

ACT No. 378

of 28 November 2024

on the regulation of space activities and on the amendment to Act of the National Council of the Slovak Republic No. 145/1995 Coll. on administrative fees, as amended

The National Council of the Slovak Republic has passed the following act:

Article I

Basic Provisions

Section 1

This Act governs

- a) conducting of regulated space activities,
- b) the establishment of a National Registry of Space Objects (hereinafter referred to as the “registry”),
- c) the competences of government authorities in the field of space activities.

Section 2

(1) Regulated space activity means

- a) the commissioning of a space object, including associated preparatory and control work,
- b) the launch and control of the space object, including its return to Earth.

(2) Space object means a man-made object intended to be launched or launched into outer space, including its components, as well as the vehicle of the space object and its parts.

(3) Outer space means the space exceeding 100 km above sea level.

(4) Launching State means a State which launches or procures the launching of a space object or a State from whose territory or launch facility a space object is launched.

(5) Operator means a person who conducts or intends to conduct regulated space activities under an authorisation to conduct regulated space activities (hereinafter referred to as the “authorisation”).

(6) Space debris means a non-functional and non-purposeful space object or part thereof located in outer space.

Authorisation

Section 3

(1) A regulated space activity may be carried out only on the basis of an authorisation issued by the Ministry of Transport of the Slovak Republic (hereinafter referred to as the “Ministry of Transport”) on the basis of a written application for the issuance of an authorisation.

- (2) The Ministry of Transport shall issue the authorisation if /
- a) the regulated space activity does not pose an imminent threat to the defence or security of the Slovak Republic, public order, the safety of persons, property or public health,
 - b) the regulated space activity is not contrary to the international obligations of the Slovak Republic or to the foreign policy interests of the Slovak Republic,
 - c) the regulated space activity will not lead to the launching of weapons, weapons testing or the construction of a military base in outer space,
 - d) the applicant has integrity,
 - e) the applicant is professionally competent; a person who has technical knowledge and expertise in the field of space activities and who has conducted activities related to the regulated space activity shall be deemed to be professionally competent to conduct the regulated space activity,
 - f) the applicant meets the technical prerequisites for conducting the space regulated activity,
 - g) the applicant demonstrates that they have taken appropriate measures to limit the generation of space debris and that the regulated space activity will not cause unreasonable pollution of outer space or adverse changes to the Earth's environment and its atmosphere,
 - h) the applicant demonstrates that they are able to ensure the termination of the regulated space activity,
 - i) the applicant demonstrates compliance with the mandatory requirements of the Radio Regulations of the International Telecommunication Union relating to orbital positions and frequency allocation,
 - j) the applicant has taken out a liability insurance policy, if required under Section 11(2); and
 - k) the applicant is financially capable.

(3) For the purposes of this Act, a person shall be deemed to be of the integrity pursuant to paragraph 2(d) if they have not been convicted of a deliberate criminal offence; in the case of a legal person, the person who is its statutory body or a member of its statutory body shall also prove their integrity. The integrity shall be proved by an extract from the criminal record and, for this purpose, the natural person shall be obliged to provide the Ministry of Transport with the data necessary for requesting an extract from the criminal record. The data pursuant to the first sentence shall be sent without delay by the Ministry of Transport in electronic form via electronic communication to the General Prosecutor's Office of the Slovak Republic for the issue of an extract from the criminal record. For a foreign person, an extract from the criminal record shall be deemed to be an extract from the criminal record issued by the competent authority of the State of which the natural person is a national or in which the legal person has its registered office; if such a document is not issued in that State, the extract from the criminal record shall be replaced by an equivalent document issued by a competent judicial or administrative authority or by an affidavit certified by the competent authority of that State. The extract from the criminal record must not be more than three months old at the time of submission and must be accompanied by an officially certified translation into the official state language.

(4) An applicant who will conduct a regulated space activity in the interest of the defence and security of the Slovak Republic may, when applying for an authorisation, apply to the Ministry of Transport for an exemption from compliance with the conditions under this Act, except for paragraph 2(i) and (j) and Section 10(1)(a) to (e). The exemption shall be decided by the Ministry of Transport in agreement with the Ministry of Defence of the Slovak Republic (hereinafter referred to as the "Ministry of Defence").

