



Radiocommunication Bureau (BR)

Circular Letter
CR/384


31 August 2015

To Administrations of Member States of the ITU

Subject: Minutes of the 69th 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 69th meeting of the Radio Regulations Board (1-9 June 2015).

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.


François Rancy
Director

Annex : Minutes of the 69th meeting of the Radio Regulations Board

Distribution:

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

Radio Regulations Board

Geneva, 1-9 June 2015



INTERNATIONAL TELECOMMUNICATION UNION

Document RRB15-2/16-E
22 June 2015
Original: English

MINUTES*
OF THE
69th MEETING OF THE RADIO REGULATIONS BOARD

1-9 June 2015

- Present:
- Members, RRB
Mr Y. ITO, Chairman
Ms L. JEANTY, Vice-Chairman
Mr M. BESSI, Mr N. BIN HAMMAD, Mr D.Q. HOAN, Mr I. KHAIROV,
Mr S.K. KIBE, Mr S. KOFFI, Mr A. MAGENTA, Mr V. STRELETS,
Mr R.L. TERÁN, Ms. J.C. WILSON
- Executive Secretary, RRB
Mr F. RANCY, Director, BR
- Précis-Writers
Mr T. ELDRIDGE and Ms S. MUTTI
- Also present:
- Mr M. MANIEWICZ, Deputy-Director, BR and Chief, IAP
Mr Y. HENRI, Chief, SSD
Mr A. MENDEZ, Chief, TSD
Mr A. MATAS, Head, SSD/SPR
Mr M. SAKAMOTO, Head, SSD/SSC
Mr J. WANG, Head, SSD/SNP
Mr B. BA, Head, TSD/TPR
Mr N. VASSILIEV, Head, TSD/FMD
Mr V. TIMOFEEV, Special Adviser to the Secretary-General
- General:
- 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 69th meeting of the Board. The official decisions of the 69th meeting of the Radio Regulations Board can be found in Document RRB15-2/15.

| Subjects discussed | Documents |
|---|--|
| 1 Opening of the meeting and introductory comments | - |
| 2 Late submissions | - |
| 3 Report by the Director of BR | RRB15-2/4, RRB15-2/DELAYED/1, RRB15-2/DELAYED/3, RRB15-2/DELAYED/4, RRB15-2/DELAYED/6, RRB15-2/DELAYED/7) |
| 4 Status of the INTELSAT7 178E and INTELSAT8 178E satellite networks | RRB15-2/6(Rev.1) |
| 5 Status of the ASIASAT-CK and ASIASAT-CKX satellite networks | RRB15-2/3 |
| 6 Notification of typical earth stations in the fixed-satellite service (FSS) | RRB15-2/5 |
| 7 Submission by the Administration of the Russian Federation on the resubmission of a notification under No. 11.46 for the satellite network STATIONAR-20 at 70°E | RRB15-2/7 |
| 8 Submission by the Administration of the Lao People's Democratic Republic regarding the status of the LAOSAT-128.5E satellite network | RRB15-2/8, RRB15-2/DELAYED/8 |
| 9 Submission by the Administration of Mexico requesting the reinstatement of the MEXSAT satellite network filings in the Ka-band | RRB15-2/13 |
| 10 Resolution 80 (Rev. WRC-07) | RRB15-2/1, RRB15-2/10, RRB15-2/11, RRB15-2/12 and RRB15-2/14; Circular Letters CR/378 and CR/381 |
| 11 Consideration of the report of the Working Group dealing with the Rules of Procedure | RRB12-1/4(Rev.13) |
| 12 Preparation for RA-15 and WRC-15 | RRB15-2/INFO/1 and RRB15-2/INFO/2 |
| 13 Confirmation of the dates of the next meeting and meeting schedule for 2016 | - |
| 14 Approval of the summary of decisions | RRB15-2/15 |
| 15 Closure of the meeting | - |

1 Opening of the meeting and introductory comments

1.1 The **Chairman** opened the meeting at 1400 hours on Monday, 1 June 2015, and welcomed participants to Geneva.

1.2 The **Director**, welcoming participants on his own behalf and that of the Secretary-General, noted the importance of the work of the Board, particularly in relation to the forthcoming WRC-15.

2 Late submissions

2.1 It was **agreed**, in accordance with the Board's working methods in Part C of the Rules of Procedure, that late submissions RRB15-2/DELAYED/1, /3, /4, /6, /7 and /8 would be taken up under the agenda items to which they related. Late submissions RRB15-2/DELAYED/2 and /5, from the Administrations of Colombia and Mexico, respectively, would be taken up by the Board at its 70th meeting, as they did not relate to items on the agenda of the present meeting.

3 Report by the Director of BR (Documents RRB15-2/4, RRB15-2/DELAYED/1, RRB15-2/DELAYED/3, RRB15-2/DELAYED/4, RRB15-2/DELAYED/6 and RRB15-2/DELAYED/7)

3.1 The **Director** introduced his report in Document RRB15-2/4 and drew particular attention to Annex 1, which listed the actions taken by the Bureau in response to the decisions made by the Board at its 68th meeting.

3.2 **Chief TSD**, introducing the sections of the Director's report related to terrestrial systems, drew attention to Annex 2, which contained information on the processing of notices for terrestrial services. Regarding coordination requests, the Bureau had received no new cases under Nos. 9.21 and 9.33 between 1 February and 30 April 2015. With regard to Plan modification procedures, the line for January 2015 was missing in the first section of Table 3.1; the total number of submissions indicated was nevertheless correct. Most activities, however, had concerned notification, examination and recording procedures pertaining to terrestrial services under Article 11, and all had been carried out in accordance with the regulatory procedures and in timely fashion. A review had been conducted during the reporting period of a number of frequency assignments to stations in the aeronautical radionavigation and fixed service as recorded in the Master Register, the first such review performed in accordance with the procedure established in the newly adopted rule of procedure on No. 11.50.

3.3 Turning to reports of harmful interference and/or infringements of the Radio Regulations (§ 4 of the Director's report), he said that the Bureau had received 106 such reports during the reporting period; the details were set out in Tables 1-1 to 1-4 of the document. With regard to harmful interference to broadcasting stations in the VHF/UHF bands between Italy and its neighbouring countries, § 4.2 of the report outlined developments in the situation at the time of writing. Since then, the Bureau had received late submissions from the Administrations of Malta (RRB15-2/DELAYED/1), Croatia (RRB15-2/DELAYED/3 and /6), Slovenia (RRB15-2/DELAYED/4) and Italy (RRB15-2/DELAYED/7). Referring to Document RRB15-2/DELAYED/7, containing the road map for Italy's action to solve interference with its neighbouring countries, he said that, while the situation overall remained essentially unchanged, it was to be noted that the decree defining economic measures of compensation for modifying or terminating the frequency assignments used by TV broadcasting transmissions involved in major ("priority 1") cases of harmful interference had been signed on 17 April 2015 and registered by the Court of Auditors on 18 May 2015, and was in the process of being published in the *Gazzetta Ufficiale della Repubblica Italiana*. This was cause for hope since broadcasters causing the corresponding interference and voluntarily freeing frequencies or forced to do so could apply for compensation once the decree had been published. Once the

corresponding process had been successfully completed, the major cases of harmful interference were expected to be solved. The Bureau had made a country-by-country, channel-by-channel analysis of the situation, which members of the Board were free to consult.

3.4 The **Chairman** considered that the outlook was promising for a solution to the problem.

3.5 **Mr Bessi** noted with satisfaction the progress made by the Administration of Italy towards resolving the problems and starting the process of releasing the frequencies concerned. He asked whether the broadcasters concerned had accepted the compensation offered or whether other problems might arise in connection with the amounts involved.

3.6 The **Director** pointed out that ensuring compliance with the Radio Regulations could be a lengthy process but that, in the case at hand, the requisite elements were now in place. The decree had been enacted and was currently being published, after which the process of releasing the frequencies could start. In addition, the Government of Italy had increased the amount set aside for compensation to 5 million euros, as part of the 2016 financial law. Another aspect was the actual frequency plan. The Bureau required more detailed information in that regard and had therefore contacted the Italian ministry concerned the previous week to organize a visit of investigation and discussion in the third week of September 2015, i.e. just before the Board's 70th meeting. He did not think the situation would improve before the end of the year, when it would be known which broadcasters had accepted the compensation and what conditions would apply to those that had not.

3.7 **Mr Kibe** said that his reading of Document RRB15-2/DELAYED/7 gave him the impression that there was light at the end of the tunnel. Of the five administrations that had originally reported harmful interference – France, Switzerland, Croatia, Slovenia and Malta – Switzerland and France had provided no further feedback and so had presumably encountered no further difficulties. He invited the Board to note with satisfaction the relentless efforts made by the Director and the Bureau to resolve the problem.

3.8 **Chief TSD** said that the fact that France and Switzerland had provided no further feedback to the Board did not mean the problems had been resolved, quite the contrary. France had indicated at the previous Board meeting that four FM stations and two television broadcasters in Corsica were affected; according to a recent communication, the situation was unchanged. Switzerland, for its part, had provided no submission to the Board but it had copied the Bureau on correspondence with the Administration of Italy relating to the cases of 11 sound broadcasters.

3.9 **Mr Hoan** expressed appreciation for the Director's report and for the Bureau's efforts in the case, but remained concerned at the delays in the process revealed in the late submissions. He proposed that the Director and the Bureau remain in contact with the Administration of Italy with a view to obtaining updated information.

3.10 The **Chairman** and **Mr Koffi** said that the Board's decision should express appreciation for the efforts made by the Administration of Italy to resolve the problem.

3.11 In the course of the meeting, the **Director** informed the Board that the decree defining economic measures of compensation for broadcasters had been published in the *Gazzetta Ufficiale della Repubblica Italiana* on 6 June 2015.

3.12 **Mr Matas (SSD/SPR)**, introducing those parts of the Director's report dealing with space systems, referred to Annex 3 and noted that the title was missing and should read: Processing of notices to space services. Regarding the statistics on coordination requests set out in Table 2 of the same annex, the four-month regulatory period was being exceeded owing to the high number of very complex GSO-FSS networks involved. The Bureau had nevertheless started publishing networks, and the backlog would be absorbed in the coming months. Referring to Annex 4 to the Director's report, he said that the invoice due date indicated in the second table (list of satellite network filings cancelled as a result of non-payment of invoices) should read 03.01.2015, not 03.01.2014.

3.13 The **Chairman** proposed that the Board conclude as follows:

“The Board discussed in detail Document RRB15-2/4 containing the Report of the Director, Radiocommunication Bureau, on the issue of harmful interference to the sound and television broadcasting services caused by Italy to its neighbours and the information contained in delayed Documents RRB15-2/DELAYED/1, RRB15-2/DELAYED/3, RRB15-2/DELAYED/4, RRB15-2/DELAYED/6, RRB15-2/DELAYED/7, taking into account that:

- The neighbouring countries of Italy, which have reported cases of harmful interference to their television and sound broadcasting service, have not noticed any improvement in the interference experienced;
- According to the latest information from the Administration of Italy, the decree established to resolve the interference to the TV broadcasting service was signed on 17 April 2015 and was published in the official gazette on 6 June 2015;
- After this publication the concerned broadcasters of Italy could start to apply for compensation and/or switch off the transmission of the relevant television broadcasting stations causing harmful interference;
- The harmful interference to the sound broadcast services caused by Italy to its neighbours would take a longer time to resolve.

The Board appreciated the efforts made by the Administration of Italy, the countries concerned and the BR on this matter. At the same time, the Board urged the Administration of Italy, with the assistance of the Director, to continue its efforts in order to achieve a complete solution at the earliest possible date. The Board also requested the Director to report on the situation to the 70th meeting of the Board.”

