

A Brief Survey of Remote Sensing Law Around the World

Advisory Committee on Commercial Remote Sensing

Presented by

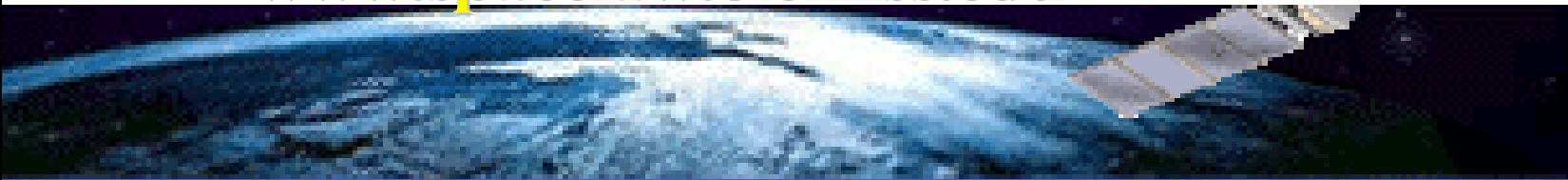
Prof. Joanne Irene Gabrynowicz

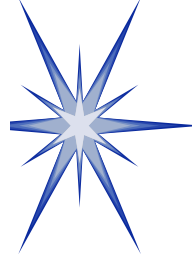
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National Remote Sensing and Space Law Center

University of Mississippi School of Law

www.spacelaw.olemiss.edu

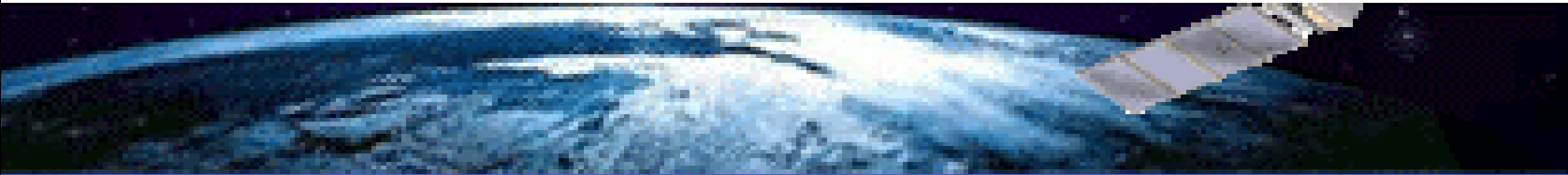




Legal Regimes Considered



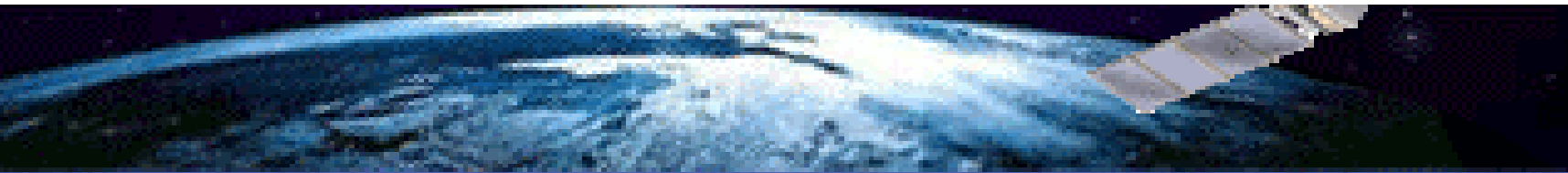
- **Argentina**
- **Australia**
- **Bangladesh**
- **Canada**
- **Chile**
- **China**
- **Europe (ESA)**
- **France**
- **Germany**
- **India**
- **Israel**
- **Japan**
- **Maylasia**
- **Russian Federation (CIS)**
- **South Africa**
- **Sweden**
- **Ukraine**
- **United Kingdom**

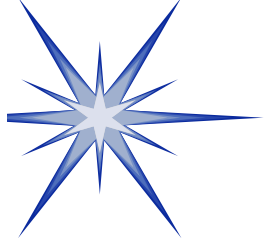


Overview



- **Preliminary findings**
 - Research needed
- **General, global observations**
- **Major remote sensing nations**
 - Canada, Europe, France, India, Japan, Russian Federation
- **Non-remote sensing nation**
 - Ground segment focused law: UK
- **Emerging space law with no remote sensing specifics**
- **Emerging remote sensing specifics**

