

Regulatory Briefing – December 2020

Europe

United Kingdom

Ofcom publishes consultation on its spectrum management strategy for the 2020s

On 4 December 2020, Ofcom published a [consultation](#) on 'Supporting the UK's wireless future – Our spectrum management strategy for the 2020s' (**Spectrum Management Consultation**).

The Spectrum Management Consultation sets out Ofcom's proposed strategy for managing the use of the radio spectrum over the next 10 years, which centres on the following three strategic objectives.

- Supporting wireless innovation by: expanding the assistance and information available to organisations who may benefit from wireless technologies in the future; making more spectrum available for innovation; and supporting new wireless technologies on the international stage.
- Licensing to fit local and national services by considering further licensing options for localised spectrum access.
- Promoting spectrum sharing through: the use of better data analysis when assessing conditions for sharing; encouraging the use of more interference-resilient wireless systems; and balancing interference protection with flexibility for other services to transmit.

The Spectrum Management Consultation seeks views on the issues raised by the proposed strategy including: the overall approach and activities proposed; trends for spectrum demand and future technologies identified; and the challenges and barriers to innovation faced by companies.

The deadline for submitting a response is 17:00 GMT on 26 February 2021.

Ofcom publishes consultation on its Plan of Work 2021/22

On 11 December 2020, Ofcom published a [consultation](#) on 'Making communications work for everyone – Ofcom's proposed plan of work 2021/2022' (**Plan of Work Consultation**).

Ofcom's plan of work 2021/22 sets out the following strategy:

- investment in strong, secure networks, including development of a mobile strategy and telecoms security framework and promoting fibre roll-out;
- extending connectivity across the UK, utilising the funding announced for the Shared Rural Network by the Government in March 2020;
- innovation in spectrum authorisation, including releasing information on spectrum use and supporting wireless innovation;
- prioritising fairness for customers by encouraging affordability and easier switching of providers;
- supporting and developing UK broadcasting;
- preparing to regulate online harms through video-sharing platform regulation and an online harms regime; and
- strengthening Ofcom through investment in skills and capabilities and developing new partnerships domestically and internationally.

The deadline for submitting a response is 17:00 GMT on 5 February 2021.

European Union

European Commission publishes the EU's Cybersecurity Strategy for the Digital Decade

On 16 December 2020, the European Commission and the High Representative of the EU for Foreign

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Affairs and Security Policy published a new [EU Cybersecurity Strategy](#) for the next 10 years (**Strategy**).

The Strategy proposes the use of regulatory, investment and policy initiatives to ensure an open Internet with appropriate safeguards for European citizens.

The Strategy comprises the following three areas of EU action.

- Resilience, technological sovereignty and leadership, involving a proposed Directive to establish a high common level of cybersecurity across the EU and a network of Security Operations Centres powered by artificial intelligence to enable proactive prevention of cyber-attacks.
- Building operational capacity to prevent, deter and respond to cyber-attacks through: a new Joint Cyber Unit that will coordinate defence against cyber-attacks across the EU; a strengthened EU Cyber Diplomacy Toolbox, with a focus on the protection of critical infrastructure; and encouraging Member States to make use of the Permanent Structured Cooperation and European Defence Fund.
- Cooperation to advance a global and open cyberspace, for which the EU will increase cyber capacity-building efforts to third countries and organisations and form an EU Cyber Diplomacy Network globally, promoting international security and stability in cyberspace in accordance with EU core values.

The Strategy will be supported by investment, notably through the Digital Europe Programme, Horizon Europe and the Recovery Plan for Europe, with an objective to reach up to €4.5 billion of combined investment.

EU reaches provisional agreement on proposed regulation to establish EU space program for 2021-2027

On 16 December 2020, the EU Council and European Parliament reached a [provisional](#)

[political agreement](#) on the proposed regulation establishing the EU space program for 2021-2027.

The €14.8 billion funding for the program is allocated as follows:

- €9.1 billion for Galileo and EGNOS;
- €5.42 billion for Copernicus; and
- €442 million for the ‘space surveillance’ program (SSA) and providing national authorities with secure satellite telecommunications (Govsatcom).

The proposed regulations simplify and streamline the existing legal framework for space policy and consolidate the rules of governance and security framework for the EU’s space program.

The provisionally agreed text was submitted to the EU Council’s Permanent Representatives Committee on 18 December 2020.

Luxembourg

Luxembourg Parliament passes bill establishing a space registry and introducing criteria for space companies to set up operations

On 10 December 2020, the Luxembourg Parliament approved [draft law no. 7317](#) on space activities.

Under the draft law, companies must obtain an authorisation for any space activity from the Minister responsible for space policy and legislation, and pay a fee for the authorisation request of between €5,000 and €500,000 depending on the volume and complexity of the work. The Minister will keep a public national register of authorisations that have been granted.

