

**3.2.25** Looking further into the matter of status as the end-product of compliance with the regulatory procedures, the VGE found open-endings in parts of the present procedures which leave assignments with no clear status. In an attempt to close these, and on the basis of the existing provisions of the Radio Regulations (e.g. RR 1506 and RR 1509), the VGE proposes that such assignments which for any reason are unable to complete the appropriate "coordination" or "agreement" procedure, or the *plan-modification* procedure, but which after a technical examination by the *Bureau* (made in application of the established *Rules of Procedure*) are the subject of a favourable conclusion on the probability of interference to the assignments of other administrations should receive a suitably qualified favourable finding.

**3.2.26** The proposals made in Article S8 therefore reflect the ideas of the VGE concerning the status of recorded assignments as outlined above, but they would of course, if adopted, be subject to a new formal safeguard which is proposed in Article S14. This contains a procedure for the review of a finding or other decision of the *Bureau* with, if necessary, and in accordance with CS96 and CV171, a review by the *Radio Regulations Board*.

#### **Article S9 - Procedure of Effecting Coordination or Obtaining Agreement of other Administrations**

**3.2.27** The VGE has carefully considered the many "coordination" and "agreement" procedures of the existing Radio Regulation Articles 11-17 and certain Resolutions (see paragraph 3.2.46). All of these procedures have the same fundamentally important features which in the opinion of the VGE would allow them to be replaced by a single standardized coordination procedure.

**3.2.28** In such a procedure there are several basic problems. First, the problem of identifying an obligation to effect coordination: this can be simplified by adopting a new appendix, Appendix S5, detailing all such cases. Second, the problem of identifying the assignments which may be affected by a proposed frequency usage and thus of identifying the administrations with which coordination must be effected: this may be simplified by using the appendix mentioned above and by adopting a three-stage process under which the requesting administration, the *Bureau* and other administrations all share responsibility for making the identification. Third, the procedures themselves: these can be simplified by setting each of the essential steps into a single logical sequence, avoiding duplications, closing open-ended provisions wherever possible and eliminating much of the present detail which can better be located in the *Rules of Procedure*.

**3.2.29** The results of the VGE's consideration of the existing many coordination and agreement procedures are presented in a single standardized coordination procedure in Article S9, associated with the new Appendix S5, which, if adopted, could also be used by future conferences without the need to develop multiple variants as has been the past practice.

#### **Article S10 - Procedure for modification of a Frequency Allotment or Assignment Plan**

**3.2.30** The VGE has conducted a similar exercise in respect of the several procedures for securing agreement to the modification of an existing plan, with broadly similar conclusions to those relating to Article S9. To have embodied a standardized plan-modification procedure into a standardized coordination procedure, although seen as a logical possibility, would in the view of the VGE have been a complex exercise that would not have yielded the desired simplification. For that reason the VGE has kept the two standardized procedures separate.

**3.2.31** Application of the standardized plan-modification procedure to certain of the world allotment or assignment plans (which are embodied in various appendices and form part of the *Radio Regulations*) should be relatively easy so long as any **supplementary** or **alternative** procedures of those plans are maintained to meet the specific needs for which they were adopted. Application of the standardized procedures to the regional plans (which do not form part of the *Radio Regulations*) cannot be effected because of their different legal status. However, the simplified plan-modification procedure is offered as a model for use by future regional conferences when they revise existing plans or develop new ones. Associated with Article **S10** is another appendix, Appendix **S6**, which would pull together all the parameters and conditions relating to modifications of world plans. This has not been fully developed but that could be done if the WRC-95 was to make decisions on the application of Article **S10**.

#### **Article S11 - Notification and Recording of Frequency Assignments**

**3.2.32** Article **S11** is an assembly and simplification of the many existing provisions relating to the notification and examination by the *Bureau*, and recording of frequency assignments in the *Master Register*. The Article states the cases which are and are not to be notified, and refers to an appendix, Appendix **S4**, which lists all the characteristics that may be required in each case. The time scales for notification are simplified. The rules for the examination of notices are specified in simpler terms and the connection with Article **S8**, the status of recorded assignments, is also made. The special case of RR 1218 assignments is maintained but in a highly simplified form.

#### **Article S12 - Planning and Procedure for the Broadcasting Service in the High Frequency Bands**

**3.2.33** This Article deals with high frequency broadcasting, a subject which the ITU has tackled several times since 1947. For the purposes of the *Simplified Procedures* the VGE has limited itself to the "*Consultation Procedure*" of the present Article 17, but has by means of a footnote drawn the attention of the WRC-95 to the need for action under Resolution 9 of the APP-92 relating to longer term action on the matter of planning HFBC. The VGE has however taken the opportunity to propose reducing the number of annual seasons from four to two, and of abandoning the "*Final HFBC Schedule*" while using the present "*Tentative*" schedule as the Schedule to be updated as necessary by changes advised by administrations and published in the *Weekly Circular*, thus effecting economies for administrations and the *Bureau*.

#### **Article S13 - Instructions to the Bureau**

**3.2.34** This Article gives general instructions to the *Bureau* in three distinct areas:

**Section I.** The present *Radio Regulations* contain very many provisions relating to assistance to be given to administrations by the *Bureau*. The VGE took the opportunity of introducing into Article **S7** a single overall provision (No. 1.3) to cover the generality of such cases and in this section has itemised the more important cases, including the RR 1218 cases for reasons of clarity and emphasis. These provisions are intended to conform to and amplify the relevant provisions of the new *Constitution and Convention of the Union*.

