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English only

**Committee on the Peaceful Uses
of Outer Space**
Legal Subcommittee
Forty-eighth session
23 March - 03 April 2009
Item 11 of the agenda*
**General exchange of information on
national legislation relevant to the peaceful
exploration and use of outer space**

**Exchange of information on national legislation relevant to
the peaceful exploration and use of outer space**

Note by the Secretariat

1. At its forty-sixth session, in 2007, the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space agreed to include under a four-year workplan an item entitled “ General exchange of information on national legislation relevant to the peaceful uses of outer space” (A/AC.105/891, para. 136). In accordance with that workplan, the Subcommittee will consider, at its forty-eighth session, presentations by Member States of reports on their national legislation.

2. The present document contains information on the national legislation governing space activities of the Republic of Korea.

* A/AC.105/C.2/L.274.



Law No.8852

Dec. 21, 2007
Space Liability Act
(translated version not authorized)

Article 1

(Purpose)

The purpose of this act is to protect the aggrieved party and to contribute to the sound development of space activities by deciding the extent of damages and the limit of liability in case the damage occurs by the space activities.

Article 2

(Definitions)

The terms in this act are defined as follows:

2.1. "Space objects" means the space objects defined at Article 2.3 of the space development promotion act.

2.2. "launching party" means a person who makes a preliminary registration or formal registration in accordance with Article 8, or a person who obtains a launch permit in accordance with Article 11 of the space development promotion act.

2.3. "launching" means the launching of a space object by the person who obtains a launch permit under Article 11.1 of the space development promotion act and includes preparation of launching, test launching and failed launching.

2.4. "space damage" means physical damage such as death, bodily injury or other impairment of health of the 3rd party and property loss such as destruction of, damage to or loss of property according to launching and operation of space objects.

Article 3

(Relation to International Treaties)

3.1. In the event the Korean government has paid compensation for damage to a foreign state according to the "Convention on International Liability for Damage caused by Space Objects", the Korean government may present a claim for indemnification to the launching party.

3.2. The application of this act can be prevented or limited to the natural, legal person, organization or the government of the state which prevents or limits compensation for damage caused by space objects to the natural, legal person, organization or the government of Korea.

Article 4

(Absolute liability and waiver of liability)

4.1. In case space damage occurs, the launching party shall have responsibility to pay compensation. However, in case of space damage caused by armed conflict, hostile activity, civil war or rebellion or caused in outer space, the launching party shall be liable only if the damage is due to his wilful misconduct or negligence.

4.2. The launching party who paid compensation for damage caused by the 3rd party's wilful misconduct or negligence may present a claim for indemnification to that 3rd party. However, if the damage was due to the supply of components, materials or service (including, labor service), the launching party may present a claim for indemnification to the supplier only if the damage is due to wilful misconduct or gross negligence of the supplier or his employees.

4.3. "Product Liability Act" is not applied for space damage.

Article 5

(limit on compensation)

The amount of compensation to be paid by the launching party is limited to two hundred billion (200,000,000,000) won.

Article 6

(Third-party liability insurance)

6.1. Any person seeking to obtain a launch permit for space launch vehicles according to Article 11 of "Space Development Promotion Act" shall insure against the 3rd party liability.

6.2. The minimum amount of the 3rd party liability insurance in accordance with Article 6.1 of this Act is, within the compensation limit under Article 5, set by ordinance of the Ministry of Education, Science and Technology with consideration of the characteristics of space objects, the difficulties of technology, circumstances around the launch site and the domestic and foreign insurance markets.

Article 7

(governmental measures)

7.1. The government shall take necessary actions to rescue the victims and to prevent further damage when space damage occurs.

7.2. The government may provide the launching party with the financial support, when it thinks appropriate in order to achieve the purpose of this Act in case the amount of the compensation under Article 4.1 would exceed the insured amount under Article 6.2.

7.3 The support from the government under Article 7.2 shall be limited to the extent allowed by the National Congress resolution.

