

Alert | Space & Satellite



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The EU Space Act: ‘Foreign’ Space Service Providers, Equivalence, and Registration

Go-To Guide

- The draft EU Space Act applies to non-EU entities that provide space-based data or services with a substantial connection to the EU internal market, including those operating from outside the Union.
- Non-Union space operators must undergo a registration and certificate process to access the EU market, which may require navigating detailed application and compliance requirements.
- Other service providers, including space-based data providers and collision avoidance providers, may not be subject to specific application processes, but do have ongoing compliance obligations.

The European Commission’s (Commission) draft **EU Space Act** (draft Act or Act), released in June 2025, would impose supranational regulation on space services providers seeking to provide space-based data or service in the Union’s internal market. Previous GT Alerts [provide background on the publication and path forward for the draft Act](#) and [address the scope and process for European space operator authorization](#). This GT Alert examines the broad reach of the EU Space Act and process for non-Union space service providers to serve the EU market.

Access to the Union's Internal Market

The EU Space Act is intended to have an extra-jurisdictional scope. The draft Act regulates entities established in the Union that operate in the internal market.¹ It also regulates **space service providers** – irrespective of their place of establishment – that provide space-based data or space services in the Union and demonstrate a substantial connection with the internal market.²

Space Services Provider. Per Article 2, covered space services providers are: (a) Space operators; (b) Collision avoidance space services providers; (c) Primary providers of space-based data; and (d) International organizations.

Notably, providing services to Union space assets, even from outside the Union, qualifies as providing space-based data or space services in the Union's internal market.³

Space Operators, Including International Organizations

The draft Act contemplates two categories of non-Union space operators and provides for specific “authorization” processes for each to access the internal market.

- **Third country space operators**, including spacecraft operators, launch vehicle and launch site operators, and in-space servicing providers, must be registered and hold an e-certificate to provide services to the Union's internal market.⁴
- **International organizations**, such as the European Space Agency (ESA) or the European Organization for the Exploration of Meteorological Satellites (EUMETSAT), may be required to enter into certain agreements to provide services to the internal market.⁵ They must also be registered and possess an e-certificate to provide services in the internal market.⁶

Collision Avoidance and Data Providers

The draft Act does not appear to require other non-EU space services providers—namely primary providers of space-based data and collision avoidance providers—to navigate regulated “authorization” procedures to access the Union's internal market. However, these service providers may need to obtain an e-certificate and comply with other relevant requirements, such as the obligation to provide data only from approved objects.⁷

¹ *Commission Proposal for a Regulation of the European Parliament and of the Council on the Safety, Resilience and Sustainability of Space Activities in the Union*, Art. 5(17), OM (2025) 335 final (June 25, 2025) (defining “Union space operator”) [*hereinafter* EU Space Act]. A “Union space operator” may also include an entity controlled by a natural or legal person that is a space services provider established in the Union.

² *Id.* at (23)-(25), Art. 1(2)(a) (“[T]his Regulation lays down harmonized rules on...registration and supervision of space activities carried out by international organizations and space services providers established in third countries when providing space-based data or space services in the Union...”).

³ *See id.* Art. 14(1).

⁴ *Id.*; *see also id.* Art. 5(19) (defining “third country space operator”).

⁵ *Id.* Arts. 107-108 (the Commission may enter “contribution agreements” with international organizations, generally, while the Union would enter into an agreement with ESA).

⁶ *Id.* Art. 14(2); *id.* Art. 5(23) (defining “international organization”); *see id.* Art. 107 (discussing “contribution agreements” to be entered into by the Commission and international organizations generally); *id.* Art. 108 (the Union shall endeavor to conclude an agreement with ESA). There is one exception – an international organization seeking to only carry out technical assessment activities does not need to conclude an agreement, complete registration, or hold a certificate. *Id.* Art. 14(3).

⁷ *See id.* Art. 26 (requiring space service providers, except collision avoidance providers, have an e-certificate when first providing services in the market); *id.* Art. 27 (requirements for primary providers of space-based data); *id.* Arts 102-103 (per Art. 15(4), collision avoidance providers must comply with the requirements in these Articles). Foreign space services providers may face similar registration and e-certification issues as their Union counterparts. *See* Laura Cummings et al., *The EU Space Act: Scope and*

Exceptions and Emergencies

A Member State may request the Commission adopt an exception, or “derogation,” permitting the use of a foreign launch operator that is non-compliant with the Act’s requirements.⁸ Additionally, in an emergency situation, the Commission may propose to permit the use of space services providers outside of the normal “authorization” procedures.⁹

Provision of Services by Foreign Space Operators

The following sections focus on the process for private third country space operators (i.e., foreign space operators) to access the internal market.¹⁰

As noted above, a foreign space operator must be registered and hold an e-certificate prior to providing services to the Union. “Registration” refers to European Union Agency for the Space Programme (Agency) registration of a space operator in the Union Register of Space Objects (URSO). The Agency issues an e-certificate to operators upon URSO registration.¹¹

The Union Register of Space Objects (URSO). The Act directs the Agency to establish a URSO and register approved Union space operators, third country space operators, and international organizations. The URSO is intended to be a transparency tool that publicly lists all registered space service providers and certifies that their space-based data and services comply with EU regulations. This would enable anyone to verify the origin and legal compliance of space-based data, ensuring trust and facilitating the free provision of space services across the Union.

