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Committee on Industry, Research and Energy

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DRAFT REPORT

on the proposal for a Council regulation amending Regulation (EC) No 219/2007 on establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) as regards the extension of the Joint Undertaking until 2024
(COM(2013)0503 – C7-0254/2013 – 2013/0237(NLE))

Committee on Industry, Research and Energy

Rapporteur: Britta Thomsen

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ¶ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	17

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation amending Regulation (EC) No 219/2007 on establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) as regards the extension of the Joint Undertaking until 2024

(COM(2013)0503 – C7-0254/2013 – 2013/0237(NLE))

(Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2013)0503),
 - having regard to Articles 187 and 188 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0254/2013),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on Transport and Tourism (A7-0000/2013),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 5. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a Regulation

Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) Regulation (EU) No .../2013 of the European Parliament and of the Council^{13a} (Horizon 2020) aims to achieve a greater impact on research and

innovation by combining funding under Horizon 2020 and private-sector funds in public-private partnerships in key areas where research and innovation can contribute to the Union's wider competitiveness goals, leverage private investment and help tackle societal challenges. Those partnerships should be based on a long-term commitment, including a balanced contribution from all partners, be accountable for the achievement of their targets and be aligned with the Union's strategic goals relating to research, development and innovation. The governance and functioning of those partnerships should be open, transparent, effective and efficient and give the opportunity to a wide range of stakeholders active in the specific areas of those partnerships to participate. The involvement of the Union in those partnerships may take the form of financial contributions to joint undertakings established on the basis of Article 187 of the Treaty under Decision No 1982/2006/EC.

^{13a} Regulation (EU) No° .../2013 of the European Parliament and of the Council¹ of ... 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L...).

Or. en

Justification

This addition stresses the important principles that have been agreed on during the Horizon 2020 negotiations regarding PPPs and what they should deliver. In line with Recital 40 of Framework programme

Amendment 2

Proposal for a Regulation

Recital -1 a (new)

Text proposed by the Commission

Amendment

(-1a) In accordance with Horizon 2020 and Decision (EU) No .../2013 of the Council^{13b} (the "Horizon 2020 Specific Programme") support may be provided to joint undertakings established in Horizon 2020 under the conditions specified in Horizon 2020 and the Horizon 2020 Specific Programme, in particular with Article 25 of Horizon 2020 and in full respect of the general principles laid down in Horizon 2020 and in particular the principles of open access and gender equality.

^{13b} Decision (EU) No .../2013 of the Council of ... 2013 establishing the Specific Programme implementing Horizon 2020 (2014-2020) (OJ L...)

Or. en

Justification

A reference to the Framework and Specific Programme should be included, which is important to evidence the compliance with Article 25 of the Framework Programme and the principles stated there.

Amendment 3

Proposal for a Regulation

Recital 1

Text proposed by the Commission

Amendment

(1) The Single European Sky Air Traffic Management Research and Development project (the 'SESAR project') aims to modernise the air traffic management ('ATM') in Europe and represents the technological pillar of the Single European Sky. It aims by 2030 to provide the Union with a high performance air traffic control

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infrastructure which will enable the safe **and** environmentally friendly development of air transport.

infrastructure which will enable the safe, environmentally friendly **and energy-efficient** development of air transport. ***It also aims to integrate both aircraft speed management, for reasons of energy efficiency, so as to reduce the climate change impact of aviation.***

Or. en

Amendment 4

Proposal for a Regulation Recital 7

Text proposed by the Commission

(7) **The** Joint Undertaking fulfils the criteria for public-private partnerships established **under Decision (EU) No .../2013 of the Council of ... 2013 establishing the Specific Programme implementing Horizon 2020 (2014-2020)**¹⁶ (the '**Horizon 2020 Specific Programme**').

Amendment

(7) **According to Regulation (EU) No .../2013, implementation of Horizon 2020 through Joint Undertakings should take place only if other forms of partnerships would not fulfil the objectives or would not generate the necessary leverage. This** Joint Undertaking fulfils **the conditions and** criteria for public-private partnerships as established **in particular in Article 25 of Horizon 2020.**

¹⁶ OJ ... [H2020 SP]

Or. en

Amendment 5

Proposal for a Regulation Recital 10

Text proposed by the Commission

(10) The membership of members of the Joint Undertaking who do not contribute to the activities financed under the Union's 2014-2020 financial framework should be

Amendment

(10) The membership of members of the Joint Undertaking who do not contribute to the activities financed under the Union's 2014-2020 financial framework should be

terminated by 31 December 2016.

terminated by 31 December 2016. *An open call for new members should be organised for the activities to be carried out under the Union's 2014-2020 financial framework.*

Or. en

Amendment 6

Proposal for a Regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The Joint Undertaking should continue to be open to, and encourage the widest possible participation and representation of, stakeholders from all Member States, including small and medium-sized enterprises, through the accession of new members or other forms of participation. Furthermore, participation should ensure a proper balance between airspace users, air navigation service providers, airports, military, professional staff and manufacturers, and offer opportunities to SMEs, academia and research organisations.

