



## Radiocommunication Bureau (BR)

Circular Letter  
**CR/468**

14 September 2020

**To Administrations of Member States of the ITU**

Subject: **Minutes of the 84<sup>th</sup> 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 84<sup>th</sup> meeting of the Radio Regulations Board (6-15 July 2020).

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.

Mario Maniewicz  
Director

Annex: Minutes of the 84<sup>th</sup> meeting of the Radio Regulations Board

**Distribution:**

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



**Radio Regulations Board**  
Geneva, 6 – 15 July 2020

**Document RRB20-2/30-E**  
**7 August 2020**  
**Original: English**

MINUTES<sup>1\*</sup>

OF THE

84<sup>TH</sup> MEETING OF THE RADIO REGULATIONS BOARD

6 – 15 July – Teleconference

Present:

Members, RRB

Ms C. BEAUMIER, Chairman

Mr N. VARLAMOV, Vice-Chairman

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

Executive Secretary, RRB

Mr M. MANIEWICZ, Director, BR

Précis-writers

Mr T. ELDRIDGE, Ms C. RAMAGE

Also present:

Ms J. WILSON, Deputy Director, BR and Chief IAP

Mr A. GUILLOT, ITU Legal Adviser

Mr A. VALLET, Chief, SSD

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

Mr M. SAKAMOTO, Head, SSD/SSC

Mr J. WANG, Head, SSD/SNP

Mr N. VASSILIEV, Chief, TSD

Mr K. BOGENS, Head, TSD/FMD

Mr B. BA, Head, TSD/TPR

Ms I. GHAZI, Head, TSD/BCD

Mr D. BOTHA, SGD

Ms K. GOZAL, Administrative Secretary

Mr Abou Chanab (Head, BR/TAS)

\* 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 84<sup>th</sup> meeting of the Board. The official decisions of the 84<sup>th</sup> meeting of the Radio Regulations Board can be found in Document RRB20-2/29 and its Corrigendum 1 (English only).

| Subjects discussed  | Documents   |
|---|---|
| 1 Opening of the meeting  | –   |
| 2 Adoption of the agenda and consideration of late submissions  | RRB20-2/OJ/1(Rev.2)   |
| 3 Report by the Director of BR  | RRB20-2/6 + Add.1, 3-6 + 8)   |
| 4 Rules of procedure  | RRB20-2/1,<br>RRB20-2/7,<br>RRB20-2/17;<br>CCRR/64, CCRR/65   |
| 5 Requests relating to the cancellation of frequency assignments to satellite networks  | RRB20-2/2,<br>RRB20-2/4,<br>RRB20-2/5,<br>RRB20-2/15,<br>RRB20-2/16   |
| 6 Issues related to the implementation of Resolution 559 [COM 5/3] (WRC-19)   | RRB20-2/6 + Add.2, 7, 9,<br>RRB20-2/13,<br>RRB20-2/19,<br>RRB20-2/24,<br>RRB20-2/25,<br>RRB20-2/26,<br>RRB20-2/28,<br>RRB20-2/DELAYED/1,<br>RRB20-2/DELAYED/3 |
| 7 Issues and requests relating to extension of regulatory time-limits to bring or bring back into use frequency assignments to satellite networks   | RRB20-2/18,<br>RRB20-2/20,<br>RRB20-2/21,<br>RRB20-2/22,<br>RRB20-2/27,<br>RRB20-2/DELAYED/2  |
| 8 Status of the USASAT-NGSO-4 and USABSS-36 satellite networks  | RRB20-2/6 + Add.1, RRB20-2/8, RRB20-2/9   |
| 9 Submission by the Administration of Bolivia regarding the recording of the BOLSAT BSS satellite network in the MIFR   | RRB20-2/10  |
| 10 Submission by the Administration of the Russian Federation requesting the reinstatement of the frequency assignments to the ENSAT-23E (23°E) satellite network in the Master International Frequency Register  | RRB20-2/23  |
| 11 Submission by the Administration of the Democratic People's Republic of Korea regarding harmful interference to its analogue television broadcasting stations  | RRB20-2/11  |
| 12 Issues related to the GE84 Regional Agreement: Submission by the Administration of Bahrain regarding the application of the rules of procedure relating to pending assignments in the GE84 Terrestrial Broadcasting Agreement and submission by the Administration of the Islamic Republic of Iran concerning the submission of notices of the Administration of Bahrain under the provisions of the GE84 Regional Agreement | RRB20-2/12,<br>RRB20-2/14   |

- |           |  |                                       |
|-----------|--|---------------------------------------|
| <b>13</b> | Confirmation of the dates of the next meeting and indicative dates for subsequent meetings | –                                     |
| <b>14</b> | Presentation of Bureau software  | –                                     |
| <b>15</b> | Approval of the summary of decisions   | RRB20-2/29 + Corr.1<br>(English only) |
| <b>16</b> | Closure of the meeting   | –                                     |

## **1 Opening of the meeting**

1.1 The **Chairman** opened the meeting at 1300 hours on Monday, 6 July 2020 and welcomed the members of the Board to the 84<sup>th</sup>, virtual meeting. She wished them a fruitful meeting, noting its very full agenda and the limited time available to consider it.

1.2 The **Director**, speaking also on behalf of the Secretary-General, welcomed the members of the Board, wished them a successful meeting and expressed his appreciation for their participation under the exceptional circumstances.

## **2 Adoption of the agenda and consideration of late submissions (Document RRB20-2/OJ/1(Rev.2))**

2.1 At the proposal of the **Chairman**, the Board **agreed** to adopt its agenda as follows:

“The draft agenda was adopted with modifications as provided in Document RRB20-2/OJ/1(Rev.2). The Board decided to include Documents RRB20-2/DELAYED/1 and 3 under agenda item 6, and Document RRB20-2/DELAYED/2 under agenda item 7.4, for information. The Board further decided to consider certain addenda to the Report by the Director, Document RRB20-2/6, under specific relevant agenda items.”

## **3 Report by the Director of BR (Document RRB20-2/6 and Addenda 1, 3-6 and 8)**

3.1 The **Director** introduced his customary report in Document RRB20-2/6. Referring to §2, he said that there had been a slight delay in the processing of filings for terrestrial and space systems owing to the development of new software required to implement WRC-19 decisions. The software was now available and the delay would be absorbed. With regard to §4, the Bureau would seek to organize a bilateral meeting between France and Iraq to discuss the cases of harmful interference notified by France. Referring to §6, the text was not up to date since a modification to Council Decision 482 had been agreed during the recent Virtual Consultation of Councillors and was being circulated for approval by correspondence.

### **Actions arising from the last RRB meeting (§1 and Annex 1 of Document RRB20-2/6)**

3.2 In response to a question from **Mr Hoan, Mr Vallet (Chief SSD)** confirmed that the Bureau, following discussions in previous meetings, prepared a document on progress in finding solutions for the registration in the MIFR of notified assignments located in disputed territories. Owing to the working methods and the heavy agendas of the previous and current meetings, such document, which was likely to elicit considerable discussion, was not before the present meeting. It would be submitted to a subsequent meeting of the Board.

3.3 The **Chairman** proposed that the Board conclude on §1 and Annex 1 of Document RRB20-2/6 as follows:

“The Board noted with appreciation Annex 1 and actions arising from the last Board meeting. Noting the absence of a progress report by the Bureau on activities concerning disputed territories since the 82<sup>nd</sup> Board meeting, the Board instructed the Bureau to report progress on efforts to find solutions for the registration in the MIFR of notified assignments located in disputed territories to the 85<sup>th</sup> Board meeting.”

3.4 It was so **agreed**.

### **Processing of filings for terrestrial and space systems (§2 and Annexes 2 and 3 of Document RRB20-2/6)**

3.5 **Mr Vassiliev (Chief TSD)**, referring to Annex 2 of Document RRB20-2/6 on the processing of notices for terrestrial services, drew attention to the four tables therein and to the review of findings of terrestrial assignments recorded in the Master Register.

3.6 **Mr Vallet (Chief SSD)**, referring to Annex 3, said that the Bureau had informed the membership at WRC-19 that a slight delay in treatment time concerning coordination requests and notification for satellite

networks would ensue given the need to develop new software. He informed the Board that Table 3 in Annex 3 included a large number of submissions under Resolution 559 (WRC-19). Referring to Table 4, he said that the large number of submissions made under Article 7 of Appendix 30B would, in accordance with that article, be treated as a priority, and would have a slight impact on the processing of other submissions.

3.7 In response to a question from the **Chairman**, he said that good progress had been made in developing the software and the latest version was being tested. Once the information to be provided under Resolution 770 (WRC-19) had been determined and all the software to implement the Appendix 4 modifications that had entered into force at the end of WRC-19 had been finalized, normal processing time-limits were likely to be achieved.

3.8 **Mr Hoan** expressed appreciation of the Bureau's efforts to meet the regulatory time-limits and hoped that the CR/C treatment time, which had risen in March and April 2020 possibly as a result of the COVID-19 pandemic, would decrease as the situation improved.

3.9 The **Chairman** proposed that the Board conclude on §2 and Annexes 2 and 3 of Document RRB20-2/6 as follows:

"The Board noted with appreciation the information provided in §2 of the Report of the Director on the treatment of notices. The Board further expressed its appreciation for the efforts of the Bureau and for the fact that regulatory time-limits, where applicable, and performance indicators in the processing of notices had been observed. In noting that regulatory time-limits for the processing of coordination requests were exceeded as a result of software development required to implement WRC-19 decisions, the Board instructed the Bureau to continue to observe these regulatory time-limits and performance indicators in the processing of notices and to take necessary measures to complete the required software development to eliminate delays in the processing of coordination requests."

3.10 It was so **agreed**.

#### **Implementation of cost recovery for satellite network filings (late payments) (§3 of Document RRB20-2/6)**

3.11 **Mr Vallet (Chief SSD)** drew attention to Annex 4 to Document RRB20-2/6 and noted that three networks had been cancelled as a result of non-payment of the corresponding invoices. A fourth network (Appendix 30B Part A of network BDSAT-119E-FSS) had also been reported at the 83<sup>rd</sup> meeting as having been cancelled. However, closer investigation had shown that the Administration of Bangladesh had applied its annual free entitlement under Council Decision 482 to the network for 2017, and the Bureau therefore had decided not to cancel the filing. It was requesting the Board to endorse its proposal to re-initiate the assistance procedure with respect to the three administrations that had not commented on network BDSAT-119E-FSS within the 30-day deadline. The Bureau was also seeking the Board's endorsement of its action not to publish the cancellation of the coordination request for the UKDRS-A11 satellite network, since payment had been made the day after the weekly meeting to consider its cancellation.

3.12 The **Chairman**, responding to a question from **Mr Talib**, said that the recent action by the Council in respect of Decision 482 would not give rise to future difficulties with respect to the two cases in question. Moreover, §6 of the report of the Director concerning Council work on cost recovery for satellite filings would not have implications for the two cases.

3.13 **Mr Talib** thanked the Bureau for its efforts concerning the implementation of cost recovery for satellite network filings. He had no difficulty in endorsing the Bureau's actions.

3.14 **Mr Hoan** said that he supported re-initiation of the assistance procedure with the three administrations, noting that their failure to respond might be associated with the fact that the cancellation of the BDSAT-119E-FSS satellite network had been reported to the previous Board meeting. He also endorsed the Board's action with respect to the coordination request for the UKDRS-A11 satellite network, particularly

as cancellation might result in an additional administrative burden for the Bureau and the notifying administration. **Mr Alamri** endorsed those views.

3.15 **Mr Henri** supported the actions of the Bureau, noting that the late payment for the UKDRS-A11 satellite network had nevertheless occurred within two months after the due date, which is the average time-frame for a filing to be submitted to the BR weekly meeting for suppression in case of non-payment

3.16 **Mr Hashimoto, Ms Jeanty, Mr Mchunu** and **Ms Hasanova** supported the actions of the Bureau, as did **Mr Borjón** who considered that the Bureau had acted wisely and efficiently.

3.17 The **Chairman** proposed that the Board conclude on §3 of Document RRB20-2/6 as follows:

“The Board noted §3 of the Report of the Director dealing with the implementation of cost recovery for satellite network filings (late payments) and agreed with the actions of the Bureau for the reasons provided in the Report.”

3.18 It was so **agreed**.

#### **Reports of harmful interference and/or infringements of the Radio Regulations (Article 15 of the Radio Regulations) (§4.1 of Document RRB20-2/6)**

3.19 **Mr Vassiliev (Chief TSD)**, drawing attention to Tables 1 to 4 in the Director’s report, noted that a total of 523 communications concerning reports of harmful interference and/or infringements had been received by the Bureau between 1 April 2019 and 30 April 2020.

3.20 The Board **noted** the information provided in §4.1 of Document RRB20-2/6.

#### **Harmful interference to broadcasting stations in the VHF/UHF bands between Italy and its neighbouring countries (§4.2 of Document RRB20-2/6 and Addenda 4, 5 and 6)**

3.21 **Mr Vassiliev (Chief TSD)**, noting that discussion of that subject had been deferred from the Board’s 83<sup>rd</sup> meeting, drew attention to §4.2 of Document RRB20-2/6, which reported on the situation regarding interference caused by Italian stations to neighbouring countries since October 2019. Addenda 4, 5 and 6 to Document RRB20-2/6 contained information provided by Slovenia, Italy and Croatia for the Board’s 83<sup>rd</sup> meeting. According to the Administration of Slovenia, many interference cases remained unchanged (Addendum 4). The Administration of Croatia had reported the continued operation by Italy of TV stations using Croatian rights for frequency usage under the GE06 Agreement; no improvement in the harmful interference situation to Croatian sound broadcasting stations; and concerns about Italy’s intention to use until 2022 T-DAB frequency blocks allocated to Croatia under the GE06 Agreement (Addendum 6). The Administration of Italy had provided an updated roadmap for solving the harmful interference to television and VHF sound broadcasting stations received by its neighbouring countries (Addendum 5). The Swiss Administration had reported the resolution of three harmful interference cases of sound broadcasting. Since the Board’s 83<sup>rd</sup> meeting, the Bureau had received communications from Slovenia and Italy regarding the use of the T-DAB frequency block 12C. There had been no significant developments with regard to the interference situation since April 2020, due to the COVID-19 pandemic.

3.22 The **Chairman** noted that there had been little progress; interference anticipated from planned usage in the future was a new element.

3.23 **Ms Jeanty** indicated that the lack of progress might be attributable to the current global situation and the inability to hold face-to-face meetings. The Board should encourage the parties concerned to do what they could under the current circumstances. **Ms Hasanova** indicated that she agreed and thanked the Bureau for its support to the concerned administrations.

3.24 **Mr Hashimoto** thanked the Bureau for producing detailed information on §4.2 of Document RRB20-2/6.

3.25 The **Chairman** proposed that the Board conclude on §4.2 of Document RRB20-2/6 as follows:

“In relation to §4.2 of the Report of the Director and its Addenda 4, 5 and 6 concerning harmful interference from the broadcasting service transmitters of Italy to its neighbours, the Board noted with appreciation the efforts of the administrations in their bilateral coordination discussions. However, the Board again noted the slow progress in resolving the cases of harmful interference from sound broadcasting stations of Italy to its neighbours. The Board encouraged the administrations concerned to continue to make all efforts to resolve the cases of harmful interference, including those preventing administrations from implementing new stations using their Plan assignments. The Board instructed the Bureau to continue to assist the administrations concerned in their coordination efforts and to report progress to future meetings of the Board.”

3.26 It was so **agreed**.

**Implementation of Nos. 11.44.1, 11.47, 11.48, 11.49, 9.38.1, Resolution 49 and No. 13.6 of the Radio Regulations (§5 of Document RRB20-2/6).**

3.27 **Mr Vallet (Chief SSD)** said that there was nothing of particular significance to report regarding §5 of Document RRB20-2/6. Responding to a question from **Mr Hashimoto** concerning Table 5, he said that suppressions linked to the application of Resolution 4 (Rev. WRC-03) were reflected in the column headed “13.6” The Bureau initiated an investigation under RR No. 13.6 once the period of validity provided for under Resolution 4 expired; the decision to suppress was taken based on the response provided by the administration.

3.28 The **Chairman** proposed that the Board conclude on §5 of Document RRB20-2/6 as follows:

“The Board noted §5 of the Report of the Director on the implementation of RR Nos. 11.44.1, 11.47, 11.48, 11.49, 9.38.1, Resolution 49 (Rev.WRC-19) and RR No. 13.6 and expressed its appreciation for the information provided.”

3.29 It was so **agreed**.

**Council work on cost recovery for satellite filings (§6 of Document RRB20-2/6)**

3.30 **Mr Vallet (Chief SSD)** said that the Bureau had informed the recent Virtual Consultation of Councillors of the need to update Council Decision 482. As there had been no objection, a consultation of Council Member States was currently ongoing and the new version of the Decision was expected to enter into force on 1 September 2020.

3.31 The Board **noted** §6 of Document RRB20-2/6.

**Review of findings for frequency assignments to non-GSO FSS satellite systems under Resolution 85 (WRC-03) (§7 of Document RRB20-2/6)**

3.32 **Mr Vallet (Chief SSD)** said that §7 of Document RRB20-2/6 contained the Bureau’s usual report on the review in question. It presented the work carried out since the Board’s 82<sup>nd</sup> meeting since the Board had not considered the matter at its 83<sup>rd</sup> meeting. The Bureau’s work under the resolution continued as normal, with nothing of particular note to report.

3.33 Responding to questions from **Mr Henri** regarding the two bullet points in the fifth paragraph of §7, he provided detailed information on the situation regarding the MOD requests for MCSAT-2 HEO, MCSAT-2 LEO-2, STEAM-2B, USASAT-NGSO-3A-R and USASAT-NGSO-3B-R. System 3ECOM-1 had been published in IFIC 2907, as already reported in the Director’s report to the 83<sup>rd</sup> meeting of RRB and reflected in Table 8.

3.34 Regarding the statement in the first sentence of the sixth paragraph of §7 (“All these modifications of coordination requests are treated ahead of the existing queue for Article 22 examinations...”), he said that §7 dealt only with the review of qualified favourable findings under Resolution 85. All modification requests



had been examined in the order of their date of receipt; only the epfd examination was conducted ahead of other Resolution 85 reviews.

3.35 Regarding progress made in implementing the decision taken at the Board's 82<sup>nd</sup> meeting concerning reviews under Resolution 85 and the Bureau's efforts to reduce delays in the work, additional engineers had been made available for the examinations, but the work required extensive training and experience on their part. Decisions taken by WRC-19 related to common input parameters were being incorporated in the new version of the SRS database V9.1, scheduled for November 2020. The Bureau was also procuring additional, more powerful servers in order to reduce the overall time it took for epfd examination computations.

3.36 **Mr Henri** thanked Mr Vallet (Chief SSD) for all the explanations, which provided useful details on the work behind the reviews. He was pleased to see epfd become a normal part of examinations.

3.37 The **Chairman** proposed that the Board conclude on §7 of Document RRB20-2/6 as follows:

"The Board noted §7 of the Report of the Director on the review of findings to frequency assignments to non-GSO FSS satellite systems under Resolution 85 (WRC-03) and thanked the Bureau for the additional information provided. The Board noted with satisfaction the efforts of the Bureau to reduce delays in the review of frequency assignments but noted that some delays continued to exist in the processing of certain cases. The Board instructed the Bureau:

- to continue its efforts to process filings in a timelier manner;
- to complete the implementation of the necessary changes to the required software, and;
- to report on progress to the 85<sup>th</sup> Board meeting."

3.38 It was so **agreed**.

#### **Coordination requirement under RR. No. 9.7 for an inter-satellite link of a geostationary space station communicating with a non-geostationary space station, as referred to in RR No. 5.328B (§8 of Document RRB20-2/6)**

3.39 **Mr Vallet (Chief SSD)** said that §8 of Document RRB20-2/6 reported on the decision taken by WRC-19 on the criteria or method that should be used to establish coordination requirements under RR No. 9.7 for an inter-satellite link of a GSO space station communicating with a non-GSO space station, as referred to in RR No. 5.328B and on how the Bureau addressed the case of notifications associated with coordination requests received before WRC-19. The Bureau applied the third indent of RR No. 7.4A (and not the second indent, as erroneously indicated in §8). Responding to a request by **Mr Henri**, he subsequently made available on the Board's SharePoint a list of networks to which the method was applied.

3.40 **Mr Henri** commented that relatively few networks were involved, and he could readily endorse the Bureau's approach.

3.41 The **Chairman** observed that the Board was requested simply to note the Bureau's approach; she proposed that the Board conclude on §8 of Document RRB20-2/6 as follows:

"The Board noted §8 of the Report of the Director on the coordination requirement under RR No. 9.7 for an inter-satellite link of a geostationary space station communicating with a non-geostationary space station, as referred to in RR No. 5.328B and thanked the Bureau for the information provided."

