



Radiocommunication Bureau (BR)

Circular Letter
CR/454

18 December 2019

To Administrations of Member States of the ITU

Subject: **Minutes of the 82nd meeting of the Radio Regulations Board**

Pursuant to the provisions of Nos. 13.18 of the Radio Regulations and in accordance with §1.10 of Part C of the Rules of Procedure, please find attached the approved minutes of the 82nd meeting of the Radio Regulations Board (14 – 18 October 2019).

These minutes were approved by the Members of the Radio Regulations Board by electronic means and are available on the RRB pages of the ITU web site.

A handwritten signature in blue ink that reads 'Mario Maniewicz'.

Mario Maniewicz
Director

Annex: Minutes of the 82nd meeting of the Radio Regulations Board

Distribution:

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



Radio Regulations Board
Geneva, 14 – 18 October 2019

Document RRB19-3/7-E
17 October 2019
Original: English

MINUTES*

OF THE

82ND MEETING OF THE RADIO REGULATIONS BOARD

14-17 October 2019

Present: Members, RRB

Ms L. JEANTY, Chairman

Ms C. BEAUMIER, Vice-Chairman

Mr T. ALAMRI, Mr E. AZZOUZ, Mr L.F. BORJÓN, Ms S. HASANOVA, Mr A. HASHIMOTO,
Mr Y. HENRI, Mr D.Q. HOAN, Mr S.M. MCHUNU, Mr H. TALIB, Mr N. VARLAMOV

Executive Secretary, RRB

Mr M. MANIEWICZ, Director, BR

Précis-Writers

Mr T. ELDRIDGE and Ms S. MUTTI

Also present: Ms J. WILSON, Deputy Director, BR and Chief IAP

Mr A. VALLET, Chief, SSD

Mr C.C. LOO, Head, SSD/SPR

Mr M. SAKAMOTO, Head, SSD/SSC

Mr J. WANG, Head, SSD/SNP

Mr N. VASSILIEV, Chief, TSD

Mr K. BOGENS, Head, TSD/FMD

Mr B. BA, Head, TSD/TPR

Ms I. GHAZI, Head, TSD/BCD

Mr A. MANARA, TSD/BCD

Mr D. BOTHA, SGD

Ms K. GOZAL, Administrative Secretary

* The minutes of the meeting reflect the detailed and comprehensive consideration by the members of the Radio Regulations Board of the items that were under consideration on the agenda of the 82nd meeting of the Board. The official decisions of the 82nd meeting of the Radio Regulations Board can be found in Document RRB19-3/6.

Subjects discussed	Documents
1 Opening of the meeting	-
2 Late submissions	-
3 Report by the Director of BR	RRB19-3/2 +Add.1-7+Add.4(Corr.1)
4 Rules of procedure	RRB19-3/1 RRB16-2/3(Rev.12) CCRR/63
5 Requests relating to extension of the regulatory time-limit to bring or bring back into use the frequency assignments to satellite networks: Submission by the Administration of Indonesia requesting an extension of the regulatory period to bring back into use the frequency assignments to the GARUDA-2 (123°E) satellite network	RRB19-3/3 RRB19-3/DELAYED/1
6 Requests relating to extension of the regulatory time-limit to bring or bring back into use the frequency assignments to satellite networks: Submission by the Administration of the Russian Federation requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the INTERSPUTNIK-98E-F satellite network	RRB19-3/5
7 Submission by the Administration of China requesting an appeal to the decision of the Board concerning the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks in the MIFR	RRB19-3/4
8 Preparation and arrangements for RA-19 and WRC-19	-
9 Election of the vice-chairman for 2020	-
10 Confirmation of the dates of the 83 rd meeting of the Board and indicative dates for future meetings	-
11 Approval of the summary of decisions	RRB19-3/6
12 Closure of the meeting	-

1 Opening of the meeting

1.1 The **Chairman** opened the meeting at 1400 hours on Monday, 14 October 2019 and welcomed participants.

1.2 The **Director**, speaking on his own behalf and that of the Secretary-General, also welcomed participants and wished the Board a successful meeting – its last before the forthcoming RA and WRC in Sharm el-Sheikh, which would entail the usual heavy workload for all involved.

1.3 **Mr Azzouz** said that he looked forward to welcoming colleagues to Sharm el-Sheikh, where everything would be done to satisfy the requirements of all participants in the RA and WRC. He was the head of an administrative committee responsible for preparations for the events, and he urged members not to hesitate to contact him if they required assistance with anything.

2 Late submissions

2.1 **Mr Botha (SGD)** drew attention to a late submission from the United Arab Emirates, which related to a subject already on the Board's agenda.

2.2 The Board **agreed** to take up the late submission, for information, under the agenda item to which it related, as Document RRB19-3/DELAYED/1.

2.3 **Mr Varlamov** noted that some documents on the Board's agenda for the present meeting had not been made available at least two weeks prior to the meeting, as required under § 1.7 of Part C of the Rules of Procedure – Internal arrangements and working methods of RRB. While realizing that the translation and document production services faced a considerable workload in the lead-up to the RA and WRC, he hoped that every effort would be made to meet the relevant deadlines in the future.

2.4 The **Director** explained that delays in the production of documents, in particular Addendum 6 to Document RRB19-3/2, had arisen because the Bureau was finding it difficult to process its regular workload while preparing for WRC-19.

3 Report by the Director of BR (Documents RRB19-3/2, Addenda 1–7 and Corrigendum 1 to Addendum 4)

3.1 The **Director** introduced his customary report in Document RRB19-3/2. Referring to § 1 and Annex 1 of the report, on actions arising from the 81st Board meeting, specifically item 3(c) relating to disputed territories, he said that, in addition to the proposals outlined in Addendum 6 to his report, the Bureau had drawn up a more detailed working document that was available on the Board SharePoint. Referring to § 2 of his report, he noted that overall the Bureau continued to meet regulatory deadlines for the processing of terrestrial and space system filings. The Director informed the Board that, to the information on cost recovery for satellite filings provided in § 6, it should be added that the Bureau had recently received 20 filings of over 25 000 units each from SpaceX. Lastly, § 7 contained, in addition to the usual information, a new table (Table 8) requested by Board members, on the status of the Article 22 EPFD review.

Actions arising from the last RRB meeting (§ 1 and Annex 1 of Document RRB19-3/2)

3.2 In reply to a question from **Mr Azzouz** on item 3(b) in Annex 1, **Mr Vallet (Chief SSD)** explained that the Bureau had not, as agreed, circulated the draft rule of procedure on items A.1.f.2 and A.1.f.3 of Annex 2 to Appendix 4 of the Radio Regulations to administrations for two reasons: the Director's report to WRC-19, which had been finalized some months earlier, requested the conference to clarify the wording of item A.1.f.2; and, in drafting the rule of procedure, the Bureau had realized that changes were required to align it with the relevant editorial practices. The Bureau had therefore decided to wait for the conference's

clarifications and to submit the draft rule of procedure, which was set out in Addendum 2 to Document RRB19-3/2, for further consideration at the Board's current meeting.

3.3 In reply to a remark from **Mr Varlamov** on the usefulness of the Board's consideration of the draft rule of procedure at its current meeting, given that the document had been submitted late and that the Board was apparently awaiting the conference's output on the matter, **Mr Vallet (Chief SSD)** explained that the conference's work – to consider, at the Director's invitation, the wording of certain sections of items A.1.f.2 and A.1.f.3, with a view to clarifying the difference between the two – was fundamentally different from that of the Board, which was to codify the Bureau's practice regarding these two items.

3.4 The **Chairman** asked whether the Board wished to consider the draft rule of procedure again at its 83rd meeting or whether the rule should be circulated to administrations after WRC-19.

3.5 **Mr Borjón** considered that the Board should wait for WRC-19 to clarify the wording before discussing and circulating the draft rule of procedure.

3.6 **Ms Beaumier**, noting that that the conference was unlikely to make extensive amendments to items A.1.f.2 and A.1.f.3, said that waiting until after WRC-19 to consider the draft rule of procedure meant that the text would not be circulated until after the Board's 83rd meeting. She therefore preferred to discuss the rule of procedure at the present meeting with a view to circulating it immediately after WRC-19.

3.7 **Mr Henri**, observing that the draft rule of procedure covered a number of important issues, said that it might be useful for the Working Group on the Rules of Procedure to convene briefly during the current meeting to review it. The Board could then meet towards the end of WRC-19 to decide on whether or not requesting the Bureau to circulate it, taking account of WRC-19 decision on item A.1.f.2. The Board should also bear in mind that it would have numerous other rules of procedure to process at its subsequent meetings in the wake of WRC-19.

3.8 **Mr Alamri** agreed with that proposal.

3.9 The Board **agreed** to consider the draft rule of procedure at its current meeting and to decide at the end of WRC-19 on the best way forward.

