



Radiocommunication Bureau (BR)

Circular Letter
CR/398

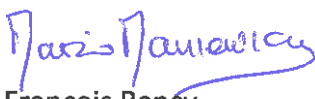
15 April 2016

To Administrations of Member States of the ITU

Subject: **Minutes of the 71st 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 71st meeting of the Radio Regulations Board (1 – 5 February 2016).

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.

for 
François Rancy
Director

Annex : Minutes of the 71st meeting of the Radio Regulations Board

Distribution:

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



Annex
Radio Regulations Board
Geneva, 1-5 February 2016



INTERNATIONAL TELECOMMUNICATION UNION

Document RRB16-1/22-E
23 February 2016
Original: English

MINUTES¹
OF THE
71st MEETING OF THE RADIO REGULATIONS BOARD
1-5 February 2016

Present:

Members, RRB

Ms L. JEANTY, Chairman

Mr I. KHAIROV, Vice-Chairman

Mr M. BESSI, Mr N. BIN HAMMAD, Mr D.Q. HOAN, Mr Y. ITO,
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 A. HADEN

Also present:

Mr Y. HENRI, Chief, SSD

Mr A. MÉNDEZ, Chief, TSD

Mr A. GUILLOT, ITU Legal Adviser

Mr A. MATAS, Head, SSD/SPR

Mr M. SAKAMOTO, Head, SSD/SSC

Mr J. WANG, Head, SSD/SNP

Mr B. BA, Head TSD/TPR

Ms I. GHAZI, Head, TSD/BCD

Mr N. VASSILIEV, Head, TSD/FMD

Mr D. BOTHA, SGD

Ms K. GOZAL, Administrative Secretary

¹ 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 71st meeting of the Board. The official decisions of the 71st meeting of the Radio Regulations Board can be found in Document RRB16-1/21.

Subjects discussed	Documents
1 Opening of the meeting	-
2 Late submissions	-
3 Report by the Director of BR	RRB 16-1/5 + Add.1-6
4 Application of No. 13.6 of the Radio Regulations for cases where frequency assignments are used in space services with a direct or indirect reference to the provisions of Article 48 of the ITU Constitution	RRB16-1/5, RRB16-1/14, RRB16-1/15, RRB16-1/DELAYED/1
5 Request by the Bureau to the Radio Regulations Board to consider the possible reinstatement of frequency assignments of the SICRAL-4-21.8E satellite network in the band 2204.2249-2204.8249 MHz	RRB16-1/3
6 Submission by the Administration of Papua New Guinea requesting a decision from the Radio Regulations Board on the bringing into use of frequency assignments to a satellite network with an all-electric satellite when the launching of the satellite is completed prior to the regulatory deadline	RRB16-1/8
7 Receivability of requests for coordination or notification of satellite networks prior to the entry into force of WRC-15 decisions	RRB16-1/4, RRB16-1/9, RRB16-1/10, RRB16-1/11, RRB16-1/13, RRB16-1/16, RRB16-1/17, RRB16-1/18, RRB16-1/19, RRB16-1/20, RRB16-1/INFO/1, RRB16-1/INFO/2, RRB16-1/INFO/3
8 Request by the Bureau for a decision by the Radio Regulations Board for the cancellation of frequency assignments to the ACS-1 and MCS-1 satellite networks under No. 13.6 of the Radio Regulations	RRB16-1/6, RRB16-1/DELAYED/3, RRB16-1/DELAYED/4
9 Rules of procedure	RRB16-1/7; Circular Letters CCRR/53 and CCRR/54
10 Submission by the Administration of Egypt regarding the status of the NAVISAT satellite networks	RRB16-1/12, RRB16-1/DELAYED/2, RRB16-1/DELAYED/5
11 Submission by the Islamic Republic of Iran regarding the status of the IRANDBS4-KAFL satellite network	RRB16-1/1
12 RRB tasks following WRC-15 decisions	CR/389
13 Confirmation of the dates of the next meeting and indicative dates of future meetings	-
14 Approval of the summary of decisions	RRB16-1/21
15 Closure of the meeting	-

1 Opening of the meeting

1.1 The **Chairman** opened the meeting at 1400 hours on Monday, 1 February 2016. She welcomed participants and wished them a fruitful meeting, noting the importance of the outcome of the recent WRC-15 and its impact on the work of the Board.

1.2 The **Director**, welcoming participants on his own behalf and that of the Secretary-General, stressed how important it was for the Board to take consistent decisions that would ensure a stable framework conducive to investment in telecommunications. He noted that the recent WRC-15 had endorsed all the decisions taken by the Board prior to the conference, thus confirming the ITU membership's recognition of the Board's valuable work.

2 Late submissions

2.1 When adopting its agenda, the Board **agreed** that three late submissions (RRB16-1/DELAYED/1-3), from the Administrations of Norway, Egypt and the United States, pertained to items on its agenda and would be taken up, for information, under those items. **Mr Strelets** nevertheless noted that RRB16-1/DELAYED/3 was available in English only, and comprised well over twenty pages. It was unreasonable to expect all Board members to be able to assimilate it completely in order to discuss it properly.

2.2 Following the start of the meeting, the **Chairman** drew attention to two further late submissions (RRB16-1/DELAYED/4 and 5), received on 2 February from the Administrations of the United States and Egypt, respectively, pertaining to items on the Board's agenda. The Board **agreed** to take those late submissions into consideration, for information, since, in accordance with its working methods in Part C of the Rules of Procedure, late submissions received after the start of a meeting could be taken into consideration by the Board "if so agreed by Board members" (see discussion under §§8 and 10 of these minutes).

3 Report by the Director of BR (Documents RRB16-1/5 and Addenda 1-6)

3.1 The **Director** introduced his customary report in Document RRB16-1/5, drawing attention to Annex 1 summarizing the Bureau's actions to implement the decisions taken by the Board at its 70th meeting. With regard to harmful interference caused by Italy to television and FM broadcasting stations in neighbouring countries, he noted that Malta (Addendum 1), Croatia (Addendum 2), Slovenia (Addendum 3) and Switzerland (Addendum 4) reported a lack of progress. That was hardly surprising, as the Administration of Italy (Addenda 5 and 6) did not expect the switch-off of interfering stations to be completed before the end of April 2016.

3.2 **Mr Ba (Head TSD/TPR)**, introducing the sections of the Director's report related to terrestrial systems, noted that Annex 2 described the work of the Bureau in processing filings related to terrestrial services. Reports of harmful interference or infringements of the Radio Regulations were dealt with in §4 of the report, and in particular §4.2 focused on harmful interference caused by Italy to neighbouring countries. In addition to the reports in Addenda 1-4, the Administration of France had also informed the Bureau that interference caused by Italian stations continued.

3.3 The **Chairman** suggested that the Board should review the situation regarding interference caused by Italy at its next meeting, on the basis of a report by the Bureau.

3.4 **Mr Bessi** suggested that the Board should ask the Administration of Italy to work with the Bureau in order to provide a full account of progress to the next meeting. Affected neighbouring administrations should also provide input on the status of interference.

3.5 **Mr Strelets** questioned the purpose of the multi-bilateral meetings that Italy called for at the end of its road map in Addendum 6.

3.6 **The Director** said that it was not encouraging that Italy appeared to be casting doubt on the spectrum requirements of neighbouring countries for FM frequencies.

3.7 **Mr Henri (Chief SSD)**, introducing those parts of the Director's report dealing with space systems, drew attention to Annex 3 on the processing of notices for space services. He provided updated information covering December 2015. With regard to cost recovery for satellite network filings, he drew attention to Annex 4 listing satellite network filings where payment had been received after the due date but prior to the BR IFIC meeting dealing with the matter.

3.8 **Mr Terán** pointed out that in Annex 4 the ARGOS-4A satellite was incorrectly listed as belonging to Argentina.

3.9 **Mr Henri (Chief SSD)** confirmed that the administration for ARGOS-4A satellite network should refer to France instead of Argentina, and that the Bureau continued to take the filing into account. With regard to the PEGAS-4-30B satellite network, the Bureau had in fact cancelled the filing due to non-payment but the Russian Federation had finally met its obligation by paying the invoice, without asking the Bureau to reinstate the cancelled filing.

3.10 **Mr Strelets** observed that some administrations were unable to recoup cost-recovery payments from operators.

3.11 **The Director** noted that an administration was responsible for cost-recovery payment, even if a satellite network filing was cancelled for non-payment. To avoid this, some administrations only submit filings if the money has already been deposited with them by the operator.

3.12 **Mr Henri (Chief SSD)** drew attention to the tables in §5 of the Director's report, providing statistics on the suppression of satellite network special sections and submissions under Article 4 of Appendices 30 and 30A and Article 6 of Appendix 30B under various provisions of the Radio Regulations, in particular No. 13.6. The aim was to ensure that the MIFR reflected reality.

3.13 **Mr Bessi** congratulated the Bureau on cleaning up the MIFR.

3.14 **Mr Strelets** suggested that, to avoid misleading readers, the title of the first table in §5 should refer to the suppression either of all frequency assignments to satellite networks or of a part of the frequency assignments to satellite networks.

3.15 **Mr Henri (Chief SSD)** invited the Board to note the action of the Bureau in regard to frequency assignments recorded in the MIFR with missing due diligence information under Resolution 49, as described in §6 of the Director's report. Responding to a query by **Mr Bessi**, he explained that the action was part of the Bureau's effort to update the MIFR and that it concerned old assignments. Nowadays, the problem would not arise because administrations had to provide due diligence information under Resolution 49 and confirm bringing into use. **Mr Strelets** said that, from an editorial standpoint, the Board should note the actions taken by the Bureau (not the "course of actions").

3.16 **The Chairman** noted that Article 48 of the ITU Constitution, although the subject of §7 of the Director's report, would be discussed fully under a separate agenda item (see §4 of these minutes) but invited Chief SSD to introduce the matter briefly.

3.17 **Mr Henri (Chief SSD)** said that in their submissions to the present meeting the Administrations of France, Luxembourg, the United Kingdom and Norway questioned the Bureau's treatment of cases under No.13.6 of the Radio Regulations, outlined in the last paragraph of §7, where an administration confirmed that frequency assignments were being used for governmental purposes but did not cite Article 48 of the ITU Constitution. With regard to the Bureau's practice in applying

No. 5.532B and No. 5.535 to frequency assignments, as agreed with the administration that had raised the matter at WRC-15, the Bureau was bringing the issue to the attention of the Board, in §8 of the Director's report.

3.18 **Mr Bessi** said that the Bureau's practice explained in §8 was in line with the Radio Regulations and should be maintained.

3.19 **Mr Strelets** observed that, from an editorial standpoint, the last line of §8 should refer to a "course of action", not an "issue". He endorsed the approach described.

3.20 **Mr Henri (Chief SSD)**, referring to §9 of the Director's report, said that the Board was invited to note the Bureau's decision to accept requests for suspension under No. 11.49 received more than six months from the date on which use had been suspended. He noted that, as from 1 January 2017, there should be no further information of the type provided in the table in that paragraph, taking account of the modifications of No. 11.49 agreed by WRC-15.

3.21 The **Chairman** thanked the Director for the extensive information contained in his report and congratulated the Bureau on meeting the regulatory deadlines. She suggested that the Board conclude as follows:

"The Board discussed in detail Document RRB16-1/5 containing the Report of the Director, Radiocommunication Bureau, on the issues on general activities covered by the BR and thanked the BR for the complete and detailed information provided.

The Board also considered Addenda 1 to 6 of Document RRB16-1/5 concerning the issue of harmful interference to the sound and television broadcasting services caused by Italy to its neighbours. The Board appreciated the continued efforts of the Administration of Italy, its neighbouring countries and the Director, Radiocommunication Bureau, on this issue. Noting the time frame indicated in the road map provided by the Administration of Italy regarding the situation of the television broadcasting stations in relation to the date of the next meeting of the Board, the Board requested for a detailed report following the process described in the road map of actions to be completed by the end of April 2016. The Board noted that the neighbouring countries of Italy indicated in Addenda 1-4 that no progress in resolution of the problem had been experienced yet. The Board encouraged the administrations to continue their efforts to resolve the situation and the BR in its supporting role. However, the Board expressed its concern in relation to the situation of the FM broadcasting stations and the fact that the road map of actions did not provide clear indications as to its resolution."

