



**Revision 1 to
Document RRB23-2/24-E
13 September 2023
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MINUTES*

OF THE

93rd MEETING OF THE RADIO REGULATIONS BOARD

26 June – 4 July 2023

Present: Members, RRB

Mr E. AZZOUZ, Chairman
Mr Y. HENRI, Vice-Chairman
Mr A. ALKAHTANI, Ms C. BEAUMIER, Mr J. CHENG,
Mr M. DI CRESCENZO, Mr E.Y. FIANKO, Ms S. HASANOVA,
Mr A. LINHARES DE SOUZA FILHO, Ms R. MANNEPALLI,
Mr R. NURSHABEKOV, Mr H. TALIB

Executive Secretary, RRB

Mr M. MANIEWICZ, Director, BR

Précis-writers

Mr P. METHVEN, Mr A. PITT and Ms K. YATES

Also present: Ms J. WILSON, Deputy Director, BR, and Chief, IAP

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 A. KLYUCHAREV, SSD/SNP
Mr N. VASSILIEV, Chief, TSD
Mr B. BA, Head, TSD/TPR
Mr K. BOGENS, Head, TSD/FMD
Ms I. GHAZI, Head, TSD/BCD
Mr D. BOTHA, SGD
Ms K. GOZAL, Administrative Secretary

* The minutes of the meeting reflect the detailed and comprehensive consideration by the members of the Radio Regulations Board of the items that were under consideration on the agenda of the 93rd meeting of the Board. The official decisions of the 93rd meeting of the Radio Regulations Board can be found in Document RRB23-2/23.

Subjects discussed	Documents
1 Opening of the meeting	-
2 Adoption of the agenda	RRB23-2/OJ/1(Rev.2) RRB23-2/DELAYED/1-3
3 Report by the Director, BR	RRB23-2/13(Rev.1) RRB23-2/13(Add.1) RRB23-2/DELAYED/3
4 Rules of Procedure	
4.1 List of Rules of Procedure	RRB23-2/1 RRB20-2/1(Rev.9)
4.2 Draft rules of procedure	CCRR/69
Comments from administrations	RRB23-2/15
5 Request for the cancellation of the frequency assignments to satellite networks under No. 13.6 of the Radio Regulations	
5.1 Request for a decision by the Radio Regulations Board for the cancellation of the frequency assignments to the STSAT-2 satellite network under No. 13.6 of the Radio Regulations	RRB23-2/12
6 Requests to extend the regulatory time-limit to bring/bring back into use the frequency assignments to satellite networks	
6.1 Submission by the Administration of Indonesia requesting a further extension of the regulatory time-limit to bring into use the frequency assignments to the NUSANTARA-H1-A (116.1E) satellite network	RRB23-2/16
6.2 Submission by the Administration of the Islamic Republic of Iran requesting an extension of the regulatory time-limit to bring back into use the frequency assignments to the IRANSAT-43.5E satellite network	RRB23-2/17
Submission by the Administration of the Russian Federation in support of the submission from the Islamic Republic of Iran requesting an extension of the regulatory time-limit to bring back into use the frequency assignments to the IRANSAT-43.5E satellite network	RRB23-2/18
6.3 Submission by the Administration of Italy requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the SICRAL 2A and SICRAL 3A satellite networks at 16.2°E	RRB23-2/20
6.4 Submission by the Administration of the Republic of Korea requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the KOMPSAT-6 satellite network	RRB23-2/21
6.5 Submission by the Administration of Papua New Guinea requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the MICRONSAT satellite system	RRB23-2/22

- 7 Submission by the Administration of Belarus (Republic of) regarding a request to clarify the application of the provisions of Article 48 of the Constitution [RRB23-2/9](#)
- 8 Submission by the Administration of the Islamic Republic of Iran regarding the provision of STARLINK satellite services in its territory [RRB23-2/10](#)
- 9 Frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems
- 9.1 Submission by the Administration of Liechtenstein requesting the application of *resolves* 12 of Resolution **35 (WRC-19)** to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems [RRB23-2/3](#)
- Submission by the Administration of France in response to the submission from the Administration of Liechtenstein requesting the application of *resolves* 12 of Resolution **35 (WRC-19)** to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems [RRB23-2/4](#)
- Additional submission by the Administration of Liechtenstein in response to the submission from the Administration of France commenting on the request of the Administration of Liechtenstein for the application of *resolves* 12 of Resolution **35 (WRC-19)** to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems [RRB23-2/5](#)
- Submission by the Administration of Germany in response to the Administration from Liechtenstein requesting the application of *resolves* 12 of Resolution **35 (WRC-19)** to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems [RRB23-2/6](#)
- Further submission by the Administration of Liechtenstein in response to submission from the Administration of Germany commenting on the request of the Administration of Liechtenstein for the application of *resolves* 12 of Resolution **35 (WRC-19)** to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems [RRB23-2/7](#)
- 10 Issues relating to the implementation of Resolution **559 (WRC-19)** [RRB23-2/19](#)
[RRB23-2/13\(Rev.1\)](#)
- 11 Resolution **80 (Rev.WRC-07)** [CR/496](#)
[RRB23-2/DELAYED/1](#)
- 11.1 Draft report by the Radio Regulations Board to WRC-23 on Resolution **80 (Rev.WRC-07)** [RRB23-2/2](#)
- Comments from the Administration of Iran (the Islamic Republic of) on Resolution **80 (Rev.WRC-07)** [RRB23-2/11](#)
- Comments from the Administration of China (People's Republic of) on Resolution **80 (Rev.WRC-07)** [RRB23-2/14](#)

Multi-country submission providing comments on the draft Report by the Radio Regulations Board to WRC-23 on Resolution **80 (Rev.WRC-07)**

[RRB23-2/19](#)

- 12 Preparation for RA-23 and WRC-23
- 12.1 Designation of Board members to attend RA-23
- 12.2 Arrangements for WRC-23
- 13 Confirmation of the next meeting for 2023 and indicative dates for future meetings
- 14 Other business
- 15 Approval of the summary of decisions
- 16 Closure of the meeting

[RRB23-2/23](#)

1 Opening of the meeting

1.1 The **Chairman** opened the 93rd meeting of the Radio Regulations Board at 0900 hours on Monday, 26 June 2023, and welcomed the Board members. He wished them a fruitful meeting and thanked the chairmen of the working groups and Board members in advance for their support. He also wished a happy *Eid al-Adha* to members and colleagues celebrating it and thanked them for their support in working through the holiday, away from their families.

1.2 He reminded Board members that, in line with Article 98 of the ITU Convention, they were expected to refrain from intervening in decisions directly concerning their respective administration, including with regard to late submissions.

1.3 The **Director of the Radiocommunication Bureau**, speaking also on behalf of the ITU Secretary-General, likewise welcomed the Board members. Noting the importance of the Board's report to the World Radiocommunication Conference (Dubai, 2023) (WRC-23) on the implementation of Resolution **80 (Rev.WRC-07)**, he expressed confidence in members' ability to finalize it at the present meeting and wished them a successful meeting. He also wished the Muslim Board members a happy *Eid al-Adha*.

2 Adoption of the agenda (Documents RRB23-1/OJ/1(Rev.2) and RRB23-2/DELAYED/2)

2.1 **Mr Botha (SGD)** drew attention to three late submissions (Documents RRB23-2/DELAYED/1-3). He said that Document RRB23-2/DELAYED/1 contained comments from the Administration of the Russian Federation on the draft report to WRC-23 on Resolution **80 (Rev.WRC-07)** and might therefore be assigned to the same agenda item. It had been received after the deadline, on 6 June 2023.

2.2 Document RRB23-2/DELAYED/2 was a submission from the Administration of the Solomon Islands requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the SI-SAT-BILIKIKI satellite system. Document RRB23-2/DELAYED/3 was a submission from the Administration of France reporting on harmful interference under Article 15 of the Radio Regulations (RR). Both had been received well after the deadline on 21 June 2023.

2.3 Board members agreed that Document RRB23-2/DELAYED/1 should be considered alongside the report on Resolution **80 (Rev.WRC-07)** to facilitate preparation of the report and ensure greater consideration of administrations' views.

2.4 With regard to Document RRB23-2/DELAYED/2, **Ms Hasanova** suggested considering the matter at the present Board meeting if the bringing-into-use deadline for the SI-SAT-BILIKIKI satellite system was before the 94th meeting of the Board.

2.5 **Mr Henri** proposed deferring consideration of Document RRB23-2/DELAYED/2 until the next meeting as per § 1.6 of the Rule of Procedure on the Board's internal arrangements, inviting the Bureau not to take action on the status of the satellite network until the Board considered the issue at its next meeting.

2.6 **Ms Beaumier** supported that proposal, as accepting the document for the present meeting would set a bad precedent and the Bureau could be instructed to retain the assignments pending the Board's consideration.

2.7 **Mr Di Crescenzo, Mr Cheng** and **Mr Alkahtani** agreed that the document should be deferred until the following meeting.

2.8 Concerning Document RRB23-2/DELAYED/3, **Ms Hasanova** and **Mr Cheng** said that, as it referred to a matter of harmful interference, the document should not be deferred.

2.9 **Ms Beaumier** suggested considering the document alongside § 4 of the Director's report for information. The submission did not contain a lot of detail, making it difficult for the Board to consider it as a discrete item and take action on it. In her view, the intention of the submitting administration was merely to bring the matter to the attention of the Board.

2.10 **Mr Alkahtani**, however, noted that it referred to a series of letters sent in a short time, suggesting a serious issue. Those letters might provide the Board with enough detail to take action.

2.11 **Mr Di Crescenzo, Mr Linhares de Souza Filho and Ms Mannepalli** agreed with the approach proposed by Ms Beaumier.

2.12 **Mr Botha (SGD)** said that several documents had not been submitted in compliance with the Board's working methods. Some had contained restricted material, meaning that, though received prior to the deadline, they had not been published until afterwards. Also, annexes had to be removed from Document RRB23-2/20, as they had been submitted in Italian and could not be translated by the administration. Any delay in the publication of submissions could have an impact on both the Board's consideration of the submissions and the potentially affected administrations.

2.13 The **Chairman** suggested reminding administrations not to submit documents to the Board that contained restricted material, in line with the Board's internal arrangements and working methods, as described under Part C of the Rules of Procedure.

2.14 **Mr Botha (SGD)** said that a note could be included in the report to WRC-23 on Resolution **80 (Rev.WRC-07)** if the Board wished, but that no change was needed to Part C of the Rules of Procedure. The Board might also remind administrations about submission deadlines as late submissions remained an issue.

2.15 **Ms Beaumier** said that a comment reminding administrations to note Board working methods in relation to deadlines and restricted material could be included in the report on Resolution **80 (Rev.WRC-07)**; including such a comment in the Director's report to WRC-23 would be beneficial too.

2.16 The **Chairman** proposed issuing a circular letter to draw the attention of administrations to the relevant rules of procedure in that regard.

2.17 **Mr Henri** did not consider that necessary but could agree to the inclusion of a reminder to administrations in the Board's decision to abide by the Rules of Procedure in their submissions, in particular in relation to date of submission and restricted material, as well as to the inclusion of a comment in the report to WRC-23 under Resolution **80 (Rev.WRC-07)**. **Ms Beaumier** agreed.

2.18 Lastly, **Ms Beaumier** suggested considering the proposals on Resolution **559 (WRC-19)** contained in Document RRB23-2/19 under a separate item with § 9 of the Director's report. The Board's conclusions on those proposals would then be reflected as the draft report by the Board to WRC-23 on Resolution **80 (Rev.WRC-07)** was updated and finalized.

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

"The draft agenda was adopted as amended in Document RRB23-2/OJ/1(Rev.2). The Board decided to consider Document RRB23-2/DELAYED/1 under agenda item 11.1 and Document RRB23-2/DELAYED/3 under agenda item 3 for information. It further decided to defer consideration of Document RRB23-2/DELAYED/2 to its 94th meeting, as the submission had not been received in conformity with § 1.6 of Part C of the Rules of Procedure, on the internal arrangements and working methods of the Radio Regulations Board. The Board instructed the Bureau to add the deferred document to the agenda of its 94th meeting and to continue to take into account the frequency assignments to the SI-SAT-BILIKIKI satellite system of the Administration of the Solomon Islands until the end of the 94th Board meeting.

In addition to considering Document RRB23-2/19 under agenda item 11, on the report of the Board on Resolution **80 (Rev. WRC-07)** to WRC-23, the Board decided to consider the document also under agenda item 10 on issues relating to the implementation of Resolution **559 (WRC-19)**. That allowed the Board to decide on the treatment of the proposals from a number of Member States on measures that could facilitate the conclusion of pending coordination of Part B submissions forming part of the implementation of Resolution **559 (WRC-19)**.

The Board reminded Member States to comply with the deadlines in § 1.6 of the Board's internal arrangements and working methods (Part C of the Rules of Procedure) when submitting their submissions to the Board.

Concerning restricted material (e.g. confidential, proprietary, sensitive, etc.) contained in submissions to the Board, Member States should also comply with §1.7 of the Board's internal arrangements and working methods (Part C of the Rules of Procedure) and should provide authorization to publish the restricted parts in their submissions or remove those parts before submitting them to the Board.

The Board decided to include this issue in its report on Resolution **80 (Rev. WRC-07)** to WRC-23.”

2.20 It was so **agreed**.

3 Report by the Director, BR (Documents RRB23-2/13(Rev.1) and Addendum 1 and RRB23-2/DELAYED/3)

3.1 The **Director** introduced his customary report in Document RRB23-2/13(Rev.1).

3.2 Referring to § 3, on the implementation of cost recovery for satellite network filings (SNF), he pointed out that, in addition to its usual annual report on the implementation of ITU Council Decision 482 (C01, last amended C20), published as Document C23/16, a study on the appropriateness of Council Decision 482 to recover SNF processing costs was being submitted in Document C23/19, which also reflected the conclusions of the Radiocommunication Advisory Group (RAG) on the subject. Experience showed that the current cost-recovery system did not accurately capture the increased costs arising from, in particular, the processing of non-GSO systems which generated large and complex filings with thousands of satellites as well as frequent resubmission of the same systems, and that the Bureau lacked the necessary resources to update the relevant processing tools. It was therefore being proposed that the Council reactivate the Expert Group on Decision 482.

3.3 Referring to § 4, on reports of harmful interference and/or infringements of the Radio Regulations, he drew attention to progress made on the issue of interference to broadcasting stations in the VHF/UHF bands between Italy and neighbouring countries, reported in § 4.2 and in Addendum 1 containing details of the multilateral coordination meeting organized by the Bureau which had taken place in Rome on 19-20 June 2023; and to § 4.3 reporting on the action taken and the latest communications with the Administrations of the United Kingdom and China to resolve interference to United Kingdom high frequency broadcasting stations (HFBC) stations.

3.4 With regard to the implementation of Resolution **559 (WRC-19)** covered in § 6, very positive results were reported, whereby 41 out of 45 administrations had completed the Resolution 559 process and most had already submitted requests to WRC-23 to transfer the assignments in question to the plan. The Bureau continued to assist the four remaining administrations in starting the coordination process. The exercise had been very fruitful, with an extremely high coordination success rate, and would facilitate the work of WRC-23.

3.5 Regarding the status of requests for new allotments in Appendix **30B**, as reflected in § 10, seven administrations had submitted requests for national allotments after WRC-19. Coordination to protect the new allotments was ongoing, and, as instructed by the Board, the Bureau had implemented

a special procedure for additional regulatory measures to avoid further degradation of aggregate C/I levels. Only in one case, involving degradation of the proposed allotment of North Macedonia, had it proved necessary to contact the administration concerned (United Kingdom), which had kindly accepted the measures proposed by the Bureau to reduce the interference from its network, thus resolving the problem.

Actions arising from the last RRB meeting (§ 1 of Document RRB23-2/13(Rev.1) and Annex 1)

3.6 **Mr Vassiliev (Chief, TSD)** and **Mr Vallet (Chief, SSD)** said that the Bureau had duly implemented all the actions requested by the Board at its last meeting.

3.7 With regard to item 4m) in Annex 1, **Mr Vallet (Chief, SSD)** said that, following discussions between the Administrations of France (acting also for Italy, with which the filed satellite was jointly operated) and Greece, agreement of principle had been reached on a draft coordination agreement. As the agreement involved moving the satellite, however, France and Italy needed time to iron out some operational aspects. A final meeting was planned for October 2023, after which it was anticipated that the coordination agreement would be signed between France and Greece.

3.8 On the matter of the registration of earth stations with coordination contours overlapping some territory of Georgia, referred to in item 4o) in Annex 1, he informed the Board that the Administration of Georgia had sent a letter thanking the Board and agreeing to proceed as proposed.

3.9 Replying to a question from **Mr Henri** concerning item 10 in Annex 1, he confirmed that a reminder had been sent to the Administration of Norway on 1 June 2023 concerning Starlink satellite services in the territory of the Islamic Republic of Iran, to which no reply had been received to date. Further exchanges with the Administration of the Islamic Republic of Iran had prompted a more detailed contribution from that Administration, which was contained in Document RRB23-2/10 and would be taken up under agenda item 8.

3.10 The Board **noted** § 1 of Document RRB23-2/13(Rev.1) and Annex 1, on actions arising from the decisions of the 92nd Board meeting.

