Alliance for European Autonomous Access to Space

From E.U. Soil to Outer Space: Regulation as an enabler for Spaceports

AEAAS WHITE PAPER ON LEGAL PATHWAYS FOR EUROPEAN SPACEPORTS

Possible routes for the regulation of European spaceports

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Glossary

"**Escalation**" means moving from voluntary or funding-based measures to targeted binding measures where evidence shows that a material cross-border barrier persists.

"**Guardrail**" and "**Constraint**" mean the design requirements set out in Section 6.2 that any regulatory pathway should satisfy, regardless of its legal form.

"**Interoperability**" means that spaceport operators and users should be able to exchange sites for a launch campaign under compatible technical and operational interfaces across sites and jurisdictions, so that re-assessment becomes unnecessary, while preserving justified national and site-specific safeguards.

"**KPI(s)**" means key performance indicator(s).

"**Options**" means the five individual regulatory mechanisms available under European Union law which are assessed in Part IV and could potentially serve to regulate spaceports: the existing baseline; E.U. voluntary guidance and an interoperability toolkit; programme-led demand aggregation and conditional support; standards and a minimum common framework via Directive; and a harmonised regime via Regulation. When two or more Options are considered together, they form a "**combined approach**".

"**Pathway KPI(s)**" means the three indicators (uptake, enforceability and workability) set out in Section 7.2 and used to assess the practical viability of each Option.

"**Project**" means the Alliance for European Autonomous Access to Space (AEAAS) coordination and support action under Call HORIZON-CL4-2025-02.

"**Regulatory Pathway**" means a figurative course of action to reach the goal of best regulating spaceports. Such pathways are approaches which combine one or more regulatory instruments or tools to regulate spaceports.

"**Spaceport**" means, consistently with the definition used in D2.1, any fixed or moveable place or infrastructure from which launch vehicles (which may carry payloads) depart to outer space, alongside its supporting infrastructure, or any functionally equivalent definition.

"**The Report**" means the Project's Deliverable D2.1 (*Three-Part Explanatory Report*) issued in August 2026, which presents the results of the international survey of regulatory practices.

Abbreviations

- AEAAS - Alliance for European Autonomous Access to Space;
- ALARP - as low as reasonably practicable;
- ANACOM - Autoridade Nacional de Comunicações (Portuguese National Communications Authority);
- CER - Critical Entities Resilience;
- COPUOS - United Nations Committee on the Peaceful Uses of Outer Space;
- CSA - coordination and support action;
- DG DEFIS - Directorate-General for Defence Industry and Space;
- ECF - European Competitiveness Fund;
- ECSS - European Cooperation for Space Standardization;
- EEA - European Economic Area;
- EGNOS - European Geostationary Navigation Overlay Service;
- EIA - environmental impact assessment;
- ESA - European Space Agency;
- EUSPA - European Union Agency for the Space Programme;
- FDI - foreign direct investment;
- GDPR - General Data Protection Regulation;
- GOVSATCOM - Governmental Satellite Communications;
- HaDEA - European Health and Digital Executive Agency;
- IADC - Inter-Agency Space Debris Coordination Committee;
- ICAO - International Civil Aviation Organization;
- IRIS² - Infrastructure for Resilience, Interconnectivity and Security by Satellite;
- ISO - International Organization for Standardization;
- ITU - International Telecommunication Union;
- NIS2 - Network and Information Systems Directive;
- SERA - Standardised European Rules of the Air;
- SME - small and medium-sized enterprise;
- STM - Space Traffic Management;
- TEU - Treaty on European Union;
- TFEU - Treaty on the Functioning of the European Union; and
- UNOOSA - United Nations Office for Outer Space Affairs.

Introduction

This White Paper is produced within the Alliance for European Autonomous Access to Space (AEAAS), a Horizon Europe coordination and support action funded under Call HORIZON-CL4-2025-02. Its aim is to identify regulatory pathways that can enhance European sovereignty, competitiveness and resilience in access to space.

The Project delivers its findings through a series of deliverables, including the Three-Part Explanatory Report on the international survey conducted (deliverable D2.1) ("the Report"), the Practice Assessment KPI Report (deliverable D3.1), the Best Practices, Standards and Guidelines and Gap Reports (jointly, deliverable D3.2), this White Paper (deliverable D4.1), and a Final Proposal for Common Regulatory Practices (deliverable D4.2).

In this White Paper, the Alliance seeks to identify potential "**regulatory pathways**", i.e. figurative courses of action to reach the goal of best regulating spaceports. Such pathways are approaches which combine one or more regulatory instruments or tools to regulate spaceports. In doing so, this White Paper considers existing "Options" (alternative regulatory mechanisms) under European Union (E.U.) law, and measures those Options against national and international frameworks, as well as already planned and possible further action generally foreseen under E.U. law and suitable to further the described aim. When two or more Options are considered together, they form a "combined approach".

The White Paper does not propose a final regulatory structure or assume that new binding E.U. legislation is necessary. Its purpose is to explain the current legal framework, identify available Options suitable for addressing spaceports, compare available approaches, and invite consultation on when each may be appropriate. The Options considered range from continued national action and voluntary guidance, through funding-linked measures, to binding E.U. requirements.[1]

The White Paper assesses the available Options against uptake, enforceability, and workability. It presents a reasoned preliminary preference, subject to consultation. The final choice of pathway will depend on ongoing assessments under the Project's work programme.

AEAAS invites Member States, E.U. institutions and all stakeholders - including industry, civil society and researchers - to respond to the Options presented and contribute to future Union, Member State and stakeholder decision-making on European spaceport regulation.

Methodological Overview

Drawing primarily on the Report (deliverable D2.1) and in parallel to the assessment work leading separately to deliverables D3.1 and D3.2, this White Paper develops regulatory pathways for policy consideration. Together, these deliverables provide policy assumptions and building blocks that will serve as a basis for the Alliance's work towards the Final Proposal for Common Regulatory Practices (deliverable D4.2).

[1] Several Union initiatives with possible effect on the regulation of spaceports, including the proposed E.U. Space Act, the proposed European Competitiveness Fund and the proposed European Union Space Services Agency Regulation, are still evolving. This White Paper treats them as context and possible channels rather than fixed solutions, and notes that, as of the date of writing, their status remains unsettled.

Aligned with the above staggered approach regarding the various deliverables, the analysis in this White Paper uses a structured sequence:

- Part I of this White Paper sets out the strategic policy context and regulatory evidence underlying access to space, which together form the background against which the available legal instruments (the Options) are assessed.
- Part II describes the current regulatory landscape, including E.U. instruments available for use.
- Part III translates the foregoing into objectives, guardrails and KPIs to be accommodated by suitable pathways.
- Part IV then assesses the available Options and suitable legal frameworks against the background of the available instruments and the requirements described in Part III.

A consultation period will precede the D4.2 Final Proposal for Common Regulatory Practices, as this White Paper does not itself adopt a final regulatory structure.

Summary of Outcome

This White Paper assesses five regulatory Options against three Pathway KPIs (uptake, enforceability, workability) and **identifies a layered, hybrid pathway as the preliminary preferred pathway for consultation.**

This approach combines non-binding standards and guidance, funding and procurement conditions, and targeted binding measures only where material cross-border barriers remain. The detailed assessment and rationale appear in Part IV. The final pathway remains subject to consultation.

Part I: Strategic and Evidence Background

1. Strategic Context

Reliable access to space from European soil is a precondition for the continuity of satellite services on which a sizeable share of the E.U. economy depends. Additionally, the current geopolitical context places increasing policy emphasis on autonomy. In particular, autonomous access to space is becoming essential to the resilience of European space infrastructure, including the ability to replenish or replace space assets when needed.

Suitable launch infrastructure and conditions, not only the existence of functional European launchers, will determine whether that goal can be reached. The policy task is to ensure that growing launch capacity can meet demand under suitable conditions.

Any regulation of spaceports must therefore take as its starting point the general E.U. space policy and E.U. space programmes, and consider the current technical and operational capabilities in the E.U. These considerations are set out below.

1.1 E.U. Policy Direction

A policy direction is often not set in a single foundational instrument, but is rather derived from multiple political, legislative and other legal initiatives, which pinpoint the macro goals and action plan of a political community concerning a specific topic.

