

DECISION
ADB(D)08-2017

Adopting the list of SESAR Joint Undertaking foreground generated under SESAR 1 Programme as of 31/05/2017

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)¹ as amended by Council Regulation (EC) No 1361/2008 of 16 December 2008² and by Council Regulation (EU) No 721/2014 of 16 June 2014³ ('SJU Regulation'), and in particular Article 1(3), Article 5.1(l), Article 9, and Article 18, of the Annex to the SJU Regulation, "Statutes of the joint undertaking" ('SJU Statutes'),
- The Multilateral Framework Agreement⁴, and in particular Article 15.1.2 thereof;
- The Administrative Board decision ADB(D)08-2013 on SJU Foreground identification Process;
- 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;
- The Administrative Board decision ADB(D)23-2016 adopting the final list of SJU Foreground from 1 January 2014 to 30 June 2015;

Whereas:

- According to the process described and applied previously in the Administrative Board Decisions ADB(D)08-2013 and ADB(D)23-2016, the relevant project members:
 - made an initial assessment of the ownership status of each deliverable generated under the SESAR 1 Programme before submitting it to the SJU, and
 - indicated on each deliverable their assessment regarding the ownership of the Deliverables, in particular if it had to be considered as SJU Foreground.
- At each Control Gate, the SJU and the project members then discussed the initial assessment made by the Members;
- On 20 January 2017, the SJU submitted to the Programme Committee the list of deliverables generated under the SESAR 1 Programme for which the final ownership has not been adopted yet, identifying the proposed ownership status of each deliverable;

¹ OJ L 64, 2.3.2007, p. 1

² OJ L 352, 31.12.2008, p. 12

³ OJ L 192, 1.7.2014, p. 1

⁴ Amended Multilateral Framework Agreement Ref. SJU/LC/0028-CTR

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- This list already contained the 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, or FINALR) and specific System Wide Information Management (SWIM) deliverables);
- In addition, in connection with the closure of SESAR 1 Programme, the Programme Control Group (PCG) identified the list of deliverables constituting a required baseline for the performance of and the transition to SESAR 2020 activities (‘SESAR2020 baseline’). The PCG agreed on the final classification of the identified deliverables as the SJU Foreground. The Programme Committee was informed about the SESAR 2020 baseline and the covered deliverables were highlighted in blue colour;
- On the basis of the SJU’s Programme Committee Members’ assessment received, the SJU compiled the final list based on the following assumption: when no information on the ownership of the specific deliverable and information contained therein was received, the SJU used the acronym “N/A” standing for “non-available”;
- Consequently, the SJU identified the list of deliverables for which the final ownership classification was agreed by the Members (Annex);
- The SJU and the SJU Members remain committed to continue the negotiations in order to clarify remaining contested deliverables with the aim to reach a common understanding and the final classification of the IP ownership for all deliverables generated under SESAR 1 Programme by means of an additional ADB decision to be adopted the end of year 2017;
- The written procedure launched on 02 June 2017 for the adoption of the final list of SJU Foreground generated under SESAR 1 Programme as of 31/05/2017 was closed with a positive result on 28 June 2017;

HAS DECIDED AS FOLLOWS:

Article 1

The Administrative Board adopts the Annexed list of deliverables, which details the ownership of the listed deliverables generated under SESAR 1 Programme as of 31/05/2017.

The list complements the lists previously adopted by ADB Decisions ADB(D)08-2013 and ADB(D)23-2016.

The ownership status indicated in the annexed list shall prevail over any specific IPR statement previously inserted into the assessed deliverable.

Article 2

The Administrative Board hereby authorizes the Chief of Administration Affairs of the SJU to proceed with the necessary steps in order to clarify the ownership classification of all deliverables generated under SESAR 1 Programme.

Article 3

This decision shall enter into force on the day following its adoption.

Done in Brussels, 28 June 2017

For the Administrative Board

The Chairperson
Henrik Hololei

