

Contribution of the
Director General

AP-41-WG (Meeting 6)
27 October 2025

DG CONTRIBUTION ON UPDATES TO THE RECOMMENDATIONS FROM THE WORKING GROUP

After reviewing all reports of the WG meetings and taking into account the contributions to each TOR, the discussions during the meetings, the post meeting document from the Chair as well as recent developments, particularly the SES acquisition of Intelsat, the Director General would like to propose a few changes to the recommendations for TORs 1, 3, 8 and 9 as well as to combine TORs 6 and 7 as agreed during the fifth meeting of the WG.

To facilitate the work of the WG, the changes are presented in track changes and summarized below.

- For TORs 1 and 3, the Director General proposes some revisions taking into account the SES acquisition of Intelsat.
- TORs 6 and 7 are formally combined but the recommendations remain the same.
- For TOR 8, a few changes have been proposed for greater clarity, taking into account the ITU procedures, and after discussions between the Notifying Administration and the Director General.
- For TOR 9, based on the discussions during the fifth meeting of the WG, some additional language regarding the criteria contained in documents INTELSAT Board of Governors (BG-134-25) which was endorsed and adopted by AP-25 as representing the criteria for the selection of the Notifying Administrations.

ToR 1: Consider the circumstances, expertise and experience of ITSO, to include a focus on strengths, weaknesses and opportunities in the formulation of recommendations for a more successful ITSO, while including mechanisms to ensure the Company provides the minimum required funding for ITSO.

~~1. ITSO needs to secure agreements with SES that will resolve all outstanding funding issues, including reaching agreement with SES on multi-year funding agreements, on arrangements that would cover the costs of any future dispute resolution proceeding brought under Article 6 of the PSA, and on supporting ITSO's ability to reduce past indebtedness incurred during the pendency of the Intelsat bankruptcy proceeding as well as to cover any expenses for FY 2026 that Intelsat refuses to pay.~~

12. In preparing the Strategic Plan and the Goals and Objectives documents and other AP documents, ITSO should consider additional ways in which its strengths can be leveraged for the benefit of the Parties and the ~~Companyoperator~~ as well as potentially consider developing a broader vision statement focusing on what the organization should look like over the next 4 years, assuming that sufficient funding is provided.

2. SES should be strongly encouraged to enter into a cooperation agreement with ITSO, as was done in the past, for the mutual benefit of both.

TOR 2: Taking into consideration recommendations of WG1 and WG2 approved by the AP-41, consider and make recommendations to enhance the collaboration between ITSO and the notifying administration that supports the implementation of Article XII (c) of the ITSO Agreement.

1. To further enhance the collaboration between ITSO and the Notifying Administrations, coordination should be established via several channels, including:

- Periodic reporting, based on two semi-annual reports per year (September of the first half of the year and March following year for the second half of the previous year).
- Following consultation with the Notifying Administrations, establishment of guidelines for NAs to respond to ITSO requests for specific information.
- Consistent with the guidelines established between ITSO and the Notifying Administrations, timely notification to ITSO on any plans known to NAs regarding potential developments affecting Common Heritage: plans for suspensions of certain frequency assignments, plans for bringing back into use certain suspended assignments, etc.
- Consistent with the guidelines established between ITSO and the Notifying Administrations, timely notification to ITSO on any plans known to NAs regarding notifications to ITU or from the ITU.

2. To ensure that the information that is required by ITSO to be provided by Notifying Administrations, it is recommended to establish and formalize closer and periodical coordination between ITSO and Notifying Administrations. These contacts would allow regular exchange of information on all topics subject to reporting from NAs to ITSO and will also allow anticipating potential changes in the regulatory procedures governing space services, which the ITU (via WRC modifications of the Radio Regulations) is continuously introducing at each WRC. This could include:

- Scheduling regular meetings between ITSO and NAs to address all and any elements regarding the reporting requirements.
- Sharing information with ITSO on NAs national plans and/or specific criteria regarding ITU positions which have the potential to impact on the CH.
- To the extent permitted under the domestic rules of the Notifying Administrations, inviting ITSO, in its capacity as an international organization, to attend the national NAs preparatory meetings for ITU, CITEL, CEPT regarding agenda items of interest for ITSO CH.

- NAs to take into consideration ITSO views on the potential impact of ITU decisions on the CH.

3. To meet the obligations under Article XII(e) which addresses the coordination between ITU and NA under paragraphs (ii), (iii) and (v) there are two sets of recommendations.

