THE GOVERNMENT
OF THE GRAND DUCHY OF LUXEMBOURG
Ministry of the Economy

Luxembourg's New Space Law Guarantees Private Companies the Right to Resources Harvested in Outer Space in Accordance with International Law

Luxembourg, November 11, 2016 – The Luxembourg Government has just adopted a draft law ensuring that private operators working in space can be confident about their rights to the resources they extract in outer space. The legal and regulatory framework is a key action of an overall strategy to be implemented progressively within the SpaceResources.lu initiative for the exploration and commercial use of resources from Near Earth Objects (NEOs), such as asteroids.

Article 1 of the draft law provides that space resources are capable of being appropriated in accordance with international law. Luxembourg is thus the first European country to provide legal certainty as to the ownership of minerals, water and other space resources identified in particular on asteroids. The law is based on the findings of a study on legal and regulatory aspects for the utilization of space resources conducted by the University of Luxembourg under the overall direction of Prof. Dr. Mahulena Hofmann, in cooperation with renowned space law experts in the fields of national and international space law and policy, such as Prof. Dr. Frans G. von der Dunk, Prof. Dr. Fabio Tronchetti and Prof. Dr. André Prüm.

Deputy Prime Minister and Minister of the Economy Etienne Schneider commented: "The legal framework we put in place is perfectly in line with the Outer Space Treaty. Our law does not suggest to either establish or imply in any way sovereignty over a territory or over a celestial body. Only the appropriation of space resources is addressed in the legal framework. Luxembourg's new space legislation confirms the strong commitment to become a European hub for the exploration and use of space resources."

Jean-Louis Schiltz is a Guest Professor at the University of Luxembourg and attorney in private practice. He advised the Luxembourg Government in establishing the legal framework. Jean-Louis Schiltz said: "This draft law is a very innovative piece of legislation. At the same time, it is strongly embedded in the international legal framework. Luxembourg is showing once more that innovation through law can be a key trigger for innovation through technology to really take off and to produce encouraging results. I am proud that the University of Luxembourg was able to contribute to this visionary venture."

The draft law also lays down the regulations for the authorization and the supervision of space resources utilization missions, including both the exploration and use of such resources. Whoever intends to undertake a space resources utilization mission will be required to obtain an authorization to do so, for each specific and determined mission. The text sets forth the necessity for a book of obligations for any mission, such as activities to be carried in or out of Luxembourg, to allow government supervision of the activities of operators and regulating their rights and obligations. The legislation is expected to enter into effect in early 2017.

Deputy Prime Minister and Minister of the Economy Etienne Schneider stated: "Simultaneously to steps taken on the national level within the SpaceResources.lu initiative, Luxembourg continues to promote international cooperation in order to progress on a future governance scheme and a global regulatory framework of space resources utilization. The stake is global and other countries in the world need to join such an initiative to bring it forward. And the move has started. More and more countries are following the developments and show a concrete interest in collaborating."

Minister Schneider announced furthermore that negotiations are underway to formalize relationships with around twenty companies and entrepreneurs originating both from Europe and from outside of Europe: "Deep Space Industries and Planetary Resources, two renowned U.S. companies with visionary ambitions for exploration and use of space resources, have already both established their European subsidiary in the Grand Duchy, with Luxembourg to become one of the main shareholders of Planetary Resources, Inc. Both companies started hiring highly qualified workers to build up economic and technological substance to firmly anchor their presence in Luxembourg."

The draft law on the exploration and use of space resources can be downloaded on www.gov.lu.

Released by the Luxembourg Ministry of the Economy

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