



## DECISION OF THE GOVERNING BOARD

**Outcome of the Invitation to S2R JU Associated Members to submit an answer in view of the realignment of their activities and additional commitment to the S2R Programme**

**N° 09/2018**

THE GOVERNING BOARD OF THE SHIFT2RAIL JOINT UNDERTAKING (hereinafter “S2R JU”),

Having regard to Council Regulation (EU) No 642/2014 of 16 June 2014 establishing the S2R JU<sup>1</sup> and in particular Articles 3 and 4 of the Statutes annexed thereof,

Having regard to the European Commission Decision C(2015) 8674 of 8 December 2015 on the selection of associated members of the S2R JU, and in particular article 1,

Having regard to the Decision 02/2017 of the Governing Board of 7 June 2017 amending the Annual Work Plan 2017 to include the “Invitation to S2R JU Associated Members to submit an answer in view of the realignment of their activities and additional commitment to the S2R Programme”,

Having regard the Decision of the S2R JU Executive Director ED-17-15 of 20 June 2017 on the adoption of the procedure for the assessment of the answers to the Associated Members to the Invitation, and in particular the “Procedure to establish the recommendation of the Executive Director to the Governing Board for the approval of the amendments to the relevant Membership Agreements as well as the final decision” annexed thereof,

Having regard the Report of the S2R JU Executive Director on the Invitation to the Associated Members of 20 June 2017 (ref. S2R.17.AM), sent to the Governing Board on 19 March 2108, with the exclusion of those S2R JU Members considered in Conflict of Interest,

WHEREAS:

- (1) In addition to its 9 Founding Members, the S2R JU has 19 Associated Members selected through an open, competitive and transparent procedure, launched and managed by the European Commission in accordance with Article 4(2) of the Statutes of the S2R Regulation. The Commission adopted its final decision on the selected S2R JU Associated Members on 8 December 2015.

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<sup>1</sup> OJ L 177, 17.06.2014, p.9.

- (2) As a result of the aforementioned call and the relevant negotiations, the selected Associated Members' net contribution to S2R activities amounts to EUR 144.1 million against the minimum requirement of Article 4(2)a of the S2R Regulation of EUR 150 million. A similar gap appears in terms of the co-funding to be allocated by the S2R JU to the Associated Members. In accordance with Article 17(1)(b) of the S2R Statutes, as further agreed within the Governing Board on 7 June 2017, "*up to 30 % [of the Union contribution] shall be allocated to associated members and their affiliated entities*". Out of EUR 131.0 million, a remaining amount of EUR 5.6 million remains to be allocated.
- (3) By the deadline indicated in the Invitation above mentioned, twelve (12) Associated Members submitted an answer to the Invitation. In accordance with the Invitation, the S2R JU Executive Director held individual negotiations with each concerned Associated Member. The recommendations were discussed with a Committee consisting of representatives of the Founding Members (Union and Other Members), the States Representatives Group, the Scientific Committee and the European Agency for Railway.
- (4) On 7 March 2017, the S2R JU Executive Director submitted to the Committee a revised version of the report for their consideration, for which no objections were received from the Committee by the deadline of 9 March.
- (5) The specific recommendations proposed by the S2R JU Executive Director per each of the Associated Members and the impact in the overall Programme are detailed in the Report of the S2R JU Executive Director of 7 March 2018 (Annex 1).
- (6) Pursuant to the Invitation above mentioned, after the finalisation of the selection and negotiation process, the amended Membership Agreements shall be submitted by the Executive Director to the S2R JU Governing Board for approval and adoption of the final decision. The decision of the Governing Board shall be notified to the Members. The selection of the activities to the Associated Members will be formalised through the signature of amendments of the individual Membership Agreements with the S2R JU.

HAS DECIDED AS FOLLOWS:

*Article 1*

The Governing Board of S2R JU approves the Report of the S2R JU Executive Director of 7 March 2018 to the Governing Board on the Invitation to the Associated Members of 20 June 2017 (ref. S2R.17.AM) herein enclosed.

*Article 2*

The Governing Board of S2R JU empowers the S2R JU Executive Director to open negotiations with the relevant S2R JU Associated Members to define an updated plan reflected in their Membership Agreement by way of an amendment. The amended Membership Agreements

shall be submitted by the Executive Director to the S2R JU Governing Board for approval and adoption of the final decision.

*Article 3*

This Decision shall take effect on the day following that of its adoption.

Done at Brussels, on

For the Governing Board,

A handwritten signature in black ink, consisting of several bold, sweeping strokes. The signature is positioned above the printed name and title.

*Henrik HOLOLEI*  
*The Chairperson*

Annex 1. Report of the S2R JU Executive Director of 7 March 2018 to the Governing Board on the Invitation to the Associated Members of 20 June 2017 (ref. S2R.17.AM)