



## Radiocommunication Bureau (BR)

Circular Letter  
CR/409

28 July 2016

**To Administrations of Member States of the ITU**

**Subject: Minutes of the 72<sup>nd</sup> 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 72<sup>nd</sup> meeting of the Radio Regulations Board (16 – 20 May 2016).

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.

A handwritten signature in black ink, appearing to read 'François Rancy'.

François Rancy  
Director

**Annex: Minutes of the 72<sup>nd</sup> meeting of the Radio Regulations Board**

**Distribution:**

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

Annex



Radio Regulations Board  
Geneva, 16-20 May 2016



INTERNATIONAL TELECOMMUNICATION UNION

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Document RRB16-2/15-E  
30 May 2016  
Original: English

MINUTES<sup>1</sup>  
OF THE  
72nd MEETING OF THE RADIO REGULATIONS BOARD

16-20 May 2016

Present:

Members, RRB

Ms L. JEANTY, Chairman

Mr I. KHAIROV, Vice-Chairman

Mr M. BESSI, Mr N. BIN HAMMAD, Mr D.Q. HOAN, Mr Y. ITO,

Mr S.K. KIBE, Mr S. KOFFI, Mr A. MAGENTA, Mr V. STRELETS,

Mr R.L. TERÁN, Ms J.C. WILSON

Executive Secretary, RRB

Mr F. RANCY, Director, BR

Précis-Writers

Mr T. ELDRIDGE and Ms A. HADEN

Also present:

Mr H. ZHAO, ITU Secretary-General

Mr M. MANIEWICZ, Deputy Director, Chief, IAP

Mr Y. HENRI, Chief, SSD

Mr A. MÉNDEZ, Chief, TSD

Mr A. GUILLOT, ITU Legal Adviser

Mr A. MATAS, Head, SSD/SPR

Mr. M. SAKAMOTO, Head, SSD/SSC

Mr J. WANG, Head, SSD/SNP

Mr B. BA, Head TSD/TPR

Mr W. IJEH, BR Administrator

Ms I. GHAZI, Head, TSD/BCD

Mr N. VASSILIEV, Head, TSD/FMD

Mr D. BOTHA, SGD

Ms K. GOZAL, Administrative Secretary

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<sup>1</sup> 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 72nd meeting of the Board. The official decisions of the 72nd meeting of the Radio Regulations Board can be found in Document RRB16-2/14.

<b>Subjects discussed</b>	<b>Documents</b>
1 Opening of the meeting	-
2 Late submissions and agenda	-
3 Report by the Director of BR	RRB16-2/5 + Add.1-3
4 Submission by the Administration of the United States regarding the status of the ACS-1 and MCS-1 satellite networks	RB16-2/1
5 Submissions by the Administrations of Norway and the United States on the change of the notifying administration for the satellite systems STEAM-0, STEAM-1, STEAM-2 and STEAM-3C	RRB16-2/6, RRB16-2/INFO/2
6 Submission by the Administration of Malaysia regarding the status of the MEASAT-91.5E-30B satellite network	RRB16-2/7
7 Submission by the Administration of Brazil regarding the status of the STAR ONE D1 satellite network	RRB16-2/12
8 Submission by the Administration of the Russian Federation regarding the status of the INTERSPUTNIK-17E, INTERSPUTNIK-17E-CK and INTERSPUTNIK-17E-B satellite networks	RRB16-2/9
9 Submission by the Administration of Algeria concerning the receivability of correspondence sent by the Radiocommunication Bureau to administrations regarding the procedure for coordinating frequency assignments in conformity with the provisions of the regional agreements and the Radio Regulations	RRB16-2/11
10 Draft rule of procedure concerning the treatment of requests for coordination or notification notices of satellite networks received prior to the entry into force of a WRC decision	Circular Letter CCRR/55, RRB16-2/2, RRB16-2/4
11 Submission by the Administration of the United States on the priority of coordination requests of existing frequency assignments in the space research service in the frequency bands 13.4-13.65 GHz and 14.5-14.8 GHz	RRB16-2/13, RRB16-2/INFO/1
12 Impact of WRC-15 decisions on the Rules of Procedure	RRB16-2/3, RRB16-2/8, RRB16-2/10
13 Confirmation of the next meeting and indicative dates of future meetings	-
14 Approval of the summary of decisions	RRB16-2/14
15 Closure of the meeting	-

## 1 Opening of the meeting

1.1 The **Chairman** opened the meeting at 1400 hours on Monday 16 May 2016 and welcomed all participants.

1.2 The **Director** welcomed the Board members, and wished them every success in what promised to be a busy meeting. The staff of the Bureau stood ready to assist the Board in any way they could.

1.3 The **Secretary-General** said that it was his pleasure to greet all the Board members and welcome them to Geneva. Stressing the importance of coming up with new technologies particularly in the field of satellite communications, he noted that radiocommunication involving both satellites and terrestrial services played a key and ever more important role in the provision of Internet services, in connecting the unconnected, in devising new approaches to economizing on scarce resources and in inter-sectoral cooperation. ITU was recognized as constituting the only forum for bringing all the relevant elements together, and the Board's work was fundamental to the radiocommunication side of ITU's mandate, and thus to ITU and its membership, in a world in which technical innovation was so essential. Moreover, individual Board members made valuable contributions within their own regions, for example in bilateral discussions, and at regional events. He wished the Board a successful and productive meeting.

## 2 Late submissions and agenda

2.1 The Board **agreed**, in accordance with No. 13.12Af), that two late submissions from the Administrations of Bulgaria and France containing comments on draft rules of procedure, received before the present meeting but after the relevant deadline for such submissions, should not be considered by the Board.

2.2 **Mr Strelets** stressed that, when establishing and adopting its agenda for any given meeting, the Board should ensure that it allowed adequate time for considering any draft rules of procedure before it. In that regard, he drew attention to the order in which the items to be considered at Board meetings were listed in § 1.4 of the Board's working methods in Part C of the Rules of Procedure. It would be particularly important to bear his comments in mind for the Board's 73rd meeting, when the Board would be required to consider numerous draft rules.

2.3 The **Chairman** said that Mr Strelets' comments would be borne in mind for the future, particularly for the 73rd meeting, but pointed out that in the course of any meeting the Board did not always stick strictly to the order in which items appeared on its adopted agenda.

2.4 **Ms Wilson** said that § 1.4 of Part C of the Rules of Procedure simply listed the items that should be included on the Board's agenda, but did not dictate the order in which they should be considered. The Board must retain the necessary flexibility to address the matters before it as effectively as possible.

2.5 **Mr Bessi** said that Mr Strelets' comments were valid, but flexibility was essential too. For example, just prior to a WRC the Board had to ensure that it devoted adequate time to its report under Resolution 80. It was also useful at any given meeting to adhere to the order in which items appeared on its adopted agenda, so that the necessary Bureau staff knew more or less when they were required to attend the meeting, and to facilitate Board members' preparations to consider the various items.

2.6 The **Chairman** concluded that at its 73rd meeting the Board would consider the draft rules of procedure immediately following its consideration of the Director's report, but would decide the order of items on its agenda on a meeting by meeting basis thereafter.

2.7 **Mr Strelets** said that it was regrettable, and indeed an infringement of the Board's working methods, that not all parts of all the official documents before the present meeting had been made available in the different languages required by the Board members.

### 3 **Report by the Director of BR (Document RRB16-2/5 and Addenda 1-3)**

3.1 The **Director** introduced his customary report in Document RRB16-2/5, drawing attention to Annex 1 summarizing the Bureau's actions to implement the decisions taken by the Board at its 71st meeting. He noted that the three addenda to the report related to harmful interference caused by Italy to neighbouring countries, a subject that would be considered in the context of terrestrial systems.

3.2 **Mr Méndez (Chief TSD)**, introducing the sections of the report dealing with terrestrial systems, said that Annex 2 described the work of the Bureau in processing filings related to terrestrial services. Reports of harmful interference or infringements of the Radio Regulations were dealt with in § 4 of the Director's report, and in particular § 4.2 focused on harmful interference caused by Italy to neighbouring countries and summarized reports from the Administrations of Switzerland, France and Slovenia. On that topic, Addendum 1 to the report contained a letter from the Administration of Malta and Addendum 2 contained a letter from the Administration of Croatia. Addendum 3 reported on a meeting between the Bureau and the Administration of Italy, held in Rome on 5 May 2016. At that meeting, in addition to the steps described in Addendum 3, the Bureau had raised a case of interference to Switzerland's TDAB service on channel 12A, reported by Switzerland, and the Administration of Italy had transferred the case to the local offices, which would handle the matter directly with the Administration of Switzerland.

3.3 **Mr Bessi** congratulated the Italian authorities on the progress made with regard to interference to television broadcasting, although the Administrations of Croatia and Slovenia had as yet seen no improvement. He suggested that the Bureau, in its future contacts with Italy, should focus in particular on those two countries. He also expressed concern that the situation might deteriorate when countries started to use mobile in the 700 MHz band.

3.4 **Mr Strelets** commended the Bureau on the efforts undertaken in accordance with the Board's decisions. At last there was a practical plan, thanks to the Italian authorities, although much remained to be accomplished and various unknowns, such as that mentioned by Mr Bessi, might jeopardize progress. He asked whether the plan was adequately supported financially.

3.5 **Mr Kibe** was pleased to see the steps being taken towards resolving a long-standing problem and said that the Board should encourage Italy to pursue its efforts. He suggested that the Director should continue to monitor progress and report back to the Board at its next meeting.

3.6 **Mr Khairov** congratulated the Bureau and the Italian authorities on the progress achieved. There were reasons for optimism, with the new DVB-T2 standard offering opportunities to use frequency resources more economically, building up large synchronous networks. The Italian Administration was to be encouraged to pursue the new approaches it was adopting.

3.7 The **Director**, referring to Addendum 3 to his report, said that the meeting in Rome in May had been planned to review actions regarding television broadcasting that had been expected to be completed by 30 April 2016. That deadline had not been met, but some progress had been made, as indicated in the document. For each region, the Italian authorities had to issue decrees and orders determining how the process would unfold, so as to minimize the risk of a legal challenge. The process was now expected to be finalized by July 2016. Some 6.8 million euros had been disbursed by the Italian authorities out of a budget of nearly 51 million euros, and various measures were being taken to encourage the rational use of the spectrum. As could be seen in Attachment 1 to Addendum 3, channels had been cleared for Malta, France and Switzerland, but remained to be cleared for

Slovenia and Croatia, which will be the subject of the phases to be completed by July 2016. In regard to sound broadcasting, there was no new law, and a pragmatic approach was being adopted in order to resolve reported cases of harmful interference on a case by case basis. Looking to the future, countries wishing to use the 700 MHz band for mobile would have to coordinate with Italy and it was therefore in the interest of Italy to show its ability to use spectrum as agreed with its neighbours. The introduction of DVB-T2 would certainly provide further spectrum efficiency but this could only happen in a subsequent phase, once reorganization of the sub-700 MHz spectrum would have been agreed through multilateral frequency coordination.

3.8 The **Chairman** noted that progress was expected by July and said that further information should be provided to the Board at its next meeting.

3.9 **Mr Henri (Chief SSD)**, introducing those parts of the Director's report dealing with space systems, drew attention to Annex 3 showing the Bureau's work on the processing of filings related to space services. He provided updated information covering April 2016. With regard to coordination requests (Table 2 of Annex 3), he noted that a large number of requests had been received on 28 November 2015 with frequency bands allocated by WRC-15. This had required the Bureau's software to be updated, therefore delaying the publications. Resources had been redeployed within the department to bring the treatment time within the regulatory limit of four months as soon as possible, and certainly by the end of 2016. With regard to cost recovery for satellite network filings, he drew attention to Annex 4 listing satellite network filings where payment had been received after the due date but prior to the BR IFIC meeting dealing with the matter. No filings had been cancelled as a result of non-payment during the period under consideration. To ensure that the MIFR reflected reality, the Bureau reviewed the implementation of various provisions of the Radio Regulations, as described in § 5 of the Director's report, including provisions regarding the bringing back into use of satellite networks following suspension. He recalled that, at the previous meeting of the Board, the Bureau had requested the Board to decide on the cancellation of frequency assignments to the ACS-1 and MCS-1 satellite networks (§ 8 of Document RRB16-1/22 - Minutes of the 71st meeting) and the Board finally decided to defer the issue to its next meeting. Since then, as stated in § 6 of the Director's report, the Administration of the United States had provided additional evidence of the continuous use of the frequency assignments to the ACS-1 and MCS-1 satellite networks recorded in the Master Register and operated by the SKYTERRA-1 satellite. In view of that information, the Bureau considered that the matter was concluded, and had decided to retain the frequency assignments in the MIFR. Finally, § 7 of the report dealt with suspension of satellite networks when requests were received more than six months after the actual date of suspension. The table in that section listed the satellites of Luxembourg and Papua New Guinea that the Bureau would continue to take into account. Once the WRC-15 modification of § 5.2.10 of Article 5 of Appendices 30 and 30A of the Radio Regulations came into force, the Bureau would deal with such cases under the new provision and there would no longer be any need to report to the Board on the matter.

