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EUROPEAN TRANSFORMATION COUNTRIES ON THEIR PATH TO ESA

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ABSTRACT

ESA established legal relations with transformation countries in the 1900s by signing Framework Agreements with the Czech Republic, Hungary, Poland and Romania. In 2001, a new agreement opening up opportunities for their closer participation in ESA programs has been defined: The pertinent European Cooperating State Agreement was signed by Hungary in April 2003, followed by the Czech Republic in November 2003 and by Romania in February 2006. These bilateral agreements constitute the legal basis for developing Plans for European Cooperation State Charter (PECS). Their main objective is to associate the transformation countries with ESA programs and activities and to prepare them in the most efficient manner for their accession to the ESA Convention or their status of ESA Associate Members. During this process, several legal problems must be solved.

I. INTRODUCTION

It is generally known that, before 1989, the majority of the space research in the former Eastern Bloc countries was organized in the framework of the *Intercosmos* program initiated by the USSR. This was an asymmetrical international structure with the USSR supplying in general the budget and launching sites, and other Member States participating in various optional programs but being without any substantial influence on its decision-making processes. The program run on the basis of a temporary Agreement on Cooperation of Working Groups signed in 1968, accompanied in 1976¹ by a more general Agreement on Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes.

After 1989, the situation changed. Space research ceased to play its strategic role in Eastern and Central European countries; the *Intercosmos* program and most of the national space

programs were dissolved. Remaining national research sites and institutions scattered throughout the territories of these countries suffered severe financial shortages. In the changed political situation, they started to search for potential partners in the "traditional" European structures, most significantly in ESA and the European Communities.

This mutual cooperation has evolved on a corresponding legal framework which has been developed during the years. It must be seen, however, that the next significant steps in this development are now being faced by the Parties of the respective legal instruments: On the one hand, this will be the enlargement of the European Union by Bulgaria and Romania and by their space structures, most probably on 1 January 2007, and, on the other hand, ESA will have to evaluate and decide upon the question of granting the status of Associate Members or Member States to

Hungary and the Czech Republic in 2008 and Romania in 2011 at the latest: According to Article 15.1 of the respective European Cooperating State Agreements binding at present these States with ESA, the question of granting the status of Associate Members or Member States of the Agency has to be examined at the latest one year before the expiry of these Agreements. This means, that, as of today, there remain at least two years for formulating a respective ESA policy; some issues can be, however, explored in advance.

II. THE LEGAL FRAMEWORK OF THE RELATION OF THE TRANSFORMATION COUNTRIES WITH ESA

The first step of the mutual treaty relations of the Hungary, Romania, Poland, and the Czech Republic, respectively, with ESA were Framework Agreements concluded in the 1990s.² They established the basis for cooperation as defined in Article XIV of the ESA Convention.³ As one result of this development, the Czech Republic and Hungary have been participating in one of ESA's optional programs, PRODEX, since 1998.

In 1999, a new process started redefining the participation in the European space program of these four European countries. ESA's policy was that a cooperating status was better suited for the needs and industrial and financial capacities of these countries than other forms of mutual cooperation foreseen in Article XIV of the ESA Convention – namely Associate Membership.⁴ Hence, the Framework Agreements with the Czech Republic⁵, Hungary⁶ and Romania⁷ were substituted by new agreements - the European Cooperating State Agreements (ECSAs) in 2003 (with Romania in 2006). The precondition for concluding these agreements was

that the candidates must have already signed a Framework Agreement and they must be European. Poland has not decided to become being bound by such an ECS yet.

The ECSAs are bilateral agreements between Non-member States and ESA⁸ and allow the partner countries to participate indirectly in all ESA procurements and activities. According to their preambles, they should lead to a "possible accession to the ESA Convention".⁹

Only in 2001, ESA accepted the policy of the PECS program - the Plan for European Cooperating States (PECS). The objective of this policy is to create more favorable conditions for such European Cooperation States (ECS) for wider cooperation without their full financial participation and without exposing them to the "threat of possible economic losses in the already established, highly competitive ESA-system".¹⁰ The aim of the PECS is to support the creation and strengthening of the respective domestic capacity employable in European space research, to improve the understanding of the Agency's organization and rules applicable in competition environment, as well as to develop the infrastructure required for full participation in Agency programs. The overall objective of the PECS is to associate the countries in question with the Agency's programs and activities and to prepare them in the most efficient manner for possible future accession to the ESA Convention. These plans are concluded for a time period of five years.