Processing of filings for terrestrial and space systems (§ 2 of Document RRB23-2/13(Rev.1) and Annexes 2 and 3)

3.11 **Mr Vassiliev (Chief, TSD)**, referring to Annex 2 to Document RRB23-2/13(Rev.1), on the processing of notices to terrestrial services, drew attention to the tables contained therein, and to its § 2, which reflected a review of findings so as to grant full rights to stations of the Administration of Lithuania in the land mobile service previously operating on a non-interference basis, in line with the decision taken by the Board at its previous meeting.

3.12 **Mr Vallet (Chief, SSD)** drew attention to the tables on the processing of notices for satellite networks set out in Annex 3 to Document RRB23-2/13(Rev.1).

3.13 In response to questions from **Mr Henri**, the **Chairman** and **Ms Mannepalli**, he said that the footnotes to Tables 3 and 4 were extraneous and should be deleted. The increase in treatment times in recent months visible in Table 2 reflected a temporary situation: whenever there was a surge in the number of requests received (as in December 2022 – 44 networks), the impact on processing times was felt in the following months as the peak was absorbed.

3.14 The Board **noted** § 2 of Document RRB23-2/13(Rev.1) and Annexes 2 and 3, on the processing of filings for terrestrial and space systems and encouraged the Bureau to make all efforts to process the filings within the regulatory time-limits.

Implementation of cost recovery for satellite network filings (§ 3 of Document RRB23-2/13(Rev.1) and Annex 4)

3.15 The Board **noted** §§ 3.1 and 3.2 of Document RRB23-2/13(Rev.1), on late payments and Council activities, respectively, and Annex 4, with regard to the implementation of cost recovery for satellite network filings. The Board also noted the actions taken and thanked the Bureau and RAG for their effort in that matter.

Reports of harmful interference and/or infringements of the Radio Regulations (RR Article 15) (§ 4 of Document RRB23-2/13(Rev.1)) and Addendum 1 and Document RRB23-2/DELAYED/3)

3.16 The Board **noted** § 4.1 of Document RRB23-2/13(Rev.1), containing statistics on harmful interference and infringements of the Radio Regulations.

Harmful interference to broadcasting stations in the VHF/UHF bands between Italy and its neighbouring countries

3.17 Referring to § 4.2 of Document RRB23-2/13(Rev.1) and Addendum 1, concerning harmful interference to broadcasting stations in the VHF/UHF bands between Italy and neighbouring countries, **Ms Ghazi (Head, TSD/BCD)** said that a multilateral coordination meeting organized by the Bureau had taken place in Rome on 19-20 June 2023. A detailed report on the outcomes of the meeting, attended by the Administrations of Croatia, France (remotely for logistical reasons), Italy, Malta, Slovenia and Switzerland, was contained in Addendum 1 to Document RRB23-2/13(Rev.1).

3.18 As recommended by the Board at its previous meeting, various bilateral and multilateral meetings had been held (§ 1.1 of Addendum 1). Following a trilateral meeting between the Administrations of Italy, Croatia and Slovenia, with the involvement of the European Commission, no consensus had been reached on final solutions for interference from Italy in DAB frequency blocks 12A, 12B and 12C. Multilateral discussions on the DAB Adriatic-Ionian Agreement and in the regular RSPG Good Offices meeting had focused on solutions to eliminate interference and ensure new DAB channels/frequencies were properly coordinated. Italy and France had discussed one remaining FM issue. Italy and Switzerland had discussed the issue of DAB/DVB-T transmitters located in the territory of the other country, for which a bilateral agreement had been signed on 20 June 2023.

3.19 In relation to the Board's recommendation that Italy provide a list and detailed characteristics of FM stations (§ 1.2 of Addendum 1), the neighbouring countries had reported having received incorrect data, or no data. Italy had, however, started the process of collecting data nationally in order to centralize it in an official database managed by the ministry, which would then provide accurate data to the administrations concerned.

3.20 § 1.3 of Addendum 1 reported on work in relation to the Board's recommendation that Italy communicates to neighbouring countries the action plan for its VHF Band III (T-DAB/TV) plan in terms of numbers of T-DAB and DVB-T multiplexers. All DVB-T channel issues had been solved, so that item had been removed from the multilateral meeting discussions, subject to keeping an eye on some co-channel signals coming from outside the buffer zone. Other agreements had been signed or were close with various neighbouring countries, and Italy had given undertakings on some issues.

3.21 Regarding the Board's recommendation concerning the major issue of revision of the FM plan (§ 1.4 of Addendum 1), the working group set up by Italy to study the FM situation and propose solutions had been active, holding several meetings and establishing subgroups to deal with three issues identified: legal problem arising from broadcasters' challenging some of the Italian Administration's decisions aimed at solving interference; updating the official database; and administrative regulation of FM stations. One solution proposed by the working group was FM switch-off of single transmitters or networks and transition to DAB with some DAB licence incentive,

which was currently being experimented with in four regions with a view to extending it nationwide by the end of the year. The feasibility of proposing a new law was also to be investigated with the relevant government entities in the coming months.

3.22 The conclusions of the meeting and further actions were summarized in section III of Addendum 1, and the next multilateral meeting was planned for May-June 2024 in Malta, preferably sufficiently in advance of the Board meeting to facilitate agreement and subsequent reporting.

3.23 **Ms Hasanova** expressed concern since, while it was an encouraging sign that, unlike at previous meetings, the Board had not received any submissions from individual administrations, several administrations had nonetheless complained about the continuing lack of correct data.

3.24 **Ms Beaumier** pointed out that, notwithstanding the excellent efforts deployed by the Bureau and the progress reported, Italy had still not provided a clearly defined action plan and timetable of the kind requested by the Board at its last meeting. The Board should thus reiterate its recommendation in that regard.

3.25 **Mr Talib**, underlining the importance of reliable data, also suggested that the Board reiterate its recommendation that the necessary data and databases be made available within the planned time-frames.

3.26 **Ms Ghazi (Head, TSD/BCD)** said that one of the most positive outcomes of the latest coordination meeting was that, for the first time, specific timelines had been set for key actions. The data on stations causing the interference, in the prescribed ITU format, was to be made available by end of 2023; and the list of proposed FM frequencies to be released, including those in the priority list, was to be provided by June 2024.

3.27 In response to questions concerning § 3 of Addendum 1, where Croatia had raised the matter of possible enforcement of any signed agreements, which unlike a treaty were non-binding, the **Director** emphasized that experience showed administrations entered into such agreements on the basis of goodwill and with serious intent. ITU's mandate did not encompass any enforcement mechanisms. In the event of any failure to comply with an agreement which could not be resolved among administrations, the latter could however draw the matter to the attention of the Union, including the Board, through the appropriate channels and procedures, for appropriate action within its mandate pursuant to the Radio Regulations and Rules of Procedure.

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

“The Board considered in detail § 4.2 of Document RRB23-2/13(Rev.1) and Addendum 1, on harmful interference to broadcasting stations in the VHF/UHF bands between Italy and its neighbouring countries. The Board noted the outcomes of the multilateral coordination meeting held on 19-20 June 2023 between the Administration of Italy and the neighbouring administrations and expressed its gratitude to the Administration of Italy for hosting the meeting and to all administrations for their cooperation, efforts and goodwill in addressing the longstanding issue. The Board also noted with satisfaction that all administrations had agreed that no further cases of harmful interference existed between television broadcasting stations in the UHF band and that the issue could be removed from multilateral meeting discussions.

However, the Board continued to regret the severe lack of progress towards resolving cases of harmful interference to digital audio and FM sound broadcasting stations. The Board noted as part of the outcome of the multilateral coordination meeting a number of recommendations and the Board strongly urged the Administration of Italy:

- to fully commit to all the recommendations;

- to take all necessary measures to eliminate harmful interference to the digital audio broadcasting and FM sound broadcasting stations of its neighbouring countries, focusing on the priority list of FM sound broadcasting stations.

Although some action items had been identified for the Working Group on the FM frequency band during the multilateral meeting, the Board reiterated its request to the Administration of Italy that it provides the Board with a detailed action plan for implementing the activities of the Working Group, with clearly defined milestones and timelines, that it gives a firm commitment for its implementation and that it report to the Board on progress on its implementation.

The Board thanked the Bureau for the support provided to the administrations concerned and convening the multilateral coordination meeting and instructed the Bureau to:

- continue providing assistance to the administrations;
- report on progress on the matter to future Board meetings.”

3.29 It was so agreed.

Harmful interference to emissions of high frequency broadcasting stations of the Administration of the United Kingdom published in accordance with Article 12 of the Radio Regulations

3.30 **Mr Vassiliev (Chief, TSD)**, referring to § 4.3 of Document RRB23-2/13(Rev.1), said that in accordance with the Board’s previous decision on harmful interference to emissions of HFBC stations of the Administration of the United Kingdom published in accordance with RR Article 12, letters had been sent by the Bureau to the Administrations of the United Kingdom and China informing them of the Board’s conclusions and inviting them to participate in bilateral meetings with the participation and assistance of the Bureau. The United Kingdom had also been requested to submit the latest information on the interference situation based on its observations. China had replied expressing its readiness to participate in such bilateral meetings and indicating convenient dates. No reply had yet been received from the United Kingdom. China had also initially submitted a document for consideration at the present Board meeting, which it had subsequently withdrawn.

3.31 **Ms Beaumier, Ms Hasanova and Ms Mannepalli** commented that, in the absence of any further communication from the Administration of the United Kingdom or new submissions on the issue, the Board could do nothing more than note the situation.

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

“The Board considered § 4.3 of Document RRB23-2/13(Rev.1) on harmful interference to emissions of high frequency broadcasting stations of the Administration of the United Kingdom published in accordance with RR Article 12. The Board noted that the Bureau had once again tried without success to convene a meeting between the Administrations of China and the United Kingdom and had not received any further reports on harmful interference on the matter at the time of the 93rd Board meeting.”

3.33 It was so agreed.

Submission by the Administration of France reporting on harmful interference under Article 15 of the Radio Regulations

3.34 **Mr Vallet (Chief, SSD)** said that Document RRB23-2/DELAYED/3 contained a letter from the Administration of France dated 20 June 2023 concerning harmful interference affecting the EUTELSAT 8 WEST B satellite using frequency assignments of the F-SAT-N3-8W satellite network, in which it requested that the matter be brought to the attention of the Board in the hope of securing a rapid resolution of the interference. France’s measurements had geolocated the source of the interference as originating from the territory of Ethiopia. Having received no reply to five letters sent

to the Administration of Ethiopia, France had requested the Bureau's assistance on 16 June 2023. The Bureau had sent a letter to Ethiopia on 21 June requesting an urgent reply to acknowledge receipt and address the interference report, which had as yet remained unanswered.

3.35 In reply to a query from **Ms Hasanova**, he said that the Bureau could be technically certain Ethiopia had received the Bureau's communication.

3.36 In reply to a query from **Mr Talib** as to whether the Bureau could verify the geolocation of the interference source, he said that such action would only be envisaged in the event of subsequent disagreement between the administrations on the interference and its origin. At that stage, France was simply requesting the Bureau to assist it in establishing contact with the Administration of Ethiopia and to clear the interference. The next step for the Bureau in the absence of a reply would thus normally be to send a reminder.

3.37 The **Chairman, Ms Hasanova, Ms Beaumier** and **Mr Di Crescenzo** confirmed that, while it had the right to do so, it would be premature for the Board to envisage monitoring for such verification. The immediate issue was the lack of response from Ethiopia to the communication regarding the interference. **Mr Alkahtani** wondered whether, to avoid losing time by waiting until the next meeting before instigating any necessary action, the Board might ask the Bureau to undertake a study if no reply were forthcoming by a certain deadline.

3.38 **Mr Cheng** and **Mr Linhares de Souza Filho** stressed that the matter was being handled by the Bureau in accordance with RR No. **13.2** and had only been brought to the Board's attention for information at that stage. The Board should therefore note the document and allow the Bureau's normal process to run its course, with an update at the next meeting.

3.39 The **Chairman, Ms Hasanova** and **Ms Beaumier** concurred with that approach. The Bureau should send a reminder and obtain an acknowledgement of receipt, and Ethiopia should be requested to take measures to effectively address the interference. The Bureau would then report back to the Board at its next meeting.

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

"Having considered Document RRB23-2/DELAYED/3 for information, the Board noted that in conformity with RR No. **13.2**, the Bureau had sent a letter on 21 June 2023 to the Administration of Ethiopia, but no reply had been received. The Board encouraged the Administrations of Ethiopia and France to cooperate to eliminate harmful interference to the F-SAT-N3-8W satellite network of the Administration of France. The Board instructed the Bureau to draw the attention of the Administration of Ethiopia to the need for acknowledging receipt of communication on the matter."

3.41 It was so **agreed**.

Implementation of Nos. 9.38.1, 11.44.1, 11.47, 11.48, 11.49, 13.6 and Resolution 49 (Rev.WRC-19) of the Radio Regulations (§ 5 of Document RRB23-2/13(Rev.1))

3.42 The Board **noted** § 5 of Document RRB23-2/13(Rev.1), on the implementation of Nos. **9.38.1, 11.44.1, 11.47, 11.48, 11.49, 13.6** and Resolution **49 (Rev.WRC-19)** of the Radio Regulations.

Review of findings to frequency assignments to non-GSO FSS satellite systems under Resolution 85 (WRC-03) (§ 6 of Document RRB23-1/6(Rev.1))

3.43 **Mr Vallet (Chief, SSD)**, drawing attention to Table 8 in § 6 of Document RRB23-2/13(Rev.1) on the status of the Article **22** EPFD review, reported that the review of findings for 24 more systems had been completed since the previous Board meeting. Those cases where several requests for modification related to a review of the finding had been made for the same system were now indicated with MOD in the penultimate column of the table. In line with the request

made by the Board at its previous meeting, the specific case of Article 22 EPFD reviews for CR/C modifications submitted in accordance with the Rule of Procedure on RR No. 9.7 so as not to lose the protection date had been extracted and summarized in new Table 9.

3.44 **Mr Henri**, after thanking the Bureau for its efforts on the review of findings under Resolution 85 (WRC-03), said he found it encouraging that the review of the 20 United States systems received all at once in October 2019 had been completed and that there were no pending modifications for processing under the Rule of Procedure on No. 9.7. The Resolution 85 (WRC-03) review-of-findings backlog should therefore soon become history.

3.45 **Mr Cheng**, recalling that at the previous meeting it had been reported that an administration objected to the review of the finding for the STEAM-2B system, asked for further information on the rationale for the objection to the analysis made and on the final outcome and finding arrived at.

3.46 **Mr Vallet (Chief, SSD)** explained that the administration in question, while agreeing that the interference situation was acceptable at the latitude of the test points used by the Administration of Norway, had expressed a doubt insofar as a different interference result might be obtained at other latitudes. Norway had subsequently specified a number of hypotheses employed in the simulation and had agreed to transform those hypotheses into commitments, as a result of which the finding was also favourable at the other latitudes.

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

“The Board noted § 6 of Document RRB23-2/13(Rev.1), on the review of findings to frequency assignments to non-GSO FSS satellite systems under Resolution 85 (WRC-03), and instructed the Bureau to continue reporting on the matter to future Board meetings.”

3.48 It was so **agreed**.

Implementation of Resolution 35 (WRC-19) (§ 7 of Document RRB23-2/13(Rev.1))

3.49 **Mr Vallet (Chief, SSD)**, introducing § 7 of Document RRB23-2/13(Rev.1), drew attention to Table 10, which presented the status of Resolution 35 (WRC-19) submissions. As requested by the previous Board meeting, the frequency bands were indicated for networks that appeared in several different rows. The table showed that there were now satellite systems for which the first milestone had not been achieved (COMMSTELLATION) or only partially achieved, for some frequency assignments (MCSAT-2 HEO), which was not a problem as they were treated by assignment. Apart from the first four systems, which had completed deployment, the remainder were at stage M0 or M1. Table 11 listed the number of satellites deployed by frequency band used, and gave a comparison between the number of space stations deployed and to be deployed, thus highlighting the number of satellites still required to attain the next milestone; figures in red indicated that the current number of deployments was still insufficient to attain the milestone. The reduction foreseen in Resolution 35 (WRC-19) would be applied soon and so the next Board meeting and in particular WRC-23 would see the impact of the decisions taken at WRC-19 on Resolution 35 (WRC-19). Following a comment by **Mr Talib**, he said that Table 11 would be checked for completeness so it reflected all the networks covered in Table 10. **Mr Nurshabekov** suggested that in the future Table 10 be restructured to group the rows by satellite system for ease of reference.

3.50 Replying to a query from **Ms Hasanova**, he explained that the M0 milestone criteria corresponded to bringing into use, for which a single satellite was sufficient; in the event M0 was not attained, the satellite network was suppressed.

3.51 In reply to a question from **Ms Mannepalli**, he said that no indication in the fourth column of Table 10 that the current milestone criteria had been met for some networks meant that the Bureau was still validating the relevant information, for example that the correct frequencies were supported and the satellite was located in the specified orbital plane. In response to a comment from **Mr Henri**

that such verification could take some time, he said that information in respect of Resolution **35 (WRC-19)** on cases where M1 was not attained should be available before the next Board meeting, except in respect of one or two cases in which the Bureau was in discussion with the administrations concerned, where bringing into use had been effected with a system also used with other orbital characteristics for the same frequency band or where the same system with the same characteristics was being used for other frequency bands.

3.52 In reply to a question from **Ms Beaumier** concerning the paragraph on the CLEOSAT system, he said that the CLEOSAT frequency assignments that were not subject to Resolution **35 (WRC-19)** had been published and that adding additional planes in such a way remained a relevant matter for possible inclusion in the report on Resolution **80 (Rev.WRC-07)**.