Processing of filings for terrestrial and space systems (§ 2 of Document RRB19-3/2)

3.10 **Mr Vassiliev (Chief TSD)** drew attention to Annex 2 to Document RRB19-3/2, on the processing of notices for terrestrial services. In reply to a question from **Mr Talib** regarding Note 2 to Table 4 thereof, which referred to 212 frequency assignments notified in a contested territory and being kept in abeyance pending consultations with the administrations concerned, he said that the Bureau anticipated that it would receive instructions from the Board and would therefore keep those assignments pending until the Board's 83rd meeting. The administrations involved were aware of the situation and were not pushing the Bureau to process them.

3.11 Regarding the processing of filings for space systems, **Mr Vallet (Chief SSD)** drew attention to the statistics provided in Annex 3 to Document RRB19-3/2, for which an update to include September 2019 was made available. He noted that overall the applicable deadlines in the Radio Regulations were met.

3.12 **Mr Azzouz** congratulated the Bureau for the results achieved in terms of regulatory deadlines, but noted that there was still room for improvement, for example regarding the processing of coordination requests (Table 2 in Annex 3) and the notification of earth stations under Article 11 – Part I-S (Table 6A). **Mr Varlamov** endorsed those comments.

3.13 **Mr Vallet (Chief SSD)** said that, while the processing time for coordination requests might appear to have fluctuated between 3.3 and 4.4 months since September 2018, those fluctuations were due more to the dates of publication of the BR IFIC (every 15 days) than to the work actually carried out by the Bureau. Any apparent non-compliance had no negative impact at any level.

3.14 **Mr Alamri** and **Mr Mchunu** congratulated the Bureau on the results achieved.

3.15 The Board **agreed** to conclude on § 2 of Document RRB19-3/2 as follows:

“The Board noted with appreciation the information provided in § 2 of the Report of the Director on the treatment of notices. The Board further expressed its appreciation for the efforts of the Bureau and for the fact that all regulatory time-limits, where applicable, and all performance indicators in the processing of notices had been observed. In noting some instances where the regulatory time-limits were slightly exceeded as a result of the publication date of the BR IFIC, the Board instructed the Bureau to continue to observe these regulatory time-limits and performance indicators in the processing of notices and to take necessary measures to eliminate these delays as far as practicable.”

Implementation of cost recovery for satellite network filings (late payments) (§ 3 of Document RRB19-3/2)

3.16 **Mr Vallet (Chief SSD)** drew attention to Annex 4 to the Director’s report, which indicated that one filing had been cancelled as a result of late payment of the corresponding invoice.

3.17 The Board **noted** § 3 of Document RRB19-3/2.

Reports of harmful interference and/or infringements of the Radio Regulations (RR Article 15) (§ 4.1 of Document RRB19-3/2)

3.18 **Mr Vassiliev (Chief TSD)** drew attention to Tables 1 and 2 in Document RRB19-3/2, on harmful interference relating to terrestrial services

3.19 **Mr Vallet (Chief SSD)** said with regard to space services that matters were stable and that there was nothing of particular significance to report. In response to **Mr Mchunu**, who asked whether the web-based platform Satellite Interference Reporting and Resolution System (SIRRS) was helping to deal with interference cases, he said that the main advantage of SIRRS was that it facilitated the exchange of material between administrations, especially when it came to large documents and documents in colour (geolocation maps, etc.) which previously had been exchanged by fax and had simply been difficult to read. The system allowed cases to be dealt with faster, but had neither increased nor decreased the number of interference cases. It was particularly used by administrations in regard to scientific services, not least in establishing detailed maps of interference caused and sources thereof.

3.20 **Mr Talib**, noting that the Bureau had received a total of 440 communications concerning reports of harmful interference and infringements, asked whether some had already been submitted at the time of the 81st Board meeting.

3.21 The **Chairman**, referring to Table 1 in § 4.1, asked if there was a reason why a relatively large number of communications (62) concerning space and terrestrial services had been received in August 2019. In a similar vein, **Ms Beaumier** asked whether the large number of cases of harmful interference concerning terrestrial services (18) indicated for August 2019 in Table 2 concerned different services or one service in particular.

3.22 **Mr Vassiliev (Chief TSD)** said that the figure of 440 communications was cumulative and indicated the number of communications received over the course of the preceding year; the last three lines in Table 1 indicated the number received since the Board’s previous meeting. Regarding the numerous reports of interference to terrestrial services received in August 2019, he said that of the 18 cases indicated in Table 2, 14 were not related to safety or broadcasting services and concerned interference to the land mobile service in the Gulf area.

3.23 **Mr Azzouz** added that the increase in cases of interference in August 2019 might also be the result of the annual ducting phenomenon in the Gulf area. He encouraged the Bureau to pursue its efforts to resolve cases of harmful interference and urged administrations to find the best way forward, especially in relation to border areas.

3.24 The Board **agreed** to conclude on § 4.1 of Document RRB19-3/2 as follows:

“The Board noted with appreciation the information provided in § 4.1 of the Report of the Director on harmful interference and/or infringements of the Radio Regulations (RR). The Board also noted with appreciation that the online ‘Satellite Interference Reporting and Resolution System’ (SIRRS) for reporting

harmful interference to space systems facilitates the exchange of information on the occurrence of harmful interference between administrations, which in turn eases the expeditious solving of cases of harmful interference.”

Harmful interference to broadcasting stations in the VHF/UHF bands between Italy and its neighbouring countries (§ 4.2 of Document RRB19-3/2 and Addenda 1, 5 and 7)

3.25 **Mr Vassiliev (Chief TSD)** drew attention to § 4.2 of Document RRB19-3/2 and to the related communications from the Administrations of Slovenia (Addendum 1), Croatia (Addendum 5) and Italy (Addendum 7). Information had also been received from the Swiss Administration. According to the Administration of Slovenia, none of the cases of interference detected over the years had been eliminated and the situation in terms of sound broadcasting had not improved. It qualified the proposals of the Italian Administration as unacceptable, as they implied the continued operation of Italian stations on non-coordinated frequencies that were not in conformity with the GE-06 or GE-84 Agreements. According to the Administration of Croatia, significant interference persisted in terms of television broadcasting; the Bureau had confirmed that the situation remained essentially unchanged. Concerning the contribution from the Administration of Italy, the Bureau appreciated the detailed report on the status of activities and discussions in respect of all the administrations concerned, but would have wished to receive more specific information about channels, frequencies and dates, without which it was not always possible to assess whether or not there had been any real change in the situation.

3.26 **The Chairman**, referring to the roadmap presented by the Administration of Italy (Addendum 7) and the meetings planned between it and the other administrations concerned, asked whether the Bureau could confirm that those meetings were actually being held and whether it had verified the Italian simulations in respect of the situation with Croatia.

3.27 **Mr Vassiliev (Chief TSD)** confirmed that the bilateral meeting scheduled before the present meeting had taken place. Regarding the simulations, the Bureau had verified one case, which bore out the Italian allegation that some Croatian emissions exceeded the power recorded under the GE-84 Agreement. The Broadcasting Division was currently conducting further checks.

3.28 **The Chairman** noted that, contrary to the Administration of Italy, the Administrations of Croatia and Slovenia had not reported any improvements in the situation.

3.29 **Mr Vassiliev (Chief TSD)** pointed out that the Administration of Croatia had reported only on interference to television broadcasting. This indirectly indicates intensive discussions relating to FM broadcasting, and the Bureau was expecting developments in that regard.

3.30 The Board **agreed** to conclude on the matter as follows:

“In relation to § 4.2 of the Report of the Director and its Addenda 1, 5 and 7 concerning harmful interference from the broadcasting service transmitters of Italy to its neighbours, the Board noted with appreciation the efforts of the administrations in their bilateral coordination meetings. However, the Board again noted the slow progress in resolving the cases of harmful interference from sound broadcasting stations of Italy to its neighbours. The Board encouraged the administrations concerned to continue to make all efforts to resolve the cases of harmful interference and instructed the Bureau to continue to assist the administrations concerned in their coordination efforts and to report progress to future meetings of the Board.”

Implementation of Nos. 11.44.1, 11.47, 11.48, 11.49, 9.38.1, Resolution 49 and No. 13.6 of the Radio Regulations (§ 5 of Document RRB19-3/2).

3.31 **Mr Vallet (Chief SSD)** said that there was nothing of particular significance to report regarding § 5 of Document RRB19-3/2.

3.32 **Mr Azzouz** congratulated the Bureau on the results reflected in that section.

3.33 The Board **agreed** to conclude on the matter as follows:

“The Board noted § 5 of the Report of the Director on the implementation of RR No.11.44.1, No. 11.47, No. 11.48, No. 11.49, No. 9.38.1, Resolution 49 and No. 13.6 and expressed its appreciation for the information provided in this section.”

Council work on cost recovery for satellite filings (§ 6 of Document RRB19-3/2)

3.34 **Mr Vallet (Chief SSD)** said that the latest revision of Council Decision 482 had entered into force on 1 July 2019, introducing additional fees for non-GSO systems with over 25 000 units. No such systems had been received by the Bureau prior to the publication of Document RRB19-3/2, but in the week preceding the present meeting 20 submissions had been received, each comprising 40 804 units. The Bureau had confirmed with the United States Administration that it and the operator were fully aware of the processing fees involved.

