

DECISION
ADB(D) 13-2013

**Decision on the Report of the Executive Director on the award of the activities
in the context of IBAFO III**

THE ADMINISTRATIVE BOARD OF THE SESAR JOINT UNDERTAKING (SJU),

Having regard to:

- Council Regulation (EC) 219/2007 as last modified by Council Regulation (EC) 1361/2008, in particular to Articles 1, 5.1(d) and (m), and 9 of the Statutes of the SESAR Joint Undertaking;
- and in compliance with Article 11 of the SJU Administrative Board's Rules of Procedure related to conflict of interest and conduct of the Board members;
- the Board's decision ADB(D) 04-2009 regarding the SJU membership accession process confirmed by the decision of the College of the European Commission ref. C(2009)(3040) dated 28 April 2009;
- the Multilateral Framework Agreement (the "MFA") signed by the SJU, Eurocontrol and the SJU Members on 11 August 2009, as later amended by the Parties on 14 June 2010, 19 October 2010 and 2 July 2012 respectively, which defines - in its Schedule 14 - the overall Programme maximum co-financing for all SJU Members;
- the individual Membership Agreements (the "MA") signed between the SJU and each SJU Member respectively, which defines the respective maximum co-financing available for each SJU Member in the MA;
- the Administrative Board Decision ref. ADB(D)10-2011, which validated and adopted the outcomes of 2011 Reallocation;

Whereas:

- the SJU Members In-kind contributions under the MA/MFA were initially detailed in their technical proposals submitted in response to IBAFO I (ref. SJU/LC/0014-CFP) and IBAFO II (ref. SJU/LC/0028-CFP) before being refined in the project descriptions included in the respective Initiation Reports and Revised Contribution Assessments;
- in 2011, as a result of the Project Initiation Phase and considering the evolution of priorities, the SJU performed a first reallocation of the SESAR Programme activities (the "2011 Reallocation");
- the SJU decided to launch a specific procedure for the reallocation of resources ("2013 Reallocation") between existing activities under the Programme and for the launch of New

Projects under the Programme (“IBAFO III”) depending on the overall amount of SJU co-financing released as a result of the 2013 Reallocation (procedure ref. SJU/LC/0090-CFP) on 31st May 2013;

- this procedure shall not entail the allocation of new SJU co-financing and shall exclusively govern the reallocation of the Programme existing resources either to existing Projects and/or, when sufficient co-financing made available as a result of 2013 Reallocation, to New Projects;
- each participant to the evaluation process of the 2013 Reallocation and IBAFO III (i.e. to the Proposal Opening Board, Specific Analysis Groups and Proposal Analysis Board) signed declarations of independence, commitment, confidentiality and absence of conflict of interest before the start of each specific evaluation activity;
- the Executive Director presented to the Administrative Board his *“Report of the Executive Director to the Administrative Board on the outcomes of Reallocation 2013 and award of New Projects under IBAFO III (procedure ref. SJU/LC/0090-CFP)”*;
- on the basis of the reports of the Proposal Analysis Board (PAB) and its specific Groups (Administrative, Technical, Transversal), the Executive Director considers that the work of the PAB and its specific Groups was carried out in compliance with the rules, and that the offers have been evaluated in a fair and independent manner;
- the Executive Director noted that sufficient co-financing is made available as a result of 2013 Reallocation and that the PAB recommendations will allow the SJU to award New Projects within the established budget capping under IBAFO III;
- the Executive Director recommended the Administrative Board validating and adopting the outcomes of 2013 Reallocation as well as awarding New Projects under IBAFO III to the SJU Members in accordance with the PAB results, taking into account the PAB other recommendations;

In its ordinary meeting of 12 December 2013, **HAS DECIDED AS FOLLOWS:**

Article 1

To endorse the conclusions and recommendations of the Executive Director as contained in Annexes A and B of the *“Report of the Executive Director to the Administrative Board on the outcomes of Reallocation 2013 and award of New Projects under IBAFO III (procedure ref. SJU/LC/0090-CFP)”*.

Article 2

This decision shall enter into force on 1st January 2014 and result in an amendment of the respective Membership Agreements and of the Multilateral Framework Agreement to be signed by the SJU and its Members, as far as possible, by 30 June 2014.

Done at Brussels, 12 December 2013.

For the Administrative Board



Matthias Ruete
The Chairperson