Selected Examples of National Laws Governing Space Activities: Ukraine

Ordinance Of The Supreme Soviet Of Ukraine, On Space Activity
Law of Ukraine of 15 November 1996 (VVRU, 1997, p. 2)

[UNOFFICIAL TRANSLATION]

Section I. GENERAL PROVISIONS

Article 1. Use of terms and concepts

For the purposes of this Law the terms and concepts listed below shall have the following meanings:

"Space activity" shall mean scientific space research, the design and application of space technology and the use of outer space;

"Space facilities (space technology)" shall mean material objects produced by piecework which are designed, manufactured and operated both in outer space (space segment, space infrastructure) and on the Earth’s surface (ground segment, ground infrastructure) for the purpose of exploring and using outer space;

"Subjects of space activity" shall mean enterprises, institutions and organizations, whether domestic, international or foreign, which engage in space activity;

"Space technologies and services" shall mean the results of scientific development, methods, means and services required for the pursuit of space activity and for obtaining and making use of the results of such activity;

"Incident" shall mean an event related to space activity which has led to a threat to the life or health of persons or damage to or destruction of the property of citizens, enterprises, institutions or organizations, or damage to the environment;

"Emergency" shall mean an event related to space activity which has led to the death of persons or to serious bodily injury, or to destruction of the property of citizens, enterprises, authorities or organizations, or substantial damage to the environment;

"Rules of space activity" shall mean special rules, technical norms and standards which regulate space activity and its safety;

"Personnel of space facilities" shall mean the staff of enterprises, institutions or organizations which are involved in the manufacture, testing or operation of space facilities and the clean-up of incidents and emergencies, as well as specialists working for enterprises, institutions or special units of military units involved in performing such work;

"Compliance certificate" shall mean a document attesting to the fulfilment by a space facility of the operating requirements of space technology, as regulated by the relevant regulatory texts in force in Ukraine.

Article 2. Legislation on space activity in Ukraine

Relations in the area of space activity shall be regulated by this Law and by other legislative acts of Ukraine adopted in conformity therewith.

Article 3. Aims of space activity

Space activity shall be conducted with the following aims:
Furthering the socio-economic development and scientific progress of Ukraine and promoting the welfare of its citizens;
Contributing to the solution of the general problems facing humankind;
Developing space science and engineering and space-related services and technologies apt to assist in bringing about the stable development of the national economy;
Creating an extensive export potential in the space sector;
Ensuring access to outer space and the conduct of scientific investigations of the Earth and outer space;
Establishing and maintaining space systems to ensure modern State information coverage;
Safeguarding the long-term interests of the State in relation to national security and defence capabilities;
Fostering the development of education;
Assisting in the monitoring of conformity with international security agreements to which Ukraine is a party.

Article 4. Principles of space activity

The space activity of Ukraine shall be conducted in accordance with the following principles:

- State regulation;
- Progressive development and systematic reform of State policy in relation to the exploration and use of outer space;
- Practical exploitation of the scientific and technical potential of Ukraine and of possibilities created by space activity in the interests of the national economy, scientific advancement and State security and for commercial purposes;
- Furtherance of international cooperation and the maintenance and development of existing relations in matters related to space with due regard for national interests.

Section II. ORGANIZATION OF SPACE ACTIVITY

Article 5. State regulation and management of space activity

State regulation and management of space activity in Ukraine shall be effected by means of the following:

- Legislative definition of the basic principles, standards and rules governing space activity;
- Elaboration of the conceptual bases of State policy in relation to the exploration and use of outer space for peaceful purposes and in the interests of State security;
- Establishment of the Ukrainian All-State (National) Space Programme;
- Specialized training of personnel to be covered by the Ukrainian National Budget;
- The application of a licensing (authorization) system in relation to such activity, as well as other rules and regulations in conformity with legislation currently in force.

The Ukrainian National Space Agency shall be the specially authorized central executive authority responsible for implementing State policy in relation to space activity.