Article 8

(Lapse of right)

8.1. The right of claim for compensation under this Act will lapse unless the aggrieved party or his legal representative would not make a claim within one year after the day on which the person became aware of the damage and the responsible party under Article 4.1 of this Act.

8.2. The right of claim for compensation under this Act will lapse after three years after the day on which the space damage occurs.

Additional Clauses

1. (Enforcement Date)

This Act takes effect six(6) months from the date of promulgation.

2. (Amendment of other Act)

The Space Development Promotion Act will be amended as follows:

Article 15 is deleted.

Law Number 7538

May 31, 2005

Space Development Promotion Act

Article 1

(Purpose)

The purpose of this act is to promote the peaceful use and scientific exploration of outer space, to ensure national security, to further develop the national economy, and to raise the national standard of living through the systematic promotion of space development and the effective use and management of space objects.

Article 2

(Definitions)

The terms in this act are defined as follows:

1. "Space development" means any one of the following items:
 - (a) Research activities and technology development activities relevant to the design, manufacturing, launch, and/or operation of space objects and
 - (b) The use and exploration of outer space as well as activities that promote such activities.
2. "Space development project" means projects that promote space development and projects that promote the development of the relevant sectors in education, technology, information, and industry, etc.
3. "Space objects" are objects designed and manufactured for use in outer space including space launch vehicles, artificial satellites, and spaceships and their components.
4. "Space accident" means an accident causing loss of life, personal injury or damage to property due to the fall, collision, or explosion of space objects and/or similar situations.
5. "Satellite information" means imagery, voice, sound, data or any information resulting from the combination of the above (including its processing and use) gained from artificial satellites.

Article 3

(Government Responsibilities)

- (1) The Korean government shall carry out space development in conformity with space treaties concluded with other countries and international organizations, and shall use outer space peacefully.
- (2) The Korean government shall plan and implement overall policies for space development.

Article 4

(Relation to Other Acts)

Subject to provisions in other Acts, this Act shall apply to the promotion of space development and to the use and management of space objects.

Article 5

(Establishing Basic Plan for Promoting Space Development)

(1) The Korean government shall establish a basic plan (hereinafter referred to as "Basic Plan") for promoting space development and for using and managing space objects. The Basic Plan shall include the following items:

1. Purpose and scope of space development policies;
2. Organizational structure and strategy for space development;
3. Implementation plan for space development;
4. Plans for expanding the foundation and infrastructure necessary for space development;
5. Investment planning for obtaining the financial resources necessary for space development;
6. Plans for training specialists necessary for space development;
7. Outlines for international cooperation to promote space development;
8. Guidelines for promoting space development projects;
9. Matters related to the use and management of space objects;
10. Practical applications using the results of space development, such as satellite information, etc; and
11. Other provisions designated by Presidential Decree for the promotion of space development and the use and management of space objects.

(2) The Korean government shall develop a Basic Plan every five(5) years and it shall be confirmed by the National Space Committee in accordance with Article 6.1. When amending the Basic Plan, the same procedure shall apply, except for minor changes set by the Presidential Decree.

(3) The Minister of Science and Technology shall release the confirmed Basic Plan and develop an execution plan in accordance with the Basic Plan every year. This execution plan shall be deliberated on by the heads of related central administrative agencies(the "head of the National Intelligence Service" is included hereinafter); Information concerning national security may not be released.

Article 6

(National Space Committee)

(1) The National Space Committee (hereinafter referred to as "Committee") is established and placed under the control of the President to deliberate provisions regarding space development including establishing the Basic Plan, etc.

(2) The Committee deliberates on the issues listed below. In the case of Subsection 6, the deliberation may be omitted if deemed necessary for reasons of national security, etc:

1. The Basic Plan;
2. Primary government policies relevant to the Basic Plan; and the role of related central administrative agencies (the "National Intelligence Service" is included hereinafter);
3. Designation and management of Space Development Institutes in accordance with Article 7;
4. Assessment of the use and management of space development projects;
5. Generation of the financial resources necessary for space development projects and an investment plan;
6. Launch permits for space objects;
7. Modification of space development activities pursuant to Article 19.2; and
8. Other provisions the Chair submits to the Committee.

