

RSSSA Ad-Hoc Advisory Meeting – 09 December 2020 Notes

Chatham House Rules Version

Participants:

Kuan-Wei (David) Chen, McGill and co-chair
Colleen Mapendere, Gov of Canada – GAC and co-chair

Sébastien Carrière, GoC – GAC, IGN Director
Chad English, GoC – NRC
Joanne Gabrynowicz, University of Mississippi
Meghan Gagnon, GoC – NRCan
Michelle Mendes, SatCan
Gord Rigby, MDA Corporation
Wolfgang Schneider, Government of Germany – DLR
Shari Scott, GoC – ISED

Absent:

LCol Catherine Marchetti, GoC – DND
Isaac Holliss, Gov New-Zealand – MBIE
Mina Mitry, Kepler Communications
Wade Larson, Urthecast
Tom Zubko, New North Networks

Observers:

Estelle Chou, GoC – GAC
Gordon Deecker, Invited Expert
Maj Daniel Denis, GoC – GAC
Michel Doyon, Invited Expert & CSA Rep
Mieka Eyking, GoC – ISED
Stephanie Ferreira, MDA Corporation
Isolda Guevara, GoC – GAC
Christian Marcoux, GoC – GAC
Maj Brian Statham, GoC – DND
Alexandra Toma, GoC – ISED

Summary: The Ad Hoc Committee Advisory Meeting of 09 December 2020 was the eighth and last meeting in the series. The focus of the meeting was two-fold: (1) to discuss the last two recommendations from the *RSSSA Renewal Document*, which lists all the recommendations to improve the *RSSSA*, (2) to conduct a review of the draft “Wrap-up Report” that summarizes the issues discussed at each meeting of the Ad-Hoc RSSSA Advisory Committee and what actions have been taken or are being taken to address them. The meeting concluded with an overview of next steps to be taken by GAC, and an agreement to convene virtually in six months to share updates, follow-up on unfinished business, and other discussion points to be determined.

Agenda – 09 December 2020:

1. Welcome
2. Administration items
3. RSSSA Renewal Document
4. RSSSA Ad Hoc Wrap-up Discussion (1) Committee Meetings Overview
5. RSSSA Ad Hoc Wrap-up Discussion (2) Concerns Break Down Table
6. RSSSA Ad Hoc Wrap-up Discussion (3) RSSSA Review Recommendations
7. RSSSA Ad Hoc Wrap-up Discussion (4) Summary of the Next Steps
8. Future of the Ad Hoc Committee
9. Other Business
10. Adjournment

1. Welcome

The GAC(IGN) Director welcomed Members and observers to the meeting. He expressed his thanks to the co-chairs and committee members for their valuable input to the ongoing review of the *Remote Sensing Space Systems Act* and the *Remote Sensing Space Systems Regulations*. He complimented them on the work accomplished since the first meeting in November 2019. Their contributions would contribute to, and inform, the upcoming 2022 RSSSA Independent Review and ongoing implementation of the *Act*.

2. Administration items

The members approved the agenda for the December meeting without adding to other business. The notes from the 09 September 2020 meeting were approved secretarially in October. The committee members did not have any comments on the notes.

Even during the Covid pandemic, significant work continues to be undertaken. GAC staff participated and presented in the regulatory panel at the CASI-ASTRO conference at the end of October, and at a workshop on Earth Observation organized by the Canadian Space Agency. The meeting notes of the Ad-hoc Advisory Committee (between November 2019 and September 2020) have been translated and are being made available on the GAC and McGill web sites. The RSSSA Operating Licence Application Guide (the first part of the two Client Procedural Circulars) has been translated and is being prepared as an accessible version for the GAC website. It is expected to be online by the end of December. The Wrap-up Report is also expected to be finalized upon receipt of comments from the Committee.

3. RSSSA Renewal Document

The members discussed the final two (2) Independent Review Recommendations, as listed in the *RSSSA Renewal* document:

- **Recommendation 17**

Engage foreign allies in high- and low-level discussions in an attempt to harmonize the various rules, procedures, standards, methods and strategies by which remote sensing operations are regulated.

GAC has ongoing engagements with allies that are both new and mature players in the space arena. Subjects include how remote sensing space systems or general earth observations are regulated, best practices, and pitfalls. In cases where systems are licensed by many jurisdictions, discussions can be

specific to a license or operation. GAC has re-engaged bilaterally and multilaterally, though significantly slowed down by the restrictions of the pandemic. Over the past few years, discussions have taken place with counterparts from the US, Germany, France, Finland, Sweden, the Netherlands, and Japan among others.

Industry noted that there are challenges with varying regulations in different countries where they may operate. It was expressed that one key solution is for the scope of the different policies internationally to become consistent in areas in which they are not. Additionally, there is a growing concern with the unclear regulatory approach regarding Space Situational Awareness (SSA) cameras and Space Traffic Management. GAC acknowledged the concerns and noted that it is gathering more information, including during its international engagement with partners.

Recommendation #17 is considered closed, although work will continue through GAC's engagement of both international regulatory authorities and Canadian industry.