**Section II.** This Section states the formal responsibilities of the *Bureau* in respect of maintenance of the *Master International Frequency Register*, the extract from that Register which the Secretary-General then publishes as the *International Frequency List*, and the *Preface* to this List which, although a very important document, receives only one mention in the present *Radio Regulations*.

**Section III.** The *Rules of Procedure* will become an increasingly important instrument in the international regulation of spectrum and orbital usage. In part this stems from the reduction of the former *Board* from full-time to part-time status which reinforces the need for the *Bureau* to have a more formally established set of rules for its day to day guidance. In part it stems from the increasing wish of administrations to see and have an opportunity to comment upon the *Rules of Procedure* as they evolve over the years, particularly to cater for new situations. In part it stems from the act of simplifying the *Radio Regulations*, particularly the regulatory procedures. Now that the *Rules of Procedure* have been mentioned for the first time in the new *Constitution* and the *Convention* of the Union, the VGE considers it appropriate to mention them wherever that is necessary in the *Radio Regulations* and to adopt a simple procedure for their maintenance. This is done in Section III.

#### **Article S14 - Procedure for the Review of a Finding or Other Decision of the Bureau**

**3.2.35** There has long been a need for a formal procedure to enable administrations to challenge findings or other decisions made by the *Bureau*. The introduction of RR 1001.1 and Resolution 35 by the WARC-79 went part of the way in referring to the *Rules of Procedure* and the *Technical Standards* of the *Board*, but they did not specifically deal with the most important aspect of challenging the "findings" which directly affect the status of entries in the *Master Register* and thus impact on the rights and obligations of administrations in respect of their own and others' frequency assignments. Article S14 has been proposed by the VGE to correct this omission and fill the current need.

#### **Section 5 Appendices for use with the Simplified Procedures**

##### **Information to be Provided in Notices of Frequency Assignments**

**3.2.36** As explained in paragraph 3.2.2 above there are five appendices to the present *Radio Regulations* which specify the information to be provided by administrations when applying different provisions of the present procedures, viz.

**Appendix 1** Characteristics or information to be given by administrations in notices submitted to the *Bureau* relating to frequency assignments for stations in terrestrial services;

**Appendix 2** Information to be given when submitting to the *Bureau* an administration's requirements for broadcasting in the high frequency bands allocated exclusively to that service;

**Appendix 3** Information to be given in a coordination request relating to a space station in a geostationary-satellite network or a specific (or typical) earth station, or for a notice of a frequency assignment for any such station<sup>4</sup> or for a radio astronomy station;

**Appendix 4** Information to be given for the purposes of advance publication relating to a satellite network;

**Appendix 5** Information to be given for the purposes of updating the frequency allotment plan (of Appendix 25) for a coast radiotelephone station in the exclusive HF maritime mobile bands.

**3.2.37** In considering Appendices 1-5 the VGE agreed that, as a result of its proposed simplification of the "*advance publication*" of data relating to space networks and systems, when only very basic data need be given for information purposes, there is no need to maintain a separate Appendix 4.

**3.2.38** Considering Appendices 1-5, the VGE took into account the need to encourage electronic intercommunications between administrations and the *Bureau*, particularly when administrations send their notices of frequency assignments. Thus, although the present practice of using standard printed forms of notices should be retained as an option, administrations should be encouraged as far as practicable to send information by electronic means. These Appendices would therefore serve better if they itemized the data elements (or the characteristics, basic or otherwise) to be sent in each case. To take this one stage further, if all the data items could be assembled in a tabular format from which a user could select items appropriate to the particular case, it should eliminate the need for these separate appendices containing many items, which are common, and permit a single replacement appendix Appendix S4. A software package for use in practice could then facilitate the use of such a table.

**3.2.39** Two advantages of adopting a tabular approach are that first, other cases going beyond Appendices 1-5 could also be consolidated into the same table, and second, if and when new requirements arise for additional data items to be included in an existing case, or if and when an entirely new case arises for which a different list of data items is required, the table could simply be extended by the appropriate conference without the need for a new appendix.

**3.2.40** The new table envisaged as a replacement for Appendices 1-5, in relation to notices of frequency assignments, has been prepared and is given at Appendix S4.

#### **Information to be given in Requests for Coordination, Agreement or Plan Modification**

**3.2.41** As an extension of the proposals made above a similar exercise was made in respect of the various data items required to be given in any request for coordination, agreement or modification of a plan, whether worldwide or regional. The required data items are also included in Appendix S4.

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<sup>4</sup> Resolution 46 adopted by the WARC-92, containing an interim procedure relating to non-geostationary satellite systems in certain frequency bands, also specifies additional orbital characteristics to be given when submitting information for such a system.

**3.2.42** When submitting requests for coordination or agreement the present texts specify different sets of characteristics appropriate to each individual case. Examples are:

**Article 11** - Information to be given in requests for coordination relating to stations in geostationary-satellite networks, or for individual or typical earth stations of such networks, or, for terrestrial services affected by such earth stations (using various sections of Appendix 3);

**Article 14** - Information to be given in a request for agreement under a footnote to the *Table of Frequency Allocations* which refers to Article 14 (using Appendices 1 or 3 with supplementary data as appropriate);

**Article 14A** - Information to be given when coordinating use of the frequency 518 kHz for NAVTEX with NBDP (using Appendix 1 with supplementary data). Additionally the two other NAVTEX frequencies 490 kHz and 4 209.5 kHz mentioned in Resolution No. 329 are to be considered under the procedure of Article 14A.