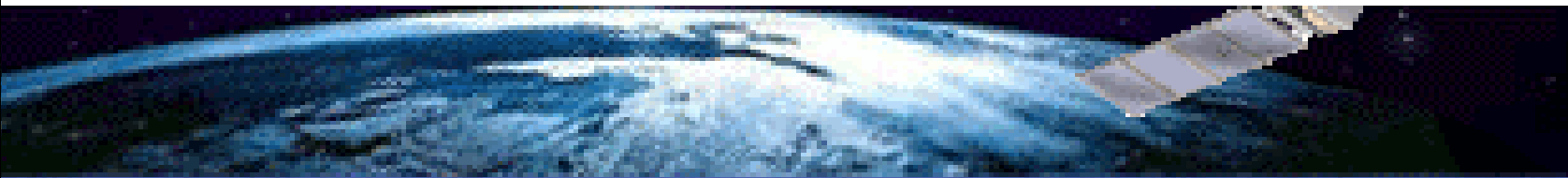


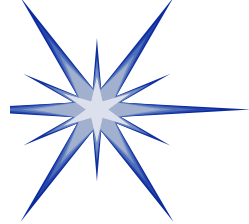


General Observations



- **Most**
 - General space laws
 - Launch, safety, sovereignty and liability
- **Few**
 - Address remote sensing/EO and data issues
 - More often through policy directives or something similar
 - Not legislation
- **All**
 - Express agreement and compliance with UN treaties and affect on domestic space activities, laws and policies



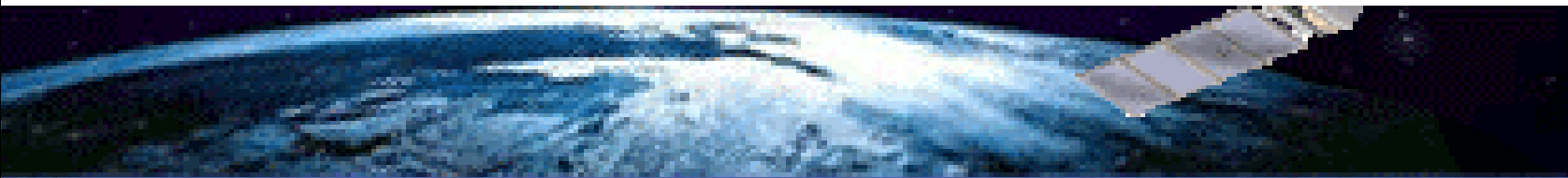


General Observations



- **Those with no or pending legislation**
 - Driving force of legislation initiatives are compliance with treaties and international obligations
- **U.S. law is apparent standard**
 - Not to the "letter" but with due consideration
- **Hybrid public - private environment**
 - Law will not change this
- **Space segment vs. ground segment**
 - Satellite vs. data focus

U.S. vs. Europe, for example





Canada



- **Operations and data**
 - **Access Control Policy**
 - **Government intends to give legal effect to new regulatory regime for commercial systems operations**
- **Radarsat private sector partner contractually obligated to comply with policy pending legislative enactment**
- **Very similar to U.S. regulations**
 - **Case-by-case review; "shutter control"; tasking records; notify re: substantial foreign agreements and change in operational characteristics; need permission to transfer ownership, etc.**



Europe



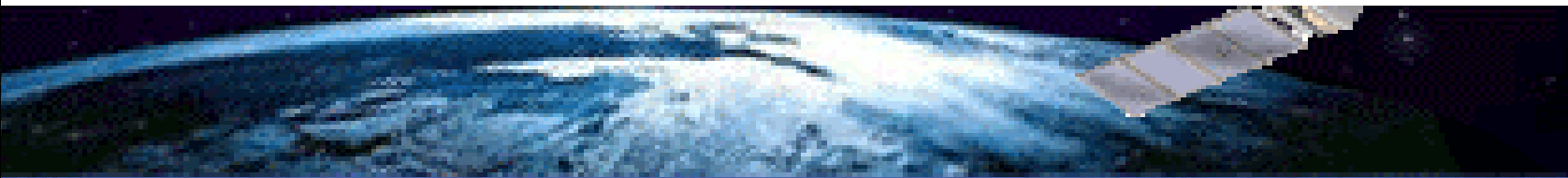
- **Operations and data inextricably intertwined**
 - No private systems or licensing, per se
 - "commercial" means what is done, not who does it
 - Hybrid public - commercial systems
 - Government systems operate commercially
- **Data driven, not space segment**
 - E.g.: satellite image = "data base"
 - Database Protection Directive
 - Stresses user payment for operations
- **Multilateral agreements on satellite-by-satellite basis**

