

Minutes of the SESAR Joint Undertaking's Administrative Board's meeting ADB(M)009

(MoM ADB(M)009-final – approved by correspondence)

Date of the Meeting: 26 March 2009
 Time: 10:00-16:00
 Place.....: SESAR Joint Undertaking, rue du Luxembourg, 3 – 1000 Brussels
 Chairperson: Mr Daniel Calleja
 Acting secretary.....: Mr Marco De Sciscio

Board members and other participants:

Represented Organizations	Name	
European EC (EC)	Mr Daniel Calleja (<i>Chairperson</i>)	
	Mr Luc Tytgat	
EUROCONTROL (ECTL)	Mr Bo Redeborn (<i>Deputy Chairperson</i>)	
	Mr Bernard Miaillier	
Military (MIL)	Gen. Antonio Pilotto	
	Gen. Jean-Robert Cazarré	Excused
Civil users of airspace (CUA)	Mr Vincent De Vroey	
	Mr Pedro Vicente Azua	
Air Navigation Service Providers (ANSP)	Ms Marie Desseaux	
	Mr Bernard Martens	
Equipment Manufacturers (EM)	Mr Luigi Iodice	
	Mr Hugues Subra de Salafa	
Airports (ARP)	Mr Roland Krieg	
	Mr Philipp Ahrens	
Staff in the ATM sector (ATM-STF)	Mr Marc Baumgartner	
	Mr Jean-Pierre Etienne	
Scientific community (SCI)	Prof. Peter Hecker	Excused
	Mr Jean-Jacques Favier	Excused
SESAR Joint Undertaking (SJU)	Mr Patrick Ky (Executive Director)	
	Mr Carlo Borghini (Director of Finance & Administration)	
	Mr Ross Walton (Internal audit)	
	Mr Marco De Sciscio (Acting secretary)	

Meeting documents:

SJU/AB/09/09/DOC/02 Draft amend. of the SJU ADB rules of procedure
 SJU/AB/09/09/DOC/03 Draft dec. of the ADB on the appointment of the SJU accounting officer
 SJU/AB/09/09/DOC/04A-B-C-D-E..... Draft dec. of the ADB on the gen. implementing provisions of the Staff Regulation of officials & conditions of employment of other servants of the EC
 SJU/AB/09/09/DOC/05 Draft model Membership Agreement
 SJU/AB/09/09/DOC/06 Draft Model Multi-lateral framework agreement
 SJU/AB/09/09/DOC/07 (restricted distribution)..... Report of the Exec. Dir. to the ADB on membership award
 SJU/AB/09/09/DOC/08 (restricted distribution)..... The SESAR Programme fact sheet
 SJU/AB/09/09/DOC/09 Draft Financial rules of the SJU
 SJU/AB/06/08/DOC/11ter (distributed at the meeting)..... Budget 2009

Item 1 Introduction

Presented by : Mr Tytgat

General information

1. Mr Tytgat chaired the morning session of the meeting as Mr Calleja was obliged to participate in another meeting within the EC.
2. Gen. Cazarré, Mr Favier and Mr Hecker had informed the Chairperson that they would not have been able to participate in today's meeting.
3. ACI Europe informed the Chairperson that they appointed Mr Philipp Ahrens as alternate representative of the ARP in the Board, replacing Mr Condie who left BAA.

Voting quorum

4. The **Chairperson** then noted that the Board had the required quorum for voting on agenda items.

Declaration of conflict of interests

5. The **Chairperson** reminded the participants of their obligation to declare any real or potential conflict of interests on any agenda items and sign the declaration on conflict of interests.
6. **Mr Walton** also briefly recalled the rules and obligations on conflict of interests, underlining that it is incumbent upon each participant to declare any perceived, potential or actual conflict of interest related to items of the agenda. Members may also challenge other members' participation based on the grounds of existing or potential conflicts. He highlighted that the issue does not concern only the voting members of the Board. A conflict could also affect the debate leading to the vote.
7. All participants completed their declarations in accordance with the procedure and are annexed to these minutes (Annex 2).

