

PLENARY MEETING

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Working Group 5

PROPOSED MODIFICATIONS TO THE DRAFT CPM REPORT

CHAPTER 5, AGENDA ITEM 7, ISSUE L

AGENDA ITEM 7

7 *to consider possible changes, and other options, in response to Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference, an advance publication, coordination, notification and recording procedures for frequency assignments pertaining to satellite networks, in accordance with Resolution 86 (Rev. WRC-07) to facilitate rational, efficient, and economical use of radio frequencies and any associated orbits, including the geostationary-satellite orbit;*

Resolution 86 (Rev. WRC-07): Implementation of Resolution 86 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference

5/7/12 Issue L – Modification of certain provisions of Article 4 of RR Appendices 30 and 30A for Regions 1 and 3 namely replacement of tacit agreement with explicit agreement or alignment of those provisions of RR Appendices 30 and 30A for Regions 1 and 3 with those of Appendix 30B

5/7/12.1 Executive summary for Issue L

The issue of agreement from administrations whose services are considered to be affected and their corresponding consequences were extensively discussed and reported to previous WRCs, leading to different regulatory implementations in RR Appendices **30**, **30A** and **30B**, which reflect delicate compromises reached at those Conferences. However, the provided information in Addendum 1 to Document CPM15-2/41 still indicates that there are significant reductions to the Equivalent Protection Margin (EPM), down to -30 dB in some cases. Three methods were considered as a result of this situation.

5/7/12.2 Background

Tacit agreement, i.e. no reply means consent, has been the basis for RR Appendices **30** and **30A** ever since their establishment by WARC-77 and WARC-83. The issue of tacit and/or explicit agreement and their corresponding consequences have been discussed at several WRCs, including WRC-97 and WRC-2000 which revised and replanned the Appendix **30** and **30A** Plans for

Region 1 and 3. As a result of these discussions, provisions wherein the Bureau explicitly informs identified administrations and also sends them reminders in the case of no reply, were included in the procedures for Appendices **30** and **30A** to the Radio Regulations. When WRC-07 established new procedures and a new Plan for Appendix **30B** to the Radio Regulations, the issue of tacit or explicit agreement was again discussed. The result of those discussions was that in Appendix **30B**, provisions similar to those of Appendices **30** and **30A** were introduced. However, in addition, provisions were included to address cases of no reply. It should also be noted that in respect of coordination of non-planned FSS under Article 9 of the Radio Regulations too, procedures are provided to address cases of no reply. However, the relevant provisions of Article 4 of Appendices **30** and **30A** to the Radio Regulations adopted to date have not resolved the problem of reduction of EPM. As a result there are a number of assignments with large negative EPMs as result of non reply to the request for coordination in the Plan of Appendices **30** and **30A** for Regions 1 and 3.

The alignment of certain provisions of Article 4 of Appendices **30** and **30A** with the corresponding provisions in non-planned bands/services or those of Article 6 of Appendix **30B** or the simplification and streamline of such provisions, may to some extent, resolve the issue to avoid consequence of non reply for notifying administrations.

5/7/12.3 Summary of technical and operational studies, including a list of relevant ITU-R Recommendations

Addendum 1 to the Director Report to CPM15-2 (Document CPM15-2/41) provides information on the reduction in the EPM of many assignments in RR Appendices **30** and **30A** as results of non-reply to the request for coordination.

5/7/12.4 Analysis of the results of studies

Comments received from administrations in application of Article 4 of Appendices **30** and **30A** may either be explicit agreements, explicit disagreements, or non-reply including to the message from the Bureau and the reminder within the specified regulatory deadline. The latter case currently does constitute as tacit agreement. In other words, if an administration does not reply within the four-months regulatory period to the request for coordination, the absence of reply is considered as agreement. Even though, WRC-03 and WRC-12 both received request to consider non-reply as disagreement however, no actions were taken in this regard. On the other hand, in application of Article 6 of Appendices **30B**, all agreements required are of explicit ones and the notion of tacit agreement does not exist. In fact, the provisions of the need for explicit agreement as the only possible manner on how to apply Article 6 of Appendix **30B** was extensively debated and was agreed by WRC-07 as a compromise related to other issues such as improving the technical parameters on which the Plan was based, on the agenda of which Appendix **30B** was included.

