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EU SANCTIONS IN THE AVIATION AND SPACE SECTORS ADOPTED FOLLOWING RUSSIA'S AGGRESSION AGAINST UKRAINE

Abstract

Russia's aggression against Ukraine stopped many joint scientific space exploration missions and launches of commercial satellites, and resulted in the imposition of economic sanctions that inevitably restrict a number of projects in space. Sanctions have been used by the UN from the 1960s and have grown to be an instrument applied by the international community and individual states to bring about a change in a state's or individual's actions and to stop breaches of international law. In the EU, the Treaties also allow imposition of sanctions. The EU sanctions affecting the aviation and space sectors correspond to the EU general legal framework of sanctions, including lists of restricted goods, technologies and services. The nature of cooperation among States in space justifies possible derogations from the restrictive measures and explains why competent authorities may, in strictly defined circumstances, authorize certain transactions. Still, it seems that the lessons learnt from the present situation will accelerate efforts to ensure that the EU is less depended on third states in space projects. The EU's autonomy in space has now emerged as a strategic objective.

KEYWORDS

sanctions, restrictive measures, Council Regulation (EU) No 833/2014, aviation, space

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1. INTRODUCTION

Russia's aggression¹ against Ukraine in February 2022 met with a swift reaction of the space community. Several research organisations and space agencies, including the Deutsches Zentrum für Luft-und Raumfahrt (German Aerospace Center, DLR), the European Organization for Nuclear Research (CERN) and the G6 network² decided to suspend or end their cooperation with Russian institutions.³ At the time, the European Space Agency and Roscosmos were preparing for a vital step in the Exo Mars mission, a joint scientific and engineering project

¹ The term "aggression" was used to describe what Russia declared on 24 February 2022 to be a "special military operation" in Ukraine in the Resolution adopted by the General Assembly of the United Nations on 2 March 2022, A/RES/ES-11/1. On 24 March 2022 the General Assembly adopted Resolution ES-11/2 entitled "Humanitarian consequences of the aggression against Ukraine" (A/RES/ES-11/2).

² The G6 network unites six large multidisciplinary European Research Performing Organisations, the Consiglio Nazionale delle Ricerche, the Centre National de la Recherche Scientifique, the Consejo Superior de Investigaciones Científicas, the Helmholtz-Gemeinschaft Deutscher Forschungszentren, the Leibniz-Gemeinschaft and the Max-Planck-Gesellschaft.

³ As stated in the communication of 3 March 2022 of the DLR, "All collaboration activities with Russian institutions on current projects or projects in the planning stage will be terminated. There will be no new projects or initiatives with institutions in Russia", DLR ceases bilateral cooperation with Russia, https://www.dlr.de/content/en/articles/news/2022/01/20220303_dlr-ceases-bilateral-cooperation-with-russia.html (accessed 10.04.2023). On 8 March 2022, the Council for the European Organization for Nuclear Research (CERN) decided that the Observer status of the Russian Federation in CERN was suspended until further notice and that CERN would not "engage in new collaborations with the Russian Federation and its institutions until further notice", CERN response to the aggression against Ukraine, https://council.web.cern.ch/sites/default/files/c-e-3626_Resolution_re_Russia%20.pdf (accessed 10.04.2023). In its Common Statement of Solidarity with the Sovereign State of Ukraine of 17 March 2022, the G6 said that it saw "no alternative to a complete freeze of scientific interactions with Russian institutions for the time being" (https://www.helmholtz.de/assets/helmholtz_gemeinschaft/Downloads/G6_Satement_on_the_Russian_Invasion_of_Ukraine.pdf) (accessed 10.04.2023).

that spanned several years.⁴ The Rosalind Franklin rover was scheduled to be launched in September 2022, to reach Mars in June 2023 and collect data there, alongside NASA and Chinese rovers, but when the hostilities broke up the mission was suspended,⁵ and the rover, having successfully passed its system qualification and flight acceptance review, was sent to a warehouse.⁶ On the other side, Roscosmos decided to withdraw its personnel from the launching centre in Kourou in the French Guiana and suspend all Soyuz launches from Europe's Spaceport, prompting the European Commission to assure the continuity and quality of the Galileo and Copernicus services.⁷ Launches of European satellites from Baikonur, including the UK satellites for the OneWeb broadband constellations, were postponed too.⁸ There appeared uncertainty as to the continuous cooperation on the International Space Station beyond 2024.⁹ At present, the ISS seems to be the sole remaining joint space project, with Expedition 69 that began in March 2023 including three Roscosmos and three NASA crew members, and one from the United Arab Emirates.¹⁰