The direction of the E.U. Space Policy[2] is characterised in particular by:

- a common direction for Europe's future access to space, announced in the European Commission's 2025 Vision for the European Space Economy[3], intended to combine European demand with a security dimension focused on autonomy;
- a call for greater private investment in innovative transportation solutions and for a significantly larger share of defence budgets to be invested in military space assets, as announced at the International Space Summit in Paris on 10 September 2026 by European Commission President Ursula von der Leyen[4] and the European Commissioner for Defence and Space, Andrius Kubilius;
- an intention to mitigate fragmentation, overlap and differing national requirements (which were named as constraints on the European space sector by the Draghi report on European competitiveness, published in September 2024[5]), via coordination and a common framework, such as the Commission's

[2] EU space policy, as described officially in https://www.consilium.europa.eu/en/policies/eu-space-programme/

[3] A vision for the European Space Economy, available at https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52025DC0336

[4] Participation of Ursula von der Leyen, President of the European Commission, in the International Space Summit in Paris, France: speech, available at https://audiovisual.ec.europa.eu/en/media/video/I-294267

[5] Report on the Future of European competitiveness:
Part A, available at https://commission.europa.eu/document/download/97e481fd-2dc3-412d-be4c-f152a8232961_en?filename=The%20future%20of%20European%20competitiveness%20_%20A%20competitiveness%20strategy%20for%20Europe.pdf and
Part B, available at https://commission.europa.eu/document/download/ec1409c1-d4b4-4882-8bdd-3519f86bbb92_en?filename=The%20future%20of%20European%20competitiveness_%20In-depth%20analysis%20and%20recommendations_0.pdf

proposed E.U. Space Act, assisted by the proposed European Union Space Services Agency Regulation[6]; and

- an appreciation of the essential nature of autonomous access to space to the resilience of European space infrastructure (see, for example, the E.U. Space Strategy for Security and Defence[7]).

1.2 E.U. Space Programmes and Access-to-Space Initiatives

The E.U. has also developed various programmes and instruments to support its space objectives (the "Programmes") through measures aimed at expanding supply or demand:

- The E.U. Space Programme Regulation (Regulation (EU) 2021/696[8]) permits procurement of launch services and supports ground infrastructure.
- The Secure Connectivity Programme Regulation (Regulation (EU) 2023/588[9]) supports secure satellite connectivity and provides for the use of various launch-service providers, including small-launcher providers.
- The E.U. Space Programme covers Galileo[10], EGNOS[11], Copernicus[12], Space Situational Awareness and GOVSATCOM[13], while IRIS²[14] is implemented under the Secure Connectivity Programme.
- Defence Readiness 2030[15] foresees a European Space Shield to support defence needs through secure communications, positioning, navigation and timing capabilities.
- The 2026 DG DEFIS Management Plan[16] also addresses institutional launch procurement, demand aggregation and support for critical ground infrastructure.

[6] Proposal for a Regulation of the European Parliament and of the Council on the European Union Space Services Agency and amending Regulation (EU) 2021/696, available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52026PC0152

[7] EU Space Strategy for Security and Defence for a stronger and more resilient European Union, as described in https://defence-industry-space.ec.europa.eu/eu-space/eu-space-strategy-security-and-defence_en

[8] Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU, available at https://eur-lex.europa.eu/eli/reg/2021/696/oj/eng

[9] Regulation (EU) 2023/588 of the European Parliament and of the Council of 15 March 2023 establishing the Union Secure Connectivity Programme for the period 2023-2027, available at https://eur-lex.europa.eu/eli/reg/2023/588/oj/eng

[10] Galileo, satellite navigation made in Europe, as described officially at https://defence-industry-space.ec.europa.eu/eu-space/galileo-satellite-navigation_en

[11] EGNOS, Europe's regional satellite navigation system, as described officially at https://defence-industry-space.ec.europa.eu/eu-space/egnos-satellite-navigation_en

[12] Copernicus, Europe's eye on Earth (Looking at our planet and its environment for the benefit of Europe's citizens), as described officially at https://www.copernicus.eu/en

[13] GOVSATCOM, Securing Europe, from ground to space, as described officially at https://defence-industry-space.ec.europa.eu/eu-space/govsatcom-satellite-communications_en

[14] IRIS²: a Secure Connectivity Programme, as described officially at https://defence-industry-space.ec.europa.eu/eu-space/iris2-secure-connectivity_en

[15] Preserving Peace - Defence Readiness Roadmap 2030, Joint Communication to the European Parliament, the European Council and the Council, from the European Commission, 16.10.2025, available at https://defence-industry-space.ec.europa.eu/document/download/9db42c04-15c2-42e1-8364-60afb0073e68_en?filename=Joint-Communication%20_Defence-Readiness-Roadmap-2030.pdf

[16] Management plan 2026 – Defence Industry and Space, available at https://commission.europa.eu/document/download/c7993538-8f47-4fbd-9dfe-9ccad1d6baa5_en?filename=defis_mp_2026_en.pdf

- Separate policy and procurement mechanisms, including the 2026 Game-Changing Innovation for European Launch Solutions call[17], with a budget of EUR 20 million, the Flight Ticket Initiative[18], the European Launcher Challenge[19] and other programme-led measures, support the procurement, development or use of launch services.

1.3 European Launch-Site Landscape

Europe's launch-site landscape is becoming more diverse, including an established major launch base, newer continental sites, emerging commercial facilities and offshore concepts, each operating under different legal, technical and commercial conditions.

- **Guiana Space Centre** (French Guiana, France) remains Europe's established launch base for ESA-developed launchers, with a new complex for Maia and a new Multi-Launcher Launch Complex under development to accommodate commercial operators.
- **Esrange Space Center** (Sweden), operated by the Swedish Space Corporation, has conducted more than 600 suborbital rocket launches since 1966 and is preparing for its first orbital launch, targeted for 2028.
- **Malbusca Launch Centre** (Azores, Portugal), operated by the Atlantic Spaceport Consortium, received Portugal's first spaceport operating licence from ANACOM in August 2025, with a commercial orbital launch targeted for Q1 2027.

Beyond the E.U., European sites such as **Andøya** in Norway and **SaxaVord** in the United Kingdom form part of the broader European launch landscape. Norway participates in the internal market through the EEA Agreement, while the United Kingdom is a third country; both are ESA Member States.

Offshore and emerging concepts: In Germany, OHB established the European Spaceport Company for maritime launch concepts. In Denmark, EuroSpaceport ApS is developing Spaceport North Sea.

All these launch sites operate under different national legal frameworks, authorisation procedures, infrastructure conditions and commercial arrangements. As a result, operators may need to adjust fully qualified vehicle designs or repeat assessments and adapt processes to different national requirements, increasing cost and uncertainty when moving missions between sites.

1.4 From Launch Capability to Effective Access to Space

The strategic value of the Programmes described in Section 1.2 in achieving the goals of the E.U. Space Policy (Section 1.1) depends on the reliable, on-demand capability of the spaceports described in Section 1.3.

[17] PPPA-2026-Game-Changing Innovation for European Launch Solutions, available at https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-details/PPPA-2026-LAUNCHERS-GAMECHANGING?isExactMatch=true&status=31094501,31094502,31094503&callIdentifier=PPPA-2026-LAUNCHERS-GAMECHANGING&order=DESC&pageNumber=1&pageSize=50&sortBy=startDate

[18] FLIGHT TICKET INITIATIVE, as described officially at https://spacetransportation.esa.int/boost/flight-ticket-initiative/

[19] European Launcher Challenge, as described officially at https://www.esa.int/Enabling_Support/Space_Transportation/European_Launcher_Challenge

Nonetheless, functional launchers and an available launch slot are not enough to guarantee access to space. Operators must also:

- secure licences, spaceport-safety approvals, launch-safety and range-safety approvals, as well as the airspace and maritime coordination required for the mission;
- consider ground systems and site operations, launch and vehicle safety, flight corridor and hazard controls, cybersecurity and environmental requirements, export controls, and supply-chain continuity.

Access to space therefore depends on the interaction between launch services, spaceports, supporting infrastructure, licensing authorities and various interfacing factors.

Usable capacity means the ability to support commercial, institutional and strategic missions through legal and physical infrastructure that is timely, operationally ready and accessible under clear and, ideally, interoperable conditions. **European policy should target differences that create unnecessary barriers without removing legitimate national or site-specific requirements.**

An operator should be able to compare sites, reuse evidence, understand national approvals early and coordinate airspace and maritime restrictions without restarting the regulatory file at each border.

2. Evidence Base and Report Benchmarks

The Report identified regulatory practices, trends, and technical and regulatory challenges across 48 jurisdictions and 31 regulatory items. The raw data was collected systematically through jurisdictional research, organised in harmonised comparative tables and analysed to identify convergence, divergence, gaps and bottlenecks.

The following are the main descriptive conclusions (as relevant to this White Paper):

- The Report identifies three recurring licensing architectures across the 48 jurisdictions: dedicated spaceport or launch-facility licences under autonomous regimes; indirect regulation through launch authorisations or general space-activity permits; and case-by-case approvals or state-controlled arrangements.
- It also acknowledges the divergence in the definition of the subject matter (the equivalent local linguistic term to *"spaceport"*). Functionally equivalent facilities may instead be regulated as launch sites, launch facilities, ground stations, ground infrastructure or general space-activity infrastructure.
- Licence duration, transferability, change-of-control requirements and recognition of foreign authorisations vary materially.
- Procedural complexity ranges from formal or elective one-stop-shop mechanisms to multi-agency processes involving space agencies, aviation, environmental, maritime and security authorities.