Foreign space operators may apply for URSO registration via one of two procedures: a streamlined, “equivalence decision” procedure, or a more extensive “evidenced application.” And while the underlying operator requirements are the same (*see* “Article 15,” below), the process (and burden) of registration varies substantially.

Streamlined Registration – Equivalence Decisions

An equivalence decision, which the Commission would adopt via an implementing act, indicates that a foreign country’s legal and supervisory framework subjects operators to effective supervision and enforcement equivalent to the Act’s requirements.¹² Foreign space operators established in jurisdictions

(*European*) *Space Operator Authorization*, GREENBERG TRAURIG LLP 5 (July 2025), https://f.datasrvr.com/fr1/525/73130/GT_Alert_The_EU_Space_Act_Scope_and_European_Space_Operator_Authorization.pdf (the Act does not provide a way for non-operator space services providers to register with the URSO and obtain e-certificates). Additionally, restricting data sources to supervised objects may encumber providers whose products aggregate data from multiple space assets.

⁸ EU Space Act, *supra*, Art. 19. The request must demonstrate derogation from the Act’s requirements is in the public interest by satisfying the following conditions: (i) no ready substitute or realistic alternative exists in the Union, and (ii) the foreign launch services promote technological capabilities of strategic importance for the Union or Member States. *Id.* Art. 19(1), (2). The Act requires the Commission resolve a derogation request for use of a foreign launch operator within three months of receiving the application. *Id.* Art. 19(4), (5).

⁹ *Id.* Art. 21.

¹⁰ While not addressed here, the process for a *public* space services provider to access the Union’s internal market is addressed in Article 20.

¹¹ The e-certificate guarantees the integrity and traceability of data generated by compliant operations. *See id.* (46)-(48).

¹² *Id.* Art. 105(1). The “implementing act” to adopt an equivalence decision is pursuant to Article 5 of Regulation (EU) No. 182/2011. *See Cummings et al., supra*, at 4 (featuring a call-out that describes EU procedure for adoption of implementing acts under Article 5 of Regulation (EU) No. 182/2011).

for which there is an equivalence decision are presumed to comply with the Act's requirements, and may be registered without providing a comprehensive, evidenced application for examination.¹³

As drafted, two criteria for equivalence decisions may present hurdles to finding a foreign country's legal and supervisory framework equivalent. First, equivalence under the Act requires the foreign jurisdiction also have a system for recognizing equivalence.¹⁴ While reciprocal equivalence may exist for some subjects within the Act's scope, such as orbital debris oversight, it may be lacking in other areas, like launch operator authorization.¹⁵ If a foreign country's framework must be comprehensively equivalent, it may be difficult for current or near-future regimes to satisfy this reciprocal criterion.

Second, equivalence requires that a foreign jurisdiction subject operators to rules equal to the Act's requirements in Article 15.¹⁶ This Article leads down a rabbit hole: it incorporates extensive space operator requirements by reference (explored below). These incorporated-by-reference requirements include under- or undeveloped concepts, such as "environmental footprint" calculations for space activities.¹⁷ Given how broad and new Article 15 requirements are, it may be unlikely that any other jurisdiction currently has, or will soon have, an equivalent legal framework. Insisting on nearly identical laws for an equivalence decision might be a major barrier, especially with the scope of Article 15 as drafted.

Overall, a foreign jurisdiction may not meet the criteria for reciprocal equivalence and equal legal frameworks required for an equivalence decision. Even if an equivalence decision is adopted, it can include "specific conditions" that re-introduce regulatory burden.¹⁸ Equivalence decisions may also be repealed if the foreign framework is found to no longer be equivalent.¹⁹

Nominal Registration – Evidenced Applications

If registration pursuant to an equivalence decision is not possible, a foreign space operator may be required to submit an application demonstrating compliance with the Act's requirements to be registered and allowed to provide services in the Union.²⁰

To begin an application, a foreign space operator must compile evidence demonstrating compliance with applicable Article 15 requirements (detailed below).²¹ In tandem, the operator must engage a legal

¹³ EU Space Act, *supra*, Art. 16. The operator will submit an application to the Agency that demonstrates compliance (e.g., provide evidence of the equivalence decision) to obtain registration. *Id.* Art. 17(1), 17(7).

