



Council of the
European Union

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CFSP/PESC 124
CSDP/PSDC 57
TRANS 16

NOTE

From: Presidency
To: Delegations

Subject: Draft Council conclusions on "Fair and Sustainable Use of Space"

Delegations will find attached a Presidency draft on 'Fair and Sustainable use of Space' with a view to the Space Working Party meeting of 31 January 2023.

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Draft Council conclusions on “Fair and Sustainable use of Space”

THE COUNCIL OF THE EUROPEAN UNION

RECALLING

- A. the Council conclusions on an ‘EU approach to space traffic management’ of 10 June 2022¹ proposing to use definition of Space Traffic Management (STM) from the Joint Communication of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy on ‘An EU Approach for Space Traffic Management – An EU contribution addressing a global challenge’² of 15/02/2022 as a basis for the ongoing work at EU level and the preparation of EU contributions to international discussions;
- B. the Presidency Report on STM of 4 November 2021³, 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 Union while respecting Member States’ competences and their intention to remain in charge of the development, supervision, and enforcement of STM rules;
- [C. EU Joint contribution on the implementation of the Guidelines for the Long-term Sustainability of Outer Space Activities of the UN Committee on the Peaceful Uses of Outer Space;]⁴

¹ 10071/22.

² JOIN(2022) 4.

³ 13407/21 + COR1.

⁴ To be added when public.

1. RECOGNISES that space is a global commons, a global and shared resource open to all states and all citizens of the world without any discrimination; and EMPHASISES the inalienable right to a free use of and access to space for all people irrespective of the degree of their economic or scientific development;
2. ACKNOWLEDGES that space technology, data and services have become indispensable in the daily lives of Europeans and thus drivers for technology development and innovation, creating jobs, increasing European competitiveness, supporting the green transition and enhancing EU resilience; and RECALLS that the unprecedented amount of space objects is posing a direct risk to sustainable orbital traffic and space services operations;
3. ACKNOWLEDGES the fact that specific satellite orbits, particularly Low Earth Orbits (LEO), are rapidly becoming a hazardous area due to space debris and non-maneuvrable satellites orbiting at very high speeds, thereby limiting the possibilities of future generations' use of and access to space; and UNDERLINES that future space activities may multiply even further the number of debris;
4. AFFIRMS that dimensions such as safety, security and sustainability are essential to achieve a 'Fair and sustainable use of space'; REITERATES the potential and importance of an EU approach on STM, in line with the Joint Communication on 'An EU Approach for Space Traffic Management – An EU contribution addressing a global challenge'; WELCOMES initiatives such as the EU SST consortium and newly formed EU SST partnership as well as collaborations on the global level aiming at achieving a more sustainable use of space;
5. ENCOURAGES the Commission, in close cooperation with the Member States, to explore on the one hand, agreements regarding requirements to be fulfilled by all satellite service providers providing services for the EU and its citizens, and on the other hand developing a specific label indicating that the requirements are fulfilled;

6. INVITES the Member States and the Commission to discuss how to exchange best practices on more coherent launch licensing processes based on national space laws, in order to achieve consistent launch licensing processes within the EU and its Member States through the toolbox foreseen in the Joint Communication on ‘An EU Approach for Space Traffic Management – An EU contribution addressing a global challenge’; and CONSIDERS that the common concept of “first come, first served” may create an inefficient and non-fair use of space;
7. ACKNOWLEDGES that effects of light pollution from satellite constellations need to be taken into consideration and mitigation measures put in place to avoid potential negative impacts on astronomical research worldwide; UNDERSTANDS that it could jeopardise space as a global commons; RECOGNISES the risk of space weather hazard to future space infrastructure initiatives; and ENCOURAGES the Commission to take an active part in the development of space weather services as provided in the space regulation⁵;
8. RECOGNISES that communication frequencies are a finite resource and thus a constraint on activities in space; and INVITES the Member States to coordinate efforts towards the International Telecommunication Union (ITU) in order to reach a fair and equitable distribution of frequencies for space infrastructure;

⁵ Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU.

9. CALLS UPON the Member States to continue implementing the 21 voluntary guidelines for the Long-term Sustainability of Outer Space Activities; WELCOMES guidance from the Commission and the European External Action Service on how to achieve effective implementation in order to reach a European long-term sustainable approach; CONSIDERS in particular that the current requirement on a safe decommissioning of satellites 25 years after end-of-life might be too long; and INVITES the Commission to put forward suggestions for requirements to be discussed with Member States in order to achieve sustainability and which the EU could convey, if relevant, to the Inter-Agency Space Debris Coordination Committee;
10. INVITES the Commission and the Member States to lead by example and strive for a global implementation of rules which may result in a fair and sustainable use of space, in line with the work in the Legal Subcommittee of the United Nations Committee on the Peaceful Use of Outer Space; and RECOGNISES the need to further promote the preservation of a safe, secure and sustainable space on a multilateral level.

