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Committee on Industry, Research and Energy

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AMENDMENT 17 - 45

Draft report
Britta Thomsen
(PE522.978v01-00)

Proposal for a Council 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) as regards the extension of the Joint Undertaking until 2024

Proposal for a regulation
(COM(2013)0503 – C7-0254/2013 – 2013/0237(NLE))

AM_Com_LegReport

Amendment 17
Christian Ehler

Proposal for a regulation
Title 1

Text proposed by the Commission

Amendment

Proposal for a
COUNCIL 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) as
regards the extension of the Joint
Undertaking until **2024**
(Text with EEA relevance)

Proposal for a
COUNCIL 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) as
regards the extension of the Joint
Undertaking until **2020**
(Text with EEA relevance)

Or. en

Justification

The runtime of JTIs should be aligned with the runtime of Horizon 2020 and future framework programmes. Shortening the timeframe of SESAR also enables the JU to cope with a reduced budget without having to revise its planned activities.

Amendment 18
Christian Ehler

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Regulation (EU) No .../2013 of the European Parliament and of the Council^{4a} (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. Union involvement in those partnerships could 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.

^{4a} Regulation (EU) No .../2013 of the European Parliament and of the Council 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 upon during the Horizon 2020 negotiations regarding JTIs and what they should deliver.

Amendment 19
Christian Ehler

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’).

¹⁶ OJ ... [H2020 SP]

Amendment

(7) The Joint Undertaking fulfils the criteria for public-private partnerships established **in accordance with Horizon 2020 and** Decision (EU) No .../2013 of the Council¹⁶ (the ‘Horizon 2020 Specific Programme’) **and therefore further support should be provided to joint undertakings established under Decision No 1982/2006/EC under the conditions specified in Decision (EU) No [...]/2013..**

¹⁶ **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 not only to the Specific Programme but also to the Framework Programme should be included, which is important to evidence the compliance with Article 19 of the Framework Programme and the principles stated there.

Amendment 20

Evžen Tošenovský

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In order to increase the transparency and to improve the management of the allocated resources, the Commission should present a multiannual work programme for the Joint Undertaking to the European Parliament and to the Council at the beginning of Union's new financial framework 2014-2020. This revised multiannual work programme should contain detailed information on all

planned activities, the timetable and costs of the Joint Undertaking until 2020 and beyond.

Or. en

Amendment 21
Silvia-Adriana Țicău

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The experience acquired from the operation of the Joint Undertaking as a Union body under Article 185 of Regulation (EC, Euratom) No 1605/2002¹⁸ shows that the current framework of operation is sufficiently flexible and adapted to the needs of the Joint Undertaking. The Joint Undertaking should operate in accordance with Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union¹⁹, which replaced Article 185 of Regulation No 1605/2002, and should adopt financial rules which should not depart from the framework Financial Regulation *except where its specific needs so require and with the Commission's prior consent.*

¹⁸ OJ L 248, 19.6.2002, p. 1.

¹⁹ OJ L 298, 26.10.2012, p. 1-96.

Amendment

(11) The experience acquired from the operation of the Joint Undertaking as a Union body under Article 185 of Regulation (EC, Euratom) No 1605/2002¹⁸ shows that the current framework of operation is sufficiently flexible and adapted to the needs of the Joint Undertaking. The Joint Undertaking should operate in accordance with Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union¹⁹, which replaced Article 185 of Regulation No 1605/2002, and should adopt financial rules which should not depart from the framework Financial Regulation.

¹⁸ OJ L 248, 19.6.2002, p. 1.

¹⁹ OJ L 298, 26.10.2012, p. 1-96.

Or. ro

Amendment 22
Maria Da Graça Carvalho

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) With a view to the overall aim of Horizon 2020 of achieving greater simplification and harmonisation of the European research and innovation funding landscape Joint Undertakings should establish simple governance models and avoid sets of rules that are different from Horizon 2020.

Or. en

Amendment 23
Christian Ehler

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Without prejudice to the interim evaluation referred to in Article 7 and in accordance with Article 32 of Horizon 2020, Joint Technology Initiatives as a particular funding instrument of Horizon 2020 should be subject to an in-depth interim assessment, which should include, inter alia, an analysis of their openness, transparency and efficiency.

Or. en

Justification

This reference is needed to take into account the final outcome of the Horizon 2020 negotiations. It reflects on another important aspect that the Parliament managed to include in Art. 32 of the Horizon 2020 Regulation.

