

**Law of 17 September 2005 on the Activities of
Launching, Flight Operation or Guidance of Space
Objects**

*consolidated text as revised by the Law of 1 December
2013 (B.O.J. of 15 January 2014)*

Chapter I

General provisions

Article I. This law governs a subject referred to in Article 78 of the Constitution.

Art. 2. §1. This law covers the activities of launching, flight operations and guidance of space objects carried out by natural or legal persons in the zones placed under the jurisdiction or control of the Belgian State or using installations, personal or real property, owned by the Belgian State or which are under its jurisdiction or its control.

§2. When provided for under an international agreement, this law may apply to the activities referred to under indent 1 and carried out by natural or legal persons of Belgian nationality, irrespective of the location where such activities are carried out.

Art.3. For the application of this law, the following definitions shall apply:

- 1° "space object" means,
- (a) any object launched or intended to be launched, on an orbital trajectory around the Earth or to a destination beyond the earth orbit ;
 - (b) any device whose purpose is to launch an object on a trajectory as mentioned under (a), even when such a device is operated without payload for the sole purpose of its development and validation phase;
 - (c) any constitutive element of an object as mentioned under (a) of (b).
- 2° "operator" means the person that carries out or undertakes to carry out the activities referred to in this law, by ensuring, alone or jointly, the effective control of the space object. The activity carried out by an operator may be carried out pursuant to a specific contract for that purpose;
- In the case of a space object whose flight cannot be operated or which cannot be guided once it has been positioned in orbit, the operator is deemed to be the person who has ordered the delivery in orbit of the space object.

- 3° "effective control" means the authority exercised on the activation of the means of control or remote control and the related means of supervision, necessary for the implementation of the activities of launching, the flight operations and guidance of one or more space objects;
- 4° "manufacturer" means any person participating or having participated in the development, manufacture or assembling of all or part of a space object;
- 5° "flight operation" and "guidance" mean any operation relating to the delivery in orbit, the flying conditions, the navigation or the evolution of the space object in outer space, such as the selection, the control or the correction of its orbit or its trajectory;
- 6° "Minister" means the Minister with responsibility for space research and its applications in the framework of international cooperation;
- 7° "Outer Space Treaty" means the Treaty on the Principles governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, signed on 27 January 1967 and ratified by Belgium on 30 March 1973;
- 8° "Convention on International Space Liability" means the Convention on International Liability for damage caused by Space Objects, signed on 29 March 1972 and ratified by Belgium on 13 August 1976;
- 9° "Convention on Registration of Space Objects" means the Convention on Registration of Objects launched into Outer Space, signed on 14 January 1975 and ratified by Belgium on 24 February 1977;
- 10° "Agreement on the Rescue of Astronauts and the Return of Space Objects" means the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects launched into Outer Space, signed on 22 April 1968 and ratified by Belgium on 15 April 1977;
- 11° "Launching State" means any State referred to under Article VII of the Outer Space Treaty, the first article of the Convention on International Space Liability or the first article of the Convention on Registration of Space Objects;
- 12° "Damage" means any damage as defined by the first Article of the Convention on International Space Liability. Pursuant to this law, the liability of the Belgian State in respect of such damage extends in addition to Belgian citizens, whether they are natural or legal persons, except for those participating in the activities in question.

Chapter II

Authorisation and Supervision of the Activities

Art. 4. §1. Any person wanting to carry out the activities referred to in this law must obtain the prior authorisation of the Minister, in accordance with the following provisions.

§2. Authorisation is granted on a personal basis to the operator submitting the application and is non-transferable.

§3. The activities must be carried out in accordance with international law and, in particular, with the principles laid down in the Outer Space Treaty and the other treaties and agreements to which Belgium is a party.

Art. 5. §1. The King may determine the conditions for granting authorisations with a view to ensuring the safety of people and property, protecting the environment, ensuring the optimal use of air space and outer space, protecting the strategic, economic and financial interests of the Belgian State, as well as in order to satisfy the Belgian State's obligations under international law.

The King shall determine to what extent the conditions set by him shall apply to the activities covered by a current authorisation.

§2. The Minister may attach to any authorisation such specific conditions that he may deem useful for the accomplishment of the same objectives, on a case-by-case basis.

He may in particular impose the technical assistance of a third party, lay down conditions relating to the location of the activities or the location of the main establishment of the operator or create an obligation for insurance to be taken out in favour of third parties to cover the damage that may result from the activities authorised by him.

The Minister may grant the authorisation for a specific period, having regard to the activities covered by the authorisation.

