

KINGDOM OF BELGIUM

**FEDERAL PUBLIC SERVICE
SCIENCE POLICY PROGRAMMING**

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

ALBERT II,
KING OF THE BELGIANS,
TO ALL PRESENT AND FUTURE SUBJECTS, GREETINGS.

Given article 108 of the Constitution;

Given the Law of 17 September 2005 on the activities of launching, flight operations and the guidance of space objects, and in particular its articles 6, 7, §5, 8, §3, 14, 15, §§2 and 3, 16, §1, and 18, §1;

Given the opinion of the treasury department responsible for auditing public bodies of 3 April 2006;

Given the opinion of Our Minister of Budget of 16 March 2007;

Given the opinion 42.802/1 of the Council of State of 3 May 2007, pursuant to article 84, §1, first indent, 1°, of the Coordinated Laws on the Council of State;

On the proposal of our Minister of Science Policy and the opinion of our 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 "activities" shall refer to the activities referred to in article 2 of the Law.

§3. The definitions listed in article 3 of the Law shall apply to this decree.

Chapter II

Control and monitoring

Art. 2 – §1. The activities shall be controlled and monitored by the Minister, in accordance with article 10 of the Law and the following provisions.

§2. The Minister may be assisted by an ad hoc committee of Belgian and/or foreign technical experts, hereinafter referred to as “the Committee”. Its members may be designated, with the approval of the competent ministers, from within other administrations concerned by the control and monitoring of the activities in question.

The experts shall be designated on the basis of their technical expertise and their knowledge of the activities for which the authorisation is sought. The Minister shall ensure the independence of the experts appointed and the absence of any conflict of interests to which they may be subject with regard to the activities to be carried out.

§3. Without prejudice to the provisions of this decree, the Committee shall appoint its Chair and draw up its internal rules of procedure.

§4. The Minister shall determine the mandate and terms of reference of the Committee. He may in particular entrust it with the task of coordinating any inspections and monitoring of the activities in question and reporting to him on the functioning of the authorised activities and on the compliance by each operator with the conditions imposed on it by the Law, the King and the Minister.

§5. The Committee may also submit recommendations to the Minister on the conditions to be attached to current or future authorisations.

§6. The Minister may charge the Committee with carrying out inspections or onsite checks on authorised activities or activities that may fall within the scope of the Law.

In the event of inspections carried out by members of the Committee, the Minister shall inform the operator of the identity of the experts and their capacity as experts so that they have the powers specified in article 10 of the Law.

§7. The Committee may be consulted by the Minister on any questions regarding the implementation of the Law.

§8. All the tasks entrusted to the Committee pursuant to paragraphs 4 to 7 shall be carried out under the authority and responsibility of the Minister.

§9. Without prejudice to the responsibilities entrusted to him by the Law, the Minister may delegate to the Committee certain specific tasks within the framework of the application of the Law, in particular for the coordination of the impact studies referred to in article 8 of the Law and in Chapter IV of this decree.

Art. 3 – §1. The specimen form annexed to this decree shall be transmitted to operators, at their request, either electronically or in paper form.

§2. Once the document has been completed and returned by the operator, it shall be kept as an annex to the register of authorisations in accordance with article 4, §1, of this decree.

Art. 4 – §1. The register referred to in article 14, §3, of the Law shall be kept in the form annexed to this decree.

It shall be composed of a sheet for each authorisation, listing the data relative to the activities carried out, the date when the authorisation request was submitted by the operator, the date of notification of the authorisation by the Minister and the conditions attached to each authorisation.

Every sheet shall contain an annex with a copy of the authorisation as notified to the operator, together with a copy of the form completed by the operator and on the basis of which the authorisation was granted.

§2. The register shall be open to the public. It shall be edited, updated and published electronically by the Minister and shall be accessible on the Internet.

§3. The publication of the data in accordance with §2 shall be without prejudice to the provisions of applicable data protection laws and regulations.

§4. Any request to modify or correct data included in the register shall be addressed to the Minister.

