



**UNIDROIT COMMITTEE OF GOVERNMENTAL EXPERTS
FOR THE PREPARATION OF A DRAFT PROTOCOL TO THE
CONVENTION ON INTERNATIONAL INTERESTS IN
MOBILE EQUIPMENT ON MATTERS SPECIFIC TO SPACE
ASSETS
Third session
Rome, 7/11 December 2009**

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**PRELIMINARY DRAFT PROTOCOL
TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
ON MATTERS SPECIFIC TO SPACE ASSETS**

(as revised by the Committee of governmental experts at its first session
(Rome, 15/19 December 2003))

and

**ALTERNATIVE TEXT OF THE PRELIMINARY DRAFT PROTOCOL,
IMPLEMENTING POLICY ISSUES
REFERRED TO AND EXAMINED BY THE STEERING COMMITTEE**

(prepared, at the request of the Steering Committee,
for presentation to the Committee of governmental experts,
by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada)):

STATEMENT

made by the International Telecommunication Union (I.T.U.)

Following yesterday discussions related to the space assets definition and identification the I.T.U. would like to assist to the meeting and make a statement to clarify some questions from your discussion.

The preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets have to recognize that:

- The U.N. recognise the I.T.U. as the specialised agency responsible for taking such action as may be appropriate under its Constitution for the accomplishment of the purposes set forth therein,
- In the I.T.U. Constitution Article 44 the Member States agreed that radio frequencies and any associated satellite orbits, including the geostationary-satellite orbit are limited natural resources and must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations,

- The *I.T.U. Radio Regulations* complementing the provisions of the I.T.U. Constitution shall effect allocation of the radio-frequency bands spectrum and the registration of radiofrequency assignments and any associated orbital position in the geostationary satellite orbit or any associated characteristics of satellites in other orbits, in order to avoid harmful interference between radio stations of different countries

- The I.T.U. Radio Regulations is a Legal treaty - bindings on all Member states

- The international rights and obligations of administrations in respect of their own and other administrations frequency assignments and orbital positions and service areas shall be derived from the recording of those assignments in the Master International Frequency Register

- The I.T.U. regulatory procedures related to Notification and Recording of frequency assignments in the Master International Frequency Register excluding and prohibiting any transfer of satellite filings/orbital positions/frequency assignments or service areas between notifying administrations without a proper notification to the I.T.U., unless specifically stipulated otherwise by special arrangements communicated to the I.T.U. by administrations (for example transfer of intergovernmental satellite organization filings to a new notifying administration)

- For this reason the above mentioned data elements can be used for the identification of the space assets, but can't be used as an integral part of the space asset elements for transfer of rights or ownership from one administration to the other.