Firstly, as part of the regular periodic meetings of ITSO and NAs, consideration should be given to the views of the Director General, on behalf of ITSO, regarding actions required to implement the obligations derived from Art XII (e) (ii) and work with the Director General on potential activities of the Notifying Administration(s) to expand access to lifeline countries.

Secondly, given that the LCO contract is no longer in force, appropriate measures should be put in place to ensure that the Company continues to meet its obligations to serve its lifeline connectivity customers.

4. To meet the obligations under Article XII(e) (iv), it is recommended that the Notifying Administrations continue to follow the procedure approved at the Thirty-Third Meeting of the Assembly of Parties (AP-33) to supplement the implementation of Article XII (e)(iv) of the ITSO Agreement:

- a. The Notifying Administrations plan to continue to have Intelsat engage in frequency coordination discussions with other satellite operators on the same basis as other satellite system operators of the Notifying Administration, based on applicable domestic procedures of the Notifying Administration.
- b. Before completion of a frequency coordination process, when Intelsat requests the Notifying Administration to provide notification to the ITU regarding the frequency assignments associated with those orbital locations referenced within the defined term “Common Heritage” in the ITSO Agreement and referred to by Article XII (e)(iv) (“Common Heritage Frequency Assignments”), the Notifying Administration would evaluate, on the basis of the notification information available to it, whether such notification would likely adversely affect global connectivity or service to lifeline users.
- c. Prior to its transmission to the ITU of any notification concerning the Common Heritage Frequency Assignments covered by paragraphs a and b above, the Notifying Administration would provide to the ITSO Executive Organ the information that would be provided to the ITU, pursuant to the ITU Radio Regulations, for such Common Heritage Frequency Assignments. The Notifying Administration shall also notify ITSO of the circumstances leading to its evaluation, whichever is the case: (1) that such notification would likely adversely affect global connectivity or service to lifeline users; (2) that such notification would likely not adversely affect global connectivity or service to lifeline users; or (3) that the notification information available to the Notifying Administration does not allow it to conclude on whether or not the notification would adversely affect global connectivity or service to lifeline users.

d. ITSO would have thirty (30) days from the receipt of the information provided pursuant to paragraph c above, to provide a response in writing to the Notifying Administration addressing concerns about potential adverse effects on global connectivity or service to lifeline users.

e. In the event that ITSO indicates that the information provided does not raise any question in regard to assuring the maintenance of global connectivity and service to lifeline users or fails to provide a written response within the specified timeframe, the Notifying Administration may complete the coordination process and provide the appropriate notification to the ITU.

f. In the event that ITSO raises specific concerns regarding the information provided with regard to assuring the maintenance of global connectivity and service to lifeline users, no later than five (5) days after providing such written response, ITSO also may request a meeting to consult on the matter with the Notifying Administration, such meeting to be held within ten (10) days of the ITSO request. Either ITSO or the Notifying Administration may request that Intelsat participate in the consultative meeting. The meeting would be for the sole purpose of discussing and clarifying issues previously raised.

g. The Notifying Administration would consider all of the pertinent facts and submissions, including any views expressed by ITSO either in writing or during any such meeting referenced in paragraph f above, and, in view thereof, then determine the manner in which it will respond to Intelsat's request for notification of the frequency assignments to the ITU, including if necessary, addressing the matter with other ITU administrations included in the coordination. The Notifying Administration may provide the appropriate notification to the ITU when it has reviewed the matters raised by ITSO and has determined that the matter can go forward to the ITU.

ToR 3: Review and make recommendations on possible way to improve the PSA for better collaboration between Intelsat or any other operator and ITSO

1. The Director General should submit to the Assembly of Parties, for its consideration and approval, potential revisions to the current PSA with the Company, addressing the weaknesses in the current PSA including the issues of funding, information sharing, dispute resolution, potential penalties for non-fulfilment of obligations and any other revision needed. While there are some potential amendments to the PSA that could be undertaken, given the difficulties associated with formal amendment, ITSO should also explore alternative means for dealing with these matters, including entering into multi-year funding agreements and cooperation agreements.

2. The Director General should be authorized by the Assembly of Parties to enter into a revised PSA with the Company if the opportunity arises.