¹⁴ *Id.* Art. 105(2)(c).

¹⁵ See, e.g., *Mitigation of Orbital Debris*, Second Report & Order, 19 FCC Rcd 11567, para. 93-95 (2004) (non-U.S. licensed [satellites] requesting to serve the U.S. market must provide the same orbital debris mitigation information as U.S. applications, and this disclosure requirement may be satisfied by demonstrating equivalent direct and effective regulation by the satellite system's national licensing authority); compare 14 C.F.R. Part 450 (2025) (void of reference to foreign regimes or authorizations); *id.* § 450.41(a) (review of U.S. launch and reentry applications includes examination for U.S. national security and foreign policy interests).

¹⁶ EU Space Act, *supra*, Art. 105(2)(b).

¹⁷ The Commission itself states that "[m]ethodologies for evaluating the impacts of space activities...are clearly underdeveloped today," and admits the draft Act calls for the *development* of space-specific Life Cycle Assessment methodology. *Id.* Explanatory Memorandum. If the concept of environmental footprint calculations for space activities is itself underdeveloped, then its implementation and regulation in any jurisdiction – including foreign jurisdictions – seems unlikely. This sole criterion may lead to the conclusion that no foreign jurisdiction could be found equivalent to the scope of the Act.

¹⁸ *Id.* Art. 105(3).

¹⁹ *Id.* Art. 105(5), 105(6). It is unclear what would happen to foreign space service providers previously registered in the URSO pursuant to an equivalence decision if the decision was repealed.

²⁰ *Id.* Art. 14(1); *id.* Art. 17(1); *id.* Art. 15.

²¹ *Id.* Art. 17(1).

representative in a Member State. This legal representative must be designated as a point of contact for all communications related to compliance with the Act.²²

Once prepared, the foreign space operator sends the application materials to the Agency. The Agency will assess the application and provide a preliminary assessment to the applicant.²³ Within five months of receiving an application, the Agency sends an opinion on the application to the Commission.²⁴ After an indeterminate time, the Commission decides whether to approve or reject the registration of the foreign space operator applicant.²⁵

If registration is approved, the Agency would proceed to register the foreign space operator in the URSO and issue an e-certificate.²⁶

The registration of a foreign space operator may be suspended or withdrawn if the operator's national authority is revoked, or if the operator no longer complies with the Acts requirements and cannot remedy noncompliance.²⁷ The Agency would make a proposal to the Commission for suspension/withdrawal of the operator, and the Commission would be required to act within two months.²⁸

Article 15 – Requirements Applicable to Foreign Space Operators

Requirements applicable to foreign space operators are in Article 15, which calls to other provisions of the Act and incorporates them by reference. These requirements are applicable to operators regardless of whether they register pursuant to an equivalence decision or through an evidenced application.

Foreign space operators may wish to review the scope of these requirements, including both the generally-applicable provisions (Table 1), and those specific to the appropriate space operator “type” (Table 2 – spacecraft operators; Table 3 – launch and launch site operators; Table 4 – in-space servicing operators). During review, it may be prudent to note contemplated or directed further Commission action (e.g., through implementing acts) to expound on certain requirements. Finally, foreign space operators should remain aware that successful registration triggers continuing supervision of space activities by the EU. Accordingly, the below listed requirements contain ongoing compliance obligations in addition to needed application demonstrations.

²² The legal representative must also “have all necessary power and resources” to guarantee cooperation with the Commission, Agency, and Member States. *Id.* Art. 23(2). This may require control over the foreign space operator sufficient to compel production of documents during investigations, access to facilities, etc. *See, e.g., id.* Art. 48(1)(b) (the Commission and Agency shall exercise supervision of third country space operators); *id.* Art. 49(1) (ability to compel production of information).

²³ *Id.* Art. 17(3), (4).

²⁴ *Id.* Art. 17(4). The Agency must allow the foreign space operator the opportunity to submit a response to the preliminary assessment of their application.

²⁵ *Id.* Art. 17(6).

²⁶ *Id.* Art. 17(1); *id.* Art. 24(1)(c).

²⁷ *Id.* Art. 22(1). Prior to suspension or withdrawal pursuant to noncompliance, the Agency must speak with the operator about the situation and potential remedies. *Id.* Art. 22(2).

²⁸ *Id.* Art. 22(1), (3).

Table 1: Requirements of general applicability for foreign space operators.