Article 6. Competences of the Ukrainian National Space Agency

The Ukrainian National Space Agency shall, within its competence:

- Formulate the conceptual basis of State policy in relation to the exploration and use of outer space for peaceful purposes and in the interests of national security;
- Provide for the organization of space activity in Ukraine and under the jurisdiction of Ukraine outside its borders;
- Prepare, in collaboration with ministries, other central executive authorities and the Ukrainian National Academy of Sciences, the Ukrainian All-State (National) Space Programme and ensure its implementation;
- Direct the management and coordination of the work of enterprises, institutions and organizations in the space and related sectors;
- Act as the general State customer placing orders for scientific research relating to the exploration and exploitation of outer space and to scientific research and design and engineering studies for the design, manufacture and testing of space technology, including in connection with international space projects;
- Arrange, in collaboration with ministries and other central authorities of Ukraine, for the operation, maintenance and improvement of space facilities;
- Arrange for licensing of space activity in Ukraine and the licensing of such activity under the jurisdiction of Ukraine outside its borders;
- Arrange for the development and operation of the Ukrainian Space Technology Certification System (UkrSSKT);
- Ensure that subjects of space activity in Ukraine are furnished with the requisite regulatory texts;
- Carry out the registration of space technology;
- Arrange for cooperation between Ukraine and other States and international organizations in space-related matters, and ensure the maintenance and development of existing international relations in the area of space activity;
- Undertake action aimed at improving the foreign trade relations of Ukraine with other States in the area of space activity;
- Participate in the preparation of international treaties to be concluded by Ukraine;
- Perform other functions in the area of space activities in conformity with legislation currently in force.

Article 7. Ukrainian All-State (National) Space Programme

Space activity in Ukraine shall be pursued on the basis of the Ukrainian All-State (National) Space Programme, which shall be prepared for periods of five years and submitted by the Cabinet of Ministers of Ukraine to the Supreme Soviet of Ukraine for its approval.
The Ukrainian All-State (National) Space Programme shall be drawn up by the Ukrainian National Space Agency in collaboration with the competent central executive authorities and the Ukrainian National Academy of Sciences on the basis of the aims and basic principles of space activity in Ukraine.

The Ukrainian All-State (National) Space Programme shall serve as the basis for the following:

- Determination of civil, defence and dual-use space technology requirements and the conclusion of contracts in conformity with current legislation for the performance of scientific research work (hereinafter referred to as space technology orders) and the release of space technology for the current year, subject to approval by the Cabinet of Ministers of Ukraine;
- Assignment of funds from the Ukrainian National Budget for the financing of space activity in accordance with State orders;
- The training of personnel to be covered by the Ukrainian National Budget and the provision of social welfare coverage for personnel of space facilities;
- Maintenance and improvement of space facilities forming part of the ground infrastructure and maintenance of the requisite safety standards in space activity;
- Conduct of international cooperation in space-related matters, including the involvement of Ukraine in international space projects.

Article 8. Regulations governing space activity

The regulations governing space activity in Ukraine include operating standards for space facilities, and standards and regulatory texts governing procedures for the following:

- Licensing of space activity;
- Certification and registration of space facilities;
- Organization, execution and ensuring of space launches and flights;
- Supervision and monitoring of the safety of space launches and flights and of the operation of space technology;
- Environmental protection in the course of space activity;
- Conduct of search and rescue operations in connection with space activities;
- Conduct of official investigations of incidents and emergencies;
- Construction, operation, maintenance and repair of installations and equipment of infrastructural ground facilities;
- Training of the personnel of space facilities;
- Implementation of measures to protect space activity from unlawful intrusion.

The regulations governing space activity also include other regulatory acts governing space-related activities and their safety, as well as compliance with the requirements of intellectual property protection and State, military and commercial secrecy.

The regulations governing space activity shall be established by the relevant State authorities of Ukraine within their competence and shall be binding upon all subjects of space activity.

Article 9. Prohibitions on and restrictions of space activity

The following shall be prohibited in connection with the conduct of space activity in Ukraine:

- Insertion into orbit and placing in space by whatsoever means of nuclear weapons or any other types of weapons of mass destruction, or the testing of such weapons;
- The use of space technology as a means of producing effects upon the environment for military purposes or other purposes posing a threat to humankind;
- The use of the Moon and other celestial bodies for military purposes;
- The presenting of a direct threat to the life and health of human beings and the causing of damage to the environment;
- The violation of international norms and standards regarding pollution of outer space;
- Other acts related to space activity which are not permissible under international law.

