

“Follow-up” to the RSSSA Ad-Hoc Advisory Meeting – 05 Oct 2021 Notes

Chatham House Rules Version

Participants:

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

Chad English, GoC – NRC
Joanne Gabrynowicz, University of Mississippi
Meghan Gagnon, GoC – NRCan
Suneil Kanjeekal, GoC – ISED
Wade Larson, Urthecast
LCol Catherine Marchetti, GoC – DND
Michelle Mendes, SatCan
Gord Rigby, MDA Corporation
Wolfgang Schneider, Government of Germany – DLR
Tom Zubko, New North Networks

Absent, with regrets:

Isaac Holliss, Gov New-Zealand – MBIE
Angelica Liao-Moroz, GoC – GAC, IGN Director
Mina Mitry, Kepler Communications

Distribution / Observers:

Estelle Chou, GoC – GAC
Gordon Deecker, GoC – GAC
Maj Daniel Denis, GoC – GAC
Maj Brian Statham, GoC – DND
Alexandra Toma, GoC – ISED

Summary: The “Follow-up” to the Ad Hoc Advisory Committee Meeting of 13 May 2021 was postponed to the Fall and took place on 05 October 2021. These notes summarise the advancements on the RSSSA review-related work through discussions on the RSSSA Guides, the 2022 Independent Review, and the future of the Ad-Hoc Advisory Committee.

Agenda – 05 October 2021:

1. Welcome
2. RSSSA 101 Series:
 - i. Feedback on Part 1 - RSSSA Framework Guide
 - ii. Feedback on Part 2 – RSSSA Operational Licence Application Guide
 - iii. Feedback on Table of Content of Part 3 – Licence Maintenance Guide
3. 2022 RSSSA Independent Review Update
4. Future of the RSSSA Ad-Hoc / Advisory Committee
5. Adjournment / Official Ad-Hoc Advisory Committee Closure

1. Welcome

The Co-Chairs welcomed the Committee Members and observers to the meeting.

GAC expressed that this meeting is taking place at the request of the Committee Members from the Dec 2020 Meeting, and this will mark as the final meeting of the RSSSA Ad-Hoc Advisory Committee.

GAC announced that Sébastien Carrière was replaced in September by Angelica Liao-Moroz as the new Executive Director of IGN, the Non-Proliferation, Disarmament and Space (IGN) Division. Sébastien Carrière has been announced as Canada’s Ambassador to Haiti.

Additionally, within ISED, Shari Scott has been replaced by Suneil Kanjeekal.

2. RSSSA 101 Series

Over the Summer, as the writing of the RSSSA Framework Guide evolved, it was decided to adapt the RSSSA Client Procedural Circulars (CPC) into the RSSSA 101 Series. Additionally, the “RSSSA CPCs/ 101 Series of Guides” are to be split into three distinct guides, namely:

- i. Part 1 – RSSSA Framework Guide – designed for readers who are new to the RSSSA. It will explain the RSSSA and its Regulations, as well as the international treaties and policies that relate to remote sensing (i.e. what is the RSSSA?).
- ii. Part 2 – RSSSA Operating Licence Application Guide – designed for new applicants. This Guide helps an Applicant understand what is required in order to apply for a RSSSA Licence. This Guide was first released in October 2020 (i.e. how do I get a licence?).
- iii. Part 3 – RSSSA Licence Maintenance Guide – designed for licensees. This Guide will identify what is expected from a licensee in order to maintain its licence, and the Ministerial requirements related to managing a licence as well as the Ministerial powers related to a Licence (i.e. the “now what” after obtaining a licence).

A reminder that Parts 1 and 3 are in draft and subject to legal review.

The Committee Members were asked to examine and provide feedback at the Ad-Hoc Advisory Committee Meeting on the draft of Part 1 and on the Table of Contents for Part 3, which were attachments distributed prior to the meeting. More specifically, the Members were asked to focus on

structure and content of Part 1, as GAC is still reviewing the writing; if there are any feedback on Part 2 since V1.1, which was published on 08 Mar 21; and to focus on content topics of Part 3.

