

Draft CEPT Brief on agenda item 1.12

1.12 to consider possible changes in response to Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference: "Advance publication, coordination, notification and recording procedures for frequency assignments pertaining to satellite networks" in accordance with Resolution 86 (WRC-03).

Issue

In response to Resolution 86 (Rev. Marrakech, 2002), WRC-03 adopted Resolution 86, which resolves that the scope and criteria of Resolution 86 (Rev. Marrakech, 2002) of the Plenipotentiary Conference to be considered by future WRCs be as follows:

- 1 to consider any proposals which deal with deficiencies in the advance publication, coordination and notification procedures of the Radio Regulations for space services which have either been identified by the Board and included in the Rules of Procedure or which have been identified by administrations or by the Radiocommunication Bureau, as appropriate;
- 2 to consider any proposals which are intended to transform the content of the Rules of Procedure into a regulatory text;
- 3 to ensure that these procedures, characteristics and appendices reflect the latest technologies, as far as possible;
- 4 to consider any proposals intended to facilitate, in accordance with Article 44 of the Constitution, the rational, efficient and economical use of radio frequencies and the associated orbits including the geostationary orbit in accordance with *resolves 2* of Resolution **80 (Rev.WRC-2000)** and *resolves to request the 2003 and subsequent world radiocommunication conferences* of Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference;
- 5 to consider any changes to provisions of the Radio Regulations for space services that would result in the simplification of the procedures and the work of the Bureau and/or administrations;
- 6 to consider any changes to the Radio Regulations that follow from decisions of a Plenipotentiary Conference on space matters.

[NOTE – when it is proposed to consider the incorporation of Rules of Procedures in the Radio Regulations, there is a need to consider the consequential deletion of the corresponding Rules of Procedures]

Proposals from outside CEPT

Regional telecommunication organisations

CITEL (October 2006)

a) Identification of Deficiencies in Selected Parts of the Radio Regulations and Transformation of Rules of Procedure into Radio Regulations

Canada, Dominican Republic, United States:

These administrations support the transformation of selected Rules of Procedure into Radio Regulations where doing so would alleviate known difficulties and consider this an ongoing activity for consideration by WRC-07 and subsequent WRCs. In view of the potentially broad scope of provisions that might be treated under agenda item 1.12, these administrations have the view that WRC-07 might transform some, but not all, of the current Rules of Procedures into Radio Regulations. When proposals are made to transform a Rule of Procedure into a Radio Regulation, it would be most important for proponents to identify the difficulties being addressed and any differences between the current Rule of Procedure and the proposed regulations to facilitate their consideration. It is noted that additional Rules of Procedure are inevitable as a result of WRC decisions and that some rules are complicated, voluminous, and contain material that would not be appropriate for conversion into Radio Regulations.

b) Ensuring that procedures, characteristics and appendices reflect the latest technologies

Canada, Dominican Republic, United States:

These administrations could support modification of the Radio Regulations when the existing procedures, characteristics, and appendices are ineffective for the assessment and management of changes in the interference environment due to the introduction of new technologies.

c) Simplification of the Radio Regulations for space services

Canada, Dominican Republic, United States

These administrations support the continued simplification of the Radio Regulations procedures that would facilitate their understanding and minimize the need for associated Rules of Procedure.

d) Changes as a result of a Plenipotentiary Conference

Dominican Republic, United States

The Dominican Republic and the U.S. are of the view that the decisions of past Plenipotentiary Conferences as well as the future Plenipotentiary Conferences in 2006 are within the scope of this activity. These administrations will focus their efforts on assessing the decisions of the 2006 Plenipotentiary Conference to identify any changes to the Radio Regulations that may be required.

RCC (September 2006)

2.12.1 Inclusion of provisions of the Rules of Procedure in the Radio Regulations

When considering the issues relating to inclusion of provisions of the Rules of Procedure in the Radio Regulations proceed from the assumption that such inclusions should be considered for each specific case taking into account both regulatory and technical aspects.

International organisations

NATO (February 2007)

NATO Military Position

- (a) Alliance interests related to NATO Satellite Communication Post-2000 planning must be safeguarded.
- (b) Any additional procedural burden should be avoided.
- (c) Essential terrestrial communications need due recognition.

1. Provisions of No. 9.11A

Issue

The Rules of Procedure on No. **9.11A** specify that the procedure of No. **9.11A** is also applicable to all other space services with respect to those satellite services having allocations with equal rights and mentioned in the specific footnotes to which this provision applies, unless otherwise understood from a specific provision of the Radio Regulations. Also according to this Rule, the application of No. **9.11A** is extended to the case of sharing between two space services, none of them being mentioned in the footnote of Article **5** referring to the application of No. **9.11A**, but allocated with equal rights in the same frequency band as a space service mentioned in a footnote referring to the application of No. **9.11A**.

Preliminary CEPT position

Europe considers that the Radio Regulations should ideally be self-contained (i.e. any Rules of Procedure should be avoided, as far as possible).

Europe is of the view that, at least, two elements of the Rules of procedure can be transferred rather simply into the Radio Regulations, so as to:

- 1) clarify that No. **9.14** applies only in the space-to-Earth direction.
- 2) clarify that No. **9.11A** applies only between services allocated with equal rights.

See also draft ECP.

Background

The list of the services subject to coordination under No. **9.11A** is contained in the Rule of Procedure on No. **9.11A** in the form of two tables (Tables **9.11A-1** and **9.11A-2**).

§1 of Appendix **5** stipulates that *For the purpose of effecting coordination under Article **9**, except in the case under No. **9.21**, and for identifying the administrations with which coordination is to be effected, the frequency assignments to be taken into account are those in the same frequency band as the planned assignment, pertaining to the same service or to another service to which the band is allocated with equal rights or a higher category of allocation, which might affect or be affected, as appropriate.*

However, footnote 1 stipulates that *the coordination between an earth station and terrestrial stations under Nos. **9.15**, **9.16**, **9.17**, **9.18** and **9.19**, or between earth stations operating in opposite directions of transmission under **9.17A**, applies only to assignments in bands allocated with equal rights.*

In addition, the Rule of Procedure on No **9.11A** (see §2.3) specifies that *the Board concluded that the procedure is applicable to all other space and terrestrial services with respect to those satellite services having allocations with equal rights and mentioned in the specific footnotes to which this provision applies*. This Rule has been in force since 2001 (but the practice of the BR has been in force since 1992). The question of coordination of a secondary service with respect to a primary service was raised in CPG-PT1 before WRC-03 under agenda item 7.1 and the corresponding brief agreed by CPG contained two views. While it may be assumed that such coordination may provide for an appropriate framework within which the secondary service is entitled to operate with respect to the administration with which the coordination procedure is completed, it is recognized that there is no incentive for a secondary service to coordinate with a primary service, as no reciprocity is allowed and the provisions of Nos. **5.28** to **5.31** apply irrespective of the result of the coordination procedure. In addition, it is to be noted that two administrations still have the possibility to agree on a bilateral basis to coordinate stations to services allocated with different statuses. The general issue of coordination between a primary service and a secondary service may need to be further considered in a more general context, in particular to study the process by which a secondary service can meet its obligations with respect to the primary service.

List of relevant documents

Rules of Procedure on No. **9.11A**.

Actions to be taken

There may be a need to consider whether the principle of transitivity embedded in the RoP should be retained or not noting:

- that the present practice of applying a “principle” of transitivity in relation No. **9.11A** through the RoP has developed without any direct discussion at a previous WRC;
- that there is uncertainty on how the concept should be applied in relation to space and terrestrial services.

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

Application of the provisions of No. 9.14

APT Members support the conclusions of the Special Committee under this issue together with the proposed additions under Section 6/1.12/15 of the Draft CPM Report.

Provisions of Nos. 9.15 to 9.18

APT Members support the conclusions of the Special Committee under this issue together with the proposed modifications to Section 6/1.12/16 of the Draft CPM Report.

Application of the provisions of No. 9.11A with respect to the category of services

The Special Committee proposed the above new Section to the Draft CPM Report in which it considered that some of the Rules of Procedures on No. 9.11A, which have been in force for several years and without any difficulties mentioned either by the administrations or the Bureau, can be appropriately reflected in the body of the Radio Regulations.

It is therefore proposed to reflect in the Radio Regulations that coordination under No. 9.11A only applies between services allocated with equal rights. In this connection, the SC proposed the following example modification to RR Appendix 5.

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Identification of administrations with which coordination is to be effected or agreement sought under the provisions of Article 9

1 For the purpose of effecting coordination under Article 9, except in the case under No. 9.21, and for identifying the administrations with which coordination is to be effected, the frequency assignments to be taken into account are those in the same frequency band as the planned assignment, pertaining to the same service or to another service to which the band is allocated with equal rights or a higher category ^{MOD.1} of allocation, which might affect or be affected, as appropriate, and which are:

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¹ The coordination procedures under Nos. 9.11A to 9.19 apply only to assignments to services allocated with equal rights.

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Rationale:

- to transfer the Rules of Procedure on No. 9.11A to indicate that the provisions of No. 9.11A (i.e. Nos. 9.11A to 9.16) apply only between services allocated with equal rights;
- the reference to “stations operating in opposite direction of transmission under No. 9.17A” is not needed as the wording of No. 9.17A is already explicit.

However, it was indicated that the above course of action may adversely affect the right of administrations for protection under No. 22.2 from unacceptable interference, rather than from harmful interference. In view of this, the treatment of assignments only on equal rights should be further studied.

APT Members reviewed the new Section 7/1.12/17 of the Draft CPM Report as proposed by the Special Committee. On the basis of the contributions received by the APG2007-4, modifications shown in Annex 1 to this document are proposed by the APT to this Section.

