



Radiocommunication Bureau (BR)

Circular Letter
CR/352

23 September 2013

To Administrations of Member States of the ITU

Subject: **Minutes of the 63rd meeting of the Radio Regulations Board**

Pursuant to the provisions of Nos. 13.18 of the Radio Regulations and in accordance with §1.10 of Part C of the Rules of Procedure, please find attached the approved minutes of the 63rd meeting of the Radio Regulations Board (24 – 28 June 2013).

These minutes were approved by the Members of the Radio Regulations Board by electronic means and are available on the RRB pages of the ITU web site.

François Rancy
Director

Annex : Minutes of the 63rd meeting of the Radio Regulations Board

Distribution :

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

Annex

Radio Regulations Board
Geneva, 24-28 June 2013



Document RRB13-2/12-E
16 July 2013
Original: English

MINUTES*
OF THE
63rd MEETING OF THE RADIO REGULATIONS BOARD
24-28 June 2013

Present:

Members, RRB

Mr P.K. GARG, Chairman
Mr S. K. KIBE, Vice-Chairman
Mr M. BESSI; Mr A.R. EBADI; Mr Y. ITO;
Mr S. KOFFI; Mr A. MAGENTA; Mr B. NURMATOV;
Mr V. STRELETS; Mr R.L. TERÁN;
Mr M. ŽILINSKAS; Ms J.N. ZOLLER

Executive Secretary, RRB

Mr F. RANCY, Director, BR

Précis-Writers

Mr T. ELDRIDGE and Ms A. HADEN

Also present:

Mr F. LEITE, Deputy-Director, BR and Chief, IAP
Mr Y. HENRI, Chief, SSD
Mr A. MENDEZ, Chief, TSD
Mr B. BA, TSD/TPR
Mr N. VASSILIEV, TSD/FMD
Mr A. MATAS, SSD/SPR
Mr M. SAKAMOTO, SSD/SNP
Mr S. VENKATASUBRAMANIAN, SSD/SSC
Mr N. VENKATESH, SGD
Mr V. TIMOFEEV, Special Adviser to the Secretary-General
Mr A. GUILLOT, ITU Legal Adviser
Ms K. GOZAL, Administrative Secretary

* The minutes of the meeting reflect the detailed and comprehensive consideration by the members of the Radio Regulations Board of the items that were under consideration on the agenda of the 63rd meeting of the Board. The official decisions of the 63rd meeting of the Radio Regulations Board can be found in Document RRB13-2/11+Corr.1.

	Subjects discussed	Documents
1	Opening of the meeting	-
2	Late submissions and working methods	-
3	Report by the Director of BR	RRB13-2/3
4	Consideration of draft rules of procedure	CCRR/48; RRB13-2/2
5	Submission by the Administration of the Islamic Republic of Iran relating to the summary of decisions of the 61st and 62nd meetings of the RRB	RRB13-2/1
6	Submission by the Administration of China regarding the date of bringing into use and continuous operation of the EMARSAT-1G satellite network	RRB13-2/5
7	Consideration of submissions relating to Circular Letter CR/343	CR/343, RRB13-2/6, RRB13-2/8, RRB13-2/10
8	Submission by the Administration of Italy requesting the reinstatement of the ALPHASAT TDP5 filing at 25° E	RRB13-2/7
9	Submission by the Administration of Turkey requesting the reinstatement of the GOKTURK-1 satellite network filing	RRB13-2/9
10	Cancellation from the MIFR of frequency assignments of INMARSAT-3 IOR-2 satellite network under No. 13.6 of the Radio Regulations	RRB13-2/4
11	Report of the Working Group on the Rules of Procedure	RRB12-1/4(Rev.6)
12	Dates of the next meeting and meeting schedule for 2014	-
13	Approval of the summary of decisions	RRB13-2/11+Corr.1
14	Closure of the meeting	-

1 Opening of the meeting

1.1 The **Chairman** opened the meeting at 1400 hours on Monday, 24 June 2013, and welcomed participants, in particular the Director following his recent illness.

1.2 The **Director** said that he was very pleased to be back with the Board, and thanked the members of the Board for their kind messages of support during his stay in hospital.

1.3 The **Chairman** congratulated Ms Zoller on her appointment as Senior Deputy Coordinator International Communication and Information Policy and Director of Multilateral Affairs at the United States Department of State; Mr Nurmatov on his appointment as Chairman of the Board of Intersputnik; and Mr Ebadi on the publication of his book *Communications Satellite Fundamentals – from design to launch and operation*.

1.4 The Board observed a minute of silence in tribute to Mr Abderrazak Berrada, former member and chairman of IFRB, who had passed away recently.

2 Late submissions and working methods

2.1 The **Chairman** said that the Board continued to receive late submissions to its meetings, even during the meeting itself. He asked the Board to reflect on what approach it should adopt, bearing in mind the present practice whereby, with the exception of late submissions containing comments on rules of procedure, it took late submissions into account for information purposes when they related to items on its agenda. One possible and logical approach would be to accept late submissions for information purposes up until close of business the day before the first day of a meeting, as the Board adopted its agenda on the first day. Some members had expressed the wish to apply a clear cut-off date and time.

2.2 He invited the Board to decide which of the following late submissions it should take up for information purposes at the present meeting:

- RRB13-2/DELAYED/1, 2 and 6 from the Administrations of Croatia, Slovenia and Malta, respectively, relating to the harmful interference caused by Italian stations to their stations (covered in the Director's report to the present meeting);
- RRB13-2/DELAYED/3 from the Administration of Armenia, containing comments on the draft rules of procedure before the present meeting;
- RRB13-2/DELAYED/4 and 5 from the Administrations of the United Arab Emirates and China, respectively, relating to China's submission to the present meeting in Document RRB13-2/5;
- RRB13-2/DELAYED/7 from the Administration of the Islamic Republic of Iran, relating to its submission to the present meeting in Document RRB13-2/1.

2.3 The **Deputy-Director** informed the Board that an e-mail had been received from the Italian mission at 1300 hours that day (Monday, 24 June) containing information on the steps it would be taking (roadmap) to resolve to some extent the harmful interference caused by Italian stations to stations in neighbouring countries. He said that the e-mail was addressed to the Bureau, which would communicate to the Board the information it contained, as appropriate, when the Board considered the corresponding part of the Director's report to the present meeting.

2.4 The Board **agreed** to take into consideration RRB13-2/DELAYED/4 and 5 for information purposes under the agenda item to which they related, and not to take RRB13-2/DELAYED/3 into consideration at all since it contained comments on draft rules of procedure and was unreceivable under No. 13.12A f) of the Radio Regulations.

2.5 Quoting the Board's working methods in Part C of the Rules of Procedure, according to which late submissions could be taken up for information purposes if they related to an item on the Board's approved agenda, **Ms Zoller** raised the question whether items, for example cases of harmful interference, could be considered to be on the Board's agenda if they were covered in the Director's report to the meeting but did not otherwise appear on the Board's agenda.

2.6 **Mr Bessi** recalled the comments he had made at the Board's 62nd meeting. To his understanding, topics that did not appear as specific items on the Board's agenda could not be regarded as being agenda items. Thus, strictly speaking, in accordance with the Board's working methods, RRB13-2/DELAYED/1, 2 and 6 should not be considered at the present meeting.

2.7 The **Chairman** noted that in the past the Board had adopted a broader approach: if late submissions, which were not on rules of procedure, could provide useful information on any matter discussed by the Board, including matters addressed in the Director's report, the Board had taken them into consideration, as appropriate.

2.8 **Mr Magenta** recalled his understanding of the matter as reflected in § 2.4 of the minutes of the Board's 62nd meeting (Document RRB13-1/8), in particular the fact that matters addressed in the Director's report were brought to the meeting's attention for information purposes, and presumably were not to be dealt with as substantive matters unless they were the subject of submissions made on time by administrations. He endorsed Mr Bessi's comments, and stressed that in so far as topics were not specific agenda items but the subject of information in the Director's report, any related late submissions should be accepted for information purposes only and not as a basis for taking decisions on the subjects they concerned. Unless a decision was specifically requested on a subject covered by the Director's report, the subject should not be regarded as an agenda item.

2.9 **Mr Bessi** agreed with Mr Magenta, noting that the Board was not usually required to take decisions on subjects covered in the Director's report. Information in the Director's report could concern follow-up to decisions taken by the Board, but the Board did not change its decision on the subject when considering the follow-up given. Thus, although late submissions might relate to subjects in the report, the Board took no new decisions on the subjects and could not be said to take the late submissions into account in any manner, even as information. Consideration of the late submissions must in fact be deferred to the following meeting, when they would be available in translation and could be considered as normal submissions.

2.10 **Mr Strelets** regretted the fact that the Board wasted time at the start of each meeting deciding what to do with late submissions. Mr Magenta had quoted his own comments as reflected in the minutes of the Board's 62nd meeting, but other Board members had made equally valid comments at the same meeting. The Board must agree to and adopt a general approach to late submissions. It was clear on how it handled late submissions relating to specific items on its agenda, and those on rules of procedure. Regarding late submissions relating to subjects in the Director's report, they should probably not be the subject of specific items on the agenda of the following meeting, since they often related to the implementation of Board decisions and were very useful in monitoring that implementation. The Board might in fact be criticized by administrations if it deferred consideration of the submissions for months for no good reason. In his view, the Board should not change the approach it had applied to late submissions at its 62nd meeting.

2.11 The **Chairman** said he assumed all Board members agreed that the Board should be consistent in its handling of late submissions. He also noted that the Director's report covered cases of harmful interference as follow-up to the Board's decisions on those matters at previous meetings; they were ongoing items. In his view it was logical for the Board to take into account for information purposes any late submissions related to subjects in the Director's report because to do so meant the discussion was all the better informed. In the same manner, the Board regularly asked the Bureau to orally provide the latest information on any subject it discussed. He favoured a broad rather than a more restricted approach.

