AP-41 WORKING GROUP
5th Report

Date: Sept. 9, 2025 – Start time 08:00 AM ET
AP-41 WG Chairman: Mr. El Hadjar Abdouramane
Participants: see Annex I

Agenda of the 5th meeting of AP-41 WG – September 9, 2025

1. Adoption of the Agenda
2. Adoption of the 4th Meeting Summary
3. Contribution from the Director General on the ToRs 7, 8, and 9
4. Contribution from Coordinator on the ToRs 7, 8, and 9 (TBC)
5. AOB
6. Closing remarks

1. Adoption of the Agenda

The Chair, Mr. El Hadjar Abdouramane (Party of Cameroon), opened the meeting by welcoming the participants (see Annex I for the list of participants). The agenda was presented and adopted without modification.

The Chair delivered brief opening remarks, welcoming Dr. Renata Brazil-David to her first meeting as Director General. He highlighted her 15 years of active involvement in ITSO, including her key contributions as Deputy Director General, which will ensure continuity and also open a new chapter for the institution and the global satellite community. He congratulated her on her historic appointment as the organization's first female Director General and extended best wishes for her success.

The Chair of the Assembly of Parties joined in congratulating Dr. Renata Brazil-David, assured her of the group's full support, and expressed hope that this new chapter for ITSO will bring a bright future for the organization. He also took the opportunity to commend the Chair for the work accomplished thus far and reaffirmed his full support.

Dr. Renata Brazil-David, the Director General of ITSO, expressed her honor and excitement at participating in her first session in this capacity. She thanked the Assembly of Parties for the trust placed in her and acknowledged the important work undertaken by the Executive Organ, the previous Director General, and the Working Group in laying a solid foundation for current discussions.

She proceeded to update the group on developments since the last meeting held in June, highlighting that on July 3, 2025, the previous Director General concluded a funding agreement with Intelsat after difficult negotiations. The outcome was a reduction in funding - USD 36,000 less for the money allocated to AP expenses and USD 356,000 below the budget approved by the Assembly of Parties. In addition, Intelsat imposed stricter conditions, requiring monthly payments and delaying the first installment. This situation forced ITSO to postpone several financial obligations, including payment of staff salaries.

The DG noted SES's acquisition of Intelsat on 17th July 2025, highlighting it as a historic milestone that ushers in a new era in ITSO's relationship with the company. She emphasized that engaging with one of the world's largest satellite operators brings both opportunities and responsibilities, while reaffirming ITSO's unique role in ensuring private sector developments serve the public interest.

The DG reported that her initial discussions with SES had been constructive and expressed optimism for a stronger relationship between ITSO and the company. She acknowledged SES's financial constraints following the acquisition, noting the less-than-ideal timing given ITSO's recent funding agreement with Intelsat. Nonetheless, she emphasized the positive, respectful engagement with SES and confirmed that Parties would be kept informed of funding developments. She also noted that she is seeking to renegotiate the current year's agreement while initiating talks on longer-term arrangements. The DG highlighted that SES has already improved its relationship with ITSO, meeting its obligations under the monthly payment structure on time, and even ahead of schedule.

The DG introduced Ms. Aline Deffry, a French national with over 20 years of international development experience, who assumed the role of Director of External Affairs on 1st September 2025. Ms. Deffry brings expertise in organizational development, stakeholder engagement, and capacity building. The DG noted that many delegates know her from her previous service at ITSO, where she gained valuable knowledge of the Organization's mission and operations, as well as experience in satellite policy and regulation.

The Chair of the Assembly of Parties emphasized the importance of aligning discussions with SES regarding funding with the budget previously approved by the Assembly of Parties. He recalled that the Working Group had spent two years examining reliable financing solutions, which were subsequently presented to and endorsed by the AP. He underlined that future discussions with SES should therefore be based on the budget level approved by the AP, as this represented the collective position and voice of all Parties.

