



DECISION 532

(adopted at the ninth plenary meeting)

Satellite network filing cost recovery: categories 7 and 8

The Council,

considering

- a) Resolution 88 (Rev.Marrakesh, 2002) of the Plenipotentiary Conference, on the implementation of cost recovery for satellite network filings;
- b) Resolution 91 (Minneapolis, 1998) of the Plenipotentiary Conference, on cost recovery for some products and services of ITU, which states that cost-recovery charges for products and services shall be segregated to the specific product or service, covering only the exact cost of providing the product or service to which they relate, and should not be considered as generating revenue or profit,

recognizing

- a) that a discrepancy between the wording of Annex A to Decision 482 (calculation of number of units for categories 7 and 8) and the practical application by the Radiocommunication Bureau was identified by the Council ad hoc Group on satellite network filing cost recovery and reported to Council-04;
- b) Council-04 decided to add a footnote in Annex A to Decision 482 requiring further clarification;
- c) that, after Council-04, BR issued Circular Letter CR/225 which provides the following: "For categories 7 and 8, the "number of associated earth stations (specific or typical recorded in the database)" used to calculate the number of "units" is understood to refer to test points and feeder-link specific associated earth stations recorded in the database, as this has been the case in the application by the Radiocommunication Bureau of Decision 482 (modified, 2002)";
- d) that, at its March 2005 meeting, the Council ad hoc Group became aware that Circular Letter CR/225 did not completely reflect the actual practice of BR and that other elements were taken into account in the calculation of the number of units,

decides

- 1 that all invoices for all uncanceled filings issued on or after 1 January 2004 under categories 7 and 8 in accordance with Decision 482 (modified, 2002) or Decision 482 (modified, 2004) shall be capped at CHF 100 000, which shall apply to the sum of the calculated fees for the uplink and downlink filings;
- 2 that the Bureau shall extend the date for payment of invoices referred to in *decides* 1 until 22 October 2005;
- 3 to invite the Council at its 2006 session to transmit this decision to the 2006 Plenipotentiary Conference, for consideration of the implementation of the corrective measures set forth in this decision for invoices issued for the 2002-2003 period, including the application of the capped fee of CHF 100 000 referred to in *decides* 1 above;
- 4 to invite the Secretary-General to submit a report on this issue to the Council at its 2006 session,

further decides to authorize the Secretary-General

to withdraw the necessary amount from the Reserve Account, should the Union's budget not be balanced at the end of the present biennium as a consequence of this decision; however, in no circumstances should the Reserve Account be reduced below 3 per cent as a result of this decision, in conformity with Decision 5 (Rev. Marrakesh, 2002).
