



**COUNCIL OF
THE EUROPEAN UNION**



**Council Resolution on
"the launch of the development phase of the SESAR
programme"**

*2895th TRANSPORT, TELECOMMUNICATIONS AND ENERGY Council meeting
Luxembourg, 9 Octobre 2008*

"THE COUNCIL OF THE EUROPEAN UNION,

Recalling:

- (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 (hereinafter "the Joint Undertaking"),
- (iii) the Council Resolution of 8 June 2007 on the formal establishment of the Joint Undertaking,

Having regard to:

- (i) the Commission communication of 25 June 2008 on the Single European Sky II: towards more sustainable and better performing aviation, and
- (ii) the information given by the Commission services on the report of the SESAR consortium and the SESAR MASTER PLAN,

P R E S S

1. REITERATES that, in order to ensure the development of a new generation of air traffic management (ATM) systems in Europe, it is necessary to rationalise public and private-sector efforts and combine them in a single European programme, SESAR;
2. STRESSES that the SESAR programme is aimed at maintaining a high level of safety, improving capacity and developing an efficient, sustainable and environmentally friendly European air transport system;
3. TAKES NOTE with satisfaction of the outcome of the definition phase presented by the SESAR consortium and WELCOMES the consensus of all stakeholders in the consortium;
4. CONSIDERS that the SESAR Master Plan resulting from the definition phase constitutes the basis for establishing the Joint Undertaking's work programme, concluding membership agreements and launching the development phase;
5. REQUESTS the Commission to submit to the Council a proposal for the approval of the ATM Master Plan on the basis of an assessment of the SESAR Master Plan and WELCOMES the Commission's commitment to do so, if possible, by the end of March 2009;
6. STRESSES that the ATM Master Plan should be viewed as an evolving document, which needs to be regularly updated, and be consistent with the Single European Sky regulations;
7. INVITES the Joint Undertaking to keep the future ATM Master Plan updated, in close cooperation with all Member States and all stakeholders, in particular the military, the professional staff representative bodies, business and general aviation, in order to comply with the objectives of the Single European Sky;
8. STRESSES that ATM environmental efficiency is one of the key objectives of the SESAR programme and that it provides a tangible contribution within the European policy for the reduction of the environmental impact of aviation, in particular greenhouse gas emissions and noise, together with the European Research and Development programmes and the planned inclusion of aviation in the Emissions Trading Scheme (ETS);
9. INVITES the Commission to:
 - give particular attention to environmental efficiency in the evolution of the ATM Master Plan,
 - monitor closely the progress of the SESAR programme and its conformity with the ATM Master Plan, and report regularly to the Single Sky Committee,
 - ensure that the Joint Undertaking puts in place a risk management process,
 - report to the Single Sky Committee on the risk mitigation measures,
 - submit, in accordance with the provisions of Article 5 of Regulation (EC) 219/2007 of 27 February 2007, the proposals for significant modifications of the ATM Master Plan to the Single Sky Committee;

10. WELCOMES the formal establishment and the start of operations of the Joint Undertaking;
11. TAKES NOTE of 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, and that the Eurocontrol Provisional Council has confirmed that it will put up an equal amount of funding;
12. WELCOMES the expressions of interest from the 15 current applicants for membership of the Joint Undertaking and their binding commitments on at least the same amount of contributions to the development phase of SESAR as the Community, in accordance with the provisions of Article 12 of the Statutes of the Joint Undertaking, and stresses the importance of the negotiation of partnership agreements to be successfully concluded by the end of 2008, as a prerequisite for the start of development activities;
13. TAKES NOTE of the information provided by the Commission services on:
 - the procedures developed by the Joint Undertaking for the financial valuation of its members' contributions in kind,
 - the intellectual property rights policy being formulated by the Joint Undertaking, which allows for innovative arrangements by the industry, while protecting public interests,
 - the drawing up of a policy and recommendations for cooperation with third countries;
14. RECALLS that under Article 18 of the Statutes the SESAR Joint Undertaking shall own all the tangible and intangible assets created by it or transferred to it for the development phase of the SESAR project, in accordance with agreements concluded by the Joint Undertaking, and that it may grant access rights to the knowledge results from the project, in particular to its members as well as Member States of the European Union and/or Eurocontrol for their own and non commercial purposes and UNDERLINES that SESAR should, inter alia, promote competition in the market for ATM products; in this context CONSIDERS that appropriate measures should be taken to ensure that existing intellectual property rights are not violated;
15. AGREES that the Joint Undertaking should conclude membership agreements with public or private undertakings or bodies (i) from third countries which have signed an aviation agreement with the Community and (ii), whose membership brings an added value to the European Company, including in terms of technology, employment and market opportunities and, (iii) when an equivalent programme exists, apply reciprocity rules for Community industry participation in this programme;
16. INVITES Member States to adopt common positions at international organisations such as ICAO or Eurocontrol in order to keep SESAR compliant with international standards, and to promote SESAR standard proposals for global implementation of SESAR technologies;
17. ENCOURAGES the Joint Undertaking to identify, at an early stage, existing and validated technical solutions that can serve as a basis for early deployment to secure early benefits;

18. RECALLS that under Article 7 of Regulation (EC) No 219/2007 of 27 February 2007 establishing the Joint Undertaking the Commission shall report on progress made in the programme by the end of 2010, so as to allow the Council to maintain an overview of the ATM Master Plan;
 19. INVITES the Commission to include in this report precise proposals for the preparation and transition to the deployment phase emphasising its governance and its adequate and, if appropriate, for some stakeholders, innovative funding mechanisms, as well as risk mitigation measures;
 20. INVITES the Commission to seek the opinion of the Single Sky Committee on its proposals for the governance and the funding mechanisms for the deployment phase before submitting this report;
 21. RECALLS that under Article 1(4) of Regulation (EC) No 219/2007 of 27 February 2007 establishing the Joint Undertaking the Council shall, where appropriate, review the scope, governance, funding and duration of the Joint Undertaking."
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