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Outer Space Act

We Margrethe the Second, by the Grace of God Queen of Denmark hereby proclaim:

Folketinget (the Danish Parliament) has adopted and We with Our consent hereby enact the following Act:

Part 1

Scope and objective

1. The objective of this Act is to determine the framework for ensuring that Danish activities in outer space take place on a regulated and safe basis through

- 1) approval and supervision of activities in outer space;
- 2) registration of space objects; and
- 3) clarity of the liability of operators and others for damage and injuries caused by space objects.

2.-(1) This Act applies to space activities carried out within the Danish State.

(2) Furthermore, this Act applies to space activities carried out outside the Danish state

- 1) on Danish craft or facilities; or
- 2) by Danish operators.

3. Following negotiations with the Minister for Defence and the Minister for Transport and Building, the Minister for Higher Education and Science may lay down regulations that sections 5-9 and 11-21, and any regulations issued pursuant to these, must apply to non-state activities at altitudes below outer space which are not covered by the definitions in section 4, nos. 1 and 2.

Part 2

Definitions

4. For the purposes of this Act:

- 1) "Space activity" means: Launching space objects into outer space; operation, control and return of space objects to Earth; as well as other essential activities in this connection.
- 2) "Space object" means: Any object, including its component parts, which has been launched into outer space, or which is planned to be launched into outer space, and any device which has been used, or is planned to be used, to launch an object into outer space.
- 3) "Operator" means: A natural or legal person who performs, or undertakes to perform, space activities.
- 4) "Outer space" means: Space above the altitude of 100km above sea level.
- 5) "Owner" means: A natural or legal person who owns a space object.
- 6) "Launching State" means: A State which launches, or procures the launching of, a space object, or from whose territory or facility a space object is launched.

Part 3

Approval of space activities

5. A space activity may only be carried out after prior approval from the Minister for Higher Education and Science.

6.-(1) Approval under section 5 is to be based on an application from the operator and requires documentation of the following:

- 1) the ownership of the space object;
- 2) that the operator has the required qualifications, including the technical expertise and financial capacity, to carry out the space activity which the application concerns;
- 3) that the space activity which the application concerns is carried out in an appropriately safe manner and meets the relevant standards and guidelines;
- 4) that the operator has taken appropriate measures with regard to space debris management;
- 5) that the space activity which the application concerns is carried out in an environmentally safe manner;
- 6) that the space activity which the application concerns does not conflict with national security interests, Denmark's international obligations or foreign-policy interests;

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- 7) that the operator meets requirements for insurance or other liability cover laid down pursuant to section 13(1), 1st clause;
- 8) that the operator meets current regulations under the International Telecommunication Union (ITU) with regard to allocation of frequencies and trajectory positions.

(2) In connection with its application for approval, the operator must declare that it is in compliance with the current regulations on export controls.

(3) The operator vouches for the correctness of the information which the operator submits with its application for approval.

7. The Minister for Higher Education and Science may lay down more detailed regulations on requirements regarding the matters stated in section 6(1), nos. 1-6, as a precondition for approving a space activity pursuant to section 5, and more detailed regulations on procedures for applications under section 6(1) and (2).

Part 4

Disclosure obligations, changes and withdrawal

8. In the event of new or changed circumstances of significance for an approval granted under section 5, the operator must, at its own initiative, immediately report all information about this to the Minister for Higher Education and Science, including information about unscheduled events and completion of the space activity.

9.-(1) The Minister for Higher Education and Science may change an approval granted under section 5 if the conditions for the approval are not observed, or if the actual circumstances necessitate change.

(2) If essential conditions for the approval are not observed, the Minister for Higher Education and Science may withdraw the approval. In the event of a withdrawal, the Minister for Higher Education and Science may order the operator to have the space activity continued by another operator or to terminate the space activity.

Part 5

Registration

10.-(1) The Minister for Higher Education and Science is to establish and manage a public registry of space objects. This registry is to contain information about space objects launched into earth orbit or beyond, and for which Denmark is the launching state.

(2) If both Denmark and one or more other States covered by the Convention of 14 January 1975 on Registration of Objects Launched into Outer Space are considered to be the launching States, the Minister for Higher Education and Science is to register the object in situations in which this has been decided in an agreement between the States involved.

(3) The Minister for Higher Education and Science is to pass on information to the Secretary-General of the United Nations as laid down in the Convention referred to in subsection (2).

(4) The Minister for Higher Education and Science is to lay down more detailed regulations on the public registry of space objects and on the information to be reported by operators for the purpose of registration.

Part 6

Liability and insurance

11.-(1) The operator is obliged to compensate for any damage caused by a space object to persons or property on Earth as well as damage to aircraft in flight.

(2) For damage caused by a space object in situations not covered by subsection (1), the operator is liable under the general rules of Danish law on compensation.

(3) If the claimant contributed to the damage, whether with intent or through gross negligence, the compensation may be reduced or lapse.

(4) The Minister for Higher Education and Science may lay down regulations to limit the operator's liability to pay damages under subsections (1) and (2).

12.-(1) If the Danish State has paid compensation for damage caused by a space object, the State may make claims against the operator of the space object to the extent that the operator is liable pursuant to section 11(1) and (2).

