



Decision of the Executive Director

ED-18-14

Request for Amendment to the Rules of Procedure of the Shift2Rail Joint Undertaking Scientific Committee

THE EXECUTIVE DIRECTOR,

HAVING REGARD to the Council Regulation (EU) No 642/2014 of 16 June 2014¹ establishing the Shift2Rail Joint Undertaking (“the S2R JU”), and in particular Article 13(4) and (7) of the Statutes annexed thereto,

Having regard to Decision n° SC 1/2015 adopting the rules of procedure of the Scientific Committee of the S2R JU, and in particular Article 15 on the amendment to the rules of procedure at the request of the Executive Director of the S2R JU,

WHEREAS an amendment to the rules of procedure of the Scientific Committee is called for in order to allow members of the Scientific Committee to be contracted as individual experts by the S2R JU for the review of S2R projects, whilst ensuring their independence and impartiality and the absence of conflict of interest,

HAS DECIDED AS FOLLOWS:

Article 1

The Executive Director hereby submits to the members of the Scientific Committee the request for amendment of Articles 6 and 11 of the Scientific Committee Rules of Procedure for approval by at least two thirds of all members of the Scientific Committee.

Article 2

Article 6 of Decision n° SC 1/2015 is replaced by the following Article:

1. According to the Council Regulation (EU) No 642/2014 of 16 June 2014, Annex I, Article 13(4), the Scientific Committee shall carry out the following tasks:
 - a. advise on the scientific and technological priorities to be addressed in the annual work plans;
 - b. advise on the scientific and technological achievements described in the annual activity report;
 - c. suggest possible areas of advanced research that could be subject to further developments;
 - d. suggest possible synergies with national and international research and innovation

¹ OJ L 177, 17.06.2014, p. 9.

activities in the rail technical domain, in particular via the European Rail Research Advisory Council (ERRAC) Technology Platform, as well as with those in other domains, as identified in Article 2(k) of S2R Regulation.

2. Advice to the S2R JU is the result of the discussions within the Scientific Committee summarised in the minutes of the meeting.
3. The Scientific Committee shall provide consistent and consolidated advice to the S2R JU Executive Director for the consideration of the Governing Board in written form, in particular on the progress of the S2R programme and other strategic issues such as:
 - the global consistency of the Shift2Rail Initiative: schedule, critical milestones, interfaces, Interaction between the Innovation Programmes (IPs) and respectively with the cross cutting activities (CCA)
 - the status of the Innovation Programmes with respect to the targets and the other H2020 targets (for S2R)
 - the updates of all targets, following possible evolution in the technological scenarios
 - the innovative content of the Programmes and the situation of activities with respect to European and global state of the art
 - the overall socio-economic and environmental outcome of the S2R Initiative.
4. The members of the Scientific Committee may be contracted as individual experts by the S2R JU for the review of S2R projects. However, in accordance with Article 11 of these Rules of Procedure and the Horizon 2020 Code of Conduct for experts, members of the Scientific Committee may not be contracted as experts in the evaluation of a project proposal.
5. A rotational mechanism of one third of the Committee on an annual basis shall be implemented to foster independence from the S2R JU governance and open the opportunity for a more inclusive approach for the scientific community.
6. An involvement in one or more S2R project reviews as a contracted expert in accordance with paragraphs 4 and 5 of this Article shall not be considered to constitute a reportable Conflict of Interest affecting the impartiality of Scientific Committee Members within the scope of Article 11 of these Rules of Procedure.

Article 3

Article 11 of Decision n° SC 1/2015 is replaced by the following Article:

1. Without prejudice to Article 339 of the Treaty on the Functioning of the European Union and Article 12 of these Rules, members of the Scientific Committee are required not to divulge information given in the context of the work, unless it has been indicated that the information is public.
2. Members of the SC cannot be directly or indirectly employed by an organization that is a member of the S2R JU. This criterion applies to Founding Members, Associated Members and their respective affiliated entities.
3. In line with the S2R JU Governing Board Decision n°07/2018, Members of the Scientific Committee, observers and experts shall sign confidentiality agreements and declarations confirming the absence of conflict of interest [Annex 1- Declaration of confidentiality and of conflict of interest for members of bodies or groups of the S2R JU - before appointment; Annex

2 – Annual Declaration of interests for members of bodies or groups of the S2R JU-after appointment; and Annex 3– Spontaneous Declaration of conflict of interest for member of bodies or groups of the S2R JU]

4. The declaration confirming the absence of conflict of interest shall be updated before subsequent attendances to Scientific Committee meetings, whenever relevant.
5. Members of the Scientific Committee must not seek or act in any way to take undue advantage of, or exercise undue influence on, the implementation of the S2R JU activities. Therefore, the members of the S2R JU Scientific Committee shall not be involved in any way in the evaluation or selection of individual proposals for funding under the S2R JU.
6. Members of the Scientific Committee must refrain from participating in the preparation of any proposals for calls launched by the S2R JU, or from taking part in the activities to be co-funded by the Joint Undertaking. This does not prevent the organisation that directly or indirectly employs the person from participating in the preparation of any proposals for calls launched by the S2R JU, or from taking part in the activities to be co-funded by the Joint Undertaking. Should any item on the agenda or any subject discussed in a given meeting of a Scientific Committee be of relevance for projects or proposals under the S2R JU that a member, or the organisation to which he/she belongs, has submitted or is likely to submit, the member should inform the S2R JU and the Scientific Committee of the situation at least ten calendar days before the meeting. He/she can be requested to abstain from the deliberations and/or leave the room for the discussion of the concerned item/subject.
7. Members of the Scientific Committee must inform the S2R JU of all interests, not explicitly stated above, which could be considered prejudicial to their independence.
8. During a meeting any attendee whose participation in the work of the Scientific Committee leads or may lead to a conflict of interest with regard to a particular agenda item shall without delay inform the Chairperson who shall without delay and before any discussion is initiated, decide on any specific measure in this respect in consultation with the Executive Director of the S2R JU.
9. Upon proposal by the Chairperson, the Scientific Committee may decide to examine such an item without the presence of the concerned attendee.
10. When a member of the Scientific Committee is in breach of the requirements set out above, he/she will be considered as no longer being in a position to remain a member of the group.
11. Without prejudice to Article 16 of the Regulation (EU) 642/2014, representatives and other participants at meetings of the Scientific Committee shall respect the confidential character of the discussions of the Scientific Committee.
12. The SC members and any other person attending a SC meeting shall respect the confidential character of these proceedings and shall protect any sensitive information, the disclosure of which could damage the interests of the S2R JU, its members and partners, and/or the participants in the activities of the S2R JU. The general rule is that all information received by the SC members should not be disseminated, unless authorised by the Executive Director and the SC Chairperson.
13. The decisions and minutes of the meetings of the SC shall be subject to the provisions of Article 15 "Confidentiality" of the S2R Regulation and the measures taken for its implementation.

This decision shall enter into force on the date of its signature.

Carlo M. Borghini
Executive Director
E-signed