

**DECISION OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 88 OF FEBRUARY 1, 2000  
ON THE APPROVAL OF BASIC PROVISIONS OF STATE POLICY IN DISTRIBUTION, USE AND  
SECURITY OF THE ORBITAL FREQUENCY RESOURCES OF THE RUSSIAN FEDERATION AND  
REGULATIONS ON THE STATE CONTROL OF ADMISSION AND USE OF FOREIGN SYSTEMS OF  
SATELLITE COMMUNICATION AND BROADCASTING IN THE INFORMATION  
(TELECOMMUNICATION) SPACE OF THE RUSSIAN FEDERATION**

With the objective enhancing state management and control in the distribution, use and security of the orbital frequency resource of the Russian Federation the Government of the Russian Federation resolves:

To approve attached hereto:

Basic Provisions of State Policy in Distribution, Use and Security of the Orbital Frequency Resource of the Russian Federation;

Regulations on the State Control of Admission and Use of Foreign Systems of Satellite Communication and Broadcasting in the Information (Telecommunication) Space of the Russian Federation.

Chairman of the Government  
of the Russian Federation

V. Putin

**Basic Provisions of the State Policy in Distribution, Use and Security of the Orbital Frequency  
Resources of the Russian Federation (Approved by Decision of the Government of the Russian  
Federation No. 88 of February 1, 2000)**

1. These Basic Provisions serve to regulate the distribution, use and security of the orbital frequency resources of the Russian Federation which is implemented with the participation of federal executive bodies and users of the orbital frequency resources.

2. The security of the orbital frequency resources of the Russian Federation and control of their use are important state activities associated with economic and social aspects of the country's development, provision of presidential and governmental communications, the needs of defence, security, enforcement of law and order and also the economic activity of legal entities and individuals in the territory of the Russian Federation.

3. With respect to users of the orbital frequency resources whose radio-electronic facilities are located in international waters, air and outer space or in the territory of foreign states under the jurisdiction of the Russian Federation, these Basic Provisions shall be applied with due regard for the commitments of the Russian Federation ensuing from the Charter and Convention of the International Union for Telecommunication, intergovernmental agreements and the legislation of foreign states.

4. The state policy in distribution, use and security of the orbital frequency resources shall be based on the following underlying principles:

1) the exclusive right of the state to the distribution, use and security of orbital frequency resources, with the understanding that the orbital frequency positions shall not be transferred in ownership, privatized or assigned on a permanent basis for indefinite term;

2) the drafting and implementation of a uniform technological policy and procedures in the use of orbital frequency resources with due regard for the international agreements of the Russian Federation;

3) ensuring the priority of the needs of presidential and governmental communications, defence, security and the enforcement of law and order;

4) the development along the lines of conversion of civil radioservices to use the orbital frequency resources, the implementation of measures to promote the civil services through conversion of the radio-frequency spectrum with due account for its distribution established by the Radiocommunication Regulations of the International Union of Telecommunication and the provision of sufficient orbital frequency resource for the needs of government, defence, security and the enforcement of law and order in the Russian Federation;

5) the implementation of international activity of the Russian Federation in radiocommunications with the aim of safeguarding national interests, participation in international organizations and joint space projects;

6) the introduction of economic methods of control of orbital frequency resources, the realization with respect to non-government users of the policy of introduction of market mechanisms in the regulation and use of orbital frequency resources by defining their economic (market) value and also the utilization of profits obtained from such market regulation of the use of frequencies, primarily for the maintenance and development of Russian systems of satellite communication and broadcasting;

7) the introduction of efficient methods of planning, distribution and use of orbital frequency resources, implementation of measures required for revocation of permissions for assignment, allocation or reservation of frequency bands to any category of users, unless actual or timely use of the same is confirmed in the established manner, thereby avoiding infliction of damage on the country's defence and security interests;

8) the implementation of a nation-wide system of control and inspection of compliance with the rules of using the radio-frequency spectrum and orbital frequency resources established under the legislation of the Russian Federation.

