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| **World Radiocommunication Conference (WRC-15)Geneva, 2-27 November 2015** |  |
| **INTERNATIONAL TELECOMMUNICATION UNION** |  |
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| **PLENARY MEETING** | **Document 509-E** |
| **14 December 2015** |
| **Original: English** |

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| MINUTESOF THETWELFTH PLENARY MEETING |
| Wednesday, 25 November 2015, at 1405 hours |
| **Chairman:** Mr F.Y.N. DAUDU (Nigeria) |

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|  | Subjects discussed | Documents |
| 1 | Reports by the Chairmen of Committees 2 and 5 | 307(Rev.4), 424, 459 |
| 2 | Reports by the chairmen of ad hoc groups | – |
| 3 | Sixteenth series of texts submitted by the Editorial Committee for first reading (B16) | 453 |
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# 1 Reports by the Chairmen of Committees 2 and 5 (Documents 307(Rev.4), 424, 459)

1.1 The **Chairman of Committee 2** said that the secretariat had received four original credentials since he had last reported to the plenary and they had been found to be in order. To date, for the 161 Member States present at the conference, 147 original credentials and one instrument of transfer of powers had been received. The updated information had been included in Document 307(Rev.4).

1.2 Document 307(Rev.4) was **noted**.

1.3 The **Chairman of Committee 5** introduced Document 424, reporting on the committee’s work on agenda item 1.6. The committee had achieved consensus on allocations for downlinks but had been unable to reach agreement on uplinks, as indicated in the document.

1.4 Document 424 was **noted**.

1.5 The **Chairman of Committee 5** said that, following the work reflected in Document 424, the committee had met informally to seek compromise solutions to contentious issues under agenda item 1.6. Document 459 reported on the results of those informal meetings and presented two options: to make no change and to suppress Resolutions 151 (WRC-12) and 152 (WRC-12), or to continue to work towards a compromise solution through informal discussions.

1.6 The **Chairman** took it that the plenary supported the option to defer discussion of Document 459 until the next plenary meeting, by which time a compromise solution should have been reached.

1.7 It was so **agreed**.

1.8 The **Chairman of Committee 5** informed the plenary that an unofficial group had met to draft a text on bringing into use (BIU) concerning the FSS allocation in the frequency band 13.4-13.65 GHz to be included in the minutes as a decision of the plenary meeting. Some administrations, however, wanted no change and opposed the inclusion of the text in the minutes. The proposed text, which represented the view of only certain administrations, would read as follows:

“The conference instructs the Bureau not to take into account any coordination request in the FSS allocation in the band 13.4 to 13.65 GHz received before 1 January 2017.”

1.9 The **delegate of Turkey** said that informal meetings had failed to yield a solution that was not detrimental to the rights of administrations which had already initiated satellite projects and were urgently in need of new allocations. He noted that developing countries sometimes cooperated on such projects as an affordable means of accessing the spectrum. Suspending the current rules without studying all the consequences would place a burden on administrations wishing to start coordinating immediately and oblige them to put use of their satellites on hold. Most countries did not have the ability to launch several satellites in a short period of time. Although the proposed text blocked coordination for only a specific portion of the spectrum, it would punish countries which had complied with the existing rules in the belief that the conference would respect their sovereign rights. The change that would be introduced by the proposed text would cause chaos in the coordination process. The new allocation together with its footnotes had already been approved, and the footnotes referred to 27 November 2015, the last day of the conference, making the new allocation available just after the conference. That agreement should not be reconsidered at the last minute, when many delegates had already returned home.

1.10 The **delegate of France** also opposed the inclusion of the proposed text in the minutes as it would run counter to a number of decisions taken at the current conference, in particular the decision to include the date of 27 November 2015 in footnotes. Coordination requests could indeed be received on 27 November 2015.

1.11 The **delegate of Japan** questioned the logic of changing a practice which had been in place for over 20 years and which had always guaranteed equality. In the absence of consensus, the proposed text should not be included in the minutes.