3.22 It was so **agreed**.

3.23 The Director's report in Document RRB16-1/5 and Addenda 1-6 was **noted**.

4 Application of No. 13.6 of the Radio Regulations for cases where frequency assignments are used in space services with a direct or indirect reference to the provisions of Article 48 of the ITU Constitution (Documents RRB16-1/5, RRB16-1/14, RRB16-1/15 and RRB16-1/DELAYED/1)

4.1 **Mr Henri (Chief SSD)** drew attention to §7 of the Director's report in Document RRB16-1/5. The last paragraph of that section set forth how the Bureau would apply No. 13.6 to frequency assignments to a satellite network for which the notifying administration indicated their use for governmental purposes without mentioning either Article 48 or military radio installations: the Bureau would consider that a clarification by an administration in response to a request under No. 13.6 confirming that the frequency assignments in question were being used for governmental purposes and had been brought into use on a specific date or had been in continuous use since that date in accordance with the notified characteristics would be sufficient for the Bureau to conclude the

matter and retain the frequency assignments in the MIFR. In their contributions, the Administrations of France and Luxembourg (Document RRB16-1/14), the United Kingdom (Document RRB16-1/15) and Norway (Document RRB16-1/DELAYED/1) questioned the Bureau's approach, and maintained that in such cases filings being investigated under No. 13.6 could be closed only if the administration concerned explicitly invoked Article 48. They requested that the matter be brought before the Board with a view to instructing the Bureau not to apply the approach outlined in §7 of Document RRB16-1/5, but to apply No. 13.6 in a consistent manner regardless of whether the network concerned was used for commercial or governmental purposes, and to consider that a case could be concluded without further investigations by the Bureau only when Article 48 be explicitly invoked by the administration concerned.

4.2 **Ms Wilson** said that the basic question that needed to be addressed by the Board appeared to be: when responding to inquiries by the Bureau under No. 13.6, what benefit could administrations hope to gain by referring to "governmental purposes" but not explicitly invoking Article 48?

4.3 **Mr Henri (Chief SSD)** said that when an administration confirmed bringing into use in accordance with the notified characteristics, but indicated nothing further other than use for governmental purposes, the Bureau had no means of gathering any other data on the network – name of satellite, for example – and of processing the network further.

4.4 **Mr Strelets** said that in its report under Resolution 80 (Rev. WRC-07), the Board had asked WRC-15 certain questions regarding the application of Article 48 of the Constitution, and the conference's answers to those questions had been perfectly clear: for Article 48 to apply, it had to be explicitly invoked by the administration concerned; and "there should be no restriction in terms of class of station and nature of service for a station eligible to operate under Article 48." To his mind, the essential problem was how to avoid abuse in the application of the conference's decisions, i.e. how to ensure that administrations did not notify as military installations stations that were in fact used for commercial purposes. Nevertheless, the administrations that had made submissions to the present meeting appeared to have no problem with the decisions taken by the WRC.

4.5 The **Director** said that the basic problem was not related to the application of Article 48, but to how to deal with networks not covered by Article 48 but involving classified systems for which the only information available to the Bureau in its application of No. 13.6 was what the administration concerned saw fit to provide. The approach reflected in §7 of Document RRB16-1/5 sought to provide a solution to the dilemma.

4.6 **Mr Bessi** said that the decisions taken by the conference appeared to be clear, and did not confer the same status on government installations as on military installations covered by Article 48. The approach advocated by the Bureau, however, did appear to give both kinds of installation the same status, and therefore appeared not to be line with the WRC's decisions. Moreover, to call a halt to inquiries under No. 13.6 on the grounds that the installations investigated were governmental would run counter to the overall drive to clean up the Master Register. The Board must look into how to handle governmental systems that were not covered by Article 48.

4.7 **Mr Ito** said that to adopt an approach that drew no distinction between military installations and governmental installations would be highly questionable, as it would obviate the need for administrations to provide evidence even of the existence of a satellite as soon as an administration claimed that governmental installations were involved. Surely at least the existence of a satellite should be proven. The Board might usefully discuss what minimum evidence must be provided of the network's existence.

4.8 **Mr Khairov** said that, with the approval of WRC-15 Document 416 (sixth report from Committee 5 to the plenary), as reflected in the minutes of the eighth plenary meeting (WRC-15 Document 505), WRC-15 appeared to provide clear guidance that No. 13.6 was not applicable to military installations covered by Article 48, whereas it was applicable to governmental and

commercial installations. It was less clear what precisely constituted “military installations”, and it might therefore be useful, for all parties concerned, especially administrations when submitting their filings or answering the Bureau’s inquiries under No. 13.6, to establish a definition of such installations, possibly with the help of the ITU Legal Adviser. For many administrations, there could be considerable overlap between military and governmental installations.

4.9 **Ms Wilson** said that WRC-15 had made it clear that “there should be no restriction in terms of class of station and nature of service for a station eligible to operate under Article 48”, thus any station or service was eligible. The WRC had also made it clear that administrations had to explicitly invoke Article 48 in order for it to apply, and the Bureau was not to infer such application. The WRC had not indicated any special measures that should apply to installations notified as “governmental” but for which Article 48 was not invoked. The Board should not, however, seek to micromanage the Bureau. It should simply recognize that the decisions taken by WRC-15 were clear, particularly in regard to the need for Article 48 to be explicitly invoked, and should instruct the Bureau to apply No. 13.6 in a coherent and consistent manner through the necessary dialogue with administrations.

4.10 **Mr Ito** endorsed previous speakers’ comments, particularly with regard to the requirement for administrations to explicitly invoke Article 48 in order for it to apply. The approach reflected in the last paragraph of §7 of Document RRB16-1/5 did not appear to be in line with the decision taken by WRC-15. The Board must nevertheless recognize that some cases might be less than straightforward or on the borderline between different classifications; for example, “security” installations might sometimes qualify as “military”. A basic framework of some kind should therefore perhaps be introduced in order to avoid abuse. Accordingly, he wished to put forward the following text as a possible basis for the appropriate approach:

“According to the decision of the WRC-15, administrations are not allowed to infer or insinuate that their system is under the category of CS48 by using the terminology of governmental use. If the words “governmental use” or similar expression is used the said satellite system must respect all relevant Radio Regulations including RR 13.6.”

4.11 **Mr Hoan** agreed with the previous speakers, and expressed concern with the approach put forward in §7 of Document RRB16-1/5. To his understanding, no provisions of the Radio Regulations or Rules of Procedure exempted frequency assignments used for governmental purposes from the application of No. 13.6. The decisions taken by WRC-15 were perfectly clear, and should be applied by the Bureau and Board. He therefore supported the text proposed by Mr Ito as the approach that should be adopted.

4.12 **Mr Strelets** agreed with previous speakers – and with the administrations that had made contributions to the present meeting – that the decisions taken by WRC-15 were perfectly clear. Article 48 had to be invoked in order to be applied. If it was not invoked, No. 13.6 was fully applicable, and it made no difference whether or not administrations defined their services as “governmental”. He would be against entering into debate on what might or might not constitute “military installations”, thus he endorsed Ms Wilson’s comments in regard to micromanagement, and he would also prefer not to seek to provide detailed guidance on the numerous different categories of state services that could come under the heading “military installations” or “governmental services”. The Board did not have the expertise to enter into such definitions, and it was up to the notifying administration to decide under what heading its installations came.

4.13 **Mr Bessi** agreed with the previous speakers and generally supported the formulation proposed by Mr Ito. The decision now to be taken by the Board must make it clear that the situation had been clarified by the decisions taken by WRC-15, must draw a distinction between military and governmental systems, and must make it clear that No. 13.6 applied as much to governmental as to commercial installations. It should refer to installations, and not be restricted to satellite systems. Lastly, the Board’s decision should be applicable as from the same date as the WRC-15 decisions to which it related, i.e. as from the end of the WRC.

4.14 **Mr Magenta** said that the Board's decision could be broader, indicating simply that when Article 48 was invoked, No. 13.6 was not applicable, whereas when it was not invoked, No. 13.6 and all other relevant provisions of the Radio Regulations were applicable; **Ms Wilson** agreed. Mr Magenta added that he could also agree to consulting the ITU Legal Adviser as proposed by Mr Khairov and seeking legal confirmation of the Board's decision.

4.15 Responding to the comments made and to a question by Mr Ito, **Mr Henri (Chief SSD)** stressed that WRC-15 had not established any link between whether or not investigations under No. 13.6 should or should not be continued and the fact that an administration referred to "military" or "governmental" services or installations, with or without reference to Article 48; it had merely provided clarifications regarding the application of Article 48 and the scope of the stations and services it could apply to. In that regard, he noted that a number of cases in which Article 48 had been applicable had been dealt with prior to WRC-15, and they had been handled in a way consistent with the decision taken by that conference. In line with the decision the Board appeared to be reaching, the Bureau would henceforth apply No. 13.6 and request additional information, as necessary, to all networks, including those that referred to "governmental purposes", unless Article 48 was explicitly invoked by the administration concerned. When administrations declined to provide the full information requested and did not invoke Article 48, the Bureau would be in a position to refer to the decision now being taken. If administrations persisted in not providing the missing information, the cases would have to be brought before the Board, possibly with a view to cancellation of the filings concerned. The decision being reached by the Board was clear, but was not identical to the decision taken by WRC-15. The Conference clarified the application of Article 48 but did not establish an unequivocal link between this Article and the application of No. 13.6. With respect to the date of application of the RRB decision, it could be made applicable as from the first day after WRC-15 (i.e. 28 November 2015), and the few related cases dealt with by the Bureau since the end of the conference could be reviewed accordingly.

4.16 **Mr Strelets**, endorsing previous comments by Board members, noted that the decisions taken by the Board prior to WRC-15 regarding the application of Article 48 had been very much in line with the decisions taken by that conference. The conference's decisions and the decision now being taken by the Board should be applicable as from the same date, i.e. the end of the conference.

4.17 **Mr Bessi** stressed that the decision being reached by the Board did not represent a decision *per se*, but an interpretation of a decision taken by the WRC. That conference decision was clear, and drew a distinction between military installations on one hand, to which Article 48 was applicable and had to be invoked, and other installations, which included "governmental" installations, and to which all provisions of the Radio Regulations were applicable, including No. 13.6. Moreover, Article 48 itself was clear, and he therefore saw no need to seek the ITU Legal Adviser's advice in that regard.

4.18 **Ms Wilson** said that, although the decision taken by the conference was clear, perhaps the Bureau required some form of guidance from the Board, for example regarding the application of No. 13.6 and what might or might not constitute "reliable information". She nevertheless reiterated her earlier comment that the Board should not seek to micromanage the Bureau.

4.19 **Mr Magenta** agreed with Mr Bessi, noting that the WRC had made it clear that Article 48 was applicable only to military installations, and all relevant provisions of the Radio Regulations remained applicable to all other installations. If an administration did not invoke Article 48 and then failed to provide the information required by the Bureau, it must assume the consequences of possibly seeing its filing cancelled subsequently.

4.20 **Mr Ito** said that the matter under discussion was relatively straightforward, and did not require the Board to re-open past discussions on what constituted "reliable information" and how to be sure of obtaining it: quite simply, in line with the decisions taken by WRC-15, if an administration did not invoke Article 48, but referred to "governmental" installations and subsequently refused to

provide any further information as requested by the Bureau, the case might be brought before the Board.

4.21 Responding to Ms Wilson's comments, **Mr Henri (Chief SSD)** said, that following WRC-15 and the clarifications it had provided in response to the Board's report under Resolution 80, the Bureau did not require any further guidance on the application of No. 13.6.

4.22 **Mr Strelets** said that, as discussed by WRC-12, the real problem relating to the application of Article 48 was the fact that installations used for commercial purposes could be filed under that article. That, however, was not the issue now under discussion. The issue before the Board, related to §7 of Document RRB16-1/5, regarded simply whether or not Article 48 was explicitly invoked and the consequences thereof. The Board had discussed the matter sufficiently and could now conclude. However, the concept "military installations" should not be contrasted with "governmental use". Military installations could be used only with the authorization of the State, that is, for government purposes. Governmental use, on the other hand, meant not only defence but also security and maintenance of public order, as well as other applications. For that reason, only in cases where an administration explicitly invoked Article 48, did the Bureau have to act in accordance with the decision of WRC-15. If the ITU Legal Adviser's opinion were requested, it would represent the view of one individual who was not an expert in military matters. Indeed, ITU and the Board should restrict themselves to their mandates and areas of expertise.

4.23 The **Chairman** suggested that the Board conclude as follows:

"The Board discussed in detail Documents RRB16-1/14 and RRB16-1/15, and also for information Document RRB16-1/DELAYED/1, dealing with comments on § 7 of the Director's Report contained in Document RRB16-1/5.

The Board recognised the difficulties of the BR in applying RR No. **13.6** in relation to spectrum use for governmental purposes in general, but was of the opinion that the decisions of the WRC-15, as laid down in the Minutes of the 8th Plenary, were clear;

Administrations have to explicitly invoke CS Article 48, if it applies. In all other cases RR No. **13.6** should continue to be applied;

The Board understood that this decision applies as of 28 November 2015."

