



DECISION OF THE GOVERNING BOARD

on giving a mandate to the Executive Director of the Shift2Rail Joint Undertaking to establish relations with European regions and other European and international organizations

N° 15/2018

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

Having regard to Council Regulation (EU) N° 642/2014 of 16 June 2014 establishing the S2R JU¹, and in particular Article 8(u) of the Statutes annexed thereto,

WHEREAS

- (1) The overall objective of the establishment of relations with European regions and other European and international bodies is to enhance collaboration in rail research and innovation, exchange best practices, contribute to shaping international standards and promote the excellence of the European rail sector at a global level.
- (2) Article 2(b) of the S2R JU Regulation states that the S2R JU should contribute to the development of a globally competitive European rail industry, via a coordinated approach addressing the research and innovation needs of the rail system and its users and facilitating a modal shift from road and air to rail.
- (3) Article 2(k) of the S2R JU Statutes indicates that the S2R JU tasks are, *inter alia*, to establish links with international activities, by liaising with a broad range of stakeholders - including research organisations and universities, and establishing links with national and international research and innovation activities in the rail technical domain.
- (4) In this respect, to ensure that the S2R JU fulfils its objectives operating under the policy guidance of the Commission, the S2R JU should formalise such relations when necessary in ad hoc agreements with European regions and other European and international organizations, with the objective of enhancing synergies in research and innovation activities, as well as future deployment, and to determine areas and priorities for collaboration.

¹ OJ L 177, 17.06.2014, p.9.

- (5) The Executive Director submitted the “Note of the Executive Director of the S2R JU to the Governing Board to establish relations with European regions, other European and international organizations” (Annex I) to the Governing Board on 17 July 2018; and no comments were raised by the Governing Board by the deadline of 5th September 2018.
- (6) In line with Article 8(u) of the Statutes annexed to Council Regulation (EU) N° 642/2014, the Governing Board may assign the S2R JU Executive Director with the mandate to sign agreements with European regions and other European and international organizations on behalf of S2R JU.

HAS DECIDED AS FOLLOWS:

Article 1

The Governing Board of the S2R JU gives a mandate to the Executive Director to sign agreements on behalf of S2R JU with European regions and other European and international organizations, in accordance with the following procedure:

- the Executive Director puts forward to the Governing Board the proposal for signature of an agreement, explaining the reasons underpinning such a proposal;
- Members of the Governing Board have ten days to react to this proposal for signature of an agreement, either collectively or individually. Tacit approval for the Executive Director to launch discussions with the relevant counterpart on the content of this agreement is deemed granted if no objections are raised before this deadline.
- If following the discussion with the counterpart, the proposed collaboration agreement contains additional initially unforeseen elements, the Executive Director submits the draft proposal to the Governing Board;
- the Governing Board members have twenty days from the submission of the final draft to propose suggestions for amendment, either collectively or individually. Tacit approval for the signature of the agreement is deemed granted if no amendments are put forward and/or objections raised before this deadline.

Article 2

The collaboration agreements signed by the S2R JU Executive Director shall not have direct financial implications for the S2R JU.

Article 3

The Executive Director shall report on an annual basis in the Annual Activity Report on the implementation of the collaboration agreements.

Article 4

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

Done at Brussels, on 4th December 2018.

For the Governing Board,

A handwritten signature in black ink, consisting of stylized letters 'H', 'H', and 'O' followed by a long horizontal stroke that curves upwards at the end.

Henrik HOLOLEI
The Chairperson

Annex I: Note of the Executive Director of the S2R JU to the Governing Board to establish relations with European regions, other European and international organizations

Annex I

Brussels, 16 July 2018

Note of the Executive Director to the Governing Board to establish relations with European regions, other European and international organizations

In the last two years, the Shift2Rail Joint Undertaking (S2RJU) has moved from an organization in its start-up phase to become a key actor within the European and international rail community, in line with the priorities of its Members, in particular the policy priorities of the Union represented by the European Commission (DG MOVE together with DG RTD as appropriate).

This document sets out the basis for a strategic approach for the S2R JU towards the establishment of collaboration agreements, which would allow an enhanced collaboration with European regions, other European and international organizations and bodies.

