

Europe's Rail Joint Undertaking (EU-RAIL)

**4th EXTRAORDINARY MEETING
OF THE EU-RAIL GOVERNING BOARD**

3 August 2022

2:30-4:30 PM

Hybrid connection

PRESENT:

European Union, represented by the European Commission	FITCH Keir, DG MOVE	Chair
	FROISSARD Philippe, DG RTD	Co-Chair
	PERSCHKE Wawrzyniec, DG MOVE	Observer
ADIF	VILLALMANZO RESUSTA David-Iban	Alternate
ALSTOM	FRENCH Richard	Alternate
ANGELRAIL consortium led by MER MEC	SCARNERA Vincenzo	Alternate
AŽD PRAHA	PAVEL Mihal	Alternate

ČESKÉ DRÁHY	KUNERTOVA Tereza	Representative
DEUTSCHE BAHN	MARXEN Ralf	Representative
DLR	HAINZ Svenja	Alternate
European Smart Green Rail Joint Venture (eSGR JV)	JIMENEZ REDONDO Noemi	Representative
FAIVELEY TRANSPORT	TIONE Roberto	Representative
FSI	SANTORO Riccardo	Alternate
HITACHI RAIL	TROMBETTA Antonella	Representative
INDRA/ TALGO	RUBIO SANCHEZ Jose Miguel	Representative
INDRA/ TALGO	GONZÁLEZ MORENO Alfredo	Alternate
JERNBANEDIREKTORATET (Norwegian Rail Directorate)	SAETHRE Preben	Representative
KNORR-BREMSE	ERTL Martin	Representative
ÖBB	TOPAL GOEKCELI Mark	Representative
	LUDWIG Bertram	Alternate
PKP	JANCEWICZ Zbigniew	Representative

NS/PRO RAIL	Karel van Gils	Representative
SIEMENS MOBILITY	DEITERDING Lars	Alternate
SNCF	CHERON Christophe	Representative
STRUKTON	SAMSON Henk	Alternate
THALES	PERREAL Yves	Alternate
TRAFIKVERKET	OLSSON Bo	Representative
VOESTALPINE	HOLZFEIND Jochen	Representative
	OSSBERGER Uwe	Alternate
European Railway Agency	DOPPELBAUER Josef	Observer
European Railway Agency	GIGANTINO Anna	Observer
Chairperson of the SRG	BITTNER-KRAUTSACK Sarah	Observer
Vice-Chairperson of the SRG	HALTUF Miroslav	Observer
Chairperson of the Scientific Committee	DI FEBBRARO Angela	Observer

EU-RAIL	BORGHINI Carlo	Executive Director, Member without voting rights
	TRAVAINI Giorgio	Observer
	LORGÉ Valerie	Observer
	GONZALEZ GARCIA Isaac	Observer

LIST OF DECISIONS:

The following decisions were taken by the Board:

- GB Decision n° 11/2022 approving the list of innovation actions selected for funding under the Europe's Rail call for proposals HORIZON-ER-JU-2022-01

OVERVIEW OF DISCUSSIONS:

INTRODUCTION

The Extraordinary Meeting of Europe's Rail Governing Board was chaired by Mr. Keir Fitch (DG MOVE). The Chair welcomed the participants to the Governing Board meeting. The meeting was held in a hybrid form with in-person and digital participation.

The Chair thanked all the participants who came to Brussels.

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 presented the Agenda to the Governing Board for adoption. In particular, he requested the participants to assess their risk of Conflict of Interest regarding the items of the agenda, with particular attention to agenda item 5. He underlined that the ED Report on the call had been provided to the representatives of the EU-RAIL Governing Board under the provisions established in Articles 11 on Confidentiality and 12 on Conflict of interest of the Governing Board Rules of Procedures¹, as well as according to Governing Board Decision n°07/2022 on the Governing Board Code of Conduct². This Code of Conduct shall be read and interpreted together with Governing Board Decision n° 02/20212 approving the list of decisions adopted by the Shift2Rail Joint Undertaking that will continue to apply for the Europe's Rail Joint Undertaking, and includes, *inter alia*, the rules on the prevention and management of conflicts of interests applicable to the EU-RAIL bodies.

Consequently, he asked for the declarations on conflict of interest to be submitted and requested members in conflict of interest to abstain themselves from the point of decision

The agenda was adopted without any changes.

