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|  | **Document EG-DEC482-1/4** |
| **27 February 2024** |
| **English only** |
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| Chair of the Expert Group on Decision 482 |
| FINAL REPORT OF THE FIRST MEETING OF THECOUNCIL EXPERT GROUP ON COUNCIL DECISION 482 |
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**1 Opening remarks and approval of the Agenda**

The Chairman welcomed the participants to the first meeting of the Council Expert Group on Decision 482 and stressed the need for the Group to work together in the spirit of consensus.

The draft agenda, Document [EG-DEC482-1/1](https://www.itu.int/md/S24-EG1DEC482-C-0001/en), was slightly modified based on input documents received and approved as Revision 1 to Document [EG-DEC482-1/1](https://www.itu.int/md/S24-EG1DEC482-C-0001/en).

The Director of the Radiocommunication Bureau (BR) Mr. Mario Maniewicz delivered his remarks at the beginning of the afternoon session. He recalled that we are at a crucial moment in the revision of the cost recovery for satellite network fillings and affirmed that a timely revision of Council Decision 482 will enable the ITU to more appropriately recover the costs associated with satellite regulatory procedures and address Member States’ demands without backlogs. He also invited administrations to submit clean transactions with fewer errors, using the software tools developed by the Bureau and provided to all the ITU membership, as this will help in reducing the Bureau's workload.

**2 Terms of reference**

The terms of referenceof the Council Expert Group on Decision 482, Annex to [Decision 632 (C23)](https://www.itu.int/md/S23-CL-C-0126/en) was presented. No comments were provided.

**3 Review of items listed in Annex of Decision 632 (C23)**

**3.1 General consideration for cost recovery**

**Document** [**EG-DEC482-1/2**](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) **from China (People’s Republic of)**

The document 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 of the appropriateness or otherwise of any of items listed in the terms of reference. The document also express the following views about the cost recovery:

* 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.
* Without having more information on the actual cost of processing such filings, any proposals to change Decision 482 would be premature.

**Document** [**EG-DEC482-1/3**](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) **from the Russian Federation**

The document includes the comments and proposals regarding the study of issues set in the EG-DEC482 terms of reference. The document also proposes to take into account the following fundamental principles when considering the issue of cost recovery when examining filings for satellite systems:

* effective and equitable access of all ITU Member States to the limited resources of satellite orbits and associated radio frequency spectrum;
* absence of excessive restrictions on administrations and operators implementing satellite systems/networks;
* funds received from cost recovery for satellite network/system fillings should not be considered as a regular part of Union budget, but should cover the costs of the BR for the development and improvement of satellite network examination software and the costs of attracting additional staff depending on workload;
* the amount of the fee for cost recovery for non-GSO system fillings should depend on the number of filings to the BR for a specific non-GSO system and the threshold cost for such applications should be increased after submission of a subsequent filings;
* avoiding violation when notifying a specific non-GSO system on behalf of different administrations or on behalf of an administration that does not have the ability to regulate the operational aspects of the non-GSO system.

During the discussions it was mentioned that :

* the Group should take into account these general considerations and principles, which should be based on Resolution 91 (Rev. Guadalajara, 2010).

The Group agreed that the first meeting of the Council Expert Group on Decision 482 should focus on the discussion about the detailed statistics of information to be provided by the Bureau in order to have further discussion in the future meeting.

**3.2 Review of items listed in Annex of Decision 632 (C23)**

Considering the Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) and [EG-DEC482-1/3](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) and based on further discussions, it was mentioned that more clarification or information is needed for further discussion on items listed in Annex of Decision 632. Additional information to be provided by the Bureau for the next meeting was reflected in [Annex 1](#Annex1) as attached to this report.

The Group also discussed the possible categorization of the following items and mentioned that upon receipt of reply from the Bureau, it may consider any categorization of issues to be urgently addressed.

**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.**

Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) expressed the view that cost recovery for those filings should be implemented in a cautious manner 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, it wants to seek more information or statistics about how many of those cases occur per year and how much workload is required for the Bureau to process them.

Document [EG-DEC482-1/](https://www.itu.int/md/S24-EG1DEC482-C-0002/en)3 expressed the view that for non-receivable filings, the appropriateness or otherwise of charging a fraction of the amount of an equivalent for receivable filing for such cases should be determined depending on the man-hours spent by the BR. For example, if a usual filing for a GSO network or non-GSO satellite system is submitted, the cost of expenses should be covered by annual contributions from Member States to the ITU budget. For non-receivable filings for GSO networks or non-GSO satellite systems with a large number of units or a large number of filings for one physical non-GSO satellite system, it is necessary to determine the fee and the number of units above to which the cost recovery is to be applied.