3.10 **Mr Hoan** suggested that, in view of the information provided in § 6 of the Director's report, the Board had no need to discuss the ACS-1 and MCS-1 satellite networks as a separate agenda item.

3.11 **Mr Ito**, recalling the Board's discussion and decision at the 71st meeting, said that he saw no additional evidence as such in the Director's report.

3.12 **Mr Bessi** said that, at the previous meeting, the Bureau had requested the Board to give it the go-ahead to cancel the networks. Now, based on additional evidence, the Bureau had implicitly withdrawn its request and decided to maintain the networks in the MIFR. The Board could simply note the Bureau's decision.

3.13 **Mr Strelets** supported the comment made by Mr Ito. The Bureau had brought a matter to the Board and the Board had decided to defer its decision on the case. Pending that decision, the Bureau should hold the case in abeyance. Perhaps the wording of the Director's report was infelicitous.

3.14 **Mr Koffi** agreed with Mr Ito and Mr Strelets. The Board would simply note the Director's report and should therefore take up the case for decision under a separate agenda item. **Mr Magenta** endorsed that view.

3.15 **Ms Wilson**, speaking on a procedural point, noted that at the Board's 71st meeting the topic of the ACS-1 and MCS-1 satellite networks had appeared on the agenda as a request by the Bureau for a decision, whereas on the agenda of the present meeting the topic came under the heading of consideration of the status of satellite networks. She suggested that, in general, when a topic was continued from one Board meeting to the next, the wording of the agenda item should remain the same.

3.16 **Mr Strelets** observed that the relevant agenda item for the present meeting (consideration of the status of satellite networks) in fact covered a variety of topics unrelated to status. With regard to the ACS-1 and MCS-1 satellite networks, he suggested that the Board should resume its deliberation of the matter and reach a decision under a separate agenda item. **Mr Bessi** agreed with that suggestion.

3.17 Referring to § 7 of the Director's report, **Mr Bessi** asked what the Bureau would do with requests for suspension received after 1 January 2017 that related to suspensions prior to 1 January 2017. In his view, the Bureau should treat any request for suspension received after 1 January 2017 in accordance with the new provision. **Mr Strelets** said that Mr Bessi had raised an interesting point that the Board might have to discuss at a later stage. **Mr Henri (Chief SSD)** said that for all requests for suspension received after 1 January 2017, the regulations in force when the request was received would apply, including for suspensions commencing prior to 1 January 2017. If any such requests were for suspension commencing over six months prior to 1 January 2017, the suspension would be granted, but subject to reduction as described in No. 11.49 as revised by WRC-15.

3.18 The **Chairman** suggested that the Board conclude on the Director's report as follows:

"The Board thanked the Director of the Radiocommunication Bureau for the Report and information provided in Document RRB16-2/5. Furthermore, the Board considered in detail the information provided in Addenda 1 to 3 to Document RRB16-2/5 and noted with satisfaction the considerable progress made by the Administration of Italy to resolve the issue of harmful interference to the sound and television broadcasting services caused by Italy to its neighbours. The Board noted that for television broadcasting stations positive results have been achieved in some regions and that the remaining regions are planned to be resolved by July 2016. The Board encouraged the efforts to continue and requested the Director of the Radiocommunication Bureau to report to its next meeting on the conclusion of the process to resolve this issue, while noting that the situation concerning sound broadcasting would be a continuous process to be solved gradually over a much longer time period."

3.19 It was so **agreed**.

3.20 The Director's report in Document RRB16-2/5 and Addenda 1-3 was **noted**.

#### **4 Submission by the Administration of the United States regarding the status of the ACS-1 and MCS-1 satellite networks (Document RRB16-2/1)**

4.1 **Mr Henri (Chief SSD)** introduced Document RRB16-2/1, containing a submission by the Administration of the United States providing information on the ACS-1 and MCS-1 satellite networks. That information had been received very late at the Board's 71st meeting and the Board had decided to defer consideration of the matter until the present meeting. On 26 February 2016, the Bureau had requested information from the Administration of the United States regarding the SKYTERRA-1 satellite. On 4 April 2016, the administration had replied providing evidence of the continuous use of the frequency assignments to the ACS-1 and MCS-1 satellite networks recorded in

the Master Register and operated by the SKYTERRA-1 satellite at 101°W. Having examined the information provided, the Bureau on 13 April 2016 had thanked the administration and stated that it would retain the frequency assignments in the MIFR. The full exchange of correspondence between the Administration of the United States and the Bureau had now been transmitted electronically to Board members.

4.2 **Mr Bessi**, supported by **Mr Magenta** and **Mr Kibe**, recalled that it had been the lack of information from the United States Administration that had prompted the Bureau, at the previous meeting, to request the Board to take a decision to cancel the assignments. Now information had been provided, the Bureau had decided to maintain the filings in the MIFR, and the Board could simply note that decision.

4.3 **Mr Strelets** said that the information presented by the Bureau to the present meeting showed that the networks had been brought into service and were in continuous use. Nevertheless, the Bureau had at the previous meeting requested the Board to take a decision to cancel the filings and the Board had deferred its decision to the present meeting. The case was therefore still being considered by the Board and it was up to the Board to decide.

4.4 **Mr Hoan** agreed that, based on the information provided, the assignments should be retained in the MIFR. From a procedural point of view, it was for the Board, rather than the Bureau, to decide on the case. The Bureau should have explicitly withdrawn the request it had made to the Board at the previous meeting.

4.5 **Mr Ito** thanked the Bureau and the Administration of the United States for clarifying the matter. The Board was lucky not to have mistakenly cancelled real satellite networks. If the information had been provided earlier, the Bureau would not have raised the case under No. 13.6 of the Radio Regulations and the Board would not have wasted its time. Administrations should be aware of the importance of following the No. 13.6 process. In the present case, the outcome had been a happy one, but it might not have been. He nevertheless felt uncomfortable about the Bureau taking a decision on a matter that was under consideration by the Board.

4.6 **Mr Bin Hammad** and **Mr Koffi** considered that the decision should be taken by the Board, not the Bureau.

4.7 **Mr Bessi** said that the Bureau had acted in conformity with the Radio Regulations. The administration had provided the required information, there was no disagreement between the administration and the Bureau, so no case arose under No. 13.6.

4.8 The **Director** said that, if that point had not been on the Board's agenda, the Bureau would simply have withdrawn its initial request to the Board for cancellation, since the conditions no longer existed for making that request. In any event, without a decision by the Board to cancel a network, the Bureau had no option but to continue taking that network into account.

4.9 The **Chairman** suggested that the Board conclude as follows:

“The Board carefully considered Document RRB16-2/1 and the additional information provided by the Bureau, and taking into account the results of the studies undertaken by the Bureau, the Board decided not to suppress the frequency assignments to the ACS-1 and MCS-1 satellite networks.”

4.10 It was so **agreed**.



## **5 Submissions by the Administrations of Norway and the United States on the change of the notifying administration for the satellite systems STEAM-0, STEAM-1, STEAM-2 and STEAM-3C (Documents RRB16-2/6 and RRB16-2/INFO/2)**

5.1 **Mr Henri (Chief SSD)** introduced Document RRB16-2/6, containing correspondence from the Administrations of Norway (Attachment 1) and the United States (Attachment 2) requesting that the notifying administration for satellite systems STEAM-0, STEAM-1, STEAM-2 and STEAM-3C be changed from Norway to the United States as from 1 July 2016. He noted that Norway indicated that the change of notifying administration was being made at the request of the systems' operator; that the United States accepted the transfer; and that the coordination rights of other filings submitted by Norway would be preserved. The United States indicated that it agreed to the change of notifying administration; that neither administration considered the transfer as distortive or trafficking or had received any compensation for it; that a major reason for the change was that the Administration of the United States would be better resourced to engage in the increasingly complicated coordination process for non-GSO satellite systems; and that the systems' operator would remain the same.

5.2 The **Chairman** said that on several occasions in the past the Board had discussed a change of notifying administration acting on behalf of an intergovernmental organization, and indeed had developed a rule of procedure for such changes. To her understanding this was the first time the Board was discussing a change of notifying administration acting on its own behalf to another administration also acting on its own behalf.

5.3 **Mr Kibe** agreed with the Chairman: no rule of procedure existed to deal with the case now before the Board. The rule of procedure dealing with a change of administration acting on behalf of a group of administrations had been developed and approved by the Board at its 56th and 57th meetings. Despite the assertions of the Administrations of Norway and the United States, he feared that the request before the Board could give rise to accusations of trafficking in spectrum and orbital resources, and could cause difficulties for the Bureau and Board. The Board might request the Bureau to develop a rule of procedure dealing with such requests.

5.4 **Mr Ito** wondered precisely what was meant by the sentence in the Administration of Norway's correspondence reading: "The Administrations of Norway and the United States have confirmed in a separate exchange of letters that the coordination rights of other filings submitted by Norway will be preserved notwithstanding the transfer of notifying administration for these satellite networks, and they are committed to ensuring this result." Moreover, he agreed with the Chairman that a change of notifying administration had occurred in the past only in cases of administrations acting on behalf of other administrations where an intergovernmental organization was involved and where the administrations concerned found themselves obliged to request the change. The case before the Board was the first in which an administration acting on its own behalf requested a transfer of filings to another administration also acting on its own behalf, without facing any unsurmountable obligation to request the change. He feared that to accede to the request could give rise to various adverse effects and unwanted consequences, and perturb the entire situation regarding control of orbital systems.

5.5 **Mr Strelets** endorsed the comments made by Mr Ito and the Chairman. He also agreed with most of the points made by Mr Kibe. He added that he saw no grounds either for acceding to the request or for developing a rule of procedure to deal with it. In fact, no party had requested the development of a rule of procedure. The matter was not one that could be addressed by the Bureau or Board, but rather would have to be considered by a WRC or even the plenipotentiary conference as it related to the basic principles enshrined in the ITU Constitution regarding the rational and equitable use of spectrum and orbital resources.

5.6 **Mr Bessi** agreed with Mr Strelets and Mr Ito, and with Mr Kibe's first points. No provisions of the Radio Regulations covered the request now before the Board, and to accede to it could

jeopardize the balance ensured by the Radio Regulations. The rule of procedure approved by the Board at its 57th meeting did not cover the request. Moreover, the request did not comply with No. 9.6.1 of the Radio Regulations: that provision referred to an administration acting on behalf of a group of named administrations. Furthermore, as was made clear in Norway's letter, once Norway's assignments had been transferred Norway would be able to make comments on the satellite systems transferred in order to protect its own services, whereas it did not have that right as the notifying administration of the systems in question prior to their transfer.

5.7 **Mr Magenta** endorsed previous speakers' comments, and agreed that there were no grounds for the Board to seek the development of a new rule of procedure. The administrations concerned should take the matter to the plenipotentiary conference, if they so wished.

5.8 **Mr Hoan** agreed with previous speakers, and in particular Mr Ito and Mr Strelets. The matter had been covered in the Board's report to WRC-15, but had not been discussed at the conference. No provisions of the Radio Regulations or Rules of Procedure covered the request now before the Board.

5.9 **Mr Khairov** said that he by no means questioned the honesty and good intentions of the Administrations of Norway and the United States in their quest to implement a genuine non-GSO project, into which they had channelled much time and effort. However, for the Board to accede to a requested change of notifying administration that was not permitted by any regulatory texts might open the door to the Bureau and Board assuming functions that went well beyond their normal mandates. Moreover, a change of notifying administration must inevitably involve an exchange of resources, be they financial or other. He agreed with Mr Magenta that it was up to the plenipotentiary conference to decide the matter, thereby allowing all administrations to have a say in it.

5.10 **Mr Bin Hammad** said that he agreed that the Board could not decide the matter now before it, for all the reasons given by previous speakers. In formulating its decision, however, the Board must consider carefully whether it was to refer the matter to a higher body like the WRC or plenipotentiary conference, advise the administrations concerned to do so, or simply decide that it was not competent to address the matter. He also noted that there appeared to be some urgency to the request, which referred to the transfer taking effect on 1 July 2016.

5.11 **Mr Bessi** said that it was not for the Board to advise administrations to take matters to the conference; it was up to administrations to do so if they saw fit, and they were well aware of their right to do so. The Board should simply conclude that no provisions of the Radio Regulations or Rules of Procedure authorized the action requested.

5.12 Elucidating the meaning of the second paragraph of Norway's letter in Document RRB16-2/6, in response to Mr Ito's comment, **Mr Henri (Chief SSD)** said that to his understanding Norway meant that it had been agreed with the United States that, if the filings in question were transferred to the United States, Norway would not have to coordinate any other of its filings with those transferred filings. He went on to note that it would be inaccurate to state, for example in any decision formulated by the Board, that in the past a change of notifying administration had been accepted by the Board only where an intergovernmental organization had been involved. In that regard, he recalled the cases of networks being transferred from the former USSR to the Russian Federation, from Portugal to China, from the United Kingdom to China, and others, as listed in Document RRB16-2/INFO/2, made available to the Board.

