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| **Council 2020Geneva, 9-19 June 2020** |  |
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| **Agenda item: ADM 2** | **Document C20/16-E** |
| **17 April 2020** |
| **Original: English** |
| Report by the Secretary-General |
| COST RECOVERY FOR THE PROCESSING OF SATELLITE NETWORK FILINGS |

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| SummaryThis document presents a status report on the implementation of cost recovery for satellite network filings (Decision 482 (modified 2019)) and contains some modifications to this Decision, which are either consequential to some WRC decisions or required to address a case of satellite network filings that is currently not covered by the Decision. Action requiredThe Council is invited to **note** the report and **to adopt** the draft modified Decision 482 contained in the Annex to this document.\_\_\_\_\_\_\_\_\_\_\_\_References[*Resolution 91 (Rev. Guadalajara, 2010)*](https://www.itu.int/en/council/Documents/basic-texts/RES-091-E.pdf)*;* [*Council Decision 482 (modified 2019)*](https://www.itu.int/md/S19-CL-C-0143/en)*;**Documents* [*C19/11*](https://www.itu.int/md/S19-CL-C-0011/en)*,* [*C19/16*](https://www.itu.int/md/S19-CL-C-0016/en)*,* [*C20/11*](http://www.itu.int/md/S20-CL-C-0011/en) |

1. Council 2017 approved modifications to Decision 482 consequential to the WRC-15 decision to modify Section I of Article 9 of the Radio Regulations concerning the advance publication of information on satellite networks or satellite systems, while noting that the WRC-15 decision has no financial impact on Decision 482. Council 2018 adopted a revision to this Decision implementing a procedure where charges for mutually exclusive configurations of non-geostationary satellite systems are separately computed and then added. Council 2019 also revised this Decision in order to address the case of complex/large non-geostationary satellite filings. Decision 482 (modified 2019) entered into force on 1 July 2019.

**Report about the implementation of Decision 482 in 2018 and 2019**

2. Table 1 below provides relevant information regarding the application of Decision 482 for 2018 and 2019, in particular the percentage of invoices issued in 2018/2019 that were paid in a timely manner.

**Table 1 - Status of the implementation of Decision 482 for 2018-2019**

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|  |  | **2018** | **2019** |
| Total invoices issued\*(including free entitlement) | CHF | 16’483’535 | 13’270’978 |
| Free entitlement | CHF | 1’718’453 | 1’224’222 |
| Payments received\*\* | CHF | 15’473’438 | 12’952’961 |
| Percentage of invoices issued in 2018/2019, due by 31.12.2019 and having been paid | > 99% |

\* *Invoices are payable within six months of the date of issue.*\*\* *The payments received include invoices issued in previous years.*

3. A separate document ([Document C20/11](http://www.itu.int/md/S20-CL-C-0011/en)) provides information on the status of arrears and special arrears accounts at 31 December 2019, actions taken with a view to the settlement of arrears and special arrears accounts, and implementation of Resolution 41 (Rev. Dubai, 2018), which includes satellite network filings, pursuant to Decision 10 (Antalya, 2006), and Decision 545 (C-07).

4. The implementation of Decision 482 (modified 2019) by the Radiocommunication Bureau did not give rise to any substantive administrative or operational difficulty either internally or with administrations notifying satellite network filings. The Bureau has however noted that a case of satellite network filings is not addressed in the current version of Decision 482 (see below).

**Information about complex/large non-geostationary satellite filings and exceptionally complex geostationary satellite filings as requested by Council 2019**

5. Since the entry into force of Decision 482 (modified 2019) on 1 July 2019, the Radiocommunication Bureau has received 20 coordination requests of non-geostationary satellite systems exceeding 25 000 units (45193 units for each filing of a series of 20 coordination requests received on 7 October 2019). It has received a total of 22 coordination requests of non-geostationary satellite systems including two mutually exclusive configurations (19 of these requests are the same as the series exceeding 25 000 units).