RCC (September 2006)

The RCC Administrations would like to propose to include provisions of item 9.11A of the Rules of Procedure in the Radio Regulations since it simplifies interpretation of provisions RR No. 9.11 A. In case of receipt of proposals on introduction of additional coordination conditions proceed from the assumption that these conditions should not be applied for expertise of filings under item RR No. 11.32, for which the coordination request had been received before the modified provisions of RR No. 9.11A came into force.

2. Provisions of No. 11.47

Issue

WRC-03 has not reviewed the provisions of No. **11.47** in light of the decisions taken regarding the suppression of the possibility of extension of the date of bringing into use contained in No. **11.44**. In addition, there is a need to clarify the procedure followed by the Bureau and the administrations.

Preliminary CEPT position

It is proposed to modify the provisions of No. **11.47** to suppress the reference to any extension granted under No. **11.44**, pursuant to WRC-03 decision to modify No. **11.44**.

It is also proposed to remove the requirement to bring into use assignments to space stations provisionally recorded in the Master Register by the date specified in the notice, as this date is considered as a planned date of bringing into use and the only regulatory deadline is the latest date provided by No. **11.44**. Under this approach, the Bureau sends a reminder only when the administration fails to advise the Bureau that the provisionally recorded assignment have been brought into use in accordance with No. **11.44**.

Finally, it is proposed not to amend the provisions of No. **11.47** in respect of terrestrial services and earth stations.

See also draft ECP.

Background

WRC-03 suppressed

- the possibility of extension of the notified date of bringing into use previously mentioned in No. **11.44** by specifying a fixed maximum period of 7 years from the date of receipt of the API for bringing into use of an assignment; and
- the conditions for the extension previously mentioned in Nos. **11.44B** to **11.44I**.

WRC-03 also revised a number of provisions in Articles **9** and **11** to take into account these suppressions, but No. **11.47** has not been revised.

It is understood that, in this provision, provisional recording means that the assignment has been examined and entered into the MIFR but has not yet been brought into use. As such, the effect is to indicate that the assignment is being notified before the actual date of bringing into use and is therefore recorded provisionally until its bringing into use has been confirmed. It is further understood that this provisional recording gives no additional rights in terms of priority, which will still be determined by the date of receipt of the coordination request in relation to other assignments that have already been recorded or are still to be recorded.

List of relevant documents

Rule of Procedure on No. **11.47**.

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

APT Members support the texts in Section 6/1.12/4 of the Draft CPM Report together with the proposed modifications (Example 1) by the Special Committee. APT is not in a position to support Example 2 due to its complexity.

CITEL (October 2006)

Canada

This administration recognizes that there is a discrepancy with No. 11.47 and supports incorporating the essence of the associated rule of procedure within the Radio Regulations to address this issue.

However, we are of the view that the date of bringing into use (DBIU), provisionally recorded in the Master Register, should be considered as a planned date, identified for information purposes only and subject to change. It should not be considered as a regulatory deadline, beyond which a provisional entry will be suppressed if the assignment is not brought into use or the proposed date of bringing into use is not extended in accordance with the associated rules of procedure. The network should continue to maintain its provisional status up to the latest date prescribed by No. **11.44** regardless of the proposed DBIU identified in the notice. If the administration fails to bring an assignment, provisionally entered into the Master Register, into use or fails to notify, to the BR, that such an assignment has been brought into use within the prescribed limits, then the provisional entries should be cancelled by the BR, after consulting with the responsible administration.

RCC (September 2006)

It is advisable to modify RR No. **11.47** taking into account modifications made in RR No. **11.44**, which relate to exclusion of additional period resulting from date of bringing into use of frequency assignment extended by 2 years as it was earlier indicated in RR No. 11.44. At that it is required to retain in this item a provision that the Bureau shall inform the concerned administration before cancellation of frequency assignment not brought into use within regulatory period from the MIFR.

3. Provisions of Nos. 11.43A and 11.43B

Issue

Nos. **11.43A** and **11.43B** relate to the modification of characteristics of assignments already recorded in the MIFR. Rules of Procedures specify conditions and provisions that could be incorporated in these provisions.

Preliminary CEPT position

It is proposed to modify Nos. **11.43A** and **11.43B** to incorporate various aspects of the Rules of Procedure relating to these provisions. In particular, it is proposed to

- specify the cases of applicability of No. **11.43A**, in particular regarding the possibility of changing the orbital location.
- clarify the procedures applied by the Bureau and the notifying administration;

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11.43A A notice of a change in the characteristics of an assignment already recorded with a favourable finding under No. **11.31**, as specified in Appendix 4, shall be examined by the Bureau under Nos. **11.31** to **11.34**, as appropriate. Any change to the characteristics of an assignment that has been recorded and confirmed as having been brought into use shall be brought into use within five years from the date of the notification of the modification. Any change to the characteristics of an assignment that has been recorded but not yet brought into use shall be brought into use within the period provided for in No. **11.44**. Cumulative changes to the orbital position of an assignment recorded and brought into use shall not exceed $[\pm 6^\circ$ from the first orbital location referred to in the MIFR] $[\pm 6^\circ$ from the first orbital location referred to in the API], otherwise the procedure of Section I of Article 9 shall apply. If the modification concerns the notification of assignment(s) in frequency band(s) not covered by other assignment(s) already recorded in the Master Register, this provision does not apply and the notice will be processed under No. **11.2** or **11.9**, as appropriate.

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Reasons:

- for assignments notified but not yet brought into use, it is understood that the time limit for bringing into use, as specified in No. **11.44**, applies; see also the provisions of No. **11.47**; there is a need to avoid cumulative changes of the orbital location without submitting a new API.

It is also proposed to clarify the wordings of the provisions of No. **11.43B**.

MOD 11.43B In the case of a modification in the characteristics of an assignment recorded in the MIFR with a favourable finding under No. **11.31**, if the modified assignment is in conformity with No. **11.31**, should the Bureau reach a favourable finding with respect to Nos. **11.32** to **11.34**, as appropriate, or find that the changes do not increase the probability of harmful interference to assignments already recorded, the amended assignment shall retain the original date of entry in the Master Register. The date of receipt by the Bureau of the notice relating to the change shall be entered in the Master Register.

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Reasons: to clarify that these provisions relate to the case of a modification to an assignment recorded in the MIFR with a favourable finding under No. **11.31**.

Background

The original provisions of Nos. **11.43A (S11.43A)** were contained in RR1548. The Rule of Procedure on RR1043 (Ed.1994) specified the conditions of applicability of RR1548 on the basis of a decision adopted by WARC-Orb 88, in particular that the modified assignment is not subject to a new API, except when the modification concerns the use of a new frequency band. Since then, these conditions have been updated in the Rule of Procedure, but not incorporated in the RR.

WRC-97 modified the provisions of **S11.43A** to specify the deadline of bringing into use of the modified assignment.

Circular Letter CR/173 dated 8 January 2002 also provides for practical aspects concerning the application of the procedure contained in No. **11.43A**.

At its 34th meeting (6-10 September 2004), the RRB adopted modifications to the Rule of Procedure on No. **11.43A**.

The BR indicated that less than 10 cases were processed by the BR since WRC-2000 (none of them being related to a change of the orbital location).

List of relevant documents

Document 6 of the 36th meeting of the RRB (on the application of No. **11.43A**).

Actions to be taken

EDITORIAL NOTE – based on the discussions in SC-WP (Oct 2004), “recorded” is preferred, as “notified” also covers cases for which the BR has not examined the notice sent by the administration. If an administration wants to modify characteristics in a notice yet to be examined by the BR, it may so indicate to the BR, which shall take the appropriate actions.

There may be a need to further consider the issue of a deadline for submission of the notice under Article **11**, after the administration has applied Section II of Article **9**, for the case of a modification to an assignment recorded and brought into use. It is understood that the BR currently applies a five-year regulatory limit from the date of application of No. **11.43A**. Another approach that was expressed at the SC-WP meeting is to consider that the notice sent under No. **11.43A** already serves the purpose of notifying under Article **11** and therefore no other notice under Article **11** is required; it is to be noted that such approach may create an unbalanced situation with respect to the regular case for which, pursuant to No. **11.44.1**, a limited period of time is afforded to effect coordination.

Regarding the change of the orbital position under No. **11.43A** (see proposal in square brackets above), the Rule of procedure on No. **11.43A** currently refers to the Rule of procedure on No. **9.2**; it is therefore understood that the BR currently refers to the original orbital location mentioned in the API, together with specific transitional measures (see below an excerpt from the Rules of Procedure on No. **9.2**).

4 For a GSO satellite network for which the request for coordination pursuant to Section II of Article 9 or for notification pursuant to Article 11, as applicable, was received by the Bureau before 3 June 2000 (when the first restriction of $+ 12^\circ$ to a change of orbital position was introduced by WRC-2000), the reference orbital position will be the latest orbital location communicated to the Bureau before 3 June 2000 for coordination or notification, according to the case.

5 The question may arise, however, as to whether a change of orbital location of a geostationary satellite network up to $\pm 6^\circ$ is cumulative during the entire regulatory processing (i.e. Advance Publication (Article 9, Section I), Coordination (Article 9, Section II), and Notification (Article 11)) of a network. The Board considers that the cumulative modification of the orbital

location of a geostationary satellite network during the entire regulatory processing of a network up to $\pm 6^\circ$ from the reference orbital position (i.e. the nominal orbital position indicated in the first advance publication of the network, or the one described in § 4 above, as appropriate) does not require a new advance publication.

