Protocol Concerning the Transmission and Reception of Signals from Satellites for the Provision of Fixed-Satellite Services in Canada and the Argentine Republic
Note

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This Agreement and associated Protocols have been negotiated under the authority of the Government of Canada by Industry Canada.

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Publication Date: November 2000
PROTOCOL
CONCERNING
THE TRANSMISSION AND RECEPTION OF SIGNALS FROM SATELLITES
FOR THE PROVISION OF FIXED-SATELLITE SERVICES
IN CANADA AND THE ARGENTINE REPUBLIC

RECOGNIZING the long standing bonds of friendship and co-operation between the Governments of Canada and the Argentine Republic;

PURSUANT to the Agreement Between the Government of Canada and the Government of the Argentine Republic Concerning the Provision of Satellite Facilities and the Transmission and Reception of Signals to and from Satellites for the Provision of Satellite Services to Users in Canada and the Argentine Republic, signed at , the 17th of October 2000, (herein referred to as the “Agreement”);

RECOGNIZING the sovereign right of countries to regulate their telecommunications, including the use and operation of the radio spectrum within their territory;

EMPHASIZING that there has been a long standing and successful bilateral relationship of both countries through the International Telecommunication Union (ITU), and that both Parties will apply these same positive efforts and expertise in the future coordination of Satellites licensed by the Government of Canada (herein referred to as “Canada”) and by the Government of the Argentine Republic (herein referred to as “Argentina”), which are subject to this Protocol;

RECOGNIZING the enhanced opportunities for the provision of Satellite Services in Canada and in Argentina arising from the World Trade Organization General Agreement on Trade in Services, the growing needs of the Satellite communications industries, and the public interest in the development of these services; and

IN ORDER TO establish the conditions for the transmission and reception of signals from Satellites for the provision of domestic and international Fixed-Satellite Services, as defined herein, to users in Canada and in Argentina,

THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE ARGENTINE REPUBLIC (the “Parties”) agree as follows:
ARTICLE I

Purposes

1. The purposes of this Protocol are:

1.1 To establish conditions and technical criteria for the use of Canadian and Argentine licensed Satellites and Earth Stations for the provision of Fixed-Satellite Services, as defined herein, to, from, and within the territories of the Parties.

1.2 To facilitate the provision of Fixed-Satellite Services covered by this Protocol to, from, and within Canada and Argentina via Satellites licensed by either Party.

ARTICLE II

Scope

1. The provisions of this Protocol are without prejudice to the rights and obligations of Canada and Argentina under the Constitution and Convention of the ITU (Geneva, 1992) and its Radio Regulations and the General Agreement on Trade in Services (GATS) of the World Trade Organization, in particular the Fourth Protocol on Basic Telecommunication Services.

2. This Protocol applies, on a reciprocal basis, to the use within the territory of both countries of Satellites licensed by Canada and Satellites licensed by Argentina.

3. This Protocol does not apply to the Satellite Services, provided through Satellites discussed in Article I(1), that are regulated pursuant to the Broadcasting Act of Canada, where such services are intended for direct reception by the public, and pursuant to the Ley Federal de Radiodifusion No. 22.285 of Argentina.

ARTICLE III

Definitions

1. The terms defined in the Agreement are applicable to this Protocol. In addition, for the purposes of this Protocol:

1.1 “Fixed-Satellite Services” (“FSS”) means any radiocommunication signals that are transmitted and/or received by Earth Stations, located at specified fixed positions or at any fixed point within a specified area, using one or more Satellites licensed by either Party;
1.2 FSS include feeder links and other radiocommunication signals in direct support of signals of Article III(1.1);

1.3 FSS include, but is not limited to, signals carrying video or video/audio distributed to cable television head-end and multipoint distribution service facilities;

1.4 The terms Advanced Published and Coordination shall have the meanings given to such terms in the ITU Radio Regulations.

ARTICLE IV
Implementing Entities

1. As provided for in Article III(2) of the Agreement, the Administrations responsible for implementing this Protocol shall be:

1.1 For Canada, the Department of Industry; and

1.2 For Argentina, Secretaria de Comunicaciones.

ARTICLE V
Fixed-Satellite Service Frequencies

1. This Protocol applies solely to Fixed-Satellite Services using the frequency bands typically paired as set forth in the appendix to this Protocol (the “Appendix”).