1.12 The **delegate of Israel** said that the proposed text had been drawn up because certain administrations had not followed the regulations in force, and yet it negatively affected those administrations which had followed the rules. During the previous weekend, Israel’s AMOS-5 satellite had unexpectedly ceased operations after only a few years in space. With only three years to implement a new satellite project, in accordance with the provisions of No. 11.49, the country could not wait an entire year to start coordination on a band that had already been approved. Israel therefore objected to including any text on the matter in the minutes so late in the conference; such dramatic regulatory changes required serious consideration.

1.13 The **delegate of Sweden**, endorsing the views of Turkey and France, warned that inclusion of the text could have retroactive consequences: any changes should not affect coordination requests that had already been submitted to the Bureau.

1.14 The **delegate of Viet Nam** also objected to the inclusion of the text.

1.15 The **delegate of Qatar**, supported by the **delegates of Egypt** and **the United Arab Emirates,** said that the text should be included in the minutes as a decision of the conference, since 1 January 2017 seemed an appropriate date that guaranteed fairness for all administrations.

1.16 The **delegate of China**, although favouring the date of 1 January 2017, proposed 1 July 2016 as a compromise.

1.17 The **delegate of Norway**, endorsing the inclusion of the text, said that rather than limiting access to the geostationary-satellite orbit, it provided equal opportunity to all administrations.

1.18 The **delegate of the United States**, supporting the proposed date of 1 January 2017,noted that setting a future date on which filings for use of the band would be accepted by the Bureau would, from a regulatory point of view, facilitate the licensing process in the United States and possibly in other countries.

1.19 The **delegate of the Russian Federation**, speaking on behalf of RCC, said that, on the basis of national legislations governing the submission of filings to ITU as well as ensuring that under licensing procedures fees would be paid in accordance with Council Decision 482, he supported an approach in which filings accepted before 27 November 2015 would not be taken into account.

1.20 The **delegate of the United Kingdom**, endorsing the inclusion of the text, noted that his country was one of those that did not submit satellite network filings that were not in compliance with Article 5 of the Radio Regulations and would thus be at a disadvantage compared to others if there was not equal treatment as from a future specified date.

1.21 The **delegate of Luxembourg** stressed that the purpose of the proposed text was to allow all Member States to have equal access to the 13.4-13.65 GHz band.

1.22 The **delegates of Spain** and **Belarus** also supported the inclusion of the text.

1.23 Given the considerable debate which the proposed text had provoked, the **Chairman of Committee 5** suggested holding further informal discussions.

1.24 The **Chairman** therefore proposed that consideration of Document 459 be suspended, with no decision adopted, and that the Chairman of Committee 5consult with all interested parties to draft a report on the course of action to be taken by the conference. Once submitted, the report would not be subject to further discussion by the plenary.

1.25 It was so **agreed**.

# 2 Reports by the chairmen of ad hoc groups

2.1 The **Chairman of the Ad Hoc Group of Committee 4 on C-band,** related to agenda item 1.1**,** said that the first part of the discussion on options had been concluded at the ninth plenary meeting, while the outcome on the frequency band 3 400-3 600 MHz had been approved on second reading at the eleventh meeting. The remaining parts with outstanding options had been discussed extensively in informal groups, following which regional discussions had been held. It was clear from the informal discussions that the problems concerning the C-band could not be considered in isolation from discussions on other related issues.

2.2 The **Chairman of the Ad Hoc Group of Committee 4 on Other Bands**, related to agenda item 1.1said that the CITEL coordinator had confirmed that Region 2 had agreed to the inclusion of the following footnote limited to Region 2:

“In Region 2, the frequency band 1 427-1 518 MHz is identified for use by administrations wishing to implement International Mobile Telecommunications (IMT) in accordance with Resolution 223 (Rev.WRC-15). This identification does not preclude the use of this frequency band by any application of the services to which it is allocated and does not establish priority in the Radio Regulations.”

