The Belgian Space Law

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Legal Sub-Committee
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Why a Belgian Space Law?

- compliance with international law, i.e. outer space treaties
- providing legal framework to existing or emerging activities in Belgium, as well as possible activities to be performed by Belgian citizens (legal or natural persons)
- ensuring the application and implementation in Belgian legal order of international technical norms, standards, commitments
Activities covered by the Law

activities requiring an authorization:
• launching operations
• any in-orbit operation / guidance manoeuvre
• transfer of such activities (criteria: actual control on the space object)
• excluding:
  - R&D activities
  - payloads exploitation, signal emissions, etc.
Jurisdiction on Space Activities

• activities by Belgian or foreign citizens under Belgian jurisdiction, namely:
  - on the Belgian territory (excepted: parts of the Belgian territory not under Belgian jurisdiction – ex.: ESA Station in Redu)
  - outside the Belgian territory, from locations under the jurisdiction or the control of the Belgian State (Government) – ex.: ship/platform flying Belgian flag
• activities subject to special international agreements which foresee the application of the Belgian jurisdiction
• return of space objects/debris fallen on Belgian ground (non-appropriation as res derelictae)
Competent National Authorities

- minister competent for space sector (Federal Minister for Science Policy)
- assistance by special committee with all competent administrations (Environment, Security, etc.) on a general or on an ad hoc basis
- possible technical assistance by national or international experts/organization in the authorization and/or supervision process
Conditions

• general conditions imposed by the Law (i.e. compliance with international space law, compliance with other national legislations, environmental protection, notification of NPS)

• specific conditions imposed by the King (i.e. insurance, compliance with international standards or norms)

• special conditions imposed by the Minister on a case by case basis (insurance, financial guarantee, restrictions, transfer subject to agreement, etc.) with appropriate administrative motivation
Liability

- in case Belgium is held liable according to Art. VII 1967 OST or to the provisions of the 1972 LC, action by Belgian State against the operator
- objective liability of the operator with limited amount fixed by the King with regard to the operator’s average turnover (fraud excepted)
- direct action against the operator’s insurer
- participation of the operator in the intergovernmental discussion on the value of the damage
- possibility of complementary actions against the operator on the basis of liability applicable common law
Register & Information

- National Register on Space Objects
- National Repertory of Authorizations
- information collected on the space activities and the space objects through:
  - authorization application form
  - national registration form
  - environmental impact assessments
- information required:
  - nodal period, inclination, apogee, perigee, position on the GSO
  - general function/purpose of the space object, radio-frequencies
  - identity of the operator, of the owner
  - type of space object
  - launch vehicle
  - other Launching State(s) of the space object
  - financial and technical guarantees
  - measures to ensure non-harmful activities to the environment
- protection of classified or commercial sensitive informations collected for the purpose of the authorization and supervision process
Enforcement

- authorization withdrawal or suspension in case of non-compliance with the conditions imposed
- visits/access by designated experts to operator’s facilities and premises
- unlimited liability of the operator in case of fraud
- criminal sanctions (1 year imprisonment / 25 to 25,000€ fine)