3.42 It was so **agreed**.

#### **Suspended use of USASAT-22G and USASAT-22J satellite networks at 137°W (§9 of Document RRB20-2/6)**

3.43 **Mr Vallet (Chief SSD)** said that, in response to a request for clarification under RR No. 13.6, the United States Administration had informed the Bureau in November 2019 that the AMC-7 (GE-7) satellite deployed at 137°W had operated the frequency assignments to the USASAT-22G and USASAT-22J satellite

networks from October 2000 to 4 June 2015. The IS-5 satellite had begun operation on 31 May 2018, bringing back into use the frequency assignments within the three-year period stipulated in RR No. 11.49. However, the Bureau had not been informed of the suspension. It was the United States Administration's understanding that the reduction of the three-year suspension period decided by WRC-15 in case of late notification did not apply as the suspension had taken place before the entry into force of the WRC-15 decision. As the spirit of the Regulations had been observed, the three-year suspension period had overlapped with the WRC-15 decision, the frequency assignments were used appropriately and a satellite continued to be in operation at the location, the Board was requested to confirm that the Bureau could close its investigation under RR No. 13.6. Responding to a comment from **Ms Jeanty**, he said that the IS-5 satellite was also known as Intelsat-5 and had, at the end of June 2020, been located at 137.1°W in an inclined orbit.

3.44 The **Chairman** said that she would take it that the Board could agree that the Bureau had acted correctly in maintaining the assignments and instruct the Bureau to conclude its investigation.

3.45 **Ms Jeanty** said that, while she could go along with the Bureau's action, the United States Administration should have acted in accordance with the Radio Regulations and reported the suspension to the Bureau.

3.46 **Mr Hoan** said that he was concerned that the United States had not informed the Bureau of the suspension in accordance with RR No.11.49 in force at the time of the suspension.

3.47 **Mr Varlamov** said that there was much riding on a decision to cancel an entry, particularly when a satellite was in operation. Although there was some ambiguity regarding the application of the WRC-15 decision, the Bureau had confirmed that the frequency assignments were currently in use with a satellite in operation at 137°W. Accordingly, the Board should instruct the Bureau to close its investigation under RR No. 13.6.

3.48 **Mr Hashimoto, Mr Azzouz, Mr Alamri, Mr Henri, Mr Borjón, Mr Mchunu, Ms Hasanova and Mr Talib** agreed that Bureau should be instructed to close its investigation under RR No.13.6.

3.49 The **Chairman** proposed that the Board conclude on §9 of Document RRB20-2/6 as follows:

"The Board considered §9 of the Report of the Director on the suspended use of the USASAT-22G and USASAT-22J satellite networks at 137°W. The Board noted that:

- the Administration of the United States had not complied with the requirements of RR No. 11.49 by not reporting to the Bureau the suspension and the bringing back into use of its frequency assignments which had been in force prior to the WRC-15 decision to impose a consequence for the late reporting of a suspension;
- all the frequency assignments to the USASAT-22G and USASAT-22J satellite networks had been brought back into use within three years with a satellite that continues to be in operation at 137°W;
- the Bureau had acted in accordance with RR No. 13.6 and other relevant provisions of the RR.

The Board instructed the Bureau to close its investigation under RR No. 13.6 for this case."

3.50 It was so **agreed**.

#### **Notification of specific earth stations in the broadcasting-satellite service (§10 of Document RRB20-2/6)**

3.51 **Mr Vallet (Chief SSD)** said that the Bureau wished to inform the Board that the Bureau had encountered cases where administrations wished to notify BSS earth stations as specific earth stations and have their frequency assignments recorded in the MIFR. In order to reflect how such notices were examined and the fact that there would be no examination with respect to their conformity with Nos. 9.17/9.17A, the Bureau would insert the symbol "9.19\_BSS\_ES" in Column 13B1 of the findings and include an explanation in the Preface to the BR IFIC.

3.52 Responding to questions from **Mr Henri** and the **Chairman**, he said that, as the notifications were relatively few and not unduly complicated, they did not entail a great deal of additional work for the Bureau. While it would be for each administration to consider whether such a notification implied a higher status, no higher status was actually conferred in terms of protection of earth stations in the service area, which was covered by RR No. 9.19. The Administration of the Islamic Republic of Iran had notified 10 BSS stations, each with an approximate antenna size of 0.6m, and the Administration of Norway had notified one specific earth station with an antenna size of 5.5m. The Iranian Administration had also submitted 40 specific BSS earth stations that had received an unfavourable finding under RR No. 11.32 as they were not located within the service area of the associated space station.

3.53 **Mr Henri**, having thanked Mr Vallet (Chief SSD) for the explanations, said that he had some difficulty with the reference in the Preface to RR No. 11.32 in the absence of a coordination form.

3.54 **Mr Vallet (Chief SSD)** said that the RR No. 11.32 finding was not linked to the coordination procedure *per se*, but to whether or not the earth station was inside the service area of the space station.

3.55 The **Chairman** added that there was no examination under RR Nos. 9.17/9.17A, which referred to coordination requirements.

3.56 **Mr Henri** said that he had no difficulty with the Bureau's approach but suggested that the Board might revisit the issue should many more administrations wish to notify BSS earth stations as specific earth stations.

3.57 The Board **noted** §10 of Document RRB20-2/6.

#### **Implementation of Resolution 559 (WRC-19) (§11 of Document RRB20-2/6)**

3.58 The **Chairman** noted that the Board would be dealing with matters relating to Resolution 559 (WRC-19) under a separate agenda item.

#### **Implementation of Resolution 761 (Rev. WRC-19) (§12 of Document RRB20-2/6)**

3.59 **Mr Vallet (Chief SSD)** said that §12 of Document RRB20-2/6 outlined how the Bureau implemented Resolution 761 (Rev. WRC-19) in regard to the coexistence of IMTs and the broadcasting-satellite service (BSS) (sound) in the frequency band 1 452-1 492 MHz in Regions 1 and 3.

3.60 **Mr Hashimoto** endorsed the manner in which the Bureau was handling the matter.

3.61 The **Chairman**, supported by **Mr Talib**, **Ms Hasanova**, **Mr Alamri**, **Mr Henri** and **Mr Azzouz**, took it that the Board had no difficulty with the way the Bureau was applying Resolution 761, and proposed that the Board conclude on §12 of Document RRB20-2/6 as follows:

"The Board noted the actions of the Bureau in the implementation of Resolution 761 (Rev.WRC-19) as reported in §12 of the Report of the Director."

3.62 It was so **agreed**.

#### **Possible rule of procedure on Appendix 1 to Annex 4 of Appendix 30B (§13 of Document RRB20-2/6)**

3.63 The **Chairman** said the Working Group on the Rules of Procedure would look into the possibility of a rule of procedure on Appendix 1 to Annex 4 of Appendix 30B.

#### **Delayed replies to correspondence from the Bureau related to the application of regulatory procedures to satellite systems (§14 of Document RRB20-2/6 and Addendum 1)**

3.64 **Mr Vallet (Chief SSD)** drew attention to Addendum 1 to Document RRB20-2/6, which presented different categories of late replies. Section 1 of Addendum 1 related to time-limited requests for additional time to reply to correspondence from the Bureau due to circumstances linked with the COVID-19 pandemic.

The Bureau had acceded to the requests, noting that the rights of other administrations were not affected. No action or decision was requested of the Board in that regard.

3.65 The **Director** informed the Board about measures taken by the Bureau to suspend the delivery of the BR IFIC on DVD-ROM and fax services, and the period for the acceptance of late comments until 31 July 2020 as a result of the situation arising due to COVID-19. He also informed the Board that the use of ISO images of the BR IFIC instead of the DVD-ROM had been communicated to administrations in Circular Letter CR/457 of 27 March 2020 and that that measure had not caused difficulties to administrations.

3.66 The **Chairman** proposed that the Board conclude on §14 of Document RRB20-2/6 and §1 of its Addendum 1 as follows:

“The Board considered the information provided in §14 of the Report of the Director and in §1 of Addendum 1 on delayed replies to correspondence from the Bureau related to the application of regulatory procedures to satellite systems. The Board also considered the oral report of the Bureau on the suspension of the delivery of the BR IFIC on DVD-ROM and the fax services, and the period for the acceptance of late comments until 31 July 2020 as a result of the situation arising due to COVID-19. The Board expressed its appreciation to the Bureau for the flexibility it demonstrated in providing these measures to assist administrations during this challenging period. The Board further noted that the use of ISO images of the BR IFIC instead of the DVD-ROM had been communicated to administrations in Circular Letter CR/457 of 27 March 2020 and that this measure had not caused difficulties to administrations. Consequently, the Board concurred with the actions of the Bureau.”

3.67 It was so **agreed**.

3.68 **Mr Vallet (Chief SSD)** drew attention to §2 of Addendum 1 to Document RRB20-2/6, dealing with information to be provided under *resolves* 3 of Resolution 770 (WRC-19), with regard to which the Board’s guidance was sought. Administrations having submitted non-GSO FSS satellite systems in the 40-50 GHz range on or after 23 November 2019 were inquiring what kind of data they must provide in order to fulfil the requirement to submit “all necessary information sufficient to demonstrate compliance with No. 22.5L”, in addition to the commitment also required. The Bureau had studied the relevant parts of the resolution, in particular Appendices 1 and 2 to its Annex 2, and considered that compliance with No. 22.5L could be demonstrated by providing the data indicated in the three bullet points in the sixth paragraph of §2 of Addendum 1 to Document RRB20-2/6 – it being noted that, until the necessary BR software became available, notifying administrations would have to use their own software. Subsequent discussions with the notifying administrations had pointed to the fact that, while they could provide certain required data, they would need far more time to provide other data. One administration had pointed out a possible inconsistency in one parameter ( $N_T$ ), which Working Party 4A might have to be asked to resolve. The Board was therefore being asked for its view on the type of information that would be sufficient to demonstrate compliance with No. 22.5L in accordance with *resolves* 3 of Resolution 770. Could the submission of all the input data for the methodologies in Annex 2 to the resolution be considered sufficient? Should the Bureau request submission of the information listed in the three bullet points in the sixth paragraph of §2 of Addendum 1 to Document RRB20-2/6? Or should the Bureau and Board wait for Working Party 4A to clarify certain aspects, in particular whether or not there was an inconsistency in the method put forward in the resolution?

3.69 **Mr Henri** said that, in the absence of a tool available for the Bureau to check compliance with the requirements of Resolution 770, he saw certain parallels between the matter under discussion and the situation regarding Resolution 85 prior to the availability of software to check efd compliance. Until software became available to check compliance with Resolution 770, and pending clarification of parameter  $N_T$  by Working Party 4A, he suggested that the Bureau should issue qualified favourable findings if the notifying administration submitted all the input parameters required under the resolution, along with the mandatory commitment. To require additional data would serve no useful purpose at this stage.

3.70 **Mr Varlamov** supported Mr Henri's proposed way forward, adding that the qualified favourable findings would be reviewed once Working Party 4A had clarified matters and the required software had become available.

3.71 The **Chairman** said that to her understanding qualified favourable findings were to be issued until the required software became available even if the information listed in the three bullet points was to be submitted. Was the proposed way forward to only require the provision of input parameters an acceptable approach even after Working Party 4A has clarified the possible inconsistency with one of the parameters, especially if the software might not become available for some time? The WRC's intentions in adopting Resolution 770 had been for the relevant distribution functions to be provided right away, rather than some time in the future, to demonstrate that calculations were performed before providing a commitment that limits would be met.

3.72 **Mr Hoan** fully endorsed Mr Henri's comments and proposed way forward. If the notifying administration provided all the input data required under Annex 2 to Resolution 770, along with the commitment, that should be deemed sufficient to obtain a qualified favourable finding. It was questionable whether administrations would be in a position to provide all the information described in the three bullet points in the sixth paragraph of §2 of Addendum 1 to Document RRB20-2/6.

3.73 **Ms Jeanty**, endorsing Mr Hoan's comments, said that even if administrations could not demonstrate compliance, it would be sufficient to require all the relevant input data for the time being, until the necessary software was developed. Qualified favourable findings would be issued, pending Working Party 4A's clarification of the inconsistency noted. The question remained of how long it would take to develop the required software.

3.74 **Mr Vallet (Chief SSD)** said that there was no way of knowing when the required software would be available; possibly not for some time, unless administrations volunteered some way of accelerating matters.

3.75 **Mr Azzouz, Mr Varlamov, Mr Hashimoto, Mr Borjón, Mr Alamri and Mr Talib** supported the way forward proposed by Mr Henri.

3.76 The **Chairman** proposed that the Board conclude on §2 of Addendum 1 to Document RRB20-2/6 as follows:

"The Board considered §2 of Addendum 1 to the Report of the Director on the information to be provided under *resolves* 3 of Resolution 770 (WRC-19). The Board noted that:

- the software required to examine non-GSO FSS systems subject to the single-entry provision given in RR No. 22.5L was not available;
- there might be a possible inconsistency in the definition of the parameter  $N_T$  used in the methodologies contained in Annex 2 to this resolution.

Given these circumstances, the Board decided to instruct the Bureau to provide qualified favourable findings to notices of non-GSO FSS satellite systems in the 40-50 GHz range subject to Resolution 770 (WRC-19) until such time as the above-mentioned issues were resolved, on condition that the notifying administrations provide:

- all the required input parameters;
- a commitment that the notified non-GSO FSS satellite systems comply with RR No. 22.5L."

3.77 It was so **agreed**.

3.78 **Mr Vallet (Chief SSD)** said that §3 of Addendum 1 to Document RRB20-2/6 outlined the sequence of events relating to the late resubmission of notified frequency assignments to the NEW DAWN 27 satellite network of Papua New Guinea. Although formally the resubmission had been received after the deadline stipulated in RR No. 11.46, the Bureau had noted the exceptional circumstances faced by the Administration of Papua New Guinea as well as the network's operational status and compliance with the relevant provisions

of Article 11, and had therefore accepted the late resubmission. The Bureau's handling of the case was in line with its usual practice regarding such cases, and the Board was invited simply to note the information provided.

3.79 **Mr Varlamov** saw no objection to the Bureau's acceptance of the late resubmission, but noted that it had taken the Bureau and Administration of Papua New Guinea around eight months to realize that some correspondence had gone missing. The Bureau should contemplate implementing a mechanism to ensure that the same sort of situation did not reoccur in future.

3.80 The **Chairman** proposed that the Board conclude on §3 of Addendum 1 to Document RRB20-2/6 as follows:

"The Board noted §3 of Addendum 1 to the Report of the Director on the re-submission of notified frequency assignments to the NEW DAWN 27 satellite network and instructed the Bureau to implement measures to identify promptly whether information was submitted by administrations but not received by the Bureau."

3.81 It was so **agreed**.

3.82 **Mr Vallet (Chief SSD)** said that §4 of Addendum 1 to Document RRB20-2/6 outlined the circumstances under which the Board had accepted the late submission of epfd examination data related to a series of USASAT-NGSO-3 satellite systems. The Bureau's acceptance of the late submission with its original date of receipt was in line with its past practice of taking account of specific difficulties encountered by a notifying administration. The Board was invited simply to note the information provided.

3.83 The **Chairman** proposed that the Board conclude on §4 of Addendum 1 to Document RRB20-2/6 as follows:

"The Board noted §4 of Addendum 1 to the Report of the Director on the submission of epfd examination data related to a series of USASAT-NGSO-3 satellite systems."

3.84 It was so **agreed**.

3.85 The **Chairman** noted that §5 of Addendum 1 to Document RRB20-2/6 would be taken up later in the meeting, under the agenda item relating to the USASAT-NGSO-4 satellite system.

#### **Coordination activities between the Administrations of France and Greece (Addendum 3 to Document RRB20-2/6)**

3.86 **Mr Vallet (Chief SSD)** introduced Addendum 3 to Document RRB20-2/6, which reported on the coordination activities between the Administrations of France and Greece concerning the ATHENA-FIDUS-38E satellite network at 38°E and the HELLAS-SAT-2G satellite network at 39°E conducted since the 82<sup>nd</sup> meeting of the Board. During the three meetings held, agreement had been reached on technical conditions that permitted coexistence for the increased orbital separation scenario; operational aspects required further discussion. The next coordination meeting would be held in October 2020, probably by videoconference.

3.87 **Mr Hashimoto** welcomed the progress report and complimented the Administrations of France and Greece for their efforts to implement an increased orbital separation scenario. He hoped that further dialogue would lead to a mutually acceptable solution.

3.88 The **Chairman** proposed that the Board conclude on Addendum 3 to Document RRB20-2/6 as follows:

"The Board noted with satisfaction the report on the coordination efforts of the Administrations of France and Greece as contained in Addendum 3 to the Report of the Director. The Board encouraged the Administrations of France and Greece to continue their coordination efforts in order to reach a mutually

acceptable outcome and instructed the Bureau to continue to provide the necessary support to the two administrations and to report on the progress to the 85<sup>th</sup> meeting of the Board.”

3.89 It was so **agreed**.

#### **Report on discussions of the Radiocommunication Advisory Group at its twenty-seventh meeting (Addendum 8 to Document RRB20-2/6)**

3.90 The **Director** introduced Addendum 8 to Document RRB20-2/6 in which it was reported that, based on the discussion of a contribution from the Administration of the Islamic Republic of Iran, RAG had agreed that an updated consolidated document containing decisions of WRCs included in the minutes of plenary meetings but not in the final acts would be displayed more prominently on the ITU-R website for easier access by the membership.

3.91 **Mr Alamri** agreed that a compilation document on the decisions in the minutes of the plenary of past WRCs would be a useful tool for administrations.

3.92 The **Director**, responding to a question from **Mr Alamri**, said that the new edition of the Radio Regulations was expected before the end of 2020.

3.93 The **Chairman** proposed that the Board conclude on Addendum 8 to Document RRB20-2/6 as follows:

“The Board noted the report on the relevant discussions of the Radiocommunication Advisory Group as contained in Addendum 8 to the Report of the Director and indicated that the updated compilation document on the decisions in the minutes of the plenary meetings of past WRCs, to be prepared by the Bureau, would be useful to administrations. The Board also noted that this document would be made more visible to administrations on the ITU website.”

3.94 It was so **agreed**.

The Board **noted** Document RRB20-2/6 and Addenda 1, 3-6 and 8).

#### **4 Rules of procedure (Documents RRB20-2/1, RRB20-2/7, RRB20-2/17; Circular Letters CCRR/64 and CCRR/65)**

##### **List of rules of procedure and impact of WRC-19 decisions on the rules of procedure (Document RRB20-2/1)**

4.1 Following a meeting of the Working Group on the Rules of Procedure on Sunday 12 July, its Chairman, **Mr Henri**, reported that the group had updated the list of proposed rules of procedure set out in Document RRB20-2/1 to reflect the decisions taken by the Board. It had further agreed that consideration should be given to certain rules at the Board’s next meeting, including in regard to Appendix 1 to Annex 4 of Appendix 30B and RR No. 9.21; and that certain WRC-19 decisions listed in Attachment 4 relating to IM and IMT and the digital elevation model were not currently candidates for rules of procedure and should be deleted from the document. Discussion of additional items for inclusion in Attachment 4 had been postponed to the working group’s next meeting. He concluded by suggesting that WRC-19 Decisions reflected in the minutes of the conference plenary meetings that may be candidates for inclusion in the rules of procedure should be sent out by circular letter to administrations for information as had been done after WRC-15.

4.2 **Mr Vassiliev (Chief TSD)** said that the Bureau would be preparing a document for the Board’s next meeting, for information purposes only, containing editorial revisions to the Rules of Procedure.

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

“Following a meeting of the Working Group on the Rules of Procedure, under the chairmanship of Mr Y. HENRI, the Board decided to update the list of proposed rules of procedure in Document RRB20-2/1 taking into account the proposals by the Bureau for the revision of certain rules of procedure and instructed the Bureau to publish the updated version of the document on the website. The Board further instructed the Bureau to circulate WRC-19 plenary meeting decisions to the administrations, indicating the intention to add these decisions as notes to the relevant parts of the Rules of Procedure.”

4.4 It was so **agreed**.

**Draft rules of procedure and comments from administrations (Circular Letters CCRR/64, CCRR/65; Documents RRB20-2/7 and RRB20-2/17)**

**Draft new rule of procedure related to satellite systems submitted by an administration acting on behalf of a group of named administrations. (Circular Letter CCRR/64; Document RRB20-2/7)**

4.5 **Mr Vallet (Chief SSD)** introduced Circular Letter CCRR/64 containing a draft new rule of procedure related to satellite systems submitted by an administration acting on behalf of a group of named administrations (items A.1.f.2 and A.1.f.3 of Annex 2 to Appendix 4 (Rev. WRC-19)) and Document RRB20-2/7 containing comments thereon from the Russian Federation and Canada in Annexes 1 and 2 respectively. Consideration of the documents had been deferred from the Board’s 83<sup>rd</sup> meeting. Referring to the suggestion of the Russian Federation regarding §3 of the table, he said that it would be difficult for the Bureau if written confirmation from a legal representative of the intergovernmental satellite organization had to be sought for routine regulatory actions involving partial or total suppression. It might therefore be necessary to clarify that such steps would be taken only in regard to regulatory actions involving total or partial suppression requested by the notifying administration. The Bureau had no particular difficulty with the suggestions by Canada.

4.6 **Mr Henri** said that he could go along with the suggestions by Canada. He agreed in principle with the intent of the suggestion by the Russian Federation, but considered that the wording should be further refined in the Working Group on the Rules of Procedure to make it clear that the measures would apply in the event of total or partial suppression undertaken at the request of the organization through the notifying administration, not in the event of actions performed by the Bureau through the normal application of the Radio Regulations.

4.7 **Ms Jeanty** said that the text suggested by the Russian Federation went quite far and should be discussed further in the working group.

4.8 Following a further comment from **Ms Jeanty** regarding one of the amendments proposed by Canada, **Mr Vallet (Chief SSD)** suggested that the inclusion in the text of a footnote indicating that the term “special section” might also refer to Parts I-S, II-S or III-S might make the table easier to follow. **Mr Alamri** supported that suggestion.

