

Economic aspects of national space legislation

“Space Law for the Global Space Economy”

Prof. Jairo Becerra
Director – Centro de Investigaciones Sociojurídicas (CISJUC)
Universidad Católica de Colombia
jabecerrao@ucatolica.edu.co

UNITED NATIONS - Office For Outer Space Affairs (OOSA)
IISL/ECSL Space Law Symposium.
8 June 2021



Development – United States view

- National Aeronautics and Space Act of 1958 (Unamended)

International Cooperation: “Sec. 205. The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation (...)”

Access to information: “Sec. 303. Information obtained or developed by the Administrator in the performance of his functions under the Act shall be made available for public inspection (...)”

Intellectual property rights: “Sec. 305.(a) (...) such invention shall be the exclusive property of the United States, and if such invention is patentable a patent therefor shall be issued to the United States upon application made by the Administrator (...)”

(NASA)





- **Commercial Space Launch Act of 1984**

United States federal law authored to facilitate the private enterprise of the commercialization of space and space technology. The Act of Congress set forth the quest to acquire innovative equipment and services offered by entrepreneurial ventures from the information technology services, remote sensing technology, and telecommunications industries. The Act recognized the United States private sector as having the capability to develop commercial launch vehicles, orbital satellites, and operate private launch sites and services.
(gov track)

- **Land Remote-Sensing Policy Act of 1994**

The Law repealed the Land Remote-Sensing Commercialization Act (1984), as transfer to the private sector of the U.S. government-owned Landsat proved problematic.

The new law gave the Department of Commerce the power to license and regulate a U.S. commercial remote-sensing industry and to outsource the development of new Landsat components to the private sector.
(space foundation)

New reality – New laws

- U.S. Commercial Space Launch Competitiveness Act of 2015

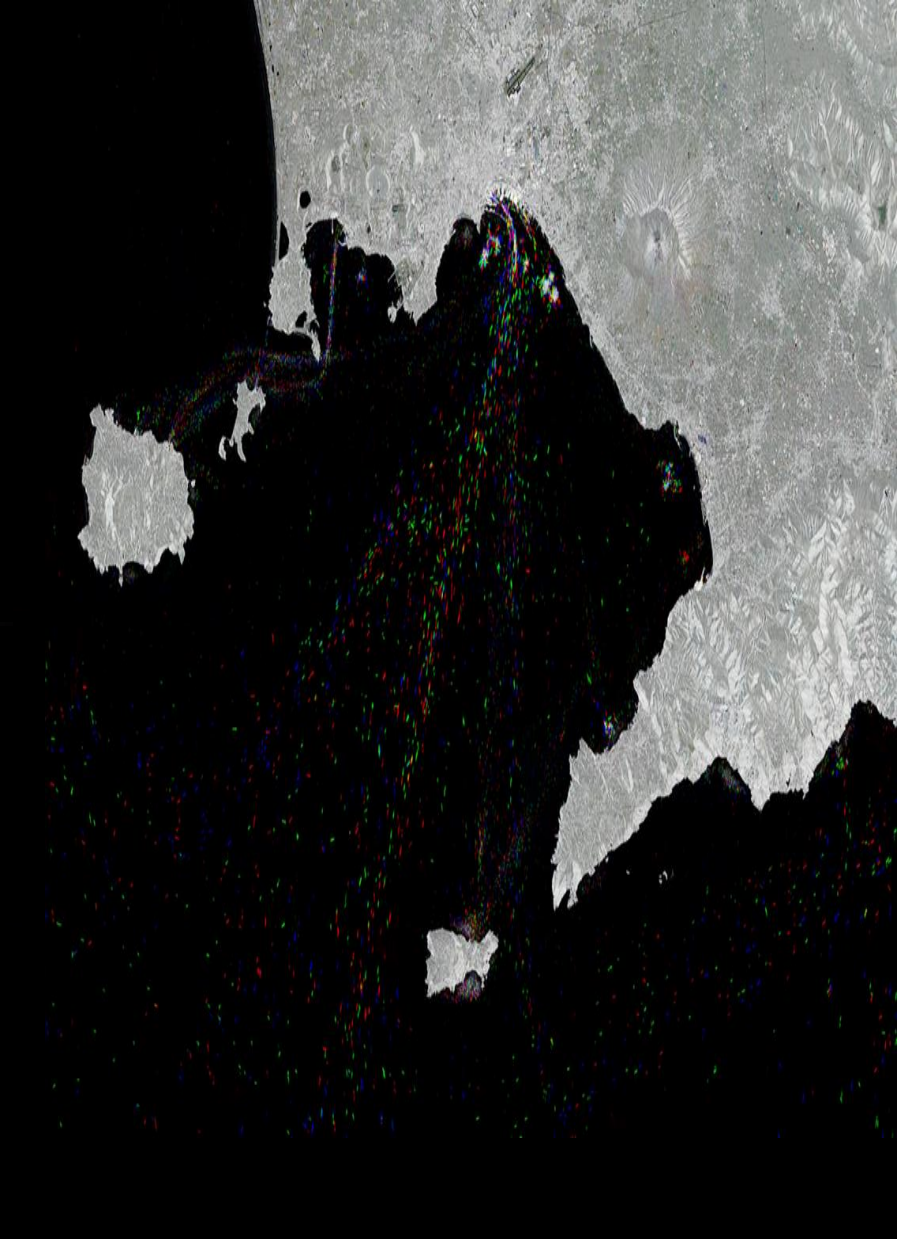
Launch license flexibility, operation and utilization of the ISS, encourage commercial spaceflight
(Congress Gov)

- The Union Space Programme and the European Union Agency for the Space Programme of 2021

“(...) The Union’s space industry is already one of the most competitive in the world. However, the emergence of new players and the development of new technologies are revolutionising traditional industrial models.”

“(...) maximize the socio-economic benefits, in particular by fostering the development of innovative and competitive European upstream and downstream sectors, including SMEs and start-ups, thereby enabling growth and job creation in the Union and promoting the widest possible uptake and use of the data, information and services provided by the Program's components both within and outside the Union.”

(Regulation (EU) 2021/696)



It is not enough for emerging space countries

- Space policy strategy

Governments change, the policy with them

It don't have the force of law

- Space agency act

It don't cover all space sector aspects

(International Space Law, Intellectual Property Rights, Private Sector)

- Data legal framework

Freedom of access, distribution, cybersecurity

The way - National Space Activities Act

Economic aspects

- International space law
- Legal framework of private activities
- Use of space data
- Remote Sensing applications
- Intellectual Property Rights
- Economic incentives (start-ups)
- Space security in the private activities
- National space activities liability
- Commercial launches - licenses
- Tax regime



Conclusions

- The national space activities act allows clear rules for private sector - *NewSpace*
- A development strategy that transcends governments is required - The law is the answer
- Legal frameworks prevent the disorderly development of the sector, avoid non-compliance with international obligations and protect the principles of international space law
- Other countries have Laws on space activities (USA, Luxembourg, Australia)

Does your country have one?



Thank you!

jabecerrao@ucatolica.edu.co

Images by: ESA, NASA



UNIVERSIDAD **CATÓLICA**
de Colombia
Vigilada Mineducación



Calidad
¡La construimos todos!

