
Public Consultation

Guidelines for Coordination of Satellite Networks

Version 2

Issue Date: 06/05/2018

Telecommunications Regulatory Authority (TRA)
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Preface and Notes to Potential Respondents

In keeping with its values of transparency and sector engagement, the TRA wishes to review and study the impact of regulatory instruments issued by it to keep abreast of developments to better involve all stakeholders. The TRA strives to meet the needs of the sector and seeks the views and feedback from the sector for the revision of the regulations. The purpose of this document is to invite comments from stakeholders regarding the TRA's intention to revise and update TRA Guidelines on Coordination of Satellite Networks Version 1 (Issued on 12th May 2009) in accordance with the Telecom Law.

Stakeholders who wish to respond to this consultation should do so in writing to the TRA on or before the response date stated on the front cover of this document. The comments which are contained in any response to this consultation should be clearly identified with respect to the specific question in this consultation to which such comments refer. Any comments which are of a general nature and not in response to a particular question should be clearly identified as such.

Responses to this consultation should be made in writing and provided electronically in MS Word format and Adobe PDF format, on or before the response date stated on the front cover of this document. Responses must be accompanied by the full contacts details (contact name, e-mail address and phone and fax numbers) of the respondent to:

spectrumconsultation@tra.gov.ae;

Executive Director Spectrum Affairs
Telecommunications Regulatory Authority
P.O. Box 26662
Abu Dhabi, UAE

Respondents are advised that it will be the general intention of the TRA to publish in full the responses received to this consultation. Additionally, the TRA may, at its discretion generate and publish a "Summary of Responses" document at the conclusion of this consultation. Accordingly, the Summary of Responses may include references to and citations (in whole or in part) of comments which have been received. The TRA recognises that certain responses may include commercially sensitive and confidential information which the respondent may not wish to be published. In the event that a response contains confidential information, it shall be the responsibility of the respondent to clearly mark any information which is considered to be of a confidential nature.

In any event the respondent shall be required to submit two versions of its response to the TRA as follows:

- A full copy of its response in MS Word format with any confidential information clearly marked. The TRA will not publish the Word document and will only use it for internal purposes.
- A publishable copy of its response in Adobe PDF format. The TRA will publish the PDF version in its entirety. Thus, the respondent should take care to redact any commercially sensitive and confidential information in the PDF version of its response.

By participating in this consultation and by providing a PDF version of its response the respondent expressly authorizes the TRA to publish the submitted PDF version of its response in full.

It should be noted that none of the ideas expressed or comments made in this consultation document will necessarily result in formal decisions by the TRA and nothing contained herein shall limit or otherwise restrict the TRA's powers to regulate the telecommunications sector at any time.

If any Person or entity seeks to clarify or discuss any part of these Regulations can request for a meeting in writing again to the above E-mail and then TRA will set the meetings in the period from **21 to 23 May 2018** so that formal comments can still be received by **3.00pm on 31 May 2018**.

Consultation Schedule

Milestone	Due Date	Notes
Closing Date for Initial Responses	31 May 2018	All responses to this consultation should be properly received by no later than <u>15.00 noon</u> on the closing date. Responses are to be submitted in electronic format as set out in this consultation document.
Latest date for requests for extension to the due date for Initial Responses.	24 May 2018	<p>Stakeholders wishing to secure an extension to the Closing Date for Initial Responses may apply in writing to the TRA for such an extension. The request should set out the rationale for the request.</p> <p>Requests for extension should be submitted by e-mail to the e-mail address shown above.</p> <p>The TRA will not consider any requests for extension which the TRA receives after <u>15.00 noon</u> on the date stated here.</p> <p>The TRA will consider requests to extend the Closing Date for Initial Responses and will take into account such factors as: the number of such requests received; the rationale for such requests; and the effect on the overall time-scale of the particular project in question. In the event that the TRA extends the Closing Date for Initial Responses, the TRA will publish the revised closing date on its website.</p>

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1 Introduction

- 1.1 The TRA intends to update its Guidelines on Coordination of Satellite Networks Version 1. As such, all readers are informed that this document describes the changes to these regulations in order to give this document context and to enable the TRA to ask pertinent questions. All text in this consultation document should be read and interpreted as text and not as recording decisions of the TRA.
- 1.2 The need to update the Guidelines on Coordination of Satellite Networks has arisen following an independent review of best practice which identified specific changes that would include provision of filing acceptance criteria and associated evaluation method; clear description of responsibilities of the Authority and Applicants; milestones related to the filing procedure; on-going obligations of Operators; enforcement measures; and transfer and relinquishment of satellite filings.
- 1.3 As such, the TRA seeks to consider inputs of all industry stakeholders regarding these changes, which are increasingly relevant and valuable in the TRA's exercise of its duties and legal mandates.
- 1.4 Additionally, the TRA strives to follow the principles of transparency, fairness and openness in dealings with customers, partners and other stakeholders and, therefore considers that it is important to take into account the views of those who have a legitimate interest in the outcomes of the TRA's regulation.
- 1.5 In the ensuing text, significant changes are marked as follows:
 - Additions are **highlighted in yellow**
 - Deletions are ~~struck through and highlighted in grey~~