Adoption of the agenda & AOB

8. The representatives of ECTL, of the CUA and of the EM requested to add new items to the agenda:
 - ECTL requested detailed information on the progress made with the industrial support activities including the availability of the methods of system engineering and validation.
 - CUA: requested a short discussion on financing SESAR IP1
 - EM requested and information point on reciprocity with third countries.
9. ECTL also requested to be present at the discussion and vote on the decision on the accession of the new 15 members and on the adoption of the model agreements. As founding members they consider that they are not in a situation of conflict of interest on these items, but they will not take part in any discussion or vote relating to their contribution.
10. After consulting the SJU internal auditor, the chairperson considered that ECTL could participate in the discussion and vote on the accession of the new members and on the adoption of the MA and discussions on the MFA.
11. Consequently, the **Chairperson** proposed to modify the agenda in order to split items 7 and 8 of the draft agenda and to move all the items not subject to conflict of interests to the morning session and if necessary as first points of the afternoon session. ECTL would be asked to withdraw on items related to their own contribution and to the awarding of projects.
12. Furthermore, new topics for discussion on IP1 and reciprocity were proposed to be added under AOB.
13. **Mr Redeborn** agreed to postpone the information point on industrial support to a later meeting.
14. **On the basis of the above mentioned requests and discussion, the Board**

approved the following revised agenda:

Morning session

<i>Item</i>	<i>Subject</i>	<i>Document</i>
1	Introduction (general information, adoption of the agenda)	
2	Adoption of a proposal for amending the Board's rules of procedure	SJU/AB/09/09/DOC/02
3	General administrative and budgetary issues	
4	Appointment of the SJU's Accounting Officer	SJU/AB/09/09/DOC/03
5	Adoption of a provisional decision on the SJU's implementing rules on conditions of employment	SJU/AB/09/09/DOC/04 A-B-C-D-E
6	Presentation of the SJU financial rules	SJU/AB/09/09/DOC/09
6a	Presentation of the final stage of the membership process	

Afternoon session

9	AOB: IP1, Reciprocity with third countries	
6b*	Presentation of the Executive Director's recommendation on awarding accession to candidate members and adoption of a provisional decision on the recommendation	
7*	Presentation and adoption of the model membership agreement	SJU/AB/09/09/DOC/05
7a*	Presentation and adoption of the model multilateral framework agreement	SJU/AB/09/09/DOC/06
8*	Presentation and adoption of a provisional decision on the Executive director's recommendation on awarding of projects to members and the related contribution	SJU/AB/09/09/DOC/07 SJU/AB/09/09/DOC/08

* **Items subject to potential or real conflict of interest**

Other communications**15. Regulation (EC)1361/2008 amending Regulation 219/2007.**

The amending Regulation was adopted by the Council on 16.12.2008 and has entered into force on 1.1.2009. The major result is the formal recognition of the SJU as a Community which entails:

- That SJU staff will be covered by the EC staff regulations
- the application of the Protocol on privileges and immunities to the SJU and its staff
- that the SJU will be exempted from VAT as of 15.10.2008

On the other hand there is an impact on the internal rules and procedures:

- Discharge for the implementation of the SJU budget from the European Parliament.
- Adoption of new financial rules which must be based on the EC framework financial regulation for Community bodies.
- Budget and accounts reporting will have to be adapted to Community requirements (format & timing).
- New recruitment rules: selection procedure, grades, fixed term contracts.

The SJU will also have to conclude an agreement with Belgium on the application of the Protocol on privileges and immunities for the SJU and its staff.

16. **Endorsement of the European ATM Master plan.**

Mr Tytgat informed the Board that on 30.03.2009 the Council of the EU will adopt a decision endorsing the ATM Master plan accompanied by a resolution. This resolution will focus on key points of the Master Plan (risk management plan, local dimension, FAB dimension), the process to keep the Master Plan up to date (role of the MS through the Single Sky Committee, deadline for the first update in march 2010) and the international context (relation with Third Countries, support to ICAO, interoperability with NextGen).

