

RESOLUTION 49¹ (REV.WRC-19)**Administrative due diligence applicable to some
satellite radiocommunication services**

The World Radiocommunication Conference (Sharm el-Sheikh, 2019),

considering

- a)* that Resolution 18 (Kyoto, 1994) of the Plenipotentiary Conference instructed the Director of the Radiocommunication Bureau (BR) to initiate a review of some important issues concerning international satellite network coordination and to make a preliminary report to WRC-95 and a final report to WRC-97;
- b)* that the Director of BR provided a comprehensive report to WRC-97, including a number of recommendations for action as soon as possible and for identifying areas requiring further study;
- c)* that one of the recommendations in the Director's report to WRC-97 was that administrative due diligence should be adopted as a means of addressing the problem of reservation of orbit and spectrum capacity without actual use;
- d)* that experience may need to be gained in the application of the administrative due diligence procedures adopted by WRC-97, and that several years may be needed to see whether administrative due diligence measures produce satisfactory results;
- e)* that new regulatory approaches may need to be carefully considered in order to avoid adverse effects on networks already going through the different phases of the procedures;
- f)* that Article 44 of the ITU Constitution sets out the basic principles for the use of the radio-frequency spectrum and the geostationary-satellite and other satellite orbits, taking into account the needs of developing countries,

considering further

- a)* that WRC-97 decided to reduce the regulatory time-frame for bringing a satellite network into use;
- b)* that WRC-2000 considered the results of the implementation of the administrative due diligence procedures and prepared a report to the 2002 Plenipotentiary Conference in response to Resolution 85 (Minneapolis, 1998) of the Plenipotentiary Conference,

¹ This Resolution does not apply to satellite networks or satellite systems of the broadcasting-satellite service in the frequency band 21.4-22 GHz in Regions 1 and 3.

resolves

that the administrative due diligence procedure contained in Annex 1 to this Resolution shall be applied for a satellite network or satellite system of the fixed-satellite service, mobile-satellite service or broadcasting-satellite service for which the advance publication information under Nos. **9.1A** or **9.2B**, or for which the request for modifications of the Region 2 Plan under Article 4, § 4.2.1 *b)* of Appendices **30** and **30A** that involve the addition of new frequencies or orbit positions, or for which the request for modifications of the Region 2 Plan under Article 4, § 4.2.1 *a)* of Appendices **30** and **30A** that extend the service area to another country or countries in addition to the existing service area, or for which the request for additional uses in Regions 1 and 3 under § 4.1 of Article 4 of Appendices **30** and **30A**, or for which the submission under Appendix **30B** is received, with the exception of submissions of new Member States seeking the acquisition of their respective national allotments² for inclusion in the Appendix **30B** Plan,

further resolves

that the procedures in this Resolution are in addition to the provisions under Article **9** or **11** of the Radio Regulations or Appendices **30**, **30A** or **30B**, as applicable, and, in particular, do not affect the requirement to coordinate under those provisions (Appendices **30**, **30A**) in respect of extending the service area to another country or countries in addition to the existing service area,

instructs the Director of the Radiocommunication Bureau

to report to future competent world radiocommunication conferences on the results of the implementation of the administrative due diligence procedure.

ANNEX 1 TO RESOLUTION 49 (REV.WRC-19)

1 Any satellite network or satellite system of the fixed-satellite service, mobile-satellite service or broadcasting-satellite service with frequency assignments that are subject to coordination under Nos. **9.7**, **9.11**, **9.12**, **9.12A** and **9.13** shall be subject to these procedures.

2 Any request for modifications of the Region 2 Plan under the relevant provisions of Article 4 of Appendices **30** and **30A** that involve the addition of new frequencies or orbit positions or for modifications of the Region 2 Plan under the relevant provisions of Article 4 of Appendices **30** and **30A** that extend the service area to another country or countries in addition to the existing service area or request for additional uses in Regions 1 and 3 under the relevant provisions of Article 4 of Appendices **30** and **30A** shall be subject to these procedures.

3 Any submission of information under Article 6 of Appendix **30B (Rev.WRC-19)**, with the exception of submissions of new Member States seeking the acquisition of their respective national allotments³ for inclusion in the Appendix **30B** Plan, shall be subject to these procedures.

² See § 2.3 of Appendix **30B (Rev.WRC-19)**.

