



Radiocommunication Bureau (BR)

Circular Letter
CR/477

31 May 2021

To Administrations of Member States of the ITU

Subject: **Minutes of the 86th 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 86th meeting of the Radio Regulations Board (22-26 March 2021).

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.

Mario Maniewicz
Director

Annex: Minutes of the 86th meeting of the Radio Regulations Board

Distribution:

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



Document RRB21-1/23-E
26 March 2021
Original: English

MINUTES*
OF THE
86TH MEETING OF THE RADIO REGULATIONS BOARD
22–26 March 2021 – Teleconference

Present:

Members, RRB

Mr N. VARLAMOV, Chairman

Mr E. AZZOUZ, Vice-Chairman

Mr T. ALAMRI, Ms C. BEAUMIER, Mr L.F. BORJÓN FIGUEROA, Ms S. HASANOVA, Mr A. HASHIMOTO, Mr Y. HENRI,

Mr D.Q. HOAN, Ms L. JEANTY, Mr S.M. MCHUNU, Mr H. TALIB

Executive Secretary, RRB

Mr M. MANIEWICZ, Director, BR

Précis-writers

Ms S. MUTTI, Ms K. WELLS

Also present:

Ms J. WILSON, Deputy Director, BR and Chief IAP

Mr A. VALLET, Chief, SSD

Mr C.C. LOO, Head, SSD/SPR

Mr M. SAKAMOTO, Head, SSD/SSC

Mr J. WANG, Head, SSD/SNP

Mr N. VASSILIEV, Chief, TSD

Mr K. BOGENS, Head, TSD/FMD

Mr B. BA, Head, TSD/TPR

Ms I. GHAZI, Head, TSD/BCD

Mr D. BOTHA, SGD

Ms K. GOZAL, Administrative Secretary

* The minutes of the meeting reflect the detailed and comprehensive consideration by the members of the Radio Regulations Board of the items that were under consideration on the agenda of the 86th meeting of the Board. The official decisions of the 86th meeting of the Radio Regulations Board can be found in Document RRB21-1/22.

Subjects discussed	Documents
1 Opening of the meeting	-
2 Adoption of the agenda and consideration of late submissions	RRB21-1/OJ/1(Rev.3)
3 Report by the Director of BR	RRB21-1/6 + Addenda 1-3
4 Rules of Procedure	RRB21-1/1, RRB21-1/6, RRB20-2/1(Rev.2)
5 Treatment of requests for extensions of regulatory time-limits to bring into use frequency assignments to satellite networks due to COVID-19	RRB21-1/7, RRB21-1/15
6 Requests relating to the extension of regulatory time-limits to bring into use frequency assignments to satellite networks	RRB21-1/8, RRB21-1/9, RRB21-1/10, RRB21-1/12, RRB21-1/13, RRB21-1/20, RRB21-1/21, RRB21-1/DELAYED/1, RRB21-1/DELAYED/5, RRB21-1/DELAYED/9, RRB21-1/DELAYED/10
7 Coordination of satellite networks at 25.5°E/26°E in the Ku-band	RRB21-1/6(Add.5), RRB21-1/11, RRB21-1/19, RRB21-1/DELAYED/6, RRB21-1/DELAYED/11
8 Submission by the Administration of Saudi Arabia regarding ARABSAT satellite networks 5A and 6A at orbital location 30.5°E and the upcoming TURKSAT-5A satellite network at orbital location 31°E in the Ku-Band (10.95-11.2 GHz, 11.45-11.7 GHz and 14.0-14.5 GHz)	RRB21-1/18, RRB21-1/DELAYED/2, RRB21-1/DELAYED/7, RRB21-1/DELAYED/8
9 Submission by the Administration of Lithuania regarding unfavourable findings due to an objection to a coordination request under Article No. 9.21 of the Radio Regulations	RRB21-1/3
10 Submission by the Administration of the Democratic People's Republic of Korea regarding harmful interference to its analogue television broadcasting stations	RRB21-1/2
11 Harmful interference to emissions of United Kingdom high frequency broadcasting stations published in accordance with RR Article 12	RRB21-1/6(Add.4), RRB21-1/14, RRB21-1/16, RRB21-1/17, RRB21-1/DELAYED/3, RRB21-1/DELAYED/4
12 Confirmation of the next meeting for 2021 and indicative dates for subsequent meetings	-
13 Other business: Update of the working methods under Part C of the Rules of Procedure	-
14 Approval of the summary of decisions	RRB21-1/22
15 Closure of the meeting	-

1 Opening of the meeting

1.1 The **Chairman** opened the 86th meeting of the Radio Regulations Board at 1300 hours on Monday, 22 March 2021 and welcomed the Board members. Unfortunately, the meeting was once again taking place virtually, but it was expected that in-person meetings would resume at some point.

1.2 The **Director** also welcomed the members of the Board and extended the Bureau's best wishes to the Chairman and Vice-Chairman for their terms of office in 2021. It was indeed unfortunate that the meeting was once again being held virtually, but the signs of recovery were promising and he hoped that the 86th meeting would be, if not the last, one of the last Board teleconferences.

2 Adoption of the agenda and consideration of late submissions (Document RRB21-1/OJ/1(Rev.3))

2.1 **Mr Botha (SGD)**, referring to addenda 4 and 5 to the Director's report (Document RRB21-1/6), noted that, at previous meetings, the Board had assigned such addenda to the relevant agenda items and suggested that the Board might consider assigning addenda 4 and 5 to agenda items 7 and 11, respectively.

2.2 It was so **agreed**.

2.3 **Mr Botha (SGD)** drew attention to seven late submissions (Documents RRB21-1/DELAYED/1–7), all of which related to items already on the Board's agenda and had been received before the start of the meeting.

2.4 It was **agreed** that the seven late submissions would be taken up, for information, under the agenda items to which they related.

2.5 Subsequently, after the Board had adopted its agenda, the **Chairman** drew attention, on separate occasions, to four other late submissions (Documents RRB21-1/DELAYED/8–11) that had been received from various administrations and were also related to items on the Board's agenda. He invited the members to decide whether or not to consider them for information.

2.6 **Mr Henri** said that he had no objection in principle in view of past Board decisions regarding late documents to considering the documents concerned for information, as they had already been published on the Board webpage, but warned that Board members might not always have time to review overly delayed documents (i.e. contributions submitted after the meeting's agenda had been adopted).

2.7 **Ms Beaumier** agreed. In past discussions of the issue (see Document RRB19-2/21, Minutes of the 81st meeting, § 2.21), the Board had stated that it would consider delayed documents received after the agenda been adopted "on a case-by-case basis". Its approach on the matter needed to be consistent, and for that reason it would be timely for the Board to revise the rules of procedure on its working methods accordingly, in line with its decision at the 81st meeting.

2.8 **Mr Hashimoto** pointed out that, at its 85th meeting, the Board had decided to defer consideration of an overly delayed document and of the related agenda item to its next meeting.

2.9 **Mr Henri** observed that Document RRB21-1/DELAYED/8 concerned issues of coordination between ARABSAT and TURKSAT satellite networks that should be resolved at the present meeting. He was therefore not in favour of postponing discussion thereof and suggested that the Board simply note the document concerned.

2.10 **Ms Jeanty** suggested that, since the contents of Document RRB21-1/DELAYED/8 were known, Board members could study it but that the document itself need not be added to the agenda.

2.11 **Mr Talib** agreed, adding that Document RRB21-1/DELAYED/8 had in fact been received in reaction to the Board's acceptance of Document RRB21-1/DELAYED/7.

2.12 **Mr Borjón** said that the decision taken at the 81st meeting clearly indicated that delayed documents were accepted on a case-by-case basis. In issues involving the points of view of two or more countries, it was the Board's job to allow the administrations concerned to express themselves. For that reason, the Board would be wise to accept Document RRB21-1/DELAYED/8, on an exceptional basis.

2.13 **Mr Botha (SGD)** pointed out that the Board was slated to discuss the question of delayed documents under item 13.1 of its agenda. The decision taken at the 81st meeting had been general in nature, making it difficult for administrations to learn about and apply the decision. Moreover, the Board had not been able to follow up the decision to revise the rules of procedure on its working methods.

2.14 The **Chairman** proposed that, in order to be consistent and pending that revision, Document RRB21-1/DELAYED/8 should be accepted for information.

2.15 **Ms Jeanty** and **Ms Hasanova** agreed.

2.16 Referring to Document RRB21-1/DELAYED/9, from the Administration of Papua New Guinea, **Mr Henri** suggested that it be considered for information in relation to item 6.6 of the agenda, for which it provided answers to some of the Board's questions, and not item 5.1, on which the Board had already concluded by the time the document had been received.

2.17 **Mr Borjón** expressed surprise at the excessively late arrival of Document RRB21-1/DELAYED/9, which he was opposed to accepting on any basis. He also had serious doubts about whether the Board should accept Document RRB21-1/DELAYED/10, as it had already commenced its discussion of the related agenda item (item 6.3).

2.18 **Mr Azzouz**, for his part, expressed surprise at the number of delayed documents received – more than 10 in all – which represented more than 50 per cent of all contributions received before the deadline for contributions. Both he and **Ms Hasanova** suggested that consideration of Documents RRB21-1/DELAYED/9–11 be deferred to the next meeting.

2.19 **Ms Beaumier** said that the situation was not sustainable for the Board. While it might be wise to accept documents received in response to others, the Board could not accept documents for the entire duration of its meeting. She would reluctantly agree to consider Document RRB21-1/DELAYED/10 in relation to item 6.3 of the agenda, discussion of which had already commenced, as the additional information it contained was limited and would not make much difference to the Board's conclusion. Document RRB21-1/DELAYED/9, however, had been received several weeks after the contribution to which it responded (Document RRB21-1/10), for reasons that were not clear to her, and contained significantly more information to review. She therefore proposed that it not be accepted and that consideration of item 6.6 be deferred to the next meeting given the time constraints.

2.20 **Ms Jeanty** said that the current discussion showed that the Board was clearly no longer comfortable with accepting overly delayed documents on a case-by-case basis and proposed that it accept all four currently before it for information. The Board's discomfort with the situation would be reflected in the decisions and minutes of the 86th meeting, as would its determination not to accept such documents at future meetings and to review the rules of procedure on the matter (see § 13.1 below).

2.21 With reference to its decision at the 81st Board meeting regarding the treatment of delayed submissions, the Board **decided** to include, exceptionally, the delayed documents that had arrived after the start of the meeting under the relevant agenda items, for information.

2.22 As a result, the Board ultimately **adopted** the draft agenda as modified in Document RRB21-1/OJ/1(Rev.3) and **decided** to include Document RRB21-1/DELAYED/10 under agenda item 6.3, Document RRB21-1/DELAYED/1 under agenda item 6.4, Document RRB21-1/DELAYED/9 under agenda item 6.6, Document RRB21-1/DELAYED/5 under agenda item 6.7, Document RRB21-1/DELAYED/6 under agenda item

7, Document RRB21-1/DELAYED/11 under agenda item 7.1, Documents RRB21-1/DELAYED/2, RRB21-1/DELAYED/7 and RRB21-1/DELAYED/8 under agenda item 8, and Documents RRB21-1/DELAYED/3 and RRB21-1/DELAYED/4 under agenda item 11.1, for information.

3 Report by the Director of BR (Document RRB21-1/6 and Addenda 1 to 3)

3.1 The **Director** introduced his customary report in Document RRB21-1/6. Referring to § 1 and Annex 1, he reported that the Bureau had completed all the actions arising from the decisions of the 85th Board meeting. Referring to § 2, he was pleased to report that the Bureau had processed all Resolution **559 (WRC-19)** filings, a major endeavour that had involved ensuring that all the filings appeared with the same date, regardless of the date of filing.

3.2 Referring to § 4.3, he said that little progress had been made towards resolving the cases of harmful interference between Italy and its neighbouring countries, as the meetings organized annually by the Bureau had not taken place in 2020 because of the COVID-19 pandemic. The Bureau was currently endeavouring to convene a meeting in June 2021 and would inform the Board accordingly.

3.3 Referring to § 4.4, he said that the Bureau had invited the Administrations of both Bahrain and the Islamic Republic of Iran to a bilateral coordination meeting in May 2021 facilitated by the Bureau. Both administrations had accepted the informal invitation, but the Administration of Bahrain had yet to confirm its acceptance of the written invitation. The Board might wish to consider reiterating that invitation in its conclusion on the matter.

3.4 Referring to § 11, he said that implementation of Resolution **559 (WRC-19)** was proceeding smoothly and that progress thereon would be kept as a standing item in the report until WRC-23. The Bureau had played an active role in workshops organized by the Southern African Development Community and the African Telecommunications Union to provide technical assistance to administrations making Part B filings. He commended the latter in particular for opening the event it had organized to non-African countries concerned by Resolution 559.

Actions arising from the last RRB meeting (§ 1 and Annex 1 of Document RRB21-1/6)

3.5 The Board **noted** § 1 and Annex 1 of Document RRB21-1/6.

Processing of filings for terrestrial and space systems (§ 2 and Annexes 2 and 3 of Document RRB21-1/6)

3.6 **Mr Vassiliev (Chief TSD)** and **Mr Vallet (Chief SSD)**, referring in turn to Annexes 2 and 3 of Document RRB21-1/6, on the processing of notices for terrestrial services and satellite networks, respectively, drew attention to the tables contained therein.

3.7 **Mr Hashimoto**, welcoming the fact that the data in Table 5 of § 5 of the main body of the report were presented more clearly than in previous reports, asked why Table 4 in Annex 3 appeared to indicate that the time taken to process network filings under Articles 6 and 7 of Appendix **30B** had increased recently.

3.8 **Mr Vallet (Chief SSD)** replied that the Bureau had been obliged to suspend work on routine processing under Appendix 30B in order to deal with seven requests submitted early in 2020 by countries without a national allotment under the Plan. In accordance with Article 7 of Appendix **30B**, requests for a national allotment took priority. To receive so many at once was unusual. Normal processing of satellite network filings would resume once they had been dealt with.

3.9 In reply to a question from **Ms Jeanty**, he explained that such allotments could not be identified immediately because of the lack of available orbital positions and frequencies in the Plan. In such cases, Article 7 provided for the Bureau to treat the submissions as requests for additional systems under Article 6; despite the fact that the seven countries concerned were not actually seeking to introduce additional

systems, that solution was being applied in the case of the first request and was likely to be replicated for the others. A great deal of coordination would be required with existing allotments in the Plan and with other network filings already submitted, not all of which had been brought into use, but he was optimistic that opportunities could be found, especially if the WRC could examine the matter. Working Party 4A was considering whether the current procedure under Article 7 should be modified.

3.10 In reply to a question from the **Chairman** about what would happen if potential solutions identified by the Bureau were deemed unacceptable by the administrations concerned in view of the coordination burden, he said that each request for which an acceptable solution could not be readily identified under Article 7 would be published under Article 6. It might then take some time to identify the resources needed for the seven new allotments and effect the necessary coordination, but the Bureau's routine work could resume. The countries concerned might prefer to expedite the issue by submitting it to WRC-23 for consideration.

3.11 The Board **noted** § 2 and Annexes 2 and 3 of Document RRB21-1/6.

Implementation of cost recovery for satellite network filings (late payments) (§ 3 and Annex 4 of Document RRB21-1/6)

3.12 **Mr Vallet (Chief SSD)**, referring to Annex 4 to Document RRB21-1/6, said that no special section had been cancelled because of late payment since the Board's 85th meeting.

3.13 The Board **noted** § 3 and Annex 4 of Document RRB21-1/6.

Reports of harmful interference and/or infringements of the Radio Regulations (Article 15 of the Radio Regulations) (§ 4.1 of Document RRB21-1/6)

3.14 The Board **noted** § 4.1 of Document RRB21-1/6.

Harmful interference to broadcasting stations in the VHF/UHF bands between Italy and its neighbouring countries (§ 4.2 and Addenda 2 and 3 of Document RRB21-1/6)

3.15 **Mr Vassiliev (Chief TSD)** said that, since the 85th Board meeting, the Bureau had received information from three administrations. In Addendum 2 to Document RRB21-1/6, the Administration of Croatia reported *inter alia* that there had been 1 000 new Appendix 10 reports of harmful interference between June and September 2020 and no change in the situation regarding interference to FM analogue sound broadcasting, with Italy continuing to operate uncoordinated DAB stations. In Addendum 3 to Document RRB21-1/6, the Administration of Slovenia said that previous cases of interference remained unchanged, with a recent report of one more location of DAB interference. Lastly, in an electronic communication, the Administration of Switzerland said that the total number of cases of interference had dropped from 75 to 43, but only because it had eliminated duplicate cases in the documents; no cases had been resolved since the previous Board meeting.

3.16 In reply to a question from **Ms Beaumier**, he confirmed that the Bureau had not received the customary update from the Italian Administration, despite the fact that it had sent the usual reminder one month before the Board meeting. Pursuant to the Board's request at its 85th meeting, the Bureau was nonetheless organizing a multilateral meeting between the administrations concerned, to take place on 3 and 4 June 2021.

3.17 **Mr Talib** expressed concern that over one thousand fresh reports of interference had been received, with only 12 being resolved.

3.18 **Ms Beaumier** said that it appeared from what updates had been received that there had been no real improvement in the situation. The Board should therefore continue to express its deep concern about the persistent interference to sound and TV broadcasting stations. The European Radio Spectrum Policy

Group, which had been contacted by the Administration of Croatia, was another helpful avenue for finding solutions.

3.19 **Mr Borjón** said that it was important for the Board to adopt a decision that would encourage the Italian Administration to devote more attention to the issues to be resolved.

3.20 The **Chairman** proposed that the Board should conclude as follows:

“Having considered § 4.2 of Document RRB21-1/6 and Addenda 2 and 3 on the harmful interference to broadcasting stations in the VHF/UHF bands between Italy and its neighbouring countries, the Board expressed its deep concerns about the reported cases of persistent harmful interference to emissions of television and FM sound broadcasting stations of countries neighbouring Italy. The Board noted:

- that the Administration of Italy continued the uncoordinated usage of television channels and DAB frequency blocks that were recorded in the GE06 Plan as assigned to its neighbouring administrations;
- with concern the lack of any improvements in the situation and that little updated information was provided to its 86th meeting.

The Board invited the Administration of Italy to recommence submitting the progress reports that had been provided in the past. The Board thanked the Bureau for the actions taken to assist administrations in resolving the situation and instructed the Bureau to pursue its efforts to organize a multilateral frequency coordination meeting scheduled for 3–4 June 2021 and to report on the outcome to the 87th Board meeting. The Board also encouraged the administrations concerned to participate in that multilateral coordination meeting and to identify practical solutions for resolving the cases of harmful interference.”

3.21 It was so **agreed**.

Harmful interference affecting reception of HF broadcasting transmissions of the United Kingdom (§ 4.3 of Document RRB21-1/6)

3.22 It was **agreed** that the matter would be taken up under item 11 of the agenda (See § 11 below).

Coordination of 16 FM frequency assignments of the Administration of Bahrain with the Administration of the Islamic Republic of Iran (§ 4.4 of Document RRB21-1/6)

3.23 **Mr Vassiliev (Chief TSD)** said that the Administration of the Islamic Republic of Iran had agreed to three of the 16 assignments in question on the condition that the Administration of Bahrain agreed not to claim protection from or cause interference to Iranian stations recorded in the GE84 Plan, a condition that the Administration of Bahrain had not accepted. A fourth station was the subject of an update to the ITU Digitized World Map (IDWM). The Bureau had sent its technical analysis of the remaining assignments to the Administration of the Islamic Republic of Iran, but had yet to receive a reply. As the Director had said earlier, the Bureau’s proposal to organize a bilateral coordination meeting between the two administrations had yet to receive the formal agreement of the Administration of Bahrain.

