

## **EUROPEAN COMMON PROPOSALS**

### **Part 30**

#### **Agenda Item 1.30 - Resolution 86 (Rev. Marrakech, 2002)**

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## **Sub-part 30A – Application of the Radio Regulations**

### **Introduction**

At the present time, due to the backlog in the processing of notices, there is a considerable time difference between the date of receipt by the BR of a notice and the date that it is processed by the Bureau. This difference can be up to 2-3 years, and invariably during this long period there is a change to the Radio Regulations. However, even without this long backlog, the same situation could arise if the Bureau receives the notice in the period just before a WRC. When there is a change to the RR, the WRC sometimes adopts a Resolution dealing with transitional measures between the old and new versions of the RR. However, there are many cases in which there are no transitional measures adopted. In those cases where there are no specific transitional measures adopted by a WRC, the Bureau applies the version of the RR that is in effect as of the date of receipt of the notice. This is covered in the ROP (**No. S9.11A- par. 3.3**), but it is not specified in the RR. For something as critical as this, Europe is of the view that this action should be specified in the RR.

There are three possible options:

1. **The version in effect as of the date of receipt of the notices.** This is the option the BR now uses and it is in the ROP (No. S9.11A- par. 3.3- **hidden** under S9.11A), but not in the RR. This option results in administrations knowing at the time of the submission what the rules are.
2. **The version in effect as of the date of the processing by BR.** This would mean that an administration, when submitting a notice, might not know what the rules will be. It also means that an administration based on its proposals to a WRC (maybe not known by others yet) could submit speculative filings in order to gain an advantage.
3. **At the time of processing, the BR would give the option to the administration.** This could result in two similar filings on the same day being processed against different rules

It is therefore proposed that the first option, which is now being applied by the Bureau, be incorporated in the Radio Regulations.

## **Proposal**

### **ARTICLE 7**

#### **Application of the procedures**

##### **ADD EUR/1.30/1**

**7.4 bis** Unless otherwise specified in a provision of these Regulations or in a Resolution for the application of the provisions of Articles 9 and 11, the Bureau when making examinations under Nos. 9.35 and 11.31 shall apply the version of the Radio Regulations that is in effect on the date that complete notices are received by the Bureau under Nos 9.34 (RR1074) or 11.15 (RR1448) as applicable. Unless otherwise specified in a provision of these Regulations or in a Resolution for the application of the provisions of Articles 9 and 11, the Bureau when making examinations under Nos. 9.36 and 11.32 shall apply the version of the Radio Regulations that is in effect on the date that the complete notices are received for the coordination request under No 9.34 (RR1074). However, in the case, where there were administrations identified under No. 9.36 which would no longer be identified under No. 11.32 of the version of the Regulations in effect as of the date of receipt of the complete notice under Article 11, coordination with these administrations is not required.

## **Sub-part 30B – Application of No. 9.5D**

### **Introduction**

No 9.5D specifies that the coordination data must be submitted no later than 24 months after the submission of the API data. However, the actual wording of No. 9.5D refers to the date of receipt of data under Nos. 9.1 and 9.2. No.9.2 refers to the submission of modifications to the API data which may be submitted at any point in time, thus there is no clear indication of the starting point of this 24 month period. The intent of No. 9.5D was to provide a period of 24 months from the date of the original API submission, consequently a minor modification to this provision is required.

### **Proposal**

## **ARTICLE 9**

### **Procedure for effecting coordination with or obtaining agreement of other administrations**

#### **MOD EUR/1.30/2**

**9.5D** If the information under No. **9.30** has not been received by the Bureau within a period of 24 months after the date of receipt by the Bureau of the relevant complete information under No. **9.1**, the information published under No. 9.2B and not covered by a coordination request under No. 9.30 shall be cancelled, after the administration concerned has been informed at least three months before the end of the 24-month period. The Bureau shall also publish the cancellation in its BR IFIC.

## **Sub-part 30C – Provisions of No. 9.21**

### **Introduction**

The provisions of No. **9.21** significantly differ from their current application through the associated Rules of Procedures. Namely, the Rule of Procedure on No. **11.31.1** (see Annex) allows an assignment subject to No. **9.21** to be recorded with a favourable finding under No. **11.31** even when all agreements have not been obtained, except with respect to the administrations still objecting to the request for agreement. Therefore, pursuant to this Rule of Procedure, the meaning of No. **11.31.1** has been considerably altered, as well as some other provisions of Article 11 and Appendix 5.