3. Taking into account the difficulties that could arise with securing formal amendment of the PSA, and following AP-41 decisions taken at AP-41 regarding ITSO's funding, the Director General should secure agreement from SES on ITSO's funding that resolves all outstanding funding issues, including agreement on a multi-year funding commitment that would cover the minimum budget

approved by AP-41 plus any inflation, and would enable ITSO to reduce any outstanding past indebtedness incurred during the pendency of the Intelsat bankruptcy proceeding. The Director General should also secure agreement on an appropriate mechanism that would cover the costs of any future dispute resolution proceeding brought under Article 6 of the PSA.

4. The Director General should submit to the Assembly of Parties an updated Template PSA for use with entities other than Intelsat/SES should it become necessary to invoke the provisions of Article XII(c)(ii) of the ITSO Agreement. The work previously done with regard to developing a template for a PSA with an operator other than Intelsat as contained in AP-38-14 should serve as the basis for formal adoption of such a PSA at AP-42.

35. ITSO should take account of the experiences of IMSO and Eutelsat IGO including how they deal with other entities in addition to the original operators for which they were created to oversee.

TOR 4: Asses the processes and mechanisms for the assignment and management of the Common Heritage, ensure its protection and make appropriate recommendations for closer alignment between the work of ITSO and the Notifying Administrations.

1. To address the monitoring of the evolution of registration of frequency assignments at the MIFR of the ITU, it is recommended that ITSO continues with its obligations to develop periodic reports to the Parties regarding the evolution of the Common Heritage. In order for ITSO to perform such work, it is necessary to ensure that ITSO receives the proper budget, as approved by the Assembly of Parties.

2. To complete and maintain the record of the updated frequency assignments being part of the CH, as registered in the MIFR of the ITU there are two sets of recommendations.

Firstly, ITSO and the NAs should maintain a clean and updated recording of the frequency assignments registered at the MIFR under the ITU labels USA276 and G32 which provide information on the association of satellite networks and ITSO. Such records should include the key data associated to each orbital position, like frequency bands, satellite network registered at the ITU, corresponding satellite network name as used by the Company, status of frequency bands (registered, suspended, suppressed), coverage and ITSO regions served.

Secondly, the current annual report elaborated by the DG on evolution of Common Heritage should evolve towards a simplified semi-annual report highlighting the key elements. The historic evolution of the CH should be left as a document highlighting the evolution, but such new updated semi-annual report should focus on the key elements modifying the Common Heritage and including additional data as far as needed towards helping DG to assess the compliance against the Core Principles.

3. To complement the periodic reports from NAs with additional relevant data to assess

compliance against Core Principles, NAs should provide an extended, but simplified, semi-annual report (including the key information/data of relevance to help monitoring the evolution of the Common Heritage).

The AP-40 WG-2 identified additional data which could be further added to the semi-annual report to show other complementary aspects as indicated in the section 2 “Background relevant for TOR 4”.

AP-41 WG is of the view that the content of the semi-annual periodic report should take into account the level of details as suggested by previous WG 2 of AP-40. Consequently, the Director General should continue to engage with the Notifying Administrations to improve the content of the extended semi-annual report to be provided by NAs and when necessary, seeking relevant information from the Company. Such information should not include any type of confidential information associated with the commercial activities of the Company, but sufficient aggregated data to assess the compliance against the Core Principles. As an example of safeguarding confidential information, when reporting on level of connectivity or traffic, aggregated data (for example, indicating X countries in Region Y ITSO and ITSO Region Z are served at the light of the satellite coverage (footprints) and Q countries in ITSO Region W are effectively using the satellite). This aggregated data can satisfy the need for information from ITSO and the guarantees of no country individualization of such information. In addition to this, the reports could add a confidential exhibit under which more detailed information can be provided to the ITSO Director General to allow him/her to conclude on the compliance of the Core Principles, without further distribution of such confidential information.

TOR 5: Identify and make recommendations on the various issues that may arise in connection with specific decisions that could be undertaken by Intelsat or any other operator which have a direct impact on the Common Heritage such as bankruptcy, mergers, change of ownership, etc.

