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Space Law 2026

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Portugal

Law and Practice

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Trends and Developments

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Law and Practice

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Vieira de Almeida & Associados is a leading international law firm with more than 50 years of history and 350 lawyers, recognised for its impressive track record and innovative approach in corporate legal services. The excellence of its highly specialised legal services, covering several industries and practice areas, enables VdA to overcome the increasingly complex challenges faced by its clients. VdA is the first Portuguese law firm with a dedicated space law practice, having been involved in pivotal space pro-

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1. Global Trends

1.1 International Legal and Regulatory Developments

Space law in Portugal combines (i) key international UN legal instruments, (ii) a national space law implementing the international commitments of the Portuguese state while striving to address key topics of the space sector without stifling its potential for growth, and (iii) myriad non-legally binding sources arising from the country's membership of international and regional organisations setting key norms regarding the manner in which space activities are to be carried out.

Growing concerns around safety, resilience, sustainability, and increasing privatisation and geopolitical pressures have reinforced the need for stronger space regulation, already driving significant legal developments, particularly at EU level. The proposed EU Space Act (currently under review by the European Parliament and Council) aims to establish a mandatory common framework governing European and certain third-country space operators. While still under negotiation, it is expected to significantly impact Portuguese space law, particularly with respect to market access and supervision.

More broadly, the interaction between space activities and key EU policy areas (such as artificial intelligence, quantum technologies, digital services, security, resilience, and data governance) is creating regulatory spillovers that are likely to further shape national space activities, including in Portugal.

1.2 NewSpace and the Space Tech Economy

The Government remains a central driver of Portugal's space sector through its role in ESA and the EU Space Programme as well as via its stake in projects under the Recovery and Resilience Plan. A flagship initiative focuses on developing space-based capabilities, services, and businesses, which are already yielding results, including the launch of six new satellites in March 2026 and four more in July 2026.

Through Portugal Space, the Portuguese space agency (the "Space Agency"), the state continues to support R&D and the integration of national industry into the global space economy. Since the adoption of the Space 2030 strategy, the sector has grown steadily (reaching 87 companies by 2025) and seven licences for launch and command have been issued.

Key developments include the licensing of the Santa Maria (Malbusca) launch centre, expected to begin operations in 2026, and the first commercial re-entry licence granted in February 2026 to ATMOS Space Cargo. Increased involvement from the defence sector is also driving civil-military synergies and new private sector opportunities, including through the Air Force space base in Santa Maria, Azores.

The emergence of new business models and services is expected to further expand legal and contractual work in Portugal's space sector.

2. Space Legal and Regulatory Framework

2.1 Characteristics of the Space Industry

The Portuguese space industry is composed mostly of small and medium-sized companies geared towards aerospace engineering (systems, materials, etc), understandably given the sector's historical genesis as an R&D sector, fostered mostly by Portugal's membership of ESA.

Nowadays, with the surge of NewSpace, the Portuguese space industry (or ecosystem) has seen significant growth, not only developing new services and products using space data, services and/or systems, but also stepping up its involvement in upstream activities.

The country's investment in the sector has heavily contributed to these developments, notably through:

- the creation of a national legal framework for space activities in 2019, the setting up of a Space Authority (currently, ANACOM, the communications regulator) tasked with licensing and supervising space activities, and the setting up of a Space Agency (Portugal Space) tasked with fostering the development of the Portuguese space sector;
- the expansion of the country's role within ESA's projects (eg, the implementation of satellite tracking stations in the country, with Portugal also anticipated as a landing site for the Space Rider); and
- the country's commitment to the development of its own space assets (among others, Earth observation (EO) satellite constellations developed by a consortium helmed by Portuguese companies under the country's Recovery and Resilience Plan, including notably the Atlantic Constellation).

It is further expected that developments at the EU level (or fostered through the EU's policies and programmes), in connection with its overall strategy for the space sector (both civil and military), will also contribute to the overall expansion of Portugal's space industry.

A more detailed view of the country's space industry (and overall ecosystem) is available in the country's space catalogue, published by the Space Agency.

2.2 Legal System and Sources of Space Law and Regulation

The Portuguese space legal system, which is based on civil law, comprises both national and international sources of law and regulations.

International sources of law and regulations applying to the Portuguese space legal system include, notably:

- the United Nations Space Treaties, which are the main international legal instruments applicable to space activities. Portugal has ratified or has acceded to the Outer Space Treaty, the Liability Convention, the Rescue and Return Agreement and the Registration Convention, but not the Moon Agreement;
- international "soft law", consisting notably of UN resolutions pertaining to the exploration and use of outer space, as well as other resolutions and codes of conduct and guidelines. These instruments, though non-legally binding, have quasi-legal effects;
- the International Telecommunication Union (ITU) Constitution, Convention and Radio Regulations, which address topics relating to spectrum and orbital slots, all matters relevant for the space sector;
- the EU Space Programme Regulation (Regulation (EU) 2021/696) and the Union Secure Connectivity Programme Regulation (Regulation (EU) 2023/588); and
- other international non-binding arrangements, such as the Artemis Accords (a set of principles on safety, sustainability and peaceful use of outer space in civil activities), which Portugal joined in January 2026.

The principles and rules of international space law have been reflected in national law, which comprises three main legal frameworks, as follows.

- The national Space Act, Decree-Law 16/2019 of 22 January, as amended by Decree-Law 20/2024 of 2

February and rectified by Rectification Declaration 19/2024/1 of 22 March. The Space Act contains provisions for the launching and re-entry, and the command and control, of space objects. It already covers provisions that aim to facilitate recent trends in space, including small satellites and constellations of satellites. Recent amendments integrated into the law the licensing of the operation of launch centres.

- The Space Regulation, Regulation 697/2019 of 5 September, as amended by Regulation 1206-A/2024 of 21 October and rectified by Rectification Declaration 1025/2024/2 of 28 November. The Regulation contains detailed provisions for obtaining a licence and pre-qualification for space operations. It also includes detailed provisions for obtaining a licence for the operation of launch centres.
- The Insurance Order, Order 279/2023 of 11 September, which establishes the conditions for civil liability insurance and the limits for the right of redress of the state in the event of damage caused by a space operation pursued by a licensee.

Spectrum topics are covered in national law in the Electronic Communications Law (Law 16/2022 of 16 August) and the framework on radioelectric licensing (Decree-Law 151-A/2000 of 20 July). The national frequency allocation plan also contains information relating to spectrum allocation.

In addition to the legal framework specifically dedicated to space activities, the Portuguese space legal system must consider other rules applying to the space sector, including those regarding cybersecurity, sustainability, data access and sharing, personal data, cloud computing and platforms, contracts, consumer protection, intellectual property, artificial intelligence, imports and exports, among others.

Finally, the proposed EU Space Act, currently under legislative review, is expected to impact the national legal framework.

2.3 Role of the State in Space Law and Regulations

The Portuguese state acts as a facilitator, participant and regulator of space activities through the following main entities:

- Portugal Space, the Space Agency, was set up in 2019. It is a private, non-profit association comprising only members from the public sector. The Space Agency is responsible for executing the Portuguese Space Policy (Portugal Space 2030) and for developing the national space sector. The Space Agency also serves as an ESA hub. Following the 2024 amendment to the Space Act, the Space Agency now plays a key role in licensing processes. It must issue prior opinions on licences for space operations (launch and/or re-entry, and command and control) and, in certain cases, be notified of their execution. For launch centres, the Agency leads the Government's prior approval process and provides its opinion.
- ANACOM (the communications regulator) is, temporarily, under the Space Act, the entity competent for issuing licences and supervising space activities.
- The Ministry of Defence is the body responsible for managing the national Space Surveillance and Tracking (SST) programme and is the designated national entity in the EU SST system.

At ministerial level, and without prejudice to defence and SST matters, the competent Secretary of State for space is the Secretary of State for Science and Innovation, whose office is within the Ministry of Education, Science and Innovation.

2.4 Role of the State in the Licensing Process for Space Activities

Space operations are subject to authorisation and may further benefit from pre-qualification. They are also subject to supervision. Registration of space objects shall further be carried out.

Authorisation

Space operations performed within the national territory, as well as space operations performed abroad by Portuguese operators or operators established in

Portugal, are subject to licence issued by the Space Authority.

Space operations consist of the following:

- launch and/or re-entry (or 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/or return operator performs the launch and/or return operations; and
- command and control operations – the activity 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 hiring of the launch or the exploitation of the space object, as notified to the Space Authority. The command and control operator performs the command and/or control operations of space objects.

There are three types of licences:

- an individual licence, applicable to a single space operation;
- a blanket licence, applicable to a series of space operations of the same type or to a series of space operations of different types, performed by the same operator; and
- a joint licence, applicable to space operations of the same type or different types, performed by more than one operator, in which the licence is granted to only one of the operators involved in the operations at stake. The joint licence can further be “integrated” (where the licence covers one launch and/or return operation of the launcher and one or more launches of space objects from that launcher, and can further cover the command and control of such objects) and “multiple” (where the licence covers a series of launch and/or return operations of one or more launchers and one or more launches of space objects from those launchers, and can further cover the command and control of such objects).

The variety of types of licences aims to grant flexibility to space operators, allowing them to choose how best to license their space operations.

Licences are subject to the procedure defined by the Space Authority in the Space Regulation, and the decision to grant a licence or not shall be issued within 90 days. Upon issuance of a licence, the relevant space activity may be commenced within five years as from the date of such issuance.

