



## TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS

# Space sector: ANACOM's public consultations and regulatory plan

## 1. Consultation on the Regulation for Access to and Participation in Space Activities

Following the recent approval of [Decree-Law 20/2024](#) at the end of July 2024, the National Communications Authority (ANACOM) has launched a public consultation on the proposals to amend the Regulation for Access to and Participation in Space Activities (available [here](#)).

The proposed amendments to Regulation 697/2019 are open for public comment until 6 September 2024.

The aim of the consultation document is to adapt the legal framework for space activities to the new trends and requirements of the single market. ANACOM is now seeking the market's opinion on proposals to update [Regulation 697/2019](#).

The main changes include:

- Adaptation of the requirements for the identification of candidates.
- Clarification of the technical, economic and financial criteria in Article 11.
- Obligation for ANACOM to inform the Autonomous Regions of the Azores and Madeira within 15 days of issuing licences for operations to launch and/or return objects to such territories, including adjacent maritime regions (Article 22(7)), as well as the transfer of licences (Article 30(6)).
- The introduction of a unified licensing process for space operations, applicable to single and multiple operators (Article 8(2) of Decree-Law 20/2024).
- A new chapter on launch centres: Articles 32-A to 32-M introduce a new chapter detailing the procedures, criteria and maximum duration of licences for the operation of launch centres. The objective is to regulate the licensing rules created by Decree-Law 20/2024 and to repeal the previous articles on systems and manuals of the launch centres.

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These amendments reflect the significant updates introduced by Decree-Law 20/2024 to the Portuguese legislation governing space activities in Portugal. Among the new provisions is the creation of a national licensing system for launch centres, aimed at meeting the growing demand for these facilities and the European interest in access to space. The plan is to develop a set of rules that guarantee security and protect national strategic interests, allowing private entities to build and operate launch centres. This flexibility will encourage innovation and bring Portugal in line with global best practices.

## **2. ANACOM's Strategic Guidelines and the space sector**

The public consultation, mentioned above, is in line with ANACOM's strategic vision for the period 2025-2027, particularly in the space sector. This strategic vision is also open for public consultation until 6 September 2024 (see [here](#)) and underlines ANACOM's commitment to the development of digital and space ecosystems.

ANACOM's main objectives in the space ecosystem are:

- Strengthening powers: ANACOM intends to strengthen its role as a space authority by implementing the national regulatory framework, streamlining licensing procedures, ensuring compliance with international obligations for the registration of space objects and actively participating in discussions on European space policy.
- Strengthening cooperation: ANACOM intends to seek closer coordination with national bodies involved in space activities in order to rationalise licensing, in particular for launch centres.

The proposed amendments to Regulation 697/2019 therefore seem essential to achieve ANACOM's strategic objectives for 2025-2027, creating a regulatory environment that encourages innovation and expands access to the space market.

## **3. Implications of strengthening ANACOM's powers in the space sector**

Since the entry into force of Decree-Law 16/2019, ANACOM has provisionally assumed the functions of the Space Agency, pending the creation of a specific organisation. Five years later, a formal Space Agency has yet to be established, leading to the continuation of ANACOM's interim role as the authority responsible for these matters.

Strengthening ANACOM's functions as a space authority could have a significant impact on Portugal's regulation, innovation, economic development and positioning in the global space sector.

However, regardless of whether this extension of functions can contribute to attracting investment, promoting innovation and strengthening the technological development of the Portuguese space sector, it is important to find the most balanced solution, taking into account the specific features of the sector. In this context, it is important to highlight some of the challenges that emerge from the strengthening of ANACOM's responsibilities, and that will have potential impact on its future performance:

- Interconnecting and harmonising of responsibilities: ANACOM already has extensive responsibilities in the electronic communications sector. It is therefore essential to adopt appropriate measures to ensure a balance between the functions already performed in the electronic communications sector and the new functions to be assumed in the space sector.
- Ensuring efficiency: the addition of new responsibilities to its remit will require an increased effort from ANACOM, which will have to ensure that it has the resources it needs to deal with the complexity of the space sector without compromising the efficiency of its operations.
- Maintaining its focus: broadening the scope of ANACOM's activities, with the extension of its responsibilities in the space sector, will require it to adopt appropriate strategies to maintain and safeguard its main focus of action, which is to supervise the regulation of the communications sector and to ensure that the quality of regulation is maintained.
- Investment in technical training: the expansion of responsibilities in the space sector represents an opportunity for ANACOM to develop new technical, robust and appropriate skills to meet the unique challenges of the space sector. Such development will require significant investment in education and technical training.
- Ensuring international coordination: in order to ensure effective action in the space sector, it will be essential for ANACOM to develop strategies to align its sector regulation with international standards and to promote greater integration and cooperation at the global level.
- Encouraging innovation: as its responsibilities expand, ANACOM will be faced with the challenge of striking the right balance between regulating and overseeing the sector, on the one hand, and promoting and encouraging innovation, on the other. In this context, ANACOM should ensure that the regulation it implements does not inhibit investment and the growth of the space sector.
- International competitiveness: In order to strengthen Portugal's position in the international space market, ANACOM should consider creating a competitive and attractive regulatory framework, promoting agile processes and enhancing the reduction of red tape. This will be reflected in investment and consequent innovation in the sector.

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#### **4. What does the future hold?**

At a time when ANACOM is preparing to play a central role in the regulation of the space sector, it is important to recognise the benefits of this strategy.

With extensive experience in electronic communications and a proven track record in complex regulatory management, ANACOM is well positioned to oversee the integration of space activities in the country. The synergies between electronic communications and space regulation can create an innovative and coherent ecosystem, allowing Portugal to lead in some areas of space technology.

However, in pursuing this strategic objective, the challenge for ANACOM will be to ensure that it is able to equip itself with the necessary resources and expertise to maintain quality regulatory standards. Can the strategy proposed by ANACOM contribute to strengthening Portugal's position in both sectors, thus creating a competitive advantage in a rapidly evolving global market? This is a crucial moment for ANACOM, and the success of this new strategic alignment can serve as a model for other countries that opt for the convergence of the regulation of electronic communications and space activities. ■