6 *Networks that have changed their orbital position by 6 to 12° in the period between 3 June 2000 and 4 July 2003 may retain that position and may modify it in the direction of the reference position. Once their orbital position enters into the segment of $\pm 6^\circ$ from the reference position, further modifications are restricted to that segment.*

However, the provisions of No. **11.43A** may be applied to assignments already brought into use for several years and for which the original API may be considered as no longer relevant. In this context, the following elements may need to be taken into consideration:

- before WRC-2000, there was no limitation of the change in the orbital location between the API and the coordination request; therefore, some assignments may have been recorded in the MIFR with an orbital location already beyond $\pm 6^\circ$ from the orbital location referred to in No. **9.1**. In this regard, should the API be used as a reference, it may be appropriate to have provisions to cover transitional cases so as to distinguish API notices before WRC-2000, those between WRC-2000 and those WRC-03 and after WRC-03, noting that the Rules of Procedure on No. **9.2** take into account these different cases.
- **if possibility is given to change the orbital location by $\pm 6^\circ$ from the position recorded in the MIFR**, an administration may wish to act under No. **11.43A** so as to change the orbital location of **some** assignments (A) recorded and brought into use, whereas **some other** assignments (B) belonging to the same network (i.e. stemming from the same API) are not yet recorded. In the situation where the proposed modification of the orbital location of assignments (A) goes beyond $\pm 6^\circ$ allowed by the provisions of No. **9.2**, the following options may be considered:
 - o Option 1: the orbital location cannot be changed by more than $\pm 6^\circ$ from the original position in the API in the 7-year period. After the end of the 7-year period, reference could be made to the orbital location in the MIFR.
 - o Option 2: the orbital location of assignments (B) is also changed to be that of the modified assignments (A). Such modification may lead to the situation where the orbital location of assignments (B) is more than $\pm 6^\circ$ from the original API, which contravenes the provisions of No. **9.2**.
 - o Option 3: the content of the current Rules of Procedure are retained so that only a change by not more than $\pm 6^\circ$ from the orbital location contained in the API is allowed, together with specific provisions for transitional situations.
- **if the modification is limited to $\pm 6^\circ$ from the position mentioned in the API**, it may be detrimental to some networks that have been recorded at a position already different by more than $\pm 6^\circ$ from the original position referred to in the API, as No. **11.43A** could not be applied to these networks.

In addition, there may be a need to consider how Resolution **49** applies in the context of No. **11.43A**. Although the current provisions of §12 of Annex 1 of Resolution **49** specify that “*An administration notifying a satellite network under § 1, 2 or 3 above for recording in the MIFR shall send to the Bureau, as early as possible before the date of bringing into use, the due diligence information relating to the identity of the satellite network and the launch services provider specified in Annex 2 to this Resolution.*”, the provisions of Resolution **49** may not have been

intended to cover the specific case of No. **11.43A**. It is also noted that §4 of Annex 1 refers to “*the end of the period established as a limit to bringing into use in No. 9.1*” as the deadline for sending the relevant information, whereas some assignments recorded in the MIFR and brought into use may be beyond this period. The following issues may be considered for further work:

- whether or not Resolution **49** information should be sent by the administration before the date of bringing into use;
- if so, the current form in Annex 2 of Resolution **49** may need to be amended to cover the case of No. **11.43A** or a new form may need to be developed.

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

1. Provisions of No. 11.43A:

APT Members support the text of Section 6/1.12/3 of the Draft CPM Report together with the modifications proposed by the Special Committee to this Section.

2. Provisions of No. 11.43B:

At APG2007-3 meeting, the necessity of clarifying the wordings of the provisions of No. **11.43B** that these provisions relate to the case of a modification to an assignment recorded in the MIFR with a favourable finding under No. **11.31** was discussed. In this connection, two options were forwarded to this APG meeting for further consideration (Document APG2007-3/129 Rev. 2).

The Special Committee proposed not to pursue any further action on the above-mentioned Provision and therefore proposed to delete the corresponding section from the Draft CPM Report.

APT Members support the conclusions of the Special Committee under this issue.

RCC (September 2006)

It is advisable to include the provisions of the Rules of Procedure in RR No. **11.43A** and RR No. **11.43B** with the aim to indicate there:

- *the cases of application of RR No. 11.43A;*
- *clarification of procedures applied by the Bureau and notifying administrations;*
- *the deadline of submission of modified frequency assignment under RR Article 11;*
- *the deadline of bringing into use of modified frequency.*

4. Resolution 34 (Rev.WRC-03)

Issue

Resolution 34 (Rev. WRC-03) contains regulatory provisions which apply to the use of the BSS in Region 3 in the band 12.5-12.75 GHz, in respect of the space and terrestrial services in all Regions. Most of these provisions are already contained in the Radio Regulations, and those not contained could be incorporated in the main body of the RR, thus simplifying the presentation of the provisions applicable to the Region 3 BSS in the band 12.5-12.75 GHz.

Preliminary CEPT position

It is proposed to reflect the provisions of Resolution 34 (Rev.WRC-03) in a simpler way by modifying Table 21-4 of Article 21 of the Radio Regulations. Consequently, it is proposed to suppress Resolution 34 (Rev.WRC-03).

Editorial note – See also Draft Brief on WRC-07 agenda item 4.

MOD

TABLE 21-4 (continued)

Frequency band	Service*	Limit in dB(W/m ²) for angle of arrival (δ) above the horizontal plane			Reference bandwidth
		0°-5°	5°-25°	25°-90°	
...					
<u>12.5-12.75 GHz⁷</u> <u>(Region 3 over territories of Region 1 countries listed in Nos. 5.494 and 5.496)</u>	<u>Broadcasting-satellite (geostationary-satellite orbit)</u>	<u>-148</u>	<u>$-148 + 0.5(\delta - 5)$</u>	<u>-138</u>	<u>4 kHz</u>
<u>12.7-12.75 GHz⁷</u> <u>(Region 3 over territories of Region 1 countries listed in Nos. 5.494 and 5.496)</u>	<u>Broadcasting-satellite (non-geostationary-satellite orbit)</u>	<u>-124</u>	<u>$-124 + 0.5(\delta - 5)$</u>	<u>-114</u>	<u>1 MHz</u>
...					

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RESOLUTION 34 (Rev.WRC-03)

Establishment of the broadcasting-satellite service in Region 3 in the 12.5-12.75 GHz frequency band and sharing with space and terrestrial services in Regions 1, 2 and 3

APPENDIX 30* (WRC-2000)

ANNEX 1 (WRC-2000)

Limits for determining whether a service of an administration is affected by a proposed modification to the Region 2 Plan or by a proposed new or modified assignment in the Regions 1 and 3 List or when it is necessary under this Appendix to seek the agreement of any other administration¹⁴

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4 Limits to the power flux-density to protect the terrestrial services of other administrations^{18, 19}

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²⁰ See Resolution 34.

Background

Based on a contribution elaborated within CPG-PT1, CPM-02 included in its report a lengthy analysis of the provisions of Resolution 34. Later, CPG adopted an ECP to propose the incorporation of the provisions of Resolution 34 in the body of the Radio Regulations, together with the suppression of the Resolution (see document WRC03/13A30).

So as to resolve some inconsistencies pointed out by the CPM-02 report, WRC-03 modified the text in *resolves* 3 of Resolution 34. But, due to lack of time, WRC-03 did not consider in depth the possibility of moving the provisions of the Resolution into the main body of the RR.

List of relevant documents

CPM Report to WRC-03 (chapter 3)

Document WRC-03/13A30 (ECP to WRC-03)

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (February 2006)

APT Members are of the opinion that considering the fact that this Resolution mostly covers frequency band which relates to Region 3 administrations and taking into account that the Resolution has been modified by WRC-03, its retention is useful due to the fact that further studies called for in the Resolution **34 (Rev. WRC-03)** which justifies its retention.

RCC (September 2006)

Resolution **34 (Rev. WRC-03)** relating to the establishing of the radio broadcasting satellite service in Region 3 in the 12.5 - 12.75 GHz frequency band and sharing with space and terrestrial services in the Regions 1, 2 and 3

Provisions of Resolution **34 (Rev. WRC-03)** may be reflected in the Radio Regulations subject to maintaining the substance of these provisions concerning the use of BSS in Region 3 in the band 12,5-12,75 GHz relative to space and terrestrial services in all the Regions.

5. Resolution 57 (WRC-2000)

Issue

The purpose of Resolution **57 (WRC-2000)** is to provide an extension to the date of bringing into use up to 3 June 2007 of satellite networks using frequencies above 71 GHz in the FSS, the MSS or the BSS for which advance publication or coordination information is considered as having been received by the Bureau prior to 3 June 2000. Taking account of the dates of WRC-07, the Resolution may be considered as having fulfilled its objective when being reviewed by WRC-07 and may be proposed to be abrogated.

In addition, it is to be noted that WRC-03 may have omitted to review further the provisions of Resolution **57** in light of its decisions to suppress the possibility of extension of the date of bringing into use previously contained in No. **11.44**.

Preliminary CEPT position

It is proposed that WRC-07 consider the abrogation of Resolution **57 (WRC-2000)** under agenda item 4. In case WRC-07 should decide to retain this Resolution, it is proposed to modify its provisions so as to take account of the decision of WRC-03 to suppress the possibility of extension of the notified date of bringing into use, previously referred to in No. **11.44**; in so doing, there may be a need to consider that some provisions may need to be retained as they may continue to be applicable to filings submitted before WRC-2000.

Editorial note – See also Draft Brief on WRC-07 agenda item 4.

Option 1

SUP

RESOLUTION 57 (WRC-2000)*

Modification of bringing into use and administrative due diligence requirements as a consequence of allocation changes above 71 GHz

Option 2

MOD

RESOLUTION 57 (WRC-2000)*

Modification of bringing into use and administrative due diligence requirements as a consequence of allocation changes above 71 GHz

The World Radiocommunication Conference (Istanbul, 2000),

considering

* WRC-03 reviewed this Resolution and decided to suppress *resolves* 6. WRC-07 reviewed this Resolution and decided to suppress *considering* i) and j) and *resolves* 4.