3.35 **Mr Azzouz** thanked and congratulated Mr Varlamov, Chairman of the Council Expert Group on Decision 482, on the work carried out in regard to Decision 482, and commended the Bureau for the support it had provided.

3.36 The Board **noted** § 6 of Document RRB19-3/2.

Review of findings for frequency assignments to non-GSO FSS satellite systems under Resolution 85 (WRC-03) (§ 7 of Document RRB19-3/2)

3.37 **Mr Vallet (Chief SSD)** drew attention to the information provided in Table 8 (Status of Article 22 EPFD review), which would remain a standing item in the Director’s report for the time being.

3.38 **Mr Azzouz** asked why, according to the comments in Table 8, the case involving Canada’s VGEO-1 satellite was being referred to Working Party 4A “for confirmation of qualified favourable”. What role was played by Working Party 4A, and could other working parties participate?

3.39 **Mr Vallet (Chief SSD)** recalled the decisions taken by WRC-15 to provide a process to ensure that systems were not blocked when a notifying administration requested the Bureau to continue to apply Resolution 85 (WRC-03) and the current version of Recommendation ITU-R S.1503 was inadequate for the purposes of modelling the non-GSO system concerned. The notifying administration was requested to provide all relevant information so that Working Party 4A, as the working party responsible for the Recommendation, could study the matter and ascertain whether the existing algorithm was adequate or needed to be adapted. If necessary, Working Party 4A could seek input from other working parties, but was ultimately responsible for finalizing the study, which could result in adaptation of the algorithm or other solutions.

3.40 **Mr Varlamov** confirmed that Working Party 4A was hard at work to finalize the latest version of Recommendation ITU-R S.1503 and that it worked with and consulted administrations and other working parties in order to improve the situation and avoid having to update the relevant software too often.

3.41 **Mr Henri** noted that Table 8 reflected some backlog already, and the situation was liable to worsen as further submissions were received. He wondered what steps were envisaged by the Bureau to deal with that possibility.

3.42 **Mr Vallet (Chief SSD)** said that the Bureau would be looking to increase the staff involved in examining the epdf limits under Article 22. It would improve the tools used, and in particular the algorithm for the examination under No. 9.7B, as the algorithm used for the Article 22 review was ill-suited to the examination under No. 9.7B. It would also improve the software used, by implementing WRC-19 decisions regarding non-GSO systems subject to Article 22 and No. 9.7B, notably with respect to common input parameters contained in Appendix 4. Lastly, it would implement the revisions of Recommendation ITU-R S.1503 as developed by Working Party 4A.

3.43 **Mr Varlamov** wondered why in Table 8, despite their date of receipt (2014 and 2015, respectively), satellites MCSAT-2 HEO-1 and 03B-C had not yet been processed.

3.44 **Mr Vallet (Chief SSD)** said that there had been various exchanges of correspondence with the two administrations concerned regarding the data they had provided for the Article 22 review, but so far matters had not been fully clarified. He nevertheless noted that the date of receipt of certain systems might change based on modifications made to coordination requests. **Mr Varlamov** having commented that reasonable deadlines should be applied for exchanges of correspondence between the Bureau and administrations, otherwise the seven-year regulatory period might expire before a system was fully processed, **Mr Vallet (Chief SSD)** said that even if no formal decision could yet be taken on the networks for which modifications were requested to coordination requests, administrations were well aware of the information they had to provide and could be reasonably certain whether or not their submissions would ultimately be processed successfully if they followed the established procedures. He was confident that there would be no unwelcome surprises with the networks concerned.

3.45 The Board **agreed** to conclude on § 7 of Document RRB19-3/2 as follows:

“In considering § 7 of the Report of the Director on the review of findings to frequency assignments to non-GSO FSS satellite systems under Resolution 85 (WRC-03), the Board noted the significant delay in the review of certain cases. The Board instructed the Bureau to continue its efforts to reduce these delays in the review of the findings by:

- increasing the available human resources in examining the epcf limits under RR Article 22;
- improving the algorithm for the examination under RR No. 9.7B;
- improving the software by implementing WRC-19 decisions related to non-geostationary satellite systems subject to RR Article 22 and No. 9.7B, notably with respect to common input parameters contained in RR Appendix 4;
- implementing revisions of Rec. ITU-R S.1503, as developed by ITU-R Working Party 4A.

The Board further instructed the Bureau to report to the 83rd meeting of the Board on the progress on above-mentioned actions.”

Preliminary draft rule of procedure on items A.1.f.2 and A.1.f.3 in Annex 2 to Appendix 4 of the Radio Regulations (Addendum 2 to Document RRB19-3/2)

3.46 Following a meeting of the Working Group on the Rules of Procedure on Tuesday, 15 October, its Chairman, **Mr Henri**, reported that the group had considered in detail the preliminary draft rule of procedure contained in Addendum 2 to the report of the Director (see also § 4.4 of the Board’s Report on Resolution 80 (Rev.WRC-07) to WRC-19 in WRC-19 Document 15).

3.47 The Board **decided** that it would only be able to consider the appropriate course of action for the draft rule of procedure in question after the outcome of the consideration by WRC-19 of the definition of item A.1.f.2 was known (see § 1 of Annex 2 to WRC-19 Document 4(Add.2)).

Historical information about allocations to the space operation service (Addendum 3 to Document RRB19-3/2)

3.48 **Mr Vallet (Chief SSD)** recalled that the subject of classes of stations in the space operation service or providing space operation functions in the application of RR No. 1.23 was included, at the Board’s request, in § 3.1.3.7 of Part 2 of the Director’s report to WRC-19, which ended by inviting the conference to “provide guidance on the understanding to be chosen by default (i.e. when there is no document explicitly expressing the conference’s intent with regards to the regulatory link between the space operation service and space operation functions provided under other space services)”. That guidance would allow the Board to resume consideration of the subject. In the meantime, the Bureau had prepared Addendum 3 to Document RRB19-3/2, to explain how the difference between the space operation service and space operation functions had arisen. While the definitions had remained relatively stable since 1968, the historical research did not provide clear indications as to why the conference had decided to establish both a space operation service and space operation functions in the same frequency band. Hence the importance of the guidance on the understanding to be chosen by default requested from WRC-19.

3.49 **Ms Beaumier**, noting the interesting historical information provided in the annex to Addendum 2 and recalling that, at its 80th meeting, the Board had instructed the Bureau to conduct a historical analysis of the conference's decisions for each band, asked whether that was still the intention and whether the results would be available for the Board's 83rd meeting.

3.50 **Mr Vallet (Chief SSD)** confirmed that it remained the Bureau's intention to conduct a band-by-band analysis, but said that it would therefore be required to do two things: scrutinize the historical documents for the conference's underlying intentions in respect of its decisions, and consider the legal impact of those decisions. The analysis would therefore take some time.

3.51 The Board **agreed** to conclude on the matter as follows:

"The Board noted with appreciation the information provided in Addendum 3 to the Report of the Director on the historical information about allocations to the space operation service and further noted that the matter had been submitted to WRC-19 for consideration. The Board concluded that the matter should be further considered after WRC-19 to decide on appropriate action, if necessary."

Progress reports on ongoing coordination activities related to cases submitted to the Board (Addendum 4 to Document RRB19-3/2 and Corrigendum 1)

3.52 **Mr Vallet (Chief SSD)**, introducing Addendum 4 to Document RRB19-3/2 and its corrigendum, described developments in the two cases covered. The Administrations of France and Greece had held a first coordination meeting in May 2019 and would hold a second meeting, which the Bureau would attend, in December 2019. In addition, the Administration of France had confirmed that the frequency assignments to the ATHENA-FIDUS-38E satellite network at 38°E were not being used under Article 48 of the Constitution. The Bureau would be in a position to provide more information at the Board's 83rd meeting. The Administrations of Saudi Arabia and the United Kingdom, for their part, had concluded and ratified a technical agreement between the operators concerned, Avanti and ARABSAT. In a joint press release issued after the agreement had been signed, the operators had publicly thanked the Board for its assistance in the matter. Subsequent press articles had underscored the relevance of ITU's mechanisms and the Board's decisions.

3.53 **Mr Hoan, Mr Azzouz, Mr Talib, Mr Varlamov, Mr Borjón and Ms Beaumier** congratulated the administrations concerned for their efforts to conclude an agreement and commended the Bureau's work to support those efforts in a manner that was clearly in keeping with the ITU spirit. The successful outcome showed that the Board had been right to defer its decisions pending coordination between the administrations; its experience and qualifications had clearly had a positive impact on the process. They encouraged the Administrations of France and Greece to pursue their efforts to reach a successful conclusion at their coordination meeting in December 2019.