A special licensing framework, which may involve shorter deadlines or streamlined procedures, may be established by the Space Authority, notably when:

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

In practice, the Space Regulation simply indicates that the applicant may request to the Space Authority the application of a simplified procedure (which may involve the waiver of the delivery of certain information or documentation deemed not reasonable to request or irrelevant) and the Authority will decide on the request within ten days, notifying the applicant of the reduced timelines or simplified procedures that will apply.

The national Space Act also addresses circumstances wherein a licence for space operations has been obtained in another country.

Pre-Qualification

The Space Act created a specific approach under which space operators may apply for pre-qualification issued by the Space Authority, aimed at verifying:

- that the launch and/or return operator and the command and control operator have the technical, economic and financial capacity for the space activities they intend to perform;
- regarding the launch and/or return operator and the command and control operator, the features and specifications of the respective space object; and
- regarding the command and control operator, the systems and processes implemented for command and control.

Pre-qualification streamlines the process for obtaining a licence, given that it waives the submission of the information set out in the pre-qualification certificate in the licensing procedure. In accordance with the Space Regulation, the pre-qualification certificate shall be issued or refused within 60 days (which can be extended for an additional 60 days in cases of high complexity).

Supervision

Supervision of space activities is carried out by the Space Authority, without prejudice to the inspection powers of other competent entities.

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

- allowing and facilitating free access to the facilities and their annexes, as well as to their devices and instruments;
- providing all information and assistance required for the performance of the supervision and inspection; and
- 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.

The Space Act also contains a set of provisions for incident and accident reporting, which include the obligation of operators to notify incidents that occurred in their premises or within the scope of their space activity, as well as 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.

Infringements of the Space Act are administrative offences that may lead to the application of penalties of between EUR250 and EUR44,891.81, depending on whether the operator is a natural or a corporate person and on the gravity of the offence. There are also ancillary penalties, consisting of temporary bans on carrying out space activities and the suspension of licences.

Registration

The 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 specified in the Registration Convention.

In addition, the Space Act provides that the following must be registered with the Space Authority:

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

The Space Regulation provides further details on registration, whereby information for registration shall be submitted in two days from launching or from the occurrences indicated above.

2.5 Role of the State in Co-Ordinating the Use of Radio Frequencies and Orbital Slots

The national framework applicable to spectrum is established in the Electronic Communications Law and the framework on radioelectric licensing. In addition, the national frequency allocation plan contains information relating to spectrum allocation.

Despite the above, Portugal does not have a specific procedure for receiving requests and assisting in the

ITU process for assignment of radio frequencies and orbital slots.

In any case, ANACOM, the communications regulator – which is the entity competent for radio frequencies and orbital slots – has a set of competences to manage and co-ordinate frequency allocations to avoid interferences, at both national and European levels. Notably, ANACOM is responsible for creating a specific regulatory framework for use of spectrum (including protection against harmful interference) and for co-operating with other EU member states with a view to co-ordinating the use of harmonised radio spectrum for electronic communications networks and services. As the use of radio frequencies for electronic communication networks and services depends on the attribution of a right of use of frequencies, ANACOM is entitled to revoke such right (or to impose changes) in case of non-compliance with the applicable obligations, which include the obligation to adopt the technical and operational conditions necessary for the non-production of harmful interference and the protection of public health against electromagnetic fields.

In parallel, the proposed Digital Networks Act is set to reshape this landscape at EU level by promoting longer term and more flexible spectrum licences (including renewals and spectrum sharing mechanisms) and by introducing a single passport EU authorisation framework for pan European communications, including SatCom, allowing operators to notify one Member State and operate across the EU. This will require close alignment between ANACOM's national procedures and the emerging EU wide regime.

2.6 Role of the State in the Launching Process

Following changes in 2024, both the national Space Act and the Space Regulation now include a specific framework for the operation of launch centres, comprising authorisation, pre-qualification and supervision.

Authorisation

The operation of launch centres in Portugal is subject to licensing from the Space Authority.

Entities interested in operating a launch centre in Portugal must submit a detailed application to the Space Authority, including, among other things, information concerning (i) designated launch and return corridors and dispersion areas, (ii) the types of space vehicles to be launched or returned, the expected frequency of launches and whether multiple vehicles can be handled simultaneously, (iii) launch pads, control centres, storage for hazardous materials and support systems, and (iv) how the centre will interface with clients and communicate launch schedules to relevant authorities.

The Space Authority will then assess, among other things, the technical feasibility and financial viability of the launch centre, as well as the safety and security of its operations. Indeed, there is a strong emphasis on safety and security of people, property and the environment, with applicants being required to identify all potential risks associated with launch operations, including those relating to hazardous materials, explosions and accidents, and provide comprehensive risk assessments, including the likelihood and impact of incidents.

Issuance of a licence by the Space Authority is subject to prior approval from the members of the Government responsible for the areas of defence, the sea (when the launch centre is deployed in the national maritime space), and science and technology. The aim is to ensure that national security and interests are respected and that the international commitments of the country are not breached. When the launch centre is to be installed in the Autonomous Region of Madeira or of the Azores, that region shall be heard and issue a binding opinion.

Issuance of the licence is also conditional on the applicant obtaining all other licences that may be required for the installation and operation of the launch centre, with the Space Authority acting as a one-stop shop in that regard if requested by the applicant.

The Space Authority must decide on whether to issue the licence within 240 days. Licences have a maximum initial term of 15 years, with the possibility of renewal for successive terms of a maximum 15 years each.

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Upon the granting of the licence, its holder, with regard to the Santa Maria Flight Information Region or the Lisbon Flight Information Region, must initiate, with ANAC (the Portuguese civil aviation authority), the process for requesting an analysis of the airspace volume to be allocated to the activities to be carried out in the launch centre.

Transfer of the licence is subject to the consent of the Space Authority, which has 120 days to decide on such a request, with prior approval being required from the Government or the Space Agency (if powers are delegated to it by the Government).

Pre-Qualification

The launch site operator may pre-qualify that it has the technical, economic and financial capacity for the activity it intends to perform. This pre-qualification aims to streamline the process for obtaining a licence for space operations, as relevant.

Supervision

Operators are subject to obligations relating to the Space Authority's supervision and inspection powers. For further details, see **2.4 Role of the State in the Licensing Process for Space Activities**.

A list of the entities that hold a licence for operation of a launch centre under this framework must be made available online by the Space Authority. As from August 2025, the Atlantic Spaceport Consortium holds the first license to operate a launch centre in Portugal for a period of five years, for the launch centre at Malbusca on Santa Maria Island in the Azores.

2.7 Commitment to International Treaties and Multilateral Discussions

In addition to the UN Space Treaties (not including the Moon Agreement), Portugal 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.

In that context, Portugal is involved in several forums concerning outer space. Notably, Portugal is a member of the UN Committee on the Peaceful Uses of Outer Space (UNCOPUOS), where it has been quite active. And, in January 2026, the country became a party to the Artemis Accords, an initiative of NASA in co-ordination with the US Department of State.

The principles and rules of the UN Space Treaties, especially when it comes to responsibility and liability, are reflected in national law. Other important principles and rules of international space law, including those on sustainability (such as the ones arising from the UN Guidelines for the Long-Term Sustainability of Outer Space), are also reflected in national law – the 2024 amendments to the Space Act and the Space Regulation expressly mention that the legal framework aims, among other objectives, to ensure that space activities are sustainable in accordance with applicable international principles, whilst debris minimisation is a condition of licence issuance (for more details, see **5.3 Orbital Debris**).

2.8 Insurance and State Measures on Liability for Damages

Portuguese rules on insurance of, and liability for damages arising from, space activities follow the country's commitments as a party to the Outer Space Treaty and the Liability Convention, and account for key international concerns on the safety of space operations.

In respect of liability for damages, liability of operators is on a fault basis, except for damage caused on the Earth's surface or to aircraft in flight by a space object, in which case strict liability applies. If the Portuguese Republic is held liable, pursuant to its international commitments, 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, capped at the amounts defined by the Insurance Order. The cap corresponds to the total amount of the insured capital applicable to the licensed space operation that caused the damage. The cap will not apply in certain cases, 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. The liability regime of the national Space Act is, of course, without prejudice to other liability

regimes that are provided for under Portuguese general law (eg, in connection with environmental matters or the use of hazardous materials).

Space activities licensed under the Space Act must be insured. In particular, civil liability insurance covering both fault-based and no-fault-based liability (as described above) arising from the space activities being carried out is a condition for the issuance (and non-revocation) of the relevant licence, and failure to obtain such insurance carries a fine that can exceed EUR44,891.81.

- **Minimum insured capital:** Currently, the minimum insured capital is determined based on the mass of the space object, with different thresholds corresponding to different amounts of insured capital. The insured capital can also be calculated based on the maximum probable damage (as calculated by the Space Authority), if lower than the minimum insured capital required in accordance with those thresholds. If the relevant space activities are licensed under a blanket licence, the minimum insured capital shall correspond to the sum of 70% of the minimum insured capital required for each of the activities benefiting from such licence. However, if the relevant space activities are licensed under a joint licence, no such reduction applies. Note that the Insurance Order has not yet been revised in light of the 2024 amendment to the Space Act, which introduced a licensing regime for launch centres. Thus, although the Space Act mentions that licensed operators shall be insured (seemingly also including launch centre operators), the Insurance Order only seems to contain conditions for space operations.
- **Policy exclusions and deductibles:** The insurance policy exclusions are indicated in the Insurance Order. Among others, these include claims for criminal, administrative or disciplinary liability and claims that may expose the insurer to sanctions or restrictions. Damages caused to specific individuals or groups related to the policy holder may also be excluded. In any case, the policy may provide for a deductible of up to 10% of the insured capital, which the insurer can claim solely from the policy holder.