2. The use of the frequency bands set forth in the Appendix must comply with the applicable Canadian and Argentine laws, regulations, policies, and procedures, conditions set forth in this Protocol, and the respective national frequency allocation tables. In specific geographic areas, coordination involving specific systems currently operating in these frequency bands will be necessary.

3. This Protocol does not apply to frequency bands not listed in the Appendix.
ARTICLE VI

Conditions of Use

1. Licences for FSS shall be issued as efficiently and expeditiously as possible by the Administrations for transmit and/or receive Earth Stations (including Blanket Licences for transmit and/or receive Earth Stations and any other applicable Licence for the provision of Satellite Services).

2. Each Party shall apply its domestic laws, regulations, policies, and procedures in a transparent and non-discriminatory manner to the Satellites licensed by either Party, and to all applications for a Licence to transmit and/or receive FSS signals, including licences for transmit/receive and receive-only Earth Stations, via Satellites licensed by either Party.

3. Non-conformance to the applicable laws, regulations, policies, and procedures of a Party may result in loss of the Licence granted by that Party.

4. The principal laws, regulations, policies, and procedures of the Parties, which are applicable to this Protocol, are indicated below:

   4.1 For Canada, the laws, regulations, policies, and procedures for the grant of Licences in Canada to transmit or receive FSS signals via Satellites licensed by either Party, include the Industry Canada Act, the Radiocommunication Act, the Telecommunications Act, the Broadcasting Act, their subordinate regulations and related policies, as amended from time to time, related to this service.

   4.2 For Argentina, the laws, regulations, policies, and procedures are the Ley de Telecomunicaciones No. 19.798, the Ley Federal de Radiodifusion No. 22.285, Decrees 62/90, 264/98 and 465/2000, Resolucion No. 1913/95 of the former Comision Nacional de Telecomunicaciones (CNT), and Resolucion No. 3609/99 of the Secretaria de Comunicaciones, as amended from time to time, related to these services.

   4.3 The Administrations will exchange the most up-to-date official texts of national laws, regulations, policies, and procedures related to FSS at the time of signature of this Protocol, and on June 1 of every year thereafter.

5. Nothing in this Protocol shall be construed to permit interim or permanent limits on the number of:

   5.1 FSS Satellites licensed by either Party which may transmit to, from, and/or within the territory of either Party pursuant to this Protocol or the Agreement;

   5.2 Entities granted a Licence in Canada to transmit and/or receive FSS signals via Satellites licensed by either Party; and
5.3 Entities granted a Licence in Argentina to transmit and/or receive FSS signals via Satellites licensed by either Party.

5.4 Earth Stations which may transmit and/or receive FSS signals to, from, and/or within the territory of either Party via Satellites licenced by either Party.

6. Each Administration shall permit FSS signals to be delivered directly to Earth Stations through Satellites licensed by either Party without requiring that they be retransmitted over an intermediary Satellite System, or through an intermediary Earth Station.

7. The Parties will apply their respective laws, regulations, policies, and procedures governing the distribution of signals for the provision of cable television service and multipoint distribution service.

8. FSS signals may be provided for transmission and/or reception between either Party and third countries. Transmission or reception of such signals to or from third countries shall be subject to each Party’s applicable laws, regulations, policies, and procedures, applied in a non-discriminatory and transparent manner, regardless of which Party licensed the relevant Satellite.

ARTICLE VII

Technical Coordination Procedures

1. Nothing in this Protocol shall affect the rights and obligations of a Party to frequency assignments and associated orbital positions already assigned to it in accordance with the ITU Radio Regulations, including Appendices S30, S30A, and S30B.

2. Nothing in this Protocol shall affect the rights and obligations of a Party regarding the technical coordination of frequencies and associated orbital positions of Satellites of the other Party or third parties not covered by this Protocol, pursuant to the ITU Radio Regulations.

3. Any Satellite licensed by one of the Parties that is in the Advance Publication or Coordination stage or in operation in accordance with the relevant ITU Radio Regulations, shall continue to have its appropriate status under the ITU Radio Regulations notwithstanding the provisions of this Protocol.

