

## DENMARK'S FLEDGLING LEGISLATION ON SPACE ACTIVITIES

While Denmark is not a spacefaring nation, it contributes to the European Space Agency and is a party to the Outer Space Treaty and has ratified the Rescue Agreement, the Space Liability Convention and the Registration Convention. Denmark has also relatively recently adopted national legislation concerning outer space, as the Act on Activities in Outer Space entered into force on July 1<sup>st</sup>, 2016. Its provisions primarily concern registration and approval of space activities as well as liability for damages caused by space objects, including the possibility of mandating that operators' insurance policies cover such damages.

In an international perspective, the law is particularly relevant because of its broad definitions, which under certain circumstances would entail its applicability in space activities which are not directly connected to Denmark but which include for example Danish contractors or appliances.

The law defines "*space activities*" as the launch of objects into outer space (defined as the part of space which lies more than 100 kilometers above sea level, beyond the so-called Kármán line), the operation, management and retrieval of such objects and other activities which are essential in this regard. An "*operator*" is defined as a natural or legal person which performs space activities, however, according to the preparatory remarks accompanying the law, this does not encompass Danes which are employed by foreign operators.

The reason that the law may prove to be relevant in an international context is that it applies not only to space activities taking place within Denmark, but also to space activities taking place outside of Denmark which involves Danish vessels, appliances or operators.

A foreign operator who simply employs Danish personnel for the purpose of space activities may not be encompassed by the abovementioned legislation. However, it may for example be relevant for operators planning to enter into agreements with Danish independent contractors concerning "essential" aspects of their space activities to ensure that their Danish contractors are in compliance with the law. The legislation would also prove relevant in an international perspective if launches were conducted from Danish territory, including launches from sea.

At the moment, flight activities below an altitude of 100 kilometers are regulated by legislation on ordinary aviation, but rockets are not encompassed by such legislation. The amateur project Copenhagen Suborbitals, which is the world's only crowd funded space programme attempting manned space flight, has been conducting rocket tests in altitudes below 100 kilometers, and these launches are therefore not regulated by the Act on Activities in Outer Space nor by aviation legislation.

While the primary authority to administrate the provisions of the Act on Activities in Outer Space is vested in the ministry of education and scientific research, the law also opens up for the possibility of the ministries of defense and transport to apply the provisions of the law to civilian activities conducted below

an altitude of 100 kilometers, for example to launches such as those being conducted by Copenhagen Suborbitals.

Examples such as this illustrate the as of yet low degree of development in space legislation at the present time. I would expect such legislation to undergo significant changes and improvements in the coming years while playing a continually larger role as both public and private interests and investments in space activities continue to grow.

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