|  |  |
| --- | --- |
| **World Radiocommunication Conference (WRC-15) Geneva, 2–27 November 2015** |  |
| **INTERNATIONAL TELECOMMUNICATION UNION** |  |
|  |  |
| PLENARY MEETING | **Addendum 1 to Document 7(Add.21)-E** |
|  | **29 September 2015** |
|  | **Original: English** |
|  | |
| Member States of the Inter-American Telecommunication Commission (CITEL) | |
| Proposals for the work of the conference | |
|  | |
| Agenda item 7(A) | |

7 to consider possible changes, and other options, in response to Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference, an advance publication, coordination, notification and recording procedures for frequency assignments pertaining to satellite networks, in accordance with Resolution **86 (Rev.WRC‑07)** to facilitate rational, efficient, and economical use of radio frequencies and any associated orbits, including the geostationary‑satellite orbit;

7(A) Issue A – Informing the Bureau of a suspension under RR No. **11.49** beyond six months

Background

At WRC-12 changes were made to radio regulation RR No. 11.49, extending the period of suspension of use of a recorded frequency assignment to a space station from 2 to 3 years.

The decision to extend the permissible period of suspension was adopted primarily taking into account the time reasonably required to carry out the complex process of redesign, fabrication, testing, launching and commissioning of a new satellite in the orbital position corresponding to the recorded frequency on challenges in developing countries.

While the suspension period was extended to three years, RR No. 11.49 was also amended to clarify reporting periods. WRC-12 decided that the notifying administration shall inform the Bureau as soon as possible, but no later than six months after the date of suspension, the date on which the use of the radio assignment was suspended.

Although WRC-12 established the obligation to report the suspension as soon as possible, it did not include specific regulatory procedures covering the potential situation where an administration did not give timely notice to the Bureau of a suspension extending beyond the initial six-month period.

With regard to the six-month period indicated in RR No. 11.49, the last sentence of § 2.1 of the Rule of Procedure in force indicates that when it is determined, via an inquiry from the Bureau under RR No. 13.6, that an assignment has not been in use for more than 6 months, the issue shall be addressed under the procedures for RR No. 13.6 with the understanding that an untimely notice may not be relied upon to extend the suspension period beyond the period provided for in RR No. 11.49, and without prejudice to whatever actions the Board may otherwise deem appropriate under RR No. 13.6. In any event, it must be clear that the allowance of flexibility in the strict enforcement of the six-month period cannot lead to an extension of the three-year suspension period.

In tandem with the changes to RR No. 11.49, WRC-12 recognized the need to clarify the procedures to be undertaken by the Bureau when notifications do not occur. Thus WRC-12 also amended RR No. 13.6 to clearly set forth the procedures to be followed by the Bureau when, based on available information, it appears that a recorded assignment is not in service. These modifications to RR No. 13.6 reduced response times by which administrations must inform the Office of the status of a radio assignment and clarified procedures for suppressing the radio assignment in the event of non-response.

From the foregoing, it is clear that the WRC-12 on the one hand established specific deadlines for administrations to inform the Office the suspension of use of a frequency assignment to a space station and, additionally, it expedited the consultation mechanism of the Office to the administrations, where it is necessary to clarify the operational status of an assignment. The two amendments, RR Nos. 11.49 and 13.6, today work together to facilitate equitable application of RR No. 11.49 tethered to clear enforcement provisions under RR No. 13.6.

Furthermore, RR No. 13.6 also balances the rights of administrations to have a case considered by the Radio Regulation Board prior to suppression. This clarity eliminated the need for the Bureau to suppress assignments prior to full consideration of all exigent factors leading to the failure to operate of an assignment and established a fair and balanced process in the event of non-compliance with the amended RR No. 11.49.

Therefore, the current regulations adopted at the WRC-12 include consideration of all the various aspects that may arise before a possible suspension of a recorded assignment to a space station. Most importantly an administration that fails to notify gains no additional time or equities for failure to notify because, when notified, a suspension can only apply from the moment the assignment failed to be operational. Thus it is unnecessary to establish further onerous regulatory procedures to supplant the duly considered and balanced interplay between RR Nos. 11.49 and 13.6. This is especially true regarding any proposals that would retract the advances made in WRC-12 and reduce anew the suspension period of 3 years.

The studies now under way in the responsible ITU-R Working Groups [WG 4A and the Committee on Regulatory/Procedural Matters (Special Committee)] include the option for no change (NOC) to the existing provisions of the Radio Regulations under this agenda item. The rationale for this option is that notwithstanding the obligation to report any suspension within six months from its effective date, there are no consequences for failure to comply with this period stipulated in the provision and RR No. 11.49 does not indicate any measure to be applied for failure to comply with the six-month period.

At its 65th Meeting, held 17-21 March 2014, the Radio Regulations Board discussed specific cases of suspension requests received by the Office later than six months from the date of the suspension of the [use of the] frequency assignments.

The Space Services Department of the RB recalled that when the Board adopted the Rule of Procedure regarding RR No. 11.49, it debated whether it would be possible to exceed the six-month period for submission of requests. The original draft Rule prepared by the Bureau excluded that possibility, respecting the precise terms of RR No. 11.49. Nonetheless, the Board deemed it appropriate to take account of observations received from administrations to the effect that *strict enforcement of the six-month period might be excessively restrictive and would not allow for genuine oversights on the part of administrations*. Bearing in mind these observations, the Board modified the draft Rule so as to indicate that the six-month period was indicative in nature only, rather than a strict obligation.

At its 65th Meeting, the Radio Regulations Board decided that the Rules of Procedure regarding RR No. 11.49 do not indicate the measures to be taken if the notification of the suspension was not received within the stipulated six-month period. Nor was it clarified that the total suspension period could not, in any case, exceed three years.

Finally, we note that in its 63rd Meeting (RRB13-2), held from 24 to 28 June 2013, the Radio Regulations Board expressed its view on this matter deciding that additional requirements should not be added to those adopted at the WRC-12.

Thus based on the above consideration, no changes are necessary nor should be proposed to RR No. 11.49.

Proposal

ARTICLE 11

Notification and recording of frequency   
assignments1, 2, 3, 4, 5, 6, 7, 7*bis*    (WRC‑12)

Section II − Examination of notices and recording of frequency assignments   
in the Master Register

NOC IAP/7A21A1/1

11.49 Wherever the use of a recorded frequency assignment to a space station is suspended for a period exceeding six months, the notifying administration shall, as soon as possible, but no later than six months from the date on which the use was suspended, inform the Bureau of the date on which such use was suspended. When the recorded assignment is brought back into use, the notifying administration shall, subject to the provisions of No. **11.49.1** when applicable, so inform the Bureau, as soon as possible. The date on which the recorded assignment is brought back into use22 shall be not later than three years from the date of suspension.    (WRC‑12)

**Reasons:** It is unnecessary, at WRC-15, to make changes or incorporate requirements additional to those now established for RR No. 11.49, since the existing regulatory procedures (RR No. 13.6) are sufficient to ensure compliance with the provisions of RR No. 11.49, especially those related to the suspension period.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_