The benefits of all rights granted by the Plan can be enjoyed only after the signing of an additional instrument, the PECS Charter defining the terms and conditions of the financial

contributions of the participating States to the Plan. This PECS Charter was signed by the representatives of Hungary in 2003 and of the Czech Republic in 2004. It is expected that Romania will sign a similar instrument in 2007.

The implementation of the PECS program showed, however, some difficulties: The idea to create an autonomous structure of Cooperating States with its own institutional mechanism was only slowly followed by the ECS States. With presently only two "full" members of this system - Hungary and the Czech Republic - it was and is obviously impossible to design any decision-making procedure based on majority votes. Only the recent accession of Romania to the ECS opened the perspective of Romania joining the PECS program and, thereby, making its structures meaningful. It is also not quite clear whether Poland which was in fact bound by a Framework Agreement of 1994 would be ready to join the PECS system or whether it awaits the next opportunity to apply directly for an associate or full membership.

III. THE PERSPECTIVE OF A MEMBERSHIP IN ESA

The ESA Convention introduced a flexible framework which enables to adapt the form of association of States to its structure in accordance to mutual needs.

a) Full Membership (Article XXII of the ESA Convention)

According to Article XXII of the ESA Convention, any State may accede thereto, subsequent to a pertinent decision of the ESA Council taken by the unanimous vote of all Member States. A State that wishes to accede to this Convention shall notify the Director General, who shall inform the

Member States of this request at least three months before it is submitted to the Council for decision. Further obligations connected with adhering to ESA are of financial nature: The newcomers are expected to pay an "entrance fee" which relates to the current value of the assets of the Agency and shall be fixed by the ESA Council by a two-thirds majority of Member States (Article XIII para 4 of the ESA Convention).

As a consequence of full membership, Member States have to participate in the ESA activities and shall contribute to its fixed common costs (Article I.3 of the ESA Convention). Representatives of the Member States are present in the Council and take part in its decision processes (Article XI of the ESA Convention).

From the point of view of the former ECSs, the full membership as defined in the Preamble of the ECS Agreements remains to be the final goal. As the first one of the former *Intercosmos* States, Hungary notified its intention to apply for full membership this year. It is no secret, however, that this perspective meets some reservations in some of the current Member States, especially the powerful ones: On the one hand, also they are convinced that this enlargement would constitute an important step, from the political point of view, by strengthening ESA's weight on the international playground. Moreover, they are no more strategic reasons why to keep the transformation states out: Several former *Intercosmos* States - the Czech Republic, Hungary, and Poland - as well as Baltic States, Slovakia, and Slovenia are, since 1 May 2004¹¹, Member States of the European Union and, as such, share the Union's space activities e.g. in the Galileo program with Bulgaria and

Romania very probably joining in 2007.¹² The hesitation stems, however, from the misgivings as to the consequences of such a development in light of one of ESA's main principles (one state, one vote) that gives to "smaller" States the same powers in the decision making processes as to the "big" ones and from the fear of overloading and slowing down the whole ESA decision-making procedure. The second group of reservations concerns the industrial and financial capacities of transformation States to cope with the present and future programs of ESA.

b) Participation in ESA Programs (Article XIV.2 of the ESA Convention)

As an alternative to full membership, cooperation on the basis of Article XIV.2 of the ESA Convention might be theoretically considered. Such a decision has to be taken unanimously by the ESA Council; participating States do contribute only to the activities of the programs concerned but shall have the right to vote in the Council when it examines matters dealing with the program concerned.¹³

As to the knowledge of this author, this option has not been suggested to the ECSs and, thus, does not seem, at present, to play any serious role in the discussion on the future of the transformation States.

c) Associate Membership (Article XIV.3 of the ESA Convention)

