

INTERNATIONAL TELECOMMUNICATION UNION



Radiocommunication Bureau
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Circular Letter
CCRR/26

20 December 2004

To Administrations of Member States of the ITU

Subject: Draft Rules of Procedure

To the Director General

Dear Madam/Sir,

Please find enclosed two proposals for modification of some current Rules of Procedure. These proposals reflect the relevant decisions of WRC-03, as well as the related developments since WRC-2000, and are presented in 2 Annexes as follows:

Annex 1: Modification to the Rule of Procedure relating to Receivability;

Annex 2: Modification of the Rule of Procedure relating to No. **9.11A** of Article **9** of the Radio Regulations.

In accordance with No. **13.17** of the Radio Regulations, these proposals are made available to administrations for comment before being submitted to the RRB pursuant to No. **13.14**.

In this connection, the Bureau wishes to draw the attention of Administrations to No. **13.12A d)** and **f)** which will enter into force on 1 January 2005 and which stipulate that:

“13.12A In the preparation and development of the Rules of Procedure, the Board, the Bureau and administrations shall apply the following steps:

...

d) any comments on these draft Rules of Procedure from administrations shall be submitted to the Bureau at least four weeks before the start of the Board meeting;

...

f) all comments from administrations shall be posted on the ITU website. However, those comments that do not meet the above time-limits shall not be considered by the Board;”

In accordance with No. **13.12A** of the Radio Regulations, any comments that you may wish to submit should reach the Bureau no later than **13 February 2005**, in order to be considered at the 36th Meeting of the RRB, scheduled for 14-18 March 2005. All e-mail comments should be sent to: brmail@itu.int.

Yours faithfully,

V. Timofeev
Director, Radiocommunication Bureau

Annexes: 2

Distribution:

- Administrations of Member States of the ITU
- Members of the Radio Regulations Board
- Director and Heads of Department of the Radiocommunication Bureau

ANNEX 1

Rules concerning the Receivability of forms of notice generally applicable to all notified assignments submitted to the Radiocommunication Bureau in application of the Radio Regulatory Procedures relating to space services

~~1~~ Forms of notice

~~1.1~~ Circular Letters CR/65 (22 November 1996) and CR/86 (25 March 1998) of the Bureau contain the forms of notice to be used for communication of particulars of radiocommunication stations and satellite networks. The forms of notice are derived primarily from Appendix 4 of the Radio Regulations. The above Circular Letters include detailed instructions for completing the notices. Circular Letter CR/144 (18 August 2000) established revised arrangements for mandatory electronic filing of notices pursuant to Resolution **55 (WRC-2000)**.

~~1.2~~ Circular Letter CR/144 also notes that there are practical difficulties which are delaying the application of the provisions of *resolves* 5 and 6 of Resolution **55 (WRC-2000)** to notices under Appendices **30, 30A** and **30B**. Some additional time is needed to develop new forms of notice and the necessary software to capture and validate such notices electronically. Administrations were requested, as from the receipt of that Circular Letter, to start using the Annexes 2A and 2B of Appendix 4 (**WRC-2000**) data elements in a paper form for submissions under Appendices **30, 30A** and **30B**, until the time when new notice forms are made available to administrations and the relevant Data Processing software (e.g. SpaceCap, etc.) are available.

1 Submission of information in electronic format

The Board noted the requirement for mandatory electronic filing in the context of the associated *considerings* and *recognizings* of Resolution 55 (WRC-2000). It noted also the availability to administrations of capture and validation software from the Bureau. Accordingly, all information in accordance with Annex 2 to Appendix 4 and Annex 2 to Resolution 49 shall be submitted to the Bureau in electronic format (except graphical data which can still be submitted in paper form) which is compatible with the BR electronic notice form capture software (SpaceCap).

Although the updated version of the SpaceCap software application enables administrations to submit to the Bureau notices pursuant to Appendices **30, 30A** and **30B**, submission of such notices will be accepted in paper form until necessary software to validate such information electronically is available to administrations.

