|  |  |  |
| --- | --- | --- |
| A close up of a sign  Description automatically generated | **World Radiocommunication Conference (WRC-23)Dubai, 20 November - 15 December 2023** |  |
|  |  |
|  |  |
| **PLENARY MEETING** | **Addendum 3 to****Document 4-E** |
| **11 September 2023** |
| **Original: English** |
| Director, Radiocommunication Bureau |
| REPORT OF THE DIRECTOR ON THE ACTIVITIES OF THE RADIOCOMMUNICATION SECTOR |
| part 3 |
| ACTIVITIES OF THE RADIO REGULATIONS BOARD |

# 1 Foreword

The part of the report covers the activities of the Radio Regulations Board in the period between WRC‑19 and WRC‑23. The Conference is invited to consider the report.

# 2 Composition of the Radio Regulations Board

2.1 The Radio Regulations Board, which was elected by the Plenipotentiary Conference (Dubai, 2018), pursuant to No. CS93, took office on 1 January 2019. In accordance with CV144 and considering the fact that it was not possible for the Vice-Chairman of the Board of 2018 to succeed the Chairman in 2019 because the Vice-Chairman’s term had ended, and taking into account the benefits of continuity of experience, while respecting the principle of rotation, the Board elected Chairmen and Vice-Chairmen as indicated in Table 2‑1. Due to special circumstances the Vice-Chairman of the Board in 2021 did not succeed the Chairman in 2022, but was re-elected as Vice-Chairman for 2022.

TABLE 2-1

RRB members elected at PP‑18

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Name | Country | 2019 | 2020 | 2021 | 2022 |
| Mr T. ALAMRI | Saudi-Arabia |  |  |  | Chairman |
| Mr E. AZZOUZ | Egypt |  |  | Vice-Chairman | Vice-Chairman |
| Ms C. BEAUMIER | Canada | Vice-Chairman | Chairman |  |  |
| Mr L.F. BORJÓN FIGUEROA | Mexico |  |  |  |  |
| Ms S. HASANOVA | Azerbaijan |  |  |  |  |
| Mr A. HASHIMOTO | Japan |  |  |  |  |
| Mr Y. HENRI | France |  |  |  |  |
| Mr D.Q. HOAN | Viet Nam |  |  |  |  |
| Ms L. JEANTY | Netherlands  | Chairman |  |  |  |
| Mr S.M. MCHUNU | South Africa |  |  |  |  |
| Mr H. TALIB | Morocco |  |  |  |  |
| Mr N. VARLAMOV | Russian Federation |  | Vice-Chairman | Chairman |  |

2.2 The Radio Regulations Board, which was elected by the Plenipotentiary Conference (Bucharest, 2022) pursuant to No. CS93, took office on 1 January 2023. In accordance with CV144 and considering the fact that the Vice-Chairman of the Board in 2022 was able to succeed the Chairman in 2023, and taking into account the benefits of continuity of experience, while respecting the principle of rotation, the Board elected a Chairman and Vice-Chairman as indicated in Table 2‑2.

Table 2-2

RRB members elected at PP‑22

|  |  |  |
| --- | --- | --- |
| Name | Country | 2023 |
| Mr M. ALKAHTANI | Saudi Arabia |  |
| Mr E. AZZOUZ | Egypt | Chairman |
| Ms C BEAUMIER | Canada |  |
| Mr J. CHENG | China |  |
| Mr M. Di CRESCENZO | Italy |  |
| Mr E.Y. FIANKO | Ghana |  |
| Ms S. HASANOVA | Azerbaijan |  |
| Mr Y. HENRI | France | Vice-Chairman |
| Mr A. LINHARES DE SOUZA | Brazil |  |
| Ms R. MANNEPALLI | India |  |
| Mr R. NURSHABEKOV | Kazakhstan |  |
| Mr H. TALIB | Morocco |  |

# 3 Working methods

3.1 In accordance with amendments to Resolution 119 (Rev. Bucharest, 2022) and the Constitution and Convention, as adopted by the Plenipotentiary Conference, and the decisions of WRC‑03 regarding Article **13** of the Radio Regulations, the Board continued the review of its working methods with the aim of improving efficiency, effectiveness and transparency.

3.2 The minutes of the Board meetings reflected the detailed considerations and deliberations of the Board in making its decisions. During the period 2019-2023, the minutes of the Board meetings were approved in accordance with the working methods of the Board (Part C of the Rules of Procedure).

3.3 Pursuant to CS95 and Resolution 119 (Rev. Bucharest, 2022), the Board conducted its work in a transparent manner. Consequently, the Board decided that any submission that contained restricted material should be returned to the administration, inviting it to provide unrestricted documents if the Board was requested to consider the matter.

3.4 At its 87th meeting the Board decided on the principles for dealing with delayed submissions, while not changing the existing approach in the internal arrangements and working methods of the Board under Part C of the Rules of Procedure, but outlining additional conditions such as timelines that would ensure that comments and replies to comments on the submission of another administration were received before the start of the meeting. At its 88th meeting the Board approved the draft rule of procedure published in CCRR/[67](https://www.itu.int/md/R00-CCRR-CIR-0067/en) in that regard, which determined that:

*“Submissions that comment on a submission from another administration could only be considered if received at least 10 days before the start of the meeting. Submissions in response to delayed submissions will only be considered if received before the start of the meeting. In addition to any of the other five official languages of the Union, delayed submissions shall at least be provided in English. Any submissions received after the start of the Board meeting will not be considered by the Board unless there are exceptional circumstances.”*

# 4 Meetings and activities of the Board

According to CV145, “*the Board shall normally hold up to four meetings a year, of up to five days’ duration*” and might, depending upon the matters to be considered, increase the number of its meetings or their duration (up to two weeks). Taking into account Decision 5 (Rev. Bucharest, 2022) and the need to reduce costs, the Board continued to meet three times in all calendar years in the period following WRC‑19. As a result, in the period 2019-2023 since WRC-19 and until the date of the preparation of the report, the Board held 12 meetings.

Members of the Board participated in an advisory capacity in the following meetings of the Union:

• WRC‑19: In accordance with CV141, all Board members participated.

• RA-19: In accordance with CV141A, the Board designated two members to participate in the 2019 Radiocommunication Assembly as stipulated in CV298G.

• PP-22: In accordance with CV141A, the Board designated two members to participate in the 2022 Plenipotentiary Conference. The Board selected two members who were not standing for re-election.

A Board member gave a presentation on the RRB to the biannual World Radiocommunication Seminars in 2020 and 2022.

# 5 Review of Rules of Procedure

5.1 Following the partial revision of the Radio Regulations by WRC‑19, the Board undertook a review of existing Rules of Procedure with a view to reflecting the decisions of WRC‑19. The Board also considered new Rules of Procedure or modifications to existing Rules that were considered necessary to clarify provisions adopted by WRC‑19 or to provide guidance on their implementation to the Radiocommunication Bureau and to administrations. At its 83rd meeting (25 March 2020), the first meeting of the Board after WRC‑19, the Board discussed the results of WRC‑19 and agreed on a consolidated list of Rules to be considered due to the decisions of WRC‑19, together with a schedule of work. The list and schedule of work were regularly updated and made available to administrations on the ITU website. Furthermore, the Board instructed the Bureau to prepare draft rules of procedure for those items and to circulate them to administrations for comments.

5.2 The majority of the work on Rules of Procedure related to the decisions of WRC‑19 was completed by the Board at the 84th, 85th and 88th meetings (in July 2020, October 2020 and October 2021, respectively). Other Rules were considered during the 82nd (October 2019), 84th (July 2020), 89th (March 2022) and 93rd (July 2023) meetings.

5.3 The Bureau prepared all proposed suppressions, modifications and additions to the Rules of Procedure in a timely manner and made the drafts available to administrations at least ten weeks before the scheduled meetings of the Board, in accordance with No. **13.12A *c)*** of the Radio Regulations and the relevant Rule on the Internal Arrangements and Working Methods of the Board. Those drafts were placed on the ITU website and also circulated to administrations by Circular Letters CCRR/63 to 69 issued between August 2019 and April 2023.

5.4 Overall, the Board suppressed (fully or partially) three Rules of Procedure, modified 21 Rules and added ten new Rules of Procedure relevant to non-planned terrestrial or space services. It also adopted two suppressions and two additions to the Rules of Procedure concerning Appendix **30A**, three additions and five modifications concerning Appendix **30B**, two additions concerning Appendix **30**, and one modification to the Rules of Procedure on the working methods under Part C, internal arrangements and working methods of the Radio Regulations Board.

5.5 The Board further decided to include as notes in the 2021 edition of the Rules of Procedure, those WRC-19 decisions, reflected in the minutes of WRC-19 plenary meetings, to those Rules of Procedure where they may have an impact on the application of the Radio Regulations or the Rules of Procedure.

5.6 The list of all Rules of Procedure dealt with by the Board after WRC‑19 up to and including its July 2023 meeting is presented in Table 5-1, related to WRC‑19 decisions, and Table 5‑2, not related to WRC‑19 decisions. Those tables include the relevant Radio Regulations provision(s), decisions by WRC‑19, actions by the Board and information concerning the circulation of draft Rules, and the meeting at which the Board took action, where applicable.

5.7 At its 82nd meeting (14-17 October 2019), the Board approved a Rule of Procedure on RR No. **5.458**, circulated in CCRR/[63](https://www.itu.int/md/R00-CCRR-CIR-0063/en) to clarify that there is no frequency allocation to the Earth exploration-satellite (passive) and space research (passive) services in the bands 6 4 25-7 075 MHz and 7 075-7 250 MHz and that such use will not be in conformity with the Table of Frequency Allocations. Similar clarification can be found in the Rule of Procedure of No. **5.149** for radio astronomy in certain frequency bands.

5.8 At its 82nd meeting (14-17 October 2019), the Radio Regulations Board agreed on the need to develop a Rule of Procedure related to satellite systems submitted by an administration acting on behalf of a group of named administrations (see items A.1.f.2 and A.1.f.3 of Annex 2 to Appendix **4 (Rev. WRC-19)**). The rule was required in accordance with RR No. **13.12A b)**, to document the understanding of the Bureau in the implementation of data provided under items A.1.f.2 and A.1.f.3 of Annex 2 to Appendix **4**. The draft Rule of Procedure was circulated in CCRR/[64](https://www.itu.int/md/R00-CCRR-CIR-0064/en) and approved at the 84th Board meeting (July 2020). See also Annex 2 of Addendum 2 to Document [CMR19/4](https://www.itu.int/md/R16-WRC19-C-0004/en).

5.9 At its 85th meeting (October 2020), the Board considered CCRR/[66](https://www.itu.int/md/R00-CCRR-CIR-0066/en) and approved draft Rules of Procedure, amongst others, on RR No. **11.46** that formalized the actions of the Bureau concerning resubmitted notices that were received more than six months after the date on which the original notice was returned. The Board considered that the first sentence of RR No. **11.46** determined a time period during which a notice returned by the Bureau, was eligible for resubmission and retaining the original date of receipt. Furthermore, the six-month period, specified in the provision, equally applied to space and terrestrial notices, since no other time limit was determined by the Radio Regulations. Concerning the second sentence, it explicitly referred to space notifications only.

The Board further considered that WRC-19 had added two additional sentences to RR No. **11.46** specifying the following actions of the Bureau:

- to reflect the resubmission on the ITU website, as per the last sentence of RR No. **11.46**;

- to send a reminder to the notifying administration, as per RR No. **11.46.1**.

Given considerations on its applicability and to avoid additional unnecessary burden on administrations and the Bureau, the Board decided to limit the application of the last sentence of RR Nos. **11.46** and **11.46.1** to satellite notices only.

