

Council Regulation (EC) No 219/2007 of 27 February 2007 on  
the establishment of a Joint Undertaking to develop the new  
generation European air traffic management system (SESAR)

*Article 1*

**Establishment of a Joint Undertaking**

1 In order to manage the activities of the development phase of the project to modernise air traffic management in Europe and to enhance safety, (the SESAR project), a Joint Undertaking is hereby established, known as ‘SESAR Joint Undertaking’ (the Joint Undertaking).

2 The Joint Undertaking shall cease to exist eight years after an endorsement by the Council of the European Air Traffic Management Master Plan (the ATM Master Plan) resulting from the definition phase of the SESAR project. The Council shall decide on such endorsement acting on a proposal from the Commission.

3 The ATM Master Plan shall be communicated to the European Parliament.

4 The scope, governance, funding and duration of the Joint Undertaking shall, where appropriate, be reviewed by the Council on the basis of a proposal from the Commission according to the development of the project and of the ATM Master Plan, taking into account the evaluation referred to in Article 7.

5 The aim of the Joint Undertaking shall be to ensure the modernisation of the European air traffic management system by coordinating and concentrating all relevant research and development efforts in the Community. It shall be responsible for the execution of the ATM Master Plan and in particular for carrying out the following tasks:

- organising and coordinating the activities of the development phase of the SESAR project, in accordance with the ATM Master Plan, resulting from the definition phase of the project managed by Eurocontrol, by combining and managing under a single structure public and private sector funding,
- ensuring the necessary funding for the activities of the development phase of the SESAR project in accordance with the ATM Master Plan,
- ensuring the involvement of the stakeholders of the air traffic management sector in Europe, in particular: air navigation service providers, airspace users, professional staff associations, airports, and manufacturing industry; as well as the relevant scientific institutions or the relevant scientific community,
- organising the technical work of research and development, validation and study, to be carried out under its authority while avoiding fragmentation of such activities,
- ensuring the supervision of activities related to the development of common products duly identified in the ATM Master Plan and if necessary, to organise specific invitations to tender.

6 The Joint Undertaking shall be operational at the latest when the ATM Master Plan has been transferred to the Joint Undertaking.

7 The seat of the Joint Undertaking shall be located in Brussels.

## *Article 2*

### **Legal status**

1 The Joint Undertaking shall have legal personality. In every Member State, it shall enjoy the most extensive legal capacity accorded to legal persons under that State's law. It may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.

2 Member States shall take all possible measures to afford the Joint Undertaking the most extensive exemption from taxation as possible as regards to VAT and other taxes and excise duties.

## *Article 3*

### **Statutes of the Joint Undertaking**

The Statutes of the Joint Undertaking, as set out in the Annex hereto constitute an integral part of this Regulation and are hereby adopted.

## *Article 4*

### **Sources of financing**

1 The financing of the Joint Undertaking shall come from contributions from its members, including private undertakings, in accordance with Articles 1 and 12 of the Statutes.

2 The Community's contribution shall be paid from the budget of the research and technological development framework programme. It may in addition be paid from the budget of the Trans-European Networks framework programme.

3 All Community financial contributions to the Joint Undertaking shall cease upon expiry of the 2007-2013 financial perspectives unless otherwise decided by the Council on the basis of a Commission proposal.

## *Article 5*

### **Committee**

1 The Single Sky Committee, established by Article 5 of Regulation (EC) No 549/2004, (the Committee), shall be informed on a regular basis about the work of the Joint Undertaking. To this end, the Commission shall put the Sesar project as an item on the agenda of the Committee's meetings.

2 The Commission shall adopt the Community position in the Administrative Board.

3 However, the position of the Community in the Administrative Board as regards decisions concerning the appointment of the Executive Director, strategic financial issues or decisions taken under Article 23 of the Statutes shall be adopted in accordance with the procedure referred to in Article 6(2) of this Regulation.

4 The position of the Community in the Administrative Board as regards decisions concerning the accession of new members, the modification of the Statutes and significant modifications of the ATM Master Plan shall be adopted in accordance with the procedure referred to in Article 6(3).

#### *Article 6*

##### **Committee procedure**

1 The Commission shall be assisted by the Committee referred to in Article 5.

2 Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period referred to in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.

4 The Commission may consult the Committee on any other matter concerning the application of this Regulation.

5 The Committee shall adopt its Rules of Procedure.

#### *Article 7*

##### **Evaluation**

Every three years from the start of the activities of the Joint Undertaking and at least one year before expiry of the term of the Joint Undertaking, the Commission shall carry out evaluations on the implementation of this Regulation, the results obtained by the Joint Undertaking and its working methods, as well as on the general financial situation of the Joint Undertaking. The Commission shall present the results of these evaluations to the European Parliament and to the Council.

#### *Article 8*

##### **Entry into force**

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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*Status: This is the original version (as it was originally adopted).*

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Done at Brussels, 27 February 2007.

*For the Council*

*The President*

P. STEINBRÜCK