

## Regulatory Briefing – May 2021

### Europe

#### United Kingdom

#### ***UK Government updates their reporting approach for the implementation of the Guidelines for the Long-term Sustainability of Outer Space Activities***

On 19 April 2021 the UK submitted a [Conference Room Paper \(Paper\)](#) for consideration by the Scientific and Technical Subcommittee of the United Nation’s Committee on the Peaceful Uses of Outer Space (COPUOS).

The Paper sets out how the UK intends to comply with the long-term sustainability (LTS) guidelines drafted by COPUOS and invites comments and questions in relation to the UK’s proposed voluntary reporting set out in the Paper and the practicalities of implementation.

#### ***UK Space Strategy and UK Satellite Infrastructure inquiry launched***

On 27 April 2021, the House of Commons Science and Technology Committee (STC) [launched an inquiry into a new UK Space Strategy and UK Satellite Infrastructure](#).

The STC is seeking written submissions by 23 June 2021 on a number of topics, including:

- the prospects for the UK’s global position as a space nation;
- the current strengths and weaknesses of the UK space sector;
- lessons that can be learned from successes and failures of previous UK space strategies and the space strategies of other countries;
- the aims and focus of a new UK Space Strategy; and

- the actions which should be taken to ensure that the UK has appropriate, resilient and future-proofed space and satellite infrastructure.

The full list of the STC’s questions can be found and submitted [here](#).

#### ***National Security and Investment Bill has been granted Royal Assent***

On 29 April 2021, the National Security and Investment Bill (Bill) [received Royal Assent](#). This means that the Bill is now the National Security and Investment Act (Act), which while formally being law, it is not yet in force.

The Act will increase the Government’s powers to investigate and intervene in mergers, acquisitions and other deals which could pose a threat to UK national security. While not limited to foreign investments, it is anticipated that the Act will mainly focus on overseas jurisdictions, especially those perceived as being of higher risk to UK security interests.

The Act also includes a requirement for mandatory notification to a dedicated Government unit for certain transactions in sensitive sectors, such as satellite and space technologies, advanced robotics and artificial intelligence. Non-compliance with the notification requirement could result in both criminal and civil sanctions, including prison sentences of up to five years and fines of up to £10 million or 5% of the company’s annual revenues, whichever is higher.

## European Institutions

### ***European Parliament adopts a regulation establishing the EU space programme for 2021-2027 and establishing an EU Agency for the Space Programme***

On 19 April 2021, the Council of the EU (**Council**) adopted its first reading position with a view to the adoption of a regulation of the European Parliament and of the Council establishing the EU Space Programme for 2021-2027 and the EU Agency for the Space Programme (**Regulation**).

Subsequently, on 28 April 2021, the European Parliament approved the Council's first reading position and adopted the Regulation in accordance with the Council position of 21 April 2021.

The adopted Regulation aims to streamline and simplify the current legal framework relating to space policy and provide a sufficient budget to continue growing the EU's current space programmes such as Galileo and Copernicus. The aim of this Regulation is to make the EU a leading actor in the space sector, as well as to improve the EU's security and autonomy.

The Regulation also establishes the EU Agency for the Space Programme (**EUSPA**), which replaces the European Global Navigation Satellite Systems Agency (**GSA**).

EUSPA will continue to be based in Prague and will oversee a number of areas, including the management and operational security of the European Geostationary Navigation Overlay Service (**EGNOS**) and Galileo programmes. Further responsibilities include the security accreditation of all components of the EU Space Programme and the organisation of user-related features of the EU Governmental Satellite Communications (**GOVSATCOM**) programme.

### ***EU Commission proposes a new regulation for the use of artificial intelligence (AI) in Europe***

On 21 April 2021, the EU Commission adopted [a proposal for laying down harmonised rules on AI](#), which it describes as “the first ever legal framework on AI.”

The proposed regulation's definition of AI casts a wide net, capturing not only stand-alone AI systems, but also products and services which rely on AI services directly or indirectly.

The proposed regulation is intended to impose a broad range of obligations throughout the chain of AI systems, impacting actors within different areas from providers down to users.

The proposed regulation also seeks to entirely prohibit some AI practices, such as those which deploy subliminal techniques, or exploit the vulnerabilities of certain groups, to materially distort a person's behaviour in a manner that causes or is likely to cause harm.

However, in order for the proposed regulation to be applicable it must first be adopted by the European Parliament and the EU Member States.

### ***ESA and FAO cooperate to address food security***

On 20 April 2021, the European Space Agency (**ESA**) and the United Nations Food and Agriculture Organization (**FAO**) announced that they have signed a [Memorandum of Understanding \(MoU\)](#).

Under the MoU, ESA and the FAO have agreed to exchange expertise and work together to develop methods in which Earth observation satellites can be used to monitor and better understand agricultural processes and food systems to help achieve the United Nation's Sustainable Development Goals.

