



Council of the
European Union

182453/EU XXVII.GP
Eingelangt am 02/05/24

Brussels, 2 May 2024
(OR. en)

9370/24

ESPACE 45

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	<i>Preparation of the Council (Competitiveness (Internal Market, Industry, Research and Space) on 23-24 May 2024</i> EU Space Law: Safety, resilience and sustainability of the space activities in the EU - <i>Exchange of views</i>

Delegations will find attached a Presidency note on "**EU Space Law: Safety, resilience and sustainability of the space activities in the EU**" with a view to the exchange of views at the Competitiveness Council on 23 May 2024.

EU Space Law: Safety, resilience and sustainability of the space activities in the EU**Exchange of views****Policy context**

Space activities face multiple growing challenges. Among these, some have become more pressing in recent times and would require action from the Union and Member States. This paper aims at framing an exchange of views among ministers to share their thoughts on relevant aspects of a future Union Space Law, pending a proposal from the Commission.

Challenges

First, the congestion of certain orbits (in particular low Earth orbit) increases risks of collision, induced by the rapid expansion of private companies' activity in the space sector. These hazards can have serious consequences, such as disrupting routine operations in orbit, satellite damage and loss, the shutdown of space-based services (some of them critical), and collisions with aircraft at re-entry to Earth. These scenarios could ultimately render orbits unusable for future generations.

Second, the risk of cyber-attacks and electronic interferences on space infrastructure, amplified by geopolitical events. Cyber-attacks, some of which are state-backed, increasingly target space assets. In addition, the complex architecture of space assets (different segments interacting, wide attack surfaces, multiple points of entry for potential attackers), their obsolescence (legacy telecommunication infrastructures, difficulties patching and repairing), and procurement processes (complex supply chains) turned space infrastructure into vulnerable targets.

When addressing these challenges, it is also crucial to reduce the environmental impact of space activities and to become less dependent on non-EU technologies and raw materials.

Actions

Member States have started to address these challenges and enact space legislations to frame and authorise space activities. Today, eleven Member States have national space laws, and more Member States are in the process of developing national laws. Those laws vary greatly in scope and depth. In this context, the European Commission has proposed to develop an EU Space Law to set common rules on safety, resilience and sustainability of space activities. While respecting national competencies, the EU Space Law would enable the creation of an EU Single Market for space activities.

The European Commission has put in place a consultation process with both Member States and industry, including on the relevant pillars of the envisioned EU Space Law:

- The safety pillar would notably tackle the risks of collision (i.e., collision avoidance, spacecraft manoeuvrability, positioning in orbit) and generation of space debris (i.e., space debris mitigation plans), both for launchers and satellites.
- The resilience pillar would put risk assessment and security risk scenarios at the heart of the EU space industry and enhance the level of protection in a consistent manner for all space infrastructure segments (ground, space and link segments).
- The sustainability pillar would put in place the foundation for common rules to calculate the environmental footprint of space activities, with a view to reducing the environmental footprint in the long term.

Points for discussion

There is a need to reinforce the competitiveness of the European space industry, notably for SMEs and start-ups. The EU Space Law should not overregulate the industry, nor should it apply the same way to all industrial players, with **proportionality** being a key consideration. It should tackle both EU and non-EU operators wishing to place space-based services on the EU single market, and potential market distortion. It should provide clear benefits for the industry, such as administrative simplification, a level playing field, enhanced levels of protection, and stability for attracting investment. Mandatory requirements should also apply in a proportionate manner. The EU Space Law should further foresee supportive measures that would facilitate the adherence of the space industry to the mandatory requirements, for instance capacity building, technical assistance, and financial support.

In the current geopolitical context, it is necessary to enhance the level of protection and resilience of space systems in a consistent manner: all satellites operators in the EU, all segments (space, ground and data links), and all assets (commercial, governmental, EU-owned). Rules should ensure comprehensive legal certainty for space industrial actors, and **resilience and competitiveness** should come hand in hand.

The main international state space players have intensified their regulatory action, notably regarding space traffic management and cybersecurity, and they actively engage to shape relevant international standards. Therefore, it is important to act as quickly as possible to ensure the EU Space industry will not be forced to follow standards or norms imposed by other jurisdictions. The Union's action would position the EU as a credible international actor, including in setting our norms and standards.

Ministers are invited to respond to the following questions:

Questions

1. How to best ensure that the EU Space Law will reinforce the competitiveness of the EU space industry?
2. How to best take advantage of the EU Space Law to reinforce the resilience of space systems?