5.10 In a report to the 87th Board meeting (July 2021), the Bureau provided proposals to include in the Rules of Procedure the practice of the Bureau on the simultaneous bringing into use or bringing back into use of multiple geostationary satellite networks with a single satellite at one single orbital position reported to WRC-15 (see § 3.2.4.1 of Document CMR15/4(Add.2)(Rev.1)). The Board instructed the Bureau to prepare the draft Rule of Procedure, amongst others, for consideration at its 88th meeting as published in CCRR/[67](https://www.itu.int/md/R00-CCRR-CIR-0067/en). In considering the draft Rules of Procedure and comments received from Member States at its 88th meeting, the Board decided to include the specific reference to bringing back into use and RR No. **11.49** as proposed by one Member State and to add in the draft Rules of Procedure the possibility for space stations on a single satellite located at less than 0.5° from two different nominal positions of two satellite networks to be used for bringing into use, bringing back into use or continuing use of frequency assignments with non-overlapping bandwidths of both satellite networks under RR Nos. **11.44**, **11.44B**, **11.49** or **13.6**. As those changes were substantial, the Board decided that the Members States needed to be consulted again by circulating the proposed changes in CCRR/[68](https://www.itu.int/md/R00-CCRR-CIR-0068/en), which were approved at the 89th Board meeting (December 2022).

5.11 At its 89th meeting the Board also considered and approved modifications to the Rules of Procedure (see CCRR/[68](https://www.itu.int/md/R00-CCRR-CIR-0068/en)) under:

• RR No. **11.43A**, to correct the reference to the Rules of Procedure concerning RR No. **9.27** and to suppress the reference to the decision of WARC Orb-88 to exempt submissions of geostationary-satellite networks under RR No. **11.43A** from the advance publication stage following the suppression by WRC-15 of that stage for systems subject to coordination;

• RR No. **11.43B**, to align the examination of modifications under RR No. **11.43B** with the examination of modifications under RR No. **9.27**.

5.12 At its 93rd meeting (March 2023), the Board considered and approved draft Rules of Procedure published in CCRR/69 on the following:

• A reference was added to Resolution **552 (Rev. WRC-19)** in RR Nos. **11.48** and **11.48.1**. In addition, the modification made it clear that updated due diligence information was required only when the due diligence information was provided before the decision of the Board to grant an extension of the deadline for bringing into use frequency assignments to a satellite network. The modification also prevented frequency assignments from being suppressed under the rule in case of non-submission of the updated due diligence information prior to the end of the original 7-year regulatory period and avoided requesting an update to the due diligence information submitted after the decision of the Board which should already reflect the situation taken into account by the Board. The new clarification additionally removed the qualification for the required update (i.e. for the new satellite under procurement) which was difficult for the Bureau to check because the update to the information relating to the launch was at least necessary for the information submitted before the decision of the Board;

• New Rules of Procedure were added for provisions 5.3.1 of Article 5 of Appendices **30** and **30A**, and provision 8.16 of Article 8 of Appendix **30B** to deal with the lapse of frequency assignments after the regulatory periods set forth in those appendices by referring to the Rules of Procedure concerning RR Nos. **11.48** and **11.48.1**, noting that situations similar to those addressed in the Rule of Procedure might also concern extensions of bringing into use of frequency assignments to a satellite network subject to Appendices **30**, **30A** and **30B**.

5.13 See also §§6.6.4.2 and 6.6.4.4.

TABLE 5-1

Rules of Procedure dealt with by the Board since WRC‑19 (related to WRC‑19 decisions)

| RR reference | WRC‑19decision | RoP date of application | Rule of Procedure, Board action | CCRR | Approved at RRB Meeting | Comment/action |
| --- | --- | --- | --- | --- | --- | --- |
| AP30A, Article 4,4.1.1d)AP30A, Annex 1,§6AP30A, Article 7 | MOD | 15.07.2020 | SUP No. 5.510 | 65 | 84 | The use of the band 14.5-14.8 GHz for BSS feeder-links in the FSS (Earth-to-space) in Region 2 and the coordination of those assignments and the ones subject to Appendix 30A in that frequency band is clarified in the following provisions modified by WRC-19: 4.1.1d) of Article 4 of Appendix 30A, Section 6 of Annex 1 to Appendix 30A, Article 7 of Appendix 30A and Section 2 of Annex 4 to Appendix 30A. Therefore, the rule was no longer necessary. |
| Table of Frequency Allocations for MMSS (space-to-Earth) in 1 621.35 – 1 626.5 MHz | MOD | 15.07.2020 | MOD RoP 9.11A, Tables 9.11A-1 and 9.11A-2, band 1 621.35 – 1 626.5 MHz | 65 | 84 | Consequential to the upgrade of allocation to MMSS (space-to-Earth) |
| 5.550C5.550E | ADD | 15.07.2020 |  | 65 | 84 | WRC-19 introduced coordination requirement under No.9.12 between non-geostationary-satellite systems in the fixed-satellite service in the frequency bands 37.5-42.5 GHz, 47.2-50.2 GHz and 50.4-51.4 GHz (see No.5.550C) and between non-geostationary-satellite systems in the mobile-satellite service and in the fixed-satellite service in the frequency band 39.5-40.5 GHz (No.5.550E). Those two provisions explicitly indicate that No. 9.12 does not apply with respect to non-geostationary satellite systems in other services. |
| Res. 761(Rev. WRC-19) | MOD | 15.07.2020 | MOD No. 9.19 | 65 | 84 | WRC-19 modified Res. 761 (Rev.WRC-19) by providing the coordination criteria for protection of the BSS in the form of a power flux density for IMT stations in the frequency band 1 452 1 492 MHz. |
| 22.5L | ADD | 15.07.2020 | MOD No. 11.31 | 65 | 84 | The new limit in No.22.5L was added as a sub-section of section 2.6 of the Rule to list “other provisions” referred to in No.11.31.2. |
| AP5, Table 5-1, No.9.7 | MOD | 15.07.2020 | SUP AP30A §2A.1.2 | 65 | 84 | The content of the rules has been superseded by the modification of the Remarks column concerning No. 9.7 in Table 5-1 of Appendix 5. |
| AP30A, Annex 4, §2 | MOD | 15.07.2020 | SUP AP30A, Annex 4 | 65 | 84 | The content of the Rules has been superseded by the modified provisions. Maximum power density per hertz averaged over 1 MHz is used in Appendix 8. |
| AP30B, Art. 6, §6.1bis | ADD | 15.07.2020 | MOD AP30B, §6.5 | 65 | 84 | Administrations can submit and bring into use any of the 250 MHz sub-bands (10.7-10.95 GHz or 11.2-11.45 GHz for downlink and 12.75-13.0 GHz or 13.0 13.25 GHz for uplink). Therefore, the first paragraph of the rule was no longer relevant and was supressed. As the examination under § 6.22 considers aggregate C/I values, the grouping concept should also be applied. |
| 5.209A | ADD | 27.10.2020 | MOD RoP 9.11A, Tables 9.11A-1 band 137.175 - 137.825 MH | 66 | 85 | Consequential to the adoption of RR No. **5.209A** |
| 11.44C11.44D11.44E | MODMODMOD | 27.10.2020 | MOD Sections 1 and 2 of No. 11.44 and MOD Rules on 11.44B | 66 | 85 | Consequential to the modifications to RR Nos. **11.44C**, **11.44D** and **11.44E** |
| 11.46 | MOD | 01.01.2021 | ADD Rules of Procedure on No. 11.46 | 66 | 85 | Changes as a result of WRC-19 decisions to modify RR No. **11.46** indicating that the six-month period applied equally to space and terrestrial notices and that the two additional sentences applied only to space notifications. |
| Table 5-1 of Appendix 5, No. 9.7 | MOD | 15.07.2020 | SUP | 65 | 84 | The content of the Rules had been superseded by the modified provisions. Coordination arc of 6 degrees was used in examination. |
| Paragraph 2 of Annex 4 of Appendix 30A | MOD | 15.07.2020 | SUP | 65 | 84 | The content of the Rules has been superseded by the modified provisions. Maximum power density per hertz averaged over 1 MHz is used in Appendix **8**. |
| 6.1bis of Article 6 of Appendix 30B | ADD | 15.07.2020 | MOD RoP §6.5 of AP30B | 65 | 84 | Toalign the description in the Rules with the new provision. |
| 6.19 of Article 6 of Appendix 30B | MOD | 15.07.2020 | MOD RoP §6.6 of AP30B  | 65 | 84 | Toalign the description in the Rules with the modified provision. |
| Annex 4 of Appendix 30B | MOD | 15.07.2020 | MOD RoP §2.2 of Annex 4 of AP30B | 65 | 84 | The content concerning the examination at grid points was merged into §2.1 of Annex 4 and new values for the criteria were introduced. The new §2.2 of Annex 4 related to pfd examination only. In addition, a new paragraph might be required to indicate that the coordination arc values mentioned in Section 2 of Appendix 1 to Annex 4 should be those in the modified Annex 4. |
| Annex 4 of Appendix 30B | MOD | 27.10.2020 | MOD RoP Annex 4 of AP30B | 66 | 85 | WRC-19 modified the values of the coordination arcs contained in Annex 4 to Appendix **30B** (i.e. from 10° in the 4/6 GHz frequency bands and 9° in the 10/11-13 GHz frequency bands to 7° and 6° respectively) without accordingly modifying the aggregate C/I calculation method (that only considers allotments or assignments inside the coordination arc) contained in Appendix 1 to Annex 4 of the Appendix. A rule of procedure is required to ensure that the aggregate C/I calculation method remains consistent with the newly adopted coordination arc values. |
| Resolution 55 (Rev.WRC-19) | MOD | 15.07.2020 | MOD RoP concerning the Receivability of forms of notice generally applicable to all notified assignments submitted to the Radiocommunication Bureau in application of the Radio Regulatory Procedures | 65 | 84 | To reflect the fact that graphical data cannot be submitted in paper format any longer. |
| 5.553A | ADD | 01.01.2021 | MOD Addition of the criteria for the identification of potentially affected administrations under RR No. 9.21 for IMT stations in the frequency band 45.5-47 GHz | 66 | 85 | There was no ITU-R Recommendation defining technical criteria to be used for IMT stations for triggering the coordination in the band 45.5-47 GHz. Until such time that a calculation method and technical criteria were included in the Radio Regulations or in the relevant ITU-R Recommendation, in applying the provision, for establishing coordination requirements it was proposed to introduce a coordination distance from an IMT station on the ground to the border of another country equal to 65 km. The distance had been derived as explained in the Note to Table 4. |
| Resolution 32 (WRC-19) | ADD | 23.11.2019 | ADD Rules of Procedure concerning Resolution **32 (WRC-19)** | 67 | 88 | To clarify the relationship between the time when the notification information had to be communicated to the Bureau under Resolution **32 (WRC-19)** and the establishment of the formal date of receipt of notification notices under RR No. **9.1**. |
| Appendix 4 – Annex 2 | ADD | 15.10.2021 | SUP part of the Rule related to the commitment regarding the implementation of *resolves* 1.4 of Resolution **156 (WRC-15)** | 67 | 88 | WRC-19 added data item A.19.b (“a commitment in accordance with *resolves* 1.5 of Resolution **156 (WRC-15)** that the administration responsible for the use of the frequency assignment shall implement *resolves* 1.4 of Resolution **156 (WRC-15)**”) in Annex 2 to Appendix **4**. |
| Resolution 49 (Rev.WRC-19) | MOD | 15.10.2021 | SUP RoP on Resolution **49 (Rev.WRC-15)** | 67 | 88 | WRC-19 decided to include RR. No. **9.1A** in the *resolves* of Resolution **49 (Rev.WRC-19)**. |
| Resolution 33 (Rev.WRC-15) | SUP | 15.10.2021 | MOD RoP on RR No. **5.418C** | 67 | 88 | WRC-19 decided to abrogate Resolution **33 (Rev.WRC-15)** |
| Resolution 33 (Rev.WRC-15) | SUP | 15.10.2021 | MOD RoP on RR No. **5.485** | 67 | 88 | WRC-19 decided to abrogate Resolution **33 (Rev.WRC-15)** |
| Resolution 33 (Rev.WRC-15) | SUP | 15.10.2021 | MOD RoP on RR No. **11.31** | 67 | 88 | WRC-19 decided to abrogate Resolution **33 (Rev.WRC-15)** |