## Lithuania

### **Lithuania becomes an ESA Associate Member State**

On 28 April 2021, ESA and the Government of the Republic of Lithuania signed the Association Agreement [to enable Lithuania to accede to ESA](#) as an Associate Member State.

Lithuania and ESA have previously been collaborating under a general Cooperation Agreement, followed by a European Cooperating State Agreement which entered into force on 28 September 2015.

## United States

### **FCC proposes and seeks comments on the proposed regulatory fees for fiscal year 2021**

On 4 May 2021, the Federal Communications Commission (FCC) released its [Report and Order and Notice of Proposed Rulemaking in the matter of assessment and collection of regulatory fees for fiscal years 2020 and 2021](#) (NPRM).

In the NPRM, the FCC proposes to create two new fee subcategories for “less complex” and “other” NGSO systems, which will sit under the existing broader category of “Space Stations (Non-Geostationary Orbit)”.

The NPRM proposes to define “less complex” systems as NGSO satellite systems which plan to communicate with 20 or fewer US-authorized Earth stations that are primarily used for Earth exploration satellite service and/or automatic identification system.

NGSO satellite systems which do not fall under the scope of “less complex” fee subcategory will fall under “other” fee subcategory.

The proposed schedule of regulatory fees for fiscal year 2021 in relation to space stations are set out in the following table.

Fee Category	Annual Regulatory Fee (US\$)
Space Stations (per operational station in geostationary orbit) (47 CFR part 25) also includes DBS Service (per operational station) (47 CFR part 100)	113,325
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25) (Other)	337,725
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25) (Less Complex)	105,525

The NPRM also seeks comments on:

- whether the FCC should extend its temporary measures from fiscal year 2020 which provided relief to licensees by way of waiver or deferral of regulatory fees for financial hardship caused by the COVID-19 pandemic; and
- to the proposed methodologies for calculating regulatory fees for:
  - o allocating full time equivalents;
  - o commercial mobile radio services;
  - o direct broadcast satellite;
  - o broadcast television; and
  - o any licensees who are not listed as a fee category in the FCC’s current regulatory fee schedule.

The deadlines for filing comments and reply comments to the NPRM are 3 June 2021 and 18 June 2021 respectively.

### **FCC adopts rules on commercial space launch spectrum**

On 22 April 2021, the FCC released its [Report and Order and Further Notice of Proposed Rulemaking in the matter of allocation of spectrum for non-federal space launch operations](#) (FNPRM).

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In the FNPRM, the FCC adopted new rules to add a new spectrum allocation in the 2200-2290 MHz band as a non-federal secondary allocation for the use of transmissions from space launch vehicles during pre-launch testing and space launch operations.

Until additional rules are adopted to implement a new coordination regime, the existing coordination processes via Special Temporary Authority or the National Telecommunications & Information Administration will continue to be required prior to each launch.

In the FNPRM, the FCC is also seeking comments on:

- its proposed licensing and technical rules for space launch operations; and
- possible commercial space launch allocations and licensing rules for three other spectrum bands:
  - o 420-430 MHz;
  - o 2025-2110 MHz; and
  - o 5650-5925 MHz.

The deadlines for filing comments and reply comments to the NPRM are 30 days and 60 days after the date of publication in the Federal Register respectively.

## Africa

### **Africa Telecommunication Union (ATU)**

#### ***ATU and Ericsson publish spectrum recommendations***

On 22 April 2021, the ATU, in collaboration with Ericsson, published its first set of spectrum recommendations covering the following topics:

- [spectrum audit](#);
- [spectrum licensing for mobile/broadband systems](#);
- [spectrum evolution for mobile/broadband systems](#); and

- [spectrum management principles on national broadband spectrum plans including licensing roadmaps, and emerging and future spectrum management](#).

The recommendations are aimed at expediting the roll out of information and communications technology services across Africa by encouraging national governments and regulators to consider:

- ensuring continuous spectrum monitoring for the efficient use of spectrum;
- having a technology-neutral national spectrum licensing framework which allows for service innovation;
- adopting a flexible approach in spectrum usage (e.g. migration, re-farming and repurposing); and
- enabling spectrum sharing.

The ATU and Ericsson will be working closely with the ATU Member States and the industry stakeholders to support the implementation of their recommendations.

## **Rwanda**

### ***Rwandan Cabinet approves law establishing Rwanda Space Agency***

Following the Rwandan Chamber of Deputies' approval of the draft law establishing the Rwanda Space Agency (**Draft Law**) on 10 March 2021, the Rwandan Cabinet approved the Draft Law on 18 April 2021.

The Rwandan Ministry of ICT and Innovation is working towards having the Rwanda Space Agency (**RSA**) operational by July 2021.

The RSA's responsibilities will include:

- advising the Rwandan government on implementing national and international space laws and policies;

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- providing geospatial services for development activities across various domains such as agriculture, weather forecasts, emergency response and urban planning; and
- coordinating and supporting scientific research and capacity building programmes in space sciences and technology, including manufacturing and launching of satellites.



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