

**DECISION**  
ADB(D)17-2018

**authorising the Executive Director to make payments to the Guarantee Fund and recover the corresponding amounts in order to implement Decision ADB(D)04-2017 on the Specific Amendment Procedure based on Budgetary Grounds for SESAR 2020 IR-VLD Wave 1 Actions**

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 Article 5(1)e and (o) of the Statutes annexed thereto,
- The SJU Annual Work Programme (Work Plan) 2015, as amended by SJU Administrative Board Decision ref. ADB(D)03-2016 of 8 April 2016,
- The SJU Annual Work Programme (Work Plan) 2016, as amended by SJU Administrative Board ref. Decision ADB(D)11-2016 of 3 October 2016,
- The SJU Single Programming Document (SPD) 2017-2019, adopted by SJU Administrative Board Decision ref. ADB(D)22-2016 of 15 December 2016, as amended by Administrative Board Decisions ref. ADB(D)18-2017 of 15 September 2017 and ADB(D)19-2017 of 8 November 2017,
- The SJU Single Programming Document (SPD) 2018-2020, adopted by SJU Administrative Board Decision ref. ADB(D)21-2017 of 14 December 2017, as amended by Administrative Board Decisions ref. ADB(D)04-2018 of 12 February 2018,
- Regulation (EU, EURATOM) 2018/1046 of the European Parliament and of the Council of 18 July 2018<sup>4</sup> on the financial rules applicable to the general budget of the Union, and in particular Article(s) 74, 97, 98 (4) (d) and 102 (1),
- The SESAR Joint Undertaking Financial Rules ref. SJU-AB-033-15-DOC-01, adopted under ADB decision ref. ADB(D)08-2015 on 25 June 2015, and in particular Article(s) 38(3), 43 (1) (a), (53 (2), 54, 55, 56, 57 and 58.

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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

<sup>4</sup> OJ L 193, 30.6.2018, p.1

**Whereas:**

1. Call for proposal H2020-SESAR-2015-2 published by SJU on the Horizon 2020 portal on 22 October 2015 led to the signature of the related Grant Agreements for the implementation of the Actions (the “SESAR 2020 IR-VLD Wave 1 Actions”).
2. Due to constraints faced by the SJU resulting from the ‘annuality principle’<sup>5</sup> of the Union Budget and the inability of the SJU to make use of multi-annual commitments, the maximum grant amounts indicated in the resulting grant agreements for actions are inferior to the contribution initially requested in the proposals, i.e. the available funding for grants awarded in 2016 under the Wave 1 Industrial Research call was EUR 50m, while the scope covered activities worth EUR 240m.
3. The Administrative Board adopted a specific grant Amendment Procedure based on Budgetary Grounds for SESAR 2020 IR-VLD Wave 1 Actions<sup>6</sup> (ref. ADB (D) 04-2017) allowing SJU contribution to a given Action to be broken down into several instalments.
4. In view of the new budget available in 2018, SJU members have now been invited to sign grant amendments of the SESAR 2020 IR-VLD Wave 1 Actions to increase the grant amounts up to the level of the Union contribution initially requested in the selected proposals (the “Amendments”).
5. These Amendments should result mainly in the update of the Maximum Grant Amount in Article 5.1 of the Grant Agreement and a change in Article 21 of the Grant Agreement.
6. While introducing in the H2020 IT tools<sup>7</sup> the Amendments for 2018, SJU identified a technical issue regarding the retention of the 5% of the increase of the maximum grant amount to be transferred to the “Guarantee Fund”. This issue is due to the lack of pre-financing linked to this last increase of the maximum grant amount. Such retention operations are not foreseen in the H2020 IT for this particular case.
7. SJU should therefore make payments to the Guarantee Fund to increase it to 5% of the amended maximum grant amount, in line with the legal commitments of the grant agreements, while complying with the H2020 amendment business processes and continuing with the use of the H2020 IT tools;
8. In accordance with Article 9 of the SJU Administrative Board’s Rule of Procedure, a Written procedure for the adoption of the current decision was launched on 12 October 2018 and concluded on 22 October with positive results.

**HAS DECIDED AS FOLLOWS:**

**Article 1**

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<sup>5</sup> As detailed in Section 3.5 of SJU amended AWP 2015 and 2016 (i.e., Budgetary constraints and related amendment process described thereof) and recalled in call documentation, in the evaluation result letters for call H2020-SESAR-2015-2 (the “IR call”) as well as in the Single Programming Document 2017-2019.

<sup>6</sup> H2020-SESAR-2015-2 projects

<sup>7</sup> (i.e., mainly COMPASS and SyGMA)

1. The SJU Executive Director, acting as Responsible Authorising Officer, is authorised to transfer to the Guarantee Fund the amount corresponding to 5% of the increase of maximum grant amount resulting from the Amendments of SESAR 2020 IR VLD Wave 1 Actions.
2. The SJU Executive Director, acting as Responsible Authorising Officer, is authorised to recover these amounts from the beneficiaries by issuing recovery orders or by deduction from subsequent payments.

Article 2

This Decision shall enter into force on the day following that of its adoption.

Done in Brussels, 22 October 2018.

For the Administrative Board

*The Chairperson*  
*Henrik Hololei*