**Appendices 1, 3, 5, 30 and 30A and Resolutions 33 and 46** also specify the information to be given in various requests for coordination.

**3.2.43** Here again, and following the pattern of previous proposals, the VGE believes that extracting and consolidating this information in tabular form would help administrations more easily to identify the information to be given in each individual case of a request for coordination or agreement. The new appendix is Appendix S4. The material required to enable administrations to identify the affected administrations is contained in Appendix S5.

#### **Identification of Obligation to Coordinate or Obtain Agreement**

**3.2.44** The next stage in the development of appendices for use with the *Simplified Procedures* came from consideration of the problems facing an administration which proposes to use certain frequency assignments but may have a formal obligation under the present *Radio Regulations* to effect prior coordination with or obtain prior agreement of other administrations whose own assignments might be affected. Identifying these other administrations can present a range of problems because the regulations which specify the obligations to coordinate or obtain agreement are widespread in the present Regulations.

**3.2.45** The VGE believed that an attempt should be made to simplify and ease the problems of identification. In so doing it took into account its own recognition that the processes of effecting coordination with or obtaining the agreement of other administrations, for example in the case of the many footnotes to the *Table of Frequency Allocations* which specify the application of the procedure of Article 14, are in essence the same. By combining the "coordination" and "agreement" procedures into a single Article S9 of the proposed new Chapter on the *Simplified Procedures*, in itself a major act of simplification, the VGE was able to take a comprehensive view of the problem of identification of affected administrations.

**3.2.46** The regulatory material which specifies the obligation to effect coordination or obtain agreement in a range of different cases are spread throughout numerous articles, appendices and resolutions, of which the main sources are listed below:

**Article 11, Section II** - For space stations or earth stations in a geostationary-satellite network in relation to stations of other geostationary-satellite networks (using Appendix 29);

**Article 11, Section III** - For earth stations in either a geostationary or non-geostationary satellite network in relation to terrestrial stations (using Appendix 28);

**Article 11, Section IV** - For terrestrial transmitting stations in relation to receiving earth stations (using Appendix 28);

**Article 14** - For any frequency assignment to be made in accordance with a footnote to the *Table of Frequency Allocations* which refers to an obligation to obtain agreement under the procedure of this Article. (There are currently 59 such footnotes.);

**Article 14A** - For any planned use of the frequency 518 kHz for NAVTEX purposes using narrow-band direct-printing telegraphy;

**Appendix 30, Article 6** - For assignments to terrestrial stations affecting the planned broadcasting-satellite assignments;

**Appendix 30, Article 7** - For stations in the fixed-satellite service in frequency bands in which planned frequency assignments to the broadcasting-satellite stations are involved;

**Appendix 30A, Article 5** - For assignments to feeder-link transmitting earth stations of administrations in Region 1 or 3 in the bands 14.5 - 14.8 GHz and 17.7 - 18.1 GHz when the e.i.r.p. exceeds the value specified in the plan;

**Appendix 30A, Article 6** - For assignments to receiving terrestrial stations in Regions 1 and 3 in the bands 14.5 - 14.8 GHz and 17.7 - 18.1 GHz, and in Region 2 in the band 17.7 - 17.8 GHz when the planned assignments to feeder-link transmitting earth stations are involved;

**Appendix 30A, Article 7** - For assignments to stations in the fixed-satellite service (space-to-Earth) in Regions 1 and 3 in the band 17.7 - 18.1 GHz and in Region 2 in the band 17.7 - 17.8 GHz, when the planned assignments to feeder-links are involved;

**Resolution 33** - For bringing into use assignments to stations of the broadcasting-satellite service (BSS) in bands allocated to that service before they have been planned:

**Section A** - For BSS space stations in relation to terrestrial stations;

**Section B** - For BSS space stations in relation to space systems of other administrations;

**Resolution 42** - For interim systems of the BSS in Region 2 and the associated feeder-links in the bands covered by Appendices 30/30A;

**Resolution 46** - For non-geostationary satellite networks of the mobile-satellite service in certain bands specified by footnotes in the *Table of Frequency Allocations*: (There are currently 16 such footnotes.)

**Section II** - For stations in a non-geostationary satellite network in relation to geostationary networks, other non-geostationary networks or terrestrial stations, and for geostationary satellite networks in relation to non-geostationary networks;

**Section III** - For an earth station of a non-geostationary satellite network in relation to terrestrial stations;

**Section IV** - For terrestrial transmitting stations in relation to a receiving earth station of a non-geostationary satellite network.

**3.2.47** The VGE believes that the tasks of administrations and of the *Bureau*, first of identifying the cases in which they have a treaty obligation to coordinate with or obtain agreement of other administrations, and second of identifying those other administrations, could be greatly eased if this mass of material could be brought together and represented in a more easily accessible form. For this purpose the VGE proposes that a new Appendix S5 be adopted.

**3.2.48** There are both apparent and real differences between the presentation of material in the *Radio Regulations* and of similar types of material in a resolution. However, the former IFRB always insisted - and it became the generally accepted interpretation - that where a resolution is mentioned in the texts of the *Radio Regulations* in an obligatory form, that resolution by decision of a WARC acquires the same status as the *Radio Regulations*. Resolutions 33, 42 and 46 all have that same characteristic; therefore, the apparent difference can for the purposes of simplification be ignored.