The background to these events includes the fact that Russia and Ukraine have been trade partners and manufacturers of components (such as engines or first-stage rockets) and full space systems, as well as launch service providers (since 2011 the ESA has launched its Copernicus and Galileo satellites using the Russian Souyz launcher). Ukraine was recognized for its mega-freighter jets used

⁴ On the first stage of the Exo Mars mission and the role of Polish scientists in it see *Wystrzelono sondę ExoMars, która będzie szukać życia na Marsie*, *Nauka w Polsce*, 14.03.2016, <https://naukawpolsce.pl/aktualnosci/news%2C408793%2Cwystrzelono-sonde-exomars-ktora-będzie-szukac-zycia-na-marsie.html> (accessed 10.04.2023). The goal of the mission is to determine if there has ever been life on Mars and to better understand the history of water on the planet. The second phase of the mission was interrupted by the COVID pandemic in March 2022: ESA Press Release of 12 March 2020, *Exo Mars to take off for the Red Planet in 2022*, https://www.esa.int/Newsroom/Press_Releases/ExoMars_to_take_off_for_the_Red_Planet_in_2022 (accessed 10.04.2023).

⁵ ESA Press Release of 17 March 2022, *ExoMars suspended*, https://www.esa.int/Newsroom/Press_Releases/ExoMars_suspended (accessed 10.04.2023).

⁶ ESA Press Release of 28 March 2022, *Rover ready – next steps for Exo Mars*, https://www.esa.int/Science_Exploration/Human_and_Robotic_Exploration/Exploration/ExoMars/Rover_ready_next_steps_for_ExoMars (accessed 10.04.2023).

⁷ Statement by Thierry Breton, European Commissioner for Space, following the decision by Roscosmos to withdraw from the Guiana Space Centre in Kourou, 26 February 2022 https://defence-industry-space.ec.europa.eu/statement-thierry-breton-european-commissioner-space-following-decision-roscomos-withdraw-guiana-2022-02-26_en (accessed 10.04.2023).

⁸ Press Release by Arianespace of 4 March 2022, *Suspension of Soyuz launches operated by Arianespace & Starsem*, <https://www.arianespace.com/press-release/suspension-of-soyuz-launches-operated-by-arianespace-starsem/> (accessed 10.04.2023).

⁹ B. Tobias, *Russia to Pull Out of International Space Station*, BBC, 26.07.2022, <https://www.bbc.com/news/world-europe-62308069> (accessed 10.04.2023).

¹⁰ International Space Station. Mission Summary, https://www.nasa.gov/sites/default/files/atoms/files/exp-69-summary_0.pdf (accessed 10.04.2023).

to transport large geostationary satellites from their manufacturing site to the launch sites.¹¹ In general, the space manufacturing and launch market is small and concentrated, and both Russia and Ukraine have played an important role in it and, which is no surprise given their long history of presence in space, have not just been buyers of space technology.

2. THE PURPOSE OF SANCTIONS

The systemic reaction of the European Union and of a number of states such as, e.g., the US, the UK, Norway, Switzerland, Japan, or Australia to the aggression against Ukraine is that of economic and personal sanctions. In the EU, the subsequent “sanctions packages” now in place are a continuation of the measures first adopted in 2014 in view of the annexation of Crimea. Since the United Nations first applied sanctions in the 1960s (first against South Africa, later, in the 1990s against Iraq, Yugoslavia, Libya, and in 1999, for the first time against a non-State actor, Al Qaeda),¹² the purpose of sanctions remains unchanged. It is to persuade states, entities, companies, and individuals to change their conduct, to prevent escalation of conflict, to cut off the resources that could be used to pursue the operations that disrupt international peace and security. This was reflected in the recitals of Council Decision 2014/145/CFSP of 17 March 2014¹³: “In the current circumstances, travel restrictions and an asset freeze should be imposed against persons responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, including actions on the future status of any part of the territory which are contrary to the Ukrainian Constitution, and persons, entities or bodies associated with them”. With the situation worsening, and in February 2022 reaching the stage when Russia’s military operation in Ukraine was announced and Russian armed forces began an attack on Ukraine, the Council considered that: “In view of the gravity of the situation, and in response to Russia’s actions destabilising the situation in Ukraine, it is appropriate to introduce further restrictive measures related to the finance,

