

SPACE

AMENDMENT OF THE PORTUGUESE
LAW ON SPACE ACTIVITIES

VdA EXPERTISE



February 2024

Decree-Law No. 20/2024, of 2 February, was published, amending the Portuguese Law on Space Activities approved by Decree-Law No. 16/2019, of 22 January.

Decree-Law No. 20/2024, of 2 February, amends, for the first time, Decree-Law No. 16/2019, of 22 January, which established the legal framework for access to and the exercise of space activities.

KEY AMENDMENTS

- **LICENSING OF SPACEPORTS**

The Decree-Law creates a new licence, with a national scope, for the operation of launch centres in Portugal, thus responding to the increased interest in ensuring access to space and to the growing demand for launch centres by operators of mega-constellations of small satellites.

Those interested in obtaining a licence for the operation of a launch centre must obtain it from the Space Authority. Prior approval is also required from the members of the Government responsible for the areas of defence, the sea, when it is deployed in the national maritime space, and science and technology. The aim is to ensure that national interests are respected.

This prior approval shall be issued within 210 days after the receipt of the application by the the Space Authority, that must decide on whether to issue the licence within 240 days.

Licences have a maximum initial term of 15 years, with possibility of renewal.

The Space Authority shall approve, in a regulation, the proceedings for granting the licence.

- **AUTONOMOUS REGIONS AND NATIONAL SCOPE OF LICENCES FOR SPACE OPERATIONS**

The Autonomous Regions of Portugal participate in the launch centres licensing process, through their hearing and issuance of a binding opinion, whenever the launch centres are installed in their territory.

The Autonomous Regions shall also be notified in case of issuance of licences for launch and/or return space operations, as well as in case of transfer of these licences or those for the operation of launch centres, whenever such activities take place from, or the centre is located in, their territory.

It is also important to note the repeal of Article 27 of Decree-Law No. 16/2019, which established, among other aspects, that the licensing procedures for space activities related to activities developed in the Autonomous Regions of the Azores and Madeira would be defined by regional legislative decree.

- **PORTUGUESE SPACE AGENCY**

The Space Agency is responsible for directing the process of prior approval of licences for the operation of launch centres, and for issuing its opinion in this scope.

The Space Agency shall also issue an opinion in the licensing of space operations. Furthermore, it shall also be notified of the performance of licensed space operations in certain circumstances.

Its intervention is aimed at supporting the development of space activities and businesses in the country, facilitating dialogue and coordination among the different actors participating in the licensing processes, and contributing with its knowledge of the sector and market.

OTHER AMENDMENTS

Decree-Law No. 20/2024 also introduces, among others, the following amendments:

Sustainability of space activities	<p>The legal framework for access to and the exercise of space activities now expressly mentions the sustainability of space activities as one of the goals of the legal framework, taking into consideration international developments in this context, notably the UN Guidelines for the Long-Term Sustainability of Outer Space Activities.</p>
Experimental activities	<p>Experimental activities are defined for the first time as any space activity primarily destined to the research, creation, development, test or validation of new concepts, products, services, technologies or processes, even if it may simultaneously have commercial purposes.</p> <p>In accordance with the Decree-Law, these are activities central to the evolution of the sector. It is thus important to clarify what type of activities are at stake and that may benefit from a special licensing framework and from the waiver or reduction of insurance coverage.</p>
Objects sent below orbit	<p>The definitions of space object and of launch and/or return operation are amended with a view to making it clear that, for these purposes, space also extends below the Earth's orbit, which, however, naturally continues to be a concept different from that of airspace. In this scope, the Decree-Law continues to apply only when the space object is launched into, or is in, outer space.</p>
Types of licences	<p>The types of licences for space operations now include, in addition to the individual and blanket licence, the joint licence, which can be "integrated" or "multiple", in line with the revised definitions.</p> <p>The Decree-Law now also foresees the possibility of a single licensing procedure for space activities of the same type or of different type, carried out by more than one operator, with a licence being issued to each of the operators involved.</p>
Space operations outside Portugal	<p>With a view to not overburdening space operations carried out abroad by Portuguese operators or operators established in Portugal, the Decree-Law now foresees that such operators can benefit from a special licensing framework to be approved by the Space Authority.</p>

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