~~1bis~~2 Receipt of notices¹

~~1bis.1~~—It is incumbent on all administrations to meet deadlines established in the Radio Regulations and, accordingly, to take account of possible mail delays, holidays or periods during which ITU may be closed².

~~1bis.2~~—Having regard to the various means available for transmission and delivery of notices and other related correspondence, the Board has decided that:

- a) Mail received through the postal service³ shall be recorded as received on the first working day on which it is delivered to the ITU/BR's offices in Geneva. Where the mail is subject to a regulatory time limit that occurs on a date on which the ITU is closed, the mail should be accepted if it has been recorded as received on the first working day following the period of closure.
- b) E-mail or telefax documents shall be recorded as received on the actual date of receipt, irrespective of whether or not that is a working day at the ITU/BR's offices in Geneva.
- c) In the case of e-mails, an administration is required to send, within 7 days of the date of the e-mail, a confirmation by either telefax or mail, which shall be regarded as being received on the same date as the original e-mail.
- d) All mail must be sent to the following address:

Radiocommunication Bureau
International Telecommunication Union
Place des Nations
CH-1211 Geneva 20
Switzerland

- e) All telefaxes must be sent to:
+41 22 730 57 85 (several lines)
- f) All e-mail must be sent to:
brmail@itu.int
- g) Information received in the ITU/BR by e-mail shall be acknowledged by e-mail.

¹ Whilst this Rule of Procedure applies to space services, the arrangements referred to in § ~~1bis~~2 apply equally to submissions relating to terrestrial services.

² The Radiocommunication Bureau shall inform administrations by circular letter at the beginning of each year, and as appropriate, about holidays or periods in which ITU may be closed in order to assist them in meeting their obligations.

³ Includes courier, messenger or other services.

~~2~~ ~~Treatment of forms of notice by date order~~

3 Establishment of a formal date of receipt

3.1 According to provisions Nos. **11.28**⁴ and **11.29**, complete notices are examined by date order of their receipt and the Bureau cannot act upon a notice having a technical bearing on an earlier notice until the earlier notice has been dealt with. While similar provisions do not exist in all the regulatory procedures defined in the Radio Regulations, nevertheless, several other provisions tacitly require the same general concept. The Board decided that the principle of treatment by date order of receipt of any submission is to be applied in each of the procedures described in Articles **9**, **11**, Appendices **30**, **30A**, **30B** and Resolutions containing specific procedures. When more than one submission is received on the same date, all those submissions shall be mutually taken into account, i.e. each submission under examination shall be considered as having been received later than all the other submissions. However, in application of Article 6 and 7 of Appendix 30B, order of receipt on the same day shall be taken into account in order to update reference situation in a sequence.

~~3~~ ~~Establishment of a date of receipt~~

3.12 In order to establish a formal date of receipt for the purpose of treatment, ~~in date order~~, of the submissions (notices for advance publication, request for coordination, modification to the Region 2 Plan or proposed new or modified assignments in the Regions 1 and 3 Lists under Article 4 of Appendices **30** or **30A**, proposed new or modified assignments in the guardbands to provide space operation functions under Article **2A** of Appendices **30** or **30A**, or request for application of Articles **6** or **7** of Appendix **30B**, and notifications for recording in the Master International Frequency Register (Master Register)), the Bureau shall examine *inter alia* the completeness and correctness of the information submitted by administrations. It shall also take account of the requirements of No. 9.1 when establishing the formal date of receipt of coordination information and notification information with respect to the date of receipt (when the coordination procedure of Section II of Article 9 is applicable) and the date of publication (when coordination is not required by Section II of Article 9) of advance information, respectively.

