

## PT Space

### **Subject: Comentários ao projeto de Regulamento Espacial da ANACOM - Comments Portugal Space**

Please find here below some of my major comments regarding the Draft Regulation. A Portuguese summary precedes as requested.

A Agência Espacial Portuguesa, PORTUGAL SPACE, considera da maior importância a publicação das normas regulamentares que visa desenvolver o regime jurídico das atividades espaciais (aprovado pelo Decreto lei n.º 16/2019, de 22 de Janeiro).

Louvando todo o trabalho desenvolvido pela Autoridade Espacial, ANACOM, vertido na proposta de regulamento atualmente em discussão pública, a PORTUGAL SPACE dá nota de que alguns agentes económicos expressaram a sua preocupação com o facto de o período de consulta pública ser de apenas 15 dias, atenta a complexidade da matéria em análise.

Deste modo, solicita-se que o período da discussão pública seja prorrogado, de modo a que, dentro do prazo usual de 30 dias, os interessados possam ponderar devidamente o seu conteúdo e apresentar os comentários que tenham por convenientes.

No que respeita, agora, ao conteúdo da proposta de regulamento, a Portugal Space tem três preocupações muito concretas. A primeira, com o elevado grau de detalhe que é solicitado em cada item e se tal será adequado ou poderá ser respondido por todos os operadores ou em relação a todas as operações, designadamente por *startups* ou em relação a soluções mais disruptivas e inovadoras. A segunda, com a adequação dos elementos que devem ser apresentados de modo a atestar a capacidade técnica, económica e financeira dos requerentes (por exemplo, um operador não nacional e a regularização da sua situação perante a Administração Fiscal e Segurança Social nacional); aqui sugere-se um modelo mais próximo do vigente da Nova Zelândia, onde a flexibilidade é maior. E a terceira, relativa ao que são riscos reduzidos e à sua definição caso-a-caso, sugerindo-se que a Autoridade Espacial possa ter em atenção a segurança de que o mercado necessita e, com alguma regularidade ou quando se justificar, divulgue orientações gerais sobre esta matéria.

Finalmente, a Agência está plenamente comprometida com a questão dos detritos espaciais e a sua mitigação, pelo que sugere que o regulamento possa vir a prever benefícios procedimentais para os requerentes e que estes sejam tanto maiores quanto maior for a extensão da minimização de detritos.

Nestas, como noutras matérias, a Agência está naturalmente disponível para o que a Autoridade Espacial considere útil da sua parte.

Detailed comments in English:

1. Business Friendliness: the level of detail of what is being asked in some cases too much and not business friendly enough because of this. An approach more like that taken by New Zealand would suit Portugal much better.

When reading the Draft Regulation the impression that comes through is that the Regulatory Authority would be analysing everything and take full responsibility in analysing the data that entities looking for a licence would be submitting.

This is difficult for many reasons: (a) too cumbersome; (b) capacity built-up required will be massive for Anacom or which ever other body will be tasked with being the Space Authority; (c) the lists provided in some of the Articles is very long but because you mention some things but no others, then what if you are missing something in some cases? What about SMEs? You are asking too much; (d) the division of responsibility is not clear and difficult.

In general there should be a clear differentiation between the information required for database purposes and the "Requirements" that from a safety and security and licencing point of view should be fulfilled. This is not clear in the draft regulation in its current state.

Some examples:

(a) Article 10 - Technical, economic and financial capacity: the strong suggestion here is to take a New Zealand approach and simply ask for "Evidence that the applicant is capable".

(b) Article 11 - Description of the launcher and of the activity: two aspects are needed. (i) The first is a description for the database and (ii) the second a risk analysis. This should be provided. Anacom or any other Space Authority should not have the ambition of making a risk analysis on its own capacity (not in this initial period and perhaps also later). For this reason I would rephrase 2(e) - 2(g) accordingly. Furthermore 3(d) I believe is only possible in very limited cases.

Again, I would separate (1) Information for Database purposes and (2) Risk analysis - which the Space Regulation should ask and not do.

The same comments applies to Article 17 - especially (b) what will you be using all this information for?

The first sentence says "...the following requirements...". But in (a)-(c) you ask for information NOT requirements. I feel you should be concentrating on what should be achieved and not just collecting information.

2. Article 2 (b) - weight is not the only important information required, depending on what will be done with this information.

3. Article 14 - "in line with standards issued by the FAA": these will evolve and we should consider providing support to SMEs and newcomers with support to understand what they need to consider and what not. Otherwise the hurdle will be too high.

4. Article 18 but also Article 9 Points 4&5 - the draft regulation asks for the relationship between parties involved in the licencing. This is confusing and the purpose of it is not clear. In a verticalised service (which includes the launcher and the payload) for example - is this information really necessary? If it is different parties with different licences you also do not need it.

5. Article 13 - Finally on the topic of debris - It is very good that this is addressed. However the next step should also be made and incentives should be given to those that have debris mitigation/removal. The business side of things will be taken care of by the Space Agency but alleviations /incentives should also be in place from a licencing point of view.

6. Articles related to "security" - There should be a difference between "safety" and "security"

Do not hesitate to contact us for any clarifications and for further discussion.

Best wishes,  
Chiara Manfletti

--

**Portugal Space**  
**President**  
| [www.ptspace.pt](http://www.ptspace.pt)