

# Bird & Bird Satellite Bulletin

July 2015

## *The Licensing of Nanosatellites in The Netherlands*

*Deloitte predicts that by the end of 2015 over 500 nanosatellites will be in orbit.*

"Nanosats", of between one and 10 kilograms, are opening up new commercial and scientific opportunities: they are cheaper than conventional satellites; quicker to build and test; easier and less expensive to launch; and are more accessible to universities and SMEs to undertake experiments and testing.-

Nanosats may revolutionise our capacity to observe the Earth from space, may assist to monitor and track anything from shipping fleets to the international trade of coffee and may help provide internet services to much of the world that still lacks coverage.

It is important however to recognise that a nanosat is a "space object" under international law and that launching and operating a nanosat is subject to international rules and regulatory and legal requirements at national level.

Many Governments are now seeking to find the right balance between regulating to minimise the risks, including space debris risks, posed by nanosats while allowing and encouraging the opportunities and innovation that small satellites may offer.

The Netherlands recently reviewed and amended its national law in an attempt to reach this balance.

At the time of enactment in 2007, the Dutch Space Activities Act (Act) defined "space activities" to effectively exclude nanosats as they cannot be guided, manoeuvred or controlled in outer space. The developments that have taken place since 2007 in the field of nanosats were simply not envisaged when the Act came into force.

The Dutch Government have therefore reviewed the implementation of the Act over the last few years. This has resulted in the Dutch Unguided Satellite Decree which entered into force on 1 July 2015 and extended the applicability of the Space Activities Act to "operating unguided space objects in outer space by means of a communications link".

The Netherlands now considers itself responsible for nanosats, and other unguided space objects, and responsible for their authorisation and continuing supervision through licensing.

Identical licensing regimes now apply for nanosats and larger guided satellites, although the Dutch licensing regime allows for significant flexibility to tailor licences and licence conditions to specific nanosat requirements.

Also since 1 July 2015, the documentation to be provided with a licence application in the Netherlands has been further specified, and must include financial information, risk analysis and operational and space debris mitigation plans.

If you are interested in receiving more information on this topic or our satellite practice group please contact:

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Our international team comprises of expert lawyers across Europe, the Middle East and Asia offering clients a one-stop-shop at which to address the issues they face. We also have strong experience in Africa. It is part of Bird & Bird's world leading communications group, which also offers advice in related sectors such as: energy and utilities; life sciences; transport and maritime; aerospace, defence and security; aviation; financial services; and healthcare. Bird & Bird also benefit from a team focussed on SMEs and the needs of start-ups.

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