

## SHIFT2RAIL JOINT UNDERTAKING

### DECISION

N° SC 1/2015

THE SCIENTIFIC COMMITTEE OF THE SHIFT2RAIL JOINT UNDERTAKING,

Having regard to Council Regulation (EU) No 642/2014 of 16 June 2014 establishing the Shift2Rail Joint Undertaking (hereinafter "S2R Regulation), in particular Article 13 of the Statutes of the Shift2Rail Joint Undertaking set out in Annex I of the S2R Regulation;

Having regard to Article 13(7) of the Shift2Rail Statutes, stating that the Scientific Committee of the Shift2Rail Joint Undertaking (hereinafter the "SC") shall adopt its own rules of procedure;

Having regard to Article 13(4) of the Shift2Rail Statutes, setting the role and tasks of the Scientific Committee;

Having regard to the decision of the S2R Governing Board on the selection of the members of the Scientific Committee of the Shift2Rail Joint Undertaking (S2R Governing Board Decision no 4/2015) following the call for expression of interests to become members of the Scientific Committee;

In its ordinary meeting of 28 May 2015, has adopted the following decision:

#### Article 1

The rules of procedure of the Scientific Committee of the Shift2Rail Joint Undertaking annexed to this decision are hereby adopted.

Done at Brussels, 28 May 2015

The SC Chairperson



Article 1  
*Members of the Scientific Committee*

1. The Scientific Committee of the Shift2Rail Joint Undertaking (hereinafter SC), shall consist of no more than twelve members, reflecting a balanced representation of world-renowned scientists and engineers from academia, industry, SMEs, non-governmental organisations and regulatory bodies and having the necessary scientific competencies and expertise covering the technical domain of the S2R JU.
2. The members of the Scientific Committee have been appointed by S2R JU Governing Board according to the procedure set out in S2R Governing Board Decision no 4/2015.
3. The names and functions / posts of the SC members shall be published on the S2R website.
4. If a member decides to leave the Scientific Committee, the respective person shall notify the SC Chairperson, the S2R Executive Director and the Governing Board Chairperson in writing. The notice shall indicate the date on which the vacancy takes effect. In case of absence of such information in the notice, the effective date shall be the date on which the notice is received by the S2R JU.
5. When vacancies arise, the Governing Board of the S2R JU shall decide, acting on a proposal from the Executive Director of the S2R JU, on the name of the expert to invite to the Scientific Committee based on the reserve list and taking into consideration the initial nominations from ERRAC and the S2R States Representatives Group, the profiles and the complementarity of expertise of the candidates, as well as potential conflict of interests.
6. Members participate in the Scientific Committee in their individual capacity and commit themselves to discuss the questions put forward and provide advice in their relevant fields of expertise to the best of their ability and in the best interest of the S2R JU.
7. The SC members may not delegate another person to carry out the work or be replaced by any other person.

Article 2  
*Chairperson and Vice-Chair*

1. The Scientific Committee shall elect its Chairperson and Vice-Chair from among its members.
2. The Chairperson tasks consist of:
  - a. Chairing the meetings and moderating the discussions of the Scientific Committee;
  - b. Reviewing the agenda of each meeting drawn-up by the S2R JU Executive Director;
  - c. Reviewing the minutes of the meetings that are prepared by the S2R JU programme office, before they are approved by the committee;
  - d. Reporting and providing the consolidated advice of the Scientific Committee to the S2R JU Executive Director for the consideration of the Governing Board;



- e. Representing the Scientific Committee at external meetings and events;
  - f. The Chairperson of the Scientific Committee shall be invited, whenever issues falling within the tasks of the Committee are discussed, to attend meetings of the Governing Board as an observer and take part in its deliberations, but shall have no voting rights.
3. In cases where the Chairperson is unable to fulfil his/her functions, the Vice-Chair shall act in the Chairperson's stead.
  4. Candidates to the positions of Chairperson or Vice-Chair can put forward their candidacy themselves, or be proposed as candidates by other representatives. All candidacies, accepted by the candidates themselves, will be put to a vote among SC members.
  5. The Chairperson and Vice-Chair will be elected for a period of three years which may be renewed.
  6. Elections shall take place at the last meeting of the SC under the chairmanship of the outgoing Chairperson.
  7. If the office of the Chairperson or Vice-Chair falls vacant, the Vice-Chair or Chairperson, as appropriate, shall initiate no later than within three months, the procedure for electing a successor. The representative then elected shall serve as Chairperson or Vice-Chair for the remainder of his/her predecessor's term.
  8. In exceptional conditions, in the absence of both the Chairperson and Vice-Chair, the SC members shall select an interim Chairperson among those present at the meeting.
  9. Upon request from at least 50% of the SC members, a vote can be held on the removal of the Chairperson and/or the Vice-Chair from office. The Executive Director of the S2R JU shall chair this proceeding and organise the vote according to the procedures set in Article 8.

