



DECISION 482 (modified 2005)
(adopted at the ninth plenary meeting)

Implementation of cost recovery for satellite network filings

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;
- c) Council Resolution 1113, on cost recovery for the processing by the Radiocommunication Bureau of space notifications;
- d) Document C99/68 reporting on the Council Working Group on implementation of cost recovery for satellite network filings;
- e) Document C99/47 on cost recovery for some ITU products and services;
- ebis*) Document C05/29 on cost recovery for the processing of satellite network filings;
- f) that WRC-03 adopted provisions referring to Council Decision 482, as amended, under which a satellite network filing is cancelled if payment is not received in accordance with the provisions of this decision;
- g) that the date of entry into force of Decision 482 (modified 2004) was 31 December 2004,

recognizing

- a) that Resolution 88 (Rev.Marrakesh, 2002) resolved:
 - that cost recovery for satellite network filings shall be implemented as soon as possible consistent with the general principles for cost recovery adopted in Resolution 91 (Minneapolis, 1998), in particular *resolves* 4 and the need to ensure that no more than the actual costs of providing products and services are recovered;
 - that all filings in accordance with Council Decision 482, as modified, for the production of the special sections of the BR IFIC for space radiocommunication services concerning advance publication, and their associated requests for coordination or agreement (former Articles 11 and 14 plus Resolution 33 (Rev.WRC-97) and former Resolution 46 (WRC-97), or Article 9 of the Radio Regulations)* and requests for modification of the space service

* Note: At WRC-03, Resolution 33 was modified and Resolution 46 was abrogated.

plans and lists contained in Appendices 30/S30, 30A/S30A and 30B/S30B to the Radio Regulations, received by BR after 7 November 1998, shall be subject to the application of cost recovery;

b) that Resolution 88 (Rev.Marrakesh, 2002) further resolved to instruct the Council to establish a group in order to make recommendations to the 2003 session of the Council on the extension of the implementation of processing charges for satellite filings not already covered in its *resolves 2*,

further recognizing

the practical experience of the Radiocommunication Bureau in implementing cost-recovery filing charges and the methodology as reported to the Council at its 2001, 2002, 2003, 2004 and 2005 sessions in accordance with Decision 482 as revised by the Council,

decides

1 that all satellite network filings concerning advance publication, their associated requests for coordination or agreement (Article 9 of the Radio Regulations (RR), Article 7 of Appendices 30/30A to the RR, Resolution 539 (Rev.WRC-03)), the use of the guardbands (Article 2A to Appendices 30/30A to the RR), requests for modification of the space service plans and lists (Article 4 of Appendices 30 and 30A to the RR) and requests for the implementation of the fixed-satellite service plan (Sections IB and II of Article 6 of Appendix 30B to the RR), shall be subject to cost-recovery charges if, and only if, they have been received by the Radiocommunication Bureau on or after 8 November 1998;

1bis that all satellite network filings concerning notification for recording of frequency assignments in the Master International Frequency Register (Article 11 of the RR, Article 5 of Appendices 30/30A to the RR and Article 8 of Appendix 30B to the RR) received by the Radiocommunication Bureau on or after 1 January 2006 shall be subject to cost-recovery charges if, and only if, they refer to advance publication or modification of the space service plans or lists (Part A) or requests for the implementation of the fixed-satellite service plan, as appropriate, received on or after 19 October 2002;

1ter that all requests for the implementation of the fixed-satellite service plan (Sections IA and III of Article 6 of Appendix 30B to the RR) shall be subject to cost-recovery charges if, and only if, they have been received by the Radiocommunication Bureau on or after 1 January 2006;

2 that for each satellite network¹ filing communicated to the Radiocommunication Bureau, the following charges² shall apply:

a) for filings received up to and including 29 June 2001, Decision 482 (C-99) applies; these filings are charged at publication in accordance with the fee schedule in force at the date of publication;

¹ In this decision, the term "satellite network" refers to any space system in accordance with No. 1.110 of the Radio Regulations.

² The fee per "unit" (see Annex) shall not be understood as a tax imposed on spectrum users. It is used here as a driver for the calculation of cost recovery relating to publication of satellite systems.

- b) for filings received on or after 30 June 2001, but before 1 January 2002, Decision 482 (C0-1) applies; these filings are charged at publication with a flat fee in accordance with the fee schedule in force at the date of receipt, and an additional fee (if any) according to the fee schedule in force at the date of publication;
- c) for filings received on or after 1 January 2002, but before 4 May 2002, Decision 482 (C-01) applies; the flat fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice, and the additional fee (if any), calculated in accordance with the fee schedule in force at the date of publication, is payable after publication of the notice;
- d) for filings received on or after 4 May 2002, but before 31 December 2004, Decision 482 (C-02) applies; the flat fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice, and the additional fee (if any), calculated in accordance with the fee schedule in force at the date of receipt, is payable after publication of the notice;
- e) for filings received on or after 31 December 2004 but before 1 January 2006, Decision 482 (C-04) applies; the flat fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice, and the additional fee (if any), calculated in accordance with the fee schedule in force at the date of receipt, is payable after publication of the notice;
- f) for filings received on or after 1 January 2006, Decision 482 (C-05) applies; the fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice;