- The survey records structural dependencies between agencies, formal timelines that do not reflect actual processing times - often because pre-application discussions or consultations interrupt the timetable - and gaps in rules for emerging technologies, including reusable launchers.
- Established launch jurisdictions generally have more detailed and prescriptive frameworks; newer markets more often rely on general authorisations, environmental permits or bespoke approvals.
- Recurring difficulties include inconsistent treatment of spaceports across environmental, safety and operational regimes, duplicated documentation and approval conditions that do not accommodate multi-site campaigns.
- Convergence, however, is strongest around proof of safety and risk management, including distinct spaceport-safety evidence and launch- or range-safety outputs, hazard areas, and coordination with aviation and maritime authorities. Site and launch authorisations in different jurisdictions may therefore require overlapping safety, environmental and security material, even where the site has already addressed the relevant risk or coordination function.
- The Report also finds common requirements for security planning, physical protection and cybersecurity for relevant ground infrastructure, spaceport information systems and launch-site operations; it does not establish a general on-board-software cybersecurity requirement.
- Other recurring topics include emergency preparedness, incident reporting and investigation, hazardous-material and propellant controls, and environmental assessment by analogy to airports, industrial facilities or other large infrastructure. Responsibility usually rests with the licensed operator, while third-party liability insurance, financial guarantees or equivalent coverage are frequent.
- Some areas remain materially divergent. Safety methodologies range from prescriptive rules and detailed numerical outputs to ALARP-style (as low as reasonably practicable) assessments.
- Environmental requirements may sit inside the space authorisation or in separate planning, hazardous-material and development-consent regimes.
- Jurisdictions treat reusable launchers, return-to-launch-site and controlled-recovery operations, mobile or offshore infrastructure, mission-control evidence, propellant storage and payload processing differently.
- Exemptions and lighter pathways for lower-risk, experimental, suborbital or amateur activity also vary.
- Even full licence portability would not displace territorial responsibility for airspace, maritime areas, emergency response, environmental conditions or national security.[20]

[20] For access to the full Report, please refer to https://aeaas.eu/project-outputs/

Part II: Current Regulatory Landscape Applicable to European Spaceports

There is currently no comprehensive regulation applicable to spaceports at E.U. level. The absence of specific regulation, however, does not equate to the absence of an applicable legal framework. Sections 3, 4 and 5 below describe existing or planned regulatory frameworks affecting the operation or use of spaceports, although spaceports are not their primary subject matter.

Part II does not describe every instrument, in particular at sub-E.U. or Member State level. Its main function is to show the fragmented nature of the current E.U.-level and international frameworks.

The current E.U. regulatory landscape applicable to spaceport operations is fragmented and topic-specific. Different legal and administrative E.U.-level frameworks address different areas relevant to the operation and use of spaceports, while Member States still control the authorisations determining whether a launch can proceed. Existing and planned rules regulate specific activities, topics or risks, but do not establish a common system for spaceport or launch authorisation. The proposed E.U. Space Act would add further Union rules, though its scope remains under discussion. Any common approach must therefore manage the necessary interfaces with the following specific E.U. instruments, international agreements and Member State responsibilities.

Because this White Paper reviews legal pathways from an E.U. perspective, Part II starts at E.U. level, including lighter E.U.-level support and funding instruments (Section 3). It then moves to the wider circle of international and treaty-based obligations (Section 4), before addressing the proposed E.U. Space Act (Section 5).

3. E.U.-Level Baseline: Existing E.U.-Level Harmonisation Relevant to Spaceports

The following are existing E.U.-level binding frameworks already addressing topics, technology, processes and operations which are also relevant to the operation of a spaceport and to launch activity.

The regulation of spaceports will require either (i) accepting the following as part of the legal architecture applicable to spaceport operations, or (ii) the enactment of spaceport-specific regulations by lawmakers with overriding competence over those matters, which would apply instead of these general norms.

3.1 Cybersecurity and Resilience of Critical Infrastructure

The **NIS2 Directive**[21] includes the space sector among sectors of high criticality and may extend to operators of ground-based infrastructure supporting space-based services. The **CER Directive**[22] provides a parallel framework for the resilience of critical entities. Where a spaceport operator falls

[21] Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive), consolidated text available at https://eur-lex.europa.eu/eli/dir/2022/2555/2022-12-27/eng

[22] Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC, available at https://eur-lex.europa.eu/eli/dir/2022/2557/oj/eng

within scope, it may be subject to cybersecurity risk-management and incident-reporting requirements. These are cybersecurity and resilience frameworks; they are not spaceport-specific regimes.

3.2 Environmental and Other Binding Operational Requirements

The **Environmental Impact Assessment Directive**[23] requires specified projects to be assessed for environmental effects before development consent is granted. Spaceports are not identified as a separate project category; application therefore depends on whether the proposed development falls within the broader categories covered by the Directive.

Launch activity interacts with the E.U. framework for airspace management. The **Flexible Use of Airspace Regulation**[24] and the **Standardised European Rules of the Air Regulation**[25] establish common rules within which launch-related airspace coordination takes place. These rules become relevant where a launch requires airspace restrictions, but the detailed arrangements remain dependent on competent national authorities.

Other E.U. requirements may become relevant according to site and mission: the **Seveso III Directive**[26] may apply to establishments handling dangerous substances above applicable thresholds, and the **Habitats Directive**[27] may require an appropriate assessment where a project is likely to have a significant effect on a protected Natura 2000 site.

3.3 Market and Strategic-Control Requirements

The **Dual-Use Regulation**[28] establishes the E.U. framework for controls on exports. Space-related equipment, software and technology may fall within these controls where the relevant classifications or other provisions of the Regulation apply. The Regulation can therefore affect the transfer of items and technology needed for launch activities, without regulating spaceport infrastructure itself.

Foreign investment in spaceport infrastructure may also be subject to screening on security or public-order grounds. The **Foreign Direct Investment Screening Regulation**[29] is the current E.U. framework on

[23] Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, as amended and consolidated at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02011L0092-20140515

[24] Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace, as available at https://eur-lex.europa.eu/eli/reg/2005/2150/oj/eng

[25] Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010, as consolidated at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R0923-20250501

[26] Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC, as available at https://eur-lex.europa.eu/eli/dir/2012/18/oj/eng

[27] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as consolidated at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01992L0043-20250714

[28] Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast), as consolidated at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02021R0821-20260921

[29] Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union, as consolidated at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0452-20211223

screening of foreign investments until 17 January 2028.[30] Its assessment criteria include critical infrastructure, aerospace and defence activities and dual-use technologies.

Public procurement rules may apply where public authorities procure launch-related works, services or infrastructure. The **Public Procurement Directive**[31] provides the general framework for such contracts. Procurement involving defence or security may instead fall within the **Defence and Security Procurement Directive**[32] or the applicable Treaty and security exclusions. These rules govern how public contracts are awarded rather than the conditions for commercial access to a spaceport.

3.4 Procurement and Implementation Instruments

The **E.U. Space Programme Regulation**[33] establishes the E.U. Space Programme framework and includes specific provisions on access to space. The Programme comprises Galileo, EGNOS, Copernicus, Space Situational Awareness and GOVSATCOM.

The E.U. **Secure Connectivity Programme Regulation**[34] establishes a separate Union programme for secure satellite connectivity and contains specific provisions concerning the launch of its governmental infrastructure. It does not include rules on the licensing, operation or use of spaceports.

The **2026 DG DEFIS Management Plan**[35] brings access-to-space measures into the Commission's annual implementation planning. It addresses institutional launch procurement, aggregation of demand, future launch solutions and possible support for relevant ground infrastructure. Similarly, it does not include rules on the licensing, operation or use of spaceports.

The **Commission's 2025 Vision for the European Space Economy**[36] sets the wider policy direction for the development and use of European launch capacity. It does not provide for rules on licensing, authorisation or operations of spaceports.

[30] The framework is to be succeeded by Regulation (EU) 2026/1386 on the screening of foreign investments in the E.U. with effect from 17 January 2028. Regulation (EU) 2026/1386 establishes a common minimum scope while leaving individual screening decisions at national level.

[31] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, consolidated at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014L0024-20260101

[32] Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC, as consolidated at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02009L0081-20260101

[33] Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU, as available at https://eur-lex.europa.eu/eli/reg/2021/696/oj/eng

[34] Regulation (EU) 2023/588 of the European Parliament and of the Council of 15 March 2023 establishing the Union Secure Connectivity Programme for the period 2023-2027, as available at https://eur-lex.europa.eu/eli/reg/2023/588/oj/eng

[35] Management plan 2026 – Defence Industry and Space, available at https://commission.europa.eu/document/download/c7993538-8f47-4fbd-9dfe-9ccad1d6baa5_en?filename=defis_mp_2026_en.pdf

[36] A vision for the European Space Economy, available at https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52025DC0336

3.5 Proposed Post-2027 Funding and Institutional Framework

The proposed **European Competitiveness Fund (ECF) Regulation**[37] would create a new E.U. funding framework for the 2028-2034 period, covering space alongside other strategic sectors. Space forms part of the Fund's "Resilience and Security, Defence Industry and Space" policy window, within which access to space is a specific component for supporting launch services, related technologies and supporting infrastructure.

