



Radiocommunication Bureau (BR)

Circular Letter
CCRR/52

8 August 2014

To Administrations of Member States of ITU

Subject: Draft Rules of Procedure to reflect the decisions of WRC-12

At its 66th meeting (30 July – 5 August 2014), the Radio Regulations Board (RRB) considered the draft Rule of Procedure on No. **11.50** circulated to administrations in Circular Letter CCRR/50, along with the comments received from Administrations, and also the draft Rule of Procedure on No. **11.44B** of the Radio Regulations as a follow-up to its 65th meeting (17-21 March 2014).

Regarding both draft Rules of Procedure on No. **11.50** and No. **11.44B** of the Radio Regulations, the Board instructed the Bureau to prepare a revised version of these draft Rules of Procedure and circulate them to administrations in time for consideration at its 67th meeting.

The Bureau therefore prepared a set of revised draft Rules of Procedure on No. **11.50** and No. **11.44B** of the Radio Regulations. These are annexed to this letter.

In accordance with No. **13.17** of the Radio Regulations, these draft Rules of Procedure are made available to administrations for comment before being submitted to the RRB pursuant to No. **13.14**. Pursuant to No. **13.12A d)** of the Radio Regulations, any comments that you may wish to submit should reach the Bureau not later than **20 October 2014**, in order to be considered at the 67th meeting of the RRB, scheduled for 17-21 November 2014. Comments should be sent either by telefax to +41 22 730 5785 or by email to brmail@itu.int.

A handwritten signature in black ink, appearing to read 'FRANCIS RANCY', with a long, sweeping underline that extends to the right.

François Rancy
Director

Annex: 1

Distribution:

- Administrations of Member States of ITU
- Members of the Radio Regulations Board

ANNEX

Rules concerning

ARTICLE 11 of the RR

ADD

11.50

This provision instructs the Bureau to periodically review the Master Register (MIFR) with the aim of maintaining or improving its accuracy, with particular emphasis on the review of the findings so as to adjust them to the changing allocation situation after each World Radiocommunication Conference. Concerning the latter part of this provision "...with particular emphasis on...", given a large variety of possible changes in allocation situations and the considerable number of fields used for storing finding information in the MIFR, the Board concluded that the most appropriate way of providing instructions to the Bureau concerning the review of findings would be to determine the main elements for such a review. The Board therefore decided that, in reviewing the findings under No. **11.50**, the following main principles shall be applied, unless otherwise decided by the Conference:

1. When new or modified regulatory provisions enter into force, the findings of the recorded assignments concerned shall be revised and updated by the Bureau with a view to reflecting their compliance with the modified regulatory provisions/allocations.
2. Prior to any action, the Bureau shall contact each notifying administration concerned about the review of findings of the assignments concerned and provide information concerning the possible courses of action, which shall be based on the principles specified in items 3 – 6 below. If no reply is received before the deadline established by the Bureau (normally 30 days from the date of the Bureau's communication), BR shall send a reminder. If no reply is received within 30 days after the date of the reminder, BR shall implement the proposed course of action.
3. When a change to Article 5 results in abrogation of an allocation to a radiocommunication service, the recorded assignment concerned should be suppressed from the Master Register. If the notifying administration requests to retain the assignment and states that it will be operated in accordance with No. **4.4**, the assignment shall be kept in the MIFR for information purposes under the conditions of No. **8.5**.
4. When a change to Article 5 results in downgrading of the category of allocation and the downgraded allocation is not subject to any additional conditions, or when the recorded assignment meets all the additional conditions to which the downgraded allocation is subject, the status of the recorded assignment concerned shall be downgraded accordingly and the assignment shall be retained in the Master Register, unless the notifying administration requests its suppression.

When the downgraded allocation is subject to additional conditions and the conditions related to the regulatory examination under No. **11.31** (e.g. power limits, restrictions to national operation, requirements for agreement under No. **9.21**, separation distances, etc.) are not met, the Bureau shall propose the deletion of the assignment to the notifying administration, or that its characteristics be modified to comply with the new conditions. If the administration requests to

retain the assignment with its characteristics unchanged and states that it will be operated in accordance with No. 4.4, the assignment shall be kept in the MIFR for information purposes under the conditions of No. 8.5.

