Questions & Answers

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Q 1	1 - What is the maximum ratio for IKOP/IKAA? If I understand correctly, this is approximately 29%/26%? Is it true that if we cannot provide IKAA, the ratio of IKOP increases? 2 - What is the required level of detail for IKAA justifications? 3 - Can we use only ongoing non-EU projects for IKAA? 4 - What should be the duration of the projects for IKAA? For example, if a project will end during the first phase of the ERJU project, can we count on it? 5 - For Lump Sum, it is mentioned that we do not need to provide timesheets and justifications about the time, but in some S2R projects, we have been	1 – As indicated in the CEI application form, pursuant to Article 2(8) of the SBA, in-kind contributions to operational activities' (IKOP) means contributions by Private Members, constituent entities, or the affiliated entities of either, by international organisations and by contributing partners, consisting of the eligible costs incurred by them in implementing indirect actions (EU funded projects) less the contribution of that Joint Undertaking and of the participating states of that joint undertaking to those costs. Estimate to be based on the applicable Horizon Europe funding rates for Innovation Actions, i.e., 70% direct costs + 25% indirect costs, and 100% direct costs + 25% indirect costs for non-profit entities. To consider that Members are expected to significantly contribute to Flagship Project, where the funding rate is reduced in accordance with the SBA, and the last call for Flagship Project entailed a funding rate of 60% at project level. The EU-Rail Members are today requested to comply with an amount of total in-kind contributions (i.e. in-kind contributions for operational activities and in-kind contributions for additional activities) that should be no less than 1.263 times the funding request, in aggregate, of the applicant Private

	asked to do so. What are the exceptions, if any? 6 - If we participate in the consortium, how will we share the seats in ERJU? Can we apply separately for the call, or must we always apply as a consortium?	Members to an EU-Rail call for proposal. Please refer to the different calls for proposal already launched by EU-Rail. This leverage factor is today aligned with the ratio between the contribution from members other than the Union and the Union financial contribution, as on the basis of Articles 88 and 89 of Council Regulation (EU) 2021/2085. The difference between the calculated IKOP and the total in-kind contribution to reach the above leverage is the IKAA. As Members are expected to significantly contribute to Flagship Projects, in case you will participate exclusively to calls for proposal for Flagship Projects, and the funding rate will be set at 60%, then your understanding is correct, on your total in-kind contribution + the EU funding, the ratio of IKOP/IKAA are approximately the ones you have indicated. In case you will not be able to provide IKAA, the JU may have to cut or recover the EU-funding from your indirect actions (EU funded projects) participation. This will then automatically increase your IKOP contribution. 2 - As per Article 11.2 of the SBA, for the purpose of valuing in-kind contributions to additional activities, the costs shall be determined in compliance with: - the usual cost accounting practices of the entity concerned; - the applicable accounting standards of the country where the entity is established; - the applicable International Accounting Standards and International Financial Reporting Standards. IKAA can consist of any types of costs as far as it is necessary for the implementation of an approved additional activity (e.g. personnel costs, subcontracting costs, financial contributions, other direct costs, etc…). Additional activities' mean activities that fulfil the following cumulative criteria: - contribute to the objectives of the EU-RAIL JU, as defined in the SBA, in particular in Article 85 and 86; - are set out in the annual additional activities plan (the IKAA Plan) annexed to the JU Work Programme; - do not receive financial support from EU-RAIL; Whenever identifying the additional activities, the EU-RAIL Private Members, their constituent and affiliated entities shall ensure that all above criteria are fulfilled to ensure the

		proposed activities qualify as AA. Additional activities shall also have clearly defined deliverables. 3 – Yes, if they met the above mentioned criteria. Please note that in accordance with the art. 2 of the Single Basic Act, the definition of IKAA "means contributions by the private members, constituent entities or the affiliated entities of either, and by international organisations, consisting of the costs incurred by them in implementing additional activities less any contribution to those costs from the Union". 4 - IKAA are eligible from the entry into force of the SBA (on 30 November 2021) for the Founding Members and their affiliates, and from the Letter of Commitment signature and GB selection decision and the European Commission endorsement (as per article 87.1 of the Single Basic Act) for the Associated Members and their affiliates (with no retroactive effect). You can declare and certify IKAA for any of the activities approved by the Governing Board in the IKAA plan, set out in an annex to the main part of the work programme, on the basis of a proposal from the members other than the Union and after having consulted the EU-Rail Scientific Steering Group and after taking into consideration the States' Representatives Group's opinion (as per art. 17.2(n) of the Single Basic Act). 5 - In the Lump Sum approach there is no financial reporting, time sheets or financial audits foreseen anymore. Thus, the Certificate on Financial Statement (CFS) is no longer required at the final payment. The ex-post audits will be focusing on technical achievement. Article 6 of the previous (Shift2Rail) Lump Sum Model Grant Agreement (MGA) (which defined eligible and ineligible costs) is no longer applicable. Therefore, all audits connected to the specific check of eligibility and ineligibility of costs will no longer be conducted. According to Article 18.1 of the MGA, the beneficiaries do not need to keep record about the costs actually incurred for implementing the action (i.e., to prove that the corresponding tasks or part of the action as described in Annex 1 of the Grant Agreement were implemented properly). However, it is important to note that beneficiaries continue to be required to store all documents that could be of relevance to prove the proper implementation of the action. This is also needed when, under exceptional circumstances, checks, reviews, audits and investigations would be conducted by the European Court of Auditors or the European Anti-Fraud Office. 6 – If you apply to this call for Expression of interest with a number of individual legal entities applying together, in case of successful selection you will be considered one single member and therefore the grouping will have one seat and one vote in

