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| APTlogogreen3 | ASIA-PACIFIC TELECOMMUNITY | **Document No.:** |
| **The 4th Meeting of the APT Preparatory Group**  **for PP-22 (APT PP22-4)** | **APT PP22-4/OUT-12** |
| 1-5 August 2022, Bangkok, Thailand | 5 August 2022 |

APT Preparatory Group for ITU Plenipotentiary Conference 2022

**PRELIMINARY APT COMMON PROPOSAL**

**NEW RESOLUTION**

Invocation of Article 48 of the ITU Constitution in relation to the Radio Regulations

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| **Summary:**  The World Radiocommunication Conference 2019 (WRC-19) referred to the 2022 Plenipotentiary Conference (PP-22) for guidance on the question of invocation of ITU Constitution (CS) Article **48** in relation to the Radio Regulations with respect to alleged cases of non-compliance that were presented to the Radio Regulations Board (RRB). |

**INTRODUCTION**

CS Article **48**, “Installations for National Defence Services”, recognises the right of Member States with respect to military radio installations. It also encourages Member States to observe the applicable statutory provisions in order to minimise harmful interference.

In November 2019, WRC-19 received a report ([WRC-19/15](https://www.itu.int/md/meetingdoc.asp?lang=en&parent=R16-WRC19-C-0015)) from the RRB entitled *Report by the Radio Regulations Board on Resolution* ***80 (Rev.WRC-07)****.*

Several administrations submitted contributions to WRC-19 in response to the content of the RRB Report. It was agreed by WRC-19 that guidance should be sought from the Plenipotentiary Conference as to the invocation of CS Article **48**.

As such, PP-22, in accordance with Article **21** of the ITU Convention, was invited to consider the question of invocation of CS Article **48** in relation to the Radio Regulations raised at WRC‑19 and take necessary actions, as appropriate ([WRC-19/569](https://www.itu.int/md/R16-WRC19-C-0569/en) section 3.8 refers).

**PROPOSAL**

APT Member Administrations propose a new PP-22 Resolution instructing the World Radiocommunication Conference 2023 (WRC-23) to develop a mechanism to ensure that the compliance and obligations of Member States are fully met to prevent misuse of CS Article **48**, and to identify potential actions, if any, that the Radiocommunication Bureau, in consultation with and approval from the Radio Regulations Board, may take in the event that CS Article **48** has been misused. WRC-23 should report back to the Plenipotentiary Conference 2026 on actions being taken for its review, and any other required actions as appropriate.

**PACP-23**

**ADD**

DRAFT NEW RESOLUTION (APT-BBB)

**Invocation of Article 48 of the ITU Constitution in relation to the Radio Regulations**

The Plenipotentiary Conference of the International Telecommunication Union (Bucharest, 2022),

recalling

a) Article 6 of the ITU Constitution on Execution of the Instruments of the Union;

b) Article 44 of the ITU Constitution on the Use of the Radio-Frequency Spectrum and of the Geostationary-Satellite and Other Satellite Orbits;

c) Article 45 of the ITU Constitution on Harmful Interference;

d) Article 48 of the ITU Constitution (on Installations for National Defence Services),

*recognizing*

a) that CS Article 48 refers to “military radio installations”;

b) Article 8 of the Radio Regulations on the Status of frequency assignments recorded in the Master International Frequency Register;

c) Section II Article 13 of the Radio Regulations on the Maintenance of the Master Register and of World Plans by the Radiocommunication Bureau;

d) Resolution 80 (Rev.WRC-07) *Due diligence in applying the principles embodied in the Constitution*;

e) that CS Article 48 relates to both satellite and terrestrial frequency assignments,

*recognizing further*

that as per information on invocations of CS Article 48 with respect to the procedures of the Radio Regulations, provided by the Radiocommunication Bureau on 21 July 2022, a total of 26 administrations have submitted CS Article 48 invocations for 327 different satellite filings (323 GSO satellite networks at 140 different orbital positions, and 4 non-GSO satellite systems),

considering

a) that there is a need to ensure that Member States respect their obligations when invoking CS Article 48;

b) that, at this time, no change to the ITU Constitution is required for this issue,

resolves

1. that the right of Member States to invoke CS Article 48 with regard to military radio installations shall not be restricted;

2 that a Member State that invokes CS Article 48 for a frequency assignment undertakes obligations to use such frequency assignment for military radio installations;

3 that Member States must, so far as possible, observe statutory provisions to prevent harmful interference, and the provisions of the Administrative Regulations concerning the types of emission and the frequency used, according to the nature of the service performed by such installations;

4 that Member States have absolute discretion when invoking CS Article 48 for military radio installations;

5 that notwithstanding CS 202, administrations are by default assumed to be acting with integrity as sovereign Member States of the ITU when invoking CS Article 48,

*Directs the World Radiocommunication Conference 2023* pursuant to No. 119 of the ITU Convention

1 to develop a mechanism to ensure that the compliance and obligations of Member States as stipulated in CS 203 and CS 204 are fully met to prevent misuse of CS Article 48;

2 to identify potential actions, if any, that the Radiocommunication Bureau, in consultation with and approval from the Radio Regulations Board, may take in the event that CS Article 48 has been misused,

instructs the Secretary-General

to bring this Resolution to the attention of WRC-23, and report back to Plenipotentiary 2026 on actions being taken for its review and the required actions, if any, as appropriate.