

TO:
DG DEFIS, European Commission
Brussels, November 8, 2023

Subject: EARSC Position on the EU Space Law – new rules for safe, resilient, and sustainable space activities

The European Union is seeking the establishment of a union-wide Space Law to adopt a coherent EU approach to safety focusing on three pillars:

- the mitigation of space debris,
- resilience through risk management and cybersecurity, and
- sustainability through common rules for the life cycle assessment of space activities and to prevent light pollution.

Focused on innovation, the European Association of Remote Sensing Companies, (EARSC) is a trade association with more than 140 company members from all over Europe. EARSC represents the Earth observation (EO) industry. EARSC welcomes the efforts of the European Commission to harmonise the EU approach to safety, sustainability, and resilience and ensure the long-term longevity of the European space domain.

In response to the European Commission stakeholder consultation on the EU legislative initiative on safety, resilience, and sustainability of space activities (EU Space Law), EARSC convened a task force composed of representatives from member companies. This taskforce sought to gather views on the proposed legislative initiative, raise concerns, and address challenges from the viewpoint of the European Earth observation industry.

While EARSC welcomes initiatives that will contribute to the long-term viability of European space activities, EARSC members have however expressed concern over the additional costs that compliance with the law will impose on companies. Compliance with aspects of the law will increase the costs of data, satellites, and services for companies in the Earth observation value chain. Questions remain about potential mitigation measures to offset these costs associated with compliance to ensure that European companies are not disadvantaged in the global market, as they will be shouldering the costs and additional technical requirements associated with compliance, whereas international competitors will not.

Many EU countries have established national space laws, with differing and diverse foci. Companies will need to comply with both national legislation and this EU-level regulation. Therefore, questions remain regarding jurisdiction and harmonisation, to ensure that compliance with both is streamlined to not increase the regulatory burden for the European industry.

Additionally, clear requirements for compliance with the law remain a key point for EARSC. It is important that the law clearly defines which entities need to comply with the law. The law will apply to European manufacturers and operators, which must also be clearly defined, but open questions remain regarding the compliance of foreign entities operating or providing services in Europe.


Additionally, as regards the requirements set forth in the proposal, EARSC would like to highlight the importance of an appropriately long transition period for compliance to ensure that already launched missions can continue operating without disruption. EARSC would also like to highlight the importance of addressing missions that are already in the process of being manufactured and launched where the implementation of additional technical requirements is no longer feasible.

EARSC also notes that the proposed EU Space Law does not address the commercialisation of space activities, and points to the example of the United States where Commercial Space Regulation exists to complement other regulatory frameworks. While a dedicated Commercial Space Directive at the EU level would potentially be an appropriate law to boost private commercial initiatives in space, the text of the EU Space Law could address the need for such a regulation. Such a directive could pave the way towards levelling the playing field for global commercial competition in space.

We kindly ask the European Commission in its future action on the establishment of an EU Space Law to take into account the considerations raised by the European Earth observation industry, and that commercialisation opportunities and the competitiveness of the industry remain central to future action. EARSC remains at your disposal to provide additional information or support in the EU legislative initiative on the safety, resilience, and sustainability of space activities.

Kind Regards,

Marc TONDRIAUX

A handwritten signature in black ink, appearing to read 'Marc Tondriaux', written over a horizontal line.

Chairman of EARSC



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