

Regulatory Briefing – March 2020

Europe

EU

INEA releases information related to the impact of COVID-19 on the implementation of the Horizon 2020 programme

On 20 March 2020, the Innovation and Networks Executive Agency (INEA) released [information related to the impact of COVID-19 on the implementation of the Horizon 2020 \(H2020\) programme](#).

In summary:

- INEA staff will be working remotely and will continue to be contactable;
- currently, there are no plans to extend the H2020 open calls and the decisions on possible call extensions will be published on the Funding and Tenders Portal;
- reporting deadlines defined in the Grant Agreements will remain valid and the INEA project manager should be informed in advance if a deadline cannot be met due to the extraordinary circumstances;
- in relation to the eligibility of costs for travel and events, if a situation occurs in which the force majeure clause (Article 51 of the H2020 Model Grant Agreement (MGA)) can be applied, INEA must immediately be informed and beneficiaries must immediately take all the necessary steps to limit any damage due to force majeure;
- changes requiring an amendment should be discussed with the INEA project manager; and
- in the exceptional circumstances in which the project or any part of it becomes impossible or excessively difficult to implement particularly because of force majeure, the grant agreement can be immediately suspended under Article 49.1 of the MGA.

ESA

ESA puts in place a business continuity plan in relation to COVID-19

On 23 March 2020, the European Space Agency (ESA) published [‘Measures to ensure business continuity in the European Space industry and in the implementation of ESA Programmes during the COVID-19 crisis’](#).

In summary:

- the next Industrial Policy Committee (IPC) meeting will take place in June 2020 and a modified procurement approval process will be issued before the end of June 2020;
- activities below the IPC threshold will remain fully operational;
- ESA-STAR system will remain operational and available;
- where possible, ESA will relax the closing dates of invitations to tenders (ITTs) currently falling in March, April and May on a case by case basis upon request of interested bidders;
- negotiations and kick-off meetings of contracts will take place by tele/video conference and electronic signatures will be authorised;
- no specific difficulties are anticipated in relation to handling and payment of invoices;
- ESA will make partial payments against forthcoming milestones in line with the level of technical progress reached to date;
- companies may request additional advances in ongoing contracts, particularly when this is needed to accelerate payments to subcontractors;
- companies with ESA development contracts could be granted a waiver of penalties or the extension of incentive milestones for epidemic-related delays for the duration that they have been affected plus one additional month of recovery time;

- until the end of June 2020, SMEs may request up to 50% advance of (remaining) contract value instead of the current 35%, taking into account any advance that has already been granted;
- retroactive adjustments to contracts shall not be implemented; and
- ESA will instruct prime contractors to ensure expeditious assessment of technical progress evidence from their subcontractors and expeditious partial payment to their subcontractors so that all industrial partners can share the benefit from the measures in ESA's business continuity plan.

ESA has also put in place a dedicated virtual COVID-19 Desk which can be used for general enquiries in relation to COVID-19: industry.covid19@esa.int.

United Kingdom

Ofcom publishes information on COVID-19

On 24 March 2020, Ofcom released [information on COVID-19](#) stating that they are suspending all existing consultation deadlines and information requests and putting on hold new consultations, decisions and information requests.

A revised version of Ofcom's proposed Plan of Work for 2020/21 will be published at the end of April that will take account of COVID-19 and provide a revised timetable for Ofcom's activities.

Ofcom has stated that the implementation of new obligations, particularly the European Electronic Communications Code, may need to be delayed.

Ofcom has also announced that they will be taking a "pragmatic approach to enforcement". Compliance with regulatory obligations will continue to be important but Ofcom will support the industry's decisions where they are in the interests of supporting critical services, vulnerable people and those who rely on communications services.

UKSA and UKspace work together to help the space industry respond to COVID-19

On 25 March 2020, the UK Space Agency (UKSA) published that the UKSA and UKspace, the trade association representing the UK space industry, have agreed to work together to maintain an effective flow of information between the industry and the Government during the COVID-19 pandemic. This would include engagement with space businesses beyond companies that are members of UKspace.

The UKSA and UKspace will establish dedicated teams to direct companies towards the support available from the Government and will identify further actions to minimise the disruption of COVID-19.