2.12 **Mr Koffi** agreed that the Board must have a clear approach to late submissions. If a subject in the Director's report led to a decision being taken, any relevant late submissions could be taken into account for information purposes; he saw no conflict between that and the Board's past practice. Alternatively, the matter could be deferred to the following Board meeting.

2.13 **Mr Žilinskas** said that he could agree to take into account any relevant late submissions when considering the Italian case of harmful interference on the basis of the Director's report. He nevertheless failed to see what further could be said on the matter at the present juncture, except that some form of solution might be found when the Board received the special study promised by the ITU Legal Adviser (see § 4.49 of Document RRB13-1/8 – minutes of the Board's 62nd meeting).

2.14 **Mr Magenta** expressed surprise at the late submissions received from Malta, Croatia and Slovenia; the Board had taken decisions on the case of harmful interference in question, and Italy had now provided the Bureau with information on how it intended to tackle the problem. The late submissions could be accepted by the Board for information purposes only.

2.15 **Mr Strelets** said that No. 140 of the ITU Convention provided the Board with clear instructions to "consider reports from the Director of the Radiocommunication Bureau on investigations of harmful interference carried out at the request of one or more of the interested administrations, and formulate recommendations with respect thereto". The matter of the Italian harmful interference was clearly raised in § 4.2.2 of the Director's report to the present meeting, and any information on it would be very useful to the Board.

2.16 **Mr Ito** said that any documents, including late submissions, should be clearly identified, numbered and seen by the Board before it agreed to take them into consideration.

2.17 **Mr Bessi** said he could endorse Mr Strelets' comments regarding CV140. The Board should take all relevant documents into account when considering cases of harmful interference, but comments and requests by administrations must be submitted by the relevant deadlines, and in that regard the Board's approach to dealing with late submissions must be clearly established and minuted – not least so that the Board did not continue to waste time discussing how to handle late submissions at the start of each meeting.

2.18 The **Chairman**, endorsing those comments, suggested that the Board adopt the following approach. Late submissions not addressed to the Board could be taken into account by the Bureau and treated as updated information when the Bureau presented the related subjects to the Board. Late submissions addressed to the Board relating specifically to items on the Board's agenda could be taken into account as information documents. Regarding interference issues, a slightly broader approach could be applied, as the Board might have before it both formal documents and late submissions. If the harmful interference issues were referred to in the Director's report, the Board could take the late submissions into account for information purposes only. On that basis, he proposed that RRB13-2/DELAYED/1 and 6 be taken into account for information purposes when the Board considered the relevant parts of the Director's report; and that since RRB13-2/DELAYED/2 was addressed to the Bureau rather than the Board, the Bureau should report the information it contained to the Board when presenting the relevant subject under the Director's report.

2.19 It was so **agreed**.

2.20 Regarding the late submission received from the Islamic Republic of Iran in RRB13-2/DELAYED/7, **Chief SSD** said that it contained a letter dated 19 June 2013 with, in Annex 1, a text purporting to present the conclusions of the meeting held on 11-12 July 2012 between the Administrations of France/EUTELSAT, the Islamic Republic of Iran and Saudi Arabia/ARABSAT in the form of a “draft coordination agreement” between the same administrations and, in Annex 2, a copy of a letter from the French *Agence Nationale de Fréquences* to the Director of BR dated 13 June 2013. He recalled that at the Board’s 60th meeting it had been explained that the “draft coordination agreement” in fact simply reflected some ideas put forward by the Director at the coordination meeting and could perhaps be regarded as a sort of summary record but by no means as a draft coordination agreement. Nor was it a public document. As to the letter in Annex 2, the French Administration had not requested that it be submitted formally to the Board, but saw no objection to it being made available to the Board and other parties involved in the coordination in order to show what progress was being made. However, because both annexes were to some degree confidential, he sought the Board’s guidance as to whether the Bureau should publish the Iranian late submission with its annexes or without.

2.21 **Ms Zoller** said that the submission should not be addressed until it was clear which parts of it were confidential and which were not. The Board could not decide that.

2.22 **Mr Strelets** endorsed Ms Zoller’s comments, and noted that it was up to the Iranian Administration and not the French Administration to explain and assume full responsibility for the submission it was making. The Board had to work with full transparency, and it was up to its Executive Secretary to clarify all necessary matters relating to the receivability of submissions or parts thereof before they were published and came before the Board.

2.23 The **Deputy-Director** said that the Bureau would contact the Iranian Administration to clarify matters.

2.24 **Chief SSD** subsequently informed the Board that he had contacted the Iranian Administration, which had indicated that it withdrew Annex 2 in its late submission, and everything in Annex 1 save the title of the annex. The late submission would be published as thus purged on the Board’s website.

2.25 **Mr Ebadi**, referring to administrations’ submissions to the present meeting relating to Circular Letter CR/343, asked to what extent Board members could take the floor when their countries’ contributions were taken up.

2.26 **Mr Strelets** said that, in general, members could surely take the floor on matters that affected all administrations, and specifically on Circular Letter CR/343 at the present meeting.

2.27 **Mr Magenta** and the **Chairman** supported a proposal by the **Director** to seek clarification from the ITU Legal Adviser on the matter.

2.28 **Ms Zoller**, quoting No. 98 of the ITU Constitution, said that in her experience as a Board member since 2007, members had refrained from intervening in debate when the decisions being taken had a direct impact on their administration. When matters under debate affected all administrations equally, for example rules of procedure, all members should be free to participate in discussions even if their administration had submitted comments on the subject.

2.29 **Mr Bessi** agreed with Ms Zoller, adding that it would nevertheless be useful to have the Legal Adviser’s opinion. **Mr Koffi**, **Mr Ito** and **Mr Magenta** agreed.

2.30 **Mr Ebadi** recalled that the Board had previously discussed the application of No. 13.6 of the Radio Regulations in general terms with all members participating in the debate, before moving on to individual country submissions related to cases under No. 13.6.

2.31 The **Chairman** noted the general agreement that all Board members were free to intervene when the Board discussed topics affecting all administrations equally, even if their administration had made a submission on the topic. The Legal Adviser's opinion would nevertheless be sought on the matter (see § 7 below).

2.32 It was so **agreed**.

3 Report by the Director of BR (Document RRB13-2/3)

3.1 The **Deputy-Director** introduced the Director's report in Document RRB13-2/3, noting that one activity not covered in the report was the redesign by Ms Gozal (the Administrative Secretary) of the Board's website, which now offered the latest share-point technology. The new procedure for the approval of the minutes of Board meetings, as reflected in Circular Letter CR/346, was in place and the minutes of the Board's 62nd meeting (Document RRB13-1/8) had been duly approved. The experience had shown that the Bureau needed at least three months between Board meetings to apply the approval procedure in a satisfactory manner. He drew attention to § 1 and Annex 1 to Document RRB13-2/3, summarizing the actions arising from the 62nd meeting of the Board. In addition, the Board had instructed the Director to request a special study by the ITU Legal Adviser on legal options for addressing a situation in which an administration, by virtue of being situated within the planning area of the GE06 Regional Agreement, exercised its rights but did not respect its obligations under that agreement. The Bureau was awaiting the Legal Adviser's input, which had been delayed because of pressure of work including preparation for the recent ITU Council session. The Legal Adviser's report would be presented to the Board at its 64th meeting.

3.2 **Chief SSD**, presenting the sections of the Director's report related to space systems, referred to § 2 and Annex 3, describing the current situation with respect to the processing of space notices. He made statistics available that had been updated to include May 2013. There were no problems regarding publications, and the regulatory deadlines were being respected. In regard to § 3 of the report, he noted that there was now a rule of procedure on the implementation of cost recovery for satellite network filings (late payments), and the related Annex 4 to the report listed the satellite network filings for which payment had been received after the due date but prior to the BR IFIC meeting that would have cancelled them, and which the Bureau continued to take into account, as well as the filings cancelled as a result of non-payment of invoices. With regard to the cancelled filings, the Administrations of Italy and Turkey had subsequently paid the invoices, and submitted requests to the Board which would be discussed under separate agenda items. Harmful interference to EUTELSAT satellites was the subject of § 4.3 of the Director's report. As decided at the 62nd meeting, the Bureau had offered to hold a meeting between the Administration of the Islamic Republic of Iran and the Administration of France, but no meeting had taken place in the absence of a response from France. Information on the implementation of various provisions of the Radio Regulations, including No. 13.6, was given in § 5 of the report. Finally, § 6 outlined the Bureau's efforts to help the parties involved reach a solution regarding the coordination of satellite networks at 25.5°/26° E, and it seemed progress was being made in regard to the Ku band. The topic would be discussed under a separate agenda item.

3.3 **Mr Vassiliev (TSD/FMD)**, presenting the sections of the Director's report related to terrestrial systems, referred to § 2 and Annex 2, describing the current situation with respect to the processing of terrestrial notices. Tables and text providing information on reports of harmful interference or infringements of the Radio Regulations were presented in § 4 of the report. In particular, § 4.2.1 gave an update on developments in the cases concerning Cuba and the United States, § 4.2.2 updated the situation regarding Italy and neighbouring countries, and § 4.2.3 noted that no comments had been received in regard to the situation concerning the Democratic People's Republic of Korea and the Republic of Korea.

3.4 With regard to the cases concerning Italy and neighbouring countries, he introduced a late contribution from the Administration of Croatia (RRB13-2/DELAYED/1), which regretted the lack of an action plan and stated that no improvement had been recorded in the field, and a late contribution from the Administration of Malta (RRB13-2/DELAYED/6), which stated that Malta was not in a position to report any positive developments. He informed the Board that the Administration of Slovenia had written to the Bureau on 6 June 2013 stating that almost all Slovenian frequencies near the border were still getting interference from Italy or were being occupied by Italy. He further informed the Board that the Bureau had just received a communication from Italy containing a roadmap.

3.5 **Ms Zoller** said that it would be helpful if Tables 1-2 and 1-3 in § 4.1 of the Director's report, summarizing cases of harmful interference for the terrestrial and space services, respectively, could be harmonized to present all the data in a similar way for both categories of service.

