

Shift2Rail Joint Undertaking (S2R JU)

12th FORMAL MEETING OF THE S2R JU GOVERNING BOARD

BRUSSELS, 25 October 2016, 10h00 – 13h15

White Atrium building,

Avenue de la Toison d'Or 56-60, B-1060 Brussels

PRESENT:

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| European Union, represented by the European Commission | Matthew BALDWIN, DG MOVE, Deputy Director General, Acting Director C | Chair (alternate) |
| | Clara de la TORRE, DG RTD, Director H | Co-Chair (alternate) |
| | Keir FITCH Head of Unit DG MOVE C.4 | Observer |
| | Antoine KEDZIERSKI, DG MOVE C.4 | Observer |
| | Judit SANDOR, DG MOVE C.4 | Observer |
| | William BIRD, DG RTD H.2 | Observer |
| ALSTOM | Sophie PERROCHEAU | Alternate Member |
| ANSALDO STS | Nadia MAZZINO | Alternate Member |
| AZD Praha | Michal PAVEL | Member |
| BOMBARDIER TRANSPORTATION | Philippe OGIER | Member |
| CAF | José GORTAZAR | Member |

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| DEUTSCHE BAHN | Ralf MARXEN | Member |
| EUROC | Jose Carlos CLEMENTE | Member |
| HACON | Rolf GOOßMANN | Member |
| INDRA | | |
| KNORR - BREMSE | Gert FREGIEN | Member |
| NETWORK RAIL (Industrial Spokesperson) | Andy DOHERTY | Member |
| SIEMENS | Jürgen SCHLACHT | Alternate Member |
| SIEMENS | Lars BERGMANN | Observer |
| SMARTDEMAIN | Henk SAMSON | Member |
| SMARTRACON | Juan MELENDEZ | Alternate Member |
| SNCF | Carol DENOST | Member |
| THALES | Yves PERREAL | Member |
| TRAFIKVERKET | Bo OLSSON | Member |
| VVAC+ | Martin ROSENBERGER | Member |
| European Railway Agency | Ny Tiana TOURNIER | Observer |
| Chairperson of the States' Representative Group | Miroslav HALTUF | Observer |
| Chairperson of the Scientific Committee | Sebastian STICHEL | Observer |
| S2R | Carlo M BORGHINI | Executive Director |

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| | Giorgio TRAVAINI, S2R JU Programme Coordinator | Observer |
| | Sebastien PECHBERTY, S2R JU Legal Officer | Observer |
| | Catherine CIECZKO , S2R Communication Officer | Observer |
| | Georgios PATRIS, S2R JU Programme Manager | Secretariat |

LIST OF DECISIONS:

The following decisions were taken by the Board:

1. **DECISION No 18 ON THE SHIFT2RAIL ORGANIZATION CHART**
2. **DECISION No 19 CONCERNING THE NOMINATION OF REPORTING OFFICERS FOR THE IMPLEMENTATION OF ARTICLE 14(3) OF THE CEOS (PROBATIONARY PERIOD OF THE EXECUTIVE DIRECTOR)**
3. **DECISION No 20 LAYING DOWN RULES ON THE SECONDMENT OF NATIONAL EXPERTS AND NATIONAL EXPERTS IN PROFESSIONAL TRAINING TO THE SHIFT2RAIL JOINT UNDERTAKING**
4. **DECISION No 21 LAYING DOWN RULES ON THE USE OF TRAINEES IN THE SHIFT2RAIL JOINT UNDERTAKING**
5. **DECISION No 22 ON GIVING DECENTRALIZED AGENCIES AND JOINT UNDERTAKINGS AN EX ANTE AGREEMENT REGARDING IMPLEMENTING RULES ON SETTING UP A STAFF COMMITTEE**
6. **DECISION No 23 ON GIVING AGENCIES AN EX ANTE AGREEMENT TO THE NON-APPLICATION OF THE COMMISSION DECISION ON THE MAXIMUM DURATION FOR THE RECOURSE TO NON-PERMANENT STAFF IN THE COMMISSION SERVICES**
7. **DECISION No 24 ON GIVING A MANDATE TO THE EXECUTIVE DIRECTOR TO REQUEST THE COMMISSION'S AGREEMENT TO THE NON-APPLICATION OF GENERAL IMPLEMENTING RULES OF THE STAFF REGULATIONS (Middle management staff, Function of adviser, Decisions on learning and development)**

OVERVIEW OF DISCUSSIONS:

INTRODUCTION

The Chair of the Governing Board welcomed the participants to the twelfth meeting of the Governing Board of the S2R JU. After briefly introducing himself he invited the Governing Board members to take a moment of silence in memory of Manuel Pereira, former Chairperson of the Scientific Committee, who passed away on 25 July 2016.

