



EU-Rail Anti-Fraud Strategy 2017-2021 (Extended until 30 June 2022)

ACTION PLAN- Second Bi-annual Review 2021 (BA2), including progress and proposals for improvement

This action plan was designed to implement the Anti-Fraud Strategy of the Europe's Rail Joint Undertaking (EU-Rail)¹, firstly adopted in November 2017. The action plan, subject to regular bi-annual reviews, is also a means for ongoing inclusion of new anti-fraud actions and measures, and for amending the existing ones, as deemed necessary to accommodate changes in the JU's fraud risk situation, as well as amendments in the higher-level anti-fraud policies. These policies include the current European Commission Common Anti-Fraud Strategy (CAFS)² last time amended in 2019, the Common Anti-Fraud Strategy in the Research Family (RAFS), and the Anti-Fraud Strategy with the related Action Plan of DG MOVE, being the parent DG for EU-Rail. The target dates are geared to the level of priority. When implementing the actions, apart from taking advantage from synergies through coordinating with other Union institutions and bodies, EU-Rail also makes as much as possible use of cooperation with other Joint Undertakings.

The actions aim at covering, to a reasonably applicable extent, all stages of the anti-fraud cycle³: prevention, detection, investigation, and corrective measures.

¹ In accordance with Council Regulation (EU) 2021/2085 ("the Single Basic Act" or the "SBA") the Europe's Rail Joint Undertaking (EU-Rail) is the legal and universal successor of the former Shift2Rail Joint Undertaking (S2R JU), which it replaced and succeeded. The EU-Rail Executive Director has approved the decisions adopted under the former S2R JU that will continue to apply to the EU-Rail, which included, inter-alia, the Anti-Fraud Strategy. Therefore, references in the Anti-Fraud Strategy and in the Action Plan to S2R JU shall be construed as references to EU-Rail.

² https://ec.europa.eu/anti-fraud/policy/preventing-fraud/european-commission-anti-fraud-strategy_en

³ The same stages as identified in the current CAFS.



Given the specific circumstances, in particular the transition from the S2R JU to EU-Rail, and the start of a new rail research and innovation partnership under Horizon Europe for the period 2021 – 2031, the existing JU’s Anti-Fraud Strategy was extended until 30 June 2022⁴. By that time, it is foreseen to draft and adopt a new Anti-Fraud Strategy in the context of the back-office arrangements in accordance with Article 13.1(g) of the SBA.

The current EU-Rail Anti-Fraud Strategy and the related action plan should be seen in conjunction with the current EU-Rail Internal Control Framework adopted in 2020 and the latest risk assessment performed by the JU in Q4 2021, as well as it should be perceived in the context of the RAFS, and the DG MOVE Anti-Fraud Strategies.

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
1. Maintain a culture of integrity and build capacities through training and guidance for EU-Rail staff	Ensure an ethical and anti-fraud ‘tone at the top’: ensure management regularly conveys messages on ethics and fraud prevention to staff.	EU-Rail ED and Management	Constant monitoring – regular communication in weekly team meetings.	Number of messages conveyed by management to staff on ethics and fraud prevention.	The ED stressed in several staff meetings the importance of compliance to the highest standards in ethics and fraud prevention in all JU’s activities. In the staff meeting of 12 November 2021, the ED gave floor to the ICC to present the most relevant aspects related to ethics and anti-fraud. In this

⁴ <https://shift2rail.org/about-europes-rail/europes-rail-reference-documents/functioning-of-the-europes-rail-ju/>

