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Committee on the Peaceful Uses of Outer Space

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

Note by the Secretariat

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I. Introduction

1. At its forty-sixth session, in 2007, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space agreed to include the item “General exchange of information on national legislation relevant to the peaceful exploration and use of outer space” under a four-year workplan.¹ Accordingly, the Subcommittee will consider at its forty-seventh session presentations by Member States on their national legislation.
2. In a note verbale dated 28 September 2007, the Secretary-General invited Governments to submit information on their national legislation by 30 November 2007.
3. The present document was prepared by the Secretariat on the basis of information received by 23 January 2008 from the following Member States: Czech Republic, Germany, Morocco, Nicaragua, Turkey and Ukraine.

II. Replies received from Member States

Czech Republic

[Original: English]

As the Czech Republic does not as yet have any national law relevant to the peaceful exploration and use of outer space, the delegation of the Czech Republic to the 2008 session of the Legal Subcommittee will not be in a position to provide any report on national legislation relating to governmental and/or non-governmental space activities, which remain governed for the time being only by principles and norms arising from international treaties to which the Czech Republic has adhered. The United Nations Office for Outer Space Affairs will certainly be informed of any change in this regard.

Germany

[Original: English]

1. With the launching of TerraSAR-X (high-resolution space radar satellite with all weather and day/night observation capabilities) in 2007 and the planned RapidEye constellation (multispectral optical observation with high revisit frequency), Germany has assumed a leadership role in Europe in the field of satellite-based Earth remote sensing. The launches of TanDEM-X and EnMAP in the coming years will tend to confirm this trend. Germany has opted for special legislation focusing on fundamental issues linked to space activities, especially in the important field of remote sensing.
2. The practice of Germany has been to register space objects in the annex to the Luftfahrtrolle (national aircraft register). The registration of aircraft is dealt with in

¹ See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20* (A/62/20), para. 219.

paragraphs 3 and 4 of the Luftverkehrsgesetz (air navigation code) and paragraph 14 of the Luftverkehrszulassungsordnung (act on air traffic licensing).

3. The Telecommunication Act ensures the implementation in its national law of the obligations incumbent upon Germany through its participation in the International Telecommunication Union utilization rights of frequencies and orbital slots.

4. The issue of authorizing and licensing requested for the operation of satellite-based remote sensing systems and the distribution of the data acquired through these means are dealt with by the Satellitendatensicherheitsgesetz (act safeguarding security interests in the distribution of high-resolution satellite data), which entered into force on 1 December 2007. An English translation will be submitted to the United Nations Office for Outer Space Affairs in due time. The act was drafted in line with Germany's responsibility for satellite remote sensing activities according to article VI of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

5. The provisions of the act imposing regulation on the space segment are based on the fact that Germany, as the State of registry, retains jurisdiction and control over such space objects, according to article VIII of the aforementioned Treaty. Principle XII of the Principles Relating to Remote Sensing of the Earth from Outer Space,² as well as international peace and security, is taken into account through the sensitivity check and the authorization procedure. The main concept of the draft is to address the "high-grade" space-based Earth remote sensing systems while establishing a clearly defined and transparent procedure for distributing Earth remote sensing data.

6. As a result, neither aerial photography nor data from navigation satellite systems fall within the area of application of the act. Military and intelligence Earth remote sensing satellite systems are also explicitly excluded from the area of application.

Nicaragua

[Original: Spanish]

1. With regard to the exchange of information on national legislation relevant to the peaceful exploration and use of outer space, no provision is made for the use of outer space by the Nicaraguan Institute of Civil Aeronautics under the Civil Aeronautics Act (Law No. 595), but it is a matter of interest to us to advance the exploration, study and use of outer space for the benefit of all the peoples of the world.

2. The Nicaraguan Institute of Civil Aeronautics states that Nicaragua is in agreement with the application of the United Nations treaties on outer space, primarily in connection with the implementation and development of global navigation satellite systems.

² Resolution 41/65, annex.

3. Nicaragua is a member of the Caribbean and South American Regional Planning and Implementation Group, which is promoting the introduction of these systems in the region.

Turkey

[Original: English]

The peaceful use of outer space is regulated by the National Space Research Programme, which was prepared pursuant to decision 2005/9 of the Supreme Council of Science and Technology of 10 March 2005 and the agreement between the Government of Turkey and the European Space Agency concerning cooperation in the exploration and use of outer space for peaceful purposes, which entered into force on 22 September 2006.

Ukraine

[Original: Russian]

The national outer space legislation of Ukraine regulates a broad spectrum of relations which arise in the course of outer space activity, including State regulation and control of outer space activity and its financing; the preparation and implementation of outer space technologies and questions concerning their export and import; certification, licensing and insurance; and the safety of outer space activities. A fundamental document of the national legislation on the exploration and use of outer space is the Law on Space Activities, adopted in 1996, which defines the legal foundation for the realization of space activities in Ukraine and under its jurisdiction beyond its borders. The text of that law has been sent to the United Nations Office for Outer Space Affairs and placed on its website.

III. General comments

Morocco

[Original: French]

Morocco would first like the Legal Subcommittee to initiate an exchange on the reasons for the absence of national legislation in most States. Special attention should be paid to developing countries with a view to assisting them in introducing legislation relating to outer space.
