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| A close up of a sign  Description automatically generated | **World Radiocommunication Conference (WRC-23) Dubai, 20 November - 15 December 2023** | |  |
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| PLENARY MEETING | | **Addendum 25 to Document 85-E** | |
|  | | **22 October 2023** | |
|  | | **Original: Russian** | |
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| Regional Commonwealth in the field of Communications Common Proposals | | | |
| proposals for the work of the conference | | | |
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| Agenda item 9.2 | | | |

9 to consider and approve the Report of the Director of the Radiocommunication Bureau, in accordance with Article 7 of the ITU Convention;

9.2 on any difficulties or inconsistencies encountered in the application of the Radio Regulations;[[1]](#footnote-1)1 and

**Possible option for modifying No. 13.6 of the Radio Regulations**

Introduction

Analysing one of the most significant provisions of the Radio Regulations (RR) for administrations and satellite communications operators – RR No. **13.6** – has revealed a number of problems in the application of this regulatory text. There follows information on the problems identified, together with suggestions for ways to eliminate them.

**Problem 1** relates to the Russian text “*В случае* ***возникновения*** *разногласий между заявляющей администрацией и Бюро…*” (literally “*In case of disagreements* ***arising*** *between the notifying administration and the Bureau…*”). This differs in meaning from the English text of RR No. **13.6** (“*In case of disagreement between the notifying administration and the Bureau, the matter shall be carefully investigated by the Board, including taking into account submissions of additional supporting materials from administrations through the Bureau within the deadlines as established by the Board*”) and could be interpreted differently. The practice of the Radiocommunication Bureau in applying the regulations indicates that a response from the notifying administration to a request by the Bureau may be exhaustive or may require further correspondence. Based on the results of the exchange, the Bureau draws the conclusion either that all disagreements have been resolved, and investigations pursuant to RR No. **13.6** are closed, or that disagreements remain, and the matter is transferred to the Radio Regulations Board for consideration.

The English version of the text reflects this practice and states that if disagreements exist between the notifying administration and the Bureau, then the matter is transferred to the Board. In the Russian version, however, this relates to the point at which disagreements **arise**, thereby excluding the possibility of resolving such disagreements by means of correspondence. In this regard, it is proposed that the Russian translation should be clarified and the word “*возникновения*” (“arising”) deleted.

**Problem 2** relates to the text “*In the event the notifying administration does not respond within one month of the second reminder, action taken by the Bureau to cancel the entry shall be subject to a decision of the Board*”. In fact, this sentence is incorrect, as the Bureau should not take any action to cancel an entry until the Board has taken a decision to that effect. It is therefore proposed that the text be amended as follows: “*In the event the notifying administration does not respond within one month of the second reminder, the Bureau shall submit the materials examined so that the Board can decide on the matter*.”

**Problem 3** relates to the text “*In the event of non-response or disagreement by the notifying administration, the entry will continue to be taken into account by the Bureau when conducting its examinations until the decision to cancel or modify the entry is made by the Board*”, which is somewhat ambiguous. For example, if the Board decides to maintain an entry on the basis of materials supplied by the administration, then it is not obvious what action will be taken by the Bureau. It is therefore proposed that the text be amended to read: “*In the event of non-response or disagreement by the notifying administration, the entry will continue to be taken into account by the Bureau when conducting its examinations until the Board decides on the matter.*”

**Problem 4** concerns the modification of those aspects of RR No. **13.6** that govern the sequence of the Radiocommunication Bureau’s actions with respect to administrations. It is proposed to amend the order in which the Bureau’s actions are listed within RR No. **13.6**, as shown in Table 1. Blocks of text are shown in colour to indicate where they have been moved by comparison with the existing text of RR No. **13.6**, and the textual amendments proposed under problems 1, 2 and 3 above are also incorporated.

