

Europe's Rail Joint Undertaking (EU-RAIL)

2nd FORMAL MEETING OF THE EU-RAIL GOVERNING BOARD

1 March 2022

9h30 – 13h00

Remote connection

PRESENT:

European Union, represented by the European Commission	HOLEI Henrik, DG MOVE	Representative
	SCHMIDT Kristian, DG MOVE	Co-Chair
	FITCH Keir, DG MOVE	Observer
	FROISSARD Philippe, DG RTD	Observer
	CLEUREN John, DG RTD	Observer
	PERSCHKE Wawrzyniec, DG MOVE	Observer
	FIMIN Ana-Maria, DG MOVE	Observer
ADIF	VILLALMANZO RESUSTA David-Iban	Alternate
ALSTOM	CASTRES-SAINT-MARTIN Nicolas	Representative
	FRENCH Richard	Alternate
	INZIRILLO Francesco	Representative

ANGELRAIL consortium led by MER MEC	SCARNERA Vincenzo	Alternate
AŽD PRAHA	KAMPIK Vladimír	Representative
	PAVEL Michal	Alternate
CAF	DE CASTRO Jorge	Representative
CEIT	MELLENDEZ Juan	Representative
ČESKÉ DRÁHY	HAJN Krystof	Representative
	LOCHMAN Libor	Alternate
DEUTSCHE BAHN	MARXEN Ralf	Representative
DLR	SATTLER Christian	Representative
	MEYER ZU HORSTE Michael	Alternate
European Smart Green Rail Joint Venture (eSGR JV),	JIMENEZ REDONDO Noemi	Representative
	HERNANDEZ SOLIS Jose	Alternate
FAIVELEY TRANSPORT	TIONE Roberto	Representative
FSI	SANTORO Riccardo	Alternate
HITACHI RAIL	TROMBETTA Antonella	Representative

INDRA/ TALGO	RUBIO SANCHEZ Jose Miguel	Representative
	GONZALEZ MORENO Alfredo	Alternate
JERNBANEDIREKTORATET (Norwegian Rail Directorate)	SAETHRE Preben	Representative
KNORR-BREMSE	ERTL Martin	Alternate
ÖBB	TOPAL GOEKCELI Mark	Representative
	LUDWIG Bertram	Alternate
PKP	JANCEWICZ Zbigniew	Representative
	FOJUD Artur	Alternate
NS/PRO RAIL	VAN GILS Karel	Representative
SIEMENS MOBILITY	SCHLAHT Juergen	Alternate
SNCF	CHERON Christophe	Representative
STRUKTON	SAMSON Henk	Alternate
THALES	PARRONDO Alberto	Representative
	PERREAL Yves	Alternate
TRAFIKVERKET	OLSSON Bo	Representative
VOESTALPINE	HOLZFEIND Jochen	Representative

	OSSBERGER Uwe	Alternate
European Railway Agency	DOPPELBAUER Josef	Observer
	GIGANTINO Anna	Observer
ERRAC	MOSER Roland (ERRAC Chair)	Observer
	KUPFER David	Observer
Vice-Chairperson of the SRG	HALTUF Miroslav	Observer
Chairperson of the Scientific Committee	DI FEBBRARO Angela	Observer
EU-RAIL	BORGHINI Carlo	Observer
	TRAVAINI Giorgio	Observer
	GONZALEZ GARCIA Isaac	Observer
	KANIA Magdalena	Observer
	PAVLOVIC Martin	Observer
	DEBZA Nadia	Observer
	BENIDIO Sandro	Observer
	LITVINA Zanda	Observer

LIST OF DECISIONS:

The following decisions were taken by the Board:

- GB n° 01/2022 adopting the Europe's Rail Joint Undertaking Master Plan
- GB n° 02/2022 approving the Europe's Rail Multi-Annual Work Programme
- GB n° 03/2022 on the amendment of the Work Programme and Budget 2022-2024
- GB n° 04/2022 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings

OVERVIEW OF DISCUSSIONS:

INTRODUCTION

The 2nd meeting of the EU-Rail Governing Board was opened by the Director-General for Mobility and Transport, Mr. Henrik Hololei. After his introductory remarks, he left and handed over the Chair to Mr. Kristian Schmidt (DG MOVE). The Chair welcomed the participants to the Governing Board meeting. The meeting was held remotely via MS Teams.