### Article 3 *Attendance at meetings*

1. The SC members should attend all meetings of the SC.
2. In addition to the SC members, the SC meeting shall be attended by:
  - The Executive Director of the S2R JU or his/her representative
  - The Chairperson of the S2R Governing Board or his/her representative
  - A limited number of the Commission staff and of the S2R JU ensuring the secretariat of the SC



3. The SC Chairperson, after consultation of the Executive Director of the S2R JU, may also invite a limited number of external participants, such as the members of the S2R Governing Board, of other S2R bodies or working groups, of the European Railway Agency, of the Transport Research Advisory Group, of the ERRAC Technology Platform or international scientific experts, to take part as observers in the deliberations of the Committee. These invitations shall be limited to duly justified cases, for instance if the presence of the above-mentioned participants is relevant to a specific item on the agenda.
4. However, the invited participants shall have no voting rights but they may be entitled to reimbursement of travel costs by the S2R JU only in duly justified cases and with the agreement of the Executive Director of the S2R JU.

#### Article 4 *Convening of meetings*

1. The SC shall hold its ordinary meetings at least twice a year.
2. The Chairperson shall convene the SC meeting with the support of the Executive Director of the S2R JU by sending a written notice (by means of a letter or e-mail), accompanied by the provisional agenda to each SC Member no later than twenty calendar days before each meeting.
3. Extraordinary meetings may be convened upon request to the Chairperson by the S2R Governing Board and with the agreement of the S2R Executive Director.
4. When an extraordinary meeting is requested, the Executive director of the S2R JU following consultation with the Chairperson shall convene the meeting by sending a written notice (by means of a letter or e-mail), accompanied by the provisional agenda and the relevant documents for decision-making within fifteen calendar days from the date of receipt of the request. In case of urgency, some documents may be forwarded to the SC Members and the relevant observers at a shorter notice, but not less than two working days.
5. The SC meetings may take place by audio conference, video conference or other means of communication with the exception of the meetings where the election or removal of a Chairperson or a Vice-Chair from office is discussed.
6. Meetings shall normally take place in Brussels at the seat of the S2R JU.

#### Article 5 *Agenda*

1. The provisional agenda for each meeting shall be drawn up by the S2R JU Executive Director in consultation with the Chairperson.
2. The agenda shall be adopted at the beginning of each meeting.



3. With the agreement of the Chairperson, urgent questions may be added to the agenda at any time during the meeting. However, decisions on items that were not included in the provisional agenda circulated to the SC Members shall be subject to a written procedure, unless otherwise decided at the meeting in duly justified cases. Items on the agenda may be deleted or carried over to a subsequent meeting.

## Article 6

### *Advice*

1. According to the Council Regulation (EU) No 642/2014 of 16 June 2014, Annex I, Article 13, the Scientific Committee shall carry out the following tasks:
  - a. advise on the scientific and technological priorities to be addressed in the annual work plans;
  - b. advise on the scientific and technological achievements described in the annual activity report;
  - c. suggest possible areas of advanced research that could be subject to further developments
  - d. suggest possible synergies with national and international research and innovation activities in the rail technical domain, in particular via the European Rail Research Advisory Council (ERRAC) Technology Platform, as well as with those in other domains, as identified in Article 2(k) of S2R Regulation.
2. Advice to the S2R JU is the result of the discussions within the Scientific Committee summarised in the minutes of the meeting.
3. The Scientific Committee shall provide consistent and consolidated advice to the S2R JU Executive Director for the consideration of the Governing Board in written form, in particular on the programme progress of the S2R and other strategic issues such as:
  - the global consistency of the Shift2Rail Initiative: schedule, critical milestones, interfaces, Interaction between the Innovation Programmes (IPs) and respectively with the cross cutting activities (CCA)
  - the status of the Innovation Programmes with respect to the targets and the other H2020 targets (for S2R)
  - the updates of all targets, following possible evolution in the technological scenarios
  - the innovative content of the Programmes and the situation of activities with respect to European and global state of the art
  - the overall socio-economic and environmental outcome of the S2R Initiative.

