

Some thoughts about the (non-) applicability of the Netherlands' Space Activities Act to certain 'Dutch' space activities

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The Netherlands passed its national space legislation a few years ago, and has so far issued one license. The Dutch Act applies to 'launch, guidance and operation'.

This paper will address two cases of space activity that the Dutch Act does not cover.

The first case concerns CubeSats, which currently do not fall under the licensing regime of the Dutch Act as they are not 'launched, operated or guided' from the Netherlands, and for which the Netherlands also does not consider itself as a launching state under its interpretation of 'procuring' a launch.

The second case concerns the activity of the Dutch company Space Expedition Curaçao (SXC), which plans to offer suborbital flights from Curaçao, a separate country in the Kingdom of the Netherlands. The activity foreseen by SXC does not fall under the Dutch Act as it only applies to activities from the Netherlands' territory or a Dutch aircraft or ship, and also does not apply to activities of Dutch citizens or companies from abroad, nor does it explicitly apply to this kind of activity. Curaçao does not yet have national space legislation, but the Kingdom of the Netherlands has ratified the UN space treaties also on its behalf.

The paper will propose ways to remedy this.