The Ad-Hoc Advisory Committee Members provided the following comments:

- i. General Feedback related to the RSSSA 101 Series:
 - The three parts approach is very user friendly.
 - For Parts 2 and 3, it would be good to collect data as applicants and licensees experience/use the Guides. Potentially, this can be collected at the next Independent Review in 2027.
 - For Part 2, it was remarked that new applicants would rather read the Guide rather than the law – but highlighting the need to read the law must be emphasised for all of the Guides.
- ii. Feedback on Part 1 - RSSSA Framework Guide
 - Comprehensive.
 - Good structure.
 - Well organised. From international treaties flowing down to national laws.
 - Recommended to add: contact information for ISED and Transport Canada.
 - Recommended to edit: Prior to the meeting, GAC received feedback regarding a correction to one of the references to the “Outer Space Treaty” which was referencing the wrong article.
- iii. Feedback on Part 2 – RSSSA Operational Licence Application Guide
 - No points for improvement were expressed by the Committee Members.
 - One Committee Member will request their internal staff for feedback, as they have a team in the process of obtaining a licence.
- iv. Feedback on Table of Content of Part 3 – Licence Maintenance Guide
 - Will be a very useful guide for licensees to keep their licence.
 - The naming of Part 3 seems to be appropriate, no alternatives were suggested.
 - Recommended to add: A section on what happens in the event a licence is revoked, expires or refused.
 - Recommended to add: A section on violations and infringements; the “back and forth” in communicating with GAC.
 - Recommended to add: A section on the transfer of a licence.

GAC will look at adding the suggested modifications to the Guides. GAC also requested any other feedback can be provided to them via the RSSSA email.

3. 2022 RSSSA Independent Review Update

GAC provided the following update in regards to the 2022 Independent Review:

- a) GAC cannot disclose key findings or conclusions, information gaps, or recommendations of the draft report. This is due to the fact that there cannot be information released about the Independent Report ahead of the report’s tabling to Parliament set for 05 April 2022.
- b) The Independent Review is being conducted by Space Strategies Consulting Ltd (SSCL)

- c) GAC received the first draft of the 2022 Independent Report from SSCL and the GAC Space Team has reviewed it.
 - a. The report coverage as required under the Statement of Work:
 - i. (1) an assessment of the impact of provisions and operation of the Act on technological development and on implementation of international agreements and treaties; and
 - ii. (2) an examination of whether technological developments have rendered any aspects of the Act out of date and what, if any, amendments to the Act and/or Regulations may be needed to reflect technological development.
 - b. SSCL utilised a questionnaire as its key consulting tool, supplemented by interviews and separate stakeholder submissions.
 - c. A total of 70 questions were used to draw stakeholder views on a number of topics, including: RSSSA policy goals; RSSSA and facilitating industry growth; data access; RSSSA role in meeting Canada’s international obligations; and administration of the RSSSA.
 - d. GAC included all Ad-Hoc Committee Members as interviewees. GAC thanked all that responded.
- d) The final draft of the Independent Report is due in early December, in order to meet the fixed deadline for tabling report to Parliament on or before 05 April 2022.
- e) The 2022 Independent Review was conducted differently as compared to the 2012 and 2017 reviews. In an effort to capture “lessons learned” and have an improved process for the 2027 review, GAC requested that if any Ad-Hoc Committee Members wanted to provide feedback on Independent Review Process, or other feedback regarding the Independent Review, to provide comments to GAC’s RSSSA email.

Follow-on Input to the Independent Report: Below summarises the Committee Members discussions and points in regards to, or related to, the Independent Review and the Independent Report.

- The members asked if there was a way for the Ad-Hoc Committee Members to review the Report prior to tabling. Some expressed a curiosity of seeing the report since they provided input without knowing the output to the Independent Report. GAC informed that the current process does not permit such a step. GAC elaborated that their review was limited to editorial, fact checking, and the respect of privacy information, as such, GAC did not comment on the analysis, results, conclusions or recommendations.
- GAC remarked that adding such a step (stated above) to the 2027 review will be considered, and acknowledges that there might be cost considerations.
- Discussions on having a follow-on committee meeting on the Independent Report and the future of the Ad-Hoc Committee was touched upon here. See *Agenda Item 4* of these Notes regarding points on this topic.
- GAC remarked that the Independent Report will be made available on the 05 April 2022, and at that time, all of the Ad-Hoc Committee Members are encouraged to review the Report and provide feedback or propose alternative recommendations. GAC looks forward for this feedback.

- It was highlighted that any and all changes to the Act are highly important to the Canadian remote sensing space industry.
- It was remarked that what remote sensing was then (at the time of the Act) and now has changed and some emerging technologies can no longer be easily categorised as remote sensing.
- It was remarked that all recommendations from the Independent Report are not instantaneously implemented or enforced, as follow-on discussions are required.
- As some feedback for the Independent Report is concerning and of critical importance for some licensees, GAC recommended that licensees (or others) should request a copy of the questionnaire from SSCL in order to send the feedback directly to GAC.
- There was a concern that the 2022 Independent Report simply repeats the recommendations from the previous two reports and brings nothing new, which results in continual discussions on the Independent Report.

4. Future of the RSSSA Ad-Hoc / Advisory Committee

GAC has reviewed the concept of a standing *RSSSA Advisory Committee* and concluded that the establishment of such a committee would be most beneficial to take place around or after the release of the 2022 Independent Review. As such, sometime in the next year, GAC will seek to establish a RSSSA Advisory Committee.