Space activity conducted under a specific project which has led to the loss of human lives, substantial material damage or substantial damage to the environment may be restricted or prohibited in conformity with the legislation of Ukraine currently in force.

Article 10. Licensing of space activity

Any space facility engaging or intending to engage in space activity in Ukraine or under the jurisdiction of Ukraine outside its borders shall be required to have a licence from the Ukrainian National Space Agency for the pursuit of such activity.

The list of the types of space activity subject to licensing shall be established by the laws of Ukraine.

The procedures for the licensing of space activity in Ukraine shall be established by the Cabinet of Ministers of Ukraine.

Article 11. Financing of space activity
Space activity pursued for scientific or economic purposes for which the State is the customer shall be financed on the basis of the Ukrainian All-State (National) Space Programme and shall be covered by a special item in the Ukrainian National Budget.

Space activity for the purposes of the defence and security of Ukraine shall be financed from the Ukrainian National Budget in respect of defence expenditure.

Financing shall be effected through State customers of works for the design and use of space technology and shall be allocated among contractors in accordance with State contracts.

Foreign credits and investments in space activity related to implementation of the Ukrainian All-State (National) Space Programme shall be guaranteed by the State in conformity with Ukrainian legislation currently in force.

Section III. GENERAL REQUIREMENTS IMPOSED ON SPACE FACILITIES

Article 12. Certification of space facilities

Any space facility in Ukraine shall be subject to certification attesting to its compliance with operating requirements established by the regulatory texts in force in Ukraine, with subsequent issuance of a compliance certificate.

Procedures for the certification of space technology in Ukraine shall be determined by the Ukrainian Space Technology Certification System, which shall operate as part of the State Certification System (UkrSEPRO).

Procedures for the testing and certification of imported space facilities or space facilities to be exported from Ukraine and for the preparation of the respective certification documents shall be established by the Regulations for the Certification of Space Technology in Ukraine, subject to approval by the Cabinet of Ministers of Ukraine.

Article 13. Registration of space facilities

Space facilities shall be subject to mandatory State registration in the State Register of Space Facilities of Ukraine in accordance with Regulations Governing the Registration of Space Facilities in Ukraine, subject to approval by the Cabinet of Ministers of Ukraine. If a space facility has been designed jointly with corporate entities of other countries or with international organizations, the question of its registration shall be decided in accordance with the international agreements (contracts) concluded.

A space facility registered in the State Register of Space Facilities of Ukraine shall be issued with a registration certificate.

Following the registration of a space facility in the State Register of Space Facilities of Ukraine, any entries in respect of such facility previously made in registers of space facilities of other States shall not be recognized by Ukraine.

The registration of a space facility in the register of space facilities of another State shall not be recognized by Ukraine unless that facility is also registered in the State Register of Space Facilities of Ukraine.

Article 14. Removal of space facilities from the State Register

A space facility shall be removed from the State Register of Space Facilities by the Ukrainian National Space Agency if:

- It is withdrawn from operation;
- It is physically destroyed;
- It is transferred in accordance with established procedure to another State or to an international or foreign enterprise, institution or organization.

If a space facility is removed from the State Register of Space Facilities of Ukraine, the relevant registration certificate shall be rendered invalid.

Article 15. Clearance, restriction and prohibition of the operation of space facilities

A space facility shall be cleared for operation if it has been issued with a compliance certificate and registered in the State Register of Space Facilities of Ukraine. The Ukrainian National Space Agency may restrict or prohibit the operation of space facilities if:

- No compliance certificate has been issued or the period of validity of the compliance certificate has elapsed;
- The operation of the space facility is in violation of Ukrainian legislation currently in force; or
The operation of the space facility is in violation of the requirements established by the technical operating documentation for that facility.

Article 16. Leasing of a space facility

The procedures and rules for leasing a space facility to an international or foreign subject of space activity shall be governed by the legislation currently in force, unless otherwise provided by international agreements to which Ukraine is a party which have been concluded in the form of a law.

Section IV. PARTICIPATION BY UKRAINE IN INTERNATIONAL SPACE-RELATED COOPERATION

Article 17. Ukraine as a subject of international space law

As a subject of international space law, Ukraine shall pursue its space activities on the basis of equality with other States in the light of its national interests.

Ukraine shall ensure the fulfillment of all its international obligations in the field of space activity and shall bear responsibility under generally recognized standards of international law and the provisions of international treaties to which it is a party.