During the discussions it was mentioned that:

* For the next meeting, the Bureau should provide the statistics of non-receivable cases that have been noted over the last four years, or any other period more than four years, indicating the reasons for the non-receivability, the category and units of the notices and the BR workload involved in the processing of the cases.

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

Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) would like to seek more information about the relevant cost recovery for different complex non-GSO filings with multiple configurations and/or those subject to epfd limits.

Document [EG-DEC482-1/](https://www.itu.int/md/S24-EG1DEC482-C-0002/en)3 expressed the comments that non-GSO filings having a number of units that exceeds a defined limit set by the Council should not be eligible for annual free publication.

During the discussions it was mentioned that:

* For the next meeting, the Bureau should provide the statistics of the requests for free entitlement received since 2015, including the category and units of the corresponding filings as well as the BR workload to process them.

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

Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) mentioned that double invoicing should be avoided since fees related to submission of earth stations in motion (ESIMs) may have already been paid in the relevant filing. 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.

Document [EG-DEC482-1/](https://www.itu.int/md/S24-EG1DEC482-C-0002/en)3 mentioned that the charge of specific fees for processing submissions related to earth stations in motion should depend on the BR’s workload for such filings’ processing. No fees should be taken for submissions for specific earth stations, as this will lead to additional difficulties for administrations, operators and the BR in implementing cost recovery.

During the discussions it was mentioned that:

* For the next meeting, the Bureau should provide the list of actions required to process ESIMs submissions, a comparison with the processing of earth stations, and an estimate of the workload encountered in processing ESIMs, in particular ESIMs associated with Resolution 169 and WRC-23 Agenda Items 1.15 and 1.16.

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

Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) expressed the view to support 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 examinations.

Document [EG-DEC482-1/](https://www.itu.int/md/S24-EG1DEC482-C-0002/en)3 mentioned that detailed information from the BR on such cases and determination of the BR’s staff workload is required.

During the discussions it was mentioned that:

* For the next meeting, the Bureau should provide statistics of resubmission of notification requests submitted over the last four years, or any other period more than four years, with a modification to the information published in Part III-S, which render a new examination necessary with the indication of the associated workload to process them. Explanations about the type of additional workload (especially compared to the regulatory situation in 2005) are also requested.

**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.**

Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) mentioned that this item needs to be carefully considered in order not to contradict the note for categories N1 to N3 in the Annex to Decision 482 (C01, last amended C20).

Document [EG-DEC482-1/](https://www.itu.int/md/S24-EG1DEC482-C-0002/en)3 mentioned that detailed information from the BR on such cases and determination of the BR’s staff workload are required.

During the discussions it was mentioned that:

* For the next meeting, the Bureau should submit a document containing the detailed workload for each of these provisions, including any additional work. Other provisions not included in this list but also applied in conjunction with notifications could also be included in the analysis, when relevant. The group noted that the idea is not to charge a separate fee for each of these provisions, but to take into account the increased workload associated with their processing in the fee for the corresponding notifications.

**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.**

Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) invited the Bureau to provide more information detailing the impact of the number of different orbital altitudes, number of satellites, number of earth stations, or other characteristics affecting the examination workload associated with the processing of non-GSO systems. With respect to non-GSO filings having more than 75 000 units which may take more resources to process, the document proposes to consider two possible methods: one is to put a possible limitation for such submissions, and the other is to charge additional fee for them.

Document [EG-DEC482-1/](https://www.itu.int/md/S24-EG1DEC482-C-0002/en)3 mentioned that processing of 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, including those that require to update software, affecting workload associated with the processing of non-GSO systems, should be carried out in proportion of the workload costs of the BR.

During the discussions it was mentioned that:

* For the next meeting, the Bureau should provide statistics of non-GSO filings submitted over the last four years, or any other period more than four years, with more than 75000 units indicating the time spent to finish the examination, human resources and software used. The list will also include example of flings where the BR has determined any impact on its workload based on the number of different orbital altitudes, number of satellites, number of earth stations, or any other characteristics affecting the workload.

**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.**

Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) expressed the view to support 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.