- **Time barring of policy:** The insurance policy must cover claims for compensation submitted up to two years after its termination, provided that they are not covered by another valid subsequent insurance contract.

The requirement to be insured may be waived entirely (or the minimum insurance requirements reduced) by the Space Authority for:

- the launch, return, command and control operations of small space objects;
- space operations carried out solely for scientific, R&D or educational and training purposes;
- space operations that carry small risks only; or
- space activities in respect of which the operator has delivered another form of financial collateral that is accepted by the Space Authority.

2.9 Very High Altitude Legal and Regulatory Framework

High-altitude flights are not addressed in Portuguese space law.

The amendments made to the national Space Act in 2024 clarified, within the definition of launch and/or return operations, that a space object can be sent or launched below, to or beyond orbit – this points to the Space Act applying to activities below orbit, but still in outer space. The Space Act, however, does not indicate where it considers that outer space begins, though it is expected that the Space Authority will follow the general approach of the Karman line, under which outer space is considered to begin 100 km above sea level.

Regulation of high-altitude flights that do not reach outer space has been discussed by the Space Authority and the Space Agency. The development of a legal framework in this respect was announced by the Minister of Science and Technology in September 2023, but a dedicated law in this area has not yet materialised.

We note that, at the EU level, it is the European Union Aviation Safety Agency (EASA) that has been mostly addressing higher airspace operations (HAO). EASA published the HAO Roadmap in 2023 and has been

tasked by the European Commission with preparing a draft framework for HAO in the EU, currently under-way, including which HAO are to be subject to air law (or space law, or both).

3. Rules Applicable to Space Operators' Activities

3.1 General Rules on Space Activities

The general rules on space activities are established in the national Space Act, the Space Regulation and the Insurance Order, and apply to all space operations and to launch centres (with the particularities seen in **2.8 Insurance and State Measures on Liability for Damages** relating to insurance), regardless of the purpose of the space operation or the features of the launch centre.

Certain matters are also regulated under other legal frameworks, in particular specific laws on security and resilience applicable to various space actors (see **4.3 Cybersecurity and Space** for further details).

Portugal does not have specific legal frameworks for Earth observation, space mining or space tourism.

3.2 Principles of Non-Interference and Prevention of Harmful Interference

The Portuguese space legal framework establishes a set of conditions for issuing a licence that aim to ensure non-interference with other space activities.

For space operations, the space operation must be compatible with applicable public safety rules, including those relating to public health and the safety of persons and assets. What is more, other authorisations necessary for the space operation must have been issued by the corresponding competent entities (eg, for use of airspace). The Space Regulation sets out a set of items that must be specified by an applicant for a licence. For the launch, these include, among others, the expected date and place of launch; the planned nominal flight, including the point of the flight at which the carried space object is no longer under the control of the licensee; the various flight stages and associated manoeuvres; the air corridors to be used; and information about the re-entry of

stages. For the command and control of the space object in space, the information to be provided by the applicant includes, among other things, orbital parameters including nodal period, inclination, apogee and perigee (whether for parking, transfer or final orbit purposes) or trajectory; and the types of command and control operations foreseeable over the operational life of the space object.

For the operation of launch centres, the location intended for the launch centre, its installation, as well as its infrastructure and operation, must ensure the safety of the launch and/or return operations and be compatible with applicable public safety rules, including those relating to public health and the safety of persons and assets. Indeed, when applying to obtain a licence for operation of a launch centre, applicants are required to put in place detailed safety management structures and implement ongoing co-ordination with national authorities, including aviation and emergency services, to ensure safe and secure operations. When assessing the application, the Space Authority will also consider information concerning designated launch and return corridors and dispersion areas, the types of space vehicles to be launched or returned, the expected frequency of launches and whether multiple vehicles can be handled simultaneously, and how the centre will interface with clients and communicate launch schedules to relevant authorities.

The above provisions are without prejudice to non-interference rules arising from the communications framework (see **2.5 Role of the State in Co-ordinating the Use of Radio Frequencies and Audio Slots**).

3.3 Operators' Responsibilities

Licensed space operators are subject to a set of obligations under the national space framework:

- Launch/return and command and control operators are under the obligation to (i) comply with and abide by international principles for the use of space, notably pursuant to the space treaties binding on the Portuguese Republic, including in relation to peaceful use, safety and minimisation of space debris; (ii) register the space objects they launch or control, identifying the respective owners; (iii) take out and maintain mandatory civil

liability insurance; (iv) duly foresee and safeguard against any damage to Earth or to space, directly or indirectly, in accordance with the applicable national and international obligations; and, lastly, (v) comply with all legal and regulatory provisions in force, as well as with the conditions set out in the relevant licence. They shall further, notably, report in a timely manner the occurrence of incidents and accidents, as well as keep a record of all occurrences of their activity, and submit a report to the Space Authority upon completion of each licensed space operation with the description of space activities carried out, mentioning any failures, warnings or risks identified.

- In turn, the operator of a launch centre must abide by all legal provisions in force, as well as the conditions established in the licence. Among other requirements, operators of launch centres are required to: (i) put in place detailed safety management structures; (ii) comply with relevant safety, quality and environmental standards and certifications; (iii) implement ongoing co-ordination with national authorities to ensure safe and secure operations; and (iv) put in place procedures concerning accident and incident prevention, mitigation and recovery (including investigation and reporting of accidents and incidents), site security (including access control and surveillance, but also protection measures against natural phenomena and human disasters), the security of critical systems (those the disruption of which would harm safety and security, including cybersecurity), and protection of staff, visitors and the surrounding environment (including periodic monitoring of environmental risks, specifically relating to air quality, biological and coastal resources, noise, vibration, visual impact and effluent treatment).

An important point in this respect relates to compliance with ESG objectives by the space sector. The rules applicable in this regard in Portugal derive from EU law on ESG, with no dedicated rules or guidelines for the space sector. However, it should be noted that several activities comprised within the space operations life-cycle may be eligible under the EU Taxonomy framework (such as, for instance, data processing, hosting and related activities, the provision of IT/OT data-driven solutions, the manufacture of electric and

electronic equipment, and the provision of services such as preparation for reuse of end-of-life products, including spacecraft and related machinery, where spacecraft includes, in accordance with NACE Rev. 2, launch vehicles, satellites, planetary probes, orbital stations and shuttles). This therefore determines the application of several reporting obligations under the aforementioned framework.

4. Data Protection and Cybersecurity

4.1 Data Protection Regulation and Space

There is no dedicated national space data/Earth observation legal framework addressing the collection, protection and dissemination of space data. However, the cross-sector provisions on data sharing arising from the EU framework (notably, the Open Data Directive – Directive (EU) 2019/1024 of 20 June; the High-Value Datasets Regulation – Commission Implementing Regulation (EU) 2023/138 of 21 December; the Data Governance Act – Regulation (EU) 2022/868 of 30 May; the Data Act – Regulation (EU) 2023/2854 of 13 December; the Regulation on the free flow of non-personal data – Regulation (EU) 2018/1807 of 14 November; and the INSPIRE Directive – Directive 2007/2/EC of 14 March) all apply to sharing of space data, including data held by public entities, held by private entities, and made available notably through data intermediation services and data altruism services. Rules on data processing services have been established as well.

The above framework contains relevant provisions for the space sector, including:

- it addresses dynamic data and high-value datasets, which notably include satellite data (Open Data Directive);
- it addresses B2B data sharing, prohibiting certain contractual terms relating to access and use of data, liability and remedies for breach, and termination of data-related obligations (Data Act);
- it addresses data sharing obligations with certain public entities in case of exceptional need (Data Act), which may potentially include satellite data;
- it addresses the availability of data through data intermediation service providers (including obliga-

tions when it comes to interoperability) and data altruism organisations. Data made available by such entities may also comprise satellite data, which does, however, raise the issue of the extent of the application of the rules to satellite data protected by copyright (as the legal obligations do not apply to data intermediation services that focus on the intermediation of copyright-protected content) (Data Governance Act);

- it addresses data processing services (such as Infrastructure as a Service (IaaS), Platform as a Service (PaaS) and Software as a Service (SaaS)), which may also benefit the space sector (Data Act). In this scope, with a view to facilitating data portability and interoperability (either in switching or in in-parallel use of data processing services), most providers must make available open interfaces and ensure compatibility with common specifications or harmonised standards for interoperability of data processing services published in the EU;
- it addresses transfers of data to a third country (Data Governance Act and Data Act); and
- it establishes that the processing of data can be made in any EU country; ie, unless justified on grounds of public security, national law cannot impose the processing of data in the territory of a specific member state (Regulation on the free flow of non-personal data).

It is important to note that the Commission has proposed to repeal and fold the Open Data Directive, the Data Governance Act and the Regulation on the free flow of non-personal data into the Data Act under the Digital Omnibus package, whilst simultaneously streamlining and simplifying many of the current legal requirements.

In addition, protection of space data follows general intellectual property rules: specifically, to the extent the requirements for copyright protection are met, then space data (most notably, analysed data and, to some extent, processed data) would be protected. The exclusive use of artificial intelligence for data processing impacts such conclusion to the extent that there is no human intervention.

4.2 Space Data Spaces

The legal provisions applicable to Data Spaces arise from EU law, and the EU approach to Data Spaces is addressed in EU policy (including when it comes to principles and requirements, notably on technical data infrastructure, governance, data control, openness and legal compliance), namely in the 2020 European Strategy for Data, the 2022 Commission Staff Working Document on Common European Data Spaces and the 2024 Commission Staff Working Document on Common European Data Spaces. The Data Act further notably addresses the interoperability of Data Spaces.