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
					occasion, staff were notified of a reference sheet stored in the shared drive containing comprehensive information and links to documents and data sources covering the above-mentioned topics.
	After a fraud case is closed, set up a debriefing with EU-Rail staff on best practices concerning prevention, detection, and recovery.	EU-Rail ED and Management	Ad hoc, when required	Number of debriefing sessions with EU-Rail staff on best practices after a fraud case is closed.	No case occurred in the reporting period.
	Continue to raise awareness and systematic focus on ethics at governance bodies of the EU-Rail.	EU-Rail ED and Management	Ad hoc, when required	Number of ethics awareness raising actions targeted at the governance bodies of the EU-Rail.	After EU-Rail becoming operational, in the first meeting of the new Governing Board (GB), the Rules of Procedure of the GB were adopted. This was also a good opportunity to remind its members of their obligations to comply with ethics-related requirements, especially with regard to the conflict of interest or the conduct of the GB members in

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
					general (the adopted Rules of Procedure include provisions on these aspects as well as they provide templates for declarations of interests). The collected annual declarations of interests of GB members were published by the JU in its official website.
	Implement indicators regarding fraud into Annual Activity reporting.	EU-Rail ED and Management	Each year once when applicable, Q2	Indicators mentioned in the AAR.	The S2R JU consolidated 2020 AAR adopted in Q2 2021 includes reporting on anti-fraud implementation and indicators (chapter 4.7). The EU-Rail 2021 AAR was not yet drafted and adopted at the time of compiling of this action plan review. Information on anti-fraud implementation and the related indicators will be part of the EU-Rail 2021 AAR.
	Include links to OLAF homepage and anti-fraud documentation on	HoAF	Ad hoc, when required	Publication of the links on the EU-Rail website.	Links to OLAF homepage as well as to the 2019 EC Common Anti-Fraud

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
	EU-Rail website under the tab "functioning of the JU".				Strategy are published on the EU-Rail Website. The current Bi-annual Review of the action plan will be published on the EU-Rail website as soon as it is adopted.
	Conduct a yearly annual staff survey to assess staff awareness on ethics and fraud.	HR/ICC	2021	Staff survey conducted and results processed.	A broader staff survey was launched in December 2021 for the purposes of the internal control framework assessment which included questions on awareness of staff about the risks of fraud and on the JU's harassment prevention policy. The survey will be closed, and its results evaluated, in Q1 2022.
	Carry out fraud risk assessment as part of the annual risk assessment exercise.	ICC	Q4 2021	Fraud risks defined and reflected in the risk register as appropriate.	The 2021 risk assessment exercise was performed in Q4 and included assessment of fraud risks. The results of the assessment were reflected in the updated risk register of the JU.

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
	<p>Training Provide a training session to all EU-Rail staff on fraud prevention.</p>	ICC	2021	Number of staff members that attended the EU-Rail training on fraud prevention.	<p>In the staff meeting of 12 November 2021, the ICC held a presentation on ethics and anti-fraud. In this presentation, staff were notified of a reference sheet stored in the shared drive containing information and links to various documents and data sources. This reference sheet covers areas such as general information on fraud, fraud indicators (red flags), ethics and integrity, whistleblowing, and potential penalties/measures in case of misconduct, irregularities, and fraud. Within the presentation, the ICC stressed some of the elements included in the reference sheet (red flags, declaring of conflict of interests, whistleblowing,</p>

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
					<p>possibilities of online learning courses via EU Learn portal) and encouraged all staff members to follow the information sources from the reference sheet on an individual basis. A training for all staff members also covering the topic of fraud prevention is foreseen for Q2 2022.</p>
	<p>Training on fraud awareness/red flags throughout the project lifecycle.</p>	<p>ICC</p>	<p>2021</p>	<p>Number of staff members that participate in training.</p>	<p>In the staff meeting of 12 November 2021, the ICC held a presentation on ethics and anti-fraud. In this presentation, staff were notified of a reference sheet stored in the shared drive containing information and links to various documents and data sources. This reference sheet covers areas such as general information on fraud, <u>fraud indicators (red flags)</u>, ethics and integrity,</p>

