

# How to deal with liability and legal issues when developing GNSS-based services

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**Liability and legal issues, and GNSS-based services**

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# Some legal questions

- Liabilities to downstream customers?
- Legal complaints on delivery of a satellite service?
- Limitations of privacy regulation on my particular business operation?
- Required to use Galileo / GPS?
- Guarantees non-interference with my signals / the Galileo signals?



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# Some cases on liability

- Driver on French *autoroute* turns ...
- Toll-system invoices ... for adjacent non-toll lane!
- Navigation signals used as part of telecom service fail for a full day
- System for tracking dangerous goods somehow loses track of a load – which turns out to be used for terrorist attack



# The law & GNSS services

## 1. Legal (& regulatory) framework

### 1. Predominantly national – e.g. liability

- ◆ Liability = “*the accountability of a person or legal entity to compensate damage caused to another person or legal entity, as determined by specific legal rules and principles and based upon specified sources of law*”
  - Type of liability; fault vs absolute liability; accountable entities vs claimants; damage; compensation

### 2. To some extent EU law – e.g. privacy & data protection

## 2. Contractual freedom



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# GNSS & GNSS services

1. GPS (+ GLONASS), soon Galileo
2. Augmentation, e.g. EGNOS
  - Adding accuracy & integrity to GPS / GLONASS

**Note:** *Galileo offers those 'in house', if 'paid'*
3. Users
  - Integrating satellite timing & navigation info into broader service, either for their own use or for ...
4. Consumers (end-users)