4.9 It was so **agreed**.

4.10 **Mr Varlamov** said that Canada’s comments should be taken into account. The additional measures proposed by the Russian Federation in §3 were intended to apply only in the event of the partial or total suppression of a satellite system requested by the notifying administration.

4.11 **Mr Alamri** agreed that a request from the notifying administration requesting total or partial suppression should be confirmed in writing by the legal representative of the intergovernmental satellite organization.

4.12 Following discussion and further editorial revision of the Russian proposal by the Working Group on the Rules of Procedure, the draft new rule of procedure, as amended, was **approved**, with effective date of application immediately after approval (see Attachment 1 to Document RRB20-2/29 – Summary of decisions of the meeting).



4.13 **Mr Bogens (Head TSD/FMD)** introduced Circular Letter CCRR/65 containing, in Annexes 1-8, a set of draft new or modified rules of procedure, or proposed suppressions of rules, in the light of decisions of WRC-19. Comments thereon had been received from the United States, the Russian Federation and Canada as contained, respectively, in Annexes 1-3 to Document RRB20-2/17.

**Draft new rule of procedure on RR No. 5.411B (Annex 1 to Circular Letter CCRR/65)**

4.14 **Mr Bogens (Head TSD/FMD)**, drawing attention to the comments submitted by the United States, said that the Bureau had compared Recommendation ITU-R P.528-4 with Recommendation ITU-R P. 525-4 proposed by the United States for calculation of the pfd of the IMT stations and had concluded that Recommendation ITU-R P.528-4 was more realistic for the trans-horizon propagation path and would ensure consistency with a number of existing rules of procedure.

4.15 **Mr Vassiliev (Chief TSD)**, responding to a question from **Mr Hashimoto**, said that the Bureau's findings were available on the Board's SharePoint.

4.16 **Mr Varlamov** agreed that use of Recommendation ITU-R P.528-4 as proposed by the Bureau would be preferable. **Ms Hasanova, Mr Alamri, Mr Azzouz, Mr Mchunu, Mr Henri, Mr Hashimoto, Mr Hoan and Mr Borjón** endorsed that view.

4.17 The draft new rule of procedure on RR No. 5.411B was **approved** unchanged, with effective date of application immediately after approval.

**SUP rule of procedure on RR No. 5.510 (Annex 2 to Circular Letter CCRR/65)**

4.18 **Approved.**

**MOD rule of procedure on the receivability of forms of notice (Annex 3 to Circular Letter CCRR/65)**

4.19 **Mr Vallet (Chief SSD)** said that in its comments the Canadian Administration had sought clarification regarding the need for the note associated with the title of the rule given changes made to Appendix 4 at WRC-19. While the Bureau acknowledged that it was not strictly necessary to retain the note, which referred to a decision by WRC-15 on the receivability of notices in two cases, it might continue to serve as useful reference information for notifying administrations.

4.20 With that explanation, the modification to the rule of procedure on the receivability of forms of notice was **approved**, with effective date of application immediately after approval.

**MOD rule of procedure on RR No. 9.11A (Annex 4 to Circular Letter CCRR/65)**

4.21 **Mr Vallet (Chief SSD)** said that the Administration of Canada had proposed some changes to Table 9.11A-1. For the Q/V bands, it had suggested inserting a reference in column four to Nos. 5.550C or 5.550E to clarify why other space services allocated with equal rights in those bands were not listed.

4.22 Following discussion in the Working Group on the Rules of Procedure, the modification to the rule of procedure on RR No. 9.11A was **approved** with the incorporation of the amendments proposed by Canada, with effective date of application immediately after approval (see Attachment 2 to Document RRB20-2/29 – Summary of decisions of the meeting). Additional revisions might be presented by the Bureau to subsequent meetings in view of the need to ensure consistency in the presentation of information.

**MOD rule of procedure on RR No. 9.19 (Annex 5 to Circular Letter CCRR/65)**

4.23 **Mr Bogens (Head TSD/FMD)** said that that rule was being modified in light of the decision taken by WRC-19 on Resolution 761 (Rev. WRC-19) by providing the coordination criteria for protection of the BSS in the form of a pfd limit for IMT stations in the band 1 452-1 492 MHz. Canada's proposed revisions, which sought to emphasize that pfd limits and calculation methods were to be part of the Radio Regulations, were deemed useful by the Bureau.

4.24 **Mr Hashimoto** and **Mr Hoan** said that as Recommendation ITU-R P.452-16 was also used by administrations, the end of the first paragraph should read “the following criteria are to be used:”.

4.25 It was so **agreed**.

4.26 **Mr Vassiliev (Chief TSD)**, responding to a question from **Ms Jeanty** regarding applicability to non-IMT stations in the frequency band 1 459-1 492 MHz, said that RR No. 9.19 applied to all terrestrial transmitting stations vis-à-vis BSS. In order to avoid any ambiguity with respect to non-IMT stations, the second indent might be amended to begin “For all non-IMT stations in the frequency band 1 459-1 492 MHz, as well as...”

4.27 It was so **agreed**.

4.28 As amended in the course of the discussion and subject to the incorporation of the revisions proposed by Canada, the modified rule on RR No. 9.19 was **approved**, with effective date of application immediately after approval (see Attachment 2 to Document RRB20-2/29 – Summary of decisions of the meeting).

**MOD rule of procedure on RR No. 11.31 (Annex 6 to Circular Letter CCRR/65)**

4.29 **Approved**, with effective date of application immediately after approval.

**SUP rule of procedure on §2A.1.2 and Annex 4 of Appendix 30A (Annex 7 to Circular Letter CCRR/65)**

4.30 **Approved**.

**MOD rules of procedure on §§6.5 and 6.6 of Article 6 and §2.2 of Annex 4 of Appendix 30B (Annex 8 to Circular Letter CCRR/65)**

**MOD rule of procedure on §6.5**

4.31 **Approved**, subject to the incorporation of the Russian Federation’s proposal to insert the words “(Not used)” in §1 rather than to renumber the paragraphs, with effective date of application immediately after approval.

**MOD rule of procedure on §6.6**

4.32 **Approved**, with effective date of application immediately after approval.

**MOD rule of procedure on §2.2 of Annex**

4.33 **Mr Vallet (Chief SSD)** said that a number of changes were proposed in the light of decisions taken by WRC-19. In view of the comments from the Russian Federation regarding §2, he suggested that “as modified by WRC-19” should be replaced with “(Rev.WRC-19)”.

4.34 It was so **agreed**.

4.35 **Mr Vallet (Chief SSD)**, referring to the new §4, said that the Russian Federation had suggested the option of developing a new rule of procedure on Resolution 170 (WRC-19) and adding reference to it in §4. Noting that the Russian Federation was also seeking additional explanations regarding the application of the rule, he said that the Bureau had proposed the deletion of text from footnote 4 providing more detail about the distribution of grid points in order to allow its software developers to use the most effective algorithm for calculation purposes. Should the Board wish to retain the original text of that footnote, the sentence referring to the border of the service area would have to be deleted in light of changes decided by WRC-19.

4.36 **Mr Varlamov** said that, to his understanding, Resolution 170 set out different criteria for identifying affected administrations. There might therefore be merit in developing a rule of procedure to inform those

administrations that had chosen not to implement the resolution that it might be necessary to take into account other criteria in certain cases. It should be made clear whether the Bureau was intending to change the method it used to develop the grid of points. He would have no difficulty if the Bureau was going to retain the current practice but exclude those points located at sea.

4.37 **Mr Vallet (Chief SSD)** said that the Bureau only saw the need for a rule of procedure on the interpolation method. As reference was made in Resolution 170 to the same interpolation method as that set out in Appendix 30B, but with different reference values, the Bureau had decided to include the rule of procedure under the current provision. Moreover, a new rule of procedure on Resolution 170 would simply reproduce much of the text currently before the Board. Referring to footnote 4, he said that the Bureau had no intention at present of changing the maximum and minimum values of 600 km and 100 km for the average distance between points, but might need to do so in the future in order to ensure better protection.

4.38 **Mr Varlamov** said that inclusion in the software description of an explanation of the current practice would be useful for administrations.

4.39 The Board **agreed** to retain the text of footnote 4 as presented in Annex 8 in Circular Letter CCRR/65. The deletion of text providing more detail about the distribution of grid points originally set out in the footnote did not change the actual practice of the Bureau, but allowed for flexibility with respect to software development in the future.

4.40 MOD rule of procedure on §2.2 of Annex 4, as amended in the course of the discussion, was **approved**, with effective date of application immediately after approval (see Attachment 2 to Document RRB20-2/29 – Summary of decisions of the meeting).

4.41 The **Chairman** proposed that the Board conclude as follows on its consideration of draft new or modified rules of procedure, or proposed suppressions of rules:

“The Board discussed the draft rules of procedure circulated to administrations in Circular Letters CCRR/64 and CCRR/65, along with the comments received from administrations as contained in Documents RRB20-2/7 and RRB20-2/17. The Board adopted these rules of procedure with modifications as contained in Attachments 1 and 2 to this summary of decisions. In considering note 4 of Annex 8 to Attachment 2, the Board confirmed with the Bureau that this modification did not change its current practice regarding the geographical distribution of test points, but that it would allow for flexibility in software development. The Board instructed the Bureau to include the explanation of this practice in the software description.”

4.42 It was so **agreed**.

## **5 Requests relating to the cancellation of frequency assignments to satellite networks (Documents RRB20-2/2, RRB20-2/4, RRB20-2/5, RRB20-2/15 and RRB20-2/16)**

### **Request for a decision by the Radio Regulations Board for cancellation of the frequency assignments to the ATS-5 satellite network under No. 13.6 of the Radio Regulations (Document RRB20-2/2)**

5.1 **Mr Loo (Head SSD/SPR)** introduced Document RRB20-2/2, containing the Bureau’s request for cancellation of the frequency assignments to the ATS-5 satellite network under RR No. 13.6.

5.2 The Board **agreed** to conclude on the request as follows:

“The Board considered the request by the Bureau for a decision on the cancellation of the frequency assignments to the ATS-5 satellite network under RR No. 13.6. The Board further considered that the Bureau had acted in accordance with RR No. 13.6 and had sent requests to the Administration of the United States to provide information demonstrating that the frequency assignments to the ATS-5 satellite network had been brought into use, followed by two reminder letters, to which no response had been received.

Consequently, the Board instructed the Bureau to cancel from the MIFR the frequency assignments to the ATS-5 satellite network.”

**Request for a decision by the Radio Regulations Board for cancellation of the frequency assignments to the KOMPSAT-1 satellite network under No. 13.6 of the Radio Regulations (Document RRB20-2/4)**

5.3 **Mr Loo (Head SSD/SPR)** introduced Document RRB20-2/4, containing the Bureau’s request for cancellation of the frequency assignments to the KOMPSAT-1 satellite network under RR No. 13.6.

5.4 The Board **agreed** to conclude on the request as follows:

“The Board considered the request by the Bureau for a decision on the cancellation of the frequency assignments to the KOMPSAT-1 satellite network under RR No. 13.6. The Board further considered that the Bureau had acted in accordance with RR No. 13.6 and had sent requests to the Administration of Korea (Rep. of) to provide evidence of continuous operation of this satellite network and to identify the actual satellite which was currently in operation, followed by two reminder letters, to which no response had been received. Consequently, the Board instructed the Bureau to cancel from the MIFR the frequency assignments to the KOMPSAT-1 satellite network.”

**Request for a decision by the Radio Regulations Board for cancellation of the frequency assignments to the OPTOS satellite network under No. 13.6 of the Radio Regulations (Document RRB20-2/5)**

5.5 **Mr Loo (Head SSD/SPR)** introduced Document RRB20-2/5, containing the Bureau’s request for cancellation of the frequency assignments to the OPTOS satellite network under RR No. 13.6.

5.6 The Board **agreed** to conclude on the request as follows:

“The Board considered the request by the Bureau for a decision on the cancellation of the frequency assignments to the OPTOS satellite network under RR No. 13.6. The Board further considered that the Bureau had acted in accordance with RR No. 13.6 and had sent requests to the Administration of Spain to provide evidence of continuous operation of this satellite network and to identify the actual satellite which was currently in operation, followed by two reminder letters, to which no response had been received. Consequently, the Board instructed the Bureau to cancel from the MIFR the frequency assignments to the OPTOS satellite network.”

**Request for a decision by the Radio Regulations Board for the cancellation of the frequency assignments to the DUBAISAT-1 satellite network under No. 13.6 of the Radio Regulations (Document RRB20-2/15)**

5.7 **Mr Loo (Head SSD/SPR)** introduced Document RRB20-2/15, containing the Bureau’s request for cancellation of the frequency assignments to the DUBAISAT-1 satellite network under RR No. 13.6.

5.8 The Board **agreed** to conclude on the request as follows:

“The Board considered the request by the Bureau for a decision on the cancellation of the frequency assignments to the DUBAISAT-1 satellite network under RR No. 13.6. The Board further considered that the Bureau had acted in accordance with RR No. 13.6 and had sent requests to the Administration of the United Arab Emirates to provide evidence of continuous operation of this satellite network and to identify the actual satellite which was currently in operation, followed by two reminder letters, to which no response had been received. Consequently, the Board instructed the Bureau to cancel from the MIFR the frequency assignments to the DUBAISAT-1 satellite network.”

**Request for a decision by the Radio Regulations Board for the cancellation of the frequency assignments to the YAVIR-1 satellite network under No. 13.6 of the Radio Regulations (Document RRB20-2/16)**

5.9 **Mr Loo (Head SSD/SPR)** introduced Document RRB20-2/16, containing the Bureau’s request for cancellation of the frequency assignments to the YAVIR-1 satellite network under RR No. 13.6.

5.10 The Board **agreed** to conclude on the request as follows:

“The Board considered the request by the Bureau for a decision on the cancellation of the frequency assignments to the YAVIR-1 satellite network under RR No. 13.6. The Board further considered that the Bureau had acted in accordance with RR No. 13.6 and had sent requests to the Administration of Ukraine to provide evidence of continuous operation of this satellite network and to identify the actual satellite which was currently in operation, followed by two reminder letters, to which no response had been received. Consequently, the Board instructed the Bureau to cancel from the MIFR the frequency assignments to the YAVIR-1 satellite network.”

**6 Issues related to the implementation of Resolution 559 [COM 5/3] (WRC-19) (Documents RRB20-2/6 and Addenda 2, 7 and 9, RRB20-2/13, RRB20-2/19 , RRB20-2/24, RRB20-2/25, RRB20-2/26, RRB20-2/28, RRB20-2/DELAYED/1 and RRB20-2/DELAYED/3)**

6.1 **Mr Wang (Head SSD/SNP)** introduced Addendum 2 to Document RRB20-2/6, containing the progress report produced further to the Board’s instructions to the Bureau at the 83<sup>rd</sup> RRB meeting. The report presented a summary of submissions under Resolution 559 (WRC-19) and the results of the Bureau’s analysis of the potential impact on Resolution 559 submissions from Part A submissions received before 22 May 2020 in Regions 1 and 3.

6.2 In introducing §1 of Addendum 2 (Submissions received in accordance with Resolution 559 (WRC-19)), he noted in particular that 42 eligible administrations had made submissions under the resolution by the deadline of 21 May 2020, and that Comoros, Vatican City State and Equatorial Guinea had made submissions after the deadline. The Board was thus required to decide whether or not those three late submissions were receivable. Among the 42 submissions received by the deadline, three administrations – Mauritius, Madagascar and Seychelles – had submitted “special” requests, in so far as their submissions under Resolution 559 were in fact for orbital positions in arcs other than that identified in the resolution; even with the Bureau’s assistance, they had not been able to find suitable orbital positions in the required arc. Thus, a decision was also sought from the Board as to how those three submissions should be handled.

6.3 Regarding §2 of Addendum 2 (Reference situation of Resolution 559 submissions and of Article 4 submissions from the Administrations of Mauritius, Seychelles and Madagascar based on the current AP30/30A master database), he noted (Table 2) that the reference situation for all submissions showed an improvement taking into account all assignments in the Plan and List, but not taking into account the possible impact of other Part A submissions.

6.4 Section 3 of Addendum 2 addressed the consequences of taking into consideration the Part A submissions received before the Resolution 559 submissions, and was based on the worst-case scenario of all Part A submissions being followed up by Part B submissions with the same characteristics as the corresponding Part A submissions. The resulting reference situation, presented in Table 3, pointed to a far higher level of degradation, meaning that the Resolution 559 submissions would become unusable, making it impossible to achieve the basic objectives of the resolution. It was an oversight on the part of the WRC, which had provided no guidance on how to update the reference of Resolution 559 submissions when other networks enter in the List , and a decision was therefore required of the Board in that regard. Document RRB20-2/28, which the Board had looked at briefly at its 83<sup>rd</sup> meeting (Revision 1 to Document RRB20-1/11), contained proposals from 24 administrations aimed at tackling the problems identified in application of Resolution 559, as presented in §8a)-d) of the document . A decision was thus also required from the Board regarding those proposals.

6.5 Addendum 9 to Document RRB20-2/6 outlined the principles applied by the Bureau in assessing compatibility amongst Resolution 559 submissions and the Article 4 submissions from the Administrations of Madagascar, Mauritius and Seychelles, and in helping administrations to find suitable orbital positions for their assignments. Suitable positions had been found for all administrations, with the exception of the

aforementioned three. He further noted that better compatibility could be achieved amongst submissions if shaped rather than elliptical beams were used, but that was only possible at the Part B stage according to Resolution 559. All 45 submissions received by the Bureau by 1 July 2020 would be mutually compatible if using shaped beams at the Part B stage.

6.6 Addendum 7 to Document RRB20-2/6 reported the outcome of the recent Virtual Consultation of Councillors (VCC) of relevance to matters relating to Resolution 559, based on VCC's consideration of Documents VC/9 and VC/11: according to the outcome, a consultation by correspondence of Council Member States to support the requests made in Documents VC/9 and VC/11 should be organized; and the Bureau was encouraged to continue to assist the Member States in the implementation of Resolution 559..

6.7 The **Chairman** noted that Document VC/11 raised various concerns relating to Resolution 559. One of the main requests in it – which had been supported by VCC – was for late submissions to be deemed receivable by the Bureau beyond the deadline for submissions under Resolution 559. The question had then arisen as to what should be the final deadline for submissions under the resolution. The Director had suggested the end of 2020, which VCC had endorsed.

6.8 The **Director** confirmed the Chairman's comments, noting that the Bureau was contacting those countries that had not made submissions under Resolution 559 to inquire whether they wished to do so, whether they required assistance, etc. Document VC/9 did not concern the Board directly.

6.9 **Mr Wang (Head SSD/SNP)** said that the Bureau was taking all possible steps to confirm that those administrations that had not yet made submissions under Resolution 559 did not intend to do so. It had been necessary to set a deadline for submissions since in principle, if the matter were left completely open-ended, it would not be possible to process the submissions as they all had the same date of receipt.

6.10 He went on to draw attention to Document RRB20-2/24, containing a request by the Administration of Tunisia to apply the Board's decisions on the special procedure under Resolution 559 (WRC-19) to its filing under § 4.1.3 of Appendices 30 and 30A, i.e. beam TUN27200. He noted that beam TUN27200 was a regional beam, whereas submissions under Resolution 559 were supposed to relate only to national beams. Moreover, Tunisia had already made one submission under Resolution 559 – for a national beam – whereas countries were entitled to make only one submission under Resolution 559.

6.11 Responding to queries raised by **Mr Henri** and **Mr Varlamov** and comments by the **Chairman**, the **Director** confirmed that in regard to radiocommunication matters the Council was only competent to take decisions on cost-recovery issues and could not modify WRC decisions in any way. The Council had therefore adopted a political approach in its consideration of matters relating to Resolution 559 by urging the Bureau to provide assistance to administrations on Resolution 559. The substantive issues before the Board were for the Board to decide, not the Council; the Board therefore did not have to wait for the outcome of the consultation of Council Member States before taking decisions on those issues. As to whether extension of the deadline for submissions under Resolution 559 would effectively block the processing of all such submissions until the deadline had passed, he said that the Bureau did not in fact anticipate many further submissions, if any, under the resolution. Setting the deadline for the end of 2020 would not prevent the Bureau from processing the submissions it received.

6.12 **Ms Jeanty** endorsed the Director's understanding of matters regarding the competency of Council and WRC but questioned whether the Board could change the clear deadline of 21 May 2020 set in Resolution 559.

6.13 **Mr Hoan** endorsed the Director's comments, including on the Board's competence to resolve the issues before it without waiting for the outcome of the consultation of Council Member States. The Board should instruct the Bureau to accept the three late submissions under Resolution 559 in view of the problems encountered in relation to the COVID-19 pandemic. It should also commend the Bureau for all its work to assist administrations in implementing the resolution and for the analyses now before the meeting, particularly regarding the reference situation. It was clear that the latter would be severely degraded if the

Part A submissions outside the orbital arc specified in Resolution 559 received prior to 22 May 2020 were taken into account. He was therefore in favour of adopting the approach proposed in §8a) of Document RRB20-2/28.

6.14 **Mr Borjón** said that the Board should note the outcomes of VCC and take whatever decisions were required in order to move on in processing submissions under Resolution 559 and allow the administrations concerned to advance with their networks. The Board could agree to instruct the Bureau to accept the three late submissions under the resolution, particularly in view of the provisions of Article 44 of the ITU Constitution and Resolution 80 (Rev. WRC-07).