2 Matters for Discussion and Consultation

Article (1)

Purpose of Document

- 1.1 The General Authority for Regulating the Telecommunication Sector is the department responsible for the registration of all national allotments, assignments, and satellite network filings recorded in **the Master Register (defined below) of the** ITU (defined below). The Operators (defined below) are the bodies responsible for operating the satellite networks of the UAE.
- 1.2 The objective of the guidelines prescribed in the following provisions is to identify and organize the workflow between the Authority and the Applicants (defined below) and Operators in the UAE.
- 1.3 These guidelines contain references to the ITU RR (defined below) for information purposes only. All such references are correct, as far as the Authority is aware, at the time of publication of these guidelines. Applicants are advised to obtain their own advice before submitting an application. The Authority reserves the right to implement and amend these guidelines at its own discretion.

Question 1: Do you have any proposed modifications/additions/suppressions to Purpose of Document?

Article (2)

Definitions

- 2.1 The terms, words and phrases used in these guidelines shall have the same meaning as ascribed to them in the Telecom Law (Federal Law by Decree No. 3 of 2003 as amended) and its Executive Order. In addition, these guidelines expressly provide for the meaning and context in which those terms shall be interpreted, as follows: ~~In applying these procedures, the following terms shall have the following meanings unless the context requires otherwise, whereas any term undefined in the following shall be defined inline with the Federal Law by Decree No. 3 of 2003 as amended and it's Executive Order:~~
 - 2.1.1 **"Administration"** means any governmental department or service (whether in the UAE or another member state of the ITU) which is responsible for undertaking the obligations set out in the ITU Constitution and Convention and in the Administrative Regulations.

- 2.1.2 **"Allotments"** means the entry of **one or more** designated frequency channels in an agreed plan, adopted by a competent ITU conference, for use by one or more Administrations for a terrestrial or space radiocommunication service in one or more identified countries or geographical areas and under specified conditions.
- 2.1.3 **"API"** means advance publication information concerning satellite networks.
- 2.1.4 **"Appendix 4"** means the appendix in the ITU RR that includes, but is not limited to, the consolidated list and tables of characteristics for use in the application of **coordination**: **the submission of advance publication information; the procedure for effecting coordination; notification and recording of frequency assignments and Plan modifications, as more fully described and set out in the ITU RR.**
- 2.1.5 **"Applicant"** means, for the purposes of these guidelines, any Person who makes a request to the Authority for the submission of a satellite network filing in accordance with these guidelines, in relation to non-planned frequency assignments or planned frequency assignments and who meets one or both of the following criteria:
- 2.1.5.1 if the satellite network filing is to be used to provide telecommunications services, the Applicant must hold a License in accordance with the Federal Law by Decree No. 3 of 2003 or other Regulatory Instruments issued by the Authority; and/or
- 2.1.5.2 in all other cases, the Applicant should be a company or organisation registered in or having its headquarters in the UAE and who intends to become an Operator and will at all times maintain a TT&C control facility, appropriate to the relevant satellite filing, in the territory of the UAE.
- 2.1.6 **"Assignments"** means the authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions.
- 2.1.7 **"Authority"** means the General Authority for Regulating the Telecommunication Sector **known as the Telecommunications Regulatory Authority (TRA) established pursuant to the provisions of Article 6 of Federal Law by Decree No. 3 of 2003.**
- ~~2.1.8 **BR:** The Radiocommunications Bureau.~~
- ~~2.1.9 **BR IFIC:** The Radiocommunication Bureau's International Frequency Information Circular for space services.~~
- 2.1.10 **"CR"** means a request for coordination of satellite networks.
- 2.1.11 **"ITU"** means the International Telecommunication Union **which is an international treaty organisation and is an agency of the United Nations established by its relevant Constitution and Convention.**
- 2.1.12 **"ITU BR"** means the Radiocommunication Bureau of the ITU.

2.1.13 "ITU RR" means the Radio Regulations of the ITU.

2.1.14 "Master Register" means the Master International Frequency Register, which is an ITU database which contains recorded frequency assignments in accordance with Article 8 of the ITU RR.

2.1.15 "Operator" means National Satellite Operator in UAE a Person responsible for operating the satellite networks of the UAE after successful submission of an application for a satellite filing (whether in relation to non-planned frequency assignments or planned frequency assignments) in accordance with these guidelines.

2.1.16 "TT&C" means telemetry, tracking and command.