3.54 The **Director** thanked the Board for the role it had played in both cases. He had conveyed the outcome to the CEOs of several of the main satellite operators attending ITU TELECOM World 2019 and had observed the extent to which the visibility and credibility of both the Bureau and the Board were enhanced as a result.

3.55 The **Chairman** proposed that the Board conclude on the matter as follows:

"The Board noted with satisfaction the report on the coordination efforts of the Administrations of France and Greece and the Administrations of Saudi Arabia, acting as the notifying administration of the intergovernmental organization ARABSAT, and the United Kingdom as contained in Addendum 4, and its corrigendum, to the Report of the Director. The Board congratulated the Administrations of Saudi Arabia and the United Kingdom on the favourable outcome of their coordination efforts and expressed its appreciation for the support of the Bureau in this matter. The Board encouraged the Administrations of France and Greece to continue their coordination efforts in order to reach a similar satisfactory outcome and instructed the Bureau to continue to provide the necessary support to the two administrations and to report on the progress to the 83rd meeting of the Board."

3.56 It was so **agreed**.

Progress report on the activities concerning disputed territories (Addendum 6 to Document RRB19-3/2)

3.57 **Mr Vassiliev (Chief TSD)** said that the progress report contained in Addendum 6 recalled the instructions given by the Board to the Bureau at its 81st meeting. In fulfilment of those instructions, the Bureau had:

- a) compared the United Nations map and ITU Digitized World Map (IDWM) for the territories for which the Bureau had suspended processing of submissions and verified them against satellite images;
- b) identified the territories having a different status in the IDWM and United Nations map, i.e. those territories which had the status of disputed sovereignty in the United Nations map, but were under the jurisdiction of specific administrations in the IDWM;
- c) analysed other differences in the maps (other than disputed territories), including discrepancies in political borders;
- d) checked the frequency assignments recorded in the territories mentioned in b) above (that exercise was limited to terrestrial broadcasting assignments);
- e) contacted the United Nations Geospatial Information Section concerning the origin, basis and legal status of the United Nations map and clarified some discrepancies found in terms of localization of islands.

3.58 Commenting on those activities, he said with regard to a) that the Bureau had examined the case of several islands, revealing a number of differences between the United Nations map and the IDWM, in so far as some islands on each map did not correspond to real islands. It would be a lengthy process to seek to update the United Nations map if such was the intention. Regarding b), he noted that borders were represented on the IDWM as straight lines between two geographical points separated by a distance up to 10 km, whereas on the United Nations map the real border contours were depicted; several discrepancies between the two maps had been identified and would have to be fully investigated. Regarding c), he said that the tolerance and straight lines in the IDWM meant that there were many differences between the two maps. Regarding d), he noted that assignments recorded in the Master Register had rights, and extreme caution must be exerted before altering any borders if to do so might affect those rights. Lastly, regarding e), he said that discussions between the Bureau and the United Nations Geospatial Information Section had revealed that the United Nations map had not been updated in certain cases and did not always reflect high-level United Nations decisions. That was contrary to the Bureau's understanding and called into question the intention to replace the IDWM with the United Nations map. Indeed, it could be argued that the IDWM had greater legitimacy than the United Nations map, as the former was based on ITU international agreements and texts.

3.59 The report ended with an indication of the future work the Bureau envisaged, namely to thoroughly investigate, on a case-by-case basis, all the discrepancies identified, clarify ambiguous issues with the United Nations and further report on the actions taken to the March 2020 meeting of the Board.

3.60 **Mr Azzouz** said that the task facing the Bureau and Board was complex, and begged the basic question of how the Bureau should handle cases where there were discrepancies between the different maps, the countries sought to operate assignments in the areas concerned, and the Bureau's analysis accorded rights to one country rather than another. Moreover, if satellite images were to be used, how far back in time could they date in order to be deemed acceptable?

3.61 **Mr Hoan** welcomed the work carried out by the Bureau to produce the progress report and the working document on the Board SharePoint, dealing with what was a very sensitive matter, and the efforts made to clarify matters with the United Nations Geospatial Information Section. He shared the Bureau's concerns regarding the discrepancies between the maps involved, noting that neither the United Nations map nor the IDWM provided a solid legal basis for deciding to which countries certain territories belonged. He further noted that the Radio Regulations contained a clear disclaimer in No. 0.11 stating that "the application of the provisions of these Regulations by the International Telecommunication Union does not imply the expression of any opinion whatsoever on the part of the Union concerning the sovereignty or the legal status of any country, territory or geographical area." Nevertheless, any incorrect information in the IDWM could lead to misinterpretation and should therefore be corrected, bringing it into line with the United

Nations map, and any changes made to the United Nations map should be incorporated into the IDWM immediately. While understanding Mr Azzouz's concerns, he noted that the rules of procedure on Resolution 1 (Rev.WRC-97) provided useful guidance for the purposes of registering frequency assignments with the Bureau. As to the localization of certain islands, their status should be looked into carefully. Regarding assignments in disputed territories, the Bureau should consult administrations concerned, particularly the notifying administration, before taking any action; in so doing it should look into current and historical status. The Bureau should proceed on a case-by-case basis and report on matters to the next Board meeting.

3.62 **Mr Alamri** commended the Bureau on the work carried out on the very sensitive issue at hand. He noted that various discrepancies had been identified between the United Nations map and the IDWM other than disputed territories, including the ones in political borders mentioned in point C in the progress report of the Bureau on the activities concerning disputed territories as contained in Addendum 6 to the Report of the Director, but no details were provided about cases under this category. As administrations would face difficulties registering assignments in the areas concerned, the Bureau should provide the missing details with a view to aligning the two maps for both disputed and on-disputed territories and submit the results to the Board at its next meeting.

3.63 **Mr Varlamov** noted that not all cases of disputed territories were reflected in the working document available on the Board SharePoint, but should be. The Bureau should liaise with the United Nations Geospatial Information Section to clarify all cases. Given that the efforts made by the United Nations had borne little fruit, however, the Bureau and Board should identify a mechanism to effect the registration and coordination of assignments on a case-by-case basis regardless of the status of the territories concerned, recognizing that their main task was frequency assignment registration and the elimination of interference. The registration of assignments would likely prove more straightforward than coordination where disputed territories were concerned.

3.64 **Mr Talib** thanked the Bureau for the work carried out and documentation made available on a very sensitive issue, involving political, technical and practical issues over and above the alignment of the two maps – the question of borders, existence or not of islands, etc. Work to identify a general solution should continue at least until the Board's 83rd meeting, and if that proved impossible, cases would have to continue to be dealt with on their individual merits. The 212 cases left in abeyance (see Note 2 to Table 4 in Annex 2 to Document RRB19-3/2 and § 3.10 above) should be dealt with case by case and the results reported to the Board at its next meeting.

3.65 **Ms Hasanova** added her thanks to those addressed to the Bureau and endorsed previous speakers' comments regarding the sensitivity of the issue. In some cases it would simply not be possible to register assignments where territories were disputed. The Bureau should proceed case by case and report to the Board at its next meeting.

3.66 **Mr Azzouz** said that the Bureau should continue to process submissions, using the IDWM when territories were disputed. With that approach, one country only would be able to register assignments on any given territory; problems would arise, not with regard to registration, but if and when interference was caused between the stations concerned. Thus, work should continue to identify a mechanism to deal with interference if it arose in regard to such stations, rather than to handle the registration of frequencies on disputed territories. He failed to see how ITU could resolve problems regarding disputed territories if the United Nations could not do so.

3.67 The **Director** said that the extremely complex matter under discussion was essentially political rather than technical. With the official map, there was no doubt as to the sovereignty of countries, but problems arose because certain territories were *de facto* disputed territories, but they were not recognized as such by the countries claiming them. Therefore, even if a mechanism was developed to deal with disputed territories, it would serve no purpose if countries did not consider that a territory was disputed. That was why the Bureau proposed a case-by-case approach, dealing with less complicated cases first, then the more complex, in the hope of eventually deriving a solution that was acceptable to all parties. He hoped that proposals would be developed in time for the Board's 83rd meeting and point to a possible way forward.

3.68 **Mr Vassiliev (Chief TSD)** confirmed that the case-by-case approach appeared to be the most pragmatic. The Board's discussion of the matter was very useful, not least because implementation of the Board's instructions from the last meeting to align the United Nations map and the IDWM had led the Bureau to the realization that the former had greater resolution and to the identification of questions that needed to be addressed. Once areas of uncertainty regarding the status of certain disputed territories had been resolved, it was hoped that a mechanism could be developed to deal with them. There appeared basically to be two options. Regarding disputed territories identified as such and for which the countries concerned agreed that they could all notify assignments, ITU could record those assignments, with a disclaimer, as already provided for by the Rules of Procedure. Where there was no such agreement, ITU would not accept notifications, as it could not involve itself in the disputes. Addressing Mr Talib's comments, he said that the 212 cases left pending involved terrestrial assignments, but there were also issues relating to 28 earth stations that had to be resolved in regard to the identification of the countries affected when the coordination contour overlapped with disputed territories.