(3) The Committee is composed of no more than fifteen (15) members including the Chair.

(4) The Minister of Science and Technology shall be Chair of the Committee. other members of the committee shall be:

1. Heads and public servants of related central administrative agencies designated by Presidential Decree; and
2. Civilian experts having extensive knowledge and experience in the area of space development who are appointed by the President.

(5) The Committee shall have a Practical Affairs Subcommittee for the Promotion of Space Development to carry out its affairs effectively; the Vice-Minister of Science and Technology assumes the chair of this subcommittee.

(6) Details relevant to the implementation and operation of the Committee and the Practical Affairs Subcommittee for the Promotion of Space Development are determined by Presidential Decree.

Article 7*(Designation as a Space Development Institute)*

(1) The Minister of Science and Technology may designate and support an expert body (hereinafter referred to as "Space Development Institute") to systematically and effectively implement space development projects.

(2) The Space Development Institute carries out the following projects:

1. Execution of space development projects in accordance with the Basic Plan;
2. Integrated development, launch, and operation of space objects; and
3. Other affairs relevant to space development projects set by Presidential Decree.

(3) The details regarding the designation criteria, and support, etc for the Space Development Institute are set by Presidential Decree.

Article 8*(Domestic Registration of Space Objects)*

(1) If Korean citizens (legal or natural. The same shall apply hereinafter) desire to launch a space object (excluding space launch vehicles, the same applies in 8, 9 and 10) inside or outside of the country, a preliminary registration shall be made to the Minister of Science and Technology in accordance with Presidential Decree one hundred and eighty (180) days before the scheduled launch date. (2) The conditions under which foreigners shall make a preliminary registration to the Minister of Science and Technology in accordance with Article 8.1 are following items:

1. Launching in an area or facility within Korean territory or its jurisdiction; or
2. Launching in a foreign country, utilizing a space launch vehicle owned by the Korean government or Korean citizens.

(3) Any person wanting to make a preliminary registration of space objects in accordance with Articles 8.1 and 8.2 shall provide a launch plan which includes all of the following provisions:

1. Use and purpose of the space object;
2. Ownership or user of the space object;
3. Estimated lifetime and operation period of the space object;
4. Launch site and scheduled launch date of the space object;
5. Basic orbital parameters of the space object;
6. Launch vehicle provider and launch vehicle performance and specifications;

7. Liability for damage arising out of a space accident;
8. Manufacturer, manufacturing number and manufacturing date of the space object; and
9. Other provisions relevant to the launch, use, and management of space objects set by Presidential Decree.

(4) If the Minister of Science and Technology reviews the launch plan under Article 8.3 and concludes that the plan does not demonstrate adequate liability for damage in accordance with Article 14, the Minister may demand further revisions.

(5) Any person, who makes a preliminary registration of space objects according to Articles 8.1 and 8.2, shall then formally register the space objects with the Minister of Science and Technology in accordance with Presidential Decree within ninety (90) days after the space object reaches its planned orbit, except for space objects registered in foreign countries under agreement with the government of the launching country in accordance with the "Convention on Registration of Objects Launched into Outer Space."

(6) If there are changes to any item of Article 8.3, parties having filed the preliminary registration of space objects under Articles 8.1 and 8.2 or formally registered space objects under Article 8.5 shall report the change(s) to the Minister of Science and Technology within fifteen (15) days from the date of the change(s).

Article 9

(International Registration of Space Objects)

(1) If space objects are registered according to Article 8.5, the Minister of Science and Technology shall register the objects with the United Nations by way of the Minister of Foreign Affairs and Trade in accordance with "Convention on Registration of Objects Launched into Outer Space," with the exception of satellites to be registered with the United Nations in accordance with "Radio Wave Act" Article 44.1.

(2) If there are any changes in the contents registered to the United Nations in accordance with Article 9.1 due to the termination, etc. of space objects, the Minister of Science and Technology shall inform the United Nations via the Minister of Foreign Affairs and Trade.

