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**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

Note by the Secretariat

I. Introduction

1. At the 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 the 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 Chairperson:

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)?

* A/AC.105/C.2/L.277.



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 the Working Group (A/AC.105/935, annex III, para. 18).
 4. In a note verbale dated 8 September 2009, the Secretary-General invited Governments to submit replies to the questions contained in paragraph 2 above.
 5. The present document was prepared by the Secretariat on the basis of replies to the questions received from Austria, Estonia, Germany, Iraq, Japan, Serbia, Thailand and the United Kingdom of Great Britain and Northern Ireland.

II. Replies from Member States

Austria

[Original: English]
[2 November 2009]

At the moment, Austria has no national space legislation. The reason is that no significant independent Austrian space activities have taken place so far. Austria has been active in outer space primarily through its membership in the European Space Agency (ESA) since 1987.

However, in the last few years, Austrian universities have started to develop independent space activities for research and educational purposes. Two university satellites are to be launched in the near future. Austria will then become a launching State. In this connection, the development of legal rules applicable to space activities is currently under consideration.

Estonia

[Original: English]
[3 November 2009]

Regarding national legislation relevant to the peaceful exploration and use of outer space, Estonia does not have any special national space law or space regulations. Estonia adheres to the principles and rules included in the European and United Nations space treaties.

Until now, there has been no serious consideration of whether to introduce a domestic space law or not. Any such national legislation would be developed on the basis 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 and the Convention for the Establishment of a European Space Agency to complement obligations under international law.

However, as Estonia does not consider itself a space-faring nation, the question of enacting a national space law has not been seriously raised or even discussed as there has been no need for such legislation. On 10 November 2009, Estonia will sign a European Cooperating State (ECS) Agreement with ESA and will therefore become more actively involved in the development of the European space industry. The next logical step will be to accede to the United Nations treaties on outer space in the near future, which will probably lead to national initiatives, including legislative initiatives. The need for space legislation will certainly become more obvious in the future in order to respond to the rapid development of space technology and its applications, as well as to implement certain obligations under the ECS Agreement or other relevant treaties.

Germany

[Original: English]
[16 November 2009]

Regarding the regulation of governmental and non-governmental space activities relevant to the peaceful exploration and use of outer space, Germany has decided to start preparations for national space legislation in view of the increasing number of private sector space activities and commercial and scientific small satellite missions.

Iraq

[Original: Arabic]
[11 November 2009]

In Iraq, there is no national legislation concerning space.

There are no significant activities in the field of outer space so far. The present activities relate only to using satellite photographs for monitoring the Earth in order

to make use of it and to using satellites for telecommunication purposes and television transmission (satellite television).

Japan

[Original: English]
[3 November 2009]

Concerning questions 1, 2 and 3, the Government of Japan is responsible for supervising the activities of the Japan Aerospace Exploration Agency (JAXA), as outlined in the Law concerning JAXA (Law No. 161 of 13 December 2002), to fulfil the obligations in the space-related treaties.

In Japan, only JAXA (or, before 2003, the National Space Development Agency (NASDA) and the Institute of Space and Aeronautical Science (ISAS)) has been conducting launch activities, so there has been no need to have a domestic space law other than the law to govern the activities performed by JAXA.

Taking into account the current situation concerning commercial space activities in Japan, laws are to be developed based on the results of an examination of the legislation related to space activities, pursuant to article 35 of the Basic Space Law.

Concerning question 4, Japan can only explain the present legal system relevant to the exploration and use of space based on personal jurisdiction in relation to launching activities.

Only the activities of JAXA are currently governed by the JAXA Law. Within and outside Japanese territory, JAXA activities have to be conducted under the authorization and continuous supervision of the competent ministries. The exploration and use of outer space by JAXA from outside Japanese territory have in most cases, also been covered by international instruments such as conventions, legally non-binding agreements and memorandums of understanding. Because JAXA is responsible for assuring safety in all phases of any consigned launch from Japan, any launching activities procured by a foreign country or a Japanese or foreign private company are considered to be governed by the JAXA Law.