The access-to-space component could support both demand-side procurement and supply-side infrastructure. It could support the procurement and aggregation of launch services for E.U. needs and, on request, their aggregation and joint procurement for Member States, international organisations and other public entities. It could also support access-to-space innovation and Union-based testing, launch and recovery facilities for access-to-space technologies and capabilities.

The ECF framework would make available several possible forms of E.U. support, including grants, procurement, budgetary guarantees and financial instruments. Annual or multiannual work programmes would determine the actions to be supported and set the applicable eligibility, award and implementation conditions.

The proposed **European Union Space Services Agency Regulation**[38] addresses the institutional arrangements accompanying the post-2027 space framework. It provides for a self-standing founding act for the current European Union Agency for the Space Programme. The Regulation also provides for EUSPA to support implementation of the access-to-space component under the conditions set out in the text.

As of the date of this White Paper, both proposed regulations remain subject to the ordinary legislative procedure. The final role of the European Union Space Services Agency has therefore not yet been settled.

3.6 Standards, Guidance and Other Non-Binding Coordination Instruments

The E.U. approach to Space Traffic Management provides the clearest current example of Union-level coordination through non-binding technical and regulatory measures. The **2022 Joint Communication on an E.U. Approach for Space Traffic Management**[39] provides for the development and promotion of common standards and guidelines for the safe, secure and sustainable use of space. The approach also covers access to and return from outer space, but it does not regulate spaceports or establish a common licensing system.

[37] Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing the European Competitiveness Fund ('ECF'), including the specific programme for defence research and innovation activities, repealing Regulations (EU) 2021/522, (EU) 2021/694, (EU) 2021/697, (EU) 2021/783, repealing provisions of Regulations (EU) 2021/696, (EU) 2023/588, and amending Regulation (EU) [EDIP], COM/2025/555 final, as available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52025PC0555

[38] Proposal for a Regulation of the European Parliament and of the Council on the European Union Space Services Agency and amending Regulation (EU) 2021/696, available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52026PC0152

[39] JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL An EU Approach for Space Traffic Management An EU contribution addressing a global challenge, available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52022JC0004

Implementation is supported through the Commission's Space Traffic Management Stakeholder Mechanism.[40] Its work includes consideration of standards, guidelines and other common practices involving Member States, industry, standardisation bodies and technical experts. This provides a model for coordination where common technical practices may be useful without replacing national regulatory responsibilities.

The **European Standardisation Regulation**[41] provides the wider E.U. framework for European standardisation. It governs the cooperation between the Commission, Member States, national standardisation bodies and the recognised European standardisation organisations. European standards are technical specifications whose application is voluntary. The Regulation does not itself establish standards for the authorisation or operation of spaceports.

For spaceports, standards and guidance have the potential to promote more consistent technical and operational practices, for example in data exchange or coordination procedures. They are generally voluntary unless compliance is required through legislation, national authorisation rules, procurement conditions, funding arrangements or contracts.

4. International Baseline: International Obligations Relevant to Spaceports

Space access is also shaped by treaty obligations and cross-border operational dependencies that sit above or alongside national regimes. For the question of pathways regarding the regulation of spaceports, these international obligations form part of the context rather than the subject matter, as they cannot be changed at E.U. level. The following summarises the main areas of connection and does not claim to be exhaustive.

4.1 International Responsibility, Liability and Registration

Under Article VI of the **Outer Space Treaty** (1967)[42], States bear international responsibility for national activities in outer space, whether carried out by governmental or non-governmental entities. Activities of non-governmental entities in outer space require authorisation and continuing supervision by the appropriate State Party. Article VI does not prescribe a particular domestic licensing model. Whether a separate spaceport-operator licence is required depends on national law.

The Convention on International Liability for Damage Caused by Space Objects (**Liability Convention**, 1972[43]) develops the international liability rules applicable to launching States, while the Convention on Registration of Objects Launched into Outer Space (**Registration Convention**, 1975[44]) requires

[40] As described and accessible at https://defence-industry-space.ec.europa.eu/eu-space/space-traffic-management/space-traffic-management-stakeholder-mechanism_en

[41] Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council, as consolidated at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R1025-20241213

[42] Available at UNOOSA Publications at https://www.unoosa.org/pdf/publications/STSPACE11E.pdf

[43] Also available at UNOOSA Publications at https://www.unoosa.org/pdf/publications/STSPACE11E.pdf

[44] Also available at UNOOSA Publications at https://www.unoosa.org/pdf/publications/STSPACE11E.pdf

launching States to maintain national registration arrangements and provide information to the United Nations.

These obligations affect the allocation of responsibilities between the spaceport operator, launch operator, State and other actors, as well as the information, recourse and insurance arrangements that may be required before a project can proceed.

4.2 Radio Frequencies and Orbital Resources

Launch campaigns also depend on access to radio frequencies for telemetry, tracking, command, flight-termination and range-safety functions.

The **ITU Constitution and Convention**[45] and the **ITU Radio Regulations**[46] establish international procedures for coordinating and recording frequency assignments and satellite networks, including orbital positions or slots where relevant, particularly for geostationary systems. Spaceport planning should identify the responsible national administration, the required frequencies and ground stations, any coordination with existing users, and any ITU filings or coordination needed before the launch window is fixed. This is mission- and service-specific; not every launch creates a new international filing.

4.3 Sustainability and Debris Mitigation

Spaceport and launch authorisations increasingly incorporate debris mitigation and sustainability requirements.

The **Space Debris Mitigation Guidelines**[47] and the **Long-Term Sustainability Guidelines**[48] of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) and the **IADC Space Debris Mitigation Guidelines**[49], together with relevant ISO and ECSS standards[50], provide technical references that may be implemented through national law, licence conditions, procurement or contract.

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[45] Constitution and Convention of the International Telecommunication Union, as available at https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b0730&clang=_en

[46] The Radio Regulations contain the complete texts as adopted by the World Radiocommunication Conference (Geneva, 1995) (WRC-95) and subsequently revised and adopted by World Radiocommunication Conferences, including all Appendices, Resolutions, Recommendations and ITU-R Recommendations incorporated by reference, as available at https://www.itu.int/pub/r-reg-rr

[47] Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space, as available at https://www.unoosa.org/pdf/publications/st_space_49E.pdf

[48] Guidelines For The Long-Term Sustainability of Outer Space Activities of the Committee on the Peaceful Uses Of Outer Space, as available at https://www.google.com/goto?url=CAESoAEB6zswFRnZklnxw3dzNsUzhv5aj4wCpkShDngG1MpGM5729tuBdPuXtOhAAlE32QMn_muOshRsN_Q1Tb79AJ_mdWx2fLBaXtNRFXEnLgIqnRISik8IKX8FVZDS75nk7ksYnVPiaYEcf3ovyqG0DKkIMldpoBkB8vUMoCOyMw1FHiIn2vfVH6RpeAQCzpWzlGdjNMVnmz2wnMrtkT_GFFBy

[49] IADC Space Debris Mitigation Guidelines, as available at https://www.unoosa.org/res/oosadoc/data/documents/2025/aac_105c_12025crp/aac_105c_12025crp_9_0_html/AC105_C1_2025_CRP09E.pdf

[50] Namely ECSS-M-ST-10C Rev.1, ECSS-M-ST-40C, ECSS-M-ST-60C, ECSS-M-ST-80C, ECSS-E-ST-10C Rev.1, ECSS-E-ST-10-06C, ECSS-E-ST-10-02C Rev.1, ECSS-E-ST-10-03C, ECSS-E-ST-10-04C Rev.1, ECSS-E-ST-10-24C, ECSS-E-ST-20C, ECSS-E-ST-20-07C Rev.2, ECSS-E-ST-32C Rev.1, ECSS-E-ST-35C Rev.1, ECSS-E-ST-40C Rev.1, ECSS-E-ST-50C Rev.2, ECSS-E-ST-70C, ECSS-E-ST-80C, ECSS-Q-ST-10C Rev.1, ECSS-Q-ST-10-09C Rev.1, ECSS-Q-ST-20C Rev.2, ECSS-Q-ST-20-07C, ECSS-Q-ST-30C Rev.1, ECSS-Q-ST-40C Rev.1, ECSS-Q-ST-40-02C, ECSS-Q-ST-60C Rev.4, ECSS-Q-ST-70C Rev.2 , ECSS-Q-ST-70-01C Rev.1, ECSS-Q-ST-80C Rev.2 , ISO 14620-1:2018, ISO 14620-2:2019, ISO 14620-3:2021, ISO 14620-4:2025, ISO 14625:2023, ISO 17689:2023, ISO/TR 17400:2021, ISO 22772:2020, ISO 24113:2023, ISO 16290:2013, ISO 27875:2026, ISO 20892:2025, ISO 21349:2023, ISO 21886:2019, ISO 16091:2018, ISO 14300-1:2023, and ISO 14300-2:2023.

