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NOTE

From:	Presidency
To:	Delegations
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Subject:	Draft Council Conclusions on 'Space Traffic Management: state of play'

Delegations will find attached a revised Presidency draft of Council conclusions on 'Space Traffic Management: state of play' with a view to the Space Working Party meeting of 27 September 2023.

Changes compared to doc. 12412/23 are marked in **bold underline** and ~~strikethrough~~.

Draft Council conclusions on ‘Space traffic management: state of play’

THE COUNCIL OF THE EUROPEAN UNION

RECALLING

- B. the Council conclusions on “Orientations on the European contribution in establishing key principles for the global space economy” of 11 November 2020¹, recognising the need for increased European coordinated approach to space traffic management;
- A. the Council conclusions on “New Space for People” of 21 May 2021², stressing the importance to develop a Space Traffic Management (STM) approach for Europe in the future and guiding global standards;
- A. the Council conclusions of 26 November 2021 on ‘Space for everyone’³ and the Presidency Report on STM⁴, recognising the importance of the Space Situational Awareness (SSA) component of the EU space programme, including Space Surveillance and Tracking (SST), in protecting the existing space infrastructure, and stressing the need to continue the discussion on and take action for the development of Space Traffic Management at technical, legal and political level;
- B. the Joint Communication of 15 February 2022⁵ 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’, proposing a detailed plan to develop an EU STM approach;

1 12851/20.
2 8956/21.
3 14307/21.
4 13407/21 + COR1.
5 6321/22.

- C. the Council conclusions of 10 June 2022⁶ on an ‘EU approach to space traffic management’ , recognising the strategic, competitiveness and innovation challenges entailed by STM;
- D. the Joint Communication of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council on the ‘EU Space Strategy for security and defence’ (SSSD) of 10 March 2023, ~~identifying~~ **recognising** space as a ~~new~~ strategic domain for security and defence and proposing specific actions to enhance the EU’s response to space threats in and from space and from Earth, promote responsible behaviours in space, improve the resilience of EU space infrastructures, develop space capabilities in support of Security and Defence and foster partnerships;
- E. the Council conclusions of 23 May 2023⁷ on ‘Fair and sustainable use of space’, encouraging the Commission to ensure safe, secure and sustainable space operations and inviting the Commission and the Member States to strive for the global implementation of rules and guidelines which may result in a fair safe and sustainable use of space;
1. RECOGNISES the urgency of developing an EU STM approach; and WELCOMES the initial progress made on the key action lines defined in the Joint Communication of the Commission and the 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’;

⁶ 10071/22.

⁷ 9675/23.

2. WELCOMES the Joint Communication on the ‘European Union Space Strategy for Security and Defence’, which proposes a pilot **project exploring synergies with of the EU SST subcomponent of the Space Programme to provide capacity** for the delivery of initial Space Domain Awareness services in support of the EU response to space threats under the control of the Member States, ~~by exploring synergies with the EU SST subcomponent of the Space Programme with a view to future developments;~~
3. ACKNOWLEDGES the importance of taking into account civil as well as military STM requirements, ensuring that defence and security aspects are given due consideration; ENCOURAGES the Commission and the European External Action Service (EEAS), with the support of the European Defence Agency (EDA), and together with the Member States, to work towards this objective within the established STM stakeholder mechanism, in order to guarantee that the EU STM approach takes into account the needs of all European actors, and STRESSES the importance of preserving the civil nature, political objectives and governance of the EU space programmes;
4. RECOGNISES the particularities of other domains interfacing with ~~the~~ **outer** space domain, in particular ~~the~~ **airspace** aviation/air domain, where interoperability and coordination regarding the interfacing of space and air operations, need to be ensured;

