

**DECISION**  
ADB(D)23-2016

**Adopting the final list of SJU Foreground from 1 January 2014 to 30 June 2015**

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

Having regard to:

- 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)<sup>1</sup> as amended by Council Regulation (EC) No 1361/2008 of 16 December 2008<sup>2</sup> and by Council Regulation (EU) No 721/2014 of 16 June 2014<sup>3</sup> ('SJU Regulation'), and in particular Articles 18, 1(3), 9 and 5.1 (l) of the Annex to the SJU Regulation, "Statutes of the joint undertaking" ('SJU Statutes'),
- The Multilateral Framework Agreement, and in particular Article 15.1.2 governing the ownership of any Foreground generated under the SESAR Programme;
- The Administrative Board decision ADB(D)08-2013 adopting the Process for identification of Foreground;
- The Administrative Board decision ADB(D)15-2015 on SJU Foreground Identification Process for the Period starting from 1 January 2014 to 30 June 2015;

Whereas:

- According to the process described in Administrative Board Decision ADB(D)08-2013, the relevant project members:
  - o made an initial assessment of the status of each deliverable generated under the SESAR Programme before submitting it to the SJU, and
  - o indicated on each deliverable their assessment regarding the ownership of the Deliverables, in particular if it had to be considered as SJU Foreground.
- According to Administrative Board decision ADB(D)15-2015 the Administrative Board shall take a final decision on the resulting updated list of ownership status of all the deliverables and information generated under the Programme since 1 January 2014 until 30 June 2015;

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<sup>1</sup> OJ L 64, 2.3.2007, p. 1

<sup>2</sup> OJ L 352, 31.12.2008, p. 12

<sup>3</sup> OJ L 192, 1.7.2014, p. 1

At each Control Gate, the SJU and the project members then discussed the initial assessment made by the members;

- On 10 June 2015, on this basis and after a second overall review for consistency, the SJU submitted to the Programme Committee a list compiling the ownership status of each deliverable and information contained therein generated under the Programme since 1 January 2014 until 30 June 2015 for final review;
- This list already contained a first automatic classification of the “SJU Foreground” depending on the type of deliverable resulting of the project (i.e. Operational Service and Environment Definition (OSED), Safety and Performance Requirements (SPR), Interoperability Requirements (INTEROP), Technical Specifications (TS), Validation Reports (VALR), Concept of Operations (CONOPS), Detailed Operational Descriptions (DODs), Architecture Description Document (ADD), Technical Architecture Descriptions (TADs), ATM Information Reference Model (AIRM), Information Service Reference Model (ISRM), Final project Report (FPR) and specific System Wide Information Management (SWIM) deliverables);
- On the basis of the Programme Committee members’ assessment received, the SJU compiled a final list based on the following assumptions:
  - o When no assessment was received from a Member, it was considered that the Member was sharing the position of the SJU;
  - o 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”;
  - o 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”;
- As foreseen in the Administrative Board Decision ADB(D)15-2015, in order to finalize the SJU ownership identification process, when there was a different view between the SJU and the Members resulting of the compiled assessment, the SJU consulted the Member(s) having a different view and clarified their opinion on the ownership status;

In its ordinary meeting of 15 December 2016, **HAS DECIDED AS FOLLOWS:**

#### Article 1

- The Administrative Board adopts the list attached in Annex I. The attached list shall stipulate the ownership of deliverables generated in the period of 01 January 2014 to 30 June 2015.
- The hereby adopted list shall prevail over the previous intermediary list adopted by the preceding Administrative Board Decision ADB(D)15-2015.

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

**Article 2**

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

Done in Brussels, 15 December 2016.

For the Administrative Board  
  
The Chairperson  
Henrik Hololei

Annex: Final list of the SJU Foreground generated between 01 January 2014 and 30 June 2015.