

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

IISL Young Scholars session and Dr. Jasentuliyana Keynote lecture by a leading space law expert (1)

Author: Mr. Di (Vito) Mei

Institute of Air and Space Law, McGill University, Canada, di.mei@mail.mcgill.ca

FORESEEING THE REGULATION OF SPACE INFRASTRUCTURE CHARGES: FOUR BASIC PRINCIPLES AS A LESSON FROM THE AIRPORT SECTOR

Abstract

Foreseeing the Regulation of Space Infrastructure Charges: A Lesson from the Airport Sector and Four Basic Principles As space activities become increasingly hospitable to the public, particularly to commercial and private actors, the regulation of space infrastructure charges sees growing importance. NASA, for example, has already publicized its pricing policy for commercial and marketing space activities. However, space infrastructure has a monopolistic feature, implying a real risk that infrastructure operators may abuse their “market power”. Alternatively speaking, if infrastructure operators set unreasonably high or discriminatory charges to users, fair space competition will be frustrated. Proactive discussions about how to regulate the charges generated from using space infrastructure towards its users in a commercial context fight against a regulatory void.

The regulatory experience in the field of airport charges is valuable to a similar discussion regarding space infrastructure. Thus, the study aims at providing a possible solution to regulate the space infrastructure charges by looking at what policy-makers have done to regulate user charges at airports, a vital part of aviation infrastructure. Both fields parallel in many ways; for example, both fields have a monopolistic feature and they overlap in the navigation satellite system.

In specific, this study approaches in three parts. Firstly, it examines four basic principles crystallized from the policies of the International Civil Aviation Organization, namely cost-relatedness, transparency, non-discrimination and cost-relatedness. Their fitness in space infrastructure regulation will then be examined to see if revision is required when these principles are adopted in the sector in question. Secondly, it discusses whether current outer space treaties provide hard-law backbones to these principles. Finally, this study will briefly suggest possible ways to implement these principles in any part of the regulatory regime.