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SPACE REGULATIONS AS INSTRUMENTS OF COMPETITIVENESS OF LAUNCH COUNTRIES

Abstract

In recent years, there has been an expansion of the private sector in the economic exploitation of the space sector, such as the communications market, the expansion of interest in the extraction of resources from celestial bodies, and, more recently, space tourism. UNOOSA defines that a space law can be understood as a set of laws that govern activities related to space and, therefore, the commercialization of space activities requires the existence of rules and procedures that seek to guarantee security and market competition. Several countries have already developed their rules and regulations for space activities, such as Luxembourg, Finland, and the United States of America. In Brazil, due to the beginning of the commercial use of Brazilian space centers, mainly the Alcântara Space Center (CEA), the need to update specific regulations for this new commercial scenario was noticed. Therefore, the basis for updating these regulations was the United States of America's rules, since commercial space activities, mainly in the launch vehicle segment, are concentrated in that country. Thus, in 2021, the AEB published several regulations and guidelines for the performance of private companies in the launch area. Brazil, despite having entered the space sector a long time ago, until then, the country had not yet adopted its regulations to the new space movements. As a result, the Brazilian Space Regulations, Part 1 (Operator License) and Part 2 (Launch Authorization) were published on August 31st, 2021, and refer to part 450 of the FAA 14 CFR (Launch and Reentry License Requirement) standard of the Federal Aviation Administration (FAA). The American Federal organization pattern was adapted to the Brazilian reality to update and standardize existing documents in Brazil. This standardization allows for faster responses in checking documents to be submitted by companies interested in carrying out commercial space launches in Brazilian territory and also, in the future, it will allow an exchange of licenses between companies that operate in different launch centers. Such standardization also becomes a commercial asset in an increasingly competitive market, with the creation of new launch centers around the globe. Thus, this article seeks to present an analysis of the main international regulations, using the American standard by FAA as a basis for updating Brazilian rules and to discuss that standards in regulations in the area of space vehicle launches are necessary to guarantee not only safety but also can be configured as an instrument to attract companies.