The Rules of Procedure have introduced the concept of partial conformity with the Table of frequency allocations. If this concept is to be kept, there is a need to reflect it in the Radio regulations. This requires modifications to Article 11 and Appendix 5.

### **Proposals**

#### **MOD EUR/1.30/3**

**11.31 a)** with respect to its conformity with the Table of Frequency Allocations<sup>MOD 8</sup> and the other provisions<sup>9</sup> of these Regulations, except those relating to conformity with the procedures for obtaining coordination or the probability of harmful interference, or those relating to conformity with a plan, as appropriate, which are the subject of the following sub-paragraphs;<sup>10</sup>

#### **MOD EUR/1.30/4**

<sup>8</sup> **11.31.1** Within the scope of application of No. **9.21**, an assignment shall be considered as in conformity with No. **11.31**, in respect of the services of the administrations which have not objected under No. **9.21**. With respect to (the) administration(s) which have objected under No. **9.21** and the objections could not be resolved, any recording of that assignment shall be made under the conditions specified in No. 11.36.

Reason: *Reflect in the Radio Regulations the concept of “partial conformity with No. 11.31” included in the Rules of Procedure on No. 11.31.1.*

## APPENDIX 5 (WRC-2000)

### Identification of administrations with which coordination is to be effected or agreement sought under the provisions of Article 9

#### MOD EUR/1.30/5

1 For the purpose of effecting coordination under Article 9, except in the case under No. 9.21, and for identifying the administrations with which coordination is to be effected, the frequency assignments to be taken into account are those in the same frequency band as the planned assignment, pertaining to the same service or to another service to which the band is allocated with equal rights or a higher category<sup>1</sup> of allocation, which might affect or be affected, as appropriate, and which are:

- a) in conformity with No. 11.31<sup>MOD 2</sup>; and
- b) either recorded in the Master International Frequency Register (Master Register) with a favourable finding with respect to No. 11.32; or
- c) recorded in the Master Register with an unfavourable finding with respect to No. 11.32 and a favourable finding with respect to No. 11.32A or No. 11.33, as appropriate; or
- d) coordinated under the provisions of Article 9; or
- e) included in the coordination procedure with effect from the date of receipt<sup>3</sup> by the Radio-communication Bureau, in accordance with No. 9.34, of those characteristics specified in Appendix 4 as mandatory or required, or from the date of dispatch, in accordance with No. 9.29, of the appropriate information listed in Appendix 4; or
- f) where appropriate, in conformity with a world or regional allotment or assignment plan and the associated provisions;
- g) for terrestrial radiocommunication stations or earth stations operating in the opposite direction of transmission<sup>4</sup> and, in addition, operating in accordance with these Regulations, or to be so operated prior to the date of bringing the earth station assignment into service, or within the next three years from the date of dispatch of coordination data under No. 9.29, whichever is the longer, or from the date of the publication referred to in No. 9.38, as appropriate. (WRC-2000)

*Reason:* Clarify that footnote 2 to paragraph 1 a) only applies to provide provisional protection to an assignment for which No. 9.21 has been applied, until the agreements required have been examined at the notification stage.

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<sup>1</sup> The coordination between an earth station and terrestrial stations under Nos. 9.15, 9.16, 9.17, 9.18 and 9.19, or between earth stations operating in opposite directions of transmission under 9.17A, applies only to assignments in bands allocated with equal rights.

<sup>2</sup> For the purpose of effecting coordination, an assignment for which the process of obtaining agreement under No. 9.21 has been initiated is considered to be in conformity with No. 11.31 with respect to No. 9.21, until examination at the notification stage.

<sup>3</sup> See No. 9.1 concerning the date to be considered as the date of receipt by the Bureau of the information relating to the coordination of a satellite network or the notification of a frequency assignment.

