

Position Paper

Feedback on the draft proposal EU Space Act - new rules for safe, resilient and sustainable space activities

Executive Summary

In the EU Space Act, CEN and CENELEC urge the European Commission to

- **follow the consistency set in recent legislative negotiations and continue to use the proposed Toy Safety Regulation as blueprint for articles on common specifications.**
- **include standardization strategically in European space policy by expanding the scope of topics for which standards will be requested for.**
- **fully leverage the European Standardization System by ensuring coordination between the Space Agency and the European Standardization Organizations.**

Introduction

CEN and CENELEC are actively supporting the EU Space Act through standardization efforts, including the Rules of the Road in Space for which draft standards are in development and the upcoming EISMEA-funded SateLight ASTRA project. These projects will be developed within CEN-CENELEC/JTC 5 'Space' and support European space policy. CEN and CENELEC welcome continued collaboration with the European Commission to fully leverage European Standards in space policy and support the objectives of the EU Space Act.

CEN and CENELEC position on the Common Specifications Article

CEN and CENELEC acknowledges the Commissions intention to be able to develop common specifications if the standardization system cannot deliver the necessary harmonized standards. However, a reliance on common specifications, as in the EU Space Act, could undermine the New Legislative Framework. Harmonized standards should remain the preferred choice, while resorting to common specifications should be only considered in narrowly defined and duly justified cases.

CEN and CENELEC emphasises the following about common specifications:

- That they remain a fallback solution to be used when all other options have been exhausted.
- Their application should be consistent across jurisdictions.
- The design should involve relevant stakeholders - especially the affected industry and societal actors - and be based on international standards.
- There should be clear rules on when the Commission is authorised to create common specifications and when these should be withdrawn (especially as soon as a harmonized standard is available or if a Member State objects).
- Like harmonized standards referenced in OJEU, common specifications should be voluntary and give presumption of conformity.

CEN and CENELEC support Article 14 of the proposed Toy Safety Regulation (Annex I) as a framework for the use of common specifications over the current proposed text in the Space Act Article 104 paragraph 3, that is based on the Commission's Omnibus IV proposals.

The Article as in the proposed Toy Safety Regulation is preferred by the Council and a wide range of stakeholders because it clearly defines the above points, in particular the fact that:

1. Common specifications can only be issued when
 - there is no harmonised standard covering the requirements published in the OJEU and no such reference is expected to be published within a reasonable period.
 - a standardization request has been issued by the Commission, but the European Standardization Organizations rejected it.
 - the standards requested have not been delivered within the set deadline.
 - the standards requested do not comply with the request.
 - the standards requested do not satisfy the requirements they aim to cover.
2. The Article also foresees
 - consultation with all relevant stakeholders.
 - common specification or parts thereof to be repealed or amended when reference of a harmonised standards that cover the same essential safety requirements is published in the OJEU.
 - possibility to amend the common specification when Member State considers that the essential safety requirements are not entirely satisfied.

Unfortunately, the proposed Article in the Space Act removes several important guarantees for involvement, withdrawal and changes the decision-making procedure. The proposal gives the EC wider margin to interpret when to use common specifications.

In the EU Space Act, e-certificates and light and radio pollution are specifically identified for the use of common specifications. As highlighted in the introduction, CEN and CENELEC will work on standardization deliverables on light pollution for 'Dark Skies'. Instead of opting for common specifications the EC should assess the standards under development and request CEN and CENELEC to produce standards also for the other topics identified on radio pollution and e-certificates.

CEN and CENELEC therefore urges the Commission to follow the consistency set in recent legislative negotiations and continue to use the proposed Toy Safety Regulation as blueprint for all future articles on common specifications including in the EU Space Act.¹

Including standardization strategically in the EU Space Act

Cooperation between the Space Agency and European Standardization Organizations should be ensured for coherence. As described in the Space Act the Space Agencies Compliance Board's technical subcommittees on safety, resilience, and sustainability draw on national authorities' expertise. The absence of a channel to incorporate input from standardization, for example by formally liaising for relevant matters with CEN-CENELEC/JTC 5 on Space, means technical judgments will be made inside a regulatory silo.