¹¹ OECD Science, Technology and Industry Policy Paper November 2022, No. 137. A new landscape for space applications, Illustrations from Russia’s war of aggression against Ukraine, <https://www.oecd-ilibrary.org/docserver/866856be-en.pdf?expires=1681208766&id=id&acname=guest&checksum=AB32B1CFC5EDC1B70F8649E90B772134> (accessed 10.04.2023).

¹² J-M. Thouvenin, *History of Implementation of Sanctions*, (in:) M. Asada (ed.), *Economic Sanctions in International Law and Practice*, London/New York 2020, p. 86; M. Kanetake, *Implementation of Sanctions. Japan*, (in:) M. Asada, *Ibidem*, p. 141.

¹³ Recital 4 of Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, OJ L 78, 17.3.2014, pp. 16–21.

defence, energy, aviation, and space sectors”,¹⁴ supplementing and extending those adopted previously.

3. THE LEGAL BASIS OF SANCTIONS IN THE EU. “SANCTIONS PACKAGES”

The legal basis for the Union’s action is to be found in both Treaties. Article 29 of the Treaty on European Union,¹⁵ part of the Treaty’s provisions on the Common Foreign and Security Policy, authorizes the Council to adopt decisions which define the approach of the Union to a particular matter of a geographical or thematic nature. Based on Article 215(2) of the Treaty on the Functioning of the European Union,¹⁶ where a decision adopted in the framework of the CFSP so provides, the Council may adopt restrictive measures against natural or legal persons and groups or non-State entities. A Council Regulation, adopted on a joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission, gives effect to the measures provided for in a Council Decision. Regulatory action at the level of the Union is necessary in order to ensure their uniform application.

In line with the common classification of sanctions into asset freezes, arms embargoes, commodity interdictions, travel bans and diplomatic sanctions,¹⁷ the EU has put in place restrictive measures that affect persons, both natural and legal, and entities and measures that affect trade with Russia. The former include assets freeze and a ban on providing economic resources available to the sanctioned persons, the latter cover a variety of export or import bans and bans on providing related services, so that trade in restricted goods should not be supported in any other manner.

Personal sanctions are applied based on Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine,¹⁸ and the corresponding Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threat-

¹⁴ Recital 10 of Council Decision (CFSP) 2022/327 of 25 February 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine, OJ L 48, 25.2.2022, p. 1.

¹⁵ In Title V, Chapter 2 of the TEU. Consolidated version of the Treaty on European Union, OJ C 326, 26.10.2012, p. 13.

¹⁶ Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47.

¹⁷ R. Gordon, M. Smyth, T. Cornell, *Sanctions Law*, Oxford 2019.

¹⁸ Council Decision 2014/145/CFSP.

ening the territorial integrity, sovereignty and independence of Ukraine.¹⁹ The persons targeted are not only those responsible for, supporting or implementing such actions or policies, or those that provide material and financial support for them, but also those who benefit from the annexation of Crimea, who conduct transactions with the separatist groups in the Donbas region, and those whose business operations provide a substantial source of revenue to the Government of the Russian Federation, as well as persons associated with them. The reasons for including each of those targeted actors are stated in an Annex (to both the Council Decision and the Council Regulation). The sanctions' list now includes Valentina Tereshkova, the first woman in space, now a member of the *State Duma*. She was listed on 16 December 2022 due to the fact that on 3 October 2022 she voted in favour of the illegal annexation of the regions of Donetsk, Luhansk, Kherson and Zaporizhia, and their incorporation into the Russian Federation as federal subjects.²⁰

Trade sanctions follow from Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine,²¹ and the corresponding Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.²² All of the above have been revised, and since Russia's full scale aggression against Ukraine in February 2022, by the spring of 2023, there have already been ten "sanctions packages", each new package providing for more extensive and fine-tuned measures. Among them, those affecting the aviation and space sectors, as well as persons, companies and entities associated with them.

