

IN-DEPTH

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In-Depth: Space Law (formerly The Space Law Review) is a practical overview of the legal and regulatory frameworks governing space and satellite activities across key jurisdictions worldwide. With a focus on the most salient recent developments in this fast-evolving sector, it analyses the distinctive features of the law and commercial practice in each jurisdiction and looks at potential future trends.

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Portugal

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Introduction

Portugal has been taking important steps in the space sector in recent years. In addition to the approval of its space strategy (Portugal Space 2030), the National Defence Strategy for Space and the Azores Space Strategy, Portugal approved its own National Space Act in 2019, which was amended in 2024 to provide for the licensing of spaceports. Portugal has also established a space agency (Portugal Space) and has appointed a national space authority (the Space Authority), and it has defined its military approach to space. In addition, it has become part of the European Space Surveillance and Tracking programme (EU SST) and has reinforced its contribution to the European Space Agency (ESA). Additional initiatives and projects are also being developed, which will contribute to the expansion of the Portuguese space sector and industry.

Legal, regulatory and policy framework

Policy framework

Resolution of the Council of Ministers No. 30/2018 of 12 March 2018 approved Portugal Space 2030, the strategic goals of which include:

1. promoting economic growth and the creation of skilled employment in space-related markets;
2. promoting the generation of satellite data through new space technologies and infrastructures;
3. contributing to the development of Portugal and the strengthening of international scientific cooperation, taking into account Portugal's geostrategic positioning; and
4. ensuring the development and evolution of legal, financial, institutional, cultural and educational frameworks aimed at developing the space sector in Portugal.

The strategy contains three 'strategic axes' concerning:

1. the exploration of space data and signals through space services and applications or as enabled by space technologies;
2. the development, construction and operation of space equipment, systems, infrastructures and services for space data generation, with an emphasis on mini, micro and nanosatellites, and including the development of a programme allowing greater access to space; and
3. the development of national capability and skills in the space sector through scientific research, innovation, education and culture.

The space strategy includes developing a specialised consortium in the form of a collaborative laboratory and continuing to foster the growth of new companies in close collaboration with ESA (e.g., through the ESA Business Incubation Centre in Portugal).

Following the increasing relevance of outer space in defence, Portugal created a working group for a space defence programme under Order No. 3732/2020 of 26 March 2020. The working group was tasked with developing a proposal for a national defence strategy for space, to include an action plan for its implementation and governance structure, and to provide guidelines for the programme's development.

A committee for monitoring the programme was created under Order No. 1768/2021 of 17 February 2021. The committee is tasked with overseeing the implementation of the national defence strategy for space and with following up on the development of cooperative projects in the space domain, notably within the scope of the Permanent Structured Cooperation and the European Defence Fund.

The National Defence Strategy for Space 2020–2030 was presented in October 2021. It contains a set of strategic goals and axes, including the following:

1. the development of capacities in the space domain;
2. broadening access to space and related technologies and services;
3. promoting and integrating research, development and innovation in the space domain; and
4. setting up a governance structure that articulates the national defence structures with Portugal Space and other relevant bodies.

It also highlights the role of defence in the development of the goals of Portugal Space 2030.

In addition, the autonomous region of the Azores presented its space strategy in November 2021. The space strategy aims to enhance national and European space goals, taking into consideration the specificities of the Azores region, notably its geostrategic location. It comprises several objectives, including the development of space activities in the region, research and development (R&D), and positioning the Azores as an Atlantic hub.

Institutional framework

Portugal Space was set up in March 2019 under Resolution of the Council of Ministers No. 55/2019. It is a private, non-profit association comprising only members from the public sector. The first members were the Foundation for Science and Technology, the National Agency for Innovation, the General Directorate for National Defence Resources, designated by the Ministry of Defence, and the regional government of the Azores, designated by the autonomous region of the Azores. In December 2019, the autonomous region of Madeira joined Portugal Space as an observer. Portugal Space may integrate other public entities whose activity relates to its purposes. It is responsible for executing Portugal Space 2030 and is tasked with developing the national space sector. All national programmes relating to space are integrated within the agency, and they shall be executed in close connection with the national space surveillance and tracking (SST) programme. It also serves as an ESA hub.