The consequences of such a tacit agreement(s) have resulted in the considerable reduction in the reference situation to the extent that the latter assignments may no longer identified as being adversely affected by subsequent modification(s) to Appendices **30** and **30A** Plans. This concern was raised by certain administrations at WRC-12 and the matter was referred to the Bureau and/or administrations with a view to finding a satisfactory solution to the matter.

Tacit agreement has the benefit of reducing the administrative burden on administrations, considering that in many cases the coordination trigger for the Appendices **30** and **30A** bands are conservative.

To date, no such solutions were found and the reference situations of certain assignments belonging to those administrations which failed to reply within the four-months regulatory deadline were significantly reduced.

5/7/12.5 Method(s) to satisfy Issue L

5/7/12.5.1 Method L1

Modify the corresponding provisions of RR Appendices **30** and **30A** in such a manner that the notion of tacit agreement be replaced by explicit agreement.

5/7/12.5.2 Method L2

Harmonization of the provisions in Article 4 of both RR Appendices **30** and **30A** with the corresponding provisions of Article 6 of Appendix **30B**.

5/7/12.5.3 Method L3

No change to RR Appendices **30** and **30A**.

In addition of the above mentioned methods there may be other methods to satisfy this issue.

5/7/12.6 Regulatory and procedural considerations for Issue L

5/7/12.6.1 Method L1

To implement this option, the following modification to provision 4.1.10 of RR Appendices **30** and **30A** is proposed:

APPENDIX 30 (REV.WRC-12)

**Provisions for all services and associated Plans and List for
the broadcasting-satellite service in the frequency bands
11.7-12.2 GHz (in Region 3), 11.7-12.5 GHz (in Region 1)
and 12.2-12.7 GHz (in Region 2) (WRC-03)**

ARTICLE 4 (REV.WRC-03)

**Procedures for modifications to the Region 2 Plan or
for additional uses in Regions 1 and 3**

MOD

4.1.10 An administration that has not notified its comments either to the administration seeking agreement or to the Bureau within a period of four months following the date of its BR IFIC referred to in § 4.1.5 shall be deemed to have not agreed to the proposed assignment. This time-limit may be extended:

- for an administration that has requested additional information under § 4.1.8, by up to three months; *or*
- for an administration that has requested the assistance of the Bureau under § 4.1.21, by up to three months following the date at which the Bureau communicated the result of its action.

APPENDIX 30A (REV.WRC-12)

Provisions and associated Plans and List for feeder links for the broadcasting-satellite service (11.7-12.5 GHz in Region 1, 12.2-12.7 GHz in Region 2 and 11.7-12.2 GHz in Region 3) in the frequency bands 14.5-14.8 GHz and 17.3-18.1 GHz in Regions 1 and 3, and 17.3-17.8 GHz in Region 2 (WRC-03)

ARTICLE 4 (REV.WRC-03)

Procedures for modifications to the Region 2 feeder-link Plan or for additional uses in Regions 1 and 3

MOD

4.1.10 An administration that has not notified its comments either to the administration seeking agreement or to the Bureau within a period of four months following the date of its BR IFIC referred to in § 4.1.5 shall be deemed to have not agreed to the proposed assignment. This time-limit may be extended:

- for an administration that has requested additional information under § 4.1.8, by up to three months, *or*
- for an administration that has requested the assistance of the Bureau under § 4.1.21, by up to three months following the date at which the Bureau communicated the result of its action.

Note: There may be a need to consider changes to other provisions of RR Appendices **30** and **30A**, such as 4.1.12.

Note: The proposed implementation could have an impact on the coordination with regard to networks in the Region 2 BSS Plan and FSS networks in Regions 2 and 3, and thus may require further study.