<sup>4</sup> The associated space network characteristics must have been communicated to the Bureau under No. 9.30 or under § 4.1.3/4.2.6 of Article 4 of Appendix 30 or § 4.1.3/4.2.6 of Article 4 of Appendix 30A. (WRC-2000)

**MOD EUR/1.30/6**

2 For the application of No. **9.21**, the agreement of an administration may be required with respect to the frequency assignments in the same frequency band as the planned assignment, pertaining to the same service or to another service to which the band is allocated with equal rights or a higher category of allocation, which may affect or be affected, as appropriate, and:

- a) in cases involving a station in a space radiocommunication service with respect to any other station or involving a terrestrial radiocommunication station with respect to an earth station or a space station:
  - i) which are in conformity with No. **11.31**, and comply with the relevant conditions listed in § 1 b) to 1 g); or
  - ii) for which the procedure under No. **9.21** has been initiated, with effect from the date of receipt by the Bureau, in accordance with No. **9.34**, of the basic characteristics specified in Appendix 4, pending examination of that assignment at the notification stage;

or

- b) for terrestrial radiocommunication stations operating in accordance with these Regulations, or to be so operated prior to the date of bringing the other terrestrial station assignment into service, or within the next three months, whichever is the longer.

Reasons:

- *Cover the case of coordination of a terrestrial station with a space station.*
- *Clarify that 2 a) ii) only applies to provide provisional protection to an assignment for which No. 9.21 has been applied, until the agreements required have been examined at the notification stage.*

## Sub-part 30D – Protection of Assignments Recorded under 11.41

### Proposal

#### APPENDIX 5 (WRC-2000)

#### **Identification of administrations with which coordination is to be effected or agreement sought under the provisions of Article 9**

**ADD**            **EUR/1.30/7**

1. c bis            recorded in the Master Register under **No.11.41**; or

*Reasons : Appendix 5 provides for the protection of assignments recorded with a favourable finding under Nos. 11.32A/11.38. However, No. 11.41 provides for the recording of assignments with an unfavourable finding under No. 11.32A on the condition that there is no report of Harmful Interference in a four month period of simultaneous operation of the new assignment with the assignment which was the basis of the unfavourable finding but the new assignment would not seem to be protected from later assignments under the provisions of paragraph 1 of Appendix 5. The RRB/BR have noted this deficiency, which is addressed in the Rules of Procedure, but this problem should be corrected in the Radio Regulations.*



## Sub-part 30E – Provisions of Resolution 34

### Introduction

Resolution 34 contains regulatory provisions which apply to the use of the broadcasting-satellite service in Region 3 in the band 12.5-12.75 GHz, in respect of the space and terrestrial services in all Regions. A thorough analysis of the provisions of Resolution 34 is provided in the CPM report, together with possible interpretations of the discrepancies they contain.

Most provisions of Resolution 34 are considered to be already contained in the Radio Regulations while some others could be reflected in a simpler way in the body of the Radio Regulations.

The suppression of Resolution 34 together with a modification of Table 21-4 of Article 21, as mentioned in the CPM report, is proposed to clarify the applicable provisions, without changing the current sharing situation in this band.

### Proposals

## ARTICLE 21

**MOD**            **EUR/1.30/8**

TABLE 21-4 (continued)

Frequency band	Service*	Limit in dB(W/m <sup>2</sup> ) for angle of arrival ( $\delta$ ) above the horizontal plane			Reference bandwidth
		0°-5°	5°-25°	25°-90°	
...					
12.5-12.75 GHz <sup>7</sup> (Region 1 countries listed in Nos. 5.494 and 5.496)	Broadcasting-satellite (geostationary-satellite orbit)	-148	$-148 + 0.5(\delta - 5)$	-138	4 kHz
...					

## RESOLUTION 34

### **Relating to the establishment of the broadcasting-satellite service in Region 3 in the 12.5-12.75 GHz frequency band and to sharing with space and terrestrial services in Regions 1, 2 and 3**

*Reasons: most provisions of Resolution 34 are already included in the Radio Regulations. The only provision which is not, namely the application of hard limits in respect of terrestrial services in countries mentioned in Nos. 5.494 and 5.496, is proposed to be reflected in Table 21-4, for purpose of clarity in the procedures to be applied by administrations. Noting that Resolution 506 (Rev. WRC-97) precludes the use of non-GSO in the broadcasting satellite in the 12 GHz band, the modification of Table 21-4 only relates to geostationary satellites.*

## **Sub-part 30F – Resolution 49 (Rev. WRC-2000)**

### **Introduction**

WRC 97 adopted Resolution 49 “*as a means of addressing the problem of reservation of orbit and spectrum capacity without actual use*”. However a review of the effect of the application of the Resolution 49 in its current form has shown that it has not helped in a satisfactory manner to solve this problem; therefore it should be modified to significantly improve its efficiency.

