



The Regulation of Portuguese Space activities

ANACOM'S MISSION - PAST, PRESENT AND FUTURE

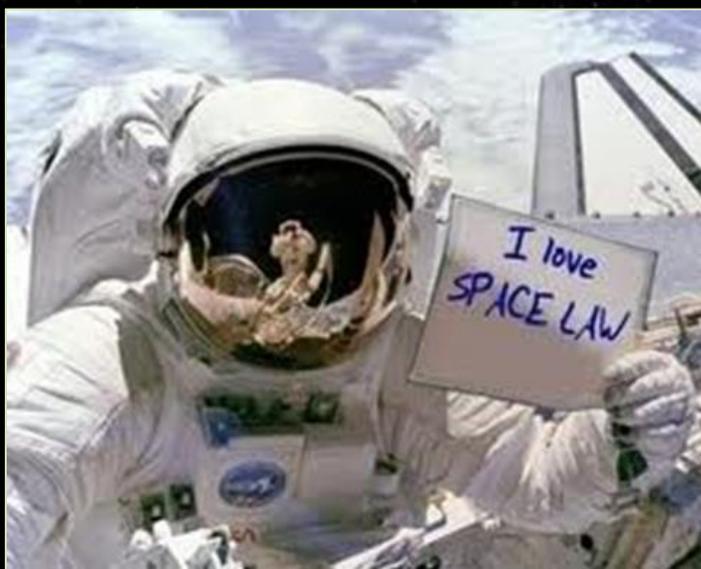
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Institutional background