Mr. Hololei addressed the difficulties and challenges Europe had been facing in the recent days due to the Russian aggression against Ukraine. He praised the resistance demonstrated by the Ukrainians and pointed to the solidarity with Ukrainian people expressed by the European societies. The role of cooperation was stressed as an effective and efficient measure resulting in significant impacts. The Director-General referred also to the role of rail, as relevant sector to help with the transportation of refugees within the EU and thanked all the RUs, and rail operators who offered their help.

The Director-General commented on the launch of the Europe's Rail Joint Undertaking. He thanked the Private Members for the cooperation in this respect and underlined the ambitious priorities for the European railway system set in the Europe's Rail Master Plan, in line with the European Green Deal, Sustainable and Smart Mobility Strategy, and the FitFor55 package. He highlighted the role of the sector in delivering and implementing the ambitious goals, both for passenger and freight railways. The Director-General pointed to digitalization, automation and smart solutions as the main drivers for change. He also stressed the role of legislations and change of attitudes in this respect. As underlined, the Europe's Rail Joint Undertaking should also prioritize and ensure the synergies with other sectors and programmes. He highlighted that the focus of the Europe's Rail Joint Undertaking would be on those areas where the railway actors could not achieve individual effects and systemic changes (e.g. traffic management, signalling). He also mentioned that in terms of budget, the Europe's Rail gained necessary resources to lead the transformation. In this respect, the Director-General referred to the role of System Pillar in delivering impactful results and integrating the system. He mentioned the role of Europe's Rail Joint Undertaking in increasing existing capacities through digital solutions and contribution to the work on the European traffic management system and signalling. The Director-General stressed the multimodality as a crucial approach towards the European transport system. In this respect, the railway sector will contribute to and complement other transport modes to bring multimodality in the DNA of the European transport and mobility system. As underlined, such transformation would require cooperation and synergies with other sectors (e.g. hydrogen sector).

The Director-General commented on the importance of the strategic documents of the Europe's Rail Joint Undertaking in terms of launching the activities and delivering results. As stressed, the Master

Plan, the Multi-annual Work Programme, and the work programmes would remain crucial steps towards developing and deploying new solutions. The Director-General thanked the Commission and the Joint Undertaking team for their inclusiveness in leading the transformation to the Europe's Rail Joint Undertaking.

The representative of the eSGR JV, Noemi Jimenez Redondo, thanked the Director-General and DG MOVE for their efforts regarding the conflict in Ukraine.

Mr Schmidt, in taking back the Chairperson role, thanked the Director-General for his speech. He underlined the strategic role of railway sector in Europe, as it was demonstrated in recent days due to the Russia's aggression against the Ukraine. He mentioned that the railway operators from Poland, Czech Republic, Slovakia, Austria, Hungary and others decided to provide free-of-charge transport for Ukrainian refugees fleeing the war. The Director-General, on behalf of the Ukrainian Ministry of Transport, also thanked for the support and solidarity. He encouraged other rail companies to join such efforts.

1. WELCOME FROM THE CHAIR AND ADOPTION OF THE AGENDA

The Chair indicated that all documents relating to the meeting, including the draft GB decisions with Annexes, were distributed in advance to the participants. He briefly discussed the Agenda items and presented the Agenda to the Governing Board for adoption. In particular, he requested the participants to assess their risk of Conflict of Interest with regard to the items of the agenda.

The Agenda was adopted without any changes.

