



**TREATY SERIES 2010  
N° 24**

**(ITU) Regional Agreement (GE06) relating to the planning of the digital terrestrial broadcasting service in Region 1 (parts of Region 1 situated to the west of meridian 170°E and to the north of parallel 40°S, except the territory of Mongolia) and in the Islamic Republic of Iran, in the frequency bands 174-230 MHz and 470-862 MHz**

Done at Geneva on 16 June 2006

Ireland's Instrument of Approval deposited with the  
International Telecommunications Union  
on 7 August 2007

Entered into force with respect to Ireland  
on 7 August 2007

Presented to Dáil Éireann by the Minister for Foreign Affairs

**(ITU) REGIONAL AGREEMENT\* (GE06) RELATING TO THE PLANNING  
OF THE DIGITAL TERRESTRIAL BROADCASTING SERVICE IN REGION  
1 (PARTS OF REGION 1 SITUATED TO THE WEST OF MERIDIAN 170°E  
AND TO THE NORTH OF PARALLEL 40°S, EXCEPT THE TERRITORY OF  
MONGOLIA) AND IN THE ISLAMIC REPUBLIC OF IRAN, IN THE  
FREQUENCY BANDS 174-230 MHZ AND 470-862 MHZ**

**PREAMBLE**

The undersigned delegates of the following Member States of the International Telecommunication Union:

*Republic of Albania, People's Democratic Republic of Algeria, Federal Republic of Germany, Principality of Andorra, Republic of Angola, Kingdom of Saudi Arabia, Republic of Armenia, Austria, Azerbaijani Republic, Kingdom of Bahrain, Republic of Belarus, Belgium, Bosnia and Herzegovina, Republic of Botswana, Republic of Bulgaria, Burkina Faso, Republic of Burundi, Republic of Cameroon, Republic of Cape Verde, Republic of Cyprus, Vatican City State, Republic of the Congo, Republic of Cote d'Ivoire, Republic of Croatia, Denmark, Republic of Djibouti, Arab Republic of Egypt, United Arab Emirates, Spain, Republic of Estonia, Federation of Russian, Finland, France, Gabonese Republic, Republic of Gambia, Georgia, Ghana, Greece, Republic of Guinea, Republic of Hungary, Islamic Republic of Iran, Republic of Iraq, Ireland, State of Israel, Italy, Hashemite Kingdom of Jordan, Republic of Kazakhstan, Republic of Kenya, State of Kuwait, Kingdom of Lesotho, Republic of Latvia, Former Yugoslav Republic of Macedonia, Lebanon, Principality of Liechtenstein, Republic of Lithuania, Luxembourg, Malawi, Republic of Mali, Malta, Kingdom of Morocco, Islamic Republic of Mauritania, Republic of Moldova, Principality of Monaco, Republic of Mozambique, Republic of Namibia, Republic of Niger, Federal Republic of Nigeria, Norway, Sultanate of Oman, Republic of Uganda, Republic of Uzbekistan, Kingdom of the Netherlands, Republic of Poland, Portugal, State of Qatar, Syrian Arab Republic, Kyrgyz Republic, Slovak Republic, Czech Republic, Romania, United Kingdom of Great Britain and Northern Ireland, Republic of Rwanda, Republic of San Marino, Republic of Senegal, Republic of Serbia, Republic of Slovenia, Republic of the Sudan, Republic of South Africa, Sweden, Confederation of Switzerland, Kingdom of Swaziland, Republic of Tajikistan, United Republic of Tanzania, Republic of Chad, Togolese Republic, Tunisia, Turkey, Ukraine, Republic of Yemen, Republic of Zambia, Republic of Zimbabwe,*

meeting in Geneva from 15 May to 16 June 2006 for a Regional Radiocommunication Conference convened under the terms of the ITU *Constitution* and the ITU *Convention*, as referred to in Article I of this *Agreement*, have adopted, subject to approval by their competent authorities, the following provisions concerning the terrestrial broadcasting service in the frequency bands 174-230 MHz<sup>1</sup> and 470-862 MHz, together with provisions for other primary terrestrial services, as defined in Article I of this *Agreement* in Region I (parts of Region I situated to the west of

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\* The provisions of this *Agreement* shall apply *mutatis mutandis*, to Palestine as referred to in Resolution 99 (Minneapolis, 1998) subject to Palestine notifying the ITU Secretary-General that it accepts the rights and commits to observe the obligations arising therefrom.

<sup>1</sup> For Morocco, the analogue Plan covers the band 170-230 MHz.

meridian 170° E and to the north of parallel 40° S, except the territory of Mongolia) and in the Islamic Republic of Iran.

## Article 1 *Definitions*

1. For the purposes of this Agreement, the following terms shall have the meanings defined below:
  - 1.1 *Union*: The International Telecommunication Union.
  - 1.2 *Secretary-General*: The Secretary-General of the *Union*.
  - 1.3 *Bureau*: The Radiocommunication Bureau.
  - 1.4 *Constitution*: The Constitution of the *Union*.
  - 1.5 *Convention*: The Convention of the *Union*.
  - 1.6 *Radio Regulations*: The *Radio Regulations* as referred to in No. **31** of the *Constitution*.
  - 1.7 *Conference*: The Regional Radiocommunication Conference 2006 for the planning of the digital terrestrial broadcasting service in Region 1 (parts of Region 1 situated to the west of meridian 170° E and to the north of parallel 40° S, except the territories of Mongolia) and in the Islamic Republic of Iran, in the frequency bands 174-230 MHz and 470-862 MHz (Geneva, 2006) (RRC-06)<sup>1</sup>.
  - 1.8 *Planning Area*: Region 1 (those parts of Region 1, as defined in No. **5.3** of the *Radio Regulations*, situated to the west of meridian 170° E and to the north of parallel 40° S, except the territories of Mongolia) and the Islamic Republic of Iran.
  - 1.9 *Agreement*: The Regional Agreement and its Annexes together with its associated *Plans* as drawn up by the *Conference*.
  - 1.10 *Plans*: The analogue Plan and the digital Plan as specified in § 3.1 of Article 3 of this *Agreement* and as subsequently updated through the successful application of the procedure of § 4.1 of Article 4 of this *Agreement*.
  - 1.11 *Contracting Member*: Any Member State from the *Planning Area* which has approved or acceded to the *Agreement*.
  - 1.12 *Administration*: Unless otherwise indicated, the term *Administration* designates the Administration, as defined in No. **1002** of the *Constitution*, of a *Contracting Member*.