5. The regulation of the use of the radio-frequency spectrum and orbital positions of communication satellites shall be the exclusive right of the state and shall be exercised, as envisaged by the Federal Law on Communication, by federal executive authorities for communication, duly authorized by the Government of the Russian Federation. The liability for general regulation of distribution, use and security of the orbital frequency resources of the Russian Federation shall be born by the Government of the Russian Federation and federal executive authorities duly authorized by it.

At the request of the Government of the Russian Federation the activity of distribution of orbital frequency resources shall be conducted by the State Commission for Radio Frequencies under the Ministry of Communications of the Russian Federation. The work of the Commission shall be carried out on the basis of Regulations to be approved by the Government of the Russian Federation.

Statutory acts and directives of said Commission regarding the distribution and use of orbital frequency resources, ensuring electromagnetic compatibility of radio electronic facilities of space and ground radioservices and international legal security shall be binding upon all and any users of orbital frequency resources regardless of their location and form of ownership.

The obligations of federal executive authorities in exercising control over the distribution, use and security of orbital frequency resources of subordinate radio electronic facilities and also the amount of payment due for using the orbital frequency resources and the procedure for making the payment shall be such as prescribed by the Government of the Russian Federation.

6. The allocation of frequency bands for the purpose of development (modernization), manufacture or acquisition of satellite and space radioelectronic facilities shall be carried out by the State Commission for Radio Frequencies under the Ministry of Communications of the Russian Federation.

7. The State Commission for Radio Frequencies under the Ministry of Communications of the Russian Federation shall, when distributing orbital frequency resources, be guided by the following priorities:

- 1) to use Russian satellite communication systems;
- 2) to use satellite communication systems of international organizations which of the Russian Federation is a member;
- 3) to use satellite communication systems under the jurisdiction of foreign states whose networks have been completely coordinated with those of the Russian Federation's administration for communication.

8. The access by users to orbital frequency resources shall be effected through licensing with legal entities and individuals having equal rights to use the radio-frequency spectrum and orbital positions with due regard for the antimonopoly legislation and subject to the unconditional priority of the needs of the country's defence and security.

The right to use orbital frequency resource in the allocation of frequency bands for purposes of development, manufacture (modernization) and purchase from abroad of radioelectronic facilities and also to use frequency bands shall be granted on the basis of a decision of the State Commission for Radio Frequencies under the Ministry of Communications of the Russian Federation.

9. The allocation and designation (assignment) of operating frequencies and orbital positions shall be effected in accordance with the distribution of frequency bands established under the Table of Frequency Bands Distribution Among Radioservices of the Russian Federation and international obligations in the use of orbital frequency resources.

Said Table shall be approved by decision of the State Commission for Radio Frequencies under the Ministry of Communications of the Russian Federation and shall be published by federal executive authority for communication (except for data not to be published in the open press as envisaged under the legislation of the Russian Federation).

10. The Table of Frequency Bands Distribution Among Radioservices of the Russian Federation establishes the following categories of frequency bands:

frequency bands to be primarily used by radio-electronic facilities for governmental purposes (hereinafter referred to as governmental frequency bands);

frequency bands to be primarily used by radio-electronic facilities for civic purposes (hereinafter referred to as civic frequency bands);

frequency bands for common use.

11. The category of governmental frequency bands shall comprise frequency bands to be used by radio-electronic facilities for the purposes of providing presidential, governmental and representative

communication and the needs of defence, security, enforcement of law and order and air traffic control. The category of civic frequency bands shall incorporate frequency bands designed for the operation of radio and television networks, systems of communication for public use and departmental communication networks, excluding departmental networks operating at governmental frequency bands purpose.

The category of frequency bands of common use shall include frequency bands that may be used by systems of all purposes depending on requirements of users of any category.

The State Commission for Radio Frequencies under the Ministry for Communication and Informatization of the Russian Federation shall have the right to designate within said categories of frequency bands, such frequency bands as are to be exclusively used for the needs of governmental communication and defence.