6. Following the instruction of Council 2019, the Director of the Radiocommunication Bureau reported to WRC-19 the situation of exceptionally large geostationary satellite filings (see section 2.11.2 of Addendum 1 to Document [CMR19/4](https://www.itu.int/md/R16-WRC19-C-0004/en)). WRC-19 noted the report.

**Modifications to Decision 482 consequential to WRC decisions**

7. WRC-19 suppressed Resolutions **33** and **555**, which are currently referenced in Decision 482. Moreover, Resolutions **539** and **548** that are also referenced in Decision 482 were revised by WRC-19 and WRC-12, respectively. It is therefore suggested to update these references and to make some editorial improvements to the description of the fee category A1.

**Modifications to Decision 482 in order to take into account geostationary satellite networks communicating with non-geostationary satellite systems in cases not subject to coordination under Section II of Article 9 of the Radio Regulations**

8. In implementing Decision 482, the Radiocommunication Bureau noted that the fee category N4 only addresses the cases of notifications of “frequency assignments to a non-geostationary-satellite network not subject to coordination under Section II of Article 9, or subject to No. 9.21 only”. The wording of this category has been unchanged since the adoption of the revised fee structure by Council 2005.

9. While most satellite networks not subject to coordination under Section II of Article **9** are non-geostationary, § 6 of the Rules of Procedure on No. **11.32** indicates that frequency assignments to a geostationary satellite network that are part of inter-satellite links between a geostationary and a non-geostationary space stations shall provisionally not be considered as being subject to the coordination procedure under Section II of Article **9** (this is partially reflected in Decision 482 in the description of category A1 related to advance publication of information). Since this is the only case where frequency assignments to a geostationary satellite network are not subject to coordination, this case is not covered by categories N1 to N3 of Council Decision 482. Because of the current wording of category N4 (applying only to a non-geostationary-satellite network), this category does not apply neither for this case.

10. As such, the Bureau is currently lacking legal background to address this specific case and does not currently compute any cost recovery unit when such an inter-satellite link is notified. In order to also cover this case, Decision 482 is suggested to be modified. This question is outside of the Terms of reference of the Council Expert Group on Council Decision 482 so it is brought directly to the attention of the Council. A possible way to address this issue could be to delete the words “non-geostationary” from the description of item N4 (see Annex).

**Conclusion**

11. The Council is invited **to take note** of the status report on the implementation of cost recovery for satellite network filings and **to adopt** the draft modified Decision 482 contained in the Annex to this document.

Annex

DECISION 482 (modified 2020)

Implementation of cost recovery for satellite network filings

The Council,

considering

*a)* Resolution 88 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference on the implementation of cost recovery for satellite network filings;

*b)* Resolution 91 (Rev. Guadalajara, 2010) of the Plenipotentiary Conference on cost recovery for some products and services of ITU;

*c)* Council Resolution 1113, on cost recovery for the processing by the Radiocommunication Bureau of space notifications;

*d)* Document [C99/68](http://www.itu.int/itudoc/gs/council/c99/docs/docs1/068.html) reporting on the Council Working Group on implementation of cost recovery for satellite network filings;

*e)* Document [C99/47](http://www.itu.int/itudoc/gs/council/c99/docs/docs1/047.html) on cost recovery for some ITU products and services;

*ebis)* Document [C05/29](http://www.itu.int/md/S05-CL-C-0029/en) on cost recovery for the processing of satellite network filings;

*f)* that WRC-03 and WRC-07 adopted provisions referring to Council Decision 482, as amended, under which a satellite network filing is cancelled if payment is not received in accordance with the provisions of this decision;

*g)* that WRC-07 significantly revised the regulatory procedures associated to the fixed-satellite service Plan contained in Appendix 30B that entered into force as of 17 November 2007;