§3. The Minister may modify the specific conditions applying to an authorised activity. In such cases, he shall determine the period after which the new conditions must be respected.

Art. 6. The King shall lay down the conditions applying to the control and supervision of the activities covered by this law.

Chapter III

Content of the Dossier and Procedure

Art. 7. §1. The application for authorisation shall be submitted by the operator to the Minister who shall acknowledge receipt.

§2. The following information shall be attached to the application:

- 1° the precise identification of the operator, a presentation of its past, current and future activities, and the technical, financial and legal guarantees provided by the operator;
- 2° the precise description of the activities for which the authorisation is sought;
- 3° the precise identification of the space object or the series of space objects for which the authorisation is sought;
- 4° the identification of the manufacturer(s) of the space object;
- 5° the study of the impact on the environment referred to in article 8, §2;
- 6° the precise identification of the persons on whose behalf the activities will be carried out;
- 7° the precise as possible identification of the persons who will collaborate in the activities;
- 8° any other element of information of which the operator is aware and which may be relevant with regard to the Minister's decision to grant the authorisation.

§3. The King may add to the list of information set out under §2.

The communication of this information shall in no event exempt the operator from providing any information required under other legal or regulatory provisions, applying in the case in question.

§4. The Minister may request the operator to provide any additional information that he may deem necessary in connection with the application. The refusal or failure to communicate such information within the time allotted by the Minister, having regard to the nature of the information requested, may be deemed sufficient grounds for rejecting the application.

§5. The King shall establish a standard form including, among other things, the information set out under §2 and the information stipulated in article 8, §9. This form must be completed by the operator and attached to the application.

§6. The Minister may call for a reasoned opinion, to be provided by experts to be designated by him for that purpose, on the basis of legal, technical and economic

criteria, concerning in particular the reliability, know-how and experience of the operator, the reliability of the manufacturer in the areas concerned and their capacity to comply with the rules applying to the activities carried out, as well as the operator's solvency and the legal and financial guarantees that he provides.

The administrative employees, as well as the experts designated by the Minister in accordance with the first indent, shall have access to the installations, buildings and the material which will be used by the operator for the purpose of carrying out the activities concerned.

If such access is refused by the operator, the Minister may reject the application.

§7. The Minister's decision shall be notified to the operator by registered letter.

Art. 8. §1. The impact on the environment of all activities covered by this law shall be assessed by one or more experts designated for that purpose by the Minister. Such an assessment may be carried out at different stages of the activities.

§2. An initial study shall be carried out before an authorisation is granted pursuant to this law. The aim of this study is to assess the potential impact on the environment on earth or in outer space of launching or operating the space object.

§3. The King shall determine the content of the study referred to under §2.

§4. An intermediate study shall be carried out at the request of the Minister after the launch of the space object or during its operations. This study shall assess the real consequences on the environment on earth or in outer space of the activities in question.

§5. A final study may be carried out at the request of the Minister when the space object returns to the earth's atmosphere.

§6. The Minister shall determine the content of the studies referred to under §§4 and 5.

§7. The operator shall attach to his application for authorisation the impact study referred to under §2.

§8. The cost of the impact studies referred to under §§2, 3 and 4 shall be borne by the operator.

§9. When the space launch or operations include the use of sources of nuclear energy, the operator shall mention such in his application for authorisation.

The Minister shall only grant the authorisation subject to specific conditions taking into consideration, in particular,

the danger that the use of such sources of energy may represent, elementary precautions to be taken with regard to public health and safety, protection of the environment and standards of national and international law applying in the case in question.

Art. 9. §1. The authorisation or refusal to grant an authorisation by the Minister shall be notified within ninety days after the submission of the application in accordance with article 7.

§2. When the Minister requires the operator to provide additional information, in accordance with article 7, § 4, the above time limit shall be increased to one hundred and twenty days.

§3. If no decision is taken by the Minister within the time allotted, the application shall be deemed to have been rejected.

Art. 10. §1. The Minister may also designate experts charged with controlling the activities carried out by the operator. The latter must do everything possible to facilitate any inspections and checks, at all times, with regard to the activities that he carries out pursuant to this law.

§2. For the purpose of any such inspections and checks with regard to the activities in question, the said experts shall have access to all documents in the possession of the operator relating to the activities covered by the authorisation, to updated information and data resulting from the activities, as well as to the premises allocated, directly or indirectly, to the activities.

§3. All the information gathered during inspections or controls by the administrative employees or experts designated for that purpose, shall be treated as confidential.

§4. In the event that the operator refuses to grant access to the administrative employees or experts designated for that purpose, the Minister may suspend or withdraw the authorisation in accordance with article 11.