In his introductory speech the Chair focused on the long term objectives of S2R and highlighted the fact that efforts should be focused on delivering concrete results with significant added value. This is important for the activities of the JU but also in view of the interim evaluations of H2020 and of each JU individually.

The Chair presented the key points of the agenda and particularly noted the importance of the decision concerning the approval of the draft Annual Work Plan 2017, which is essential for the regular cycle of activities of the JU.

1. ADOPTION OF THE AGENDA

The final agenda, as indicated below, was approved by the Board. The Chair noted that the item concerning the 2nd call for Associated Members would be an item for discussion and that under the AoB the Commission would give a presentation concerning the interim evaluation of the S2R JU.

All participants signed a declaration of absence conflict of interest and of confidentiality.

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| 1. WELCOME FROM THE CHAIR AND ADOPTION OF THE AGENDA - Declarations of conflict of interest based on the Agenda items (the forms will be available in the meeting room) - Update on the organizational changes in DG MOVE | 10:00 |
| 2. REPORT OF THE EXECUTIVE DIRECTOR ON S2R JU ACTIVITIES | |
| ITEMS FOR DECISION OF THE GOVERNING BOARD | |
| 3. DECISION ON THE ADOPTION OF THE S2R JU ANNUAL WORK PLAN 2017 | 10:30 |
| 4. DECISION CONCERNING THE NOMINATION OF REPORTING OFFICERS FOR THE IMPLEMENTATION OF ARTICLE 14(3) OF THE CEOS (PROBATIONARY PERIOD OF THE EXECUTIVE DIRECTOR) | 11:00 |
| 5. DECISION LAYING DOWN RULES ON THE SECONDMENT OF NATIONAL EXPERTS AND NATIONAL EXPERTS IN PROFESSIONAL TRAINING TO THE SHIFT2RAIL JOINT UNDERTAKING | |
| 6. DECISION LAYING DOWN RULES ON THE USE OF TRAINEES IN THE SHIFT2RAIL | |

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| JOINT UNDERTAKING | |
| 7. DECISION ON GIVING DECENTRALIZED AGENCIES AND JOINT UNDERTAKINGS AN EX ANTE AGREEMENT REGARDING IMPLEMENTING RULES ON SETTING UP A STAFF COMMITTEE | |
| 8. DECISION ON GIVING AGENCIES AN EX ANTE AGREEMENT TO THE NON-APPLICATION OF THE COMMISSION DECISION ON THE MAXIMUM DURATION FOR THE RECOURSE TO NON-PERMANENT STAFF IN THE COMMISSION SERVICES | |
| 9. DECISION ON GIVING A MANDATE TO THE EXECUTIVE DIRECTOR TO REQUEST THE COMMISSION'S AGREEMENT TO THE NON-APPLICATION OF GENERAL IMPLEMENTING RULES OF THE STAFF REGULATIONS (Middle management staff, Function of adviser, Decisions on learning and development) | |
| 10. SHIFT2RAIL ORGANIZATION CHART | 11:10 |
| ITEMS FOR DISCUSSION OF THE GOVERNING BOARD | |
| 11. 2 ND CALL FOR ASSOCIATED MEMBERS: PRESENTATION OF THE CONSULTATION WORK BY THE EXECUTVE DIRECTOR AND DISCUSSION ON THE WAY FORWARD | 11:40 |
| 12. UPDATE ON THE MAAP TIGER TEAM WORK | 12:00 |
| 13. REPRESENTATION IN THE GB OF ASSOCIATED MEMBERS: PROPOSAL FOR DISCUSSION | 12:15 |
| 14. LIGHTHOUSE PROJECTS: STATUS | 12:30 |
| 15. S2R JU COMMUNICATION STRATEGY | 12:45 |
| 16. GOVERNING BOARD ACTION LIST: UPDATE ON THE OPEN ITEMS | 13:00 |
| ANY OTHER BUSINESS | |
| 17. AOB <ul style="list-style-type: none"> ▪ INDICATIVE LIST OF DOCUMENTS TO BE ADOPTED BY WRITTEN PROCEDURE OR AT THE NEXT BOARD MEETING ▪ DATE(S) OF THE NEXT MEETING(S) | 13:15 |

2. REPORT OF THE EXECUTIVE DIRECTOR ON S2R JU ACTIVITIES

The Executive Director presented the state of play of the main activities of the JU as well as an indicative calendar covering the period till summer 2017 (please refer to the presentation attached). He particularly referred to the fact that all projects for Members have started activities on 1 September 2016 and all projects stemming from the open calls are expected to have started on 1 November 2016 (some of them already started on 1 October 2016). He particularly referred to the work of the System Integration Working Group to ensure coordination between the activities of each IP and that the cross-

cutting themes are properly mainstreamed across all IPs, as well as of the “Tiger Team” in updating the MAAP, also by including the future perspective and vision of the S2R activities.