*h)* that the date of entry into force of Decision 482 (modified 2005) was 1 January 2006,

recognizing

the practical experience of the Radiocommunication Bureau in implementing cost-recovery filing charges and the methodology as reported to the Council at its 2001 to 2007 sessions in accordance with Decision 482 as revised by the Council,

decides

1 that all satellite network filings concerning advance publication, their associated requests for coordination or agreement (Article 9 of the Radio Regulations (RR), Article 7 of Appendices 30/30A to the RR, Resolution 539 (Rev.WRC-19)), the use of the guardbands (Article 2A to Appendices 30/30A to the RR), requests for modification of the space service plans and lists (Article 4 of Appendices 30 and 30A to the RR), requests for the implementation of the fixed-satellite service plan (former Sections IB and II of Article 6 of Appendix 30B to the RR up to 16 November 2007), and requests for the conversion of an allotment into an assignment with modification which is beyond the envelop characteristics of the initial allotment, the introduction of an additional system, modification of the characteristics of an assignment in the List of Appendix 30B to the RR (Article 6 of Appendix 30B to the RR as from 17 November 2007) shall be subject to cost-recovery charges if, and only if, they have been received by the Radiocommunication Bureau on or after 8 November 1998;

1*bis* that all satellite network filings concerning notification for recording of frequency assignments in the Master International Frequency Register (Article 11 of the RR, Article 5 of Appendices 30/30A to the RR and Article 8 of Appendix 30B to the RR) received by the Radiocommunication Bureau on or after 1 January 2006 shall be subject to cost-recovery charges if, and only if, they refer to advance publication or modification of the space service plans or lists (Part A), requests for the implementation of the fixed-satellite service plan or requests for the conversion of an allotment into an assignment with modification which is beyond the envelop characteristics of the initial allotment, the introduction of an additional system, the modification of the characteristics of an assignment in the List of Appendix 30B to the RR, as appropriate, received on or after 19 October 2002;

1*ter* that all requests for the implementation of the fixed-satellite service plan (former Sections IA and III of Article 6 of Appendix 30B to the RR) shall be subject to cost-recovery charges if, and only if, they have been received by the Radiocommunication Bureau on or after 1 January 2006;

1*quater* that all requests for consolidation of frequency assignments in the MIFR of different GSO networks submitted by an administration (or an administration acting on behalf of a group of named administrations)at the same orbital position into frequency assignments of a single satellite network received by the Radiocommunication Bureau on or after 1 July 2013, shall be subject to cost recovery charges;

2 that for each satellite network[[1]](#footnote-1) filing communicated to the Radiocommunication Bureau, the following charges [[2]](#footnote-2)shall apply:

a) for filings received up to and including 29 June 2001, Decision 482 (C-99) applies; these filings are charged at publication in accordance with the fee schedule in force at the date of publication;

b) for filings received on or after 30 June 2001, but before 1 January 2002, Decision 482 (C-01) applies; these filings are charged at publication with a flat fee in accordance with the fee schedule in force at the date of receipt, and an additional fee (if any) according to the fee schedule in force at the date of publication;

c) for filings received on or after 1 January 2002, but before 4 May 2002, Decision 482 (C-01) applies; the flat fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice, and the additional fee (if any), calculated in accordance with the fee schedule in force at the date of publication, is payable after publication of the notice;

d) for filings received on or after 4 May 2002, but before 31 December 2004, Decision 482 (C-02) applies; the flat fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice, and the additional fee (if any), calculated in accordance with the fee schedule in force at the date of receipt, is payable after publication of the notice;

e) for filings received on or after 31 December 2004 but before 1 January 2006, Decision 482 (C-04) applies; the flat fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice, and the additional fee (if any), calculated in accordance with the fee schedule in force at the date of receipt, is payable after publication of the notice;

f) for filings received on or after 1 January 2006 but before 1 January 2009 except those received under Appendix 30B as from 17 November 2007, Decision 482 (C-05) applies; the fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice;

g) for filings received on or after 1 January 2009, including those received under Appendix 30B as from 17 November 2007, but before 14 July 2012, Decision 482 (C-08) applies; the fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice;

h) for filings received on or after 14 July 2012, but before 1 July 2013, Decision 482 (C-12) applies; the fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice;

i) for filings received on or after 1 July 2013, Decision 482 (C-13) applies; the fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice;

j) for filings received on or after 1 July 2017, Decision 482 (C-17) applies; the fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice;

k) for filings received on or after 1 July 2018, Decision 482 (C-18) applies; the fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice;

l) for filings received on or after 1 July 2019, Decision 482 (C-19) applies; the fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice;

m) for filings received on or after 1 July 2020, Decision 482 (C-20) applies; the fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice,