At the military defence level, the General Staff of the Armed Forces (EMGFA) is responsible for planning and directing the military aspects of the national defence space programme, in accordance with the Organic Law on the Organisation of the Armed Forces (Organic Law 2/2021 of 9 August 2021). The Communications and Information, Cyberspace and Space Centre, established under the Organic Law of the General Staff of the Armed Forces (Decree-Law 19/2022 of 24 January 2022), exists within the EMGFA. Among other things, the Centre directs the military aspects of the national defence space programme.

In addition, the General-Directorate for National Defence Resources (DGRDN) is responsible for managing the national SST programme and is the designated national entity in the EU SST. The participation of Portugal in the EU SST is addressed in Resolution of the Council of Ministers No. 116/2017 of 24 August 2017, which created a temporary body called the Space Surveillance and Tracking Project Group (GPSST) under the Ministry of Defence. The GPSST was tasked with preparing and implementing national SST capabilities, as well as with preparing the national application for the EU SST. The GPSST was further tasked with approving the general terms of the governance model for the national SST programme and was the designated national entity in the EU SST consortium. The Portuguese application to the EU SST was approved in mid-2018 by the European Commission. The GPSST was originally set up for one year, but Resolution of the Council of Ministers No. 113/2018 of 31 August 2018 extended its mandate until 31 December 2018. Since 1 January 2019, and in accordance with the Resolution, the DGRDN has been responsible for managing the national SST programme and is the designated national entity in the EU SST. In May 2021, the national Centre of Space Operations, which processes SST data, was inaugurated in the Azores.

At the regional level, the Azores Mission Structure for Space (known as EMA-Space) manages and coordinates all infrastructure, technical and scientific space activity, as well as the implementation of the regional space strategy.

The Space Authority supervises and licenses space activities. The National Communications Authority (ANACOM) is acting as Portugal's space authority on a provisional basis; ANACOM is also responsible for assigning orbital slots and frequencies.

Legal framework

The National Space Act was approved by Decree-Law No. 16/2019 of 22 January 2019 and amended in 2024 by Decree-Law 20/2024 of 2 February 2024. The Act sets out a number of provisions and measures aimed at facilitating and encouraging private space activity in Portugal. The amended Act addresses the licensing of space operations and spaceports.

Regulation No. 697/2019 of 5 September 2019 (the Space Authority Regulation) details the provisions of the Act. The Regulation sets out the procedures for obtaining licences and pre-qualification certificates, as well as for registering and transferring ownership of space objects. It was amended in 2024, by Regulation No. 1206-A/2024 of 21 October 2024, to align it with the amended National Space Act.

The conditions for insurance were approved by Order No. 279/2023 of 11 September 2023 (the Order), which defines the minimum capital and additional minimum conditions of third-party liability, as well as the right of redress of the state.

In 2019, the Azores enacted the Azores Regional Space Act (approved by Regional Legislative Decree No. 9/2019/A and amended by Regional Legislative Decree No. 24/2021/A), which regulated space activities taking place in the Azores and established the economic and financial regime for these activities. In 2020, the Azores issued Regional Implementing Decree 6/2020/A, which approved the Regulation of Licensing of Space Activities in the Autonomous Region of the Azores (the Azores Space Regulation). The regional legal framework was developed in light of Article 27 of the National Space Act, which established, among other things, that the licensing procedures for space activities in the Azores and Madeira would be defined by regional legislative decree. However, in practice, the regional framework replicated the provisions of the National Space Act and the Space Authority Regulation, thus leading to a duplication of processes with which operators would have to comply to perform space activities in the Azores. Acknowledging this, Article 27 of the National Space Act was repealed in the 2024 amendment to the Act. In its preamble, the Act states that:

licenses for launch and/or return operations and for command and control operations, this is, for access to and use of outer space, have a national scope, thus allowing the holder to perform the licensed activities from any place of the national territory, waiving the need for other legal titles for the same purpose.

This seems to suggest that the regional framework no longer applies, which better aligns with Portugal's goal of facilitating space activities in the country. As such, there is now only a single unified approach for space operations in Portugal.

International regimes

Portugal became a party to the United Nations Convention on Registration of Objects Launched into Outer Space (the Registration Convention) in 2018 and the Convention on International Liability for Damage Caused by Space Objects (the Liability Convention) in 2019. It previously acceded to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space. It is also a signatory to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite and the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations.

