

## Regulatory Briefing – August 2021

### Europe

#### United Kingdom

#### ***Secondary legislation implementing the Space Industry Act 2018 comes into force***

On 29 July 2021, the following secondary legislation implementing the Space Industry Act 2018 (SIA) came into force:

- the Space Industry Regulations 2021;
- the Space Industry (Appeals) Regulations 2021; and
- the Spaceflight Activities (Investigation of Spaceflight Accidents) Regulations 2021.

The Civil Aviation Authority (CAA) has now been appointed as the regulator to exercise licensing functions under the SIA and the Outer Space Act 1986.

According to the CAA, the estimated time for the delivery of a launch licence is between nine to 18 months, depending on the complexity and quality of the licence application.

#### ***Ofcom publishes a consultation on non-geostationary satellite systems***

On 26 July 2021, Ofcom published a [consultation](#) on its proposed licensing updates for the Satellite (Earth Station Network) Licence and the Satellite (Non-Geostationary Earth Station) Licence for non-geostationary satellite (NGSO) systems.

The proposed licensing updates include the following aspects:

- enabling Ofcom to check on interference risks when considering NGSO licence applications without degrading services provided to UK consumers;
- mitigating the risk of prior systems hindering the deployment of later systems, due to interference and thus the potential to restrict competition;

- requiring technical cooperation between NGSO satellite operators;
- enabling Ofcom to manage local cases of interference which may impact services provided in the UK; and
- allowing Ofcom to publish any licences which Ofcom expects to grant for consultation where stakeholders can provide information on interference or competitive impact.

The consultation closes at 17:00 (BST) on 20 September 2021.

#### ***The National Security and Investment Act to come into force in January 2021***

On 20 July 2021, the Department for Business, Energy and Industry Strategy (BEIS) announced that the National Security and Investment Act (NSI Act) will come into force on 4 January 2021.

BEIS published the following guidance documents to support the NSI Act:

- [NSI Act: prepare for new rules about acquisitions which could harm the UK's national security](#);
- [how the NSI Act could affect people or acquisitions outside the UK](#);
- [the NSI Act alongside regulatory requirements](#); and
- [NSI Act: guidance for the higher education and research-intensive sectors](#).

In addition, the [draft NSI Act 2021 \(Notifiable Acquisition\) \(Specification of Qualifying Entities\) Regulations 2021](#) (SI) was published.

The draft SI sets out the type of qualifying entities in the 17 sectors of the economy which will be subject to the mandatory notification requirements under the NSI Act.

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BEIS also published a [consultation](#) on its [draft statement on the use of the power to call in acquisitions under section 3 of the NSI Act](#), which sets out how the Secretary of State expects to exercise its power to give a call-in notice when an acquisition may give rise to a risk to national security.

The consultation closes at 23:45 (BST) on 30 August 2021.

### ***Ofcom publishes a statement on its spectrum management strategy for the 2020s***

On 19 July 2021, Ofcom published its statement on [“Supporting the UK’s wireless future – Our spectrum management strategy for the 2020s”](#).

Ofcom identified the following three areas for increased focus for the next decade:

- supporting wireless innovation, by making it easier for a broad range of users to access spectrum;
- licensing to fit local and national services, by supporting the growing range of wireless services providers; and
- promoting spectrum sharing, by encouraging users to share access to spectrum with others.

### ***Regulatory Policy Committee publishes its opinion on the Impact Assessment on the Space Industry Regulations 2021***

On 19 July 2021, the Regulatory Policy Committee (RPC) published its [opinion](#) on the Department for Transport’s Impact Assessment on Space Industry Regulations 2021 (IA)

RPC has given the IA a “fit for purpose” rating but commented that the IA “could have further emphasised the high degree of uncertainty surrounding the costs and benefits”.

### ***Parliament establishes a joint committee to consider the Online Safety Bill***

On 23 July 2021, [the Joint Committee on the Draft Online Safety Bill](#) has been appointed by the House of Lords and the House of Commons to consider the Government’s draft Online Safety Bill (Bill) to establish a new regulatory framework to tackle harmful content online.

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 Joint Committee is required to report by 10 December 2021 and a call for written evidence is expected to be published soon.

### ***Isle of Man***

#### ***Isle of Man joins the Artemis Accords***

On 29 July 2021, the Isle of Man Government [agreed](#) that the Artemis Accords should be extended to the Isle of Man as the principles are “an example of international best practice” and in line with its established position of complying with global standards.

The Artemis Accords is 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 programme.

