

## RSSSA Ad-Hoc Advisory Meeting – 09 September 2020 Notes

### Chatham House Rules Version

#### **Participants:**

Kuan-Wei (David) Chen, McGill and co-chair  
Maj Daniel Denis, Gov of Canada – GAC, IGN interim co-chair

Sébastien Carrière, GoC – GAC, IGN Director  
Chad English, GoC – NRC  
Joanne Gabrynowicz, University of Mississippi  
Meghan Gagnon, GoC – NRCan  
LCol Catherine Marchetti, GoC – DND  
Michelle Mendes, SatCan  
Mina Mitry, Kepler Communications  
Gord Rigby, MDA Corporation  
Shari Scott, GoC – ISED  
Wolfgang Schneider, Gov Germany – DLR

#### **Absent:**

Isaac Holliss, Gov New-Zealand – MBIE  
Tom Zubko, New North Networks  
Wade Larson, Urthecast

#### **Observers:**

Estelle Chou, GoC – GAC  
Gordon Deecker, GoC – GAC  
Michel Doyon, Invited Expert  
Mieka Eyking, GoC – ISED  
Stephanie Ferreira, MDA Corporation  
Aram Kerkonian, GoC – ISED  
Colleen Mapendere, GoC – GAC, IGN Deputy Director  
Christian Marcoux, GoC – GAC  
Michele Rae, GoC – ISED

**Summary:** The Ad Hoc Committee Advisory Meeting of 09 September 2020 was the seventh in the series. The focus of the meeting was to discuss the Client Procedural Circular's (CPC) *RSSSA Operating Licence Application Guide* and changes to the *Act*, as well as the review of three (3) points from the *RSSSA Renewal Document*, which lists recommendations to improve the *RSSSA*.

## **Agenda – 09 September 2020:**

1. Welcome
2. Administration items
3. CPC Draft V2 // RSSSA Operating Licence Application Guide
4. Modifications to the *Act*
5. RSSSA Renewal Document
6. Other Business
7. Next Meeting and Adjournment

### **1. Welcome**

The Director welcomed Members and observers to the meeting. He noted the changes at the Deputy Director level and the addition of two full-time staff. He expressed appreciation to the Committee Members for their participation, their time spent and efforts towards these meetings.

### **2. Administration items**

The members approved the agenda for the September meeting without addition to other business. The notes from the 10 June 2020 meeting were approved secretarially during the summer.

Notes from previous meetings are being translated and will soon be available via the GAC website. McGill University has also offered to host a copy of the notes on their site.

### **3. CPC Draft V2 // RSSSA Operating Licence Application Guide**

As noted in a previous meeting the overall size of the document was growing too large. Consequently, an internal decision was taken to split the CPC into two volumes, with one focussing on the licence application guide, while the other providing a RSSSA 101 to the Act and the Regulations.

Following this, the application guide was deemed to be the priority, as such, it has now been distributed for final comment to the committee members.

Overall the committee found the guide to be comprehensive, at a good level of detail, and well laid out.

Feedback and discussions included:

- An emphasis on early consultation, the importance of it, and possibly elaborating on the process beyond what is currently written;
- Suggested clarification about the “complete application or no process review” notes in the document
- Other (minor) suggestions were sent separately to GAC, including the use of more explicit language in some places.

RSSSA 101 Framework Document Note: this document will be the next one to be completed by GAC. With the application process removed, certain sections will need to be reworked. No specific timeline was provided for a target completion date.

The committee agreed that additional comments will be accepted until **September 25**, at which time final edits will be implemented and translation of the document will be initiated by early October.

#### 4. Modifications to the Act

At the last meeting (10 Jun 20), members were invited to submit suggested modifications to the *Act*. Eight proposals were discussed.

Received proposed *Act* changes include:

- i. *Separate the Act's current definition of "person" so that a "person" is a person in the usual sense of the word as opposed to include corporations and agencies. It may have saved a few lines in the Act, but it confuses all first, second and even third time readers.*

The definition of person, in the juridical sense, typically includes the other groups as stated in the *Act*. A legal opinion should be obtained before such a measure is considered.

- ii. *Define "sensors" and not "satellites"*

Support was expressed to separate the satellite and sensors. Multi sensor satellites of various types are emerging. Additionally, a satellite may contain multiple payloads of which not all are remote sensing sensors. It was suggested that the committee members should not lose sight of the big picture of space in Canada and new technology. As a government, Canada needs something more than just the RSSSA. It was also recommended that the government should also consider sensors on other vehicles.

The committee discussed if additional platforms and earth observation sensors should be incorporated within the *Act*, or should these be covered via a potential Space Act. Regarding the RSSSA, the scope should remain on "space" and "satellite" related, since expanding the scope may lead to unwanted challenges. Concepts such as cameras on launchers and upper stages could be covered by the *Act*, but other sensors on platforms that are not truly satellites (namely the "pseudo-satellite" and other similar vehicles) may prove more difficult, even to define what it is.

- iii. *Add an expression of support for industry in the Act itself and not just in the Regulations.*

The idea received support without additional comment.

- iv. *Define "tiers" similar to the USA.*

The *Act* already provides flexibility so this change may not be needed. The addition of tiers was seen as a way to expedite regulatory issues as well as alignment with the US system. With "provisional approval", as allowed in the *Act*, as a form of preapproval, it was questioned whether tiers are really needed.