		the different EU-Rail bodies where Members take part. As indicated in the CEI, consortium applications in the sense of potential beneficiaries receiving funding for a project under HE, are not eligible. This means that we expect in future calls for proposals the participation of individual companies/organisations to apply to any individual topics in the EU-Rail open call for proposals and tenders you deem relevant in accordance with the rules for participation of such calls.
Q 2	I have been checking the information about the Call for Expression of Interest for EU-Rail associated members (https://rail-research.europa.eu/participate/call-for-expression-of-interest-with-a-view-to-selecting-eu-rail-associated-members/), and I could not find specific details about entry or annual fees, or expected financial contributions for associated members (only the global contribution of all members is mentioned). Could you please provide some additional information on this point?	The CEI specifically indicates in the selection criteria the following: *"Applicant's ability to commit long-term financial (indicatively 5% of the total expected associated member contribution) and in-kind contribution (IKOP and IKAA) to EU-Rail[…]"* This is requested to fill in the Section 2.2 of the CEI application form, where the same is requested: "*Please explain your long-term commitment for financial (indicatively 5% of the total expected Associated Member's contribution) and in-kind contribution (IKOP and IKAA) to EU-Rail [...]*" The financial contribution to the JU administrative costs is therefore indicatively 5% of your total expected (in kind) contribution (IKOP+IKAA). There is no entry fee and the contribution to the JU administrative costs is requested to the Members on an annual basis. The CEI does not require a pre-determined nor a minimum threshold of in-kind contribution by each Associated Members, although the applicant will be technically assessed based on its proposal on the criteria defined in the CEI.
Q 3	1. Can three companies be grouped as consortium team into the same application? How much budget should they cover? Is there any minimum limit? 2. Since two companies of our consortium team are private industries, they would like to know who will own the final product or results. Will the associated members own some technology and result? If we have three companies, how should	1- As specified in the CEI, point 5.2 "Eligibility conditions": "*Applications submitted by the applicants in the form of consortium (in the sense of a group of beneficiaries or potential beneficiaries receiving funding for a project under Horizon Europe) will not be considered eligible*". However, an applicant can, for example: - apply with its affiliated entities - apply with other entities as a joint venture - apply as several companies (each signing the same Letter of Commitment but only one seat in the EU-Rail groups)

	they divide the Intelligent Properties of the results?	Please also consider that there is no minimum contribution that requires a group application. Please see also Q1 6) above for further information on group applications. For the expected financial contributions, please refer to Q2 above. 2- It is important to remind that becoming a JU Member does not entail a funding allocation in a cooperation project under a EU-Rail Grant Agreement under Horizon Europe. As any other economic operator an application to a call for proposals would be needed and successful applicants could then sign a Grant Agreement. Under Horizon Europe rules, the ownership rules are laid down in the model grant agreement under article 16.2 and complemented by the provisions of Annex 5 (section "Ownership of results"). Accordingly: - Results are owned by the beneficiaries that generate them; - Two or more beneficiaries will own results jointly if they have jointly generated them and it is not possible to establish the respective contribution of each beneficiary, or separate them for the purpose of applying for, obtaining or maintaining their protection. In case of joint ownership, the joint owners have the obligation to conclude a joint ownership agreement. If joint owners have not yet concluded a joint agreement, the default join ownership regime set forth in the grant agreement will apply. According to this default regime, each joint owner may grant non-exclusive licences to third parties to exploit the jointly owned results, without any right to sub-license, as long as the joint owners are given at least 45 days advance notice and a fair and reasonable compensation. Please note that joint ownership is not compulsory. Indeed, once results have been generated, the joint owners can agree in writing to apply another regime than joint ownership, such as for instance the transfer to a single owner and the grant of access rights (e.g. licences) to the others. You can also refer to the European Commission IP Helpdesk for further available information.