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SOME ASPECTS OF SPACE ACTIVITY LEGAL REGULATION IN MODERN CONDITIONS

Current reality dictates the specificity of space activity regulation. Space tourism, space economy, and other space-related activities are not a novelty today. Due to the growing interest in the productive use of space and the formation of a space services market, the state and private organizations are interested in finding the most cost-effective solutions to achieve their goals, which range from space exploration and space objects to the launch of satellites. Since this activity is a subject of space legal relations, it is governed by the relevant documents.

The existing body of international space law prompts state parties to enact national space legislation in order to cope with their obligations under these space law treaties and to organise their (non-)governmental space activities. Another reason for the adoption of national space legislation is the increasing participation of private actors in the commercialising space sector. Due to the increasing adoption of (diverging) national space laws, the possibility for regulatory competition arises [1].

The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies of 1967, as the foundation of modern space law, contains the following provisions: 1). Space activities are for the benefit of all nations, and any country is free to explore orbit and beyond; 2). There is no claim for sovereignty in space; no nation can “own” space, the Moon or any other body; 3). Weapons of mass destruction are forbidden in orbit and beyond, and the Moon, the planets, and other celestial bodies can only be used for peaceful purposes; 4). Any astronaut from any nation is an “envoy of mankind,” and signatory states must provide all possible help to astronauts when needed, including emergency landing in a foreign country or at sea; 5). Signatory states are each responsible for their space activities, including private commercial endeavors, and must provide authorization and continuing supervision; 6). Nations are responsible for damage caused by their space objects and must avoid contaminating space and celestial bodies [2].

A number of new developments in the space industry are growing at a rapid pace, contributing to what some have called the “new space economy”. These include commercial launches of satellites to LEO to improve communications

and communication; commercial exploration of deep space with missions to deliver supplies and people to the Moon and other planets and to explore the possibility of creating products and settlements on these celestial bodies; commercial development of near-Earth asteroids to obtain rare minerals, metals and water that can be used as a source of ready fuel in space for the next generation of spacecraft and satellites; commercial tracking and monitoring of space trash to prevent crashes with satellites and spacecraft, and management of space trash when it falls back to Earth; commercial space tourism and other space adventure programmes; commercial research and development of spacecraft, equipment, systems and propulsion related to space exploration. According to Morgan Stanley estimates, the space economy will triple in 20 years, growing from \$350 billion (in 2016) to more than \$1 trillion by 2040. The main factor of such growth is demand for the Internet and satellite services, ground equipment and public sector interest in the industry [3].

Ukraine also does not stand aside from the legal regulation of space activities. On 30 March 2011, the Cabinet of Ministers of Ukraine approved the Concept of Implementation of the State Policy in the Sphere of Space Activities for the Period up to 2032, which defines the 20-year space strategy of Ukraine, by its Order No. 238. The State Space Agency of Ukraine has developed an indicative Action Plan for the implementation of the Concept of State Policy in the Sphere of Space Activities for the period up to 2032, which was approved by the Order of the Cabinet of Ministers of Ukraine No. 48 dated 25 January 2012 [4].

At the same time, Semenyaka V. reasonably concludes that the study of the formation and development of the licensing procedure for the implementation of space activities in Ukraine testified to the existence of an integrated system and tools of state supervision (control) of national space activities. 2. At the present stage of the development of national space activities, the abolition of its licensing is balanced and legally justified, since the licensing procedure for space activities does not contribute to the creation of attractive economic and legal conditions for the development of activities in the field of research and use of outer space. It is obvious that the legal Institute for licensing space activities actually restricts access to the market of space services and technologies, since the possibility of launching space activities is procedurally complicated. Extremely complex administrative and legal procedures for the acquisition of the right to carry out space activities limit, first of all, the desire of business entities to deal with this risk. 3. Legislative initiatives to renew the licensing of space activities do not comply with the basic principles of expediency and adequacy of the state regulatory policy defined by the Law of Ukraine "On the basis of the state regulatory policy in the sphere of economic activity". The introduction of the licensing and licensing procedure for space activities will not contribute to the creation of attractive economic and legal conditions for the

development of national space activities, but will lead to excessive regulatory influence of the state on this sphere of management [5, p. 118].

Consequently, it can be concluded that in modern times Ukraine also has great prospects for developing the space industry and exploring the space economy. Unfortunately, the war in Ukraine is an obstacle to the development of many industries, including space one, but we hope that soon there will be a real possibility for the development of the national space industry and national space law regulation improvement as well.

Literature

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