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English only

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**Committee on the Peaceful  
Uses of Outer Space**  
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## **Matters relating to the definition and delimitation of outer space: replies of Greece**

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**Matters relating to the definition and delimitation of outer space and the character and utilization of geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union:**

(a) With regard to the delimitation of outer space, and given the current level of space and aeronautics activities in Greece, there is not yet national legislation defining or delimiting outer space.

(b) While COPUOS has discussed the issue of definition and delimitation of outer space, no such delimitation has been established to date. Given the interdependence of the issue with new technologies being developed in States, for instance in the area of suborbital flights, it is indispensable that this delimitation takes into account the existing international aeronautical regulations of ICAO. For instance, to the extent that a suborbital flight (of any kind) takes place in the airspace, the suborbital vehicle in question should, for that part of its journey, be submitted to the applicable air traffic rules (national rules or FIR rules), in order to ensure a safe, regular and efficient air transport (art. 44(d) of the Chicago Convention).

Space operations and the regulation of space activities is of primordial interest to Greece which, together with being party to the existing space treaties, is a State Member to the European Space Agency (ESA), regulating and unifying space regulation in the European Union.

In this respect, Greece submits the following remarks and proposals regarding the need to define and delimit outer space: There are two prevailing views among experts; a spatial and a factual approach. However, not only the differentiated capacity among States to exercise their sovereignty in any part of space, but also the prohibition of national appropriation by claim of sovereignty or by means of use or occupation as confirmed by Article II of the Outer Space Treaty (1967), would undeniably pose critical problems in a possible adoption of a spatial theory. Additionally, should the boundary be based in relation to anti-satellite tests or the activities of certain States to remove and destroy own satellites, it would be at least



at an altitude equal to that of satellite orbits. This solution would not serve as a clear boundary between airspace and outer space.

In contrast, it is recommendable to promote a functional approach, given the current and foreseeable technological state. According to this theory, space is to be considered outer space at any distance from the surface of the Earth as long as it may be used by space objects, i.e. capable of performing space flight. Namely, the different nature of space activities, and the fact that there is no connection with the underlying territory, implies that these activities shall, wherever conducted, be exclusively subject to the sovereignty of the launching States. Therefore, the legal regime of outer space should be determined based on the capacity of space launches or orbits of space devices, at their lowest perigee.

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