17. **SES II legislative status:** **Mr Tygat** also informed the Board that the European Parliament had voted positively on 25.03.2009 on the Single European Sky II package including the extension of EASA's competence to ATM and aerodromes. The Council will have a last discussion on 30.3.2009 in view of the final adoption at a future meeting before June 2009.

Item 2 Adoption of a proposal for amending the Board's rules of procedure

Presented by Mr De Sciscio

1. The amendment presented by the EC has a threefold purpose:
 - To adapt the text following the amendment of the SJU Regulation and Statutes and the Board's decision on conflict of interests adopted last December.
 - Ensure that the Board can work in an efficient manner especially in view of the increase in the number of participants that will result from the accession of the new members.
 - Finally, introduce some minor corrections due to errors detected in the previous version or for harmonising the terminology.
2. Two substantial modifications are proposed:
 - one relating to restricting the participation in Board meetings to one representative for each Board member, except in duly justified cases (Article 3.11);
 - the other allowing the Board to adopt a provisional decision on those issues covered by Articles 5 and 6 of the SJU Regulation, when the Community position has not yet been formally adopted but the consultation process has been positively finalised (Article 8.1).
3. The Board reviewed the proposed changes in each Article of the rules.
4. **Mr Baumgartner** requested on behalf of the ATM-STF that an exception be made for them on the number of representatives allowed to participate in the Board meetings. Because of the arrangements between the staff organisations and in order to assure the appropriate representation in the Board, both the representative and the alternate should be allowed to participate in Board meetings for the whole duration of the SJU.
5. **Mr De Vroey** stated that the CUA were in a similar situation and that they too should be allowed to participate with two representatives.
6. The **Chairperson** noted the positive reaction from other members on this proposal.

Conclusions on item 2

1. The Board adopted by consensus the proposed modification to its rules of procedure in accordance with document SJU/AB/09/09/DOC/02.
2. The Board also agreed to that the exception provided for in Article 3.11 should apply the CUA and to the ATM-STF. Consequently, the representatives and the alternate representatives of these two stakeholders groups shall be allowed to participate in the Board meetings throughout the duration of the SJU.

Item 3 General administrative & budgetary issues

Presented by Mr Borghini

1. **Mr Borghini** presented the Board with an update of the current administrative and budgetary situation. The details of his presentation are reported in Annex 3 to these minutes.
2. The SJU 2009 budget (for which the Board had approved Title I and Chapter 1 and Article A5 of Chapter 2 of Title II), including the observations made at the last meeting was distributed for information only to the Board (document SJU/AB/06/08/DOC/11 ter) during the meeting.
3. The Board was informed of the carry over of the appropriations not used during the 2007/2008 exercise.

Human resources

4. **Mr Ky** intervened to underline the difficulties the SJU was facing in filling the technical posts. The reasons for this is that the employment conditions in the SJU, especially after the modification of its statute, are not always attractive for highly qualified experts, due to the limited duration of the SJU and the limited flexibility in recruiting specialised staff at higher grades.
5. As a solution to this difficulty, Mr Ky asked the Board to consider authorising secondment of staff from the SJU members. This is a possibility envisaged in the SJU Statutes and would have the advantages of assuring high quality expertise and at the same time limiting the costs for the SJU.
6. **Mr Ky** also proposed to the Board to approve a change in the establishment plan consisting in transforming the post of Deputy Executive Director (AD13) into 2 new positions for advisors (AD 10). This change would be possible under the staff rules that will apply to the SJU.
7. **Mr Ky** also proposed to open two positions for seconded national experts respectively for military and institutional affairs. These positions are not to be included in the staff establishment plan.

Conclusions on item 3

1. The Board took note of the information provided by the SJU.
2. It requested that, in the future, documents related to the budget are provided in due time to Board members so they can assure the appropriate consultation within their organisations.
3. The Board agreed to apply the provisions of the SJU statutes with regard to the secondment of the SJU members' staff to the SJU.
4. The Board agreed that the SJU could open the positions for the secondment of 2 national experts respectively for military and institutional affairs

Item 4 Appointment of the SJU's Accounting officer

Presented by Mr Ky

1. In compliance with Article 13 of the SJU's Financial Regulations, the

- Administrative Board is required to appoint an accounting officer.
2. The **Executive Director** proposes Mr Borghini for this role. The appropriate segregation of duties will have to be respected.