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<sup>1</sup> This Conference was held in two sessions:

- the first session, responsible for preparing a report to the second session, was held in Geneva from 10 to 28 May 2004
- the second session, responsible for drawing up an agreement and associated *Plans*, was held in Geneva from 15 May to 16 June 2006.

- 1.13 *MIFR*: Master International Frequency Register
- 1.14 *Other primary terrestrial services*: The primary terrestrial services other than the broadcasting service, and the primary radio astronomy service, to which the frequency bands 174-230 MHz and/or 470-862 MHz are allocated in the *Planning Area* in accordance with Article 5 of the *Radio Regulations*.
- 1.15 *Existing assignments to other primary terrestrial services* (referred to in short as the “*List*”): Assignments to *other primary terrestrial services* contained in Annex 6 to the *Agreement*, as established by the *Conference*, and assignments to *other primary terrestrial services* for which the procedure of § 4.2 of Article 4 of this *Agreement* has been successfully applied.
- 1.16 *Transition period*: The period following the *Conference* during which the assignments in the analogue Plan (as specified in § 3.1.2 of Article 3 of this *Agreement*) shall be protected (see also Article 12 of this *Agreement*).
- 1.17 *BR IFIC*: Radiocommunication Bureau International Frequency Information Circular.

## Article 2 *Execution of the Agreement*

- 2.1 The *Contracting Members* shall adopt the characteristics specified in the *Plans* for their broadcasting stations in the *Planning Area* operating in the frequency bands referred to in Article 3 of this *Agreement*.
- 2.2 The *Contracting Members* shall not modify these characteristics or establish stations, except under the relevant provisions of Articles 4 and 5 of this *Agreement*.
- 2.3 The *Contracting Members* shall undertake to apply the relevant provisions of Articles 4 and 5 of this *Agreement* for the *other primary terrestrial services* to which these bands are also allocated.

## Article 3 *Annexes to the Agreement*

- 3.1 Annex 1: Frequency Plans<sup>2</sup>
- 3.1.1 The digital Plan consisting of two parts: the 174-230 MHz band and the 470-862 MHz band (comprising T-DAB Plan assignments, T-DAB Plan allotments, DVB-T Plan assignments, DVB-T Plan allotments);
- 3.1.2 The analogue Plan consisting of two parts: the 174-230 MHz<sup>3</sup> band and the 470-862 MHz band.

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<sup>2</sup> After the expiry of the *Transition period*, the *Plans* will only contain the digital Plan.

<sup>3</sup> For Morocco, the analogue Plan covers the band 170-230 MHz.

3.2 Annex 2: Technical elements and criteria used in the development of the Plan and the implementation of the *Agreement*.

3.3 Annex 3: Basic characteristics to be submitted in application of the *Agreement*.

3.4 Annex 4

3.4.1 Section I: Limits and methodology for determining when agreement with another administration is required.

3.4.2 Section II: Examination of conformity with the digital Plan entry.

3.5 Annex 5: *List of assignments to other primary terrestrial services* as referred to in § 1.15 of Article 1 of the *Agreement*.

#### Article 4

##### *Procedure for modifications to the Plans and procedure for coordination of other primary terrestrial services*

#### **4.1 Modifications to the Plans**

4.1.1 When an administration proposes to make a modification to the digital Plan or the analogue Plan, i.e. in cases where an administration needs:

- (a) to change the characteristics of an allotment, or of an assignment to a broadcasting station, appearing in the *Plans*: or
- (b) to add to the *Plans* an allotment, or an assignment to a broadcasting station; or
- (c) to add to the digital Plan an assignment stemming from an allotment in the digital Plan<sup>4</sup>; or
- (d) to cancel from the *Plans* an allotment, or an assignment to a broadcasting station,

this *Administration* shall apply the procedure contained in this Article before any notification is made under Article 5.

#### **4.1.2 Initiation of the modification procedure**

4.1.2.1 Any administration proposing to change the characteristics of an assignment/allotment appearing in the *Plans*, or to add a new assignment/allotment to the *Plans*, shall seek the agreement of any other administration whose broadcasting service and/or *other primary terrestrial services* are considered to be affected.

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<sup>4</sup> If the intention is not to include the assignments into the digital Plan, administrations should directly apply Article 5.

4.1.2.2 An administration is considered to be affected in respect of its broadcasting service when the limits given in Section I of Annex 4 are exceeded.

4.1.2.3 An administration is considered to be affected in respect of its *other primary terrestrial services* when the limits given in Section I of Annex 4 are exceeded for any of the following assignments:

- (a) *existing assignments to other primary terrestrial services*;
- (b) assignments to *other primary terrestrial services* for which the procedure for coordination with the broadcasting service under § 4.2 has been initiated, i.e. for which the complete information referred to in § 4.2.2.6 has been received by the *Bureau*.

