

AP-41 Ad Hoc WORKING GROUP
- Kick-off meeting, January 28^h, 2025 -

Agenda

- 1. Opening Remarks by the ITS0 DG and WG Chair**
- 2. Presentation of the AP-41 Ad Hoc Working Group**
- 3. Review of the Terms of References**
- 4. Proposal on WG composition**
- 5. Working methodology, leadership and ToRs coordinators**
- 6. Calendar of meetings**
- 7. AOB**
- 8. Closing remarks**

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ATTACHMENT NO. 1 TO
AP-41-3E FINAL W10/24

**TERMS OF REFERENCE FOR AD HOC WORKING GROUP
TO ADDRESS ISSUES ON THE FUTURE OF ITSO AND
THE PROTECTION OF THE COMMON HERITAGE**

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Preamble

At the AP-40 session, two Ad-Hoc Working Groups were established to explore and recommend solutions to ensure the resilience of the International Telecommunications Satellite Organization (ITSO) and the protection of Common Heritage. However, due to limited time, several crucial issues were identified: some were addressed while some were left insufficiently addressed.

Additionally, ongoing challenges in the relationship between ITSO and Intelsat, along with unresolved questions surrounding the acquisition of Intelsat by SES, highlight the need for further dialogue at a level of a working group in order to identify potential solutions to be decided upon by the subsequent AP.

In light of these considerations, it is proposed that a new Ad Hoc Working Group be formed with the following as key elements:

Output

Establish a Working Group (WG) to develop a comprehensive report with strategic recommendations for consideration at the next Assembly of Parties. The focus will be on ensuring the resilience of the International Telecommunications Satellite Organization (ITSO) and safeguarding the Common Heritage.

Objective

Building on the work initiated by the AP-40 Ad Hoc Working Groups 1 and 2, and in light of recent developments in the satellite industry, it is proposed to develop measures aimed at shaping a stronger, more effective, and responsive ITSO. These measures should ensure that ITSO remains closely aligned with the evolving interests of all Parties and the future strategic direction of the Organization.

This process will involve consultations with all relevant stakeholders, including but not limited to ITSO, Notifying Administrations, Intelsat, ITU, and the Parties, to ensure comprehensive input and alignment with industry and regulatory advancements.

Participation in the Working Group will be open to all Parties, ensuring inclusivity and broad representation.

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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.
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 Administrations that supports the implementation of Article XII (c) of the ITSO Agreement.
3. Review and make recommendations on possible way to improve the PSA for better collaboration between Intelsat or any other operator and ITSO
4. Assess 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.
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.
6. Identify the circumstances under which unused Common Heritage orbital locations could be suppressed and make recommendations for re-assignment to other operators.
7. Recommend mechanisms of transferring the non-exploited CH to another company that has undertaken to comply with PSA obligations, taking into account the ITSO Agreement.
8. Recommend mechanisms to fill gaps that could lead to a replacement of suppressed CH filing by new filings from other Administrations other than the NAs of the CH
9. Further consider and make recommendations on the proposal that was submitted by Region D to AP-40 to have one NA per region.