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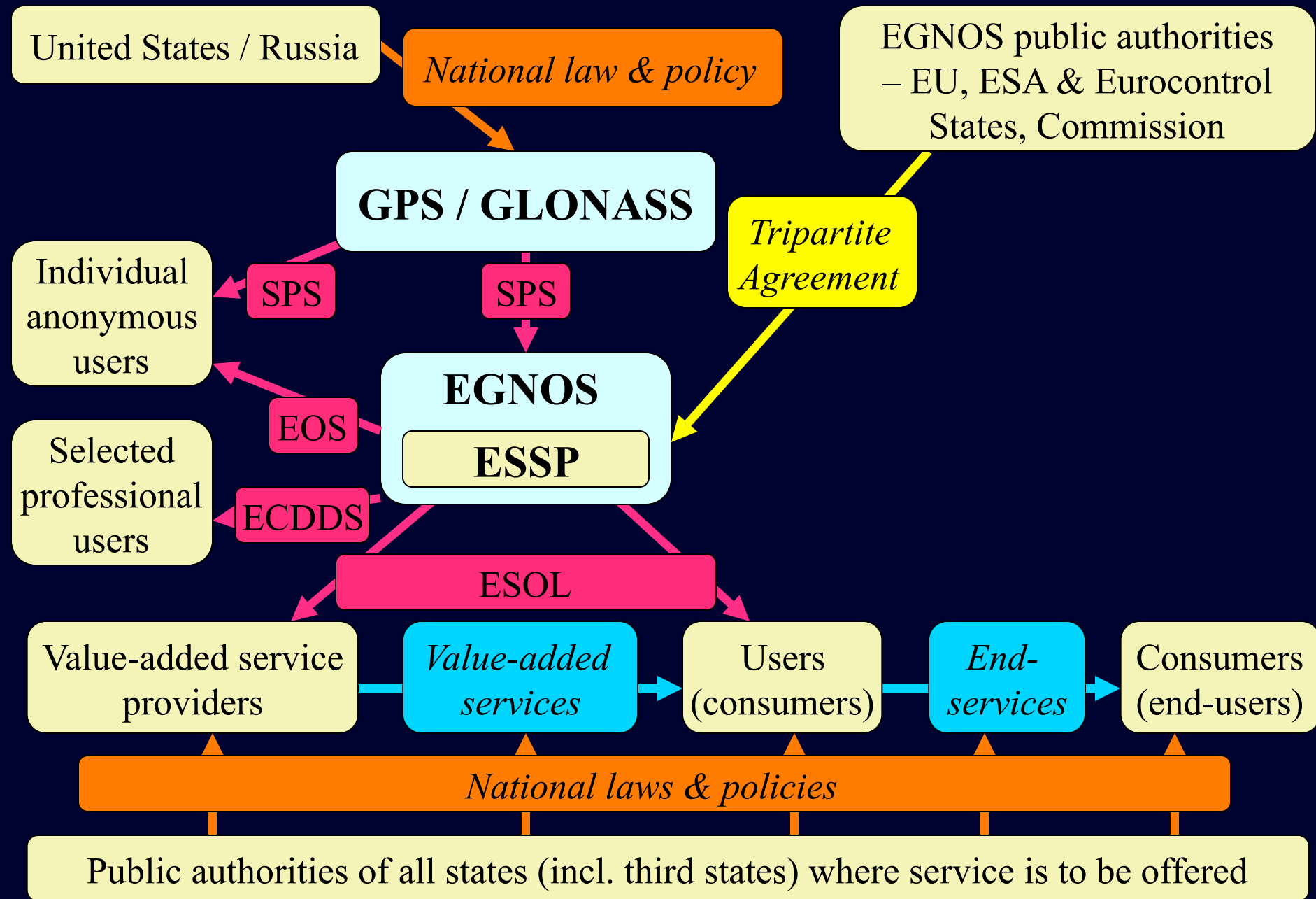
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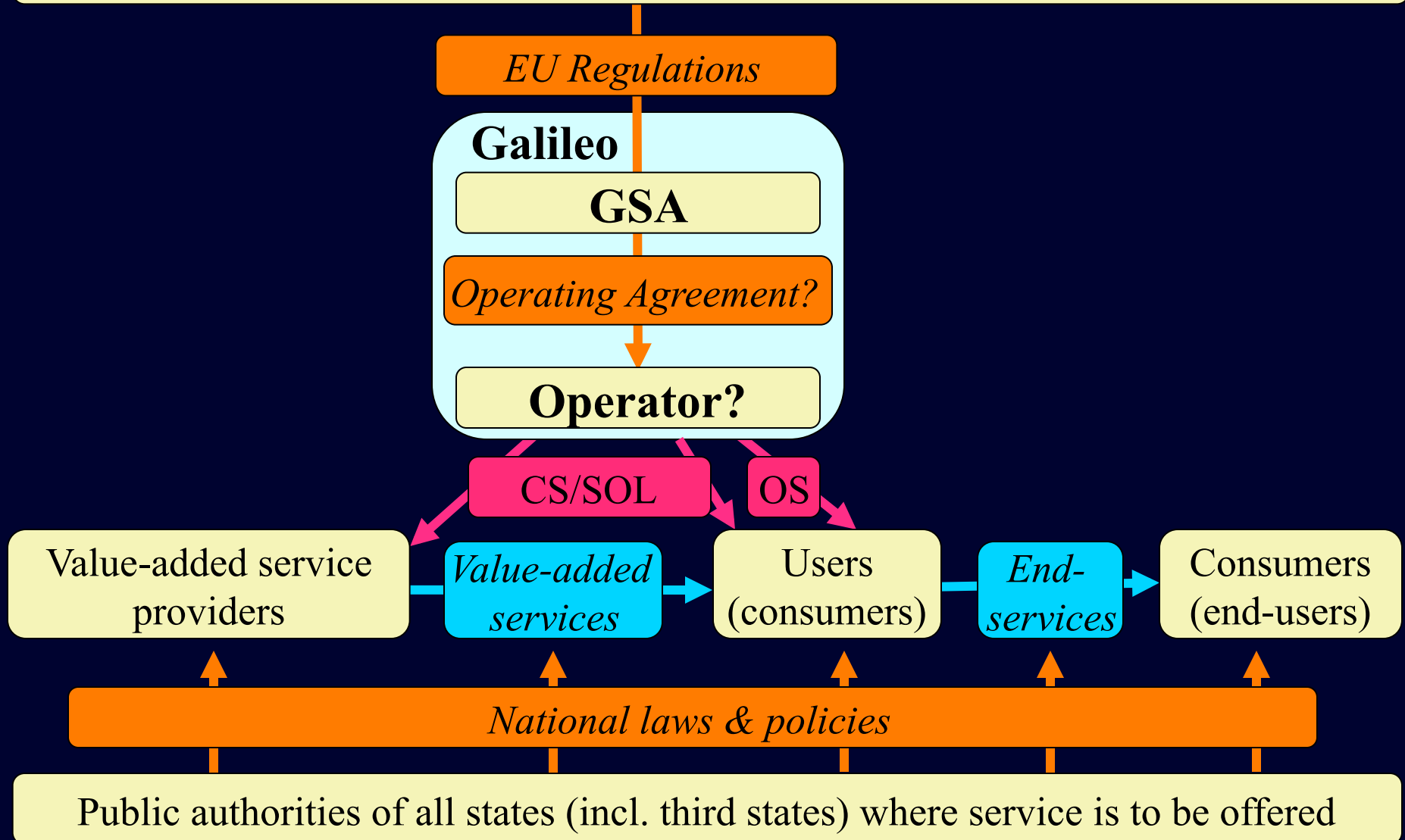


# GPS/GLONASS+EGNOS Legal / Functional Model



# Galileo Legal / Functional Model

Galileo Public Authorities – EU & ESA States, Commission, Others?



# Some liability answers (...?)

- ***No law specifically*** on GNSS, GNSS signals, GNSS services or GNSS-based services ...

→ Reference to general tort law regimes  
& Reference to analogue interpretation

→ ***Maximise*** protection in court cases!

1. Know the applicable law – tort & analogies
2. Contractual arrangements upstream
3. Waivers in conditions of access downstream



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# Towards real answers!

## 1. Analyse specific contexts

- Types of services → applicable analogies
- Nat'l areas of operation → applicable tort law
- Occasionally: applicability EU law / international treaties of harmonising character

## 2. Negotiate appropriate contract terms

## 3. Apply appropriate waivers

→ Get detailed legal advise!



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