

AT ITS SESSION HELD ON 16 MARCH 2022, THE NATIONAL ASSEMBLY ADOPTED THE SPACE ACTIVITIES ACT (ZVDej), TO READ AS FOLLOWS:

SPACE ACTIVITIES ACT

(ZVDej)

I. GENERAL PROVISIONS

Article 1

(Subject of the Act)

This Act lays down the conditions and procedure for issuing licences to conduct space activities and governs the registration of launched space objects, the obligations of the operator, liability for any damage caused by space objects and the supervision of the implementation of this Act.

Article 2

(Scope of application)

(1) This Act shall apply to space activities taking place in the territory of the Republic of Slovenia and to space objects entered in the Republic of Slovenia's register of objects launched into outer space (hereinafter: the register).

(2) This Act shall also apply to space activities taking place outside the territory of the Republic of Slovenia on a vessel or aircraft registered in the Republic of Slovenia and concerning space activities carried out by citizens of the Republic of Slovenia and legal persons established in the Republic of Slovenia.

Article 3

(Definition)

For the purposes of this Act, the following definitions shall apply:

1. "space object" shall mean an object launched into outer space or an object intended to be launched into outer space, including the individual parts of this object that are either combined with or separated from the other components, or its launch vehicle and parts thereof;
2. "space activity" shall mean the launch of a space object into outer space, the operation and operational control of the space object in outer space, and the controlled termination of the space object's operation in outer space and/or its return to Earth, including the procedures for limiting the generation of space debris;
3. "space debris" shall mean space objects that remain in outer space after the termination of the space activity or as a result of space activity or objects that return to Earth in an uncontrolled way;
4. "launch vehicle" shall mean a rocket-powered vehicle or other dedicated vehicle with which a space object is launched into outer space;
5. "operator" shall mean a natural person or a legal person that conducts or intends to conduct a space activity;
6. "low Earth orbit" shall mean an orbit with an altitude between 160 km and 2,000 km;
7. "geostationary orbit" shall mean an orbit with an altitude between 35,586 km and 35,989 km above the Equator;
8. "ITU" shall mean the International Telecommunication Union.

II. LICENCE TO CONDUCT SPACE ACTIVITIES

Article 4 (Licence)

(1) Space activities shall be conducted on the basis of a licence issued by the ministry responsible for technology (hereinafter: the ministry) following an application by the operator.

(2) The ministry shall issue the licence within four months of the date of receipt of a complete application for the issuing of the licence.

(3) The Government of the Republic of Slovenia shall determine, by way of a decree, the contents of the application referred to in paragraph one of this Article.

Article 5 (Conditions for issuing a licence)

(1) The licence shall be issued if the following conditions are met:

- a) the operator is professionally qualified and has the technical knowledge of space and similar technologies and the financial capacities to conduct space activities;
- b) space activities are conducted in accordance with the international standards and guidelines of internationally recognised standardisation organisations on the safety and technology of space activities;
- c) space activities do not pose a threat to national defence, public order, the safety of people or their property, national intelligence and security operations, and protection against natural or other disasters and do not negatively affect public health, the environment or aviation;
- č) space activities are not in contravention of treaties or rules of international law that are binding on the Republic of Slovenia;
- d) space activities envisage the use of available frequencies in accordance with the applicable legislation governing radio spectrum management, except in the case of launch vehicles;
- e) space activities envisage measures for limiting the generation of space debris in accordance with the applicable UN Space Debris Mitigation Guidelines and for limiting adverse environmental effects on Earth or in outer space or adverse changes in the atmosphere.

(2) In the application the operator shall demonstrate the meeting of conditions referred to in points a), b), d) and e) of the preceding paragraph and provide a risk assessment of space activity threats referred to in point c) of the preceding paragraph drawn up on the basis of the latest expert opinions generally accepted by the scientific community.