Region 2 had also agreed to the revision of Resolutions 223 and 750 as well as an option proposed by the ad hoc group. For the frequency band 3 300-3 400 MHz, the CITEL coordinator had provided texts for the country footnotes, concerning additional allocations and IMT identification, including coordination requirements and protection of the radiolocation service. Region 2 had agreed to no change for the frequency band 4 400-4 500 MHz.

2.3 The **Chairman of the Ad Hoc Group of the Plenary on UHF**, related to agenda item 1.1,said that informal discussions within regional groups were under way: Region 1 had requested no changes at the current conference, nor at WRC-19, and for a resolution to be drafted on studies to review the situation at WRC-23; Regions 2 and 3 had provided text on footnotes and modification of Resolution 224. He would compile the information from the three regions into a single document for submission to a later plenary meeting.

2.4 The **Chairman of the Ad Hoc Group of Committee 4 on agenda item 1.5** said that the group was preparing a document containing four options for a decision on the agenda item. Informal and regional meetings were still being held with the aim of achieving a single solution.

2.5 The **Chairman of Committee 6**, who had chaired the informal group on agenda item 10,said that the group had discussed the outstanding proposals for the future conference agenda, as contained in annexes to Document 445. The group had made substantial progress on all items, barring the resolution on short duration missions, and was preparing to revise Document 445 for the future consideration of the plenary. A report would be submitted to the plenary on the basis of the proposals.

2.6 The **Chairman** proposed that at the next plenary meeting, the chairmen of all the ad hoc groups should submit written reports containing solutions rather than options for the way forward. He asked whether all participants could agree to that approach.

2.7 The **delegate of the Islamic Republic of Iran** said that the written reports must take account of the points raised, in particular in regard to agenda item 10.

2.8 The **delegate of the Republic of Korea** said that she would preferto revisit issues during the plenary for which consensus had proven impossible during the informal group discussions.

2.9 The **delegate of Cameroon**, speaking on behalf of the African group,asked whether, following the submission of the report by the informal group on agenda item 10, delegates would at least be able to voice concerns if they felt that their views had not been adequately taken into account during the group’s work.

2.10 The **delegate of Switzerland** said that the positions specified in the ad hoc groups were the fruit of discussions in regional groups in which every effort was made to achieve consensus. He therefore urged the Chairman to insist that delegations were not justified in complaining that their positions were not formally reflected in the documents to be submitted.

2.11 The **Chairman** proposed that all ad hoc groups should conclude their work and submit written reports on all of the unresolved agenda items for discussion at the next plenary meeting. Where consensus could not be achieved, compromises would have to be made, in order to avoid lengthy discussions of the items in plenary.

2.12 It was so **agreed**.

# 3 Sixteenth series of texts submitted by the Editorial Committee for first reading (B16) (Document 453)

3.1 The **Chairman** **of the Editorial Committee** introduced Document 453, which reproduced a number of texts from Document 428 (thirteenth series of texts submitted by the Editorial Committee for first reading) relating to Article 11 and Appendices 30, 30A and 30B, for which approval had been deferred at the request of the delegate of Argentina, pending further consultations.

3.2 The **delegate of Argentina**, speaking on behalf of CITEL, said that during informal consultations with representatives of other regions and other participants, consensus had been reached on the texts proposed in Document 453, subject to the inclusion of the following statement in the minutes of the plenary as a decision of the conference:

“Before taking the decision to modify No. 11.49 of the Radio Regulations under issue A for agenda item 7, WRC-15 recognized the need to promote transparency without compromising the fair treatment of administrations. WRC-15 gave careful and special consideration to the concerns raised by some administrations regarding the possible uncertainty that could result from the adoption of a provision that may reduce the bringing back into use period based on the untimely submission of information to the Bureau for the suspension of recorded frequency assignments. WRC-15 therefore decided to instruct the Bureau, in its application of No. 11.49 as revised by WRC -15, to take into account any legitimate mitigating circumstances that could result in a notifying administration's inability to meet the six-month deadline. If the Bureau has reliable information that the use of a frequency assignment has been suspended, but it still is within the six-month period, the Bureau is encouraged, as a courtesy, to remind the notifying administration of its obligation to inform the Bureau of the suspension under No. 11.49.”

