

# Authorization of small satellites

ITU Symposium & Workshop on small satellite regulation  
and communication systems

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# Why authorization?

- Space activities governed by set of treaties
  - <http://www.unoosa.org/oosa/en/SpaceLaw/treaties.html>
- Initially: 100% state-oriented character
- With on-going privatization, link needed between private entities & states' treaty obligations
- 1967 Outer Space Treaty: authorization & continuous supervision by the appropriate state (Article VI)
- Often implemented by a national law

# UN work on national space law

- 2009-2013: Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space
- Set of 8 recommendations proposed for consideration by UN GA
  - Resolution adopted 11 Dec. 2013
  - A/RES/68/74

# Useful sources

- Schematic overview:  
[http://www.oosa.unvienna.org/pdf/limited/c2/AC105\\_C2\\_2013\\_CRP07E.pdf](http://www.oosa.unvienna.org/pdf/limited/c2/AC105_C2_2013_CRP07E.pdf)
- Database:  
<http://www.oosa.unvienna.org/oosa/en/SpaceLaw/national/state-index.html>
- Not always up to date, depends on states submitting info, translations etc.

# Authorization of whom?

- Activities by 'non-governmental entities'
  - Private companies
  - Universities
  - Individuals
- The state is responsible for their behavior

# Authorization of what?

- ‘National activities in outer space’ must be authorized/supervised
  - National activities: e.g. on their territory, by their citizens anywhere
  - In outer space: e.g. launching, operating and tracking (small) satellites
- The state decides

# Authorization by whom?

- ‘Appropriate State’
  - Nationality of the entity/person
  - Place of incorporation, headquarters
  - State that exercises jurisdiction/control
  - So it is possible that several licenses are needed!
- Delegated to e.g. Ministry of economic affairs, science, technology, agency,...
- The state decides

# Supervision

- Authorization is not all...
- Continuous supervision required by treaty
- Depending on whether a generic or specific license is issued, supervision will be more or less relevant
  - Generic license: regular supervision required
  - License per activity (e.g. launch): supervision less relevant



# What will usually be checked?

- Safety (tech docs to be provided)
- Financial health (e.g. annual reports)
- Compliance with debris mitigation /environmental standards
- Effect on national security/foreign policy
  
- Often a separate procedure for frequency filings, success may be condition for license
  
- Not exhaustive; varies according to needs/customs/policies

# What will be specified?

- Liability conditions (insurance, cap, recourse)
- Registration parameters to be provided
- Audit procedures/processes
- Fees, timing
- Conditions for transfer, change of status, revocation, penalties
  
- Not exhaustive; varies according to needs/customs/policies

# How to apply?

- Check which ministry/agency is in charge
  - Speak with them well in advance!
  - Some states provide clear guidance, others have less experience in implementing their duties under the treaty
- Assemble documentation to be provided
  - N.B. export control issues!
- Submit application
- Go through audits
- Obtain license

# Small satellites & Netherlands

- Small satellites were excluded from national legislation, no license obligation, as a consequence of definition of ‘space activity’ (‘launch, flight operation or guidance of space objects in outer space’)
  - ‘different’ interpretation of ‘national activities in outer space’?

# Situation corrected

- Administrative measure adopted Jan.'15
- 'unguided' satellites will fall in scope of Act per 1 July 2015
- Aim: encourage innovation, interaction education-industry, boost international position of NL in this field
- Risk not considered smaller, so similar conditions should apply
- Insurance: mention of \$20M coverage @ \$20K in explanatory note

# Conclusions

- Small satellites are space objects like any other, and must be authorized, supervised to comply with states' treaty obligations
- Small satellite operators should review legal issues & obligations on time, speak with their ministries in charge
- States should create awareness /build capacity on regulations in the small satellites community

# Thank you

[www.iasl.aero](http://www.iasl.aero)

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