They can affect mission planning, upper-stage disposal, re-entry, tracking, incident reporting and the interfaces between a launch operator and the spaceport.

4.4 Airspace, Maritime and Cross-Border Coordination

International aviation and maritime frameworks do not themselves authorise a launch, but launch windows, hazard areas, temporary restricted or danger areas, aeronautical information notices and maritime exclusion or notification arrangements may affect sovereign airspace, territorial seas, stage- and debris-fall zones and non-nominal risk corridors. Where these areas extend across borders, coordination with neighbouring States, their air navigation service providers and maritime authorities is required, in line with ICAO and International Maritime Organization procedures.[51]

5. The E.U. Space Act[52], Pending Sector-Specific Reform

Due to its expected impact on space activities and services, the upcoming E.U. Space Act deserves autonomous consideration as part of the broad regulatory landscape described in this White Paper.

Still subject to final settlement of scope and reach, the E.U. Space Act is expected to impose measures relevant to the safety, resilience and sustainability of space activities and, at least indirectly, of launch-site operations. This Section examines the approach it takes regarding spaceport operations, without treating the proposal as settled law.

Under the Commission proposal, launch-site operations would fall within scope and would be subject to requirements on safety, resilience, environmental sustainability and operational coordination (see Article 2(1)(a) of the proposal, read in conjunction with Article 5(16)(a)).

The Commission proposal would treat the launch-site operator as responsible for the operation, control and maintenance of the relevant ground facilities. It distinguishes that role from the launch operator and recognises site-level functions, including coordination with aviation and maritime authorities, that might otherwise be duplicated across launch campaigns.

Material spaceport-relevant provisions concern safety and resilience. Safety requirements include coordination of airspace and maritime restrictions, hazard areas, collision avoidance and range-safety evidence. These matters remain closely tied to the launch site, the specific campaign and the territorial authorities responsible

[51] For instance, ICAO NAT Doc 013 – Operational Guidance Material for Commercial Space Operations (CSO) – North Atlantic Region (1st ed., July 2024), ICAO Annex 11 – Air Traffic Services and ICAO Doc 4444 – Procedures for Air Navigation Services – Air Traffic Management (PANS-ATM)

[52] Unless otherwise stated, references to the E.U. Space Act in this White Paper refer to COM(2025) 335 final of 25 June 2025 (procedure 2025/0335(COD)), available as Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the safety, resilience and sustainability of space activities in the Union at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52025PC0335 . This paper also takes account of the Council Presidency compromise of 30 March 2026 (Council document 7806/26), available at https://data.consilium.europa.eu/doc/document/ST-7806-2026-INIT/en/pdf.

for public safety. Accordingly, the E.U. Space Act would not remove the need for national or site-specific assessments.

Resilience requirements, in turn, cover ground systems, launch-control facilities, communications infrastructure, cybersecurity, physical protection, access controls, business continuity and incident response. For qualifying E.U. space operators that would otherwise fall within NIS2, the Commission proposal is intended to operate as the more specific framework where applicable and avoid duplicate cybersecurity requirements.

The environmental sustainability pillar is, on the other hand, centred on the mission and operator. The Commission proposal would require a space operator to calculate the environmental footprint across the mission lifecycle. Land-use, development-consent and other site-specific approvals would remain primarily within national procedures, subject to any applicable E.U. environmental requirements, including the EIA and Seveso Directives.

The Council Presidency compromise of 30 March 2026 takes a narrower structural approach. It introduces E.U. Space Act certification for harmonised requirements within national authorisation procedures and removes launch-site operators as a separate category of regulated entity. Certification would therefore be integrated into national processes rather than operate as a parallel E.U. authorisation.

As of the date of this White Paper, the legislative process remains ongoing. The Commission proposal, the Council Presidency compromise and any later institutional positions should not be treated as the final law. In particular, the final treatment of launch-site operations and spaceports remains unsettled pending adoption of the final act.

Part III: Objectives, Guardrails and KPIs

Part II shows that existing E.U. instruments set partial, topic- or risk-specific requirements but do not create a common spaceport regime. The scope of existing E.U.-level regulation is limited and fragmented; Member States still set the authorisation, safety, security, environmental, liability and access conditions, and international obligations and cross-border coordination add a further layer of complexity to alignment.

Sections 6 and 7 of this Part III set out the framework against which the Options are assessed.

- Section 6 describes how Objectives and Guardrails function as limitations for any legal pathway for the regulation of European spaceports.
- Section 7 then provides the separate measurement and assessment layer, namely the KPIs used to test how well each Option performs within the foregoing design space.

6. Objectives, Guardrails and Legal Boundaries

Section 6 sets out the room available for any legal design:

- first the objectives any instrument must satisfy (6.1),
- then the guardrails and constraints any instrument must stay within (6.2).

6.1 Objectives

The following groups of objectives define what the regulatory framework should achieve.

6.1.1 Interoperability and De-Fragmentation

Within the Project, interoperability is treated as a practical goal. The CSA is intended to assess best practices, standards and guidelines for launch operations from European spaceports, and to propose common regulatory practices and guidelines. The overarching goal is to reduce unnecessary duplication and uncertainty so that European launch capacity can be used reliably across sites, supporting the Union's competitiveness, resilience, security and strategic autonomy objectives reflected in the E.U. Space Programme, the E.U. Secure Connectivity Programme and the Commission's Vision for the European Space Economy.

Accordingly, in this White Paper, interoperability means that spaceport operators and users should be able to exchange sites for a launch campaign under compatible technical and operational interfaces across sites and jurisdictions, so that re-assessment becomes unnecessary, while preserving justified national and site-specific safeguards.

The main policy gaps therefore appear to be the lack of a common requirement structure, compatible technical and operational interfaces, proportionate evidence-reuse and recognition mechanisms,

coordinated cross-border contact and planning arrangements, and a clear path for national authorisation and safety responsibilities. These are working hypotheses for validation against the survey and assessment evidence.

In the context of European spaceports, “de-fragmentation” is not simply a matter of limiting competition or allocating demand to particular stakeholders, but of whether policies and regulatory processes can be used across sites without unnecessary duplication or diversion. In this White Paper, de-fragmentation therefore means, in essence, interoperability: **compatible information, coordination and evidence-reuse practices that reduce avoidable friction while preserving legitimate national and site-specific differences and responsibilities.**

6.1.2 Market Access, Competition and EEA Participation

Competitiveness depends not only on the number of launch sites but on the supply of affordable and regular launches.

From an economic and technological development perspective, regulation should also ensure access for SMEs and support research, innovation and infrastructure diversity without prescribing a specific technological solution. Easy and efficient access lowers the time, cost and uncertainty of moving launch systems, components, software, safety equipment and related services from design and testing to deployment.

More predictable access may make usage cheaper and can also draw investment, encourage cross-site testing and build demand for European suppliers. Access rules do not create innovation or market demand by themselves. However, they can indirectly reduce the friction that prevents firms, researchers and investors from using available infrastructure.

6.1.3 Innovation and Technology Development

The policy link between innovation and spaceport infrastructure is two-way: innovation needs access to suitable infrastructure, and better interoperability can make spaceport infrastructure more useful as a technology-development platform.

This direction appears to be most consistent with the E.U. Space Programme Regulation’s support for access-to-space capabilities and launch-service procurement, and with the 2025 Vision for the European Space Economy’s emphasis on research and innovation. Technology neutrality, risk-based evidence and review mechanisms are relevant to this objective; whether and how they are reflected in the content of any future framework is a matter for the Final Proposal (D4.2).

6.2 Substantive Design, Guardrails and Constraints

The following topics are treated in this White Paper as guardrails and constraints, i.e. design requirements that limit the scope for designing a framework. Any regulatory pathway assessed should respect and satisfy these requirements, regardless of its form or bindingness.

6.2.1 Safety of Launch and Ground Operations

Any pathway must suitably coordinate the protection of public safety and third-party property with the operations of the relevant spaceport.

6.2.2 Risk Sensitivity and Proportionality

Common guardrails do not require identical controls, evidence or approval routes where the materiality, likelihood or consequences of risk differ because of regional or site-specific circumstances. A proportionate framework may differentiate requirements by operator, site, system, service, mission or interface, using common criteria, transparent thresholds and recorded reasons. Any differentiation must be justified by the evidence, and requirements should scale to the actual risk. This is particularly relevant to SMEs and start-ups, which may have limited compliance resources, shorter operating histories, fewer alternative sites and less capacity to finance repeated assessments.