Concerning the application of the relevant coordination procedures, the Bureau shall propose to the notifying administration to suppress or to resubmit the assignment for the application of these procedures. Concerning examination under No. 11.32, the recorded assignment, with its characteristics unchanged, shall be considered as having successfully completed, as of the date of its original recording in the MIFR, the applicable coordination procedures in respect of the services allocated with equal rights.

5. When a change to Article 5 results in the allocation to a new service or upgrade of the category of an existing service and the Bureau shall draw the notifying administration's attention to the recorded assignment concerned, which previously had a lower status or was recorded under the conditions of No. 4.4, and propose to the administration that it submit a new assignment to replace the previous one. The relevant coordination procedures shall apply to the newly submitted assignment and no particular priority shall be given to it in this process. The status of the assignment should be upgraded only if all relevant provisions of the RR have been applied.

6. When a change to Article 5 results in the modification of the conditions of an allocation without modification of the category of allocation (e.g. additional regulatory/technical restrictions or new/modified coordination procedures), then the original findings of the recorded assignment concerned may be kept only subject to conformity with the new conditions. If the conditions are not met, the Bureau shall propose the deletion of the assignment to the notifying administration, or that its characteristics be modified to comply with the new conditions. If the administration requests to retain the assignment with its characteristics unchanged and states that it will be operated in accordance with No. 4.4, the assignment shall be kept in the MIFR for information purposes under the conditions of No. 8.5.

Concerning examination of frequency assignments with respect to their conformity with a world or regional plan under No. 11.34, when the conditions of the applicable plan are changed, the original findings of the recorded assignment may be kept only subject to conformity with the new conditions. If the conditions are not met, the corresponding assignment may be retained in the MIFR with unfavorable finding under No. 11.34.

7. The Board noted that Article 5 contains a number of provisions under which an allocation to a radiocommunication service is subject to obtaining the agreement of the administrations concerned, e.g. Nos. 5.175, 5.188, etc without invoking No. 9.21. Obtaining such agreement is not regulated by either the procedures of Article 9 or the Rules of Procedure and is to be resolved directly between the administrations concerned. Furthermore, when examining the relevant frequency assignment notices, the Bureau does not verify such agreements. In the above context, the Board decided that in the case of a review of findings of the relevant assignments, the Bureau shall not take into account the presence or absence of agreements of other administrations when formulating new findings.

8. After completion of the review of findings, the frequency assignments concerned together with the modified findings shall be published in relevant Parts of the BR IFIC, and an Information Note shall be included in the BR IFIC, drawing the attention of administrations to the review of findings and explaining the reasons for and content of the review.

Reason: *Regarding §4 of the draft rule, as a result of the downgrading of the allocation decided by the Conference, the recorded assignment becomes subject to coordination with assignments of services which previously pertained to a category of service lower than that of the assignment. The assignments in these other services were therefore, prior to the decision of the Conference, recorded subject to not causing harmful interference nor claiming protection from the recorded assignment. They may therefore be considered as compatible with it. In the case the characteristics of the assignment are modified, there is no grandfathering in respect of secondary services. In all cases, in respect of primary services, the relevant procedures need to be applied by the assignment (new or modified).*

Regarding §5, whether or not additional conditions apply, the recorded assignment cannot be maintained in the MIFR and upgraded to a higher status without being resubmitted and having applied the relevant coordination procedures, as well as having met the other applicable provisions.

Effective date of application of this Rule: immediately after approval.

MOD

11.44B

NOC 1

NOC 2

NOC 3

NOC 4

ADD 5 Where the notification of a frequency assignment under Nos. **11.15**, § 5.1.3 of Appendix **30**, § 5.1.7 of Appendix **30A** or § 8.1 of Appendix **30B**, as appropriate includes a date of bringing into use not earlier than 120 days (ninety-day space station deployment plus thirty-day confirmation) before the date of receipt of the notification information, the mandatory information required under No. **11.44B** shall be provided to the Bureau within thirty days from the end of the ninety-day period.