4.1.2.4 The agreement referred to in § 4.1.2.1 is not required if:

- (a) none of the corresponding limits in Section I of Annex 4 referred to in § 4.1.2.2 and § 4.1.2.3 are exceeded; or
- (b) the proposed modification relates to changes in the technical characteristics which do not increase the existing level of interference and do not increase the existing level of protection required.

4.1.2.5 An administration proposing to modify the *Plans* shall communicate to the *Bureau* the relevant characteristics *Listed* in Annex 3, in electronic form, and shall also indicate, if appropriate, the names of any administrations which have already agreed to the proposed modification on the basis of the characteristics communicated to the *Bureau*.

This communication shall also be considered by the *Bureau*, if so requested, as a request to apply the procedure contained in § 4.1.5.3 in the following cases:

- no agreements are required under § 4.1.2.4 and no administration's name is included under § 4.1.3.2; or
- all agreements have been received and no administration's name is removed under § 4.1.2.9 or included under § 4.1.3.2.

4.1.2.6 If the characteristics submitted under § 4.1.2.5 are found to be incomplete, the *Bureau* shall immediately seek from the administration proposing to modify the *Plans* any clarification required and the information not provided.

4.1.2.7 In application of § 4.1.1 (c), if the *Bureau* finds that, in the case of a conversion of an allotment into one or several assignments, the conditions in Section II of Annex 4 are met, the provisions of § 4.1.5.3 shall apply<sup>5</sup>. Otherwise, the *Bureau* shall request the administration proposing the modification to the digital Plan to take appropriate action. The proposed modification shall lapse if the administration does

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<sup>5</sup> In the case of assignments stemming from an allotment in the digital Plan which bears remarks in the "remarks" columns of the Plan, these remarks shall be extended to these assignments.

not modify within 30 days the characteristics so that they comply with Section II of Annex 4. This 30-day period starts on the date of the dispatch of the *Bureau's* request.

4.1.2.8 On receipt of the complete information referred to in § 4.1.2.5 or § 4.1.2.6, as appropriate, the *Bureau* shall, within 40 days:

- (a) identify the administrations considered to be affected, in accordance with § 4.1.2.2 and § 4.1.2.3;
- (b) publish the characteristics received in the Special Section of the *BR IFIC*, together with the names of the administrations identified, indicating those whose agreement has been communicated under § 4.1.2.5 by the administration proposing to modify the *Plans*, if appropriate, and the corresponding assignments to the *other primary terrestrial services* which are considered to be affected, if appropriate;
- (c) inform the administrations identified in (a) above.

4.1.2.9 An administration whose agreement has been communicated to the *Bureau* under § 4.1.2.5, may, within 40 days from the date of the publication of the *BR IFIC* referred to in § 4.1.2.8 (b), request the *Bureau* to remove its name from the *List* of administrations having given their agreement, as published under § 4.1.2.8 (b). A copy of this request shall be sent by the *Bureau* to the administration proposing to modify the *Plans*. In the case of the removal of the name of an administration from the *List* of administrations having given their agreement, as published under § 4.1.2.8 (b), the *Bureau* shall consider that the agreement with that administration has not been obtained.

### **4.1.3 Request for inclusion in the agreement-seeking process**

4.1.3.1 Any administration which considers that it should have been included in the *List* of administrations considered to be affected may, within 40 days from the date of publication of the *BR IFIC* referred to in § 4.1.2.8 (b), request the *Bureau* to include its name in the *List* of administrations considered to be affected, giving its reasons for doing so based on criteria in Section I of Annex 4.

4.1.3.2 On receipt of this request, the *Bureau* shall examine the matter and, if in accordance with § 4.1.2.2 and § 4.1.2.3, it finds that the name of the administration should have been included in the *List* of administrations considered to be affected, it shall:

- inform immediately the administration proposing to modify the *Plans* and the administration requesting to be included in the *List* of administrations considered to be affected; and
- publish, within 30 days from the date of receipt of the request, the name of the administration in an addendum to the Special Section of the *BR IFIC* referred to in § 4.1.2.8 (b), and the corresponding assignments to *other primary terrestrial services*, if appropriate.



For the administration whose name has been published in the addendum, the overall period of 75 days specified in § 4.1.4.6, 4.1.4.7, 4.1.4.8, 4.1.4.9, 4.1.4.10 and 4.1.5.1 of the *BR IFIC* referred to above.

If the *Bureau* finds that the name of the administration should not be included in the *List* of administrations considered to be affected, it shall inform this administration.

4.1.3.3 The administration proposing to modify the *Plans* shall seek the agreement of the administrations whose agreement has not been obtained (see also § 4.1.2.9) and which are *Listed* in the publication referred to in § 4.1.2.8 (b) or § 4.1.3.2, as appropriate, by applying the procedure contained in § 4.1.4 below.

4.1.3.4 If all agreements have been received and no administration's name is removed under § 4.1.2.9 and no administration's name is included under § 4.1.3.2, the procedure contained in § 4.1.5.3 applies.

#### **4.1.4 Seeking agreement of the administrations which are considered to be affected and whose agreement has yet to be obtained**

4.1.4.1 The Special Section of the *BR IFIC* referred to in §4.1.2.8 6; or §4.1.3.2, as appropriate, constitutes the formal request for coordination addressed to those administrations whose agreement has yet to be obtained.

4.1.4.2 When seeking the agreement of another administration, the administration proposing to modify the *Plans* may also communicate any additional information relating to proposed criteria to be used as well as other details concerning the terrain data, particular propagation conditions, etc.

