

**REGIONAL MEASURES TO COMBAT IMPORTATION,  
MARKETING AND USE OF UNAUTHORIZED RECEIVER DEVICES  
FOR SATELLITE TELEVISION SIGNALS**

The XXVI Regular Meeting of Permanent Consultative Committee I: Telecommunications/Information and Communication Technologies (PCC.I),

**CONSIDERING:**

- a) That PCC.I mandates include promoting debate and developing recommendations on new technologies in order to understand how the countries in the region are creating future regulatory frameworks to foster infrastructure, innovation and gather new services in an environment of legal security, fair competition and evolving technological conditions;
- b) That an effective, serious regulatory system for strict compliance in connection with communication service licensing is a key element for the sector's development and basic input for the design and implementation of public development policies in their four essential dimensions: economic, social, cultural, and environmental, and for the effectiveness of all rights involved, for all inhabitants of our countries;
- c) That at the XXV Meeting of Permanent Consultative Committee II: Radiocommunications (PCC.II) adopted Recommendation PCC.II/REC. 45 (XXV-15), "Provisions to Prevent the Illegal Use of Receiver Devices for Subscription Satellite Television," in which Member States are recommended to consider the adoption of "provisions to prevent importation, marketing and use of satellite receiver devices with decryption capabilities to illegally access signals from subscription satellite television systems without due authorization or which could be modified for that purpose;"
- d) That the aforementioned Resolution of PCC.II requests Member States to "report to the XXVII Meeting of the PCC.II measures adopted on this issue;"
- e) That satellite receiver devices with decryption capabilities, or which can be modified for that purpose, with capability to illegally access signals transmitted for their subscription satellite TV marketing, are also a form of fraud and a regulatory non-compliance practice in the supply of telecommunication services, with additional negative effects to the illegal access of subscription satellite TV signals, which are part of the scope of the topics under study of PCC.I;
- f) That the mandates of the Working Group on Policy and Regulation of PCC.I include:
  - i. To study matters relating to prevention, detection, policies, and action as regards fraud and regulatory non-compliance practices in the provision of telecommunications/ICT services, by recommending best practices that would make it possible to minimize impacts for Member States, users, and operators;
  - ii. To study issues related to protecting the rights of telecommunication service users, as well as the quality of telecommunication services;

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<sup>1</sup> CCP.I-TIC/doc. 3624/15 rev.4

g) That the mandates of the Rapporteurship on Fraud Control, Regulatory Non-Compliance Practices in Telecommunications and Regional Measures against the Theft of Mobile Terminal Devices of the Working Group on Policy and Regulation include:

- i. To study and recommend strategies and best practices to detect and reduce fraud in the telecommunications/ICT area and to identify the main regulatory non-compliance behaviors which currently affect the normal development of the telecommunications/ICT activity;
- ii. To recommend to Member States actions against fraud to telecommunications/ICT in order to reduce their impact on governments, industry and users;
- iii. To encourage user protection systems that improves the situation of users encountering fraudulent actions;

## **RECOGNIZING:**

a) That according to the considering clauses of Recommendation PCC.II/REC. 45 (XXV-15):

- i. The subscription satellite television service has had steady growth since its inception in the Americas;
- ii. The estimate number of current subscribers of the service to date<sup>2</sup> surpasses 50 million households in the Americas, accounting for some 40% of the paid television market share;
- iii. In some countries the population at large has benefited from more competition in the paid television market, with more content options and lower-priced offerings;
- iv. Over the last few years satellite receiver devices with decryption capabilities have been marketed in the Region for the purpose of illegally accessing broadcast signals for subsequent marketing in the subscription satellite TV arena;
- v. The subscription satellite television has been negatively affected, to the extent of putting its future development at risk, since the illegal use cited above represents a significant share of total piracy existing in Latin America;

b) That importation, marketing and use of unauthorized receiver devices for subscription satellite television services, or which can be modified for such purpose, has additional negative effects to the illegal access of the subscription satellite television signal outlined in Recommendation PCC.II/REC. 45 (XXV-15), such as:

- i. Unjust and unfair situation in the satellite television service market in the Region since legally established subscription satellite television operators are subject to a set of regulatory measures, which are not met by the marketers of these unauthorized devices, or which can be modified for such purpose;
- ii. Detrimental effect on the environment since there is no entity responsible for the appropriate management once the unauthorized devices, or which can be modified for such purpose, ends its useful life, moreover considering that usually these devices are produced with lower-quality materials, which contain hazardous substance levels frequently restricted in other types of devices;
- iii. Lack of motivation by the creators of audiovisual contents, who do not earn royalties for copyright and intellectual property rights of their creations as they are distributed through unauthorized devices, or which can be modified for such purpose;

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<sup>2</sup> Data estimates of the Telecommunications Management Group based on the Business Bureau, Market Estimates – December 2014 – Paid TV Market in LATAM, and Leichtman Research Group, Research Notes, 4Q 2014.