Regulation in practice

Licensing of space operations and registration of space objects

The National Space Act sets out the national framework for accessing and performing space activities, which include space operations and the operation of spaceports. Space operations comprise the following:

- 1.

Launch and return operations: the activity whereby space objects are intended to be sent or launched into space (below, to or beyond orbit), and the return of space objects in orbit to the Earth's surface. The launch and return operator performs launch and return operations.

2. Command and control operations: the activity consisting of exercising control over a space object in outer space, whether temporarily or in transit. Where the space object cannot be controlled or guided, the command and control operation will be deemed to be the contracting of the launch or the exploitation of the space object, as notified to the Space Authority. The command and control operator performs command and control operations of the space object.

The National Space Act applies to space operations performed both in the national territory irrespective of the nationality of the operator and outside the national territory by Portuguese operators or operators established in the national territory.

Space operations are subject to a mandatory licence for launch or return operations, and for command and control operations, issued by the Space Authority.

The National Space Act also created a voluntary pre-qualification system. Under this system, operators, systems, processes, features and specifications can be certified across various elements, including the technical, economic and financial capacity of operators, the systems and processes implemented in command and control operations, and the features and specifications of space objects. Pre-qualification aims to streamline the licensing procedure by eliminating the need to resubmit information already included in the pre-qualification certificate.

There are three types of licence:

1. individual licence, which applies to single space operations;
2. blanket licence, which applies to a series of space operations of the same type or to a series of space operations of different type, performed by the same operator; and
3. joint licence, which applies to space operations of the same type or a different type performed by more than one operator. However, this licence is granted to only one of the operators, minimising the regulatory burden associated with licensing these operations as a whole. Joint licences can be:
 - integrated, which is intended for a single launch and/or return operation of a launcher, together with one or more launches of space objects using that launcher. It can also cover the command and control of those space objects; or
 - multiple, which is intended for multiple launch and/or return operations of one or more launchers, coupled with one or more launches of space objects using each launcher. It can also cover the command and control of those space objects.

Licences are granted if the Space Authority is satisfied that a set of conditions have been met, including:

1. the applicant has the technical, economic and financial capacity for the space operations it intends to carry out;
2. the space operation duly safeguards damage to the Earth's surface, airspace and outer space, in accordance with applicable national and international commitments;
3. the space operation ensures, to the extent possible, the minimisation of space debris, in accordance with international principles and commitments;
4. the space operation is compatible with public safety provisions, including concerning public health and the safety of persons and assets;
5. the space operation does not jeopardise domestic security or the strategic interests of Portugal, nor does it breach Portugal's international commitments;
6. all other authorisations and certificates required for the purpose of the space operation have been issued by the relevant entities; and
7. the applicant carries mandatory civil liability insurance as required under the National Space Act.

In addition, the licence may stipulate other requirements, including in connection with environmental matters.

The decision to grant or withhold a licence must be issued by the Space Authority within 90 days of receipt of an application. The Space Agency, in turn, shall issue a legal opinion with respect to the technical, economic and financial capacity of the applicant. The autonomous regions must be notified of the issuance of licences for launch or return space operations, whenever these activities are to take place from their territory.

The National Space Act also provides that a special licensing framework, which may consist of shorter deadlines or streamlined procedures, may be defined by the Space Authority for certain circumstances, such as:

1. if the applicant is a public entity or an international organisation acting under international agreements concluded with Portugal;
2. if the intended space operation is performed exclusively for scientific, R&D, educational or training purposes, or consists of experimental activities with demonstrable low risk for the Earth's surface, airspace and outer space, including concerning the public health and safety of persons and assets; or
3. if the space operation is performed outside national territory by Portuguese operators or established in Portugal.

The Space Authority may also define a single procedure for the licensing of space operations of the same or different type, performed by more than one operator, where the licence is granted to each operator.

The National Space Act also addresses circumstances whereby a licence for space operations has been obtained in another country. First, and in general, the special licensing procedure referred to above can be established for cases where the applicant secured authorisation for the performance of the space activity from another state

whose legal framework ensures compliance with applicable international commitments. Second, space operations performed abroad but subject to the National Space Act may be exempted from mandatory licensing if the operator is able to demonstrate to the Space Authority's satisfaction that it secured the proper authorisations and that it abides by the law of a state with which Portugal has an agreement in place to ensure compliance with its international commitments.