Section 4

(1) The application for an authorisation shall include

- a) the identification of the applicant, to the extent
 1. the name, surname, date of birth, permanent address and nationality if a natural person,
 2. the business name, name and surname if different from the business name, the organisation identification number, if assigned, or a similar number, and the place of business, if a natural person entrepreneur,
 3. the name, legal form, registered office address, organisation identification number, if assigned, or a similar number, the name, surname and permanent address of the statutory body or its members, if a legal person,
- b) the applicant's contact details and the data necessary for requesting an extract from the criminal record,
- c) a basic description of the regulated space activity for which authorisation is sought,
- d) other facts which may have an influence on the granting of the authorisation.

(2) The application for an authorisation shall be accompanied by

- a) a detailed description of the regulated space activity, for example in the form of a business plan or project plan, for which authorisation is sought, in particular
 1. a description of the space object, its detailed technical specification and the purpose of its use,
 2. the identification of the cooperating State if the regulated space activity is conducted by more than one State,
 3. the list and quantity of nuclear materials and other radioactive materials used in the space object, without prejudice to the provisions governing authorisation requirements under the Atomic Act,
 4. information on the data to be collected and processed and to whom it is intended to provide it; and
 5. the expected lifetime of the space object,
- b) the identification of the manufacturer of the space object to the extent of the data referred to in paragraph 1(a) second or third subparagraph,
- c) a contingency plan in the event of loss of control of the space object, communication and data link failure or other exceptional operational events,
- d) a detailed description of the termination of the regulated space activity,
- e) an affidavit that the regulated space activity does not pose an imminent threat to the defence or security of the Slovak Republic, public order, the safety of persons, property or public health,
- f) an affidavit that the regulated space activity is not contrary to the international obligations of the Slovak Republic or to the foreign policy interests of the Slovak Republic,
- g) an affidavit that the regulated space activity will not lead to the launching of weapons, weapons testing or the construction of a military base in outer space,
- h) a description of appropriate measures to limit the generation of space debris and unreasonable pollution of outer space, celestial bodies or adverse changes in the Earth's environment and atmosphere,
- i) a description of the applicant's financial capability, including a projected profit and loss account, a cash flow forecast, including a risk analysis indicating what financial control measures have been taken to ensure the continuity of the regulated space activity for a period of 24 months from the date of issue of the authorisation; a person against whom bankruptcy proceedings have been initiated or bankruptcy has been declared over their property, who are in liquidation, bankruptcy proceedings against them have been terminated for lack of

assets or bankruptcy has been annulled for lack of assets, or who does not have settled financial relations with the State budget, has tax arrears registered with the tax administrator or has arrears registered with the tax office or customs office, has arrears registered with the social insurance agency, or has overdue debts registered with the health insurance company, shall not be considered financially capable,

- j) proof of payment of the administrative fee,
- k) information on the applicant's regulated space activities,
- l) identification of the professionally competent person responsible for the conduct of the space regulated activity and other persons who are to participate in the conduct of the space regulated activity, to the extent referred to in paragraph 1(a), together with proof of their education with a technical focus or proof of their technical knowledge, expertise pursuant to Section 3(2)(e), conduct of the activity related to the regulated space activity and technical qualifications pursuant to Section 3(2)(f).

(3) No later than 30 days prior to the planned launch of the space object, the applicant shall submit to the application for an authorisation

- a) information on the contract concluded with the launch facility operator, including identification of the contracting parties, the location of the space object launch, and the launch schedule,
- b) a test report to verify the technical capability of the space object,
- c) information on the cooperation agreement concluded, if the authorised space regulated activity is conducted on the basis of an agreement with other States,
- d) information on the liability insurance policy taken out for the operation of the space object, the amount of the insurance cover and the insurer's liability pursuant to the second sentence of Section 11(1), or an analysis of the risks of causing damage if the space object is not subject to insurance pursuant to Section 11(3),
- e) a certificate of specific professional competence to operate the selected radio equipment, if required by the regulated space activity which is the subject of the application for authorisation,
- f) an individual authorisation for the use of frequencies.