The Industrial Spokesperson in the S2R JU Governing Board welcomed the progress achieved so far and expressed his support to the future initiatives, as planned. He highlighted the fact that proper organisation of timing is necessary for the industrial partners to plan their activities and the availability of their staff.

The Governing Board took note of the information provided and thanked the S2r Staff and the Executive Director for their efforts.

3. DECISION ON THE ADOPTION OF THE S2R JU ANNUAL WORK PLAN 2017

The Executive Director recalled that a preliminary draft of the Annual Work Plan 2017 (AWP2017) was prepared in January 2016 and discussed with the State Representatives Group (SRG) and Scientific Committee (SC); an updated version was made available at the end of in July 2016 which was commented by the SRG, SC, ERA and further discussed with the IP Coordinators; at the end of September, the draft AWP 2017 was submitted to the Governing Board officially and updated on 18 October to include the comments received from the SC, ERA and some IP Coordinators, while a final draft was submitted on 24 October including also the comments of the European Commission.

Given the short time available for the Members to review the final version of the text, the Executive Director proposed and all Members agreed to allow adequate time for revision of the text until the 4th of November and then to launch a written procedure with a short reply deadline of no more than two working days (from 7 to 9 November), in accordance with Rules of Procedures.

4. DECISIONS ON IMPLEMENTING RULES ON HR ASPECTS (AGENDA ITEMS 4 - 9)

The agenda items nr 4 – 9 where discussed simultaneously. The agenda Item nr 4 was discussed without the presence of the Executive Director.

The Chair explained that the set of rules for adoption by the Board reflect the fact that S2R JU’s staff members are subject to the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Union and, in general, apply all the same rules by analogy.

The Executive Director referred to the possibilities offered to the JU to make use of Seconded National Experts (SNEs) and trainees as additional ways of deploying human resources for the adequate performance of the S2R tasks. He particularly noted that SNEs need to be employees of Member States’ administration at large, in accordance with the rules.

Decision

The Governing Board adopted the corresponding decisions on the above mentioned subjects.

The Industrial Spokesperson asked to be noted that the Members other than the Union do not have the expertise on the rules and procedures of the EU staff regulations and accept the expert advice and the confirmation of the Commission and the JU officers that these procedures are the standard procedures followed by other JUs as well.

10. SHIFT2RAIL ORGANIZATION CHART

The Executive Director presented the proposed Organisation Chart of the S2R JU (please refer to the presentation attached) highlighting the fact that the proposed structure is focusing on the core business operations of the JU, allowing for the outsourcing of the rest of the activities in particular by making use of Commission and H2020 systems and processes for achieving economies of scale and efficient use of resources. He also noted that four of the positions proposed are conditionally subject to the adoption of the EU budget for 2017.

On questions raised by the Industrial Spokesperson, the Executive Director confirmed that the proposed structure can be accommodated into the S2R budget and that it guarantees the smooth operation and management of the JU's activities.

In reply to a question raised by Commission, the Executive Director explained that the proposed structure includes five positions of Temporary Agents and 16 positions of Contract Agents, in compliance with the applicable requirements (25% temporary staff - 75% contract staff). This will result into an additional position of temporary staff, the allocation of which has not been decided yet.

Decision

The Governing Board approved the organisation Chart proposed by the Executive Director.

11. 2ND CALL FOR ASSOCIATED MEMBERS: PRESENTATION OF THE CONSULTATION WORK BY THE EXECUTVE DIRECTOR AND DISCUSSION ON THE WAY FORWARD

The Executive Director recalled that in June 2016 the Governing Board mandated him to explore the various options for a possible 2nd call for Associated Members, as foreseen in the decision of the first call and in line with the S2R Regulation. In this context the Executive Director consulted with all JU members in order to explore their views and also to identify specific areas where further expertise may be enhanced in the course of the JU's activities (e.g. cyber-security, urban operators, IP2, IP4). Moreover, a review of the procedure, which was followed in the first call for Associated Members allowed for an estimation of the time that would be needed for a second, similar call (please refer to the presentation attached).

Following the presentation of the Executive Director and the discussions that took place among the Members, the Board concluded that no decision could be taken at this point. It was agreed that the legal aspects of the different proposals of the Executive Director needed further analysis within the European Commission services and that a consultation process with the Governing Board should take place before a formal draft decision would be submitted by written procedure. The next Systems Integration Working Group, on 14 and 15 December would be a possible occasion for further discussion before the written procedure if such need would arise.