Amendment 24
Christian Ehler

Proposal for a regulation
Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) With a view to the overall aim of Horizon 2020 to achieve greater simplification and harmonisation of the research and innovation funding landscape at European level, the duration of all public-private partnerships financed under Horizon 2020 should be aligned with the duration of the Framework Programme, to avoid different sets of rules running in parallel and related additional administrative burden for participants and Union bodies in the future.

Or. en

Amendment 25
Christian Ehler

Proposal for a regulation
Recital 13 c (new)

Text proposed by the Commission

Amendment

(13c) Taking due account of the intended synergies between Horizon 2020 and the Structural Funds as well as relevant national and regional R&D funding programmes, regions across the Union should be encouraged to contribute proactively to the activities of the Joint Undertaking, e.g. by supporting financially relevant research infrastructure, the preparation of proposals, the exploitation of research results or networking activities of relevant actors, aiming at boosting the regional impact of SESAR activities and their

potential to create jobs and growth at regional level.

Or. en

Justification

The European Parliament successfully pushed for a new article in the Horizon 2020 Framework Regulation that explicitly demands better synergies between Horizon 2020 and the Structural Funds. In this context, JTIs should be no exception. Regions should be encouraged to contribute to their activities, particularly in view of their huge potential for strengthening regional clusters.

Amendment 26
Christian Ehler

Proposal for a regulation
Recital 13 d (new)

Text proposed by the Commission

Amendment

(13d) Taking into account the importance of continuous innovation for the competitiveness of the European transport sector and the correspondingly high number of Joint Technology Initiatives in this field, the appropriations allocated to the Smart, Green and Integrated Transport Challenge under the Societal Challenges of Horizon 2020 should be subject to an in-depth budgetary assessment and potential increase under the interim evaluation referred to in Article 32 of Horizon 2020.

Or. en

Justification

With three JTIs to be financed out of the transport challenge - SESAR, Clean Sky 2 and most likely Shift2Rail - the budget of this challenge seems particularly strained, entailing potentially negative effects on collaborative research in the field. The rapporteur therefore strongly recommends the transport challenge for budgetary review under the midterm-review.

Amendment 27
Christian Ehler

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point a
Regulation (EC) No 219/2007
Article 1 – Paragraph 2

Text proposed by the Commission

Amendment

The Joint Undertaking shall cease to exist on 31 December **2024**.

The Joint Undertaking shall cease to exist on 31 December **2020**.

Or. en

Justification

The runtime of JTIs should be aligned with the runtime of Horizon 2020 and future framework programmes. Shortening the timeframe of SESAR also enables the JU to cope with a reduced budget without having to revise its planned activities.

Amendment 28
Christian Ehler

Proposal for a regulation
Article 1 – paragraph 1 – point 1 a (new)
Regulation (EC) No 219/2007
Article 1 a (new)

Text proposed by the Commission

Amendment

1a. The following article shall be inserted:

"Article 1a

Scope of activities

1. In order to fulfil the tasks set out in Article 1 the SESAR research programme may fund research and development activities comprising the Technology Readiness Levels from 2 to 6.

2. Where the SESAR research programme foresees innovation actions comprising the Technology Readiness Levels from 7 to 8, funding rates for indirect actions shall be reduced in accordance with

Article 28 of the Rules for Participation.

Or. en

Justification

This article means to clarify the scope of activities of the SESAR Joint Undertaking, in particular with respect to the relevant TRLs covered by its research programme. The RfP also call for a greater consideration of the TRL-concept to stipulate funding levels, which is taken up in this article with a view to the funding rates used in indirect actions.

Amendment 29
Jean-Pierre Audy

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
COM(2013)0503
Article 4 – paragraph 2 – first subparagraph

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).

Amendment

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

The Commission may oppose the use of the Community contribution for purposes it considers to be contrary to the principles of the Community programmes mentioned in the first subparagraph or to its Financial Regulation or detrimental to the interests of the Union. In the event of the Commission's opposition, the Community contribution cannot be used by the Joint Undertaking for those purposes.

²¹ Indicative amount in current prices. The

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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.

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Or. fr

Justification

Editorial precision and addition of the former third subparagraph, which had disappeared for no reason.

Amendment 30

Christian Ehler, Teresa Riera Madurell

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EC) No 219/2007

Article 4 – paragraph 2 – first subparagraph

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 **525** 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.