At present, the intentions are for this permanent advisory committee to meet twice a year with a similar constitution as of the Ad-Hoc Committee.

Below summarises the Committee Members' discussion and points in regards to, or related to, a permanent advisory committee and to an additional Ad-Hoc Committee meeting.

- Just to highlight the importance of the future of the Ad-Hoc Committee, this topic was actually discussed during *Agenda Item 3*, during this agenda item, as well as during *Agenda Item 5*. All remarks have been summarised together here in *Agenda Item 4*.
- The Committee Members agreed that having a standing RSSSA Advisory Committee is important, and the Committee Members expressed that the establishment of a standing committee is preferable earlier rather than later.
- The need and importance to formalise the “Ad-Hoc Committee” was highlighted in order to maintain the ongoing communication momentum. The “Ad-Hoc” came about two years after the 2017 review, and such a slow lag needs to be avoided.
- It was commented that with the Act being flexible, the Advisory Committee could be used as a “user committee” in order to improve the processes of administering the Act.

- Fundamental changes and advancement in technologies and its application creates challenges when applying the definition of remote sensing, which highlights the need to continue with an Advisory Committee.
- It was proposed that an industry-only committee should be considered to help unite Canadian industry. This could be focused on the remote sensing community or incorporate all space missions. The concept of this industry group can be compared to the US's Satellite Industry Association (SIA).
- For the future RSSSA Advisory Board, the discussions can integrate Chatham House Rule and private/non-public discussions, when required.

Need for another Ad-Hoc Committee Meeting Discussion:

- It was proposed (and supported by the Committee Members) to have another Ad-Hoc Advisory Committee meeting which would focus on the 2022 Independent Report recommendations.
- It was suggested to look into if there is a Canadian equivalent legislation of the US Federal Advisory Committee Act that the Advisory Committee on Commercial Remote Sensing (ACCRES) was created under.
- The current Ad-Hoc Advisory Committee was organised to discuss the recommendations of the 2012 and 2017 Independent Reports. With the 2022 Independent Report releasing soon, a continuation of it would be welcome and would be a natural progression of the current intent.
- GAC expressed an interest, but did not commit, to conducting another Ad-Hoc Advisory Committee meeting. GAC will take a moment to consider the prospect, and may change the title of the committee meeting if the April 2022 discussion occurs. The Committee Members will be informed in the new year if GAC will go ahead with this discussion or not.
- Proposed timeline would be that this discussion should occur within two weeks after the 2022 Independent Report's tabling on 05 April 2022; therefore, no later than 20 April 2022.
- It was proposed to either have SSCL participate at the April 2022 discussion, or to have a separate discussion with SSCL.

Other topics: The following points fall outside their Agenda Item, but are worth noting.

- Space Advisory Board: The status of the Space Advisory Board was discussed. This Board has completed its mandate (2017 till 2020), but has not been officially disbanded. It was voiced that a continuation of this board was also needed. The decision regarding the outcome of this Board is with ISSED.
- Class Exemptions / Ministerial Exemptions: It was requested to know what advancements were made in regards to the "Class Exemptions". GAC explained that they discussed the Class Exemption and learned that the legal process was very demanding and would require a minimum of three (3) years in ideal circumstances. GAC believes exploiting the Act's ministerial powers to exempt parts of the Act and Regulations will be beneficial to applicants. Further discussions within GAC will continue regarding potential exemptions and when they would be appropriate. If

this means more licenses going to the Minister's office for signature, further steps need to be taken to ensure the efficiency of the process.

- Lost Opportunities: It was mentioned that some potential international clients decided not to conduct business within Canada due to the heavy Canadian regulations. GAC requested clarification if this was attributed specifically to the RSSSA or the frequency regulations. Additionally, GAC requested if the cause can be directed towards what parts of the RSSSA or if it was related to a specific regulation. This will permit the regulating team to examine the issue. It was further shared that the reason could be a combination of both, the RSSSA and ISED's Radiocommunication Act. The Committee Members were encouraged to send comments on issues to the RSSSA email.
- Frequency Regulation: It was commented that the administration of the Radiocommunication Act took more time when compared to the RSSSA.

5. Adjournment / Official Ad-Hoc Advisory Committee Closure

This meeting intended to officially end of the RSSSA Ad-Hoc Advisory Committee, although, in regards to the positive support to continue the work of the Ad-Hoc Advisory Committee, the meeting closed with a notion of a potential "to be continued" in the new year, proposed to occur in April 2022 (TBC).

The meeting closed with the Co-Chairs, once again, thanking warmly members for their participation and their valued contributions over the last ten meetings, which is a heavy workload and all deserve thanks.

The October meeting was adjourned on time.