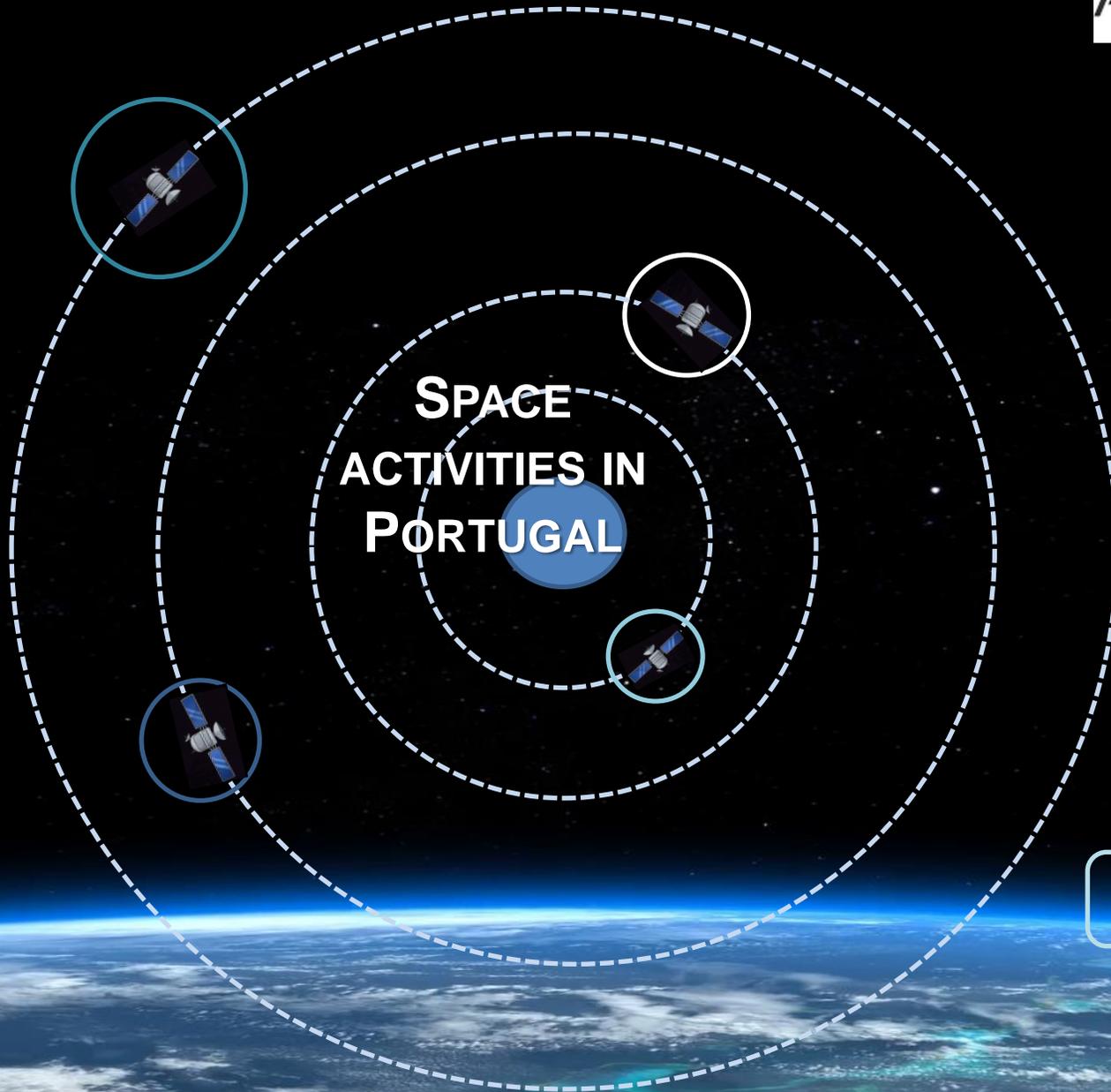
Portugal Space Strategy 2030

National Space Law



Portuguese Space Agency

Mission & tasks



Space Authority

Regulation on access to and exercise of space activities



Azores Regional Space Act

Regulation for licensing space activities

Regional Space Authority

PORTUGAL SPACE STRATEGY

- Approved by [Resolution of the Council of Ministers 30/2018, of March 12, 2018](#);
- Strategic goals:
 - to promote economic growth and the creation of skilled employment;
 - to promote the generation of satellite data through new space technologies and infrastructures;
 - to contribute to the development of Portugal and scientific international cooperation;
 - to guarantee the evolution of legal, financial, institutional, and cultural/educational frameworks in order to develop the space sector in Portugal.

PORTUGAL SPACE STRATEGY (CONT.)

- Strategic axes:
 - 1) Exploration of space data and signals through space services and applications or as enabled by space technologies;
 - 2) Development, construction and operation of space equipment, systems, infrastructures and services for space data generation, with an emphasis on mini-, micro- and nanosatellites;
 - 3) Development of national capability and skills in the space sector through scientific research, innovation, education and scientific culture.
- Five **courses of action**: legal, financial, institutional, internationalisation, and scientific culture.

AZORES SPACE STRATEGY

In November of 2021, the Azores Government presented its [Space Strategy](#) that aims to promote the vision, mission and objectives to boost the aerospace sector in the region in the medium and long term.

Promotion of a wider and safer access to space – priority area

The Azores has not only a unique geolocation, but optimal security conditions for installing spaceports, both for vertical takeoff (VTOL) and for horizontal takeoff (HTOL). (...) The development of spaceport facilities in Azores is a priority of the SAzS. The Azores will offer a fast track procedure for these process, as well as an articulated package of conditions, safe locations, and attractive fiscal and financial benefits, either for launching small satellites or payloads up to 500Kg or operating space touristic missions.

[Government Council Resolution 54-A/2022 of April 6, 2022](#) – a formal open tender was launched for the construction, financing, operation and exploitation of the spaceport allowing a new generation of launch services, located on the island of Santa Maria.

Legal framework



... in a snapshot!

**NATIONAL SPACE LAW
DECREE-LAW 16/2019**

**REGULATION ON ACCESS TO AND
EXERCISE OF SPACE ACTIVITIES
REGULATION 697/2019**

Administrative
Regulation

**LEGAL ORDER OF CIVIL LIABILITY
AND INSURANCE FOR SPACE
ACTIVITIES**

Ongoing

**AZORES REGIONAL SPACE ACT
DECREE 9/2019/A**

**AZORES SPACE REGULATION
REGIONAL IMPLEMENTING
DECREE 6/2020/A**



National Space Law
Decree-Law 16/2019

National Space Law

SPACE ACTIVITIES

Space operations
and
Launch centre operations

Exclusions: flights that do not
intend to go to space.

SPACE OPERATIONS

Launch and/or return operations - the activity through which space objects are intended to be sent or launched into space, with a view to their placing in or beyond orbit, as well as the return of space objects to the Earth's surface;

Command and control operations - the activity that consists in the exercise of effective control over the space object.

LAUNCH CENTRE OPERATIONS

The management, administration or direction of a launch centre.

National Space Law

OBJECTIVES

Establishes the national framework for accessing and performing space activities – that include space operations and launch-site operations.

To regulate the exercise of space activities subject to the responsibility, authorization and supervision of the Portuguese Republic (among others).