1. ITSO should prepare a document for AP-42 providing all the reasons why the PSA should never be considered to be an executory contract that can be rejected under U.S. bankruptcy law.
2. Firm confirmation needs to be provided whenever there is a change in control of Intelsat to ensure that the new controlling entity is fully subject to the obligations set forth in the ITSO Agreement and PSA with respect to satisfying the Core Principles as well as to the licensing conditions imposed by the U.S. Party via the FCC or to the mechanisms utilized by the UK Party with respect to its management of satellite filings for satellites deployed as Common Heritage orbital locations.¹

¹ In the FCC’s recent decision approving SES’s acquisition of Intelsat, that decision confirmed that, in considering the proposed change in control of Intelsat, the new controlling entity, which would be SES, would be fully subject to the obligations set forth in the ITSO Agreement and PSA with respect to satisfying the Core Principles as well as to the licensing conditions imposed by the U.S. Party via the FCC. However, this issue still needs to be addressed by the UK, which needs to provide similar confirmation that in the case of any change in control of Intelsat, the new controlling entity would continue to be fully subject to the obligations set forth in the ITSO

3. The Notifying Administrations should provide in their semi-annual reports submitted to ITSO sufficient information to accurately reflect the current usage of the Common Heritage orbital locations and associated frequency assignments over which they have jurisdiction and possible risks to the continued availability of those resources to support Intelsat's (and SES's) ability to meet the Core Principles.

TORs 6 & 7: Identify the circumstances under which Frequency Assignments pertaining to the unused Common Heritage orbital locations could be suppressed and make recommendations for re-assignment to other operators as mechanisms of transferring the non-exploited such frequency assignments of the Common Heritage to another Company that has undertaken to comply with PSA Obligations, taking into account the ITSO Agreement

1. Regarding the identification of critical frequency assignments, the periodic semi-annual reports provided by the NAs and, when necessary, supported by the Company, should allow identification of the critical frequency assignments and orbital positions which are necessary to maintain the compliance of the Core Principles (global coverage, global connectivity).

These reports would allow planning an identification of potential duplications of service in certain geographical areas where the impact of any suspension would have an administrative scope, because the suspension may have just an administrative procedure not impacting operationally on the availability of global coverage and global connectivity, or such suspension may lead to lack of service to certain geographical areas.

In addition, when any announcement is made by the Company, and notified by the NA, on a suspension procedure for certain frequency assignments in certain orbital positions, the same announcement from the Company should indicate the impact on connectivity and coverage. This announcement should include, for example, which regions would suffer lack of connectivity and for which frequency assignments, therefore, allowing to quantify the need of urgent actions to repair such risks.

2. Regarding the establishment of procedures for allowing the operation of critical assignments under suspension and risk of suppression to other satellite operators, it is recommended that when a suspension of frequency assignments at certain orbital locations is notified by the Company and NA, such notice should allow to immediately identify whether such suspension will affect global connectivity, if the assignment has been identified as essential. This means, the periodic reports will allow ITSO to keep a list of frequency assignments and orbital positions which are essential to ensure compliance with the Core Principles and associated frequency assignments at certain orbital positions which provide redundancies and therefore, a suspension process would have implied administrative impact but not immediate impacts on compliance with the Core Principles.

Agreement and PSA with respect to satisfying the Core Principles as well as the authorization provided by the UK Party with respect to its management of satellite filings for satellites deployed as Common Heritage orbital locations.

If a suspension is noticed when the recommendation regarding identification of essential frequency assignments is not yet fully implemented, the notification of suspension should include sufficient information to qualify the impact of the suspension in terms of affected regions and, consequently, the criticality of such suspension, recommending actions to recover the situation.

3. It is recommended to establish a procedure to allow the NA and ITSO to coordinate in the process of licensing/authorizing alternative satellite operators which may deploy a satellite network to replace the non-operational Company satellite network (or related frequency assignments) and which provoked suspension.

If the notification of suspension was accompanied by a plan to recover the service and bring back into use the suspended assignments, the NA and ITSO should monitor the evolution of such process and get evidence that such bringing into use step will be in fact implemented.

If the notification of suspension has not been accompanied by a plan to restore the service and bring the suspended assignments back into use on a timely basis, presenting the associated risk of later suppression of the frequency assignments at certain orbital positions, the NA should inform ITSO of the situation and the manner in which, under its domestic procedures, another satellite operator (Company 2) will be afforded the opportunity to be licensed or authorized to utilize the assignments in question, This will then allow ITSO the opportunity to enter into a PSA with Company 2 so as to ensure compliance with the Core Principles, the execution of which would then serve as a condition precedent to the actual licensing or authorization of the assigned frequencies and orbital location by the NA to Company 2. More details on the ways this situation would be tackled are provided in the recommendations associated to the ToR 8.