4.24 It was so **agreed**.

5 Request by the Bureau to the Radio Regulations Board to consider the possible reinstatement of frequency assignments of the SICRAL-4-21.8E satellite network in the band 2 204.2249-2 204.8249 MHz (Document RRB16-1/3)

5.1 **Mr Matas (Head SSD/SPR)** introduced Document RRB16-1/3, containing a request to the Bureau by the Administration of Italy for reinstatement of the frequency assignments of the SICRAL-4-21.8E satellite network in the frequency band 2 204.2249-2 204.8249 MHz that had been cancelled by the Board at its 70th meeting (19-23 October 2015) under No. 13.6 of the Radio Regulations. On 16 November 2015, the Administration of Italy had informed the Bureau that those assignments were operating under Article 48 of the ITU Constitution. That being so, the Bureau invited the Board to consider the possible reinstatement of the assignments.

5.2 **Mr Strelets** recalled that at its 70th meeting the Board had decided to cancel the assignments because Article 48 of the ITU Constitution had not been explicitly invoked. Now the Administration of Italy had provided additional information mentioning Article 48, so the Board should reinstate the assignments.

5.3 **Mr Khairov** said that, in the light of the Board's earlier discussion (see §4 of these minutes) and the decisions by WRC-15, the Board had to respond positively to the request by the Administration of Italy because it had clarified that the assignments were being operated under Article 48 of the ITU Constitution.

5.4 **Mr Bessi** recalled the exchange of correspondence between the Bureau and the Administration of Italy under No. 13.6 of the Radio Regulations. He said that the Board had decided at its previous meeting to cancel the frequency assignments because they had not been brought into use. The only reason for the Board to reverse its decision now was the new information provided by the Administration of Italy.

5.5 **Mr Bin Hammad** and **Mr Koffi** agreed with Mr Bessi. The Board had no other option but to reinstate the frequency assignments.

5.6 **Ms Wilson** endorsed the comments made by Mr Strelets and Mr Khairov. Given the new information provided by the Administration of Italy and the decision of WRC-15, the Board had to reinstate the networks, which were clearly being used for military purposes.

5.7 **Mr Ito** recalled that in its discussion at its previous meeting, the Board had noted that the information had come from the Ministry of Defence and had asked whether Article 48 would apply. Having been told that Article 48 had to be cited explicitly, the Board had accepted the cancellation proposed by the Bureau. Now, with new information from the Administration of Italy citing Article 48, the situation had changed and under the Radio Regulations the Board had to accept reinstatement of the frequency assignments.

5.8 **Mr Strelets**, referring to the comments by Mr Bessi, drew attention to §6.2 and §6.3 of Document RRB15-3/12 (minutes of the 70th meeting) and noted that an administration was free to appeal against a decision taken under No. 13.6. From a regulatory point of view, there was no obstacle to reversing a previous decision of the Board.

5.9 **Mr Bessi** said that the conference had confirmed the Board's view that the Bureau could not infer military use unless Article 48 was cited explicitly. Now that the administration had cited Article 48, the Board had no choice but to reinstate the frequency assignments. He hoped that other administrations would not use the case as a precedent.

5.10 The **Chairman** suggested that the Board conclude as follows:

"The Board discussed the request of the Administration of Italy to reinstate the assignments of the satellite network SICRAL-4-21.8E in the band 2 204.2249-2 204.8249 MHz in Document RRB16-1/3.

The Board concluded that:

- The Administration of Italy had in Document RRB16-1/3 invoked CS Article 48;
- WRC-15 has taken the decision that CS Article 48 has to be explicitly invoked by an administration.

The Board therefore decided to instruct the BR to reinstate the frequency assignments of the SICRAL-4-21.8E satellite network in the band 2 204.2249-2 204.8249 MHz."

5.11 It was so **agreed**.

6 Submission by the Administration of Papua New Guinea requesting a decision from the Radio Regulations Board on the bringing into use of frequency assignments to a satellite network with an all-electric satellite when the launching of the satellite is completed prior to the regulatory deadline (Document RRB16-1/8)

6.1 **Mr Henri (Chief SSD)** introduced the request in Document RRB16-1/8 from the Administration of Papua New Guinea. The submission described in detail the different stages involved in the orbit raising of all-electric satellites and the advantages such launches offered over chemical launches, along with the fact that such launches could take six to eight months as compared with one to two weeks for chemical launches. In view of that time-related drawback, as a consequence of which the relevant regulatory deadline for bringing into use might not be met, Papua New Guinea was requesting the Board to consider providing some flexibility regarding the application of the Radio Regulations pertaining to the bringing into use of frequency assignments to a satellite network with an all-electric satellite when the launch of the satellite was completed prior to the bringing-into-use regulatory deadline.

6.2 The **Chairman** recalled that, based on the Director's report to the conference, WRC-15 had discussed the matter but had concluded that more studies were required and thus had not taken any substantive decision on it. The discussions had presumably taken place at committee or working group level, since they were not reflected anywhere in the plenary meeting minutes. Although sympathetic towards the issue raised, she failed to see what the Board could do to satisfy Papua New Guinea's request, as it could not simply grant extensions with no regulatory basis for doing so; only the WRC could alter the application of the Radio Regulations in the manner suggested.

6.3 **Mr Kibe**, commenting on the request before the Board and the Chairman's reminder of what had occurred at WRC-15, said that despite the advantages of all-electric satellites as described by Papua New Guinea, the Radio Regulations as they currently stood were technology-neutral, and the Board had no grounds for extending bringing-into-use periods or for ruling that date of launch should be taken as date of bringing into use in the manner suggested. The Board could not alter the deadlines set down in the regulations, except in very specific cases as provided for by WRC-12. Further studies were required on the subject, and the Administration of Papua New Guinea should therefore perhaps take the matter to the relevant ITU-R study group with a view to possibly resubmitting it to the WRC when studies on it were mature.

6.4 **Mr Ito** said that he had sympathy with the case put forward by Papua New Guinea and recognized the advantages of all-electric satellites as compared with chemically launched satellites. He nevertheless agreed with Mr Kibe's comments, and considered that the seven-year deadline for bringing into use was adequate for all types of satellite. It was the prerogative of administrations to opt for the use of new technologies, but they must take all aspects into account in order to meet the relevant deadlines. The Board had no grounds for changing those deadlines in the manner suggested, and if any administration wished to see those deadlines changed, it must take its request to the WRC.

6.5 **Mr Bessi** said that the request submitted by the Administration of Papua New Guinea represented a relaxation of the provisions of the Radio Regulations, which went beyond the Board's mandate, as was made clear in No. 13.12Ag) of the Radio Regulations relating to the development of rules of procedure. Only the WRC could take decisions providing the kind of flexibility requested. Papua New Guinea could take the matter to the WRC, and could request that further studies be conducted within ITU-R.

6.6 **Ms Wilson** endorsed all the comments made by the previous speakers.

6.7 **Mr Strelets** noted that the technology presented in the submission by the Administration of Papua New Guinea presented numerous advantages, and he would therefore not want the Board simply to respond that the request fell outside its mandate. Rather, while making it clear that it was

an administration's responsibility to take all aspects into account when choosing their launch technology, the Board should recognize that the current regulations did not necessarily provide adequate timeframes to accommodate new technologies – indeed, for example, the period of suspension offered by No. 11.49 was only three years, whereas six to eight months were needed just to launch an all-electric satellite. He fully agreed with the conclusions reached by previous speakers, but said that the Board's decision should provide encouragement to the administration to continue working on the matter through the appropriate ITU-R body, recognizing that only the WRC could take the kind of decision sought.

6.8 In the light of the views expressed, the **Chairman** suggested that the Board conclude as follows:

“After consideration of the request from the Administration of Papua New Guinea as reflected in Document RRB16-1/8, the Board concluded that:

The introduction of more energy efficient technology in radiocommunications is welcomed and should be promoted;

Modifying the Radio Regulations to promote such technologies is within the mandate of a competent WRC;

It is not within the mandate of the Board to provide flexibility or a relaxation of the Radio Regulations;

This issue may require further study within ITU-R.

Consequently, the Board is not in a position to accede to the request from the Administration of Papua New Guinea.”

6.9 It was so **agreed**.

7 Receivability of requests for coordination or notification of satellite networks prior to the entry into force of WRC-15 decisions (Documents RRB16-1/4, RRB16-1/9, RRB16-1/10, RRB16-1/11, RRB16-1/13, RRB16-1/16, RRB16-1/17, RRB16-1/18, RRB16-1/19, RRB16-1/20, RRB16-1/INFO/1, RRB16-1/INFO/2, RRB16-1/INFO/3)

7.1 The **Chairman** noted that one of the documents on the topic of receivability had been submitted by the Administration of the Russian Federation and asked whether or not the Board member from that country should speak on the subject. She recalled that, as previously discussed, if the Board was considering a topic that affected all administrations, such as a rule of procedure or Resolution 80, then all members of the Board could take part even if his or her country or origin had made a submission on the matter.

7.2 **Mr Ito** said that, of the documents submitted by administrations regarding receivability, four favoured one approach and five another. If Mr Strelets spoke for one side, then the opponents would be disadvantaged by having no Board member to speak on their behalf. Board members should follow No. 98 of the ITU Constitution (CS98) to the letter. **Mr Magenta** endorsed those comments.

7.3 **Mr Strelets** recalled that, according to CS98, Board members served “not as representing their respective Member States nor a region, but as custodians of an international public trust”. Also, Board members were to “refrain from intervening in decisions directly concerning the member's own administration”. The matter to be discussed affected all administrations, but he was willing not to take the floor if the other Board members so wished.

7.4 **Mr Koffi**, **Mr Bessi** and **Mr Khairov** considered that the question of receivability was of general interest, affecting many countries, and that all Board members should be able to speak.

7.5 The **Chairman** concluded that, as all administrations were potentially involved, the Board saw no difficulty in the participation of a Board member from a country whose administration had submitted a document.

7.6 **Mr Henri (Chief SSD)** introduced Document RRB16-1/4, concerning the receivability and treatment by the Bureau of coordination requests under Article 9 of the Radio Regulations for the new FSS allocation in the frequency band 13.4-13.65 GHz prior to the effective date of entry into force of the allocation, which was 1 January 2017. He also stressed that in addition to the WRC-15 outcome on the new FSS allocation in the band 13.4-13.65 GHz, the issue of receivability of requests for coordination or notification under Articles 9 and 11 prior to the entry into force of WRC-15 decisions, may also be topical for other conference decisions listed under §2 of the document. Document RRB16-1/INFO/1 contained an extract of the minutes of the thirteenth plenary meeting of WRC-15, at which the matter had been discussed and referred to the Board for study. Annex 1 to Document RRB16-1/4 described the provisional treatment by the Bureau of requests for coordination under Article 9 or notification under Article 11 of the Radio Regulations submitted as of 28 November 2015 (the first day after the conference) and before the effective date of entry into force of WRC-15 new or updated frequency allocations. In order not to delay treatment of satellite network filings and to respect the regulatory four-month time limit under No. 9.38 for publication in the BR IFIC, the Bureau had started treating requests applying the approach described in Annex 1. The practice dated back to WARC-ORB-88, with the Bureau in the early days issuing “favourable” and later on “qualified favourable” findings.

7.7 Drawing attention to the documents submitted by administrations, he said that in summary the Administrations of France (Document RRB16-1/13), Israel (Document RRB16-1/16), Turkey (Document RRB16-1/17) and Sweden (Document RRB16-1/19) wanted the current practice to continue, with notices being treated on the actual date of receipt up to the coming into force of the allocation. In contrast, the Administrations of Norway (Document RRB16-1/9), Algeria, Bahrain, Jordan, Oman, Kuwait, Qatar, Saudi Arabia and Sudan (Document RRB16-1/10), Spain (Document RRB16-1/11), Luxembourg (Document RRB16-1/18) and the Russian Federation (Document RRB16-1/20) wanted notices to be treated not on the date of receipt but on the date of coming into force of the allocation. Whatever the Board’s decision, he confirmed that the Bureau would apply it to all coordination requests, including those already processed.

7.8 The **Chairman** invited Board members to consider the arguments advanced in the documents submitted by administrations.

7.9 **Mr Bessi** said that the rule of procedure on No. 9.11A of the Radio Regulations addressed the receivability of coordination requests in frequency bands that were not yet allocated to the corresponding service, but the rule concerned only coordination of or with non-GSO networks where the requirement to coordinate was included in a footnote to the Table of Frequency Allocations referring to No. 9.11A. Some administrations correctly pointed out that, as none of the footnotes to the new allocation to the FSS in the 13.4-13.65 GHz band referred to No. 9.11A, the rule of procedure on that provision should not be applicable.

7.10 **Mr Ito** considered that the applicability or not of the rule of procedure on No. 9.11A was not the essence of the problem, although rules and practice should obviously be consistent. There was nothing in the Radio Regulations to prevent administrations submitting API notices and coordination requests prior to the entry into force of frequency allocations, and those submissions were receivable. The question was what findings the Bureau should give those submissions: unfavourable, qualified favourable or favourable. Several examples of the Bureau’s past practice were given in §5 of Document RRB16-1/4, for example following WARC-92 where the Bureau issued qualified favourable findings to frequency assignments received prior to the date of entry into force of the allocation to BSS in Region 2 in the band 17.3-17.8 GHz, with the findings becoming favourable as of 1 April 2007, the date of entry into force of that allocation. The annex to Resolution 46 (WARC-

92) (published in 1994) showed that the intention was not to limit the procedure to a particular band, but to solve the problem of how to treat notices when the date of receipt preceded the date on which the allocation came into effect. He was in favour of maintaining the existing practice.