5.13 **Mr Magenta** commented that it was not clear what the Administrations of Norway and the United States were requesting when asking the Bureau to transmit their correspondence to the Board if necessary – the development of a rule of procedure or a simple decision? Moreover, the transfer of filings from one administration to another entailed legal ramifications in regard to the rights of administrations and their powers vis-à-vis other administrations. If the Board were to consider acceding to the request, it would first have to seek clarification of all such ramifications from legal experts, and of the competence of those submitting the request to actually do so. In that regard, he

noted that one of the signatories of Norway's correspondence in Document RRB16-2/6 was a "senior engineer".

5.14 **Mr Strelets** said that there appeared to be no conflict between the two administrations submitting the request, which involved a straightforward transfer, with both administrations seeking to preserve the respective rights of the filings involved and other filings. He nevertheless continued to see no grounds for the development of a rule of procedure to cover the action requested.

5.15 The **Chairman** suggested that the Board conclude as follows:

"The Board discussed in detail the request as contained in Document RRB16-2/6 to transfer the functions of notifying administration from the Administration of Norway to the Administration of the United States of America for the satellite systems STEAM-0, STEAM-1, STEAM-2 and STEAM-3C and acknowledged the good intentions of the two administrations concerned. The Board noted however that there is no provision of the Radio Regulations that provides for the transfer of the function of notifying administration applicable to this specific situation. Furthermore, the Board considered that such a request could only be considered by a competent conference.

Consequently, the Board concluded that it was not in a position to accede to the request from the Administrations of Norway and the United States of America."

5.16 It was so **agreed**.

5.17 **Mr Ito** said that the matter should be noted with a view to including it in the Board's report to WRC-19 under Resolution 80 (Rev. WRC-07).

## **6 Submission by the Administration of Malaysia regarding the status of the MEASAT-91.5E-30B satellite network (Document RRB16-2/7)**

6.1 **Mr Wang (Head SSD/SNP)** introduced Document RRB16-2/7, containing a submission from the Administration of Malaysia in which it contested the Bureau's finding for the network MEASAT-91.5E-30B. The attachment to the document comprised correspondence exchanged between the Bureau and the Malaysian Administration. Outlining the history of the case and the main reasons for which Malaysia was contesting the Bureau's finding, he said that the Bureau had received Malaysia's submission for the network in January 2015, and had informed Malaysia that, based on the Bureau's examination under § 6.22 of Article 6 of Appendix 30B, the Bureau had identified additional administrations with which coordination was required for Malaysia over and above those already identified and with which Malaysia had not concluded coordination. Malaysia, in its reply, maintained its conviction that no more potential interference was identified at the Part B than at the Part A stage. Malaysia had indicated its intention to apply § 6.25 of Article 6 of Appendix 30B vis-à-vis those administrations with which it had not obtained the required coordination, thus ensuring its network's provisional entry in the List. Since all the data pertaining to the filing were complete, the Bureau had published Part B for the network in BR IFIC 2795 of May 2015. Some four months later, in September 2015, the Malaysian Administration had contested the Bureau's finding; and despite the correspondence exchanged between it and the Bureau as presented in Document RRB16-2/7, it remained convinced that the Bureau's finding was wrong and requested, in its letter dated 25 April 2016, that the matter be submitted to the Board for decision. The basic reasons put forward by the Malaysian Administration to justify its position were that the BR software it had used at the Bureau's recommendation was precise only to 3 decimal places, whereas the increased interference was identifiable only with calculations precise to five decimal places. Malaysia therefore maintained that it could not be held accountable for the consequences of the additional interference identified. Second, the network involved was a national system that had already been brought into use. Third, the Malaysian Administration maintained that it had requested that its territory be excluded from the

service areas of those affected networks, but that request had not been taken into account by the Bureau when establishing its finding.

6.2 **Mr Strelets** said that the issue before the Board was mathematical, and hinged basically upon the decimal place to which figures were to be rounded. Annex 4 to Appendix 30B gave various indications as to the precision required for C/I calculations, and appeared to point to a required precision of two decimal places. To his mind, precision to two decimal places was sufficient for the operations concerned, and it was certainly illogical to employ two softwares for the same operations, one with precision to two decimal places and the other with precision to the sixth decimal place – as appeared to be the case in the submission now before the Board. It was essential that the same precision be adhered to in all the calculations, but he was unsure whether it should be up to the Board to decide the required precision, or, for example, Working Party 4A.

6.3 **Mr Ito** said that the matter before the Board was above all one of policy, and involved several issues. First, there was the threshold value not to be exceeded, and to allow even a small deviation was to open the door to the relaxation of applicable regulations, which should be avoided at all cost. The most straightforward solution could be simply to decrease power by a minor amount, say 0.0005 dB, rather than infringe the regulations. Second, there was the question of the software used for the calculations, and in that regard he sympathized with the Malaysian Administration, in so far as it had fallen victim to the fact that two softwares were used, one with lesser precision than the other. The Bureau must ensure that the precision of the two softwares was aligned so that similar problems did not arise in the future. Meanwhile, internal measures could be taken to adjust the two softwares to produce the same precision without contravening any regulations. Third, there was the question of the exclusion of territories from the service area of the network concerned. To his understanding, such matters should be sorted out through dialogue between the administrations concerned, without the involvement of the Bureau or Board, unless an administration requested the Bureau's assistance as provided for by the Radio Regulations. It seemed that considerable misunderstanding had arisen at various levels in the case under consideration. If everything was clearly explained to the Malaysian Administration, the latter would surely understand the situation, the options open to it, and the assistance that could be provided to it by the Bureau regarding coordination difficulties with any administrations identified as affected.

6.4 **Mr Wang (Head SSD/SNP)** said that the examination in accordance with Annex 4 to Appendix 30B did not represent the entire process regarding examination under § 6.22, but only the second part of that examination; in order to identify affected parties, it compared calculated values with specific criteria, with precision to three decimal places, which was why software with precision to three decimal places was used. That was relevant only for that part of the examination. The first part of the examination under § 6.22, on the other hand, which was effected in order to ascertain whether there was an increase in interference, compared two calculated values, and employed software with greater precision, which explained the confusion on the part of the Malaysian Administration regarding the softwares that should be used and their respective precision. As to the exclusion of territories from a network's service area, he drew attention to the rule of procedure on § 6.16 of Appendix 30B and noted that an administration had to explicitly submit to the Bureau a request for such exclusion; in the case under consideration, the Malaysian Administration had failed to do so, and therefore the Bureau had been unable to take the desired exclusions into account. Even if the exclusions had been taken into account, however, the results of the Bureau's finding would have been unchanged.

6.5 **Mr Strelets** reiterated that if precision to two decimal places was imposed for one part of a procedure, it made no sense to apply precision to six decimal places for another part. He therefore found Malaysia's arguments fairly convincing. It would seem that the Malaysian Administration had sought the Bureau's assistance regarding the MEASAT-91.5E-30B submission, and perhaps the Bureau might have been more helpful. The Bureau should consider limiting the precision of calculations to three decimal places in the examinations involved.

6.6 **Mr Hoan** endorsed Mr Strelets' comments. The request submitted by Malaysia involved Malaysia's first submission under Appendix 30B and concerned a real satellite. Examination of the filing under Appendix 30B had produced misleading results, in a process which was far from clear for many administrations. Matters might have panned out more positively if the Malaysian Administration had received more helpful advice earlier on in the process. He asked the Bureau to clarify the following points. First, if the MEASAT-91.5E-30B submission was given a favourable finding under § 6.22, would its entry in the List be definitive rather than provisional? Second, if the territory of Malaysia was excluded from that of other administrations' networks, would the MEASAT-91.5E-30B network's entry in the List be definitive rather than provisional? Third, would application of the 0.05 dB computational precision referred to in footnote 16 to § 2.1 of Annex 4 to Appendix 30B make it possible to establish a favourable finding for the MEASAT-91.5E-30B network under § 6.22 of Article 6 of Appendix 30B? The examination procedure under Appendix 30B as revised by WRC-07 was still unfamiliar to many administrations, including Malaysia it seemed. Malaysia should be given the chance to reduce its power for the network in question and exclude its territory from the service areas of other networks, with a view to receiving a favourable finding under § 6.22.

6.7 **Mr Bessi** said that the Board should endeavour to find a solution for the Malaysian Administration: it was Malaysia's first Plan modification under Appendix 30B, and Malaysia had encountered understandable problems in using the software provided by the Bureau for the purpose. The Board could not derogate from the method correctly applied by the Bureau, with a precision to the sixth decimal place, as such derogation could undermine other similar decisions taken in the past. Given the relatively insignificant increase in potential interference involved, however, negotiations should be entered into with the additional administrations identified as potentially affected, with a view to achieving their agreement to the network's operation.

6.8 **Mr Khairov** said that it was evident that the software used by the Bureau and administrations for submissions and examinations must be the same. Moreover, the applicable margins of error and precision of calculations must be understood in the same way by all parties, and appeared to require clarification by the relevant ITU-R study group. The necessary studies would nevertheless require time, and in the meantime other administrations could encounter similar problems. The best way forward might be to request the Bureau to develop a rule of procedure reflecting the precision and margins of error to be applied in implementing Article 6 of Appendix 30B, pending the outcome of a study by an ITU-R study group. Once that outcome became available, the rule of procedure could be revised accordingly. As to the case before the Board, Malaysia should not bear the consequences of the use of different softwares in the application of Article 6 of Appendix 30B; the Board should therefore accede to the request and instruct the Bureau to review its finding under § 6.22 accordingly.

6.9 **Ms Wilson** said that she would be against relaxing the application of provisions of the Radio Regulations on the grounds that different software had been used. Recognizing that similar cases might arise in the future, she would prefer to pursue Mr Ito's approach of getting Malaysia to reduce the power of the network, based on which it could enter into the necessary coordination with the few networks identified as affected.

6.10 **Mr Strelets** noted that the Malaysian Administration had sent letters to the Administrations of the Netherlands, China, Sweden and the Russian Federation, reproduced in Document RRB16-2/7, requesting exclusion of the territory of Malaysia from the service areas of their networks. If Malaysia was exercising its rights in that regard, why was the Bureau taking account of the potential interference to those networks?

6.11 Responding to the various points and questions raised, **Mr Wang (Head SSD/SNP)** recalled, first, that the question of requests to be excluded from the service areas of networks had been discussed at length at WRC-12, and had given rise to the rule of procedure on § 6.16 of Appendix 30B, according to which an administration must explicitly request that the Bureau take into account

its objection to the inclusion of its territory in the service area of other administrations in order for that exclusion to be taken into account in the Bureau's examination of its own network under § 6.17. However, a distinction must be drawn between the submission of comments under § 6.6 of Appendix 30B on one hand, and the Part B processing of a network on the other. If at the Part B stage there was no request for exclusion, the Bureau had to conclude that no such request was intended. Second, regarding the software issue, the Bureau and administrations used the same software, producing the same precision and results. The problem in the case before the Board was that the Malaysian Administration believed that the same software package could be used for all examinations under Article 6 of Appendix 30B, which was not the case. The Appendix 30B reporting tools were applicable examination in Annex 4 of Appendix 30B, but not to all the Part B analysis. There was nothing new in the approach for Part-B examination, which, as administrations were well aware, was also applicable to Appendices 30 and 30A at the Part B stage. Third, a distinction must be drawn in regard to calculating degradation values. A degradation value could be as great as, say, 100 dB when measured against criteria in terms of possible interference caused by one network to another. In the case under consideration, however, the unfavourable finding was given due to the increase of interference at the Part B stage vis-à-vis the interference identified at the Part A stage, and the difference could be so small as only to be identifiable with precision to the seventh or eighth decimal place. Fourth, regarding the Bureau's processing of a submission, if mandatory data were missing, incomplete or required clarification, administrations could make changes to their submissions. Once the completeness of the mandatory data had been ascertained by the Bureau, however, the submission was given an official date of receipt and thenceforth no changes could be made to it – even if, for example, as in the case of Malaysia, it contained a very small difference in regard to interference. In the case of a possible unfavourable finding, the administration then faced the choice of whether to request application of § 6.25 – as Malaysia indeed had – or to ask for the submission to be returned. Lastly, regarding the application of § 6.16, the fact that the territory of Malaysia had been excluded from the service area of other networks reduced the potential interference effect of Malaysia's network, but did not lead to any change to the unfavourable finding. The comments of administrations at the Part A stage, including objections to inclusion in service areas, were not taken into account by the Bureau when establishing its finding; the Bureau took account of what was communicated to it for the Part B stage, including requests for exclusion and agreements reached with administrations identified as affected. Malaysia had not provided the necessary requests or information at the Part B stage.

6.12 **Mr Bessi** sought clarification regarding Mr Ito's proposal that Malaysia be invited to reduce the power of its network. To his understanding, such an approach would not be possible without a new modification request being submitted, with a new date of receipt. The best option might be to seek the agreement of the other administrations affected regarding the power reduction, and pending negotiations along those lines the Board might defer its decision on the case to its 73rd meeting. In all events, he noted that application of the rule of procedure on § 6.16 with its various ramifications, including Malaysia's requests to be excluded from the service areas of various networks of other administrations, did nothing to alter the fact that the Bureau's examination under § 6.22 had triggered the need for coordination with various administrations, and their agreement would have to be sought.

