



Canadian Commercial Remote Sensing Data Policy

The Remote Sensing Space Systems Act

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Introduction

- Context
- Chronology of Milestones
- *Remote Sensing Space Systems Act*
- *Remote Sensing Space Systems Regulations*
- Operating Licences
- Conclusions
- References

Context

- Civil, Private and Military satellite remote sensing technology has made significant advances
- High capability remote sensing satellites have raised national security, defence and foreign policy concerns
- States must meet their international obligations and should honour their voluntary commitments to regulate the space activities of their nationals
- Governments all promote national social, economic and developmental interests without compromising national security, defence and foreign policy interests
- All legal and regulatory regimes must be effective and efficient

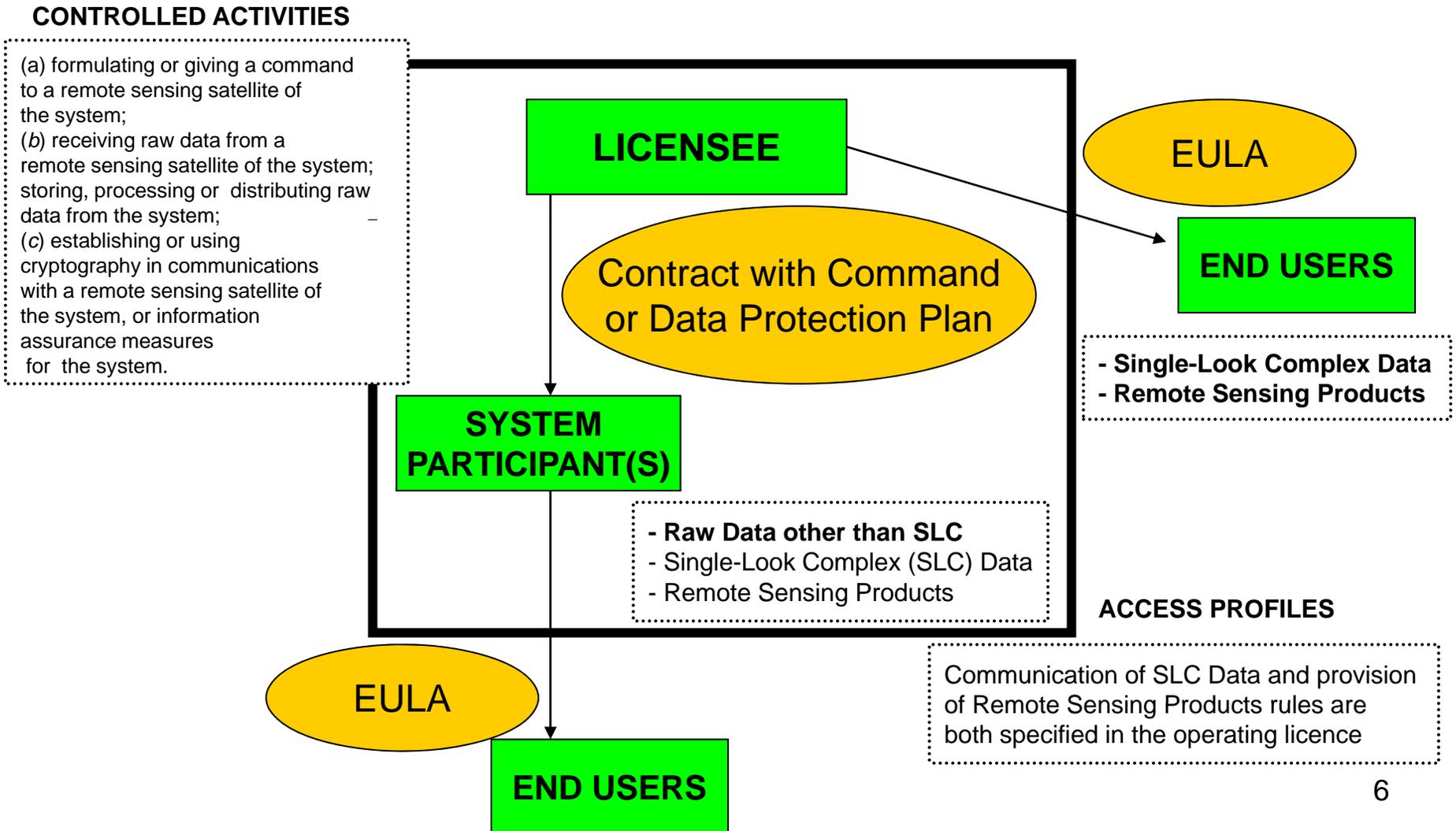
Chronology of Milestones

- 1995 RADARSAT-1 is launched (GoC)
- 1998 RADARSAT-2 programme begins (Private)
- 1999 Canada's "Access Control" Policy announced
- 2000 A CANADA-US Agreement is signed
- 2003 Government decision for a new law
- 2005 Bill C-25 is introduced into Parliament
- 2006 Bill C-25 receives Royal Assent
- 2006 Regulations are proposed
- 2007 Regulations gain approval
- 2007 The Act and Regulations enter into force
- 2007 RADARSAT-2 on eve of being licensed
- 2007 RADARSAT-2 is set to be launched

The *Remote Sensing Space Systems Act*

- Applies to public, private and public-private systems
- Applies to systems operating within Canada and for Canadians operating systems outside of Canada
- Operators need a licence from the Minister of Foreign Affairs