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
					<p>whistleblowing, and potential penalties/measures in case of misconduct, irregularities, and fraud. Within the presentation, the ICC stressed some of the elements included in the reference sheet (red flags, declaring of conflict of interests, whistleblowing, possibilities of online learning courses via EU Learn portal) and encouraged all staff members to follow the information sources from the reference sheet on an individual basis. A training for all staff members also covering the topic of fraud awareness/red flags throughout the project lifecycle is foreseen for Q2 2022.</p>

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
	Provide training on ethics and integrity.	HR/ICC	2021	Number of staff members that attended the EU-Rail training on ethics and integrity.	Participation in an online course “Ethics principles at the European Commission” provided via the EU Learn portal is mandatory for every newcomer to the JU within the probationary period. In the staff meeting of 12 November 2021, the ICC held a presentation also covering ethics-related aspects (see the previous items of this table for more information about the presentation and the related reference sheet). A training for all staff members also covering the topic of ethics and integrity is foreseen for Q2 2022.
	HR issues: - Whistleblowing - Anti-harassment	HR/HoAF/ICC	2021	Number of staff members or managers that attended trainings or information sessions. Number of messages conveyed to staff on	In the staff meeting of 12 November 2021, the ICC held a presentation also covering ethics-related aspects (see the previous items of this table for more information about the

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
				whistleblowing and anti-harassment.	<p>presentation and the related reference sheet). Guidance for whistleblowing is available to staff members via the respective GB Decision (no. 20/2018).</p> <p>As a complement, a printout of EC materials on psychological and sexual harassment, such as the brochure "Working in a respectful environment", is available to all staff members in the JU premises (in the lobby). Contact information of Confidential Counsellors for cases of harassment is displayed in the JU premises.</p> <p>As part of a staff survey launched in December 2021 for the purposes of the internal control framework assessment, feedback was gathered also regarding the</p>

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
					awareness of staff of the JU's harassment prevention policy. After the survey is closed in Q1 2022, the feedback will be evaluated and, potentially, a staff training with this topic will be planned, if deemed necessary.
	<p>Guidance Communicate practical guidance to EU-Rail staff on red flags, whistleblowing, how to react and how to report fraud and ensure this guidance is easily accessible (Availability of prospects in lobby, welcome pack and shared on the EU-Rail website and by e-mail).</p>	HoAF and Management	After relevant changes occur in the subject matter. Reminders to be communicated regularly.	Presence of practical guidance for EU-Rail staff on red flags, how to react when they come across a potential case, how to report fraud and on possible administrative and financial sanctions. Number of staff participating in OLAF & DP Workshops.	In the staff meeting of 12 November 2021, the ICC held a presentation on ethics and anti-fraud. In this presentation, staff were notified of a reference sheet stored in the shared drive containing information and links to various documents and data sources.
	Provide concise guidance to EU-Rail staff on possible administrative and financial penalties that can be taken in cases of misconduct, irregularities, and fraud.				This reference sheet covers areas such as general information on fraud, <u>fraud indicators (red flags)</u> , ethics and integrity, <u>whistleblowing</u> , and <u>potential penalties/measures</u> in case

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
					<p>of misconduct, irregularities, and fraud. Within the presentation, the ICC invited all staff members to follow the information sources from the reference sheet on an individual basis.</p> <p>As a complement, a printout of OLAF materials on fraud prevention, such as the “Compendium of Anonymised Cases”, is available to all staff members in the JU premises (in the lobby). A training for all staff members also covering the topic of whistleblowing and penalties applicable in case of misconduct or fraud is foreseen for Q2 2022.</p>
<p>2. Ensure a high level of reactivity</p>	<p><i>Prevention/Detection /Investigation/Corrective measures</i> Appoint a ‘person of confidence’ competent and available to guide</p>	<p>EU-Rail ED and Management</p>	<p>2018</p>	<p>ED Decision on nomination of contact person with OLAF.</p>	<p>Action completed in Q2 2018 – EU-Rail Chief Legal Officer was appointed as “person of confidence”.</p>

