



DECISION 482 MODIFIED

(approved at the eighth Plenary Meeting)

Implementation of cost recovery for satellite network filings

The Council,

considering

- a) Resolution 88 of the Plenipotentiary Conference (Minneapolis, 1998), on the implementation of cost recovery for satellite network filings;
- b) Resolution 91 of the Plenipotentiary Conference (Minneapolis, 1998), 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 reporting on the Council Working Group on implementation of cost recovery for satellite network filings;
- e) Document C99/47 on cost recovery for some ITU products and services,

recognizing

that the Plenipotentiary Conference (Minneapolis, 1998), by Resolution 88, resolved:

- that cost recovery for satellite network filings shall be implemented as soon as possible consistent with the general principles for cost recovery adopted in Resolution 91 (Minneapolis, 1998);
- that all filings for the production of the special sections of the Weekly Circular for space radiocommunication services concerning advance publication, and their associated requests for coordination or agreement (Article 11, Article 14 plus Resolutions 33 and 46, or Article S9 of the Radio Regulations) and requests for modification of the space service plans contained in Appendices 30/S30, 30A/S30A and 30B/S30B to the Radio Regulations, received by the Radiocommunication Bureau after 7 November 1998, shall be subject to the application of cost recovery using the methodology to be adopted according to Resolution 88,

further recognizing

the practical experience of the Radiocommunication Bureau in implementing cost recovery filing charges and the methodology as reported to Council 2001 in accordance with Council Decision 482,

decides

- 1 that satellite network filings identified under *recognizing* above received by the Radiocommunication Bureau after 7 November 1998 shall be subject to charges as set out in Annex A to this decision;
- 2 that the above charges for each satellite network¹ filing communicated to the Radiocommunication Bureau, shall be composed of:
 - a) a flat fee² indicated in Annex A for each category³,
 - b) an additional charge for the satellite network filing for which the number of [units], when published, exceeds the number of [units]⁴ covered by the flat fee;
- 3 that for satellite network filings received by the Bureau after 31 December 2001, the flat fee component shall be paid, in accordance with *decides* 9, following receipt of the filing by the Radiocommunication Bureau.
- 4 that the flat fee shall be regarded as a basic charge for a satellite network filing regardless of whether it is a new notice or a modification to a notice⁵. For modifications to a notice in Category 1 of Annex A, the additional charge will apply but no additional flat fee component will be charged.
- 5 that each Member State shall be entitled to the publication of special sections for one satellite network each year without the charges referred to above. Each Member State may determine which network shall benefit from the free entitlement. Modifications to the publications of that network will be published with no charge up to the limit established for excess charges indicated in Annex A which was in force at the time of the original publication;
- 6 that nomination of the free entitlement shall be made by the member state no later than the end of the year in which the payment of the first cost recovery fee is due.
- 7 that for any network for which the API was received prior to 7 November 1998, there will be no cost-recovery charges for the coordination request referring to that API, regardless as to when it is received by the Radiocommunication Bureau. However, modifications to these networks communicated to the Radiocommunication Bureau after 7 November 1998, shall be subject to an additional charge if their cumulative sum of modified [units] exceeds three times the limit established for additional charges in Annex A. There will also be no cost recovery charges for any request for modification to a plan received prior to 7 November 1998.

¹ In accordance with Nos. 1.111 and 1.112 and Appendix 4 of the Radio Regulations, a satellite network consists of one geostationary satellite, or one or more non-geostationary satellites, and one or more cooperating earth stations.

² The methodology for the calculation of the flat fee and the additional charge is described in Annex B.

³ The fee per frequency unit 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.

⁴ The definition of the [unit] for each category is found in Annex A.

⁵ The charge for a modification, where applicable, is based on [units] in respect of those elements (e.g. assigned frequencies, classes of stations, number of emissions) affected by the modification submitted. There will be no charge for modifications which do not result in further technical or regulatory examination by the Radiocommunication Bureau.

8 that Annexes A (Schedule of processing charges) and B (Methodology) to this decision should be reviewed periodically by the Council;

9 that the payment of charges specified in Annex A shall be made on the basis of an invoice 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. An invoice for the flat fee component shall be issued upon receipt of the filing by the Radiocommunication Bureau and, for the additional charge (if any), after the publication of the relevant special section. Administrations shall be invoiced according to the flat fee charges in force at the date of receipt of the filing or the additional charge (if any) in force at the date of publication of their respective networks;

10 that publication of special sections for the amateur-satellite service shall be exempt from any charges,

instructs the Director of the Radiocommunication Bureau 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;
and
- d) the costs of validating filings and requesting corrective action thereto,

invites the External Auditor

to prepare, in accordance with Article 31 of the Financial Regulations, and to submit to the Council an annual report containing a financial and management audit of the processing costs incurred by ITU in the selected cost categories identified in Annex B and, the charges collected.