This strategic approach is based on the provisions of Council Regulation (EU) n° 642/2014 of 16 June 2014 (S2R Regulation), and in particular

- Article 2(b) of the S2R JU Regulation, which provides as objective to promote rail competitiveness in the global market:

“contribute to the achievement of the Single European Railway Area, to a faster and less costly transition to a more attractive, user-friendly (including for persons with reduced mobility), competitive, efficient and sustainable European rail system, and to the development of a strong and globally competitive European rail industry. That will be achieved through a comprehensive and coordinated approach addressing the research and innovation needs of the rail system and its users facilitating amongst others a modal shift from road and air to rail”

- Article 2(k) of the S2R JU Statutes, which indicates that one of the JU task is to establish links with international activities:

“liaise with a broad range of stakeholders including research organisations and universities and establish links with national and international research and innovation activities in the rail technical domain, and others”

- Article 14(5)(a) and (b), on the role of the States Representatives Group:

(a) *“... identification of potential areas of cooperation, including deployment of technologies to allow synergies and avoid overlaps”*,

(b) *“specific measures taken at national or regional level with regards to dissemination events, dedicated technical workshops and communication activities”*.

The overall objective of the establishment of relations with European regions and other European and International bodies is to enhance collaboration in rail research and innovation, exchange of experience and practices, contribute to shaping international standards and promote the excellence of the European rail sector at global levels. The collective work done by the different stakeholders should contribute paving the way for the deployment of S2R Innovative Solutions in and beyond Europe.

Relations with European Regions

Taking also into consideration the experience of other JUs, in particular CleanSky2 JU, that signed MoUs with different European regions² and CSJU2- FCH- BBI, that are part of the "Stairway to Excellence"-JRC initiative³, the European Parliament in the 2016 Discharge resolution requested to be provide with details about how the S2R JU intends to develop synergies similar to those of other partnerships.

In this respect, the S2R JU should be in the position to establish agreements similar to those signed by CSJU2, which have the objective to enhance synergies in research and innovation activities as well as future deployment.

In particular, these collaborations should be designed to ensure consistency between complementary activities, bring projects to higher TRLs, alignment of priorities, promote the deployment of the S2R innovative solutions. This should lead in the future to close interaction with other funds such as ESIF, Cohesion funds, etc. which will be essential in the deployment phase.

With particular regard to the EU13, the establishment of collaboration agreements should contribute enhancing regional capabilities and supply chain, for more impact and future market uptake.

The collaboration agreements should take the form a bilateral commitment aiming at common research-innovation-deployment objectives, identify areas of cooperation and priorities, possible support of future deployment activities and capacity building.

The signatory of such agreements can be regions or ministries depending on the governmental structure of the Member States.

Relations with European or international organization and/or bodies

As already indicated, in order to achieve its objectives the S2R Regulation provides for the S2R JU to establish links with national and international research and innovation activities in the rail technical domain.

The signature of the aforementioned agreements would have mostly the objective to set areas and priorities for collaboration, the conditions for the exchange of information including proprietary information, the exchange at different levels on projects of common interest, limitations in terms of liabilities and ancillary conditions.

² Signature of regional collaboration agreements supporting synergies with ESIF – 17 MoUs.

³ The "Stairways to Excellence" project is a European Parliament Pilot Project executed by DG-JRC together with DG-REGIO. The project aims to support EU28 countries and regions in developing and exploiting the synergies between European Structural and Investment Funds (ESIF), Horizon 2020 (H2020) and other EU funding programmes and:

- Assist them in closing the innovation gap, in order to promote excellence in all regions and EU countries;
- Stimulate the early and effective implementation of national and regional Smart Specialisation Strategies.

In terms of international relations, the S2R JU will work within the guidelines and priorities established by the European Union, more particularly DG MOVE, as well as through strong collaboration with the European Agency for Railways (ERA).

The relationship context can be summed up as follows:

- international relations linked to the EU Enlargement process, with candidate and potential candidate countries, starting with those already associated to H2020,
- international relations linked to the European Neighbourhood Policy, notably to the East with the Eastern Partnership and to the South with the Euro-Mediterranean Partnership, but also towards the north with the Northern Dimension policy framework,
- international relations linked to Bilateral Cooperation, where the EU has implemented strategies with countries with high impacts on EU policy and interest, in particular in the field of transport research and innovation or related domains,
- relations with European and/or international bodies in relation to the technical performance of the S2R Programme.

