

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Legal Implications of Evolving Remote Sensing Technologies (3)

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THE NEW DATA ECONOMY AND OUTER SPACE – PORTUGAL’S APPROACH

Abstract

Big Data coming from multiple sources, together with new developments in Electronic Communications – especially 5G – and in Technology – especially artificial intelligence – is opening the floodgates to the Internet of Things and the use of “smart data” everywhere, from agriculture to smart cities, mobility, energy, health, security, among many others. Satellite data plays a central role in this scope, even more taking into consideration their increasing numbers in light of the advent of more and more space systems, and of their increasing resolution. Portugal has a very novel whole-encompassing framework for space activities, which includes the Space Strategy 2030, a National Space Law and a Regional Space Law, a Space Agency and a Space Authority, as well as a Space Regulation issued by the Space Authority. It is further setting-up a spaceport and an infrastructure for space surveillance and tracking (as part of the EU SST). It also set up the AIR CENTER, an intergovernmental initiative focused on five thematic areas: Atmospheric science; Climate change and Energy systems; Ocean systems and Data sciences. The National Space Strategy expressly mentions the central role of satellite data and the aim of encouraging their exploitation through space-based services and applications on a cross-sector basis. It further refers to the importance of services for data dissemination. This paper analyses the main features of the Portuguese space framework from a “remote sensing” perspective. For this purpose, it draws from best international practice in approaches that expressly address remote sensing, by examining the formal approaches (i.e., policies/laws) to remote sensing, the material approaches (i.e., measures and goals for use of data in the public sector, and/or legal provisions for private sector activity in this area) and governance approaches. On this basis, a comparison between such approaches with the Portuguese one is done, together with an examination of how Portuguese Space Law applies to remote sensing activities and data, also taking in consideration the UN Space Treaties and the Principles Relating to Remote Sensing of the Earth from Outer Space. Brief reference to the impact of other legal frameworks, especially on privacy, free movement of data and databases, as well as on telecoms and cybersecurity, is done, with a view to get a comprehensive understanding of the legal framework impacting remote sensing activities and data. The paper concludes with a summary of main messages and possible ways forward/recommendations on this topic.