

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Economic Affairs and Employment, Finland

Act on Space Activities

(63/2018)

By decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Scope of application

This Act applies to space activities carried on within the territory of the State of Finland.

The Act also applies to space activities outside the territory of the State of Finland if they are carried on

- 1) on board a vessel or aircraft registered in Finland; or
- 2) by a Finnish citizen or a legal person incorporated in Finland.

A space object flying in the airspace of Finland is subject to applicable provisions on civil aviation.

Provisions on the scope of application of Finnish criminal law are laid down in chapter 1 of the Criminal Code (39/1889).

Section 2

Competent authority

The Ministry of Economic Affairs and Employment shall be responsible for the overall guidance, monitoring and development of activities under this Act.

Section 3

Application of the Act in defence administration

Sections 5, 8, 11, 14 and 15 of this Act do not apply to space activities carried on by the Defence Forces.

The Ministry of Defence shall be responsible for the overall guidance and supervision of the Defence Forces' space activities. The Defence Command shall supervise compliance with this Act and the provisions laid down by virtue of it in the Defence Forces. Once a year, the Defence Command shall submit a report on the Defence Forces' space activities to the Ministry of Defence and the Ministry of Economy Affairs and Employment.

The technical capacity and safety of the space activities of the Defence Forces shall be ensured.

Further provisions on the supervision of the Defence Forces' space activities may be laid down by a decree of the Ministry of Defence.

Section 4

Definitions

For the purposes of this Act,

1) *space activities* means launching a space object into outer space, operation and other control of the space object in outer space, as well as measures to return the space object and its return to the earth;

2) *space object* means any object launched or intended to be launched into outer space, including the component parts of such an object, and any device used or intended to be used for launching an object into outer space, including the component parts of such a device;

3) *operator* means a natural or legal person who carries on or intends to carry on space activities or is effectively responsible for such activities.

Chapter 2

Operator's obligations

Section 5

Authorisation for space activities and conditions for authorisation

Space activities may be carried on only subject to prior authorisation by the Ministry of Economic Affairs and Employment. An authorisation may be granted for a definite or indefinite period. Conditions necessary for the safe conduct and supervision of the space activities may be attached to the authorisation.

The conditions for authorisation are that

- 1) the operator is reliable and has the necessary technical expertise and financial capacity for carrying on space activities;
- 2) the operator has provided a risk assessment concerning its space activities to the Ministry and, according to the assessment, the activities will not cause any particular risk to persons, property or public safety;
- 3) the operator seeks to prevent the generation of space debris and adverse environmental impacts on the earth, in the atmosphere and in outer space in accordance with section 10;
- 4) the operator has made a plan for discontinuing the space activities and for the related measures;
- 5) the space activities are compatible with the national security interests, Finland's international obligations and Finland's foreign policy interests;
- 6) the operator complies with the insurance requirements under section 8;
- 7) the operator complies with the rules of the International Telecommunications Union in force;
- 8) the operator provides evidence of compliance with the export control provisions in force.

In its application for authorisation, the operator shall present such reliable evidence of fulfilling the conditions laid down in subsection 2 and of the ownership of the space object as is necessary for considering the application.

Further provisions on applying for authorisation and on the information and documents to be provided in the application may be laid down by a decree of the Ministry of Economic Affairs and Employment.

Section 6

Registration of space objects

The Ministry of Economic Affairs and Employment shall maintain a public registry of space objects.

Each operator shall provide the Ministry of Economic Affairs and Employment with the following information concerning the space object launched into earth orbit or beyond into outer space:

- 1) name of the launching State or States;
- 2) name of the operator;
- 3) designator or registration number of the space object;
- 4) general function of the space object;
- 5) date and place of launch and launch vehicle;
- 6) orbital parameters of the space object, including:
 - a) nodal period;
 - b) inclination;
 - c) apogee;
 - d) perigee.

Further provisions on the registry of space objects and the information to be recorded in the registry may be laid down by a decree of the Ministry of Economic Affairs and Employment.

Section 7

Liability for damage and the State's right of recourse

Compensation for any damage caused by a space object shall be paid from State funds, with the exception of damage caused to the operator.

The State has the right to recover the compensation paid to the injured party from the operator to the extent that the operator would have been liable for the damage to the injured party under the Tort Liability Act (412/1974).