This form of association of Non-member States with ESA has been introduced in 1971 as a better option than the observer status known and applied by ESA's predecessor, the ESRO. Also in this case, the ESA Council decides unanimously about granting this status, the only precondition being the participation of the State in "at least studies on future programs" as defined in Article V.1 a.i.

of the ESA Convention. The details of mutual rights and obligations have been defined in General Guidelines of Associate Membership approved by ESA Council in 1985.¹⁴ In principle, Associated States are obliged to participate in the general budget of the ESA; however, they have only an observation status in the ESA Council – which means that they are not allowed to vote and the policy of industrial return shall not be applied to them. Because of the wide range of possibilities for participation in the ESA activities and the support of the present ESA members for this form of association, this option might play an important role in the discussions on ESA enlargement strategies.

d) Other Forms of Cooperation according to Article XIV.1 of the ESA Convention

The full or associate memberships are not the only possibilities of cooperation of Non-member States with ESA structures. Article XIV.1 of the ESA Convention allows for a whole range of forms, e.g. the presently applicable cooperation agreements with transformation countries (Partnership Agreements, ECSs). As a substitute for a full membership, the prolongation of the PECS program is discussed as an alternative among ESA members; the full membership should follow at the point in time when the potential newcomers would be prepared to bear their financial and industrial burdens and to fulfill all their duties. The difficulties connected with the implementation of the PECS program until now do not give, however, any substantial reason for hoping that this perspective could be really fruitful.

e) Status of Observer (Rule Nr. 23.1 of the ESA Rules of Procedure)

Rule Nr. 23.1 of the ESA Rules of Procedure¹⁵ contains an old instrument

of the former ESRO, the possibility of granting a status of observer to a Non-member State. As other forms of cooperation, also this decision must be taken unanimously by the members of the ESA Council. It entitles the Non-member State to be represented in the Council; there are no financial or industrial obligation connected with this status. The Member States are rather reluctant to this form of cooperation considering it as being very passive from the position of the States concerned and as not bringing any positive results for ESA as such.

IV. NATIONAL SPACE LEGISLATION AS A PRECONDITION OF ESA MEMBERSHIP?

The ESA Convention defines the formal precondition for the membership in this international organization (notification to the Director General, unanimous vote of all Member States, "entrance fee"). After accessing the ESA, the Member States are expected to fulfill their obligations under the Convention, to participate in the mandatory activities referred to in Article V.1 a of the ESA Convention and to contribute to the fixed common costs of the Agency the scale being based on the average national income of each Member State and adopted by the Council as a rule by two-thirds majority of all Member States (Article XIII para 1 of the ESA Convention). In case Member States cease to fulfill their obligations, they shall cease to be member of the Agency on a decision of the Council taken by a two-thirds majority of all Member States (Article XVIII of the ESA Convention).

From the perspective of international law, States Parties to international obligations must fulfill them in good faith. Concerning the form and methods of their implementation, neither general international law nor

the ESA Convention prescribes by which measures under national law States have to adopt in order to fulfill this obligation of implementation. Thus, from the perspective of accessing ESA, the drafting and adoption of national space law is not necessary. This conclusion can be illustrated by the practice of the present members States: Out of 17 ESA members, only four - Belgium, Norway, Sweden and the United Kingdom - have approved such legislation until now.

The question remains, however, whether the adoption of national space legislation would facilitate accession to ESA and would foster the fulfillment of the obligations of a Member State.

The former practice of those States which have adopted such national space legislation shows that it consists, as a rule, of the following "building blocs":¹⁶ the authorization of space activities including the activities of non-governmental entities in accordance with Art. VI para 2 OST, the continuing supervision of space activities including those of non-governmental entities (Art. VI par 2 OST), the registration of space objects (Article II para 1 of the Registration Convention), as well as the issue of indemnification.

As already mentioned, none of these blocs must be obligatorily regulated by national legislation from the perspective of international law. From the perspective of national law, the majority of legal orders of transformation countries even guarantee the implementation of their international obligations by means of their constitutional order, giving international law precedence before national statutory regulations. The only question which remains to be answered is, thus, whether adoption of such

national "space" legislation would enhance the implementation of international obligations.