6.13 **Mr Strelets** said that the situation was somewhat absurd, in that various administrations wanted to include Malaysia in the service areas of their networks, whereas Malaysia wanted to be excluded from those service areas but was nevertheless obliged to coordinate with the administrations. Despite the rule of procedure on § 6.16, the situation faced by Malaysia reproduced the situation that had prevailed at WRC-12, where a satellite that was in orbit and operational and had reached the registration stage was obliged to reduce its power on its own territory to meet interference requirements vis-à-vis other networks, despite having said that those networks could not operate over its territory. It would be far more logical for the other networks concerned to have to coordinate with Malaysia if they wished to operate on its territory.

6.14 **Mr Ito** said that the more he listened to the debate, the greater his conviction that there had been a lack of understanding between the Malaysian Administration and the Bureau; and that the Bureau should sit down with the Malaysian Administration with a view to identifying the best possible way forward for it.

6.15 **Mr Wang (Head SSD/SNP)** commented that Malaysia's network had been entered in the List provisionally, and could operate with the characteristics notified on the understanding that other administrations could demand protection if Malaysia's network caused interference to their networks. Despite his earlier indications that none of the data in Malaysia's submission could now be changed, the Board might see fit to treat the MEASAT-91.5E-30B network as an exceptional case, and instruct the Bureau to accept a minor adjustment of the network's power, while nevertheless making it clear that no other networks would be reviewed.

6.16 **Mr Khairov** said that the Board appeared to be forgetting the main thrust of Malaysia's arguments in submitting its request, namely that the results of the calculations effected pointed to no infringement of the applicable thresholds, taking three decimal places into account, and that the Malaysian Administration should not be penalized for having used software recommended by the Bureau. Coordination experts in his own country had informed him that they too used software recommended by the Bureau with precision to three decimal places. He considered that the Board should accede to Malaysia's request by recognizing that Malaysia's submission complied with § 6.22 and should be accepted by the Bureau accordingly.

6.17 **Mr Koffi** said that he would prefer the solution of assisting the Malaysian Administration by requesting it to reduce the power of its network and instructing the Bureau to accept that power reduction.

6.18 **Mr Strelets** said that he would find it strange for the Board to be seen as taking decisions for administrations. It was the sovereign right of the administration to decide for itself whether or not to reduce its network's power. If the Board could not accede to Malaysia's request, it should, while recognizing that the MEASAT-91.5E-30B filing was Malaysia's first under Appendix 30B, request the Bureau to press on with discussions with the Malaysian Administration with a view to identifying the best possible solution. Such a conclusion would not, however, resolve the point raised by Mr Khairov. It was anomalous that under the Radio Regulations *C/I* was calculated to the third decimal place with a margin of error of 5 per cent, whereas calculations to ascertain whether other values were exceeded were effected to the sixth decimal place. If administrations used software that was precise to three decimal places, surely the Bureau should do the same. He therefore supported Mr Khairov. The Board should indicate clearly that calculations should be precise to three decimal places, not least for the reasons given by the Malaysian Administration in § 4 of its letter dated 25 April 2016, and the software provided or recommended by the Bureau should be precise to three decimal places.

6.19 **Mr Koffi** said that he could support the proposal to request the Bureau to reopen discussions with the Malaysian Administration regarding the MEASAT-91.5E-30B network and to report the outcome to the Board at its 73rd meeting.

6.20 **Mr Bessi**, supported by **Mr Magenta**, said he could agree to that proposal, but not with a view to reopening the matter at the Board's 73rd meeting.

6.21 The **Chairman** noted that there appeared to be agreement for the Board to request the Bureau to continue to provide assistance to the Malaysian Administration regarding its MEASAT-91.5E-30B satellite network with a view to finding a solution to the matter. As to the precision of calculations, she noted that various options had been suggested, including the possible drafting of a rule of procedure or referral of the matter to an ITU-R study group for study, and certain Board members had expressed their views on the precision that should be applied.

6.22 **Mr Bessi** said that precision to six decimal places would provide the best protection for Plan and List entries, and all administrations should be aware of the precision adopted. The matter should be decided by a WRC.

6.23 **Mr Magenta** said that the matter was essentially technical in nature and should be decided at a WRC where all administrations would be able to express their views.

6.24 **Mr Strelets** considered that the subject should be studied by Working Party 4A.

6.25 **Mr Khairov** agreed with Mr Strelets, the essential point being that all administrations must be aware of the precision applied by the Bureau. All parties should use the same tools with the same precision.

6.26 Commenting further at the request of the **Chairman, Mr Wang (Head SSD/SNP)** said that the Bureau could certainly take steps to ensure that administrations were provided with fuller information and guidance on the software used by the Bureau. As to what precision should be applied in the various calculations, a distinction must be drawn between the different comparisons. Where a threshold was involved, the degree of precision was already taken into account in the criteria, and precision to two or three decimal places was sufficient. Where two floating values were concerned, precision up to as many as 24 decimal places could usefully be applied in calculations, but he questioned whether administrations would accept that.

6.27 The **Director** said that he did not really see the matter as requiring a decision by a study group. It did not necessarily make too much difference what precision was applied, provided that the same precision was decided upon clearly and made known to and applied by everyone.

6.28 **Mr Magenta** asked when the Bureau had decided to adopt six-decimal-place precision rather than three-decimal-place precision in its Part B calculations.

6.29 **Mr Wang (Head SSD/SNP)** said that the Bureau had never taken any specific decision to apply six-decimal-place precision when comparing two calculated values (as opposed to comparing values with criteria); nor had it received any instructions in the form of provisions of the Radio Regulations or Rules of Procedure. When comparing two calculated values, it simply ascertained whether the difference between the two values was positive or negative, without considering the number of decimal places taken into account. He added that, when seeking to provide Malaysia with further assistance, the Bureau could look into precisely what Malaysia had modified between Part A and Part B and ascertain whether it really made a difference in terms of interference.

6.30 **Mr Ito** concluded from the explanations provided that there was no need to request a decision from an ITU-R study group on what was essentially BR policy regarding the truncation of values, and which called for a straightforward decision by the Bureau.

6.31 **Mr Strelets**, having commented further on the merits of the various degrees of precision possible, said that the Board should request the Bureau to study the matter with a view to aligning all the different values involved and updating the relevant software accordingly. Responding to a query by **Mr Henri (Chief SSD)** regarding the scope of such a study, he said that in his view the Bureau should focus on the elements evoked in § 4 of the Malaysian Administration's letter of 25 April 2016 (Document RRB16-2/7) and on whether or not Malaysia's assertions therein were valid.

6.32 The **Chairman** proposed that the Board conclude on the matter as follows:

“The Board considered thoroughly the request from the Administration of Malaysia to review the finding regarding the MEASAT-91.5E-30B satellite network as contained in Document RRB16-2/7. The Bureau acted correctly in this matter, but noting the difficulties arising from the use of the software that the Administration of Malaysia encountered in the processing of its satellite network, the Board requested the Bureau to continue to provide assistance to the Administration of Malaysia in the case of the MEASAT-91.5E-30B satellite network in an effort to find a solution to this matter.



Furthermore the Board instructed the Bureau to perform the necessary studies to clarify the issue of the precision of calculations and requested the Bureau to prepare suitable guidance to administrations on the use of the relevant software produced by the Bureau for these purposes.

The Board decided to request the Bureau to report on the outcome of these issues to the next meeting of the Board.”

6.33 It was so agreed.

## 7 Submission by the Administration of Brazil regarding the status of the STAR ONE D1 satellite network (Document RRB16-2/12)

7.1 **Mr Matas (Head SSD/SPR)** introduced Document RRB16-2/12, containing a submission from the Administration of Brazil requesting a time-limited extension of the date of bringing into use of frequency assignments to the B-SAT-2N (84°W) satellite network. The administration stated that the launch of satellite STAR ONE D1, to be located at 84°W, had been scheduled to occur in the launch period 30 March - 30 June 2016 on Ariane V, but had been delayed until the new launch period 28 November 2016 - 28 February 2017 because of the late availability of the co-passenger spacecraft. Satellite STAR ONE D1 would operate the satellite network B-SAT-2N and the regulatory time limit for bringing into use the associated frequency assignments was 7 October 2016. As a consequence of the launch delay, which was beyond the administration’s control, the deadline for bringing the assignments into use would expire before the satellite entered into operation.

7.2 **Mr Hoan** observed that the Administration of Brazil referred to four letters in § 7 of its submission, but those letters were not provided to the Board.

7.3 The **Chairman** noted that in § 8 of its submission the administration requested the Bureau to give confidential treatment to the information contained in those letters, hence in accordance with Part C of the Rules of Procedure those letters were not attached.

7.4 **Mr Bin Hammad** said that if the Board were to consider the request by the Administration of Brazil on the basis of *force majeure* then all the criteria set out in the legal guidance previously provided to the Board would have to be met. **Mr Magenta** asked whether the delay could be said to be unforeseen, in the context of the conditions to be fulfilled for granting an extension on the basis of *force majeure*.

7.5 The **Director** clarified that the Board could grant an extension on the basis either of co-passenger delay or of *force majeure*. It was not necessary for both conditions to be met. The present case hinged on co-passenger delay, and in his opinion the supporting evidence was convincing.

7.6 **Mr Kibe**, referring to § 1.6bis of Part C of the Rules of Procedure and Brazil’s request for the confidential treatment of information, said that the Board could not conduct its work transparently in the absence of supporting evidence. He suggested that the Bureau should be instructed to return the submission to the administration and ask that it be resubmitted with unrestricted documentary support. The Board could then consider the matter at its next meeting. **Mr Koffi** also favoured that approach.

7.7 **Ms Wilson** agreed that the request for confidentiality made it difficult for the Board to consider the case but nevertheless thought that the Board should do so at the present meeting, given that the next meeting was scheduled for dates in October 2016 after the expiry of the regulatory time-limit for bringing the assignments into use. Based on the information contained in the submission including the delayed launch date and the time-limited extension sought, as well as previous decisions by the Board, and the response of the conference to those decisions, she hoped that the Board could

give comparable treatment to Brazil. She suggested that the Bureau might contact the administration to see whether redacted documents could be made available to the Board.

7.8 The **Chairman** suggested that the Bureau might summarize the confidential documents. **Mr Bessi** endorsed that suggestion.

7.9 **Mr Strelets** supported Ms Wilson's comments and the Chairman's suggestion. In his opinion, the request by the Administration of Brazil was well founded and it was in the Board's competence to grant a time-limited extension to the regulatory deadline on the basis of co-passenger delay. He stressed, however, that the Board's work had to be transparent and understood the difficulty posed by the unavailability of confidential documents. Perhaps the Bureau could simply confirm that the confidential documents referred to in § 7 of Brazil's submission supported the request made by the Administration of Brazil.

7.10 **Mr Bin Hammad** said that the Board should consider cases on an equal footing and was reluctant to set a precedent by taking a decision without seeing supporting evidence. He asked whether the Bureau had contacted the administration with a view to obtaining documents that could be made available to the Board.

7.11 **Mr Henri (Chief SSD)** said that the Bureau had indeed contacted the administration to inform them that, in accordance with the Rules of Procedure, confidential documents would not be circulated to the Board. The Bureau had asked whether any similar, non-confidential documents were available but the administration had not replied, possibly because it could not obtain authorization to publish the information. He personally had seen the confidential documents and confirmed that they provided information to support the administration's request. He said that the Bureau would not wish to provide a non-confidential summary of confidential information, given the sensitivity of concerns regarding confidentiality.

7.12 **Mr Ito** said that one way for the Board to overcome the difficulty of being unable to see confidential information was to trust the Bureau, which could see such information. In the present case, perhaps one of the vendors was insisting on confidentiality, and the Board might have to wait a long time for the information to become public. The Board should accept the assurance given by the Bureau and move forward to accede to the administration's request. **Mr Strelets** endorsed that approach.

7.13 **Ms Wilson** and **Mr Bessi** said that the confirmation provided by the Bureau was sufficient to validate the case as one of co-passenger delay. The power given to the Board by WRC-12 and confirmed by WRC-15 enabled the Board to extend the deadline. The Board should accede to the request by the Administration of Brazil.

7.14 **Mr Khairov** recalled that the Board worked on the basis of trusting the information provided by administrations. Only if there was reason to doubt the validity of such information was it necessary to demand evidence. In the application of No.13.6, the information provided by administrations was accepted. All cases should be dealt with in the same way. In the present case, he was in favour of acceding to the administration's request.

7.15 The **Chairman** suggested that the Board conclude as follows:

"The Board considered in detail the request by the Administration of Brazil for an extension of the date of bringing into use of the frequency assignments to the B-SAT-2N satellite network (84°W) as contained in Document RRB16-2/12. Taking into consideration the information provided and the clarification by the Bureau of additional information, mentioned under point 7 of the document, the Board concluded that the case falls in the category of co-passenger delay and took into account that WRC-15 confirmed that the Board was granted the authority to address requests for time-limited extensions in such cases.

Consequently, the Board decided to grant the Administration of Brazil an extension of six months of the time limit for bringing into use of the frequency assignments to the B-SAT-2N satellite network (84°W) to 7 April 2017.”