(4) A model of the application for the issue of an authorisation, the application for an amendment of an authorisation, the application for a change of operator and the application for the cancellation of an authorisation is published on the website of the Ministry of Transport in the official language. If the original of the document referred to in paragraph 3(b) is drawn up in English or Czech, it may be submitted in that language, otherwise the applicant shall be obliged to submit an officially certified translation into the official language.

(5) The Ministry of Transport shall send the application for an authorisation or the application for a change of operator together with the annexes for the issuance of an opinion to the Ministry of Defence, the Ministry of Foreign and European Affairs of the Slovak Republic, the Ministry of Education, Research, Development and Youth of the Slovak Republic and the Nuclear Regulatory Authority of the Slovak Republic, if the regulated space activity is related to nuclear material or other radioactive material (hereinafter referred to as the "authority concerned"). If the authority concerned reasonably requests the Ministry of Transport to supplement more detailed information on the facts stated in the application for an authorisation and its annexes, the applicant shall be obliged to supplement them without delay through the Ministry of Transport. The authority concerned shall send its opinion to the Ministry of Transport within 30 days of the date of receipt of the request for an opinion from the Ministry

of Transport, on the application referred to in the first sentence which complies with the requirements of paragraphs 1 and 2.

(6) The disagreement of the authority concerned shall be binding on the Ministry of Transport. If the authority concerned does not proceed in accordance with paragraph 5, it shall be presumed to agree to the issue of the authorisation or to the change of operator.

(7) The Ministry of Transport shall issue an authorisation or a decision on the change of operator if the opinions of the authorities concerned are favourable and if the applicant meets the conditions for the issue of an authorisation pursuant to Section 3(2).

Section 5

The authorisation shall include

- a) the identification of the operator,
- b) a description of the regulated space activity,
- c) conditions, obligations or restrictions on the conduct of the regulated space activity as determined by the Ministry of Transport, in particular in the field of defence or security of the Slovak Republic, space debris or the provision of data pursuant to Section 15,
- d) the period of validity of the authorisation.

Section 6

(1) The operator shall notify the Ministry of Transport within seven days of

- a) any fact which may result in a modification of the authorisation or the revocation of the authorisation,
- b) the termination of the regulated space activity.

(2) Changes notified by the operator pursuant to paragraph (1) shall be notified without delay by the Ministry of Transport to the authorities concerned.

Modification, Revocation and Termination of Authorisation

Section 7

(1) The Ministry of Transport shall modify an authorisation on the basis of an application by the operator in the case of

- a) an extension of the period of validity of the authorisation; the Ministry of Transport shall extend the period of validity of the authorisation if the operator demonstrates that the launched space object is still fit for purpose, the application to be made not later than 45 days before the expiry of validity of the authorisation,
- b) a change of the professionally competent person pursuant to Section 4(2)(1),
- c) a change of operator; the application shall contain the particulars referred to in Section 4 and the written consent of the person to whom the rights and obligations under the authorisation have been transferred and who meets the conditions of Section 3(2).

(2) The Ministry of Transport shall revoke the authorisation if the operator

- a) ceases to meet the conditions pursuant to Section 3(2),
- b) has not provided true information in the application for an authorisation,
- c) applies for cancellation of the authorisation.

(3) The Ministry of Transport may, in the decision on the revocation of the authorisation, impose obligations on the operator to ensure the temporary continuation or safe termination of the conduct of the regulated space activity until the date of loss of validity of the authorisation; if the operator fails to comply with these obligations, the Ministry of Transport shall decide to entrust the conduct of the regulated space activity to another operator, if the other operator agrees to this. In the decision on the revocation of the authorisation and in the decision to entrust the conduct of the regulated space activity to another operator, the Ministry of Transport may specify a specific period of validity of the authorisation if it is not possible to ensure the temporary continuation or safe termination of the performance of the regulated space activity by the date of loss of validity of the authorisation.

Section 8

The authorisation shall lapse

- a) upon the expiry of its period of validity,
- b) upon the revocation of the authorisation,
- c) upon the expiry of a specific period of validity specified in the decision entrusting the conduct of the regulated space activity pursuant to Section 7(3), if specified by the Ministry of Transport,
- d) upon the dissolution of the operator, if it is a legal person,
- e) upon the death of the operator or them being declared dead.

