

# KINGDOM OF BELGIUM

## FEDERAL PUBLIC PLANNING SERVICE SCIENTIFIC POLICY

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Royal Decree implementing certain provisions of the Law of 17 September 2005 on the activities of launching, flight operations and guidance of space objects

### **PHILIPPE,** **KING OF THE BELGIANS,**

TO ALL THOSE PRESENT AND THOSE TO COME, GREETINGS.

Given the Constitution, Articles 37, 108 and 167, §§1 and 2;

Given the Law of 17 September 2005 on the activities of launching, flight operations and the guidance of space objects, articles 5, §1, 7, §5, 8, 14, 15, §§2 and 3, 16, §1, and 18, §1;

Given the opinion of the treasury inspector responsible for auditing public bodies of 28 February 2018;

Given the opinion of the Minister of Budget of 5 March 2021;

Given the opinion 69.133/1 of the Council of State of 11 May 2021, pursuant to article 84, §1, first indent, 2°, of the laws on the Council of State, coordinated on 12 January 1973;

Given the opinion 227/2021 of the Data Protection Authority, issued on 3 December 2021;

On the proposal of the Deputy Prime Minister, Minister of Economy and Employment, and the Secretary of State responsible for Science Policy and the opinion of the Cabinet of Ministers,

**BE IT THEREFORE ENACTED:****Chapter I****Introductory provisions**

**Article 1** - §1. For the application of this decree, "Law" shall be understood to mean the Law of 17 September 2005 on the activities of launching, flight operations and the guidance of space objects.

§2. The term "activity" shall refer to an activity referred to in article 2 §1 of the Law.

§3. The term "Class U object" means any object that is not capable of being operated in flight or guided once in orbit, and whose total mass does not exceed 2 kilograms, or, when the object consists of an assembly of several functionally independent units of standardised dimensions, 54 kilograms.

The functionally independent nature of the assembled units does not preclude the sharing of a power supply, telecommunication systems or propulsion or steering systems, through the use of a common platform.

§4. The definitions in Article 3 of the Law apply to this decree, except if otherwise provided.

§5. "State of registration" means the State of registration as referred to in Article 14, §3, second paragraph, of the law.

§6. "Service" means the Federal Public Service in charge of science policy.

§7. "National Crisis Centre" means the National Crisis Centre of the Federal Public Service Interior.

**Art. 2** - §1 The Service provides, for and under the authority of the Minister:

- (a) the management of files relating to applications for authorisation under the Law and this decree,
- (b) the holding of the register referred to in Article 14, §1 of the Law, and the directory referred to in Article 14, §3 of the Law, in accordance with the provisions of this decree,
- (c) the checking and supervision of the activities authorised under the Law,
- (d) the coordination of tasks related to the implementation of the Law and this decree.

§2. In addition, the Service provides expert support for the conclusion of international agreements and the monitoring of international and national legislation on the regulation of space activities. Where appropriate, the Service makes recommendations to the Minister for the conclusion of agreements or proposed adaptations to the Law, its implementing measures or the manner in which it is implemented, in particular where such adaptations are required by the norms of international law.

§3. The Service processes applications for authorisation and ensures the independent checking and monitoring of authorised activities.

For the processing of information, data and technical aspects related to the activities, the Service relies primarily on the expertise that exists within the department in charge of space research.

Alternatively, or when required by this decree, the Service uses the expertise of international or national bodies or institutions with which agreements are concluded for this purpose.

## **Chapter II**

### **Conditions applicable to certain types of activities**

**Art. 3** - §1 When an activity concerns a Class U object, the Service calls on the experts referred to in Article 2, §3, third paragraph, to verify the impact study referred to in Article 8, §1, 1°, and/or, where applicable, the impact studies referred to in §4 and §5 respectively of Article 8 of the Law, unless the application for authorisation already includes such a report from these experts.

§2. In the case referred to in §1, as well as if recourse is had to external verification expertise at the request of the Minister pursuant to Article 7, §6, first paragraph, of the Law, the Service will provide the applicant with an estimate of the costs of the verification expertise to be incurred pursuant to the preceding paragraph. The applicant has a period of ten days from the date of receipt of the estimate to withdraw their application for authorisation, if they so wish.

The withdrawal of the authorisation application is submitted to the Minister by registered letter. The Minister acknowledges receipt. Notwithstanding Article 13, the fee for an authorisation application withdrawn in accordance with the preceding

paragraph is zero.

**Art. 4** - §1 Article 3 does not apply to activities involving objects developed as part of a project subject to the supervision of the State or a third party acting on behalf of the State.

§2. Article 3 does not apply to an operator who has been granted authorisation under the Law for an activity involving the operation of one or more Class U objects within the ten years preceding the application.

