



**COUNCIL OF  
THE EUROPEAN UNION**

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Subject : **AVIATION**

**Communication from the Commission on the state of progress of the project to implement the new generation European air traffic management system (SESAR)**

- Council Resolution on the formal establishment of the SESAR Joint Undertaking

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**A. Introduction**

1. The Regulation on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) was adopted by the Council on 27 February 2007. The SESAR project constitutes the technological element of the European Single Sky. The project aims by 2020 to give the Community a high-performance air traffic control system which will enable the safe and environmentally friendly development of air transport. SESAR is composed of three phases (a "definition phase", a "development phase" and a "deployment phase") and the Joint Undertaking is established to oversee the second of the three phases (the "development phase") lasting until 2013. The European Community and Eurocontrol are founding members of the Joint Undertaking but membership will also be open to public and private companies including those of third countries that contribute with some funding to the project.

2. On 9 June 2006, the TTE Council reached a general approach on the proposal of the above Regulation on SESAR. On the same occasion, the TTE Council adopted a statement inviting the Commission to present a Communication in March 2007.
3. The Commission presented to the TTE Council on 22 March 2007, its Communication on the state of progress with the SESAR project including, in particular, the progress made during the definition phase and the prospects regarding participation of industry in financing the project (doc. 7525/07).
4. Further to the above Communication, Coreper agreed, at its meeting on 16 May 2007, to the text of the draft Council Resolution set out in the Annex.

**B. Task for Council**

5. Following the above, the Council is invited to adopt the draft Council Resolution, as set out in the Annex to this Report.

**Draft Council Resolution**  
**on the formal establishment of the SESAR Joint Undertaking**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to:

- (i) the Council statement of 9 June 2006 on the proposal for a Council Regulation on the establishment of a Joint Undertaking to develop the new-generation European air traffic management system (SESAR),
  - (ii) Council Regulation (EC) No 219/2007 of 27 February 2007 establishing the SESAR Joint Undertaking,
  - (iii) the Commission communication of 15 March 2007 on the state of progress with the project to implement the new-generation European air traffic management system (SESAR),
1. EMPHASISES that, in order to ensure the development of a new generation of air traffic management (ATM) systems in Europe, for safe and efficient air transport, it is necessary to rationalise public and private-sector efforts and combine them in a single European programme, SESAR;
  2. NOTES with satisfaction the progress made with the definition phase of SESAR;

3. NOTES the financial commitments made by the founding members of the Joint Undertaking and in particular that the Community is to contribute an estimated EUR 700 million over the period 2007-2013, coming from the seventh research framework programme and the trans-European networks budget heading, and that the Eurocontrol Provisional Council has confirmed that it will put up an equal amount of funding;
4. WELCOMES the expressions of interest from the industry in becoming members of the SESAR Joint Undertaking;
5. REITERATES the need to obtain binding commitments from the industry before the end of 2008 on adequate contributions to the development phase of SESAR on the terms stipulated in article 12 of the Statutes of the Joint Undertaking;
6. REQUESTS the Commission to ensure that transparent procedures are used for the financial valuation of Joint Undertaking members' contributions and supplies in kind, with balanced consideration of interested applicants for membership and only products directly relevant to the SESAR programme taken into account;
7. REQUESTS the Commission to ensure that the Joint Undertaking establishes, for the results of its work, an intellectual property rights policy which allows for innovative arrangements by the industry, while protecting public interests;
8. REITERATES that the Member States (of the European Union and/or Eurocontrol) may be granted access free of charge, for non-commercial purposes, to the knowledge resulting from the project and be allowed to use this knowledge for their own purposes, including for calls for public tender;

9. REQUESTS that the Member States and the Commission take all necessary steps for the rapid setting up of the Joint Undertaking and for ensuring the availability of the Community funding;
10. AGREES to the formal establishment of the Joint Undertaking which should start its activities and proceed without delay to open transparent membership negotiations;
11. REITERATES that the scope, funding and duration of the Joint Undertaking shall, where appropriate, be reviewed by the Council;
12. REQUESTS that the Commission submit a report, if possible by March 2008, containing proposal for the endorsement of the ATM Master Plan by the Council, laying down modalities for the transition between the development phase and the deployment phase;
13. REQUESTS that the Commission provide information, if possible by March 2008, in view of establishing policy and recommendations for cooperation with third countries.

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