

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Current Developments in Space Law with Special Emphasis on National Space Legislation (7)

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ON STRANGER TIDES: HOW RUSSIAN SPACE LAW ATTEMPTS TO ACCOMMODATE
NEWSPACE

Abstract

NewSpace as a clear global trend is gradually gaining attention in Russia. The long-lasting reform of the Russian space industry is aimed mainly at exploring its commercial potential. According to the national space policy of 2013 (reviewed in 2020, the current text is no longer publicly available), commercialization of space activities, promotion of public-private partnership and creation of favourable investment climate for NewSpace are the key tasks for the future. The space policy also set the target to transfer step by step the main space applications to the private domain.

These highly ambitious objectives required specific legislative steps. To date, the private space sector in Russia is not very representative, which, according to space industry experts, is mainly due to the absence of effective state support based on a clear regulatory framework. Space industry in Russia is the monopoly of Roscosmos – a non-profit state corporation established in 2015 in lieu of the former governmental body known as the Federal Space Agency. The new Roscosmos remains exclusively authorized to govern space activities in Russia. The unique nature of this entity is that it formulates national space law and policy and implements them, acts simultaneously as contractor and customer, issues licenses for space activities and directly manages the licensees. It is quite clear that private businesses find it hard to fit in such a highly regulated and monopolized environment.

The successes of foreign private space companies have served a good incentive for Roscosmos to reassess the national space policy and legislation. The effective framework does not directly address NewSpace, although some regulation is implied by a number of legal acts, including the basic 1993 Law on Space Activities.

In 2020, a new Regulation on the licensing of space activities was adopted as an attempt to somewhat liberalize the traditionally state-centric legal regime of space activities. The Regulation simplified and clarified the licensing procedure in order to lower administrative barriers and make space activities accessible to companies performing innovative space-related projects, including private small and medium-sized enterprises.

In 2021, the Russian Parliament announced the drafting of laws on entrepreneurial space activities and on private activities in the area of remote sensing of the Earth from outer space. The mission of these documents is to create favourable conditions for private investment in the national space industry, increase competitiveness of national companies in global space markets, and to develop Russian space technologies.