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 Heritage²

1. In the event that an ITSO Notifying Administration is unable to license or authorize an operator other than the Company to utilize a Common Heritage orbital location and associated frequency assignments in a manner consistent with Article XII(c)(ii) of the ITSO Agreement, resulting in their suppression under applicable ITU rules, ITSO shall favorably consider acceptance of an offer made by a Party other than the Notifying Administration to preserve the Common Heritage by licensing or authorizing an operator other than the Company to utilize an orbital location and associated frequency assignments that could serve as a suitable new assignment in substitution of the suppressed Common Heritage orbital location and associated frequency assignments. ITSO's acceptance of such an offer shall be contingent upon the offering Party's full compliance with all applicable ITU requirements for the deployment of a satellite at such orbital location and the agreement by the licensed or authorized operator to enter into a PSA with ITSO ensuring appropriate protection for the Core Principles contained in the ITSO Agreement.

² The recommendations for ToR 8 were to be refined after meeting with the U.S. Notifying Administration as agreed during meeting 5 of the WG. An initial meeting was scheduled for October 7, 2025, with the U.S. Notifying Administration but, due to the lapse in the U.S. Government operations, this meeting has been cancelled and will take place at a later date.

~~Upon request from a new Notifying Administration, confirming ITSO's and the original Notifying Administration's desirability for allowing likely suppressed Common Heritage filings to be operated by a satellite operator other than the Company under the jurisdiction of the new Notifying Administration and determining whether it would be necessary or appropriate for the new satellite operator to sign a PSA with ITSO.~~

~~2. Interested ITSO Parties should be encouraged to consider submitting new filings to ITU, or to identify any existing filings that may they have already submitted to the ITU or to consider submitting new filings to ITU with respect to orbital locations and associated frequency assignments that could serve as a suitable substitute for a Common Heritage orbital location and associated frequencies in the event of their suppression, as a means for preserving Common Heritage resources that would otherwise be lost., regarding Common Heritage resources for which potential suppression is anticipated as a means of ensuring the preservation of Common Heritage resources that would otherwise be lost if suppression were to occur.~~

~~3. Should an orbital location and associated frequency assignments be made available by a Party other than one of the two Notifying Administrations for the purpose of maintaining a Common Heritage orbital location and associated frequency assignments that otherwise would be lost due to suppression, appropriate measures should be undertaken with ITU to secure continued recognition by the ITU of those filings as having been made as part of the ITSO Parties' Common Heritage.~~

~~Actions should be taken in front of ITU to support continued recognition of the ITSO Common Heritage resources under the auspices of a new Notifying Administration when appropriate, substituting the original Common Heritage filings managed by the existing Notifying Administrations, but allowing continuity of the priority of usage of the Common Heritage filings under the new jurisdiction in similar regulatory situation as the Common Heritage filings were previously recognized under the original Notifying Administration's jurisdiction.~~

~~4. In the event of a potential agreement between the original Notifying Administration and a new Notifying Administration with respect to transfer of or joint administration of Common Heritage filings from the original Notifying Administration to the new Notifying Administration, the desirability of seeking endorsement of such an arrangement at the ITU level, to be recognized as a valid regulatory step.~~

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.

~~1. ITSO should establish a process for identification of interested Administrations to act as Notifying Administrations in some, or each of the five, ITSO Regions. In this process, due account should be taken on previous criteria contained in documents INTELSAT Board of Governors (BG-134-25), from where the final decision was taken regarding selection of the US and UK as the Notifying Administrations. These BG's recommendations were endorsed and adopted by AP-25 at the November 2000 meeting, as representing the Assembly of Parties' criteria for the selection of the Notifying Administrations.~~

~~2. Interested Administrations should submit proposals to ITSO on the following subjects:~~

- the resources available to their Administrations to perform all the activities that would be required by the ITSO Notifying Administration;
- and the way the Administrations would commit to performing all the activities that would be required of an ITSO Notifying Administration; and
- indicating how that Administration believes that it would satisfy the criteria previously adopted at the Assembly of Parties.

This would in order to allow the Assembly of Parties to review such submissions and make determinations as to the suitability of those Administrations to serve as ITSO Notifying Administrations should an opportunity to do so arise in the future.

3. Regarding the allocation of Common Heritage resources in the event that the ITSO ~~a~~Agreement is terminated, such scenario should be subject of further consideration on a case-by-case basis when approaching the time for such scenario. Note should be taken that some orbital positions and associated assignment may be required to continue playing a critical role of guaranteeing global connectivity while other orbital positions and associated assignments may not justify such consideration.