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LIMITE

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NOTE

From:	Presidency
To:	Delegations
Subject:	Draft Council conclusions on 'an EU approach on space traffic management'

Delegations will find attached a second Presidency draft of Council conclusions on 'an EU approach on space traffic management' with a view to the Space Working Party meeting of 5 April 2022.

THE COUNCIL OF THE EUROPEAN UNION

RECALLING

- A. the Communication from the Commission of 22 January 2021¹ 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’², 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 Space Traffic Management at political, legal and technical levels;
- C. the Council conclusions of 28 May 2021 on ‘New Space for People’³, 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;
- D. the Council conclusions of 11 November 2020 on ‘Orientations on the European contribution in establishing key principles for the global space economy’⁴, 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;

¹ COM (2020)70 of 22 February 2021.

² 14307/21.

³ 8956/21.

⁴ 12851/20.

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, ~~recalling that STM is primarily a safety and sustainability issue~~; and PROPOSES using that definition as a basis for the ongoing work at EU level and the preparation of EU contributions to ~~upcoming discussions on STM at EU and international~~ discussions level;
2. RECOGNISES that STM entails strategic, competitiveness and innovation challenges that can be better tackled through enhanced dialogue and concerted actions ~~and an enhanced dialogue~~ between Member States with a view to sharing capacities, information and best practices;
3. UNDERLINES that SSA is an essential element of the Union’s autonomy in accessing and using outer space ~~access to space and SSA are essential pillars of the EU’s autonomy and~~ that enhancing operational capabilities in ~~these~~ these fields through a common effort will provide a strong basis for preserving the global rank of the EU 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 military requirements for an EU STM approach; and ~~NOTES~~ ACKNOWLEDGES the need to ensure consistency ~~take into account the implications of~~ the EU STM approach with Union and Member States’ policies in the security and defence fields;

I. Reinforcing our capabilities

5. HIGHLIGHTS the importance of the Union ~~EU having its own infrastructure in order to retain its autonomy in monitoring,~~ mitigating and remediating risks in, from and towards space, ~~notably those stemming from potential collisions,~~ 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, access to space and the peaceful and sustainable use of outer space ~~in a safe and sustainable manner~~;

6. UNDERLINES that the EU and its Member States, through national developments in SSA and together with the EU SST consortium and the SST 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 approach to 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 and fragmentation services, including ~~and that it recently provided~~ 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 SST/SSA capabilities and services in order to achieve a higher level of strategic autonomy;
9. RECOMMENDS, to that end, to focus 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 mitigation and remediation;
 - b. improving and accelerating SST data sharing, including commercial data, through the ~~European~~ operational EU SST database;
 - c. building and maintaining an more autonomous EU catalogue of space objects;
10. ENCOURAGES current ~~and future~~ members of the EU SST consortium and other interested Member States to form a new partnership in SST; ~~and~~ SUPPORTS the new SST partnership, in which each member is to have tailored roles and responsibilities ~~based on~~ subject to added value analysis based on architectural studies and to the avoidance of unnecessary duplication of effort, and the inclusion of additional Member States' capabilities that could improve the services provided by the partnership; and REQUESTS the Commission to reflect on the nature of the partnership while keeping governance efficient and agile;

11. ENCOURAGES the Commission, in close cooperation with the Member States, to create the conditions for a sustainable, thriving, innovative and competitive ~~European~~ **EU** industry and start-up ecosystem, in support of the activities of the future EU SST partnership; to that end, WELCOMES the establishment of the European Industry and Start-up Forum (EISF) to ensure technological and innovation cross-fertilisation and solutions with a view to fostering European competitiveness and consolidating an ecosystem in this field ~~the SSA/STM domain~~; and ENCOURAGES the Commission together with EISF to conduct a thorough market assessment of value-added services ~~related to STM~~ as part of that framework;
12. ~~RECOGNISES~~ **RECOMMENDS that the EU SST partnership, through the EISF, the need to ensures** that commercial services are, as much as possible, complementarity ~~to between public and commercial services~~;
13. ENCOURAGES the future EU SST partnership to ~~increase~~ **foster** the **public** procurement of data in line with an enhanced data policy and to further leverage commercial contributions to operational services;
- ~~13a. and WELCOMES the work of the Commission~~ **SUPPORTS research and innovation actions in this field; and ENCOURAGES the Commission** to initiate specific actions in the framework of ~~the~~ CASSINI initiative to ensure European 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~~ of the European Space Agency (ESA) as technical partner and its support to ~~the~~ EU ~~decisions~~ on STM ~~policy~~ through complementary 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, ~~end-of-life management and eco-design~~, while avoiding unnecessary duplication of effort with the Union's activities;
- II. ~~Reinforcing~~ **Encouraging coordination on regulation and standardisation**
15. ~~ACKNOWLEDGES~~ **RECOGNISES** the role that the Commission could play in ~~coordinating~~ facilitating the coordination between Member States' national efforts to address STM regulation ~~and standardisation~~, in order to foster the convergence of national positions on an EU STM approach to STM, taking into account the national competences;