Or. en

Justification

The budget of the SESAR JU should be reduced by 12,5% as a consequence of the overall reduction of the Horizon 2020 envelope within the MFF, in order not to jeopardise the sensitive balance of funding for collaborative research in transport on one hand and funding for the JTI on the other hand. The same cut should apply to other JTIs. At the same time, the shortening of the runtime of SESAR by 4 years is proposed.

Amendment 31

Silvia-Adriana Țicău

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a

Regulation (EC) 219/2007

Article 4a – paragraph 1

Text proposed by the Commission

The financial rules applicable to the Joint Undertaking shall be adopted by the Administrative Board after consulting the Commission. They shall not depart from the framework Financial Regulation ***unless it is specifically required for the Joint Undertaking's operation and the Commission has given its prior consent.***

Amendment

The financial rules applicable to the Joint Undertaking shall be adopted by the Administrative Board after consulting the Commission. They shall not depart from the framework Financial Regulation.

Or. ro

Amendment 32

Jean-Pierre Audy

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EC) No 219/2007

Article 4a – paragraph 2

Text proposed by the Commission

b) paragraph 2 is ***deleted.***

Amendment

b) paragraph 2 is ***replaced by the following:***

The Joint Undertaking shall be free to organise its own internal audit capability.

Amendment 33

Evžen Tošenovský

Proposal for a regulation

Article 1 – paragraph 1 – point 7

Regulation (EC) No 219/2007

Article 7

Text proposed by the Commission

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.

Amendment

1. The Commission shall present the revised multiannual work programme to the European Parliament and to the Council at the beginning of Union's new financial framework 2014-2020.

2. Every two 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.

Or. en

Amendment 34

Christian Ehler

Proposal for a regulation

Article 1 – paragraph 1 – point 7

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Text proposed by the Commission

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.

Amendment

1. 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. ***The 2017 evaluation of the SESAR Joint Undertaking shall form part of and be compiled with the interim evaluation of Horizon 2020.***

Or. en

Justification

This amendment reflects the changes that have been made to Article 32 of the Horizon 2020 Regulation, where the JTIs are clearly mentioned as being part of and subject to the interim evaluation of Horizon 2020.

Amendment 35
Christian Ehler

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 219/2007
Article 7

Text proposed by the Commission

Amendment

In Article 7 the following paragraph is added:

2. The budget of the Joint Undertaking may be subject to review in the course of the Midterm Review.

(See amendment 9.)

Justification

Depending on the outcome of the interim evaluation, and taking due account of all other relevant factors, the possibility for an adaptation of the SESAR budget should be included in the legal basic act of SESAR. Generally, a reference to a possible budgetary review during the midterm-review should also be included in the basic acts of the other JUs respectively.

Amendment 36

Christian Ehler

Proposal for a regulation

Article 1 – paragraph 1 – point 7 a (new)

Regulation (EC) No 219/2007

Article 7 a (new)

Text proposed by the Commission

Amendment

7a. The following article is inserted:

"Article 7a

1. Regulation (EU) No ... [Rules for participation and dissemination in Horizon 2020] and Commission Decisions relevant to its implementation shall apply to the indirect actions funded by the Joint Undertaking. In accordance with that Regulation, the Joint Undertaking shall be considered as a funding body and shall provide financial support to indirect actions as set out in clause 1 of the Statutes contained in the Annex.

2. In accordance with the principles of transparency and non-discrimination as laid out in Article 60(1) and 128(1) of Regulation (EU, Euratom) No 966/2012 and Article 19 of the statutes, calls for proposals organised by the Joint Undertaking shall be published on the web-based Horizon 2020 Participant Portal.

Justification

This amendment serves to clarify that the RfP of H2020 and implementing acts shall apply. During the H2020 trilogue it was agreed to promote a greater coherence of all call possibilities financed under H2020. To this effect, the Commission promised to promote the publication of CfPs and CfEIs organised by the JTIs on the H2020 Participant Portal. All of them agreed to follow this approach. This amendment aims to turn a self-obligation into a legal requirement, guaranteeing simple and accessible information for applicants.

Amendment 37**Silvia-Adriana Țicău****Proposal for a regulation****Article 2 – paragraph 1***Text proposed by the Commission*

The mandate of the Executive Director in office on 1 January 2009 shall expire on 31 December **2016** at the latest. Upon expiry of that mandate or the replacement of the Executive Director in office on 1 January 2009, a new procedure leading to the appointment of the Executive Director shall be launched in accordance with Article 7(2) of the Annex to Regulation (EC) No 219/2007.

