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| **Radiocommunication Study Groups** |  |
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| Received: 28 June 2021 | **Document 6-1/44-E** |
| **28 June 2021** |
| **English only** |
| Egypt (Arab Republic of), Saudi Arabia (Kingdom of), United Arab Emirates |
| Comments on ITU-R study group 6 Submissions on Spectrum Requirement for WRC-23 Agenda Item 1.5 |
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Introduction

ITU-R Resolution **235 (WRC-15)** calls for review of the spectrum use and needs within the frequency band 470-960 MHz in Region 1, and to take appropriate regulatory actions including potential allocation to Mobile Service and/or identification of IMT within the whole band, or parts thereof. It resolves to invite ITU-R, after the 2019 World Radiocommunication Conference and in time for the 2023 World Radiocommunication Conference:

1. to review the spectrum use and study the spectrum needs of existing services within the frequency band 470-960 MHz in Region 1, in particular the spectrum requirements of the broadcasting and mobile, except aeronautical mobile, services, taking into account the relevant ITU Radiocommunication Sector (ITU-R) studies, Recommendations and Reports;

2. to carry out sharing and compatibility studies, as appropriate, in the frequency band 470-694 MHz in Region 1 between the broadcasting and mobile, except aeronautical mobile, services, taking into account relevant ITU-R studies, Recommendations and Reports;

The allocation of preparatory work was based on the ITU-R Study Group structure, as contained in Document CPM23-1/1. Study Group (SG) 6 established a Task Group 6/1 (TG 6/1), in order to carry out preparatory studies on WRC-23 agenda item 1.5 (see the CPM23-1 Decision to this Administrative Circular).

As per CPM23-1, the following are the responsible and contributing groups for preparatory work for the WRC‑23 agenda item (AI) 1.5.

| Allocation of ITU-R preparatory work for WRC‑23 |
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| WRC-23 agenda item/topic | WRC Resolution | Responsible Group | Contributing Group |
| **1.5** | **235 (WRC-15)** | **TG 6/1**Note: See Annex 9 to [CA/251](http://www.itu.int/md/R00-CA-CIR-0251/en) | **WP 3K, WP 3M, WP 5A, WP 5B, WP 5C, WP 5D, WP 6A, WP 7D** |

During the last SG 6 meeting (26 March 2021), there were extensive discussions on the procedural aspects related to the consideration of the preliminary draft revisions of the following reports:

1. [Preliminary] draft revision of Report ITU-R BT.2301-2 - National field reports on the introduction of IMT in the bands with co-primary allocation to the broadcasting and the mobile services
2. [Preliminary] draft revision of Report ITU-R BT.2302 - Spectrum requirements for terrestrial television broadcasting in the UHF frequency band in Region 1 and the Islamic Republic of Iran

As per the concerns presented in the meeting from multiple administrations, which are also briefly reflected in the SG 6 Chairman Report, there were many mistakes and non-compliance with ITU procedures and rules in the consideration of these documents. The following statement summarizes the issue:

“

During SG 6 meeting held on 26 March 2021, number of administrations clarified serious concerns on the procedures followed and presented objections to the approval of the preliminary draft Reports ITU-R BT.2301 and ITU-R BT.2302 (Docs. [6/121](https://www.itu.int/md/R19-SG06-C-0121/en) and [6/122](https://www.itu.int/md/R19-SG06-C-0122/en)) as follows:

The discussion on Docs. 6/121 and 6/122 were found to be significantly contradicting with basic ITU principles of consensus building, non-compliant with ITU rules of procedures and put the transparency of the whole process under question considering the following:

* The SG 6 meeting was closed with no-clear decisions after one hour delay of the announced time, and the floor was not given to some Administrations, even though that meeting floor was still open.
* Indeed, there was no clue on which report was considered, which versions of documents will be considered, and on which basis the decision was taken considering further clarifications below.

For Doc. 6/122 (on Report ITU-R BT.2302):

* There were three versions submitted and SG 6 chairman proposal during the meeting was to send all versions to TG 6/1.
* WP 6A chairman stated and admitted during SG 6 meeting that the decision of WP 6A was to submit the three versions of preliminary draft revision of Report ITU-R BT.2302 with equal treatment that covers all inputs from all Administrations and sector members (and to be either posted as TD’s or by reference in the chairman report).  However, one version supporting only one view was submitted as TD to SG 6 , while other versions from Multi Administrations and Sector members had just a reference to WP 6A share folder which is considered as a precedence and not following ITU rules of balance, and not reflecting the decisions taken in the meeting.
* This is completely not complying with the rules of procedure, fairness and equal treatment of all inputs from all memberships. Multi Administrations requested many times to include the comments/modifications/corrections to the temp document but all of these requests were ignored at DG, SWG and plenary levels of WP 6A.
* Although all of the above reasons and clarifications made during the meeting, it was not clear at all which document was submitted for approval and on which basis; noting that, SG 6 Chairman has mentioned during the meeting that three versions will be submitted to TG 6/1 as a matter of procedure, fairness and not to ignore inputs of memberships.