The criterion of "enhancing" does not belong to the strict legal argumentation but can be assessed from the point of view of the expected efficiency of the considered legislation.¹⁷ In general, it can hardly be denied that creating procedures for the authorization and supervision of space activities would bring certain transparency into these mechanisms and would, thus, also enable entities from other Member States to assess more easily their rights and obligations. Also the establishment of a national registry of space objects could clarify several questions - e.g. the procedure of getting the appropriate information - which might be of interest for entities interested in space activities. Third, the national legislation could establish the statutory framework of an institution responsible for the national implementation of the ESA Convention. This step would give this institution a firm legal basis which could not be changed by a mere administrative measure. All these preconditions seem to be, however, meaningful only in case of a certain intensity of expected space activities. In view of the not exactly central character of these activities in some transformation countries, the efficiency of such national legislation could be rather low. In this regard, the experiences of ESA Member States should be studied thoroughly.

V. AN EXAMPLE: THE CZECH REPUBLIC

The Czech (former Czechoslovak) space research was part of the program *Intercosmos*. The central body for organizing its activities was a *Czechoslovak Commission for the Exploration and Peaceful Exploitation of Outer Space* which was dissolved after *Intercosmos*'s dissolution in 1991.

After 1991, the absence of any State involvement in space activities and of any coordination center and meaningful state support led to the breakdown of scientific and production teams and usually to their disappearance.¹⁸ In this situation, official relations with ESA were seen as a way out of this situation. The pertinent initiative of a group of experts found support at the Ministry of Education which became the national institution charged with the implementation of this new cooperation.

In 1996, the Framework Agreement between the Government of the Czech Republic and ESA concerning Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes was signed, approved by the Czech Parliament and ratified by the President of the Republic.¹⁹ According to its Article 9, the Agreement entered into force on 5 November 1998. The aim of the Agreement was to establish a framework for mutual cooperation (Article 1). Mutual obligations were of only general character: The Parties obliged "to keep themselves informed" and they defined areas offering a "potential" for cooperation. Moreover, ESA declared itself "favorably disposed towards making available... hardware no longer required for its programs" (Article 2). For the execution of the obligations of this Agreement, each Party was expected to "normally meet its own costs". The most important developments took place on the institutional level: ESA was given the status of a legal person established in the Czech Republic (Article 6) and for disputes concerning the interpretation or application of the Agreement arbitration tribunals were envisaged (Article 8). According to Article 3, the Parties obliged themselves to designate a point of

contact which was tasked to coordinate actions relating to the implementation of this Agreement.

As a direct consequence of the 1996 Agreement, a coordination structure able to respond to the needs of the Agreement started to be established in the Czech Republic. The Ministry of Education, entrusted with the implementation of the Agreement, established a Council for the Cooperation with ESA in 1997, later renamed as Czech Board for Space Activities (CBSA), composed of members from all various areas of space activities. The Council serves as an advisory organ of the Ministry, as well as a coordinating organ in the sphere of space activities.

The executive part of the activities of the Board for Space Activities and the nucleus of the institutional framework of the contacts with ESA is the Czech Space Office (CSO), a non-profit association established in November 2003. Its main bodies are the Management Board, the Supervisory Board and the Managing Director. The main activities of the Czech Space Office are to serve as an information and advisory centre in space activities including international cooperation, a contact point for communication with ESA, as well as a contact point between the Czech professional institutions and experts and for foreign organisations interested in space activities in the Czech Republic.²⁰

The work of CSO includes gathering and storing information about Czech space projects as well as information on foreign space programs relevant to the development of Czech space activities. It covers the management of databases of Czech institutions, both academia and industry, and data on space projects carried out in the Czech

Republic, as well as their status and results. Last but not least, CSO serves as information point for the general public.²¹ CSO also represents the Czech Republic in the High-level Space Policy Group jointly chaired by EC and ESA. In March 2004, a CSO representation has been opened in Germany.

From the present perspective, the dynamics of the institutional framework of the Czech space activities are corresponding to the intensity of the mutual relations and the number of common projects. A restructuring of the CSO from its present status of a non-profit association under Czech law into a new State institution is not excluded in the future but seems to be premature at this point.

