

DECISION 545

(adopted at the seventh Plenary Meeting)

Non-payment of cost recovery fees relating to satellite network filings

The Council

considering

- a) the revision of the methodology and scale of charges for cost recovery of the processing of space notices established in Decision 482 modified by the Council at its 2002 session;
- b) the need to provide some corrective measures regarding the deviations of the charging methodology for the processing of space notices as set out in Decision 482 (C02) for certain networks, leading to large invoices which may not be in line with the amount of work;
- c) that in Decision 513 the Council, at its 2003 session, agreed on the need to address the above issue on a temporary basis, pending a review of the charging methodology by the Council at its 2004 session;
- d) that the application of Decision 513 still resulted in some invoices having values significantly higher than CHF 100 000;
- e) that the Plenipotentiary Conference (Marrakesh, 2002), through its Resolution 88 (Rev. Marrakesh, 2002), has approved the principle of cancellation of a filing when the corresponding cost recovery payment has not been effected in due time and has set the date of 1 August 2003 to implement the corresponding provisions of the Radio Regulations;
- f) that in accordance with the Financial Regulations, all decisions concerning write-offs of debts of Member States shall remain the exclusive purview of the Plenipotentiary Conference;
- g) that the cancellation of the satellite network filing does not result in cancellation of the invoice issued by ITU;
- h) that Council 2005 established a revised mechanism for cost recovery of satellite network filings now included in Decision 482 (modified 2005) which has been so far satisfactory to the ITU membership,

taking account

that the Plenipotentiary Conference (Antalya, 2006) adopted Decision 10 on the implementation of additional correctives measures relating to cost recovery on satellite network filings; and

it authorized the Council to decide on the payment or non-payment of fees in respect of satellite network filings cancelled as a result of non-payment,

recognizing

that the Radiocommunication Bureau has carried out a considerable amount of work in order to process these networks and published them in a relevant BR IFIC before being cancelled as a result of non-payment,

recognizing further

that the Union is currently facing severe difficulty as a result of, on the one hand, maintaining zero growth in the contributory level and, on the other hand, reductions in the number of contributory units and increases in expenditures,

decides

1 that for satellite network filings cancelled as a result of non-payment pursuant to the relevant provisions of the Radio Regulations, the following fees shall apply:

– 50 per cent of the original fee on the pending invoices (Decision 10 (Antalya, 2006));

2 that the payment of revised invoices shall not reinstate the regulatory rights of any network which has been cancelled due to non-payment in accordance with the relevant provisions of the Radio Regulations;

3 that upon payment of the revised invoices, the cost recovery fees for the invoiced satellite network filings shall be considered satisfied;

4 to withdraw the necessary amount from the Reserve Account, that shall under no circumstances exceed the amount of CHF 2 760 000,

further decides

1 that the *decides* 1 and 2 above shall also apply to the satellite networks filings for which the payments have been received after the cancellation of the filings in accordance with the relevant provisions of the Radio Regulations;

2 that the above *decides* 1 to 2 shall only apply to cancelled satellite network filings received before 1 January 2006,

instructs the Secretary-General

to conclude repayment schedules with any Member States that so request following the revision of invoices relating to the implementation of cost recovery for satellite network filings concerned by this Decision in the light of Resolution 41 (Rev. Antalya, 2006).

List of Administrations and revised fees
under *decides* 1 of Decision 545 (Council 2007)

Administration	Revised total fee (CHF)
Australia	147 898.50
Brazil	14 000.00
China	253 696.00
Egypt	8 400.00
France	1 289 887.00
Netherlands	8 400.00
India	10 222.50
Indonesia	15 156.00
Islamic Rep. of Iran	21 000.00
Lao P.D.R.	126 928.00
Luxembourg	45 000.00
Mexico	8 400.00
Norway	11 200.00
Philippines	6 477.50
Russian Federation	254 293.50
Uruguay	58 180.00
United States	276 178.00
VEN/ASA	29 400.00
Viet Nam	34 400.00
Total	2 619 117.00

List of Administrations and revised fees
under *further decides* 1 of Decision 545 (Council 2007)

Administration	Revised total fee (CHF)
Australia	13 300.00
Belarus	52 500.00
Israel	12 310.00
Russian Federation	21 000.00
United States	39 253.00
Total	138 363.00