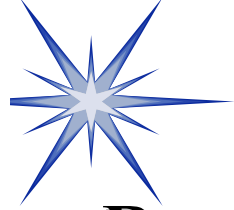


France



- **Contractual and administrative legal regime**
 - No legislation
 - National common law, both public and private
 - Legal terms and conditions in a departmental report
- **"Commercial" systems could be addressed by legal framework when "relevant"**
 - SPOT is "privatized" not "commercial"
- **Data driven**
 - Focus: return on investment of public funds
 - Open civil regime
 - May be temporarily or permanently classified for national security
 - Case-by-case review



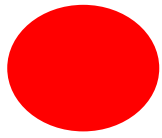


India



- **Remote sensing data policy, no law**
 - **Comprehensive**
 - **Acquisition and distribution from Indian and foreign satellites for civilian users in India**
 - **Data is a public good**
 - **No provisions for operating licenses**
- **Allows sale of commercial 1-m imagery**
 - **Controls distribution**
 - **Military sites removed from Ikonos images before domestic distribution**
- **Same requirement for 5.8-meter imagery from India's own satellites**

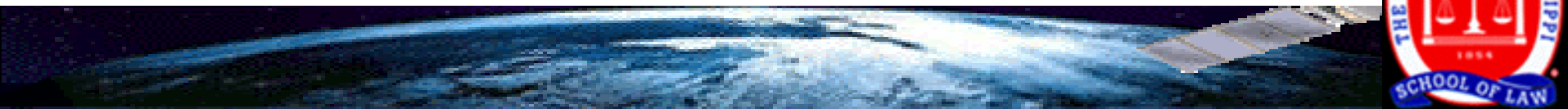




Japan



- **U.N. Principles**
 - Only legal instrument directly related to Earth observations
- **Applicable relevant national laws**
 - All space activities limited to exclusively peaceful purposes
- **Commercial operators**
 - No legal restrictions
 - No licenses required
 - No reporting requirements
- **Data rights**
 - NASDA retains all IP rights to government data
 - Dissemination not to interfere with commercial activities

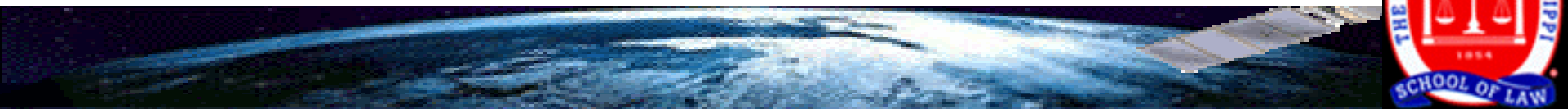


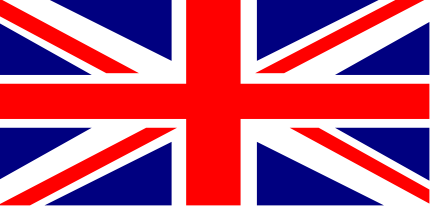


Russian Federation (CIS)



- **Operations**
 - **Broad federal legislation**
 - **Licensing, certification, liability, safety, insurance and government control**
 - **License is required, few specifics: insurance**
 - **Protects IP and commercial secrets of foreign entities operating under Federation's jurisdiction**
 - **Remote sensing includes environmental monitoring and meteorology**
- **Sale of high resolution satellite imagery**
 - **Conflicts between intelligence and commerce**
 - **Requests for lists of available images and image orders have been denied, delayed and canceled due to national secrecy**
 - **Particularly pre - 1992**
- **Different rules over time**