1. WELCOME FROM THE CHAIR AND ADOPTION OF THE AGENDA <i>Declarations of conflict of interest based on the Agenda items</i>	9:30
2. INFORMATION FROM THE COMMISSION	
3. REPORT FROM THE EXECUTIVE DIRECTOR	
4. ADOPTION OF THE MINUTES OF THE GB OF 21 DECEMBER 2021	10:00
ITEMS FOR DECISION OF THE GOVERNING BOARD	
5. DECISION ON THE ADOPTION OF THE EUROPE'S RAIL JOINT UNDERTAKING MASTER PLAN	10:15
6. DECISION ON THE ADOPTION OF THE EUROPE'S RAIL JOINT UNDERTAKING MULTI-ANNUAL WORK PROGRAMME	10:30
7. DECISION ON THE AMENDMENT OF THE EUROPE'S RAIL JOINT UNDERTAKING WORK PROGRAMME 2022 - 2024	10:45
8. APPROVAL OF THE ORGANIZATIONAL STRUCTURE OF THE PROGRAMME OFFICE	11:00
9. DECISION ON THE CONDUCT OF ADMINISTRATIVE INQUIRIES AND DISCIPLINARY PROCEEDINGS	11:15
10. APPROVAL OF THE REPORTING OFFICER FOR THE ASSESSEMENT OF THE EXECUTIVE DIRECTOR, REPRESENTING THE MEMBERS OTHER THAN THE UNION FOR THE YEAR 2022 AND 2023	11:30
ITEMS FOR DISCUSSION OF THE GOVERNING BOARD	
11. EXAMINATION OF THE TUBITAK RUTE REQUEST IN VIEW OF THE IMPLEMENTATION OF ARTICLE 87(2) OF THE SBA	11:45
12. PRESENTATION OF THE PROVISIONAL ANNUAL ACCOUNTS 2021	
13. INFORMATION ABOUT THE TEXT OF THE CONSORTIUM AGREEMENT	
14. COMMUNICATIONS' NETWORK MEETING APRIL 2022	
ANY OTHER BUSINESS	
15. AOB - MEMORANDUM OF UNDERSTANDING BETWEEN THE EUROPE'S RAIL JOINT UNDERTAKING AND RAILNETEUROPE (RNE) - INDICATIVE LIST OF DOCUMENTS TO BE ADOPTED BY WRITTEN PROCEDURE OR AT THE NEXT BOARD MEETING - INDICATIVE DATES OF THE NEXT JU MEETING(S)	12:30

No conflict of interest was raised by any of the participants to the meeting in relation to the various agenda items.

2. INFORMATION FROM THE COMMISSION

The Chair informed the Governing Board that the Master Plan had been adopted by the European Commission on 17 February, consequently paving the way for its adoption by the Governing Board. He stressed that with full package of documents adopted, the Europe's Rail Joint Undertaking could launch its activities with the first call for proposals foreseen on 10 March 2022. He also underlined the necessity to launch procurement for the System Pillar activities in the coming weeks to ensure the smooth transition towards the new programme. He reminded that the programme of the Europe's Rail Joint Undertaking would contribute to the objectives and goals of the European Green Deal, Sustainable and Smart Mobility Strategy and FitFor55 package, including the goals of achieving global competitiveness of the European rail sector and decarbonization. He also reminded that the Europe's Rail Joint Undertaking is a partnership between the industry members and the European Commission, it is built on an inclusive and open approach, especially vis à vis the research community, as well as all interested parties. The Chair encouraged the Members to be inclusive in the process of building consortia and remain open to non-JU entities.

On behalf of the Co-Chair Rosalinde van der Vlies, Philippe Froissard (DG RTD), provided a short introduction from the DG RTD side, pointing to three aspects.

First, he referred to the synergies between the activities of Europe's Rail and other EU programmes and initiatives, including Horizon Europe and the EU missions. He reflected on possibility to develop certain pipelines of projects between the R&I activities in Europe's Rail and other EU programmes (e.g. Connecting Europe Facility). He also mentioned the potential synergies between different components of the Horizon Europe and Europe's Rail, for instance, the work on automation and digitalization in Cluster 5 and Cluster 4 of Horizon Europe. As stressed, DG RTD had been reviewing potential synergies and would report back to the Governing Board in this respect. In terms of other types of synergies, Mr. Froissard referred also to the EU missions, especially the EU Mission: Climate-Neutral and Smart Cities. He informed about two calls for proposals launched that addressed the urban mobility and public transport

- The [first call](#) on innovation potential of public transport would be open by 26 April 2022, with an overall indicative budget of EUR 117 million.
- The [second call](#) on urban mobility call would be open by 6 September 2022, with an indicative budget of EUR 42 million.

Second, Mr. Froissard informed the Governing Board on the preparation of the Horizon Europe work programme 2023-2024 with total budget of 27 billion EUR. The work programme had been shared for

the consultation with expert and it is expected to be finalised by June 2022. The attention of the Governing Board was directed towards the budget of the Cluster 5 of Horizon Europe and potential projects related to the climate change and mobility.

Third, Mr. Froissard discussed the [TRA conference](#) to be held in November 2022 in Lisbon. He highlighted that the conference would involve all modes of transport, including railway sector. He underlined the role of the ERRAC in preparation of conference and ensuring the presence of railway sector. As stressed, there would an opportunity to hold a dedicated event on rolling stock during the conference.

