

The Belgian Space Law

UNCOPUOS

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)