The National Space Act establishes that space objects for which Portugal is the launching state are subject to registration with the Space Authority, in accordance with Portugal's international commitments. The elements to be registered broadly correspond to those of the Registration Convention. The Act also provides that the following must be registered with the Space Authority:

1. space objects whose launch, return or command and control are licensed in Portugal;
2. the transfer of ownership of any space objects whose launch, return or command and control are licensed under the National Space Act;
3. the end of the useful life of a space object whose operation and control are licensed in Portugal; and
4. any incident or serious accident suffered by the space object.

The National Space Act also contains provisions on the transfer of the licence or ownership of space objects. Transfer of licence is subject to authorisation by the Space Authority and is dependent on all legal requirements being met; transfer of ownership is subject to notification to the Space Authority. The autonomous regions must be notified of any transfer of licences for launch or return operations, whenever these activities take place from their territory.

The Space Authority Regulation details the conditions for licensing, registering and transferring ownership of space objects, as well as the pre-qualification requirements. It aims to create simple and effective procedures with a view to promoting private activity. The Regulation was amended in 2024 to better align with the provisions of the amended National Space Act, addressing many, but not all, challenges relating to space activity licensing. Notably, instead of automatically simplifying the licensing procedure for certain cases outlined in the National Space Act, the Regulation requires applicants to request a simplified procedure. The Space Authority must then respond within 10 days, communicating reduced time frames and procedures. This approach could create uncertainty over licensing requirements and processes.

The Regulation does not reduce the bureaucratic burden of applying for multiple operation licences as much as it could have, despite allowing some flexibility in the application process.

Licensing of spaceports

The amended National Space Act sets out a legal framework for the operation of spaceports.

Spaceports are defined as any installation for the operation of launch or return of space objects, including all installation equipment needed for launches or returns. Therefore, an installation designed for returns only is also considered to be a spaceport and is subject to the National Space Act.

The operation of a spaceport comprises the management, administration or direction and exploitation of a spaceport, where exploitation is defined as 'the provision of services relating to space operations from a spaceport, such as transportation, reception, testing, inspection, storage, processing, maintenance, collection and data processing, for one's own benefit or for the benefit of a third party'.

The National Space Act applies to the operation of spaceports performed in the national territory, irrespective of the nationality of the operator.

The operation of spaceports is subject to a mandatory licence issued by the Space Authority.

The National Space Act created a voluntary pre-qualification system, whereby the spaceport operator may pre-qualify that it has the technical, economic and financial capability for the activity it intends to perform. As in space operations, spaceport pre-qualification aims to streamline the licensing procedure by eliminating the need to resubmit information already included in the pre-qualification certificate.

The licence is granted if the Space Authority is satisfied that certain conditions have been met, including that:

1. the applicant has the technical, economic and financial capability for the installation and operation of the spaceport, as well as a recognised reputation and credibility;
2. the intended location, installation, infrastructure and operation of the spaceport:
 - duly safeguard the safety of the launch or return operations;
 - are compatible with applicable public safety provisions, including concerning public health and safety of persons and assets;
 - ensure the protection of the environment, debris management and, to the extent possible, minimisation of space debris, in accordance with international principles and commitments;
 - respect the strategic interests of Portugal and its international obligations, without impacting its internal security; and
 - abide by all other applicable provisions; and
3. all other authorisations and certificates required for the purpose of the location, installation and operation of the spaceport have been issued by the relevant entities.

The licence may stipulate additional requirements.

In addition, prior approval is required from government members responsible for the areas of defence, the sea (if the spaceport is deployed in national maritime space), and science and technology. The aim is to ensure that national interests are respected. The procedure for prior approval is directed by the Space Agency, which must also issue its own legal opinion with relation to the technical, economic and financial capability of the applicant. If

the spaceport is to be located in the autonomous regions of Madeira or Azores, the regions must issue a binding opinion on these.

The prior approval shall be issued within 210 days of receipt of the application by the Space Authority. The Space Authority has a further 240 days to issue its decision on whether to grant the licence. Licences have a maximum initial term of 15 years, with the possibility of renewal.

The National Space Act also contains provisions on the transfer of spaceport licences, which is subject to authorisation by the Space Authority and is dependent on all legal requirements being met. Prior approval by the government is also required, which can be delegated to the Space Agency. The autonomous regions must be notified of licence transfers if the spaceport is located in their territory.

The Space Authority Regulation, as amended in 2024, provides additional detail on the conditions for licensing spaceports.