3.14 It was so **agreed**.

3.15 The Director’s report in Document RRB15-2/4 was **noted**.

4 Status of the INTELSAT7 178E and INTELSAT8 178E satellite networks (Document RRB15-2/6 (Rev.1))

4.1 **Mr Matas (SSD/SPR)** introduced Document RRB15-2/6 (Rev.1), in which, in accordance with the decision it had taken at its 65th meeting, the Board was invited to note the Bureau’s decision to accept requests for the suspension of satellite networks INTELSAT7 178E and INTELSAT8 178E received more than six months following the date on which their use had been suspended.

4.2 **Mr Hoan** noted that the Board was basically being asked to take the same decision as it had taken at its 65th meeting, namely to note that the Bureau had applied correctly the provisions of No. 11.49 and its associated rule of procedure and to accept the requests submitted.

4.3 The **Director** said that the decision was indeed the same, but involved different networks.

4.4 **Mr Kibe** agreed that the request before the Board was virtually the same as the one it had considered at its 65th meeting, save that the period between start of suspension and the date of submission of the requests for suspension was inordinately long in the current case – over 28 months. However, since neither No. 11.49 itself nor its associated rule of procedure indicated what action should be taken if an administration failed to comply with the six-month period specified in No. 11.49, the Bureau was correct in accepting the requests for suspension. In reaching its decision, the Board should adhere to its principle of treating requests on a case-by-case basis, and, while concluding that the Bureau had applied the provisions of the Radio Regulations and Rules of Procedure correctly, should ensure that the lacuna in No. 11.49 was brought to the attention of WRC-15 in the Board’s report under Resolution 80 (Rev. WRC-07).

4.5 Responding to a query by the **Chairman, Mr Matas (SSD/SPR)** provided graphical statistics on the suspension requests received by the Bureau that had not complied with the six-month period specified in No. 11.49. Several of the requests had been submitted by Intelsat long after the six-month period had elapsed; however, Intelsat's requests related to several networks, all at 178°E.

4.6 The **Chairman** said that, while urging administrations to respect the regulatory periods set down in the Radio Regulations, the Board should reach the same conclusions on the present requests as on those it had considered at its 65th meeting, recognizing that the Radio Regulations failed to indicate what penalty should be paid for non-compliance with the six-month period set in No. 11.49.

4.7 **Mr Magenta** said that he found it strange that the Bureau should be obliged to inform the Board each time it applied the decision taken by the Board at its 65th meeting. If anything, the Bureau should be informing the Board when it was not applying decisions taken by the Board. Thus, either the Bureau should be submitting cases to the Board for decision, or it should not be submitting cases to the Board at all.

4.8 **Mr Strelets** agreed with previous speakers that the case before the Board was virtually identical to the one submitted to the Board at its 65th meeting. The Board had not taken a decision as such at its 65th meeting, and was not required to do so now; however, it had no option but to reach the same conclusions as at its 65th meeting, since the Radio Regulations and associated rules of procedure did not specify what penalty should be paid by an administration failing to respect the six-month period set in No. 11.49. The Board had already agreed to bring the matter to the attention of the WRC, and the ITU-R study groups had raised the same issue. He suggested that cases such as the one now before it could simply be reported to the Board for information in the Director's report to the Board meeting.

4.9 **Ms Jeanty** agreed with Mr Kibe that the Board should conclude that the Bureau had applied the provisions of the Radio Regulations and associated rules of procedure correctly. It was useful for the Board to be kept informed of requests for suspension that did not comply with the six-month period set in No. 11.49, as that would highlight the need for WRC-15 to resolve the problem, as called for in the Board's report under Resolution 80.

4.10 **Mr Bessi** agreed with previous speakers that the case now before the Board was very similar to the one it had considered at its 65th meeting. He was nevertheless of the view that the Board should not simply note the Bureau's acceptance of such cases each time one arose (providing the requests complied with a period of three years plus six months), but should take a decision to accept or refuse each request for suspension that was not in compliance with No. 11.49, adhering thus to its principle of treating the requests on a case-by-case basis.

4.11 **Mr Strelets** said that the Board had discussed the matter at length at its 65th meeting, and had reached the conclusion – based on discussion of the regulatory periods involved rather than the specific networks concerned – that, as the Radio Regulations failed to indicate what action should be taken in the face of non-compliance with the six-month period set in No. 11.49, the Bureau had acted correctly in accepting the request for suspension in question. Thus the decision taken by the Board at its 65th meeting had effectively given the Bureau the green light to take the same course of action on all similar cases thenceforth, and no decision as such was required by the Bureau on the present case.

4.12 The **Chairman** agreed with Mr Strelets, adding that, faced with the uncertainty in the Radio Regulations, the Board had nothing on which to base any concrete decision, and was bringing the matter to the attention of WRC-15.

4.13 The **Director** endorsed Mr Strelets' earlier suggestion that such cases could be reported to the Board in the Director's report to each meeting, under a standing section of the report, recognizing that no decision was required of the Board and that the matter would be discussed by WRC-15, on the basis *inter alia* of options being put forward in the CPM Report.

4.14 **Chief SSD** said that the Bureau was encountering no problems in applying the provisions of No. 11.49 and its associated rule of procedure in its everyday work, and therefore was not bringing the provision to the attention of WRC-15 in the Director's Report. It was aware, nevertheless, that the Board would be covering No. 11.49 in its report to the conference under Resolution 80.

4.15 **Mr Bessi** said that, in the light of the explanations provided by Mr Strelets, he could agree to the suggestion for such cases to be reported to the Board in the Director's report to each meeting. Meanwhile, the decision now taken by the Board should be along very similar lines to the decision it had taken at its 65th meeting.

4.16 The Board **agreed** to conclude as follows:

“In relation to the request for suspension of the satellite networks INTELSAT 7 and INTELSAT 8 at 178°E, the Board noted that the Bureau had applied the RR provisions and the Rules of Procedure on RR No. **11.49** correctly and took note of the decision of the BR to accept the requests for suspension of these satellite networks mentioned in Revision 1 to Document RRB15-2/6.

As the delay of a request for suspension of a satellite network beyond the six month deadline for such requests has become a recurring situation, the Board decided to bring the matter to the attention of WRC-15 in the Report on Res. **80 (Rev. WRC-07)**.

Furthermore, the Board requested that in the future requests for suspension of satellite networks received beyond the six month deadline be reported to the meetings of the Board in the Report of the Director for information.”

5 Status of the ASIASAT-CK and ASIASAT-CKX satellite networks (Document RRB15-2/3)

5.1 **Mr Sakamoto (SSD/SSC)** introduced Document RRB15-2/3, in which the Bureau requested the Board to take a decision on the frequency assignments to the ASIASAT-CK and ASIASAT-CKX satellite networks under No. 13.6 of the Radio Regulations. Outlining the background to the case as provided in the document, he said that when implementing the decision taken by the Board at its 64th meeting to cancel the frequency assignments in the band 10.95-11.2 GHz to the ASIASAT-CKZ satellite network at orbital position 105.5°E, the Bureau had noted that the Administration of China had the same frequency band recorded for two other networks registered in the MIFR at the same orbital position, namely ASIASAT-CK and ASIASAT-CKX. In light of the elements taken into account in the Board's decision regarding the ASIASAT-CKZ network, and the fact that no request for suspension had been submitted, on 3 March 2014 the Bureau had requested confirmation from the Administration of China that the frequency assignments to the ASIASAT-CK and ASIASAT-CKX networks had also not been brought into use and therefore could be cancelled. In the ensuing exchange of correspondence, in August 2014 the Administration of China had contested that conclusion and provided a spectrum plot as evidence that the frequency assignments in the band 10.95-11.2 GHz were in use, but without referring to a specific satellite. Based on reliable information, the Bureau had noted that, prior to expiry of the regulatory period pertaining to the frequency assignments to ASIASAT-CK and ASIASAT-CKX and at the time of the RRB decision in December 2013 and the Bureau's inquiry on 3 March 2015, only the ASIASAT 3S satellite had been located at orbital position 105.5°E. It had therefore asked the Administration of China, on 29 August 2014, to provide evidence that the ASIASAT 3S satellite was capable of transmitting in the band 10.95-11.2 GHz. On 23 September 2014, the Administration of China had confirmed that the spectrum plot was based on the satellites currently operating at 105.5°E, i.e. ASIASAT 7 and 8, but had failed to provide any evidence relating to ASIASAT 3S, indicating that the satellite was no longer at that orbital position. On 26 November 2014, the Bureau had indicated that other forms of clarification, such as the frequency plan for the satellite, could be provided as evidence, adding nevertheless that the ASIASAT 3S satellite

currently positioned at 120°E had been used to bring back into use the frequency assignments of another administration, namely the Administration of Thailand, which had also failed to confirm the use of frequency assignments in the band 10.95-11.2 GHz on board ASIASAT 3S and had agreed to their cancellation. In response to the Bureau's request, the Administration of China had informed BR on 30 December 2014 that it could not provide the spectrum plot to demonstrate the use of frequency assignments in the band 10.95-11.2 GHz on board ASIASAT 3S owing to operational restrictions at the current orbital position. On 10 February 2015, the Bureau had reiterated its request for other forms of clarification to be provided as evidence. On 18 March 2015, the Bureau had informed the Administration of China that, in the absence of a response and in view of the disagreement concerning the cancellation of the assignments, it would submit the matter to the Board for investigation and decision in accordance with No. 13.6 of the Radio Regulations.

5.2 The Administration of China had subsequently submitted Document RRB15-2/9 providing additional information on the matter. It argued that the assignments had been brought into use and never contested until March 2014. The decision to cancel was therefore retroactive, contrary to accepted practice. It referred to the decision of the Board's 64th meeting and the Board's draft report to WRC-15 under Resolution 80 (Rev.WRC-07) in that regard. Many assignments of administrations fell into the same category, i.e. they had been brought into use but were no longer operating. The same approach should apply in all cases; retroactive application would put many other administrations in a difficult position. The Administration of China further indicated that it had already demonstrated current operation for the networks under consideration and that all required coordination had been completed.

5.3 In order to facilitate the discussion, the **Chairman** recalled the critical dates in the proceedings:

- The end of the seven-year regulatory period for bringing into use the ASIASAT-CK and ASIASAT-CKX networks had been 18 June 2000 and 12 September 2004, respectively. The networks had officially been brought into use on 8 May 1999 and 1 April 1999, respectively. The Bureau had assumed that ASIASAT 3S had been used for that purpose.
- ASIASAT 7 had been launched in November 2011, perhaps corresponding to the filings for ASIASAT-CK and ASIASAT-CKX.
- After the Board's 64th meeting, the Bureau had asked for clarification of the filings for the ASIASAT-CK and ASIASAT-CKX networks on 3 March 2014. There had been no response. The Bureau had sent a first reminder on 13 June 2014, and a second on 16 July 2014.
- The ASIASAT 8 satellite had been launched on 5 August 2014, i.e. 19 days after the Bureau's second reminder, during the one-month period allowed for a response. It was currently operating in the band 10.95-11.2 GHz.

The question was whether to maintain the entries for ASIASAT-CK and ASIASAT-CKX in the Master Register on the grounds that they had been brought into use in the interim and were operating or whether to cancel them because they had been brought into use late.

5.4 **Mr Strelets** pointed out that Document RRB15-2/3 related to the clarifications referred to in No. 13.6 of Article 13, under section 2 entitled "Maintenance of the Master Register and of World Plans by the Bureau". The Bureau's first letter had referred, however, to the "cancellation" of certain frequency assignments before any clarification had been obtained, which he therefore considered as running contrary to the spirit of No. 13.6. The most important thing in relation to No. 13.6 was whether current use was in conformity with the entries in the Master Register. What had been the Bureau's intention, bearing in mind that the frequency assignments were in use, in immediately speaking of cancellation?

