

RESOLUTION 80 (Rev.WRC-07)

Due diligence in applying the principles embodied in the Constitution

The World Radiocommunication Conference (Geneva, 2007),

considering

a) that Articles 12 and 44 of the Constitution lay down the basic principles for the use of the radio-frequency spectrum and the geostationary-satellite and other satellite orbits;

b) that those principles have been included in the Radio Regulations;

c) that Article I of the Agreement between the United Nations and the International Telecommunication Union provides that “the United Nations recognizes the International Telecommunication Union (hereinafter called “the Union”) as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein”;

d) that, in accordance with Nos. **11.30**, **11.31** and **11.31.2**, notices shall be examined with respect to the provisions of the Radio Regulations, including the provision relating to the basic principles, appropriate rules of procedure being developed for the purpose;

e) that WRC-97 instructed the Radio Regulations Board (RRB) to develop, within the framework of Nos. **11.30**, **11.31** and **11.31.2**, rules of procedure to be followed in order to be in compliance with the principles in No. **0.3** of the Preamble to the Radio Regulations;

f) that the Board, in accordance with Resolution **80 (WRC-97)**, submitted a report to WRC-2000 suggesting possible solutions and stating that, after examining the Radio Regulations, it had concluded that there are no provisions currently in the Radio Regulations that link the formal notification or coordination procedures with the principles stated in No. **0.3** of the Preamble to the Radio Regulations;

g) that the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space of the United Nations General Assembly has drawn up recommendations in this respect,

noting

a) that, in accordance with the provisions of No. 127 of the Convention, the Conference may give instructions to the Sectors of the Union;

b) that, according to No. 160C of the Convention, the Radiocommunication Advisory Group (RAG) shall review any matter as directed by a conference;

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- c) the RRB report to WRC-2000 (see Annex 1);
- d) the RRB report to WRC-03 (see Annex 2);
- e) that some of the issues identified in the report referred to in *noting c)* have been resolved before WRC-07,

resolves

1 to instruct the Radiocommunication Sector, in accordance with No. 1 of Article 12 of the Constitution, to carry out studies on procedures for measurement and analysis of the application of the basic principles contained in Article 44 of the Constitution;

2 to instruct the RRB to consider and review possible draft recommendations and draft provisions linking the formal notification, coordination and registration procedures with the principles contained in Article 44 of the Constitution and No. 0.3 of the Preamble to the Radio Regulations, and to report to each future World Radiocommunication Conference with regard to this Resolution;

3 to instruct the Director of the Radiocommunication Bureau to submit to each future World Radiocommunication Conference a detailed progress report on the action taken on this Resolution,

invites

1 the other organs of the Radiocommunication Sector, in particular the RAG, to make relevant contributions to the Director of the Radiocommunication Bureau for inclusion in his report to each future World Radiocommunication Conference;

2 administrations to contribute to the studies referred to in *resolves 1* and to the work of the RRB as detailed in *resolves 2*.

ANNEX 1 TO RESOLUTION 80 (Rev.WRC-07)

RRB Report to WRC-2000

In the RRB Report to WRC-2000¹, several members of the Board noted some difficulties likely to be experienced by administrations, particularly administrations of developing countries, as follows:

- the “first-come first-served” concept restricts and sometimes prevents access to and use of certain frequency bands and orbit positions;
- a relative disadvantage for developing countries in coordination negotiations due to various reasons such as a lack of resources and expertise;

¹ This Report can be found in Document 29 to WRC-2000.

- perceived differences in consistency of application of the Radio Regulations;
- the submitting of “paper” satellites that restricts access options;
- the growing use of the bands of the Plans of Appendices **30** and **30A** by regional, multichannel systems, which may modify the main purpose of these Plans to provide equitable access to all countries;
- the considerable processing delays in the Radiocommunication Bureau are due to the very complex procedures required and the large number of filings submitted; these delays contribute to a coordination backlog of 18 months which could extend to three years and creates uncertain regulatory situations, additional delay in the coordination process that cannot be overcome by administrations, and the possible loss of the assignment because the allotted time is exceeded;
- satellite systems may already be in orbit before completion of coordination;
- statutory time-frames, such as those in No. **11.48**, may often be insufficient for developing countries to be able to complete the regulatory requirements as well as the design, construction and launch of satellite systems;
- no provisions for international monitoring to confirm the bringing into use of satellite networks (assignments and orbits).

ANNEX 2 TO RESOLUTION 80 (Rev.WRC-07)

RRB Report to WRC-03

In the RRB Report to WRC-03², concepts to satisfy *resolves* 2 of Resolution **80 (WRC-2000)** were provided, as follows:

- special measures for countries submitting their first satellite filing:
 - on an exceptional basis, special consideration could be given to countries submitting their first filing for a satellite system, taking into account the special needs of developing countries;
 - such consideration should take into account the following:
 - impact on other administrations;
 - satellite service of the system (i.e. FSS, MSS, BSS);
 - frequency band covered by the filing;
 - system is intended to meet the direct needs of the country(s) concerned;

² This Report can be found in Addendum 5 to Document 4 to WRC-03.

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- extension of the regulatory time-limit for bringing into use:
 - conditions could be specified under which extensions might be granted on an exceptional basis to developing countries when they are not able to complete the regulatory date requirements, so that sufficient time for design, construction and launch of satellite systems is made available;
 - the conditions created under the previous paragraph should be included in the Radio Regulations as provisions that would allow the Radiocommunication Bureau to grant the extension.