3.24 In reply to a question from **Mr Alamri**, he explained that the Bureau applied various criteria when updating the IDWM. If the request involved a change in borders (e.g. a partition of one State into two), the Bureau consulted widely, relying on other entities and bodies for information. If the request related to the addition of missing islands, the Bureau analysed various maps and sources of information to ascertain that it was justified. If the islands were close to other countries and in case of doubt, it consulted the neighbouring countries to ensure that they had no objections. In addition, the request had to be backed up by notification of real stations (operational or blank) on the islands concerned. It had to be remembered that the IDWM was not a political map but merely a tool for applying the Radio Regulations and regional agreements.

3.25 In reply to a query from **Ms Jeanty** on the impact on the IDWM of a recent ruling by the International Court of Justice in the case *Maritime Delimitation and Territorial Questions between Qatar and Bahrain*, he

said that, before deciding to grant a request to change the IDWM, the Bureau checked with a number of reference sources, including rulings by the International Court of Justice. Such rulings were recommendations and were not binding on the United Nations or its specialized agencies.

3.26 In reply to a query from **Ms Hasanova**, he said that the GE84 Agreement stipulated a plan modification procedure that was applied before a station was brought into use, when there should normally be no interference. Any interference issues arising at that stage were resolved under RR Article 11. From that point of view, the condition set by the Administration of the Islamic Republic of Iran fell outside the formal purview of the GE84 Agreement. During coordination, however, administrations were free to set the conditions they chose. The Administration of the Islamic Republic of Iran had explained that it had concerns that the Bahraini stations, once recorded, might start to complain about interference from Iranian stations, thereby complicating the situation. The Bureau had concluded that it could not formally reject the Iranian condition. Were it to do so, the Administration of the Islamic Republic of Iran would no doubt come back with questions. The issue could therefore only be resolved at a bilateral meeting, possibly with technical assistance from the Bureau.

3.27 **Mr Hashimoto, Mr Borjón and Mr Talib** expressed support for the Bureau's efforts to arrange a bilateral coordination meeting between the two administrations. **Mr Borjón** added that it was important that the Board's decision encourage the two administrations to find a technical solution to their differences.

3.28 **Mr Azzouz** said that the condition set by the Administration of the Islamic Republic of Iran was tantamount to treating the Bahraini frequencies as a secondary service, and yet the band concerned – around 100 MHz – had a primary allocation to the broadcasting service. If technical coordination under the GE84 Agreement was accepted by both sides, all stations in the band should be considered as having equal primary status.

3.29 The **Chairman** proposed that the Board conclude on § 4.4 of Document RRB21-1/6 as follows:

"The Board considered in detail § 4.4 of Document RRB21-1/6 concerning the coordination of 16 FM sound broadcasting frequency assignments of the Administration of Bahrain with the Administration of the Islamic Republic of Iran under the GE84 Plan modification procedure. The Board instructed the Bureau to:

- continue with the arrangements to organize a bilateral frequency coordination meeting;
- make every effort to find and propose technical solutions to the situation;
- report on the outcome of the meeting to the 87th Board meeting.

The Board strongly encouraged the Administrations of Bahrain and the Islamic Republic of Iran to participate in the coordination meeting and to show good will in their coordination efforts to resolve the situation, in order to reach a mutually acceptable outcome."

3.30 It was so **agreed**.

Implementation of Nos. 11.44.1, 11.47, 11.48, 11.49 and 9.38.1, Resolution 49 (Rev.WRC-19) and No. 13.6 of the Radio Regulations (§ 5 of Document RRB21-1/6)

3.31 The Board **noted** § 5 of Document RRB21-1/6.

Council work on cost recovery for satellite filings (§ 6 of Document RRB21-1/6)

3.32 The Board **noted** § 6 of Document RRB21-1/6.

Review of findings for frequency assignments to non-GSO FSS satellite systems under Resolution 85 (WRC-03) (§ 7 of Document RRB21-1/6)

3.33 **Mr Vallet (Chief SSD)** said that § 7 of Document RRB21-1/6 contained the Bureau's usual report on the review in question and the work carried out since the Board's 85th meeting. The acquisition of two new servers in late 2020 had enabled epfd examinations to proceed more rapidly. Since Document RRB21-1/6

had been published, Working Party 4A had discussed how to identify coordination requirements under RR No. **9.7B**. Applying Recommendation ITU-R S.1503 had proved unworkable because all the satellite networks potentially affected by No. **9.7B**, being in the geostationary orbit, had non-0° inclination and were therefore not covered by the recommendation. Recommendation ITU-R S.1714 will consequently be used instead. Although it would require a change of methodology, this new recommendation was based on “worst case” conditions and required fewer calculations as a result. Working Party 4A would keep the matter under consideration to ensure that the recommendation remained up to date and could be applied as widely as possible.

3.34 **Mr Henri** enquired about the status and availability of the deployment information due to be submitted by 1 February 2021 pursuant to *resolves* 3 of Resolution **35 (WRC-19)**.

3.35 **Mr Vallet (Chief SSD)** replied that, while some administrations had encountered delays as a result of the COVID-19 pandemic, much of the information required had been received and would be made available on the ITU website in the coming weeks. The Bureau would examine the information in detail to determine the next regulatory steps needed. As the satellite networks in question were at different stages of deployment, Resolution 35 might be completed in some cases. More information could be provided to the Board at its 87th meeting.

3.36 The **Chairman**, welcoming that suggestion, proposed that the Board conclude on § 7 of Document RRB21-1/6 as follows:

“Having considered § 7 of Document RRB21-1/6 on the review of findings to frequency assignments to non-GSO FSS satellite systems under Resolution **85 (WRC-03)**, the Board thanked the Bureau for the efforts made on this matter. On topics related to non-GSO satellite networks, the Board instructed the Bureau to report to the 87th Board meeting on the implementation status of the provisions of Resolution **35 (WRC-19)**.”

3.37 It was so **agreed**.

Possible suppression of the rules of procedure related to *resolves* 1.4 of Resolution 156 (WRC-15) following a WRC-19 decision (§ 8 of Document RRB21-1/6)

3.38 It was **agreed** that the matter would be taken up by the Working Group on the Rules of Procedure (see § 4.1 below).

Delayed replies to correspondence from the Bureau related to the application of regulatory procedures to satellite systems (§ 9 of Document RRB21-1/6)

3.39 **Mr Vallet (Chief SSD)** introduced the case outlined in § 9 of the Director’s report, concerning a new deadline set for the Administration of China to reply to correspondence from the Bureau after problems with the Bureau’s EPFD Prepare software had prevented it from meeting the original deadline for submission of certain coordination information.

3.40 **Mr Henri**, expressing support for the approach taken by the Bureau, asked whether the revised deadline had been met.

3.41 **Mr Vallet (Chief SSD)** confirmed that it had; all the information required from the Administration of China had been received.

3.42 **Ms Beaumier, Mr Azzouz and Mr Alamri** also endorsed the Bureau’s approach.

3.43 The **Chairman** noted that the action taken by the Bureau was being presented to the Board for information only and therefore proposed that the Board conclude on § 9 of Document RRB21-1/6 as follows:

“Having considered § 9 of Document RRB21-1/6 on delayed replies to correspondence from the Bureau related to the application of regulatory procedures to satellite systems, the Board expressed its support for the actions taken by the Bureau to resolve cases related to late replies.”

3.44 It was so **agreed**.

Resubmission of notified frequency assignments to the USASAT-55Q satellite network (§ 10 of Document RRB21-1/6)

3.45 **Mr Vallet (Chief SSD)** introduced the case outlined in § 10 of the Director's report, which concerned the late resubmission of notified frequency assignments to the USASAT-55Q satellite network by the Administration of the United States of America. Among other things, the administration had cited an unanticipated difficulty in corresponding with the Bureau. The Bureau had accepted the late resubmission, on an exceptional basis, in view of the reasons and special circumstances outlined by the administration and the fact that the network's actual operational status was compliant with the relevant provisions of RR Article 11.

3.46 **Mr Henri**, expressing the hope that the seven months it had taken the Bureau to process the late resubmission could be attributed to the COVID-19 pandemic, observed that it was not the first time that the Administration of the United States had encountered unanticipated difficulties in corresponding with the Bureau. A long-term solution was obviously needed and hopefully under consideration by that administration.

3.47 **Ms Beaumier** expressed concern at the amount of time that had elapsed between the expiry of the deadline under RR No. 11.46 and the resubmission of the network filing by the Administration of the United States. She encouraged the Bureau to work with the administration in question to seek a permanent solution to the problem.

3.48 **Mr Azzouz** sought further information about the causes and the circumstances of the correspondence difficulties faced by the Administration of the United States that caused the delay in resubmission.

3.49 **Mr Alamri** expressed support for the actions taken by the Bureau but asked whether such decisions should be taken by the Bureau or the Board.

3.50 The **Chairman** replied that either would be possible, provided that the Board was duly informed of decisions taken by the Bureau.

3.51 **Mr Vallet (Chief SSD)** explained that the Bureau took decisions in such cases only if the actual operational status of the network in question was compliant with the Radio Regulations and there was no adverse impact on other administrations. The Board, and through it the Member States, were kept fully informed of any such decisions. With regard to the unanticipated difficulties encountered by the Administration of the United States, the Bureau was in discussion with it with a view to resolving the issue. In the present case, it appeared that failure on the administration's part to keep track of the original submission had resulted in its being overlooked. It was hoped that the introduction of the e-Submission web interface would prevent such circumstances arising again.

3.52 The **Chairman** proposed that the Board conclude on § 10 of Document RRB21-1/6 as follows:

"Having considered § 10 of Document RRB21-1/6 relating to the resubmission of notified frequency assignments to the USASAT-55Q satellite network, the Board agreed to the actions taken by the Bureau. The Board expressed concern about the fact that the Administration of the United States of America had often failed in recent years to ensure the necessary monitoring of its submissions to the Bureau. Consequently, the Board instructed the Bureau to bring this issue and the reaction of the Board on this matter to the attention of the Administration of the United States, and also to draw the administration's attention to need for it to:

- engage in more detailed and careful monitoring of its submissions to the Bureau;
- respect deadlines for the submission of its documents and other submissions to the Bureau."

3.53 It was so **agreed**.

Progress of the work on Resolution 559 submissions (§ 11 of Document RRB21-1/6)

3.54 **Mr Vallet (Chief SSD)**, introducing § 11 of the Director's report, said that the Bureau had started examining comments received on the 90 Part A Special Sections published in BR IFIC 2932/27.10.2020, under Resolution **559 (WRC-19)**. Processing of four Part B submissions received after 21 January 2020 and associated with Part A submissions received before 22 May 2020 was expected to proceed smoothly; the Bureau would keep the Board informed of the results of its analysis, in particular with regard to any potential impact on the EPM of Resolution 559 submissions.

3.55 **Mr Hoan** expressed appreciation for the Bureau's efforts to support administrations in the coordination process under Resolution 559 and looked forward to receiving its analysis of the four Part B submissions at the Board's 87th meeting.

3.56 **Ms Jeanty, Mr Talib, Mr Borjón, Mr Mchunu and Ms Hasanova** welcomed the actions taken by the Bureau.

3.57 **Mr Azzouz** expressed his deep appreciation for the support provided to countries in Africa by the Bureau.

3.58 **Mr Hashimoto**, welcoming the progress report provided, expressed the hope that the Bureau would continue to assist those countries potentially affected by Part B submissions to obtain improved EPM values.

3.59 **Mr Henri**, while echoing the support expressed for the Bureau's actions, asked whether its activities under Resolution **559 (WRC-19)** would have an impact on the backlog of requests for processing under Article 4 of Appendices **30** and **30A**.

3.60 **Mr Alamri** expressed appreciation for the Bureau's efforts to support administrations in the coordination process under Resolution **559 (WRC-19)**, providing the Board with updates regarding Part B submissions that may affect the EPM of some Resolution **559** submissions. He asked whether eligible administrations outside Africa had been invited to take part in the various workshops organized to benefit from the experience of the Bureau's staff in that very specialized area in which many of the administrations lacked resources and expertise, so that coordination could be completed before WRC-23 and all administrations assured of equitable access to radio-frequency spectrum and satellite-orbit resources under the Appendices **30** and **30A** Plans.

3.61 **Mr Vallet (Chief SSD)** replied that the African Telecommunications Union had invited all eligible administrations to participate in its workshop. The Bureau could also provide assistance to individual administrations, if needed. There had been no impact on processing the backlog of submissions under Article 4 of Appendices **30** and **30A** as the mechanism set out in Resolution **559 (WRC-19)** had effectively suspended all such submissions for six months following WRC-19. The fact that Resolution **559 (WRC-19)** had required the simultaneous publication of 90 Part A Special Sections meant that processing them was taking slightly longer than usual, but work was now complete.

3.62 The **Chairman** proposed that the Board conclude on § 11 of Document RRB21-1/6 as follows:

"Having considered § 11 of Document RRB21-1/6 on the progress of the work on submissions under the provisions of Resolution **559 (WRC-19)**, the Board thanked the Bureau for its efforts in assisting administrations to find frequency assignments in the Appendices **30** and **30A** Plans and its continued support to administrations during workshops organized by regional groups. The Board instructed the Bureau to submit additional information to the 87th Board meeting, including the examination results of networks that could have a potential impact on EPM values of submissions in line with Resolution **559 (WRC-19)**."

3.63 It was so **agreed**.

3.64 The **Director** welcomed the Board's comments on work done by the Bureau under Resolution **559 (WRC-19)**, which was one of the Bureau's top priorities. In addition to the workshops organized by the

Southern African Development Community and the African Telecommunications Union, close cooperation between the Bureau and many administrations had yielded positive results.

Delay in completing the assistance requests under § 4.1.10a of Article 4 to Appendices 30 and 30A and under § 6.13 of Article 6 to Appendix 30B (§ 12 of Document RRB21-1/6)

3.65 **Mr Vallet (Chief SSD)**, introducing § 12 of the Director's report, drew particular attention to the table indicating those administrations with which the Bureau had been unable to establish contact by e-mail. Progress had been made with respect to the Administrations of Tajikistan and the Marshall Islands, but the rest remained unreachable. The Bureau was making every effort to ensure that the administrations in question were not deemed to have agreed to proposed assignments under Appendices **30**, **30A** or **30B** until it could be certain that relevant official correspondence had been received. The resultant delays in completing some assistance requests under § 4.1.10a of Article 4 to Appendices **30** and **30A** and under § 6.13 of Article 6 to Appendix **30B** should be offset by more constructive overall outcomes in the long run.

3.66 The **Chairman** suggested that regional telecommunication organizations might be able to provide e-mail addresses for some administrations.

3.67 **Mr Vallet (Chief SSD)** confirmed that the Bureau was using such channels where possible; however, some administrations were less active within regional organizations than others.

3.68 **Ms Beaumier, Mr Talib, Ms Jeanty and Mr Hashimoto** welcomed the approach taken by the Bureau.

3.69 **Mr Hoan** expressed the hope that the situation could be resolved soon.

3.70 **Mr Azzouz** asked whether the Bureau could exceptionally correspond with the administrations concerned by traditional means, such as fax and postal services.

3.71 **Mr Vallet (Chief SSD)** replied that correspondence by fax risked giving a false impression of receipt: a fax might be successfully transmitted but not picked up from the fax machine for some time, especially as many offices were currently unstaffed. The Swiss postal service had ceased deliveries to some countries, making that option impractical.

3.72 **Mr Borjón**, applauding the Bureau's fairness, offered to try and provide contact details for the Administration of Belize.

3.73 **Ms Hasanova** expressed support for the Bureau's approach, including, in the light of Mr Vallet's explanation, with regard to the use of fax communications and postal services.

3.74 The **Chairman** proposed that the Board conclude on § 12 of Document RRB21-1/6 as follows:

"Having considered § 12 of Document RRB21-1/6 on the delay in completing assistance requests under § 4.1.10A of Article 4 to Appendices **30** and **30A** and under § 6.13 of Article 6 to Appendix **30B**, the Board thanked the Bureau for its actions taken. The Board instructed the Bureau to continue its efforts to obtain the current official contact details of administrations with which the Bureau has difficulty communicating, by pursuing all available resources, including permanent missions, regional organizations and Internet resources."

3.75 It was so **agreed**.

Acknowledgment of submissions of satellite networks or systems (§ 13 of Document RRB21-1/6)

3.76 **Mr Vallet (Chief SSD)** explained that the Bureau's decision to discontinue its practice of sending an additional letter of acknowledgement of receipt for certain submissions for satellite networks and systems, as outlined in § 13 of the Director's report, was intended to avoid duplication of effort.

3.77 **Mr Talib, Ms Jeanty, Mr Hashimoto and Ms Hasanova** expressed support for the Bureau's decision.

3.78 **Mr Azzouz** asked whether all administrations were in a position to submit their satellite network filings electronically using the e-submission system or whether there were still some administrations that used old means like fax and e-mail. If not, the decision should perhaps be reconsidered.

3.79 **Mr Vallet (Chief SSD)** replied that, as electronic submission was required under the rules of procedure on receivability, administrations facing difficulties were provided with technical support from the Bureau to ensure that they could complete their submissions.

3.80 The **Chairman** proposed that the Board conclude on § 13 of Document RRB21-1/6 as follows:

“Having considered § 13 of Document RRB21-1/6 on acknowledgement of submissions of satellite networks or systems, the Board supported the decision taken by the Bureau not to send a letter of acknowledgement of the receipt for certain submissions using the ITU web interface ‘e-Submission of satellite network filings’. The Board noted that the submission of satellite networks using the ‘e-Submissions’ web interface was mandatory in accordance with the Rules of Procedure. Consequently, the Board instructed the Bureau to continue its efforts to assist administrations which were unable to use the ‘e-Submissions’ web interface, so as to enable such administrations to be able to fully use the ‘e-Submissions’ web interface for their submissions.”

3.81 It was so **agreed**.

Report from the Bureau on the coordination activities between the Administrations of France and Greece (Addendum 1 to Document RRB21-1/6)

3.82 **Mr Vallet (Chief SSD)** said that, at a meeting organized in February 2021 to discuss their coordination activities in respect of the ATHENA-FIDUS-38E satellite network at 38°E and HELLAS-SAT-2G satellite network at 39°E, the Administrations of France and Greece had focused on the commercial Ka-band. Both administrations considered that they had made good progress on the power level values for a number of cases but that further discussions were needed to reach a mutually acceptable overall agreement. Another coordination meeting would be held in April or May 2021.

3.83 **Ms Beaumier, Mr Alamri, Mr Azzouz, Mr Hoan and Ms Hasanova** thanked the Bureau for its action in support of the Administrations of France and Greece and the administrations for their ongoing efforts.

3.84 The **Chairman** proposed that the Board conclude as follows on Addendum 1 to Document RRB21-1/6:

“The Board considered in detail the report from the Bureau on the coordination activities between the Administrations of France and Greece concerning the ATHENA-FIDUS-38E satellite network at 38°E and HELLAS-SAT-2G satellite network at 39°E as contained in Addendum 1 to Document RRB21-1/6. The Board expressed its appreciation for the progress made in the coordination activities and thanked the Bureau for its continued support to the two administrations. The Board also appreciated the ongoing efforts of both administrations. It encouraged them to continue their coordination efforts in order to reach a mutually acceptable outcome and instructed the Bureau to continue to provide the necessary support to both administrations and to report on progress to the 87th meeting of the Board.”

3.85 It was so **agreed**.

3.86 Having considered in detail the Report of the Director as contained in Document RRB21-1/6 and Addenda 1 to 3, the Board **thanked** the Bureau for the extensive and detailed information provided.