- 15a. RECOMMENDS to Member States which have not yet done so to consider adopting appropriate national instruments, to be reinforced step by step, such as guidelines, standards, rules, legislation that would provide a framework for implementing commitments or recommendations at international level;** and WELCOMES the proposal of a toolbox which can help identify a possible common set of measures to be implemented by Member States; ~~e.g. a minimum set of requirements for mutual recognition of national certification mechanisms;~~
16. WELCOMES the proposal to establish an EU forum to ensure effective **sharing of** information and **better** coordination on the development of international standards and guidelines; STRESSES that this forum needs to include relevant experts from the Member States and industry; ~~and~~ 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 standards and guidelines, and striving for interoperability, for instance through a minimum set of requirements for mutual recognition of national certification mechanisms;**
- ~~17. RECALLS the need for global reciprocity in the development of a set of obligations to avoid affecting the competitiveness of the European industry and European start-ups; 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 the European industry; [Moved to 19a]~~
- ~~18. RECOMMENDS taking stock of, and using as a basis for the development of standards and good practices, the 21 voluntary Long-term Sustainability (LTS) Guidelines for the Long-term Sustainability of Outer Space Activities adopted by the United Nations Committee on the Peaceful Use of Outer Space (UN COPUOS), as well as existing national legislation and good practices; RECOMMENDS focusing first on a limited set of guidelines and recommendations to be implemented at national level and to be reinforced step by step, if appropriate; [Integrated in 15a, 16 and 22]~~

~~19. WELCOMES the identification of possible measures to incentivise the implementation of STM standards and guidelines; and WELCOMES the proposal of a toolbox which can help identify a possible common set of measures to be implemented by Member States, e.g. a minimum set of requirements for mutual recognition of national certification mechanisms;~~
[Moved to 15a and 16]

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 the European industry; RECALLS in this regard the need for global reciprocity in the development of a set of obligations to avoid affecting the competitiveness of the European industry and European start-ups; *[Moved from 17]*

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 waste space policy and the development of comprehensive measures to coordinate** ~~RECOMMENDS focusing, as a priority, on two objectives: first, limiting as much as possible the production of new debris during the full life cycle of a space system; and second, guaranteeing that operators are well informed of the risk of collisions in orbit and coordinating the decision to manoeuvres~~ in order to avoid such collisions;

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

21. RECOMMENDS promoting global burden sharing ~~in SSA~~ **to address the global challenge of STM through regional contributions such as the EU STM approach** ~~as well as including~~ cooperation, coordination and communication on data sharing and service provision in relation to STM ~~with key partners and third countries, including through the development of a network of regional capacities;~~

22. **WELCOMES the work of United Nations Committee on the Peaceful Use of Outer Space (UNCOPUOS) and its subcommittees;** CALLS ON the Union and the Member States to accelerate the implementation of the **21 voluntary Guidelines for the Long-term Sustainability (LTS) of UNCOPUOS** ~~21 UN LTS Guidelines~~ **as well as the Space Debris Mitigation Guidelines of the UNCOPUOS, 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 about the negotiation going on in the LTS Working Group in Vienna;

23. NOTES **RECALLS** the preliminary **agreement** ~~consensus~~ needed **between Member States, as a first step,** in order to collectively promote a unified EU position **in a broader European context and** internationally, taking due account of Member States' and the EU industry's interests; RECOMMENDS developing, **together with Member States,** common lines to **take** ~~be taken for~~ **by the Commission and** the HR **to advocate the EU STM approach,** ~~by the HR~~ to strengthen the EU's voice in **possible** international ~~negotiations~~ **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 the 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.