7.16 It was so agreed.

## **8 Submission by the Administration of the Russian Federation regarding the status of the INTERSPUTNIK-17E, INTERSPUTNIK-17E-CK and INTERSPUTNIK-17E-B satellite networks (Document RRB16-2/9)**

8.1 **Mr Matas (Head SSD/SPR)** introduced Document RRB16-2/9 containing a submission by the Administration of the Russian Federation acting in its capacity as notifying administration on behalf of the International Organization of Space Communications INTERSPUTNIK and requesting the Board to extend the regulatory time-limit for bringing back into use the frequency assignments to satellite networks INTERSPUTNIK-17E, INTERSPUTNIK-17E-CK and INTERSPUTNIK-17E-B at orbital position 17°E on the basis of *force majeure*. As the administration explained in its submission, those satellite networks had been in use on the AMOS-5 satellite, launched on 11 December 2011. The guaranteed service life of the AMOS-5 satellite was supposed to have been 15 years, but on 21 November 2015, after a little less than four years in operation at orbital position 17°E, the satellite had suffered an abrupt outage resulting in its total failure and complete inoperability. In accordance with the requirements of the Radio Regulations, following the failure of the AMOS-5 satellite, the Administration of the Russian Federation on 3 February 2016 had informed the Bureau of the suspension of the operation of the frequency assignments to satellite networks INTERSPUTNIK-17E, INTERSPUTNIK-17E-CK and INTERSPUTNIK-17E-B effective 22 November 2015. The Administration of the Russian Federation explained in the document how each of the four conditions for *force majeure* were met. The administration also stated that, while the three years accorded by the Radio Regulations were sufficient for the planned replacement of an operational spacecraft, that period did not allow for completion of all the work involved in the preparatory activities, construction and launch of a new replacement satellite in a case in which the need to replace an operational spacecraft in orbit arose unexpectedly as a result of *force majeure*. The administration therefore requested the extension by one year, until 21 November 2019, of the regulatory time-limit for bringing back into use the suspended assignments.

8.2 **Mr Magenta**, supported by **Mr Khairov** and **Mr Koffi**, said that the four conditions for *force majeure* had been fulfilled and the Board should accede to the request by the Administration of the Russian Federation for a one-year extension of the regulatory time-period.

8.3 **Mr Ito** also supported extending the suspension period to four years, as requested by the Administration of the Russian Federation. He observed that the regulatory period had originally been two years, and had subsequently increased to three years. With advances in technology, it seemed that the investigation of failure and the replacement of satellites was now taking longer.

8.4 **Mr Bessi** said that the Board always had to ensure that the four conditions for *force majeure* were properly fulfilled, otherwise administrations would count on the granting of extensions. In the present case, he asked in the context of the third condition whether it was genuinely impossible, rather than simply difficult, to respect the regulatory period. An automatic reply from the Board in favour of extending the period would imply that three years was not enough time to replace a satellite.

8.5 **Ms Wilson** said that in the present case, given the large number of frequency assignments, it would be highly unlikely for a suitable replacement satellite to exist. The only possibility was to launch another satellite, and it was impossible to do so within the three-year regulatory period. She therefore considered that all the conditions for *force majeure* were fulfilled and that the Board should accede to the request by the Administration of the Russian Federation.

8.6 **Mr Hoan** agreed that in the present case three years was not enough for replacement of the satellite and that the Board should grant the requested extension.

8.7 **Mr Bessi** said that, in the present case, the failure of the satellite could not have been foreseen, making it impossible for a new satellite to be constructed within the time limit. He therefore agreed that the Board should accede to the request by the Administration of the Russian Federation. **Mr Magenta** endorsed that view.

8.8 The **Chairman** suggested that the Board conclude as follows:

“The Board discussed in detail the request from the Administration of the Russian Federation for an extension of the date of bringing back into use the frequency assignments to the INTERSPUTNIK-17E, INTERSPUTNIK-17E-CK and INTERSPUTNIK-17E-B satellite networks as presented in Document RRB16-2/9. The Board concluded that the case fulfils the four prerequisites to qualify for consideration as a case of *force majeure*. Noting also the decision of WRC-15 to grant the Board the authority to address such cases, the Board therefore decided to grant the Administration of the Russian Federation an extension of one year of the time limit for bringing back into use the frequency assignments to the INTERSPUTNIK-17E, INTERSPUTNIK-17E-CK and INTERSPUTNIK-17E-B satellite networks to 21 November 2019.”

8.9 It was so **agreed**.

## **9 Submission by the Administration of Algeria concerning the receivability of correspondence sent by the Radiocommunication Bureau to administrations regarding the procedure for coordinating frequency assignments in conformity with the provisions of the regional agreements and the Radio Regulations (Document RRB16-2/11)**

9.1 **Mr Méndez (Chief TSD)** introduced Document RRB16-2/11, containing a request by the Administration of Algeria for the Board to clarify matters regarding the receivability of communications from the Bureau addressed to ITU Member States, and the manner in which the Bureau confirmed receipt of those communications, in particular when they concerned coordination requests or reminders subject to time limits under the terms of regional agreements or the Radio Regulations, and specifically in the event of non-receipt of communications sent by the Bureau, including the corrective measures required and the applicable regulations. The Algerian Administration stated that it had been the victim of non-receipt of reminders sent by the Bureau to administrations affected by Algeria’s draft modification of the GE06 Plan, published in BR IFIC 2798 of 7 July 2015. The Algerian Administration provided the full history of the case, and concluded its request by stating that it was important for the Board to elaborate rules of procedure defining the terms of receivability of communications sent by the Bureau, given the sensitivity of the deadlines and the undesirable consequences that could arise from failure to adhere to them.

9.2 Commenting on the details of the case, he drew attention to the relevant provisions of the GE06 Agreement, namely § 4.1.4.8-4.1.4.11. He then outlined how the Bureau had dealt with Algeria’s proposed modification to the Plan, and how its treatment of that proposed modification might have differed from its usual handling of proposed modifications. The publication of Algeria’s proposed modification had triggered the start of the 75-day period for administrations identified as potentially affected to respond – namely Spain, France, Libya, Morocco Tunisia and the United Kingdom. Under § 4.1.4.10, the Administration of Algeria had requested the Bureau to send reminders to those countries that should perhaps have responded but had not done so. The Bureau, for its part, had been well aware from which countries to expect a response because it had attended a meeting of the administrations belonging to the same region as Algeria (ASMG) at which the draft modifications to the GE06 Plan had been discussed and it had become apparent which administrations

were potentially affected. For some unknown reason, however, not all the countries to which the Bureau had sent the reminder under § 4.1.4.10 had received it. Faced with no response from the potentially affected countries in question, the Bureau had contacted them and been informed by them that they had never received the Bureau's reminder. The Bureau had consequently decided to extend the deadline for the submission of comments, as a result of which the Bureau had subsequently received the comments it had expected.

9.3 The **Chairman** inferred that the basic point of disagreement between the Algerian Administration and the Bureau was the fact that the Bureau had sent an additional reminder to certain administrations and Algeria considered that to send such a reminder was not in compliance with the GE06 Agreement and that it affected Algeria's rights under the Agreement, which was based on tacit agreement meaning consent.

9.4 **Mr Magenta** said that the simplest solution to Algeria's request might be to amend existing rules of procedure to incorporate the despatch of an additional reminder, say, 10 days before expiry of the relevant deadline.

9.5 **Mr Strelets** said that the Administration of Algeria appeared to have followed the provisions of the GE06 Agreement to the letter, had nevertheless suffered unjustly in the course of doing so, and was turning to the Board to seek some kind of satisfaction. The Board should examine Algeria's request thoroughly, as it appeared to involve errors both in the transmission of correspondence and in the application of the GE06 Agreement. He would therefore be opposed to simply modifying the existing rules of procedure in response to Algeria's request, which could be seen as an appeal under Article 14 of the Radio Regulations against action taken by the Bureau. The Board must ascertain whether mistakes had been made, or whether the Administration of Algeria had simply fallen victim to circumstances. The problem of the receivability of correspondence was a recurring issue, and must be addressed. There might well be practical reasons for the problems encountered in the present case, even though it would seem from fax 31E(BCD)O-2015-001270 (Annex 9 to Document RRB16-2/11) that all the faxes sent by the Bureau had reached their destinations.

9.6 The **Chairman** agreed that the Board should look into the matter in depth, involving as it did the general question of the receivability of correspondence and the situation in which the Administration of Algeria had found itself.

9.7 **Mr Bin Hammad** agreed with the Chairman. The Board should discuss the practice with regard to correspondence from the viewpoint of both administrations and the Bureau, so as to avoid the occurrence of similar situations in the future.

9.8 **Mr Khairov** endorsed the previous speakers' comments. He further noted that the Administration of Algeria had encountered problems relating to correspondence in the past. Nevertheless, the system for submissions under the GE06 Agreement was both efficient and well known, involving numerous reminders, which in principle should all have been received by the administrations identified for receiving them. He asked whether the Bureau had received any response from administrations within the forty days stipulated in § 4.1.4.11, and if so from which; and why, in the absence of response within the forty days under § 4.1.4.11, the Bureau had not assigned the status of "coordination completed" to Algeria's assignments upon expiry of that period.

9.9 The **Chairman** said that the fundamental point of contention for Algeria appeared to lie in the extra reminder sent by the Bureau to certain administrations, thereby giving them extra time to react when under the terms of the Agreement the procedure should have been finalized based on tacit agreement that removed the need for Algeria to coordinate with them.

9.10 **Ms Wilson** said that the key issue was what action the Bureau should take if its correspondence was not received by one or more administrations since, regardless of any additional reminders sent, non-receipt of correspondence entailed a potential loss of rights for the administration

concerned. In the case before the Board, three administrations had not received correspondence, following which e-mails had been sent to them and a new deadline set. That course of action did not seem inappropriate to her. Thus, if several administrations said that they had not received correspondence, shouldn't the Bureau alter the procedure set down in the Agreement?

9.11 The **Chairman** noted that Circular Letter CR/366 did indeed refer to the sending e-mails if faxes failed.

9.12 **Mr Ito** said that non-receipt of correspondence had been a recurring problem for years. In the case of No. 13.6, the provisions were clear and strict, the consequences of non-compliance were loss of rights, and the provision appeared to be well understood, with all parties exerting great caution in its implementation. With other provisions, however, for example No. 11.49, countries were less compliant, leading the WRC to introduce penalties for non-compliance. In general, with the exception of No. 13.6, ITU was very generous regarding reminders, and provided for several to be sent in order to ensure that administrations did not forfeit their rights. In the case at hand, however, Algeria contested the action taken by the Bureau, insisting that the Bureau should strictly follow the provisions of the GE06 Agreement, and in that regard Algeria was right. In that case, however, various other administrations would lose their rights. To his mind, there was no solution to the dilemma, except to explain the situation to all parties concerned and seek a way to resolve the matter through dialogue, possibly even at the next WRC.

9.13 **Mr Strelets** said that to his understanding of the situation the Bureau had committed certain errors in its handling of Algeria's Plan modification, and Algeria had reason to be perplexed. For example, at one point Algeria had appealed to the Bureau under § 4.1.4.11, seeking confirmation that coordination had been completed, but had had to send further correspondence before receiving a response. That response had indicated a favourable finding except with regard to one administration, but when Algeria had sought further clarification the coordination status vis-à-vis other administrations had suddenly been changed from "completed" to "required". To his mind, it was one of the basic everyday duties of frequency service officials to check BR IFICs carefully, without waiting for reminders. As Mr Khairov had pointed out, several reminders had been sent to the administrations concerned prior to the one that was the point of contention; the administrations had had ample opportunity to receive the information and respond. Algeria had fulfilled all its obligations perfectly, whereas the frequency service officials were to blame for not having done their jobs. Lastly, the provisions of the GE06 Agreement were perfectly clear in the deadlines they set and consequences of non-compliance. To develop a new rule of procedure to deal with the issue would serve no purpose, since the situation would be the same no matter how many reminders were sent.

9.14 **Mr Khairov** endorsed those comments, and asked why, after expiry of the forty-day period set in § 4.1.4.11, the coordination status of Algeria's assignments had been changed from "completed" to "required".