The Governing Board took note of the information from the Commission.

3. REPORT OF THE EXECUTIVE DIRECTOR ON EU-RAIL ACTIVITIES

For additional details, please refer to the presentation.

The Executive Director thanked the Commission for the introduction. He stressed that the Governing Board would be presented with three important documents to adopt that would provide a basis for launching the activities of Europe's Rail Joint Undertaking. He also stressed that the Europe's Rail would continue with the finalization of the Shift2Rail projects, with phase-out expected between 2023-2024. As underlined, the year of 2022 would be dedicated to deliver the results of the Shift2Rail Joint Undertaking, while ramping up the new Programme.

The Executive Directors commented on the communication activities of Europe's Rail since the last Governing Board meeting in December 2021. He informed the Governing Board that the Europe's Rail Joint Undertaking received a 'Certificate of Outstanding Achievement' during the European Railway Award 2022. He also highlighted the launching ceremony for the Europe's Rail that took place during the Rail Summit under the frame of the French Presidency in Paris on 21 February 2022.

The Executive Director briefly commented on the upcoming events in the railway sector. He pointed out the [World Congress of Rail Research](#) (WCRR) in Birmingham planned for June 2022 where the Europe's Rail would be represented (e.g. presentation of papers, standing on DAC delivery programme), as well as the [InnoTrans](#) in Berlin in September 2022 where the demonstrations of the Shift2Rail projects would be performed. In terms of multimodality, the Executive Director pointed to the Connecting Europe Days to be organized in Lyon in June 2022, where railway sector would be presented among other modes of transport.

The Executive Director highlighted the importance of these events to showcase the results achieved in the Shift2Rail Programme and ensure the necessary dissemination in view of the future deployment.

The Governing Board took note of the report of the Executive Director.

4. ADOPTION OF THE MINUTES OF THE GB OF 21 DECEMBER 2021

The Chair invited the participants to present their comments to the minutes of the 1st Europe's Rail Governing Board meeting, if there were any.

The Europe's Rail Governing Board adopted the minutes of its 1st meeting without changes.

ITEMS FOR DECISION OF THE GOVERNING BOARD

5. DECISION ON THE ADOPTION OF THE EUROPE'S RAIL JOINT UNDERTAKING MASTER PLAN

The Chair introduced the Master Plan as an item for decision. As stressed, the document was adopted by the European Commission on 17 February 2022 and had been discussed with the Founding Members at length before.

The representative of DG MOVE, Keir Fitch, briefly overviewed the main points of the Master Plan. He stressed that the role of the Master Plan was to set out the common goals of the Europe's Rail Joint Undertaking and stipulate the reasons behind the establishment of the Joint Undertaking. He underlined that the objectives of the Europe's Rail Master Plan were more ambitious than those of the Shift2Rail programme and focused on delivering results in a systemic manner, specifically in the areas where the individual contributions could not result in change for the European system. Mr. Fitch briefly described the two-pillar structure of the Europe's Rail programme. Mr. Fitch indicated that necessary resources were devoted to both pillars in order to achieve a balance in the programme. The Governing Board was also informed about the priority areas stipulated in the Master Plan and the impact expected from the programme as reflected in the KPIs.

Mr. Fitch reminded that the Master Plan would be a living document, therefore, if any changes and evolutions would be identified in the course of the programme, the document could be open for discussion. The Master Plan also provides a framework for the adoption of the Multi-annual Work Programme and the work programmes of the Europe's Rail Joint Undertaking.

The representative of Deutsche Bahn, Ralf Marxen, asked about the role of digital twin in the System Pillar and the Commission's expectations towards digital twin. He also asked for clarifications

concerning the relations between the DAC delivery programme and the System Pillar (e.g. in terms of migration, financing, regulations), as he observed the links were missing in the presentation.

On behalf of the Commission, Mr. Fitch clarified that the main focus of the System Pillar would be on CCS+, ATO, integration, and traffic management. The elements related to digital twins would be used in the future as a part of the CCS. In terms of the DAC delivery programme and the System Pillar, Mr. Fitch confirmed there were ongoing discussion on the integration of the DAC topic to the System Pillar. As stressed, the Commission was aware of such need and would continue the analysis of adequate inclusion.