7.11 **Mr Bessi** said that the Board had to find a way of dealing with the problem that was in conformity with the Radio Regulations. He suggested that the Board review the Bureau's treatment of previous cases, which presumably all related to No. 9.11A since no administrations had objected. If the rule of procedure on No. 9.11A did not cover all cases, then perhaps the best approach would be to develop a new rule of procedure.

7.12 **Mr Henri (Chief SSD)** provided a list of filings with qualified favourable findings (Document RRB16-1/INFO/2) and cited several examples of such findings where there had been no reference to No. 9.11A.

7.13 **Mr Kibe** observed that now, as at WRC-15, opinion was divided among administrations. There was an existing practice, and nothing in the Radio Regulations prevented the Bureau from receiving notices, but perhaps some compromise could be found, for example by setting a date of receipt six months after each conference. One possible approach would be to tweak the rule of procedure on No. 9.11A to take account of the concerns raised by the Administration of the Russian Federation.

7.14 **Mr Strelets** recalled that WRC-15 had been unable to reach consensus on the matter. From a regulatory standpoint, the rule of procedure on No. 9.11A did not apply to the frequency band 13.4-13.65 GHz, and some administrations were unaware of the Bureau's practice. There should be a rule of procedure to clarify the practice. According to Article 4 of the Radio Regulations, assignments had to be in conformity with the Table of Frequency Allocations and other provisions, the only exception being under §4.4. It was understandable that the Bureau needed to get ahead with processing the large number of advance publications that had come in, but coordination requests were another matter. A whole slew of other services might be concerned, as indicated in §2 of Document RRB16-1/4, and a practice that might favour one service over another was unacceptable. As the Director had pointed out during the conference, investments had to be supported by clear regulatory provisions.

7.15 **Ms Wilson** agreed that the rule of procedure on No. 9.11A did not apply to the new FSS allocation in the band 13.4-13.65 GHz. Nevertheless, the Bureau's practice respected the general principle of treatment by date order of receipt. She had heard no strong argument for departing from that practice. Bearing in mind the Director's point about the need for a stable regulatory environment to attract investment, she considered that the existing practice should be maintained.

7.16 The **Director** said that there were two opposing sides with regard to the approach to be taken. He did not see a middle way that would leave each side equally happy or unhappy.

7.17 **Mr Bin Hammad** agreed with the Director and suggested that the Board's decision might be deferred to the next meeting in order to leave time to examine fully the information provided.

7.18 **Mr Khairov** said that the Director had rightly pointed out that there were two opposite camps, and that there was little hope of bringing them together in a middle way. The Board had to help the Bureau, and it made no sense to defer the decision, because a number of networks needed certainty now. Studies on the bands had started after WRC-12, giving administrations plenty of time to react. The existing practice had been in existence for more than twenty years, but for greater clarity the Board would have to adopt a new or modified rule of procedure. He was in favour of maintaining the existing practice so that there would be no retroactivity in the Bureau's decisions.

7.19 **Mr Strelets** said that everyone agreed that no rule of procedure currently existed to treat coordination requests or notification of satellite networks in the band 13.4-13.65 GHz prior to the entry into force of WRC-15 decisions. The existing rule of procedure applied to a different case. As pointed out by several administrations, for example the Administration of Spain (Document RRB16-

1/11), it was not evident that the Bureau would accept advance publications and coordination requests on the basis of Article 9 for the band in question. Furthermore, in preparing for the conference, three different frequency bands had been considered, none of which had been generally supported by all regions, so it had been impossible to anticipate the decision that WRC-15 would take. He suggested the following compromise solution: the Bureau should examine and publish coordination requests received, and indicate the administrations with which coordination had to take place. The Bureau would analyse the coordination requests received as at 1 January 2017, taking account of newly submitted requests, and give all requests the same date of receipt, namely 1 January 2017. Administrations that had submitted coordination requests before that date would at least have had the chance to start coordination procedures.

7.20 **Mr Magenta** observed that the Bureau had applied the existing practice for years without any adverse reaction. For transparency, the Board should instruct the Bureau to prepare a rule of procedure on the practice. The approach suggested by Mr Strelets was one option for an interim procedure.

7.21 The **Director** said that the Bureau, on the basis of Article 9 of the Radio Regulations, accepted advance publications and coordination requests, since there was nothing in Article 9 that enabled the Bureau to reject such notices.

7.22 **Mr Ito** said that everyone enjoyed equal rights under the Radio Regulations and stressed the need to preserve equal rights in any rule of procedure.

7.23 **Ms Wilson** said that it would be a good idea to create a rule of procedure covering the general case of a new allocation but it would be wise to resolve the specific case of the 13.4-13.65 GHz band first, otherwise administrations might examine the general rule in the light of their own advantage in the specific case. She agreed with Mr Ito about preserving equal rights and added that first entrant priority (first come, first served) should also be preserved.

7.24 **Mr Bessi** said that the rule of procedure should deal with current and future cases. He agreed that there should be equality between administrations and thought that setting a date for the receipt of notices would achieve such equality. Receivability under Article 9 should be the subject of a separate rule or should be dealt with on a case by case basis. The sending of advance publication information before the conference had taken a decision was a form of speculation, and administrations should not be able to submit coordination requests that were not in conformity with the Radio Regulations.

7.25 **Mr Strelets** said that the Board was faced with a philosophical dilemma in regard to Article 9. The Director considered that something that was not forbidden was therefore permitted. He himself held the opposite view: if something was not permitted, then it was forbidden. At WRC-15, the Bureau's practice had been called into question. If the Board told administrations that they could submit coordination requests that were in breach of the Table of Frequency Allocations (outside of §4.4 of Article 4 of the Radio Regulations), then it would be sending the wrong message. The receipt of notices prior to the entry into force of the allocation enabled administrations with funds to block the spectrum. It would be interesting to see more detailed examples of administrations that had benefited from qualified favourable findings in the past.

7.26 The **Director** pointed out that the Bureau could not invent new regulations. The Bureau's practice was to apply the Radio Regulations, and the Bureau could not reject a notice under Article 9. Receivability was dealt with under Article 11.

7.27 **Mr Ito** supported the Director. A new rule of procedure that did not respect current practice might in effect create a new regulation.

7.28 **Mr Hoan** said that the exchange of views in the Board mirrored the discussion that had taken place at WRC-15. Clearly the rule of procedure on No. 9.11A did not apply to the frequency band

13.4-13.65 GHz. Nevertheless the Bureau had acted in the spirit of §3.3 of that rule and given qualified favourable findings. He favoured a rule of procedure along the lines of that suggested by the Director in Annex 1 to Document RRB16-1/4.

7.29 **Mr Bessi** said that equitable access was essential but that it could only be achieved if the rules were set in advance. Hence, the rule of procedure to be developed should not be based fundamentally on the principle of first come, first served.

7.30 Further to the request by Mr Strelets, **Mr Henri (Chief SSD)** introduced Document RRB16-1/INFO/3, containing a list of examples of filings with qualified favourable findings, giving the date of the last day of the relevant conference, the date of receipt of advance publication and coordination information and the date of entry into force of the allocation. The rule of procedure on No. 9.11A applied to some, while others had been treated in the spirit of §3.3 of that rule. The Director added that the list also indicated the name of the administration and operator, some of whom had claimed at WRC-15 not to know about the Bureau's practice.

7.31 **Mr Strelets** said that there was no coordination procedure for bands that had not come into force, hence no way to take account of the space research service, which would be upgraded from secondary to primary, with effect from 1 January 2017 with regard to the new FSS allocation.

7.32 The **Director** explained that that concern was taken into account by the new footnote 5.A161 added by WRC-15. The Bureau examined all coordination agreements to check their coherence with the Radio Regulations, but the Bureau's findings with regard to coordination requests had no regulatory impact.

7.33 **Mr Bessi** said that under No. 11.31 of the Radio Regulations the Bureau had the power to reject notices that were not in conformity with the Table of Frequency Allocations, but Article 9 of the Radio Regulations did not allow such notices to be rejected. Consequently the general question of receivability of coordination requests needed to be dealt with.

7.34 The **Chairman** suggested that the Board should instruct the Bureau to develop a rule of procedure on the receivability of filings submitted before the effective date of entry into force of an allocation, based on the current practice outlined in Annex 1 to Document RRB16-1/4.

7.35 **Ms Wilson** expressed concern that administrations might react to a general rule of procedure from the specific standpoint of the band 13.4-13.65 GHz, making it difficult to adopt the rule. It might be preferable to decide first on the specific band.

7.36 **Mr Bessi** said that if the Board first adopted a decision on the specific band, it would set a precedent for the rule of procedure.

7.37 **Mr Ito** was in favour of instructing the Bureau to develop a rule of procedure, as suggested by the Chairman.

7.38 **Mr Strelets** also supported the Chairman's suggestion, because administrations would have the opportunity to comment on the draft rule.

7.39 **Mr Koffi** endorsed the comment made by Ms Wilson, fearing that it might take the Board until 2017 to reach a decision. He could, however, accept the Chairman's suggestion if that was the view of the majority.

7.40 The **Director**, like Mr Koffi, saw some urgency in reaching a decision. The role of the Board was to create certainty, not uncertainty. The longer it took to adopt a rule of procedure, the longer the period of uncertainty.

7.41 The **Chairman** said that it appeared to be impossible for the Board to take a decision at the present meeting but that it should do so at its next meeting.

7.42 **Mr Kibe** said that, meanwhile, the Bureau should continue to treat coordination requests as described in Annex 1 to Document RRB16-1/4.

7.43 **Ms Wilson** agreed with Mr Kibe, adding that whether or not the Board managed to adopt a rule of procedure at its next meeting, it should in any event take a decision in regard to the frequency band 13.4-13.65 GHz.

7.44 **Mr Strelets** said that the Board should refrain from including any instruction to the Bureau regarding the processing of notices in the interim, as that would skew neutrality in the development of the rule of procedure.

7.45 **Mr Bessi**, supported by **Ms Wilson**, observed that, if the Board did not forbid the Bureau to apply its existing practice, it would continue as before.

7.46 The **Chairman** suggested that the Board conclude as follows:

“The Board considered extensively the contributions from the BR (Document RRB16-1/4, and INFO/1, INFO/2 and INFO/3) and those from administrations (Documents RRB16-1/9, 10, 11, 13, 16, 17, 18, 19 and 20).

The Board considered that the Rules of Procedure (ROP) on 9.11A do not apply to the frequency band in question.

The Board noted however that the practice by administrations to submit advance publication information for satellite networks, including frequency ranges not yet allocated in the RR, 6 months before the end of a conference has been regularly used since 1988, both in relation to frequency bands covered by the ROP on 9.11A and not covered by this ROP.

The Board noted also that the BR in these cases has acted in the spirit of section 3.3 of this ROP.

The equal treatment of the Coordination Request is guaranteed as is expressed in the ROP of RR No. **9.6**.

The Board considered that this practice was well established and has not given rise to difficulties.

Based on the above findings, the Board decided:

To instruct the BR to develop a draft new ROP for the receivability of filings submitted to the BR before the effective date of entry into force of a frequency allocation after the adoption of a decision of a WRC;

That this draft new ROP be based on current practice as outlined in Annex 1 to Document RRB16-1/4 and will be considered for adoption at the Board’s 72nd meeting.”

7.47 It was so **agreed**.

7.48 **Mr Henri (Chief SSD)** informed the Board of requests for coordination of satellite networks received by the Bureau from the Administration of Sweden on 27 November 2015 that requested the Bureau to “take date of receipt of the CR/C submissions...from the earliest date when CR/C can be received by the BR with a qualified favourable finding”. Under the existing practice, the earliest date for which the Board would give a qualified favourable finding was 28 November 2015, whereas the actual request from Sweden had been stamped as received on 27 November 2015 under the Rule of Procedure on the receivability of forms of notice, on which date the Bureau would give an unfavourable finding. The request was unusual and the Bureau was unsure how to respond.

7.49 **Mr Strelets, Mr Bessi and Ms Wilson** said that the problem would be resolved once the Board had adopted a rule of procedure.

7.50 The **Director** said that the Bureau would consider Sweden's request to have been received on 28 November 2015 and would review the matter when the Board had taken a decision on the rule of procedure.

