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| **World Radiocommunication Conference (WRC-15)Geneva, 2-27 November 2015** |  |
| **INTERNATIONAL TELECOMMUNICATION UNION** |  |
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| **PLENARY MEETING** | **Document 54-E** |
| **14 October 2015** |
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| Proposals for the work of the conference |
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| Agenda item 7(K) |

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(K) Issue K – Addition of a regulatory provision in RR Article **11** for the case of launch failure

Background

Under issue K of WRC-15 agenda item 7, the Conference will consider a possible extension of the seven-year regulatory period by no more than three years in case of a launch-failure occurring at least four years after the receipt of the Advance Publication Information on a satellite network and resulting in the destruction of the satellite.

In the past, the Radio Regulations contained various provisions that allowed for extension to occur. The following table shows what the regulatory period and extension were in the past.

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| **Version of Radio Regulations** | **Length of Regulatory Period** | **Possible Length of Extension** | **Suspension Period** |
| Orb-88 | 6 years (from publication date) | 3 years | Not applicable |
| 1990 | 6 years (from publication date) | 3 years | Not applicable |
| 1994 | 6 years (from publication date) | 3 years | Not applicable |
| 1998 | 5 years | 2 years | 18 months |
| 2001 | 5 years | 2 years | 2 years |
| 2004 | 7 years | 0 | 2 years |
| 2008 | 7 years | 0 | 2 years |
| 2012 | 7 years | 0 | 3 years |

As can be seen from the table, prior to WRC-97, an administration had 6 years to bring their frequency assignments into use, with a possible extension of three years. At WRC-97, it was decided to reduce the regulatory period by one year and the extension by one year. As a result, the regulatory period became five years and, if needed, due to extenuating circumstances, an administration could ask for a two year extension.

Prior to WRC-03, the regulatory period to bring into use (BiU) a frequency assignment to a satellite network was five years with a possibility for a two year extension under specific conditions identified in Article 11 (2001 version of the Radio Regulations, No. 11.44C to 11.44I) including, but not limited to launch failure. In its Report to WRC-03, the Director of the Radiocommunication Bureau indicated that the examinations of request for the extension of the regulatory period under the conditions specified in Nos. 11.44C to 11.44I were time and resource consuming and were leading to a quasi-automatic extension up to seven years. Indeed, very few frequency assignments to satellite networks ended been suppressed at the end of the 5 year-regulatory period. In adopting a flat seven-year regulatory period, WRC-03 made the decision to incorporate within the regulatory period margins to handle cases involving launch failure. In theory, an administration would have up to five years to bring its satellite into use, and in the cases of force majeure, the administration would automatically have extension time built in. Unfortunately, experience has shown that the seven-year regulatory period is typically used to its full extent to BiU assignments without any regard to the need to manage risks associated with launch failure or any other unexpected delays. It is interesting to note that some administrations have domestic rules that require satellite operators to launch their satellite within 5-years in order to retain their licence. The seven year regulatory period is sufficient and operators need to plan and manage their risk accordingly. There are methods to mitigate risk associated with potential launch failure such as reserving two years of the seven-year regulatory period or procuring a backup in-orbit spacecraft in advance of a launch. Furthermore, there are options for administrations facing extraordinary circumstances to go to a Conference to ask for an extension of the regulatory period to Bring into use frequency assignments to their satellite networks.

It is important to note that launch failure is not limited to cases involving the destruction of the satellite but also to cases where the satellite is not reaching its orbital location or is not able to fully deploy its antenna or solar panels. It is also important to note that a launch failure resulting in the destruction of a satellite may have an impact on the launch schedule of other satellites using the same type of launch vehicle as the one involved in the launch failure. In general, it is very challenging to cover in the Radio Regulations all legitimate instances where an extension of the regulatory period for bringing into use of frequency assignments to a satellite network could be granted and, in any case, the Radio Regulations are not meant to address all exceptional cases. This is why WRC-03 decided to incorporate the 2 year extension into the regulatory period.

WRC-03 adopted a flat seven-year regulatory period, assuming among other things, a satellite launch not later than the end of the fifth year, leaving a two-year period for another BiU attempt in case of a launch failure. At the same time and in response to some specific events, WRC-03 adopted new regulatory provisions for frequency assignments to satellite network in the planned bands (Appendices 30 and 30A)[[1]](#footnote-1) to address cases of satellite launch failure occurring after the fifth year of the eight-year regulatory period. Under these new provisions, a maximum three-year extension could be granted in cases involving the destruction of a satellite during its launch or a failure to reach its assigned orbital location.

In support of a new provision in Article 11 for an extension of the regulatory period in case of a launch failure, some proponents have raised the need to harmonize the regulatory provisions in both the planned and non-planned bands. Although harmonization throughout the Radio regulations may appear to be desirable, it should take into account the difference between the principles that lead to the establishment of the first come first served approach in the non-planned bands versus the equitable access approach used in the planned bands. Furthermore, Plans in the RR promote equitable access, so the rules should have the flexibility to allow these goals to be achieved. This cannot be the case in the non-planned bands where the intent is to use radio frequencies and the geostationary orbit as efficiently and effectively as possible.

Proposal

NOC CAN/EQA/54/1

ARTICLE 11

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

**Reasons:** The current regulatory period of seven years is sufficient for an administration to plan and launch a satellite and fulfill its regulatory obligation, noting that two of those years are for the time required to rebuild and relaunch a satellite in case of the unfortunate event of a launch failure.

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1. WRC-12 adopted equivalent regulatory measures in Appendix 30B. [↑](#footnote-ref-1)