Or. en

Amendment 7

Proposal for a Regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Horizon 2020 provides that the effective promotion of gender equality and the gender dimension are to be ensured in research and innovation content.

Particular attention is to be paid to ensuring gender balance, subject to the situation in the field, in evaluation panels and in bodies such as advisory groups and expert groups. The gender dimension is to be adequately integrated in research and innovation content in strategies, programmes and projects and followed through at all stages of the research cycle.

Or. en

Amendment 8

Proposal for a Regulation

Article 1 – paragraph 1 – point 1 – point -a

Regulation (EC) No 219/2007

Article 1 – Paragraph 1

Present text

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).

Amendment

(-a) paragraph 1 is replaced by the following:

"1. In order to contribute to the implementation of Regulation (EU) No .../2013 of the European Parliament and of the Council (Horizon 2020), in particular the smart, green an integrated transport challenge and 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 Joint Undertaking is hereby established (the Joint Undertaking).*

** Regulation (EU) No .../2013 of the European Parliament and of the Council¹ of ... 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L...)."*

Or. en

Justification

Additions in order to be more explicit that SESAR has to follow the research and innovation objectives established in Horizon 2020.

Amendment 9

Proposal for a Regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EC) No 219/2007

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The maximum Union contribution covering the costs under the Multiannual Financial Framework 2014-2020 shall be EUR 600 million²¹, including EFTA contributions, paid from the budget appropriations allocated to *the* Horizon 2020 - *The Framework Programme for Research and Innovation (2014-2020)*.

²¹ Indicative amount in current prices. The amount will depend on the final agreed amount for DG MOVE for the theme “Smart, green and integrated transport” which will be approved by the Budgetary Authority in the final version of the legislative and financial statement.

Amendment

The maximum Union contribution covering the costs under the Multiannual Financial Framework 2014-2020 shall be EUR 600 million²¹, including EFTA contributions, paid from the budget appropriations allocated to Horizon 2020 *and in particular from the smart, green and integrated transport challenge under the Societal challenge pillar III.*

²¹ Indicative amount in current prices. The amount will depend on the final agreed amount for DG MOVE for the theme “Smart, green and integrated transport” which will be approved by the Budgetary Authority in the final version of the legislative and financial statement.

Or. en

Amendment 10

Proposal for a Regulation

Article 1 – paragraph 1 – point 7

Regulation (EC) No 219/2007

Article 7

Text proposed by the Commission

Amendment

Article 7

Evaluation

Every three years from the start of the activities of the Joint Undertaking and 6 months after the winding down 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 those evaluations to the European Parliament and to the Council.

Every three years from the start of the activities of the Joint Undertaking and 6 months after the winding down of the Joint Undertaking, the Commission shall carry out evaluations on the implementation of this Regulation, the results obtained by the Joint Undertaking, ***focussing in particular on the impact and effectiveness of these concrete results achieved under the given term, in accordance with the ATM Master Plan. The evaluations shall also cover the*** working methods, as well as on the general financial situation of the Joint Undertaking. The Commission shall present the results of those evaluations to the European Parliament and to the Council.

Or. en

Amendment 11

Proposal for a Regulation Article 3

Text proposed by the Commission

Membership in the Joint Undertaking shall end by 31 December 2016 with regards to the Members of the Joint Undertaking who, as of 1 January 2014, do not contribute in kind or in cash to the costs of the Joint Undertaking's work programme related to the Union's 2014-2020 financial framework.

Amendment

Membership in the Joint Undertaking shall end by 31 December 2016 with regards to the Members of the Joint Undertaking who, as of 1 January 2014, do not contribute in kind or in cash to the costs of the Joint Undertaking's work programme related to the Union's 2014-2020 financial framework. ***An open call for the activities to be carried out under the Union's 2014-2020 financial framework should be organised.***

Or. en

Amendment 12

Proposal for a Regulation

Annex 1 – paragraph 1 – point -1 (new)

Regulation (EC) No 219/2007

Annex – Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(-1) In Article 3, the following paragraph is inserted:

"1a. The composition and chairmanship of the Administrative Board shall comply with Article 16 of Horizon 2020 and ensure gender balance."