4 Rules of Procedure

§ 8 of Document RRB21-1/6

4.1 **Mr Henri**, Chairman of the Working Group on the Rules of Procedure, reported that the group had met once, on Wednesday, 24 March 2021. With regard to the Director's report (Document RRB21-1/6), it had agreed to suppress the part of the Rules of Procedure on Annex 2 to Appendix 4 labelled "Commitment regarding the implementation of *resolves* 1.4 of Resolution **156 (WRC-15)**", given that WRC-19 had added data item A.19.b in Annex 2 to Appendix 4.

List of Rules of Procedure (Documents RRB21-1/1 and RRB20-2/1(Rev.2))

4.2 With regard to the List of Proposed Rules of Procedure (Document RRB21-1/1), the group had noted that two issues remained outstanding: footnotes ADD **5.218A** and ADD **5.564A**. In both cases, the Bureau was waiting to receive notices referring to those footnotes before developing draft rules of procedure. Regarding the draft rule on No. **5.218A**, the Bureau had received some satellite filings under Resolution **32 (WRC-19)** and was therefore expecting to receive earth station notifications, at which time it would consult the relevant study groups (Study Group 7 for space operations and Study Group 3 on an issue of percentage of time).

4.3 Unfortunately, the group had not had time to review the draft Edition 2021 of the Rules of Procedure and had therefore been unable to meet the Bureau's request for comments and instructions in that regard. One pressing aspect of that review related to references to WRC resolutions/recommendations and ITU-R recommendations for which the current versions were more recent than those in the Rules of Procedure or for which WRC-19 or an ITU-R Study Group had suppressed or abrogated the relevant reference. The Bureau had provided an exhaustive list of such references for Edition 2021 and of the actions it would take as a result. Any rules of procedure consequently requiring revision should be added to an amended version of Document RRB21-1/1. He suggested that the Board members conduct their review of the draft edition by correspondence and that their comments be reflected in the revision to Document RRB21-1/1, and volunteered to act as the focal point for that purpose.

4.4 The **Chairman** thanked Mr Henri and proposed that Board members send him their comments by the end of April 2021 with a view to their publication in the revised version of Document RRB21-1/1.

4.5 It was so **agreed**.

WRC decisions involving RRB consideration of requests from notifying administrations for extension of certain regulatory deadlines (Attachment 4, Document RRB21-1/1)

4.6 The group had then turned to a compilation of WRC-12, WRC-15 and WRC-19 plenary decisions relating to the Board's consideration of requests from notifying administrations for extensions to certain regulatory deadlines. It had agreed on a list of such decisions that could be considered for inclusion in the Rules of Procedure, but had deferred a decision on whether or not to include the invitation by WRC-19 for ITU-R to study requests for extensions of regulatory time-limits from developing countries that did not meet the conditions for *force majeure* to the next meeting, pending further study. It had also agreed that such WRC plenary decisions should be part of a stand-alone section of the Rules of Procedure rather than being related to specific provisions, and had invited the Bureau to prepare a draft rule of procedure to that effect for consideration by the group at the Board's 87th meeting and subsequent submission to administrations for comments in a circular letter.

Disputed territories

4.7 The group had commended the Bureau for its excellent work on the extremely sensitive issue of disputed territories. It had welcomed the additional explanations provided by the Bureau and its proposed possible approaches to discrepancies between the United Nations map and the IDWM, and to the registration

in the MIFR of frequency assignments to stations located in disputed territories. With regard to the consequent modifications to the rule of procedure on Resolution **1 (Rev.WRC-97)**, it had requested the Bureau to introduce the geographical changes relating to the Paracel Islands in the IDWM as indicated in the table attached to the Bureau documents. It had deferred consideration of the changes in the frequency assignments to the Paracel Islands to after the review of the draft rule of procedure on Resolution 1. On that draft rule of procedure, the group had agreed with the approach proposed by the Bureau for processing assignments under Resolution 1, namely to split the procedure under Section 1 of the rule of procedure for terrestrial services into two. The group had been unable to reach agreement on whether the Bureau should accept notifications in a disputed territory only if each administration claiming the territory agreed thereto and had deferred a final decision on the matter to its next meeting. It was nonetheless confident that a consensus would emerge on that occasion and that a draft rule of procedure on Resolution 1 would subsequently be submitted to administrations for comments in a circular letter.

4.8 In reply to a comment from **Mr Hoan** to the effect that the Board had in fact agreed to change the status of the Paracel Islands at its 65th meeting (see Document RRB20-3/15, Minutes of the 85th Meeting, § 4.7), **Mr Vassiliev (Chief TSD)** said that, in accordance with the Bureau's internal rules, when the geographical border or status of a territory changed, the relevant frequency assignments were immediately revised. At present, however, the Bureau would be unable to proceed with review of findings in the absence of the final rule of procedure on Resolution **1 (Rev.WRC-97)**.

4.9 The **Chairman** proposed that the Board conclude on item 4 of the agenda as follows:

"Following a meeting of the Working Group on the Rules of Procedure, under the chairmanship of Mr Y. HENRI, the Board noted that there were only two remaining issues in Document RRB21-1/1 that could require new rules of procedure (ADD **5.218A** and ADD **5.564A**), for which, in both cases, the Bureau was waiting for notices referring to these footnotes before proceeding with the development of draft rules.

Taking account of the forthcoming publication of the Edition 2021 of the Rules of Procedure, with *inter alia* updated references to WRC Resolutions/Recommendations and ITU-R Recommendations and the need for the suppression of the rules of procedure related to *resolves* 1.4 of Resolution **156 (WRC-15)** following a WRC-19 decision as contained in § 8 of Document RRB21-1/6, the Board decided to update the list of proposed rules of procedure in Document RRB21-1/1 by correspondence.

The Board instructed the Bureau to publish the updated version of the document on the website.

The Board further instructed the Bureau to circulate the draft modifications to the Rules of Procedure to administrations for comments.

On the issue of frequency assignments to stations located in disputed territories, noted in Annex 1 to Document RRB21-1/6, the Board thanked the Bureau for its continued efforts to find solutions for the registration in the MIFR of notified assignments located in such territories. The Board instructed the Bureau to:

- make the geographical changes related to the Paracel Islands in the ITU Digitized World Map (IDWM) to ensure alignment with the United Nations map;
- finalize efforts to develop principles for the possible modification to the rule of procedure on Resolution **1 (Rev.WRC-97)**, for the registration in the MIFR of frequency assignments to stations located in disputed territories, taking into account the comments from the Board; and
- report on progress to the 87th Board meeting."

4.10 It was so **agreed**.

5 Treatment of requests for extensions of regulatory time-limits to bring into use frequency assignments to satellite networks due to COVID-19

Submission by the Administration of Papua New Guinea concerning the treatment of requests from administrations for the extension of the regulatory deadline to bring into use frequency assignments to satellite networks due to complications resulting from the COVID-19 pandemic (Document RRB21-1/7)

Submission by the Administration of Germany regarding proposed steps to assess requests for extensions of the regulatory deadlines to bring into use frequency assignments to satellite networks due to COVID-19 (Document RRB21-1/15)

5.1 **Mr Vallet (Chief SSD)** said that, in Document RRB21-1/7, the Administration of Papua New Guinea proposed that, when the Board examined requests for extensions of regulatory time-limits for bringing into use frequency assignments for reasons related to the COVID-19 epidemic, it should take account of the impact on networks that had a regulatory priority date between the original time-limit for bringing into use and the extended time-limit. In cases in which it granted such extensions, the Board should no longer require the Administration of Papua New Guinea to coordinate certain satellite networks with a later filing receipt date (examples were given in an annex to the document) with the satellite networks being granted the extension. In addition, administrations asking for such extensions should be obliged to coordinate their networks with Papua New Guinean networks having a later date of reception. In other words, the Administration of Papua New Guinea proposed that every extension should lead to a modification in coordination requirements, on the grounds that administrations might use the pandemic to gain time for projects that would not have been completed even if the pandemic had not occurred and that did not meet all the conditions for *force majeure*. Its main fear was that the pandemic was being used to obtain extensions for satellite network projects that were being artificially maintained and could prevent deployment of its own satellite networks.

5.2 In Document RRB21-1/15, the German Administration proposed that the Board ask administrations submitting requests for extensions to regulatory time-limits to provide information demonstrating that coordination had been completed or to explain why if it had not. Projects in respect of which there had been no demonstrable progress on coordination were less credible and requests for extensions pertaining thereto should therefore be rejected. In addition, according to the German Administration, extensions were usually requested in exceptional circumstances, for satellite network projects that would have been completed were it not for a *force majeure* event. The administrations concerned must have invested a great deal of effort in coordination, and any administration requesting an extension must therefore be in a position to prove that it had completed coordination or to provide information on the status thereof.

5.3 In reply to a question from **Ms Jeanty** relating to Document RRB21-1/7 and the authority of the Board to change the coordination requirements, the **Chairman** confirmed that the Board did not extend the deadline for coordination when granting an extension for bringing into use. One of two cases could arise. In the first, the filings of an administration requesting an extension were later than those of other administrations wishing to complete coordination, i.e. it did not have priority and had to complete the coordination procedure. In the second – that referred to by the Administration of Papua New Guinea – the administration requesting the extension had priority; administrations whose filings did not have priority would have to complete coordination with it. A special procedure applied in the first case. The second resulted in pressure being put on the satellite network with the later filing date.

5.4 **Mr Vallet (Chief SSD)** agreed. The Board did not have general authority to modify satellite network coordination requirements, which were governed directly by provisions of the Radio Regulations, in particular Article 9 and Appendix 5. The Board might have such authority in specific cases in which application of the Radio Regulations would lead to an absurd or inconsistent outcome. Under the ITU Constitution, the Board was empowered to resolve difficulties in the practical application of the Radio Regulations, but that did not appear to be the case in the situation described by the Administration of Papua New Guinea.

5.5 **Ms Beaumier** agreed that modifying the coordination requirements applying both to the network receiving the extension and any networks considered to be affected as a result was beyond the mandate of the Board as determined by previous WRCs. While she agreed that not all COVID-19-related delays satisfied the conditions for *force majeure*, as acknowledged by the Board at its previous meeting, the effect of the Papua New Guinean proposal would essentially be to assign a new protection date corresponding to the new regulatory time-limit granted by the Board, without the notifying administration having to submit a new filing and return to the end of the filing queue. The administration would be treated the same as if it had sought an extension at a WRC, where coordination concerns were typically considered and addressed before the extension was granted. That approach ran contrary to the *force majeure* principle whereby administrations were exempted from the penalties that applied for failing to meet their regulatory obligations. What the Administrations of Papua New Guinea and Germany proposed would have the opposite effect.

5.6 When the Board assessed requests for extensions on the grounds of *force majeure*, it had to consider whether the four conditions for *force majeure* were met. Unless future WRCs mandated the Board to do more than that, she did not think that the Board could agree to the requests of either administration, although she understood the concerns of both administrations and was sure that they were shared by many other administrations. Those concerns could be raised by the Board in its Resolution **80 (Rev.WRC-07)** report to WRC-23.

5.7 Regarding the German submission specifically, she saw merit in having a debate about whether the status of coordination should be provided and assessed, but recalled that the Board, in its report to WRC-19 (Document CMR19/15), had suggested that information on the status of coordination be provided to the Board when it examined requests for extensions in the case of co-passenger delays for the same reasons as those mentioned by the German Administration; however, WRC-19 had explicitly decided not to include that element. She therefore did not see how it could be considered in the context of a *force majeure* request.

5.8 **Mr Vallet (Chief SSD)** pointed out that the Papua New Guinean submission would require the Board to make a decision implying a modification in the application of a Radio Regulations provision, which the Board did not have the authority to do. The German Administration, on the other hand, proposed that the Board consider certain information when examining requests for extensions – it did not require the Board to go beyond the Radio Regulations. Ms Beaumier’s comments on co-passenger delays and WRC-19 were very pertinent, and the Board should examine the relevant WRC-19 decisions before reaching a conclusion on the German Administration’s request.

5.9 **Mr Azzouz** said that he could not accede to the request of Papua New Guinean Administration. In addition, the Board dealt with *force majeure* requests on a case-by-case basis and had authority to ask administrations for any information or document pertaining to an extension requested on those grounds. Referring to the German submission, he, too, recalled the lengthy discussion at WRC-19 of the elements to consider in cases involving co-passenger delays, specifically coordination status. That information was not available in the MIFR. The Bureau provided Working Party 4A with statistics under RR No. **11.41**; increases in their number presented administrations with many difficulties when it came to finalizing coordination requirements. In addition, coordination requirements were defined under RR Article **9**.

5.10 **Ms Jeanty** agreed that modifications to the coordination requirements fell outside the Board’s authority and was therefore not in favour of agreeing to the Papua New Guinean proposal. The Board handled requests for extensions to the regulatory time-limit for bringing into use on a case-by-case basis. Once its decision had been made, there was no difference between regular and COVID-19-related *force majeure* cases. She was more sympathetic to the German submission, as it was more realistic to ask about coordination progress, although it might be going too far to require an indication that the coordination process had to be fully completed. In its conclusion on item 5, the Board should further bear in mind the comments it had made in its report to WRC-19 and the discussions at the conference.

5.11 **Mr Henri** expressed sympathy for the German submission. That being said, the Board would have to be careful about the meaning of “completed” coordination and about requiring justification if coordination

was not “completed”. The issue was broader than that of co-passenger delays. Regarding the Papua New Guinean submission, he recalled that linking regulatory conditions to the change of date of receipt of a coordination request had also been discussed at WRC-19 and ultimately rejected.

5.12 **Mr Borjón** agreed with previous speakers and said that he was unable to support either submission. He also agreed that the concerns raised by the German Administration should be referenced in the Board’s report to WRC-23 under Resolution **80 (WRC-07)**.

5.13 **Mr Talib** agreed that the subject bore some similarity to the co-passenger delay issues deliberated at WRC-19. While he had some sympathy for both submissions, the problem was that they raised questions relating to the Board’s authority. The Board handled requests for extensions of regulatory time-limits on a case-by-case basis and in the light of WRC decisions and, for COVID-19-related requests, of the ITU Legal Adviser’s opinion. However, the list of networks provided by the Administration of Papua New Guinea provided no such case-by-case justification, nor was it technically possible in all cases to require that the coordination process be completed beforehand. He therefore found it difficult to accede to either proposal.

5.14 **Mr Hoan** agreed with the Administration of Papua New Guinea that, while the COVID-19 pandemic could cause delays, not all pandemic-related situations justified a *force majeure* extension. The Board therefore had to consider every request on a case-by-case basis. Its decision to grant an extension on the grounds of *force majeure* did not preclude the obligation for administrations to engage in frequency coordination in accordance with the Radio Regulations. He nevertheless had difficulty in accepting the Papua New Guinean request that the Board no longer require its satellite networks having later filings to coordinate with networks that had been granted an extension. Regarding the German submission, it might be useful for the Board to have information on a satellite network’s coordination status when it examined a request for an extension to the regulatory time-limit, and the administration submitting the request should be required to provide coordination information proving that it had made efforts to comply with the Radio Regulations. The issue should be raised in the Director’s report to WRC-23.

5.15 **Mr Hashimoto**, referring to the Papua New Guinean submission, said that, when the Board examined a request for an extension to the regulatory time-limit, whether because of the pandemic or for another reason, it considered only one important point: whether the case met the conditions for *force majeure* or not. He did not see how it could instruct administrations granted an extension on those grounds to coordinate with countries that had submitted later filings. Referring to the German submission, he acknowledged that coordination status was not one of the issues that the Board, at its 85th meeting, had invited administrations to address when making a submission for an extension in relation to the COVID-19 pandemic. Such information might be included, however, as an example of how the failure to meet the deadline was the direct result of the pandemic and not of other factors independent of it. He also agreed that the issue should be addressed in the Board’s forthcoming report to WRC-23.

5.16 **Mr Alamri** said that, while he understood the rationale underpinning the Papua New Guinean submission, he did not support it. The Board carefully analysed all requests to extend the regulatory time-limit for bringing or bringing back into use frequency assignments on the grounds of *force majeure* on a case-by-case basis, to ensure that they met all four *force majeure* conditions. Once it had granted an extension, the filing had the same regulatory status until the end of the extension period: there was no change in date of protection or coordination status. The Board did not have authority to modify the coordination requirements or the date of receipt. He had some sympathy with the German submission, which aimed to ensure efficient use of radio spectrum and orbital resources. In addition, proving that most of the coordination requirements had been completed demonstrated the seriousness of the satellite project concerned. At the same time, however, administrations were obliged to apply other provisions of the Radio Regulations, such as Nos. **11.41** and **11.42**. He therefore did not believe that the Board should add completed coordination as a metric for its consideration of requests for extensions related to COVID-19. That being said, administrations were free to submit any additional information they wished in support of their requests.

5.17 **Ms Hasanova** also found it difficult to agree to the Papua New Guinean proposal, as the Board could not change a network’s coordination status; it could only extend the regulatory time-limit. She had some

sympathy for the German submission and agreed with Ms Beaumier that there were similarities with co-passenger delays. However, even if a request met the conditions for *force majeure*, coordination status was a separate issue. She agreed with Mr Alamri that administrations had to coordinate satellite networks under RR Nos. **11.41** and **11.42**. She also agreed that some information on coordination status would be useful and could be requested by the Board. In conclusion, the Board had to examine requests for extensions on a case-by-case basis.

5.18 **Mr Vallet (Chief SSD)** said that the German Administration wished to draw the Board's attention to the fact that, if coordination was considered a mutual process, being the first was not an absolute right. Administrations requested extensions because their filings had value, and *force majeure* was linked to the value of the filing. For example, if a satellite exploded on launch and was lost, it was clearly impossible for the operator to fulfil its obligations. The administration then had a choice: to start over or to ask for an extension. If the filing was not yet coordinated, there was no additional burden in starting again. In the view of the German Administration, the irresistible part of the *force majeure* event was linked to what the administration lost when it lost the filing. That being said, the relevance of that rule could only be decided on a case-by-case basis.

5.19 **Ms Beaumier** said that she remained puzzled about the connection between coordination and *force majeure*. In its submission, the German Administration proposed that, in cases in which the Board had found that the four conditions for *force majeure* were met, the request for an extension should be denied if there had been insufficient progress on coordination or until such time as sufficient progress had been made – which seemed contradictory in a case in which *force majeure* had been established. If all the conditions for *force majeure* were met, how could the Board not grant an extension? The Board was not in a position to consider coordination status in its analyses under those circumstances.

5.20 **Mr Henri**, noted that the Radio Regulations were predicated on RR No. **8.1** on the international rights and obligations of administrations in respect of their own and other administrations' frequency assignments, which were conditioned by the provisions of the Radio Regulations, including coordination under Article **9**. For those reasons, he expressed some sympathy for the German submission. Exceptional cases were treated under *force majeure*, on a case-by-case basis, and in that regard, the Board might require some coordination information in order to have a complete and comprehensive view of the issue under consideration and provide a proper response. The issue of coordination status was therefore of value when discussing a possible extension under *force majeure*. When considering satellite network time-limit extensions, WRC-19 had agreed to accede to limited time-limit extension requests, on the understanding, *inter alia*, that all frequency coordination activities related to the satellite network for which an exceptional extension was being requested had been completed. The Board should therefore not completely overlook information on coordination status when examining *force majeure* cases; such information should be provided on a case-by-case basis.