Question 2: Do you have any proposed modifications/additions/suppressions to Definitions?

Article (3)

Requests for New Satellite Network Filings

3.1 An Applicant may make a request to the Authority for the submission of a new satellite network filing, with ~~non-planned frequency assignments under the provisions of Article 9 and 11 of the RR, or with planned frequency assignments under the provisions of Appendices 30, 30A, and 30B of the RR:~~

3.1.1 non-planned frequency assignments under the provisions of Articles 9 and 11 of the ITU RR (where an assignment results from an application by an Applicant for an assignment in certain bands with a specific coverage and orbital position or orbit constellation and where the applications will be filed by the Authority on a first-come-first-served basis); or

3.1.2 planned, modified or additional frequency assignments under the provisions of Appendices 30 (broadcasting-satellite service), 30A (feeder links for broadcasting-satellite service), and 30B (fixed-satellite service) of the ITU RR (where the bands are subject to a priori planning).

~~3.2 The concerned Operator shall make a request under 3.1 to the Authority, providing a soft copy of Appendix 4 data in "mdb" format of the API, CR, Notification, Appendix 30, Appendix 30A, or Appendix 30B, as appropriate, along with a draft of the request letter to BR. The same procedure shall be followed by the Operators for the submission of due diligence information under Resolution 49 of the RR.~~

3.3 The Applicant making a request under 3 to the Authority shall provide a soft copy of Appendix 4 data in required ITU format as follows.

- 3.3.1 In relation to those satellite networks not subject to the coordination procedure set out in the ITU RR, the first stage is the submission of the API to the Authority. The date of receipt by the ITU from the Authority of the API marks the start of the regulatory period. Such networks are required to be brought into use in accordance with the ITU RR.
- 3.3.2 In relation to those satellite networks subject to the coordination procedure set out in the ITU RR, the first stage is the submission of the CR (compliant with the ITU RR) to the Authority, in accordance with the ITU procedures which may be in force from time to time. The date of receipt by the ITU from the Authority of the CR marks the start of the regulatory period. Such networks are required to be brought into use in accordance with the ITU RR.
- 3.3.3 In relation to Earth stations subject to the coordination procedure set out in the ITU RR, the first stage is the submission of the CR (compliant with the ITU RR), which where relevant shall include diagrams indicating the location of the Earth station and associated coordination areas, to the Authority, and the Authority shall transmit such CR directly to relevant affected administrations, in accordance with the ITU procedures which may be in force from time to time. The date of transmission of the CR by the Authority to the affected administrations marks the start of the regulatory period. Such Earth stations are required to be brought into use in accordance with the ITU RR.
- 3.3.4 In relation to planned bands and future bands as may be planned:
- 3.3.4.1 Under Appendix 30 and Appendix 30A of the ITU RR, a “Part A” publication represents a request for coordination submitted under or subject to the procedures of Appendix 30 and Appendix 30A (as described in the BR IFIC Preface). It must be received by the ITU BR in accordance with the ITU RR.
- 3.3.4.2 Under Appendix 30B of the ITU RR, to make use of an assignment one of four (4) processes needs to be undertaken, each of which represents a request for coordination submitted under or subject to the procedures of Appendix 30B, and a successful application will result in an assignment being recorded in the Appendix 30B List.
- 3.3.5 In relation to the notification of a frequency assignment in a satellite network (in relation to 3.3.1 and 3.3.2) in accordance with the ITU RR, notification information constituting a “receivable notice” (in accordance with the ITU Rules of Procedure) must be submitted to the Authority, in accordance with the ITU procedures which may be in force from time to time.
- 3.3.6 In relation to the notification of a frequency assignment in an Earth station (in relation to 3.2.3) in accordance with the ITU RR, notification information constituting a “receivable notice” (in accordance with the ITU Rules of Procedure) must be submitted to the Authority, in accordance with the ITU procedures which may be in force from time to time.

3.3.7 In relation to the notification of a frequency assignment in a satellite network subject to a frequency plan (in relation to 3.2.4) in accordance with the ITU RR, Part B information (in respect of notices under Appendix 30 or Appendix 30A) or a submission requesting entry into the list under No. 617 of Appendix 30B, as well as the corresponding notification information (which may be submitted at the same time or subsequently), each constituting a "receivable notice" (in accordance with the ITU Rules of Procedure) must be submitted to the Authority, in accordance with the ITU procedures which may be in force from time to time.

3.4 The Authority shall not submit notification data for any satellite network to the ITU unless the Applicant provides:

3.4.1 for those satellite networks not subject to the coordination procedure set out in the ITU RR, a list of any concerns received from administrations and how such concerns were addressed; or

3.4.2 for those satellite networks subject to the coordination procedure set out in the ITU RR, copies of any relevant agreements, as agreed with the Authority, with affected UAE and non-UAE networks with higher regulatory precedence.

