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Legal framework for collaborative space activities - New ways of launching (micro-launching) and large constellation microsats (Joint IAF/IISL session) (7-B3.8)

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5 YEARS INTO THE EAR: OPPORTUNITIES FOR INTERNATIONAL COLLABORATION
THROUGH EXPORT CONTROL REFORM

Abstract

United States export controls have long been a primary consideration for any entity interested in collaborating with a United States company, organization, or entity. Once covered almost entirely under the International Traffic in Arms Regulations (ITAR), a significant amount of space technology was deemed to be dual-use in 2014, and moved under the Export Administration Regulations (EAR). This jurisdiction change has opened up new avenues for international collaboration in a variety of increasingly viable commercial and research areas, including remote sensing, communications, and space exploration. However, due to the previously comprehensive nature of the ITAR's scope and the costs and legal risks associated with successfully navigating export controls, many of these changes have gone under-utilized.

This paper will consist of three main sections. First, we will provide an overview of the background of US export controls, the movement of certain satellite technology from under the ITAR to the EAR, and what technologies were impacted. Second, we will analyze the EAR and discuss core methods by which one can compliantly transfer technology and how they differ from the ITAR. Lastly, we will offer recommendations for how companies and agencies should best utilize the EAR to enable stronger international collaboration in the future.