

Entered into Force: The 2020 Space Law of Luxembourg

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I. Introduction

Luxembourg belongs among the States with a developed space sector. Being a member of the European Space Agency, the space programme of the European Union, UNCOPUOS, the International Telecommunications Satellite Organization (ITSO), Inmarsat, Eutelsat, Eumetsat¹, and recently a Party of the Artemis Accords², it is active on the international scene. By hosting SES and developing a space strategy focused on creating an attractive ecosystem for NewSpace companies³, it is active at the national level. As a State Party of the Outer Space Treaty⁴, the Liability Convention⁵, and recently the Registration Convention⁶, it is bound by the crucial international treaties governing outer space.

In comparison with the broad spectrum of Luxembourg's activities, the national legal framework allowing for authorizing and supervising activities under Luxembourg's jurisdiction was narrow. The 1991 Law on Electronic Media⁷ allowed for the authorization of the SES telecommunication satellites. The 2017 Space Resources Law⁸ was adopted speedily to welcome operators in this specific area. A legal basis for other activities was missing – there were no binding provisions enabling domestic authorities to regulate launching of space objects, Earth observation, navigation, or on-orbit activities.

The Law of 15 December 2020 on Space Activity⁹ fills this gap. From 1 January 2021 onwards, future Luxembourg space operators can apply for an authorization of their space activity in or out of its territory, and the conditions for a successful application are known, as are the price and consequences.

Without any ambition to be encyclopedic, the article offers a picture of the developments of the 2020 Law on Space Activity of Luxembourg and focuses on its crucial provisions, mentioning several recent space acts adopted in Europe.

¹ Status of international Agreements Relating to Activities in Outer Space as at 1 January 2020, unoosa.org, last visited on 18 January 2021.

² Minister of the Economy Franz Fayot Signs the Artemis Accords on Behalf of Luxembourg at the International Astronautical Congress, 14 October 2020, space-agency.public.lu, last visited 18 January 2021.

³ Launch of the First High-Performance Microsatellite of its Kind Produced and Assembled in Luxembourg, 3 September 2020, space-agency.public.lu, last visited 28 January 2021.

⁴ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies UNTS, vol. 610, No. 8843.

⁵ Convention on the Liability for Damage Caused by Space Objects, UNTS, vol. 961, No. 13810.

⁶ Convention on Registration of Objects Launched into Outer Space, UNTS, vol. 1023, No. 15020.

⁷ Loi du 27 juillet 1991 sur les médias électroniques, modifié par Loi du 2 avril 2001 (Law of 27 July 1991 on Electronic Media, as amended), Mém. A88 du 1^{er} août 2001, p.1788.

⁸ Loi du 20 juillet 2017 sur l'exploration et utilisation des ressources de l'espace (Law on the Exploration and Use of Space Resources), Mém. A674 du 28 juillet 2017.

⁹ Loi portant sur les activités spatiales et modifiant : 1. la loi modifiée du 9 juillet 1937 sur l'impôt sur les assurances dite "Versicherungsgesetz" ; 2. la loi modifiée du 4 décembre 1967 concernant l'impôt sur le revenu (Law of 15 December 2020 on space activities amending 1. the amended Law of 9 July 1937 on insurance tax known as "Versicherungsgesetz"; 2. the amended Law of 4 December 1967 on income tax), Mém. A1086 de 2021.