- Exemptions from the Act are possible for persons, systems and data
- Primary factors for consideration in granting a licence: national security, defence of Canada, protection of Canadian Forces, international relations and international obligations
- Applicants must also commit to dispose of the system, including the satellite

Licensee-System Participant Agreements and Licensee's End-User Licence Agreements (EULAs)



The Remote Sensing Space Systems Act (3)

- Extraordinary powers:
 - Priority Access to Services
 - Department of National Defence
 - Department of Foreign Affairs and International Trade
 - National intelligence agency and the national police service
 - Interruption of Service
 - Department of National Defence
 - Department of Foreign Affairs and International Trade
- The Act defines a compliance regime that includes criminal offences, violations and alternate compliance agreements
- The Act also specifies the powers for inspectors and compliance officers within Canada

The *Remote Sensing Space System Regulations*

- Contains the procedural details for the administration of the Act
- Defines the information required for application, amendment and the renewal of licences
 - System Requirements Review to Preliminary Design Review quality is expected for application submissions
 - Command and Data Protection Plans for Controlled Activities are key documents in the regime
- Raw Data must be put on offer for the public good before disposal by the Licensee

The *Remote Sensing Space System Regulations (2)*

- Specifies the records that must be kept by the Licensee
- Specifies the notices that must be given to the Minister
- Defines the violations and the monetary value of penalties for any such violations