Article 10

(Management of Space Objects Registry)

The Minister of Science and Technology shall maintain and manage the preliminary registry and the formal registry of space objects in accordance with Ministerial Decree of the Ministry of Science and Technology.

Article 11

(A Launch permit of a Space Launch Vehicle)

(1) If a person who wants to launch a space launch vehicle falls under any of the following subsections, the person shall obtain a permit from the Minister of Science and Technology. Changes to the permitted item shall also be permitted by the Minister of Science and Technology except for minor changes set by Presidential Decree,

of which the person seeking a launch permit shall report the changes within thirty (30) days after the changes are made:

1. Launching in an area or facility within Korean territory or its jurisdiction; or
2. Launching in a foreign country, utilizing a space launch vehicle owned by the Korean government or Korean citizens.

(2) Any person who wants to obtain a launch permit in accordance with Article 11.1 shall, according to Presidential Decree, submit to the Minister of Science and Technology a launch plan including a safety analysis report, a payloads operation plan, and the damage liability coverage.

(3) The Minister of Science and Technology shall consider the following subsections when granting a launch permit according to Article 11.1:

1. Use and purpose of the space launch vehicle;
2. Safety management of the space launch vehicle;
3. Financial capability including liability insurance for damages occurring from a space accident; and
4. Other items, which are set by Ministerial Decree from the Ministry of Science and Technology, necessary for launch and launch preparations, including the transportation of space launch vehicles.

(4) The Minister of Science and Technology may make any necessary stipulations when granting a permit according to Article 11.1.

Article 12

(Disqualification)

Any person who falls under any of the following sections shall not obtain a launch permit for space launch vehicles in accordance with Article 11.:

1. Any person deemed incompetent or quasi-incompetent;
2. Any person who is bankrupt at the time of registration;
3. Any person who is within two years after the date of completion (including deemed completion) or commutation of a prison sentence for violating this Act;
4. Any person on probation for violating this Act; and
5. Any corporation represented by a person who falls under Articles 12.1 to 12.4.

Article 13

(Cancellation of Launch Permit and the Hearing)

(1) The Minister of Science and Technology may revoke a launch permit for any reason which falls under the following subsections:

1. Delay of the launch for more than one (1) year from the permitted launch date without due cause;
2. Obtaining a launch permit by false means;
3. A request by the head of a related central administrative agency in anticipation of a serious threat to security;
4. Abnormalities in the safety management of the space launch vehicle before launch including fuel leakage, and communication system defects, etc;
5. Violation of Article 11.1 due to a failure to obtain a permit for changes; or
6. The person who obtained the launch permit for the space launch vehicle falls under any part of Article 12. However, in the case of Article 12.5, an exception is made when the representative has been replaced within three (3) months from the date of disqualification.

(2) If the Minister of Science and Technology intends to cancel the launch permit of a space launch vehicle under Article 13.1, a hearing shall be held. In cases that fall under Article 13.1.3 and 13.1.4, the Minister may forgo the hearing process.

Article 14

(Liability for Damages due to Space Accidents)

A person who launches space objects according to Articles 8 and 11 shall assume the liability for damages owing to space accidents caused by the space objects. The scope of liability for damages and the limit of responsibility are specified by other laws.

Article 15

(Third-Party Liability Insurance)

(1) Any person seeking to obtain a launch permit for space launch vehicles according to Article 11 shall insure against any liability. The third-party liability insurance shall be of an amount capable of compensating for damage possibly occurring due to space accidents.

(2) The minimum amount of third-party liability insurance in accordance with 15.1 is set by Ministerial decree of the Ministry of Science and Technology with consideration of the domestic and foreign insurance markets.

Article 16*(Formation of a Space Accident Inquiry Committee)*

(1) The Minister of Science and Technology may form a Space Accident Inquiry Committee under the supervision of the Minister of Science and Technology to investigate space accidents which are defined by Presidential Decree.

(2) The Space Accident Inquiry Committee will consist of five (5) to eleven (11) members including the chair. Committee members shall be nominated from specialists in related fields by the Minister of Science and Technology. The Chair shall be appointed from among the committee members by the Minister of Science and Technology. In case the space accident is involved in national security which is determined by Presidential Decree, a separate Space Accident Inquiry Committee may be formed by Presidential Decree.

