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NOTE

Origine:	Secrétariat général du Conseil
Destinataire:	Comité des représentants permanents
Objet:	<i>Préparation du Conseil Compétitivité (Marché intérieur, Industrie, Recherche et Espace) 9-10 juin 2022</i> Conclusions sur “Une approche de l’UE pour la gestion du trafic spatial” - <i>Approbation</i>

I. INTRODUCTION

1. Les conclusions du Conseil sur « Une approche de l’UE pour la gestion du trafic spatial » ont été préparées en vue du Conseil Compétitivité prévu le 10 juin 2022. La Présidence a proposé ce projet de conclusions du Conseil pour appuyer la Communication conjointe de la Commission européenne et du Haut Représentant de l’Union pour les Affaires étrangères et la politique de sécurité sur « Une approche de l’UE en matière de gestion du trafic spatial – une contribution de l’UE pour faire face à un défi mondial », qui elle-même fait suite au rapport de la Présidence slovène¹ présenté au Conseil Compétitivité du 26 novembre 2021 et à la feuille de route agréée par le Conseil² pour définir une approche de l’UE sur la gestion du trafic spatial.

¹ 13407/22.

² 8616/21 ADD1.

2. Ces conclusions soulignent l'importance de renforcer les capacités de surveillance de l'espace et de suivi des objets en orbite de l'Union (SST), de coordonner les activités de réglementation et de normalisation et de renforcer la voix de l'Union sur la scène internationale afin de promouvoir cette approche commune.

II. ETAT DES LIEUX

3. Le groupe Espace a examiné le projet de conclusions lors de quatre réunions depuis le 15 mars 2022.
4. Le texte présenté en Annexe de cette Note est identique au texte circulé après le groupe Espace (doc. 8941/21 +REV1) et qui n'a pas soulevé d'objections de la part des délégations. Il représente un compromis acceptable qui ouvre la voie à une approbation par le Conseil.

III. CONCLUSION

5. Le Comité des Représentants Permanents est invité à confirmer le texte de compromis proposé en Annexe de cette Note et à envoyer pour approbation le projet de conclusions au Conseil (Compétitivité) à sa réunion du 10 juin 2022.

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 2021³ 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’⁴, 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 at political, legal and technical levels;
- C. the Council conclusions of 28 May 2021 on ‘New Space for People’⁵, 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;

³ COM (2021)70 of 22 February 2021.

⁴ 14307/21.

⁵ 8956/21.

- D. the Council conclusions of 11 November 2020 on ‘Orientations on the European contribution in establishing key principles for the global space economy’⁶, 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;
- E. the Presidency Report on STM of 4 November 2021⁷, as a milestone in the roadmap endorsed by the Council, stressing the need to develop an EU STM approach in line with the Treaty on the Functioning of the European Union⁸ 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;

⁶ 12851/20.

⁷ 13407/21 + COR1.

⁸ In particular Articles 4(3) and 189.

3. UNDERLINES that SSA is an essential element for maintaining an autonomous access to and use of outer space and that developing and enhancing SSA operational capabilities 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 requirements for an EU STM approach, taking into account aviation specificities where consistency with air traffic management needs to be ensured; and ACKNOWLEDGES the need to ensure that the EU STM approach is consistent with Union and Member States' policies in the security and defence fields;

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 and autonomous European access to space and the peaceful, safe, secure and sustainable use of outer space;
6. UNDERLINES that the Union and its Member States, through national developments and together with the EU SST consortium and 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 services, which address the risk to the airspace, land and maritime domain posed by the uncontrolled re-entry of objects, 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 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; and RECOMMENDS assessing the needs for future Union investments;
9. RECOMMENDS, to that end, focusing 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;
- 9a. RECOGNISES the future role of the EU Space Programme Agency in operating the functions of EU-SST front desk;

10. ENCOURAGES current members of the EU SST consortium and other interested Member States to form a new partnership in SST while keeping the governance transparent, efficient and agile; SUPPORTS the new SST partnership, in which each member is to have tailored roles and responsibilities based on added value and subject to the avoidance of unnecessary duplication of effort; SUPPORTS the inclusion of additional Member States' capabilities in EU SST that could improve the services provided by the future partnership; and PROPOSES a reflection on the nature of the future partnership;
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 and in complement to the activities of the future EU SST partnership; WELCOMES the establishment of a forum with EU industry and start-ups to ensure technological and innovation cross-fertilisation and solutions with a view to fostering EU competitiveness and consolidating an SST ecosystem; and ENCOURAGES the Commission, together with the EU industry and start-ups, to conduct a thorough market assessment of value-added services;
12. ENCOURAGES the future EU SST partnership, after consultation of the EU industry and start-ups, 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 commercial services complementary to, or building upon data from, the public operational services;
- 13a. SUPPORTS research and innovation actions in STM; and ENCOURAGES the Commission to initiate specific actions within the framework of the CASSINI initiative to ensure that EU 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) in STM through 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 the corresponding roles and responsibilities of the Union, its Member States and ESA and avoiding unnecessary duplication of efforts;

II. Encouraging coordination on legislation and standardisation

15. RECOGNISES the role that the Commission could play in facilitating coordination between Member States' national efforts to address STM legislation and standardisation, in order to foster the convergence of national positions on an EU STM approach, without prejudice to national competences, in particular the role of Member States in the development, supervision and enforcement of STM rules;
- 15a. RECOMMENDS that consideration be given to adopting appropriate national instruments, to be reinforced step by step, such as guidelines, standards, rules or legislation; and WELCOMES the proposal for a toolbox which could 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 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 while striving for interoperability;
- 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 EU industry and in line with the respective competences of the Union and its Member States; RECALLS in this regard the need for global reciprocity in the development of a set of obligations to avoid affecting the competitiveness of EU industry and 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 space policy; and SUGGESTS the development of guidelines, standards or rules to coordinate manoeuvres necessary to avoid potential collisions between active objects from different operators;

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

21. RECOMMENDS promoting 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 Member States to accelerate the implementation of the 21 voluntary Guidelines for the Long-term Sustainability (LTS) of Outer Space Activities as well as the Space Debris Mitigation Guidelines of UNCOUOS 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 on the ongoing negotiation 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 EU industry's interests; RECOMMENDS developing, among Member States, common lines to be taken by the Commission and the HR to advocate the EU STM approach, 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 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.