3.6 **Mr Bessi**, referring to item 8 of Annex 1 to the Director's report, concerning additional cost recovery charges imposed on submissions containing the frequency band 21.4-22 GHz, recalled that the Board had decided that the matter should be treated by the Council. He asked what the Council had decided. With regard to the list in Annex 4 to the Director's report of satellite network filings that had been cancelled, he noted that the cancellations had not yet been published and asked whether the Bureau was waiting for a decision from the Board.

3.7 The **Deputy-Director** reported that, with regard to item 8 of Annex 1, the Council had decided that such submissions should not be subject to additional cost recovery. Any related fees already paid would be reimbursed.

3.8 **Chief SSD** said that, with regard to Annex 4, the publication of the cancellations under Decision 482 was neither dependant nor awaiting a decision by the Board.

3.9 **Ms Zoller** noted that memoranda of understanding had been discussed in the 2013 Council and that Council modified the terms of reference for the Council Working Group on Financial and Human Resources in Decision 563 in order for the working group to consider criteria to determine the financial and strategic implications of the establishment of Memoranda of Understanding (as well as Memoranda of cooperation and Agreement) to which the ITU is or will be a party.

3.10 Document RRB13-2/3 was **noted**.

3.11 The **Chairman** invited the Bureau to brief the Board on the content of the communication the Bureau had received from Italy on 24 June 2013.

3.12 **Mr Ba (TSD/TPR)** said that through the roadmap contained in its communication Italy undertook to cease harmful interference to television stations in regard to: 3 (out of 8) cases reported by France; 14 (out of 73) cases reported by Croatia; 14 (out of 32) cases reported by Malta; and 3 (out of 39) cases reported by Slovenia.

3.13 **Mr Strelets** said that the information in the roadmap should be sent to the administrations concerned, as well as being posted on the Board's webpage.

3.14 **Mr Ito** welcomed the information from Italy, pointing out that a roadmap had to be associated with a time-line for implementation.

3.15 **Mr Ba (TSD/TPR)** confirmed that Italy planned to finalize its action concerning the assignments mentioned by September for France, October for Croatia and August for Malta.

3.16 **Chief TSD** recalled that all information received by the Bureau in regard to harmful interference was available on the Board's webpage.

3.17 **Mr Žilinskas** appreciated the information provided by Italy, for which the Board had waited a long time, but noted that the roadmap dealt with only around 7 per cent of the harmful interference reported by Slovenia. He agreed with Mr Strelets that the information should be sent to the administrations concerned.

3.18 **Mr Bessi** pointed out that no document relating to the roadmap had been submitted to the Board. He suggested that the Board should discuss the matter at its next meeting, in the light of comments received from the administrations concerned.

3.19 **Mr Strelets** agreed that the Board should take up the matter at its next meeting, and requested that the report from the Legal Adviser on legal options for addressing the situation should be made available by then.

3.20 The Board **approved** its conclusions as follows:

“The Board noted the Report by the Director (Document RRB13-2/3).

With respect to § 4.2.2 of the Report by the Director (relating to the harmful interference to the sound and television broadcasting services caused by Italy to its neighbours), the Board noted that following its decision on this matter at its 62nd meeting, the Administration of Italy had sent a roadmap to the BR on actions that they would take to solve some of the cases of harmful interference with its neighbouring countries. The Board instructed the Bureau to post this roadmap to the special topic area of the RRB webpage established for this purpose and to forward it to the administrations affected with request for their comments. The Board appreciated the efforts of the Administration of Italy and urged them to provide the complete roadmap, including deadlines, at the earliest possible time.

Regarding the special study that was to be prepared by the ITU legal advisor to identify any legal options available for addressing a situation whereby an administration, under the GE06 Regional Agreement, exercises its rights but does not respect its obligations, that was requested by the Board at its 62nd meeting, the Board requested the Director of the Radiocommunication Bureau to work with ITU Legal Advisor to ensure that the study was completed in time for consideration at its 64th meeting.

The Board instructed the Director of the Radiocommunication to post this study on the RRB webpage as soon as it was available.

The Board instructed the Bureau to continue to monitor the situation and to report to the next meeting of the Board.”

4 Consideration of draft rules of procedure (Circular Letter CCRR/48; Document RRB13-2/2)

4.1 The **Chairman** drew attention to Circular Letter CCRR/48 containing a draft modification to Part C of the Rules of Procedure, dealing with the Board’s internal arrangements and working methods, and to the comments received from the Administration of Pakistan in Document RRB13-2/2 supporting the draft modification.

4.2 The draft modification to Part C of the Rules of Procedure was **approved**, with immediate entry into force.

5 Submission by the Administration of the Islamic Republic of Iran relating to the summary of decisions of the 61st and 62nd meetings of the RRB (Document RRB13-2/1)

5.1 **Chief SSD** introduced Document RRB13-2/1 submitted by the Administration of the Islamic Republic of Iran, commenting on two subjects: (A) the harmful interference to satellites operated by EUTELSAT and the Board's decision appearing in the summary of decisions of the 62nd meeting (Document RRB13-1/7); and (B) the coordination of satellite networks at 25.5°/26° E and the Board's decision thereon as reflected in the summary of decisions of the 61st meeting (Document RRB12-3/12). The Administration of the Islamic Republic of Iran had submitted additional information in regard to subject B in Document RRB13-2/DELAYED/7.

5.2 Responding to a complaint expressed by the Administration of the Islamic Republic of Iran in § A3 of Document RRB13-2/1 in regard to its statements submitted to the 62nd meeting of the Board, the **Chairman** observed that the Board always considered all important aspects of matters brought before it, and took account of those aspects in reaching its decisions.

5.3 **Mr Strelets** noted that, with regard to subject A, the Iranian Administration claimed that, under the prevailing political circumstances, independent and neutral monitoring stations did not exist. Further, as indicated in § 4.3 of the Director's report (Document RRB13-2/3), no meeting had yet taken place in the absence of a response from the Administration of France. With regard to subject B, there again seemed to be a lack of progress. He expressed a general concern about ITU's lack of effectiveness in solving problems of harmful interference.

5.4 **Mr Bessi** agreed with Mr Strelets about the need for ITU to be effective in resolving problems of harmful interference. Concerning subject A, the Board had considered that international cooperation for monitoring and localization of harmful interference was highly desirable, and in his view the Bureau could guarantee the independence of the monitoring.

5.5 **Mr Ebadi** also supported Mr Strelets. Despite the Board's decision, which WRC-12 had endorsed, the problem of subject B remained unresolved. It was essential to bring all the parties together. With regard to subject A, he said that the Bureau could ensure the independence and neutrality of monitoring by looking at information from two or three sources.

5.6 **Mr Kibe** noted that, in regard to subject A, the Islamic Republic of Iran considered that the interference was a technical matter to be investigated with the utmost goodwill and mutual efforts. With regard to subject B, the Islamic Republic of Iran expressed willingness to participate in a technical coordination meeting. To make progress on both those subjects, the participation of France was needed.

5.7 **Chief SSD** informed the Board that, with respect to subject B, the Bureau had sent messages to the Administrations of France, the Islamic Republic of Iran and Saudi Arabia urging them to reach agreement. There had been an exchange of correspondence between the operators of ARABSAT and EUTELSAT, and an operational and technical arrangement has been implemented. No reports of harmful interference had been received recently. Subject A was more sensitive because the harmful interference apparently emanated from an illicit source, for which France had suggested that it might be a licensing issue. A meeting between the Administrations of France and the Islamic Republic of Iran in Geneva, under the auspices of the Bureau, would be desirable and invitations were sent, but no response had been received from France regarding the dates suggested by the Bureau.

5.8 The **Director** added, with regard to subject B, that France and Saudi Arabia had agreed to meet in July. It seemed that arrangements had been made for the Ku band but agreement still had to be reached for the Ka band. Two satellites would soon be launched, and the two parties recognized the urgency of finding a solution. If the July meeting was conclusive, then the Bureau could try to organize a tripartite meeting to reach an overall agreement. In contrast, progress on subject A appeared to be blocked. EUTELSAT stated

that the harmful interference came from the Islamic Republic of Iran, but the Iranian Administration argued that the source of that information was not independent. He was reluctant to use ITU funds for a technical evaluation if the Islamic Republic of Iran refused to recognize the validity of the result.

5.9 **Mr Ebadi** was pleased to hear that there was progress regarding subject B, and he suggested that the Board set a timeframe for agreement to be reached. Concerning subject A, he said that geolocation technology was available and was being used to find pirate stations, with an accuracy of 4 kilometres.

5.10 **Mr Strelets** said that both subjects should be resolved by the time of the Board's next meeting. He welcomed the progress in regard to subject B, and noted that, with regard to subject A, the Islamic Republic of Iran proposed a joint technical working group to locate the source of interference.

5.11 **Mr Žilinskas** thought that the parties might be given until October to meet.

5.12 **Mr Ebadi** said that the Board should put September in its decision, giving the parties leeway to meet in July. **Mr Bessi** supported that approach.

5.13 The **Chairman** said that specifying September underlined the urgency of reaching agreement.

5.14 **Ms Zoller** recalled that the Board's decision at its 62nd meeting had also instructed the Bureau to study proposals for independent monitoring to confirm the origin of interfering signals as well as to create a database of events of harmful interference. Various aspects had been discussed, such as memoranda of cooperation, procedures for employing monitoring stations, use of multiple measurement sources, and the capacity of independent monitoring to confirm the validity of assignments in the MIFR. She suggested that the Bureau should report to the next meeting of the Board on its activities in that area.

5.15 **Mr Strelets** observed that operators commonly faced interference, which usually arose because of low quality of equipment or lack of training in the use of the equipment, and only rarely was caused deliberately. Many companies specialized in finding out where interference was coming from.