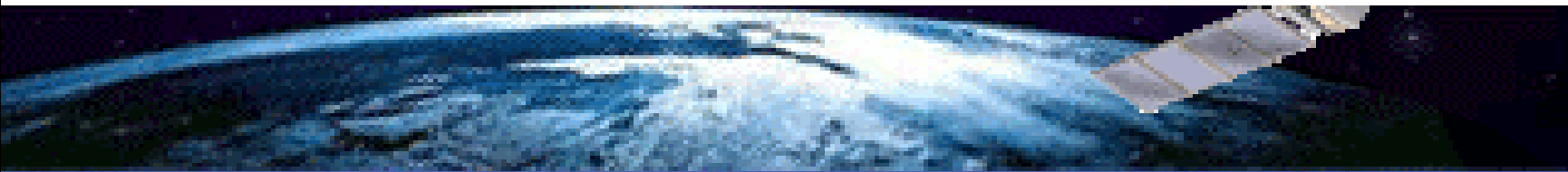




United Kingdom



- **Ground-segment focus**
 - Space segment focus follows later
- **House of Lords**
 - “Main effort should be ground and user segment”
 - Specialize in radar
 - National data distribution network
 - Support postgraduate education in remote sensing and digital cartography
- **National legislation**
 - No mention of remote sensing
 - Authorizes government to require licenses

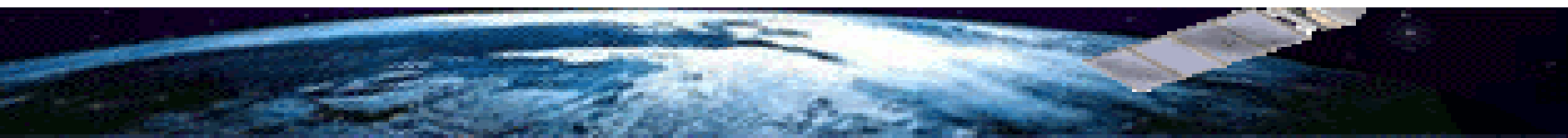




United Kingdom



- **Recent move to establish licensing for launching and operating "space objects"**
 - **Goal: no cost to government**
- **Licensee must**
 - **Allow inspection and testing of facilities and equipment**
 - **Provide requested info on nature, conduct, location, and results of activities**
 - **Get approval to change orbital parameters**
 - **Notify regarding unintended deviations**





Emerging Space Law

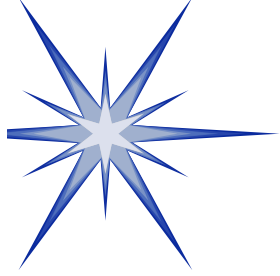
No Remote Sensing Specifics



- **Argentina**
 - Existing legislation
- **Chile**
 - Executive orders
- **Germany**
 - Internal discussion paper; regulations most likely will not include remote sensing
- **South Africa**

Authority exists to promulgate regulations

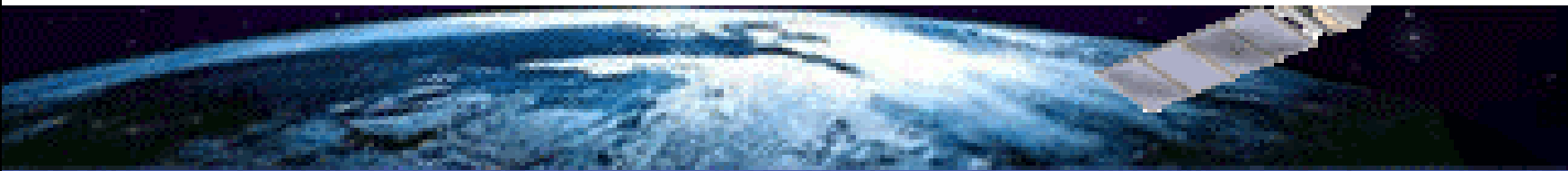




Emerging Remote Sensing Specifics



- **Australia:** primarily launch activities, new remote sensing regulations being formulated
- **Bangladesh:** remote sensing is "peaceful use"
 - Requires prior government "sanction"
 - Allows distribution of data
 - Seeks international cooperation with and policy models of other nations
- **South Africa:** authority exists to promulgate regulations
- **Sweden:** operating licenses required

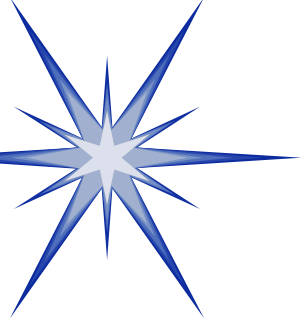


Bi and Multilateral Agreements



- **Important source of customary law**
- **Evolving on satellite by satellite basis**
 - **Initial Joint Polar System/Joint Polar System**
 - **Radarsat**
 - **Envisat**
 - **ERS 1**
 - **ERS 2**
 - **Eumetsat series**
- **Government satellites but impacts commercial data laws due to hybrid environment**





Questions?

