

# Act on Launching of Spacecraft, etc. and Control of Spacecraft (Tentative translation)

(Act No. 76 of November 16, 2016)

## Table of Content

- Chapter I General Provisions (Articles 1 to 3)
- Chapter II Permission, etc. Related to the Launching of Spacecraft, etc.
  - Section 1 Permission Related to the Launching of Spacecraft, etc. (Articles 4 to 12)
  - Section 2 Type Certification for Launch Vehicles (Articles 13 to 15)
  - Section 3 Compliance Certification for Launch Site (Articles 16 to 18)
  - Section 4 Special Provisions on Application Procedures for Japan Aerospace Exploration Agency, National Research and Development Agency (Article 19)
- Chapter III License, etc. Related to the Control of Spacecraft (Articles 20 to 30)
- Chapter IV Supervision by the Prime Minister (Articles 31 to 34)
- Chapter V Compensation for Launch Vehicle Fall Damage
  - Section 1 Liability for Compensation for Launch Vehicle Fall Damage (Articles 35 to 38)
  - Section 2 Launch Vehicle Fall Damage Liability Insurance Contract (Article 39)
  - Section 3 Launch Vehicle Fall Damage Liability Indemnification Contract (Articles 40 to 48)
  - Section 4 Deposit with Official Depository (Articles 49 to 52)
- Chapter VI Compensation for Spacecraft Fall Damage (Articles 53 and 54)
- Chapter VII Miscellaneous Provisions (Articles 55 to 59)
- Chapter VIII Penal Provisions (Articles 60 to 65)
- Supplementary Provisions

## Chapter I General Provisions

(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, ensure public safety and protect people affected by relevant damage by establishing a system for permission and license related to the launching of spacecraft, etc. and the control of spacecraft in Japan, as well as a system for compensation for damage caused by a fall, etc. of a spacecraft, etc. in Japan, in accordance with the basic principles of the Space Basic Act (Act No. 43 of 2008)

(hereinafter simply referred to as the "basic principles"), thereby to contribute to the improvement of the lives of the citizens as well as the development of the economy and society.

(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) "conventions on development and use of outer space" collectively means the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (referred to as the "Outer Space Treaty" in Article 22, item (ii)), the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the Convention on International Liability for Damage Caused by Space Objects and the Convention on Registration of Objects Launched into Outer Space.
- (ii) "spacecraft" means an artificial object which is used by putting it into Earth orbit or beyond, or placed on a celestial body other than the Earth.
- (iii) "spacecraft, etc." means spacecraft and a vehicle for launching the spacecraft.
- (iv) "launch site" means a facility equipped with a function to lift off a launch vehicle.
- (v) "launching of spacecraft, etc." means loading spacecraft onto a launch vehicle, lifting off and accelerating the launch vehicle until it reaches a certain speed and altitude, and separating the spacecraft at that point, using a launch site managed and operated by the person or another person.
- (vi) "spacecraft control facility" means radio equipment equipped with functions to detect signals indicating the position, attitude and condition of a spacecraft transmitted by spacecraft-borne radio equipment (meaning electrical equipment for transmitting or receiving codes using electromagnetic waves, and a computer connected to the equipment via telecommunication lines; the same applies in this item and Article 6, item (ii)) either directly or by receiving it via other radio equipment using electromagnetic waves, or to detect the position of the spacecraft by transmitting signals to the spacecraft either directly or via other radio equipment and then receiving the reflected signals from the spacecraft directly or via other radio equipment, or by other means, and to transmit signals to control the position, attitude and condition of the spacecraft to the spacecraft-borne radio equipment directly or via other radio equipment using electromagnetic waves.
- (vii) "control of spacecraft" means to detect the position, attitude and condition of a spacecraft and to control these using a spacecraft control facility.

- (viii) "launch vehicle fall damage" means damage caused to human life or body, or property on the ground surface or water surface, or an aircraft in flight or other flying objects caused by the fall, collision or explosion of a spacecraft, etc. in whole or part, that has not been successfully separated from the launch vehicle after the lift-off, or the launch vehicle after all of the spacecraft have been successfully separated; provided, however, that damages suffered by workers of the person implementing the launching of the spacecraft, etc. or other persons specified by Cabinet Office Order as those having a close business relationship with the person implementing the launching of the spacecraft, etc. in the course of their businesses are excluded.
- (ix) "launch vehicle fall damage liability insurance contract" means a contract wherein an insurer (limited to a non-life insurance company provided in Article 2, paragraph (4) of the Insurance Business Act (Act No. 105 of 1995) or a foreign non-life insurance company, etc. provided in paragraph (9) of that Article that underwrites a liability insurance policy; the same applies hereinafter) promises to compensate for the loss suffered by a person implementing the launching of a spacecraft, etc. as a result of accruing for a liability to compensate for launch vehicle fall damage (excluding launch vehicle fall damage caused by the fall, collision or explosion of a spacecraft, etc. primarily caused by an act of terrorism or any other events specified by Cabinet Office Order as those for which the calculation of the reasonable amount of insurance premiums would be difficult if the proprietary benefit under the insurance contract is to be provided contingent upon the occurrence of the event (referred to as "specific launch vehicle fall damage" in Article 9, paragraph (2) and Article 40, paragraph (1))) and making the compensation therefor, and the policyholder promises to pay insurance premiums to the insurer.
- (x) "launch vehicle fall damage liability indemnification contract" means a contract wherein the government promises to indemnify the person implementing the launching of spacecraft, etc. against losses caused by making a compensation for the launch vehicle fall damage for which the person became liable that cannot be covered by the launch vehicle fall damage liability insurance contract or any other means for compensation for launch vehicle fall damage.
- (xi) "spacecraft fall damage" means damage to human life or body, or property on the ground surface or water surface, or an aircraft in flight or other flying object caused by the fall or explosion of a spacecraft successfully separated from the launch vehicle; provided, however, that damages suffered by workers of the person implementing the control of the spacecraft or other persons specified by Cabinet Office Order as those having a close business

relationship with the person implementing the control of the spacecraft in the course of their business are excluded.

(Consideration for Enforcement of this Act)

Article 3 For the enforcement of this Act, the national government is to pay due consideration for the strengthening of technical competence and international competitiveness of Japanese industries related to the launching of spacecraft, etc., and the control of spacecraft, 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 Space Basic Act.

## **Chapter II Permission, etc. Related to the Launching of Spacecraft, etc.**

### **Section 1 Permission Related to the Launching of Spacecraft, etc.**

(Permission)

Article 4 (1) A person who intends to implement the launching of spacecraft, etc. using a launch site located in Japan or onboard a ship or aircraft with Japanese nationality must obtain permission from the Prime Minister for each instance of launching.