3.69 **Mr Azzouz** stressed that the focus should be on resolving cases that had been brought to the Bureau's attention, rather than cases that had not.

3.70 **Mr Vassiliev (Chief TSD)** said that efforts to align the United Nations map and the IDWM had inevitably led to the investigation of all discrepancies between the two, not merely territories for which the Bureau had suspended processing of submissions.

3.71 Following various comments by the **Director, Mr Alamri** and **Mr Vassiliev (Chief TSD)** regarding the relative precision of the United Nations map and IDWM, the possible preference of one over the other, and the desirability of aligning them (the United Nations map having a scale of 1/1 million, the IDWM being accurate down to a distance of 10 km), **Mr Botha (SGD)**, who had been involved in discussions between ITU and the United Nations Geospatial Information Section, said that it was not simply a question of the degree of precision or accuracy of the two maps. In some instances agreements had been reached between countries involved in disputed territories (or "areas of unsettled sovereignty", as the United Nations referred to them), and the IDWM needed to be updated to reflect those agreements. In other instances, the IDWM had been modified but the changes were not reflected in the United Nations map. As part of the present exercise, steps could therefore usefully be taken to update both maps, and the United Nations Geospatial Information Service was amenable to examining where the United Nations map could usefully be updated.

3.72 **Mr Henri**, endorsing the Director's earlier comments, said that the present exercise should be fully investigated with extreme caution and further reviewed at the Board's 83rd meeting and subsequent meetings, as necessary. To his understanding, relatively few assignments were affected, but the cases were inevitably very sensitive and the Bureau and the Board would have to address them. He was confident that a way forward would be found, possibly through alignment of the two maps to the maximum extent possible, and for more complex situations through a case-by-case and thorough investigations.

3.73 **Mr Varlamov** said that practical approaches should be adopted wherever possible. For example, where a precision of 10 km was sufficient for the purposes of calculating compatibility between stations, there was no point in seeking a precision of 1 km, as that would only increase calculation times and possibly require the alteration of software programs. Account should also be taken of the relevant rules of procedure when it came to identifying coordination requirements for the terrestrial stations of satellite services, i.e. when there was a coordination contour overlap of less than 5 per cent, no coordination was required.

3.74 The **Chairman** suggested that the Board conclude on the matter as follows:

"The Board considered in detail the progress report of the Bureau on activities concerning disputed territories as contained in Addendum 6 to the Report of the Director and expressed its appreciation for the efforts of the Bureau. The Board instructed the Bureau to continue its efforts to find solutions for this matter and for a possible alignment of the IDWM and UN map. In doing so the Bureau should:

- follow a case-by-case approach to find solutions for the registration in the MIFR of notified assignments located in disputed territories with a view that a more general approach could be proposed, if possible, including the possible review of the rule of procedure on Resolution 1 (Rev.WRC-97);

- evaluate the discrepancies between the IDWM and the UN map, which could include both disputed and non-disputed territories, and develop proposals for aligning them.

The Board further instructed the Bureau to report progress on these efforts to the 83rd meeting of the Board.”

3.75 It was so **agreed**.

4 Rules of procedure (Documents RRB19-3/1 (RRB16-2/3(Rev.12)) and Circular Letter CCRR/63)

List of rules of procedure (Document RRB19-3/1 (RRB16-2/3(Rev.12)))

4.1 The Chairman of the Working Group on the Rules of Procedure, **Mr Henri**, introduced the list of rules of procedure set out in Document RRB19-3/1 (RRB16-2/3(Rev.12)), which included two uncompleted items and marked the end of a cycle between two conferences. He proposed that the Board approve the new rule of procedure on RR No. 5.458 (see § 4.3 and 4.4 below) and transfer the remaining uncompleted item to a new list of rules of procedure that would take into account the results of WRC-19 for consideration at its 83rd meeting.

4.2 The Board **agreed** to conclude on the matter as follows:

“The Board noted the list of proposed rules of procedure in Document RRB19-3/1 and instructed the Bureau to prepare for the 83rd meeting of the Board a document on a new list of proposed rules of procedure for the period 2020 to 2023 and to transfer the uncompleted item on the proposed draft rule of procedure on Annex 2 of RR Appendix 4 to the new list.”

Draft rules of procedure (Circular Letter CCRR/63)

4.3 **Mr Vallet (Chief SSD)**, introducing the draft revised rule of procedure on RR No. 5.458 annexed to Circular Letter CCRR/63, said that the Bureau had received no comments from administrations on it.

4.4 The draft revised rule of procedure was **approved**, with effective date of application immediately after approval.

5 Requests relating to extension of the regulatory time-limit to bring or bring back into use the frequency assignments to satellite networks: Submission by the Administration of Indonesia requesting an extension of the regulatory period to bring back into use the frequency assignments to the GARUDA-2 (123^oE) satellite network (Documents RRB19-3/3 and RRB19-3/DELAYED/1)

5.1 **Mr Sakamoto (Head SSD/SSC)** introduced Document RRB19-3/3, in which the Administration of Indonesia requested that the suspension of the frequency assignments to the GARUDA-2 (123^oE) satellite network be extended to 1 November 2024 on the grounds of the country’s unique geographical situation. According to the Indonesian Administration, its efforts to bring the frequency assignments back into use, to find a replacement satellite in orbit or to launch a smaller satellite for the interim period, and to manufacture and launch a large satellite had been fruitless.

5.2 Turning to Document RRB19-3/DELAYED/1, taken up by the Board for information, he said that the Administration of the United Arab Emirates expressed sympathy for the plight of Indonesia but contended that the facts presented by the latter did not appear to meet the conditions for granting an extension: no evidence had been presented of significant efforts to find a replacement satellite or of *force majeure* events that would have made it impossible to launch a replacement satellite, and no replacement plan had been initiated until 2015, three years after the design end-of-life target.

5.3 The **Chairman** pointed out that the Indonesian Administration had invoked neither *force majeure* nor co-passenger delay, meaning that the Board did not have the authority to grant an extension. She further pointed out that the Indonesian Administration had submitted the case to WRC-19 (see Document 35 (Add. 25)).

5.4 **Mr Alamri** agreed that the case did not meet the conditions of *force majeure* or co-passenger delay where the Board has the authority to grant an extension. In addition, he noticed that those frequency assignments initially brought into use by Garuda-1 satellite in 2000 until the life time of the satellite in 2015, and then in orbit satellite was leased to provide services until Nov 2017 before the suspension took place. He said that between the initial bringing into use in 2000 and the suspension in 2017, the Indonesian Administration had apparently made no plans for a replacement satellite. He also mentioned that, in general, the Board in their decisions should be careful not to encourage spectrum warehousing especially at those limited frequency bands like those for MSS over L band.

5.5 **Mr Azzouz** agreed with the previous speaker and proposed that the Bureau maintain the frequency assignments until the final day of WRC-19.

5.6 The **Chairman** said that there was no need to stipulate that the frequency assignments should be maintained until the end of WRC-19, given that the Bureau would not cancel them until the end of the regulatory period, in 2020.

5.7 **Mr Hoan** agreed with the Chairman's analysis of the case but stressed that the request of the Indonesian Administration invoked Article 44 of the Constitution, not *force majeure* or co-passenger delay.

5.8 **Ms Beaumier** expressed sympathy for the challenges facing the Indonesian Administration as there are not many L band satellites in orbit that can serve as replacement and they are complex to build, but noted that there was little information provided on what the administration had done to remedy the situation since 2015, when the Garuda-1 satellite had failed. Planning for a replacement should have started at some point, even if the satellite's lifetime was extended for as long as possible. She considered that it would be difficult for the Board to grant such an extension based on the information available. In these circumstances, WRC-19 would have greater latitude to consider this request.

5.9 **Mr Talib** agreed with previous speakers. It was a matter of coincidence that the case had been raised just before a world radiocommunication conference, and it was not for the Board to submit it to WRC-19.

5.10 **Ms Hasanova**, noting that the suspension dated to 2017, wondered why the Administration of Indonesia had not submitted its request earlier. Given that it had also submitted a request to WRC-19, she agreed with the Chairman's assessment of the case.

5.11 **Mr Varlamov** noted that the Board had considered similar cases at its 81st meeting, the only difference being that, in the present case, it would not ask the Bureau to maintain the frequency assignments until the end of WRC-19, as they expired at a later date. In his view, the Board was not, at the present time, in a position to grant an extension. He stressed the words "at the present time" because, in its report to WRC-19 under Resolution 80 (Rev.WRC-07), the Board drew attention to the requests it received from developing countries and asked the WRC for guidance on how it should respond. It was quite possible that WRC-19 would return the case to the Board, for it to consider in the light of that guidance

5.12 **Mr Sakamoto (Head SSD/SSC)** said that while overall the period of suspension would expire on 1 November 2020, in the case of some bands it would expire on 29 December 2019 because the requests for their suspension had been filed late and the relevant penalty had therefore been imposed.

