



General Assembly

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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

I. Introduction

1. At its forty-eighth session, in 2009, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space established the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space. During that session, the Working Group agreed that the exchange of information relevant to the peaceful exploration and use of outer space provided an important basis for its work under the multi-year workplan and allowed it to continue examining the main developments taking place at the national level in order to identify common principles, norms and procedures (A/AC.105/935, annex III, para. 16).

2. In that connection, the Working Group agreed that Member States should be invited to respond to the following questions prepared by the Chair:

1. Why did your Government enact national space legislation?
2. If your Government has not yet enacted national space legislation, what are the reasons for the absence of such legislation?
3. What kind of activities are covered (e.g. launching, operation of space objects, space research, application of space technology, remote sensing)?
4. What is the “national-requirement” (personal or territorial jurisdiction, i.e. activities carried out by natural or legal persons who are nationals of the State, or on the territory of the State, or in a different way)?
5. Which are the competent national authorities for registration, authorization and supervision (government, ministry, space agency, relationship between them)?



6. What are the conditions to be fulfilled for registration and authorization (e.g. safety of persons, property, public health, protection of environment, space debris mitigation, financial security, strategic and economic interest of the State, international obligations of the State)?
 7. Are there any regulations concerning liability (transfer of liability, limitation of liability, recourse, insurance requirements)?
 8. How is compliance monitored (supervision, control, sanctions)?
3. The Working Group further agreed that the responses to those questions would provide an opportunity to complement the information available to it (A/AC.105/935, annex III, para. 18).

II. Replies from Member States

Czech Republic

[Original: English]

[7 February 2010]

As communicated earlier,¹ the Czech Republic does not have any particular domestic law or any other special regulation to be applied to its space activities. In these endeavours, the Czech Republic adheres to the principles and rules included in the United Nations outer space treaties and other international agreements to which it is a State party. According to the national constitutional order, international treaties ratified by the Czech Republic are a part of the Czech legal order and have priority over domestic laws. The Czech Republic also observes the resolutions of the General Assembly and of other international organizations of which it is a member. In domestic relations, Czech space activities have been governed by general legal principles and rules set up by national legislation and the competent administrative authorities.

The Czech Republic has not yet enacted any space legislation and/or regulations because its space activities are limited; they mostly consist of scientific research, navigation and telecommunications, technology development and Earth observation. Many of its activities are carried out in cooperation with foreign and international space organizations, particularly the European Space Agency (ESA). The Czech Republic became a member State of ESA in November 2008.

The Czech Republic does not possess any launch pads or space equipment. A number of mini-satellites constructed in what was Czechoslovakia and more recently in the Czech Republic have been launched into orbit by other countries.

The Ministry of Education, Youth and Sports is responsible for space research and, together with the Ministry of Transport, for fulfilling agreements concluded with ESA. The Ministry of Environment is involved in the Global Monitoring for Environment and Security (GMES) initiative and represents the country in the European Organization for the Exploitation of Meteorological Satellites

¹ A/AC.105/932.

(EUMETSAT). The Ministry of Education established the Czech Space Office, which is the national information and advisory centre for space activities and also serves as the central contact point with ESA. The Office maintains the Czech space registry and is responsible for furnishing information to the Secretary-General of the United Nations, in accordance with article IV of the Convention on Registration of Objects Launched into Outer Space.

The Czech Republic has not yet established any single body or agency to be responsible for all its civil space activities. However, the Czech Republic intends to decide in the near future on whether it is time to initiate a legislative process that would lead to the adoption of a domestic space law or other regulatory framework for national space activities. In preparing such a national regulation, the issues set out in the Working Group's questions would be duly taken into account.

Spain

[Original: Spanish]

[25 May 2010]

In answer to questions 1 and 2, Spain has up to now not considered it necessary to enact extensive outer space legislation for three reasons:

(a) Spain has not launched any space objects. The preliminary analysis made by the Working Group on this topic at the forty-eighth session of the Legal Subcommittee showed that the space activities most commonly subject to regulation are launch activities;

(b) There is no sizeable private sector for such legislation. As all domestic space activities to date have either been public or have had significant public sector participation, there has been no incentive to enact such legislation;

(c) According to the Spanish Constitution, international treaties ratified by Spain become law (i.e. they become part of the domestic legal system) once they are published in the Official State Gazette.