Though a set of sectoral Data Spaces – common European Data Spaces – have been proposed and developed, dedicated space Data Spaces have not yet been listed in the above-mentioned EU documents; however, this is an ongoing process, with the possibility for additional common European Data Spaces in new sectors or domains to be created in the future.

Albeit not Data Spaces in the strict sense of the EU documentation above, data space-like ecosystems have emerged to provide a broader technical and governance framework for federated interoperability. Specifically, the Copernicus Data Space Ecosystem (CDSE) and Gaia-X are both major European ecosystems that support the creation and interconnection of data spaces by offering governance guidance, technical building blocks and infrastructure, as well as advice and support. The CDSE provides a common environment for accessing and exploiting Sentinel data, while DECADE-X is a concrete, operational implementation of the Gaia-X framework, built specifically to support secure data flows in the European aerospace and defence sectors.

In Portugal, a Data Space for space was assessed as a pilot under the New Space Portugal Agenda, with a view to encouraging data sharing and access. The exact design and governance structure of the Data Space was analysed under a feasibility study with a view to assessing how to ensure its development and seamless integration in other Data Space initiatives being taken, including by ESA.

4.3 Cybersecurity and Space

The Space Regulation requires certain information to be submitted as a condition for obtaining a licence, which is relevant for security purposes: in relation to the launcher, the applicant shall submit information on the control systems relating to the hardware and software of the launcher and information on the mission control systems and processes. It must also submit a safety plan for the launch and/or return which shall include the description of the cybersecurity strategy of networks and systems used in the launch and/or operation. In relation to the satellite, the applicant shall submit information on the control of the satellite in outer space, as well as a safety plan of command and control which shall include the cybersecurity strategy of the network and systems used in the command and control operation, including the definition of levels of access to the command and control system.

In relation to launch centres, the applicant shall also identify potential risks and submit a description of procedures and measures including in relation to the protection of critical systems whose interruption would seriously impact cybersecurity.

In addition, cybersecurity obligations arising from the NIS2 Directive and the CER Directive apply to the space sector – to operators of ground-based infrastructure, owned, managed and operated by EU member states or by private parties, that support the provision of space-based services.

The NIS2 Directive (Directive (EU) 2022/2555 of 14 December) was transposed into national law by Decree-Law 125/2025, of 4 December 2025, effective as of 3 April 2026. The space sector is expressly listed as a sector of critical importance (Annex I), meaning that operators of ground-based infrastructure supporting space-based services qualify as essential or important entities (depending on its dimension), and are thus subject to a set of obligations. They are, among others, required to: (i) have in place cybersecurity risk management measures; (ii) have in place the appropriate technical, operational and organisational measures to manage the risks to the security of networks and information systems, as well as to prevent or minimise the impact of incidents; (iii) comply with very strict incident reporting obligations; (iv) appoint

a cybersecurity and information security officer; and (v) if so requested by the National Cybersecurity Centre (CNCS), obtain national, European or international cybersecurity certification attesting compliance with the cybersecurity measures of this framework.

The CER Directive (Directive (EU) 2022/2557 of 14 December on the resilience of critical entities) was transposed into national law by Decree-Law 4/2025, of 6 January. It establishes obligations that apply to space operators designated as critical entities. Under this framework, these operators are required to take appropriate measures to ensure the resilience of their critical infrastructure, including by identifying relevant risks, implementing protective and continuity measures, and reporting significant incidents to the competent authorities.

The proposed EU Space Act is also expected to address resilience in the space sector, including by extending the cyber obligations therein established to all operators under its scope.

5. Environmental Protection and Impact on Climate Change

5.1 Environmental Protection in Space

The sustainability of space activities is one of the central topics of the Portuguese space legal framework.

In this scope, the national Space Act establishes, as a condition for obtaining a licence for space operations and as obligations of the licensee, that (i) the space operation duly safeguards against damage to the Earth's surface, airspace and outer space and (ii) the space operation ensures the minimisation, to the greatest extent possible, of space debris, in accordance with international principles and obligations. The licence can specify additional conditions, including on environmental matters. Those requirements are also reflected in the conditions for a licence for the operation of a launch centre, which, in addition, expressly indicate that the location intended for the launch centre, its installation, its infrastructures and its operations shall ensure environmental protection and waste management.

Further requirements concerning minimisation of space debris are set out in the Space Regulation (see **5.3 Orbital Debris**).

The proposed EU Space Act is also set to address sustainability, thus also impacting the performance of space operations licensing under Portuguese law.

Apart from the provisions for environmental protection set out in specific space legislation, it should be highlighted that the implementation of projects for the development of space activities may also be subject to specific licensing procedures and provisions under the general environmental legal regimes. Other environmental legal provisions may be applicable, notably those concerning air emissions, water quality, chemicals and hazardous substances, and soil contamination.

A last brief note to refer to the Critical Raw Materials Regulation (Regulation (EU) 2024/1252 of 11 April). Among other aspects, the Regulation requires EU member states to identify the large companies operating on their territory that manufacture strategic technologies using strategic raw materials. These companies are subject to a set of obligations, including the requirement to carry out a risk assessment of their supply chain of strategic raw materials. Rocket launchers and satellites are expressly mentioned therein. The Act also makes express reference to the role of critical raw materials in the space sector. In addition, the Regulation contains provisions relating to the declaration of the environmental footprint of critical raw materials and provisions for the recognition, by the European Commission, of certification schemes related to the sustainability of critical raw materials (though there is no requirement for the stakeholders to resort only to certified critical raw materials).

Portugal does not currently have specific legislation or government initiatives focused on the extraction or use of critical space minerals, such as helium-3 or other resources found on celestial bodies. The Space Act does not address space mining or the exploitation of extraterrestrial resources. However, Portugal is actively involved in international discussions on the governance of space resources, particularly through its participation in ESA and UNCOPUOS. What is

more, as a member of the Artemis Accords, Portugal has accepted the provisions therein on extraction and utilization of space resources, notably that extraction does not inherently constitute national appropriation under the Outer Space Treaty.

5.2 Climate Change and Space Activities

Portugal has been committed to achieving the UN Sustainable Development Goals since their adoption in 2015, as well as responding to the EU climate ambitions including as arising from the European Climate Law (Regulation (EU) 2021/1119 of 30 June, as amended) and the EU Strategy on Adaptation to Climate Change. It is worth noting that these instruments acknowledge the role of space data in achieving their goals. In this scope, the Portuguese Framework Law on Climate (Law 98/2021 of 31 December, as amended), as well as the National Strategy for Adaptation to Climate Change, the National Action Programme for Climate Change Adaptation and the Strategic Framework for Climate Policy, highlight the importance of accurate information and monitoring systems, an area where space data and services can play a central role. Likewise, space data and services can make an important contribution to achieving the objectives of the national Roadmap for Carbon Neutrality.

Several initiatives cross-cutting several sectors have further been put in place to support sustainable development and climate action. Though none of the initiatives currently in place is specifically tailored for space activities, the space sector may assume a significant role, notably in supporting entities implementing projects in environmental fields. For instance, Earth observation data plays a notable role in supporting sustainable forest management, including monitoring land use changes and managing forest health, thereby ensuring compliance with environmental regulations and certifications to maintain sustainable practices.

Additionally, from a public standpoint, space services and, specifically, Earth observation, are at the cornerstone of the development of the activities of several Portuguese governmental authorities in areas such as the protection of the environment, climate change mitigation and the promotion of sustainable development. Concretely, space data is used by entities such as the Portuguese Ministry of Environment and

Energy, the Portuguese Environment Agency (APA), the Portuguese Agency for Climate (ApC) and the Institute for the Conservation of Nature and Forests (ICNF) in the performance of their duties, such as on climate monitoring and action, biodiversity conservation and management of rural fires.

5.3 Orbital Debris

While there is no standalone, comprehensive national law or plan targeting or addressing orbital debris, the issue is incorporated into and addressed within the broader Space Act and Space Regulation. Indeed, the sustainability of space activities (including debris mitigation) was a key objective behind the 2024 amendments to the Space Act and the Space Regulation.

In particular, when licensing space activities, the Space Authority is required to assess the safety of those activities, notably by confirming that the envisaged activities adequately safeguard against potential damage to the Earth's surface, airspace and the outer space (for space operations) and the safety of the launch and/or return operations (for launch centres) and ensure that space debris is minimised.

To that effect, in accordance with the Space Regulation, the applicant shall submit a plan with elements evidencing that the space operation under consideration guarantees the mitigation of space debris to the greatest possible extent. The space debris mitigation plan may refer to international best practices and principles, especially those provided for in the ISO 24113:2011 standard (Space systems – Space debris mitigation requirements), in the “IADC Space Debris Mitigation Guidelines” and in the “Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space”. In addition, a safety plan must be submitted which, among other aspects, shows that the space operation is compatible with applicable environmental rules. The Space Regulation further details the information that the safety plan shall contain, including, among other things, (i) for the launch and/or return, the identification of the geographic area and risks for the environment resulting from elements of the space object falling on the Earth's surface and atmosphere and from the debris of products of atmospheric and extra-atmospheric combustion; (ii) for the command and control operation, the risks deriving

from orbital space debris caused by the space object, intentional destruction of the space object in orbit, including in case of re-entry into the atmosphere, deorbiting manoeuvres and passivation activities.