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## European Institutions

### ***The Lisbon Manifesto on Earth Observation for Africa and Europe signed***

On 11 June 2021, the [Lisbon Manifesto on Earth Observation for Africa and Europe](#) (Manifesto) was signed at the Europe-Africa Space Earth Observation High-Level Forum, which was co-organised by the Portuguese Presidency of the European Council, the European Commission, the African Union Commission, European Space Agency, the EUMETSAT and the European Union Agency for the Space Programme.

The Manifesto sets out the importance of Earth observation (EO) and identifies how EO can be used to help tackle global issues such as climate change and the uncertainty and risk brought about by events such as the recent coronavirus pandemic.

The Manifesto also sets out the following three actions to be undertaken by the EO community:

- the delivery of knowledge to effectively address the challenges of the green transition;
- fostering innovation, across the current EO institutional landscape and diversified stakeholders; and
- guaranteeing observation methods making use of new satellite systems.

### ***ESA and NASA form a strategic partnership to combat climate change through EO***

On 13 July 2021, ESA and NASA signed a statement of intent to form a strategic partnership to observe the Earth and its changing environment.

The partnership aims to pave the way to lead a global response to climate change by harnessing the data from EO satellites.

The statement of intent looks to complement NASA’s Earth System Observatory, which will design a new set of Earth-focused missions to provide key information to guide efforts related to climate change, disaster mitigation, fighting forest fires and improving real-time agricultural processes.

### ***ESA and the World Tourism Forum Lucerne to issue an Announcement of Opportunities***

ESA in cooperation with the World Tourism Forum Lucerne is planning to issue an Announcement of Opportunities (AO) for the development of space-based services enabled by innovative digital solutions to support the tourism and travel industry in their transition from the COVID-19 pandemic.

The AO has a tentative opening and closing date of 15 October 2021 and 18 March 2022 respectively.

Further details on the AO and information on the available funding can be found [here](#).

## Portugal

### ***Amendment to the Portuguese Regional Regime of Space Activities***

An amendment to the licensing regime for space activities in the Autonomous Region of the Azores was published on 22 July 2021.

The amendment states that the use, operation or construction of infrastructure and platforms involved in the development of space activities in the Region must be exercised through an administrative concession contract concluded with the Regional Government, in addition to a licence for the performance of space activities.

## United States

### ***The US Government Accountability Office publishes a report on intergovernmental collaboration for spectrum management***

On 19 July 2021, the Government Accountability Office (GAO) published its report titled [“Spectrum Management – Agencies Should Strengthen Collaborative Mechanisms and Processes to Address Potential Interference”](#) (Report).

The Report analyses how various agency mechanisms and processes were implemented during recent spectrum-management activities (including the US participation in the International Telecommunication Union’s World Radio Conference 2019) and sets out 11 recommendations for the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA).

For instance, GAO pointed out that in the guidance documents on coordination between the FCC, NTIA and the preparatory committee, there are no clearly defined and agreed-upon processes for resolving matters when government agencies cannot reach consensus.

## Africa

### Angola

#### ***Angola to restructure its National Space Program Management Office***

On 16 July 2021, Inês Neto was appointed as the new Deputy General Director of the National Space Program Management Office (GGPEN).

In addition to this appointment, the GGPEN will also be restructured to have a board of directors, which will support and monitor matters relating to the functioning of the GGPEN.

## Asia

### Thailand

#### ***Thailand Cabinet approves the draft Space Affairs Bill in principle on 13 July 2021***

The draft Space Affairs Bill (Bill) which has been proposed by the Thai Ministry of Higher Education, Science, Research and Innovation has been approved in principle by the Cabinet.

The Bill seeks to set up:

- a national space policy committee, with the responsibility of drawing up space policy, chaired by the Prime Minister;
- a national space administration agency, with the responsibility of performing secretarial tasks for the national space policy committee,

to promote and support both state and public sector participation in space development to create a “new space economy”.

## International

#### ***ITU releases fourth edition of the Global Cybersecurity Index 2020***

On 29 June 2021 the ITU released the fourth edition of the [Global Cybersecurity Index](#) (Index) 2020.

The Index ranks ITU Member States based on their commitment to cybersecurity by mapping 82 questions across five pillars.

These pillars are:

- legal measures;
- technical measures;
- organisational measures;
- capacity development measures; and
- cooperation measures.

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The Index shows a median overall score growth since 2018 of 9.5% and saw substantial improvements from a number of counties, for example India, which rose from 47<sup>th</sup> to tenth.

***UN Committee on the Peaceful Uses of Outer Space publishes the Report of the Legal Subcommittee on its sixtieth session***

On 2 August 2021 the UN Committee on the Peaceful Uses of Outer Space issued [the report of the Legal Subcommittee on its sixtieth session](#).

The report details the contents of the session, which covered topics such as the status of the five UN treaties on outer space, national legislation and the future role and method of work of the Committee.



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