

Act on the Promotion of Business Activities for Exploring and Developing Space Resources

(Act No. 83 of June 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 "conventions on developing and using outer space" in Article 3, paragraph (2), item (i)) prescribed in Article 2, item (i) of the Act on Launching Spacecraft and Launch Vehicle and Control of Spacecraft (Act No. 76 of 2016; referred to below as the "Space Activities Act"), and to promote business activities for exploring and developing space resources by private business operators, by establishing special provisions on licenses under the provisions of the Space Activities Act, which regulates space activities pursuant to 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 exploring and developing space resources, in accordance with the basic principles of the Basic Space Act.

(Definitions)

Article 2 In this Act, the meanings of the terms listed 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) "exploring and developing 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 prescribed by Cabinet Office Order (referred to as "mining, etc." or "mined, etc." in (b) and Article 5); or
 - (b) mining, etc. of space resources and related processing, storage, and other acts prescribed by Cabinet Office Order.

(Special Provisions on Licenses for the Control of Spacecraft)

Article 3 (1) A person that 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 exploring and developing space resources (referred to below as "License for Exploring and Developing Space Resources" in this Article) must state, in application forms required to be submitted under Article 20, paragraph (2) of the Space Activities Act, in addition to the matters listed in the items of that paragraph, a plan in which the following matters are specified (referred to below as a "business activity plan") as prescribed by Cabinet Office Order:

- (i) the purpose of the business activities for exploring and developing space resources that are to be conducted using a satellite related to the relevant application for a license for exploring and developing space resources (simply referred to below as "business activities for exploring and developing space resources" in this paragraph);
 - (ii) the duration of the business activities for exploring and developing space resources;
 - (iii) the place where the exploring and developing of space resources prescribed in item (i) is to be conducted;
 - (iv) the methods of exploring and developing space resources prescribed in item (i);
 - (v) beyond what is listed in the preceding three items, the details of the business activities for exploring and developing space resources; and
 - (vi) other matters prescribed by Cabinet Office Order.
- (2) With regard to an application for a license for exploring and developing space resources, the Prime Minister must not grant a license related to exploring and developing space resources unless the Prime Minister determines that the application complies with all of the following items, in addition to what is listed in the items of Article 22 of the Space Activities Act:
- (i) the business activity plan complies with the basic principles of the Basic Space Act and is not likely to cause any adverse effects on the accurate and smooth implementation of conventions on developing and using outer space and ensuring public safety; and
 - (ii) the applicant (in the case of an individual, including their "representative in case of death" stated 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 exploring and developing 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 exploring and developing space resources complies with 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 that intends to

obtain a license under Article 23, paragraph (1) of the Space Activities Act to make exploring and developing space resources a purpose of using a spacecraft by changing the purpose for which the satellite is used in relation to a 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 the license, respectively.

- (5) With regard to the application of the provisions of the Space Activities Act to a person that has obtained a license for exploring and developing 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 exploring and developing space resources" in the following Article and Article 5), the term "any matter" in Article 23, paragraph (1) of the Space Activities Act is 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 Exploring and Developing Space Resources (Act No. 83 of 2021) (simply referred to below 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 Exploring and Developing Space Resources"; "Articles 21 and 22 (limited to the parts concerning item (iii) (limited to the parts concerning ability to implement the control plan))" in Article 26, paragraph (5) of the Space Activities Act with "Articles 21 and 22 (limited to the parts concerning item (iii) (limited to the parts concerning ability to implement the control plan)) and Article 3, paragraph (2) (limited to the part related to item (ii)) of the Act on the Promotion of Business Activities for Exploring and Developing 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 is prescribed by Cabinet Office Order.

(Public Announcement)

- Article 4 When a license, etc. for exploring and developing space resources has been granted to promote business activities related to exploring and developing space resources through international cooperation and contribute to the prevention of disputes related to exploring and developing space resources, the Prime Minister is to give public notice of that fact and of the following matters (if there are any changes to these matters, those matters after the changes) without delay via the Internet or by other appropriate means. Provided, however, that in cases prescribed by Cabinet Office Order as those in which the interests of a person that engages in business activities related to exploring

and developing space resources by obtaining the license, etc. for exploring and developing space resources are likely to be unjustly harmed by the public notice, the Prime Minister may withhold some or all of the matters from the public notice:

- (i) the name of the person that obtained the license, etc. for exploring and developing space resources;
- (ii) the matters listed in the items of paragraph (1) of the preceding Article (excluding item (vi)); and
- (iii) other matters prescribed by Cabinet Office Order.

(Acquisition of Ownership of Space Resources)

Article 5 A person that conducts business activities related to exploring and developing space resources acquires the ownership of space resources that have been mined, etc. in accordance with the business activity plan related to the license, etc. for exploring and developing space resources, by possessing the space resources with the intention to own them.

(Sincere Implementation of International Agreements)

- Article 6 (1) In the enforcement of this Act, attention must be paid to not hindering the sincere implementation of treaties and other international agreements Japan has concluded.
- (2) No provision of this Act is unjustly to harm the interests of other States exercising the freedom to explore and use outer space, including the Moon and other celestial bodies.

(Establishment of International Systems and Securing Coordination)

- Article 7 (1) The national government is to endeavor to establish internationally harmonized systems for exploring and developing space resources in collaboration with foreign governments by cooperating with international organizations and other international frameworks.
- (2) The national government is to 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 exploring and developing 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 exploring and developing space resources.

(Technical Advice)

Article 8 The national government is to provide private businesses engaged in business activities related to exploring and developing space resources with technical advice and information, and other assistance related to the business activities 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.

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 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, before this Act coming into effect, the provisions then in force 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 will be prescribed by Cabinet Order.

(Reviews)

Article 4 The government is to conduct reviews including fundamental reconsideration of the perspectives of the legal system related to business activities for exploring and developing 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 is partially amended as follows.

The phrase "spacecraft control facility located in Japan" in Article 20, paragraph (1) is amended to "spacecraft control facility located in Japan, or

onboard a ship or aircraft registered in Japan or onboard a spacecraft prescribed in Cabinet Office Order as those over which Japan has jurisdiction (referred to below 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 by Cabinet Office Order as those identifying the spacecraft)" is 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 is amended to "spacecraft control facility in Japan etc."