**3.2.49** The new appendix proposed as a potential replacement for the texts mentioned above has been developed and is presented in Appendix S5.

#### **Identification of Obligation to Obtain Agreement to Modification of a Plan**

**3.2.50** The regulatory material which specifies the obligation to obtain agreement to the modification of a plan appears in the following provisions:

- Article 16. Plan for coast radiotelephone stations contained in Appendix 25;
- Appendix 30, Article 4;
- Appendix 30A, Article 4.

**3.2.51** The VGE believes that the tasks of the administrations and the *Bureau*, first of identifying the cases in which they have an obligation to obtain agreement of other administrations for modification of the plan and second of identifying those other administrations, could be facilitated if this mass of material could be brought together and represented in a more accessible form. For this purpose, the VGE proposes that a new Appendix S6 be developed but only if the WRC-95 decides upon the application of Article S10 to the plans of Appendices 25, 30 or 30A (please see a specimen of draft Appendix S6 in Annex 4).

**3.2.52** The other world plans contained in Appendices 26, 27 and 30B differ in fundamental ways and in the view of the VGE are not suitable candidates for this treatment. The procedures and provisions in these Appendices should not be subject to change.

#### **Action on the Procedures Relating to HFBC**

**3.2.53** The VGE suggests that when considering the future of the present Article 17 relating to HF Broadcasting, particularly of Sections I-III containing "*planning principles*" in the light of Resolution 9 of the APP-92, the WRC-95 should note the course of action followed by the VGE which was to preserve the broad structure of the present Article 17, to leave untouched the existing texts relating to "*planning principles*" and "*planning method*", and in Article S12 to deal only with the "*Consultation Procedure*" in Sections IV to VIII of Article 17. In VGE Note 12 attention is drawn however to the need for action under Resolution 9 of the APP-92.

#### **Section 6 Conclusions Relating to Task 2**

**3.2.54** There is no unique, best way of simplifying the present procedures of the *Radio Regulations* and the world allotment and assignment plans. While deciding to adopt a "*clean-sheet*" approach to Task 2, the VGE has nevertheless sought to preserve the best features of the present procedures. The results are offered in the draft texts of the proposed new Chapter SIII on regulatory procedures, the proposed new Appendices S4 and S5 and the Recommendations below.

3.2.55 The VGE recommends that:

- Rec. No. 2/1** a) the contents of Chapter SIII comprising Articles S7-S9 and S11-S14 be adopted as replacements for the related provisions of the present Articles 11 to 17 excluding Article 16;
- Rec. No. 2/2** b) the contents of Appendix S4<sup>5</sup> be adopted as a replacement for the entirety of Appendices 1-5;
- Rec. No. 2/3** c) the contents of Appendix S5 be adopted as a ready means of identification in all cases of coordination required under the present Articles 11, 14 and 14A, Appendices 30 and 30A and Resolutions 33, 42 and 46 (see paragraph 3.2.47 above);
- Rec. No. 2/4** d) the WRC-95 should decide whether the Simplified Plan Modification Procedure of Article S10 should be applied to the plan of Appendix 25, and if the decision is favourable then the procedures of Article S10 could replace the present Article 16 which relates solely to Appendix 25;
- Rec. No. 2/5** e) the WRC-95 should also consider whether Article S10 should be applied to the world plans of Appendices 30 and 30A or whether the decision should be deferred to the WRC-97;
- Rec. No. 2/6** f) following the decision made on Recommendation No. 2/5 the WRC-95:
- 1) should then also consider whether the provisions of Chapter SIII relating to the coordination and the notification, examination and recording of frequency assignments, excluding those of Article S10 relating to plan modification, should be applied in lieu of the relevant provisions of Appendices 30 and 30A (see the Comparative Table in Annex 3);
  - 2) decide upon the development of an Appendix S6 (see Annex 4) as a replacement for the relevant provisions of the Appendix(-ces) to which Article S10 is to be applied.
- Rec. No. 2/7** g) the contents of Appendices 26, 27 and 30B should not be subject to change;
- Rec. No. 2/8** h) the WRC-95, depending upon the decisions made on the Recommendation above, should instruct the *Bureau* and the *Board* to adopt additional *Rules of Procedure* embodying the material transferred from the present *Radio Regulations* and the relevant Appendices. (For this purpose, see also the Comparative Tables in Annexes 2 and 3).
- Rec. No. 2/9** i) the relevant Resolutions of previous WARC's should be modified to conform to other decisions of WRC-95 (see Annex 5).

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<sup>5</sup> The VGE has invited the CPM to consider Appendices S4 and report their conclusions and any recommendations to WRC-95.

### 3.3 Task 3 - Operational and Administrative Matters

#### Section 1 Introduction

3.3.1 Task 3 was assigned the largest segment of the *Radio Regulations* to consider for possible simplification. Some of the current provisions can be traced back to the first two radio conferences, convened shortly after the turn of the century to resolve problems that arose in the field of maritime communications. In short the current regulations result from a series of additions, deletions and modifications adopted over a period of nearly 90 years by a series of general and special conferences, with the latter frequently unable to make consequential changes to other parts of the Regulations because of the limits set by the agendas of those conferences.

3.3.2 The major purpose of conferences, particularly for the maritime community, seemed to be to add provisions to the *Radio Regulations* to accommodate, provide for or regulate new technology applications and procedures. At the same time, it was customary to retain all existing provisions because some segment of the affected community still required treaty status for the older systems and procedures, particularly for distress and safety-related material.