5.21 The **Chairman** proposed that the Board conclude as follows on item 5 of the agenda:

"The Board carefully considered the submissions from the Administrations of Papua New Guinea and Germany, as presented in Documents RRB21-1/7 and RRB21-1/15, respectively. When exercising its authority to grant extensions to regulatory deadlines to bring into use or bring back into use frequency assignments to satellite networks as a result of cases of *force majeure*, the Board recognized that:

- if a situation fully met all the conditions to qualify as a case of *force majeure*, then the coordination status of a satellite network could not be used as a reason to refuse an extension of the regulatory deadline to bring into use or bring back into use the frequency assignment to the satellite network;
- it did not have the mandate to change the coordination requirements or coordination procedures of the relevant provisions of the Radio Regulations;
- it considered requests for extensions to the regulatory deadlines on a case-by-case basis and it could ask for additional information, including coordination information, when assessing a specific case.

The Board also noted the WRC-19 decisions to exclude the status of coordination from the information requirements for the submission of extension requests to the Board due to co-passenger delays.

Consequently, the Board decided that it was not in a position to accede to the requests of the Administrations of Papua New Guinea and Germany while noting that it could take into account, to some extent, coordination information of satellite networks. In addition, the Board stressed that satellite networks having received extensions to the regulatory deadlines were still required to complete coordination procedures in compliance with the relevant provisions of the Radio Regulations. The Board further decided to include this matter in its report on Resolution **80 (Rev.WRC-07)** to WRC-23.”

5.22 It was so **agreed**.

6 Requests relating to the extension of regulatory time-limits to bring into use frequency assignments to satellite networks

6.1 Over the course of the Board’s discussions of the cases submitted under agenda item 6, the **Chairman** recalled that, at its 84th meeting, based on explanations provided by the ITU Legal Adviser, the Board had understood that it was authorized to consider the COVID-19 pandemic as constituting grounds for *force majeure* on the following basis: the pandemic satisfied the first two of the four conditions that had to be met in order to constitute *force majeure*, whereas it was up to the Board to examine on a case-by-case basis whether or not each submission satisfied the third and fourth conditions. He asked the Board members to bear that in mind when taking up the various submissions to the present meeting which cited COVID-19 as grounds for *force majeure* to justify requests for extensions to regulatory time-limits for bringing into use frequency assignments to satellite networks. He stressed that, in order for a case to qualify as *force majeure* resulting from the pandemic, the pandemic had to have made it impossible, and not simply difficult, for the administration concerned to fulfil its regulatory obligations.

6.2 Following informal discussions of how the various submissions received under agenda item 6 should be dealt with, the Board **agreed** that it was important to ensure a consistent approach. Given the impossibility of predicting how the COVID-19 situation would develop, it also **agreed** that any extensions granted should reflect actual delays encountered to date and not allow additional time for contingencies. Administrations were free to request further extensions in future should conditions continue to make it impossible to meet regulatory deadlines.

Submission by the Administration of Pakistan requesting the extension of the regulatory time-limit to bring into use the frequency assignments to the PAKSAT-MM1-38.2E-KA and PAKSAT-MM1-38.2E-FSS satellite networks (Document RRB21-1/9)

6.3 **Mr Loo (Head SSD/SPR)** introduced Document RRB21-1/9, containing additional information from the Administration of Pakistan relating to its request for an extension to the regulatory time-limit to bring into use the frequency assignments to the PAKSAT-MM1-38.2E-KA and PAKSAT-MM1-38.2E-FSS satellite networks, which the Board had already considered at its 85th meeting (see Document RRB20-3/15, Minutes of the 85th Meeting, § 6).

6.4 A request for proposal had been sent to the contractor for PAKSAT-MM1, China Great Wall Industry Corporation, on 31 January 2020, requiring launch of the satellite within 33 months. As a result of circumstances related to the COVID-19 pandemic, the contractor had instead proposed a launch date 40 months after the commencement of work. The nationwide lockdown imposed in Pakistan from 24 March 2020 had made it impossible for the parties to conclude their negotiations within the planned deadline; satellite development work had eventually commenced on 30 November 2020, with a target launch date of March 2024. A letter (annex B to Document RRB21-1/9) from the satellite manufacturer provided certification that the commencement of work started from 30 November 2020, with a kick-off meeting held in January 2021.

6.5 The Administration of Pakistan considered that the case met all the conditions for *force majeure* by virtue of the fact that the spread of COVID-19 throughout the world and the subsequent nationwide lockdowns in both Pakistan and China were beyond the control of the parties, were not self-induced, and were unforeseen, inevitable or irresistible. The restrictions imposed would prevent SUPARCO and the contractor from launching the PAKSAT-MM1 satellite in the fourth quarter of 2023 and meeting the regulatory deadlines to bring the frequency assignments to the PAKSAT-MM1-38.2E-KA and PAKSAT-MM1-38.2E-FSS satellite networks into use. It therefore requested that the deadline for bringing into use the frequency assignments listed in Document RRB21-1/9 be extended to 30 June 2024.

6.6 **Mr Henri** suggested that the Administration of Pakistan should be encouraged to make every effort to meet the current deadline for bringing the frequency assignments in question into use, which was almost three years away, especially as a degree of flexibility was already included in the timelines for the project. He found the document elusive on some important aspects, such as the reasons why the original project could not be initiated before 2017, and he was unconvinced that the delays experienced could be attributed specifically to the COVID-19 pandemic. Moreover, it was unclear why it had taken so long for a satellite to be procured. Further information on the results of the kick-off meeting held in January 2021, which was mentioned in Annex B to the submission in Document RRB21-1/9, would also have been welcome.

6.7 **Ms Beaumier** said that, to judge from the administration's previous submission, it would have been able to meet the existing regulatory deadline with eight months to spare had it been possible to sign the contract in early 2020 as planned. The information provided supported a link between the COVID-19 pandemic and the delays encountered but did not demonstrate that all means of mitigating the risk of missing the regulatory deadline had been explored or that the pandemic had made it impossible, rather than difficult, to meet the deadline. It appeared to be too early to say whether that would prove to be the case. Based on the available information, the conditions for *force majeure* were not met.

6.8 **Ms Hasanova**, while expressing sympathy with Pakistan's position as a developing country, echoed Mr Henri's request for further information on the January 2021 kick-off meeting and sought more details regarding the contract signed.

6.9 **Mr Hashimoto** said that the explanations given had not clarified certain points, such as why satellite construction would take 40 months, although they did provide a general understanding of how the situation had been affected by the COVID-19 pandemic. While he was favourably disposed towards granting the request for an extension, he would also be content to postpone any decision.

6.10 **Mr Alamri** said that the project was at an early stage, but for developing countries such a project with heavy investment required regulatory certainty, and he expressed concern that the Board's decision might have an impact on the development of the project. Accordingly, he expressed support for granting the short extension requested, given that Pakistan was a developing country and satellite services were vital to improving ICT infrastructure. Some questions, such as when satellite manufacture would be completed and how the target launch date had been set, nevertheless remained unanswered.

6.11 **Mr Azzouz** said it seemed clear that the COVID-19 pandemic had affected the project as had happened for many others, especially in developing countries. The Board should grant the short extension requested but encourage the Administration of Pakistan to ensure that all work would be finished by the revised deadline.

6.12 **Ms Jeanty** acknowledged not only that limited information had been provided in response to the Board's previous questions and that the project was still at an early stage, but also that Pakistan was a developing country and that the extension requested was short. As an interim measure, the administration might be encouraged to make every effort to meet the existing deadline and to approach the Board again if further problems arose later in the project.

6.13 **Mr Hoan** suggested that the administration might be asked whether it considered the extension essential to the success of the project. In his view, the administration had provided clear additional

information, as requested, and the short extension sought could be granted so as to allow the project, which would bolster ICT infrastructure in a developing country, to proceed.

6.14 **Mr Borjón** also expressed sympathy with Pakistan’s position as a developing country seeking to develop its satellite systems; however, the Board still lacked sufficient information to agree to the extension requested, and postponing a decision would not help matters. It might be that a longer extension would eventually be needed, for instance if the terms of the contract allowed the contractor to request an extension to the 40-month construction period. Further progress would be needed before the situation became clear.

6.15 The **Chairman** considered that the Board should take a decision at its current meeting, rather than continuing to seek additional information from the Administration of Pakistan, which had already made efforts to respond to the Board’s previous requests. He proposed that the Board conclude on the matter as follows:

“The Board considered in detail the submission contained in Document RRB21-1/9 and thanked the Administration of Pakistan for the additional information provided. The Board noted that:

- the satellite programme had experienced delays directly related to the pandemic but no options to mitigate the risks of missing the deadline had been considered or pursued;
- the regulatory time-limits to bring into use the frequency assignments to the PAKSAT-MM1-38.2E-KA and PAKSAT-MM1-38.2E-FSS satellite networks were sufficiently far in the future (17 December 2023 and 26 January 2024, respectively) to allow ample time to manufacture and launch satellites for the implementation of these satellite networks;
- it was not able to predict the consequences and the impact of the global pandemic on future project timelines.

Based on the information provided, the Board concluded that the situation did not meet all the conditions to qualify as a case of *force majeure*.

Consequently, the Board decided not to accede at this stage to the request from the Administration of Pakistan to extend the regulatory time-limits to bring into use the frequency assignments to the PAKSAT-MM1-38.2E-KA and PAKSAT-MM1-38.2E-FSS satellite networks. The Board encouraged the Administration of Pakistan to make all efforts to meet the regulatory time-limits to bring into use the frequency assignments to these satellite networks.”

6.16 It was so **agreed**.

Submission by the Administration of India requesting the extension of the regulatory time-limit to bring into use the frequency assignments to the INSAT-EXK82.5E and INSAT-KUP-BSS(83E) satellite networks (Document RRB21-1/12)

6.17 **Mr Wang (Head SSD/SNP)** introduced Document RRB21-1/12, which had been submitted by the Administration of India in response to the Board’s request for additional information enabling it to determine whether the case of the INSAT-EXK82.5E satellite network met all the conditions for *force majeure* and to consider the periods of extension sought for both networks (see Document RRB20-3/15, Minutes of the 85th Meeting, § 9).

6.18 Regarding the GSAT-24 satellite, the Indian Administration had initially wanted to use an indigenous launch vehicle, but had been unable to do so because of the COVID-19 pandemic. It had therefore turned to a foreign launch service provider, Arianespace, and had obtained a confirmed launch window in November–December 2021. It nevertheless requested an 18-month extension for bringing into use the frequency assignments of the INSAT-KUP-BSS(83E) satellite network, to 7 August 2022, in order to build a sufficient margin for contingencies into the launch schedule and not to have to submit another request for an extension to the Board.

6.19 Regarding the GSAT-23 satellite, WRC-19 had granted a three-month extension of the regulatory time-limit for the INSAT-EXK82.5E FSS satellite network, from 9 March to 30 June 2017, and acceded to the

Indian Administration's request that the related frequency assignments be suspended as of 3 January 2018, with a time-limit for bringing them back into use before 3 January 2021. It was only after that decision had been made that the operator had felt confident enough to proceed with the satellite's manufacture. However, its plans to that effect had been further thwarted by the COVID-19 pandemic, which had held up workflows at satellite manufacturing facilities. According to the document, it now appeared that the satellite would be ready for launch by the third quarter of 2022, after which at least 90 days would be required to prepare the launch. The launch vehicle, for its part, would be Indian made and ready in the first quarter of 2022. In view of that situation, the Indian Administration requested an extension for bringing back into use the frequency assignments of the INSAT-EXK82.5E satellite network to 3 January 2023, on the grounds that the pandemic continued to affect activities and that the case therefore met the conditions for *force majeure*.

6.20 **Ms Beaumier** recalled that, regarding the GSAT-24 satellite, the Board had concluded at its 85th meeting that the *force majeure* conditions were met but had questioned the duration of the extension sought. The Indian Administration had now explained the reasons for the launch delay and added a buffer of roughly seven months. Regarding the GSAT-23 satellite, it was not clear to her that the Indian Administration would have met the regulatory deadline even if there had been no pandemic-related delays: the satellite launch schedule was extremely tight and construction work had not advanced very far by the time of the WRC-19 decision.

6.21 **Mr Henri** said that, as the GSAT-24 satellite had a confirmed launch window between 1 November 2020 and 31 January 2021 and a further three months were required for possible post-launch activities, an extension to 30 April 2022 should suffice. Arguments for a longer extension related to India's expected anti-COVID policy lay outside the scope of the issue under consideration and he therefore doubted that the additional months were justified.

6.22 Regarding the GSAT-23 satellite, the Indian Administration had known in January 2018 that the network had to be brought back into use by 3 January 2021, even though that date had not yet been confirmed by WRC-19, and therefore that it would have one year to build and launch the satellite – a tight but feasible timeframe; however, it seemed to have taken no further action to ensure that the satellite would be ready in time. The Board should carefully consider whether or not a further extension of two and a half years was justified on the grounds of the COVID-19 pandemic.

6.23 In reply to a question from **Mr Henri** about the coordination requirements for the INSAT-KUP-BSS(83E) satellite network, **Mr Wang (Head SSD/SNP)** said that, the Bureau having received the relevant Part B notification in September 2020, it had not had time to finalize its examination and determine the final coordination requirements. That being said, with the submission of the Part B and notification, the characteristics of the network were finalized and the Bureau's processing the queue was fixed – a later submission would not add to the coordination burden of the Indian Administration. The only unknown, which might impact the examination result, is the number of networks that would be entered in the List and to what extent they would affect the reference situation of other networks.

6.24 The **Chairman** pointed out that, in that case, the coordination requirements would be determined by the Part B examination, no matter what the duration of the extension granted by the Board.

6.25 **Mr Hoan** said that, in his view, the Board was justified in granting an extension for the GSAT-24 satellite. Regarding the GSAT-23 satellite, the Indian Administration appeared to have prioritized activities related thereto only after the WRC-19 decision, leaving it with very little time to manufacture the satellite and meet the time-limit for bringing back into use the related frequencies. It was difficult to see a *force majeure* cause and effect in the case.

6.26 **Mr Hashimoto** said that the margin for contingencies built into the GSAT-24 request should be considered in line with the other requests for extensions currently before the Board. With regard to the GSAT-23 satellite, which had been made a priority only after WRC-19, it was questionable whether the Indian Administration could have completed all the requisite activities before the regulatory deadline, with or

without the pandemic. The Board must carefully consider the length of the extension requested and make an appropriate decision.

6.27 **Mr Borjón** said that he had no trouble granting an extension in the case of the GSAT-24 satellite. Regarding the GSAT-23 satellite, it was clear that the Indian Administration had been aware that it would be difficult to meet the regulatory deadline and had therefore pushed for an extension by WRC-19. The Indian Administration referred to “uncertainty associated with the WRC-19 decision for availability of the orbit spectrum resources ...”, however the WRC-19 decision could not be considered as an element that created uncertainty, therefore that argument did not meet the criteria of *force majeure* – any delays in that respect were the responsibility of the Indian Administration. Moreover, he was not confident that the Indian Administration could have met the deadline, COVID-19 or not, as it had only prioritized work on the satellite as of 2020.

6.28 **Ms Jeanty, Ms Hasanova, Mr Talib and Mr Azzouz** agreed with the previous speakers that an extension was justified in the case of the GSAT-24 satellite on the grounds of *force majeure* related to the COVID-19 pandemic. In the case of the GSAT-23 satellite, however, the direct link to the pandemic was much harder to establish.

6.29 **Mr Alamri** also agreed that all the conditions for *force majeure* were met in the case of the GSAT-24 satellite, adding that an extension to 7 August 2022 was justified in view of the COVID-19 situation. He had the same concerns as previous speakers about the GSAT-23 satellite and the direct link to the COVID-19 pandemic.

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

“The Board carefully considered the request from the Administration of India contained in Document RRB21-1/12 and thanked the Administration for the additional information provided.

Concerning the INSAT-KUP-BSS(83E) satellite network, the Board reiterated its conclusion from the 85th meeting that the situation met all the conditions to qualify as a case of *force majeure*. In determining an appropriate time-limited extension for bringing into use the frequency assignments to the satellite network, the Board noted that:

- the regulatory deadline to bring into use the frequency assignments to the INSAT-KUP-BSS(83E) satellite network was 7 February 2021;
- the project timelines had suffered delays due to the pandemic and the satellite was now scheduled to be launched by 31 January 2022 at the latest;
- it was not in a position to predict the consequences and the future impact of the global pandemic on project timelines.

As a result, the Board decided not to take into account any additional margin or contingency related to the pandemic.

Consequently, the Board decided to accede to the request of the Administration of India to grant an extension to the regulatory time-limit to bring into use the frequency assignments to the INSAT-KUP-BSS(83E) satellite network, to 31 January 2022.

Concerning the INSAT-EXK82.5E satellite network, the Board noted that:

- although the global pandemic had had an impact on the delays experienced, not all the delays were attributable to the global pandemic since the project was prioritized only after WRC-19;
- even in the absence of the delays experienced as a result of the global pandemic, the project timelines and the status of the satellite’s construction suggested that it would not have been possible to meet the regulatory time-limit to bring back into use the frequency assignments to the INSAT-EXK82.5E satellite network.

Based on the information provided, the Board concluded that the situation did not meet all the conditions to qualify as a case of *force majeure*.

Consequently, the Board decided not to accede to the request from the Administration of India to extend the regulatory time-limit to bring back into use the frequency assignments to the INSAT-EXK82.5E satellite network. The Board instructed the Bureau to retain the frequency assignments to the INSAT-EXK82.5E satellite network in the MIFR until the end of the 87th Board meeting.”

6.31 It was so **agreed**.

Submission by the Administration of the State of Israel regarding the extension of the regulatory deadline to bring into use the frequency assignments to the AMS-C8-113E satellite network (Documents RRB21-1/13 and RRB21-1/DELAYED/10)

6.32 **Mr Loo (Head SSD/SPR)** introduced Document RRB21-1/13, which concerned a request submitted by the Administration of Israel for a two-year extension to the regulatory deadline for bringing into use the AMS-C8-113E satellite network on the grounds of *force majeure*. The Board had examined the request at its 85th meeting and requested further information (see Document RRB20-3/15, Minutes of the 85th Meeting, § 7).

6.33 In Document RRB21-1/13, the Administration of Israel explained that the Startime-1 project was a commercial partnership between Spacecom, Beijing Star Time Telecommunications Technology Company Limited and its subsidiary, Hongkong Broadband Satellites Limited; and Thaicom. The China Academy of Space Technology had begun work in 2019 to construct the satellite, which would be launched by China Great Wall Industry Corporation, in 2019. The launch, originally scheduled for the first quarter of 2022, had been affected by manufacturing delays caused by the COVID-19 pandemic and consequent national lockdown and was now planned for the fourth quarter of 2023. The requested extension of 24 months (i.e. until 26 May 2024) included a margin of some six months to allow for further unanticipated disruption. An annexed letter from Beijing Star Time indicated that the satellite was designed for the 113°E orbital position, based on the AMS-C8-113E satellite network, and that the launch date was planned for the fourth quarter of 2023.

6.34 **Mr Henri** said that the information provided by the Administration of Israel appeared to confirm that the manufacturing contracts signed in the first quarter of 2019 would have allowed the satellite to be launched in the first quarter of 2022, in line with regulatory deadlines for the AMS-C8-113E filing, but for the COVID-19 pandemic. Although an extension of two years was requested, the actual delay resulting from the effects of the pandemic seemed rather to be around 18 months.

6.35 **Ms Beaumier** observed that the submission contained little new information. The role of Spacecom remained unclear; it was described merely as a partner in the project. The relationships between the other companies involved likewise required further clarification. The submission also incorrectly stated that the Board had already concluded that the case met all the conditions for *force majeure* to apply. That said, if Spacecom was involved in the project, she would agree that those conditions had been met. The delay experienced in spacecraft integration seemed longer than those reported by other administrations, but it was fair to conclude that the COVID-19 pandemic had made it impossible for the administration to meet the regulatory deadline. She suggested that an extension be granted on condition that the Board’s unanswered queries relating to Spacecom were clarified.