## Article 7

### *Quorum*

To ensure the quality of the discussion and the involvement of the SC members, 50% of the total number of SC members shall constitute the quorum necessary for the meeting to be valid.



Article 8  
*Voting*

1. Each member shall have one vote.
2. The SC members shall use their best efforts to achieve consensus. Failing consensus, the SC shall adopt its opinions by a two-third majority of the members present and voting. However, in the event that a consensus cannot be found, for whatever reason, individual members may request to have divergent views recorded.
3. The votes shall be cast by show of hands unless a secret ballot is requested by at least one third of voting members present. A secret ballot shall be used when electing or removing a Chairperson or a Vice-Chair from office.
4. Each opinion adopted by the SC as well as the record of votes (if applicable) shall be recorded in the minutes. Upon request by a SC member, a statement of his/her views may be entered in the minutes together with the final decision, opinion and/or recommendation adopted.

Article 9  
*Written procedure*

1. Between two SC meetings, decisions or opinions may be obtained by written procedure. The Executive Director of the S2R JU, following consultation with the Chairperson, shall send the proposal to all SC members, identifying a deadline for replies, which shall not be less than fifteen calendar days. In duly justified cases of urgency, a shorter deadline may be set, but not less than five calendar days. The tacit acceptance principle is applied after that period. The proposal shall be considered adopted if it receives the agreement (explicit or tacit) of at least two thirds of the SC members.
2. A proposal for an opinion to be taken by written procedure shall not be subject to amendments; it shall be approved or rejected in its entirety. If a proposal is rejected, it may be included in the agenda of the next SC meeting at the request of at least one third of the SC members.
3. The result of the written procedure shall be notified to the SC members from the Executive Director of the S2R JU no later than ten calendar days after the deadline for replies to the procedure.
4. In this case, the voting procedure mentioned above in Article 8 applies.

Article 10  
*Minutes*

1. Draft minutes of SC meetings, including an attendance list, shall be drawn up by a secretariat placed under the responsibility of the Executive Director of the S2R JU not later than fifteen calendar days after the meeting and shall be sent to the SC Chairperson for approval. Once approved by the Chairperson, the Executive Director of the S2R JU shall send the minutes to the SC not later than thirty calendar days after the meeting.





2. The SC members shall send their written comments to the Chairperson and the secretariat not later than fifteen calendar days after receipt of the draft minutes. The tacit acceptance principle is implied after that period.
3. The Executive Director of the S2R JU shall support the Chairperson to consolidate the minutes. Formal approval of the minutes shall take place at the following SC meeting.

## Article 11

### *Confidentiality and Conflict of interest*

1. Without prejudice to Article 339 of the Treaty on the Functioning of the European Union and Article 12 of these Rules members of the Scientific Committee are required not to divulge information given in the context of the work, unless it has been indicated that the information is public.
2. Members of the SC cannot be directly or indirectly employed by an organisation that is a member of the S2R JU. This criterion applies to Founding Members, Associated Members and their respective affiliated entities.
3. Members of the Scientific Committee, observers and experts shall sign confidentiality agreements and declaration confirming the absence of conflict of interest prior to their first attendance to Scientific Committee meetings. [Annex 1: Declaration of confidentiality and declaration confirming the absence of, or identifying the possible, conflict of interest for the S2R JU Scientific Committee members].
4. The declaration confirming the absence of conflict of interest shall be updated before subsequent attendances to Scientific Committee meetings, whenever relevant.
5. Members of the Scientific Committee must not seek or act in any way to take undue advantage of, or exercise undue influence on, the implementation of the S2R JU activities. Therefore, the members of the S2R JU Scientific Committee shall not be involved in any way in the evaluation or selection of individual proposals for funding under the S2R JU.
6. Members of the Scientific Committee must refrain from participating in the preparation of any proposals for calls launched by the S2R JU, or from taking part in the activities to be co-funded by the Joint Undertaking. This does not prevent the organisation that directly or indirectly employs the person from participating in the preparation of any proposals for calls launched by the S2R JU, or from taking part in the activities to be co-funded by the Joint Undertaking. Should any item on the agenda or any subject discussed in a given meeting of a Scientific Committee be of relevance for projects or proposals under the S2R JU that a member, or the organisation to which he/she belongs, has submitted or is likely to submit, the member should inform the S2R JU and the Scientific Committee of the situation at least ten calendar days before the meeting. He/she can be requested to abstain from the deliberations and/or leave the room for the discussion of the concerned item/subject.



