

RESOLUTION 49<sup>1</sup> (REV.WRC-15)**Administrative due diligence applicable to some  
satellite radiocommunication services**

The World Radiocommunication Conference (Geneva, 2015),

*considering*

- a) that Resolution 18 of the Plenipotentiary Conference (Kyoto, 1994) instructed the Director of the Radiocommunication Bureau to initiate a review of some important issues concerning international satellite network coordination and to make a preliminary report to WRC-95 and a final report to WRC-97;
- b) that the Director of the Bureau provided a comprehensive report to WRC-97, including a number of recommendations for action as soon as possible and for identifying areas requiring further study;
- c) that one of the recommendations in the Director's report to WRC-97 was that administrative due diligence should be adopted as a means of addressing the problem of reservation of orbit and spectrum capacity without actual use;
- d) that experience may need to be gained in the application of the administrative due diligence procedures adopted by WRC-97, and that several years may be needed to see whether administrative due diligence measures produce satisfactory results;
- e) that new regulatory approaches may need to be carefully considered in order to avoid adverse effects on networks already going through the different phases of the procedures;
- f) that Article 44 of the Constitution sets out the basic principles for the use of the radio-frequency spectrum and the geostationary-satellite and other satellite orbits, taking into account the needs of developing countries,

*considering further*

- a) that WRC-97 decided to reduce the regulatory time-frame for bringing a satellite network into use;
- b) that WRC-2000 has considered the results of the implementation of the administrative due diligence procedures and prepared a report to the 2002 Plenipotentiary Conference in response to Resolution 85 (Minneapolis, 1998),

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<sup>1</sup> This Resolution does not apply to satellite networks or satellite systems of the broadcasting-satellite service in the frequency band 21.4-22 GHz in Regions 1 and 3.

*resolves*

1 that the administrative due diligence procedure contained in Annex 1 to this Resolution shall be applied as from 22 November 1997 for a satellite network or satellite system of the fixed-satellite service, mobile-satellite service or broadcasting-satellite service for which the advance publication information under No. **9.2B**, or for which the request for modifications of the Region 2 Plan under Article 4, § 4.2.1 *b*) of Appendices **30** and **30A** that involve the addition of new frequencies or orbit positions, or for which the request for modifications of the Region 2 Plan under Article 4, § 4.2.1 *a*) of Appendices **30** and **30A** that extend the service area to another country or countries in addition to the existing service area, or for which the request for additional uses in Regions 1 and 3 under § 4.1 of Article 4 of Appendices **30** and **30A**, or for which the submission of information under supplementary provisions applicable to additional uses in the planned bands as defined in Article 2 of Appendix **30B** (Section III of Article 6) has been received by the Bureau from 22 November 1997, or for which submission under Article 6 of Appendix **30B** (**Rev.WRC-07**) is received on or after 17 November 2007, with the exception of submissions of new Member States seeking the acquisition of their respective national allotments<sup>2</sup> for inclusion in the Appendix **30B** Plan;

2 that for a satellite network or satellite system within the scope of § 1 or 3 of Annex 1 to this Resolution not yet recorded in the Master International Frequency Register (MIFR) by 22 November 1997, for which the advance publication information under No. **1042** of the Radio Regulations (Edition of 1990, revised in 1994) or for the application of Section III of Article 6 of Appendix **30B** has been received by the Bureau before 22 November 1997, the responsible administration shall submit to the Bureau the complete due diligence information in accordance with Annex 2 to this Resolution not later than 21 November 2004, or before the expiry of the notified period for bringing the satellite network into use, plus any extension period which shall not exceed three years pursuant to the application of No. **1550** of the Radio Regulations (Edition of 1990, revised in 1994) or the dates specified in the relevant provisions Article 6 of Appendix **30B**, whichever date comes earlier. If the date of bringing into use, including extension specified above, is before 1 July 1998, the responsible administration shall submit to the Bureau the complete due diligence information in accordance with Annex 2 to this Resolution not later than 1 July 1998;

*2bis* that for a satellite network or satellite system within the scope of § 2 of Annex 1 to this Resolution not recorded in the MIFR by 22 November 1997, for which the request for a modification to the Plans of Appendices **30** and **30A** has been received by the Bureau before 22 November 1997, the responsible administration shall submit to the Bureau the complete due diligence information in accordance with Annex 2 to this Resolution as early as possible before the end of the period established as a limit to bringing into use in accordance with the relevant provisions of Article 4 of Appendix **30** and the relevant provisions of Article 4 of Appendix **30A**;

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<sup>2</sup> See § 2.3 of Appendix **30B** (**Rev.WRC-07**).