4. Each Administration agrees to exert its best efforts to assist the other Administration in the technical coordination of new, and modifications to current, Satellite Network frequency assignments and associated orbital positions. Each Administration shall concur with the requests of the other Administration made through the ITU for coordination of Satellite Networks, and modifications thereto, provided that such requests are consistent with ITU rules and regulations and applicable national technical rules and regulations, and result in technical compatibility of the affected Satellite Networks and terrestrial systems of the Administrations.
5. This Protocol shall not obligate either Administration to require that any operator of a Satellite licensed by one of the Parties substantially alter its ongoing operations and technical characteristics in order to accommodate new Satellites licensed by either Party for the provision of FSS.

6. In the event that there is harmful interference to a Satellite licensed by one of the Parties, notification shall be made to the Administration responsible for licensing the interfering Satellite or Earth Station. Both Administrations shall analyze the information on the interfering signal, shall consult on solutions, and shall seek to agree on the appropriate actions to resolve the interference.

ARTICLE VIII

FSS and Related Authorizations

1. Canada agrees to permit Satellites licensed by Argentina to provide FSS signals to, from, and within Canada, subject to compliance with the conditions set forth in Article IV(1.1) of the Agreement. In order to receive a Licence in Canada to transmit and/or receive FSS signals via Satellites licensed by either Party (including Licences for Canadian transmit/receive and receive-only Earth Stations communicating with such Satellites), entities must comply with applicable Canadian laws, regulations, policies, and procedures.

2. Argentina agrees to permit Satellites licensed by Canada to provide FSS signals to, from, and within Argentina, subject to compliance with the conditions set forth in Article IV(1.2) of the Agreement. In order to receive a Licence in Argentina to transmit and/or receive FSS signals via Satellites licensed by either Party (including Licences for Argentine transmit/receive and receive-only Earth Stations communicating with such Satellites), entities must comply with applicable Argentine laws, regulations, policies and procedures.

ARTICLE IX

Entry into Force, Amendment and Termination

1. This Protocol shall enter into force upon signature by both Parties and shall remain in force so long as the Agreement is in force.

2. The Appendix to this Protocol may be amended by an exchange of letters between the Administrations.

3. Notwithstanding Article IX(1), this Protocol may, by mutual agreement of the Parties, be replaced by a new Protocol, or it may be terminated in accordance with Article XI of the Agreement.

4. Termination of this Protocol shall enter into effect six months after receipt of notification.
5. Upon termination of this Protocol, an Administration may, at its discretion, terminate any Licence issued pursuant to this Protocol.

IN WITNESS WHEREOF, the respective representatives have signed the present Protocol.

DONE in duplicate at [location], the 17th day of October 2000, in the English, French and Spanish languages, all texts being equally authentic.

FOR THE GOVERNMENT OF CANADA

FOR THE GOVERNMENT OF THE ARGENTINE REPUBLIC
APPENDIX

1. The following FSS frequency bands are referred to by Article V of this Protocol:

<table>
<thead>
<tr>
<th>Uplink Frequencies</th>
<th>Downlink Frequencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.925 - 6.425 GHz</td>
<td>3.700 - 4.200 GHz</td>
</tr>
<tr>
<td>14.0 - 14.5 GHz</td>
<td>11.7 - 12.2 GHz</td>
</tr>
<tr>
<td>12.75 - 13.25 GHz</td>
<td>10.70 - 10.95 GHz</td>
</tr>
<tr>
<td></td>
<td>11.20 - 11.45 GHz</td>
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<tr>
<td>13.75 - 14.00 GHz</td>
<td>11.45 - 11.70 GHz</td>
</tr>
<tr>
<td></td>
<td>10.95 - 11.2 GHz</td>
</tr>
<tr>
<td>27.50 - 30.00 GHz</td>
<td>17.70 - 20.20 GHz</td>
</tr>
</tbody>
</table>

2. Consistent with Article VI, Paragraph 4 of this Protocol, the use of the frequency bands listed above, in the territory of a Party, must comply with the applicable Canadian and Argentine laws, regulations, policies, and procedures, conditions set forth in this Protocol and the respective national frequency allocation tables and take into consideration the systems currently operating in these frequency bands and any applicable international agreements of the Parties.

3. This Protocol does not apply to frequency bands not listed above.