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National mechanisms:

1. Austrian Outer Space Act of 2011 (Bundesgesetz über die Genehmigung von Weltraumaktivitäten und die Einrichtung eines Weltraumregisters - Weltraumgesetz) entered into force on 28 December 2011 (Bundesgesetzblatt I Nr. 132/2011 of 27 December 2011).
2. Austrian Outer Space Regulation of 2015 (Verordnung der Bundesministerin/des Bundesministers für Verkehr, Innovation und Technologie zur Durchführung des Bundesgesetzes über die Genehmigung von Weltraumaktivitäten und die Einrichtung eines Weltraumregisters - Weltraumverordnung) entered into force on 27 February 2015 (Bundesgesetzblatt II Nr. 36/2015 of 26 February 2015).

Description:

The Austrian Outer Space Act is the legal basis for Austrian space activities. In its § 4, subparagraph 1, letter 4, the Act provides that one of the conditions for authorisation of a space activity is that “appropriate provision has been made for the mitigation of space debris according to § 5”.

§ 5 of the Austrian Outer Space Act is entitled “Mitigation of Space Debris” and provides that “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.”

The Explanatory Report to the Austrian Outer Space Act explains the meaning and scope of § 4, subparagraph 1, letter 4 and § 5 as follows:

As to § 4, subparagraph 1, letter 4:

“The avoidance of space debris is an important concern of all States and all operators of space activities. Therefore, a separate paragraph, § 5 (see below), has been formulated on the mitigation of space debris which emphasises this particular importance. The condition for authorisation under letter 4 has therefore to be read and applied in combination with § 5.”

As to § 5 (Mitigation of Space Debris):

“The mitigation of space debris is an important concern of all States and operators of space activities. Therefore, the obligation to mitigate space debris plays an important role already in the conditions for authorisation in conjunction with § 4, subparagraph 1, letter 4. In this sense, § 5 and § 4, subparagraph 1, letter 4 have to be read and applied in conjunction. Furthermore, the obligation to mitigate space debris represents an ongoing obligation of the operator also after the authorisation.”

Furthermore, the Explanatory Report specifies that the “internationally recognised guidelines for the mitigation of space debris” referred to in § 5 are first and foremost the 2002 Space Debris Mitigation Guidelines of the Inter-Agency Space Debris Mitigation Committee (IADC). Moreover, it is noted that the European Space Agency (ESA) has aligned its “Requirements on Space Debris Mitigation for ESA Projects” of 2008 with the IADC guidelines and that the Space Debris Mitigation Guidelines of the United Nations Committee on the Peaceful Uses of Outer Space of 2007 are also oriented towards them.

The Austrian Outer Space Regulation contains several details in implementation of the Austrian Outer Space Act. As condition for authorisation of a space activity the Regulation provides in § 2, subparagraph 4 that the operator must submit evidence that appropriate provisions have been made for the mitigation of space debris according to § 5 of the Austrian Outer Space Act. To this end, the operator must submit a report on the measures adopted according to the state of the art and in consideration of the internationally accepted guidelines, in particular for the avoidance of space debris and mission residue released during normal operations, for the prevention of on-orbit collisions with other space objects, for the avoidance of on-orbit break-ups of the space object as well as for the removal of the space object from orbit at the end of mission, either by controlled re-entry or by moving the space object to a sufficiently high orbit (“graveyard orbit”). For non-maneuvrable space objects an orbit has to be chosen where their post-mission lifetime does not exceed 25 years.

Applicability:

The scope of application of the Austrian Outer Space Act is regulated in its § 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. ”

Relation to international mechanisms:

The IADC Space Debris Mitigation Guidelines, the ESA Requirements on Space Debris Mitigation and the Space Debris Mitigation Guidelines of the United Nations Committee on the Peaceful Uses of Outer Space are explicitly referred to in the Explanatory Report to the Austrian Outer Space Act in order to specify what is meant by “internationally recognised guidelines for the mitigation of space debris” in § 5. This means that, during the authorisation process, particular attention will be paid to these guidelines by the authorising body. Operators not complying with these guidelines risk not obtaining an authorisation for their planned space activity.

ITU Recommendations are only mentioned with respect to frequency allocation (see § 4, subparagraph 1, letter 6, according to which the authorising body has to verify whether the operator fulfils the requirements of the ITU concerning orbital positions and frequency assignments).

The European Code of Conduct for Space Debris Mitigation and the ISO Standards on space debris (e.g.: ISO 24113:2011 Space Systems – Space Debris Mitigation Requirements) are not explicitly mentioned but may nevertheless be taken into consideration as “internationally recognised guidelines for the mitigation of space debris” in the application of § 5.

Link to other national mechanisms:

None.

References:

- The Austrian Outer Space Act (English translation):
<http://www.unoosa.org/documents/pdf/spacelaw/national/austria/austrian-outer-space-actE.pdf>
<http://www.spacelaw.at/services/united-nations-treaties-and-austrian-space-legislation/>
- German original of the Austrian Outer Space Act as published in the official gazette of 27 December 2011: Bundesgesetz über die Genehmigung von Weltraumaktivitäten und die Einrichtung eines Weltraumregisters (Weltraumgesetz)
http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBlA_2011_I_132
- The Austrian Outer Space Regulation (English translation):
<http://www.spacelaw.at/services/united-nations-treaties-and-austrian-space-legislation/>
- German original of the Austrian Outer Space Regulation as published in the official law gazette of 26 February 2015: Verordnung der Bundesministerin/des Bundesministers für Verkehr, Innovation und Technologie zur Durchführung des Bundesgesetzes über die Genehmigung von Weltraumaktivitäten und die Einrichtung eines Weltraumregisters (Weltraumverordnung)
<http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009102>
- Explanatory Report (English translation):
<http://www.spacelaw.at/services/united-nations-treaties-and-austrian-space-legislation/>