12. UPDATE ON THE MAAP TIGER TEAM WORK

The Executive Director provided an overview of the work carried out so far (please refer to the presentation attached) noting that the work is in progress and further input from the Members and the advisory bodies will be necessary. The aim is to create a vision document for the future, even beyond the time horizon of the current S2R Programme.

The Commission highlighted the importance of the exercise, which should address both mid-term and longer term research needs (beyond 2020), and the need to identify the concrete expected achievements of the programme. In this sense the deep involvement of the S2R members is of major importance.

The Industrial Spokesperson noted that also the input of other bodies is important and specifically referred to the work being done in the context of ERRAC and in the Commission's Transport Programme Committee, where the representation of the railway sector should be enhanced.

The Board took note of the progress made.

13. REPRESENTATION IN THE GB OF ASSOCIATED MEMBERS: PROPOSAL FOR DISCUSSION

The Executive Director reiterated that the provisions of the Regulation concerning the number of the Governing Board members do not allow for all JU Members to simultaneously be members of the Board and he recalled previous discussions concerning the need for the participation in the Board of all JU Members. The Executive Director explained that a rotation of the Associated Members would not be an efficient solution and proposed that the JU Members, who are currently not represented in the Board, could be invited in all meeting as observers. This would ensure the necessary transparency and flow of information without creating complicated structures and additional administration.

The Members agreed with the proposed approach.

The Chair noted that there is an agreement on the issue and invited the Executive Director to table a formal decision of the Board in this respect.

14. LIGHTHOUSE PROJECTS: STATUS

The Commission highlighted that the four rail projects which have been launched under the 2014 work plan of Horizon 2020 have always been considered as part of S2R initiative and that their possible transfer to the JU is currently being considered. However, this process includes a number of technicalities to ensure administrative continuity (legal and financial issues) and reduce the administrative burden. Based on the result of this internal analysis, the Commission will discuss a possible way forward with the Joint Undertaking. The Commission clearly indicated that even if a transfer of management could not formally take place, the projects shall remain under the S2R initiative and the Commission will establish the necessary arrangements to ensure the most adequate involvement of the Joint Undertaking.

The Industrial Spokesperson noted that the lighthouse projects belong to S2R as important part of the whole system delivery.

The Chair noted the shared objective on this matter and that it is an internal issue for the Commission to handle.

15. S2R JU COMMUNICATION STRATEGY

The Executive Director explained that the background objective concerning communication and dissemination is to make S2R the communication platform for all projects and activities in order to maximise the efficiency and impact of the communication initiatives. There is ongoing work in this respect aiming to raise the profile of S2R as a whole but also of each IP individually and that the Board will soon receive a document outlining the strategy as further input is expected from the members (DB) and a communication has officer has been recruited to be in charge of the process. The JU briefly presented some first results on the impact of the first communication initiatives on (social) media (please refer to the presentation attached).

The Chair noted the very successful presentation of S2R at Innotrans and the excellent cooperation with EUAR in this respect.

16. GOVERNING BOARD ACTION LIST: UPDATE ON THE OPEN ITEMS

The Executive Director noted that all points of action from the previous meeting have been addressed, with the exception of the “*Legal Analysis on Conflict of Interest between the role of Project Coordinator and GB Member*”, which requires further elaboration and will be presented in the next meeting of the Board.

17.AOB

The Commission presented the main aspects of the interim evaluation of the S2R JU, focusing on its main elements (openness, transparency, efficiency, added-value, etc) and the foreseen timeline (from November 2017 till January 2018 - please refer to the presentation attached).

INDICATIVE LISTS OF DOCUMENTS TO BE ADOPTED AT THE NEXT BOARD MEETING OR BY WRITTEN PROCEDURE

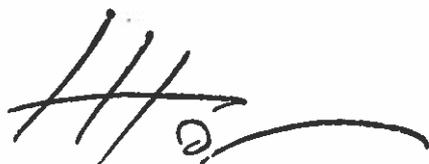
- draft Annual Work Plan 2017 (written procedure)
- Annual Activity Report (next meeting)

NEXT MEETINGS

The next meetings of the Governing Board are scheduled on:

- 28 March 2017
- 7 June 2017
- 25 October 2017.

Signed:



Henrik HOLELEI

Chairman of the Governing Board

Done in Brussels, 16 December 2016

Annex 1- List of Actions

| Action | Responsible | Deadline/status |
|--|--------------------|---|
| Decision on the participation of observers in the GB | S2R | Informal consultation of the GB and Written Procedure |
| Communication strategy | S2R | By the next GB meeting of March 2017 |
| Legal Analysis on Conflict of Interest between the role of Project Coordinator and GB Member | S2R ED | By the next GB meeting of March 2017 |