



Galileo project and liability aspects

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Abstract

The GNSS refers to a constellation of satellites providing signals from space that transmit positioning and timing data to GNSS receivers. In providing global coverage, GNSS includes Europe's Galileo, the USA's GPS, Russia's GLONASS and China's BeiDou Navigation Satellite System.

The concept of what developments around the new area of Global Satellite Navigation System law constitute, is playing a growing role within all raising issues regarding which specific body of law might rule the operation of such satellite systems.

However, a specific international legal framework concerning GNSS activities is not provided, therefore, it is advisable to delve into national laws and judicial decisions that may be potentially applicable in case of damage or malfunctioning arising from the use of the signal.

In Europe there is a number of Member States - as for instance France, Italy and Germany - that identify, analyse and define damage arising from space operations, but, in essence, they do not consent to clearly address liability risks connected to the provision of navigational data,

In the United States the situation is instead characterised by U.S Government's concern about the fact that, as long as the service is offered free of charge, the provider should not have to bear the additional burden of international liability for faulty service.

Therefore, the absence of a clear and common legal framework regarding liability and GNSS has a many repercussions on the identification of the liable party in case of malfunctioning of a signal and also on the assessment of the recoverable damage both in European Union and United States. It is very clear that designing a proper regime applicable requires not only ratifying UN Treaties or referring to the existing national regulations, but to make substantive efforts in order to solve the issues regarding which specific body of law might rule on the subject matter.

Anna Masutti - Is a tenured Professor of Air Law at the University of Bologna, where she lectures in air law and company law. She is the editor of the Aviation & Space Journal. She is a regular speaker at international conferences and seminars in her field.

She is also specialised in aerospace law and has been involved in the Galileo and EGNOS programmes. She co-drafted for the Italian Government proposed EU legislation for Third Party Liability (TPL) for the Galileo satellite programme and for the feasibility study on an international convention regarding the GNSS, presented by Italian Government to the European Commission and to the International Institute for the Unification of Private Law (UNIDROIT). She frequently contributes to projects on the SES and she is partner of the following: SWIM-SUIT (System-Wide Information Management SUpported by Innovative Technologies) with SELEX Sistemi Integrati, a Finmeccanica Company; ALIAS, Assessing Liability Issues of Automated Systems (ALIAS) with Eurocontrol and SESAR JU, ULTRA project "Unmanned Aerial Systems in European Airspace" promoted by Indra Sistemas S.A.; RPAS with EC and ICAO.

Anna cooperates with the European Space Policy Institute (ESPI), the Italian Civil Aviation Authority (ENAC) and the Transport Commission of the Italian Parliament in drafting a reformed aviation regulation of the Italian Navigation Code. Anna cooperates also with the Aviation Panel of International Bar Association (IBA). She is also committee member of the European Air Law Association (EALA).