Art. 11. §1. The authorisation may be withdrawn or suspended by the Minister:

- 1° either when one of the general or specific conditions attached to the authorisation is not respected;
- 2° or in the event of an infringement of a provision of this law;
- 3° or for imperative reasons relating to public order, the safety of people or property.

§2. When the Minister is considering withdrawing or suspending the authorisation for the reasons set out under §1, 1° or 2°, before taking such action he shall give the operator the opportunity to justify his actions or make observations and regularise his situation within a specific period of time. In the case of an emergency, on specially justified grounds, the authorisation may be withdrawn or suspended without delay and without the authorisation holder being heard.

§3. When the Minister is considering withdrawing or suspending the authorisation on the grounds set out under §1, 3° and provided that such does not undermine the effectiveness of the withdrawal or suspension, he shall give the operator the opportunity beforehand to put forward his observations of proposals.

§4. The Minister may, in the event of the withdrawal or suspension of the authorisation, and at the written request of the operator, approve provisional management measures with regard to current activities in order, notably, to enable the operator to fulfil his contractual obligations. Any such request by the operator must be formulated as soon as he receives notification of the decision to withdraw or suspend the authorisation.

§5. When the authorisation is withdrawn or suspended after the space object has been launched into outer space, the Minister shall take all necessary measures in order to guarantee the safety of the operations, both with regard to the operator and his employees and third parties, as well as to ensure the protection of property and the environment. To that end, he may call upon the services of third parties or transfer the activities to another operator to ensure the continuity of flight and guidance operations and, if necessary, take action to deorbit or destroy the space object.

Art. 12. Decisions to grant, withdraw or suspend the authorisation are published in the Belgian Official Journal.

Chapter IV

Transfer of activities

Art. 13. §1. The transfer to a third party of authorised activities or real or personal rights, including guarantee rights, which transfers the effective control of the space object may not be carried out without the Minister's prior authorisation.

§2. Any such application for authorisation shall be submitted by the transferee operator.

§3. All the provisions applying to the authorisation referred to under article 4 shall apply mutatis mutandis to the

transfer authorisation.

§4. The Minister may attach to the transfer authorisation conditions which are binding on either the transferee operator, or the transferor operator, or both.

§5. When the transferee operator is not established in Belgium, the Minister may refuse the authorisation in the absence of a specific agreement with the home State of the third party in question and which indemnifies the Belgian State against any recourse against it under its international liabilities or claims for damages.

Chapter V

The National Register of Space Objects

Art. 14. §1. A National Register of Space Objects shall be created and all space objects for which Belgium is the launching State shall be entered, except when the registration is made by another State or an international organisation, in accordance with the Convention on Registration of Space Objects.

The conditions regarding the form and publication of the Register and the way it is kept shall be determined by the King.

§2. The information entered in the Register shall be subject to the following rules;

- 1° entries in the Register are made at the Minister's request;
- 2° the information contained in the Register is that referred to in article IV of the Convention on Registration of Space Objects, namely:
 - (a) if applicable, the name of the other launching States;
 - (b) the registration number of the space object as described below under 3;
 - (c) the date and territory or location of launch;
 - (d) the main orbital parameters, including the nodal period, inclination, apogee and the perigee;
 - (e) the general function of the space object;
- 3° a national registration number is attributed to each object. It is composed of the elements determined by the King;
- 4° in addition to the information referred to under 2°, the Register shall identify manufacturer of the space object, as well as the operator, and also list the main constituent elements and instruments on board the space object;
- 5° the operator shall communicate to the Minister the information under 2° and 4°;

6° as soon as the relevant entry has been made in the Register, the Minister shall communicate to the Secretary General of the United Nations the information referred to under 2° and any updates, as well as all information relating to the loss, deorbiting or end of the space object's flight operations;

7° registration must be effective at the time of the launch of the space object;

8° a supplementary entry must be made in the Register in the event of any data modifications, at the responsibility and cost of the operator within thirty days after the date when the operator became aware of the said modification. If the operator fails to notify such modifications within the time allotted, the Minister may suspend the authorisation, in accordance with article 11.

§3. The Minister shall keep an up-to-date register of authorisations issued pursuant to articles 4 and 13. This register shall indicate the terms and conditions attached to each authorisation.

In addition, for each space object concerned, the register shall indicate the launching State(s) and the State(s) of registry.

This register shall be public. The Minister is responsible for keeping and publishing the said register in accordance with the conditions set by the King.