3.3.3 Since the advent of the *Radio Regulations*, the only organized effort by the ITU to rationalize the resulting product was carried out by a Panel of Experts in the mid-1970s. The Panel recommended a rearrangement of the *Radio Regulations*, formally adopted by the WARC-79, which did much to clarify the applicability of provisions and to improve the organization of the text. However, the Panel of Experts was strictly prohibited from recommending changes in substance, thereby eliminating any possibility for the Panel to propose correction of obvious errors or to suggest other logical changes. Hence, the decision by the Plenipotentiary Conference, Nice, 1989 to establish the *Voluntary Group of Experts (VGE)*, was timely and a logical complement to the establishment of the *High Level Committee* to update and modernize the Union's basic instrument and structure.

#### Section 2 Approach to Task 3 Matters

3.3.4 The provisions under Task 3 are very diverse and far-ranging, from the basic technical characteristics in Chapter I to the administrative procedures of Chapter VI and the entry-into-force provisions of Chapter XIII, from a few general provisions covering services such as broadcasting in Chapter VIII to the extremely detailed procedures for maritime selective calling and narrow-band direct-printing telegraphy in Chapter XI. It quickly became clear that the VGE could not establish a few general guidelines, such as "delete redundant provisions" or "eliminate voluntary or optional procedures", which could be applied to the entirety of Task 3. Each of the diverse interest groups concerned with the Regulations presented sound and convincing reasons why provisions concerning them should not be treated under a general guideline, leading the VGE to follow a more cautious approach with guidelines being applied, as appropriate, on a case-by-case basis.

3.3.5 Given the diversity of Task 3 matters, it is a complex and difficult process but a very important goal in simplifying the *Radio Regulations* to eliminate material that is not appropriate for inclusion in an international treaty. Otherwise, they will continue to contain a myriad of technical, operational and administrative details which are more suited and appropriate to other documents. ITU-R Recommendations or other supporting documentation may also be used as effective instruments to achieve the objectives of administrations at radio conferences.

3.3.6 For the simplification of the operational and administrative provisions, the VGE decided to adopt the following approach:

- a) to simplify by improving the presentation of RR provisions, for example, adopting the use of tables to clarify the intent and minimize repetitions in the texts;
- b) to ensure that the retained material reflects current practice and technology;

- c) to merge where practicable two or more articles into a single article where that will combine similar topics or improve the organization of the texts;
- d) to eliminate obviously redundant provisions, after deciding the best location to place the remaining provisions. However, it was found desirable to repeat certain provisions on an exceptional basis in order to improve clarity or to emphasize key aspects, e.g. the obligation to avoid interference to distress frequencies, or to use additional cross-references to reduce the need for duplication;
- e) to suppress non-mandatory provisions, but with caution, since they frequently deal with Members' rights to do something differently than required by another provision or they indicate recommended practices that are necessary in managing of the frequency spectrum;
- f) to relocate certain texts from the body of the *Radio Regulations* to an appendix, in order to streamline the text or, as in the case of Chapter IX, to identify the material as a likely candidate for suppression at a radio conference in the near future;
- g) to update all references to the structure of the Union to reflect the decisions of the APP-92.

### Section 3 Incorporation by Reference

**3.3.7** The VGE concluded that most of the existing operational, technical and administrative provisions should be maintained with the same force (e.g. mandatory, optional or provisional) as now exists in the treaty instrument known as the *Radio Regulations*. This is particularly true for those provisions relating to radiocommunication services, operational procedures and technical material which involve broad international use of equipment and practices, and for which there is no obvious alternative manner to handle them. At the same time, it is considered appropriate and desirable to transfer a significant amount of material from articles and appendices of the *Radio Regulations* to ITU-R Recommendations, with appropriate provisions being incorporated by reference. Nevertheless, any texts to be incorporated must be selected carefully and on the condition that such material will be readily available to all interested parties.

**3.3.8** The concept of "*incorporation by reference*" refers to the practice of including references in a treaty, to material contained elsewhere, i.e. does not appear in the treaty document. In international law, it is relatively common to refer to another treaty, or to other procedures and practices, and some Members use the technique extensively at the national level. In fact, the practice is used in the ITU, particularly in connection with the *Radio Regulations*. For example, certain *Resolutions* and *Recommendations* adopted by radio conferences, which do not normally form part of the legal instruments of the Union, have attained the same force as the regulatory provisions by including specific references to them. Another example involves several regulatory provisions relating to digital selective calling which prescribes mandatory compliance with unspecified ITU-R Recommendations (e.g. RR 4681).

**3.3.9** Advocates of the concept give several reasons why the ITU should make greater use of this technique in the *Radio Regulations*. The texts proposed to be transferred to Recommendations are so detailed that they should be contained in supporting documents rather than in the body of a worldwide treaty; "incorporation" allows the provisions to maintain their current force. Many of the provisions proposed for transfer are already studied and developed elsewhere in the ITU structure, i.e. by study groups, rather than as the result of administrations' proposals to a conference. Hence, conference time and resources can be saved by eliminating the additional step of placing the text in the Regulations. Conferences will be able to spend more time on issues of vital and broad interest to Members, such as dealing with rapidly advancing technology. Texts contained in ITU-R Recommendations are always open for consideration and can be updated or improved by the relevant study group whenever necessary at much less cost to the Union than if the work were done by a conference committee. The actual incorporation of a revised document would remain under the

formal control of the subsequent radio conference, which is the only body capable of making a decision to incorporate the latest version.