### **Chapter III**

#### **National Register of Space Objects**

**Art. 5** - §1 The National Register of Space Objects referred to in Article 14, §1 of the Law is in electronic form, in accordance with the provisions of this chapter.

The Register is published online on the Internet and can be freely consulted.

§2. Except where such registration is effected by another State or an international organisation in accordance with the Convention on Registration of Space Objects, objects for which Belgium is the launching State are entered in the Register.

Under the preceding paragraph, any object that meets one of the following criteria is included in the Register:

(a) be designed, developed and/or manufactured in the course of an activity carried out in Belgium by a natural or legal person whose domicile or registered office is on Belgian territory;

(b) be launched and positioned by order of a natural or legal person whose domiciled or registered office has been in Belgium for at least five years;

(c) be designed, developed, manufactured and/or launched and positioned as part of a project to which the State or a federated entity or a legal person under Belgian public law makes a financial contribution.

§3. The Minister may agree with the competent authorities of another State from which an object referred to in §2 is launched which of the States from which the object is launched must register it, in accordance with the provisions of the Convention on Registration of Space Objects.

§4. The Minister may agree with the competent authorities of another State of launch of an object already listed in the Register, that this State will register this object in its national register, in accordance with the provisions of the Convention on Registration of Space Objects. In this event, the registration is deleted from the Register. This deletion is communicated to the Secretary-General of the United Nations.

The Minister may agree with the competent authorities of the State of registration that an object meeting the requirements of §2 be entered in the Register provided that the previous registration is deleted or rendered ineffective. In this event, mention is made in the Register of its previous registration. The inclusion in the Register is communicated to the Secretary-General of the United Nations.

**Art. 6** - In addition to the information mentioned in Article 14, §2, of the Law, the mention "NPS" is affixed to the registration of any object with a nuclear energy source on board.

**Art. 7** - The registration number referred to in article 14, §2, 3, of the Law shall be composed of the following elements:

- (a) the year in which the registration is made,
- 2° the acronym "B-SC";
- (c) the registration number of the object in the Register.

#### **Chapter IV**

##### **Protection of the environment and technical guarantees**

**Art. 8** - §1 The impact study referred to in article 8, §2, of the Law shall be composed of four parts:

1° the first part consists of:

- (a) a description of the activity and its objectives, and the use of the data and derivatives generated by the activity,
- (b) a description of the technologies, components, system design and Critical Design Review,
- (c) a report of the functional tests of the infrastructure and software performed as part of the Flight Model and the Flight Readiness Review,
- (d) a description of the technical and operational

characteristics of the activity and purpose by which the operator demonstrates its compatibility with:

- the recommendations adopted by the United Nations Committee on the Peaceful Uses of Outer Space and published on the website referred to in Article 14, §2, insofar as these recommendations are applicable to the activities concerned,
- where applicable, any other models or technical standards identified by the Minister prior to the application for authorisation.

If the operator considers that certain elements of the first part of the impact study referred to in Article 8, §2 of the Law are not applicable or are irrelevant to the activities concerned, they must state the justification in their application;

2° the second part shall concern the potential impact of the activity on the terrestrial environment, including the atmosphere and, in particular, on the natural and human environment of the place of launching, and include a description of the measures taken or planned to reduce or limit this impact;

(3) the third part deals with the potential impact of the activity on the outer space environment, and includes a description of the measures taken or planned to reduce or limit such impact and, where appropriate, the measures taken or planned to ensure the sustainable and rational use of the natural resources of the outer space environment;

4° the fourth part deals with:

- (a) a non-technical summary of the activity,
- (b) a description of the expertise available to the applicant in carrying out the activities,
- (c) a descriptive summary of activities similar to that for which the application was made and in which the operator has participated in the three years preceding the application for authorisation.

§2. For the second and third parts of the impact study referred to in Article 8, §2 of the Law, the activity and its environmental impacts are considered in the short, medium and long term.

The activities shall be assessed in particular from the point of view of the risks in the event of the space object falling back to earth and with regard to the compliance of the activities with the applicable international standards intended to limit space debris and designated as applicable by the Minister.

§3. Where the locations referred to in the second

part are not under the jurisdiction of Belgium, the applicant shall attach to this part all available information or documentation relating to the environmental protection measures applicable to these locations.

8§4. In the case of the use onboard the space object of a nuclear power source, the impact study shall include a specific annex giving details of the measures adopted to ensure the safety of people and the environment against the risk linked to this constituent part.

This annex shall include the standards laid down by international and intergovernmental technical bodies which regulate the use of nuclear power sources, in particular in outer space, and establish the compliance of the space object's specifications with these standards.