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

“The Board noted § 7 of Document RRB23-2/13(Rev.1), on progress towards implementation of Resolution **35 (WRC-19)**, and instructed the Bureau to:

- reformat Table 10 on the status of Resolution **35 (WRC-19)** submissions by grouping items by satellite system name;
- continue reporting to future Board meetings on progress towards implementation of Resolution **35 (WRC-19)**.”

3.54 It was so **agreed**.

Statistics on Resolution 40 (Rev.WRC-19) (§ 8 of Document RRB23-2/13(Rev.1))

3.55 **Mr Vallet (Chief, SSD)**, introducing § 8 of Document RRB23-1/6(Rev.1), said that it provided comprehensive data on submissions under Resolution **40 (Rev.WRC-19)** updated to 30 April 2023 and contained four tables. Table 12 indicated the number of Resolution **40** submissions against the number of orbital positions at which a Resolution **40** satellite had been previously used (in over 85 per cent of cases, the number of positions was 0 or 1). Table 13 showed the number of Resolution **40** cases submitted by administrations. Table 14 gave details of cases where associated satellites had been relocated five or more times and where a single administration had sequentially used a single satellite to bring into use (or bring back into use) several of its satellite networks. Table 15 contained information on satellite networks which had repeatedly been brought into use or brought back into use, i.e. with four or more suspensions of the same frequency bands.

3.56 **Ms Beaumier** observed that there had not been significant change since the previous report, but that it was very useful to have up-to-date data for the purpose of drafting the Board’s report on Resolution **80 (Rev. WRC-07)**.

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

“The Board also noted with appreciation § 8 of Document RRB23-2/13(Rev.1), reporting on the statistics submitted on Resolution **40 (Rev.WRC-19)**, and instructed the Bureau to report on the matter to the 94th Board meeting.”

3.58 It was so **agreed**.

Implementation of Resolution 559 (WRC-19) (§ 9 of Document RRB23-2/13(Rev.1))

3.59 The **Chairman** recalled that the implementation of Resolution **559 (WRC-19)** would be taken up under agenda item 10 in connection with Document RRB23-2/19.

Status of the requests for new allotments in Appendix 30B (§ 10 of Document RRB23-2/13(Rev.1))

3.60 The **Chairman** proposed that the Board conclude as follows in regard to § 10 of Document RRB23-2/13(Rev.1):

“In noting the status of the requests for new allotments in Appendix **30B** reported in § 10 of Document RRB23-2/13(Rev.1), the Board expressed its appreciation for the Bureau’s continued support to administrations making Article **7** requests. The Board thanked the Administration of the United Kingdom for having agreed to implement the measures proposed by the Bureau that resulted in reducing the maximum degradation of the aggregate C/I level of the proposed allotment of the Administration of the Republic of North Macedonia to below 0.25 dB.

The Board instructed the Bureau to continue to assist administrations in their coordination efforts related to the implementation of decisions taken by the Board at its 89th meeting and to report on progress on the matter at its 94th meeting.”

3.61 It was so agreed.

4 Rules of Procedure

4.1 List of Rules of Procedure (Documents RRB23-2/1 and RRB20-2/1(Rev.9))

4.1.1 **Mr Henri**, the Chairman of the Working Group on the Rules of Procedure, reported on the outcome of the group’s meeting. The group had reviewed the working document on the Bureau’s practices on the application of the agreement-seeking procedure of RR No. **9.21**, focusing on the three specific cases described. The outcome of that review was reflected in Annex 1 to the Summary of Decisions (Document RRB23-2/23). In addition, the group had agreed to instruct the Bureau to produce a draft modified Rule of Procedure on RR No. **9.21**, adopting a similar approach to that used for the Rule of Procedure on RR No. **9.36**.

4.1.2 The group had thoroughly examined and approved the draft modified Rule of Procedure on Resolution 1 (Rev. WRC-97), noting that it had agreed that the ITU Digitized World Map (IDWM) should be used by the Bureau for the examination of all notifications or communications of information, with some qualifications, and that the IDWM should be aligned as far as practicable with the United Nations Map, managed by the United Nations Geospatial Information Section, though concern had been raised by one member. If approved by the Board, the draft modified rule of procedure would be published, with “reasons” sections to explain the proposed modifications, as a CRR circular letter to administrations for comments and final review at the next October meeting of the Board, should the Plenary Meeting of the Board endorse the Working Group’s proposal.

4.1.3 The list of proposed rules of procedures had been updated to reflect the work completed by the group. It had decided to remove the proposed draft rule on the simultaneous bringing into use or bringing back into use of several non-GSO satellite systems with a single satellite, in view of the developments summarized in the Director’s report, addressing a specific section of the CPM Report.

4.1.4 The working group had also conducted a review to identify possible rules of procedure that had been adopted since WRC-19 for incorporation into the Radio Regulations but had found none.

4.1.5 Lastly, he thanked other members for their cooperation in dealing with all the issues on the agenda of the working group and the Bureau staff for their unfailing assistance and valuable contributions.

4.1.6 **Ms Beaumier** said that the Board was required under RR Article **13** to review rules of procedure adopted between WRCs for incorporation into the Radio Regulations but suggested broadening the scope of the review as more mature rules of procedure might be better candidates.

4.1.7 Responding to a suggestion by the **Chairman, Mr Henri** advised against committing to beginning a broader review at the 94th meeting of the Board given its proximity to WRC-23 and the likelihood of other issues arising or returning with a more direct relevance to the conference, and not to mention the heavy workload of the Bureau in the build-up to WRC-23. Further to Ms Beaumier's point, he suggested that the Board begin the review by considering the rules of procedure that had been applied between WRC-19 and WRC-23, or those that had existed the longest, and that the Board commit to WRC-23 to include a standing item on the issue on its agenda. What might be possible for the 94th meeting was for the Bureau to produce a table of rules of procedure that might qualify for incorporation into the Radio Regulations, including summaries of each rule.

4.1.8 **Ms Beaumier** said that there was no guarantee of there being sufficient time to begin considering the matter at the 94th meeting, even if the Bureau managed to prepare such a document. However, she suggested giving specific instruction to the Bureau on the areas or rules it should focus on in producing such a document as it need not be exhaustive at that point.

4.1.9 **Mr Cheng**, concerning the draft modified Rule of Procedure on Resolution 1, said that he had raised concerns during the discussions of the working group on how to maintain the ITU maps. The Board would likely return to the issue after receiving comments from administrations.

4.1.10 The **Chairman** thanked Mr Henri for his hard work as Chairman of the Working Group on the Rules of Procedure and proposed that the Board conclude as follows on the matter:

“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 RRB23-2/1, 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 Working Group on the Rules of Procedure reviewed, and the Board approved, the proposed draft text on modifications to the rules of procedure on Resolution 1 (**Rev.WRC-97**) and instructed the Bureau to prepare the draft modified rules of procedure and to circulate it to administrations for comments and for consideration by the Board at its 94th meeting.

The Working Group on the Rules of Procedure also thoroughly reviewed the Bureau's practices on the application of the agreement-seeking procedure of RR No. **9.21** with a specific focus on three cases as contained in Annex 1 to this summary of decisions.

The Board instructed the Bureau to prepare for the 94th Board meeting a draft modification of the Rule of Procedure on RR No. **9.21** with a focus on frequency assignments to be taken into account in the RR No. **9.21** procedure and on the validity of objections in the RR No. **9.21** procedure, using an approach similar to that used in the Annex to the Rule of Procedure on RR No. **9.36** for frequency bands for space services under RR No. **9.21**.”

4.1.11 It was so **agreed**.

4.2 Draft rules of procedure (Document CCRR/69)

Comments from administrations (Document RRB23-2/15)

4.2.1 **Mr Vallet (Chief, SSD)** presented Document CCRR/69, which contained draft new and modified rules of procedure concerning RR Articles **11** and **5** and Appendices **30** and **30A**. The proposals had been circulated among Member States for comment. The Administrations of the Islamic Republic of Iran and the Russian Federation had replied with proposals on the rules concerning RR Nos. **11.48** and **11.48.1**, as contained in Document RRB23-2/15. In the view of the Iranian Administration, the provisions of RR No. **11.48**, as well as those of Appendix **30B** and Resolution **552 (Rev.WRC-19)**, were fundamental to the Radio Regulations; thus, the Rules of Procedure on Nos. **11.48** and **11.48.1** should be suppressed and the content thereof transferred into

the relevant parts of the Radio Regulations. Alternatively, the Iranian Administration suggested deleting the wording “or within one year following the Board’s decision to grant an extension, whichever is earlier” from the third paragraph as it had no legal basis and was not applicable to networks in bands not subject to a plan or under Appendix 30B. The Russian Federation, meanwhile, had pointed out that under Annex 1 of Resolution 552 (Rev.WRC-19), administrations had a period of 30 days in which to submit information to the Bureau following the commencement or resumption of use of frequency assignments of a satellite network subject to the procedures. The first proposed change reflected that. The second proposed change involved the insertion of “as appropriate” to avoid a possible inconsistency between Resolution 552 (Rev.WRC-19) and the rule of procedure, the former requiring the provision of information within 30 days after launch and the latter requiring the submission of information one year after the decision of the Board to grant the extension.

4.2.2 **Mr Henri** supported removing the text from the rule of procedure, as suggested by the Iranian Administration, noting that it was a legacy of past Board decisions with a more limited scope, specifically on cases of launch failure under Appendices 30 and 30A.

4.2.3 **Ms Beaumier** concurred on the origin and narrow scope of the wording that the Administration of the Islamic Republic of Iran wished to be deleted and said that it was not appropriate to apply that text to all extension requests. Reflecting the content of the rule of procedure in the Radio Regulations would generally be desirable, but it posed certain challenges as the text would have to refer to cases where extensions had been granted by the Board and there was no provision in the Radio Regulations that provided for that authority *per se*. Furthermore, extension requests were considered on a case-by-case basis, based on instructions received through decisions and minutes of plenary meetings of WRCs. If a future WRC wished to enshrine the right of administrations to submit extension requests to the Board and the authority of the Board to grant them within the Radio Regulations, then it would be possible also to incorporate the rule of procedure, but, until then, it was more appropriate to address the matter through a rule of procedure.

4.2.4 **Mr Cheng** agreed with Ms Beaumier on both points and suggested thanking the Administration of the Islamic Republic of Iran for bringing the matter to the Board’s attention and also suggested adopting the change proposed by the Administration of the Russian Federation.

4.2.5 **Mr Vallet (Chief, SSD)** said that deletion of “or within one year following the Board’s decision to grant an extension, whichever is earlier”, as proposed by the Iranian Administration, would also eliminate the inconsistency described in the second proposal of the Administration of the Russian Federation and obviate the need for “as appropriate”, as information required under both Resolution 49 (Rev.WRC-07) and Resolution 552 (Rev.WRC-19) would be provided within 30 days following the end of the period of extension, as that would correspond to the beginning of operation.

4.2.6 **Ms Beaumier** agreed with that approach and favoured aligning the rule of procedure with the specific requirements of the resolutions rather than using “as appropriate” as a generic catch-all, and thus also supported the proposed addition of “within 30 days of”.

4.2.7 **Mr Henri** agreed in principle but expressed concern that there might be information which should in fact be submitted prior to the end of the regulatory period and to which such a grace period of 30 days should not apply.

4.2.8 **Mr Vallet (Chief, SSD)** said that the objective of Resolution 552 (Rev.WRC-19) was to ensure that administrations submit information on satellites as launched and thus after bringing into use. Consequently, a period of 30 days was provided for cases where bringing into use might coincide with the end of the regulatory period. The initial intent of Resolution 49 (Rev.WRC-07) had been for due diligence information to be submitted as soon as it was available, but § 4 of Annex 1 to the resolution provided for an additional 30 days following the bringing-into-use time-limit under RR No. 11.44; administrations thus tended to submit due diligence information alongside bringing-into-

use information. RR No. **11.48** stated, however, that the Bureau should proceed with cancellation if due diligence information had not been submitted by the end of the regulatory period. Thus, there was in fact an inconsistency between No. **11.48** and Resolution **49 (Rev.WRC-07)**, which would be included in the Director's report to WRC-23. The rule of procedure, though, dealt with cases where the Board had granted an extension to regulatory time-limits and, consequently, it was for the Board to decide if an additional 30-day period should be provided for, without being bound by the precise wording of No. **11.48**. If the Board determined that information should be submitted by the end of the extended regulatory period, while that would be somewhat inconsistent with the purpose of Resolution **552 (Rev.WRC-19)**, the Bureau would not in fact cancel the submission immediately as its regular processing prior to cancellation invariably took longer than 30 days.

4.2.9 **Mr Henri** said that, in that case, he supported providing for the additional 30 days following the end of the extended regulatory period and expressed hope that WRC-23 would align RR No. **11.48** in that regard.

4.2.10 **Mr Cheng** agreed but suggested wording the text such so as not to preclude the possibility of information being submitted prior to the regulatory time-limit and therefore before the beginning of the additional 30 days. **Mr Henri** concurred.

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

“The Board discussed the draft rules of procedure circulated to administrations in Circular Letter CRR/69, along with the comments received from administrations as contained in Document RRB23-2/15. The Board approved the rules of procedure with modifications, as contained in Annex 2 to this summary of decisions.”

4.2.12 It was so **agreed**.

5 Request for the cancellation of the frequency assignments to satellite networks under No. 13.6 of the Radio Regulations

5.1 Request for a decision by the Radio Regulations Board for the cancellation of the frequency assignments to the STSAT-2 satellite network under No. 13.6 of the Radio Regulations (Document RRB23-2/12)

5.1.1 **Mr Loo (Head, SSD/SPR)** introduced Document RRB23-2/12, in which the Bureau justified its request to cancel the frequency assignments to the STSAT-2 satellite network.

5.1.2 **Ms Mannepalli**, observing that the Bureau had completed all the procedures under RR No. **13.6** vis-à-vis the Administration of the Republic of Korea, said that the Board could endorse the decision to cancel the frequency assignments.

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

“The Board considered the request by the Bureau as contained in Document RRB23-2/12 for a decision on the cancellation of the frequency assignments to the STSAT-2 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 requested the Administration of the Republic of Korea to provide evidence of continuous operation of the STSAT-2 satellite network and to identify the actual satellite which was currently in operation, followed by two reminders, to which no response had been received. Consequently, the Board instructed the Bureau to cancel the frequency assignments to the STSAT-2 satellite network in the MIFR.”

5.1.4 It was so **agreed**.

6 Requests to extend the regulatory time-limit to bring/bring back into use the frequency assignments to satellite networks

6.1 Submission by the Administration of Indonesia requesting a further extension of the regulatory time-limit to bring into use the frequency assignments to the NUSANTARA-H1-A (116.1E) satellite network (Document RRB23-2/16)

6.1.1 **Mr Loo (Head, SSD/SPR)** introduced Document RRB232/16, in which the Administration of Indonesia had outlined its reasons for requesting a further extension of the regulatory time-limit to bring into use the frequency assignments to the NUSANTARA-H1-A (116.1E) satellite network.

6.1.2 He noted that the Board had already granted the Administration of Indonesia three extensions of the regulatory time-limit to bring into use the frequency assignments to the NUSANTARA-H1-A satellite network, at its 90th, 91st and 92nd meetings, due to the situation of co-passenger delay. According to the document, the GS-1 satellite had been launched into orbit on 1 May 2023 after a delay of more than three weeks attributed to the lack of readiness of the launch vehicle. A detailed chronology of the launch delays had been provided in Annex 3 and a letter from the launch provider, Gravity Space, had been provided in Annex 2 stating that those delays had been beyond its control. Following the launch, the satellite had been placed in near-geosynchronous orbit for in-orbit testing. It was estimated that it would take 10 weeks for the satellite to reach its nominal orbital position following the testing. The administration was therefore requesting a further one-month extension of the regulatory time-limit, from 31 July to 31 August 2023.

6.1.3 Responding to a question from **Mr Nurshabekov**, he confirmed that, should the Board accede to the request and the Administration of Indonesia then require a further extension beyond 31 August 2023, a request would need to be submitted to the 94th meeting of the Board even if the time-limit had been missed by a matter of days and the assignments had already been brought into use.

6.1.4 The **Chairman** welcomed the news that the GS-1 satellite had been launched, noting the great importance that the Administration of Indonesia clearly attached to the project.

6.1.5 **Mr Fianko** said that the launch of the satellite was a major step forward for the project. In his view, the administration had provided sufficient evidence to prove that the delay had been attributable to the launch vehicle provider, and the length of extension requested reflected the time needed for electric orbit raising; he was, thus, in favour of acceding to the request.

6.1.6 **Mr Talib** and **Ms Hasanova** similarly welcomed the efforts of the administration in launching the GS-1 satellite and supported acceding to the administration's extension request, which in their view was reasonable.

6.1.7 **Mr Cheng** considered the case to still qualify as one of co-passenger delay and recommended that the Board accede to the request for a one-month extension.

6.1.8 **Ms Mannepalli** questioned whether the basis for the latest request should still be seen as co-passenger delay, given that it had arisen from an issue with the launch vehicle.

6.1.9 **Mr Henri** said that the administration had made significant efforts to finally launch the GS-1 satellite. While previous requests had been attributable to co-passenger delay, the present request stemmed instead from the lack of readiness of the launch vehicle and should be qualified as a case of *force majeure*, for which all four conditions could be considered as met, based on the information provided, even if the administration had not specifically invoked *force majeure*.