~~3.1bis Resolves 5 of Resolution 55 (WRC-2000) prescribes that, as from 3 June 2000, all Notice Forms (AP4/II and III), radio astronomy notices (AP4/IV) and API (AP4/V and VI) and due diligence information (Resolution 49 (WRC-97/Rev.WRC-2000) as applicable) for networks and earth stations submitted to the Radiocommunication Bureau (BR) pursuant to Articles 9 and 11 shall be submitted in electronic format which is compatible with the BR electronic notice form capture software (SpaceCap).~~

~~3.1ter The Board noted the above mentioned requirement in the context of the associated considerations and recognizings of Resolution 55 (WRC-2000). It noted also the~~

3.3 Considering the requirement for mandatory electronic filing and availability to administrations of capture and validation software from the Bureau. Accordingly, the Board agreed that, in view of the processing delays of the notice forms in the Bureau, efficient measures are needed to enable the Bureau to address the backlog in processing. Accordingly, where a notice received by the Bureau does not contain all of the mandatory information as defined in the Table (Annex 2B) of Appendix 4 and the published list of validation rules or appropriate reason for any

⁴ The Board notes that there is an inconsistency between the English (and Spanish) and French texts of provision No. **11.28**. While the English (and Spanish) texts stipulate that "it shall be examined in the date order of their receipt", the French text stipulates that "...il les examinera dans l'ordre ou il les recoit". There is no mention of "date" in the French text. The current practice of processing in the date order of their receipt will continue until the matter is considered by the next WRC.

omissions, the Bureau shall regard the notice as incomplete. The Bureau shall immediately inform the administration and seek the information not provided. Further processing of the notice by the Bureau will remain in abeyance and a formal date of receipt (see § 3.1 above) will not be established until the missing information is received. The formal date of receipt will be the date of receipt of the missing information (see also § 3.2 ~~b~~ 5 to 3.7 ~~10~~ below).

3.1 ~~quater~~ 4 The ~~current~~ latest version (V ~~1.4 or above~~) of the validation software available to administrations (~~as advised by Circular Letter~~) ~~shall be~~ is used by the Bureau when assessing the completeness of ~~AP~~ Appendix 4 Forms of Notice, coordination requests and notification for satellite networks or satellite systems, including earth stations, submitted under Articles **9** and **11**. Administrations are encouraged to run the validation software themselves in order to overcome any difficulties in the notices before they are submitted to the Bureau.

3.1 ~~quinto~~ 5 The requirement in § 3.1 ~~ter~~ 3 does not apply to notices ~~in respect of Advance Publication Information (API) (No. 9.1), radio astronomy notices (AP4/IV), for advance publication and~~ notices under Appendices **30**, **30A** and **30B** ~~and due diligence information (Resolution 49 (Rev.WRC-2000)) pending the introduction of electronic filing and/or until~~ the availability of validation software for these procedures. In ~~the this case of notices under Appendices 30, 30A and 30B, the Bureau shall~~, if the Bureau finds that the information is incomplete or incorrect, it shall request the administration responsible for the station or network to provide the missing information or clarification within 30 days; otherwise it shall establish the formal date of receipt as that recorded in accordance with § 2 and § 3.2 above. ~~paragraph 1bis above. Should the Bureau find that the information received in these cases is incomplete or incorrect it shall apply the same procedures as noted in § 3.2 to 3.7 below:~~

3.2 a) ~~In the case of notices pursuant to Appendices 30, 30A and 30B, should the Bureau find that the information is incomplete or incorrect, it shall request the administration responsible for the station or network to provide the missing information or clarification within 30 days.~~

3.2 b) ~~In the case of requests for coordination and notification if, after~~

3.6 After processing the ~~AP~~ Appendix 4 Form of Notice as set out in 3.1 ~~ter~~ 3, if the Bureau finds that further clarification is required concerning the correctness of the mandatory data submitted, it shall request the administration responsible for the station or network to provide the clarification within 30 days, otherwise it shall establish the formal date of receipt as that recorded in accordance with § 2 and § 3.2 above.

3.3 7 If the information or clarification is provided within that period of 30 days (counted from the date of the dispatch of Bureau's message), the ~~initial~~ date of receipt established by the Bureau in accordance with § 2 and § 3.2 above will be considered as the formal date of receipt for the purpose of any subsequent processing of the notice (~~see however, § 3.4 below~~).

