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THE IMPACT OF NATIONAL SPACE LEGISLATION ON PRIVATE SPACE UNDERTAKINGS: A
REGULATORY COMPETITION BETWEEN STATES

Abstract

With the growing trend of privatisation and commercialisation of space activities, states deemed the adoption of national space legislation the most suitable way to regulate and control private space initiatives in order to ensure compliance with international space law principles. Several states have thus far enacted national space legislation. The scope and content of these laws tend to differ, affecting private companies in various states in distinct ways. Recognising the growing importance of private space activities for states, it should not surprise that governments wish to attract private firms to their territories for several reasons, amounting to a regulatory competition between states. The idea of regulatory competition is talked about in order to be able to identify indicators of regulatory competition in national space legislation. Afterwards, this research compares in particular the national space laws of Australia, France, the United Kingdom (including the Isle of Man), and the United States, as to ascertain in which ways these states encourage companies to base themselves within their borders. Having considered the national space laws, an analysis is provided regarding which form of national regulation is to be preferred. The issue of the legality of regulatory competition is also touched upon when assessing whether there is room for it in the framework of the European Union.