The CPM identified one method to improve the efficiency of this resolution. That is to Modify Annex 2 to Resolution 49 so that it is clearly specified that the frequency range(s) for the frequency assignments of the satellite network that have to be provided by the administrations are the ones that are intended to be brought into use in the space station in conformity with the Radio Regulations.

The modification proposed by the CPM will clarify the frequency band information that have to be provided by the administrations when they submit the Resolution 49 for a satellite. However this modification does not address the issue of the accuracy of the information submitted over time. It is clear that for geostationary satellite the intent of the Resolution 49 is that the information relates to one specific satellite at one orbital location. However, once they have launched and bring into service a satellite at a given orbital location, administrations and satellite operators are entitled to change the orbital location of this satellite. In this case if the administration does not update the Resolution 49 with the new orbital location the information for this satellite would no longer be accurate. In this case or if the administration submits a new Resolution 49 information for the satellite at the new location without canceling the former one, the administration might end up reserving spectrum capacity at an orbital location without actual use. Currently Resolution 49 does not require administration to update the information submitted for geostationary satellite according to the location of this satellite. A possible solution to address this issue is to add a new resolves to this Resolution that will require administration to submit amendments to the Resolution 49 they have submitted at an earlier stage.

In order to improve the efficiency of the Resolution 49 in dealing with the problem of reservation, Europe proposes:

- To modify Annex 2 to this Resolution as proposed by the CPM;
- To modify the body of this Resolution so that administrations are required to modify the information submitted for their satellite when one of the parameters is modified (e.g. the orbital location for a geostationary satellite network).

### **Proposals**

**RESOLUTION 49 (Rev.WRC-2000)**

**Administrative due diligence applicable to some satellite  
radiocommunication services**

*resolves*

.....

**ADD EUR/1.30/10**

7. that the administrations shall inform the Bureau of any modifications to the information submitted in accordance with resolves 1, 2 or 3 above. On receipt of the complete information, the Bureau shall publish it in a special section of the BR IFIC within 30 days.

**ANNEX 2 TO RESOLUTION 49 (Rev.WRC-2000)**

**A Identity of the satellite network**

**MOD EUR/1.30/11**

*f) frequency ranges for the frequency assignments of the satellite network transponder(s) that are intended to be brought into use in conformity with the relevant time-limits included in the Radio Regulations*

**B Spacecraft manufacturer\***

**MOD EUR/1.30/12**

\* NOTE – In cases where a contract for satellite procurement involving the frequency assignments concerned covers more than one satellite, the relevant information shall be submitted for each satellite.

*Reason: To clarify what was intended by the frequency bands*

## **Sub-part 30G – Scope of Resolution 86 (Rev. Marrakech, 2002)**

### **Introduction**

Resolution 86 as modified by PP02 in the “further resolves to request the 2003 World Radiocommunication Conference” requests WRC-03 “to determine the scope and the criteria to be used for the implementation of this resolution.”

### **Proposal**

Europe proposes that following the request by PP02, the following principles be included in a Resolution of the WRC, as follows.

### **ADD EUR/1.30/13**

## **RESOLUTION [EUR/1.30/1]**

### **Scope and Criteria relating to the Application of Resolution 86 (Marrakech)**

The World Radiocommunication Conference (Geneva 2003)

#### *Considering*

that the Plenipotentiary Conference of Marrakech 2002 discussed the application of the Resolution 86 and decided to request WRC-03 to determine the scope and criteria to be used by future WRC's in the application of Resolution 86

#### *Resolves*

that the scope of Resolution 86 (Rev. Marrakech, 2002) to be considered by future WRC's shall be as follows:

- 1) to consider any proposals which deal with deficiencies in the advance publication, coordination and notification procedures of the RR for Spaces services which have either been identified by the RRB and included in the Rules of Procedure or which have been identified by administrations;

- 2) to consider any proposals which are intended to transform the content of the Rules of Procedure into a regulatory text;
- 3) to consider any proposals which are intended to update any provisions to reflect advances in technology;
- 4) to consider any proposals intended to facilitate, in accordance with Article 44 of the Constitution, the rational, efficient and economical use of radio frequencies and the associated orbits including the geostationary orbit in accordance with resolves to request the 2003 and subsequent WRCs;
- 5) to consider any changes to provisions of the Radio Regulations for Space services that will result in the simplification of the procedures and the work of the BR and/or administrations;
- 6) to consider any changes to the Radio Regulations that follow from Decisions of a Plenipotentiary Conference on space matters.