6.36 **Mr Borjón** considered that the Board should take a decision based on the information already provided. Even if some questions remained unanswered, the Administration of Israel had responded to the Board’s concerns and the issue of *force majeure* was well covered. The only question was how long an extension to grant.

6.37 **Mr Hashimoto**, expressing support for granting an extension, pointed out that the annexed letter from Beijing Star Time confirmed a launch delay of 18 months as a result of the COVID-19 pandemic.

6.38 **Ms Hasanova** echoed that view. The pandemic had been a cause of the Administration of Israel's inability to fulfil its obligations. There was a document from the contractor attached to the document which indicated that the COVID-19 pandemic had caused a delay in manufacturing. The extension requested by the Administration of Israel appeared to be reasonable. She was in favour of granting an extension for the AMS-C8-113 satellite network.

6.39 **Mr Azzouz** said that, in his view, the Board still had insufficient information about the relationships between the various partners involved in the venture, pointing out that, at its 85th meeting, it had in particular requested a letter from the satellite manufacturer and launch service provider, initial and revised project milestones for the construction and launch of the satellite as an example of supporting documentation. However, the Administration of Israel had not provided any of the information requested at the 85th meeting.

6.40 **Mr Hoan** said that there should be no difficulty in granting an extension in the present case but that the information provided by the Administration of Israel was not enough to determine how long that extension should be.

6.41 **Mr Talib** suggested that the administration should be asked to provide further information to clarify two specific outstanding points: the justification for the length of extension requested and the roles of the various partners in the venture, especially Spacecom, Beijing Star Time and Thaicom. As Mr Azzouz had pointed out, a letter from the satellite manufacturer had not been provided.

6.42 **Ms Jeanty** said that, while the project could have been started earlier, it was now at an advanced stage and that she could agree to grant an extension to the regulatory deadline. The length thereof should be consistent with the Board's agreed approach.

6.43 **Mr Alamri** expressed support for the suggestion that further information should be requested from the Administration of Israel. Although it was clear in principle that the satellite's manufacture had been delayed as a result of the COVID-19 pandemic, supporting documentation was needed. He had expected more documents (e.g. letters from satellite manufacturer and launch service provider) to be provided based on the Board's decision at its 85th meeting.

6.44 The **Chairman** observed that the submission contained in Document RRB21-1/13 confirmed that a commercial partnership existed between Spacecom, Beijing Star Time and Thaicom but did not clarify the nature of that partnership. The annexed letter, signed by Beijing Star Time, stated that the China Academy of Space Technology was the manufacturer of the satellite and the China Great Wall Industry Corporation was the launch service provider.

6.45 **Mr Loo (Head SSD/SPR)**, in response to the question as to why a letter from the satellite manufacturer China Academy of Space Technology had not been provided, drew attention to the previous submission received from the Administration of Israel, which was contained in Document RRB20-3/7. Annex 4 to that submission included a statement by Beijing Star Time to the effect that its subsidiary, Hongkong Broadband Satellites Limited, was manufacturing the satellite, even though it was being designed and constructed by the China Academy of Space Technology. Beijing Star Time might therefore have viewed itself as representing the manufacturer and have sent the annexed letter in that capacity, although the situation was certainly confusing.

6.46 Based on the overall approach agreed, the **Chairman** proposed that the Board conclude on the matter as follows:

“The Board carefully considered the request from the Administration of Israel contained in Document RRB21-1/13, and also considered Document RRB21-1/DELAYED/10 for information. The Board thanked the Administration of Israel for the additional information provided, but noted that:

- the new submissions provided little additional information compared to that received at its 85th meeting and that more information on the manufacturer contracts and the partnerships would have been appreciated;

- the regulatory time-limit to bring into use the frequency assignments to the AMS-C8-113E satellite network was 26 May 2022;
- the project timelines had suffered delays due to the pandemic and the satellite launch was rescheduled to Q4 2023;
- the administration had made efforts to meet the deadline and to overcome the difficulties faced;
- it was not able to predict the consequences and the impact of the global pandemic on future project timelines.

As a result, the Board decided not to take into account any additional margin or contingency related to the pandemic.

Based on the information provided, the Board concluded that the situation met all the conditions to qualify as a case of *force majeure*. Consequently, the Board decided to accede to the request of the Administration of Israel and to grant an extension to the regulatory time-limit to bring into use the frequency assignments to the AMS-C8-113E satellite network to 26 November 2023. The Board reminded the Administration of the State of Israel that the information required for the AMS-C8-113E satellite network under RR Article 11 and Resolution 49 (Rev.WRC-19) was required by 26 May 2022.”

6.47 It was so agreed.

Submission by the Administration of Indonesia requesting the extension of the regulatory time-limit to bring into use the frequency assignments to the PSN-146E satellite network (Documents RRB21-1/21 and RRB21-1/DELAYED/1)

6.48 **Mr Sakamoto (Head SSD/SSC)** introduced Documents RRB21-1/21 and RRB21-1/DELAYED/1; the latter was a more complete version of the former. The Administration of Indonesia had requested a further extension of the regulatory time-limit to bring into use the Ka-band frequency assignments to the PSN-146E satellite network, which had been extended to 31 March 2023 by WRC-19, to 31 March 2024 on the grounds of *force majeure* relating to the COVID-19 pandemic. The Board had examined the case at its 85th meeting and invited the Administration of Indonesia to provide additional information to determine whether the conditions for *force majeure* were met (see Document RRB20-3/15, Minutes of the 85th Meeting, § 8).

6.49 In its submission, the Administration of Indonesia explained that the original launch date of 28 August 2022 would have resulted in the satellite reaching orbit by 18 January 2023 and the regulatory deadline of 31 March 2023 being met with two months to spare. A supporting letter from Thales Alenia Space, the satellite manufacturer, indicated a delay of five to seven months in the manufacturing process as a result of the pandemic. Launch had therefore been rescheduled to 15 May 2023; the satellite should reach orbit by 9 October 2023. In view of the fixed deadline for commercial operation set by the Government of Indonesia, the operator had overcome difficulties in financing preparatory work by using its own equity so that the manufacturer could begin construction.

6.50 In October 2019, as a temporary measure, the administration had placed an interim satellite at 146°E in an effort to meet the regulatory deadline for bringing the Ka-band frequency assignment to the PSN-146E satellite network into use, even though the satellite was not designed to cover the whole of that assignment. The assignment to the interim satellite had been suspended; the suspension would expire before 31 March 2024.

6.51 In reply to a question from **Ms Jeanty**, he explained that the frequency assignments to the interim satellite in the 19.7 – 20.2 GHz and 29.5 – 30 GHz bands, which had been brought into use on 15 October 2019, had been suspended until 17 April 2023, which fell between the deadline set by WRC-19 and the end of the requested extension period. The suspension related only to the Ka-band frequency assignments in respect of which the further extension had been requested.

6.52 **Mr Henri** said that the COVID-19 pandemic itself seemed to have delayed the project by five to seven months. In calculating the length of extension requested, the Administration of Indonesia had also allowed two months as a buffer for launch delays and a five-month margin in case of further delays related to the pandemic; however, that contingency time should already have been incorporated into the revised time-scale. More complete information on the revised launch schedule would have been welcome. He could agree to an extension but not of more than seven months including all contingencies.

6.53 The **Chairman** said that, in line with the overall approach agreed by the Board, the extension granted should match the actual documented delays experienced.

6.54 **Ms Beaumier** agreed and expressed her appreciation for the detailed, clear and comprehensive information provided. She said that it suggested that the regulatory deadline would have been met if not for the COVID-19 pandemic; the conditions for *force majeure* were therefore satisfied. The Administration of Indonesia had demonstrated its commitment to the project and progress had been made, including in terms of shortening time-scales where possible. The revised schedule included time for in-orbit testing and reflected the manufacturing delay. She was in favour of granting an extension of seven months; if more delays arose, a further extension could be requested.

6.55 **Mr Hoan** also expressed support for a seven-month extension, as the additional information requested by the Board at its 85th meeting showed that the project had been delayed as a result of the COVID-19 pandemic and that the administration had made efforts to meet the original deadline.

6.56 **Mr Alamri** welcomed the additional information provided and expressed support for a seven-month extension. The delay to the project was clearly documented, it had a direct causality with the COVID-19 pandemic, and the administration had made efforts to meet the regulatory deadline. Although no letter from the launch service provider had been submitted to confirm the length of the new launch window, it could be deduced from the diagram included in the submission.

6.57 **Mr Borjón** echoed the positive views expressed on a project that would provide a service essential to a developing country, but wondered whether the additional two-month buffer the administration had requested might reflect the length of the launch window. If so, an extension of nine months might be more appropriate.

6.58 The **Chairman** said that, although the submission did not specify the length of the launch window, the commercial operation date given was six months after the planned launch date. A seventh-month extension to the regulatory deadline should therefore be sufficient.

6.59 **Ms Jeanty**, welcoming the extensive information provided by the administration, said that an extension of either seven or nine months would be justified.

6.60 **Mr Hashimoto, Mr Talib** and **Mr Mchunu** expressed appreciation for the efforts of the Administration of Indonesia and agreed with the suggested seven-month extension.

6.61 **Ms Hasanova**, observing that satellite communications were critical for Indonesia, said that the administration had made every effort to fulfil its obligations and provide the Board with the information requested and that an extension should be granted.

6.62 **Mr Azzouz**, having expressed his appreciation for the information provided by the Administration of Indonesia, said that the documented delay in the manufacturing process was seven months. Thus, a nine-month extension would encompass the fixed date by which commercial services must begin.

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

“The Board considered in detail the submission contained in Document RRB21-1/21 and the delayed submission Document RRB21-1/DELAYED/1 for information, and thanked the Administration of Indonesia for the detailed and comprehensive information provided. The Board indicated that it would

have appreciated more information on the planned launch window of the satellite. The Board noted that:

- the regulatory deadline to bring into use the frequency assignments to the PSN-146E satellite network in the bands 17.7 – 21.2 GHz and 27 – 30 GHz was extended by WRC-19 from 25 October 2019 to 31 March 2023;
- based on the original schedule, the Administration of Indonesia could have met the regulatory time-limit to bring into use the frequency assignments to the PSN-146E satellite network if the global pandemic had not occurred;
- the administration had made extensive and continuous efforts to meet the deadline, to overcome the difficulties faced and to reduce the time schedule of the project, as confirmed by the satellite manufacturer;
- the project schedule had suffered a 7-month delay due to the pandemic;
- it was not in a position to predict the consequences and the future impact of the global pandemic on future project timelines;
- for the band 30 – 31 GHz, the regulatory time-limit to bring into use the frequency assignments to the PSN-146E satellite network was 14 May 2025.

As a result, the Board decided not to take into account any additional margin or contingency related to the pandemic.

Based on the information provided, the Board concluded that the situation met all the conditions to qualify as a case of *force majeure*.

Consequently, the Board decided to accede to the request of the Administration of Indonesia and to grant an extension to the regulatory time-limit to bring into use the frequency assignments to the PSN-146E satellite network in the frequency bands 17.7 – 21.2 GHz and 27 – 30 GHz to 31 October 2023.”

6.64 It was so agreed.

Submission by the Administration of Malaysia requesting the extension of the regulatory time-limit to bring into use frequency assignments to the MEASAT satellite networks at 91.5°E and 148°E (Document RRB21-1/8)

6.65 **Mr Loo (Head SSD/SPR)** introduced Document RRB21-1/8, which contained a request from the Administration of Malaysia to extend the regulatory time-limit to bring back into use the Ka-band frequency assignments to the MEASAT-1A satellite network at 91.5°E by five months, to 5 February 2023, and the C- and Ku-band frequency assignments to the MEASAT-2, MEASAT-148E, MEASAT-2A and MEASAT-2R satellite networks at 148°E by 21 months, to 12 April 2023. All the frequency assignments in question were currently suspended under RR No. **11.49**. According to the administration, the submission met all four conditions for *force majeure* to apply as a result of the COVID-19 pandemic.

6.66 MEASAT-1 and MEASAT-2 had been launched to 91.5°E and 148°E, respectively, in 1996 to provide services in the C- and Ku- bands. The Ka-band frequency assignments had subsequently been brought into use at 91.5°E for four months, using the Canadian NIMIQ 2 satellite, then suspended; the extended deadline for it to be brought back into use had been 15 March 2020. Efforts to secure a new satellite to operate at 91.5°E had resulted in a launch window for MEASAT-3d, manufactured by Airbus with Arianespace as launch service provider, of 1 June to 20 September 2021, so NIMIQ 2 had been used a second time to bring back into use the assignments and then suspended, extending the deadline for the Ka-band assignment at 91.5°E to 5 September 2022.

6.67 MEASAT-2 had been de-orbited in July 2018 and the C- and Ku-band frequency assignments at 148°E suspended, with a regulatory deadline of 12 July 2021 for them to be brought back into use. Based on the

original launch window for MEASAT-3d, the operator had planned to move the existing MEASAT-3 satellite, currently at 91.5°E, to 148°E to bring the C- and Ku-band frequency assignments at that position back into use before the corresponding deadline, as an interim solution. However, manufacturing delays due to COVID-19, a consequential delay to secure satellite financing, and co-passenger issues had so far delayed the launch window for MEASAT-3d to between 15 January and 14 August 2022 despite the operator's attempt to accelerate the satellite delivery schedule by up to 6 weeks, making it impossible to meet the deadline for bringing the various 148°E assignments back into use and challenging to meet the deadline for the MEASAT-1A network at 91.5°E.

6.68 The **Chairman**, highlighting the complexity of the case and emphasizing the importance of satellite infrastructure to a developing country, said that the Administration of Malaysia appeared to have made every effort to overcome the difficulties encountered.

6.69 **Mr Henri** asked whether MEASAT-3d operated on thermal or electric propulsion, as that could affect whether it would reach its orbital position at 91.5°E in time to bring the Ka-band assignment back into use by 5 September 2022. While the administration's approach in trying to maintain its frequency assignments at both orbital positions was understandable, it seemed to have no long-term plan to secure the C- and Ku-band frequency assignments at 148°E.

6.70 **Mr Loo (Head SSD/SPR)** said that no information had been provided on the propulsion system of MEASAT-3d. According to the submission, a decision on whether to reduce the launch window to three months was due to be taken on 15 July 2021. With regard to orbital position 148°E, the Administration of Malaysia had indicated that MEASAT-3 would remain there for the rest of its operational life.

6.71 The **Chairman** observed that the decision on reducing the launch window for MEASAT-3d would not be made before the Board's next meeting ended.

6.72 **Ms Beaumier** said that, even with the existing launch window, which was longer than usual, the regulatory deadline for the frequency assignments at 91.5°E could be met. She suggested that the Board, while recognizing that a delay of five and a half months had been caused by the COVID-19 pandemic and that the case was one of *force majeure*, should conclude that it was not yet necessary to grant an extension. For the assignments at 148°E, however, she was not convinced that the regulatory deadline would have been met even without the complications of the pandemic situation given the initial launch window for the MEASAT-3d satellite and the need to relocate the MEASAT-3 satellite. Both the Malaysian Administration and the manufacturer mentioned options to reduce the schedule, but no details were provided. As a result, the conditions for *force majeure* to apply did not seem to have been satisfied.

6.73 **Mr Alamri** considered that the delay to the launch of MEASAT-3d to 91.5°E, which was a demonstrable result of the COVID-19 pandemic, had clearly had a knock-on effect on the administration's efforts to bring back into use its C- and Ku-band frequency assignments at 148°E. Extensions in respect of both orbital positions should therefore be granted.

6.74 **Mr Talib** agreed that the conditions for *force majeure* had been met in the case of the frequency assignment at 91.5°E but suggested that more information be requested concerning the various assignments at 148°E, for consideration at the Board's next meeting. He welcomed the efforts and transparency of the Administration of Malaysia.

6.75 **Mr Hashimoto** said that he could agree to extensions being granted in respect of both orbital positions, provided that the agreed approach was followed and no contingency time included. It would probably have been difficult for the Administration of Malaysia to alter its plan to replace MEASAT-2 with MEASAT-3 and still meet the relevant regulatory deadline.

6.76 **Mr Azzouz** echoed the view expressed by Mr Alamri.

6.77 The **Chairman** suggested that, as a compromise, an extension could be granted for the frequency assignment at 91.5°E, as the launch of MEASAT-3d had clearly been delayed as a result of the pandemic, but not for the frequency assignments at 148°E.

6.78 **Ms Hasanova** expressed support for the granting of an extension.

6.79 **Ms Beaumier**, emphasizing the need for a consistent approach in all cases, reiterated her view that it was not yet clear that an extension would be required for the 91.5°E assignment, especially as the launch window for MEASAT-3d might be reduced in July 2021.

6.80 **Mr Henri**, expressing support for Ms Beaumier's position, said that he still doubted whether the administration's plan to bring back into use the frequency assignments at 148°E by the existing deadline would have been successful.

6.81 The **Chairman** suggested that more information should be sought from the Administration of Malaysia to justify the need for an extension to the regulatory deadline for the frequency assignment at 91.5°E.

6.82 **Ms Jeanty** expressed support for that suggestion and for Mr Henri's comments regarding the 91.5°E orbital position. The administration should be asked to provide further details of the launch window and propulsion system for the MEASAT-3d satellite.

6.83 **Mr Alamri**, supported by **Mr Hashimoto**, said that, while he could agree to the proposal not to grant an extension in respect of the frequency assignment at 91.5°E, as it was still possible the deadline could be met, that consideration did not apply to the C- and Ku-band frequency assignments at 148°E. The Board should decide on both issues at its present meeting.

6.84 **Mr Henri** said that if further delays were experienced, an extension for the frequency assignment at 91.5°E could be considered again in the light of subsequent developments.

6.85 **Ms Beaumier** endorsed that approach and said that, despite the useful information provided in respect of the C- and Ku-band frequency assignments at 148°E, she could not agree that the conditions for *force majeure* had been met in that instance. Regardless of how soon the new MEASAT-3d satellite reached its orbital position, it would take time to conduct the necessary tests on both satellites to ensure the smooth transfer of services and to relocate MEASAT-3 from 91.5°E to 148°E, and she remained unconvinced that the regulatory deadline would have been met even before the pandemic had struck. However, the Board could agree that the assignments at 148°E should be maintained in the MIFR for the time being.

6.86 In response to a question from the **Chairman, Mr Loo (Head SSD/SPR)** confirmed that the regulatory deadline for the assignments in question would fall during the Board's next meeting.

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

“The Board considered in detail the submission from the Administration of Malaysia as contained in Document RRB21-1/8. Concerning the MEASAT-1A satellite network at 91.5°E, the Board noted that:

- based on the information provided, the situation associated with the MEASAT-1A satellite network met all the conditions to qualify as a case of *force majeure*;
- the revised launch window for the MEASAT-1A satellite network was from 15 January to 14 August 2022 and might be further reduced in July 2021;
- the regulatory time-limit to bring back into use the frequency assignments to the MEASAT-1A satellite network was 5 September 2022;
- it was not in a position to predict the consequences and the future impact of the global pandemic on future project timelines.

As a result, the Board decided not to take into account any additional margin or contingency related to the pandemic.

The Board concluded that, given these circumstances, an extension to the regulatory time-limit to bring back into use the frequency assignments to the MEASAT-1A satellite network did not seem to be required at this time.

