

RESOLUTION ITU-R 64

Guidelines for the management of unauthorized operation of earth station terminals

(2015)

The ITU Radiocommunication Assembly,

considering

- a)* that No. **18.1** of the Radio Regulations provides that no transmitting station may be established or operated by a private person or by any enterprise without a licence issued in an appropriate form and in conformity with the provisions of the Radio Regulations by or on behalf of the government of the country to which the station in question is subject;
- b)* that demand has been increasing steadily for global broadband communication services throughout the world, such as those provided by high-density applications in the fixed-satellite service (HDFSS);
- c)* that HDFSS systems are characterized by flexible, rapid and ubiquitous deployment of large numbers of cost-optimized earth stations employing small antennas and having common technical characteristics;
- d)* that HDFSS is an advanced broadband communication application concept that provides access to a wide range of broadband telecommunication applications supported by fixed telecommunication networks (including the Internet), and thus will complement other telecommunication systems;
- e)* that, as with other FSS systems, HDFSS offers great potential to establish telecommunication infrastructure rapidly;
- f)* that HDFSS applications can be provided by satellites of any orbital type;
- g)* that administrations are obligated to ensure that the satellite operators are complying with the applicable provisions of the Radio Regulations,

recognizing

- a)* that the ITU Constitution recognizes the sovereign right of each State to regulate its telecommunications;
- b)* that the International Telecommunication Regulations “recognize the right of any Member, subject to national law and should it decide to do so, to require that administrations and private operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member”, and specify that “within the framework of the present Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between administrations”;
- c)* that Article **18** specifies the authorities for licensing the operation of stations within any given territory;
- d)* the right of each Member State to decide on its participation in these systems, and the obligations for entities and organizations providing international or national telecommunication

services by means of these systems to comply with the legal, financial and regulatory requirements of the administrations in whose territory these services are authorized;

- e) that No. **5.516B** identifies bands for HDFSS;
- f) that, in some of these bands, the FSS allocations are co-primary with fixed and mobile service allocations as well as other services;
- g) that this identification does not preclude the use of these bands by other services or by other FSS applications, and does not establish priority in the Radio Regulations among users of the bands;
- h) that many FSS systems with other types of earth stations and characteristics have already been brought into use or are planned to be brought into use in some of the frequency bands identified for HDFSS in No. **5.516B**;
- i) that HDFSS stations in these bands are expected to be deployed in large numbers over urban, suburban and rural areas of large geographical extent,

noting

- a) that in cases where FSS earth stations use bands that are shared on a co-primary basis with terrestrial services, the Radio Regulations stipulate that individual notices of frequency assignments are necessary for earth stations of the FSS when their coordination contours extend into the territory of another administration;
- b) that, as a consequence of their general characteristics, it is expected that the coordination of HDFSS earth stations with fixed service stations on an individual site-by-site basis between administrations can be a difficult and long process;
- c) that, to minimize the burden for administrations, simplified coordination procedures and provisions can be agreed by administrations for large numbers of similar HDFSS earth stations associated with a given satellite system;
- d) that harmonized worldwide bands for HDFSS would facilitate the implementation of HDFSS, thereby helping to maximize global access and economies of scale,

recognizing further

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

resolves to invite ITU-R study groups concerned

- 1 to conduct studies to examine whether there is a need for possible additional measures in order to limit uplink transmissions of terminals to those terminals authorized in accordance with No. **18.1**;
- 2 to study the possible methods that will assist administrations in managing the unauthorized operation of earth station terminals deployed within their territory, as a tool to guide their national spectrum-management programme.