- a) that, pursuant to agenda item 1.16 identified in Resolution 721 (WRC-97), the preparatory work for this Conference included consideration of the allocation of frequency bands above 71 GHz to the Earth exploration-satellite (passive) and radio astronomy services;
- b) that agenda item 1.16 took into account Resolution 723 (WRC-97), which also included consideration of the allocation of frequency bands above 71 GHz to the space research service (passive);
- c) that changes made to the allocations for these passive science services were accompanied by consequential changes to allocations above 71 GHz to active services;
- d) that the allocation changes may cause delays in the design and development of space stations planning to use these allocations;
- e) that the delays also have an impact on transmitters and receivers, on the same space stations, planning to use frequencies below 71 GHz;
- f) that the Radiocommunication Bureau has already received advance publication and coordination information for satellite networks in the fixed-satellite, mobile-satellite or broadcasting-satellite services that includes the use of frequencies above 71 GHz;
- g) that this advance publication or coordination information for satellite networks in the fixed-satellite, mobile-satellite or broadcasting-satellite services will have been based on the frequency allocations in force at the time the information was submitted;
- h) that No. 11.44 requires that the notified date of bringing into use of any space station of a satellite network be no later than nine years (for advance publication information received prior to 22 November 1997) or seven years (for advance publication information received on or after 22 November 1997) after the date of receipt by the Bureau of the advance publication information under No. 9.1;

~~(SUP-WRC-07)~~ ~~(SUP-WRC-07)~~ *k*) that, in order to provide the necessary protection to the passive science services, satellite networks in the fixed-satellite, mobile-satellite or broadcasting-satellite services using frequencies above 71 GHz for which advance publication or coordination information is considered as having been received by the Bureau prior to 3 June 2000 must adhere to the revised Table of Frequency Allocations resulting from WRC-2000,

resolves

- 1 that, for satellite networks using frequencies above 71 GHz in the fixed-satellite, mobile-satellite or broadcasting-satellite services for which advance publication or coordination information is considered as having been received by the Bureau prior to 3 June 2000, the Bureau will extend the notified date of bringing into use under No. 11.44 up to 3 June 2007 at the request of the notifying administration;
- 2 that, notwithstanding the notified date of bringing into use in *resolves* 1, there shall be no change in the date that the advance publication or coordination information is considered as having been received by the Bureau;
- 3 that, for any satellite network subject to this Resolution, the notifying administration shall have until 31 December 2000 to resubmit to the Bureau the Appendix 4 advance publication information and coordination information for the space station reflecting the proposed modification in the frequency band above 71 GHz, and that this Appendix 4 information shall be excluded from the cost-recovery procedures;

~~(SUP-WRC-07)~~ *5* that, for any satellite network subject to this Resolution and Resolution 49 (Rev. WRC-03), the notifying administration shall have until the new date of bringing into use under

Deleted: *i*) that No. 11.44B allows the notified date of bringing into use to be extended by the Bureau only if the due diligence information required by Resolution 49 (Rev.WRC-2000) is provided for the satellite network; if the procedure for effecting coordination has commenced; and if the notifying administration certifies that the reason for the extension is one or more specific circumstances listed in Nos. 11.44C to 11.44I;

Deleted: *j*) that none of the specific circumstances listed in Nos. 11.44C to 11.44I includes changes to the frequency allocations as a result of the decisions of a world radiocommunication conference;

Deleted: ¶

Deleted: 4. that the provisions contained in Nos. 11.44B to 11.44I are applicable with respect to the date of bringing into use communicated to the Bureau under *resolves* 3;

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resolves 3 to send the administrative due diligence information to the Bureau, including any revision of administrative due diligence information submitted before 3 June 2000;

6 (SUP – WRC-03)

7 that, six months before the date specified in *resolves* 3, the Bureau will provide administrations with a list of the networks to which this Resolution applies, and the options under the above *resolves*;

8 that satellite networks using frequencies above 71 GHz for which the advanced publication or coordination information is considered as having been received by the Bureau prior to 3 June 2000 shall adhere to the revised Table of Frequency Allocations resulting from WRC-2000.

Background

WRC-03 suppressed

- the possibility of extension of the notified date of bringing into use previously mentioned in No. **11.44** by specifying a fixed maximum period of 7 years from the date of receipt of the API for bringing into use of an assignment; and
- the conditions for the extension previously mentioned in Nos. **11.44B** to **11.44I**.

WRC-03 only reviewed Resolution **57 (WRC-2000)** in the context of WRC-03 agenda item 7.1, regarding the discrepancy in *resolves* 6.

List of relevant documents

Actions to be taken

The appropriate version of Resolution **49** referred to in *resolves* 5 of Resolution **57** may need to be further studied. Although the practice in past WRCs has been to retain the original version of Resolutions for historical purposes, it may be appropriate to refer to the most recent version of the Resolution, since it is this most recent version that applies.

Proposals from outside CEPT

Regional telecommunication organisations

APT (February 2006)

APT Members propose that WRC-07 consider the abrogation of Resolution **57 (WRC-2000)** under agenda item 4.

SUP

RESOLUTION 57 (WRC-2000)*

Modification of bringing into use and administrative due diligence requirements as a consequence of allocation changes above 71 GHz

Reason: the Resolution can be considered as having fulfilled its objective.

RCC (September 2006)

Resolution **57 (Rev. WRC-03)** Modification of requirements relating to introduction into use and administrative procedures of duly execution resulted from modifications of frequency allocation above 71 GHz.

Resolution **57 (Rev. WRC-03)** relating to extension of the date of bringing into use of satellite networks up to 03.06.2007 in the frequency bands above 71 GHz for the FSS, MSS and BSS for which a request for advance publication of information or coordination is considered as received before 03.06.2000 may be cancelled or modified with the view of withdrawing from the text those provisions that contain the references to items RR Nos. **11.44B – 11.44I**, cancelled by the WRC-03.

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6. **Footnote 5.538**

Issue

Footnote **5.538** makes reference to the application of pfd limits contained in Table **21-4** of Article **21** in the band 27.500-27.501 GHz whereas Table **21-4** does not contain this frequency band.

Preliminary CEPT position

It is proposed to add the band 27.500-27.501 GHz in Table **21-4** of Article **21** to make it consistent with the provisions of No. **5.538**. It is also proposed that the pfd limits applicable in this specific band be those applicable in the 25.25-27.5 GHz band. CPG-PT3 has been invited to assess the appropriateness of these limits and does not see any objections to extending them to the 27.500-27.501 GHz band.

See also draft ECP.

Background

The Radiocommunication Bureau has confirmed that they use the pfd limits in the 25.25-27.5 GHz band to examine the assignments in the FSS (space-to-Earth) in the 27.5-27.501 GHz band.

List of relevant documents

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

APT Members support the text of Section 6/1.12/1 of the Draft CPM Report.

RCC (September 2006)

The PFD limits may be included in the Table **21-4** of RR Article **21** for the 27.500-27.501 GHz frequency band allocated under item RR No. **5.538** to the FSS (space-to-Earth) on a primary basis for the beacon transmissions intended for up-link power control.

7. No. 22.2

Issue

No. 22.2 is the provision that governs the sharing between non-geostationary satellite (non-GSO) systems vis-à-vis geostationary satellite (GSO) networks in the fixed-satellite service (FSS) and the broadcasting-satellite service (BSS), unless otherwise specified in the Radio Regulations. However, it does not fully clarify the respective status of non-GSO systems and GSO networks.

Preliminary CEPT position

It is proposed to modify No 22.2 so that non-GSO systems shall not cause unacceptable interference to GSO FSS and BSS networks (as already stipulated), but also shall not claim protection from these GSO networks.

See also draft ECP.

Note: in the proposed draft ECP, non-GSO satellite systems shall not cause unacceptable interference to GSO networks and shall not claim protection from any interference coming from GSO networks. This would confirm the pre-eminence of GSO networks over non-GSO systems.

Background

The application of No 22.2 has been reviewed by various WRCs in specific cases and the approach retained by WRCs has always been consistent: either non-GSO systems and GSO networks are put on an equal footing (i.e. non-application of No 22.2 and introduction of a coordination mechanism), or non-GSO systems shall not cause unacceptable interference to nor claim protection from GSO networks (No 22.2 continues to apply). This latter case is not a new concept in the Radio Regulations and fully clarifies the status of non-GSO systems vis-à-vis GSO networks in those specific cases where No 22.2 applies.

List of relevant documents

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

APT Members support the text of Section 6/1.12/5 of the Draft CPM Report.

8. RR footnotes related to the cancellation in case of non-payment of the cost recovery fees

Issue

The Radio Regulations include several footnotes attached to Nos. **9.2B** and **9.38** in Article **9**, to § 4.1.5, 4.1.15, 4.2.8 and 4.2.19 of Appendix **30**, to § 4.1.5, 4.1.15, 4.2.8 and 4.2.19 of Appendix **30A** and to the title of Article 6 of Appendix **30B**, which provide that if the payments are not received in accordance with the provisions of Council Decision 482, as amended, on the implementation of cost recovery for satellite network filings, the Bureau shall cancel the publication, after informing the administration concerned. Council-05 extended the application of cost recovery.

Preliminary CEPT position

Considering that Council-05 extended cost recovery to other space activities, Europe is of the view that new footnotes similar to those already contained in the Radio Regulations should be adopted by WRC-07 to provide that, in case of non-payment, the filing shall be cancelled. These new footnotes should be attached to appropriate provisions in Article **11**, Article 5 of Appendices **30** and **30A** and Article 8 of Appendix **30B**. Also, the footnote to the title of Article 6 of Appendix **30B** should be modified to refer also to the publications under Section **IA** and **III** of Article 6 of Appendix **30B**.

Note: See also Agenda item 1.10.