Chapter VI

Liabilities, counterclaims and measures in the event of falling space objects

Art. 15. §1. When the Belgian State is liable, pursuant to Article VII of the Outer Space Treaty, the provisions of the Convention on International Space Liability or the provisions of this law, for reparation, it shall have the right to institute a counterclaim against the operator(s) involved up to the amount of the compensation determined in accordance with §2 and §3.

§2. The damages between the State and the Operator shall be determined as follows:

1° in the case referred to under §1, when the damage is caused to a third party State or foreign nationals, the damage shall be assessed between the Belgian State and the State representing the victim, in accordance with the Convention on International Space Liability or any other clause that may apply. The operator, or the person designated by the latter for that purpose, may participate in the discussions or be a party to the damage assessment procedures between the

representatives of the States involved, so as to defend his own interests;

2° in the case referred to under §1, when the damage is caused to Belgian nationals, the damage shall be assessed by a college of three experts, two of whom shall be designated by each of the parties and the third by mutual agreement between the parties. The Minister may make the prior designation of experts one of the conditions for granting the authorisation. The procedural arrangements shall be determined by the King.

§3. Except in the cases of loss of rights referred to under §4 and in articles 16, §2, and 19, §3, the amount determined in accordance with §2 may be limited by the King, on conditions that he may determine. In such an event, the State's right of recourse against the operator may not exceed that limit.

§4. An operator who fails to comply with the conditions attached to his authorisation shall not benefit from the limit on liability referred to under §3 and shall be liable for the full amount of the damage caused.

§5. Pending the definitive payment of compensation, the Belgian State may claim provisionally from the operator half of the amount determined in accordance with §§ 2 and 3.

The balance shall become due as soon as the Belgian State has paid the compensation due to the victim or the State representing the victim.

§6. The right of recourse of the Belgian State against another launching State, in accordance with Article V.2 of the Convention on International Space Liability, shall not be an obstacle to the application of this article and shall in no event be a preliminary condition of the Belgian State's action against the operator.

§7. The Belgian State has a right of direct recourse against the operator's insurer, up to the amount determined in accordance with §§ 2 and 3.

§8. This law shall not be an obstacle to other actions invoking the operator's liability.

Art. 16. §1. The operator must inform immediately the crisis centre designated by the King of any manoeuvre, any malfunctioning or any anomaly of the space object, likely to result in a danger for persons on the ground, aircraft in flight or other space objects, or to cause any damage.

§2. In the event of non-compliance with the information obligation, and without prejudice to other sanctions or liability to pay compensation, the operator must guarantee the Belgian state for the total of the compensation due by it pursuant to its international liability or pursuant to this law.

Art. 17. §1. Without prejudice to measures concerning the safety and protection of goods and persons, any space object which is found on the Belgian territory or in a place subject to Belgian jurisdiction, shall be returned without delay to the competent authorities which shall inform the Minister immediately so that he may arrange for the said object to be returned to its State of registry, in accordance with the Agreement on the Rescue of Astronauts and the Return of Space Objects.

§2. When an investigation is necessary in order to identify the State of registry or the launching State, all necessary measures to safeguard the object or objects found shall be taken by the Minister, if applicable in coordination with the competent services for civil protection and the crisis centre referred to in article 16, §1.

§3. When the object is returned to the competent authority or, if necessary, prior to its return, as well as at the time of the identification of the State of registry or the launching State(s), all the necessary measures shall be taken in order to protect the rights of the victims of any damage caused by the space object.

Chapter VII

Final provisions

Art. 18. §1. The King shall fix the amount of the duties covering the administrative costs that must be paid by the operator when submitting the application for authorisation.

§2. When, pursuant to this law, the Minister calls on the services of technical experts, the cost of such services shall be borne by the operator.

Art. 19. §1. Any person carrying out the activities referred to in article 2 without authorisation, shall be liable to a period of imprisonment of between eight days and one year and a fine of between 25 and 25,000 euros, or to one of these sanctions.

§2. The same sanctions as those referred to under §1 shall apply to anyone who, having submitted an application for authorisation, communicates intentionally false or incomplete information concerning the activities in question.

§3. In addition, the operator in breach of his obligations shall be deprived of the benefit of the limit on liability provided for in article 15, §3.

Art. 20. §1. This law shall enter into force on the first day of the second month following that in which it is published in the Belgian Official Journal.

Art. 21. §1. Activities covered by this law and which are already being carried out on the date of its entry into force, may nevertheless be pursued during a period of twelve months running from that date, without any authorisation being required. No transfer, as referred to in article 13, may be made during that period.

§2. The operator shall inform the Minister of activities that he carries out and which are likely to fall within the scope of this law. Such notification must be given within six months after the date of entry into force referred to in article 20.