



# China's Space Law and Regulation

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should follow



# I. Current Status of Space Law in China

## ✦ Background

- technological background - space activities from 1956: satellite, manned space craft, space station
- special legal background - NO national law: orders and regulatory documents
- legal system after 1982: 1982 Constitution, socialism legal system shaped 2011
- commercialization and international cooperation background

China's first satellite launched, April 24, 1970







## ✚ The hierarchy of law in China

- constitution: NPC
- law: NPC and its Standing Committee
- administrative regulations: State Council
- ministerial regulation and local decree: ministries, local PC and government
- ? status of international treaty



## ✦ Space law and regulation

- two ministerial regulations: directly relating to space
  - the Measures for the Administration of Registration of Objects Launched into Outer Space
  - the Interim Measures on the Administration of Licensing the Project of Launching Civil Space Objects.
- no chance to have space law in near future



## ✦ national space law drafting

- draft in 1990's
- formal legislation proposal by delegates
- legislation process: the agenda



## II. Characteristics of Space Law in China

- ✦ 1. different branches have the different authorities
  - for example, the telecommunication
    - *the People's Liberation Army Regulation on Administering Radio Wave*, December 1994
    - the Ministry of Industry and Information Technology announced a notification in 2008, emphasized the safety use of radio for Olympics.
    - same ministry, promulgated in March 2009 “Administrative Provisions on Radio Station License” to enhance the administering of radio station
- ✦ 2. lack of systematization
- ✦ 3. low levels in the hierachy of legal system
- ✦ 4. lack of proper concerns of the commercialization
  - compare to the U.S.: Dragon spacecraft



### III. One of the Key Concerns of the Regulations: Pre-launching Safety Administration in China

- ✦ (1) Approval requirement before launching space object
- ✦ (2) Insurance requirement before launching space object
- ✦ (3) Commercialization and Space safety

# Xichang, China





## ✚ (1) Approval requirement before launching space object

- Firstly, the permit requirement
- Secondly, the qualification requirement
  - The report of safety design and the material
  - For project executed in the launching site within China's territory, the applicant need to submit
  - The material relating to the project complies with the national environmental protection law and regulations



## ✦ (2) Insurance requirement before launching space object

- insurance document is necessary for permit of civil launching
- satellite launching insurance is encouraged, the government take all necessary measures to promote the satellite launching insurance





### ✦ (3) Commercialization and Space safety

- Certain profitable carrying is prohibited
- Satellite utilization industry is encouraged and space safety is emphasized
- Production and business is subject to general safety regulations

## IV. Proposals: principles China's Space Law should follow

1. Comply with International Law, Especially International Space Law
2. Consider the so-called "Soft Law"
3. Refer to the Legislative Experience of other Countries, Aware of Law and Regulation Development
4. Integrate and Codify the Existing Regulations and other Regulatory Documents
5. Note Development Trends, Avoid the Instability Caused by Frequent Modification

# Questions and Comments?

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