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Matters relating to the definition and delimitation of outer space: reply of the Netherlands

The present document contains replies of the Netherlands received by the Secretariat in March 2010 to questions on the definition and delimitation of outer space and the information on its national legislation and practice relating to the definition and delimitation of outer space. The replies will be made available in addendum 7 to document A/AC.105/889 and in addendum 8 to document A/AC.105/865.

Questions on the definition and delimitation of outer space: replies from Member States

The Kingdom of the Netherlands has, as yet, not considered it necessary to define outer space or to delimit airspace and outer space, or to follow another approach to solve any issues.

The current level of space and aviation activities in the Kingdom of the Netherlands and neighbouring countries has not given rise to the need to exercise jurisdiction over objects which travel through the Kingdom's airspace on their way to or return from outer space. Such a need may arise in the future as a result of technological developments in space and aviation technologies, in particular the development of private commercial space flight and space tourism.

Consideration may then have to be given to the question whether it is necessary to define outer space or to delimit airspace and outer space, or to follow another approach, in order to adequately regulate these activities. Since the precise nature and circumstances of these activities is not known at the present time, the Kingdom of the Netherlands does not consider it necessary to identify and address scenario's for their regulation.

National legislation and practice relating to the definition and delimitation of outer space

The Netherlands Space Activities Act (*Wet ruimtevaartactiviteiten*) makes use of the term "outer space" (*kosmische ruimte*) in order to determine the scope of the Act *ratione materiae* (Art.2). The Act, however, refrains from defining outer space or delimiting outer space and airspace.



Reference is made to outer space in the definitions of “space activities” (*ruimtevaartactiviteiten*) and “space objects” (*ruimtevoorwerp*). The term “space activities” has been defined as the launch, the flight operation or the guidance of space objects in outer space (Art.1(b)); the term “space object” means any object launched or destined to be launched into outer space (Art. 1(c)). The scope of the Act is thus not limited to activities in outer space notwithstanding the absence of a definition or even an indication where airspace ends and where outer space begins. This approach follows the application of the Convention on International Liability for Damage Caused by Space Objects to space objects launched or intended to be launched into outer space, regardless of where such space objects are geographically situated at the time it causes damage.

The only authorization granted to date under the Space Activities Act concerns the operation of satellites in orbit. As no one could reasonably argue that the satellites concerned are not operating in outer space, the question of the definition of outer space or delimitation of airspace and outer space did not arise. Accordingly, in national practice, no need has, as yet, emerged to define or delimit outer space.