For those satellite networks subject to the coordination procedure set out in the ITU RR where coordination could not be successfully completed, and the Applicant proposes to submit notification data to the ITU BR under the ITU RR, the Applicant shall provide a summary indicating the unsuccessful attempts made to complete coordination and its commitment to eliminate any harmful interference caused to any recorded assignment that is the basis for the proposed recording, in accordance with ITU RR.

3.5 Resolution 49 of the ITU RR requires administrations to obtain certain administrative due diligence information from Applicants on their satellite networks, including information relating to the contractual status of the satellite and the launch vehicle. This due diligence information required under Resolution 49 must be submitted to the Authority along with a draft of the request letter to the ITU BR, at least one (1) month prior to the ITU deadline, in accordance with the ITU procedures which may be in force from time to time.

3.6 If notification occurs before the Authority brings the assignments into use, the Authority shall inform the ITU BR within thirty (30) days of the date when the satellite network's frequency assignments have been brought into use. When informing the ITU BR of the bringing into use, or bringing back into use after a suspension, of an assignment to a space station in a geostationary satellite network, the Authority shall indicate to the ITU BR whether or not the bringing into use has been achieved with a satellite that has previously been used to bring into use, or resume the use of, frequency assignments at a different orbital location within the three (3) years prior to the date of submission of the information to the ITU BR.

3.7 The Authority shall submit filings to the ITU BR in date order of receipt by the Authority of the complete applications from Applicants.

3.8 Applicants shall provide the following information to the Authority within the following timescales. The Authority shall have the right not to submit any filing if it reasonably believes that the required information has not been provided by the Applicant.

Non-Planned Bands	
Required information	Timescale
<p>All applications for submission of a request for a new satellite network filing or Earth station shall be signed by a duly authorized officer of the Applicant and shall contain the following:</p> <ul style="list-style-type: none"> • evidence that the Applicant is an “applicant” as defined in these guidelines; • evidence that the Applicant is an Operator or intends to become an Operator as defined in these guidelines; • an explanation of the type of service to be provided by means of the satellite network; • in respect of an application for a satellite network, evidence of the Applicant’s ability to control the operation of the proposed satellite network through a TT&C facility within the UAE; and • all necessary data, including the Applicant’s Validation Report generated through the ITU Validation Software, required to support the application and all necessary data demonstrating that the satellite network: (i) meets the requirements specified in these guidelines; (ii) will be consistent with the ITU RR and with the ITU and UAE tables of frequency allocations within the meaning of the ITU RR; and (iii) will be compliant with any relevant regulations of the Authority. 	<p>On submission of the API or CR as appropriate</p>
<p>Information on the resources available, and the related contracts, to construct and launch the proposed satellite or to use an in-orbit satellite and to operate the network.</p>	<p>On notification of the frequency assignment.</p>
<p>An impact assessment in relation to existing national networks and proposals to resolve any incompatibilities, including confirmation of any</p>	<p>On notification of the frequency assignment.</p>

Non-Planned Bands	
Required information	Timescale
mitigation measures to avoid harmful interference to existing national networks.	
<p>Evidence of either:</p> <ul style="list-style-type: none"> (i) the authorization (such as the appropriate license) to operate at least one TT&C Earth station and at least one feeder-link Earth station; or (ii) the right to use at least one TT&C Earth station and at least one feeder-link Earth station. 	On notification of the frequency assignment.
A report summarizing the status of coordination.	On notification of the frequency assignment.
A report of any coordination issues out of scope of the ITU, if any, for filings not subject to coordination.	On notification of the frequency assignment.
Confirmation in writing of a successful launch or the successful use of an existing satellite in orbit to bring into use the satellite network.	On bringing into use of the satellite network.
Any additional information that may be required or requested by the Authority including, but not limited to, information that may be requested by the ITU BR.	As required or requested by the Authority.

Planned Bands	
Required information	Timescale
<p>All applications (for modification of a plan either through changing the characteristics of an assignment or by making an additional use or any other relevant applications as may be in accordance with the ITU RR) shall be signed by a duly authorized officer of the Applicant and shall contain the following:</p> <ul style="list-style-type: none"> • evidence that the Applicant is an “Applicant” as defined in these guidelines; • evidence that the Applicant is an Operator or intends to become an Operator as defined in these guidelines; 	On application to modify a plan.