Europe is also of the view that the implementation of cost recovery is within the remit of Council and the regulatory consequences of non-payment are of the competence of WRCs. The reference to “Council Decision 482, as amended” in these footnotes shall therefore be understood as a reference to the Decision 482 in force at the time the footnote is applied. Consequently, if a modified Decision 482 enters into force during the period between two WRCs, the footnotes in the Radio Regulations shall be applied taking into account this modification. Europe is of the view that the current wording of the footnotes accommodates this understanding and therefore does not need to be amended.

Background

PP-98 adopted the principle of cost recovery in its Resolutions **91** and adopted specific provisions relating to cost recovery for satellite network filings in its Resolution **88**. PP-98 also instructed Council to implement the processing charges for satellite network filings in accordance with these Resolutions. PP-98 also instructed WRC-2000 to consider whether, in the light of the Council decisions, any relevant amendments to the Radio Regulations may be necessary.

WRC-2000 dealt with the consequences of non-payment of the processing fees with the adoption of various footnotes in Article **9**, Appendices **30**, **30A** and **30B** in the Radio Regulations, and adopted Resolution **83 (WRC-2000)** recommending that PP-02 consider the extent to which the provisions identified by WRC-2000 satisfy the purpose of Resolution **88 (Minneapolis, 1998)** and also the date at which they shall enter into force.

PP-02 revised its Resolution **88** to pave the way for an extension of cost recovery to other activities and to recommend WRC-03 to adopt the date of 1 August 2003 for the date of entry into force of the footnotes. WRC-03 followed that recommendation and considered transitional measures by adopting Resolution **87 (WRC-03)**.

In the meantime, Council adopted Decision 482 at its 1999 session and subsequently amended it at its 2001, 2002, 2004 and 2005 sessions. Decision 482 contains the various provisions relating to the

implementation of cost recovery for satellite network filings, including a fee schedule. Council-05 also adopted Decisions 531, 532, 533 and 534 relating to corrective measures in the implementation of cost recovery.

List of relevant documents

Actions to be taken

There is a need to identify the appropriate provisions in Article **11**, Article 5 of Appendices **30** and **30A** and Article 8 of Appendix **30B** to which footnotes relating to non-payment need to be attached. Also, a draft modification of the footnote to the title of Article 6 of Appendix **30B** should be proposed to cover the publications under Section **IA** and **III** of Article 6 of Appendix **30B**.

There is also a need to address the date of entry into force of these new footnotes.

Proposals from outside CEPT

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9. Resolution 88 (WRC-03)

Issue

In response to the report of SATBAG, **WRC-03** adopted Resolution **88 (WRC-03)**, which resolves that the rationalization and clarification of Articles **9** and **11** be considered by **WRC-07** under Resolution **86 (Rev.Marrakesh, 2002)**.

Preliminary CEPT position

Europe considers that the Rules of Procedure should be minimised to the maximum extent possible.

Background

WRC-95 agreed the present structure of the simplified Radio Regulations, based on proposals from the Voluntary Group of Experts, in which the majority of the general procedures for the coordination and notification of radiocommunication services are contained in the current Articles **9** and **11**, respectively. WRC-97, WRC-2000 and WRC-03 have all continued the lengthy process of refining the provisions of Articles **9** and **11** with a view to eliminating inconsistencies and remedying omissions from their procedures.

Following the simplification process and the additions made by subsequent conferences, the provisions of Articles **9** and **11** have become difficult to read due to extensive cross-referencing, the lack of a logical progress in the sequence of the provisions and the complexity of the resulting text. Resulting in the extensive development of Rules of Procedure to facilitate the understanding and interpretation of the Articles with consequential increased time and costs expended by both administrations and the Radiocommunication Bureau.

In its report to the Special Committee, SC-WP prepared draft CPM text on this issue:

“In spite of the merits of a rationalization of Article 9, it appears to have several disadvantages:

- the extent of work required to achieve this rationalization
- the risk of disrupting the objectives of Articles 9 and 11 and their relationships with other provisions of the RR,
- the difficulties that may be caused to administrations and the Bureau as a result of the consequential renumbering of provisions which are now familiar to them,

These disadvantages appear to have discouraged the efforts of administrations in undertaking the necessary studies.

In the absence of such studies, it is therefore concluded that no changes are advisable under this Agenda item and Resolution 88 (WRC-03) may be considered for suppression.”

List of relevant documents

Radio Regulations Articles **9** and **11**. Rules of Procedure on Articles **9** and **11**.

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

APT Members support the text of Section 6/1.12/8 of the Draft CPM Report with the modifications to Section 6/1.12/8.4 shown in **Annex 1** to this document.

CITEL (October 2006)

Argentina, Brazil, Canada, Dominican Republic, United States:

1. These administrations support the continued modification, including simplification, of the Radio Regulations procedures that would facilitate their understanding and minimize the need for associated Rules of Procedure. These administrations are committed to working through the study groups and with other administrations toward that end.
2. At this preliminary stage, it is the view of these administrations that the work of the ITU staff could potentially be made more efficient and effective through modification of Articles 9 and 11 of the Radio Regulations. However, it is important to ensure that proposed modifications to rationalize and simplify Articles 9 and 11 do not alter the regulatory rights currently afforded to assignments of satellite network filings from the application of satellite coordination and notification procedures. Studies are required to determine which modifications of Articles 9 and 11, if any, would be appropriate.

Argentina, Brazil, Dominican Republic, United States:

In the context of agenda item 1.12, these administrations understand the term “rationalization” to mean clarification, simplification, and improvement of Articles 9 and 11 and not a complete replacement of Articles 9 and 11. The cascading effect on other Articles of the Radio Regulations, the inadvertent introduction of errors and inconsistencies requiring more Rules of Procedure, and the resultant state of uncertainty for the Bureau and Administrations are a few of the anticipated difficulties of extensive revisions to the Articles. These cascading effects, when combined with the wide-ranging treatment of the Radio Regulations under Resolution **86 (WRC-03)**, lead these administrations to conclude that extensive revision and restructuring of Articles **9** and **11** should not be attempted. These administrations support selective modification of Articles **9** and **11** based on specific needs and opposes extensive revision and restructuring.

10. Due diligence procedures applicable to satellite networks

Issue

Resolution **49 (Rev.WRC-03)** contains regulatory provisions of due diligence which apply to the filing of FSS, MSS and BSS systems or networks submitted under Article **9**, Appendices **30, 30A** and **30B** of the Radio Regulations and is referred in different parts of the Radio Regulations as well as in Resolution **51 (Rev. WRC-2000)**, Resolution **55 (WRC-2000)** and Resolution **81 (WRC-2000)**.

Preliminary CEPT position

Resolution **49** needs to be retained.

Europe does not exclude the possibility to support ideas to strengthen Resolution **49**.

Background

WRC-97 adopted Resolution **49**, which requires administrations to impose administrative due diligence requirements on satellite networks for which they act as the notifying administration. These requirements were intended to address the problem of reservation of orbit and spectrum capacity without actual use (i.e. "paper satellites"), which led to the backlog in the ITU processing of satellite filings in the 90's.

The alternative concept of financial due diligence was considered by WRC-2000, but found no agreement, as some administrations found the concept to be contrary to the principles of equitable access to spectrum and orbit resources. Moreover, several delegations were of the view that the WRC did not have authority to implement financial due diligence. The only way to introduce financial due diligence would be for a Plenipotentiary Conference to provide authority to a WRC. In the event, the satellite filing cost recovery regime has imposed a system much like financial diligence since the charges have turned out to be far greater than the simple paper publication costs envisaged.

Resolution **49 (Rev.WRC-03)** and the associated provisions of the Radio Regulations have helped to some extent to reduce the problem of paper satellites and orbit reservation and have resulted in the cancellation of a number of satellite filings. The complexity of the applicability criteria and the various timescales for projects already in progress has obscured the key purpose today of guarding against abuse of procedures.

The information currently requested in Annex 2 to Resolution **49 (Rev.WRC-03)** is considered to remain beneficial in the context of providing transparency as to the actual use of the orbit/spectrum resource.

Providing due diligence information, submitting first notification for the filing and bringing into use the assignment of a satellite network or system of the FSS, MSS or BSS are all essential procedures to the application of a satellite network or system. These provisions and procedures need to be maintained and possibly strengthened, as they are essential to facilitate the rational, efficient and economical use of the radio frequencies and the associated orbits.

List of relevant documents

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

APT Members support the outcome of the Special Committee under this issue.

CITEL (October 2006)

Brazil and Canada:

In the absence of another mechanism that will provide transparency in ensuring that real satellite networks are brought into use, Brazil and Canada do not support the suppression of Resolution **49** (Rev.WRC-03). It is the view of these countries that while Resolution **49** (Rev.WRC-03) may have assisted in helping to resolve the backlog issue associated with satellite network filings, it was not an instrument established to address that issue. Further, Brazil and Canada believe that due diligence should be extended to include all Appendix **30B** filings, and not be limited to only those related to “additional use”. Other options that will achieve the desirable results are being considered.

11. Advance publication information for non-GSO satellites that are not subject to coordination

Issue

Currently Appendix 4 makes many fields optional for the case of “Advance publication of a non-geostationary-satellite network not subject to coordination under Section II of Article 9”. While most administrations have been supplying this information with their API filings, there have been instances where the information was only made available at the stage of notification making interference analysis difficult or too late to benefit either administration. It is then proposed to make these fields mandatory information.

Preliminary CEPT position

See Draft ECP.

Background

Certain data elements are optional in accordance with Appendix 4 for the case of “Advance publication of a non-geostationary-satellite network not subject to coordination under Section II of Article 9”. These fields include:

- i) the necessary bandwidth;
- ii) the carrier frequency or frequencies of the emission;
- iii) the maximum value of the peak envelope power, in dBW, supplied to the input of the antenna for each carrier type;
- iv) the minimum value of the peak envelope power, in dBW, supplied to the input of the antenna for each carrier type;
- v) the minimum power density, in dB(W/Hz), supplied to the input of the antenna for each carrier type; and
- vi) the required C/N ratio.

