

SPACE

AMENDMENT TO THE REGIONAL
REGIME OF SPACE ACTIVITIES -
REGIONAL LEGISLATIVE DECREE
NO. 24/2021/A

VdA EXPERTISE



July 2021



Amendment to the Regional Regime of Space Activities - Regional Legislative Decree No. 24/2021/A

The first amendment to the licensing regime for space activities in the Autonomous Region of the Azores ("RAA") was published on July 22nd as approved by Regional Legislative Decree No. 9/2019/A of 9 May.

With this amendment, it is provided that "the use of infrastructure and platforms [as defined below], which integrate the development of space activities in the Region, is exercised exclusively by an administrative concession contract to be concluded with the Regional Government of the Azores, in compliance with the respective applicable legal procedure".

For this purpose:

- a) Space activities to be carried out in the RAA mean "those based on infrastructure or platforms situated in their land or sea space, including, in this case, maritime areas adjacent to the archipelago"; and,
- b) Infrastructure and platforms situated in the RAA's land or sea space means "structures that contribute to the exploration and development of space activities, including ground testing, vertical or horizontal launch and or return operations, as well as structures integrated in technical solutions specifically targeting business organizational models dedicated to Space or space technologies".

This legislative change raises some issues relating to the compatibilization of this new rule with the legal regime of space activities at national level, but also with the Regional Legislative Decree No. 9/2019/A of 9 May.

In fact, and among other points, it seems that an entity seeking to engage in space activities through infrastructure and platforms located in the RAA will have to obtain, in addition to licensing for the performance of space activities as provided for in the national and regional legal regime, a concession contract. Indeed, the new wording of the act seems to require a concession contract for the "use" of infrastructures and platforms in the performance of space activities (such as launches), and not only for their construction or operation.

If that was indeed the intended goal, it is anticipated that this change may contribute to the complexification of the legal regulation of space activities in the RAA.

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