5.5 **Mr Bin Hammad** said that he had noted the same point. He believed that the terms of No. 13.6 had been met, but agreed that the initial communication from the Bureau to any administration under No. 13.6 had to use the correct terminology.

5.6 **Mr Sakamoto (SSD/SSC)** explained that the Bureau had acted on the basis of the decision taken by the Board at its 64th meeting and had therefore considered that the frequency assignments in the band 10.95 – 11.2 GHz at orbital position 105.5°E were not in use. It had anticipated that the Administration of China could swiftly confirm that the frequencies were not in use and that the filings could be cancelled. No. 13.6 was the only mechanism enabling the Bureau to ask administrations for clarification, and the Bureau had applied it to the letter in the case at hand. Where the Administration of China and the Bureau disagreed was whether the information provided by the former had constituted a response to the Bureau's request or not.

5.7 **Mr Bessi** noted that, in its exchange of correspondence with the Administration of China, the Bureau had endeavoured to clarify whether the ASIASAT 3S satellite had served to bring into use the frequency assignments of the two networks in question in the Ku-band at orbital position 105.5°E. The Administration of China, for its part, had referred to difficulties in ASIASAT 3S's operations in that band. If the ASIASAT 3S satellite had indeed served the purpose in question, it could be said that the two networks had been brought into use and that the spectrum plot provided by the Administration of China constituted confirmation thereof.

5.8 **Mr Sakamoto (SSD/SSC)** said that the Bureau had asked for information on the ASIASAT 3S satellite because it was the only satellite operating in the orbital position concerned when the Board had made its decision at its 64th meeting and the Bureau had launched its inquiry in March 2014. The Bureau had assumed that the ASIASAT 3S satellite had served to bring into use the frequency assignments to the ASIASAT-CK and ASIASAT-CKX networks because it had been at that orbital position continuously since 1999. The Bureau had used the mechanism set out in No. 13.6 to clarify the point, given that ASIASAT 3S was not operating the frequency band concerned.

5.9 **Ms Wilson** noted that the Board had decided at its 64th meeting to cancel the ASIASAT-CKZ assignments at 105.5°E because the Bureau had shown that there had been no satellite with the right capability in that orbital position within the applicable regulatory period. It appeared that no satellite had been operating at that time with those assignments. The ASIASAT 8 satellite had subsequently been launched in August 2014, i.e. after the Board had cancelled the ASIASAT-CKZ assignment. The question was not so much whether No. 13.6 had been applied retroactively as whether a satellite could be put into position with the relevant frequency assignments in the knowledge that the assignments had not been previously brought into use on time, and whether the assignments could be maintained in the Master Register once the satellite was operational. She was as a rule reluctant to cancel frequency assignments that were actually being used, but had to admit that in the current case they appeared to have been brought into use after the fact.

5.10 **Mr Kibe** considered that the present case was similar in substance to that presented to the Board for decision at its 64th meeting. The difference lay in the disagreement between the Administration of China and the Bureau: according to the Administration of China, the ASIASAT 7 and 8 satellites had been used to bring into use the frequency assignments to the ASIASAT-CK and ASIASAT-CKX networks; according to the Bureau, the ASIASAT 7 and 8 satellites had been launched after the regulatory period and therefore could not have served that purpose. As outlined in Document RBB15-2/3, the Bureau had sought evidence that ASIASAT 3S had been used to bring those frequency assignments into use, but the Administration of China had consistently affirmed that it had not used that satellite for that purpose. It was unclear to him what satellite had actually been used.

5.11 The **Chairman** understood that the filing had existed and been in use for over 10 years. A subsequent satellite filing had been cancelled because the administration had been unable to provide evidence that it was operating the frequency assignments concerned. However, the second generation

of satellites containing the band in question had been brought into use while there was still a legitimate filing.

5.12 **Ms Jeanty** considered that the Bureau had acted correctly in launching the investigation under No. 13.6. She, too, saw little difference between the case decided on by the Board at its 64th meeting and the present case, except that in the present case the assignments had indeed been brought into use, albeit late.

5.13 **Mr Khairov** said that the Board had to bear in mind two aspects: first, the frequency assignments were being used by the Administration of China, and second, No. 13.6 had been applied retroactively. He was reluctant to cancel frequency assignments that were being used. Similar cases would crop up in the future, and it would therefore make sense for the Board to adopt a new rule of procedure or amend an existing rule with a view to regulating the amount of time the Bureau should investigate satellite networks after the end of the regulatory period.

5.14 **Mr Bessi** believed that the Administration of China had not objected to the Board's decision to cancel the frequency assignments to the ASIASAT-CKZ satellite network at orbital position 105.5°E because it still had two filings at that position, for ASIASAT-CK and ASIASAT-CKX. It had subsequently objected to the Bureau's application of No. 13.6 because the two filings had been brought into use by ASIASAT 7 or 8. The question currently before the Board was whether to cancel the filings for ASIASAT-CK and ASIASAT-CKX by applying No. 13.6 retroactively. In some cases, it had applied No. 13.6 retroactively and cancelled filings because the administration had not provided evidence of use. In most of those cases, the administration concerned had not objected to the Board's decision. In the case at hand, the Board had evidence that a network had been functioning at the orbital position concerned with the duly notified and coordinated technical characteristics entered in the Master Register for 10 years; it would therefore be difficult to decide to cancel the relevant filings. As the Administration of China had pointed out in its submissions, in its report to WRC-15 under Resolution 80 (Rev. WRC-07) the Board was stating that it applied No. 13.6 on a case-by-case basis but essentially on the grounds of current use. The Administration of China had provided evidence that the frequency assignments were in use. He considered that there was no call to cancel them, as they had been brought into use in accordance with the Radio Regulations.

5.15 The **Director** said that he found it difficult to accept the underlying assumption that No. 13.6 could not be applied retroactively, given that by its nature it covered situations in which the Bureau had information that a recorded assignment had not been brought into use and therefore had to investigate what had or had not happened in the past. In the case at hand, the Bureau had had reliable evidence that the assignments had not been brought into use before the regulatory deadline; clearly, however, the assignments had been brought into use after the deadline, and that was the issue that the Board had to consider. The Bureau's task was limited to applying the Radio Regulations. It was the Board's prerogative to decide on this matter, considering that the spirit of the Radio Regulations was not to impede network service provision, unless other parties were adversely affected.

5.16 **Mr Strelets** said that, in his view, the Bureau had had sufficient grounds to launch an investigation under No. 13.6, although again, it was not clear why it had immediately referred to "cancellation" in so doing. However, when, on 13 August 2014, the Administration of China had provided the spectrum plots showing that the frequency assignments concerned had been brought into use at the declared orbital position, the investigation could have been stopped. He agreed that No. 13.6 had an element of retroactivity, as evidenced by the fact that WRC-12, acting on a Board proposal, had defined "regular use" as "current use" and introduced the term "brought into use". No. 13.6 also referred to the Master Register; entries in the Register had to be in line with current or planned use. His understanding was that there was currently a satellite at the relevant orbital position that used the frequency assignments recorded in the Register; it would therefore be absurd to cancel them.

5.17 **Mr Hoan** agreed that the Bureau had acted correctly. He considered that No. 13.6 could be applied retroactively, given that in Circular Letter CR/301 the Bureau had requested all administrations to review the use of their recorded satellite networks and remove unused frequency assignments and networks from the Master Register. In the case at hand, if the frequency band was not used, then the assignment had not been brought into use and No. 13.6 had to be applied. The case required a careful decision because ASIASAT 7 and 8 were now operational.

5.18 **Mr Khairov** said that the correspondence between the Bureau and the Administration of China had clearly established that the frequency assignments had been brought into use and were operational. That should have put an end to the investigation.

5.19 **Mr Magenta** underscored that the Board considered the cases before it on a case-by-case basis. He had considered the case at hand from the technical and economic points of view. The satellite was in position, but the rules had to be applied. In his view, however, even if the situation was not absolutely in compliance with the relevant provisions, the Board should not cancel the existing filings, but should tell the Administration of China that it should not put itself in the same situation again in the future. The Bureau had acted correctly, but the Board had the prerogative to adopt a different position to that of the Bureau.

5.20 **Ms Wilson** agreed that the Bureau had acted impeccably. Saying that an assignment had been brought into use actually meant that it had been brought into use consistent with the Radio Regulations. The evidence collected by the Bureau had shown that the assignments in question had not been brought into use in accordance with the Radio Regulations, but rather that they were currently in use. She agreed with the Director that No. 13.6 was necessarily retroactive. The response from the Administration of China should have been that the assignment had not been brought into use. Instead, it had responded by launching the satellite, using the assignments, then providing a spectrum plot to show that the assignments were being used. The Board had strong grounds for cancelling the assignment on the basis of the Radio Regulations. The question was whether it should consider that the extenuating circumstances – the financial investment – mitigated the regulatory failure to bring the assignments into use, a question she had yet to reach a conclusion on. Finally, she agreed with Mr Hoan that administrations had an obligation under Circular Letter CR/301 to review the use of their satellite networks and cancel those which were not in use.

5.21 **Mr Bessi** said that the purpose of No. 13.6 was to clean up the Master Register and that the provision was therefore necessarily retroactive. The Board nevertheless processed cancellations of filings on a case-by-case basis and on the basis of current use. The point of view of administrations also had to be understood. In the past, recordings in the Master Register had not been controlled as they currently were under No. 13.6, and administrations had developed projects on the basis of filings in the Master Register that they believed were in order. Since the adoption of No. 13.6, they could find themselves stymied, when it came time to launch the satellite, by a Bureau investigation into filings the Bureau considered invalid because they had not been brought into use previously. It was hard to see how such filings could be cancelled. The rule should therefore be that No. 13.6 was applied retroactively to clean up the Master Register, but in cases in which the administration had acted in compliance with the Radio Regulations and a satellite was operating, the Board maintained the filings.

5.22 **Ms Jeanty** agreed that No. 13.6 was by nature retroactive. In reaching a decision in the case at hand, the Board had to respect the Radio Regulations, be consistent with its previous decisions and consider the impact on other parties. It also had to take into account that the regulatory situation had been different in the past. Should the Board decide not to cancel the filings, it should clearly state that the frequency assignments had not been brought into use in the past but that the situation had been corrected with the launch of another satellite.

5.23 **Mr Koffi** considered that the Bureau had acted correctly. It was now for the Board to decide. The investigation had shown that the frequency assignments had not been brought into use by the

regulatory deadline but at a later date. He agreed with other speakers that the Board had to be indulgent and maintain the assignments.

5.24 **Mr Strelets** agreed with Ms Jeanty that the Board also had to take into account the impact of its decision on other parties. The Administration of China had asserted that it had duly completed the coordination process and had therefore acquitted itself of its duties in accordance with the Radio Regulations. Secondly, if the Board started to question frequency assignments that were already in the Master Register, it would undermine the Register's very essence. It would be telling administrations that it was in a position to examine their fully recognized frequency assignments retroactively and throw them into doubt. Administrations had to be confident that frequency assignments entered in the Master Register were reliably protected. In that respect, any retroactive investigation was highly undesirable. Frequency assignments being used in accordance with their declared characteristics should be maintained; those entered in the Master Register but not in use should be cancelled. In a previous case, the Board had confirmed the frequency assignments of a satellite launched two years after the deadline for bringing into use.

5.25 The **Director** did not consider that the rules had changed. As always, only frequency assignments brought into use within a specific timeframe were entered in the Master Register. The Bureau had sent administrations several circular letters asking them to remove from the Register any assignments that were not in use. Certain entries in the Register had to be challenged if the Register was to be credible. In the case at hand, the Board had noted at its previous meeting that the frequency assignments concerned had not been brought into use.

