

DECISION
ADB(D) 14-2013

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 last amended by Council Regulation (EC)1361/2008 of 16 December 2008, 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 Article 208 (1) of the General Financial Regulation, 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;
- In accordance with Articles 5 (g) and (m) of the Statutes, specific provisions shall be established for the accession to the SJU membership for the entities listed in Article 1 (2) of the Statutes, including provisions concerning the evaluation of the in-kind contributions;
- The co-financing of the Member's activities by the budget of the SJU in order to achieve the objectives according to Article 1(5) of Council Regulation (EC) No 219/2007 does not constitute a grant within the meaning of Article 75 of the SJU's Financial Rules since the financial support is awarded directly to the members of the SJU without a call for proposals. Moreover, the SJU shall own all the tangible and intangible assets created by the SJU or transferred to it for the development phase of the SESAR project. However, Title VI of Council 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 shall be applied mutatis mutandis in order to ensure that the principles as regards the award of grants and the provisions on control are taken in due account;

- No new derogations from the Framework Financial Regulation compared to those already approved in the SJU Financial Rules adopted by the Administrative Board on 31 December 2010 are included in the new SJU Financial Rules;
- Notwithstanding to the aforementioned, in order to ensure the timely alignment of the SJU Financial Rules with the provisions of the General Financial Regulation and of the Framework Financial Regulation, the SJU shall adopt its new Financial Rules on provisional basis until the formal consent of the European Commission on such derogations is confirmed;

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

Article 1

The SJU Financial Rules (reference SJU-AB-028-13-DOC06) here attached are adopted.

The SJU Financial Rules of 31 December 2010 are hereby repealed.

Article 2

These SJU Financial Rules shall enter into force on 1 January 2014, 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 of the European Parliament and of the Council.

Where the European Commission Decision would be adopted after the 1 January 2014, the SJU shall apply these Financial Rules on a provisional basis until such a date the European Commission Decision will be notified to the SJU.

Done at Brussels, 12 December 2013.

For the Administrative Board


Matthias Ruete
Chairperson