TABLE 5-2

Rules of Procedure dealt with by the Board since WRC‑19 (not related to WRC‑19 decisions)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| RR reference | RoP date of application | Rule of Procedure, Board action | CCRR | Approved at RRB meeting |
| No. 13.12A b) and items A.1.f.2 and A.1.f.3 of Annex 2 to Appendix 4 | 15/07/2020 | ADD Documenting the understanding of the Bureau in the implementation of data provided under items A.1.f.2 and A.1.f.3 of Annex 2 to Appendix 4 related to satellite systems submitted by an administration acting on behalf of a group of named administrations | 64 | 84 |
| 9.21 | 27.10.2020 | MOD Notification under Article **11** before the completion of the procedure of No. **9.21**. The Rules of Procedure relating to No. **11.31.1** were suppressed following the modification of the provision that was adopted by WRC-03. | 66 | 85 |
| 9.11A | 15.10.2021 | MOD WRC-15 decided to abrogate Resolution **142 (WRC-03)** | 67 | 88 |
| 11.44, 11.44B, 11.49 and 13.6 | 18.03.2022 | ADD Rules of Procedure concerning the simultaneous bringing into use or bringing back into useof multiple geostationary satellite networks with a single satellite to include practice of the Bureau on the issue and inserting the possibility for space stations on a single satellite located at less than 0.5° from two different nominal positions of two satellite networks to be used for bringing into use, bringing back into use or continuing use of frequency assignments with non-overlapping bandwidths of both satellite networks under RR Nos. **11.44**, **11.44B**, **11.49** or **13.6**. | 68 | 89 |
| Part C, 1.6 | 15.10.2021 | MOD 1.6 All other submissions from Administrations shall be received by the Executive Secretary at least three weeks before the meeting. Any submissions received from Administrations following the three-week deadline will normally not be considered at the same meeting and will be placed on the agenda of the following meeting. However, if so agreed by Board Members, delayed submissions relevant to items on the approved agenda could be considered for information. | 67 | 88 |
| Receivability of Forms of Notice | 15.10.2021 | ADD Explaining the possible course of action for an administration submitting the notification information of a non-GSO system for which mutually exclusive configurations existed before a late modification to the coordination request of that system had been processed and published by the Bureau. | 67 | 88 |
| 11.43A/11.43B | 18.03.2022 | MOD Rules of procedure on modifications under RR Nos. **11.43A/11.43B** to frequency assignments already recorded in the MIFR | 68 | 89 |
| 11.48 | 04.07.2023 | MOD Rules of Procedure on RR Nos. **11.48** and **11.48.1**,Appendices **30, 30A** and **30B** adding a reference to Resolution **552 (Rev.WRC-19)** and adding that updated due diligence information was required only when the due diligence information had been provided before the decision of the Board to grant an extension of the deadline for bringing into use. | 69 | 93 |

# 6 Review of decisions of the Bureau

A number of issues were raised by administrations to the Radio Regulations Board for consideration in terms of the application of the Radio Regulations or for review of decisions of the Radiocommunication Bureau in terms of the application of Article **14** of the Radio Regulations. In virtually all cases, the Board drew conclusions or reached decisions that resolved the issues and were acceptable to the parties involved. Where it had not been the case, the Board noted that the administrations concerned had recourse to the procedure provided under No. **14.6** of the Radio Regulations.

## 6.1 Cases dealing with the review of a finding which is requested by an administration and which cannot be resolved by the use of the Rules of Procedure (CV171)

6.1.1 At its 84th meeting, the Board received requests from two administrations concerning the coordination of 16 frequency assignments and the application of the rules of procedures relating to pending assignments in the GE84 Terrestrial Sound Broadcasting Agreement. The Board noted that both administrations had fulfilled all regulatory requirements and provisions of the GE84 Regional Agreement, but that the affected administration had experienced technical difficulties that prevented the receipt of its comments/objections by the Bureau and the coordination discussions between the two administrations. The Board urged both administrations to explore technical solutions with the assistance of the Bureau. Progress reports on the coordination efforts of the two administrations were received at the 85th, 86th and 87th Board meetings. At the 88th Board meeting the Board was informed that the two administrations had progressed to the stage of agreeing on the methodology to be used for the coordination. The Board encouraged the two administrations to continue cooperating in order to resolve the coordination issues and instructed the Bureau to provide assistance to the two administrations in their coordination efforts.

6.1.2 At its 84th meeting, the Board received a request appealing the Bureau’s decision to suppress frequency assignments to a satellite network on the grounds that the required epfd information had not been provided on 19 May 2018 in order to maintain the earliest date of receipt of the filing. The Board confirmed that the Bureau had acted in accordance with the relevant provisions of the Radio Regulations. However, the Board considered that the notifying administration for the network had had a misunderstanding on the continued need to provide epfd information, while it was reviewing unfavourable findings pertaining to some frequency assignments with the Bureau that could lead to changes to its filing. The Board further noted that the epfd information had been provided on 5 March 2020 and therefore decided to accede to the request from the administration to retain the frequency assignments, but that the date of receipt of the filing should be changed to 5 March 2020, given that there had been a considerable delay between the date of receipt of the information and the date when it had originally been required.

6.1.3 At its 84th meeting, the Board received a further request appealing the Bureau’s decision to suppress frequency assignments to a satellite network based on the fact that the Part B information had not been provided by 9 March 2019. The Board confirmed that the Bureau had acted in accordance with the provisions of the Radio Regulations, however, it noted that there had been a misunderstanding by the administration in the processes and in the correspondence from the Bureau. The Board further noted that the information had subsequently been provided on 16 October 2019 and that the administration had complied with all other regulatory requirements, including the coordination and bringing into use of all frequency assignments. Consequently, and since it would have no impact on other administrations or on the satellite network and it would avoid the Bureau having to re-examine all satellite networks received subsequent to the original date of receipt of the satellite network, the Board decided to acceded to the request from the administration and instructed the Bureau to process the Part B information of the satellite network but that 15 July 2020 should be established as the new date of receipt for the network.

6.1.4 At its 84th meeting, the Board received another request appealing the Bureau’s decision to suppress frequency assignments to a satellite network based on the fact that the Part B information had not been provided. The Board confirmed that the Bureau had acted in accordance with the provisions of the Radio Regulations, however, it noted that the administration of a developing country had experienced difficulty in the use of the online submission system when it attempted to submit the information on 6 May 2019. Furthermore, the administration had complied with all other regulatory requirements, including the coordination and bringing into use of all frequency assignments and provided the Part B information on 15 January 2020. Consequently, and since it would have no impact on other administrations or on the satellite network and it would avoid the Bureau having to re-examine all satellite networks received subsequent to the original date of receipt of the satellite network, the Board decided to acceded to the request from the administration and instructed the Bureau to process the Part B information of the satellite network but that 15 July 2020 should be established as the new date of receipt for the Part B information.

6.1.5 The Board considered a further request at its 84th meeting appealing the Bureau’s decision to suppress frequency assignments to a satellite network based on the fact that the due diligence information required in accordance with Resolution **49 (Rev.WRC-19)** had not been provided in time. The Board confirmed that the Bureau had acted in accordance with the relevant provisions of the Radio Regulations and the rule of procedure on RR No. **11.48**, however it noted that the administration did not have all the information when it was required on 30 November 2019 and that it had subsequently been provided on 20 May 2020. Furthermore, the principles of Article 44 of the ITU Constitution applied as the satellite network was intended to provide service to developing countries. Consequently, the Board decided to accede to the request of the administration and instructed the Bureau to reinstate the frequency assignments to the satellite network in the bands 3 400-3 410 MHz, 3 500-4 200 MHz, 5 725-6 425 MHz, 10 950-11 200 MHz and 14 000-14 250 MHz and to publish the information required in accordance with Resolution **49 (Rev.WRC-19**.

6.1.6 At its 87th meeting the Board considered an appeal to the Bureau’s decision to suppress frequency assignments to a satellite network based on the fact that the notifying administration had failed to submit the Resolution **49 (Rev.WRC-19)** information and to complete the bringing into use procedure of Appendix **30**. However, the administration provided the required Resolution **49 (Rev.WRC-19)** information, Part B submission and the notification six days after the Bureau had informed the administration of the suppression of the frequency assignments to the satellite network. The Board noted that the frequency assignments to the satellite network had been brought into use and that a satellite had been operational since May 2012 so that cancellation would have had a detrimental impact on end users. The Board further noted that the case had been another failure from a specific administration to comply with regulatory deadlines. The administration had subsequently taken measures to avoid recurrences of that nature and the global pandemic due to COVID-19 had contributed to delays in the administrative processes. Considering that the administration had requested the frequency assignments of the satellite network to be entered provisionally into the Appendix **30** List by invoking §4.1.18 of Appendix **30**, that the reinstatement of the frequency assignments to the satellite network would have had no negative impact on satellite networks of other administrations, and given that similar cases had been submitted to its 84th meeting, the Board acceded to the request from the administration and instructed the Bureau to reinstate the frequency assignments to the satellite network with a new date of receipt of 13 July 2021 for the Part B and notification submissions.

6.1.7 An administration appealed a decision of the Bureau at the 87th Board meeting whereby the Bureau had issued unfavourable findings concerning some frequency assignments to two satellite networks of the notifying administration in the MIFR for which the notified epfd value for those frequency assignments exceeded the epfd limit for the protection of the radio astronomy service in accordance with RR No. **5.551H**. The Board confirmed the decision of the Bureau and further indicated that the Bureau could not subdivide the notified assigned frequency bands of the frequency assignments as had been requested by the notifying administration, as it would constitute a modification generated by the Bureau which was beyond its authority pursuant to the Radio Regulations. Consequently, the Board decided that it could not accede to the request from the administration.

The Board instructed the Bureau to develop a validation rule that would issue a warning when the notified epfd limits of a particular frequency assignment exceeded the limits required in compliance with RR No. **5.551H** and other similar provisions of the Radio Regulations (see Section A.17 of Annex 2 to Appendix **4**). Furthermore, the Board instructed the Bureau to modify the SpaceCap software adding a general warning to remind administrations that frequency assignments having assigned frequency bands overlapping several frequency allocations in the Table of Frequency Allocations might potentially be subject to different provisions of the Radio Regulations and to encourage administrations to submit separate groups for each regulatory regime in order to avoid unfavourable findings should the regulatory requirements applicable to only a subset of those frequency allocations not be met.

## 6.2 Application of No. 13.6

6.2.1 During the 82nd to 93rd meetings, the Board considered 11 cases from seven administrations where the application of RR No. **13.6** required a review and a decision by the Board on the cancellation of frequency assignments, following investigation by the Bureau or as a result of a request from an administration for the Bureau to perform an investigation that resulted in the absence of response or disagreement by the concerned administrations. The decision to cancel frequency assignments, as proposed by the Bureau, were made by the Board in all 11 cases.

