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| **The 4th Meeting of the APT Conference Preparatory Group for WRC-19 (APG19-4)** | **APG19-4/OUT-43** |
| 07 – 12 January 2019, Busan, Republic of Korea | **11 January 2019** |

Working Party 6

**preliminary VIEWS on WRC-19 agenda item 8**

**Agenda Item 8:**

*to consider and take appropriate action on requests from administrations to delete their country footnotes or to have their country name deleted from footnotes, if no longer required, taking into account Resolution 26 (Rev.WRC-07).*

**1. Introduction:**

Footnotes are an integral part of the Table of Frequency Allocations in the Radio Regulations and, as such, form part of an international treaty text. In order to keep the footnotes to the Table of Frequency Allocations up to date, there should be clear and effective guidelines for additions, modifications and deletions of footnotes. In this connection, any addition, modification or deletion of a footnote should be considered and adopted by a WRC in accordance with Resolution **26 (Rev.WRC-07)**.

The only part of Resolution **26 (Rev.WRC-07)** which is related to Agenda Item 8 is *further resolves* 2 of that Resolution. Agenda Item 8 is a standing agenda item of WRCs that requests administrations to review footnotes to the Table of Frequency Allocations and to propose the deletion of their country footnotes or of their country names from footnotes, if no longer required. This standing WRC agenda item was adopted for the purpose of achieving global harmonization in spectrum use by means of deleting country footnotes or country names from footnotes. However, previous WRCs considered proposals from administrations to add their country names to the existing footnotes under this agenda item. Moreover, the last two WRCs experienced proposals even to add new country footnotes under this agenda item.

**2. Documents**

***2.1 Input Documents:*** APG19-4/INP-20 (AUS), 49 (IRN), 64 (J), 82 (IRN)

***2.2 Information Documents:*** APG19-4/INF-o4 (ICAO), 22 (CITEL), 23 (CEPT), 24 (RCC)

**3. Summary of Discussions**

The following issues were identified:

**Issue A – Deletion of country footnotes or country names from footnotes**

Resolution **26(Rev.WRC-07)***further resolves* 2 clearly states ‘that recommended agendas for future world radiocommunication conferences should include a standing agenda item which would allow for the consideration of proposals by administrations for deletion of country footnotes, or country names in footnotes, if no longer required.’

In this regard, there is no ambiguity and the principles are supported.

**Issue B – Addition of country names into existing footnotes**

The addition of country names to existing footnotes can carry with it considerable impact to existing allocations and the management of spectrum in other (often neighbouring) countries. It is therefore not a simple matter to add one’s country name to a footnote without detailed consideration of any possible ramification and this is not within scope of agenda item 8.

WRC-15 considered the proposals for additionof country names to existing footnotes under this agenda item subject to the following principle (see [WRC-15 Document 142](https://www.itu.int/md/R15-WRC15-C-0142/en)):

“It is not the intention of WRC to encourage the addition of country names to existing footnotes. However, under certain circumstances on a purely exceptional basis and if justified, proposals for the addition of country names to existing footnotes can be considered but their acceptance is subject to the express condition that there are no objections from the affected countries.”

On the other hand, addition of a country name to the existing footnotes may give the possibility for administrations, when they identify a need, to ask the Conference to add their name to a specific footnote, but also ensures that affected countries may object to the proposal if there is a risk of harmful interference. Moreover, the possibility to add a country name to a footnote may in some cases increase the regional or sub-regional harmonization of frequency utilization.

In this regard, the meeting discussed a proposal to modify Resolution **26 (Rev.WRC-07)** to expressly include under the standing agenda item the addition of country names to existing footnotes where there is no objection from affected countries. Some APT Members requested more time to consider the best way to achieve this outcome.

