



PERGAMON

Available online at [www.sciencedirect.com](http://www.sciencedirect.com)

ScienceDirect

Acta Astronautica 60 (2007) 210–220

ACTA  
ASTRONAUTICA

[www.elsevier.com/locate/actaastro](http://www.elsevier.com/locate/actaastro)

# Institutional challenges for space activities in Europe<sup>☆</sup>

Lesley Jane Smith<sup>a,\*</sup>, Kay-Uwe Hörl<sup>b</sup>

<sup>a</sup>University of Lueneburg, Wilschenbrucher Weg 69, 21335 Lueneburg, Germany

<sup>b</sup>EADS Astrium GmbH, Programs Directorate Navigation Germany, 81663 Munich, Germany

Received 28 October 2005; received in revised form 9 June 2006; accepted 20 July 2006

Available online 10 October 2006

## Abstract

Cooperation between the EU and ESA in the development of Galileo marked a first decisive step in collaboration between these two communities. Current work on space programmes beyond Galileo, such as GMES, shows the need for clear institutional solutions and responses to what should become more than a mere framework space agenda. If Europe is to fulfil its space ambitions and adopt a common approach, institutional competences and abilities require clarification and formulation. The Commission's White Paper lays out an action plan designed to support space technology and activities within the EU. The EU is seen as providing the most appropriate political forum alongside optimal investment conditions for the space industry, developing the social, economic and commercial potential. If Europe wants to pursue its space ambitions effectively, institutional challenges will have to be tackled sooner rather than later. Whilst recognising current limitations on the EU's competence to legislate specifically on space matters, the White Paper seeks to address primary space issues and looks towards a future European governmental agenda that includes space activities. This paper analyses the current legal framework governing the relationship between the respective inter-governmental institutional agency (The European Space Agency) and the specific supranational community of the European Union. It argues that *ad hoc* models of support for specific programmes, such as the establishment of the Joint Undertaking for the Galileo programme, serve only as an interim step towards realigning competence within the institutional landscape to facilitate and benefit Europe's future activities in space.

© 2006 Elsevier Ltd. All rights reserved.

## 1. Introduction

Since the creation of the European Space Agency (ESA) in 1975, Europe has achieved a remarkable series of successful space projects. The key to these European successes has been the ability of the ESA Member States to balance individual national objectives and, in some cases, national programmes with joint European

objectives, policies and programmes. However, the European Union's (EU) "entry" into space, through the research field and Framework Programmes, has propelled the concept of European space policies and programmes into a new dimension. The White Paper on Space<sup>1</sup> recognises that several European countries have been pursuing their national space policy goals while also benefiting from a European dimension derived from pooling most of their efforts within the framework of the ESA. The White Paper on Space states that a

<sup>☆</sup> The content of this paper reflects the views of the authors and not necessarily those of their affiliated institutions. The authors wish to thank Ms Kamlesh Gungaphul, DESS Paris XI 2003/04 and Manfred Lachs Moot Court finalist 2003, in preparing this paper.

\* Corresponding author.

E-mail addresses: [ljsmith@barkhof.uni-bremen.de](mailto:ljsmith@barkhof.uni-bremen.de) (L.J. Smith), [Kay.Uwe.Hoerl@astrium.eads.net](mailto:Kay.Uwe.Hoerl@astrium.eads.net) (K.-U. Hörl).

<sup>1</sup> White Paper on Space, "A new European frontier for an expanding Union", an action plan for implementing the European Space Policy, COM (2003) 673, released on 11 November 2003.

European Space Policy could be achieved by concentrating efforts within the European framework.