6.2.2 As a result of the decision at its 81st meeting, when the Board decided to cancel under RR No. **13.6** the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks listed in Table 1 below and its instruction to the Bureau to suspend the cancellation until the last day of WRC-19 (see Item No. 6.1 of Document [RRB19-2/20](https://www.itu.int/md/R19-RRB19.2-C-0020/en)), the Board received an appeal from the administration to its decision to the 82nd Board meeting. The Board noted that no additional information had been provided that would have changed its decision and furthermore that decisions of the Board could only be appealed to a WRC (see RR No. **14.6** and § 3.3 of Part C of the Rules of Procedure on the internal arrangements and working methods of the Radio Regulations Board), noting that at the time the administration had already lodged such an appeal to WRC-19. Furthermore, the Board decided to instruct the Bureau to issue a circular letter which complements the information in Circular Letters CR/301 and CR/343. The circular letter should explain the general practice of the Bureau, including its current capabilities to verify the frequency bands on-board satellites, in the application of RR No. **13.6** and the detail of the types of information that administrations could provide when requested for clarification under that provision. The circular letter should also take into account the decisions of WRC-19 on the matter, as appropriate.

TABLE 1

| Satellite Network | Long | Min Freq (MHz) | Max Freq (MHz) |
| --- | --- | --- | --- |
| ASIASAT-AK | 122°E | 6 425 | 6 723 |
| ASIASAT-AK | 122°E | 10 950 | 11 197 |
| ASIASAT-AK | 122°E | 11 453 | 11 700 |
| ASIASAT-AK1 | 122°E | 12 200 | 12 250 |
| ASIASAT-AKX | 122°E | 6 425 | 6 725 |
| ASIASAT-AKX | 122°E | 10 953 | 11 200 |
| ASIASAT-AKX | 122°E | 11 450 | 11 699 |
| ASIASAT-AKX | 122°E | 13 753 | 14 000 |

WRC-19 reviewed the case and decided to instruct the Radiocommunication Bureau to maintain in the Master International Frequency Register the frequency assignments to the ASIASAT-AK, ASIASAT-AK1 and ASIASAT-AKX satellite networks listed in the table above (see Document CMR19/571 – Minutes of the tenth Plenary meeting, §§ 2.4 to 2.15 Approval of Document 518).

6.2.3 The Bureau requested the Board in the Report of the Director to the 84th Board meeting to confirm that the frequency assignments to two satellite networks at 137°W having been suspended could remain in use. The Board noted that the administration had not complied with the requirements of RR No. **11.49** by not reporting to the Bureau the suspension and the bringing back into use of its frequency assignments which had been in force prior to the WRC-15 decision to impose a consequence for the late reporting of a suspension and further noted that all the frequency assignments to the two satellite networks had been brought back into use within three years and continued to be in operation at 137°W. The Board confirmed that the Bureau had acted in accordance with RR No. **13.6** and other relevant provisions of the RR and instructed the Bureau to close its investigation under RR No. **13.6** for the case and confirmed that the frequency assignments to the two networks could remain in use.

## 6.3 Invoking CS Article 48

6.3.1 The Board received at its 86th meeting a request from an administration for the development of a Rule of Procedure that would address treating objections invoking Article 48 of the ITU Constitution under the application of RR No. **9.52**. The Board noted that the request was based on the fact that the administration had sought coordination with another administration for the coordination of a number of frequency assignments to land mobile stations under RR No. **9.21**. The other administration objected to the coordination by invoking Article 48 of the ITU Constitution with respect to frequency assignments to FSS earth stations in the MIFR containing only characteristics of typical earth stations. The Board further noted that the notifying administration of the frequency assignments to land mobile stations had voluntarily requested the Bureau to record those frequency assignments in the MIFR under RR No. **11.31.1** even though they were in conformity with all relevant provisions of the Radio Regulations, including the pfd limit as stipulated in RR No. **5.430A**. The Board confirmed with the Bureau that such conformity with the pfd limit would imply no harmful interference caused to earth stations of any FSS satellite networks of the objecting administration, including those FSS networks for which Article 48 of the ITU Constitution had been invoked. The Board indicated that in accordance with No. 203 of Article 48 of the ITU Constitution, military radio installations must, so far as possible, observe statutory provisions relative to the measures to be taken to prevent harmful interference and that the international rights and obligations of administrations in respect of their own and other administrations’ frequency assignments was derived from the recording of those assignments in the MIFR (RR No. **8.1**). However, noting that WRC-19 had invited the Plenipotentiary Conference 2022 to provide guidance on the application of Article 48 of the ITU Constitution with respect to satellite networks and that that guidance could potentially have an impact on the findings of those frequency assignments, the Board decided that it was unable to accede to the request from the administration. The Board therefore instructed the Bureau to process those frequency assignments in accordance with RR No. **11.31.1** and making reference to Article 48 of the ITU Constitution in the coordination information field.

At its 92nd meeting and subsequent to the Plenipotentiary Conference 2022, the Board received a request from the notifying administration of those frequency assignments to land mobile stations for a reassessment of the findings of its frequency assignments recorded in the MIFR in cases where Article 48 of the ITU Constitution had been invoked. Given the considerations provided above and bearing in mind that:

• the main objective of the RR No. **9.21** agreement-seeking procedure was to ensure the operation of stations of a service of other administrations free from harmful interference;

• those terrestrial frequency assignments of the administration were in conformity with the pfd limits as stipulated in RR No. **5.430A**;

• a similar approach existed for space services in the rule of procedure on RR No. **9.36** (see Case 3 of the Annex to the rule of procedure on RR No. **9.36**),

the Board instructed the Bureau to revise the findings of those frequency assignments by removing the finding reference “X/RR9.21”, finding observation “H” and the reference to Article 48 of the ITU Constitution in the coordination information.

6.3.2 At its 93rd meeting the Board received a request from an administration to clarify the 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 the 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 and that 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.

The Board further elaborated considerations relevant to the invocation of Article 48 of the ITU Constitution in §4.9 of the Report by the Board to WRC‑23 on Resolution **80 (Rev.WRC‑07)** (see Document [CMR23/50](https://www.itu.int/md/R23-WRC23-C-0050/en)).

## 6.4 Consideration of requests for the extension of the regulatory time-limit for bringing into use frequency assignments to satellite networks

6.4.1 During the scheduled Board meetings after WRC-19, the Board continued to address cases that invoked *force majeure* based on the legal opinion from the ITU Legal Advisor (see [RRB12‑1/INFO2](http://www.itu.int/md/R12-RRB.12.2-INF-0002/en)) and cases that were related to co-passenger delay according to the decisions of WRC-12 and WRC-15. At its 84th meeting the Board received a submission from an administration requesting clarification on the application of the conditions of *force majeure* invoked as a result of the COVID-19 pandemic. After consultation with the ITU Legal Advisor concerning the extent to which the COVID-19 pandemic satisfied the conditions for a situation to qualify as a case of *force majeure*, the Board concluded that it had the authority to consider the COVID-19 pandemic as an element of *force majeure* based on No. 96 of the ITU Constitution. Furthermore, the COVID-19 pandemic, at that time, met the first two conditions of *force majeure*, namely that it was not caused by the obligator, was unforeseen and inevitable or irresistible. Lastly, in order to conclude on the remaining two conditions, namely whether there was a direct causality between the COVID-19 pandemic and the failure of the obligator to meet the obligation and whether the pandemic made it impossible for the obligator to perform its obligation, the Board had to examine each situation on a case-by-case basis. At its 85th meeting the Board provided a list of questions that administrations were invited to address when invoking the COVID-19 pandemic as part of the justification of the request for an extension of the regulatory time-limit in a situation of *force majeure*.

6.4.2 At its 86th meeting the Board considered submissions from two administrations concerning the coordination status of satellite networks when considering requests for extensions of regulatory time-limits. When exercising its authority to grant extensions to regulatory time-limit to bring into use or bring back into use frequency assignments to satellite networks as a result of cases of *force majeure*, the Board recognized that if a situation fully met all the conditions to qualify as a case of *force majeure*, the coordination status of a satellite network could not be used as a reason to refuse a request for an extension of the regulatory time-limit. The Board also recognized that it did not have the mandate to change the coordination requirements or coordination procedures of the relevant provisions of the Radio Regulations and it considered requests for extensions to the regulatory time-limits on a case-by-case basis. When required, the Board could ask for additional information, including coordination information, when assessing a specific case.

The Board also noted WRC-19 decisions to exclude the status of coordination from the information requirements for the submission of extension requests to the Board due to co-passenger delays.

Consequently, the Board decided that it was not in a position to accede to the requests of the two administrations and noted that it could take into account, to some extent, coordination information of satellite networks. In addition, the Board stressed that satellite networks having received extensions to the regulatory time-limits were still required to complete coordination procedures in compliance with the relevant provisions of the Radio Regulations. The Board further decided to include the matter in its report on Resolution **80 (Rev.WRC-07)** to WRC-23 (see §§4.4.2.7 to 4.4.2.10 of Document [CMR23/50](https://www.itu.int/md/R23-WRC23-C-0050/en)).

6.4.3 During the reporting period the Board received a total of 54 requests, of which some included several satellite networks, for an extension of the regulatory time-limit to bring into use or bring back into use frequency assignments to satellite networks, which the Board considered on a case-by-case basis. Some of those requests were submitted multiple times, as initial or even subsequent submissions did not provide sufficient supporting information to enable the Board to decide on a request. The Board acceded to five of six requests, of which one case was a resubmission, on the basis that they were the result of a co-passenger delay. The Board also acceded to 25 of 48 requests, of which several were resubmissions, because they met all the conditions to qualify as a case of *force majeure*. Two requests invoking situations of *force majeure* were withdrawn by the responsible administrations and as a result the relevant frequency assignments were suppressed. The Board could not accede to 13 requests, of which some had been resubmitted several times, invoking situations of *force majeure,* because the requests did not demonstrate that they satisfied all the conditions for the situation to qualify as a case of *force majeure* or the requests were not within the mandate of the Board. One such request considered at the 82nd Board meeting to which the Board could not accede as it was considered to be outside the mandate of the Board, had also been submitted to WRC-19 for a decision. At its 88th meeting, the Board acceded to the request of the Administration of Bulgaria for the extension of the regulatory time-limit of the BALKANSAT AP30B satellite network not on the basis of a case of *force majeure* as invoked by the administration, but based on the fact that applying a regulatory time-limit to bring into use frequency assignments that were in conformity with the allotment in the Plan from which they had been derived was inconsistent with the purpose of Appendix **30B** (see also the Board’s report on Resolution **80 (Rev.WRC-07)** to WRC-23, §4.6.1 of Document [CMR23/50](https://www.itu.int/md/R23-WRC23-C-0050/en)).

## 6.5 Other requests submitted by administrations

6.5.1 The Board received a request to develop rules of procedure that would allow satellite operations beyond ±0.5° from the nominal orbital position. The Board noted that the Bureau had not encountered any difficulties in the application of the current procedure as described in § 3.2.4.1 of Document CMR15/4(Add.2)(Rev.1) and that no ITU-R studies had been conducted on the matter so that the request did not represent an actual situation. Considering that it would be premature to develop general rules of procedure on the issue, the Board decided not to accede to the request but indicated that it would consider requests to allow satellite operations beyond ±0.5° from the nominal orbital position under special conditions, on a case-by-case basis.