Planned Bands	
Required information	Timescale
<ul style="list-style-type: none"> • an explanation of the type of service to be provided by means of the satellite network; • evidence of the Applicant's ability to control the operation of the proposed satellite network through a TT&C facility within the UAE; and • all necessary data, including the Applicant's Validation Report generated through the ITU Validation Software, required to support the application and all necessary data demonstrating that the satellite network: (i) meets the requirements specified in these guidelines; (ii) will be consistent with the ITU RR and with the ITU and UAE tables of frequency allocations within the meaning of the ITU RR; and (iii) will be compliant with any relevant regulations of the Authority. 	
<p>The Applicant shall, as appropriate, provide the following to the Authority:</p> <ul style="list-style-type: none"> - in the case of the use of an unmodified planned assignment, a demonstration that the technical characteristics of the satellite network conform to those of the relevant plan; - justification for any modification to the relevant planned bands; and - any additional information that may be required or requested by the Authority, including but not limited to information that may be requested by the ITU BR. <p>The specific procedures in the relevant Appendix (30, 30A or 30B) to the ITU RR in relation to the coordination and notification of the changes to the relevant plan should be followed by the Applicant.</p>	<p>On application to modify a plan</p>
<p>A report summarizing the status of coordination of the changes to the relevant plan.</p>	<p>On notification of the frequency assignment.</p>
<p>Any additional information that may be required or requested by the Authority, including but not limited to information that may be requested by the ITU BR.</p>	<p>As required or requested by the Authority.</p>

- 3.9 Where complete data has been received from the concerned Applicant in the correct form, and provided that 3.10 does not apply, the Authority will aim to submit the request to ITU BR (and will provide a copy of any such submission to the ITU BR to the concerned Applicant) in the following timescale:
- 3.9.1 API data (for non-planned bands) within ten (10) working days of receipt from the Applicant;
 - 3.9.2 CR data (for non-planned bands) within ten (10) working days of receipt from the Applicant;
 - 3.9.3 Coordination/Part-A data (for planned bands) within ten (10) working days of receipt from the Applicant;
 - 3.9.4 notification data within ten (10) working days of receipt from the Applicant; and
 - 3.9.5 ITU administrative due diligence data within ten (10) working days of receipt from the Applicant.
- ~~3.10 When the Authority receives data and the draft request letter under 3.2 it will study them and will accordingly submit the request to BR within 5 working days of receiving the data from the Operator, except when 3.4 applies. The concerned Operator will be copied on this submission to the BR.~~
- 3.11 The Authority may return the data to the concerned Applicant for any modifications, as it finds appropriate to meet the ITU RR requirements, prior to the submission to the ITU BR, and within the five-working day period mentioned.
- 3.12 In the case where the acknowledgement, or any other comment (e.g. return of notice) regarding the submission under 3.9 is received from the ITU BR, the Authority will consequently forward such correspondence to the concerned Applicant.
- 3.13 In the case where there is a return of notice from the ITU BR, the concerned Applicant shall take all necessary measures to make the appropriate resubmission as per the ITU RR. This resubmission shall be provided to the Authority within a period not exceeding ten (10) days prior to its deadline, if any. If there is no such deadline, the resubmission shall be provided by the Applicant to the Authority within ten (10) days of the receipt of the return of the notice from the Authority.
- 3.14 When the Authority receives a resubmission under 3.11 it shall submit it to the ITU BR before its deadline. However, the Authority may liaise with the concerned Applicant for any modifications, as it finds appropriate, prior to the resubmission to the ITU BR.
- 3.15 When the Authority receives correspondence from different Administrations, or the ITU BR, regarding the published API, CR and/or other related published data, it shall consequently forward it to the concerned Applicant as soon as reasonably practicable.

- 3.16 When the Applicant prepares a response to the correspondence received under 3.13, this response shall be provided to the Authority as soon as reasonably practicable so that it can be forwarded to the concerned Administration or the ITU BR.
- 3.17 If an Applicant requires correspondence to be sent to different Administrations, or the ITU BR, regarding any published satellite network filing of other Administrations, it shall make a request to the Authority, attaching a draft of the desired correspondence. The Applicant shall submit its request to the Authority at least two (2) weeks prior to the deadline, if any.
- 3.18 When the Authority receives the draft correspondence under 3.15, it shall study it, and shall send the correspondence to the addressed Administration or the ITU BR **as soon as reasonably practicable**. ~~The concerned Operator will be copied on this correspondence.~~
- 3.19 The Authority may liaise with the concerned Applicant for any modifications, as it finds appropriate, prior to the submission to the addressed Administration or the ITU BR.
- 3.20 The Authority has the right to modify any correspondence which is going to be sent by the Authority, as it finds appropriate, **and in accordance with the ITU RR and UAE radiocommunications policies and legislative instruments and the UAE regulatory framework**, without providing any prior notice to the concerned Operators.
- 3.21 **The Authority has the right to reject, amend or modify such applications, or to limit or cease operations or services pursuant to an approved satellite filing should the Authority, in its sole and absolute discretion, determine that such actions are necessary to protect or preserve the satellite network or respective Assignments and Allotments.**

Question 3: Do you have any proposed modifications/additions/suppressions to procedures described under Requests for New Satellite Network Filings?