4.1.4.3 On receipt of the Special Section of the *BR IFIC* referred to in § 4.1.2.8 b) or § 4.1.3.2, as appropriate, any administration *Listed* therein shall examine the effect of the proposed modification to the digital Plan or to the analogue Plan on its broadcasting service and on its assignments to *other primary terrestrial services*, taking into account, as far as possible, the additional information referred to in § 4.1.4.2.

4.1.4.4 An administration from which agreement is sought may request the *Bureau* to assist by providing further information to enable the administration to assess the interference from the proposed modification, using the method described in Section I of Annex 4. The *Bureau* shall send this information by the most expeditious means.

4.1.4.5 An administration from which agreement is sought may send its comments to the administration proposing the modification to the *Plans* either directly or through the *Bureau*. In any event, the *Bureau* shall be informed of these comments.

4.1.4.6 An administration which is not in a position to give its agreement to the proposed modification with respect to its broadcasting service shall give its decision, with reasons related to its broadcasting service, within 75 days from the date of publication of the *BR IFIC* referred to in § 4.1.2.8 b) or § 4.1.3.2, as appropriate.

4.1.4.7 An administration which is not in a position to give its agreement to the proposed modification with respect to its *other primary terrestrial services* shall give its reasons, based on its own assignments as referred to in § 4.1.2.3 a) and b), within 75 days from the date of publication of the *BR IFIC* referred to in § 4.1.2.8 b) or § 4.1.3.2, as appropriate.

4.1.4.8 Fifty days after publication of the *BR IFIC* referred to in § 4.1.2.8 b) or § 4.1.3.2, as appropriate, the *Bureau* shall request any administration which has not yet given its decision on the matter to do so. After an overall period of 75 days following the date of publication of the *BR IFIC*, the *Bureau* shall immediately inform the administration proposing the modification to the *Plans* that it has sent out the aforementioned requests and provide it with the names of the administrations which have given their agreement and the name of the administrations which have not replied.

4.1.4.9 When an administration has not replied within this 75-day period, it is deemed that this administration has not agreed to the proposed modification to the *Plans*, unless the provisions of § 4.1.4.10 and § 4.1.4.11 are applied.

4.1.4.10 After this 75-day period, the administration proposing to modify the *Plans* may request the *Bureau* to assist by sending a reminder to the administration which has not replied, requesting a decision. This request shall in no way extend the 24-month period mentioned in § 4.1.5.1.

4.1.4.11 If no decision is communicated to the *Bureau* within 40 days after the date of dispatch of the reminder under § 4.1.4.10, it shall be deemed that the administration which has not given a decision has agreed to the proposed modification to the *Plans*.

4.1.4.12 If, at the end of the periods mentioned in §4.1.4.9 or §4.1.4.11 above, there is continuing disagreement, the *Bureau* shall conduct any study that may be requested by either the administration proposing the modification to the *Plans* or administrations from which agreement is sought; within 40 days, it shall inform them of the result of the study and shall make such recommendations as it may be able to offer for the solution of the problem.

4.1.4.13 An administration may, before applying the procedures in § 4.1, or at any stage during application of the procedure described therein, request the assistance of the *Bureau* without this having any implication on the application of the above-mentioned periods.

4.1.4.14 If, in seeking agreement, an administration modifies its initial proposal, it shall again apply the provisions of § 4.1.

#### **4.1.5 Completion of the modification procedure**

4.1.5.1 When an administration has obtained the agreement of all the administrations whose names were published in the *BR IFIC* referred to in § 4.1.2.8 b) or § 4.1.3.2, as appropriate, it shall inform the *Bureau* of the final agreed characteristics of the assignment/allotment together with the names of the administrations with which agreement has been reached. If the administration proposing the modification to the

*Plans* does not inform the *Bureau* within 24 months after the 75-day period referred to in § 4.1.4.6 to § 4.1.4.10, the proposed modification shall lapse.

4.1.5.2 If the above-mentioned final agreed characteristics result in the identification of new affected administrations, the administration proposing the modification to the *Plans* shall again apply the provisions of § 4.1 with respect to these new administrations.

4.1.5.3 From the receipt of the complete information referred to in § 4.1.5.1, the *Bureau* shall, within 30 days, publish in the Special Section of the *BR IFIC* the characteristics of the assignment/allotment together with the names of the administrations which have agreed to the proposed modification to the *Plans* and include the new or modified assignment/allotment in the *Plans*, as appropriate. With respect to *Contracting Members*, the assignment/allotment concerned shall enjoy the same status as those appearing in the *Plans*. However, in the case of an assignment in the Plan resulting from the conversion of an allotment, this assignment shall remain in accordance with the allotment from which it stems and in conformity with Section II of Annex 4.

4.1.5.4 The agreement of the administration(s) affected may also be obtained in accordance with this Article for a specific period of time. The assignment or allotment, as appropriate, shall be removed from the *Plans* and/or from the *MIFR*, as appropriate, by the *Bureau* at the end of this period of time, after it has informed the administration.

#### **4.1.6 Cancellation of an assignment or an allotment**

When an assignment or an allotment in the *Plans* is cancelled either under § 4.1.1 d) or § 4.1.5.4, the *Bureau* shall publish this information in a Special Section of the *BR IFIC*.

In the case of the cancellation of an allotment, the *Bureau* shall cancel all assignments stemming from this allotment from the digital Plan and from the *MIFR* after having informed the administration.

#### **4.1.7 Updating of the *Plans***

The *Bureau* shall maintain and publish periodically an up-to-date master copy of the *Plans*, taking account of any changes, additions and deletions made in accordance with the procedure of this Article.