Chapter III

Registration

Art. 5 – §1. The National Register of Space Objects referred to in article 14, §§1 and 2, of the Law shall be kept in the form annexed to this decree.

§2. The Register shall be open to the public. It shall be edited, updated and published electronically by the Minister and shall be accessible on the Internet.

§3. Any request to modify or correct data included in the Register, in accordance with article 14, §2, 8°, of the Law, shall be addressed to the Minister.

Art. 6 – §1. The registration number referred to in article 14, §2, 3, of the Law shall be composed of the following elements which shall be juxtaposed and separated by a hyphen:

1° the year of registration in the National Register;

2° the acronym "B-SC";

3° the three digit registration number of the object in the National Register of Space Objects;

4° the special reference "NPS" in red letters when the object involves a nuclear power source.

Chapter IV

Protection of the environment

Art. 7 – §1. The impact study referred to in article 8, §2, of the Law shall be composed of four parts:

1° the first part shall consist of a description of the activities and their objective, with the emphasis on the technologies, components and products used for the purposes of the activities;

2° the second part shall concern the potential impact of the activities on the terrestrial environment, including the atmosphere and, in particular, on the natural and human environment of the place of launching;

3° the third part shall deal with the potential impact of the activities on outer space;

4° the fourth part shall contain a non-technical summary of the second and third parts and shall put forward recommendations on steps to be taken in order to reduce or limit any environmental impact.

§2. For the second, third and fourth parts, the activities and their environmental impact shall be examined from the short, medium and long-term perspectives.

They 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 applicable international standards intended to limit space debris.

§3. When the places referred to in the second part are not subject to Belgian jurisdiction, an explanatory list of the applicable environmental protection standards shall be provided in an annex.

The study shall establish the compliance of the activities with each of the said standards.

§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 in order to ensure the safety of people and the environment against the risk linked to this type of component.

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. The Minister may draw up a standard form in order to collect any technical data useful for the assessment of the environmental impact.

Art. 8 – §1. Other than the content specified in article 7, the impact study shall include:

1° a memo from the operator which can be used to assess the expertise that will be available to the operator when carrying out its activities, including a summary of the references, diplomas and professional qualifications of the main personnel assigned to the operations, as well as a summary description of the activities in which the operator has participated in the three years preceding the authorisation request;

2° a description of the alternatives to the activities that should reasonably be taken into consideration, inter alia with regard to sites, the implementation arrangements and the protection of the environment.

§2. The impact study file shall include, if applicable, a description of the steps taken by the operator and progress made as regards the use, within the framework of the activities, of limited natural resources, in particular geostationary orbit.

Chapter V

Damage assessment

Art. 9 – §1. In the case of damage referred to in article 15, §2, 2, of the Law and the related assessment procedure, the State and the operator shall determine by mutual agreement the rules to apply to the damage assessment procedure after having consulted the experts designated for that purpose.

§2. Failing such an agreement or if the experts have not been designated beforehand by the parties, the latter shall apply the Expertise Rules of the International Chamber of Commerce, provided that these are compatible with this decree.

§3. While the damage assessment procedure is pending, 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.

Art. 10 – 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 turnover generated by the operator over the three 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 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.

§3. At the end of the third reference year, the amount shall be adjusted, if necessary, on the basis of the final figures.

Chapter VI

Miscellaneous and final provisions

Art. 12 – The crisis centre referred to in article 16, §1, of the Law shall be the Governmental Coordination and Crisis Centre of the internal affairs administration. It shall manage the information communicated by the operator or other sources, as well as the measures to be taken, and shall inform the Minister accordingly, as and when necessary and, if applicable, the population.

Art. 13 – The amount of the dues referred to in article 18, §1, of the Law shall be set at 1,000.00 euros.

Art. 14 – This decree shall enter into force on the date of its publication in the Belgian Official Journal.

Art. 15 – Our Minister of Science Policy is charged with the implementation of this decree.

Done in

BY THE KING:

The Minister of Science Policy,