


Procedure file

Basic information	
CNS - Consultation procedure Regulation	2008/0159(CNS) Procedure completed
Joint Undertaking to develop the new generation European air traffic management system (SESAR): legal status Amending Regulation (EC) No 219/2007 2005/0235(CNS)	
Subject 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	Committee responsible	Rapporteur	Appointed
	ITRE Industry, Research and Energy		15/09/2008
		PPE-DE NIEBLER Angelika	
	Committee for opinion	Rapporteur for opinion	Appointed
	TRAN Transport and Tourism	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Employment, Social Policy, Health and Consumer Affairs2916		16/12/2008
	Transport, Telecommunications and Energy	2895	09/10/2008
European Commission	Commission DG	Commissioner	
	Energy and Transport	TAJANI Antonio	

Key events			
23/07/2008	Legislative proposal published	COM(2008)0483	Summary
23/09/2008	Committee referral announced in Parliament		
09/10/2008	Debate in Council	2895	Summary
04/11/2008	Vote in committee		Summary
11/11/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0439/2008	
18/11/2008	Results of vote in Parliament		
18/11/2008	Decision by Parliament	T6-0529/2008	Summary
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

Procedure reference	2008/0159(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 219/2007 2005/0235(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 172; EC Treaty (after Amsterdam) EC 171
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/6/66010

Documentation gateway

Legislative proposal	COM(2008)0483	23/07/2008	EC	Summary
Committee draft report	PE414.047	15/10/2008	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0439/2008	11/11/2008	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0529/2008	18/11/2008	EP	Summary
Economic and Social Committee: opinion, report	CES1917/2008	03/12/2008	ESC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2008/1361](#)
[OJ L 352 31.12.2008, p. 0012](#) Summary

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

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 JUs. 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 7th 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.

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

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

The Committee on Industry, Research and Energy adopted a report drafted by Angelika NIEBLER, and approved, in the framework of the consultation procedure, 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).

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

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

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.