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| **Agenda item: ADM 1** | **Document C23/82-E** |
| **27 June 2023** |
| **Original: English** |
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| Contribution from Canada and the United States of America | |
| SUPPORT FOR THE STUDY ON THE APPROPRIATENESS OF COUNCIL DECISION 482 TO RECOVER COSTS ASSOCIATED WITH THE PROCESSING OF SATELLITE NETWORK FILINGS | |
| **Purpose**  This contribution responds to Document C23/19 from the General-Secretary on, “Study on the Appropriateness of Council Decision 482 to Recover Costs Associated with the Processing of Satellite Network Filings.” Canada and the United States of America support the establishment of a Council expert group on Decision 482 and adoption of Terms of Reference derived from the report on the extent of cost recovery associated with satellite network filings.  **Action required by the Council**  Council is invited **to create a Council expert group** on **Decision 482** and **to establish its terms of reference**.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **References**  [C23/19 Study on the appropriateness of Council Decision 482 to recover costs associated with the processing of satellite network filings](https://www.itu.int/md/S23-CL-C-0019/en) | |

**Introduction**

Canada and the United States express their appreciation and broad support for the General Secretary’s Report, “Study on the Appropriateness of Council Decision 482 to Recover Costs Associated with the Processing of Satellite Network Filings” (Document C23/19). Based on this study, Canada and the United States support the establishment of a Council expert group on Decision 482 with defined Terms of Reference limited to specific issues derived from this study, as elaborated below.

We also underscore our support for the conclusion expressed in Section 7 of Annex 1 that what continues to work well in Council Decision 482 should not be changed.

Our detailed analysis of the study’s conclusions is presented in [Annex 1](#Annex1) to this contribution. The proposed Terms of Reference for a Council expert group can be found in [Annex 2](#Annex2).

**Proposal**

Canada and the United States respectfully request Council to consider the views contained in Annex 1 as the basis for the establishment of a Council expert group on Decision 482.

Canada and the United States propose that Council establish an expert group on Decision 482 with the Terms of Reference provided in Annex 2.

Annex 1

Discussion of Study Topics

In this Annex, Canada and the United States provide a detailed discussion of specific topics from Document C23/19 and provide recommendations on whether to include the topic in the Terms of Reference of the Council expert group on Decision 482 (see Annex 2).

