

## Governing Board

### DECISION

GB(D)01-2021

Adopting the Financial Rules of the SESAR 3 Joint Undertaking

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

#### Having regard to:

- the Treaty on the Functioning of the European Union,
- Council Regulation (EU) 2021/2085 of 19 November 2021 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<sup>1</sup> (“Single Basic Act”) and in particular Recitals (30), Articles 16(2)(e) and 27 thereof;
- Having regard to Regulation (EU, Euratom) No 2018/10462 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (hereinafter “The Financial Regulation”);
- Having regard that the Commission adopted Commission Delegated Regulation (EU) 2019/887 of 13 March 2019 on the model financial regulation for public-private partnership bodies referred to in Article 71 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council;

#### Whereas:

- (1) Article 71 of the Financial Regulation provides for the adoption of a delegated act in accordance with Article 269 of that Regulation on a Model Financial Regulation for public private partnership (PPP) bodies which shall lay down the principles necessary to ensure sound financial management of Union funds and which shall be based on Article 154 of the Financial Regulation.
- (2) In order to ensure sound financial management of Union funds and to enable PPP bodies to adopt their own financial rules, the Commission adopted Delegated Regulation (EU) 2019/887 of 13 March 2019 on the model financial regulation for public-private partnership bodies referred to in Article 71 of Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council (hereinafter “the Delegated Regulation 2019/887” or “MFR”).
- (3) Article 1 of the Delegated Regulation 2019/887 and Article 27 of the Single Basic Act provide that SESAR 3 JU shall adopt its own financial rules, which may not depart from this Regulation except where its specific needs so require and with the Commission's prior consent in accordance with the fourth subparagraph of Article 71 of the Financial Regulation. SESAR 3

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<sup>1</sup> OJ L 427, 30.11.2021, p. 17

<sup>2</sup> OJ L 193, 30.7.2018, p. 1. 3 OJ L 142, 29.5.2019, p. 16. 4 C(2019)7980

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JU shall publish its financial rules on its website.

- (4) The Commission also clarified that adaptations of terminology such as changing “PPP body” in “SESAR 3 JU” shall not be construed as a departure from Delegated Regulation 2019/887.
- (5) In all circumstances, these Financial Rules shall be interpreted in the light of the Single Basic Act. In case of conflict between the provisions of these Financial Rules and the Single Basic Act, the latter shall prevail.

HAS DECIDED AS FOLLOWS:

### Article 1

To adopt the “Financial Rules of the SESAR 3 Joint Undertaking”, set forth in Annex I to this decision.

### Article 2

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

Done in Brussels, 14 December 2021.

For the SESAR 3 JU Governing Board



*The Chairperson*

Annex I: Financial Rules of the SESAR 3 Joint Undertaking