6.5.2 At its 87th meeting the Board confirmed that the Bureau had acted correctly to a request to extend the period of operation of a satellite network by 15 years after the deadline indicated in §4.1.24 of Appendices **30** and **30A** (the deadline for the receipt of the extension request was 10 January 2021 whereas the request was received on 23 March 2021). The Board further noted the short delay by the administration in submitting the requested information and the continued operation of the satellite network with the same characteristics.

6.5.3 The Board also confirmed at its 87th meeting that the Bureau had acted correctly in the application of §4.1.18bis of Appendices **30** and **30A** as decided by WRC-19. The action related to a request from an administration for the definitive recording of frequency assignments to a satellite network in the Regions 1 and 3 List of Appendices **30** and **30A** since those frequency assignments had been in use, together with the frequency assignments which had been the basis for a disagreement, for at least four months without any complaint of harmful interference.

6.5.4 At its 88th meeting, the Board considered a request from an administration to change the notifying administration for a satellite network. The Board recognized that a similar request had previously been received at its 76th meeting to which it had not acceded on the basis of the Radio Regulations and the Rules of Procedure in force in 2017. The Board further recognized that the administration had provided a signed letter from the group of named administrations, which had agreed to the change with no conditions. Considering that the request was consistent with the decisions of WRC-19 and that it satisfied all the requirements of Case 2-5 of the Rules of Procedure related to satellite systems submitted by an administration acting on behalf of a group of named administrations, the Board therefore decided to accede to the request and instructed the Bureau to change the symbol of the notifying administration for the satellite network.

6.5.5 The Board considered a request at its 88th meeting for the recognition of the bringing into use of frequency assignments to three satellite networks at orbital positions 163°E and 125°E, that their suspension should be accepted and that the processing of the notification information of the networks should proceed. From the information provided, the Board considered that the Bureau had acted correctly in the application of RR Nos. **11.44**, **11.44B** and **11.44B.2**, that the Administration of China had not acted in conformity with RR No. **11.44B.2** and that the reinstatement of frequency assignments that did not comply with RR No. **11.44B.2** would be contrary to the WRC-15 decision and the provisions of the Radio Regulations. Consequently, the Board concluded that it could not accede to the request from the Administration of China and instructed the Bureau to suppress the frequency assignments to the CHINASAT-D-163E and CHINASAT-D-125E satellite networks from the MIFR, except for the frequency assignments to the CHINASAT-D-163E satellite network in the frequency bands 3 400 – 4 200 MHz, 5 850 – 6 725 MHz, 12.250 – 12.750 GHz and 14.000 – 14.500 GHz, for which the suppression was to be deferred until the end of WRC-23, and except for the frequency assignments to the CHINASAT-D-125E satellite network in the frequency bands indicated in Table 6-1.

Table 6-1

|  |  |  |
| --- | --- | --- |
| 1 980 – 2 010 MHz | 2 170 – 2 200 MHz | 3 400 – 3 700 MHz |
| 3 700 – 4 200 MHz | 5 850 – 5 925 MHz | 5 925 – 6 425 MHz |
| 6 425 – 6 725 MHz | 10.950 – 11.200 GHz | 11.450 – 11.700 GHz |
| 12.200 – 12.250 GHz | 12.250 – 12.290 GHz | 12.290 – 12.750 GHz |
| 13.750 – 14.000 GHz | 14.000 – 14.040 GHz | 14.040 – 14.500 GHz |
| 17.700 – 20.200 GHz | 27.500 – 30.000 GHz |  |

The Board also instructed the Bureau not to recognize the bringing into use of the frequency assignments to the CHINASAT-E-125E in the frequency bands 13.4 – 13.65 GHz, 14.5 – 14.8 GHz, 37.5 – 43.5 GHz and 47.2 – 50.2 GHz and decided to include the issue in the Report on Resolution **80 (Rev.WRC-07)** to WRC-23 (see §4.11 of Document [CMR23/50](https://www.itu.int/md/R23-WRC23-C-0050/en)).

6.5.6 The Board received at its 89th meeting a request from an administration whereby objections would be indicated for any frequency assignments and allotments of another administration where the requesting administration was identified as potentially affected, based on the fact that the requesting administration was unable to carry out procedures related to international coordination as a result of the prevailing situation in its country. The Board recognized the limited ability of the administration to carry out the regulatory procedures to protect its frequency assignments and allotments and that for such situations it had been the general practice of the Bureau to accept late replies to BR IFIC publications when an administration was unable to respond due to extreme circumstances. The Board furthermore considered that the case qualified as a situation of *force majeure*. Consequently, the Board decided to accede to the request from the administration to treat all cases, as of 27 February 2022, where the administration was identified as potentially affected by the submissions of frequency assignments and allotments of other administrations as having received an objection from the administration and to reassess the situation at its 90th meeting. At its 90th meeting, the Board received a request from the administration that the Board’s decision at its 89th meeting should be maintained until the declaration of the end of martial law in its country, to which the Board acceded with the understanding that the Board would continue to assess the situation at its future meetings.

6.5.7 At its 89th meeting the Board received a request from seven administrations that measures be implemented, similar to those that the Board decided on for submissions under Resolution **559 (WRC-19)** at its 84th meeting, for their submissions under Article 7 of Appendix **30B**. The Board recognized that the main objective of the FSS Plan was to guarantee equitable access to orbital and spectrum resources to all administrations for future use and consequently decided to accede to the request of the seven administrations and decided to describe the issue in detail in the Report on Resolution **80 (Rev.WRC-07)** to WRC-23 (see §4.6.2 of Document [CMR23/50](https://www.itu.int/md/R23-WRC23-C-0050/en)). The Board furthermore continued to monitor the situation on the matter based on reports from the Bureau at the 90th to 93rd meetings.

6.5.8 The Board considered a request at its 89th meeting from 27 administrations requesting that the Bureau include, as an interim measure until the end of WRC-23, the General Secretariat of the African Telecommunication Union (ATU) in the list of recipients whenever a reminder was sent under §§ 4.1.10b and 4.1.10c of Appendices **30** and **30A** and under §§ 6.14 and 6.14bis of Appendix **30B** to one of the ATU members. Recognizing the difficulties those administrations had encountered in relation to the concept of implicit agreement, which was in force in a number of provisions of the Radio Regulations, and its potential impact on administrations that were unable to respond within the time-limits to such cases affecting their frequency assignments or allotments, the Board decided to accede to the request.

Regarding the request to accept answers from the General Secretariat of the ATU on behalf of an administration to reminders sent by the Bureau where the administration’s frequency assignments or allotments were considered as affected, the Board considered that it was not in a position to accede to the request and sought the opinion of the ITU Legal Advisor on the matter, who confirmed the decision of the Board at its 90th meeting.

Furthermore, the Board decided to include the issue in its Report on Resolution **80 (Rev.WRC-07)** to WRC-23 (see §4.6.3 of Document [CMR23/50](https://www.itu.int/md/R23-WRC23-C-0050/en).)

6.5.9 At its 90th meeting, the Board considered a request for a change in the BR IFIC publication procedure of non-GSO satellite networks/system filings in the band 17.3 - 17.8 GHz not subject to epfd limits or the coordination procedure contained in Section II of Article **9** of the Radio Regulations. The Board decided that it could not accede to the request, noting that it did not have the authority to amend the provisions of the Radio Regulations nor to instruct the Bureau to deviate from the provisions of the Radio Regulations. The Board further noted that ITU-R Working Party 4A at its meeting in May 2022 had not agreed to create a new topic under WRC-23 agenda item 7 to address the matter. However, the Board noted that in April 2022, the Bureau had introduced a new verification measure, which had resulted in dividing the frequency bands of notices into those that were subject to coordination procedures under Section II of RR Article **9** and those not subject to those coordination procedures, and publishing each in its relevant special section accordingly. The new verification measure afforded administrations the opportunity to comment on cases where it had previously not been possible, i.e. for non-GSO FSS satellite systems in Region 2 in the frequency band 17.7 - 17.8 GHz.

6.5.10 The Board considered at its 90th meeting a submission concerning the examination by the Bureau of notifications for frequency assignments to IMT stations with active antenna arrays in the frequency band 24.25 - 27.5 GHz. The Board noted that CPM23-1 had charged ITU-R Working Party 5D to study, as a matter of urgency, the methodology of filling in item 8AA of notifications for such cases but that the issue was still under study. The Board further noted that 1 458 frequency assignments to mobile stations in the band 24.25 - 27.5 GHz recorded in the MIFR had not been identified as IMT, and it was unclear what type of antenna system was used by those assignments and that changing the finding of those frequency assignments from “favourable” to “qualified favourable” would not necessarily facilitate the review of the frequency assignments subsequent to a possible decision of WRC-23. Consequently, the Board decided not to accede to the request however, it instructed the Bureau to:

• provide a remark to the 1 458 recorded and future frequency assignments to land mobile service stations in the band 24.45 - 27.5 GHz received until the methodology was completed and approved, indicating the need to review such frequency assignments once the ITU-R Working Party 5D studies were completed;

• request the notifying administration, once the methodology was approved by a WRC and had entered into force, to confirm that the value of the power to the antenna (8AA) in the assignment was in accordance with the approved methodology for determining item 8AA for IMT stations, in the band 24.45 - 27.5 GHz, with antennas that consisted of an array of active elements (see Document CMR19/550 of WRC-19).

See also “Treatment of filings for IMT stations with active antenna systems”, §4.3.2 of Addendum 2 to Document [CMR23/4](https://www.itu.int/md/R23-WRC23-C-0004/en);

6.5.11 At its 90th meeting, the Board received a request from an administration for a one-year extension of Resolution **35 (WRC-19)** milestones for all satellite filings subject to that Resolution. However, the Board noted that it had the mandate to consider requests for the extension of regulatory deadlines due to situations of *force majeure* and co-passenger delay strictly on a case-by-case basis and that modifying the provisions of a WRC resolution or the Radio Regulations was not within its mandate. The Board recognized that *resolves* 12 of Resolution **35 (WRC-19)** provided a mechanism so that administrations with satellite network filings for which the end of the seven-year regulatory period in RR No. **11.44** was before 28 November 2022 could request a waiver from the requirement to meet the first milestone if they encountered difficulties and in accordance with *instructs the Radiocommunication Bureau* 2 of the Resolution, the Bureau would report any difficulties encountered in the implementation of the resolution to WRC-23. Consequently, the Board decided that it was not in a position to accede to the request.

6.5.12 The Board received a request at its 91st meeting from eight administrations to include in the Report on Resolution **80 (Rev.WRC-07)** to WRC-23 an item dealing with the application of §4.1.24 of RR Appendices **30** and **30A**. The Board noted that the Regions 1 and 3 Plan had been established with a view to guaranteeing equitable access to the geostationary-satellite orbit for all Member States of the Union in specific frequency bands and that §4.1.24 was the result of a delicate compromise that had been reached during WRC-2000. The Board further noted that §§3.3 and 3.4 of Articles 3 of Appendices **30** and **30A** provided that “*the Regions 1 and 3 Plan / feeder-link Plan is based on national coverage from the geostationary-satellite orbit. The associated procedures contained in this Appendix are intended to promote long term flexibility of the Plan and to avoid monopolization of the planned bands and orbit by a country or a group of countries*”. The Board decided it was not in a position to accede to the request of the eight administrations given the emphasis on equitable access in the BSS Plan and the clear intent of WRC-2000 when it had established the List so that no justification could be found to include the matter in the Report on Resolution **80 (Rev.WRC-07)** to WRC-23.

