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| **World Radiocommunication Conference (WRC-19)Sharm el-Sheikh, Egypt, 28 October – 22 November 2019** |  |
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| PLENARY MEETING | **Addendum 5 toDocument 16(Add.22)-E** |
|  | **14 October 2019** |
|  | **Original: English** |
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| European Common Proposals |
| Proposals for the work of the Conference |
|  |
| Agenda item 9.2 |

9 to consider and approve the Report of the Director of the Radiocommunication Bureau, in accordance with Article 7 of the Convention:

9.2 on any difficulties or inconsistencies encountered in the application of the Radio Regulations[[1]](#footnote-1)\*; and

Part 5 – Section 3.3.1 of the Report of the BR Director

Introduction

This Addendum presents the European Common Proposal with respect to Section 3.3.1 of the Report of the Director of the Radiocommunication Bureau under WRC-19 agenda item 9.2. The Section 3.3.1, and its sub-sections, deals with possible revision of Resolution **49 (Rev.WRC-15)** in order to correct some inconsistencies, to delete some outdated provisions and to introduce a possibility to make updates of corresponding administrative due diligence data.

In accordance with *resolves* 1 of Resolution **49 (Rev.WRC-15)** the administrative due diligence should be applied also for a satellite network or a satellite system for which the advance publication information was published under RR No. **9.2B**. However, WRC-15 modified No. **9.2B** of the Radio Regulations (RR) to be applicable only for Advanced Publication Information (API) for satellite systems that are not subject to coordination procedure in Section II of RR Article **9**. That created an inconsistency in the text of Resolution **49 (Rev.WRC-15)**.

In order to correct this inconsistency, the Radio Regulations Board, at its 73rd meeting in October 2016, adopted a new Rule of Procedure concerning the applicability of *resolves* 1 of Resolution **49 (Rev.WRC-15)**. TheBoard understands that *resolves* 1 of Resolution **49 (Rev.WRC-15)** is also applicable for a satellite network or satellite system of the fixed-satellite service, mobile-satellite service or broadcasting-satellite service for which the advance publication information was published under RR No. **9.1A**. Therefore, it is proposed to reflect this Rule of Procedure in *resolves* 1, as well as in § 1 and 4 of Annex 1 to Resolution **49 (Rev.WRC-15)**.

In addition to that, there are still some provisions in Resolution **49 (Rev.WRC-15)** dealing with transitional measures included into the original text of the Resolution **49** at WRC-97. All these measures are now fully implemented and there is no need to keep them in *resolves* 2 to 6 of Resolution **49 (Rev.WRC-15)**. Therefore, it is proposed to suppress these texts from the Resolution.

One additional inconsistency in Resolution **49 (Rev.WRC-15)** concerns the provisions in § 12 of Annex 1 to Resolution **49 (Rev.WRC-15)**. It is specified that an administration notifying a satellite network under § 1, 2 or 3 of Annex 1 of this Resolution for recording in the Master International Frequency Register (MIFR) shall send to the Bureau, as early as possible before the date of bringing into use, the due diligence information relating to the identity of the satellite network and the launch services provider specified in Annex 2 to this Resolution.

However, under §§ 4, 5 and 6 of Annex 1 of this Resolution it is specified that an administration, with respect to satellite network under § 1, 2 or 3 of Annex 1 of this Resolution, shall send to the Bureau as early as possible before the end of the period established as a limit to bringing into use (in RR No. **11.44**, or in accordance with the relevant provisions of RR Appendix **30**, **30A** or **30B**, as applicable) the corresponding due diligence information.

The strict application of provisions in § 12 of Annex 1 to Resolution **49 (Rev.WRC-15)** would lead to possible cancellation of frequency assignments that are fully coordinated and notified in time, or even already brought into use in due time.

Under the current Radio Regulations, the obligatory deadlines to be respected in order to avoid the cancellation of a frequency assignment are specified as no later than 30 days following the end of the period established as a limit to bringing into use in RR Nos. **11.44**, or the relevant provisions of RR Appendices **30**, **30A** and **30B**. Therefore, the strict application of these deadlines should be the only measure to judge if a frequency assignment should be cancelled due to non-respecting the administrative due diligence obligations.

