|  |  |
| --- | --- |
| **World Radiocommunication Conference (WRC-19)Sharm el-Sheikh, Egypt, 28 October – 22 November 2019** |  |
|  |  |
|  |  |
| PLENARY MEETING | **Document 42-E** |
|  | **11 October 2019** |
|  | **Original: English** |
|  |
| Cyprus (Republic of)/Greece |
| Proposals for the work of the conference |
|  |
| Agenda item 9.3 |

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

9.3 on action in response to Resolution **80 (Rev.WRC-07)**;

Actions in response to Resolution 80 (Rev.WRC-07) under WRC-19 agenda item 9.3 - Clarification on the terms and extent of applicability of RR No 13.6

The application of RR No. **13.6** is undoubtedly the cornerstone for the maintenance of the Master Register and World Plans by the ITU Radiocommunication Bureau since it falls under Section II of Article **13**, headed “Maintenance of the Master Register and of World Plans by the Bureau. In accordance with the provisions of No. **13.6** of the Radio Regulations, the Radiocommunication Bureau (BR) consults the notifying administrations whenever it appeared from reliable information that a recorded assignment had not been brought into use, is not being used or is not being used in accordance with the notified frequency assignments.

The application of RR No. **13.6** is undoubtfully an important tool not only for the BR to validate that the assignments recorded in the MIFR reflect reality but also for the Administrations planning and executing their activities based on it. Therefore, we are of the opinion that any application as well as interpretation should also take into consideration the abovementioned factors. More specifically, if at the time of application of RR No. **13.6** a satellite had been using the notified assignments under question there should be no grounds for carrying out a historical study under RR No. **13.6** or if conducting such investigation this should be subject to a time frame for very specific obvious, and practical reasons which worth being considered given the possible regulatory and legal implications so entailed.

First of all we would like to invoke the reference made by the Chief SSD during the 78th meeting stating that: “*As far as retroactive examination was concerned, the current practice was to go back around three years (the length of the suspension period); it was difficult to be sure of all the facts when going back any further. The BR would be pleased to listen to any suggestions from the Board on possible improvements to the methodology used*”.

Additionally, we are of the opinion that any attempt for extending the duration of the investigation under RR No. **13.6** beyond the three years and in general falling into the distant past should take into consideration certain implications stated in the Resolution **80 (Rev.WRC-07)** Report to WRC‑19 as well as indicatively mentioned hereinafter:

– The specific requests from administrations starting an investigation under RR No. **13.6** in the distant past for other satellite networks to the detriment of the other administrations and other satellite networks often already being in use so that the former ones override the difficulties that may arise in the coordination discussions.

– A series of difficulties may possibly be caused to the administrations for providing evidence that they have brought into use frequency assignments, if the original satellite used to do so, was replaced a number of years prior to the time of the investigation.

– The existence of different regulatory requirements and practices followed by the BR being in force back at the time of the event that it is subject to investigation.

In addition, equal treatment for all filings related to the investigation of RR No. **13.6** should be ensured since BR already has applied a method of not making investigations beyond three years (i.e. the length of the suspension period according to RR No. **11.49**) in the past.

The application of RR No. **13.6** many years back will open the ‘Pandora’s box’ for many satellite networks and will raise concerns about the validity of MIFR data. We strongly believe that a specific framework defining the basis on which an investigation under RR No. **13.6** should be set up so as to define the terms and conditions of such an investigation and mainly the time limitations this should entail.

Such an initiative is hopefully welcomed already by a number of countries with related contributions submitted to the 81st meeting of Radio Regulation Board on 15-19 July 2019 proposing the establishment of a specific time limit concerning the application of RR No **13.6** in the past ( please see for example RRB Document RRB19-2/12,RRB19-2/10).

We believe that under the proceedings of the forthcoming WRC-19, a common approach and set of recommendations to the Bureau and the Board for addressing the variety of different cases that have been arisen in connection with RR No. **13.6** should be developed. Therefore, it is proposed that WRC-19 takes decisions and provides guidance to the Board, as requested in the Resolution **80** Report, on the practical aspects related to the application of RR No. **13.6** in the distant past taking into consideration the following guidelines:

• When the BR receives requests from administrations to investigate networks under RR No. **13.6**, it should not do so if by the time such request is received the BR had already performed its own investigations and has already reached its conclusions for the status of the network and communicated its decisions to the administration concerned on which decisions the respective administration is based so as to conduct its respective activities involving important investments, expenditures and long term planning.

• Application of RR No. **13.6** in a specific distant time in the past should not be applied in cases where the administrations had completed successfully all mandatory regulatory procedures at the specific time and their respective satellite network is currently in use by an operating satellite, thus supporting the application of RR No. **13.6** essentially on the grounds of current use as mentioned in the RRB Report to WRC-15 under Resolution **80 (Rev.WRC-07)**.

• **Investigation of RR No. 13.6 should be limited to three years in the past, which is in accordance to the current BR practice and should apply mutatis mutandis for all Administrations in virtue of the international principle of equal treatment.**

Finally it is our belief that a common approach would facilitate the work of the BR and RRB, thus helping administrations to understand the actions taken by the Bureau as well as safeguarding the equal treatment in terms of RR No. **13.6** application in the distant past as to filings which are currently being processed by the BR and finally securing even more the credibility of the data officially recorded in MIFR.

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