The Vice-Chair of the States' Representatives Group, Miroslav Haltuf, asked about the potential amendment or intermediate assessment of the Master Plan in course of the Europe's Rail programme. Mr. Fitch confirmed that the Master Plan would be a living document, however, a certain degree of stability is necessary to deliver the programme. Therefore, there is no intermediate assessment envisaged. The amendment to the Master Plan could be implemented if needed due to significant changes.

The representative of DLR, Michael Meyer zu Hörste, commented on the digital twin. He remarked that digital twin would be a part of the transversal activities foreseen in the Innovation Pillar. Therefore, there is a relation between the digital twin and the System Pillar activities.

The Chair asked the Governing Board for adoption of the Master Plan. No objections were raised.

Decision

The Governing Board adopted Decision n° 01/2022 on the Europe's Rail Joint Undertaking Master Plan.

6. *DECISION ON THE ADOPTION OF THE EUROPE'S RAIL MULTI-ANNUAL WORK PROGRAMME*

The Chair introduced the Multi-annual Work Programme as an item for decision. As stressed, the role of the Multi-annual Work Programme would be to operationalize the objectives of the Master Plan. The Multi-annual Work Programme provides a basis for launching a call for proposals and start the activities of the Europe's Rail.

The Executive Director briefly overviewed the Multi-annual Work Programme. He stressed that the document was consulted with the Founding Members, States' Representatives Group, and the Scientific

Committee. Comments and suggestions for changes were answered and/or introduced in the text. He also reminded that the draft version of the Multi-annual Work Programme was publicly available and published on the Europe's Rail website. The Executive Director informed the Governing Board that two changes were introduced to the document after having been dispatched to the Governing Board on 8 February 2022. The changes were proposed by DG RTD and DG CONNECT in relation to the synergies with other EU programmes and missions. As stressed, the Founding Members were informed about the changes in advance of the Governing Board meeting and raised no objections.

The Executive Director overviewed the vision and mission behind the Multi-annual Work Programme. He also discussed the allocation of resources to work programmes that would be adopted based on the Multi-annual Work Programme. He informed the Governing Board about a Programme assessment already planned in the second half of 2025, based on the results of the first two years of activities and before launching the second call for proposals for Industrial Research.

The Chair opened the floor for comments and questions regarding the decision on the Multi-annual Work Programme.

The Vice-Chair of the States' Representatives Group, Miroslav Haltuf, thanked the Commission, the Joint Undertaking team, and the industry for preparation of the documents. He underlined that the topics in the Multi-Annual Work Programme reflected a new approach to the cooperation with the sector.

No objections were raised to the Multi-annual Work Programme.

Decision

The Governing Board adopted Decision n° 02/2022 on the Europe's Rail Multi-annual Work Programme.

7. *DECISION ON THE AMENDMENT OF THE EUROPE'S RAIL JOINT UNDERTAKING WORK PROGRAMME 2022-2024*

The Executive Director introduced the amendment to the Work Programme 2022-2024 as an item for decision. He discussed the priorities of the Work Programme 2022-2024, budget allocated for different appropriations, and scope of the destinations as described in the call for proposals. The Governing Board was informed that the System Pillar activities (via tender procedure) and the Innovation Pillar activities (via call for proposals) would be launched in 2022. The establishment of the Deployment Group is also planned for fourth quarter of 2022 to finalize the setup of the Joint Undertaking's bodies. As noted, the inclusion of the SMEs, research community, and start-ups would also be an important step towards the

inclusiveness to the Europe's Rail programme, therefore, the Joint Undertaking would launch a second call for proposals for exploratory research and other activities together with Flagship Area 7.

In terms of budgetary appropriations, the Executive Director presented the tables showing the planned allocation of funds to calls and procurement procedures. He informed about the budgetary change introduced in relation to the Bridge Dynamics topic as requested by the European Union Agency for Railways. He also informed about sector's proposal to include a call for tender or other open procedure for a framework contract to finance the Europe's Rail DAC delivery programme (EDDP).

In terms of funding rate, the Executive Director indicated that there was an agreement to fund the actions at 60% , while the consortia will decide internally whether to make use of the provisions of Article 34 of the Horizon Europe regulation between themselves. This allows the concerns expressed by some stakeholders to implement the provisions of Article 34, while achieving the requirements of the Single Basic Act. As stressed, it would apply to the first call for proposals in March 2022 covering six flagship areas. For the call for proposals for exploratory research and others, the standard funding rates established in Article 34 of Horizon Europe will be applied.

