



Circular Letter
CCRR/54

23 November 2015

To Administrations of Member States of ITU

Subject: Draft Rule of Procedure concerning the Regional Agreement GE06

Please find enclosed a draft Rule of Procedure intended to support the application of the Regional Agreement GE06.

This draft new Rule of Procedure clarifies certain aspects of GE06 Agreement and has been developed at the request of the Radio Regulations Board at its 70th meeting.

In accordance with No. **13.17** of the Radio Regulations, this draft Rule of Procedure is made available to administrations for comments before being submitted to the RRB pursuant to No. **13.14**. As indicated in No. **13.12A d)** of the Radio Regulations, any comments that you may wish to submit should reach the Bureau not later than **4 January 2016**, in order to be considered at the 71st meeting of the RRB, scheduled for 1-5 February 2016. Comments should be sent either by telefax to +41 22 730 5785 or by email to brmail@itu.int.

A handwritten signature in black ink, appearing to be 'FR' followed by a stylized flourish.

François Rancy
Director

Annex: 1

Distribution:

- Administrations of Member States of ITU
- Members of the Radio Regulations Board

ANNEX

Draft Rule of Procedure (Part A10-GE06)

Protection of a Plan entry from interference caused by a Plan entry of another Administration and with which the coordination procedure was not triggered in the application of Article 4 of the GE06 Agreement

X.1 During the RRC-06 Conference, compatibility analysis for all requirements (allotments and assignments) was carried out in two directions (transmission and reception). When requirements were not compatible with each other in one or both directions, the administrations concerned had to resolve the incompatibility. This ensured that all entries in the Plan, as adopted by RRC-06, were evaluated and agreed as compatible by the concerned administrations.

X.2 Since then, new or modified assignments/allotments were included in the Plan following the successful application of the procedure of Article 4 of the GE06 Agreement. This procedure however, considers administrations as affected by a proposed modification only when the limits given in Section I of Annex 4 of the Agreement are exceeded. This approach was designed to trigger the need to coordinate with the potentially affected administration(s) in order to ensure that the proposed modification will not affect the ability of other administrations to receive broadcasting emissions on any channel over their territory. Nonetheless, the Agreement does not address the interference that a proposed modification will receive from assignments previously recorded in the Plan.

X.3 In the application of Article 4 of the GE06 Agreement, the Bureau received a request from an administration to be included in the list of administrations affected by a proposed modification to the Plan because that modification might be affected by that administration's own entries in the plan. However, since the proposed modification did not exceed the limits of Annex 4 of the GE06 Agreement, the Bureau could not accede to this request.

X.4 This situation highlights that the procedures of the GE06 Agreement do not require, prior to its inclusion in the Plan, to coordinate the protection of a proposed modification to the Plan from the interference that may be caused to it by entries already recorded in the Plan.

X.5 The Board considered that a general principle of the Radio Regulations is that the status, i.e. the rights for transmission or the rights for protection of new assignments are derived from the successful application of the relevant procedures (See RR No. 8.3).

X.6 In the absence of a relevant procedure in the GE06 Agreement to acquire such rights, the Board considered that, unless otherwise agreed between the administrations concerned, an assignment in conformity with the Plan and recorded in the Master Register cannot claim protection from assignments in conformity with the Plan corresponding to an entry which was recorded in the Plan prior to the entry corresponding to the assignment for which protection is claimed.

X.7 The Board noted that several provisions of the GE06 Agreement indicate that, after successful application of the procedure, the new entry will have the same status as the other entries in the Plan. Consistent with the above considerations, the Board is of the view that all entries in the plan involve a right for transmission for the corresponding assignments and a right for protection of

these assignments against subsequent entries in the plan. Conformity with the plan does not involve the right for protection against previous entries in the plan.

X.8 The Board also noted that several administrations had communicated to the Bureau proposed modifications to the GE06 Plan on the basis of low power stations located near the border of their territory in a way that does not trigger the limits of Annex 4 of the GE06 Agreement. Consistent with the above considerations, the Board is of the view that the inclusion in the Plan and/or the MIFR of the corresponding assignments does not provide any additional rights to protect these assignments from assignments previously or subsequently included in the Plan, for the following reasons:

- protection from assignments previously included in the Plan cannot be obtained from the application of Article 4 if the limits in Annex 4 are not exceeded,
- protection from assignments subsequently included in the Plan is provided by Article 4 so as to protect the territory of the administration in any channel and does not take into account the assignments included in the Plan or in the MIFR.

X.9 The Board also noted that this Rule of Procedure does not require any modification to the current practice by the Bureau in processing notices for the application of Articles 4 and 5 of the GE06 Agreement.

X.10 This ROP is applicable immediately, irrespective of the date of entry in the Plan/MIFR of the concerned assignments/allotments.