5.26 **Mr Khairov** suggested that the Board might recommend that the Bureau regularly investigate recorded frequency assignments to ascertain that they had been brought into use by the end of the applicable regulatory period.

5.27 The **Chairman** proposed that the Board conclude as follows:

“The Board examined in detail the issue relating to the frequency assignments of ASIASAT-CK and ASIASAT-CKX presented in Documents RRB15-2/3 and RRB15-2/9.

The Board considered that the BR acted correctly in applying the provisions of RR No. **13.6** to clarify the status of the BIU during the process of verifying the use of the frequency band 10.95-11.2 GHz.

According to the information provided by the Administration of China, the frequency assignments ASIASAT-CK and ASIASAT-CKX were brought into use on 8 May 1999 and 1 April 1999 respectively, and as such they had been recorded in the MIFR. On 5 August 2014 the satellite ASIASAT 8 was launched using the filing of the aforementioned frequency assignments.

Under the above described history of these two filings, the Board concluded that the filings of ASIASAT-CK and ASIASAT-CKX that are being used by ASIASAT 8 are consistent with the frequency assignments recorded in the MIFR. Therefore, the Board decided to agree to maintain in the frequency band 10.95-11.2 GHz the frequency assignments of ASIASAT-CK and ASIASAT-CKX in the MIFR.

At the same time, the Board reaffirms its support for the efforts being undertaken by the Bureau, consistent with Circular Letter CR/301, to use the provisions of the Radio Regulations (*e.g.* RR No. **13.6**) to enforce the removal of unused frequency assignments from the MIFR.”

5.28 It was so **agreed**.

6 Notification of typical earth stations in the fixed-satellite service (FSS) (Document RRB15-2/5)

6.1 **Mr Matas (SSD/SPR)** introduced Document RRB15-2/5, in which the Bureau sought the Board's advice on the possible way forward to further investigate and proceed with requests received from administrations to provide international recognition to the millions of earth stations used for high-density type applications (e.g. TVROs, VSAT, DTH) operated in the fixed-satellite service (FSS), and more specifically in the bands 5 850-6 725 and 3 400-4 200 MHz over their national territory. With their requests, the administrations had provided detailed technical characteristics of the earth and space stations involved. The Bureau had therefore carried out an in-depth review of the notification of typical earth stations in the FSS, taking into account the points raised by administrations in their letters, the relevant Radio Regulations and rules of procedure, and previous WRC decisions. Paragraphs 3-5 of Document RRB15-2/5 outlined the main issues involved.

6.2 **Mr Bessi** said that millions of earth stations had existed for some time. Why were administrations asking to be able to notify typical earth stations in the FSS now?

6.3 **Mr Matas (SSD/SPR)** explained that WRC-15 would see extensive discussion of the C-band, and a number of administrations would be seeking to protect their earth stations in that band. Responding to further questions from **Mr Bin Hammad** and the **Chairman**, he said that typical earth stations in the FSS had not been notified in the past, and that the Bureau would prefer not to process such notifications, since it did not have the information required to do so with a view to ensuring the protection required under the Radio Regulations.

6.4 **Mr Hoan** said that the issue had indeed arisen as a result of discussions concerning the C-band, it being recognized that the advantage of satellite communications, especially in the C-band, was their broad coverage. TVROs and DTH represented some of the most efficiently used services under the Radio Regulations and Constitution and Convention, but they did not enjoy full international recognition in terms of the notification of typical earth stations under Article 11, and without such recognition the advantages of satellite communications could become meaningless. Under No. 11.17, certain typical earth stations could be notified, but individual notices were required if the coordination area of the earth station included the territory of another country, and such constraints obviously caused particular difficulties for small and narrow countries. In his view, a rule of procedure should be introduced waiving such constraints and making it possible to notify typical earth stations in the FSS.

6.5 The **Chairman** stressed that the Board was required to consider the entire frequency band and ensure the protection of all services using it, not just the satellite service.

6.6 **Mr Bessi** asked whether any decision taken by the Board to allow the registration of typical earth stations in the FSS in the MIFR would have an impact on matters to be taken up by WRC-15 in regard to the C-band.

6.7 The **Director** said that there were very few receiving earth stations registered in the MIFR, and, as he had made clear in various occasions, those wishing to protect their earth stations must coordinate and notify them, given that the band was shared between the fixed and mobile terrestrial services and the FSS. Article 11 clearly did not allow the notification of typical earth stations in the C-band in situations where the terrestrial services of other countries may be affected, but administrations had asked to be able to notify such stations because they wished to protect their stations. The Bureau was well aware of the issue, and studies had been undertaken in the ITU-R involving earth stations and IMT base stations, pointing to the fact that interference would inevitably occur under certain scenarios. Responding to comments by the **Chairman**, he said that to accept the notification of typical earth stations in the FSS would be tantamount to allowing the registration of not millions but an infinite number of earth stations, which would give an unfair advantage to space services vis-à-vis terrestrial services in a shared band.

6.8 The **Chairman** commented with regard to coordination that, with millions of earth stations on one hand for FSS and numerous base stations for mobile systems on the other, near the border, coordination contours would inevitably meet everywhere, and notices would therefore be returned under the rule of procedure on No. 11.17. The situation presented enormous obstacles.

6.9 **Mr Hoan** said that the notification of typical earth stations in the FSS would obviously pose serious problems, but he also wondered how the Bureau would cope if administrations submitted notifications for millions of individual earth stations. He also noted that the protection demanded of terrestrial services towards space services (hard limits) was not the same as that demanded of space services towards terrestrial services. The entire matter required further study and should be referred to WRC-15 in the report of the Director, requesting the conference to identify the way forward. He added that the issue had arisen further to discussions not only of the C-band, but of the Ku-band also.

6.10 **Mr Strelets** said that although administrations with the technological wherewithal had managed to ensure the protection of their earth stations from cross-border interference in the past, the problem now facing the radiocommunication community was obviously far more complex; the solution would depend to a large degree on the sharing criteria adopted by WRC-15. Any decisions on the part of the Board at the present juncture could complicate the discussions that would take place at WRC-15. More time was required for reflection, and he proposed that the Board defer further consideration of the matter to a future meeting, preferably after WRC-15, on the understanding that the Bureau would be reporting the issues involved to the conference.

6.11 **Mr Bessi** said that the CPM Report indicated that the studies carried out on sharing between future IMT systems and specific earth stations had pointed to the need for distances separating the IMT base stations. Studies also indicated that such sharing based on typical earth stations or involving unlicensed stations would not be feasible given that there would be no separation distances. Moreover, Nos. 11.17 and 11.20 clearly made it impossible to register typical earth stations near borders. Any decision by the Board now on the request in Document RRB15-2/5 would inevitably complicate matters when WRC-15 came to discuss the issue.

6.12 **Mr Khairov** said that the Board should nevertheless do its utmost to satisfy the Bureau's request for assistance and accommodate the submissions by administrations, possibly by developing a rule of procedure defining a typical earth station, to be discussed following WRC-15.

6.13 The **Chairman** said that he tended to agree with the points made by Mr Bessi and with Mr Strelets' recommendation that further discussion of the matter be deferred for the time being. Numerous factors required further discussion, related not only to the specific sharing conditions to be respected by the services involved, for example in terms of pfd limits for the mobile services, but also to the extent to which the Bureau could handle enormous numbers of notifications. Moreover, IMT allocations were to be discussed in depth at WRC-15. He considered that it would be premature to endeavour to develop a rule of procedure.

6.14 **Mr Magenta** agreed with the Chairman, noting that, according to Document RRB15-2/5, the Radio Regulations contained no definition of "typical" earth station in the FSS. The matter should be reported to WRC-15, drawing attention to the complex issues involved.

6.15 **Chief SSD** agreed that the matter was sensitive and required further, in-depth study. The concept of "typical" station was not defined in the Radio Regulations in regard to the FSS, but did exist when it came to the coordination of space stations, including where FSS systems were involved. He further noted that the correspondence received from administrations referred to acquiring international recognition and not necessarily protection, and in that regard he noted that international recognition under No. 11.31 did not necessarily imply protection, which was derived from coordination (Nos. 11.32 and 11.32A). In addition, coordination between FSS services such as TVRO and mobile services could prove to be extremely complex. In its report to WRC-15 (Document RRB15-2/INFO/2, § 3.2.3.8), the Bureau identified the problems involved; changes could be made

to the Radio Regulations to facilitate international recognition under No. 11.31, but coordination under No. 11.32 was another matter.

6.16 Responding to a question from **Mr Khairov**, he said that it would certainly be possible to establish a definition of “typical earth station”, based on Appendix 4 characteristics. The basic difference between the definition of a fixed earth station and that of a typical earth station would be that for the latter a service area would have to be indicated rather than geographical coordinates.

6.17 Responding to a question from **Ms Wilson**, he said that if the Bureau received further requests from administrations for the registration of typical earth stations, it would inform the administrations that the matter was under study by the Board with a view to a possible future decision and was being referred to WRC-15 for discussion.

6.18 The **Director** stressed that, under the present Radio Regulations, notifications for typical earth stations were not receivable. The study groups or Special Committee would appear to be the most appropriate forums for consideration of the matter, but with the WRC imminent, he suggested that the best way forward would be to await the outcome of WRC-15, in the knowledge that the subject was covered in his report to the conference.

6.19 **Mr Koffi, Mr Bin Hammad** and **Mr Magenta** suggested that, since further requests might be received from administrations before WRC-15, the Board could ask the Bureau to compile further information on the matter for consideration by the Board at its 70th meeting, pending the outcome of WRC-15. For example, it would be useful to know what implications there would be in terms of workload if the Bureau was required to process notifications for millions of earth stations.

6.20 **Chief SSD** said that if the millions of earth stations notified were all identical, as in the case of typical earth stations, the workload involved would be the same as for a single earth station.

6.21 **Mr Strelets** said that further information for the Board at its 70th meeting could usefully include the conclusions reached by the ITU-R working parties and study groups on the sharing of given bands and the criteria relating to such sharing, including coordination, especially, for example, where primary services were to share with secondary services.

6.22 Regarding statistics that might be provided, the **Director** said that obviously no statistics could be provided for typical earth stations, since they could not be notified at present. As to specific earth stations, for the most part they were not notified, and therefore any statistics would be totally unreliable.

6.23 **Mr Strelets** endorsed those comments, adding that band use could vary considerably from region to region.

6.24 **Mr Magenta** agreed with the previous speakers' comments, and said that any additional information should focus on coordination and sharing, and on any possible increased workload resulting from processing millions of notifications.

6.25 The **Chairman** suggested that the Board agree to conclude as follows:

“The Board carefully considered the information provided by the BR in Document RRB15-2/5 and noted its potential importance in the work of WRC-15. The Board further noted that this aspect is already proposed to be reported to WRC-15 by the Director in the Report to the conference, see Document RRB 15-2/INFO/2, section 3.2.3.8.

As a result of these considerations the Board requested the BR to provide additional information on the difficulties anticipated and the impact on the BR in treating such notices to the next meeting of the Board and decided to continue discussion on this item.”

6.26 It was so **agreed**.

7 Submission by the Administration of the Russian Federation on the resubmission of a notification under No. 11.46 for the satellite network STATIONAR-20 at 70°E (Document RRB15-2/7)

7.1 **Mr Matas (SSD/SPR)** introduced Document RRB15-2/7, on the resubmission by the Administration of the Russian Federation, under No. 11.41 of the Radio Regulations, of a notification for the STATIONAR-20 satellite network at 70°E after expiry of the six-month regulatory deadline stipulated in No. 11.46. Outlining the background to the case, he said that on 8 July 2014 the Bureau had returned a notice relating to the network, with the relevant unfavourable finding, to the Russian Administration. The Administration had replied on 17 March 2015 requesting resubmission under No. 11.41. In a subsequent communication dated 30 April 2015 reiterating its request, the Administration had acknowledged that the submission had been late, but had explained that the orbital position was important for the Russian Federation, having been used for defence and security purposes for over 30 years. A new space vehicle, Raduga-1M, had been launched in 2013 and was operating at the orbital position. The Bureau had subsequently confirmed to the Russian Administration that, while unable to accede to the request, the six-month deadline stipulated in No. 11.46 having not been met, it would submit the request to the Board. In his view, the Russian Administration had simply overlooked the deadline.