(2) A person who intends to obtain permission under the preceding paragraph must submit a written application to the Prime Minister, pursuant to the provisions of Cabinet Office Order, specifying the following information, attaching the documents specified by Cabinet Office Order:

(i) the person's name and address;

(ii) the design of the launch vehicle (in the case of a launch vehicle which obtained a type certification under Article 13, paragraph (1), its type certification number; or in the case of a launch vehicle certified by the government of the foreign state specified by Cabinet Office Order as having a system for the certification for designs of a launch vehicle which is considered to be of an equivalent level to that of Japan for ensuring the safety of the vicinity of the trajectory and launch site of a launch vehicle (hereinafter referred to as a "foreign certification"), to the effect that the foreign certification has been obtained);

(iii) the location of the launch site (in the case of a launch site onboard a ship or aircraft, the name or registration code of the ship or aircraft), as well as its design and equipment (in the case of a launch site which has obtained a compliance certification under Article 16, paragraph (1), the compliance certification number);

(iv) a plan setting forth the methods for the launching of the spacecraft, etc., including the schedule for launching the spacecraft, etc., the trajectory of the launch vehicle, and the method of ensuring the safety of the vicinity of the

- trajectory and launch site (hereinafter referred to as a "launch plan");
- (v) the number of spacecraft to be placed on the launch vehicle, as well as the purposes and methods of use of the respective spacecraft; and
- (vi) other matters specified by Cabinet Office Order.

(Grounds for Disqualification)

Article 5 A person who falls under any of the following items may not obtain permission under paragraph (1) of the preceding Article:

- (i) a person who has violated the provisions of this Act or an order based on this Act or the laws and regulations of a foreign country (meaning countries or regions outside Japan; the same applies hereinafter) equivalent thereto, and has been sentenced to a fine or severer punishment (including a punishment under the laws and regulations of a foreign country equivalent thereto), and for whom three years have not elapsed since the date on which execution of the sentence was completed or since the date on which that person ceased to be subject to the execution of the sentence;
- (ii) a person whose permission has been rescinded pursuant to Article 12, and for whom three years have not elapsed since the date of that rescission;
- (iii) any person specified by Cabinet Office Order as being unable to properly carry out launching of spacecraft, etc. due to mental or physical disorder;
- (iv) a corporation whose officers engaged in the business thereof or employees specified by Cabinet Office Order fall under any of the preceding three items; and
- (v) an individual whose employees specified by Cabinet Office Order fall under any of items (i) through (iii).

(Requirements for Permission)

Article 6 The Prime Minister must not grant the permission under Article 4, paragraph (1), unless the Prime Minister determines that the application for the permission under that paragraph meets all of the following requirements:

- (i) the design of the launch vehicle complies with the standard specified by Cabinet Office Order as the safety standard concerning a launch vehicle for ensuring the safety of the vicinity of the trajectory and launch site of the launch vehicle (hereinafter referred to as a "launch vehicle safety standard"), or the design has obtained a type certification under Article 13, paragraph (1) or a foreign certification;
- (ii) the launch site is equipped with radio equipment set forth in the following items (a) and (b) or otherwise complies with the standard specified by Cabinet Office Order according to the type of launch vehicle as the safety standard concerning a launch site for ensuring the safety of the vicinity of the trajectory and launch site of the launch vehicle (hereinafter referred to

as a "type-specific site safety standard"), or the launch site has obtained a compliance certification under Article 16, paragraph (1):

- (a) radio equipment equipped with a function to detect signals indicating the position, attitude and condition of a launch vehicle transmitted by radio equipment onboard the launch vehicle either directly or by receiving it via other radio equipment using electromagnetic waves, or to detect the position of the launch vehicle by transmitting signals to the launch vehicle either directly or via other radio equipment and then receiving the reflected signals either directly or via other radio equipment;
- (b) radio equipment equipped with a function of transmitting signals necessary for the destruction of a launch vehicle or any other measures to terminate the flight in the case of the deviation of the launch vehicle from the scheduled trajectory or any other extraordinary circumstances (referred to as "flight termination measures" in the following item and Article 16, paragraph (2), item (iv)) to the radio equipment onboard the launch vehicle either directly or via other radio equipment using electromagnetic waves;
- (iii) the launch plan sets forth the flight termination measures or other means of ensuring the safety of the vicinity of the trajectory and launch site of the launch vehicle, that the details of the plan are appropriate in light of ensuring public safety, and that the applicant has a sufficient ability to execute the launch plan; and
- (iv) the purposes and methods of use of the spacecraft loaded on the launch vehicle are in compliance with the basic principles, and are not likely to cause any adverse effect on the accurate and smooth implementation of the conventions on development and use of outer space and ensuring public safety.

(Permission, etc. Related to Change)

Article 7 (1) When a person who obtained the permission under Article 4, paragraph (1) (hereinafter referred to as a "launch operator") intends to change any matter set forth in items (ii) through (v) of paragraph (2) of that Article (including when a change has been made to the launch vehicle safety standard and the design of the launch vehicle for which the permission was granted no longer satisfies the launch vehicle safety standard, and when a change has been made to the type-specific site safety standard and the launch site for which the permission was granted no longer satisfies the type-specific site safety standard), the person must obtain permission from the Prime Minister pursuant to the provisions of Cabinet Office Order; provided, however, that this does not apply to minor changes specified by Cabinet Office Order.

(2) When there has been a change to any of the items set forth in Article 4,

paragraph (2), item (i) or (vi), or any minor change specified by Cabinet Office Order as referred to in the proviso to the preceding paragraph, a launch operator must make a notification to the Prime Minister to that effect without delay.

- (3) The provisions of the preceding Article apply mutatis mutandis to the permission under paragraph (1).

(Obligation of Conformity of Designs, etc.)

Article 8 (1) When a launch operator implements the launching of spacecraft, etc., the launch operator must ensure that the relevant launch vehicle pertaining to the launching of the spacecraft, etc. complies with the design for which the permission under Article 4, paragraph (1) was granted.

- (2) When a launch operator implements the launching of spacecraft, etc., the launch operator must comply with the launch plan for which the permission under Article 4, paragraph (1) was granted, except in the case of a disaster or any unavoidable situation.

(Obligation to Provide Security Measures for Compensation for Damages)

Article 9 (1) A launch operator must not implement the launching of spacecraft, etc. for which the permission under Article 4, paragraph (1) was granted, unless it has taken security measures for compensation for damages.

- (2) The "security measures for compensation for damages" provided in the preceding paragraph means the execution of a launch vehicle fall damage liability insurance contract and a launch vehicle fall damage liability indemnification contract (limited to a contract pertaining to specific launch vehicle fall damages) or deposit with official depository as approved by the Prime Minister, which enables an amount specified by Cabinet Office Order as the appropriate amount in light of the protection of victims of the launch vehicle fall damage, considering the design of the launch vehicle, the location of the launch site or other situations (referred to as an "amount covered by compensation measures" in Article 40, paragraphs (1) and (2)) to be appropriated to the compensation for launch vehicle fall damage, or a measure equivalent to these as approved by the Prime Minister (referred to as an "equivalent measure" in Article 40, paragraph (2)).

