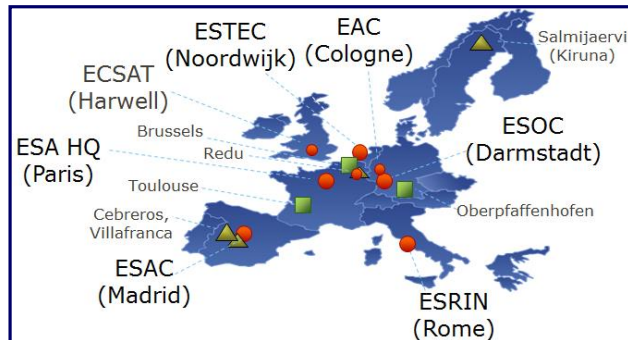


Legal Solutions for International Partnerships for Exploration: The European Space Agency perspective

Frank Riemann, European Space Agency (ESA)

Eilene M. Galloway Memorial Symposium, Washington D.C.
5 December 2018

- International intergovernmental organisation
- 22 Member States
- Founded in 1975
- International legal personality
- 2300 staff, 6 B€/y budget



- Active promoter of space law and observer at UN-COPUOS
- Accepted rights/obligations of 3 UN treaties: ARRA, LIAB, REG
- ESA policies for:
 - Launching State Liability
 - Space Debris Mitigation
 - Space Object Registration
 - Frequency Management

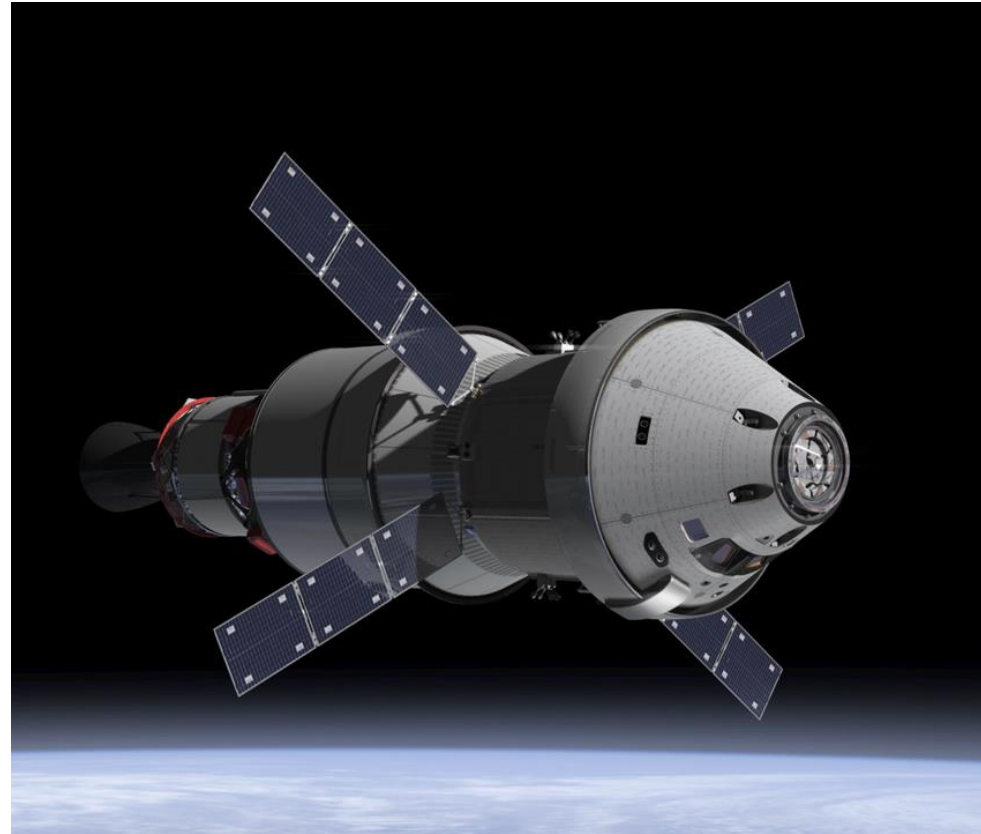
- ESA is both **mechanism and actor** of international cooperation in space activities.
- ESA cooperates with
 - its Member States
 - international organisations and institutions
 - Governments and institutions of non-member States
- **400+ international agreements (Art. XIV ESA Convention)**
 - European Union
 - Long-standing cooperation with USA, Russia, Japan, India, China, Canada (associated state)
 - Various ad-hoc cooperations with states around the globe

- **Standardisation of legal clauses**
 - No exchange of funds
 - Exchange of data and goods, Intellectual Property
 - Cross-waiver of liability
 - ESA's privileges/immunities, dispute settlement (no national courts, arbitration)

- **Frame agreement approach**
 - First level: international treaty with foreign government
 - Second level: Implementing Arrangements or other legal instruments for concrete cooperation projects with space agency or other entity

- **Ad-hoc cooperation agreements**
 - Concluded on a case-by-case basis with space agency or other entity

- Long-term cooperation on an element of strategic importance
- First flight unit (FU) delivered to US in Nov 2018
- FU 1 and 2 provided under an Implementing Arrangement pursuant to ISS IGA/MOU
- Additional FUs may be provided by ESA as ISS barter elements or contribution to another cooperation
- Continued supply secured through combination of licensing and guaranteed supply regime („reproducibility “)



Commercial ISS external payload platform “Bartolomeo”



- Developed and operated by Airbus DS under ESA’s recent exploration commercial partnership initiative
- Increases attractiveness of ISS as a research platform
- Involves new ways of cooperation
 - Learning from NASA experience in ISS commercialization
 - Securing necessary non-European capabilities not yet covered by ISS acquired rights (e.g. airlock)
 - Cooperation between Agencies and commercial entities, and between commercial entities

