

Governing Board

DECISION GB(D)13-2021

Adopting the transitional elements related to the annual work programme, budget, staff establishment plan and procurement plan of the SESAR 3 Joint Undertakings for 2021 and 2022

THE GOVERNING BOARD OF THE SESAR 3 JOINT UNDERTAKING (“SESAR 3 JU”),

Having regard to:

- Council Regulation (EU) 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe and repealing Regulations (EC) No 219/2007, (EU) No 557/2014, (EU) No 558/2014, (EU) No 559/2014, (EU) No 560/2014, (EU) No 561/2014 and (EU) No 642/2014¹ (“Single Basic Act”), and in particular to Articles 16, 150 (4) and 174 thereof,
- Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012(2), and in particular to Articles 6, 40, 70 and 110 thereof,
- Regulation (EU) No 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe - the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 and in particular Article 10 and Annex III thereof,
- Financial Rules of the Single European Sky ATM Research 3 Joint Undertaking adopted by the Governing Board on 14 December 2021 and in particular Articles 16(2), 17(1), 17(3), 17(4) and 33(4) thereof,

Whereas:

- (1) By decision ADB(D)14-2020 of 15 December 2020, the SESAR JU Administrative Board adopted the SESAR JU Single Programming Document for 2021-2023 (‘2021-2023 SPD’). It was first amended by the decision of the SESAR JU Administrative Board ADB(D)09-2021 of 25 May 2021 and second amended by the decision ADB(D)16-2021 of 23 September 2021. The 2021-2023 SPD includes the Annual Work Programme for 2021,

¹ OJ L 427, 30.11.2021, p. 17

² OJ L 193, 30.7.2018, p. 1

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the Budget for 2021, the Staff Establishment Plan for 2021 and the Procurement Plan for 2021.

- (2) By decision ADB(D)19-2021 of 25 November 2021, the SESAR JU Administrative Board adopted the SESAR JU Single Programming Document for 2022-2024 ('2022-2024 SPD'), which includes the Annual Work Programme for 2022, the Budget for 2022 and the Staff Establishment Plan for 2022.
- (3) Article 174(9) of the Single Basic Act establishes that from its date of entry into force, SESAR 3 JU became the legal and universal successor in respect of all contracts and grant agreements, liabilities and acquired property of SESAR JU³.
- (4) While SESAR JU was set up under Article 70 of the Financial Regulation, its legal and universal successor, SESAR 3 JU, is set up under Article 71 of the Financial Regulation, which do not require the adoption of a Single Programming Document but of an Annual Work Programme.
- (5) Article 174(14) of the Single Basic Act establishes that any SESAR JU unused appropriations shall be transferred to SESAR 3 JU and be first used to provide financial support to indirect actions initiated under Horizon 2020. Remaining operational appropriations may then be used for indirect actions initiated under the Single Basic Act and, in such case, shall count against the financial contribution to be provided by the Union to SESAR 3 JU,

HAS DECIDED AS FOLLOWS:

Article 1

To establish the equivalence of:

- Section III of the second amended version of the SESAR JU 2021-2023 SPD with an Annual Work Programme for 2021 for SESAR 3 JU,
- Annex III of the second amended version of the SESAR JU 2021-2023 SPD with the SESAR 3 JU Budget for year 2021,
- Annex IV of the second amended version of the SESAR JU 2021-2023 SPD with the SESAR 3 JU Staff Establishment Plan for year 2021,
- Annex IX of the second amended version of the SESAR JU 2021-2023 SPD with the SESAR 3 JU Procurement Plan for year 2021,
- Section III of the SESAR JU 2022-2024 SPD with an Annual Work Programme for 2022 for SESAR 3 JU,
- Annex III of the second amended version of the SESAR JU 2022-2024 SPD with the SESAR 3 JU Budget for year 2022, and of
- Annex IV of the second amended version of the SESAR JU 2022-2024 SPD with the SESAR 3 JU Staff Establishment Plan for year 2022.

³ Established through Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation of the European air traffic management system (SESAR) ('SJU Regulation') as amended by Council Regulation (EC) No 1361/2008 of 16 December 2008 and by Council Regulation (EU) No 721/2014 of 16 June 2014 ('SESAR JU Regulation')

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Article 2

To adopt the elements listed in Article 1 above for the SESAR 3 JU, which shall be read and applied *mutatis mutandis* to SESAR 3 JU taking into account the new applicable legal framework.

Article 4

The present decision shall serve as financing decision for the remaining part of 2021 and for 2022.

Article 5

This decision shall enter into force on the day of its adoption, with retroactive effect to 30 November 2021.

Done in Brussels, 14 December 2021.

For the SESAR 3 JU Governing Board



The Chairperson