In order to correct this inconsistency it is proposed to modify §§ 4, 5, 6, 11 and 12 of Annex 1 to this Resolution in order to make it clearer and more straightforward.

In addition to that, there are no provisions in the current text of Resolution **49** **(Rev.WRC-15)** dealing with cases of resumption of use after suspension of a frequency assignment or change of satellite associated with the frequency assignment in question, as well as cases of end of life or relocation of the satellite associated with the frequency assignment in question. In order to cover these issues, a possibility to update the current administrative due diligence data is proposed in modified § 12 of Annex 1 to Resolution **49** **(Rev.WRC-15)**.

Proposals

MOD EUR/16A22A5/1

RESOLUTION 49[[2]](#footnote-2)1 (Rev.WRC‑19)

Administrative due diligence applicable to some
satellite radiocommunication services

The World Radiocommunication Conference (Sharm el-Sheikh, 2019),

…

resolves

that the administrative due diligence procedure contained in Annex 1 to this Resolution shall be applied for a satellite network or satellite system of the fixed-satellite service, mobile-satellite service or broadcasting-satellite service for which the advance publication information under Nos. **9.1A** or **9.2B**, or for which the request for modifications of the Region 2 Plan under Article 4, § 4.2.1 *b)* of Appendices **30** and **30A** that involve the addition of new frequencies or orbit positions, or for which the request for modifications of the Region 2 Plan under Article 4, § 4.2.1 *a)* of Appendices **30** and **30A** that extend the service area to another country or countries in addition to the existing service area, or for which the request for additional uses in Regions 1 and 3 under § 4.1 of Article 4 of Appendices **30** and **30A**, or for which the submission under the Appendix **30B** is received, with the exception of submissions of new Member States seeking the acquisition of their respective national allotments[[3]](#footnote-3)2 for inclusion in the Appendix **30B** Plan,

...

ANNEX 1 TO RESOLUTION 49 (Rev.WRC‑19)

1 Any satellite network or satellite system of the fixed-satellite service, mobile-satellite service or broadcasting-satellite service with frequency assignments that are subject to Section I of Article **9**, or to coordination under Nos. **9.7**, **9.11**, **9.12**, **9.12A** and **9.13** and Resolution **33 (Rev.WRC‑03)**[[4]](#footnote-4)\*shall be subject to these procedures.

2 Any request for modifications of the Region 2 Plan under the relevant provisions of Article 4 of Appendices **30** and **30A** that involve the addition of new frequencies or orbit positions or for modifications of the Region 2 Plan under the relevant provisions of Article 4 of Appendices **30** and **30A** that extend the service area to another country or countries in addition to the existing service area or request for additional uses in Regions 1 and 3 under the relevant provisions of Article 4 of Appendices **30** and **30A** shall be subject to these procedures.

3 Any submission of information under Article 6 of Appendix **30B (Rev.WRC‑07)**, with the exception of submissions of new Member States seeking the acquisition of their respective national allotments[[5]](#footnote-5)3 for inclusion in the Appendix **30B** Plan, shall be subject to these procedures.

4 An administration requesting coordination for a satellite network or applying No. **9.1** under § 1 above shall send to the Bureau no later than 30 days following the end of the period established as a limit to bringing into use in No. **11.44**, the due diligence information relating to the identity of the satellite network, the spacecraft manufacturer and the launch service provider specified in Annex 2 to this Resolution.

5 An administration requesting a modification of the Region 2 Plan or additional uses in Regions 1 and 3 under Appendices **30** and **30A** under § 2 above shall send to the Bureau no later than 30 days following the end of the period established as a limit to bringing into use in accordance with the relevant provisions of Article 4 of Appendix **30** and the relevant provisions of Article 4 of Appendix **30A**, the due diligence information relating to the identity of the satellite network, the spacecraft manufacturer and the launch service provider specified in Annex 2 to this Resolution.

6 An administration applying Article 6 of Appendix **30B (Rev.WRC‑07)** under § 3 above shall send to the Bureau no later than 30 days following the end of the period established as a limit to bringing into use in § 6.1 of that Article, the due diligence information relating to the identity of the satellite network, the spacecraft manufacturer and the launch service provider specified in Annex 2 to this Resolution.

7 The information to be submitted in accordance with § 4, 5 or 6 above shall be signed by an authorized official of the notifying administration or of an administration that is acting on behalf of a group of named administrations.