5.16 The Board **agreed** to conclude as follows:

"The Board carefully considered the submission from the Administration of the Islamic Republic of Iran (Document RRB13-2/1) relating to the Summary of Decisions of the 61st and 62nd meetings of the RRB, Documents RRB12-3/12 and RRB13-1/7 respectively. The Board also took into account the relevant parts of the Report of the Director of the Radiocommunication Bureau (Document RRB13-2/3) as well as the information provided in Document RRB13-2/DELAYED/7. The Board came to the following conclusions:

- A. With respect to the harmful interference to the satellites operated by EUTELSAT:
 - i) The Board considered that resolution of harmful interference in an expeditious manner is essential to achieving the purposes of the Union. Good will, mutual respect and technical cooperation are fundamental elements for addressing these cases.
 - ii) The Board noted the absence of a response by the Administration of France to the Bureau's proposal to convene a meeting in order to assist both parties, as instructed by the Board.
 - iii) The Board regrets the lack of responsiveness to the Board's and Bureau's efforts, and urged both administrations to exhibit the necessary good will and cooperation.
 - iv) In this regard, the Board instructed the Bureau to urgently convene a meeting of the parties at a mutually agreeable time and location, by September 2013, in order to progress the resolution of these cases of harmful interference and to report to the 64th meeting of the Board on the results achieved.
 - v) The Board instructed the Director of the Radiocommunication Bureau to communicate this decision to the Administrations of the Islamic Republic of Iran and France.

- B. With respect to the coordination of satellite networks at 25.5°/26° E:
- i) The Board noted with appreciation the efforts of the Director of the Radiocommunication Bureau to actively support the decisions of the RRB at its 60th meeting, where the Board urged the Administrations of France, Iran, and Saudi Arabia to accelerate the coordination of their satellite networks at the positions 25.5°/26° E in accordance with the decisions of the 58th meeting of the RRB and the conclusions of WRC-12.
 - ii) The Board instructed the Director of the Radiocommunication Bureau to continue these active efforts by hosting the bilateral meeting between the Administrations of France and Saudi Arabia scheduled for mid-July 2013 and by scheduling another tripartite meeting between the Administrations of France, Iran, and Saudi Arabia at a mutually agreeable time and location, by September 2013, in order to come to a conclusion regarding the satellite network coordination for the concerned Ku band frequencies and to report to the 64th meeting of the Board on progress achieved.
 - iii) The Board instructed the Director of the Radiocommunication Bureau to communicate this decision to the Administrations of the Islamic Republic of Iran, Saudi Arabia, and France.
- C. With respect to employing independent monitoring observations to confirm the origin of interfering signals:
- i) The Board recalled that in its Report to WRC-12 under Resolution 80 (Rev. WRC-07), the RRB considered that monitoring results obtained by recognized international monitoring stations using measurement techniques and technologies documented in the *ITU-R Handbook on Spectrum Monitoring* are a valuable resource for addressing harmful interference.
 - ii) The Board instructed the Director of the Radiocommunication Bureau to submit a report to the 64th meeting of the Board concerning the Bureau's efforts to engage multiple independent international monitoring stations, taking into account the continued applicability of the decisions and discussions of this issue at the 62nd meeting (e.g., the status of any Memoranda of Cooperation, procedures for employing monitoring stations, the use of multiple measurement sources, data collection, potential costs, etc.)."

6 Submission by the Administration of China regarding the date of bringing into use and continuous operation of the EMARSAT-1G satellite network (Document RRB13-2/5)

6.1 **Mr Venkatasubramanian (SSD/SSC)** introduced Document RRB13-2/5 and recalled the background to the case including the decision taken by the Board at its 62nd meeting regarding the submission by the United Arab Emirates concerning harmful interference to the operations of the YAHSAT-1A satellite at 52.5°E. Following the 62nd meeting, the Administration of China had requested the Bureau to investigate the bringing into use and continuous operation of EMARSAT-1G. The Bureau had forwarded that request to the Administration of the United Arab Emirates and, based on that administration's reply that EMARSAT-1G was used for national defence services, had told China that the United Arab Emirates was using EMARSAT-1G under Article 48 of the ITU Constitution. In its submission to the present meeting, China requested the Board to review the conformity of EMARSAT-1G with Nos. 11.44 and 11.49 of the Radio Regulations, taking into account the fact that BR had consulted the notifying administration under No. 13.6 of the Radio Regulations. China had found no evidence of the bringing into use and continuous operation of the network prior to April 2011, which was when the YAHSAT-1A satellite had been launched. China also requested the Board to confirm China's understanding that satellites used by national defence services must nevertheless fulfill all relevant obligations under the Radio Regulations, in particular in regard

to bringing into use and continuous operation. China also noted that the United Arab Emirates had other filings at 52.5° E that it could use for the operations of YAHSAT-1A.

6.2 At the request of the **Chairman**, he drew attention for information purposes to Documents RRB13-2/DELAYED/4 and 5. In RRB13-2/DELAYED/4, the United Arab Emirates responded in some detail to the arguments put forward by China in Document RRB13-2/5, noting that the United Arab Emirates' satellite was already operational at 52.5° E whereas China had no satellite operating at that position yet, and concluding that there was no reason for the Board to review again the validity of the EMARSAT-1G satellite network, particularly since China had raised no new element justifying such investigation. In RRB13-2/DELAYED/5, China responded to the United Arab Emirates' late submission and asserted that the fact that EMARSAT-1G had been recorded in the Master Register with a favourable finding under No. 11.31 did not mean that the network had been brought into use and operated continuously prior to April 2011, and that if the relevant obligations under the Radio Regulations had not been fulfilled the filings were not entitled to obtain the "international recognition irrespective of how many required coordination agreements have been reached".

6.3 **Mr Magenta** asked whether satellites used for national defence services under the ITU Constitution were subject to the same regulatory procedures in regard to bringing into use and continuous operation as satellites not used for such services. He also asked whether the United Arab Emirates' network had been brought into use and operated in accordance with the applicable Radio Regulations and related rules of procedure, noting that Nos. 203 and 204 of the Constitution were far from clear, especially with their use of terms like "so far as possible" and "in general".

6.4 **Mr Bessi** said that, to his understanding, the Bureau had inferred that the United Arab Emirates was operating the EMARSAT-1G satellite network under Article 48 of the Constitution from the information provided by the United Arab Emirates that the network was being used for government systems. The Administration of the United Arab Emirates stated clearly in RRB13-2/DELAYED/4 that it had brought the network into use in full accordance with the relevant regulatory provisions. In his view, that made the application of Article 48 irrelevant.

6.5 **Chief SSD** confirmed that the United Arab Emirates had not itself invoked Article 48 in relation to the use of EMARSAT-1G; but stated that the network was used for governments systems; the Bureau had however inferred that the network was operated under that article which is the only provisions in the basic texts of the ITU, including the RR (except call signs under No.19.28), referring to national defence, and had informed the Chinese Administration accordingly. In § 3 of RRB13-2/DELAYED/4, the United Arab Emirates nevertheless stated clearly that the operations of its government systems under EMARSAT-1G were and would continue to be in compliance with Nos. 197, 203 and 204 of the ITU Constitution and Nos. 0.4 and 8.1 of the Radio Regulations. As to the bringing into use and continuous operation of EMARSAT-1G, the examination and validation of both information for all satellite networks (including EMARSAT-1G) had been somewhat processed with less scrutiny by the BR prior to the publication of Circular Letter CR/301 in 2009 than subsequently after BR's initiatives for review of existing satellite networks in C & Ku bands and Ka band initiated respectively in December 2009 and April 2010. EMARSAT-1G had been declared brought into use in 2004, and that declaration had been accepted without question by BR. Nor had any administration contested that declaration. Following the publication of Circular Letter CR/301, the Bureau had become far more proactive in verifying the legitimacy of declarations of bringing into use, continuous operation and suspension, and had conducted exercises to check whether what was declared by administrations matched the real situation, particularly regarding the C and Ku bands, and subsequently the Ka band. In the course of that exercise the Bureau had on 17 December 2009 asked the United Arab Emirates and other administrations to confirm matters regarding some of their networks, including, for the United Arab Emirates, EMARSAT-1G for the C and Ku bands. No reply having been received immediately, the Bureau had sent a reminder on 18 February 2010, and in April 2010 the United Arab Emirates had requested deletion of some of its networks, and the suspension of EMARSAT-1G as from 15 August 2009.

At the time, it had been the Bureau's practice to accept verbatim, suspension requests for which the date of suspension was prior to CR/301 and associated BR's reviews and not to question it retroactively. The Bureau therefore had suspended the network as requested. The United Arab Emirates had notified the network's resumption of operation within the applicable two-year period by means of the YAHSAT-1A satellite. Taking the above into account, BR had indicated at the Board's 62nd meeting that the EMARSAT-1G network was in operation in conformity with the Radio Regulations.

6.6 **Mr Bessi** said that EMARSAT-1G appeared to be a network that was in service in conformity with the relevant provisions of the ITU Constitution and Convention, with No. 11.49 of the Radio Regulations as applied by the Bureau at different periods, and with No. 11.44 in regard to bringing into use within seven years. At its 62nd meeting the Board had concluded that the network was recorded in the Master Register with a favourable finding under No. 11.31 of the Radio Regulations and therefore had the right to recognition and protection under No. 8.3. The Board had urged the two administrations to cooperate in seeking a solution regarding their respective networks involved. China had not responded to the United Arab Emirates' coordination request, but had submitted a series of questions to the Board regarding bringing into use and continuous operation. In his view, there was no reason for the Board to change its previous decision on the matter, as that decision remained valid.

