

DECISION
ADB(D)10 - 2014

Authorization to disseminate SJU Foreground

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

Having regard to:

- Council Regulation (EC) n° 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) as amended by Council Regulation (EC) No 1361/2008 of 31 December 2008 and Council Regulation (EU) No 721/2014 of 16 June 2014;
- The Multilateral Framework Agreement (MFA) signed between the SJU, EUROCONTROL and its 15 selected members on 11 August 2009, and amended on 14 June 2010, 19 October 2010 and 2 July 2012, respectively;

Whereas:

- EUROCONTROL requested the SJU's authorization to disseminate a deliverable developed within Project 15.3.6 with the ID "D20 GBAS GAST-D CONOPS", consisting of SJU Foreground, to Dubai Air Navigation Services and Air Services Australia, i.e. third parties that are established outside of the EU and EUROCONTROL Member States;
- The dissemination is requested for the purpose of assisting DANS in developing the GBAS CONOPS to support GBAS implementation in Dubai, on the one hand; and assisting Air Services Australia in developing GBAS Advanced Operations concepts while ensuring global acceptability of SESAR operational concepts, on the other hand;
- EUROCONTROL requested furthermore the SJU's authorization to disseminate the deliverables detailed below, and consisting of SJU Foreground, to participants to future calls for tenders that include Centralised Services:
 - D41-005 P 14.01.04 - SWIM TI Yellow Profile technical specification 2.1_00.02.00
 - D41-002 P 14.01.04 - TI Public Key Infrastructure technical specification 2.1_00.02.00
 - D41-004 P 14.01.04 - SWIM TI runtime registry, technical specification 2.1_00.02.00
 - D34 -P 14.01.03 - SWIM Profile for step 2 - Iteration 2.1
 - D02 -P 08.03.10 - ISRM Foundation Rulebook
 - D43 -P 08.01.01 - SWIM compliance criteria and Compliance Criteria and Principle
 - D43 - P 08.01.01 - SWIM compliance criteria and Compliance Principle
 - D14 - P 08.01.03 - AIRM Foundation rulebook
 - D14 - P 08.01.03 - ARIM Primer
 - D61 - P 08.03.10 - ISRM
 - P 08.01.03 - AIRM Governance Handbook
 - P 08.01.03 - AIRM Guidance on writing AIRM Constraints
 - P 08.01.03 - AIRM Compliance Framework
 - P 08.01.03 - AIRM Compliance Report Template
- These deliverables are part of the ones that have to be published as part of the promulgation of R&D results achieved by the SESAR Programme;

- According to Art. 18 of the SJU Regulation the SJU may grant access rights to the knowledge resulting from projects, in particular to its Members as well as Member States of the EU and/or EUROCONTROL for their own and non-commercial purposes;
- Art. 15.2 of the MFA sets forth the detailed provisions governing access rights to SJU Foreground developed within the framework of the SESAR Programme and leaves the decision power to the Administrative Board of the SJU in certain specific cases or/and ad hoc cases falling outside the scope of the MFA;
- The written procedure launched on 23 September 2014 for the approval of the EUROCONTROL's dissemination requests was closed with a positive result on 30 September 2014;

HAS DECIDED AS FOLLOWS:

Article 1

EUROCONTROL's request to disseminate deliverable "D20 GBAS GAST-D CONOPS" to Dubai Air Navigation Services and Air Services Australia is hereby approved under the following conditions, requiring EUROCONTROL to ensure that:

- dissemination is compatible with the protections of IPRs, including the right to keep an invention secret, confidentiality obligations and the legitimate interests of the owners of the material, of the SJU Members and the SJU;
- access rights of the parties under the MFA are fully preserved;
- dissemination is for the intended purpose only;
- appropriate disclaimer is used, following the guidelines provided by the SJU

The SJU shall publish on its website the deliverables requested by EUROCONTROL to be accessed by participants to future calls for tenders as well as any interested member of the public. EUROCONTROL would be able to include a link in their calls for tenders leading to the published documentation, access to which shall be made subject to acceptance of the interested parties of the Terms and Conditions applicable for access to the SESAR Solutions webpage.

Article 2

The SJU shall notify EUROCONTROL of the present decision and shall take the implementation measures defined in Art. 1.2 here above as soon as possible.

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

Done in Brussels, 30 September 2014.

For the Administrative Board

The Chairperson
João Aguiar Machado