6.15 **Mr Alamri** endorsed Mr Borjón's comments, particularly regarding the need to move on with the work under Resolution 559, which provided a time-sensitive opportunity for administrations with degraded BSS assignments to regain access to the Appendices 30 and 30A Plan. For the reasons given by Mr Borjón and Mr Hoan, the Bureau should be instructed to accept the three late submissions under the resolution.

6.16 **Mr Talib** commended the Bureau for all its work under Resolution 559, endorsed the Director's comments regarding the respective competences of the Council and Board, and said that the three late submissions should be deemed receivable for the reasons given by previous speakers.

6.17 **Mr Azzouz** agreed that the three late submissions should be deemed receivable.

6.18 **Mr Varlamov** said that the three late submissions should certainly be deemed receivable, irrespective of any considerations related to COVID-19.

6.19 **Mr Henri, Ms Hasanova, Mr Mchunu and Mr Hashimoto** expressed their support for accepting the three late submissions under Resolution 559 from Comoros, Equatorial Guinea and Vatican City State.

6.20 It was **agreed** that the late submissions from Comoros (Document RRB20-2/26), Equatorial Guinea (Document RRB20-2/25) and Vatican City State (Document RRB20-2/DELAYED /3, for information) would be deemed receivable, and to conclude on the matter of late submissions under Resolution 559 as follows:

"In considering Documents RRB20-2/25 and 26, and Document RRB20-2/DELAYED/3 for information, the Board noted:

- that Resolution 559 (WRC-19) provides a one-time opportunity for administrations with degraded BSS assignments to regain resources in the BSS Plan;
- the delays experienced by administrations due to the COVID-19 pandemic;
- the principles of CS Article 44 relating to equitable access.

Consequently, and in line with Resolution 80 (Rev.WRC-07), the Board decided to instruct the Bureau to accept submissions under Resolution 559 (WRC-19) until the start of the 84<sup>th</sup> RRB meeting on 6 July 2020 and to consider eligible submissions received between 22 May 2020 and 6 July 2020 as received by the Bureau on 21 May 2020."

6.21 The **Chairman** invited the Board to address the receivability under Resolution 559 of the submissions received from Madagascar (Document RRB20-2/DELAYED/1, for information), Mauritius (Document RRB20-2/13) and Seychelles (Document RRB20-2/19) involving an orbital arc outside the arc stipulated in the resolution.

6.22 **Mr Henri** said that he would prefer to consider the three submissions as normal Article 4 submissions, with their date of receipt established in accordance with the provisions of Article 4. The main reason for such approach is the proposed: orbital positions for the three submissions quite outside of the Resolution 559 arc and therefore not in accordance with the Resolution. However, taking account of the reasons provided for such orbital choices (no compatible location within the Resolution 559 arc), the minimum impact on the Resolution 559 submissions, and also the similar timing in terms of dates of receipt vis-à-vis Resolution 559 submissions, the Board might nevertheless give thought to giving them the similar

special treatment applying to Resolution 559 submissions as agreed to for existing Part A submissions vis-à-vis Part B submissions.

6.23 **Ms Jeanty** agreed with Mr Henri, stressing that the three submissions fell outside the arc clearly stipulated in Resolution 559. The Board should endeavour to afford them special treatment such as to ensure they were dealt with in much the same way as Resolution 559 submissions.

6.24 **Mr Varlamov** said that, rather than treating the three submissions as Article 4 submissions requiring special treatment to ensure that they benefited from the same reference situation as Resolution 559 submissions, it might be simpler to accept them as Resolution 559 submissions even though they fell outside the Resolution 559 arc. He would nevertheless be willing to accept them as Article 4 submissions.

6.25 **Mr Alamri** supported Mr Henri and Ms Jeanty: notwithstanding technical justifications for treating them as Resolution 559 submissions, they fell outside the arc clearly stipulated in the resolution. A way might subsequently be found to allow the submissions to benefit from the same advantages as Resolution 559 submissions.

6.26 **Ms Hasanova** and **Mr Talib** supported Mr Henri and Ms Jeanty. **Mr Borjón** also agreed, adding that a solution should be found for the three submissions that reflected the spirit of Resolution 559.

6.27 **Mr Azzouz** said that every effort, involving special treatment if necessary, should be made to ensure that the three administrations had orbital positions at the present juncture, under either Article 4 or Resolution 559, rather than having to refer the matter to WRC-23 or even WRC-27 for a solution.

6.28 **Mr Hoan** said that the three submissions under discussion undeniably fell outside the scope of Resolution 559, but their needs should be accommodated. Therefore, if it posed no difficulties for the Bureau, a decision should be taken to provisionally apply to them the same decisions as those agreed by the Board for Resolution 559 submissions, subject to confirmation by WRC-23.

6.29 **Mr Hashimoto** agreed with previous speakers that the three submissions should be treated as Article 4 submissions, but benefitting from the special treatment afforded to Resolution 559 submissions.

6.30 **Mr Vallet (Chief SSD)** said that the basic question for the Bureau was not so much whether the three submissions should be classified as Resolution 559 or Article 4 submissions, but what treatment should be applied to them, particularly in terms of updating of the reference situation taking account of Part B vis-à-vis Part A submissions received.

6.31 The **Chairman** agreed that the basic question related to that of updating the reference situation, possibly taking account of the approach proposed in §8a) of Document RRB20-2/28. When it had agreed on the most appropriate approach, the Board could take a final decision on whether the same approach should be adopted both for Resolution 559 submissions and the three submissions involving an arc other than that specified in the resolution.

6.32 **Mr Wang (Head SSD/SNP)** noted that a further decision relating to Resolution 559 was requested of the Board. At its 83<sup>rd</sup> meeting, the Board had considered a request from 24 administrations regarding test points, and had decided that test points at sea and outside the national territory could be used for Plan and Resolution 559 submissions only if ellipses could not be created properly to cover the national territory. The Board was requested to clarify whether the same approach could be applied to the Article 4 submissions using elliptical beams seeking special treatment.

6.33 **Mr Varlamov** sought clarifications regarding the consequences of not updating the reference situation for submissions under Resolution 559 until WRC-23. Would matters have got out of control by then, given the number of other submissions received in the interim?

6.34 **Mr Wang (Head SSD/SNP)** said that if the reference situation of the networks covered by the approach in §8a) of Document RRB20-2/28 was not updated, their protection would be ensured as any new submissions under Appendix 30/30A would have to coordinate with the Resolution 559 submissions if the



latter were identified as affected, However, this may increase coordination requirements to notifying administration of new submissions under Appendix **30/30A**.

6.35 **Mr Alamri** welcomed the analyses presented by the Bureau in Addenda 2 and 9 to Document RRB20-2/6. He stressed that, as borne out by the concerns raised in the *recognizing* and *considering* sections of Resolution 559, and bearing in mind the provisions of CS Article 44, the protection of Resolution 559 submissions was a time-sensitive issue of the utmost importance, the main objective being to allow countries with degraded BSS assignments to recover their Plan assignments for national coverage, taking into account that the main concept of the Plan approach is to guarantee equitable access to spectrum/orbit resources to all administrations. The Bureau's analyses – particularly in Table 2 in Addendum 2 to Document RRB20-2/6 – made it abundantly clear that the reference situation for Resolution 559 submissions was under serious threat from Part A submissions received prior to 22 May 2020, and indeed from any other submissions potentially affecting them. Resolution 559 constituted a one-off opportunity for the 55 potentially concerned administrations to take advantage of the priority mechanism enshrined in the resolution. The Board should therefore base its decision on maximizing the protection of Resolution 559 submissions in the light of the analysis of the reference situation in Table 2 in Addendum 2, which took into account assignments in the Plan and List with orbital positions near those of Resolution 559 submissions. The focus should be on minimizing the impact of Part A submissions received prior to 22 May 2020 on the Resolution 559 submissions and ensuring that the latter retained an EPM that could be implemented.

6.36 **Mr Henri** fully endorsed Mr Alamri's comments, adding that it was particularly important to guarantee a level of protection to the Resolution 559 submissions not only vis-à-vis Part A submissions received prior to 22 May 2020, but also vis-à-vis Article 4 submissions received after that date. If the reference situation (EPM level of Res.559 submissions) took account of Part A submissions made prior to 22 May 2020, the Resolution 559 submissions would become so degraded that the entire exercise would be rendered pointless, with also those submissions no longer able to comment on subsequent Article 4 submissions (double penalty). Thus the reference situation should not take account of Part A submissions made prior to 22 May 2020; that approach should apply to all Resolution 559 submissions, and to the three submissions, outside the arc specified in the resolution.

6.37 **Mr Wang (Head SSD/SNP)** said that in taking any decision to allay the impact of Part A submissions received prior to 22 May 2020, the Bureau would request the Board to make it clear precisely how the decision should be implemented: by simply not taking into account any Part A submissions received prior to that date, or by specifying a level of degradation as a threshold for not taking those submissions into account?

6.38 **Mr Hashimoto** said that the basic objective of Resolution 559 was to provide an interference-free environment for administrations to implement their Plan assignments. One possible approach was that contained in §8a) of Document RRB20-2/28, which he could support, according to which the EPM value of Resolution 559 submissions would not be updated under certain conditions. The Board should stress also, as it had at its 83<sup>rd</sup> meeting, that it urged administrations with Part A submissions received before 22 May 2020 to make all efforts to accommodate submissions under *resolves* 1 of Resolution 559.

6.39 **Ms Jeanty** said that she could support Mr Henri and the proposal not to take account of Part A submissions, and she understood that the Bureau found the proposal feasible. She would nevertheless like to know what the consequences would be for Part A submissions if the reference situation was not updated.

6.40 **Mr Wang (Head SSD/SNP)** said that if the reference situation was not updated, Part A submissions received as from 22 May 2020 might have a heavier coordination burden, as more Resolution 559 submissions might be identified as affected by them. There would be no impact for the coordination of Part A submissions received before the Resolution 559 submissions, or for their entries in the List and Plan.

6.41 **Mr Varlamov** suggested that it might be too radical simply not to take account of Part A submissions received before 22 May 2020; it might be more appropriate to introduce a trigger level. He also warned that, even though the reference situation might seem favourable, the period covered was long – twice 15 years – potentially involving considerable coordination burdens for administrations. The pressure on the Plan itself

would also increase over time, as it would be obliged to retain assignments not cancelled before coordination had been completed. Ideally, a replanning exercise would be conducted at WRC-23, but that was not foreseen on the conference's agenda. Administrations with submissions under Resolution 559 might choose to explore that possibility.

6.42 **Mr Azzouz** said that if the reference situation was not updated, the same problems would be encountered as at WRC-19. The reference situation would not reflect reality, thus falsifying coordination. On the other hand, if the reference situation was updated, the situation would be the same or worse, especially if Part A submissions made prior to 22 May 2020 were taken into account. All things considered, his preference would be to not modify the reference situation at the present juncture, to possibly postpone consideration of the matter until WRC-23, and to not take into account Part A submissions received prior to 22 May 2020.

6.43 **Mr Alamri** said that the main goal should be to protect Resolution 559 submissions vis-à-vis Part A submissions received prior to 22 May 2020, with the reference situation presented in Table 2 in Addendum 2 to Document RRB20-2/6, based on the trigger level of  $-10\text{db}$  for submissions under Resolution 559. Responding to the question raised by Mr Wang (Head SSD/SNP), he noted that many submissions under Resolution 559 had a negative value in the reference situation, and to set a trigger level could lead to further degradation for Resolution 559 submissions from aggregate submissions from incoming networks, leading to a reference situation of less than  $-10\text{db}$ . He therefore would prefer not to introduce a trigger level for updating the reference situation, not to update it for any Part A submissions received prior to 22 May 2020, and to refer the matter to WRC-23.

6.44 **Mr Talib** said that his preference would be to set a trigger level for taking into account Part A submissions received as from 22 May 2020. He understood that such an approach would be possible with a view to guaranteeing the reference situation in Table 2 in Addendum 2 to Document RRB20-2/6. It would be problematic to refer the matter to WRC-23, particularly since it was not on the conference's agenda.

6.45 **Mr Hoan** said that all the efforts made by the Bureau and administrations would be compromised if the Board failed to find a way to protect Resolution 559 submissions. The proposal put forward in Document RRB20-2/28 provided a possible way forward, and he therefore supported Mr Alamri's proposal not to update the EPM value pending a decision by WRC-23.

6.46 The **Chairman** proposed, in the light of all the comments made, that the Board conclude as follows on the questions of updating the reference situation and of how to deal with the three submissions involving an orbital arc other than that specified in Resolution 559:

"The Board considered in detail Addenda 2, 7 and 9 to Document RRB20-2/6. The Board expressed its appreciation to the Bureau for its continued efforts to assist administrations with the implementation of Resolution 559 (WRC-19) and for the comprehensive analysis of the situation following the receipt of submissions under Resolution 559 (WRC-19) and under Article 4 of Appendices 30 and 30A from the Administrations of Mauritius, Seychelles and Madagascar, including the potential impact of Part B submissions corresponding to Part A submissions received before 22 May 2020 on the reference situation of these Resolution 559 and Article 4 submissions, hereafter referred to as Res. 559 submissions.

The Board further considered in detail § 8a) of Document RRB20-2/28 and the analysis provided by the Bureau in Addenda 2 and 9 to Document RRB20-2/6 on the reference situation of Res. 559 submissions and the potential impact of Part B submissions corresponding to Part A submissions received before 22 May 2020 on the reference situations of these Res. 559 submissions. The Board noted that:

- the main objective of the BSS Plans is to guarantee equitable access to spectrum/orbit resources to all administrations for future use;
- by adopting Resolution 559 (WRC-19), WRC-19 intended to restore this guaranteed access for administrations which no longer had viable national assignments in the BSS Plans;

- the analysis of the reference situation as provided in Addendum 2 to Document RRB20-2/6 was based on the master database published in BR IFIC 2921 on 26 May 2020, which included Part B submissions received up to 21 January 2020;
- the reference situation of all submissions received by the administrations eligible to apply the Resolution 559 (WRC-19) special procedure, including the three Article 4 submissions, had improved compared to the current associated Plan assignments to enable the implementation of national frequency assignments;
- without additional regulatory measures to protect these new frequency assignments, efforts made to restore the status of Plan assignments of those administrations will be compromised. Indeed, if all Part A submissions received before 22 May 2020 were to be further submitted as Part B, the reference situation of the Res. 559 submissions would be severely degraded.

The Board therefore decided to instruct the Bureau to:

- review Part B submissions received after 21 January 2020 and associated with Part A submissions received before 22 May 2020, during the completeness process of those Part B submissions and identify additional measures that could be implemented by the notifying administrations to avoid degradation of the EPM levels of the Res. 559 submissions;
- request the notifying administrations, following the review of completeness of Part B submissions, to make their utmost efforts to take into account these Res. 559 submissions and the results of the Bureau's analysis with measures to avoid further degrading EPM levels;
- not update the EPM values of these Res. 559 submissions pending a decision of WRC-23 if, at the time any of the Part B submissions received after 21 January 2020 that are associated with Part A submissions received before 22 May 2020 enter in the List, the EPM values of these Res. 559 submissions fall more than 0.45 dB below 0 dB or if already negative by more than 0.45 dB below that value;
- analyse the impact of the abovementioned Part B submissions on the EPM values of these Res. 559 submissions and report the results together with the efforts undertaken by those Part B administrations to the next meetings of the Board for further consideration;
- inform all administrations having provided Res. 559 submissions of this decision.

Furthermore, the Board urged administrations with Part A submissions received before 22 May 2020 to make all efforts to accommodate these Res. 559 submissions and to take into account the results of the Bureau's review when preparing their Part B submissions.

In considering Documents RRB20-2/13 and 19, and Document RRB20-2/DELAYED/1 for information, the Board noted that the Administrations of Madagascar, Seychelles and Mauritius, eligible to apply the special procedure described in Resolution 559 (WRC-19), were unable to find suitable orbital positions within the orbital arc specified in this resolution given their particular geographical situation. Since Resolution 559 (WRC-19) only applies to submissions for assignments in specific portions of the orbital arc, the Board decided to instruct the Bureau to take into account and process the submissions received from these three administrations as submissions received under the Article 4 procedure of Appendices 30 and 30A, while also implementing measures adopted under item No. 6 above.

In order to fulfil the overall objective of Resolution 559 (WRC-19) for all eligible administrations, the Board further decided that these three submissions should benefit from the same measures adopted by the Board at its 83<sup>rd</sup> meeting for the treatment of Res. 559 submissions in relation to test points at sea or outside the national territory."

6.47 It was so **agreed**.

6.48 The **Chairman** invited comments on Document RRB20-2/24.

6.49 **Mr Wang (Head SSD/SNP)** said that the Bureau had already accepted one submission under Resolution 559 for Tunisia. The request in Document RRB20-2/24 was for the Board to authorize a second submission under Resolution 559 for Tunisia, to replace a regional beam in the Plan, namely TUN27200.

6.50 **Mr Varlamov** said that to his understanding Tunisia had two assignments under Appendices 30/30A, one for a national beam and another also covering neighbouring countries, although it was unclear to him precisely why Tunisia had two assignments in the Plan. In principle, submissions under Resolution 559 were restricted to national beams. Nevertheless, the Board was already taking decisions that did not necessarily fully comply with Resolution 559, for example by allowing test points at sea and outside national territories because the test points were already in the Plan. Could the Board apply special treatment by allowing Tunisia a second beam under Resolution 559?

6.51 Responding to those comments and comments by the **Chairman, Mr Wang (Head SSD/SNP)** said that when the BSS Plan had been established, networks in the planned bands existing prior to 1977 had been accepted, which was why Tunisia now had two beams. Both beams had been included in the list of beams to which Resolution 559 could be applied (Circular Letter CR/455) because both satisfied the criteria for eligibility – and indeed, Tunisia had chosen to submit both.

6.52 **Mr Henri** said that the special procedure under Resolution 559 was applicable to one submission only, and for a service area limited to the national territory. Thus, Tunisia's national beam was eligible, as was its regional beam if Tunisia restricted it to national coverage. However, Tunisia would have to choose which one to retain under Resolution 559, and the other would have to be treated as a normal Article 4 submission, with no special treatment.

6.53 **Mr Varlamov** agreed with Mr Henri.

6.54 **Mr Wang (Head SSD/SNP)** subsequently reported in the course of the meeting that originally a note had been attached to Tunisia's regional beam TUN27200 indicating that it was to cover a few administrations with their agreement. So if Tunisia wished to replace that beam, the agreement of the other administrations would presumably be required. The Bureau would find it difficult to treat the beam as a Resolution 559 submission and considered that it should be treated as a normal Article 4 submission; any decision to replace it would have to be taken by the WRC. If the Board concluded along those lines, it should nevertheless decide whether the beam should be subject to any of the special measures accorded to other Article 4 submissions.

6.55 **Mr Henri** said that, in the light of the information provided, beam TUN27200 should not be treated as a Resolution 559 submission, given that Tunisia had already submitted another beam with a service area limited to national territory and complying with all Res.559 criteria. It should be treated as a normal Article 4 submission, and he saw no justification for granting it the same special treatment as had been agreed by the Board for certain other Article 4 submissions.

6.56 The **Chairman** proposed that the Board conclude on Document RRB20-2/24 as follows:

"The Board considered the request from the Administration of Tunisia as contained in Document RRB20-2/24. The Board noted that:

- the special procedure under Resolution 559 (WRC-19) can only be applied to one submission per administration and a service area limited to the national territory of the submitting administration;
- the Administration of Tunisia had already filed a submission under Resolution 559 (WRC-19) using another beam for a national service area;
- the submission for the TUN27200 beam as presented in Document RRB20-2/24 covers territories of other administrations.

Consequently, the Board decided not to accede to the request of the Administration of Tunisia to apply the Board's decisions applicable to the Resolution 559 submissions to the submission for the TUN27200 beam

and instructed the Bureau to treat this submission under the normal procedure of Article 4 of Appendices 30 and 30A.”

6.57 It was so **agreed**.

6.58 The **Director** noted that with that decision the Board had completed its deliberations on matters relating to Resolution 559 (WRC-19). He expressed his profound appreciation of the Board’s wise and very positive handling of the subject, which was extremely sensitive and of considerable importance to all countries, particularly the developing countries, in guaranteeing them access to spectrum/orbit resources. The Board’s conclusions would be appreciated by all concerned.

## **7 Issues and requests relating to extension of regulatory time-limits to bring or bring back into use frequency assignments to satellite networks (Documents RRB20-2/18, RRB20-2/20, RRB20-2/21, RRB20-2/22, RRB20-2/27 and RRB20-2/DELAYED/2)**

### **Submission by the Administration of Germany regarding the application of *force majeure* rules in cases of delay caused by the crisis associated with the coronavirus (Document RRB20-2/18)**

7.1 **Mr Vallet (Chief SSD)** introduced Document RRB20-2/18, in which the Administration of Germany asked the question of whether the Board was authorized to examine requests by administrations seeking to extend, for reasons of *force majeure*, the regulatory time-limit for the bringing into use of frequency assignments based on justifications brought forward for delays caused by the coronavirus.

7.2 The **ITU Legal Adviser**, attending the meeting at the invitation of the Board, expressed the following opinion:

“In Document RRB20-2/18, the Administration of Germany raises two distinct questions.

Firstly, a question of competence, namely whether or not the Radio Regulations Board (RRB) is authorized to proceed with the examination of requests by administrations seeking to extend the regulatory time-limit for the bringing into use of frequency assignments for reasons associated with a case of *force majeure*.