Concerning the MEASAT-2, MEASAT-148E, MEASAT-2A and MEASAT-2R satellite networks at 148°E, the Board noted that:

- based on the information provided, the situation associated with the above-mentioned satellite networks at 148°E did not meet all the conditions to qualify as a case of *force majeure*;
- the regulatory time-limit to bring into use the frequency assignments to the above-mentioned satellite networks at 148°E was 12 July 2021;
- even in the absence of the delays experienced as a result of the global pandemic, the project timelines suggested that it would not have been possible to meet the regulatory deadline to bring back into use the frequency assignments to the above-mentioned satellite networks at 148°E.

Consequently, the Board decided not to accede to the request from the Administration of Malaysia to grant extensions to the regulatory time-limit for bringing into use the frequency assignments to the MEASAT-1A satellite network at 91.5°E and the MEASAT-2, MEASAT-148E, MEASAT-2A and MEASAT-2R satellite networks at 148°E. The Board instructed the Bureau to retain the frequency assignments to the MEASAT-2, MEASAT-148E, MEASAT-2A and MEASAT-2 satellite networks in the MIFR until the end of the 87th Board meeting.”

6.88 It was so agreed.

Submission by the Administration of Australia requesting the extension of the regulatory time-limit to bring into use the frequency assignments to the SIRION-1 satellite network (Documents RRB21-1/10 and RRB21-1/DELAYED/9)

6.89 **Mr Loo (Head SSD/SPR)** introduced Document RRB21-1/10, in which the Australian Administration requested that the time-limit for bringing into use the frequency assignments to the SIRION-1 satellite network be extended to 10 January 2022 on the grounds of *force majeure* and explicitly authorized the publication of the confidential information contained in the annexes. The Australian Administration recalled that, at its 81st meeting, the Board had granted a first extension from the original deadline to 10 April 2019, on the grounds of two separate *force majeure* events. The current operator, EchoStar Global Australia Pty Ltd. (EGA), had since taken steps to ensure that the deadline for bringing into use was met, but the new satellites EG-1 and EG-2 had experienced further anomalies after launch. EG-1 experienced a power anomaly when it arrived at the required orbit, while EG-2 experienced a failure with its propulsion system and was thus unable to attain the required orbit. Those anomalies had been analysed and the EG-3 satellite modified as a result. Its launch had been delayed from February to June 2021 because of manufacturing and launch delays associated with the COVID-19 pandemic. It would therefore not be possible to bring into use the relevant ITU filings by the regulatory time-limit. The Australian Administration sought an extension of nine months, which comprised the delay in the existing EG-3 launch schedule, two months for orbit-raising and five months for other delays resulting from the pandemic or other unforeseen events. The annexes to the document contained correspondence attesting to the information provided in the document proper.

6.90 In Document RRB21-1/DELAYED/9, which the Board had before it for information, the Administration of Papua New Guinea argued that the Australian request for a second extension should be denied, as, in its view, the conditions for *force majeure* were not satisfied. Not only had the EG-1 and EG-2 failures been unexceptional and foreseeable (prototype satellites often failed), nine years were ample to build small satellites and overcome the difficulties encountered. In addition, the COVID-19 pandemic had broken out well after the project start and had not precluded the successful launch of many small satellites. Furthermore, multiple launch opportunities had been available after the failure of EG-1 and EG-2. Finally,

should the Board decide to grant a second extension, it should not require the Administration of Papua New Guinea to coordinate its OMNISPACE F2 and M5L2SAT satellite network filings with the SIRION-1 satellite network.

6.91 The **Chairman**, observing that EGA had started negotiating the design and manufacture of EG-4, queried why the operator had not decided to start a new project, rather than resume an existing one. Regarding the request for an extension, if the conditions for *force majeure* were met, it would appear appropriate to grant four rather than nine months (i.e. no extension for unforeseen contingencies), to June 2021. Since that date fell before the next Board meeting, a decision was required at the current meeting.

6.92 **Ms Beaumier** agreed that the extension should be of no more than four months, but was not sure that the case was one of *force majeure*. Like the Chairman, she was puzzled that four satellites in a row had suffered launch failures or anomalies in orbit and was starting to doubt that the administration had shown sufficient diligence in overcoming past difficulties. If the failures were self-induced, the first *force majeure* condition was not met. It was also not clear that the COVID-19 pandemic had caused the delay leading to the change in launch window for the EG-3 satellite (some element of co-passenger delay might also have been involved), whether the *force majeure* event was mission failures or the pandemic, or that the events were unforeseeable and unpreventable. She shared the concerns expressed in Document RRB21-1/DELAYED/9 as to why the Australian Administration had not sought other solutions, such as to switch launch provider – a common approach in the case of small satellites and rideshare launches.

6.93 **Mr Borjón** said that he did not believe that a company would manufacture a satellite to fail on purpose. The case appeared to involve a series of unfortunate events related to the new technologies used, and the decision had been made to change the type of propulsion as a result. A *force majeure* event had occurred, and the consequent delays had been compounded by the COVID-19 pandemic. He would therefore agree to a four-month extension.

6.94 **Mr Hoan** said that a satellite failure after launch was usually considered a *force majeure* event. Although, as pointed out in Document RRB21-1/DELAYED/9, a second extension was being requested for the SIRION-1 satellite system, the satellite manufacturer had changed in the meantime. In his view, therefore, the case met the conditions for *force majeure*. Regarding the EG-3 satellite, the launch delay was not due directly to the COVID-19 pandemic but rather to a co-passenger delay in which the pandemic affected the primary customer. He therefore shared the Chairman's view that it would be appropriate to grant a four-month extension.

6.95 **Mr Alamri**, noting that the Australian Administration had taken all possible steps to meet the regulatory deadline but had experienced significant in-orbit anomalies, considered that the case met the conditions for *force majeure* and that the Australian Administration should be granted a four-month extension, in order to be consistent with the Board's decisions in the other cases before it. **Mr Azzouz** agreed.

6.96 **Ms Hasanova** expressed sympathy for the situation, as the Australian Administration appeared to have made every effort to meet the regulatory deadline. She was in favour of granting a four-month extension.

6.97 **Mr Hashimoto** said that the case met the conditions for *force majeure* because the system failures encountered were unforeseen and unpreventable. In addition, the launch of the EG-3 satellite had to some extent been affected by the COVID-19 pandemic. He was therefore in favour of granting the Australian Administration a four-month extension.

6.98 **Ms Jeanty** said that she could agree to a maximum four-month extension, albeit reluctantly, as she shared the doubts expressed by Ms Beaumier.

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

“The Board carefully considered the submission from the Administration of Australia as presented in Document RRB21-1/10 and also considered Document RRB21-1/DELAYED/9 from the Administration of Papua New Guinea for information. The Board noted that:

- extensive efforts had been made to bring into use the frequency assignments to the SIRON-1 satellite network and the request for the extension of the regulatory time-limit was for a relatively short period;
- the regulatory time-limit to bring into use the frequency assignments to the SIRON-1 satellite network was 10 April 2021;
- the launch had been rescheduled to June 2021;
- it was not able to predict the consequences and the impact of the global pandemic on future project timelines;
- it did not have the mandate to change the coordination requirements or coordination procedures of the relevant provisions of the RR.

As a result, the Board decided not to take into account any additional margin or contingency related to the pandemic.

Consequently, the Board decided to accede to the request from the Administration of Australia to grant an extension to the regulatory time-limit to bring into use the frequency assignments to the SIRON-1 satellite network to 10 August 2021.”

6.100 It was so **agreed**.

Submission by the Administration of Cyprus requesting the extension of the regulatory time-limit to bring back into use the frequency assignments to the KYPROS-APHRODITE-2 and KYPROS-ORION satellite networks (Documents RRB21-1/20 and RRB21-1/DELAYED/5)

6.101 **Mr Loo (Head SSD/SPR)** introduced Document RRB21-1/20, which contained a submission from the Administration of Cyprus requesting a nine-month extension of the regulatory time-limit to bring back into use the frequency assignments to the KYPROS-APHRODITE-2 and KYPROS-ORION satellite networks and authorizing publication of the confidential parts of the submission. The frequency assignment to KYPROS-APHRODITE-2, at 90°E, had been suspended until 28 December 2020, while the assignment to KYPROS-ORION, at 89.5°E, was suspended until 4 May 2021. The Board also had before it Document RRB21-1/DELAYED/5 for information.

6.102 The satellite operator, ASEAN Kypros Satellites Ltd, had originally signed an agreement with China Great Wall Industry Corporation to lease a satellite to bring the two network filings back into use by launching on 27 December 2019, drifting to 90°E to bring the assignment to KYPROS-APHRODITE-2 back into use then drifting to 89.5°E to do the same for KYPROS-ORION. The COVID-19 pandemic, however, had resulted in the postponement of in-orbit and payload testing, making it very difficult to implement the plan. Attempts to use other satellites for the same purpose had been unsuccessful. A procurement contract for the first of two permanent satellites, BRSAT-1, had been signed with China Great Wall Industry Corporation on 26 February 2021, with launch planned by March 2024; it was hoped a contract to procure BRSAT-2 would be signed by the end of June 2021.

6.103 In the interim, an agreement had been signed with Telesat Canada on 1 March 2021 to lease the NIMIQ-2 satellite to bring the KYPROS-ORION filing back into use by the regulatory deadline; an extension of that deadline to 4 February 2022 was being sought in the current unstable environment. The operator was still looking for ways to bring the assignment to KYPROS-APHRODITE-2 back into use.

6.104 The **Chairman** said that the information contained in the submission was somewhat confusing. It was a complex issue and looked like a case of spectrum reservation.

6.105 **Ms Hasanova** said that she shared the Chairman's concerns. The Administration of Cyprus had not provided any information on the life of the satellite but only on its bringing back into use. It appeared from the information contained in paragraph 4 of Document RRB21-1/20 that the intention was to use one satellite for two orbital positions. She asked for clarification in that regard.

6.106 The **Chairman** drew attention to the cooperation intention agreement, set out in Annex 4 to Document RRB21-1/20, from which it seemed that the intention was to launch one satellite to two orbital positions.

6.107 **Mr Loo** said that in paragraph 9 of Document RRB21-1/20 the Administration of Cyprus indicated that it had signed a procurement contract for BRSAT-1 and that the procurement contract for BRSAT-2 was under discussion and would be signed by end June 2021. It seemed, therefore, that there were plans for two satellites.

6.108 **Mr Henri** said that, by leasing the NIMIQ-2 satellite, the Administration of Cyprus appeared to be in a position to meet the regulatory deadline for bringing the frequency assignment to KYPROS-ORION back into use and that consequently no extension to that deadline was needed. It also had a longer-term plan to use the assignment. The time-limit for bringing back into use the assignment to KYPROS-APHRODITE-2, on the other hand, had already expired, and there was a frustrating lack of information in the submission on how the administration had attempted to resolve the issue. He was therefore disinclined to grant the extension requested.

6.109 **Ms Beaumier** said that she had reached a similar conclusion on the KYPROS-ORION assignment: whether or not the conditions for *force majeure* were met, there seemed to be no need for an extension to the regulatory deadline. The Administration of Cyprus had made clear efforts to bring the assignment back into use and was likely to have succeeded in any event. As for KYPROS-APHRODITE-2, she also agreed with Mr Henri; moreover, the submission did not demonstrate clearly that the conditions for *force majeure* had been met, nor had the questions raised by the Board at its 85th meeting been answered. The case involved repeated use of "satellite hopping", which raised concerns and should perhaps be addressed in the Board's next report under Resolution **80 (Rev.WRC-07)**.

6.110 **Mr Azzouz** said that it was unclear when the administration's efforts to find an interim solution in respect of the KYPROS-APHRODITE-2 assignment would bear fruit. There appeared to be little that the Board could do beyond asking the Bureau to maintain the frequency assignment to the KYPROS-APHRODITE-2 satellite network in the MIFR until the Board's 87th meeting.

6.111 **Mr Loo (Head SSD/SPR)** said that the Administration of Cyprus had emphasized the importance it attached to both filings. Although the regulatory time-limit for bringing the assignment to KYPROS-APHRODITE-2 had already expired, the filing still appeared in the MIFR, as work to suppress the KYPROS-APHRODITE-2 filing had been paused on receipt of the request for an extension, pending the Board's meeting.

6.112 **Ms Jeanty** agreed that there was no need to grant an extension in respect of the frequency assignment to the KYPROS-ORION network. In the case of KYPROS-APHRODITE-2, *force majeure* had been mentioned but not specifically invoked, as required for it to apply, and the issue of spectrum reservation gave cause for concern; she was therefore not in favour of granting an extension for that filing.

6.113 **Mr Hashimoto** expressed support for the views already expressed with regard to both satellite networks, adding that more information was needed on the administration's plans for the KYPROS-APHRODITE-2 filing and that consideration should be given to whether it should be maintained in the MIFR until the Board met again.

6.114 The **Chairman** said that, as there seemed to be some doubt among the Board members as to the long-term viability of the KYPROS-APHRODITE-2 project, it might be simpler to say that the case did not meet all the conditions for *force majeure* to apply.

6.115 **Mr Hoan**, echoing the view that no extension was needed for the KYPROS-ORION filing, said that neither of the grounds on which the Board was authorized to grant extensions – *force majeure* and co-passenger delays – applied to the case of KYPROS-APHRODITE-2. The Board should therefore decide not to grant an extension to the regulatory deadline for bringing that filing back into use.

6.116 **Mr Talib** expressed support for Mr Hashimoto’s position. More information should be requested from the administration, especially with regard to the applicability of *force majeure*, and the case reconsidered at the Board’s next meeting.

6.117 **Mr Alamri** endorsed Mr Talib’s comments, adding that there were clear indications of delays relating to the COVID-19 pandemic having affected plans to bring the frequency assignment to KYPROS-APHRODITE-2 back into use. Accordingly, and to be consistent with similar Board decisions, the Administration of Cyprus should be given the opportunity to provide more information to demonstrate how each of the *force majeure* conditions had been met related to the satellite network.

6.118 **Ms Beaumier**, noting Ms Jeanty’s point that *force majeure* must be explicitly invoked, said that it further emphasized the fact that the Administration of Cyprus did not fully understand the information requirements that must be satisfied. The delayed submission contained confusing information and only raised more questions in regard to the KYPROS-APHRODITE-2 project. While she still had doubts as to whether the case would qualify as *force majeure*, she agreed with Mr Alamri that to be fair, the administration should be given the same opportunity as others were given to explain clearly how each of the *force majeure* conditions had been met in the case of the KYPROS-APHRODITE-2 filing.

6.119 **Mr Mchunu** and **Mr Alamri** expressed support for her comments.

6.120 **Mr Hoan** said that, based on the existing submission, he did not believe that further information would demonstrate that *force majeure* applied. If the Board opted not to take a decision until the next meeting, what would happen in the event that the Administration of Cyprus found a temporary means of bringing the KYPROS-APHRODITE-2 filing back into use in the meantime?

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

“The Board carefully considered the submission from the Administration of Cyprus as presented in Document RRB21-1/20 and also considered Document RRB21-1/DELAYED/5 for information. The Board expressed its appreciation for the efforts of the Administration of Cyprus to comply with the Radio Regulations in bringing back into use the frequency assignments to the KYPROS-APHRODITE-2 and KYPROS-ORION satellite networks.

Concerning the KYPROS-ORION satellite network at 89.5°E, the Board noted that:

- based on the information provided, it did not seem at this stage that there was any need to provide an extension to the regulatory time-limit of 4 May 2021 to bring back into use the frequency assignments to this satellite network;
- it was not able to predict the consequences and the impact of the global pandemic on future project timelines.

As a result, the Board decided not to take into account any additional margin or contingency related to the pandemic.

Concerning the KYPROS-APHRODITE-2 at 90°E, the Board noted that:

- the regulatory time-limit to bring back into use the frequency assignments had already expired on 28 December 2020;
- the Administration of Cyprus had mentioned, but did not specifically invoke, *force majeure*.

The Board concluded that while there were elements of *force majeure* in the request, there was insufficient information at this time to determine whether the situation met all the conditions required to be considered as a case of *force majeure*. The Board therefore instructed the Bureau to invite the

Administration of Cyprus to provide additional information in sufficient detail to demonstrate how the restrictions imposed to combat the pandemic made it impossible, and not just difficult, to meet regulatory deadlines, including the efforts and measures that had been taken to meet these deadlines. A detailed rationale for the length of the extension requested should also be provided, with supporting documentation and/or information (e.g. letter from the manufacturer, initial and revised project milestones for the construction and launch of the satellite, status of the satellite construction, etc.).

Furthermore, the Board instructed the Bureau to retain the frequency assignments to the KYPROS-APHRODITE-2 at 90°E in the MIFR until the end of the 87th Board meeting.”

6.122 It was so **agreed**.

7 Coordination of satellite networks at 25.5°E/26°E in the Ku-band (Documents RRB21-1/6(Add.5) and RRB21-1/DELAYED/6)

Submission by the Administration of Saudi Arabia (Kingdom of) regarding the implementation of the RRB decisions on the coordination of satellite networks at 25.5°E/26°E in the Ku-band (Documents RRB21-1/11 and RRB21-1/DELAYED/11)

Submission by the Administration of Iran (the Islamic Republic of) regarding the implementation of the RRB decisions on the coordination of satellite network at 25.5°E/26°E in the Ku-band (Document RRB21-1/19)

7.1 **Mr Sakamoto (Head SSD/SSC)** introduced Addendum 5 to Document RRB21-1/6, which reported on discussions held pursuant to decisions of the Board at its 85th meeting between the Administrations of Saudi Arabia and France, acting as notifying administrations for the ARABSAT and EUTELSAT intergovernmental satellite organizations, respectively, and on its own behalf in the case of France, and the Islamic Republic of Iran, concerning the coordination of satellite networks at orbital positions 25.5°E and 26°E.

7.2 At a videoconference on 23 November 2020 between the Bureau, the three administrations and their satellite operators, the Administration of Saudi Arabia had indicated its willingness to sign a coordination agreement based on the Ku-band sharing scheme developed in 2010-2013 and expressed the view that Ka-band coordination was a separate issue that could be pursued through normal coordination means. The Administration of France had said that it was ready to sign coordination agreements encompassing both bands. The Administration of the Islamic Republic of Iran had indicated that it was only concerned with the Ku-band and was ready to sign coordination agreements in that respect based on the sharing scheme; it pointed out that coordination of satellite networks in the Ka-band was the subject of negotiations between France, for EUTELSAT, and Saudi Arabia, for ARABSAT, and had not been considered in Board decisions from 2010 to 2013. Noting the divergent approaches, the Bureau had encouraged the three administrations to review all options to complete coordination activities. Correspondence was continuing on a possible coordination meeting.

7.3 Document RRB21-1/11 contained a submission from the Administration of Saudi Arabia, in which it pointed out that previous Board decisions had resulted from a dispute over Ku-band spectrum rights and that it had submitted a contribution to the 85th meeting of the Board on how a three-way coordination agreement for the Ku-band, based on the Board’s decisions, could be finalized and implemented; however, the Administration of France had repeatedly insisted on resolving the Ka- and Ku-band issues as a package. The Administration of Saudi Arabia suggested that the Ku-band coordination arrangement that had been operating since 2012 should be formalized among the three administrations, while the Ka-band coordination requirements should be discussed and agreed by the operators concerned and endorsed by their two notifying administrations in due course.

7.4 In the submission contained in Document RRB21-1/19, the Administration of the Islamic Republic of Iran stated that negotiations on frequencies in the Ka-band between France and Saudi Arabia were irrelevant to the trilateral Ku-band agreement drafted, but not yet signed, by all three administrations and requested the Board not to deviate from its previous decisions on the specific and limited task of coordination in the Ku-band.

