|  |  |
| --- | --- |
| **Plenipotentiary Conference (PP-22)Bucharest, 26 September – 14 October 2022** |  |
|  |  |
|  |  |
| PLENARY MEETING | **Document 41-E** |
|  | **31 May 2022** |
|  | **Original: English** |
|  |
| Note by the Secretary-General |
| Recommendation from the 2019 world Radiocommunication Conference TO the plenipotentiary conference |
| invocation of Article 48 of the Constitution in relation to the Radio Regulations |
|  |

The annexed decision of the 2019 World Radiocommunication Conference (WRC-19), as recorded in Document [569](https://www.itu.int/md/R16-WRC19-C-0569/en) (Minutes of the eighth Plenary meeting, §§ 3.8 to 3.10, Approval of Document [347](https://www.itu.int/md/R16-WRC19-C-0347/en)), is submitted to the Plenipotentiary Conference in accordance with Article 21 of the ITU Convention.

Houlin ZHAO

Secretary-General

**Annex**: 1

ANNEX

“In accordance with WRC-19 agenda item 9.3, the Conference received Document 15 from the Radio Regulations Board (RRB) entitled *Report by the Radio Regulations Board on Resolution* ***80 (Rev.WRC-07)****.* This report summarized RRB activity in relation to Resolution **80** **(Rev.WRC-07)**, “*Due Diligence in Applying the Principles Embodied in the Constitution*.” In the Report to WRC‑19, the Board provided an update to the report to WRC-15 focusing on its efforts to address issues the Board and the Radiocommunications Bureau have faced since WRC-15 affecting fulfilment of the principles contained in Article 44 of the ITU Constitution (CS) and No. **0.3** of the Preamble to the Radio Regulations.

The Board report says, in part, the following: “*the Board considered concerns raised by some administrations regarding the appropriateness of other administrations’ application of Article 48 of the ITU Constitution. The alleged cases of non-compliance with CS Article 48 that were presented to the Board were summarized as follows:*

*– Administrations invoking CS Article 48 after the Bureau has launched an investigation under RR No.* ***13.6*** *as a means to prevent its application and retain rights in the Master International Frequency Register.*

*– Administrations invoking CS Article 48 for frequency assignments that are not used for military purposes*.”

In response to the content of this Board Report, the Conference received several contributions from administrations that included various actions to be considered by the Conference to address the concerns raised by administrations, however it was understood that none of these various actions could be implemented without specific instruction from a Plenipotentiary Conference to a WRC to do so.

Taking into account the report of the Board on Resolution **80 (Rev.WRC-07)**, and the contributions and comments at WRC-19 associated with that Report, the WRC-19, in accordance with Article 21 of the ITU Convention, invites the 2022 Plenipotentiary Conference to consider the question of invocation of CS Article 48 in relation to the Radio Regulations raised at WRC-19 and take necessary actions, as appropriate.

In addition to this result, WRC-19 instructed the Bureau to continue their current practice of responding to specific requests from administrations related to the status of individual satellite networks, including an indication of whether CS Article 48 has been invoked for a satellite network.”

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