**Issue C – Addition of new country footnotes**

WRC-15 considered the proposals for addition of new country footnotes under this agenda item and approved the following principle (see [WRC-15 Document 142](https://www.itu.int/md/R15-WRC15-C-0142/en)):

“Proposals for the addition of new country footnotes which are not related to agenda items of the Conference should not be considered.”

Therefore, it is proposed to expressly include the above mentioned current practice in Resolution **26 (Rev. WRC-07)**.

**Issue D – Availability of proposals under WRC standing Agenda Item 8**

Administrations need sufficient time to examine the potential consequences of proposals under agenda item 8 and would benefit from being advised, as early as possible, of which footnotes are proposed to be modified. The existing practice may lead to difficulties for administrations during the Conferences, as it requires them to evaluate immediately proposed changes for compatibility with existing services, and to determine whether to agree with these changes. In some cases this cannot be achieved during the Conference due to the lack of expertise and time limits. Therefore, proposals under agenda item 8 should be available sufficiently before the Conference for consideration by concerned administrations.

APT Members discussed modification of Resolution **26 (Rev.WRC-07)** so that it requests administrations to submit their proposals under this agenda item to the second session of the CPM and invites the CPM to include these proposals in its Report to the Conference. This modification may be in contradiction with PP Resolution 165 (Dubai, 2018) that *resolves* to establish a firm submission deadline for all contributions, with the exception of the deadlines outlined in *recognizing a)* and *b)* of the Resolution, of no later than twenty one calendar days before the opening of conferences and assemblies of the Union.

To this effect the firm deadline of 21 days for submission of proposals to the conference should be modified. Such modification is within the mandate of PP-22. In this connection, there is a need that difficulties mentioned above be raised to the ITU Council through APT Members which are members of the Council. In this regard, a contribution has been prepared for submission to 2019 session of the ITU Council to have a Council Resolution in order to make an exception with respect to WRCs standing agenda item 8 (see Annex 2 to this document). In the draft Resolution, Council is invited to seek the agreement of WRC-19 that such modification of date of submission of proposals from Member States relating to WRCs standing agenda item 8 needs to be modified from 21 days. Upon receipt of such confirmation from WRC-19, Council reports the matter to PP-22 in requesting to make an exception for deadline for submission of proposals from Member States to WRCs relating to standing agenda item 8.

Should PP-22 agrees for such change, then the matter would be brought to the attention of WRC-23. At that WRC, modification to Resolution **26 (Rev.WRC-07)** would be considered and agreed if appropriate.

**3.1 Summary of Members’ view**

**3.1.1 Australia – Document APG19-4/INP-20**

Australia supports the principles and intent of Resolution **26 (Rev.WRC-07)** and standing agenda item 8 for administrations to remove their country names associated with specific footnotes of the Table of Frequency Allocations in Article **5** of the Radio Regulations when no longer required.

Australia does not support the adding of country names to existing footnotes of Table of Frequency Allocations in Article **5** of the Radio Regulations under this agenda item. Resolution **26 (Rev.WRC-07)** clearly defines the process whereby a new footnote or modification of an existing footnote (such as to add a country name) may be considered by a world radiocommunication conference. Administrations are encouraged to follow this process at a world radiocommunication conference as necessary should they wish to modify a footnote to include their country name.

Australia has reviewed the latest edition of the Radio Regulations and presently intends to retain Australia’s name where it has been included in footnotes at previous conferences.

**3.1.2 Iran (Islamic Republic of) – Documents APG19-4/INP-49 and 82**

This Administration supported the following previous APT Preliminary Views with a slight modifications and proposed to modify Resolution **27 (Rev. WRC-07).**

APT Members support that administrations taking the initiative to review their footnotes and to propose the deletion of their country names or the deletion of country footnotes, if no longer required.

APT Members are of the view that this agenda item is not intended for adding country names into existing footnotes. However WRCs may continue to deal with requests to add country names to the existing footnotes on a case by case basis, subject to the principle that there are no objections from the affected countries. Therefore, it is proposed to include the current practice in Resolution **26 (Rev. WRC-07)** by modifying this Resolution in order to help administrations to prepare their proposals to WRCs.