Registry **Section 9**

(1) A registry shall be established, which shall be administered and operated by the Ministry of Transport.

(2) The registry shall record all space objects for which the Slovak Republic is a launching State under an international treaty to which the Slovak Republic is bound and which are covered by a valid authorisation.

(3) If the launching State is a State other than the Slovak Republic, the person participating in the regulated space activity on behalf of the Slovak Republic shall, no later than on the day of the launch of the space object, send information on the launch of the space object together with a copy of the agreement on cooperation on the launch of the space object to the Ministry of Transport.

(4) During the stay of the space object in outer space, the space object registered in the registry and its crew shall fall under the jurisdiction of the authorities of the Slovak Republic.

(5) The registry is publicly accessible on the website of the Ministry of Transport.

Section 10

- (1) The following shall be entered in the registry
- a) the name of the launching State,

- b) the call sign of the radio station located on board the space object assigned by the Regulatory Authority for Electronic Communications and Postal Services under the Radio Regulations of the International Telecommunication Union,
- c) the territory, location, date and coordinated universal time of the launch of the space object,
- d) the basic orbital parameters, including
 1. nodal period,
 2. inclination,
 3. apogee,
 4. perigee,
- e) general function of the space object,
- f) communication frequencies of the space object,
- g) such other data as may be specified by the Ministry of Transport, if necessary in view of the technical condition of the space object or obligations arising from an international treaty by which the Slovak Republic is bound.

(2) At least 30 days before the planned launch of the space object, the operator shall apply for its entry in the registry and shall include in the application the data referred to in paragraph 1(a) to (e) and (g).

(3) The Ministry of Transport shall electronically register the space object in the United Nations Register of Objects Launched into Outer Space at the latest on the date of launch of the space object.

(4) The operator shall immediately notify the Ministry of Transport in writing of any change or addition to the data entered in the registry.

(5) The Ministry of Foreign and European Affairs of the Slovak Republic shall, upon written request of the Ministry of Transport, notify the Secretary-General of the United Nations of the data referred to in paragraph 1(a) to (e) and (g) and of any change thereto.

Section 11

Liability for Damage and the Right of Recourse

(1) If the damage caused by the operation of a space object is compensated by the Slovak Republic in accordance with an international treaty to which the Slovak Republic is bound, the insurer with which the operator who caused the damage has concluded an insurance policy pursuant to paragraph 2 shall pay the insurance indemnity to the Ministry of Transport, up to the amount of the compensation for the damage caused by the operation of the operator's space object which the Slovak Republic has paid to the injured party, but no more than up to the limit of the insurance indemnity determined by the insurance policy concluded between the insurer and the operator who caused the damage. If the operator causes the damage intentionally, they shall be obliged to compensate the Ministry of Transport for the entire indemnified damage paid by the Slovak Republic to the injured party.

(2) For the purpose of covering the risk of liability for damage which may arise in connection with the operation of a space object, the applicant shall be obliged to take out a liability insurance policy with a limit of insurance indemnity of not less than EUR 60 000 000 per insured event, unless paragraph 3 provides otherwise. The liability insurance policy shall contain an undertaking for the insurer to pay the insurance indemnity in the event of damage arising in connection with the operation of the space object to the Ministry of Transport.

(3) The applicant shall not be obliged to take out a liability insurance policy if the space object has a mass of less than 100 kg and is constructed of materials which guarantee that the space object will burn up on re-entry into the atmosphere; this shall not apply if there is a high risk of damage resulting from a damage risk analysis carried out.

(4) If the operator of the launched space object is a State authority of the Slovak Republic, the State authority shall be liable for the damage caused.

Section 12

Supervision

(1) Supervision of compliance with the obligations under this Act shall be exercised by the Ministry of Transport and the Ministry of Defence; the competence of other authorities under special regulations shall not be affected.

(2) Supervision shall be carried out by means of administrative and on-site inspections and by examining written and oral statements made by the operator and their employees or persons acting on their behalf, as well as by examining the facts resulting from the documents and data submitted.