5.13 **Mr Henri**, noting that the period of suspension for most of the frequency assignments would expire by 1 November 2020, said that it was premature for the Board to decide to extend that period as the Indonesian Administration might find and place in orbit an appropriate satellite in the meantime. In view of the fact that the Administration of Indonesia had submitted the case to WRC-19, and notwithstanding that Article 44 of the Constitution was indirectly intended to provide a series of valid reasons for granting extensions and might therefore theoretically serve as a basis for an extension by the Board, he considered that the submitted information was however missing reasons for the Board to confidently review the request

and therefore concluded that the Board was not in a position to accede to the request of the Indonesian Administration.

5.14 **Mr Borjón**, while sympathetic to the difficulties faced by the Indonesian Administration because of the country's geographical situation, stressed that such difficulties were dealt with in Article 44 of the Constitution and Resolution 80 (Rev.WRC-07). The Board's authority was limited to cases involving *force majeure* and co-passenger delays; it was therefore not in a position to grant an extension in the present case. When WRC-19 addressed the case, it should consider not only the country's needs but also the critical need to avoid spectrum warehousing. The Indonesian Administration was within its rights to submit the case to WRC-19, but should be encouraged to provide more information to sustain its point of view.

5.15 The **Chairman** suggested that the Board conclude on the matter as follows:

"The Board considered Document RRB19-3/3 from the Administration of Indonesia and considered Document RRB19-3/DELAYED/1 from the Administration of the United Arab Emirates for information.

The Board indicated its sympathy with the Administration of Indonesia for the difficulties encountered and noted that:

- replacement satellites in the L-band are difficult to find;
- the Administration of Indonesia had invoked CS Article 44 and CS 196 in its request for an extension of the regulatory period to bring back into use the frequency assignments to the GARUDA-2 (123°E) satellite network, in relation to the special needs of developing countries and the geographical situation of particular countries;
- the Administration of Indonesia had already submitted this request also to WRC-19 (see Document CMR19/35(Add.25));
- currently, the authority of the Board was limited to grant extensions to the regulatory period to bring or bring back into use frequency assignments to a satellite network for cases of *force majeure* or of co-passenger delay.

The Board concluded that it was not within the authority of the Board to accede to the request from the Administration of Indonesia."

5.16 It was so **agreed**.

6 Requests relating to extension of the regulatory time-limit to bring or bring back into use the frequency assignments to satellite networks: Submission by the Administration of the Russian Federation requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the INTERSPUTNIK-98E-F satellite network (Document RRB19-3/5)

6.1 **Mr Wang (Head SSD/SNP)** introduced Document RRB19-3/5, in which the Administration of the Russian Federation, acting in its capacity as notifying administration for IOSC Intersputnik, requested the Board to grant a 10-month extension to the regulatory time-limit for the bringing into use of frequency assignments to satellite network INTERSPUTNIK-98E-F on the grounds of co-passenger delay, for the reasons set out in the document. The Administration of the Russian Federation noted *inter alia* that the change of launch window leading to the request had arisen directly from co-passenger issues, for which WRC-12 and WRC-15 had authorized the Board to grant limited and qualified regulatory extensions; the light-weight spacecraft involved made it economically unviable to launch on its own; and efforts by Intersputnik to find other options for a joint launch with another spacecraft had proved unsuccessful. Annexes 2 and 3 to the document contained correspondence from Saturn Satellite Networks Inc. to Intersputnik bearing out that the initial launch window had been changed from 1 May 2020-25 June 2020 to 1 October 2020-31 March 2021 for reasons relating to co-passenger issues.

6.2 **Mr Mchunu** said that the Russian Federation's submission on behalf of Intersputnik appeared to provide clear and complete information justifying its request for what was a qualified and limited extension based on co-passenger delay, and WRC-12 and WRC-15 had explicitly authorized the Board to grant such extensions. He noted that the related Resolution 49 information was to be submitted once the Board had decided on the request. He therefore considered that the Board should accede to the request.

6.3 **Ms Hasanova, Mr Alamri, Mr Talib, Mr Hoan and Mr Azzouz** agreed with Mr Mchunu. So, too, did **Mr Borjón**, who said that the Russian Federation was to be commended on the clarity and completeness of its request.

6.4 In answer to a query by **Ms Beaumier, Mr Wang (Head SSD/SNP)** said that the Bureau had received the related Resolution 49 information. He confirmed that the information is consistent with that given in the document now before the Board.

6.5 **Ms Beaumier** said that she would have preferred to know the contents of the Resolution 49 information, and indeed to have been provided with more information than that contained in Document RRB19-3/5 and its annexes, in order to understand the precise sequence of events and their dates and thus ensure that the time-limited extension was fully justified. Other requests to the Board had contained far more information, for example the name of the satellite manufacturer, details on the satellite and when contracts were signed, etc. She saw no reason not to grant the extension requested, but suggested that the Board might establish minimum requirements in terms of the information that should accompany such requests in the future.

6.6 **Mr Henri** said that he understood Ms Beaumier's concerns on the lack of more precise information on the status of the satellite. In the present case, however, it appeared evident that, but for the co-passenger issue, the launch of Intersputnik's spacecraft would have gone ahead as planned. He therefore saw no objection to acceding to the request submitted by the Administration of the Russian Federation.

6.7 The **Chairman** suggested that the Board conclude on the matter as follows:

"The Board considered the request from the Russian Federation in Document RRB19-3/5 and indicated that more detailed information on the satellite project (date of procurement, current status of the satellite) would have been appreciated. The Board noted that:

- the Russian Federation was acting as the notifying administration on behalf of the intergovernmental organization Intersputnik;
- the request qualified to be considered as a case of co-passenger delay and as such was within the authority of the Board to be considered;
- the request for the extension of the regulatory time-limit to bring into use the frequency assignments to the INTERSPUTNIK-98E-F satellite network was for a qualified and limited period of ten months.

Consequently, the Board decided to accede to the request from the Russian Federation to grant an extension to the regulatory period to bring into use the frequency assignments to the INTERSPUTNIK-98E-F satellite network until 29 April 2021."

6.8 It was so **agreed**.

7 Submission by the Administration of China requesting an appeal to the decision of the Board concerning the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks in the MIFR (Document RRB19-3/4)

7.1 **Mr Loo (Head SSD/SPR)** introduced Document RRB19-3/4, submitted by the Administration of China, and summarized all the points provided in the document for an appeal against the decision of the Board during its 81st meeting to suppress the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks in the MIFR.

7.2 The **Chairman** said that, before discussing the submission in substance, the Board must decide whether or not it could consider an appeal against a decision it had taken. In her view, having regard to RR No. 14.6 and § 3.3 of Part C of the Rules of Procedure on the Board's internal arrangements and working methods, the Board could not do so, and the administration would have to submit its appeal to WRC-19. To her understanding, it had in fact done so.

7.3 **Mr Azzouz** said that substantively the case involved a very difficult issue for which a general rule should perhaps be developed. It should be borne in mind that, before investing in the launch of new satellites, administrations and the operators concerned obviously examined whether or not the assignments involved could be regarded as stable entries in the MIFR. A further consideration related to how the Board would handle any similar case submitted to it depending on whether or not a WRC was imminent. If such a conference was not imminent, he presumed the Board would not forward the case to it. He noted that WRC-19 would discuss the application of RR No. 13.6 under its consideration of the Board's report under Resolution 80 (Rev.WRC-07), and the Board obviously could not foresee the outcome of those discussions. Rather than cancelling the assignments in question at its 81st meeting, the Board should perhaps have deferred its decision to its 83rd meeting, taking it in the light of the outcome of the conference. To his knowledge, it was the first time the Board had been required to decide whether or not to cancel assignments that were actually operational.

7.4 The **Chairman** requested Board members to focus on whether or not it could even consider the appeal against its decision, and reiterated that in her view it could not.

7.5 **Ms Beaumier** agreed with the Chairman that, under the Board's working methods and in the light of Article 14 of the Radio Regulations, the Board could not consider an appeal against one of its own decisions. That surely was a matter for a different body, i.e. the WRC. She had nevertheless read the submission carefully to ascertain whether or not it contained any new information that might have a significant bearing on the decision taken by the Board at its 81st meeting, in particular in regard to when the different satellites (ASIASAT 4 and 9) had been present at 122°E and their capacity to operate the assignments in question; she had concluded that the submission contained no new information in that regard. The various aspects of the case had been discussed at considerable length at the 81st meeting, including the application of No. 13.6, and she saw no reason to reopen the debate. The question of retroactivity remained a source of confusion, and would presumably be discussed at WRC-19. Indeed, the fundamental argument put forward by the Administration of China was that the Board appeared to have been guided by new principles, a contention that might imply that the Board's decision had involved retroactivity and that was a matter of interpretation of the concept of retroactivity. The submission also referred to the fact that cancellation of the assignments in question did not reflect the actual use of the orbit and frequencies. In her view, however, the Board had had no choice but to cancel the assignments in application of the Radio Regulations. Only the WRC was competent to decide otherwise, and indeed she hoped it would. As had been discussed by the Board in relation to its Resolution 80 report and application of No. 13.6, when it came to the cancellation of assignments for non-compliance with the Radio Regulations in the past, the basic dilemma was what date could be associated with the assignments going forward if they were to be retained in the MIFR to reflect their actual use.