§5. Where applicable, the impact study file includes a description of the steps taken to ensure rational use, within the framework of the activity, of the limited natural resources, in particular geostationary orbit.

§6. In the event of a transfer of activity, an impact study is attached to the application for authorisation referred to in Article 13, §2 of the Law.

**Art. 9** - Where applicable, when the description of the environmental impact of the activity under Article 8 reveals a substantial risk to the safety of persons, property or the environment despite compliance with the standards and conditions applicable under the law, the applicant shall attach to the impact study referred to in Article 8, §2 of the law a description of the alternatives to the activity that can reasonably be considered, particularly with regard to the location, parameters or manner of carrying out the activity, and the protection of the environment.

## **Chapter V**

### **Damage assessment**

**Art. 10** - §1 In the event of damage as referred to in Article 15, §2, 2°, of the Law, without prejudice to the applicable legal provisions, the parties shall comply with the provisions of Chapters V, VI and VIII of the sixth part of the Judicial Code, with the exception of Article 1700, §1, the application of

which is excluded for the procedure referred to in Article 15, §2, 2°, of the Law.

§2. While the damage assessment procedure is pending, any third-party victims may submit a written request to the Minister to be a party to the damage assessment procedure in order to assert their interests.

§3. The Minister shall represent the State in all actions and procedures relating to damage assessment and the determination of the liabilities referred to in article 15 of the Law.

**Art. 11** - §1 The maximum amount referred to in article 15, §3, of the Law shall be fixed at ten percent of the average annual turnover or the average annual budget of the operator calculated on the basis of the three financial years preceding the year in which the authorisation request is submitted.

§2. If it is not possible on the basis of the operator's activities to determine the average turnover or budget for three years, the calculation shall be based on financial years which have ended and the projections for future financial years, so that the basis of calculation represents three consecutive years.

At the end of the third reference year, the amount is adjusted, if necessary, on the basis of the real figures and will be corrected where applicable.

**Art. 12** - §1 The crisis centre referred to in Article 16, §1 of the law is the National Crisis Centre.

§2. In carrying out the task entrusted to it under §1, the National Crisis Centre shall ensure that any information received from the operator is passed on immediately to the Minister and to the Service, so that the Minister can take the appropriate measures and actions within the framework of the law.

§3. For the purposes of §2, the Minister shall designate a point of contact within the Service, to whom the information shall be forwarded by the National Crisis Centre.

**Art. 13** – The amount of the dues referred to in article 18, §1, of the Law shall be set at one thousand euros.



**Art. 14** - §1 The register referred to in Article 14, §3 of the Law is in electronic form, in accordance with the provisions of this chapter.

The register is published online on the Internet and can be freely consulted.

§2. The form referred to in Article 7, §5 of the Law is available online in the section of the official website of the Service dedicated to legislation on space activities. The format and layout of this document shall be determined by the Minister.

**Art. 15** - §1 Personal data, within the meaning of the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, collected under this decree is managed and used in compliance with the applicable legal provisions.

§2. When the data referred to in Article 7, §2, 1°, 4°, 6° and 7° of the Law, and that referred to in Article 8, §1, 4°, (b) and (c), concern natural persons, it is kept for a period of 60 days from the publication of the ministerial decree granting or refusing the authorisation.

The first paragraph also applies to all personal data, within the meaning of the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC collected in accordance with Article 7, §3 or §4, or Article 8, §4 or §5 of the Law.

Notwithstanding paragraph 1, the identification data of the operator and manufacturer of the space object shall be retained by the Service until the operator notifies the Minister of the complete disintegration of the object or its disposal in a graveyard orbit in accordance with the conditions of the authorisation.

When the data referred to in Article 14, §2, 4°, of the law concerns natural persons, the identification in the Register of Space Objects refers to the ministerial decree authorising the activity and to the related documentation kept by the Service in application of the previous paragraph.

§3. The Minister shall identify the contact point at which the personal data collected under this Decree, whether or not it is published, may be updated or

corrected as necessary.

The information relating to the implementation of the legal provisions applicable to the protection of personal data in the context of this decree is included in the form referred to in Article 14, §2, and in the directory referred to in Article 14, §1.

§4. For the application of this article, the term "personal data" shall be understood in accordance with the definition referred to in the first paragraph of Article 5 of the Law of 30 July 2018 on the protection of natural persons with regard to the processing of personal data.

§5. For the purposes of this Article, the data controller, within the meaning of Article 4, (7) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, is the Service.

**Art. 16** - §1 The Royal Decree of 19 March 2008 implementing certain provisions of the Law of 17 September 2005 on the activities of launching, flight operations and guidance of space objects has been repealed.

§2. The Minister is responsible for the implementation of the present decree.