6.7 **Mr Ito** said that the main issue under consideration was not the application of Article 48 of the Constitution, but the treatment of a satellite in service in the light of comments received from another administration. At its 62nd meeting, the Board had concluded that EMARSAT-1G was a network legally registered in the Master Register and in service. Up until the Board's 62nd meeting, no administration had challenged the network's status. The only mechanism for dealing with China's submission was No. 13.6 of the Radio Regulations, which spoke of consulting the notifying administration if it appeared from reliable information that a recorded assignment had not been brought into use, was no longer in use, or continued to be used but not in accordance with the characteristics notified under Appendix 4. Otherwise, there were generally no grounds for one administration to request action regarding another administration's network legally registered in the Master Register. The request before the Board involved verifying the bringing into use of a previous-generation network, and to return to the past in order to do so could only cause confusion regarding the present situation of the MIFR. The approach to bringing into use had changed significantly following the publication of Circular Letter CR/301, and the intent of No. 13.6 was to clarify the situation when a problem arose. The Board could not take retroactive action regarding a situation that had changed, when such action might alter matters for administrations whose satellites were considered to be legitimate.

6.8 **Mr Žilinskas** supported Mr Ito. The Board had discussed the matter at its 62nd meeting under all the relevant provisions and had decided that the Bureau had acted correctly. China was addressing the matter at the operational level, and the Board could only invite that administration to seek a satisfactory operational solution to its problems. He asked the Bureau if it knew the coverage of the EMARSAT-1G network.

6.9 **Mr Strelets** said that Mr Ito had raised a fundamental point regarding retroactive action under the Radio Regulations, which could be of crucial importance in the Board's work in the future. A clear understanding of the first sentence of No. 13.6 was essential, where the key word was "reliable"; plenty of information was "available", but not all of it was "reliable". The Board must ask itself what timeframes were applicable under No. 13.6, and whether or not it could review situations and events 10-15 years in the past. In that regard he fully supported Mr Ito; neither the Bureau nor the Board should attempt to reassess the situation far back in time, but should regard what was reflected in the MIFR as "reliable information". If a given party questioned the bringing into use of a filing, the investigation must be linked to No. 11.49 of the Radio Regulations, with that provision providing the timeframe for any retroactive measures taken. It was impossible to determine precisely what might have transpired 5-10 years previously, since satellites were often moved, replaced, leased, and so on, and the fact that a satellite had been launched was no guarantee that it had been brought into use. Any retroactive consideration of bringing into use and continuous operation must be limited to the timeframes in the Radio Regulations.

6.10 **Mr Ebadi** said that the judgement made and decision taken by the Board at its 62nd meeting had been based on the information provided by the Bureau from its database, in other words by the Bureau as sole custodian of the MIFR in accordance with No. 13.4 of the Radio Regulations. He realized that there were no new elements provided by BR or reflected in the BR database since 62 meeting of the RRB to change the previous decision of the RRB. In fact, the matter seemed more for the Bureau's consideration than the Board's. Based on the input documents he believes that Article 48 of the constitution is not applicable in this case.

6.11 **Mr Ito** added that China was not actually asking the Board to revise its past decision, but to clarify the status of the EMARSAT-1G network. He had no objection to that request. However, it was not for the Board to examine the matter retroactively, but for China, the United Arab Emirates and the Bureau to resolve the question. The Board should simply encourage the parties to pursue coordination to find a satisfactory solution.

6.12 **Mr Bessi** endorsed Mr Ito's comments, especially concerning the retroactive analysis of satellite networks, which China was requesting. Notwithstanding all the exchanges between China, the United Arab Emirates and the Bureau, the Board should state clearly its position regarding the treatment of the EMARSAT-1G filing and retroactivity in analysing satellite networks, and confirm its past decision as remaining valid. In order to respond to the specific points raised in §§ 2.1-2.4 of China's submission in Document RRB13-2/5, the Board should state that the United Arab Emirates' network was recorded in the MIFR in accordance with the relevant provisions of the ITU Constitution and Radio Regulations. Like Mr Ebadi, he saw no reason to give further consideration to Article 48 of the Constitution, as the United Arab Emirates had not itself invoked that article.

6.13 **Mr Magenta** said that, in view of the Bureau's explanations and Mr Ito's comments, he supported Mr Bessi's proposed conclusions. He added that the Board could not give specific directives in such cases, but could only urge the administrations concerned to find a compromise solution.

6.14 **Ms Zoller** supported the conclusions proposed by previous speakers; the situation had not changed since the Board's 62nd meeting. The Board should also confirm that the Bureau had acted correctly.

6.15 The Board **approved** its conclusions as follows:

"The Board considered in depth the submission from the Administration of China in Document RRB13-2/5 relating to the date of bringing into use and continued operation of the EMARSAT-1G satellite network. The Board also took into account the information provided in Documents RRB13-2/DELAYED/4 and RRB13-2/DELAYED/5.

The Board noted that:

- 1) The EMARSAT-1G satellite network is recorded in the MIFR with a favourable finding under RR No. **11.31**. As per the information provided by the Administration of the United Arab Emirates (UAE), the YAHSAT-1A satellite is in operation under these filings at 52.5° E.
- 2) The Bureau clarified its working procedures both before and after the issuance of Circular Letter CR/301 (relating to RR No. **13.6**) in 2009.
- 3) The suspension and subsequent bringing into use of the frequency assignments of the EMARSAT-1G network were in accordance with the applicable provisions of the Radio Regulations at the time.

Taking into account the above and the decision taken at its 62nd meeting, the Board concluded as follows:

- 1) The Radiocommunication Bureau had acted correctly in applying the provisions of the Radio Regulations and the actions of the Bureau as custodian of the Master International Frequency Register (MIFR) were in conformity with the provisions of the ITU Constitution, ITU Convention and the Radio Regulations.

- 2) The Board considered that the relevant provisions of the Radio Regulations were correctly applied by the Administration of the UAE with respect to their EMARSAT-1G satellite network filing. Hence, the reference to the applicability of CS Article 48 requires no further investigation.
- 3) The Board again urges the Administrations of the UAE and China to make every possible mutual effort to overcome the difficulties and achieve coordination in a manner acceptable to the parties concerned, taking into account the Rule of Procedure for No. 9.6 of the Radio Regulations.

The Board instructed the Director of the Radiocommunication Bureau to communicate this decision to the Administrations of China and the UAE.”

7 Consideration of submissions relating to Circular Letter CR/343 (Circular Letter CR/343; Documents RRB13-2/6, RRB13-2/8 and RRB13-2/10)

7.1 The **Chairman** invited the ITU Legal Adviser to give his opinion on the applicability of No. 98 of the Constitution (CS98) in the framework of the Board’s discussion of Circular Letter CR/343.

7.2 The **Legal Adviser** noted that it was not for the secretariat to interpret the provisions of treaties, and stressed that his opinion was not an interpretation. He explained that, in general, the provisions of treaties had to be interpreted in good faith, in line with an ordinary understanding of their wording, and in regard to their aim and objectives. According to CS98, members of the Board were not to represent the interests of their Member State or region. The purpose of CS98 was clearly to ensure the independence of Board members and prevent a member from being placed, or facing the possibility of being placed, in a situation of conflict of interests when the Board was called upon to take a decision concerning the administration of the member’s own country. The intention was clearly to “protect” the Board member from any possibility of conflict of interests, but also to ensure both a credible and objective basis for the Board’s decision-making. In providing that “each member of the Board shall refrain from intervening in decisions directly concerning the member’s own administration”, the use of the term “directly” appeared to indicate that Board members should refrain from intervening only in cases where a decision directly concerned the particular interest of their administration, not where their administration had simply commented on a case of a general scope. A more restrictive reading of the provision could lead to an unreasonable result: if more than one third of Board members’ administrations commented on a general topic – and more than one third of Board members were thereby disqualified from intervening – then the Board would be potentially unable to reach a decision. Such an outcome would clearly be absurd. He therefore concluded that CS98 did not prevent Board members from intervening in the present case of the Board’s discussion of Circular Letter CR/343.

7.3 **Mr Ebadi** asked whether, under CS98, Board members could intervene *indirectly* in decisions concerning their own administration.

7.4 The **Legal Adviser** noted that, in CS98, “directly” qualified “concerning”, rather than “intervening”. The provision did not aim to prevent members of the Board from intervening in discussions on general subjects that affected all administrations.

7.5 **Mr Bessi** and **Mr Strelets** welcomed the clarification of CS98 provided by the Legal Adviser, which allowed all members of the Board to participate in discussions of rules of procedure. **Mr Strelets** understood that Board members should refrain from intervening in decisions that directly affected their administration or a group of administrations that included their administration.

7.6 **Mr Magenta** accepted that, according to CS98, Board members must refrain from defending their own administrations in specific cases that directly concerned those administrations, and must not influence any decisions taken by other Board members in such cases. He nevertheless considered that Board members could intervene to provide clarification.

7.7 The **Legal Adviser** said that CS98 seemed to refer to the decision-making process, and apparently did not prevent a clarification being provided by Board members in regard to cases directly concerning their administrations if the other Board members requested it or at least were not opposed to it. He had not, however, studied that question in depth and requested the Board to consider his opinion as provisional.

7.8 **Mr Ito**, responding to the comment by Mr Magenta, understood the utility of having cases clarified. He however considered that, if clarification was necessary, it should be provided in response to a request for clarification. He further stressed the importance of equal treatment. If a Board member provided a clarification for one side, while the opposing side was not represented and hence had no opportunity to clarify matters, then there would be inequality of treatment.

7.9 The **Legal Adviser** said that the crux of the problem was not the intervention by a member of the Board but the equality of all Member States before the Board. In a case where parties were opposed, each side should have an equal opportunity to present its case. With regard to the comment by Mr Strelets regarding decisions directly concerning a group of administrations, if the group was large then several Board members might have to refrain from intervening, thereby jeopardizing the ability of the Board to reach a decision. The Board would have to judge on a case by case basis whether members whose administrations were concerned should be allowed to intervene.

7.10 **Ms Zoller** said that the practice of the Board had been for all members of the Board to discuss rules of procedure, circular letters or practices of the Bureau that applied equally to every Member State, whether or not a Board member's administration had provided comments on the matter. She was satisfied that the opinion of the Legal Adviser was in line with the Board's practice. With regard to intervening on a subject directly concerning a Board member's own administration, she said that the Board must operate with an abundance of caution and Board members must be circumspect, for the reasons given by Mr Ito. Board meetings were closed and the Board operated on the basis of written contributions. She was satisfied with the Board's current practice, in which members refrained from participating in decisions concerning their own administrations.

