

Governing Board

DECISION GB(D)05-2025

Approval of the Membership Agreement, amendment 1, reference S3JU/LC/002 - CTR between the SESAR 3 Joint Undertaking members other than the Union and delegation of power of signature of the amendment forms to the ED

THE GOVERNING BOARD OF SESAR 3 JOINT UNDERTAKING ("SESAR 3 JU"),

Having regard to:

- Council Regulation (EU) 2021/2085 of 19 November 2021 (the "Single Basic Act" or the "SBA") establishing the Joint Undertakings under Horizon Europe and repealing Regulations (EC) No 219/2007, (EU) No 557/2014, (EU) No 558/2014, (EU) No 559/2014, (EU) No 560/2014, (EU) No 561/2014 and (EU) No 642/2014 as last amended by Council Regulation 2023/1782 of 25 July 2023 (the Single Basic Act or SBA) and in particular its Article 28(2), 15, 149, 150(3) and Annex 3 thereof,
- Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union,
- The Governing Board decision GB(D)01-2021 of 14 December 2021, adopting the Financial Rules of SESAR 3 JU, including any future amendment,
- The Governing Board decision GB(D)07-2021 of 14 December 2021, on the adoption of the rules of procedure of the Governing Board, in particular its Articles 1, 3 and 8 thereof,
- The Governing Board decision GB(D)10-2022 of 27 June 2022, adopting the Membership Agreement and in particular its Articles 8.2 and 19,
- The Governing Board decision GB(D)03-2024 of 16 May 2024 on the selection of Associated Members of the SESAR 3 JU;

Whereas:

- (1) According to Article 28(2) of the SBA, the Members other than the Union shall agree on how to share their collective contribution among them in accordance with the applicable financial rules.
- (2) The Membership Agreement should provide a stable legal framework for the contribution and cooperation of the members to SESAR 3 JU, without prejudice to the law applicable to this Agreement.

- (3) The legal address of the SESAR 3 JU is obsolete because the organisation changed premises in February 2023.
- (4) Considering that the financial contribution from the members other than the Union and EUROCONTROL to the administrative costs was not needed before 1st July 2025, the schedule for payment of the financial contribution to SESAR 3 JU administrative costs by the Members other than Union and EUROCONTROL JU should be updated.
- (5) The correction resulting of the difference between the final co-financing amounts actually paid to the Member by 31/12 of year n-2 and the cumulative estimated amounts of co-financing, as defined in article 8.2, should not be applicable.
- (6) It is necessary to introduce a clear and consistent mechanism requiring the Members to declare, at Programme level, all affiliated entities participating in at least one Digital European Sky project, in order to ensure accurate calculation of financial contributions to SESAR 3 JU administrative costs, equitable treatment among members and compliance with Article 190 of the Financial regulation.

HAS DECIDED AS FOLLOWS:

Article 1

The text of Amendment 1 to the SESAR 3 JU Membership Agreement attached hereto as Annex I is approved.

Article 2

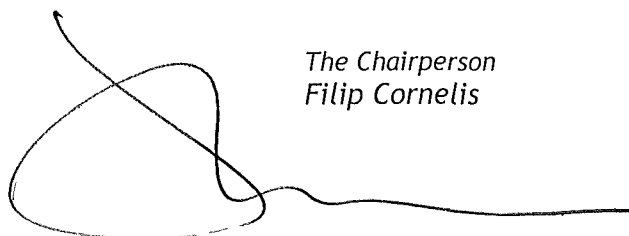
The Governing Board gives mandate to the Executive Director of the SESAR 3 JU to sign the related amendment forms.

Article 3

This decision shall enter into force on the day of its adoption.

Done in Brussels, 23 June 2025.

For the SESAR 3 JU Governing Board



*The Chairperson
Filip Cornelis*