Current Trends in European National Space Legislation

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Overview

• Background: Work of UNCOPUOS on National Space Legislation

• Reasons to enact national space law

• Current European national space laws

• Communalities and differences
Background:
Work of UNCOPUOS on National Space Legislation

2007  New Agenda Item “General exchange of information on national legislation relevant to the peaceful exploration and use of outer space” in the Legal Subcommittee, at the initiative of the US (A/62/20)
2008  Establishment of a Working Group

Work of the Working Group 2009-2012:
2009  Reports of States, Evaluation in WG
2010  Reports of States, Evaluation in WG, Draft Final Report of WG
2011  Draft Final Report of WG
2012  Final Report of WG
Final Report of WG

Part I  Summary of the work conducted by the Working Group under its multiyear workplan

Part III  Findings of the Working Group

Part IV  Conclusions

Annex 1: National space legislation: regulative categories
UN Doc A/AC.105/C.2/101

Schematic overview of national space legislation
Database on National Space Legislation

UN Office of Outer Space Affairs:
UN General Assembly Resolution
“Recommendations on national legislation relevant to the peaceful exploration and use of outer space”

Adopted on 13 December 2013, A/RES/68/74 by consensus

- Preamble refers to “the need for consistency and predictability with regard to the authorization and supervision of space activities and the need for a practical regulatory system for the involvement of non-governmental entities” while recognizing “the different approaches taken by States in dealing with various aspects of national space activities”.

- Operative paragraphs contain eight “elements for consideration” when enacting regulatory frameworks for national space activities.
Reasons to enact national space law

A – Reasons based on international space law

Responsibility (Art. VI OST)
• Prevention of breaches of the OST
• Duty to authorize and supervise non-governmental activities

Liability (Art. VII OST, Art. II and III LIAB)
• Preventing or decreasing risk of damage
• Safety standards, Space Debris Mitigation Guidelines

Registration (Art. VIII and XI OST, Art. II, III, IV REG)
• National registry needs to be established
• International registration with UNOOS needs to be ensured
B – Reasons based on national interests

Promoting national space industry
• Depending on national priorities (launches, exploration, remote sensing, telecommunication, resource utilization, ...)

Providing a reliable legal and economic framework
• Ensuring legal certainty/the rule of law and foreseeability
• May be important to raise funds for the activity

Establishing national institutions
• National space agency
• National registry for space objects
European national space laws

**Luxemburg**
- Law on Space Activities (2020)
- Law on the Exploration and Use of Space Resources (2017)

**Finland**
- Act on Space Activities (2018)
- Decree of the Ministry of Economic Affairs & Employment on Space Activities (2018)

**United Kingdom**
- Space Industry Act (2018)
- Outer Space Act (1986)

**Denmark**
- Outer Space Act (2016)
- Danish Executive Order on requirements for approval (2016)
- Danish Outer Space Act – scope of application (2018)
Austria
Outer Space Act (2011)
Outer Space Regulation (2015)

France
Space Operations Act (2008)
Law establishing CNES (1961)

The Netherlands
Rules Concerning Space Activities and the Establishment of a Registry of Space Objects (Space Activities Act) (2007)
Decree expanding the scope of the Space Activities Act to include the control of unguided satellites (Unguided Satellites Decree) (2015)

Belgium
Law on the Activities of Launching, Flight Operations or Guidance of Space Objects (2005, as revised in 2013)
Sweden

Act on Space Activities (1982)
Decree on Space Activities (1982)

Spain

Royal Decree 278/1995, establishing a national space registry

Norway

Act on launching objects from Norwegian territory into outer space (1969)
Communalities and differences

“Elements for consideration” in UN GA of 2013 A/RES/68/74 (see also “Regulative categories” in Annex 1, UN Doc A/AC.105/C.2/101)

(1) Definition of “space activity”
(2) Scope of application/jurisdiction (territorial, personal)
(3) Authorization, including competences and procedures
(4) Conditions for authorization
(5) Supervision and monitoring compliance
(6) Registration, including establishment of a national registry
(7) Insurance and indemnification
(8) Transfer of ownership/supervision and control
Definition of “space activity”

**Luxemburg (2020)**
Art. 2 (1): any activity consisting in **launching** or **attempting to launch** one or more space objects into outer space or in **controlling** one or more space objects or in **using them** during a stay in outer space, including the **return to Earth**, as well as any other activity taking place in outer space for which the Grand Duchy of Luxembourg is likely to be held internationally liable;

**Finland (2018)**
Section 4 (1): **launching** a space object into outer space, **operation** and other **control** of the space object in outer space, as well as measures to **return** the space object to the earth;

**Denmark (2016)**
Art. 4 (1): **Launching** space objects **into outer space**; **operation**, **control** and **return** of space objects to Earth; as well as **other essential activities** in this connection.
Art. 4 (4): “Outer space” means: **Space above the altitude of 100 km above sea level.**
Scope of application/jurisdiction (territorial, personal)

Luxemburg (2020)
Art. 1 (1) and (2): space activities carried from the territory of Luxembourg or by means of installations under the control and jurisdiction of Luxembourg; or in the territory of a foreign State or an area not subject to the sovereignty of a State by natural persons of Luxembourg nationality or by legal persons established under Luxembourg law.

Finland (2018)
Section (1): space activities carried on within the territory of Finland; outside the territory of Finland if they are carried on (1) on board a vessel or aircraft registered in Finland; or (2) by a Finnish citizen or a legal person incorporated in Finland.

Denmark (2016)
Art. 1 (2): space activities carried out within the Danish State; carried out outside the Danish state (1) on Danish craft or facilities; or (2) by Danish operators.
Insurance and indemnification

Luxemburg (2020)
Art. 6 (4): specify the coverage of risks of the space activity by the operator’s own financial resources, by an insurance policy arranged with an insurance company, or by guarantee issued by credit institution; (no limitation of operator’s liability, Art. 4)

Finland (2018)
Section 7 and 8: State’s right of recourse up to 60 million euros; operator shall take out an insurance at least up to 60 million euros; waiver is possible by Ministry, if corresponding insurance of launching company covers the liability or if risk of damage is accepted by the Ministry based on a risk assessment;

Denmark (2016)
Art. 11 (1) and (2): Operator is liable for damage caused by a space object on Earth and to aircraft in flight and under general rules of Danish law on compensation;
Art. 12 (1): State’s right of recourse against operator as far as operator is liable;
Art. 13 (1): Minister may require operator to take out insurance or provide security to cover liability otherwise as a condition for granting approval for a space activity
Thank you very much for your attention!

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