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SMALL BUT ON THE RADAR- THE REGULATORY EVOLUTION OF SMALL SATELLITES IN
THE NETHERLANDS

Abstract

In 2012 the authors presented a paper that explained the regulatory situation with respect to nano-satellites, in selected national laws of European states (IAC-12-E7.5.8, “Orbiting under the radar: nano-satellites, international obligations and national space laws”). The examples showed a practice which excluded nano-satellites activities from the scope of certain national laws, leaving these satellites to orbit ‘under the regulatory radar’. Since then, the nano-satellite market, and more generally the market for small satellites has grown rapidly with hundreds of small satellites already launched, and many planned missions in the near future. Further, more and more entities are aiming to launch small satellite networks or constellations, which indicates that these satellites will be around to stay. One state that excluded small satellite activities from being licensed under its national space law was the Netherlands. With time, and as small satellite activities became a Dutch reality, the Government had to consider a solution to enable it to authorize and supervise these space activities, in line with Article VI of the Outer Space Treaty. In this paper the authors, whose background allows them to provide both industry and academic viewpoints, will present the regulatory evolution that started with the mentioned exclusion, progressed towards an ad hoc authorization process in 2013, and finally, resulted in a recent Decree extending the scope of the Dutch Space Activities Act (2007) to “unguided satellites” as of 1 July 2015. The paper will present and analyze the Decree and its Explanatory Note and will discuss its implications for the key stakeholders. It will conclude with some indications regarding the expected consequences of this new regulatory situation.