

DECISION
ADB(D) 08 -2015

SESAR Joint Undertaking Financial Rules

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

HAVING REGARD TO:

- Council Regulation (EC) No 219/2007 of 27 February 2007, establishing the SESAR Joint Undertaking, as amended by Council Regulation (EC)1361/2008 of 16 December 2008 and by Council Regulation (EU) No 721/2014 of 16 June 2014, and in particular Article 4a thereof;
- Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (“the General Financial Regulation”);
- the Commission Delegated Regulation (EU) of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (“the Framework Financial Regulation);

WHEREAS:

- The SJU shall adopt specific financial rules in accordance with the new Framework Financial Regulation for bodies referred to in Article 208 (1) of Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council, which may depart from the rules laid down in the Framework Financial Regulation where the specific operating needs of the Joint Undertaking so require and subject to prior consent of the Commission;
- On 12 December 2013 the SJU Administrative Board has adopted on provisional basis Financial Rules (ref. ADB(D) 14-2013) in order to be aligned with this new Framework Financial Regulation;
- The final adoption and the entry into force of these SJU Financial Rules was subject to the favourable opinion and decision of the European Commission on the derogations asked by the SJU compared to Commission Delegated Regulation (EU) of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012;
- Until formal decision of the European Commission on such derogations was made and received by the SJU on 5 June 2015, the SJU applied the Financial Rules (ref. ADB(D) 14-2013) on a provisional basis;
- Considering the public-private nature of the funds mobilised by the SJU and in order to ensure the overall implementation of the SJU activities which are phased over several years, the SJU should be able to re-enter the unused and the cancelled appropriations in the estimate of revenue and expenditure up to the following three financial years and to enter the positive budget result as revenue in the budget of the following year;

- Due to the operational needs of the SJU and in order to avoid excessive costs in managing procurement procedures, the possibility for the SJU to conclude contracts without having recourse to a public procurement procedure should be extended to EUROCONTROL, the other (than the European Union) founding member of the SJU, for the supply of goods, provision of services or performance of work that EUROCONTROL provides;
- In order to ensure that the SJU financial rules are consistent with the starting date of Horizon 2020 as laid down in Regulation (EU) No 1291/2013 (i.e. 1 January 2014) and to provide the possibility for the unused and cancelled appropriations in 2014 to be re-entered in the estimate of revenue and expenditure within the following three financial years, the new financial rules of the SJU should apply retroactively;

In its ordinary meeting of 25 June 2015, **HAS DECIDED AS FOLLOWS:**

Article 1

The SJU Financial Rules (reference SJU-AB-033-15-DOC-01) here attached are adopted.

The SJU Financial Rules adopted on provisional basis by the SJU Administrative Board on 12 December 2013 (decision ref. ADB(D)14-2013) are hereby repealed.

Article 2

These SJU Financial Rules shall enter into force on 1 January 2014.

Done in Brussels, 25 June 2015.

For the Administrative Board

The Chairperson
João Aguiar Machado