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SUPRANATIONAL SPACE: WHY THE POWERS OF THE EU ARE NOT QUITE PARALLEL

Abstract

The paper deals with the legal powers of the European Union in space matters as introduced by the Lisbon Treaty. It is not enough to “label” the competence as parallel. In the wake of dispute about the precise content of the new competence a detailed definition is needed. Recent publications have either concentrated on its evident shortcomings or else listed other competences for supranational regulatory measures. It will be argued that however harsh the exclusion of any harmonisation might be felt, some features of supranationalism remain, e.g. legal supremacy. There is room of manoeuvre for the EU even within the confinements of this exclusion and the paper will show how factual harmonisation can be achieved. This power of factual harmonisation will be exemplified by the case of space debris in the second part of the paper. Any post-Lisbon analysis on the distribution of legal powers in Europe has therefore to conclude that the powers of the EU remain limited but space became a bit supranational.