### **4.2 Coordination of assignments to *other primary terrestrial services* with the broadcasting service**

4.2.1 When an administration proposes to change the characteristics of an *existing assignment to other primary terrestrial services*, or to bring into use a new assignment to *other primary terrestrial services*, the procedure contained in this Article shall be applied before any notification is made under the provisions of Article 5.

#### **4.2.2 Initiation of the coordination procedure**

4.2.2.1 In application of § 4.2.1, an administration shall seek the agreement of any other administration whose broadcasting service is considered to be affected.

4.2.2.2 An administration is considered to be affected in respect of its broadcasting service when the limits given in Section I of Annex 4 are exceeded.

4.2.2.3 The agreement referred to in § 4.2.2.1 is not required if:

- (a) none of the corresponding limits in Section I of Annex 4 referred to in § 4.2.2.2 are exceeded; or
- (b) the proposed modification relates to changes in the technical characteristics which do not increase the existing level of interference and do not increase the existing level of protection required.

4.2.2.4 An administration proposing a new or modified assignment shall communicate to the *Bureau* the relevant characteristics *Listed* in Annex 3, in electronic form, and shall also indicate, if appropriate, the names of any administrations which have already agreed to the proposed new or modified assignment on the basis of the characteristics communicated to the *Bureau*.

This communication shall also be considered by the *Bureau*, if so requested, as a request to apply the procedure contained in § 4.2.5.3 in the following cases:

- no agreements are required under § 4.2.2.3 and no administration's name is included under § 4.2.3.2; or
- all agreements have been received and no administration's name is removed under § 4.2.2.7 or included under § 4.2.3.2.

4.2.2.5 If the characteristics submitted under § 4.2.2.4 are found to be incomplete, the *Bureau* shall immediately seek from this administration any clarification required and the information not provided.

4.2.2.6 On receipt of the complete information referred to in § 4.2.2.4 or § 4.2.2.5, as appropriate, the *Bureau* shall, within 40 days:

- (a) identify the administrations considered to be affected, in accordance with § 4.2.2.2;
- (b) publish the characteristics received in the Special Section of the *BR IFIC*, together with the names of the administrations identified, indicating those whose agreement has been communicated under § 4.2.2.4 by the administration seeking the agreement;
- (c) inform the administrations identified in (a) above.

4.2.2.7 An administration whose agreement has been communicated to the *Bureau* under § 4.2.2.4 may, within 40 days from the date of the publication of the *BR IFIC*

referred to in § 4.2.2.6 b), request the *Bureau* to remove its name from the *List* of administrations having given their agreement, as published under § 4.2.2.6 b). A copy of this request shall be sent by the *Bureau* to the administration seeking the agreement. In the case of the removal of a name of an administration from the *List* of administrations having given their agreement, as published under § 4.2.2.6 b), the *Bureau* shall consider that the agreement with that administration has not been obtained.

### **4.2.3 Request for inclusion in the agreement-seeking process**

4.2.3.1 Any administration which considers that it should have been included in the *List* of administrations considered to be affected may, within 40 days from the date of publication of the *BR IFIC*, request the *Bureau* to include its name in the *List* of administrations considered to be affected, giving its reasons for doing so based on criteria in Section I of Annex 4.

4.2.3.2 On receipt of this request, the *Bureau* shall examine the matter and, if in accordance with § 4.2.2.2, it finds that the name of the *Administration* should have been included in the *List* of administrations considered to be affected, it shall:

- inform immediately the administration seeking the agreement and the administration requesting to be included in the *List* of administrations considered to be affected; and
- publish, within 30 days from the date of receipt of the request, the name of the administration in an addendum to the Special Section of the *BR IFIC* referred to in § 4.2.2.6 b).

For the administration whose name has been published in the addendum, the overall period of 75 days specified in § 4.2.4.6, 4.2.4.7, 4.2.4.8, 4.2.4.9 and 4.2.5.1 shall be counted from the date of publication of the addendum to the Special Section of the *BR IFIC* referred to above.

If the *Bureau* finds that the name of the administration should not be included in the *List* of administrations considered to be affected, it shall inform this administration.

4.2.3.3 The administration proposing the new or modified assignment shall seek the agreement of the administrations whose agreement has not been obtained (see also § 4.2.2.7) and which are *Listed* in the publication referred to in § 4.2.2.6 b) or § 4.2.3.2, as appropriate, by applying the procedure contained in § 4.2.4 below.

4.2.3.4 If all agreements have been received and no administration's name is removed under § 4.2.2.7 and no administration's name is included under § 4.2.3.2, the procedure contained in § 4.2.5.3 applies.

### **4.2.4 Seeking agreement of the administrations which are considered to be affected and whose agreement has yet to be obtained**

4.2.4.1 The Special Section of the *BR IFIC* referred to in § 4.2.2.6 b) or §4.2.3.2, as appropriate, constitutes the formal request for coordination addressed to those administrations whose agreement has yet to be obtained.

4.2.4.2 When seeking the agreement of another administration, the administration proposing the new or modified assignment may also communicate any additional information relating to proposed criteria to be used as well as other details concerning the terrain data, particular propagation conditions, etc.

4.2.4.3 On receipt of the Special Section of the *BR IFIC* referred to in § 4.2.2.6 b) or § 4.2.3.2, as appropriate, any administration *Listed* therein shall examine the effect of the proposed new or modified assignment on its broadcasting service, taking into account, as far as possible, the additional information referred to in § 4.2.4.2.

4.2.4.4 An administration from which agreement is sought may request the *Bureau* to assist by providing further information to enable the administration to assess the interference from the proposed new or modified assignment, using the method described in Section I of Annex 4. The *Bureau* shall send this information by the most expeditious means.

