

Austrian Federal Law on the Authorisation of Space Activities and the Establishment of a National Space Registry (Austrian Outer Space Act, adopted by the National Council on 6 December 2011, entered into force on 28 December 2011)

Scope of Application

§ 1. (1) This Federal Law is applicable to space activities carried out

1. on Austrian territory,
2. on board of vessels or airplanes, registered in Austria or
3. by a natural person with Austrian citizenship or legal persons seated in Austria.

(2) Entitlements under private law are covered by this Federal Law only if Austrian law is applicable according to the rules of private international law.

Definitions

§ 2. Unless otherwise specified, the following definitions shall apply for the purpose of this Federal Law:

1. “Space activity”: the launch, operation or control of a space object, as well as the operation of a launch facility;
2. “Space object”: an object launched or intended to be launched into outer space, including its components;
3. “Operator”: a natural or juridical person that carries out or undertakes to carry out space activities.

Authorisation

§ 3. Space activities require authorisation by the Minister for Transport, Innovation and Technology. Authorisation requirements under other provisions than under this Federal Law remain unaffected.

Conditions for authorisation

§ 4. (1) The authorisation according to § 3 shall be issued if

1. the operator possesses the necessary reliability, capability and expertise to carry out the space activity,
2. the space activity does not pose any immediate threat to the public order, to the safety of persons and property and to public health,
3. the space activity does not run counter to national security, Austria’s obligations under international law or Austrian foreign policy interests,
4. appropriate provision has been made for the mitigation of space debris according to § 5,
5. the space activity does not cause harmful contamination of outer space or celestial bodies or adverse changes in the environment,
6. the operator fulfils the requirements of the ITU concerning orbital positions and frequency assignments,
7. the operator has taken out an insurance according to subparagraph 4, and

8. the operator has made provision for the orderly termination of the space activity.

(2) The operator of the space activity has to submit all necessary documents for the assessment of the conditions laid down in subparagraph 1.

(3) The authorisation may contain conditions and obligations. The Minister for Transport, Innovation and Technology decides on the request for authorisation without undue delay and no later than six months after the request has been filed.

(4) In order to cover liability for damages caused to persons and property, the operator is under the obligation to take out an insurance covering a minimum amount of € 60 000 000 per insurance claim. Run-off liability may not be excluded or limited. If the space activity is in the public interest, the Minister for Transport, Innovation and Technology may determine a lower sum or release the operator from the insurance requirement by administrative decision, taking into account the risks connected to the activity and the operator's financial capacity. Space activities are in the public interest if they serve science, research or education. Taking out an insurance is not necessary if the Federal State itself is the operator.

Mitigation of Space debris

§ 5. The operator has to make provision for the mitigation of space debris in accordance with the state of the art and in due consideration of the internationally recognised guidelines for the mitigation of space debris. Especially measures limiting debris released during normal operations have to be taken.

Modification or termination of the Space activity

§ 6 (1) The operator is under the obligation to notify immediately all incidents which delay or render impossible the carrying out of the space activity authorised under § 4 or which may require the modification or revocation of the authorisation according to § 7.

(2) The operator must notify immediately the planned or imminent termination of the activity to the Minister for Transport, Innovation and Technology. The Minister for Transport, Innovation and Technology may issue instructions with regard to the safe termination of the space activity.

Revocation and modification of the authorisation

§ 7 (1) The authorisation is to be withdrawn whenever the requirements of § 4 (1) are no longer met or the conditions and obligations of § 4 (3) are not complied with.

(2) In the cases of subparagraph 1, the authorisation may also be modified as to its content.

(3) In the case of withdrawal of the authorisation, measures for the temporary continuation or the safe termination of the activity may be prescribed to the operator. If the operator does not comply with these instructions, control over the space activity shall be conferred to another operator by administrative decision of the Minister for Transport, Innovation and Technology.

Transfer

§ 8. A change of the operator requires the authorisation of the Minister for Transport, Innovation and Technology. The change of the operator shall be authorised under the conditions set out under § 4.

Registry

§ 9 (1) The Minister for Transport, Innovation and Technology maintains a registry for space objects.

(2) All space objects for which Austria is considered to be the launching State according to Art I of the Convention on Registration of Objects Launched into Outer Space (BGBl. Nr. 163/1980) shall be entered into this registry.

(3) If other States also qualify as launching States aside from Austria, the agreement according to Art II (2) of the Convention on Registration of Objects Launched into Outer Space (BGBl. Nr. 163/1980) is relevant for the registration in Austria.

(4) During the presence in outer space and on celestial bodies, a registrable space object as well as its personnel remain under the jurisdiction and control of Austria.