4. THE CONCEPT OF TARGETED SANCTIONS

The fact that the legal instruments governing restrictive measures are revised and updated shows a commitment to target them at specific entities, goods, technologies and economic sectors where they can be most effective and produce the intended result.²³ Thus, the effectiveness of sanctions depends on a thorough

¹⁹ OJ L 78, 17.3.2014, p. 6 ("Regulation 269/2014").

²⁰ Annex I to Regulation 269/2014, position 1293. Council Implementing Regulation (EU) 2022/2476 of 16 December 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, OJ L1, 16.12.2022, p. 318.

²¹ OJ L 229, 31.7.2014, p. 13.

²² OJ L 229, 31.7.2014, p. 1 ("Regulation 833/2014").

²³ A. Cieśliński, *System unijnych sankcji celowych w związku z agresją Rosji przeciwko Ukrainie*, 'Europejski Przegląd Sądowy' 2022, No. 9, p. 41.

understanding of where the economy of the aggressor's country is strongest, trade in which goods is most profitable, and which industries are most dependent on imported technologies. A good orientation in the complexities of international trade relations helps define the restrictive measures in a way that the economic potential that can yield the resources necessary to support military action that breaches international law is curtailed. This is why the EU regulations include lists of goods and technologies that cannot be exported to or imported from Russia, and designate entities which cannot be parties to transactions with EU subjects.

5. OTHER ASPECTS OF A SANCTIONS SYSTEM

From the perspective of the states that impose restrictive measures, it is important to ensure that they are observed and to prevent their circumvention. The EU regulations require Member States to lay down rules on penalties applicable to infringements. The penalties provided for must be effective, proportionate and dissuasive (cf. Article 15 of Regulation 269/2014, Article 8 of Regulation 833/2014). In Poland, such penalties were introduced by the Act of 13 April 2022 on special measures for counteracting support for the aggression against Ukraine and those serving the protection of national security,²⁴ and include both criminal and administrative penalties.

On the other hand, before the onset of events that call for imposition of sanctions, states typically remain in regular economic relations between each other. While some operations may be stopped immediately, some time may be needed to discontinue business in other sectors of the economy. Therefore, sanctions-involving regulations usually grant economic operators some time to execute existing contracts, to wind up a business, or to disinvest. Transition periods are set and contracts concluded before the effective date of the restrictive measures are allowed to continue until a fixed date, while new contracts cannot be made. Sanctions regulations also allow flexibility so that some transactions may be authorized by the competent authorities, and the EU Regulations provide that each Member State should designate such competent authorities (Article 16 of Regulation 269/2014, Article 9 of Regulation 833/2014).

²⁴ Dz. U. (Journal of Laws) 2023, item 129, as amended.

6. EU SANCTIONS IN THE AVIATION SECTOR AFFECTING FLIGHTS

The aviation sector was one where restrictive measures could take immediate effect. Council Regulation (EU) 2022/334 of 28 February 2022²⁵ closed the EU airspace to Russian air carriers. Landing in, taking off and overflying the territory of the EU became prohibited for any aircraft operated by Russian air carriers, for any Russian registered aircraft, and for any non-Russian registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body (Regulation 833/2014, Article 3d). The prohibition thus covers private aircraft owned by Russian nationals, and those registered in the EU or in a third state that are chartered by Russian nationals, including by those with double Russian and EU or a third state nationality. Humanitarian considerations can justify a derogation; also, diplomatic flights can be allowed by competent authorities. An emergency landing or an emergency overflight are allowed.

Russian airspace too is closed to carriers from nearly 40 countries. Still, it seems that the aviation sector is flexible enough to adjust to the situation. According to IATA, in 2021 passenger numbers to and from Russia and Ukraine represented no more than 2% of the country's total passenger traffic for most European countries, with Bulgaria (5%), Poland (7%), Turkey (8%), and Cyprus (12%) standing out.²⁶ Sanctions mean that flights have to be rerouted or cancelled. Passengers face longer flight times and higher costs and cargo traffic is also affected, but this presents opportunities for other airlines to fill the gaps.