¹ GB Decision 01/2021 adopting the Rules of the Procedure of the Governing Board of the Europe's Rail Joint Undertaking

² GB Decision 07/2022 adopting the Code of Conduct for the Governing Board

1. WELCOME FROM THE CHAIR AND ADOPTION OF THE AGENDA <i>Declarations of conflict of interest based on the <u>Agenda</u> items</i>	14:30-14:50
2. INFORMATION FROM THE COMMISSION	
3. REPORT FROM THE EXECUTIVE DIRECTOR	
4. ADOPTION OF THE MINUTES OF THE GB OF 24 JUNE 2022	14:50-15:00
ITEMS FOR DECISION OF THE GOVERNING BOARD	
5. DECISION APPROVING THE LIST OF INNOVATION ACTIONS SELECTED FOR FUNDING UNDER THE EUROPE'S RAIL CALL FOR PROPOSALS (HORIZON-ER-JU-2022-01) <i>Considering the confidential nature of the topic, on the basis of Article 4.3 of the Rules of Procedure of the Governing Board, the report underpinning the Governing Board Decision will be provided not later than Friday 29 July 2022.</i> <i>The Governing Board representatives of the Private Founding Members are invited to consider this Governing Board Decision as a risk of Conflict of Interest, where their own entity would be a participant to a consortium which has submitted a proposal that will be subject to the Governing Board Decision.</i>	15:00:16:00
ANY OTHER BUSINESS	
6. AOB - INNOTRANS – main event at Commissioner presence - INDICATIVE LIST OF DOCUMENTS TO BE ADOPTED BY WRITTEN PROCEDURE OR AT THE NEXT BOARD MEETING - INDICATIVE DATES OF THE NEXT JU MEETING(S)	16:00

2. INFORMATION FROM THE COMMISSION

The Chair indicated that preparations for Innotrans in Berlin are on-going, and that the presence of the Commissioner (20th September) and Henrik Høllele (20th and 21st September) are foreseen.

The Co-Chair underlined that the adoption of the WP 2023-2024 is close to finalisation. The ISC is launched until end August. The WP is to be submitted for publication end November so that the calls can be launched as from the end 2022/early 2023.

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

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

The Executive Director thanked the Commission for the introduction. He indicated that the last two months had been dedicated to the evaluation of proposals received under the call for proposals HORIZON-ER-JU-2022-01

He underlined that the WP 2023-2024 is an important aspect to consider, in light of the complementary activities of Europe's Rail work.

The Executive Director stated that discussions are on-going with ECA in relation to its report on the 2021 activities, and the IAS report on performance of grants is being finalized, with a final draft expected in September.

In relation to the foreseen office move, he underlined that discussions with SESAR3 JU and the landlord are on-going. The JU will report back to DG Move accordingly and the GB as planned.

In response to FSI representative's question, Giorgio Travaini, Head of Programme at Europe Rail's JU indicated that DG CNECT is launching procurement and grant agreements to support a common digital space. The JU will continue with FA1TT project implementation in cooperation with them. The rail use case will fit this global digital context.

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

4. ADOPTION OF THE MINUTES OF THE GB OF 24 JUNE 2022

The Chair invited the participants to present their comments to the minutes of the 3rd Europe's Rail Governing Board meeting.

The Europe's Rail Governing Board adopted the minutes of its 3rd meeting without changes.

ITEMS FOR DECISION OF THE GOVERNING BOARD

5. DECISION APPROVING THE LIST OF INNOVATION ACTIONS SELECTED FOR FUNDING UNDER THE EUROPE RAIL'S CALL FOR PROPOSALS HORIZON-ER-JU-2022-01

The members in conflict were invited to leave or alternatively, to stay but remain silent.

In response to a question from the ÖBB representative, the Executive Director clarified the notion of conflict of interest, stating that with the communication of the ED report, if members have a vested interest as applicant beneficiaries in the award of proposals, and consequently in the award of funding, according to the SBA and the Financial Regulation, they should abstain from the decision under agenda item 5.

The Executive Director presented the call for proposals HORIZON-ER-JU-2022-01. On 1 March 2022, the Governing Board of the Europe's Rail (Decision N°03/2022) adopted the amended Europe's Rail Work Programme and Budget 2022-2024 ("WP 2022-2024"). This WP 2022-2024 was the basis for the launch of the call for proposals HORIZON-ER-JU-2022-01, which was published on the Horizon

Europe Funding and Tenders Portal on 10 March 2022 with a deadline of 23 June 2022 17:00:00 Brussels time.

He stressed that two documents were provided in this context:

- GB Decision n° 11/2022 approving the list of innovation actions selected for funding under the Europe's Rail call for proposals HORIZON-ER-JU-2022-01, as well as its annexes - the list of awarded grants, list of grants not awarded because below threshold, and the independent observer's report.

He underlined in particular that in accordance with the procedures laid down in the Guide on the procedures from proposal submission to managing grants under Horizon Europe (Online Manual), one independent observer was appointed by the Europe's Rail to observe and offer independent advice on the conduct and fairness of all phases of the evaluation process, on how evaluators apply award criteria and on how to improve processes. He stressed that the report of the independent observer (Annex 3) found that the evaluation was impartial, fair, conducted in full compliance with all Horizon Europe rules and that each proposal received adequate and equal treatment, according to the pre-defined evaluation rules.