Budget 2020: UK Government to invest over £900 million in high-potential technologies and £100 million in defence R&D

The [Budget](#) delivered by the Chancellor of the Exchequer Rishi Sunak MP on 11 March 2020 included a plan to invest:

- over £900 million "to ensure UK businesses are leading the way in high-potential technologies" which would include supporting the National Space Strategy and space innovation fund; and
- £100 million in Defence R&D "to develop capabilities in response to threats facing the UK" which would include funding for cutting-edge technology in space propulsion.

Norway

Norway consults on its draft bill for the new Norwegian Act on Activities in Space

The Norwegian Ministry of Trade, Industry and Fisheries is accepting consultation responses on the draft bill on the new Norwegian Act on Activities in Space.

The consultation is open to the public and the responses can be submitted using this [link](#). The deadline for submitting responses is 20 May 2020.

United States

FCC adopts new rules to auction 3.7-3.98 GHz and consults on the bidding procedures

On 28 February 2020, the Federal Communications Commission (FCC) adopted new rules to auction 280 MHz of the 3.7-4.2 GHz band (C-band Auction).

The FCC is allocating:

- 3.7-4.0 GHz band for mobile use;
- 3.7-3.98 GHz band to be auctioned for wireless services in the contiguous US;
- 3.98-4.0 GHz band to serve as a guard band; and
- 4.0-4.2 GHz band to repack existing satellite operations.

Under the [Report and Order and Order of Proposed Modification](#) (FCC Order) that was released on 3 March 2020, the FCC established a Relocation Deadline of 5 December 2025 for the incumbent satellite operators to clear their existing services in the 3.7-4.0 GHz band.

Failure to timely clear the 3.7-4.0 GHz band by the Relocation Deadline will incur penalties and the relevant incumbent satellite operator(s) will not be able to receive reimbursement for reasonable relocation costs.

The FCC Order also imposed two Accelerated Relocation Deadlines by when the incumbent satellite operators must clear the 3.7-4.0 GHz band and meet certain early clearance benchmarks to receive the accelerated relocation payments (totalling \$9.7 billion):

- a Phase I deadline of 5 December 2021 to clear 100 MHz (3.7-3.8 GHz); and

- a Phase II deadline of 5 December 2023 to clear the remaining 180 MHz (3.8-3.98 GHz).

To satisfy early clearance benchmarks, the incumbent satellite operators will also be required to clear an additional 20 MHz (3.98-4.0 GHz) by the Phase II deadline to be used as a guard band to protect FSS users that will continue to operate in the upper portion of the C-band.

In addition, the FCC will:

- establish a Relocation Payment Clearinghouse to oversee the cost-related aspects of the transition; and
- appoint a Relocation Coordinator to ensure that all incumbent satellite operators relocate in a timely manner.

The FCC also released a [Notice of Proposed Rulemaking](#) (NPRM) on 3 March 2020, seeking comments on the competitive bidding procedures for the C-band Auction which is scheduled to commence on 8 December 2020. The deadlines for filing comments and reply comments to the NPRM are 1 May 2020 and 15 May 2020 respectively.

US National Space Council considers a new space policy directive on cybersecurity standards

The US National Space Council (NSC) is considering a new space policy directive on cybersecurity that would recommend the space industry to voluntarily adopt cybersecurity standards and to work with the US Department of Commerce's National Institute of Standards and Technology.

The space cybersecurity directive was likely to be discussed in the next NSC meeting on 24 March 2020. However, the NSC meeting has been postponed to a date yet to be determined.

Middle East

Egypt

Egyptian Space Council approves draft national space law

The Egyptian Space Council approved the draft Egyptian space law for submission to the Council of State. A committee has also been formed to finalise the Egyptian Space Agency's organisational structure and Egypt's 10-year national space programme.

International

ITU

ITU launches new Guidelines for national emergency telecommunication plans and the Emergency Telecommunications Table-Top Simulation Guide

On 19 March 2020, the International Telecommunication Union (ITU) launched new [Guidelines for national emergency telecommunication plans](#) to assist national authorities and policymakers in developing strategic plans, policies and regulations that can ensure the continued use of telecommunication and information communication technology networks and services before, during and after a disaster.

The ITU has also developed the [Emergency Telecommunications Table-Top Simulation Guide](#) with the Global Emergency Telecommunications Cluster to assist in creating a contextualised and country specific simulation that can be used to test and refine national emergency telecommunication plans.



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