Document [EG-DEC482-1/](https://www.itu.int/md/S24-EG1DEC482-C-0002/en)3 mentioned that detailed information from the BR on such cases and determination of the BR’s staff workload are required.

During the discussions it was mentioned that:

* For the next meeting, the Bureau should provide statistics of non-GSO networks not subject to coordination received in the last four years, or any other period more than four years, indicating the number of satellites and configurations, and estimates of their processing workloads. Possible methods for the definition of units for these categories also need to be provided.

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

Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) mentioned that this item had been studied under Procedure C in preparation of the 2019 session of Council. In order to continue the study of the additional fee for recovering the cost of epfd examinations of coordination requests and notifications, the previous considerations need to be responded as the first step.

Document [EG-DEC482-1/](https://www.itu.int/md/S24-EG1DEC482-C-0002/en)3 mentioned that it is necessary to consider this issue on the basis of statistics provided by BR, taking into account that epfd calculations for large constellations of non-GSO satellite systems are time-consuming.

During the discussions it was mentioned that:

* For the next meeting, the Bureau should provide statistics of non-GSO networks subject to epfd examination, received in the last four years, or any other period more than four years, indicating the different software used to finalize the examination, and the complexity of the epfd examination, including the examination under Nos. 9.7A and 9.7B. A different method of calculating units in the case of networks subject to epfd examination should be considered, taking into account the various parameters affecting the epfd examination.

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

Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) mentioned that 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 costs, the Bureau is invited to provide information detailing the relevant impact for those modifications.

Document [EG-DEC482-1/](https://www.itu.int/md/S24-EG1DEC482-C-0002/en)3 mentioned that a more detailed study of this issue is needed to meet the provisions of Article 44 of the ITU Constitution, taking into account the objectives of the introduction of the Space Plans, and the need to ensure equitable and rational access to the radio-frequency spectrum and its associated orbits.

* During the discussions it was mentioned that:For the next meeting, the Bureau should provide the statistics of the lists of additional uses received in the last four years, or any other period more than four years, indicating the additional workload generated.

**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.**

Document [EG-DEC482-1/2](https://www.itu.int/md/S24-EG1DEC482-C-0002/en) expressed the view to support the study of the cost of those dedicated resources since updated and modernized software could not only help the Bureau for efficient processing satellite filings but also benefit to administrations.

Document [EG-DEC482-1/](https://www.itu.int/md/S24-EG1DEC482-C-0002/en)3 expressed the view that satellite cost recovery should not be used to fund development of software tools for processing terrestrial filings.

During the discussions it was mentioned that:

* The Bureau is invited to provide the costs of updating or modernizing software applications used for satellite filings.

Furthermore, the group expressed the view that it could not take responsibility for deciding that part of the cost recovery revenues should go to the modernization of software used for satellite filings. This decision should be taken by the Council in accordance with ITU financial regulations and rules. For the modernization of software, it is also possible to call on voluntary contributions or to share software already developed by an Administration.

**4 Review of Temporary Documents**

**4.1** [**EG-DEC482-1/DT/1**](https://www.itu.int/md/S24-EG1DEC482-240122-TD-0001/en)

The meeting discussed the draft structure for an interim report containing recommendations for the possible revision of Decision 482 for submission to the 2024 session of the ITU Council, which was prepared by the Chair. Comments were made and modifications were reflected in [Annex 2](#Annex2) of this report.

**4.2** [**EG-DEC482-1/DT/2**](https://www.itu.int/md/S24-EG1DEC482-240122-TD-0002/en)

The Bureau presented this document which contains data about large non-GSO systems. It includes two tables which provide a list of non-GSO filings with more than 25000 units or more than 2 configurations or more than 500 satellites. The Group appreciated the data presented and asked the Bureau to provide more detailed data for the next meeting.

**4.3** [**EG-DEC482-1/DT/3**](https://www.itu.int/md/S24-EG1DEC482-240122-TD-0003/en)

The Group discussed intensively the additional data to be presented by the Bureau at its next meeting. The outcome of the discussions is contained in [Annex 1](#Annex1) of this report.

**5 Date(s) of next meeting(s)**

The meeting agreed that the second meeting of the Council Expert Group on Decision 482 will take place before or after Working Party 4A. The Bureau was requested to provide the correct date as soon as it had more information on the dates of the next working group meetings.