7. EU SANCTIONS IN THE AVIATION AND SPACE SECTORS THAT AFFECT GOODS AND TECHNOLOGY

In parallel, trade restrictions apply there too. Certain goods and technologies suited for use in aviation or the space industry, jet fuel and fuel additives, whether or not originating in the Union, cannot be provided to any natural or legal person, entity or body in Russia or for use in Russia (Regulation 833/2014, Article 3c). The goods and technology concerned are listed in Annex XI to Regulation 833/2014 and include, i.a., aircraft, spacecraft and parts thereof, pneumatic tyres of rubber of a kind used in aircraft, brake linings and pads, all identified by

²⁵ OJ L 57, 28.02.2022, p. 1.

²⁶ IATA Factsheet. The impact of the war in Ukraine on the aviation industry, 25.03.2022, <https://www.iata.org/en/iata-repository/publications/economic-reports/the-impact-of-the-conflict-between-russia-and-ukraine-on-aviation/> (accessed 10.04.2023).

their corresponding CN Codes, which ensures precision of definition. The current shape of Annex XI, including its division into parts A, B, C and D, illustrates how the EU expanded the list, and what transition periods it provided with regard to contracts concluded before a certain date (when there were new additions to the list), allowing that they could be executed until a certain future date following expansion of the measures. By way of example, the latest restrictions adopted on 25 February 2023 allow for execution of contracts concluded before 26 February 2023 until 27 March 2023, thus offering European business operators some time to perform contracts that cover the goods specified in Part D of Annex XI. Jet fuel and fuel additives are listed in Annex XX.

However, the restrictive measures concerned are not only those specified in Article 3c of Regulation 833/2014 and expressly identified as those applicable in the aviation and space sectors, but also those that cover dual use goods and technology (i.e., those that can have both civilian and military application, Article 2) and goods and technology which might contribute to Russia's military and technological enhancement, or the development of the defence and security sector (Article 2a). Details of the former are to be found in 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)²⁷ and in its Annex I that establishes the common list of dual-use items that are subject to controls in the Union. Examples of items belonging to the aerospace and propulsion category²⁸ include: space launch vehicles, spacecraft, terrestrial equipment, air-launch platforms, sub-orbital craft, launch support equipment, all of which are described in detail with references to their technical specifications. Details of the latter are to be found in Annex VII to Regulation 833/2014; the list includes items representing categories such as electronics, computers, telecommunications, information security, sensors and lasers, navigation and avionics, aerospace and propulsion.

The restrictions are wide, as the language of Regulation 833/2014 aims at capturing a range of possible transactions, whatever they are called. Thus, it is prohibited to “sell, supply, transfer or export, directly or indirectly” the restricted goods and technology to recipients in Russia (any natural or legal person, entity or body) or for use in Russia. The restrictive measures cover also services in relation to the goods and technologies listed, such as overhaul, repair, inspection, replacement, modification, defect rectification of an aircraft or component (with the exception of pre-flight inspection).

²⁷ OJ L 206, 11.06.2021, p. 1, last amended by Commission delegated Regulation (EU) 2023/66 of 21 October 2022 amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dual-use items, OJ L 9, 11.01.2023, p. 1.

²⁸ Other categories of dual-use goods and technology include, e.g., electronics, computers, sensors and lasers, navigation and avionics.

Affected is not only trade in goods and technology and the services related to them, but also a number of other activities that contribute to the vitality of the aviation and space industry, such as insurance and reinsurance, technical assistance, brokering services financing or financial assistance related to the goods and technology covered. Comprehensive legal definitions of the notions of “technical assistance”, “brokering services” or “financing or financial assistance” (in Article 1(o)) make the ban far-reaching and the sanctions will impact leased aircraft, spare parts, maintenance and training.

8. EXEMPTIONS IN THE EU SANCTIONS RELATING TO THE SPACE SECTOR

The uniqueness of exploration and exploitation of Outer Space as a common endeavour of mankind²⁹ and the fact that it has (at least until recently) been pursued exclusively by States, has not been overlooked. Namely, the competent authorities of Member States may derogate from the Regulation 833/2014 prohibitions and authorize transactions in restricted goods, technologies, or allow provision of related technical or financial assistance where they are intended for intergovernmental cooperation in space programmes (Article 2(4) and (5), Article 2a(4) and (5), however, the end-user and the use must be non-military.