7.6 **Mr Talib** said that the question of the receivability of the appeal against the decision taken by the Board at its 81st meeting was a legal matter, and he had found no legal provisions that helped clarify that question. It was nevertheless a matter of good sense that appeals against decisions taken by the Board should be receivable. If a matter was to be referred to the WRC, the question of timing had to be considered: for the Board at its present meeting to refer a case to the WRC was reasonable, given that the conference was imminent, whereas it would be unreasonable for the Board to do so at its 83rd meeting. With that in mind, he welcomed the fact that the Board had assumed its responsibilities and taken a decision on the case at its 81st meeting. If the Board now decided to forward the appeal to the WRC, it would simply be because the conference was imminent. Notwithstanding the question of retroactivity and the disadvantages of cancelling frequencies recorded in the Master Register, the case appeared to involve the first time frequencies recorded in the Master Register were being cancelled. Lastly, the fact that the case had been discussed at considerable

length at the Board's 81st meeting did not mean it should not be rediscussed at the present meeting based on Document RRB19-3/4.

7.7 The **Chairman** noted that the Board had taken a decision on the case at its 81st meeting, but had not decided to refer it to the WRC; China was doing so, in the form of an appeal. The Board could certainly discuss the subject, but could not formally reopen its decision, as its decisions were final, but could be appealed to the WRC.

7.8 **Mr Mchunu** wondered whether the Board had found itself in the same situation regarding any other cases in the past. He considered that § 3.3 of Part C of the Rules of Procedure was unequivocal in indicating that the Board's decision was final and any appeal against it should be submitted to the WRC.

7.9 The **Director** said that the Bureau's position was that Board decisions were final for the Bureau and the Board, and that any administration seeking review of a Board decision must take it to the WRC. Such had been the practice in the past.

7.10 **Mr Alamri** said that the case before the Board was extremely sensitive and required very careful handling. He would very much like to hear the ITU Legal Adviser's opinion on the receivability of appeals regarding Board decisions, and in principle he saw no real impediment to the Board reconsidering at least once a decision it had taken if there are additional information submitted which were not taken into account when considering the matter initially, notwithstanding § 3.3 of Part C of the Rules of Procedure. Moreover, he wondered how the Board would handle a case similar to China's if it were submitted to the Board just after WRC-19: surely it would not refer it to WRC-23? The Board could not allow the timing of WRCs to influence the decisions it took, but must adopt the same approach to all cases.

7.11 **Mr Henri** considered that, as a matter of principle, any administration should be able to question a decision taken by the Board and provide new or additional information with a view to reopening the case. Having said that, China's submission to the present meeting contained no new information vis-à-vis the information submitted to the Board's 81st meeting. The Board had taken the decision to cancel the assignments concerned, and for practical reasons had instructed the Bureau to continue to take them into account in the Master Register until the last day of WRC-19. If similar cases were placed before the Board in the future but three or four years before a WRC, the Board would analyse the case on its own merit and may decide to instruct the Bureau to cancel the relevant entry in the Master Register and therefore no longer take them into account; if the administration concerned raised the matter at a subsequent conference and the latter decided to reinstate the assignments, the Bureau would implement those instructions. The decision taken by the Board at its 81st meeting had been perfectly coherent, in conformity with the Radio Regulations and its associated Rules of Procedure. China's insistence that the orbital position concerned had always been occupied by a satellite had no relevant bearing on the fact that the assignments cancelled had not been in use for a period of over 21 months prior to the arrival of ASIASEAT 9. There was therefore no justification for reopening the case.

7.12 **Mr Hoan** asked whether the Bureau was aware of any other similar case in the past in which the Board had had to deal with an appeal against a decision it had taken.

7.13 **Mr Vallet (Chief SSD)** said that, to his recollection, the Board had not dealt with an appeal against a decision it had taken, but had reopened a case when the administration concerned had submitted new information.

7.14 **Ms Beaumier** said that it would set a dangerous precedent if the Board agreed to reopen decisions it had taken further to an appeal that did not involve the submission of any new information. She recalled that, at WRC-12, within the context of the amendment of No. 13.6, the possibility of allowing appeals had been discussed and rejected, the Board's view being that the process could be never-ending and would considerably slow the Board's work. There had thus been good reason for the provisions in No. 14.6 and § 3.3 of Part C of the Rules of Procedure. Regarding cases involving the cancellation of assignments submitted to the Board for decision just after a WRC, she said that the Board's report to WRC-19 under Resolution 80 (Rev. WRC-07) requested the conference to provide guidance, and she hoped the conference would do so. It would be ideal to have alternatives to cancellation, and some administrations were submitting proposals in that

regard. The present regulatory regime might change at some point. As it stood, however, No. 13.6 clearly called for the cancellation of assignments under the conditions it set forth, and more cases might have to be considered than in the past as investigations became more extensive.

7.15 **Mr Azzouz** said that, given the views expressed on the receivability of the appeal, he would not insist on making the full statement he had intended to make to the present meeting.

7.16 **Mr Varlamov** said that it was clear from RR Article 14 and No. 14.6 in particular, and § 3.3 of Part C of the Rules of Procedure, that the Board's decision was final. He also noted that, in the past, at the request of administrations, the WRC had reviewed and overturned decisions taken by the Board, for example with regard to rules of procedure on No. 9.36, requiring the revision of findings following WRC-03. Thus there was nothing to prevent the WRC from reviewing a Board decision at the request of an administration. Regarding the case now before the Board, he noted that China made no mention of specific frequencies whereas the Board's decision had involved the cancellation of specific frequencies, and he therefore considered that no new information was being provided. With regard to future cases of the same kind, the Board should deal with them case by case as and when they arose, and should not attempt to decide how to deal with them in advance.

7.17 **Mr Borjón** said that the case before the Board had been discussed at great length at the Board's 81st meeting, and legal advice he had received had confirmed that the decision taken by the Board did not involve retroactivity. It was also clear that Board decisions were final, and there was therefore no need to receive legal advice on that aspect of receivability. The question then arose as to what made a decision "final". To his understanding a decision was and remained final unless a new fact emerged subsequently that had not been taken into account at the time the decision had been taken and that called into question the finality of the decision taken – i.e. a supervenient fact or event. The submission from China contained no evidence of any such fact or event, but simply reiterated the reasoning presented to the Board at its 81st meeting. There were therefore no grounds for the Board to examine the appeal by China. He nevertheless noted that the Board's examination of the issue at its 81st meeting had provided valuable input to its report under Resolution 80.

7.18 **Ms Hasanova** said that even if a network was currently in operation, all administrations must comply with the Radio Regulations. Moreover, no new information had become available justifying the Board's reconsideration of its previous decision, which had been made in full conformity with the Regulations. With the WRC imminent, it might be hoped that the conference would review China's case favourably.

7.19 **Mr Hoan** said that, notwithstanding § 3.3 of Part C of the Rules of Procedure the Board could, as in the past, envisage reopening one of its decisions if an administration submitted new information justifying such a course of action. China's submission to the present meeting, however, contained no such new information, and the Board therefore could not reopen the case. All of the points raised in China's present submission had been discussed by the Board, including the status of the MIFR and operational satellites. In that regard, he also recalled the Board's discussions concerning the ASIASAT-CK and ASIASAT-CKX satellite networks at its 69th meeting and concerning INTELSAT networks at its 78th meeting. The comments by Mr Strelets quoted by China in § 3 of Document RRB19-3/4, taken from the minutes of the Board's 78th meeting, were general comments which the Chairman of the Board had said would be borne in mind when the Board discussed No. 13.6 in general terms; they could not be construed as enshrining a principle established by the Board. The Board's decision had been based on comprehensive discussion of the matter, and had included the decision to retain the assignments in the MIFR until the end of WRC-19. He also noted that China was submitting an appeal to WRC-19 regarding the Board's decision. It might be hoped that the conference would decide favourably on China's appeal, and the conference's decision would likely set a precedent for similar cases in the future.

7.20 **Mr Alamri** said that Board members should regard all difficult cases as an opportunity to improve the Regulations and procedures guided by the principles of the ITU Constitution, Convention and Radio Regulations, thinking and acting proactively. For example, it should give very careful and focus its priority in consideration to whether a frequency assignment that had been registered long ago but had not been operated for 21 months retained the rights bestowed on it by its recording in the MIFR because the Bureau

had not questioned it. He also noted that, in issuing Circular Letter CR/301 in 2009, the Bureau had only examined whether or not satellites had been physically present and in operation at given orbital positions, but had not checked that assignments were actually in operation, for how long their use had been suspended, etc. The Bureau has started in 2014 to verify the exact frequency bands on board satellites. Accordingly, there can still be discrepancies between what is recorded in the MIFR and what has been brought into use or is in actual use. Now was perhaps the right time to effect such a check, but after informing administrations in advance by circular letter of the new approach with transition period for applying this approach so that they were well aware of it when taking decisions to invest in new satellites, and also to address all cases falling under this category in more practical way and in fair manner. He noted that questions had only been raised regarding the operation of China's assignments at 122°E because China had informed the Bureau of its intentions regarding the operation of satellite ASIASAT 9. If questions had not been raised, the assignments in question would have remained in the MIFR. The exercise he proposed would be perfectly in line with the objectives of keeping the MIFR updated and ensuring the rational, efficient and economic use of the spectrum and orbit resources.

