



Council of the
European Union

Brussels, 27 April 2022
(OR. en)

8479/22

LIMITE

ESPACE 49
CFSP/PESC 544
CSDP/PSDC 234
TRANS 244

NOTE

From:	Presidency
To:	Delegations
Subject:	Draft Council conclusions on ‘an EU approach on space traffic management’

Delegations will find attached a third Presidency draft of Council conclusions on ‘an EU approach to space traffic management’ with a view to the Space Working Party meeting of 4 May 2022.

Delegations are informed that changes with respect to doc. 7640/22 are marked in **bold/underlined** and ~~striketrough~~.

DRAFT Council conclusions on an EU approach to space traffic management

THE COUNCIL OF THE EUROPEAN UNION

RECALLING

- A. the Communication from the Commission of 22 ~~February~~ ~~January~~ 2021¹ on an ‘Action Plan on synergies between civil, defence and space industries’, announcing the development of an ‘EU strategy for Space Traffic Management (STM)’ as a new flagship project;
- B. the Council conclusions of 26 November 2021 on ‘Space for everyone’², recognising the importance of the Space Situational Awareness (SSA) component, including Space Surveillance and Tracking (SST), in protecting the existing space infrastructure, and stressing the need to continue the discussion on and take actions for the development of ~~STM Space Traffic Management~~ **STM** at political, legal and technical levels;
- C. the Council conclusions of 28 May 2021 on ‘New Space for People’³, underlining the importance of developing an STM approach for Europe in the future and guiding global standards, and acknowledging the opportunities brought by operational services in the area of SSA, in supporting safe, secure and sustainable space activities and protecting European space infrastructure;
- D. the Council conclusions of 11 November 2020 on ‘Orientations on the European contribution in establishing key principles for the global space economy’⁴, stressing the need for a more coordinated approach to STM at European level (including technical and operational), in order to preserve its interests, to protect its private and public investments in space in a sustainable manner, and welcoming the fact that the European Union is exploring the possibility of declaring acceptance of the rights and obligations under the relevant United Nations Treaties and Conventions on Outer Space;

¹ COM (2021)70 of 22 February 2021.

² 14307/21.

³ 8956/21.

⁴ 12851/20.

E. the Presidency Report on STM of 4 November 2021⁵, as a milestone in the roadmap endorsed by the Council, stressing the need to develop an EU STM approach while respecting Member States' competences and their intention to remain in charge of the development, supervision and enforcement of STM rules.

1. WELCOMES the Joint Communication of the Commission and the High Representative (HR) of the Union for Foreign Affairs and Security Policy on 'An EU Approach for Space Traffic Management – An EU contribution addressing a global challenge'; WELCOMES the working definition of STM proposed in that Communication; and PROPOSES using that definition as a basis for the ongoing work at EU level and the preparation of EU contributions to international discussions;
2. RECOGNISES that STM entails strategic, competitiveness and innovation challenges that can be better tackled through enhanced dialogue and concerted actions between Member States with a view to sharing capacities, information and best practices;
3. UNDERLINES that SSA is an essential element of the Union's autonomy in accessing and using outer space and that enhancing operational capabilities in this field through a common effort will provide a strong basis for preserving the global rank of the Union and its Member States among space powers;
4. WELCOMES the mechanism for consulting all relevant EU stakeholders in order to aggregate, by early 2023, the civil and **defence** ~~military~~ requirements for an EU STM approach; and ACKNOWLEDGES the need to ensure consistency of **that** the EU STM approach **is consistent** with Union and Member States' policies in the security and defence fields;

⁵ **13407/21 + COR1.**

I. Reinforcing our capabilities

5. HIGHLIGHTS the importance of the Union's autonomy in monitoring, mitigating and remediating risks in, from and towards space, so as to protect its space assets as well as those of its Member States and of EU companies, and to maintain, in the long term, **reliable European** access to space and the peaceful and sustainable use of outer space;
6. UNDERLINES that the ~~EU~~ **Union** and its Member States, through national developments ~~in~~ **SSA** and together with the EU SST consortium and ~~the~~ industry, have already developed world-class operational space surveillance and tracking capabilities providing operational and high-quality services, such as collision avoidance, re-entry analysis and fragmentation analysis, upon which an EU STM approach should be built;
7. RECALLS that the EU SST consortium already provides collision avoidance services to more than 270 institutional, commercial and military satellites distributed in Low Earth Orbit, Medium Earth Orbit and Geostationary Orbit, as well as re-entry and fragmentation services, including recently providing valuable information on the fragmentation resulting from the intentional and irresponsible destruction of an inactive satellite, and thus is already contributing to the strategic autonomy of the EU and to the protection of the EU's and Member States' space assets;
8. SUPPORTS the further development of SST/SSA capabilities and services **in the areas of SST, space weather and near-Earth objects** in order to achieve a higher level of strategic autonomy;
9. RECOMMENDS, to that end, ~~to~~ **focus**ing the work of the future EU SST partnership on:
 - a. enhancing and optimising the network of sensors;
 - aa. improving the existing services and developing new services, such as **support for mitigation of space debris generation** and remediation;
 - b. improving and accelerating SST data sharing, including commercial data, through the operational EU SST database;
 - c. building and maintaining a more autonomous EU catalogue of space objects;