Areas in the Space Act for which mandating the European Standardization Organizations to develop standards should include:

- Cybersecurity and cryptography, where the proposal sets out detailed security obligations, including cryptography requirements, and grants the Commission power to further specify prescriptive technical measures via delegated acts.
- In-space servicing interfaces, where the proposal empowers the Commission to prescribe technical design principles for in-orbit servicing interfaces and modular satellite components via implementing acts.
- Environmental footprint requirements, where the approach – while referencing “scientifically sound methods” and international standards – effectively hard-codes a technical LCA (life-cycle assessment) method through legislation. This approach risks duplicating existing environmental standards (for example ISO LCA standards) or future standardization work on space sustainability and does so without the transparency and buy-in that come from the stakeholder led and consensus-based standardization process. Developing the Environmental Footprint regime methods via the European Standardization System, or at least

¹ To learn more about the CEN and CENELEC position on Common Specifications please refer to the position paper on the Omnibus IV. <https://www.cencenelec.eu/media/CEN-CENELEC/News/Brief%20News/2025/cen-cenelec-feedback.pdf>

in consultation with, would ensure broader acceptance and avoid a standalone EU methodology.

These top-down approaches sideline established standardization avenues and undermine the New Legislative Framework. The Space Act should fully leverage the European Standardization System, as foreseen in Article 104, by using European and international standards to ensure a coherent regulation that minimises duplicative work and a waste of resources. Aiming to have a single coherent European system for technical requirements for space policies is key for efficiency, competitiveness, accessibility, flexibility and interoperability in a global space sector.

Annex 1: Proposed Toy Safety Regulation Article 14

Article 14

Common Specifications

1. Toys which are in conformity with the common specifications referred to in paragraph 2 of this Article or parts thereof shall be presumed to be in conformity with the essential safety requirements to the extent that those requirements are covered by those common specifications or parts thereof.

2. In exceptional cases, the Commission may adopt implementing acts establishing common specifications covering requirements that provide a means to comply with the applicable essential safety requirements.

Those implementing acts shall only be adopted where the following conditions are fulfilled:

(a) there is no harmonised standard covering those requirements the reference of which is published in the Official Journal of the European Union and no such reference is expected to be published within a reasonable period;

(b) the Commission has requested, pursuant to Article 10(1) of Regulation 1025/2012, one or more European standardisation organisations to draft or to revise European standards for those requirements and:

(1) the request has not been accepted by any of the European standardisation organisations to which the request was addressed; or

(2) the request has been accepted by at least one of the European standardisation organisations to which the request was addressed, but the European standards requested:

(a) are not delivered within the deadline set in the request;

(b) do not comply with the request;

(c) or do not satisfy the requirements they aim to cover.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 50(3).

2a. Before preparing the draft implementing act referred to in paragraph 2, the Commission shall inform the committee referred to in Article 22 of Regulation (EU) No 1025/2012 that it considers that the conditions in paragraph 2 have been fulfilled.

When preparing the draft implementing act referred to in paragraph 2, the Commission shall take into account the views of the Expert Group on Toys Safety and shall duly consult all relevant stakeholders.

3. Where a harmonised standard is adopted by a European standardisation organisation and proposed to the Commission for the purpose of publishing its reference in the Official Journal of the European Union, the Commission shall assess the harmonised standard in accordance with Regulation (EU) No 1025/2012. When reference of a harmonised standard is published in the Official Journal of the European Union, the Commission shall repeal or amend the implementing acts referred to in paragraph 2, or parts thereof which cover the same essential safety requirements as those covered by that harmonised standard.

4. When a Member State considers that a common specification does not entirely satisfy the essential safety requirements, it shall inform the Commission thereof by submitting a detailed explanation. The Commission

About CEN and CENELEC

CEN (European Committee for Standardization) and CENELEC (European Committee for Electrotechnical Standardization) are recognized by the European Union (EU) and the European Free Trade Association (EFTA) as European Standardization Organizations responsible for developing standards at European level, as per European Regulation 1025/2012. The members are the National Standards Bodies (CEN) and National Electrotechnical Committees (CENELEC) from 34 European countries. European Standards (ENs) and other standardization deliverables are adopted by CEN and CENELEC, are accepted and recognized in all of these countries. These standards contribute to enhancing safety, improving quality, facilitating cross-border trade and strengthening of the European Single Market. They are developed through a process of collaboration among experts nominated by business and industry, research institutions, consumer and environmental organizations, trade unions and other societal stakeholders. CEN and CENELEC work to promote the international alignment of standards in the framework of technical cooperation agreements with ISO (International Organization for Standardization) and the IEC (International Electrotechnical Commission).

shall assess that detailed explanation and may, if appropriate, amend the implementing act establishing the common specification in question.