SCOPE

It is applicable to space activities carried out:

- On national territory regardless of the operator's nationality;
- Outside the national territory by Portuguese operators or operators established in the national territory.

COVERAGE

- Licensing;
- Prequalification;
- Registration and transfer of space objects;
- Liability;
- Supervision and surveillance of space activities;
- Sanctions.

National Space Law

LICENSING

Compulsory licence for:

- Launch and/or return operations;
- Command and control operations.

Types of licences:

- Individual licence – to each type of space operation;
- Blanket licence – to a series of space operations of the same type;
- Joint licences – to space operations of the same type or a different type.

Conditions and other requirements.

SPECIAL REGIME

Shorter deadlines or streamlined procedures:

- Public entities;
- International organisations;
- Scientific, research or experimental purposes;
- Recognition of authorisations from other states.

PREQUALIFICATION

Exempts operators from submitting in the licensing procedure information included in the prequalification certificate.

National Space Law

REGISTRATION / TRANSFER

Space objects for which Portugal is the launching state are subject to registration – elements to be registered: UN Registration Convention.

In addition:

- Space objects whose launch, return or command and control are performed by operators licensed in Portugal;
- Transfer of ownership of space objects;
- End of the useful life of a space object;
- Any incident or serious accident suffered by the space object.

Transfer of ownership of space objects – subject to notification to the Space Authority.

vs.

Transfer of licence – subject to prior authorisation of the Space Authority.

LIABILITY

Operators shall be liable for damages caused in the exercise of the space activity, as follows:

- Objective liability for damages caused by the space operation on the Earth's surface or to aircrafts in flight;
- Liability in the event of fault for damages falling outside the scope of the previous point.

Moreover:

- State shall have the right of recourse against the operator that is responsible for that space object;
- Mandatory civil liability insurance – may be waived or the amount reduced;
- Operators must report any incidents to the Space Authority.

National Space Law

SPACE AUTHORITY

ANACOM

with powers relating to licensing, registration, prequalification, supervision and inspection; assessing/deciding on claims and resolving disputes in connection with the obligations established by the Law.

PENALTY REGIME

Administrative offenses are punishable by a fine from 250 euros to around 45 thousand euros.

Accessory sanctions: licence suspension or prohibition to carry out space activities for a period between six months and two years may be applied.