**12.** The liability for the allocation of frequency bands shall be assigned:

as regards radioelectronic facilities operating within governmental frequency bands - to the State Commission for Radio Frequencies under the Ministry of Communications and Informatization of the Russian Federation, the Ministry of Defence of the Russian Federation and the Federal Agency for Governmental Communication and Informatization under the President of the Russian Federation;

as regards radioelectronic facilities operating within civic frequency bands - to the State Commission for Radio Frequencies under the Ministry of Communications and Informatization of the Russian Federation; as regards radioelectronic facilities operating within frequency bands of common use - to the State Commission for Radio Frequencies under the Ministry for Communication and Informatization of the Russian Federation, the Ministry of Defence of the Russian Federation, the Federal Agency for Governmental Communication and Informatization under the President of the Russian Federation and the Federal Protection Service of the Russian Federation.

**13.** The liability for designation (assignment) of operating frequencies within allocated frequency bands shall be imposed:

within the governmental frequency bands - on the radio frequency bodies of the Ministry of Defence of the Russian Federation, the Federal Agency for Governmental Communication and Information under the President of the Russian Federation and the Federal Protection Service of the Russian Federation;

within the civic frequency bands - on the Service of Governmental Supervision over Communication in the Russian Federation;

within frequency bands of common use - on the Service of Governmental Supervision over Communication in the Russian Federation (as concerns radioelectronic facilities for civic purposes), the Ministry of Defence of the Russian Federation, the Federal Agency for Governmental Communication and Informatization under the President of the Russian Federation.

**14.** State control in the use of orbital frequency resources is a package of administrative, legal, scientific and technological activities based on respective legislative, statutory legal acts and international agreements aimed at efficient use of orbital frequency resources.

**15.** In the course of conducting special-purpose activities and in emergencies there may be temporary restrictions imposed on the use of the radio frequency spectrum. The procedure of imposition of restrictions and the list of bodies authorized to impose such restrictions shall be as prescribed by the Government of the Russian Federation.

**16.** The users of orbital frequency resources shall have the right to use the assigned orbital frequency resources for conducting the type of activity that they have been duly authorized to by using any type of satellite communication in the Russian Federation.

**17.** The users of orbital frequency resources shall strictly abide by the conditions specified in the permission for the use of orbital frequency resources issued by the State Commission for Radio Frequencies under the Ministry of Communications and Informatization of the Russian Federation.

In the event of violation by the orbital frequency resources user of said conditions, the federal executive authorities for communication duly authorized thereto shall have the right to terminate or suspend the permission.

In the event the user disagrees with the decision of termination or suspension of permission, it may appeal in the manner established under the legislation of the Russian Federation.

**18.** All radioelectronic facilities of users of satellite and space communication shall be subject to registration in the established manner.

**19.** The international legal security represents a package of technological, legal, organizational and research activities undertaken with the aim of ensuring international recognition and securing the functioning of Russian radioelectronic facilities of space and ground radioservices.

**20.** The international legal security of frequency assignments of radioelectronic facilities of the Russian Federation and orbital positions of artificial Earth satellites is effected in order to create favourable conditions for the development and use of all types of satellite communication in the Russian Federation through the participation of the Russian Federation in the work of the International Union of Telecommunications and its agencies and also other international organizations associated with the distribution and use of the radio-frequency spectrum, standardization of radio equipment, including

participation in international conferences, seminars and symposia dedicated to problems of control of the use of the radio-frequency spectrum and provision of electro-magnetic compatibility.

21. At the international level, the interests of the Russian Federation shall be represented by the federal executive authority for communication duly authorized by the Government of the Russian Federation in the capacity of the Russian Federation's administration for communications.

22. The Government of the Russian Federation shall establish the liability of federal executive authorities for distribution, use and security of orbital-frequency resources. Control over use of orbital-frequency resources and technological control over the radiation of radioelectronic facilities shall be exercised by the Service of State Supervision over Communication in the Russian Federation and the appropriate services of the Ministry of Defence of the Russian Federation and the Federal Agency of Governmental Communication and Information under the President of the Russian Federation.

Matters pertaining to the use of the radio-frequency spectrum and orbital frequency resources designed for the provision of presidential and governmental communication and the needs of defence, security and the enforcement of law and order shall be outside the competence of the Service of State Supervision over Communication in the Russian Federation.

23. The filling-in of orbital positions used for communication and broadcasting in the Russian Federation with space communications vehicles shall be carried out under the Federal Space Program of Russia on the basis of state orders in accordance with the replacement plan for space vehicles that have exceeded their service life and also at the request of users as is provided under these Basic Provisions.