6.1.10 **Mr Linhares de Souza Filho** said that the situation still qualified as a case of co-passenger delay as the extension requests had followed on from each other and the initiating cause had been a

co-passenger delay and not *force majeure*. Furthermore, the present request was in some respects a product of the Board's practice of not allowing for contingencies when granting extensions. Such a contingency had ultimately transpired, and the administration was now requesting a reasonable one-month extension to complete orbit raising. He was in favour of granting that extension.

6.1.11 **Ms Beaumier** noted that the original extension request had been for eight months, allowing for uncertainty in the procurement and performance of the electric thrusters, but the Board had granted only three and a half months. In that case and others, the Board had considered contingencies and uncertainty, but preferred encouraging administrations to return with further specific requests instead of providing for arbitrary margins. The present request evidently related to *force majeure*, unlike the earlier ones. Moreover, the Board had previously considered launch delays as cases of *force majeure*. The issue with the present case, though, was that the administration had not recognized it as such or demonstrated how the four conditions had been met. From the evidence provided, it was possible to qualify the situation as a case of *force majeure* and grant an extension on that basis, but the Board should not give the impression in its decision that that was a suitable way to submit such requests. Administrations had to invoke *force majeure* and address all conditions in their submissions.

6.1.12 **Mr Henri** said that he was in favour of granting the extension on the basis of *force majeure* but expressed concern as to the requested length, as orbit raising could have been completed sooner had the satellite not been placed in near-geosynchronous orbit for in-orbit testing. That testing, though, had now been completed and orbit raising begun, based on the information provided. In its draft report on Resolution **80 (Rev.WRC-07)** in relation to *force majeure*, the Board stated that in-orbit testing would not be taken into account in extension requests for satellites raised directly into their nominal orbital position, as frequency assignments did not need to be operational to satisfy bringing-into-use requirements. The GS-1 satellite could have been raised directly; thus, it was necessary to clarify how the Board had exceptionally considered the in-orbit testing for that specific request in order to remain consistent with its principle concerning Resolution **80 (Rev.WRC-97)** and past decisions.

6.1.13 The **Chairman**, recalling cases in his professional experience, said that in-orbit testing was often conducted at different orbital positions to check for interference without affecting other systems. **Mr Cheng** agreed, adding that that might be done at the request of the manufacturer and not necessarily the operator or administration.

6.1.14 **Ms Beaumier** said that there might well be reasons for testing at a different position, but in-orbit testing had not been mentioned by the administration in its previous requests and the reason for it being done in near-geosynchronous orbit had not been explained in the present request. The Board should not be left to make assumptions and needed all elements involved in a request to be clearly explained. While the requested extension was slightly longer than required, it was time-limited and reasonable, and she was in favour of granting it, but the Board should reiterate its previous messaging that extensions were not granted for in-orbit testing, as reflected in the draft report on Resolution **80 (Rev.WRC-07)**.

6.1.15 **Mr Henri** recognized the value of performing in-orbit testing at a different position away from other satellites but stressed that that was the responsibility of the operator, which was ultimately obliged to ensure compliance with deadlines to fulfil regulatory requirements.

6.1.16 **Mr Fianko** said that the Board must remain consistent with its own decisions and clarify that the in-orbit testing period had not factored into the extension granted. It might also express concern that reasons for the need for in-orbit testing had not been provided and encourage administrations to provide full reasoning in the future.

6.1.17 **Ms Mannepalli and Mr Di Crescenzo** said that they agreed with acceding to the request by the Administration of Indonesia, but that the Board should state clearly that the in-orbit testing period had not been a factor in its decision.

6.1.18 The **Chairman** proposed that the Board concluded as follows:

“Having considered in detail the request from the Administration of Indonesia as contained in Document RRB23-2/16, the Board noted that:

- at its 90th, 91st and 92nd meetings, the Board had granted an extension of the regulatory time-limit to bring into use the frequency assignments to the NUSANTARA-H1-A satellite network to 31 December 2022, 31 March 2023 and 31 July 2023, respectively, as a case of co-passenger delay;
- the launch of the GS-1 satellite had been even further delayed by 23 days due to the lack of readiness of the launch vehicle, but that the satellite had been launched on 1 May 2023 and that it was in a near-geosynchronous orbit for in-orbit testing;
- the request for an extension of the regulatory time-limit was limited and qualified, and included provision for in-orbit testing, which had not been mentioned in previous extension requests;
- no explanation had been provided as to why in-orbit testing could not be carried out at the satellite’s nominal orbital position;
- the administration had not invoked *force majeure* as the basis of its request; however, based on the evidence provided, the situation satisfied all the conditions to qualify as a case of *force majeure* due to a limited launch vehicle delay.

Given the Board’s decision at its 92nd meeting to grant an extension of the regulatory time-limit to bring into use the frequency assignments to the NUSANTARA-H1-A satellite network on the basis of co-passenger delay that had not included margins or contingencies and that the present request qualified as a case of *force majeure*, the Board decided to accede to the request from the Administration of Indonesia to provide a further extension of the regulatory time-limit to bring into use the frequency assignments to the NUSANTARA-H1-A satellite network to 31 August 2023.

The Board reminded the Administration of Indonesia that:

- it did not grant extensions to regulatory time-limits to bring into use frequency assignments to satellite networks that would include additional margins or contingencies;
- frequency assignments did not need to complete in-orbit testing at their nominal orbital position to satisfy the requirements for bringing into use, but a satellite with the proven capability needed to be present at the orbital location at the regulatory time-limit and for the required period;
- the in-orbit testing period could not form the basis for a request to extend a regulatory time-limit when a satellite was launched directly to its nominal orbital position.”

6.1.19 It was so agreed.

6.2 Submission by the Administration of the Islamic Republic of Iran requesting an extension of the regulatory time-limit to bring back into use the frequency assignments to the IRANSAT-43.5E satellite network (Document RRB23-2/17)

Submission by the Administration of the Russian Federation in support of the submission from the Islamic Republic of Iran requesting an extension of the regulatory time-limit to bring back into use the frequency assignments to the IRANSAT-43.5E satellite network (Document RRB23-2/18)

6.2.1 **Mr Loo (Head, SSD/SDR)** introduced Document RRB23-2/17, in which the Administration of the Islamic Republic of Iran had provided additional information to support its request for an extension of the regulatory time-limit to bring back into use the frequency assignments to the IRANSAT-43.5 satellite network on the grounds of *force majeure*, after the Board had been unable to accede to the request at its previous meeting. In view of that decision, the latest submission sought to demonstrate the fulfilment of all four conditions of *force majeure* the linkage between sanctions on the Russian Federation and project delays and long-term plans for IRANSAT-43.5E, which it referred to as its first national communications satellite. Furthermore, the administration had invoked No. 196 under Article 44 of the ITU Constitution in requesting that its special needs as a developing country and its geographical situation be taken into account in the Board's consideration of the request.

6.2.2 Since the 92nd meeting of the Board, the administration had signed a new launch service contract for the N3A-1 interim satellite with Blue Origin on 13 April 2023, which had provided a launch window from 1 January 2024 to 30 June 2024. Consequently, the administration was requesting an extension of the regulatory time-limit until 31 August 2024.

6.2.3 He then introduced Document RRB23-2/18 from the Administration of the Russian Federation, which confirmed that the long-term IRANSAT-43.5E satellite would not be delivered to the orbital position until 2025 and stressed the importance of the satellite to the development of Iranian telecommunication networks.

6.2.4 Responding to a question from **Ms Mannepalli**, he confirmed that IRANSAT-43.5E would be the country's only communications satellite with national coverage. He noted that there was also a filing at 26°E, but that was a shared network with regional coverage.

6.2.5 Responding to a question from the **Chairman**, he said that the IRANSAT-43.5E satellite network had been notified and recorded. Coordination had been completed with a number of administrations, but it depended on the assignments. As an indication, for one frequency assignment, coordination had been completed with 14 administrations, and it had been recorded under RR No. **11.41** vis-à-vis eight other administrations.

6.2.6 Responding to questions from **Ms Hasanova**, he said that it was standard practice for administrations to submit only key parts, rather than the entirety, of launch contracts and that no further information or contracts had been provided concerning the long-term satellite that had been planned to be launched in 2025.

6.2.7 **Mr Talib**, noting that the conflict between the Russian Federation and Ukraine had been used as the basis for requests for regulatory extensions on the grounds of *force majeure* and that the Board had accepted some of those requests while rejecting others, suggested seeking the view of the ITU Legal Adviser as to whether the conflict in itself represented a *force majeure*.

6.2.8 **Ms Beaumier** said that it was the sanctions arising from the conflict, rather than the conflict itself, that had served as the basis for *force majeure* and prevented the launch. She saw no need to consult the Legal Adviser as the Board had previously considered cases involving the impact of sanctions, including those arising from the Russian Federation/Ukraine conflict. The **Chairman**, **Mr Linhares de Souza Filho**, **Mr Henri** and **Mr Fianko** agreed.

6.2.9 **Mr Fianko** added that, but for the sanctions, the interim satellite would have been launched, with the manufacturer saying that construction had been completed in April 2022, which he was prepared to accept. The sanctions, which had prevented the export of the N3A-1 satellite from Europe to the launch site in the Russian Federation, had been introduced after the contracts had been signed and thus could not have been foreseen. In his view, the case met the conditions of *force majeure* and the Board could grant an extension.

6.2.10 **Mr Henri** said that the completion of satellite construction in April 2023 would have left little time to meet the scheduled launch window of 15 May-15 July 2023, but sanctions had clearly prevented export to the launch site. Similar grounds for *force majeure* had been used in the past.

6.2.11 The **Chairman** agreed with that assessment, noting that the four conditions of *force majeure* had been referred to and justified in the new submission. He also noted that the administration had reduced the length of the extension requested, in line with the Board's decision at its 92nd meeting.

6.2.12 **Mr Linhares de Souza Filho** said that the lack of information and clarity in the original request had been addressed in Document RRB23-2/17, which was clear, demonstrated fulfilment of the four conditions of *force majeure* and had responded to the Board's request for extra information.

6.2.13 **Mr Cheng** stressed the importance of the Board's bearing in mind the reference made by the administration to Article 44 of the Constitution and that IRANSAT-43.5E was to be the country's first national communications satellite.

6.2.14 **Mr Linhares de Souza Filho** and **Ms Mannepalli** similarly emphasized the need for the Board to consider the special needs and geographical situation of the country in its deliberations, in accordance with the provisions of Article 44.

6.2.15 **Ms Beaumier** said that it was relevant for the Board to mention Article 44 in its decision, recalling that it had done so when originally granting the extension to the regulatory time-limit to bring back into use the frequency assignments to the IRANSAT 43.5E at its 84th meeting. In that decision, the Board had also noted the importance of the satellite to Iranian telecommunications.

6.2.16 **Mr Nurshabekov** said that the administration had provided sufficient information in view of the Board's decision at its 92nd meeting and demonstrated fulfilment of the conditions of *force majeure*. Moreover, given that the network was to provide national coverage for a developing country and that coordination was almost complete, he was in favour of granting the extension.

6.2.17 **Mr Talib**, **Ms Mannepalli** and **Mr Cheng** agreed that the conditions of *force majeure* had been met and supported granting the extension as requested.

6.2.18 **Ms Beaumier** said that the submission was fairly comprehensive, answering many of the questions raised by the Board. It had provided some details on the long-term plan for the network, and the purpose was clear, but details on the implementation and status of the long-term project were vague. The Board had been informed that that satellite would not be deployed until 2025, but there was no information on the current status. Similarly, the coordination status was not clear from the document, though the Bureau had said that it had been completed with most potentially affected administrations. What was clear, however, was that the project had faced many challenges and the parties involved had diligently sought to resolve issues, including by arranging for the interim satellite, which had been completed in April 2022. If there had not been sanctions and based on the launch window provided, the satellite could have reached the orbital position prior to the deadline. In addition, by signing a new launch contract, the administration had reduced the extension requested by one month. She supported granting the extension until 31 August 2024 but suggested encouraging the administration to continue efforts to complete coordination with all potentially affected administrations.

6.2.19 **Mr Henri** said that he appreciated the additional information provided on the long-term plans for the orbital position and commended the efforts of the Administration of Iran to overcome challenges and seek alternative launch solutions. However, while the requested extension had been limited to 11 months, the launch window was unusually long. If the interim satellite was launched early in that window, a much shorter extension would suffice. Granting an 11-month extension at that stage was akin to allowing for contingencies not related to manufacture, which the Board sought to avoid. Consequently, he suggested sending a positive message to the administration by confirming

that the case met the conditions of *force majeure* and that an extension would be granted, but the deferring decision on the length of that extension until the next meeting when more precise launch information, including shorter launch window, launch provider and length of orbit raising, would be available.

6.2.20 **Ms Beaumier** said that the identity of the launch provider was already sufficiently clear. Nevertheless, the Board usually determined the length of extensions based on shorter launch windows. Thus, the proposal of Mr Henri was reasonable and consistent with previous decisions of the Board.

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

“The Board considered in detail Document RRB23-2/17, containing a 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, and Document RRB23-2/18 from the Administration of the Russian Federation, which provided information in support of the request. The Board thanked the Administration of the Islamic Republic of Iran for providing detailed information in support of its request. The Board noted that:

- the project was to establish the first national telecommunications satellite of the Islamic Republic of Iran but details of its implementation and status were not clearly defined;
- the N3A-1 satellite had been manufactured in Europe and had been ready for launch in April 2022 with a launch window of 15 May - 15 July 2022, using a launch provider in the Russian Federation, which would have allowed the Administration of the Islamic Republic of Iran to comply with the regulatory time-limit to bring back into use the frequency assignments to the IRANSAT-43.5E satellite network by 7 October 2023;
- the unforeseen Russian Federation/Ukraine crisis had resulted in international sanctions that had prohibited the export of the satellite to the Russian Federation and the use of a Russian launch provider, resulting in the Administration of the Islamic Republic of Iran being unable to meet the regulatory time-limit;
- the Administration of the Islamic Republic of Iran had made extensive efforts to meet its obligations under the Radio Regulations, which had included seeking interim satellites and alternative launch providers, but options had been limited;
- all the conditions had been satisfied for the situation to qualify as a case of *force majeure*;
- the coordination had been completed with the majority of affected administrations;
- efforts had been made to reduce the duration of the extension period requested;
- the provisions of Article 44, No. 196 of the ITU Constitution (No. **0.3** of the Preamble to the Radio Regulations), in relation to the special needs of developing countries and the geographical situation of particular countries, were relevant to the project of the Islamic Republic of Iran;
- there was some uncertainty with the launch timing given the six-month launch window provided by the launch service provider.

Consequently, the Board concluded that the situation met all the conditions and qualified as a case of *force majeure* and 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. The Board instructed the Bureau to:

- invite the Administration of the Islamic Republic of Iran to provide updated information on the launch plans, including but not limited to the launch window and launch service provider, to the 94th Board meeting, allowing the Board to decide on the duration of the extension period;

- continue to take into account the frequency assignments to the IRANSAT-43.5E satellite network until the end of the 94th Board meeting.

The Board also encouraged the Administration of the Islamic Republic of Iran to complete all outstanding coordination requirements for the satellite network.”

6.2.22 It was so **agreed**.

6.3 Submission by the Administration of Italy requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the SICRAL 2A and SICRAL 3A satellite networks at 16.2°E (Document RRB23-2/20)

6.3.1 **Mr Loo (Head, SSD/SPR)**, introducing Document RRB23-2/20, said that the Administration of Italy had requested an extension of 32 months to the regulatory time-limit to bring into use the frequency assignments to the SICRAL 2A and SICRAL 3A satellite networks at 16.2°E, which was 15 May 2024 in accordance with RR No. **11.49**. The SICRAL 3 system had been developed to replace SICRAL 1 well in advance of the latter’s anticipated end of lifetime (2025) and ensure continuity of service at the orbital position. Unfortunately, SICRAL 1 had developed critical faults in early 2021, and the administration had disposed of the satellite in compliance with international guidelines and to ensure safety and non-proliferation of debris in orbit, even though SICRAL 1 could have remained operational until its end of lifetime. That had implications for the SICRAL 3 replacement project, which had been progressing until the COVID-19 pandemic and the strict response measures adopted by the Italian Government, which had brought project activities to a halt in early 2020, delayed the conclusion of the contracting process until June 2021 and rendered it impossible to resume normal operations until March 2022, with the supply chain also heavily affected. Now, SICRAL 3 could not be brought into use until towards the end of 2026, over two years behind schedule. The administration had invoked *force majeure* owing to the COVID-19 pandemic as the basis of its request, describing how in its view the case had met all four conditions.

Responding to a question from the **Chairman**, he said that the annexes that had been originally submitted had been unreceivable and therefore removed, but they had not contained any information on manufacturing or launch-service contracts. They had been excerpts from the Italian Official Gazette describing government measures in response to the COVID-19 pandemic.

6.3.2 The **Chairman** noted that Italy had been seriously affected by the COVID-19 pandemic and thanked the Administration of Italy for its efforts in such circumstances.

6.3.3 **Mr Linhares de Souza Filho** said that the administration had not fully demonstrated the effect of the COVID-19 pandemic on the SICRAL 3 satellite project in the documents provided. The requested extension was lengthy and further information was required before it could be granted.

6.3.4 **Ms Hasanova** noted that, although the administration had stated that it had completed the contracting process in June 2021 and had an anticipated bringing-into-use date of end of 2026, it had not submitted any contracts regarding the new project or any detailed information justifying its delay, rendering it impossible for the Board to accede to the request. Nevertheless, the project, which was important for the administration’s defence, civil protection, and rescue services, had clearly been impacted by the COVID-19 pandemic, with Italy being one of the first countries to be seriously affected.