Article (4)

Evaluation of Applications and Coordination of Satellite Networks

I - Concerning non-planned frequency assignments

- 4.1 The Authority shall evaluate applications from Applicants for non-planned frequency assignments in date order of receipt by the Authority of the complete applications from Applicants.
- 4.2 5.I or 5.II (as appropriate) shall apply to all coordination meetings between Administrations in which the Authority participates or is requested to participate.

- 4.3 In exceptional cases, where coordination is still in progress, the Authority may submit the relevant notification data concerning the satellite network which is the subject of the application, to the ITU BR, but shall only do so where the concerned Applicant shall first have provided the following to the Authority:
- 4.3.1 written information on the status of the coordination in relation to each satellite network with which coordination is continuing;
- 4.3.2 evidence of attempts made to initiate coordination with unresolved networks;
- 4.3.3 a written statement of any commitment to non-interference in the case of any assignment proposed to be notified under the ITU RR; and
- 4.3.4 such further evidence in support of a request for such notification to the ITU BR that the Authority may require.
- 4.4 In such cases, the Authority may require the concerned Applicant, as a condition of such submission to the ITU BR, to eliminate any harmful interference which is caused by the relevant network to any other network.
- 4.5 The Authority shall consider a request from Applicants to deal directly with operators of other affected networks in respect of the technical and operational aspects of network coordination requirements. Decisions on such requests shall be entirely within the discretion of the Authority.
- 4.6 Where the Authority is willing to agree to such a request, it shall issue a letter of introduction to the relevant national Administration for the other operator, confirming the Authority's authorization to the concerned Applicant, in relation to the specified network, to enter into coordination and to conclude operator to operator agreements (subject to ratification by the relevant Administrations, including the Authority) with other affected operators. This will be subject to the condition that the concerned Applicant will not be authorized to sign any such agreements on behalf of the Authority or otherwise to represent the Authority.
- 4.7 In cases of coordination between the relevant Applicant and the Operator of another UAE satellite network, 5.III and 6 below shall apply.
- 4.8 The concerned Applicant must provide regular reports on a yearly basis (or with such other frequency as the Authority shall specify) explaining the progress of any such coordination negotiations and shall provide copies to the Authority of all such concluded coordination agreements.

II - Concerning planned frequency assignments

- 4.9 Where an application concerns the use of a planned frequency assignment of the UAE, the Authority will in principle evaluate the requested filing on merit taking into account alternative proposals from any other Applicants. Where, for example, an application is received concerning the bringing into use of an unmodified UAE assignment or allotment, the Authority shall publish a notice indicating the nature of the application and inviting other proposals.

- 4.10 An application may seek to modify a planned frequency assignment. In each Appendix it is possible to modify a plan by changing the characteristics of a planned frequency assignment or by making an additional use. The detailed procedures are set out in the relevant Appendix.
- 4.11 Where an application is received for a proposed satellite filing which is not technically compatible with a UAE assignment or national frequency plan, the concerned Applicant will be required to obtain the agreement of the Operator of the affected assignment before the Authority will submit the new filing to the ITU BR.

Question 4: Do you have any proposed modifications/additions/suppressions to procedures described under Evaluation of Applications and Coordination of Satellite Networks?

Article (5)

Satellite Coordination Meetings

- 5.1 In accordance with Article 9 of the ITU RR, Administrations may conduct meetings as a way of coordinating their frequency assignments.
- I - Requests for bilateral/multilateral satellite coordination meetings between Administrations made by the Authority**
- 5.2 When an Administrative-level bilateral or multilateral satellite coordination meeting is required by an Applicant, this Applicant may make a request to the Authority for the same, indicating the requirements to be fulfilled by the proposed meeting and identifying the coordination agreements that need to be concluded.
- 5.3 Where the concerned Applicant wishes to hold this meeting prior to a certain date, it shall make the request to the Authority at least two (2) months prior to this date.
- 5.4 When the Authority receives the request under 5.2 it shall study it and may return it to the requesting Applicant with comments, if any.
- 5.5 However, if the Authority agrees to the request received under 5.2, it shall inform all Applicants about the requested meeting, asking them to indicate their interest in participating in this meeting and, if so, to list their requirements to be fulfilled by this meeting and to identify the coordination agreements that need to be concluded. The Authority shall allow ten (10) working days for the Applicants to respond.
- 5.6 Based on the comments received from the Applicants under 5.5, the Authority shall present a request for the meeting to the concerned Administration. The concerned Applicant(s) shall be informed accordingly.
- 5.7 When the Authority receives a reply from the concerned Administration, it shall consequently forward it to the concerned Applicant(s).

