



Overview

- 1) Need of elaboration of the present law**
- 2) Issues regulated**
- 3) Relevant provisions**



Need for national legislation





Brite Austria Mission Tugsat 1 & UniBRITE

- March 2012: first two Austrian satellites will be launched to Outer Space**
- Austria has ratified all 5 United Nations Space Law treaties**
- Need for national legislation results from Austria's international obligations**



Current status of the Act

- **The Austrian Minister for transport, innovation and technology presented the draft to the council of ministers on 11 October 2011 which adopted it unanimously as a government bill;**
- **On 1 December 2011, the government bill was unanimously adopted by the parliamentary committee on research, technology and innovation by the Minister for transport, innovation and technology**
- **Discussion in the plenary of the parliament on 6 December 2011**



- a) Authorisation and supervision
(based on Art 6 OST)**
- b) Responsibility (based on Art 6 OST)**
- c) Registration (based on Art II (1)
Registration Convention)**
- d) Liability (based on Art VII OST & Art
II and III Liability Convention)**



§ 1: Scope of Application

„Space activities“ carried out

- **on Austrian territory**
- **on board of vessels or airplanes, registered in Austria or**
- **by a natural person with Austrian citizenship or legal persons seated in Austria.**



§ 2: Definitions

- **“Space activity”**: the launch, operation or control of a space object, as well as the operation of a launch facility
- **“Space object”**: an object launched or intended to be launched into outer space, including its components
- **“Operator”**: a natural or juridical person that carries out or undertakes to carry out space activities



§ 3: Authorisation

Space activities require authorisation by the Minister for Transport, Innovation and Technology.



§ 4 (1): Conditions for authorisation

- **necessary reliability, capability and expertise to carry out the space activity of the operator**
- **no threat of space activity to public order, to the safety of persons and property and to public health**
- **consideration of national security, Austria's obligations under international law or Austrian foreign policy interests**
- **appropriate provision for the mitigation of space debris**
- **no causation of harmful contamination of outer space or celestial bodies or adverse changes of the environment**
- **compliance with ITU requirements concerning orbital positions and frequency**
- **provisions for the orderly termination of space activity**



§ 4 (2)-(4): Authorisation procedure:

- **operator has to submit all necessary documents for the assessment of the conditions laid down in subparagraph 1.**
- **the authorisation may contain conditions and obligations (subparagraph 3)**
- **the operator is obliged to take out an insurance covering a minimum amount of € 60 000 000 per insurance claim (subparagraph 4)**



§ 5 - Mitigation of Space Debris

- **Avoidance of Space Debris deemed to be of crucial importance**
- **Operator has to make provision for the mitigation of space debris in accordance with the technological state of the art and in due consideration of the internationally recognised guidelines for the mitigation of space debris**
- **Measures limiting debris released during normal operations need to be taken**



§ 7: Revocation of authorisation

- **whenever the requirements of § 4 (1) are no longer met, the authorisation is to be withdrawn**
- **modifications of authorisation possible**
- **in such cases, measures for the temporary continuation or safe termination of the activity may be prescribed to the operator**



§ 8: Transfer

Change of operator requires the authorisation of the Minister for Transport, Innovation and Technology



§ 9 - Registry

Minister for Transport, Innovation and Technology maintains a registry for space objects

- **space objects for which Austria is a launching State have to be entered**
- **if more States qualify as launching States → agreement is relevant**
- **registered space object remains under jurisdiction and control of Austria**



§ 11 - Recourse

- **in the case that Austria has compensated damage → right to recourse against the operator**

- **right to recourse comprises**
 - an amount up to the sum of the insured risk, but no less than the minimum amount of insurance

(if damage caused on the surface on Earth or to aircraft in flight)

 - no limitation if damage caused due to fault of operator