

Regulatory Briefing – January 2021

Europe

United Kingdom

UK and EU conclude Trade and Cooperation Agreement

On 31 December 2020, the UK and the European Union (EU) agreed a [Trade and Cooperation Agreement](#) (**Agreement**), setting out trade arrangements and judicial cooperation between the UK and the EU following the end of the Brexit transition period on 31 December 2020.

The Agreement entered into force on 1 January 2021, and includes the following provisions in relation to the UK/EU space industry:

- that the UK no longer participates in the EU Galileo or EGNOS programmes;
- that the UK continues to participate in the Copernicus programme, as well as the Horizon Europe and Euratom Research and Training programmes; and
- that the UK users can continue to access EU Space Surveillance and Tracking services, although the UK no longer participates in the EU Space Surveillance and Tracking programme.

The Agreement also confirms that the existing general authorisation regime for telecommunications services will continue to apply.

The DIT publishes action plan for SMEs

On 5 January 2021, the Department for International Trade (DIT) published its [action plan](#) for supporting small and medium-sized enterprises (SMEs).

The action plan focuses on three principles:

- transparency and accountability;
- access to opportunities; and
- capability and awareness,

and sets out an ambition of 33% of DIT spending going directly or indirectly to SMEs.

European Union

European Commission proposes a revised Directive on Security of Network and Information Systems

On 16 December 2020, the European Commission presented a [proposal](#) on amendments to the Directive on the Security of Network and Information Systems (**NIS Directive**) concerning measures for a high common level of cybersecurity across the EU, that came into force in August 2016.

The proposal updates the NIS Directive to meet the cybersecurity requirements of the changing digital landscape, proposing the following key changes:

- expanding the scope of the NIS Directive by adding new sectors based on their criticality for the economy;
- eliminating the distinction between operators of essential services and digital service providers, and instead classifying entities based on their importance, and subjecting ‘essential and ‘important’ entities to different supervisory regimes;
- strengthening security requirements for companies through a list of minimum required security elements and more precise provisions for incident reporting;
- requiring companies to address cybersecurity of supply chains and requiring the EU Member States to carry out risk assessments of critical supply chains;
- strengthening and harmonising sanction regimes across the EU Member States;
- enhancing the role of the [NIS Cooperation Group](#) in policy decision-making, and enhancing cooperation between the EU Member State authorities; and

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- establishing a framework and registry for coordinated vulnerability disclosure across the EU.

The proposal will next be negotiated by the Council of the EU and the European Parliament.

European Commissioner for Internal Market launches European launcher alliance and ‘Cassini’ fund

On 12 January 2021, the European Commissioner for Internal Market, Thierry Breton, announced his [four-part strategy](#) for advancing the EU’s space activities as follows:

- consolidating the Galileo and Copernicus programmes, focusing on the launch of the second generation of Galileo satellites in 2024 and the design of new missions for the Copernicus programme;
- securing cyber-secure digital connectivity infrastructure across Europe which is not dependent on non-EU initiatives and facilitates quantum encrypted communication;
- promoting strategic autonomy in launchers and Space Traffic Management (STM) by way of a European launcher alliance between ESA, the EU Member States, the European Parliament and the space industry, to define a common roadmap for the next generation of launcher technologies and develop a robust EU STM policy and capabilities; and
- positioning Europe as a space entrepreneurship hub, launching the \$1 billion ‘Cassini’ space fund to boost start-ups and space innovation in Europe and organising a European space incubator and in-orbit technology validation programme.

United States

The National Space Council publishes National Strategy for Planetary Protection

On 30 December 2020, the National Space Council published its [National Strategy for Planetary Protection](#) (NSPP), developed with the US Office of Science and Technology Policy.

The NSPP implements one aim of the US’ National Space Policy, which was published on 9 December 2020, to develop national and international planetary protection guidelines.

The NSPP sets out the following three main objectives:

- to avoid harmful forward contamination by developing and implementing risk assessment and science-based guidelines, and updating the inter-agency payload review process;
- to avoid backward contamination through a Restricted Return program; and
- to incorporate the perspective and needs of the private sector by soliciting feedback and developing guidelines regarding private sector activities with potential planetary protection implications.

National Defence Authorization Act for Fiscal Year 2021 comes into law

On 1 January 2021, the [National Defence Authorization Act for Fiscal Year 2021](#) (NDAA) was passed in the House of Representatives and the Senate over the President’s veto.

The NDAA authorises \$740 billion in national defence spending, including \$90 million for research and development programmes focused on launch technologies.

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The NDAA includes the following provisions on space activities:

- the Department of the Air Force must provide an acquisition strategy for the procurement of space systems by 15 May 2021;
- the Space Force is directed to start research and development projects to promote competition in the National Security Space Launch programme;
- the Air Force must procure commercial space domain awareness services from at least two contractors;
- the Pentagon must establish a small launch and satellite policy to ensure reliable access to space for the Department of Defence small-class payloads; and
- the Department of Defence and the national intelligence services must leverage commercial geospatial-intelligence services and acquire domestic commercial satellite imagery.

FAA and NASA agree MOU to support commercial space activities

On 8 January 2021, the Federal Aviation Administration (FAA) and NASA signed a [Memorandum of Understanding](#) (MOU) to support commercial space activities related to the transport of government and non-government passengers, cargo, and payloads for both orbital and suborbital missions.

Under the MOU, the FAA and NASA will build a stable and transparent launch and re-entry framework for the US space industry and advance a point-to-point commercial suborbital pilot program with designated spaceports and airspace designs.

The agencies also agree to share medical data on the effects on spaceflight and advance public safety and new space technologies and research opportunities.

Africa

Botswana

Botswana launches its National Space Programme

On 18 December 2020, the President of Botswana announced the launch of Botswana’s National Space Programme in collaboration with the Botswana International University of Science and Technology. The programme aims to launch an Earth observation nanosatellite manufactured in the country within the next three years.

International

UNOOSA

The UNOOSA and NASA sign MOU to advance the peaceful uses of outer space

On 17 December 2020, the United Nations Office for Outer Space Affairs (UNOOSA) and NASA signed a [Memorandum of Understanding](#) pledging to cooperate to support the peaceful uses of outer space and expand global opportunities to leverage the benefits of space.

The aim of this cooperation is to leverage NASA’s Artemis programme as part of UNOOSA’s Access to Space for All Initiative, offering involvement opportunities for international researchers and institutions. UNOOSA and NASA will also work together on public outreach to promote investment in space activities and applications.

The UNOOSA and the UN Technology Bank enter partnership to make satellite data more available to the Least Developed Countries

On 22 December 2020, the UNOOSA partnered with the UN Technology Bank for the Least Developed Countries to build capacity to access and use satellite data in least development countries (LDCs).

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The [partnership](#) aims to support policy and decision makers in LDCs to access space infrastructure, data and applications, with a focus on the following areas:

- disaster management;
- global health related challenges such as the COVID-19 pandemic;
- sustainable development through the enhanced use of space; and
- climate change adaptation and natural resources management.



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