Secondly, a question of substance, namely whether delays in bringing into use due to the COVID-19 crisis can be attributed to the occurrence of a case of *force majeure*.

With regard to the first question concerning the competence of RRB, it would seem to me that the response should be positive for the following reasons:

1) First of all, No. 96 of the ITU Constitution specifies that one of the duties of RRB is “the consideration of any other matter that cannot be resolved through the application of the Rules of Procedure”. And as it happens, the occurrence of a case of *force majeure* is not covered by the aforementioned Rules.

2) Furthermore, the institutional practice developed by RRB, a practice that to my knowledge has not been objected to or challenged by the Member States, has, on several occasions since 2012, led RRB to examine and take decisions on requests for extensions of regulatory time-limits that invoke a case of *force majeure*. It should be recalled, in this regard, that this practice is based on a decision of WRC-12 which considered that cases of requests for time-limit extensions invoking a case of *force majeure* may be brought before and examined by the RRB on a case-by-case basis. (I refer you in this regard to Document RRB12-2/INFO/2).

With regard to the second question, it would initially be appropriate to provide some reminders of the notion of *force majeure*.

As I already had the opportunity to inform the Board in 2012 and 2016, the International Law Commission defines *force majeure* as an “irresistible force or an unforeseen external event [but, in both cases] beyond

the control of the State” (this reference to the State stems from the fact that the implementation of international treaties is incumbent on the State, taken as a whole, as a subject of international law.

From case law one can derive a definition of *force majeure* as being an unforeseen or foreseen but inevitable or irresistible event external to the obligor which makes it impossible for it to perform the obligation concerned.

*Force majeure* may certainly be due to a natural disaster, but does not stop there, it being recognized both in case law and by doctrine that this term can also apply to situations having their roots in human causes.

It is generally recognized that for an exception of *force majeure* to be deemed well-founded, the following requirements should be met.

- 1) **Condition 1:** The event must be beyond the control of the obligor and not self-induced.  
The question, however, is not whether the acts or omissions involved are those of the obligor, but rather whether such acts or omissions can be attributed to it as a result of its own behaviour.
- 2) **Condition 2:** The event constituting the *force majeure* must be unforeseen or, if it was foreseeable, must be inevitable or irresistible.
- 3) **Condition 3:** The event must make it impossible for the obligor to perform its obligation. Consequently, mere difficulty in performing an obligation is not deemed to constitute *force majeure*.
- 4) **Condition 4:** A causal effective connection must exist between the event constituting *force majeure* and the failure by the obligor to fulfil the obligation. It must of course be made clear in this regard that the causal connection should not be the result of behaviour wilfully adopted by the obligor.

Last but not least: *force majeure* cannot be presumed. It is therefore incumbent upon an obligor that invokes it to furnish tangible, formal proof of the existence of an event constituting *force majeure*.

In the light of these elements, can the COVID-19 pandemic be qualified as a case of *force majeure*?

With regard to the first two conditions, as COVID-19 is, according to experts, a new virus, there is not likely to be any doubt about the fact that it is beyond the control of States and unforeseen.

As for the question of irresistibility, it seems that in the absence of a preventative treatment (vaccine) and curative treatment, COVID-19 could constitute, *a priori*, an irresistible event in the legal sense of the term.

Finally, in order to determine whether a causal effective connection exists between COVID-19 and the delay in bringing into use the frequency assignments, and if so, whether COVID-19 rendered it impossible or simply more difficult to meet the time-limits for bringing into use, it would seem to me that the Board will need to proceed to examine the question on a case-by-case basis.”

7.3 The **Chairman**, speaking on behalf of all Board members, thanked the ITU Legal Adviser for his very clear explanations.

7.4 **Ms Jeanty** said that she understood from the ITU Legal Adviser’s statement that COVID-19 could constitute grounds for *force majeure*, but that cases brought before the Board would still have to be examined case by case in order to ensure that there was a clear causal connection and that it had been impossible – not just difficult – for the obligor to perform its obligation.

7.5 **Mr Henri** said that he understood that the German Administration was raising its concerns in the light of the impact that COVID-19 was having on administrations and industry, and he noted that the Bureau had already taken certain action in that regard, as reflected in Addendum 1 to Document RRB20-2/6. To his understanding, COVID-19 could be taken as a possible element of *force majeure* in cases involving the implementation of RR No. 11.44, to be examined along with all other relevant information on a case by case basis.

7.6 **Mr Hoan** said that to his understanding the circumstances arising from COVID-19 – involving lockdown and the impossibility for experts to travel, etc. – would appear to satisfy the first three conditions for *force majeure*, whereas the fourth condition – that of establishing a causal connection that was not the result of behaviour wilfully adopted by the obligor – would have to be examined on a case by case basis.

7.7 The **Chairman** agreed with Mr Hoan, but noted that the third condition required it to be impossible, and not simply difficult, for the obligor to perform its obligation.

7.8 **Mr Borjón**, referring to the causal connection, asked whether it would be sufficient for an administration simply to invoke COVID-19 as grounds for *force majeure*, or whether it would have to provide some form of tangible evidence of the effects that COVID-19 had had in the case it was submitting.

7.9 **Mr Talib** said that, with cases involving COVID-19 being examined on a case by case basis, additional burden was being placed on administrations in terms of what they would have to submit in support of their requests involving *force majeure*. It also begged the question of the precise period during which invocation of COVID-19 as justification for *force majeure* would be deemed admissible.

7.10 The **ITU Legal Adviser** confirmed the Board members' understanding of the matter and of his statement. Responding to Mr Borjón's question regarding evidence of causal connection, it would be up to the Board to decide on a case by cases basis what constituted sufficient evidence, and whether or not to ask the administration involved for additional information. As to a precise period during which invocation of the pandemic as justification for *force majeure* was admissible, it would be impossible to answer that question at the present juncture, with the situation varying considerably in different parts of the world and being totally unpredictable for the time being.

7.11 The **Chairman** thanked the ITU Legal Adviser for his valuable contribution to the meeting, and proposed that the Board conclude on Document RRB20-2/18 as follows:

"The Board considered the issue of the application of *force majeure* rules in cases of delay caused by the COVID-19 pandemic as submitted by the Administration of Germany and also thanked the ITU Legal Adviser, Mr A. GUILLOT, for his clarifications on this subject. From these clarifications the Board understood that:

- the Board has the authority to consider the COVID-19 pandemic as an element of *force majeure* based on CS No. 96;
- the COVID-19 pandemic, at this time, met the first two conditions of *force majeure*, namely that it is not caused by the obligor, is unforeseen and inevitable or irresistible;
- in order to conclude on the remaining two conditions, namely whether there is a direct causality between the COVID-19 pandemic and the failure of the obligor to meet the obligation and whether the pandemic made it impossible for the obligor to perform its obligation, the Board would have to examine each situation on a case-by-case basis."

7.12 It was so **agreed**.

**Submission by the Administration of Indonesia requesting the extension of the regulatory time-limit to bring into use or resume the use of the frequency assignments to a number of satellite networks (Document RRB20-2/20)**

7.13 **Mr Sakamoto (Head SSD/SSC)** introduced Document RRB20-2/20, which contained a request from the Administration of Indonesia for the further extension of the regulatory time-limit to bring into use frequency assignments to the PALAPA-C1-B satellite network in four bands and for an extension of the suspension period of those frequency assignments to the PALAPA-B2, PALAPA-C1, PALAPA-C1-K and PALAPA-C1-B satellite networks already brought into use. Outlining the background to the request as provided in the document, he said that on 9 April 2020 the PALAPA N1 satellite, which was to be used for the continued operation of the frequency assignments to PALAPA-B2, PALAPA-C1, PALAPA-C1-K and PALAPA-C1-B and for bringing into use the frequency assignments to PALAPA-C1-B, had experienced launch failure. The Indonesian Administration had been unable to procure an interim satellite and the process of building a new satellite

had been impeded by the COVID-19 pandemic. The administration considered that the case qualified as a situation of *force majeure* and was requesting an extension of the regulatory bringing-into-use time-limit and the suspension period until 31 December 2024. It had concluded its submission by highlighting the importance of satellite communication for Indonesia.

7.14 **Mr Hashimoto** expressed sympathy with Indonesia for the launch failure. Recalling that WRC-19 had agreed to extend the regulatory time-limit for bringing into use certain frequency assignments to the PALAPA-C1-B satellite network until 31 July 2020, he said that he would have no objection to a further extension. He could also agree to an extension of the suspension period provided that such action would have no significant impact on the satellite projects of other countries.

7.15 **Mr Hoan** said he regretted the difficulties experienced by Indonesia. The launch failure met the conditions for *force majeure* and he could agree to the proposed request for extension to the regulatory time-limits.

7.16 **Ms Jeanty** agreed that the case, which had been well presented, qualified as *force majeure*. While an extension until 31 December 2024 was quite lengthy, it might be acceptable since the Indonesian Administration would have to build a brand new satellite.

7.17 **Ms Hasanova** said that the Board should consider that the case met the conditions for *force majeure*.

7.18 **Mr Varlamov** expressed sympathy for the launch failure experienced by the Administration of Indonesia. The length of the requested extension was reasonable in view of the challenges posed by the COVID-19 pandemic and the fact that a replacement satellite would have to be built.

7.19 **Mr Alamri** said that the launch failure affected not only the bringing into use of certain frequency assignments but also the continued operation of others. He understood the importance of satellite communication for Indonesia and the special geographical situation of that country, and supported the extension requested, noting the challenges posed by the COVID-19 pandemic and the fact that the project would have to start again from scratch.

7.20 **Mr Henri** said that, although he had a lot of sympathy with the case and definitely no difficulty in granting an extension, four years seemed to be a rather long period. It might be more appropriate, for the purposes of alignment with other suspension time-limits in the RR, to grant an extension until 31 December 2023.

7.21 **Mr Azzouz** said that the case met the conditions for *force majeure*. Given the circumstances with the COVID-19 pandemic, he would support an extension until 31 December 2024 and looked forward to a successful launch.

7.22 **Mr Mchunu**, observing that Indonesia was heavily reliant on satellite communication, said that he had sympathy for the loss of the satellite due to the launch failure. The case qualified as *force majeure* and he would have no difficulty in granting an extension until 31 December 2024.

7.23 **Mr Talib** agreed that the case met the conditions for *force majeure*. He would support an extension until 31 December 2024, particularly given the situation with respect to the COVID-19 pandemic.

7.24 **Mr Borjón** said that the situation clearly qualified as *force majeure*. An extension until 31 December 2024 was justified taking into account the difficulties associated with the COVID-19 pandemic and the provisions of Resolution 80 (Rev. WRC-07).

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

“The Board considered the submission from the Administration of Indonesia as provided in Document RRB20-2/20. The Board noted that the Administration of Indonesia had made all efforts to meet its regulatory obligations and had addressed all coordination requirements.



Based on the information provided, the Board concluded that the case qualified as a situation of *force majeure* due to the launch failure of the Palapa N1 satellite. Consequently, the Board decided to accede to the request of the Administration of Indonesia:

- to extend the regulatory time limit to bring into use the frequency assignments to the PALAPA-C1-B satellite network in the frequency bands 11 452-11 678 MHz, 12 252-12 532 MHz, 13 758-13 984 MHz and 14 000-14 280 MHz;
- to extend the suspension period of all frequency assignments, except those mentioned above, to the PALAPA-B2, PALAPA-C1, PALAPA-C1-K and PALAPA-C1-B satellite networks.

The extension in both cases is granted until 31 December 2024 taking into account the difficulties associated with the COVID-19 pandemic in procuring a new satellite and the relevant principles of CS Article 44 and Resolution 80 (Rev.WRC-07) regarding developing countries.”

7.26 It was so **agreed**.

7.27 **Mr Vallet (Chief SSD)** said that, pursuant to the Board’s decision and in accordance with the rule of procedure on RR No.11.48, the Bureau understood that the deadline for the submission by the Administration of Indonesia of updated Resolution 49 information would be 15 July 2021, i.e. one year following the Board’s decision to grant an extension.

7.28 The **Chairman** confirmed that there was no objection to that understanding.

**Submission by the Administration of Slovenia regarding the extension of the regulatory time-limit to bring into use the frequency assignments to the NEMO-HD satellite network (Document RRB20-2/21)**

7.29 **Mr Loo (Head SSD/SPR)** introduced Document RRB20-2/21, in which the Administration of Slovenia requested the extension of the regulatory time-limit for bringing into use frequency assignments to the NEMO-HD satellite network for six months until 23 September 2020 and invoked *force majeure*. Outlining the background to the case, he recalled that the original launch date of 9 September 2019 had been delayed until the beginning of 2020 due to an earlier Vega rocket launch failure. The satellite had arrived at the launch site on 17 February 2020 but Arianespace informed on 16 March 2020 of the decision of CNES to suspend all launch activities in French Guiana in light of the evolution of the COVID-19 pandemic. On 7 July 2020, the Bureau had received further information from the Administration of Slovenia that a subsequent launch on 18 June 2020 had been postponed due to extreme weather conditions and the new launch was expected to take place as from 17 August 2020 and therefore requested the Board to consider 30 September 2020 instead of 23 September 2020 as the end date of the requested extension. The Administration of Slovenia had met all the regulatory requirements for the filing.

7.30 The **Chairman** pointed out that the Vega rocket launch delay had been widely publicized.

7.31 **Mr Henri** agreed that there was considerable information about the Vega rocket launch delay. The case met the conditions for *force majeure* and he could agree to an extension until 30 September 2020.

7.32 **Mr Borjón** said that the case qualified as *force majeure* and noted that the causal link with the COVID-19 pandemic was well proven. He would support an extension until 30 September 2020. **Mr Hoan** endorsed those comments, adding that a six-month extension was of limited duration.

7.33 **Ms Jeanty** said that although the document did not clearly set out how the four conditions required for *force majeure* had been met, it was evident that the case qualified as *force majeure*. She would support the extension requested.

7.34 **Mr Varlamov** expressed support for granting the extension requested.

7.35 **Mr Azzouz, Ms Hasanova, Mr Talib, Mr Alamri, Mr Mchunu** and **Mr Hashimoto** indicated that they endorsed the views of previous speakers.

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

“The Board considered the request from the Administration of Slovenia as presented in Document RRB20-2/21 together with late information received by the Bureau on 7 July 2020 that the Administration of Slovenia would like to request the Board to consider the date of 30 September 2020 instead of 23 September 2020 as the end date of the requested extension. The Board noted that the Administration of Slovenia had met all regulatory requirements associated with the NEMO-HD satellite network and that the extension requested was for a limited and defined period. Based on the information provided, the Board concluded that the case met all the conditions and qualified as a situation of *force majeure* due to a launch delay that had a direct causality with the COVID-19 pandemic.

Consequently, the Board decided to accede to the request from the Administration of Slovenia to extend the regulatory time-limit to bring into use the frequency assignments to the NEMO-HD satellite network until 30 September 2020.”

7.37 It was so **agreed**.

**Submission by the Administration of the Islamic Republic of Iran regarding extension of the regulatory time-limit to bring back into use the frequency assignments to the IRANSAT 43.5E satellite network at 43.5°E (Documents RRB20-2/22 and RRB20-2/DELAYED/2)**

7.38 **Mr Sakamoto (Head SSD/SSC)** introduced Document RRB20-2/22, in which the Administration of the Islamic Republic of Iran, in its letter dated 14 June 2020, requested a three-year extension of the regulatory time-limit for bringing back into use its network IRANSAT-43.5E on the grounds of *force majeure*, for which it said all the conditions were met for the reasons set out in its letter. The Iranian Administration noted that it had fulfilled all its obligations regarding the bringing into use of the network concerned and its suspension from 7 October 2017 to 7 October 2020, and described the various attempts it had made to find other alternatives for a national satellite, including the lease of a satellite, when negotiations had been suspended with the initial international operators/manufacturers as a result of the economic sanctions unilaterally imposed by the United States. It outlined the effects of those sanctions on the country’s economy and national currency, as well as the effects of the spread of COVID-19, all of which affected the financing of the national satellite project. Regarding the conditions to be met for *force majeure*, it stressed in particular that the economic sanctions imposed unilaterally by the United States were totally beyond the control of the Iranian Administration and had not been self-induced; the events were unforeseeable and the consequences irresistible because the unilateral sanctions delayed the manufacture of a national satellite and their consequences prevented international companies from cooperating with the country, making it impossible to finance the project and make financial transactions internationally through foreign investments. Lastly, the Iranian Administration cited CS Article 44 and its call to consider the special needs of developing countries and the geographic situations of particular countries.

7.39 He drew attention, for information, to Document RRB20-2/DELAYED/2, in which the Administration of Turkey pointed out its operations at 42°E since the 1990s, and the fact that attempts to coordinate the Iranian networks with Turkey’s had thus far proved fruitless; coordination between the two networks would have to be finalized before the Iranian assignments were operated.

7.40 **Ms Hasanova** expressed doubt as to whether a three-year extension would suffice for the Iranian Administration to bring back into use its network, given the need to manufacture the satellite and bring it into operation. She would like to receive information concerning the anticipated launch date. Moreover, given the small orbital separation between the Turkish and Iranian networks, she considered it unlikely that coordination would be possible between the two, and would also like to receive further information in that regard. She therefore suggested deferring consideration of the matter to the Board’s 85<sup>th</sup> meeting and requesting additional information in the meantime.

7.41 **Mr Varlamov**, noting that the Iranian Administration had leased a satellite for operations back in 2017, wondered whether the Bureau was aware of any interference produced at the time between the Iranian and Turkish networks, given the small orbital separation involved.

7.42 **Mr Sakamoto (Head SSD/SSC)** said that the explanation for the three-year extension requested could be found in the third paragraph of the letter from RK-VOSTOK, dated 5 June 2020 and attached to the Iranian Administration's submission, according to which it was expected that "the manufacture and launch of the satellite will take at least the next 3 years due to consequences of global spread of Corona virus, financial problems and delays in holding bilateral meetings."

7.43 **Mr Talib**, referring to the coordination issues between the Turkish and Iranian networks, requested clarification regarding the priority of one network over the other. He agreed that additional information on the case should be sought, and would therefore prefer to defer consideration of the matter to the Board's next meeting.

7.44 **Mr Hashimoto** said that the Iranian Administration was putting forward various different reasons for its request for an extension: economic sanctions, economic problems and spread of the COVID-19 pandemic. The Board should examine each of those factors. The fact that the manufacture and launch contracts involved international partners (§7 and §9 of the Iranian submission) did mean there might be grounds for *force majeure*, but that was one aspect.

7.45 **Ms Jeanty** endorsed Mr Varlamov's request for additional information regarding past interference between the Iranian and Turkish networks. She also recalled that comments had been made on economic sanctions in meetings of the Board in 2012 and on economic difficulties as a reason for *force majeure* at a meetings of the Board, in 2016, and the Board's past deliberations might shed light on how the Board should handle the present case. She noted however that there was a significant difference between United Nations sanctions and those imposed unilaterally by a single country.

7.46 **Mr Hoan** said that requests for extension and matters relating to coordination and interference should be kept separate, in accordance with the Board's past approach to cases. Moreover, to his recollection the sanctions addressed by the Board at past meetings had involved United Nations sanctions, which were not comparable with the sanctions involved in the present case. The Iranian Administration had made every effort to comply with all its regulatory obligations following the withdrawal of the United States from the Joint Comprehensive Plan of Action (JCPOA) agreement, but had been confronted by difficulties it could not have anticipated and could not overcome. The difficulties encountered as a result of the sanctions imposed on the Islamic Republic of Iran had been beyond its control and made it impossible for it to bring its network back into operation by the applicable deadline. The Board should accede to the Iranian request at the present meeting.

7.47 **Mr Henri** said that much of the material contained in Document RRB20-2/22 appeared to fall outside the competence of the Board and the scope of the Radio Regulations, and it would be useful to seek the ITU Legal Adviser's views on the matter, particularly regarding whether or not the economic sanctions cited by the Iranian Administration could be grounds for *force majeure*. Moreover, the Board would require more information on certain aspects of the submission in order to judge whether it constituted *force majeure*. For example, in terms of efforts undertaken by the Administration of Iran to fulfil its regulatory obligations, in particular to place a satellite in orbit by 7 October 2020. Information is missing on what had occurred since October 2018, when RK-VOSTOK had been determined as the company to work with the Iranian State Agency. Letters of intent were no guarantee of ultimate success, and he would like to receive additional information concerning the letter from RK-VOSTOK included in the Iranian submission as well as the follow-up. Lastly, matters relating to coordination should be dealt with between countries on a bilateral basis, under the relevant provisions of the Radio Regulations, possibly with the assistance of the Bureau, if the parties involved wished it.

7.48 **Mr Varlamov** considered that the present case met the conditions for *force majeure*. The breakdown of the JCPOA agreement had caused fundamental changes, not least in countries' dealings with the Islamic Republic of Iran, and appropriate mechanisms were only now being determined and implemented for such relations. The situation facing the country with the breakdown of the agreement and the additional sanctions imposed had been beyond its control. Regarding the need for further information, it would indeed be useful to receive details regarding contracts, anticipated date of launch, etc., as a basis for confirming

whether or not the three-year extension requested was appropriate. He would also appreciate receiving further information regarding coordination and priority between the Turkish and Iranian networks and the timelines involved, as he failed to see why it had proved impossible to complete coordination. Lastly, it would certainly be logical to seek the ITU Legal Adviser's opinion as to whether the present case could constitute *force majeure*.