7.5 Document RRB21-1/DELAYED/6, accepted for information, contained a submission from the Administration of France explaining that, while coordination for the two satellites operating at 25.5°E and 26°E had initially been triggered by problems in the Ku-band, the Ka-band had subsequently also become problematic, as the Board had recognized since at least mid-2013. It proposed to sign separate agreements for the two bands simultaneously, although it viewed the Ka-band as the priority because there had been a stable, interference-free operational arrangement in the Ku-band.

7.6 In Document RRB21-1/DELAYED/11, also accepted for information, the Administration of Saudi Arabia submitted that Document RRB21-1/DELAYED/6 contained much incorrect information, had not been made available on the ITU website until 22 March 2021 and should not be considered. It requested time to prepare a response for the next meeting of the Board.

7.7 **Ms Jeanty**, observing that the parties differed in their interpretations of the decision taken at the Board's 85th meeting, suggested that the Board clarify its intent: it had not mentioned any specific frequency band so as not to restrict the issue to the Ku-band alone.

7.8 **Ms Beaumier** emphasized that point. It was not unusual for issues to be added to coordination discussions over time as new problems arose. When a single satellite operated with multiple assignments, it made sense to consider them together, and it would be difficult for the Board to single out one particular frequency band. Previous decisions dealing specifically with the Ku-band did not preclude the possibility that the administrations concerned would consider all relevant satellite networks and frequency bands in their coordination discussions.

7.9 The **Chairman** said that, as coordination should be based on actual operating conditions, the frequency bands currently used by the satellites in question – without interference – might form the basis of a coordination agreement.

7.10 **Mr Hashimoto** suggested that successful coordination for the Ku-band, which concerned more administrations, could be followed by talks on the Ka-band.

7.11 **Mr Azzouz**, expressing support for that suggestion, said that the Board should encourage the Administrations of Saudi Arabia and France to finalize coordination on the Ka-band, under the aegis of the Bureau, and request the Bureau to submit a progress report to the Board at its next meeting.

7.12 **Mr Talib**, lamenting the lack of progress on the matter, said that the two bands should be dealt with separately. The Ku-band had specific characteristics and coordination would involve all three administrations, while only two were concerned with the Ka-band. Separate meetings should be convened under the auspices of the Bureau to resolve the two issues.

7.13 **Mr Borjón** welcomed the fact that the administrations appeared close to agreement on the Ku-band but said that defining the issue by frequency band risked undermining the Board's neutral approach to coordination, which was based on orbital positions, and could influence negotiations. The three administrations should all hold talks, with support from the Bureau.

7.14 **Ms Beaumier**, echoing Mr Borjón's comments, said that coordination meetings customarily focused not on a specific frequency band but on particular orbital positions or satellites. Administrations limited their participation to portions of the meetings that discussed issues which directly concerned them.

7.15 **Ms Jeanty**, expressing support for the comments made by Mr Borjón and Ms Beaumier, said that in her view the most important thing was to avoid saying that coordination for the Ku-band should be

completed first. Whether separate or joint meetings were held was a practical matter, but the Board's decision should leave open the possibility of both bands being discussed at the same time.

7.16 **Ms Hasanova** agreed with Ms Beaumier, Ms Jeanty and Mr Borjón.

7.17 The **Chairman**, observing that there could be some overlap between discussions on the two issues, proposed that the Board conclude on the matter as follows:

"The Board considered in detail the submissions of the Administration of Saudi Arabia as contained in Document RRB21-1/11, the Administration of the Islamic Republic of Iran as contained in Document RRB21-1/19, the report from the Bureau on the coordination efforts between the Administrations of Saudi Arabia, France and the Islamic Republic of Iran as contained in Addendum 5 to Document RRB21-1/6. It also considered for information Document RRB21-1/DELAYED/6 from the Administration of France and Document RRB21-1/DELAYED/11 from the Administration of Saudi Arabia. The Board noted again with satisfaction that the satellites had been successfully operating for several years without any harmful interference and that the parties were ready to resume discussions to finalize a coordination agreement. The Board decided to encourage the Administrations of Saudi Arabia, the Islamic Republic of Iran and France to formalize the coordination of their satellite networks at the position 25.5°E/26°E in the Ku-band, and the Administrations of Saudi Arabia and France to formalize the coordination of their satellite networks at the position 25.5°E/26°E in the Ka-band as soon as possible, and instructed the Bureau to provide the necessary assistance to the administrations and to report on progress to the 87th meeting of the Board.

The administrations concerned were encouraged to discuss any pending issue in a spirit of mutual cooperation aimed at finalizing the required coordination between their satellite networks to ensure operation without any harmful interference."

7.18 It was so **agreed**.

8 Submission by the Administration of Saudi Arabia regarding ARABSAT satellite networks 5A and 6A at orbital location 30.5°E and the upcoming TURKSAT-5A satellite network at orbital location 31°E in the Ku-Band (10.95-11.2 GHz, 11.45-11.7 GHz and 14.0-14.5 GHz) (Documents RRB21-1/18, RRB21-1/DELAYED/2, RRB21-1/DELAYED/7 and RRB21-1/DELAYED/8)

8.1 **Mr Sakamoto (Head SSD/SSC)** introduced Document RRB21-1/18, in which the Administration of Saudi Arabia reported a lack of progress in the coordination process between ARABSAT and TURKSAT in the standard Ku-band. ARABSAT, which had been operating for over 10 years at 30.5°E with no reported interference, was concerned about the possibility of harmful interference when the TURKSAT-5A satellite network reached its orbital location at 31°E, after 15 years of no TURKSAT operations at that position. As the notifying administration for ARABSAT, the Administration of Saudi Arabia asked the Board to request the Turkish Administration to engage in a two-way coordination process, in line with CS Art. 1, Resolution **2 (Rev.WRC-03)** and RR No. **9.6**, and to take all practical measures not to cause harmful interference to ARABSAT's existing operations; and to instruct the Bureau to provide both administrations with assistance for reaching a coordination agreement.

8.2 In Document RRB21-1/DELAYED/2, the Administration of Turkey refuted the claims made by the Administration of Saudi Arabia in Document RRB21-1/18 and requested the Board to consider RR No. **11.41** applications over ARABSAT at 31.5°E with respect to TURKSAT at 31°E and that coordination between the two administrations had not been completed. It also requested that the ARABSAT-5A-30.5E and ARABSAT-7A-30.5E satellite networks at 30.5°E should be suppressed because ARABSAT-5A did not carry the standard Ku-band. The document ended with a request that the Board instruct the Bureau to facilitate the coordination discussions.

8.3 In Document RRB21-1/DELAYED/7, the Administration of Saudi Arabia responded that the Administration of Turkey had provided no proof of real service or continuous operations at 31.5°E in the previous 15 years; on the contrary, it had confirmed the use of multiple gap-filling satellite networks. The historical operations of TURKSAT at 31°E should not have priority over the longstanding vital services provided by ARABSAT at 31.5°E in the past 10 years. In order to facilitate future coordination, the Administration of Saudi Arabia suggested that the Board instruct the Bureau to ensure that the power and coverage characteristics of TURKSAT assignments recorded in the MIFR did not exceed the operational characteristics described in Document RRB21-1/DELAYED/2. It confirmed that ARABSAT had been providing real services and operations in the standard Ku-band at 30.5°E for the last 10 years.

8.4 In Document RRB21-1/DELAYED/8, the Administration of Turkey, responding to Document RRB21-1/DELAYED/7, confirmed that all satellites operating at 31°E since 1996 had been used for services in accordance with the Radio Regulations, including suspensions and resumptions of operations; there had been no discontinuity that exceeded the allowable suspension limits. The ARABSAT-5A-30.5E and ARABSAT-7A-30.5E satellite networks at 30.5°E should be coordinated with the TURKSAT-1B, -K1 and -2B satellite networks. The Turkish Administration again confirmed its willingness to carry out coordination, provided that TURKSAT-5A operations are protected.

8.5 In reply to a question from the **Chairman** about any studies or examinations by the Bureau enabling the Board to say that the networks did not need to be checked under RR No. **13.6** but needed to be sorted in terms of coordination, he pointed out that the networks in question had been in orbit for 15 years, during which the Bureau's application of No. **13.6** had evolved. For example, in the past, in accordance with practice and the regulations in force at the time, the Bureau had only checked that a network existed at its orbital location, not whether it had brought or brought back into use certain bands.

8.6 In reply to a question from **Ms Hasanova** as to whether the Administration of Turkey had submitted to the Bureau the relevant documentation on the bringing into use and bringing back into use on time, he said that the Bureau had checked the dates submitted at the time of any suspensions and bringing into use and had processed them according to the examination procedure in force at the time, which might not be as precise as that currently applied.

8.7 In response to a question from **Mr Talib**, he confirmed that the Bureau had records of the satellites that had been operational at 31°E in the past.

8.8 **Mr Hoan**, observing that the case was very complex and that some of the delayed documents raised many questions requiring clarification and analysis, proposed that the Board invite the Bureau to analyse the situation in terms of regulatory status and actual operations and report to the 87th Board meeting.

8.9 **Ms Jeanty**, pointing out that both administrations had asked for the Bureau's assistance in the coordination discussions, suggested that the Bureau's time might be better spent by assisting the administrations in obtaining agreement on coordination than investigating the situation and reporting to the Board.

8.10 **Mr Henri**, observing that it would be difficult for the Board to review the bringing- and bringing-back-into-use information provided in the delayed documents at a very late stage of the meeting, endorsed the suggestion that the Bureau be asked to provide a report to the 87th Board meeting clarifying the regulatory status of the networks concerned and any possible infringements of the Radio Regulations. The Board should nevertheless also invite both administrations to pursue the coordination process under Bureau auspices. Lastly, given that TURKSAT-5A would reach its orbital position at 31°E soon, both administrations should be invited to take all practical measures to avoid any harmful interference between existing and forthcoming satellite operations.

8.11 **Ms Beaumier** endorsed that proposal. The Board should not spend too much time examining contradictory information; instead, it should encourage the administrations to discuss coordination in good faith and find a mutually acceptable solution. The Board's decision could stress the fact that when the Bureau

had examined the bringing and bringing back into use of frequencies the verification procedures had not been as extensive as at present. It might therefore be useful to have the Bureau ascertain the existence of any possible infringements.

8.12 **Mr Borjón** supported that way forward, but proposed that the Bureau also be asked to analyse the regulatory consequences of the arrival of a new TURKSAT satellite network.

8.13 **Mr Sakamoto (Head SSD/SSC)** said that it would be difficult for the Bureau to ascertain possible infringements of the Radio Regulations, as that would imply the retroactive application of RR No. **13.6** to past cases. Without a clear definition of what infringements the Board was looking for, the most it would be able to do would be to confirm the dates of suspensions and bringing/bringing back into use.

8.14 **Mr Hashimoto** said that the Board's examination of the case would be influenced by whether the information contained in the delayed documents was correct; more information might be needed. The two parties were engaged in a coordination process; they should be encouraged to pursue their discussions, coordinate any pending issues in a spirit of cooperation and report on progress to the next Board meeting.

8.15 **Ms Hasanova** thanked the Bureau for replying to her questions. Regarding the Bureau's explanation that the Administration of Turkey had complied with the Radio Regulations, she said that ARABSAT had notified its satellite networks according to RR No. **11.41** with respect to TURKSAT and that TURKSAT therefore had priority according to Radio Regulations. She agreed that the issue was complex and that the Bureau should analyse the situation for the next Board meeting. In the meantime, however, the Board should invite both administrations to finalize coordination.

8.16 The **Chairman** proposed that the Board should conclude as follows on item 8 of the agenda:

"The Board carefully considered the submission of the Administration of Saudi Arabia as contained in Document RRB21-1/18, and also considered Documents RRB21-1/DELAYED/2 and RRB21-1/DELAYED/8 from the Administration of Turkey, and Document RRB21-1/DELAYED/7 from the Administration of Saudi Arabia for information. The Board noted with satisfaction that the two administrations were in a process of coordination. The Board instructed the Bureau to:

- clarify the regulatory statuses of the TURKSAT-5A, ARABSAT 5A and ARABSAT 6A satellite networks;
- provide support to the two administrations in their coordination efforts;
- report to the 87th Board meeting on the outcome of the investigation on the regulatory status of the relevant satellite networks and progress on coordination efforts.

The Board encouraged the Administrations of Saudi Arabia and Turkey to continue with their coordination efforts in a spirit of cooperation, in order to achieve a mutually agreed solution, taking into account the relevant provisions of the Radio Regulations, including RR No. **9.6** and its associated rule of procedure. The Board also encouraged both parties to take all practical and operational measures to avoid any harmful interference between the existing operation of the ARABSAT network and the forthcoming TURKSAT-5A satellite operation when it reached its orbital location at 31°E."

8.17 It was so **agreed**.

9 Submission by the Administration of Lithuania regarding unfavourable findings due to an objection to a coordination request under Article No. 9.21 of the Radio Regulations (Document RRB21-1/3)

9.1 At the request of the **Chairman**, and in accordance with the working methods of the Board, the discussion of item 9 of the agenda was presided over by the **Vice-Chairman**.

9.2 **Mr Bogens (Head TSD/FMD)** said that Document RRB21-1/3 contained a request from the Administration of Lithuania for a new rule of procedure in respect of Article 48 of the ITU Constitution. The request had been triggered by an objection by the Administration of the Russian Federation, which had invoked CS Article 48, to a coordination request under RR No. **9.21** concerning 11 Lithuanian land mobile assignments operating in the 3 400 – 3 600 MHz band. The Administration of the Russian Federation had not provided the characteristics of the FSS assignments on which the objection was based, but it had informed the Bureau that the criteria for protection of FSS stations had been made available to the Administration of Lithuania and expressed its willingness to discuss coordination in the 3 400 – 3 600 MHz band, if necessary. The Bureau had subsequently informed the Administration of Lithuania that it had accepted the objections without requesting the specific assignments on which they were based and explained why; it had also invited the Lithuanian Administration to contact the Administration of the Russian Federation with a view to finding a mutually acceptable solution (see letter appended to Document RRB21-1/3). In the document, the Lithuanian Administration pointed out that the 11 frequency assignments were in conformity with the Table of Frequency Allocations and complied with the power flux density limit under RR No. **5.430A**; it had subsequently submitted those assignments for recording in the MIFR and had pledged that they would cause no harmful interference to nor claim protection from the services of the Russian Federation.

9.3 The Administration of Lithuania had submitted the case to the Board because the plenipotentiary conference, which was competent to consider CS Article 48, would not take place until 2022. It maintained that the international rights and obligations associated with frequency assignments were derived from their recording in the MIFR and that CS Article 48 was mentioned neither in the Radio Regulations nor in the Rules of Procedure. It was therefore of the view that regulatory procedures could not be applied on that basis. It invited the Board to introduce a transparent procedure within ITU for dealing with national positions referring to CS Article 48 and to adopt new explicit provisions in the Rules of Procedure on RR Article **9** stipulating that the Bureau was not to accept as valid the invocation of CS Article 48 as an objection under RR No. **9.52** unless the characteristics of the associated frequency assignments were presented. It also asked the Board to explicate the concept “entire freedom with regard to military installations”.

9.4 In reply to a question from **Ms Jeanty**, he added that the 11 frequency assignments were currently pending. Initially, the Bureau had been unable to record them in the MIFR because the band concerned was subject to examination of terrestrial versus space services and the Space Services Division had experienced some delay in processing such examinations. That delay had since been absorbed, but the Administration of Lithuania had submitted the case to the Board in the meantime and the Bureau had therefore put off recording the assignments in the MIFR pending the Board’s decision.

9.5 In reply to a question from **Ms Beaumier** about the procedure that would normally apply in such cases, he said that once the RR No. **9.21** agreement-seeking procedure was completed, the administration and assignments concerned were published in a Part B Special Section. In the absence of any objections, the administration would then notify the assignments under RR Article **11**. Under RR No. **9.60**, if an administration did not agree to a request for coordination under RR No. **9.52** and failed to provide information on its assignments giving rise to the disagreement, the requesting administration could seek the assistance of the Bureau, in which case the Bureau would apply the provisions of RR Nos. **9.60** to **9.64**. The Lithuanian Administration had made no such request; instead, it had submitted its assignments for recording in the MIFR under RR Article **11.31** and had affirmed that they would cause no harmful interference to nor claim protection from the services of the Russian Federation. It had thereby admitted the validity of the latter’s objection.

9.6 The **Vice-Chairman** pointed out that the Radio Regulations contained a footnote referring to the applicability of RR No. **9.21** to terrestrial broadcasting services. He further pointed out that the issue had been discussed in plenary at WRC-19, with some administrations expressing support for transparency when CS Article 48 was invoked in respect of satellite networks and others stating that CS Article 48 could be invoked vis-à-vis the Bureau on an individual basis, without disclosing related information. WRC-19 had invited PP-22 to consider the question of CS Article 48 in relation to the Radio Regulations raised at WRC-19 and to take the necessary action, as appropriate. It had also instructed the Bureau to continue its current

practice of responding to specific requests from administrations related to the status of individual satellite networks, including an indication of whether CS Article 48 had been invoked.

9.7 **Mr Hashimoto** considered that the WRC-19 instruction that the Bureau continue its current practice should apply in cases involving terrestrial networks as well. Unfortunately, as the Bureau had stated in its letter to the Lithuanian Administration, there had been no similar cases in the past. The Board should therefore encourage the two administrations to find a mutually acceptable solution.

9.8 **Mr Alamri** agreed that the WRC-19 decision on the application of CS Article 48 could be construed as applying to terrestrial as well as satellite networks. Given the reluctance of administrations to disclose information pertaining to national defence services during coordination, and in view of the absence of any similar case in the past and of the relevance of the ITU Constitution to the Radio Regulations, he supported the Bureau's decision to accept the objection of the Russian Federation. Regarding the request of the Lithuanian Administration for a new rule of procedure, CS Article 48 would be discussed at PP-22 and the outcome of those discussions would serve as the basis for any new rule of procedure.

9.9 **Ms Hasanova** asked whether there was a deadline for recording the 11 frequency assignments of the Lithuanian Administration in the MIFR. She agreed with the Bureau that the Constitution took precedence over the Radio Regulations. She also agreed that consideration of the issue should be deferred until after PP-22 and that both administrations should be encouraged to find a mutually agreeable solution.

9.10 **Mr Henri** asked for confirmation that the Administration of the Russian Federation had provided no other information to the Bureau, such as satellite or earth station notices, to support its objections under RR No. **9.21** and CS Article 48. For an objection to be receivable, the assignments in question would have to have been notified to the Bureau for recording in the MIFR, pursuant to RR No. **8.1** on the international rights and obligations pertaining to assignments. He would have difficulties with the receivability of objections in the absence of any such information. Regarding the discussions at WRC-19, his understanding was that they had focused not so much on whether CS Article 48 could be invoked to preclude application of the Radio Regulations as whether it could be invoked to avoid providing detailed information on frequency assignments already submitted to the Bureau.

9.11 **Mr Talib** agreed with the decisions taken by the Bureau in the case. The positions of both administrations were admissible, in that the applicability of CS Article 48 had been recognized at WRC-19. Regarding the application of RR Articles **9** and **11**, he asked whether both terrestrial and space services were operational in the band and whether the Bureau had received any reports of interference. He agreed with the proposal to encourage the administrations to coordinate under the Bureau's auspices with a view to finding a technical solution.

9.12 **Mr Vassiliev (Chief TSD)**, replying to the Board members' questions, said that the Administration of the Russian Federation had explained that its objections related to FSS earth stations, adding that the Bureau had indications that several Russian satellite networks in the ITU database were military systems deployed under CS Article 48. There was no time-limit for recording the assignments in the MIFR, only the two-month deadline between the receipt of the notice and its first publication. The Bureau had received no reports of interference by Lithuanian mobile-service stations to Russian FSS stations, mainly because the Lithuanian stations were planned stations.