3 that for a satellite network or satellite system within the scope of § 1, 2 or 3 of Annex 1 to this Resolution recorded in the MIFR by 22 November 1997, the responsible administration shall submit to the Bureau the complete due diligence information in accordance with Annex 2 to this Resolution not later than 21 November 2000, or before the notified date of bringing the satellite network into use (including any extension period), whichever date comes later;

4 that six months before the expiry date specified in *resolves 2* or *2bis* above, if the responsible administration has not submitted the due diligence information, the Bureau shall send a reminder to that administration;

5 that if the due diligence information is found to be incomplete, the Bureau shall immediately request the administration to submit the missing information. In any case, the complete due diligence information shall be received by the Bureau before the expiry date specified in *resolves 2* or *2bis* above, as appropriate, and shall be published by the Bureau in the International Frequency Information Circular (BR IFIC);

6 that if the complete due diligence information is not received by the Bureau before the expiry date specified in *resolves 2*, *2bis* or 3 above, the request for coordination or request for a modification to the Plans of Appendices **30** and **30A** or for application of Section III of Article 6 of Appendix **30B** as covered by *resolves 1* above submitted to the Bureau shall be cancelled. Any modifications of the Plans (Appendices **30** and **30A**) shall lapse and any recording in the MIFR as well as recordings in the Appendix **30B** List shall be deleted by the Bureau after it has informed the concerned administration. The Bureau shall publish this information in the BR IFIC,

*further resolves*

that the procedures in this Resolution are in addition to the provisions under Article **9** or **11** of the Radio Regulations or Appendices **30**, **30A** or **30B**, as applicable, and, in particular, do not affect the requirement to coordinate under those provisions (Appendices **30**, **30A**) in respect of extending the service area to another country or countries in addition to the existing service area,

*instructs the Director of the Radiocommunication Bureau*

to report to future competent world radiocommunication conferences on the results of the implementation of the administrative due diligence procedure.

ANNEX 1 TO RESOLUTION 49 (REV.WRC-15)

1 Any satellite network or satellite system of the fixed-satellite service, mobile-satellite service or broadcasting-satellite service with frequency assignments that are subject to coordination under Nos. **9.7**, **9.11**, **9.12**, **9.12A** and **9.13** and Resolution **33 (Rev.WRC-03)\*** shall be subject to these procedures.

2 Any request for modifications of the Region 2 Plan under the relevant provisions of Article 4 of Appendices **30** and **30A** that involve the addition of new frequencies or orbit positions or for modifications of the Region 2 Plan under the relevant provisions of Article 4 of Appendices **30** and **30A** that extend the service area to another country or countries in addition to the existing service area or request for additional uses in Regions 1 and 3 under the relevant provisions of Article 4 of Appendices **30** and **30A** shall be subject to these procedures.

3 Any submission of information under Article 6 of Appendix **30B (Rev.WRC-07)**, with the exception of submissions of new Member States seeking the acquisition of their respective national allotments<sup>3</sup> for inclusion in the Appendix **30B** Plan, shall be subject to these procedures.

4 An administration requesting coordination for a satellite network under § 1 above shall send to the Bureau as early as possible before the end of the period established as a limit to bringing into use in No. **11.44**, the due diligence information relating to the identity of the satellite network and the spacecraft manufacturer specified in Annex 2 to this Resolution.

5 An administration requesting a modification of the Region 2 Plan or additional uses in Regions 1 and 3 under Appendices **30** and **30A** under § 2 above shall send to the Bureau as early as possible before the end of the period established as a limit to bringing into use in accordance with the relevant provisions of Article 4 of Appendix **30** and the relevant provisions of Article 4 of Appendix **30A**, the due diligence information relating to the identity of the satellite network and the spacecraft manufacturer specified in Annex 2 to this Resolution.