Companies must demonstrate the existence in Luxembourg of their registered office and central administration, including their administrative and accounting structure, as well as a solid set of financial, technical and legal arrangements for their proposed space activities.

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United States

US Administration publishes National Space Policy

On 9 December 2020, the Trump Administration issued a [National Space Policy directive](#) providing direction for all United States space activities (**National Space Policy**), setting out the US’s commitment to leading the responsible and constructive use of space.

The National Space Policy sets out the US’s goals to:

- promote and incentivise private industry;
- encourage and uphold the rights of nationals to use space responsibly and peacefully;
- lead, encourage and expand international cooperation;
- create a safe, stable, secure and sustainable space environment;
- increase the assurance of national critical functions;
- extend human economic activity into deep space;
- increase the quality of life for all humanity; and
- preserve and expand US leadership in the development of innovative space operations.

The National Space Policy also sets out the foundational activities and capabilities of the US to fulfil these goals, including international cooperation, preservation of the space environment and effective export policies, and individual guidelines for the commercial, civil and national security sectors.

FCC adopts rules to secure communications networks and the communications supply chain

On 10 December 2020, the Federal Communications Commission (**FCC**) adopted [rules](#) to implement the Secure and Trusted Communications Networks Act of 2019 and

protect against national security threats to the communications supply chain through FCC programs (**Rules**).

The Rules require the FCC to publish a list of communications equipment and services identified as a national security risk and establish the Reimbursement Program for replacing or otherwise compensating for prohibited equipment and services, as set out in the [Secure Networks Act 2019](#).

In a [Memorandum Opinion and Order](#) accompanying the Rules, the FCC affirmed the Public Safety and Homeland Security Bureau’s designation of Huawei as a threat to the security of national communications networks and supply chains, meaning that funds from the FCC’s Universal Service Fund may not be used to support equipment or services provided by Huawei.

FCC proposes and seeks comments on rules to expedite the release of new devices and technologies

On 10 December 2020, the FCC published a [proposal](#) to amend equipment authorisation rules to allow, in certain circumstances, for marketing and importation of equipment prior to authorisation to expand the marketing opportunities and expedite the release of innovative technologies.

Under the proposal, the FCC will allow a limited number of radiofrequency devices to be imported prior to authorisation by the FCC and will permit conditional sales of radiofrequency devices to consumers prior to authorisation, if they can demonstrate a reasonable basis for believing that an authorisation will be obtained.

The FCC is seeking comments on aspects of the proposal including:

- how a ‘reasonable basis’ for believing that an authorisation will be obtained should be determined and documented;
- how the marketing of equipment before authorisation should be controlled;

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- how enforcement of the rules should be structured; and
- the costs and benefits of the rules on pre-authorisation importation.

The deadline for submitting a response is 9 January 2021.

House of Representatives passes two bills on protecting space artifacts and renaming NASA facility

On 16 December 2020, the House of Representatives passed the [One Small Step to Protect Human Heritage in Space Act \(Heritage Act\)](#) and the [Neil A. Armstrong Test Facility Act \(Test Facility Act\)](#).

Under the Heritage Act, applicants for lunar activity licences must agree to a set of principles related to the protection and preservation of US government lunar artifacts, or face penalty fees.

The Test Facility Act redesignates the NASA John H. Glenn Research Center at Plum Brook Station in Ohio as the ‘Nasa John H. Glenn Research Center at the Neil A. Armstrong Test Facility’.

International

UNOOSA publishes draft report on the implementation of the Safety Framework for Nuclear Power Source Applications in Outer Space

On 14 December 2020, the United Nations Office for Outer Space Affairs (**UNOOSA**) published a draft [report](#) on the implementation of the Safety Framework for Nuclear Power Source Applications in Outer Space (**Safety Framework**) and recommendations for potential enhancements of the technical content and scope of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (**Report**).

The Report proposes a review and revision of the Safety Framework in collaboration with the International Atomic Energy Agency to ensure a comprehensive and aligned set of guidance

documents for the safe use of nuclear power sources in outer space.



Joanne Wheeler MBE
Managing Partner
joanne.wheeler@wearealden.com



Toby Ward
Partner
toby.ward@wearealden.com



Alex Monk
Partner and COO
alex.monk@wearealden.com



Vicky Jeong
Associate (admitted in New York)
vicky.jeong@wearealden.com



Joe Butler
Paralegal
joe.butler@wearealden.com



Eleanor Winn
Paralegal
eleanor.winn@wearealden.com



Patrick Selley
Solicitor
patrick.selley@wearealden.com



Jason Betteley
Barrister
jason.betteley@wearealden.com



Elizabeth Holden
Solicitor
elizabeth.holden@wearealden.com