Incorporated Article	Subject Matter
Arts. 75-92	<u>Resilience of space infrastructure</u> - Creates corporate responsibility and liability for risk management measures, mandates security policies, controls, training, assessments and testing, and includes detection, monitoring, disclosure, and reporting obligations. - Orders space infrastructure asset tracking and management policies, including creating a supply chain risk management framework, and stipulates cybersecurity (including encryption) obligations. <i>[Empowers the Commission to adopt delegated acts on various topics.]</i>
Art. 96	<u>Environmental footprint (EF) of space activities</u> - Mandates calculating environmental footprint of space activities. - Requires submitting an Environmental Footprint Declaration and accompanying data. <i>[Empowers the Commission to adopt implementing acts on templates and content of reports.]</i>
Art. 97	<u>EF calculation and verification of the space activities</u> - Prescribes environmental footprint calculation for activities in any Earth orbit. - Specifies lifecycle activities covered by environmental footprint calculation, from design and development through end-of-life stages. <i>[Empowers the Commission to adopt implementing acts specifying calculation and verification methods.]</i>
Art. 98	<u>EF certificate</u> Requires applicants hold a certificate from a qualified technical body attesting that the environmental footprint calculation is compliant with the Act's requirements.
Art. 99	<u>Transmission of datasets to the Union EF-related database</u> Directs Commission to collect, integrate, and publish aggregate and disaggregated datasets that are the basis for an EF calculation.
Art. 100	<u>Use of disaggregated datasets informing policy making</u> - Commands Commission to use disaggregated datasets to inform policy and regulation, and to create derived datasets. - Establishes exclusive worldwide ownership of intellectual property rights by the Union over derived datasets.

Table 2: Additional requirements for foreign spacecraft operators.²⁹

Incorporated Article	Subject Matter
Art. 66	<u>Spacecraft maneuverability</u> - Mandates maneuverability above 400 km. - Requires minimal maneuverability capabilities.
Art. 67	<u>Contact list database for high interest event alerts</u> Collects contact details for collision avoidance and re-entry.
Art. 69	<u>Positioning in orbit</u> Compels justification of selected orbit prior to launch. <i>[Mandates implementing acts for methods of calculating orbital congestion and selection.]</i>

²⁹ *Id.* Art. 105(b)(c). The Articles incorporated by reference also includes Article 62, which provides a “special regime” for research and education spacecraft, laying out limited exemptions from requirements. *See id.* Art. 62.

Incorporated Article	Subject Matter
Art. 70	<u>Space debris mitigation</u> - Prescribes various measures to limit debris. - Directs preparation of space debris mitigation plans demonstrating compliance. <i>[Option to adopt implementing acts addressing debris generation and end of life measures.]</i>
Art. 71	<u>Mission extension</u> Creates timeframe for mission extension request.
Art. 72	<u>Light and radio pollution</u> - Limits spacecraft reflectivity during all stages to at least 7 magnitude. - Requires plan to minimize impact on astronomy.
Art. 73	<u>Constellations</u> Includes requirements for groups of >10 operational spacecraft. <i>[Mandates implementing acts on intra-constellation collision risk and radio and light pollution.]</i>

In addition to requirements incorporated by reference, Article 15 also lays out three requirements for spacecraft operators related to collision avoidance. Operators must (i) subscribe to a collision avoidance service provider, (ii) ensure the provider can assess collision avoidance and complies with the requirements in Annex VI, point 1, and (iii) notify the Agency of the name and collision avoidance service provider details in the application for registration.³⁰

Table 3: *Additional requirements for foreign launch vehicle and launch site operators.*

Incorporated Article	Subject Matter
Art. 61	<u>Space debris mitigation for launchers</u> - Mandates measures to limit planned and accidental debris, and end-of-life disposal. - Compels preparation of space debris mitigation plan. <i>[Mandates implementing acts on disposal methods, time, and regions, and debris risks.]</i>

Table 4: *Additional requirements for in-space operations and services (ISOS).*

Incorporated Article	Subject Matter
Art. 101	<u>ISOS</u> - Directs compliance with the Article and Annex VIII. - Prescribes minimal technical capacity to receive servicing (applicable to Union-owned or operated assets and foreign ISOS spacecraft). <i>[Mandates implementing acts on design principles for Spacecraft Service Interfaces and Composable and Exchangeable Functional Satellite Modules.]</i> <i>[Empowers the Commission to adopt delegated acts specifying a service operational mode, and requirements for active debris removal.]</i>

³⁰ *Id.* Art. 15(1)(a)-(c).

Conclusion

The draft EU Space Act imposes a range of registration, certification, and compliance obligations on both Union-based entities and foreign space services providers alike. While the Act provides for streamlined foreign space operator access via equivalence decisions, other foreign space operators may need to navigate a detailed application process, demonstrating compliance with comprehensive requirements set out in Article 15 and related provisions. The Act's complexity underscores the importance of early legal and operational preparation for affected companies.

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