6.5.13 At its 92nd meeting, the Board received a submission from an administration reporting on the provision of Internet services by satellite in its territory. The Board noted that the administration had taken actions as foreseen in Resolution **22 (WRC-19)** and had stated that some satellite Internet services had been provided in its territory without authorization. The administration provided further details of its investigations to the 93rd Board meeting in response to an invitation of the Board and the Board noted that those results demonstrated that transmissions and an international Internet connection to an Internetwork Packet Exchange (IPX) in a foreign country had been established with a terminal from within the territory of the administration. The Board further noted that the administration had not granted a licence for the provision of such services from within its territory. As some uncertainty remained as to whether the transmissions qualified as unauthorized, the Board invited the administration to provide to its 94th meeting details that would conclusively prove the services were unauthorized and instructed the Bureau to assist the administration in its efforts reporting on those services. In response to the instruction of the Board at its 92nd meeting, the Bureau had sent a letter on 1 June 2023 to the notifying administration for the relevant satellite systems providing those services and reminded that administration of the need to comply with the provisions of RR Article **18** and Resolution **22 (WRC-19)** but at the time of the 93rd Board meeting the administration had not replied. The Board instructed the Bureau to send another letter to the notifying administration, again urging it 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 acting as an associated administration to the notifying administration for those satellite systems.

6.5.14 At its 92nd meeting, the Board endorsed the Bureau’s decision to accept a request to extend the period of operation of a satellite network received on 24 January 2023, 24 days after the regulatory deadline for the reception of the request to extend the first 15-year period of operation ending on 1 January 2026. The Board noted that the Bureau had sent a reminder to the administration to that effect on 27 September 2022 in accordance with §4.1.24 of Appendix **30**. The Board took its decision based on the fact that an operational satellite had brought into use the satellite network and that in previous similar cases the Board had instructed the Bureau to continue with the practice of accepting such requests and informing the Board accordingly.

## 6.6 Other matters which could not be resolved by the Bureau (CS96)

6.6.1 The Board considered at its 84th meeting information provided concerning delayed replies to correspondence from the Bureau related to the application of regulatory procedures to satellite systems as well as the Bureau’s oral report on the suspension of the delivery of the BR IFIC on DVD-ROM and fax services, indicating the period for the acceptance of late comments until 31 July 2020 as a result of the situation arising due to the COVID-19 pandemic. The Board further noted that the use of ISO images of the BR IFIC instead of the DVD-ROM had been communicated to administrations in Circular Letter [CR/457](https://www.itu.int/md/R00-CR-CIR-0457/en) of 27 March 2020. The Board concurred with the actions of the Bureau based on the fact that the measure had not caused difficulties to administrations.

6.6.2 At its 86th meeting, the Board considered the Bureau’s decision to accept, on an exceptional basis, the late resubmission of the frequency assignments to a satellite network under RR No. **11.46** and that the decision had been made based on the reasons and special circumstances provided by the notifying administration of the network and on the fact that the actual operational status of the satellite network had been compliant with the relevant provisions of RR Article **11**. The Board agreed to the actions taken by the Bureau but expressed concern that the administration had often failed in recent years to ensure the necessary monitoring of its submissions to the Bureau. The Board drew the administration’s attention to the need for it to engage in more detailed and careful monitoring of its submissions to the Bureau and to respect deadlines for those submissions.

6.6.3 Having considered at its 86th meeting the need to send acknowledgements of submissions of satellite networks or systems, the Board supported the decision taken by the Bureau not to send a letter of acknowledgement of the receipt for certain submissions using the ITU web interface “e-Submission of satellite network filings”. The Board noted that the submission of satellite networks using the “e-Submissions” web interface was mandatory in accordance with the Rules of Procedure. Consequently, the Board instructed the Bureau to continue its efforts to assist administrations which were unable to use the “e-Submissions” web interface, so as to enable such administrations to use the web interface for their submissions.

6.6.4 At its 87th meeting the Board considered a number of issues related to the processing, notification and bringing into use of non-geostationary satellite systems that the Bureau submitted to the Board for a decision, as listed below:

6.6.4.1 Concerning the processing of modifications to existing coordination requests of non-geostationary satellite systems, the Board agreed with the proposed practice of the Bureau and specifically that the epfd limits should be verified for entire non-geostationary satellite systems, which was in conformity with the provisions of the Radio Regulations and the associated rules of procedure. The Board noted that the issue might also be related to the efficient use of the orbit/spectrum resources, and decided to include it in the Report on Resolution **80 (Rev.WRC-07)** to WRC-23 (see §4.12 of Document [CMR23/50](https://www.itu.int/md/R23-WRC23-C-0050/en)).

6.6.4.2 In relation to the receivability of notification notices submitted in accordance with Resolution **32 (WRC-19)**, the Bureau reported on four notifications of non-geostationary-satellite systems received from an administration on 15 January 2021 and published on 23 March 2021. The date of bringing into use indicated in the notices was 28 February 2021 corresponding to the launch date of the PSLV. However, RR No. **9.1** restricted the date of receipt of notification for the four notices to be not earlier than four months after the publication of the API special section which was 23 July 2021. The Board noted that Bureau intended to publish those four notifications with a date of receipt of 23 July 2021, in accordance with RR No. **9.1**, together with a note indicating that the information was received on 27 April 2021, in order for administrations to be informed of the compliance of those notifications with items 3 and 4 of the Annex to Resolution **32 (WRC-19)**. The Board considered that the planned practice of the Bureau was in conformity with the application of RR No. **9.1** and Resolution **32 (WRC-19)**, and that the actions of the Bureau were in agreement with the decision of WRC-19 in adopting Resolution **32 (WRC-19)**. The Board instructed the Bureau to inform the administration of the application of RR No. **9.1** and the rules of procedure on that provision in addition to the application of Resolution **32 (WRC-19)** and further instructed the Bureau to develop a new draft rule of procedure that would explain the relationship between Resolution **32 (WRC-19)** and RR No. **9.1**. The draft rule of procedure was published in CCRR/[67](https://www.itu.int/md/R00-CCRR-CIR-0067/en) and approved by the Board at its 88th meeting.

6.6.4.3 Regarding the applicability of RR Nos. **22.5L** and **22.5M** to non-geostationary satellite systems completely notified before the end of WRC-19, the Board noted that while such systems were exempted from the need to coordinate with other non-GSO systems, which had also been completely notified at the end of WRC-19, that did not include exemption from the application of RR Nos. **22.5L** and **22.5M** aimed at the protection of GSO networks. The Board agreed with the proposed approach by the Bureau, whereby it would conduct the review under RR No. **11.50** as follows:

• When a notifying administration informed the Bureau of the bringing into use of such frequency assignments, the Bureau would request the administration to submit the Appendix **4** data that were relevant for the examination of RR No. **22.5L** (similarly to what the Bureau requested for coordination requests submitted after WRC-19).

• If the notifying administration submitted the information, the Bureau would establish a qualified favourable finding since it was unlikely that the examination software for RR No. **22.5L** would be available before 23 November 2022.

• If the notifying administration did not submit the requested information, the Bureau would establish an unfavourable finding.

The Board considered the approach as practical and in conformity with Resolutions **769 (WRC-19)** and **771 (WRC-19)** and with § 6 of the rule of procedure on RR No. **11.50**.

6.6.4.4 The Bureau proposed measures that would ensure that modifications to non-GSO satellite systems submitted towards the end of the seven-year regulatory period for which the publication might occur after the end of that period, would be treated correctly since it would be uncertain whether the latest modification complied with RR No. **11.31** and therefore could subsequently be notified successfully. The Bureau indicated that the intention of such modifications was to better reflect the actual operations of the systems and that they were submitted as additions of a mutually exclusive configuration to the existing coordination request. The Board agreed to the proposed measures on condition that the practice would not give rise to additional cost-recovery invoices and indicated that there could be a risk in the bringing into use of frequency assignments to be found invalid if it could only be associated with the configuration finally notified out of the two mutually exclusive configurations that had been submitted. As administrations needed to be informed of the Bureau’s approach in a transparent manner, the Board instructed the Bureau to develop a draft rule of procedure that would reflect the proposed course of actions to be taken for such cases and to apply the course of actions provisionally until a formal decision on a rule of procedure was taken. The draft rule of procedure was published in CCRR/[67](https://www.itu.int/md/R00-CCRR-CIR-0067/en) and approved by the Board at its 88th meeting.

6.6.4.5 The Bureau indicated that it had received cases where the same satellite had been used to simultaneously bring into use multiple non-geostationary satellite systems and that the practice might lead to the same practical difficulties in terms of orbit/spectrum warehousing as in the geostationary-satellite orbit. Therefore the Bureau considered that an approach similar to the one adopted for geostationary satellite networks and reported to WRC-15 (see § 3.2.4.1 of Document CMR15/4(Add.2)(Rev.1))) should be applied, *mutatis mutandis*, to non-geostationary satellite systems.

Since the underlying approach for geostationary satellite networks was that one geostationary satellite could only simultaneously bring into use multiple geostationary satellite networks that were located at the exact same orbital location, the Bureau considered that a single non-geostationary satellite could only bring into use simultaneously multiple non-geostationary satellite systems that had the exact same orbital parameters.

Depending on the regulatory procedures that the various non-geostationary satellite systems might be subject to, the detailed orbital parameters that had to be submitted might differ among the systems (see Annex 2 to Appendix **4**). In such cases, the Bureau would consider that two systems with different levels of orbital parameter details had the same orbital parameters if the values of the parameters that had to be submitted for all systems were identical, even if some additional parameters might be absent from some systems.

While supporting in principle the approach proposed by the Bureau, the Board noted that aspects related to the application of Resolutions **35 (WRC-19)** and **76 (Rev.WRC-15)** required further study. The Board instructed the Bureau to pursue efforts to develop an approach for a draft new rule of procedure for consideration at its 88th meeting and further instructed the Bureau to hold such cases received in abeyance until a formal decision on the matter could be taken.

6.6.4.6 Regarding the implementation of Resolution **771 (WRC-19)**, the Bureau indicated that it had received questions after WRC-19 about the possibility to add a satellite in a different orbital plane to systems notified before the end of WRC-19 and to bring into use an entire system with an actual satellite conforming to the added orbital parameters, which the Bureau considered in contradiction with the intent of Resolution **771 (WRC-19)**. The Board indicated that the objective of Resolution **771 (WRC-19)** was to restrict the list of frequency assignments that could be brought into use without coordination and that a modification of the system to add a satellite in a different orbital plane after WRC-19 and to bring into use the entire system with an actual satellite conforming to the added orbital parameters would be contrary to that objective. Consequently, the Board concluded that frequency assignments to non-GSO systems subject to Resolution **771 (WRC-19)** can only be brought into use with a satellite that conformed with the orbital parameters notified before the end of WRC-19 on 23 November 2019. The Board instructed the Bureau to act in accordance with the adopted approach.

6.6.5 At the Board’s 89th meeting, the Bureau indicated that it had received the first submission of a satellite network as an additional system from an administration under Article 6 of Appendix **30B** (Part A) on 8 November 2012 and published it in the Special Section AP30B/A6A/250 contained in the BR IFIC 2743 of 30 April 2013. On 30 October 2020, the notifying administration submitted a single notice containing the information specified in Appendix **4** under both § 6.17 (Part-B) and § 8.1 (notification) of Appendix **30B** in accordance with Note 6ter to § 6.17. During the completeness examination of those submissions, the Bureau had sent two inquiry correspondences for clarification of certain issues in the submissions to which the notifying administration replied in time to the first inquiry. However, the reply to its second inquiry on 4 October 2021 with a deadline within 15 days had been received on 28 October 2021. The notifying administration explained that the delay, which included further modifications to the characteristics of the satellite network, had been due to the lockdown as a result of the COVID-19 pandemic. The Bureau further indicated that in accordance with § 3.7 of the Rules of Procedure concerning the receivability of forms of notice and the Bureau’s practice, a new formal date of receipt for the submissions under § 6.17 and § 8.1 should be established. However, in that case, the new date of receipt, 28 October 2021, would have been beyond the eight-year regulatory time-limit of 8 November 2020 which would have resulted in the deletion of the satellite network. The Bureau, which had postponed the processing of the satellite network, requested the Board to confirm that the processing could be resumed with a new date of receipt of those two submissions as 18 March 2022, i.e. the last day of the 89th Board meeting. The Board decided to endorse the Bureau’s proposal noting the above-mentioned facts provided by the Bureau, that a space station had been in operation in compliance with the relevant provisions of the Radio Regulations and that the modified technical characteristics would have had no impact on the coordination requirements for the satellite network.

