WRegSAT I, 2025 Regulatory Challenge

Supplementary Brief – Comparative Jurisdictions

Comparing Approaches in Other Jurisdictions

The regulation of space activities varies across jurisdictions, each shaped by its own priorities, history, and level of involvement in space. Analysing these frameworks, especially in key jurisdictions like the United States, Europe, the United Kingdom, India, and Japan, offers valuable insights for enhancing Australia's approach to regulation of space activities. Comparative analysis helps Australia identify best practices, streamline its regulatory processes, and remain competitive in the global space market.

A key aspect of effective global space regulation is the mutual recognition of licensing across jurisdictions, which can significantly reduce bureaucratic hurdles for companies seeking to operate internationally. This approach enables space companies licensed in one country to more easily access markets in other jurisdictions, fostering global collaboration and investment. Mutual recognition also helps prevent redundant regulatory processes, allowing companies to focus on innovation and development rather than navigating multiple, overlapping regulatory frameworks.

Harmonisation of regulatory approaches across jurisdictions can further streamline the global space industry by ensuring that regulations are consistent with international norms and best practices. This is especially important for issues like space debris management and rendezvous and proximity operations, where global coordination is critical to maintaining a sustainable space environment. Harmonised regulations can help to avoid regulatory arbitrage, where companies seek the most lenient jurisdictions, potentially compromising safety and sustainability. Such alignment makes it easier for countries to work together on shared challenges, like space traffic management and international liability frameworks.

United States: The US is a leader in space regulation, governed primarily by the Federal Aviation Administration (FAA) for space launches, the Federal Communications Commission (FCC) for satellite communications, and the National Oceanic and Atmospheric Administration (NOAA) for Earth observation. US regulations emphasize safety, innovation, and private sector growth, providing a detailed licensing process for commercial space activities. This comprehensive approach allows the US to maintain a balance between safety and encouraging private investment.

Europe: Europe's regulation is currently State based. Each State has its own approach although they are broadly consistent in format. The European Union is developing a new, comprehensive space law, expected to be proposed in late 2024. The initiative aims to address key aspects of space activities, including safety, resilience, and

sustainability. It seeks to harmonise the currently diverse regulatory frameworks of EU member states into a unified approach, creating a single market for space activities. This proposed law is expected to improve space traffic management and establish consistent rules for both European and non-European entities operating within the EU. The goal is to enhance coordination and ensure that Europe acts cohesively as a spacefaring bloc, addressing issues like space debris and the rapid increase in satellite launches.[1]

United Kingdom: The UK's regulatory framework, underpinned by the *Outer Space Act 1986* and the *Space Industry Act 2018*, has been modernised to support commercial growth while maintaining stringent environmental and safety standards. The UK's approach seeks to simplify licensing while ensuring alignment with international norms, making it an attractive hub for space businesses.[2]

India: Historically, India's national space agency, the Indian Space Research Organisation (ISRO) has dominated the sector, in the absence of any comprehensive space law. Recent developments have seen the establishment of IN-SPACe, a body to promote private participation in space activities. A draft Space Activities Bill is currently under review. India's approach focuses on balancing its strategic needs with the need to open up space for commercial players, reflecting a cautious yet gradually liberalising stance.[3]

Japan: Japan's regulatory framework for space activities is structured around the *Basic Space Law 2008* and the *Space Activities Act 2016*, with an additional *Space Resources Act 2021*. The *Basic Space Law* establishes a foundation for space development, emphasizing peaceful use and the promotion of industrial growth. The *Space Activities Act* outlines licensing requirements for satellite launches and operations, mandates safety measures, and introduces a liability regime to cover third-party damages. Japan's regulations focus on aligning national activities with international treaties, ensuring the responsible use of space, and facilitating private sector participation while maintaining rigorous safety standards. Japan is the fourth country in the world to pass a space resources law, following the United States, Luxembourg, and the United Arab Emirates.

While comparative analysis is useful, the unique political, economic, and geographic contexts of each jurisdiction mean that solutions effective in one country may not translate directly to another. For example, the scale of the US space industry or Europe's collaborative model cannot be replicated directly in Australia, which must adapt these lessons to its own strategic interests and capabilities. Moreover, mutual

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[1] European Parliament, 'EU Space Law', Legislative Train Schedule (Web Page, 9 November 2024) <https://www.europarl.europa.eu/legislative-train/theme-a-europe-fit-for-the-digital-age/file-eu-space-law>.

[2] See also: Australian Navigational Guide Explaining Laws for Space, 'Space Licensing in the United Kingdom' (Web Page, 2024) <https://spacelaws.com/articles/space-licensing-in-the-united-kingdom/>.

[3] See also: Australian Navigational Guide Explaining Laws for Space, 'Space Licensing in India' (Web Page, 2024) <https://spacelaws.com/articles/space-licensing-in-india/>.

recognition and harmonisation require substantial coordination and trust among regulatory bodies, which can be challenging due to differences in strategic priorities and legal systems.