**3.3.10** On the other hand, those opposed to the technique raise valid concerns and questions. First and foremost is whether the rights and obligations of Members will be affected, either inherently or inadvertently, and whether all Members will understand the technical and legal aspects of distributing the provisions among several documents. In the technical and operational areas, certain basic provisions would be retained in the Regulations while large sections of detailed provisions would be transferred to ITU-R Recommendations but the latter are not familiar to many Members. Some experts believe that all mandatory provisions must be contained in the body of the Regulations even though the provisions can be made mandatory through incorporation. There is also the risk that the administrative and mechanical process of transferring texts and incorporation by reference could lead to confusion about which version of a particular text is effective.

**3.3.11** In recommending the expanded use of incorporation by reference, the VGE believes it important to present the concept clearly to help Members to understand the concept's technical and legal aspects and to gain acceptance of the technique. The texts to be transferred have been identified and placed in annexes to the *Simplified Radio Regulations*. At the original location of those texts, provision numbers are indicated with a SUP and a new "linking" provision has been drafted (or an existing provision modified) to accomplish the incorporation with the same legal status as in the present Regulations. The linking provision will refer initially to the provisions in the Annex and later to provisions in "ITU-R Recommendation XYZ-n". A linking provision which indicates that the incorporated provisions "shall be applied" makes the referenced material mandatory, whereas use of the phrase "should be applied" does not make the provisions mandatory.

**3.3.12** Some of the important characteristics of the techniques of "*incorporation by reference*" are as follows:

- a) the obligation to comply with the provision or provisions contained in the referenced document is strictly limited to the context of the linking provision in the *Simplified Radio Regulations*;
- b) the reference must be explicit, that is, it has to be to specified provisions of a specific document and version (e.g., Annex A of ITU-R Recommendation XYZ-n);
- c) *incorporation by reference* of a document does not change its nature or limit the possibility for the competent sector to maintain or to revise the referenced document. When the referenced material is modified, it will only be considered as incorporated in the *Radio Regulations* after specifically decided by a competent radio conference.

**3.3.13** The steps necessary to approve a new or revised ITU-R Recommendation should, to the maximum extent possible, be carried out prior to the WRC-95 so that the conference will be in a position to incorporate the material by reference in an appropriate linking provision and to suppress the affected provisions from the Regulations. Otherwise, the WRC-95 may decide to place the material in an appendix to the Regulations until such time that the supporting document has been approved and a future WRC has taken formal action to incorporate the new or revised material.

#### **Section 4 Specific Recommendations for Simplification**

**3.3.14** Against this background, the VGE submits the following detailed recommended changes to the provisions of the present *Radio Regulations* identified in Part B of this Report. The recommended changes are outlined below, where no change is foreseen that is also stated.

The VGE recommends that:

**Rec. No. 3/1**

**Preamble** - The principles and objectives of the Union should be added to give a better understanding of the *Radio Regulations*. The present disclaimer is retained at the end.

**Articles 2-4** - Should be combined into a single article (Article **S2**) with three sections. Some unnecessary text is to be deleted from Article 2 material. The detailed provisions of Article 4, Designation of Emissions, are transferred to Appendix 6. Many experts felt that the transferred provisions could have gone to a supporting document and, together with Appendix 6, be incorporated by reference.

**Article 5** - Should be retained with no change in substance (Article **S3**), except that Nos. 303 and 304 should be modified to provide a linking provision to the material contained in Appendices 7 and 8, which is to be transferred to ITU-R Recommendations and incorporated by reference.

**Articles 6 and 9** - Should be combined into a single article (Article **S4**) with no real change in substance. No. 342 is to be amended to clarify that the relevant stations are not entitled to protection from harmful interference, as is the case in practice.

**Article 7** - Should be retained without any change in substance (Article **S6**). Numerous consequential changes are to be made to reflect decisions of the APP-92.

**Article 10** - Should be suppressed, since most of the provisions are now contained in the *Constitution* and *Convention* as a result of APP-92 decisions. The VGE, noting that Nos. 1012 and 1016 were of continuing importance but had not been included in the APP action, included their substance in the new simplified procedures of Task 2 (Article **S14**).

**Articles 18, 19, 21 and 22** - Should be combined into a single article (Article **S15**) covering all aspects of interference and infringements with no real change in substance. Modifications and deletions will result from combining provisions to improve presentation, deletion of repetitive text, and consequences of APP-92 decisions.

**Article 20** - Should be updated to reflect current practice within the international monitoring system and the latest ITU-R Recommendations and Handbooks (Article **S16**). Provisions relating to procedures are to be transferred to a new or revised ITU-R Recommendation, which will be incorporated by reference through linking provision No. 1874bis.

**Articles 23 and 24** - Should be retained without change (Articles **S17, S18**).

**Article 25** - Existing provisions should be retained with no change in substance (Article **S19**)<sup>6</sup>, and some provisions from Appendix 43 are now to be added to Sections II and VI (Appendices 42 and 44, and the remaining provisions of Appendix 43, are to be deleted from the *Radio Regulations* on the understanding that the material will be published by the *Bureau* in the future).

**Article 26** - Should be substantially changed as a result of giving responsibility for much of the details related to service documents to the *Bureau*. In addition, certain obsolete publications are deleted (Article **S20**).

