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INNOVATIVE PARTNERSHIPS: A LEGAL-ECONOMIC ANALYSIS

Abstract

Until a few years ago, most space activities were financed and managed exclusively by the governments of a few countries. Today the situation is very different. The number of countries active in the space sector has doubled in the last decade and there has been a steady increase in private investment in many areas of the space sector. A third evolution characterises the last period: new forms of collaboration, innovative partnerships between government agencies and the private sector. This new distribution of responsibilities between the public sector and industry has mutual benefits. The public sector aims to facilitate private investment in the public interest and entrepreneurs see a massive opportunity to make money: by 2025, the space economy will be between *5trillionand*10 trillion or equivalent to the gross domestic product of an entire continent. In this article we analyse and compare two of the legal instruments and economic models used to implement this innovative partnership. These two models are used respectively in the United States and Italy, in particular the NASA Space Act Agreements (SAA) and the Italian model of publicprivate participation (PPP). The NASA Space Act Agreements for Collaborations for Commercial Space Capabilities is designed to promote the advancement of space-related business activities. Under these agreements, NASA undertakes to provide goods, services or facilities that the Agency is not using to the full. By facilitating access to spaceflight resources, including technical expertise, NASA aims to facilitate the development of integrated space capabilities and to promote private investment in the sector. Some of the main features that distinguish the Italian PPP are the relatively long duration of the partnership, the predominantly private financing arrangements, the strategic role of the private sector and relevant at each stage of the project, and the distribution of business risk between public and private entities. The public partner focuses, mainly on the definition of the objectives to be achieved in terms of public interest, on the quality of the services offered. By examining these two different models, common and different characteristics are clarified.