APT Members are of the view that this agenda item is not intended for the addition of new country footnotes. Therefore, any proposal for the addition of a new country footnote should not be considered under this agenda item. APT Members propose to include the current practice in Resolution **26 (Rev. WRC-07)** by modifying this Resolution in order to make standing Agenda Item 8 more clear.

APT Members are of the view that the proposals under agenda item 8 need to be available at a sufficient time before the Conference for consideration by concerned administrations. Therefore, it is proposed to modify Resolution **26 (Rev. WRC-07)** to request administrations to submit their proposals under this agenda item to the second session of the Conference Preparatory Meeting and invite the CPM to include all of these proposals in its Report to the Conference.

However this may be in contradiction with PP Resolution 165 (Dubai, 2018) that *resolves* to establish a firm submission deadline for all contributions, with the exception of the deadlines outlined in *recognizing a)* and *b)* of the Resolution, of no later than 21 calendar days before the opening of conferences and assemblies of the Union, including plenipotentiary conferences, so as to ensure timely translation and their thorough consideration by delegations.

In view of the above, it is proposed to send a joint contribution to 2019 session of the ITU Council to have a Council Resolution in order to make an exception with respect to WRCs standing agenda item 8. A draft for this contribution was provided.

This Administration proposes the following changes to the text of WRC standing agenda item 8:

*8 to consider and take appropriate action on proposals received from administrations to delete their country footnotes or to have their country name deleted from footnotes or to add their country name to the existing footnotes in accordance with further resolves of Resolution 26 (Rev.WRC-19).*

**3.1.3 Japan – Document APG19-4/INP-64**

Japan supports the deletion of country footnotes or country names in footnotes in the Table of Frequency Allocations in RR in accordance with Resolution 26(Rev.WRC-07), since it believes that the deletion of country footnote or country names in footnotes in the Table Frequency Allocations in RR does not influence any existing systems or existing services in Japan.**3.2**

**4. APT Preliminary Views**

**Issue A** – Deletion of country footnotes or country names from footnotes

APT Members support that administrations taking the initiative to review their footnotes and to propose the deletion of their country names or the deletion of country footnotes, if no longer required.

**Issue B** – Addition of country names into existing footnotes

APT Members are of the view that this agenda item is not intended for adding country names into existing footnotes. However WRCs may continue to deal with requests to add country names to the existing footnotes on a case by case basis, subject to the principle that there are no objections from the affected countries. A possible solution for consideration would be to include the current practice in Resolution **26 (Rev. WRC-07)** by modifying this Resolution, as provided in Annex 1 to this document.

**Issue C** – Addition of new country footnotes

APT Members are of the view that the standing agenda item for deletion of country names from footnotes is not intended for the addition of new country footnotes. Any proposal for the addition of a new country footnote should not be considered under the standing agenda item. Therefore, APT Members propose to expressly include the current practice in Resolution **26 (Rev. WRC-07)**.

**Issue D** – Availability of Proposals under WRC standing Agenda Item 8

APT Members are of the view that the proposals under standing agenda item 8 need to be available at a sufficient time before the Conference for consideration by concerned administrations.

One solution to resolve the matter is described in Section 3 of this document. In this regard, a contribution has been prepared for submission to 2019 session of the ITU Council (see Annex 2 to this document). APT Members which are member of ITU Council are welcome to join this contribution.

APT Members are encouraged to contribute on this matter at the next APG meeting.

**5. Other views**

None.

**6. Issues for consideration at the next APG meeting**

Continuation of consideration on the modifications to Resolutions **26 (Rev.WRC-07)**.

APT Members who would be considering deletion of their footnotes are invited to provide advance copies to the next APG meeting.