6.3.5 **Ms Beaumier** said that she had sympathy for the case, which did initially appear to meet the conditions of *force majeure*; however, while the SICRAL 3 project had understandably been impacted by the COVID-19 pandemic, it was unclear by how much and whether the delays were solely due to the pandemic. Furthermore, the information provided was not specific, even the current and proposed bringing-into-use dates were imprecise. Details were lacking on project timelines and status before and after the failure of SICRAL 1 and the pandemic, the effects of which would have started to be

felt before the disposal of SICRAL 1. As no evidence had been provided to corroborate the facts presented in the submission or justify the requested extension, the Board was not in a position to either grant an extension or confirm that the case satisfied the four conditions of *force majeure*; nonetheless, elements suggested that it might, and thus the Board should request additional information from the administration.

6.3.6 **Mr Henri** noted that the case represented a real project and that the COVID-19 pandemic would have had an impact on the manufacturer and launch service provider. However, it was unclear whether the delays mentioned could all be ascribed to the pandemic. The regulatory time-limit of 15 May 2024 could have been met if not for the pandemic, but no information on the launch campaign or window had been provided nor had initial and revised project timelines to support that assertion. Similarly lacking was information on duration of any orbit raising and a rationale to justify that the case satisfied all conditions of *force majeure*. Consequently, in his view, the Board was not in a position to accede to the request. In formulating its decision, the Board should refrain from listing exactly which information was required, as it would likely fail to mention something that it later needed. Furthermore, the information generally required could be found in the report on Resolution **80 (Rev.WRC-07)**. In any case, there was almost a year left before the regulatory deadline and no need to rush into a decision.

6.3.7 **Ms Hasanova** agreed that there was no need to request specific information and that, given that the regulatory time-limit to bring the frequency assignments into use was not until 2024, the administration had sufficient time to submit relevant information to a future Board meeting.

6.3.8 **Mr Talib** said that he had sympathy with the case and believed that it met the conditions of *force majeure*. However, the requested extension was long given that there was no clear evidence to justify it. Thus, the Board could not accede to the request based on the submission and should ask for specific information in order to decide on the request at its next meeting. Nevertheless, he suggested conveying to the administration that the Board would be amenable to considering it a case of *force majeure* but could not decide on the extension for lack of information.

6.3.9 **Ms Beaumier** said that such an approach would be premature as it was not clear that the third and fourth conditions of *force majeure* had been met. The administration still needed to demonstrate fulfilment of those conditions and provide evidence that the regulatory time-limit would have been met absent the pandemic. The Board would only address the length of extension once it had confirmed that the case met all four conditions of *force majeure*.

6.3.10 **Mr Alkahtani** agreed that the Administration of Italy had not provided enough information to demonstrate how the COVID-19 pandemic had affected the SICRAL 3 schedule. He suggested that the Board let the administration decide if it wished to resubmit its request with further information rather than inviting it to do so.

6.3.11 **Ms Mannepalli** said that the Board could not indicate a leaning towards qualifying the case as one of *force majeure*. Further information was needed to conclude that it met all four conditions. However, the administration had sufficient time and the report on Resolution **80 (Rev. WRC-07)** detailed the necessary basic information required from administrations. Thus, in her view, the Board could decide not to accede to the request, without inviting the submission of further information. **Mr Henri** agreed.

6.3.12 **Mr Cheng** agreed that there was insufficient evidence for the Board to accede to the request but said that the administration should be invited to provide further information to the next meeting. Also, he noted with appreciation the actions taken by the administration to ensure safety and the non-proliferation of debris following the critical faults experienced by SICRAL 1, even though the satellite could have remained operational until its end of lifetime. **Mr Henri** likewise welcomed the efforts of the administration aimed at space sustainability.

6.3.13 **Mr Nurshabekov** said that the pandemic had clearly had an impact on the contracting process, though the contracts and timelines had regrettably not been included in the submission. Such information could have substantiated the requested extension, which otherwise appeared very long. However, the administration had time to provide the relevant information in order for the Board to make a decision at a subsequent session.

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

“Having considered in detail the request of the Administration of Italy for an extension of the regulatory time-limit to bring into use the frequency assignments to the SICRAL 2A and SICRAL 3A satellite networks, as contained in Document RRB23-2/20, the Board noted that:

- the case represented a real project and the SICRAL 1 satellite had unexpectedly suffered critical faults and had been decommissioned in early 2021 while it had been expected to continue operation until 2025, thus having an impact on the project schedule for a replacement satellite;
- the frequency assignments to the SICRAL 2A and SICRAL 3A satellite networks had been suspended under RR No. **11.49** on 15 May 2021 and the regulatory time-limit for resumption of operation was 15 May 2024;
- a *force majeure* event had been invoked due to the global COVID-19 pandemic;
- the case appeared to contain elements that could satisfy the conditions for the situation to qualify as a case of *force majeure*.

However, the Board considered that a number of aspects had not been sufficiently explained, and supporting evidence and detailed information had not been provided that would clearly demonstrate that all the conditions had been satisfied for the situation to fully qualify as a case of *force majeure*.

No evidence had been provided that:

- demonstrated that the delays experienced could be ascribed solely to the global COVID-19 pandemic;
- justified the duration of the requested extension of 32 months, which would include the period required for orbit raising;
- the regulatory time-limit would have been met but for the global pandemic.

No information had been provided on:

- the status of the project before and after the failure of the SICRAL 1 satellite and the global pandemic;
- the status of the satellite construction, the initial (before the global pandemic) and final (after the global pandemic) timelines for its construction;
- the launch plans, launch window and launch service provider.

Consequently, the Board concluded that it was not in a position to accede to the request from the Administration of Italy.”

6.3.15 It was so **agreed**.

6.4 Submission by the Administration of the Republic of Korea requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the KOMPSAT-6 satellite network (Document RRB23-2/21)

6.4.1 **Mr Loo (Head, SSD/SPR)** introduced Document RRB23-2/21, containing a request from the Administration of the Republic of Korea for an extension of the regulatory time-limit to bring into use the frequency assignments to the KOMPSAT-6 satellite network, which was 12 December 2023

in accordance with RR No. **11.44**. All of the frequency bands involved were not subject to coordination under section II of RR Article **9**. The Republic of Korea reported that, as seen from the table of major milestones and from the timetable of assembly, integration and test activities given on page 4 of the document, the KOMPSAT-6 satellite had been successfully developed in 2022 and had been ready for moving to the launch site in August 2022.

6.4.2 The operator, the Korea Aerospace Research Institute (KARI), which was a government-funded research institute, had entered into a launch contract with International Launch Services (ILS) in 2016, with a scheduled launch in the fourth quarter of 2022 from the Plesetsk launch site by the Angara launch vehicle manufactured by the Khrunichev Space Center, as attested by the exchange of letters between KARI and ILS (Annex 2). However, the launch had not been able to take place on time due to the international crisis involving the Russian Federation and Ukraine.

6.4.3 Moreover, also due to the international crisis, a licence covering re-export from the Republic of Korea to the launch site in the Russian Federation had been suspended under the United States Export Administration Regulations (Annex 3). An appeal submitted by KARI to the United States Government (Annex 4) had proved unsuccessful.

6.4.4 KARI had accordingly sought a replacement launch service provider (LSP) and entered into a contract with Arianespace for launch of KOMPSAT-6 by its Vega-C launcher, providing for a launch by 31 March 2025 (Annex 5), although on account of possible schedule uncertainty as a consequence of the launch failure of Vega-C in December 2022 and its expected return to flight at end 2023, Arianespace had included in the contract a right to postpone by six months.

6.4.5 Consequently, the Republic of Korea requested the Board to grant an extension of the time-limit for bringing into use to 30 September 2025, based on the date of end of March 2025 stipulated in the new contract with Arianespace plus a six-month margin -.

6.4.6 The administration considered that its request for extension of the regulatory time-limit met all four conditions of *force majeure*: the Russian Federation/Ukraine crisis and the United States suspension of the re-export licence had been beyond its control; that crisis and the resulting re-export licence suspension had not been foreseeable in 2016 when the launch service agreement had been signed with ILS with a launch site in the Russian Federation; despite KARI's best efforts in appealing the licence suspension and proceeding to a new launch service contract with Arianespace, events beyond its control had made it impossible to fulfil the obligation to perform the launch within the regulatory time-limit; and the failure to meet the time-limit was clearly causally connected to the international crisis and re-export licence suspension.

6.4.7 **Mr Henri** said that, *a priori*, the information provided by the Administration of the Republic of Korea suggested that the administration would have been able to comply with the regulatory deadline of 12 December 2023 with a margin of eight months had it not been for the cancellation of the satellite launch. The cancellation was clearly attributable to the international crisis involving the Russian Federation and Ukraine, the consequences of which had prevented the Administration of the Republic of Korea from fulfilling its obligations and had obliged it to seek a new contract with another LSP. The conditions for invoking *force majeure* thus appeared to have been met, in which case the Board could accede to the request for an extension of the regulatory time-limit. With respect to the length of any extension, the additional six-month period requested beyond the planned Vega-C launch on 31 March 2025 was founded on uncertainty regarding the return to flight of Vega-C, and the Board's practice was not to grant extensions for the purpose of contingencies. Moreover, no information was available on the time required for the space station to reach its notified altitude. More detailed information would thus be required, such as an updated launch window and supporting evidence from the LSP on Vega-C's launch programme. Since the next Board meeting would be held

well before the current regulatory deadline for the KOMPSAT-6 satellite network, some flexibility existed for obtaining additional information before taking a decision at the next Board meeting.

6.4.8 **Ms Beaumier**, while concurring that the case could qualify as *force majeure* owing to the international crisis, felt that there were some areas in which more explanations were needed to enable the Board to establish definitively that it had become impossible for KARI to comply with the time-limit, and some of the supporting evidence in the annexes needed to be improved or supplemented. For instance, the role of the United States licence in relation to the satellite could perhaps be inferred from Annex 3, but the linkage should have been made more explicit for the Board in the body of the document. The appeal letter in Annex 4 was incomplete. No indication had been given of other options being explored in parallel early on in the process, even though the outcome of the appeal had no doubt been predictable. Given the circumstances, efforts should have immediately been turned to finding an alternative launch service provider. The extract from the launch contract with Arianespace in Annex 5 was heavily redacted, perhaps understandably, but the pages provided were neither signed nor dated. To her mind, the additional six months requested for anticipated launch schedule delays clearly fell within the realm of contingency and were not justified. Not only was no specific detailed rationale or assessment provided as to the direct impact of the Vega-C failure on the launch manifest and the KOMPSAT-6 launch, but it appeared that the new launch contract had been concluded in 2023, i.e. after the failure had already occurred (December 2022), and so its effects would normally already have been taken into account.

6.4.9 Replying to a general comment by **Mr Di Crescenzo** that the Board had no means to verify the validity of signatures or documents, **Ms Beaumier** and the **Chairman** said that evidential materials submitted to the Board must nonetheless be in good order, and identifiably dated and signed.

6.4.10 **Mr Cheng** also considered that some additional details were required for the Board to assure itself that the administration had been in a position to meet the original time-limit. It would be good to have tangible supporting evidence of the manufacture and delivery of the satellite demonstrating that the satellite had indeed been ready in August 2022 as stated, as well as information on orbit parameters for the launch service, namely whether the satellite would have been launched straight to the 505 km orbit or to another orbit with additional time to raise it to 505 km afterwards.

6.4.11 **Ms Hasanova** agreed that more information and evidence were needed before the Board could decide on the request. The administration should provide, *inter alia*, detailed documentation on the new launch window, planned launch date and milestones for the new launch.

6.4.12 **Mr Talib** was of the view that the impact of the international crisis between the Russian Federation and Ukraine constituted a *force majeure* impediment to completion of the KOMPSAT-6 project within the original time-frame; however, the material provided was insufficient to enable the Board to grant the requested extension. The administration should thus be requested to provide more detailed information, notably a proper timetable, so the Board could evaluate the impact of the *force majeure* events in terms of the length of the extension and take a decision at its 94th meeting.

6.4.13 **Ms Mannepalli** said that the case of KOMPSAT-6 certainly appeared to meet the conditions of *force majeure*. As others had said, however, for the Board to take a decision on the basis of tangible evidence rather than assumptions or inferences, the administration should be asked to submit clearer documentation on some aspects. That would include a more explicit explanation of the linkage with the United States re-export licence (such as where the satellite had been manufactured and why it was subject to the re-export embargo), evidence to support the statement that the satellite had been ready in 2022, and justification for the additional six months requested (recognizing that the Vega-C launch failure had already been a known fact when the new launch contract had been concluded).

6.4.14 **Mr Linhares de Souza Filho** was not entirely comfortable that all four *force majeure* conditions had been met. He and **Mr Nurshabekov** said they wished to know what proactive

measures the administration had taken during the period when it had appeared probable that the re-export suspension would be applied and upheld. For a LEO space station, there were several launch options on the market, and they wondered whether those had been explored, given that the Arianespace solution entailed a delay of two years.

6.4.15 **Mr Henri** reiterated that he had little doubt that the case would meet the *force majeure* criteria for an extension of the regulatory time-limit. It was just a matter of obtaining further explanations and additional or improved evidential material to enhance the Board's understanding and confidence in the case. In his opinion, the key items of further information would be proof (possibly from the manufacturer) of the initial timeline and the satellite's readiness in 2022, a more formal (signed and dated) document reflecting the Arianespace contract, and an explanation of the launch-schedule uncertainty persisting in the contract, despite the Vega-C launch failure being a known parameter by the time the contract had been concluded. The Board could dispense with enquiring further about the dependence on a re-export licence, which was logical, and suspension thereof, which was a clear result of the political situation. Nor was he particularly concerned at the decision and time taken to have recourse to a launch with Arianespace as the alternative LSP, since he was not certain there would have been a significant number of options available, and many of them might not have been suitable in terms of rideshare, orbit parameters and other such reasons, although any information from the administration on any alternatives explored and the reasons for its choice would, of course, be helpful for the Board.

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

"Having considered the request from the Administration of the Republic of Korea for an extension of the regulatory time-limit to bring into use the frequency assignments to the KOMPSAT-6 satellite network, as contained in Document RRB23-2/21, the Board noted that:

- the API for the KOMPSAT-6 satellite network had been received on 12 December 2016 and the regulatory time-limit for its bringing into use was 12 December 2023;
- the Administration of the Republic of Korea indicated that the satellite had been ready for launch in August 2022, with a planned launch in the fourth quarter of 2022 from a launch site in the Russian Federation;
- the administration had invoked a case of *force majeure* due to international sanctions that had resulted in the suspension by the Government of the United States of the re-export licence of the satellite to the Russian Federation as a consequence of the Russian Federation/Ukraine crisis;
- the situation might qualify as a case of *force majeure*;
- from the information provided it was not evident how the *force majeure* event made it impossible and not just difficult for the Administration of the Republic of Korea to meet its obligations;
- aside from the appeal to the suspension of the re-export licence, no evidence had been provided that other options had been immediately pursued in March 2022 in order to find an alternative launch service provider or why that had been impossible;
- some supporting documentation had been provided without a signature or date;
- the six-month contingency in the requested extension period did not seem to be justified given that the contract with the alternative launch provider had been signed after the launch failure of the Vega-C launch vehicle.

The Board considered that additional information would be required to demonstrate that all the conditions had been satisfied for the situation to qualify as a case of *force majeure* and to justify the duration of the extension period requested. Such information would include, but not be limited to:

- supporting evidence from the satellite manufacturer that the satellite had been ready in August 2022;
- updated information on the new launch window;
- evidence from the new launch service provider that would confirm the launch date and the date the contract had been signed;
- other supporting evidence for the period required after the launch for orbit raising.

Consequently, the Board concluded that it was not in a position to accede to the request from the administration and instructed the Bureau to invite the Administration of the Republic of Korea to provide additional information to the 94th Board meeting.”

6.4.17 It was so **agreed**.

6.5 Submission from the Administration of Papua New Guinea requesting an extension of the regulatory time-limit to bring into use the frequency assignments to the MICRONSAT satellite system (Document RRB23-2/22)

6.5.1 **Mr Loo (Head, SSD/SPR)** introduced Document RRB23-2/22, by which the Administration of Papua New Guinea, after recalling the facts of the case of the MICRONSAT system and its satellite BW3, already discussed at the two previous Board meetings, had provided its response to the Board’s request for information to clarify a number of points.

6.5.2 With regard to the lack of information on the satellite manufacturer and evidence of the satellite delivery schedule, Papua New Guinea had indicated that the satellite operator (AST) manufactured its own satellites. The satellite delivery schedule, which had already been provided in previous submissions, was attached as Annex 2 to the document. The extra time during the initial Soyuz launch delay, which had been caused by issues with the main payload unrelated to BW3, had been used to perform additional software development related to the operation of the spacecraft (some of which could have been done equally before or after the spacecraft was in orbit) and for ancillary testing. The administration reiterated that the BW3 satellite had been on schedule and ready for the Soyuz launch.