9.15 **Mr Méndez (Chief TSD)** stressed that all the actions taken by the Bureau had been intended to clarify matters as far as possible for all administrations and protect their rights. The problem under consideration by the Board stemmed essentially from the action taken in implementation of § 4.1.4.10 and interpretation of that provision. For an unknown reason, the reminders prepared by the Bureau to be sent under that provision had been submitted by the Bureau to the fax transmission service but had never reached the three administrations concerned. Three other administrations consulted in parallel confirmed that they had not received the Bureau's faxes either. Tunisia in particular stood to obtain no advantage by confirming that faxes sent had not been received: the Tunisian Administration had already earlier reacted to the Algerian assignments by communicating with the Bureau. Thus, various factors indicated that there had been a problem in transmitting the faxes. Addressing the questions asked by Mr Khairov, he confirmed that an administration, namely Spain, had received and responded to the Bureau's fax within the forty-day period under § 4.1.4.11, whereas the Administrations of France, Libya and Morocco appeared not to have received the faxes. It should also be noted that the

action taken by the Bureau had been based on awareness of Morocco's position on the Algerian assignments from the outset: Morocco had reacted immediately, on 29 July 2015, to publication of the special section containing Algeria's Plan modifications by expressing its disagreement with the modifications and saying that any agreement on Morocco's part would be subject to a mutual agreement between Algeria and Morocco regarding Moroccan assignments. Also regarding action taken by the Bureau, he observed that a distinction should be drawn between the BR IFIC, which was the Bureau's official publication, and what was posted on the BR website, which involved an unofficial, automated facility made available to the membership. Regarding the latter, immediately following the forty-day period under § 4.1.4.11, an operator had launched the process regarding Algeria's assignments, automatically generating a "coordination completed" status because no response had been received from the other administrations concerned. Almost immediately thereafter, that status had been rectified to indicate "coordination required" because the Bureau was aware that responses were expected. Thus the sudden switch of status was attributable to the fact that the website facility was automated but could require correction. Lastly, the Bureau had not responded to Algeria's first reminder following expiry of the forty-day period under § 4.1.4.11 because the expiry had fallen in the final week of WRC-15, when all Bureau staff had been taken up by the conference.

9.16 **Mr Strelets** said that the workload of WRC-15 explained some things, but not everything. He failed to understand why the Bureau – following expiry of the forty-day deadline and the posting and subsequent reversal of findings on the website, and having received no correspondence from administrations – had taken it upon itself to write to administrations seeking their position regarding the Algerian assignments, and had set a new deadline for response that did not correspond to any provisions of the GE06 Agreement. He remained convinced that Algeria's complaint was justified, that the Bureau had committed certain errors in its handling of the submission in question, and that no rule of procedure was called for as the provisions of the Agreement and existing rules of procedure were perfectly clear. The administrations affected should be told that their objections to Algeria's assignment could not be taken into consideration because the deadline for response had expired.

9.17 **Mr Méndez (Chief TSD)** said that the Bureau, in the light of the information available to it, had taken the action that in its view had best corresponded to application of the GE06 Agreement. First, it had received a letter from the Administration of Morocco dated 29 July 2015 (just after publication of the IFIC containing Algeria's Plan modifications) in which Morocco clearly indicated its disagreement regarding Algeria's assignments. Second, the Bureau had participated in and coordinated various subregional meetings at which it had been agreed that the various administrations would not agree to Algeria's Plan modifications immediately, but might do so subsequently, simultaneously, within the framework of mutual agreements not yet finalized. Thus the Bureau had been aware of the position of the administrations concerned because it had attended and had indeed helped to organize coordination meetings at which those positions had been established. An error had perhaps indeed been made in regard to the unsupervised updating of the database, leading to coordination status appearing first as "completed" and then as "required". That had potentially prevented countries from responding and indicating their non-agreement. Consequently, in order to rectify the fact that the fax initially sent out by the Bureau under § 4.1.4.10 had not been received, the Bureau had sent a request to the administrations concerned requesting confirmation that they had received the reminder. Such had been the initiative taken by the Bureau in order to resolve a situation for which the provisions of the GE06 Agreement provided no solution.

9.18 **Mr Magenta** observed that the Bureau had used a machine to send faxes to administrations, and that machine had confirmed that the faxes had been both sent and received at the other end. The administrations said that they had not received the faxes. It was consequently very difficult to ascertain who was to blame. Thus far, the debate had focused on the history of Algeria's Plan modification submission, and the dates involved, whereas he noted that Algeria's request, as clearly set out in the last paragraph of its letter dated 25 April 2016, was for the Board to elaborate rules of

procedure defining the terms of receivability of communications sent by the Bureau. To his mind, the Board should concentrate on that request.

9.19 **Mr Koffi** said that the Board's discussion of the request before it had led to the identification of various anomalies in relation to the GE06 Agreement, and the Board should therefore consider whether or not to elaborate a rule of procedure to clarify matters, as requested by Algeria.

9.20 Responding to Mr Méndez's explanations, **Mr Strelets** said that the details or outcomes of negotiations between regional groups or any assumptions in that regard had no place within the framework of the GE06 Agreement and its procedure. The deadlines set down therein and consequences of non-compliance were clear, and he therefore saw no justification for the elaboration of rules of procedure to deal with them. If the at least four reminders provided for in the GE06 Agreement did not suffice, the development of rules of procedure would do nothing to resolve matters.

9.21 **Mr Méndez (Chief TSD)** reiterated that the Bureau had based its action on the information available to it. In that regard, he read out the letter from the Administration of Morocco to which he had referred, dated 29 July 2015, which was addressed to the Director of BR. In that letter, Morocco specifically requested to be deleted from the list of countries that had given their agreement to the assignments listed in the annex to the letter, which comprised Algeria's assignments. The letter went on to say that, during the exercise carried out to coordinate digital terrestrial TV frequencies in the band 470-694 MHz, led by ITU for the Arab countries, it had been agreed that the mutual agreements reached in the course of the exercise were provisional and would become definitive only upon completion of the coordination required with neighbouring countries. That letter constituted an official submission by Morocco to the Bureau and its Director, and related to a meeting in which ITU had been directly involved.

9.22 The **Chairman** suggested that, in view of all the explanations provided regarding the situation faced by Algeria and the other administrations concerned by its draft Plan modifications, and the fact that Algeria's request was for the elaboration of draft rules of procedure, the Board might conclude as follows:

“The Board studied the contribution from the Administration of Algeria very carefully as presented in Document RRB16-2/11 in regards to the difficulties that the Administration of Algeria had experienced. The Board requested the Bureau to continue providing assistance to the administrations involved in their efforts to find a solution to this matter.

The Board requested the Bureau to develop, for adoption at its next meeting, an updated version of Part A10 of the Rules of Procedure to ensure, prior to end of the corresponding deadlines, that the administrations, to which a reminder was sent pursuant to § 4.1.4.10 of the GE06 Regional Agreement, have received these reminders.”

9.23 It was so **agreed**.

## **10 Draft rule of procedure concerning the treatment of requests for coordination or notification notices of satellite networks received prior to the entry into force of a WRC decision (Circular Letter CCRR/55, Documents RRB16-2/2 and RRB16-2/4)**

10.1 **Mr Henri (Chief SSD)**, introducing Circular Letter CCRR/55, recalled that at its previous meeting the Board had instructed the Bureau (§ 7 of Document RRB16-1/22 – Minutes of the 71st meeting) to develop a draft new rule of procedure on the receivability of filings submitted to the Bureau before the effective date of entry into force of a frequency allocation and after the adoption of a decision by a WRC. The rule of procedure was to be based on current practice as outlined in Annex 1 to Document RRB16-1/4. The proposed draft rule was contained in annex to Circular Letter



CCRR/55 and, as a consequence of adopting that rule, the current rule on No. 9.11A would have to be modified by suppressing its § 3.3, which was covered by the new rule. Following publication of Circular Letter CCRR/55, the Bureau had received comments from administrations, as presented in the annexes to Document RRB16-2/4. The Administrations of France (Annex 1), Sweden (Annex 2), Israel (Annex 3), the Russian Federation (Annex 6) and Turkey (Annex 7) favoured the draft rule. The ASMG administrations (Annex 4), namely Algeria, Saudi Arabia, Bahrain, Djibouti, Egypt, Jordan, Kuwait, Oman, Qatar and Sudan, proposed the date 1 July 2016 for the new FSS allocation in the bands 13.4-13.65 GHz and 14.5-14.8 GHz, while the Administrations of Luxembourg and Norway (Annex 5) said that the date 1 January 2017 should apply to the new FSS allocation. In Document RRB16-2/2, the Bureau provided for information a consolidated and detailed historical list of requests for coordination of satellite networks received prior to the entry into force of a WRC decision, which the Bureau had published with a “qualified” favourable finding (in a few cases with a “favourable finding”).

10.2 **Mr Strelets** commended the Bureau for preparing and disseminating the draft rule of procedure so speedily, as requested by the Board. Referring to the comments by administrations, he queried the rationale for proposing the date 1 July 2016. The argument was surely stronger for selecting 1 January 2017, the date of entry into force of the provisions.

10.3 **Mr Henri (Chief SSD)** said that the same query had arisen in his own mind. During the lively debate at WRC-15, there had been support for 1 January 2017, the date of entry into force of the FSS allocation, as well as for 28 November 2015, the first day after the conference. No agreement had been reached on proposals for various dates in between. The Board’s decision at its 71st meeting implicitly accepted the date 28 November 2015 for receivability of notices concerning new frequency bands allocated by WRC-15. Until those allocations came into force on 1 January 2017, such notices could receive “qualified” favourable findings.

10.4 **Ms Wilson** pointed out that the comments in Annexes 4 and 5 to Document RRB16-2/4 opposing the draft rule of procedure related specifically to the new FSS allocation in the 13.4-13.65 GHz and 14.5-14.8 GHz bands. There were no arguments in those annexes relevant to the general rule of procedure. The Board should however consider the additional text proposed by the Administration of the Russian Federation, which related to the general rule of procedure.

10.5 The **Chairman** invited the Board first to conclude its discussion on the draft rule in Circular Letter CCRR/55 and then to consider the supplementary text proposed by the Administration of the Russian Federation.

10.6 **Mr Bessi** said that he had analysed the draft rule of procedure prepared by the Bureau in response to the Board’s decision at the previous meeting, bearing in mind that the date of entry into force of the new FSS allocation was 1 January 2017. The Bureau proposed 28 November 2015 as the effective date of application of the rule of procedure, but he questioned whether that date gave equal access to all administrations. Normally, a rule of procedure was effectively applied as from the date on which it was adopted, thus in the case now being considered the rule would apply as from the last day of the present Board meeting. He had seen no arguments from administrations to support 1 July 2016 or 1 January 2017 as the effective date of application of the draft rule. The proposed draft rule was general in scope and would apply in the future. In accordance with customary practice, he proposed that the rule be effective as from its date of adoption. He agreed that the Board should study the text proposed by the Administration of the Russian Federation.

10.7 **Mr Strelets** observed that the adverse comments from administrations related to the date of application of the proposed rule with regard to the FSS allocation. No administration had objected to the text of the general draft rule as such, the purpose of which was to cover the period from the end of the conference until the new provisions came into force.

10.8 **Mr Ito** noted that the draft rule dealt with requests for coordination or notification notices of satellite networks received prior to the entry into force of a WRC decision. He favoured consistency and maintaining the existing practice of the Bureau, from which numerous administrations had benefited in the past by receiving “qualified” favourable findings, among them some administrations that were now objecting to the current practice.

10.9 **Ms Wilson** pointed out that adopting the last day of the present Board meeting as the effective date of application of the rule would create confusion, and would oblige the Board to take a different decision in regard to the new FSS allocation in the 13.4-13.65 GHz and 14.5-14.8 GHz frequency bands to cover the interim period starting from 28 November 2015.

10.10 **Mr Khairov** said that the Board had taken a wise decision at its previous meeting, enabling administrations to comment on the proposed approach. He hoped that the current practice of the Bureau would be formalized in a rule of procedure which would be adopted at the present meeting.

10.11 **Mr Bessi** said that there seemed to be general agreement that the Board should adopt the draft rule of procedure prepared by the Bureau. The only point of debate was the effective date of application of the rule. To put all administrations on an equal footing, his view was that the date of application of the rule should be the date on which the rule was adopted.

10.12 **Mr Strelets** recalled that, at its previous meeting, the Board had not objected to the Bureau continuing to implement its existing practice. In the hypothetical case that the Board were to decide to choose the date of adoption of the rule as its effective date of application, the Bureau’s practice would in fact be the same before and after that date. For clarity, the effective date of application of the rule should be the end of the conference.

10.13 **Mr Ito** supported the view expressed by Mr Strelets that the effective date of application of the draft rule of procedure should be the end of the conference. He recalled that the rule of procedure on No. 9.11A had been created to deal with a similar situation involving non-GSO allocations, and that the Bureau had subsequently used the same practice more broadly for a period of more than 20 years.

10.14 **Ms Wilson** shared the views expressed by Mr Strelets and Mr Ito that the proposed rule should be applicable as from the end of WRC-15. Adopting a different date would make no difference in practice but would create ambiguity.

10.15 **Mr Bessi** recalled the wide-ranging discussions at WRC-15 and that some filings had already been received by the Bureau during the conference. No consensus had been reached, and the problem had been handed over to the Board to solve. The Board should find a solution that was fair to all administrations, not one that favoured just a few administrations.

10.16 The **Director** recalled that the conference had run out of time to resolve the matter and had therefore handed it over to the Board to consider in tranquillity. The draft rule, which would apply to a slew of services, appeared to cause no problem. Two difficulties would arise, however, if the effective date of application of the rule were to be set at the date of its adoption. First, as Mr Strelets had pointed out, there would be a discontinuity between the period from the end of the conference to the date of application of the rule and the period from the date of application of the rule to the entry into force of the provisions. Second, an accumulation point would be created with numerous networks having the same date of receipt, causing coordination problems among administrations. Cases previously discussed by the Board illustrated the type of difficulties to be expected.