In 2003, the Framework Agreement was replaced by the European Cooperating State Agreement (ECSA) which was - similarly to the procedure of adopting the Framework Agreement - approved by the Czech Parliament and ratified by the President of the Republic. Among the substantive obligations resulting from this Agreement are the entitlement of the Czech Republic to be "associated with implementation of the Agency programs ...with the exception of the Agency's basic Technology Research Program" (Article 2) and to have an access to the Agency facilities on a cost-reimbursable basis (Article 3). On the other side, the Czech Republic is obliged to support the European transportation systems (Article 3), to contribute financially to the ESA activities (Article 7) and to "discuss the convergence and complementarity of Czech industries" with the industries of the ESA member States" (Article 8). Concerning institutional arrangements, the Ministry of Education was declared

an authority “responsible for the implementation of the Agreement” (Article 10).

According to its Article 13, the Czech Republic accepted the terms and conditions of the attached appendices, the most significant being the Plan for European Cooperating States (PECS) (Appendix 1). This Plan defined its purpose as to “associate the Czech Republic with Agency programs and to prepare it in the most efficient manner for possible accession” to the ESA Convention. It was intended to intensify the mechanisms of mutual cooperation by defining its areas, the amount of financial contribution of the Czech Republic (Art. II.4), as well as establishing a new institutional mechanism, the “PECS Committee” expected to monitor and control its implementation (Article II.1).

According to Article 14 of the ECS Agreement, the Agreement entered into force on the date of notification by the Czech Republic to the Agency of its approval by the adequate national organs (19 November 2004). The “enjoyment of the benefits and rights from the Agreement” was conditioned by the signing, by the Czech Republic, of a Charter of a Plan for European Cooperation States which defined the terms and conditions of the financial contribution of the Czech Republic to the PECS. This Charter had to be signed “at the latest one year after the signature” of the Agreement. In case “the said subscription had not occurred within the above time limit, the present Agreement would have been automatically terminated”. The PECS Charter was signed by the representatives of the Czech Republic exactly in this term, namely on 24 November 2004.²²

The ECS Agreement has been concluded for a period of five years starting from the date of signature of the PECS Charter (Article 15), which means until 24 November 2009. One year before the expiry of this Agreement, i.e. in November 2008, the Parties shall review the results of its implementation and shall examine ways and means of continuing or further developing such cooperation, in particular the possibility of the Czech Republic being granted the status of Associate Member or Member State of the Agency.

The results of this review can be hardly predicted. From the present point of view, it can be only repeated that until the accession of Romania to the PECS-system there was no possibility to establish its mechanism in practice which was expected to be based principally on the participation of at least three countries: According to Article 3.12 of the Appendix II of the ECS Agreement, the rules of procedure of the PECS Committee should be implemented and become fully applicable when at least three ECS have joined the PECS Committee. The next matter which will have to be considered, will be the readiness of the present members to approve the accession of the Czech Republic as a new Member State: As already mentioned before, according to Article XXII of the ESA Convention, a unanimous vote of all members will be necessary for this step which means that each of the present Member States can negatively affect the accession procedure even by its abstention in the Council.

Some changes have to be done also in the Czech Republic itself: First, it is generally recognized that all natural and legal persons, institutions and entities active in space research have to

familiarize themselves more thoroughly with the aims and purposes of their involvement in ESA. Second, there is a strong necessity to improve the knowledge and understanding of all existing ESA mechanisms by those who are active in the Czech space initiatives, especially practical matters like how to fill a form for an ESA project.

Additional improvements are also called for as concerns the communication between the ESA organs and their Czech partners. Notwithstanding the plentitude of quite detailed legal regulations on the modalities of any ESA representation on the territory of the Cooperation States (e.g. Article 9 ESC Agreement), ESA has not yet established any such representation in the Czech Republic and, at least to the best of the knowledge available, no such plans have so far been disclosed.

Generally considered as a very positive step in the mutual relations is the invitation of the representatives of the Czech Republic to take part in a session of one of the ESA Councils - the Council on Earth Observation in May this year. This decision had to be taken by the Committee for International Relations - IRC, although it seems that, as yet, the general procedures for such decisions have not been clearly established.