6.5.3 In response to the Board’s observation that a launch agreement had already been reached with an alternative launch provider in July 2021 with an initial launch date in March 2022, Papua New Guinea indicated that the operator had had discussions with most of the satellite launch providers, but highlighted the complexity of negotiating launch arrangements for hundreds of satellites with all the variables involved and in a difficult geopolitical context, which placed plans in a state of constant flux, and the need for discretion, which made it difficult to disclose details of such negotiations in a public forum, even to the Board. As early as April 2021, the operator had been anxious about the escalating situation in Ukraine, the likelihood of military action there and the potential international reaction and its impact on the industry (see press releases in Annex 1 to the document). GK Launch Services had always been the preferred option as it offered BW3 the desired launch orbit, and the operator had publicly expressed its hope to continue to work with GK in future; indeed, it still had a USD 2.7 million deposit with GK to that end. However, on account of the geopolitical crisis, which constituted *force majeure* events, it had publicly announced that BW3 would be launched by SpaceX. Unfortunately, it had proved difficult to find a satisfactory rideshare launch. The satellite operator had even paid SpaceX an additional fee to launch BW3 into a higher orbit than its co-passenger. The solution had not been optimal but had been the best option under the circumstances.

6.5.4 In § 3 of the document, the satellite operator had expressed strong objection to the Board’s statement to the effect that it had decided on a revised launch window providing additional time for assembly and testing that was incompatible with the regulatory time-limit of 23 November 2022.

Papua New Guinea had reiterated that BW3 would have been launched into the intended 700 km orbit well before the deadline if AST had been able to use the Soyuz launch.

6.5.5 **Ms Beaumier** said she understood from the latest submission of the Administration of Papua New Guinea that using SpaceX had been a backup plan in case a launch involving the Russian Federation launch service provider had become impossible, which was plausible. She also noted the information that the satellite had been built by the operator itself (AST). Nevertheless, whereas the Board had requested substantive evidence documenting the satellite delivery schedule, the administration had simply resubmitted the production plan in Annex 2 without any extra explanation or evidentiary material. Furthermore, rather than explaining the operator's own press release, which had suggested that a revised launch window incompatible with the regulatory time-limit had been decided in order to provide additional time for work on the satellite, Papua New Guinea had merely signalled the operator's objection to the Board's statement that the launch window of summer 2022 had been incompatible with the regulatory deadline. If the satellite had been ready, she asked what the rationale was for postponing the launch window and for the operator stating in the press release that it had wanted *to provide additional time for assembly, testing and final launch preparation*. Unfortunately, without clarification of those two items, it was still impossible for the Board to conclude positively on an extension of the regulatory time-limit.

6.5.6 **Ms Mannepalli** said she considered that Papua New Guinea's submission in Document RRB23-2/22 had failed to provide all the information sought by the Board, in particular clarification of the operator's decision in December 2021 on a revised launch window, ostensibly to allow more time for assembly and testing. It was difficult to take a decision on the applicability of *force majeure* without that information.

6.5.7 **Mr Fianko** said he had sympathy with the request insofar as there was no doubt that the international crisis had had a major impact on compliance with the time-limit. The administration had stated that the satellite had been ready in time. To dispel any doubt, however, the Board had requested – and still required – substantive evidence to support that statement. Recognizing that the satellite had already been launched, it would be helpful if the administration provided that in time for the 94th meeting, so that the case could be settled and to avoid having to burden WRC-23 with the matter.

6.5.8 **Ms Hasanova** said that Papua New Guinea had responded to some of the Board's questions, and she was likewise sympathetic to its request for an extension of the time-limit for a satellite that was already in orbit and for which the frequency assignments were published and recorded. The administration should be given an opportunity to submit the remaining necessary information as described by the previous speakers. Meanwhile, the corresponding assignments should be maintained, pending final consideration of the matter at the next Board meeting.

6.5.9 **Mr Talib** expressed thanks to the Bureau and the Papua New Guinea Administration for their efforts in providing additional information to allow the Board to rule on the extension. He also had sympathy with the administration, since it was clear that the international crisis that had prevented AST from using the Soyuz launcher, thus obliging it to switch to a SpaceX launch into a lower orbit necessitating an 18-month period to move the space station to its planned orbit, constituted grounds to qualify the case as one of *force majeure*. However, he agreed that the Board still required tangible evidence of the timetable and the readiness of the satellite in order to decide on the request. The case should thus be deferred to the next meeting, giving Papua New Guinea time to produce the requested information.

6.5.10 **Mr Henri** said that Papua New Guinea, with the help of the operator, had provided some information of interest shedding some light on the Board's first two questions. He was sensitive to the complexity of the parallel negotiations that needed to be undertaken in a difficult international situation to ensure the launch of BW3, while also securing the future launch of the large number of satellites comprising the overall constellation. Regarding the Board's third question, however, he

emphasized that Papua New Guinea had simply replied that the operator “strongly objected” to the Board’s statement. Such wording, especially unaccompanied by any additional explanation or rationale, was unproductive. The Board, for its part, always took care to treat its interlocutors with the utmost respect and to explain, clarify and substantiate its concerns and decisions. The Board had been entirely justified in requesting clarification of an AST press release issued in December 2021, i.e. before the start of the Russian Federation/Ukraine conflict, announcing a revised launch window targeting the summer of 2022 in the following terms: “We believe the updated launch window provides important and needed additional prep time to ensure a successful satellite launch”. As the press release was open to interpretation, and in discharging its duties the Board was obliged to base its considerations on unequivocal inputs from administrations rather than making assumptions – a clear explanation was required from Papua New Guinea. He therefore suggested that the administration be given another opportunity to provide the missing information for the next Board meeting, at which point the Board would then make a final determination. As far as further burdening WRC-23 was concerned, in his opinion, whatever the Board’s final decision, the case would then effectively be closed and there would be no reason for the Board to transmit it to WRC-23. Administrations always had the option to raise cases with WRC themselves if they saw fit.

6.5.11 **Mr Linhares de Souza Filho**, agreeing with previous speakers, said that the assignments should be retained until the next meeting to give time to obtain the missing information. He believed that the Board’s second question had been answered. The outstanding points were a clear substantiated delivery schedule (Annex 2 was difficult to understand and insufficiently evidential) and a clear explanation of the Board’s third question concerning the early decision on the revised launch window.

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

“The Board considered in detail the submission from the Administration of Papua New Guinea, as contained in Document RRB23-2/22, and thanked the administration for providing further additional information requested at the 92nd Board meeting. The Board noted from the submission that:

- the selection of an alternate launch service provider had been to serve as a backup launch provider in-case the primary launch provider had not been available;
- the satellite had been manufactured in-house based on the satellite production plan; however, the plan had not been explained and the original request from the Board had been to provide it with evidence of a delivery schedule;
- no explanation had been provided regarding the December 2021 press release, and while the satellite operator had objected to the statement that the launch window had been incompatible with the regulatory time-limit of 23 November 2022, the Administration of Papua New Guinea had still not provided an explanation why the launch provider had been requested to delay the launch window, when the satellite had been indicated as ready.

Based on the information provided, the Board considered that it was still not possible to determine that all the conditions had been satisfied for the situation to qualify as a case of *force majeure*. Specific information that would enable the Board to make such a determination would include:

- a clear explanation of a legible satellite delivery schedule;
- clear and substantive evidence that the BW3 satellite had been ready and available for the original launch window in order to meet the regulatory time-limit of 23 November 2022;
- a clear explanation for the press release that had called for a revised launch window targeting summer 2022 indicating that it had been required to provide additional time for assembly and testing of the BW3 satellite.

Consequently, the Board concluded that it was still not able to accede to the request from the Administration of Papua New Guinea to grant an extension of the regulatory time-limit to bring into use the frequency assignments to the MICRONSAT satellite system at its 93rd meeting. The Board instructed the Bureau to invite the Administration of Papua New Guinea to provide further information to the 94th Board meeting that would enable it to determine that the situation could qualify as a case of *force majeure*.

The Board further instructed the Bureau to continue to take into account the frequency assignments to the MICRONSAT satellite network in the frequency bands 37.5-42.5 GHz (space-to-Earth), and 47.2-50.2 GHz and 50.4-51.4 GHz (Earth-to-space), until the end of the 94th Board meeting.”

6.5.13 It was so **agreed**.

7 Submission by the Administration of Belarus (Republic of) regarding a request to clarify the application of the provisions of Article 48 of the Constitution (Document RRB23-2/9)

7.1 **Mr Bogens (Head, TSD/FMD)**, introducing Document RRB23-2/9, in which the Administration of Belarus requested the Board to clarify the provisions of Article 48 of the ITU Constitution and the possibility of its application by administrations both under martial law and in peacetime instead of coordination in accordance with the provisions of the Radio Regulations, said that the background leading up to the request could be found in the correspondence referenced by Belarus in its submission (items a) to f)).

7.2 References a) and b) related to two letters sent by the Bureau to the Administration of Belarus on 27 May and 23 June 2022, acting on requests for assistance from the Administration of Ukraine under RR No. **13.1** of 3 May and 17 June 2022, to inform Belarus of Ukraine’s disagreement in regard to requests for coordination of frequency assignments to fixed stations on the basis of Article 48 of the Constitution under conditions of imposition of martial law in Ukraine.

7.3 In reference c) of 6 July 2022, Belarus had requested the Bureau to clarify the provisions of Article 48 of the Constitution and the possibility of its application by the Administration of Ukraine instead of coordination in accordance with the provisions of the Radio Regulations, and to indicate how Belarus could coordinate its frequency assignments with Ukraine in those circumstances. The Bureau had replied to Belarus in its letter of 8 August 2022 in reference d), drawing attention to the fact that the invocation of Article 48 in different procedures of the Radio Regulations would be discussed at the Plenipotentiary Conference (Bucharest, 2002) (PP-22). The Bureau had also drawn attention to the outcome of deliberations at the 89th Board meeting on a case of invocation of Article 48 for objections under RR No. **9.52**, on which it had not been able to develop a rule of procedure, and indicating that for those reasons the Bureau was not in a position to clarify the application of Article 48 until a higher entity such as the Plenipotentiary Conference, WRC or the Board had ruled on the matter. Moreover, Belarus had been reminded of the Board’s decisions taken at its 89th and 90th meetings regarding the insertion of objections to notifications of other administrations where Ukraine had been identified as potentially affected until the end of martial law in that country in order to preserve the latter’s spectrum rights. In conclusion, since the Bureau’s ability to provide assistance in bilateral coordination of assignments with Ukraine was extremely limited, and given that coordination under RR No. **9.18** was effected directly between administrations, the Bureau could do no more than recommend the pursuit of coordination on a bilateral basis, without its involvement.

7.4 In reference e) of 16 November 2022, the Administration of Belarus had pointed out that, Belarus being a neighbouring country having numerous coordination requests, the difficulty stemming from Ukraine’s limited ability to effect coordination under martial law was impeding the

proper development of its radiocommunication systems, and had proposed a temporary suspension of coordination procedures with the Administration of Ukraine for the duration of martial law so as to enable Belarus to bring its new stations into operation. By letter reference f) of 6 December 2022, the Bureau had indicated that it considered the course of action proposed by Belarus as offering a reasonable temporary solution, on the understanding that the coordination in question would restart when the Ukrainian Administration resumed its international activities. The Bureau further informed Belarus that since the resolution ultimately adopted by PP-22 on Article 48 of the Constitution (Resolution 216 (Bucharest, 2022)) did not describe the treatment of objections under RR Article 9, the Bureau could not provide the clarification on the application of Article 48 requested by Belarus in its earlier correspondence, and Belarus might consequently wish to address that request to the Board.

7.5 **Ms Hasanova** and **Ms Beaumier** asked how many Belarusian stations were involved, and whether there were any earth stations in Ukraine identified as being within the coordination contour. Although the Belarus question related more to a matter of principle, that information would help to gauge the true extent of the problem in practice. **Mr Bogens (Head, TSD/FMD)** replied that the referenced correspondence reflected only some of the cases, and there were in fact a significant number of Belarusian stations involved for coordination in various frequency bands. It appeared that for the cases made available in the correspondence to the Bureau there were no Ukrainian earth stations in the bands in question and no frequency overlap.

7.6 **Ms Hasanova** said that, while PP-22 Resolution 216 (Bucharest, 2022) recognized the need to maintain sensitivity and confidentiality of frequency assignments for which Article 48 of the Constitution was invoked, it was clear that the assignments in question still had to be recorded with ITU. Without a recorded assignment, she did not see how an objection could be receivable by the Bureau, even under Article 48.

7.7 **Ms Beaumier** agreed that Article 48 could only be invoked in relation to an actual station to be recorded. Indeed, Resolution 216 (Bucharest, 2022) recognized that the rights for international recognition and protection of any frequency assignments, which hence included those submitted under Article 48, were derived from the recording of those frequency assignments in the MIFR and conditioned by the provisions of the Radio Regulations. The resolution also recognized that, as per No. 203 of the Constitution, military radio installations under Article 48 must, as far as possible, observe statutory provisions relative to the measures to be taken to prevent harmful interference, which would include fulfilling coordination obligations on an ongoing basis.

7.8 **Mr Vassiliev (Chief, TSD)** said that, unlike for coordination under, for example, RR No. 9.21, where the Bureau was required to identify affected stations and thus, where applicable, systematically applied the Board's decision currently in force to enter the note concerning Ukraine's objections to notifications of other administrations where Ukraine was identified as potentially affected until the end of martial law, the coordination in the case at hand, under RR No. 9.18, was effected entirely on a bilateral basis between administrations, without the Bureau's involvement. He then drew attention to a paper on the Bureau's practices on the application of the agreement-seeking procedure of No. 9.21, which included a reference to the handling of cases where an administration invoked Article 48 of the Constitution, and might thus be relevant; the paper was to be discussed in the Working Group on the Rules of Procedure.

7.9 **Mr Henri** considered that it was clear from the referenced correspondence that Belarus was consulting the Board for clarification on a matter of principle – the provisions of Article 48 and the possibility of its application by administrations instead of statutory coordination – with a view to finding a way forward to bring its stations into use in the context of the required bilateral coordination in which Ukraine had invoked Article 48 under conditions of martial law.

7.10 **Mr Linhares de Souza Filho** wondered whether peacetime or martial law scenarios had any impact in terms of Article 48. **Ms Beaumier** and **Mr Henri** said that the thrust of Ukraine's objection on the basis of martial law was somewhat unclear, in terms of whether it related to specific assignments or was founded on some other aspect associated with martial law. It was not the Board's place to interpret Ukraine's objection. However, it was clear that, in accordance with Resolution 216 (Bucharest, 2022), Article 48 could not supersede the requirement to coordinate in either scenario.

7.11 **Mr Cheng** agreed that, without further information, some aspects of the case were open to interpretation. He, therefore, suggested that the Board follow its current practice of instructing the Bureau to enter the standard precautionary objection for assignments potentially affecting Ukraine in line with its earlier decisions in similar cases and envisage a temporary suspension of coordination procedures with the Administration of Ukraine as had been proposed. In its decision, the Board should reiterate the relevant content of Resolution 216 (Bucharest, 2022), notably the *recognizing* section.

7.12 **Mr Fianko** said that the Board should focus on the precise question formulated to the Board by Belarus, namely clarification of the provisions of Article 48 of the ITU Constitution and the possibility of its application by administrations both under martial law and in peacetime instead of coordination in accordance with the provisions of the Radio Regulations.

7.13 Following informal discussions among Board members, **Mr Henri** reported that there was consensus on the Board's response to the question asked by Belarus, based on the provisions of Resolution 216 (Bucharest, 2022). By that resolution, the Plenipotentiary Conference had made it clear that the provisions of the Constitution were further complemented by those of the Administrative Regulations, including the Radio Regulations; that military radio installations (Article 48) must, so far as possible, observe statutory provisions relative to the measures to be taken to prevent harmful interference; and that the rights for international recognition and protection of any frequency assignments were derived from the recording of those frequency assignments in the MIFR and conditioned by the provisions of the Radio Regulations. Accordingly, invoking Article 48 did not remove the obligation to coordinate stations, and objections could only be formulated on the basis of recorded frequency assignments. Belarus could pursue bilateral coordination under RR No. **9.18** on that basis, recognizing that, if necessary, it was always at liberty to request further assistance from the Bureau under the Radio Regulations.

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

"Having considered the submission from the Administration of Belarus, as contained in Document RRB23-2/9, requesting clarification on the possible application of the provisions of Article 48 of the ITU Constitution instead of coordination in accordance with the provisions of the Radio Regulations, the Board recalled with reference to *recognizing e*) of Resolution 216 (Bucharest, 2022) of the Plenipotentiary Conference, on use of frequency assignments by military radio installations for national defence services:

"that the rights for international recognition and protection of any frequency assignments are derived from the recording of those frequency assignments in the MIFR and conditioned by the provisions of the Radio Regulations".

Consequently, the Board concluded that:

- invoking Article 48 of the ITU Constitution did not exempt an administration from the obligation to effect coordination under the relevant provisions of the Radio Regulations;
- objections to coordination requests were receivable only if they were based on frequency assignments recorded or in the process of being recorded in the MIFR, or for those stipulated in §§ 1 or 2 of RR Appendix 5, as appropriate."

7.15 It was so **agreed**.

8 Submission by the Islamic Republic of Iran regarding the provision of Starlink satellite services in its territory (Document RRB23-2/10)

8.1 **Mr Sakamoto (Head, SSD/SSC)** said that Document RRB23-2/10 contained details of investigations carried out by the Administration of the Islamic Republic of Iran into the presence of unauthorized Starlink satellite service in its territory in response to the request by the Board at its previous meeting. The Administration of the Islamic Republic of Iran considered that the result of the investigations – which comprised a set of three-speed tests conducted in three different locations in October 2022 and a set of tests using two types of Starlink terminals with different antenna shapes conducted in May 2023, as depicted in Figures 1-6 and Annexes 1 and 2 to the document – proved that the delivery of unauthorized Internet services by the Starlink satellite constellation in the territory of the Islamic Republic of Iran was ongoing. The administration thus requested the Board to urge the administrations responsible for the unauthorized transmissions to comply fully with the principles of the Radio Regulations, in particular those laid down in Article **18** and in Resolution **22 (WRC-19)**, and immediately stop unauthorized transmissions in the territory of the Islamic Republic of Iran.