It was explained that "closed" in this case does not mean "the work is completed", but that the GAC staff have committed to address the recommendation with a solution.

- **Recommendation 18**

Enact a general Outer Space Act that would apply to new and emerging space activities as they become a reality.

The RSSSA was enacted solely for remote sensing operations. In some instances, it was stretched to cover another space activity. The recommendation suggests the need for a general space act to cover emerging activities.

GAC is currently engaged in interdepartmental discussions regarding a dedicated Outer Space Act. The creation of an outer space act is outside the scope of GAC's mandate and GAC is not the department best to handle the development of national space legislation. It may be more appropriate for the development of such a law to be a department that is responsible for industry. More importantly, an outer space act requires a political decision in order to be developed. Although there are proponents within the Canadian space stakeholders community for such an Act, the Government's 2019 Space Strategy¹ did not propose or envision such a comprehensive act – the Space Strategy was silent on the need for a comprehensive space legislation. Going forward, industry will need to be vocal at the highest level to push for priority action on an outer space act. Additionally, a department will need to be selected to administer the new law.

A Committee member noted that the development of a national space legislation was regularly discussed at the Space Advisory Board (SAB). Such an act would allow nations to protect its national interests and can determine which department would be responsible for what aspect of space activities. Such an act can resolve ambiguities in Canada's favour.

¹ Exploration Imagination Innovation – A New Space Strategy for Canada, link: <https://www.asc-csa.gc.ca/pdf/eng/publications/space-strategy-for-canada.pdf>

Following discussions, recommendation #18 will be left open, with GAC continuing to track and participate in discussion regarding a possible comprehensive outer space act.

4. RSSSA Ad Hoc Wrap-up Discussion (1) Committee Meetings Overview

GAC reviewed the history of the committee in terms of achievements (see Wrap-up Report's Section 2).

5. RSSSA Ad Hoc Wrap-up Discussion (2) Concerns Break Down Table

GAC reviewed each of the Committee's meetings, referring to Wrap-up Report's Section 3. This section tracks the status of each of the issues and recommendations covered during the series of Ad-Hoc Committee meetings. The section also summarized the steps taken to address or respond to them.

During the meeting, only one section's comments were reviewed. This was the first meeting's list of expectations expressed by the committee members. An overview of all other meetings topics was provided.

- *During the review of comments and recommendations from the Nov 19 Meeting: Roundtable:*
 - i. Regarding the "protecting national security while allowing growth of the remote sensing space industry" comment:
GAC commented that they will be able to provide greater flexibility for university cubesats.
Committee member noted that this "greater flexibility" given to universities should not create a competitiveness imbalance with industry.
 - ii. Regarding the "ensuring the *Act* enables the competitiveness of the Canadian industry" comment:
Canadian industry needs to maintain international competitiveness. The Canadian based ground stations can play this role.

6. RSSSA Ad Hoc Wrap-up Discussion (3) RSSSA Review Recommendations

The agenda item to review all "open" recommendations was skipped to allow more time for discussion of the "next steps". It was noted that out of the 18 recommendations, half are considered open or closed.

Committee Action Item: The Committee Members are invited to review the Wrap-Up Report document and provide feedback **no later than the end of January 2021**. Views on whether each of the issues have been adequately addressed from each meeting would be welcome.

7. RSSSA Ad Hoc Wrap-up Discussion (4) Summary of the Next Steps

The Committee went over the Wrap-Up Report's Section 5, which summarizes GAC's next steps.

GAC commented that the work associated with the Ad-Hoc Committee will be part of the 2022 Independent Review.

8. Future of the Ad-Hoc Committee

General feedback from the Committee Members related to the *Ad-Hoc RSSSA Advisory Committee* consisted of the following:

- The Committee is an incredible way for industry representatives to participate.
- Since the *Act* is a vital component to the Earth observation industry, being able to know what is going on was appreciated.
- Industry expressed that it was a little disappointing to see a large industry participation in the beginning, but this has tapered towards the end.
- That reading the Meeting Notes and other documentation and digesting their contents are the preferred way for some to be able to contribute effectively to discussions. For some, topics were presented quickly without sufficient time for them to digest the presented information.
- It was noted that the meetings and presentations clarified many things in the *Act*, and the public outreach has been helpful.
- The creation of the two Client Procedural Circulars (CPCs) is of great value.
- The Committee was well organised, with members appreciating good advance notices for meetings, and the opportunity to continue working even with the challenges posed by the pandemic.
- A continuation of an “Ad-Hoc” type setting where an open platform exists to exchange view on the regulatory system would be a positive step.

GAC is considering a continuation to the “Ad-Hoc RSSSA Advisory Committee”. Since there are still documents to finalize, there was general agreement to have a follow-on meeting in 6 months (May/June) to share updates, including of the 2022 Independent Report on the RSSSA, resolve any unfinished business, and also address the future structure of a potential advisory committee.

9. Other Business

There was no other business put forward.

10. Meeting Adjournment

The meeting closed with the Director, once again, thanking members for their participation and their valued contributions over the last eight meetings, which is a heavy workload and all deserve thanks. He conveyed interest in the follow-on meeting in 2021.

The December meeting was adjourned on time.