(Succession)

Article 10 (1) When a launch operator transfers the business with respect to the launching of spacecraft, etc. permitted under Article 4, paragraph (1), if the transferrer and the transferee have obtained authorization on that transfer from the Prime Minister in advance pursuant to the provisions of Cabinet Office Order, the transferee succeeds to the status of the launch operator under

the provisions of this Act.

- (2) When a corporation that is a launch operator is to be extinguished by a merger and if the merger has been authorized in advance by the Prime Minister pursuant to the provisions of Cabinet Office Order, a corporation surviving the merger or a corporation established as a result of the merger succeeds to the status of the launch operator under the provisions of this Act.
- (3) When a corporation that is a launch operator has the business with respect to the launching of spacecraft, etc. permitted under Article 4, paragraph (1) succeeded to by corporate split, and that corporate split has been authorized in advance by the Prime Minister pursuant to the provisions of Cabinet Office Order, a corporation which succeeded to the business as a result of the corporate split succeeds to the status of the launch operator under the provisions of this Act.
- (4) Articles 5 and 6 (limited to the part concerning item (iii) (limited to the part concerning the ability to execute the launch plan)) apply mutatis mutandis to the authorization under the preceding three paragraphs.
- (5) When a launch operator transfers its business with respect to the launching of spacecraft, etc. permitted under Article 4, paragraph (1), or when a corporation that is a launch operator is extinguished by a merger or has the business succeeded to through a corporate split, if a disposition to refuse the authorization under paragraphs (1) through (3) is rendered (if an application for the authorization is not submitted, when the transfer of business, merger or corporate split takes place), the permission under Article 4, paragraph (1) ceases to be effective.

#### (Expiration of Permission Due to Death or Other Reasons)

Article 11 In addition to the case provided in paragraph (5) of the preceding Article, if a launch operator falls under any of the following items, the permission under Article 4, paragraph (1) ceases to be effective; in this case, the persons respectively specified in these items must notify the Prime Minister to that effect within thirty days from the date when they fall under the relevant item:

- (i) when the person has deceased: the heir;
- (ii) when the corporation has dissolved due to an order commencing bankruptcy proceedings: its bankruptcy trustee;
- (iii) when the corporation has dissolved for reasons other than a merger or an order commencing bankruptcy proceedings: its liquidator; and
- (iv) when the launching of spacecraft, etc. has been completed: an individual who was formerly the launch operator, or an officer representing the corporation which was formerly the launch operator.



(Rescission of Permission)

Article 12 If a launch operator falls under any of the following items, the Prime Minister may rescind the permission under Article 4, paragraph (1):

- (i) the launch operator has obtained the permission under Article 4, paragraph (1) or Article 7, paragraph (1), or the authorization under Article 10, paragraphs (1) through (3), by deception or other wrongful means;
- (ii) the launch operator has come to fall under any of the items of Article 5, item (i) or (iii) through (v);
- (iii) the design of the launch vehicle to be used for the launch operator's launching of spacecraft, etc. no longer complies with the launch vehicle safety standard;
- (iv) the launch site to be used for the launch operator's launching of spacecraft, etc. no longer complies with the type-specific site safety standard;
- (v) the launch operator has changed a matter for which permission must be obtained pursuant to Article 7, paragraph (1) without obtaining the permission under that paragraph;
- (vi) the Prime Minister determines the launch operator to have violated the provisions of Article 8; or
- (vii) the launch operator has violated the conditions attached to the permission under Article 4, paragraph (1) or Article 7, paragraph (1), or the authorization under Article 10, paragraphs (1) through (3), pursuant to Article 34, paragraph (1).

## **Section 2 Type Certification for Launch Vehicle**

(Type Certification)

Article 13 (1) The Prime Minister grants a type certification for the design of a launch vehicle upon application.

(2) A person who intends to obtain a type certification referred to in the preceding paragraph must submit a written application to the Prime Minister, pursuant to the provisions of Cabinet Office Order, specifying the following information, attaching a document certifying that the design of the launch vehicle complies with the launch vehicle safety standard and other documents specified by Cabinet Office Order.

(i) the person's name and address;

(ii) the design of the launch vehicle; and

(iii) other matters specified by Cabinet Office Order.

(3) When the application under paragraph (1) is submitted, the Prime Minister must grant the type certification under that paragraph if the Prime Minister determines the design of the launch vehicle to which the application pertains to be in compliance with the launch vehicle safety standard.

- (4) The type certification under paragraph (1) is to be granted by delivering a type certificate specifying the type certification number to the applicant.

(Change of Design, etc.)

- Article 14 (1) When a person who obtained a type certification under paragraph (1) of the preceding Article intends to change any matter set forth in item (ii) of paragraph (2) of that Article (including when a change has been made to the launch vehicle safety standard and the design of the launch vehicle for which the type certification was granted no longer satisfies the launch vehicle safety standard), the person must obtain authorization from the Prime Minister pursuant to the provisions of Cabinet Office Order; provided, however, that this does not apply to minor changes specified by Cabinet Office Order.
- (2) When there has been a change to any of the items set forth in Article 13, paragraph (2), item (i) or (iii), or any minor change specified by Cabinet Office Order as referred to in the proviso to the preceding paragraph, the person who obtained a type certification under Article 13, paragraph (1) must make a notification to that effect to the Prime Minister without delay.
- (3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the approval under paragraph (1).

(Rescission of Type Certification)

- Article 15 (1) When a person who obtained the type certification under Article 13, paragraph (1) falls under any of the following items, the Prime Minister may rescind the type certification:
- (i) the design of the launch vehicle no longer complies with the launch vehicle safety standard; or
  - (ii) the person has violated an order under Article 33, paragraph (1).
- (2) When the type certification is rescinded pursuant to the preceding paragraph, the person who obtained the type certification under Article 13, paragraph (1) must return the type certificate to the Prime Minister without delay.

### **Section 3 Compliance Certification for Launch Site**

(Compliance Certification)

- Article 16 (1) The Prime Minister grants a compliance certification with respect to a launch site located in Japan or onboard a ship or aircraft with Japanese nationality, according to the type of launch vehicle related to the launching of spacecraft, etc. to be implemented using the relevant launch site (limited to a type of launch vehicle whose design has obtained a type certification under Article 13, paragraph (1) or foreign certification), upon application.
- (2) A person who intends to obtain a compliance certification under the preceding

paragraph must submit a written application to the Prime Minister, pursuant to the provisions of Cabinet Office Order, specifying the following information, attaching a document certifying that the launch site complies with the type-specific site safety standard and other documents specified by Cabinet Office Order.

- (i) the person's name and address;
  - (ii) the location of launch site (in the case of a launch site onboard the ship or aircraft, the name or registration code of the ship or aircraft), as well as its design and equipment;
  - (iii) the type certification number pertaining to the type certification under Article 13, paragraph (1) or the fact that a foreign certification has been obtained for the type of launch vehicle;
  - (iv) the flight termination measures or other means of ensuring the safety of the vicinity of the trajectory and launch site of the launch vehicle; and
  - (v) other matters specified by Cabinet Office Order.
- (3) When the application under paragraph (1) is submitted, the Prime Minister must grant the compliance certification under that paragraph if the Prime Minister determines the launch site to which the application pertains to be in compliance with the type-specific site safety standard.
- (4) The compliance certification under paragraph (1) is to be granted by delivering a launch site certificate specifying the compliance certification number to the applicant.

