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| DRAFT NEW RESOLUTION ITU-R [UNAUTHORIZED SERVICE PROVISION] | |
| [Guidelines to prevent unauthorized services provision] | |
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Background

Fixed and mobile satellite services provided in any country are subject to a national regulatory regime, which is based on these country national law and landing rights authorities, that governs the telecom services provision under the auspice of its territory.

Technical and regulatory conditions are issued in form of a license to utilize frequency bandwidth allocated for satellite services, brought into use and notified based on the appropriate provisions of the Radio Regulations in a certain orbital location, which granted the international recognition as being adhered to the Radio Regulations.

Considering that, Article 18 of the RR, in particular No. 18.1 which states the following: “*No transmitting station may be established or operated by a private person or by any enterprise without a licence issued in an appropriate form and in conformity with the provisions of these Regulations by or on behalf of the government of the country to which the station in question is subject*”

Radically, Member States were able to enforce its national regulatory provisions through controlling harbours, ports, customs and VSAT terminal manufacturers, in order to control and monitor VSAT terminals used in its territory to be bound to the authorized service provider to its national terms and conditions.

However, as a result of technological advancements in satellite technologies, it had been noticed that some entities (are not authorized or licenced to provide services in the territory of a member state) operate VSAT terminals and obtaining telecommunication services from satellite networks, without granting the adequate license form in accordance with No. 18.1.

Proposal

These sort of actions may be inferred as an infringement to the sovereignty of the state and the Radio Regulations, such that VSAT terminals are smuggled into the territory of a Member State and unauthorized service provider contract with satellite operator directly or indirectly to get the services through the satellite network.

Considering the wide spreading of VSAT terminals, it is difficult for developing member states to monitor and geo-locate these unauthorized emissions from its territory, additionally Radio Regulations does not indicate the possible actions towards these unauthorized services provision.

In consequence, an ITU‑R Resolution should be developed to provide guidance for studies to prevent unauthorized services provision from the territory of member states as included in the Annex below.

**Annex:** 1

ANNEX

DRAFT NEW RESOLUTION ITU-R [UNAUTHORIZED SERVICE PROVISION]

[Guidelines to prevent unauthorized services provision]

The Radiocommunication Assembly,

considering

*a)* no transmitting station may be established or operated by a private person or by any enterprise without a licence issued in an appropriate form and in conformity with the provisions of these Regulations by or on behalf of the government of the country to which the station in question is subject;

*b)* space stations shall be fitted with devices to ensure immediate cessation of their radio emissions by telecommand, whenever such cessation is required under the provisions of these Regulations;

*c)* that demand has been increasing steadily for global broadband communication services throughout the world, such as those provided by high-density applications in the fixed-satellite service (HDFSS);

*d)* that HDFSS systems are characterized by flexible, rapid and ubiquitous deployment of large numbers of cost-optimized earth stations employing small antennas and having common technical characteristics;

*e)* that HDFSS is an advanced broadband communication application concept that provide access to a wide range of broadband telecommunication applications supported by fixed telecommunication networks (including the Internet), and thus will complement other telecommunication systems;

*f)* that, as with other FSS systems, HDFSS offers great potential to establish telecommunication infrastructure rapidly;

*g)* that HDFSS applications can be provided by satellites of any orbital type,

recognizing

*a)* that the Constitution recognizes the sovereign right of each State to regulate its telecommunications;

*b)* that the International Telecommunication Regulations “recognize the right of any Member, subject to national law and should it decide to do so, to require that administrations and private operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member”, and specifies that “within the framework of the present Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between administrations”;

*c)* that Article **18** specifies the authorities for licensing the operation of stations within any given territory;

*d)* the right of each Member State to decide on its participation in these systems, and the obligations for entities and organizations providing international or national telecommunication services by means of these systems to comply with the legal, financial and regulatory requirements *of the administrations in whose territory these services are authorized*;

*e)* that No. **5.516B** identifies bands for HDFSS;

*f)* that, in some of these bands, the FSS allocations are co-primary with fixed and mobile service allocations as well as other services;

*g)* that this identification does not preclude the use of these bands by other services or by other FSS applications, and does not establish priority in these Radio Regulations among users of the bands;

*h)* that many FSS systems with other types of earth stations and characteristics have already been brought into use or are planned to be brought into use in some of the frequency bands identified for HDFSS in No. **5.516B**;

*i)* that HDFSS stations in these bands are expected to be deployed in large numbers over urban, suburban and rural areas of large geographical extent,

noting

*a)* that in cases where FSS earth stations use bands that are shared on a co-primary basis with terrestrial services, the Radio Regulations stipulate that earth stations of the FSS shall be individually notified to the Bureau when their coordination contours extend into the territory of another administration;

*b)* that, as a consequence of their general characteristics, it is expected that the coordination of HDFSS earth stations with fixed service stations on an individual site-by-site basis between administrations will be a difficult and long process;

*c)* that, to minimize the burden for administrations, simplified coordination procedures and provisions can be agreed by administrations for large numbers of similar HDFSS earth stations associated with a given satellite system;

*d)* that harmonized worldwide bands for HDFSS would facilitate the implementation of HDFSS, thereby helping to maximize global access and economies of scale,

recognizing further

that HDFSS applications implemented on FSS networks and systems are subject to all provisions of the Radio Regulations applicable to the FSS, such as coordination and notification pursuant to Articles **9** and **11**, including any requirements to coordinate with terrestrial services of other countries, and the provisions of Articles **21** and **22**,

reminds operators

to take account, when contracting agreements on the operation of their systems from the territory of a country, of any potential loss of revenue that the country may suffer from a possible reduction of its international traffic existing at the time such agreements are executed,

resolves to invite ITU-R Study Groups concerned

1 to study the possible methods to adopt necessary regulation enforcement to prevent services provision without granting the appropriate license form from the administration which earth station terminals in question are deployed in its territory;

2 to study operational and technical characteristics, requirements and performance of monitoring stations to geo-locate un authorized earth station terminals;

3 to develop relevant ITU-R Recommendations and/or Reports based on the aforementioned studies as appropriate.

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