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Latest Discussions on the Amendment to the Space Activities Act of Japan

Key Issues Discussed in the Space Activities Act Amendment Working Group (Part II) – Overall Framework of New Licensing Regime the Space Activities Act

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Contents

1. Introduction

Discussions on amending Japan's Space Activities Act (the "SAA") in Japan are currently under way, kicked off in the first meeting of the SAA Amendment Working Group (the "Working Group") held on June 4, 2025. Following our previous issue[1], this newsletter provides an overview of the key points of the anticipated amendments, particularly putting focus on the overall framework of the new licensing regime, which can be more complicated than the current SAA responding to the diversified space business. Please be noted that, as of the date of writing this article, the minutes of the first Working Group meeting have not yet been published. Accordingly, this

[1] https://www.amt-law.com/asset/pdf/bulletins14_pdf/250924_en.pdf

newsletter is based on the materials distributed at that meeting[2] (the "Materials").

2. Key Takeaway from the First Working Group Meeting (Part 2): Overall Framework of the New Licensing Regime

2.1. Background of the Discussion

One of the challenges associated with the current SAA, which entered into force in 2018, is that—despite the rapid advancement of space technologies and the diversification of space businesses—the SAA provides only two categories of licenses: (i) launch of artificial satellites (the activity of launching a launch vehicle from the ground and placing a satellite into orbit), and (ii) on-orbit control of artificial satellites.

As a consequence, under the current SAA, new types of activities such as on-orbit services exemplified by active debris removal (ADR), as well as lunar exploration, have been addressed by classifying them as a subcategory of "on-orbit control" to grant licenses in practice with reference to guidelines. However, from the standpoint of business predictability, it has been considered preferable for the SAA to expressly establish specific licensing regimes tailored to the currently foreseeable business models.

Consistent with this approach, the interim summary of the previous discussion publicized by the government indicates that the forthcoming amendment should move toward the creation of new licensing schemes that correspond to various categories of space activities. The ongoing discussion mentioned below has followed such discussion.

2.2. Overall Framework of the Licensing Regime

The overall framework of the licensing system currently under consideration by the Working Group is as follows.

2.2.1. Overall Framework of the Licensing Regime

Flights that do **not** reach Earth orbit, including the sub-orbital flights, have been one of the main focuses of the discussion.

As introduced in the previous issue, under the current legislation, vehicles flying at altitudes higher than aircraft but not reaching Earth orbit are not expressly regulated either under the Aviation Act or the SAA. To address this gap, such flights are to be classified as "high-altitude flights" and positioned within the SAA as a new category distinct from both aircraft operations

[2] https://www8.cao.go.jp/space/comittee/32-kaisei_wg/k_wg-dai1/siryou2.pdf(Japanese)

and “space activities.”

The amended SAA is to distinguish between “high-altitude round-trip flights,” which return to Earth, and “high-altitude rocket launches,” which do not return, with separate licensing regimes anticipated for each. High-altitude round-trip flights are treated as a distinct category because their operations–including atmospheric reentry, landing or splashdown, and in some cases recovery of the vehicle–necessitate safety reviews that differ from those applicable to non-returning launches.

2.2.2. Diversification of Licensing Regimes for Satellite Launches

We next consider launch activities that do reach Earth orbit.

Under the current SAA, the licensing regime for satellite launches governs activities where satellites intended for “use” (i.e., operation and control) after orbital insertion are launched from within Japan into orbit. However, the current framework does not cover:

(a). Launches of objects such as monuments, which are placed in orbit but are not considered “used” (operated and controlled) as satellites;

(b). Launches that reach Earth orbit but subsequently return to Earth; and

(c). Launches conducted abroad by Japanese entities.

The discussion toward the amendment indicates the following approach:

- Regarding (a), it is envisaged that the existing “satellite launch license” will be expanded into a broader “space object launch license.” The term “space object,” which does not currently exist under the SAA, is expected to be introduced in the amendment to encompass both “spacecraft” (such as satellites used in orbit) and objects not “used” in orbit (such as monuments).

- Regarding (b), a new licensing category termed “space round-trip flight license” is anticipated to cover activities involving return to Earth after reaching orbit.

- Regarding (c), the Working Group has considered applying the SAA to high-risk launches involving hazardous materials, even if conducted abroad, through a “hazardous payload license.” This reflects the obligation under the Outer Space Treaty (“OST”) for States to bear international responsibility for their own space activities. While one might view it favorable to broadly apply domestic regulation to space activities involving Japanese entities regardless of launch location, such activities are typically also subject to the regulatory regime of the State where the launch occurs. To avoid excessive burdens from overlapping regulation, the Working Group has indicated that Japan’s SAA would apply

to foreign launches only where hazardous payloads are involved.

2.2.3. Operation of "Spacecraft" in Orbit and Beyond

Finally, we dive into the operation of spacecraft such as artificial satellites and planetary probe.

Under the current SAA, diverse activities – including reentry operations and planetary exploration–are managed within the category of "satellite control licenses." According to the Materials, however, the amendment contemplates maintaining this framework while also introducing new licensing categories:

- A "reentry license" for operations involving atmospheric reentry; and
- A "probe control license" for planetary exploration, with a "special probe control license" envisaged for celestial bodies (such as the Moon) that have already been subject to significant exploration activities by multiple States.

These categories reflect the fact that different considerations should apply–for example, ensuring safety during reentry, or environmental protection and coordination with other States' activities in the case of planetary probes.

A further notable point is **the clarification regarding foreign-operated spacecraft that reenter and land within Japan's territory**. The current SAA does not explicitly regulate such cases, but the Materials suggest that a reentry license would be required in such circumstances.

2.2.4. Licensing Requirements for Each Category

The newly contemplated licensing categories are intended to be aligned with the scope of responsibility imposed on Japan under international law, including the OST. The Materials also propose reviewing the requirements for current satellite licenses to reflect the different "protected interests" partly based on the OST.

While international legal developments are already considered to some extent under the current licensing framework, the scope of global debate on space regulation continues to expand–covering issues such as space debris and planetary resource exploration. We have to follow the discussion as it remains to be seen what specific requirements will ultimately be established under the new licensing categories in the amended SAA.

3. Conclusion

In this issue, we outlined the overall framework of the new licensing regime under consideration by the Working Group, designed to address the diversification of space businesses.

Future meetings of the Working Group are expected to cover a wide range of additional topics, and our firm will continue to follow and report on these developments in upcoming issues of this newsletter.

- This newsletter is published as a general service to clients and friends and does not constitute legal advice. Should you wish to receive further information or advice, please contact the authors as follows:

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