The Executive Director informed that a draft version of the Work Programme 2022-2024 was published on the Europe's Rail website on 8 February, as well as it was submitted to the Scientific Community, and the States' Representatives Group for opinion and/or comments. He underlined that the comments were considered and integrated when necessary or answered. The final version Work Programme 2022-2024 with changes proposed and introduced would be also shared with the States' Representatives Group and the Scientific Committee after the adoption by the Governing Board.

The Chair commented on the co-funding issue. He thanked the Joint Undertaking and the industry for reaching a compromise on this aspect. As stressed, it would demonstrate an openness and inclusiveness of the Europe's Rail programme towards the non-profit sector in Europe. He opened the floor for questions and comments.

The representative of ERA, Josef Doppelbauer, thanked the Joint Undertaking and the Commission for inclusion of the research topic on bridge dynamics in the Work Programme 2022-2024. He highlighted the importance of the topic for the European transport. He also mentioned that the German research centre worked on the topic due to absence of such topic under the Shift2Rail programme, and there would be a need to integrate properly their results.

The Vice-Chair of States' Representatives Group asked if the recent comments provided by the Austrian, German and Czech Members of the States' Representatives Group were implemented in the final version

of the Work Programme 2022-2024. He stressed that if the comments were implemented, the States' Representatives Group provides a positive opinion on the Work Programme 2022-2024.

No objections were raised to the decision amending the Work Programme 2022-2024.

Decision

The Governing Board adopted Decision n° 03/2022 on the amendment of the Europe's Rail Joint Undertaking Work Programme 2022-2024.

8. APPROVAL OF THE ORGANIZATIONAL STRUCTURE OF THE PROGRAMME OFFICE

The Executive Director referred to Article 17(2), point (s) of the Single Basic Act according to which the Governing Board of the Europe's Rail was expected to approve the organizational structure of the Programme Office upon recommendation of the Executive Director.

The Executive Director presented the organizational chart to the Governing Board that he already introduced at the first meeting of 21 December. He stressed that the structure might be subject to change due to the preparatory work to establish back-office arrangements for joint undertakings. With the set up of back office arrangements, the JU would like to enhance its performance and focus on core activities.

The Chair commented on the structure. He remarked that the staff of the Europe's Rail Joint Undertaking would increase in comparison with the staff of the Shift2Rail Joint Undertaking, particularly considering the introduction of the System Pillar and its contribution to policy development. He asked the Governing Board for further comments and questions.

No objections were raised.

Decision

The Governing Board approved the organizational structure of the Programme Office.

9. *DECISION ON THE CONDUCT OF ADMINISTRATIVE INQUIRIES AND DISCIPLINARY PROCEEDINGS*

The Chair introduced the decision on the conduct of administrative inquiries and disciplinary proceedings. As stressed, all the comments provided by the Commission were accepted, therefore, the Commission would support the decision. No further comments nor questions were introduced.

Decision

The Governing Board adopted Decision n° 04/2022 on the conduct of administrative inquiries and disciplinary proceedings.

10. *APPROVAL OF THE REPORTING OFFICER FOR THE ASSESSEMENT OF THE EXECUTIVE DIRECTOR, REPRESENTING THE MEMBERS OTHER THAN THE UNION FOR THE YEAR 2022 AND 2023*

The Chair informed the members of the Governing Board that the Director-General Henrik Hololei would hold a position of the reporting officer for the assessment of the Executive Director from the European Commission side. He asked the Members other than Union to nominate their representative.

The representative of Trafikverket, Bo Olsson, informed the Governing Board that he had been nominated by the Members other than Union to be assigned with reporting officer position. With no objections raised, the nomination of Mr. Olsson was accepted.

Decision

The Governing Board took note and agreed to Messrs Hololei and Olsson (Trafikverket) to perform the role of reporting officers with regard to the assessment of the Executive Director for the year 2022-2023, as well as the assessment of his conflict of interest declarations.