A similar approach is used to provide for derogations from the ban on participation of Russian entities in EU public procurement contracts. As of July 2022, a public procurement contract cannot be awarded to (or continue with the participation of) a Russian person (as defined in Article 5k(1) of Regulation 833/2014); however, the competent authorities may authorize the award and continued execution of contracts intended for intergovernmental cooperation in space programmes (Article 5k(2(b))).

Another exception, adopted in 2015 and 2017, was clearly tailored to the needs of European launch service providers, European space programmes and European satellites manufacturers, as well as the then stage of the Exo Mars mission (the Exo Mars descent module and the carrier module). An exception to the ban on providing hydrazine and two other pyrotechnic materials³⁰ that are listed in the Common Military List was introduced. As hydrazine and the other two

²⁹ As stated in the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (adopted by the General Assembly of the UN in its resolution 1962 (XVIII) of 13 December 1963), “The exploration and use of outer space shall be carried on for the benefit and in the interests of all mankind”.

³⁰ Hydrazine (CAS 302-01-2), unsymmetrical dimethyl hydrazine (CAS 57-14-7), monomethyl hydrazine (CAS 60-34-4). CAS number is a unique identification number assigned to every chemical substance.

substances are necessary for launching satellites or for the fuelling of satellites, these were allowed under terms relating to technical requirements of launching operations, and in strictly defined amounts (Article 4(2a) and (2aa) of Regulation 833/2014).³¹

This approach shows that the EU remains flexible and realistic about the need to have a system in place that does not block that cooperation completely. There are checks, as the derogations apply to intergovernmental space programmes over which States retain control, and there is a system of authorisations that gives the Member States an opportunity to thoroughly review the proposed transaction. This guarantees that the derogations from the sanctions will remain an exception.

9. EFFECT OF SANCTIONS IN THE AVIATION AND SPACE SECTORS

It seems that both the EU Member States' and Russia's aviation sectors have adjusted to the sanctions regime. Both the availability of flights that are offered on the market by a large number of airlines and the existence of alternative routes ensure that passenger and cargo traffic continues despite the fact that the airspace is reciprocally closed by the EU and Russia. In the space sector, where advanced technologies and high precision goods are of the essence and the supply chain is small, trade sanctions do have an impact on scientific cooperation in the exploration of space and on its commercial uses. Restrictions on access to goods and technologies must inevitably slow down progress before one's own alternative resources and viable cooperation with third parties can be developed. So far, the EU has successfully overcome the difficulties encountered back in 2022 with launching satellites,³² while the impact of sanctions on the Russian programmes is yet to be assessed.

Beyond the immediate effect of sanctions that for economic operators mean that the contracts they have made will not be performed for at least as long as the trade bans remain in place, it seems that Russia's aggression against Ukraine has sped up processes in the EU that are aimed at better understanding the impor-

³¹ For a thorough explanation of legal aspects of launch services see: P. van Fenema, *Legal Aspects of Launch Services and Space Transportation*, (in:) F. von der Dunk, F. Tronchetti (eds), *Handbook of Space Law*, Cheltenham 2015, p. 382.

³² The UK's OneWeb broadband constellation of satellites was launched by SpaceX. Based on a new contract signed in November 2022, Copernicus satellites (part of the EU's Earth Observation Programme) will be launched between 2023 and 2026 by Arianespace from the Kourou Spaceport in French Guiana.

tance of space for national security and defence.³³ The March 2023 Joint Communication to the European Parliament and the Council on EU Space Strategy for Security and Defence issued by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy proposes a number of measures to strengthen the EU's technological sovereignty so that the EU is less dependent of third countries, has autonomous access to space, and can better assess and address risks to security in space³⁴. The EU is planning to engage with the UN on space and security and to partner with the US and NATO on space security and defence.

Overall, “strategic autonomy of the EU and its Member States in space” seems to be the key concept for the years to come, and it is a lesson learnt from the current situation that has led to sanctions being imposed in the space sector.

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- Gordon R., Smyth M., Cornell T., *Sanctions Law*, Oxford 2019

³³ For instance, satellite networks and space launch facilities are deemed to be critical infrastructure.

³⁴ JOIN(2023) 9 final, <https://data.consilium.europa.eu/doc/document/ST-7315-2023-INIT/en/pdf> (accessed 11.04.2023).