

29 March 2010

English only

---

**Committee on the Peaceful  
Uses of Outer Space  
Legal Subcommittee  
Forty-ninth session  
22 March-1 April 2010**

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

**Proposal by the Chair of the Working Group under agenda item 12  
on a tentative structure for the final report of the Working Group<sup>1</sup>**

**Introduction**

1. The Working Group agreed in 2009 that the Secretariat, in consultation with the Chair, should prepare, for consideration by the Working Group at its next session, in 2010, a paper providing a schematic overview of existing national regulatory frameworks based on information received from Member States. Such schematic overview is presented in the form of a table in Conference Room Paper 12 for consideration by the Working Group.

2. The present non-paper intends to serve as a background document to support the discussions on the report of the Working Group to be finalized in 2011 in accordance with the work plan.

3. The proposal is to develop and finalize at the end of the multi-year work plan a comprehensive report of the Working Group with the following structure serving as a reference document for Governments and national authorities:

- (a) Summary of the work conducted by the Working Group under its multi-year work plan
- (b) Overview of national space legislation
- (c) Findings of the Working Group
- (d) Recommendations and conclusions

Annex 1: National space legislation – regulative categories (set of main elements for consideration by States in enacting national space legislation)

Annex 2: Schematic overview of national space legislation

---

<sup>1</sup> This Conference Room Paper has the same content as the non-paper of the Chair that was circulated in the Working Group on Friday 26 March 2010.



4. The content of the final report should build upon the research and assessments made during the multi-year work concluded under the previous agenda items of the Legal Subcommittee on the concept of the “launching State” and registration practice, respectively. In that sense, the findings of the present multi-year work on national space legislation would be consistent with the findings made under those previous agenda items.

### **Proposed draft structure of the final report of the Working Group**

#### **A. Summary of the work of the Working Group**

Summary of the work conducted by the Working Group under its multi-year work plan with emphasis on method of work and documentation for its consideration under the work plan. A list of all documents reviewed by the Working Group could be included under this section or in an Annex.

#### **B. Overview of national space legislation**

Such overview could list States with national space legislation and other regulatory frameworks for national space activities. Each State could be represented with a couple of concise paragraphs briefly presenting the respective national legal framework. Could alternatively be included in a separate Annex.

#### **C. Findings of the Working Group**

Summary of the findings and review made by the Working Group under its work plan, including overall consideration by the Working Group and detailed substantive summary of the findings made in the Working Group under the topics addressed:

- (a) Reasons for States to enact national space legislation
- (b) Scope of space activities targeted by national regulatory frameworks
- (c) Scope of national jurisdiction over space activities
- (d) Competence of national authorities in the authorization, registration and supervision of space activities
- (e) Conditions to be fulfilled for registration and authorization
- (f) Regulations concerning liability
- (g) Compliance and monitoring

#### **D. Recommendations and conclusions**

This section could contain a list of regulative categories to serve as a general recommendation on legislative issues for consideration by States that have not enacted national space legislation. The following categories are proposed for consideration by the Working Group (see also *Annex I* below):

- (a) Scope of application
- (b) Authorization of activities of non-governmental entities

- (c) Continuing supervision of activities of non-governmental entities
- (d) Registration
- (e) Liability and insurance
- (f) Safety
- (g) Transfer of ownership

### **Annex 1. National space legislation – regulative categories**

#### **Draft set of main elements for consideration by States in enacting national space legislation**

<b>Regulative Category</b>	<b>Corresponding International Obligation/Norm</b>	<b>Elements</b>
Scope of application	n/a, (partly Art. VI OST international responsibility for “national activities”)	<ul style="list-style-type: none"> <li>– activities (<i>ratione materiae</i>)</li> <li>– jurisdiction (<i>ratione loci/personae</i>)</li> </ul>
Authorization of activities of non-governmental entities	Art. VI OST GA resolution A/RES/59/115	<ul style="list-style-type: none"> <li>– licensing procedure</li> <li>– change of status: modification/suspension/revocation of license</li> <li>– conditions for granting licenses connect to other relative categories: registration, liability, safety</li> </ul>
Continuing supervision of activities of non-governmental entities	Art. VI OST	<ul style="list-style-type: none"> <li>– mechanisms of supervision</li> <li>– role and competencies of supervising authorities (during normal operation and in case of incidents)</li> </ul>
Registration	Art. VIII OST; Art. II, IV REG; GA resolution 1721 (XVI) B; GA resolution A/RES/62/101	<ul style="list-style-type: none"> <li>– establishment of national registry</li> <li>– obligation to submit information to competent authority</li> <li>– submission of data to the UN</li> </ul>
Liability and insurance	Art. VI, VII OST; Art. II, III, LIAB	<ul style="list-style-type: none"> <li>– obligation of insurance and financial responsibility</li> <li>– amount of insurance coverage (minimum requirements/caps)</li> <li>– state indemnification</li> </ul>
Safety	Art IX OST; NPS Principles; COPUOS Space Debris Mitigation Guidelines	<ul style="list-style-type: none"> <li>– avoidance of harmful contamination of outer space and adverse change to the environment of the Earth</li> <li>– implementation of space debris mitigation</li> </ul>
Transfer of ownership	Art. VI, VII, VIII OST, REG, LIAB, GA resolution A/RES/62/101	<ul style="list-style-type: none"> <li>– requirement of permit for selling of satellites to (foreign persons)</li> </ul>

**Annex 2. Schematic overview of national space legislation**

**The type of table to be included in this Annex is presented to the Working Group in document A/AC.105/C.2/2010/CRP.12. The regulative categories in the table match the categories in Annex 1 above. The table presented in CRP.12 could be further developed and completed jointly with Member States. The Secretariat could invite Member States in 2010 to examine the substantive content and update the table accordingly. More States could be added to the table. The table could therefore be placed on the website of the Office for Outer Space Affairs for easy access in Word format.**

---