, provided that such provisional application does not constrain the resolution of any incompatibility not resolved during the second session.

This provisional application may require the provisional application of the revision of the relevant parts of the current agreements at the same time.

NOTE – If the new agreement cannot be applied immediately after the end of the second session, there will be a period during which countries may need to apply the current procedures of the existing relevant agreements to modify existing assignments or to add new assignments to the existing plans. As these new or modified assignments may not have been known to, and taken into

consideration by, the conference, this may lead to incompatibilities with the new agreement. On the other hand, if the conference decides to freeze the existing plans and associated provisions between the end of the second session and the date of entry into force, this may affect the right of administrations to develop their analogue broadcasting service.

7.4 Transition period

During the transition period, the existing and planned analogue assignments will continue to be used and protected by the new digital plan. After this period, analogue assignments may continue to be used*, provided that:

– protection is afforded to the new digital plan and its modifications; and

– no protection is claimed from the new digital plan and its modifications.

This period starts at the date of entry into force of the new agreement and ends on a date to be agreed by the second session of the conference.

Two options have been identified so far with respect to this second date:

– *Option 1*

  As early as possible and preferably not later than 2015; however, longer or shorter transition periods may be agreed multilaterally provided they do not affect other administrations concerned.

– *Option 2*

  No earlier than 2028 and no later than 2038; however, shorter transition periods may be agreed multilaterally.

It is up to each administration to decide on the date as of which its analogue transmissions will cease.

7.5 Procedures

7.5.1 General

The procedures necessary for the implementation of the new agreement are applicable between any Member State of the Union in the planning area which has approved or acceded to the agreement.

Relations between two administrations, one of which is not party to the new agreement, will be based on the Radio Regulations, together with any bilateral or multilateral agreement.

The criteria/thresholds to be used in these procedures in order to determine the need for coordination should be part of the new agreement. These should be as simple as possible (i.e. field strength or pfd at the edge of the service area or at the location of the broadcasting station, the base station of the mobile service or the fixed station).

7.5.2 Current situation

The plan modification procedures in the ST61 and GE89 Agreements, although not identical, ensure that additional broadcasting requirements of the administrations can be accommodated and included in the relevant plans, as long as all the agreements required from administrations having assignments that may be affected in the broadcasting or other primary services have been obtained. These procedures include the following steps:

a) submission of the basic characteristics of the assignment proposed to be included in the relevant plan;

b) examination and publication by the Bureau, according to the case[1];

c) process of seeking agreement from the affected administrations;

d) deadline for comments and response[2];

e) in case of disagreement, possibility of technical examination by the Bureau to assist both administrations in resolving the problem;

f) when all agreements required have been obtained, the assignment is included in the relevant plan;

g) notification under Article 11 of the Radio Regulations or the appropriate provisions of the agreement. If the assignment is not in conformity with the relevant plan, the notice is returned to the administration.

Both ST61 and GE89 Agreements also include procedures for seeking agreement for new or modified assignments of other primary services with respect to the relevant assignments in the broadcasting service.

7.5.3 Scope and objectives of the procedures

In order to facilitate the transition from analogue to digital, administrations may modify the analogue and digital assignments/allotments in the transition period by the application of the plan modification procedures.

The procedures for the transition period set forth in the new agreement should allow for a gradual transition from analogue to digital broadcasting and should permit administrations to implement digital broadcasting in accordance with their own implementation strategy and their technical and financial resources.

During the transition period, there will be plans in the same bands for both analogue and digital broadcasting, which may give rise to incompatibilities in the transition period. Any transition period incompatibilities would need to be addressed through coordination procedures.

The new agreement should have modification procedures in order to enable administrations, in meeting their requirements, to modify the plans. For this purpose, the necessary coordination procedures need to be included in the agreement to cover inter-service and intraservice protection requirements for:

---

[1] In the ST61 Agreement, the normal procedure is bilateral coordination between administrations concerned before publication by BR.

[2] In the ST61 and GE89 Agreements, no response within the deadline means agreement.

– analogue television broadcasting (during the transition period);
– digital broadcasting;
– other primary services sharing the frequency bands in question.

The new agreement should also include procedures for the coordination of assignments of other primary services with stations in the broadcasting service.

In order to retain the rights of countries with respect to the protection of the analogue television broadcasting stations, the relevant procedures of the ST61 Agreement and the GE89 Agreement may be transferred to the new agreement.

7.5.4 Outline of the procedures

For the implementation of the agreement to be concluded by the second session of RRC, the first session of RRC has identified the following, non-exhaustive list of procedures, for study by RPG and possible adoption by the second session of RRC.

7.5.4.1 Specific procedures for coordination of unresolved incompatibilities affecting the new plans

7.5.4.1.1 Specific procedures for coordinating an assignment/allotment in one of the plans with existing and planned broadcasting assignments during the transition period

Compatibility of some assignments/allotments in one of the plans with existing and planned broadcasting assignments during the transition period may need to be ensured after the second session of the conference by the application of a specific procedure[3]. This could be implemented by specifying, under a specific section of the new agreement, that before an assignment in one of the plans, or an assignment obtained by conversion of an allotment in the digital plan, is brought into service, coordination is to be effected with the existing and planned digital or analogue assignments in the relevant plans which may be affected. In the application of this specific procedure, equitable access to frequency resources should be preserved.