3.4 8 Nevertheless, for replies received within the above period of 30 days, a new formal date of receipt is established in those cases (or for the concerned part of the station or network) where the information submitted subsequently is outside the scope and beyond the objective of the Bureau's enquiry pursuant to § 3.2 5 and § 3.3 6 above, unless the new or modified data has no impact on the regulatory and technical examination. The new formal date of receipt will be the date of receipt of the new or modified information irrespective of whether the newly provided information adds new affected administrations or not. See also the Rules of Procedure relating to provision No. **9.27**.

3.5 9 If the information or clarification is not provided within the above period of 30 days, the submission shall be considered incomplete and the Bureau will establish no formal date of receipt. A new formal date of receipt will be established by the Bureau. A new date of receipt will be established when the complete information is received, irrespective of whether the newly provided information adds new affected administrations or not.

3.10 After one year, unless otherwise specified in the relevant procedures, any pending submissions containing incomplete information shall be returned to the notifying administration.

3.611 In case of the request for deletion of an assignment, a group of assignments, an emission, beams or other characteristics of a satellite network or satellite system, two situations may arise:

3.6.1a) The satellite network or satellite system in question has not yet been examined and published by the Bureau. In that case, the initial formal date of receipt will be maintained- for the remaining part of the satellite network or system, if any.

3.6.2b) The satellite network or satellite system in question has already been examined and published by the Bureau. In that case, the request for deletion shall be published in a corrigendum modification to the previously published relevant Special Section. ~~However,~~ and the technical bearing of the deletion will be examined by the Bureau in the date order of receipt of the request.

~~3.7 After one year, unless otherwise specified in the relevant procedures, any pending submissions containing incomplete information shall be returned to the notifying administration.~~

4 Other non-receivable submissions

There are, in addition to the above case of incomplete notice, other circumstances when a notice is not receivable. These cases are described in the following non-exhaustive paragraphs.

4.1 An advance publication notice sent to the Bureau earlier than ~~five~~7 years before the planned date of bringing into use of the satellite network is not receivable and shall be returned to the administration responsible for the network. (No. 9.1 refers.)

4.2 A notification received by the Bureau earlier than the date limits prescribed in provisions Nos. 11.24 to 11.26A (date limits relate to the date of bringing into use of a station or satellite network) is not receivable and shall be returned to the administration responsible for the network.

~~4.2bis One API for a satellite network can be used as the basis for only one request for coordination for the satellite network.~~

4.3 One coordination request of satellite network and eventual subsequent modifications can only refer to one API. In accordance with the Rule of Procedure concerning the definition of a satellite network contained in No. 1.112, this coordination request would thus have only one set of orbital characteristics, i.e. those specified in Section A4 of Appendix 4. ~~In the case where a A further coordination request making reference to the same API is received for processing by the Bureau it is~~ will only be receivable if the set of orbital characteristics included in that submission are unchanged relative to those in the earlier coordination request submission or are intended to replace that earlier set of orbital characteristics. In all other cases a new API is required as the submission then pertains to a new satellite network.

~~NOTE The Rule referred to in § 4.2bis above applies in respect of any case where a request for coordination is received after 1 January 2000.~~

4.34 The Radio Regulations prescribe, in some cases, the application of multiple procedures, which have to be applied, for the same stations or satellite network, in a sequential order, one after another. A typical example of such a case of multiple procedures is a geostationary satellite network to which the application of the advance publication, the coordination (in some cases more than one form of coordination-category) and the notification procedures, in this order, are mandatory. In such cases, a notice for a particular procedure is receivable only if the previously applicable procedures have been effected. A notice for a request for coordination is not receivable if the advance publication information was not submitted to the Bureau (see also the Rule of procedure on No. 9.5D). A notification under Article **11** is not receivable if the advance publication information and coordination request, where applicable, were not received for the satellite network, and shall be returned to the notifying administration. The same shall also apply for the notification of an earth station whose associated space station is not supported by an advance publication.

4.45 A notification received under ~~No. Article 8 of Appendix 30B and Article 11.2 or No. 11.9~~ relating to a satellite network/system for which ~~either the regulatory time limit (5+28 or 7 years, if extension is granted as appropriate) has expired or the due diligence information as prescribed by Resolution 49 (Rev. WRC-2000) has not been provided, are,~~ is not receivable and shall be returned to the notifying administration.

