中国长城工业集团有限公司
CHINA GREAT WALL INDUSTRY CORPORATION

LEGAL ISSUES RELATED TO SATELLITE LAUNCH
-- China's Perspective

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Introduction

- International Legal Framework for Outer Space Activities

  Treaties and Principles

- National Level: Space Policy and Space Law

  Objective: strike a balance between fulfilling international obligations and strengthening national space competitiveness

- National Legal Framework for Satellite Launch

  license, registration, liability and other issues

Satellite Launch License

- Article VI of the Outer Space Treaty provides that States Parties to the Treaty shall bear international responsibility for national activities in outer space, and that the activities of non-governmental entities in outer space shall **require authorization and continuing supervision** by the appropriate State Party to the Treaty.

- China's Launch License Regulations

Interim Measures on the Administration of Permits for Civil Space Launch Projects

(Interim Measures)

Article 1: dual objectives

- **honoring** international obligations
- **promoting** industry development

Satellite Launch License

Interim Measures

- Competent Authority
  - China National Space Administration **(CNSA)** is designated as China's sole competent authority in charge of civil space launch permits, which is responsible for uniform planning and administration of civil space launch projects, include **review, approval and supervision**
- Space Launch Projects Requiring Launch Permit
  - entry of such spacecraft as satellites inside the territory of China into the outer space not for military purpose, and the entry of such spacecraft as satellites, etc. over which the natural persons, legal persons or other organizations of the People's Republic of China have had property or have property by means of on-orbit delivery into the outer space from outside of the territory of China
- The Applicant for The Permit
  - the general project contractor
  - the final owner of the spacecraft

Satellite Launch License

Interim Measures

- Procedures for Application and Approval
- Applicants' qualifications
- Launch License Conditions
- Required Documents
- Review
- Objection
- Re-examination

Comment: China's current launch licensing regime not only guarantees the country's compliance with international obligations, but also gives full play to its role in governing civil space launch projects and promoting development of civil space industry. The regime is sensible and convenient for launch service providers as well.

Registration of Space Objects

Registration Convention

●National Registration

- when a space object is launched into earth orbit or beyond, the launching State shall register the space object by means of an entry in an appropriate registry which it shall maintain, and that each launching State shall inform the Secretary-General of the United Nations of the establishment of such a registry

●International Registration

- each State of registry shall furnish to the Secretary-General of the United Nations, as soon as practicable, required information concerning each space object carried on its registry, and the Secretary-General of the United Nations shall maintain a Register in which the information furnished by the state of registry shall be recorded

Registration of Space Objects

China's Administrative Measures for the Registration of Space Object (Administrative Measures)

●What to Register: Article 2

➢Artificial Earth satellite, manned spacecraft, space probe, space station, launch vehicles and parts thereof, and other man-made objects launched into outer space

●Where to Register: Article 5, Article 14

➢Domestic Registration: CNSA

➢International Registration: the State of Registry shall be determined by the Ministry of Foreign Affairs after consultation

●Who shall Register: Article 7, Article 8

➢The owner or the international commercial launching service provider

●How to Register: Article 9, Article 12

●Information Items: Article 6, Article 13

Registration of Space Objects

(Administrative Measures)

●Noteworthy: Article 8

➢The corporation which provides the international commercial launch services shall register the space object in the domestic registry where its owner is a foreign government, legal person, other organization or natural person

●In Comparison with Other Countries' Practice:

➢*United States:* no domestic registration if its commercial launch services is provided for space objects belonging to foreign customers. Instead, it requests that space objects relating to the launch vehicle be registered, such as the third stage of a carrier rocket

➢*Russia:* to notify the Secretary-General of the United Nations that it has placed foreign space objects into earth orbits by using its launch vehicles

Registration of Space Objects

(Administrative Measures)

Comment:

➢In summary, China's launching service providers either assist in domestic registration of space objects by their owners, or is directly responsible for domestic registration where the space objects launched are owned by foreign clients. Such requirement is necessary from the perspective of strengthening regulation and ensuring better services for foreign clients

Liability

- International Level: states parties have to bear liability even though the damage is caused by space objects launched by their non-governmental entities.

➢***Article VI of the Outer Space Treaty*** reads, "States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the Moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty."

➢***Article II of the Liability Convention*** reads, "A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the Earth or to aircraft in flight."

- National Level: transfer part of liability to parties involved in the launching activities mainly by way of mandatory insurance first

➢*National space regulation:* UK, Japan, Australia, South Africa, Belgium in their general space law; South Korea (Space Liability Act), Italy (Norms Implementing the Liability Convention) in their specific acts

Liability

●China: mandatory insurance; transfer part of liability implied

➢*Article 19 of the Interim Measures* provides that, “the permit holder must comply with the relevant provisions of the state to purchase the third party liability insurance and other relevant insurances for launching a space object”, indicating already that launching parties have to assume part of the liability pursuant to national law, even if China is under the treaty obligation to be internationally liable for damage caused by its space object

●Joint Launching: apportioning of the joint and several liability between or among launching states

➢*China-UK agreement for AsiaSat-1:* with respect to damage caused to third countries or their nationals during the launching stage from ignition until separation of satellite and the launch vehicle, China shall assume liability according to the Liability Convention, the Outer Space Treaty and other international law principles.

➢*Without prejudice to the joint and several Liability*: Notwithstanding the foregoing, such agreements of apportioning liability shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable

Conclusion

- With the advancing of space technology and the extension of space activities, China has been making continuous efforts to improve its national legal regime concerning space launch activities, with a view to maintaining a friendly environment for China's international launch service providers.

- **We believe that the legal framework for space launch activities will be further improved thanks to China's endeavor to formulate its national space law.**

Thanks for your attention！

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