



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

from : General Secretariat

to : Delegations

Subject : Council conclusions and draft Code of Conduct for outer space activities

Delegations will find attached annexes which have been approved by the Council on 8-9 December 2008:

- in Annex I, Council conclusions concerning the draft Code of Conduct for outer space activities,
 - in Annex II, the text of the draft Code of Conduct for outer space activities, which will serve as a basis for consultations with third countries.
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Council Conclusions on the draft Code of Conduct for outer space activities
As approved by the Council on 8-9 December 2008

The Council considers that strengthening the security of activities in outer space is an important goal in the context of the expanding space activities that contribute to the development and security of States. This objective is part of the European Union's space policy.

The Council supports the annexed European Union draft for a Code of Conduct for outer space activities, in which States would participate on a voluntary basis, and which includes transparency and confidence-building measures, as a basis for consultations with key third countries that have activities in outer space or have interests in outer space activities, with the aim of reaching a text that is acceptable to the greatest number of countries.

DRAFT
CODE OF CONDUCT
FOR OUTER SPACE ACTIVITIES
As approved by the Council on 8-9 December 2008

Preamble

The Subscribing States,

Noting that all States should actively contribute to the promotion and strengthening of international cooperation relating to the activities in the exploration and use of outer space for peaceful purposes (hereinafter referred to as outer space activities);

Recognising the need for the widest possible adherence to relevant existing international instruments that promote the peaceful uses of outer space in order to meet emerging new challenges;

Convinced that the use of existing space technology, space telecommunications, and their applications, has important consequences in the economic, social and cultural development of nations;

Further recognising that space capabilities – including associated ground and space segments and supporting links – are vital to national security and to the maintenance of international peace and security;

Recalling the initiatives aiming at promoting a peaceful, safe and secure outer space environment, through international cooperation;

Recalling the importance of developing transparency and confidence-building measures for activities in outer space;

Taking into account that space debris could constitute a threat to outer space activities and potentially limit the effective deployment and exploitation of associated space capabilities;

Reaffirming their commitment to resolve any conflict concerning actions in space by peaceful means;

Recognising that a comprehensive approach to safety and security in outer space should be guided by the following principles: (i) freedom of access to space for all for peaceful purposes, (ii) preservation of the security and integrity of space objects in orbit, (iii) due consideration for the legitimate defence interests of States;

Conscious that a comprehensive code, including transparency and confidence-building measures could contribute to promoting common and precise understandings;

Adopt the following Code (hereinafter referred to as "the Code").

I. Core principles and objectives

1. Purpose and scope

- 1.1.** The purpose of the present code is to enhance the safety, security and predictability of outer space activities for all.
- 1.2.** The present Code is applicable to all outer space activities conducted by a Subscribing State or jointly with other State(s) or by non-governmental entities under the jurisdiction of a Subscribing State, including those activities within the framework of international intergovernmental organisations.
- 1.3.** This Code, in codifying new best practices, contributes to transparency and confidence-building measures and is complementary to the existing framework regulating outer space activities.
- 1.4.** Adherence to this Code and to the measures contained in it is voluntary and open to all States.

2. General principles

The Subscribing States resolve to abide by the following principles:

- the freedom of access to, exploration and use of outer space and exploitation of space objects for peaceful purposes without interference, fully respecting the security, safety and integrity of space objects in orbit;

- the inherent right of individual or collective self-defence in accordance with the United Nations Charter;
- the responsibility of States to take all the appropriate measures and cooperate in good faith to prevent harmful interference in outer space activities;
- the responsibility of States, in the conduct of scientific, commercial and military activities, to promote the peaceful exploration and use of outer space and take all the adequate measures to prevent outer space from becoming an area of conflict;

3. Compliance with and promotion of treaties, conventions and other commitments relating to outer space activities

3.1. The Subscribing States reaffirm their commitment to:

- the existing legal framework relating to outer space activities;
- making progress towards adherence to, and implementation of:
 - (a) the existing framework regulating outer space activities, inter alia:
 - the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967);
 - the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (1968);

- the Convention on International Liability for Damage Caused by Space Objects (1972);
 - the Convention on Registration of Objects Launched into Outer Space (1975);
 - the Constitution and Convention of the International Telecommunications Union and its Radio Regulations (2002);
 - the Treaty banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (1963) and the Comprehensive Nuclear Test Ban Treaty (1996);
 - the International Code of Conduct against Ballistic Missile Proliferation (2002).
- (b) declarations and Principles, inter alia:
- the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space as stated in UNGA Resolution 1962 (XVIII);
 - the Principles Relevant to the Use of Nuclear Power Sources in Outer Space as stated in UNGA Resolution 47/68;
 - the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries as stated in UNGA Resolution 51/122;

- the Recommendations on the Practice of States and International Organisations in Registering Space Objects as stated in UNGA Resolution 62/101;
- the Space Debris Mitigation Guidelines of the United Nations Committee for the Peaceful Uses of Outer Space as stated in UNGA Resolution 62/217.

3.2. The Subscribing States also reiterate their support to encourage coordinated efforts in order to promote universal adherence to the above mentioned instruments.