ITEMS FOR DISCUSSION OF THE GOVERNING BOARD

11. *EXAMINATION OF THE TUBITAK REQUEST IN VIEW OF THE IMPLEMENTATION OF ARTICLE 87(2) OF THE SBA*

The Executive Director informed the Governing Board about the expression of interest requested by the Turkish governmental agency – Tubitak Rute – concerning its application for membership in light of

Article 87(2) of the Single Basic Act. The Executive Director mentioned that in accordance with the Single Basic Act, the possibility for triggering Article 87(2) would expire in May 2022. He briefly introduced Tubitak Rute and discussed the expression of interest received.

On the basis of the information presented and discussed, the Executive Director recommended the Governing Board to provide him with a mandate to discuss with Tubitak Rute the terms and conditions of the possible associated membership to Europe's Rail, in particular in relation to

- Budget contribution to the Europe's Rail Joint Undertaking and added value
- Scope of activities to be performed
- IPRs and security information

The Chair asked the Executive Director about reversibility of decision accepting Tubitak Rute as an associated member based on the Article 87(2) of the Single Basic Act. He also agreed with the Executive Director on the necessity to examine the aforementioned items, especially, the issues related to security and IPRs.

The Executive Director confirmed that the Single Basic Act includes provisions allowing for termination of membership, under certain and justified conditions.

The Vice-Chair States' Representatives Group asked if the Joint Undertaking's advisory bodies, including the States' Representatives Group, would be consulted before the final decision of the Governing Board.

The Chair and the Executive Director confirmed that the States' Representatives Group would be asked for an opinion in advance of the Governing Board decision.

The representative of Thales, Alberto Parrondo, endorsed the request of the Vice-Chair of the States' Representatives Group. He commented that due to the sensitiveness of the issue, political guidance from the Members States would be necessary.

The representative of Ferrovie dello Stato Italiane, Riccardo Santoro, asked if the association of Tubitak Rute to the Europe's Rail programme would result in any additional restrictions in terms of export rules (e.g. in terms of knowledge or technology).

The Chair indicated that Turkey joined the Horizon Europe programme as an associated country, therefore no further restrictions would apply. He complemented that the IPRs would be more complex aspect and would need further analysis.

The representative of SNCF, Christophe Cheron, asked about the top-up budget to the Europe's Rail programme given the positive results of Tubitak Rute application.

The Executive Director clarified that the top-up budget should be provided by the Commission. However, there is no direct information from the Commission in relation to the amount of top-up budget to cover the participation of third countries' entities to the Programme.

The Board decided to provide the Executive Director with a mandate to examine the request of Tubitak Rute in light of Article 87(2) of the Single Basic Act. The Executive Director will report to the Governing Board in April 2022, before the deadline foreseen in the Single Basic Act for triggering Article 87(2).

12. PRESENTATION OF THE PROVISIONAL ANNUAL ACCOUNTS 2021

The Executive Director introduced the item on provisional annual accounts 2021 that demonstrated the level of implementation of the budget in terms of commitments and payment appropriations. The Executive Director informed the Governing Board that in terms of commitment, the budget of the Shift2Rail was nearly fully committed. In terms of payments, the ratio of implementation was around 80% due to postponement of one of the Shift2Rail project's payment to 2022. He also mentioned the provisional issues raised by the European Court of Auditors.

The Executive Director stressed that the current document would be dispatched to the budgetary authorities. The Governing Board will also receive the provisional annual accounts with request to provide their comments. The final document will be presented as an item for decision at the Governing Board meeting on 24 June 2022. The Provisional Annual Accounts will be subject to final adjustments on the basis of the former S2R Members' audit reports on TPC, IKOP and IKA.

The Executive Director also informed that the Governing Board would receive Annual Activity Report 2021 for their consideration and comments, early April. The document will be an item for decision for the Governing Board at its meeting on 24 June 2022.

The Europe's Rail Internal Control Coordinator, Martin Pavlovic, delivered a presentation on the internal control framework and the measures of its assessment. He informed the Governing Board about the Europe's Rail Internal Control Framework in terms of its purpose, components, principles, and regulatory requirements. He overviewed the ongoing monitoring activities as well as specific assessments. He informed that the annual ICF assessment for 2021 was conducted and the results would be reflected in the Annual Activity Report 2021. He informed that no major deficiencies were identified.