(3) If the immovable property in which the regulated space activity is carried out or the controlled facility is located belongs to the administration of the Ministry of Defence, or is State property under the administration or use of a State-budget funded organisation, a contributory organisation or a State enterprise of which the Ministry of Defence is the founder or settlor, the supervision of compliance with the operator's obligations under this Act shall be carried out by the Ministry of Defence.

(4) The supervisory authority may invite an employee of another general government authority or a legal person or a natural person (hereinafter referred to as the "invited person") to carry out the supervision with their consent, if this is justified by the specific nature of the supervision to be carried out. The invited person shall have the right to carry out supervision on the basis of an authorisation issued by the supervisory authority. The participation of the invited person in supervision shall be regarded as another act of general interest for which they shall be entitled to a remuneration equal to their average earnings and demonstrably incurred expenses. The costs demonstrably incurred by the invited person in connection with the exercise of supervision shall be reimbursed by the supervisory authority. The invited person shall have the same rights and obligations as the authorised employee of the supervisory authority pursuant to paragraph 5, except for the power to verify the identity of the operator or of persons acting on behalf of them; the supervisory authority may provide for a narrower scope of rights and obligations in the authorisation of the invited person to carry out supervision. The invited person shall be excluded from the exercise of supervision where, having regard to their relationship with the subject matter, the operator or their staff, their impartiality may be doubted.

(5) The employee authorised to carry out supervision shall, when carrying out supervision

- a) be authorised to enter the land and premises of the operator where the regulated space activity is conducted or the controlled facility is located,
- b) be authorised to verify the identity of the operator, their employees or persons acting on behalf of the operator, to request documents, data and written or oral explanations from the operator,

- c) be authorised to make visual, audio and audio-visual recordings to document the facts established; personal data shall not be processed by technical means,
- d) be obliged to show the service card authorising them to carry out the supervision when carrying out an on-site inspection,
- e) be obliged to draw up a written record of the supervision without delay,
- f) notify the operator in writing of the deficiencies detected in the supervision record.

(6) The operator shall

- a) be obliged to tolerate the exercise of supervision pursuant to paragraph 5, to grant the authorised employee of the supervisory authority access to all premises and to all equipment used by the operator in connection with the conduct of the regulated space activity and to provide the supervisory authority with all required information and documents,
- b) be entitled to comment on the identified deficiencies within a reasonable period of time determined by the supervisory authority,
- c) be obliged to remedy the deficiencies identified within a period specified by the supervisory authority and notify the supervisory authority in writing of their remedy.

(7) The supervisory authority shall

- a) give the operator a reasonable period of time in the supervision record to comment on the results of the supervision where they have identified a deficiency,
- b) examine the validity of the objections raised in the operator's comments on the deficiencies identified in the supervision record, if submitted within the period referred to in point (a),
- c) notify the operator in writing of the outcome of the examination of the operator's objections pursuant to point (b), together with the substantiation; they shall take account of the substantiated objections in an addendum to the supervision record,
- d) order the remedy of the deficiencies identified within a reasonable period of time to be determined by them if remedy is possible.

(8) The employee of the supervisory authority and the invited person shall be obliged to maintain confidentiality vis-à-vis the third party with regard to the facts constituting the subject of business secrecy and other facts which have come to their knowledge in the course of and in connection with the exercise of supervision. The obligation of confidentiality shall continue even after the termination of the employment relationship, similar relationship or function; in the case of the invited person, the obligation of confidentiality shall continue even after the performance of an act in the general interest. The disclosure of information subject to an obligation of confidentiality to a court of law, to a law enforcement authority for the purposes of criminal proceedings or by consent of the person who provided the information or to whom the information relates shall not be deemed to be a breach of confidentiality under this paragraph.

Section 13

Administrative Offences

(1) The Ministry of Transport shall impose a fine from 5 000 EUR to 10 000 EUR on a person who

- a) fails to send to the Ministry of Transport the data for entry in the registry pursuant to Section 10,
- b) fails to notify the Ministry of Transport in writing of changes or additions to the data pursuant to Section 10,

- c) fails to notify the Ministry of Transport of a fact which could affect the validity of the authorisation or its modification,
- d) fails to notify the Ministry of Transport of circumstances that prevent the operation or operational control of the space object or the change or termination of its regulated space activity; or
- e) fails or refuses to allow the exercise of supervision or fails to remedy the deficiencies identified in the supervision record pursuant to Section 12(7)(d).

