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|  | **Document EG-DEC482-1/2** |
| **10 January 2024** |
| **English only** |
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| Contribution from China (People's Republic of) | |
| PROPOSALS FOR THE FIRST MEETING OF EXPERT GROUP ON DECISION 482 | |
| **Purpose**  This contribution aims at seeking more clarification or statistics from the Bureau on the main cost drivers of the regulatory processes associated to relevant filings for further study the appropriateness or otherwise of any of items listed in Annex to Decision 632 (C23). It also contains the preliminary general views of this administration regarding further revisions to Decision 482.  **Action required**  The Expert Group on Decision 482 is invited to **consider** this contribution and **reflect it in the draft interim report** containing recommendations for the possible revision of Decision 482 for submission to the 2024 session of the ITU Council.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **References**  Annex to [Decision 632](https://www.itu.int/md/S23-CL-C-0126/en) (C23) | |

**1. Introduction**

The Council 2023 agreed to adopt the [Decision 632](https://www.itu.int/md/S23-CL-C-0126/en) in order to establish an expert group on Decision 482 with the terms of reference included in Annex of this Decision.

This contribution aims at seeking more clarification or statistics from the Bureau on the main cost drivers of the regulatory processes associated to relevant filings for further study the appropriateness or otherwise of any of items listed in the terms of reference. It also contains the preliminary general views of this administration regarding further revisions to Decision 482.

**2. Discussion**

Based on the terms of reference included in Annex of Decision 632 and Document C23/19 from the Secretary-General, China would like to seek more clarification or information.

**a. In the case of non-receivable filings, the appropriateness or otherwise of charging a fraction of the amount of an equivalent receivable filing for such cases, taking into account the needs of developing countries.**

As indicated in Annex 1 of Document C23/19, 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.

Taking into account that non-receivable filings could not lead to any publications, China is of the view that cost recovery for those filings should be cautious and may be limited to some specific cases, such as satellite network filings deemed “not receivable” owing to a lack of response to the Bureau’s request for clarification. Moreover, China would like to seek more information or statistics about how many those cases occur per year and how much workload the Bureau process them?

**b. Whether there are categories of filings for non-GSO satellite systems that, due to their complexity, should not be eligible to free entitlement.**

In order to assess this item, China would like to get more information about the relevant cost recovery for different complex non-GSO filings with multiple configurations and/or those subject to epfd limits.

**c. Whether specific fees should be paid for processing submissions related to earth stations in motion, while avoiding double invoicing.**

Considering that fees related to submission of earth stations in motion (ESIMs) may have already been paid in the relevant filing, double invoicing should be avoided. However, ESIMs associated with WRC-23 Agenda Items 1.15 and 1.16 which require substantial verifications as stipulated in the relevant Resolutions may need to be studied for potential application of cost recovery.

**d. The cost of processing resubmissions of notification requests.**

In order to align actual costs with those recovered for the resubmission of notification requests, China supports for a more in-depth study and would like to seek more information about the relevant cases for rendering new examination and additional resources for those new examination.

**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. The Bureau is invited to provide information on the cases already submitted.**

As indicated by the note for categories N1 to N3 in the Annex to Decision 482 (C01, last amended C20), “Notification also includes the application 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** will not be separately charged”, this item needs to be carefully considered in order not to be contradict with the note.

**f. The costs of processing non-GSO filings having more than 75 000 units or, alternatively, whether the formula to compute units for such non-GSO satellite systems should take into account the impact of the number of different orbital altitudes, number of satellites, number of earth stations, or other characteristics affecting workload associated with the processing of non-GSO systems.**

The formula to compute units has been applicable for many years, and it is easily to be calculated by the notifying administration. China would like to invite the Bureau provide more information detailing the impact of the number of different orbital altitudes, number of satellites, number of earth stations, or other characteristics affecting examination workload associated with the processing of non-GSO systems. With respect to non-GSO filings having more than 75 000 units, we noted that it may take more resources to process it. Two possible methods could be considered. One is to put the possible limitation for such submission, and the other is to charge additional fee for it.

**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.**

As indicated in Annex 1 of Document C23/19, filings for satellite systems not subject to coordination have evolved considerably, those filings have not only grown in number but now contain a large set of frequency assignments covering a lot of possible frequency bands allocated to space services. China supports the study of considering 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. However, the calculation of the units should be different than those for categories C1 to C3 and N1 to N3.

**h. An additional fee for recovering the costs of epfd examination of coordination requests and notifications.**

This item was discussed previously under Procedure C and it was decided at that time as follows:

Decision 482 should not be reviewed/revised to implement Procedure C (related to epfd examination) at this point in time in view of possible related decisions to be taken at WRC-19.

Nevertheless, consideration should be given on whether the required costs for software updates stemming from revisions to Recommendation ITU-R S.1503 should be:

* incorporated in the regular cost recovery fee structure: this could only be based on historical data, that may or may not reflect the costs associated with future updates, or
* discussed separately by the Council during the approval of biennal budgets: a possible procedure could be as follows: after the approval of a revision to Recommendation ITU-R S.1503, the Bureau would prepare an assessment of the costs of the software update and present it to the next Council session approving a biennal budget so that the Council may decide on the appropriate level of budget required to implement this update.

In order to continue the study the additional fee for recovering the cost of epfd examinations of coordination requests and notifications, the above consideration need to be responded as the first step.

**i. Consequences of modifications introduced by any WRC after WRC-2000, if any, to regulatory provisions governing the Space Plans.**

As indicated in Annex 1 of Document C23/19, WRCs including WRC-23 have introduced a number of modifications to the Space Plans, which may cause consequences for cost recovery. In order to further assess the actual cost, the Bureau is invited to provide information detailing the relevant impact for those modifications.

**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.**

Updated and modernized software could not only help the Bureau for efficient processing satellite filings but also benefit for administrations since it is provided free of charge to ITU members. As the 2023 session of RAG concluded that the Bureau lacked sufficient dedicated resources to continually update software applications used for satellite filings, China supports to study the cost of those dedicated resources, while taking into account the result of Item h.

**3. Conclusion**

Considering further revisions to Decision 482 in order to ensure that costs associated with the processing of satellite network filings are appropriately recovered, China would like to share the following views:

* Cost Recovery charges applicable to various satellite network filings should be transparent, reviewed with care and reflect the actual and demonstrable costs by the Bureau to process the filings taking into account that the purpose of cost recovery is not revenue creation but purely recovery of actual cost.
* Any changes to Cost Recovery should take into account the actual time and other resources (e.g., computer time) spent by Bureau staff on processing satellite network filings.
* Capital investments associated with future improvements in the Bureau’s software and hardware resources may improve the processing time of filings, especially of the larger complex systems.

Furthermore, without having more information on the actual cost of processing such filings, any proposals to change Decision 482 would be premature. Therefore China suggests that the Council Expert Group needs to encourage the Bureau to provide more information on the actual cost of processing the relevant satellite network filings.

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