³ See § 2.3 of Appendix **30B (Rev.WRC-19)**.

4 For any satellite network subject to § 1 above, administrations shall send to the Radiocommunication Bureau (BR) no later than 30 days following the end of the period established as a limit to bringing into use in No. **11.44**, the due diligence information relating to the identity of the satellite network, the spacecraft manufacturer and the launch service provider specified in Annex 2 to this Resolution.

5 An administration requesting a modification of the Region 2 Plan or additional uses in Regions 1 and 3 under Appendices **30** and **30A** under § 2 above shall send to BR no later than 30 days following the end of the period established as a limit to bringing into use in accordance with the relevant provisions of Article 4 of Appendix **30** and the relevant provisions of Article 4 of Appendix **30A**, the due diligence information relating to the identity of the satellite network, the spacecraft manufacturer and the launch service provider specified in Annex 2 to this Resolution.

6 An administration applying Article 6 of Appendix **30B (Rev.WRC-19)** under § 3 above shall send to BR no later than 30 days following the end of the period established as a limit to bringing into use in § 6.1 of that Article, the due diligence information relating to the identity of the satellite network, the spacecraft manufacturer and the launch service provider specified in Annex 2 to this Resolution.

7 The information to be submitted in accordance with § 4, 5 or 6 above shall be signed by an authorized official of the notifying administration or of an administration that is acting on behalf of a group of named administrations.

8 On receipt of the due diligence information under § 4, 5 or 6 above, BR shall promptly examine that information for completeness. If the information is found to be complete, BR shall publish the complete information in a special section of the International Frequency Information Circular (BR IFIC) within 30 days.

9 If the information is found to be incomplete, BR shall immediately request the administration to submit the missing information. In all cases, the complete due diligence information shall be received by BR within the appropriate time period specified in § 4, 5 or 6 above.

10 Six months before expiry of the period specified in § 4, 5 or 6 above and if the administration responsible for the satellite network has not submitted the due diligence information under § 4, 5 or 6 above, BR shall send a reminder to the responsible administration.

11 If the complete due diligence information is not received by BR within the time limits specified in § 4, 5 or 6, as appropriate, the networks covered by § 1, 2 or 3 above shall be cancelled by BR. The provisional recording in the MIFR shall be deleted by BR after it has informed the concerned administration. BR shall publish this information in the BR IFIC.

With respect to the request for modification of the Region 2 Plan or for additional uses in Regions 1 and 3 under Appendices **30** and **30A** under § 2 above, the modification shall lapse if the complete due diligence information is not submitted in accordance with § 5.

With respect to the request for application of Article 6 of Appendix **30B (Rev.WRC-19)** under § 3 above, the network shall also be deleted from the Appendix **30B** List if the complete due diligence information is not submitted in accordance with § 6. When an allotment under Appendix **30B** is converted into an assignment, the assignment shall be reinstated in the Plan in accordance with § 6.33 *c*) of Article 6 of Appendix **30B (Rev.WRC-19)**.

12 When an administration has completely fulfilled the due diligence procedure but has not completed coordination, this does not preclude the application of No. **11.41** by that administration.

ANNEX 2 TO RESOLUTION 49 (REV.WRC-19)

A Identity of the satellite network

- a)* Identity of the satellite network
- b)* Name of the administration
- c)* Country symbol
- d)* Reference to the advance publication information or to the request for modification of the Region 2 Plan or for additional uses in Regions 1 and 3 under Appendices **30** and **30A**; or reference to the information processed under Article 6 of Appendix **30B (Rev.WRC-19)**
- e)* Reference to the request for coordination (not applicable for Appendices **30**, **30A** and **30B**)
- f)* Frequency band(s)
- g)* Name of the operator
- h)* Name of the satellite
- i)* Orbital characteristics.

B Spacecraft manufacturer*

- a)* Name of the spacecraft manufacturer
- b)* Date of execution of the contract
- c)* Contractual “delivery window”
- d)* Number of satellites procured.

C Launch services provider

- a)* Name of the launch vehicle provider
- b)* Date of execution of the contract
- c)* Launch or in-orbit delivery window
- d)* Name of the launch vehicle
- e)* Name and location of the launch facility.

* NOTE – In cases where a contract for satellite procurement covers more than one satellite, the relevant information shall be submitted for each satellite.