7.2 **Mr Magenta** noted that the Administration of the Russian Federation had missed the deadline by a mere two months. He was sure the delay was purely administrative in nature and was therefore in favour of accepting the request.

7.3 **Chief SSD** pointed out that No. 11.46 stipulated that any notice resubmitted to the Bureau more than six months after the original notice had been returned was considered to be a new notification with a new date of receipt. While the fact of having a new notification date had no impact in most instances in the case of terrestrial frequency assignments, in the case of space frequency assignments, if the new date was not within the seven-year period from the date of receipt of the relevant API, it would no longer be in conformity with No. 11.44 and the network would have to be cancelled. In the case at hand, and according to the information made available by the Administration of the Russian Federation, a satellite had been using the frequencies concerned for some time and continued to use them. If No. 11.46 was strictly applied, however, the assignments would have to be cancelled. The Bureau had informed the Administration of the Russian Federation accordingly and the Administration had understood that the Bureau had no choice but to apply No. 11.46. In informing the Administration that it would submit the case to the Board, the Bureau had indicated that it had every sympathy with the Russian Federation in the situation it faced.

7.4 Replying to a comment from the **Chairman**, he said that the Administration of the Russian Federation had never in the past invoked the orbital position's use for defence and security, or, for that matter, Article 48 of the ITU Constitution. It had always applied the provisions of the Radio Regulations in respect of the network to the letter and had provided the information required for the filing.

7.5 **Mr Bessi** believed that the Administration of the Russian Federation might not wish to refer explicitly to Article 48 and had referred to defence and security purposes simply to back up its request. The case therefore concerned the application of No. 11.46. He considered that the Bureau had acted correctly, and asked what the consequences would be if the Board rejected the request and the filing was recorded with a new notification date of 17 March 2015.

7.6 **Chief SSD** replied that the consequences would be dramatic, because the new date would imply that the notification had been received after the API period and the satellite network entries in the MIFR would have to be cancelled.

7.7 **Mr Hoan**, noting that the network was being used for defence and security purposes, believed that the Board should accept the request for resubmission under No. 11.41, in view of Article 48 of the Constitution and since the satellite was operational.

7.8 **Ms Jeanty** was also in favour of accepting the request, given the consequences of not doing so and the fact that the resubmission was only two months late.

7.9 **Mr Koffi** was also in favour of accepting the request, but asked what the consequences of doing so would be for other networks.

7.10 The **Chairman** said that his understanding was that the system was currently operational. The consequences of cancelling it would be huge for the operator but almost nil for other operators.

7.11 In response to a query from **Ms Wilson**, **Chief SSD** said that the Bureau had received a coordination request from the Administration of the Russian Federation on 17 December 2009 relating to frequency assignments it had already notified to the Bureau in application of No. 11.43. It had then had five years, i.e. until 17 December 2014, to notify the Bureau that the assignments concerned had been brought into use, and had indeed provided a notification before that date. An analysis of the notification had revealed that, as was often the case, the frequency assignments were in conformity under No. 11.31 but coordination under No. 11.32 was incomplete. In such cases, the Bureau issued an unfavourable finding. It had therefore returned the notice to the Administration of the Russian Federation, which had then had six months in which to request the application of No. 11.41. It was that deadline that had been exceeded by two months, and it was for that reason that the new notification fell outside the five-year deadline applicable in the case of No. 11.43 for modification of assignments already recorded in the Master Register.

7.12 **Mr Bessi** pointed out that the Board had accepted similar requests in the past in respect of filings delayed by omission or for administrative reasons. Given that the network was operational and used for defence and security purposes, he was in favour of acceding to the request.

7.13 The **Chairman** proposed that the Board conclude as follows:

“The Board examined in detail the matter relating to the submission by the Administration of the Russian Federation on the satellite network STATSIONAR-20 at 70°E as provided in Document RRB15-2/7. In the treatment of this case, the Board considered that the BR correctly applied the provisions of RR No. **11.41** and **11.46**.

Noting that the satellite is operational and in conformity with the filing for the notice as indicated in the reference file, the Board decided to accept the request from the Administration of the Russian Federation and instructed the BR to accept the resubmission of the satellite network STATSIONAR-20 at 70°E under RR No. **11.41** and to maintain the previous date of receipt.”

7.14 It was so **agreed**.

8 Submission by the Administration of the Lao People’s Democratic Republic regarding the status of the LAOSAT-128.5E satellite network (Documents RRB15-2/8 and RRB15-2/DELAYED/8)

8.1 **Mr Matas (SSD/SPR)** introduced Document RRB15-2/8, in which the Administration of the Lao People’s Democratic Republic requested extension of the regulatory time limit for bringing into use its LAOSAT-128.5E satellite network, from 13 May to 31 December 2015. The Lao Administration indicated that uncontrollable problems, which it outlined in the document, meant there had been a delay in the launch of satellite LAOSAT-1, the country’s first satellite, which was to bring the network into use, and that delay had also greatly increased the coordination requirements

incumbent on the Lao Administration. He also drew attention to Document RRB15-2/DELAYED/8, which provided further information.

8.2 **Mr Hoan** noted that in Document RRB15-2/DELAYED/8, the Lao Administration reiterated its request for ITU to extend the regulatory deadline from 13 May to 31 December 2015, requesting ITU to “extend a longer regulatory time limitation” for the network.

8.3 The **Chairman** said that Document RRB15-2/8 contained only the letter from the Lao Administration requesting extension of the regulatory deadline, but not copies of any correspondence that might have been exchanged between the Bureau and the Lao Administration. Moreover, it appeared that the Bureau had not yet actually cancelled the network.

8.4 **Chief SSD** said that the deadline for bringing the network into use had only just expired, meaning that there had not actually been sufficient time to effect the cancellation. Moreover, the Bureau had known that the Board was to consider the case, and had therefore considered it better to wait for the Board’s decision on whether or not to reinstate the network rather than cancel it immediately. Correspondence had indeed been exchanged with the Lao Administration, but the present request from the Lao Administration had been received just prior to the deadline for submissions to the present meeting; for the Bureau to have prepared and attached all the correspondence exchanged would have taken time, and might have meant missing the deadline. The Lao Administration had fulfilled all its obligations in terms of due diligence information, etc., save that its satellite had not been launched and the bringing-into-use date had thus not been respected, and the Lao Administration had kept the Bureau informed of all developments. Faced with the Lao Administration’s non-compliance with the bringing-into-use deadline, the Bureau had informed the Administration that the network would be cancelled, and that the Administration would have to submit its case to the Board if it wished to request reinstatement. If the Board decided not to reinstate the Lao network, the latter would be cancelled by the Bureau very shortly.

8.5 **Ms Jeanty** inferred from those explanations that the Bureau had sent all the necessary reminders to the Lao Administration regarding the need to comply with the bringing-into-use deadline for the network concerned.

8.6 **Mr Hoan** said that the Bureau and the Lao Administration had acted correctly under the provisions of the Radio Regulations, save that the bringing-into-use deadline had not been respected by the Lao Administration. WRC-12 had delegated authority to the Board to extend regulatory time-frames under certain conditions, and he considered that the Board should do so in the present case.

8.7 Responding to a question from **Mr Magenta**, **Chief SSD** said that if the Board confirmed the Lao network’s cancellation, other administrations with networks within 8-9 degrees of 128.5 °E would stand to gain in terms of coordination requirements. The Lao Administration had indicated that it had completed coordination with many of the networks where required.

8.8 **Mr Strelets** said that the basic question was whether or not the Board had the authority to grant the extension requested. In that regard, he referred to the minutes of the 13th plenary meeting of WRC-12 (WRC-12 Document 554), and specifically to § 3.20 thereof, containing the Chairman of Committee 5’s intervention, as follows:

“3.20 The **Chairman of Committee 5**, introducing Document 525, said that it covered four issues relating to agenda item 7 and one relating to agenda item 8.1.2. The first issue relating to agenda item 7 concerned the extension of the regulatory time-limit for bringing into use satellite assignments due to launch delays beyond the control of the administration. Committee 5 had discussed certain proposals to create a new WRC resolution to allow limited and qualified extensions in the case of co-passenger delays and to expand such extensions in the case of *force majeure*. However, recognizing that there were a number of concerns with creating a resolution, and that such cases could be brought to the Radio Regulations Board or to future conferences on a case-by-case basis, the committee had not pursued the discussion.[...]”

If, in the light of that excerpt from the WRC-12 minutes, the Board deemed that it had the authority to grant the Lao Administration’s request, it could do so, perhaps subject to confirmation of its decision by the forthcoming WRC. In what might be a legal vacuum, the Board might consider requesting the Legal Adviser’s opinion on the matter.

8.9 The **Chairman** said that, although he had considerable sympathy for the Lao Administration’s request, the question of whether or not the Board had the authority to grant the requested extension had to be addressed. It might not be necessary to seek the Legal Adviser’s opinion again, as the Legal Adviser had already indicated at the Board’s 60th meeting that the WRC minutes represented the highest interpretation of the decisions taken by the WRC, and could therefore be taken into consideration by the Board.

8.10 **Ms Wilson** said that the legal opinion provided by the Legal Adviser to the Board at its 60th meeting in Document RRB12-2/INFO/2 (Revision 1) could be considered to provide a very good basis for the Board’s present discussion. It appeared to indicate, based on WRC-12 Document 554, that the Board had the authority to grant limited and qualified extensions of regulatory time-limits for bringing into use if certain conditions were met, and that those conditions included, specifically, co-passenger delays and *force majeure*. The same information document identified the four basic conditions constituting *force majeure*. The Board should therefore consider whether the request before it constituted a case of *force majeure*. If it did, the Board might consider granting the regulatory extension.

8.11 The **Chairman** said that, with the WRC conveniently imminent, the Board could take the easy option of referring the case to the conference. He would nevertheless prefer the Board to take a substantive decision on the matter, bearing in mind that other such requests might be submitted to it at times when the WRC was not so imminent. He was not convinced, however, that the case before the Board was one of *force majeure*; it appeared to involve contractual problems. If the Board granted the requested extension, it must find solid grounds for doing so, and must also ensure that it remained consistent with decisions it had taken in the past where administrations had requested extensions to regulatory time-limits and had invoked *force majeure*.

8.12 **Mr Magenta** noted that the Lao Administration was fulfilling all its coordination requirements for the satellite network project and had made all its payments to the launch contractor China APMT. It appeared to have done everything within its power to meet the bringing-into-use deadline, but had suffered setbacks, which might or might not qualify as *force majeure*. It would be most unfortunate if the Board did not see fit to grant the extension requested, recognizing that administrations could come back on the Board’s decisions at the forthcoming WRC.