Article 18. Principles of international space activity

International space activity in Ukraine shall be conducted in accordance with the following fundamental principles:

- Strengthening of national sovereignty;
- Observance of generally recognized principles and standards of international law;
- Maintenance and further development of existing international links;
- Fostering of the integration of Ukraine in the global economy;
- Freedom of foreign-economic enterprise;
- The legal equality of subjects of space activity; and
- Protection of the interests of subjects of space activity in the territory of Ukraine and outside its borders.

Article 19. Settlement of disputes

Disputes arising in the course of international space-related cooperation shall be subject to examination in the courts of Ukraine, unless otherwise provided by the international treaties to which Ukraine is a party.

Section V. ENSURING THE SAFETY OF SPACE ACTIVITY

Article 20. State supervision of the safety of space activity

State supervision of compliance with safety requirements in respect of space activity, as well as the training and certification of persons responsible for monitoring compliance with space regulations and verifying the necessary level of safety of space activity and of persons investigating incidents and emergencies shall be the responsibility of the Ukrainian National Space Agency, the Ministry of Defence of Ukraine and other executive authorities within their competence.

Article 21. Public safety and environmental protection

In the pursuit of space activity, subjects of space activity shall comply with safety requirements with regard to the life and health of the public, the property of citizens, enterprises, institutions and organizations and protection of the environment.

Subjects of space activity shall ensure that the necessary measures are taken in order to prevent environmental damage as the result of space activity in accordance with Ukrainian legislation currently in force.
Article 22. Transport of space technology

For the purposes of the transport of space technology presenting a threat to the life or health of the population or to the environment, use shall mandatorily be made of special means of transport under guard.

Procedures for organizing the guarding and transport of space technology shall be established by special regulations, subject to approval by the Cabinet of Ministers of Ukraine.

Article 23. Notification of incidents and emergencies

Subjects of space activity shall be under a compulsory requirement to furnish full information to executive authorities on any incidents or emergencies.

The Ukrainian National Space Agency, ministries and other central executive authorities shall be required to furnish prompt and reliable information on the danger posed by the conduct of space activity, as well as on measures aimed at ensuring the necessary levels of safety for the public, property and the environment, to the duly authorized State authority, enterprises, institutions and organizations, as well as to citizens at their request.

Should there arise in the course of space activity a threat to the population of Ukraine or to its environment or to foreign States, the Ukrainian National Space Agency shall, in conformity with legislation currently in force, immediately inform the competent State authorities of Ukraine of such threat and shall also take the necessary measures to ensure public safety and the safety of the property of citizens, enterprises, institutions and organizations and of the environment.

Article 24. Compulsory insurance in the pursuit of space activity in Ukraine

The list of types of compulsory insurance to be taken out in connection with the pursuit of space activity shall be established by the Ukrainian legislation currently in force.

Procedures for compulsory insurance shall be established by the Cabinet of Ministers of Ukraine.

Article 25. Liability for damage sustained in the course of space activity, and compensation therefor

Liability for damage sustained in the course of space activity, as well as procedures for determining the extent of such damage for which compensation shall be payable, shall be established in conformity with Ukrainian legislation currently in force.

Section VI. SPACE ACTIVITY RELATED TO THE DEFENCE AND SECURITY OF UKRAINE

Article 26. Conduct of space activity related to defence and national security

Space activity related to defence and national security shall be conducted by the Ministry of Defence of Ukraine, which shall be responsible, jointly with the relevant ministries and other central executive authorities, for implementation of the Ukrainian All-State (National) Space Programme in respect of the use of military and dual-use space technology.

Article 27. Cooperation of the Ministry of Defence of Ukraine with the Ukrainian National Space Agency in relation to space activity

Procedures for cooperation between the Ministry of Defence of Ukraine and the Ukrainian National Space Agency in the conduct of space activity shall be defined by a statute, subject to approval by the Cabinet of Ministers of Ukraine.