Class Exemptions can be a tool to integrate some of the ideology behind the US's tier approach, such as if an academic institution designs a CubeSat project for educational purposes, maybe a Class Exemption could reduce some of the application requirements and streamline the application process.

- v. *Include HAPS (High Altitude Pseudo Satellites) in the Act.*

The introduction of HAPS into the RSSSA, as seen in Australian law, is considered by some member as an “invitation to a lot of problems”. On the other hand, Canada must be prepared for many more innovative technologies and needs to look a little more closely at such technology to ensure regulations are in place.

- vi. *Raw Data should be redefined to be similar to what is in the UN documents.*

There is no one definition of “raw data” and Canada cannot achieve uniformity across nations as each has a more or less unique definition. This being said, support was expressed for a review of the current definition in any case.

- vii. *Look at clarifying which parts of the Act refer to "operations" and which to "data." Alternately, reorganise the Act into the parts of the System (people, system participant, space segment, ground segment, and data).*

The Licensing Application Guide presents the required application information in categories (licensee, system participant, space segment, ground segment, and data). No comments were provided regarding the *Act* itself.

- viii. *Class exemptions*

This is seen as an alternative to the US “Tiers”. Class exemptions were discussed at length in a previous meeting. Class Exemptions would not exclude the requirement of applying for a RSSSA Licence, but reduce some of the application requirements needed to obtain a Licence.

Members were then invited to express their viewpoint on which of these changes were priorities for them. The approval of class exemptions (change 8) was viewed as being the top priority, followed by the inclusion of industry (change 3) in the *Act* and “anything that reduces the timeframe to get a licence”.

## **5. RSSSA Renewal**

With five (5) items left to be reviewed, three (3) items today and the final two (2) items are planned for the last meeting.

The members discussed the following recommendations from the RSSSA Renewal document:

- ***Recommendation 14***

*Engage community stakeholders by attending industry and academic conferences, publishing client information circulars and establishing an easily and intuitively-accessible online presence to explain clearly and candidly what kinds of activities fall within the scope of remote sensing as defined in the Act.*

- Efforts of GAC over the past two years to greatly increase outreach resulted in: notes, including the existence of this committee, unique email address, presence at conferences,

and the support of McGill and Satcom in outreach, as well as the creation of the Licence Application Guide.

- **Recommendation 15**

*Include a provision that would allow Canada to be indemnified by a private entity for damages it is required to pay internationally as a result of a private entity's space activity causing damage as well as a provision that requires all operators to procure insurance to cover the liability risks associated with space activity.*

- “Liability” in UN documents is focussed on “launching States”. The *Act* states that there must be a guarantee suitable to the Minister before a licence will be issued [Section 9(1)(b)].
- The requirement for insurance in such circumstances was reviewed over the summer and a note is currently being reviewed by GAC. The note includes a diagram that identifies who typically obtains such insurance (“Figure 1” has been extracted and is included below this section). Upon approval, this note will be circulated among the Committee Members.
- In many cases, it is the launch provider that obtains the insurance and other nations have a “launch permit” requirement that includes such insurance as mandatory.
- In Canada, launches are controlled under the *Aeronautics Act* and this is a reasonable place to put such a requirement.
- Thus perhaps the wording in the RSSSA, “of a suitable guarantee”, may be sufficient.

	Pre-Launch	Launch	In-Orbit	Re-Entry
Asset (e.g., replacement cost or book value)	Pre-Launch (e.g., transit, launch site processing / typically purchased by satellite manufacturer)	Launch Vehicle Flight (e.g., ignition to separation / typically purchased by launch provider)	Post-Separation (e.g., orbit raising, in-orbit testing / typically purchased by satellite operator)	
		Launch + Re-Entry (can include pre-launch and post-recovery activity / typically purchased by launch provider)		
		Launch + 1 Year (typically purchased by satellite operator)		
	Seamless (AXA XL's unique pre-launch + LVFO coverage / typically purchased by satellite manufacturer)		In-Orbit (renewed annually / typically purchased by satellite operator)	
Liability (e.g., third party bodily injury and property damage)	Pre-Launch (e.g., transit, launch site processing / typically purchased by satellite manufacturer)	Launch + 30 days (can be longer – up to 1 year – based on jurisdiction / typically purchased by launch provider)		Re-Entry (e.g., recovery or disposal / typically purchased by launch provider or satellite operator)
			In-Orbit (renewed annually / typically purchased by satellite operator)	
		Launch + Re-Entry (typically purchased by launch provider)		

**Figure 1 – Insurers and Insurance from Mr. Christopher T.W. Kunstadter, AXA, XL**

**Recommendation 16**

*Enter discussions that harmonize international rules related to the cloud so that anyone operating in the cloud, regardless of physical location, is subjected to the same regulations and/or operating procedures as attempting to unilaterally address the cloud without causing severe consequences to private industry is nearly impossible.*

- International discussions are ongoing with allies that are both new and mature players in the space arena.
- GAC has, within the last two years, significantly stepped up its international coordination permitting Canadian industry to better compete in the international arena.

**6. Other Business**

There was no other business put forward.

**7. Next Meeting and Adjournment**

The next and final meeting is scheduled for 09 December 2020 at 13h00 Ottawa time.

The agenda will include an Ad Hoc Committee wrap-up and feedback from GAC.