8.2 In reply to questions from the **Chairman**, he confirmed that, as requested by the Board, the Bureau had written to the Administration of Norway reminding it, as the notifying administration of the relevant satellite networks, of its obligations under the relevant regulatory provisions, but had so far received no response; and that to date no similar assistance requests had been received by the Bureau from other administrations in relation to the Starlink system or any similar satellite networks.

8.3 The **Chairman** said that he wished to thank the Islamic Republic of Iran for the information provided in the document, and emphasized that the issue of unauthorized transmissions and compliance with Article **18** and Resolution **22 (WRC-19)** raised in Document RRB23-2/10 was an extremely important one in general in today's world. Those sentiments were echoed by all the Board members who took the floor on the item.

8.4 **Mr Henri** said it was clear that the Starlink satellite signal was receivable over the territory of the Islamic Republic of Iran and the tests demonstrated the ability to transmit from the territory of the Islamic Republic of Iran via the Starlink system. Accordingly, the possibility of unauthorized transmissions existed. However, the provided tests were not completely conclusive in proving that unauthorized transmissions were operating in practice. Unauthorized transmissions would imply access to services provided by the system. So it would be interesting to know whether services provided by Starlink had actually been accessed during the tests and, if so, details of how the authorization to access those services had been obtained; and, what control mechanisms were in place for Starlink to control which terminals and locations could use the system in practice, recognizing that Norway did not have authorization for transmissions through the system from the territory of the Islamic Republic of Iran. The Administration of Norway should be reminded of Member States' obligations under RR Article **18** and Resolution **22 (WRC-19)** and asked to respond to the requests from the Bureau and the Board.

8.5 **Mr Fianko** said he concurred that the tests showed that transmission was possible. Nonetheless, more information would be necessary to conclude on the existence of unauthorized transmissions under the terms of the Radio Regulations. In order to ascertain whether unauthorized service was being provided, information would be needed, for example, on how the terminal used had been procured or acquired, whether the access was based on a subscription and how any such subscription had been obtained; and on any controls, such as location verification, implemented by Starlink to prevent the provision of service in a territory where it was not authorized.

8.6 **Ms Mannepalli** said the submission showed that Starlink service could be provided in the territory of the Islamic Republic of Iran. The tests demonstrated that the Starlink terminal was operational and recognized by the satellite and network control centre and that uplink and downlink

transmissions could be established. In the context of global networks, it was a serious issue if operators failed to restrict the provision of service in countries where it was not authorized.

8.7 **Mr Talib** said that there were both technical and commercial aspects to the issue. On the technical side, according to the information provided, the tests conducted had shown that transmission and reception to and from a set of stations had worked within the broad coverage area of the Starlink system. From the commercial angle, however, no information had been given in terms of evidence (such as a valid subscription, proof of payment for service, etc.) of any marketing or offering of service on the part of the operator and service provider on the territory of the Islamic Republic of Iran. Moreover, transmissions normally required a licensed terminal, the import and use of which might be prohibited, so it would be useful to have details about the origin of the equipment employed in the tests. The Administration of the Islamic Republic of Iran might wish to provide such additional information. Noting the lack of response from Norway, he advocated sending a strong signal to the Norwegian Administration to fulfil its regulatory obligations.

8.8 **Mr Cheng** said that in his view the information contained in the submission from the Administration of the Islamic Republic of Iran, particularly the figures and the videos attached in annex, offered clear evidence of unauthorized Starlink transmissions in the territory of the Islamic Republic of Iran. Resolution **22 (WRC-19)** referred only to unauthorized transmissions; so it was not necessary to provide evidence of service provision. Unauthorized transmissions constituted an infringement of the Radio Regulations, and the responsible administrations should be urged to comply fully with the principles of the Radio Regulations, notably Article **18** and the mandatory obligations in Resolution **22 (WRC-19)**.

8.9 **Mr Linhares de Souza Filho** agreed that a forceful reminder should be sent to the Administration of Norway. On the basis of the input document, it could be considered that unauthorized operation of Starlink had been shown to exist in the territory of the Islamic Republic of Iran, in contravention of Article **18** and Resolution **22 (WRC-19)**. To perform speed tests, it was necessary to have a valid IP and to reach the IPX outside the gateway of the operator. It was clear from the speed tests described in the document that the earth station terminal had connected to an IPX in Belgium. As it was not known whether the user had browsed the web, it could not be deduced at that juncture whether the terminal had been able to access a service and thus whether SpaceX was providing services over the territory of the Islamic Republic of Iran. However, the ability to set up unauthorized transmissions needed to be addressed. There were various means of restricting unauthorized transmissions to prevent them from connecting through the gateway, such as location-checking.

8.10 **Ms Beaumier** said she shared concerns expressed by previous speakers who wondered whether there was sufficient evidence to conclude at that stage that there were unauthorized transmissions in the territory of the Islamic Republic of Iran. While agreeing that the speed tests implied that the system was available, it was not known whether the service could be accessed without a valid subscription. The Starlink website gave a map of territories covered or planned to be covered; the Islamic Republic of Iran was not indicated as a country where the service was provided or envisaged. Yet the matter was sufficiently important to raise concerns and, in the absence of replies to its previous communications, it merited a firm reminder to the Norwegian Administration.

8.11 **Mr Alkahtani** said that, since the ground component could not be connected to the satellite without authorization from the satellite operator, the submission from the Administration of the Islamic Republic of Iran showed that there was unauthorized transmission.

8.12 **Mr Di Crescenzo** said that scenarios existed where a terminal might attempt to transmit in a country where it was not authorized. In such cases, when the terminal in question tried to access the system, the service provider would collect information, including its location, and restrict the transmission. That did not appear to have happened in the test cases reported in

Document RRB23-2/10. It was important that the administration and service provider concerned cooperate to ensure that the prevailing regulatory provisions were respected.

8.13 **Mr Nurshabekov** said that the Starlink system must be equipped to perform geolocation of a terminal used and should not confirm a subscription or allow operation from a terminal located in the territory of an administration that had not authorized its transmissions, such as the Administration of the Islamic Republic of Iran. The responsible administration should be urged not to allow such infringement of the Radio Regulations, and to impress that requirement upon the satellite operator.

8.14 In reply to a question from **Mr Cheng** who, observing with concern that Norway had failed to reply to the Bureau's requests, pointed out that, in a note in the original IFIC filing for STEAM-1, 2 and 2B, the United States had been identified as a "secondary notifying administration" and as such would share responsibility for the Starlink system, **Mr Vallet (Chief, SSD)** said that the note in question had indeed been included in the initial IFIC publication at the request of the two administrations. However, the notion of secondary notifying administration was not a defined concept, and a correction had subsequently been published identifying the United States as an "administration associated with the filing" instead. In fact, the two administrations had at one stage requested that the filings for the STEAM systems be transferred from the Administration of Norway to the Administration of the United States. Based on current practice, however, the Board had declined the request, and the matter had been brought to the attention of WRC-19, which had confirmed that such a transfer was not possible. The terminology had also been discussed by the Board, which had ruled that reference to the undefined concept of "secondary notifying administration" was misleading. As a result, the United States Administration had stated that it associated itself with the filings, and the Bureau had deleted the original reference to secondary notifying administration and inserted the revised note in the relevant item of the Appendix 4 information to the effect that the United States was an "administration associated with the filing". Thus, the notifying administration was unequivocally Norway. Nonetheless, that did not prevent the Board from raising the matter also with the United States, as an associated administration. **Mr Henri** also drew attention to the rule of procedure relating to satellite systems for which the notifying administration was acting on behalf of a group of named administrations, which defined the relationship between the administrations in such cases. It was clear that Norway was the notifying administration for the STEAM systems.

8.15 In the light of the clarification provided, **Mr Cheng**, supported by **Mr Talib**, the **Chairman**, **Mr Henri**, **Ms Hasanova**, **Mr Linhares de Souza Filho**, **Ms Beaumier** and **Mr Nurshabekov**, proposed that the communication to Norway as the notifying administration should be copied to the United States as an administration associated with the filing.

8.16 It was so **agreed**.

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

"The Board considered in detail the submission from the Administration of the Islamic Republic of Iran concerning the important matter of the provision of Starlink satellite services in its territory, as contained in Document RRB23-2/10, and thanked the administration for the additional information and measurement results provided. The Board noted that:

- from the measurement results provided, the Administration of the Islamic Republic of Iran had been able to demonstrate that transmissions and an international Internet connection to an Internetwork Packet Exchange (IPX) in a foreign country could be established with a Starlink terminal from within the territory of the Administration of the Islamic Republic of Iran;
- the Administration of the Islamic Republic of Iran had not granted a licence for the provision of Starlink satellite services from within its territory;

- some uncertainty remained as to whether the transmissions qualified as unauthorized but communications to an IPX in a foreign country from a country that had not authorized the service within its territory should not have been possible;
- in response to the instruction of the Board, the Bureau had sent a letter on 1 June 2023 to the Administration of Norway, acting as the notifying administration for the relevant satellite systems providing Starlink services on behalf of the Administrations of Norway and the United States, reminding the notifying administration of the need to comply with the provisions of RR Article 18 and Resolution 22 (WRC-19);
- unfortunately, at the time of the 93rd Board meeting the Administration of Norway had not replied.

The Board instructed the Bureau to:

- invite the Administration of the Islamic Republic of Iran to provide to the 94th Board meeting details of the manner in which the tests had been performed, whether a subscription to the Starlink service had been entered into and, if so, whether the physical address for the subscription was within the territory of the Administration of the Islamic Republic of Iran;
- assist the Administration of the Islamic Republic of Iran in its efforts and to report any progress to the 94th Board meeting;
- send another letter to the Administration of Norway, urging the administration to comply with RR Article 18 and Resolution 22 (WRC-19) and strongly reminding it to respond to requests from the Bureau and the Board, and to copy the letter also to the Administration of the United States as an associated administration to the notifying administration for the satellite systems that provide Starlink services.”

8.18 It was so agreed.

9 Frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems

9.1 Submission by the Administration of Liechtenstein requesting the application of *resolves* 12 of Resolution 35 (WRC-19) to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems (Document RRB23-2/3)

Submission by the Administration of France in response to the submission from the Administration of Liechtenstein requesting the application of *resolves* 12 of Resolution 35 (WRC-19) to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems (Document RRB23-2/4)

Additional submission by the Administration of Liechtenstein in response to the submission from the Administration of France commenting on the request of the Administration of Liechtenstein for the application of *resolves* 12 of Resolution 35 (WRC-19) to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems (Document RRB23-2/5)

Submission by the Administration of Germany in response to the Administration from Liechtenstein requesting the application of *resolves* 12 of Resolution 35 (WRC-19) to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems (Document RRB23-2/6)

Further submission by the Administration of Liechtenstein in response to submission from the Administration of Germany commenting on the request of the Administration of Liechtenstein for the application of *resolves* 12 of Resolution 35 (WRC-19) to the

**frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems
(Document RRB23-2/7)**

9.1.1 **Mr Loo (Head, SSD/SPR)** introduced Document RRB23-2/3, in which the Administration of Liechtenstein had requested a favourable determination by the Board on the application of *resolves* 12 of Resolution **35 (WRC-19)** for the 3ECOM-1 and 3ECOM-3 satellite systems. Document RRB23-2/4 contained a response thereto from the Administration of France, requesting confirmation that the technical conditions discussed with the previous operator would apply to the new operator and indicating that it had authorized operators to coordinate directly with their Liechtenstein counterparts. The operators were close to agreement, but any inter-operator agreement was to be ratified by the administrations. In Document RRB23-2/5, the Administration of Liechtenstein confirmed that the technical conditions would remain the same with the new operator and that the coordination meeting would be held on 26-27 June 2023. In Document RRB23-2/6, the Administration of Germany had responded to the initial request of the Administration of Liechtenstein, submitted to the 92nd meeting of the Board, and requested that the Board withhold action on the request until its 93rd meeting to allow time for administrations to respond. Furthermore, the Administration of Germany had stated that the Board was not authorized to take definitive action on the request and could only submit a report and recommendations to WRC-23 for action. The Administration of Liechtenstein had submitted a response thereto in Document RRB23-2/7, explaining that the Board was competent to take a decision and would only report to WRC-23 if it could not make a favourable decision. The documents had been submitted to the 92nd meeting, but the Board had decided to defer action on the request to allow other administrations a reasonable opportunity to comment.

9.1.2 Responding to a question from **Ms Hasanova**, he said that no further coordination information from the Administrations of France or Liechtenstein had been submitted to the Bureau, but he understood that the planned coordination meeting between the two administrations had taken place on 26-27 June 2023.

9.1.3 The **Chairman** said that, for the 3ECOM-1 satellite network, based on the information contained in the submission, coordination under RR Nos. **9.12**, **9.12A** and **9.7B** had been completed with eight administrations and partially completed with five, while it was not required with 11 administrations and remained pending with 31. For 3ECOM-3, the numbers were similar: completed with seven, partially completed with five, not required with eight and pending with 31.

9.1.4 **Mr Loo**, responding to a question from the **Chairman**, said that the administration would still have to submit its deployment information for milestone 1 under *resolves* 7a), even if the Board acceded to the request to waive the 10-per-cent deployment obligation and the deployment status remained unchanged from the information submitted under *resolves* 2.

9.1.5 **Mr Vallet**, responding to a question from **Mr Cheng**, said that the Administration of Liechtenstein did not need to submit the information required under *resolves* 9 until it reached M1.

9.1.6 **Ms Beaumier** noted the thorough and coherent explanation of the difficulties leading to the missing of the M1 deadline, the detailed project description, the tight and aggressive schedule, planned contingency measures and secured financing commitments presented in the submission from the Administration of Liechtenstein. They had made good progress and continue to make efforts to complete coordination with affected networks and appeared to be responsive to requests received from administrations. There had been no concerns expressed by administrations. The Administration of France had sought clarifications on the status of previous coordination discussions and the Administration of Liechtenstein had confirmed that the technical conditions previously agreed would continue to apply to the new operator. The comments from the Administration of Germany had been addressed at the 92nd meeting of the Board. She remained convinced that the Board had the authority to decide on the request submitted and grant a waiver from obligations if it deemed necessary. In her

view, the intent of WRC-19 during the drafting of Resolution **35 (WRC-19)** was to make allowances for projects where the initial and additional satellites had been launched, but they were not sufficient in number to reach the 10-per-cent milestone, or where no additional satellites had been launched, but they were under construction. It had anticipated that providers might experience delays early in a project but, after the initial batches of satellites, could quickly make up ground. WRC-19 had likely not envisaged a case where additional satellites had neither been launched nor were under construction prior to the M1 deadline. Nevertheless, it had not precluded such a possibility. For the Board to grant an extension, the administration had to demonstrate that: the project was real; it could meet the M2 obligations; and reasonable efforts had been made towards the completion of coordination. The plan submitted by the Administration of Liechtenstein to meet the second milestone was credible and demonstrated acceptable progress and efforts to complete coordination, thus she supported granting exemption to the M1 deployment obligations and the relevant provisions of Resolution **35 (WRC-19)**.

9.1.7 **Mr Henri** agreed that *resolves* 12 of Resolution **35 (WRC-19)** clearly provided for the Board's authority to make a favourable determination on such requests and said that administrations could, of course, contest such decisions at WRCs. The Administration of Liechtenstein had been somewhat opportunistic in seeking to apply the provision in a case likely not foreseen by WRC-19, but its submission contained all information required under Annex 2 to Resolution **35 (WRC-19)**. Though he had some doubt as to how to assess whether and to what extent manufacturing and launch agreements qualified as "binding" and as to whether the requisite number of satellites could be built and launched to comply with the M2 obligations, he was in favour of waiving the M1 requirements based on the available information.

9.1.8 **Mr Fianko** said that he was likewise satisfied with the efforts of the Administration of Liechtenstein and the information it had submitted, and he supported making a favourable determination on the matter.

9.1.9 **Ms Mannepalli** said that the information required under Annex 2 to Resolution **35 (WRC-19)** had been submitted, along with guaranteed financial arrangements, and that the submission from the Administration of France contained no objection to the request. The recent coordination meeting was a very positive sign of progress. Like other members, she was convinced that *resolves* 12 clearly provided for the Board's authority to make a favourable determination on such requests. Thus, based on the documents submitted, she was in favour of making such a favourable determination.

9.1.10 **Mr Linhares de Souza Filho** and **Mr Talib** also agreed that the Board had the necessary mandate under *resolves* 12 to make a favourable determination on the request and that that request should be granted in view of the information contained in the submission.

9.1.11 **Ms Hasanova** reiterated that view, noting that other administrations had been given sufficient time to raise any objections but none had been forthcoming.

9.1.12 **Mr Nurshabekov** said he concurred that the Administration of Liechtenstein had fulfilled all procedures under Resolution **35 (WRC-19)** and was amenable to making a favourable determination. While encouraged by the coordination information provided, he noted, however, that coordination would be an ongoing process and likely require more than just a few meetings.

