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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 22-23 May 2023*
Draft Council conclusions on “Fair and sustainable use of space”
- *Approval*

I. INTRODUCTION

1. The Council conclusions on “Fair and sustainable use of space” have been prepared in view of the Competitiveness Council to be held on 23 May 2023. The conclusions recall that space orbits are rapidly becoming congested due to the increasing amount of space objects and reiterate the importance of an EU approach on space traffic management, as the safety, security and sustainability are essential to achieve a fair and sustainable use of space.

2. The Presidency has put forward these draft Council conclusions in order to underline the importance of a fair and sustainable use of space, and to encourage the implementation of voluntary guidelines for the Long-term Sustainability of Outer Space Activities.

II. STATE OF PLAY

3. The Space Working Party examined the draft Council Conclusions on four occasions since 31 January 2023.
4. The text presented in the Annex to this Note is identical to the text circulated after the Space Working Party in doc. 8397/23 REV3, 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 23 May 2023.

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 the working 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 February 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, emphasising the need to develop an EU STM approach, respecting Member States’ competences and their intention to remain in charge of the development, supervision, and enforcement of STM rules, in line with the Treaty on the Functioning of the European Union;
- C. the 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 Space⁴;

¹ 10071/22.

² JOIN(2022) 4.

³ 13407/21 + COR1.

⁴ Document A/AC.105/C.1/2023/CRP.12 available at https://www.unoosa.org/res/oosadoc/data/documents/2023/aac_105c_12023crp/aac_105c_12023crp_12_0.html/AC105_C1_2023_CRP12E.pdf

1. RECOGNISES that space is a global commons, free for exploration and use by all states without any discrimination, on a basis of equality and in accordance with international law⁵; and EMPHASISES the right to a free, fair and peaceful use of and access to space for the benefit of all peoples, irrespective of the degree of their economic or scientific development or their level of space capabilities; UNDERLINES that a fair and sustainable use of space should meet the needs of the present without compromising the ability of future generations to meet their own needs;
2. ACKNOWLEDGES that space technology, data and services have become indispensable in the daily lives of Europeans and thus drivers for technological development and innovation, creating job opportunities and economic growth, increasing European competitiveness, supporting the green and digital transition, safeguarding the EU and its citizens and enhancing EU resilience and security;
3. ACKNOWLEDGES that specific satellite orbits, particularly Low Earth Orbits (LEO), are rapidly becoming a congested and hazardous area due to the increasing amount of space objects, such as debris and satellites, including non-maneuvrable ones, orbiting at very high speeds, thereby jeopardising present and future possibilities to use and access space; RECALLS that the unprecedented number of objects in space is rapidly growing and posing a direct risk to safe and sustainable orbital traffic and space activities; UNDERLINES that, under the current conditions, future space activities will even further increase the amount of debris; and NOTES the importance of capabilities for satellites monitoring and space debris monitoring and collision avoidance and for enabling safe access to and return from space;
4. CALLING ON the Member States and the Commission to foster the implementation of mitigation measures in order to minimise future space debris and to promote debris remediation research activities in order to manage the existing amount of debris, while enhancing European competitiveness;

⁵ In particular the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon and Other Celestial Bodies of 27 January 1967.

5. AFFIRMS that factors 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 Council conclusions on an EU approach to STM; WELCOMES reinforcing capabilities through the contribution of the EU SST consortium and the newly-formed EU SST partnership, in collaboration with the EU Space Programme Agency, and also initiatives such as collaborations on the global level aimed at ensuring a safe, secure and sustainable use of space;
6. ENCOURAGES the Commission, in close cooperation with the Member States and, where appropriate the High Representative, to explore requirements to ensure safe, secure and sustainable space activities, taking into account aspects of security and defence where relevant, to be followed by all satellite service providers offering services to the EU and its citizens, while enhancing European competitiveness, including through sharing of best practices among Member States and capacity building activities;
7. INVITES the Commission to exchange views with the Member States and explore incentive measures to encourage satellite service providers to use non-legally binding instruments developed at the national or international level to foster sustainable use of space;
8. INVITES the Member States and the Commission to exchange best practices on launch licensing, safety procedures and on measures aiming to ensure a sustainable use of space under national space laws, in order to establish consistent approaches between the EU Member States including with the help of the toolbox foreseen in the Joint Communication on ‘An EU Approach for Space Traffic Management – An EU contribution addressing a global challenge’;

9. ACKNOWLEDGES that the effects of light pollution and electromagnetic interference in particular from satellite constellations must be taken into consideration and mitigation measures put in place to minimise negative impacts on astronomical observations and research worldwide; WELCOMES the efforts of the United Nations Committee on the Peaceful Use of Outer Space (UN COPUOS) in this regard;
10. RECOGNISES the risk of space weather hazard for space infrastructure and services and critical ground infrastructure; and ENCOURAGES the Commission to further develop space weather services as provided for in the space regulation, in cooperation with Member States and the European Space Agency;
11. UNDERLINES that frequencies used by space-based services and in space activities are a limited natural resource and must be used rationally, efficiently and economically; and ENCOURAGES the Member States to manage the licensing of frequencies to support a fair and sustainable use of space;
12. CALLS UPON the Member States and the Commission to continue implementing the 21 voluntary guidelines for the Long-term Sustainability of Outer Space Activities; ENCOURAGES the Commission and the High Representative, together with the Member States, to pursue a concerted and coordinated approach on how to achieve effective implementation of these guidelines, including in the EU space programme and while respecting Member States' competences, in order to reach a European approach that is sustainable in the long term; CONSIDERS in particular that the current requirement for the safe decommissioning of satellites 25 years after end-of-life should be re-evaluated; and INVITES the Commission to put forward suggestions for requirements to be discussed by Member States in order to achieve sustainability and which the Member States and the European External Action Service could convey, where applicable, to the relevant international fora;

13. ENCOURAGES the Commission to proceed with the necessary steps for the Union to declare, where appropriate, EU acceptance of the rights and obligations of the Rescue Agreement, the Liability Convention and the Registration Convention under the United Nations Treaties and Conventions on Outer Space;
 14. INVITES the Commission and the Member States to strive for the global implementation of guidelines which may result in a safe and sustainable use of space, in line with the work in the UN COPUOS and its subcommittees; and RECOGNISES the need to further promote on a multilateral level the preservation of the safety, security and sustainability of space.
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