




Basic information	
<b>2008/0159(CNS)</b> CNS - Consultation procedure Regulation	Procedure completed
Joint Undertaking to develop the new generation European air traffic management system (SESAR): legal status  Amending Regulation (EC) No 219/2007 <a href="#">2005/0235(CNS)</a>  <b>Subject</b>  3.20.01 Air transport and air freight 3.20.01.01 Air safety 8.40.08 Agencies and bodies of the EU	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">ITRE</span> Industry, Research and Energy		NIEBLER Angelika (PPE-DE)	15/09/2008
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">TRAN</span> Transport and Tourism		The committee decided not to give an opinion.	
Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
	Employment, Social Policy, Health and Consumer Affairs		2916	2008-12-16
	Transport, Telecommunications and Energy		2895	2008-10-09
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Energy and Transport		TAJANI Antonio	

Key events			
Date	Event	Reference	Summary
23/07/2008	Legislative proposal published	COM(2008)0483 	Summary
23/09/2008	Committee referral announced in Parliament		
09/10/2008	Debate in Council		Summary
04/11/2008	Vote in committee		Summary
11/11/2008	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0439/2008</a>	
18/11/2008	Decision by Parliament	<a href="#">T6-0529/2008</a>	Summary

18/11/2008	Results of vote in Parliament		
16/12/2008	Act adopted by Council after consultation of Parliament		
16/12/2008	End of procedure in Parliament		
31/12/2008	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	2008/0159(CNS)
<b>Procedure type</b>	CNS - Consultation procedure
<b>Nature of procedure</b>	Legislation
<b>Legislative instrument</b>	Regulation
	Amending Regulation (EC) No 219/2007 <a href="#">2005/0235(CNS)</a>
<b>Legal basis</b>	EC Treaty (after Amsterdam) EC 172 EC Treaty (after Amsterdam) EC 171
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	ITRE/6/66010

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE414.047</a>	15/10/2008	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0439/2008</a>	11/11/2008	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0529/2008</a>	18/11/2008	<a href="#">Summary</a>
<b>European Commission</b>				
Document type	Reference	Date	Summary	
Legislative proposal	<a href="#">COM(2008)0483</a> 	23/07/2008	<a href="#">Summary</a>	
<b>Other institutions and bodies</b>				
Institution/body	Document type	Reference	Date	Summary
ESC	Economic and Social Committee: opinion, report	<a href="#">CES1917/2008</a>	03/12/2008	

Additional information		
Source	Document	Date
National parliaments	<a href="#">IPEX</a>	
European Commission	<a href="#">EUR-Lex</a>	

## Joint Undertaking to develop the new generation European air traffic management system (SESAR): legal status

2008/0159(CNS) - 09/10/2008

The Council agreed on a **general approach** to the Regulation amending Regulation (EC) No 219/2007 on the establishment of a joint undertaking to develop the new generation European air traffic management system (SESAR), pending delivery of the European Parliament's opinion.

The Regulation is being amended in order to clarify the legal status of the SESAR joint undertaking and to align its statutes with those of other joint undertakings created recently in the framework of joint technological initiatives such as Clean Sky or Artemis. To this end, provisions on the following have been included in the Regulation:

- recognition of the SESAR joint undertaking as a Community body;
- application of the status of European Community temporary staff to its personnel;
- application of the Protocol on the Privileges and Immunities of the European Communities to the joint undertaking, its staff and its executive director, etc.

## Joint Undertaking to develop the new generation European air traffic management system (SESAR): legal status

2008/0159(CNS) - 18/11/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 607 votes to 18 with 12 abstentions, under the consultation procedure, a legislative resolution approving the proposal for a Council regulation (EC) No ..../.... amending Council Regulation (EC) No 219/2007 on the establishment of a joint undertaking to develop the new generation European air traffic management system (SESAR). The report had been tabled for consideration in plenary by Angelika NIEBLER (EPP-ED, DE), on behalf of the Committee on Industry, Research and Energy.

## Joint Undertaking to develop the new generation European air traffic management system (SESAR): legal status

2008/0159(CNS) - 16/12/2008 - Final act

**PURPOSE:** to align the legal status of the SESAR Joint Undertaking with that of the other newly established Joint Undertakings.

