

IAF BUSINESS INNOVATION SYMPOSIUM (E6)
Entrepreneurship Around the World (5-GTS.1)

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THE SHAPE OF THINGS TO LAUNCH: THE CASE FOR A SPANISH NATIONAL SPACE
LEGISLATION AND BETTER ACCESS TO SPACE**Abstract**

The increasing number of spacefaring nations and the growth of the space economy trigger heterogeneous national space legislation and competition dynamics destabilizing the homogenous status quo under the international space law negotiated during the Cold War. The context has changed given the crucial role played by private stakeholders in the commercialization of space. However, the *lex spatialis* does not clearly address issues surrounding private activities in outer space. This explains the rise of several national space legislation cases which do not explicitly contradict international space law but reinterpret it to incentivize the space economy by creating customary law and competitive edges (forum shopping) despite political turmoil. The space market is being transformed, by inter alia democratization, technological miniaturization, LEO-based services, mega-constellations, etc. Hence the need for better access to space and the vital role of micro-launchers. The fierce yet trumped international competition stemming from IP, subsidies, protectionism, dumping and lawfare shatters old monopolies and creates new ones. Given the recent ESA Ministerial Council's record budget to catch up, Spain should seize the opportunity to position itself strategically with regards to micro-launchers and build a comprehensive space legislation to emerge as a leader in Europe and worldwide by actively involving the private sector. The Congreso del Espacio illustrated on the one hand, the potential of Spain, while on the other hand, law was not on the agenda. This is why, combined with industrial incumbents, representatives from the public sector, and academic actors such as the Instituto Iberoamericano de Derecho Aeronáutico y del Espacio, the new entrants must step ahead and lead by means of legal innovation to fill the void with tools such as the Sofia Model for securing better access to space.

Keywords: Space, legislation, micro-launchers, mega-constellations, commercialisation