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
	EU-Rail staff in the area of fraud (and advertise this).				
	Ensure swift transmission of key information to OLAF and full cooperation during a possible investigation and make sure that precautionary, protective and recovery measures are initiated as soon as possible.	EU-Rail ED and Management	Ad hoc, when required	Time elapsed between OLAF requests for information and date when information is provided to OLAF	No case occurred in the reporting period.
	New EC Anti-Fraud Strategy (CAFS) was adopted in April 2019 and a revised common anti-fraud strategy and action plan in the Research Family (RAFS) in March 2019. DG MOVE Anti-Fraud Strategy 2020 and Anti-Fraud Action Plan for 2020-2021 adopted in October 2020.	HoAF, ICC and Chief Legal Officer	2021	Implementation in EU-Rail action plan elements from new CAFS, R&I and DG MOVE Action Plans. Revision of the EU-Rail Anti-Fraud Strategy, if needed.	It was assessed that the current action plan overall covers the anti-fraud elements promoted by CAFS, RAFS and DG MOVE. New EU-Rail Anti-Fraud Strategy will be drawn up and adopted by the end of Q2 2022. It will take into account new anti-fraud elements applicable to the Horizon Europe Programme that are included in the relevant documents at EC-, DG MOVE-, and Research Family-level as well as the implementation of the back-office arrangements

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
					in accordance with Article 13.1(g) of the SBA.
3. Prevent data leakage	Ensure awareness of EU-Rail staff on management and access of restricted, sensitive, and personal data.	Data Protection Officer	2021	Number of awareness raising actions regarding access to data and organisation of DP Workshop with EDPS and internally, as well as adoption of DP-related recommended processes and procedures.	<p>The EU-Rail DPO continued to ensure updates of the EU-Rail central data protection register (https://shift2rail.org/dpre-gister/) and the data protection privacy notices, some of which have been updated in the context of the migration to the Office 365.</p> <p>In the context of the migration to Office 365 (Office Exchange, Teams, OneDrive and SharePoint), several data protection trainings (e.g. sensitive files) have been organised in Q3 and Q4. In addition, a general data protection training was held in Q4. All relevant training material is available for the staff on the new EU-Rail intranet.</p>

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
	Define and implement a process of access right management (Financial Systems).	HoAF with the support of LAM	Constant monitoring – Access rights to ABAC financial system is subject to the approval of the ED or the HoAF. Annual independent validation of compliance with security requirements for access rights in ABAC. Similarly applied to other systems in cooperation with RTD.	Number of Access rights granted and periodic report on ABAC security.	In accordance with the DG BUDGET recommendations, EU-Rail performs an annual validation of access rights granted in ABAC. In order to ensure an independent control, BBI JU agreed to verify whether in EU-Rail, the access rights granted to staff members are in accordance with the delegations and responsibilities entrusted to them. The exercise was completed in June 2021 (Ares(2021)4262213) and confirmed the reliability of the EU-Rail access rights management. New training for the LAM was organised by an external provider in the context of the transition from S2R to EU-Rail to ensure that security and physical access requirements remain in

Operational objective	Priority	Unit/staff member in charge	Target date	Indicator	Status (12/2021)
					<p>place after the transition. In the context of the migration to Office 365, some data protection mitigation measures have been put in place related to the potential storage of sensitive data in the cloud, in particular organisation of an awareness session for all staff and a Manual for handling sensitive data in Microsoft Tools. No sensitive personal data is supposed to be stored neither in OneDrive nor in SharePoint.</p>
	Ensure the effective implementation of physical security measures regarding storage of sensitive data.	HoAF, DPO (LO), LISO, HR Officer, all EU-Rail staff	Ongoing	Availability of secure locked cupboards for staff dealing with sensitive data and means for safe disposal of/destruction of sensitive documents.	Shredder and a locked container for disposal of sensitive documents continued to be available to all staff members in the JU premises, as well as locked cupboards in the offices for secure storing of documents containing sensitive information.