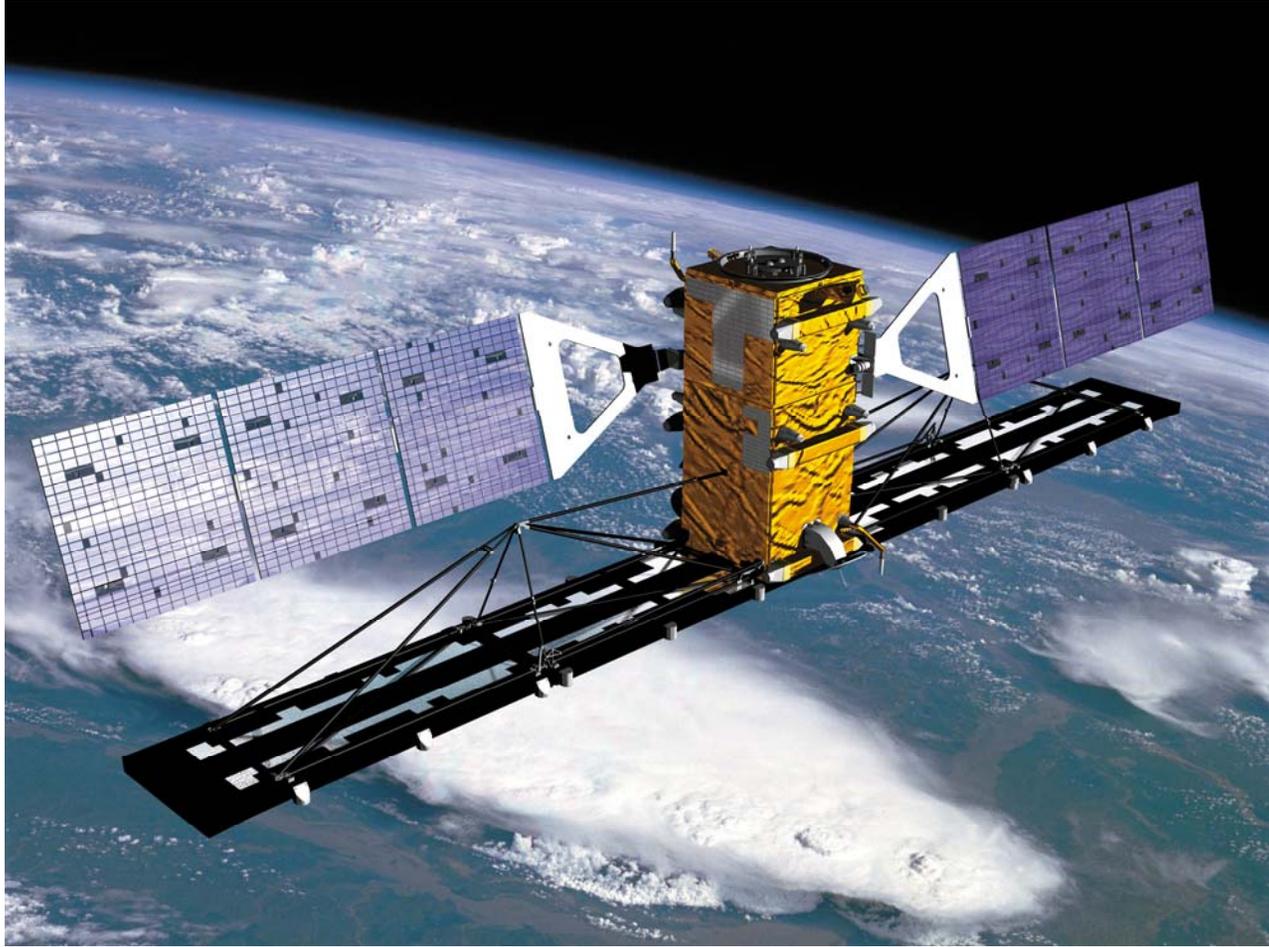
Operating Licences

- Identifies persons that exercise control over the Licensee and the System Participants
- Identifies persons that operate the system and perform Controlled Activities
- Specifies any performance restrictions and operating conditions for the system
- Specifies the access profiles for Raw Data and Remote Sensing Products by class of persons, by region imaged, by residency of the End-User and by latency
- Specific End-Users may also be assigned an individual access profile
- Fixes the Command and Data Protection Plans for the Licensee and System Participants
- Also fixes approved End-User Data Licences as requirements of the licence

Conclusions

- Canada has implemented the *Remote Sensing Space Systems Act*
- Canada is on the eve of issuing its first operating licence for RADARSAT-2
- The Government of Canada has negotiated agreements with the US Government to facilitate access to sensitive US controlled goods and technology by Canadian companies
- Canada is open for business in this exciting new domain of public and private endeavours

Questions?



References

- *Remote Sensing Space Systems Act*, (2005, c.45), Assented to November 25, 2005 is available at:
 - <http://laws.justice.gc.ca/en>
- *Remote Sensing Space Systems Regulations*, SOR/2007-66, Registration March 29, 2007 is available at:
 - <http://laws.justice.gc.ca/en>
- RADARSAT-1 and -2 information is available at:
 - <http://www.space.gc.ca/asc/eng/satellites/radarsat1/default.asp>
 - <http://www.space.gc.ca/asc/eng/satellites/radarsat2/default.asp>
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