The Commission's position within the framework stresses that the political framework of the European Union is the only adequate one to provide the appropriate conditions to reap the benefits of an extended European Space Policy that should also benefit the Union's new Member States. Altogether, various documents, propositions and reports have led towards a coming together of ESA and the European Community (EC), representing the EU, for the achievement of a truly European Space Policy.<sup>2</sup>

In this White Paper on Space, the Commission finds a further way of emphasising that the process of European Integration was also conceived as a mechanism for achieving lasting peace and security. A European Space Policy could help accomplish this objective which has always been considered a challenge of paramount importance for Member States. Space intrinsically involves dual use, military and civilian, also covering security and defence aspects. The duality of space applications makes them an essential support to one of the most rapidly evolving EU policies—the Common Foreign and Security Policy (CFSP), including European Security and Defence Policy (ESDP).<sup>3</sup> The White Paper also specifically recommends the creation of a dedicated working group to deliver a Report on Space and Security issues by the end of 2004.

The EU and ESA combine the political, social and technological expertise essential for the establishment and development of European space activities. However, the two are founded upon different and sometimes diverging organisational structures and competences. In order to address the institutional challenges, if any, that may hinder the progress of space activities in Europe, the interaction of the two European institutions most competent for the conduct of these activities must be assessed.

For some time now, there has been little doubt that the European Union has the capability to use space resources for the advancement of its social and political projects and that ESA has the expertise required to implement these projects. It has even been put forward that ESA should become the EU's Space Agency.<sup>4</sup> The two entities had long considered that certain fundamen-

tal internal structures prevented them from cooperating closely. Efforts from both sides have resulted in the Framework Agreement (FA). This document allows the formal establishment of a necessary framework for cooperation on important space activities between the Community and the ESA. In addition, it is a choice example, providing confirmation that institutional realignment is both necessary and challenging for the successful carrying out of European space activities.

After briefly discussing the institutional structure of the ESA and the EU's competencies in space matters, this paper focuses on the characteristics that determine the relations/interactions between ESA and the EU. It analyses in detail the aim and purposes of the FA as well as the models of cooperation it proposes. The paper concludes by focusing on the institutional arrangements that would be required for particular models of cooperation adopted by the two main actors in the sector of European space activities.

## 2. Position of ESA and EU

On 25 November 2003, the ESA and the EC signed a framework agreement designed to ensure efficient and mutually beneficial co-operation in space-related activities between the two organisations for the progressive development of an overall European Space Policy. The FA, which officially entered into force on 28 May 2004, was much needed since joint projects previously agreed upon by the two institutions on an *ad hoc* basis had soon faced complications: Galileo<sup>5</sup> (European Programme for Satellite Navigation) is a cooperation project initially agreed upon by ESA and EC on an *ad hoc* basis, with the project being co-organised and co-financed by the two organisations. The *ad hoc* approach for this project resulted in a two-year delay due to a lack of agreement regarding final contributions of the ESA Member States and due to the absence of a common decision-making structure.<sup>6</sup> This situation was

<sup>2</sup> These include the report on "Strategic Aerospace Review for the 21st century" (STAR21, July 2002) and the report "Towards a space agency for the EU" (December 2000 —C. Bildt, J. Peyrelevade, L. Späth).

<sup>3</sup> See the White Paper above, note 3, at 3.4.

<sup>4</sup> See note 4 above, the "Wise Men Report"—"Towards a Space Agency for the EU", C. Bildt, J. Peyrelevade, L. Späth, Paris 2000.

<sup>5</sup> "Galileo" is a joint initiative of the EU and ESA to develop and operate a global satellite navigation structure, ensuring a European civilian system independent from the existing ones (GPS and GLONASS). The EU's participation in Galileo was formally declared in Council Resolution of 19 July 1999 on the involvement of Europe in a new generation of satellite navigation services—GALILEO definition phase, at OJ C 221 p. 1 of 3 August 1999.

<sup>6</sup> Just as important in the ESA debate was the fact that the EU had not yet selected its contractors and having two sources of financing raised the stakes. This is not the only delay the programme had faced since the EU and ESA launched their global navigation satellite system (GNSS) initiative in 1994. Negotiations among Member States of the EU and the European Commission over Galileo took about 15 months longer than the original deadline. See also "Galileo and GPS, Where it's at?", The Economist, 29 January 2004.

Download English Version:

<https://daneshyari.com/en/article/1717134>

Download Persian Version:

<https://daneshyari.com/article/1717134>

[Daneshyari.com](https://daneshyari.com)