

DECISION
ADB(D) 08-2013

SJU Foreground Identification Process

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

Having regard to:

- Articles 18, 1(3), 9 and 5.1 (l) of the Statutes of the Joint Undertaking annexed to Council Regulation (EC) No 219/2007 of 27th February 2007 as last modified by Council Regulation (EC) 1361/200 (the “SJU Statutes”);
- Article 15.1.2 of the Multilateral Framework Agreement governing the ownership of any Foreground generated under the SESAR Programme ;
- The Process for identification of Foreground adopted by the Administrative Board on 14th March 2013 as detailed in Administrative Board Minutes of Meeting ADB(M)025-MOM (Item 6(d));

Whereas:

- The process for identification of Foreground initiated at SJU Programme Committee level on 24th June 2013 and, at this occasion, all the relevant project Members were invited to make an initial assessment of the ownership of each deliverable and information contained therein generated under the Programme since its start until 31st December 2012 ;
- In view of the requests for extension of the initial closing date of 31st August 2013 for this assessment received from the Members, the SJU agreed to postpone the deadline for submission of the assessment by 6th September 2013;
- In parallel, the SJU Programme Managers also assessed the ownership of each deliverable and information contained therein generated under the Programme since its start until 31st December 2012;
- On the basis of the assessment received, the SJU compiled all the information received from the Members and SJU Programme Managers;
- This list was developed on the basis of the following assumptions:
 - When no assessment was received from a Member, it was considered that the Member was sharing the position of the SJU;
 - When no information on the ownership of a specific deliverable and information contained therein was received, the SJU used the acronym “N/A” standing for “non-available”;
 - When no information on the ownership of a specific deliverable and information contained therein was provided by any Party, the deliverable was deemed as owned by the SJU or “SJU Foreground”;
- When a different view between the SJU and the Members was resulting of the compiled assessment, the SJU will clarify the ownership status with the Member having a different view;

In its ordinary meeting of 30 October 2013, HAS DECIDED AS FOLLOWS:

Article 1

The Administrative Board Takes note of the attached Foreground ownership assessment performed by the SJU and its Members.

Article 2

After having examined and discussed the compiled list of Foreground and their ownership status and in order not to hamper the publication of the SESAR Solution Packages in December 2013, the Administrative Board adopts this list subject to clarification of the ownership status with the Members having a different view on specific deliverable.

Article 3

The ownership status resulting of this assessment performed by the SJU and its Members shall prevail on any specific IPR statement previously made in the assessed deliverable.

Article 4

The Administrative Board mandates the Deputy Executive Director Administration and Finance to put in place the necessary process to clarify the ownership status of the deliverables which were not assessed in the same manner by the SJU and its Members.

Article 5

The Administrative Board shall take a final decision on the resulting updated list of ownership status of all the deliverables and information contained therein generated under the Programme since its start until 31st December 2012 at this next meeting in December 2013.

This decision shall enter into force on the date of its adoption.

Done in Brussels, 30 October 2013

For the Administrative Board


Matthias Ruete
The Chairperson