(3) The Government of the Republic of Slovenia shall determine, by way of a decree, the education, technical, financial, safety and environmental criteria to establish the meeting of criteria referred to in paragraph one of this Article, the supporting documents to be enclosed with the application, and the manner of issuing the licence.

Article 6 (Insurance)

(1) Before the launch of a space object into outer space, the operator shall take out insurance to cover any damage caused by the space activity to persons or property in the minimum amount of EUR 60,000,000 per loss event for the duration of space activities.

(2) The operator shall provide the ministry with proof of the insurance referred to in the preceding paragraph before the date of the launch of the space object.

(3) The operator shall not be obliged to take out insurance if it follows from the application for the issuing of the licence that:

- a) the space object does not have its own means of propulsion, has a mass of less than 150 kg, is not part of a constellation, is to be launched into an unoccupied low Earth orbit slot and is constructed from materials that ensure that the object will burn up when it re-enters the atmosphere or
- b) the space object does not have its own means of propulsion, has a mass of less than 150 kg, is to be launched into orbits above the low Earth orbit, and will remain in orbits that do not encroach upon the geostationary orbit or orbits with an altitude between 19,882 and 20,482 km.

(4) If it follows from the application for the issuing of the licence that:

- a) the space object does not have its own means of propulsion, has a mass of less than 150 kg, is part of a constellation of up to five satellites, is to be launched into an unoccupied low Earth orbit slot and is constructed from materials that ensure that the object will burn up when it re-enters the atmosphere or
- b) the space object has its own means of propulsion, has a mass of less than 150 kg, is not part of a constellation, is to be launched into an unoccupied low Earth orbit slot and is constructed from materials that ensure that the object will burn up when it re-enters the atmosphere or
- c) the space object has its own means of propulsion, has a mass of less than 150 kg, is to be launched into orbits above the low Earth orbit, and will remain in orbits that do not encroach upon the geostationary orbit or orbits with an altitude between 19,882 and 20,482 km,

the operator shall take out insurance to cover the damage caused by the space activity for the time covering the launch of the space object and for a period of one year following the launch of the space object.

(5) The operator shall not be obliged to take out the insurance referred to in paragraph one of this Article if the space object is launched into space by a legal person whose existing insurance covers both their damage liability and the state's liability for any damage caused by the entire space activity, this in the minimum amount specified in paragraph one of this Article.

Article 7 (Assessment)

Based on the operator's application, the ministry shall prepare an assessment of the potential impact of space activities on aviation in the airspace of the Republic of Slovenia and indicate whether these are space activities referred to in paragraph three or four of the preceding Article.

Article 8
(Obtaining opinions)

(1) On the basis of the risk assessment referred to in paragraph two of Article 5 of this Act, the ministry shall, except in cases referred to in paragraphs three and four of Article 6 of this Act, request the opinion on the meeting of the conditions referred to in point c) of paragraph one of Article 5 from the following competent authorities:

- a) the ministry responsible for defence regarding the condition that the space activity does not pose a threat to national defence or to protection against natural and other disasters;
- b) the ministry responsible for internal affairs regarding the condition that the space activity does not pose a threat to public order or to the safety of people and their property;
- c) the Slovene Intelligence and Security Agency regarding the condition that the space activity does not pose a threat to intelligence and security operations outside the area of defence;
- č) the ministry responsible for health regarding the condition that the space activity does not negatively affect public health;
- c) the ministry responsible for the environment regarding the condition that the space activity does not negatively affect the environment.

(2) The opinion regarding the meeting of the condition referred to in point c) of paragraph one of Article 5 of this Act may be issued by the ministry responsible for foreign affairs.

(3) If it follows from the assessment referred to in the preceding Article that the space activity has an impact on aviation in the airspace of the Republic of Slovenia, the opinion shall be issued by the ministry responsible for transport. If the space activity has an impact on military aviation, the opinion of the ministry responsible for defence shall be obtained first.

Article 9
(Opinion of the European Space Agency)

When assessing compliance with the conditions referred to in points b) and e) of paragraph one of Article 5 of this Act, the ministry may seek the opinion of the European Space Agency.

Article 10
(Commission)

(1) The application for the issuing of the licence shall be examined by a commission appointed by the minister responsible for technology (hereinafter: the minister).

(2) The commission shall have a chairperson and four members. The chairperson and two members of the commission shall be representatives of the ministry, one member shall be the representative of the ministry responsible for science, and one member shall be the representative of the ministry associated with the operation of the space object.

(3) Before assessing the application, the chairperson and the members of the commission shall draw up a written statement on their no-interest relationship with the operator and a statement that they shall keep confidential any information, facts and circumstances that may come to their knowledge in the performance of their tasks as members of the commission.

(4) Based on the enclosed supporting documents and the risk assessment referred to in paragraph two of Article 5 of this Act and the opinions referred to in Article 8 of this Act and the opinion referred to in the preceding Article, the commission shall assess the demonstrated compliance with the conditions referred to in paragraph one of Article 5 of this Act.

(5) The commission shall complete its work by drafting its opinion on the meeting of conditions for obtaining the licence and sending it to the minister.

(6) The commission shall define its organisation and method of work in its rules of procedure.

Article 11 (Issuing a decision)

On the basis of the opinion referred to in paragraph five of the preceding Article, the minister shall issue the licence or reject the application of the operator.

Article 12 (Revocation of the licence)

(1) The ministry shall revoke the issued licence referred to in Article 4 of this Act if it is established that:

- a) the launch was not carried out within five years of the issuing of the licence due to circumstances attributable to the operator;
- b) the application for the issuing of the licence contains false or incomplete information that considerably affected the decision on issuing the licence;
- c) the operator does not have the insurance referred to in Article 6 of this Act;
- č) the operator no longer meets the conditions for obtaining the licence referred to in paragraph one of Article 5 of this Act;
- d) the revocation of the licence is necessary in order to meet the international obligations of the Republic of Slovenia.

(2) If a space object has already been launched, the ministry may, in its decision to revoke the licence, ask the operator to:

- a) transfer the space activities in full to another operator with the purpose of continuing the activities in accordance with Article 13 of this Act or
- b) take steps to discontinue the space activities, including procedures for limiting the generation of space debris, to the extent this is technically feasible.

(3) Before revoking the licence, the ministry may set a time limit for the operator to remedy the irregularities referred to in paragraph one of this Article. Before the expiration of the time limit, the operator may request the extension of the time limit on justified grounds; in this case, the cumulative time limits for the remedy and for the extension shall not exceed one year.

(4) If the matter concerns urgent measures in the public interest that cannot be delayed or if the operator fails to remedy the irregularities within the time limit referred to in the preceding paragraph, the ministry shall revoke the licence by way of a decision. Urgent measures shall be considered necessary if there is a risk to human life or health, to public order and peace, to public safety, or to high-value property.

Article 13 (Transferring the operation of the space object)

(1) The operation of the space object for which the licence referred to in Article 4 of this Act was issued shall be transferred to another operator that is a citizen of the Republic of Slovenia or a legal person established in the Republic of Slovenia only with the ministry's permission if the new operator meets the conditions referred to in points a) and c) of paragraph one of Article 5 of this Act and if the operator to which the operation of the space object is to be transferred has insurance pursuant to Article 6 of this Act.

(2) If the operation of the space object is transferred to an operator that is a citizen of another state or a legal person established in another state, the ministry shall grant permission provided that the Republic of Slovenia has signed with that State an international agreement regarding the regulation of liability for damage.

(3) The operation of the space object shall be transferred from the operator that is a citizen of another state or a legal person established in another state to another operator that is a citizen of the Republic of Slovenia or a legal person established in the Republic of Slovenia only with the ministry's permission if the conditions referred to in Article 5 of this Act are met and if the operator to which the operation of the space object is to be transferred has insurance pursuant to Article 6 of this Act.

III. REGISTER

Article 14 (Register)

(1) The ministry shall establish and maintain a register for the purpose of collecting data on space objects launched into outer space, communicating this data to the United Nations Register of Objects Launched into Outer Space and conducting supervision of space activities.

(2) The register shall be public and shall be kept as an electronic database of data on launched space objects.

(3) The Republic of Slovenia shall be considered the state of registration if the space object is entered in its register.

(4) Entered in the register shall be the launched space objects for which the ministry has issued a licence and space objects on which an international agreement regarding the regulation of liability for damage was concluded.

(5) The operator shall communicate to the ministry the data necessary for entry in the register within 30 days of the date of the launch or transfer to another operator.

(6) The following data shall be entered in the register:

- a) the number of the licence to conduct space activities;
- b) the name of the space object;
- c) the type of space object;
- č) the appropriate designator of the space object of the Committee on Space Research of the International Council for Scientific Unions and the ITU frequency allocation;
- d) the date and territory or location of launch and the launch vehicle;
- e) the basic orbital parameters:
 - nodal period,
 - inclination,
 - apogee and
 - perigee;
- f) the purpose of the space object;
- g) data of the decision on the assignment of radio frequencies (number, date and frequencies assigned), issued in accordance with the act governing electronic communications, and data on the extract from the Master International Frequency Register on completed international coordination in accordance with the ITU Radio Regulations;
- h) the full name and address of permanent or temporary residence or the company name and address of the space object owner and the tax number;

- i) the full name and address of permanent or temporary residence or the company name and address of the operator and the tax number;
- j) the status of the space object.

(7) The operator shall notify the ministry in writing within eight days of any changes or amendments to the data referred to in the preceding paragraph.

(8) The personal data in the register is collected for the purpose of identity verification of the space object's operator and the space object's owner and their rights and obligations. Personal data shall be kept permanently.

(9) The ministry shall promptly notify the Secretary-General of the United Nations of any entry in the register and of any change or amendment to the data entered in accordance with the Convention on Registration of Objects Launched into Outer Space (Official Gazette of the Socialist Federal Republic of Yugoslavia – International Treaties [*Uradni list SFRJ – Mednarodne pogodbe*], No. 1-4/79, and Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 8/18 – Act Notifying Succession).

(10) The Government of the Republic of Slovenia shall issue a decree prescribing in detail the keeping of the register.

IV. OBLIGATIONS OF THE OPERATOR

Article 15 (Obligation to notify)

(1) The operator shall notify the ministry in writing within eight days of any event or fact that could affect the validity of the issued licence or of any change with regard to the meeting of conditions under which the licence was issued.

(2) The operator shall promptly notify the ministry in writing or orally of any accident or emergency that poses a risk to the safety of people, the environment, or the maintenance of public order and national security and carry out appropriate measures to prevent or minimise the consequences of such accident or emergency and notify the ministry of such measures in writing.

(3) The operator shall notify the ministry in writing within eight days of any circumstances that prevent the operation or operative control of the space object and of any change or termination of its space activity.

V. LIABILITY FOR DAMAGE

Article 16 (Liability for damage and the state's right to compensation)

(1) The operator shall be strictly liable for any damage caused by their space object on the surface of the Earth or to a vessel or aircraft in flight.

(2) The operator shall be liable on the basis of fault for any damage caused by the space object in space.

(3) If the Republic of Slovenia pays damages for the damage caused by the space object, it shall have the right to seek reimbursement of the damages paid from the operator.

(4) The right of the Republic of Slovenia to seek reimbursement of the damages referred to in the preceding paragraph shall be limited by the total sum insured as defined in paragraph one of Article 6 of this Act.

This restriction shall not apply if the operator causes damage intentionally or due to gross negligence, if the damage is the consequence of non-compliance with the conditions for the issuing of the licence referred to in Article 5 of this Act, or if the operator's conduct is in contravention of this Act.

