

Order by the Minister of Economic Affairs of 26 June 2015, no. WJZ/15055654, amending the Space Activities Licence Application and Registration Order, in connection with changes to the application form

The Minister of Economic Affairs,

Having regard to section 4, subsections 2 and 3 of the Space Activities Act;

Orders:

ARTICLE I

The Space Activities Licence Application and Registration Order is amended as follows:

A

Article 2 is amended as follows:

1. Paragraph 2 is amended to read as follows:

- 2. The application must be accompanied by the following data and documents:
 - a. the fullest possible description of the space activities, including a description of the applicant's knowledge and experience of conducting space activities;
 - b. the relevant technical information about the space activity;
 - c. documentary proof of a liability insurance policy;
 - d. financial documents consisting of:
 - 1°. a financial statement for the past financial year, including the audit opinion (if issued);
 - 2°. a projected profit and loss account, with explanatory notes;
 - 3°. a liquidity forecast, with explanatory notes;
 - 4°. a risk analysis indicating what management measures have been taken to safeguard the continuity of the space activities;
 - e. documentary evidence of the authorisation to use frequency space.

2. Paragraph 3 is renumbered as paragraph 4 and the following new paragraph is inserted:

- 3. Notwithstanding paragraph 2 (d) (1°), an application by a foundation that does not meet the conditions referred to in article 360, paragraph 3 of Book 2 of the Civil

Code must be accompanied by a balance sheet and a statement of income and expenditure for the past financial year.

B

The heading of annexe II to article 4 is amended to read as follows:

ANNEXE II TO ARTICLE 4 OF THE SPACE ACTIVITIES LICENCE APPLICATION AND REGISTRATION ORDER

ARTICLE II

Annexe I to article 2, paragraph 1 of the Space Activities Licence Application and Registration Order is replaced by Annexe I to this Order.

ARTICLE III

This Order enters into force on 1 July 2015.

This Order will be published in the Government Gazette with explanatory notes.

The Hague, 26 June 2015

H.G.J. Kamp

Minister of Economic Affairs

ANNEXE I TO ARTICLE 2, PARAGRAPH 1 OF THE SPACE ACTIVITIES LICENCE APPLICATION AND REGISTRATION ORDER

EXPLANATORY NOTES

1. Introduction

The scope of the Space Activities Act (referred to below by its Dutch abbreviation WRA) has been expanded by order in council with effect from 1 July 2015 to include unguided satellites, which will now have to be licensed, insured and registered like other satellites (Bulletin of Acts and Decrees 2015, 18).

The supervision and enforcement of the WRA is carried out on behalf of the Minister of Economic Affairs by the Radiocommunications Agency Netherlands. This Agency has standardised the licensing, supervision and registration procedure. The existing application form for a space licence has been modified in such a way that it can now be used for both guided and unguided satellites. The present ministerial order adopts the application form for a licence to carry out space activities. The form for registering space objects remains unchanged.

2. The application form

Applicants for a licence to carry out space activities must submit an application form as set out in Annexe I. They should complete the form and submit it, together with all relevant documents, to the Radiocommunications Agency Netherlands in Groningen. The application form need be completed only once because the licence is granted for the duration of the space activity and will also be used for a request to amend an existing licence.

Applicants should submit documents providing as much information as possible about the nature and scope of the space activities. These documents may consist of a business and project plan showing that the applicant has the knowledge and experience to perform the space activities concerned. This may be a description of the applicant's own knowledge and experience, or a description of how and by whom such knowledge and experience will be made available to the applicant, for example where work is outsourced. At the same time, the applicant is requested to provide documentary evidence of what measures will be taken to ensure that this knowledge or experience is available throughout the implementation of the space activities. The space activities to be performed may involve the launching and operation of a flight or the guidance of space objects in outer space or controlling unguided space objects in outer space.

Applicants should also provide relevant technical information about the space activity, for example the application, extent of guidance/propulsion, design, development and testing of the satellite, operations (also showing how the applicant will communicate from the

Netherlands with the satellite system), expected lifespan and proposed method of decommissioning as well as a space debris mitigation plan (or summary).

Insurance is required to cover the financial risks of carrying out space activities. The applicant must submit written evidence showing in any event the name of the insurer or insurers, a statement of the insured amount, the amount of the annual insurance premium and the term of the insurance.

An important aspect of an application is the filing of financial documentation such as financial statements for the past financial year, a projected profit and loss account and a liquidity forecast. In this way, applicants must demonstrate that they have sufficient financial security to ensure continuity of these capital-intensive activities and to perform the obligations applicable under the licence. Applicants must also prepare a risk analysis showing what financial management measures have been taken to guarantee continuity.

An evaluation of the licensing procedure, including the application form, was conducted in 2014. This led to changes in the requested financial documentation, since this had primarily been based on the organisation's future development. Although future-oriented financial data are important in assessing the applicant's financial soundness and continuity, information about the present financial situation is also important. This is relevant in assessing not only the applicant's current position but also whether the forecasts are a logical consequence of this position. Instead of a projected balance sheet with notes, applicants will in future have to supply financial statements for the past financial year, together with any audit opinion that may have been issued. If the applicant is a foundation and is not under a duty to file financial statements, the application must be accompanied by a statement of income and expenditure for the past financial year.

Radio frequencies are required for communication to perform flight guidance and control in space. Documentary evidence of the frequency rights granted to the applicant must be submitted with the application form.

The licensing procedure is in accordance with the requirements relating to authorisation in article 13 of the Services Directive.

3. The register

The form for registering space activities remains unchanged. The data, such as a description and information on the function of the space object, the orbital parameters and the country of the launch site which are included in the national and international register are the same as the data for guided satellites supplied to the United Nations Office for Outer Space Affairs in

Vienna. The existing registration form does not distinguish between space activities with guided or unguided satellites. The completed registration form should also be filed with the Radiocommunications Agency Netherlands.

4. Regulatory burden

This ministerial order does not affect the regulatory burden. As the licensing procedure does not impose new information obligations, the administrative burden is kept to a minimum. Nor does it increase the costs of compliance or supervision.

5. Fixed change moments

The period between the date on which this order is published and the date of its entry into force is less than two months. This derogates from the policy on common commencement dates as set out in Instruction 174 (3) of the Legislative Drafting Instructions. Derogation is necessary because the licensing obligation for activities with unguided satellites enters into force on 1 July 2015 (Bulletin of Acts and Decrees 2105, 18). The form must therefore be suitable for applying for a licence for activities of this category.

H.G.J. Kamp

Minister of Economic Affairs