II. General Measures

4. Measures on space operations

4.1. The Subscribing States will establish and implement national policies and procedures to minimise the possibility of accidents in space, collisions between space objects or any form of harmful interference with other States' right to the peaceful exploration and use of outer space.

4.2. The Subscribing States will, in conducting outer space activities:

- refrain from any intentional action which will or might bring about, directly or indirectly, the damage or destruction of outer space objects unless such action is conducted to reduce the creation of outer space debris and/or justified by imperative safety considerations;

- take appropriate steps to minimise the risk of collision;
- abide by and implement all International Telecommunications Union recommendations and regulations on allocation of radio spectra and orbital assignments.

4.3. When executing manoeuvres of space objects in outer space, for example to supply space stations, repair space objects, mitigate debris, or reposition space objects, the Subscribing States agree to take all reasonable measures to minimise the risks of collision.

4.4. The Subscribing States resolve to promote the development of guidelines for space operations within the appropriate fora for the purpose of protecting the safety of space operations and long term sustainability of outer space activities.

5. Measures on space debris control and mitigation

In order to limit the creation of space debris and reduce its impact in outer space, the Subscribing States will:

- refrain from intentional destruction of any on-orbit space object or other harmful activities which may generate long-lived space debris;
- adopt, in accordance with their national legislative processes, the appropriate policies and procedures in order to implement the Space Debris Mitigation Guidelines of the United Nations Committee for the Peaceful Uses of Outer Space as endorsed by UNGA Resolution 62/217.

III. Cooperation mechanisms

6. Notification of outer space activities

6.1. The Subscribing States commit to notify, in a timely manner, to the greatest extent feasible and practicable, all potentially affected Subscribing States on the outer space activities conducted which are relevant for the purposes of this Code, inter alia:

- the scheduled manoeuvres which may result in dangerous proximity to space objects;
- orbital changes and re-entries, as well as other relevant orbital parameters;
- collisions or accidents which have taken place;
- the malfunctioning of orbiting space objects with significant risk of re-entry into the atmosphere or of orbital collision.

6.2. The Subscribing States reaffirm their commitment to the Principles Relevant to the Use of Nuclear Power Sources in Outer Space as stated in UNGA Resolution 47/68.

7. Registration of space objects

The Subscribing States undertake to register space objects in accordance with the Convention on Registration of Objects launched in Outer Space and to provide the United Nations Secretary-General with the relevant data as set forth in this Convention and in the Recommendations on the Practice of States and International Organisations in Registering Space Objects as stated in UNGA Resolution 62/101.

8. Information on outer space activities

8.1. The Subscribing States resolve to share, on an annual basis, and, where available, information on:

- national space policies and strategies, including basic objectives for security and defence related activities;
- national space policies and procedures to prevent and minimise the possibility of accidents, collisions or other forms of harmful interference;
- national space policies and procedures to minimise the creation of space debris;
- efforts taken in order to promote universal adherence to legal and political regulatory instruments concerning outer space activities.

8.2. The Subscribing States may also consider providing timely information on space environmental conditions and forecasts to other Subscribing States or private entities through their national space situational awareness capabilities.

9. Consultation mechanism

9.1. Without prejudice to existing consultation mechanisms provided for in Article IX of the Outer Space Treaty of 1967 and in Article 56 of the ITU Constitution, the Subscribing States have decided on the creation of the following consultation mechanism:

- A Subscribing State with reason to believe that certain outer space activities conducted by one or more Subscribing State(s) are, or may be, contrary to the purposes of the Code may request consultations with a view to achieving acceptable solutions regarding measures to be adopted in order to prevent or minimise the inherent risks.
- The Subscribing States involved in a consultation process will decide on a timeframe consistent with the timescale of the identified risk triggering the consultations.
- Any other Subscribing State which may be affected by the risk and requests to take part in the consultations will be entitled to take part.
- The Subscribing States participating in the consultations shall seek solutions based on an equitable balance of interests.

9.2. In addition, the Subscribing States may propose to create a mechanism to investigate proven incidents affecting space objects. The mechanism, to be agreed upon at a later stage, could be based on national information and/or national means of investigation provided on a voluntary basis by the Subscribing States and on a roster of internationally recognised experts to undertake an investigation.

IV. Organisational aspects

10. Biennial meeting of Subscribing States

- 10.1.** The Subscribing States decide to hold meetings biennially or as otherwise agreed by Subscribing States, to define, review and further develop this Code and ensure its effective implementation. The agenda for such biennial meetings could include: (i) review of the implementation of the Code, (ii) evolution of the Code and (iii) additional measures which appear necessary.
- 10.2.** The decisions will be taken by consensus of the Subscribing States present at the meeting.

11. Central point of contact

A central point of contact shall be nominated among Subscribing States to:

- receive and announce the subscription of additional States;
- maintain the electronic information-sharing system;
- serve as secretariat at the biennial meetings of Subscribing States;
- carry out other tasks as agreed by Subscribing States.

12. Outer Space Activities Database

The Subscribing States will create an electronic database to:

- collect and disseminate notifications and information submitted in accordance with the provisions of this Code;
- channel requests for consultations.

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Annex
(List of Subscribing States)