- iv. Unprotected users against the low quality of service, as required by regulatory authorities, and without right to user service and technical support services, among others, due to the use of unauthorized devices, or which can be modified for such purpose;
  - v. Reducing public revenue for taxes and regulatory rates that were stopped being earned by governments;
- c) That, within the mandates of PCC.I, the Working Group on Policy and Regulation, and the Rapporteurship on Fraud Control, Regulatory Non-Compliance Practices in Telecommunications and Regional Measures against the Theft of Mobile Terminal Devices, there are faculties so that this Committee may issue the respective Resolution in order to combat the marketing of unauthorized receiver devices for satellite television signal, or which may be modified for such purpose,

**ALSO RECOGNIZING:**

- a) That some Member States have already taken actions to discourage the use of unauthorized receiver devices for subscription satellite television services, or which can be modified for such purpose, including the prohibition of the importation, sale, lease, and putting into operation of such devices;
- b) That the adoption of regional harmonization measures on this problem would avoid the cross-border commerce of this type of devices and, consequently, significantly discourage the marketing of unauthorized receiver devices for subscription satellite television services, or which can be modified for such purpose, with the varied nature benefits that it brings along,

**RESOLVES:**

1. To request the Rapporteurship on Fraud Control, Regulatory Non-Compliance Practices in Telecommunications and Regional Measures against the Theft of Mobile Terminal Devices of the Working Group on Policy and Regulation to include within the Fraud and Regulatory Practice Classification Table appearing as an Annex to Decision PCC.II/DEC. 204 (XXV-14) the type “35. Unauthorized Satellite Television Receiver Devices.”
2. To request the Rapporteur on Fraud Control, Non-Compliance Practices in Telecommunications and Regional Measures against the Theft of Mobile Terminal Devices of the Working Group on Policy and Regulation include in the Fraud and Regulatory Practice Classification Table, appearing as Annex 2 to Decision PCC.II/DEC. 204 (XXV-14), the following definition of the type "35. Unauthorized Satellite Television Signal Receiver Devices": "Satellite receiver devices with decryption capabilities to illegally access signals from subscription satellite television systems without due authorization or which could be modified for that purpose."
3. To establish a Drafting Group coordinated by the Administration of Uruguay and integrated by the Administrations of Argentina, Colombia and other Member States that might be interested in participating for the preparation of a Manual of Recommendations on Best Regulatory Practices to combat importation, marketing and/or use of unauthorized satellite television receiver devices, or which may be modified for such purpose.
4. That said Manual may contain the currently adopted measures, recommendations and best practices from contributions made by Member States and PCC.I Associate Members.

5. To instruct that the Executive Secretary distribute the questionnaire annexed to this Resolution among the Member States, in order to obtain information on relevant measures currently taken or planned for adoption in the future by each Member State.
6. To request that the Member States send in questionnaire responses to the Secretariat of CITEL no later than two months prior to the XXVII Meeting of PCC.I.
7. That the questionnaire responses and the Manual of Recommendations of Regulatory Best Practices be presented by the Administration of Uruguay at the XXVII Meeting of PCC.I.
8. That, subject to ratification by the XXVII Meeting of PCC.I, a half-day seminar be organized on "Recommendations of Regulatory Best Practices to Combat Importation, Marketing and Use of Unauthorized Receiver Devices for Satellite Television Signals" at the XXVIII Meeting of PCC.I, in order to raise awareness on this issue and report on the Manual of Best Practice Recommendations noted above, including the experiences and best practices developed in the region and worldwide.
9. To instruct that the Executive Secretary invite the Member States and Associate Members to contribute to the work done on unauthorized receiver devices for satellite television subscription.
10. To request that Associate Members periodically submit to the Secretariat of CITEL the list of receivers that are authorized and approved by them for the reception of such signals, so as to facilitate the task of regulators and/or cognizant authorities in granting the related authorizations, according to the regulations in force in the respective Member States. This information will be made available through the CITEL Collaborative Space.

#### **ANNEX TO RESOLUTION PCC.I/RES. 242 (XXVI-15)**

#### **REGIONAL MEASURES TO COMBAT IMPORTATION, MARKETING AND USE OF UNAUTHORIZED RECEIVER DEVICES FOR SATELLITE TELEVISION SIGNALS**

Questionnaire regarding regulations to combat importation, marketing and/or use of unauthorized receiver devices for satellite television signals, or that can be modified for that purpose.

##### **General information:**

1. Member State:
2. Entity answering the questionnaire:
3. Respondent contact information:
  - a. Name:
  - b. Position:
  - c. Email:
  - d. Phone: +(country code) (city code) (local phone)
  - e. Fax: +(country code) (city code) (local phone)

##### **Specific information:**

4. Has your country implemented regulatory measures to combat the importation, marketing and/or use of unauthorized receiver devices for satellite television signals, or that can be modified for this purpose?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_

4.1. If so, list the measures implemented below:

<b>Measure (Law, decree, resolution, etc. and article, paragraph, etc., year of entry into effect)</b>	<b>Description of the measure and the cognizant authority responsible for implementation</b>
a.	
b.	
c.	
d.	
...	...

If possible, please attach a copy of the measures (PDF, Word or similar), or state the Internet page where the measure is found.

4.2. If so, state that specific outcomes obtained in the past two years through the implemented measures (listed in the above table).

Answer:

4.3. If not, is your country studying the possibility of establishing specific measures during the next year to combat the importation, marketing and/or use of unauthorized devices for receiving satellite television the signals, or that can be modified for this purpose?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_

4.3.1. If so, specifically what kinds of measures are being studied? Has there been any type of barriers to implementing these measures?

Answer:

5. If regulatory measures have been implemented to combat the importation, marketing and/or use of authorized devices for receiving satellite television signals, or that can be modified for this purpose, have you experienced any legal or procedural difficulties or drawbacks to implement these measures? Please explain.

Answer: