

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Recent Developments in Space Law with Particular Focus on Space Debris Remediation (7)

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UPDATING THE FRENCH LEGAL AND REGULATORY FRAMEWORK FOR SPACE ACTIVITIES
TO MAKE SPACE OPERATIONS MORE SUSTAINABLE – A FOCUS ON FRAMING SATELLITES
CONSTELLATIONS.

Abstract

France has adopted its national space Law, the French Space Operations Act (FSOA), in 2008. The three main objectives of this law are to 1/ ensure the implementation by France of its international commitments according to the UN Treaties on space law, 2/ ensure safety for persons, goods and environment during space operations and 3/ ensure the long term sustainability of activities in outer space. To that end, the FSOA has created an authorization regime for launch operations and orbital systems control in outer space. To obtain such authorizations, concerned operators shall demonstrate their compliance with respect to mandatory technical requirements provided in a so-called Technical Regulation. These technical requirements address in particular space debris limitation and remediation, and are, for some of them, inspired from international non-binding standards or guidelines.

In 2019, France has initiated a reflection on the update of its legal and regulatory framework. This initiative was led, in particular, by the need to frame new space activities such as constellations or in-orbit servicing. It was also guided by the need to take into account feedbacks of more than ten years of implementation of this framework, and to implement technical improvements enabling operators to conduct space operations in a more secured and sustainable way. This reflection led to a set of recommendations pending implementation through an update of the different texts constituting the legal and regulatory framework.

This paper will explain the process followed to update the French Space Operation Act and its implementation decrees, in particular the Technical Regulation, and it will introduce the proposed modifications. It will explain how this work is conducted in close relationship with the French ecosystem in order to have a good understanding of the state of the art and then to keep the law implementable by them. A focus will be done on constellations and how the legal and regulatory regime could be jointly updated to take into account specificities of these activities which are particularly challenging in terms of space debris mitigation. In a more general way, this paper intends to demonstrate how technical improvements and evolution of national legal instruments are complementary to enable more sustainable space activities.