3 that the fee shall be regarded as a charge for a satellite network filing. There will be no charge for modifications which do not result in further technical or regulatory examination by the Radiocommunication Bureau, except modifications under 1*quater* above, including but not limited to the name of the satellite/earth station and its associated satellite name, name of the beam, responsible administration, operating agency, date of bringing into use, period of validity, associated satellite (and beam) or earth station name;

4 that each Member State shall be entitled to the publication of special sections or parts of the BR IFIC (space services) for one satellite network filing each year without the charges referred to above. Each Member State in its role as the notifying administration may determine which network shall benefit from the free entitlement;[[3]](#footnote-3)

5 that the nomination of the free entitlement for the calendar year of receipt by the Bureau of the satellite network filing based on the formal date of receipt of the filing shall be made by the Member State no later than the end of the period for payment of the invoice in *decides* 9 below. The free entitlement cannot be applied to a filing previously cancelled for non-payment;

6 that for any satellite network for which the advance publication information (API) was received prior to 8 November 1998, there will be no cost-recovery charges for the first coordination request referring to that API, regardless of when the Radiocommunication Bureau receives it. Any modifications received on or after 1 January 2006 shall be subject to a charge in accordance with *decides* 2 above;

7 that there will be no cost-recovery charges for any Part A submission involving the application of Article 4 of Appendices 30/30A received by the Bureau prior to 8 November 1998 or Part B submission involving the application of Article 4 of Appendices 30/30A where the associated Part A was received prior to 8 November 1998. Any request for publication in Part A received after 7 November 1998 under §4.3.5 up to 2 June 2000 and then §4.1.3 or §4.2.6 of Appendices 30/30A and corresponding Part B submitted under §4.3.14 up to 2 June 2000 and the §4.1.12 or §4.2.16 of Appendices 30/30A shall be subject to a charge in accordance with *decides* 2 above;

7*bis* that there will be no cost-recovery charges for any submission under §6.17 of Article 6 of Appendix 30B where the associated submission under §6.1 of that Article was received prior to 17 November 2007;

8 that the Annex (Schedule of processing charges) to this decision should be reviewed periodically by the Council;

9 that the payment of charges shall be made on the basis of an invoice issued upon receipt of the filing by the Radiocommunication Bureau and sent to the notifying administration or, at the request of that administration, to the satellite network operator in question within a period of a maximum of six months after issue of the invoice;

10 that any subsequent cancellation received by the Radiocommunication Bureau within 15 days of the date of receipt of the filing shall remove the obligation to pay the fee;

11 that publication of special sections or parts of the BR IFIC (space services) for the amateur-satellite service, the notification for recording of frequency assignments for earth stations, for the conversion of an allotment into an assignment in accordance with the procedure of former Section I of Article 6 of Appendix 30B, the addition of a new allotment to the plan for a new Member State of the Union in accordance with the procedure of Article 7 of Appendix 30B shall be exempt from any charges;

12 that the date of entry into force of Decision 482 (modified 2020) shall be 1 July 2020;

13 that the provisions of this decision need to be revised when further data from time recording are available,

recommends

that should Council revise the schedule in the Annex, any credits that may arise should be applied by the Bureau to subsequent invoices as requested by administrations,

encourages Member States

to develop domestic policies that will minimize the occurrence of non-payment and consequential revenue loss to ITU,

instructs the Director of the Radiocommunication Bureau

1 to enhance the Radiocommunication Bureau’s electronic notice form software (SpaceCap) in order to enable the calculation of the best estimated charges associated with a satellite network filing of any type prior to its submission to ITU;

2 to submit an annual report to the Council on the implementation of this decision, including analyses of:

a) the cost of the different steps of the procedures;

b) the impact of the electronic submission of information;

c) enhancement in quality of service, including, among others, reduction of the backlog;

d) the costs of validating filings and requesting corrective action thereto; and

e) difficulties encountered in applying the provisions of this decision,

3 to inform the Member States of any practice used by the Radiocommunication Bureau to implement the provisions of this decision and the rationale for that practice.