7.11 The **Chairman** said that the Board had to be fair and impartial, and it was equally important for the Board to be perceived as fair and impartial. He agreed with Ms Zoller that Board members should be abundantly cautious, even in regard to providing clarification. He invited the Legal Adviser to confirm his provisional opinion on the matter. Turning to the topic in hand, he invited the Bureau to introduce Circular Letter CR/343 and the related comments from administrations.

7.12 **Chief SSD** introduced Circular Letter CR/343, providing primarily information on the Bureau's implementation of provisions related to the bringing into use and suspension of a frequency assignment to a space station in the geostationary-satellite orbit. Comments by the Administrations of the United States and Luxembourg were contained in Annex 1 to Document RRB13-2/6, with a copy of a letter from the United States Department of State to the Director of BR in Attachment 1 and a copy of the Bureau's response in Attachment 2. Similar comments were made by the Administration of Canada in Annex 1 to Document RRB13-2/8 and by the Administration of the Russian Federation in Annex 1 to Document RRB13-2/10, with a copy of the Bureau's response to the Russian Federation in Annex 2.

7.13 Responding to a query by **Mr Ebadi**, he explained that Circular Letter CR/343 dealt not with the notification and recording of frequency assignments but with the procedures related to informing the Bureau and confirming the bringing into use of an assignment. No. 11.44B of the Radio Regulations introduced time limits for providing confirmation of the bringing into use of frequency assignments, which had a bearing on the timing for providing notification information in which the date of bringing into use is to be provided, as confirmed in the Rule of Procedure on No.11.44.

7.14 **Mr Ebadi** said that, according to the Constitution and Convention, a rule of procedure was the correct way of informing administrations how the Bureau would understand and implement a provision of the Radio Regulations approved by a WRC. He was not in favour of using a circular letter for that purpose.

He observed that the Board had just approved a rule of procedure on its own working methods, taking the view that for reasons of transparency the Board would not consider confidential material. In contrast, Circular Letter CR/343 in § 2.4.1 and § 2.4.2 envisaged that the Bureau might request administrations to provide confidential information on the basis of non-disclosure agreements. He did not believe that the Bureau should seek information under those conditions. Indeed, export licences from the United States did not allow countries to provide confidential information to ITU relating to such licences. The Administrations of Canada and the United States had also raised questions concerning § 2.4.1.

7.15 **Mr Strelets** said that, as pointed out by the Administrations of the United States and Luxembourg, Circular Letter CR/343 was inconsistent with Article 13 of the Radio Regulations, specifically No. 13.12A. Furthermore, the content of Circular Letter CR/343 went beyond the Final Acts of WRC-12. The Board would have to consider the validity of Circular Letter CR/343 and the steps that needed to be taken by the Bureau and Board.

7.16 **Mr Bessi** said that, while the stated aim of Circular Letter CR/343 was to inform administrations, in reality the circular letter appeared to be making rules for the handling of cases that might arise in the future. In regard to the application of No. 11.44B of the Radio Regulations, the information listed in § 2.4.1 of Circular Letter CR/343 went far beyond that required under Resolution 49 (Rev. WRC-12). In regard to the application of No. 11.41 and No. 11.41.2 of the Radio Regulations, the information mentioned in § 4.2 of Circular Letter CR/343 was subjective in nature. Also, § 2.3.5 was confusing, and he suggested that it should be redrafted to read: "In order to comply with the provisions of the rule of procedure on No. 11.44B ...". The correct course of action was for the Bureau to implement the Radio Regulations as adopted by the WRC. Rules of procedure could be developed as necessary, in accordance with Article 13 of the Radio Regulations, if difficulties arose.

7.17 **Ms Zoller** said that the Board should decide what it would request the Bureau to do in regard to Circular Letter CR/343.

7.18 **Mr Ito** agreed with Ms Zoller. He understood that the aim of the circular letter was to inform administrations, but the proper mechanism for that was through a rule of procedure. Various opinions had been expressed with regard to § 2.4.1 and § 2.4.2; in his view the Bureau might need that type of information as part of a mechanism to verify bringing into use (similar to No. 13.6 of the Radio Regulations, which gave the Bureau scope to validate recording in the MIFR). The matter needed further discussion.

7.19 **Mr Ebadi** suggested that the Bureau should modify or withdraw Circular Letter CR/343 and, where it faced difficulties in implementing the Radio Regulations, draft rules of procedure and circulate them to administrations.

7.20 **Mr Strelets** acknowledged the Bureau's good intention to increase transparency by publishing the circular letter and suggested that the Board ask the Bureau to draft rules of procedure, as proposed by the Administration of Canada. Meanwhile, the Bureau should suspend implementation of the practices described in the circular letter. In this regard, it should be taken into account, that circular letters of the Radiocommunication Bureau of ITU are of regulatory nature, and not informational, in most cases. It applies to the Rules of Procedure that are sent to Administrations via circular letters by the Director of the Bureau.

7.21 **Mr Magenta** said that the Bureau had done well to prepare the circular letter, which was simply an information document. The Bureau should now draft rules of procedure, taking account of the comments that the circular letter had elicited.

7.22 The **Director** confirmed that Circular Letter CR/343 informed administrations how the Bureau intended to implement the Radio Regulations and Rules of Procedure. The circular letter in no way contradicted the existing provisions. For example, § 2.4.1 of Circular Letter CR/343 stated that "to avoid *possible* misinterpretation of the meaning of 'with the capability of transmitting or receiving that frequency assignment' ... the Bureau has developed a non-exhaustive list of possible types of information that *might* be

requested ...” (emphasis added). Despite the careful drafting, that text had been misinterpreted as constituting a rule of procedure. He said that there was no question of withdrawing the circular letter but suggested that, if some of the practices foreseen therein as possibilities did not suit administrations, then the Bureau could suspend those practices while drafting any necessary rules of procedure.

7.23 **Ms Zoller**, supported by **Mr Žilinskas** and **Mr Bessi**, observed that the four administrations that had commented, as well as Board members, had perceived Circular Letter CR/343 as defining practices of the Bureau outside of the Rules of Procedure.

7.24 **Mr Ebadi** realized that there are Radio Regulations, Rules of Procedure, BR circulars letters and legal advisor opinion. He pointed out that only the Radio Regulations and Rules of Procedure were binding on administrations.

7.25 **Chief SSD** said that suspending the entire circular letter would have the effect of halting the Bureau’s work up to adoption of relevant Rules of Procedure. He recalled that the Bureau provided regularly information to administrations not only through circular letters, but also via the Preface to the BR IFIC (Space Services) or as “news” on the BR IFIC DVD ROM, whenever the need for additional clarification had emerged. He pointed out that the Bureau’s intentions as reflected in Circular Letter CR/343 were not to place any additional obligations on administrations than the existing ones under the Radio Regulations. As a follow-up to Circular Letter CR/301, the Bureau had and would continue to request information and clarification, as needed; it was then the prerogative of the administration concerned whether or not to respond. With regard to confidential information, he noted that some administrations already shared such information with the Bureau under non-disclosure agreements.

7.26 **Mr Bessi, Mr Koffi, Ms Zoller, Mr Terán, Mr Ebadi, Mr Magenta, Mr Žilinskas and Mr Strelets** endorsed the approach suggested by the Director as the way forward.

7.27 **Ms Zoller** suggested that the Board should give guidance to the Bureau for the preparation of rules of procedure in accordance with No. 13.12A. She noted that the comments from administrations had, in particular, raised questions concerning §§ 2.3.5, 2.4.1, 2.4.2, 4.1 and 4.2.

7.28 **Mr Bessi** said that it had been within the Bureau’s competence to publish Circular Letter CR/343, in terms both of transparency and of the Bureau’s responsibility for maintaining the MIFR. The Board had not identified any points, other than those commented on by administrations, that posed problems. The Bureau should suspend implementation of the points contested by administrations, pending the adoption of rules of procedure on those matters.

7.29 **Mr Ito** said that, having considered the comments from administrations, it was clear that further discussion of §§ 2.3.5, 2.4.1, 2.4.2, 4.1 and 4.2 was needed. Even though implementation of those points might be suspended, in reality the Bureau’s work would continue.

7.30 **Ms Zoller** added that the Bureau’s work under No. 13.6 should not be jeopardized.

7.31 **Mr Strelets** said that the Constitution and Convention did not empower the Bureau to establish requirements for administrations or interpret the Radio Regulations. If the Bureau encountered difficulties in implementing the Radio Regulations, it could turn to the Board. Circular Letter CR/343 as a whole was not in conformity with the provisions of Article 13 of the Radio Regulations.

7.32 **Mr Bessi** considered that, as an information document that placed no obligations on administrations, Circular Letter CR/343 did not contravene the Constitution, Convention or Radio Regulations.

7.33 The **Chairman** said that, in his personal view, it would not be advisable to suspend the circular letter. He invited comments on the contentious points in it, in order to guide the Bureau in preparing rules of procedure.

7.34 **Mr Ito** requested clarification of § 2.3.5 of Circular Letter CR/343. If an administration informed the Bureau of bringing into use under No. 11.44B but did not complete notification under No. 11.15, would the Bureau cancel the date of bringing into use communicated or maintain the date but keep its status in the MIFR pending until the BR received notification under No. 11.15? Notification was a prerequisite for status in the MIFR, but the relationship between Nos. 11.44B and 11.15 was ambiguous. If § 2.3.5 was applied, a satellite that had been brought into use under No. 11.44B might have an undetermined status until the procedure under No. 11.15 had been completed.

7.35 **Ms Zoller**, supported by **Mr Žilinskas**, said that the Board should instruct the Bureau to prepare rules of procedure for various points in the circular letter. No. 11.44B of the Radio Regulations, along with the existing rule of procedure on No. 11.44B, would provide guidance to the Bureau in that task.

