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**Committee on the Peaceful
Uses of Outer Space**

Legal Subcommittee

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Item 11 of the provisional agenda*

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

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

Italy

[Original: English]

Italy is party to four United Nations space treaties and conventions, namely:

(1) The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies of 27 January 1967, incorporated in the Italian legal system through Law No. 87 from 28 January 1970;

(2) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space of 22 April 1968, incorporated through Presidential Decree No. 965 of 5 December 1975;

(3) The Convention on International Liability for Damage Caused by Space Objects of 29 March 1972, incorporated through Law No. 426 of 5 May 1976; and

(4) The Convention on Registration of Objects Launched into Outer Space of 14 January 1975, incorporated through Law No. 153 of 12 July 2005.

Three topics have been elaborated by internal legislations, namely:

- Liability, with Law 23, 25 January 1983, Norms for the implementation for the Convention on International Liability for Damage Caused by Space Objects (Official Gazette No.35, 5 February, 1983);

* A/AC.105/C.2/L.280.



- Registration of objects launched into outer space, by Law No. 153, 12 July 2005 (Official Gazette No. 177, 1 August 2005); and
- Operation of telecommunication systems.

Liability

Law 23/1983 implements and complements the 1972 Liability Convention regime in the national law system. It applies to damages caused by objects launched into outer space by a State part to the 1972 Liability Convention and is based on the following principles:

(a) Italian natural and legal persons shall obtain compensation from the Italian State for damages caused by space objects launched by a foreign State, if Italy requested and obtained compensation from the damage by that foreign State under art. VII, para. 1 of the Liability Convention;

(b) Italian natural and legal persons are also entitled to receive compensation if the Italian State has presented no claim for compensation, provided, in this case, that a claim has not been presented to the liable State and no compensation has been received by the State on whose territory the damage occurred or by the State in which the persons concerned are permanent residents;

(c) Law No. 23 also recognizes a right for compensation to foreign natural and legal persons as long as the Italian State has presented a claim and obtained compensation from the launching State under paragraphs 2 and 3 of art. VII of the Liability convention (that in cases when neither the State of nationality nor the State on which territory the damage was sustained has presented a claim in respect of damage sustained by its permanent residents).

Registration of objects launched into outer space

Law No. 153 of 12 July 2005 provides for the accession of the Italian Republic to the Convention on Registration of Objects Launched into Outer Space of 14 January 1975 (Official Gazette No. 177, 1 August 2005).

Before acceding to the 1975 Registration Convention, the Italian Government transmitted on a voluntary basis to the Secretary-General of the United Nations information on national spacecrafts launched into orbit, in accordance with the 1961 UNGA Resolution 1721 B (XVI).

Under article 3.2 of Law 153/2005, the Italian Space Agency (ASI) is entrusted with the institution and maintenance of the National Registry, as well as the collection of all information related to the implementation of the Convention. Under art.3, para.3, of the Law 153/2005, the National Registry shall be filed with a) any space object launched by natural or legal persons of Italian nationality that launches or procures the launch of that space object; b) any object launched into outer space from a launch site located in the national territory or under Italian jurisdiction and control of Italy, by foreign natural or legal persons.

The natural legal persons referred to in art.3, para.3 of the Law shall notify the Italian Space Agency about the launches carried out and transmit to the Agency all information required under art. IV of the Registration Convention. Art. 5 of

Law 153/2005 also require the concerned persons to notify the Italian Space Agency when the space objects entered into the Registry are no longer in Earth orbit.

Under art.6 of the Law, the Italian Space Agency shall communicate the information entered into the Registry to the Ministry of Research, the Ministry of the Economic Development and the Ministry of Foreign Affairs; the latter shall fulfil the international requirements under the Registration Convention.

The Italian Space Agency has finalized a draft Regulation which sets up the National Registry and defines the procedures for the registration. This draft Regulation is about to be submitted for approval to the Ministry of Foreign Affairs and the Ministry of Research and Ministry of Economic Development. It is worthy to mention that this draft Regulation takes also in duly consideration United Nations Resolution 62/101 on Recommendations on enhancing the practice of State and international intergovernmental organizations in registering space objects.

Operation of telecommunication systems

A last piece of national legislation is devoted to the authorizations and licenses for the operation of telecommunications systems, which are regulated by rules and procedures of administrative nature, under the supervision of the National Authority for Telecommunications and in conformity with the relevant directives on telecommunications of the European Community.

The general legal setting is contained in the Code for electronic communications (Legislative Decree No. 259 of 1 August 2003). Furthermore, Decision No. 407 of the National Authority of Communications, dated 19 July 2000, regulates the conditions for the general authorizations concerning telecommunications services, including satellite services. According to these provisions, all telecommunications operators are in regime of general authorization, with the exception of the services which need an individual license. Satellite services are subject to conditions that can be considered particularly opened and sustainable, in order to facilitate the development in this field.

Ukraine

[Original: Russian]

In 2010, a number of amendments to the space legislation of Ukraine were introduced.

Thus, on 13 May 2010, the Verkhovna Rada adopted amendments to the Law on Space Activities to improve the legal regulatory mechanism. The amendments included a provision whereby the National Space Agency would be empowered to post representatives to regions or countries on whose markets Ukrainian space facilities and technology might be promoted.

On 10 November 2010, the Cabinet of Ministers adopted a Decision on the authorization of the procedures and regulations governing the compulsory insurance of space activities. The Decision authorized the Procedure and Regulations governing the compulsory insurance of space objects (space infrastructure) belonging to Ukraine against the risks involved in the preparation for the launch of

spacecraft at a space centre, the launch itself and operation of the spacecraft in space and also the Procedure and Regulations governing compulsory insurance for liability for risks involved in the preparation for the launch of spacecraft at a space centre, the launch itself and operation of the spacecraft in space.

Amendments and additions to the table entitled “Brief overview of the existing legal regulatory basis for the space activities of member States of the Committee”:

1. Additions to the section entitled “Authorization”:

Article 11-1 of the Law on Space Activity of Ukraine.

The National Space Agency of Ukraine:

shall issue permits to persons engaged in the space activities of Ukraine to negotiate with foreign economic entities regarding space research and the use of space, the production and operation of space facilities, the export, import or re-export of space facilities and space technologies, the temporary export of space facilities and space technologies outside Ukraine or temporary import into its territory or transit through the territory of Ukraine;

shall register agreements (contracts) concluded by persons engaged in the space activities of Ukraine with foreign nationals engaged in space activities on space research or the use of space, the production or operation of space facilities or space technologies or sales agreements relating thereto.

2. Changes to the sections entitled “Registration” and “Transfer of ownership”:

The words “space facilities” shall be replaced by the word “spacecraft” (defined as flying technical facilities for flights into outer space and in outer space with the aim of space research and utilization (Law on Space Activity, art. 1)).