5. HIGHLIGHTS the importance of enhancing European strategic autonomy ~~with~~ **through** the EU SST system **while preserving an open economy**; SUPPORTS the activities of the EU SST Partnership, providing fragmentation analysis, re-entry analysis and collision avoidance services through the EU SST Front Desk, taken over successfully by the EU Agency for the Space Programme, as of July 2023; CALLS for the **development of activities in** preparation of space debris mitigation and remediation services; WELCOMES new EU SST Partnership members with additional national capabilities and assets; and ENCOURAGES other Member States to consider joining it;
6. STRESSES that the EU and its Member States should continue to further improve their operational **SST** capabilities, through national developments and the EU SST Partnership, **thus improving EU services**; HIGHLIGHTS the relevance of the activities of the European industry in the optimisation of the network of sensors ~~and their coordination~~, the enhancement of the existing EU SST services, including the deployment of the European catalogue of orbital objects, the ~~provision~~ **enhancement** of ~~new~~ services and the use of new technologies; and in this regard WELCOMES the research on and development of innovative commercial sensors and the development of new public and commercial services and data;
7. CALLS ON the Commission to maximise the synergies between the European Defence Fund, the EU Space Programme and Horizon Europe through their strategic planning mechanisms while keeping their programme priorities and objectives; ENCOURAGES favouring a dual technology approach, wherever appropriate and feasible, in the European Defence Fund and the EU Space Programme and contributing in this way to STM and to the objectives of the SSSD;

- 7a. ACKNOWLEDGES the role of the European Space Agency (ESA) in research and development in space weather, near-Earth objects, space debris mitigation, and space debris remediation while **recalling the importance to** respecting the corresponding roles and responsibilities of the Union, its Member States and ESA and avoiding unnecessary duplication of efforts;
8. RECOGNISES the need, when proceeding with STM related initiatives, not to jeopardise ~~and~~ **but rather** to foster the global competitiveness of the whole European space industry, including start-ups, SMEs, midcaps and large system integrators; RECOMMENDS fostering dialogue with the European space industrial ecosystem as a key stakeholder in the evolution of STM, in particular through the European Union Industry and Start-ups Forum on Space Traffic Management; and RECALLS that a strong EU ~~common~~ **joint** position in the international fora is crucial to achieving a strong and resilient European space industrial sector;
9. WELCOMES the role played by the Commission ~~the Member States~~ in **supporting** ~~coordination with Member States²~~ **to coordinate** national efforts with a view to converging on the regulatory aspects of EU STM ~~thus~~ **with the aim of** helping to avoid a fragmentation of the internal market; RECOGNISES the work done by STM stakeholders in the development and promotion of new standards and guidelines at EU **and international** level; and ENCOURAGES the Commission, after close cooperation with the Member States, to propose potential incentive measures to encourage the uptake of non-legally binding instruments developed at national or international level, that should help foster the competitiveness of the European space industry;

10. ENCOURAGES the Commission to work together with Member States and in close dialogue with the EEAS on enhancing safety, security and sustainability of space ~~activities operations and services~~ in the EU; and HIGHLIGHTS the importance of developing EU legislation related to space, that covers safety, security and sustainability aspects, based on an ~~in-depth~~ **impact** assessment and stakeholder consultation, ~~ensures~~ **ensuring** equal treatment and a level playing field for all European industry, and respecting national competences and the principle of subsidiarity;
11. URGES the Commission to present the results of the analysis of the legal elements and implications of the ~~acceptance~~ **declaration** by the EU of the ~~declaration~~ **acceptance** of the rights and obligations under the relevant United Nations Treaties and Conventions on Outer Space and, where appropriate, to prepare a proposal on this subject **as soon as possible**; and ENCOURAGES the EEAS and the Commission to continue promoting the building up of a global STM approach based on regional contributions, engaging particularly with the USA in the framework of EU-US Space Dialogue as well as with other third countries through bilateral and multilateral cooperation;
12. RECALLS the importance of encouraging the implementation of the 21 voluntary guidelines for the Long-Term Sustainability (LTS) of Outer Space Activities; and ~~URGES~~ **ENCOURAGES** Member States to promote the implementation of these guidelines **or the development of new guidelines as appropriate** and their ~~adaptation~~ in view of the evolving ~~situation~~, in the framework of COPUOS;

13. HIGHLIGHTS the significant contribution of STM to the main political priorities of the EU, including the EU Green Deal, the EU Digital Transformation, EU technological non-dependence, Europe's autonomous, secure and cost-efficient access to space, the safe and sustainable use of space, and security and resilience; RECALLS that the Strategic Compass identified outer space as a contested domain; and RECOGNISES that our economies, societies and public actors are increasingly dependent on space infrastructures and services, and that space ~~can contribute~~ **is a key enabler** to security and defence, and UNDERLINES the importance of preserving ~~the space environment for safe,~~ **peaceful** and sustainable **use and** exploration **of the space environment for** and use by present and future generations.