6.2.3 National Security, Export Control, FDI Screening

National-security considerations operate as a hard limit on the design of any regulatory framework for spaceports. Export control applies independently of the access framework and must not be duplicated by it. The Dual-Use Regulation (Regulation (EU) 2021/821) establishes the E.U. framework for controls on exports, brokering, technical assistance, transit and transfers of dual-use items. Space-related hardware, software, technical data and technology may fall within those controls where the relevant classifications or other provisions apply. National controls applicable to military items and technology may also be relevant depending on the equipment, payload, launch system and mission.

Foreign-investment screening is a further guardrail affecting the ownership and control of spaceport infrastructure. Regulation (EU) 2026/1386 is in force and will repeal Regulation (EU) 2019/452 with effect from 17 January 2028, subject to the transitional rules for investments undergoing screening or completed by that date. Individual screening decisions remain national. Any regulatory pathway must therefore consider the possibility that an investment in, or a change of control over, spaceport infrastructure is subject to screening, and must not treat authorisation, recognition or programme eligibility as displacing that separate national process.

6.2.4 Competence

All E.U. action requires a legal basis within a competence conferred by the Treaties (the “legal basis”). Even then, the Union should act only where common action works better than action by each Member State alone (“subsidiarity”), and should go no further than needed (“proportionality”). Article 189 TFEU is the space-policy basis for promoting joint initiatives, supporting research and coordinating space exploration efforts. Article 189(2) TFEU expressly excludes any harmonisation of the laws and regulations of the Member States in measures adopted on that basis. Article 114 TFEU may support approximation where the measure addresses demonstrated barriers to the establishment or functioning of the internal market. Even where a legal basis is available, the measure must respect

subsidiarity (Union action must add value beyond what Member States can achieve alone) and proportionality (the measure must be suitable, necessary and no broader than the identified problem). An Option that fails the competence or proportionality test is excluded regardless of how well it scores on the KPIs in Section 7.

6.2.5 Essential-Elements Principle and Typology of E.U. Instruments

Union action can proceed through several types of instruments. Essential policy choices and the scope of obligations must remain in the legislative act itself and cannot be delegated. Article 288 TFEU[53] sets out the forms of E.U. legal acts (regulations, directives, decisions, recommendations and opinions) and describes their legal effects. Articles 289, 290 and 291 TFEU govern legislative procedures, delegated acts and implementing acts respectively. The following overview identifies the instruments available for the regulatory design of a common framework for European spaceports.

(a) Regulation. A regulation is binding in its entirety and directly applicable in all Member States without national transposition. Direct applicability limits room for divergent national implementation, but preparation effort is substantial and political risk significant given the sensitivity of the subject matter.

(b) Directive. A directive is binding as to the result to be achieved, but leaves Member States a choice of form and methods when transposing it into national law; it can thereby set a minimum common framework. Differences in national implementation can lead to some fragmentation.

(c) Decision. A decision is binding in its entirety; where it specifies addressees, it binds only those addressees. It cannot substitute for a general spaceport authorisation regime.

(d) Recommendations and opinions. These have no binding force but may express an E.U. position or provide guidance. They may be employed in an ancillary capacity as part of a hybrid approach.

(e) Delegated acts (Article 290 TFEU). A delegated act supplements or amends non-essential elements of a legislative act. The basic act must expressly define the objectives, content, scope and duration of the delegation. Any empowerment would need to be included in the relevant basic act.

(f) Implementing acts (Article 291 TFEU). An implementing act provides uniform conditions for implementing an adopted E.U. act. It cannot alter the substance or essential policy choices of the basic act.

6.2.6 Coordination, Monitoring and Reputational Instruments

Coordination and information sharing are not instruments in their own right, but they are important supporting measures that require a legal basis. Coordination covers interinstitutional arrangements, peer review, benchmarking, joint work programmes, reporting, data sharing and operational networks. It can build convergence, reveal divergent practice and gather experience for later decisions, but only if it is transparent, well attended and acted on. Peer review and benchmarking can identify process gaps and common indicators. Public performance tables may encourage follow-through.

[53] Treaty on the Functioning of the European Union, consolidated at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12016ME%2FTXT

7. KPI Framework for Assessing Regulatory Pathways

This Section provides the measurement and assessment framework for the regulatory pathways. The expected outcomes state what the Project is intended to deliver, while the KPIs provide measures used to test practices, pathways and longer-term benefits.

7.1 Call's Expected Outcomes

The Call establishes Project-level expected outcomes, some of which the selected pathway should support.

Relevant expected outcomes of the Call for the purposes of this White Paper are:

- Benefits to sovereignty and cooperation, which concern the contribution of spaceport regulation to European autonomy, domestic capability and international cooperation; and
- Interoperability, which concerns the ability of spaceport operators and users to exchange sites for a launch campaign under compatible technical and operational interfaces across sites and jurisdictions, so that re-assessment becomes unnecessary, while preserving justified national and site-specific safeguards.

7.2 Pathway KPIs

The Pathway KPIs measure the practical viability of each regulatory pathway.

- Uptake measures the likelihood that a pathway will be adopted by relevant stakeholders, in particular by operators of spaceports.
- Enforceability measures reliability in practice: the extent to which obligations or conditions can be applied consistently, monitored, corrected and sanctioned if breached, including the risks of divergent implementation, disputes, non-compliance, coverage gaps and unavailable remedies.
- Workability measures how practicable implementation is within the Project's target horizons: short term, approximately one year, and medium term, approximately three years. It takes account of legislative steps, institutional capacity, administrative burden, implementation resources and the time needed for contractual or programme-based deployment.

Part IV: Assessment and Preferred Pathways

8. Assessment of Regulatory Options

8.1 The Five Pathway Options

Based on the typology of available E.U. legal instruments described above in Section 6.2.5, five regulatory Options can be identified. These five individual Options can be organised along a spectrum, from maintenance of the status quo and national discretion to a generally applicable E.U. framework, according to the increasing E.U.-level legal intensity of the measure.

- **Option 1** maintains the regulatory status quo without any additional measures being adopted.
- **Option 2** adds non-binding E.U. guidance and soft law in the form of toolkits.
- **Option 3** relies on funding and programme conditions requiring compliance with certain standards and toolkits.
- **Option 4** foresees the enactment of a Directive within the meaning of Article 288 TFEU, binding Member States to adopt national measures achieving defined results within a specified scope.
- **Option 5** foresees the enactment of a Regulation within the meaning of Article 288 TFEU, as a binding regime with rules directly applicable to stakeholders.

8.2 Detailed Description and Assessment

8.2.1 Option 1 - Existing Baseline

a) Description. Option 1 would retain the overall existing regulatory status quo, relying on coordination between stakeholders and Member States. There would be no new E.U. harmonisation specific to spaceports beyond what already exists or would result from the regulation of spaceport-adjacent topics or activities.

Retaining the status quo does not mean the general absence of E.U. rules. Where their scope conditions are met, existing instruments would still apply to particular aspects. NIS2 and CER may apply to covered ground-based infrastructure and critical entities. The Taxonomy Regulation, the proposed E.U. Space Act (once in force), the EIA Directive regarding environmental assessments, the Flexible Use of Airspace Regulation and SERA, the Dual-Use Regulation controls, foreign-investment screening, the public-procurement directives and the GDPR regarding personal-data processing are just some examples of existing or well-advanced planned E.U.-level binding instruments that apply, or would apply, even if the status quo remained unchanged.

b) Assessment. Option 1 has low uptake as an incremental pathway. Existing national arrangements may be familiar, but they are not evidence of uptake of a new common practice. Cross-border

enforceability is low, although national rules, contracts and applicable E.U. instruments remain enforceable within their own scope. Short-term workability is high because no new legislation or central structure is required. However, Option 1 does not reduce duplication or improve interoperability.

Option 1 also performs weakly on structured engagement, interoperability and coordination.

8.2.2 Option 2 - E.U. Voluntary Guidance and Interoperability Toolkit

a) Description. Option 2 would retain Option 1's existing baseline but add voluntary guidelines and coordination mechanisms. The E.U. would provide, and operators, launch users and authorities could use, a common toolkit for preparing reusable safety, environmental and operational information. The toolkit could include common terminology, defined data fields, templates, interfaces, model coordination procedures, access and capacity information. It would support compatibility and evidence reuse without dictating technical design or replacing national assessment.

b) Assessment. Option 2 has low-to-medium uptake potential, since stakeholders share some incentives to converge and comparable-sector precedent supports adoption, but a binding regime is not established. Enforceability is low because use remains voluntary, while short-term workability is high because the toolkit can be developed without a new harmonising legislative process. Its best use is to reduce information and coordination friction and to test evidence reuse before stronger intervention.