Conclusions on item 4

1. The Board approved by consensus the appointment of Mr Carlo Borghini as the SJU's accounting officer.

Item 5 Adoption of a provisional decision on the SJU's implementing rules on conditions of employment

Presented by Mr Borghini

1. Following the modification of the SJU Regulation and the formal recognition of the SJU as a Community body, its staff will be covered by the EC Staff Regulation. This Regulation requires the SJU to adopt General implementing rules on the procedures governing the recruitment of staff.
2. The SJU proposes 5 implementing rules, which have been agreed in principle with the EC's DG ADMIN and which the Board is required to adopt.
3. These rules accommodate for specific provisions necessary for ensuring the transition of the currently employed staff to the new staff regulations.
4. The EC's DG ADMIN should have launched the inter-service consultation leading to the formal adoption of the rules by the EC's College, which was expected to be finalised before this Board meeting. However, as the mentioned consultation process has not been finalised, the Board cannot adopt these provisions at this meeting.

Conclusions on item 5

1. The Board takes note of the proposed provisions in documents SJU/AB/09/09/DOC/04A-B-C-D-E.
2. The Board notes that their adoption will be proposed at the next meeting of the Board or through written procedure once the process within the EC has been finalised.

Item 6 Presentation of the SJU's financial rules

Presented by Mr Borghini

1. Under its amended Regulation and Statutes, the SJU will have to implement new financial rules in line with the framework financial rules for Community bodies. The Board will have to adopt these rules.
2. The SJU has drafted these rules and submitted them, as required, to the EC's DG BUDG, which will be responsible for launching the inter-service consultation which will lead to the adoption by the College.
3. The SJU has requested some derogations from the standard rules to take into account the specific needs linked to its PPP nature. These deviations are still under discussion with the EC's DG BUDG.
4. **Mr Tytgat** underlined the fact that the multi-lateral framework agreements (MFA) containing the provisions relating to members' contributions cannot be signed until the new financial rules are adopted.

Conclusions on item 6

1. The Board takes note of the draft financial rules proposed by the SJU in document

- SJU/AB/09/09/DOC/09 and on the status of the discussions with the EC's DG BUDG.
2. The Board notes that their adoption will be proposed through written procedure once the process within the EC has been finalised.

Item 6a Presentation of the final stage of the membership process

Presented by Mr Ky and Mr Borghini

1. **Mr Ky** and **Mr Borghini** presented the final stage of the accession process, without, however, going into the details of the results of the evaluation (see Annex 4).
2. **Mr Ky** concluded that the work of the evaluation teams and the PAB had been carried out in compliance with the rules and principles established by the Board.

Conclusions on item 6a

1. The Board took note with satisfaction of the process and congratulated the Executive Director, his staff and the experts involved for their hard work and commitment in such a difficult and complex task and for the excellent results achieved.
2. The Board also expressed appreciation for the transparency of the process and the effort to involve all stakeholders.
3. Finally, the Board stressed the importance of assuring the appropriate participation of SMEs, research organisations, the military and the civil airspace users in the development phase and ensuring reciprocity with third countries having similar programmes and participating in the SJU.

Afternoon session

Item 9 AOB

1. **IP1** (Statement made by **Mr De Vroey** on behalf of the CUA)
 - *Due to the huge upfront investments required to implement SESAR in particular in avionics, SESAR will not happen without public sector support for implementation (i.e. the total airlines avionics costs related to various SESAR upgrades over the period 2008-2020 are estimated at € 11,5 Bn or per aircraft over the period 2008-2020: € 1,4 M retrofit costs). In this context, there is an urgency to get public funds for the first SESAR implementation package (SESAR IP1). In particular to provide direct financial incentives (through public TEN-T funds) for aircraft retrofit for the Data-link Mandate (Regulation (EC) No 29/2009 of 16.1.2009 – requires aircraft retrofit by February 2015 which means the work need to start today – the upfront cost of 180000 Euro per airplane are however unaffordable. Therefore civil airspace users will not retrofit their aircraft unless public sector support is provided to cover (at least 50%) of the avionics/retrofit costs). In this context, there is an urgent need for the EC to create a new EU organization/fund which can distribute funds to the airlines and other civil airspace users without distorting competition (e.g. to provide direct financial incentives for aircraft retrofit).*
 - **Mr Calleja** took note of the point raised by the CUA and stated that the EC and the ICB are reflecting on how to address this matter. The Council of the EU will, in fact, request the EC to present proposals for the preparation of the deployment phase.