7.5.4.1.2 Specific procedures for coordinating assignments/allotments in one of the plans with existing and planned assignments of other primary services

For cases where compatibility of some assignments/allotments in one of the plans with existing and planned assignments of other primary services (i.e. primary services other than the broadcasting service) as defined by the first session of RRC, could not be ensured by design of the new plan, such compatibility should be ensured after the second session of the conference by the application of a specific procedure. This could be implemented, for example, by specifying, under a specific section of the new agreement, that before an assignment in one of the plans is brought into service, coordination is to be effected with the existing and planned assignments of other primary services, as defined by the first session of RRC, which may be affected.

---

[3] This may be the case, in particular, between countries wishing to implement different planning approaches.

The above procedure does not apply to the specific cases of unresolved incompatibilities between existing and planned assignments/allotments in the broadcasting service and existing and planned assignments of other primary services to which footnotes 5, 6 or 7 in § 1.7 apply.

7.5.4.1.3 Procedures for coordination of other unresolved incompatibilities within the broadcasting requirements

Experience from previous planning conferences indicates that there might be some or even many cases for which time constraints at the conference would not permit complete resolution of all incompatibilities between proposed broadcasting requirements. For these cases, the new agreement should include the necessary provisions and/or procedures for their resolution.

Unresolved cases need to be included in an attachment to the agreement, together with relevant procedures for their resolution. The status of that attachment needs to be addressed.

7.5.4.2 Procedures for modifying one of the plans

Starting from the date of applicability of the new agreement, in any given band covered by the mandate of RRC, there will be two plans:

– a digital plan as adopted by the second session of the conference, with any additional/modified assignment/allotment which has been successfully coordinated following the application of the plan modification procedure. In Band III, this digital plan includes T-DAB, as well as DVB-T;

– an analogue plan as adopted by the second session of the conference, with any additional/modified analogue assignment which has been successfully coordinated following the application of the plan modification procedure.

The plan modification procedure should include the need to coordinate new or modified assignments/allotments proposed to be included in the relevant broadcasting plan with:

7.5.4.2.1 assignments/allotments in the digital plan;

7.5.4.2.2 assignments/allotments for which the procedure for modification of the digital plan has been previously initiated;

7.5.4.2.3 assignments in the analogue plan (during the transition period only);

7.5.4.2.4 assignments for which the procedure for modification of the analogue plan has been previously initiated (during the transition period only);

7.5.4.2.5 assignments of other primary services recorded in the MIFR with a favourable finding;

7.5.4.2.6 assignments of other primary services for which the procedure under § 7.5.4.4 below has been initiated.

There may also be merit in studying the advantages/disadvantages of provisions to limit the time granted to an administration to complete the modification procedure, as currently specified in the GE89 Agreement (§ 4.6.1), and to limit the time granted to notify a new or modified assignment/allotment in the plan.

7.5.4.3 Cancellation of an assignment or an allotment

7.5.4.4 Procedures for coordination of future assignments of other primary services with the broadcasting service

These procedures should include the need to coordinate future assignments of other primary services with:

7.5.4.4.1 assignments/allotments in the digital plan;

7.5.4.4.2 assignments/allotments for which the procedure for modification of the digital plan has been previously initiated;

7.5.4.4.3 assignments in the analogue plan;

7.5.4.4.4 assignments for which the procedure for modification of the analogue plan has been previously initiated.

7.5.4.5 Procedure for converting an analogue assignment in the plan into a digital assignment/allotment during the transition period

The agreement should also include a procedure for converting an analogue assignment in the plan into a digital assignment/allotment during the transition period (see Annex 5.2.2).

7.5.4.6 Procedure for converting a digital allotment into one or more digital assignments

The agreement should also include a procedure for converting a digital allotment in the plan into one or more digital assignments.

7.5.4.7 Notification

7.5.4.8 Use of a digital assignment/allotment in the plan for analogue broadcasting during the transition period, under certain conditions

The new agreement should include a procedure allowing an administration, during the transition period, to use a digital assignment in the plan for analogue transmissions, provided that it does not cause more interference in any direction than would be caused by the broadcasting assignment/allotment it replaces, or require greater protection than would be given to the broadcasting assignment/allotment it replaces. However, the implications of this approach for the plan adopted by the second session should be studied.

An in-depth examination would be required by BR to clearly indicate that the above-mentioned conditions are fully met. The methodology to perform such an examination needs to be studied during the intersessional period and submitted to the second session for consideration and possible adoption. Once this methodology is adopted, this may also call for the development and use of software to implement it.

7.5.4.9 Use of an assignment in the plan for purposes other than broadcasting under certain conditions

The agreement could also contain provisions to enable administrations to use an assignment/allotment in one of the plans for a different terrestrial service or broadcasting system, provided that such use does not cause more interference in any direction than would be caused by the broadcasting assignment/allotment it replaces, or require greater protection than would be given to the broadcasting assignment/allotment it replaces.

Such use would need to be considered as within the broadcasting service in the application of the procedures of this agreement, and would need to be part of the notification.

An in-depth examination would be required by BR to clearly indicate that the above-mentioned conditions are fully met. The methodology to perform such an examination needs to be studied during the intersessional period and submitted to the second session for consideration and possible adoption. Once this methodology is adopted, this may also call for the development and use of software to implement it.

7.5.4.10 Continued use of an analogue broadcasting assignment after the transition period, under certain conditions

After the transition period, analogue assignments may continue to be used, provided that protection is afforded to, and no protection is claimed from, the new digital plan and its modifications. The procedures and criteria to achieve these objectives need to be considered by the second session of RRC.

7.5.4.11 Elimination of harmful interference

7.5.4.12 Settlement of disputes

7.5.4.13 Accession to the agreement

7.5.4.14 Denunciation of the agreement

7.5.4.15 Revision of the agreement

7.5.4.16 Entry into force and duration of the agreement

_____