The new approach to spaceports was approved in light of the increasing need to ensure access to space, the growth in procurement of launches for megaconstellations of satellites and the growth of countries with space activities. It allows entities (public or private) to set up a spaceport in the country, provided a set of requirements are met, unlike the prior approach, which endeavoured to establish a public spaceport in the Azores.

The Azores International Satellite Launch Programme was a national initiative to establish a spaceport in the Azores. The initial public tender for the construction, operation and exploitation of the spaceport, launched in March 2019, was not awarded because neither of the two proposals met all the required criteria. In April 2022, the government of the Azores authorised the launch of a new public tender but this was never published as the amendment to the National Space Act was approved, which permitted private entities wishing to establish a spaceport in Portugal to obtain a licence on their own terms and removed the limitations imposed by public tender processes.

Liability and insurance

The National Space Act indicates that operators are liable for damage caused in the performance of the space activity, as follows:

1. strict liability for damage caused by the space object to the surface of the Earth or aircraft in flight; and
2. liability in the event of fault for damage falling outside the scope of point (a).

There is also a mechanism of redress by means of which, pursuant to its international commitments, if Portugal is held liable for any damage caused by a space object, the state has a right of recourse against the operator that is responsible for that space object under the National Space Act. The right of redress is capped at the amounts defined in the Order, with the Order providing that the cap corresponds to the total amount of the insured capital applicable to the licensed space operation that caused the damage. However, the cap will not apply in certain circumstances, including in the event of liability for damage due to wilful misconduct or gross negligence, or if the operator fails to comply with its licensing obligations.

Licensed operators are obligated to take out civil liability insurance, with minimum capital as defined in the Order. This insurance must cover the operator's obligation to compensate for damage caused by its space activities, including the Portuguese state's right of redress, as described above. The Order has not yet been updated in light of the 2024 amendment to the National Space Act, and it continues to apply only to space operations; therefore, the operation of spaceports does not appear to be subject to mandatory space insurance.

The Order sets out minimum insured capital requirements that are directly linked to the mass of the space object (varying from €2 million for space objects with masses equal to or lower than 50kg to €60 million for masses above 500kg).

However, if the maximum probable loss of the insured space operations (as calculated in accordance with Space Authority rules) is lower than the minimum insured capital mandated for the object's mass, the minimum insured capital is reduced to an amount equal to the maximum probable loss.

The Order also provides that, if the insured space operations were licensed under a blanket licence, the minimum insured capital is reduced by 30 per cent compared to the amount that would be required if each operation were licensed individually.

For licensed space operations taking place exclusively in another launching state, the Space Authority can accept other insurance arrangements, provided those arrangements secure (in similar conditions to those required by national law) the liabilities of the operators and of the Portuguese state under the Liability Convention and that the insurer provides solvency guarantees similar to those required for entities in the European Union.

The Order also contains provisions on the insurance term, applicable and contract-specific exclusions, deductibles (i.e., the amount that the policyholder must pay), insurer's rights against the insured and insurance contract termination.

The Order also indicates that the Space Authority may waive the insurance obligation or decide on a lower insured amount in the following circumstances:

1. operations of launch, return, and command and control of space objects of small dimensions, as defined by the Space Authority (launchers with the ability to launch a payload with a total mass of up to 50kg, and space objects subject to command and control with a mass equal to or less than 50kg);
2. space operations conducted exclusively for scientific, R&D, or educational and training purposes;
3. operations that demonstrably entail reduced risks, as determined by the Space Authority; and
4. where the operator submits another financial guarantee, notably a deposit or bank guarantee.

Other relevant provisions

The National Space Act contains a set of provisions for incident and accident reporting, which also include the obligation to notify the Space Authority of any manoeuvre,

malfunction or anomaly of the space object, or other circumstances arising from or in connection with the space activity that may result in an incident or serious accident.

Operators are also subject to obligations relating to the Space Authority's supervision and inspection powers, including the following:

1. allowing and facilitating free access to the facilities and their annexes, as well as to their devices and instruments;
2. providing all the information and assistance required for the performance of the supervision and inspection; and
3. maintaining in their facilities in Portugal a duly organised and updated file containing all relevant documents and records relating to the space activities they perform and to the licensing and pre-qualification procedures.