2. Adoption of the 4th Meeting Summary

The Chair invited comments on the draft fourth meeting report, which had been circulated in advance. With no comments or amendments, the report was adopted.

3. Contribution from the Director General on the ToRs 7, 8, and 9

The Director General stated that Terms of Reference 7, 8 and 9 refer to issues that are central to ITSO's role on how to safeguard the Common Heritage in times of uncertainty. The ToRs address the challenges related to the potential suppression of Common Heritage filings and measures to prevent their losses, the Region D's request to assess the feasibility of designating additional Notifying Administrations. There is a balance to find between restating the existing Treaty provisions and developing creative solutions to ensure continuity, resilience and adherence to the ITSO Core Principles. The DG then acknowledged, ITSO Legal Advisor, Mr. Maury Mechanick, who would present the contribution on behalf of ITSO.

ToR 7: **Mechanisms of transferring the non-exploited common heritage to another company that has undertaken to comply with PSA obligations, taking into account the ITSO agreement**

The Legal Advisor, Mr. Maury Mechanick, explained that ToRs 6 and 7 were essentially two sides of the same coin. He noted that the working group had already spent extensive time on ToR 6, which focused more on process, while ToR 7 focused more on outcomes. In practice, addressing ToR 6 also addressed many of the outcome-related issues, so little additional work was required under ToR 7.

He explained that ToR7 addresses situations where a company's failure or inability to use common heritage resources could result in suppression of filings. Under Article XII(c)(ii of the amended ITSO Agreement, the Notifying Administration may authorize another operator than the Company to utilize those resources to uphold ITSO's core principles. While intended as a safeguard unlikely to be invoked, the mechanism ensures readiness if required.

Mr. Mechanick noted that the issues and recommendations under ToR7 largely mirrored those of ToR6. Previous discussions had clarified the information required from Notifying Administrations and the procedures for implementing Article XII(c)(ii), including its possible invocation. He offered to respond to questions.

The USA representative, Mr. Douglas May, addressed the Director General, emphasizing the importance of not only focusing on the budget but also understanding SES's perspective on the Common Heritage spectrum. He requested that, in her discussions with SES, the DG may seek clarity on the company's objectives for the spectrum to help Parties, particularly the United States, manage filings appropriately. The Chair emphasized that it would be useful to have the official views of the Company regarding their perspective of use of the Common Heritage.
The Chair raised a question on the draft recommendation, noting it suggested that Notifying Administrations may need to establish national procedures for the permanent or temporary transfer of resources to other companies, domestic or foreign, under their jurisdiction. He asked whether such frameworks already exist or would need to be created.

The USA representative, Mr. Douglas May, responded to the Chair's question, noting that assurances had already been provided in past meetings and working groups that U.S. licensing procedures and policies could accommodate such scenarios. While his FCC colleagues might not have a detailed reply prepared, he emphasized the consistency of the U.S. position and offered to work with the Executive Organ on a more formal response if needed. He also suggested revisiting prior working group texts where similar assurances were recorded.

After considering this part, the meeting agreed to the recommendations set out in the DG contribution under TOR 7.

ToR 8: **Mechanisms to fill gaps that could lead to a replacement of suppressed Common Heritage filing by new filings from other Administrations other than the Notifying Administrations of the Common Heritage**

The Legal Advisor, Mr. Maury Mechanick, explained that ToR8 applies when a company is unable or unwilling to use Common Heritage resources and the mechanism under Article XII(c)(ii) is unsuccessful. If the Notifying Administration cannot identify another licensed operator, the provisions of ToR8 become relevant. He emphasized that this represents a contingency level beyond Article XII(c)(ii), not explicitly addressed in the ITSO Agreement, and would rely on the goodwill of Parties outside the Notifying Administrations.

He acknowledged the complexity of the issue, noting multiple revisions to the text and that further revisions might still be needed. Key variables include whether another Party acts in collaboration with the Notifying Administration or independently, and ITU timeframes, specifically the three-year period between suspension and suppression of frequency assignments, which affect how intervention aligns with ITU procedures.