The creation of space communications vehicles shall be carried out under the Federal Space Program of Russia.

**Regulations on the State Control of the Admission and Use of Foreign Systems of Satellite Communication and Broadcasting in the Information (Telecommunication) Space of the Russian Federation (Approved by Decision of the Government of the Russian Federation No. 88 of February 1, 2000)**

1. These Regulations serve to regulate the activity of federal executive authorities related to the admission and use of foreign systems of satellite communication and broadcasting of civic purpose to provide communication services and broadcasting in the information (telecommunication) space of the Russian Federation.

2. A foreign system of satellite communication and broadcasting shall mean a system featuring frequency assignment declared, coordinated and registered with the International Union of Telecommunications by another state or international organization. A foreign communication and broadcasting satellite shall mean a satellite manufactured and put into service by a foreign enterprise (organization) or an international organization that uses foreign control software.

The other terms used in these Regulations coincide with those given in the Radiocommunication Regulations of the International Union of Telecommunications.

3. Satellite communication in the Russian Federation shall be an integral part of the production and social infrastructure of the country and shall function on its territory as an interrelated production complex under the jurisdiction of the Russian Federation.

4. Below are some of the major factors involved in implementation of satellite communication, viz.:

1) provision for reliability and control of communication with due regard for network-related technological features on the basis of Russian standards;

2) ensuring, in compliance with state research and technological policy, the priority of production and operation of communication facilities manufactured in the Russian Federation.

5. The satellite component of the country's system of communication shall be based primarily on Russian facilities of communication, i.e. it shall use as its basis such satellites of communication that are built and operated under the Federal Space Program of Russia.

6. In the information (telecommunication) space of the Russian Federation there may be admitted, on the basis of decisions of the State Commission for Radio Frequencies under the Ministry of Communications and Informatization of the Russian Federation, such foreign systems of satellite communication and broadcasting as have passed international coordination within the framework of the International Union of Telecommunications, and also users.

The possibility of use in the telecommunications market of the Russian Federation of both foreign systems of satellite communication and broadcasting and also separate foreign communication and broadcasting satellites shall be determined by agreements on accession of the Russian Federation to international organizations of satellite communication or by decisions of the Government of the Russian Federation and decisions of the State Commission for Radio Frequencies under the Ministry for Communication and Informatization of the Russian Federation, while, with respect to foreign global systems of mobile satellite communication - by decisions of the State Commission for Radio Frequencies under the Ministry of Communication and Informatization of the Russian Federation.

The use of foreign systems of satellite communication and broadcasting in the information (telecommunication) space of the Russian Federation shall be permitted basically to satisfy the needs of commercial structures and in exclusive cases - the needs of state structures by agreement with the appropriate federal executive authorities.

Foreign systems of satellite communication and broadcasting may be admitted in the telecommunications market of the Russian Federation for the purpose of organizing international links and in individual cases - for organizing in the territory of the Russian Federation networks of satellite communication and broadcasting on occasions when it is not possible to use similar Russian systems of satellite communication and broadcasting.

The decision to use said systems, including within the interlinked communication network of the Russian Federation shall be taken by the Government of the Russian Federation upon recommendation of the State Commission for Radio Frequencies under the Ministry of Communication and Informatization of the Russian Federation on the basis of a report from an interdepartmental commission comprising as members representatives of the Russian Federation's Ministry for Issues of the Press, Television and Radiobroadcasting and Mass Media, the Federal Security Service of the Russian Federation, the Federal Agency for Governmental Communication and Information under the President of the Russian Federation, the State Technological Commission under the President of the Russian Federation, the Ministry of Defence of the Russian Federation and the Russian Aviation and Space Agency.

The allocation of frequency bands for said systems shall be effected in the established manner by the State Commission for Radio Frequencies under the Ministry of Communication and Informatization of the Russian Federation without detriment to the development of Russian systems of satellite communication and broadcasting.