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(2) Regulations on limiting the operator's liability to pay damages, cf. section 11(4), also apply to the claims that the Danish State may make against the operator pursuant to subsection (1).

13.-(1) As a condition for granting approval for a space activity, cf. section 5, the Minister for Higher Education and Science may impose requirements on the operator to take out insurance or in some other way provide security to cover the liability under section 11(1) and (2). If the operator has taken out insurance, the insurance company will be directly liable to the claimant for compensation pursuant to section 11(1) and (2), and to the Danish State to the extent that the Danish State has a right to be indemnified pursuant to section 12(1).

(2) Institutions covered by the self-insurance scheme of the Danish State are exempt from the duty to take out insurance.

(3) The Minister for Higher Education and Science may lay down more detailed regulations on the scope and implementation of the duty to take out insurance and on providing other liability cover, cf. subsection (1).

14.-(1) If a claimant or the Danish State takes legal action against the insurance company, the company must summon the operator to all court meetings with the period of notice applicable to witnesses in civil court cases pursuant to the Administration of Justice Act. The summons must contain information about the regulations in subsection (2).

(2) An operator that is summoned pursuant to subsection (1) may become a party to the case by filing a motion to this end. If the operator does not become a party to the case, a decision on the issue of damages, whether reached by judgment or settlement, will be binding on the operator.

Part 7

Transfer of space objects or space activities

15.-(1) Transfer of space objects or space activities to another owner or operator may only take place after prior approval from the Minister for Higher Education and Science pursuant to part 3.

(2) If an operator wants to transfer space objects or space activities to another owner or operator domiciled in another State, the Minister for Higher Education and Science may impose requirements for an advance agreement with said State to take over the liability to pay damages.

Part 8

Supervision, exemption and authorisation

16.-(1) The Minister for Higher Education and Science supervises compliance with this Act and the regulations laid down in pursuance of this Act.

(2) Upon request from the Minister for Higher Education and Science, owners and operators must provide any information required for the execution of the Minister's supervisory duties under subsection (1).

17. Upon presentation of due proof of identity, the Minister for Higher Education and Science, or a person so authorised by the Minister, has, at all times, the right of access to the operator's installations, buildings or other premises in order to obtain information for use in carrying out supervision pursuant to section 16.

18. The Minister for Higher Education and Science may grant State owners or operators exemption from the requirement for approval under section 5 and the requirement for supervision pursuant to sections 16 and 17.

19.-(1) The Minister for Higher Education and Science may lay down regulations on communication in other languages than Danish and on digital communication, including on the use of specific IT systems, special digital formats, digital signatures, etc.

(2) Furthermore, the Minister for Higher Education and Science may lay down regulations on payment of costs incurred by the Ministry of Higher Education and Science in connection with

- 1) processing applications, cf. part 3;
- 2) changes and withdrawals, cf. part 4;
- 3) transfer of space objects or space activities, cf. part 7; and
- 4) carrying out supervision, cf. sections 16 and 17.

20.-(1) After consultation with the relevant minister, the Minister for Higher Education and Science may authorise a government authority set up under the auspices of the Ministry or other government authorities to exercise the powers vested in the Minister for Higher Education and Science pursuant to this Act.

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(2) The Minister for Higher Education and Science may lay down regulations on access to appeal decisions made in accordance with authorisation pursuant to subsection (1), including that the decisions may not be appealed.

(3) The Minister for Higher Education and Science may lay down more detailed regulations on the exercise of powers which another government authority, after consultations with the relevant minister, becomes authorised to exercise under subsection (1).

Part 9

Penalties

21.-(1) Violations of section 5, section 8, section 9(2), 2nd clause, section 15(1), or section 16(2), and non-compliance with requirements for insurance cover or other similar liability cover, cf. section 13(1), 1st clause, carry a fine or a term of imprisonment of up to four months, unless a higher penalty is incurred under other legislation.

(2) In the event of intentional violation and under particularly aggravating circumstances, the penalty may be increased to imprisonment of up to two years. Particularly aggravating circumstances include, in particular, situations in which persons are exposed to risk of death or injury, or when the violations are of a more systematic nature.

(3) Regulations issued pursuant to section 10(4) may stipulate a penalty in the form of a fine or imprisonment of up to four months.

(4) Companies, etc. (legal persons) may incur criminal liability according to the regulations in chapter 5 of the Criminal Code.

Part 10

Entry into force and transitional provisions, etc.

22.-(1) This Act enters into force on 1 July 2016.

(2) Space objects launched before the entry into force of this Act must be retrospectively registered in accordance with the provisions of part 5 by no later than 31 December 2016.

(3) Part 6 does not apply to space objects launched no later than 30 June 2017.

23. This Act does not extend to the Faeroe Islands and Greenland but may, by Royal Decree, be brought into force in full or in part for the Faeroe Islands and Greenland subject to any amendments in its operation necessitated by the conditions prevailing in the Faeroe Islands and Greenland.

11 May 2016

Under our Royal Hand and Seal

MARGRETHE R.

/ Ulla Tørnæs