**7. Views from Other Organisation**

**7.1 Regional Groups**

### **CEPT – Document APG19-4/INF-23**

General

CEPT is of the view that there is no need to change the Resolution 26 (Rev. WRC-07).

Issue A – Deletion of country footnotes or country names from footnotes

CEPT supports Administrations taking the initiative to review their footnotes and to propose the deletion of their country names or the deletion of country footnotes, if no longer required.

Issue B – Addition of country names into footnotes or new country footnotes

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CEPT is of the view that this agenda item is not intended for adding country names into footnotes and the addition of new country footnotes.

CEPT is of the view that Conferences may continue to deal with requests to add country names to existing footnotes on a case by case basis, subject to the principle that proposals for the addition of country names to existing footnotes can be considered but their acceptance is subject to the express condition that there are no objections from the affected countries.

Furthermore CEPT is of the view that proposals for the addition of new country footnotes which are not related to agenda items of this Conference should not be considered.

### **RCC – Document APG19-4/INF-24**

The RCC Administrations support the ITU-R activity towards global harmonization of radio spectrum use through the deletion of country footnotes or country names from footnotes in the RR Article 5.

The RCC Administrations consider that this agenda item is not intended for addition of country names into footnotes as well as for creating new footnotes.

## **7.2 International Organisations**

### **ICAO – Document APG19-4/INF-04**

Allocations to the aeronautical services are generally made for all ITU regions and normally on an exclusive basis. These principles reflect the global process of standardization within ICAO for the promotion of safety and to support the global interoperability of radiocommunication and radionavigation equipment used in civil aircraft. In some instances, however, footnotes to the ITU Table of Frequency Allocations allocate spectrum in one or more countries to other radio services in addition or alternatively to the aeronautical service to which the same spectrum is allocated in the body of the table.

The use of country footnote allocations to non-aeronautical services in aeronautical bands is generally not recommended by ICAO, on safety grounds, as such use may result in harmful interference to safety services. Furthermore, this practice generally leads to an inefficient use of available spectrum to aeronautical services, particularly when the radio systems sharing the band have differing technical characteristics. It also may result in undesirable (sub-) regional variations with respect to the technical conditions under which the aeronautical allocations can be used. This can have a serious impact on the safety of aviation.

ICAO proposes that some footnotes in aeronautical bands be deleted for safety and efficiency reasons as provided in its information document to this meeting.

**ANNEX 1**

**MOD**

RESOLUTION 26 (Rev.WRC-19)

Footnotes to the Table of Frequency Allocations in Article 5 of
the Radio Regulations

The World Radiocommunication Conference (Sharm el-Sheikh, 2019),

considering

*a)* that footnotes are an integral part of the Table of Frequency Allocations in the Radio Regulations and, as such, form part of an international treaty text;

*b)* that footnotes to the Table of Frequency Allocations should be clear, concise and easy to understand;

*c)* that footnotes should relate directly to matters of frequency allocation;

*d)* that, in order to ensure that footnotes allow modification of the Table of Frequency Allocations without introducing unnecessary complications, principles relating to the use of footnotes are needed;

*e)* that, currently, footnotes are adopted by competent world radiocommunication conferences and any addition, modification or deletion of a footnote is considered and adopted by the competent conference;

*f)* that some problems concerning country footnotes may be resolved through the application of a special agreement envisaged by Article 6;

*g)* that, in certain cases, administrations are confronted with major difficulties due to inconsistencies or omissions in footnotes;

*h)* that, in order to keep the footnotes to the Table of Frequency Allocations up to date, there should be clear and effective guidelines for additions, modifications and deletions of footnotes,

noting

 that administrations need sufficient time to examine the potential consequences of changes to the footnotes to the Table of Frequency Allocations (deletion of country footnotes and/or deletion from or addition country names to the footnotes),

resolves

1 that, wherever possible, footnotes to the Table of Frequency Allocations should be confined to altering, limiting or otherwise changing the relevant allocations rather than dealing with the operation of stations, assignment of frequencies or other matters;