6 An administration applying Article 6 of Appendix **30B (Rev.WRC-07)** under § 3 above shall send to the Bureau as early as possible before the end of the period established as a limit to bringing into use in § 6.1 of that Article, the due diligence information relating to the identity of the satellite network and the spacecraft manufacturer specified in Annex 2 to this Resolution.

7 The information to be submitted in accordance with § 4, 5 or 6 above shall be signed by an authorized official of the notifying administration or of an administration that is acting on behalf of a group of named administrations.

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\* *Note by the Secretariat:* This Resolution was revised by WRC-15.

<sup>3</sup> See § 2.3 of Appendix **30B (Rev.WRC-07)**.

8 On receipt of the due diligence information under § 4, 5 or 6 above, the Bureau shall promptly examine that information for completeness. If the information is found to be complete, the Bureau shall publish the complete information in a special section of the BR IFIC within 30 days.

9 If the information is found to be incomplete, the Bureau shall immediately request the administration to submit the missing information. In all cases, the complete due diligence information shall be received by the Bureau within the appropriate time period specified in § 4, 5 or 6 above, as the case may be, relating to the date of bringing the satellite network into use.

10 Six months before expiry of the period specified in § 4, 5 or 6 above and if the administration responsible for the satellite network has not submitted the due diligence information under § 4, 5 or 6 above, the Bureau shall send a reminder to the responsible administration.

11 If the complete due diligence information is not received by the Bureau within the time limits specified in this Resolution, the networks covered by § 1, 2 or 3 above shall be cancelled by the Bureau. The provisional recording in the MIFR shall be deleted by the Bureau after it has informed the concerned administration. The Bureau shall publish this information in the BR IFIC.

With respect to the request for modification of the Region 2 Plan or for additional uses in Regions 1 and 3 under Appendices **30** and **30A** under § 2 above, the modification shall lapse if the due diligence information is not submitted in accordance with this Resolution.

With respect to the request for application of Article 6 of Appendix **30B (Rev.WRC-07)** under § 3 above, the network shall also be deleted from the Appendix **30B** List. When an allotment under Appendix **30B** is converted into an assignment, the assignment shall be reinstated in the Plan in accordance with § 6.33 c) of Article 6 of Appendix **30B (Rev.WRC-07)**.

12 An administration notifying a satellite network under § 1, 2 or 3 above for recording in the MIFR shall send to the Bureau, as early as possible before the date of bringing into use, the due diligence information relating to the identity of the satellite network and the launch services provider specified in Annex 2 to this Resolution.

13 When an administration has completely fulfilled the due diligence procedure but has not completed coordination, this does not preclude the application of No. **11.41** by that administration.

ANNEX 2 TO RESOLUTION 49 (REV.WRC-15)

**A Identity of the satellite network**

- a)* Identity of the satellite network
- b)* Name of the administration
- c)* Country symbol
- d)* Reference to the advance publication information or to the request for modification of the Region 2 Plan or for additional uses in Regions 1 and 3 under Appendices **30** and **30A**; or reference to the information processed under Article 6 of Appendix **30B (Rev.WRC-07)**
- e)* Reference to the request for coordination (not applicable for Appendices **30**, **30A** and **30B**)
- f)* Frequency band(s)
- g)* Name of the operator
- h)* Name of the satellite
- i)* Orbital characteristics.

**B Spacecraft manufacturer\***

- a)* Name of the spacecraft manufacturer
- b)* Date of execution of the contract
- c)* Contractual “delivery window”
- d)* Number of satellites procured.

**C Launch services provider**

- a)* Name of the launch vehicle provider
- b)* Date of execution of the contract
- c)* Launch or in-orbit delivery window
- d)* Name of the launch vehicle
- e)* Name and location of the launch facility.

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\* NOTE – In cases where a contract for satellite procurement covers more than one satellite, the relevant information shall be submitted for each satellite.