

RSSSA Ad-Hoc Advisory Meeting – 13 May 2020 Notes

Chatham House Rules Version

Participants:

Kuan-Wei (David) Chen, McGill and co-chair
Michel Doyon, Gov of Canada – GAC, IGN Deputy Director and co-chair

Chad English, GoC – NRC
Stephanie Ferreira, MDA Corporation
Joanne Gabrynowicz, University of Mississippi
Meghan Gagnon, GoC – NRCan
Michelle Mendes, SatCan
Mina Mitry, Kepler Communications
Gord Rigby, MDA Corporation
Wolfgang Schneider, Gov Germany – DLR
Shari Scott, GoC – ISED

Absent:

Sébastien Carrière, GoC – GAC, IGN Director
Isaac Holliss, Gov New-Zealand – MBIE
Wade Larson, Urthecast
LCol Catherine Marchetti, GoC – DND
Tom Zubko, New North Networks

Observers:

Estelle Chou, GoC – GAC
Gordon Deecker, Invited Expert
Maj Daniel Denis, GoC – GAC
Isolda Guevara, GoC – GAC
Subbaraman Ramachandran, GoC – GAC
Alexandra Toma, GoC – GAC

Summary: The Ad Hoc Committee Advisory Meeting of 13 May 2020 was the fifth in the series (the meeting was originally scheduled on 29 April 2020 and rescheduled to 13 May 2020). The focus of the meeting was to answer two questions presented by a member at the last meeting (25 Mar 2020), to obtain stakeholder input and feedback regarding support for R&D, as well as the review of two (2) points from the *RSSSA Renewal Document*, which lists recommendations to improve the *RSSSA*.

Agenda – 13 May 2020:

1. Welcome
2. Administration items
3. Two Questions from Ad hoc Committee member (raised 25 March 2020)
4. Mechanisms to support R&D
5. RSSSA Renewal Document
6. Other Business
7. Next Meeting and Adjournment

1. Welcome

The co-Chairs welcomed Members and observers to the meeting.

2. Administration items

The members approved the notes from the 25 Mar 2020 meeting and the agenda for the May meeting with no other business added.

Prior to the meeting, GAC circulated the notes from the 15 Jan 2020 and 19 Feb 2020 meetings.

The Committee agreed that these final notes can be distributed by the individual members to recipients to broaden the awareness of the Committee's efforts in the community. GAC disclosed plans to share, as soon as possible, the notes via its webpage, and potentially via SpaceQ or other public venues. To properly publish the meeting Notes, the committee members were asked for their preference regarding the "participant listing" to which the members express agreement to leave the listing intact. GAC also shared plans to create a GAC email address to receive feedback from the public, which will be invited to respond to a questionnaire to help structure their responses.

The circulation of the second draft of the Client Procedural Circular (CPC) will be delayed until the Jun meeting. Work has been initiated on the CPC recommendations from the Feb meeting, including the addition of a Frequently Asked Questions (FAQ) annex. In order to advance the CPC, committee members are invited to propose:

1. two (2) questions that could be embedded in the FAQ annex;
2. one (1) change to the *Regulations* that they would like to see.

These suggestions are requested to be received by GAC, at a minimum, two days before the 10 Jun 2020 meeting.

3. Two Questions from Ad hoc Committee member (raised 25 March 2020)

- a. *What is the role of GAC with respect to possible satellite transmission interference?*
- b. *Why is GAC involved when non-EO satellite operations are added to existing ground station activities?*

In advance of the May meeting, GAC circulated draft responses to the two questions posed at the last meeting (Mar 2020) for consultation internally in the GoC. As explained, ensuring personnel, physical and IT security at a site is one of the main aspect under the RSSSA. Therefore, GAC must be aware of all other activities at the site that may intentionally or unintentionally affect the licensed activities. Examples were provided by GAC inspector to demonstrate this point.

Regarding to the spectrum question, ISED explained how they currently implement the *Radiocommunication Act* is that if there is a situation of radio frequency (RF) interference during operations, typically, the two operators involved resolve the interference issue themselves and then report the solution to the regulators (namely ISED Spectrum Management). If the issue is difficult to resolve, the operators may request ISED to get involved. GAC is not involved in resolving RF issues, and will direct RF-related questions or comments to ISED.

4. Mechanisms to support R&D

There were a number of points and questions raised on this subject:

- There are “developmental licences” as a concept in the RF realm. Can we implement the same (or similar) in the RSSSA?
- Open collaboration across boundaries, even among different academic institutions worldwide, is a concern under the RSSSA; namely the requirement for explicit ID of users and researchers, as well as constraints in accessing raw data by different international academic institutions were listed as challenges.
- Latency is not a particular concern for most research and could potentially be a solution of R&D type of activities, but could be an issue for operational demonstration purpose – i.e., proving commercial capability (at which point it is no longer R&D). Germany does not distinguish between commercial and scientific access, but on risk factor only. However, Germany looks closely at high -resolution products (such as complex radar data).

5. RSSSA Renewal

Members discussed two recommendations from the RSSSA Renewal document.

Recommendation 9:

Embed within the Act different ways of stimulating commercial interest so that the balance between security and technological development is regained.

There was discussion regarding new and emerging technology that may have difficulties being approved. The IDEAS program in DND was mentioned as something that should be reviewed. The US is looking to completely revise the space regulatory regime to improve commercial support; however, new regulations are yet to be implemented or accepted. The *Canadian Radiocommunication Act*, that falls under ISED’s responsibility, does not reflect specific text on stimulating commercial interest directly, but rather keeps the language light enough to allow

innovation to happen. Thus, it looks at streamlining and removing barriers rather than adding more constraints.

The CPC may also offer support by providing a list of items that “may not be licensed”; anything not in the list would be. One member opined that new regulations, if required, could be developed in harmony with industry, where challenges faced by applicant can be addressed as regulations are shaped. Another viewpoint was that adherence to the timeline of an application analysis/processing and favourable treatment of those that have been licensed by other like-minded countries, such as the Five Eyes countries, would be supportive steps. The situation with “selfie cameras” on satellites also needs addressing, perhaps through Classes or Class Exemption could be the preferred approach

Recommendation 10:

Provide the regulatory office in charge of remote sensing with significantly more resources and more personnel.

GAC explained ongoing work to increase its resources. Two staff are in the process of being added. A larger workforce is required to allow appropriate level of engagement bilaterally and multilaterally with foreign regulatory counterparts to ensure a level playing field for operators and licensees under the RSSSA. Such international coordination would result in reduced regulatory burden, especially considering the international nature of remote sensing space systems operations and improved efficiencies in the approval process. Two examples were discussed: when considering new technologies, such as cloud technology, and new business processes, such as the sale of satellites while in space. International exchange is essential to increase common understanding of best practices among space faring nations and ensuring level playing field for the industry by regulating in comparable manners.

6. Other Business

Members did not raise other issues at the meeting.

7. Next Meeting and Adjournment

The next meeting is scheduled for 10 June 2020, at 1:00PM Ottawa time. The agenda will cover possible Regulations changes and the second draft of the CPC.