

Written Evidence Submitted by Alden Legal Limited (SPA0033)

Alden Legal Limited (**Alden**) are a market-leading legal and professional advisory firm for the space, satellite and communications sector. We have significant experience in providing policy and legal advice and all forms of regulatory and licensing advice. We advise on complex areas such as the regulatory and commercial aspects of innovative technology, including in-orbit servicing, large constellations, aeronautical services, spaceport regulation and new applications. We are often involved in advising on and the drafting of national space and communication laws, launch and spectrum regulations.

Our founder and Managing Partner, Joanne Wheeler MBE, has been practising space and satellite law and regulation for almost three decades.

Alden are submitting the below evidence as we are keen to support the UK space industry, and to do everything we can do to ensure that the UK space industry maintains its global presence, excels and grows.

We are responding specifically in relation to:

- international considerations and partnerships; and
- current regulatory and legislative frameworks and impact on UK launch potential.

- 1. The need for regulatory clarity and transparency.** The UK needs to ensure that its legal and regulatory framework under the Outer Space Act 1986 and the Space Industry Act 2018 supports UK space companies by setting out clear and transparent requirements to allow the companies to make business and investment decisions.

We have annexed a table titled “Regulatory Priorities for the UK Space Sector: Issues and Solutions” (**Annex 1**) which summarises the key issues for effective and enabling regulation for the UK. This table sets out: a list of the regulatory matters which have been raised by the UK space industry; the value to the UK if the issues are resolved; and solutions and improvements which are sought by the industry. We have removed evidence from commercial companies for confidentiality reasons.

- 2. The need to maintain the UK’s international reputation as a regulatory thought leader.** Competition between states is increasing rapidly where countries seek to establish their international profile as “space friendly” countries to attract companies to establish, grow and develop their space businesses and thereby attracting foreign direct investment, tax revenues and employment. In order for the UK to remain attractive and competitive on a global basis, it is important for the UK to create and maintain an enabling regulatory environment which anticipates issues, implements well thought-through feasible solutions and is compatible with regulatory environments in overseas markets.

A key area where this can be demonstrated is to address the UK’s requirements for and provision of third-party liability (**TPL**) insurance for small satellite operators. We attach as **Annex 2** a proposal prepared by Alden in conjunction with the Satellite Finance Network for the establishment of a mutual insurance plan which would be a straightforward and effective means to achieve UK-based, cost effective and

innovative TPL insurance for small satellite operators compared to the disproportionately expensive TPL available currently on the international market. This paper has been proposed to the Government.

- 3. The valuable potential for the UK Government to maximise the use of regulatory advocacy and regulatory diplomacy internationally.** The UK has the ability to take an active role in leading the “race to the top” in establishing international norms of responsible and sustainable behaviour (including for space situational awareness and space traffic management). In particular, the UK should urgently take a leadership role in international advocacy in relation to the United Nations Committee on the Peaceful Uses of Outer Space’s guidelines for the long-term sustainability of outer space activities (**LTS Guidelines**) to use it as a leverage tool in international regulatory diplomacy.

We have annexed the copies of the PowerPoint presentations which were delivered by our Managing Partner, Joanne Wheeler MBE, at the following conferences:

- (a) the UK Space Agency’s Futures Forum on “Greening Outer Space” (**Annex 3**); and
- (b) the United Nations Office for Outer Space Affairs’ workshop on “Promoting Space Sustainability: Awareness raising, and capacity building related to the implementation of the LTS Guidelines” (**Annex 4**),

setting out the potential for the UK to engage in this leadership effort. International regulatory diplomacy could be hugely valuable to the UK.

These presentations address the role of the regulatory landscape in encouraging a more environmentally friendly space sector and the need for a leadership in the “race to the top” which we believe the UK can lead in.

We have also annexed a copy of an article (which will shortly be published in the leading market journal *Via Satellite*) that links the recent trend of encouraging environmental, social and corporate governance (commonly referred as ESG) and how its alignment to investment and insurance decisions offers potential as the mechanism that encourages the space industry’s responsible and sustainable behaviour in outer space whilst meeting UK policy objectives in the context of COP26 and its commitment to the LTS Guidelines (**Annex 5**).

Again, with the UK’s leading finance, insurance and space industry this synergy could be world-leading for the UK.

Lastly, we would strongly recommend that the UK Government:

- (a) attends and participates in international fora (UNCOPUOS (Legal Sub-Committee and the Technical Committee), IADC, CEPT, ITU working groups and the various standards organisations that it can be part of – including with independent experts – it is important to be “at the table” to influence decisions, represent the interests of industry and use regulatory diplomacy effectively; and
- (b) sets up a “SAGE for Space” independent, objective advisory expert panel to provide advice (national, international, technical, policy etc) to UK Government decision makers.

(June 2021)

Annexes were redacted