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| A close up of a sign  Description automatically generated | **World Radiocommunication Conference (WRC-23)Dubai, 20 November - 15 December 2023** |  |
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| PLENARY MEETING | **Document 206-E** |
|  | **8 November 2023** |
|  | **Original: English** |
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| Note by the Secretary-General |
| RESOLUTION 216 (BUCHAREST, 2022) |
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Resolution 216 (Bucharest, 2022) of the ITU Plenipotentiary Conference is brought to the attention of WRC‑23 in accordance with *instructs the Secretary-General* 1 of the said Resolution. The Resolution is included in the ITU publication “[Collection of the basic texts of the International Telecommunication Union” (2023 Edition](https://www.itu.int/pub/S-CONF-PLEN)) and is provided in the Annex to this document for convenience.

 Doreen BOGDAN-MARTIN
 Secretary-General

**Annex**: 1

ANNEX

RESOLUTION 216 (BUCHAREST, 2022)

Use of frequency assignments by military radio installations for
national defence services

The Plenipotentiary Conference of the International Telecommunication Union (Bucharest, 2022),

considering

*a)* that the World Radiocommunication Conference (WRC) (Sharm el-Sheikh, 2019), in accordance with Article 21 of the ITU Convention, invited this plenipotentiary conference to consider the question of the invocation of Article 48 of the ITU Constitution in relation to the Radio Regulations, and to take necessary actions, as appropriate;

*b)* that there are currently no specific provisions/procedures in the Radio Regulations relating to the invocation of Article 48 for the processing, recording and maintaining in the Master International Frequency Register (MIFR) of frequency assignments to stations that are part of installations for national defence services;

*c)* that Member States are by default assumed to be acting with integrity when invoking Article 48 for military radio installations*;*

*d)* that WRC‑15 noted that Article 48 refers to "military radio installations" and not to stations used for governmental purposes in general,

recognizing

*a)* that the provisions of the Constitution are further complemented by those of the Administrative Regulations, including the Radio Regulations;

*b)* that, as per No. 202 of the Constitution, under Article 48, Member States retain their entire freedom with regard to military radio installations;

*c)* that, as per No. 203 of the Constitution, under Article 48, these installations must, so far as possible, observe statutory provisions relative to the measures to be taken to prevent harmful interference;

*d)* that there is no restriction for any Member State to invoke Article 48 for military radio installations in application of the Radio Regulations;

*e)* that the rights for international recognition and protection of any frequency assignments are derived from the recording of those frequency assignments in the MIFR and conditioned by the provisions of the Radio Regulations,

recognizing further

that there is a need to maintain the sensitivity and confidentiality of the information provided for frequency assignments for which Article 48 is invoked,

resolves

1 that any invocation of Article 48 by a Member State shall be explicitly stated as part of the submission of that invocation;

2 that, in case of an invocation of Article 48 during the application of the provisions of the Radio Regulations for frequency assignments to stations in the space or terrestrial services, the following shall apply:

i) the Member State undertakes obligations to use such frequency assignments for military radio installations;

ii) if a frequency assignment for which Article 48 has been invoked is used for non-military radio installations, all relevant provisions of the Radio Regulations shall apply to the frequency assignment;

iii) the Member State undertakes obligations to revoke an invocation of Article 48 if such frequency assignment is no longer used for military radio installations;

3 that, in the case of an invocation of Article 48 being made as of 15 October 2022 and then being subsequently revoked, or any revocation of the invocation of Article 48 after 20 November 2023, the associated frequency assignments shall be subject to all relevant provisions of the Radio Regulations, and the Member State shall be required to provide all relevant information to the Radiocommunication Bureau (BR), including the bringing-into-use or bringing-back-into-use information for frequency assignments related to space services;

4 to urge those Member States that invoked Article 48 before 15 October 2022 to review past invocations in light of this resolution, and, if the nature of use of the related frequency assignments has changed and the Member State decides to revoke the past invocation, to do so before 20 November 2023, without necessarily having to provide any additional information;

5 that BR may seek clarification from the Member State regarding possible non-compliant use of frequency assignments under Article 48 and in relation to the obligations under *resolves*2 above;

6 that BR shall provide the Member State with the necessary rationale for the request for clarification in *resolves* 5 above;

7 that, based on the clarification provided and in case of the disagreement of the Member State with the assessment of BR, the matter shall be referred to the Radio Regulations Board (RRB) together with the Member State's basis for its disagreement;

8 that, upon receipt of the information requested in *resolves* 7 above, RRB may decide that all relevant regulatory provisions apply to that frequency assignment;

9 that, if the Member State disagrees with RRB's decision, it may appeal to the next WRC, and RRB's decision shall remain in abeyance until WRC decides on the matter;

10 that, in providing a clarification under *resolves* 7 above, Member States are not obliged to provide information to RRB or BR with regard to frequency assignments for military radio installations that may cause prejudice to their installations for national defence services,

invites Member States

to consider using separate frequency assignments for military and non-military radio installations when Article 48 has been invoked,

instructs the Radio Regulations Board

to consider this resolution with a view to taking the necessary action, where appropriate, with regard to frequency assignments for which Article 48 is invoked, taking into account *recognizing further* above,

instructs the Secretary-General

1 to bring this resolution to the attention of WRC-23;

2 to report to the next plenipotentiary conference on the implementation of this resolution.

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