At its core, ToR8 addresses situations where Notifying Administrations fail under Article XII(c)(ii), allowing another administration to secure and make frequencies available for use as Common Heritage frequency assignments in furtherance of the Core Principles. He suggested that the Working Group explores mechanisms for collaboration between notifying and non-notifying administrations, encourage ITSO Parties to be prepared to safeguard resources, and consider coordination with the ITU to ensure clarity and legitimacy if the mechanism is invoked.

The Technical Advisor, Mr. Julián Seseña, added two points to complement Mr. Mechanick's remarks, noting that the variety of transfer scenarios contributes to the process's complexity. This complexity explains why recommendations were drafted at a high level, outlining only general steps while acknowledging that sub-scenarios may arise depending on timing and context.

He illustrated the issue with examples: if a transfer is agreed six months after suspension, there are still two and a half years to complete the process, allowing for a smooth transition. By contrast, if identified two years and ten months after suspension, only two months remain before suppression, requiring coordination through ITU procedures. He clarified that terms like "suppress," "likely suppress," and "anticipation of suppression" were intentionally used to reflect different timing scenarios, while the substance agreement between administrations remains consistent.

The Legal Advisor, Mr. Maury Mechanick, mentioned one additional complexity factor. He added that, if the scenario envisioned here plays out and there is an operator other than the Company utilizing these resources in a way to preserve the Common Heritage and allow for those resources to continue to support the Core Principles, there will probably be a need for ITSO to have a PSA with that operator.

The USA representative, Mr. Douglas May, commented that the paper's hypotheticals assume a Notifying Administration is failing to comply with ITU Radio Regulations, leading to suspension or suppression, and that no services are being provided. He questioned the objective, noting that the core mission should ensure companies deliver global coverage, connectivity, and non-discriminatory treatment, while the proposal seemed to focus on government attempting to control of unused spectrum via ITSO, which he viewed as potentially conflicting with the ITU Radio Regulations and other international agreements.

He further asked how and why a government that files at the ITU for a previously Common Heritage frequency assignement might seek to designate the filing as subject to ITSO Agreement and obligations, noting that this has occurred in practice. He indicated that he would direct this specific question to Mr. Seseña for clarification.

The Technical Advisor, Julián Seseña, clarified his interpretation of ToR8, explaining that it aims to ensure continued use of the Common Heritage to support global connectivity. Temporary or permanent situations, such as an irreparable satellite failure, could risk suppression of resources. He emphasized that the measures under discussion, including possible transfers, are not intended to circumvent the Radio Regulations or create privileged treatment, but to provide an alternative means to maintain services through another company and the notifying administration.

Mr. Douglas May added that he found it difficult to understand how this ToR needs to be adressed in this Working Group, as it seems to have more to do with governments trying to preserve spectrum under the ITSO Agreement as opposed to allowing other governements to file for this spectrum for their own use under the ITU Radio Regulations.

The Legal Advisor, Mr. Maury Mechanick, responded to Mr. Douglas May, noting that earlier cases of suppressed assignments occurred before the amendment of Article XII(c)(ii), when unused resources were assumed lost. The amendment reflected a shift toward preserving Common Heritage resources even if the company is not willing to utilize them.

He agreed that the scenarios discussed depend on the goodwill of administrations, as under ITU procedures, a subsequent administration could use spectrum without supporting ITSO's Core Principles. However, an administration willing to commit to the Treaty's objectives outside the company's operations and beyond existing Notifying Administrations represents a selfless act in support of ITSO.

He acknowledged the scenario is highly speculative but emphasized that the Assembly tasked the Working Group with exploring it, leaving prioritization to the members of the WG and Parties themselves.

Ms. Olga Madruga-Forti from FCC indicated that she shared the questions raised by Mr. Douglas May, noting that reassignment of a radio assignment at the ITU was, in fact, quite rare. More commonly, satellite operators shift priorities between assignments to better serve the market needs. In ITSO's case, assignments could also change in character in support of its core principles.