3 that the fee shall be regarded as a charge for a satellite network filing. There will be no charge for modifications which do not result in further technical or regulatory examination by the Radiocommunication Bureau including but not limited to the name of the satellite/earth station and its associated satellite name, name of the beam, responsible administration, operating agency, date of bringing into use, period of validity, associated satellite (and beam) or earth station name, extension of the service area of a subregional system in Appendix 30B without additional testpoint;

4 that each Member State shall be entitled to the publication of special sections or parts of the BR IFIC (space services) for one satellite network filing each year without the charges referred to above. Each Member State in its role as the notifying administration may determine which network shall benefit from the free entitlement;

5 that the nomination of the free entitlement for the calendar year of receipt by the Bureau of the satellite network filing based on the formal date of receipt of the filing shall be made by the Member State no later than the end of the period for payment of the invoice in *decides* 9 below. The free entitlement cannot be applied to a filing previously cancelled for non-payment;

6 that for any satellite network for which the advance publication information (API) was received prior to 8 November 1998, there will be no cost-recovery charges for the first coordination request referring to that API, regardless of when the Radiocommunication Bureau receives it. Any modifications received on or after 1 January 2006 shall be subject to a charge in accordance with *decides* 2 above;

7 that there will be no cost-recovery charges for any Part A submission involving the application of Article 4 of Appendices 30/30A received by the Bureau prior to 8 November 1998 or Part B submission involving the application of Article 4 of Appendices 30/30A where the associated Part A was received prior to 8 November 1998. Any request for publication in Part A received after 7 November 1998 under §4.3.5 up to 2 June 2000 and then §4.1.3 or §4.2.6 of Appendices 30/30A and corresponding Part B submitted under §4.3.14 up to 2 June 2000 and then

§4.1.12 or §4.2.16 of Appendices 30/30A shall be subject to a charge in accordance with *decides* 2 above;

8 that the Annex (Schedule of processing charges) to this decision should be reviewed periodically by the Council;

9 that the payment of charges shall be made on the basis of an invoice issued upon receipt of the filing by the Radiocommunication Bureau and sent to the notifying administration or, at the request of that administration, to the satellite network operator in question within a period of a maximum of six months after issue of the invoice;

10 that any subsequent cancellation received by the Radiocommunication Bureau within 15 days of the date of receipt of the filing shall remove the obligation to pay the fee;

11 that publication of special sections for the amateur-satellite service, the notification for recording of frequency assignments for earth stations, for the conversion of an allotment into an assignment in accordance with the procedure of Section I of Article 6 of Appendix **30B** and the addition of a new allotment to the plan for a new Member State of the Union in accordance with the procedure of Article 7 of Appendix **30B** shall be exempt from any charges;

12 that the date of entry into force of Decision 482 (modified 2005) will be 1 January 2006;

13 that the provisions of this decision need to be revised when further data from time recording are available,

recommends

that should Council-06 revise the schedule in the Annex, any credits that may arise should be applied by the Bureau to subsequent invoices as requested by administrations,

encourages Member States

to develop domestic policies that will minimize the occurrence of non-payment and consequential revenue loss to ITU,

instructs the Director of the Radiocommunication Bureau

1 to enhance the Radiocommunication Bureau's electronic notice form software (SpaceCap) in order to enable the calculation of the best estimated charges associated with a satellite network filing of any type prior to its submission to ITU;

2 to submit an annual report to the Council on the implementation of this decision, including analyses of:

- a) the cost of the different steps of the procedures;
- b) the impact of the electronic submission of information;
- c) enhancement in quality of service, including, among others, reduction of the backlog;
- d) the costs of validating filings and requesting corrective action thereto; and
- e) difficulties encountered in applying the provisions of this decision;

3 to inform the Member States of any practice used by the Radiocommunication Bureau to implement the provisions of this decision and the rationale for that practice,

invites the External Auditor

to prepare, in accordance with Article 31 of the Financial Regulations, and to submit to the Council a biennial report containing a financial and management audit of the processing costs incurred by ITU for satellite network filings and the charges collected.

