

SESAR Deployment Framework Partnership

INFORMATION NOTE

On the Internal Cooperation Agreement



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Control

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1. Background

Article 1.5 of the SESAR Deployment Framework Partnership Agreement (SESAR Deployment FPA) signed between the European Commission (EC) and the SESAR Deployment Alliance (SDA) on 5th December 2014 requires to conclude an Internal Cooperation Agreement (ICA) between the partners *“regarding their operation and coordination, including all internal aspects related to the management of the partners and the implementation of the action(s).”*

The ICA for the SESAR Deployment FPA is under finalisation and will soon be signed by the current coordinating partners, i.e. the members of the SDA.

However, in the context of the INEA CEF CALL 2014, several implementing stakeholders which are not partners of the SESAR Deployment FPA yet have joined the clusters approach led by the SESAR Deployment Manager (SDM) as partners in one or several of the five applications which are about to be submitted by 26th of February 2015.

Subject to the award of Specific Grant Agreements (SGA) by the EC as a result of these submissions, those implementing stakeholders which are not partner of the SESAR Deployment FPA yet, will be required to join the SESAR Deployment FPA as a prerequisite to any grant. Consequently, they will be required to sign also the ICA.

This note aims to provide the potential future partners of the SESAR Deployment FPA with an overview of the ICA before addressing three major aspects of the ICA: the consultation mechanism, the accession mechanism to the SDM and the FPA coordination fee.

2. ICA overview

The ICA sets out the provisions on the internal cooperation by and between the partners of the SESAR Deployment FPA, in order to establish the structures and mechanisms for the organisation and coordination of the SESAR Deployment FPA.

The ICA complies with the requirements in Regulation (EU) N°409/2013. It provides for transparent and non-discriminatory working and financial arrangements between the SDM as coordinator of the SESAR Deployment FPA and the implementing partners of this FPA.

The ICA addresses:

- The SDM structure and operation, including tasks, governance, risks management, reporting to EC, financing of the SDM, consultation and accession mechanisms;
- The working arrangements with the implementing partners, including the realisation of the Deployment Programme, the role of the SDM in the implementation projects, the financial relationships between the SDM and the

implementing partners and the services provided by SDM to the implementing partners;

- The usual general provisions for such agreement.

3. Consultation mechanism

The SDM will establish a Stakeholder's Consultation Platform ("SCP") for the purpose of consulting all the Operational Investors¹. The scope of the consultations will consist of (i) SDM's proposals for the Deployment Programme; and (ii) support to the European Commission initiative on Common Project revision/definition.

The purpose of the SCP is to seek stakeholders' opinion on SDM's proposals prior to their endorsement by SDM's Supervisory Board (SB) and their submission to the European Commission.

Stakeholders' opinions shall consist of a set of comprehensive recommendations adopted by the SCP and provided to the Managing Director for consideration. SDM's proposals could be amended so as to incorporate SCP's recommendations partially or totally. In any case, SCP's recommendations will be forwarded to the SB together with SDM's amended proposals so that the SB could assess the level of buy-in with the Operational Investors community prior to endorse or reject SDM's proposal.

The proposed SCP will avoid overlapping with the existing consultation processes established at policy level of the SESAR deployment governance for the actions related to the Pilot Common Project/new Common Projects adoptions/revisions.

4. Accession to FPA and to SDM

Stakeholder's accession to SESAR Deployment FPA is the automatic consequence of this stakeholders being awarded an SGA under SESAR Deployment FPA, subject to this stakeholder agreeing to sign the FPA and the ICA.

Any Operational Investor¹ in the FPA may then apply for accession to the SDM .

Candidates shall apply in writing to the Chair of the Supervisory Board of the SDM who shall inform the European Commission.

¹ **Operational Investors** means those operational stakeholders defined in Regulation (EU) N°409/2013 article 2.10 who invest their time and effort through co-funding in the execution of the Pilot Common Projects and future Common Projects;

The Supervisory Board shall consider any application for accession in an open and transparent way.

The Supervisory Board will accept applications from the implementing partners who can demonstrate the fulfilment of the following requirements:

1. commit to the Internal Cooperation Agreement for the full duration of the SESAR Deployment FPA;
2. they are Implementing Partners with a significant level of investment in the active or soon to be launched Implementation Projects that contribute to the implementation of the Common Projects;
3. they have in their own possession skills, knowledge and/or experience which add value to SDM and the management of the deployment of SESAR and that these skills, knowledge and/or experience are important and required by the SDM for the delivery of its tasks and that these skills, knowledge and/or experience complement and improve those already possessed by the SDM;
4. they are able and willing to provide these required skills, knowledge and/or experience with appropriate resources as a significant contribution to the tasks of the SDM and the management of the deployment of ATM functionalities;
5. they have experience in international multi-stakeholder implementation and coordination programmes; and
6. their accession to the SDM will continue to keep the size of SDM at a level that maintains and promotes effective and efficient operations.

The Chair of the Supervisory Board shall inform the European Commission on the result of the board evaluation of that application.

Upon decision by the Supervisory Board to approve the accession and agreement by the European Commission, an amendment to the FPA shall be signed to formalise accession of the new Coordinating Partner to SDM.

5. Payment of FPA Coordination Fee to SDM

The tasks set out in Article 9 of the Regulation (EU) N°409/2013 that are performed by the SDM shall be financed 100% by the European Commission, such funding being realised through the relevant SGAs for the specific CEF programme support actions.

To perform its tasks as SESAR Deployment FPA's Coordinator, the SDM will act as Action Coordinator within each SGA through an "FPA Coordination Work-package" that will be systematically inserted into the work breakdown structure of every SGA for Implementation Projects.

The FPA Coordination Work-package costs will be recovered at 100% as follows:

1. As it will be part of the relevant SGA, the FPA Coordination Work-package is directly eligible for up to 50% European Commission co-funding.
2. The remaining portion of co-funding is designated as the FPA Coordination Fee.
3. The FPA Coordination Fee will be levied upon the Implementing Partners in order to receive the additional funding required to cover the remaining FPA Coordination Work-package's cost.
4. This additional funding will be deducted from the grants to be received by the other partners in the Implementation Projects independently of the success, delay or failure of the project itself.
5. The FPA Coordination Fee shall be deducted by the SDM from the first payment received from INEA in relation to an Implementation Project.
6. The total cost of the FPA Coordination Work-package shall comprise 1% of the Maximum Grant Amount Implementing Partners will receive.

In addition, as the SDM cannot make any profit, the payment for FPA Coordination Fee remains based on the demonstration of actual costs by the SDM as for any other tasks by the SDM within SESAR Deployment FPA.