

Act on the Promotion of Business Activities for the Exploration and Development of Space Resources (Tentative translation)

(Act No. 83 of December 23, 2021)

(Purpose)

Article 1 The purpose of this Act is to ensure the accurate and smooth implementation of conventions concerning the development and use of outer space (simply referred to as the "conventions concerning the development and use of outer space" in Article 3, paragraph (2), item (i) prescribed in Article 2, item (i) of the Act on Launching of Spacecraft, etc. and Control of Spacecraft (Act No. 76 of 2016; hereinafter referred to as the "Space Activities Act"), and to promote business activities for the exploration and development of space resources by private business operators, by establishing special provisions for license under the provisions of the Space Activities Act, which provides regulations etc. concerning space activities, based on Article 35, paragraph (1) of the Basic Space Act (Act No. 43 of 2008), as well as specifying the rules for the acquisition of ownership of space resources and other necessary matters concerning such activities, with respect to the exploration and development of space resources, in accordance with the basic principles of the Basic Space Act.

(Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as provided respectively in those items:

- (i) "space resources" means water, minerals and other natural resources that exist in outer space, including the Moon and other celestial bodies.
- (ii) "exploration and development of space resources" means any activities listed in any of the following sub items (excluding those conducted exclusively as scientific research or for the purpose of scientific research):
 - (a) examination of the existence of space resources that contribute to the mining, extraction and other similar activities specified by Cabinet Office Order (referred to as "mining, etc." or "mined, etc." in (b) and Article 5); and
 - (b) mining, etc. of space resources and related processing, storage and other acts specified by Cabinet Office Order.

(Special Provisions for Licenses for the Control of Spacecraft)

Article 3 (1) A person who intends to obtain a license under Article 20, paragraph (1) of the Space Activities Act for the control of spacecraft (meaning

- the "control of spacecraft" specified in Article 2, item (vii) of the Space Activities Act) which is exercised over a spacecraft (meaning the "spacecraft" specified in Article 2, item (ii) of the Space Activities Act; the same applies in item (i) and paragraph (4)) for the purpose of the exploration and development of space resources (hereinafter referred to as "License for the Exploration and Development of Space Resources" in this Article) must state, in application forms required to be submitted under Article 20, paragraph (2) of the Space Activities Act, besides the matters listed in the items of said paragraph, a plan in which the following matters are specified (hereinafter referred to as a "business activity plan") as provided in the provisions of Cabinet Office Order:
- (i) the purpose of business activities for the exploration and development of space resources which are to be conducted using a spacecraft pertaining to the application for a license for the exploration and development of space resources concerned (hereinafter simply referred to as "business activities for the exploration and development of space resources" in this paragraph);
 - (ii) the period of business activities for the exploration and development of space resources;
 - (iii) the place where the exploration and development of space resources prescribed in item (i) are to be conducted;
 - (iv) the methods of exploration and development of space resources prescribed in item (i);
 - (v) beyond what is set forth in the preceding three items, the contents of business activities for the exploration and development of space resources; and
 - (vi) other matters specified by Cabinet Office Order.
- (2) With regard to an application for a license for the exploration and development of space resources, the Prime Minister must not grant a license related to the exploration and development of space resources unless the Prime Minister determines that the application conforms to all of the following items besides what is listed in the items of Article 22 of the Space Activities Act:
- (i) the business activity plan is in compliance with the basic principles of the Basic Space Act and is not likely to cause any adverse effect on the accurate and smooth implementation of the conventions on development and use of outer space and the ensuring of public safety; and
 - (ii) the applicant (in the case of an individual, including the "representative in case of death" as set forth in Article 20, paragraph (2), item (viii) of the Space Activities Act) has sufficient ability to execute the business activity plan.
- (3) When the Prime Minister intends to grant a license for the exploration and development of space resources, the Prime Minister must consult with the Minister of Economy, Trade and Industry in advance with regard to whether

the application for the license for the exploration and development of space resources conforms to the items of the preceding paragraph.

- (4) The provisions of paragraph (1) of this Article, and Article 20, paragraph (2) of the Space Activities Act apply mutatis mutandis to a person who intends to obtain a license under Article 23, paragraph (1) of the Space Activities Act to make the exploration and development of space resources a purpose of using the spacecraft by changing the purpose of using the spacecraft pertaining to the license under Article 20, paragraph (1) of the Space Activities Act, and the provisions of the preceding two paragraphs apply mutatis mutandis to cases where the Prime Minister intends to grant said license, respectively.
- (5) With regard to the application of the provisions of the Space Activities Act to a person who has obtained a license for the exploration and development of space resources or license under Article 23, paragraph (1) of the Space Activities Act prescribed in preceding paragraph (referred to as a "license, etc. for the exploration and development of space resources" in the following Article and Article 5), the term "any matter" in Article 23, paragraph (1) of the Space Activities Act shall be deemed to be replaced with "any matter or a business activity plan prescribed in Article 3, paragraph (1) of the Act on the Promotion of Business Activities for the Exploration and Development of Space Resources (Act No. 83 of 2021) (hereinafter simply referred to as the "business activity plan")"; "control plan" in Article 24 of the Space Activities Act with "control plan and business activity plan"; "this Act" in Article 26, paragraphs (1), (3) and (4), and Article 31, paragraph (1) of the Space Activities Act with "this Act and the Act on the Promotion of Business Activities for the Exploration and Development of Space Resources"; "Articles 21 and 22 (limited to the part concerning item (iii) (limited to the part concerning the ability to implement the control plan))" in Article 26, paragraph (5) of the Space Activities Act with "Articles 21 and 22 (limited to the part concerning item (iii) (limited to the part concerning the ability to implement the control plan)) and Article 3, paragraph (2) (limited to the part pertaining to item (ii)) of the Act on the Promotion of Business Activities for the Exploration and Development of Space Resources"; "the matters" in Article 60, item (v) of the Space Activities Act with "the matters or the business activity plan"; respectively, and any other necessary technical replacement of terms shall be specified by Cabinet Office Order.