(3) The Space Accident Inquiry Committee may investigate a person falling under any one of following items. In this case, the person to be investigated shall, unless the person has a valid reason not to, comply with the investigation:

1. Any person who has submitted a preliminary registration or formal registration of space objects in accordance with Article 8;
2. Any person who has obtained a launch permit for a space launch vehicle in accordance with Article 11 ; and
3. Any other person related to the space object such as the manufacturer, and performance tester, etc.

(4) The Space Accident Inquiry Committee may request cooperation from the heads of the related administrative agencies in connection with access control to the area of a space accident and other investigations of relevance. The head of the related administrative agency receiving the request shall comply with the request, unless the agency has a valid reason not to.

(5) Details relevant to the formation date, member qualifications and management, etc. of the Space Accident Inquiry Committee shall be set by Presidential Decree.

Article 17*(Utilization of Satellite Information)*

(1) The Minister of Science and Technology may take action, such as designating or establishing an agency responsible for promoting the distribution and use of satellite information gained by artificial satellites developed in accordance with the Basic Plan. In this case, geographical information relevant to the "Act on the Establishment and Utilization of National Geographic Information System" shall be discussed with the Minister of Construction and Transportation.

(2) The Minister of Science and Technology may provide funding for promoting the distribution and use of satellite information within the budgetary limits.

(3) The government shall make every effort not to invade the privacy of individuals when using satellite information.

Article 18

(Support of Civil Space Development Activities)

(1) The Minister of Science and Technology shall adopt policies to promote private space development activities and R&D investment by providing space development man power, tax benefits and financial support, and procurement, etc.

(2) The Minister of Science and Technology may request cooperation from the heads of related central administrative agencies for support of policies in accordance with Article 18.1.

Article 19

(Suspension and Modification of Space Development Activities)

(1) If the Minister of Defense requests the Minister of Science and Technology the suspension of space development activities by Korean citizens for the carrying out of military operations during a time of war, national emergency or situations of similar proportion, the Minister of Science and Technology shall order the suspension of such space development activities to the Korean citizens.

(2) If the head of a related central administrative agency requests the Minister of Science and Technology the modification of space development activities by Korean citizens for reasons of public order or national security, the Minister of Science and Technology may order the modification of such space development activities to the Korean citizens after deliberation by the National Space Committee.

Article 20

(Requesting Support and Cooperation for Space Development)

(1) The Minister of Science and Technology may request support and cooperation on the following from the heads of related central administrative agencies or the heads of local self-governing bodies if deemed necessary for the implementation of space development activities. In this case, the heads of the related central administrative agencies or local self-governing bodies shall comply unless the agency or body has a valid reason not to:

1. Access control to the surrounding area (including territorial waters and air space) used for the domestic launch of space objects; and

2. Matters related to communications, fire control, emergency salvage and rescue, and safety management, etc.

(2) When the Minister of Science and Technology requests support and cooperation in accordance with Article 20.1, the request shall be limited to the minimum level required for the implementation of the space development activities.

Article 21

(Implementation of Space Development Activities Relevant to National Security)

- (1) The Minister of Science and Technology shall discuss with the head of the related central administrative agencies in advance when implementing space development activities relevant to national security.
- (2) Necessary provisions on the establishment and execution of security measures for the space development project falling under Article 21.1 shall be set by Presidential Decree.

Article 22

(Rescue of Astronauts)

When astronauts from a foreign space object makes an emergency landing, is lost, or is involved in an accident in Korean territory or neighboring international waters, the Korean government will render them necessary assistance and return them to the country of launch, country of registration or international organization responsible for the launch of the said space object.

Article 23

(Return of Space Objects)

In the case of foreign space objects falling to or making an emergency landing on Korean territory, the Korean government will return the foreign space objects to the country of launch, country of registration or international organization responsible for the launch of the space objects.