Option 2 supports sovereignty, cooperation and interoperability through collaborative development of requirements and standards that serve both the lawmaker and the industry. Its competence and proportionality risks are low provided it remains genuinely voluntary and technology-neutral. Its main constraints are uneven uptake, maintenance and governance of the toolkit, possible duplication with existing rules, and the absence of a recognition or escalation route.

8.2.3 Option 3 - Programme-Led Demand Aggregation and Conditional Support

a) Description. Option 3 works through financial incentives rather than general rules, namely E.U. funding, procurement, demand aggregation and programme access. While the conditions would also be anchored in guidance and toolkits, its distinctive feature would be the support mechanism. It would combine grant support, institutional launch sourcing, preparatory actions, pilots and milestones, with the conditions of each instrument determining the relevant obligations. These have no general binding character; they bind in practice only those stakeholders who use the relevant funding. Option 3 is distinguished from Option 2 by its funding-enabling character. As in Options 1 and 2, topic-specific E.U. instruments and international law would continue to apply alongside Option 3, unaffected by it.

Operators, launch users and service providers would need to meet the conditions attached to a grant, procurement contract or programme to obtain that support.

The Connecting Europe Facility[54] is a structural example. It is an E.U. funding instrument that supports transport, energy and digital infrastructure through grants and procurement, with project-specific eligibility, technical and interoperability conditions. Those conditions bind beneficiaries of the relevant action or contract. They do not regulate non-participating infrastructure.

On the space side, the ESA European Launcher Challenge is a comparable programme-led mechanism. Its structure combines support linked to successful flights with a separate research and development element and competitive contracts, fostering commercially driven launch-vehicle development and competition. These mechanisms can steer capability and evidence, and while they are distinct from general and abstract binding regulatory frameworks, they often subject participants to requirements which, in effect, shape and reorient launch-vehicle capability and design decisions.

Such a mechanism could also include Horizon Europe and Flight Ticket-style support, procurement under the E.U. Space Programme, launch sourcing for Secure Connectivity and IRIS², demand aggregation, and support for developing, adapting and operating Union-based ground infrastructure.

b) Assessment. Option 3 has high uptake within funded or participating activity because programme conditions and procurement contracts provide a direct incentive to comply, but that does not establish general uptake outside the programme.

Enforceability is again medium to high within the relevant grant, contract or programme, with incomplete coverage elsewhere.

Short-term workability is high where existing programme bases and procurement routes can be used. Its best use is to create targeted leverage, pilots and demand while recognising that bid-writing, eligibility and access-to-funding constraints may favour larger incumbents.

Option 3 supports sovereignty, cooperation and interoperability within supported activity by incentivising and financing space activities from the E.U., fostering the space sector, cementing the E.U. as a viable alternative for spaceport operations, and directing demand and resources towards compliance with common standards and conditions.

Its competence risk is generally lower than that of a harmonising measure, but conditions must remain within the objectives and scope of the relevant programme.

Implementation constraints include budget availability, eligibility, procurement design, programme participation, unequal access to support and incomplete evidence for non-participants.

8.2.4 Option 4 - Standards and Minimum Common Framework via Directive

a) Description. Option 4 differs from Options 1 to 3 by providing a common denominator of E.U.-harmonised objectives and obligations. Options 1, 2 and 3 leave uptake to the stakeholders. Option 4

[54] Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014, available at https://eur-lex.europa.eu/eli/reg/2021/1153/oj/eng

would use a Directive to require Member States to make specified outcomes, assessment methods or recognition and reassessment routes available, while leaving national authorities empowered to implement them, in particular to accommodate site-specific aspects, within pre-defined margins.

European or international standards could be referenced as one means of meeting the binding outcomes, possibly alongside alternative means that demonstrate equivalent protection.

b) Assessment. Option 4 has credible uptake potential because Directive-based approximation is established across E.U. policy areas. Enforceability is medium to high because Member States are bound to achieve the required result while implementation and equivalence decisions may diverge.

Workability is medium-low: legislative negotiation, transposition and operational preparation are likely to require several years before coming to fruition.

Option 4 supports the Call's expected outcomes through structured engagement, improved cross-border competitiveness, a clear regulatory pathway, cooperation with preserved national implementation and targeted interoperability. It also accommodates site-specific differences better than a prescriptive Regulation would.

Its competence risk, however, is material compared with Options 1 to 3 and must be justified under Article 114 TFEU (or another legal basis), with full subsidiarity and proportionality scrutiny. Article 114 TFEU may only be relied on if the specific measures adopted genuinely approximate national laws, regulations or administrative action to address demonstrated barriers to the establishment or functioning of the internal market. The case for that legal basis would depend on the measure's content, objective and effects and would remain subject to conferral, subsidiarity and proportionality.

Legislative and transposition delay, uneven national capacity and added legal complexity could weaken timely, consistent application. Unclear thresholds could add to that risk. A Directive remains available if targeted approximation or recognition is shown to be necessary and proportionate for demonstrated cross-border barriers.

8.2.5 Option 5 - Harmonised Regime

a) Description. Option 5 is the most far-reaching. It would establish, via an E.U. Regulation, a generally applicable binding E.U. framework for technical compliance, recognition and licensing requirements, interfaces with adjacent sectors, and possibly central coordination by an E.U. body.

Operators and service providers would operate under generally applicable E.U. requirements and recognition routes. Launch users would access participating infrastructure through common conditions. Member State and local authorities would implement and supervise the framework within their assigned roles.

Where Option 5 is established with express empowerment, it could also enable central coordination and facility-specific decisions on a case-by-case basis.

b) Assessment. Option 5 has potential for high enforceability and general consistency if generally applicable rules and central coordination are supported by adequate implementation capacity.

Centralised expertise could be a strength, particularly where national regulators have limited launch-operations experience, because it could reduce duplicated learning and provide a stable source of technical and operational knowledge.

It would, however, create competence, cost, confidentiality, technology lock-in and innovation risks, and any central function would require an adequate legal basis and express powers. Additionally, full harmonisation, and therefore full interoperability, could not be achieved, because the principle of conferral limits E.U. action and national security remains the sole responsibility of each Member State (Article 4(2) TEU[55]).

Uptake is high, since Regulations are directly applicable and binding on E.U. operators. Workability is relatively low within the Project horizons because legislation, supporting acts and institutional arrangements would extend beyond all other Options. Political stalemate, divergent national preferences and repeated negotiation may delay or even compromise adoption.

Option 5's best use is therefore limited to what is strictly necessary, where cross-border fragmentation is problematic and harmonisation is not an option but a requirement.

Central coordination would also raise questions about who bears responsibility, how sensitive information is protected and how quickly the framework can adapt.

8.3 Comparative Result for the Individual Options

The foregoing shows a graduated trade-off rather than a single winning Option. In summary:

- Option 1 scores lowest on incremental uptake, cross-border enforceability and interoperability. It provides the widest leeway for site-specific requirements.
- Option 2 improves common practice and evidence reuse by implementing voluntary toolkits but remains non-binding.
- Option 3 adds reliable leverage within funded or participating activities but does not directly reach non-participants.
- Option 4 can create targeted binding outcomes or recognition routes, but only after legislative negotiation and national transposition.
- Option 5 offers the greatest potential for general consistency and enforceability, but carries the highest competence, proportionality, capacity and innovation costs and risks.

[55] Treaty on European Union, consolidated at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12016ME%2FTXT

As a result, no individual Option adequately combines immediate workability, practical leverage, proportionate cross-border recognition, broad international openness and general enforceability.

The foregoing results are also summarised in condensed form in the Comparison Tables in the **Annex**. The tables provide an indicative comparison of Options 1 to 5 against the Section 6.2 guardrails and the Section 7 KPIs.

9. Combined Approaches

Since the Options described and reviewed in Section 8 are not mutually exclusive, a combined approach using voluntary standards for technical matters, funding conditions for institutional activity and narrowly targeted binding measures for demonstrated cross-border barriers may be more viable and proportionate than any single Option. The five Options should be seen as building blocks, not five equally complete end states.

Combining Options and sequencing legal intensity can bring strengths to bear, adjust for weaknesses and test whether practical barriers can be addressed before stronger legal intervention.

As such, a layered, hybrid pathway, where regulation is approached through several of the Options, could combine a voluntary interoperability toolkit with funding, procurement, demand aggregation, programme participation and binding regulation where necessary.

The integrated toolkit could, for example, include shared terminology, data formats, safety and security files, environmental-data templates, incident interfaces, access information, model procedures and a maintained portal; its actual content is a matter for the Final Proposal (D4.2). Conditions attached to supported activities may require specified toolkit use and proportionate evidence, while the toolkit remains voluntary for non-participants.

Funding and procurement create leverage and implementation capacity. Binding elements, to be incorporated into a Directive or a Regulation, are triggered by documented, persistent and material cross-border barriers and are limited to the function necessary to address them. The escalation mechanism is a structural feature of the pathway; the specific triggering criteria and review periods are a matter for the Final Proposal (D4.2).

