

# Some observations on the creation of the “Spanish Space Agency”

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(Infoespacial.com) By **Rafael Harillo\*** - Periodically a debate arises as to whether a “Spanish State Agency” is necessary, beneficial or appropriate. The name has been placed between inverted commas deliberately, since although “agency” is the term usually used under comparative law to refer to the institutions that manage space programmes, in actual fact a wide range of legal structures may be used. However, this question is not directly relevant to the subject of this article, which is concerned with analysing the ever-growing body of opinion that believes in the necessity of a space agency, rather than with technical details such as what it should be called. Therefore, for practical reasons, I will use the term agency.

The space industry undoubtedly creates many high-value products and services. Although it is not a very large industry, at least in our country, it is very important in qualitative terms. The industry comprises both well-established companies which have helped to build up this sector over the years, as well as a new generation of companies that, although they started out as suppliers, are now developing a wide array of technologies and capabilities in order to participate directly in the new space economy. The space industry is an exciting new economic model which offers Spain opportunities for business growth, and the chance to boost its R&D capabilities and prestige, since it has always been on the cutting-edge of technology and research.

Many countries, both neighbouring and further away, have established space agencies and implemented the regulations needed to regulate, manage, and encourage space activities, as well as to publicise, promote, and inform about the agency and its programmes.

A study of comparative law offers us many different models of agencies which can be studied to help us to decide what type of agency is best for Spain. For example, France has CNES, a well-established powerful space agency, while Britain has a smaller, more recently-created agency, which is not as prestigious. In the US model NASA, the DoD, and the FAA-AST have different responsibilities for commercial activities. Several space agencies have also recently been set up in Latin American countries. Naturally, any future decisions about what form the Spanish space agency will take must take Spain’s position in the industry and its present and future needs into account.

A brief survey of the situation in our country shows there is a group of well-established, outstanding companies, with world-class capabilities, which have participated in many of ESA’s in most prestigious space programmes. There are also several new space companies developing extremely competitive products that are beginning to realise they can sell these products in the international market, instead of having to depend on the European Space Agency, which operates on the basis of geographical return, i.e. it invests the money a country has contributed in the space industry of that country.

Although the big institutional space programmes have provided, and continue to provide, companies with the opportunity to develop space technology and capabilities, the situation today has changed dramatically, and now a growing number of companies are developing a wide array of commercial space missions in what has become known as the “new space economy”, or commercial access to space by private entities. The key focus of this new economy is low earth orbit, which the companies view as an economic development zone to be exploited.

In light of the changing situation, we need to ask ourselves whether Spain has the institutions required to face the undoubted challenges that the future will bring. In the absence of an official space agency, several

different public bodies are currently responsible for performing its role in Spain, and representing Spain at international space institutions. These bodies comprise the Centre for the Development of Industrial Technology (CDTI), which represents Spain at the ESA, NASA and other agencies, as well as several government ministries. These include the Ministry of Public Works, which has sponsored what will hopefully be the Spanish Space Activities Act to regulate non-governmental space activities, and the Ministry of Defence, which collaborates on space matters with the Ministry of Public Works in the Defence and Public Works Inter-ministerial Commission (CIDEFO) and also supervises the prestigious National Institute of Aerospace Technology (INTA). Lastly, the recently-created Inter-ministerial Commission whose members come from the Ministries mentioned above, as well as other Ministries (Industry, Economy, etc.) is responsible for overseeing all space-related issues.

We can now answer the three points that were brought up at the beginning of this article. First, is a Spanish space agency necessary? In my humble opinion creating a space agency would be an effective way of rationalising the current space policy, since the present division of responsibilities leads to uncertainty, confusion and inefficiency, and fails to capitalise on the talents of many highly-qualified people as they do not have the opportunity to collaborate with their peers.

Secondly, would it be beneficial? The answer to this is an unqualified yes. It would enable resources, budgets, technical equipment and teams to be unified and coordinated. It would allow the State, through a cross-party agreement, to establish a medium-to-long-term space policy which would not be influenced by political swings or “*mundane*” political considerations. It would provide national and international space companies, both well-established companies and startups, with legal certainty and an institution with a clearly defined mandate which would liaise with public administrations. Finally, the creation of a space agency would ensure Spain’s place in an exciting new economy, by providing it with an institution that would not only regulate and coordinate space activities, but also encourage and promote the space industry, giving it the recognition it deserves.

Finally, is it the right time? Certainly now would appear to be an ideal moment. The Spanish space industry is celebrating 50 years of space research and developments, there has been an enormous upsurge in private space companies and projects, new models and business approaches to space are being explored, private companies are seeking access to space for commercial purposes, etc.

There only remains one key point: what form should the agency take to best achieve its objectives? This is a matter in which all those involved need to collaborate. There appears to be universal agreement that it is not a case of creating more administrative structures. Instead, the goal is to combine and reorganise existing structures at a low or zero cost, to unify budgets that are currently managed by many different bodies, and reassign them. It should be an exercise in rationalising resources, not duplicating them. One important issue would be to avoid conflicts of interest, while it is also necessary to ensure the agency is efficiently managed. This can be done by appointing industry experts, who have outstanding capabilities and wide experience, as this is a sector that requires people of the highest calibre. An efficiently-managed agency would successfully manage space policy, encourage private enterprise, and earn international recognition.

I believe I have now covered all the main points in enough depth to show that the creation of a Spanish agency space seems to be inevitable, because the space industry, and all the other parties involved, do not want to lose the opportunity of having an institution which will greatly benefit them in the future. A well-managed space agency could be of enormous benefit to an industry that is, without doubt, an industry of the future.

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