

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

Author: Mrs. Alice Riviere
Airbus Defence & Space, Germany

LEGAL AND REGULATORY CHALLENGES FOR ECOMMERCE REMOTE SENSING
PLATFORMS: BALANCING COMMERCIAL COMPETITIVENESS WITH SECURITY CONCERNS

Abstract

Satellite remote sensing technologies, i.e. technologies collecting images of a region of the Earth by satellite directly or by radar on a satellite, are the oldest commercial space application. Initially, satellites were the possession of States who were the ones performing remote sensing. However, in the Eighties, various countries took steps to develop and promote a commercial remote sensing industry and private companies were granted licenses to operate commercial remote sensing systems or to process and disseminate the data collected by States satellites. Notorious pioneering examples are the NASA Landsat satellites in the U.S. and the Spot-Image company in France. In parallel, national legislations were adopted to regulate this new model. Legislators tackled the issue of balancing seemingly conflicting goals of promoting commercial remote sensing and protecting national security. At international level also those new ventures were widely discussed and after lengthy, politically charged negotiations, the 1986 UN Resolution on Remote Sensing principles was adopted at COPOUS.

Since then, high resolution remote sensing satellites emerged on the market and, most importantly, the level of value-added services enabling the application of remote sensing images developed exponentially. The expertise in interpreting remote sensing images expanded considerably and facilitated many and varied new uses for remote sensing.

Recently, new ways of commercialization of remote sensing images were developed by private companies. Online portals resembling ecommerce platforms typically found in other business segments were developed to offer for sale remote sensing images to private companies in a few clicks. In a digitalized world where online market places are burgeoning, those platforms raise a host of legal, regulatory, and policy challenges and questions. If the debates around space applications in general are much less politically tainted nowadays, concerns of national security remain topical when dealing with the online dissemination of satellite data. After analyzing the regulatory landscape, the paper offers various suggestions to adequately address the legal, compliance, and regulatory challenges of such platforms. These suggestions favor a pragmatic, bottom-up approach involving both the industry and governments. While recognizing the peculiarity of the space and defense industry, this approach also takes inspiration from good practice standards derived from other ecommerce business segments, such as the banking sector.