The provisions on the Space Regulation described above apply only expressly to space operations. However, when applying for a licence for the operation of a launch centre, the applicant must identify all potential risks arising from the operation of the launch centre, including those arising from testing and launches, and also set out the procedures to be put in place to minimise such risks. Thus, debris mitigation should, to a certain extent, also be assessed and addressed in this context.

Orbital debris obligations are also addressed in the proposed EU Space Act. Accordingly, with its enactment, EU-level requirements on debris mitigation will be imposed upon Portuguese space activities.

6. Taxation of Space Activities

6.1 Tax System for Space Activities

The tax system for space activities is currently not well defined or harmonised at the international level. There are no specific, common or multilateral tax rules or conventions that address the taxation of space activities.

In Portugal, the national Space Act establishes that fees and levies that may be charged by the relevant Space Authority to operators conducting space activities may be defined by Decree-Law, with a view to promoting the economic and financial sustainability of the activities of the Space Authority. A specific fee regime was also provided in the Azores space framework, which, however, seems to have been repealed (see 2.2 Legal System and Sources of Space Law and Regulation). At the time of writing, no fees are applied by the Space Authority.

Beyond the economic and financial regime for space activities outlined in the Space Act, Portugal's approach to taxing space activities does not deviate from its standard taxation system. Instead of imposing specific taxes for space activities, Portugal applies its

conventional tax regime, which encompasses a broad spectrum of taxes. Consequently, space activities within Portugal are subject to the same tax obligations as any other economic activity under the prevailing tax laws, depending on the nature and location of the activities and the entities involved.

Some other aspects of the Portuguese tax system may be relevant for space activities, such as the definition of tax residence or the taxation of foreign source income. Moreover, Portugal has a network of tax treaties with more than 70 countries aiming to avoid double taxation and providing for reduced withholding rates on dividends, interest and royalties paid between residents of the contracting states. However, treaties might not cover certain types of income or transactions related to space activities. Additionally, Portugal has rules implementing EU regulations on the control of exports of dual-use items, which may affect the sale or transfer of space items to other countries.

In addition to taxes, space activities involving satellite communications and related ground infrastructure in Portugal may incur regulatory fees outside the tax codes. Where satellite earth stations are installed or spectrum rights are required, operators may be subject to the electronic communications framework, including notification or licensing and the grant of rights of use of radio frequencies, and to the corresponding fee schedules. These charges include, among others, fees for rights of use of frequencies and numbers, for utilisation of the radio spectrum, and for certain regulatory acts, and are payable to the national regulator. They are regulatory charges rather than taxes and are generally not creditable as tax, so they should be modelled separately when costing projects.

6.2 Tax Incentives for Space Investors

Portugal offers a range of tax incentives for investors in general, which may also apply to space investors, depending on the nature and characteristics of their activities and projects. Some of these incentives are as follows.

- The regime of tax benefits for productive investments grants corporate income tax credits (10% to 25% of the relevant applications), exemptions from other taxes such as stamp duty, property transfer

tax and municipal property tax, and simplifications of customs procedures. This is subject to acceptance by the competent bodies of projects that meet certain requirements and contribute to the economic development of the country. However, some limitations exist, such as non-cumulation with other tax benefits of the same nature, whether automatic or contractual.

- The regime of tax benefits for research and development grants a deduction from the corporate income tax payable, under certain conditions, of expenses from R&D. The measure is also not cumulative, with respect to the same expenses, with tax benefits of the same nature, including contractual benefits. The Government has been authorised to extend the application of this regime to tax years up to at least 2026 and to phase out the indirect access route via investment funds, in favour of direct R&D investment, although that authorisation has not yet been exercised.
- The patent box regime incentivises R&D by offering tax deductions for income from certain IP rights, including patents and software copyright.
- The tax regime for amortisation and depreciation allows deductions of the costs of acquisition or production of tangible or intangible fixed assets used in the activity based on different methods and rates.
- The participation exemption regime offers an exemption for companies deriving dividends or capital gains from certain types of equity investments.
- The tax regime for the scientific patronage allows deductions from taxable income for donations to entities engaged in scientific activities. Accreditation confirming the scientific nature of the activity is required.
- The tax incentive for scientific research and innovation offers a special 20% personal income tax rate on net income from categories A and B (employment and self-employment) earned from teaching, research or innovation activities that are important for the national economy, for taxpayers who become tax residents in Portugal and have not been tax residents for any of the five previous years. This 20% regime, applicable to new residents from 2024 onwards, coexists with the transitional continuation of the former non-habitual

regime for taxpayers who qualify under specific grandfathering rules in the 2024 State Budget.

- Following 2023 legislative changes to the residence permit for investment (the “Golden Visa”), no new permits can be granted under most of the previous investment categories, in particular real estate and generic capital transfer options. Existing permits remain renewable and, upon renewal, are converted into residence permits for immigrant entrepreneurs. Any remaining investment-based residence options are now channelled through the general immigration framework and are typically linked to job creating or innovation-oriented projects, which need to be assessed on a case-by-case basis rather than as a standalone “Golden Visa” route.
- The tax incentive for the acquisition of shares in start-ups, including those in the space sector, provides that gains from stock options or similar rights granted by qualifying start-ups and certain innovative small and medium-sized enterprises benefit from a partial personal income tax (PIT) exemption (currently only part of the gain is taxable), so long as the rights are held for at least one year. Among other limitations, this benefit is not cumulative with other tax benefits.

6.3 Taxation on Sale or Transfer of Space Assets

Space-related activities and transactions, namely in relation to assets in outer space, are not explicitly within the scope of Portuguese taxes; however, the general principles of taxation may apply to sales, transfers and other supplies of space assets in outer space, as well as to the income derived from these activities. Moreover, it is important to note that the taxation of space-related activities is also influenced by international agreements and EU law. Portugal adheres to treaties and EU directives and regulations that may impact the taxation of space-related activities, though they are not adapted to the specificities of some of such activities and despite the lack of clarity and consensus on how to define and allocate taxing rights over them. Therefore, taxation of space-related activities relating to space assets in outer space is subject to complexity, and potential double taxation or non-taxation, depending on the circumstances and jurisdictions involved.

For income tax purposes, Portugal generally taxes the worldwide income of its tax residents, while non-residents are taxed on their Portuguese-sourced income. If a Portuguese resident individual or corporate entity earns income from space assets, this income would typically be subject to Portuguese income tax, unless an exemption or relief applies. The complexity arises from determining the source of the income and the application of any relevant tax treaties that may exist between Portugal and other countries when assets are in outer space.

VAT in Portugal is applied to the supply of goods and services within the country, as well as to imports, unless an exemption or relief applies. Supplies of space assets would be subject to VAT if deemed to be supplied within the country or imported into it; otherwise, they would be outside the scope of Portuguese VAT. The taxation of services related to space assets would also be subject to VAT if these services are deemed to be supplied in Portugal. The VAT place-of-supply rules are thus crucial in determining whether a supply is outside or within the scope of VAT and, in the latter case, whether it is chargeable and at what rate.

In addition to the above, the transfer of space assets can impact national security due to their dual-use nature. Portugal has implemented EU regulations for controlling the export of dual-use items. The export control regime requires prior export authorisation for controlled dual use items, including certain software and intangible technology transfers. Authorisations may be specific, global or (EU or national) general, with validity periods and conditions defined in the applicable EU and national rules. Exporters must keep detailed records of their controlled exports, and non-compliance may trigger significant administrative and criminal sanctions under Portuguese law.

7. Investment and Financing in Space Activities

7.1 Impact of NewSpace

NewSpace’s focus on the development of services, products and systems leveraging space assets and data allows for the evolution of new business models

with different risk profiles that are usually more attractive/accessible to non-public investors.

Indeed, Portugal has seen private funding be directed in recent years to companies that are in the space sector, even if space activities are quite marginal to their business. With the increase of NewSpace enterprises, we are now witnessing tentative interest from private players (notably, venture capital) in enterprises that have space activities at their core, even in their pre-seed phase.

However, public funding is still the key funding source for space activities in Portugal.

7.2 Finance Sources for Space Activities

Space activities in Portugal are still mainly financed through public funding.

Indeed, key dedicated funding for space activities derives from:

- the contributions that Portugal makes as a member state to ESA, under the geographical return principle; and
- Portugal's (EU-funded) Recovery and Resilience Plan. This funding, which is granted on a co-funding logic, requires the mobilisation of relevant private funds into the Portuguese space sector.

At a much lower scale, the yearly budget of the Space Agency has also been earmarked to fund R&D space activities in the country.

Additionally, non-dedicated funding has been enjoyed by Portuguese companies in the space sector. Mostly consisting of public subsidies, in particular through EU structural funds and other EU programmes, but also through other public-backed financing (eg, through public guarantees), non-dedicated public funding has been important in the funding of space activities and the space sector in Portugal.

Private funding/financing is still marginal. Historically, private funding came mostly from venture capital (with Connected, Neuraspace, SpaceO, Spotlight and Azulfy being some companies in the space sector that have received private investment under venture capi-

tal schemes). However, with the co-funding required under the Portuguese Recovery and Resilience Plan, we saw more private funding coming into space activities, mostly through corporate investments.

It is also expected that the increased financing available for defence purposes at EU and national level will also benefit the space sector industry and increase the appetite of private investment for space sector companies in Portugal.

7.3 Attracting Investment for Space Activities

Since 2019, the Portuguese state has been concerned with creating a competitive space sector in the country, being mindful of the significant benefits the sector can bring to the development of the country's economy.

That goal has been, for instance, behind the manner in which space activities are regulated in the country, as well as the creation of a Space Agency mandated to promote business and investment in the sector. Additionally, the state increased its (indirect) spending on the sector (notably, by increasing its contributions to ESA).