6.6.6 The Board decided to accede a request from the Administration of Bulgaria received at its 89th meeting to set the regulatory time-limit for the submission of the information required under Resolution **49 (Rev. WRC-19)** for the BALKANSAT AP30B satellite network to the last day of WRC-23, 15 December 2023. Its decision was based on the fact that the Board had extended the regulatory time-limit to bring into use the frequency assignments to the satellite network at its 88th meeting not as a case of *force majeure*, but instead the decision had been based on a regulatory inconsistency with the purpose of Appendix **30B** (see §6.4.3). Furthermore, the Board noted that the rules of procedure on RR No. **11.48** were not applicable and concluded that the consequence of not providing the information required under Resolution **49 (Rev. WRC-19)** for frequency assignments that were in conformity with a Plan allotment should not be the cancellation of the frequency assignments. Consequently, the Board decided to include the aspect in its Report on Resolution **80 (Rev.WRC-07)** to WRC-23 (see §4.6.1 of Document [CMR23/50](https://www.itu.int/md/R23-WRC23-C-0050/en)). The Board reminded the administration that should those frequency assignments that were in conformity with the Plan allotment be brought into use before 15 December 2023, the administration would be expected to provide the information required under Resolution **49 (Rev. WRC-19)** no later than the date on which they were brought into use.

6.6.7 At the 92nd Board meeting, the Bureau reported on a request received from an administration in relation to the application of the provisions RR Nos. **9.47** and **9.49**, or the provisions RR Nos. **9.47**, **9.48** and **9.49** in relation to cases where the coordination contours of earth stations located in the territory of another administration included, in whole or in part, an area which was not under its control. The administration could therefore not apply provisions RR Nos. **9.47** and **9.49** and could not undertake that the use of frequency assignments to stations located in those territories would not cause harmful interference to earth stations of other administrations concerned. As a result, the administration had objected to application of those RR provisions. The Board endorsed the Bureau’s approach which was to:

• accept the objections from the administration based on its current inability to exercise the provisions of RR Nos. **9.47** and **9.49**, or the provisions of RR Nos. **9.47**, **9.48** and **9.49**, provided that the objection was sent within the regulatory time-limit prescribed by RR No. **9.62**;

• record the frequency assignments of the administration requesting coordination under RR No. **11.41**, if so requested;

• apply the provisions of RR Nos. **9.47** and **9.49**, or the provisions of RR Nos. **9.47**, **9.48** and **9.49**, should there be no reply within the regulatory period, since the inability to perform electromagnetic compatibility appraisals in the areas currently not under the control of the administration did not prevent that administration from providing comments within the regulatory period.

Furthermore, the Board indicated that a similar approach could be taken for terrestrial services should the Bureau encounter the same situation in the application of RR No. **9.21**, for which frequency assignments could be recorded under RR No. **11.31.1**, if the administration requesting coordination so requested.

## 6.7 Other matters considered by the Board reported elsewhere

The following matters were considered by the Board during the period 2019-2023 and were reported elsewhere as indicated:

• Treatment of filings for IMT stations with active antenna systems, see Section 4.3.2 of Addendum 2 to [CMR23/4](https://www.itu.int/md/R23-WRC23-C-0004/en);

• Implementation of No. **5.218A**, see Section 3.1.3.1 of Addendum 2 to Document CMR23/4;

• Modifications to existing coordination request of non-geostationary satellite system with the purpose of bringing into use, see Section 3.1.4.7 of Addendum 2 to Document CMR23/4;

• Harmful interference to receivers of the radionavigation satellite service in the 1 559 – 1 610 MHz frequency band, see Section 3.1.7.2 of Addendum 2 to Document CMR23/4;

• Delays in fulfilling the application of assistance procedures under Appendices **30/30A** or Appendix **30B** due to communication difficulties with some administrations, see Section 3.2.4.2 of Addendum 2 to Document CMR23/4;

• §4.1.24 of Article 4 of Appendices **30** and **30A**, see Section 3.2.5.1 of Addendum 2 to Document CMR23/4;

• Implementation of Resolution **32 (WRC-19)**, see Section 3.3.2 of Addendum 2 to Document CMR23/4;

• Implementation of Resolution **35 (WRC-19)**, see Section 2.2.4.1 of Addendum 1 to Document CMR23/4 and Section 3.3.3 of Addendum 2 to Document CMR23/4;

• Implementation of Resolution **40 (Rev.WRC-19)**, see Section 2.4.1 of Addendum 1 to Document CMR23/4 and Section 3.3.4 of Addendum 2 to Document CMR23/4;

• Implementation of Resolution **85 (WRC-03)**, see Section 2.2.4.2 of Addendum 1 to Document CMR23/4;

• Implementation of Resolution **559 (WRC-19)**, see Section 2.3.1.2 of Addendum 1 to Document CMR23/4;

• Implementation of Resolution **770 (WRC-19)**, see Section 2.2.4.7 of Addendum 1 to Document CMR23/4;

• Treatment time of satellite filings, see Sections 2.2.1 to 2.2.3 and Section 2.3 of Addendum 1 to Document CMR23/4;

• Cost recovery for processing satellite network filings (Council Decision 482), see Section 2.7 of Addendum 1 to Document CMR23/4

# 7 Review of cases of harmful interference (CV140, CV173, RR No. 13.2) and of alleged contravention or non-observance of the Radio Regulations (RR No. 13.3)

The Board considered several cases of harmful interference and of alleged contravention or non-observance of the Radio Regulations.

7.1 Harmful interference continued to be reported to the sound and television broadcasting services of the neighbouring countries of Italy and the efforts to resolve the issue (on the Board’s agenda of the 82nd to 93rd meetings, continuing from the previous period of 2015 to 2019). During that period all administrations concerned agreed that the harmful interference to the television broadcasting service of the neighbouring countries had been eliminated and that the issue could be removed from further consideration. While progress in resolving interference cases to the digital and FM sound broadcasting service continued to be slow, the Board repeatedly encouraged the Administration of Italy to address the priority list of FM sound broadcasting stations and to implement the road map that had been established for that purpose. The Administration of Italy reported that a Working Group had been established to address interference cases to the FM sound broadcasting stations of its neighbours. The Board continued to encourage the Administration of Italy and its neighbours to apply all efforts to resolve the remaining cases of interference to both FM and digital broadcasting stations, as well as uncoordinated use by Italy of digital broadcasting channels designated by the GE06 Regional Agreement to other countries.

7.2 At its 84th, 86th, 87th and 88th meetings the Board considered the case of harmful interference to the analogue television broadcasting stations of the Administration of the Democratic People's Republic of Korea from high-power analogue television broadcasting stations transmitting from the territory of the Republic of Korea on several VHF frequencies. At its 86th and 87th meetings, as a result of no replies to the Bureau’s communications, the Board instructed the Bureau to send two *notes verbales* to the Permanent Mission of the Republic of Korea, forwarding a letter addressed to the Minister of Science and ICT of the Republic of Korea on the matter to which no replies were received. The Board noted that the lack of response and absence of action from the Administration of the Republic of Korea had led to the assumption that the administration was in direct contravention of RR Nos. **15.2** and **23.3** and No. 197 (Article 45) of the ITU Constitution. Throughout the period under consideration the Board encouraged both administrations to cooperate to find a solution to the situation and instructed the Bureau to provide assistance to them. The Board decided to include the issue in its Report on Resolution **80 (Rev.WRC-07)** to WRC-23 (see §4.8.1.2 of Document [CMR23/50](https://www.itu.int/md/R23-WRC23-C-0050/en)).

7.3 The Board considered the case of harmful interference within the 6 439 – 6 457 MHz frequency band in the Earth-to-space direction to the EMARSAT-1G, EMARSAT-5G, YAHSAT and MADAR-52.5E satellite networks located at 52.5°E and notified by the Administration of the United Arab Emirates at the 88th to 90th Board meetings. On 25 January 2021, the notifying administration provided spectrum and geolocation information indicating that the source of interference was located in the territory of the Administration of Ukraine and having twice requested the cooperation of that administration to eliminate the harmful interference without receiving a reply, reported the case to the Bureau, asking for assistance under RR No. **13.2**. The Administration of Ukraine responded on 28 May 2021 that it was taking appropriate actions to identify the source of interference supposedly located on its territory, and it was trying to resolve the problem. However, on 8 July 2021, the notifying administration again requested the Bureau’s assistance informing it that the harmful interference was still present and that no further communication had been received from the Administration of Ukraine. Consequently, the Bureau again sent another communication to the Administration of Ukraine requesting its urgent cooperation to which no response was received and reported the matter to the Board. The Board invited the Administration of Ukraine to take appropriate actions to resolve the interference problem and to communicate those actions to the Bureau, and furthermore encouraged both administrations to exercise the utmost goodwill and mutual assistance in the application of the provisions of Article 45 of the ITU Constitution and of Section VI of RR Article **15**. The Bureau reported to the 89th Board meeting that the Administration of Ukraine had replied on 15 November 2021 and 14 January 2022 that it had taken appropriate actions to identify the source of interference and its elimination, also indicating that it remained open for further cooperation, however no further communications had subsequently been received. Having recognized the initial efforts of the Administration of Ukraine, the Board noted that the source of interference had returned and repeated its encouragement to both administrations to cooperate in good will. The Board further recognized the limited ability of the Administration of Ukraine to carry out the procedures of RR Article **15**. In reaction to that decision, the Administration of Ukraine informed the notifying administration and the Bureau that it appreciated the Board’s recognition of its limited ability, however that it remained ready to continue cooperation with the Administration of the United Arab Emirates on the issue in the future after its return to normal activities.

7.4 The Bureau reported to the 89th Board meeting on the case of harmful interference to the frequency assignments centred at 6 455 MHz to the EXPRESS-7B and EXPRESS-7C satellite networks at 90°E notified by the Administration of the Russian Federation which had indicated that it had informed the Administration of Ukraine on 22 October 2020 that the source of interference was caused by a station located in its jurisdiction. The Administration of Ukraine replied that no source of harmful interference had been found for the case as indicated. The Administration of the Russian Federation requested the Bureau’s assistance on the matter under RR No. **13.2** and the Bureau sent a communication and a reminder to the Administration of Ukraine on 24 February 2021 and 21 April 2021 respectively, to which no replies were received. The Administration of the Russian Federation also provided spectrum and geolocation information on the source of interference on 25 May 2021 in response to the Bureau’s request, which forwarded the information to the Administration of Ukraine. In the further absence of a response from the Administration of Ukraine, the Administration of the Russian Federation again requested assistance from the Bureau including for the matter to be submitted to the Board. The Bureau also communicated those actions to the Administration of Ukraine on 2 November 2021, but no response was received. The Board reminded the administrations concerned of the provisions of Nos. 37 and 197, § 1 of Article 1 of the ITU Constitution and Section VI of RR Article **15**. The Board further recognized the limited ability of the Administration of Ukraine to carry out the procedures of RR Article **15** and instructed the Bureau to continue following any development on the matter.

