

A satellite-style map of Portugal, showing the coastline, green inland areas, and white cloud cover. The map is oriented vertically, with the Atlantic Ocean to the left and the Iberian Peninsula to the right.

# PORTUGAL & SPACE LEGAL & REGULATORY OVERVIEW

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**JUNE 3, 2021**



**PORTUGAL  
SPACE**

## LEGAL & REGULATORY OVERVIEW

- Portugal, an early adherent to the Outer Space Treaty and to the Rescue Agreement, has a consistent national space sector, anchored mainly in engineering products and processes.
- In 2018, the Government approved the National Space Strategy - Portugal Space 2030, Resolution n.º 30/2018, March 12<sup>th</sup> - and concluded the ratification process of the Registration Convention (Decree n.º 24/2018, October 4<sup>th</sup>) and the Liability Convention (Decree n.º 14/2019, April 16<sup>th</sup>).

The Portuguese Space Strategy develops around three fundamental axes:

- To stimulate the exploration of spatial data and signals;
- To encourage the development, construction and operation of space equipment, systems and infrastructures and services;
- To continue the development of the national capacity and competences through scientific research, innovation and education.

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The implementation of this strategy required the creation of a specific legal framework comprising:

- The creation, installation and financing of the Portuguese Space Agency (Government Resolution no. 55/2019, March 19<sup>th</sup>);
- The establishment of a space authority;
- The approval of a specific national legal regime for space activities.



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**Portugal's Space Law** (Decree-Law no. 16/2019, January 22<sup>nd</sup>) establishes the first national legal regime of space activities, comprising the space activities of operators established in Portugal and the space activities developed from Portuguese territory.

Main advantages:

- Straight forward;
- Balanced;
- Innovative;
- User-friendly approach.

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A **Pre-qualification phase**, that can significantly simplify the information submission in a future licensing procedure, generically aimed to attest:

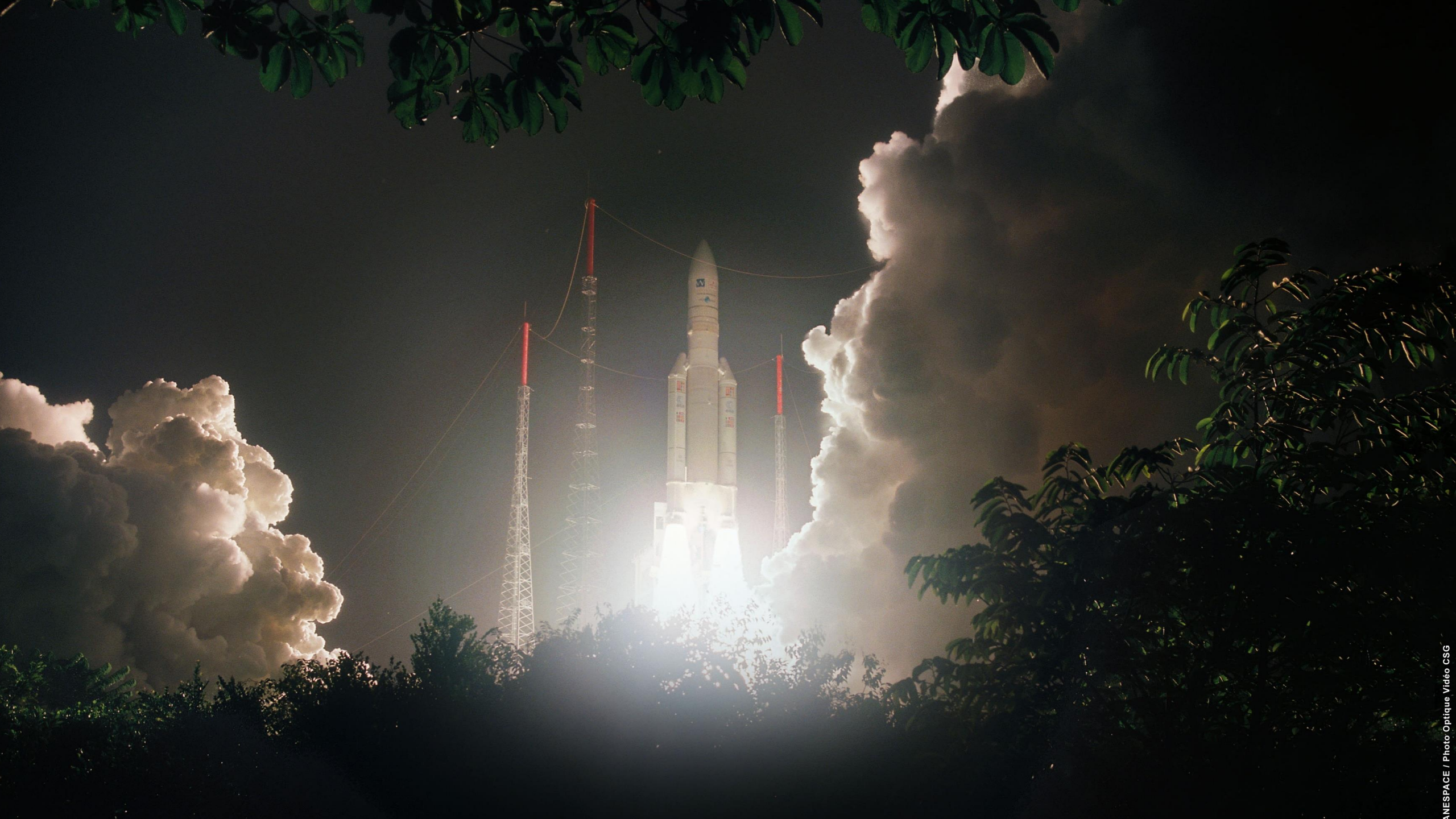
- Technical, economic and financial capacity of the operators for the space operations they intend to perform;
- Compliance of systems and processes of operators and facilities;
- Technical features and specifications.