By derogation from subsection 2, if the damage has been caused on the earth or to aircraft in flight or its passenger or crew member, the State has the right to recover the paid compensation from the operator even if the operator had not caused the damage deliberately or negligently as referred to in chapter 2, section 1, subsection 1 of the Tort Liability Act.

The maximum amount of the State's right of recourse under subsection 3 is 60 million euros. The provision on the maximum amount does not, however, apply if the operator has failed to comply with this Act or the conditions attached to the authorisation granted under section 5.

Section 8

Obligation to insure

The operator shall take out insurance against damage caused by the space activities to third parties at least up to the maximum amount of the State's right of recourse laid down in section 7, subsection 4.

The Ministry of Economic Affairs and Employment may refrain from requiring the insurance referred to in subsection 1 if

- 1) the insurance of the launching company or a corresponding insurance substantially covers the operator's and the State's liability for damage caused by the space activities to third parties; or
- 2) on the basis of the risk assessment conducted on the space activities as referred to in section 5, subsection 2, paragraph 2, the Ministry of Economic Affairs and Employment can accept the risk of damage caused by the space activities on the earth, in the airspace and in outer space.

Further provisions on the insurance referred to in subsection 1 and the preconditions referred to in subsection 2 may be laid down by a decree of the Ministry of Economic Affairs and Employment.

Section 9

Safe conduct of space activities

Space activities shall be carried on without causing any particular risk to persons, property or public safety. Any person participating in the launch, operation or return of a space object shall have the know-how and experience required in the task for having control of the operations under his or her responsibility.

Provisions on activities that endanger flight safety are laid down in section 159 of the Aviation Act (864/2014).

Further provisions on the safe conduct of space activities and on the minimum requirements for devices and operations affecting safety and for the know-how and experience of personnel may be laid down by a decree of the Ministry of Economic Affairs and Employment.

Section 10

Environmental protection and space debris

Space activities shall be carried on in a manner that is environmentally sustainable and promotes the sustainable use of outer space. In its application for authorisation of space activities, the operator shall assess the environmental impacts of the activities on the earth, in the atmosphere and in outer space, and present a plan for measures to counter and reduce adverse environmental impacts. Any nuclear materials and other radioactive materials used in the space object shall be specified in the application for authorisation.

In accordance with generally accepted international guidelines, the operator shall seek to ensure that the space activities do not generate space debris. In particular, the operator shall restrict the generation of space debris during the normal operations of the space object, reduce the risks of in-orbit break-ups and in-orbit collisions and, after the space object has completed its mission, seek to move it into a less used orbit or into the atmosphere.

Further provisions on the environmental impact assessment and measures necessary to avoid the generation of space debris may be laid down by a decree of the Ministry of Economic Affairs and Employment.

Section 11

Transfer of space objects and space activities to others

The effective control of a space object or of space activities may be transferred to another operator or owner only if the Ministry of Economic Affairs and Employment has approved the transfer in advance. The Ministry may approve the transfer if the conditions for authorisation under section 5, subsection 2 are fulfilled. The Ministry may attach conditions necessary for the safe conduct and supervision of the space activities to the authorisation decision.

If a transfer referred to in subsection 1 is made to an operator or owner incorporated in another State, the Ministry of Economic Affairs and Employment may require that the State in question agree with the State of Finland in advance on liability for damage caused by the space object.

Further provisions on applying for the approval referred to in subsection 1 may be laid down by a decree of the Ministry of Economic Affairs and Employment.

Chapter 3

Changes and supervision

Section 12

Obligation to provide information

The operator shall, without delay, inform the Ministry of Economic Affairs and Employment on any changes that may affect the conditions for authorisation under section 5, subsection 2, the conditions attached to the authorisation or the information recorded in the registry of space objects. The operator shall also, without delay, inform the Ministry on any changes of ownership of the space object and on discontinuing the space activities.

Further provisions on the information to be provided may be laid down by a decree of the Ministry of Economic Affairs and Employment.

Section 13

Amending and withdrawing an authorisation

The Ministry of Economic Affairs and Employment may amend an authorisation granted for space activities or withdraw the authorisation if

- 1) the application for authorisation or its annexes have contained erroneous or imperfect information which has essentially influenced the consideration of the application;
- 2) the operator no longer fulfils the essential conditions for authorisation laid down in section 5, subsection 2;
- 3) the operator has essentially neglected or violated an obligation or restriction laid down in this Act or the conditions attached to the authorisation; or
- 4) amending or withdrawing the authorisation is necessary because of Finland's international commitments or obligations.