2 that the Table of Frequency Allocations should include only those footnotes which have international implications for the use of the radio-frequency spectrum;

3 that new footnotes to the Table of Frequency Allocations should only be adopted in order to:

*a)* achieve flexibility in the Table of Frequency Allocations;

*b)* protect the relevant allocations in the body of the Table and in other footnotes in accordance with Section II of Article 5;

*c)* introduce either transitional or permanent restrictions on a new service to achieve compatibility; or

*d)* meet the specific requirements of a country or area when it is impracticable to satisfy such needs otherwise within the Table of Frequency Allocations;

4 that footnotes serving a common purpose should be in a common format, and, where possible, be grouped into a single footnote with appropriate references to the relevant frequency bands,

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*Reason: further resolves 1 is moved here since it includes general principle.*

further resolves

*Reason: further resolves 1 is moved to resolves part since it includes general principle.*

1 that recommended agendas for future world radiocommunication conferences should include a standing agenda item which would allow for the consideration of proposals by administrations:

*a)* for deletion of country footnotes, or country names in footnotes, if no longer required;

*b)* for the addition of country names to the existing footnotes, which are not related to the agenda items of the Conference, based on the condition that there are no objections from the affected countries;

*Reason: to include the current WRCs practice in Resolution* ***26(Rev. WRC-07)*** *in order to help administrations to prepare their proposals to WRCs.*

2 that proposals under WRC standing agenda item mentioned in *further resolves*1 should be sent to the second session of the CPM;

*Reason: See noting.*

3 that proposals under WRC standing agenda item mentioned in *further resolves*1 shall not include proposals for the addition of new country footnotes which are not related to the agenda items of the Conference;

*Reason: to include the current WRCs practice into Resolution* ***26(Rev. WRC-07)*** *in order to help administrations to prepare their proposals to WRCs.*

4 that in cases not covered by *resolves 5 and further resolves*1, proposals for new footnotes or modification of existing footnotes could exceptionally be considered by a world radiocommunication conference if they concern corrections of obvious omissions, inconsistencies, ambiguities or editorial errors and have been submitted to ITU as stipulated in No. 40 of the General Rules of Conferences, Assemblies and Meetings of the Union (Antalya, 2006),

invites Conference Preparatory Meeting

to include in the CPM Report, a summary of those proposals that have been received by the second session of the CPM under WRC standing agenda item mentioned in *further resolves*1;

urges administrations

1 to review footnotes periodically and to propose the deletion of their country footnotes or of their country names from footnotes, as appropriate;

2 to take account of the *further resolves*above in making proposals to world radiocommunication conferences.

**annex 2**

**draft joint poposal to 2019 session of the ITu counci on**

**standing agenda item of world radiocommunication coferences for reviow of footnotes to the table of frequency allocations in the radio regulations**

**1. Background**

Footnotes are an integral part of the Table of Frequency Allocations in Article 5 of the Radio Regulations and, as such, form part of an international treaty text. In order to keep the footnotes to the Table of Frequency Allocations up to date, there should be clear and effective guidelines for additions, modifications and deletions of footnotes. In this connection, any addition, modification or deletion of a footnote should be considered and adopted by a WRC in accordance with Resolution **26 (Rev.WRC-07)**.

Resolution **26 (Rev.WRC-07)** *further resolves* 2 states ‘that recommended agendas for future world radiocommunication conferences should include a standing agenda item which would allow for the consideration of proposals by administrations for deletion of country footnotes, or country names in footnotes, if no longer required.’

This standing WRC agenda item was adopted for the purpose of achieving global harmonization in spectrum use by means of deleting country footnotes or country names from footnotes. However, previous WRCs considered proposals from administrations to add their country names to the existing footnotes under this agenda item. Moreover, the last two WRCs experienced proposals even to add new country footnotes under this agenda item.