**7.** The creation and development of the ground infrastructure and also the provision of communication services in the territory of the Russian Federation shall be the competence of Russian communication operators (legal entities and individual entrepreneurs registered in the territory of the Russian Federation and subject to the jurisdiction of the Russian Federation) that have obtained a licence for the conduct of said activity in the prescribed manner.

The exclusive zone of coverage of a Russian communication operator shall comprise a respective part of the Russian Federation's territory, including the air space above it. Within the zone of coverage there may be identified territories where it is forbidden to provide services of communication and broadcasting with the use of certain frequency bands and types of radio-electronic facilities.

**8.** The provision of service to territories may be forbidden for the following reasons: violation of the requirements of state security established by the legislation of the Russian Federation; infringement of the requirements for electromagnetic compatibility of radioelectronic satellite and space communication facilities.

**9.** The issuance to Russian operators of licences to provide communication services with the use of foreign systems of satellite communication and broadcasting shall be the competence of the Ministry of Communication and Informatization of the Russian Federation.

**10.** In the case of use of global mobile systems of satellite communication created outside the framework of international agreements of the Russian Federation, a licence shall be given following presentation by the company - owner of the system of internationally accepted guarantees (in the form of agreement made by the Russian communication operator with the Ministry of Communication and Informatization of the Russian Federation, the Federal Security Service of the Russian Federation, the Federal Agency of Governmental Communication and Information under the President of the Russian Federation and the Ministry of Defence of the Russian Federation, necessarily stating that the system of satellite communication is not of a reconnaissance nature and cannot inflict damage to individuals, society or the state.)

**11.** The licence shall without fail include the requirement to ensure unconditional priority of all messages concerning a threat to life on the ground, in the sea, air and outer space, urgent measures in the sphere of defence, security and enforcement of law and order in the Russian Federation and also messages about major accidents, disasters, epidemics and natural calamities.

During natural calamities and other emergencies, in specific instances envisaged under the legislation of the Russian Federation, the duly authorized state agencies shall be provided with the right of priority use and also to suspend the functioning of Russian segments of respective systems of satellite communication in the territory of the Russian Federation.

The licence shall entitle the communication operator, upon certification of equipment and receipt of permission for the use of operating frequencies and operation issued by the Service of State Supervision over Communication in the Russian Federation, to start providing telecommunication services.

**12.** Russian communication network operators shall carry out their activity in compliance with the legislation of the Russian Federation (subject to the provision of information security and operative and investigative activities) and statutory acts of federal executive authorities for communication related to the

control of communication networks, organizational and technical provision for the stable functioning of communication networks and technical maintenance of communication facilities.

**13.** The provision of communication services by using foreign systems of satellite communication and broadcasting in the territory of the Russian Federation shall be effected in accordance with international procedures and rules stipulating the sovereign right of each state to regulate its activity in the field of communication.

**14.** The operation of foreign systems of satellite communication and broadcasting shall be carried out in conformity with the legislation of the Russian Federation and licence requirements.

**15.** Ground stations of systems of satellite communication and broadcasting that have passed certification in the manner established by the legislation of the Russian Federation shall be permitted for operation in the territory of the Russian Federation.

**16.** Any variations in the make-up of ground stations, systems of satellite communication and broadcasting due to the emergence of new types of equipment or the modernization of existing equipment shall be subject to certification in the established manner.

Throughout the term of validity of a certificate inspection control shall be exercised with the aim of verifying the compliance of equipment's basic characteristics with specifications, requirements of information security and also to conduct operative and investigative activities.

**17.** The interaction of the system of control of satellite communication network with centers of control over the interlinked network of the Russian Federation shall be effected after a pattern approved by the Ministry for Communication and Informatization of the Russian Federation. Moreover, the central controlling ground stations of systems of satellite communication and broadcasting and the ground complexes of satellite control can be located, by decision of the Government of the Russian Federation, outside the territory of the Russian Federation.

**18.** It is not allowed to use means of cryptographic security within the network of satellite communication duly obtaining without an appropriate licence from the Federal Agency of Governmental Communication and Information under the President of the Russian Federation.

**19.** The use of technical facilities of satellite communication networks, including means of information security not duly certified as is prescribed under the legislation of the Russian Federation, to transmit data constituting state secrets or any other information subject to obligatory security is not allowed.