She acknowledged that ToR8 raised many open questions but emphasized that the FCC, as the national regulatory authority, had developed transparent, modern, and efficient licensing regimes that continued to evolve. The FCC regularly address transitions in radio assignments requiring license updates and handled several such cases in the current year, including the transfer of Intelsat licenses to SES.

The Chair sought clarification on item three (3) of the potential recommendations, regarding actions before the ITU to maintain recognition of ITSO's Common Heritage resources under a new Notifying Administration in case of substitution. He inquired whether this implied the need for new regulatory provisions or whether the existing framework could accommodate such actions.

He emphasized that his concern was practical implementation, whether the recommendation could be carried out under current ITU rules or would require initiating a formal process, such as adding the topic to the WRC agenda.

The Technical Advisor, Julián Seseña, explained that the recommendations were developed in response to ToR8, which is complex and highly speculative, though the recommendations assume the scenario happens and there is a need for a response.

Regarding item three of the recommendations, he noted potential conflicts with ITU Rules under Articles 9 and 11. Using an example of a frequency assignment registered to Intelsat and its Notifying Administration with the correct ITU label, he explained that a new administration could, with agreement from the existing Notifying Administration, file a technically compatible assignment. However, under the ITU Rules, the new filing would enter the coordination queue without automatic priority. Recommendation three seeks to identify actions to make such a substitution viable and internationally recognized, potentially through WRC agenda item 7, which reviews coordination procedures for space services.

The Director General recognized the complexity of this ToR and recalled that it had earlier been noted by the Legal Advisor that the text of ToR 8 could be improved with more time. In light of all the previous comments, she suggested that a separate discussion could be organized with the US Notifying Administration to refine the language. She underlined that the previous Assembly of Parties had explicitly requested these ToRs to be addressed, and therefore, the Working Group had an obligation to do so, but in a way that made sense. She proposed scheduling such a meeting so that an improved text could be prepared for the final meeting in November.

The USA representative, Mr. Douglas May, said that he did not understand the meaning of item three and welcomed the Director General's invitation to hold a meeting with the Notifying Administration, considering it the best way to solve the text.

The Chair summarized by highlighting that this ToR is the most complex one, that there have been requests for clarification and that there is a need to engage further with the Notifying Administration and even the ITU on this matter. He suggested provisionally agreeing to the scope and recommendations under ToR8 subject to further improvements that can be made after the DG discusses with the Notifying Administration and the ITU, if needed.

ToR 9: **Further consider and make recommendations on the proposal that was submitted by Region D to AP-40 to have one Notifying Administration per Region**

The Legal Advisor, Mr. Maury Mechanick, recalled that the issue was initially proposed at AP-40, and although the subsequent working group did not reach a resolution, it resurfaced at AP-41 in connection with the current ToR. He identified two (2) aspects of the matter. The first aspect related to a proposal by several Region D countries to designate additional Notifying Administrations and, implicitly, transfer some existing notifications to them. He noted that this decision ultimately rested with the Assembly but emphasized that implementing it would require not only an AP decision but also an amendment to the ITSO Agreement, which would need to be considered if the Assembly wished to pursue this avenue.

The second aspect concerned the potential benefit of identifying additional administrations on a backup basis, in case a current Notifying Administration was unable or unwilling to continue to serve. This is also related to unresolved questions about the future of Common Heritage orbital locations and frequency assignments, particularly in the event of a possible termination of the ITSO Agreement.

He suggested that the working group could consider whether additional administrations should be identified as backups and, if so, what procedures and criteria should be established. He noted that, when the original Notifying Administrations were selected, criteria were applied to identify the optimal candidates. The current exercise would differ, focusing on the minimum requirements for a Party to be considered as a backup Notifying Administration.

