

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

National space law and security – an update (5)

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PORTUGUESE SPACE REGULATORY FRAMEWORK (FIRST SMALL STEPS)

Abstract

In line with its 'Portugal Space 2030 – A Research, Innovation and Growth Strategy for Portugal' (2018), the Portuguese government has recently approved, and is gradually implementing, a series of legislation establishing the regime of access and exercise of space activities, also regulating some insurance and liability issues, in a commendable attempt to present Portugal as a space-nation commercially attractive as well as internationally competitive.

This also follows from the announcement of its International Call -'Azores International Satellite Launch Program' (AISLP)- for the construction, operation and future management of a new spaceport to be located on its Atlantic island of Santa Maria/Azores – a prime geolocation in Europe - for satellite launch purposes, using small launchers (ideally with greener type of fuels) currently under development.

This regulatory framework now being implemented for a variety of space activities in Portugal, complemented by regional regulation (to cover licensing, operations, insurance and liabilities set-of-rulings) is bravely being drafted with no previous knowledge of which small launchers (and related new technologies) will, in fact, be developed, operationally available and, therefore, with no current track-records of respective reliability/failure rates nor losses/claims assessment logs to guide the regulators and legislators. Hence, these procedures will be further discussed and analysed in this presentation.

A brief comparative analysis between distinctive national and international practices is also presented in this paper, possibly including novel articulations between national and European regulatory bodies, to ensure a clearer framework for operations in commercial space activities, as too many grey areas still exist as of today, with somewhat "blur-purposes", regulatory fields/rules and administrative bodies frequently overlapping and potentially even contradicting each other, particularly in Europe (ESA, EU, national regulation and regulating bodies, private entities involving one or several countries that could even be members of one or more or none of other major organizations).