- 5.8 If the proposed meeting is agreed, the Authority will coordinate with the concerned Administration on one side and with the concerned Applicant(s) on the other side to reach to an agreed meeting venue, dates and agenda.
- 5.9 If the proposed meeting venue, dates and agenda are finalized, the following information shall be provided to the Authority by the concerned Applicant(s) at least twenty (20) working days prior to the meeting date:
- 5.9.1 a list of participants from each Applicant;
- 5.9.2 technical analysis of the coordination requirements between satellite networks of the concerned Administration and satellite networks operated by each Applicant; and
- 5.9.3 the proposed coordination meeting plan and strategy of each Applicant.
- ~~5.10 If the proposed meeting is to be held in the UAE, the concerned Operator(s) shall bear the full expenses of holding this meeting.~~
- ~~5.11 If the proposed meeting is to be held aboard, the concerned Operator(s) shall bear the full travel and daily expenses for the participants from the Authority, as per the Authority's travel procedures.~~
- 5.12 Applicants should send a brief report to the Authority, as appropriate, on the coordination results after each meeting.

II - Requests for bilateral/multilateral satellite coordination meetings between Administrations received from other Administrations

- 5.13 When the Authority receives a request for an Administrative-level bilateral or multilateral satellite coordination meeting from another Administration, it will study it, and will inform all Applicants of the requested meeting, asking them to indicate their interest in participating in such a meeting.
- 5.14 However, if the Authority has certain comments on the request received under 5.13, it may respond directly to the requesting Administration with its comments.
- 5.15 After the date of informing the Applicant(s) under 5.13, the Authority shall allow fifteen (15) working days for the Applicant(s) to indicate their interest in participating in the requested meeting, and, if so, to list their requirements to be fulfilled by that meeting and to identify the coordination agreements that need to be concluded.
- 5.16 If an Applicant does not respond to the request made by the Authority under 5.13 within the deadline mentioned in 5.15, it will be considered that this Applicant has no interest in the proposed meeting.
- 5.17 When the period mentioned in 5.15 expires, or when comments are received from all Applicant(s), the Authority shall respond to the requesting Administration accordingly **as soon as reasonably practicable**.
- 5.18 If the proposed meeting is agreed, 5.8 to **Error! Reference source not found.** shall apply.

III - Satellite coordination meetings between Applicants and Operators

- 5.19 When an Operator-level satellite coordination meeting is agreed by an Applicant or Operator, as appropriate, the Applicant or Operator shall inform the Authority in advance of the agreed date and agenda of that satellite coordination meeting (“Operator-level Meeting”).
- 5.20 During an Operator-level Meeting, Operators shall not make any decision that would have an effect on national networks, either for space or terrestrial services, other than their own.
- 5.21 When this Operator-level Meeting is concluded, the Authority shall be given a copy of the final summary record and any produced agreement in order to approve or ratify them. The final decision to approve or ratify the final summary record of the Operator-level Meeting shall be at the discretion of the Authority but shall not be unreasonably withheld.

Question 5: Do you have any proposed modifications/additions/suppressions to procedures described for Satellite Coordination Meetings?

Article (6)

National Satellite Networks Coordination

- 6.1 If any Applicant or Operator requires the coordination of its satellite networks with the satellite networks of another Operator, it shall request the Authority accordingly, providing details of the required coordination.
- 6.2 When the Authority receives the request under 6, it shall study it, and shall inform the other concerned Operator about this required coordination.
- 6.3 The concerned Applicant and Operators, shall do their utmost as appropriate, shall make all reasonable efforts in order to reach coordination agreements between their respective satellite networks. The Authority shall be given a copy of any concluded agreements.
- 6.4 If coordination could not be reached between the concerned Applicant and Operators, as appropriate, the guidelines and procedures of the ITU RR shall apply.

Question 6: Do you have any proposed modifications/additions/suppressions to procedures described for National Satellite Networks Coordination?

Article (7)

Ongoing Obligations of Operators

7.1 Following the implementation of an ITU filing, the concerned Operator shall be bound by the following requirements on a continuing basis:

7.1.1 to remain registered, to carry on business and to maintain an executive management presence, in the UAE;

7.1.2 to maintain the ability to control the satellite network from the UAE by means of a TT&C facility located in the UAE;

7.1.3 to comply with the ITU RR and all applicable domestic legislation, including any relevant regulations of the Authority, in relation to the network;

7.1.4 to respect all applicable legislation of all countries where services are delivered to or are originating from, using the satellite network;

7.1.5 to provide correct statements to the Authority whenever required or requested by the Authority; and

7.1.6 to communicate promptly to the Authority any significant changes to the planned services from those described in the Operator's original application.

If the requirements in 7.1 are not fulfilled the Authority has the right to make any decision with regards to operations of satellite network filings as deemed necessary by the Authority.

7.2 If the status of an Operator changes in a way that effects its eligibility to be recognized as an Operator under these guidelines, the decision on the operations of all its UAE satellite network filings shall remain with the Authority.

