UDC 341. 1/8

ON THE ISSUE OF LEGAL ENTITIES LIABILITY IN THE SPACE RESEARCH SPHERE

© Kryukova P.S., Rozentsvaig A.I.

e-mail: polinkakryukova1023@mail.ru

Samara National Research University, Samara, Russian Federation

Liability Issues are always extremely important for all legal relations participants. The space industry is not an exception. Space activities are any activities directly related to the exploration and use of outer space. They are very diverse and may involve the operation of space objects and the use of sophisticated equipment with potential hazards and high harmful risks.

At the international level the Liability Convention (1972) is devoted to the issues of liability in this area. The provisions on liability are also contained in the Treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies (Moscow - Washington - London, 27 January 1967). Some of the rules governing international responsibility are outlined in international treaties of a universal nature and confirmed in resolutions of the UN General Assembly [1].

These acts establish the absolute and objective responsibility of States for all space activities. Such a solution of liability issues in relations related to space activities is due to the specifics of International Space Law. The designated branch of Public Law imposes all responsibility for space activities on States. Public entities are responsible for the violation, regardless of the specific cause. Moreover, the doctrine distinguishes two types of state responsibility in such cases: in the presence and even in the absence of an offence (in the latter situation, only the fact of causing damage is sufficient) [2].

Thus, in Public International Law, only sovereign States (subjects of International Law) are subjects of international legal liability. At the same time, in case of violation of international agreements by legal entities, civil liability may arise. Moreover, civil liability is possible in the case of harm. To sum it up, there is a problem of differentiation of arising legal relations and determination of responsible actors.

We believe that issues of liability in the space industry require a broader approach, since they can be associated not only with harm caused by space objects, but also arise in the course of different kinds of space activities. However, in law enforcement there were many borderline situations that create uncertainty in determining the subject of liability, especially in the process of storage, processing and dissemination of information obtained from artificial satellites. Such violators, as a rule, are private organizations that perform these functions. Mainly the damage occurs during the work with the already received information, in particular, the practice-known examples of distorted (and deliberately) interpretation of satellite images. It should also be noted that the number of space objects launches provided by private companies is increasing, that also raises problems of legal qualification of relations. The scholars note that a number of liability issues related to international space activities tend to be regulated by private law [3].

The insurance industry is closely connected with the Institute of liability and has certain specifics in the insurance of risks associated with space activities [4].

We follow the opinion of authors that insist on the modernization of the system of International Space Law, taking into account the large-scale changes in the space sector [5]. If we refer to the experience of foreign countries, the United States, for example, has already

developed and implemented a regulatory act regulating commercial relations related to the implementation of space activities (the US commercial space Act 2015).

In the view of the increasing role of the private sector in space exploration, the accompanying legal regulation, including provisions relating to legal liability, needs to be improved.

References

1. Legal liability of public authorities and officials. Monographia / ed. by I. A. Alekseev, I. M. Tsapko. Moscow: Prospect, 2017. 142p.

2. International law in 2 vols. Volume 1. General part: textbook for academic undergraduate / ed. 2-e Izd., M. : Urait, 2018. 282 p.

3. Babina E. A. the Problem of international and civil responsibility in the process of remote sensing of the earth from space / / International law and international organizations. 2014. №. 4. P. 530-536.

4. Cicenia V. S. Actual problems of liability in international space law // Russian justice. 2017. №. 9. P. 19-21.

5. Stepanov O. A. Measures of legal security of space objects of the Russian Federation located on celestial bodies / / Modern law. 2018. №. 6. P. 25-28.