

SYMPOSIUM ON COMMERCIAL SPACEFLIGHT SAFETY ISSUES (D6)  
Commercial Space Flight Safety and Emerging Issues (1)

Author: Mr. Maxime Puteaux

Institut du Droit de l'Espace et des Telecommunications (IDEST), France, maximeputeaux@gmail.com

Ms. Amalia Dimopoulou

France, amalia.dimop@gmail.com

Mr. Nicolas Vallot

Institut du Droit de l'Espace et des Telecommunications (IDEST), France, nicolas.vallot@hotmail.fr

Mr. Sebastien Drion

Institut du Droit de l'Espace et des Telecommunications (IDEST), France, sebastien.drion@hotmail.fr

SUBORBITAL FLIGHTS SOARING. FROM EXPERIMENTAL TO OPERATIONAL :  
IMPLEMENTATION OF REGULATIONS AND PROMOTION OF SPACE TOURISM AND OTHER  
SUBORBITAL ACTIVITIES

**Abstract**

This paper addresses the need of a domestic regulation for operational commercial suborbital activities and how legal tools can support the development of a wide suborbital market

Eight years ago, following XPrize's enthusiasm the US Congress enacted an Act regulating suborbital tests. Today, after evaluating the relations between initially expected and finally obtained results, it is clear that suborbital private activities advanced slower than expected whereas a wider market of suborbital activities arose. Taking under consideration that few companies intend to be operational in the next two years, it is the writers' opinion that suborbital experimental regime needs to be further adapted.

Given that law is, apart from a control mechanism, a tool supporting economic development which directly influences directly the economy, this essay shall propose a regime based on combining protection of the user of the service and/or third parties with financial encouragement of the provider of the service. In this direction, it shall provide a complete review of the suborbital legal regime in terms of authorization of the activity, competent authorities to provide licensing, liability issues along with promotion of the activity.

Initiating the research the crucial question that arose was the legal qualification of sub-orbital flights. Taking into consideration the various approaches and the associated criteria, this paper shall propose the adoption of safe, practical and efficient legal regime corresponding to the nature of these activities.

Further on, identification of the competent national and international authorities to deal with adequate licensing of diversified sub-orbital vehicles as well as various provided services will be treated. Also, there shall be a discussion concerning the scope of such competences, namely negotiation and adoption of regulations.

As far as liability issues are concerned, the object of the essay is to bridge the gap between the financial interests of the operator and protection of the user. Aiming to sufficient protection of the parties involved, the writers' interest lies to prior security control as well to information of the participants for the risks undertaken.

Finally, the paper shall embrace an economic approach of the proposed regime in order to support market development. Such an approach will be based on reduction of the expenses and the risks for licensee as well as increase of the subsidies and the public procurement.