This information is necessary in order to assess the particulars of any anticipated interference that may be caused by the planned satellite network or system and, if necessary, communicate these particulars to the publishing administration and the Bureau under No. 9.3 of the Radio Regulations (RR). To have this information not available until the notification stage makes any analysis too late to benefit either Administration, this also implies that any Administration wishing to determine whether an interference might occur will have to contact the notifying Administration asking for such information while further delaying the interference analysis.

The data elements that are currently optional in the Advance Publication could be made mandatory in order to ensure that administrations have the information required to perform meaningful interference analyses.

It is acknowledged that during the course of discussion between the publishing and affected administrations to resolve any difficulties some adjustments may be necessary to the initially identified carrier frequency and/or necessary bandwidth for each carrier within the upper and lower band limits of the frequency range. It is then proposed that these adjustments, as long as they remain within the upper and lower band limits of the frequency range should not affect the BR examination under RR No. 9.2 during the Notification process.

It is then believed that making the optional information mandatory will greatly facilitate the interference analysis without imposing any additional burdens on the Bureau or on the Administration such as of additional filing examination and costs.

Interference assessment and coordination between non-geostationary networks from different Administrations has been possible so far either because the optional information was already provided or coordination happened through informal links between space agencies like the Space Frequency Coordination Group. However in many instances request for information through the Bureau has been needed to assess the interference situation. Furthermore with the advent of private remote sensing satellites the benefit of informal coordination through the Space Frequency Coordination Group may not be available. It is then believed that while imposing more information to be sent at the API stage, this will facilitate the examination of these information and reduce the unnecessary correspondence between Administrations.

List of relevant documents

Annex 2 of Appendix 4 to the Radio Regulations

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

Some APT Members were of the opinion that the information provided in this kind of Advance Publication Information (API) is different from those for which the coordination information will be followed under Section II of Article 9. The parameters in this kind of API should provide a basis on which the interference situation can be evaluated for all the relevant administrations, concentrating the communications between the concerned administration only on the additional information or for further interference mitigation possibilities. Additionally, the Bureau indicated that while any modification to Appendix 4 software would incur some related cost in implementation of the software modifications, it appeared that the changes identified in the example modifications could be easily implemented with only minor cost impact to the Bureau.

Some other APT Members did not support the above-mentioned proposal due to the fact that previous WRCs discussed this issue at length and came to the conclusion that the above mentioned data elements are not mandatory in order to reduce the burden to administrations and the Bureau. Now if some private entities do not collaborate with the scientific institutions in providing the required optional data, this should not result to make the provisions of these data mandatory.

In view of the above, this issue was forwarded to the next APG Meeting for further consideration.

12. Recording and publication of appropriate data pertaining to EESS and SRS active and passive sensors

Issue

Although Circular Letter CR/137 of 14 February 2000 requests administrations, when submitting API to the Bureau on planned EESS/SRS satellite networks carrying active and/or passive sensors, to kindly also submit specific information on these sensors, the data set to be submitted in accordance with the current Appendix 4 of RR does not take into account the specificity of active/passive sensors. As a result these data are not recorded in the Master Register and thus cannot be granted international recognition in accordance with RR No. 8.3.

Preliminary CEPT position

See draft ECP.

Background

In response to a request by the scientific and research community responsible for operation of active and passive sensors on satellites, and in coordination with that community, a set of technical data relating to these sensors was established for use by all administrations for registration purposes. The Director of the Radiocommunication Bureau published Circular Letter CR/137 of 14 February 2000, which requests administrations, when submitting advance publication information to the Bureau on planned EESS/SRS satellite networks in which active and/or passive sensors are to be deployed, to kindly also submit specific information as attached to that Circular Letter.

The Director of Radiocommunication Bureau in his Report to the World Radiocommunication Conference 2003 (WRC-03) indicated that there were additional data requirements for the Earth exploration-satellite service (EESS)/space research service (SRS) contained in CR/137 and suggested that the conference might wish to consider reviewing Appendix 4 to include the additional information. However, no proposal was submitted to the Conference.

As a result, currently, the additional information submitted to BR in accordance with Circular Letter CR/137 is being scanned and published in the International Frequency Information Circular (IFIC Space services) as an attachment to Special Section related to the relevant advanced publication (API). The scanned documents are being published once on IFIC CD-ROM. These data are neither stored in the Space Network System (SNS) database nor published on Space Radiocommunication Station on CD-ROM. It means that the information concerning EESS and SRS satellite networks where active and passive sensor systems are to be deployed is not easily available after publication of API on the relevant IFIC.

Providing a mechanism for incorporation of sensor information into the annex 2 of Appendix 4 would allow to get international visibility on the use of the bands by EESS/SRS active and passive services.

The Space Frequency Coordination Group (SFCG) has identified the minimum set of parameters that are needed for properly describing the active and passive sensors. Furthermore the Bureau has defined in its circular letter CR/256 four new classes of stations for Table 3 in the Preface to the BR IFIC (Space Services), namely E1 - Space research (active sensor) space station, E2 - Space research (passive sensor) space station, E3 - Earth exploration-satellite (active sensor) space station and E4 - Earth exploration-satellite (passive sensor) space station. These new symbols are to be used by the administrations when submitting their notices. Discussions are on-going between SG7 members and the ITU-BR experts to identify mechanisms that will minimize the changes to the

current Appendix 4 and make these changes totally transparent to those using Appendix 4 for filing systems of any of the other space services.

List of relevant documents

Annex 2 of Appendix 4 to the Radio Regulations

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

APT Members support the conclusions of the Special Committee as proposed to be included in Section 6/1.12/10 of the Draft CPM Report.

13. Radionavigation-satellite service in the bands 1 215-1 300 MHz and 1 559-1 610 MHz

Issue

There may be a need to clarify the provisions of No. **5.329A**, as the phrase “shall not impose any additional constraints on other systems or services operating in accordance with the Table” is ambiguous. The Rule of Procedure on No. **9.11A** clarifies that “other systems” in No. **5.329A** refers to RNSS (space-to-Earth). By extension, RNSS (space-to-space) systems have equal rights with respect to each other and the condition “shall not impose any additional constraints on other systems or services operating in accordance with the Table” would not apply between RNSS (space-to-space) networks or systems. Footnote **5.328B** may also require modification to reflect the Rule of Procedure on No. **9.11A**, as well as, to clarify that requiring Resolution **610 (WRC-03)** data for receiving space stations is unnecessary.

Preliminary CEPT position

Europe is of the view that No. **5.329A** should be amended as follows:

MOD

5.329A Use of systems in the radionavigation-satellite service (space-to-space) operating in the bands 1 215-1 300 MHz and 1 559-1 610 MHz is not intended to provide safety service applications, and shall not impose any additional constraints on radionavigation-satellite service (space-to-Earth) systems or on other services operating in accordance with the Table.

Deleted: other

Europe is of the view that No. **5.328B** could be amended as proposed by WP 8D, as follows (WP 8D also suggested that it may be worth considering alternative formulations to reflect the case of No. **9.7**).

MOD

5.328B The use of the bands 1 164-1 300 MHz, 1 559-1 610 MHz and 5 010-5 030 MHz by systems and networks in the radionavigation-satellite service for which complete coordination or notification information, as appropriate, is received by the Radiocommunication Bureau after 1 January 2005 is subject to the application of the provisions of Nos. **9.12**, **9.12A** and **9.13**. Resolution **610 (WRC-03)** shall also apply; however, in the case of radionavigation-satellite service (space-to-space) networks and systems, Resolution 610 (WRC-03) shall only apply to transmitting space stations. In accordance with No. 5.329A, for systems and networks in the radionavigation-satellite service (space-to-space) in the bands 1 215-1 300 MHz and 1 559-1 610 MHz the provisions of Nos. 9.7, 9.12, 9.12A and 9.13 shall only apply with respect to other systems and networks in the radionavigation-satellite service (space-to-space). (WRC-03)

Background

WRC-2000 added the space-to-space direction to the existing radionavigation-satellite service (RNSS) (space-to-Earth) allocations in the bands 1215-1300 MHz and 1559-1610 MHz, along with footnote **5.329A**. WRC-03 added footnote **5.328B**, which applied coordination between two non-GSO RNSS systems and between non-GSO and GSO RNSS systems in the bands 1 164-1 300 MHz, 1 559-1 610 MHz and 5 010-5 030 MHz under Nos. **9.12**, **9.12A** and **9.13** after 1 January 2005, without specifying direction (i.e. space-to-Earth or space-to-space).

The Radio Regulations Board considered the application of No. **9.11A** to the bands given in No. **5.329A** (i.e., 1 215-1 300 and 1 559-1 610 MHz) at its 35th meeting. The Board interpreted the

Regulations as excluding RNSS (space-to-space) assignments in the bands given in No. **5.329A** from any obligation to coordinate with other services and with RNSS (space-to-Earth), but as obliging these RNSS (space-to-space) assignments to coordinate with each other. The Rule of Procedure for Table 9.11A-1 was modified accordingly.¹

Many of the RNSS (space-to-space) network assignments submitted to the Radiocommunication Bureau are receive-only in the bands 1215-1300 MHz and 1559-1610 MHz. Resolution **610 (WRC-03)** requires administrations to provide evidence of binding agreements for the manufacture, procurement, and launch of RNSS systems and networks. Resolution **610 (WRC-03)** was intended to aid bilateral coordination between transmitting RNSS systems and networks by ensuring such systems are either in operation or in the process of being implemented.

