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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: *Preparation of the Council (Competitiveness (Internal Market, Industry, Research and Space) on 7-8 December 2023*
Draft Council conclusions on “Space traffic management: state of play”
- *Approval*

I. INTRODUCTION

1. The Council conclusions on “Space traffic management: state of play” have been prepared in view of the Competitiveness Council to be held on 8 December 2023. The conclusions recall the urgency of developing an EU STM approach and acknowledge the importance to propose EU legislation related to space that covers safety, security and sustainability aspects.
2. The Presidency has put forward these draft Council conclusions in order to highlight the significant contribution of space traffic management to the main political priorities of the EU, including the EU Green Deal and the EU Digital Transformation, as well as to Europe’s autonomous, secure and cost-efficient access to space.

II. STATE OF PLAY

3. The Space Working Party examined the draft Council Conclusions on four occasions since 3 July 2023.
4. The text presented in the Annex to this Note is identical to the text circulated after the last Space Working Party meeting on this topic in doc. 13656/23 REV1, that raised no comments from delegations. It represents an overall balanced package which could allow for its approval by the Council.

III. CONCLUSION

5. The Permanent Representatives Committee is invited to confirm the compromise text set out in the Annex to this Note and submit the draft conclusions for approval by the Council (Competitiveness) at its session on 8 December 2023.

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

THE COUNCIL OF THE EUROPEAN UNION

RECALLING

- A. 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;
- B. 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;
- C. 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;

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

- D. 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;
- E. 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;
- F. 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, recognising space as a 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;
- G. 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, which will contribute to space safety, sustainability and security; 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’;

⁵ 6321/22.

⁶ 10071/22.

⁷ 9675/23.

2. WELCOMES the Joint Communication on the ‘European Union Space Strategy for Security and Defence’; NOTES that it proposes a pilot project exploring synergies with the EU SST subcomponent of the Space Programme for the delivery of initial Space Domain Awareness (SDA) services in support of the EU response to space threats; UNDERLINES that SDA remains under the control of the Member States;
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 outer space, in particular airspace, 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 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 seamlessly by the EU Agency for the Space Programme, as of July 2023; PROPOSES to explore the Agency’s role on STM, building on the SST Front Desk activities; 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;

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, the enhancement of the existing EU SST services, including the deployment of the European catalogue of orbital objects and the use of new technologies; and in this regard WELCOMES the research on and development of innovative commercial SST 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 use 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;
8. ACKNOWLEDGES the role of the European Space Agency (ESA) in particular in research and development in space weather, near-Earth objects, space debris mitigation, and space debris remediation while recalling the importance of respecting the corresponding roles and responsibilities of the Union, its Member States and ESA and of avoiding unnecessary duplication of efforts;

9. RECOGNISES the need, when proceeding with STM related initiatives, not to jeopardise 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 joint or coordinated position in the international fora is crucial to achieving a strong and resilient European space industrial sector;
10. WELCOMES the role played by the Commission in supporting Member States to coordinate national efforts with a view to converging on the regulatory aspects of EU STM with the aim of helping to avoid 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;
11. 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 in the EU; and ACKNOWLEDGES the initiative to propose EU legislation related to space, that covers safety, security and sustainability aspects, to be based on an impact assessment and stakeholder consultation, ensuring equal treatment and a level playing field for all European industry, respecting national competences and the principle of subsidiarity and taking into account the specific needs of security and defence where relevant;

12. URGES the Commission to present the results of the analysis of the legal elements and implications of the declaration by the EU of the 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 international burden sharing to address the global challenge of STM through 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;
13. RECALLS the importance of encouraging the implementation of the 21 voluntary guidelines for the Long-Term Sustainability (LTS) of Outer Space Activities; and ENCOURAGES Member States to promote the implementation of these guidelines or the development of new guidelines as appropriate in the framework of COPUOS;
14. 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 is a key enabler to security and defence, and UNDERLINES the importance of preserving safe, peaceful and sustainable use and exploration of the space environment for present and future generations.