

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
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THE EU AS AN EMERGING ACTOR IN THE FIELD OF SPACE SECURITY AND THE
CONTROVERSY BEHIND THE “LIMIT” OF A SHARED COMPETENCE

Abstract

Since the 24/07/2020, day in which the Commission issued the EU Security Union Strategy, the EU has accelerated its security policy. The Strategy -active from 2020 till 2025- is one of the most recent and authoritative steps taken by the EU in the field of security. Aside from key battles against terrorism, drugs and crime, it underlines the importance of protecting space infrastructures against security threats. The years that followed this Strategy, and the adoption by the EU Ministers of Defence and Foreign Affairs of the Strategic Compass for Security and Defence on the 21/03/2022 have been crucial in establishing space as a domain that is not only to be protected, but is also instrumental -as Josep Borrell himself clarified- for defence and security policies. Overall, the EU is more and more addressing space as a strategic domain, crucial to ensure citizens' safety and territories' defence. This commitment has been highlighted during the 15th European Space Conference by High Representative and Vice President of the European Commission, Josep Borrell, and the Commissioner for Internal Market of the European Commission, Thierry Breton. The EU is progressively emerging as a key actor in the field of space security, devolving a larger budget to its space programmes and infrastructures. This analysis will first analyze the major steps taken by the EU in the domain of space, to pinpoint how and when the EU started to emerge as a bigger player in space security. Secondly, it will present how the major European space infrastructures ensure safety and defence for the EU, and how they are protected. Most importantly, the analysis will focus on the upcoming EU Space Strategy for Security and Defence that Breton and Borrell announced at the 15th European Space Conference. This strategy will be analyzed using the “magnifying glass” of the division of competences within the EU, trying to understand if the efforts that will be taken under through this Strategy would still fit within the framework of a EU shared competence -as per agreement since the fields of freedom, security and justice all lie within the shared competences umbrella (art. 2 and 4 of the TFEU)-. Should this not be the case, this research will also explore the eventuality of a Strategy that could be paving the way to a EU that is, slowly but surely, progressively claiming the field of security as a competence that is exclusively its own.