7. Members of the Scientific Committee must inform the S2R JU of all interests, not explicitly stated above, which could be considered prejudicial to their independence.
8. During a meeting any attendee whose participation in the work of the Scientific Committee leads or may lead to a conflict of interest with regard to a particular agenda item shall without delay inform the Chairperson who shall without delay and before any discussion is initiated, decide on any specific measure in this respect in consultation with the Executive Director of the S2R JU.
9. Upon proposal by the Chairperson, the Scientific Committee may decide to examine such an item without the presence of the concerned attendee.
10. When a member of the Scientific Committee is in breach of the requirements set out above, he/she will be considered as no longer being in a position to remain a member of the group.
11. Without prejudice to Article 16 of the Regulation (EU) 642/2014, representatives and other participants at meetings of the Scientific Committee shall respect the confidential character of the discussions of the Scientific Committee.
12. The SC members and any other person attending a SC meeting shall respect the confidential character of these proceedings and shall protect any sensitive information, the disclosure of which could damage the interests of the S2R JU, its members and partners, and/or the participants in the activities of the S2R JU. The general rule is that all information received by the SC members should not be disseminated, unless authorised by the Executive Director and the SC Chairperson.
13. The decisions and minutes of the meetings of the SC shall be subject to the provisions of Article 15 "Confidentiality" of the S2R Regulation and the measures taken for its implementation.

## Article 12 *Transparency*

1. The Scientific Committee's work shall be subject to the provisions of Article 16 "Transparency" of the S2R JU Regulation and measures taken for its implementation.
2. The Rules of Procedure and its amendments shall be published on the website of the S2R Joint Undertaking.





Article 13  
*Reimbursement of travel and subsistence expenses*

1. The reimbursement of travel and subsistence expenses shall be done in accordance with the decision of the Executive Director of the S2R JU in line with the Commission Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity<sup>1</sup>.
2. In any assignment involving travel, only travel and subsistence expenses will be reimbursed. Travel expenses are reimbursed on the basis of actual expenditure and subsistence expenses are based on a flat rate per diem.
3. Except in the case of "*force majeure*", the reimbursement of travel and subsistence expenses will be strictly limited to one return travel per meeting from the point of origin and for the dates agreed in the appointment letter.

Article 14  
*Secretariat and administrative support*

1. The S2R JU Programme Office shall provide the Secretariat and the appropriate administrative support to enable the Scientific Committee to carry out its work. It shall assist the Scientific Committee in its operation through drafting and circulating agendas, meeting summaries and related documents. Where appropriate and requested, the Secretariat may collect and/or circulate information of potential interest to the Scientific Committee, in time for the next meeting.
2. All correspondence with the S2R JU Scientific Committee shall be addressed to the seat of the S2R Joint Undertaking.

Article 15  
*Amendment of the Rules of Procedure*

1. At the request of the SC Chairperson or the Executive Director of S2R JU, the SC may amend these Rules of Procedure following approval by decision of the SC.
2. Amendments to the Rules of Procedure are approved by at least two thirds of all members and shall enter into force on the day of their adoption by the SC.

Article 16  
*Entry into force*

1. These Rules of Procedure shall come into force upon the adoption by the Scientific Committee.
2. The Rules of Procedure cannot contradict the S2R JU Regulation and annexed Statutes.



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<sup>1</sup> Commission decision C (2007)5858 of 5 December 2007

## Annex 1

### **Confidentiality and declaration concerning the absence, or identifying the possible, conflict of interest of the S2R JU Scientific Committee Members**

The undersigned..... [Name],

..... [Function or Title].

Accepts to participate as a Member of the Shift2Rail Joint Undertaking Scientific Committee and hereby, undertakes during and after the course of his/her mandate:

1. To commit him/herself to strict confidentiality with regards to any and all oral or written information pertaining to the work of the Scientific Committee;
2. To declare promptly any conflict of interest that may arise from his/her participation in the Scientific Committee. If requested by the Scientific Committee, I will not participate in any discussion on the item, and leave the meeting room accordingly in case of conflict of interest.

I understand that the obligations of non-disclosure set forth above shall not extend to information which are or became publicly known or available through no fault of myself.

Made in Brussels, in two original copies, on .....

Signed .....