7.49 Reporting back to the Board on some of the questions raised, **Mr Sakamoto (Head SSD/SSC)** said that the Iranian Administration had recorded its assignments vis-à-vis Turkey's under RR No. 11.41, with the obligation under No. 11.42 to eliminate interference if it caused any. During the very short period of simultaneous operation of the two countries' assignments at the orbital positions concerned, no reports had been received of interference caused by the Iranian assignments to Turkey's assignments. Regarding the Board's past deliberations involving economic sanctions, any discussion with a potential bearing on the present case was not to be found in meetings in 2016, but possibly in 2012, when Iranian networks had been discussed and economic difficulties had been evoked. The context was nevertheless not the same as in the present case, and he invited members to consult the relevant documents if they so wished in order to judge for themselves.

7.50 **Mr Alamri** said that the main issue before the Board related, not to coordination matters, but to whether or not the economic sanctions imposed could constitute grounds for considering the case as *force majeure*. The Board should address that question before deciding to seek additional information from the Islamic Republic of Iran. He noted that general statements – for example to the effect that no international companies whatsoever could cooperate with the Islamic Republic of Iran as a consequence to the unilateral sanctions – need more validation.

7.51 **Mr Azzouz** agreed that the ITU Legal Adviser's opinion could usefully be sought on whether the present case could constitute *force majeure*; and that issues related to coordination should be kept separate from that question. Coordination took place under the normal procedures, without the Board's intervention.

7.52 Attending the meeting subsequently at the invitation of the Board, the **ITU Legal Adviser** provided the following opinion on the question of whether economic sanctions imposed by one Member State on another Member State could constitute grounds for *force majeure*:

"The question I am going to try to help you answer is the following: "*Can economic sanctions taken by a Member State against another Member State constitute a case of force majeure?*"

Before I begin, I would like to point out that I have been given a limited amount of time to try to reply to this complex and sensitive question.

The information that I am going to bring to your attention must be considered with some caution.

The research that I have done since Thursday evening has brought me to the realization that apparently there is no international jurisprudence on the issue (at least, I have not found any so far ) and very little doctrine.

Nevertheless, the few authors who have looked into the issue agree that if a total embargo (which is extremely rare) or a partial embargo (which is more common for arms embargoes or economic and financial embargoes) or even if heavy sanctions are imposed on a State, trade with that State and its economic situation can be very severely affected.

Furthermore, it is noted that more and more practitioners are in favour of including international economic sanctions among potential cases of *force majeure*, as they consider such sanctions to be increasingly frequent in the current political climate and likely to prevent a State from implementing or complying with its obligations under international law.

It may therefore be considered that, while economic sanctions against a State do not automatically constitute a case of *force majeure*, they may nevertheless be so if the conditions necessary for recognition of a case of *force majeure* are fulfilled in the case in question.

Let me remind you of those conditions:

- 1) The event must be beyond the control of the obligor and not self-induced.
- 2) The event constituting force majeure must be unforeseen or, if it was foreseeable, must be inevitable or irresistible.
- 3) The event must make it impossible for the obligor to perform its obligation.
- 4) A causal effective connection must exist between the event constituting force majeure and the failure by the obligor to fulfil the obligation.

With regard to the first condition, when economic sanctions of a unilateral nature are involved, it may be particularly difficult to assess the influence of the obligor's conduct on the adoption of sanctions by a third State.

However, factors relevant to the assessment may stem, for example, from recognition of the fact that the international community as a whole has not deemed it appropriate, through the competent international bodies, to adopt sanctions against the country concerned. The same applies if it is recognized that only one of the countries party to a multilateral agreement with the affected country has adopted sanctions against that country, while the other parties to the agreement have not.

As to the question of the foreseeability of the event invoked to justify the existence of a case of force majeure, it may be useful to try to answer the following questions where economic sanctions are involved.

Did these sanctions come as a surprise at the time they were adopted or were the circumstances in which they were adopted of such a nature as to prevent the affected State from taking measures to deal with them?

In other words, was it impossible for the State concerned to foresee and anticipate the occurrence of sanctions under the circumstances at that time? Were the sanctions announced and, if so, were they announced with reasonable and sufficient notice to enable the sanctioned State to take appropriate measures to enable it to fulfil its obligations?

Similarly, were these sanctions imposed after the date on which the obligation of the debtor country arose?

Thus, is the country invoking the exception of force majeure able to show that, at the time when the obligation arose which, in its view, it cannot fulfil, there were no precursors to the potential occurrence of that force majeure (in this case, the imposition of heavy economic and financial sanctions)? Lastly, have sanctions of the same type and in similar circumstances been imposed in the past?

Regarding the third condition, it is important to consider whether the scale of the sanctions has prevented the obligor, using the resources at its disposal and despite its best efforts, from reasonably fulfilling its obligation.

Finally, with regard to the causal link, and in the event of economic sanctions, it may be appropriate to consider whether or not the causal link is the result of deliberate conduct by the obligor with a view to evading its obligation.

As I mentioned in my opening remarks, this is a complex issue, but I hope that I have given you some food for thought that will help you to resolve it."

7.53 The **Chairman**, on behalf of all Board members, thanked the ITU Legal Adviser for the very useful guidance provided, from which she understood that economic sanctions could provide grounds for *force majeure*, but only if the four conditions necessary for recognition of a case of *force majeure* were fulfilled.

7.54 **Mr Varlamov** asked how the role of third parties should be taken into account when the economic sanctions imposed by one country on another affected their ability to fulfil commitments to the country invoking *force majeure*.

7.55 The **ITU Legal Adviser** said that such considerations might indeed have a bearing on the third condition for *force majeure*. For example, the economic sanctions might make it difficult or impossible for providers or manufacturers to provide services for the sanctioned country, making it impossible for that country to perform its obligation.

7.56 **Mr Henri** said that the entire subject was extremely sensitive, and he inferred from the opinion provided that there was no legal precedent for the case before the Board. He would very much appreciate receiving a copy of the ITU Legal Adviser's opinion in writing. It would be extremely useful also to receive a legal analysis of how the ITU Legal Adviser's opinion could be related to the various aspects of the case submitted by the Islamic Republic of Iran. The present meeting should focus on steps to assemble as much information as possible, including along the lines he had referred to earlier, in order to allow the Board at its next meeting to reach a decision based on regulatory rather than legal considerations.

7.57 **Mr Borjón** said that it would be useful to receive as much basic background information as possible, without too much detail, but also information relating to all the conditions for *force majeure*, in order to help the Board decide on the matter. Such information might relate to the economic sanctions imposed and timelines involved, whether or not the Islamic Republic of Iran had in one way or another brought events on itself, other countries' positions on the embargo and indeed the United Nations' position, etc.

7.58 **Ms Hasanova, Mr Hashimoto, Mr Azzouz, Mr Talib, Mr Alamri and Mr Mchunu** expressed the wish to postpone consideration of the case to the Board's 85<sup>th</sup> meeting, and in the meantime to identify and receive all the information the Board would require to make a fully informed decision.

7.59 **Mr Varlamov**, while agreeing that some further information would be useful as referred to earlier by Mr Henri, said that the Board should not try to look into all the historical and political background to the economic sanctions in too much detail, as such matters were beyond its competence. The Board should seek the information it required to reach a decision based on regulatory considerations.

7.60 **Mr Hoan**, agreeing with Mr Varlamov, said that in the present case the Board should follow its usual practice when considering requests for extensions of regulatory periods as authorized by the WRC, by basing its decision on the information provided by the notifying administration, its efforts to fulfil its commitments, whether or not the case constituted *force majeure*, etc. The Board had sufficient information to judge whether the present case constituted *force majeure* – in his view it did – but he understood the wish of some members to receive a written copy of the ITU Legal Adviser's opinion. He further pointed out that to postpone consideration of the matter until the Board received more information on aspects such as contracts with satellite manufacturers and so forth would be a departure from the Board's usual practice and could set a precedent for the future. Moreover, such information might not be available, as the administration concerned might be waiting for the Board's decision before pursuing such matters further.

7.61 **Ms Jeanty** agreed that it would be very useful to receive a copy of the ITU Legal Adviser's opinion in writing along with any other potentially useful information, such as on the international community's reaction to the economic sanctions imposed on the Islamic Republic of Iran by the United States. She nevertheless concurred with Mr Varlamov that the Board should steer clear of political debate. While endorsing Mr Hoan's comments in general, she recognized that certain questions might produce pertinent information for the Board's decision-making.

7.62 **Mr Alamri** said that he could agree to postpone further consideration of the matter to the Board's next meeting, pending the availability of additional information to help study fulfilment of the four conditions for *force majeure* in relation to the Iranian submission. He nevertheless shared Mr Hoan's reticence to seek additional information on contracts with manufacturers and so forth, for the reasons given by Mr Hoan; such considerations should not affect the Board's decision on the *force majeure* aspect. It nevertheless was up to the administration concerned to decide what information it wished to provide to the Board to support its request.

7.63 The **Chairman** requested the Board to reflect on what further information if any it might wish to request in order to better inform its decision-making on the Iranian request. She went on to say, however, that she had looked into the decisions taken by the Board involving *force majeure* since WRC-12, i.e. since the Board had first been officially authorized by the conference to grant extensions based on *force majeure*, and noted that the Board had never seen fit to defer taking a decision on such a matter to its subsequent meeting. While the question of whether to request, additional information had been discussed in some instances, the Board took into account the need for a timely decision and concluded on whether the applicable conditions, which are the same today, were met even if certain documentation had not been provided. The ITU Legal Adviser had confirmed that economic sanctions could constitute grounds for *force majeure*, provided the four conditions were satisfied, and had indicated what kind of aspects the Board might take into consideration. She recognized that the case was complex and involved some aspects that were beyond the Board's mandate and expertise but it was still up to the Board to decide on the case. In light of the input by the Legal Adviser, she considered that the information now before the Board was sufficient for it to conclude that the case did involve *force majeure*, and the amount and kind of information made available to the Board was comparable with past cases. She requested Board members to reflect on those points when studying the ITU Legal Adviser's opinion.

7.64 The ITU Legal Adviser's opinion having been made available in writing in all relevant ITU official languages, the **Chairman** invited the Board members to indicate their respective positions on the request submitted by the Islamic Republic of Iran.

7.65 **Mr Borjón** said that he appreciated the opinion and clarifications provided by the ITU Legal Adviser. In such matters, there could be many grey areas, and judging whether a case qualified as *force majeure* was not a binary exercise. For a case to qualify, a certain threshold had to be crossed, based on the four applicable conditions. He deemed that there were sufficient grounds for the present case to qualify as *force majeure*. The Islamic Republic of Iran was a developing country in a very complex situation, with the economic sanctions imposed by one other country clearly causing it delays in fulfilling its obligations. The regulatory deadline for bringing the network back into use was imminent, and the three-year extension was appropriate and should be granted.

7.66 **Ms Jeanty** agreed that, in light of the guidance provided by the ITU Legal Adviser, the Board could grant the requested extension. She noted in particular that the unilaterally imposed sanctions were very different from United Nations sanctions, had not been foreseeable, had not been followed up by sanctions by other countries, and had had definite effects on third parties. Moreover, the bringing-back-into-use obligation had existed before the economic sanctions had been imposed, which was an important aspect in the light of the explanations provided by the ITU Legal Adviser. The COVID-19 factor had also come into play and been invoked. The three-year extension requested was appropriate and should be granted.

7.67 **Mr Talib** said that the ITU Legal Adviser's opinion had helped to clarify application of the four conditions for *force majeure* in the present case; in particular, it had removed his doubts concerning application of the fourth condition, relating to causal linkage. In his view, the case did qualify as *force majeure*. He would prefer to receive more information, as offered by the Iranian Administration; but if a decision had to be taken at the present meeting he could agree to grant the three-year extension requested.

7.68 **Mr Varlamov** said that his careful study of the documentation before the present meeting in the light of the ITU Legal Adviser's opinion convinced him that the case qualified as *force majeure*. He further noted that the information submitted by the Islamic Republic of Iran was similar to that provided in the past for similar cases, and perhaps the Iranian Administration had followed past example when deciding what to submit to the Board. He saw no need to ask for additional information; indeed, such an approach could be never-ending. He agreed with Mr Borjón that cases were often far from black and white, and while a similar approach must be adopted for different submissions, cases must be handled on a case by case basis. The submission before the Board was pressing, and a decision should be taken at the present meeting.

7.69 **Mr Hashimoto** said that he had carefully studied the documents before the meeting, along with the ITU Legal Adviser's opinion which he very much appreciated. It was clear to him that the case – which did not

hinge simply upon the manufacture of a satellite – qualified as *force majeure*, and that the three-year extension requested was appropriate.

7.70 **Mr Hoan** said that the Board must show consistency in its handling of the very sensitive case before it, based on the conditions governing cases of *force majeure* in general and the ITU Legal Adviser’s opinion on the economic sanctions involved. While understanding Mr Henri in his call for as much information as possible to inform the Board’s decision-making, he considered that the Board had enough information to decide on the case. His careful reading of the Legal Adviser’s opinion convinced him that the four conditions for *force majeure* were satisfied: respectively, the sanctions had been beyond the control of the Islamic Republic of Iran, and although unilateral, had affected involved or potentially involved third parties internationally; the JCPOA agreement had still been in force when the Islamic Republic of Iran had contacted international organizations in its efforts to resolve the difficulties it was encountering; the sanctions imposed by the United States had forced the Islamic Republic of Iran to restart its venture, making it impossible for it to perform its obligation; and the economic sanctions had been a direct cause of the Islamic Republic of Iran’s inability to fulfil its obligations. The case therefore qualified as *force majeure*, and the three-year extension should be granted.

7.71 **Mr Mchunu** noted the difficulties reported by the Islamic Republic of Iran in its attempts to bring its network back into use on time, and the problems caused by the economic sanctions imposed. The Islamic Republic of Iran had made every effort to fulfil its obligations, looking into both the manufacture and lease of a satellite, and the spread of COVID-19 had affected numerous projects worldwide. However, without entering into political debate it would be difficult for the Board to determine whether the Islamic Republic of Iran had brought the economic sanctions upon itself, and such debate fell outside the Board’s area of expertise. All things considered, the Board should grant the three-year extension requested.

7.72 **Mr Henri** noted from the ITU Legal Adviser’s opinion on the relationship between the unilateral economic sanctions against Iran and the concept of *force majeure* that the opinion provided should be considered with some caution, and that there was no international jurisprudence and very little doctrine on the matter. He would require more time to analyse whether the four conditions that generally prevailed for recognition of a case of *force majeure* were satisfied, as for some of them the political factors involved appeared to be clearly beyond the Board expertise and mandate. Understanding the difficulty the Board was facing to grant time limit extension for the satellite network and due to the specificity of the case and the lack of firm legal ground, he would be ready to assume some departure in the Board practise. Indeed, the request for extension by Iran had some merits as satellite communications were crucial for the economic development of Iran. Thus, while the information provided by the Iranian Administration regarding dialogue with satellite manufacturers and so forth was encouraging, it was insufficient for the Board’s decision at this stage. The Iranian Administration appeared to be willing to provide further information. As things stood, therefore, although recognising that the request of /Iran has some merit, he would prefer to postpone a final decision at the Board’s next meeting based on further information. The Board could perfectly well defer the matter, while instructing the Bureau to continue keeping the regulatory rights of the network into account up to end of the next meeting.

7.73 Referring to the fact that there was no international jurisprudence and very little doctrine on the matter, the **Chairman** said that Board members need not fear that any decision they took might create a precedent that could be used by other international bodies: she had consulted the ITU Legal Adviser, who had indicated to her that the Board was not a legal body that was looked to for jurisprudence, but a highly specialized regulatory body. The only precedent it might set could be for ITU only, in the event of other relevant cases arising in the future. She further suggested that when examining such cases, the Board should not be seen to be requesting more information from some administrations than from others.

7.74 **Mr Azzouz** said that in the light of the opinion provided by the ITU Legal Adviser, the case before the Board could be deemed one of *force majeure*. Account should also be taken of the importance of satellite services in connecting unserved populations, particularly in a developing country; of the need to bridge the digital divide; and of the role played by the Board in assisting administrations in their implementation of the



Radio Regulations and international law. The Board should grant the three-year extension requested, and there was no need to defer the matter to the Board's next meeting.

7.75 **Mr Alamri** said that he had examined the opinion provided by the ITU Legal Adviser to help the Board decide whether the four conditions for *force majeure* had been met, and he remained convinced that the matter was extremely sensitive and should be handled with great caution. He would find it very difficult to pronounce himself regarding the first two conditions, which involved numerous political aspects outside the Board's area of expertise, and there was no information available on the background to the imposition of economic sanctions by one country on another. The third and fourth conditions should be looked into very carefully by the Board, in particular the impact of the economic sanctions on third parties. The information currently available to the Board was insufficient for that purpose. He saw no reason not to take the Iranian Administration up on its offer to provide further information, thus it would be perfectly acceptable to defer further consideration of the matter to the Board's next meeting.

7.76 **Ms Hasanova** said that, bearing in mind that the Board should discuss matters from the regulatory viewpoint, it would obviously be useful for the Board to request additional information from the Iranian Administration. However, she appreciated the opinion provided by the ITU Legal Adviser, in the light of which she saw no reason not to grant the three-year extension at the present meeting.

7.77 The **Chairman** noted that no Board members had explicitly objected to considering the case before them as one of *force majeure*, although some would like to have more time to consider it, and some would have difficulty concluding that all the conditions for *force majeure* were definitely met. A large majority of members were nevertheless of the view that the extension requested could be granted at the present meeting. Given that the views regarding the *force majeure* aspect diverged, she suggested that inspiration might be drawn from a decision taken at the Board's 71<sup>st</sup> meeting in 2016 on a case presenting similar challenges and that, recognizing the uniqueness of the situation involved, the Board might grant the extension requested, as follows:

"The Board considered in detail the request from the Administration of the Islamic Republic of Iran as contained in Document RRB20-2/22 and also considered Document RRB20-2/DELAYED/2 for information. The Board noted:

- its authority to provide a limited and qualified extension of the regulatory time limit to bring back into use the frequency assignments to a satellite network;
- that the IRANSAT-43.5E satellite is the first national communication Iranian satellite and it is intended to provide essential telecommunication services within its territory;
- that the exceptional difficulties faced by the Islamic Republic of Iran led to the delay with regard to this project;
- the provisions of Article 44, CS 196 (RR No. 0.3), in relation to the special needs of the developing countries and the geographical situation of particular countries.

Consequently, the Board decided to accede to the request from the Administration of the Islamic Republic of Iran to extend the regulatory time-limit to bring back into use the frequency assignments to the IRANSAT-43.5E satellite network until 7 October 2023.

Furthermore, the Board indicated that it would consider other such situations on a case-by-case basis."

7.78 It was so **agreed**.

**Submission by the Administration of India requesting the extension of the regulatory time limit to bring into use the frequency assignments to the INSAT-KA68E satellite network (Document RRB20-2/27)**

7.79 **Mr Loo (Head SSD/SPR)** introduced Document RRB20-2/27, which contained, in Annex 1, a request for the extension of the regulatory time-limit to bring into use the frequency assignments to the INSAT-KA68E satellite network until May 2021. The full Ka band high throughput satellite, GSAT-20, which would be used

to meet India's huge demand for satellite capacity, was to have been launched in April of 2020. However, the COVID-19 pandemic and subsequent nationwide lockdown had prevented engineers from working on the project. It had therefore not been possible to launch the satellite and the deadline for bringing into use of 9 May 2020 had expired. The Indian Administration had provided supporting documentation and had set out a number of reasons why it considered that the launch failure qualified as a case of *force majeure*. Noting that notification and due diligence information under Resolution 49 (Rev. WRC-19) had been submitted on 12 June 2020, i.e. beyond the relevant regulatory period, owing to the COVID-19 pandemic and national lockdown, he said that in Annex 2 the Indian Administration also requested the Bureau to include consideration of that aspect in India's request. It should be noted that the information submitted in that regard concerned only the C and Ka bands, not the Ku band.

7.80 **Mr Henri** said that the situation met the conditions required for *force majeure*. While he had no difficulty in granting an extension, he suggested that an extension of 6 to 8 months might be more appropriate than the 12 months requested. He understood that the C and Ka bands would continue to be taken into account as all required the information was complete, which might not be the case for the Ku band.

7.81 The **Chairman** said that it was her understanding that the Administration of India was not seeking an extension for the Ku band, and was aware that the frequency assignments in the Ku band would be suppressed by the Bureau.

7.82 **Mr Varlamov** agreed that the case qualified as *force majeure*. He was prepared to agree to the one-year extension given the difficulties caused by the COVID-19 pandemic. The notification and due diligence filings had been submitted only a few days after the 30-day period provided for in Resolution 49 and the Board should instruct the Bureau to accept and process them.

7.83 **Mr Loo (Head SSD/SPR)**, responding to a request for clarification from **Mr Varlamov**, said that the filing for the INSAT-KA68E satellite network covered parts of the C, Ka and Ku bands. However, according to the document submitted by the administration of India, GSAT-20 was configured to operate only in the Ka band and in the C band for TTC purposes, and there was nothing to suggest a Ku band payload. The Bureau had no information regarding the possible use of the Ku band frequencies by another satellite. However, as the seven-year limit for bringing into use had already expired and neither the notification nor the information under Resolution 49 had been received for the Ku band, the Bureau understood that India had no interest in bringing into use that part of the filing pertaining to the Ku band. He also pointed out that the Administration of India had provided supporting documentation explaining why a 12-month extension was being sought.