7.3 The concerned Operator shall provide a report to the Authority confirming and explaining its compliance with the requirements in 7.1 after bringing into use the satellite network. The report shall set out the satellite name and information on the company that built the spacecraft (unless the satellite network was brought into use using an existing in orbit spacecraft), the company that launched it and from where it was launched; and where it is not a newly launched spacecraft, such report shall also state who is/was the owner of the spacecraft and which administration is/was the licensing authority of the spacecraft, and its original or previous orbital location.

Question 7: Do you have any proposed modifications/additions/suppressions to procedures described under Ongoing Obligations of Operators?

Article (8)

Transfer and Relinquishment of Satellite Network Filings

- 8.1 An Operator may request the Authority to transfer the ownership and control of a filing to another Operator which is an operator as defined in these guidelines, whether the filing is one that is notified and recorded in the Master Register, or is still in the process of coordination, or in the advance publication phase. Such transfers may (but need not) be on commercial terms as agreed between the relevant Operators.
- 8.2 Any such transfer requires the prior written consent of the Authority and is subject to the transferee organization providing evidence that it satisfies all due diligence requirements set out or referred to in 3.7.
- 8.3 An Operator may relinquish the use of an assignment, whether in a planned or non-planned band, and whether the assignment has been notified and recorded in the Master Register or is still in the process of coordination. The relevant Operator shall immediately notify such relinquishment or intended relinquishment to the Authority whereupon the Authority would make the decision with regards to the assignment as deemed appropriate by the Authority

Question 8: Do you have any proposed modifications/additions/suppressions to procedures described under Transfer and Relinquishment of Satellite Network Filings?

Article (9)

Enforcement

- 9.1 Performance by the Authority of the administration function and its provision of support in respect of a satellite system filing or intended filing is contingent on the relevant Operator conforming to the requirements in these guidelines. Where the Operator fails to fulfil the requirements of these guidelines despite a previous written warning from the Authority, the Authority may discontinue satellite coordination work and/or discontinue other support activities in respect of the relevant satellite network.
- 9.2 If, in the opinion of the Authority, information provided by the concerned Operator shows that insufficient progress has been made against the provided contractual status information detailed in 3.7 above, the Authority will consult with the relevant Operator and provide it with an opportunity to remedy the situation within a specified time frame. If the Operator fails to remedy the situation within that time frame, the Authority may cancel the filing.

- 9.3 In the event that the operation of a satellite network causes harmful interference to any other satellite network, and unless the Operator otherwise provides appropriate justification as may be acceptable to the Authority, the Authority will instruct the concerned Operator to cease transmission immediately and not to resume operation of the network until such time as the cause of the interference has been remedied.
- 9.4 In the event that the Authority establishes that a satellite network is operating outside either its characteristics as recorded in the Master Register or (where the ITU BR has not completed the processing of the relevant notice under the ITU RR) the notified characteristics of the satellite network, the Authority will consult with the relevant Operator and request that the matter be remedied within six (6) months unless the Operator otherwise provides appropriate justification as may be acceptable to the Authority. If it is not so remedied within that time period, the Authority may either suspend or cancel the assignment.

Question 9: Do you have any proposed modifications/additions/suppressions to Enforcement procedures described above?

Article (10)

Fees

- 10.1 The Authority will pass on any fees charged by the ITU BR to the Applicant.
- 10.2 The Authority shall invoice the applicable cost recovery charges to the relevant Operator in respect of the following items:
- 10.2.1 assessments of non-compliance by the Applicant or Operator (as appropriate) with the requirements of these guidelines; and
- 10.2.2 any necessary communication with the ITU or foreign Administrations regarding the satellite system.
- 10.3 The Authority may also recover its co-ordination fees relating to the processing of satellite filings, and related coordination meetings, from the Applicant.

4. Cost Recovery

- 10.1 When the invoice for cost recovery for processing the satellite network filing is received from BR, the Authority will consequently forward it to the concerned Operator.
- 10.2 The Operator shall bear the full cost for the invoice, and shall arrange for the payment to the BR as appropriate. The Authority shall be copied in on the payment.
- 10.3 The ITU “free entitlement” is availed to the Operators on a rotational basis. However, an Operator can request the Authority to consider an out-of-turn use of the free entitlement.

Question 10: Do you have any proposed modifications/additions/suppressions to Fees procedures described above?

Article (11)

Implementation

- 11.1 These guidelines shall be effective from the date of its issue and shall supersede any prior provisions on the subject matter.

3 General comments

- 3.1 Further to the specific matters discussed, and questions asked above, please identify any additional issues which you feel are relevant for consideration in this consultation. Please provide specific support and/or explanation of your viewpoints as well as recommendations regarding how such issues might be resolved.