8.13 **Mr Bessi** considered that no existing texts authorized the Board to extend regulatory deadlines, including under No. 11.44B. The statement made by the Chairman of Committee 5 as reflected in § 3.20 of WRC-12 Document 554 could not be construed as a decision of the conference, but had been made in explanation of why debate on a given matter had been brought to a close. He had great sympathy for the Lao Administration, which was encountering major problems with the launch of its first satellite and with a satellite network of such importance to it; but its plight could

not qualify as *force majeure*, not least because the Lao Administration had not invoked *force majeure*, and such invocation was, according to the Legal Adviser's legal opinion, a precondition for even considering whether there was *force majeure*. Thus, the Board had no regulatory grounds for granting the extension, and should advise the Lao People's Democratic Republic to take its case to WRC-15 for decision. Responding to comments by the **Chairman**, he said that he could agree with the Legal Adviser that the minutes of WRCs could constitute the highest level of interpretation of the decisions of a WRC, but stressed that § 3.20 of WRC-12 Document 554 could not be taken as a decision of the WRC authorizing the Board to grant regulatory extensions; it was merely the Chairman of Committee 5's summary of his committee's discussions of certain items.

8.14 **Ms Jeanty** said that she had considered carefully the Legal Adviser's opinion in Document RRB12-2/INFO/2 (Revision 1) as well as the minutes of the Board's 60th meeting when the Board had discussed its authority to grant extensions, for reasons of *force majeure*, of regulatory time-limits for the bringing into use of frequency assignments, and the concept of *force majeure*. To her understanding, the Board could grant extensions in cases of co-passenger delays and *force majeure*, and the latter did not necessarily have to be linked to launch failure, but could concern, for example, contractual problems. The Board should therefore decide whether the case before it could qualify as *force majeure*, and if it did, it might consider acceding to the Lao Administration's request. If it did not, the Board would have no option but to advise the Lao Administration to take its request to WRC-15.

8.15 **Mr Hoan** said that the Lao People's Democratic Republic was not just a developing country, but a least developed country (LDC), seeking to launch its first satellite for a satellite network that, given the country's specific geographical characteristics (two thirds forest and mountains, etc.) would be of fundamental importance to its telecommunication infrastructure and hence social and economic development. The Lao Administration had made every possible endeavour to meet all regulatory requirements in order to bring its network into use on time, but had encountered genuine problems. He urged the Board to respond positively to the request, citing No. 196 of Article 44 of the Constitution, which referred to "taking into account the special needs of the developing countries and the geographical situation of particular countries". Referring to the minutes in WRC-12 Document 554, which reflected the Board's competence to grant extensions in the case of co-passenger delays and *force majeure*, he proposed that the Board study whether the request before it could qualify as *force majeure*. In that regard, he noted that the case satisfied certain basic conditions. The circumstances facing the Lao Administration had been both unforeseeable and beyond its control, given in particular that, as an LDC, the Lao People's Democratic Republic did not have the same technical and financial resources and expertise as a developed country. Indeed, what constituted *force majeure* for a developing country, and in particular an LDC, might not constitute *force majeure* for a developed country. With the WRC just a few months away, the Board could obviously leave it to the conference to decide the matter. He nevertheless considered, taking all elements into consideration, including the minutes contained in WRC-12 Document 554, that the Board could consider that the case was one of *force majeure* and could therefore accede to the request.

8.16 **Mr Strelets** said that the matter was both sensitive and complex. The Legal Adviser's opinion in Document RRB12-2/INFO/2 (Revision 1) referred to WRC-12 having delegated to RRB the authority to examine cases of requests for time-limit extensions provided that the requesting party invoked either a co-passenger issue or a case of *force majeure*; and some might argue that the Lao Administration's request was not a case of *force majeure*. At the same time, § 3.20 of the minutes in WRC-12 Document 554 referred to consideration of the extension of the regulatory time-limit for bringing into use satellite assignments due to launch delays beyond the control of the administration. Various scenarios could arise. For example, a recent case of booster failure had clearly been an instance of *force majeure* for the main administration concerned; but the fact that the new launch had been delayed indefinitely had meant that other affected administrations had had to look for alternative solutions or otherwise face delays of up to a year or more. Thus, administrations could suffer the

consequences of another party's *force majeure*, but not be direct victims of it themselves. The Board had received instructions to examine requests for extension on a case-by-case basis, and he fully agreed with Mr Hoan regarding the problems and circumstances faced by the Lao Administration. He therefore saw two possibilities: the Board could accede to the Lao Administration's request if it deemed that it had the authority to do so – and in his view it did have that authority – and could seek endorsement of that decision by WRC-15; or the Board could decide not to accede to the Lao Administration's request, in which case the Bureau would have to suppress the network, with catastrophic consequences for the Lao People's Democratic Republic. He considered that the Board existed to support administrations in their radiocommunication activities, and should therefore respond positively to the Lao Administration's request.

8.17 **Ms Wilson** said that she endorsed many of the comments made by Mr Hoan and Mr Strelets. She considered that the Board did have the authority to grant the request submitted from the Lao Administration, and agreed that what might not constitute *force majeure* for a developed country could do so for an LDC. Such requests must be considered case by case, and the Board should do all it could to accede to the Lao Administration's request, given the circumstances it faced and the consequences it would suffer if the network was cancelled. The circumstances described in part C of Document RRB15-2/8 would indeed appear to be beyond the control of the Lao Administration, thus meeting one of the key conditions for *force majeure*. She also agreed with Mr Magenta's suggestion that the Board respond positively to the request, on the understanding that WRC-15 could revisit the Board's decision if it saw fit.

8.18 The **Chairman** said that there appeared to be a consensus emerging that the Board should accede to the Lao Administration's request on the following understandings. First, the minutes of the thirteenth plenary meeting of WRC-12 (WRC-12 Document 554) authorized the Board to grant certain extensions to bringing-into-use time-limits under certain conditions; that understanding had been confirmed by the Legal Adviser. Second, economic circumstances could not constitute *force majeure*, but the situation faced by the Lao People's Democratic Republic seemed to be beyond its control. Third, the Lao People's Democratic Republic had made every effort to overcome the situation it faced and fulfil its obligations, including paying the launch contractor, submitting all required information to BR, and fully explaining the situation it faced and the reasons for it. Fourth, the satellite concerned was essential to the Lao People's Democratic Republic as an LDC, and to the development of the country's telecommunication infrastructure and the provision of essential services to its inhabitants. Fifth, affected administrations could raise the matter at WRC-15 if they objected to the Board's decision, and the Board could have the matter brought to the attention of the WRC in the Director's report to the conference. Taking those understandings into consideration, he, too, could agree to accede to the request now before the Board and grant an extension of the bringing-into-use time-limit up to 31 December 2015.

8.19 **Mr Koffi** said that he was not convinced that the Board could grant extensions to bringing-into-use time-limits, or that the situation faced by the Lao People's Democratic Republic qualified as *force majeure*. He would prefer to refer the matter to WRC-15, and in the meantime instruct the Bureau to continue to take into account the assignments to network LAOSAT-128.5E pending the conference's decision. He hoped that the conference would give the Board instructions on how to deal with such cases in the future.

8.20 **Mr Bin Hammad** stressed that the Board must take into account three essential elements in reaching its decision. First, it had to be consistent with decisions it had taken in the past. Second, it had to consider all the circumstances that had led to the situation in which the Lao People's Democratic Republic found itself. Third, it had to take account of other factors, such as the fact that the Lao People's Democratic Republic was an LDC. At the practical level, with WRC-15 imminent, the Board must not rush into taking such an important decision but could make its views known to the conference, in the knowledge that the matter would be referred to the conference by the Lao Administration and that it would be covered in the Director's report to the conference.

8.21 **Mr Hoan** said that the Board should consider itself competent to take a decision on the request before it by qualifying the situation faced by the Lao People's Democratic Republic - as an LDC - as a case of *force majeure* given the concrete circumstances faced by the country, and the fact that LAOSAT-1 was to be the country's first satellite; that it was clear from all documentation and the BR database that the Lao Administration had done its utmost to fulfil all its obligations in the matter, and had signed its launch contract some three and a half years prior to expiry of the bringing-into-use deadline; and that numerous difficulties faced by the Lao Administration had been beyond its control and thus qualified as *force majeure*.

8.22 **Ms Jeanty** said that her previous remarks had related to the legal basis for the Board's consideration of the case before it. She felt great sympathy for the predicament facing the Lao People's Democratic Republic as an LDC, for the reasons already expanded upon by Mr Hoan, particularly in the light of Article 44 of the Constitution. To her understanding, however, the Board could grant extensions to bringing-into-use time-limits only in the case of *force majeure* or co-passenger delay. If certain Board members could convince the rest of the Board that the minutes in WRC-12 Document 554 and the Legal Adviser's opinion in Document RRB12-2/INFO/2 (Revision 1) authorized the Board to grant certain extensions on a case-by-case basis, and that such an extension could be granted in the present case, she would be in favour of acceding to the Lao Administration's request subject to confirmation of the decision by WRC-15. The Board must nevertheless be cautious, as in the past it had not granted extensions to bringing-into-use time-limits.

8.23 **Mr Bessi** drew attention to the statement by the Legal Adviser as reflected in § 4.2 of the minutes of the Board's 60th meeting (Document RRB12-2/7(Rev.1)), which made it clear that deadlines could be extended only in a case of *force majeure*; and that in order to be treated as a case of *force majeure* a clear request for such treatment had to be made by the administration concerned, following which it had to be confirmed that the case qualified as *force majeure*. The statement did not give the Board the authority to extend deadlines as requested in the case before it. He had every sympathy for the Lao People's Democratic Republic, whose situation, including as an LDC, he fully understood, and he appreciated all the efforts made by the Lao Administration; but such considerations could not be used to justify a derogation from the Radio Regulations, and no existing ITU texts authorized the Board to extend bringing-into-use time-limits except in cases of *force majeure*. The matter had been debated several times, always to the same conclusion. He therefore agreed with Mr Koffi and Mr Magenta that the case should be referred to WRC-15 for decision, stressing that the Lao Administration had made every effort to fulfil its regulatory obligations, and that in the meantime the Bureau should be instructed to continue to take into account the frequency assignments in question.

8.24 **Mr Strelets** said that Mr Bessi's proposal to instruct the Bureau to continue to take into account the frequency assignments to the LAOSAT-128.5E satellite network already amounted to a decision, and simply staggered the decision by passing on its other element - that of reinstating the network - to the conference. He therefore considered that the Board could and should take what would amount to much the same decision, by deciding that the network should be retained, but that WRC-15 should be requested to confirm the Board's decision, thus recognizing that the Board's authority to grant such extensions was not unlimited.

8.25 **Ms Jeanty** said that she was still not convinced that the Board had the authority to grant extensions in cases other than *force majeure* or co-passenger delay.

8.26 **Mr Hoan** recalled that WRC-12 had considered a request from Viet Nam for a possible extension of a bringing-into-use time-limit as a result of launch delay and had delegated authority to the Board to deal with the request if it proved necessary. In the end, Viet Nam had not required the extension, thus ultimately the Board had not been required to discuss the case. In the case currently before the Board, a positive decision by the Board could be based on Article 44 of the Constitution,

on the understanding that the case would be reported to the WRC, which was imminent, in the Director's Report.

8.27 **Ms Wilson** said that it appeared from the comments made that the Board could grant extensions only in cases of co-passenger delay or *force majeure*. Since the case before it did not involve co-passenger delay, she wished to focus on whether it could qualify as *force majeure*, and in that regard consider whether it met the conditions specified in the Legal Adviser's opinion in Document RRB12-2/INFO/2(Revision 1). In her view, it met all the conditions, based on the information provided by the Lao People's Democratic Republic in the documents it had submitted. She therefore proposed that the Board should exercise the competence it had to grant a limited and qualified extension to the Lao Administration, because the case met the necessary conditions for it to do so, and for the reasons given by Mr Hoan, particularly with regard to Article 44 of the Constitution.