10.17 **Mr Magenta** said that the Board had to look at the matter from the standpoints of legality and equity. If the Board decided that the effective date of application of the draft rule should be the end of the conference, then it would be giving an advantage to administrations that had already submitted notices or requests. He therefore preferred the approach proposed by Mr Bessi, in line with

the Board's practice in dealing with rules of procedure, to set as the date of application of the rule the date of its adoption.

10.18 **Ms Wilson** said that the conference had specifically asked the Board to solve the problem of the receivability and treatment by the Bureau of coordination requests for the new FSS allocation in the frequency band 13.4-13.65 GHz and 14.5-14.8 GHz submitted prior to the date of entry into force of the allocation. Having discussed the matter at its previous meeting, the Board had concluded that the best approach would be to develop a general rule of procedure that could then be applied to the specific case. She reiterated that the rule should be applied as from the end of the conference.

10.19 **Mr Ito** supported the comments made by the Director regarding the date of application of the rule. Referring to Mr Bessi's concern about equality, he said that there were two kinds of equality: equality of opportunity and equality of result. The non-planned bands offered equality of opportunity: the door was open to all administrations. In the planned bands, every administration had an orbital position, thus there was equality of result. The Board was now discussing the non-planned bands. Since the CPM for WRC-15, administrations had known which specific bands were being considered, and some administrations had acted on that information while others had not. The list contained in Document RRB16-2/2, headed by ARABSAT with APIs received in 1992 and TONGASAT with APIs received in 1993, showed that the "first come, first served" approach worked satisfactorily. If the Board were to decide on a date other than the end of the conference, it would deprive administrations of the right of equal opportunity.

10.20 **Mr Bin Hammad** reminded the Board that three different dates had been mentioned. To offer equal opportunity and to put all administrations on an equal footing, the date of application of the rule of procedure should be its date of adoption by the Board, as proposed by Mr Bessi and Mr Magenta.

10.21 **Mr Strelets** recalled that, at the Board's 71st meeting, his view had been that all coordination requests sent to the Bureau prior to the entry into force of the new allocation should have the same date of receipt, namely 1 January 2017. In other words, his approach had been similar to that now being advocated by Mr Bessi. Nevertheless, as a compromise to reach consensus, and being convinced by additional material that the current practice of the Bureau was justified, the Board had instructed the Bureau to draft a rule of procedure based on its existing practice. The general draft rule had been circulated to administrations for comment and no administration had queried its proposed date of application, although some had asked for different dates for the specific FSS allocation. It was always possible that a rule of procedure might not suit some administrations, and under No. 13.14 of the Radio Regulations any administration that disagreed with a rule of procedure could submit its objection to the Director for inclusion in the Director's report to the next conference.

10.22 **Mr Bessi** observed that the conference had not decided on a date for receivability, yet some administrations had already submitted tens of filings which, in practice, could not all be accommodated. Such blanket submissions would result in a monopoly situation. There had been no agreement at the conference about the date of receivability, and Board members also held different views. There was, however, general agreement on the draft rule of procedure as such. The date of adoption of the rule of procedure should be taken as the date of its application, resulting in equality of opportunity because administrations would have to coordinate in order to share the frequency spectrum.

10.23 **Mr Hoan** recalled that, at its previous meeting, the Board had decided that previous practice should be followed and the Bureau had drafted a rule of procedure accordingly. Any decision by the Board should avoid creating more difficulties, so adopting the draft rule would imply that the date of receivability of coordination requests would be the end of the conference, even if the date of application of the rule was the end of the Board's present meeting.

10.24 **Mr Koffi** suggested that the Board should deal first with the draft rule of procedure and then with the date of receivability.

10.25 **Mr Magenta** requested clarification of the legal validity of a retroactive rule of procedure.

10.26 **Mr Bessi** asked whether the Board could indeed adopt a rule of procedure with retroactive effect. In his understanding, no legal text could be adopted with retroactive effect and no WRC decisions were retroactive.

10.27 **Ms Wilson** recalled the information presented to the Board's previous meeting in Document RRB16-1/4, which showed that the draft rule might be applicable to various conference decisions unrelated to the FSS band. It would create confusion and difficulty for administrations if the Board gave the impression that there were two different dates for receivability.

10.28 **Mr Kibe** said that WRC-15 had not tasked the Board to decide on a date of application for a practice that the Bureau had implemented since 1988. The conference had asked the Board to decide on the receivability under Article 9 of filings submitted before the entry into force of the allocations. There had been no opposition to the draft rule of procedure as such and he saw no compelling reason not to retain 28 November 2015 as the date of application.

10.29 **Mr Magenta** said that he had sympathy with the idea of maintaining a long-standing practice that had not caused problems. But the Board was composed of experts who could not in good conscience take a legally suspect decision involving retroactivity. He requested legal advice on whether or not the Board could adopt a rule of procedure to be applied retroactively.

10.30 **Mr Ito** supported Mr Kibe and Ms Wilson. Having run out of time for discussion, WRC-15 had asked the Board to solve the problem, thereby giving the Board authority to set the date for application of the procedure as from the end of the conference.

10.31 **Mr Koffi** also supported Mr Kibe. He saw no problem with retroactivity, because the Bureau's practice before the adoption of the rule of procedure would be the same as its practice afterwards. He would, however, welcome legal advice.

10.32 **Mr Bessi** said that the Board must not take a retroactive decision and he too called for legal advice. WRC-15 had asked the Board to solve the problem of receivability with regard to the new FSS allocation before the entry into force of the allocation. It had not instructed the Board to develop a rule of procedure. If there was disagreement among Board members, the Board could simply instruct the Bureau to continue to implement its existing practice. There was no need for the Board to take a hasty decision, given that the new allocation only came into force on 1 January 2017.

10.33 **Mr Henri (Chief SSD)** observed that, in the absence of a decision by the Board, the Bureau would continue to implement the existing practice. Coordination requests received on 28 November 2015 would shortly be published in the BR IFIC. A rule of procedure would clarify matters for all administrations.

10.34 **Ms Wilson** urged the Board not to throw the baby out with the bathwater. WRC-15 had left the matter of the new FSS allocation in abeyance and tasked the Board to decide. The Board had noted that the existing procedure of the Bureau was not spelled out, except under No. 9.11A. If the Board picked any other date for application than the end of the conference, then it would still have to decide on the receivability of FSS notices between the end of the conference and that date. She urged the Board to fix the date as 28 November 2015 to enable the Board to fulfil the task set by the conference and to avoid causing ambiguity for other services. The Board should avoid creating difficulties for administrations by delaying its decision.

10.35 **Mr Khairov** saw no problem of retroactivity. The existing practice, which everyone was ready to adopt, would be the same at the end of the conference as now. However, if the Board were to adopt the date of the end of the present meeting for the application of the rule of procedure, then

there would be a gap in applicability between 28 November 2015 and that date, and the Board would have to develop an interim rule to cover that period.

10.36 **Mr Bin Hammad** said that, because of the sensitivity of the matter, it would be preferable to have legal advice, even though some members of the Board saw no problem with retroactivity.

10.37 **Mr Strelets** said that there was general agreement about the need for a rule of procedure. The Board should now focus on deciding on its date of application.

10.38 It was **agreed** to request the ITU Legal Adviser to attend the meeting to give an opinion on whether, in the matter at present being discussed, the Board could adopt a rule of procedure with a date of application in the past.

10.39 The **Legal Adviser** explained that non-retroactivity was a basic principle of international law, although it was not an absolute principle. He drew a distinction between retroactivity in its strict sense, in other words applying a new measure to something that had happened in the past, and a slightly different set of circumstances, namely the act of applying a new measure to something that had started in the past and continued up to the present. It seemed that the Board was faced with the latter case. The situation to which the rule of procedure would apply had arisen on 28 November 2015 at the close of the conference and still continued today. The application of the rule of procedure to a continuing situation that had existed since 28 November 2015 was therefore not a retroactive application but an immediate application to an existing and continuing situation. That understanding was a legally acceptable way for the Board to resolve its current dilemma.

10.40 **Mr Bessi** thanked the Legal Adviser for his opinion but said that the condition for non-retroactivity did not apply to the matter before the Board. The situation had not remained the same because initially some administrations might not have been aware of the practice of the Bureau, a practice to be clarified by the rule of procedure. The Bureau had provided a list of around 20 administrations that had applied the practice, but there could well have been many administrations that had been unaware of it. The Board should not take a retroactive decision. If the conference had solved the problem, it could have adopted the date 28 November 2015, but there had been objections from many administrations.

10.41 The **Director** observed that the conference had taken an avenue open to it and delegated a difficult decision to the Board.

10.42 **Mr Magenta** said that he still had doubts about the difference between absolute and relative retroactivity. He also wondered whether the phrase “effective date of application” was correct from a legal standpoint. He hoped that the Board could come to a compromise and suggested that it might adopt a transitional rule of procedure to apply up to 1 January 2017.

10.43 The **Director** observed that the rule of procedure would be used for general purposes and thus could not be categorized as transitional, even if it was transitional for the new FSS allocation.

10.44 **Ms Wilson** saw no difficulty with the phrase “effective date of application”. She thanked the Legal Adviser for his pertinent advice. If the matter had occurred in the past, nobody would be awaiting the Board’s decision. Clearly the situation that the Board was discussing had started in the past but continued to the future. In her understanding, retroactivity did not apply in such a case.

10.45 The **Chairman** stated that, according to the Legal Adviser, the Board could adopt the rule of procedure with 28 November 2015 as the effective date of application.

10.46 Responding to a query by **Mr Magenta**, the **Legal Adviser** explained that the rule of procedure would deal with a matter that had started, that was ongoing and that had not ended at the date on which the rule was adopted. He therefore confirmed that Ms Wilson’s understanding was correct and that the case fell into the category of those that were slightly different from retroactivity. He also confirmed the Chairman’s statement.

10.47 **Mr Strelets, Mr Ito and Mr Kibe** thanked the Legal Adviser for his useful advice and suggested that the Board adopt the rule of procedure with 28 November 2015 as its effective date of application.

10.48 **Mr Bessi** recalled that at WRC-15 administrations had opposed adoption of the date 28 November 2015. The Board would not satisfy all administrations by adopting a rule of procedure with that date.

10.49 The **Chairman** recalled that the Board had recognized at its previous meeting that it was impossible to merge the different views. Having looked at the regulations and past practice, the Board had decided that the best approach would be to adopt a rule of procedure. The Board had to seek the most reasonable outcome, even if some administrations would be unhappy with the result. She therefore took it that the Board approved the draft rule as presented in Circular Letter CCR/55. She invited comments on the additional text proposed by the Administration of the Russian Federation in Annex 6 to Document RRB16-2/4.

10.50 Responding to comments by **Mr Strelets and Mr Ito, Mr Henri (Chief SSD)** said that the Administration of the Russian Federation mentioned the specific case of the steps taken by WRC-15 to protect existing and planned frequency assignments of data relay satellite systems (DRSS) operating on a secondary basis within the space research service (SRS) in the frequency band 13.4-13.65 GHz by changing the allocation conditions for individual applications of the service in question, ensuring equal (primary) status with respect to the new FSS allocation. However, in applying the rules of procedure on No. 11.50 to upgrade the status of SRS frequency assignments that were already recorded, it might be necessary to repeat procedures for coordination and recording in the MIFR, which meant that those frequency assignments, until their recording in the MIFR, would not be taken into account in applying No. 9.27 with respect to the frequency assignments of all the satellite systems notified within the new FSS allocation. He noted that the Administration of the United States had also raised the same specific case under a separate agenda item (see § 11 below). The additional text proposed by the Administration of the Russian Federation was general in nature, and he suggested that it might be included in the rules of procedure on No. 11.50, with appropriate amendments.

10.51 **Mr Bessi** said that the proposal by the Administration of the Russian Federation responded to concerns raised at WRC-15 and he saw no objection to including the text as part of the rules of procedure on No. 11.50.

10.52 The **Chairman** suggested that the Board conclude as follows:

“The Board discussed in detail the draft Rules of Procedure circulated to administrations in Circular Letter CCR/55, along with comments received from administrations (Documents RRB16-2/2 and RRB16-2/4) and the advice from the Legal Advisor on the retroactive application of a Rule of Procedure. The Board adopted the draft Rules of Procedure without any modification.

Furthermore, the Board instructed the Bureau to develop a draft amendment to the existing Rules of Procedure on RR No. 11.50 in order to clarify the coordination requirements in the case where the conference decided on a new allocation and the upgrade of the category of service of an existing allocation. The draft amendment to the Rule of Procedure on RR No. 11.50 (paragraph 5) should be developed, on the basis of the following principle:

“When a change to Article 5 results in the allocation to a new service (S2) and the upgrade of the category of an existing service (S1) in the same frequency band, the Bureau shall draw the attention of the administration operating service S1 on its assignments under service S1 which were previously recorded in the MIFR or received for coordination prior to the decision of the conference and propose to the administration that it submits new assignments to replace the previous ones. If the administration submits these new assignments to replace the previous ones, the Bureau shall consider that these new assignments do not have to coordinate with the assignments of the new service S2.”

