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Law of 20 July 2017 on the exploration and use of space resources.



Unamended basic act

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Author: [Economy](#)Main topics: [outer space](#)Secondary subjects: [space activity](#), [space resources](#), [exploitation](#)

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We Henri, Grand Duke of Luxembourg, Duke of Nassau,

Our Council of State heard;

The consent of the Chamber of Deputies;

Having regard to the decision of the Chamber of Deputies of 13 July 2017 and that of the Council of State of 14 July 2017 that there is no need for a second vote;

*Have ordered and ordered:***Art. 1.**

Space resources are subject to appropriation.

Art. 2.

(1) No person may explore or use the resources of space without being in possession of a written mission approval from the minister or ministers responsible for the economy and activities of space (hereinafter "the ministers").

(2) No one may be authorized to carry out the activity referred to in paragraph 1 either under the cover of another person or as an intermediary for the exercise of that activity.

(3) The authorized operator may only carry out the activity referred to in paragraph 1 in accordance with the conditions of its approval and Luxembourg's international obligations.

(4) This Act does not apply to satellite communications, orbital positions or the use of frequency bands.

Art. 3.

Approval is granted to an operator for a mission to explore and use space resources for commercial purposes upon written request to the ministers.

Art. 4.

Approval for a mission may only be granted if the applicant is a public limited company, a limited partnership or a limited liability company under Luxembourg law or a European company with its registered office in Luxembourg.

Art. 5.

Approval is personal and non-transferable.

Art. 6.

The application for accreditation must be accompanied by all the information relevant to its assessment as well as a mission program.

Art. 7.

(1) Egregation is subject to proof of the existence in Luxembourg of the central administration and registered office of the operator to be approved, including the administrative and accounting structure.

(2) The operator to be approved must have a strong system of financial, technical and legal procedures and procedures by which the mission of exploration and use, including marketing, of space resources is planned and implemented. It still needs a strong internal governance system including a clear organizational structure with a well-defined, transparent and consistent shared responsibility, effective processes for detecting, managing, controlling and reporting the risks to which it is or could be exposed, adequate internal control mechanisms, including sound administrative and accounting procedures, and control and security mechanisms for its technical systems and applications.

(3) The devices, processes, procedures and mechanisms referred to in this section are comprehensive and adapted to the nature, scale and complexity of the risks inherent in the operator's business model to be licensed as well as to the mission for which approval is sought.

Art. 8.

(1) Assent is subject to the communication to the Ministers of the identity of the shareholders or partners, direct or indirect, natural or legal persons, who hold a direct or indirect interest of at least 10 percent of the capital or voting rights in the operator, and the amount of such interests or, if this 10 percent threshold is not reached, the identity of the twenty main shareholders or partners.

Approval is refused if, taking into account the need to guarantee healthy and prudent operation, the quality of such shareholders or partners is not satisfactory.

(2) The concept of healthy and prudent operation is assessed in the light of the following criteria:

- the professional good repute of the operator to be approved and the shareholders and partners referred to in paragraph 1;
- the good repute, knowledge, skills and experience of any member of the management body of shareholders and partners referred to in paragraph 1;
- the financial soundness of the shareholders and partners referred to in paragraph 1;
- the existence of reasonable grounds to suspect that a money laundering or terrorist financing transaction or attempt is underway or has taken place in connection with the proposed exploration mission or use of space resources or that such exploration mission or use could increase its risk.

The good repute of the members of the management body of the shareholders or partners referred to in paragraph 1 shall be assessed under the terms of the second sentence of Article 9(1).

Art. 9.

(1) Ental is subject to the condition that the members of the operator's management organ have at all times the good repute, knowledge, skills and experience necessary for the exercise of their powers, duties and functions. Good repute is assessed on the basis of the criminal record and all elements likely to establish that the persons concerned enjoy a good reputation and offer all the guarantees of impeccable activity.