7.21 **Mr Azzouz** supported Mr Alamri's proposal.

7.22 The **Chairman** noted that the Bureau had also sent out Circular Letter CR/343, regarding the implementation of provisions relating to the bringing into use and suspension of frequency assignments to space stations in the geostationary-satellite orbit. If a circular letter was to be sent out along the lines proposed, it would be advisable to await the outcomes of WRC-19, as they might have a bearing on the exercise.

7.23 The **Deputy Director** noted that Circular Letter CR/301 was still in force.

7.24 **Mr Vallet (Chief SSD)** said that the exercise called for by Mr Alamri was feasible and would take around six months to carry out.

7.25 **Mr Varlamov** said that the exercise proposed was extremely ambitious, especially if it was to cover all services and bands and presumably apply to both GSO and non-GSO. He also noted that monitoring stations did not cover all services and uses. Even if the exercise was limited to certain services, he feared it would give rise to a host of questions, undermine confidence in the MIFR, and result in an enormous workload for WRC-23 as administrations reacted to its outcome and submitted appeals. The entire debate related to the operation of real satellites. In the case of the Chinese networks, the Board had had no choice but to suppress the assignments, but that was why administrations had the right to appeal to the WRC. A satellite was present and would continue to operate at the orbital position in question. If the exercise was to be carried out at all, it should be limited to certain services and bands.

7.26 **Ms Beaumier** said that, based on the views expressed, it might be better to issue a more generic circular letter informing administrations of the manner in which the Bureau conducted investigations and checked the use of assignments. It would allow administrations to make an informed decision about pursuing plans to invest in a satellite and taking the risk that the rights associated with the recorded assignments might be called into question if it became apparent that the assignments had not been in use for a given period. She noted that the Board alluded to the matter in its report under Resolution 80 to WRC-19 but a circular letter is a better vehicle to raise awareness with administrations.

7.27 **Mr Varlamov** said that if a generic circular letter was to be sent out as suggested, it would be better to issue it after the conference so that the latter's output was taken into account, as appropriate.

7.28 **Mr Alamri** said that a generic circular letter as suggested would not solve the fundamental problem of assignments recorded in the Master Register not being used for 21 months but nevertheless continuing to enjoy the associated rights indefinitely and thereby depriving other administrations of their use. Thought could be given to checking the use of assignments in certain services which are congested, for example FSS, MSS and BSS for GEO satellite networks.

7.29 **Mr Varlamov** again warned that if such an investigation was carried out, future meetings of the Board and considerable time at the WRC might have to be devoted almost exclusively to examination of the results of the investigation. An alternative might be to say that a new approach would apply henceforth, i.e.

past failure to comply with provisions regarding the use of assignments would be overlooked, but from now on assignments would be cancelled if their use was not confirmed following a period of 21 months. The Board and Bureau must nevertheless be practical in their approach, recognizing that over the life-time of a satellite network numerous factors could vary, including the use of specific bands, transponders, power levels and so forth, and that it was simply not possible to control everything 100 per cent.

7.30 The **Chairman** said that any approach must be carefully thought out and founded on solid regulatory grounds. She therefore suggested that the Board retain the idea of a generic circular letter to be issued after WRC-19.

7.31 **Mr Borjón** supported the Chairman's suggestion, adding that any far-reaching investigation must bear in mind the terms of RR No. 13.6, which required investigations to be based on "reliable information available".

7.32 **Mr Alamri** agreed with the Chairman's suggestion: a circular letter should be drawn up by the Bureau advising administrations that their recorded assignments must reflect operational use, and referring to the Bureau's present capabilities in terms of conducting investigations.

7.33 The **Chairman** suggested that the Board conclude on the matter as follows:

"The Board considered in detail the request from the Administration of China as contained in Document RRB19-3/4 and noted that appeals to decisions of the Board should be submitted to a world radiocommunication conference (see RR No. 14.6 and § 3.3 of Part C of the Rules of Procedure on the internal arrangements and working methods of the Radio Regulations Board). The Board further noted that:

- the submission contained in Document RRB19-3/4 did not provide new information that would have had an impact on the decision of the Board during its 81st meeting;
- the Administration of China has already submitted to WRC-19 an appeal to the decision of the Board (see Document CMR19/28(Add. 22)).

Consequently, the Board concluded that it could not accede to the appeal from the Administration of China to the Board to reconsider its decision.

The Board recognized the difficulties encountered in the application of RR No. 13.6 and re-emphasized the relevance of § 4.7 of the Report on Resolution 80 (Rev.WRC-07) to WRC-19 (see Document CMR19/15). Furthermore, the Board decided to instruct the Bureau to issue a circular letter which complements the information in Circular Letters CR/301 and CR/343. This circular letter should explain the general practice of the Bureau, including its current capabilities to verify the frequency bands on-board satellites, in the application of RR No. 13.6 and the detail of the types of information that administrations could provide when requested for clarification under this provision. This circular letter should also take into account the decisions of WRC-19 on this matter, as appropriate."

7.34 It was so **agreed**.

7.35 **Mr Hashimoto** said that various aspects of the case, not least the fact that it involved assignments that were currently operational, meant that he had some sympathy with the Chinese Administration. Nevertheless, cancellation of the networks constituted correct application of No. 13.6, and § 4.7 of the Board's report to WRC-19 under Resolution 80 (Rev.WRC-07) accurately reflected the problems encountered in implementing that provision. He could therefore give his overall support to the conclusion reached.

8 Preparation and arrangements for RA-19 and WRC-19

8.1 Following a discussion of its arrangements for RA-19 and WRC-19, the Board **agreed** to conclude on the matter as follows:

"The Board discussed and agreed arrangements for RA-19 and WRC-19, and decided to have daily meetings during WRC-19. The Board assigned members to follow different WRC-19 agenda items and also identified

spokespersons for specific agenda items. The Board also emphasized the role and conduct of the Board members during a WRC.

The Board further decided to prepare a corrigendum to § 4.3.4 of the Report on Resolution 80 (Rev.WRC-07) to WRC-19 to identify minimum information requirements for the submission of requests for extension of the regulatory time limit to bring or bring back into use frequency assignments to satellite networks in cases of co-passenger delay.”

9 Election of the vice-chairman for 2020

9.1 Having regard to No. 144 of the ITU Convention, the Board **agreed** that Ms C. BEAUMIER, Vice-Chairman of the Board for 2019, would serve as its chairman in 2020.

9.2 The **Chairman** reminded the Board that its vice-chairman for 2020 would be elected from among the Board members from Region C.

9.3 **Ms Hasanova** said that she and Mr Varlamov had agreed to put forward his candidacy for vice-chairman of the Board.

9.4 The Board **agreed** to elect Mr Varlamov as its vice-chairman for 2020 and thus as its chairman for 2021.

9.5 **Mr Varlamov** said that he considered it a great honour to represent Region C and expressed gratitude to Ms Hasanova for their close collaboration.

10 Confirmation of the dates of the 83rd meeting of the Board and indicative dates for future meetings

10.1 The Board **agreed** to confirm the dates for its 83rd meeting as 23-27 March 2020 and to tentatively confirm the dates of its subsequent meetings in 2020 and 2021 as:

84th meeting	6-10 July 2020
85th meeting	19-27 October 2020
86th meeting	22-26 March 2021
87th meeting	12-16 July 2021
88th meeting	1-5 November 2021

11 Approval of the summary of decisions (Document RRB19-3/6)

11.1 The Board **approved** the summary of decisions as contained in Document RRB19-3/6.

12 Closure of the meeting

12.1 The **Chairman**, noting that the present meeting was her last as Chairman of the Board, thanked the representatives of the Bureau for their support and expressed appreciation to all the Board members for their contributions and good working relationships. She wished the incoming chairman, Ms Beaumier, every success.

12.2 **Ms Beaumier**, speaking on behalf of all Board members, commended the Chairman for her skilful and able handling of the Board’s business throughout 2019.

12.3 The **Director** echoed those sentiments and expressed appreciation for the smooth working relationship between the Bureau and the Board. The upcoming world radiocommunication conference would be a challenge for all concerned, but he trusted that the results would be positive for the ITU-R community and all people worldwide.

12.4 The **Chairman** closed the meeting at 1030 hours on Thursday, 17 October 2019.

The Executive Secretary:
M. MANIEWICZ

The Chairman:
L. JEANTY