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## AVIATION, SPACE & DEFENCE

### THE PORTUGUESE SPACE ACT

The Portuguese Space Act was translated into English (non-binding translation) in order to facilitate access to space activities from Portugal. The English version is available [here](#). The [Act](#) contains a set of innovative solutions which will simplify and promote private activity in the space sector.

Among other points:

- Space operations (launch, return and command/control of space objects) are subject to licensing. The operator can obtain an **individual license** for each operation, or a **blanket license** covering a set of operations, which will facilitate the launching of **constellations of satellites**. A **joint license** for several space operations even if performed by different operators can also be obtained, which will also simplify the licensing of related space operations;
- The licensing procedure will be approved by regulation of the Space Authority. The regulation may establish a **special and beneficial regime** for certain situations, such as for operations that pursue exclusively scientific, R&D, education or training purposes, or for experimental operations with low risk;
- In case of space operations carried out by Portuguese nationals abroad, **license can be waived** provided certain requirements are met. In addition, if the operator obtained a license abroad it may also obtain the Portuguese license under a simplified licensing regime;
- A **pre-qualification** regime is created to expedite the licensing process. Under this regime, the Space Authority attests, upon request, that the launching centre, the space object or the command and control centre comply with certain requirements, thus waiving the need to resubmit the same information for future licenses;
- Operators shall **register the space objects** in the Space Authority;
- A **liability cap** in favour of operators in cases where the Portuguese State is internationally liable for space activities is also established. The amount of the cap will however still have to be determined in a future Order. It will be possible to establish different caps in accordance, e.g., with the risk of the operation;
- There is mandatory civil liability insurance (in conditions to be determined in a future Order), but the **insurance may be waived or the insured amount be reduced in certain cases**, such as for **small satellites**, space operations carried out exclusively for scientific, R&D, education or training purposes or for operations with low risk as to be determined by the Space Authority. Insurance may also be waived or reduced if the operator submits another financial guarantee as permitted by the Order and if accepted by the Space Authority;
- The Space Authority is a **one-stop-shop**, meaning that it will take care of the contacts with all other competent authorities whose authorisations may be required for a space operation (e.g., environmental) and thus avoiding the need for operators to deal directly with such other authorities. The Space Authority is, temporarily, ANACOM – the Portuguese regulator for telecommunications;

- Breach of the Act carries fines only, and these do not exceed € 44 891,81. Ancillary sanctions consisting in the prohibition of carrying out space activities or suspension of licenses are established for certain cases.

Note, also, that the procedures for licensing, pre-qualification, register and transfer of space objects relating to activities taking place in the Autonomous Regions of the Azores and Madeira will be defined by regional act. This point is especially important for operators that intend to carry out space operations in the future Azores spaceport.