7.5 At its 89th meeting the Board considered the Bureau’s report under RR No. **13.2** on the case of harmful interference in the frequency band 6 225 – 6 265 MHz towards the JCSAT-3A satellite at 128°E of the Administration of Japan, indicating that the interference that had disappeared on 13 February 2020, had reappeared since 21 October 2020 as reported to the Bureau on 17 December 2020. On 30 June 2021, the Administration of Japan provided spectrum and geolocation information that indicated that the source of interference might be an earth station located in the territory of the Administration of the Russian Federation intending to communicate with the COSMOS-2526 satellite co-located with the JCSAT-3A satellite and requested the Bureau’s assistance under RR No. **13.2**. In response to the request, the Bureau sent a communication to the Administration of the Russian Federation, however on 6 October 2021, the Administration of Japan indicated that the interference was still present. The Administration of the Russian Federation replied on 22 October 2021 and on 8 December 2021 indicating that it was working on the case but was unable to confirm that the interference to the JCSAT-3A satellite was caused by earth stations in its territory and pointed out that other satellites in the vicinity could be the source of harmful interference. In response to a further request from the Administration of Japan, the Bureau contacted on 17 December 2021 other administrations with satellites in the vicinity of 128°E however investigations from those administrations indicated that their systems could not be the source of interference or no response was received to the Bureau’s communication. Consequently, on 4 February 2022, the Bureau contacted two administrations requesting cooperation under the framework of the Memorandum of Understanding on Space Monitoring to perform geolocation measurements to identify the source of the harmful interference to which one administration agreed to provide assistance. The Board confirmed the action of the Bureau to request assistance in performing geolocation measurements and requested the Administration of the Russian Federation to investigate if harmful interference could originate from earth station(s) located on the territory under its jurisdiction. The Board further requested both administrations to exercise the utmost goodwill and mutual assistance in the application of the provisions of Article 45 of the ITU Constitution and of Section VI of RR Article **15**. At its 90th meeting, the Board noted with appreciation that monitoring measurements had been obtained and also that the Administration of the Russian Federation had been ready to interact with the Administration of Japan to seek mutually acceptable solutions and had investigated the issue of harmful interference. Finally, the Bureau’s report to the 91st Board meeting indicated that the harmful interference had ceased and that the two administrations had agreed on a mechanism to expedite communication should it reappear.

7.6 The Bureau reported to the 89th Board meeting on harmful interference in the 1 559 – 1 610 MHz band affecting RNSS receivers onboard aircraft flying over the Flight Information Region (FIR) under the responsibility of the Administration of Cyprus which reported the matter to the Bureau on 28 March 2018, requesting its assistance. Consequently, the Bureau contacted several Administrations in the Eastern Mediterranean Sea and Middle East region and received information that narrowed down the area where the interference sources were located. The information received identified the interference as of the type described in RR No. **15.1** which affected international communications either in the form of lost messages or total unavailability of the safety service. The Bureau indicated that WRC-19 had been informed of the situation through the Director’s Report (see § 2.2.2 of Annex 2 to Addendum 1 to Document CMR19/4). While the Bureau received no further reports of harmful interference in 2019 and early 2020, the Administration of Cyprus informed the Bureau on 10 April 2020 of similar cases of harmful interference affecting Nicosia FIR which, according to its investigation, originated from Syria and provided further spectrum and geolocation information on 31 August 2020. However, the Administration of Syria informed on 31 May 2020 that the result of its investigation showed no sources of emissions in the 1 559 - 1 610 MHz frequency band that originated from within the territory under its jurisdiction. The Bureau further reported that Eurocontrol had submitted a letter on 11 November 2021 to inform the Bureau of widespread radio frequency interference affecting the operation of aircraft stations receiving RNSS signals in the 1 559 - 1 610 MHz band and requesting support. The letter was endorsed by requests for assistance under RR No. **13.2** submitted by the Administrations of Cyprus on 22 December 2021 and Poland on 19 January 2022, calling to ensure safe aircraft operations and to preserve the utility of significant investments in space-based radionavigation capabilities. The Bureau also informed the Board that the aviation community had already reported the matter to the International Civil Aviation Organization (ICAO) at its 40th Assembly, resulting in the publication of an associated State Letter calling for appropriate mitigation actions to its Members States (ICAO State Letter 089, Ref AN 7/5-20/89 dated 28 August 2020). The Board noted with concern the impact of such harmful interference on radiocommunication services ensuring safety of life and the navigation of aircraft. In accordance with RR No. **13.2**, the Board decided to request Member States to ensure that their operating agencies complied with the applicable provisions of the ITU legal instruments as contained in Articles 45, 47 and 48 of the ITU Constitution as well as RR No. **15.28**, Article **31** and Appendix **27**. The Board further decided to request Member States to continue to exercise the utmost good will and mutual assistance in the application of the provisions of Article 45 of the ITU Constitution and of Section VI of RR Article **15**. The Board instructed the Bureau to issue a circular letter to the Member States to disseminate the decision and other background information about the prevention of harmful interference to RNSS receivers (see [CR/488](https://www.itu.int/md/R00-CR-CIR-0488/en)).

7.7 The Board considered the case on harmful interference to the coordinated HF broadcasting transmissions of the United Kingdom of Great Britain and Northern Ireland published in accordance with RR Article **12** during its 85th to 93rd meetings, continuing from the period 2015-2019. At its 86th meeting the Board instructed the Bureau to request the cooperation of appropriate stations of the international monitoring system in order to determine the location of the sources of harmful interference on the frequencies reported by the Administration of the United Kingdom that were recorded and fully coordinated in the relevant schedule of the current season. The Bureau reported the outcome of the monitoring exercise resulting from the participation of four administrations to the 87th Board meeting indicating that most interference came from the territory of China. The Board instructed the Bureau to bring those results to the attention of the Administration of China. At its 89th meeting the Board noted that the Administration of China had neither acknowledged nor denied the results of the international monitoring that identified the sources of the harmful interference as locations within its territory, however, the administration had requested additional information to enable it to take measures to identify the source of harmful interference. The Board noted at its 90th to 93rd meetings that the Bureau had been unsuccessful in its multiple efforts to implement the Board’s instruction by attempting several times to convene bilateral meetings between the two administrations with the participation and assistance of the Bureau as the Administration of the United Kingdom could not agree to convening such meetings. The Board urged the Administration of China to promptly implement adequate measures to eliminate all harmful interference to the HF emissions of the United Kingdom. The Administration of the United Kingdom informed the 92nd Board meeting that having previously suspended reports on harmful interference on a voluntary basis, the administration decided that it would resume such reports. However, at its 93rd meeting, the Board noted that no new reports of harmful interference for the case had been received.

## 7.8 Coordination of satellite networks as a result of harmful interference

During the reporting period the Board considered a number of cases where the coordination of frequency assignments to satellite networks was required between two or more administrations.

7.8.1 At the 82nd Board meeting the Bureau reported on the progress concerning the coordination efforts between the Administrations of Saudi Arabia, acting as the notifying administration of the intergovernmental organization ARABSAT, and the United Kingdom as the notifying administration for the satellite operator Avanti for satellite networks at 30.5°E and 31°E in the bands 17.7 – 20.2 GHz and 27.5 – 30.0 GHz. Noting that the matter had been considered at its 80th and 81st meetings, the Board expressed its appreciation that negotiations had successfully resulted in the conclusion of a technical agreement between both satellite operators.

7.8.2 During its 82nd, and 84th to 92nd meetings, the Board received reports on the progress on the coordination efforts of the Administrations of France and Greece concerning the ATHENA-FIDUS-38E satellite network at 38°E and HELLAS-SAT-2G satellite network at 39°E that had been conducted with the assistance of the Bureau during several bilateral coordination meetings. At its 91st meeting, the Board noted with appreciation the completion of a draft partial coordination agreement formalizing the coordination conditions related to cases for which discussions had been finalized and at its 92nd meeting that the partial coordination agreement would be finalized at the next coordination meeting. During the entire period the Board encouraged both administrations to continue their coordination efforts in order to reach a mutually acceptable outcome with the assistance of the Bureau.

7.8.3 The Board considered progress reports at its 85th to 90th meetings on the coordination efforts between the Administrations of Saudi Arabia, France and the Islamic Republic of Iran regarding their satellite networks at 25.5°E/26°E in the Ku- and Ka-bands. The Board noted that the satellites had been successfully operating for several years without interference and encouraged the Administrations of Saudi Arabia, France and the Islamic Republic of Iran to formalize the coordination of their satellite networks at the position 25.5°E/26°E in the Ku-band, and the Administrations of Saudi Arabia and France to formalize the coordination of their satellite networks at the position 25.5°E/26°E in the Ka-band in parallel and in a spirit of mutual cooperation with the assistance of the Bureau. At its 89th meeting the Board noted with satisfaction that the coordination efforts between the three administrations had concluded successfully for the satellite networks with frequency assignments in the Ku-band. The Board further noted that coordination efforts between the two administrations for their satellite networks with frequency assignments in the Ka-band had made good progress and was continuing.

7.8.4 Reports on the coordination efforts between the Administrations of Saudi Arabia and Türkiye regarding the ARABSAT and TURKSAT satellite networks at the orbital positions 30.5°E and 31°E in the bands 10.95 - 11.2 GHz, 11.45 - 11.7 GHz and 14.0 - 14.5 GHz were considered by the Board during its 86th to 92nd meetings. The Board encouraged both administrations to perform their coordination efforts with the assistance of the Bureau in a spirit of cooperation, in order to achieve a mutually agreed solution, taking into account the relevant provisions of the Radio Regulations, including RR No. **9.6** and its associated rule of procedure. At its 89th meeting the Board noted a lack of progress and the reported presence of intentional harmful interference. Consequently, the Board requested the cooperation of administrations that were signatories to the Memorandum of Understanding on Space Monitoring to assist in performing geolocation measurements to identify the sources of the intentional harmful interference to which one administration offered its assistance. However, at its 90th meeting, the Board noted with satisfaction that the source of unmodulated signals causing intentional harmful interference had been eliminated as a result of the space monitoring actions in the bands 12.5 – 12.75 GHz and 13.75 – 14.0 GHz. The Board reminded the administrations that the “coordination process is a two-way process” as established at WARC Orb-88 and that “in the application of Article **9** no administration obtains any particular priority as a result of being the first to start either the advance publication phase (Section I of Article **9**) or the request for coordination procedure (Section II of Article **9**).” The Board noted with appreciation at its 91st meeting that an agreement had been reached in principle between the two satellite operators and that efforts had started on a possible coordination agreement, which was reported at the 92nd Board meeting as successfully concluded.

# 8 Specific issues for consideration by WRC‑23

The section identifies specific issues which, in the opinion of the Board, may benefit from consideration by WRC‑23.

## 8.1 Inconsistencies and difficulties in the application of the Radio Regulations

As indicated in § 5 above and in Tables 5‑1 and 5-2, and in accordance with the provisions of No. **13.0.2**, the Board decided to identify difficulties and inconsistencies in the application of the Radio Regulations and to consider actions to alleviate them as reflected in the corresponding approved Rules of Procedure.

# 9 Issues relating to Resolution 80

The Report by the Radio Regulations Board to WRC‑23 on Resolution **80 (Rev.WRC‑07)** can be found in Document [CMR23/50](https://www.itu.int/md/R23-WRC23-C-0050/en).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_