## **Sub-part 30H – Resolution 88 (Rev. Marrakech-02)**

### **Introduction**

WRC-2000 adopted certain provisions relating to the consequences of non-payment of the cost recovery fees, with the entry into force date to be decided by PP02. PP02 decided that the date shall be 1 August 2003 and requested WRC-03 to implement this decision.

### **Proposals**

Europe proposes the necessary changes to the provisions adopted by WRC-2000 and the addition of a new Resolution to implement the decision of PP02.

## **ARTICLE 9**

### **Procedure for effecting coordination with or obtaining agreement of other administrations**

#### **MOD EUR/1.30/14**

**9.2B.1** If the payments are not received in accordance with the provisions of Council Decision 482, as amended, on the implementation of cost recovery for satellite network filings, the Bureau shall cancel the publication, after informing the administration concerned. The Bureau shall inform all administrations of such action, and that the network specified in the publication in question no longer has to be taken into consideration by the Bureau and other administrations. The Bureau shall send a reminder to the notifying administration not later than 2 months days prior to the deadline for the payment in accordance with Decision 482 unless the payment has already been received.

#### **MOD EUR/1.30/15**

**9.38.1** If the payments are not received in accordance with the provisions of Council Decision 482, as amended, on the implementation of cost recovery for satellite network filings, the Bureau shall cancel the publication, after informing the administration concerned. The Bureau shall inform all administrations of such action and that the network specified in the publication in question no longer has to be taken into consideration by the Bureau and other administrations. The Bureau shall send a reminder to the notifying administration not later than 2 months prior to the deadline for the payment in accordance with Decision 482 unless the payment has already been received

APPENDIX 30\* (WRC-2000)  
**Provisions for all services and associated Plans and List for  
the broadcasting-satellite service in the frequency bands  
11.7-12.2 GHz (in Region 3), 11.7-12.5 GHz (in Region 1)  
and 12.2-12.7 GHz (in Region 2)**

**MOD EUR/1.30/16**

**4.1.5**

If the payments are not received in accordance with the provisions of Council Decision 482, as amended, on the implementation of cost recovery for satellite network filings, the Bureau shall cancel the publication, after informing the administration concerned. The Bureau shall inform all administrations of such action and that the network specified in the publication in question no longer has to be taken into consideration by the Bureau and other administrations. The Bureau shall send a reminder to the notifying administration, not later than 2 months prior to the deadline for the payment in accordance with Decision 482 unless the payment has already been received

APPENDIX 30A (WRC-2000)  
**Provisions and associated Plans and Lists for feeder links for the broadcasting-satellite  
service (11.7-12.5 GHz in Region 1, 12.2-12.7 GHz  
in Region 2 and 11.7-12.2 GHz in Region 3) in the frequency  
bands 14.5-14.8 GHz<sup>2</sup> and 17.3-18.1 GHz in Regions 1 and 3,  
and 17.3-17.8 GHz in Region 2**

**MOD EUR/1.30/17**

**4.1.5**

If the payments are not received in accordance with the provisions of Council Decision 482, as amended, on the implementation of cost recovery for satellite network filings, the Bureau shall cancel the publication, after informing the administration concerned. The Bureau shall inform all administrations of such action and that the network specified in the publication in question no longer has to be taken into consideration by the Bureau and other administrations. The Bureau shall send a reminder to the notifying administration, not later than 2 months prior to the deadline for the payment in accordance with Decision 482 unless the payment has already been received



## APPENDIX 30B (WRC-2000)

**MOD EUR/1.30/18**

### ARTICLE 6

#### **Procedures for implementation of the Plan and regulation of the fixed-satellite service in the planned bands<sup>MOD1</sup> (WRC-2000)**