| Section of C23/19 ANNEX 1 | Text of  C23/19 | CAN/USA discussion |
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| 2.1 | there are five cases when a notice should be considered “not receivable”:   1. Under § 3.2 of the Rule, if the notifying administration submits incorrect information. 2. Under § 3.3 of the Rule, if mandatory information required by Appendix **4** of the Radio Regulations is missing in the submission. 3. Under § 3.8 of the Rule, if no reply is received within 30 days from the date of the Bureau’s request for clarification. 4. Under footnote (\*) to the title of the Rule, if conditions for the set of orbital characteristics in the request for coordination related to a non-geostationary satellite (non-GSO) network or system are not met. 5. Under § 4 of the Rule, if various other conditions are not met.   In the second case, the Bureau’s review could be limited to an initial validation, but all other cases require the Bureau to conduct a completeness review of the whole satellite network, sometimes including the previously received and published notice(s), in full. | CAN/USA support study of guidelines for conditions that require BR to conduct complete review of the filing, which may warrant additional cost recovery.  This guidance will guide the inclusion of items for study.  See also section 5.1. |
| 2.1 | studies should be undertaken with the view that satellite network filings deemed “not receivable” owing to a lack of response to the Bureau’s request for clarification should also be subject to cost-recovery charges calculated in accordance with the fee schedule based on units and category of the submitted filing | This is a specific recommendation for case 3. CAN/USA believe that it is not appropriate to charge a ‘non receivable’ filing the same amount as a receivable filing for which complete analysis (including establishment of coordination requirements) has been conducted. CAN/USA can agree to study the possibility of charging a fraction of the amount of an equivalent receivable filing for such cases. |
| 3.1 | there is “no charge for modifications which do not result in further technical or regulatory examination by the Radiocommunication Bureau”. The nature and extent of work required by the Bureau have not substantially changed since 2005; thus, the fee exemption should continue to apply. | CAN/USA agree that this fee exemption should continue to apply; no study needed. |
| 3.2 | A review should be conducted to assess whether certain limitations should not be put on filings eligible to benefit from the exemption of charges, such as limiting eligibility in the planned services to filings having a national service area or excluding non-GSO filings with multiple configurations and/or those subject to epfd limits, which require a substantial amount of Radiocommunication Bureau resources. | For reference, Document C23/16, reports that the free filings were valued at 1 461 379CHF in 2021 and 1 301 909CHF in 2022. The 2022 value is >10% of the amount of total cost recovery.  CAN/USA note that the specific ideas proposed are interesting and the possibility of such limitations for filings eligible to benefit from the exemption of charges warrants further consideration. |
| 3.3.1 | while the principle of exemption should continue to apply to filings in the amateur-satellite service, Member States should be reminded of the conditions of eligibility stated in Nos. 1.56 and 1.57 of the Radio Regulations. | CAN/USA agree that this exemption should continue to apply, and that the reminder is appropriate. No study needed. |
| 3.3.2 | … [O]nly 15 or fewer administrations have submitted notifications for earth stations per year … which means that the Radiocommunication Bureau work mainly benefits only a few administrations. Studies should therefore be carried out to determine whether specific fees should be paid when more than a given number (to be determined) of notifications for earth stations are submitted by the same administration. | CAN/USA agree that this should be an area of study. As part of that study, we request that the Bureau provide information detailing the workload involved to process an earth station notification. Aspects may include number of ES, specific versus typical, whether the ES is associated with a spacecraft filing or is a stand-alone ES filing, whether ES is filed by an administration other than the notifying administration of the space system, *etc.* Also see Section 6.1. |
| 3.3.3 | the conversion should remain exempt from charges as long as it remains within the envelope of the national allotment. | CAN/USA agree this exemption should continue to apply and that no study needed. |
| 3.3.4 | This exemption is also linked to a fundamental right of each Member State arising from Article 44 of the ITU Constitution. As such, it should remain exempt from charges | CAN/USA agree that this exemption should continue to apply and that no study is needed. |
| 5.1 | current resubmissions generally require more work than was initially foreseen in 2005 because of the additional information contained in these resubmissions, rendering new examinations necessary.  …  The cost recovery of resubmissions would therefore benefit from a more in-depth study to align actual costs with those recovered. | CAN/USA agree that this study is needed.  See also section 2.1, cases 1, 3, 4, and 5. |
| 5.2 | While their application could continue to be charged together with the notification, a review of the costs of these additional provisions should be conducted. | This refers to Resolutions 4 and 49, Nos. 11.32A (see footnote a), 11.41, 11.47, 11.49, Subsection IID of Article 9, Sections 1 and 2 of Article 13, Article 14.  CAN/USA agree that this should be an area of study. As part of that study, CAN/USA request the Bureau provide information detailing the cost of applying these provisions. |
| 6.1 | Since 1 July 2019, the Radiocommunication Bureau has, however, received five non-GSO filings having more than 75 000 units. Moreover, the formula to compute units for non-GSO systems does not take into account the number of different orbital altitudes, number of satellites, number of earth stations, or other characteristics affecting examination workload. These aspects should therefore be further studied | Even though the number of such very large non-GSO systems has been limited to date, CAN/USA agree that this should be an area of study. As part of that study, we request that the Bureau provide information detailing the impact of the number of different orbital altitudes, number of satellites, number of earth stations, or other characteristics affecting examination workload.  See also sections 3.3.2 and 9.1. |
| 6.2 | the quality of the filings received is lower than before, when they were mainly prepared by experienced satellite operators. For these cases, studies should be conducted to consider the introduction of units in categories A1 and N4, with a different fee being charged depending on the number of units. | CAN/USA agree that this study is needed. |
| 6.3 | Non-GSO systems subject to epfd limits continue to require significant additional resources not only to compute epfd curves but also to prepare data and analyse results.  …  Consequently, the possible introduction of a special additional fee for recovering the costs of epfd examination of coordination requests and notifications should be studied. | CAN/USA agree this additional fee for recovering the costs of epfd examination of coordination requests and notifications should be an area of study. As part of that study, CAN/USA request that the Bureau provide information on the costs of epfd analysis. (See Section 3.2) |
| 6.3 | …  Furthermore, the increasing number and complexity of non-GSO systems subject to epfd limits result in the need for almost continuous updating of the ITU-R epfd validation methodology contained in Recommendation ITU-R S.1503, which entails changes in processing and examination. All these aspects require the development and frequent updating of specific software.  … | CAN/USA find it reasonable to conclude that the additional resource burden of the update/revision of the software should be covered by the additional epfd examination fee.  See Section 9.1 |
| 6.4 | Since 2005, WRCs have also introduced a number of modifications to the Space Plans (for example, the possibility of a second examination for processing of Part B submissions or additional activities related to the maintenance of the planned frequency assignments, in a manner similar to that described in section 6.2). The consequences of these modifications on the schedule of fees should also be studied. | CAN/USA agree that the consequences of these modifications to the Space Plans should be studied. |
| 7 | What works well in Council Decision 482 and should not be changed | CAN/USA agree that aspects of Council Decision 482 that are working well should not be modified or considered. |
| 8.1 | a Council expert group could study whether satellite network filing fees could also be used to offset ITU’s costs in helping all countries, especially developing ones, to make use of satellites in promoting universal connectivity and sustainable digital transformation, including the development of digital or software tools for that purpose. | CAN/USA have always maintained that satellite cost recovery should be focused on recouping the actual costs of the BR staff processing satellite filings. BR support to countries should be part of the normal course of BR business and should be covered by the overall ITU-R budget, not part of cost recovery. This area should not be part of the study. |
| 9.1 | The 2023 session of RAG concluded that the Radiocommunication Bureau lacked sufficient dedicated resources needed to continually update and modernize the Bureau software applications used for satellite and terrestrial filings. …. A Council expert group could also be tasked with studying possible mechanisms to address this lack of resources. | CAN/USA agree that a Council expert group on satellite cost recovery could consider dedicated resources needed to continually update and modernize the Bureau software applications used for satellite filings. However, as noted above, satellite cost recovery is limited to recovering costs associated with BR’s processing satellite filings. Therefore, it should not be used to fund development of software tools for processing terrestrial filings and should not be considered for further study.  See sections 6.1 and 6.3. |