4.2.4.5 An administration from which agreement is sought may send its comments to the administration proposing the new or modified assignment, either directly or through the *Bureau*. In any event, the *Bureau* shall be informed of these comments.

4.2.4.6 An administration which is not in a position to give its agreement to the proposed new or modified assignment shall give its decision, with reasons related to its broadcasting service, within 75 days from the date of publication of the *BR IFIC* referred to in § 4.2.2.6 b) or § 4.2.3.2, as appropriate.

4.2.4.7 Fifty days after publication of the *BR IFIC* referred to in § 4.2.2.6 b) or § 4.2.3.2, as appropriate, the *Bureau* shall request any administration which has not yet given its decision on the matter to do so. After an overall period of 75 days following the date of publication of the *BR IFIC*, the *Bureau* shall immediately inform the administration proposing the new or modified assignment that it has sent out the aforementioned requests and provide it with the names of the administrations which have given their agreement and the name of the administrations which have not replied.

4.2.4.8 When an administration has not replied within this 75-day period, it is deemed that this administration has not agreed to the proposed new or modified assignment, unless the provisions of § 4.2.4.9 and § 4.2.4.10 are applied.

4.2.4.9 After the 75-day period, the administration proposing the new or modified assignment may request the *Bureau* to assist by sending a reminder to the administration which has not replied, requesting a decision. This request shall in no way extend the 24-month period mentioned in §4.2.5.1.

4.2.4.10 If no decision is communicated to the *Bureau* within 40 days after the date of dispatch of the reminder under § 4.2.4.9, it shall be deemed that the administration

which has not given a decision has agreed to the proposed new or modified assignment.

4.2.4.11 If, at the end of the periods mentioned in §4.2.4.8 or §4.2.4.10 above, there is continuing disagreement, the *Bureau* shall conduct any study that may be requested by either the administration proposing the new or modified assignment or administrations from which agreement is sought; within 40 days, it shall inform them of the result of the study and shall make such recommendations as it may be able to offer for the solution of the problem.

4.2.4.12 An administration may, before applying the procedures in § 4.2, or at any stage during application of the procedure described therein, request the assistance of the *Bureau* without this having any implication on the application of the above-mentioned periods.

4.2.4.13 If, in seeking agreement, an administration modifies its initial proposal, it shall again apply the provisions of § 4.2.

#### **4.2.5 Completion of the coordination procedure**

4.2.5.1 When an administration has obtained the agreement of all the administrations whose names were published in the *BR IFIC* referred to in § 4.2.2.6 b) or § 4.2.3.2, as appropriate, it shall inform the *Bureau* of the final agreed characteristics of the assignment together with the names of the administrations with which agreement has been reached. If the administration proposing the new or modified assignment does not inform the *Bureau* within 24 months after the 75-day period referred to in § 4.2.4.6 to 4.2.4.9, the proposed modification shall lapse.

4.2.5.2 If the above-mentioned final agreed characteristics result in the identification of new affected administrations, the administration proposing the new or modified assignment shall again apply the provisions of § 4.2 with respect to these new *Administrations*.

4.2.5.3 From the receipt of the complete information referred to in § 4.2.5.1, the *Bureau* shall, within 30 days, publish in the Special Section of the *BR IFIC* the characteristics of the assignment together with the names of the administrations which have agreed to the proposed new or modified assignment and include the new or modified assignment in the *List*.

4.2.5.4 The proposed new or modified assignment shall lapse if it is not notified under Article 5 within 12 months after the publication referred to in § 4.2.5.3.

4.2.5.5 The agreement of the administration(s) affected may also be obtained in accordance with this Article for a specific period of time. The assignment shall be removed from the *List* and/or from the *MIFR*, as appropriate, by the *Bureau* at the end of this period of time, after it has informed the administration.

4.2.6 Updating of the *List*

The *Bureau* shall maintain and publish periodically an up-to-date master copy of the *List*, taking account of any changes, additions and deletions made in accordance with the procedure of this Article.

## Article 5 *Notification of frequency assignments*

### 5.1 Notification of frequency assignments to broadcasting stations

5.1.1 When an administration proposes to bring into use an assignment to a broadcasting station, it shall notify to the *Bureau*, in accordance with the provisions of Article 11 of the *Radio Regulations*, the characteristics of this assignment, as specified in Annex 3 of the *Agreement*.

5.1.2 Under the examination by the *Bureau* of the assignment with respect to No. 11.34 of the *Radio Regulations*, i.e. its conformity with the *Plans* and the associated provisions, the finding shall be favourable if:

- (a) the assignment is contained in the *Plans*<sup>6</sup> and not bearing any remark with respect to assignments in the analogue Plan, to *existing assignments to other primary terrestrial services* or to entries in the digital Plan, and the conditions of Section II of Annex 4 are met; or
- (b) the assignment is contained in the digital Plan and bearing a remark with respect to:
  - assignments in the analogue Plan or to *existing assignments to other primary terrestrial services*, and all the necessary agreements have been obtained, and the conditions of Section II of Annex 4 are met; and/or
  - entries in the digital Plan, and the notifying administration states that all conditions associated with the remark are fully met, and the conditions of Section II of Annex 4 are met; or
- (c) in the case of an assignment stemming from an allotment in the digital Plan, which does not bear any remark with respect to assignments in the analogue Plan, to *Existing assignments to other primary terrestrial services*, or to entries in the digital Plan, the conditions of Section II of Annex 4 are met; or
- (d) in the case of an assignment stemming from an allotment in the digital Plan, which bears a remark with respect to:
  - assignments in the analogue Plan or to *Existing assignments to other primary terrestrial services*, all the necessary agreements have been obtained and the conditions of Section II of Annex 4 are met; and/or

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<sup>6</sup> This provision shall not be applicable to the analogue Plan after the end of the *Transition period*.