(Change of Location, etc. of Launch Site)

- Article 17 (1) When a person who obtained a compliance certification under paragraph (1) of the preceding Article intends to change any matter set forth in item (ii) or (iv) of paragraph (2) of that Article (including the case when a change has been made to the type-specific site safety standard and the launch site for which the compliance certification was granted no longer satisfies the type-specific site safety standard), the person must obtain authorization from the Prime Minister pursuant to the provisions of Cabinet Office Order; provided, however, that this does not apply to minor changes specified by Cabinet Office Order.
- (2) When there has been a change to any of the matters set forth in Article 16, paragraph (2), item (i) or (v), or any minor changes specified by Cabinet Office Order as referred to in the proviso to the preceding paragraph, the person who obtained a compliance certification under Article 16, paragraph (1) must make a notification to that effect to the Prime Minister without delay.
- (3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the approval under paragraph (1).

(Rescission of Compliance Certification)

Article 18 (1) When a person who obtained the compliance certification under Article 16, paragraph (1) falls under any of the following items, the Prime Minister may rescind the compliance certification.

(i) the launch site no longer complies with the type-specific site safety standard; or

(ii) the person has violated an order under Article 33, paragraph (2).

(2) When the compliance certification is rescinded pursuant to the preceding paragraph, the person who obtained the compliance certification under Article 16, paragraph (1) must return the launch site certificate to the Prime Minister without delay.

#### **Section 4 Special Provisions on Application Procedures for Japan Aerospace Exploration Agency, National Research and Development Agency**

Article 19 (1) If the Japan Aerospace Exploration Agency, National Research and Development Agency (hereinafter referred to as "JAXA") submits an application for the type certification under Article 13, paragraph (1) for its design of a launch vehicle, notwithstanding the provisions of paragraph (2) of that Article, procedures without requiring a part of information or attachments relating to the application or other simplified procedures specified by Cabinet Office Order may be applied.

(2) If JAXA submits an application for the compliance certification under Article 16, paragraph (1) for the launch site managed and operated by it, notwithstanding the provisions of paragraph (2) of that Article, procedures without requiring a part of information or attachments relating to the application or other simplified procedures specified by Cabinet Office Order may be applied.

#### **Chapter III License, etc. Relating to the Control of Spacecraft**

(License)

Article 20 (1) A person who intends to implement the control of a spacecraft using a 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.") must obtain a license from the Prime Minister for each of the spacecraft.

(2) A person who intends to obtain the license under the preceding paragraph must submit a written application to the Prime Minister, pursuant to the

provisions of Cabinet Office Order, specifying the following information, attaching the documents specified by Cabinet Office Order:

- (i) the person's name and address;
- (ii) the location (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) of the spacecraft control facility;
- (iii) if the spacecraft is to be used by putting it into Earth orbit, the orbit of the spacecraft;
- (iv) the purposes and methods of use of the spacecraft;
- (v) the configuration of the spacecraft;
- (vi) the details of the measures to be taken upon the termination of the control of the spacecraft (hereinafter referred to as "termination measures");
- (vii) beyond what is set forth in the preceding items, a plan setting forth the methods of the control of the spacecraft (hereinafter referred to as a "control plan");
- (viii) if the applicant is an individual, the name and address of the person who will implement the control of the spacecraft upon the death of the applicant on behalf of the applicant (hereinafter referred to as the "representative in case of death"); and
- (ix) other matters specified by Cabinet Office Order.

(Grounds for Disqualification)

Article 21 A person who falls under any of the following items may not obtain a license under paragraph (1) of the preceding Article:

- (i) a person who has violated the provisions of this Act or orders based on this Act or the laws and regulations of a foreign country equivalent thereto, and has been sentenced to a fine or severer punishment (including a punishment under the laws and regulations of a foreign country equivalent thereto), and for whom three years have not elapsed since the date on which execution of the sentence was completed or since the date on which that person ceased to be subject to the execution of the sentence;
- (ii) a person whose license has been rescinded pursuant to Article 30, paragraph (1), and for whom three years have not elapsed since the date of that rescission;
- (iii) any person specified by Cabinet Office Order as being unable to properly carry out control of spacecraft, due to mental or physical disorder;
- (iv) a corporation whose officers engaged in the business thereof or employees specified by Cabinet Office Order fall under any of the preceding three items;
- (v) an individual whose employees specified by Cabinet Office Order fall under

- any of items (i) through (iii); and
- (vi) an individual whose representative in case of death falls under any of the preceding items.

(Requirements for License)

Article 22 The Prime Minister must not grant the license under Article 20, paragraph (1), unless the Prime Minister determines that the application for the license under that paragraph meets all of the following requirements:

- (i) the purposes and methods of use of the spacecraft are in compliance with the basic principles, and are 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;
- (ii) the configuration of the spacecraft, a mechanism for the prevention of dispersion of its components and parts has been implemented, or that the configuration of the spacecraft otherwise complies with the standard specified by Cabinet Office Order as being those that are not likely to cause an adverse effect on the prevention of the harmful contamination of outer space including the Moon and other celestial bodies and the prevention of potentially harmful interference with activities of other countries in the peaceful exploration and use of outer space provided in Article 9 of the Outer Space Treaty (referred to as "harmful contamination of outer space, etc." in the following item and item (iv)(d)) and the ensuring of public safety;
- (iii) the control plan requires the implementation of measures to avoid collision with other spacecraft or other measures specified by Cabinet Office Order which are necessary for the prevention of harmful contamination of outer space, etc. as well as termination measures, and the applicant (in the case of an individual, including the representative in case of death) has sufficient ability to execute the control plan; and
- (iv) the details of the termination measures satisfy any of the conditions specified in the following items (a) through (d):
  - (a) to control the position, attitude and condition of the spacecraft to descend its altitude and burn in the atmosphere (including the retrieval of a part of the components by guiding them to fall on the ground surface or water surface without burning), while ensuring the safety of the vicinity of the trajectory of the spacecraft and an expected point of landing or water landing of the part of the components;
  - (b) to control the position, attitude and condition of the spacecraft to increase its altitude and put it into an Earth orbit from which its altitude will not decrease as time passes, without any risk of causing any adverse effect on the control of other spacecraft;
  - (c) to control the position, attitude and condition of the spacecraft to put it

into the orbit around a celestial body other than the Earth or guide it to fall to the celestial body, without any risk of significantly deteriorating the environment of the celestial body; or

- (d) if it is impossible to implement the measures set forth in items (a) through (c), to suspend the control of the spacecraft after taking measures to prevent the unexpected activation and explosion or other measures that are necessary for the prevention of harmful contamination of outer space, etc. as specified by Cabinet Office Order, and notifying the Prime Minister of the position, attitude and condition of the spacecraft.