- **Mr Calleja** suggested that a specific meeting should be organized on this topic at the appropriate time.
 - **Gen Pilotto** stated that deployment is also an issue for the Military which will also encounter difficulties for financing retrofitting.
 - **Mr Ky** stated that this was a key issue for the success of SESAR and that the SJU was exploring possible funding mechanisms with public and non public entities.
2. **Information on reciprocity with third countries participating in the SJU**
- **Mr Calleja** reiterated that reciprocity is an important subject and not just for the political implications. It also responds to the need to benefit from the widest range of expertise and to assure global interoperability in ATM.
 - SESAR was clearly established as an open programme: the pan-European dimension is already assured through the participation of ECTL; Entities from non European countries already participated in the definition phase and have the possibility to participate in the development phase.
 - A balanced relationship with entities from third countries can be assured through the existence of aviation agreements with these countries and through reciprocal opportunities afforded to European companies in similar programmes.
 - In the case of the current non EU candidate members to the SJU, their countries have all concluded an aviation agreement with the Community. On reciprocity however, only the USA have a similar project (NextGEN) that is relevant to this issue. However, today, contrary to SESAR, NextGEN is not yet in place. It is therefore, difficult to establish the terms for reciprocity with this programme.
 - The existing MoU concluded with the FAA already opens the two programmes to both sides and has been recently updated to include the SJU. It contains a clear distinction of responsibilities at political and technical levels, setting the basis for working arrangements between SJU and NextGEN.
 - The Council of the EU and the Single Sky Committee have requested the EC to carefully monitor this issue. The Resolution that the Council will adopt on 30 March, will invite the EC to submit a recommendation to authorize the opening of negotiations on a Memorandum of cooperation (MoC) with the FAA. This MoC will enable the Community to develop in the coming months an instrument that will ensure reciprocity and allow monitoring its application.

Item 6b Presentation of the Executive Director's recommendation on awarding accession to candidate members and adoption of a provisional decision on the recommendation

Presented by Mr Ky

This item was restricted to EC, ECTL, CUA, MIL and ATM-STF.

1. Considering the provisions of Article 1 of the SJU Statutes, the results of the initial call for expression of interests for the pre-selection of candidate members, the decisions of the Administrative Board concerning the accession to membership process and the recommendation of the PAB in the light of the exclusion, selection and award criteria, the Executive Director **recommended that all the 15 pre-selected candidates be awarded accession to membership to the SJU.**
2. **Mr Calleja** stated that the EC has completed the required consultations on this decision and has received the positive opinion of the consulted

services and of the Single Sky Committee. However, the procedure for the formal adoption of the EC decision on the Community position on this subject has not yet been finalised. Therefore, the EC can express a provisional favourable position on the accession of the 15 candidate members, subject to the formal adoption by the College of the decision, which is envisaged towards end of April.

3. Furthermore, **Mr Calleja** stated that the EC:
 - requests that, in implementing the membership agreements and in the course of the development phase, the SJU takes all the necessary measures to ensure an adequate involvement of SMEs, military users of the airspace, research organisations and academia, through subcontracting arrangements directly or with its members including adequate publicity of tenders, and/or other forms of association. For this purpose, the SJU should consider, as far as possible, using the non allocated funds resulting from the evaluation.
 - Stresses the importance of assuring reciprocity in relation to the participation of entities from third countries especially in relation to countries having similar ATM modernisation programmes.
 - Requests that the SJU ensures systematic coordination with other projects such as Clean Sky and Galileo in order to avoid any overlapping of activities.
 - Requests that these points are included in the Board's decision.
4. **Mr Calleja** added that now that the actors were in place, the start of the SJU development activities could not be delayed.
5. **Mr Redeborn** stated that there was no issue for the accession of the 15 new members and that ECTL's PC will address the issue related to ECTL's contribution to the SJU and the draft agreements with the SJU.
6. He agreed that it was extremely important to commence the activities of the work programme.
7. **Mr De Vroey** made the following statement on behalf of the CUA:

