



EU in space: from a technical approach to a regulatory proposal

Abstract:

Within the multi-level legal framework of space activities, the role of the European Union has to be investigated. Despite limited declared competences in space (article 189 TFEU), the need for a collective approach to both the policy and regulatory aspects connected to the realization of EU priorities connected with space activities is essential. In April 2021, the Council and the European Parliament adopted a regulation establishing the new EU space programme for the years 2021 to 2027, focused on operative tasks aimed at building an independent space infrastructure, but the further steps of the EU involvement in space move to regulation. In fact, on the 13th of September 2023, in the framework of the State of the Union Address, President von der Leyen announced an initiative for an EU Space Law (EUSL). The proposal could be adopted by the Commission in the first trimester of 2024. It envisages common EU rules addressing safety, resilience and sustainability of space activities and operations. It intends to avoid and remove fragmentation and barriers across the single market caused by the heterogeneity or lack of national space legislations, while ensuring the competitiveness of the European space sector in an international trade context. The EUSL will cover three pillars/objectives: a) EUSL safety pillar; b) EUSL resilience pillar; c) EUSL sustainability pillar.

The lecture will analyse the state of the art of EU competences in space, the legal basis for space law, existing policy and regulatory instruments at the international level with reference to sustainability of space activities and the interaction with EU law. It will draw a bridge from past attempts of global governance and future interventions to grant strategic autonomy of the organization, within the borders of the Treaty rules imposed by national sovereignty of the MS. Possible scenarios of EU involvement in space activities and their regulation will be drawn with specific reference to the leading role this organization wants to acquire worldwide and to the effects the EUSL will have towards Member States.

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