Or. en

Amendment 13

Proposal for a Regulation

Annex 1 – paragraph 1 – point 2

Regulation (EC) No 219/2007

Annex – Article 6

Text proposed by the Commission

Amendment

2. In Article 6, paragraph 1 is replaced by the following:

2. Article 6 is replaced by the following:

Or. en

Amendment 14

Proposal for a Regulation

Annex 1 – paragraph 1 – point 2

Regulation (EC) No 219/2007

Annex – Article 6

Text proposed by the Commission

Amendment

1. Members of the Joint Undertaking or of the Administrative Board and Joint Undertaking staff are not allowed to

1. Upon a proposal from the Executive Director, the Administrative Board shall adopt rules for the prevention and

participate in the preparation, evaluation or the award procedure of financial support from the Joint Undertaking, in particular following calls for tender or calls for proposals if they own, represent or have agreements with bodies which are potential candidates or applicants.

management of conflicts of interest.

2. The rules referred to in paragraph 1 shall as a minimum:

(a) lay down a requirement for members of the Administrative Board, the Executive Director, members of the Joint Undertaking and Joint Undertaking staff to make a declaration of commitments and declare the absence or presence of any interest which might be considered prejudicial to their independence;

(b) require the declarations referred to in point (a) to be accurate and complete, to be made in writing on entry into service of the persons concerned and renewed in the event of a change in their personal circumstances and to be made public;

(c) include clear and objective criteria for assessment of the declarations made pursuant to point (a), ensure consistent application of those criteria and make provision for any such declaration to be verified should any concerns be raised in relation thereto;

(d) include a procedure for ensuring that any individual with an interest that might be considered prejudicial to his or her independence in relation to an item on a meeting agenda does not take part in the preparation, evaluation or the awarding procedures of calls for public tender, if they own or have partnership agreements with bodies who are potential candidates for calls for public tender or represent such bodies or another potential conflict of interest has been identified

(e) contain a clear and consistent policy and procedures to address breaches of the rules, including effective, proportionate

and dissuasive penalties;

(f) provide for appropriate compulsory training on conflicts of interest for the Executive Director, all staff of the Joint Undertaking and the members of the Administrative Board;

(g) address issues relating to the situation after an individual's position with the Joint Undertaking has ended."

Or. en

Justification

The new text is based on text already adopted in ITRE committee on the GNSS agency and seeks to put in place a thorough policy on conflicts of interest, requiring parties to declare the absence or presence of such conflicts of interest and defining a procedure to deal with them as all too often declarations of interest are made but not acted upon.

Amendment 15

Proposal for a Regulation

Annex 1 – paragraph 1 – point 3

Regulation (EC) No 219/2007

Annex – Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Executive Director shall be engaged as a temporary agent of the Joint Undertaking under Article 2(a) of the Conditions of employment of other servants. The Executive Director shall be appointed by the Administrative Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

Amendment

The Executive Director shall be engaged as a temporary agent of the Joint Undertaking under Article 2(a) of the Conditions of employment of other servants. The Executive Director shall be appointed by the Administrative Board, from a list of candidates proposed by the Commission, ***in accordance with Article 16 of Horizon 2020 and*** following an open and transparent selection procedure.

Or. en

Amendment 16

Proposal for a Regulation

Annex 1 – paragraph 1 – point 5

Regulation (EC) No 219/2007

Annex – Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Joint Undertaking shall ensure gender balance in the contracts and grant agreements in accordance with Article 16 of Horizon 2020.

Or. en

EXPLANATORY STATEMENT

Your Rapporteur welcomes the Commission proposal on the extension of the SESAR Joint Undertaking until 2024 as an important part of the Innovation Investment Package under Horizon 2020. This Joint Undertaking will continue the coordinated approach in air traffic management (ATM) research and innovation in the context of the Single European Sky (SES).

Concerning the amendment on Article 6, your rapporteur believes that SESAR needs to have a rigorous policy on conflicts of interest, requiring parties to declare the absence or presence of conflicts of interest and defining a procedure to deal with them as all too often declarations of interest are made but not acted upon.

Concerning the rather horizontal amendments, your rapporteur is of the opinion that implementation of Horizon 2020 through PPPs based on Article 187, should only take place if other forms of partnerships would not fulfil the objectives or would not generate the necessary leverage. The governance and functioning should be open, transparent, effective and efficient and give a wide range of stakeholders the opportunity to be active in their specific areas. Your rapporteur has therefore stressed the importance that the principles agreed on during the Horizon 2020 negotiations regarding PPP and what they should deliver are respected. This is important concerning openness, transparency, open access and in particular gender equality, on which your Rapporteur has tabled amendments to put into effect the provisions on gender equality of article 15 of the Horizon 2020 regulation.

As an implementing measure of Horizon 2020, it is clear that SESAR must be in line with the Horizon 2020 research and innovation priorities as established in the Smart, green and integrated transport challenge. Your Rapporteur has made amendments to this effect.

Finally, your Rapporteur would like to mention that this Joint Undertaking will be implemented in line with the Rules for Participation of Horizon 2020 without any derogation; the discharge procedure remains unchanged based on Article 208 of the Financial regulation and the budget has been adapted to the MFF outcome for Horizon 2020.