Before making a decision referred to in subsection 1, the Ministry shall set a time limit for the operator to correct the imperfection, error, violation or neglect.

In its decision to amend or withdraw an authorisation, the Ministry may impose necessary conditions concerning the safe continuation or discontinuation of the space activities. When withdrawing an authorisation, the Ministry may also order the operator to transfer the space activities to another operator for continuation.

Section 14

Supervision

The Ministry of Economic Affairs and Employment shall supervise compliance with this Act and the provisions laid down by virtue of it.

The operator shall annually submit a report on its space activities to the Ministry of Economic Affairs and Employment. The Ministry also has the right to obtain any other information necessary for the supervision from the operator.

Further provisions on the content of the report referred to in subsection 2 and on the information necessary for the supervision may be laid down by a decree of the Ministry of Economic Affairs and Employment.

Section 15

Right of inspection

The Ministry of Economic Affairs and Employment has the right to conduct such inspections of the operator's space activities and space object as are necessary for supervision under section 14. The Ministry has the right to have the inspection conducted by an independent expert. When performing tasks under this section, the expert is subject to provisions on criminal liability for acts in office. Provisions on liability for damages are laid down in the Tort Liability Act.

Notwithstanding secrecy provisions laid down by law, a public official or an independent expert conducting an inspection has, to the extent necessary for the inspection, the right of access to premises possessed or used by the operator which are used or to be used for the space activities, and to any other areas relevant to the supervision of the space activities, and the right to obtain the documents and information necessary for the supervisory task for examination. No inspection shall be conducted in premises used for residence of a permanent nature. The provisions of section 39 of the Administrative Procedure Act (434/2003) shall be complied with in the inspection.

Chapter 4

Miscellaneous provisions

Section 16

Found space objects

If anyone finds an object that can be suspected to originate from a space object, the nearest police, border guard or military authority shall, without delay, be notified of the find. The object shall not be removed or moved without the authorisation of the above-mentioned

authority unless there are very serious reasons to the contrary. On request, the object shall be delivered to the above-mentioned authority.

Any expenses incurred from making the notification referred to in subsection 1 or from recovering, storing, delivering or returning the object shall be paid from State funds.

Section 17

Opinions

When performing its duties referred to in section 5, section 8, subsection 2, and section 11, the Ministry of Economic Affairs and Employment may request necessary opinions from other authorities and independent experts having special expertise. The Ministry may request opinions also when assessing the fulfilment of the preconditions for amending or withdrawing an authorisation by virtue of section 13, or when conducting supervision referred to in section 14.

Section 18

Right of an authority to obtain information

Notwithstanding secrecy provisions, the Ministry of Economic Affairs and Employment has the right to obtain from other authorities such information on details concerning the operator as is necessary for performing its duties.

Section 19

Conditional fine

The Ministry of Economic Affairs and Employment may impose a conditional fine to enforce its decision made by virtue of section 13, subsection 3.

Section 20

Appeal

A decision made by the Ministry of Economic Affairs and Employment by virtue of this Act may be appealed against to an administrative court. A decision of an administrative court may be appealed against only if the Supreme Administrative Court grants leave to appeal.

Section 21

Penal provisions

Anyone who intentionally or through gross negligence

1) carries on space activities without an authorisation referred to in section 5 or an approval referred to in section 11;

2) transfers the effective control of a space object or space activities to another operator or owner without an approval referred to in section 11; or

3) neglects the obligation to take out insurance laid down in section 8 or the obligation to provide information referred to in section 12 or section 14, subsection 2,

shall, unless the act is of minor significance or a more severe penalty has been provided for it elsewhere in law, be sentenced for a *violation concerning space activities* to a fine.

The penalty for a registration offence is laid down in chapter 16, section 7 of the Criminal Code, and the penalty for providing false documents to a public authority in chapter 16, section 8 of the Criminal Code.

Section 22

Entry into force

This Act enters into force on 23 January 2018.

The Act repeals the Act on the Rescue and Return of Astronauts and the Return of Space Objects (616/1970).

Space activities launched before the entry into force of this Act may be continued without an authorisation referred to in section 5 or an approval referred to in section 11 for twelve months from the date of entry into force of the Act.