More recently, with the approval of space-related projects in the context of the country's Recovery and Resilience Plan, which operates on a co-funding basis, the country increased private funding of the sector. While the public funding parcel is significant, it is expected that the success of those projects will further increase sponsors' and investors' willingness to invest (and expertise) in the space sector.

Tax incentives also play a significant role in attracting space activities to the country (see **6.2 Tax Incentives for Space Investors**).

7.4 Foreign Investment in Space Activities

Foreign investment in space activities in Portugal is not yet subject to dedicated rules. However, it could still be caught under the Portuguese FDI Act (enacted by Decree-Law 138/2014 of 15 September), and, accordingly, an acquisition of (direct or indirect) control over undertakings or assets could be blocked by the Portuguese Government if:

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- control is acquired by entities from non-EEA states;
- control is acquired over strategic assets (ie, the main infrastructure and assets allocated to national defence and security or to the provision of essential services in the domains of energy, transportation and communications); and
- the operation is considered to entail a plausible and sufficiently serious risk to national security or to Portugal's security of supply in essential services.

However, it is noteworthy that changes at EU level will clearly bring space activities into the scope of foreign investment screening at national level.

We refer, in particular, to the proposal that is currently under discussion for an EU Regulation on the screening of foreign investment in the EU. Viewing FDI screening as a tool against economic security risks, this proposal requires notably that all member states screen foreign investments:

- in companies that participate in projects or programmes of EU interest (including, without limitation, the EU Space Programme and Horizon Europe); and
- in companies active or intending to be active in the design, development, extraction, processing, prediction, recycling or supply of the technologies, materials, assets, facilities, equipment, networks, systems, services and economic activities listed in Annex II to the Regulation (areas of particular security or public order interest to the EU), which include (among others) dual-use items subject to export controls, dedicated space-focused technologies (ranging from component to system level, space surveillance and Earth observation technologies, space positioning, navigation and timing, secure communications including low Earth orbit connectivity, and propulsion technologies, including hypersonics and components for military use), generative AI systems trained in a significant part on biological/genomic data, or designed to be used in a biotechnological, space or defence context, and critical raw materials. The aerospace manufacturing industry, including the production, maintenance and operation of aircraft, as well as their engines, propellers, parts, non-installed

equipment and equipment, also falls under the transport industries, technologies and infrastructure components of critical importance category within this proposed regime.

Screening will be conducted on the grounds of security or public order, including economic security. The concept of foreign investment will also be broadened to encompass any manner in which a foreign investor makes capital available to an EU target (in the context of aiming to establish or to maintain lasting and direct links with said EU target) in order to carry out an economic activity in an EU member state.

On a separate point, the Foreign Subsidies Regulation (enacted by Regulation (EU) 2022/2560, already in force) may play a noteworthy role in imposing limitations on foreign investment in space activities that is made through financial contributions to those companies. Indeed, under said Regulation, the European Commission is allowed to investigate and impose commitments or redressive measures whenever it finds that a foreign financial contribution that distorts the internal market is being made to an undertaking engaging in an economic activity inside the EU.

7.5 Documentation

Fundraising for space activities and in particular for NewSpace ventures is usually done in the context of venture capital investments and tends to follow the process and adopt the documentation that is typical for venture capital investments in any tech-based and/or data-based enterprise (eg, preparation of the business plan and pitch deck, drafting and negotiation of a preliminary heads of terms for the investment, carrying out a due diligence on the target of the investment, negotiation and drafting of any investment agreements, subscription agreements, shareholder agreements, management incentive plans, etc).

Indeed, private funding/financing in the Portuguese space sector is usually directed at companies that are in the very early stages of their development, usually testing out concepts and business models, and particularly focused on downstream activities.

Accordingly, key issues associated with activities and business models that are not yet mature are of par-

ticular importance in this context – usually, investors come on board with very aggressive commercial positions in terms of pricing of the investment and exit protections for the investor, but also in terms of the control/supervision that the investor may have over the management and the contractual demands that may be imposed over founders and other key personnel for the project.

Thus, the technical complexity, regulatory environment, risk profile and market dynamics that are specific to tech-based or data-based product/service/business models are the key drivers in connection with fundraising for NewSpace, more than the circumstance that we are dealing with NewSpace per se.

7.6 Due Diligence

NewSpace ventures usually involve highly technical and specialised products or services that will be the core of the investment valuation, and thus detailed technical and operational due diligences are required. Moreover, legal due diligences are also required as we may be dealing with heavily regulated products/services/business models (especially if they are dual-use or data-based or rely on complex supply chains).

7.7 Liquidity Events

As noted, investors' liquidity events in the context of NewSpace fundraisers of M&A transactions are associated with the typical exit strategies implemented for investments in tech-based companies (and therefore depend on the type of operation at stake and the level of development of the company).

In any case, we are also seeing private investors making early-stage investments via convertible instruments, such as convertible notes or SAFEs, which convert into equity at a later round or liquidity event only.

7.8 Role of Securities Markets in Space Financing

Given the low prevalence of private funding of space activities in Portugal and the make-up of the sector, consisting mostly of small and medium-sized companies, the securities markets do not play a direct role in space financing in Portugal.

As such, and although there is strong (theoretical) potential for funding through the securities market, the maturity level of the Portuguese enterprises with space activities at their core does not yet render the securities market as a real, viable funding avenue for them.

8. Intellectual Property

8.1 Territorial Patent Law v International Space Law

Concerning the protection of inventions, Portugal's patent law system is very much aligned with the rules provided for in the European Patent Convention and international agreements such as the WIPO Patent Cooperation Treaty. As such, inventions that are new, involve an inventive step and have industrial application can in principle be the subject of a patent. On a national level, the National Industrial Property Office (INPI) is the entity responsible for assessing whether patent applications submitted before it meet these patentability requirements.

The publication of patent applications takes place 18 months as of the application date, or as of the oldest claimed priority, thus becoming generally accessible to the public.

In terms of enforcement of patents, the Intellectual Property Court has jurisdiction to assess, among others, cases of alleged infringement of national patents (or classic European patents validated in Portugal), for infringing acts taking place in the Portuguese territory.

As regards other means of protection, such as copyright and trade secrets, these are also provided, under the general terms, in national legislation.

Although there are no specific intellectual property rules that apply to space activities and assets in Portugal, as a signatory of the Outer Space Treaty and as a member of ESA, Portugal is committed to contributing to the global pool of knowledge derived from space activities, particularly where research is conducted in partnership with other ESA members or international organisations.

See 4.1 Data Protection Regulation and Space and 4.2 Space Data Spaces on space data access and protection.

8.2 Invention Protection Dynamics

NewSpace companies generally adopt the protection measures available in other hi-tech industries, depending on the innovation at stake. One of the most common means of protection is through patents, notably on innovations such as satellite hardware, propulsion systems and communication technologies. Protection through patent will be mostly sought in those cases where reverse engineering will be feasible. However, for innovations such as proprietary algorithms, artificial intelligence systems for space data analysis and advanced engineering processes, some NewSpace companies opt for trade secret protection rather than patenting, as this avoids public disclosure. Finally, software systems are typically protected through copyright.

Concerning protection through patents, some of these companies tend to seek protection in the launching states, although enforcement might not always be feasible or effective in those jurisdictions.

8.3 Enforcement of the Patentee's Rights in Space

Portugal does not have specific intellectual property enforcement rules that exclusively apply to space activities and assets. Therefore, the enforcement of intellectual rights related to space activities in Portugal will be governed by the applicable national rules, notably those arising from the Industrial Property Code (concerning patents, for example) and the Copyright and Neighbouring Rights Code, as well as other scattered legislation, covering, for example, the protection of computer programs (software).

Considering the territorial nature of intellectual property rights, the enforcement of such rights under Portuguese law will apply, in general terms, to activities conducted within Portugal (eg, space facilities located in the Portuguese territory).

9. Arbitration and Litigation

9.1 Arbitration Agreements in Space Contracts

Notwithstanding the Permanent Court of Arbitration's optional rules for arbitration of disputes relating to outer space activities, these provisions have not significantly influenced the arbitration legal community in Portugal. However, the Portuguese legal community is, in general, receptive to including arbitration agreements in contracts. Lisbon is often selected as the seat of arbitration, with commonly used institutions including the ICC and the Commercial Arbitration Centre of the Portuguese Chamber of Commerce and Industry.

9.2 Investor-State Arbitration

There are no public records of claims lodged by foreign investors against the State of Portugal in space-related arbitration matters. Similarly, no such claims involving private companies in the space sector have been recorded. More broadly, Portugal has a limited number of publicly known arbitration cases. If arbitration occurs between private entities, it is typically resolved through private settlement or remains confidential.

9.3 Space Litigation

Space-related litigation in Portugal is still limited and emerging. Historically, there have been no significant disputes directly involving space law or satellite-related contracts. Publicly available cases mainly concern the use of satellite-based GPS evidence in labour disputes, focusing on the legality of such evidence rather than space-specific issues.

Trends and Developments

Contributed by:

Magda Cocco, Cristina Melo Miranda, João de Araújo Ferraz and Sara Pinto Ferreira

Vieira de Almeida & Associados

Vieira de Almeida & Associados is a leading international law firm with more than 50 years of history and 350 lawyers, recognised for its impressive track record and innovative approach in corporate legal services. The excellence of its highly specialised legal services, covering several industries and practice areas, enables VdA to overcome the increasingly complex challenges faced by its clients. VdA is the first Portuguese law firm with a dedicated space law practice, having been involved in pivotal space pro-

jects in Portugal and abroad. VdA has been consistently recognised for its outstanding and innovative services, having received the most prestigious international accolades and awards of the legal industry. Through the VdA Legal Partners network, clients have access to eight jurisdictions (Angola, Brazil, Cabo Verde, Mozambique, Portugal, Sao Tome & Principe, Spain, and Timor-Leste). The firm is a member of the International Astronautical Federation (IAF) and the International Institute of Space Law (IISL).