Regarding the recommendations, he proposed that the Working Group consider establishing a process for interested administrations to submit proposals and information for assessment of their suitability as backup Notifying Administrations in the ITU regions. He also suggested that this process could consider the eventuality of the ITSO Agreement's termination and the resulting disposition of Common Heritage assignments. He concluded that these points laid out the likely recommendations while leaving the Working Group discretion to elaborate further on this process. The Legal Advisor, Mr. Maury Mechanick, added that at AP-41, there were a number of additional recommendations that could not be addressed during the Assembly of Parties and the AP indicated that those would be left up to the Working Group to consider to what extent these should take into account. If ToR 9 focuses on one specific recommendation from Region D Parties, this ToR is the space where the other ones could be addressed.

The United States delegate, Mr. Douglas May, asked Mr. Maury Mechanick to assist the Working Group by recalling what had been stated by him as the Legal Advisor, at AP-40, regarding the issue of new Notifying Administrations.

The Legal Advisor, Mr. Maury Mechanick, reiterated what he had first stated during AP-40, indicating that there was no existing provision under the ITSO Agreement to cover such a proposal. He explained that Article XII of the ITSO Agreement was clear in setting out the mechanism for designating the original Notifying Administrations. In practice, two had been selected: the United States for certain frequency assignments and the United Kingdom for others. He noted that potential notifying administrations were required to comply with the relevant provisions of the Agreement in order to confirm and solidify their designation.

He emphasized that, once this designation took place, there was only one circumstance in which the responsibility for frequency assignments could be changed, namely, if a Notifying Administration ceased to be a Party to the ITSO Agreement. In this respect, he pointed out that the document presented at AP-40 and carried forward to AP-41 in its current form, proposed reallocating existing frequency assignments, already allocated to the two Notifying Administrations, to other notifying administrations, even while the United States and the United Kingdom remained Parties to the Agreement. He stressed that such an approach was contrary to the wording of Article XII as it currently stood. Therefore, this would not be allowed under the

ITSO Agreement. If the Parties want to designate another Party as a Notifying Administration in this manner, they would need to formally amend the ITSO Agreement, consistent with Article XV, to authorize such a reallocation of responsibilities.

He added that while the simple designation of another Party as a Notifying Administration might not in itself conflict with Article XII, the actual transfer of existing frequency assignments from the current Notifying Administrations to others is what would require an explicit amendment of Article XII.

The Chair sought clarification from the Secretariat on Recommendation 2, which suggested that interested administrations submit proposals to ITSO detailing the resources they could provide and their commitment to perform all activities required of an ITSO Notifying Administration. He asked whether it would be possible to develop a template to guide administrations in preparing such submissions for consideration by the Assembly of Parties.

The Director General said that the idea of developing a template could be considered but noted that any recommendations would come as a next step after the Assembly of Parties. She explained that she would need to discuss internally with both the Legal and Technical advisors to determine whether such a template could be included as an attachment to the potential recommendations under ToR9.

The Chair summarized that, as a way forward

- The meeting agreed to the recommendations set out in the DG contribution under TOR 9, which were supplemented by comments made during the meeting;
- The ITSO Secretariat should include an analysis regarding the designation of potential additional Notifying Administrations;
- The ITSO Secretariat should consider developing a template, for consideration to the AP, to guide administration which would like to be considered as Notifying Administrations;
- Region D Parties should submit a contribution to the next meeting if they would like any additional recommendation from AP-41 to be considered further.

4. Contribution from Coordinators on the ToRs 7, 8, and 9 (TBC)

The DG noted that there was no separate input from the coordinators but wished to recognize Ms. Rivathi from India, with whom several exchanges had taken place during the preparation of the contribution from the DG. It was highlighted that she serves as the co-coordinator for these terms of reference, and the DG thanked her for her support and contribution to the work.

The Chair thanked the coordinators, Mr. Georges Kwizera from Rwanda, and the vice coordinator, Ms. Rivathi, for their tireless work and contributions. It was noted that background work had been carried out between the Secretariat and the coordinators in preparation for the meeting, particularly in providing inputs to the draft contribution from the Director General.