13. INFORMATION ABOUT THE TEXT OF THE CONSORTIUM AGREEMENT

The Executive Director informed the Governing Board about the legal task force that had been working on the template of the consortium agreement that could be used for the projects under the Europe's Rail programme. As underlined, the necessity to create a common template emerged from the experience of the Shift2Rail programme and the delays in grant signature due to the lack of agreement on the text of consortium agreement. The Executive Director informed that the text of consortium agreement for Europe's Rail was based on the Horizon Europe DESCA template. He also informed that there was no agreed text yet, due to ongoing discussions on items related to the background IPs, results (ownership for joint owned results), and the settlements of disputes. The final text of the consortium agreement is expected before the signature of grant agreements under the Europe's Rail programme.

The Executive Director recognized the work already done by the legal task force and invited the Members to contact their lawyers in this respect. He informed that from the Joint Undertaking's side, the process was supported by the Chief Legal Officer, Isaac Gonzalez Garcia. If such need would be identified, the Executive Director may consider his intervention to the process.

The representative of ÖBB, Bertram Ludwig, asked for the next steps and the continuation of the legal task force.

The Executive Director confirmed that the legal task force would continue its work and discussed the abovementioned issues.

The representative of DLR, Michael Meyer zu Hörste, suggested to extend the composition of the legal task force to lawyers representing research institutions who had more specific knowledge on the IPRs, specifically in aspects related to the research institutions.

The Executive Director stressed that there was no limitation to the participation in the legal task force group. He invited DLR to propose a lawyer to join the group.

14. COMMUNICATIONS' NETWORK MEETING APRIL 2022

The Executive Director informed the Governing Board that Europe's Rail intends to establish a network of the Communication Officers of the Private Members. For this purpose, the Europe's Rail Communication Unit will organize a meeting with the communication officers nominated by the Members. As underlined, the aim of the network would be to strategically design the communication and dissemination of results.

The Members of the Governing Board other than the Union were requested to indicate the Communication Officers from their companies and send the information to communication@rail-research.europa.eu.

15. ANY OTHER BUSINESS

1. MEMORANDUM OF UNDERSTANDING BETWEEN THE EUROPE'S RAIL JOINT UNDERTAKING AND RAILNETEUROPE (RNE)

The Executive Director informed the Governing Board that the Europe's Rail Joint Undertaking received a request to sign a Memorandum of Understanding with RNE. As stressed, the advantage of signing memorandum with the RNE would be a possibility to create synergies between their activities and the work in flagship area 1.

The Executive Director will continue the discussion with the RNE and report to the Governing Board on the results of thereof. Before the conclusion of the Memorandum of Understanding, the Governing Board will be asked for raising any objections.

2. INDICATIVE LIST OF DOCUMENTS TO BE ADOPTED BY WRITTEN PROCEDURE OR AT THE NEXT BOARD MEETING

The Governing Board was informed that following documents would be considered for adoption either by written procedure or at the next Governing Board meeting

- Final Annual Accounts 2021
- Annual Activity Report 2021
- Communication and Dissemination Strategy
- Mandate to the Executive Director to make a proposal on the type of scientific advice under Europe's Rail programme

3. INDICATIVE DATES OF THE NEXT MEETING(S):

The Executive Director presented the dates of the next Governing Board meetings. According to the provision of Article 16(5) of the Single Basic Act, the Governing Board shall hold ordinary meetings at

least twice a year and extraordinary meetings can be convened if necessary. The indicative dates of the Governing Board meetings in 2022 are as following

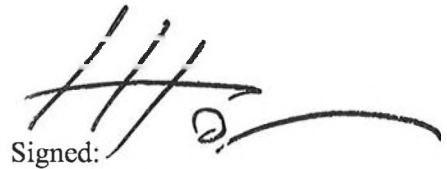
- 24 June 2022 (physical presence with possibility of online attendance)
- 3 August 2022 (digital presence)
- 30 November 2022 including General Assembly (physical presence).

In accordance with the provision of Article 93(5) of the Single Basic Act, the Governing Board shall meet once a year in the form of a General Assembly with the participants to the R&I activities.

The Executive Director indicated that an extraordinary meeting of the Governing Board could be organized in April 2022 dedicated to the Governing Board decision on the Tubitak Rute association in accordance with Article 87(2) of the Single Basic Act.

The Chair thanked the participants for their attendance to the Governing Board meeting. He expressed solidarity with the Ukrainian people and closed the meeting.

Done in Brussels on 1 March 2022.



Signed:

Henrik HOLOLEI

Chairman of the Governing Board