- The ED Decision with its Annex, the Call Evaluation Report. The Call Evaluation Report contains the results of the evaluations, including statistics related to the proposals submitted, results of the technical evaluation, the proposed call ranked list(s) based on independent experts ranking, as well as those proposals which are below the threshold.

The Executive Director underscored that according to Article 19.4(j) of the SBA, the Executive Director shall “*submit for approval to the Governing Board the list of actions to be selected for funding by the joint undertaking*”, and according to Article 17.2(u) of the SBA, the Governing Board shall “[...] *approve the list of actions selected for funding*”.

The Executive Director indicated that the call for proposals HORIZON-ER-JU-2022-01 comprised a total of 6 topics open to entities eligible under the general rules of Horizon Europe Work Programme. Each of those topics had its own dedicated budget line.

In return to its 2022-01 Call for Proposals with a total budget € 234 million, the Europe's Rail received 7 proposals (2 proposals for FA4) with a funding request of € 239.6 million.

He stated that the proposals submitted were evaluated by an evaluation committee composed of independent experts, as set out in Horizon Europe Work Programme (General Annexes - Annex F) and in accordance with the evaluation rules set out in the WP 2022-2024 (Annex VIII).

The evaluation of proposals was carried out between 30th June and 15th July. The evaluation committee/panel was composed of 23 external technical experts and additional 4 external experts contracted as recorders (one per panel). A total of 27 external experts were involved in the evaluation, in addition to the 3 external ethics experts which intervened in parallel to the technical evaluation.

On the basis of this evaluation, amongst the 7 proposals considered eligible, the experts established a ranking list per topic (Annex 1), providing a recommended priority order of proposals having equaled or passed all the award criteria thresholds (i.e.: “excellence”, “impact” and “quality and efficiency of the implementation”), as well as a list of proposals not retained for funding (Annex 2) since they did not meet the overall thresholds and/or one or more of the individual thresholds.

Based on the ranking by the evaluation committee and the budgetary constraints, the responsible authorizing officer drew up the EU call ranked lists (annex I of the Call Evaluation Report), with:

- A main list of proposals to be invited to grant preparation – *6 proposals*
- A reserve list – *none*
- The list of proposals that cannot be funded because below threshold – *1 proposal*.

Moreover, the Executive Director presented the initial statistics of the call, subject to GAP verification.

He underlined that out of the around 220 unique participants, 25 were the private Founding Members, 42% of affiliates (ownership), 43% third parties as other affiliates (contractual or other relations) and the remaining 6% additional third parties. Consequently, it is estimated and subject to the GAP verifications that 45% to 50% of the entities participating are third parties vis-à-vis the private Founding Members.

The Executive Director emphasized that, once confirmed, these statistics would show the openness and inclusiveness of the call. However, he stressed that 7 private Founding Members did not seem to have added any other affiliated or other beneficiaries.

The Executive Director then indicated that in terms of budget, the request is lower than the available budget (1,2 Million euros), because one founding member decided to reduce its participation in the first call. This had an impact on the available funding.

He underlined that all statistics on participation (gender balance, geographic coverage, SMEs, etc.) are available in the Call Evaluation Report annexes.

In terms of geographic coverage, he relayed participation from 19 EU MS, one country not associated to HE (Switzerland), and 3 entities from HE associated countries.

The SRG Chairperson indicated that inclusiveness was a previous concern of the SRG; therefore this openness trend seems very positive. She requested statistical information be sent to SRG and included in the presentation of the 4th SRG meeting in September in Innotrans. She commented on the evaluation scores and asked what founding members could learn for next calls to improve their proposals.

The SRG Vice-Chairperson asked whether it would be possible to have feedback from the founding members preparing the proposals for the first call, *inter alia* whether they are satisfied with procedures and timing.

The Chair indicated it would be interesting if the SRG were to reach out to entities not connected to members, in order to seek out their views. He also emphasized that the evaluation scores were actually better than in previous calls.

The Executive Director confirmed that the call statistics will be reported to the SRG at the meeting during Innotrans. In terms of evaluation scores, he stated that many projects identified interdependencies, but these were considered too light in the experts' opinion. Furthermore, the level of ambition of some proposals was somewhat lacking in terms of capacity to reach impact for higher TRL levels, and some plans were considered too light in terms of dissemination and exploitation.

The floor was opened to private members for questions. The FSI representative indicated the observer's report underlined that some evaluators were not entirely comfortable with the lump sum assessment mechanism for the financial aspects. He recommended this should be addressed and that future applicants should also be made more aware of how content should be balanced with regard to budgetary figures.