8 Request by the Bureau for a decision by the Radio Regulations Board for the cancellation of frequency assignments to the ACS-1 and MCS-1 satellite networks under No. 13.6 of the Radio Regulations (Documents RRB16-1/6, RRB16-1/DELAYED/3 and RRB16-1/DELAYED/4)

8.1 **Mr Matas (Head SSD/SPR)** introduced Document RRB16-1/6, containing a request by the Bureau for the Board to cancel the ACS-1 and MCS-1 satellite networks under No. 13.6 of the Radio Regulations. He also drew attention to late submissions in Documents RRB16-1/DELAYED/3 and RRB16-1/DELAYED/4, received respectively on 1 and 2 February 2016. Given that the Bureau had not had time to analyse the information contained in Document RRB16-1/DELAYED/4, one possible way forward might be for the Board to instruct the Bureau to carry out such an analysis and defer its consideration of the case to the Board's 72nd meeting.

8.2 **Mr Magenta** said that to his understanding of the rules and practice governing submissions to ITU meetings, submissions received after the start of a meeting were deemed unreceivable for that meeting. He therefore questioned whether the late submissions in Documents RRB16-1/DELAYED/3 and RRB16-1/DELAYED/4 should be taken into consideration by the Board for the purposes of the case now under discussion.

8.3 The **Chairman** noted that the Board had already agreed to take into consideration RRB16-1/DELAYED/3 as an information document. It had not yet decided whether or not to take into consideration Document RRB16-1/DELAYED/4, which had been received on the second day of the present meeting. The Board might consider deferring the entire matter to the Board's 72nd meeting, on the understanding that the Bureau would take no action on the networks concerned in the meantime.

8.4 **Mr Strelets** expressed concern: based on its investigations under No. 13.6, the Bureau had prepared a submission to the Board, in regard to which it had received no timely response from the administration concerned despite having sent reminders to that administration over a period of several months. Now that the request for cancellation of the networks concerned had been submitted to the Board, two late submissions had been received. One of those (Document RRB16-1/DELAYED/3) simply requested the Bureau not to request the Board to cancel the networks, but contained no evidence of use of the frequency assignments in question. He therefore saw no justification for deferring consideration of the case in hand to the next meeting. The Board must base its decisions on the documents formally included on the agenda at the start of the meeting, otherwise it would set a dangerous precedent whereby administrations could always make late submissions with a view to having items that concerned them and related to No. 13.6 deferred to the subsequent meeting.

8.5 **Mr Ito** said that he largely shared Mr Strelets' concerns and that, based on Documents RRB16-1/6 and RRB16-1/DELAYED/3, he would have seen no reason not to cancel the frequency assignments concerned. His own further research, however, now caused him to believe that such a decision might mean the cancellation of a real system. In the present case, therefore, to defer the matter to the Board's 72nd meeting might be the best way forward.

8.6 **Mr Strelets** said that he fully shared Mr Ito's desire not to cancel networks that might really exist, and always advocated taking steps – including the deferral of cases if necessary – in order to ensure that all relevant information was available to the Board before it took decisions to cancel networks. Based on the documentation before the Board, however, and even the information in Document RRB16-1/DELAYED/4, he saw no evidence of use of the bands concerned, and the Board

could not base any decision – including a decision to defer consideration of the matter – on the vague possibility that there *might* be a system in place. As with the case of INSAT-2(55) at its 70th meeting, therefore, the Board should take a decision based on the documentation before it, recognizing that the administration concerned could always request the Board to review that decision if it disagreed with it.

8.7 **Mr Kibe** asked on what precise basis the Bureau was suggesting that its request regarding the case now before the Board be deferred to the 72nd meeting.

8.8 **Mr Magenta** reiterated his earlier concerns about the receivability of late submissions (Documents RRB16-1/DELAYED/3 and RRB16-1/DELAYED/4, both received after the start of the present meeting), and stressed that the Board must be clear and consistent in the way it dealt with late submissions.

8.9 **Mr Bin Hammad** drew attention to §1.6 of the Board’s working methods set forth in Part C of the Rules of Procedure, which drew a clear distinction between late submissions that related to items on the approved agenda of a Board meeting, and late submissions that did not. With regard to the former, the Board could agree to take them into consideration as information documents; with regard to the latter, they were to be placed on the agenda of the following Board meeting.

8.10 **Mr Strelets** said that the Board’s practice regarding “delayed submissions” was now well established and was clearly set forth in §1.6 of Part C of the Rules of Procedure. In fact, according to the Board’s established method, the concept of “delayed submissions” applied only to submissions related to items already on the Board’s agenda, since those were the only late submissions taken into consideration by the Board at a given meeting; any other late submissions were automatically placed on the agenda of the following meeting as normal submissions. The approach enshrined in §1.6 of Part C functioned perfectly well, and should not be changed. Responding to comments by **Mr Magenta**, **Ms Wilson** and the **Chairman** regarding the possibility of reopening debate on a subject on which the Board had already concluded in order to take into consideration a late submission received during a meeting, he said that such an eventuality was covered by §1.6 of Part C in its indication that delayed submissions could be accepted for information “if so agreed by Board members”. In fact, that wording covered all possible eventualities regarding late submissions, and there was therefore no need to amend §1.6 of Part C of the Rules of Procedure.

8.11 It was so **agreed**.

8.12 The **Chairman** proposed that since, in the light of Document RRB16-1/DELAYED/4, there appeared to be some doubt as to whether or not a satellite system was operating the frequency assignments in the case under consideration, the Board might agree to defer consideration of the case to its 72nd meeting, requesting the Bureau to study the matter further in the meantime. **Mr Ito** and **Mr Magenta** supported that proposal; so too did **Mr Koffi**, who added that the voluminous Document RRB16-1/DELAYED/3, which was available in one language only, might also contain undetected elements with a bearing on the matter.

8.13 **Mr Strelets** expressed reservations regarding the Chairman’s proposal. He reiterated that none of the documents before the present meeting contained anything to suggest that the assignments concerned had been brought into use, and therefore he saw no justification for deferring consideration of the matter to the 72nd meeting. Rather, to defer it would set a dangerous precedent. If the Board took a decision which it was subsequently required to review, so be it.

8.14 There being no further comments, the Board **agreed** to conclude as follows:

“The Board took note of Document RRB16-1/6, in which the BR requested a decision by the Board for the cancellation of the frequency assignments to ACS-1 and MCS-1 satellite networks, in accordance with RR No. **13.6**.

The Board considered Documents RRB16-1/DELAYED/3 and RRB16-1/DELAYED/4 as information documents and concluded that the information contained in RRB16-1/DELAYED/4 gave a basis for further study by the BR.

The Board regretted that this information had been received at such a late stage.

The Board decided to defer the issue to its next meeting.”

9 Rules of procedure (Document RRB16-1/7; Circular Letters CCRR/53 and CCRR/54)

9.1 The **Chairman** recalled that, as agreed by the Board previously, all Board members were free to participate in the discussion and decision-making on draft new and modified rules of procedure even if their administration had made a submission on them, since the subject was of a general nature of interest to the entire ITU membership and thus was not considered to relate directly to the interests of any individual administration.

Draft modification to the rules of procedure concerning the method for calculating the probability of harmful interference between space networks (C/I ratios) contained in Part B, Section B3, of the Rules of Procedure) (Document RRB16-1/7; Circular Letter CCRR/53)

9.2 **Mr Ito** said that he did not intend to participate in the discussion of the draft modified rule of procedure in Circular Letter CCRR/53, given that the Japanese Administration had submitted comments on it.

9.3 **Mr Strelets** said that, as agreed previously by the Board, nothing in the basic texts of the Union, including CS98, prevented Mr Ito from participating in the Board’s discussions on matters of a general nature, such as rules of procedure, even if his country of origin had made a submission thereto. He hoped Mr Ito would reconsider his position.

9.4 The **Chairman** agreed with Mr Strelets, but said that if Mr Ito had decided not to participate, this should be respected.

9.5 **Mr Sakamoto (Head SSD/SSC)** introduced the draft modified rule of procedure contained in Circular Letter CCRR/53, which had been prepared in response to a request for clarification addressed to the Director of BR (Annex 15 to Document 4A/669). As outlined in the introductory section of Annex 1 to the circular letter, the draft text included clarifications provided by Working Party 4A along with additional elements to further clarify the rules. These proposed modifications to the rule did not change the method which had been used by the Bureau and just clarified the description of the method. It was proposed that the modified rule, if approved, should enter into force immediately following the present meeting. He went on to draw attention to the comments submitted by six administrations, as presented in Annexes 2-7 to Document RRB16-1/7. Myanmar (Annex 2) made no comments as such. Japan (Annex 3) put forward various editorial amendments to Attachment 3 to the rule, which the Bureau deemed acceptable, but also proposed to use the minimum value of the peak envelope power, rather than the maximum, for calculation purposes. Working Party 4A had discussed a similar proposal at its meeting in June 2015, and had concluded that changes to the draft rule should simply clarify the existing method. Mexico (Annex 4) proposed that consideration should be given to referring to the polarization table and the polarization isolation factor in the terms indicated in §2.2.3 of Appendix 8 of the Radio Regulations; in that regard, however, he noted that consideration of the polarization isolation factor was subject to consent by the administrations responsible for each network. Working Party 4A had not discussed that proposal. Mexico also commented that the margins or levels used in the calculation methodology were too conservative, and might indicate harmful interference where it did not exist. France (Annex 5) supported the draft modified rule, and suggested editorial amendments affecting only the French text. The Russian

Federation (Annex 6) objected to the draft modified rule, saying that before the rules were revised the relevant ITU-R Recommendations should first be updated and account should be taken of the studies carried out by Working Party 4A. China (Annex 7) put forward editorial amendments, including some affecting the Chinese text only, which the Bureau deemed could be accepted in combination with the editorial amendments suggested by Japan.

9.6 **Mr Bessi** observed that according to §2.2.1.4 of the Board's working methods (Part C of the Rules of Procedure), comments from administrations on draft rules of procedure should suggest specific text when seeking to amend a draft rule. In the absence of any specific text from Mexico, he would find it difficult to consider Mexico's proposals, which involved a complex issue.

9.7 **Mr Magenta** said that he found various things confusing in regard to the proposals before the Board. First, it would have been more correct for the French Administration to refer to exchanges with Study Group 4, rather than Working Party 4A; after all, the RA itself dealt with the study groups, which were responsible for the approval of Recommendations, and not directly with the working parties. Second, Mexico was proposing changes that had not been studied by the relevant ITU-R study group. The Board had to base its decisions on the Recommendations in force, and could not start discussing technical proposals put forward by individual administrations, not least because it did not have the necessary expertise to do so. Nor could the Board tell the study groups what to study; it was up to Mexico to submit its proposals to the study group if it saw fit. **Mr Bessi** endorsed those comments.

9.8 **Mr Strelets** said that it was strange for the French Administration to suggest that the Bureau continue exchanges with Working Party 4A with a view to modifying the rule of procedure under consideration. The usual practice was for working party studies to lead to the drafting of new or revised Recommendations which then had to be approved by administrations, whereas rules of procedure were developed at the initiative of the Bureau, administrations or the Board itself. The Board could not be expected to participate in working party deliberations with a view to preparing draft rules of procedure. Having said that, although he did not think that the proposals under discussion had been brought to the attention of Study Group 4, he was aware of the Bureau's active participation in discussions in Working Party 4A, and of exchanges taking place between the Director of BR and the chairman of the working party. As to Mexico's proposals, the Board could obviously discuss them if it wished, in so far as they related to the Radio Regulations, but it could not base its development of rules of procedure on discussions taking place in working parties or even the study groups; in that regard, it had to base itself on the output of the study group work in the form of approved Recommendations formally associated with the Radio Regulations by reference. Turning to the draft modified rule of procedure, he said that clearly it was intended to reflect the current practice, without incorporating the polarization isolation factor, which was subject to consent by the administrations responsible for each network. Whether or not to incorporate that factor would have to be discussed and decided by the appropriate forum comprising the necessary experts, with any positive outcome no doubt taking the form of a Recommendation. He also considered for much the same reasons that it would be difficult for the Board to discuss the substantive proposals put forward by Japan. The best approach would be to agree that the rule of procedure should reflect as clearly as possible the current practice, which was based on existing Recommendations in force, leaving it up to administrations to propose amendments to the relevant Recommendations if they wished to change the practice.

9.9 The **Director**, commenting briefly on the substance of the Mexican proposals, endorsed previous speakers' comments to the effect that the appropriate forum for discussion of those proposals would appear to be Study Group 4/Working Party 4A. The same was true of the substantive proposals made by Japan. **Mr Magenta** agreed, adding that the most appropriate forum might even be the WRC.

9.10 Regarding the views expressed by the Administration of the Russian Federation, that before the rules under consideration were revised the relevant ITU-R Recommendations should first be

updated and account should be taken of the studies carried out by Working Party 4A, **Mr Bessi** said that rules of procedure had to be based on the relevant Recommendations in force, and revisions to existing Recommendations could only come further to contributions by administrations to the relevant study groups.

