

Regulatory Briefing – June 2021

Europe

United Kingdom

Statutory instruments implementing the Space Industry Act 2018 laid before Parliament

On 24 May 2021, the following secondary legislation containing regulations to implement the Space Industry Act 2018 (SIA) were laid before Parliament:

- The Space Industry Regulations 2021 (which also contain the draft regulations from the draft Space Industry (Liabilities) Regulations which were consulted in Autumn 2020);
- The Spaceflight Activities (Investigation of Spaceflight Accidents) Regulations 2021; and
- The Space Industry (Appeals) Regulations 2021.

To allow the Civil Aviation Authority (CAA) to undertake regulatory functions to license under the Outer Space Act 1986 (OSA) in addition to the SIA, the following statutory instruments were also laid before Parliament on 20 and 24 May 2021 respectively:

- The Transfer of Undertakings (Protection of Employment) (Transfer of Staff to the Civil Aviation Authority) Regulations 2021, which will allow the transfer of staff from the UK Space Agency to the CAA, which will be primarily carrying out the functions specified in the below Order; and
- The Contracting Out (Functions in Relation to Space) Order 2021, which will allow the CAA to carry out specified regulatory functions including licensing and the maintenance of the register of space objects under the OSA, on behalf of the Secretary of State.

All of these statutory instruments will need to pass through the Parliamentary process and will only become law subject to Parliamentary approval.

The following draft documents were also published with the Space Industry Regulations 2021:

- [Explanatory memorandum to the SIA Implementing Regulations](#);
- [Applying for a licence under the SIA](#);
- [Application form for a Spaceport / Spaceflight Operator / Range Control / Orbital licence under the SIA \(SRG 4000\)](#);
- [Guidance for launch operator and return operator licence applicants and licensees](#);
- [Guidance for orbital operator licence applicants and orbital operator licensees](#);
- [Guidance for range control licence applicants and licensees](#);
- [Guidance for spaceport licence applicants and spaceport licensees](#);
- [Guidance for the assessment of environmental effects](#);
- [Guidance on appealing decisions made under the SIA and the OSA](#);
- [Guidance on duties for all licensees under the SIA including monitoring and enforcement by the regulator](#);
- [Guidance on insurance requirements and liabilities under the SIA](#);
- [Guidance on security matters for applicants and licensees](#);
- [Guidance on the investigation of spaceflight accidents](#);
- [Principles and guidelines for the spaceflight regulator in assessing ALARP and acceptable risk](#);
- [Regulator’s assessment framework for licensing spaceflight activities under the SIA](#);
- [Regulator’s Licensing Rules](#); and
- [Final Impact Assessment of the Space Industry Regulations 2021](#).

The above draft documents can be accessed on the Government’s legislation database [here](#).

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UKSA publishes the UK space industry size and health report 2020

On 19 May 2021, the UKSA published the Size and Health of the UK Space Industry 2020 Summary Report (**Report**). The Report provides an analysis of changes in the UK space industry during the periods of 2017/18 – 2018/19.

Key findings from the Report show that compared to the previous survey from 2016/17, the period 2018/19 saw:

- The UK's share of the global space economy remain unchanged at 5.1% in 2018/19;
- the total UK space industry income rise from £14.8 billion to £16.4 billion with a growth rate of 2.8% per annum (in real terms);
- direct employment up by 3,200 jobs from 41,900 to 45,100; and
- R&D investment at £702 million, equivalent to 10.7% of Gross Value Added and five times more R&D intensive than the national average.

The full Summary Report can be found [here](#).

DCMS publishes the Draft Online Safety Bill published

On 12 May 2021, the Department for Digital, Culture, Media & Sport (**DCMS**) published the [draft Online Safety Bill](#) (**Bill**). The Bill sets out a new legal framework which will impose on some online service providers, new duties to identify and remove illegal and harmful content from their platforms.

The duties the Bill seeks to impose will apply to those providing regulated user-to-user services or search services and provides for specific ‘safety duties’ relating to the services likely to be accessed by children, as well as duties with respect to right to freedom of expression and privacy.

The Bill provides for the creation of new statutory codes of practice to help providers meet their new duties. These will be drafted by Ofcom, which will

also have powers to impose fines, of up to £18 million, or 10% of a providers’ annual global revenue, whichever is highest, on providers who fail to meet their duties.