The civil airspace users can agree on the accession of the 15 candidate members to the SESAR Joint Undertaking based on the report presented by the SESAR-JU Executive Director on the SJU membership process. It is essential that the real SESAR development work starts without further delays.

The civil airspace users cannot express a view on the detailed membership agreements which they have not seen and taking into account the fact that civil airspace users have not been part of the membership negotiations.

We believe SESAR has many challenges ahead which could derail the project in particular due its complex governance and due to lack of public funding for implementation.

The Civil airspace users would like to remind all participants to the SESAR project that civil airspace users buy-in will depend on the project on delivering the required performance goals and based on clear positive Cost-Benefit Analysis (CBAs).

Finally, the civil airspace users would like to stress the need for transparency on Eurocontrol's contribution to the SESAR-JU and the urgent need to clarify the scope of SESAR IP1 and SESAR IP2/IP3.
8. **Mr Etienne** confirmed the positive feedback he had received from his organisation on the accession of the new members.

Conclusions on item 6b

1. Subject to the confirmation of the formal adoption of the Community's position, the Board approved by consensus the accession of the following 15 candidate members:
 - AENA (Aeropuertos Españoles y Navegación Aérea)

- AIRBUS S.A.S.
 - ALENIA Aeronautica S.p.A.
 - DFS (Deutsche Flugsicherung GmbH)
 - DSNA (Direction des Services de la Navigation Aérienne)
 - ENAV S.p.A.
 - FREQUENTIS AG
 - HONEYWELL INTERNATIONAL INC.
 - INDRA Sistemas S.A.
 - NORACON (Northern European & Austro Control Consortium)
 - NATMIG (North European ATM Industry Group)
 - NATS Ltd
 - SELEX S.I. (Selex Sistemi Integrati S.p.A.)
 - SEAC (SESAR European Airports Consortium)
 - THALES Group
2. The Board's decision on the accession of the 15 new members shall include the requests made by the EC on behalf of the Community.
 3. The Board stresses that it is essential that the SESAR development work starts without delays and that therefore, should proceed without delay to signing the MA and MFA once the related formal procedures have been finalised.

Item 7 Presentation and adoption of the model membership agreement

Presented by Mr Borghini

This item was restricted to EC, ECTL, CUA, MIL and ATM-STF.

1. **Mr Borghini** presented the model Membership agreement, which defines the bilateral relationship between individual members and the SJU. This model was included in the IBAFO.

Conclusions on item 7

1. The Board approved the model membership agreement in accordance with document SJU/AB/09/09/DOC/05. The CUA did not express a view on the document.

Item 7b Presentation and adoption of the model multilateral framework agreement

Presented by Mr Borghini and Mr Ky

This item was restricted to EC, ECTL, CUA, MIL and ATM-STF.

1. The MFA defines the rules, rights, obligations and the technical and financial details relating to the Members' participation in the Programme as well as the work programme and project management structure in accordance with the principles established by the Board. The proposed model was included in the IBAFO.
2. **Mr Redeborn** stated that ECTL had proposed to its PC to accept the text of the MFA as such without reopening any discussions. There will be a specific annex in the MFA (Schedule 13) that takes into account ECTL's specific status as intergovernmental organisation and founding member of the SJU.
3. **Mr Calleja** stated that the EC could approve the text of the MFA but requires that the MFA is not to be signed before the formal adoption of the SJU's new financial rules and that the SJU assures that the MFA is in line with these rules.
4. Furthermore, he requested the possibility for EC to participate as an

observer in the programme committee established in Schedule 3 of the MFA.