- entries in the digital Plan, the conditions of Section II of Annex 4 are met and the notifying administration states that all conditions associated with the remark are fully met; or
- (e) in the case of the use of an entry in the digital Plan, with different characteristics, within the DVB-T or T-DAB systems, the conditions specified in Section II of Annex 4 are met.

5.1.3 A digital entry in the Plan may also be notified with characteristics different from those appearing in the Plan, for transmissions in the broadcasting service or in *other primary terrestrial services* operating in conformity with the *Radio Regulations*, provided that the peak power density in any 4 kHz of the above-mentioned notified assignments shall not exceed the spectral power density in the same 4 kHz of the digital entry in the Plan. Such use shall not claim more protection than that afforded to the above-mentioned digital entry.

5.1.4 If the examination referred to in § 5.1.2, and § 5.1.3 where appropriate, leads to a favourable finding, the assignment shall be recorded in the *MIFR*. In relations between *Contracting Members*, all broadcasting frequency assignments recorded in the *MIFR* and in conformity with the *Agreement* shall be considered to have the same status irrespective of the date of receipt of the notices by the *Bureau* for such frequency assignments or of the date on which they are brought into service.

5.1.5 If the examination referred to in §5.1.2 or §5.1.3, as appropriate, leads to an unfavourable finding, the notice shall be returned to the notifying administration with the reasons therefore.

5.1.6 If the administration resubmits the notice and the re-examination by the *Bureau* under §5.1.2, and §5.1.3 where appropriate, leads to a favourable finding, the assignment shall be recorded in the *MIFR*.

5.1.7 If the re-examination under § 5.1.2 leads to an unfavourable finding, the assignment shall be recorded with a favourable finding under No. **11.31**, and with an unfavourable finding under No. **11.34** together with the name(s) of the administration(s) with which there is continuing disagreement, indicating that with respect to this (these) administration(s) the recorded assignment shall be operated under the conditions of not causing unacceptable interference to, and not claiming protection from, any station operating in conformity with the agreement and its associated *Plans*.

5.1.8 The notice for resubmission shall also include a signed commitment by the notifying *Administration*, indicating that use of an assignment submitted for recording in the *MIFR* under § 5.1.7 shall not cause unacceptable interference to, nor claim protection from, any station of the administration with which there is continuing disagreement operating in conformity with the *Agreement* and its associated *Plans* and recorded in the *MIFR* with a favourable finding with respect to Nos. **11.31** and **11.34**.

5.1.9 Should unacceptable interference be caused by the use of this assignment to any assignment of the administration with which there is continuing disagreement operating in conformity with the *Agreement* and its associated *Plans* and recorded in

the *MIFR* with a favourable finding with respect to Nos. 11.31 and 11.34, the administration causing unacceptable interference shall, upon receipt of advice thereof, immediately eliminate this interference.

## **5.2 Notification of frequency assignments to *other primary terrestrial services***

5.2.1 When an administration proposes to bring into use an assignment to *other primary terrestrial services*, it shall notify the assignment to the *Bureau* in accordance with the provisions of Article 11 of the *Radio Regulations*.

5.2.2 Under the examination by the *Bureau* of conformity with the *Agreement*, the *Bureau* shall examine the notice with respect to the successful application of the procedure contained in § 4.2 of the *Agreement*.

5.2.3 If the examination referred to in § 5.2.2 above leads to a favourable finding, the assignment shall be recorded in the *MIFR*. Otherwise, the notice shall be returned to the notifying administration with the reasons therefore.

5.2.4 If the administration resubmits the notice and the re-examination by the *Bureau* under § 5.2.2 above leads to a favourable finding, the assignment shall be recorded in the *MIFR* accordingly.

5.2.5 If the re-examination under § 5.2.2 leads to an unfavourable finding, the assignment shall be recorded with a favourable finding under No. **11.31**, and with an unfavourable finding under No. **11.34** together with the name(s) of the administration(s) with which there is continuing disagreement, indicating that with respect to this (these) administration(s) the recorded assignment shall be operated under the conditions of not causing unacceptable interference to, and not claiming protection from, any station operating in conformity with the *Agreement* and its associated *Plans*.

5.2.6 The notice for resubmission shall also include a signed commitment by the notifying administration, indicating that use of an assignment recorded in the *MIFR* under § 5.2.5 shall not cause unacceptable interference to, nor claim protection from, any station of the administration with which there is continuing disagreement operating in conformity with the *Agreement* and its associated *Plans* and recorded in the *MIFR* with a favourable finding with respect to Nos. **11.31** and **11.34**.

5.2.7 Should unacceptable interference be caused by the use of this assignment to any assignment of the administration with which there is continuing disagreement operating in conformity with the *Agreement* and its associated *Plans* and recorded in the *MIFR* with a favourable finding with respect to Nos. **11.31** and **11.34**, the administration causing unacceptable interference shall, upon receipt of advice thereof, immediately eliminate this interference.

## **Article 6** *Settlement of disputes*

6.1 If, after application of the procedure described in the above articles, the administrations concerned have been unable to reach agreement, they may resort to

the procedure described in Article 56 of the *Constitution*. They may also agree to apply the Optional Protocol on the compulsory settlement of disputes relating to the *ITU Constitution*, the *ITU Convention* and to the Administrative Regulations.

#### Article 7 *Accession to the Agreement*

7.1 Any Member State in the *Planning Area* which has not signed the *Agreement* may at any time deposit an instrument of accession with the *Secretary-General*, who shall immediately inform the other Member States. Accession to the *Agreement* shall be made without reservations and shall apply to the *Plans* as they stand at the time of accession.