This issue was discussed at the 2005 meeting of the Working Party of the Special Committee, which sent a liaison statement to WP 8D. WP 8D concurred to the proposed modifications to No. **5.329A**, as considered by the WP-SC. Regarding No. **5.328B**, WP 8D noted that the proposed new text for No. **5.328B** resulting from the suggested modification to No. **5.329A**, does not include the GSO-GSO coordination case (No. **9.7**) on the list of cases provided. WP 8D therefore proposed that a reference to No. **9.7** be added to the text sent by the WP-SC.

Working Party 8D recognized that there could be alternative regulatory solutions to the inclusion of the case of No. **9.7** (GSO-GSO coordination) in the limitation in the proposed new text for No. **5.328B**.

List of relevant documents

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

APT Members support the conclusions of the Special Committee under this issue together with the proposed modifications to Section 6/1.12/11 of the Draft CPM Report.

¹ See Section 5 of Document RRB04-3/7(Rev.1), Minutes of the 35th Meeting of the Radio Regulations Board for additional detail and the Rule of Procedure for Table 9.11A-1.

14. Coordination arc at 17 GHz

Issue

WRC-03 adopted a provisional value of $\pm 16^\circ$ as the coordination arc applicable for the BSS and between the BSS and the FSS in bands above 17.3 GHz.

Resolution **901 (WRC-03)** invites ITU-R “to recommend, as appropriate, the orbital separation required for triggering inter-service and intra-service coordination concerning the satellite services in frequency bands above 3.4 GHz for geostationary-satellite (GSO) networks not subject to a Plan and not already covered by the coordination arc concept specified in No. **9.7** (GSO/GSO) of Table 5-1 (Appendix **5**), under items 1), 2) and 3) of the frequency band column, and subject to Section II of Article **9**”.

Preliminary CEPT position

It is proposed:

- to keep a coordination arc value of $\pm 16^\circ$ among GSO BSS networks serving Region 2 in the band 17.3-17.8 GHz and associated feeder-link networks in the band 24.75-25.25 GHz,
- to introduce a coordination arc value of $\pm 8^\circ$ between GSO BSS networks serving Region 2 and GSO FSS (space-to-Earth) networks serving Region 1 in the band 17.3-17.7 GHz,
- to introduce a coordination arc value of $\pm 8^\circ$ between GSO BSS networks serving Region 2 and GSO FSS (space-to-Earth) networks in the band 17.7-17.8 GHz, while noting that No. **5.517** applies in Region 2.

See also draft ECP.

Background

Pursuant to Resolution **901**, the studies performed within ITU-R have led to the conclusion that:

- a coordination arc value of $\pm 16^\circ$ is appropriate among GSO BSS networks serving Region 2 in the band 17.3-17.8 GHz and associated feeder-link networks in the band 24.75-25.25 GHz;
- a coordination arc value of $\pm 8^\circ$ is sufficient between GSO BSS networks serving Region 2 and GSO FSS (space-to-Earth) networks serving Region 1 in the band 17.3-17.8 GHz.

Since the second conclusion (coordination arc value of $\pm 8^\circ$) essentially relies on the natural geographic separation between the land masses of Regions 1 and 2, it is possible to extend it to the case of coordination between GSO BSS networks serving Region 2 and GSO FSS networks serving Region 3 in the band 17.7-17.8 GHz.

In addition, considering footnote No. **5.517**, after 1 April 2007, the FSS (space-to-Earth) in Region 2 shall not claim protection from, nor cause harmful interference to the BSS serving Region 2 in the band 17.7-17.8 GHz. It is therefore possible to introduce a coordination arc value of $\pm 8^\circ$ between GSO BSS networks serving Region 2 and GSO FSS (space-to-Earth) networks serving the three Regions, while noting that No. **5.517** applies in Region 2.

List of relevant documents

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

APT Members support the text of Section 6/1.12/2 of the Draft CPM Report.

CITEL (October 2006)

Preliminary View:

Argentina, Brazil, Canada, Dominican Republic, United States:

These administrations have supported the coordination arc concept as currently reflected in the Radio Regulations as it facilitates the work of administrations and the Bureau. Any extension of this concept to other frequency bands and other services or the confirmation or revision of the provisional values for the BSS and FSS for bands above 17.3 GHz should be based on technical studies taking into account that the coordination arc concept, if appropriate, may require different values for different services and frequency bands. As is currently provided for in Appendix 5 for GSO/GSO coordination under **No. 9.7**, administrations should retain the right to request to be included in coordination for networks outside the coordination arc, based on the value of $\Delta T/T$ exceeding 6%.

15. No. 11.49

Issue

Provision No **11.49** relates to the suspension of the use of a recorded assignment to a space station. It allows a suspension of an assignment to a space station for a maximum period of 2 years.

Preliminary CEPT position

Europe is of the view that the current mechanism provided by No. **11.49** and its associated Rules of procedure is satisfactory and should be maintained without change. In particular, Europe is of the opinion that the 2-year period should not be extended.

Europe could support a modification of No **11.49**, so as to clarify that the suspension of a recorded assignment may not exceed 2 years from the date of suspension; otherwise it shall be cancelled.

MOD

11.49 Where the use of a recorded assignment to a space station is suspended for a period not exceeding eighteen months, the notifying administration shall, as soon as possible, inform the Bureau of the date on which such use was suspended and the date on which the assignment is to be brought back into regular use. This latter date shall not exceed two years from the date of suspension; otherwise, the assignment shall be cancelled, after the Bureau has informed the notifying administration.

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Background

The reference to the **2 years** time frame to bring the assignment back into regular use is carrying over the timeframe that was provided under the pre-simplification version of the Radio Regulations (i.e. **18 months** to notify the suspension and **6 months** for the Board to take action and inquire of the notifying administration as to when the assignment is to be brought back into regular use). The relevant provisions read:

- "1570 §26.(1) Where the use of a recorded assignment to a space station is suspended for a period of eighteen months, the notifying administration shall, within this eighteen-month period, inform the Board of the date of which use was suspended and of the date on which the assignment is to be brought back into regular use.*
- 1571 (2) *Whenever it appears to the Board, whether or not as a result of action under No. 1570, that a recorded assignment to a space station has not been in regular use for more than eighteen months, the Board shall inquire of the notifying administration as to when the assignment is to be brought back into regular use.*
- 1572 (3) *If no reply is received within six months of action by the Board under No. 1571, or if the reply does not confirm that the assignment to a space station is to be brought back into regular use within this six-month limit, a mark shall be applied against the entry in the Master Register. Thereafter, the assignment shall be treated in accordance with No. 1513 as one which has been established as having been out of regular use for two years."*

The current Rule of Procedures on No. **11.49** clearly states in its paragraph 1.1 that an administration may suspend the use of a recorded frequency assignment to a space station for a period not exceeding 2 years. It is further understood that during the time of the suspension, the recorded assignment shall still continue to enjoy the protection acquired by virtue of the coordination agreements already obtained. The Rule of Procedure on No. **11.49** further provides under paragraphs 2.3 and paragraph 2.4.2 that if the suspension lasts more than 2 years, the assignment shall be cancelled.

In the case where an administration does not notify suspension of a recorded assignment, administrations may invoke No. **13.6**, which provides that the BR, on the basis of reliable information available, shall make enquiries to the notifying administration on the status of the assignment in question. The non reply of the administration can lead to cancellation but only after confirmation by the Board.

It is understood that the 18 months period, under the old Regulations, was a maximum period provided to the administration to solve the technical difficulties that have led to the suspension. If the difficulties could not be resolved within these 18 months, the administration had the obligation to notify the suspension to the Bureau. In the current Regulations, the reference to this 18-month period may need to be further clarified, in particular as the Rule of Procedure does not specify how this period is applied in the process of suspension.

List of relevant documents

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

APT Members support the modifications to Section 6/1.12/13 of the Draft CPM Report as proposed by the Special Committee.

16. Contiguous satellite bandwidth

Issue

Resolution 89 (WRC-03) calls for studies on the data elements and the data structure of Appendix 4.

Preliminary CEPT position

It is proposed to modify Annex 2 to Appendix 4, in order to request the submission of item C.8.d.2 only if it is different from the item C.3.a.

Below is provided such a proposal:

MOD

APPENDIX 4 (Rev.WRC-07)

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ANNEX 2

**Characteristics of satellite networks, earth stations
or radio astronomy stations** (WRC-07)

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MOD

C.8.d.2	<p>each contiguous satellite bandwidth</p> <p>For the maximum saturated peak envelope power of the satellite transponder, this corresponds to the bandwidth of each transponder</p> <p>Required only for a space-to-Earth or space-to-space link, if different from item C.3.a</p>
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Background

Item C.8.d.2 "Contiguous satellite bandwidth" was introduced in Appendix 4 in order to cover the specific cases where a transmitting satellite transponder would operate in a multi-carrier mode, where the aggregate bandwidth of the transmitted carriers would be different and lower than the transponder bandwidth. Indeed, in order to take into account out-of-band filtering efficiency of receiving equipments, carriers have to be transmitted with a sufficient frequency separation between themselves.

This item was introduced in Appendix 4 in order to help administrations to conduct coordination in these cases of multi-carrier transmissions.

However, after about two years of practice (revised Appendix 4 entered into force on 1st of January 2004), it appears that the values provided by administrations for this item is most of the time equal to the bandwidth of the assigned frequency band (i.e. transponder bandwidth, item C.3.a). A survey in published data in BR circulars shows that, among the 13201 published groups of assignments, around 84% of the filed values for these two items are identical. Among the 16% of the cases where the values are different, around 19% show a contiguous bandwidth higher than the assigned frequency band. This shows that this item C.8.d.2 may not be clearly understood by all notifying administrations.