10. ENCOURAGES current members of the EU SST consortium and other interested Member States to form a new partnership in SST; SUPPORTS the new SST partnership, in which each member is to have tailored roles and responsibilities subject to added value analysis ~~based on architectural studies~~ and to the avoidance of unnecessary duplication of effort, and the inclusion of additional Member States' capabilities that could improve the services provided by the **future** partnership; and ~~REQUESTS the Commission~~ **PROPOSES a reflection** on the nature of the **future** partnership while keeping governance efficient and agile;
11. ENCOURAGES the Commission, in close cooperation with the Member States, to create the conditions for a sustainable, thriving, innovative and competitive EU industry and start-up ecosystem, in support of the activities of the future EU SST partnership; ~~to that end,~~ WELCOMES the establishment of the **EU European Industry and Start-up Forum (EISF)** to ensure technological and innovation cross-fertilisation and solutions with a view to fostering **European EU** competitiveness and consolidating an **STM** ecosystem ~~in this field~~; and ENCOURAGES the Commission, together with the **EU Industry and Start-up Forum, EISF** to conduct a thorough market assessment of value-added services ~~as part of that framework~~;
12. RECOMMENDS **ENCOURAGES** that the **future** EU SST partnership, **in coordination with** through the **EU Industry and Start-up Forum-EISF, to foster the public procurement of data in line with an enhanced data policy, to further leverage commercial contributions and to facilitate the provision of** ensures that commercial services are, as much as possible, complementary to **complementary to, and building upon data from, the public operational** services;
- ~~13. ENCOURAGES the future EU SST partnership to foster the public procurement of data in line with an enhanced data policy and to further leverage commercial contributions to operational services;~~
- 13a. SUPPORTS research and innovation actions in **STM** ~~this field~~; and ENCOURAGES the Commission to initiate specific actions **within** the framework of the CASSINI initiative to ensure **that EU European** start-ups are sufficiently capitalised to be able to reap their full innovation potential and compete with non-EU fast-growing actors;

14. WELCOMES cooperation with the European Space Agency (ESA) as a technical partner ~~and its support to the EU on~~ in STM through complementary its activities in space weather, near-Earth objects, space debris mitigation including end-of-life management and eco-design, and space debris remediation such as in-orbit services, while **respecting their corresponding roles and responsibilities and** avoiding unnecessary duplication of effort with the Union's activities;

II. Encouraging coordination on legislation ~~regulation~~ and standardisation

15. RECOGNISES the role that the Commission could play in facilitating the coordination between Member States' national efforts to address STM **legislation and standardisation** ~~regulation~~, in order to foster the convergence of national positions on an EU STM approach, taking into account **without prejudice to** the national competences, **in particular the role of Member States in the development, supervision and enforcement of STM rules;**

15a. RECOMMENDS to Member States which have not yet done so to consider **that consideration be given to** adopting appropriate national instruments, to be reinforced step by step, such as guidelines, standards, rules, or legislation ~~that would provide a framework for implementing commitments or recommendations at international level;~~ and WELCOMES the proposal for of a toolbox which **could** ~~can~~ help identify a possible common set of measures to be implemented by Member States;

16. WELCOMES the proposal to establish an EU forum to ensure effective sharing of information and better coordination ~~on~~ in the development of international standards and guidelines; STRESSES that this EU forum needs to include relevant experts from the Member States and industry; ENCOURAGES the development of national expertise across Member States; and WELCOMES the identification of the most impactful possible measures to incentivise the implementation of STM **-related international guidelines and** standards ~~and guidelines~~, and **while** striving for interoperability, ~~for instance through a minimum set of requirements for mutual recognition of national certification mechanisms;~~

- 19a. RECOMMENDS ensuring a coherent approach based on a well-functioning internal market, while fully taking into account the risks and benefits of developing EU STM legislation on the competitiveness of ~~the European~~ **EU** industry; RECALLS in this regard the need for global reciprocity in the development of a set of obligations to avoid affecting the competitiveness of ~~the European~~ **EU** industry and ~~European~~ **EU** start-ups;
20. SUPPORTS as a priority the implementation of space debris mitigation guidelines to limit as much as possible the production of new debris during the full life cycle of a space system, aiming at a zero **debris** waste space policy; and **SUGGESTS** the development of comprehensive measures to coordinate ~~the manoeuvres~~ **necessary** ~~in order~~ to avoid **potential collisions between active objects from different operators**;

III. Reinforcing the EU's voice on the international scene

21. RECOMMENDS promoting ~~global~~ **international** burden sharing to address the global challenge of STM through regional contributions such as the EU STM approach, including cooperation, coordination and communication on data sharing and service provision in relation to STM;
22. WELCOMES the work of ~~the~~ United Nations Committee on the Peaceful Use of Outer Space (UNCOPUOS) and its subcommittees; CALLS ON the Union and ~~its~~ ~~the~~ Member States to accelerate the implementation of the 21 voluntary Guidelines for the Long-term Sustainability (LTS) of UNCOPUOS as well as the Space Debris Mitigation Guidelines of ~~the~~ UNCOPUOS; **and** the Space Debris Mitigation Guidelines of the Inter-Agency Space Debris Coordination Committee and to share, on a voluntary basis, their experiences in this area; and ENCOURAGES in particular Member States to exchange views ~~about~~ **on** the **ongoing** negotiation ~~going on~~ in the LTS Working Group in Vienna;

23. RECALLS the preliminary agreement needed between Member States, as a first step, in order to collectively promote a unified EU **STM** position in a broader European context and internationally, taking due account of Member States' and ~~the~~ EU industry's interests; RECOMMENDS developing, ~~together with~~ **among** Member States, common lines to **be taken** by the Commission and the HR to advocate the EU STM approach, ~~to~~ strengthen the EU's voice in possible international discussions on STM and engage with key partners and third countries, if appropriate, without prejudice to the competencies of the Member States;
24. ENCOURAGES the EU to declare **its** ~~the~~ acceptance of the rights and obligations under the relevant United Nations Treaties and Conventions on Outer Space, in particular the Rescue Agreement, the Liability Convention and the Registration Convention; and ENCOURAGES the Commission to develop the measures needed in order to implement the obligations enshrined in these Conventions, in particular the registration of the Galileo satellites.
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