7.36 **Mr Bessi** said that there was no need for § 2.3.5 of Circular Letter CR/343. The Board had discussed the rule of procedure on No. 11.44B at its 61st meeting, and the current rule of procedure was sufficient. WRC-12 had decided on the 90-day period but had not linked it to No. 11.15.

7.37 **Mr Ebadi** observed that cost-recovery applied when notification was received, which might lead administrations to notify later.

7.38 **Chief SSD** concurred that No. 11.44B and the rule of procedure on No. 11.44B were well-defined and unambiguous. He explained that § 2.3.5 did not deal with the substance of No. 11.44B but with time-limits in the provisions, the consequential effect on the way information on bringing into use was to be submitted to the Bureau and the status of that information. The Bureau considered that, under the Radio Regulations, the only means for obtaining an international recognition of the bringing into use information was through the submission of notification under No. 11.15 or the relevant provisions of Appendices 30, 30A and 30B, as inferred in the Rule of Procedure on No. 11.44. Indeed, according to No. 8.1 of the Radio Regulations, the international rights and obligations of administrations in respect of their frequency assignments were derived from the recording of assignments in the MIFR, subject to the conditions in the Radio Regulations. Because the confirmation of bringing into use had to be provided within 30 days after the 90-day period of deployment of a satellite, the Bureau considered that the date of commencement of the 90-day period could not be earlier than 120 days before the date of receipt of notification under No. 11.15, as stated in § 2.3.5 of Circular Letter CR/343. Administrations could bring assignments into use before that period, but such earlier deployment would not confer any right to international recognition nor afford any priority.

7.39 Responding to a query by **Mr Ito**, he said that, according to the rule of procedure on No. 11.44, information concerning the date of bringing into use was to be provided when the notice form was submitted under No. 11.15 (or related provisions, namely § 5.1.3 of appendix 30, § 5.1.7 of Appendix 30A and § 8.1 of Appendix 30B). Furthermore, No. 11.44B introduced time limits for providing confirmation of the bringing into use of frequency assignments, which had a bearing on the timing for providing notification information under No. 11.15 or related provisions. In absence of a mechanism under the Radio Regulations for receiving information on the bringing into use of an assignment, other than under No. 11.15 or related provisions, the Bureau would take no action on such information.

7.40 **Mr Strelets** said that the comments by the Administrations of the United States, Luxembourg and Canada would provide the Bureau with sufficient guidance regarding a rule of procedure concerning § 2.3.5 of Circular Letter CR/343.

7.41 **Ms Zoller** said that the clarification provided by the Bureau had been helpful but more explanation was needed on the relationship between the various provisions of the Radio Regulations. For example, there was a need to clarify how § 2.3.5 of Circular Letter CR/343 would affect the 7-year time period for notification and how that time-line would fit in with the 120 days. Would administrations still be able to notify at the end of the 7-year period? Or would the 7-year period end at the same time as the 120 days?

7.42 **Mr Ito** noted that the list in § 2.4.1 of Circular Letter CR/343 had not been supported by administrations or by the Board.

7.43 **Ms Zoller** said that the rule of procedure should not introduce additional data requirements that had not been adopted by WRC-12.

7.44 **Mr Žilinskas** considered that, taking account of the comments by administrations, § 2.4.2 of Circular Letter CR/343 could remain as it stood. It was not necessary to have a rule of procedure on such a sensitive matter.

7.45 **Mr Strelets** disagreed. Administrations should be made aware through a rule of procedure of the Bureau's practice regarding confidential information, rather than being informed via a circular letter.

7.46 The Board **agreed** to conclude as follows:

"The Board carefully considered Circular Letter CR/343 from the Director of the Radiocommunication Bureau to Administrations of Member States of ITU and Members of the Radio Regulations Board and the submissions by administrations contained in Documents RRB13-2/6, RRB13-2/8 and RRB13-2/10 relating to CR/343 and reached the following conclusions:

- 1) **In accordance with No. 13.12A of the Radio Regulations**, the practices of the Bureau must be identified and proposed for inclusion in the Rules of Procedure in accordance with the steps in Section III of Article 13 of the Radio Regulations.
- 2) The Board took into account the explanations provided by the Bureau concerning Circular Letter CR/343 in the application of Nos. **11.44B** (§§ 2.3.5, 2.4.1 and 2.4.2), **11.41** and **11.41.2** (§§ 4.1 and 4.2) of the Radio Regulations. Based on the explanations of the Bureau, the Board concluded that CR/343 is of an informational nature and not binding on the administrations.
- 3) The Board took into account the concerns expressed by the Administrations of the United States, Luxembourg, Canada and the Russian Federation in Documents RRB13-2/6, RRB13-2/8 and RRB13-2/10 specifically pertaining to §§ 2.3.5, 2.4.1, 2.4.2, 4.1 and 4.2 of CR/343 and instructed the Bureau to apply the provisions of **No. 13.12A** and prepare a draft Rule of Procedure regarding the Bureau's practices with respect to the application of Nos. **11.44B** and/or **11.41** of the Radio Regulations, as necessary. This draft Rule of Procedure would be for consideration and possible approval at the 64th meeting and should take into account the above points and documents, as well as the discussions at the 63rd meeting of the Board. The Board was of the view that such a Rule of Procedure should not introduce additional data requirements that were not adopted by WRC-12.

The Board instructed the Bureau to communicate this decision to the Administrations of the United States of America, Luxembourg, Canada and the Russian Federation."

8 Submission by the Administration of Italy requesting the reinstatement of the ALPHASAT TDP5 filing at 25° E (Document RRB13-2/7)

8.1 **Mr Matas (SSD/SPR)** introduced Document RRB13-2/7, in which Italy requested the reinstatement of the ALPHASAT TDP5 filing at 25° E, for which the invoice due date had been 16 February 2013, two reminders had been sent, and the decision to cancel had been taken at BR's 1004th weekly meeting on 11 April 2013. Notification that the Italian Administration had paid the invoice had been received by the Bureau from the ITU Financial Resources Management Department on 24 April 2013. Because payment had been received once the decision to cancel had been taken at the BR weekly meeting, the Bureau had advised the Italian Administration that any request for reinstatement must be submitted to the Board.

8.2 Responding to questions by **Mr Ebadi**, he said that the fee for processing the filing would not be reimbursed to the Italian Administration if the network was not reinstated; all the related processing work

had been carried out by the Bureau. He confirmed that reinstatement would have no impact on other administrations.

8.3 In response to a question by **Mr Bessi**, **Chief SSD** said that in the few similar cases dealt with by the Board in the past, where payment deadlines were not met but payment was eventually received, the Board had acceded to the requests for reinstatement.

8.4 **Mr Bessi** noted that the payment had been received more or less ten working days following the decision taken to cancel the filing.

8.5 **Mr Koffi** said that the Bureau had acted correctly in taking the decision to cancel and noted that the Board had acceded to similar requests in the past. He proposed that the Board accede to Italy's request.

8.6 **Mr Ebadi** endorsed that proposal, observing that various different factors could lead to delays in payment and that reinstatement in the present case would have no impact on other administrations.

8.7 **Mr Strelets** agreed that the Board should reinstate the network, but based on the specific details of the case, including the fact, that such reinstatement will have no impact on other networks, and not because the Board had acceded to such requests in the past. The Board should recognize that the Bureau had acted correctly, and that reinstatement is an exceptional case. That is if the Board based its decision on past precedent, it would find it difficult not to accede to any future requests for reinstatement even if the circumstances differed, for example if payment was received 6-12 months after the decision to cancel.

8.8 **Mr Žilinskas** and the **Chairman** endorsed those comments and supported reinstatement of the filing.

8.9 **Mr Ebadi** and **Ms Zoller** also supported reinstatement, stressing that a key element in any decision to reinstate a network was the absence of any impact on other networks.

8.10 The Board **approved** its conclusions as follows:

"The Board considered the submission of the Administration of Italy requesting the reinstatement of the ALPHASAT TDP5 satellite network filing, which was cancelled by the Bureau due to non-payment of the related cost recovery invoice within the deadline. The Board concluded that the Bureau had acted correctly in cancelling the network in accordance with the relevant provisions of the Radio Regulations (No. **9.38.1**). However, after considering the merits of the case and noting that there was no adverse impact on any other network and that payment had been received, the Board instructed the Bureau to reinstate the ALPHASAT TDP5 filing and to inform the Administration of Italy of these conclusions. The Board reiterated the requirement for administrations to meet deadlines, including those related to payment under Council Decision 482."

9 Submission by the Administration of Turkey requesting the reinstatement of the GOKTURK-1 satellite network filing (Document RRB13-2/9)

9.1 **Mr Matas (SSD/SPR)** introduced Document RRB13-2/9, in which Turkey requested the reinstatement of the GOKTURK-1 satellite network filing, for which the invoice due date had been 13 March 2013, two reminders had been sent, and the decision to cancel had been taken at BR's 1008th weekly meeting on 9 May 2013. Notification that the Turkish Administration had paid the invoice had been received by the Bureau from the ITU Financial Resources Management Department on 10 May 2013. Because payment had been received after the decision to cancel had been taken at the BR weekly meeting, the Bureau had advised the Turkish Administration that any request for reinstatement must be submitted to the Board. Responding to a question by the **Chairman**, he confirmed that reinstatement would have no impact on other administrations.

9.2 **Mr Strelets** noted that the network concerned was non-GSO, for which coordination was therefore not required and no parties stood to gain if the network was cancelled. The Board should accede to the request based not on precedent but on the specific details of the case itself.

9.3 **Mr Ebadi** and **Mr Žilinskas** agreed. **Mr Bessi** also agreed, but noted that in considering such cases the no-impact criterion was not the only reason to be taken into account. Other reasons could include, for example, problems of correspondence between the Bureau and administration concerned, or confusion as to which precise party was to pay the invoice. The circumstances of different cases could vary significantly.