(Permission, etc. Related to Change)

- Article 23 (1) When a person who obtained the license under Article 20, paragraph (1) (hereinafter referred to as a "spacecraft control operator") intends to change any matter set forth in items (iv) through (viii) of paragraph (2) of that Article, the person must obtain a license from the Prime Minister pursuant to the provisions of Cabinet Office Order; provided, however, that this does not apply to minor changes specified by Cabinet Office Order.
- (2) When there has been a change to any of the matters set forth in Article 20, paragraph (2), items (i) through (iii) or item (ix), or any minor changes specified by Cabinet Office Order as referred to in the proviso to the preceding paragraph, a spacecraft control operator must make a notification to the Prime Minister to that effect without delay.
- (3) The provisions of the preceding Article apply mutatis mutandis to the license under paragraph (1).

(Compliance with Control Plan)

Article 24 When a spacecraft control operator implements the control of a spacecraft, it must comply with the control plan for which the license under Article 20, paragraph (1) was granted, except in the case of disasters or other unavoidable situations.

(Measures in Case of Accident)

Article 25 If a spacecraft control operator becomes unable to implement the control of the spacecraft without taking any termination measures pertaining to the license under Article 20, paragraph (1) due to the collision of a spacecraft pertaining to the license under that paragraph with another object or any other accidents, and if there is no prospect of recovery, the spacecraft control operator must promptly make a notification to the Prime Minister to that effect, the circumstances of the accident and the matters specified by Cabinet Office Order which assist with the identification of the position of the spacecraft after the occurrence of the accident, pursuant to the provisions of

Cabinet Office Order. In this case, the license under that paragraph ceases to be effective.

(Succession)

- Article 26 (1) When a spacecraft control operator intends to transfer its business with respect to the control of spacecraft licensed under Article 20, paragraph (1) to a person who intends to implement the control of spacecraft using a spacecraft control facility in Japan etc., if the transferrer and transferee have obtained authorization for that transfer and acquisition from the Prime Minister in advance pursuant to the provisions of Cabinet Office Order, the transferee succeeds to the status of the spacecraft control operator under the provisions of this Act.
- (2) When a spacecraft control operator intends to transfer the business with respect to the control of spacecraft licensed under Article 20, paragraph (1) to a person who intends to implement the control of spacecraft without using a spacecraft control facility in Japan etc., the spacecraft control operator must make a notification to the Prime Minister in advance to that effect pursuant to the provisions of Cabinet Office Order.
- (3) When a corporation that is a spacecraft control operator is to be extinguished by merger and that merger has been authorized in advance by the Prime Minister pursuant to the provisions of Cabinet Office Order, a corporation surviving the merger or a corporation established as a result of the merger succeeds to the status of the spacecraft control operator under this Act.
- (4) When a corporation that is a spacecraft control operator has the business with respect to the control of spacecraft licensed under Article 20, paragraph (1) succeeded to by corporate split, and that corporate split has been authorized in advance by the Prime Minister pursuant to the provisions of Cabinet Office Order, a corporation which succeeded to the business as a result of the corporate split succeeds to the status of the spacecraft control operator under the provisions of this Act.
- (5) Articles 21 and 22 (limited to the part concerning item (iii) (limited to the part concerning ability to implement the control plan)) apply *mutatis mutandis* to the authorization under paragraph (1) and the preceding two paragraphs.
- (6) When a spacecraft control operator transfers its business with respect to the control of spacecraft licensed under Article 20, paragraph (1), or when a corporation that is a spacecraft control operator is extinguished by a merger or has the business succeeded to through a corporate split, if a disposition to refuse the authorization under paragraphs (1), (3) or (4) is rendered (if an application for the authorization is not submitted, when the transfer of business, merger or corporate split takes place), the license under Article 20, paragraph (1) ceases to be effective, and its transferee (except for the



transferee with respect to business transfer provided in paragraph (2)), a corporation surviving the merger or a corporation established as a result of the merger, or a corporation which succeeded to that business by the corporate split, must take termination measures for which the license under paragraph (1) of that Article was granted, within 120 days from the day of the disposition (if an application for the authorization is not submitted, the day of the transfer of business, merger or corporate split). In this case, until the termination measures are completed (in the case provided in the preceding Article, until the notification under that Article is submitted), the provisions of Article 24, the first sentence of the preceding Article, Article 31, Article 32 and Article 33, paragraph (3) (including penal provisions relating to these provisions) apply by deeming these persons as spacecraft control operators.

(Notification and Other Procedures Related to Death)

- Article 27 (1) When a spacecraft control operator has deceased, the heir must make a notification to the Prime Minister to that effect without delay.
- (2) When a spacecraft control operator has deceased, the license under Article 20, paragraph (1) ceases to be effective, and the representative in case of death must take termination measures pertaining to the license under Article 20, paragraph (1), within 120 days from the date of death, unless the transfer of business with respect to the control of the spacecraft has been authorized under paragraph (1) of the preceding Article. In this case, until the implementation of the business transfer or the completion of the termination measures (in the case provided in Article 25, until the notification provided therein is submitted), provisions of Article 24, the first sentence of Article 25, Article 26, paragraphs (1) and (5), Article 31, Article 32 and Article 33, paragraph (3) (including penal provisions relating to these provisions) apply by deeming the representative in case of death as a spacecraft control operator.

(Termination Measures)

- Article 28 (1) When a spacecraft control operator intends to terminate the control of a spacecraft pursuant to the control plan pertaining to the license under Article 20, paragraph (1), the spacecraft control operator must make a notification to the Prime Minister to that effect in advance and take the termination measures pertaining to the license under that paragraph, pursuant to the provisions of Cabinet Office Order.
- (2) When the termination measures are taken pursuant to the preceding paragraph, the license under Article 20, paragraph (1) ceases to be effective.

(Notification and Other Procedures Related to Dissolution)

- Article 29 (1) When a corporation that is a spacecraft control operator dissolves

for reasons other than a merger, a liquidator or a bankruptcy trustee must make a notification to the Prime Minister to that effect without delay.

- (2) When a corporation that is a spacecraft control operator dissolves for reasons other than a merger, the license under Article 20, paragraph (1) ceases to be effective, and the corporation under liquidation (meaning a corporation under liquidation or special liquidation, or a corporation against which bankruptcy proceedings have been commenced; hereinafter the same applies in this paragraph) must take termination measures pertaining to the license under Article 20, paragraph (1) within 120 days from the date of dissolution, unless the transfer of business with respect to the control of spacecraft has been authorized under Article 26, paragraph (1). In this case, until the implementation of the business transfer or the completion of the termination measures (in the case provided in Article 25, until the notification provided therein is submitted), provisions of Article 24, the first sentence of Article 25, Article 26, paragraphs (1) and (5), Article 31, Article 32 and Article 33, paragraph (3) (including penal provision relating to these provisions) apply by deeming the corporation under liquidation as a spacecraft control operator.