Article 28. Competence of the Ministry of Defence of Ukraine in relation to space activity

The Ministry of Defence of Ukraine, within its competence, shall:

- Formulate the conceptual basis of national space policy and of the Ukrainian All-State (National) Space Programme in respect of the part relating to the design and use of military space technology, and, in conjunction with the Ukrainian National Space Agency, of dual-use space technology;
Prepare orders and arrange for the respective work to be performed in relation to the design and use of military space technology and, in conjunction with the Ukrainian National Space Agency, of dual-use space technology on the basis of the Ukrainian All-State (National) Space Programme;

Provide for the use of space technology for the purposes of the defence of Ukraine;

In conjunction with the Ukrainian National Space Agency, ensure the operation and development of ground and space infrastructural facilities;

Participate in the process of the certification of military space technology.

Section VII. FINAL PROVISIONS

Article 29. Liability for offences under the legislation on space activity in Ukraine

Offences under the legislation on space activity in Ukraine shall be punishable by disciplinary, civil-law or criminal penalties in conformity with Ukrainian legislation currently in force.

On Procedures For The Entry Into Force Of The Law Of Ukraine On Space Activity

Ordinance of the Supreme Soviet of Ukraine of 15 November 1996
No. 503/96-VR (VVRU), 1197, No. 1, p. 3)

The Supreme Soviet of Ukraine orders that:

1. The Law of Ukraine on Space Activity shall enter into force on the day of its publication.

2. The Cabinet of Ministers of Ukraine shall, within a period of three months:

   Submit to the Supreme Soviet of Ukraine for its consideration proposals for the harmonization of legislative acts of Ukraine with this Law; Harmonize decisions of the Government of Ukraine with the Law of Ukraine on Space Activity; Ensure the review and revocation by ministries and government departments of Ukraine of their regulatory acts not in harmony with this Law.

3. The Cabinet of Ministers of Ukraine shall, in the first half of 1997, submit to the Supreme Soviet of Ukraine for approval the draft Ukrainian All-State (National) Space Programme.

On The Amendment Of Particular Legislative Acts Of Ukraine Regarding The Activities Of Communications Enterprises

Law of Ukraine of 20 December 1996
No. 626/96-VR (VVRU, 1997, No. 9, p. 71)

The Supreme Soviet of Ukraine orders that:

I. Amendments be made in the following legislative acts of Ukraine:


   1) The following wording shall be added to the first part:

   "Activity relating to the technical maintenance and operation of primary networks (except for local networks) and satellite telephone communications systems in general-use communications networks (except for satellite telephone communications systems in general-use networks in which there is a ground tracking station in the territory of Ukraine and which are established or developed with the aid of national carrier rockets or national spacecraft), together with the dispatch of money transfers, letters of up to 20 (twenty) grams or postcards, the payment and delivery of pensions, and the furnishing of financial assistance to citizens of limited means, shall be carried out exclusively by State enterprises and communications associations";

2) In the second part:

   (a) Paragraphs 27 and 28 shall be redrafted as follows:
“Construction and technical maintenance of general-use data transmission and documentary communications networks and the provision of services using such networks;

“Construction and technical maintenance of relay stations in satellite communications networks and the provision of services relating to their use”;

(b) In paragraph 30, the words “postal correspondence” shall be replaced with the words “postal dispatches”;

(c) Paragraph 31 shall be deleted;

(d) This part shall be supplemented by the following new paragraphs:

“Construction and technical maintenance of television, radio and wire broadcasting networks;

“Construction and technical maintenance of international, inter-city and local telephone communications networks and the provision of services using such networks;

“Construction and technical maintenance of mobile communications networks and the provision of services related to their use”.

2. In article 11 of the Law of Ukraine on Communications (Gazette of the Supreme Soviet of Ukraine, 1995, No. 20, p. 143), after the first part a new part shall be added as follows:

“The first part of this article shall not apply to general-use satellite telephone communications systems which have a ground tracking station in the territory of Ukraine and are established or developed with the aid of national carrier rockets or national spacecraft”.

In this connection, the second and third part shall be deemed the third and fourth part respectively.

3. In Decree No. 9-93 of the Cabinet of Ministers of Ukraine of 21 January 1993 “on the association of State communications enterprises and the licensing of particular types of activity related to communications” (Gazette of the Supreme Soviet of the Ukraine, 1993, No. 13, p. 115):

1) The title of the Decree shall be worded as follows:

“On the association of State communications enterprises”;

2) Article 2 shall be deleted.

II. This Law shall enter into force on the day of its publication.