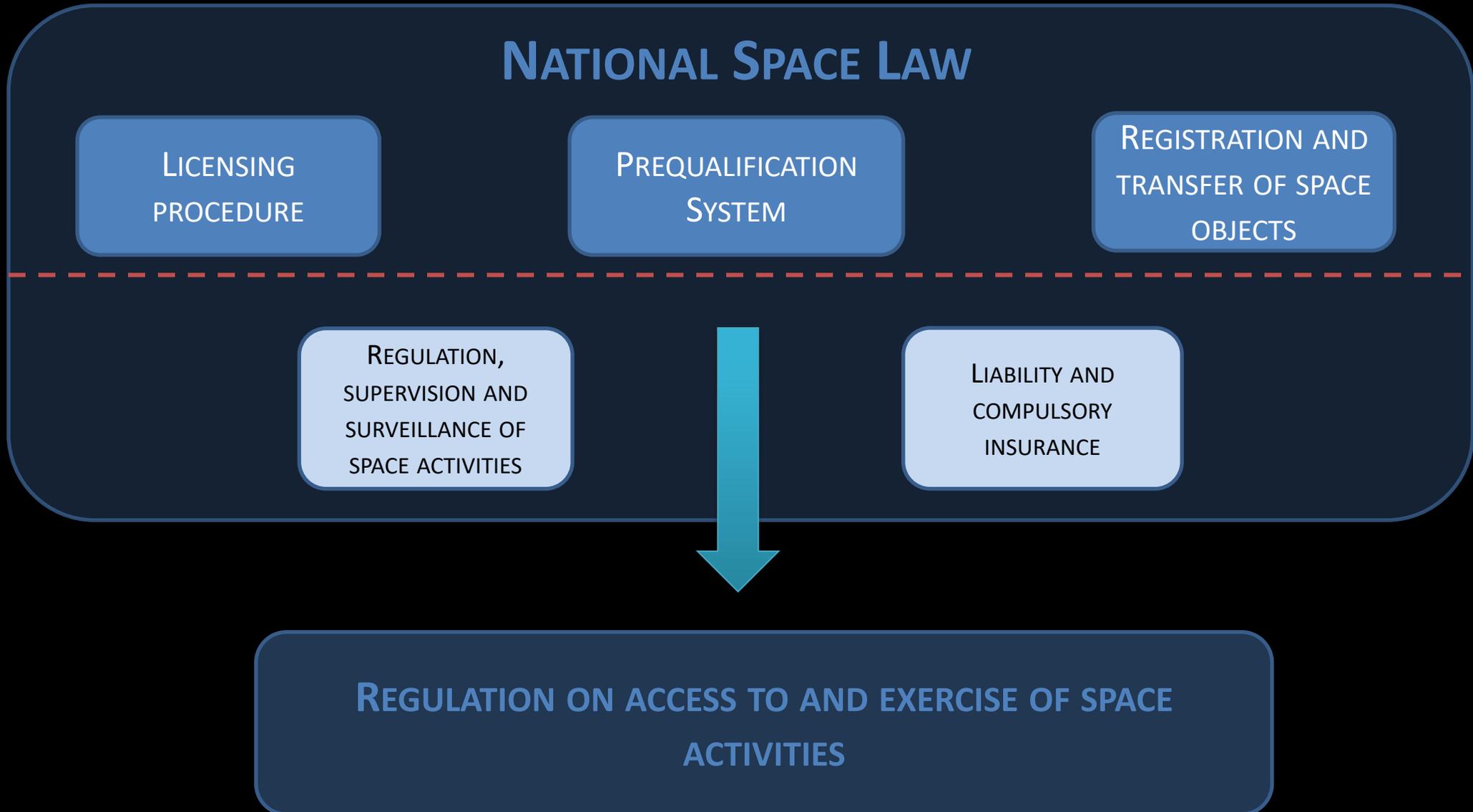
FEES / CONTRIBUTIONS

Economic and financial regime of space activities may be defined through decree-law, which shall promote the economic and financial sustainability of the Space Authority's activity, namely through the collection of fees and contributions from companies and other entities subject to its supervision powers.



**Regulation on access to and exercise
of space activities
Regulation 697/2019**

Relationship between the Law and the Regulation



Administrative Regulation

Regulations referred to in articles 5, 8, 16 and 17 (of the National Space Law) shall be approved within 180 days from the entry into force of the National Space Law. – article 29 of the National Space Law

ARTICLE 5
PREQUALIFICATION

Granting procedure

ARTICLE 8
LICENSING

Procedure and conditions

ARTICLE 16
REGISTRATION OF SPACE OBJECTS

Elements to be registered

ARTICLE 17
TRANSFER OF OWNERSHIP OF SPACE
OBJECTS

Terms and conditions

Administrative Regulation

Compulsory civil liability insurance

The insurance may be waived, or its amount may be reduced in the following situations:

- a) Operations that consist in the launch, return or command and control of space objects of small dimensions, as defined by the Space Authority;*
- d) Operations that prove to give rise to reduced risks, as defined by the Space Authority.*

– article 19 of the National Space Law

ARTICLE 19 (3) (A) SPACE OBJECTS OF SMALL DIMENSIONS

Launchers capable of launching a cargo with a total payload weighing up to 50 kg;
Space objects to command and control with a weight of 50 kg or less.

ARTICLE 19 (3) (D) OPERATIONS OF REDUCED RISK

The criteria for classifying a space operation as low risk shall be determined by the Space Authority.

THE REGULATION IS STRUCTURED AS FOLLOWS

- Chapter I – General provisions;
- Chapter II – Licensing of space activities;
- Chapter III – Prequalification;
- Chapter IV – Registration and transfer of space objects;
- Chapter V – Drafts and forms;
- Chapter VI – Final provisions.

THE REGULATION TAKES INTO ACCOUNT

- Optimization of resources;
- Simplification, speed and effectiveness of procedures;
- Reduction of administrative burdens to facilitate access for the largest number of operators interested in operating in Portugal;
- Safeguarding security interests, preventing damages and reducing the environmental impact of space activities in Portugal;
- Establishment of “open” rules to be complemented by additional instructions and regulations.

THE PROPOSED SOLUTIONS ARE HOWEVER LIMITED

- By the scope imposed by the National Space Law to the Administrative Regulation – to recap:
 - Prequalification and licensing procedures;
 - Registration and transfer of space objects;
- By the regulation established by the law itself (in respect to the licensed activities, to the types of licence, deadlines, etc.).