7.84 **Mr Alamri**, recalling the evidence provided by the Administration of India, agreed that the case satisfied the conditions for *force majeure* and expressed support for an extension until May 2021. The Bureau should be instructed to accept the late submission of the notification under Resolution 49.

7.85 **Ms Hasanova** expressed support for the extension.

7.86 **Mr Azzouz** said that the request satisfied the conditions for *force majeure*, and the Board should grant the 12-month extension. **Mr Borjón** agreed, noting the causal link between the COVID-19 pandemic and the launch delays and welcoming the supporting documentation provided by the Administration of India.

7.87 **Mr Hoan, Ms Hashimoto, Ms Jeanty, Mr Mchunu, Mr Talib** and **Mr Henri** expressed support for granting the 12-month extension requested.

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

"The Board considered the request from the Administration of India as presented in Document RRB20-2/27. The Board noted the difficulties the Administration of India had experienced and the efforts that had been made to meet the regulatory requirements and to bring into use the frequency assignments to the INSAT-KA68E satellite network. Based on the information provided, the Board concluded that the case met all the

conditions and qualified as a situation of *force majeure* due to the delays that had a direct causality with the COVID-19 pandemic which restricted the movement of experts required for the launch of the satellite.

Consequently, the Board decided to accede to the request from the Administration of India to extend the regulatory time-limit to bring into use the frequency assignments to the INSAT-KA68E satellite network in the frequency bands 4 185-4 200 MHz, 6 410-6 425 MHz, 17.7-21.2 GHz and 27-31 GHz until 9 May 2021. Given the reasons provided, the Board instructed the Bureau to accept and process the late submission of notification for recording and the information required under Resolution 49 (Rev. WRC-19).”

7.89 It was so **agreed**.

## **8 Status of the USASAT-NGSO-4 and USABSS-36 satellite networks (Documents RRB20-2/6 and Addendum 1, RRB20-2/8 and RRB20-2/9)**

### **Submission by the Administration of the United States regarding the status of the frequency assignments to the USASAT-NGSO-4 satellite network (§5 of Addendum 1 to Document RRB20-2/6 and Document RRB20-2/8)**

8.1 **Mr Loo (Head SSD/SPR)** introduced §5 of Addendum 1 to Document RRB20-2/6, and Document RRB20-2/8, which contained a contribution from the Administration of the United States deferred from the Board’s 83<sup>rd</sup> meeting (Document RRB20-1/8). The Board was requested to reconsider the Bureau’s intent to suppress the USASAT-NGSO-4 satellite network filing and to instruct the Bureau to retain the current date of receipt for that filing. It was the United States Administration’s understanding that failure to provide information relating to verification of epfd limits and other requested information after the expiry of the three-month period, i.e. by 19 May 2018, would not have led to cancellation of the frequency assignments, rather that the coordination request would have been deemed to be incomplete and that a new formal date of receipt would have been established when the complete information was received. The United States also indicated that discussions with the Bureau about the filing had impacted the EIRP/PFD masks requested and that it was unclear what masks information should be provided, and when. It had submitted data required for the verification of the epfd limits for the USASAT-NGSO-4 network on 5 March 2020. A chronology of events and copies of relevant correspondence were available on the Board’s SharePoint.

8.2 In response to requests for clarification from **Mr Henri**, he ran through the chronology of events. The coordination request for the USASAT-NGSO-4 filing had been submitted in December 2016, but the date of receipt of the notice had not been given until 24 August 2017 when all the required information had been received. The date of receipt should have subsequently been changed to 24 January 2018, when the United States had requested a correction to certain values. On 19 February 2018, the Bureau had agreed to proceed with the corrections, and had requested epfd data, which should have been provided within 90 days, i.e. by 19 May 2018. Following informal exchanges, and a formal request by the United States on 27 September 2018, the Bureau had reviewed findings for certain frequency assignment groups and had subsequently published the favourable findings for these groups in January 2019. It had taken no further action regarding the epfd data until 28 May 2019, when it had informed the United States that the special sections would be suppressed as the data had not been provided and the notice was deemed incomplete. On 6 June 2019, the United States had requested the Bureau to grant another 90 days as from 28 May 2019 to provide the data. On 28 January 2020, the Bureau had replied that it was unable to accede to the request. On 25 February 2020, the United States had requested the Board to reconsider the Bureau’s intended course of action, and had submitted the epfd data on 5 March 2020. There were three possible dates of receipt that the Board could instruct the Bureau to establish: 28 August 2017, 24 January 2018 and 5 March 2020.

8.3 Replying to a question from the **Chairman**, he agreed that the Bureau had taken some time to reply to the United States Administration’s letter of 6 June 2019. The Bureau had held internal deliberations and had considered that it would decide whether or not the epfd data was receivable once it had been provided; however, no data had been forthcoming. **Mr Vallet (Chief SSD)** added that the Bureau often dealt with

delayed submissions and recalled that many cases where information had been received with a slight delay had been reported to the Board. He noted that, in the case under discussion, no information had been received even within the ninety-day extension from 28 May 2019 requested by the United States, and that it was very rare for the Bureau to accede to a request for the further extension of a deadline.

8.4 **Mr Varlamov** observed that the Bureau should have taken action to suppress the filing much earlier on, owing to the failure of the United States to submit the epfd information within the regulatory time-limit. He sought clarification as to why over a year had elapsed between the epfd data request from the Bureau (19 February 2018) and notification of the suppression (28 May 2019).

8.5 **Mr Loo (Head SSD/SPR)** acknowledged that there had been a long delay and that the Bureau had not pursued the deadline to pronounce the satellite network as not receivable as vigorously as it should have, although all administrations should be clear from the regulations and Rules of Procedure concerning their obligation to submit the complete information. Between February and September 2018, there had been informal exchanges between operators and engineers to understand why unfavourable findings had been issued for some frequency assignment groups. Furthermore, while the unfavourable findings were being reviewed, any action with respect to the epfd data has been put on hold since the focus for the review had been on the main CR/C data.

8.6 The **Chairman** observed that, although there had been some confusion on the part of the United States Administration, the timelines had been provided clearly by the Bureau.

8.7 **Mr Varlamov** said that the exchanges of correspondence showed that the United States Administration had clearly been working with the Bureau to respond to questions and might have failed to understand the continued need to provide epfd information while a review of findings was being undertaken. Careful consideration should be given to the new date of receipt to be established.

8.8 **Mr Henri** said that, notwithstanding the time spent by the Bureau reviewing groups with unfavourable findings, complete epfd information had not been provided until 5 March 2020. As indicated in the Bureau's letter of 19 February 2018, the coordination request for the satellite network would be deemed incomplete if the required information was not provided within a three-month period, and a new date of receipt would be established when the complete information was received. Accordingly, the Board might see fit to instruct the Bureau to establish 5 March 2020 as the new date of receipt when the epfd data were received and the filing information deemed complete.

8.9 **Mr Loo (Head SSD/SPR)**, responding to a question from **Mr Hashimoto**, said that the epfd examination had not yet been undertaken. If the filing was given 5 March 2020 as the new date of receipt, its level of priority would have slipped with respect to those filings published in the interim period.

8.10 **Mr Varlamov** said that three years of work would be wasted if the filing were cancelled and suggested that the Board might wish to retain the original date of receipt. He pointed out that the epfd data, which was the only aspect of the required information not provided on time, had not yet been reviewed.

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

"The Board considered §5 of Addendum 1 to Document RRB20-2/6 and the request from the Administration of the United States as presented in Document RRB20-2/8. The Board noted that:

- the Bureau had acted in accordance with the relevant provisions of the Radio Regulations;
- the deadline to provide the epfd information was 19 May 2018 in order to maintain the earliest date of receipt;
- the Administration of the United States had a misunderstanding on the continued need to provide epfd information, while a review of unfavourable findings pertaining to some frequency assignments was being discussed with the Bureau that could lead to changes to its filing;
- the epfd information had subsequently been submitted on 5 March 2020.

Consequently, the Board decided to accede to the request of the Administration of the United States to retain the USASAT-NGSO-4 satellite network and instructed the Bureau to continue to take into account the frequency assignments to this satellite network. However, the Board could not accede to the request of retaining the date of 24 January 2018 as the date of receipt given the lengthy and unusual delay in providing the missing information. The Board therefore decided to instruct the Bureau to establish 5 March 2020 as the new date of receipt for this filing.”

8.12 It was so **agreed**.

**Submission by the Administration of the United States regarding the status of the frequency assignments to the USABSS-36 satellite network (Document RRB20-2/9)**

8.13 **Mr Wang (Head SSD/SNP)** introduced the request from the United States in Document RRB20-2/9 relating to satellite network USABSS-36, consideration of which had been deferred from the 83<sup>rd</sup> meeting of the Board, to which it had been submitted as Document RRB20-1/9. He outlined the timeline of the case, with the network’s initial submission on 9 March 2011 and the 8-year deadline for all submissions and bringing into use. The Bureau had sent the United States Administration a reminder 6 months prior to expiry of the deadline, but in its reply the United States had failed to provide the Part B information. On 18 March 2019 the Bureau had informed the administration that the network was being cancelled, subsequent to which, on 1 April 2019 and 24 June 2019, the administration had requested the Bureau to reconsider the cancellation, indicating that the Part B information would be submitted if a decision was taken not to cancel the network. There appeared to be some confusion in the United States’ understanding of how the relevant procedures worked, including how submissions should be made to the Board. Ultimately, in the submission now before the Board, the United States was requesting the Board to reinstate the network, and was appealing to the Board’s indulgence and understanding on the grounds that no Part B submission as such had been prepared since there had been no changes to the characteristics of the network as provided in the original Part A submission, and the Part B information was not specifically referred to in the Bureau’s reminder of 31 August 2018. The missing Part B information – identical to Part A – would be submitted promptly upon receipt of a favourable ruling by the Board. He concluded by noting that a satellite corresponding to the network was in orbit.

8.14 Responding to questions by the **Chairman** and **Mr Henri**, he said that the Bureau considered that the Part B information had now been received, with date of receipt 16 October 2019, since that was the date on which the United States had informed the Bureau that the Part B information would be identical to the Part A information.

8.15 **Mr Hashimoto** said that, despite its failure to submit the Part B information, the United States seemed to have fully intended to meet all regulatory requirements in its submissions for the network under discussion. If there would be no negative impacts on other countries’ networks, he could agree to accede to the request to reinstate the network.

8.16 **Mr Alamri** said that to his understanding another United States network had been notified and brought into use at 110°W and had been providing BSS services at that position since 2012 to the United States and Puerto Rico. Moreover, the case now before the Board appeared to involve miscommunication between the operator, regulator and the Bureau regarding the information required under the filing. He would therefore be prepared to consider that the Part B information had been received, since to retain the network would not adversely affect any other parties.

8.17 **Mr Varlamov** commented that misunderstandings between the Bureau and administrations appeared to be fairly common and sometimes went on for some time, begging the question of whether the Bureau was being sufficiently clear in its correspondence with administrations.

8.18 **Mr Vallet (Chief SSD)** said that there was no trend pointing towards increased misunderstandings. The bigger the administration, however, the greater the likelihood that correspondence would go missing, misunderstandings would arise, etc.

8.19 **Mr Henri** said that the fact that a satellite corresponding to the network filing was in orbit should not be the decisive factor in deciding whether or not to accede to the present request. All relevant provisions of the Radio Regulations had to be complied with, as the United States Administration well knew. Nevertheless, as the Part B information had now been received, the misunderstanding and confusion that had arisen could be put down to different factors as evoked by the United States, and the Board could accede to the request. As to the date of receipt of the complete filing, he suggested that it be the end of the present meeting, thus obviating the need for the Bureau to review all the submissions received since the date on which the Part B information should have been taken into account. Such an approach would make no real difference since the Part B information was identical to the Part A information.

8.20 **Ms Jeanty** said that the Bureau had obviously applied the Radio Regulations correctly, whereas the United States Administration had failed to do so. However, since the case involved apparent oversights on one hand and an existing satellite in operation on the other, and there would be no negative impacts on other networks, she could agree to accede to the United States' request in the manner suggested by Mr Henri.

8.21 **Mr Varlamov** said that despite the doubts he had expressed earlier, he was now fully satisfied that the action taken by the Bureau had been correct. He too could accede to the United States' request in the manner suggested by Mr Henri.

8.22 **Mr Talib, Mr Borjón, Mr Alamri, Mr Azzouz, Ms Hasanova, Mr Hoan, Mr Mchunu and Mr Hashimoto** supported acceding to the United States' request in the manner suggested by Mr Henri.

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

"The Board considered the request from the Administration of the United States to reinstate the frequency assignments to the USABSS-36 satellite network as contained in Document RRB20-2/9. The Board noted that:

- the Bureau had acted in accordance with the relevant provisions of the Radio Regulations;
- the Part B information was required by 9 March 2019, however there had been a misunderstanding by the Administration of the United States in the processes and the correspondence of the Bureau;
- the Administration of the United States had complied with all other regulatory requirements, including the coordination and bringing into use of all frequency assignments;
- the Part B information was subsequently provided on 16 October 2019.

Consequently, the Board decided to accede to the request of the Administration of the United States and instructed the Bureau to process the Part B information of the USABSS-36 satellite network. However, since it would have no impact on other administrations or on the USABSS-36 satellite network, and it would avoid the Bureau having to re-examine all satellite networks received subsequent to the current date of receipt of this satellite network, the Board further decided to instruct the Bureau to establish 15 July 2020 as the new date of receipt for this network."

8.24 It was so **agreed**.

## **9 Submission by the Administration of Bolivia regarding the recording of the BOLSAT BSS satellite network in the MIFR (Document RRB20-2/10)**

9.1 **Mr Wang (Head SSD/SNP)** introduced Document RRB20-2/10, which contained a submission from the Administration of Bolivia deferred from the 83<sup>rd</sup> meeting of the Board (Document RRB20-1/10) requesting the Bureau to process the Part B information of the BOLSAT BSS satellite network received 26 days after expiry of the eight-year regulatory time-limit. The Administration of Bolivia had attempted to upload relevant documentation and coordination agreements to the e-Submission platform on 6 May 2019, but the final stage had not been completed. Once identified, the error had been rectified on 15 January 2020. He noted

that Bolivia had provided information under Resolution 49 for the network and that the BOLSAT BSS network was in operation using the TKSAT-1 satellite launched in December 2013. Bolivia had submitted supporting documentation including the coordination agreements reached. Any further coordination requirements would be identified following technical examination.

9.2 **Mr Henri** said that, in view of the evidence provided showing Bolivia's efforts to provide all the necessary information, its prompt action to correct its mistake, and the fact that the Part B submission had been received shortly after the deadline, he could support Bolivia's request. The Board might also wish to proceed in the same manner as for the USABSS-36 satellite network and establish 15 July 2020 as the new date of receipt for the Part B information, which would prevent the Bureau from having to re-examine all satellite networks received since the receipt of the missing information.

9.3 **Mr Hashimoto**, noting that administrative due diligence information had been received and that satellite services were in operation, said that the failure to submit the information on the e-Submission platform within the regulatory time-limit was due to human error. The Board should accede to the request, and establish 15 July 2020 as the new date of receipt for the Part B information. Such an approach had been taken with respect to the case of the USABSS-36 network and would have no impact on other administrations.

9.4 **Mr Borjón** pointed out that Bolivia was a developing country. Despite making every effort to provide the necessary information, it had made an unfortunate mistake as a result of human error. Noting that the BOLSAT BSS satellite network was in operation and that the satellite had been launched in 2013, he said that the Board should accede to the request and consider favourably the suggestion to establish 15 July 2020 as the new date of receipt for the Part B information.

9.5 The **Chairman** noted that, as a developing country, Bolivia might have less experience than others in the use of online submission tools.

9.6 **Mr Varlamov** agreed that Bolivia was a developing country that might have limited experience in using online submission tools. The network was in operation and all coordination had been completed. The Board should accede to the request and instruct the Bureau to establish 15 July 2020 as the new date of receipt for the Part B information.

9.7 **Mr Alamri**, noting that an error had been made in uploading the e-Submission, a satellite was in operation, the information had been received shortly after the deadline and evidence had been provided showing that the Administration of Bolivia had made an effort to provide the information within the regulatory time-limit, agreed that the Bureau should accept the late submission of the Part B information.

9.8 **Mr Azzouz** joined others in considering that the Board should accede to the request. It should also instruct the Bureau to establish 15 July 2020 as the new date of receipt for the Part B information.

9.9 **Ms Hasanova, Mr Hoan, Ms Jeanty, Mr Talib and Mr Mchunu** agreed that the Board should accede to the request of the Administration of Bolivia.

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

"The Board considered the request from the Administration of Bolivia as presented in Document RRB20-2/10. The Board noted that:

- the Bureau had acted in accordance with the relevant provisions of the Radio Regulations;
- the Administration of Bolivia had attempted to provide the required Part B information on 6 May 2019, but had experienced difficulty in the use of the online submission system;
- the Administration of Bolivia had made all efforts to provide the information in compliance with the Radio Regulations and had acted quickly to correct the mistake once it had been discovered and provided the information on 15 January 2020;
- the Administration of Bolivia had complied with all other regulatory requirements, including the coordination and bringing into use of all frequency assignments;

- the Administration of Bolivia is a developing country with less experience with the use of online tools for the submission of satellite network information.

Consequently, the Board decided to accede to the request from the Administration of Bolivia and instructed the Bureau to process the Part B information of the BOLSAT BSS satellite network. However, since it would have no impact on other administrations or on the BOLSAT BSS satellite network, and it would avoid the Bureau having to re-examine all satellite networks received since the receipt of the missing information, the Board further decided to instruct the Bureau to establish 15 July 2020 as the new date of receipt for the Part B information.”

9.11 It was so **agreed**.

## **10 Submission by the Administration of the Russian Federation requesting the reinstatement of the frequency assignments to the ENSAT-23E (23°E) satellite network in the Master International Frequency Register (Document RRB20-2/23)**

10.1 **Mr Sakamoto (Head SSD/SSC)** introduced Document RRB20-2/23, which contained a submission from the Administration of the Russian Federation requesting reinstatement of the frequency assignments to the ENSAT-23E (23°E) satellite network in five frequency bands in the MIFR and a review of the deadline for submitting information pursuant to Resolution 49 (Rev. WRC-19) for that network. He recalled that the network, which was intended to operate the Angosat satellite, had been notified in 2011 and that all the necessary procedures for implementation, including the provision of Resolution 49 information, had been followed by the operator. The Angosat satellite had been launched in December 2017, but was declared to have malfunctioned in April 2018. Construction of a new satellite, Angosat-2, was currently at the preliminary design review stage. To allow Angosat-2 to operate at the frequency assignments registered for the ENSAT-23E (23°E) satellite network, the Administration of the Russian Federation had submitted a request to extend the regulatory time-limit for bringing into use until 30 April 2021, which had been granted by the Board at its 79<sup>th</sup> meeting (see Document RRB18-3/14, §§ 5.1-5.20 – Minutes of 79<sup>th</sup> meeting). In October 2019, the Bureau had sent the Administration of the Russian Federation a reminder of the need to submit updated Resolution 49 information by 30 November 2019 in accordance with the rule of procedure on RR No. 11.48. On 2 December 2019, the Russian Administration had responded that it had been unable to provide updated information. If the Administration of the Russian Federation had submitted updated Resolution 49 information before 30 November 2019, such information might have been inaccurate as a result of problems associated with the manufacturing of the satellite and the search for a launch vehicle at that time. The updated Resolution 49 information for the Angosat-2 satellite had been submitted to the Bureau on 20 May 2020. However, as the 30 November 2019 deadline had not been met, the Bureau had cancelled the frequency assignments to ENSAT-23E on 26 May 2020. In its contribution, the Administration of the Russian Federation considered that a possible ambiguity existed in regard to the interpretation and application of the rule of procedure on RR No. 11.48. It was that administration’s understanding that updated Resolution 49 information for a new satellite following an extension of the regulatory time-limit for bringing into use was required only in those cases where the Board’s decision clearly established new dates for the submission of such information. As the Board’s decision at its 79<sup>th</sup> meeting regarding the extension of the regulatory bringing-into-use time-limit for the ENSAT-23E satellite network did not specify any such requirements, it was the understanding of the Russian Administration that Resolution 49 information should have been provided before the expiry of the seven-year regulatory period following advance publication, which was the case. Furthermore, as the regulatory time-period for bringing into use (30 April 2021) had not yet expired, the reinstatement of the frequency assignments would not adversely affect the existing priority of notified satellite networks.

10.2 **Ms Jeanty** said that, in her view, the understanding of the Administration of the Russian Federation was not correct; in the event of an extension of the regulatory time-limit for bringing into use, updated



Resolution 49 information should be provided within the original timeframe unless the Board decided otherwise. The **Chairman** concurred with that view.

10.3 **Mr Sakamoto (Head SSD/SSC)** said that the Bureau applied the rule of procedure in the following manner: the notifying administration should submit Resolution 49 information pertaining to the original satellite within the original seven-year regulatory period unless the Board extended the regulatory deadline. If the Board extended the regulatory deadline beyond the seven-year period, the updated Resolution 49 information should be provided within one year following the Board's decision or before the date of bringing into use, whichever was earlier.