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The Portuguese Space Act foresees **three types of licence**:

- **Unitary license** - where a single space operation is addressed, particularly the launch and/or return of a space object;
- **Global licence** - license applicable to a series of same type space operations and issued to the respective operator and
- **Blanket license** (or a joint licencing procedure) - applicable to different types of space operations that comprise one or more launch and/or return operations, even if performed by more than one operator (in which case the license shall be granted to one of the operators on behalf of the others).





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On **Liability**, the Portuguese Space Act states that operators are liable for damages caused in the performance of the space activity , either with:

- Strict liability, for damages caused by the space object to the surface of the Earth or to aircraft in flight; or
- Fault, for damages falling outside the previous scope.

The State has a right of recourse against the operator responsible for that space object if the State is held responsible according to the international rules.

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Regarding **mandatory insurance**, the national space law refers that operators must have a civil liability insurance and that they must prove its existence at the time of the license application.

The minimum insurance capital and other possible requirements for the insurance agreement are to be defined by the Government.

The Government may also determine that the insurance obligation may be waived, or the insurance amount may be reduced, when:

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- a) Objects are of small dimensions (for launchers, the ones capable of launch a total payload up to 50 kg, or space objects subject to command and control with a maximum weight of 50 kg)
- b) the purposes of the space operation are exclusively scientific, research and development or education and training
- c) if the operator submits another financial guarantee, as allowed by the insurance rules and accepted by the space authority
- d) If the operation has reduced risks, as defined by the Space Authority

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A proposal to define the maximum value of the State right to recourse and a detailed configuration of the insurance scheme , in a comparable and competitive manner, was presented by the Portuguese Space Agency to the Government, after a period of public consultation.

It is expected that this process can be conclude up to the 3Q of 2021.

The Portuguese Space Act, the Space Authority Regulation on the licensing procedure of space operations, Portugal´s Space Strategy and the ratifications instruments of the international conventions can all be found at the Portuguese Space Agency website:

[www.ptspace.pt](http://www.ptspace.pt)



Thank you

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Carolina Rêgo Costa  
Legal Officer

[carolina.regocosta@ptspace.pt](mailto:carolina.regocosta@ptspace.pt)

June 3<sup>rd</sup> 2021