The Executive Director underlined that this was the first time that this approach was introduced (one single panel where technical experts have to assess resources against objectives to achieve), and it was discussed with the observer and in an ex-post meeting with experts. It was concluded that in the context of future evaluations, a financial expert will be introduced in each panel to support the technical experts.

The Co-Chair indicated this feedback on a first experience using lump sum for innovation actions should be communicated to the colleagues responsible for lump sum in the Commission. The Executive Director assured him that the JU will revert back to the responsible colleagues in the Commission, and that should further guidance be issued by the Commission on the topic, it will be shared to all applicants of Lump Sum grants.

The Executive Director concluded by presenting his recommendation to the GB:

1. **to finance one activity per topic in the ranking order stemming from the independent experts' evaluations** (see “Main list” flagged proposals in the “ANNEX 1: EU ranked list(s)” of the Call Evaluation Report) **for an indicative total amount of EUR 232.764.699,37;**
2. **to consider the unclaimed budget of EUR 1.235.300,63** (compared to the total budget appropriation of EUR 234.000.000,00) **for other operational activities of the JU in 2022 or future years;**
3. in addition, and considering
 - the provisions of the Call 2022-01;
 - the intrinsic link and interdependencies of the proposed Flagship Projects within the Innovation Pillar and System Pillar activities;

to take note of the fact that any substantial misalignment or inconsistency not satisfactorily addressed during the Grant Preparation Phase will be reported back to the Governing Board to establish a possible way forward, including the termination of the preparation phase without signature of the concerned Grant(s).

He emphasized that the aim will be to crystallise the Grant Agreements' signature by end of November 2022 with a start in December or an early start date. As already discussed, in the amendment to the Work Programme 2022 where the IKAA plan will be formally included, he will propose that the costs in relation to IKAA will be eligible as of 1st March 2022.

The FSI representative commented on the left-over budget and asked if it can be used for the on-going WP amendment written procedure with deadline of 6 September, to reinforce new destinations. He also enquired about the tender published on TED by the JU. The Executive Director suggested not to allocate the 1,3 million now, because a large amount is expected to be related to the underspending in relation to specific activities and discussions should be held beforehand. Regarding the tender, it is published on [the JU website](#) as a competitive dialogue process.

The DB representative suggested the JU conduct an analysis to identify whether there are gaps between FA5, EDDP and SP. The Executive Director confirmed that the analysis will be performed for all FPs, but specific attention will be given to FP5.

The Chair and the Executive Director thanked the members for their work on the proposals.

Decision

The Governing Board adopted Decision n° 11/2022 approving the list of innovation actions selected for funding under the Europe Rail's call for proposals HORIZON-ER-JU-2022-01.

The Executive Director reminded participants that the GB Decision is under embargo before the Evaluation Result Notification letters are issued. A press release will be published early September as part of the JU newsletter. Communication on the matter will be coordinated early September with the membership.

The Governing Board took note of the proposal of the Executive Director to consider the IKAA eligible as from the adoption of the amended Work Programme (amendment 1), i.e. 1 March 2022 and to reflect the change in the future amendment of the Work Programme which will include the IKAA Plan resulting from the Flagship Projects and other private Founding Members activities.

6. ANY OTHER BUSINESS

6.a. INNOTRANS

The Executive Director communicated that the programme will be finalised in the course of August. He emphasized that Commissioner Vălean will be welcomed on the JU stand on 20 September between 12:00-2:00 PM -timing tbc. She will experience the live demonstrator on ATO, the demonstrator on language, the exoskeleton from IP3 and other demonstrators on the stand, such as DAC. He invited all members to be present.

He also reminded that the SC meeting will take place on the 21st September at 11:30 AM and the SRG meeting on 22 September at 13:45 PM in hybrid format.

Furthermore, he emphasized that Henrik Hololei will be present on 20th and 21st of September, and that the private Founding Member could take this opportunity for an exchange at CEO level.

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

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

- Written Procedure for the Adoption of the Amendment N°2 to the Work Programme 2022 - 2024 - Deadline 6 September – idea publish second call 13-18 September 2022
- MoU with RNE - non-objection procedure- deadline 6 September

The Vice-Chairperson of the SRG indicated he will submit a written question on the MoU with RNE.

6.C. 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 follows:

- 30th November 2022 including dinner on 29th in the evening and General Assembly in the AM of the 30th (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 aim of the General Assembly is to ensure openness.

The Chair and the Executive Director thanked the participants for their attendance.

Done in Brussels on 3 August 2022.

Signed:

Henrik HOLOLEI

Chairperson of the Governing Board