VI. SUPERVISION

Article 17

(Supervision of the implementation of this Act)

(1) The ministry shall be responsible for the supervision of the implementation of this Act and of the regulations issued on the basis thereof.

(2) For supervision purposes, the operator shall provide the ministry with access to the business premises and facilities used for the activity that is the subject of the licence, allow them to inspect their business documentation, and provide the required information.

VII. PENAL PROVISIONS

Article 18

(Offences)

(1) A legal person shall be fined from EUR 2,500 to EUR 250,000 and a legal person deemed to be a medium-sized or large company under the act governing companies shall be fined from EUR 5,000 to EUR 500,000 for the following offences:

- a) if they conduct space activities without a licence (paragraph one of Article 4);
- b) if their application intentionally contained false or incomplete information that was the basis for the issuing of the licence referred to in Article 5 of this Act;
- c) if they fail to submit proof of insurance for any damage caused by the space activity pursuant to Article 6 of this Act before the launch of the space object into outer space (paragraph two of Article 6);
- č) if they fail to implement measures set out in the decision to revoke the licence (paragraph two of Article 12);
- d) if they transfer the operation of the space object in contravention of Article 13 of this Act;
- e) if they fail to send the data for entry in the register within the time limit referred to in paragraph five of Article 14 of this Act;
- f) if they fail to notify the ministry within eight days of any changes or amendments to the data referred to in paragraph six of Article 14 of this Act (paragraph seven of Article 14);
- g) if they fail to notify the ministry within eight days in writing of any event or fact that could affect the validity of the issued licence or of any change with regard to the meeting of conditions under which the licence was issued (paragraph one of Article 15);
- h) if they fail to promptly notify the ministry in writing or orally of any accident or emergency that poses a risk to the safety of people, the environment, or the maintenance of public order and national security and fail to carry out appropriate measures to prevent or minimise the consequences of such accident or emergency (paragraph two of Article 15);
- i) if they fail to notify the ministry within eight days in writing of any circumstances that prevent the operation or operative control of the space object or of any change or termination of its space activity (paragraph three of Article 15);
- j) if they fail to provide the ministry with access to their business premises and facilities or fail to allow them to inspect their business documentation or fail to provide the required information (paragraph two of Article 17).

(2) A fine of EUR 1,500 to EUR 150,000 shall be imposed on a sole trader or self-employed person who commits an offence referred to in the preceding paragraph.

(3) A fine of EUR 200 to 10,000 shall be imposed on the responsible person of a legal person or the responsible person of a sole trader or self-employed person who commits an offence referred to in paragraph one of this Article.

(4) A fine of EUR 100 to EUR 5,000 shall be imposed on an individual who commits an offence referred to paragraph one of this Article.

Article 19
(Fines in the fast-track offence procedure)

A fine in an amount exceeding the minimum fine under this Act may be imposed in a fast-track procedure for the offences referred to in this Act.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 20
(Implementing regulation)

The Government of the Republic of Slovenia shall issue the decree pursuant to paragraph three of Article 4, paragraph three of Article 5 and paragraph ten of Article 14 of this Act within two months of the entry into force of this Act.

Article 21
(Application of provisions on space activity that are already applicable or will become applicable within two months of the entry into force of this Act)

(1) The provisions of Articles 13, 14, paragraphs two and three of Article 15, paragraph two of Article 17, points d), e), h), i) and j) of paragraphs one, two, three and four of Article 18, and Article 19 of this Act shall apply to space activities that were started before the entry into force of this Act and to space activities that are started within two months of the entry into force of this Act and for which the operator already signed an agreement fixing a launch date before the entry into force of this Act.

(2) In the case of space activities referred to in the preceding paragraph, the space objects launched within 30 days of the entry into force of this Act shall be entered in the register referred to in Article 14 of this Act.

Article 22
(Entry into force and application)

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia and shall become applicable two months from its entry into force.