5/7/12.6.2 Method L2

To implement this option, the following modification to provision 4.1.10 of Appendices **30** and **30A** is proposed:

APPENDIX 30 (REV.WRC-12)

**Provisions for all services and associated Plans and List for
the broadcasting-satellite service in the frequency bands
11.7-12.2 GHz (in Region 3), 11.7-12.5 GHz (in Region 1)
and 12.2-12.7 GHz (in Region 2) (WRC-03)**

ARTICLE 4 (REV.WRC-03)

**Procedures for modifications to the Region 2 Plan or
for additional uses in Regions 1 and 3**

MOD

4.1.10 An administration that has not notified its ~~comments~~agreement either to the administration seeking agreement or to the Bureau within a period of four months following the date of ~~its~~the BR IFIC referred to in § 4.1.5 shall be deemed to have not agreed to the proposed assignment unless provisions of § 4.1.10a to 4.1.10d and § 4.1.21 are applied. This time-limit may be extended:

- for an administration that has requested additional information under § 4.1.8, by up to three months; *or*
- for an administration that has requested the assistance of the Bureau under § 4.1.21, by up to three months following the date at which the Bureau communicated the result of its action.

ADD

4.1.10a After the same time period as specified in § 4.1.5, the notifying administration may, pursuant to § 4.1.21, request the Bureau to assist in respect of an administration which has not replied within this time period.

ADD

4.1.10b The Bureau, acting under § 4.1.10a, shall send a reminder to the administration which has not replied, requesting a decision.

ADD

4.1.10c Fifteen days before the expiry of the 30-day period referred to in § 4.1.10d, the Bureau shall send a reminder to the above-mentioned administration drawing its attention to the consequence of no reply.

ADD

4.1.10d If no decision is communicated to the Bureau within thirty days after the date of dispatch of the reminder under § 4.1.10b, it shall be deemed that the administration which has not given a decision has agreed to the proposed assignment.

APPENDIX 30A (REV.WRC-12)

Provisions and associated Plans and List for feeder links for the broadcasting-satellite service (11.7-12.5 GHz in Region 1, 12.2-12.7 GHz in Region 2 and 11.7-12.2 GHz in Region 3) in the frequency bands 14.5-14.8 GHz and 17.3-18.1 GHz in Regions 1 and 3, and 17.3-17.8 GHz in Region 2 (WRC-03)

ARTICLE 4 (REV.WRC-03)

Procedures for modifications to the Region 2 feeder-link Plan or for additional uses in Regions 1 and 3

MOD

4.1.10 An administration that has not notified its ~~comments~~agreement either to the administration seeking agreement or to the Bureau within a period of four months following the date of ~~its~~the BR IFIC referred to in § 4.1.5 shall be deemed to have not agreed to the proposed assignment unless provisions of § 4.1.10a to 4.1.10d and § 4.1.21 are applied. This time-limit may be extended:

- for an administration that has requested additional information under § 4.1.8, by up to three months, *or*
- for an administration that has requested the assistance of the Bureau under § 4.1.21, by up to three months following the date at which the Bureau communicated the result of its action.

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4.1.10a After the same time period as specified in § 4.1.5, the notifying administration may, pursuant to § 4.1.21, request the Bureau to assist in respect of an administration which has not replied within this time period.

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4.1.10b The Bureau, acting under § 4.1.10a, shall send a reminder to the administration which has not replied, requesting a decision.

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4.1.10c Fifteen days before the expiry of the 30-day period referred to in § 4.1.10d, the Bureau shall send a reminder to the above-mentioned administration drawing its attention to the consequence of no reply.

ADD

4.1.10d If no decision is communicated to the Bureau within thirty days after the date of dispatch of the reminder under § 4.1.10b, it shall be deemed that the administration which has not given a decision has agreed to the proposed assignment.

Note: The proposed implementation could have an impact on the coordination with regard to networks in the Region 2 BSS Plan and FSS networks in Regions 2 and 3, and thus may require further study.

5/7/12.6.3 Method L3

NOC

APPENDIX 30 (REV.WRC-12)

Provisions for all services and associated Plans and List for the broadcasting-satellite service in the frequency bands 11.7-12.2 GHz (in Region 3), 11.7-12.5 GHz (in Region 1) and 12.2-12.7 GHz (in Region 2) (WRC-03)

NOC

APPENDIX 30A (REV.WRC-12)

Provisions and associated Plans and List for feeder links for the broadcasting-satellite service (11.7-12.5 GHz in Region 1, 12.2-12.7 GHz in Region 2 and 11.7-12.2 GHz in Region 3) in the frequency bands 14.5-14.8 GHz and 17.3-18.1 GHz in Regions 1 and 3, and 17.3-17.8 GHz in Region 2 (WRC-03)