**Annex:** 1

ANNEX

Schedule of processing charges to be applied to satellite network filings
received by the Radiocommunication Bureau on or after 1 July 2020

| **Type** | **Category** | **Flat fee per filing (in CHF)( 100 units, if applicable)e)** | **Start fee per filing (in CHF)(< 100 units)** | **Fee per unit (in CHF)(< 100 units)** | **Cost-recovery unit** |
| --- | --- | --- | --- | --- | --- |
| 1 | Advance publication (A) | A1 | Advance publication of a non-geostationary-satellite network not subject to coordination under Section **II** of Article **9**; Advance publication of inter-satellite links of a geostationary-satellite space station communicating with a non-geostationary space station provisionally not subject to coordination under Section **II** of Article **9** in accordance with the Rule of Procedure on No. **11.32**, §6 (MOD RRB04/35).Note: Advance publication also includes the application of No. **9.5** (API/B special section) and will not be separately charged. | 570 | Not applicable |
| 2 | Coordination (C) | C1\* | Coordination request for a satellite network in accordance with No. **9.6** along with one or more of Nos.  **9.7**, **9.7A, 9.7B**, **9.11, 9.11A, 9.12, 9.12A, 9.13, 9.14** and **9.21** of Section **II** of Article **9**, §**7.1** of Article **7** of Appendix **30**, §**7.1** of Article **7** of Appendix **30A** and Resolution **539** (Rev.WRC-19).Note: Coordination also includes the application of, Nos. **9.1A**, **9.53A** (CR/D special section) and **9.41**/**9.42** and will not be separately charged.Note: For coordination requests of a non-geostationary satellite network where the notifying administration has indicated that the different sub-sets of orbital characteristics would be mutually exclusive, the processing charges are separately computed for each of the sub-sets and thereafter added to produce the processing charge of the satellite network. | 20 560 | 5 560 | 150 | Product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups |
| C2\* | 24 620 | 9 620 |
| C3\* | 33 467 | 18 467 |
| 3 | Notification (N)a) | N1\*d) | Notification for recording in the MIFR of frequency assignments to a satellite network subject to coordination under Section **II** of Article **9** (with the exception of non-geostationary-satellite network subject to No. **9.21** only).Note: Notification also includes the application of Resolutions **4** and **49**, Nos. **11.32A** (see footnote a), **11.41**, **11.47**, **11.49**, Sub‑section IID of Article **9**, Sections 1 and 2 of Article **13**, Article **14** and will not be separately charged.  | 30 910 | 15 910 |
| 57 920 | 42 920 |
| N2\* |
| 57 920 | 42 920 |
| N3\* |
|  |  | N4 | Notification for recording in the MIFR of frequency assignments to a satellite network not subject to coordination under Section **II** of Article **9,** or subject to No. **9.21** only. | 7 030 | Not applicable |
| 4 | Plans (P) | P1 | Part A Special Section for a proposed new or modified assignment in the Regions 1 and 3 List or feeder-link Lists of additional uses under §**4.1.5** or proposed modification to the Region 2 Plans under §**4.2.8** of Appendices **30** or **30A**; or Part B Special Section for a proposed new or modified assignment in the Regions 1 and 3 List or feeder-link Lists of additional uses under §**4.1.15** (except Part B special section related to the application of Resolution **548** (Rev.WRC-12)) or proposed modification to the Region 2 Plans under **4.2.19** of Appendices **30** or **30A**b). | 28 870 | Not applicable |
| P2d) | Notification for recording in the MIFR of frequency assignments to space stations in the broadcasting-satellite service and its associated feeder-link in Regions 1 and 3 or Region 2 under Article **5** of Appendices **30** or **30A**b). | 11 550 |
| P3 | Coordination request in accordance with Article **2A** of Appendices **30** and **30A**. | 12 000 |
| P4 | Request for the conversion of an allotment into an assignment with modification which is beyond the envelop characteristics of the initial allotment, or for the introduction of an additional system, or for the modification of an assignment in the List in accordance with §6.1 of Article 6 of Appendix **30B**; or request for inclusion of assignments into the List for converted allotment with modification which is beyond the envelop characteristics of the initial allotment, or for an additional system or for modified assignments in the List in accordance with §6.17 of Article 6 of Appendix **30B**c). | 25 350 |
| P5d) | Notification for recording in the MIFR of frequency assignments to space stations in the fixed satellite service under Article **8** of Appendix **30B**. | 20 280 |