Article 24

(Collection of information and fact-finding surveys on Space Development Activities)

- (1) The Minister of Science and Technology may collect information and conduct fact-finding surveys on space development activities and space industry for the systematic promotion and effective implementation of space development activities.
- (2) The Minister of Science and Technology may request the related central administrative agencies, research centers, educational organizations, or related companies to submit relevant data or statements if deemed necessary for conducting domestic fact-finding surveys in accordance with Article 24.1.
- (3) Details concerning the scope, period, and procedure for the collection of information or fact-finding surveys in accordance with Article 24.1 shall be set by Presidential Decree.

Article 25

(Confidentiality)

Any person currently engaged or previously engaged in any work under this Act shall not disclose any information they encounter during their duty, or not use that information except for the purpose of this Act.

Article 26

(Consignment of Power)

By Presidential Decree, the Minister of Science and Technology may consign the following activities to government-funded research institutes in the area of science and technology established in accordance with "the Law on the Establishment, Operation and Promotion of Government-Funded Research Institutes in the Area of Science and Technology" or other related expert institutes:

1. Safety review relevant to the permits or permits for changes in accordance with Article 11.1; and
2. Collection of information and fact-finding surveys on space development activities and space industry in accordance with Article 24.

Article 27

(Penalty Clauses)

(1) Any person not obtaining a permit (including a permit for changes) in accordance with Article 11.1 who launches a space launch vehicle shall be sentenced to imprisonment for up to five (5) years, or face fines not exceeding fifty million (50,000,000) Won.

(2) Any person who falls under any of the following items shall be sentenced to imprisonment for up to three (3) years, or face fines not exceeding thirty million (30,000,000) Won.:

1. Any person who does not comply with a suspension or modification order in accordance with Article 19; and
2. Any person who violates Article 25.

Article 28

(Dual Penalization)

If a representative, agent, servant or other employee of a legal entity or an agent, servant or other employee of an individual violates Article 27, the offender shall face punishment. In addition, the legal entity itself and the individual himself shall be fined in accordance with Article 27. Article 29 (Penalty) (1) Any person falling under any of the following sections shall be sentenced to a fine not exceeding ten million (10,000,000) won.:

1. Any person who violates Article 8.1 or 8.2 by failing to make a preliminary registration of space objects;
2. Any person who violates Article 8.5 by failing to make a formal registration of space objects; or
3. Any person who violates the proviso of Article 11.1 by failing to report changes.

(2) Any person falling under any of the following sections shall be sentenced to a fine not exceeding five million (5,000,000) won:

1. Any person who violates Article 8.6 by failing to inform or falsely informing about any changes within fifteen (15) days of the change; and
 2. Any person who denies, interferes, or evades the investigation of an accident in accordance with Article 16.3.
- (3) The Minister of Science and Technology shall impose and collect the fines stated in Article 29.1 and 29.2 according to Presidential Decree.
- (4) Any person who does not agree with the fine imposed in accordance with Article 29.3 may make an objection to the Minister of Science and Technology within thirty (30) days of notice of the fine.
- (5) If the person who was fined based on Article 29.3 raises an objection in accordance with Article 29.4, the Minister of Science and Technology shall inform this fact to the governing court without delay. The informed court shall hold a trial on the imposed fine in accordance with "the Voluntary Matters Proceedings Act."
- (6) If the person does not raise an objection within the period stated in Article 29.4 nor pay the fine, the fine shall be paid in accordance with the procedure of disposition for failure of tax payment.

Additional Clauses

1. (Enforcement Date) This Act takes effect six (6) months from the date of promulgation.
2. (Intermediate Measures for the Basic Plan) Until the Basic Plan for Promoting Space Development stated in Article 5 is established, the Mid-to-Long Term Space Development Basic Plan, which was reviewed by the Committee of National Science and Technology in accordance with Article 9 of "Basic Law of Science and Technology", shall be regarded as the Basic Plan for Promoting Space Development.
3. (Intermediate Measures for the Registration of Space Objects) Space objects registered with the United Nations by the Republic of Korea prior to this Act are regarded as registered space objects in accordance with Article 8.