8 On receipt of the due diligence information under § 4, 5 or 6 above, the Bureau shall promptly examine that information for completeness. If the information is found to be complete, the Bureau shall publish the complete information in a special section of the BR IFIC within 30 days.

9 If the information is found to be incomplete, the Bureau shall immediately request the administration to submit the missing information. In all cases, the complete due diligence information shall be received by the Bureau within the appropriate time period specified in § 4, 5 or 6 above, as the case may be, relating to the date of bringing the satellite network into use.

10 Six months before expiry of the period specified in § 4, 5 or 6 above and if the administration responsible for the satellite network has not submitted the due diligence information under § 4, 5 or 6 above, the Bureau shall send a reminder to the responsible administration.

11 If the complete due diligence information or its update is not received by the Bureau within the time limits specified in § 4, 5, 6 or 12, as appropriate, the networks covered by § 1, 2 or 3 above shall be cancelled by the Bureau. The provisional recording in the MIFR shall be deleted by the Bureau after it has informed the concerned administration. The Bureau shall publish this information in the BR IFIC.

With respect to the request for modification of the Region 2 Plan or for additional uses in Regions 1 and 3 under Appendices **30** and **30A** under § 2 above, the modification shall lapse if the complete due diligence information or its update is not submitted in accordance with § 5 or 12, as appropriate.

With respect to the request for application of Article 6 of Appendix **30B (Rev.WRC‑07)** under § 3 above, the network shall also be deleted from the Appendix **30B** List if the complete due diligence information or its update is not submitted in accordance with § 6 or 12, as appropriate. When an allotment under Appendix **30B** is converted into an assignment, the assignment shall be reinstated in the Plan in accordance with § 6.33 *c)* of Article 6 of Appendix **30B** **(Rev.WRC‑07)**.

12 The information submitted in accordance with § 4, 5 or 6 above shall be updated and resubmitted to the Bureau by the notifying administration no later than 3 months after the resumption of use after suspension of the frequency assignments in question or in the case of change of spacecraft associated with the submissions under § 4, 5 or 6 above. In the case of end of life or relocation of the spacecraft associated with the submissions under § 4, 5 or 6 above, and if the notifying administration does not apply No. **11.49**, the information submitted in accordance with § 4, 5 or 6 above shall be updated and resubmitted to the Bureau by the notifying administration not later than 21 months after the end of life or relocation of the spacecraft in question.

13 When an administration has completely fulfilled the due diligence procedure but has not completed coordination, this does not preclude the application of No. **11.41** by that administration.

…

**Reasons:** The strict application of provisions in § 12 of Annex 1 to Resolution **49 (Rev.WRC-15)** would lead to possible cancellation of frequency assignments that are fully coordinated and notified, or even already brought into use in due time. In order to correct this inconsistency it is proposed to modify § 12 of Annex 1 to Resolution **49 (Rev.WRC-15)** and also to modify other provisions of Annex 1 to Resolution **49 (Rev.WRC-15)** in order that the deadlines specified in §§ 4, 5 and 6 of Annex 1 to Resolution **49 (Rev.WRC-15)** would be the only measure to justify the cancellation of a frequency assignment with respect to the application of the administrative due diligence procedure. In addition to that, transitional measures that were already implemented are not necessary in the text of this Resolution. In order to allow updates of the administrative due diligence data, appropriate modifications are included in § 12 of Annex 1 to Resolution **49 (RevWRC-15)**.

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1. \* This agenda item is strictly limited to the Report of the Director on any difficulties or inconsistencies encountered in the application of the Radio Regulations and the comments from administrations. [↑](#footnote-ref-1)
2. 1 This Resolution does not apply to satellite networks or satellite systems of the broadcasting-satellite service in the frequency band 21.4-22 GHz in Regions 1 and 3. [↑](#footnote-ref-2)
3. 2 See § 2.3 of Appendix **30B (Rev.WRC‑07)**. [↑](#footnote-ref-3)
4. \* *Note by the Secretariat:* This Resolution was revised by WRC-15. [↑](#footnote-ref-4)
5. 3 See § 2.3 of Appendix **30B (Rev.WRC‑07)**. [↑](#footnote-ref-5)