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Author: Dr. Andreas Loukakis
University of Luxembourg, Luxembourg

Ms. Simona Spassova
University of Luxembourg, Luxembourg

PUBLIC SYSTEM OF OWNERSHIP FOR GALILEO SATELLITES: ISSUES OF RESPONSIBILITY,
LIABILITY AND REGISTRATION

Abstract

According to Article 6 of (EU) Regulation 1285/2013, the EU is expected to be the owner of the technical infrastructure associated with the advent of Galileo, the EU's initiative in the field of satellite navigation. Whereas a system of public ownership for EU's navigational programs would entail various advantages (i.e. development at regional rather than national level ensuring independence from the US GPS), this could also lead to legal problems and uncertainties, especially with regard to registration and liability issues connected to the use of this technical infrastructure, for instance, damage caused by the use of the Galileo satellites. Notably, the EU is not a party of the most fundamental UN space law treaties. According to these treaties, only the launching states can register space objects (i.e. satellites), and only they are liable for damages caused by the satellites. Given that the EU is not a party of the aforementioned treaties, various questions must be asked from a legal perspective. In particular: How the system of public ownership of the Galileo infrastructure can affect registration and liability issues connected to the use of the Galileo satellites? Who is expected to register those satellites? Furthermore, once damage is suffered by the Galileo satellites, under which legal basis a claim can be asserted against the EU? Can the EU as owner of the technical infrastructure register or to be held liable from the use of these satellites under the international space law framework? Or alternatively, other legal bases from general international law or national -mainly domestic tort- law should be used towards the EU? Finally, after the Lisbon era, can one argue that the EU could possibly accede the most pertaining space law treaties based upon current EU primary law provisions? And if so, could this solution give sufficient results and legal certainty for the space activities conducted by the EU? This paper -poster presentation- aims at delving into the examination of the aforementioned questions. The foregoing questions will be examined both from a *de lege lata* and a *de lege ferenda* perspective.