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| ANNEX 2 | | |
|  | Draft Terms of Reference | Based on Documents C23/19, C23/16, contributions to Council, and discussions during Council, the output/final TOR should list specific issues to be studied by the CEG. |

Annex 2

Terms of Reference for a Council expert group on Decision 482

The terms of reference of the Council Expert Group on Decision 482 are as follows:

1. The Council Expert Group on Decision 482 shall study the items listed below (derived from Annex 1 to Document C23/19), taking into account contributions submitted to its meetings.

a. In the case of non-receivable filings, the possibility of charging a fraction of the amount of an equivalent receivable filing for such cases.

b. Study whether the specific ideas contained in Document C23/19 could be implemented as limitations on filings eligible to benefit from the exemption of charges.

c. Whether specific fees should be paid when more than a given number (to be determined) of notifications for earth stations are submitted by the same administration. Information from the Bureau will inform this study.

d. The cost of processing resubmissions of notification requests.

e. The costs associated with the BR’s implementation of additional provisions: Resolutions 4 and 49, Nos. 11.32A (see footnote a), 11.41, 11.47, 11.49, Subsection IID of Article 9, Sections 1 and 2 of Article 13, Article 14. Information from the Bureau will inform this study.

f. Non-GSO filings having more than 75 000 units. Information from the Bureau will inform this study.

g. Consider the introduction of units in categories A1 and N4, with a different fee being charged for more complex or larger systems, depending on the number of units.

h. An additional fee for recovering the costs of epfd examination of coordination requests and notifications. Information from the Bureau will inform this study.

i. Consequences of modifications introduced by WRC-07 and subsequent WRCs to the regulations governing the Space Plans.

j. The cost of dedicated resources needed to continually update and modernize the Bureau software applications used for satellite filings. However, satellite cost recovery should not be used to fund development of software tools for processing terrestrial filings.

2. It shall prepare a report containing recommendations for the possible revision of Decision 482 for submission to the 2024 session of the ITU Council for action.

3. It shall be open to all ITU Member States and Sector Members and work in the English language. It should hold physical meetings in conjunction with those of ITU-R Working Party 4A or Council working groups, when possible.

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