9.1.13 The **Chairman** suggested that in its decision the Board encourage the Administration of Liechtenstein to finalize coordination, request that the Bureau and the administration report on progress to future meetings of the Board and invite Liechtenstein to submit complete information to WRC-23.

9.1.14 **Ms Beaumier** and **Mr Henri** said that there was no need for follow-up reports or action. The Board made its assessment on whether to grant the request based on the information submitted

pursuant to Resolution **35 (WRC-19)**, including detailed coordination information. It was not required to monitor the situation any further. **Ms Beaumier** added that the administration could, of course, be encouraged to continue pursuing coordination diligently.

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

“The Board considered in detail the submissions from the Administrations of Liechtenstein (Documents RRB23-2/3, 5 and 7), Germany (Document RRB23-2/6) and France (Document RRB23-2/4) concerning the application of *resolves* 12 of Resolution **35 (WRC-19)** to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems.

Concerning Documents RRB23-2/4 and 5, the Board noted that:

- the Administration of Liechtenstein had confirmed that the new satellite operator would abide by the technical conditions and parameters that had been discussed between the former satellite operator of the Administration of Liechtenstein and the satellite operators of the Administration of France;
- coordination efforts had been in progress between the Administrations of Liechtenstein and France and a coordination meeting had been convened on 26-27 June 2023.

In relation to Documents RRB23-2/6 and 7, the Board indicated that consideration of the submissions had been deferred to its 93rd meeting to provide administrations with more time to comment on the request from that Administration of Liechtenstein in Document RRB23-2/3. The Board also reiterated that as per *resolves* 12 of Resolution **35 (WRC-19)**, it had the authority to make favourable or unfavourable determinations to submissions under Resolution **35 (WRC-19)** at any meeting but no later than its 93rd meeting.

The Board thanked the Administration of Liechtenstein for a comprehensive submission that presented its request to apply *resolves* 12 of Resolution **35 (WRC-19)** to the frequency assignments to the 3ECOM-1 and 3ECOM-3 satellite systems. The Board noted that:

- detailed explanations had been provided of the difficulties experienced resulting in missing the first milestone for the 3ECOM-1 and 3ECOM-3 satellite systems;
- a complete description of the satellite project had been provided, indicating the development phases and activities undertaken;
- a programme schedule for the construction and launch of the full constellation had also been provided;
- the programme schedule was challenging, but contingencies had been foreseen to mitigate risks;
- financing had been secured from the parent company;
- considerable progress had been made and continued to be made to complete coordination efforts with other identified networks;
- no additional concerns had been expressed by other administrations in relation to the two satellite systems;
- at the time of its 93rd meeting, noting that frequency assignments for both satellite networks had been suspended under RR No. **11.49** from 16 February 2023, no satellites were in orbit and none were under construction for the implementation of the project.

Consequently, the Board concluded that the administration and its operator had satisfied the conditions by providing all the information listed in Annex 2 to Resolution **35 (WRC-19)** required to demonstrate that it had a credible plan to meet the second milestone and decided to accede to the request from the Administration of Liechtenstein by giving a favourable determination under *resolves* 12 of Resolution **35 (WRC-19)**, thus waiving the need to meet the requirements for the first

milestone under *resolves* 7a)/11a). Furthermore, the Board encouraged the Administration of Liechtenstein to complete the coordination requirements for the 3ECOM-1 and 3ECOM-3 satellite systems.

The Board considered in detail and approved its report to WRC-23 on the implementation of Resolution **35 (WRC-19)**, as required per *resolves* 12a) thereof, and instructed the Bureau to submit the report as a contribution to WRC-23.”

9.1.16 It was so **agreed**.

10 Issues relating to the implementation of Resolution 559 (WRC-19) (§ 9 of Document RRB23-2/13(Rev.1) and Document RRB23-2/19)

10.1 **Mr Wang (SSD/SNP)** introduced § 9 of the Director’s report and said that the Bureau had processed all the Part B submissions received from the 41 administrations under Resolution **559 (WRC-19)** and Article 4 of Appendices **30** and **30A** of the Radio Regulations. The corresponding 82 Part B Special Sections had been published in BR IFIC 2993 of 04.04.2023.

10.2 Responding to a question from the **Chairman**, he noted that some 87 per cent of the 1 393 coordination cases with respect to those Part B submissions had been completed. Of the 180 cases that remained outstanding, 173 involved coordination under the relevant provisions of Appendices **30** and **30A**, while the remaining seven were cases where the notifying administration expected agreement to be reached with affected administrations without too much difficulty.

10.3 The **Chairman** and **Mr Henri** commended the Bureau for its efforts in the implementation of Resolution **559 (WRC-19)**, which had involved complex work with a great many administrations.

10.4 **Mr Henri** noted that the deadline of 20 July 2023 indicated in the report for submission of corresponding requests to WRC-23 under Resolution **559 (WRC-19)** stemmed from No. 40 of the General Rules of conferences, assemblies and meetings of the Union, under which Member States were asked to submit proposals for the work of the conference four months before the start of the conference. Consequently, he sought assurances that the Bureau would continue to assist administrations that missed that soft deadline of 20 July 2023 in order to ensure that their submissions of corresponding requests to WRC-23 under Resolution **559 (WRC-19)** could be considered at the conference.

10.5 **Mr Vallet (Chief, SSD)** said that setting the earlier deadline provided the flexibility for the Bureau to contact administrations that might have missed it and provide more effective assistance in the event of difficulties in submitting proposals to the conference. It also meant that the Bureau could make greater progress in preparing, *inter alia*, the summary of inclusions in the Plan required by WRC-23.

10.6 **Mr Wang (Head, SSD/SNP)** said that, since the report had been written, the Bureau had received requests for WRC-23 to include assignments in the plan from a further 19 administrations under Resolution **559 (WRC-19)**, bringing the total to 35 and meaning that only six of the 41 administrations that had made Part B submissions were yet to submit their related requests. The Bureau would continue to offer assistance to those administrations.

10.7 He went on to introduce Document RRB23-2/19, which was a multi-country submission providing comments on the draft Report by the Radio Regulations Board to WRC-23 on Resolution **80 (Rev.WRC-07)**, but it contained several proposals specific to the implementation of Resolution **559 (WRC-19)**. Under the first proposal, coordination under § 4.1.1b) of Appendix **30** between a Resolution **559** submission and an additional use network in Regions 1 and 3 would be deemed completed if the nominal orbital separation between the two networks was 6°. In order to preserve the same level of protection for such additional-use frequency assignments in Regions 1

and 3 from incoming Article 4 submissions, it proposed that the reference situation for such assignments not be updated when the Resolution 559 assignments were included in the plans. The second proposal provided for the same 6° coordination arc for coordination under § 4.1.1e) between a Resolution 559 submission and a non-plan satellite network. Lastly, it was proposed that for coordination under § 4.1.1e) between a Resolution 559 submission and a non-plan satellite network, the service area for that non-plan satellite network should be the submitted one situated on land and inside the -3 dB antenna gain contour.

10.8 Responding to questions from the **Chairman**, he said that deeming coordination “completed” with respect to networks with at least 6° separation from the Resolution 559 submission meant in practice that coordination was not required with those networks. The main advantage of reducing the coordination arc from 9° to 6° would be the resulting reduction in coordination cases, while the obvious disadvantage was the loss of protection for systems situated between 6° and 9° from the Resolution 559 submission.

10.9 Responding to a comment from **Mr Henri**, he confirmed that it was proposed not to update the reference situation of the Regions 1 and 3 additional-use frequency assignments with a view to maintaining the same levels of protection, unless the Board decided otherwise.

10.10 **Mr Henri** said that, with that understanding, he might be favourable to adopting the first proposal, and by logical consequence the second, considering that the approach could facilitate the pending coordination of the Resolution 559 submissions. Furthermore, even if the separation exceeded 6°, the networks needed to be operationally compatible. It would be necessary, however, to change the wording “unplanned networks” to “networks in frequency bands and services not subject to a plan”.

10.11 **Mr Cheng** said that the intent of the proposals was to facilitate and simplify coordination specifically for Resolution 559 submissions with respect to additional use networks, rather than coordination in the other direction. Thus, he proposed replacing “between a Res. 559 submission and an additional use network” with “for a Res. 559 submission with respect to an additional use network” to ensure the unidirectional application of the provision.

10.12 Concerning the third proposal, **Mr Henri** said that he was not ready to accept such an approach, even though he shared the concern about the overprotection of networks in frequency bands and services not subject to a plan described in the document. Notifying administrations of such networks might only accept the proposed limits on service area on a case-by-case basis; however, it might be helpful to encourage them to consider their approach when identifying service areas and to cooperate further in certain coordination processes, as some networks might well include areas with very low relative antenna gain contour over which links were not achievable in practice. Nevertheless, it was not possible to agree to limiting the service area networks in frequency bands and services not subject to a plan to the submitted service area on land within a -3 dB antenna gain contour.

10.13 **Ms Beaumier** said that the technical aspects of some of the proposals went beyond the scope and collective expertise of the Board. Typically, when the Board had previously endorsed similarly technical proposals or ones with coordination implications, they had been submitted by the Bureau and endorsed by Working Party 4A or it had received guidance from a WRC or another expert group. It was not possible to get such input from Working Party 4A in the present case. If the Board was comfortable with certain elements of the proposals, it might go as far as making a recommendation to WRC-23 but no further, given that any adoption of the proposals would render them immediately applicable. In her view, the rationale for the second proposal was clearest. She was less sure of the implications of the first proposal as, though the networks should be operationally compatible in principle, the plan had been established based on 9° separation. While explanations from the Bureau had been helpful, further input was required to take an informed decision, ideally with the consultation of the membership through Working Party 4A, on the technical aspects of the proposals. In any case,

it was not necessary to apply any of the measures at that stage, as the current procedure did not prevent administrations from making submissions or requests under Resolution **559 (WRC-19)** to WRC-23.

10.14 Responding to a question from the **Chairman**, she said that some of the proposals could be included in the report to WRC-23 on Resolution **80 (Rev.WRC-07)**, possibly with some analysis and even recommendations, depending on the decision of the Board. There were definitely some elements that could be included, but there was no need to rush into making a recommendation to WRC-23.

10.15 **Mr Vallet (Chief, SSD)** said that concluding to the effect that such technical requests were beyond the scope of the Board would run counter to past decisions and risk being interpreted to mean that it would not consider similar requests in the future. Moreover, in his view, the Board had more than enough expertise to consider the merits of the proposals, but it was eminently reasonable to request input from Working Party 4A.

10.16 **Mr Henri** suggested that the Board indicate what it considered to be the merits of the proposals in its decision but stress the need for further study of the technical aspects by Working Party 4A.

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

“The Board considered § 9 to Document RRB23-2/13(Rev.1), reporting on progress in the implementation of Resolution **559 (WRC-19)**. The Board noted with satisfaction that 35 out of 45 administrations had already successfully submitted their requests to WRC-23 and thanked the Bureau for supporting administrations in those efforts. The Board encouraged the remaining administrations to prepare and submit their requests to WRC-23 and instructed the Bureau to continue supporting administrations’ efforts in that regard and to report on progress to the 94th Board meeting.

The Board also considered proposals for three measures to facilitate the conclusion of pending coordination of Part B submissions forming part of the implementation of Resolution **559 (WRC-19)**, as contained in Document RRB23-2/19. The Board noted that:

- the measures could facilitate coordination discussions between administrations;
- there would be merit in applying the proposal for a 6° coordination arc between Resolution **559 (WRC-19)** submissions and potentially affected networks, but other measures proposed would require further study;
- the technical aspects of the proposals had not been studied by Working Party 4A.

Consequently, the Board decided that it was not in a position to accede to the request from these administrations but encouraged administrations to consider the proposed measures, as appropriate, during coordination discussions to resolve outstanding coordination of Resolution **559 (WRC-19)** submissions.”

10.18 It was so **agreed**.

11 Resolution 80 (Rev.WRC-07) (Documents CR/496 and RRB23-2/DELAYED/1)

11.1 Draft report by the Radio Regulations Board to WRC-23 on Resolution 80 (Rev.WRC-07) (Document RRB23-2/2)

Comments from the Administration of Iran (the Islamic Republic of) on Resolution 80 (Rev.WRC-07)

Comments from the Administration of China (People’s Republic of) on Resolution 80 (Rev.WRC-07)

Multi-country submission providing comments on the draft Report by the Radio Regulations Board to WRC-23 on Resolution 80 (Rev.WRC-07)

11.1.1 **Ms Beaumier**, speaking in her capacity as Chairman of the Working Group on the Report on Resolution **80 (Rev. WRC-07)**, said that the working group had finalized the draft report on the implementation of Resolution **80 (Rev.WRC-07)**, making additions and amendments based on comments and suggestions received from Member States. Some areas could have been further improved with more time, but the Board had produced a comprehensive and extensive report of which they could be proud. She thanked past as well as present Board members for their valuable contributions to the report, without which it would not have been possible. She also extended special thanks to Bureau staff for their invaluable assistance.

11.1.2 The **Chairman** paid tribute to Ms Beaumier for her great efforts in drafting the report and also thanked Bureau staff and the Director for their assistance. He proposed that the Board conclude as follows on the matter:

“The Board considered in detail the contributions in Documents RRB23-2/11, RRB23-2/14 and RRB23-2/19, and Document RRB23-2/DELAYED/1 for information. The Working Group on Resolution **80 (Rev.WRC-07)**, under the chairmanship of Ms C. Beaumier, reviewed the draft Report on Resolution **80 (Rev.WRC-07)** to WRC-23, taking into account the comments from administrations. The Working Group added an additional section to the report to highlight difficulties encountered when administrations submit documents after the deadline or containing restricted material (e.g. confidential, proprietary, sensitive, etc.). The Board approved the Report on Resolution **80 (Rev.WRC-07)** and instructed the Bureau to submit it as a contribution to WRC-23.”

11.1.3 It was so **agreed**.

12 Preparation for RA-23 and WRC-23

12.1 Designation of Board Members to attend RA-23

12.1.1 In conformity with No. 141A of Article 10 of the ITU Convention, the Board **designated** Mr E. Azzouz and Ms C. Beaumier to participate in RA-23.

12.2 Arrangements for WRC-23

12.2.1 The **Director** said that RRB members would be among the official delegation of ITU participants in the WRC-23, thus they should not be members of their national delegations, either formally or practically, and their logistical arrangements would be taken care of by the secretariat. Members would have tasks to assist the conference and discussions and be required to follow certain agenda items, which they could assign among themselves, but could otherwise follow items and meetings according to their interests and availability.

12.2.2 The Board **discussed** preliminary arrangements concerning the attendance of Board members during WRC-23 and **decided** to consider that aspect further at its 94th meeting.

13 Confirmation of the next meeting for 2023 and indicative dates for future meetings

13.1 The Board **confirmed** the dates for its 94th meeting as 23-27 October 2023 (Room L).

13.2 **Mr Botha (SDG)** explained that the dates of subsequent meetings remained tentative and that any flexibility in scheduling would depend on the decision of the ITU Council on the new headquarters building project.

13.3 Responding to a question from **Ms Mannepalli, Mr Botha (SDG)** said that it would be possible to miss sessions of a meeting if unable to attend and that there would still be a quorum if one person was absent.

13.4 Responding to comments from **Mr Talib and Mr Alkahtani**, the **Director** said that the Bureau would endeavour to ensure that future meetings did not coincide with religious holidays but acknowledged it might not always be possible.

13.5 The Board further tentatively **confirmed** the dates for its subsequent meetings in 2024, as follows:

- 95th meeting: 4–8 March 2024 (CICG Room 5);
- 96th meeting: 24–28 June 2024 (CCV Room Genève);
- 97th meeting: 11–19 November 2024 (CCV Room Genève);

In 2025, as follows:

- 98th meeting: 17–21 March 2025 (CCV Room Genève);
- 99th meeting: 30 June – 4 July 2025 (CCV Room Genève);
- 100th meeting: 3–7 November 2025 (CCV Room Genève);

And in 2026, as follows:

- 101st meeting: 9–13 March 2026 (CCV Room Genève);
- 102nd meeting: 29 June – 3 July 2026 (CCV Room Genève);
- 103rd meeting: 2–6 November 2026 (CCV Room Genève).

14 Other business

14.1 The **Chairman** noted that there was no other business for the Board to discuss.

15 Approval of the summary of decisions (Document RRB23-2/23)

15.1 The Board **approved** the summary of decisions contained in Document RRB23-2/23.

16 Closure of the meeting

16.1 The **Chairman** thanked Board members for their cooperation, teamwork and goodwill, which had led to the successful conclusion of the meeting. He also thanked the Vice-Chairman and the chairmen of the working groups for their efforts, the Director for his assistance, and the Bureau staff, including Mr Botha and Ms Gozal, for their support.

16.2 Board members took the floor to thank the Chairman for his excellent leadership and good humour, which had enabled the Board to complete its agenda, and welcomed the collaborative spirit which had guided discussions. They also thanked the Vice-Chairman and the chairmen of the working groups for their contributions, the Director for his valuable advice and guidance and the Bureau and other ITU staff for their assistance.

16.3 The **Director** congratulated the Chairman on the successful conclusion of the meeting and thanked the Vice-Chairman, working group chairmen and Board members for their contributions.

16.4 The **Chairman** thanked the speakers for their kind words and wished all members a safe journey home. He closed the meeting at 1600 hours on Tuesday, 4 July 2023.

The Executive Secretary:
M. MANIEWICZ

The Chairman:
E. AZZOUZ