Concerning question 5, the relevant ministries cooperate in the establishment and maintenance of the space object registry, and the Ministry of Foreign Affairs of Japan furnishes to the Secretary-General the information required under the Registration Convention.

The Ministry of Education, Culture, Sports, Science and Technology and the Ministry of Internal Affairs and Communications are responsible for the authorization and continuous supervision of the space activities conducted by JAXA pursuant to the JAXA Law.

Concerning question 6, pursuant to article 18.2 of the JAXA Law, JAXA, in carrying out the launching activities, follows the standard guidelines for launching activities established by JAXA with authorization from the competent ministers. According to the standard guidelines, when JAXA launches satellites using its launch vehicle, the launch plan has to be reviewed and approved by the Space Activities Commission of the Ministry of Education, Culture, Sports, Science and

Technology in order to ensure the safety of persons and property, mainly of third parties. As for space debris mitigation, JAXA itself assesses launch vehicles and satellites in accordance with its guidelines.

Concerning question 7, in its articles 21 and 22, the JAXA Law provides for compulsory insurance and special arrangements for liability to cover any damages to third parties caused by launching activities carried out by JAXA.

Concerning question 8, article 24 of the JAXA Law has a special provision enabling the competent ministers to request JAXA to take the necessary actions to ensure that the space-related treaties are implemented properly.

Serbia

[Original: English]
[17 November 2009]

The Government of Serbia wishes to submit the following replies to the questions:

1. The Plan for radio air bands determines the range of frequencies that can be used for satellite radio communications;
2. No reply;
3. Satellite radio communications;
4. Does not have;
5. The Ministry for Telecommunications and Information Society and the Republic Telecommunication Agency;
6. Authorization for the operation of satellite radio stations is issued by the Republic Telecommunication Agency. The requirements to be fulfilled are defined by the rule book of the Agency;
7. Yes;
8. The Republic Telecommunication Agency is in charge of supervision, control and sanctions.

Thailand

[Original: English]
[11 November 2009]

In order to respond to the rapid developments in space technologies and their applications, the Government of Thailand has recently passed a regulation of the Prime Minister's office (B.E. 2552 (2009)) on the management of space activities.

Under this regulation, aimed at giving direction to and fostering Thai national space policy, a committee on national space policy is appointed to study, prepare and promote the development of the nation's space applications.

Thailand has also promoted the peaceful uses of outer space and the registration of space objects by passing a Ministry of Defence regulation on the requirement of permission for armaments and a royal decree on arms export control in 2008 and 2009 respectively. Those laws prohibit the import, manufacture, possession and export of military satellites but allow satellites for educational, research or commercial purposes that are registered with the Office for Outer Space Affairs. The laws fully reflect Thailand's objective of conforming with international laws and standards.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[18 December 2009]

The Outer Space Act 1986 (OSA) is the legal basis for the regulation of activities in outer space carried out by organizations or individuals established in the United Kingdom or in one of its overseas territories or crown dependencies.

The Act confers licensing and other powers on the Secretary of State for Innovation, Universities and Skills (BIS) acting through the British National Space Centre (BNSC). The Act seeks to ensure compliance with the obligations of the United Kingdom under international treaties and principles covering the use of outer space, including liability for damage caused by space objects, the registration of objects launched into outer space and the principles for the remote sensing of the Earth.

BIS, through its role in the BNSC Partnership, administers the OSA licensing activities. Since 1986, the OSA has been amended a number of times through orders in council to extend its powers to crown dependencies and overseas territories or to amend the fees.

United Kingdom nationals and companies intending to launch or procure the launch of a space object, operate a space object or carry on any other activity in outer space are obliged to make themselves familiar with the provisions of the Act and, unless acting as employee or agent of another, apply for a licence at least six months in advance of carrying on the licensable activity. Information for applicants, including notes to help complete the form, are found on the BNSC site (<http://www.bnsc.gov.uk/OSA+Licensing/11936.aspx>). The Government of the United Kingdom allows its registries of space objects to be inspected by the public. A review of the United Kingdom's Outer Space Act is currently under way to ensure that it is fit for purpose to address the array of exciting and challenging space market opportunities that will develop in the coming years.
