

---

**Document RRB18-2/DELAYED/3-E**  
**12 July 2018**  
**Original: English**

**Director, Radiocommunication Bureau**

**SUBMISSION BY THE ADMINISTRATION OF GERMANY ON THE  
APPLICATION OF ARTICLE 48 OF THE ITU CONSTITUTION  
TO THE RECORDED FREQUENCY ASSIGNMENTS TO  
THE INSAT-2(48), INSAT-2M(48), INSAT-2T(48), AND  
INSAT-EK48R SATELLITE NETWORKS AT 48°E**

The attached submission from the Administration of Germany regarding the status of the frequency assignments to the INSAT-2(48), INSAT-2M(48), INSAT-2T(48), and INSAT-EK48R satellite networks, which complements the information contained in Documents [RRB18-2/10](#) and [RRB18-2/11](#), is for the consideration of the Radio Regulations Board.

Annex

## Annex



Bundesnetzagentur



Postfach 80 01, 55003 Mainz

An/ATo  
International Telecommunication Union (ITU)  
Radiocommunication Bureau  
1211 Geneva 20  
SWISS

Copy: Ms. B. v. Wietersheim, E\*S by Mail

Datum/Date/Date: 2018/07/09

Mail to → [BRMAIL@itu.int](mailto:BRMAIL@itu.int)

Anzahl nachfolgender Seiten:  
*Nombre des pages suivant cette feuille:*  
Total number of pages after this page:

3

### Comment

Bei unvollständigem Empfang Nachricht an:

☎: +49 61 31 18-3192

*En cas de réception défectueuse, informez s.v.p.:* Lothar Ponto

E-Mail: [satsystems@BNetzA.DE](mailto:satsystems@BNetzA.DE)

If not properly received, please call:

Fax: +49 61 31 18-5614

**Subject:** **Administrative letter 223-2-0704-2018 / Clarification on the status of the INSAT-2(48), INSAT-2M(48), INSAT-2T(48) and INSAT-EK48R satellite network filings at 48°E.L.**

### References:

- 1.) Our letter to BR, dated 25 June 2018 - Ref. 223-2-0678-2018
- 2.) India letter to BR, dated 22 June 2018 - Ref. J-19011/05/2017-SAT
- 3.) Summary of Decisions of the 77<sup>th</sup> Meeting of the Radio Regulations Board (19–23 March 2018) - Document RRB18-1/10-E
- 4.) Our letter ref. 223a 0784A-2018, dated 20 February 2018
- 5.) Our letter ref. 223a 0784-2018, dated 30 January 2018
- 6.) BR letter ref.13(SSC)O-2017-004580, dated 2 November 2017
- 7.) Our letter ref. 223a 0687-2017, dated 27 September 2017
- 8.) Administration of India letter ref. No. J-19011/05/2017-SAT, dated 4 July 2017 (received by the Administration of Germany on 30 August 2017)
- 9.) Our Letter ref. 223.2.0307-2017, dated 7 June 2017

-2-

### Zentrale Anschlüsse/Postes centraux/Central call numbers

Bundesnetzagentur für Elektrizität, Gas,  
Telekommunikation, Post und Eisenbahnen  
Behördensitz/Siège/Seat  
BonnTulpenfeld 4  
D-53113 Bonn  
☎ (02 28) 14-0  
+49 228 14-0

Fax Bonn  
(02 28) 14-88 72  
+49 228 14-88 72  
Fax Mainz  
(0 61 31) 18-56 00  
+49 61 31 18-56 00

E-Mail  
[poststelle@bnetza.de](mailto:poststelle@bnetza.de)  
Internet  
<http://www.bundesnetzagentur.de>

Dienstgebäude/  
Bureau/Office  
Canisiusstr. 21  
55122 Mainz  
☎ (0 61 31) 18-0  
+49 61 31 18-0

Dear Mr. Rancy,

The German Administration would like to thank the Indian Administration for the letter referenced above, and takes the opportunity to provide some clarity and address some of the points raised in the letter.

Before addressing the response of the Indian Administration, the German Administration would like to bring to the attention of the Radiocommunications Bureau and the esteemed RRB members the fact that, when the Indian Administration first invoked Article 48 in 2013 for the INSAT-2(48), INSAT-2M(48), INSAT-2T(48) and INSAT-EK48R satellite network filings, these filings should have lapsed already since they were left unused for well over two years, which was the maximum time allowed by the Radio Regulations at that time.

Additionally, during that period of non-use, the Indian Administration did not suspend its frequency assignments or invoke Article 48, until an inquiry was made by another Administration under RR 13.6.

With respect to the latest letter from the Indian Administration, the German Administration respectfully offers the following:

**1.) Relevance of Article 48 to developing countries**

The Indian Administration correctly argues that developing countries rely on space communication as one of the key components to develop their telecommunications infrastructure. As was outlined before, the German Administration fully supports the importance of space communication infrastructure in meeting the needs of different user communities, but questions the relevance of this assertion to the application of Article 48 in the case at hand. The scope of Article 48 is narrowly defined in the ITU Constitution to be for “*military radio installations*”, and does not address the needs of developing countries in developing broadband communications infrastructure.

**2.) Use of public information ascertain use of frequency assignments**

The Indian Administration asserts that public information should not be used as a basis “*to determine the matters related to the usage and characteristics of the satellite networks, especially the satellite networks covered under the Article 48.*” The German Administration agrees in principle with this statement. However, the situation in this case relates to public statements made by Indian government officials about the nature of the usage of the satellite network filings in question. These statements appear to indicate that the usage is inconsistent with the application of Article 48. Such inconsistency warrants clarification from the Indian Administration.

**3.) The GSAT-9, GSAT-11, and GSAT19 satellite do not use the frequency assignments in questions**

The Indian Administration states that the GSAT-9, GSAT-19 and GSAT-11 satellites – which were all referenced in public statements made by Indian government officials – use Appendix 30B frequency bands and “*[h]ence this is not pertinent to the satellite network filings mentioned in the current case for which Article 48 has been applied.*” Given this statement, the status of the frequency assignments contained in the INSAT-2(48), INSAT-2M(48), INSAT-2T(48) and INSAT-EK48R satellite network filings remains in question.

**4.) Seeking information about frequency assignments subject to Article 48**

The Indian Administration correctly points out that seeking information about frequency assignments for which Article 48 was invoked “*defeat[s] the very purpose of invoking Article 48 for the concerned network.*” However, the German Administration would like to point out again that seeking this additional information was a direct result of public statements attributed to Indian Government officials indicating non-military use of these assignments. As such, additional clarification is warranted from the Indian Administration as to why Article 48 was invoked.

As stated in our prior letters to the BR, the German Administration has demonstrated empirically that the frequency assignments contained in the INSAT-2(48), INSAT-2M(48), INSAT-2T(48) and INSAT-EK48R satellite network filings have not been in use at least since December 2012. We reiterate that the German Administration fully respects the rights of every Administration to use Article 48 of the ITU Constitution, provided that such use is consistent with the true spirit of this Article and the ITU Constitution. In that regard, it is important for the BR and the RRB to provide clarity on the manner and ease in which Article 48 can be applied, and clearly identify those satellite networks for which Article 48 has been invoked. The German Administration also believes that the conditions under which Article 48 is applied should perhaps be further discussed in the next WRC-19 and/or PP-18, as necessary.

We would like to thank you and the esteemed RRB members for their continued attention.

Best regards  
Lothar Ponto  
By direction of the President

-----  
Frequency Management  
Department 223  
Federal Network Agency  
Germany  
P.O. Box 80 01, D-55003 Mainz