7.2 Accession to the *Agreement* shall become effective on the date on which the instrument of accession is received by the *Secretary-General*.

#### Article 8 *Scope of application of the Agreement*

8.1 The *Agreement* shall bind *Contracting Members* in their relations with one another but shall not bind those members in their relations with non-contracting members.

8.2 If a *Contracting Member* enters reservations with regard to the application of any provision of the *Agreement*, other *Contracting Members* shall be free to disregard such provision in their relations with the member which has made such reservations.

#### Article 9 *Approval of the Agreement*

9.1 Member States signatories to the *Agreement* shall notify their approval of this *Agreement*, as promptly as possible, to the *Secretary-General*, who shall at once inform the other Member States.

#### Article 10 *Denunciation of the Agreement*

10.1 Any *Contracting Member* may denounce the *Agreement* at any time by a notification sent to the *Secretary-General*, who shall inform the other Member States.

10.2 Denunciation shall become effective one year after the date on which the *Secretary-General* receives the notification of denunciation.

10.3 On the date on which the denunciation becomes effective, the *Bureau* shall delete from the *Plans* the assignments and/or the allotments entered in the name of the Member State which has denounced the *Agreement*.

#### Article 11 *Revision of the Agreement*

11.1 No revision of the *Agreement* shall be undertaken except by a competent regional radiocommunication *Conference* convened in accordance with the procedure laid down in the *Constitution* and *Convention*, to which all the Member States in the *Planning Area* shall be invited.

## Article 12

### *Entry into force, duration and provisional application of the Agreement*

12.1 The *Agreement* shall enter into force on 17 June 2007 at 0001 hours UTC.

12.2 The provisions of the *Agreement* shall be provisionally applicable as of 17 June 2006 at 0001 hours UTC.

12.3 As from the date mentioned in § 12.2 above, broadcasting stations in operation with frequency assignments which do not appear in the *Plans* or which are not in conformity with the *Agreement* and its associated *Plans* (see § 5.1.2 of Article 5) may continue to be operated under the conditions of not causing unacceptable interference to, and not claiming protection from, any assignments in conformity with the *Agreement* and its associated *Plans*.

12.4 The *Agreement* shall remain in force until it is revised in accordance with Article 11 of the *Agreement*.

12.5 The *Transition period* shall commence on 17 June 2006 at 0001 hours UTC. During the *Transition period*, assignments in the analogue Plan (as specified in § 3.1.2 of Article 3) shall be protected.

12.6 The *Transition period* shall end on 17 June 2015 at 0001 hours UTC. However, for the countries *Listed* in footnote 1 below<sup>7</sup>, for the band 174-230 MHz<sup>8</sup>, the *Transition period* shall end on 17 June 2020 at 0001 hours UTC. After the end of the applicable *Transition period*, the corresponding entries in the analogue Plan shall be cancelled by the *Bureau*, and

- the provisions of § 4.1 of Article 4 referring to the modification of the analogue Plan; and

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<sup>7</sup> List of the countries: Algeria (People's Democratic Republic of), Burkina Faso, Cameroon (Republic of), Congo (Republic of the), Côte d'Ivoire (Republic of), Egypt (Arab Republic of), Gabonese Republic, Ghana, Guinea (Republic of), Iran (Islamic Republic of), Jordan (Hashemite Kingdom of), Mali (Republic of), Morocco (Kingdom of), Mauritania (Islamic Republic of), Nigeria (Federal Republic of), Syrian Arab Republic, Sudan (Republic of the), Chad (Republic of), Togolese Republic, Tunisia, Yemen (Republic of).

For the following administrations which were not present at RRC-06, namely Benin (Republic of), Central African Republic, Eritrea, Ethiopia (Federal Democratic Republic of), Guinea-Bissau (Republic of), Equatorial Guinea (Republic of), Liberia (Republic of), Madagascar (Republic of), Niger (Republic of the), Democratic Republic of the Congo, Sao Tome and Principe (Democratic Republic of), Sierra Leone and Somali Democratic Republic, the date of the end of the transition period in the VHF band (174-230 MHz) is 17 June 2020 at 0001 hours UTC, unless any of the aforementioned administrations communicates to the *Bureau* during the 90-day period from the end of RRC-06 that it selects 17 June 2015 at 0001 hours UTC.

<sup>8</sup> 170-230 MHz for Morocco

- remarks with respect to analogue assignments

shall cease to apply to the analogue assignments in the corresponding countries.

12.7 After the end of the above-mentioned *Transition period*, the *Bureau* shall review the status of the assignments which were contained in the analogue Plan and recorded in the *MIFR* and invite the administrations to cancel the corresponding entries in the *MIFR*.

12.8 Following the action of the *Bureau* under § 12.7 above, administrations may request the *Bureau* to cancel the corresponding assignments, or continue to operate them, under the conditions that these analogue assignments:

- (a) were contained in the Plan and already brought into use, and
- (b) shall not cause unacceptable interference to, and shall not claim protection from, any assignments in conformity with the *Agreement* and its associated *Plans* (see § 5.1.2 of Article 5).

12.9 The *Bureau* shall update the *MIFR* accordingly.

**IN WITNESS WHEREOF** the delegates of the Member States of the International Telecommunication *Union* from the *Planning Area*, named below have, on behalf of their respective competent authorities, signed one copy of these Final Acts. In case of dispute, the French text shall prevail. This copy shall remain deposited in the archives of the *Union*. The *Secretary-General* shall forward one certified true copy to each Member State of the International Telecommunication *Union* from the *Planning Area*.

**DONE** at Geneva, 16 June 2006.

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