Schedule of processing charges to be applied to satellite network filings received by the Radiocommunication Bureau on or after 1 January 2006

Type		Category		Flat fee per filing (in CHF) (≥ 100 units, if applicable)	Start fee per filing (in CHF) (< 100 units)	Fee per unit (in CHF) (< 100 units)	Cost-recovery unit
1	Advance publication (A)	A1	Advance publication of a non-geostationary-satellite network not subject to coordination under Sub-Section IA of Article 9; Advance publication of inter-satellite links of a geostationary-satellite space station communicating with a non-geostationary space station provisionally not subject to coordination in accordance with the Rule of Procedure on No. 11.32 , § 6 (MOD RRB04/35). Note: Advance publication also includes the application of No. 9.5 (API/B special section) and will not be separately charged.	570			Not applicable
2	Coordination (C)	C1*	Coordination request for a satellite network in accordance with No. 9.6 along with one or more of Nos. 9.7, 9.7A, 9.7B, 9.11, 9.11A, 9.12, 9.12A, 9.13, 9.14 and 9.21 of Section II of Article 9, § 7.1 of Article 7 of Appendix 30 , § 7.1 of Article 7 of Appendix 30A , Resolution 33 (Rev.WRC-03) and Resolution 539 (Rev.WRC-03). Note: Coordination also includes the application of Sub-Section IB of Article 9, Nos. 9.5D, 9.53A (CR/D special section) and 9.41/9.42 and will not be separately charged.	20 560	5 560	150	Product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups
		C2*		24 620	9 620		
		C3*		33 467	18 467		
3	Notification (N) ^{a)}	N1*	Notification for recording in the MIFR of frequency assignments to a satellite network subject to coordination under Section II of Article 9 (with the exception of non-geostationary-satellite network subject to No. 9.21 only).	30 910	15 910	Not applicable	
		N2*		57 920	42 920		
		N3*	Note: Notification also includes the application of Resolutions 4 and 49 , Nos. 11.32A (see footnote a), 11.41, 11.47, 11.49 , Sub-section IID of Article 9, Sections 1 and 2 of Article 13 , Article 14 and will not be separately charged.	57 920	42 920		
		N4	Notification for recording in the MIFR of frequency assignments to a non-geostationary-satellite network not subject to coordination under Section II of Article 9, or subject to No. 9.21 only.	7 030			
4	Plans (P)	P1	Part A Special Section for a proposed new or modified assignment in the Regions 1 and 3 List or feeder-link Lists of additional uses under § 4.1.5 or proposed modification to the Region 2 Plans under § 4.2.8 of Appendices 30 or 30A ; or Part B Special Section for a proposed new or modified assignment in the Regions 1 and 3 List or feeder-link Lists of additional uses under § 4.1.15 (except Part B special section related to the application of Resolution 548 (WRC-03)) or proposed modification to the Region 2 Plans under 4.2.19 of Appendices 30 or 30A ^{b)} .	28 870		Not applicable	
		P2	Notification for recording in the MIFR of frequency assignments to space stations in the broadcasting-satellite service and its associated feeder-link in Regions 1 and 3 or Region 2 under Article 5 of Appendices 30 or 30A ^{b)} .	11 550			
		P3	Coordination request in accordance with Article 2A of Appendices 30 and 30A .	12 000			
		P4	Publication associated with the conversion of an allotment into an assignment in accordance with the procedure of Section IA of Article 6 of Appendix 30B , or the recording of the list of existing systems in Part B of the Plan in accordance with the procedure of Section IB of Article 6 of Appendix 30B , or the introduction of subregional systems in accordance with the procedure of Section II of Article 6 of Appendix 30B , or the supplementary provisions applicable to additional uses in accordance with the procedure of Section III of Article 6 of Appendix 30B .	40 560			
		P5	Notification for recording in the MIFR of frequency assignments to space stations in the fixed satellite service under Article 8 of Appendix 30B .	32 450			

a) Fees for Categories N1, N2 and N3 are applicable to the first notification of assignments that also contains a request to apply No. **11.32A**. If the application of No. **11.32A** is not requested, 70% of the indicated fees will apply, with the remaining 30% to be charged to a subsequent request, if any, for application of No. **11.32A**.

b) Under this category, taking account that a filing for the broadcasting-satellite service and its associated feeder link in Region 2 includes both the downlink (AP30) and the feeder link (AP30A), which are examined and published together, the total fee application to such filing shall be twice the fee indicated in the column "Flat fee per filing".

*** Definition of category for coordination (C) and notification (N)**

The category for coordination (C1, C2, C3) and for notification (N1, N2, N3) is related to the number of forms of coordination applicable to a particular satellite network coordination request or notification submission, as follows:

- C1 and N1 correspond to a satellite network filing referring to only one cost-recovery form of coordination (A, B, C, D, E or F). Both categories also include cases for which no form of coordination applies as a result of unfavourable finding under No. 11.31 of the Radio Regulations for all frequency assignments of the submitted filing, or cases including frequency assignments published for information only.
- C2 and N2 correspond to a satellite network filing referring to any two or three cost-recovery forms of coordination amongst A, B, C, D, E or F.
- C3 and N3 correspond to a satellite network filing referring to any four or more cost-recovery forms of coordination amongst A, B, C, D, E or F.

Cost-recovery form of coordination	Individual Radio Regulations forms of coordination
A	No. 9.7, RS33.3
B	AP30 7.1, AP30A 7.1
C	No. 9.11, RS33 2.1, RS539
D	Nos 9.7B, 9.11A, 9.12, 9.12A, 9.13, 9.14
E	No. 9.7A ¹
F	No. 9.21

¹ Cost recovery for category C1 only. See also *decides* 11.