Ofcom will also be able to seek court orders to disrupt the activities of non-compliant providers or prevent access to their services altogether where it is deemed there is a risk of significant harm to individuals in the UK.

DCMS calls for views on supply chain cybersecurity

On 17 May 2021, DCMS published its [call for views](#) on supply chain cybersecurity seeking industry input on how organisations manage supply chain cyber risk.

It was stated in the call that a subset of ‘Managed Service Providers’ supplying to public electronic communications networks and services may be subject to additional security requirements as part of the upcoming Telecommunications (Security) Bill which is being currently debated at Parliament.

The call for views will close at 23:59 (BST) on 11 July 2021.

Government’s response to the consultation on the National Data Strategy

On 17 May 2021, the Government published its response to the consultation on the National Data Strategy (**NDS**), which took place between 9 September and 9 December 2020.

The NDS sets out five priority ‘missions’ to be undertaken in order to capitalise on the opportunities offered by data:

- unlocking the value of data across the economy;
- securing a pro-growth and trusted data regime;
- transforming the Government’s use of data to drive efficiency and improve public services;

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- ensuring the security and resilience of the infrastructure on which data relies; and
- championing the international flow of data.

The full response from the Government can be found [here](#).

European Institutions

EU Agency for the Space Programme launched

The EU Agency for the Space Programme (**EUSPA**) was officially launched on 12 May 2021 to replace the European GNSS Agency, following the adoption of the [Regulation \(EU\) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the EU Space Programme for 2021-2027 and the EUSPA](#).

EUSPA’s mandate will include:

- increased responsibilities in Galileo and EGNOS;
- the security accreditation of all the components of the EU Space Programme, the operation of the Galileo Security Monitoring Centre, together with operational security;
- the coordination of the user-related aspects of European Union Governmental Satellite Communications, in close collaboration with the Member States and other involved entities;
- the development of downstream markets and fostering of innovation based on Galileo and EGNOS, and now including also Copernicus, leveraging funding mechanisms such as Fundamental Elements and Horizon Europe.

International

South Korea and New Zealand

South Korea and New Zealand sign Artemis Accords

On 27 and 31 May, South Korea and New Zealand respectively signed the Artemis Accords.

The Artemis Accords are a US led international agreement establishing a set of principles, guidelines and best practices for those who wish to participate in the Artemis lunar exploration program.

With South Korea and New Zealand having signed the Artemis Accords, the number of signatories now stands at 11. The full list of signatories is:

- Australia;
- Canada;
- Italy;
- Japan;
- Luxembourg;
- New Zealand;
- Republic of Korea;
- Ukraine;
- UAE;
- UK; and
- US.

Namibia

Namibia launches National Space Science and Technology Policy

On 4 June 2021, Namibia launched a National Space Science and Technology Policy (**Policy**), which seeks to guide the use of space resources to improve the socio-economic growth of the country.

The Policy will look to capitalise on remote sensing and geospatial technologies for use in disaster management, urban planning, protection of economic territory, education, weather monitoring, agriculture and environmental monitoring.

The Policy has an implementation period which will last from 2021/22 until 2029/30.

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Japan

Japan to support UNOOSA “Space Law for New Space Actors” project

On 31 May 2021, the Government of Japan and the United Nations Office for Outer Space Affairs (UNOOSA) announced [their cooperation on UNOOSA’s “Space Law for New Space Actors” project](#).

The project offers UN Member States, upon request, capacity building to draft national space legislation and/or national space policies in line with international space law.

UNCOPUOS

UNOOSA receives applications for COPUOS memberships and observer status from Bangladesh, Slovenia, Panama, Angola, Square Kilometre Array Observatory and UNIDROIT

In preparation of the 60th session of the Legal Subcommittee of the UN Committee on the Peaceful Uses of Outer Space (COPUOS), which is being held between 31 May and 11 June 2021, the UNOOSA published Conference Room Papers stating that the following countries applied to become members of the COPUOS:

- [Bangladesh](#);
- [Slovenia](#);
- [Panama](#); and
- [Angola](#).

In addition, the UNOOSA published that the following organisations have applied for observer status to the COPUOS:

- the [International Institute for the Unification of Private Law](#) (also known as UNIDROIT); and
- the [Square Kilometre Array Observatory](#).



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