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Author: Prof. Andrea Fellipe Cabello
University of Brasilia, Brazil

Mrs. LUCIA HELENA FREITAS
Brazilian Space Agency (AEB), Brazil
Ms. Michele Cristina Silva Melo
Brazilian Space Agency (AEB), Brazil

IS THERE ROOM TO REGULATE THE SPACE SECTOR IN BRAZIL?

Abstract

With the increasing participation of the private sector in the provision of services until then carried out by the public sector, discussions about the role of the State in the economy are in order. These analyzes of state intervention in markets are not recent. Faced with recent market changes, entry and rise of some industries, the State exercises the function of regulating the performance of economic agents through rules and norms, making market relations more transparent and, at the same time, guaranteeing accountability by society. In Brazil, the regulatory experience stands out in the late 1990s with the beginning of privatization of public services in the electricity, oil and gas, and telecommunications sectors, when the first regulatory agencies were created. Considering the Brazilian space sector, there has been a strong presence of the State since its creation in the 1960s, acting not only as the main actor responsible for defining space policy, but also as the main investor and financier of most projects in the sector. In the last 20 years, there has been a worldwide growth in the participation of the private sector in a scenario of strong competition, an initiative marked in Brazil by the beginning of the commercialization of the Alcântara Space Center (CEA) and, with that, the emergence of new actors. In this new scenario, there is a need for clear rules and social controls. The Brazilian Space Agency (AEB) is the governing body, today, responsible for coordinating and executing the Brazilian space policy, and at the same time also responsible for the elaboration of space regulations for the commercial use of CEA. The AEB was not created to be a regulatory agency, although it currently carries out some activities that could typically be framed as a regulatory agency, along the lines of the Federal Aviation Administration (FAA). On the other hand, the AEB does not have the strength (soft power) and legal provision to carry out economic regulation activities, which creates a gap in specific legislation in the Brazilian space sector, impacting the construction of a safe, modern and attractive environment for the Brazilian space industry and also for possible international investors. Thus, the goal of this article is to analyze the Brazilian space sector demonstrating the advantages of changing the legal regime of the AEB, also making it a regulatory agency, changing its legal provisions and offering new ways to foster the creation of a more regulatory and economic framework. conducive to commercial space activities.