

Belgian Space Law

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Why a Belgian Space Law?

- Belgium party to UN Outer Space Treaties
- GALILEO Joint Undertaking
- ESA Redu expanding to private activities
- PROBA small satellite (developed and launched by ESA on behalf of Belgium)
- need to clarify Belgium's international responsibility and jurisdiction
- // 2006: Law on activities in Antarctica
- Law on Space Activities (September 17, 2006) + Royal Decree of implementation (March 19, 2008)

Main Provisions

- Principle of authorization and supervision by the Minister or designated authorities (access to Operator's premises, data, etc.) for new activity or for transfer of activity
- Principle of precaution (environmental impact assessment, special measures for NPS, etc.)
- National Register for Space Objects
- Remediation measures, security and sanctions
- Return of space objects debris by citizens

Scope

- Activities of launching, flight operation or guidance of space object(s)
 - 'space object': not defined (cf. international law);
 - 'operator': actual control (= ultimate decision) on the space object
 - 'under Belgian jurisdiction': any location subject to the Belgian State's sovereignty, authority or control

Interface with International Law

- ensuring a full legal coverage of multinational activities: possibility of extending the scope of the Law by international agreement + provisions on transfer of activity
- transposing international standards, recommendations or norms through conditions imposed to Operator
- providing the transmission of updated information to UNSG (beyond what is required by UN Outer Space Treaties)

Implementation

- So far, no case of implementation of the Belgian Space Law
- This doesn't mean the Belgian Space Law hasn't had any effect so far:
 - prohibiting unauthorized activities under Belgian jurisdiction
 - providing elements for defining the scope of the Belgian international responsibility under Article VI OST
 - setting up the National Register for Space Objects as well as procedures for retrieval and return of space objects debris
 - providing the appropriate legal framework for possible future activities (OUFTI micro-satellite)

Future Development

Belgian space legislation could be complemented in the future:

- regulation on the use of satellite data (security, privacy) > EU INSPIRE Directive
- regulation on the protection of critical infrastructure (extension to space sector) > EU Directive
- What about national jurisdiction on and onboard space objects (Art. VIII OST)?