9.11 Based on the comments made, the **Chairman** proposed that the Board accept, where the Bureau deemed it appropriate, only the editorial amendments put forward by the administrations that had submitted comments, including in regard to specific language versions, and that the Board therefore conclude as follows:

“The Board discussed in detail the draft ROP circulated to administrations in Circular Letter CCR/53, along with comments received from administrations (Document RRB16-1/7). The Board noted that the draft ROP is based on the current versions of the relevant ITU-R Recommendations. The Board decided not to include proposals of a technical nature that have not yet been approved in the relevant ITU-R study groups.

For this reason, the Board decided to include only the editorial revisions to Attachment 3 and other editorial revisions received relating to specific languages only.

The Rule of Procedure, as contained in Annex 1 hereto [Document RRB16-1/21], was thereafter approved by the Board and will be applied from 6 February 2016.”

9.12 It was so **agreed**.

Draft rules of procedure on the GE06 Regional Agreement (Document RRB16-1/7; Circular Letter CCR/54)

9.13 **Mr Méndez (Chief TSD)**, introducing the draft new rule of procedure in Circular Letter CCR/54, said that the draft rule on Part A10 of the GE06 Agreement had been prepared further to the Board’s discussion of the submission by the Islamic Republic of Iran to the Board’s 70th meeting in Document RRB15-3/9, and related to the protection of a Plan entry from interference caused by a Plan entry of another administration with which the coordination procedure was not triggered in application of Article 4 of the GE06 Agreement, i.e. a “low-power” station. As presented in Document RRB16-1/7, comments on the draft new rule had been received from three administrations: Denmark (Annex 1) supported the draft rule; France (Annex 5) proposed various modifications in order to make the draft rule acceptable; and the Russian Federation (Annex 6) also proposed a few modifications, in which he suggested that the proposed reference to “footnotes” should be replaced by “Plan remarks”. Responding to a question by **Mr Bessi**, he confirmed that the changes proposed by the Russian Federation to §§X.6 and X.8 reflected the way the Bureau worked.

9.14 **Mr Bessi** inferred that the Russian Federation’s proposed changes to §§X.6 and X.8 were acceptable, as were its proposed changes to §X.9, since the rule of procedure dealt only with coordination between TV assignments and not with other primary services in the bands concerned.

9.15 The changes proposed by the Russian Federation, as amended by Chief TSD, and excluding the reference to “allotments” (since only assignments were recorded in the Master Register) were **approved**.

9.16 **Mr Khairov** welcomed the draft rule of procedure put forward by the Bureau, which met the concerns raised by the Iranian and other administrations. He also welcomed the changes proposed by the administrations that had submitted comments, particularly those proposed by France, which would better ensure the protection of low-power assignments from interference from other administrations’ stations. He nevertheless suggested a further amendment to §X.8 to take account of the conversion of allotments into assignments.

9.17 **Mr Bessi** said that in §X.8 of the draft rule as proposed by the Bureau, low-power stations entering the Plan were not to receive additional rights vis-à-vis assignments previously or subsequently included in the Plan. In the amendments proposed by France, that administration appeared to agree with the Bureau's draft in so far as assignments previously included in the Plan were concerned, but not in regard to assignments subsequently included; in other words, according to France's approach, which was in line with the basic principles of the Radio Regulations, low-power stations would not have the right to protection from assignments already in the Plan, but would have that right vis-à-vis assignments entering the Plan subsequently. He requested the Bureau to comment on his understanding.

9.18 **Mr Strelets** said that it seemed the changes being proposed by France would alter the concept that had constituted the basis for the draft rule in the first place. When the Iranian Administration had initially drawn the Board's attention to the issue, the problem had been identified in the following terms: when low-power stations entered the Plan, they were to be examined in terms not only of transmission but also of reception. In the original version of the draft rule put forward by the Board, both assignments previously recorded in the Plan (first subparagraph of §X.8) and assignments recorded subsequently (second subparagraph) were covered. With France's proposed amendments, however, the text would not cover assignments recorded subsequently. He too requested the Bureau to comment on his understanding.

9.19 **Mr Méndez (Chief TSD)**, recalling the Board's discussion on the matter at its 70th meeting, observed that it was necessary to draw a distinction between the Plan procedure and the concept reflected in Article 8 of the Radio Regulations (§X.5 of the draft rule referred to No. 8.3). Regarding the procedure for updating the GE06 Plan, low-power stations entering the Plan were not required to coordinate because their transmissions did not exceed certain limits, but no calculations were effected to ascertain how much they might be affected by entries already in the Plan; thus, in effect, they accepted the Plan situation they were entering. Such acceptance obviously might prove problematic for low-power stations near borders. The fact that low-power stations entering the Plan could not expect protection from previous entries was evident to the Bureau, and it was therefore not necessary to indicate it specifically in the draft rule. However, the Bureau would see no obstacle to accepting the modifications proposed by France to the draft rule.

9.20 **Mr Khairov** endorsed the changes proposed by France, adding that it was not clear what exactly was meant by the Bureau in the second subparagraph of §X.8. To his understanding, when it came to the protection of low-power stations under the GE06 Agreement, stations should not have more or less protection than that ensured through compliance with the limits set down in Article 4 of the agreement. The field strengths of low-power stations, including near borders, and the impacts of those field strengths in terms of reception and interference, derived from the limits in Article 4, and it was up to administrations bringing in new low-power stations to come to terms with the existing interference situation they were entering.

9.21 **Mr Bessi** said that, to his understanding, the modifications proposed by France sought to address a situation in which a high-power station would have to coordinate with a low-power station already recorded in the MIFR as a coordinated assignment, and possibly already in service, if that low-power station were identified by the Bureau, in its examination based on protection of territory, as being affected by the new entry. The French proposal was thus intended to protect the low-power station because it was already in the MIFR. If such protection was not ensured, a balance would be lost in so far as entries in the MIFR would not have protection from interference. In his view, the French Administration's proposals were fully in line with the Bureau's practice, including the examination it carried out based on protection of territory in order to identify stations for which coordination was required.

9.22 **Ms Ghazi (Head TSD/BCD)**, adding to the explanations already provided, said that basically there were two possible scenarios when it came to modification of the GE06 Plan. In a first possible

scenario, coordination would be triggered under Article 4 and a list would be established of administrations with which coordination was required. That scenario was clear. In the second possible scenario, an administration introducing a new station could ensure its field strength was restricted to the national territory, but in doing so it nevertheless remained responsible for being aware of the interference situation it was entering and accepting – in line with No. 8.3 of Article 8 of the Radio Regulations. That scenario was also clear. Under that scenario, a station would be recorded in the Master Register, but such recording would be meaningless if the station was not protected from interference from assignments included in the Plan subsequently, which would be contrary to the basic logic behind the Radio Regulations. It would therefore make sense to approve the amendments proposed by the French Administration.

9.23 **Mr Magenta** said that his understanding, from the explanations provided, was that numerous different situations could arise involving the entry of different stations, both low-power and high-power, in the Plan. The fairest approach might simply be to require all new entries to coordinate with stations already in the Plan.

9.24 **Mr Bessi** confirmed that any low-power station entering the Plan and recorded in the MIFR should, when it entered into service, ensure the protection of any high-power station entered before it, but should not have to ensure the protection of any subsequent entries. The amendments proposed by France reflected that approach, and should therefore be adopted.

9.25 It was so **agreed**.

9.26 The draft new rule of procedure on Part A10 of the GE06 Agreement, as amended (see Annex 2 to Document RRB16-1/21), was **approved**, with its date of entry into force set at 6 February 2016.

10 Submission by the Administration of Egypt regarding the status of the NAVISAT satellite networks (Documents RRB16-1/12, RRB16-1/DELAYED/2 and RRB16-1/DELAYED/5)

10.1 The **Chairman** noted that Document RRB16-1/DELAYED/5 had been received very late, during the course of the present meeting of the Board.

10.2 **Mr Henri (Chief SSD)** introduced Document RRB16-1/12, containing a request by the Administration of Egypt to extend the regulatory deadline until 11 May 2019 for three orbital location filings, namely NAVISAT-9A at 14°E, NAVISAT-12A at 35.5°E and NAVISAT-14A at 44°E. As indicated in the document, the end of the regulatory period for those filings, along with three other filings, was 11 May 2016. He noted that to fulfil the requirements for bringing into use frequency assignments to these networks, there would have to be a satellite at each of the locations concerned by this date. The Administration of Egypt described the events that had taken place, explaining that a *force majeure* situation prevented it from meeting the regulatory deadline. Considering the foreseen improvement to Egypt's economic outlook, the administration asked the Board to grant an extension of the regulatory deadline. In Document RRB16-1/DELAYED/2, the Administration of Egypt repeated the *force majeure* argument given in Document RRB16-1/12 and explained that the request had not been made to WRC-15 because the operator had, at that time, been optimistic that a gap-filler satellite could be found to meet the regulatory deadline. That option had unfortunately not materialized. In Document RRB16-1/DELAYED/2, the Administration of Egypt emphasized that the initial project had been to deploy at least two payloads but that its request could be reduced or limited in order for the required extension to be granted. In Document RRB16-1/DELAYED/5, the Administration of Egypt informed the Board that since January 2016 negotiations had been ongoing between the Egyptian government and satellite manufacturers for the delivery of a satellite payload, launch services and ground segments, and that the contract was expected to be signed by the end of

February 2016. In that regard, the administration confirmed its requirement for the exceptional extension of the regulatory time limit for only the satellite network filing at 35.5°E.

10.3 **Mr Strelets** said that the Board had the power to extend the regulatory deadline in circumstances of *force majeure*, but he was far from convinced that *force majeure* applied in the present case. If economic difficulties constituted *force majeure*, then most countries could today invoke that condition. He wondered why the Administration of Egypt had submitted six orbital positions when its intent seemed to be to launch not more than two satellites. He furthermore asked about the status of coordination in regard to the filing at 35.5°E. If the Board were to decide to grant the request by the Administration of Egypt, then it would confer an advantage on Egypt. In that context, he would like to know how such a decision would affect other administrations.

10.4 **Mr Koffi** noted that Egypt faced exceptional difficulties, with an internal revolution frightening off investors. The Board had to determine, on the basis of the conditions listed in the opinion of the Legal Adviser provided to the 60th meeting of the Board in Document RRB12-2/INFO/2(Rev.1), whether such an event constituted *force majeure*. If it did, the Board could consider extending the regulatory deadline.

10.5 **Mr Bessi** said that in upholding the Board's decision on a less serious case, WRC-15 had confirmed the Board's authority conferred by WRC-12 to provide a limited and qualified extension of the regulatory time limit for bringing into use the frequency assignments of a satellite network. Admittedly, all countries faced economic problems. In Egypt, however, political unrest had destroyed economic confidence, jeopardizing the financing of the satellite project. In his opinion, the circumstances fulfilled the conditions for *force majeure* since they were beyond the control of the Administration of Egypt, they were unforeseen, they made it impossible to meet the deadline, and there was a causal connection between the lack of investment and the inability to fulfil the obligation. The Administration of Egypt was serious about the satellite project and had reduced its request to a single orbital location, namely 35.5°E. Had the case been raised at WRC-15, the conference would surely have extended the regulatory deadline. In his opinion, the Board should accede to Egypt's request.

10.6 **Mr Khairov** recognized that Egypt faced difficulties but asked whether they could be considered *force majeure*. He supported the comments made by Mr Strelets and emphasized that the Board should be cautious in categorizing events as *force majeure*. Some 40 armed conflicts were currently taking place in the world, thus more than 40 administrations had the potential to claim that such events prevented them from fulfilling their obligations. The Board should take care not to set a precedent that would undermine the Radio Regulations. Perhaps the Board might ask the ITU Legal Adviser whether the events in Egypt could be deemed to constitute *force majeure*. In his own view, *force majeure* arose from technical failures or natural events such as hurricanes.

10.7 **Ms Wilson** expressed a desire to assist Egypt, recalling that organization of the WTDC in that country had been cancelled as a result of the internal turmoil. She nevertheless shared the views expressed by Mr Khairov and suggested that the Board should ask the Legal Adviser, in the context of his advice in Document RRB12-2/INFO/2(Rev.1), whether ongoing political turmoil could be considered an "event" in terms of the conditions to be fulfilled for *force majeure*. She noted in particular that the third condition specified that mere difficulty in performing an obligation was not deemed to constitute *force majeure*. Had the Administration of Egypt brought the matter to WRC-15, the outcome would surely have been positive.

10.8 **Mr Bin Hammad** recalled that the Board had taken the correct decisions on two previous cases concerning developing countries, namely Mexico and the Lao People's Democratic Republic. Furthermore, WRC-15 had shown its trust in the Board's competence. The request by the Administration of Egypt concerned a matter of great importance to that country, and in his view the turmoil constituted *force majeure*. The Board should accede to the request, in line with its previous decisions.