In addition to its licensing, registration, pre-qualification, supervision and inspection powers, the Space Authority assesses operator requests or claims, and resolves disputes concerning National Space Act obligations, allowing for judicial involvement, where necessary. The Space Authority also initiates and manages administrative offence proceedings, including imposing penalties. Infringements of the National Space Act are administrative offences that may lead to penalties of between €250 and €44,891.81, depending on whether the operator is a natural or a corporate person, and the gravity of the offence. There are also ancillary penalties, consisting of the prohibition to perform space activities for a certain period of time and the suspension of licences.

The Space Agency actively participates in licensing procedures, as described above. This participation is designed to develop Portugal's space activities and facilitate dialogue and coordination among the authorities involved in licensing procedures. Because of its knowledge of the sector, the Space Agency is also required to provide a legal opinion on licence applicants.

The National Space Act allows fees and charges to be defined by decree-law to support the Space Authority's financial sustainability. At the time of writing, no fees or charges have been approved.

Distinctive characteristics of the national framework

The National Space Act contains a number of innovative solutions aimed at encouraging private activity in Portugal, which are outlined below:

1. In addition to an individual licence for a single space operation, an operator can obtain a blanket licence covering a series of operations, which will facilitate the launching of constellations of satellites. A joint licence for space operations performed by different operators can also be obtained, which simplifies the licensing of related space operations.
2. A simplified licensing procedure may be implemented in certain situations, as indicated above, such as for operations that are carried out exclusively for scientific, R&D, educational or training purposes, or for experimental activities with low risk. A

single procedure for the licensing of space operations of the same or different type, performed by more than one operator, may also be implemented, whereby a licence is granted to each operator.

3. For space operations carried out by Portuguese nationals abroad, the requirement for a licence can be waived, provided that certain other requirements are met. The applicant can also benefit from the simplified licensing procedure.
4. If the operator obtained a licence abroad, it may also obtain a Portuguese licence under the simplified licensing procedure.
5. A pre-qualification regime has been created to expedite the licensing process, removing the need to resubmit the same information in subsequent licence applications.
6. A liability cap has been established to protect operators when Portugal is internationally liable for damage caused by a space object. This approach is designed to be favourable to space actors and considers the possible risks of space operations.
7. Civil liability insurance is mandatory for space operations. The insurance may be waived or the insured amount reduced in certain cases, such as for small satellites, space operations carried out exclusively for scientific, R&D, educational or training purposes, or operations with low risk. Insurance may also be waived or reduced if the operator submits another financial guarantee.
8. A specific framework for the licensing of spaceports has been introduced, allowing both public and private entities to set up a spaceport in the country. This framework is relatively agile with short deadlines.
9. A breach of the National Space Act carries fines only, which cannot exceed €44,891.81. Ancillary sanctions prohibiting the carrying out of space activities or suspension of licences are established for certain cases.

The Space Authority is a one-stop shop, meaning that it may also assume responsibility for communicating with all other competent authorities whose authorisation may be required for a space activity, thus avoiding the need for operators to deal directly with the authorities.

Year in review

Portugal has been active in space activity in recent years. The National Space Act, approved in 2019, was amended in 2024. The amendment reviewed a set of provisions to ensure more flexibility and clarity for space operators, as well as introducing a specific framework for the licensing of spaceports. The Space Authority Regulation has also been amended to better align with the provisions of the National Space Act; it details the requirements and procedures for the licensing of spaceports. The Order on insurance and liability, of 2023, remains in force.

Three blanket licences for the launch, command and control of satellites were issued in 2024 for the following satellites:

1. the AEROS Earth observation (EO) satellite, operated by Portuguese entity CEiiA;
2. ISTSat-1, operated by the University of Lisbon's Instituto Superior Técnico; and
3. Prometheus-1, operated by Minho University.

Portugal's recovery and resilience plan (RRP) is playing a key role in the development of the country's space sector. In particular, one of the projects concerning the space sector – the New Space Portugal project – brings together 39 entities to develop and operate EO satellites, a data platform (Digital Planet) and a set of initiatives for R&D, capacity building and entrepreneurship. Another project funded under the RRP, NeuraSpace, focuses on supporting the development of an existing space traffic management platform, utilising artificial intelligence and machine learning.

A set of initiatives for spaceports and related infrastructure is also being devised. A commercial viability study is being undertaken by the Atlantic Spaceport Consortium, with NAV Portugal (which provides air traffic services across Portugal), for a spaceport in the Santa Maria Island in the Azores.