(Public Announcement)

Article 4 The Prime Minister, when a license, etc. for the exploration and development of space resources has been granted to promote business activities related to the exploration and development of space resources under international cooperation and contribute to the prevention of disputes related to the exploration and development of space resources, shall give public notice

thereof and of the following matters (in cases where there are any changes to these matters, such matters after the changes) without delay via the Internet or by other appropriate means. However, in cases specified by Cabinet Office Order as those in which the interests of a person who engages in business activities related to the exploration and development of space resources by obtaining said license, etc. for the exploration and development of space resources are likely to be unjustly harmed by said public notice, the whole or a part of such matters may be withheld from being publicly notified.

- (i) The name of the person who obtained the license, etc. for the exploration and development of space resources
- (ii) The matters listed in the items of paragraph (1) of the preceding Article (excluding item (vi))
- (iii) Other matters specified by Cabinet Office Order

(Acquisition of Ownership of Space Resources)

Article 5 A person who conducts business activities related to the exploration and development of space resources shall acquire the ownership of space resources that have been mined, etc. in accordance with the business activity plan pertaining to the license, etc. for the exploration and development of space resources, by possessing said space resources with the intention to own

(Sincere Implementation of International Agreements, etc.)

Article 6 (1) In the enforcement of this Act, attention shall be paid not to hinder the sincere implementation of treaties and other international agreements Japan has concluded.

- (2) No provision of this Act shall unjustly harm the interests of other States exercising freedom of the exploration and use of outer space, including the Moon and other celestial bodies.

(Establishment of International Systems and Securing Coordination, etc.)

Article 7 (1) The National Government shall endeavor to establish internationally harmonized systems on the exploration and development of space resources in collaboration with foreign governments by cooperating with international organizations and other international frameworks.

- (2) The National Government shall take necessary measures to ensure the advancement of international information sharing, measures for international coordination and other international alignment with regard to business activities by private businesses related to the exploration and development of space resources.
- (3) For implementing measures set forth in the preceding two paragraphs, the National Government is to pay due consideration for the sound development of

industries and the strengthening of international competitiveness related to the exploration and development of space resources.

(Technical Advice, etc.)

Article 8 The National Government shall, as a part of policy measures for the promotion of the development and use of outer space by private businesses as provided in Article 16 of the Basic Space Act, provide private businesses engaged in business activities related to the exploration and development of space resources with technical advice and information and other assistance with regard to said business activities.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of the day on which six months have elapsed from the date of its promulgation; provided, however, that Articles 3 and 4 of these supplementary provisions come into effect as of the date of their promulgation.

(Transitional Measures)

Article 2 In the case of an application for the license prescribed in Article 20, paragraph (1) or Article 23, paragraph (1) of the Space Activities Act, after this Act comes into effect, Articles 3 and 4 of this Act shall apply, and in the case of an application for the license prescribed in Article 20, paragraph (1) or Article 23, paragraph (1) of the Space Activities Act, prior to this Act coming into effect, the provisions then in force shall remain applicable

(Delegation to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Reviews)

Article 4 The Government shall conduct reviews including fundamental reconsideration of the perspectives of the legal system related to business activities for the exploration and development of space resources by private businesses, taking into consideration the status of implementation of this Act, of progress in science and technology, and of initiatives to establish the systems prescribed in Article 7, paragraph (1), and take necessary measures, including the promotion of legislation, based on the results.

(Partial Amendment of Space Activities Act)

Article 5 The Space Activities Act shall be partially amended as follows.

The phrase "spacecraft control facility located in Japan" in Article 20, paragraph (1), shall be amended to "spacecraft control facility located in Japan, or onboard a ship or aircraft registered in Japan or onboard spacecraft prescribed in Cabinet Office Order as those over which Japan has jurisdiction (hereinafter referred to as the "spacecraft control facility in Japan etc.")"; the phrase "(in case of spacecraft control facility onboard a ship or aircraft, the name or registration mark of the ship or aircraft, in case of spacecraft control facility onboard spacecraft, the name of the spacecraft or other matters prescribed in Cabinet Office Order as those to identify the spacecraft)" shall be added after the word "location" in Article 20, paragraph (2), item (ii).

The phrase "spacecraft control facility located in Japan" in Article 26, paragraphs (1) and (2) and Article 53 shall be amended to "spacecraft control facility in Japan etc."