(Rescission and Other Procedures Related to License)

Article 30 (1) If a spacecraft control operator falls under any of the following items, the Prime Minister may rescind the license under Article 20, paragraph (1):

- (i) the spacecraft control operator has obtained the license under Article 20, paragraph (1) or Article 23, paragraph (1), or the authorization under Article 26, paragraph (1), (3) or (4) by deception or other wrongful means;
  - (ii) the spacecraft control operator has come to fall under any of the items of Article 21, item (i) or items (iii) through (iv);
  - (iii) the spacecraft control operator has changed a matter for which permission must be obtained pursuant to Article 23, paragraph (1) without obtaining the permission under that paragraph;
  - (iv) the spacecraft control operator has violated an order under Article 33, paragraph (3); or
  - (v) the spacecraft control operator has violated the conditions attached to the license under Article 20, paragraph (1) or Article 23, paragraph (1), or the authorization under Article 26, paragraph (1), (3) or (4), pursuant to Article 34, paragraph (1).
- (2) If the license of a spacecraft control operator under Article 20, paragraph (1) is rescinded pursuant to the preceding paragraph, the spacecraft control operator must take termination measures pertaining to the license under Article 20, paragraph (1) within 120 days from the date of the rescission unless transfer of business with respect to the control of spacecraft has been

authorized under Article 26, paragraph (1). In this case, until the implementation of the business transfer or the completion of the termination measures (in the case provided in Article 25, until the notification provided therein is submitted), provisions of Article 24, the first sentence of Article 25, Article 26, paragraphs (1) and (5), Article 31, Article 32 and Article 33, paragraph (3) (including penal regulations relating to these provisions) apply by deeming the person as a spacecraft control operator.

#### **Chapter IV Supervision by the Prime Minister**

(On-site Inspection, etc.)

- Article 31 (1) The Prime Minister may, to the extent necessary for the enforcement of this Act, request a launch operator, a person who obtained a type certification under Article 13, paragraph (1), a person who obtained a compliance certification under Article 16, paragraph (1) or a spacecraft control operator to provide necessary reports or have Cabinet Office officials enter its office or any other places of business to inspect books, documents or other items or to question relevant persons.
- (2) An official who conducts an on-site inspection under the preceding paragraph must carry an identification card and present this at the request of relevant persons.
- (3) The authority to conduct an on-site inspection under paragraph (1) must not be construed as being granted for a criminal investigation.

(Guidance, etc.)

Article 32 The Prime Minister may give necessary guidance, advice and recommendations to launch operators, persons who obtained a type certification under Article 13, paragraph (1), persons who obtained a compliance certification under Article 16, paragraph (1) or spacecraft control operators in order to ensure the accurate and smooth implementation of the conventions on development and use of outer space and public safety, in accordance with the basic principles.

(Correction Order)

Article 33 (1) When the Prime Minister determines that design of a launch vehicle which obtained a type certification under Article 13, paragraph (1) fails or is likely to fail to comply with the launch vehicle safety standard, the Prime Minister may order the person who obtained the type certification to make necessary changes to the design to conform to the launch vehicle safety standard or preclude the possibility of failing to comply with the launch vehicle safety standard.

- (2) When the Prime Minister determines that a launch site which obtained the compliance certification under Article 16, paragraph (1) fails or is likely to fail to comply with the type-specific site safety standard, the Prime Minister may order the person who obtained the compliance certification to take measures to the extent necessary for ensuring compliance with the type-specific site safety standard or precluding the possibility of failing to comply with the type-specific site safety standard.
- (3) When the Prime Minister determines that a spacecraft control operator is in violation of the provisions of Article 24, the Prime Minister may order the spacecraft control operator to take necessary measures for correcting that violation.

(Conditions of the Permission, etc.)

Article 34 (1) Conditions may be imposed on the permission under Article 4, paragraph (1), Article 7, paragraph (1), the license under Article 20, paragraph (1), the permission under Article 23, paragraph (1), or the authorization under Article 10, paragraphs (1) through (3) or Article 26, paragraph (1), (3) or (4), and changes may be made to the conditions.

- (2) The conditions referred to in the preceding paragraph must be limited to the minimum extent required for ensuring the proper implementation of the matters pertaining to the permissions, licenses or authorizations and must not result in imposing unreasonable duties on the person obtaining the permission, license or authorization.

## **Chapter V Compensation for Launch Vehicle Fall Damage**

### **Section 1 Liability for Compensation for Launch Vehicle Fall Damage**

(Strict Liability)

Article 35 A person who implements the launching of spacecraft, etc. using a launch site located in Japan or onboard a ship or aircraft with Japanese nationality is liable to compensate for any launch vehicle fall damage caused by the person in relation to the launching of the spacecraft, etc.

(Channeling of Liability)

Article 36 (1) In the case referred to in the preceding Article, no person other than the person implementing the launching of the spacecraft, etc., who is to be held liable to compensate for the damage pursuant to that Article, is liable to compensate for the damage.

- (2) The provisions of the Product Liability Act (Act No. 85 of 1994) do not apply to launch vehicle fall damage.
- (3) The provisions of paragraph (1) must not be construed to preclude the

application of the Act on Compensation for Nuclear Damage (Act No. 147 of 1961).

(Consideration for Determination of Compensation for Damages)

Article 37 Notwithstanding the provisions of the preceding two Articles, if a natural disaster or other force majeure also contributed to the occurrence of the launch vehicle fall damage, the court may also take those into consideration to determine the liabilities and amount of compensation for damages.

(Right to Reimbursement)

Article 38 (1) In the case referred to in Article 35, if any other person is to be held liable for the cause of the damage, the person who made a compensation for the damage pursuant to that Article has a right to reimbursement from that person; provided, however, that if the person who is to be held liable was the supplier of materials or other goods or services used for the launching of the spacecraft, etc. (excluding the manager and operator of the launch site used for the launching of the spacecraft, etc.), the person who compensated for the damage has a right to reimbursement from the supplier only if the damage was caused by the intentional conduct of the supplier or its workers.

(2) The provisions of the preceding paragraph do not preclude the execution of a written special agreement on the right to reimbursement.

## **Section 2 Launch Vehicle Fall Damage Liability Insurance Contract**

Article 39 (1) Victims of launch vehicle fall damage are entitled to receive the payment from insurance proceeds under the launch vehicle fall damage liability insurance contract, in relation to their respective claims for damages, prior to other creditors.

(2) In relation to the amount of damages payable to the victims of launch vehicle fall damage, the insured may make an insurance claim against the insurer only to the extent of the amount paid by the insured itself or the amount approved by the victim.

(3) An insurance claim under a launch vehicle fall damage liability insurance contract may not be assigned, provided for security or attached; provided, however, that this does not apply if a victim of the launch vehicle fall damage attaches the insurance claim in relation to the victim's own claim for damages.

