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THE NEW SWISS LAW ON SPACE OPERATIONS: AN INTRODUCTION: PART 0

Aviation & Space | 1/2026

Introduction

This article is the first in a series dedicated to the new Swiss draft Federal Act on Space Operations. In this introductory instalment (Part 0), we provide an overview of the rationale, the comparative legal context, and the key pillars of the proposed legislation. Subsequent articles will examine each area in greater depth, including the authorisation regime, the liability framework, and Switzerland's positioning within the broader European space regulatory landscape.

Rationale and Context for a Space Law

Today, a vast array of services and critical infrastructure depend on space-based operations, which have become deeply integrated into everyday life. These include satellite and para-satellite systems supporting weather forecasting, navigation and positioning services, transportation, energy management, and national security. The space sector is of fundamental importance to both Swiss and European security. Like every other industry, the space sector is being shaped by emerging technologies, from 3D printing to artificial intelligence and quantum-based communication methods. At the global level, significant legal uncertainty persists: the rules governing the safe conduct of space operations remain unclear, and equally, there is no solid legal basis upon which to prohibit dangerous activities. As for Switzerland, the Confederation currently lacks the concrete capacity to regulate such activities, whether carried out by domestic or foreign operators.

A first fundamental point is that the new law definitively establishes that satellites under Swiss sovereignty are subject to Swiss law. Given that relations in this field have historically been governed primarily through United Nations treaties, the objective of a federal statute is to find national solutions to the long-debated issue of liability. In this regard, Switzerland is a signatory to the UN Space Treaties, and the aim is to implement those treaties domestically, to provide a clear and competitive legal framework for both public and private actors, and to establish protective solutions for the Confederation in the event of damage.

Another foundational reason behind the Confederation's adoption of this law is that, under the Liability Convention (Convention of 29 March

1972), the Confederation would have no possibility of exercising a right of recourse against the private operator that caused the damage. The proposed legislation addresses this gap directly (as discussed below).

Although space operations will now be subject to an authorisation requirement, it is important to note that the fee rates for the granting of such authorisations are set by the Federal Council and may consist of fixed amounts for specific services or variable amounts based on the time invested. As a relief measure for all enterprises, they are exempt from a supervisory fee for register management and ongoing supervision, as otherwise required, for instance, in the banking sector.

Comparative Law and the EU Space Act

By adopting this legislation, Switzerland transposes into national law the UN Space Treaties it has ratified, while also seeking to sustainably strengthen the attractiveness of the Swiss economic base in the space sector. To date, with the exception of a few specific provisions in countries such as Germany and Poland, no European Member State has enacted a space law of comparable specificity; most have only broad regulatory frameworks. At the European level, the so-called "**EU Space Act**" remains in draft form. Nevertheless, the Confederation has observed that a fragmented regulatory landscape would become a competitive disadvantage for the sector. Moreover, even when and if the EU Space Act is ultimately adopted by the European Union, the Confederation notes that the proposed Swiss draft Federal Act on Space Operations is designed to be compatible with European law, whilst remaining a considerably more streamlined bill with a more limited scope of application, since space activities and associated terrestrial services would remain exclusively subject to sectoral legislation (unlike the EU Space Act).

Key Pillars of the New Draft Law

In addition to the general provisions (purpose, scope, field of application and definitions), the draft law establishes an authorisation requirement for space operations. This requirement is also in the interest of private actors: without an authorisation, it may become difficult for them to engage the services of companies that transport satellites into space. In cases of limited risk, special concessions may be granted.

As regards damage and liability, the framework distinguishes between three distinct orbital regions: (1) Low Earth Orbit (LEO), ranging from the outermost layers of the atmosphere up to an altitude of 2,000 kilometres, with typical applications including broadband internet, IoT applications and communications with the International Space Station (ISS); (2) Medium Earth Orbit (MEO), the zone between LEO and GEO; and (3) Geostationary Orbit (GEO), located 35,800 kilometres above the equator, used for radio broadcasting, communications, and as a crucial zone for the armed forces of nations as, in this orbit, the satellite rotates at the same speed as the Earth, remaining "fixed" for defensive purposes, which means having a permanent satellite for C2 (command and control) applications or long-range drones (UAVs) such as the Global Hawk or Reaper.

For damage caused by space objects, the UN treaties provide for a regime of interstate liability based on international law ("**Liability Convention**"). Under this regime, signatory states are liable under international law for national activities in space and for any damage caused, regardless of whether state or private entities are involved. With this law, the Federal Council proposes a national liability regime

as an alternative to the international law regime. In particular, it governs the procedure to be applied when the injured party (domiciled or headquartered in Switzerland) intends to claim compensation for damage based directly on the Liability Convention, and establishes the possibility for the Confederation to exercise a right of recourse against the operator of a space object where such operator has caused damage and Switzerland is required to pay compensation under the Liability Convention.

Conclusion

This article represents the first instalment in a series of publications dedicated to the new Swiss draft Federal Act on Space Operations. In subsequent articles, we will examine each aspect of the legislation in greater detail, including the authorisation regime and its practical implications, the liability framework across orbital regions, the interplay with the EU Space Act, and the broader strategic considerations for operators and stakeholders in the Swiss space ecosystem. Stay tuned for the next parts in this series.

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