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CONSEQUENCES OF THE FRENCH SPACE LAW ON SPACE OPERATIONS ON CNES' MISSION  
AS A SPACE AGENCY: THE CONFLICT OF INTEREST ISSUE

**Abstract**

This publication provides a presentation of the main consequence of the new French Space Operations Act (FSOA) adopted in June 2008 on CNES's missions as a space agency in its development programs and research activities. It focuses on potential conflict of interests resulting from new SOA CNES's technical missions in authorizing and controlling private operator's activities on behalf of its Government as regard to its possible commitments with such private companies by contracts, partnerships or any other technical assistance or support in the framework of its traditional mission of space agency. This issue of potential conflict of interest is not new for CNES, given the fact that its staff and investments has always been mainly founded by the public budget, this agency is required to avoid any unfair competition in contracting with private sector. However the authority granted by FSOA toward private operator's activities has strengthened the issue of potential conflict.

Consequently, a large survey has been made in 2009 by CNES over the whole of its business with FSOA's potentially subjected private operators, in order to assess any conflict risks and to propose remedies as the case may be. The following activities have been listed in such study: in orbit satellite maneuver for ATV, Galileo or on behalf of any private operators, access to CNES's testing facilities, quality assurance support for Arianespace, Satellite preparation facilities in Guiana Space Center (GSC), physical laboratory measures, participation in Arianespace Company Stock...

This appraisal has contributed to identify a set of "acceptance (or no) criteria" for such activities, mainly on the basis of the French public service theory in accordance with the European law. Accordingly, this paper synthesizes solutions and remedies to avoid any conflict interest as to ensure legal compatibility among CNES' various missions, as a fully competent Space Agency and pursuant its FSOA's duties.