## **Section 3 Launch Vehicle Fall Damage Liability Indemnification Contract**

(Launch Vehicle Fall Damage Liability Indemnification Contract)

Article 40 (1) The government may execute a launch vehicle fall damage liability indemnification contract with a launch operator whereby the government promises to indemnify the launch operator for the losses arising from making the compensation for damages in the case of accruing a liability to compensate for the specific launch vehicle fall damages, to the extent not exceeding an amount equivalent to the amount covered by compensation measures in relation to the security measures for compensation for damages provided in Article 9, paragraph (2) to be allocated to the compensation for the specific launch vehicle fall damages (hereinafter simply referred to as "security measures for compensation for damages").

(2) Beyond what is provided in the preceding paragraph, the government may execute a launch vehicle fall damage liability indemnification contract with a launch operator whereby the government promises to indemnify the launch operator for the loss caused by making compensation for launch vehicle fall damage in the case of accruing a liability to compensate for the launch vehicle fall damage, that is not covered by a launch vehicle fall damage liability insurance contract, a launch vehicle fall damage liability indemnification contract under that paragraph or any other measures for compensation for launch vehicle fall damage, in an amount not exceeding the amount specified by Cabinet Office Order which is appropriate from the standpoint of the reinforcement of international competitiveness of Japanese industries related to the launching of spacecraft, etc., after deduction of an amount equivalent to the amount covered by compensation measures relating to the security measures for compensation for damages to be allocated to the launch operator's compensation for launch vehicle fall damage (or, when equivalent measures have been taken in relation to the launch vehicle fall damage, an amount equivalent to the amount covered by compensation measures or the amount covered by the equivalent measures that can be allocated to the compensation for the launch vehicle fall damage, whichever is higher).

(3) The provisions of the preceding Article apply mutatis mutandis to the indemnification payment under a launch vehicle fall damage liability indemnification contract.

(Term of Launch Vehicle Fall Damage Liability Indemnification Contract)

Article 41 The term of a launch vehicle fall damage liability indemnification contract commences from the time of execution thereof and terminates upon the completion of the launching of the spacecraft, etc. pertaining to the relevant launch vehicle fall damage liability indemnification contract.

(Indemnification Payment)

Article 42 The amount to be indemnified by the government in relation to a launch vehicle fall damage liability indemnification contract must not exceed the contract amount of the launch vehicle fall damage liability indemnification contract relating to the losses arising from the compensation by the launch operator for launch vehicle fall damage caused by the launching of spacecraft, etc. during the term of the launch vehicle fall damage liability indemnification contract.

(Limitation on Execution of Launch Vehicle Fall Damage Liability Indemnification Contract)

Article 43 The government is to execute a launch vehicle fall damage liability indemnification contract within the limit so that the total contract amount of launch vehicle fall damage liability indemnification contracts executed in a single fiscal year will not exceed the amount approved by the Diet for that fiscal year.

(Prescription)

Article 44 The right to receive the indemnification payment is extinguished by prescription if three years elapse from the time when it became possible to exercise the right.

(Subrogation)

Article 45 When the government made an indemnification under a launch vehicle fall damage liability indemnification contract, and if the launch operator that is the counterparty to the launch vehicle fall damage liability indemnification contract has a right to reimbursement from a third party, the government acquires the right to reimbursement up to the amount specified in the following, whichever is lower:

- (i) the amount indemnified by the government; or
- (ii) the amount of the right to reimbursement.

(Redemption of Indemnification Payment)

Article 46 When the government made an indemnification payment under a launch vehicle fall damage liability indemnification contract, and if the launch operator that is the counterparty to the launch vehicle fall damage liability indemnification contract falls under any of the following items, the government is to order the launch operator to redeem the amount of indemnification pursuant to the provisions of Cabinet Order:

- (i) the launch operator implemented the launching of spacecraft, etc. in violation of the provisions of Article 8; or
- (ii) the launch operator fell under Article 12, item (i) or (v) when it

implemented the launching of spacecraft, etc.

(Administration of Businesses)

Article 47 (1) The business of the government provided in this Section is to be administered by the Prime Minister.

(2) When the Prime Minister intends to execute a launch vehicle fall damage liability indemnification contract, the Prime Minister must consult with the Minister of Finance in advance.

(Entrustment of Business)

Article 48 (1) The government may entrust a part of its business relating to a launch vehicle fall damage liability indemnification contract to insurers, pursuant to the provisions of Cabinet Order.

(2) When the Prime Minister made an entrustment of businesses under the preceding paragraph, the Prime Minister must make a public notice of the name of the entrusted person and other matters specified by Cabinet Office Order.

#### **Section 4 Deposit with Official Depository**

(Deposit as Security Measure for Compensation for Damages)

Article 49 A deposit with official depository as a security measure for compensation for damages is to be made by depositing cash or securities specified by Cabinet Office Order (including book-entry transfer bonds provided in Article 278, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001); the same applies in the following Article and Article 51) with the Legal Affairs Bureau or District Legal Affairs Bureau nearest to the principal office of the launch operator (or, if the launch operator has no offices in Japan, the location of the launch site pertaining to the permission under Article 4, paragraph (1) (for a launch site onboard a ship, the location of the port of registry of the ship, or for a launch site onboard an aircraft, the location of the home base of the aircraft)).

(Payment from Deposited Properties)

Article 50 Victims of launch vehicle fall damage are entitled to receive the payment from the cash or securities deposited with official depository by the launch operator pursuant to the preceding Article, in relation to their respective claims for damages, in priority to other creditors.

(Recovery of Deposited Properties)

Article 51 In the following cases, a launch operator may recover cash or



securities deposited with official depository pursuant to Article 49, with approval from the Prime Minister:

- (i) the launch operator has completed the launching of a spacecraft, etc., and it is clear that no launch vehicle fall damage will arise;
- (ii) launch vehicle fall damage occurred and the launch operator completed the compensation for damages arising therefrom; or
- (iii) the launch operator has taken other security measures for compensation for damages in place of making a deposit with official depository.

(Delegation to Cabinet Office Order and Ministry of Justice Order)

Article 52 Beyond what is provided for in this Section, the matters relating to the deposit with official depository are specified by Cabinet Office Order and Ministry of Justice Order.

## **Chapter VI Compensation for Spacecraft Fall Damage**

(Strict Liability)

Article 53 A person who implements the control of a spacecraft using a spacecraft control facility in Japan etc. is liable to compensate for spacecraft fall damage caused by the person in relation to the control of the spacecraft.

(Consideration for Determination of Compensation for Damages)

Article 54 Notwithstanding the provisions of the preceding Article, if a natural disaster or other force majeure also contributed to the occurrence of the spacecraft fall damage, the court may also take those into consideration to determine the liabilities and amount of compensation for damages.

## **Chapter VII Miscellaneous Provisions**

(Hearing of Opinions of Committee on National Space Policy)

Article 55 When the Prime Minister intends to establish, revise or abolish the Cabinet Office Order referred to in Article 4, paragraph (2), item (ii), Article 6, item (i) or (ii) or Article 22, item (ii) or (iii), the Prime Minister must seek opinions from the Committee on National Space Policy in advance.

