

## Regulatory Briefing – September 2021

### Europe

#### **United Kingdom**

#### ***Ofcom consults 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.

#### ***Ofcom calls for evidence on net neutrality***

On 7 September 2021, Ofcom published a [call for evidence](#) for its review on the UK net neutrality framework which implements the EU Open Internet Regulation which came into force at the end of April 2016.

Net neutrality is the principle of ensuring that internet users control what can be seen and done online in order to protect the freedom of equal access to all lawful internet content.

This call for evidence invites fixed and mobile networks, internet service providers and content and application providers to submit evidence in order to allow Ofcom to:

- evaluate the functioning of the UK’s net neutrality framework, such as:
  - o aspects of the current net neutrality framework which work well and less well;
  - o steps to mitigate impact of less effective aspects;
  - o current or future developments which may raise concerns under the present net neutrality framework;
  - o suggestions of business models or aspects which should be considered in the review;
  - o international approaches to net neutrality which may be useful to consider; and
  - o gaps within the existing framework; and
- determine whether it would be beneficial to update guidance on Ofcom’s interpretation and approach to assessing the current net neutrality framework.

The call for evidence will close at 5pm (GMT) on 2 November 2021.

#### ***DCMS consults on reforms to create a pro-growth, trusted data protection regime***

On 10 September 2021, DCMS launched a [consultation](#) on reforms to create a data protection regime which encourages growth and innovation.

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The consultation is part of the UK government’s wider National Data Strategy, which aims to enhance the power of data. The consultation aims to help reform UK data protection laws and build on elements of the current UK GDPR in order to increase regulatory agility and adaptability.

The consultation will close on 19 November 2021.

### ***The UK and Iceland sign a Memorandum of Understanding***

On 12 July 2021, the UK and Iceland signed a [Memorandum of Understanding](#) (MoU) to secure support from the Icelandic government in relation to UK launch activities, to allow launches from the UK over Icelandic territory (including its airspace and territorial waters) in a safe and responsible manner. This MoU is aimed to provide greater certainty to UK launch operators.

The MoU also contains research and student mobility initiatives, intended to strengthen UK-Icelandic collaboration to develop future industry talent. These initiatives include:

- a UK Space Agency (UKSA) student grant fund which offers an education programme for both countries; and
- the Chevening Scholarship scheme, which provides a one-year spaceflight Masters Degree opportunity for Icelandic students.

### ***The UK Government delivers statements on climate change and sustainable development***

On 2 September 2021, the UK Government delivered [statements](#) on climate change and activities which have been undertaken to promote sustainable development at the 64<sup>th</sup> session of the United Nations Committee on the Peaceful Uses of Outer Space.

The UK detailed how it will shortly release a National Space Strategy, which will recognise the importance of using space to combat climate change.

In highlighting the equal importance of sustainability for space as well as the Earth, the UK Government also set out its work on the implementation of the Long-Term Sustainability Guidelines.

### **United States**

#### ***The US House Armed Services Committee approves Space national guard and the National Defense Authorization Act***

On 2 September 2021, the House Armed Services Committee (HASC) voted to pass its version of the 2022 National Defense Authorization Act (Draft Act). This Draft Act contains several national security space provisions, which include the following:

- the establishment of a Space National Guard as part of the U.S. Space Force; and
- the prohibition of the U.S. Space Force from commencing in house commercial space technology procurement until commercial market alternatives have been exhausted.

The HASC also raised concerns about the impact of space debris on the Space Development Agency’s satellites in low Earth orbit (LEO). They recognised the need for further investment in technologies to mitigate future space debris and requested a report from the Department of Defense (DoD) covering:

- the degree to which the DoD has assessed the impact of space debris on national defence space architecture;
- a risk assessment of satellites in LEO; and
- how the DoD is engaging with allies on efforts to develop space debris mitigation technologies.

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## International

### ***UNOOSA expresses a need to deliver a “safe, secure and sustainable space environment”***

On 7 September 2021, at the Satellite 2021 Conference, Simonetta di Pippo, director of the UN Office for Outer Space Affairs, stated the importance of future-proofing activities to develop a “safe, secure and sustainable space environment for tomorrow”. This comes against the backdrop of a shift towards sustainability in space, following COPUOUS’s approval of the Long Term Sustainability Guidelines in 2019.

In her speech, di Pippo emphasised the importance of space in monitoring climate change. She discussed how “more than half of the 54 essential climate variables can only be monitored from space”, demonstrating the critical role which space systems play.

Di Pippo also expressed the need to “develop more tools and more access to these tools to help countries and actors prepare for and address the climate crisis”, inviting stakeholders to contact COPUOUS if they are interested in cooperating on this.



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