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**MOD EUR/1.30/19**

1 If the payments are not received in accordance with the provisions of Council Decision 482, as amended, on the implementation of cost recovery for satellite network filings, the Bureau shall cancel the publication specified in § 6.26, 6.33 and 6.49 or cancel the entry in the List under § 6.44, as appropriate, after informing the administration concerned. The Bureau shall inform all administrations of such action and that the network specified in the publication in question no longer has to be taken into consideration by the Bureau and other administrations. The Bureau shall send a reminder to the notifying administration not later than 2 months prior to the deadline for the payment in accordance with Decision 482 unless the payment has already been received

**ADD EUR/1 30/20**

### **RESOLUTION [EUR-1.30/2]**

#### **DATE OF ENTRY INTO FORCE OF CERTAIN PROVISIONS OF THE RADIO REGULATIONS RELATING TO THE NON-PAYMENT OF COST RECOVERY FEES**

The World Radiocommunication Conference (Geneva 2003),

#### *Considering*

- a) that WRC 2000 adopted certain provision in Article 9, Appendix 30, Appendix 30a and Appendix 30B relating to the consequences of non-payment of the cost recovery fees as adopted by Council in Decision 482;
- b) that WRC 2000 requested PP02 to determine the date of entry into force of these provisions;
- c) that PP02 decided that the date of entry into force of these provisions shall be 1 August 2003
- d) that PP02 recommended WRC-03 to implement this decision.

- e) That with the PP02 decision of 1 August 2003, it may not be possible to give 2 months notice in all cases

*Noting*

that PP02 instructed the Director of the Radiocommunication Bureau to send reminders 60 days before 1 August 2003

*Resolves*

- 1) that the date of entry into force of No. 9.2B1, No. 9.38.1, No 4.1.5 of Appendix. 30, No. 4.1.5 of Appendix. 30A and the footnote to the title of Article 6 of Appendix. 30 B shall be 1 August 2003
- 2) that for those filings for which the deadline for payment is between 7 July 2003 and 5 September 2003, the reminder shall be sent out on 7 July 2003 and the provisions specified in Resolves 1 above shall not be applied until 5 Sept 2003.

## **Sub-part 30H – Resolution [COM5/6] (Marrakech-2002)**

### **Introduction**

Resolution COM[5/6] of PP02 invites WRC-03 to consider establishing principles to be applied by the RRB in the preparation of the Rules of procedure.

### **Proposals**

It is proposed that WRC-03 consider the following steps to be used by the RRB, the Bureau and administrations in the preparation of the Rules of Procedure and that these steps be included in Article 13 of the RR.

## **ARTICLE 13**

### **Instructions to the Bureau**

#### **ADD EUR/1.30/21**

**13.12 bis** In the preparation and development of the Rules of Procedure, the RRB, the Bureau and administrations shall apply the following steps:

- a) The Bureau shall also publish under No. 13.17 on the ITU Web site a list of future proposed Rules and the time frame for their consideration by the Board;
- b) All draft rules prepared by the Bureau shall be available to administrations at least 10 weeks prior to the start of the RRB meeting;
- c) Any practice used by the Bureau in the application of the provisions of the Radio Regulations shall be identified and included in the Rules of Procedure;
- d) Any comments on these draft rules from administrations shall be submitted to the Bureau at least 4 weeks before the start of the RRB meeting;
- e) In submitting comments administrations should, if possible, suggest the actual text of their proposed rules;
- f) Administrations wishing to comment on the comments of other administrations shall submit their comments to the Bureau at least 2 weeks before the start of the Board meeting;
- g) All comments from administrations including those that do not meet the above time limits shall be posted on the ITU Web site;

- h) If the RRB considers the adoption of provisions that differ substantially from the draft Rules published under No. 13.17 , the RRB shall defer the decision and submit their proposed provisions for further comments from administrations;
- i) The meetings of the Board shall be broadcast from the ITU Web site and the audio records of the Board meetings shall be maintained on the ITU Web site for a period of at least 2 years. After that date they shall be available on request.

#### **MOD EUR/1.30/22**

**13.18** Within one week after a meeting of the Board, a summary of all decisions, including the reasons for each decision, taken in that meeting shall be made available on the ITU Web site. After each Board meeting the approved minutes of that meeting, shall normally be circulated at least one month before the start of the following meeting to administrations by means of a circular letter and these approved minutes shall also be made available on the ITU Web site.

***Reason*** *to reflect the decision of the PP in resolves to instruct the RRB (2)*