RELEVANT ASPECTS OF THE REGULATION

- Communications and submission of documents: digital platform – *Space Portal*.
- Definition of the elements to be presented:
 - Identification of the applicant;
 - Technical, economic and financial capacity for space operations;
 - Description of the launcher and of the activity;
 - Description of the space object in space and of the activity;
 - Space debris mitigation plan;
 - Security plans;
 - Command and control centre systems and processes;
 - Launch centre systems and processes.

RELEVANT ASPECTS OF THE REGULATION (CONT.):

- Special regime: reduction of deadlines or simplification of procedures;
- Civil liability insurance: small space objects or with reduced risks - waiver or reduction of liability insurance;
- Fees (not yet defined).



The Space Authority's mission

The past, present and future

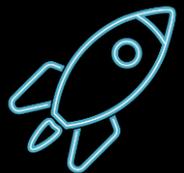
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Until the establishment, through Decree-Law, of the Space Authority referred to in this Decree-Law, the respective tasks and competences shall be exercised by National Communications Authority. – article 30 of the National Space Law



Its mission is to *regulate, supervise and oversee space activities*

Assumes the powers and responsibilities of the Space Authority, on a *temporary basis*, under Decree-Law 16/2019



About the past

- ANACOM was appointed as Space Authority: creation of an internal working group – *GT Space*: 180 days to prepare the Administrative **Regulation**;
- Workshop on the draft Regulation on Space Activities;
- ANACOM organized a meeting with the space industry - [Presentation - Draft of Space Activities Regulation](#);
- By final decision of 18 July 2019, ANACOM adopted the Regulation on access to and exercise of space activities – published in the *Official Gazette* on September 5.

About the present

LEGAL ATTRIBUTIONS OF THE SPACE AUTHORITY

- Maintain safety/security of space activities;
- Issue prequalification certificates, grant licences and register space objects;
- Cooperate with other national and international entities with relevant competences for the space sector;
- Ensure the absence of discrimination in the treatment of entities that carry out space activities under similar circumstances;
- Elaborate regulations and provide instructions on practices to be followed by market players;
- Oversee and enforce compliance with the legal obligations;
- Conduct administrative offense proceedings and apply sanctions;
- Assess and decide on any requests or complaints made by operators and resolve disputes among them.

About the future

ANACOM is committed to support the development of the Portuguese space ecosystem and is getting ready to grant the first licences.



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SPACE AUTHORITY

> Space Activities

Space Activities

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ANACOM assumes the powers and responsibilities of the Space Authority, on a temporary basis, under Decree-Law no. 16/2019, of 22 January.

This legislation, which established the legal regime governing access to and exercise of space activities, sets out an innovative legal framework designed to facilitate the development of space activities, products and services in Portugal, attracting companies and added-value, knowledge-based operations, and stimulating research and development in this area.

The Regulation on the access and exercise of space activities, adopted on 18 July 2019, aims to ensure the optimisation of resources and the simplification, speed and effectiveness of procedures relating to space activities, so as to minimise the administrative burden on businesses and to facilitate access for the largest number of operators interested in the exercise of space activities in Portugal, while at the same time placing high demands on the safeguarding of security, damage prevention and reducing the environmental impact of such activities.

The Regulation establishes the following:

- the procedure for granting and assessing the criteria for licences for launch and/or return operations and for command and control operations;
- the procedure for the award of prequalification certificates for exercising space activities;
- the details to be registered with the Space Authority concerning space objects;
- the requirements to be observed and information to be provided within the scope of the transfer of ownership of space objects.

The arrangements for access to and exercise of space activities shall enter into force on the day after the publication of the Regulation in the Official Journal of Portugal.

See decisions, and national and international legislation on space activities.



Final remarks



❖ Portugal has been taken important steps in the space sector

The National Space Law establishes innovative provisions and solutions aimed at facilitating and encouraging space private activity in Portugal.

❖ Space Authority is at the center of the institutional framework for space in Portugal

Space Authority is tasked with supervising and licensing space activities - ANACOM approved the Regulation on access to and exercise of space activities.

❖ Legal order of civil liability insurance for space activities

Once approved by the Government the national regulatory framework will be completed.



❖ The National Space Law does not cover the operation of spaceports

The licensing regime applies to the launch, operation and return of space objects, and not to terrestrial activities consisting of building and operating a spaceport.

❖ The National Space Law indicates that procedures for licensing, prequalification, register and transfer of space objects relating to activities taking place in Azores and Madeira are defined by regional acts

The Azores Regional Space Act implies harmonisation (among the National Space Law and Regional Space Act) and coordination (between the Space Authority and Regional Space Authority).



Thank You