Reasons for proposed modifications to Appendix 4:

- Alleviate the task of administrations to fill in twice the same values, in 84% of the cases,
- Avoid a burden on the BR to request the missing information to administrations (this frequently appears when administrations submit a copy of a filing that was submitted before 1st of January 2004, thus without this item C.8.d.2),
- Diminish the appearance of inexact entries in the ITU database, in up to 3% of the cases,

List of relevant documents

Actions to be taken

There may be the need to clarify whether the information requested in item C.8.d.2 of Appendix 4 is needed and useful for administrations. In the case it is needed, there may be the need to provide for a better description of the item. Careful attention should be taken with respect to AP4 items C.8.d.1, C.8.g.1 and C.8.g.2.

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

APT Members support the text of Section 6/1.12/7 of the Draft CPM Report.

CITEL (October 2006)

Preliminary View on Resolution 89 - *Backlog in satellite filings*:

Argentina, Brazil, Canada, Dominican Republic, United States of America:

These administrations are interested and will actively participate in the review of Appendix 4 data requirements in the ITU-R and provide support to the Bureau when requested. These administrations support correcting inconsistencies and removing unnecessary data elements from Appendix 4. Unnecessary data is understood as data which is duplicative or not useful in the context of the coordination of satellite networks by Administrations. These administrations support the initiative to automate the examination of filings for compliance with the requirements of Article 5 to reduce processing time and the backlog but do not view these automation initiatives by the Bureau or software for electronic filing as WRC matters.

17. No. 9.6.3

Issue

Footnote **9.6.3** reads

¹⁶ **9.6.3** Unless otherwise specified, coordination under any of the particular sharing situations defined in Nos. **9.7** to **9.21** is not applicable when limits for that sharing situation are specified elsewhere in these Regulations. (WRC-03)

As interpretations different from the common understanding at WRC-03 may arise, there may be a need to refine the wording adopted by WRC-03.

Preliminary CEPT position

No change seems necessary at this stage, but the issue should be kept under review.

Background

No. **9.6.3** was adopted by WRC-03, on the basis of an APT proposal, by generalizing the concept contained in a previous Rule of Procedure on No. **9.11** (subsequently suppressed by the Board after WRC-03, as No. **9.6.3** was considered to reflect this Rule):

“1 Some allocations to the broadcasting-satellite service (BSS), e.g. in the bands 2520-2670 MHz and 40.5-42.5 GHz, are subject to power flux-density limits given in Article **21**, Table **21-4**. BSS frequency assignments in these bands are also subject to coordination procedures as mentioned in Article **9**, and in particular the procedure under No. **9.11** for a space station in the BSS in any band shared on an equal primary basis with terrestrial services, in respect of terrestrial services. The Board studied the relationship between the application of the procedure under No. **9.11** and the obligation for frequency assignments to comply with “hard” limits that are included in Article **21**.

2 The Board is of the view that hard limits applying to power flux-density at the Earth’s surface produced by emissions from a space station serve the purpose of protecting terrestrial stations and it decided to instruct the Bureau to act as follows:

- a) to examine BSS frequency assignments under No. **11.31** with respect to “hard” power limits as indicated in Article **21**, when such limits exist;
- b) to provide a finding based on the respect of “hard” limits established for the sharing between BSS and terrestrial services, i.e. favourable finding if the limits are not exceeded, unfavourable finding otherwise;
- c) to consider BSS frequency assignments with “favourable” finding under No. **11.31** to have successfully fulfilled the sharing mechanism between BSS and terrestrial services, and therefore not to apply No. **9.11** coordination procedure in this specific case.”

The intent of WRC-03 was to solve a possible inconsistency created by a double regime, as in some sharing situations, a service happens to be subject to both “hard” limits (e.g. Article 21) and a coordination procedure. New footnote **9.6.3** adopted by WRC-03 clarifies that, when a service is subject to “hard” limits specified in the RR, coordination does not apply for the particular sharing situation and the BR checks, for that particular sharing situation, the notice under No. **9.35/11.31** the compliance with the “hard” limits but does not examine it under No. **9.36/11.32**.

When a service is subject to different regimes with respect to other services allocated in the same band, it is understood that No. **9.6.3** applies on a case-by-case basis for each sharing situation and

does not relieve the administration from coordination, if applicable, in respect of other services for which no “hard” limit is specified in the RR.

At this stage, there has been no indication that this footnote has been applied with a different understanding by the BR or administrations. However, this may need to be kept under review.

List of relevant documents

Document 25 (Addendum 30) – APT proposal to WRC-03

Actions to be taken

Proposals from outside CEPT

Regional telecommunication organisations

APT (January 2007)

The APG2007-3 Meeting, 13 – 16 February 2006, Kuala Lumpur, Malaysia discussed the above-mentioned Provisions. Hard limits are normally applied for the protection of service area/orbit of a given service(s). Once the limit(s) is/are fully met the responsible/notifying administration of the assignments/network(s) is considered as having fulfilled its obligation in relation to a given service(s) with respect to which the limit(s) were established. This is the case in several space and terrestrial services/orbits. Examples of which are contained in several provisions of Articles 21 and 22 as well as Appendices 30, 30A and 30B. This was considered when new provision RR 9.6.3 was adopted by WRC-03. However, such fulfillment of obligation with respect to that service does not constitute the requirement of coordination with respect to other service(s)/network(s)/system(s).

Consequently, the need to remove the possibility of such interpretation was noted. To this effect the following modification to RR 9.6.3 was proposed and forwarded to this meeting for further consideration.

MOD RR 9.6.3

¹⁶ Coordination under Nos. 9.7 to 9.21 is not required when hard limits for the sharing situation which are clearly specified elsewhere in these Regulations are fully met. (WRC-07)

Reason: To remove any eventual misunderstanding or ambiguity when Provisions of No. 9.6.3 is applied by administrations and the Bureau.

At this meeting the representative of the Bureau explained that this provision is capturing in fact the examination approach by the Bureau included in the Rule of Procedure on No. 9.36 under which the Bureau "shall identify any administrations with which coordination may be effected". Application by the Bureau mainly occurs for forms of coordination including transmitting space stations against terrestrial services, under No. 9.21, 9.11 and 9.14. The principles followed by the Bureau in the application of No.9.6.3 are derived from the table in the Annex to the RoP on No. 9.36. Regarding the wording of No. 9.6.3, BR is quite satisfied with the current wording or any improved text to the extent that it is clearly mentioned that unless otherwise specified, particular coordination agreements may not be required if limits for such sharing situation are clearly specified in the RR and met for the particular case under consideration.

In view of the above, APT Members do not pursue modification to RR No. 9.6.3.

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18. Resolution 86 (WRC-03)

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Issue

Following difficult discussions at PP-06, WRC-07 is invited to consider the matter of the implementation of Resolution 86 (Rev. Marrakech, 2002) and report to PP-10.

Preliminary CEPT position

Europe is of the view that the framework provided by Resolution 86 (Rev. Marrakech, 2002) and Resolution 86 (WRC-03) is satisfactory. Therefore, no change to Resolution 86 (WRC-03) is proposed. Furthermore, WRC-07 should invite PP-10 to retain the possibility for future WRCs to review and update the regulatory procedures applicable to space services.

Background

At PP-06, while Europe and APT were promoting a mere updating of PP Resolution 86, other regions and countries, although with different arguments. Some of them considered that the permanent WRC agenda item created by Resolution 86 should be treated like any other item, that is when draft agendas are developed by WRCs. Some others complained about a 'misuse' of this recurrent WRC agenda item, which, according to them, is not properly defined and limited.

Discussions at PP-06 concluded at the Committee level to a consensus consisting of the APT proposal. However, later on, when this agreement was reviewed by the Plenary, those in favour of the suppression of Resolution 86 opposed to the consensus and refused that the WRC agenda item remain permanent in the proposed modified Resolution 86 ("invites subsequent WRCs"), complaining about a misuse of this agenda item by developed countries. When the blue document turned into a pink document containing square brackets and no consensus could be found quickly, several administrations supported, as the only way forward, retaining the text of Resolution 86, as modified by PP-02, without further modifications. This solution was eventually agreed, thus retaining a permanent item on future WRC agendas. However, it was agreed that the summary record of the plenary meeting include an invitation to WRC-07 to provide its views to PP-10 to consider further the matter.

Extract of the minutes of the 20th Plenary meeting of the 2006 Plenipotentiary Conference (see complete text in document PP-06/187):

"2.29 The **Chairman** suggested that the matter be resolved by maintaining Resolution 86 (Rev. Marrakesh, 2002) and by recording in the minutes the invitation to WRC-07 to consider the matter further and report to PP-10. The views expressed by delegates would obviously be reflected in the minutes."

List of relevant documents

Document PP-06/12rev3 (proposal 9): ECP to PP-06 on Resolution 86 (Rev. Marrakech, 2002)

Actions to be taken

Liaise with CEPT/WG-ITU to coordinate views at PP-10.

Proposals from outside CEPT

APT (January 2007)

APT Members are of the view that scope and objectives of Resolution 86 (WRC-03) as stipulated/outlined in the "resolves" section of that Resolution to be incorporated in the future WRCs standing Agenda Item 7.1, second indent, and the Resolution be modified or suppressed as appropriate. If the Resolution 86 (WRC-03) is retained, necessary modification to this Resolution is required in order to avoid pressure to the WRC by adding issues which are not in line with

Resolution 86 (Rev. Marrakech, 2002). If the Resolution 86 (WRC-03) is to be suppressed the incorporation could be as follows:

MOD

Agenda Item 7.1 of future WRCs: to consider and approve the Report of the Director of the Radiocommunication Bureau:

- on the activities of the Radiocommunication Sector since WRC-03;
- on any difficulties or inconsistencies encountered in the application of the Radio Regulations, including any suggested improvements to the procedures pertaining to advance publication, coordination, notification and recording of frequency assignments for satellite networks or systems; and
- on action in response to Resolution 80 (Rev.WRC-2000);

Reason: To group various agenda items with similar nature and to avoid any misuse of the agenda.