10.9 **Mr Hoan** expressed sympathy for Egypt and said that the Board should find a way to support the administration of a developing country that was trying to comply with the Radio Regulations. He was not opposed to seeking legal advice but stressed that the matter was urgent because the contract was expected to be signed by the end of February. Endorsing the comments made by Mr Strelets, in particular on the need for information on the possible effect on other administrations, he said that the Board should not consider political or economic difficulties as constituting *force majeure* but should find another way of assisting Egypt.

10.10 **Mr Kibe** said that, given the resolutions adopted by ITU plenipotentiary conferences (Resolutions 32, 33 and 34) on assistance to developing countries, the Board should take a sympathetic approach in responding to the request by the Administration of Egypt. His initial reaction was that the circumstances described by the administration did indeed constitute *force majeure*.

10.11 **Mr Bessi**, referring to the opinion of the ITU Legal Adviser in Document RRB12-2/INFO/2(Rev.1), said that the conditions listed by the Legal Adviser gave the Board the basis on which to decide whether or not an event constituted *force majeure*.

10.12 **Mr Strelets** said that all members of the Board sympathized with Egypt, but the Board had to do its job. Having analysed the present case in the light of the written opinion of the Legal Adviser, he thought that virtually none of the conditions were met. He recalled the case of the Islamic Republic of Iran, when the Board had concluded that sanctions did not constitute *force majeure*. The case of Mexico, referred to by Mr Bin Hammad, had concerned launch failure, while in the case of the Administration of the Lao People's Democratic Republic copies of the contracts for the manufacture and launch of the satellite had been provided, but even here the Board had not based its decision on a situation of *force majeure*. Like Mr Khairov, he saw *force majeure* as arising predominantly in regard to technical factors and natural disasters. It was a pity that the Administration of Egypt had not raised the matter at WRC-15. After all, the conference had twice granted extensions to the Administration of Viet Nam. Even if, as indicated in Document RRB16-1/DELAYED/5, negotiations were under way with the satellite manufacturer, it would take at least four years to manufacture a satellite and the launch would not take place for four or five years. Perhaps the Board might suggest that the Administration of Egypt should submit a new filing, bearing in mind that one filing per year was exempt from cost recovery. There were already several operational satellites located close to 35.5°E, so by focusing its request on that orbital position the Administration of Egypt was setting itself an almost impossible task with regard to coordinating the frequency assignments to its satellite network.

10.13 **Mr Henri (Chief SSD)** said that, based on coordination requests and notification of satellite networks received by the Bureau, it was clear that 35.5°E orbital position was critical to many satellite operators and administrations in regard to numerous frequency bands and services. There were several satellites within three degrees of Egypt's filing. The Bureau had no information on the status of coordination negotiations.

10.14 **Mr Ito** said that, like other members of the Board, he had analysed the present case in the context of the conditions for *force majeure*, and he had reviewed past decisions of the Board. So far, the Board had decided that just one case, related to the launch failure of a Mexican satellite, fulfilled the conditions for *force majeure*. The case of Viet Nam had concerned co-passenger delay, not *force majeure*. Broadly speaking, he agreed with Mr Bessi that the Board could determine whether or not a case constituted *force majeure*, but he would appreciate having a legal opinion on whether or not the circumstances described by the Administration of Egypt could constitute *force majeure*. Perhaps the Board could collect further information on the case, including on the reality of the contract, and defer its decision until its next meeting, scheduled for May 2016.

10.15 The **Director** pointed out that the contract would not be signed unless the Board gave the regulatory extension. Deferring the Board's decision until its next meeting would delay Egypt's project for a further three months.

10.16 **Ms Wilson** said that obviously the Board wanted to help Egypt but could not assume powers beyond its mandate. She hoped that the Legal Adviser could show that Egypt's circumstances met the criteria for *force majeure*, but she was dubious about those conditions being met. In particular she wondered whether political and economic turmoil over an extended period of time could be considered "an event" in terms of *force majeure*. She noted that the status of coordination negotiations was unrelated to *force majeure*.

10.17 **Mr Magenta** said that WRC-12 and WRC-15 had given the Board the power to extend the regulatory period, on a case by case basis. During the prolonged turmoil in Egypt, the government had surely focused on immediate needs, leaving aside its satellite project. Now the Administration of Egypt was asking for just one orbital slot and the Board should accede to the request. **Mr Bin Hammad** supported that view.

10.18 **Mr Khairov** expressed sympathy for Egypt but reiterated his view that the Board should be wary of recognizing conflict as *force majeure*, as such a decision might open the door to a flood of similar requests.

10.19 **Mr Bessi** stressed that any administration had the right to ask for a regulatory deadline to be extended because of *force majeure* and the Board would deal with such requests on a case by case basis. Similar cases should lead to similar decisions. Administrations were obliged to coordinate, but the status of coordination negotiations had no relevance to the Board's decision concerning *force majeure*. In the present case, the Administration of Egypt could resubmit the filing or could have raised its request to WRC-15, but neither of those possibilities should have any impact on the Board's decision.

10.20 **Mr Strelets** said that the Administration of Egypt should provide information to support its request, such as details of the proposed satellite network and a copy of the contract. The Board was likely to receive similar requests in future and so should take care not to set a precedent on a shaky foundation.

10.21 The **Chairman** said that the claim of *force majeure* made by the Administration of Egypt rested on the argument that political unrest had caused financial problems. Referring to the conditions listed in Document RRB12-2/INFO/2 (Rev.1), she invited the ITU Legal Adviser to give an opinion on whether political turmoil of long duration could constitute an external and unforeseen event.

10.22 The **ITU Legal Adviser** said that international jurisprudence based on decisions taken by international courts and arbitration tribunals clearly recognized that revolts and uprisings could constitute *force majeure*. With regard to the criteria to be met for exceptional treatment because of *force majeure* to be well-founded, the first condition was that the event must be beyond the control of the obligor and not self-induced. In situations of riot, revolt or civil war, an arbitrator could rule, and had ruled, that the State, although actively involved in the situation, was not deemed responsible for the actual occurrence of the riot, revolt or civil war. The reasoning followed by the arbitrator in such circumstances was not based on determining whether the acts in question were those of the State or were external to it, but on whether or not those acts could be attributed to it on the grounds of wilful behaviour on its part. With regard to the second condition (that the event must be unforeseen or, if foreseeable, must be inevitable or irresistible) it has to be kept in mind that international jurisprudence already considered that even if some uprisings or revolts could be foreseen they were often inevitable. The third condition (that the event must make it impossible for the obligor to perform its obligation) implied that mere difficulty in performing an obligation was not deemed to constitute *force majeure*. It seemed that the condition could be considered as fulfilled in the case of the Administration of Egypt if it is demonstrated that the loss of confidence of investors resulting from the uprising (termed "revolution" by the Administration of Egypt) had made the funding of the satellite project impossible. The issue would also be for the Board to consider whether this funding could have been achieved through other ways and means. The fourth condition (that a causal effective connection must exist between the event constituting *force majeure* and the failure by the obligor to

fulfil the obligation) could be considered as being fulfilled in this case if it is clear that the impossibility of completing the project arose from the lack of investment, which in turn had been caused by the uprising. Those were the considerations on which the Board might wish to reflect, but it was not for him, however, to conclude that *force majeure* did or did not exist in the case of the Administration of Egypt.

10.23 **Mr Strelets** said that in the light of the information given by the ITU Legal Adviser, it was difficult to accept that the present case met the conditions of *force majeure*. Taking as an example the first condition, that the “event must be beyond the control of the obligor and not self-induced”, he noted that any government bore responsibility for events arising within its country unless there was interference by outside forces. It could therefore be said confidently that the actions of the Egyptian government had provoked the uprising, and the uprising had been foreseeable and could have been avoided. Similar considerations could be applied with regard to the other conditions.

10.24 **Ms Wilson** expressed concern that, if political turmoil could be considered to constitute *force majeure*, then the Board might find itself in the untenable position of having to judge whether a government was responsible for the turmoil. She asked whether long-term political upheaval constituted an “event” in the context of the conditions that had to be met to recognize *force majeure*. Furthermore, no contract existed, and she was not sure that a satellite network filing constituted an obligation. It would be easier to argue the case of *force majeure* if political turmoil prevented a commercial company from fulfilling a contractual obligation.

10.25 **Mr Bessi** noted that, according to the Legal Adviser, at least three conditions had been fulfilled. The Board should accept that the engineers comprising the Egyptian Administration would not have been able to foresee the political turmoil, and should therefore conclude that the case fulfilled the conditions for *force majeure*.

10.26 **Mr Magenta** asked whether a revolution fulfilled the first condition.

10.27 **Mr Bin Hammad**, posing the same question as Mr Magenta, said that the Board should consider the outcome for Egypt and should not set a precedent of judging governmental responsibility for political turmoil.

10.28 **Mr Ito** considered that a revolution could be considered *force majeure* but that, after the revolution, the new regime might set different priorities. Rather than launching a satellite, the administration might decide to opt for leasing. Could a situation be categorized as *force majeure* when there was the possibility of taking a different approach to attaining the same result?

10.29 The **ITU Legal Adviser**, responding to Mr Strelets, Mr Magenta and Mr Bin Hammad, said that a revolution or uprising fulfilled the first condition for *force majeure*, and the Board had no need to judge a government’s responsibility in that respect. Replying to Ms Wilson, he explained that respecting the terms of an international agreement constituted an obligation, albeit neither contractual nor commercial. Failure to notify bringing into use would entail a loss of rights; in counterpoint a country could invoke *force majeure* if circumstances made it impossible to fulfil the obligation. The question raised by Mr Ito was pertinent, bearing in mind that mere difficulty in performing an obligation was not deemed to constitute *force majeure*. It would be problematic to accept a *force majeure* argument if it was possible, although difficult, to achieve the same outcome in another way. He noted that there were cases where something was initially impossible but subsequently became merely difficult. Thus *force majeure* could be temporary. It did not have to be permanent.

10.30 **Mr Bessi** maintained that the case at present before the Board fulfilled the conditions for *force majeure*, since the change in priorities to which Mr Ito had alluded was clearly the result of *force majeure*.

10.31 **Mr Magenta** considered that the present case was probably one of *force majeure* because the first condition was fulfilled and the second, third and fourth conditions were more or less

consequences of the first. He recalled that according to its Constitution, ITU had to assist countries in unfavourable circumstances.

10.32 **Mr Strelets** said that, while it was important for the Board to help Egypt, he adamantly rejected the *force majeure* argument. A government was in control of what went on in its country, and no external agent had been involved. The Egyptian Administration had not informed BR in good time that events had occurred as a result of unforeseen forces, and that it was not possible to meet its obligations with regard to the recording of satellite network frequency assignments. Furthermore, the impossibility condition had not been met because the Administration of Egypt could have raised the matter at WRC-15 but had not done so as it would have been all but impossible to reach an agreement on that issue at the Conference. Furthermore, it was questionable whether the Board should even be discussing the request presented in information Document RRB16-1/DELAYED/5, which proposed examination of one orbital position instead of the three orbital positions indicated in Document RRB16-1/12.

10.33 **Mr Bessi** said that the problem had arisen after WRC-15, and he stressed that following the decisions taken by the WRC any administration had the right to request the extension of a deadline on the grounds of *force majeure*. He said further that, for all requests for an extension made by administrations citing *force majeure*, where the Board's analysis concluded that such grounds existed, an extension of the deadline became a right for the administrations concerned in accordance with the decision of WRC-12 as confirmed by WRC-15.

10.34 **Ms Wilson** raised the matter of equitable access and the need to respect the rights of all administrations in that regard. By submitting a satellite filing, an administration reserved a place in line. If an administration saw that it was unable to respect the regulatory deadline for bringing into use, it could suppress the filing or request an extension of the deadline. In her view, a filing established a right, not an obligation.

10.35 **Mr Kibe** said that, having listened to the Legal Adviser, he was convinced that the conditions for *force majeure* had been fulfilled in the present case and he proposed that the Board accede to Egypt's request.

10.36 The **ITU Legal Adviser**, responding to Ms Wilson, said that a filing was not a contractual obligation but, under international law, it was indeed an obligation. The country making the filing had to respect the deadline for bringing into use, since non-respect of that deadline resulted in loss of the right. A country could attempt to derogate from the obligation to respect the deadline in exceptional circumstances, for example by invoking *force majeure*. He emphasized that in the present case concerning the Administration of Egypt he was not saying whether or not *force majeure* applied.

10.37 Taking account of comments by **Mr Magenta, Mr Hoan, Mr Bessi, Mr Bin Hammad, Mr Koffi** and **Mr Terán**, who considered that the Board should accede to the request of the Administration of Egypt on the grounds of *force majeure*, and **Mr Khairov, Mr Strelets** and **Ms Wilson**, who considered that the information provided by the Administration of Egypt did not support a regulatory extension based on *force majeure*, the **Chairman** noted that the majority of the Board members were in favour of taking a decision at the present meeting to grant Egypt an extension for one orbital position, but that the views concerning *force majeure* diverged.