8.28 The **Chairman** proposed that in the light of its discussions the Board should agree to conclude as follows:

“The Board discussed in detail Document RRB15-2/8 containing the submission by the Administration of the Lao People's Democratic Republic (PDR) regarding the status of the LAOSAT-128.5E satellite network, the information contained in Document RRB15-2/DELAYED/8 and its request to extend the regulatory deadline for the bringing into use of this network from 13 May 2015 to 31 December 2015. Furthermore, the Board took into account:

- Its authority to provide a limited and qualified extension of the regulatory time limit for bringing into use the frequency assignments of a satellite network;
- That the strict application of RR No. **11.44** would lead to the suppression of the LAOSAT-128.5E network;
- That LAOSAT-1 is the first Lao PDR satellite and it is intended to provide essential satellite communications to the Lao PDR and its neighbouring countries;
- That coordination activities with other administrations and/or their satellite operators have progressed significantly;
- That the difficulties faced by the Lao PDR were beyond its control and led to the eight month postponement of the launch date of the LAOSAT-1 satellite;
- That the launch date of the LAOSAT-1 satellite is now foreseen in November 2015;
- The provisions of Article 44, CS 196 (RR No. **0.3**), in relation to the special needs of the developing countries and the geographical situation of particular countries.

Consequently, the Board decided:

- To accept the request of the Lao PDR;
- To instruct the BR to continue to take into account the frequency assignments of the LAOSAT-128.5E satellite network until 31 December 2015;
- To report this matter to the WRC-15 for its final decision.

The Board further indicated that it would consider other such situations on a case by case basis.”

8.29 It was so **agreed**.

9 Submission by the Administration of Mexico requesting the reinstatement of the MEXSAT satellite network filings in the Ka-band (Document RRB15-2/13)

9.1 **Mr Matas (SSD/SPR)** introduced Document RRB15-2/13 containing the submission from the Administration of Mexico and copies of the ten satellite network filing invoices sent to it on

29 May 2014. The invoices remaining unpaid, the Bureau had sent reminders on 16 September and 10 October 2014. The invoices had fallen due on 29 November 2014, and the Administration of Mexico had spared no effort after that date to keep the Bureau abreast of its efforts to make payment, contacting it at least every two weeks and explaining the difficulties encountered: regulatory changes in Mexico, budget issues and a ministerial reorganization. The Bureau had received the payments on 21 April 2015, but had had no choice in the meantime but to cancel the filings, in January 2015. The only option left open to the Administration of Mexico was to ask the Board to reinstate them.

9.2 In response to a query from **Mr Bin Hammad** relating to the impact of the decision on neighbouring orbital slots, the **Chairman** indicated that no communications had been received from other administrations suggesting an adverse impact.

9.3 **Mr Magenta** sympathized with the administrative problems encountered by the Administration of Mexico, with which many countries were familiar. He was in favour of reinstating the filings.

9.4 **Ms Wilson** said that, given that the Administration of Mexico had paid the invoices and made diligent efforts to collaborate with the Bureau, and that no communications had been received from other administrations suggesting an adverse impact, she was in favour of reinstating the filings.

9.5 **Mr Koffi** agreed, pointing out that the Board had agreed to reinstate filings in similar cases in the past.

9.6 **Mr Hoan** also considered that the filings should be reinstated, given the Mexican Administration's explanations for the delay, which were understandable, its diligent efforts to keep the Bureau informed and the fact that the payments had ultimately been received.

9.7 **Ms Jeanty** also pointed to the absence of any communications from other administrations and agreed that the filings should be reinstated.

9.8 **Mr Terán** saw no reason not to reinstate the filings. The problems encountered by the Administration of Mexico, while not necessarily "normal", were common. The Administration had embarked on a government-wide telecommunication control reform process that had led to the reallocation of budget funds and organizational rearrangements that would have taken time to complete in any country.

9.9 **Mr Strelets** was also in favour of reinstating the filings. He nevertheless pointed out that the Board was starting systematically to undermine Council Decision 482 by reinstating filings that should have been cancelled because of late payment of satellite network invoices. Not only did that send the wrong signal that late payments had no consequences, it added to the Bureau's workload. Cost-recovery fees were revenue for the Bureau, and consideration might therefore be given to the introduction of fines for late payments.

9.10 The **Chairman** concurred and suggested that the subject could be taken up either in the Director's Report to WRC-15 or in the Board's report to WRC-15 under Resolution 80 (Rev.WRC-07).

9.11 The **Director** agreed that it may be legitimate to raise the possibility of a penalty for non-payment of cost-recovery fees but said that the matter cut across the prerogatives of several ITU bodies. Application of the Radio Regulations was the Board's prerogative, whereas cost-recovery issues were the Council's and the regulatory consequences of non-payment were WRC's. Such issues would therefore have to be raised before the Council or WRC.

9.12 **Mr Bessi** agreed that the filings of the Administration of Mexico should be reinstated on the grounds that the Administration had paid the invoices and in view of the explanations it had provided for the delay in payment. He also agreed with Mr Strelets' concerns and suggested that the Board

mention them either in its decision on the agenda item, bringing it to the Council's attention through the Bureau, or in its report to WRC-15 under Resolution 80.

9.13 **Mr Hoan** shared the concerns expressed by Mr Strelets. By accepting late payments, the Board was establishing a precedent not stipulated in an ITU decision or in the Radio Regulations. Under Council Decision 482, the cancellation of a network filing did not remove the obligation to pay the fee unless the Bureau received notification of cancellation within 15 days of the date of receipt of the filing. Payments were being made later and later, however, and the delays were not limited - the Board had previously decided on a case in which the delay had been much longer. He suggested that the Board refer the matter to the Council with a view to preventing abuse by administrations. Indeed, delayed payments could also entail advantages for administrations, by allowing them to wait and see which filings might be coordinated most successfully.

9.14 **Mr Magenta** also shared the concerns expressed by Mr Strelets. Administrations making late payments must be penalized and some kind of "acceptable deadline" set, with progressively larger fines the longer the delay.

9.15 **Ms Jeanty** expressed surprise that there were no fines for late payments and agreed that the matter be raised in the Board's report to WRC-15 under Resolution 80.

9.16 **Mr Strelets** added that the current fees had been established using methods that established a link between the amount of money paid for processing the notice and the type and complexity of the notice. Another option would be to set different fixed rates for processing and for modifying notices. The situation had arisen in the past where a project had ceased to exist or the operator had gone out of business, leaving no one to charge; the administration had been left to bear the cost. Administrations could be asked to prepay a fixed processing fee.

9.17 The **Chairman** considered that the actual method should be hammered out by a body such as the Council, the Board's role being limited to flagging the problem. The Board should concentrate on matters relating to the Radio Regulations and the MEXSAT network filings, not on the financial implications. It could raise its concerns in its report to WRC-15 under Resolution 80.

9.18 **Mr Bessi** feared that the introduction of penalties would be interpreted by administrations as giving them *carte blanche* not to respect deadlines. He proposed that the existing procedure be maintained: late payment led to cancellation of the filing; if the administration wished, it could request reinstatement by the Board, which dealt with such requests on a case-by-case basis. The fact that the Board had agreed to reinstate certain filings in the past did not mean it would be obliged to follow suit in future cases in which there was no valid reason for doing so. He further suggested that any fines decided on by the Council or the WRC be imposed only once the Board had agreed to reinstate a filing. The administration was obliged to pay the invoices issued by the Bureau even if the network was cancelled. Fines for late payment would be applicable in accordance with ITU's financial regulations, and hence with the financial regulations of the United Nations. If the network was cancelled, however, any supplementary fines decided by the Council would not be applicable.

9.19 **Mr Magenta** endorsed Mr Bessi's suggestions.

9.20 **Chief SSD** pointed out that the cancellation of filings in the case of non-payment was covered by provisions in the Radio Regulations adopted by a WRC as opposed to a Council decision. Council Decision 482 merely indicated a processing charge and a payment to be made within a period of maximum six months after issue of the corresponding invoice; stating simply that the payment was due once the processing work had been done, Decision 482 was silent on the network's status in the event of non-payment. That had been reflected in a number of footnotes to RR Articles 9 and 11 and in the Plans, whereby the WRC had decided that the networks would be cancelled in the event of non-payment. The Board had introduced a measure of flexibility to the six-month rule in the rule of procedure relating to late payment of cost recovery fees cancellation of satellite network filings,

stipulating that if, once the Bureau had decided to cancel a filing on the grounds of non-payment, an administration settled the invoice, the information would be reported to the Board for further consideration, if the notifying administration so wished. If the Board wished to review that rule of procedure, it would have to consider the relevant footnotes dealing with the non-payment of D482 charges; should it decide to do so, the Council would have then to be asked to modify Decision 482 accordingly.

9.21 **Mr Strelets** said that the WRC was responsible for issues related to orbit and spectrum management; the financial implications were the remit of the Council and the plenipotentiary conference. The link between the two was the Board's rule of procedure, which stipulated that if a payment was late, the network was cancelled. The Board therefore had to find an original solution to the growing number of cases of late payment. As he had had occasion to point out in the past, the Board was infringing its own Rules of Procedure and had to reflect further on the matter, including by engaging in additional consultations with the Bureau. The decision to reinstate the MEXSAT network filings could open the floodgates and give all administrations the impression that they were entitled to have their networks reinstated irrespective of when they had paid. What arguments would the Board invoke if yet another administration requested reinstatement of a filing after late payment? It was therefore incumbent on the Board to close those floodgates by bringing the matter to the attention of the Council, which could modify Decision 482 to incorporate prepayment of processing costs. It was also important for the Board to note in its decision that there had been extenuating circumstances in the case of the MEXSAT filing and that the decision did not reflect the Board's usual practice.

9.22 **Mr Kibe** endorsed the thrust of Mr Strelets's remarks.

9.23 **Mr Magenta** said that the Board's task was to identify problems and refer them to the WRC in its report under Resolution 80. There was a principle at stake. The number of administrations paying late was increasing over time, and in some cases payments were being delayed so that the administration concerned could gain an advantage.

9.24 **Ms Jeanty** agreed that the Board had to flag the issue – preferably in its report under Resolution 80 – and not deal with its financial implications. However, if there had been no dramatic rise in the number of cases of non-payment followed by cancellation and reinstatement, there was no call for a dramatic solution.

9.25 **Ms Wilson** noted that three issues raised during the discussion (the financial implications of fees not being received in a timely manner, the cost of reinstating a cancelled filing, and the possibility of imposing a financial penalty for late payments) could be considered relevant to Council Decision 482. She further noted, however, that, according to Council Document C15/16, on cost recovery for the processing of satellite network filings, almost 99 per cent of invoices issued in 2013/2014 had been paid in a timely manner and the implementation of Decision 482 by the Radiocommunication Bureau had not given rise to any difficulty or created any problems either internally or with administrations notifying satellite network filings. It did not appear to her, therefore, that the Board had any basis for raising the issue before any other body.

9.26 **Mr Hoan** agreed that the Board's mandate was to discuss regulatory matters, not financial issues. Given that 99 per cent of payments had been made in timely fashion, there was no reason to raise the issue further.

9.27 The **Director** noted that the cost of cancelling and reinstating a network filing was not significant, in that there was no need for new calculations. There was no need to flag the issue to either the Council or the WRC, as doing so would only start a process that would ultimately require more effort than the anticipated outcome merited. Moreover, any Council discussion on Decision 482 would be related to cost recovery, not the filing process. Going to the Council might therefore not be the right path. The matter could be raised in the Board's report under Resolution 80 (Rev.WRC-07).

9.28 The **Chairman** proposed that the Board conclude as follows:

“The Board carefully considered the submission in Document RRB15-2/13 regarding the request for the reinstatement of the MEXSAT satellite networks filings in the Ka band that had been cancelled by the Bureau for non-payment of the related invoices within the deadline. The Board noted that in accordance with RR No. **9.38.1**, the BR had acted correctly in cancelling the said filings.