From 2017, the S2R JU started to be solicited by international organisations to cooperate, not only with the institutional participation to international events but also with real working level collaboration in the rail technical domain.

In this respect, the following collaborations are in the process to be formalized:

- starting from an initiative of the Chair of the S2R State Representative Group, the S2R JU has already discussed within the GB the willingness to sign a “Cooperation Agreement between the Shift2Rail JU and SEESARI⁴”. The GB was provided with the draft agreement in March 2018 and no comments were received. The objective of the agreement is to exchange information, experience and best practices in order to foster the involvement of SEESARI participating States and entities in the S2R JU activities as well as create the ground for the deployment of S2R innovative solutions. This will contribute to achieve the SERA too;
- as already indicated, the establishment of regional collaboration is paramount for the aforementioned aspects. With the support of the Chair of the S2R States Representatives Group, a “Memorandum of Understanding between the Shift2Rail JU and the Czech Republic” is under discussion and it is based on the model used by the CSJU. The objective of the MoU is to promote cooperation between the S2R JU and CZ Republic focusing on identification of common priorities, exchange of information, reciprocal participation to respective events, identification of synergies between the respective programmes, etc. Some regions in Poland are looking at a similar approach;
- an MoU with ETSI. In fact, the results from several S2R Technology Demonstrators will need to feed into some international standards or the activities undertaken by S2R will need to consider also the current/future international standards. The MoU with ETSI will facilitate the exchange of information that is an essential component in ensuring the alignment of the different standardization activities. This will also support the ongoing work promoted by the Commission

⁴ SEESARI (South East Europe Alliance for Rail Innovation) <http://www.seesari.org/>

within the RASCOP working group, in addition to the contribution provided by the S2R JU monitoring and supporting task, led by the related standardization's Cross Cutting Activity;

- at the initiative of the Chair of the SRG, CUTRIC-CRITUC, a Canadian public-private partnership which aims to build, through R&I, the next-generation of low-carbon smart mobility made a presentation to the SRG meeting in April 2018. Two main aspects appeared evident, on the one hand, CUTRIC-CRITUC performs activities with a similar approach and in areas of interest of the S2R JU and, on the other hand, some entities are common members of the two organizations (Bombardier, Siemens, Thales). The objective of a possible MoU, under the umbrella of the EU-Canada research and innovation agreement, would be to exchange information and promote the establishment of respective projects that would be collaborating in areas of common interest (this approach is already implemented for the road sector, between the Union and the USA).

Way forward

In light of the above, to ensure that the JU will meet its objectives operating under the policy guidance of the Commission, in particular DG MOVE, the S2R Executive Director will sign the individual agreements mentioned here above and future ones, in accordance with the procedure here below:

- the Executive Director puts forward to the Governing Board the proposal for signature of an agreement, explaining the reasons underpinning such a proposal;
- Members of the Governing Board have ten days to react to this proposal for signature of an agreement, either collectively or individually. Tacit approval for the Executive Director to launch discussions with the relevant counterpart on the content of this agreement is deemed granted if no objections are raised before this deadline.
- If following the discussion with the counterpart, the proposed collaboration agreement contains additional initially unforeseen elements, the Executive Director submits the draft proposal to the Governing Board;
- the Governing Board members have twenty days from the submission of the final draft to propose suggestions for amendment, either collectively or individually. Tacit approval for the signature of the agreement is deemed granted if no amendments are put forward and/or objections raised before this deadline.

No such collaboration agreement shall have direct implications in terms of finances or similar obligations for the S2R JU. In this case, any such agreement shall follow the procedures provided for in the S2R Regulation and S2R Financial Rules.

In terms of impact on the human resources of the JU, no collaboration agreement shall result in additional needs for resources; in the exceptional eventuality of such a need, the usual procedures of the S2R JU shall be followed as already mentioned.

The Executive Director shall report on an annual basis, in the AAR, on the implementation of the active collaboration agreements and any changes to them.