(Consultation with Minister of Finance)

Article 56 When the Prime Minister intends to establish, revise or abolish the Cabinet Office Order referred to in Article 9, paragraph (2) or Article 40, paragraph (2), the Prime Minister must consult with the Minister of Finance in advance.

(Exemption for National Government)

Article 57 (1) The provisions of Article 4, paragraph (1) do not apply to the launching of spacecraft, etc. to be implemented by the national government.  
(2) The provisions of Article 20, paragraph (1) do not apply to the control of spacecraft to be implemented by the national government.

(Transitional Measures)

Article 58 Where an order is established, revised or abolished pursuant to the provisions of this Act, the necessary transitional measures (including transitional measures relating to penal provisions) may be stipulated in the order to the extent considered reasonably necessary for the establishment, revision or abolition.

(Delegation to Cabinet Office Order)

Article 59 Beyond what is provided for in this Act, the procedures for the enforcement of this Act and any other matters necessary for the enforcement of this Act are specified by Cabinet Office Order.

### **Chapter VIII Penal Provisions**

Article 60 A person falling under any of the following items is to be punished by imprisonment of not more than three years or a fine of not more than 3,000,000 yen, or both:

- (i) a person who has implemented the launching of spacecraft, etc. in violation of the provisions of Article 4, paragraph (1);
- (ii) a person who has obtained the permission under Article 4, paragraph (1), Article 7, paragraph (1), Article 20, paragraph (1) or Article 23, paragraph (1), the authorization under Article 10, paragraphs (1) through (3) or Article 26, paragraph (1), (3) or (4), the type certification under Article 13, paragraph (1), the authorization under Article 14, paragraph (1) or Article 17, paragraph (1) or the compliance certification under Article 16, paragraph (1) by deception or other wrongful means;
- (iii) a person who has changed the matters set forth in Article 4, paragraph (2), items (ii) through (v) in violation of the provisions of Article 7, paragraph (1);
- (iv) a person who has implemented the control of a spacecraft in violation of the provisions of Article 20, paragraph (1);
- (v) a person who has changed the matters set forth in Article 20, paragraph (2), items (iv) through (viii) in violation of the provisions of Article 23, paragraph (1); or
- (vi) a person who has violated an order under Article 33, paragraph (3).

Article 61 A person falling under any of the following items is to be punished by imprisonment of not more than one year or a fine of not more than 1,000,000 yen, or both:

- (i) a person who has implemented the launching of spacecraft, etc. in violation of the provisions of Article 8 or Article 9, paragraph (1); or
- (ii) a person who has failed to take the termination measures pertaining to the license under Article 20, paragraph (1), in violation of Article 26, paragraph (6), Article 27, paragraph (2), Article 28, paragraph (1), Article 29, paragraph (2) or Article 30, paragraph (2).

Article 62 A person falling under any of the following items is to be punished by a fine of not more than 1,000,000 yen:

- (i) a person who has changed the matters set forth in Article 13, paragraph (2), item (ii) in violation of the provisions of Article 14, paragraph (1);
- (ii) a person who has changed the matters set forth in Article 16, paragraph (2), item (ii) or (iv) in violation of the provisions of Article 17, paragraph (1);
- (iii) a person who has failed to make a report under Article 31, paragraph (1) or makes a false report, or refuses, obstructs or avoids the inspection under that paragraph, or fails to answer or gives a false answer to the questions under that paragraph; or
- (iv) a person who has violated an order under Article 33, paragraph (1) or (2).

Article 63 A person falling under any of the following items is to be punished by a fine of not more than 500,000 yen:

- (i) a person who has failed to make the notification under Article 7, paragraph (2), Article 14, paragraph (2), Article 17, paragraph (2), Article 23, paragraph (2), Article 25, Article 26, paragraph (2) or Article 28, paragraph (1) or who makes a false notification;
- (ii) a person who has failed to return a type certificate in violation of the provisions of Article 15, paragraph (2); or
- (iii) a person who has failed to return a launch site certificate in violation of the provisions of Article 18, paragraph (2).

Article 64 If the representative of a corporation or an agent, employee or other worker of a corporation or an individual commits any of the violations prescribed in Article 60 through the preceding Article with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is subject to the fine prescribed in the respective Articles.

Article 65 A person who fails to make the notification under Article 11, Article

27, paragraph (1) or Article 29, paragraph (1) or makes a false notification is to be punished by a civil fine of not more than 100,000 yen.

### **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the dates specified respectively in the following items:

- (i) the provisions of Articles 3 and 10 of the Supplementary Provisions: the date of promulgation; and
- (ii) the provisions of the following Article: the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Preparatory Actions)

Article 2 (1) A person who intends to obtain the permission under Article 4, paragraph (1) or Article 20, paragraph (1) may submit an application even prior to the enforcement of this Act in accordance with the provisions of Article 4, paragraph (2) or Article 20, paragraph (2).

(2) A person who intends to obtain the type certification under Article 13, paragraph (1) or the compliance certification Article 16, paragraph (1) (excluding JAXA) may submit an application even prior to the enforcement of this Act in accordance with the provisions of Article 13, paragraph (2) or Article 16, paragraph (2).

(3) JAXA may submit an application for the type certification under Article 13, paragraph (1) in relation to its design of a launch vehicle even prior to the enforcement of this Act, in accordance with the provisions of Article 19, paragraph (1).

(4) JAXA may submit an application for the compliance certification under Article 16, paragraph (1) in relation to the launch site managed and operated by it even prior to the enforcement of this Act, in accordance with the provisions of Article 19, paragraph (2).

Article 3 (1) When the Prime Minister intends to establish the Cabinet Office Order referred to in Article 4, paragraph (2), item (ii), Article 6, item (i) or (ii), or Article 22, item (ii) or (iii), the Prime Minister may seek opinions from the Committee on National Space Policy even prior to the enforcement of this Act.

(2) When the Prime Minister intends to establish the Cabinet Office Order referred to in Article 9, paragraph (2) or Article 40, paragraph (2), the Prime Minister may consult with the Minister of Finance even prior to the

enforcement of this Act.

(Transitional Measures)

Article 4 The provisions of Article 20, paragraph (1) do not apply to the control of spacecraft being implemented at the time of the enforcement of this Act.

(Review)

Article 5 When five years have passed after this Act comes into effect, the government is to review the state of enforcement of this Act, and, when it determines it necessary, take necessary measures based on the findings of the review.

(Transitional Measures Relating to Penal Provisions Associated with Partial Revision to Act on the Japan Aerospace Exploration Agency, National Research and Development Agency)

Article 7 For the application of the penal provisions to acts in violation of the provisions of the Act on the Japan Aerospace Exploration Agency, National Research and Development Agency prior to the revision under the preceding Article, which were committed before the enforcement of this Act, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 10 Beyond what is provided for in these Supplementary Provisions, any necessary transitional measures (including transitional measures concerning penal provisions) for the enforcement of this Act are specified by Cabinet Order.