9.13 In reply to a question from **Ms Beaumier**, he confirmed that the Administration of the Russian Federation had deployed earth stations but had notified no specific earth station; it had provided only the information on typical earth stations associated with the satellite networks notified.

9.14 **Ms Beaumier** said that the Board was clearly not in a position to develop a new rule of procedure unless and until PP-22 provided guidance for the WRC. She shared Mr Henri's concern that CS Article 48, which had previously been invoked in response to queries by the Bureau under RR No. **13.6** aimed at verifying the validity of information already provided, was now being invoked under RR No. **9.52** which interfered with the coordination process – an unprecedented and concerning development. If CS Article 48 was invoked

during coordination, the question arose whether an administration could maintain its right to protection from assignment-seeking agreement. In application of RR No. **9.21**, the principle was that an administration that was affected could raise objections but still had to identify the stations and assignments concerned, in order to avoid frivolous objections. It remained unclear how the Bureau should act, as ultimately there should be a way to process the assignments concerned.

9.15 **Ms Jeanty** agreed that the discussions at WRC-19 in relation to CS Article 48 related to RR No. **13.6** cases that were not similar to the current case. Since WRC-19 had asked PP-22 to consider CS Article 48, it was not possible for the Board to draft a rule of procedure. She shared the concern that CS Article 48 was being invoked in a coordination case. Could the filings be recorded as such and would that be satisfactory to the two parties?

9.16 **Mr Hoan** said that the case reflected the real situation in the 3 400 – 3 600 MHz band, which was shared by land mobile and earth stations, and in some countries even with other services, rendering internal coordination very difficult. In his view, the Bureau had handled the case correctly. The provisions of the Radio Regulations were not clear in cases in which CS Article 48 was invoked in response to a request for coordination of terrestrial services. Not even the application of RR Nos. **9.60** to **9.64** facilitated the processing of such cases. Until such time as a relevant rule of procedure was available, both administrations should effect coordination with a view to resolving the problem. He proposed that the case be added to the reports of the Board and the Director to WRC-23.

9.17 **Mr Henri** said that RR No. **9.21** objections based on the typical earth stations of satellite networks could be considered valid only if and when the earth stations frequency assignments were submitted to the Bureau for recording. In that case, the provisions of RR Nos. **9.17** and **9.45** would apply, the Administration of Lithuania could engage in a coordination process with the Administration of the Russian Federation and CS Article 48 could be invoked at some stage. He remained uncomfortable, not with the objections themselves, but with the fact that they were based on stations that had not been submitted for recording.

9.18 **Mr Bogens (Head TSD/FMD)**, addressing the issue of how the assignments concerned could be recorded in the MIFR, said that the Lithuanian Administration had asked that they be recorded on a non-interference basis with respect to the Administration of the Russian Federation. It was not the first time that the RR No. **9.21** agreement-seeking procedure had given rise to disagreement. Such cases were recorded in the master register with a favourable regulatory finding and finding observation H, and the finding reference X followed by RR No. **9.21**. Furthermore, the coordination information would indicate that the assignments had been recorded on a non-interference basis with respect to the Russian Federation; it could also contain a reference to CS Article 48. The assignments would thus be recorded pending the PP-22 decision. The Bureau could revise the recordings if CS Article 48 was modified. Once the assignments were recorded in the MIFR on a non-interference basis with respect to the Administration of the Russian Federation, the Bureau could make a filing reference to CS Article 48, as requested by the Administration of Lithuania.

9.19 **Mr Henri** was not in favour of linking processing of the assignments on a non-interference basis to a future decision by PP-22 and a WRC interpretation of CS Article 48, as doing so would open the general discussion about what assignments had to be taken into account for objections with reference to RR No. **8.1**. He did not entirely agree with the Bureau's view that the objections of the Administration of the Russian Federation were valid and did not see where the problem lay if the Administration of Lithuania had requested that the assignments be recorded in the MIFR on a non-interference basis vis-à-vis the Administration of the Russian Federation. In that case, the issue boiled down to one of coordination between two administrations.

9.20 **Ms Beaumier** said that her only remaining concern with regard to processing the assignments as suggested by the Bureau was that doing so might set a precedent, in that no specific earth stations had been notified to support the Russian objections. The Board had to be satisfied that such a procedure would not set a precedent but instead reflected a coordination agreement between the parties, in particular since the Administration of Lithuania had volunteered to have that status in its RR Article **11** submission.

9.21 **Mr Vassiliev (Chief TSD)** suggested that the Board's conclusion should specify that it applied to the case at hand, which had three specific features: the Lithuanian assignments would be recorded on a non-interference basis with respect to the Administration of the Russian Federation; the coordination information would refer to CS Article 48, so that it was clear that objections had been made on that basis; and the filing could be revised after PP-22's decision. If the Board encouraged both administrations to cooperate, it would be useful for the Bureau to initiate bilateral talks between them.

9.22 The **Vice-Chairman** proposed that the Board conclude as follows on item 9 of the agenda:

"The Board considered in detail the submission from the Administration of Lithuania as contained in Document RRB21-1/3. The Board noted that:

- the Administration of the Russian Federation had objected to the coordination under RR No. **9.21** of the 11 frequency assignments to land mobile stations of the Administration of Lithuania by invoking CS Article 48 with respect to frequency assignments to FSS earth stations;
- the FSS satellite networks recorded in the MIFR upon which the disagreement under CS Article 48 was based contained only the characteristics of typical earth stations associated with these networks;
- in accordance with No. 203 of CS Article 48, military radio installations must, so far as possible, observe statutory provisions relative to the measures to be taken to prevent harmful interference;
- the international rights and obligations of administrations in respect of their own and other administrations' frequency assignments shall be derived from the recording of those assignments in the MIFR (RR No. **8.1**);
- the Administration of Lithuania had voluntarily requested the Bureau to record its 11 frequency assignments in the MIFR under RR No. **11.31.1** on condition that those assignments did not cause harmful interference to nor claim protection from the frequency assignments to earth stations of the Administration of the Russian Federation;
- the frequency assignments of the Administration of Lithuania were in conformity with all other relevant provisions of the Radio Regulations.

The Board further noted that WRC-19 had invited the Plenipotentiary Conference 2022 to provide guidance on the application of CS Article 48 with respect to satellite networks and that this guidance could potentially have an impact on the findings of these 11 frequency assignments that could require a future re-examination. Consequently, the Board decided that it was not able to accede to the request from the Administration of Lithuania to develop a rule of procedure to treat objections invoking CS Article 48 under the application of RR No. **9.52** at this stage.

Given No. 203 of CS Article 48 and bearing in mind the main objective of the RR No. **9.21** seeking agreement procedure, the Board also encouraged the Administration of the Russian Federation to communicate to the Administration of Lithuania information concerning its assignments, as far as possible, that would facilitate the assessment of potential interference. The Board instructed the Bureau to process the notification notices received from the Administration of Lithuania in accordance with RR No. **11.31.1** and making reference to CS Article 48 in the coordination information field. In addition, the Board encouraged the Administrations of Lithuania and the Russian Federation to make all efforts and exercise good will in reaching a mutually acceptable solution for this case and instructed the Bureau to assist the administrations in their efforts, and to report progress on the matter to its 87th meeting."

9.23 It was so **agreed**.

10 Submission by the Administration of the Democratic People’s Republic of Korea regarding harmful interference to its analogue television broadcasting stations (Document RRB21-1/2)

10.1 **Mr Ba (Head TSD/TPR)** reminded the Board that Document RRB21-1/2 had been received late for the 85th meeting and that the Board had therefore decided to defer consideration of it to the present meeting. In the document, the Administration of the Democratic People’s Republic of Korea said that the Administration of the Republic of Korea had taken no action to resolve the harmful interference to its analogue television broadcasting stations, which continued unchanged. In the meantime, pursuant to the Board’s request, the Bureau had brought the document to the attention of the Administration of the Republic of Korea and the latter had, for the first time since the case had first been submitted in 2011, acknowledged receipt of the Bureau’s correspondence on the case but had not indicated that it had taken any measures.

10.2 In reply to a question from **Ms Jeanty**, he said that the calculations done in 2019 by the Bureau remained valid and showed that the power used by the stations of the Republic of Korea was excessive and not in line with RR No. **15.2** or CS Article 197.

10.3 **Mr Hashimoto**, referring to the material provided by the Bureau via the Board’s sharepoint at its 84th meeting, said that in 18 cases the location of the interference was very close to one of the stations registered by the Republic of Korea and transmitting at 183 MHz. In addition, the estimated radiated power of the interfering station was 10 times higher than the normal value. Those conclusions had been derived from the interference levels reported by the Administration of the Democratic People’s Republic of Korea. If they were correct, they should be conveyed to the Administration of the Republic of Korea and both countries urged to cooperate with a view to resolving the issue.

10.4 The **Chairman** proposed that the Board should conclude as follows on item 10 of the agenda:

“The Board considered in detail the submission from the Administration of the Democratic People’s Republic of Korea as contained in Document RRB21-1/3. The Board noted that, for the first time since this case of harmful interference had been reported in 2011, the Administration of the Republic of Korea had acknowledged receipt of correspondence on this issue. The Board expressed once more its concern about this longstanding case of harmful interference and strongly encouraged the Administration of the Republic of Korea to implement adequate measures to prevent the harmful interference. The Board instructed the Bureau to:

- continue its efforts to obtain a response on the measures to be taken by the Administration of the Republic of Korea on this case of harmful interference;
- convey the results of the detailed technical analysis to the Administration of the Republic of Korea;
- explore the possibility of using diplomatic channels (e.g. the Permanent Mission of the Republic of Korea) to submit this issue to the Administration of the Republic of Korea.

Furthermore, the Board encouraged both administrations to cooperate to find a solution to this situation.”

10.5 It was so **agreed**.

11 Harmful interference to emissions of United Kingdom high frequency broadcasting stations published in accordance with RR Article 12 (Documents RRB21-1/6(Add.4), RRB21-1/14, RRB21-1/16, RRB21-1/17, RRB21-1/DELAYED/3 and RRB21-1/DELAYED/4)

11.1 **Mr Vassiliev (Chief TSD)**, introducing the item, said that, in Addendum 4 to Document RRB21-1/6, the Bureau provided background information on the case and described the measures taken to resolve it, as requested by the Board at its 85th meeting. The information received from the Administrations of the United Kingdom and China showed that both had made a great effort to investigate and resolve the cases of interference, but that they continued to hold different views on the location of the sources of interference

and how to resolve the matter. The Administration of the United Kingdom was certain that the interference originated in China, while the Administration of China strongly believed that it came from outside its territory. In the absence of its own monitoring facilities, the Bureau was not in a position to identify the sources of interference – the key element in resolving the case – and suggested that the Board might wish to take action under Section IV of RR Article 15.

11.2 In Document RRB21-1/14, the Administration of China forwarded the results of its investigations into recent interference complaints from the Administration of the United Kingdom, which showed that the interference did not originate in China, and stated that it was committed to resolving the issue.

11.3 In Document RRB21-1/16, the Administration of the United Kingdom said that the coordination process established in June 2019 had not borne fruit. It had reported several cases of interference between June 2019 and 31 December 2020, and had determined, with the assistance of the Administrations of Australia and the United States of America, that they originated in China. The document was marked “confidential”, but the Administration of the United Kingdom had nevertheless agreed to its publication.

11.4 The Administration of the United Kingdom had also submitted Document RRB21-1/17, in which it repeated that it was confident that the sources of interference were located in China. In its view, a request for assistance under provision 173 of CV Article 12 should be sufficient for an investigation to commence. On the question of whether an administration could complain of harmful interference outside its national territory, it believed that the nature of HF broadcasting and the substance of the RR Article 12 procedure implied that coordinated broadcasting assignments could be of interest to several administrations, all of which therefore had the right to report harmful interference under RR Article 15. The document also contained anecdotal reports from listeners; in one case, for example, the signal had initially been excellent but had subsequently become unintelligible. Links were provided to audio samples.

11.5 In Document RRB21-1/DELAYED/3, the Administration of China reacted to the anecdotal reports. In one instance, the sample was of a broadcast on 15 310 kHz, a frequency that had never been cited in the interference complaints from the Administration of the United Kingdom. In another instance, the report stated that “reception tends to be excellent”. The Administration of China therefore concluded that the audio samples did not indicate harmful interference to the emissions of United Kingdom broadcasting stations. It also noted that the frequencies in respect of which the United Kingdom claimed interference were not registered by the latter with either ITU-R or the High Frequency Coordination Conference (HFCC) mechanism, and that none of the service stations or transmitters were located in the United Kingdom. The Chinese Administration contended that such complaints should be made only by the administration having jurisdiction over receiving stations.

11.6 In Document RRB21-1/DELAYED/4, the Administration of the United Kingdom responded point by point to Document RRB21-1/DELAYED/3. For example, it had included the anecdotal report of reception that was initially excellent but later became unintelligible to help Board members understand the nature of the interference for listeners. It also disagreed with the Administration of China on the question of whether or not it was entitled to report interference in respect of frequencies not registered to the United Kingdom, referring to its comments in Document RRB21-1/17 that administrations could file complaints in respect of interference even outside their national borders because of the nature of HF broadcasting and the RR Article 12 procedure.

11.7 **Mr Hashimoto** noted that Document RRB21-1/DELAYED/3 appeared to indicate that the transmitting stations were not located in the United Kingdom, whereas the annexes to Document RRB21-1/16 appeared to indicate that they were.

11.8 **Mr Alamri**, referring to the assertion in Document RRB21-1/DELAYED/3 that the frequency assignments concerned were not registered to the Administration of the United Kingdom at either ITU-R or the HFCC mechanism, observed that, pursuant to RR No. 11.14, frequency assignments to HF broadcasting stations subject to RR Article 12 were not notified under RR Article 11 for recording in the MIFR; they were

only published in the seasonal schedule. Were the frequencies concerned recorded for the United Kingdom Administration in the seasonal schedule?

11.9 In reply, **Mr Vassiliev (Chief TSD)** said that the Administration of the United Kingdom had indirectly confirmed, in Document RRB21-1/DELAYED/4, that the frequencies were not registered to it, in that it said that the process should normally not concentrate on the recording of frequencies but on the investigation of interference cases. Some of the frequencies in the audio samples provided in Document RRB21-1/17 might not be registered; however, the seven frequencies mentioned in Document RRB21-1/16 were registered in both the HFCC schedule and the ITU seasonal schedule.

11.10 **Mr Azzouz** recalled that he had been told at the previous meeting that international monitoring stations could be used to resolve the situation only if a request to that effect had been received from the administrations concerned. Would it be possible for the Bureau to ask both administrations to give permission for the stations' use? He encouraged both administrations to seek other means to resolve the issue.

11.11 **Mr Vassiliev (Chief TSD)** replied that, under RR Nos. **15.43** and **15.44**, the Bureau was not in a position to initiate international monitoring.

11.12 **Ms Beaumier** observed that, in its decision in the case at the 85th meeting, the Board had said that it would consider using international monitoring stations if the results of the Bureau's analysis of the situation were inconclusive. Since the Bureau was not in a position to identify the sources of the interference and continued to receive conflicting information in that regard, the time had come, irrespective of whether a request had been received, for the Board to instruct the Bureau to use international monitoring stations able to make measurements in the HF broadcasting frequency bands in order to identify the sources of interference. The Bureau should then prepare a report for the Board's consideration at its 87th meeting containing recommendations to the administrations concerned, which might not be limited to the United Kingdom and China if the sources of interference identified involved other parties.

11.13 **Ms Jeanty** endorsed that proposal.

11.14 The **Chairman** suggested that, as a first step, the Board could recommend that the Administration of the United Kingdom, as the complainant, be asked to request the Bureau to use international monitoring stations.

11.15 **Mr Hashimoto** agreed to that proposal. He also agreed that both administrations should be encouraged to pursue their coordination efforts under the Bureau's auspices and to exchange information with a view to identifying the sources of the interference.

11.16 **Ms Beaumier** and **Ms Jeanty** pointed out that the Administration of the United Kingdom had often stated that it would not be appropriate for it to invoke RR No. **15.43**, which it would have to do in order to request that the Bureau use international monitoring stations, on the grounds that it was certain about the sources of the interference. Having the Board instruct the Bureau to make the approach was perhaps the most efficient means of moving the case forward.

11.17 **Mr Alamri** said that any request to use international monitoring stations to identify the sources of the interference should be limited to those frequencies recorded for the requesting Administration in the seasonal schedule.

11.18 **Mr Vassiliev (Chief TSD)** added that the international monitoring stations should be asked to monitor the frequencies in respect of which interference had recently been reported by the Administration of the United Kingdom, as the frequencies in the previous seasonal schedule could change.

11.19 The **Chairman** proposed that the Board should conclude on item 11 of the agenda as follows:

"The Board carefully considered the submissions from the Administrations of China and the United Kingdom of Great Britain and Northern Ireland as contained in Documents RRB21-1/14, RRB21-1/16 and RRB21-1/17,

respectively, and also considered Documents RRB21-1/DELAYED/3 from the Administration of China and RRB21-1/DELAYED/4 from the Administration of the United Kingdom, for information. The Board thanked the Bureau for its report on this matter as presented in Addendum 4 to Document RRB21-1/6. The Board examined the detailed analyses provided and found that the results on the sources of harmful interference remained inconclusive and contradictory. Having taken due note of its decision at its 85th meeting, the Board instructed the Bureau to:

- use international monitoring stations in order to determine the sources of harmful interference on the frequencies reported by the Administration of the United Kingdom that were recorded and fully coordinated in the relevant schedule of the current season;
- report on the outcome of the monitoring exercise to the 87th Board meeting.

The Board encouraged the Administrations of China and the United Kingdom to continue their efforts in good will to eliminate the harmful interference.”

11.20 It was so **agreed**.

12 Confirmation of the next meeting for 2021 and indicative dates for subsequent meetings

12.1 The Board **agreed** to confirm the dates for its 87th meeting as 5 to 13 July 2021 in Room L.

12.2 The Board further tentatively **confirmed** the dates for its subsequent meetings in 2021 and 2022 as follows:

- 88th meeting: 18–22 October 2021 (Room L)
- 89th meeting: 14–18 March 2022 (Room L)
- 90th meeting: 27 June–1 July 2022 (CCV Genève, if Room L is not available)
- 91st meeting: 31 October–4 November 2022 (CCV Genève, if Room L is not available).

13 Other business: Update of the working methods under Part C of the Rules of Procedure

13.1 Having taken due note of the considerable number of overly delayed submissions to its 86th meeting, the Board **decided** not to accept delayed submissions received after the start of a Board meeting until working methods had been approved and included in Part C of the Rules of Procedure. The Board further **decided** to prepare draft modifications to its working methods for consideration at its 87th meeting.

14 Approval of the summary of decisions (Document RRB21-1/22)

14.1 The Board **approved** the summary of decisions as contained in Document RRB21-1/22.

15 Closure of the meeting

15.1 The **Chairman** thanked the Board members for their efforts, which had made it possible to go through a lengthy agenda in the time allotted.

15.2 The **members of the Board** took it in turns to congratulate the Chairman on his able handling of a long agenda covering many complex issues in only five days of virtual meeting.

15.3 The **Director** also congratulated the Chairman and thanked all Board members for the long hours that they had devoted to the meeting. It was heartening to see that they remained committed to the same goal, namely to serve ITU's members.

15.4 The **Chairman** closed the meeting at 1755 hours on Friday, 26 March 2021.

The Executive Secretary:
M. MANIEWICZ

The Chairman:
N. VARLAMOV