**6 Any other business**

In closing, the Chair thanked all the ITU Member States and Sector Members who made contributions and participated in the meeting of the Expert Group (including those who participated remotely), BR staff and the Secretariat for their efficient assistance during the meeting.

**Chair: Ms. Fenhong CHENG**

**Annexes: 2**

ANNEX 1

**Additional information to be provided by the Bureau for the next meeting**

The Council Expert Group on Decision 482 invited the Bureau to provide additional information six weeks before the next meeting with respect to the following items listed below (derived from Annex 1 to Document [C23/19](https://www.itu.int/md/S23-CL-C-0019/en))

1. **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.**

The Bureau is requested to provide the statistics of non-receivable cases that have been noted over the last four years, or any other period more than four years, indicating the reasons for the non-receivability, the category and units of the notices and the BR workload involved in the processing of the cases.

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

The Bureau is requested to provide the statistics of the requests for free entitlement received since 2015, including the category and units of the corresponding filings as well as the BR workload to process them.

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

The Bureau is requested to provide the list of actions required to process ESIMs submissions, a comparison with the processing of earth stations, and an estimate of the workload encountered in processing ESIMs, in particular ESIMs associated with Resolution **169** and WRC-23 Agenda Items 1.15 and 1.16.

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

The Bureau is requested to provide statistics of resubmission of notification requests submitted over the last four years, or any other period more than four years, with a modification to the information published in Part III-S, which render a new examination necessary with the indication of the associated workload to process them. Explanations about the type of additional workload (especially compared to the regulatory situation in 2005) are also requested.

1. **The costs associated with the BR’s implementation of additional provisions: Resolutions 4 and 49, Nos. 11.32A 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 submit a document containing the detailed workload for each of these provisions, including any additional work. Other provisions not included in this list but also applied in conjunction with notifications could also be included in the analysis, when relevant. The group noted that the idea is not to charge a separate fee for each of these provisions, but to take into account the increased workload associated with their processing in the fee for the corresponding notifications.

1. **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 Bureau is requested to provide statistics of non-GSO filings submitted over the last four years, or any other period more than four years, with more than 75000 units indicating the time spent to finish the examination, human resources and software used. The list will also include example of flings where the BR has determined any impact on its workload based on the number of different orbital altitudes, number of satellites, number of earth stations, or any other characteristics affecting the workload.

1. **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.**

The Bureau is invited to provide statistics of non-GSO networks not subject to coordination received in the last four years, or any other period more than four years, indicating the number of satellites and configurations, and estimates of their processing workloads. Possible methods for the definition of units for these categories also need to be provided.

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

The Bureau is invited to provide statistics of non-GSO networks subject to epfd examination, received in the last four years, or any other period more than four years, indicating the different software used to finalize the examination, and the complexity of the epfd examination, including the examination under Nos. 9.7A and 9.7B. A different method of calculating units in the case of networks subject to epfd examination should be considered, taking into account the various parameters affecting the epfd examination.

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

The Bureau is invited to provide the statistics of the lists of additional uses received in the last four years, or any other period more than four years, indicating the additional workload generated.

1. **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.**

The Bureau is invited to provide the costs of updating or modernizing software applications used for satellite filings.

**Other considerations**

This group expressed the view that it could not take responsibility for deciding that part of the cost recovery revenues should go to the modernization of software used for satellite filings. This decision should be taken by the Council in accordance with ITU financial regulations and rules.

For the modernization of software, it is also possible to call on voluntary contributions or to share software already developed by an Administration.

Upon receipt of reply from the Bureau, the Expert Group may consider any categorisation of issues to be urgently addressed.

ANNEX 2

**Draft structure of the interim report**

**1 Introduction**

[This section will briefly describe the topic and present the terms of reference of the group.]

**2 General principles for cost recovery**

Based on Resolution 91 (Rev. Guadalajara, 2010)

**3 Review of items listed in Annex of Decision 632 (C23)**

**3.1 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.**

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

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

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

**3.5 The costs associated with the BR’s implementation of additional provisions: Resolutions 4 and 49, Nos. 11.32A , 11.41, 11.47, 11.49, Subsection IID of Article 9, Sections 1 and 2 of Article 13, Article 14.**

**3.6 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.**

**3.7 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.**

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

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

**3.10 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.**

**4 Discussions on recommendations for the possible revision of Decision 482 for submission to the 2024 session of the ITU Council**

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