In this situation, the CSO considers - while being aware of the difficulties connected with this status in the past - granting the status of observer (in ESA) to the Czech Republic in accordance with Rule 23 of the ESA Council Rules of Procedure as a provisional and additional solution connected with its present ECS status. In this transitory period in which the strategies of the Parties have not

crystallized yet, it seems to be a solution which would enable the representatives of the Czech Republic to fast acquaint themselves with the ESA mechanisms and to prepare for the full membership in the future. In despite of the fact that so far no Non-member State has been granted this status *stricto sensu*, it is seen by the CSO as an optimal reflection of the state of the present formal and factual relations between ESA and the Czech Republic.

The question of elaborating national space legislation starts to be discussed in Czech Republic but its adoption seems to be premature in this point. According to Article 10 of the Constitution of the Czech Republic²³, promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order; should an international agreement make provision contrary to a statutory law, the international agreement shall be applied. All space treaties and ESA-Agreements were - in general - approved in this procedure; thus, their rules precede any conflicting national norms. As a consequence, the Czech Republic is e.g. obliged to authorize and supervise the space activities of its subjects, including non-state entities, to keep a register of space objects and is responsible for space activities of the entities under her control. If ratified by the national parliament and published in the respective national official collection of laws, also the ESA Convention would become part of the Czech national legal order and have applicatory precedence over domestic legal rules.

It is not excluded, however, that despite of this fact national space

legislation will be adopted in the future. This step seems to be necessary at the latest if the Czech Space Agency should be given a form of a new State agency; this step could not be approved on another than a statutory basis. More probably, the competencies of the Agency, its relation to other State organs as well as mechanisms of its decision procedure would have to be defined in this statute. Moreover, the statute could also provide for the regulation of other issues such as the institutionalization of the space register or the procedure of licensing space activities.

VI. CONCLUSION

According to Article 15.1 of the ECS Agreement with the Czech Republic and fully in line with the ECSAs concluded with Hungary and Romania, the question of granting these States the status of Associate Members or Member States of the Agency has to be examined at the latest one year before the expiry of these Agreements. One of the possibilities envisaged in the Agreements would be the prolongation of the ECSAs by mutual agreement of its Parties (Article 15.2 of the ECSAs). This scenario seems to be, however, rather improbable: The implementation of the present PECS program faces difficulties connected with the hesitation of the transformation States to join its mechanisms and, thus, with the failing possibility to bring its institutional framework into effect.

The general conditions for accessing ESA are defined in Article XXII of the ESA Convention and the additional condition – the payment of an “entrance fee” - in Article XIII para 4 of the ESA Convention. For approval of the accession, a unanimous vote of the present members is necessary. Not the formal legal preconditions but this unanimity requirement might constitute

a considerable obstacle for the accession of the transformation countries to ESA. In this situation, other forms of formal relationship with the ESA, such as Associate Membership or an observer status, might be taken into consideration.

From the perspective of international law and, as such, the ESA Convention, no elaboration of national space law is necessary for the implementation of the various forms of cooperation with Member- or Non-member States. The States have to guarantee the implementation of its rules and its appendices; the form of their implementation remains a matter of the domestic legal order.

This principle is applicable also as concerns the legal relations between ESA and the Czech Republic: At the time being, the national framework for these relations seems to be sufficient. In case the Czech Republic would, in the future, become either an Associate Member or full member of ESA, it is not excluded that the present structure of the national coordination of space activities will have to be modified and that the Czech Space Office will be rebuilt into a new State institution. In this case, the adoption of a statute regulating its position and competencies would be not only feasible but necessary.

The enlargement of ESA is not only a legal process, but is at first a process based on a political decision. The present Member States can by no means be forced to accept the newcomers – their decision is based only on their free will. However, accepting the transformation States with their *Intercosmos* know-how would terminate the anomaly of the cold-war period in the area of space

activities as has already been done by the European Union.

¹ July 13, 1976.

² Agreement between the Government of Hungary and the European Space Agency Concerning Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes of 1991, Romania of 1992, Poland of 1994 and the Czech Republic of 1996.