In effect, it combines the chance for immediate interoperability gains and programme leverage with evidence-based escalation to targeted binding measures.

The toolkit methodology supplies common terminology, data fields, templates and procedures. Option 3 supports funded activities through proportionate conditions and transparent opportunities for SMEs and New Space providers, with the design of any SME safeguards being a matter for the Final Proposal (D4.2).

Article 189 TFEU and programme-specific bases can support the toolkit, coordination, procurement and conditional support. A specific legal basis, such as Article 114 TFEU, would be needed for targeted approximation or recognition and would have to be demonstrated measure by measure.

At approach and KPI level, uptake is credible as a matter of precedent. Enforceability is strong for the binding layer and supported activities. Workability spans short- and medium-term horizons.

Its strengths are functional matching, better coverage, targeted enforceability, preservation of national roles, support for SMEs and international participants, and the ability to escalate without requiring identical procedures.

Its main weaknesses are the need for balancing and implementation complexity. Residual risks include inconsistent thresholds, overlap between layers, administrative burden and uncertainty in post-2027 instruments. Governance arrangements, including which body maintains the toolkit, how it is funded, how stakeholders contribute to revisions and who monitors the escalation criteria, as well as an estimate of costs and administrative burden, remain to be defined and are put to consultation.

10. Preferred Pathway

Based on the individual-Option comparison, the approach-level assessment, the Project's KPIs and the Call's expected outcomes, this White Paper identifies **a layered, hybrid pathway** as the preliminary preferred pathway for consultation on a European spaceport common regulatory and standards proposal. This identification is a starting point for stakeholder input, not a final recommendation.

It provides a graduated structure that can deliver immediate practical gains while reserving binding action for demonstrated cross-border barriers.

It would entail:

1. Non-binding standards and guidance. Use of voluntary European standards and guidance, developed through recognised European standardisation bodies or equivalent, as the first layer of the pathway. The subject matter of such standards and guidance is a matter for the Final Proposal (D4.2).

2. Creation of uptake incentives through funding and procurement conditions. Use of funding conditions and procurement frameworks for institutional activity as a vehicle for uptake, with proportionate access for SMEs, start-ups and New Space providers. The specific conditions are a matter for the Final Proposal (D4.2).

3. E.U. Space Act coordination. Monitoring of the E.U. Space Act's final scope to ensure consistency between the chosen pathway and the adopted act, if any.

4. Targeted binding measures where barriers persist. Where documented, persistent and material cross-border barriers remain despite the measures above, consideration of targeted Directive- or Regulation-based measures limited to the outcome, recognition route or coordination function necessary to address them.

The pathway does not assume any interim individual Decisions requiring Member States to establish spaceports. A facility-specific or designation-type Decision could be considered only after an adopted basic act identifies an adequate legal basis, confers the necessary express power and defines the limits of the measure. Such a Decision could not itself create a general authorisation regime or override national responsibilities.

This preliminary preference is grounded in the following considerations:

- The preferred pathway performs well against the three Pathway KPIs (uptake, enforceability and workability) and supports the Call's expected outcomes, subject to evidence and consultation.
- Its components can be phased: the toolkit and funding elements within about one year, and any targeted Directive- or Regulation-based measures within about three years, if evidence of persistent barriers emerges and the legal requirements are met.

11. Consultation

A consultation procedure, aligned with the hosting of an online workshop (Virtual Policy Roundtable, the registration for which can be found at AEAAS VPR Registration), will provide insight into whether the pathway described above is appropriate.

In this consultation, AEAAS will invite stakeholders to validate, challenge or provide evidence on the policy assumptions that underlie the Project.

In addition, participants and other stakeholders will be asked the following questions:

Q1. Do you agree with the assessment of Options 1 to 5 against the Pathway KPIs (uptake, enforceability, workability)? (see Sections 7 and 8)

Q2. Do you support the layered, hybrid approach described as the preliminary preferred pathway? If not, which approach would you prefer and why? (see Sections 9 and 10)

Q3. What criteria should trigger escalation to targeted binding measures, and over what review period? (see Section 9)

Q4. How should an E.U. interoperability toolkit be governed, maintained and funded? (see Section 9)

AEAAS INVITES STAKEHOLDERS TO COMMENT ON THE ASSESSMENT SET OUT IN THIS WHITE PAPER THROUGH AN OPEN PUBLIC CONSULTATION AVAILABLE AT HTTPS://AEAAS.EU.

THE CONSULTATION CLOSING DATE WILL BE 30 NOVEMBER 2026.

Comments received may be made public in accordance with the Data Management Plan, applicable privacy requirements and the terms of the consultation. Stakeholders should indicate clearly on the front page of their submission if they request confidentiality and should not include classified, security-sensitive or export-controlled information in a version intended for publication. Where publication is possible, stakeholders should provide a non-confidential version. Confidential treatment cannot be guaranteed for information that is not clearly identified or that must be disclosed under applicable law.

Annexes

Comparison Tables

Objectives, guardrails and legal constraints (Section 6)

Goal / Guardrail / Criterion	Option 1 (Existing Baseline)	Option 2 (Voluntary guidance and toolkit)	Option 3 (Programme-led support)	Option 4 (Directive)	Option 5 (Regulation)
Safety of launch and ground operations (6.2.1)	National rules and applicable E.U. instruments; no binding spaceport-specific safety baseline.	Voluntary templates and practices; better evidence reuse and interfaces; no binding safety outcome or recognition.	Safety evidence, milestones and reporting may bind funded or participating activities; non-participants remain outside.	Binding safety objectives and assessment or recognition routes; national implementation and site safeguards.	Generally applicable launch, ground, range and emergency requirements; standards and means of compliance.
Risk sensitivity and proportionality (6.2.2)	Maximum national flexibility; inconsistent thresholds and repeated evidence may burden SMEs and experimental activities.	Shared risk vocabulary, templates and evidence reuse; thresholds remain voluntary.	Proportionate programme tiers tied to activity, operator size, milestones and risk.	Binding risk tiers and lighter routes for SMEs, start-ups and experimental activities; national methods.	Common differentiation and evidence reuse; highest over-prescription risk; technology neutrality essential.
Legal basis and competence (6.2.4)	No harmonisation; Article 189 TFEU supports guidance and coordination.	Non-harmonising Article 189 TFEU basis for the toolkit and coordination.	Programme-specific bases; conditions attach to grants, contracts and programme rules.	Article 114 TFEU; demonstrated internal-market barriers; subsidiarity and proportionality.	Strongest Article 114 justification; Article 189 only for related coordination, research and programmes.
Instrument typology (6.2.5)	No new instruments; existing national rules and applicable E.U. instruments only.	Structured voluntary toolkit; standards, coordination and information exchange.	Conditional funding, procurement, demand aggregation and programme participation.	Directive; standards, conformity assessment, conditional recognition and supporting acts under the basic act.	Regulation; supporting acts and central coordination only if expressly authorised.
Coordination and monitoring (6.2.6)	Voluntary peer review, benchmarking and information exchange; participation-dependent.	Shared portal, common information practices and toolkit maintenance; no mandatory coverage.	Participant reporting, milestones and performance monitoring; evidence limited to supported activities.	Monitoring and review triggers linked to national implementation, recognition and targeted escalation.	Mandatory reporting, common indicators and formal coordination; institutional limits and confidentiality safeguards.

Pathway KPIs (Section 7)

Pathway KPI	Option 1 (Existing Baseline)	Option 2 (Voluntary guidance and toolkit)	Option 3 (Programme-led support)	Option 4 (Directive)	Option 5 (Regulation)
Uptake (7.2)	Low as an incremental pathway; existing national arrangements are not evidence of uptake of a new common practice.	Low to medium where stakeholders share incentives to converge and comparable-sector precedent supports adoption; no binding regime established.	High within funded or participating activity; does not establish general uptake outside the programme.	Credible, as directive-based approximation is established; depends on political agreement and national transposition.	High, since Regulations are directly applicable and binding on E.U. operators; adoption itself is uncertain given legal, institutional and cost burden.
Enforceability (7.2)	Low at cross-border level; no common mechanism for consistent application or portable recognition.	Low, because use remains voluntary and inconsistent application cannot be corrected.	Medium to high within the relevant grant, contract or programme; coverage incomplete for unsupported activity.	Medium to high; Member States are bound to achieve the result, but implementation and equivalence divergence can create gaps.	High if generally applicable rules and central coordination are supported by adequate implementation capacity.
Workability (7.2)	High in the short term; no new legislation or central structure required.	High in the short term; deployable without a new harmonising legislative process.	High in the short term where existing programme bases and procurement routes can be used.	Medium to low; legislative negotiation, transposition and operational preparation likely require several years.	Low within the Project horizons; legislation, supporting acts and institutional arrangements would extend beyond all other Options.