(2) The Ministry of Transport shall impose the fine from 10 000 EUR to 50 000 EUR on a person who

- a) conducts a regulated space activity without an authorisation,
- b) violates the conditions, obligations or restrictions contained in the authorisation,
- c) fails to carry out the obligations to ensure the temporary continuation or safe termination of the conduct of the regulated space activity specified in the decision to revoke the authorisation,
- d) makes a change of operator in breach of Section 7(1)(c); or
- e) fails to report without delay to the Ministry of Transport an accident or incident which poses a risk to human safety, the environment or the maintenance of public order and national security and fails to take appropriate measures to prevent or minimise the consequences of such an accident or incident.

(3) In the case of a minor breach of an obligation under paragraph 1, the Ministry of Transport may, before deciding on the imposition of the fine, require the person to desist from the unlawful conduct, to take measures to remedy the consequences of the unlawful conduct within a specified period of time and, at the same time, shall instruct them of the consequences in the event of failure to take such measures. If the person desists from the unlawful conduct and carries out the measures notified in the notice within the specified period, the Ministry of Transport shall not impose the fine. If the person does not desist from the unlawful conduct and does not carry out the measures to remedy the consequences of the unlawful conduct communicated in the notice within the specified period, the Ministry of Transport shall impose the fine referred to in paragraph 1.

(4) In determining the amount of the fine, the Ministry of Transport shall take into account in particular the gravity, manner, duration and consequences of the unlawful conduct.

(5) The fine shall be payable within 30 days of the date on which the decision imposing it becomes final.

(6) If, within one year from the date on which the decision imposing the fine becomes final, the obligation for which the fine was imposed is breached again, the Ministry of Transport shall impose the fine of up to twice the upper rate of the fine under paragraph 1 or paragraph 2.

(7) The fine may be imposed up to two years from the date of discovery of the breach, but not later than four years from the date of the breach of the obligation; the date of discovery of the breach shall be deemed to be the date of notification of the deficiencies found. The fines shall be revenue of the State budget.

Common Provisions

Section 14

- (1) The Administrative Procedure Code shall not apply to
- a) the issuing of opinions of the authorities concerned (Section 4(5) and (6)),
 - b) the entry of space objects in the registry and the entry of changes to the data entered in the registry (Sections 9 and 10).

(2) If an application for an authorisation or an application for a change of operator is rejected on the grounds that the foreign policy interests of the Slovak Republic or the interests of the defence and security of the Slovak Republic are at stake (Section 4(6)), only this fact shall be stated in the justification of the decision.

(3) The Ministry of Transport shall suspend the proceedings, in addition to the reasons under the Administrative Procedure Code, if the authority concerned reasonably requests that more detailed information be added to the facts stated in the application for an authorisation and the application for a change of operator.

Section 15

In the case of a space object referred to in Section 11(3), the operator shall be obliged to provide data or other outputs obtained from regulated space activity throughout the period of operation of the space object

- a) to the Ministry of Education, Research, Development and Youth of the Slovak Republic for the purpose of using them for scientific, research and development, educational and training activities; and
- b) to the Ministry of Economy of the Slovak Republic for the purpose of their contribution to the development of industry and economy in the Slovak Republic.

Section 16

(1) A public authority shall provide the Ministry of Transport or the Ministry of Defence, at its request, with assistance in the exercise of its powers under this Act.

(2) Where information is exchanged between the Ministry of Transport and other public authorities, applicants and operators, the recipient shall ensure the same level of protection as the provider; this shall be without prejudice to special regulations on the protection of classified information.

Section 17

The operator shall be obliged to take and comply with appropriate measures to limit the production of space debris, depending on the technical condition of the space object, taking into account international guidelines for the limitation of space debris.

Section 18 **Transitional Provision**

A space object registered by the Slovak Republic pursuant to an international treaty by which the Slovak Republic is bound as of 31 January 2025 shall be considered, as of 1 February 2025,

to be a space object registered by the Slovak Republic in the United Nations Register of Objects Launched into Outer Space pursuant to this Act.

Article III

This Act shall come into effect on 1 February 2025.