For Doc. 6/121 (on Report ITU-R BT.2301):

* Many Administrations requested clarification on when and how square brackets were added to the word “Preliminary” of this document, which made serious concern on the transparency of the process and the procedure followed.
* On Wednesday and Thursday, 24-25/3/2021, after WP 6A meeting, these square brackets were not there on the official ITU website.
* However on Friday, 26/3/2021, square brackets were added to “Preliminary” of this document (with maintaining the same day of submission as 24/3/2021!).
* The Preliminary draft was not stable with many mistakes as clarified in correspondences from ARS as follows:
1. Updated response was provided and chairman was requested to consider it in SG 6 meeting for discussion to reach possible compromise, but it was not considered.
2. The summary provided for the responses by the rapporteur was misleading and did not reflect the responses correctly.
* Certain administrations have requested several times to update the responses and Annex 5 related to the preliminary draft revision of Report ITU-R BT.2301 (Doc. 6/121), with explanations of misleading conclusion of their responses (such as ARS response) as explained during the meeting several times. Accordingly, it was not agreed to submit any version of 2301 and not to consider old responses with wrong summary, taking into account that the Preliminary Draft summary/conclusion of document 121 is not balanced and not reflecting all views. Also, the document was not even discussed during WP 6A plenary meeting nor decided to be submitted to SG 6 for consideration since it was the first time to be presented with many revisions. As confirmed by SG 6 Chairman, the versions of Document 6/121 “***contains a significant amount of new modifications to the previously developed document****.”.*
* Document (Doc. 6/121) was not even discussed in WP 6A in the last plenary due to time limitation, and there was no decision to be submitted to SG 6. Even though, WP 6A submitted the document to SG 6!
* Many Administrations raised several times serious concerns on the precedence to consider “Preliminary Draft” documents for approval, which are completely non-stable text with many versions of modifications, that is in contradiction with ITU Rules of Procedures noting that:
* Resolution 1-8 stated that approval should be for **Draft Report but not Preliminary Draft as follows:**

***A2.7.2   Approval***

*A2.7.2.1           Each SG may approve revised or new Reports, normally by consensus of all Member States attending the meeting of the SG.*

*After all efforts to reach consensus have been exhausted,* ***the Study Group may approve the draft Report****….*

* As per the ITU Rules of Procedure, CPM requirements should not be linked with any specific report. Instead, only information should be sent to TG 6/1, which was already done by WP 6A.
* Resolution 1-8 stated that:

***A1.3.1.5bis****The final draft CPM texts prepared by the WPs, TGs or JTGs may be submitted directly to the CPM process, normally at the meeting called to consolidate SG texts into the draft CPM Report, or exceptionally via the relevant SG.* In some cases, ***supporting materials that were developed to address WRC agenda items may not be published as ITU‑R recommendations or reports but will be contained in Working Party (WP), Task Group (TG) or Joint Task Group (JTG) documentation****.*

* WP 6A has already sent LS to TG 6/1 with responses of Administrations on their broadcasting spectrum use and needs, in response to AI 1.5. So, there was no justification to approve this report.
* There were many mistakes and errors in the summary provided in these documents with conclusions supporting only one view as clarified during the WP 6A and SG 6 meetings, and modifications were proposed to correct many mistakes by many Administrations.
* Accordingly, there were many objections to consider any elevation of these documents in WP 6A or SG 6 rather than any consideration for approval by SG 6, considering all clear justifications provided which were mentioned explicitly by SG 6 Chairman in relevant correspondences as quoted below:

*“1.1         The proposed revision of Report ITU-R BT.2301-1 should be referred back to WP 6A for further consideration.*

*1.2         New materials provided by Administrations for inclusion in Report ITU-R BT.2301 may be submitted directly to TG 6/1 by individual Administrations.*

*1.3         The LS to TG 6/1 from WP 6A should indicate the current version of Report ITU-R BT.2301, i.e., Report ITU-R BT.2301-1(10/2016).*

*1.4         WP 6A should continue the work to revise Report ITU-R BT.2301 on the basis of further contributions.*

***Note: A preliminary draft revision of Report ITU-R BT.2301-1 was produced at the October 2020 meeting of WP 6A (Annex 1 to Doc. 6A/106). The proposed draft revision of Report ITU-R BT.2301-1 (Doc. 6/121, source: 6A/TEMP/114) contains a significant amount of new modifications to the previously developed document****.”*

Thus, all inputs/proposals/procedural concerns from multi Administrations were not taken into consideration in WP 6A and SG 6 meetings.

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**Proposal**

In accordance with the above clarifications, the Co-signing administrations object to the consideration of the submitted reports from SG 6 within the TG 6/1 discussions on the spectrum requirement of relevant services including the analysis provided on broadcasting service requirement.

However, there was agreement to consider the compilation of membership responses to the SG 6 questionnaire on the broadcasting spectrum requirement in Attachment 1 to Annex 1 of the revised report, which was also modified during the WP 6A meeting. This will address the broadcasting requirements as per the CPM-23 mandate to the SG 6, as a contributing group to AI 1.5, based on the membership responses.

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