Taking into account the fact that the payment was made on 21 April 2015, the genuine difficulties it faced and the tireless efforts made by the Administration of Mexico, the Board accepted the request and instructed the BR to re-establish the notification of the MEXSAT satellite networks filings in the Ka band.

The Board, however, urged administrations to respect Council Decision 482.”

9.29 It was so **agreed**.

10 Resolution 80 (Rev. WRC-07) (Documents RRB15-2/1, RRB15-2/10, RRB15-2/11, RRB15-2/12 and RRB15-2/14; Circular Letters CR/378 and CR/381)

10.1 **Ms Wilson (Chairman of the Working Group on Resolution 80 (Rev. WRC-07))** introduced the documents to be considered by the Board and its working group under the agenda item. Document RRB15-2/1 contained the Board’s draft report to WRC-15 under Resolution 80, as revised by the Board at its 68th meeting and incorporating various editorial amendments where the need for them had been noted. Two circular letters had been sent out to administrations seeking their comments, one prior to the Board’s 68th meeting (CR/378), one following it (CR/381). As a consequence, several inputs had been received. Document RRB12-2/10 contained a proposal from the Administration of Australia in regard to § 4.11 of the Board’s draft report, concerning the status of WRC decisions recorded in WRC minutes. Document RRB12-2/11 contained a number of comments by the Administration of the Russian Federation, which the working group would have to discuss. Document RRB12-2/12 contained a proposal from the Administration of Malaysia relating to Appendix 30 of the Radio Regulations; she questioned whether the Board was competent to deal with the proposal, but suggested that it might deem it appropriate to propose that the Malaysian Administration bring the matter to the conference’s attention directly, possibly under WRC-15 agenda item 7. In Document RRB12-2/14, the Administration of Pakistan went through the issues addressed and recommendations made by the Board in § 4 of its draft report, commenting on and almost always supporting the Board’s views and recommendations. She suggested that Board members be given the opportunity to comment in plenary on each of the submissions from administrations, before they were handed on to the working group for more detailed discussion, where appropriate. The working group would report back to the plenary when it had completed its deliberations.

10.2 It was so **agreed**.

10.3 **Mr Bessi** said that Board members should normally refrain from intervening in the discussion of submissions from their own administrations, save when the submission related to matters of a general nature, such as draft rules of procedure, or indeed the matter now under discussion.

10.4 It was so **agreed**.

10.5 Regarding the Board’s draft report in Document RRB15-2/1, **Ms Wilson** noted that the Board could already delete the indication given in § 2 that no contributions had been received from administrations on the draft report. She also suggested that the Board agree to delete the text in square brackets at the end of § 4.6.5, as it appeared to be superfluous.

10.6 It was so **agreed**.

10.7 **Ms Wilson** said that when it met in the working group, the Board might see fit to cover in its report the concerns voiced at the present meeting regarding the recurrent submission of requests by administrations for the Board to reinstate networks that had been cancelled on account of late payment of invoices, and the fact that the Board regularly acceded to such requests.

10.8 Regarding the proposal by the Administration of Australia in Document RRB15-2/10, it was **agreed** that the submission should be discussed within the Board's working group.

10.9 Regarding the comments submitted by the Russian Federation in Document RRB15-2/11, **Ms Wilson** said that the document should be taken up in the Board's working group. She nevertheless drew attention to the proposal in the document that the term "satellite leasing" should be replaced throughout the Board's report by "use of a space station which is under the responsibility of another administration or intergovernmental organization". Was that proposed amendment substantive or merely editorial, and should it be accepted?

10.10 **Mr Hoan** said that although the term "satellite leasing" was not defined in the Radio Regulations, it was used to some extent within ITU-R, for example by some administrations in their contributions to the Special Committee. The term could be used in the Board's report under Resolution 80 provided a brief definition of it was incorporated. **Mr Magenta** and **Mr Koffi** agreed. **Mr Ito** expressed similar views, adding that the term was now fairly commonly used.

10.11 **Mr Bessi** said that the longer phrase suggested by the Russian Federation should be used, rather than the term "satellite leasing", which was not defined in the Radio Regulations. Alternatively, the term might be used provided a footnote was included clearly defining its use within the scope of the Board's report.

10.12 **Mr Strelets** said that the Board's report should only address issues that the Board was mandated to deal with, which did not include financial and commercial issues such as leasing, which pertained more to relations between operators. Moreover, the term "leasing" failed to cover other arrangements that could be agreed to between administrations, for example the use by two or more administrations of frequency capacity on board a satellite that could obviously only come under the responsibility of one administration. The term "leasing" implied payment, which was certainly not always involved. The Board must use correct terminology. Moreover, it would be dangerous to use an incorrect term accompanied by a footnote that readers might not even read.

10.13 **Mr Khairov** suggested that an abbreviation might be devised for the phrase proposed by the Russian Federation.

10.14 **Ms Wilson** said that further thought would have to be given to the best way to accommodate the views expressed.

10.15 **Mr Strelets** and **Mr Hoan** supported the proposal by the Russian Federation to delete text relating to No. 13.6 under § 4.1 of the Board's draft report.

10.16 **Ms Jeanty, Ms Wilson, Mr Bessi, Mr Ito** and **Mr Magenta** said that it would be useful to retain the text, possibly with some rewording.

10.17 Regarding Document RRB15-2/12, **Mr Hoan** agreed with Ms Wilson's remarks that the Malaysian Administration's proposal did not appear to fall within the Board's remit under Resolution 80 (Rev. WRC-07), but might usefully be discussed by the Board at some other stage.

10.18 **Mr Strelets** commented that the matter raised by Malaysia was very important, and if the Board was not to cover it in its report under Resolution 80, the Director might give thought to covering it in his report to WRC-15.

10.19 Regarding Document RRB15-2/14, **Ms Wilson, Mr Bessi** and **Mr Magenta** said it appeared to contain no proposed changes to the text of the report, and the Administration of Pakistan was to be

thanked for having taken the time to review and comment on the Board's report and the recommendations it contained. Its opinions would be taken into account in the Board's further consideration of the draft report.

10.20 **Ms Jeanty** agreed, noting nevertheless that Pakistan's comments on §§ 4.7.5 and 4.10 of the Board's draft report should be looked at within the working group.

10.21 The **Chairman** invited the Board's Working Group on Resolution 80 to convene to discuss in detail the Board's draft report, taking into account, as appropriate, the submissions received from administrations.

10.22 Following the meeting of the working group, **Ms Wilson (Chairman of the Working Group on Resolution 80 (Rev. WRC-07))** reported back to the plenary that the working group had revised the Board's draft report, which the Board was now invited to adopt for submission to WRC-15.

10.23 The Board **adopted** the final version of its Report to WRC-15 under Resolution 80 (Rev. WRC-07).

11 Consideration of the report of the Working Group dealing with the Rules of Procedure (Document RRB12-1/4(Rev.13))

11.1 **Mr Bessi (Chairman of the Working Group on the Rules of Procedure)**, drawing attention to Revision 13 to Document RRB12-1/4, proposed that the Board note the following report summarizing its work on the Rules of Procedure:

“The Board considered that all the Rules of Procedure listed in the document have been approved except for the following decisions concerning WRC-12:

- **11.44B**: For which the Board did not proceed with a RoP on No. **11.44B** and decided to refer this matter to WRC-15 in its report under Resolution **80 (Rev. WRC-07)**;
- Satellite failure during the ninety-day bringing into use period: For which the Board decided that given that the six different methods proposed in the CPM draft report were still being studied, the Board decided not to adopt a RoP on the matter for the period prior to WRC-15 and to refer this question to WRC-15 in its report under Resolution **80 (Rev. WRC 07)**;
- Submission of information under Resolutions **552 (WRC-12)** and **553 (WRC-12)**:

For which the Board decided that it will be taken into consideration in the preparation on WRC-15 agenda item 9 for possible inclusion in the Director's Report.”

11.2 It was so **agreed**.

12 Preparation for RA-15 and WRC-15 (Documents RRB15-2/INFO/1 and RRB15-2/INFO/2)

Report of the Director to WRC-15 on the activities of the Radiocommunication Sector

12.1 The Board **noted** with appreciation the draft versions of Parts 1 and 2 of the Report of the Director to WRC-15 on the activities of the Radiocommunication Sector, as contained in Documents RRB15-2/INFO/1 and RRB15-2/INFO/2.

Designation of Board members to attend RA-15

12.2 Having regard to No. 141A of the ITU Convention, the Board **agreed** to designate Mr Kibe and Ms Wilson to represent the Board at RA-15.

Arrangements for WRC-15

12.3 **Mr Strelets** recalled the arrangements the Board had made for its participation in WRC-12. As the Board's chairman at the time and in accordance with the structure of the conference, he had requested Board members to cover different areas of the conference's activities in the light of their areas of expertise. The Board had met during each lunch break so that members could keep each other informed of developments.

12.4 **Mr Bin Hammad** suggested that three to four Board members could be assigned to each committee and its subgroups, with a view to following key issues from start to finish at the conference.

12.5 The **Chairman** said that he would probably adopt much the same approach for WRC-15 as that adopted by Mr Strelets for WRC-12. The precise structure of the conference in terms of working groups and subgroups would be known only once the conference was under way. **Mr Strelets** observed nevertheless that the basic structure of the conference and its chairmanship were already more or less known.

12.6 **Mr Magenta** noted that, if during a given meeting at the WRC the Board was requested to express its position on a matter, the Board member present would have to request time for the Board to meet to agree on its position, since the Board's official response had to be that of the Board as a whole and not necessarily the view of the individual Board member.

12.7 Noting that it would be impossible for the Board to follow absolutely everything at WRC-15, **Mr Bessi** said that the Bureau should be asked to coordinate closely with the Board, for example to keep the Board well informed of matters of direct interest to it and of the possibility of the Board's view being requested on a given subject.

12.8 It was **agreed** that the Board would discuss its arrangements for WRC-15 further at its 70th meeting.

13 Confirmation of the dates of the next meeting and meeting schedule for 2016

13.1 The Board **agreed** to confirm the dates of its 70th meeting as 19-23 October 2015.

13.2 The Board **further agreed** to tentatively confirm the dates of its meetings in 2016 as follows:

71st meeting: 1-5 February 2016

72nd meeting: 16-20 May 2016

73rd meeting: 17-21 October 2016

13.3 The **Chairman** said that, in the course of its meetings in 2016, the Board would consider whether it needed to extend any of the meetings in the light of its workload, subject to room availability and budget resources. **Ms Jeanty** noted that the Board could also meet on the Monday morning and Friday afternoon of the week planned, thereby gaining an extra day of meeting without adding calendar days.

13.4 In the course of the Board's discussion of the meeting dates for 2016, **Mr Strelets** stressed that sufficient time must be allowed between Board meetings to respect the time periods set forth in § 1.10 of the Board's working methods in Part C of the Rules of Procedure, so that all Board members had sufficient time to go through the draft minutes of the previous meeting in their preferred language and submit their modifications to the secretariat in time for incorporation into the final version of the minutes and publication of the approved minutes at least one month prior to the next meeting, in accordance with No. 13.18 of the Radio Regulations.

14 Approval of the summary of decisions (Document RRB15-2/15)

14.1 The summary of decisions (Document RRB15-2/15) was **approved**.

15 Closure of the meeting

15.1 The **Chairman** thanked all Board members for their collaboration in reaching conclusions on some very sensitive matters in the course of the present meeting, and expressed his appreciation to everyone who had contributed to the success of the meeting.

15.2 **Mr Strelets**, supported by **Mr Magenta**, paid tribute to the Chairman for his able handling of some very delicate issues. He also thanked Mr Botha for his contribution to the Board's work at all levels.

15.3 The **Chairman** closed the meeting at 1610 hours on Tuesday, 9 June 2015.

The Executive Secretary:
F. RANCY

The Chairman:
Y. ITO