In any case, administrations need sufficient time to examine the potential consequences of any proposal under above mentioned WRCs standing agenda item for changes to the footnotes to the Table of Frequency Allocations and would benefit from being advised, as early as possible, of which footnotes are proposed to be modified. The existing practice may lead to difficulties for administrations during the WRCs, while requiring for proposed changes immediate evaluation of compatibility and determination of sharing conditions with existing services and to agree with these changes. In some cases this cannot be achieved during the conference due to the lack of expertise and time limits. Therefore, proposals under this agenda item need to be available sufficiently before the Conference for consideration by concerned administrations.

In this connection, some administrations and regional groups proposed to modify Resolution **26 (Rev. WRC-07)** and request administrations to submit their proposals under this agenda item to the second session of the Conference Preparatory Meeting and invite the CPM to include these proposals in its Report to the Conference. However this may be in contradiction with PP Resolution 165 (GUADALAJARA, 2010) that *resolves* to establish a firm submission deadline for all contributions, with the exception of the deadlines outlined in *recognizing a)* and *b)* of the Resolution, of no later than fourteen calendar days before the opening of conferences and assemblies of the Union, including plenipotentiary conferences, so as to ensure timely translation and their thorough consideration by delegations.

**2. Proposal**

In view of the above, the Council is invited to fix the above mentioned problem by approving the Draft Resolution provided in Attachment 1 to this document.

**ATTACHMENT 1**

RESOLUTION [WRC-19 AI 8 Footnotes] (C-2019)

**Deadline for submission proposals by administrations to WRCs to change Footnotes to the Table of frequency Allocations in Article 5 of the Radio Regulations which are not on the agenda of the Conference**

The Council,

*considering*

*a)* that footnotes are an integral part of the Table of Frequency Allocations in the Radio Regulations and, as such, form part of an international treaty text;

*b)* that any addition, modification or deletion of a footnote should be considered and adopted by a WRC in accordance with Resolution **26 (Rev.WRC-07)**;

*c)* that Resolution **26 (Rev. WRC-07)** *further resolves* that recommended agendas for future world radiocommunication conferences should include a standing agenda item which would allow for the consideration of proposals by administrations for deletion of country footnotes, or country names in footnotes, if no longer required;

*d)* that according to ITU-R resolution 2-7, the scope of CPM shall be to prepare a consolidated report to be used in support of the work for World Radiocommunication Conferences,

*recognizing*

*a)* that the existing WRCs practice under the standing agenda item mentioned in *considering c)* may lead to difficulties for administrations during the WRCs, while requiring for proposed changes to footnotes, immediate evaluation of compatibility and determination of sharing conditions with existing services and to agree with these changes which may cannot be achieved during the conference due to the lack of expertise and time limits,

*b)* that PP Resolution 165 (GUADALAJARA, 2010) *resolves* to establish a firm submission deadline for all contributions, with the exception of the deadlines outlined in *recognizing a)* and *b)* of the Resolution, of no later than fourteen calendar days before the opening of conferences and assemblies of the Union, including plenipotentiary conferences, so as to ensure timely translation and their thorough consideration by delegations

*recognizing further*

*a)* that compliance with deadline referred to in *recognizing b)* above creates considerable difficulties as described in *recognizing a )* above which could results unintended severe consequences for administrations in application of the above- mentioned amended and / or added footnotes by WRCs.

*b)* that administrations need sufficient time to examine, analyze and verify the potential consequences and impacts of changes to the footnotes to the Table of frequency Allocations in Article 5 of the Radio Regulations,

*resolves to invite WRC-19*

 to consider as a matter of urgency the case and take appropriate action to modify the related standing agenda item of WRCs and resolution to require that administrations submit their proposals under this agenda item in time in order to address and alleviate the difficulties that administrations are currently encountering as outlined above.

instruct the Secretary General

 to bring this Resolution to the attention of the WRC-19 and report back to the ordinary Council 2020 session .;

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