

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Supervision of Space Activities (5)

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BEST PRACTICES AND LESSONS LEARNED FROM EUROPEAN SPACE-FARING NATIONS IN
THE DEVELOPMENT OF A REGULATORY FRAMEWORK FOR ACTIVITIES IN OUTER SPACE
IN SPAIN

Abstract

The creation of a national space agency in Spain has been anticipated for years. The country has heavily invested in building the European and international space sector, both as a founding member of the European Space Agency and as signatory to many of the key international mechanisms issued by the U.N. that seek to advance the safe and sustainable development of activities in outer space. By centralizing all national activities related to this medium under a structured, multidisciplinary establishment, directly supervised by the government, a national space agency would constitute a clear step forward in the development of the national space sector, both for commercial and noncommercial use, and would reinforce the presence of Spain among other global space-faring nations. As part of its fundamental tasks, and under the provisions of key treaties, resolutions and other international legal and political instruments, the newly established Spanish Space Agency should seek to develop the necessary national regulatory framework that will ensure compliance with binding mechanisms and guarantee responsible behavior in outer space. These provisions provide clear indications that the development of a national space law is a critical aspect of the safe and sustainable development in this medium. This paper provides an analysis of the existing regulatory framework in other space-faring nations in Europe in an attempt to provide recommendations on the best practices and useful approaches that could be applied in the context of its development in Spain. Successful regulatory frameworks in other countries provide valuable insights and lessons learned that lead to successful space programs. From the study, the paper recommends first developing an overarching instrument that establishes the basis, definitions and basic rules for responsible behavior in outer space. This document should then be complemented by several other pieces of legislation that address specific areas of reinforcement and address critical issues. These complementary pieces are divided into five fundamental axes: environment, defense, economy, services/operations, and science/research. In conclusion, developing a comprehensive and coherent national regulatory framework for activities in outer space is a crucial part of Spain's contribution to the responsible use of outer space and paves the way for a strong space program. The paper provides valuable insights and recommendations that, although focused on the Spanish case, can be used by other nations with a growing national space sector to guide the implementation of a space law that ensures the long-term use of outer space.