

## LEGAL ALERT

### ACCESS AND EXERCISE OF SPACE ACTIVITIES

Decree-Law No. 16/2019, of January 22, was published, establishing the regime of access and exercise of space activities.

The Decree-Law comes after information and news regarding a study on the creation of a spaceport on the island of Santa Maria, in the Azores, for satellite launch purposes.

#### Space Activities

This Decree-Law applies to space activities carried out in Portugal or abroad, as long as, in this last case, provided by Portuguese operators or those established in Portuguese territory. Space activities include:

- **Launch site operations** (operations for the management, administration or direction of a launch site, designed for the launch or return of space objects, *e.g.*, satellites);
- **Space operations** which include **launch and/or return operations** (those for which it is intended to send or launch space objects into space) and **command and control operations** (consisting of effective control over the space object launched into space).

#### Licence

According to the new Decree-Law, the exercise of space operations (*i.e.*, launch and/or return operations and command and control operations) depends upon obtaining a licence.

The licence is not compulsory if the activities are provided outside Portuguese territory by Portuguese operators or by operators established in Portuguese territory, as long as they can demonstrate that the necessary authorisations were obtained and that the law of a State with which Portugal entered into

an agreement to guarantee the fulfilment of the international obligations the country is bound to has been complied with.

Licences are granted to the respective operator and can be either **unitary** (for each type of space operation) or **global** (for a series of space operations of the same type).

The licence is granted by the Portuguese Space Agency (PSA) within 90 business days from the date the application is received, after confirmation that a range of conditions have been met.

### **Prior qualification**

Operators wishing to do so may obtain prior qualification certificates that contain information on elements relating to the operator itself (for example, its technical, economic and financial capacity for the space operations it intends to carry out) or to the systems, processes, characteristics and specifications implemented (for example, the characteristics and specifications of the space object).

Operators who have a prior qualification certificate are exempt from submitting the information already contained therein in the licence application.

### **Registration of space objects**

The PSA shall, itself, register space objects regarding which Portugal is the launching State.

The respective operator shall register with the PSA:

- The space objects whose launch, return or command and control is carried out by operators licensed in Portugal and any transfers of their ownership;
- The end of the service life of a space object operated and controlled by an operator licensed in Portugal;
- Any major accident or incident suffered by the space object.

### **The Portuguese Space Agency**

The PSA must be created by decree-law and, among other functions, it shall guarantee the safety of space activities, issue prior qualification certificates and licences, register space objects, supervise compliance with the Decree-Law and apply penalties in the event of regulatory offences.

Until the creation of the PSA, the Portuguese Communications Authority shall be responsible for exercising the respective authority and duties.

This Decree-Law enters into force on the day following its publication. The regulations referred to therein must be approved within 180 days.

[João Tiago Silveira \[+info\]](#)  
[Diana Ettner \[+info\]](#)