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PORTUGAL TRENDS AND DEVELOPMENTS

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The Portuguese space ecosystem is on a consolidated growth trajectory. Leveraging its favourable geographical location, Portugal constructed a clear and robust legal and regulatory framework as a foundation for the space sector, allowing for its maturation with expanding public investment, new and growing domestic businesses, increasing interest from foreign investors, prolific academia and private R&D. Now is a pivotal moment for the sector, and a test to see whether the various elements set in motion between 2019 and 2025, including significant public investment into the creation of space capabilities under the country's Recovery and Resilience Plan, have finally aligned so that a mature, profitable space sector can take shape in the country.

In addition, in line with global trends, state sovereignty, defence, and cybersecurity are playing an increasingly important role in Portugal's space sector.

The Portuguese Space Ecosystem – Growing at Light Speed

The Portuguese space sector is in an acceleration phase, driven by the several factors, as follows.

Public and private investment

Portugal has stepped up its space ambitions significantly. Its contribution to the European Space Agency (ESA) for 2026–30 now stands at EUR204.8 million – a 51% increase on the 2023–25 period. The Recovery and Resilience Plan (RRP) was reprogrammed to triple the funding for the New Space Portugal Agenda, bringing it to EUR417 million. On the defence side, Portugal has secured access to roughly EUR5.8 billion in EU loans under the SAFE programme, covering satellite systems, drones, and cyber capabilities. Taken together, these commitments open substantial opportunities for businesses looking to engage with publicly funded space and defence projects in the country.

Furthermore, a Portuguese venture capital (VC) company has partnered with the European Investment Fund (EIF), which will act as anchor investor, to launch a VC fund (the Indico VC Fund III) as part of the InvestEU programme, targeting early-stage companies developing enterprise SaaS, AI and deep-tech solutions, as well as those operating in spacetechnology and oceantechnology.

Regulatory and licensing activity

Portugal's space law – Decree-Law No 16/2019, as amended by Decree-Law No 20/2024 – now covers launch centre licensing in addition to flexible licence types and procedures and streamlined digital processes. Based on this legal framework, we are witnessing an increase in space operation licence awards. The National Space Authority ANACOM awarded the country's first space operation licences in 2024, and nine licences have been issued since then. Among these is the first license to operate a launch centre – the Malbusca Launch Centre on Santa Maria Island, Azores, issued in August 2025 to the Atlantic Spaceport Consortium (ASC). Commercial operations are expected to start in 2026, with suborbital flights from the Polish company SpaceForest's Perun rocket scheduled for spring and South Korea's INNOSPACE targeting its first commercial launch from the site in Q4.

Businesses should also monitor the proposed EU Space Act (June 2025), which may influence the national regulatory and licensing regime by introducing additional European-level authorisation/registration, safety, resilience and sustainability requirements.

Relationship with ESA and participation in EU programmes

Portugal's record subscription to ESA – EUR204.8 million for 2026–30, confirmed at the Bremen Ministerial Council – reflects a growing political commitment across science, defence, and the economy. Since 2019, ESA-funded activities involving Portuguese companies have totalled around EUR40 million for navigation, telecommunications and space surveillance. The country now hosts two ESA Business Incubation Centres – at Instituto Pedro Nunes in Coimbra and Instituto Superior Técnico in Oeiras – and has concluded an agreement with ESA for the inaugural landing of the Space Rider reusable vehicle in the Azores, expected in 2028. Also noteworthy has been the operational launch of the ESA biobank at the GIMM facilities in Lisbon. For market entrants, ESA-funded programmes represent a primary channel for technology development contracts, pre-qualification, and access to broader European supply chains.

PORTUGAL TRENDS AND DEVELOPMENTS

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Participation in EU programmes and the Artemis Accords

Portugal is actively engaged in the EU's flagship space programmes, including Copernicus (Earth observation), Galileo (navigation), and the emerging IRIS² secure connectivity constellation, whether through its public investment, national companies' contributions or projects related to the programmes, or its ESA membership role.

It is also worth of note that, in January 2026, Portugal became the 60th country to sign the Artemis Accords, rounding out its existing international and European engagements regarding governance of the civil exploration and use of outer space, which reflects a commitment to peaceful, sustainable, and responsible space exploration, based on international cooperation, multilateralism, transparency, and the creation of benefits with a broad impact.

Portuguese satellites

Portugal's National Registry of Space Objects, maintained by ANACOM, now lists six satellites – ranging from ocean observation and atmospheric monitoring to maritime communications and scientific research. The Lusíada Constellation, led by LusoSpace, has eight VDES satellites in orbit supporting global maritime navigation, with plans to scale to 50 within five years. The Atlantic Constellation – an Iberian project led by the Portuguese Air Force, CEiiA (Centre of Engineering and Product Development), and GEOSAT – is building towards 26 optical and radar satellites for high-resolution Earth Observation. All satellites developed under the New Space Portugal Agenda have been financed through the Recovery and Resilience Plan, highlighting the central role of public funding in building national capability.

Private space sector (national and foreign)

Portugal's space sector counted 87 companies at the end of 2025, up 43% since 2019, with estimated revenue of EUR190 million – the vast majority from exports. Notable domestic players include LusoSpace (satellites and optoelectronics), GEOSAT (Earth observation), Neuraspace (AI-driven space traffic management), Tekever (drones and satellite systems), and GMV PT (navigation and GOVSATCOM). The country is also attracting growing international interest. For

example, Innospace (South Korea) has contracted to launch from the Azores until 2030; ATMOS Space Cargo (Franco-German) secured Portugal's first commercial re-entry licence in early 2026; Open Cosmos (UK) acquired Connected, a pioneering Portuguese startup specialising in standard, space-based IoT connectivity and plans to invest over EUR50 million; and Space Forge (UK) has set up an Azores subsidiary and is exploring the creation of a semiconductor manufacturing company.

A competitive regulatory environment, EU and ESA funding access, a strong engineering talent pool, and the Azores' strategic Atlantic location are the main draws attracting foreign companies and direct investment across the space value chain.

Academia

Portuguese universities and research centres are increasingly active across the space value chain, from satellite design and integration to Earth Observation science and space policy. Instituto Superior Técnico (IST) designed and operates ISTSat-1 (launched on Ariane 6) and hosts an ESA BIC hub; the University of Minho, together with IST and other institutions, developed and operates PROMETHEUS-1; and the University of Coimbra contributes to atmospheric and ocean research alongside Weather Stream. International partnerships are also well established: the MIT Portugal Program sponsors Portuguese student participation in MIT Space Week and the NOVA Aerospace initiative at Cascais partners with the Indra Group for applied aerospace research. More than 260 undergraduate places in Aerospace Engineering were opened in 2025, reflecting growing institutional commitment and talent pipeline development. At the same time, space entrepreneurship and business is encouraged through dedicated programmes by Nova School of Business and Economics.

Events and conferences

Portugal has rapidly established itself as a venue for major space sector gatherings. Among many other industry and legal events, the New Space Atlantic Summit, which is set to hold its 9th edition in 2026, brings together decision-makers, industry, and startups from across Europe. Likewise, AED Days, from the national Aeronautics, Space and Defence cluster,

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held its 13th edition in May 2026. Lisbon also hosted its second Space Economy Summit (organised by Economist Impact). Other notable recurring events include Terra em Foco – the national Earth Observation conference, now in its 3rd edition – and EuRoC, the European Rocketry Challenge held annually. It is also worth highlighting the UN-Portugal Outer Space Fellowship and associated International Conference on Space Policy and Diplomacy, also held in Lisbon. For clients and investors, these events offer valuable opportunities for networking, regulatory intelligence, and early engagement with Portugal's expanding space ecosystem.

The Role of State Sovereignty and Defence and its Connection With the New Portuguese Cybersecurity Regime

Portugal is following the global trend of an increased role of state sovereignty, defence and security in the space domain. The geopolitical changes of recent years have brought to the forefront a general and urgent concern with building EU (and national) capabilities in the defence sector that have unlocked significant funding for space activities at a scale not seen before in Europe.

For example, at EU level, the Readiness 2030 initiative (formerly the ReArm Europe Plan) of March 2025 proposes to leverage over EUR800 billion in defence spending, including the EUR150 billion Security Action for Europe (SAFE) instrument, by providing loans that cover dual-use products including satellite systems, cybersecurity, electronic warfare and AI.

Another initiative, the European Defence Fund, has committed EUR1 billion with its 2026 Work Programme, with dedicated calls covering space surveillance, satellite-based early warning, and quantum-secured communications, as well as the funding of disruptive technologies, including new abilities in over-the-horizon sensing.

Furthermore, the proposed European Competitiveness Fund (ECF) – if finally approved by the European Parliament and the Council – aims to include a specific Resilience and Security, Defence Industry and Space window which will release additional funding into the sector in order to (i) develop, maintain and operate

space systems, providing cutting-edge space-based information, data and services supporting Union policies, (ii) foster the development of an innovative and competitive Union space economy and support the development of a genuine Single Market for space activities, (iii) enhance the safety, security and sustainability of all outer space activities, and (iv) promote the role of the EU as a global actor in the space sector.