ANNEX A

**Schedule of processing charges to be applied to satellite network filings
received by the Radiocommunication Bureau after 7 November 1998**

	Brief description of category	Detailed description of category	Flat fee per filing (in CHF)	No. of [units] in category covered by flat fee	Additional charge per excess [units] for filings with more than the number of [units] indicated in the preceding column (in CHF)	Calculation of Number of [Units] for the category
1	Advance publication	Advance publication of a non-geostationary-satellite network not subject to coordination under Section II of Article 9	1 300	6	147	number of frequency bands summed up for all frequency assignment groups
2	Coordination request under 9 (excluding 9.11A) and Articles 2 and 7 of AP30/30A	Publication of a coordination request for a geostationary-satellite network in accordance with No. 9.6 along with one or more of Nos. 9.7 , 9.11 and 9.21 of Section II of Article 9 , and §2.2 of Article 2 and § 7.1 of Article 7 of Appendix 30 , §2.2 of Article 2 and § 7.1 of Article 7 of Appendix 30A , where the network filed for is in the fixed-satellite, the mobile-satellite or the broadcasting-satellite service	5 600	1103	5	product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups

	Brief description of category	Detailed description of category	Flat fee per filing (in CHF)	No. of [units] in category covered by flat fee	Additional charge per excess [units] for filings with more than the number of [units] indicated in the preceding column (in CHF)	Calculation of Number of [Units] for the category
3	Joint coordination requests under 9, including 9.11A (GSO case)	Publication of a coordination request for a geostationary-satellite network in accordance with No. 9.6 along with one or more of Nos. 9.7, 9.11 and 9.21 as well as Nos. 9.11A, 9.13 and 9.14 of Section II of Article 9 and §2.2 of Article 2 and § 7.1 of Article 7 of Appendix 30 , §2.2 of Article 2 and § 7.1 of Article 7 of Appendix 30A	21 000	1170	16	product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups
4	Coordination request under 9.11A alone (non-GSO case)	Publication of a coordination request for a non-geostationary-satellite network in accordance with one or more of No. 9.6 along with Nos. 9.11A, 9.12, § 9.12A and 9.14 of Section II of Article 9	7 100	137	62	product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups
5	"Small" coordination requests	Publication of a coordination request for a geostationary-satellite network in accordance with No. 9.6 along with one or more of Nos. 9.7 and 9.21 of Section II of Article 9 , where the network filed for is not in the fixed-satellite, the mobile-satellite or the broadcasting-satellite service	5 900	12	288	product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups
6	Non-GSO coordination (9.21 only)	Publication of a coordination request (request for agreement) for a non-geostationary-satellite network in accordance with No. 9.6 along with No. 9.21 of Section II of Article 9	4 900	10	115	product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups

	Brief description of category	Detailed description of category	Flat fee per filing (in CHF)	No. of [units] in category covered by flat fee	Additional charge per excess [units] for filings with more than the number of [units] indicated in the preceding column (in CHF)	Calculation of Number of [Units] for the category
7	AP30/E, AP30A/E, AP30-30A/E Part A Special Section publication	Publication of a 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 or a modification to the Region 2 Plans under §4.1.5 or 4.2.8 of Appendices 30 or 30A. 7.1AP30 7.2AP30A	15 800 15 800	875 648	11 11	product of the number of associated earth stations (specific or typical, recorded in the database) and number of emissions, summed up for all channels, type of polarizations and beams
8	AP30/E, AP30A/E, AP30-30A/E Part B Special Section publication	Publication of a 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 or a modification to the Region 2 Plans under §4.1.5 or 4.2.8 of Appendices 30 or 30A. 8.1 AP30 8.2 AP30A	6 600 6 200	129 126	71 69	product of the number of associated earth stations (specific or typical, recorded in the database) and number of emissions, summed up for all channels, type of polarizations and beams
9	AP 30B	Publication associated with the update of the list of existing systems in Part B of the Plan in accordance with the procedure of Section IB of Article 6 of Appendix 30B or Publication associated with the update of the list of subregional systems in accordance with the procedure of Section II of Article 6 of Appendix 30B	9 900	1	855	product of the number of bands and number of beams

ANNEX B

Methodology

1 The schedule of processing charges shall be established to recover the selected processing costs for all filings for the production of special sections of the Weekly Circular for space radiocommunication services concerning advance publication, and their associated requests for coordination or agreement under Article 9 of the Radio Regulations (former Article 11, Article 14 plus Resolutions 33 and 46) and requests for modification of the space service plans or lists contained in Appendices 30, 30A and 30B to the Radio Regulations, received by the Radiocommunication Bureau after 7 November 1998, in line with Resolution 88 (Minneapolis, 1998).

2 The Council is requested to review the charges whenever it considers appropriate, and at least every two years, for:

- advance publication for those networks not subject to coordination;
- requests for coordination or agreement;
- requests for modification of space service plans or lists,

or for subsets of the above.

3 The charges cover the following costs:

- costs of the Space Services Department associated with production of the content of satellite special sections;
- costs of the Informatics, Administration and Publications Department associated with the production of satellite special sections;
- a proportionate share of centralised administrative services costs of the General Secretariat;
- a proportionate share of centralized support services costs of the General Secretariat.

4. The flat fee for each category is adjusted proportionately to the change in the total costs of processing satellite network filings in the preceding three years.

5. The number of [units] covered by the flat fee is calculated by dividing the flat fee by the average costs per [unit] of all notices under that category published in the preceding three years.

6. The charges per excess [unit] is then calculated in such a way that, based on the preceding three-year period, the flat fee charges plus the additional charges per excess [unit] are equal to the total cost for that category.

7 With reference to Resolution 91 (Minneapolis, 1998) and the Financial Regulations, the related income and expenditure relating to the publication of special sections shall be segregated but included in the budget of the Union and subject to external audit. Expenditure shall be split between cost of publications exempted from cost recovery and those subject to cost recovery and included in the budget of the Union. Income and expenditure shall be subject to external audit.