When both conditions (ninety day space station deployment plus maximum thirty-day confirmation) are met and the examination of the frequency assignment by the Bureau leads to a favourable finding, the notified date of bringing into use shall be included in the MIFR in field A.2.a, and the assignment entitled as of the date of receipt of the notice to the rights and obligations derived from its recording in the MIFR.

ADD 6 If a complete notice for recording of a frequency assignment in the MIFR under Nos. **11.15**, § 5.1.3 of Appendix **30**, § 5.1.7 of Appendix **30A** or § 8.1 of Appendix **30B**, as appropriate, includes a date of bringing into use more than 120 days (ninety-day space station deployment plus thirty-day confirmation) before the date of receipt of the notification information, the confirmation that a space station in the geostationary-satellite orbit with the capability of transmitting or receiving the notified assignments has been deployed and maintained at the notified orbital position for a continuous period of more than ninety days up to the date of receipt of the notification information shall be provided to the Bureau together with the notice. In this case the notice will be considered receivable and further processed by the Bureau.

However the notified date of bringing into use of the assignment shall be considered not in conformity with the requirement of No. **11.44B**. The date, 120 days before the date of receipt of the information that the assignment has already been brought into use, shall be included in the MIFR in field A.2.a as the date of bringing into use instead of the notified date submitted in the Appendix 4 form, with a note by the Bureau attached to the assignment indicating that "satellite "AAA" (Name of the satellite, item A h) of Annex 2 to Resolution 49) has been first deployed and maintained at the nominal geographical longitude "XXX" (longitude, item A.4.a.1 of Appendix 4) on the geostationary-satellite orbit since the date "DD.MM.YYYY" (Date, Item A.2.a of Appendix 4) indicated in the original Appendix 4 submission under the frequency assignments of the relevant satellite network "BBB" (Identity of the satellite network, Item A.1.a of Appendix 4)".

When the examination of the frequency assignment by the Bureau leads to a favourable finding, the assignment shall be entitled as of the date of receipt of the notice to the rights and obligations derived from its recording in the MIFR.

ADD 6 alternative If a complete notice for recording of a frequency assignment in the MIFR under Nos. **11.15**, § 5.1.3 of Appendix **30**, § 5.1.7 of Appendix **30A** or § 8.1 of Appendix **30B**, as appropriate, includes a date of bringing into use more than 120 days (ninety-day space station deployment plus thirty-day confirmation) before the date of receipt of the notification

information, the confirmation that a space station in the geostationary-satellite orbit with the capability of transmitting or receiving the notified assignments has been deployed and maintained at the notified orbital position for a continuous period of more than ninety days up to the date of receipt of notification shall be provided to the Bureau together with the notice. In this case the notice shall be deemed to be a confirmation of bringing into use of the assignments under No. 11.44B, considered receivable and further processed by the Bureau.

When the examination of the frequency assignment by the Bureau leads to a favourable finding, the assignment shall be entitled as of the date of receipt of the notice to the rights and obligations derived from its recording in the MIFR

Reason: the draft Rule of Procedure refers to RRB14-2/INFO/1

Effective date of application of this Rule: immediately after approval.

**Rules concerning
PART A1**

Rules concerning APPENDIX 30 to the RR

Art. 5

Notification, examination and recording

ADD

5.1.3

See Rules of Procedure relating to No. **11.44B**.

Rules concerning APPENDIX 30A to the RR

Art. 5

Notification, examination and recording

ADD

5.1.7

See Rules of Procedure relating to No. **11.44B**.

Rules concerning APPENDIX 30B to the RR

ADD

8.1

See Rules of Procedure relating to No. **11.44B**.

*Reason: consequential to the draft Rule of Procedure on No. **11.44B***

Effective date of application of this Rule: immediately after approval