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<sup>6</sup> The VGE was made aware of several problems relating to the application of the present Article 25, including legal and political questions arising from uncertainty as to who can be allocated call sign series and blocks of identities and the ambiguity in the use of the terms country, member and administration relative to the provisions of this Article. This matter is of considerable importance to many administrations and to some international organisations for all of whom clarification is essential. The VGE, concluded that much more expert study is required before any further changes to Article 25 are considered and requests the Secretary-General to arrange for the appropriate studies, and the presentation of a report to the WRC-95.

**Articles 27 and 28** - Should be combined (Article **S21**) with major changes to the format, but with no change in substance. The presentation of the bands, services and power limits in a tabular format is expected to clarify and assist in the understanding and application of the relevant regulations.

**Articles 29, 30, 31 and 32** - Should be retained with no change in substance. Several consequential changes are proposed (Articles **S22, S23, S24 and S25**).

**Article 33** - The requirement to consult with certain specified international organizations regarding standard frequency and time signal matters should be deleted, to reflect current practice and the wishes of the parties involved (Article **S26**).

**Article 34** - Should have one superfluous provision (No. **2800**) deleted (Article **S27**).

**Article 35** - Several detailed provisions relating to radiobeacons should be transferred to a new appendix, Appendix **S12**, of the Regulations (Article **S28**).

**Article 36** - Should be retained with no change in substance (Article **S29**).

## **DISTRESS AND SAFETY**

The VGE also recommends that:

### **Rec. No. 3/2**

**Chapter IX (Articles 37-42)** - All provisions of this Chapter should be retained without change. However, they are to be transferred, together with other provisions relevant only to the non-GMDSS system, to the new Appendix **S13** and should retain their current force (e.g. mandatory or optional), pending action on Resolution **331** at a future competent WRC. No. **N2929** in Article **N37** is to be modified to provide the link to the new Appendix.

**Article N37** - Several provisions are to be modified, rearranged or transferred to other Articles to improve clarity and readability, with no change in substance (Article **S30**).

**Article N38** - Major changes should be made in the format, primarily through the use of a new table and accompanying notes to facilitate and improve the presentation of information relating to frequencies for distress and safety, with no change in substance (Article **S31**). The table and associated provisions are to be placed in the new Appendix **S15**.

**Article N39** - Two provisions from Article **N37** are to be added and placed with similar operational procedures (Article **S32**).

**Articles N40 and N41** - Should be retained without change (Articles **S33 and S34**).

## **AERONAUTICAL SERVICES**

The VGE recommends that:

### **Rec. No. 3/3**

**Articles 42A and 43** - Should be retained without change (Articles **S35 and S36**).

**Article 44** - Several redundant provisions and all references to Morse code and manual telegraphy (no longer used for international purposes) are to be deleted (Article **S37**).

**Articles 45, 46, 47 and 48** - Should be retained without change (Articles **S38, S39, S40 and S41**).

**Article 49** - Several redundant or unnecessary provisions are to be deleted, and the remaining text is to be reorganized to clarify its applicability (Article **S42**).

**Articles 50 and 51** - Should be retained without change (Article **S43** and **S44**).

**Article 51A** - All provisions relating to radiotelegraphy are to be deleted, since this technique is no longer used for international purposes (Article **S45**).

**Articles 52 and 53** - The article titles are to be deleted, since all their provisions were suppressed by WARC Mob-87.

## **MARITIME SERVICES**

The VGE also recommends that:

### **Rec. No. 3/4**

**Article 54** - Should be retained without change (Article **S46**).

**Article 55** - Major changes should be made in the format, primarily through the use of a new table and accompanying notes to facilitate and improve the presentation of the information relating to operators certificates contained in Sections IIA and IIIA, but with no change in substance. The table and associated notes are to be kept within the article (Article **S47**). A similar table with associated notes covering the provisions of Sections II and III is proposed, but is to be placed in the new Appendix **S13** which is expected to be deleted by a future WRC in conjunction with action on Resolution **331 (Mob-87)**.

**Articles 56 and 57** - Should be retained with no change in substance (Articles **S48** and **S49**). The provisions of Section II, Article **56**, are to be transferred to the new Appendix **S13** to place all the material relating to the non-GMDSS system together.

**Article 58** - Should have provisions relating to the working hours of ship stations for international public correspondence transferred to a new ITU-R Recommendation, which will be incorporated by reference through linking provision No. **4051A**. As a general rule, it is foreseen that all of the text - both that remaining in the article (Article **S50**) and the parts transferred to a Recommendation - will be available to maritime operators in the form of the Maritime Mobile Manual.

**Article 59** - One redundant provision should be deleted and another provision should be modified to avoid a requirement which cannot be enforced (Article **S51**).

**Article 60** - Material describing the categories of service and related sub-bands for the HF maritime mobile bands should be deleted from the Article, and transferred to become an Introduction to the new Appendix **S15**. No. **4196** is to be consequently modified to refer to the appendix (Article **S52**).

**Article 61** - Should be retained without change (Article **S53**).

**Article 62** - Should be reduced to two provisions (Article **S54**), with all the remaining texts to be transferred to ITU-R Recommendations - the first dealing with the sequential single-frequency code system and the second with the digital selective-calling system. The linking provision is No. **4666A**, which incorporates the material by reference.