Portugal has naturally been caught up in this thunderstorm of urgent investment in the defence sector.

The country had already increased its funding of space activities with the support of the Ministry of Defence, notably through its Military Programming Law 2023–34, which, for the first time, allocates dedicated funding to space, as well as through a record ESA subscription of EUR204.8 million for 2026–30, with contributions from, among others, the Ministry of Defence.

In addition, under the EU's SAFE programme, Portugal has secured access to approximately EUR5.8 billion in long-term loans for military modernisation, with satellite systems explicitly identified as a priority alongside drones, munitions, and cyber capabilities. Under this initiative, the country has now developed the Alverca Space Hub in the Portuguese Air Force complex – its first radar technology satellite factory.

The Atlantic Constellation – led by the Portuguese Air Force, CEiiA and GEOSAT – is delivering high-resolution optical and radar imagery for both environmental and military surveillance, while the Lusíada Constellation's VDES services are already being tested with the Portuguese Navy.

Multiple Portuguese space companies have also been selected for the 2025 and 2026 NATO Defence Innovation Accelerator for the North Atlantic (DIANA).

For businesses, this convergence of defence investment, dual-use constellations and technology, as well as deepening international commitments, signals a maturing market for space-enabled solutions. Having a (prospective) institutional customer base with long-term needs gives Portuguese space companies access to a more predictable and reliable revenue

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stream which had largely been missing in the sector until now. Greater revenue certainty can, in turn, be used to support investment in the sector's technological base and the broader growth of space companies, including the development of new civilian business models and revenue streams.

At the same time, this shift brings its own challenges – particularly of a legal and regulatory nature – which these companies will need to navigate with care.

A critical regulatory development reinforcing the sovereignty and security dimension of Portugal's space sector is the entry into force of Decree-Law 125/2025 of 4 December 2025, which transposes the NIS 2 Directive (Directive (EU) 2022/2555) into Portuguese law. This Decree-Law approves the new legal framework for cybersecurity. It entered into force on 3 April 2026, although its most relevant provisions will most likely not be applicable until June 2028. It establishes a comprehensive set of obligations for entities across critical sectors, including space, and classifies entities as “essential” and “important” based on their sector of activity and size, establishing differentiated supervisory regimes for each. Essential entities are subject to both ex ante and ex post supervision, including on-site inspections, regular security audits, and access to compliance data. Important entities are subject to a lighter, ex post supervision regime.

For the space sector specifically, operators of ground-based infrastructure –owned, managed and operated by EU member states or by private parties that support the provision of space-based services – are captured as essential or important entities, depending on the infrastructure's dimension, under the NIS 2 sectoral annexes. This means that Portuguese space companies and foreign operators with activities in Portugal that perform such activities must now implement comprehensive cybersecurity risk management systems, adopt technical and organisational security measures covering areas such as supply chain security, incident handling and business continuity, and comply with strict incident notification timelines. All these measures need to be approved and supervised by the respective board of directors.

Another important development was the transposition of the CER Directive (Directive (EU) 2022/2557 of 14 December 2022) on the resilience of critical entities, by Decree-Law 4/2025 of 6 January, which establishes obligations that likewise apply to the space operators covered by the NIS 2 rules. Under this framework, such operators are required to take appropriate measures to ensure the resilience of their critical infrastructure, including by identifying relevant risks, implementing protective and continuity measures, and reporting significant incidents to the competent authorities.

The proposed EU Space Act is also expected to address resilience in the space sector, including by extending the obligations therein established to all operators under its scope.

For businesses operating in the space sector, the convergence of national rules and the future EU Space Act with Portugal's growing defence and dual-use space capabilities creates a regulatory environment where cybersecurity and resilience compliance is no longer optional but a prerequisite for participation in publicly funded programs, supply chain integration and operational licensing.

Direct-to-Device and Satellite Telecommunications

The convergence of satellite and terrestrial mobile networks is emerging as one of the most significant regulatory and commercial developments in the space-telecommunications sector. Direct-to-Device (D2D) satellite communications offer a promising pathway to extend coverage, improve network resilience and reach populations and territories beyond the footprint of terrestrial infrastructure.

The concept of D2D and its most relevant features

D2D can supplement a terrestrial mobile operator's network coverage by providing a broader connectivity layer that reaches sparsely populated or inaccessible locations. D2D infrastructure also provides an added layer of network resilience: signals from satellites can still be received during terrestrial network outages, including support for emergency services where terrestrial networks fail. D2D can deliver connectivity after natural disasters and digitally empower crisis-

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affected communities during humanitarian interventions.

However, D2D faces inherent technical limitations. The larger footprint of satellite beams compared to terrestrial cells limits the data volume deliverable in any area. Free-space path loss is significantly higher for satellite links, and these factors constrain network quality. Consequently, D2D use will remain limited in densely populated areas and indoors, and initial services focus on low-bandwidth applications such as SMS, emergency SOS, and basic voice.

Spectrum categories

D2D operations can use two spectrum categories: frequency bands allocated for terrestrial mobile services (IMT bands) and bands already allocated for Mobile Satellite Service (MSS). D2D using mobile spectrum offers data services and operates as a supplemental service to terrestrial networks, enabling mobile operators to collaborate with satellite network operators under commercial arrangements and, with the regulator's permission, through the spectrum license of the mobile operator. D2D using MSS bands operates under the satellite spectrum license held by a separate entity, typically a specialised satellite network operator, and it may not be necessary for that operator to partner with a local mobile provider, though commercial partnerships at the wholesale level facilitate consumer adoption.

Regardless of the spectrum category, D2D's largest obstacle remains interference management and coexistence with terrestrial mobile networks. Any approach to introducing D2D must be based on regulatory and technical conditions that ensure coexistence.

The road to WRC-27

The ITU World Radiocommunication Conference 2027 (WRC-27) will consider creating an international framework to facilitate D2D services (Agenda Item 1.13). Until then, no binding international guidelines exist, meaning regulators wishing to introduce D2D must define cautious national or regional frameworks.

The EU has already begun charting a coordinated path. In June 2025, the Radio Spectrum Policy Group (RSPG) adopted an Opinion elevating D2D as a stra-

tegic EU priority and calling for a coordinated Single Market approach. In parallel, the European Commission circulated a draft mandate to the European Conference of Postal and Telecommunications Administrations (CEPT) to develop technical conditions for satellite use of terrestrial mobile bands. Within CEPT, working groups initiated scoping work and registered study items on candidate IMT and MSS bands for D2D, preparing detailed compatibility analyses.

The EU Digital Networks Act

On 21 January 2026, the European Commission published its proposal for a Digital Networks Act (DNA), a directly applicable regulation intended to replace the European Electronic Communications Code (EECC), the BEREC Regulation, the Radio Spectrum Policy Programme, and core parts of the Open Internet Regulation. Under the EECC, harmonisation was achieved through national transposition – in Portugal through Law No 16/2022. This allowed a degree of regulatory fragmentation among Member States, particularly visible in cross-border services such as satellite communications.

The DNA introduces a single EU-level authorisation regime for satellite networks, services, and related radio spectrum, enabling EU-wide operation supported by EU-level monitoring and enforcement. It also establishes a “Single Passport” authorisation allowing operators to notify in one Member State and operate across the Union and proposes that rights of use for radio spectrum should in principle be granted for an unlimited duration with periodic reviews.

The proposal sits within the EU's broader digital and industrial policy architecture, complementing the EU Space Act, the revision of the Cybersecurity Act, and the IRIS² secure connectivity constellation. However, the DNA remains under legislative discussion. Six Member States (Austria, France, Germany, Hungary, Italy, and Slovenia) have contested elements of the proposal, particularly regarding the retention of national competences over spectrum policy. The European Parliament and Council negotiations will determine the final shape of EU satellite authorisation.

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Portuguese context and opportunities

Portugal presents distinctive characteristics that make D2D satellite connectivity particularly relevant. The country's territory includes the Azores and Madeira archipelagos and one of Europe's largest Exclusive Economic Zones, encompassing vast maritime and remote areas where terrestrial mobile coverage is economically unviable. D2D services could supplement Portugal's connectivity in these territories while enhancing resilience for island communities and maritime activities.

Despite this, there is currently no dedicated national regulatory regime for D2D services in MSS or IMT bands. D2D services are still governed by the general electronic communications framework set out in Law No 16/2022 (the Electronic Communications Law – ECL, which transposes the EEC), which explicitly includes satellite networks within the concept of an electronic communications network. Spectrum authorisations are granted under the existing rules of the ECL and related secondary legislation, including the National Frequency Allocation Table, based on principles of technological and service neutrality.

ANACOM occupies a unique dual role as both Portugal's national telecommunications regulator and its designated Space Authority, positioning it to coordinate the intersection of satellite and telecommunications regulation more seamlessly than jurisdictions where these functions are split. Portugal's existing satellite capabilities provide a practical foundation for satellite-based telecommunications.

For businesses operating in or entering the Portuguese market, several developments warrant close monitoring: the DNA's single EU-level satellite authorisation and its interaction with the national regulatory framework currently based on Law No 16/2022; the RSPG's D2D policy direction and forthcoming CEPT technical conditions, which will define the parameters for early D2D deployment across Europe including Portugal; the commercial partnership models between satellite operators and mobile operators; and the cybersecurity obligations mentioned above.

In 2025, MEO was the first telecommunications operator to successfully test D2D in Portugal in a partnership with Lynk Global, in a remote area of São Miguel (Azores). According to publicly available information, no other telecommunications operator has successfully tested this technology in Portugal.

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