5. **Mr Ky** observed that the EC had delegated the technical management of the work programme to the SJU and that he saw in the participation of the EC in the programme committee a risk of micro-management.
6. **Mr Calleja** pointed out that in all Community funded projects, the EC participates in the technical steering groups of these projects as part of its risk management process and that this was necessary for its reporting to the relevant programme committees which authorise the funding of the SJU. Furthermore, the EC asked for the possibility to participate but may not exercise this possibility on the basis of the technicality of meetings or of appropriate staff availability.
7. Considering the time needed for finalising the adoption of the decision on the accession and of the SJU financial rules, the EC suggested exploring the possibility, if compliant with the SJU financial rules, to consider members' contributions as eligible from the date of submission of their final offers.

Conclusions on item 7a

1. The Board approved the model MFA in accordance with document SJU/AB/09/09DOC/06. The CUA did not express a view on the document.
2. The Board noted that Schedule 13 of the MFA containing specific provisions for ECTL is subject to its approval by the ECTL Provisional Council.
3. The Board noted that the EC may participate in the programme committee established in Schedule 3 of the MFA, as an observer.
4. Finally, the Board affirmed that MFA may not be signed by the SJU until the adoption of the SJU's new financial rules and until assurance is given that the MFA are compliant with these rules.

Item 8 **Presentation and adoption of a provisional decision on the Executive director's recommendation on awarding projects to members and the related contributions**

Presented by Mr Ky and Mr Borghini

This item was restricted to EC, Airspace users, Military and professional staff.

1. **Mr Calleja** stated that the EC had completed the required consultations on this decision and has received the positive opinion of the consulted services and the Single Sky Committee. However, the procedure for the formal adoption of the Community position on this subject has not yet been finalised.
2. The EC can therefore express a provisional approval of the proposal for awarding the projects and related contributions, subject to the formal adoption by the College of the decision, which is envisaged towards end of April
3. The Board noted the risk for project management highlighted in paragraph 7 of the Executive Director's report SJU/AB/09/09/DOC/07 related to ECTL's amount of resources allocated to certain projects, which appears to be unbalanced compared to the resources allocated by other members.
4. **Mr Baumgartner** underlined the fact that this risk concerns also other members and not just ECTL and that the SJU should put in place the appropriate monitoring and mitigation measures.
5. It was suggested during the discussion that these measures could consist in a detailed assessment by each project leader during the initiation phase; breaking down the contributions into smaller parts and a more detailed definition of responsibilities; an appropriate reporting and

monitoring structure.

6. **Mr De Vroey** stated that the SJU should ensure transparency in defining ECTL resources in the agreements and ensure that they are used in the best manner.

Conclusions on item 8

1. Subject to the confirmation of the formal adoption of the Community's position, the Board approved by consensus the members' contributions to the SJU, the awarding of projects and related co-funding and the roles allocated to the SJU members in accordance with the Executive Director's report SJU/AB/09/09/DOC/07.
2. The Board noted that the awarding of projects to ECTL and acceptance of the related contributions in accordance with the Executive Director's recommendation is subject to the confirmation of ECTL's contribution by its Provisional Council.
3. The Board also approves the other recommendations under paragraph 6 of the Executive Director's report SJU/AB/09/09/DOC/07 relating to the use of non-allocated budget, to the definition and monitoring of reciprocity requirements and avoidance of overlapping of activities during the initiation phase.
4. The Board requests that the Executive Director further assesses the risk related to any unbalanced allocation of resources by members and establishes the appropriate monitoring and mitigation measures.

Closing of the meeting

1. **Gen. Pilotto** informed the Board that this was the last time he participated in the Board and that a new representative of the military will be appointed shortly.
2. On behalf of the Board, **Mr Calleja** expressed his gratitude and appreciation for Gen. Pilotto's constructive contribution to the work of the Administrative Board.
3. The next meeting of the Board is scheduled for **25 June 2009**.

Annexes

Annex 1	Board members attendance list
Annex 2	Declarations on conflicts of interest
Annex 3	Presentation on administrative and budgetary issues
Annex 4	Presentation on accession process

Done in Brussels, 13 May 2009



The Chairperson



The Acting secretary