Amendment

The mandate of the Executive Director in office on 1 January 2009 shall expire on 31 December **2014** at the latest. Upon expiry of that mandate or the replacement of the Executive Director in office on 1 January 2009, a new procedure leading to the appointment of the Executive Director shall be launched in accordance with Article 7(2) of the Annex to Regulation (EC) No 219/2007.

Or. ro

Amendment 38**Silvia-Adriana Țicău****Proposal for a regulation****Article 3 – paragraph 1***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

Amendment

Membership in the Joint Undertaking shall end by 31 December **2014** 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.

kind or in cash to the costs of the Joint Undertaking's work programme related to the Union's 2014-2020 financial framework.

Or. ro

Amendment 39
Jean-Pierre Audy

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Amendment

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. ***It shall be available in its consolidated version with the Regulation being amended within three months from its entry into force.***

Or. fr

Amendment 40
Christian Ehler

Proposal for a regulation
Annex – paragraph 1 – point 1 – point a (new)
Regulation (EC) 219/2007
Annex – Article 5 – paragraph 1 – point m a (new)

Text proposed by the Commission

Amendment

(aa) the following point is inserted:
(ma) approve the list of proposals selected for funding on the basis of the ranking list produced by a panel of independent experts in accordance with Article 40 of the Rules for Participation of Horizon 2020;

Or. en

Amendment 41
Silvia-Adriana Țicău

Proposal for a regulation
Annex – paragraph 1 – point 1 – point b
Regulation (EC) 219/2007
Annex – Article 5 – paragraph 2 – point a

Text proposed by the Commission

the Administrative Board shall meet at least three times a year. Extraordinary meetings shall be convened either at the request of one-third of the members of the Administrative Board representing at least 30 % of the voting rights, at the request of the **Commission** or of the Executive Director;

Amendment

the Administrative Board shall meet at least three times a year. Extraordinary meetings shall be convened either at the request of one-third of the members of the Administrative Board representing at least 30 % of the voting rights, at the request of the **Union** or of the Executive Director;

Or. ro

Amendment 42
Jürgen Creutzmann

Proposal for a regulation
Annex – paragraph 1 – point 2
Regulation (EC) No 219/2007
Annex – Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

1a. 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;

(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 that owns or has 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 does not take part in the preparation, evaluation or the awarding procedures of calls for public tender;

(f) offer voluntary training on conflicts of interest for the Executive Director, all staff of the Joint Undertaking and the members of the Administrative Board.

Or. en

Justification

The original suggestions by the rapporteur appear disproportionate and have been amended accordingly.

Amendment 43
Christian Ehler

Proposal for a regulation
Annex – paragraph 1 – point 3 a (new)
Regulation (EC) No 219/2007
Annex – Article 7– paragraph 5– point h a (new)

Text proposed by the Commission

Amendment

3a. In article 7(5), the following point is inserted:

(ha) follow-up on any recommendations resulting from the interim evaluation of the Joint Undertaking or any other relevant assessment of the SESAR activities in a timely manner;

Or. en

Justification

To ensure sufficient impact of the formally foreseen evaluations and to improve the quality management of the JU the Executive Director should be responsible for following-up any relevant recommendations.

Amendment 44
Evžen Tošenovský

Proposal for a regulation
Annex – paragraph 1 – point 7 – introductory part

Text proposed by the Commission

Amendment

7. In Article 16, **the introductory part of** paragraph 1 is replaced by the following:

7. In Article 16, paragraph 1 is replaced by the following:

Or. en

Amendment 45
Evžen Tošenovský

Proposal for a regulation
Annex – paragraph 1 – point 7

Text proposed by the Commission

The Joint Undertaking shall draw up its work programme on the basis of the financial framework referred to in Article 4(2) and on the basis of sound management and accountability principles setting out clear deliverables and milestones. It shall consist of:

Amendment

I. The Joint Undertaking shall draw up its work programme on the basis of the financial framework referred to in Article 4(2) and on the basis of sound management and accountability principles setting out clear deliverables and milestones. It shall consist of:

(a) a revised multiannual work programme, divided into periods of twenty-four months which describes the activities, timetable and costs of the Joint Undertaking until 2020 and beyond;

(b) annual work programmes established each year which describe the activities, timetable and costs of the Joint Undertaking over this period.

Or. en