5 In each case where the Bureau returns a form of notice according to the above paragraphs, the necessary justification for such an action shall be provided to the notifying administration.

Reasons:

The requirement for Mandatory electronic filing of Resolution 55 (WRC-2000).

- Form of Notices in paper form is not any more receivable by the Bureau. Accordingly the Circular Letters, which were used in filling the Form of Notices, are not any more referred and necessary.
- Update the information on software for capturing and validation, especially in case of Appendices **30**, **30A** and **30B**.

No change on the Receipt of Notices.

Modifications as a result of decisions adopted at the Conference WRC-03.

ANNEX 2

Rules concerning

ARTICLE 9 of the RR

TABLE 9.11A-1

Applicability of the provisions of Nos. 9.11A-9.15 to stations of space services

1	2	3	4	5	6	7
Frequency band (MHz)	Footnote No. in Article 5	Space services mentioned in a footnote referring to No. 9.11A to which Nos. 9.12 to 9.15 apply, or referring to Nos. 9.12-9.14, as appropriate	Other space services to which Nos. 9.12 to 9.14 apply equally	Terrestrial services in respect of which Nos. 9.14 and 9.15 apply equally, as appropriate	Date of provisional application of the allocation if later than 3.06.2000, or if different from the application date of the RR	Notes
1 675-1 690	5.377	MOBILE SATELLITE (Region 2)	↑ —(See No. 5.377)	FIXED LAND MOBILE MARITIME MOBILE		
1 690-1 700	5.377	MOBILE SATELLITE (Region 2)	↑ —(See No. 5.377)	FIXED (Region 2 and Region 3 countries listed in Nos. 5.381 and 5.382, Region 1 countries listed in No. 5.382) LAND MOBILE (Region 2 and Region 3 countries listed in No. 5.381, Region 1 countries listed in No. 5.382) MARITIME MOBILE (Region 2 and Region 3 countries listed in No. 5.381, Region 1 countries listed in No. 5.382)		
1 700-1 710	5.377	MOBILE SATELLITE (Region 2)	↑ SPACE RESEARCH (5.384)	↑ FIXED LAND MOBILE MARITIME MOBILE		↑

Reasons: WRC-03 decisions to suppress the allocation to the Mobile-Satellite Service in Region 2 in the frequency range 1 675- 1 710 MHz and to suppress No. 5.377.

TABLE 9.11A-1 (*continued*)

1	2	3	4	5	6	7
Frequency band (MHz)	Footnote No. in Article 5	Space services mentioned in a footnote referring to No. 9.11A to which Nos. 9.12 to 9.15 apply, or referring to Nos. 9.12-9.14, as appropriate	Other space services to which Nos. 9.12 to 9.14 apply equally	Terrestrial services in respect of which Nos. 9.14 and 9.15 apply equally, as appropriate	Date of provisional application of the allocation if later than 3.06.2000, or if different from the application date of the RR	Notes
2 520-2 535	5.403	MOBILE-SATELLITE (except AERONAUTICAL MOBILE-SATELLITE) (except countries in Nos. 5.412 and 5.417)	↓ BROADCASTING-SATELLITE, FIXED SATELLITE (Region 2 and Region 3) AERONAUTICAL MOBILE-SATELLITE (J, IND) (5.415A)	↓ FIXED LAND MOBILE MARITIME MOBILE RADIOLOCATION (F)	1.1.2002 (AMSS in IND)	1,6

~~6~~ The coordination of the BROADCASTING-SATELLITE service in respect of terrestrial services is to be effected under the provisions of No. 9.11.

Reasons: No requirement for coordination between Broadcasting-satellite service and terrestrial services in the band 2 520-2 535 MHz because of Table 21-4 of Article 21 that includes limits of power-flux density from Broadcasting satellite service space stations in the band 2 520-2 690 MHz and WRC-03 decision to add No. 9.6.3.