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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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Subject:	<i>Preparation of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 8-9 December 2025</i> Regulation on the safety, resilience and sustainability of space activities in the Union (EU Space Act) - <i>Progress report</i>

I. INTRODUCTION

1. On 26 June 2025, the Commission transmitted the above-mentioned proposal¹ for a Council Regulation to the European Parliament and to the Council.

¹ 10935/25.

2. The objective of the draft Regulation is to lay down the rules for the functioning of the internal market of space-based data and services and to lay down a set of harmonised rules on safety, resilience and environmental sustainability for that purpose.
3. The European Parliament referred the file to the Committee on Industry, Research and Energy (ITRE), which has appointed Elena Donazzan (ECR, Italy) as rapporteur.
4. The European Economic and Social Committee has not yet adopted its opinion.
5. The Danish Presidency decided to request the opinion of the Committee of the Regions², which has not yet provided its opinion.

II. STATE OF PLAY IN THE COUNCIL

6. The Space Working Party met three times to discuss the impact assessment and 17 times to discuss the proposal. Among those, the Horizontal Working Party on Cyber Issues was invited four times to discuss the resilience part of the proposal.
7. The Danish Presidency also took the initiative to organise two workshops, in cooperation with the Commission, on the most technical topics (safety and In-Space Orbit Services), which proved to be instrumental to advance the discussions in the Space Working Party.
8. The Danish Presidency structured the discussions first on the more horizontal and general parts (Titles I, II, V and VI of the proposal), then on governance aspects (Title III) and finally on the technical rules including resilience (Title IV). The discussions included the technical annexes.
9. The Danish Presidency intends to propose a compromise text covering the whole Regulation by the end of 2025 following the comments received from delegations.

² 13515/25.

III. PROGRESS OF THE WORK DURING THE DANISH PRESIDENCY

10. The Commission proposal sets out the strategic objectives of preserving a safe, resilient and sustainable space environment, while strengthening the competitiveness of the European space sector. Member States have in general expressed support for the objectives but have also questioned whether the proposal addresses these issues in the best possible way. They find that the text is complex and technical, and all Member States have upheld a scrutiny reservation throughout the Danish Presidency.
11. One of the main requests from delegations has been the simplification and clarification of the text itself. As a result, the Danish Presidency intends to simplify articles, streamline wording and restructure parts of the text to improve the clarity and coherence of the provisions of the proposal. For instance:
 - (a) Title II will include extensive drafting suggestions and will be restructured to establish the basic regime of authorisation for the purposes of the Act, clarify its relationship with the national authorisation processes, the function of the Qualified Technical Bodies and the function of the Union Registry of Space Objects (URSO) and the e-certificate.
 - (b) It will clarify that the EU Space Act does not authorise operators, but one or more concrete space activities, carried out by a space operator.
 - (c) URSO will be changed to Union Repository of Space Activities (URSA) to reflect the focus on activities and to avoid any ambiguity related to its function and to the United Nations Register of Objects Launched into Outer Space.
 - (d) Light regime and derogations from the general regime will be restructured describing the light regime for safety and sustainability at the end of Title IV and the derogations for third countries will be moved to Title V (Equivalence Decisions, Third Country Public Entities and Emergency Clause).

- (e) Title IV (Technical rules) will be restructured and streamlined, including relevant annexes, and the technical parts dealing with similar topics will be merged to avoid some cross-references, such as Title IV, Chapter V (Orbital Traffic Rules) with Title IV, Chapter I (Safety) or Title IV, Chapter VI (Standards) with Title VI (Transitional and Final Provisions) and Article 25 (e-certificate) and Article 72 (light and radio pollution).
12. Delegations have clearly expressed that, while enhanced cybersecurity in the space sector is important and should be addressed, the EU Space Act should not establish a *lex specialis* for cyber resilience requirements in relation to Directive (EU) 2022/2555 on measures for a high common level of cybersecurity across the Union (NIS 2). The Danish Presidency tries to accommodate this by rewriting Article 75 and inserting a new article 75a so as to establish the pre-eminence of NIS 2 and of Directive (EU) 2022/2557 on Resilience of Critical Entities (CER) over the EU Space Act. The draft will require the Commission to develop through an implementing act, resilience and cybersecurity requirements in line with NIS 2, that address the entire space infrastructure. Articles 76 to 95 will be deleted except for Article 93 (Reporting of significant incidents) that will have to be redrafted and aligned with the more general reporting regime for incidents as proposed in the Digital Omnibus³.
13. The governance regime for EU-owned assets (Title II, Chapter II) seems overdeveloped as these activities could partly be governed by the rules applying to EU Space operators (Title II, Chapter I) and to International Organisations (Title V). The possible conflict of jurisdictions and the use of existing structures, such as the Security Accreditation Board for the EU space programme, will be addressed.
14. Delegations have expressed concern that the proposal is too prescriptive and not proportionate, in particular in its approach to governance. The Danish Presidency will try to clarify the intention of the Commission with regards to the authorisation process and the governance structure (Titles II and III), but further work remains to ensure the proportionality of the approach and the appropriate level of prescriptiveness.

³ 15698/25.

15. The Danish Presidency is also considering clarifying that the Regulation is not directly applicable to international organisations and that its applicability will be determined through international agreements.

IV. OTHER ISSUES

16. Delegations have questioned the legal basis of the EU Space Act (Article 114 TFEU), including whether the Commission has demonstrated the existence of market barriers in the space sector. Delegations have sought clarity on the impact of the proposed Regulation on the liability of Member States under the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. The Danish Presidency decided to advance the examination of the text in parallel to having more clarity on those issues.
17. Delegations have expressed their concern that the proposed Regulation will place undue additional administrative burdens on the European space sector, as well as on the national authorities. This has been a key focus for the Danish presidency, but more work needs to be done to get the balance right throughout the text.
18. Delegations have expressed concern that Title IV, Chapter III on Environmental Sustainability does not strike the right balance between administrative burden on the space sector and actual impact on the environment. A further issue is that the method for calculating the Environmental Footprint is not yet developed.
19. The scope of the act needs further discussion. One issue is how to strike the right balance between exemptions from the scope of the EU Space Act and the necessary regulation of space activities, for instance on dual use activities, on research and education activities and on sovereign governmental activities.

20. The text should also ensure level-playing field with third countries operators, including through equivalence decisions, and international agreements on reciprocity.
21. The EU Space Act relies heavily on implementing and delegated acts. The implementing acts intended to describe the technical specifications should build on and be aligned with established United Nations guidelines as well as International Organization for Standardization (ISO) standards and European Cooperation for Space Standardization (ECSS) standards, and this should be made clear in the text.

V. CONCLUSION

22. Progress has been made on the technical examination of the impact assessment and of the proposal. The Danish Presidency devoted substantial time to discussions on all articles, which, in combination with the constructive and engaging approach of the Commission, offered delegations the opportunity to better comprehend the provisions of the proposal.
23. While the related recitals were not examined, they were reordered to follow the order of articles of the Commission proposal.
24. The state of play at the end of the Danish Presidency will be reflected in a draft Presidency text by the end of the year. The Space Working Party will continue the examination of the draft Regulation with a view to concluding the negotiations as soon as possible.
25. The Committee of the Permanent Representatives is invited to take note of this progress report on the EU Space Act and to forward it to the Council.
26. The Competitiveness Council is invited to take note of this progress report on the EU Space Act.