

In Elche, 4th July 2019

**Comentários da PLD Space** em resposta ao Aviso n.º 10395/2019, publicado a 24 de junho, “Projeto de regulamento relativo ao acesso e exercício de atividades espaciais”. PLD Space proporciona os seus comentários dirigidos ao Artigo 20.º "Seguro de responsabilidade civil", no qual desejaria apresentar as suas opiniões sobre a forma de endereçar a responsabilidade e os seguros ante terceiros.

### Liability and insurances

At the workshop held on 29<sup>th</sup> May, ANACOM staff stated that the Portuguese Government is not prone to and does not contemplate setting limits of liability for launch activities. On this matter, PLD Space deems that the Portuguese Government should reconsider its stance. Not to lay down a limit as other countries do such as France, it raises both concerns about the dimensions of the insurance cost for the launch provider and uncertainty because of the potential liability exposure. Similarly, PLD Space considers appropriate that Portugal imitates France by offering a State guarantee consisting of covering the amount that exceeds the insurance coverage.

PLD Space also considers that an approach more competitive concerning of the liability, it would not be by means of a defined ceiling as in France – €60 millions – but a variable ceiling designed to limit the liability based on *inter alia* the launching mass or the type of propellant used by the launch vehicle.

Likewise, PLD Space considers appropriate to use the cross-waiver liability during the launching activities as a standard practice among the operator of space centre, the launch service provider and the satellite provider.

On the other hand, PLD Space believes that the liability ceiling should be limited not only to the right of recourse by Portuguese Government, but also the liability ceiling should be extended to the environmental liability and liability to third parties. Particularly, in the field of the liability to third parties, the Portuguese regulation should set out a cap using the magnitude “as low as reasonably practicable” aligning with the UK space legislation. And this is because without a cap for the insurance, the premium of the policy would foreseeably soar due to the absence of performance records of flight in the launch vehicle and due to the uncertainty of risk surrounding the first launches.