

European and National Legislation Related To Space

**The decisive role of national parliaments,
and potential actions by EISC**

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The role of Members of Parliament



- Members of Parliament, assembled in EISC can effectively support the space sector:
 - **inside the Parliaments** (in particular in those committees which are potential users of space applications and in the budget committees) and
 - **in the constituencies**, where often the citizen has to be convinced why space is a priority and of benefit even if other activities/investments seem to be more directly relevant (“space is the better and more efficient solution!”).
- The space sectors needs support from MPs though **providing support to public institutions** (agencies, research establishments, universities) as well as industry in their efforts to create knowledge and industrial benefit and to **provide a climate for new creative engagement in particular for start-ups**.
- The Lisbon Treaty enlarged the responsibility of the EU for space. But at the same time it clearly states that space is a parallel competence together with the Member States. This means that the role of national parliaments has actually been highlighted and strengthened by the Lisbon Treaty.
- Countries’ interests are protected through the membership in ESA via industrial policy and widespread technology developments.



Recent examples of how parliaments shape space activities through legislative acts



Three recent concrete examples of how national parliaments shape space activities through legislative acts:

1. The French Space Operations Act, which entered into force in 2010 and provides the legal framework for authorization of space activities.
2. The German Satellite Data Security Act, which entered into force in 2007 and fosters the use of remote sensing data while at the same time safeguards security and foreign policy interests.
3. The Polish act establishing a Polish Space Agency of 2014. This was initiated by the national parliament and the space group was instrumental.



What is currently at stake, where national Parliaments can act



The following are currently at stake where **national Parliaments can act**:

1. Securing frequencies for space activities.
2. National organization of the use of Earth observation data.
3. National space legislation for authorization of space activities of private actors.
4. Export of space-related goods and services.
5. Regulating private human spaceflight/space tourism.
6. Supporting space as a theme in primary and secondary education.



1. Securing frequencies for space activities



- All space activities require frequencies for operations and use (not only telecom but also navigation, Earth observation and science). However, **all frequency bands allocated to space services are under pressure from terrestrial services** (in particular mobile telecommunications), which need more and more bandwidth and which squeeze the space services to more and more narrow areas. This endangers the investment the countries are putting into space activities, because the full potential can be less and less guaranteed.
- EISC can be the place, where strategies and actions can be coordinated to improve the situation regarding the frequencies for space services. **The national parliaments have a strong role in making the national regulatory authorities to better consider and to protect space services.** Whenever the talk is about “neutrality”, it mostly leads to a disadvantage for space services – this means, space services have to be protected = discriminated in a positive way, overcoming a neutrality, which hurts them.
- Also the way for **new technologies**, which only recently entered regulation (as optical communication), can be discussed in EISC to avoid problems as presently with other space services.



2. National organization of the use of Earth observation data



- The European Union established in 2007 the INSPIRE (Infrastructure for Spatial Information) directive. To **ensure that the spatial data infrastructures of the Member States are compatible** and usable in a Community and trans-boundary context, the Directive requires that common Implementing Rules (IRs) are adopted in a number of specific areas (metadata, data specifications, network services, data and service sharing and monitoring and reporting).
- The role for national Parliaments is evident since the **implementation process** provides them with a direct mandate. EISC could again be the place to coordinate efforts on how this is handled in the respective parliaments and to exchange on practices on how to best serve the interest of space applications in public use as well as in commercialization.
- Also the way large data is handled today by **Google poses a risk to European industry**, which can be discussed in EISC to support legislation and programmatic direction.



3. National space legislation for authorization of space activities of private actors



- It is the single Member States, which have ratified the Outer Space Treaty of 1967. Therefore, its implementation cannot be passed to another level. This means that the **national Parliaments have to pass national laws dealing with the authorization of private space activities** (for example private telecom operators or universities launching small satellites) in order to safeguard public interest for safety and to regulate third-party liability, which rests with the State.
- Less than half of the EU/ESA Member States have so far passed such national space laws, but all should do so.
- EISC could be a forum to coordinate these efforts in order to get the legislators informed in-depth about the existing laws and experience with these laws and to avoid that legislation varies too much with the **threat of “licence shopping”** by multinational companies.
- Here **EU is not empowered to legislate** because of the explicit exclusion of legislative harmonization under Article 189 TFEU.



4. Export of space-related goods and services

- The export of space-related goods and services is a **factor of growth** and proves the competitiveness of the European space sector. It has thus to be supported.
- Export of space-related goods and services are, however, often **closely linked with dual use** and thus face a delicate political and regulatory regime regarding export. EISC could exchange on the national practice and experience in this field.
- A related issue is **cyber-security in the space sector**, which is too slowly developed and should be pushed by national Parliaments via regulations.



5. Regulating private human spaceflight/ space tourism



- A number of States in Europe have **concrete plans** for private human spaceflight/space tourism. The UK, Spain and the NL have ideas about operations from their respective territories.
- While there are ideas of involving the European Aeronautics Safety Agency (EASA) in the **regulatory efforts**, which are required for safe operations, the issue rests with the national legislators. EISC can play a role as a natural forum to discuss and coordinate.



6. Supporting space as a theme in primary and secondary education



- Primary and secondary education are not European but national (or federal States - level) competencies. Therefore, each Member State should try on its own to **use space as an attractive theme in education** to foster the interest of children in STEM (Science, Technology, Engineering and Mathematics). EISC has started under the Belgian Presidency to look into the issue and could further engage in this field to make efforts even more effective and efficient.



Coordination mechanisms and forums at the European level

1. ESA's International Relations Committee (IRC) deals continuously with space law issues and provides a coordination forum for the Member States.
2. The European Centre for Space Law (ECSL), managed by ESA's legal department and comprising the major academic institutions in the field, provides a platform for exchange (www.esa.int/ecls).