Table 1

| Existing text | Proposed text showing where sections  of text have been moved |
| --- | --- |
| 13.6*b)* whenever it appears from reliable information available that a recorded assignment has not been brought into use, or is no longer in use, or continues to be in use but not in accordance with the notified required characteristics as specified in Appendix **4**, the Bureau shall consult the notifying administration and request clarification as to whether the assignment was brought into use in accordance with the notified characteristics or continues to be in use in accordance with the notified characteristics. Such a request shall include the reason for the query. In the event of a response and subject to the agreement of the notifying administration the Bureau shall cancel, suitably modify, or retain the basic characteristics of the entry. If the notifying administration does not respond within three months, the Bureau shall issue a reminder. In the event the notifying administration does not respond within one month of the first reminder, the Bureau shall issue a second reminder. In the event the notifying administration does not respond within one month of the second reminder, action taken by the Bureau to cancel the entry shall be subject to a decision of the Board. In the event of non-response or disagreement by the notifying administration, the entry will continue to be taken into account by the Bureau when conducting its examinations until the decision to cancel or modify the entry is made by the Board. In the event of a response, the Bureau shall inform the notifying administration of the conclusion reached by the Bureau within three months of the administration’s response. When the Bureau is not in a position to comply with the three-month deadline referred to above, the Bureau shall so inform the notifying administration together with the reasons therefor. In case of disagreement between the notifying administration and the Bureau, the matter shall be carefully investigated by the Board, including taking into account submissions of additional supporting materials from administrations through the Bureau within the deadlines as established by the Board. The application of this provision shall not preclude the application of other provisions of the Radio Regulations.     (WRC‑19) | 13.6*b)* whenever it appears from reliable information available that a recorded assignment has not been brought into use, or is no longer in use, or continues to be in use but not in accordance with the notified required characteristics as specified in Appendix **4**, the Bureau shall consult the notifying administration and request clarification as to whether the assignment was brought into use in accordance with the notified characteristics or continues to be in use in accordance with the notified characteristics. Such a request shall include the reason for the query. In the event of a response and subject to the agreement of the notifying administration the Bureau shall cancel, suitably modify, or retain the basic characteristics of the entry. In case of disagreement between the notifying administration and the Bureau, the matter shall be carefully investigated by the Board, including taking into account submissions of additional supporting materials from administrations through the Bureau within the deadlines as established by the Board. In the event of a response, the Bureau shall inform the notifying administration of the conclusion reached by the Bureau within three months of the administration’s response. When the Bureau is not in a position to comply with the three-month deadline referred to above, the Bureau shall so inform the notifying administration together with the reasons therefor. If the notifying administration does not respond within three months, the Bureau shall issue a reminder. In the event the notifying administration does not respond within one month of the first reminder, the Bureau shall issue a second reminder. In the event the notifying administration does not respond within one month of the second reminder, the Bureau shall submit the materials examined so that the Board can decide on the matter. In the event of non-response or disagreement by the notifying administration, the entry will continue to be taken into account by the Bureau when conducting its examinations until the Board decides on the matter. The application of this provision shall not preclude the application of other provisions of the Radio Regulations.     (WRC‑23) |

Proposal

The overall suggestion for modifying RR No. **13.6**, taking into account the reasons set out above and the movement of blocks of text as shown, along with the textual amendments proposed, is given below.

ARTICLE 13

Instructions to the Bureau

Section II − Maintenance of the Master Register and of World Plans by the Bureau

MOD RCC/85A25/1

13.6*b)* whenever it appears from reliable information available that a recorded assignment has not been brought into use, or is no longer in use, or continues to be in use but not in accordance with the notified required characteristics1 as specified in Appendix **4**, the Bureau shall consult the notifying administration and request clarification as to whether the assignment was brought into use in accordance with the notified characteristics or continues to be in use in accordance with the notified characteristics. Such a request shall include the reason for the query. In the event of a response and subject to the agreement of the notifying administration the Bureau shall cancel, suitably modify, or retain the basic characteristics of the entry. In case of disagreement between the notifying administration and the Bureau, the matter shall be carefully investigated by the Board, including taking into account submissions of additional supporting materials from administrations through the Bureau within the deadlines as established by the Board. In the event of a response, the Bureau shall inform the notifying administration of the conclusion reached by the Bureau within three months of the administration’s response. When the Bureau is not in a position to comply with the three-month deadline referred to above, the Bureau shall so inform the notifying administration together with the reasons therefor. If the notifying administration does not respond within three months, the Bureau shall issue a reminder. In the event the notifying administration does not respond within one month of the first reminder, the Bureau shall issue a second reminder. In the event the notifying administration does not respond within one month of the second reminder, the Bureau shall submit the materials examined so that the Board can decide on the matter. In the event of non-response or disagreement by the notifying administration, the entry will continue to be taken into account by the Bureau when conducting its examinations until the Board decides on the matter. . The application of this provision shall not preclude the application of other provisions of the Radio Regulations.     (WRC‑23)

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1. 1 This agenda sub-item is strictly limited to the Report of the Director on any difficulties or inconsistencies encountered in the application of the Radio Regulations and the comments from administrations. Administrations are invited to inform the Director of the Radiocommunication Bureau of any difficulties or inconsistencies encountered in the Radio Regulations. [↑](#footnote-ref-1)