10.53 It was so agreed.

**11 Submission by the Administration of the United States on the priority of coordination requests of existing frequency assignments in the space research service in the frequency bands 13.4-13.65 GHz and 14.5-14.8 GHz (Documents RRB16-2/13 and RRB16-2/INFO/1)**

11.1 **Mr Sakamoto (Head SSD/SSC)** introduced Document RRB16-2/13 containing, in Attachment 1, a submission from the Administration of the United States on the priority of coordination requests of existing frequency assignments in the space research service (SRS) in the frequency bands 13.4-13.65 GHz and 14.5-14.8 GHz. The Administration of the United States requested the Bureau to confirm, based on the intent of the decisions of WRC-15, that the coordination requests for the upgrade of the category of service of the existing frequency assignments in the space research service in those bands that received a date of receipt of 28 November 2015 would receive priority over the coordination requests to fixed satellite service (FSS) systems proposed to operate under the new allocation. In a letter to the United States Administration dated 18 March 2016, contained in Attachment 2 to the document, the Bureau explained that the rule of procedure on No. 11.50 would be applied, including the relevant coordination procedures. The two annexes to that letter listed the satellite systems operating under two new footnotes (No. 5.499C and No. 5.509G) in the space research service in the bands concerned. The matter was brought to the Board at the request of the Administration of the United States. Responding to a query by **Mr Bessi**, he said that the addition to the rule of procedure on No. 11.50 based on the text proposed by the Administration of the Russian Federation (discussed under a separate agenda item, see § 10 above) gave equal priority to SRS and FSS and thus did not fulfil the request of the Administration of the United States.

11.2 **Mr Strelets** emphasized that SRS services were used for scientific purposes in the interests of humanity. Existing SRS systems in the frequency bands 13.4-13.65 GHz and 14.5-14.8 GHz that were recorded in the MIFR had already completed coordination and should not be required to coordinate with new FSS systems in those bands. The Bureau should not charge fees for doing the same coordination twice, especially as scientific services were usually underfunded. Referring to Document RRB16-2/INFO/1 containing a letter from the Bureau to the Administration of the United States dated 2 May 2016, he said that there appeared to be a contradiction between the second paragraph, which referred to specific frequency assignments having primary status, and the fifth paragraph, which referred to their secondary status.

11.3 **Ms Wilson**, taking the floor on the general matter of interpreting the conference's decisions affecting not only the Administration of the United States, said that the discussions at WRC-15 had clearly shown that the intent was to protect SRS while making the co-primary allocation to the FSS in those bands.

11.4 **Mr Henri (Chief SSD)** confirmed that discussions in committees at WRC-15 had been in favour of protecting SRS but that wish had not been reflected in the Final Acts of the conference or in the minutes of the plenary meetings. In Document RRB16-2/13, the Administration of the United States was asking for special status for SRS assignments.

11.5 **Mr Sakamoto (Head SSD/SSC)** said that according to the rules of procedure, the Bureau could implement the status upgrade for SRS only after applying the coordination procedure requested in the rule of procedure on No. 11.50. The Bureau could not upgrade the assignments based on the intent of the decisions of the conference, but the Board could. He noted that the active spaceborne sensors which had higher status than other uses by SRS under previous No. 5.501A have now a co-primary status under new No. 5.499C but none were recorded in the MIFR.

11.6 **Mr Henri (Chief SSD)** observed that most members of the Board seemed to accept that SRS assignments recorded in the MIFR or communicated to the Bureau for coordination purposes under Article 9 before 28 November 2015 had no need to coordinate with FSS assignments. Further, Board members appeared to agree that coordination between SRS systems done when the assignments had secondary status need not be repeated when the SRS assignments were upgraded to primary status.

11.7 **Mr Bessi** noted that the conference had not given SRS priority over FSS. He asked on what basis could the Board adopt a decision protecting SRS from FSS.

11.8 The **Director** understood that the purpose of the rule of procedure on No. 11.50 was to “grandfather” all space research service (SRS) networks existing in the frequency bands 13.4-13.65 GHz and 14.5-14.8 GHz and recorded in the MIFR by 28 November 2015 vis-à-vis FSS. In other words, those SRS networks would not have to coordinate with FSS networks. WRC-15 had not accorded priority to SRS, but the Bureau could implement “grandfathering”, while acknowledging that SRS and FSS had the same status, by deeming that “existing” SRS filings on 28 November 2015 would be considered as received fractionally ahead of FSS filings received on the same date. The concept could be covered in a text based on the proposal by the Administration of the Russian Federation, to be added to the rule of procedure on No. 11.50 (see § 10 above).

11.9 The **Chairman** suggested that the Board conclude as follows:

“The Board considered the request from the Administration of the United States of America on the priority of coordination requests of existing frequency assignments in the space research service (SRS) in the frequency bands 13.4-13.65 GHz and 14.5-14.8 GHz under RR Nos. 5.499C and 5.509G as presented in Documents RRB16-2/13 and RRB16-2/INFO/1. Taking into account the discussions during WRC-15 to protect the assignments in the SRS, the Board decided that it is not necessary for assignments in the SRS, recorded in the MIFR or communicated to the Bureau for coordination purpose under Article 9 before 28 November 2015, to coordinate with assignments in the fixed satellite service (FSS).

The Board also confirmed that, as the status of the category of service between all incumbent services in these frequency bands remains unchanged, there is no need for the Bureau to make any additional regulatory examinations or findings for the recorded assignments or coordination requests previously published.”

11.10 It was so **agreed**.

## 12 **Impact of WRC-15 decisions on the Rules of Procedure (Documents RRB16-2/3, RRB16-2/8 and RRB16-2/10)**

12.1 Following suggestions by **Mr Strelets** and **Mr Bessi** that, given the importance of the present agenda item and the amount of work involved, it might be deferred to the Board’s 73rd meeting, the **Director** said that the Bureau hoped to be able to publish a full new set of Rules of Procedure to coincide with the entry into force of the new Radio Regulations as revised by WRC-15, namely 1 January 2017. That meant identifying at the present meeting what new or revised rules of procedure were required so that the drafts could be prepared and sent out to administrations for comments with a view to their consideration and approval at the Board’s last 2016 meeting. He therefore encouraged the Board to proceed with its work under the agenda item at the present meeting.

12.2 **Mr Kibe** agreed with the Director, and drew attention to No. 13.12Aa) of the Radio Regulations, which identified as one of the Board’s fundamental tasks the publication of a list of future proposed rules and the time-frame for their consideration by the Board. The Board should not be seen to let too much time go by after the WRC before getting down to the task.



12.3 **Ms Wilson** agreed with the Director and Mr Kibe.

12.4 **Mr Henri (Chief SSD)** introduced Document RRB16-2/3, containing the now traditional document prepared after each WRC identifying the impact of WRC decisions – that of WRC-15 decisions in the present instance – on the current Rules of Procedure. The document presented four attachments listing, respectively: those WRC-15 decisions which could require review of existing rules or the addition of new rules relating to RR provisions; WRC-15 decisions which could require new rules; existing rules which might require updating but not as a result of WRC-15 decisions; and decisions reflected in the WRC-15 plenary meeting minutes which might call for rules of procedure. Regarding that last category, he drew attention to the second paragraph on the cover page of the document, which noted that “Due to this particular status, the corresponding text of the Rules of Procedure may not be opened to comments by administrations.” He also noted that with the exception of the rule considered at the Board’s present meeting, the document proposed that all the rules be considered at the Board’s 73rd meeting, so that they would be in effect in time to guide the work of the Bureau and administrations when the new Radio Regulations came into force on 1 January 2017. Document RRB16-2/10 contained comments by the Administration of the United States on the draft rules listed in Document RRB16-2/3.

12.5 He also introduced Document RRB16-2/8, containing a list of editorial modifications to existing rules of procedure due to WRC-15 changes in the references to ITU-R Recommendations, WRC resolutions or provisions of the Radio Regulations. Given that those modifications in no way altered the substance of the rules concerned, it was proposed that the Board authorize the Bureau to proceed with those modifications without seeking comments from administrations.

12.6 **Mr Bessi** thanked the Bureau for the very complete documents made available to the Board. He nevertheless questioned the suggestion – which was a departure from the Board’s practice in the past – that the rules in Attachment 4 to Document RRB16-2/3 might not be sent out to administrations for comment. He could, however, agree with the proposal for the Board to instruct the Bureau to proceed with the editorial modifications presented in Document RRB16-2/8. Lastly, he noted that the Board’s 73rd meeting might have to be devoted essentially to the consideration of rules of procedure, given the amount of work involved and desirability of completing the task at that meeting.

12.7 **Mr Strelets** said that to his understanding of No 13.12A of the Radio Regulations, all draft rules of procedure should be sent out to administrations for comment,

12.8 **Mr Ito** said that practical measures would have to be taken to allow the Board to complete its task on the rules of procedure at the 73rd meeting. He recalled that following WRC-12, the task had been distributed over several Board meetings. **Ms Wilson** suggested that the Board’s 73rd meeting might have to be extended by a few days in the light of the task. **Mr Strelets** stressed that the Board must ensure that it gave itself sufficient time to carry out the work properly. **Mr Magenta** agreed, adding that the Board might have to establish an order of priority regarding the rules of procedure it was to examine.

12.9 The **Chairman** proposed that the Board note Document RRB16-2/8 and request the Bureau to proceed with the modifications it contained.

12.10 It was so **agreed**.

12.11 The **Chairman** invited the Board to break into the Working Group on Rules of Procedure, chaired by Mr Bessi and vice-chaired by Mr Bin Hammad, which would consider the Board’s schedule for its consideration of rules of procedure on the basis of Documents RRB16-2/3 and RRB-16-2/10.

12.12 Following the meeting of the working group and its report to the plenary meeting of the Board, the Board **approved** its conclusions as follows:

“The Board noted the proposed editorial modifications to the Rules of Procedure as contained in Document RRB16-2/8 and instructed the Bureau to update the Rules of Procedure accordingly.

The Board approved the report from the Working Group on draft Rules of Procedure, which took into account Document RRB16-2/3 and the comments from the Administration of the United States of America as presented in Document RRB16-2/10 and instructed the Bureau to post the updated document on the RRB website. Furthermore, the Board also instructed the Bureau to prepare draft Rules of Procedure on the basis of the report and to circulate them to the administrations for comment. The Board decided to consider for adoption the draft Rules of Procedure at its 73rd meeting.”

12.13 The **Chairman** thanked Mr Bessi and Mr Bin Hammad, Chairman and Vice-Chairman of the working group, respectively, for their valuable contributions to the Board’s work on the Rules of Procedure.

### **13 Confirmation of the next meeting and indicative dates of future meetings**

13.1 In the course of a discussion on the need to perhaps foresee more meeting time than usual at the Board’s 73rd meeting in order to consider the draft rules of procedure prepared on the basis of the lists in Document RRB16-2/3, **Mr Strelets** stressed the importance of taking well discussed and well thought-through decisions on all items, failing which he would request deferral of items to a subsequent meeting.

13.2 **Ms Wilson** noted that it would be essential for the Board to get through its examination of the rules identified in Attachments 1 and 2 at its 73rd meeting, and that it could if necessary defer examination of those in Attachments 3 and 4 to the subsequent meeting.

13.3 The **Director** agreed with Ms Wilson, reiterating the need to have a strong regulatory framework comprising the Radio Regulations and accompanying Rules of Procedure, lest a climate of uncertainty emerge and the Bureau come under criticism for its action in implementing the decisions of the WRC.

13.4 **Mr Magenta** said that the Board should keep 17-21 October 2016 as the dates of the 73rd meeting, commencing at 0900 hours on the Monday and ending at 1730 hours on the Friday, as necessary, and decide at the 73rd meeting if the 74th meeting should be an extended meeting (extra meeting days).

13.5 It was so **agreed**.

13.6 The Board **agreed** to confirm 17-21 October 2016 as the dates of its 73rd meeting, and to tentatively confirm the dates of meetings in 2017 as follows:

74th meeting: 20-24 February 2017

75th meeting: 17-21 July 2017

76th meeting: 6-10 November 2017.

### **14 Approval of the summary of decisions (Document RRB16-2/14)**

14.1 The summary of decisions (Document RRB16-2/14) was **approved**.

## **15 Closure of the meeting**

15.1 The **Chairman** said that it was with regret that she had learnt that Mr Méndez would be retiring from ITU in the interim between the Board's 72nd and 73rd meetings. She thanked him for his considerable contribution to the work of ITU-R and the Board in particular over the years.

15.2 **Mr Méndez (Chief TSD)** thanked the Chairman for her kind words, and said that it had been both a pleasure and an honour to work closely with the Board since 1995. He had learnt a great deal from his contact with Board members over the years, and hoped his path would cross with theirs in one way or another in the future.

15.3 **Mr Magenta** congratulated the Chairman for her able handling of a meeting in which several extremely sensitive issues had required the Board's consideration.

15.4 The **Chairman** thanked everyone who had contributed to the successful outcome of the meeting. She closed the meeting at 1740 hours on Friday, 20 May 2016.

The Executive Secretary:  
F. RANCY

The Chairman:  
L. JEANTY