³ CSE/CS(73)19, rev. 7.

⁴ C. Baudin, Cooperation and International Agreements, Article XIV of the ESA Convention, Air & Space Law 23 (1998) 1, 8 -15.

⁵ Nr. 111/2005 Coll. of International Treaties of the Czech Republic.

⁶ ESA and Hungary sign European Cooperating State Agreement, <http://www.spaceref.com/calendar.htm?pid=2087>.

⁷ Romania becomes third ESA European Cooperating State, http://www.esa.int/esaCP/SEMI2HMVGJE_index_0.html.

⁸ ESA stimulates scientific and industrial relations with four East European Countries, 4 October 2001, <http://www.esa.int/esaCP/ASAMPTNW9SC>.

⁹ See e.g. the Preamble of the European Cooperating State Agreement between the Government of the Czech Republic and the European Space Agency, Nr. 111/2005 Coll. of the Czech Republic.

¹⁰ Czech Republic signed plan for European Cooperation State (PECS) Agreement with ESA, <http://www.czechspace.cz/CSO/PECS/pecs.htm>.

¹¹ Treaty Concerning the Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, L 157/11, 21.6.2005.

¹² Treaty Concerning the Accession of Bulgaria and Romania to the European Union signed on 25 April 2005, http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=963&lang=de&mode=g.

¹³ See also S. Hobe, Financial contributions of participating states to optional programmes of the European Space Agency (ESA), Zeitschrift für Luft- und Weltraumrecht, 52 (2003) 3, 297-313.

¹⁴ 23 October 1985.

¹⁵ ESA/C(79)69.

¹⁶ M. Gerhard, Analysing the Presentations and Discussions: Potential Building Blocs of a National Space Legislation, in: Need and Prospects for National Space Legislation, Proceedings of the Project 2001 – Workshop on National Space Legislation, 2001, 181 ff.

¹⁷ More on this question see V. Kopal, International and National Space Law, *izeilenabstand* ibidem, 187.

¹⁸ S. J. Kolář, Organizační podmínky kosmických aktivit v České republice, *Československý časopis pro fyziku*, 4 (2002), 3.

¹⁹ Nr. 307/1998 Coll.

²⁰ The Hungarian Space Board consists of members delegated by ministries and government offices. It is responsible for policy issues, working under the supervision of the Minister of Transport and Communication. The Scientific Council for Space Research consists of experts ensuring the scientific background for the Board and the Space Office. The Hungarian Space Office is an operative body which coordinates activities of institutions taking part in space research, permitting the participation in international institutions. In: G. Gál, Elements of Space Law in the Hungarian Legal System, *Journal of Space Law* 23 (1998) 1, 61-65.

The Polish Space Office was created by the Decision of the President of the Polish Academy of Sciences (Decision Nr. 19/2001) on 12th October 2001. Its task is to ensure required assistance to the Inter-Ministerial Consultation and Coordination Board for Space Affairs, an advisory board to the Prime Minister. The Polish Space Office is located in the Space Research Centre of the Polish Academy of Sciences; the SRC provides necessary equipment and facilities. The Polish Space Office supports all space-related activities in Poland and serves as a contact point for foreign institutions interested in cooperation with the Polish space sector. It promotes and supports the implementation and use of space technologies in Poland. It also promotes Polish space activities abroad. The Director of the Space Research Centre supervises the activities of PSO. <http://www.kosmos.gov.pl/PSO/AboutPSO.htm>.

The Romanian Space Agency (ROSA) which was established in 1991, by the Government Decision no. 923/ 20 Nov 1995, is an independent public institution. The mission of the Agency is to coordinate the national space research and applications programs; to promote space development; to be the Government representative in the international space cooperation; and to develop specific project oriented research. ROSA is authorized to establish research and development centers oriented on specific objectives of the Romanian Space Program.

http://portal.rosa.ro/index.php?item_id=1.

²¹ <http://www.czechspace.cz/CSO/cso.htm>.

²² Nr. 112/2005 Coll. of International Treaties.

²³ Constitutional Act No. 1/1993 Coll., as amended.