That said, at least one of the treaties ratified by Spain — the Registration Convention — clearly requires domestic implementing legislation. Although Spain itself has not launched any space objects, it has to date promoted the launch of a series of space objects. Thus, Spain needed to establish its own register of space objects. The national register of space objects was established in Spain in 1995 by means of an administrative regulation (Royal Decree No. 278/1995 of 24 February 1995), which was promulgated at the initiative of the Ministry of Foreign Affairs. The national register is maintained by the General Directorate for International Economic Affairs of the Ministry of Foreign Affairs and Cooperation.

In connection with the analysis of States' registration of space objects that was undertaken by the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, Spain submitted information to the Subcommittee in 2004 and 2005 on its national law and practice with regard to such registration.

Thus, existing Spanish space legislation has essentially come into existence in response to the international obligations assumed by Spain. That said, it should be

pointed out that a debate has now begun in Spain on the need to legislate and on the advisability of drafting national space legislation with a view to enabling Spain to discharge its international obligations more effectively and also because of the growing presence of private space operators in the country. The discussions were initiated in the light of 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, following the launch, on 29 July 2009, of the first Spanish artificial satellite financed entirely with private capital, the Deimos-1 Earth observation satellite.

In addition to the four United Nations treaties on outer space and related multilateral international instruments to which it is a party, Spain has concluded a number of bilateral agreements on cooperation in the field of space, including: the Agreement on Cooperation in the Exploration and Peaceful Use of Outer Space, concluded with the Russian Federation, which was signed in Madrid on 9 February 2006 and entered into force on 17 March 2010; the Scientific and Technical Cooperation Agreement with the United States of America of 28 January 2003, which provides for the establishment of a space-tracking station on Spanish territory; and the Space Cooperation Agreement, signed on 11 July 1991 with the United States, which provides for the landing of the United States space shuttle at certain Spanish airports in cases of emergency.

Spain also concluded agreements with ESA for the establishment and use of a geosynchronous satellite-tracking station at Villafranca del Castillo (on 2 August 1975) and for the establishment of ground-tracking and data-acquisition facilities, including a deep-space antenna, at the Cebreros site in Ávila (on 22 July 2003).

With regard to question 3, the activities currently covered by Spanish space law are national registration of space objects and the Spanish national programme, which is the responsibility of the National Institute for Aerospace Technology (INTA) and the Centre for Industrial Technology Development (CDTI).

In answer to question 4, the national requirement for registration of a space object in Spain is twofold: personal and territorial, as it covers satellites launched from Spanish territory and satellites whose launch has been promoted by Spain.

In answer to question 5, from an institutional perspective, public space activities in Spain are conducted through two governmental entities:

(a) INTA, a public research body attached to the Ministry of Defence, which specializes in aerospace research and technological development. It was originally established as the National Institute of Aeronautical Technology by the Decree of 7 May 1942;

(b) CDTI, a public entity attached to the Ministry of Science and Innovation, which manages and promotes Spain's participation in international organizations involved in space cooperation, in particular ESA and EUMETSAT. It was established by Royal Decree No. 2/84 of 4 January 1984.

The General Directorate for International Economic Affairs of the Ministry of Foreign Affairs and Cooperation is responsible for the national register of space objects.

With regard to the authorization of space radiocommunication activities (question 6), it is regulated by administrative law in the area of telecommunications. Authorization and licensing of telecommunications services of all types are regulated by the General Telecommunications Act (Law No. 32/2003 of 3 November 2003).

Satellite telecommunications are governed by the Satellite Telecommunications Act (Law No. 37/1995 of 12 December 1995), which was partly repealed and amended by the General Audiovisual Communications Act (Law No. 7/2010 of 31 March 2010).

The norms regulating maritime communications, including maritime satellite communications, are contained in the Maritime Radiocommunications Regulations, approved by Royal Decree No. 1185/2006 of 16 October 2006.

All satellite communications services in Spain have to conform to the national radio-electric frequency band plan, known as the National Table of Frequency Allocations (CNAF), which implements the Radio Regulations of the International Telecommunication Union in Spain. Periodically updated, its latest version was issued on 12 February 2010.

In answer to question 7, at the present time there is no specific regulation concerning liability in Spain.

With regard to question 8, Royal Decree No. 278/1995 on the registration of space objects does not include control measures or sanctions. However, the General Telecommunications Act (Law No. 32/2003) includes an entire section on inspections and a sanctions regime. Monitoring and observance of the rules relating to space activities are governed by general legal norms according to the specific activity involved.