**LEGISLATIVE ACT:** Council Regulation (EC) No 1361/2008 amending Regulation (EC) No 219/2007 on the establishment of a joint undertaking to develop the new generation European air traffic management system (SESAR).

**CONTENT:** the Council adopted a Regulation amending Council Regulation (EC) No 219/2007 on the establishment of a joint undertaking to develop the new generation European air traffic management system (SESAR).

The Regulation is being amended in order to clarify the legal status of the [SESAR](#) joint undertaking and to align its statutes with those of other joint undertakings created recently in the framework of joint technological initiatives such as [Clean Sky](#) (aeronautics), [ARTEMIS](#) (Embedded Computing Systems), IMI (Innovative Medicines Initiative) and [ENIAC](#) (nanotechnology).

To this end, provisions on the following have been included in the Regulation: recognition of the SESAR joint undertaking as a Community body; application of the status of European Community temporary staff to its personnel; application of the Protocol on the Privileges and Immunities of the European Communities to the joint undertaking, its staff and its executive director; adaptation of the provisions on liability; adaptation of the provisions on the jurisdiction of the Court of Justice and applicable law; adoption of a Financial Regulation in accordance with the framework Financial Regulation for the bodies referred to in Article 185 of the Financial Regulation; discharge and presentation of the budget.

**ENTRY INTO FORCE:** 01/01/2009.

## Joint Undertaking to develop the new generation European air traffic management system (SESAR): legal status

2008/0159(CNS) - 23/07/2008 - Legislative proposal

**PURPOSE:** to revise the legal status of the SESAR Joint Undertaking (SJU).

**PROPOSED ACT:** Council Regulation.

**BACKGROUND:** Article 171 of the Treaty establishing the European Community provides for the establishment of Joint Undertakings (JU) to allow for the establishment of public-private sector partnerships in the field of research, technological development and demonstration programmes. In February 2007 the Council approved legislation setting up the SESAR Joint Undertaking (SJU) the specific purpose of which is to modernise the air traffic management system of the EU. This is a huge RT&D project, comparable to the equally ambitious GALILEO project, and involves both public and private funding.

Joint Undertakings, however, lack a complete definition regarding their legal status, which is somewhere between a Community body and a private company. This has given rise to many difficulties in terms of setting up their legal and administrative structure, which must comply with Community requirements as well as those of the hosting State. Further, the Regulation setting up the **SESAR** JU is ambiguous regarding VAT and excise duty exemption.

Since the approval of the SJU, four other Joint Undertakings (also based on Article 171 of the TEU) have been approved namely:

- **CLEAN SKY**;
- **ENIAC** (Nanotechnology);
- **IMI** (Innovative Medicines Initiative);
- **ARTEMIS** (embedded computers).

These new entities are comparable to the SJU in that they also carry out and manage large public-private RT&D projects. Where they differ, however, is in the form of their legal status. Unlike the SJU, their basic legal acts clearly define their status as Community bodies - a status which awards them a number of privileges and obligations.

**CONTENT:** based on the above, the purpose of this proposal is to amend the Regulation setting up the SJU in order to award it the same legal standing as that enjoyed by the four recently approved JU's. Concretely speaking the amendments will,

- recognise the SJU as a Community body;
- apply the Staff Regulations of the European Communities, the conditions of employment of other servants of the Community and the rules adopted jointly by the Community institutions, to SJU staff;
- apply the Protocol on Privileges and Immunities of the European Communities to the SJU, to its staff and to the Executive Director;
- adopt provisions on jurisdiction of the Court of Justice;
- quantify the Community's contribution and proactive arrangements for its transfer to the SJU;
- amend provisions concerning the modification of the SJU Statutes;
- apply Article 185 of the Financial Regulations;
- adopt procedures for the appointment of the Executive Director;
- adopt provisions concerning the protection of Community financial interests; and
- apply transitional provisions for the changeover of SJU staff to EU staff regulations.

The total estimated Community contribution to the development phase of SESAR has been fixed at a maximum of **EUR 700 million** coming in equal parts from the 7<sup>th</sup> R&D Framework Programme and the Trans-European Network programme (2007-2013). These programmes will finance the administrative and operational costs of the SJU in accordance with their respective rules. The proposed revisions of the SESAR Regulation will not affect the estimated amount mentioned. However, a revised financial statement is attached to the present proposal in order to update the budgetary forecast of the SJU in light of the project's development.