Registration and Information

§ 10 (1) The following information shall be entered in the registry:

1. Name of the launching State or States;
2. an appropriate designation of the space object, its registration number and the ITU frequency allocation number;
3. the date and territory or location of launch;
4. the main orbital parameters, including
 - a) nodal period,
 - b) inclination,
 - c) apogee,
 - d) perigee,
5. general function of the space object;
6. the manufacturer of the space object;
7. the owner and operator of the space object;
8. further information, which the Minister for Transport, Innovation and Technology may determine, if necessary, in light of the technological state of the art, the international legal obligations or relevant decisions of international organisations.

(2) The operator shall submit the information set out in subparagraph 1 to the Minister for Transport, Innovation and Technology after the launch of the space object without delay.

(3) Similarly, the operator shall submit all modifications relevant to the information set out under subparagraph 1 without delay.

(4) The Minister for Transport, Innovation and Technology shall communicate to the Secretary General of the United Nations the information contained in subparagraph 1, letters 1 to 5. The same applies with regard to the information contained in subparagraph 3.

Recourse

§ 11 (1). In the case that the Republic of Austria has compensated damage caused by a space activity in accordance with international law, the Federal Government has the right of recourse against the operator.

(2) For damage caused on the surface of the Earth or to aircraft in flight, the right of recourse comprises an amount up to the sum of the insured risk, but no less than the minimum amount of insurance set out under § 4. This limitation does not apply if the damage is due to fault by the operator or his agents or if the operator has infringed the provisions of § 3 or § 4.

Ordinance

§ 12. The following shall be set out in more detail in an ordinance issued by the Minister for Transport, Innovation and Technology:

1. requirements for the authorisation under § 4 (1);
2. the relevant documents and technical specifications that have to be attached to the request for authorisation as set out under § 4 (2);
3. fees covering the cost of the proceeding to be carried out under the present law;
4. a lump sum to compensate the costs caused to the Federal Government as a consequence of the verification of the operator's reliability according to § 4 (1) subparagraph 1 being determined by the average expenses of the security authorities;
5. information necessary for registration according to § 10 (1) and (3).

Supervision and competent authorities

§ 13 (1) Operators of space activities are subject to supervision by the Minister for Transport, Innovation and Technology with regard to matters covered by the present Federal Law.

(2) The operator is obliged to grant the organs of the supervisory authority access to all business premises and plants, allow them to inspect relevant documents and provide them with information.

(3) The security authorities shall cooperate in the verification process of the operator's reliability provided for in § 4 (1) subparagraph 1. If the operator is a juridical person, the reliability of the authorised representative shall be verified. During the verification process, the security authorities shall have the right to use person-related data gathered in the execution of federal or provincial laws and to transmit the result of the verification to the Minister for Transport, Innovation and Technology.

(4) If the business premises and plants or the documents relevant for a space activity are located within a military estate, the responsible commander of the casern shall be informed in the case of subparagraph 2 before the entering of the military estate. For important reasons concerning military security, the commander may deny access or make the access subject to certain conditions.

Sanctions

§ 14. Everyone who infringes provisions of the present Federal Law or the respective ordinances, commits an administrative offence and will be fined up to € 100 000, unless the action represents a criminal offence falling within the competence of the courts. Everyone who carries out a space activity without the authorisation provided for in § 3 and § 7 will be fined minimum € 20 000.

Transitional provision

§ 15. This Federal Law applies to space activities carried out after its entry into force. For space activities commissioned before entry into force of the present Federal Law, the authorisation requirement provided for in the §§ 3 to 5 shall be substituted by a notification obligation of the operator. The operator shall provide all documents necessary for the verification of the conditions contained in § 4 (1). § 11 does not apply to space activities commissioned before the entry into force of the present Federal Law.

Linguistic nondiscrimination

§ 16. To the extent that the terms used in this Federal Law relate to natural persons, the form chosen applies to both sexes. When applying these terms to specific natural persons, the respective gender-specific form shall be used.

Implementation

§ 17 (1). The Minister for Transport, Innovation and Technology is entrusted with the implementation of the present Federal Law.

(2) The implementation of § 4, subparagraph 1, letter 2, is entrusted to the Minister for Transport, Innovation and Technology in agreement with the Minister of the Interior.

(3) The implementation of § 4, subparagraph 1, letter 3, is entrusted to the Minister for Transport, Innovation and Technology in agreement with the Minister for European and International Affairs and the Minister of Defence and Sports.

(4) The implementation of § 4, subparagraph 4, is entrusted to the Minister for Transport, Innovation and Technology in agreement with the Minister of Justice.

(5) The implementation of § 11 is entrusted to the Minister for Transport, Innovation and Technology in agreement with the Minister of Finance and the Minister of Justice.

(6) The implementation of § 12, subparagraphs 3 and 4, is entrusted to the Minister for Transport, Innovation and Technology in agreement with the Minister of Finance.