10.38 **Ms Wilson** proposed that the Board should adopt a decision drafted along the lines of the decision taken at its 69th meeting in regard to the submission by the Administration of the Lao People's Democratic Republic concerning the status of the LAOSAT-128.5E satellite network.

10.39 The **Chairman** suggested that the Board conclude as follows:

“The Board discussed in detail Document RRB16-1/12 containing the submission by the Administration of Egypt regarding the status of the NAVISAT satellite networks, the information contained in Documents RRB16-1/DELAYED/2 and 5, and its request to extend the regulatory

deadline for the satellite network filing at 35.5° East by three years from 11 May 2016 to 11 May 2019. 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, which was confirmed at WRC-15;

That the NAVISAT-12A network will need to coordinate with all other satellite networks in full respect of the rules and procedures of the Radio Regulations (Art. 9 etc.);

That the exceptional difficulties faced by Egypt led to the delay with regard to this project.

Consequently, the Board decided:

To grant to the Administration of Egypt a three year extension of the NAVISAT-12A satellite network filing at 35.5° East;

To instruct the BR to extend the bringing into use period of the filing of the NAVISAT-12A satellite network at 35.5° East until 11 May 2019;

That the RRB decision does not give any specific advantage in coordination activities to the NAVISAT-12A satellite network;

To bring this decision to the attention of WRC-19.

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

10.40 It was so **agreed**.

11 Submission by the Islamic Republic of Iran regarding the status of the IRANDBS4-KAFL satellite network (Document RRB16-1/1)

11.1 **Mr Matas (Head SSD/SPR)** introduced Document RRB16-1/1, in which the Administration of the Islamic Republic of Iran requested the Board to change the date of receipt of the coordination request for its IRANDBS4-KAFL satellite network to align it with the original filing with which it was associated, dated 2 May 2012. Outlining the main elements of the case, he said that the Iranian Administration’s original request for its network IRANDBS4-KA had been received on 2 May 2012, with a specific request for application of the special procedure under Resolution 553 (WRC-12) for an assignment for a BSS system in the 21.4-22 GHz frequency band in Regions 1 and 3, and the corresponding API had been published in June 2012. That part of the notice was thus complete. The feeder link portion of the coordination request, however, was not covered by the procedure under Resolution 553, and although the Bureau had immediately informed the Iranian Administration that it would be splitting its notice, thereby creating filing IRANDBS4-KAFL for the band 24.65-25.25 GHz, the Iranian Administration had never followed up on that feeder link portion despite having explicitly agreed to the splitting (letter of 2 June 2012) and despite the Bureau’s reminders of 4 December 2012 and 16 January 2013 warning the administration that a new date of receipt would be established if the missing information for the feeder link portion was not provided by return. Subsequently, on 28 November 2015, the Iranian Administration had written to the Bureau requesting it to consider that all the filings relating to the network had the same date of receipt, and explaining the reasons for its oversight in not following up on the feeder link portion. Faced with the Bureau’s reply proposing that a new date of receipt be given to the IRANDBS4-KAFL filing as the only course of action possible for the Bureau, the Iranian Administration had requested that its request be submitted to the Board for consideration.

11.2 **Mr Strelets** recalled the discussions at WRC-12 that had led to the decisions taken with regard to the application of Resolution 553, the regulatory consequences involved, and the consequent payment issues as discussed by the Board and the ITU Council, all of which had represented a difficult

transition period in which it was hardly surprising that misunderstandings and oversights had occurred, as described by the Islamic Republic of Iran in its submission. He would be in favour of acceding to the Iranian Administration's request.

11.3 **Mr Bessi** asked whether, in its exchanges with the Bureau, the Iranian Administration had acknowledged that the information it provided concerned the downlink bands only. If the administration had not been aware of that, then it could be presumed that the information provided concerned both the uplink and downlink bands, and both portions should therefore be given the same date of receipt.

11.4 **Mr Matas (Head SSD/SPR)** drew attention to a letter from the Iranian Administration dated 2 June 2012 in which it explicitly accepted the splitting of the original network filing, the payment of the corresponding cost recovery fees and processing of the band 21.4-22 GHz in a separate notice. Moreover, in all its correspondence to the Iranian Administration, the Bureau had been perfectly clear about what information was missing and the regulatory consequences. Lastly, the Bureau had sent out a circular telegram in November 2013 drawing attention to No. 9.5D of the Radio Regulations and listing the Iranian filing as being directly concerned by application of that provision.

11.5 **Mr Ito** said that his analysis of the correspondence exchanged between the Bureau and the Iranian Administration made it clear to him that in June 2012 the administration had accepted the splitting and ramifications thereof, had subsequently received several requests from the Bureau for missing information concerning the feeder link and the consequences of not providing that information, and only in November 2015, well after expiry of the API deadline, had it brought the matter up again and sought to come back on the splitting of the original filing. In his view, the Bureau had applied the relevant provisions of the Radio Regulations correctly.

11.6 Responding to further requests for clarification by **Mr Bessi**, who said that a date of receipt could be set only when complete data had been received, **Mr Henri (Chief SSD)** said that the information missing in respect of the IRANDBS4-KAFL filing had ultimately been provided, but only in November 2015 further to discussions between the Bureau and the Iranian Administration at WRC-15. As to possible misunderstandings and logistical malfunctions, from the outset the Iranian Administration had been well aware of how the different frequencies in its filing were to be treated, as borne out by its letter dated 2 June 2012, including the fact that different dates would apply to the uplink and downlink bands. As to accepting 2 May 2012 as the date of receipt for the uplink portion, such a request ran counter to the provisions of the Radio Regulations and decisions taken by WRC-12, and would remove the six-month period between API and coordination applicable to all networks. Lastly, since 2012, numerous coordination requests had been received for other networks in similar bands, and those requests obviously had not taken into account the Iranian network; to accede to the Iranian Administration's request could result in coordination difficulties for those other networks.

11.7 Adding to his earlier remarks, **Mr Ito** said that the entire subject relating to Resolution 553 had been discussed at length at WRC-12, and the Iranian Administration had been well aware of the issues involved. He considered that there had been a mistake on the part the administration, rather than a misunderstanding. It was a clear case of non-response to two reminders from the Bureau. According to the rules of procedure on receivability, a new date of receipt of the Appendix 4 data should be given, namely 16 November 2015.

11.8 **Mr Hoan** said that the Bureau had applied the Radio Regulations correctly, in particular No. 9.5D. However, it could prove very difficult to deploy a satellite network subject to two different regulatory dates, and with the change of regulatory regime following the decisions taken at WRC-12, it was entirely plausible that misunderstandings could have arisen. He could therefore support Mr Strelets' proposal to accede to the Iranian Administration's request.

11.9 **Mr Strelets** said that the decisions taken at WRC-12, further to proposals put forward by the RCC countries, had given rise not only to a complicated regulatory situation and process leading to

complex discussions within the Board and ITU Council, but also to the splitting of filings and their subjection to different procedures. To his understanding, following the splitting of the original Iranian filing at the suggestion of the Bureau and with the assent of the Iranian Administration, all subsequent technical examinations had been carried out by the operator working on the basis of the original filing only and unaware of the new filing for the feeder link. The Iranian Administration noted that the Bureau was applying the Radio Regulations correctly, and the Administration admitted its mistake, but was now seeking the re-establishment of a single network. He saw no reason not to accede to the request.

11.10 **Mr Bessi** wondered why the filings had not been returned to the Iranian Administration based on the fact that information was missing from its submissions, thus giving it the opportunity to react.

11.11 **Mr Henri (Chief SSD)** said that the uplink component had never been entered in the Bureau's database because information had been missing from the filing. The Iranian Administration had been sent two reminders to provide the missing information, plus a warning in application of No. 9.5D. Thus, the Iranian Administration had been given ample warning and opportunity to provide the missing information. Moreover, there had never been any problems of communication or late replies as far as the Iranian Administration was concerned on any other networks, including the downlink component of the network in question, therefore there was no reason to doubt that the Iranian Administration had received the Bureau's correspondence. The Iranian Administration had been well aware of all elements involved.

11.12 **Mr Ito** said that the Iranian Administration had at first agreed to the splitting of its network, had subsequently failed to respond to at least two reminders, and then, faced with justified cancellation of the networks, appeared to wish to come back on its agreement to the splitting. Such an approach could not be put down to misunderstanding, but to pure negligence. A very dangerous precedent would be set if the Board, as custodians of the Radio Regulations, acceded to the request now before it.

11.13 **Mr Khairov** said that the Bureau had clearly applied the Radio Regulations correctly in the case under consideration. It also seemed, from the exchange of correspondence between the Bureau and the Iranian Administration over the years, that the Iranian Administration had understood the situation with regard to its filings in the first instance, had followed up the component of its network subject to Resolution 553, and had agreed to make the payments stemming from the splitting procedure. To now claim misunderstanding was therefore, to his mind, implausible. The Iranian Administration had had every opportunity to respond to the Bureau's reminders, and had it done so it would now have a fully coordinated network.

11.14 **Mr Magenta** endorsed the comments made by Mr Ito and Mr Khairov, adding that to accede to the Iranian Administration's request would be tantamount to saying that the Bureau had not acted correctly.

11.15 **Mr Bessi** said that in its letter dated 16 January 2013 the Bureau had made it perfectly clear to the Iranian Administration that under §3.8 of the rules of procedure on receivability its IRANDBS4-KAFL filing would be cancelled on the grounds of incomplete information and a new date of receipt established if complete information was received subsequently. The Bureau had applied the Radio Regulations correctly. He therefore considered that, in the absence of a response, within the period allowed, from the Iranian Administration, there were no grounds for acceding to its request.

11.16 **Mr Koffi**, supported by **Mr Kibe** and **Ms Wilson**, agreed that the Bureau had applied the Radio Regulations correctly, and he too therefore saw no grounds for acceding to the Iranian Administration's request. Thus, the date of receipt of the complete information for the IRANDBS4-KAFL filing should stand at 16 November 2015.

11.17 In the light of the comments made, the **Chairman** proposed that the Board conclude as follows:

“The Board considered the request from the Islamic Republic of Iran to change the date of receipt of the coordination request for the IRANDBS4-KAFL satellite network as provided in Document RRB16-1/1.

The Board took into account:

That the Administration of the Islamic Republic of Iran had been informed about splitting the network filing into two parts, one covered by Resolution **553 (WRC-12)** and the other by RR Article **9**, and had agreed to this action;

That the BR had informed the Administration of the Islamic Republic of Iran about the provisions of §3.8 of the Rules of Procedure related to the receivability of notification forms.

The Board also noted that the Administration of the Islamic Republic of Iran had not responded to requests from the BR to provide the required information concerning the request for coordination.

The Board therefore concluded that the BR correctly applied the provisions of RR.

Given the above, the Board decided not to accede to the request from the Administration of the Islamic Republic of Iran.”

11.18 It was so **agreed**.

12 RRB tasks following WRC-15 decisions (Circular Letter CR/389)

12.1 The **Chairman** drew attention to Circular Letter CR/389, containing the decisions taken by WRC-15 that were enshrined in the plenary minutes of the WRC but did not appear in the Final Acts of the conference.

12.2 The **Director** suggested that the Board might request the Bureau, in consultation with the Chairman of the Working Group on Rules of Procedure, to develop a document containing a list of all WRC-15 decisions that might require the development of new or modified rules of procedure and to submit that document to the 72nd meeting of the Board. In developing such a document, the Bureau would base itself on the decisions contained in Circular Letter CR/389, but also on any other areas of the Final Acts of WRC-15 for which the development of a rule procedure might appear to be appropriate. He drew particular attention to the need to approve new or modified rules of procedure in time to cover, where required, the new provisions of the Radio Regulations that would enter into force on 1 January 2017.

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

“The Board requested the BR, in consultation with the Chairman of the Working Group on the Rules of Procedure, to develop a document containing a list of all WRC-15 decisions that may require the development of new Rules of Procedure and to submit this document to the 72nd meeting of the Board.”

13 Confirmation of the dates of the next meeting and indicative dates of future meetings

13.1 The Board **agreed** to confirm the dates of its 72nd meeting as 16-20 May 2016, and to tentatively confirm the dates of its 73rd meeting as 17-21 October 2016.

14 Approval of the summary of decisions (Document RRB16-1/21)

14.1 The summary of decisions (Document RRB16-1/21) was **approved**.

15 Closure of the meeting

15.1 The **Chairman** thanked everyone who had supported her and contributed to the successful outcome of the meeting, which had been her first as Chairman of the Board.

15.2 **Mr Strelets** and **Mr Magenta** complimented the Chairman on her very able, professional and wise handling of some extremely difficult issues in the course of the present meeting.

15.3 The **Chairman** thanked those speakers for their kind words, and closed the meeting at 1720 hours on Friday, 5 February 2016.

The Executive Secretary:
F. RANCY

The Chairman:
L. JEANTY