3.3 The **Director of BR** advised the plenary against accepting the text as proposed, since the wording effectively instructed the Bureau to take into account any legitimate mitigating circumstances that could result in non-compliance with the six-month deadline, thereby contradicting the very provisions of the Radio Regulations. Nevertheless, the proposal might be acceptable from a regulatory point of view if milder terms were used and a phrase was inserted to the effect that matters would be brought to the attention of the RRB. He therefore suggested replacing “instruct the Bureau” with “invite the RRB” and “take into account” with “consider” as a compromise which would maintain the original purpose of the text without weakening the provisions of the Radio Regulations.

3.4 The **delegate of Argentina** agreed with the Director’s proposal, suggesting that the Bureau should take the plenary decision into account, consulting with the Board if problems arose in its application. The **delegate of the Islamic Republic of Iran**, supporting the Director’s suggested wording as being in line with current practices of ITU-R, suggested that the RRB should consider publishing a rule of procedure on the matter, for comment by administrations.

3.5 The **Director of BR** said that the Bureau had always to apply the Radio Regulations, whereas any requests by administrations could be brought before the RRB. It would be difficult to develop a rule of procedure, since no rule could be designed which would fit every case. Each situation should therefore be treated on its own merits.

3.6 It was **agreed** to include in the minutes the following amended text as a decision of the conference:

“Before taking the decision to modify No. 11.49 of the Radio Regulations under issue A for agenda item 7, WRC-15 recognized the need to promote transparency without compromising the fair treatment of administrations. WRC-15 gave careful and special consideration to the concerns raised by some administrations regarding the possible uncertainty that could result from the adoption of a provision that may reduce the bringing back into use period based on the untimely submission of information to the Bureau for the suspension of recorded frequency assignments. WRC-15 therefore decided to invite the Radio Regulations Board, in its application of No. 11.49 as revised by WRC -15, to consider any legitimate mitigating circumstances that could result in a notifying administration's inability to meet the six-month deadline. If the Bureau has reliable information that the use of a frequency assignment has been suspended, but it still is within the six-month period, the Bureau is encouraged, as a courtesy, to remind the notifying administration of its obligation to inform the Bureau of the suspension under No. 11.49.”

3.7 The **delegate of Canada**,noting that the text still contained editorial inconsistencies,requested that it be further edited following the meeting.

3.8 It was so **agreed**.

Article 11 (MOD 11.49, MOD 11.49.1); Appendix 30 (MOD 5.2.10, MOD 20*bis*); Appendix 30A (MOD 5.2.10, MOD 24*bis*); Appendix 30B (MOD 8.17, ADD 14*bis*)

3.9 **Approved**.

3.10 With the text of the conference decision included in the minutes, the sixteenth series of texts submitted by the Editorial Committee for first reading (B16) (Document 453) was **approved**.

# 4 Sixteenth series of texts submitted by the Editorial Committee (B16) – second reading (Document 453)

4.1 With the text of the conference decision included in the minutes, the sixteenth series of texts submitted by the Editorial Committee (B16) (Document 453) was **approved** on second reading.

# 5 Second series of texts submitted by the Editorial Committee for second reading (R2) (Document 461)

5.1The **Chairman of the Editorial Committee** said that Document 461 reflected the amendments made to Document 452. In addition to the approved amendments, the Editorial Committee had in ADD Resolution COM6/15 (WRC-15), under *instructs the Director of the Radiocommunication Bureau,* inserted square brackets around agenda item 9.1 in case the agenda numbers changed subsequently.

5.2The second series of texts submitted by the Editorial Committee for second reading (R2) (Document 461) was **approved**.

**The meeting rose at 1530 hours.**

The Secretary-General: The Chairman:
H. ZHAO F.Y.N. DAUDU