**Article 63** - Should be reduced to a single provision (Article **S55**), with all remaining texts to be transferred to an ITU-R Recommendation dealing with the radiotelegraphy procedures. The linking provision is No. **4710**, which incorporates the texts by reference.

**Article 64** - Should have most provisions transferred to an ITU-R Recommendation dealing with the narrow-band direct-printing procedures. The linking provision is No. **4842**, which incorporates the provisions by reference (Article **S56**).

**Article 65** - Should have most provisions transferred to ITU-R Recommendations - the first part dealing with the radiotelephony procedures (linking provision is No. 4903) and the second with digital selective-calling procedures (linking provision is No. 4666A). Several provisions in the rest of the article are to be deleted or modified in order to eliminate redundant material (Article S57).

**Article 66** - Should be reduced to a single provision, to reflect the decisions of WATTC-88 and of past radio conferences.

The VGE also recommends that:

**Rec. No. 3/5**

**Chapter XII (Articles 67 and 68)** - Should be deleted, since these provisions are generally covered elsewhere in the Regulations, except for No. 5138 which is to be retained and placed in Article 9.

**Chapter XIII (Article 69)** - Should be deleted, since the entry-into-force provisions are invariably covered by the Final Acts of each WRC.

## APPENDICES

The VGE also recommends that:

**Rec. No. 3/6**

**Appendices 11, 18, 22, 23, 24 and 45** should be retained without change.

**Appendix 6 (Appendix S1)** - Should have provisions from Article 4 added. Those provisions in the appendix which provide formulas and examples of emission designators and necessary bandwidths are to be transferred to a new ITU-R Recommendation (cross-reference is given in the second paragraph, No. 265, of the appendix).

**Appendix 9 (SUP)** - Containing information describing service documents should be deleted, since the responsibility for handling such documents is to be transferred to the *Bureau*, which will decide on form, content and periodicity in consultation with administrations.

**Appendix 10 (SUP)** - Containing service document symbols should be deleted. The VGE believes that it would be more appropriate and effective to have this subject handled by the *Bureau*, and to publish the symbols in the front of the *Preface* to the IFL.

**Appendix 13 (SUP)** - Containing abbreviations and signals for use outside the maritime service which are not used or referred to in the current Regulations, should therefore be deleted. It is recommended that the text be transferred to a ITU-R Recommendation, since some services (e.g. amateur) have continuing need for the material.

**Appendices 16, 31, 32, 33, 34 and 35 (Appendix S17)** - Six appendices and several provisions from Article 60 should be combined into a single appendix as follows: an Introduction (extracted from Article 60), Part A containing the services and sub-bands for the HF maritime mobile service (comprised of Appendix 31), and Part B containing the channelling arrangements (comprised of Appendices 16, 32, 33, 34 and 35).

**Appendices 28 and 29 (Appendices S7 and S8)** - Should be retained without change. The VGE considered the possibility of transferring significant portions of the texts to ITU-R Recommendations, but did not reach any clear conclusions on the matter. Assuming that studies will continue on this topic, the WRC-95 may consider this matter further.

**Appendix 41 (SUP)** - Containing direction-finding procedures which are not required by the current Regulations should therefore be deleted. It is recommended that the text be transferred to an ITU-R Recommendation, should there be continuing requirement for it.

**Appendices 42, 43 and 44 (SUP)** - Containing all the provisions of Appendices 42 and 44, and part of Appendix 43 (the remainder having been transferred to Article 25), should be deleted. The responsibility for this material rests with the *Bureau*, which will publish the various lists and related information as determined appropriate.

The VGE also recommends that:

**Rec. No. 3/7**

**Appendices 7, 8, 12, 14, 15, 17, 19, 20, 21, 36, 37, 37A, 38 and 39** - Should be transferred to ITU-R Recommendations and incorporated into the *Radio Regulations* by reference.

#### **4 Recommended Structure of the Simplified Radio Regulations**

Having completed the work described in the reports in Section 3, the VGE assembled the resulting text and developed a table of contents of the *Simplified Radio Regulations*. This is presented in the form of a comparative table of contents of the present *Radio Regulations* and the *Simplified Radio Regulations* so that administrations may more easily appreciate the structural changes resulting from the work of the VGE.

**COMPARATIVE TABLE OF CONTENTS  
of the  
PRESENT RADIO REGULATIONS  
and the  
SIMPLIFIED RADIO REGULATIONS**

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<b>ARTICLE 2.</b> Nomenclature of the Frequency and Wavelength Bands Used in Radiocommunication	<b>ARTICLE S 2.</b> Nomenclature <i>Section I.</i> Frequency and Wavelength Bands
<b>ARTICLE 3.</b> Nomenclature of Dates and Times Used in Radiocommunication	<i>Section II.</i> Dates and Times
<b>ARTICLE 4.</b> Designation of Emissions	<i>Section III.</i> Designation of Emissions
<b>CHAPTER II.</b>	<b>ARTICLE S 3.</b> Technical Characteristics of Stations
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<b>CHAPTER III. Frequencies</b>	<b>ARTICLE S 4.</b> Assignment and Use of Frequencies <i>Section I.</i> General Rules
<b>ARTICLE 6.</b> General Rules for the Assignment and Use of Frequencies	<i>Section II.</i> Special Rules
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VGE recommends that this chapter be deleted since the provisions are covered elsewhere in these Regulations	
<b>SUP</b>	
VGE recommends that this chapter be deleted since the provisions are invariably covered by the Final Acts of each WRC	