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EU REGULATORY FRAMEWORK ON EARTH OBSERVATION – ARE WE THERE YET?

Abstract

Article 189 of the Treaty on the Functioning of the European Union (TFEU) opened up new perspectives for developing and promoting space policy in Europe. The implementation of the EU flagship programme Copernicus, as well as the reliable access to commercial earth observation satellite data constitute key priorities for the establishment of a competitive EU space policy. This paper attempts to shed light on the current developments in the area of earth observation in Europe. The first part of this paper deals with the Copernicus Regulation, which entered into force in April 2014. Copernicus' core mission is to provide accurate and reliable information in the field of environment and security, tailored to the needs of users. The main objective of the Regulation is to implement the next, fully operational phase of this civil, user-driven programme. A successful implementation, however, requires a close co-operation and co-ordination between the main actors, and especially ESA. Therefore, the on-going implementation of the Regulation will be examined, taking due regard to the new dynamics in the relationship of EU and ESA. The second part of this paper concerns the proposal for a Directive about the dissemination of Earth observation satellite data for commercial purposes published by the European Commission in June 2014. The goal of the draft Directive is to harmonise the rules that govern the dissemination of Earth observation data, particularly that of high resolution satellite data to address possible fragmentation of the EU market. However, it appears that EU Member States have contradicting views in relation to the necessity of the Directive as some remain unconvinced that the Directive will stimulate the market. Thus, the paper will analyse both the legal content of the proposed Directive and its political dimension.