It was highlighted that the next step would be for the coordinators, with the support of the Secretariat, to put together their post meeting report according to the agreed template and for the next meeting to finalize the recommendations. They are also expected to follow up with the Secretariat regarding additional information identified as useful to complement the current recommendations, based on the documents submitted by the Director General that were addressed during the meeting.

5. AOB

The Director General informed the Parties that the date for the ITSO Advisory Committee (IAC) had been finalized. The meeting is to take place in Washington, D.C. on the 26 - 27 March 2026. In light of this, the DG indicated that a “save the date” notice had already been posted on the website and that the formal convening letter would be circulated in the coming weeks, as the Secretariat was aware that countries required sufficient time to process visa requests.

The Director General further informed the Parties that the IAC would coincide with Satellite Week and that the Secretariat managed to obtain a special rate for ITSO member States. Details of this arrangement would be shared together with the convening letter.

Finally, the Director General reminded the Parties that the next working group meeting would take place on 5th November 2025.

6. Closing remarks

The Chair expressed gratitude to the Secretariat and the members for their active participation, spirit of compromise, and cooperative actions, noting that this had enabled the thorough review of all the ToRs to be completed as planned. The Chair stated that the group was now in a good position to prepare its interim report for submission to the IAC. It was further noted that, following the IAC, a final report would be prepared, considering comments from the IAC as well as any additional supporting material.

The Chair indicated that the next meeting in November would mainly focus on reviewing the Chair initial report and consider any additional material requested from the coordinators of the different ToRs with the support of the Secretariat. Confidence was expressed that the November meeting would help the group conclude, or at least be ready, to have the document finalized on time for submission to the IAC. The Chair reminded members that the executive organ had set a deadline for the interim report to allow sufficient time for processing and translation in advance of the IAC meeting.

Annex I – List of participants - AP-41 WG Meeting 5 – Sept. 9th, 2025

WG Chairman: El Hadjar Abdouramane - choco0742@live.ca

Region A
Vice-Chairman: USA, Douglas May – MayDC@state.gov
Argentina: Leonel Hochman – lhochman@enacom.gob.ar
Argentina: Maria Cristina Lozada – mlozada@enacom.gob.ar
Argentina: Esteban del Mármol – edmarmol@enacom.gob.ar
Brazil: Luiza Loyola Giacomin – luizagiacomin@anatel.gov.br
Jamaica: Maria Myers-Hamilton – mmyers-hamilton@sma.gov.jm
Jamaica: Kadianne Wood – kwood@sma.gov.jm
USA: Diane Steinour – dsteinour@ntia.gov
USA: Olga Madruga-Forti – Olga.Madruga-Forti@fcc.gov
USA: Chinyelu Lee – leeck1@state.gov

Region B
Vice-Chairman: Liechtenstein, Bianca Lins – bianca.lins@llv.li
Türkiye: Nazgül Bağbaşı – nbagbasi@turksat.com.tr

Region C
Romania: Alexandru Cozma – alexandru.cozma@ancom.ro

Region D
Algeria: Safia Omari – s.omari@mpt.gov.dz
Algeria: Mourad Elallia – m.elallia@mpttn.gov.dz
Kenya: Wako Gababo – gababo@ca.go.ke
Uganda: George William Kasangaki – gkasangaki@ucc.co.ug

Region E
Vice-Chairman: Jordan - Nedal Al Samara – nedal.alsamara@trc.gov.jo
India: Revathi Mannepalli – m.revathi@nic.in

ITSO Secretariat
Director General: Renata Brazil-David – rdavid@itso.int
Director of External Affairs: Aline Deffry – adeffry@itso.int
Legal Advisor: Maury Mechanick – mjmechanick@verizon.net
Technical Advisor: Julián Seseña – jsesena@hi2.es
Executive Assistant: Heloisa Siffert – hsiffert@itso.int