(2) The persons responsible for managing the operator must be at least two and must be empowered to effectively determine the direction of the activity. They must have adequate professional experience by having already carried out similar activities to a high level of responsibility and autonomy in the space sector or a related sector.

(3) Any change in respect of the persons referred to in paragraph 1 must be communicated to the ministers in advance.

Ministers may request any necessary information on persons who may have to meet the legal conditions of good repute or professional experience. Ministers oppose the proposed change if these people do not enjoy adequate professional honorability, adequate professional experience or if there are objective and demonstrable reasons to believe that the proposed change could compromise healthy and prudent exploitation.

(4) The granting of approval implies for the members of the management body the obligation to notify ministers spontaneously in writing and in a complete, consistent and understandable form of any change in the substantial information on which the ministers relied to examine the application for approval.

Art. 10.

(1) The application for accreditation must be accompanied by a mission risk assessment. It specifies the coverage of these risks by its own financial means, by an insurance policy of an insurance company not belonging to the same group as the operator to be approved or by a guarantee from a credit institution not belonging to the same group as the operator to be approved.

(2) Accreditation is subject to the existence of financial assistance appropriate to the risks associated with the engagement.

Art. 11.

(1) The authorization is subject to the condition that the operator to be approved entrusts the control of its annual accounting documents to one or more auditors of approved companies who have adequate professional experience.

(2) Any change in the head of registered auditors must be authorized in advance by the ministers.

(3) The institution of commissioners who may form a supervisory board, provided for in the [Law of 10 August 1915](#) on commercial companies as amended, applies to operators only in cases where the Commercial Companies Act requires it even if there is a company auditor.**Art. 12.**

The approval describes how the operator to be approved meets the conditions of Articles 6 to 11(1). It may also contain provisions on:

- activities to be carried out in or from the territory of the Grand Duchy;
- the limits that could be attached to the mission;
- the procedures for monitoring the mission;
- the conditions used to ensure that the operator complies with his obligations.

Art. 13.

For each application for registration, a fee is set by the ministers to cover the administrative costs incurred in processing the application. This fee varies between 5,000 and 500,000 euros depending on the complexity of the request and the volume of work.

A Grand Ducal regulation determines the procedure applicable to the collection of the fee.

Art. 14.

(1) The authorization is withdrawn if the conditions for granting it are no longer met.

(2) The authorization is withdrawn if the operator does not use it within thirty-six months of its grant, renounces it or has ceased to carry on business within the last six months.

(3) The approval is still withdrawn if it was obtained by false statements or by any other irregular means.

Art. 15.

Ministers are in charge of the ongoing monitoring of missions for which approval has been granted.

Art. 16.

An operator who has obtained an authorization for a mission is fully responsible for damage caused during the mission, including during all work and preparatory duties.

Art. 17.

Obtaining accreditation for a mission does not exempt the need to obtain other required approvals or authorizations.

Art. 18.

(1) A person who contravened or attempted to contravene Article 2 is punishable by imprisonment from eight days to five years and a fine of 5,000 to 1,250,000 euros or one of these penalties only.

(2) A person who contravened or attempted to contravene the provisions of the provisions of the first subparagraph of Articles 5, 9, paragraph 3, 11, paragraph 1 or 2 or under the approval or under the approval, respectively, shall be punishable by imprisonment from eight days to 500,000 euros and a fine of 1,250 to 500,000 euros or one of these penalties only.

(3) Without prejudice to paragraphs 1 and 2, the court seized may order the cessation of exploitation contrary to the provisions of this Law on pain of periodic penalty payment, the maximum of which may not exceed €1,000,000 per day of infringement found.

Let us order and order that this law be inserted in the Official Journal of the Grand Duchy of Luxembourg to be executed and observed by all those concerned.

The Minister of the Economy,
Étienne Schneider

Cabasson, July 20, 2017.
Henri

Parl. Doc. 7093; sess. ord. 2016-2017.

Relations

Quoted by (1) ▼

Project (1) ▼

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