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INTERNATIONAL TELECOMMUNICATION UNION

Radiocommunication Bureau



Circular Letter
CR/69

March 1997

To Administrations of Member States of the ITU

Subject: Rules of Procedure

To the Director General

Dear Sir

In accordance with the provisions of No. 95 of the ITU Constitution, the Radio Regulations Board, at its eighth Meeting held from 24-28 February 1997, has approved and/or revised the following Rules of Procedure:

- Part A1, Art. 12, RR1228
- Part A1, Art. 12, RR1245

Attached to the present Circular-letter, you will find the texts concerning the above-listed Rules of Procedure.

Yours faithfully,

Robert W. Jones
Director, Radiocommunication Bureau

Annexes: 2

Distribution:

- Administrations of Member States of the ITU
- Members of the Radio Regulations Board
- Chairmen and Vice-Chairmen of Radiocommunication Study Groups and
- Special Committee on Regulatory/Procedural Matters

ANNEX 1

Provisional Rule of Procedure concerning RR1228

RR1228 ¹

Recognizing the need to allow enough time for coordination between the Administrations concerned to solve potential problems in the 47 GHz band shared between terrestrial and space services, the Board decided that, pending a final decision by WRC-97, notices concerning stratospheric stations are receivable up to three years before the date on which the assignment is to be brought into use. A notice received more than three months² before the date on which the assignment is to be brought into use, shall, when it is recorded, bear a remark in the Master Register to indicate that the assignment is recorded for information and will be deleted on 31 December 1997 unless it conforms with the decisions of the WRC-97 Conference and, in particular, to provisions related to allowable time-frame for the notification of stratospheric systems in the 47 GHz band.

¹ This Rule is provisional and is to be reviewed after WRC-97.

² If a notice for a stratospheric station is received less than three months before the date of bringing into use, it will be treated under the normal procedure for terrestrial notifications.

ANNEX 2

Revised Rules of Procedure concerning RR1245

1245

1. This Rule of Procedure applies uniformly certain principles to the treatment of frequency assignment notices which are not in conformity with a Regional Agreement and which are received from administrations considered to be party to the Agreement.
2. These principles are :
 - 2.1 Under RR1240, the Bureau shall examine the "conformity of the notice with the Convention, the Table of Frequency allocations and the other provisions of the Radio Regulations with the exception of those provisions relating to the probability of harmful interference which are the subject of Nos. 1241 and 1242".
 - 2.2 Under RR1245, where appropriate, the Bureau shall also examine the notice "with respect to its conformity with a regional or service agreement".
3. The results of these two examinations are, in principle, not inter-related and the findings resulting from these examinations are not inter-related either. However, when a footnote in the Table of Frequency Allocations (Article S5 of the Radio Regulations) indicates that the use of the concerned band shall be subject to conformity with a Regional Agreement, then these two findings are inter-related and the non-conformity with the Regional Agreement implies an unfavourable finding under RR1240; this is the case with the Regional Agreement RJ88 (for the frequency band 1605 - 1705 kHz) that is referred to in S5.89.
4. The procedure to be followed after formulating unfavourable findings with respect to the provisions of RR1240 and/or RR1241/1242 is explained in a very detailed manner in the Radio Regulations. However, excepting the cases referred to in S5.89 , there are no clear indications in the Radio Regulations concerning the procedure to be followed for those assignments that are notified under the provisions of Article 12 of the Radio Regulations and whose characteristics are not in conformity with the Plan.
5. The Board considers that the consequences of non-conformity with the Agreement (for cases that are not governed by S5.89) shall be determined by the Agreement itself. In this connection the following cases are identified:
 - 5.1 Some Agreements allow, under certain conditions, the possibility of recording assignments which are not in the Plan. This is the situation of GE75 (paragraph 3.5.4 of Article 4), RJ81 (paragraph 5.4 of Article 5), GE85-MMR1 (paragraphs 5.3 and 5.4 of Article 5) and GE85-EMA (paragraph 4.9 of Article 4). These Agreements specify that, when the conditions are fulfilled, the assignment shall be recorded accordingly, mostly with a symbol indicating that the entry has been made subject to the reservation that no harmful interference will be caused to frequency assignments in the Plan.

5.2 The Agreement RJ88 does not allow the possibility of recording assignments which are not in the Plan: it specifies that, when a notice received is not in conformity with the Plan, it shall be returned, and, if resubmitted, it shall also be returned.

5.3 The Agreements ST61, GE84 and GE89 contain no indication as to the bringing into use of the assignments that are not in conformity with the Agreement.

6. Frequency assignments may be recorded under RR342 (Nos. 1262 - 1272) in derogation of either the Table of frequency Allocations or the other provisions of the Radio Regulations on the express condition that harmful interference shall not be caused to services carried out by stations operating in accordance with the provisions of the Convention and of the Radio regulations. Thus RR342 may be applied for assignments not in conformity with a Regional Agreement, when, under Article 8, the use of the band is subject to conformity with the Agreement (i.e. S5.89).

7. The following action shall be taken by the Bureau when the examination of a notice shows that it is not in conformity with the Plan:

7.1 The frequency assignments in the band governed by the RJ88 Regional Agreement that is referred to explicitly in the Table of Frequency Allocations shall be treated in the following manner:

7.1.1 the frequency assignment notices submitted without reference to RR342 shall be returned to the notifying administration;

7.1.2 the frequency assignment notices submitted under the provisions of RR342 shall be examined further, and, if recorded, shall be recorded with unfavourable finding regarding RR1240 and under the conditions of RR342;

7.2 The frequency assignments in the bands governed by Regional agreements that are not referred to explicitly in the Table of Frequency Allocations shall be treated in the following manner:

7.2.1 For the Agreements that allow the possibility of bringing into use assignments that are not in accordance with the relevant Plan (i.e. GE75, RJ81, GE85-MMR1 and GE85-EMA): the assignment shall be examined according to the conditions specified in the Agreements and if the conditions are fulfilled, the assignment shall be recorded accordingly. If the conditions are not fulfilled the assignments shall be treated in accordance with paragraph 7.2.2 below.

7.2.2 For the Agreements that contain no indication as to bringing into use assignments that are not in accordance with the relevant Plan (i.e. in the bands governed by the Regional Agreements ST61, GE84 and GE89) the notice shall be returned to the administration with a suggestion to apply the necessary procedure or make the necessary modifications to the notice, in order to be in conformity with the Plan. However, if the administration insists on reconsideration of the notice, the assignment shall be recorded with a favourable Finding under RR1240 together with the name(s) of the administration(s) whose Plan assignments are likely to be affected, indicating that with respect to this (these) administration(s) the recording is made under the conditions equivalent to those of RR342.