10.4 **Mr Hoan** said that the Bureau had acted in accordance with the rule of procedure on RR No. 11.48, which was very clear. However, as the rule of procedure had been adopted by the Board at its 78<sup>th</sup> meeting, i.e. at the meeting before the Board had agreed to extend the regulatory time-limit for the ENSAT-23E satellite network, the text might not have been fully understood by the Administration of the Russian Federation. Noting that a contract for the construction of the Angosat-2 satellite had been signed in April 2018 and the importance of the project for all developing countries in Africa, he said that the Board should accede to the request to reinstate the frequency assignments. **Mr Borjón** endorsed those views.

10.5 **Mr Henri** recalled that the original Resolution 49 information had been provided on time, and noted that the updated Resolution 49 information that was required by 30 November 2019 had been submitted on 20 May 2020. Misunderstanding on the part of an administration of a rule of procedure did not constitute justification for non-compliance as clarification could always be sought with the Bureau. However, the Russian Federation had shown a willingness to provide the most up-to-date Resolution 49 information, which had not been available by the 30 November 2019 deadline. The project was consistent with the principles of CS Article 44, and he agreed that the Board should respond favourably to the request. **Mr Azzouz** supported those comments.

10.6 **Ms Jeanty** said that to cancel the frequency assignments to the ENSAT-23E satellite network would be excessive, and she too could agree to accede to the request of the Russian Federation.

10.7 **Ms Hasanova** observed that a contract for the manufacture of Angosat-2 had already been signed. There appeared to have been a misunderstanding by the Administration of the Russian Federation, which had since provided the updated Resolution 49 information, and she considered that the Board should accede to the request.

10.8 **Mr Hashimoto** said that the Board might wish to consider whether a one-year period following the Board's decision to grant an extension was always sufficient for the notifying administration to supply all the updated Resolution 49 information, particularly in the event of problems associated with the manufacturing of the satellite.

10.9 **Mr Alamri** recalled that the Russian Federation had fulfilled all regulatory requirements for the ENSAT-23E satellite network with respect to the Angosat satellite, and that the Board had decided at its 79<sup>th</sup> meeting to extend the regulatory time-limit to bring into use the frequency assignments to the network to 30 April 2021, instructing the Bureau to continue to take those frequency assignments into account. He understood that there might have been a misunderstanding on the part of the Administration of the Russian Federation with respect to the rule of procedure on RR No. 11.48, particularly as the updated Resolution 49 information available to the administration by the 30 November 2019 deadline had been incomplete. The overriding objective was to bring the assignments into use before the deadline. Resolution 49 is an essential requirement to enable the notifying administration to demonstrate its commitment and it is better for all concerned that the information provided is accurate. Noting that the updated Resolution 49 information had been submitted to the Bureau in May 2020, that the project would be beneficial to Angola and other developing countries in Africa, and that a contract for the manufacture of the new satellite had been concluded, he agreed that the Board should accede to the Russian Federation's request.

10.10 **Mr Talib** said that, having considered the relevant documents and provisions, he would support the request of the Russian Federation.

10.11 **Mr Mchunu** endorsed the comments of previous speakers. RR No. 11.48 sought to discourage the warehousing of spectrum resources, which was clearly not the intent in the present case. Noting that intensive coordination efforts had already been undertaken, he supported the request of the Russian Federation.

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

“The Board considered the request from the Russian Federation as contained in Document RRB20-2/23. The Board noted that:

- the Bureau had acted in accordance with the relevant provisions of the Radio Regulations and the rule of procedure on RR No. 11.48;
- the updated Resolution 49 information was required on 30 November 2019, however, the Russian Federation indicated that it did not have all the information at that time;
- the information was subsequently submitted on 20 May 2020;
- the principles of CS Article 44 applied on the needs of the developing countries of Angola and other African countries to be served by the ENSAT-23E (23°E) satellite network.

Consequently, the Board decided to accede to the request of the Russian Federation and instructed the Bureau to reinstate the frequency assignments to the ENSAT-23E (23°E) satellite network in the frequency bands 3 400-3 410 MHz, 3 500-4 200 MHz, 5 725-6 425 MHz, 10 950-11 200 MHz and 14 000-14 250 MHz and to publish the Resolution 49 information.”

10.13 It was so **agreed**.

## **11 Submission by the Administration of the Democratic People's Republic of Korea regarding harmful interference to its analogue television broadcasting stations (Document RRB20-2/11)**

11.1 **Mr Vassiliev (Chief TSD)** introduced Document RRB20-2/11, which contained a submission from the Administration of the Democratic People's Republic of Korea deferred from the 83<sup>rd</sup> meeting of the Board (Document RRB20-1/13) requesting appropriate action in response to harmful interference to its analogue television broadcasting stations from high-power analogue television stations transmitting from the territory of the Republic of Korea. He recalled that the Administration of the Democratic People's Republic of Korea had reported infringements between 2011 and 2016, and the Board had considered a similar case at its 62<sup>nd</sup> meeting in 2013 (see Document RRB13-1/8, §§4.50-4.72 – Minutes of 62<sup>nd</sup> meeting). The Democratic People's Republic of Korea had submitted further infringement reports in 2019 and 2020. The Bureau had performed an analysis, which was available on the Board's SharePoint, and had concluded that the emissions were not fully consistent with the provisions of CS No. 197 and RR No. 23.3, with the broadcasting stations using power sometimes estimated to be times higher than the level necessary to maintain economically an effective national service of good quality within the frontiers of the country concerned. The assignments of the Democratic People's Republic of Korea were recorded in the MIFR. The Bureau had forwarded the infringement reports to the Republic of Korea.

11.2 Responding to questions from **Ms Jeanty**, he said that, at its 62<sup>nd</sup> meeting, the Board had instructed the Bureau to continue to support the administrations involved in investigating the matter and urged the Administrations of the Democratic People's Republic of Korea and Republic of Korea to display mutual goodwill and to cooperate in resolving the issue as a matter of high priority. While the Bureau had received no infringement reports from the Democratic People's Republic of Korea between 2016 and 2019, it had not received any information to indicate whether or not the emissions had been suspended during that time.

11.3 The **Director** recalled that the delegation of the Democratic People's Republic of Korea had met with him several times at WRC-19 to raise the issue and express its frustration at the lack of response from the Republic of Korea. His attempts to mediate had dissuaded the delegation of the Democratic People's Republic of Korea from bringing the matter before the conference, but at no time during the conference had the delegation of the Republic of Korea acknowledged any attempts to discuss the issue. As there was no television frequency assignment plan in that Region, interference avoidance was regulated mainly by RR No. 23.3. The Democratic People's Republic of Korea had also reported that the Republic of Korea was using a different television standard. As the Board was likely to draw a similar conclusion to the one reached in 2013, the Bureau would continue to do its utmost to act as a trusted third party in order to resolve the issue.

11.4 The **Chairman** said that the Board would appreciate the Bureau's assistance in resolving the case of harmful interference.

11.5 Responding to questions from the **Chairman, Mr Vassiliev (Chief TSD)** said that the Bureau had received no response from the Republic of Korea to the Board's 2013 decision.

11.6 **Mr Hoan** said that the Board should not draw conclusions on the basis of information from one party only and observed that many elements required clarification. For example, were assignments to analogue television in the Republic of Korea continuing to operate even though that administration had indicated that such broadcasting had ceased in 2012? What was the source of the signal? The two sides should display mutual goodwill and the Bureau should help to investigate the matter. The Board should issue a stronger conclusion than in 2013 and the Bureau should send the interference report to the Administration of the Republic of Korea officially and seek a response. **Mr Hashimoto** endorsed those comments, as did **Ms Jeanty** who added that the Board might wish to encourage the Administration of the Republic of Korea to respond to the Bureau's queries regarding the infringement reports.

11.7 **Mr Vassiliev (Chief TSD)**, responding to questions from the **Chairman** and **Mr Hoan**, said that the Bureau had no radiomonitoring facilities to identify the location of the source of interference and had to apply the principle of trust to the administration sending interference reports. The reports from the Democratic People's Republic of Korea had identified the transmitters as analogue broadcasting stations transmitting from the territory of the Republic of Korea. Some elements of the analysis prepared by the Bureau for the Board's meeting, such as the technical assessment and the conclusion regarding the power levels of the transmitting stations, had been communicated to the Republic of Korea. As to why there had been no report from the Bureau after the Board's 62<sup>nd</sup> meeting in 2013 despite continued infringement reports from the Democratic People's Republic of Korea until 2016, the Bureau had sent multiple communications to the Administration of the Republic of Korea, but had received no reply. It would be useful for the Board to encourage the Administration of the Republic of Korea to investigate the case and respond to the Bureau's queries.

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

"The Board considered in detail the submission from the Democratic People's Republic of Korea on harmful interference to its analogue television broadcasting stations as contained in Document RRB20-2/11. The Board noted that:

- the Administration of the Democratic People's Republic of Korea has reported infringements of the RR on several occasions since 2011 concerning high-power analogue television broadcasting stations transmitting from the territory of the Republic of Korea and causing harmful interference to its television broadcasting service on frequencies 178 MHz, 186 MHz, 194 MHz, 202 MHz, 210 MHz, 218 MHz and 226 MHz, and requested assistance from the Bureau;
- the Bureau had forwarded all the reports to the Administration of the Republic of Korea drawing its attention to the provisions of CS No. 197 (Article 45) and RR No. 23.3, and requesting that the necessary action be taken but had not received any reply;
- the results of the calculation performed by the Bureau demonstrated that the Republic of Korea's emissions on 183 MHz, 189 MHz, 207 MHz and 213 MHz exceeded the power level necessary to

maintain economically and effective national service of good quality within the borders of the country concerned;

- the Board had considered a similar case at its 62<sup>nd</sup> meeting.

The Board greatly appreciated the efforts of the Bureau to support the administrations involved in investigating the matter and urged the Bureau to continue these efforts. The Board expressed concern about the continuing occurrence of harmful interference on the frequencies 186 MHz, 194 MHz, 210 MHz and 218 MHz since its 62<sup>nd</sup> meeting, as well as the lack of a reply from the Administration of the Republic of Korea. Consequently, the RRB instructed the Bureau to convey its concern to the Administration of the Republic of Korea and to seek its cooperation in resolving these cases of harmful interference. With respect to the cases of infringements on frequencies 178 MHz, 202 MHz and 226 MHz reported after its 62<sup>nd</sup> meeting, the Board urged the Administrations of the Republic of Korea and the Democratic People's Republic of Korea to display mutual goodwill and to cooperate in resolving this issue as a matter of high priority."

11.9 It was so **agreed**.

## **12 Issues related to the GE84 Regional Agreement: Submission by the Administration of Bahrain regarding the application of the rules of procedure relating to pending assignments in the GE84 Terrestrial Broadcasting Agreement and submission by the Administration of the Islamic Republic of Iran concerning the submission of notices of the Administration of Bahrain under the provisions of the GE84 Regional Agreement (Documents RRB20-2/12 and RRB20-2/14)**

12.1 **Mr Vassiliev (Chief TSD)** introduced Documents RRB20-2/12 and RRB20-2/14, from the Administrations of Bahrain and the Islamic Republic of Iran, respectively. In the former, Bahrain expressed in detail its disagreement with the Bureau's reasoning for not recording 16 of Bahrain's assignments in Part B of the BR IFIC special section pertaining to the GE84 Plan, and requested submission of the case to the Board for decision. In the latter, the Islamic Republic of Iran requested the Board not to re-open the matter, which had been settled three years previously and, for the reasons set out in the Iranian submission, to accept the Bureau's conclusions that coordination with the Islamic Republic of Iran for the 16 assignments in question had not been completed.

12.2 Outlining the main aspects of the case, he said that following the initial Part A publication of Bahrain's 16 assignments back in 2016, two of the three administrations identified as affected (Iraq and Qatar) had responded within the relevant deadline of 100 days, whereas no reply from the third (the Islamic Republic of Iran) had been received. Bahrain had completed coordination with Iraq and Qatar, and had requested Part B publication accordingly for the assignments. The Bureau had proceeded with that publication, but with doubts, in view of technical problems experienced not long before with the transmission of faxes to four administrations of countries in the same area, and as the 16 assignments were subject to an agreement reached at the Frequency Coordination Meeting between the Administrations of Gulf countries and the Islamic Republic of Iran. The Bureau had therefore asked the Islamic Republic of Iran if it objected to the 16 assignments, and the Islamic Republic of Iran had confirmed that it did. The Bureau had forwarded the Iranian objections to the Administration of Bahrain, which had objected to the fact that the Bureau acting on its own initiative had contacted the Iranian Administration regarding possible missing objections. The Bahrain Administration had also identified various inconsistencies in faxes sent by the Islamic Republic of Iran, in particular the fax dated 1 May 2016 reproduced in Annex 3 to Document RRB20-2/12, in which the Iranian Administration had expressed objections to the 16 assignments in question. In Document RRB20-2/14, the Iranian Administration had subsequently explained the inconsistencies to the Bureau's satisfaction, convincing the Bureau that the Iranian Administration had indeed sent the fax containing objections within the 100-day period, and that the Bureau had not received it. He further noted, as pointed out by the Iranian

Administration in its submission, that owing to problems with an algorithm the Bureau had failed to send the Iranian Administration the second reminder required under §4.3.11 of the GE84 Regional Agreement.

12.3 The question was complex, as neither administration could be faulted in its application of the regulatory provisions. However, a way forward might be found in the fact that four of the assignments should in fact be acceptable to the Islamic Republic of Iran based on a 0.5 dB increase in the usable field strength, and technical solutions might exist to ensure the compatibility of the remaining 12.

12.4 **Mr Alamri** said that under the modification procedure in Article 4 of the GE84 Agreement, the Bureau was required to send three pieces of correspondence to administrations identified as affected, and that correspondence was also to be made available on the Bureau's eBCD platform, which it was the responsibility of administrations to consult and respond to. He would like to be able to check that correspondences, and asked whether the Iranian Administration had responded to any of them. He further noted that there is no obligation for the Bureau neither in the Radio Regulation nor in the GE84 agreement contacting a particular administration to check for their missing objections. The Bureau should simply have published the Part B related to those 16 Bahrain's assignments information after fulfilling all the regulatory requirements, and if an administration had subsequently had a problem with that it could raise the issue to the Board or WRC. The Bureau should maintain that same approach in implementing all provisions of the Radio Regulations and Plans.

12.5 **Mr Vassiliev (Chief TSD)** said that the two pieces of correspondence sent out would be made available to Board members. He nevertheless noted that some administrations still communicated with the Bureau by fax; and that there was no obligation for administrations to consult the eBCD platform.

12.6 **Mr Azzouz** noted that the deadline for entering Bahrain's assignments in Part B or deleting them was 10 July 2020. The case was complex, as both administrations had fulfilled their regulatory obligations, but correspondence sent by the Iranian Administration had not been received by the Bureau. The two administrations should be asked to seek technical solutions to the issue, and in the meantime the assignments should be retained.

12.7 **Mr Hashimoto** said that it was indeed a very complex case, and the best way forward would be for the two administrations to hold consultations in a bid to find a technical solution, if possible.

12.8 **Ms Jeanty** said that presumably the case had come up at the present juncture as a result of the rules of procedure adopted by the Board at its 83<sup>rd</sup> meeting with the objective of cleaning up coordination lists. Given the complexity of the case, and questions arising as to which precise pieces of correspondence had been sent and which received, it would be pointless to try to ascertain who was right and who was wrong; it would be far more productive, as suggested by previous speakers, to encourage the two administrations to meet with a view to finding solutions at the technical level.

12.9 **Mr Varlamov** endorsed Ms Jeanty's comments, noting that the main objective should be to ensure the interference-free operation of assignments. If the Bureau was sure that technical solutions could be found, it should be requested to bring the two administrations together for consultations, with the Board reconsidering the matter and deciding on it once coordination had been achieved. Meanwhile, the Bureau should continue to take the assignments into account.

12.10 The **Chairman** proposed that that course of action be followed, with the Bureau reporting the results achieved back to the Board at its next meeting.

12.11 **Mr Borjón, Mr Hoan, Mr Varlamov, Mr Hashimoto, Mr Talib, Ms Hasanova and Mr Mchunu** supported the proposed way forward.

12.12 **Mr Alamri** said that he could agree to the organization of a coordination meeting between the two administrations, but it should be made clear that there were no regulatory grounds for the Bureau to contact any administration to check their missing comments if there was no comments received by the relevant deadline. **Ms Hasanova** endorsed those comments.

12.13 **Mr Vassiliev (Chief TSD)** said that the Bureau had contacted the Iranian Administration for two main reasons. First, it had had relatively recent experience of a very sensitive case in which four out of six countries in the same general area as the case now under consideration had failed to receive faxes containing correspondence from the Bureau. It had wished to take all possible steps to avoid the same sort of occurrence. Second, under the multilateral agreement reached at the Frequency Coordination Meeting between the Administrations of Gulf countries and the Islamic Republic of Iran, the Bureau had been formally tasked with ensuring adherence to the terms of the agreement reached, and with not accepting any submissions under the GE84 Agreement unless all countries party to the multilateral agreement confirmed their agreement. As for the way forward, although bilateral coordination might be possible, it might be best to pursue multilateral coordination for the assignments under consideration.

12.14 **Mr Alamri** stressed that the Bureau's obligation was first and foremost to apply the relevant provisions of the Radio Regulations and the GE84 Agreement. Bilateral and multilateral agreements between administrations existed to help administrations achieve coordination and were not part of the Bureau's formal mandate.

12.15 The **Chairman** proposed, in the light of the comments made, that the Board conclude on the matter as follows:

"The Board considered in detail Documents RRB20-2/12 and RRB20-2/14 and thanked the Bureau for the additional explanations provided on this case. The Board noted that:

- the Administration of Bahrain had fulfilled all the regulatory requirements for completing the procedure to modify the GE84 Regional Agreement with the recording of its assignments in the GE84 Plan;
- the Administration of the Islamic Republic of Iran had also fulfilled all the regulatory requirements as an affected administration but experienced technical difficulties that prevented the receipt of its comments/objections by the Bureau and the coordination discussions between the Administrations of Bahrain and the Islamic Republic of Iran;
- the objective of the procedure to modify the GE84 Plan is to ensure the operation free of harmful interference between new and existing assignments in the GE84 Plan;
- according to the calculations of the Bureau, four out of the 16 assignments, namely 89.2 MHz at FASHT AL JARIM, 93.3 MHz at ISA TOWN, 100.3 MHz at ISA TOWN and 105 MHz at ISA TOWN, from the Administration of Bahrain should normally be accepted by the Administration of the Islamic Republic of Iran based on the criteria of a 0.5 dB increase in the usable field strength;
- technical solutions might exist to ensure the compatibility of the remaining 12 frequency assignments proposed by the Administration of Bahrain with the frequency assignments from the Administration of the Islamic Republic of Iran in the GE84 Plan.

The Board therefore instructed the Bureau to:

- contact the Administration of the Islamic Republic of Iran to encourage it to agree with the four frequency assignments that satisfied the criteria of a 0.5 dB increase in the usable field strength;
- identify possible technical solutions for the coordination of the remaining 12 frequency assignments for consideration by both administrations;
- carry out consultations and provide assistance to both administrations to arrive at a mutually acceptable solution;
- continue to take into account the 16 frequency assignments and retain them in the Bureau's database pending the conclusion of these consultations;
- report on the results and progress of these discussions to the 85<sup>th</sup> Board meeting."

12.16 It was so **agreed**.

### **13 Confirmation of the dates of the next meeting and indicative dates for subsequent meetings**

13.1 The **Director** said that the decision on whether to hold the next meeting of the Board face to face in Geneva or by teleconference would be taken nearer the time and in the light of the evolving COVID-19 situation. ITU-R would not be resuming physical meetings until all participants were able to travel to Geneva; when travel restrictions were lifted, those participants who chose not to travel could participate in the meetings remotely.

13.2 **Mr Varlamov** said that every effort should be made to avoid an overlap with study group or working party meetings.

13.3 The Board **agreed** to confirm the dates of its next meeting as 19-27 October 2020, and to tentatively confirm the dates of its meetings in 2021 as:

|              |                   |
|--------------|-------------------|
| 86th meeting | 22-26 March 2021  |
| 87th meeting | 12-16 July 2021   |
| 88th meeting | 1-5 November 2021 |

### **14 Presentation of Bureau software**

14.1 **Mr Abou Chanab (Head BR/TAS)** gave a presentation of the software “Radio Regulation Article 5 Table of Frequency Allocations (Release 5.0 – RR 2020 Edition).”

14.2 The Board **thanked** the Bureau for the implementation and development of the software and Mr Abou Chanab (Head BR/TAS) for the presentation.

### **15 Approval of the summary of decisions (Document RRB20-2/29 and Corr.1 (English only))**

15.1 The Board **approved** the summary of decisions as contained in Document RRB20-2/29.

### **16 Closure of the meeting**

16.1 Board members took the floor to congratulate the Chairman on her outstanding leadership and thanked the Bureau and other ITU staff for their contribution towards facilitating the holding of such a successful meeting under challenging circumstances. It was to be hoped that the Board would meet face to face in October.

16.2 The **Chairman** thanked speakers for their kind words and expressed her appreciation to everyone who had contributed to the smooth running and successful outcome of the meeting. She thanked Board members for their exceptional spirit of collaboration.

16.3 The **Director** praised the Chairman for her highly effective management and thanked Board members for their flexibility, cooperation and commitment that had enabled decisions to be taken on a number of sensitive and difficult issues.

16.4 The **Chairman** closed the meeting at 1600 hours on Wednesday, 15 July 2020.

The Executive Secretary:  
M. MANIEWICZ

The Chairman:  
C. BEAUMIER