9.4 The **Chairman** endorsed those comments, adding that the Board should deal with each request case by case, while also ensuring consistency in its decision-making.

9.5 **Mr Magenta** agreed with previous speakers, adding that the Board members were not judges taking clinical decisions, but servants of the ITU membership. The Board should endeavour to reach the most appropriate decisions bearing all administrations' interests in mind.

9.6 **Mr Strelets** stressed that when addressing requests for reinstatement on a case by case basis, the Board should take account of any reasonable reasons for acceding to the request. There had to be solid justification for reversing the Bureau's action while at the same time asserting that the Bureau had acted correctly.

9.7 The Board **approved** its conclusions as follows:

"The Board considered the submission of the Administration of Turkey requesting the reinstatement of the GOKTURK-1 satellite network filing, which was cancelled by the Bureau due to non-payment of the related cost recovery invoice within the deadline. The Board considered that the Bureau had acted correctly in cancelling the network in accordance with the relevant provisions of the Radio Regulations (No. A.11.6). The Board examined the reasons and justifications provided by the Administration of Turkey in their request for reinstatement of this satellite network. Considering that the payment had been received on the day following the Bureau's decision to cancel this network and noting that this is a non-geostationary satellite network and that its reinstatement would have no adverse impact to any other network, the Board decided to instruct the Bureau to reinstate the GOKTURK-1 filing and to inform the Administration of Turkey of these conclusions. The Board reiterated the requirement for administrations to meet deadlines, including those related to payment under Council Decision 482."

10 Cancellation from the MIFR of frequency assignments of INMARSAT-3 IOR-2 satellite network under No. 13.6 of the Radio Regulations (Document RRB13-2/4)

10.1 **Mr Matas (SSD/SPR)** introduced Document RRB13-2/4 in which the Bureau sought the Board's decision to cancel all frequency assignments of the INMARSAT-3 IOR-2 satellite network under No. 13.6 of the Radio Regulations. Under Resolution 4 (Rev. WRC-03), the Bureau had informed the United Kingdom Administration on 9 August 2012 that the period of validity of INMARSAT-3 IOR-2 had expired on 1 July 2012, and, in line with Circular Letter CR/301, had requested the United Kingdom to provide evidence of the continuous operation of the network and identify the satellite in operation at 65° E. With no reply from the United Kingdom Administration despite two reminders, the Bureau had informed the United Kingdom that it would take steps to have the related frequency assignments cancelled from the MIFR. Accordingly, and in accordance with No. 13.6 of the Radio Regulations, the Bureau had taken the decision at its 998th weekly meeting on 28 February 2013 to request the Board to cancel the frequency assignments.

10.2 The **Chairman** said that the case appeared to be fairly straightforward, given that the United Kingdom had seen fit not to respond to the Bureau's correspondence on the matter.

10.3 **Mr Strelets** agreed with the Chairman, but wondered why the Bureau was invoking No. 13.6 of the Radio Regulations for cancellation of the network. The timeframe for the United Kingdom's use of the assignments, based on date of bringing into service, had expired and the United Kingdom had asked for no extension; surely therefore Resolution 4 alone provided sufficient grounds for cancelling the assignments.

10.4 **Mr Bessi** noted that according to *resolves* 1.1 of Resolution 4, "If the Bureau receives no reply within three months following the expiry of the period of operation, it shall insert a symbol in the Remarks Column of the Master Register to indicate that the assignment is not in conformity with this Resolution". To his understanding, therefore, it was up to a subsequent WRC to cancel the assignments concerned, and not necessarily up to the Board to do so.

10.5 **Chief SSD** confirmed that in the application of *resolves* 1.1 of Resolution 4, only an administration could cancel an assignment. However, having asked for information under the resolution and having ascertained whether or not a network was continuing to operate beyond the existing period of validity, the Bureau then applied No. 13.6 of the Radio Regulations as appropriate, indicating that it would request the Board to cancel the network if it was no longer in use or if the administration concerned did not respond to Bureau's query and reminder. Thus, the Bureau had initiated the procedure under No. 13.6 in regard to INMARSAT-3 IOR-2 when it appeared from reliable information that the network was no longer in use and the United Kingdom had not replied to Bureau's request for clarification. In reply to **Mr Ebadi**, who asked why the Bureau had not applied No. 13.6 only, he said that Resolution 4 led to the initial focus on a given network when a period of validity was expiring, following which No. 13.6 was applied if no reply was received under the resolution. That full process had been reflected in the document before the Board in order to ensure transparency.

10.6 **Mr Strelets** said that the Bureau appeared to be applying two procedures at the same time. Surely one was enough, even if the outcome was the same. **Mr Ebadi** agreed, noting that the decision to cancel had to be under No. 13.6.

10.7 **Mr Bessi** suggested that if the Bureau had commenced its action under Resolution 4, it should have completed it under the resolution. To his understanding of the resolution, it was up to administrations to propose the period of validity of their assignments, and if as a result of application of *resolves* 1.1 assignments were no longer taken into account, it was nevertheless up to the next WRC to decide their fate. In cases such as the one under consideration, surely the application of Resolution 4 should prevail over that of No. 13.6.

10.8 **Mr Ito** considered that the Bureau had acted correctly. If no answer was received from an administration under Resolution 4, it was safer to apply No. 13.6 and proceed with cancellation if no reply was received under that provision. He saw no reason to discuss the matter further.

10.9 **Mr Ebadi** noted that application of No. 13.6 gave administrations greater opportunity to respond than Resolution 4.

10.10 **Mr Magenta** supported Mr Ito, noting that application of both Resolution 4 and No. 13.6 had given the Administration of the United Kingdom ample opportunity to respond.

10.11 **Mr Bessi** said that, while recognizing that the Bureau had acted correctly, Resolution 4 appeared to be in conflict with No. 13.6 to some extent. The matter of Resolution 4 could be brought to the attention of the WRC through the Director's report to the conference.

10.12 The **Chairman** asked the Bureau if there were other assignments in the MIFR with the symbol referred to in *resolves* 1.1 of Resolution 4.

10.13 **Chief SSD** said that the MIFR almost certainly contained assignments with the symbol, notwithstanding the work carried out under Circular Letter CR/301. Those assignments continued to be taken

into account, and were not excluded as a result of application of Resolution 4. He confirmed that it was the Bureau's intention to apply the same No. 13.6 measures to those assignments as to the case before the Board.

10.14 **Mr Magenta** endorsed that approach, as well as Mr Bessi's suggestion to bring Resolution 4 to the attention of the WRC.

10.15 **Ms Zoller** saw no objection to continuing to apply Resolution 4 and No. 13.6 to such cases. However, to draw attention to Resolution 4 and periods of validity of space stations if no real problems were identified would be to raise a very sensitive issue addressed by past WRCs.

10.16 **Mr Bessi** said that he understood Ms Zoller's concerns and was prepared to withdraw his proposal. However, since administrations might object to the application of two different procedures to their assignments, the Bureau should apply only one procedure to such cases in the future, namely No. 13.6.

10.17 The **Chairman** noted that the Bureau would have no problem applying only No. 13.6 to any such cases in the future. He proposed that the Board conclude as follows:

"The Board considered the issue in detail and concluded that the Radiocommunication Bureau had correctly applied the provisions of No. 13.6 of the Radio Regulations. The Board confirmed the Bureau's action in cancelling all frequency assignments of the INMARSAT-3 IOR-2 satellite network."

10.18 It was so **agreed**.

11 Report of the Working Group on the Rules of Procedure (Document RRB12-1/4(Rev.6))

11.1 The Board **noted** the following report by its Working Group on the Rules of Procedure, which had met on the afternoon of 26 June 2013:

"The Working Group on Rules of Procedure (RoPs) considered Document RRB12-1/4(Rev.6) and agreed to update the document to reflect the ROP approved at the 63rd meeting and to add RoPs related to Part A10 Rules concerning the Regional Agreement relating to the planning of the digital terrestrial service in parts of Regions 1 and 3, in the frequency bands 174-230 MHz and 470-862 MHz (GE06). This RoP will be included in the update to Document RRB12-1/4."

11.2 The **Chairman** thanked Mr Ebadi and Mr Bessi, Chairman and Vice-Chairman respectively of the working group, for all their hard work.

12 Dates of the next meeting and meeting schedule for 2014

12.1 The Board **confirmed** 27 November - 3 December 2013 as the dates of its 64th meeting.

12.2 Regarding the meeting schedule for 2014, **Ms Zoller** said that if possible the last meeting of the Board with its present membership should take place after PP-14. She recalled that to the extent possible a gap of four months should be left between meetings.

12.3 **Mr Ebadi** requested that when scheduling meetings, account should be taken of major satellite events which members might be required to attend.

12.4 The **Chairman** noted that the Board would be required to consider a summary of its work as input to WRC-15.

12.5 Regarding the Board's work under Resolution 80 (Rev. WRC-07), **Ms Zoller** said that the Board would have to prepare a report to WRC-15, and convene a working group to commence that work in 2014;

thus the present Board members would commence the report and leave it to their successors to complete. The **Chairman** requested Board members and the Bureau to communicate to Ms Zoller any inputs they considered the working group on Resolution 80 should take into account. He said Ms Zoller could be asked to prepare a preliminary draft for consideration at the Board's first or second meeting in 2014.

12.6 The Board **noted** the following provisional dates for its meetings in 2014: 19-25 March, 30 July - 5 August and 17-21 November.

13 Approval of the summary of decisions (Document RRB13-2/11 and Corrigendum 1)

13.1 The summary of decisions (Document RRB13-2/11+Corr.1) was **approved**.

14 Closure of the meeting

14.1 **Mr Magenta** congratulated the Chairman for his able handling of what had proved to be a full meeting. He commended Mr Venkatesh for the valuable support he had provided to the Chairman.

14.2 The **Chairman** thanked everyone who had contributed to the success of the meeting. He closed the meeting at 1155 hours on Friday, 28 June 2013.

The Executive Secretary
F. RANCY

The Chairman:
P.K. GARG