On 7 November 2024, ESA confirmed that the Santa Maria hub will be the landing site for the maiden flight of Space Rider, ESA's new, reusable orbital vehicle. Space Rider is intended to provide ESA with affordable and routine access to space.

The Space Agency is developing the Santa Maria Space Technology Centre to serve as a multipurpose facility for space access. It will feature ground testing, and payload integration and handling facilities, and an airport landing area. It is hoped that the Centre will attract technology companies and maximise investment returns. The Centre will also collaborate with the island's space ecosystem, including the Santa Maria Teleport, which encompasses advanced telemetry, tracking, command and ranging systems for low orbit satellite communication.

Special considerations

The envisaged EU Space Law is expected to impact the national legal framework. The Law aims to establish common EU rules addressing the safety, resilience and sustainability of space activities and operations. Safety issues are addressed in the Portuguese legal framework for space, with the 2024 amendments to the National Space Act further highlighting the relevance of sustainability. Although the previous version of the Act addressed debris mitigation and environmental concerns for space operations, the amended version expressly mentions the sustainability of space activities as one of the goals of the legal framework. This aligns with Portugal's increasing focus on sustainability in space, as demonstrated by the Lisbon Declaration on Outer Space of 15 May 2024, which was a result of the UN Conference on the Management and Sustainability of Outer Space Activities that took place in Lisbon in 2024.

Although resilience is not expressly mentioned in Portugal's legal framework for space, two significant EU directives designed to improve security and resilience (Directive (EU) 2022/2555 and Directive (EU) 2022/2557, both of 14 December 2022) now apply to the space sector (i.e., to operators of ground-based infrastructure that is owned, managed and

operated by Member States or by private parties that support the provision of space-based services).

Another important topic for the space sector relates to orbital slots and spectrum. In Portugal, the national framework applicable to spectrum is established in the Electronic Communications Law (Law 16/2022 of 16 August 2022) and the framework on radio communications licensing (Decree-Law 151-A/2000 of 20 July 2000). In addition, the national frequency allocation plan contains information relating to spectrum allocation. However, Portugal does not have a specific procedure for the management and submission of spectrum filings to the International Telecommunication Union (ITU). A specific framework for the assignment of predetermined orbital slots under ITU Regulations 30, 30A and 30B (under which Portugal has two predetermined orbital slots: -37.00 and -10.60) is in development. ANACOM has the authority to manage and coordinate frequency allocations to avoid interference, both at national and European levels.

In addition to the legal framework for space activity and spectrum, the space sector is subject to other relevant provisions, such as those concerning intellectual property, artificial intelligence, import and export control, data, platforms and marketplaces, critical raw materials and chips, the environment and market access. These issues are increasingly relevant in the new space economy due to its highly technical features and the development of downstream value-added services and products.

Outlook and conclusions

The National Space Act contains a set of innovative solutions for Portuguese and foreign operators in the country. Together with Portugal Space 2030 and the additional projects that are currently under way, the Act has paved the way for increasing space activity and furthering the development of the private sector and R&D in Portugal. The development of spaceports and services in Portugal is further expected as a result of the 2024 amendments to the Act, which also establishes a framework for the licensing of spaceports.

The space projects being developed under Portugal's RRP are also playing a central role in the growth of the sector in the country.

Developments at the EU level, including the anticipated introduction of the EU Space Law, as well as new EU policies and programmes, are expected to contribute to the overall expansion of Portugal's space industry.

The possibility of a framework for EO data, space mining and human space flight has not been discussed in Portugal. However, anticipated growth in space activities and the increased visibility that the current initiatives will inevitably bring to the country may lead to greater awareness in these areas and contribute to the approval of relevant regimes. The clear investment in EO may well lead to a legal framework in this area in the short to medium term. In relation to suborbital flights, the development of a legal framework in this respect was announced by the Minister of Science and Technology at a September 2023 event to celebrate the 30th anniversary of the first Portuguese satellite launch (PoSAT-1). Although the National Space Act can be interpreted to include suborbital flights of space

objects reaching outer space, a dedicated set of rules for high altitude operations would be welcome. The work of both the Space Authority and Portugal Space will naturally continue to play an important role in clarifying, detailing and encouraging initiatives and activities in the sector.



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