a) Fees for Categories N1, N2 and N3 are applicable to the first notification of assignments that also contains a request to apply No. **11.32A**. If the application of No. **11.32A** is not requested, 70% of the indicated fees will apply, with the remaining 30% to be charged to a subsequent request, if any, for application of No. **11.32A**.

b) Under this category, taking account that a filing for the broadcasting-satellite service and its associated feeder link in Region 2 includes both the downlink (AP30) and the feeder link (AP30A), which are examined and published together, the total fee application to such filing shall be twice the fee indicated in the column “Flat fee per filing”.

c) Fees for a request in accordance with §6.17 of Article 6 of Appendix **30B**also contains a possible subsequent request (resubmission) in accordance with §6.25. A request in accordance with §6.17 of Article 6 of Appendix **30B**for a submission treated as that under §6.1 in accordance with §7.7 of Article 7 shall not be charged.

d) For cases of consolidation of frequency assignments in the MIFR of different GSO networks submitted by an administration (or an administration acting on behalf of a group of named administrations) under Article 11 of the Radio Regulations, category N1 shall apply, for cases submitted under Appendices 30 or 30A, category P2 shall apply, and for cases submitted under Appendix 30B, category P5 shall apply.

e) For non-geostationary satellite networks, the flat fee for categories C1, C2, C3, N1, N2 and N3 is applicable from 100 units to 25 000 units. From 25 000 units to 75 000 units, there is an additional fee per additional unit, equal to the flat fee divided by 50 000. Above 75 000 units, there is no additional fee per additional unit.

**\* Definition of category for coordination (C) and notification (N)**

The category for coordination (C1, C2, C3) and for notification (N1, N2, N3) is related to the number of forms of coordination applicable to a particular satellite network coordination request or notification submission, as follows:

• C1 and N1 correspond to a satellite network filing referring to only one cost-recovery form of coordination (A, B, C, D, E or F). Both categories also include cases for which no form of coordination applies as a result of unfavourable finding under No. 11.31 of the Radio Regulations for all frequency assignments of the submitted filing, or cases including frequency assignments published for information only.

• C2 and N2 correspond to a satellite network filing referring to any two or three cost‑recovery forms of coordination amongst A, B, C, D, E or F.

• C3 and N3 correspond to a satellite network filing referring to any four or more cost‑recovery forms of coordination amongst A, B, C, D, E or F.

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| **Cost-recovery form of coordination** | **Individual Radio Regulations forms of coordination** |
| A | No. 9.7 |
| B | AP30 7.1, AP30A 7.1 |
| C | No. 9.11, RS539 |
| D | Nos. 9.7B, 9.11A, 9.12, 9.12A, 9.13, 9.14 |
| E | No. 9.7A[[4]](#footnote-5) |
| F | No. 9.21 |

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

1. In this decision, the term “satellite network” refers to any space system in accordance with No. 1.110 of the Radio Regulations. [↑](#footnote-ref-1)
2. The fee per “unit” (see Annex) shall not be understood as a tax imposed on spectrum users. It is used here as a driver for the calculation of cost recovery relating to publication of satellite systems. [↑](#footnote-ref-2)
3. A submission of filings under Article 4 of Appendix 30 and Appendix 30A in the Regions 1 and 3 Plans, referring to a single orbital position with the same satellite name and received on the same date shall be considered as one “satellite network” filing for the purpose of free entitlement. [↑](#footnote-ref-3)
4. Cost recovery for category C1 only. See also *decides* 11. [↑](#footnote-ref-5)