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SPACE BROKERS ON THE LOOKOUT - REGULATING SPACE ACTIVITIES IN CHANGING VALUE CHAINS

Abstract

Recent developments in the global space industry's value chain could be one of the next regulatory challenges. Initially centered on the construction, launch and operation of satellites in orbit, this value chain has been enriched by the addition of numerous service activities, which now plunge it deep into numerous business sectors. The 'servitization' of the global economy (e.g. an increase in the share of services as opposed to industrial activities) is accentuating this trend, distancing space activities from the traditional image of an infrastructure industry. However, the regulation of civil uses of space is governed by relatively strict rules designed to enable states to exercise continuing supervision (OST, art.VI) of activities or objects under their jurisdiction or control, and thus to reduce the dangers that result, or may result, for themselves, other states, and their citizens, from uncontrolled uses of space technologies. In such a context, there is a risk of considerable confusion when it comes to determining the scope of the texts in force (treaties, standards, national laws): where do space activities, which must be subject to specific regulations, end, or industrial or commercial applications, which may fall under the general law governing economic activities, begin? In the absence of relevant legal provisions, do the contracts binding operators in each segment of the space activities value chain transfer their risks or transform them? Based on the emerging brokerage activities (off-takers) developing in the space sector, we argue that these activities draw the boundary between space activities and space applications, and that the regulatory framework must adapt to the evolution of the value chain of activities, by questioning the propagation and/or amplification of risks linked to space activities, and by exploring new ways of internalizing the resulting systemic risks into the corpus juris spatialis.